

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

CAPITOL EVENT CENTER
1020 11TH STREET - 2nd FLOOR
SACRAMENTO, CALIFORNIA 95814

FRIDAY, DECEMBER 18, 2015
1:30 P.M.

TIFFANY C. KRAFT
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

APPEARANCES

COMMISSION MEMBERS

Mr. Gavin Newsom, Chairperson, Lieutenant Governor

Ms. Betty Yee, State Controller

Mr. Michael Cohen, Director of Finance, represented by
Ms. Eraina Ortega

STAFF

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Assistant Chief Counsel

Mr. David Brown, Assistant Chief Executive Officer

Mr. Colin Connor, Chief, Administrative Services Division

Mr. Warren Crunk, Staff Attorney, Legal Division

Mr. Brian Bugsch, Chief, Land Management Division,

Ms. Jennifer De Leon, Coordinator, Renewable Energy
Program

Ms. Grace Kato, Public Land Manager, Division of Land
Management

Ms. Sheri Pemberton, Legislative Liaison

Mr. Chris Scianni, Senior Environmental Scientist, Marine
Facilities Division

ATTORNEY GENERAL

Mr. Andrew Vogel

APPEARANCES CONTINUED

ALSO PRESENT

Ms. Linda Adams, Senior Advisor, EcoConsult and Coastkeeper Alliance

Mr. Daniel Berman

Ms. Efrat Berman

Ms. Mary Bernier

Mr. Jim Boyd, Friends of the Earth

Mr. Lee Callister, Docktown Marina

Ms. Orlene Chartain, Docktown Marina - Redwood City

Mr. Dylan Christensen

Mr. Charles Costanzo, Vice President, Pacific Region, The American Waterways Operators

Ms. Lauren DeValencia, Lobbyist, MAERSK, Cruise Lines International Association

Mr Emilio Diaz, USMC

Ms. Jenn Eckerle, Ocean Policy Analyst, NRDC

Mr. Jim Fletter

Mr. Dale Frost

Ms. Amber Gill, Vice Chair SMC Surfrider, Surfrider Foundation

Ms. Aimee Grace, Docktown

Mr. Jim Haussener, Executive Director, California Marine Affairs and Navigation Conference

Mr. Bob Heflin, Docktown homeowner

Ms. Helen Horn

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Jed Humpheries

Mr. James Jonas

Ms. Rita Kampalath, Science and Policy Director, Heal the Bay

Ms. Pamela Kershaw, Director of Commercial Real Estate, Port of Oakland

Mr. Mark Krausse, Senior Director, PG&E

Mr. Gregg Lien, attorney

Mrs. Falicia Lund

Mrs. Mary Lund

Mr. Bill Magavern, Policy Director, Coalition for Clean Air

Mr. David McCallum, Creek Master, Redwood Creek Preservation Trust

Ms. JoAnn McDonnell, Docktown Marina

Ms. Judi McDowell, Commodore Peninsula Yacht Club

Ms. Karen McDowell, Environmental Planner, San Francisco Estuary Partnership

Ms. Carolyn Miller

Mr. Lee Miller, property owner

Mr. Job Nelson, Chief Policy Advisor, Port of San Diego

Ms. Ellen Savage, Docktown Marina

Mr. Tim Schott, Executive Director, California Association of Port Authorities

APPEARANCES CONTINUED

ALSO PRESENT

Ms. Jean Severinghaus, Environmental and Planning
Committee of the Greenbrea Improvement Club

Mr. William Sloan, Morrissen & Foerster

Mr. Richard Smith, General Manager, Westar Marine Services

Ms. Tania Sole

Mr. Edward Stancil

Mr. Dave Steindorf, California Stewardship Director,
American Whitewater

Mr. Bob Taomina, Engineering Consultant, Docktown resident

Mr. Bill White, Counsel, Friends of the Earth

Mr. V. John White, Executive Director, Center for Energy
Efficiency and Renewable Technologies

Ms. Lilley Yee, Docktown Marina

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| I. 1:30 P.M. - OPEN SESSION | |
| II. CONFIRMATION OF MINUTES FOR THE MEETING | 1 |
| of October 16, 2015 | |
| Motion | 1 |
| Vote | 1 |
| III. EXECUTIVE OFFICER'S REPORT | 2 |
| Continuation of Rent Actions to be taken by the CSLC Executive Officer pursuant to the Commission's Delegation of Authority: | |
| Randi K. Martin and James A. Bakken (Lessee): Continuation of annual rent at \$565 per year for a General Lease - Recreational Use located on sovereign land in the Petaluma River, adjacent to 116 Harbor Drive, near Novato, Marin County. (PRC 2651.1). | |
| IV. CONSENT CALENDAR C01-C116: | 12 |
| THE FOLLOWING ITEMS ARE CONSIDERED TO BE NON-CONTROVERSIAL AND ARE SUBJECT TO CHANGE AT TIME UP TO THE DATE OF THE MEETING. | ANY |
| LAND MANAGEMENT DIVISION | |
| NORTHERN REGION | |
| C01 MCKINNEY SHORES PROPERTY OWNERS ASSOCIATION (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 4053.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 097-191-001, 098-021-001, and 098-041-006, near Homewood, Placer County; for two existing piers, 66 mooring buoys, and a swim float. CEQA Consideration: categorical exemption. (PRC 4053.1) (A 1; S 1) (Staff: M.J. Columbus) | |

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C02 GWERDER-TAHOE PARTNERS, A CALIFORNIA LIMITED
PARTNERSHIP AND IDLEWILD PARTNERS, L.P., A
CALIFORNIA LIMITED PARTNERSHIP (APPLICANT):
Consider application for a General Lease -
Recreational Use, of sovereign land located in Lake
Tahoe, adjacent to 3618 Idlewild Way, near Homewood,
Placer County; for an existing pier and two
mooring buoys. CEQA Consideration:
categorical exemption. (PRC 8336.1; RA# 32510) (A
1; S 1) (Staff: M.J. Columbus)

C03 HOMEWOOD MOUNTAIN PARTNERS, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY (APPLICANT): Consider
application for a General Lease - Recreational Use,
of sovereign land located in Lake Tahoe, adjacent
to 6956 Pomin Avenue, near Tahoma, Placer
County; for two existing mooring buoys and one
existing freshwater intake pipeline not
previously authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26870;
RA# 37214) (A 1; S 1) (Staff: M.J. Columbus)

C04 SONOMA LAND TRUST (APPLICANT): Consider
acceptance of a quitclaim deed for Lease No. PRC
9158.9 for a General Lease - Other, of sovereign
land located in San Pablo Bay and Tolay Creek,
adjacent to 2100 Highway 37, city of Petaluma,
Sonoma County; for wetland restoration and
dredging. CEQA Consideration: not a project. (PRC
9158.9; RA# 14415) (A 10; S 2) (Staff: W. Hall)

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C05 CVIN, LLC (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Sacramento, Feather, Stanislaus, Tuolumne, and Merced Rivers, in Colusa, Sutter, Yuba, San Joaquin, Stanislaus, and Merced counties; for four existing steel casing pipes all attached to existing bridges, each carrying fiber-optic cable conduit, and one conduit, directionally drilled beneath the riverbed, carrying two fiber-optic cable conduits, not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26508, PRC 1929.9, PRC 2057.9, PRC 7056.9, PRC 4175.9, PRC 4981.9; RA# 04911) (A 4, 5, 12, 21; S 4, 5, 12, 14) (Staff: M. Hays)

C06 MARJORIE BROWN DUNN, TRUSTEE OF THE MARJORIE BROWN DUNN 2012 TRUST, DATED APRIL 6, 2012 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6200 West Lake Boulevard, near Homewood, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 3976.1; RA# 31714) (A 1; S 1) (Staff: S. Kreutzburg)

C07 GINA MANION, AS TRUSTEE OF THE STEPHEN T. HUMPHREY EXEMPT TRUST CREATED UNDER THE ANGEL KISSED TRUST ESTABLISHED DECEMBER 19, 2012 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 15208 Point Drive, near the town of Truckee, Nevada County; for an existing pier. CEQA Consideration: categorical exemption. (PRC 8503.1; RA# 36914) (A 1; S 1) (Staff: S. Kreutzburg)

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REMOVED FROM AGENDA

C08 LYNNE M. GARIBOTTI BLOWER, AS TRUSTEE OF THE
LYNNE M. GARIBOTTI BLOWER REVOCABLE TRUST DATED
JULY 21, 2004 (APPLICANT): Consider application for
a General Lease - Recreational Use, of sovereign
land located in Lake Tahoe, adjacent to 4980
North Lake Boulevard, near Carnelian Bay, Placer
County; for an existing pier and boathouse with boat
hoist. CEQA Consideration: categorical
exemption. (PRC 3560.1; RA# 11215) (A 1; S 1)
(Staff: S. Kreutzburg)

C09 ALICE LAHL, TRUSTEE OF THE EDGAR LAHL BY-PASS
TRUST; AND WILLIAM A. LAHL, TRUSTEE OF THE LAHL
FAMILY 2004 IRREVOCABLE TRUST (APPLICANT):
Consider application for a General Lease -
Recreational Use, of sovereign land located in Lake
Tahoe, adjacent to 7202 North Lake Boulevard,
near Tahoe Vista, Placer County; for two existing
mooring buoys. CEQA Consideration: categorical
exemption. (PRC 7860.1; RA# 07215) (A 1; S 1)
(Staff: S. Kreutzburg)

C10 JOHN G. WATERBURY AND MARCIA L. WATERBURY,
CO-TRUSTEES OF THE WATERBURY FAMILY 1993
REVOCABLE TRUST DATED JULY 16, 1993; J. ALEX
WATERBURY; SAMANTHA W. DUFF; AND NATALIE W. MILES
(APPLICANT): Consider application for a General
Lease - Recreational Use, of sovereign land
located in Lake Tahoe, adjacent to 20 Grand
Avenue, near Tahoe City, Placer County; for two
existing mooring buoys. CEQA Consideration:
categorical exemption. (PRC 7150.1; RA# 11115) (A
1; S 1) (Staff: S. Kreutzburg)

C11 EDITH STEEL SWIFT (APPLICANT): Consider an
application for a General Lease - Recreational
Use, of sovereign land located in Lake Tahoe,
adjacent to 4730 North Lake Boulevard, near
Carnelian Bay, Placer County; for one existing
mooring buoy. CEQA Consideration: categorical
exemption. (PRC 3547.1; RA# 07815) (A 1; S 1)
(Staff: S. Kreutzburg)

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C12 GEORGE T. GIBSON AND SALLY CAROLINE GIBSON,
 CO-TRUSTEES OF COMMUNITY PROPERTY TRUST UNDER
DOCUMENT ENTITLED "TRUST AGREEMENT AND
DECLARATION OF TRUST" DATED NOVEMBER 24, 1982;
GEORGE T. GIBSON, DONALD BEVERLY GIBSON, DAVID IVAN
GIBSON, AND SALLY CAROLINE GIBSON (LESSEE); SDD
DOUGLAS BOULEVARD, LLC, A CALIFORNIA LIMITED
LIABILITY COMPANY (APPLICANT): Consider
termination of Lease No. PRC 3693.9, a
Recreational Pier Lease, and an application for a
General Lease - Recreational Use, of sovereign land
located in Lake Tahoe, adjacent to 5448 North
Lake Boulevard, Carnelian Bay, Placer County;
for an existing pier previously authorized by
the Commission, and an existing freshwater intake
pipeline not previously authorized by the
Commission. CEQA Consideration:
categorical exemption. (PRC 3693.1; RA# 39414)
(A 1, S 1) (Staff: S. Kreutzburg)

C13 DAVID CLINTON DEFOREST AND LAURA LOUISE DEFOREST,
 CO-TRUSTEES OR SUCCESSOR TRUSTEES OF THE DAVID
 CLINTON DEFOREST AND LAURA LOUISE DEFOREST
REVOCABLE LIVING TRUST UNDER TRUST AGREEMENT
DATED DECEMBER 4, 2000, AS AMENDED BY A SECOND
RESTATEMENT OF TRUST DATED APRIL 26, 2010; AND
STEPHEN KELLOGG DEFOREST, TRUSTEE OF THE STEPHEN
KELLOGG DEFOREST TRUST UNDER ARTICLE XIII OF THE
DONALD S. DEFOREST AND JANE C. DEFOREST REVOCABLE
TRUST DATED FEBRUARY 12, 1990, AS AMENDED BY THE
RESTATEMENT OF THE DONALD S. DEFOREST AND JANE C.
DEFOREST REVOCABLE TRUST DATED NOVEMBER 4, 2004
(LESSEE); 525 HOWARD, LLC, A CALIFORNIA LIMITED
LIABILITY COMPANY (APPLICANT): Consider
termination of Lease No. PRC 3879.9, a General
Lease - Recreational Use, and an application for
a General Lease - Recreational Use, of sovereign
land located in Lake Tahoe, adjacent to 4230
North Lake Boulevard, near Carnelian Bay, Placer
County; for an existing pier, boat lift, and one
mooring buoy. CEQA Consideration: categorical
exemption. (PRC 3879.1; RA# 23514) (A 1; S 1)
(Staff: S. Kreutzburg)

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- C14 JEFFREY N. WEBER AND DEBORAH C. WEBER, TRUSTEES OF THE JEFFREY AND DEBORAH WEBER REVOCABLE TRUST DATED AUGUST 30, 1999; JEFFREY WEBER AND DEBORAH WEBER, TRUSTEES OF THE ANDREW WEBER 2012 TRUST; JEFFREY WEBER AND DEBORAH WEBER, TRUSTEES OF THE LAUREN WEBER 2012 TRUST; JEFFREY WEBER AND DEBORAH WEBER, TRUSTEES OF THE LINDSEY WEBER 2012 TRUST; JEFFREY WEBER AND DEBORAH WEBER, TRUSTEES OF THE ERIC WEBER 2012 TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tahoe, adjacent to 4790 West Lake Boulevard, Homewood, Placer County; for an existing boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7130.1; RA# 10715) (A 1; S 1) (Staff: S. Kreutzburg) Lake near pier,
- C15 MARIO C. DIPRISCO AND JENNIFER K. DIPRISCO, TRUSTEES OF THE MARIO AND JENNIFER DIPRISCO FAMILY TRUST UNDER REVOCABLE TRUST AGREEMENT DATED JUNE 2, 2010 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2930 Lake Terrace Avenue, near Tahoe City, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26838; RA# 23014) (A 1; S 1) (Staff: S. Kreutzburg)
- C16 MAUREEN MULLARKEY-MILLER, AS TRUSTEE OF THE MAUREEN T. MULLARKEY 2001 TRUST AS AMENDED AND RESTATED DECEMBER 16, 2010 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8710 Brockway Vista Avenue, near Kings Beach, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8179.1; RA# 33014) (A 1; S 1) (Staff: S. Kreutzburg)

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C17 DAVID R. SHELTON AND JENNIFER L. SHELTON,
 CO-TRUSTEES OF THE DAVID AND JENNIFER SHELTON
FAMILY TRUST, DATED JUNE 6, 2003; AND DONALD
MACLEOD AND MARY L. MACLEOD, TRUSTEES OF THE
MACLEOD FAMILY TRUST DATED JANUARY 31, 2005
(APPLICANT): Consider application for a General
Lease - Recreational Use, of sovereign land
located in Lake Tahoe, adjacent to 3800 and 3810
North Lake Boulevard, near Tahoe City, Placer
County; for an existing joint-use pier,
unenclosed boathouse with sundeck and stairs, and
four mooring buoys. CEQA Consideration:
categorical exemption. (PRC 5357.1; RA# 11315)
(A 1; S 1) (Staff: S. Kreutzburg)

C18 ROBERT STEPHEN BASSO AND MARY HEALY BASSO,
 CO-TRUSTEES OF THE BASSO FAMILY 1994 REVOCABLE
TRUST DATED JULY 12, 1994 (APPLICANT): Consider
application for a General Lease - Recreational Use,
of sovereign land located in Lake Tahoe, adjacent
to 4501 West Lake Boulevard, near Homewood,
Placer County; for an existing pier and one
mooring buoy previously authorized by the
Commission, and one existing mooring buoy not
previously authorized by the Commission. CEQA
Consideration: categorical exemption. (PRC
5701.1; RA# 08214) (A 1; S 1) (Staff: S.
Kreutzburg)

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C19 SAMUEL M. LIVERMORE, TRUSTEE OF THE SML 2012 TRUST U/A/D 12/4/2012; SAMUEL M. LIVERMORE, TRUSTEE OF THE MRL 2012 TRUST U/A/D 12/4/2012; DAVID P. LIVERMORE, TRUSTEE OF THE JENNIFER B. LIVERMORE 2012 DAIRY CREEK TRUST U/A/D 12/3/2012; NORMAN B. LIVERMORE III, TRUSTEE OF THE WHITNEY LIVERMORE 2012 TRUST U/A/D 12/5/2012; PAULINE JEFFERS, TRUSTEE OF THE MSJ 2012 TRUST U/A/D 12/3/2012; AND PAULINE L. JEFFERS, TRUSTEE OF THE ABJ 2012 TRUST U/A/D 12/3/2012 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Tahoe, adjacent to 321 Paradise Flat Lane, Tahoma, El Dorado County; for four existing buoys on two contiguous littoral parcels. Consideration: categorical exemption. (PRC RA# 07315) (A 5; S 1) (Staff: S. Kreutzburg)

M.
L.

Lake
near
mooring
CEQA
8637.1;
Kreutzburg)

C20 THOMAS BRYTE HUGHES AND MARTHA REESE HUGHES, TRUSTEES OF THE THOMAS AND MARTHA HUGHES 2006 REVOCABLE TRUST (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3105 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 7556.1; RA# 09215) (A 1; S 1) (Staff: S. Kreutzburg)

C21 DALE A. FROST, TRUSTEE OF THE SLT - 98 LAKEHOME TRUST (LESSEE); SLT FAMILY HOME, LLC APPLICANT): Consider rescission of approval of Lease No. PRC 8458.1, a General Lease - Recreational Use, acceptance of payment, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 939 Lakeview Avenue, city of South Lake Tahoe, El Dorado County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (PRC 8458.1; RA# 18112) (A 5; S 1) (Staff: M. Schroeder)

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C22 WESLEY CASWELL AND GEORGIA ANDERSON (LESSEE);
 NATASHA V. SUMNER (APPLICANT): Consider
 termination of Lease No. PRC 8361.1, a General
 Lease - Recreational and Protective Structure Use,
 and an application for a General Lease -
 Recreational and Protective Structure Use, of
 sovereign land located in the Napa River,
 adjacent to 1300 Milton Road, city of Napa, Napa
 County; for two existing uncovered floating boat
 docks, appurtenant facilities, and bank
 protection. CEQA Consideration: categorical
 exemption. (PRC 8361.1; RA# 29614) (A 4; S 3)
 (Staff: M. Schroeder)

REMOVED FROM AGENDA

C23 EDGELAKE BEACH TIMESHARE OWNERS ASSOCIATION, INC.
 (APPLICANT): Consider application for a General
 Lease - Recreational Use, of sovereign land
 located in Lake Tahoe, adjacent to 7680 North Lake
 Boulevard, near Tahoe Vista, Placer County; for an
 existing pier, sundeck with stairs, 10 mooring
 buoys, and one marker buoy. CEQA
 Consideration: categorical exemption. (PRC
 8662.1; RA# 10115) (A 1; S 1) (Staff: M.
 Schroeder)

C24 HUGH TURNER, DBA ELKHORN BOAT CLUB, INC.
 (LESSEE); SIERRA RAILROAD COMPANY, A CALIFORNIA
 CORPORATION (APPLICANT): Consider termination of
 Lease No. PRC 5166.1, a General Lease -
 Recreational Use; and an application for a
 General Lease - Commercial Use of sovereign land
 located in the Sacramento River, adjacent to
 18095 County Road 117, near the city of Woodland,
 Yolo County; for three existing uncovered
 floating boat docks, four pilings, and one
 three-pile dolphin previously authorized by the
 Commission and maintenance of two existing
 uncovered floating boat docks not previously
 authorized by the Commission. CEQA
 Consideration: categorical exemption. (PRC
 5166.1; RA# 35514) (A 4; S 3) (Staff: M.
 Schroeder)

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REMOVED FROM AGENDA

C27 LARRY F. WALKER AND LOUISE S. WALKER, AS
 CO-TRUSTEES OF THE WALKER FAMILY TRUST, DATED MAY
 12, 2003 (APPLICANT): Consider application for a
 General Lease - Recreational Use, of sovereign
land located in Lake Tahoe, adjacent to 8281
Meeks Bay Avenue, near Meeks Bay, El Dorado
County; for an existing pier, boat lift, and one
mooring buoy. CEQA Consideration: categorical
exemption. (PRC 7327.1; RA# 00915) (A 5; S 1)
(Staff: M. Schroeder)

C28 JAMES ROBERT UHL, DBA STAN'S YOLO MARINA
 (LESSEE): Consider revision of rent to Lease No.
 PRC 4405.1, a General Lease - Commercial Use, of
 sovereign land located in the Sacramento River,
adjacent to 31070 South River Road, near
Clarksburg, Yolo County; for a commercial marina.
CEQA Consideration: not a project. (PRC 4405.1)
(A 4; S 3) (Staff: B. Terry)

C29 MMAA, LLC, A DELAWARE LIMITED LIABILITY COMPANY
 (APPLICANT): Consider termination of Lease No.
PRC 3883.1, a General Lease - Recreational Use, and
an application for a General Lease -
Recreational Use, of sovereign land located in Lake
Tahoe, adjacent to 9950 Lake Street,
Assessor's Parcel Numbers 090-320-001 and
090-320-002, near Kings Beach, Placer County; for
an existing pier and three mooring buoys. CEQA
Consideration: categorical exemption. (PRC
3883.1; RA# 12115) (A 1; S 1) (Staff: B. Terry)

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C33 MARC A. BRENNEN AND PATRICIA L. BRENNEN
 (APPLICANT): Consider application for a General
Lease - Recreational and Protective Structure Use,
of sovereign land located in the Sacramento River,
adjacent to 2945 Garden Highway, near the city of
Sacramento, Sacramento County; for an existing boat
dock, appurtenant facilities, and bank protection,
previously authorized by the Commission; and a boat
lift and jet-ski ramp not previously authorized by
the Commission. CEQA Consideration: categorical
exemption. (PRC 6352.1; RA# 02315) (A 7; S 6)
(Staff: G. Asimakopoulos)

C34 KEVIN TSAI (APPLICANT): Consider application for
a General Lease - Recreational and Protective
Structure Use, of sovereign land located in
Steamboat Slough, adjacent to 3417 Snug Harbor
Drive, on Ryer Island, near Walnut Grove, Solano
County; for an existing wood deck, uncovered
floating boat dock, boathouse, appurtenant
facilities, and bank protection not previously
authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26835;
RA# 22614) (A 11; S 3) (Staff: G. Asimakopoulos)

C35 LOLA LEE BAUMANN, AS TRUSTEE, OR HER SUCCESSORS
 AS TRUSTEES, OF THE LOLA LEE BAUMANN LIVING TRUST
 AGREEMENT DATED MAY 31, 2002 (APPLICANT):
Consider application for a General Lease -
Recreational and Protective Structure Use, of
sovereign land located in the Sacramento River,
adjacent to 205 Edgewater Drive, near the city of
Rio Vista, Solano County; for an existing
uncovered floating boat dock, appurtenant
facilities, and bank protection not previously
authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26875;
RA# 01315) (A 11; S 3) (Staff: G. Asimakopoulos)

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C36 EILEEN S. MORTIMORE (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 105 Edgewater Drive, near the city of Rio Vista, Solano County; for an existing wood deck, uncovered floating boat dock, appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26841; RA# 23914) (A 11; S 3) (Staff: G. Asimakopoulos)

C37 JOYCE TURNER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 65 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing deck, uncovered floating boat dock, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26902; RA# 05315) (A 10; S 2) (Staff: V. Caldwell)

C38 LAURIE ANN DAVIS (RESCINDING APPLICANT); BRIAN REISBECK AND DIANE REISBECK (APPLICANT): Consider rescission of approval of Lease No. PRC 4257.1, a General Lease - Recreational and Protective Structure Use, and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 411 "2nd" Street, city of Isleton, Sacramento County; for an existing floating boat dock, appurtenant facilities, a patio, bulkhead, deck, parking lot fill, and bank protection. CEQA Consideration: categorical exemption. (PRC 4527.1; RA# 13515) (A 11; S 3) (Staff: V. Caldwell)

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C39 BARBARA ROBERTS JONES, TRUSTEE OF THE BARBARA ROBERTS JONES TRUST DATED JANUARY 26, 2006 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 52 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26908; 04915) (A 10; S 2) (Staff: V. Caldwell) RA#

C40 CARL DOELLSTEDT (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 51 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing deck, uncovered floating boat dock, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26921; RA# 09915) (A 10; S 2) (Staff: V. Caldwell)

C41 CAROL A. LOWERY, TRUSTEE, OF THE CAROL A LOWERY 2013 LIVING TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 107 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing deck, uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26881; RA# 04715) (A 10; S 2) (Staff: V. Caldwell)

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C42 CHARLES C. MCDONALD, TRUSTEE OF THE CHARLES C. MCDONALD LIVING TRUST DATED MAY 5, 2015 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 61 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock, appurtenant facilities, and deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26918; RA# 08415) (A 10; S 2) (Staff: V. Caldwell)

C43 CLIFFORD A. JOSEPHSON AND KATHLEEN DALE JOSEPHSON, TRUSTEES CLIFFORD A. JOSEPHSON AND KATHLEEN D. JOSEPHSON 2005 LIVING TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 135 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing piling and walkway not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26883; RA# 04515) (A 10; S 2) (Staff: V. Caldwell)

C44 COLIN B. KENNEDY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 111 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26894; RA# 02815) (A 10; S 2) (Staff: V. Caldwell)

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C45 DEBORAH CHILDRESS AND ELIOT M. HENDERSON,
 CO-TRUSTEES OF THE CHILDRESS-HENDERSON REVOCABLE
 LIVING TRUST DATED JUNE 25, 2015 (APPLICANT):

Consider application for a General Lease -
Recreational Use, of sovereign land located in
Corte Madera Creek, adjacent to 39 Greenbrae
Boardwalk, near the city of Larkspur, Marin
County; for an existing deck, uncovered floating
boat dock and appurtenant facilities not
previously authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26909;
RA# 05015) (A 10; S 2) (Staff: V. Caldwell)

C46 DYANNA TAYLOR AND JOAN ITEN SUTHERLAND
 (APPLICANT): Consider application for a General

Lease - Recreational Use, of sovereign land
located in Corte Madera Creek, adjacent to 119
Greenbrae Boardwalk, near the city of Larkspur,
Marin County; for an existing uncovered floating
boat dock and appurtenant facilities not
previously authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26888;
RA# 03715) (A 10; S 2) (Staff: V. Caldwell)

C47 ELLIOTT ZALTA (APPLICANT): Consider application

for a General Lease - Recreational Use, of
sovereign land located in Corte Madera Creek,
adjacent to 37 Greenbrae Boardwalk, near the city
of Larkspur, Marin County; for an existing
uncovered floating boat dock, appurtenant
facilities, and deck not previously authorized by
the Commission. CEQA Consideration: categorical
exemption. (W 26897; RA# 03215) (A 10; S 2)
(Staff: V. Caldwell)

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C48 ELSE-MARIE JOHNSON, TRUSTEE OF THE ELSE-MARIE
 JOHNSON 2006 TRUST DATED JANUARY 26, 2006
(APPLICANT): Consider application for a General
Lease - Recreational Use, of sovereign land
located in Corte Madera Creek, adjacent to 101
Greenbrae Boardwalk, near the city of Larkspur,
Marin County; for an existing uncovered floating
boat dock, floating platform and appurtenant
facilities not previously authorized by the
Commission. CEQA Consideration: categorical
exemption. (W 26900; RA# 03515) (A 10; S 2)
(Staff: V. Caldwell)

C49 FRED JAMES DWYER JR. (APPLICANT): Consider
 application for a General Lease - Recreational
Use, of sovereign land located in Corte Madera
Creek, adjacent to 54 Greenbrae Boardwalk, near the
city of Larkspur, Marin County; for an existing
uncovered floating boat dock, deck, and
appurtenant facilities not previously authorized
by the Commission. CEQA Consideration:
categorical exemption. (W 26896; RA# 03115) (A 10;
S 2) (Staff: V. Caldwell)

C50 FRED S. DUPUIS (APPLICANT): Consider application
 for a General Lease - Recreational Use, of
 sovereign land located in Corte Madera Creek,
adjacent to 133 Greenbrae Boardwalk, near the city
of Larkspur, Marin County; for an existing uncovered
floating boat dock and appurtenant facilities not
previously authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26884;
RA# 04415) (A 10; S 2) (Staff: V. Caldwell)

C51 GERALD JOHN JAROCKI AND MARTHA OLSON JAROCKI
 (APPLICANT): Consider application for a General
Lease - Recreational Use, of sovereign land
located in Corte Madera Creek, adjacent to 129
Greenbrae Boardwalk, near the city of Larkspur,
Marin County; for an existing single-berth
boathouse, dock, and appurtenant facilities not
previously authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26882;
RA# 04615) (A 10; S 2) (Staff: V. Caldwell)

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C52 HERBERT KANIA (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 103 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing deck, uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26905; RA# 05515) (A 10; S 2) (Staff: V. Caldwell)

C53 HOWARD GOLD, KATHLEEN GOLD AND CHARLES J. FLYNN JR. AND MIK P. FLYNN, TRUSTEES OR SUCCESSORS IN TRUST, UNDER THE FLYNN FAMILY LIVING TRUST DATED MAY 7, 1999 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock, appurtenant facilities, and a deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26893; RA# 02715) (A 10; S 2) (Staff: V. Caldwell)

C54 JACK M. BERTMAN, MD, TRUSTEE OF THE JACK M. BERTMAN, MD INC. PROFIT SHARING PLAN AND TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 35 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock, appurtenant facilities, and a deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26885; RA# 03615) (A 10; S 2) (Staff: V. Caldwell)

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- C59 JENNIFER D. HITCHCOCK, TRUSTEE OF THE JENNIFER D. HITCHCOCK LIVING TRUST DATED AUGUST 4, 1999 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 47 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26910; RA# 04815) (A 10; S 2) (Staff: V. Caldwell)
- C60 JEREMIAH G. MURPHY AND MELODY MURPHY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 113 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing deck, uncovered floating boat dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8211.1; RA# 21711) (A 10; S 2) (Staff: V. Caldwell)
- C61 PETER J. HOGG (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 125 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 8670.1; RA# 05115) (A 10; S 2) (Staff: V. Caldwell)
- C62 KENJI YAMAMOTO AND NANCY KELLY, TRUSTEES OF THE KENJI YAMAMOTO AND NANCY KELLY 2014 LIVING TRUST, DATED MARCH 3, 2014 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 121 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26880; RA# 02515) (A 10; S 2) (Staff: V. Caldwell)

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C63 KATHERINE SULTAN, AS TRUSTEE OF THE SURVIVOR'S TRUST UNDER THE LAWRENCE AND KATHERINE SULTAN FAMILY TRUST, DATED AUGUST 14, 2009: Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 143 Greenbrae Boardwalk near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26907; RA# 06015) (A 10; S 2) (Staff: V. Caldwell)

C64 LEE R. MILLER AND DOROTHEA E. MILLER 22
(APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 69 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock, an uncovered fixed boat dock, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26890; RA# 03715) (A 10; S 2) (Staff: V. Caldwell)
Motion & Vote 40

C65 LELAND AND SHERRILL FLINT, TRUSTEES OF THE LELAND AND SHERRILL FLINT LIVING TRUST DATED MARCH 1, 2010 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 31 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for two existing decks, an existing uncovered floating boat dock, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26887; RA# 04215) (A 10; S 2) (Staff: V. Caldwell)

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C66 LUCIENNE O'KEEFE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 63 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an uncovered floating boat dock and facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26917; RA# 08615) (A 10; S 2) (Staff: V. Caldwell)

C67 PAMELA RICKARD AND DAVID HERTZ (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 105 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock, appurtenant facilities, and deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26889; RA# 04115) (A 10; S 2) (Staff: V. Caldwell)

C68 PENSICO TRUST COMPANY CUSTODIAN FBO ROBERT MINTON IRA ACCOUNT NO. 70001664 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 139 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26903; RA# 05715) (A 10; S 2) (Staff: V. Caldwell)

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C69 RICHARD E. EPTING AND JANICE M. EPTING, AS TRUSTEES FOR THE RICHARD AND JANICE EPTING TRUST, DATED NOVEMBER 21, 2015 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land in Corte Madera Creek, adjacent to 137 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26898; RA# 03315) (A 10; S 2) (Staff: V. Caldwell)

C70 RICHARD E. EPTING AND JANICE M. EPTING, AS TRUSTEES FOR THE RICHARD AND JANICE EPTING TRUST, DATED NOVEMBER 21, 2015 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land in Corte Madera Creek, adjacent to 33 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26899; RA# 03415) (A 10; S 2) (Staff: V. Caldwell)

C71 ROBERT L. HUBER AND MARION D. HUBER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 127 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing gangway, removal of an uncovered floating boat dock and ramp; and construction of an uncovered floating boat dock and ramp not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26926; RA# 11415) (A 10; S 2) (Staff: V. Caldwell)

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C72 ROBERT J. MINTON JR. AND LESLIE J. MINTON
 (APPLICANT): Consider application for a General
Lease - Recreational Use, of sovereign land
located in Corte Madera Creek, adjacent to 57
Greenbrae Boardwalk, near the city of Larkspur,
Marin County; for an existing uncovered floating
boat dock, appurtenant facilities, and deck not
previously authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26904;
RA# 05815) (A 10; S 2) (Staff: V. Caldwell)

C73 ROBERT S. MOY (APPLICANT): Consider application
for a General Lease - Recreational Use, of
sovereign land located in Corte Madera Creek,
adjacent to 41 Greenbrae Boardwalk, near the city
of Larkspur, Marin County; for an existing
uncovered floating boat dock and appurtenant
facilities not previously authorized by the
Commission. CEQA Consideration: categorical
exemption. (W 26915; RA# 07415) (A 10; S 2)
(Staff: V. Caldwell)

C74 RUTH BEGO, TRUSTEE OF DECLARATION OF TRUST OF
RUTH BEGO DATED JULY 19, 1985 (APPLICANT):
Consider application for a General Lease -
Recreational Use, of sovereign land located in
Corte Madera Creek, adjacent to 43 Greenbrae
Boardwalk, near the city of Larkspur, Marin
County; for two existing uncovered floating boat
docks and appurtenant facilities not previously
authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26901;
RA# 05415) (A 10; S 2) (Staff: V. Caldwell)

C75 JOYCE M. BONIFIELD, AS TRUSTEE UNDER THE
PROVISIONS OF A TRUST AGREEMENT DATED MARCH 21,
2013, KNOWN AS THE JOYCE M. BONIFIELD REVOCABLE
TRUST (APPLICANT): Consider application for a
General Lease - Recreational Use, of sovereign land
located in Corte Madera Creek, adjacent to 147
Greenbrae Boardwalk near the city of Larkspur,
Marin County; for an existing uncovered floating
boat dock and appurtenant facilities not
previously authorized by the Commission. CEQA
Consideration: categorical exemption. (W 26892;
RA# 02615) (A 10; S 2) (Staff: V. Caldwell)

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C76 PATRICK M. MELENDY AND LAURA S. MELENDY, AS TRUSTEES OF THE MELENDY TRUST DATED JUNE 17, 2011 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 109 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock, appurtenant facilities, and deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26891; RA# 02915) (A 10; S 2) (Staff: V. Caldwell)

C77 TIMOTHY S. ANDERSON AND JENNIFER C. ANDERSON (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 123 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26886; RA# 04315) (A 10; S 2) (Staff: V. Caldwell)

C78 WANDIN P. TREANOR AND FAYE D'OPAL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 141 Greenbrae Boardwalk, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26916; RA# 08515) (A 10; S 2) (Staff: V. Caldwell)

C79 BAR CR CATTLE COMPANY (APPLICANT): Consider application for a General Lease - Grazing Use of sovereign land located at Black Point Antenna Field, near the city of Novato, Marin County; for cattle grazing and an existing barbed wire fence and two water troughs. CEQA Consideration: categorical exemption. (PRC 6991.1; RA# 42914) (A 10; S 2) (Staff: A. Franzoia)

