

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

HOLIDAY INN CAPITOL PLAZA
CALIFORNIA ROOM - FIRST FLOOR
300 J STREET
SACRAMENTO, CALIFORNIA

TUESDAY, FEBRUARY 9, 2016
10:00 A.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

A P P E A R A N C E S

COMMISSION MEMBERS:

Ms. Betty T. Yee, State Controller, Chairperson

Mr. Gavin Newsom, Lieutenant Governor, represented by Mr. Rhys Williams

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

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Dave Brown, Assistant Executive Officer

Mr. Mark Meier, Chief Counsel

Mr. Brian Bugsch, Chief, Land Management Division

Mr. Jennifer DeLeon, Science Policy Advisor

Ms. Kim Lunetta, Executive Assistant

Ms. Sheri Pemberton, Chief, External Affairs Division

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Ms. Rochelle Becker, Alliance for Nuclear Responsibility

Mr. Bart Coombs

Mr. Ben Davis, Jr., California Nuclear Initiative

Mr. Victor Dodge

Mr. John Geesman, Alliance for Nuclear Responsibility

Mr. Add Kennon

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Justin Malan, ECOCONSULT, representing Friends of the Earth

Mr. Job Nelson, Port of San Diego

Mr. Louis Orantes

Ms. Jennifer Savage, Surfrider Foundation

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I 10:00 A.M. - 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: 92

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

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

City of Santa Monica, et al. v. Bader

City of Santa Monica, et al. v. Levy

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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 Working Group

United States v. 1.647 Acres

Nowel Investment Company v. State of California; California State Lands Commission

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).

II	OPEN SESSION	1
III	CONFIRMATION OF MINUTES FOR THE MEETING OF DECEMBER 18, 2015	1
IV	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 - no items for this meeting.

V	CONSENT CALENDAR C01-C80	6
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THE FOLLOWING ITEMS ARE CONSIDERED TO BE NON-CONTROVERSIAL AND ARE SUBJECT TO CHANGE AT ANY TIME UP TO THE DATE OF THE MEETING.

LAND MANAGEMENT DIVISION

NORTHERN REGION

C01 NEIL R. BONKE AND KAREN L. BONKE (LESSEE); CHARLES E. SEUFFERLEIN AND SYLVIA L. SEUFFERLEIN, TRUSTEE OF THE SEUFFERLEIN 1990 REVOCABLE TRUST DATED NOVEMBER 13, 1990 AMENDED AND RESTATED ON NOVEMBER 9, 2004 (APPLICANT): Consider termination of Lease No. PRC 3580.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3266 Edgewater Drive, near Tahoe City, Placer County; for an existing pier, boathouse, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 3580.1; RA# 14015) (A 1; S 1) (Staff: M.J. Columbus)

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- C02 PAULA B. BUNTING; AND GREGORY S. BUNTING AS TRUSTEE OF THE GREGORY S. BUNTING 2015 REVOCABLE TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4525 West Lake Boulevard, near Tahoe Pines, Placer County; for an existing pier and three mooring buoys. CEQA Consideration: categorical exemption. (PRC 5447.1; RA# 08715) (A 1; S 1) (Staff: M.J. Columbus)
- C03 RICHARD GHILOTTI, TRUSTEE OF THE RICHARD AND NANCY GHILOTTI FAMILY TRUST UNDER DECLARATION OF TRUST DATED JULY 11, 1997; MICHELLE GHILOTTI MANDEL, TRUSTEE OF THE JOSEPH AND STELLA MAY RESIDENCE TRUST DATED MAY 18, 1992; DALE L. MARCELLINI AND JILL A. MARCELLINI, CO-TRUSTEES, OR ANY SUCCESSOR TRUSTEE, OF THE DALE L. MARCELLINI AND JILL A. MARCELLINI REVOCABLE LIVING TRUST EXECUTED ON NOVEMBER 1, 2005 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Number 085-344-008, near Homewood, Placer County; for an existing pier and three mooring buoys. CEQA Consideration: categorical exemption. (PRC 5491.1; RA# 32414) (A 1; S 1) (Staff: S. Kreutzburg)
- C04 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider correction to effective date in prior authorization of the revision of rent to Lease No. PRC 8856.1, a General Lease - Right-of-Way Use, of sovereign land located in the Sacramento River, adjacent to Sutter County Assessor's Parcel Number 35-330-020 and Yolo County Assessor's Parcel Number 057-050-03, north of the city of Woodland, Sutter and Yolo Counties; for a natural gas pipeline. CEQA Consideration: not a project. (PRC 8856.1) (A 4; S 3) (Staff: N. Lee)
- C05 LINDA NELSON DAVIS AND ROBERT WEBSTER, TRUSTEES OF THE LINDA NELSON DAVIS REVOCABLE TRUST NO. 2 U/A 9/22/1988, AS AMENDED 11/1/04 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in