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| C80 | JEFFREY T. ALLEN AND KATHLEEN M. ALLEN, TRUSTEES OF THE JEFFREY T. AND KATHLEEN M. ALLEN REVOCABLE TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3039 Garden Highway, Sacramento County; for an existing covered floating dock, appurtenant facilities, bank protection. CEQA Consideration: categorical exemption. (PRC 6092.1; RA# 12915) (A 7; S 6) (Staff: A. Franzoia) | and |
| C81 | STANISLAUS COUNTY (APPLICANT): Consider application for an amendment of Lease No. PRC 7183.9, acceptance of a lease quitclaim deed and an application for a General Lease - Public Agency Use, of sovereign land located in the Tuolumne River, adjacent to the Lakewood Memorial Park between the communities of Empire and Hughson, Stanislaus County; for the replacement the Santa Fe Avenue Bridge. CEQA Consideration: Mitigated Negative Declaration, adopted by Stanislaus County, State Clearinghouse No. 2003042066, and adoption of a Mitigation Monitoring Program. (W 26933; PRC 7183.9; RA# 36614) (A 12; S 8) (Staff: A. Franzoia) | of |
| C82 | LARKSPUR MARINA FINANCING AUTHORITY (APPLICANT): Consider application for a General Lease - Dredging to dredge approximately 50,000 cubic yards of material from sovereign land located in Corte Madera Creek, Larkspur, Marin County; disposal of dredged material at the San Pablo Disposal Site (SF-10) and/or the Alcatraz Island Dredged Material Disposal Site (SF-11). CEQA Consideration: categorical exemption. (PRC 7713.9; RA# 22414) (A 10; S 2) (Staff: A. Franzoia) | |

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C83 KENNETH L. BONISH AND MAVIS C. JORDAN
 (APPLICANT): Consider application for a General
Lease - Recreational and Protective Structure Use,
of sovereign land located in the Sacramento River,
adjacent to 6971 Garden Highway, near the city of
Sacramento, Sacramento County; for a boat dock,
appurtenant facilities, and bank
protection. CEQA Consideration: categorical
exemption. (PRC 7168.1; RA# 11815) (A 7; S 6)
(Staff: A. Franzoia)

C84 COUNTY OF SAN JOAQUIN AND COUNTY OF STANISLAUS
 (LESSEE/APPLICANT): Consider acceptance of a
quitclaim for Lease No. PRC 2057.9, for a General
Lease - Public Agency Use, and an application for
a General Lease - Public Agency Use, of sovereign
land located in the Stanislaus River, adjacent to
McHenry Avenue, near the city of Escalon, in San
Joaquin and Stanislaus Counties; for the removal
and reconstruction of a bridge. CEQA
Consideration: Mitigated Negative Declaration,
adopted by San Joaquin County, State
Clearinghouse No. 2013032028, and adoption of a
Mitigation Monitoring Program. (PRC 2057.9; RA#
11714) (A 13; S 5) (Staff: W. Hall)

C85 THOMAS M. GILBERT, TRUSTEE OF THE GILBERT FAMILY
 2006 REVOCABLE TRUST (APPLICANT): Consider
 application for a General Lease - Recreational
and Protective Structure Use, of sovereign land
located in the Sacramento River, city of
Sacramento, Sacramento County; for an existing
uncovered floating boat dock, appurtenant
facilities, and bank protection previously
authorized by the Commission, and an existing
covered single-berth floating boat dock with boat
lift not previously authorized by the Commission.
CEQA Consideration: categorical exemption. (PRC
6889.1; RA# 09414) (A 4; S 3) (Staff: S.
Kreutzburg)

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C89 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
(APPLICANT): Consider adoption of a Mitigated
Negative Declaration, State Clearinghouse No.
2015101098, adoption of a Mitigation Monitoring
Program, and an application for a General Lease -
Public Agency Use, of sovereign land located in the
historic bed of the Colorado River at Moabi Regional
Park near the city of Needles, San Bernardino
County; for the construction, operation,
maintenance, and monitoring of open backwater,
wetland, and upland habitat and ancillary
structures. (PRC 9239.9; RA# 27513) (A 33; S 16)
(Staff: R. Collins)

C90 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
(APPLICANT): Consider rescission of approval of
Lease No. PRC 9174.9, a General Lease - Public
Agency Use, and an application for a General
Lease - Public Agency Use of sovereign land in the
San Joaquin River, near Friant, Fresno County;
for the use and maintenance of an existing
storm drain outfall and construction, use, and
maintenance of a volitional release pipeline.
CEQA Consideration: Environmental Impact Report,
certified by the California Department of Fish
and Wildlife, State Clearinghouse No.
2012111083, and adoption of a Mitigation Monitoring
Program and Statement of Findings. (PRC 9174.9; RA#
03614) (A 23; S 14) (Staff: R. Collins)

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- C91 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
(APPLICANT): Consider rescission of approval of Lease No. PRC 9173.9, a General Lease - Public Agency Use, and an application for a General Lease - Public Agency Use of sovereign land at 51 locations in the San Joaquin River between Friant Dam and Hills Ferry, Fresno, Madera, Merced, and Stanislaus Counties; for the temporary seasonal placement, use, and maintenance of fish trapping, holding, and monitoring equipment. CEQA Consideration: Environmental Impact Report, certified by the California Department of Fish and Wildlife, State Clearinghouse No. 2012111083, adoption of a Mitigation Monitoring Program Statement of Findings. (PRC 9173.9; RA# 5, 21, 23, 31; S 12, 14, 16) (Staff: R. and 14113) (A Collins)
- C92 CITY OF AVALON (APPLICANT): Consider rescission of a General Lease - Commercial Use and application for a General Lease - Commercial Use, of sovereign land located in the Pacific Ocean at Hamilton Cove, Santa Catalina Island, Los Angeles County; for 10 mooring buoys. CEQA Consideration: categorical exemption. (PRC 6696.1; RA# 18013) (A 70; S 28) (Staff: A. Franzoia)
- C93 PORTOFINO COVE PATIO HOMES ASSOCIATION
(APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3152-3186 Portofino Circle, Huntington Beach, Orange County; for the continued use and maintenance of a dock with 14 slips and appurtenant facilities previously authorized by the Commission; and maintenance dredging not previously authorized by the Commission. CEQA Consideration: categorical exemptions. (PRC 6900.1; RA# 10415) (A 72; S 34) (Staff: A. Franzoia) boat

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C94 X2 TELECOM, LLC (APPLICANT): Consider rescission of approval Lease No. PRC 8168.9, a General Lease - Right-of-Way Use and an application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean off-shore of the cities of Morro Bay and Santa Barbara, San Luis Obispo and Santa Barbara Counties; for an existing fiber-optic cable system. CEQA
Consideration: rescission - not a project; lease - categorical exemption. (PRC 8168.9; RA# 16015) (A 35, 37; S 17, 19) (Staff: A. Franzoia)

C95 SAN JOAQUIN RIVER CONSERVANCY (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the San Joaquin River adjacent to Sycamore Island near River Mile 253.5, Madera and Fresno Counties; for gravel pit isolation, construction of an equalization saddle, berm embankment reinforcement, restoration of a gravel access road, creation of floodplain habitat, and construction of a temporary crossing. CEQA
Consideration: Mitigated Negative Declaration, adopted by the San Joaquin River Conservancy, State Clearinghouse No. 2015011041, and adoption of a Mitigation Monitoring Program. (W 26923; RA# 10515) (A 5; S 12) (Staff: G. Kato)

C96 UNIVERSITY OF SOUTHERN CALIFORNIA (LESSEE): Consider revision of rent to Lease No. PRC 3692.1, a General Lease - Non-Commercial Use, of sovereign land located in the Pacific Ocean, Santa Catalina Island, Los Angeles County; for an existing concrete pier with two connecting floating docks, rock mole, concrete marine ramp, helipad, 25 mooring buoys, six marker buoys, two seawater intake lines, a marine life refuge, and open range undersea habitat areas. CEQA
Consideration: not a project. (PRC 3692.1) (A 70; S 26) (Staff: G. Kato)

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REMOVED FROM AGENDA

C97 CABRILLO POWER I, LLC (APPLICANT): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse No. 2015101064, adoption of a Mitigation Monitoring Program, an application for a General Lease - Industrial Use, and authorization for staff to accept a quitclaim deed, of sovereign land located in the Pacific Ocean, Carlsbad, San Diego County; for the continued maintenance and removal of an out of service offshore marine terminal and appurtenant improvements. (PRC 791.1; RA# 17804) (A 76; S 36) (Staff: A. Scott)

C98 SHEA HOMES LIMITED PARTNERSHIP (APPLICANT); CITY OF HUNTINGTON BEACH (CO-APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the city of Huntington Beach, Orange County; for the construction, use, and maintenance of a channel undercrossing, reinforced concrete box drain structure, two 12-inch diameter outflow pipelines, one 8-inch diameter water force main, and two 18-inch diameter PVC pipelines. CEQA Consideration: Addendum and related Environmental Impact Report, certified by the City of Huntington Beach, State Clearinghouse No. 97091051, and adoption of a Mitigation Monitoring Program and Statement of Findings. (W 26738; RA# 13113) (A 72; S 34) (Staff: D. Simpkin)

C99 SANTA CATALINA ISLAND COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 7030.1, a General Lease - Industrial Use, of sovereign land in the Pacific Ocean near Jewfish Point and Empire Landing, Santa Catalina Island, Los Angeles County; for loading facilities necessary for the support of rock quarry activities, including mooring of barges during loading activities. CEQA Consideration: not a project. (PRC 7030.1) (A 70; S 26) (Staff: D. Simpkin)

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- C100 BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC. (LESSEE):
 Consider application for an amendment to Lease
 No. PRC 8054.1, a General Lease - Commercial Use,
 of sovereign land located in San Diego Bay, in
the city of San Diego, San Diego County; for the
installation, use, and maintenance of one new
dry-dock mooring dolphin, a portion of a floating
dry-dock, portion of a return wall, expansion of
one existing mooring dolphin, and dredging. CEQA
Consideration: Environmental Impact Report,
certified by the Port of San Diego, State
Clearinghouse No. 2014041071, and adoption of a
Mitigation Monitoring Program, Statement of
Findings, Statement of Overriding Considerations.
(PRC 8054.1; RA# 32914) (A 80; S 40) (Staff: D.
Simpkin)
- C101 ALBERT SOLIMAN AND ENAS FARID (APPLICANT):
 Consider application for a General Lease -
Recreational Use, of sovereign land located in the
Main Channel of Huntington Harbour, adjacent to
16861 Bolero Lane, Huntington Beach, Orange County;
for an existing boat dock, access ramp, and
cantilevered deck not previously authorized by the
Commission; and the replacement of a glass guardrail
on the cantilevered deck. CEQA
Consideration: categorical exemption. (W 26936;
RA# 14715) (A 72; S 34) (Staff: D. Simpkin)
- C102 CONNOLLY-PACIFIC COMPANY (LESSEE): Consider
 revision of rent to Lease No. PRC 4193.1, a
General Lease - Industrial Use, of sovereign land
in the Pacific Ocean near Jewfish Point and Blue
Cavern Point, Santa Catalina Island, Los Angeles
County; for an existing stiff-leg crane and six
moorings used for barge and tugboat tie-ups. CEQA
Consideration: not a project. (PRC 4193.1) (A 70; S
26) (Staff: D. Simpkin)

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C103 STEPHEN MURRAY DART, TRUSTEE, ET AL. (LESSEE); EL
WHY SQUARE, LLC (APPLICANT): Consider acceptance
of a quitclaim deed for Lease No. PRC 7344.1, a
General Lease - Protective Structure Use, and an
application for a General Lease - Protective
Structure Use, of sovereign land located in the
Pacific Ocean, adjacent to 3168 17 Mile Drive, near
Pebble Beach and Cypress Point, Monterey County;
for two existing concrete-grouted rock revetment
shoreline protective structures. CEQA
Consideration: categorical exemption. (PRC
7344.1; RA# 12715) (A 29; S 17) (Staff: D.
Simpkin)

SCHOOL LANDS

C104 KERN RIVER GAS TRANSMISSION COMPANY (LESSEE):
Consider revision of rent to Lease No. PRC
7509.2, a General Lease - Right-of-Way Use, of
State school land, located in Section 36,
Township 14 North, Range 6 East, SBM, near Baker,
San Bernardino County; for a natural gas
pipeline. CEQA Consideration: not a project. (PRC
7509.2) (A 33; S 16) (Staff: C. Hudson)

C105 KERN RIVER GAS TRANSMISSION COMPANY (LESSEE):
Consider revision of rent to Lease No. PRC
7512.2, a General Lease - Right-of-Way Use, of
State school land, located in Section 16,
Township 17 North, Range 14 East, SBM, near
Mountain Pass, San Bernardino County; for a
natural gas pipeline. CEQA Consideration: not a
project. (PRC 7512.2) (A 33; S 16) (Staff: C.
Hudson)

C106 LEVEL 3 COMMUNICATIONS, LLC (LESSEE): Consider
revision of rent to Lease No. PRC 8324.2, a
General Lease - Right-of-Way Use, of State school
land, located in a portion of Section 36,
Township 15 North, Range 7 East, SBM, west of
Silver Lake, San Bernardino County; for 12
existing uncased high-density polyethylene inner
ducts, one of which contains one fiber-optic
cable. CEQA Consideration: not a project. (PRC
8324.2) (A 33; S 16) (Staff: C. Hudson)

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C107 KARLO RANCH, LLC (APPLICANT): Consider application for a General Lease - Grazing Use, of State school and lieu lands, located in portions of Sections 21, 32, 34, and all of Sections 28 and 33, Township 31 North, Range 15 East, MDM; and a portion of Section 36, Township 31 North, Range 14 East, MDM, near Honey Lake, Lassen County; for livestock grazing. CEQA Consideration: categorical exemption. (PRC 6962.2; RA# 10215) (A 1; S 1) (Staff: C. Hudson)

C108 UNAVCO, INC. (LESSEE): Consider revision of rent to Lease No. PRC 7879.2, a General Lease - Data Collection Use, of State school land located in a portion of Section 36, Township 32 North, Range 15 East, MDM, near Honey Lake, Lassen County; for an existing geodetic monitoring system. CEQA Consideration: not a project. (PRC 7879.2) (A 1; S 1) (Staff: C. Hudson)

C109 SAN DIEGO GAS & ELECTRIC COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 6405.2, a General Lease - Right-of-Way Use, of State school land located in portions of Lots 7 and 18, Tract 58, Township 16 South, Range 9 East, SBM, near Ocotillo, Imperial County; for an existing overhead electrical transmission line. CEQA Consideration: not a project. (PRC 6405.2) (A 56; S 40) (Staff: C. Hudson)

C110 THE CHASTERUS FOUNDATION (APPLICANT): The California State Lands Commission, acting in its regular capacity as Trustee of the School Land Bank Fund, to consider adoption of a Negative Declaration, State Clearinghouse No. 2015101112, and authorization of the sale and issuance of a patent to the Chasterus Foundation for 30 acres, more or less, of State school lands located in Section 36, Township 10 South, Range 14 East, SBM, northwest of Niland, Imperial County. (SA 5771; RA# 11414) (A 56; S 40) (Staff: J. Porter, P. Huber)

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MINERAL RESOURCES MANAGEMENT

C111 CALIFORNIA DEPARTMENT OF CONSERVATION, OFFICE OF
MINE RECLAMATION AND THE CALIFORNIA STATE LANDS
COMMISSION

(PARTIES): Consider a Memorandum of Understanding with the Department of Conservation, Office of Mine Reclamation to continue coordinating efforts to eliminate potential public safety hazards at abandoned mine sites on State school lands located statewide. CEQA Consideration: categorically exempt. (W 40102) (A & S: Statewide) (Staff: G. Pelka)

REMOVED FROM AGENDA

C112 ROBERT G. WETZEL (APPLICANT): Consider an application for a two-year Mineral Prospecting Permit for minerals other than oil, gas, geothermal resources, sand and gravel on State fee-owned school lands, Assessor's Parcel Number 009-140-007, administered by the Commission as trustee, located about three miles northwest of the Halloran Springs Exit on 1-15, Section 16, Township 15 North, Range 10 East, SBM, and about 10 miles northeast of Baker, San Bernardino County. CEQA Consideration: Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) circulated for public review by Bureau of Land Management (BLM), and adopted on May 23, 2013. EA and FONSI will be used in place of a Mitigated Negative Declaration (MND). (W 40981; RA# 13315) (A 33; S 16) (Staff: V. Perez)

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C113 MBC APPLIED ENVIRONMENTAL SCIENCES, INC.
(APPLICANT): Consider an application for a three-year Non-Exclusive Geophysical Survey Permit to conduct low-energy geophysical surveys on tide and submerged lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: Mitigated Negative Declaration, and addendum, adopted by the California State Lands Commission, State Clearinghouse No. 2013072021. (W 6005.163; RA# 13015) (A & S: Statewide) (Staff: R. B. Greenwood)

C114 BUREAU OF OCEAN ENERGY MANAGEMENT (APPLICANT):
Consider an application for a three-year Non-Exclusive Geophysical Survey to conduct low-energy geophysical surveys on tide and submerged lands statewide and under the jurisdiction of the California State Lands Commission. CEQA Consideration: Mitigated Negative Declaration, and addendum, adopted by the California State Lands Commission, State Clearinghouse No. 2013072021. (W 6005.165; RA# 14915) (A & S: Statewide) (Staff: R. B. Greenwood)

C115 FUGRO CONSULTANTS, INC. (APPLICANT): Consider a three month extension to a Non-Exclusive Geological Survey Permit in the Mare Island Strait, Napa River, Solano County. CEQA Consideration: categorically exempt. (WP 9248; RA# 10615) (A 14; S 3) (Staff: R. B. Greenwood)

MARINE FACILITIES - SEE REGULAR CALENDAR

ADMINISTRATION - SEE REGULAR CALENDAR

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LEGAL

C116 CALIFORNIA STATE LANDS COMMISSION AND SPORTSMAN'S
PARADISE, INC., (PARTIES): Consider a Compromise
Title Settlement and Exchange Agreement between
the State of California, by and through the
California State Lands Commission in its regular
capacity and as Trustee of the Kapiloff Land Bank
Fund, and Sportsman's Paradise, Inc., involving
certain interest in lands located in the historic
bed of the Colorado River, County of Imperial.
consideration: statutory exemption. (W CEQA
56; S 40) (Staff: J. Fabel) 26855) (A

REMOVED FROM AGENDA

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS - NO ITEMS

LEGISLATION AND RESOLUTIONS - SEE REGULAR CALENDAR

V. INFORMATIONAL - SEE REGULAR CALENDAR

VI. REGULAR CALENDAR - 117-125

117 CALIFORNIA STATE LANDS COMMISSION: Consider 118
adoption of the California State Lands
Commission's 2016-2020 Strategic Plan. CEQA
Consideration: not a project. (A & S: Statewide)
(Staff: J. Lucchesi, D. Brown, C. Oggins)
Motion & Vote 149

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| 118 | CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring legislation to repeal Chapter 1700, Statutes of 1967; a conditional grant of sovereign lands to the County of Los Angeles. Consideration: not a project. (A & S: Statewide) (Staff: S. Pemberton) | 41 |
| | Motion & Vote | 42 |
| 119 | CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring legislation to repeal a grant of public trust land made in 1977 to the City of Albany and enact a new grant of public trust land to the city that includes updated terms and conditions. CEQA Consideration: not a project. (A & S: Statewide) (Staff: S. Pemberton) | 42 |
| | Motion & Vote | 43 |
| 120 | THE MARITIME ALLIANCE (INFORMATIONAL): Informational presentation by the Maritime Alliance on its efforts to promote sustainable, science-based ocean and water industries. CEQA Consideration: not a project. (A & S: Statewide) (Staff: J. Lucchesi) | 80 |
| 121 | CALIFORNIA STATE LANDS COMMISSION: Consider proposed amendments and additions to the California Code of Regulations, Title 2, Division 3, Chapter 1, Article 4.8 - Biofouling management to minimize the transfer of nonindigenous species from vessels operating in California waters. CEQA Consideration: categorical exemption. (W 9777.291, W 9777.234) (A & S: Statewide) (Staff: C. Scianni, N. Dobroski, D. French) | 57 |
| | Motion & Vote | 80 |

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| 122 CALIFORNIA STATE LANDS COMMISSION: Consider proposed adoption of regulations implementing statutory provisions that authorize administrative hearings to address unauthorized structures on State lands. CEQA Consideration: not a project. (W 26934) (A & S: Statewide) (Staff: W. Crunk) | 43 |
| Motion & Vote | 56 |
| 123 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider termination of Lease No. PRC 4449.1, a General Lease - Right-of-Way Use, termination of Lease No. PRC 4307.1, a General Lease - Industrial Use and an application for a General Lease - Industrial Use, of sovereign land located adjacent to Diablo Canyon Nuclear Power Plant, Avila Beach, San Luis Obispo County; for facilities associated with the Diablo Canyon Nuclear Power Plant. CEQA Consideration: categorical exemption. (PRC 4449.1, PRC 4307.1; W 26721; RA# 06813) (A 17; S 35) (Staff: D. Simpkin) | 150 |
| Motion & Vote | 166 |
| 124 CALIFORNIA STATE LANDS COMMISSION AND MARTINS BEACH 1 LLC AND MARTINS BEACH 2 LLC (PARTIES) (INFORMATIONAL): Report on the status of negotiations to acquire a public access easement to and along Martins Beach near the city of Half Moon Bay, San Mateo County, pursuant to Public Resources Code section 6213.5. CEQA Consideration: not a project. (W 26830) (A 24; S 13) (Staff: C. Connor) | 95 |
| 125 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational presentation updating the State Lands Commission on the status of the Becker Well at Summerland Beach, Santa Barbara County. CEQA Consideration: not a project. (W 26911) (A 37; S 19) (Staff: S. Curran, J. Planck) | 111 |
| VII. PUBLIC COMMENT | 166 |
| VIII. COMMISSIONERS' COMMENTS | |

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IX.

CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE FOLLOWING PURSUANT TO GOVERNMENT CODE SECTION 11126:

A. LITIGATION.

THE COMMISSION MAY CONSIDER PENDING AND POSSIBLE LITIGATION PURSUANT TO THE CONFIDENTIALITY OF ATTORNEY-CLIENT COMMUNICATIONS AND PRIVILEGES PROVIDED FOR IN GOVERNMENT CODE SECTION 11126(e).

1. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(A):

California State Lands Commission v. City and County of San Francisco

Defend Our Waterfront v. California State Lands Commission, et al.

Seacliff Beach Colony Homeowners Association v. State of California, et al.

SLPR, LLC, et al. v. San Diego Unified Port District, California State Lands Commission

San Francisco Baykeeper v. California State Lands Commission

Keith Goddard v. State of California

Sportsman's Paradise v. California State Lands Commission

California State Lands Commission v. Lee Stearn

Center for Biological Diversity v. California State Lands Commission

City of Santa Monica, et al. v. Nugent

City of Santa Monica, et al. v. Ornstein

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City of Santa Monica, et al. v. Bader

City of Santa Monica, et al. v. Levy

City of Santa Monica, et al. v. Philbin

City of Santa Monica, et al. v. Greene

City of Santa Monica, et al. v. Prager

Sierra Club et al. v. City of Los Angeles, et al.

United States v. Walker River Irrigation District, et al.

United States v. 1.647 Acres

2. The Commission may consider matters that fall under government code section 11126(e)(2)(B) or (2)(C).

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(c)(7) - TO PROVIDE DIRECTIONS TO ITS NEGOTIATORS REGARDING PRICE AND TERMS FOR LEASING OF REAL PROPERTY.

1. Provide instructions to negotiators regarding entering into a new lease of state land for the Broad Beach Restoration Project, City of Malibu, Los Angeles County. Negotiating parties: Broad Beach Geologic Hazard Abatement District, State Lands Commission; Under negotiation: price and terms.

2. Provide instructions to negotiators regarding acquisition of a public access easement to and along Martins Beach in San Mateo County. Negotiating Parties: Martins Beach 1, LLC., Martins Beach 2, LLC, State Lands Commission; Under negotiation: price and terms.

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C. OTHER MATTERS.

THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(B) or (2)(C). THE COMMISSION MAY ALSO CONSIDER PERSONNEL ACTIONS TO APPOINT, EMPLOY, OR DISMISS A PUBLIC EMPLOYEE AS PROVIDED IN GOVERNMENT CODE SECTION 11126(a)(1).

1 motion is approved, approving of those minutes.

2 The next order of business is the Executive
3 Officer's report. Ms. Lucchesi.

4 EXECUTIVE OFFICER LUCCHESI: Thank you.

5 My Executive Officer's report will be a tad bit
6 longer than normal, just because I want to talk a little
7 bit about the successes of the State Lands Commission this
8 year. So bear with me, but I'll get through it as fast as
9 I can.

10 First, I just want to make mention of something
11 that all of you and everyone in the room are well aware,
12 that El Niño is upon us. And that that means that we can
13 expect stronger, more frequent, and more damage causing
14 storms, particularly in the months of February and March.
15 Specifically, waves can be up to 30 percent larger than
16 normal and sea level rise can be up to 20 to 30
17 centimeters during the winter and higher during storms
18 because of wind and waves.

19 The Commission is committed to the safety of its
20 leasees, grantees and stakeholders and the integrity of
21 their facilities. The Commission staff has sent out
22 letters encouraging our leasees, stakeholders, and
23 regulated community to plan and prepare for El Niño events
24 and to also identify state resources to help them prepare
25 for those conditions.

1 We sent over 2500 letters out to our leasees, to
2 our over 70-plus legislative grantees, and our 50-plus
3 regulated marine oil terminals, pointing them to the
4 storms ready site that the State has developed, as well as
5 providing additional resources for them to utilize in the
6 event they need to.

7 Second, I want to update the Commission on the
8 Poseidon desalination facility. This facility is located
9 at Agua Hedionda in Carlsbad and will begin commercial
10 operations soon. This facility is the largest
11 desalination facility in the western hemisphere, with
12 production capacity of 50 million gallons of fresh water
13 per day.

14 The Commission authorized a lease for this
15 facility back in 2008 for the two intake and outfall
16 structures, with an annual rent of \$140,000 a year.

17 The Commission's approval in 2008 also included
18 the restoration of approximately 55 acres of wetlands
19 habitat, mud flat tidal channel habitat, and open water
20 habitat in the San Dieguito and Agua Hedionda Lagoon as
21 mitigation for the impacts associated with the facility's
22 operations.

23 The approval also requires Poseidon to offset
24 greenhouse gas emissions, which it has accomplished
25 through the recent purchase of 25,000 tons of carbon

1 offsets.

2 The Commission staff will be working with
3 Poseidon and other stakeholders to actively monitor
4 restoration activities as they occur to ensure the
5 restoration work is completed in accordance with the lease
6 terms and the approved restoration plan.

7 I also want to make notice of our meeting dates
8 for 2016 --

9 CHAIRPERSON NEWSOM: Before you do that, just
10 briefly, I've been hearing "soon" for months now on
11 Poseidon. Is it -- I mean, by the end of the calendar
12 year presumably? I mean, I thought it was last month.

13 EXECUTIVE OFFICER LUCCHESI: We had heard last
14 week. But what we're hearing now is sometime next week.

15 CHAIRPERSON NEWSOM: Sometime next week.

16 EXECUTIVE OFFICER LUCCHESI: Sometime next week.

17 CHAIRPERSON NEWSOM: Thank you.

18 EXECUTIVE OFFICER LUCCHESI: So our meeting dates
19 are tentatively scheduled for 2016. They are located --
20 the dates, times, and locations are located on our
21 website. We are looking at February 9th meeting date in
22 Sacramento, an April 5th in San Francisco, June 7th back
23 in Sacramento, August 9th in Los Angeles, October 13th in
24 San Diego, and December 6th in Sacramento. Those are all
25 tentative. But that's what we have scheduled thus far.

1 Next, I want to just make mention that Commission
2 staff recently released the Commission's Draft Tribal
3 Consultation Policy. This policy will establish a process
4 for early collaboration and meaningful consultation with
5 tribal officials on Commission actions with tribal
6 implications. Commission staff plan to hold workshops to
7 hear public comments on the policy early next year and
8 anticipate bringing a final policy to the Commission for
9 adoption shortly thereafter.

10 On a personnel related matter, it is with great
11 pleasure to announce I have appointed Jennifer De Leon as
12 the State Lands Commission's new Science Policy Advisor.
13 Jennifer will advise the Executive Officer and the members
14 of the State Lands Commission on science-related issues to
15 ensure integration of the best available science in all
16 the Commission's activities and decisions.

17 As the Commission's Science Policy Advisor,
18 Jennifer will coordinate activities across all the
19 Commission's divisions and programs in the following
20 areas: Including sea level rise adaptation, climate
21 change, ocean health policy teams, and also leading the
22 Commission's efforts on the greenhouse gas reduction and
23 renewable energy opportunities. She will also serve as
24 the Commission's tribal liaison.

25 This is an important step in the Commission's

1 efforts to advance these significant policy objectives and
2 further confirms these policy areas as a top priority for
3 the Commission.

4 Finally, I want to just identify some successes
5 of the State Lands Commission over the past year. On the
6 legislative front, the Commission sponsored four bills and
7 also supported three bills in the first half of the 2015,
8 2016 legislative session that were chaptered. All of
9 those improve our programs and our efforts to protect
10 State waters and State property interests.

11 Additionally, staff successfully opposed proposed
12 federal legislation that would have preempted the
13 Commission's Marine Invasive Species Program.

14 And finally, through our External Affairs
15 Division, we re-designed and expanded the Commission's
16 website and replaced a significant amount of outdated
17 material with fresh information in a much easier to
18 understand format.

19 On the CEQA front, the Commission completed six
20 CEQA documents, three of which are on the Commission's
21 agenda today. We are also actively working on three major
22 new CEQA documents and anticipate Commission action on
23 those in 2016.

24 On the public safety side, staff, through the
25 Commission, successfully remediated 13 abandoned mines on

1 State school lands, eliminating liability for the State
2 and significant public safety hazards. It should be noted
3 that the number of remediation activities in 2015
4 constituted the largest accomplishment in a single year
5 since the inception of our program in 2002.

6 For our Coastal Hazards Program, we removed 24
7 railroad irons, 68 h-piles, 25 steel tie backs from three
8 sites. And we also initiated the initial phase of
9 locating the Becker on-shore well, and successfully
10 excavating that and marking the well with a buoy so we can
11 conduct further analysis about how to properly abandon
12 that well.

13 As you are well aware, the Commission in October
14 approved and entered into an MOU to accomplish the Phase I
15 land exchange with the Bureau of Land Management. This
16 MOU will facilitate the consolidation of State school
17 lands with an active renewable energy facility, thereby
18 immediately increasing revenues to CalSTRS and also
19 protecting significant habitat areas under the BLM
20 programs.

21 Our Marine Invasive Species Program monitored
22 over 8,000 vessel arrivals at California ports. We were
23 able to inspect approximately 2100 of those arrivals,
24 which constitute about 26 percent of the arrivals.

25 From the first quarter of 2014 through the third

1 quarter of 2015, the number of ballast water management
2 violations dropped from 39 to 11 per quarter, which is a
3 72 percent reduction. We attribute this drop due to an
4 enhanced compliance assessment and enforcement program
5 initiated in January of 2014.

6 CHAIRPERSON NEWSOM: Is that 26 percent higher or
7 lower than traditional?

8 EXECUTIVE OFFICER LUCCHESI: The legislative
9 mandate is 25 percent. So we were about there. Little
10 over.

11 CHAIRPERSON NEWSOM: Right. Is that a low bar
12 from your perspective or --

13 EXECUTIVE OFFICER LUCCHESI: It's manageable for
14 what the existing staff that we have. I think it would be
15 a little harder to do without additional staff in that
16 program. And we also assess the level of inspections and
17 the timing of the inspections based on a priority based on
18 risk assessment.

19 CHAIRPERSON NEWSOM: Sure. Interesting.

20 EXECUTIVE OFFICER LUCCHESI: On the oil spill
21 prevention side, our Marine Facilities Division has
22 monitored approximately 47 percent of all oil transfers
23 during 2015 through October 31st of this year. In 2014,
24 we were only able to monitor about 50 percent of that.
25 But we have lost some of our inspectors during that time.

1 From during this year, we transferred over --
2 excuse me.

3 From January of 2010 -- so I'm going back about
4 five years -- to September 30th of this year, California
5 marine oil terminals transferred over close to 7 billion
6 barrels of product. The spills directly resulting from
7 these oil transfers during this time, 2.4 barrels. That's
8 a .0 -- I think there's about seven zeros there 3424
9 percent. Our oil spill prevention program at our marine
10 oil terminals are significantly successful.

11 Our marine safety specialist conducted 82 spot
12 and annual inspections and eleven training and
13 certification inspections at our marine oil terminals in
14 2015. Our Minerals Resources Management Division field
15 office have completed monthly inspections at seven
16 facilities, including platforms Eva, Ester, Emmy, and
17 Holly. And we also conduct quarterly inspections of the
18 safety and spill prevent and response equipment at the
19 four Long Beach unit production islands.

20 During 2015, we completed comprehensive safety
21 audits on platforms Eva and Ester and Fort Apache on-shore
22 facilities, as well as monitored the correction and
23 resolution of approximately 275 action items at these
24 facilities.

25 We completed 15 off-shore oil and gas pipeline

1 inspection reviews, and we also reviewed, approved, and
2 monitored the installation, repair, and modifications to
3 seven off-shore facilities.

4 We are extremely active on the oil spill
5 prevention front, both for some of the on-shore facilities
6 as well as the off-shore facilities. From our land
7 management perspective, we receive -- this is our surface
8 land management. We received approximately 353
9 applications this year; 255 new leases were issued by the
10 Commission. Four-hundred total items were taken to the
11 Commission and considered by you over this year. And 379
12 transactions were completed.

13 The Commission successfully negotiated and
14 completed three significant title settlements: The
15 Petaluma Theater District along the Petaluma River, the
16 Jefferson Ranch Agreement along the Salinas River, and the
17 Bay City Partners Agreement in Seal Beach. All three of
18 these resulted in significant contributions to our
19 Kapiloff Land Bank Fund, which amounted to approximately
20 \$1.7 million.

21 And finally, in January of this year, the
22 Commission in partnership with the Tahoe Conservancy
23 completed the acquisition of a lakefront property adjacent
24 to the El Dorado Beach in South Lake Tahoe to expand
25 public lakefront access, protect Lake Tahoe through

1 improvements of stormwater treatment, extend the bike path
2 adjacent to Lake Tahoe, and improve the scenic qualities
3 of this stretch of US highway 50 and the shore line of
4 Lake Tahoe.

5 Just to put all of that in perspective in terms
6 of numbers, as it relates to revenues, our oil and gas
7 leasing activities generated over \$88 million to the
8 general fund. Our geothermal leasing activities generated
9 over \$4 million to the general fund. Our other mineral
10 leases generated close to \$2 million to the general fund.
11 And our surface leasing activities generated almost \$17
12 million to the general fund, with approximately one
13 million of that going to Lake Tahoe improvements.

14 Total general fund revenues this year were \$107.1
15 million. Our total school lands revenue, which benefits
16 CalSTRS, was approximately \$4.1 million.

17 And just to conclude, including today's agenda
18 items, the Commission will have processed and considered
19 18 applications covering more than 140 acres for open
20 space, habitat, and public access. These items have
21 ranged from habitat restoration projects and preservation
22 of open space to the acceptance of offers to dedicate for
23 public access purposes.

24 The Commission also entered into two multi-agency
25 MOUs in 2015, one to facilitate the implementation of the

1 California Marine Life Protection Act and one for the
2 implementation of an urban greening act with the
3 Candlestick Point State Recreation area.

4 That concludes my Executive Officer's report.
5 I'm happy to answer any questions.

6 CHAIRPERSON NEWSOM: Any questions?

7 Just curious, the 107 million that you marked,
8 107.1, is that up? Down? Near historic levels?

9 EXECUTIVE OFFICER LUCCHESI: It's significantly
10 reduced primarily due to the price of oil and the drop in
11 actual production due to the decline in price of oil.

12 CHAIRPERSON NEWSOM: Give me a sense. Last year,
13 previous years, would have been --

14 EXECUTIVE OFFICER LUCCHESI: A fourth.

15 CHAIRPERSON NEWSOM: A fourth. That's
16 significant. Extraordinary. Interest.

17 EXECUTIVE OFFICER LUCCHESI: At the height of the
18 oil -- when the oil prices were at their height.

19 CHAIRPERSON NEWSOM: Interesting. Thank you for
20 the report.

21 So next item is the consent calendar. I see we
22 have a number of items that we wish to pull. Items 7, 22,
23 26, 31, 111, and 116 are at least the ones that I'm aware
24 that we're looking to pull.

25 Any additional items we wish to pull from staff

1 level?

2 Of course, any items you wish to pull.

3 EXECUTIVE OFFICER LUCCHESI: Give me one second.

4 So just to confirm, C 7, C 22, C26, C 31, C 96,
5 C 111, and C 116 are all removed from the agenda to be
6 considered at another date.

7 CHAIRPERSON NEWSOM: Right.

8 EXECUTIVE OFFICER LUCCHESI: Items C 21 and C 64
9 are going to be moved from the consent agenda to the
10 regular agenda because we have speaker slips on those
11 items.

12 CHAIRPERSON NEWSOM: I see. I also have speaker
13 slips on 110, 157, for what it's worth.

14 EXECUTIVE OFFICER LUCCHESI: All right. Yes. So
15 we're just clarifying something.

16 C 100 and C 110 are marked that they only want to
17 speak on those if they're pulled from consent.

18 CHAIRPERSON NEWSOM: Perfect.

19 EXECUTIVE OFFICER LUCCHESI: So those will remain
20 on consent.

21 I would like to pull C 57 from the consent agenda
22 to the regular agenda.

23 CHAIRPERSON NEWSOM: Great. And is that -- just
24 want to make sure Sean and Jennifer are here on 110 and
25 100, you're good without speaking, confirm that.

1 Fabulous. Excellent.

2 Any additional items?

3 All right. Why don't we move forward with a
4 motion to approve the remaining consent calendar items.

5 ACTING COMMISSION MEMBER YEE: So moved.

6 ACTING COMMISSION MEMBER ORTEGA: Second.

7 CHAIRPERSON NEWSOM: Without objection, we will
8 move forward.

9 I might as well just jump right in on items -- so
10 we have 21, 57, and 64.

11 EXECUTIVE OFFICER LUCCHESI: That's correct.

12 CHAIRPERSON NEWSOM: The three that we pulled.
13 Why don't we jump into Item 21 for discussion. I have one
14 speaker card.

15 Remember, anyone that wishes to speak, make it
16 easy. If you forget, I'll ask you to come on up. But if
17 you could fill it out, it would be great.

18 Dale Frost is the one on Item C21 that I have.
19 And Mr. Frost, if you wish to come up, you may.

20 And you want to make a comment beforehand.

21 You're going to persuade Mr. Frost?

22 EXECUTIVE OFFICER LUCCHESI: Brian Bugsch is
23 Chief of our Land Management Division. He will make a
24 very short staff presentation.

25 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So I

1 think we have a power point on this.

2 (Thereupon an overhead presentation was presented
3 as follows.)

4 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I think I
5 got this figured out.

6 Good afternoon. My name is Brian Bugsch, Chief
7 of the Commission Land Management Division. Today
8 presenting a brief background on calendar Item C 21
9 regarding a lease number PRC 8458.1, a general lease rec
10 use the SLT Family Home, LLC.

11 The item requests you consider rescission of a
12 previously approved item, issuance of a new general lease
13 rec use, and acceptance of compensation for unauthorized
14 occupation of sovereign land.

15 --o0o--

16 LAND MANAGEMENT DIVISION CHIEF BUGSCH: In June
17 2003, the Commission authorized a ten-year recreational
18 pier lease to Dale A. Frost, trustee of the SLT 98 Lake
19 Home Trust, two buoys adjacent to 939 Lake View Avenue in
20 South Lake Tahoe. The lease expired on April 30th, 2013.

21 On April 26, 2013, the Commission authorized a
22 general lease rec use to Dale A. Frost, trustee of the SLT
23 98 Lake Home Trust for two buoys. Mr. Frost never
24 executed that lease.

25 On January 22nd, 2014, the parcel was deeded to

1 SLT Family Home, LLC. Mr. Frost is President of SLT
2 Family Home, LLC.

3 On September 21st, 2015, one buoy was permanently
4 removed from sovereign land.

5 The applicant is now applying for a general lease
6 rec use for the remaining buoy.

7 Staff recommends approval of a lease to SLT
8 Family Home, LLC, for buoy. Staff recommends acceptance
9 of \$1,414 for the applicant's unauthorized occupation of
10 State land for the period beginning January 22nd, 2014, to
11 December 17, 2015. This amount includes both buoys but
12 was pro rated to amount for the removal of the one buoy in
13 September of this year.

14 --o0o--

15 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The water
16 level at Lake Tahoe has dropped to the point that both
17 buoys were not usable. Mr. Frost requests the Commission
18 waive rent for the buoys on sovereign land for the periods
19 when the buoys were and are unusable because of the water
20 level of the lake.

21 --o0o--

22 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The lease
23 and the rental amounts at issue are based on the
24 occupation of State land by the buoys, not the
25 authorization based on the ability to use the

1 improvements.

2 Staff has discussed the issue with Mr. Frost and
3 informed him that the lease authorizes structures on State
4 lands. Mr. Frost must pay rent for occupying public land
5 through the placement of buoys regardless of whether or
6 not the buoys are being or can be used.

7 Public Resources Code Section 6503.5 requires the
8 Commission to charge rent for any fixed facilities on
9 State land use for the docking and mooring of boats.

10 Buoys in Lake Tahoe clearly fall within the provisions of
11 this Code section. There is no statutory exception or
12 exemption for structures where the leasees does not or
13 cannot actually use the structure.

14 Regardless of the ability to use the buoy, they
15 are still occupying State property. Furthermore, waiving
16 rent would also violate the gift clause of the California
17 Constitution because it would permit Mr. Frost to occupy
18 public land without compensation. Simply put, if a
19 private structure is on public land, the Commission must
20 charge rent for it.

21 Practical reasons also weigh against the waiving
22 rent. Rent is set at the beginning of the lease based on
23 the objective standard of whether or not structures are on
24 State land. Waiving rent for unusable structures
25 introduces subjectively and invites leasees throughout the

1 state to renegotiate rent during the lease term based on
2 whether they can use the improvements at any given time.

3 A leasee might claim they are unable to use a
4 structure for many years, including low water levels,
5 reconstruction or repair, inclement weather, illness,
6 injuries, travel restrictions, travel abroad, natural or
7 artificial movement of waterways, among many others.

8 Commission staff does not have the resources to
9 reevaluate each leasee's use of the authorized
10 improvements throughout the lease term. Importantly, this
11 would likely lead to inconsistencies in the management of
12 the Commission's leases.

13 Staff informed Mr. Frost he is responsible for
14 paying rent as long as his improvements are on State land.
15 Mr. Frost was advised he can remove the improvements and
16 avoid the need for a lease going forward or he can explore
17 his options with the Tahoe Regional Planning Agency, or
18 TRPA, to relocate the buoy in deeper water. Mr. Frost has
19 declined both alternatives.

20 Mr. Frost is present and would like to address
21 the Commission. Staff is available to answer your
22 questions.

23 CHAIRPERSON NEWSOM: All right, Mr. Frost.

24 What say you, sir?

25 MR. FROST: I say he covered a lot of stuff.

1 You know, for me, it's because there is probably
2 80 percent of the buoy owners around the lake aren't
3 affected by the low water. But there's a chunk that
4 obviously are. And if you saw the picture, you know,
5 there's no water under my buoy.

6 So the only reason I'm giving up one of my two
7 buoys is because it seems doubly crazy to pay rent for a
8 buoy I can't use. And you know, this has basically been
9 two summers now. There was a little water under one of
10 the buoys last summer, but it wasn't usable. So I've had
11 two summers in a row of no use.

12 And so I understand it's really a policy
13 question. And I don't know what all is affected by it. I
14 just know I'm affected by it and my neighbors are affected
15 by it. I also know the amount of the rent isn't
16 significant to me. It's more of a principle matter. And
17 I suppose if I was a homeowners association that had 20
18 buoys because there's one just down the road from me. My
19 property sits between El Dorado Beach and Regan Beach.
20 There is a lot of activity there.

21 And anyway, I was hoping that the Commission
22 would ask the staff to review a policy change that would
23 allow either a suspension or a reduction in rent for years
24 when the lease area is simply not usable for its intended
25 purpose. And we know the intended purpose was to have a

1 boat floating around a buoy. And it's not possible.

2 CHAIRPERSON NEWSOM: Right.

3 MR. FROST: So basically it's a request to see if
4 you would ask the staff to research that and consider a
5 modification to current policy.

6 CHAIRPERSON NEWSOM: I got it. Thank you, Mr.
7 Frost.

8 MR. FROST: That's it.

9 CHAIRPERSON NEWSOM: I'm sympathetic. Your photo
10 is compelling. But also sympathetic to the State
11 Constitution and the regulatory requirements that we're
12 burdened by or subject to.

13 Jennifer, I guess we can just reinforce the point
14 of subjectivity. And if we walk down this path, the
15 consequences of walking down the path are not
16 insignificant.

17 Anything you'd like to add?

18 EXECUTIVE OFFICER LUCCHESI: The only thing I
19 would like to add is just to reemphasize it's really about
20 occupying State property. It's not a use permit the
21 Commission is authorizing in these types of situations.
22 As you can see from some of the pictures, we're talking
23 about a structure, a concrete anchor with a buoy tied to
24 it. There is clear occupation of State property. And
25 that's going to be occupying State property whether it's

1 usable or not.

2 So as much as it's a principle issue for Mr.
3 Frost, from a State Lands staff perspective, it's an
4 equally principled issue. And it's occupying public
5 property with this structure.

6 CHAIRPERSON NEWSOM: I appreciate that.

7 Is there any comments or anything, yeah?

8 Mr. Frost, first of all, thank you for taking the
9 time to come down. We are sympathetic, and I do
10 appreciate the dilemma you're under. And I hope you
11 understand from staff our responsibility, fiduciary and
12 legal responsibilities, to abide by the rules that we're
13 subject to and governed by. And as a consequence, I
14 certainly won't speak for the rest of us, but would submit
15 to the recommendation of staff, though nonetheless, Mr.
16 Frost, I'm very sympathetic and grateful you took the time
17 to be here.

18 And it gives us pause as we move forward during
19 these extreme conditions, the new world we're living in
20 with these droughts, perhaps it will open us up to a
21 broader discussion, which I think is fundamentally what
22 brought you here beyond just your own circumstance.

23 So just want to make sure, you know, not a waste
24 of your time, even if we're not moving in the direction
25 you were hopeful to today.

1 So with that, is there a motion to support staff
2 recommendation on this item?

3 ACTING COMMISSION MEMBER YEE: So moved.

4 ACTING COMMISSION MEMBER ORTEGA: Second.

5 CHAIRPERSON NEWSOM: Seconded. That will be the
6 recommendation, direction of this Commission.

7 We have two other items that we pulled from
8 consent. I will go in order with Item Number 57.

9 EXECUTIVE OFFICER LUCCHESI: Brian will give the
10 staff presentation on this item.

11 LAND MANAGEMENT DIVISION CHIEF BUGSCH: While
12 we're getting up here, Brian Bugsch, Chief of Land
13 Management Division.

14 I'll kind of -- the 57 and 64 are somewhat tied.
15 They're both part of the Greenbrae Boardwalk and the two
16 leasees are here. There's 42 of these leases on the
17 consent agenda. We pulled two of them.

18 CHAIRPERSON NEWSOM: So formally we'll open it up
19 on both items.

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I'll go
21 ahead and go through the first one and make it short on
22 each one. You can hear from both of them.

23 (Thereupon an overhead presentation was
24 presented as follows.)

25 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I'll get

1 started while we're cranking this up.

2 But the Greenbrae Boardwalk is a community
3 located along Corte Madera Creek on the east side of
4 Highway 101 in Marin County.

5 --o0o--

6 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
7 community is comprised of 49 houses elevated on stilts
8 over marsh lands, which are only accessible by foot or
9 bike along a raised wooden walkway. As was commonplace in
10 large spur in early 1900s, the first arc or floating house
11 landed at what would become Greenbrae Boardwalk in 1903.

12 By the 1910s, three houses were built along the
13 Boardwalk and the community continued to grow through the
14 1920s and 1930s.

15 On April 27th, 1939, the Hugh Porter Subdivision
16 was approved, allowing residents of the existing arc
17 community to acquire shore line lots and develop
18 legitimate dwellings.

19 Over the years, the arcs have transitioned from
20 houses on barges to houses on raised foundation.
21 Facilities such as decks, docks, and other appurtenant
22 facilities have also been added. And 42 of the 49 homes
23 now have improvements extending beyond the ordinary high
24 water mark, which this location is natural and therefore
25 ambulatory.

1 Historically, the Commission has only had five of
2 the 42 properties with improvements extending on the State
3 owned sovereign lands under lease. To remedy this
4 situation, in October 2012, the Commission's boundary
5 staff conducted a survey at Greebrae Boardwalk. The
6 results of the survey can be seen on the exhibit in front
7 of you.

8 --o0o--

9 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The red
10 dotted line represents the most current and accurate data
11 known to exist in the area and will represent the line
12 used for leasing purposes.

13 With this survey information, the Commission's
14 compliance staff conducted an outreach effort to educate
15 the community on the Commission's jurisdiction, leasing
16 practices, and lease application process.

17 On August 18th, 2014, the Commission staff held a
18 public meeting in Corte Madera for the Greenbrae Boardwalk
19 property owners and other interested parties. Since that
20 time through the development of frequently asked questions
21 document, meetings, and many phone conversations and
22 e-mail communications, staff has worked with property
23 owners to come to an agreement on lease terms and
24 conditions acceptable to the parties involved.

25 All the residents with the facilities extending

1 on to State and sovereign lands has submitted an
2 application to bring the encroaching facilities under
3 lease. All those applicants were either on the consent
4 agenda today. Two of them have been pulled off and are
5 here for our discussion.

6 --o0o--

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: C 57 on
8 the agenda is one of those 42. This item is asking you to
9 consider a general lease recreation use at 117 Greenbrae
10 Boardwalk for Jean C. Severinghaus for two existing
11 uncovered floating boat docks and appurtenant facilities.

12 We have talked with Ms. Severinghaus this
13 afternoon, and we have agreed as staff to add a lease
14 provision to the Greenbrae Boardwalk leases that would
15 acknowledge a separate lease. It's just an
16 acknowledgement that there is a separate lease with the
17 Golden Gate Bridge District for rip rock shoreline that
18 kind of bridges some of the sovereign lands. And it's
19 under lease to the Golden Gate Bridge District. Some of
20 the private lands and BCDC is also involved with that.

21 It's something that may be revisited when they
22 need to repair that. And it's just an acknowledgement
23 that that lease exists and that we would be -- staff would
24 be working cooperatively with the parties involved when
25 that lease needs to be addressed. So it doesn't

1 substantively impact the leases that you've already
2 approved. But we are in agreement that we can add that as
3 a provision to Section 2. And we can work with the
4 parties involved to get that language finalized and then
5 added to the leases of the ones that have already been
6 submitted.

7 CHAIRPERSON NEWSOM: Have you worked up that
8 language or just committed to it.

9 LAND MANAGEMENT DIVISION CHIEF BUGSCH: We just
10 worked this out, you know.

11 CHAIRPERSON NEWSOM: Seconds ago.

12 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Moments
13 before the meeting. We'll work with the parties involved
14 that we negotiated initially and are -- we're okay with
15 that.

16 CHAIRPERSON NEWSOM: Okay. Good.

17 LAND MANAGEMENT DIVISION CHIEF BUGSCH: We'll
18 finalize the language and offer it up to everybody.

19 CHAIRPERSON NEWSOM: Okay. That's encouraging.

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So
21 Ms. Severinghaus is here at the meeting and wants to
22 address the Commission.

23 CHAIRPERSON NEWSOM: Please.

24 MS. SEVERINGHAUS: Commissioners, thank you for
25 the opportunity to address you.

1 I'm the Environment and Planning Committee Chair
2 of my small community of about 140 people. We are a
3 democracy, so we can only speak as a voice by agreeing
4 together to do so.

5 But in my capacity, I brought this issue about
6 the shoreline because, as you can see, the property line
7 is in blue and the State's mean high water line is in red.
8 And the rip rap actually runs in a straight line right
9 across it. So it's of concern to us how do we manage our
10 property with the differing boundaries.

11 I appreciate very much staff's incredible
12 patience in the last week. We just got the leases. I
13 just saw the land description for the first time. We've
14 been talking about it for a year. So news to a lot of us
15 what the land description would look like and essentially
16 they drew a box. It's apparently standard practice of a
17 rectangle 23 feet south into my land and basically said
18 anything north of that line could be the ordinary high
19 tide line. It's a wavy, non-surveyable line. It's in
20 general a lot of the questions on the part of the
21 community to understand what that means. I think I've
22 come to be more or less comfortable with what it means,
23 that it's a lease, not a boundary.

24 But it did bring up this issue of the ferry, the
25 living shoreline that the ferry placed 25 years ago that's

1 coming due this year. The project has come to the end of
2 its useful life. And we will need to be asking for State
3 lands cooperation in going to Golden Gate Ferry and asking
4 to renew that. We've had two inches of sea level rise in
5 the last 25 years and so the ferry erosions continue over
6 the top.

7 The living shore line was designed -- it was
8 cutting edge in its time in 1988, '89. Designed partly in
9 cooperation with my esteemed neighbor and friend, Lee
10 Miller, and the Corte Madera Ecological Reserve, which is
11 our immediate neighbor to the back, which also was saved
12 thanks to Lee Miller, and the Marin Audubon Society, the
13 Marin Conservation League, and several other environmental
14 concerns all worked together to design this living
15 shoreline. The good news is the mandatory monitoring of
16 every five years of that project -- so the Corte Madera
17 Ecological Reserve is involved with this. The State Lands
18 is involved with this, the BCDC jurisdiction. The State
19 Legislature carved us out from BCDC jurisdiction. It took
20 them eleven years to define -- they defined the boundary
21 around the outside perimeter of our subdivision, which is
22 the blue line.

23 So there will be private property owners, BCDC,
24 the Golden Gate Ferry, and State Lands, as well as Corte
25 Madera Ecological Reserve all involved in this discussion.

1 And it will be about the continued high speed allowing for
2 continued mass transit, high speed ferry, because the high
3 speed ferry puts out a considerable force and it's now
4 further up. But the marsh -- the health of the marsh is
5 involved because it's designed so that the tied flows over
6 twice a day over the top of this rock, so this is not what
7 you consider a wall of any kind.

8 CHAIRPERSON NEWSOM: You've got the red light
9 staring at you. You just have 100 eyeballs behind you. I
10 know they love you.

11 By the way, I do realize we have -- I think the
12 majority of you are here for public comment, which was not
13 even an agendized item. So I'm sensitive to everybody's
14 time, and we'll try to move as quickly as possible. I'm
15 grateful for your presentation.

16 Mr. Miller, I know you filled out a speaker card.
17 Would you like to say anything?

18 MR. MILLER: Yes.

19 CHAIRPERSON NEWSOM: Wonderful. Why don't you
20 come on up. Take your time.

21 MR. MILLER: I'd like the screen portion of
22 showing what I'm asking for, if I can. My granddaughter
23 here is supposed to be equipped to change this.

24 EXECUTIVE OFFICER LUCCHESI: They have their own
25 PowerPoint.

1 MR. MILLER: What I'm contending is that what --
2 I would like to have this darkened portion -- if we can
3 get it on there -- removed from the authorization of the
4 BCDC, because of a fact it's taken place many years ago.
5 That -- if we could show this next one here of the BCDC
6 statement of 1988 that in comparing an erosion problem of
7 a photograph from aerial view in 1976 taken by the BCDC,
8 they compared it with an aerial view of a shoreline with
9 the Greenbrae Boardwalk taken in '88 by the Golden Gate
10 Bridge District.

11 This communication which has just been given to
12 you today and is theoretically going to be on the screen
13 some day, it shows that the erosion at that time in
14 between the period of 1976 when the ferry started and at
15 the time of the aerial photo when they have not put in
16 rock rip rap, they had lost 10 to 12 feet.

17 What I'm contending here is that this erosion
18 that happened in 1976 to 1988 was on my land and that the
19 photo taken in 2012, that property had never changed. I
20 never added any material. I never subtracted any material
21 because I like to see in as much as possible this natural
22 area of marshland remains as it is and as it has been
23 since we moved there in 1930.

24 We have had an awful lot of experience with
25 dealing with marsh because that's been my recreation.

1 Unfortunately, it was my work. But I ended up with not
2 fishing and always repairing and adding to my property.

3 So what you're seeing there now is a shaded area
4 I asked to be put to the line for the reason in the left
5 hand sign is what the lease area is involved in. The
6 lease area entirely with the circle around it is what is
7 purported to be more or less the shoreline. But it is not
8 the shoreline because that erosion that BCDC says that was
9 created in those twelve years and has happened all the
10 time since then and all my communications with the State
11 Lands Commission has been that it's an unnatural erosion
12 caused by the ferry back and forth motion that goes in --
13 takes the Corte Madera Creek in and takes it out about ten
14 times, every time a ferry goes up.

15 At the first time the ferry was in operation, the
16 whole principle of the ferry was to get there fast. And
17 consequently, I would really have liked to see you folks
18 see that operation effect the Corte Madera Creek. Because
19 where we live, the creek goes into the ecological reserve.
20 That was just rushing back and forth. It was rushing.
21 And these days when they are forced to slow down, it still
22 goes back and forth. And if you wanted to go into the why
23 it's eroding and doing that action, I can go into it. But
24 I'm afraid I would take up a little bit of time here.

25 Now on our property --

1 CHAIRPERSON NEWSOM: Just speaking of time, if
2 you could wrap up, and then we'll engage in a conversation
3 so I think we'll have you back in a moment.

4 MR. MILLER: In this area, I'm the only one on
5 the property -- not the only one. I'm one of about three
6 that do not have rock rip rap.

7 What we're seeing here is the actual erosion that
8 happened then and happened now and is not effected by the
9 rock rip rap, except it makes it just a little bit worse
10 on my adjoining property. My adjoining property is a
11 marsh does not go up and down. It stays level. If you go
12 down our place, you'll see the level of it is almost the
13 same all the way. But on my property, it drops from my
14 neighbor's property down to my property.

15 And I have to correct that. And the only way I
16 can correct it is keep out of the BCDC -- I mean the State
17 Lands Commission jurisdiction so that I cannot only
18 protect my property, I can protect the neighbor's
19 property.

20 And it's really not a big deal as far as things
21 of concern. But what concerns me is the marine ways as
22 part of the lease area, whether it's the footage that it
23 is, marine hoist lifts up in the air in the particular
24 case. I have to have water there. I can't have an area
25 in there that says that my marine ways is part of the

1 shoreline because it is not. It's just the principle of
2 marine ways that has been built on my own property because
3 all of these years I have never tried to get on state
4 property with areas like that that I had to work months
5 and months for.

6 CHAIRPERSON NEWSOM: I appreciate that, Mr.
7 Miller. Thank you very much.

8 Let me ask Jennifer to jump in now and then
9 prepare to perhaps be asked back up if we need a follow
10 up.

11 EXECUTIVE OFFICER LUCCHESI: Of course. I'll
12 give a little bit of context and then try to address the
13 concerns raised by our two applicants.

14 This was a huge public education effort and
15 engagement effort. As Brian mentioned, we not only
16 outreached through our frequently asked questions and
17 letters with homeowners along this stretch of Corte Madera
18 Creek, but we conducted a workshop. We also designed our
19 approach to this so there would be economies of scale in
20 terms of lease application fees.

21 So we set up the framework for both educating the
22 homeowners at this site in terms of the Commission's
23 jurisdiction and our leasing practices and programs, but
24 also encouraged them to submit applications in a time
25 period so that we could process them more efficiently and

1 effectively, thereby reducing their initial application
2 fees.

3 As part of that, a significant amount of the
4 application fees are eaten up by our boundary unit when
5 they're going out to assess our jurisdiction, develop land
6 descriptions, and include them in the proposed leases and
7 other documents.

8 There are certain ways that we can be a little
9 bit more effective and efficient about that in terms of
10 how you describe the lease area. This is getting to our
11 first applicant's concerns about how in the lease document
12 the legal descriptions are described. They are described
13 in a box. And then the real -- they do describe a box
14 area that on first blush may include private uplands.

15 But the most important part of that legal
16 description, which is clearly laid out, is accepting there
17 from those lands lying above or land ward of the ordinary
18 high water mark. Those are terms of art to say we are not
19 claiming or what is not part of this lease is your upland
20 private property. It's only that portion from the mean
21 high tide line/ordinary high water mark water ward.

22 But if we get into much more detail of describing
23 that actual boundary as surveyed by our boundary folks,
24 the lease application fees end up going up. We can't
25 achieve that economies of scale because they're going to

1 be slightly different. There are a significant amount of
2 work our boundary surveyors have to go into to write those
3 descriptions.

4 As one of the applicants mentioned, the leases do
5 not purport to establish or fix a boundary line. They are
6 simply to lease whatever interest the State may have along
7 these certain terms. In a court quiet title action or any
8 other kind of ownership process, this lease would not be
9 used necessarily to establish that ownership. We've tried
10 to be extremely careful and respectful of the boundary
11 between private property and public property in this.

12 So again, we have spent an enormous amount of
13 time kind of pinpointing all of these elements of the
14 lease and of the legal descriptions to highlight how we
15 have been respectful of those private property rights.

16 In terms of Item 64, the state of the law in
17 California is that erosion, no matter if it's natural or
18 artificial, the boundary moves with that erosion. It's
19 different when there is an been artificial fill. So I
20 wasn't quite clear on where Mr. Miller was going on some
21 of his statements. But we are not trying to put up
22 additional obstacles or requirements or stop him from
23 protecting his private property as long as those efforts
24 are on his private property.

25 But we have a duty to the public and to the State

1 to ensure that those facilities occupying State property
2 are under lease. And that's what we're trying to do here.
3 We've really I think done a tremendous job, our staff has,
4 in out reaching and providing information and educating
5 and really trying to bring these folks along during this
6 process in a very respectful and transparent way.

7 With that said, I'm happy to answer any
8 questions.

9 CHAIRPERSON NEWSOM: So Brian, you were asserting
10 a willingness to continue the dialogue in an openness to
11 work out some language, additional language. Remind me
12 where you were going with that.

13 LAND MANAGEMENT DIVISION CHIEF BUGSCH: It
14 doesn't change anything you've already approved. And it
15 doesn't address the boundary, as Jennifer said.

16 There's stuff explicitly in the lease that says
17 we're not trying to establish a boundary here. It has
18 nothing to do with that.

19 The provision that we talked with
20 Ms. Severinghaus adding was adding an acknowledgement of
21 the existence of another lease. None of these leases have
22 rip rap under lease with them. There is a separate lease
23 with the Golden Gate Bridge District for shoreline
24 protective structure that runs along this lease line. The
25 part of that rip rap may be on this. Part of it may be

1 behind. But the part on State lands is under lease to the
2 Golden Gate Bridge District. The provision that we would
3 acknowledge that, acknowledge that this shoreline
4 protective structure is on State land, on private
5 property, and also under BCDC jurisdiction and that this
6 may be revisited at some point.

7 As you mention, they're working on that because
8 it's entering the end of its life cycle and they may need
9 to address it. And that it would acknowledge that this
10 structure exists. It runs across different property
11 lines, and that we will work cooperatively when the time
12 comes with the leasees, with whoever, to get this under
13 lease and to make sure.

14 EXECUTIVE OFFICER LUCCHESI: So we have one lease
15 with another entity for the living shoreline protective
16 structure that's there. We have multiple leases with the
17 private homeowners. What Brian is saying is that we
18 will -- we are committing to work with all of the
19 homeowners and the lease with the -- I'm sorry the --

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Golden
21 Gate Bridge District.

22 EXECUTIVE OFFICER LUCCHESI: To make sure when we
23 process the renewal for the Golden Gate Bridge District
24 lease, that we do that in consultation with all of these
25 homeowners and make sure we all have the same shared

1 vision and plan for this. And that the leases that the
2 Commission is considering today for the individual docks,
3 those do not substantively interfere with the existing
4 lease out there and vice versa.

5 CHAIRPERSON NEWSOM: Got it.

6 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Which is
7 something we could do anyway. But they would feel more
8 comfortable having it in the lease document.

9 EXECUTIVE OFFICER LUCCHESI: We're happy to do
10 that.

11 CHAIRPERSON NEWSOM: Is there anyone else that
12 wanted to speak on this, didn't fill out a card? I just
13 had a two.

14 MR. MILLER: Did you want me to come back?

15 CHAIRPERSON NEWSOM: Well, I think I opened
16 myself up there, Mr. Miller, didn't I.

17 But is there anything just very briefly you wish
18 to say based on what you just heard? I think we're ready
19 to move forward with the recommendation of staff and the
20 caveats we just laid out. Anything briefly you want to
21 add to it? I'm trying to respect literally the 150 people
22 behind you as we move forward today. We haven't even
23 started.

24 MR. MILLER: I don't want to take over the thing
25 because I had public comment on the fact that within the

1 lease we cannot make any protections. So this is a bad
2 situation because we can't negotiate with the Bridge
3 District on any further protection. And my particular
4 property, I'm not within the lease because I don't have
5 any rock rip rap. It's kind of a bad question for me on
6 this particular property.

7 CHAIRPERSON NEWSOM: I get it. Jennifer --

8 MR. MILLER: You were talking about an erosion
9 problem, whether it's caused by one thing or another. I'm
10 trying to prove that it shouldn't be in the contention of
11 being on our property.

12 CHAIRPERSON NEWSOM: Mr. Miller, one brief
13 second.

14 Ms. Lucchesi.

15 EXECUTIVE OFFICER LUCCHESI: I was going to add,
16 nothing in this lease prohibits Mr. Miller from applying
17 to the Commission if he wishes to place any kind of
18 protection, protective structure, or fill to protect his
19 private uplands. He can apply to the Commission for those
20 activities if they were going to occur on State property.
21 We'd have to process that application, analyze it.
22 There's lot of different policies about filling the bay
23 that would have to come under scrutiny. But there is
24 nothing in this lease that prohibits him from applying to
25 conduct those activities.

1 And second, I just in terms of the Bridge
2 authority, again, we are very aware of that aspect to this
3 area and that we will be working very hard to make sure
4 that everything is synthesized appropriately and we all
5 have kind of the shared vision of what that area is going
6 to look like moving forward.

7 And I can't over-emphasize the respect that we
8 have for private property rights and that we will do what
9 we need to do in terms of respecting that and still
10 protecting the State moving forward.

11 MR. MILLER: I just felt there was a lot in the
12 agreement that I can't do anything the way that the
13 statement is in the agreement.

14 CHAIRPERSON NEWSOM: Well, I appreciate that.
15 And I hope you heard Ms. Lucchesi's reminder that we can
16 subsequently hopefully address some of those concerns.
17 And I want to assure you, Brian is committed to spending
18 as much time as necessary to address as many of your
19 concerns as possible; right?

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Correct.

21 CHAIRPERSON NEWSOM: That's wonderful. I
22 appreciate that with sincerity. Brian is good.

23 Any additional comments?

24 You guys favorably inclined to move forward?

25 ACTING COMMISSION MEMBER YEE: Yes.

1 CHAIRPERSON NEWSOM: Seconded on both items, Item
2 57 and Item 64.

3 ACTING COMMISSION MEMBER YEE: Yes.

4 CHAIRPERSON NEWSOM: Thank you. So those are the
5 consent calendar items that we had.

6 Again, any other public comment, just to confirm?
7 There will be none. Close the public comment.

8 And we will move to the next order of business on
9 the regular calendar.

10 Now, with that in mind, I'm sort of trying to
11 proportionately look at the stacks here and see who can
12 get a lucky break and get ahead of this. But you've got
13 to tell me what appears to be quick and efficient versus
14 what appears to be -- I'm looking at, for example, 118 and
15 119 perhaps as items we can move quickly through.

16 EXECUTIVE OFFICER LUCCHESI: We can certainly
17 move quickly on those.

18 CHAIRPERSON NEWSOM: Let's call Item 118 and then
19 move to 119. I don't see any public comments on those.
20 If you feel differently, fill out a card. We'll try to
21 move quickly through those, and we'll get to the items you
22 all came here for.

23 EXTERNAL AFFAIRS CHIEF PEMBERTON: Thank you.
24 Sheri Pemberton, Chief of External Affairs.

25 Item 118 recommends the Commission sponsor

1 legislation to clean up an outdated grant of public trust
2 land to the County of L.A. that was made in 1967. And
3 required that County to develop a plan and improve the
4 lands. If they didn't, then that land would revert back
5 to the State, which it has. So this proposed legislation
6 would just authorize removing that statute so there is
7 less confusion about US jurisdiction over that land.

8 So the recommendation is to approve sponsoring
9 that in the second half of the 2015/2016 legislative
10 session.

11 ACTING COMMISSION MEMBER YEE: I move staff
12 recommendation.

13 ACTING COMMISSION MEMBER ORTEGA: Abstain.

14 CHAIRPERSON NEWSOM: I will second that, and I'll
15 that will be the recommendation to move forward on Item
16 118. We have one abstention. And Item 119, we could call
17 that -- by the way, no other public comment on 118.
18 Fabulous. Closed. Move to 119.

19 EXTERNAL AFFAIRS CHIEF PEMBERTON: Thank you.

20 Item 118 also involves granted lands. It's a
21 grant to the city of Albany for areas along the
22 waterfront. And the grant required the city to develop,
23 among its many conditions, a waterfront land use plan and
24 the uses of the land would comport with that plan.

25 The city developed that plan decades ago at a

1 time when they envisioned a more kind of retail commercial
2 type development. They since shifted to wanting to do
3 recreation and open space. And so to do that, they have
4 to update their grant to do a new land use plan so we'd
5 like to pursue legislation together with the city of
6 Albany the update the grant with that new requirement and
7 new terms.

8 Earlier this month, the city of Albany also
9 authorized its staff to work with the State Lands
10 Commission staff to develop the legislation and work with
11 the Legislature.

12 So the recommendation is to approve sponsoring
13 that concept in this upcoming second half of the 2015/2016
14 legislative session and work with the city Albany.

15 ACTING COMMISSION MEMBER YEE: I'll move to
16 adopt.

17 CHAIRPERSON NEWSOM: You have to abstain on this
18 as well.

19 Anyone wish to speak on that?

20 Thank you.

21 Close public comment and move forward with that
22 item without objection. So that's 118 and 119.

23 I have one speaker card for Item 122. Is that an
24 item, Ms. Lucchesi, that you think is fairly swift?

25 EXECUTIVE OFFICER LUCCHESI: Yes, it is.

1 CHAIRPERSON NEWSOM: Let's move to that then.

2 EXECUTIVE OFFICER LUCCHESI: Warren Crunk is our
3 staff attorney that will be given staff's very brief
4 presentation on this. Music to his ears.

5 STAFF ATTORNEY CRUNK: I'll be brief then.

6 So once again, Warren Crunk, Staff Attorney.
7 I'll be presenting Item 122. This is for the regulations
8 to implement administrative hearings.

9 Now, it's long been against the law to build on
10 public land without authorization. Until recently, the
11 Commission's sole remedy was to file a trespass action in
12 civil courts.

13 Now on January 1st, 2013, Public Resources Code
14 Section 6224.3.4 and .5 became effective. These statutes
15 authorize the Commission to hold administrative hearings
16 and impose penalties for unauthorized structures on State
17 lands. The Commissioners or their alternates will serve
18 as the presiding officers for these hearings.

19 The proposed regulation before you will not add
20 to the Commission's authority or responsibilities. These
21 authorities already exist in the statute. The regulations
22 implement the Public Resource Code sections by providing
23 more detail and specificity for the hearing process which
24 already exists in statute.

25 The regulations include provisions for the notice

1 of violations, responses, deadlines, hearing procedures,
2 how the decisions are written, the fines, and other
3 procedural aspects of the hearing. But more importantly,
4 the regulations will provide the Commission and its staff
5 a clear, transparent, and more efficient process for
6 resolving trespass on sovereign lands in a timely manner
7 that avoids protracted and costly litigation.

8 This rulemaking was initially noticed on February
9 24th, 2015. A copy of the notice was sent to the nearly
10 5,000 physical addresses in the Commission's leasing
11 database, as well as the more than 650 e-mail addresses on
12 the Commission's e-mail distribution list.

13 Staff hosted the public hearing on June 8th of
14 this year. Seventeen people attended and ten made public
15 comments. Staff received an additional 15 written comment
16 letters during the original 46-day comment period.

17 Now, while there is very few comments in number,
18 many of them were very, very thorough. So staff took
19 those, went through them, and were able to incorporate
20 many of the suggestions into the modified text. So the
21 modified text was circulated for a second 45-day period,
22 and we received four comment letters during that. So no
23 further changes were necessary, and proposed regulations
24 are now offered for your consideration and adoption.

25 Staff believes these regulations are in the

1 State's best interest and recommend your approval.

2 CHAIRPERSON NEWSOM: All right. We have now two
3 folks that disagree with you. So we're going to invite
4 them up. But perhaps modestly. We'll see -- or mildly.

5 We have Greg Lien. I apologize if I pronounce
6 the last name incorrectly. And Jim Fletter. You can head
7 on up. Tell us what's on your mind.

8 MR. LIEN: Mr. Chairman, members of the
9 Commission, members of the staff, good afternoon. My name
10 is Greg Lien. I'm an attorney from Tahoe City and have
11 been practicing up there for 35 years or so. So I have
12 some concerns as to the impact of the regulations. I've
13 discussed them with Mr. Crunk and I think we understand
14 what you're going through.

15 It, of course, is a rather cumbersome current
16 process the judicial system versus which now could be
17 construed as a weapon of mass destruction, depending on
18 which end of the weapon you are. This is a very powerful
19 tool. The penalties for those who are unauthorized -- and
20 I'll get to why I think that's a significant word in a
21 moment -- the penalties can run up in a hurry at \$1,000 a
22 day. Of course, that can be \$365,000 a year. And pretty
23 soon after a few years, three years, you're into seven
24 figures. That's a lot of money for being in a situation
25 that you don't want to be in.