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Lake Tahoe, adjacent to 80 Lassen Drive, Tahoe City, Placer County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (PRC 8622.1; RA# 33814) (A 1; S 1) (Staff: M. Schroeder)

C06 LINDA NELSON DAVIS, ROBERT L. WEBSTER, AND PATRICIA LOUISE NELSON ATASSI, AS CO-TRUSTEES OF THE JENNIFER JOANNA DAVIS REVOCABLE TRUST DATED JULY 20, 2001, AS AMENDED AND RESTATED ON JULY 3, 2012 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 76 Lassen Drive, Tahoe City, Placer County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (W 26864; RA# 34514) (A 1; S 1) (Staff: M. Schroeder)

C07 MARTIN A. COHEN, TRUSTEE OF THE MARTIN A. COHEN REVOCABLE LIVING TRUST, DBA THE SHORE HOUSE AT LAKE TAHOE (LESSEE); KW-NORTHSTAR VENTURES, LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 8601.1, a General Lease - Commercial Use, and an application for a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 7170 North Lake Boulevard, Tahoe Vista, Placer County; for an existing pier, boat lift, six mooring buoys, and one marker buoy. CEQA Consideration: categorical exemption. (PRC 8601.1; RA# 38414) (A 1; S 1) (Staff: M. Schroeder)

C08 RICHARD K. COOPER AND ALEXANDRA R. COOPER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7720 North Lake Boulevard, near Kings Beach, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 20844; RA# 04412) (A 1; S 1) (Staff: M. Schroeder)

C09 SCOTT T. HANSON AND VALERIE A. HANSON, TRUSTEES OF THE SCOTT T. HANSON AND VALERIE A. HANSON REVOCABLE TRUST DATED APRIL 1, 1998 (LESSEE):

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Consider an application for amendment to Lease No. PRC 8692.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8355 Meeks Bay Avenue, near Rubicon Bay, El Dorado County; for a proposed extension of an existing pier. CEQA Consideration: categorical exemption. (PRC 8692.1; RA# 19415) (A 5; S 1) (Staff: M. Schroeder)

C10 WESLEY CASWELL AND GEORGIA ANDERSON (LESSEE); NATASHA V. SUMNER AND NICOLE DEL PRADO (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)

C11 ADJIDAUMO, LLC (LESSEE/APPLICANT): Consider termination of Lease No. PRC 4267.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7087 West Lake Boulevard, near Tahoma, El Dorado County; for the removal and reconstruction of an existing pier, installation of a boat lift, and removal of one existing mooring buoy, and continued use and maintenance of an existing mooring buoy and swim float. CEQA Consideration: categorical exemptions. (PRC 4267.1; RA# 15115) (A 5; S 1) (Staff: B. Terry)

C12 CITY OF NAPA (LESSEE): Consider application for an amendment of Lease No. PRC 3745.9, a General Lease - Public Agency Use, of sovereign land located within the historic bed of the Napa River, City of Napa; Napa County; to extend the dredging area within the Napa River Federal Channel to include the area lying between south of Third Street and north of the confluence of the Napa River and Asylum Slough. CEQA

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Consideration: categorical exemption. (PRC 3745.9; RA# 12815) (A 4; S 3) (Staff: B. Terry)

- C13 U.S. BUREAU OF RECLAMATION (LESSEE): Consider application for an amendment to Lease No. PRC 5482.9, a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, near the city of Redding, Shasta County; to include two additional areas for the rehabilitation and restoration of King Salmon and Winter-Run Chinook Salmon spawning grounds. CEQA Consideration: Governor's Declaration of Emergency Proclamation No. 1-17-2014 and Proclamation of a Continued State of Emergency, dated 4-25-2015. (PRC 5482.9; RA# 13915) (A 3; S 4) (Staff: B. Terry)

- C14 VIKING 1 PROPERTY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4100 Ferguson Avenue, near Carnelian Bay, Placer County; for one existing mooring buoy previously authorized by the Commission; and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5730.1; RA# 17815) (A 1; S 1) (Staff: B. Terry)

BAY/DELTA REGION

- C15 ANDREW JACKSON CODY (ASSIGNOR); BRIAN D. OLSON (ASSIGNEE): Consider application for the assignment of Lease No. PRC 5155.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3101 Garden Highway, city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 5155.1; RA# 12615) (A 7; S 6) (Staff: G. Asimakopoulos)
- C16 PHILICIA G. LUND AND MARY K. LUND (LESSEE): Consider application for an amendment to Lease No. PRC 7473.9, a General Lease - Recreational

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- Use, of sovereign land located in the Sacramento River, adjacent to 17781 Grand Island Road, near Walnut Grove, Sacramento County; to remove specific construction dates. CEQA Consideration: categorical exemption. (PRC 7473.9; RA# 21915) (A 11; S 3) (Staff: G. Asimakopoulos)
- C17 JAMES G. ROSS AND LAUREL J. ROSS, TRUSTEES OF THE ROSS FAMILY TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 13219 River Road, near Walnut Grove, Sacramento County; for an existing uncovered floating boat dock and appurtenant facilities. CEQA Consideration: categorical exemption.(PRC 6831.1; RA# 08915) (A 9; S 3) (Staff: G. Asimakopoulos)
- C18 MICHAEL KEVIN MCRAE (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4559 Garden Highway, city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption.(PRC 6998.1; RA# 06715) (A 7; S 6) (Staff: G. Asimakopoulos)
- C19 OUTSOURCED LEGAL SUPPORT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2231 Garden Highway, city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 5530.1; RA# 13615) (A 7; S 6) (Staff: G. Asimakopoulos)
- C20 PHILLIP HIROSHIMA AND JEAN HIROSHIMA, AS TRUSTEES OF THE PHILLIP HIROSHIMA AND JEAN HIROSHIMA 2003 TRUST (ASSIGNOR); GERALD MILLS AND MEREDITH MILLS (ASSIGNEE): Consider application for the assignment of Lease No. PRC 8564.1, a General

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Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 6508 Benham Way, near the city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, gangway, and two cables attached to two "deadmen" on the upland. CEQA Consideration: not a project. (PRC 8564.1; RA# 11915) (A 9; S 6) (Staff: G. Asimakopoulos)

C21 JOHN OROSZ AND DIANA OROSZ (LESSEE); TALBERT DENNEY AND BARBARA DENNEY (APPLICANT): Consider termination of Lease No. PRC 6053.1, 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 2365 Garden Highway, city of Sacramento, Sacramento County; for an existing covered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 6053.1; RA# 09315) (A 7; S 6) (Staff: G. Asimakopoulos)