1 Let me give you an example. And again, I'm from
2 Tahoe, so this is our problem. What constitutes being
3 unauthorized? Now, we have the Tahoe Regional Planning
4 Agency, which is the lead regulator at Lake Tahoe. And
5 believe it or not, that agency has been in regulatory
6 paralysis for in excess of 30 years. They cannot seem to
7 pass an ordinance that passes muster with the various
8 environmental groups or even your own attorney general at
9 times. And we've been in and out of litigation at Lake
10 Tahoe on regulation on the shore zone on an ongoing basis,
11 and it still continues today.

12 If unauthorized means you lack all of your
13 necessary permits, including one from TRPA, that puts
14 people at Tahoe in an uncomfortable position because many
15 of them, if not most, have been unable to get permits for
16 their buoys, piers, shoreline protective structures, and
17 so on.

18 So if the staff would have a policy or a
19 commitment to issuing leases regardless of the position of
20 TRPA, that would be good news. And we would like to hear
21 that. Or a commitment to not use your enhanced
22 enforcement powers against structures which are
23 unauthorized because of TRPA's regulatory paralysis. So
24 we see two ways through this problem.

25 One of the things that your staff has been doing

1 I think to their credit for at least the past few years
2 has been issuing leases contingent upon the leasee
3 acquiring a new lease from the Commission within X years
4 after TRPA finally adopts an ordinance to regulate the
5 shore zone. That would be acceptable if that were a
6 strong commitment from the agency. But in the 30 years of
7 this ongoing moratorium, it's only been -- I'm out of time
8 and I have one more point I want to make.

9 CHAIRPERSON NEWSOM: Very briefly.

10 MR. LIEN: It's been only about five years out of
11 the 30 years that State Lands has been willing to issue
12 leases. So it's a difficult position for an applicant to
13 be in to come forward as to a series of structures may be
14 that aren't fully authorized. Would the Commission then
15 say well, we'll use our enforcement tool if they're
16 unauthorized we want them out of the lake and that doesn't
17 seem to be a positive approach.

18 My clients want to make their applications
19 without fear of being thrown in that camp of being
20 unauthorized simply because of this. I think I made that
21 point.

22 The other major category of people that I would
23 ask for some attention to would be those who are in good
24 faith disputes with your agency. And one I'm very
25 familiar with is the situation as to Donner Lake, which

1 most of you know is just over the pass there on Interstate
2 80. Very, very small lake. But we have a good faith
3 dispute with your staff as to the Commission's
4 jurisdiction. We believe Donner Lake is too small to be
5 navigable, as that term is used at law. And even if it is
6 subject to your jurisdiction because it's a navigable body
7 of water, then we dispute where the low water mark is. So
8 we have a good faith dispute we're working with your
9 staff. We hope we can settle this short of litigation.
10 And hopefully we're in a process to do just that. But
11 even if we were in litigation, it seems to us that using
12 this power would be an unconstitutionality in several
13 respects, chilling people from asserting their rights.

14 I'm done. Thank you, Mr. Chairman. I appreciate
15 your hearing me out on that.

16 CHAIRPERSON NEWSOM: Thank you for your comments.

17 Jim, are you here?

18 Those are the only two speakers I have. We're
19 taking notes and we'll respond.

20 Sir.

21 MR. FLETTER: My name is Jim Fletter. I'm a lake
22 front property owner at Donner Lake and have been since
23 1967. I'm also the president of SOS, Save our Shoreline
24 Donner Lake.

25 In approximately 1973, the State Lands Commission

1 sent out a notice to all lakefront property owners to sign
2 a lease. And that's when the dispute started, and that's
3 when SOS Donner Lake was formulated.

4 The process went on until 1988 until there was a
5 standoff and a dismissal. And like it went away,
6 remembering that in '73 or thereabouts they took us all
7 on.

8 Now, through the process of trying to knock us
9 off one by one through the permit process, for example,
10 the city of Truckee will not give us a permit to repair or
11 do any improvements to a pier or put a pier in without
12 getting a lease from the State Lands Commission.

13 So now we're in a situation where we again
14 formulated our position, have formed a group, are trying
15 to work with the State Lands Commission to arrive at an
16 acceptable means of establishing our rights.

17 And as far as I'm concerned, administrative
18 law -- I want to be kind because we're working through --
19 is a form of being guilty until proved innocent instead of
20 innocent until proved guilty. Okay. Thank you.

21 CHAIRPERSON NEWSOM: Thank you very much. Thank
22 you for your comments.

23 I see no other comments. We'll close public
24 comments -- one other, sir. Please. Thank you. State
25 your name for the record.

1 MR. JONAS: My name is James Jonas.

2 It's interesting when we look at this agenda, I
3 was not expecting to speak on this specific issue, but
4 addressing the broader issue of the climate change, sea
5 level rise specifically.

6 This is a situation where the state of California
7 has taken the position that as a seas rise, it takes. And
8 seems to me that the state of California would be
9 challenged if what we had is the State agency that would
10 be doing the taking has such powers at a \$1,000 a day to
11 take people's property in light of sea level rise. I
12 would just say I would probably take pause rather than
13 want to execute on such a matter, because it could have
14 substantial ramifications in the future.

15 CHAIRPERSON NEWSOM: Appreciate the comments.
16 Thank you.

17 Anyone else, just to affirm? Then we will close
18 public comments.

19 So either one of you head back up and let's talk
20 about the penalties, talk about some of the things you
21 heard from the three speakers. And I don't know if you
22 can unpack the Donner Lake issues perhaps as separate. I
23 don't know if they are.

24 STAFF ATTORNEY CRUNK: I'll be brief. First of
25 all, the regulations before you today implement the

1 hearing process. This is already law. The authority, the
2 ability to administer the fines, the amount of the fines,
3 that already exists in statute. So what we're doing here
4 is discussing the process through which these hearings go.
5 What's the content of the notice of violation. When is it
6 served. How long do they have to reply. Most of these
7 are pretty basic in nature.

8 The second thing -- and I think this really comes
9 down to the Commission's commitment to work with people,
10 the regulations implement the authority in such a way
11 where there are multiple provisions to toll penalties, to
12 waive penalties, and to reduce them.

13 So yes, there is a large number in the statute.
14 However, really if somebody puts in an application or if
15 they work through us with the conditional authorization
16 while other things are pending, there is multiple
17 provisions here to toll away a fine. So I think that
18 gives the Commission to flexibility to work with people
19 and establish a real world solution.

20 Mr. Lien pointed out the difficulties with TRPA.
21 And again, many of these comments were represented in
22 comment letters that were submitted during the course of
23 the comment periods. And they will be responded to in the
24 final statement of reasons. But briefly here, the
25 Commission has been issuing leases in Lake Tahoe,

1 regardless of whether or not somebody has a TRPA permit,
2 but based on the basis of whether or not they would
3 qualify for one if they were issuing under their current
4 ordinances.

5 So the fines are not imposed based on whether or
6 not somebody has a TRPA permit. It's looking at whether
7 or not they have the Commission authorization. So the
8 regulatory paralysis of TRPA doesn't necessarily keep us
9 from going forward with leasing.

10 And I know they brought up the issue of the good
11 faith disputes. There will be disputes from time to time.
12 And it was suggested during the regulatory process that we
13 put a term in there that prohibits us from using any of
14 the administrative process when somebody disputes the
15 boundary of the jurisdiction of the Commission.

16 And frankly, that idea wasn't favored by staff
17 simply because you wouldn't have to be fining somebody if
18 they agreed with your jurisdiction. It would take almost
19 anybody out of the administrative process by them simply
20 just disputing. So I believe that addresses that one.

21 And did you want to go into the Donner Lake
22 issues, too?

23 CHAIRPERSON NEWSOM: Jennifer, why don't you
24 amplify?

25 EXECUTIVE OFFICER LUCCHESI: I was just going to

1 add that the way that this administrative hearing process
2 is set up is for staff and the affected party to present
3 their case in front of the Commission at a public properly
4 noticed meeting. These fines are not going to be issued
5 by staff sitting in our office in Sacramento. We will be
6 bringing these issues and cases to the Commission so that
7 you can in your discretion weigh the different factors
8 involved and deal with the alleged trespass in a way that
9 you deem fit in accordance with the law and the
10 regulations.

11 I can't over-emphasize enough that the statute
12 that was passed in 2012 was incredibly detailed in how
13 this administrative hearing process and hearing program
14 would go. The regulations that are before you today
15 really just provide additional process, public
16 transparency, and expectations for the public so that they
17 know what is before them if they end up having to come to
18 the Commission under a situation like this.

19 We're not making new law through these
20 regulations by any means. This really was an effort to
21 increase transparency and open up the process so that we
22 all have the same managed expectations moving forward.

23 And I'll let Warren go into the Donner Lake
24 situation.

25 CHAIRPERSON NEWSOM: Briefly, to the extent we

1 can tie this together.

2 STAFF ATTORNEY CRUNK: I think the quickest way
3 to summarize Donner Lake was in 1973 we did an extensive
4 boundary study and analysis and came to a conclusion of
5 where the boundary should be. We then approached the
6 owners. There was a dispute, of course, because they
7 disagreed and didn't want to come under lease. And there
8 was some litigation. And actually neither side as far as
9 I know understands why that litigation was dropped after
10 it had run almost a decade.

11 And time passed. Staff resources were limited.
12 But now we're back to the question of Donner Lake. And we
13 have met with the representatives of SOS Donner Lake.
14 Once again, we presented our case. And we are waiting
15 their reply with some evidence in support of their
16 position. So we are working with them.

17 CHAIRPERSON NEWSOM: Generally interested in that
18 conversation, so I'll look forward to your following up on
19 that.

20 EXECUTIVE OFFICER LUCCHESI: I will say, too,
21 that the Commission and its staff have a very strong
22 record of working with effected parties, with our
23 applicants, with folks and entities that may disagree with
24 our jurisdiction. We aren't reactive in terms of taking
25 enforcement action without spending a tremendous amount of

1 time working with people, with homeowners.

2 CHAIRPERSON NEWSOM: I can attest to that. And I
3 mean, there is that. It was important point you made from
4 the onset. This is not going to be in an opaque way at
5 the staff level. Quite the contrary. I'm sitting here
6 subjectively and you're entrusting us to do that. So I'll
7 look upon that perhaps more favorably than people that
8 aren't sitting up here. But based on my experience, what
9 you just said is certainly true. So there is -- that
10 weighs heavily on me in terms of this consideration.

11 Are there any additional comments?

12 You know, I appreciate the testimony and I
13 appreciate what you're trying to achieve here and will
14 look to monitor those concerns. And that's incumbent upon
15 us to do so and be open minded.

16 As I said on the Donner issue, it's an intriguing
17 one. I can sense the frustration. I understand it. You
18 want to move forward with something. Can't move forward
19 with something. Struggle, frustration, different points
20 of view about jurisdiction and oversight. So I hope we do
21 move forward expeditiously on that. So with that in mind,
22 is there a motion in favor?

23 ACTING COMMISSION MEMBER YEE: Approve staff
24 recommendation.

25 ACTING COMMISSION MEMBER ORTEGA: Second.

1 CHAIRPERSON NEWSOM: Without objection. Thank
2 you.

3 We'll move now to an item -- you know, I'm
4 trying -- we're at a point where none of you are going to
5 be happy if your item is not called on. This is why I
6 don't like my job. My job is to make you all love us.

7 EXECUTIVE OFFICER LUCCHESI: In spite of staff.

8 CHAIRPERSON NEWSOM: So I can abdicate and ask
9 you to pick a number. But why don't we -- the biofouling
10 I don't expect -- why don't we jump into that and we'll go
11 to the guts of today's conversation.

12 EXECUTIVE OFFICER LUCCHESI: That sounds great.
13 That's Item 121 for those who have no idea what I just
14 said.

15 EXECUTIVE OFFICER LUCCHESI: Chris Scianni will
16 be making staff's presentation today.

17 CHAIRPERSON NEWSOM: If you haven't filled out a
18 speaker card for Item 121, please do so. I have five or
19 six right now.

20 (Thereupon an overhead presentation was presented
21 as follows.)

22 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Good
23 afternoon, Mr. Chair and Commissioners.

24 My name is Chris Scianni. I'm a Senior
25 Environmental Scientist Supervisor with the Commission's

1 Marine Invasive Species Program. I'll be presenting the
2 staff report for Item 121.

3 --o0o--

4 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Staff is
5 recommending adoption of the regulatory amendments and
6 additions to the California Code of Regulations, Title 2,
7 Division 3, Chapter 1, Article 4.8. Biofouling management
8 to minimize the transport of non indigenous species from
9 vessels operating in California waters.

10 --o0o--

11 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So the
12 problem that these proposed regulation are attempting to
13 address is the introduction of non-indigenous species into
14 the California waters. And non-indigenous species are
15 organisms that are transported into an area where they
16 don't naturally or historically occur. If they become
17 established in these new areas, they can cause a variety
18 of negative environmental, human health, and economic
19 impacts. As an example, economic impacts have been
20 estimated at about \$120 billion in the U.S. per year.

21 And as further examples, these are some pictures
22 of some aquatic and non-indigenous species that are
23 currently found in California's waters.

24 --o0o--

25 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: These

1 non-indigenous species are moved around the world through
2 a variety of different vectors, the most prolific of which
3 are vessels, ocean going and coastal vessels.

4 These vessels move these organisms around in two
5 primary ways. The first is ballast water. Basically,
6 water that the vessels take on board for trim and
7 stability and unloading cargo. And then they will
8 discharge that water into a subsequent port, moving the
9 entire community of organisms from one port to the next.

10 The other mechanism, the one we are here today to
11 discuss, is the vessel biofouling, which refers to the
12 organisms that are attached or associated with the
13 underwater surfaces of the ship. So as the ship moves
14 from port to port, this community of organisms is moved
15 along with it and has the opportunity to be introduced
16 into all of these different ports.

17 --o0o--

18 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Vessel
19 biofouling is commonly referred to as hull fouling. We do
20 want to point out that there are a lot of different
21 underwater surfaces including recesses and appendages that
22 all can be become fouled. And most often, these recesses
23 and appendages get fouled at a much quicker rate and much
24 greater densities and more species diverse communities.
25 And we collectively refer to these recesses and appendages

1 as niche areas. When we talk about vessel biofouling,
2 we're talking about all of the underwater surfaces. It's
3 an important topic for us in California, because
4 biofouling is believed to be responsible for up to 60
5 percent of the currently established non-indigenous
6 species in our waters, in our coastal and estuary waters.

7 --o0o--

8 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: The
9 Legislature put our program in place in 1999 through
10 legislation where they declared that the purpose of the
11 program was to move to state expeditiously toward
12 elimination of the discharge of non-indigenous species
13 into the waters of the State. And we do this by focusing
14 on prevention through vector management. So we focus on
15 the management of vessels as the vectors moving these
16 organisms across. And we focus specifically on ballast
17 water management and biofouling management.

18 The current proposal that's under your
19 consideration today is in response to a 2007 legislative
20 mandate to develop and adopt regulations governing the
21 management of biofouling in California.

22 --o0o--

23 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: I want
24 to quickly spend the next couple of minutes going through
25 a time line of events that let us through the development

1 of these proposed regulations. It started in 2006 when
2 the Commission approved and submitted to the Legislature a
3 report outlining commercial vessel fouling in California.
4 I do want to point out as I'm going through this, the
5 yellow box refers to the current slide I'm talking about.

6 In 2007, the Legislature picked up some of the
7 recommendations in the report and placed the mandate on
8 the Commission to develop and adopt these regulations.

9 In 2007-2008, we developed a hull husbandry
10 reporting form and adopted it via regulations. This is
11 basically a reporting form that every vessel coming into
12 California submits to us once per calendar year. It
13 outlines the vessels maintenance and operational practices
14 to give us an idea of what was being done to manage
15 biofouling and prevalence of some of these operational
16 practices that we know influence the accumulation and
17 survivorship of the organisms.

18 --o0o--

19 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: From
20 2006 all the way to the present, we've been funding,
21 collaborating on, and conducting research to identify
22 different patterns of biofouling on different types of
23 ships and different underwater surfaces of the vessels.
24 With the idea that we would use this information along
25 with the information that the vessels were submitted to us

1 to give us a better idea how those specifics practices
2 influence the patterns of biofouling we see from the
3 vessels coming into California.

4 2010, we initiated coordination with the
5 international partners, the international maritime
6 organization, and the federal government of Australia and
7 New Zealand. At the time, the four of us were the only
8 entities in the world that were moving on biofouling
9 policies, either regulations or voluntary guidelines.

10 We continued that in 2010 and '11 by convening a
11 biofouling specific technical advisory group that included
12 a lot of shipping industry representatives, scientists who
13 focus on biofouling and bioinvasions, environmental
14 advocacy groups, and other regulators at the local, state,
15 regional, national, and international levels.

16 After that technical advisory group process, we
17 initiated a public rulemaking action in 2011 where we
18 released and received comments on four different drafts of
19 the proposed regulations. At the end of that process, we
20 ran into the one-year deadline to finalize the rulemaking
21 action in California. So we had to withdraw it.

22 2013, we reconvened that biofouling technical
23 advisory group and again discussed how we can further work
24 on that regulatory framework with the set of stakeholders
25 that we convened.

1 In December of last year, we released another
2 draft for informal public comment because we wanted to
3 then hear what the rest of the public had to say before we
4 initiated the rulemaking action.

5 And then in May of this year, we initiated the
6 current rulemaking action we're operating under today. We
7 released two drafts and received comments on those. And
8 that leads us to today where we're asking for your
9 consideration.

10 CHAIRPERSON NEWSOM: Great.

11 --o0o--

12 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Again
13 want to spend a few minutes talking about the major
14 provisions contained within the proposed regulations. The
15 first one deals with planning, recordkeeping, and
16 reporting.

17 So every vessel is going to be expected to
18 maintain a biofouling management plan and record back
19 that's aligned with the international maritime
20 organizations biofouling guidelines. The same documents
21 that are requested internationally we're going to be
22 requiring here in California.

23 We also are going to continue collecting the hull
24 husbandry reporting form to allow us to collect
25 information to see how these practices are changing as our

1 regulations and other regulations around the world are
2 implemented to see if any of these practices are changing
3 and also to allow us to conduct pre-arrival risk
4 assessment so we can better use our inspector resources to
5 go out and provide outreach to the vessels that actually
6 need it.

7 --o0o--

8 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: We have
9 biofouling management provisions that essentially codify
10 the best practices that are out there today, specifically
11 for the hulls and those niche areas that are referenced
12 earlier. For the hulls, there is a strong financial
13 incentive for the vessels to maintain those areas free of
14 biofouling, because anything that's growing on the hull
15 will contribute to drag when the vessel is moving through
16 the water. And that leads to higher operating costs and
17 fuel. We're codifying what's currently the best practice
18 there for the niche areas.

19 Many of these are unmanaged today. So the
20 requirement is they have to be managed by in whatever way
21 the owner or operator or vessel determines is most
22 appropriate for their operating profile.

23 Doing nothing is no longer an option, but they'll
24 do what they feel is best and we'll track what's being
25 done and look at the efficiency of those and we'll be able

1 to provide better guidance into the future.

2 --o0o--

3 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: We have
4 two provisions for high risk vessel profiles. One is
5 vessels that have obviously excessive biofouling, which we
6 find is more than 15 percent of the available surface in
7 any given area. In cases like this, these organisms are
8 in high abundances on certain areas. And they provide --
9 they increase the likelihood that that vessel will
10 introduce these organisms into new areas. Also causes
11 more drag and more fuel consumption. So most vessel
12 owners or operators won't want to sail ships like this
13 because of the cost involved. So we don't anticipate this
14 representing a large number of vessels. But we do see it
15 at times so we want to include a provision in there for
16 them to have extra management.

17 --o0o--

18 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: The
19 other high risk profile are for vessels that remain in one
20 area for a long period of time for these extended
21 residency periods that we defined as 45 days or longer.
22 This can include vessels that are waiting at anchor for
23 work like what we saw during the great recession when
24 consumers stopped buying goods and some other ports around
25 the world ended up looking like parking lots with

1 unemployed vessels. Or could be vessels that move slowly
2 infrequently and across small distances within the same
3 port. Both of these cases, the vessels don't move very
4 fast and they're sitting in the same area and more likely
5 to accumulate organisms. And they represent a greater
6 risk once they go back into a new port after this.

7 --o0o--

8 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And then
9 finally, we have provisions that provide a blueprint for
10 how to petition for an alternative form of management if
11 this situation warrants that or how do you claim an
12 emergency exemption if that's necessary as well.

13 --o0o--

14 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So we
15 mentioned we had two public comments for this current
16 rulemaking action.

17 The first one we had 191 comments received. The
18 most common comments were either asking for exemptions for
19 certain underwater surfaces that are difficult or
20 dangerous to clean so they wouldn't create a violation.
21 And we adjusted the proposed rule to account for that.
22 There were some requests about what to do with
23 recordkeeping for vessels that aren't planning to come
24 into California, but maybe rerouted into California at
25 certain point. And they didn't want to be penalized for

1 not having appropriate documents. So we created a grace
2 period.

3 We made those changes and a few others, put it
4 back out for public comment, received 55 more comments.
5 Most of those were supportive in nature. And you can see
6 in the bottom bullet, all the comments we received from
7 both comment periods will be responded to in the final
8 statement of reasons.

9 --o0o--

10 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And then
11 just again to reiterate, the staff recommendation is to
12 approve the regulatory amendments and additions to the
13 California Code of Regulation Title 2, Division 3, Chapter
14 1, Article 4.8.

15 I do want to point out that the proposed
16 regulations will become effective if adopted on July 1st,
17 2016. But most of the provisions that require planning
18 ahead of time won't kick in until after the first dry dock
19 after July 1st 2016 to give them enough time to plan and
20 implement their strategy for that specific vessel.

21 So thank you.

22 CHAIRPERSON NEWSOM: Great. Thank you very much.
23 We have a series of presentations over the years on this.

24 EXECUTIVE OFFICER LUCCHESI: Yes, we have.

25 CHAIRPERSON NEWSOM: Very familiar. But that

1 said, we have new Commissioners, and that, I imagine, was
2 enjoyable. Not to suggest I wasn't enjoying it.

3 EXECUTIVE OFFICER LUCCHESI: I do want to just
4 add real quick onto Chris's presentation and say that the
5 Commission has heard this subject matter quite a few times
6 dating back the past five years, particularly on the
7 biofouling management. The results that you're seeing
8 that's being presented to you today is the product of a
9 tremendous amount of outreach on behalf of staff with the
10 regulated community, with environmental advocates, and
11 other stakeholders. And I think that is apparent in some
12 of the comment letters that you've seen from those
13 stakeholders. Obviously, there's a couple here that still
14 have concerns. But I just want to highlight the work that
15 staff did, particularly Chris and his team, in conducting
16 this outreach and really trying to find that sweet spot in
17 this regulated environment that we're in.

18 CHAIRPERSON NEWSOM: Just on the basis of our own
19 private meetings we've had from many to now, a few is
20 subjective of the process that have been made.

21 But the few are here, and we look forward to
22 hearing from them. Richard Smith, I know you're here to
23 discuss this, Charles Costanzo as well. Come on up. And
24 then Lauren and we'll get to a few others. I think
25 there's actually a person or two is here to speak

1 favorably. Sir.

2 MR. COSTANZO: Thank you. Good afternoon, Mr.
3 Chairman, Commissioners.

4 My name is Charles Costanzo on behalf of the
5 American Waterways Operators. American Waterways
6 Operators is the national trade association for the
7 tugboat, tow boat, and barge industry. Tugboats and
8 barges represent the largest segment of the US merchant
9 marine fleet, accounting for over 30,000 vessels,
10 approximately three-quarters of the domestic commercial
11 fleet. This industry is a vital segment of America's
12 transportation system, with nine AWO member companies
13 headquartered in California and many more operate in
14 California waters.

15 These vessels help to move millions of tons of
16 freight every year, reducing congestion on the state's
17 highways and railroads while producing significantly fewer
18 pollutes than trucks and trains.

19 AWO members perform barge operations, ship
20 docking, tanker escort, and marine construction services
21 in California. California's waterways and ports
22 contribute \$67 billion to the state's economy and towing
23 vessels, in some way or another are integral for almost
24 every aspect of this significant economic activity.

25 The proposed regulations establish a presumption

1 of compliance for all covered vessels using properly
2 applied anti-fouling coating. However, at Section 2298.7,
3 the regulations place additional requirements on vessels
4 that stay in the same location for longer than 45 days.
5 While the staff report notes these requirements apply
6 equally to vessels working within the state and coming
7 from outside, the practical application of these rules
8 would fall disproportionately and unfairly on all covered
9 US flag towing vessels that enjoy the interstate commerce
10 protections expressly and impliedly afforded under the US
11 Constitution.

12 Unlike transoceanic ships, towing vessels work
13 for extended periods in a given port performing various
14 services. It is important to note these vessels not
15 necessarily idle during this time, but they are working
16 within a smaller area. Like transoceanic ships, these
17 towing vessels use anti-fouling coatings to retard the
18 growth of biofouling on the hull. However, staff contends
19 that the long residency periods of these vessels creates a
20 substantial enough risk to establish these restrictions of
21 interstate commerce that fall disproportionately any on
22 the U.S. towing fleet.

23 As support for this contention, staff points to a
24 New Zealand study of a seven-vessel sample, five barges
25 and two tugs. A study that also makes clear that paint

1 condition correlates directly to biofouling risk. Yet,
2 the proposed rule provides no relief for a towing vessel
3 operator whose vessels have properly applied anti-fouling
4 coatings in excellent condition. Nor does anything in the
5 staff research articulate why 45 days is the number of
6 days at which a vessel becomes a higher risk. Each
7 reassignment of an extended resident vessel into a new
8 California port whether originating in a California port
9 or elsewhere would necessitate a hull inspection or costly
10 dry docking procedure. This creates significant
11 logistical and cost barriers to an operator seeking to
12 relocate a vessel from any other U.S. port into a
13 California port.

14 Furthermore, there is no evidence to suggest that
15 biofouling from towing vessels and coast wide trade have
16 in any way contributed to propagation of invasive species
17 in California to begin with. The proposed rule clearly
18 restricts interstate commerce without articulating
19 rational basis for doing so and without properly
20 considering less restrictive measures for managing the
21 introduction of invasive species from this vital class of
22 vessels. AWO asks that this Commission defer this matter
23 until such a time these concerns can be addressed. Thank
24 you.

25 CHAIRPERSON NEWSOM: Thank you for your comments.

1 Richard Smith. Come on up.

2 MR. SMITH: Good afternoon. My name is Richard
3 Smith. I'm General Manager for Westar Marine Services.

4 The Lieutenant Governor might remember me. The
5 owners of Westar, two women, when we moved a building by
6 barge and tug the Giants ballpark parking field down to
7 the Bay View District to use as a women's health clinic.

8 CHAIRPERSON NEWSOM: We were grateful for that.
9 Thank you.

10 MR. SMITH: You're welcome. So Westar is women
11 owned small business headquartered in San Francisco with
12 operations also in the Seattle area. We own and operate
13 17 tugboats, 18 barges, six water taxis, mainly for marine
14 construction support up and down the west coast. We
15 employ approximately 55 men and women in California. And
16 these proposed regulations will have a significant and
17 costly effect on our operations. Thus, we strongly
18 support the testimony provided by Charlie Costanzo from
19 Waterways Operators.

20 The regulations put biofouling requirements on
21 vessels that stay in a port for longer than 45 days. Most
22 of our equipment stays in the port more than 45 days
23 working on various projects. So these requirements will
24 hinder our ability to move tugboats and barges from one
25 California port to another or from out of state into

1 California. We have not seen any evidence presented by
2 State Lands that clearly demonstrates that an innovative
3 species threat exists to California waters from the hulls
4 of tugs or barges.

5 The costs to be a dry dock and perform hull
6 cleaning prior to moving these vessels will expensive and
7 cause delays. This will hinder our commerce between
8 states and between ports within California.

9 As a California marine services company that
10 takes regulatory compliance as utmost priority, we will be
11 placed at an economic disadvantage when bidding jobs that
12 occur in California ports other than San Francisco Bay or
13 in Washington and Oregon.

14 For in-state work, we would have to clean hulls
15 both before and after moving any equipment between the
16 ports. And for work in Washington or Oregon, we would
17 have to clean the hulls before moving the equipment back
18 to California. Westar respectfully requests the
19 Commission consider deferring the biofouling extended
20 residency regulation until such times these concerns can
21 be addressed.

22 CHAIRPERSON NEWSOM: Thank for your comments.

23 Ms. DeValencia.

24 MS. DE VALENCIA: Good afternoon. My name is
25 Lauren DeValencia. I'm speaking today on behalf of MAERSK

1 line, the world's largest container shipping company.
2 MAERSK has participated throughout the TAG -- I'll call it
3 TAG -- process through on this regulation and supports the
4 regulatory language as proposed today. We do appreciate
5 the consideration given to our input.

6 The vessels that call on California travel
7 through the world. And for that reason, we strongly
8 support the approach this regulation takes, which is
9 aligning California's requirements with the international
10 IMO guidelines which are currently voluntary.

11 Alignment with international guidelines is very
12 important for operations and also important to enable hull
13 maintenance required by this regulation.

14 I thank you again for working with the TAG to
15 develop this practical approach to hull biofouling for
16 commercial vessels.

17 And just wearing another hat, also like to speak
18 in support on behalf CLIA, the Cruise Lines International
19 Association. They both do look forward to working with
20 State Lands Commission staff in the future for the
21 development of the hull ranking protocols. Thank you.

22 CHAIRPERSON NEWSOM: Thanks very much.

23 Karen McDowell.

24 I have no other speaker cards. If you wish to
25 speak, please fill out one. Thank you.

1 MS. MCDOWELL: Hello. Thank you for the
2 opportunity to address you today.

3 My name is Karen McDowell. I'm with the San
4 Francisco Estuary Partnership. I'm an environmental
5 planner and a Ph.D. and marine ecologist.

6 I'm speaking today in support of the regulations
7 on biofouling. I also hold a seat on the federal ANS Task
8 Force and am a member of the Western Regional Panel on
9 aquatic nuisance species. I can tell you that marine
10 biofouling is the major issue that's on the coastal states
11 agenda as the problem that's causing most concern to the
12 states at this time.

13 And from the environmental perspective, we would
14 hope these are a little stronger, but we understand the
15 operational constraint to the industry. And we understand
16 the importance of trying to merge with international
17 guidelines.

18 We'll say it's very important to manage the niche
19 areas, as is shown in the regulations. And also we're
20 very concerned about the vessels that have extended
21 residency periods. When a vessel sits in San Francisco
22 Bay, it's of the most invaded estuaries in the world. We
23 have our own San Francisco organisms, but we have them
24 from everywhere else. When vessels are stationary or slow
25 moving and staying in the bay for a long time, they're

1 going to accumulate organisms. And when they move along
2 the coast, it's a major issue for everyone. So we're very
3 excited.

4 This is a big step forward. Hopefully, we can
5 move forward with these biofouling regulations. And I can
6 also say that a lot of the other states are moving
7 forward. They're working on a regional marine biofouling
8 plan. That's not a regulatory type of plan. But the
9 states and also the Canadian Provinces are working
10 together to align best management practices and regional
11 strategies on marine biofouling. So that's it.

12 CHAIRPERSON NEWSOM: Thank you. Grateful for
13 your comments.

14 Anyone else wish to speak on this item? Seeing
15 none, we'll close the public comment.

16 So the legitimate issue of concern for the tugs
17 and barges -- and by the way, Mr. Smith, thank you. He
18 did -- maybe he was smart to tug on my memory. Because
19 his partners did something very significant for the folks
20 in the southeast sector of San Francisco. That will not
21 be forgotten. I'm grateful to them. But that's separate
22 and above the concerns. But the notion of 45 days
23 particularly for the tug and barge industry and the fact
24 it hits the vessel disproportionately, how do we respond?

25 EXECUTIVE OFFICER LUCCHESI: I would like to

1 bring Chris back up to help respond to that. And there
2 may be some legal aspects -- there were some legal aspects
3 raised by a couple of the speakers. So Mark can certainly
4 address some of those as well.

5 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: I do
6 want to point out that our jurisdiction is over vessels
7 that are 300 gross registered tons and above and are
8 capable of carrying ballast water. That's written in the
9 statute. And I'm not sure the population of tugs that
10 would fall into that category.

11 CHAIRPERSON NEWSOM: Meaning you don't think many
12 do?

13 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Many of
14 those would fall underneath regulations. I think the
15 concern that's been voiced before was construction vessels
16 that might be doing work along the Bay Bridge and then
17 moved into L.A. or Long Beach for other work. We didn't
18 come at this looking to regulate specifically the tugs or
19 the barges. It was mainly we're looking at risk. The
20 profile that these vessels happen to share is a high risk
21 profile. Karen mentioned when the vessel sits stationary
22 or the move slowly or intermittently, it's more of an
23 opportunity for the organisms to colonize the ship when
24 they're sitting stationary for a long time or they're
25 slowly moving across small distances. You don't have the

1 voyage effect that happen when you're moving across ocean
2 basins that might remove organisms from the side of the
3 vessels.

4 And the anti-fouling paints that are being used
5 today require water movement for them to function properly
6 to refresh the surface of the coating or to remove that
7 for foul release coatings. These types of profiles don't
8 allow the anti-fouling coatings to function properly. For
9 that reason, these types of profiles are a high risk.
10 That was the reason that we included that language in
11 these regulations. The 45 days, ideally it would be a lot
12 less. These organisms can colonize services in a week or
13 two. The 45 days was definitely a compromise that came
14 about during the technical advisory group process with the
15 industry and other --

16 CHAIRPERSON NEWSOM: It wasn't randomly --

17 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: No. We
18 looked at all the data for five years of the vessels that
19 had submitted reports to us that said we stayed in this
20 area for at least ten days, sometimes as much as a year
21 and a half and looked at the whole population of vessels
22 and found that 45 days only captured maybe about the top
23 five percent. So the most risky of the risky.

24 CHAIRPERSON NEWSOM: Got it.

25 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And the

1 rest of the vessels would fall under the other categories
2 that were included in the regulation.

3 CHAIRPERSON NEWSOM: I appreciate that.

4 Any comments or questions?

5 Jennifer, anything else you want to add to
6 reinforce?

7 EXECUTIVE OFFICER LUCCHESI: No. Just what I've
8 already said about the outreach and the compromise that
9 has been achieved throughout the last couple years through
10 the technical advisory group, the various outreach with
11 stakeholders. And what we're presenting to the Commission
12 today is really a product of that significant amount of
13 compromise. While still pursuing the state directed goals
14 to prevent marine invasive species into California waters.

15 CHAIRPERSON NEWSOM: Imagine this is -- I mean
16 seems an appropriate word -- an organic process as well in
17 terms of -- I mean, you are open argument interested in
18 evidence, to the extent you'll come back with information
19 that contradicts intent and we can make adjustments
20 accordingly.

21 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: I'd like
22 to also point out one other thing that we do have
23 provisions in there that allow for a vessel owner to
24 petition for an alternative form of management if --

25 CHAIRPERSON NEWSOM: Nice.

1 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So that
2 is an avenue for these types of vessels.

3 CHAIRPERSON NEWSOM: I'm satisfied.
4 How are you feeling?

5 ACTING COMMISSION MEMBER YEE: Feel good. I also
6 want to thank the staff for the tremendous outreach and
7 just the very open and inclusive process. I think it's a
8 good body of work. We're really aligning ourselves with
9 the best practices. So with that, I would move adoption
10 of the regulation proposed before us.

11 CHAIRPERSON NEWSOM: I think it was -- and I'm
12 with you on best practices though. I think, I mean, this
13 is what happens when you're Jerry Brown's Lieutenant
14 Governor. You start quoting Pericles. Who said, "We do
15 not imitate" -- this is what he said to the Athenians. "We
16 do not imitate, for we are a model to others." So we're
17 establishing in the spirit of our Governor.

18 You second, without objection.

19 Thank you, guys, very much.

20 We'll move to Item 120 and then get into those
21 final few.

22 EXECUTIVE OFFICER LUCCHESI: Item 120 is an
23 informational presentation by the Maritime Alliance.

24 Greg Murphy is the newly appointed Executive
25 Director of the Maritime Alliance. He will talk about the

1 goals and objectives of the Maritime Alliance on its
2 effort to promote sustainable and science-based ocean and
3 water industries.

4 Greg's presentation was at the request of
5 Controller Yee. And I think the Commission will see
6 through this presentation some opportunities for
7 collaboration and partnership with the State Lands
8 Commission.

9 (Thereupon an overhead presentation was
10 presented as follows.)

11 MR. MURPHY: Well, Commission and Madam
12 Controller, Mr. Lieutenant Governor, Ms. Ortega, Ms. Baker
13 and Ms. Yee, thank you for having me.

14 My name is Greg Murphy. I'm Executive Director
15 of the Maritime Alliance. In respect for your time, I
16 will keep my presentation short. I cut it down to
17 30 minutes. That was a joke. I promise that is not --

18 CHAIRPERSON NEWSOM: All the time you need.

19 --o0o--

20 MR. MURPHY: Just real quick, we are two
21 nonprofits. We have a 501(c)(3) nonprofit educational
22 foundation. We focus on workforce development, research,
23 and community outreach. We have a maritime alliance
24 501(c)(6) industry association. We are the industry
25 association for the largest blue tech cluster in the

1 United States, and that's based out of San Diego. We
2 focus on economic development, business ecosystem
3 development, and outreach. Together, we promote
4 sustainable science-based ocean and water industries.