C22 WILLIAM S. CHAPMAN, AS TRUSTEE OF THE BYPASS TRUST C/U THE RESTATED WILLIAM S. CHAPMAN AND DIANA R. CHAPMAN FAMILY TRUST DATED MARCH 21, 1995, AND AS TRUSTEE OF THE SURVIVOR'S TRUST C/U THE RESTATED WILLIAM S. CHAPMAN AND DIANA R. CHAPMAN FAMILY TRUST DATED MARCH 21, 1995 (ASSIGNOR); JAMES HANLEY AND KATHRYN HANLEY (ASSIGNEE): Consider application for the assignment of Lease No. PRC 4669.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Calaveras River, adjacent to 4357 Yacht Harbor Drive, near the city of Stockton, San Joaquin County; for an existing uncovered floating boat dock, appurtenant facilities, and bulkhead. CEQA Consideration: not a project. (PRC 4669.1; RA# 07715) (A 13; S 5) (Staff: G. Asimakopoulos)

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- C23 ADD T. KENNON, JR. AND BETTY A. KENNON, TRUSTEES OF THE ADD T. KENNON, JR. AND BETTY A. KENNON FAMILY TRUST U/D DTD OCTOBER 24, 2011 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 6 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, pool, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2619.1; RA# 42414) (A 14; S 3) (Staff: V. Caldwell) 56
- C24 ALAN BARKER AND LINDA BARKER (LESSEE/APPLICANT): Consider termination of Lease No. PRC 6055.1, a General Lease - Recreational and Residential Use, and an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 3 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, dock, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6055.1; RA# 31306) (A 14; S 3) (Staff: V. Caldwell)
- C25 BART COOMBS (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 34 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2838.1; RA# 42114) (A 14; S 3) (Staff: V. Caldwell) 56
- C26 BRIAN PALKOWSKI (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Mare Island Strait, adjacent to 25 Sandy Beach Road, near the city of Vallejo, Solano

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County; for an existing deck, berth, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5948.1; RA# 22713) (A 14; S 3) (Staff: V. Caldwell)

- C27 BRUCE E. LEAVITT AND LESLEY A. GUTH (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 8 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities previously authorized by the Commission; and a portion of an existing residence not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5691.1; RA# 15615) (A 14; S 3) (Staff: V. Caldwell)
- C28 BUCK KAMPHAUSEN (APPLICANT): Consider an application for a General Lease - Recreational Use of sovereign land located in Mare Island Strait, adjacent to 8½ Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6021.1; RA# 24013) (A 14; S 3) (Staff: V. Caldwell)
- C29 DAN D. MARSH (LESSEE); DAN D. MARSH AND MARGARET A. MARSH, TRUSTEES OF THE DAN D. MARSH AND MARGARET A. MARSH 2005 FAMILY TRUST DATED June 20, 2005 (APPLICANT): Consider termination of Lease No. PRC 2829.1, a General Lease - Recreational and Residential Use, rescission of approval of an Agreement and Consent to Encumbering Agreement of Lease No. PRC 2829.1, and an application for a General Lease - Recreational Use of sovereign land located in Mare Island Strait, adjacent to 2 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2829.1; RA# 42214) (A 14; S 3) (Staff: V. Caldwell)

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- C30 DAVID J. LAMOREE AND BETTY J. LAMOREE (LESSEE); KATHRINE M. WALTON (APPLICANT): Consider termination of Lease No. PRC 5782.1, a General Lease - Recreational and Residential Use and an Agreement and Consent to Encumbrancing of Lease; and an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 19 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5782.1; RA# 40414) (A 14; S 3) (Staff: V. Caldwell)
- C31 DONALD G. DOPKINS AND JANET N. DOPKINS, CO-TRUSTEES OF THE DOPKINS FAMILY TRUST DATED FEBRUARY 21, 1997 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 46 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26732; RA# 40514) (A 14; S 3) (Staff: V. Caldwell)
- C32 DONALD L. RISING, STEVEN A. RISING, AND DARLENE RISING KLUBER (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 40 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 3650; RA# 41714) (A 14; S 3) (Staff: V. Caldwell)
- C33 ELAINE LOGAN MEIN, TRUSTEE, G. E. MEIN REVOCABLE TRUST DATED APRIL 4, 1990 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 16 Sandy Beach Road, near the city of Vallejo, Solano County;