5 --o0o--

6 MR. MURPHY: These are the 16 sectors of what we
7 call and define the blue economy. It includes your
8 traditional maritime sectors like aquaculture and fishing,
9 shipping, ship building, and also includes the
10 non-traditional sectors, the more innovative sectors, like
11 desalination and clean water, ocean energy, and minerals,
12 maritime robotics, very large floating platforms. That's
13 interesting especially in light of the last conversation.
14 Very large floating platforms we think we are going to be
15 seeing off-shore ports in the next 20, 30, 40 years. This
16 solves a lot of problems with regards to the security with
17 regards to ballast water, with regards to a number of
18 areas. We think there is a business case to be made.

19 Aquaculture is very interesting. The state of
20 California, as I understand 2011 numbers, had about \$43
21 billion of agriculture business, 54 million only in the
22 aquaculture. That's a huge disparity. Right now, the
23 United States imports about 91 percent of the seafood that
24 we consume. That's worth \$14 billion. There is a huge
25 disparity there as well. The conservation international

1 says aquaculture is the best way to feed a growing
2 population.

3 Over the next -- between now and 2050, our
4 population is going to grow from 7 billion to 9 billion
5 people. We need to be planning for those kinds of things.
6 I think the State Lands Commission is the perfect
7 opportunity to give us that opportunity. If you give us
8 20 square miles anywhere in the ocean where it makes
9 sense, we'll give you a \$3.3 billion aquaculture industry
10 that supports 22,000 jobs.

11 --o0o--

12 MR. MURPHY: We take a look at San Diego's blue
13 economy, the economic impact based on 2011 numbers. We
14 found 1,400 companies that is supports 46,000 jobs, worth
15 over 14 billion in direct annual sales. That's not direct
16 or induced. That is direct sales in San Diego County
17 alone. Those are good paying blue and white collar jobs,
18 everywhere from manufacturing and welders and pipe fitters
19 to your Ph.D. level people that are designing the latest
20 and greatest in maritime technology, maritime robotics,
21 desalination. Again, those 16 sectors that we focus on.

22 These are worldwide markets with high export
23 potential. These are company's in our own backyard in San
24 Diego that we had no idea existed because they're
25 exporting to other parts of the world. They're not

1 members of our Chamber of Commerce. They're not members
2 of our regional and economic development committees. This
3 really was a hidden economy. We're starting to bring
4 light to that and creating a national blue voice.

5 We're partnering with other blue tech clusters
6 around the county, the Gulf Coast, Boston, Seattle, and
7 also partnering with international blue tech clusters. We
8 held a conference back in November and we had clusters
9 from the UK, from France, the southwest of France, from
10 Ireland, from Canada, Portugal. They threatened to come,
11 but they ran out of funding at the last minute.

12 --o0o--

13 MR. MURPHY: This is an example of an underwater
14 feed that one of our member company creates. I saw a
15 slide in one of your staff's presentations earlier made by
16 the same company. These inspect coral reefs, the
17 underside of ships. They can do any number of things that
18 you don't want to send a human into harm's way. They can
19 go deeper. So we represent these type of companies.

20 --o0o--

21 MR. MURPHY: This is an array of your reverse
22 osmosis membranes. It was mentioned earlier Carlsbad
23 opened up the 50 million balance a bay of fresh water.
24 That's going to supply about 10 percent of our water
25 supply in San Diego County. That's incredible. That's

1 water we don't have to bring back from northern
2 California. Thank you very much.

3 --o0o--

4 MR. MURPHY: Here's a photo of aquaculture off
5 the coast. This is one example of what an aquaculture
6 farm can look like. California is only do 54 million. We
7 could be doing so much more and exporting that product
8 into supporting local jobs.

9 I would just add just on the aquaculture
10 component, if you compared the fact we do 12 billion a
11 year in livestock in California, that livestock creates a
12 lot of lands and requires a lot of freshwater.
13 Aquaculture requires zero land and zero fresh water. So
14 especially in this era of drought, we ought to be looking
15 at aquaculture.

16 CHAIRPERSON NEWSOM: Where is this? Do you know
17 where this is?

18 MR. MURPHY: I got it off the internet. It's a
19 stolen photo. Thanks for embarrassing me.

20 (Laughter)

21 --o0o--

22 MR. MURPHY: So this is a photo of a recently
23 opened fishermen's market that opened up in San Diego.
24 The first day -- this is back in August 2014. The first
25 day it was opened, they had over a thousand people waiting

1 in line to buy fresh fish directly from commercial
2 fishermen. Speaker Tony Atkins carried a bill for us, the
3 Pacific to Plate. It was a huge success. Unanimous
4 support. The legislature and Governor signed it,
5 thankfully.

6 On the bottom left, you see former Port
7 Commissioner Bob Nelson and my old boss County Supervisor
8 Greg Cox and on the bottom right a local commercial
9 fisherman holding a yellow fin tuna. This is a great
10 opportunity. This was a momentous occasion for our
11 commercial fishing fleet. San Diego County was long
12 regarded as the tuna capital of the world. That since has
13 declined a little bit. But they're coming back because
14 people understand we ought to not be importing seafood
15 from around the world. We should be supporting our local
16 fishery because the carbon footprint of the seafood we
17 consume traveling all over is a huge drag on our economy,
18 a drag on our environment. And we could be supporting
19 commercial fishermen.

20 --o0o--

21 MR. MURPHY: We, the Maritime Alliance, put
22 forward a blue tech vision for San Diego which is
23 unanimously supported by our County Board of Supervisors,
24 by our San Diego City Council, with the leadership of
25 Supervisor Greg Cox, Mayor Kevin Falconer, and Council

1 President Sherry Lightner, acknowledged our maritime
2 heritage, acknowledged the importance of the US military
3 and our oceanographic research institute and called for
4 the creation of a blue tech incubator so we can incubate
5 those types of technologies that are going to solve a lot
6 of the world's problems. Our unofficial tag line for that
7 incubator for startup companies is instead of importing
8 the world's problems like sea level rise and climate
9 change and you name it, we ought to be finding the
10 solutions and exporting those and make California the
11 leader and not the follower.

12 It also calls for the creation of multiple
13 centers of excellence. And it turns our collective
14 attention to the ocean. We are not paying enough
15 attention to the ocean both environmentally and
16 economically. And there is a huge opportunity there that
17 I think the State Lands Commission can be play a
18 leadership role in.

19 --o0o--

20 MR. MURPHY: So here's a press release of the
21 aforementioned blue tech vision from Mayor Falconer and
22 Supervisor Cox.

23 --o0o--

24 MR. MURPHY: That brings up the question what are
25 we going to do with all these competing ocean uses? We've

1 got to be focused on not only creating economic
2 development opportunities but protecting natural
3 resources. How do we do that? Pretty simple but complex
4 in implementation.

5 --o0o--

6 MR. MURPHY: But marine spacial planning. People
7 are familiar with land use planning. If you're familiar
8 with zoning ordinances and that kind of thing.

9 Marine spacial planning is the same type of
10 principles but applied to the ocean environment. So we
11 want to call for comprehensive, iterative, and
12 inconclusive planning of our ocean and waterways. You've
13 got to do that. Otherwise, you're going to have competing
14 ocean uses and it's going to be a mess.

15 Back in 2010, President Obama created the first
16 ever national ocean policy which called for marine spacial
17 planning on a regional level. Unfortunately, on the west
18 coast, it was all included into one regional planning
19 body, which is very cumbersome and very hard to manage.
20 We think we ought to be doing marine spacial planning on a
21 sub-regional level, create that model and then apply that
22 to the residents in California.

23 --o0o--

24 MR. MURPHY: So I'll just leave you with a couple
25 of dates.

1 In 1806, Lewis and Clark made it to the mouth of
2 the Columbia River. They explored the great west of the
3 United States. But they stopped. They didn't go into the
4 Pacific Ocean.

5 In 1983, President Ronald Reagan established the
6 United States Exclusive Economic Zone out to 200 miles.
7 That single action effectively doubled the side of the
8 United States. We have more national parks in the ocean
9 than we have on land. People don't know that.

10 Like I said, in 2010, President Barack Obama
11 established the National Ocean Policy.

12 What's going to happen in 2016? I don't have the
13 answer. I'm looking to you. We want to see marine
14 spacial planning, of course, on a statewide level. But we
15 want to create the model in San Diego. We have the
16 stakeholder groups. We work very well with the
17 environmental community, with the industry. We are the
18 industry, with the military. Again, San Diego is the
19 largest concentration of military personnel in the world.
20 We have those relationships. We can do that. And we want
21 your support.

22 And I'll thank you for your time. That's a
23 picture of me and my wife. We just got married in
24 September.

25 And I would, if I may, just invite up from the

1 port of San Diego their Director of Government and Civic
2 Relations, Jim Nelson. He is not only a great
3 collaborator of mine, we also decided to wear the same
4 costume today for you.

5 MR. NELSON: Commissioners, Jennifer, thank you.
6 I know you're in the midst of a very busy meeting.

7 For the record, my name is Joe Nelson. I'm the
8 Director of Government and Civic Relations for the Port of
9 San Diego.

10 I'm happy to be here today because the port, like
11 the State Lands Commission, has been undergoing a
12 comprehensive planning effort. As we were looking 50
13 years out, we're looking more than five -- we were looking
14 50, and we realize the lenses that we have relied upon
15 will not be adequate for that effort.

16 As global population continues to grow and
17 environmental challenges manifest themselves more fully,
18 there is going to be increasing pressure on coastal and
19 ocean resources. Greg mentioned rising demands for
20 minerals and energy, decline in fish docks, climate change
21 acidification, sea level rise, those are just a few of the
22 challenges that we are going to face. But they're also
23 opportunities.

24 What makes California great is we're the best in
25 the world about being smart and about being innovative.

1 We take advantage of these opportunities and kind of push
2 off the challenges. But that only happens -- that happens
3 best with proper planning.

4 So marine spacial planning. What are the
5 short-term benefits of a planning effort. I would argue:

6 1. Better management of the resource. Given the
7 expanding nature of the blue tech cluster, there is an
8 increasing desire to testing technologies out in the
9 water, in San Diego combine that with the Navy, the port,
10 California's largest sport fishing fleet, and significant
11 maritime presence, and you can see the coordination
12 becomes an increasing challenge. And we need to be able
13 to address that in years to come as more and more folks
14 want to be out in the water.

15 2. Security. As we enacted greater security
16 measures around the bay, we have problems popping up out
17 in the Pacific. We have derelict vessels breaking loose
18 and washing ashore, illegal lobster fishing. We have
19 smuggling that's going on there and that puts increasing
20 pressure on the harbor police, the Coast Guards, and
21 state's resources.

22 3. Environmental benefits of planning.
23 Addressing sea level rise, water quality, and the
24 possibility of creating habitat are just three of the
25 things that we can look at as we begin to marine spatially

1 plan the area.

2 Last, I would say economic opportunities. Blue
3 tech, pharmaceuticals, R&D, renewable energy are just a
4 few of the options if we create the structures to plan for
5 and facilitate the future. Planning will decide whether
6 the Pacific is the center of opportunity or a source of
7 threats. And we would like to continue to partner with
8 the State Lands Commission, with the Maritime Alliance,
9 and other as we begin to look at what we do out in the
10 Pacific in the years to come. Thank you.

11 CHAIRPERSON NEWSOM: Thank very much. Great
12 presentation. I enjoyed it.

13 And important reminder from an economic
14 development frame as well. I hear a lot of exciting
15 opportunities. It's extraordinary -- I say this with
16 respect how low the bar is in terms of what we've actually
17 accomplished and what we're capable of doing.

18 That said, on the marine spacial planning side, I
19 know we've made a lot of progress. And we've had a lot of
20 discussions around this over the last couple of years.
21 Anything you want to add to that in terms of --

22 EXECUTIVE OFFICER LUCCHESI: Well, the one thing
23 I would like to add is the State Lands Commission has
24 historically been reactive. We receive applications.
25 Staff processes those. And we present them to the

1 Commission. It's a very reactive scenario.

2 I think what the opportunities that marine
3 spacial planning and the other partnerships that Joe and
4 Greg were talking about really could put the State Lands
5 Commission more in a proactive planning role for the lands
6 under our jurisdiction in a very I think responsible way,
7 particularly with our public trust responsibilities and
8 our authorities in terms of balancing all the different
9 needs, competing needs, and purposes to which those lands
10 should or could be put to.

11 CHAIRPERSON NEWSOM: Right. I imagine it's an
12 emphasis on the strategic plan in terms of the mapping and
13 the technology and the transparency as it relates to that.

14 Thank you for bringing this item up.

15 ACTING COMMISSION MEMBER YEE: Mr. Chairman,
16 thank you. What I want to entertain is to see whether we
17 might want to direct staff to look at the role of the
18 Commission in this effort.

19 I think there's so many opportunities associate
20 with this and it's exciting. But obviously, our authority
21 and our ability to partner with the port of San Diego is
22 one where we have unique opportunities to be an integral
23 part of this planning process.

24 So what I'd like to suggest is to see whether
25 staff can come back with a report to us in our February

1 Commission meeting just to talk about how we can move
2 forward together on this initiative.

3 I just have to thank the local elected officials
4 in San Diego for being so forward thinking on this and
5 coming together really with a lot of energy already put
6 into the local discussions about what the potential
7 opportunities are.

8 So with that, Mr. Chairman, if the Commissioners
9 are agreeable, I'd like to see what the next steps forward
10 could look like.

11 CHAIRPERSON NEWSOM: I think that's fabulous.

12 EXECUTIVE OFFICER LUCCHESI: I'm happy to do
13 that.

14 The one last thing I'd like to add is
15 particularly in San Diego and developing some sort of
16 framework with how to move forward on a partnership like
17 this, it's really taking advantage of the local
18 connections that the Port of San Diego has established and
19 fostered through many decades with the local businesses,
20 the maritime industry, environmental stakeholders, and the
21 local communities and the military in that area. That
22 coupled with the State Lands Commission's expertise and
23 experience from a statewide perspective, I think there is
24 a lot of opportunities there to create a really meaningful
25 framework for hopefully a model approach to this.

1 CHAIRPERSON NEWSOM: Tremendous. Look forward to
2 subsequent conversations. Well done. Thank you for being
3 up here. And thank you for bringing this item to us.

4 I mean, we've got the two big stacks. So the
5 smallest one is Item 124. And I imagine, I mean, we have
6 all had -- let's just jump into 124.

7 EXECUTIVE OFFICER LUCCHESI: 124 is an
8 informational item on the status of staff's negotiations
9 to acquire a public access easement at Martins Beach.
10 Colin Connor, who has been our lead on this effort, will
11 be giving staff's brief presentation.

12 CHAIRPERSON NEWSOM: Thank you.

13 (Thereupon the following presentation was given.)

14 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:
15 Thank you. Good afternoon, Chairman Newsom,
16 Commissioners. My name is Colin Conner. I'm the Chief of
17 the Administrative Services Division here at the
18 Commission. I'm going to be giving a report on Item 124,
19 which is an informational update on status and
20 negotiations for public access easement to and along
21 Martins Beach in San Mateo County.

22 I thought I would start off with some pictures.

23 --o0o--

24 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:
25 This is at Martins Beach along the road parallel Martins

1 Beach looking north. You can see the beach on the left,
2 and there's some cabins I'll talk about later on the
3 right.

4 --o0o--

5 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:
6 This is looking south along Martins Beach from about the
7 same point. This point is towards the southerly end of
8 the cabins.

9 --o0o--

10 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:
11 This is at the southerly end of the cabins looking past
12 along the southern extent of the beach.

13 --o0o--

14 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:
15 And this is an aerial photo from off-shore. This really
16 shows the Martins Beach area. There is a little bit of
17 beach off to the right of the photograph, but this is the
18 heart of it. And you can see the cabins in the foreground
19 and then the access to Martins Beach is along a line of
20 trees on the left-hand side of the photograph. It comes
21 down from Highway 1, which is Cabrillo highway. And then
22 as it approaches the cabins, it winds its way down.

23 This is a perfect opportunity for me with this as
24 a backdrop to give a little bit of the background of
25 Martins Beach. Martins Beach is a crescent shape beach

1 bordered by cliffs on the north and south ends and sloping
2 bluffs in between. You can't see the cliffs too much but
3 in the prior photographs you can.

4 Martins Beach has over the decades been developed
5 with 46 single family residences. The residences known as
6 cabins are individually owned and separate from the
7 ownership of the larger underlying property. The larger
8 property is under the ownership collectively referred to
9 as Martins Beach, LLC. The cabins are leased from Martins
10 Beach, LLC. The cabins have individual owners and they
11 lease their underlying sites.

12 Martins Beach has been a popular destination for
13 fishing, picnicking, and surfing and other recreational
14 uses for almost a century. The prior property owners, the
15 Deeney family, provided a general store and a public rest
16 room. They also built the first cabin and then allowed
17 the subsequent cabins to be built. While they allowed
18 public access to the beach, they did charge a fee for
19 parking.

20 The current ownership, Martins Beach, LLC,
21 purchased the property in 2008 and initially allowed
22 public access in much the same way. In 2010, the owners
23 closed the gate and erected signs warning against
24 trespass, thereby preventing public access to Martins
25 Beach. This action prompted both litigation and

1 legislation. While the litigation is pending, legislation
2 was passed. The legislation was SB 968 authored by State
3 Senator Jerry Hill. This bill added Public Resources Code
4 Section 6213.5 effective January 1st, 2015. The code
5 essentially required the Commission to do three things.

6 --o0o--

7 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:

8 First, the Commission is required to consult and enter
9 into any necessary negotiations to acquire a right of way
10 or easement for the creation of a public access route to
11 and along the shore line, including the sandy beach at
12 Martins Beach.

13 --o0o--

14 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:

15 Second, if the Commission is unable to reach an agreement
16 to acquire the right of way or easement or the owners do
17 not voluntarily provide public access by January 1st,
18 2016, then the Commission is authorized to use its
19 existing eminent domain authority to acquire a public
20 right of way or easement.

21 --o0o--

22 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:

23 Lastly, the Commission shall consult and enter into
24 negotiations with local stakeholders, including, but not
25 limited to, nonprofit entities and local and regional

1 governments and governmental entities to address the
2 ongoing management and operation of any property acquired.

3 --o0o--

4 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:

5 Commission staff has spent considerable time researching
6 the property investigating what type of easement would be
7 most useful to the public, conducting a mean high tide
8 line survey, appraising the property, and participating in
9 a public meeting facilitated by the Surfrider Foundation.
10 This slide is a summary of the milestones in that process.

11 --o0o--

12 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:

13 As a result of its work and stakeholder input, Commission
14 staff developed the following proposal for a public access
15 easement. The proposed public access easement to the
16 beach would overlay Martins Beach Road from Cabrillo
17 Highway down to the point where the road meets the beach.
18 The easement area would also continue along a small
19 stretch of Martins Road parallel to the cabins and the
20 beach. This would allow for people to be dropped off and
21 to turn around and go back up the accessway.

22 This part of the access easement contains
23 approximately 0.87 acres. The proposed public access
24 easement along the beach runs from the north property line
25 to the southern end of the beach and extends from the mean

1 high tide line to the edge of Martins Beach Road and then
2 along a low lying bluff to the southern end of the beach.
3 This part of the easement contains approximately 5.31
4 acres. And depending on how discussions evolve, staff
5 will be exploring the option of a rolling easement to
6 ensure the quality of public access over the long term and
7 to account for sea level rise.

8 The proposed easement also includes a public
9 parking area, an existing turnout about halfway down
10 Martins Beach Road. This area is approximately 0.21 acre.
11 The total area of the proposed access easement, including
12 all three of these components, is 6.39 acres. The
13 proposed easement would provide a public access similar to
14 that of a public park, with daily dawn to dusk hours of
15 operation. The proposed easement would include trash
16 receptacles in one or more portable toilets. It is
17 envisioned that maintenance of the easement, opening and
18 closing the gates, emptying the trash receptacles,
19 servicing the portable toilets would be handled by a local
20 public agency through an agreement with the Commission.

21 --o0o--

22 ADMINISTRATIVE SERVICES DIVISION CHIEF CONNOR:

23 This is an aerial showing the easement. You can see the
24 access to the beach starts at Carillo Highway, winds its
25 way down. The yellow hatched area is the parking turn

1 around area and then the red hashed area along the beach
2 is the access along Martins Beach.

3 Now, for the status of the negotiations. At the
4 October 15th meeting, Commission staff discussed the above
5 described public access easement with Martins Beach, LLC,
6 and made an offer to acquire the easement. To date,
7 Martins Beach, LLC, has not responded to the Commission
8 staff's offer. Instead, Martins Beach, LLC, has proposed
9 a concept of a land exchange involving exchange of the
10 entire Martins Beach property for another coastal property
11 with private beach the State already owns or presumably
12 would acquire. While staff has conducted some very
13 preliminary research into this, staff considers this
14 concept to be beyond the scope of the controlling
15 legislation.

16 That concludes my presentation. And I'm
17 available for any questions.

18 CHAIRPERSON NEWSOM: So many thoughts. So much
19 time we've all spent on this.

20 Why don't we -- is it all right just to jump in
21 with the speakers right now? Because I know a lot of you
22 have been patient and a lot of you have to lot to say.

23 I have Helen Horn -- and I can't read -- Amber
24 Gill and Dylan, all of you guys come on up if you wish to
25 speak on this. Anyone that hasn't filled out a card

1 wishes to speak on this, please do so. We'll respect that
2 red, green, yellow. And I'm grateful for your patience.
3 And then we'll have a good dialogue through this process.
4 Please say hello.

5 MS. HORN: I'm Helen Horn. Thank you. I'm 71
6 years old. I have been -- my father and my grandfather
7 worked in Redwood City. We used the coast line all the
8 time. We fished. He was an engineer, worked in the city.
9 We were at the beach every weekend fishing or swimming or
10 surfing. And that's for my whole entire life.

11 I don't believe that any beach in the state of
12 California should belong to private property. It's
13 totally -- it belongs to the state of California. It
14 belongs to the citizens, every citizen, whether they have
15 money to access the beach or not. We use that beach a
16 lot. It was really nice because when my mom went to the
17 beach, she didn't like to walk a long way or climb down
18 the cliffs. We accessed almost every beach on the coast
19 by either asking permission from the farmers to climb down
20 the cliffs, which is ultimately erosive. We found that it
21 was -- when we went as a family, not just fishing and day
22 trip, that we would do any beach and this one was the
23 easiest.

24 We found that the people -- the Deeney family let
25 us park. They had swingsets even. We went and played on

1 swingsets when we were five and ten years old. My dad
2 would go around the corner north of that thing and
3 actually abalone dive.

4 So anyway, my feeling is that as we fished off
5 the beach and enjoyed the surf -- and I surfed my whole
6 life until, you know, my knee gave out -- I think that we
7 should maintain. I'm so happy that you have taken this on
8 and I want you to continue and fight for this hard. And I
9 don't think anybody should own a beach in California. It
10 belongs to all of us. Thank you.

11 CHAIRPERSON NEWSOM: Appreciate your comments.
12 Thank you.

13 Is it Jenn? Who's here? Is Jenn here?

14 MS. ECKERLE: I am, but I'm going to give comment
15 for Surfrider, but they're here to give comment.

16 CHAIRPERSON NEWSOM: Dylan and Amber, come on up.

17 MS. GILL: I want to apologize in advance. I'm a
18 volunteer. I just learned about this meeting yesterday.
19 So unfortunately, I'm, going to need to read my statement.

20 So good afternoon, Commissioners. My name is
21 Amber Gill. And I'm the Vice Chair of the Surfrider
22 Foundation San Mateo County chapter. Our chapter has been
23 working hard over the past five years to restore access to
24 Martins Beach, which is the beautiful beach located in San
25 Mateo County. This beach has been visited by members of

1 the general public for approximately 100 years. As you're
2 all aware, the property is between Highway 1 and the beach
3 changed hands and access was closed off.

4 Preserving beach access is quintessential to
5 Surfrider Foundation's mission of protection and enjoyment
6 of our oceans, waves, and beaches. So we done our best to
7 be advocates at every juncture in the effort and restore
8 public access to Martins Beach.

9 Because of the special interest in this beach and
10 because the larger issue of privatization of California
11 beaches that could occur in we allow wealthy property
12 owners to shut down historically used beach access ways,
13 State Senator Jerry Hill authored legislation last year to
14 empower this Commission's involvement regarding this
15 issue. This bill was signed by the Governor and stirred
16 the negotiations between your agency and the property
17 owner, Vinod Khosla, over the past year.

18 We greatly appreciate the Commission's effort to
19 negotiate a solution and take the public's feedback into
20 consideration. During the summer, we did hold a workshop
21 regarding Martins Beach and wanted to understand how
22 people would like access to be or look. Many of the
23 people who attended expressed they were not expecting much
24 in the way of amenities. Most even expressed if parking
25 was allowed closer to the beach, they would be willing to

1 pay. Their biggest concern, however, was maintaining
2 their ability to somehow walk and access this gorgeous
3 beach that others have enjoyed before them for almost a
4 century.

5 Our chapter is very disappointed that Mr. Khosla
6 is not interested in seeking a reasonable solution that
7 would allow the general public to enjoy the beach.
8 Instead, he's make an egregious power play to take away
9 access to some other beach, despite the fact that state
10 law precludes such a thing. If Mr. Khosla continues to
11 ignore the law and continues to block access and continues
12 with unreasonable demands, we request that the Commission
13 remain steadfast in its duty to uphold the public trust
14 doctrine and protect beach access and pursue other means
15 of securing an easement which would facilitate permanent
16 access to Martins Beach. Thank you.

17 CHAIRPERSON NEWSOM: Thanks. Appreciate that.

18 MR. CHRISTENSEN: I'm Dylan Christensen. I guess
19 I'm here to represent people here on behalf of the
20 internet. All joking aside.

21 CHAIRPERSON NEWSOM: A few billion of them.

22 MR. CHRISTENSEN: It is true, I've been going to
23 the beach in California since I was two months old in
24 1974. And Martins Beach is the first time I've ever had
25 the sheriff called on me. Right after that, I went home

1 and started online Open Martins Beach effort and social
2 media campaigns just to keep people up to date on what's
3 going on. And you can imagine people have been very upset
4 and voicing their opinions online.

5 After this most recent proposal of a land swap
6 for something that we feel Mr. Khosla doesn't own, you can
7 imagine -- I can't even tell what's being said online
8 about him.

9 So I'm here to represent the public, you know,
10 the beach-going community. And we want to retain the
11 beach as a public entity for everybody to enjoy for until
12 the end of time I would say. Thank you.

13 CHAIRPERSON NEWSOM: Appreciate it.

14 Jenn, you're good?

15 MS. ECKERLE: Good.

16 CHAIRPERSON NEWSOM: All right. Anyone else?

17 We'll close the public comment.

18 So Jennifer -- just thank you guys for taking the
19 time to be here. I know how passionate folks are on this.
20 And I'm grateful for the steadfast nature of the advocates
21 for access and all the hard work. It's unfortunate the
22 amount of money that's been spent all across the board on
23 this. Litigation, I know there's two lawsuits. One went
24 the direction, well, some had hoped. Others, different
25 direction.

1 You've been at this, Jennifer. And I reminds
2 folks I said this in previous comment, we were at this
3 before the legislation required us to address this issue
4 in anticipation that we would be entrusted to do something
5 or in hope that we could be influential even before the
6 legislation was signed by the Governor. And I'm very
7 grateful. I think you've done an exceptional job. You've
8 been diligent. You've been thoughtful. You have been
9 fair beyond words. You have not been ideological about
10 this. You have considered all points of view. And I'm
11 just grateful to you and your team for all their hard
12 work.

13 We're getting to a point where the question needs
14 to be called. That question, of course, was posed to us
15 in January of eminent domain. That is a significant shift
16 in gears here. And it's not to be done, as they say,
17 lightly, as marriage is not to be entered into lightly but
18 thoughtfully.

19 And the question is always with eminent domain
20 beyond just the precedent nature, which is in and of
21 itself a question of consequence, but the cost and where
22 is the money? Where does it come from? We have resources
23 here, but they have restrictions. We don't have the kind
24 of resources that would be required.

25 That doesn't negate the capacity to be creative

1 and to engage the Legislature and the Governor to consider
2 a different kind of level of support, as opposed to just
3 direction.

4 So anyway, it's an open-ended statement as much
5 as it is an inquiry as to next steps. As we move into the
6 calendar year, as we turn the page on '15 to '16, as we
7 reflect upon that last proposal, which respectfully I
8 can't imagine they took seriously either, respectfully.
9 Where are you on all of this? What do you think we're
10 going to need to be doing in the next weeks or months?

11 EXECUTIVE OFFICER LUCCHESI: As you mentioned, we
12 have a Kapiloff Land Bank Fund with currently \$6.4 million
13 in it. That fund cannot be used in any kind of efforts to
14 acquire a property interest through eminent domain. So I
15 anticipate that at some point in the first half of next
16 year staff will be coming to the Commission with a staff
17 report on detailing and analyzing all the factors that
18 would go into making a decision on whether to pursue
19 eminent domain or not. There is a number of factors, a
20 couple of which you've already mentioned, the
21 precedent-setting aspect of that, the funding, where the
22 funding comes for that, the status of the litigation going
23 on.

24 We will be, I anticipate, providing the
25 Commission with the very comprehensive staff report and

1 analysis detailing all those factors out with the ultimate
2 consideration of whether to pursue eminent domain or not.
3 I don't have a specific time line for you on that, but I
4 anticipate it being during the first half of next year.

5 CHAIRPERSON NEWSOM: Got it. Any thoughts or
6 comments at this stage? So one thing we know is you're --
7 this is an iterative process. You're not waiting around
8 or reacting. You've been engaged and proactive. Our door
9 is open, literally and figuratively. We're available 24/7
10 to be responsive. They're sincere about engaging in
11 conversation.

12 EXECUTIVE OFFICER LUCCHESI: Certainly, yes.

13 On that note, as things evolve and if we are
14 engaged in very meaningful good faith negotiations to
15 acquire a public access easement with the property owners,
16 we will pursue that to its end. That is, in my opinion,
17 the most effective way and cost effective way of getting
18 public access out there sooner rather than later. And
19 without spending a lot money and decades of time fighting
20 this.

21 So if discussions evolve where we are continuing
22 to negotiate in good faith and they're meaningful, we will
23 pursue that to that end.

24 CHAIRPERSON NEWSOM: I would encourage to the
25 extent possible -- and I know there's a lot of contextual

1 issues that require more gestation and time in order for
2 you to present a series of options for us, but we can move
3 it towards the first quarter as opposed to the second
4 quarter of next year. I don't think -- I imagine the
5 response will be swift coming back in the Legislative
6 session. There also a lot of punctuation on this issue
7 and a lot of emphasis. And I think a lot of momentum to
8 move us more quickly.

9 So I imagine you are -- well, I know you're
10 familiar with that likelihood. So if we could move to get
11 our options and get our all these considerations in order.

12 EXECUTIVE OFFICER LUCCHESI: Yes. I can
13 certainly commit to doing that during the first quarter of
14 next year.

15 CHAIRPERSON NEWSOM: All right. Well, thank you
16 for the update. Thank you all for taking the time to be
17 here. And we are at this. Know that. Things you don't
18 see, trust me, we're at this. A lot of time and energy.
19 No one taking this lightly. We are fully committed to try
20 to resolve this. And we've got things out of our control
21 with these pending court decisions, et cetera. These
22 appellate court decisions.

23 That brings us to the meat of why some of you at
24 least are here. And that's the last two items. And then
25 we have public comment.

1 EXECUTIVE OFFICER LUCCHESI: We have one more
2 informational item. This is just a quick status update on
3 the Becker well remediation in Summerland.

4 CHAIRPERSON NEWSOM: Bring that one up.

5 EXECUTIVE OFFICER LUCCHESI: Steve Curran of our
6 Long Beach staff will be giving staff's very brief
7 presentation and update on our efforts to properly abandon
8 Becker well.

9 CHAIRPERSON NEWSOM: This is a follow up from
10 last meeting.

11 EXECUTIVE OFFICER LUCCHESI: Yes.

12 MR. CURRAN: You can set the timer for three
13 minutes.

14 CHAIRPERSON NEWSOM: Good. We have the
15 foundation of facts.

16 MR. CURRAN: So I don't want to dwell on the
17 obvious. This has been before you a few times. We all
18 know where Summerland is. And we were going to do the
19 investigation and assessment of the Becker well. So that
20 actually took place in October of this year. So we will
21 summarize those events.

22 First of all -- if they put up the presentation
23 that would help. So the first thing you're not seeing is
24 the Summerland onshore Becker well site map and you'll see
25 that in a minute. And then want to go over briefly --

1 that will be a Google Earth. You've seen it before.

2 Second of all, there are a lot of permits to get
3 for this and planning just to do a little dig on the
4 beach. So we had to get a de minimous waver from the
5 Coastal Commission. And thanks to Cy Oggins for pushing
6 that and streamlining that process. We had to get the
7 blessing from the State Water Quality Control Board, Army
8 Corp. of Engineer's permit, Santa Barbara County Planning,
9 and also granted access from the County Department of
10 Parks and Rec.

11 (Whereupon the following overhead presentation
12 was given.)

13 MR. CURRAN: You can advance the slides, please.
14 Oh, I can advance the slides.

15 --o0o--

16 MR. CURRAN: So of course here's the map you
17 couldn't see.

18 --o0o--

19 MR. CURRAN: Here's where I am right now.

20 So we had to get access from the County
21 Department of Parks and Rec at the last moment. And of
22 course, we had to do a full oil spill contingency plan.
23 That was reviewed by the U.S. Coast Guard and OSPR. We
24 got their blessing. They were on site for this.

25 --o0o--

1 MR. CURRAN: So the investigation and assessment
2 kind of didn't go exactly as planned. We had to use the
3 look out park access because there were issues with that
4 being on railroad land and a lot longer to get a permit to
5 go that way.

6 --o0o--

7 MR. CURRAN: So we actually followed our plans
8 for the investigation and assessment. These were the
9 steps that were taken. I'll show you photos.

10 We got on, excavated at low tide, uncovered the
11 well casing, took the measurements of the casing, GPSed
12 the site, assessed the condition of the casing, marked it,
13 staked it, sent a buoy there, and then cleaned it up and
14 left it in its previous condition.

15 --o0o--

16 MR. CURRAN: So here's staging and Look Out Park
17 up on the left slide at the top.

18 And then this is how -- the well manifest itself
19 at low tide. The first you can see the well is a little
20 bit of bubbling out of the beach sand.

21 --o0o--

22 MR. CURRAN: Then we've already got the equipment
23 staged on the beach. So we get out there with the
24 excavator and with the dozer. And we start to make the
25 berm out on the beach site so we can keep the waves out

1 and leave the site dry. This is building the berm and
2 then you can see the berm is pretty much built around the
3 site. You can see the ocean out in the foreground where
4 it's at low tide.

5 --o0o--

6 MR. CURRAN: So now we're on with the excavator.
7 And this shows the rxcavator shovel doing the first
8 initial dig. And then after it's taken a couple buckets
9 out, you can see it's bubbling there in the lower
10 right-hand corner.

11 --o0o--

12 MR. CURRAN: This is about half an hour to 40
13 minutes later when we have it all dug out. And you can --
14 it's kind of hard to see. In the middle of the photograph
15 in the hole, you can see the casing is exposed. It's
16 pretty dry, which is good.

17 --o0o--

18 MR. CURRAN: Here we have the five gallon bucket
19 full of cement with a little bit of rebar in it with chain
20 tied to it and the buoy is on the end. You can't see it
21 except for in the second photo where we buried it back up.
22 It's been dug up, marked, assessed, and it's going to be
23 ready for the next phase.

24 --o0o--

25 MR. CURRAN: And then here is a day and a half

1 later at high tide. In the middle that yellow circle is
2 where the buoy is. That's what it looks like under normal
3 conditions. It's actually in the surf zone.

4 --o0o--

5 MR. CURRAN: In conclusion, here's where we go.
6 Excavation complete on 10/19. The Department of General
7 Services approved the Engineering Abandonment Plan
8 Amendment, which allows us to do the engineering grade
9 study to talk about how we're going to fully abandon and
10 remediate the site on 11/25/15.

11 The plan is to be completed in early February
12 2016. We have an application still active with the Ocean
13 Protection Counsel for Prop. 1 grant funding, not for the
14 CEQA portion but for the actual abandonment portion.

15 We're also looking into some CEQA funding from
16 the Wildlife Conservation Board. We're looking at a
17 couple different options there.

18 The next steps would be CEQA. We'll go for a
19 mitigated negative dec, take up to six months and continue
20 on with abandonment. That's where we stand today.

21 CHAIRPERSON NEWSOM: Excellent. So moving along
22 the lines of what we were hoping, nothing particularly
23 surprising or --

24 EXECUTIVE OFFICER LUCCHESI: I think -- no.
25 We're still looking under some couch cushions for funding

1 and pursuing all options there. That's our biggest
2 obstacle at this point.