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for an existing deck and appurtenant facilities previously authorized by the Commission; and a portion of an existing residence not previously authorized by the Commission. CEQA Consideration: categorical exemption (PRC 7012.1; RA# 41014) (A 14; S 3) (Staff: V. Caldwell)

- C34 ELEANOR J. NOKES (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 38 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2649.1; RA# 41914) (A 14; S 3)(Staff: V. Caldwell)
- C35 GEORGE F. O'NEAL AND GAIL E. O'NEAL, TRUSTEES OF THE O'NEAL FAMILY 2000 LIVING TRUST (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 5 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6048.1; RA# 42414) (A 14; S 3) (Staff: V. Caldwell)
- C36 GEORGE LEATHAM, TRUSTEE OF THE GEORGE LEATHAM FAMILY TRUST, UNDER TRUST DATED MAY 22, 2015 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 9 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing residence, deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2646.1; RA# 10915) (A 14; S 3) (Staff: V. Caldwell)
- C37 GEORGE LEATHAM, TRUSTEE OF THE GEORGE LEATHAM FAMILY TRUST, UNDER TRUST DATED MAY 22, 2015 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait,

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adjacent to 31 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26735; RA# 11015) (A 14; S 3) (Staff: V. Caldwell)

C38 GREGORY C. PLASKETT (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 21 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, boathouse, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 22297; RA# 40714) (A 14; S 3) (Staff: V. Caldwell)

C39 GUY WOODS AND CHRISTINA WOODS, AS TRUSTEES OF THE GUY R. WOODS AND CHRISTINA WOODS 2008 REVOCABLE TRUST, DATED APRIL 24, 2008 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 23 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 22298; RA# 41514) (A 14; S 3) (Staff: V. Caldwell)

C40 HIRO R. KAGIYAMA (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 18 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 3960; RA# 14615) (A 14; S 3) (Staff: V. Caldwell)

C41 JAMES C. FEA (APPLICANT): Consider an application for a General Lease - Recreational Use of sovereign land located in Mare Island Strait,

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adjacent to 11 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5794.1; RA# 21007) (A 14; S 3) (Staff: V. Caldwell)

- C42 JAMES P. COSGROVE AND LINDA C. COSGROVE (APPLICANT): Consider an application for a General Lease - Recreational Use of sovereign land located in Mare Island Strait, adjacent to 14 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7498.1; RA# 10815) (A 14; S 3)(Staff: V. Caldwell)
- C43 KAREN A. PERRY (APPLICANT): Consider an \ application for a General Lease - Recreational Use, of sovereign land located in Mare Island Strait, adjacent to 42 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26733; RA# 41614) (A 14; S 3)(Staff: V. Caldwell)
- C44 LEE R. MILLER AND DOROTHEA E. MILLER , AS TRUSTORS OF THE MILLER TRUST, DATED JANUARY 1, 1992 (APPLICANT): Consider correction to prior authorization of Lease No. PRC 9259.1, 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. CEQA Consideration: not a project. (PRC 9259.1) (A 6; S 3) (Staff: V. Caldwell)
- C45 LOUIS E. ORANTES AND RACHEL ORANTES (APPLICANT): Consider application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 10 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck, boathouse, and appurtenant facilities previously authorized by the Commission; and a portion of an existing residence not previously