3 But just on an anecdotal point, I was out there
4 for the excavation and the measurements. And it really
5 struck home how complicated this kind of process is to try
6 to get all the data and the information so you can then
7 jump into the CEQA process. And that's all before even
8 actually properly abandoning the well. This is for one
9 well in the surf zone.

10 It was very eye opening for me to be on site
11 during this. And I think we made a lot of progress so far
12 and we're very motivated to continue this effort.

13 ACTING COMMISSION MEMBER YEE: Have we been
14 giving our legislative delegation informed about the
15 progress?

16 EXECUTIVE OFFICER LUCCHESI: Yes, we have.
17 Certainly.

18 ACTING COMMISSION MEMBER YEE: I think there's
19 been a lot of interest and certainly concern around this
20 and even moving beyond just this one single well. But we
21 might have some helpful numbers on the funding issue.

22 CHAIRPERSON NEWSOM: That's right. Good point.
23 Remind me the scope of what you estimate the
24 costs are going to be? Is it too early?

25 MR. CURRAN: The engineering portion of it -- the

1 engineering grade plan is scheduled for 45,000 and that
2 should come in within budget.

3 The first part we did was scheduled for 31,000
4 and we met the budget. And then the remaining portion
5 will be in the seven to 800,000 range to actually perform
6 the work.

7 Because we're looking at installing piers along
8 the bluff on the beach. We're going to do everything
9 beach side. We already made that determination in the
10 engineering study. And we're going to build a temporary
11 pier out on to the site and leave the equipment staged on
12 the temporary per. That will involve driving metal piles,
13 installing temporary piers. That's the big expense.

14 CHAIRPERSON NEWSOM: Ocean Protection is what
15 kind of grant? How much are you looking for them?

16 EXECUTIVE OFFICER LUCCHESI: We are looking --

17 MR. CURRAN: The balance of it.

18 CHAIRPERSON NEWSOM: The balance, the whole thing
19 for them.

20 MR. CURRAN: Except for CEQA.

21 EXECUTIVE OFFICER LUCCHESI: We're looking to
22 apply for funding from the Wildlife Conservation Board for
23 the CEQA portion of this. And then the balance of that
24 from Ocean Protection Counsel.

25 CHAIRPERSON NEWSOM: Good.

1 EXECUTIVE OFFICER LUCCHESI: But we also aren't
2 putting all of our eggs in that basket. We're also
3 exploring other opportunities so that we can actually be
4 effective here.

5 CHAIRPERSON NEWSOM: Thank you. Thanks for the
6 update. I didn't get any speakers cards on that. So
7 we'll close public comment. Why don't we jump to the
8 strategic plan.

9 EXECUTIVE OFFICER LUCCHESI: Great.

10 Dave Brown, our Assistant Executive Officer, will
11 be making staff's presentation for the draft strategic
12 plan

13 CHAIRPERSON NEWSOM: That's item 117 for those
14 wondering. Thank you.

15 (Thereupon an overhead presentation was
16 presented as follows.)

17 ASSISTANT EXECUTIVE OFFICER BROWN: I'll get
18 started here.

19 Good afternoon. My name is Dave brown. I'm the
20 Assistant Executive Officer of the Commission. It's my
21 privilege today to present to you the final draft of the
22 State Lands Commission's five-year strategic plan.

23 This plan is a product of extensive work of the
24 staff by the Commission and insightful input from our
25 stakeholders. Stakeholder input was received through

1 circulation of the draft plan on our website and targeted
2 e-mail distribution lists, as well as two extremely
3 productive interactive sessions organized by the State
4 Controller for which the staff is tremendously grateful.
5 These sessions included a broad spectrum of the
6 Commission's constituency, including the major ports, oil
7 and gas producers, the shipping industry, environmental
8 advocacy groups, major leasees, public trust and access
9 advocates, and State agency partner executives.

10 We also received nearly 150 pages of written
11 comments to consider, which are posted to our website.
12 The document presented to you today we hope addresses the
13 concerns expressed by the Commissioners at prior meetings
14 that it be a little bit less bureaucratic and a little bit
15 more aspirational. We have revised the mission and vision
16 statements, core principles, and values to which we commit
17 to conduct the state's business and have laid out
18 strategies and targeted outcomes that we hope to achieve
19 over the course of the next five years.

20 The plan places a heavy emphasize on technology
21 as a means of not only improving our processes and
22 services to the public, but as a vehicle to increase
23 public engagement and inform Californians about the
24 important work the Commission does through transparency of
25 our operations and the availability and open access to our

1 vast stores of data and the historical information.

2 --o0o--

3 ASSISTANT EXECUTIVE OFFICER BROWN: I don't know
4 how long you want to spend on this.

5 CHAIRPERSON NEWSOM: We have had many
6 presentations and the Commissioner has been amazing with
7 the public and we've had staff -- we've been at this. We
8 can almost recite this ourselves. So I know we are doing
9 this for everybody else, not just us, so consider that,
10 please.

11 ASSISTANT EXECUTIVE OFFICER BROWN: We have our
12 revised mission statement here. I'll indulge everybody if
13 you'll indulge me.

14 "The State Lands Commission provides the people
15 of California with effective stewardship of the lands,
16 waterways, and resources entrusted to its care through
17 preservation, restoration, enhancement, responsible
18 economic development, and the promotion of public access."

19 --o0o--

20 ASSISTANT EXECUTIVE OFFICER BROWN: This is our
21 vision statement.

22 "The California State Lands Commission is
23 recognized leader that champions environmentally
24 sustainable public land management and balanced resource
25 protection for the benefit and enjoyment of all current

1 and future generations of Californians."

2 --o0o--

3 ASSISTANT EXECUTIVE OFFICER BROWN: Here are our
4 strategic goals. And we presented them this way because
5 our three goals atop there, meeting the challenges of the
6 future, lead innovation and responsible land and resource
7 management -- and I'm having a hard time reading the other
8 one. Public engagement to safe guard their trust lands
9 and resources.

10 These are all built on a basis of cultivating the
11 operational excellence by integrating technology. There
12 is a lot of things in technology that we can leverage and
13 all of those areas to make us more efficient and more
14 effective.

15 --o0o--

16 ASSISTANT EXECUTIVE OFFICER BROWN: Our core
17 values: Our accountability, integrity, engagement,
18 quality, and solution-oriented. That's all wrapped around
19 our protecting the lands and resources entrusted to our
20 care.

21 --o0o--

22 ASSISTANT EXECUTIVE OFFICER BROWN: These are our
23 commitments. We want to affirm transparency through
24 strong and active and engaged public processes in the
25 Commission's practices. That was one of the things

1 identified as one of the biggest strengths of the
2 Commission are these meetings themselves, the ability to
3 engage the public directly.

4 We're providing the highest level of safety and
5 environmental protection. We want to ensure current and
6 future uses of sovereign lands are consistent with public
7 trust principles and values. We want to enhance revenues
8 from sustainable uses and development of State lands and
9 resources and increasing investment in our staff so we can
10 retain qualified and committed staff with a stable and
11 secure funding source and resources required to fulfill
12 the Commission's mission.

13 --o0o--

14 ASSISTANT EXECUTIVE OFFICER BROWN: These are our
15 goals and strategies amongst those. I really am not going
16 to read the individual strategies. But the first one is
17 the lead, innovative and responsible land and resource
18 management.

19 The second is to meet the challenges of the
20 future. And while these strategies I notice they don't
21 really speak that much to the future, a lot of what is in
22 the body of the plan itself has to do with investments.
23 Investments either of the School Land Bank or Kapiloff is
24 making investments to consolidate some of our land
25 holdings so we can use them for alternative energy sites

1 and those sorts of things.

2 Engaging Californians to help safeguard their
3 trust lands and resources. This is something we really
4 want to concentrate on is getting out there. We had an
5 example of it today with the San Diego presentation. I
6 mean, that's just -- we want to make that right in our
7 wheel house.

8 --o0o--

9 ASSISTANT EXECUTIVE OFFICER BROWN: And then the
10 last one is cultivating operational excellence by
11 integrating technology. There is a lot of buzz words
12 there, but the bottom line is we want to use technology to
13 make us more efficient and to be able to engage the public
14 more effectively.

15 So with that, there's one more slide I think.

16 --o0o--

17 ASSISTANT EXECUTIVE OFFICER BROWN: There it is.
18 This is me next year.

19 CHAIRPERSON NEWSOM: Well done.

20 ASSISTANT EXECUTIVE OFFICER BROWN: I'm here to
21 answer any questions.

22 CHAIRPERSON NEWSOM: I know we have a lot of
23 speakers. And we have speakers which I like which are
24 opposed to aspects of this and those that are obviously
25 supportive. Is it all right with you if we ask the public

1 and then we can -- great. So why don't we jump into that
2 and then we can begin that dialogue.

3 And Bill Magavern, James Jonas, Jim Haussener. I
4 apologize if I mispronounce any of your names.

5 MR. MAGAVERN: Thanks for given me the time to
6 speak.

7 I'm Bill Magavern, Policy Director for the
8 Coalition for Clean Air. And I appreciate the good work
9 that has gone into this plan, including meetings hosted by
10 Controller Yee.

11 But I want to suggest to you there is a major gap
12 in this plan because the State cannot be responsible
13 steward of its lands and of the public trust if it is
14 hosting on its lands activities that are major
15 contributors to air pollution that puts us in violation of
16 state and federal law. And that unfortunately is the case
17 because the megaports are huge sources of diesel exhaust,
18 and diesel exhaust is a toxic air containment responsible
19 for lung and heart disease and premature death. That's a
20 burden that is not evenly distributed. It falls mostly on
21 the low income communities of color that are downwind from
22 the ports.

23 In fact, we've recently found out that the Port
24 of Los Angeles has failed to fulfill several binding
25 commitments it made as part of a settlement of litigation

1 called the China Shipping litigation. The South Coast Air
2 Quality District, Los Angeles area, still has the worst
3 smog in the entire country. It's classified as being in
4 extreme non-attainment with air quality standards.

5 So what I suggest simply is that you add a
6 commitment that the activities that you are hosting would
7 contribute towards the state's efforts to come into
8 attainment with air quality standards and you would seek
9 to reduce the emissions that are damaging the air as well
10 as contributing to climate change. Thank you.

11 CHAIRPERSON NEWSOM: Thank you. I appreciate
12 that. Good afternoon

13 MR. JONAS: My name is James Jonas. It's time
14 that we evolve the public trust. According to Climate
15 Central, five feet of sea level rise could impact the
16 property of half a million Californians; \$105 billion in
17 property, 644,000 acres, and 210,000 homes.

18 In the past, California has responded to threats
19 of this magnitude by changing what we build and how we
20 build it. Earthquakes demanded massive research and new
21 construction techniques and imposition of statewide
22 construction standards.

23 Pollution led to research and innovations on how
24 to mitigate car emissions and impositions of vehicle
25 pollution controls.

1 Now the state of California faces a new threat,
2 sea level rise. But in this case, the State seems frozen,
3 challenged. It's a tough one. You see, as a seas rise
4 the State takes. Due to a legacy interpretation of the
5 public trust doctrine, as the seas rise, the sovereign
6 lands of California follow, ceasing control of those lands
7 and evicting non-compliant uses such as people living and
8 working there.

9 The state of California is acting like a giant
10 robot bent on the destruction of itself. It cannot help
11 itself. Or can it? The public trust is not a fixed
12 doctrine or dogma, but a flexible tool that can evolve.
13 It is the needs of the whole state of California
14 interpreted by the State Lands Commission which drive its
15 programming. As the needs change, so can the public
16 trust. Sea rise is a slow moving man-made catastrophic
17 event outside the normal exchange of boundaries for the
18 sea and the land. The legacy interpretation of the public
19 trust made sense when the mix of seas and erosion move the
20 boundaries of sovereign lands. But in this case, it is
21 man, it's us, although unintentional, who is to blame for
22 the shift in sovereign boundaries.

23 We, thus, ask the State Lands Commission to add
24 two items to the strategic adaptation plan. First of all
25 in terms of science, we should preserve and extend the

1 existing adaptive communities such as floating and
2 pillared on grant lands for scientific study. This is, by
3 the way, a proper use of public trust lands. For adaptive
4 construction techniques and patterns in responses to sea
5 level rise.

6 And number two, adapt in place. Evolve the
7 public trust to incorporate adaptive structures such as
8 floating or pillared for residential and commercial use on
9 inundated sovereign non-grant lands, thus allowing for the
10 preservation of our coastal communities in the face of sea
11 level rise.

12 To put a point on it, we need to stop California
13 from evicting California. I think it's time we take a
14 serious look at this. The opportunity is here. We're
15 going to speak later as part of Docktown. It's time for
16 us to really go ahead and see how we can make this work.
17 I want to thank you very much.

18 CHAIRPERSON NEWSOM: Thank you very much.

19 Jim.

20 MR. HAUSSENER: Jim Haussener, California Marine
21 Affairs and Navigation Conference.

22 I apologize for, a, being here and, two, putting
23 down as opposed. Staff has done such a great outreach
24 program in changing the document as it's moved forward,
25 including recognizing the ports and harbors.

1 The Commission is aware and what brought me here
2 is there is a recent appellate court decision concerning
3 San Francisco Bay which has some public trust
4 implications. On page 14, key action 1.2.4 which tends to
5 prioritize sovereign lands, which could be granted or
6 ungranted or anything else, for certain uses. Those uses
7 obviously are important to our existence as well as the
8 existence of other species. However, by prioritizing them
9 over navigation, commercial fisheries, water dependent
10 uses, are we being set up for a future problem down the
11 road that we may have the law of unintended consequences.

12 I'm not an attorney and don't understand anything
13 about that. But Murphy has come along and bit me more
14 than once. So hopefully staff will take a look at that
15 and understand the concerns.

16 CHAIRPERSON NEWSOM: We'll bring that up in a
17 moment. Thank you very much.

18 You're back.

19 MR. NELSON: It's Job Nelson.

20 Commissioners, Jennifer, for the record, my name
21 is Job Nelson, the Director of Government and Civic
22 Relations for the Port of San Diego.

23 I feel like I've been on this journey with you.
24 I was here up in July to talk about the strategic plan.
25 Was here again -- you were down visiting us in October and

1 spoke on the strategic plan. And here I am today as you
2 hopefully approve the strategic plan. So I would like to
3 speak in support of the strategic plan.

4 In the months in between July and today, there
5 have been significant thought and work put into the plan
6 by both you and the staff. And there has been a
7 significant collaboration with the stakeholders, including
8 several stakeholder task force meetings hosted by the
9 State Controller. I will say at the first meeting they
10 put name plates out. I was seated in the middle of the
11 table. As folks introduced themselves, I started looking
12 for the exits trying to figure out if it turned into a
13 brawl which was my fastest way out. But I'm happy to
14 report that didn't turn out to be the case. And instead,
15 instead of turning into a brawl, it produced into kind of
16 a healthy balanced plan, lots of good discussion. And I
17 think that is reflected in what is put in front of you
18 today.

19 I want to highlight a couple of the positives
20 that I think are in the plan. First, from a ports
21 perspective, you could have highlighted your role as a
22 regulator or a landlord. And instead, you chose the term
23 "partner." We really do appreciate that because I think
24 there is a strong and positive testimony to our
25 relationship with you as partners, and we are committed to

1 help you move this plan forward, both on the economic and
2 the environmental goals that are housed within this plan.

3 On page 15, you mentioned as a goal looking for
4 ways to continue to formalize those partnerships. And
5 speaking on behalf of my port, we are open to that.

6 Second, I believe this is a balanced plan. We as
7 public corporations being ports have jointed commitments
8 to move the state's economy forward while still doing what
9 we can do to reduce pollution and greenhouse gas
10 emissions. I would add while there has been speakers who
11 come up here and talked about the fact they don't feel
12 like it does enough in terms of reducing greenhouse gas
13 emissions and addressing sea level rise, I would add I
14 think if you look at strategy 1.4 and the actions around
15 it, it does both. It talks to the reduction of greenhouse
16 gas emissions and talks about trying to address sea level
17 rise.

18 It's important to realize that in terms of the
19 economy and the environment, these are not mutually
20 exclusive goals. Your plan recognizes that. I would just
21 like to commend your staff for doing an amazing job and
22 the Controller and her team for doing an amazing job in
23 terms of bringing us together and putting together a plan
24 that I think makes sense for your organization over the
25 next five years. I think this is an aggressive and

1 ambition plan, but I think we can get there. And we are
2 committed to help you secure the resources to make it
3 happen. With that, thank you.

4 CHAIRPERSON NEWSOM: Appreciate that.

5 I apologize. Pamela Kershaw from the Port of
6 Oakland. She left?

7 EXECUTIVE OFFICER LUCCHESI: She had to leave.

8 CHAIRPERSON NEWSOM: All right. I mean -- I mean
9 not all right. That wasn't what I meant.

10 Can you rewind that tape?

11 Ms. Pam. Sorry she's not here.

12 Lee Callister and then Jen will make her way back
13 up.

14 MR. CALLISTER: Commission members and staff, I
15 want to first of all compliment you on what you've done
16 with the strategic plan, which I think streamlines and
17 clarifies the issues previously scattered throughout the
18 website. The website is also much better.

19 I have only a couple of comments related to the
20 meaning of some the terms that you use and how you apply
21 those terms. I'm going to talk only about two issues in
22 the guiding principles and values.

23 The first one of those is accountability. The
24 new plan calls for State Lands to seek balance between
25 competing uses. In my mind, seeking balance between

1 competing uses is a laudable goal. Employed by State
2 Lands successfully, for example, in writing and then
3 renegotiating and rewriting grants to meet the evolving
4 needs of the public trust, which have been expanded
5 considerably over the last few decades as you all know.

6 Sadly, I think that balance has been lacking and
7 requirements given to the City of Redwood City with
8 regards to the property known as Docktown Marina where the
9 evolving needs created by sea level rise and acute
10 shortage of affordable housing in Silicon Valley must be
11 considered in any decision as to the long-term use by the
12 Redwood City grants, both of which can best be met by
13 keeping Docktown Marina where it has been for 50 years on
14 granted lands.

15 I would add that in other counties and states,
16 states and counties including the Netherlands, Germany and
17 England from which we inherited the principles of the
18 public trust, governments are building new floating
19 communities to meet these needs. We're talking about
20 removing one of these such a community. Equally important
21 issue raise in the new plan is engagement where your
22 document now says ensure robust and transparent public
23 engagement. We are in receipt of two letters from State
24 Lands insisting that after 50 years we must give up our
25 homes, our community of friends, and in my case, my

1 livelihood, and go away. State Lands says we can just
2 move to Pond, which is the documents call Ferrari Pond. I
3 need you to know that waterway is not an available option.
4 There is no place for us to move our floatees and
5 residence.

6 I can tell you there are new faces at City Hall
7 and City Council and growing support for keeping us right
8 where we are. And that includes environmentalists who
9 maintain Ferrari should be kept as a wetlands. And yet,
10 to date, the residents of Docktown have not been any
11 afforded any meaningful hearings by State Lands in which
12 we can tell you about our community, explain our value to
13 the city and state, and defend our right to be where we
14 are and have been for the last 50 years.

15 How you can summarily dismiss our community and
16 the people who live there is unfathomable and unfair. I'm
17 confused as how you can do that and argue for robust and
18 transparent public engagement. Please create a forum for
19 us to make our case for staying.

20 You can see a number of us will have more to say
21 on this subject. I hope that if any of you have to leave
22 prior to that, they had take time to review the comments
23 on video.

24 With those caveats, I want to tell you that I
25 support the doctrine of the new strategic plan.

1 CHAIRPERSON NEWSOM: Well done weaving that in.
2 I'll reflect on that.

3 Mark Krausse and Rita Kampalath.

4 MR. KRAUSSE: Good morning, Chairman and
5 Commissioners. Mark Krausse on behalf of Pacific Gas and
6 Electric.

7 Just want to commend you on a very strong
8 strategic plan. We're pleased to see the exchange of
9 school lands and other properties for renewable projects
10 and mitigation for renewable projects. That's sort of at
11 the core of how it would effect the utilities.

12 But I want to thank the Controller and
13 congratulate the Commission on I think reaching out and
14 doing more than a lot of agencies do. Many times with its
15 strategic plan, there's just an open call for comments.
16 And I think recruiting people not only helped as you
17 recited the broad breath the Commission has at the
18 beginning of each meeting helps us see some of that that
19 we don't always touch on, but also helped us understand
20 one another's perspective. Very diverse group of
21 stakeholders. Thank you.

22 CHAIRPERSON NEWSOM: Appreciate that. Very kind.

23 MS. ECKERLE: Jenn Eckerle, Policy Analyst with
24 NRDC. I'm just here to thank staff and Controller Yee and
25 Deputy Controller Baker and echo the comments from my

1 fellow stakeholders. This was a very stakeholder-driven
2 process. There were lots of opportunities for input and
3 open dialogue. There was a lot of relationship building
4 happening. I think that will serve us moving forward into
5 the future.

6 And as other folks have said, I think this plan
7 reflects a very balanced treatment of everybody's input.
8 So we thank you for that. Specifically, we really
9 appreciate the incorporation of the State's marine
10 protected area network into Commission's planning and
11 leasing practices. We appreciate the comments around
12 addressing climate change and sea level rise through
13 project analysis and decision making and the improvements
14 to management of oil and gas resources and comprehensive
15 oversight of public access and public trust values. So
16 thank you again for our opportunity to participate.

17 CHAIRPERSON NEWSOM: Well done. Thank you.

18 Tim Schott and then John White.

19 MR. SCHOTT: Thank you very much, Commissioners.

20 Tim Schott on behalf of the California
21 Association of Port Authorities, which is comprised of the
22 eleven commercial publicly-owned ports.

23 We want to echo the comments of some of my
24 predecessors here and thank the Controller specifically
25 for her active involvement in the collaborative process

1 that led to the strategic plan. We appreciate it.
2 Appreciate staff's close involvement look forward to
3 working with you on implementation.

4 CHAIRPERSON NEWSOM: Thank you.

5 John.

6 MS. KAMPALATH: My name is Rita. I think I got
7 skipped.

8 CHAIRPERSON NEWSOM: Oh, yeah. Sorry.

9 MS. KAMPALATH: Chair Newsom and members of the
10 Commission, my name is Rita Kampalath. I'm the Science
11 and Policy Director from Heal the Bay. Thank you for the
12 opportunity to speak.

13 First of all, we want to commend you for
14 developing the strategic plan, which truly shows a
15 commitment on the part of the Commission to managing the
16 resources under its jurisdiction in a way that balances
17 environmental, economic, and social needs.

18 We also wanted to, like our other stakeholders,
19 express our gratitude to your staff for the open and
20 inclusive process that they used in developing this plan.

21 We are very pleased to see that the plan included
22 many provisions that will ensure that our natural
23 resources are protected, including that marine protected
24 areas were specifically acknowledged as key resources that
25 must be taken into consideration during Commission

1 planning.

2 We were also happy to see that the plan really
3 integrated climate change adaptation throughout the goals
4 and strategies. And in particular, we were pleased to see
5 emphasis placed on natural infrastructure solutions. And
6 we hope that in addition to coastal areas, such as tidal
7 wetlands and shoreline, that inland flood plains are also
8 taken into consideration as critical resources for climate
9 adaptation.

10 In our comments, we recommended that ecosystem
11 services evaluation be rolled into leases via assessments.
12 As you know, services provided by ecosystems such as
13 fisheries, recreational areas, and wetlands are critical
14 to supporting our way of life. They provide food,
15 economic and public health benefits, and safeguard against
16 the impacts of climate change.

17 While we believe that including this valuation in
18 lease fees would represent a way to ensure that impacts to
19 ecosystems services are always taken into account, we are
20 not asking that mitigation measures be duplicative of
21 current evaluation mechanisms. So, you know, we were glad
22 to see that one of the key actions is to review and refine
23 mitigation monitoring programs. As part of that work, we
24 would like to encourage the Commission to review the way
25 ecosystem services are evaluated and leases are managed by

1 the Commission. Just to ensure that mitigation for
2 impacted services are always put into place regardless of
3 the type of project and regardless of whether CEQA
4 requirements are triggered.

5 We encourage staff to draw on the significant
6 body of research that has been conducted to date in the
7 area of the ecosystems valuation as well as tools that
8 have been developed, such as Stanford University's invest
9 tool, which has been used throughout the US and abroad.

10 In closing, we just look forward to working with
11 your staff on this and are excited to see the strategic
12 plan implemented. Thanks.

13 CHAIRPERSON NEWSOM: Thank you so much.

14 John.

15 MR. WHITE: Good afternoon, Commissioners. I'm
16 John White with the Center for Energy Efficiency and
17 Renewable Technologies.

18 I was actually here today on another item. But
19 in listening to the strategic plan discussion, I wanted to
20 point out a couple things that I think are worth
21 mentioning.

22 There's been a lot of talk about the climate
23 change in the last several weeks. And we're pleased to
24 see the inclusion of references to the need to act to
25 protect California from climate change and expand energy

1 efficiency. But actually, the thing that is missing that
2 I see in the document is a specific reference and
3 commitment to protecting public health from air pollution.
4 Air pollution is, to me, the fundamental challenge facing
5 California, and climate change is really a part of the air
6 pollution problem.

7 And State Lands has unique opportunities and
8 challenges because of the role that it plays in
9 influencing the performance of the shipping industry, as
10 well as owning significant amounts of land in the Salton
11 Sea Imperial area where there is significant air quality
12 challenges. So I think it wouldn't do too much violence
13 to the fine work that has been done to simply make clear
14 in the core of the document that protecting public health
15 from air pollution is a core part of the Commission's
16 mission. Thank you.

17 CHAIRPERSON NEWSOM: Thanks very much.
18 Appreciate that.

19 Dave, are you here? Anyone else wish to speak?
20 Please full out a card and come on up. Otherwise, I'll
21 close public comment after Dave.

22 MR. STEINDORF: My name is Dave Steindorf from
23 the California Stewardship Director for American
24 Whitewater. Our mission is to conserve, restore, and
25 enhance opportunities to enjoy America's whitewater rivers

1 safely.

2 California's rivers offer a host of recreational
3 opportunities, including fishing, swimming, and for our
4 members, whitewater boating. All too often, access to
5 our -- legal public access to our rivers are denied by
6 somebody that has a five dollar no trespassing sign. We
7 believe that one of the ways that this Commission can do
8 this and improve access to these rivers is by having an
9 agency with a strong commitment to public trust resources.
10 And we believe this plan does that.

11 Specifically, we're encouraged to see in the plan
12 the focus on enhancing and promoting access to inland and
13 coastal waterways. We look forward to working with the
14 Commission staff on the legal guide to rights to navigable
15 waterways and rights and responsibilities that we think
16 will by clarifying that will know both private land owners
17 and the public will have a better sense of what their
18 rights and responsibilities are.

19 Throughout the planning process, we've been very
20 encouraged by staff and by the Commissioners in their
21 level of public engagement. And we thank the Commission
22 for the opportunity to participate.

23 CHAIRPERSON NEWSOM: Thank you.

24 Anyone else? Seeing none, we'll close public
25 comment.

1 So Ms. Lucchesi, let's jump in. I know there are
2 three issues that seem to disproportionately come up in
3 the public comment around air pollution, public health,
4 greenhouse gases, sea level rise. There was a specific
5 reference to page 14, Section 1.24, et cetera. I imagine
6 you took notes.

7 EXECUTIVE OFFICER LUCCHESI: Yes. First, I just
8 want to comment that when the Lieutenant Governor first
9 directed and challenged staff to develop the strategic
10 plan, the first one in 17 years, it was quite a feat. As
11 you have seen not only through the agenda items throughout
12 the year, today, and then the comments, there is a
13 significant amount of balance that the Commission is
14 entrusted with conducting when managing the lands and
15 resources under your jurisdiction. And that balance
16 necessarily calls for flexibility and being able to be
17 adaptive in how you manage these lands and resources, not
18 only because all of them are unique in their own way, but
19 needs and values of the public and the state evolve and
20 change. And that has to be kind of the umbrella that you
21 manage these lands under.

22 But it's also important in a plan like this to
23 have a framework that's meaningful. So it can't be too
24 flexible where then it becomes meaningless. So that was a
25 significant challenge in developing this plan, to give the

1 Commission the flexibility to be able to adapt and manage
2 the lands and resources under its care as needs and values
3 and situations evolve but also provide a solid framework
4 to make your decisions and guide staff in its
5 implementation for the next five years.

6 So with that said, in terms of the comment on
7 prioritizing sovereign lands for particular uses, we do
8 use certain caveats in that type of language about where
9 it's appropriate or as appropriate. I think that speaks
10 to being able to be flexible and adaptive to whatever the
11 situation is at hand.

12 In terms of the air quality and the air
13 emissions, we spent a significant amount of time
14 integrating sea level rise, climate change, greenhouse gas
15 emissions, along with the other side of the balancing of
16 economic development, public access, public use.

17 And in many, many situations, those are -- there
18 is ways to build that into any kind of proposal or
19 application or project or use so they complement one
20 another and we are effectuating state policy goals. We're
21 promoting public use and public health through that.

22 We may not have specifically called out air
23 quality in ports, but certainly under the public trust
24 responsibilities that the Commission is entrusted to carry
25 out, that is an element of that. But there are also many

1 other regulatory agencies with more detailed jurisdiction
2 and authority over those issues. And those are an
3 exercise of the state of public trust responsibilities.

4 So, you know, it's trying to be respectful of
5 other agency's jurisdictions that are very specific and
6 have a little bit more regulatory teeth. But also
7 acknowledge that the Commission has responsibilities under
8 its public trust authority to also look at these issues.

9 So I know I'm being a little amorphous on this
10 and not pinpointing we addressed that particular issue
11 here. But I think the overall sentiment is that we tried
12 to incorporate all of these values throughout the plan in
13 a number of different ways and still be respectful of
14 other agencies' regulatory authority that, frankly, you
15 know, has its own important role in protecting public
16 health and safety.

17 CHAIRPERSON NEWSOM: I appreciate that. And I
18 know Commissioner Yee is going to have some things to say.
19 And so let me wait for that, and I'll circle back. I know
20 you have spent a great deal of time on this, which is
21 fabulous. Everyone is grateful. I imagine you have some
22 thoughts, Mr. Chairman.

23 ACTING COMMISSION MEMBER YEE: I do have some
24 thoughts. Thank you for really providing the catalyst for
25 all of us to begin focusing on our future of the

1 Commission's work.

2 Couple thoughts here. One is I think one of the
3 words Jennifer used is this concept of flexibility. Even
4 though we have a specific document in front of us, I think
5 it's important for us, we as Commissioners and all of our
6 stakeholders, to really remain flexible. That what's
7 going to hit us in the coming years may require us to be
8 more nimble than not. And I think part of what we tried
9 to do at least what we were hearing from the stakeholders
10 was to be a little bit more general than specific so we
11 could be adaptive and more flexible to the kinds of
12 challenges that will be coming before us. So I think the
13 document captures that.

14 I'm sensitive to the public health issue because
15 we can't really do this work with blinders on with respect
16 to the effects of what's happening with either greenhouse
17 gas or other effects of climate change. So I don't want
18 to hold up adoption of the document, but I think it's an
19 ongoing conversation about where that fits. And I think
20 it is in recognition of the fact that much of that
21 responsibility we share with other jurisdictions but we
22 certainly have a responsibility of upholding state and
23 federal laws in these areas as well. So some
24 acknowledgement of that would be helpful.

25 I did like the suggestion that perhaps it's part

1 of expanding our statements of commitment so that that's
2 just not forgotten. We do it on the natural anyway, but
3 it would be nice to have it stated.

4 What I want to do is thank the staff effort.
5 Jennifer, you, Dave Brown, my Deputy Controller, Ann
6 Baker. This has been really truly a stakeholder-driven
7 effort. I know, Mr. Chairman, you've been involved and
8 engaged with stakeholders for many, many months as well.
9 This document is a living document. I like the
10 aspirational nature of it. I do hope it begins kind of
11 this way of how we look at our work before us as one where
12 we're just not afraid to tackle any challenge. And being
13 much more proactive about seeking resources that we need
14 to do a good job and really being true to the notion that
15 we've got to update the ways in which we do our business.
16 I think there is not a long ways to go there.

17 The partnerships are robust. I think the
18 integration of technology will be very, very key. Not
19 only from an efficiency standpoint, but really with
20 respect to how we do our public engagement as well.
21 That's a critical piece.

22 What I want to end with is this. The stakeholder
23 process that we went through really I hope is the
24 beginning and that we really come back and have an
25 opportunity to just kind of check in with each other about

1 how we're doing. And I think that's the gauge that I
2 would like to see the stakeholders really take up the
3 responsibility for just coming back and giving us ongoing
4 guidance about how we're doing with these strategic goals.

5 Thank you for indulging that effort. I know the
6 first meeting was a little strain, but we have photos that
7 demonstrate that diverse stakeholders can survive in a
8 room. But let this be the beginning of how we do our work
9 together. And the balance is here. It's a great document
10 and something I think we should be very proud of it.

11 CHAIRPERSON NEWSOM: Well, first of all, let me
12 double down on that sentiment of gratitude because we
13 began about this time last year our conversations about
14 what we want to accomplish over the next year. And here
15 we are after this journey together and you guys did a
16 remarkable job, I thought and I think, balancing those
17 respective constituencies and perspectives and providing,
18 as Commissioner said, the flexibility in terms of the
19 language and the approach and the engagement.

20 Your involvement was unique and special. I'm
21 very grateful. We didn't expect the kind of activism that
22 you engaged in. So I just want to thank on behalf of my
23 staff as well all your extra effort and extra personal
24 engagement in this. And -- I don't know, I just think
25 it's unique. So I wanted to acknowledge it and really

1 reinforce the gratitude as a taxpayer, not just as your
2 colleague on this Board. And so, you know, well done.

3 And, you know, so I think it's a document that we
4 should be proud of. And I hope other agencies take a look
5 at it, because I think there is a lot there for them to
6 consider themselves. And we'll put it up against a lots
7 of your well a lot of our friends in other agencies. So I
8 hope they'll take a look.

9 The issues on health and air pollution, all of
10 that is valid and all your comments were spot on. This is
11 an organic document. This is an ongoing conversation.
12 And I don't want to delay the support and application of
13 this and put this -- let's knock this out today. I hope
14 we do. But let's certainly be cognizant of those
15 concerns.

16 Let me just say two things on the technology.
17 And I appreciate the extra emphasis, and I know I was a
18 little over indulgent on some of that. I hope when we
19 look at technology, we look at it not just as a way of
20 accessing information, a way of people sourcing
21 information, but for me, it's a different way of thinking.
22 We talk about platform thinking. And we talk about
23 platform thinking, it's about a different level of
24 engagement. It's doing things with people as opposed to
25 doing things too people. This framework of partnership I

1 love.

2 This notion co-creation and the ability for
3 people not just to make it easier for them to get
4 information for, frankly, members of the press to access
5 information so it's less burden on staff time, which is
6 some of the language in here, which I appreciate. It's
7 deeper than that. It's a cultural shift. It's a
8 different mindset. And I hope the language is animated in
9 that respect as we do the application and move forward
10 towards implementation. For me, it's a richer framework
11 of a different kind of relationship with taxpayers, a
12 different kind of relationship with our stakeholders
13 that's much more rewarding and much more engaged.

14 So that's the spirit of that section, but I think
15 you did as well as you possibly could in terms of getting
16 to where we want to do in the actual language or where you
17 want to go in the language. So I want to thank you for
18 that special emphasis as well. Well done.

19 So enough of the niceties. I guess we close
20 public comment. No one else? I think Betty has one more
21 thing to say.

22 ACTING COMMISSION MEMBER YEE: One more thing,
23 and that is now the hard work really begins in terms of
24 the implementation. And I think we will do well if we
25 continue to just have a very open process as we begin to

1 implement the strategic goals.

2 I think Mr. Chairman is right when we talk about
3 technology, and it's more about the culture of the
4 organization. I think that will manifest itself in terms
5 of how we embrace some of these challenges. But
6 implementation will be key. That is where I would like
7 the stakeholders to stay engaged with us.

8 EXECUTIVE OFFICER LUCCHESI: If I may just under
9 the implementation umbrella, a couple things that I know
10 Dave mentioned but didn't get highlighted that speaks to
11 the implementation is that we also engaged our own staff
12 in helping to draft this and develop language and comment
13 throughout the process. So we certainly have a
14 significant amount of buy-in from staff. And with that, I
15 think then leads us to a better ability to actually
16 implement this plan. I assure you that this plan will not
17 just be put on a shelf by staff. We are going to be
18 conducting trainings and workshops with staff so that they
19 understand how this plan effects them on a day to day
20 basis and how they can then implement the plan moving
21 forward and really get their buy in so that we are
22 thinking about this plan and implementing this plan on a
23 daily basis in everything that we do.

24 CHAIRPERSON NEWSOM: Excellent. In that spirit,
25 is there a motion?

1 ACTING COMMISSION MEMBER YEE: Yes.

2 ACTING COMMISSION MEMBER ORTEGA: Second.

3 CHAIRPERSON NEWSOM: Without objection. Thank
4 you. Well done.

5 Now we will travel south along the coast. And we
6 will land at Diablo Canyon. I imagine we have a number of
7 people that wish to bring presentation. This is Item 123.
8 And then we'll move to public comment.

9 EXECUTIVE OFFICER LUCCHESI: Yes.

10 CHAIRPERSON NEWSOM: I have seven or eight
11 speakers cards. Anyone else wish to speak on 123, please
12 fill out a speaker card.

13 And, Jennifer, I don't know who's making the
14 presentation.

15 EXECUTIVE OFFICER LUCCHESI: I am. I will be
16 making the presentation. I'm just trying to find my
17 notes. So I do have a PowerPoint on this.

18 (Thereupon an overhead presentation was
19 presented as follows.)

20 EXECUTIVE OFFICER LUCCHESI: This is calendar
21 Item 123. It is the consideration of an application to
22 terminate two existing leases for the intake and outfall
23 structures at Diablo Canyon in San Luis Obispo County and
24 issue an application for a new lease to cover those same
25 facilities for a limited term.

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EXECUTIVE OFFICER LUCCHESI: Just to put some additional context around these facilities, these are facilities located off shore at the Diablo Canyon nuclear power plant in San Luis Obispo County.

--o0o--

EXECUTIVE OFFICER LUCCHESI: Here's an aerial photo to give you a better sense of what those structures look like and where they're located on State property.

Just a little bit of context. In August of 1969, the State Lands Commission authorized the issuance of a 49-year lease to PG&E for the water intake structures and break waters associated with the Diablo plant. This lease expires on August 27th, 2018.

In May 1970, the Commission authorized a second 49-year-lease to PG&E for the cooling water discharge channel associated with the plant. This plant expires on May 31, 2019. PG&E has submitted an application requesting the termination of the two existing leases and the issuance of a new lease for the continued use of the water intake structures, break waters, cooling water discharge channel, and a number of other structures.

Specifically, this lease application is seeking a new lease to ensure the term will coincide with the expiration of PG&Es current nuclear regulatory Commission

1 licenses. PG&E has advised the Commission staff that a
2 formal decision regarding whether to continue to seek
3 license renewal with the NRC has not yet been made. The
4 NRC is currently pursuing environmental review under NEPA
5 for PG&E's license renewable application submitted in
6 November 2009.

7 Most recently along the federal process side, the
8 NRC held an environmental scoping public meeting in August
9 2015. At this point, staff reasonably expects
10 developments over the next year relating to the operation,
11 permits, and licensing of the power plant that could
12 inform any decision the Commission may make on this
13 particular lease application. Additionally, staff is
14 still evaluating the appropriate environmental review for
15 the lease application pursuant the CEQA. For these
16 reasons, at this time, staff believes it would be prudent
17 for the Commission to defer action on this application at
18 this time.

19 And that concludes my presentation.

20 CHAIRPERSON NEWSOM: All right. So we have a
21 number of speakers. Lots of opinions, at least here. But
22 I won't share them yet.

23 I'll ask if we could to see if the speakers can
24 come up and then they'll help us contextualize the
25 conversation. And we'll start because it's on the top of

1 my list, Mark Krausse from PG&E. Jenn will come up, John
2 White and Jim Boyd. And then we'll go the Bill White
3 afterwards. Thank you.

4 MR. KRAUSSE: So almost good evening, Mr.
5 Chairman. Mark Krausse with PG&E.

6 PG&E does not believe there are CEQA issues
7 associated with issuance of this lease. We will continue
8 to work with your staff as they consider this application.

9 Just want to point out Diablo Canyon power plant
10 is a safe, clean, reliable, and vital energy resource for
11 PG&E's customers and a significant economic engine for the
12 central coast.

13 The plant provides low cost carbon-free
14 electricity for more than three million peoples and
15 ensures PG&E delivers some of the cleanest energy in the
16 nation.

17 The intake and discharge structures support plant
18 operations, including the generation of electricity and
19 cooling for components. At present, the leases for these
20 structures are to expire in 2018 and 2019. The extension
21 would allow the continued operation of the structures
22 through the 2025 end of license and no change in existing
23 operations. I think that's what we want to emphasize.
24 And that the generation of safe, reliable, and affordable
25 electricity is that which PG&E's customers count on.

1 So we will look forward to working with your
2 staff. That's it.

3 CHAIRPERSON NEWSOM: Well done. Thank you.
4 Jenn.

5 MS. ECKERLE: Thank you. Good evening, Chair
6 Newsom and members of the Commission. Jenn Eckerle,
7 General Ocean Policy Consultant with NRDS.

8 We submitted a last minute letter on this. I
9 think it came in last night or this morning to you.

10 We would like to support the staff's
11 recommendation to defer action on the current lease
12 application. We expect over the next year there's to be
13 developments around the operation, permitting, and
14 licensing that of the plant that could inform the decision
15 of this Commission as your staff recommended.

16 The lease request includes continued use of an
17 existing water intake structure among other once-through
18 cooling infrastructure and operations.

19 As you know, open ocean intakes like the one at
20 Diablo result in significant impacts to marine life
21 through impingement and entrainment.

22 The Diablo Canyon plant right now pulls in 2.5
23 billion gallons of water a day and is currently killing
24 over a billion larvae of marine life. Minimizing these
25 impacts statewide was the primary goal for the State Water

1 Board adopting our once-through cooling policy back in
2 2010. And deferring action by this Commission will allow
3 time for the State Water Board to make a decision on how
4 Diablo will comply with the once-through cooling policy
5 and allow your staff to conduct a thorough CEQA analysis
6 of the plant's continued impacts on marine life,
7 particularly to the marine life within the highly
8 productive Point Buchon protected areas which are less
9 than one mile from the plant.

10 Again, we support deferral of this decision and
11 thank you for your consideration.

12 CHAIRPERSON NEWSOM: John White.

13 MR. WHITE: Good afternoon, again, Mr. Chairman
14 and members, Commissioners.

15 I'm John White. I'm here today on behalf of the
16 Friends of the Earth. And I just wanted to advise the
17 Commission, we had hoped to have a piece of work completed
18 by this time, but we are in the process of finalizing a
19 study that we're carrying out for Friends of the Earth to
20 take a look at the availability and economic and
21 technological feasibility of replacing the megawatts now
22 provide by Diablo Canyon with renewable and other
23 low-carbon, zero-carbon resources.

24 We think this work is going to be compelling.
25 It's going to be based on other work that has already been

1 done. We just wanted you to know this is coming and that
2 it hopefully will be helpful to all of the decision makers
3 and we can begin hopefully to have an orderly process for
4 moving forward with alternatives.

5 We didn't do the kind of planning and thoughtful
6 alternative analysis with respect to the San Onofre plant.
7 We think this is an opportunity to be thoughtful. We have
8 time. PG&E has a good system to work with.

9 One of the things that we're discovering in this
10 work that we identified is the opportunity that this will
11 create overall not just for environmental and renewable
12 development, but also for we think potentially enhanced
13 reliability for the system.

14 So we just wanted to let you know this work was
15 coming, and we'll be happy to share it when it's finished.
16 Thank you.

17 CHAIRPERSON NEWSOM: Thank very much.

18 Jim Boyd.

19 MR. BOYD: Mr. Chairman and members, I'd like to
20 yield my time to Mr. White, who is the principle spokesman
21 for the Friends of the Earth. As former Energy
22 Commissioner, State's liaison, Nuclear Regulatory
23 Commission, I'd be glad to answer any questions as they
24 come. But his letter and in light of the hour and the
25 number of people --

1 CHAIRPERSON NEWSOM: You're being too generous.
2 I'm questioning your motives.

3 (Laugther)

4 MR. WHITE: Good afternoon. Good evening,
5 Commissioners, Mr. Chairman, staff. We'll try to do this
6 within three minutes, both of our comments.

7 The key issue that's been talked about so far has
8 been CEQA and the Commission's CEQA obligations that need
9 to occur before the lease can be approved.

10 Before we get to the CEQA issue though, I just
11 want to point out that the State Lands has an independent
12 obligation to look at the impacts of this separate and
13 apart from CEQA. I think when we saw the strategic plan
14 and the mission statement, there was an emphasis on
15 stewardship, and that's certainly one of the major roles,
16 stewardship of public trust lands and resources.

17 As you heard from NRDC, the plan as currently
18 operating is having absolutely devastating impacts on
19 marine wildlife resources. 1.5 billion juvenile fish per
20 year being killed by this water intake structure. The
21 lease extension for six years, that adds up to another
22 nine billion juvenile fish wiped out. That's an important
23 consideration that you need to have more information on
24 before you make a decision. And that would be true even
25 if CEQA didn't exist.

1 But getting back to the CEQA issue, we haven't
2 really heard here tonight a legal argument, but you did
3 receive some papers from PG&E's attorney. So I just want
4 to address that real briefly.

5 The gist of their argument is that this is an
6 existing ongoing operation and there is no increase in the
7 intensity of the operation. So therefore, it comes within
8 the existing facilities exception under CEQA. But that
9 exemption contains an exception for unusual circumstances.
10 I think in this case to say there are unusual
11 circumstances is an understatement. This is the only
12 remaining nuclear power plant operating in California.
13 The original lease was approved by this Commission almost
14 a half century ago before CEQA was even enacted. There's
15 been no CEQA review for the project. There's new
16 information that's come up in any event since that time.
17 Four new seismic faults that were not known at the time
18 the lease was originally approved.

19 And as far as this once through cooling impact,
20 this plant accounts for almost 80 percent of all of the
21 ocean water intake from once-through cooling plants in the
22 state, 80 percent. It is essentially the once-through
23 cooling problem that the state has today. So if these
24 aren't usual circumstances, I think nothing is.

25 The argument PG&E makes that, well, even if there

1 are unusual circumstances, there can't be an impact
2 because there is an existing plant. That's just not the
3 law. There can be existing impacts even when an existing
4 facilities continue to operate.

5 This has been State Lands' policy. For example,
6 with oil facilities that have been operating for a
7 century, you have required CEQA review because, for
8 example, the risk of future impact, an oil spill, for,
9 example or here the risk of a seismic event or tsunami or
10 flooding event, these are future impacts. They're not
11 part of the existing base line. Every year this plant
12 continues to operate, that risk goes up. That is an
13 impact under CEQA that is significant. So therefore,
14 cannot rely on this categorical exemption.

15 Finally, a part from CEQA just getting to the
16 substance of what you're going to need to decide, one of
17 the standards is you can't approve a lease unless it's in
18 the best interest of this state. I think as John White
19 mentioned, we will be coming forward with a report that
20 shows that this plant can be replaced in an economical and
21 environmentally superior manner. So that's going to be a
22 major consideration in any decision whether to extend the
23 life of this lease. Thank you.

24 CHAIRPERSON NEWSOM: Appreciate that. Thank you.

25 Linda Adams. And after Linda that's the last

1 speaker card I have.

2 MS. ADAMS: Thank you, Mr. Chairman and members,
3 I'll make this very quick.

4 I'm here today on behalf of the California
5 Coastkeeper Alliance. And we also are requesting a
6 deferral of this decision until environmental review takes
7 place in accordance with the prior comments. Thank you
8 very much.

9 CHAIRPERSON NEWSOM: Thank you very much.

10 Anyone else on this item? We'll close public
11 comment.

12 Thank you for your comments and again patience in
13 the lateness of the day.

14 So this is an interesting and unusual
15 circumstance of sorts for this plant, because there is not
16 continuity. There's not consistency with some of the
17 terms of expiration as it relates to the larger federal
18 issues, the NRC in 2024/2025. There is this lease which
19 is not insignificant. Turns out perhaps very significant
20 if it's not extended '18 and '19. So it gives this body
21 an enormous amount of influence over the ultimate
22 determination of its fate and future. As a consequence,
23 it's a very serious discussion.

24 There is the last remaining plant of its type in
25 the state of California. It services an extraordinary

1 need in terms of its total output. It has huge economic
2 impact on the region, more broadly the state, and one
3 could argue the nation. So it's not an insignificant
4 question that we're being asked. And it's a question that
5 not only are we being asked, but many other agencies are
6 being asked.

7 If I were a pundit -- I'm not. And there is
8 nothing worse than an elected official that tries to be.
9 So let me be that person for a moment with that caveat. I
10 just don't see that this plant is going to survive beyond
11 2024/25. I don't see that. Now I absolutely may be
12 wrong. But that's the punditry. And there is compelling
13 argument as to why it shouldn't. There is legitimate
14 concern about not just nuclear. We can push that as an
15 aside because there are good people in the environmental
16 community that feel that nuclear must plan an out size
17 role in terms of achieving our greenhouse gas reductions
18 of 80 percent by 2050 that's marked in most of our
19 conscious. And I'll leave that as an aside.

20 But the question is is this the site that it
21 should operate, with all of the questions of seismic
22 instability, questions that seem to arise every few years,
23 another fault is discovered, another fault is discovered,
24 another question mark about its safety and its potential
25 capacity to survive an earthquake that's certainly more

1 modest than the outsize quake Fukushima. But nonetheless,
2 an earthquake of magnitude 7.5 or even below, depending on
3 the quake. We discovered quakes whose proximity in some
4 cases less than a thousand feet from critical
5 infrastructure of this plant, certainly a few miles with
6 other discoveries. There is a huge population density in
7 and around the area, over half a million people within 50
8 square miles.

9 And we are in the future business in California.
10 That means we are in the renewable business. Cost is
11 getting cheaper and cheaper. And our capacity to do great
12 things has been excelled by the great leadership we have
13 in the state that is marked in very recent terms new
14 audacious goals that California will meet because that's
15 who we are.

16 So it's given me pause and consideration in terms
17 of the role of this Commission. And that's why I
18 appreciate your recommendation to pause for the moment and
19 support that and to reflect upon what was just mentioned
20 as it relates to our obligations. When this was
21 originally -- this lease was put in place, it's absolutely
22 right. There was no CEQA consideration back then. We
23 didn't know a lot back then compared to what we know
24 today.

25 It is not without precedent as it was mentioned

1 on the CEQA question with these oil leases appears to be a
2 benign question of extending an existing lease triggers
3 CEQA consideration. Why one would consider the same here
4 I don't know. I do think we should consider the same.

5 The question is: What's the scope on that? What
6 does it look like? How do we deal with what's -- as they
7 say in the vernacular, what's the CEQA treatment look
8 like?

9 And that's the question that at least I haven't
10 been able to answer. And I have heard different opinions
11 candidly. I think the opportunity over the next few
12 months here until our next meeting to really reflect on
13 that I think is important. I would certainly encourage us
14 to consider that.

15 I'd also encourage us to consider the broader
16 contextual issue. I think it was pointed out
17 appropriately, if this is shuttered in 2024, this is not
18 insignificant in terms of the total electrical needs of
19 the state. It is a profound question. Not just a cost
20 question. It's a reliability question. And that means we
21 got to get moving now. We can't wait. Can't wait a year.
22 Certainly can't wait ten years. That means we all need to
23 start working more collaboratively with State agencies and
24 not just wait for the PUC to come down and say here's what
25 we need to do and figure out what's going to go on with

1 the Water Board and once-through cooling, which that issue
2 alone I think -- and that's the punditry in me -- I think
3 that issue alone makes this from an economic perspective
4 very likely to call the question of its fate in future,
5 just that question alone.

6 But I hope we can take a look and contextualize
7 that question. State Lands, I think our strategic plan
8 bears it out, will play a role in answering those
9 questions. So I think it would be very helpful if staff
10 could over the next few weeks try to help contextualize
11 that question for us. You don't have to answer it, God
12 bless. Love that. But help us contextualize that
13 question, as I know a lot of organizations are beginning
14 to do with renewed vigor and emphasis.

15 But this is a big deal. A big deal. There is a
16 lot of insecurity, a lot of vulnerability in terms of
17 where this was sited. I don't think PG&E in its quiet
18 moments may would disagree this may not have been an ideal
19 site for a plant. And nonetheless, they've done an
20 enormous amount to try to secure these facilities
21 literally and figuratively. And I know they don't take
22 this lightly, this security and safety of this facility.
23 It's not in their business interest to do so and certainly
24 their family members. They have thousands of employees
25 and they've got a community they care about as much as we

1 do.

2 So I hope we will consider based on all these
3 factors the staff recommendation and move towards try to
4 frame this into a question. And I think ultimately we
5 should end up moving in that direction.

6 I'm just previewing a bias here that I have based
7 upon some real reflection. This is not -- I have not just
8 entered in this in the last few hours or days. I've been
9 thinking through this for the last few months. I'm
10 hopeful that this body will move in the direction the
11 staff is recommending.

12 ACTING COMMISSION MEMBER YEE: Mr. Chairman, I
13 first I want to thank PG&E for bringing this forward ahead
14 of schedule. Really gives us time to think through a lot
15 of these issues, and this is an important decision.

16 What I'd like to do also aside from just looking
17 at the CEQA treatment -- and I know we'll be getting more
18 input from interested parties -- is also having the staff
19 come back with if we were to consider a lease proposal
20 also beginning to identify some of the larger public trust
21 issues as well. That's certainly front and center with
22 respect to other leases that we look at, but ought not
23 forget that is also a central focus.

24 CHAIRPERSON NEWSOM: Agree with that.

25 ACTING COMMISSION MEMBER ORTEGA: I support the

1 staff recommendation.

2 CHAIRPERSON NEWSOM: Jennifer, any reflection on
3 your thoughts in terms of our comments?

4 EXECUTIVE OFFICER LUCCHESI: Just that I'm happy
5 to hear the comments. I'm happy to receive the direction.
6 And our staff will be committed to bringing back an
7 analysis with potentially some recommendations on not only
8 an approach and a framework analyzing the CEQA
9 considerations, but also a framework for looking at the
10 public trust issues, including the future energy needs of
11 the State and how this all fits into that picture. And
12 we're happy to do that at the February meeting next year.

13 CHAIRPERSON NEWSOM: I love it when we agree.
14 Disagreement too, but this is preferable.

15 So with that in mind, we close public comment.
16 There is a motion to support staff recommendation?

17 ACTING COMMISSION MEMBER YEE: Yes.

18 CHAIRPERSON NEWSOM: With all those caveats that
19 we just through in, without objection, thank you.

20 Now to those that feel we need -- and I tend to
21 agree -- public comment on Docketown. We've had a number
22 of big public comment sessions about Docketown, but we
23 haven't really agendized, have we? So before you all get
24 up -- I'm not trying to take the rug out from under you, I
25 heard you loudly and clearly. We've got to take a good

1 look at this. So I just want you to know you shouldn't
2 have to wait for public comment. We need to agendize your
3 discussion. But you can help us frame what that agenda
4 would look like with your public comments.

5 I just want you to know, you guys have taken on
6 outsized amount of your own time on multiple occasions
7 since I've been Chair this last year raising these issues
8 with us. And I think we owe you a little bit more focus
9 and a little bit more time and attention.

10 But we have time and we will be attentive now as
11 we open up formally public comment. So I have a number of
12 speaker's cards. There's one poor soul I say lovingly
13 that is not here for Docktown. And if we could indulge
14 this individual so they don't have to wait that would I
15 think be generous. That said, I can't read the name. I
16 think there is a Mary in here. But I'm just -- it's
17 cursive. I've forgotten such a thing. But I can't read.
18 Is Mary here? Lund, is it? Ms. Lund. There you are. I
19 apologize. I have terrible eyesight. Come on up.

20 And then we'll start moving into Ellen and
21 everybody else, Docktown, and you can all just start
22 jumping up.

23 MRS. MARY LUND: OKAY. Hello everyone. I'm Mary
24 Lund, and this is Falicia Lund. We're here to talk about
25 our dock project that has been in the works for a while.

1 It's on the Sacramento River in Walnut Grove.

2 You want to go faster?

3 MRS. FALICIA LUND: Thank you for your time and
4 being put in early.

5 And I just want to thank you personally for your
6 effort when you were Mayor of San Francisco.

7 CHAIRPERSON NEWSOM: I'm grateful.

8 MRS. FALICIA LUND: We've been married 51 years.
9 I was terribly frightened that would have to end. And
10 through your efforts, it did not happen.

11 CHAIRPERSON NEWSOM: Very kind. Very grateful.
12 Thank you.

13 MRS. FALICIA LUND: We have been under this dock
14 process for a number of years now, more than we should
15 have been. And there's a multitude of reasons why.

16 But in any event, what's before us today is that
17 we had the last permit that was issued by the Board had a
18 caveat that gave us a three-year construction period. At
19 that point in time, we had no problem with it whatsoever.
20 But we got tangled up with Department of the Army in
21 mitigation.

22 And the dock -- the total dock project is
23 probably \$75,000 and mitigation is going to be 35,000.
24 And it just devastated the project. It just didn't make
25 it able to be done. However, we do have pilings in the

1 river that was put in many years ago. And under your
2 jurisdiction, that means if we say, well, we don't want to
3 do it, we have to take them out.

4 And under the laws that I see so far today, you
5 could own our property within a period of six or seven
6 months with that kind of fines.

7 So -- and of course you being fighting with Wells
8 Fargo as well. Our part is very small. But in any event,
9 what we're asking you to do is to extend that window for
10 us. All it is is two numbers on the total thing. It
11 doesn't change anything in the permit, nothing whatsoever,
12 other than the date of the closure of that window, because
13 we haven't been able to resolve the issue with the
14 Department of the Army. And your staff has been more than
15 cooperative with us. In fact, in the beginning, they
16 indicated they might know someone in that department that
17 could help us get past it as well.

18 So the biggest issue we have is that with the
19 restrictions financially and then also the federal Fish
20 and Game has on their website that the fish that they are
21 saying that are impacted in our location are, in fact, ten
22 miles down river or more. And that's their habitat. So
23 that's the argument that we're having with them. But your
24 canceling our lease would change that argument to zero.
25 You know, there's no reason.

1 CHAIRPERSON NEWSOM: Just in the interest of the
2 time and the complexity of the issue, Jennifer, you can --
3 let's follow up.

4 EXECUTIVE OFFICER LUCCHESI: Yes, certainly. We
5 have been working with the Lunds for quite a while. And I
6 just want to assure you that we have no intention as a
7 staff to recommend that lease be terminated. And we will
8 continue to work with you both in terms of our own
9 jurisdiction but also to see what we can do to help
10 facilitate discussions with the other regulatory agencies
11 that you're talking with now.

12 MRS. FALICIA LUND: The biggest thing for us is
13 that you gave the lease to us years ago. We put the
14 pilings in. The economy turned dump. I was a general
15 contractor, so general contractors know how the real
16 estate market goes dump, you have a problem.

17 So that gave us a lot of issues. The fact is we
18 came close the losing the whole place. And we have had
19 other things going on. You talked about eminent domain.
20 We were the victims of eminent domain. And that's where
21 we thought we would have the funds to do this job. We
22 thought, great, we can do it.

23 CHAIRPERSON NEWSOM: So let's carve out time to
24 have a more robust conversation so we can see if we can be
25 helpful.

1 MRS. FALICIA LUND: Our biggest problem is to pay
2 \$2,000 for two numbers on a piece of paper --

3 EXECUTIVE OFFICER LUCCHESI: We will work with
4 them.

5 CHAIRPERSON NEWSOM: That's what I wanted to
6 hear, public commitment right there.

7 MRS. FALICIA LUND: Thank you.

8 CHAIRPERSON NEWSOM: Grateful. Thank you both.
9 God bless you. Thank you. Very kind.

10 EXECUTIVE OFFICER LUCCHESI: I'm sorry to
11 interrupt. I just want to acknowledge I think there's one
12 more person that would like to come up for public comment
13 unrelated to Dockettown. And under my notes, it's Carolyn
14 Miller.

15 MS. MILLER: Yes. Good afternoon, Commissioners
16 and everybody here.

17 Just to make a quick thing, I know these two
18 other people also put on their card to do -- say something
19 during the public time, so I am sorry. I apologize and
20 ask you to humor if I'm taking up time in an uncalled
21 manner. This is the first time I have ever interjected
22 myself in matters like this. So I've written my brief
23 notes so I can be timely and considerate to all present.
24 I'm sorry.

25 I just wanted to make a statement which may or

1 may not contextualize what is or is not already understood
2 about some things about the GreenBrae Boardwalk and my
3 grandfather. As Jean Severinghaus said earlier, she
4 mentioned that my grandfather was the main and driving
5 force for saving the marsh and in the 32 years I've known
6 him, his mantra has always been to make sure that he stays
7 primarily on his own property and respected and protected
8 the State's property in every way possible.

9 And from my understanding, his issue is not
10 covered by the language in the SLC's lease because by the
11 time he was aware of an issue, the State was claiming
12 jurisdiction on a triangle of his land that had been
13 eroded by the ferry's force. And he hadn't had any rip
14 rap there to protect it because of that not knowing that
15 SLC would claim it.

16 And I understand, Jennifer, that you said that
17 the he can protect his own land by applying and asking for
18 permission to do something about it. However, Lee is one
19 of three other property owners from my understanding who
20 chose not to agree to the rock rip rap to protect the
21 property. And the state's 2012 survey shows that these
22 properties have lost lands due to the ferry forces. And
23 the reason these land owners chose not to put the rip rap
24 on their property was because they believed they were
25 doing the best thing to take care of the marsh and the

1 natural world.

2 And the community is primarily this way as well
3 as my grandfather is it is evidenced by the role they have
4 played in the recent helping the Audubon Society to
5 purchase the Frank Green property to restore it and give
6 it to the Ecological Reserve.

7 I just wanted to add that my grandfather Lee
8 wouldn't have made the decisions he did regarding the rip
9 rap had he known he would be standing here today fighting
10 over the jurisdiction of his eroded land. I'm asking the
11 Commission ask the SLC to explore options and language in
12 regards to this situation, which was not at any time
13 before this last year with the leases made aware to my
14 grandfather and the community -- the Greenbrae community
15 as an issue then for the future time.

16 Thank you so much for your consideration. And I
17 know the Greenbrae Boardwalk and myself appreciates all
18 the willingness on the SLC and the Commissioners' side
19 working things out and in both the legal and personal
20 protective way for their properties.

21 As you said about another issue, there is a lot
22 of insecurity and vulnerability about this lease issue.

23 So thank you so much for your time.

24 CHAIRPERSON NEWSOM: Grateful. Thank you. Thank
25 you.

1 So we'll move forward you guys can come up as you
2 wish, but I have Ellen Savage, Tania, James again, and
3 David. Come on up. You all know who you are. You know
4 you filled out a card. Just state your name and it's your
5 time and we will make sure --

6 MR. MC CALLUM: Well, I'm just the most boldest
7 of all of them. So I'll be first.

8 So my name is David McCallum. Some people call
9 me the Creek Master. I've lived down there in Docktown
10 for 16 years now. Wherever I lived throughout the
11 world -- Bolder, Colorado, I grew up there. I cleaned the
12 creek there. I moved to the Virgin Islands. I cleaned
13 the beaches there. I lived in Arizona. I cleaned the
14 creek. I moved to Redwood City -- and this creek is the
15 worst creek I've ever seen in my life. There was so much
16 garbage there, it was unbelievable. I couldn't believe
17 the people of California could leave it like this.

18 So me and some of these other guys started
19 getting together, and we started cleaning the creek. This
20 creek -- I don't know how much you know about it -- but it
21 has a seven foot mean tide, 9.5 high. The low is a minus
22 .15 --1.5. So at low tide, the ducks don't get their
23 knees wet walking across. So we were able to go at the
24 low tide and clean up engines and bicycles and
25 motorcycles. We got 38 shopping carts out of the creek in

1 one day.

2 We've been fighting this battle for 16 years.
3 And Docketown, I've twisted a lot of arms and we got it
4 together was the best thing that ever happened to Redwood
5 Creek and the Bear Island sanctuary out there is Docketown
6 Marina. We have fought this garbage the whole way.

7 The other thing that was the biggest impact was
8 the garbage, the plastic bag ban. That was instant and
9 wonderful. Anybody had anything to do with that, thank
10 you.

11 CHAIRPERSON NEWSOM: Thank you, San Francisco.
12 I'm just saying.

13 MR. MC CALLUM: That was tremendous. The only
14 thing that we litigated and really helped was that. And
15 it was immediate action.

16 This is a picture of some of the stuff that
17 washes down when we do have rain. It just inundates us.
18 The thing about this, you fight and fight and fight and
19 the garbage keeps coming down on you. It's been a 16-year
20 battle. Every year, we have to do the same thing.

21 So Docketown is a real stalwart to stop this and
22 we're valuable to our community. And I thank you very
23 much for your time.

24 CHAIRPERSON NEWSOM: Thank you.

25 MS. SAVAGE: It's me. My name is Ellen Savage.

1 I've been living at Docktown Marina in Redwood City,
2 California for the last 14 years. And I will be reading a
3 comment written last night by my neighbor, Kevin Germano,
4 who writes:

5 "Commissioners, my primary residence for the past
6 23 years has been in Docktown Marina on Redwood Creek. I
7 invested my money from my divorce in the houseboat that
8 was built there and remains there to this day. I invested
9 my hard-earned money in a way synonymous with the
10 capitalistic idea of Equity appreciation. I was taught
11 that to make money, one had to play with and invest
12 capital. I did that. I put good money into my floating
13 home and was hoping to see the resulting appreciation that
14 time and location would bring to me. This was my hope for
15 my eventual retirement to realize the American dream.

16 "And then the rug was pulled out from under me."

17 And he writes me, I will say all of us -- most of
18 us did not know SLC had jurisdiction over the creek. It
19 was never mentioned in all the time that I've lived there
20 or that was -- and when I was buying my property. By the
21 way, I don't think of myself as a financial fool. I
22 wouldn't have brought the place I live in now and love
23 very much if I had known that we were illegal effectively.

24 "Two years ago, the City Manager of Redwood City
25 informed everyone that because State Lands said that our

1 houseboats were in violation of their policy for
2 liveboards in San Francisco Bay, including Redwood Creek,
3 we could not sell to anyone because the city would not
4 issue a new owner liveboard permit."

5 Then he repeats here, "I was never informed of
6 this when I invested here. It is a policy that harms us
7 and should be reconsidered. Please allow this floating
8 community to remain where it is. We've been here 50-plus
9 years. We have invested a large part of our money to live
10 here and pay for that right monthly to the City of Redwood
11 City. We have docks that are open for public access and
12 we, not the city, organize and clean up thousands of
13 pounds of trash that floats down our creek."

14 I think the creek clean up is four times a
15 year -- monthly after every storm, but four big ones a
16 year.

17 "And Docktown is a beautiful community because
18 of, not in spite of, our efforts. And I'll ask you this:
19 If you were told that you had no equity in your home, no
20 return for all your efforts, no hope to recoup the money
21 you've paid into your stake in the American dream for all
22 these years, would you roll over or fight for all your
23 worth?"

24 You know what the answer is. And thank you very
25 much.

1 CHAIRPERSON NEWSOM: I appreciate it. Thank you.

2 MS. SOLÉ: Hello, Commissioners. I'm Tonia Solé,
3 a resident of the Docktown floating community located on
4 Redwood Creek in Redwood City.

5 I'm a bit concerned that Commission staff has
6 seen fit to decide that as a community we are not
7 consistent with the public trust. The fact is that the
8 public trust clearly allows for hotels, time shares, and
9 other shared housing from the reality is by how we are
10 really immersing ourselves in certain locations can we
11 really experience them. Staying on the water is not the
12 same as looking at the water. The residents of California
13 are entitled to join enjoy the benefits of staying on the
14 water.

15 In today's sharing economy, platforms such as
16 have Airb&b, VRBO, and others allow the Docktown community
17 to in a manner no different than hotels and time shares
18 enhance the public trust uses of Redwood Creek. I have,
19 in fact, been working with the San Francisco Water Trail
20 Group to create a network of accommodations that water
21 trail users can access easily from the water as to further
22 enhance the public's enjoyment of the bay.

23 A couple of other thoughts:

24 Number one, it is important to note that there is
25 no reason whatsoever that current residents are not being

1 allowed to sell their homes and let the new buyers remain
2 in place alongside the rest of the community.

3 In addition, in reference to the earlier agenda
4 item or discussion, the blue economy sounded exciting.
5 That is just the type of item that could be great for
6 Docktown. Docktown is a great location for additional
7 aquaculture and, in fact, the perfect place if you think
8 of our location in the Silicon Valley for a second
9 northern blue tech incubator.

10 I appreciate your willingness to agendize the
11 subject, but I'm concerned because the Commissioners
12 should remember that as part of the inner-harbor specific
13 plan process comment period currently in place, State
14 Lands Commission will most likely be submitting comments
15 before the end of January when that period ends.

16 I strongly encourage the Commission to direct
17 staff to re-evaluate its outdated and completely erroneous
18 interpretation of the doctrine of floating communities
19 current existence on Redwood Creek and to communicate to
20 the City of Redwood City in the aforementioned comment
21 period. Thank you.

22 CHAIRPERSON NEWSOM: Thank you.

23 Q Commissioners, thank you very much for sticking
24 around. I really appreciate it. I know it's getting to
25 be a late day. And also I really appreciate what's taking

1 place in this strategic document. So what I'm going to do
2 is frame my comments here. I'm taking this long thing and
3 putting it away and going back to what's inside your
4 strategic document.

5 This is in the 1.4 section and it deals with
6 target outcomes. One of the items that you discussed
7 there is to avoid coastal armoring. Basically, we want to
8 avoid Levies. So take that idea.

9 Secondly, on 1.4.3 key actions, it says we really
10 want to go to a natural protections. Now, I've been
11 actually involved in that discussion and several of you
12 have been. That means silting in. I live in a place
13 where it silts in all the time. It silts in real slow.
14 We're talking about thousands and thousands and thousands
15 of flood events.

16 So as a result of these two things, we don't want
17 levies. We want to use the natural processes. What that
18 means here is we need to consider a different way to
19 build. How to build structures that can be there for
20 thousands, if not tens of thousands of silting events.
21 And guess what? That's where we live. Right now.

22 Now, also there is a very special case here which
23 is the grant property and the non-grant property. Now,
24 this is interesting because this is an opportunity for us
25 to have that discussion how we want to treat both these

1 types of structures. In this case, I'm on the non-grant
2 property. So we call that the sovereign lands, I believe.
3 So as a consequence, what happened to my particular house
4 may very well impact the future of that 210,000 homes that
5 could get flooded in the future. Do we chose a strategy
6 in which we put adaptation back? We say, really we don't
7 want you to adapt. It floods, you have to leave. Or do
8 we allow for the building codes to engage? Do we allow
9 the innovation of California to take place and actually
10 have us be able to go and build adaptation in place?

11 This is the situation right now today, 2016,
12 right now -- 2015. We're not quite there yet. Not quite
13 on that hump. But now is the time for us to have that
14 discussion. And guess what? We now have that framework
15 to have that discussion. We don't want armoring. We want
16 natural protection. That means we need to adapt in place.
17 And probably what I would probably say is if you were to
18 articulate that as agenda, is it really a Docktown agenda?
19 Or is that what we want to do is have a discussion on
20 adaptation or using floating communities in the state of
21 California?

22 Maybe what we want to do is open this up to a
23 little more broader process. I don't want to have the
24 decisions that happen to my house and my fellow neighbors
25 be the blueprint for the future of California. We need a

1 broader discussion. We need a longer process. Thank you
2 very much.

3 CHAIRPERSON NEWSOM: Thanks very much.

4 MS. YEE: Good afternoon. My name is Lilley Yee
5 and I'd like to start off by saying that Lieutenant
6 Governor Gavin Newson and Betty Yee, our paths have
7 crossed way back 2003, maybe '04 when you were Mayor of
8 San Francisco. And I am a veteran parade marshal
9 volunteer. And I was assigned to Section A which is
10 follows the VIP convertibles. And I was given
11 instructions from my captain to say that, "The car you are
12 following is our mayor and he often likes to get out of
13 his car and shake hands." And that I have to be very
14 careful to pause my unit. But I'm saying that because you
15 sat here for a long time to hear from us, and I want to
16 thank you very much for waiting for us.

17 CHAIRPERSON NEWSOM: Thanks for your patience.

18 MS. YEE: I am a resident of Docktown. I have
19 owned three boats, one that I sold that was also at
20 Docktown. I own a trawler, which I have refurbished and
21 now rent it out for income. I also own a floating home
22 which they still call the vessel, which I don't understand
23 why, invested a lot of money into it, which I plan to -- I
24 live there and plan to retire there. And with all that's
25 happening, the future of my homes and all my investments

1 and money is threatened by the interpretation of the
2 public trust doctrine.

3 And I'm very concerned. I'm very -- I don't know
4 about the future of my property. And I would hope that
5 something will work out for us. One option would be
6 grandfather Docktown. Let us stay there. We are a very
7 good community, a close-knit.

8 I have 53 seconds left. I'm like to offer that
9 to Orlene Chartain who has something to say as well.

10 MS. CHARTAIN: Mr. Chairman, Commissioners,
11 staff, my name is Orlene Chartain. I have lived at
12 Docktown Marina since 2009. I'm the President of the
13 Redwood Creek Association whose members are part of the
14 floating community there. And I served on the interharbor
15 task force for Redwood City representing Docktown.

16 Since I moved to Docktown, I learned how to sail
17 and kayak. I have cleaned the creek and will continue to
18 clean the creek with my neighbors. And I have invested
19 all of my life saving and my property there. I raised my
20 children. I lost my husband to cancer two years ago and
21 we were living in Docktown. And I have made plans to
22 retire based on living in Docktown.

23 So these days, I'm in a constant state of stress,
24 mostly because of the uncertain security of the roof over
25 my head, my floating home. The threat of eviction is a

1 real fear of survival and uncertainty for the future. I'm
2 frankly confused, and most of that confusion comes from
3 things that the State Lands Commission has and has not
4 done. The entire community, which has been in place for
5 five decades, is under a cloud of uncertainty because of
6 statements that are attributable to the State Lands
7 Commission.

8 The Redwood City Inner harbor Specific Plan and
9 its accompanying environmental impact report as well as a
10 lawsuit that was filed against Redwood City by a Redwood
11 City resident all placed their perceptions of Docktown and
12 their decision on Docktown on two letters that were sent
13 to Redwood City by staff member Sheri Pemberton. I like
14 Sheri. She worked with me on the Inner Harbor plan and I
15 don't have anything against her. She was just doing her
16 job. But the initial letter that she sent just that was
17 February 12th of 2014 just indicated that residential uses
18 at Docktown were not acceptable for the -- or even in
19 violation of the public trust doctrine.

20 So in the trust State Lands meeting, April 23rd
21 of 2015, which was held in San Francisco, the Acting
22 Chairperson Kevin Schmit asked Jennifer Lucchesi to let --
23 well, let me just quote it.

24 "Jennifer, I'd like to ask that you reach out to
25 the city of Redwood City and let them know we have a

1 process on our end that is pretty in depth, so just make
2 it clear that we haven't taken a formal position as a
3 Commission."

4 So shortly after that meeting, April 27th, there
5 was another letter that Sheri sent to Redwood City and
6 conspicuously absent from that letter was the wording that
7 Chairperson Schmit indicated to staff and that is we
8 haven't taken a formal position as a Commission. So based
9 on these letters, other agencies and other groups,
10 including Redwood City, have taken the position that we
11 need to be moved off.

12 So we believe that our presence on Redwood Creek
13 is consistent with the public trust. Our attorneys are
14 working on that strategy as well. I just was wondering if
15 there has been no formal position taken by the Commission,
16 how can we get the interested stakeholders in this
17 situation together and find some common ground, come up
18 with a win-win resolution to resolve this complex issue.
19 I'm looking forward to future dialogue with all of you.

20 Thank you

21 CHAIRPERSON NEWSOM: Thank you.

22 MS. MC DONNELL: Hello Chairman, Commissioners,
23 and staff. My name is JoAnn McDonnell. My husband and I
24 own one of the floating homes at Docktown. I'm a retired
25 cardiac research nurse with a Master's in psychology, and

1 my husband is a combat control veteran, born entrepreneur
2 and currently runs two small businesses.

3 We love the water. And so in the late 90s, we
4 moved to Docktown on our trawler and lived on a 40-foot
5 troller for five years and with watched some of the
6 floating homes being built. Redwood City came down, put a
7 stop order on one of them and they came back and down and
8 said, no, it's okay. You can go ahead and keep building
9 and actually apologized and allowed the building. And we
10 thought this is great. These homes have been there for 40
11 some years, and they're allowing us to build there so we
12 went ahead and bought one of the floating homes.

13 So we lived there for a while in the floating
14 home. And then the marina manager was closing his
15 business, so a group of us residents got together to
16 figure out what's this going to mean, if the guy that's
17 running the marina is closing the business? And we
18 started researching, well, who owns what? You know, the
19 land was owned by somebody and the City owned something.
20 And we started hearing about this State Lands Commission.
21 Imagine our surprise when we started realizing what the
22 implications were for us. None of us would have invested
23 as we had had we known it.

24 I can't believe that the City didn't -- when all
25 this was happening and they were building these homes, why

1 weren't they letting us know about the State Lands issues.
2 That's a whole separate thing I guess.

3 So we wondered where would we move our homes. I
4 personally contacted twelve marinas as in the San
5 Francisco Bay. There's nowhere for the larger floating
6 homes to go.

7 We're wondering if it isn't possible for us to
8 somehow stay on the creek. We could be the state to lead
9 the way in our response to sea level rise and support
10 floating communities starting with Redwood Creek in
11 addition to the other floating communities that have been
12 allowed to stay. We could be an adaptive measure to
13 rising sea level. Thank you.

14 CHAIRPERSON NEWSOM: Thank very much.

15 MR. CALLISTER: Hello. I'm Lee Callister.

16 You know, there are right now at least 700
17 floating homes on houseboats with people living on them in
18 the bay, in Richmond, Berkeley, and Sausalito,
19 San Francisco, Alameda, and Redwood City and others.
20 We've been here for decades. So why after 50 years are
21 you now telling the 70 families at Docktown that we have
22 to give up our homes and community? Why would you kick us
23 out and leave the others? And how can you do that without
24 even a hearing?

25 I moved to Docktown in 2008 from an apartment

1 downtown looking to make new friends. I had to join the
2 Yacht Club. I had just lost my job to the recession and
3 life at Docktown was less expensive. Besides, it was fun
4 living on the water. I made a life for myself there. I
5 do my share of gardening, which no one pays me for. I
6 help with the creek clean ups. I have been a co-founder
7 of the Yacht Club and President of the Floating Home
8 Association. I met my girlfriend, Lilley, there.

9 Over time, I bought three more boats for rental
10 income to see me through my old age. No one told me State
11 Lands might just come take it all away and kick us out.
12 How is that possible? We haven't been hiding. The City
13 and State Lands have both known for decades that people
14 lived at Docktown. You Legitimized us by letting us stay
15 all those years. Now, all of a sudden, you're telling us
16 we have to go.

17 I don't understand why any of this is a problem.
18 All I know is I'm not to blame. Yet, I'm being asked to
19 pay for it by giving up my home, my community and friends,
20 and my livelihood at 72 and marching into that cold night.
21 Why?

22 A group of us from Docktown traveled to State
23 Lands in 2013 when we first heard there might be an issue
24 and met with Sheri Pemberton, Shelly Haaf, and Grace Kato,
25 who acknowledged State Lands was aware of us. They said

1 we were probably in violation of our grant but they would
2 take no action unless somebody made an issue out of it.

3 Shortly afterwards, the City did just that.
4 Community Development Director Bill Eckern, who is no
5 longer with Redwood City, solicited an opinion from State
6 Lands staff on the status of Docktown, asking them to join
7 the Inner Harbor Task Force, which the City created to
8 envision the future of the waterfront, and then invited
9 staff to Docktown for a private boat tour and luncheon
10 meeting we knew nothing about. Mr. Eckern told State
11 Lands the City intended to move Docktown residents to
12 Ferrari Pond and encouraged State Lands to take the
13 position that residents should move off the creek. We
14 didn't find out about this until afterwards.

15 Sheri Pemberton cited the planned move to Ferrari
16 in her letter of February 25th, 2014, when she first said
17 Docktown had to go and again on August 7th when she told
18 Eckern that State Lands saw no problem opening the levy
19 and letting Bay Area circulate through Ferrari Pond.

20 During the Inner Harbor Task Force meeting, the
21 City pointed to this letter in telling Task Force members
22 Docktown residents should move to Ferrari Pond, getting
23 push back from task force members who thought we should
24 stay right where we are.

25 You must realize there is no viable Ferrari Pond

1 option on the horizon. Rich Ferrari won't even have a
2 plan for his property on the table until after the Inner
3 Harbor Plan is accepted, the Interharbor Plan that says we
4 have to go.

5 The Sierra Club, Friends of Redwood City,
6 Greenbelt Alliance and other environmental groups insist
7 the ponds be maintained as wetlands for harbor birds and
8 endangered species. A number of regulatory agencies would
9 also have to approve the conversion.

10 And Mr. Ferrari made it clear to me two weeks ago
11 that if his plan does get approved, there might be a
12 possibility that some Docketown homes could actually move
13 into his floating community.

14 CHAIRPERSON NEWSOM: Wrap up. Thanks

15 MR. CALLISTER: No promises.

16 I'm almost done. I asked for your forbearance.
17 This gentleman has ceded his time to me.

18 CHAIRPERSON NEWSOM: This is right out of the
19 movies. I love it.

20 MR. CALLISTER: Meanwhile, the Interharbor Plan
21 now on the table in Redwood City has to move to Ferrari in
22 order to satisfy State Lands. An attorney Ted Hannig, who
23 lives across the creek, is suing the city of because of
24 these letters insisting the City should have moved us by
25 now and putting pressure on the city to take action. The

1 Ferrari option doesn't exist. We have no place to go.
2 And yet, you want us to move.

3 Meanwhile, as I said earlier, the political winds
4 have shifted in Redwood City since the process began two
5 years ago with a new City Manager, new Community
6 Development Director, and new people more friendly to us
7 sitting on the City Council. We now have some support on
8 the Council for keeping Docktown right where it is. We
9 have the support of the same environmental groups who want
10 to keep Ferrari as wetlands.

11 In other cities, good hearted people working
12 together to rewrite the grants -- have worked together to
13 rewrite the grants to allow existing communities to stay.
14 Under the BCDC, communities in San Francisco and Alameda
15 were grandfathered, along with individual houseboats
16 throughout the bay that were here before 1985. Why can't
17 we do that here? I'm confused. Please explain to me how
18 State Lands can force us to move without even a public
19 hearing. You can now say we're going to have one. Thank
20 you very much.

21 CHAIRPERSON NEWSOM: Thank you.

22 MR. TAOMINA: Hi. My name is Bob Taomina and
23 I've been a resident of Redwood City and Docktown for four
24 years now.

25 And can I get some of those slides from Docktown?

1 I'd like to talk about the community. The
2 community is made up of families, retirees, a lot of
3 veterans, blue collar workers, doctors, lawyers, some
4 artists, musicians. And we even have our own Santa Clause
5 who if anyone needs to see him, he'll be in Corte Madera
6 for another week.

7 The property itself is surrounded by 101 on one
8 side, which is always traffic. There's a women's jail, a
9 homeless shelter, the police station, the brand-new county
10 jail that they're building, huge cement plant on one side,
11 and this wall of condos that went in across the creek
12 about two years ago.

13 Now, I kind of wanted to address the topic of
14 affordability, especially on the peninsula. These condos,
15 recently they had an open house, as a rental for one and
16 it was \$7,000 a month for a rental for a condo. Or you
17 could buy one. Another one recently sold for 1.2 million.

18 We've been there about 50 years, and we hope we
19 can work with the Commission to work through this to
20 either stay or at least stay until we get an alternative
21 site to move the community.

22 And also the issue of public access has come up a
23 lot. This seems to be the only marina I've been in that
24 has open docks. There's no gates. Everywhere else I've
25 been always seems to be gated. You can hand launch boats

1 and kayaks from there. And anybody is welcome any time
2 they come on the docks.

3 I can't think of anything else right now, but
4 thank you for hearing me. And I look forward to working
5 with you to resolve this one way, either new location.
6 These are all the pictures -- the few that I shot of
7 Docktown. Twice a day we're on the mud like this. And
8 that's 101 in the background you're dealing with. So
9 thank you.

10 MS. MC DOWELL: Hi there. I'm Judi McDowell.
11 I'm a junior high teacher in Fremont. And I've been at
12 Docktown for 14 years. It's a great community. There's a
13 lot of variety of residents there.

14 Right now, I'm the commodore of Peninsula Yacht
15 Club. It's a great gathering place, kind of a community
16 center you can imagine with people living on small vessels
17 they need a place to stretch their feet. This is a great
18 place. And then we get to know each other. Pretty much I
19 would say almost everyone knows everyone else. There is a
20 few that do not.

21 So the Yacht Club there as a community place, we
22 host the creek cleanups. We have public events. We have
23 music, people who are walking their dogs down the driveway
24 there, the parking lot. They might be riding their bikes.
25 They might be lost. Usually resident will say, "Oh, who

1 are you? Come and look at our marina here." And the
2 people will say why is there sometime no water here. They
3 don't know the tide goes up and down. So we're educating
4 people that come along. Everyone loves our community.

5 And we've gathered together to save 100-year-old
6 water tank that's on the property. Now the historians are
7 saying this is a viable thing. Keep this old water tank.
8 We don't have any other maritime history pieces in Redwood
9 City. So that's another thing we've banded together.

10 There's good citizens here. They pay their
11 taxes. I was recently in Portland. Saw all the great
12 floating home communities they have there. They're
13 wonderful. Very unique. And now we're feeling very
14 threatened. How can we just be pushed out? Where are we
15 going to go? Dave has a three bedroom, two bath house he
16 built floating on the creek and it's fabulous. And you
17 get to look out over the water.

18 Our jobs are here. This is where we've invested
19 our money, like others have mentioned. And we want to
20 work together. We're California residents. We want to
21 work with State Lands. We want to work with our city and
22 our communities so we can work on something. So let us
23 stay here. Let's get along. And I personally would like
24 to invite anyone here, anyone in the state of California
25 to come and visit us. Come and visit our community.

1 You'll love its unique little community. It's a great
2 place. So thank you.

3 CHAIRPERSON NEWSOM: Thank you very much.

4 MR. STANCIL: Hi. I'm Edward Stancil. I'm also
5 a Docketown resident. And I'm a little bit challenged with
6 the photos I brought. But the guys said he could zoom in
7 on them.

8 This is a photo of Redwood City. I don't -- you
9 can see this is a Redwood Creek here. And this is the
10 downtown area. They've completely covered over this
11 creek. It was all State Lands before this, I'm sure. And
12 then they built tubes and stuff. Docketown is actually
13 further out. I have a picture of Docketown from 1969.
14 It's old. But you can see that Docketown is right there.
15 And over here, this hand here is Ferrari Pond area. And
16 you can see that there is another marina across the way.

17 Well, they've gone over and bought that marina
18 because people really want to have condos along the water.
19 Okay. And so what they're doing us buying all the marinas
20 and they're building condos, just like they did Santa
21 Clara Valley when everybody lost their apple orchards and
22 walnut or orchards or whatever.

23 I had a hard time finding pictures because I
24 realize that Redwood Creek was there before photographs,
25 okay. So I had to go back and find some pictures of

1 Redwood Creek. You can see Docketown is going around the
2 corner right here. This is a part of downtown they
3 already covered over. When you cover over a town and lose
4 its creek, you also lose everything that would want to
5 spawn up there, like the salmon, the trout, so on. They
6 don't like to go in the tunnels.

7 So here's a picture of the Redwood Creek here.
8 Again, if you can zoom in on there. Notice you can see
9 these people with sailboats sailing back and forth. This
10 is in the late 1800s. And this is the keystone map of
11 Redwood City Docketown. And of course, we put our houses
12 back on there.

13 But you can see there is a mismatch of property,
14 and there's -- all this is city land that they've all
15 filled in. And you can see they're still filling it in
16 today. So they've not only -- over here, this finger
17 here, there is a bridge there. They want to take that
18 bridge out and build another bridge down at this end and
19 then get rid of all of us. And because there is a bridge
20 down here, nobody will be able to sail up and down the
21 creek like they've been for 200 years.

22 Here's a picture of the tunnel under Redwood
23 Creek, and there's our creek master, Dave.

24 This is the precise plan. Look at that. Huge
25 Ferrari Pond mess going on over there. We moved the

1 bridge over to here so that nobody can use this creek
2 anymore. So if you have a sailboat, which is has got to
3 be greener than a power boat -- and then here's final --
4 my second to final picture is -- see the rainbow is going
5 right into Docktown. Okay. That's a frat boat.

6 And this here is one more picture. This is
7 Calienta Helen Horn boat. You can see Lee is out there
8 sailing. We have more people. That's me over here. And
9 the guy in the back, that's Dave Doud over here. His boat
10 was saved because in his harbor that he had his other boat
11 in, there is a liveaboard that put out the fire on the
12 dock.

13 Now as far as global warming rise, we are the
14 canaries of the mine. You can see this is just
15 Thanksgiving, a week ago. And I don't know if you can see
16 the water being sucked down here by the pumps they
17 installed to go ahead and keep everything out of Redwood
18 City. We have a big problem in Redwood Creek. It was
19 built on a creek. It's totally -- nobody listens to
20 anything. And there is this marina that's further up the
21 creek that maybe we can all -- half of us could move up
22 there. That's State Lands too. And can we go there? Who
23 knows.

24 And then one last final shot. This is what
25 happens when you don't have stewards of a creek. This is

1 our Alviso Creek in Alviso. You can see the boats over
2 here in the mud up on the bank and stuff and all the soap
3 suds coming down from the discharge of the sewer treatment
4 plant for San Jose. And nobody wants to live there like
5 that.

6 Thank you.

7 CHAIRPERSON NEWSOM: Thank you so much.

8 MR. DIAZ: My name is Emilio Diaz and I'm a
9 resident at Docktown. I built my boat back in the 70s.
10 '72 is when I started building it. And in '92, I put it
11 in the water. I was there until '98 when they forced me
12 out. I was the second to last boat out of Alviso. There's
13 no more boats in Alviso in the slough. There used to be
14 boats all over the place. Back in the 70s, there was
15 hundreds of people with building boats all around the bay.

16 I moved to Redwood City in '98. I motored from
17 El Viso to Redwood City. When I got there, there was
18 peninsula yacht area there. They had 400 boats over
19 there. And then Pete's Harbor had like 300 boats. And
20 they're all gone. And if you want to put your boat
21 somewhere else, the liveaboard, you can't find a place,
22 not around this area anyway.

23 I'm retired. I retired in '07. I'm a ex-marine,
24 Vietnam vet. And there is no place to go if we lose
25 Docktown. Thank you.

1 CHAIRPERSON NEWSOM: Appreciate it.

2 MR. SLOAN: Good afternoon, members of the
3 Commission.

4 Well, as you might have guessed, I'm the
5 attorney. So I was bound to show up sooner or later.

6 I certainly can't speak as eloquently as the
7 community does for themselves, so I'll try to be brief.

8 There are a couple of things I'd like to see come
9 out of this meeting. I certainly appreciate that there is
10 only so much you can do when you're dealing with the
11 public comment process.

12 The first thing which we heard, and I just want
13 to confirm, you will put this on the agenda for a future
14 meeting.

15 CHAIRPERSON NEWSOM: Yeah, but I have to defer to
16 the new Chair. So she's your power source here.

17 MR. SLOAN: Well, we certainly will work with
18 your staff.

19 CHAIRPERSON NEWSOM: Not to put you on the spot.

20 MR. SLOAN: But the second thing is you did hear
21 from Ms. Chartain quoting from the meeting that we had
22 last in April where the Commission did direct that it be
23 made clear to Redwood City that the Commission has not
24 taken a formal position on this matter. And we need
25 follow through on that, because right now, Redwood City is

1 putting out statements that say the State Lands Commission
2 has stated that a floating home community along Redwood
3 Creek is in violation of the public trust doctrine.

4 So this whole community is kind of getting caught
5 in between two agencies and they need some clarity brought
6 to this situation so they can understand where they're
7 supposed to be, who they're supposed to be talking to, and
8 what are the formal positions. So we would certainly ask
9 that that communication be made to the city preferably in
10 writing.

11 The final thing that I just wanted to bring up,
12 which I think is also puzzling for many people in the
13 community, is these letters have said that floating homes
14 are inconsistent with the public trust, but the State
15 Lands Commission has a regulation on the books. It's CCR
16 2002. And it provides for the leasing of public lands for
17 uses that may include "houseboats." So the notion that
18 houseboats are somehow just, per se, inconsistent with the
19 public trust is entirely opposite to what you have in your
20 own regulations.

21 So all of this confusion I think commends exactly
22 what the Chair suggested today that we set this for an
23 agenda sometime at a future meeting so we can really get
24 to the bottom of, number one, whether or not houseboats
25 are or are not inconsistent with the public trust, and

1 number two, so this community can public out what it
2 should be doing and who it should be talking to. Thank
3 you very much.

4 CHAIRPERSON NEWSOM: Thank you very much.

5 MS. BERMAN: Good evening, Commissioners. I also
6 have some pictures.

7 My name is Efrat Berman, and I'm a self-employed
8 single mom to a wonderful special education boy who wanted
9 to be here tonight and speak, however, he's in a special
10 program as to his disability so he asked to give me his
11 three minutes as well. So if I go a bit over, that's his.

12 I immigrated to the U.S. 13 years ago and moved
13 to Docktown Marina seven years ago after divorce. I live
14 on a houseboat which is like a studio, but it's all I can
15 afford around there. Docktown Marina has become my home
16 and I learn to love the life and the amazing neighbors
17 that share it with me. We help each other. We share our
18 hardships. We clean up the creek and enjoy the wildlife
19 all around us.

20 I joined the Peninsula Yacht Club and for the
21 last two and a half years acted as a Safety Director. I
22 brought the dock walker director Vivian McCook to educate
23 us regarding clean and green boating and from there found
24 out there the clean marina program and now is in the
25 process of creating a task force in order to get Docktown

1 Marina and the Peninsula Yacht Club certified as a clean
2 marina. This is the mission statement of the Clean Marina
3 Program. I can give you this later on.

4 Recently, the City of Redwood City created this
5 specific plan for the Inner Harbor in which they are
6 suggesting to move Docktown to a small body of water
7 called Ferrari Pond. It's this one right here. The city
8 planner said they are going to show it to you for
9 approval. What they are not saying is that Ferrari Pond
10 is just a mirage, as Ferrari himself said he has no plans
11 to build a floating community there, nor are they showing
12 it in the EIR that the area that borders the pond on the
13 east, which is this area -- gray area here -- this area is
14 zoned as heavy industry and contains mountains of
15 buildings and materials. They're constantly being loaded
16 on trains, trucks, tractors. They work there day and
17 night creating noise, diesel, and dust pollution. And
18 that part isn't included in the Inner Harbor Specific
19 Plan, nor is it mentioned in the EIR.

20 These are a couple of pictures just to show you
21 what's in that area right there. You can see this one,
22 the low tide.

23 If Docktown Marina has to close down, there is no
24 place for these boats, houseboats, and floating homes to
25 go to. About 100 people will then become homeless.

1 Docktown Marina was built back in the 60s and is much
2 older than the law of the public trust doctrine that says
3 there should be no living there. Therefore, Docktown
4 Marina should be grandfathered as the other marinas in
5 livable communities. A lot of people use the marina to
6 bike, run, walk their dogs, as well as row, kayak, even
7 sail small boats when the tide is high enough. Anyone can
8 use the marina and is welcome to use the water. And until
9 recently, motor boats use the launch ramp and these were
10 stopped by the city. Almost there.

11 CHAIRPERSON NEWSOM: All right. Thank you.

12 MS. BERMAN: So I you don't see why some
13 liveboards are not fitting with everybody's use of the
14 water. If today's world of rising sea levels, rising home
15 and rent prices and long drought, we should embrace the
16 idea of floating communities and allow them to become an
17 alternative with a responsibility to the environment and
18 everything that comes with it.

19 So I ask that you allow Redwood City to make it
20 legal for Docktown to stay right where it is now. Thank
21 you so much for your time.

22 CHAIRPERSON NEWSOM: Come on up.

23 MS. HORN: My name is Helen Horn. I have two
24 boats in Docktown, one of which is a troller, which we put
25 there in about 2004 which came from a marina called

1 Peninsula Marina which is harbor with unbelievable sturdy
2 dock management and pilings that were in there. It took
3 them years to get those out. They closed that marine
4 saying their stabilization was no good. It almost killed
5 them to take it apart.

6 It was taken apart and built into this new -- it
7 was planned to be -- it was going to be a hotel and it was
8 going to be a large condominium thing. Prior to that
9 actually being negotiated, Pete's Harbor -- Peninsula
10 Marina closed. Boats vacated every which way. People
11 sold them, took them other places. And many people became
12 in semi-derelict conditions because they didn't have that
13 affordable housing they had.

14 Then Pete's Harbor with none other than the
15 attorney who happens to be the one complaining and happens
16 to have a bought a condo in the creeks says he never knew
17 that was there, he helped Pete's Harbor close Pete's
18 Harbor and develop. So you have a very vested interest
19 here that is manipulating and still working with the city
20 and is the one that sued the city to get them to make
21 State Lands rules go through that he interrupts to be
22 State Lands rules.

23 The people in the creek take care of the creek.
24 They live there. They're happy. They're peaceful. They
25 even police their own creek because Redwood City said

1 there is no policing. Redwood City has water pipe issues
2 down there. They recently put in -- buried and put in
3 huge recirculating water pipes that went under these
4 things and over to another condo and out to Bear Island,
5 which has a pile of dirt that they dredged and then thrown
6 into a pile and called it a wildlife restoration area,
7 which is nothing more than brackish plants and nothing
8 really growing there.

9 The pathway that goes to that is closed. You can
10 go on the pathway. The outhouse or bathrooms that they
11 built there have never been opened. You cannot open the
12 door to go in to use that bathroom for the wildlife
13 trail -- I can't think of the name -- Don something. Don
14 Edwards sanctuary restoration. Nobody can use that. It's
15 there.

16 The condo people -- I recently called the police
17 to report someone shooting birds from the edge of that
18 condo complex. Shooting across the marina or the
19 waterways towards Docktown. When I called them the
20 officer that answered the phone said I'm thinking it's the
21 first day of hunting season. Why isn't that legal? I say
22 they're shooting at pelicans. Pelicans are protected.

23 These are things -- and so I had to call them
24 back said you aren't doing anything. There's still kids
25 there shooting. And I watch. It wasn't just pop guns.

1 It was actually smoke -- gun smoke coming from those guns.
2 And there were people on the other side of the other levy
3 they could have hit if they were as irresponsible as they
4 were being.

5 I finally saw it and took about 20 minutes for
6 them to get somebody over there, and she said that the
7 lady who answered the phone again said they were looking
8 into it. I should not be bothered. And I was -- I was
9 out there. I could have been hit by a gunshot because
10 that bird was -- if I were talking to you and that it was
11 like -- almost like this and it went like right down
12 there. I was like, what if they went this way. They
13 might have been children. They shouldn't be shooting
14 among city. There are a whole bunch of issue the police
15 did not want to deal with because they don't want to rock
16 the boat.

17 ACTING COMMISSION MEMBER YEE: Wind up your
18 comments, please.

19 MS. HORN: And that was pretty much the fact that
20 Redwood City is building and building and building. They
21 don't have the water infrastructure. They will not. They
22 don't have the water available to them that they're using
23 for what they're planning on building. And this whole
24 area could be like the boardwalk at Greenbrae, there could
25 be a boardwalk that would accommodate the city to visit

1 this. People visit all the time. I'm a dock walker. I
2 work with Vivian also in educating green clean boating.
3 It's really important that we maintain this facility and
4 not let the greed of Redwood City to try to build to the
5 water line get in the way of this. Thank you.

6 ACTING COMMISSION MEMBER YEE: Thank you.

7 Next speaker please.

8 MR. HUMPHRIES: My name is Jed Humphries. I'm a
9 recent transplant to Docktown. I met my girlfriend who I
10 live with there. I'm a semi-professional sailor. I've
11 owned my own boat for about seven years. And I've lived
12 in Southern California mostly in Los Angeles and also
13 spent some time in Ventura Harbor and San Diego Harbor.
14 And it's very open. When you need a liveaboard or you're
15 going to live on your boat for whatever reason, you go
16 down to the harbor office and you pay the fee and that's
17 it. And then you go do whatever it is you're going to do
18 on your asset that you own.

19 In the Bay Area, it's completely different. And
20 I'm not talking about, like, Half Moon Bay Harbor or some
21 of the seaward facing harbors.

22 The Bay Area is ripe with corruption because
23 there's only a certain number of liveaboards that are
24 allowed in any given harbor. What happens is you get
25 either very, very rich people who have very large sail

1 boats and they rent them out or charter them for whatever
2 length of time. And the owners look the other way. They
3 don't even live there.

4 Now, it's one thing to rent out your boat because
5 you need to defray the cost, which is very substantial of
6 owning a yacht. I've owned one. It's a substantial cost.
7 And people do that. And it's a great way to make sure
8 that the maintenance and repairs are done. But when you
9 only allow the super yachts to do it, you just end up with
10 a whole bunch of derelict boats because nobody has any
11 money to fix some of these boats, especially when they go
12 into lower income people.

13 Now, one of the big problems that we have
14 nowadays is wealth inequality. You can go out and try to
15 find a place to rent in the peninsula or any of the Bay
16 Area and it's excessive. It's very high. This is coming
17 from L.A. where it's not cheap either, you know. But you
18 can go and you can buy a boat and then you can live on it
19 and you don't have to keep paying somebody rent every
20 month because the down payment on a house is \$100,000.

21 I'm an engineer. I've been in engineering for
22 quite some time. And I don't have \$100,000 to throw down
23 on a house. But I have a certain number of -- amount of
24 money and to be able to buy a boat and live on that and
25 try to like move forward substantially. But then again,

1 I've also seen the city strip away people's houses, take
2 away their boat that they were living on and that guy ends
3 up under a bridge on the 101 one. That picture with the
4 101 on the back side of it, those people are living
5 underneath the bridge because they don't have anywhere
6 else to go because the rent across the creek is \$7,000.
7 All right.

8 You want to talk about affordable housing. Why
9 not let people buy a boat, fix it up live on it for a
10 lower amount of money than what you get with a house --
11 you know, granted, you get what you pay for square
12 footage. But at least you're able to increase your
13 quality of life. But the BCDC is restricting this. So
14 you get a bunch of people that live on their boats and are
15 considered sneak-a-boards or illegal and they're more than
16 willing to pay for it. But because there's only a certain
17 sliver of the pie, you either have to pay the harbor
18 master a little bit something under the table so that he
19 looks the other way or you have to be a multi-millionaire
20 and own a 90 foot yacht. So, like, how about adopting
21 some sort of framework like they do in southern
22 California. I mean, this is a joke.

23 CHAIRPERSON NEWSOM: Thank you, sir.

24 MS. GRACE: Thank you, Commission, for taking
25 your time. My name is Aimee Grace. I'm a master captain.

1 I took some pictures and I like to show them. I don't
2 know if any of you have seen a lot of picture from
3 Docktown. I also slid in from Sausalito and I'd like to
4 see if you guys can tell the difference. I don't see how
5 we differ from Sausalito very much.

6 We are a fabulous community. I've never lived
7 anywhere else where when you go out of town for two weeks
8 and come back, people help you carry your luggage back to
9 your boat. They help you carry in your groceries. If I
10 asked you guys to go out to your mailbox tomorrow and look
11 down the street 25 houses one way and 25 houses the other
12 way on both sides of the street, could you actually tell
13 me every single one of your neighbors' names, what they do
14 for a living, what their children and pets' names are? I
15 can. This is a wonderful community.

16 There's Santa Clause. I wanted to throw in a
17 picture of him. And Santa Clause lives in our community.
18 It's one of the most awesome maritime places I have
19 personally ever been on the eastern or western seaboard as
20 a captain.

21 We lost 700 slips. A lot of them actually used
22 to be in the picture Ed showed and then Pete's Harbor.
23 We've already lost 700 slips within a mile radius of our
24 existing property. That's one of Sausalito. I don't see,
25 A, why we can't stay and the Yacht Club is historical.

1 We've been there so long.

2 My mother worried about me coming out here to
3 California initially because it's very expensive to live
4 in Silicon Valley. Seldom do you find an affordable place
5 that is safe. This is one of the safest places that I
6 feel that I've ever lived. The last city planning meeting
7 I was absolutely appalled from every single nautical,
8 zoning, architectural standpoint they're actually putting
9 a plan together that does not have us already in that gray
10 area with people that exist. We are an existing
11 waterfront firm, based community.

12 The use of -- the loss of the use of the launch
13 ramp people -- I just don't understand. The amount of
14 stress that it's caused the entire community to not know
15 whether we're going to be there or not. I came here two
16 and a half years ago and was only supposed to be here for
17 a month. I ended up buying one boat because they wouldn't
18 let me rent it so I bought it. I bought another boat
19 because I figured I was invested. I own three boats in
20 Docktown, and I love to call that place home.

21 And I'm actually going to spend Christmas again
22 in California with my adopted family because I like it
23 here so much.

24 I just thank you for your time and considering
25 this. I ask if you can make sure this gets put on the

1 agenda. Thank you.

2 CHAIRPERSON NEWSOM: Anyone else wish to speak?

3 UNIDENTIFIED SPEAKER: May I say one more thing?

4 You are getting \$140,000 a year from Carlsbad; is
5 that correct? For the rent of the lease of the land from
6 Carlsbad?

7 CHAIRPERSON NEWSOM: I don't know.

8 EXECUTIVE OFFICER LUCCHESI: Yes.

9 UNIDENTIFIED SPEAKER: Redwood City takes in
10 \$50,000 a month from the rental of this thing. And I
11 don't know what they pay you. But you could be making
12 600,000 a year minus about probably 5,000 a month in
13 expenses to maintain a small shower building, laundry
14 building, and leaving everything the way it is. And with
15 the maintenance they spend -- that was including the
16 maintenance of the docs. You could be making some money,
17 and I don't know why you aren't.

18 CHAIRPERSON NEWSOM: Got it. Appreciate that.

19 UNIDENTIFIED SPEAKER: Here I would just like to
20 give flyers. Our creek master spoke of what he was doing
21 cleanups. But we have seven that just document that we
22 were doing that since then. I'm just going to each one of
23 them. We distribute to 62 churches in Redwood City.
24 We've been creating I little list because it didn't exist
25 before and just educating them that they have community

1 service opportunities for the kids in their youth groups
2 and stuff.

3 And Efrat spoke of the Clean Marina Project. I'm
4 going to leave with you this, which is just the numbers of
5 our Clean Marina Project. We have the Director of
6 Operations of the wastewater treatment plant that covers
7 Redwood City, Belmont, and Moore Park and San Carlos. We
8 have a gal that does really high-powered work at the VA
9 doing innovative programs throughout the whole country.
10 We have a nurse who's administered three different surgery
11 centers. There is a wonderful man who has fixed up pumps
12 and built so he carries the green water back out onto the
13 garden. So we're very excited to do our little projects.
14 I'll leave this.

15 CHAIRPERSON NEWSOM: Grateful. Thank you very
16 much. We'll close public comment.

17 And, Jennifer, you heard a lot.

18 EXECUTIVE OFFICER LUCCHESI: Yes, I have.

19 CHAIRPERSON NEWSOM: So I think in the spirit of
20 our commitment to try to come back -- and I recognize the
21 time constraints and issues and try to see if we can more
22 formally focus in discussion in a way that can be more
23 constructive in terms of just not just expressing
24 frustration, but at least trying to lean into whatever
25 solution or solutions are possible here. We would be

1 grateful if you can help frame that and put it on the
2 agenda.

3 EXECUTIVE OFFICER LUCCHESI: Certainly. I will
4 commit to doing that early next year.

5 Just a couple of minor points, and then we can
6 move on. I just want to reflect on some of the comments
7 made particularly as it relates to affordable housing,
8 environmental stewardship, and this concept of the State
9 Lands Commission evicting this community.

10 These lands were legislatively granted to the
11 City of Redwood City to manage on behalf of the state.
12 What that means is the State Lands Commission does not
13 have fee ownership of these lands. We don't have any
14 leases with the community or with the City of Redwood
15 City. The Legislature has granted these lands to the city
16 to manage on behalf of the state.

17 It's very similar to the 70-plus grants we have
18 throughout the state including our major ports. These
19 grants occurred in the early 1900s and have occurred
20 throughout the last century.

21 With that said, similar to other grantees, our
22 grantees periodically ask the State Lands Commission for
23 advise about how to interpret their responsibilities under
24 the public trust doctrine and under the granting statute.
25 That was a context in which we advised about what the law

1 provides as it relates to the management of these lands.

2 I do want to just point out one thing because I
3 think it was mentioned a couple times that the Commission
4 in April had directed staff to tell the City of Redwood
5 City the Commission has not taken a formal position on the
6 consistency of residential uses on public trust lands.

7 That's not exactly accurate. The context
8 surrounding that statement by the Commissioner at the time
9 was in relation to litigation. And like I said, the
10 Legislature has granted these lands to the City of Redwood
11 City. The State Lands Commission does not have any direct
12 leasing authority or approval or veto authority over the
13 decision of the City of Redwood City. So what that means
14 is if the City of Redwood City is -- if the Commission
15 determines that the City of Redwood City is violating the
16 terms of their grant or the terms of the public trust,
17 then the Commission can either report that to the
18 Legislature or file litigation.

19 Those are the two options. And what I believe
20 that the Commissioner was directing staff was to let the
21 City know that the State Lands Commission has not taken a
22 position on whether to engage in any kind of litigation.
23 And that is certainly what we did. That decision has not
24 been made, nor is it on our radar at this point in time.
25 Just in that context, I wanted to point that out.

1 I will certainly commit to bringing an agendized
2 item on this subject matter early next year so that we
3 could provide the broad context of all the aspects that
4 you heard about today.

5 CHAIRPERSON NEWSOM: Fabulous. Excellent.
6 Grateful. Thank you. We have closed sessions. That
7 means we have to clear the room.

8 (Whereupon the California State Lands Commission
9 meeting recessed into closed session at 6:32 p.m.
10 and adjourned at 7:06 p.m.)