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- authorized by the Commission. CEQA
 Consideration: categorical exemption. (PRC
 3378.1; RA# 02599) (A 14; S 3) (Staff: V.
 Caldwell) 56
- C46 MAREK M. KUROWSKI AND JOLANTA ANDERSON-KUROWSKI
 (APPLICANT): Consider an application for a
 General Lease - Recreational and Residential Use,
 of sovereign land located in Mare Island Strait,
 adjacent to 22 Sandy Beach Road, near the city of
 Vallejo, Solano County; for a portion of an
 existing residence, deck, and appurtenant
 facilities not previously authorized by the
 Commission. CEQA Consideration: categorical
 exemption. (W 26734; RA# 41214) (A 14; S 3)
 (Staff: V. Caldwell)
- C47 MARILYN TOCH AND KAREN L. WAGGERMAN, CO-TRUSTEES
 UNDER THE TOCH REVOCABLE INTER VIVOS TRUST DATED
 APRIL 8, 1983 (APPLICANT): Consider an
 application for a General Lease - Recreational
 and Residential Use of sovereign land located in
 Mare Island Strait, adjacent to 7 Sandy Beach
 Road, near the city of Vallejo, Solano County;
 for a portion of an existing residence, deck, and
 appurtenant facilities. CEQA Consideration:
 categorical exemption. (PRC 6049.1; RA# 21015) (A
 14; S 3) (Staff: V. Caldwell)
- C48 MARK HUBBARD (APPLICANT): Consider an application
 for a General Lease - Recreational and
 Residential Use, of sovereign land located in
 Mare Island Strait, adjacent to 43 Sandy Beach
 Road, near the city of Vallejo, Solano County;
 for portion of an existing residence, deck, and
 appurtenant facilities. CEQA Consideration:
 categorical exemption. (PRC 5806.1; RA# 41414) (A
 14; S 3)(Staff: V. Caldwell)
- C49 MARTHA JILL CRESS, TRUSTEE OF THE MARTHA JILL
 CRESS REVOCABLE TRUST DATED MAY 9, 2001
 (APPLICANT): Consider an application for a
 General Lease - Recreational and Residential Use
 of sovereign land located in Mare Island Strait,
 adjacent to 17 Sandy Beach Road, near the city of

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Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7569.1; RA# 41114) (A 14; S 3) (Staff: V. Caldwell)

- C50 MICHAEL S. WILLIAMS AND MICHELLE JOAN FRISCH (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to Assessor's Parcel Number 0062-030-210, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6118.1; RA# 40814) (A 14; S 3) (Staff V. Caldwell)
- C51 NIGEL BRANDSTATER (LESSEE); NIGEL S. BRANDSTATER AND TAMARA GOPP BRANDSTATER, AS CO-TRUSTEES OF THE NIGEL AND TAMARA BRANDSTATER FAMILY TRUST (APPLICANT): Consider termination of Lease No. PRC 5962.1, a General Lease - Recreational and Residential Use and an Agreement and Consent to Encumbrancing of Lease; and an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 4 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5962.1; RA# 25506) (A 14; S 3) (Staff: V. Caldwell)
- C52 PAULA JOY BREMIER AND VALARY GAY BREMIER (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Corte Madera Creek, adjacent to 2170 Redwood Highway, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and gangway previously authorized by the Commission; and an existing deck, pilings, four platforms, and launch ramp not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5264.1; RA# 03712) (A 10; S 2) (Staff: V. Caldwell)

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- C53 PHILIP ROSS JOY (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 35 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6020.1; RA# 42014) (A 14; S 3) (Staff: V. Caldwell)
- C54 RENEE M. SANDERS, TRUSTEE OF THE RENEE MELISSA SANDERS TRUST (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 33 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 22300; RA# 41314) (A 14; S 3) (Staff: V. Caldwell)
- C55 RICHARD BENBOW BULLOCK (LESSEE/APPLICANT): Consider termination of Lease No. PRC 6003.1, a General Lease - Residential Use, and an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 12 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6003.1) (A 14; S 3) (Staff: V. Caldwell)
- C56 ROBERT S. JONES AND DONNA J. JONES (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 20 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7536.1; RA# 17103) (A 14; S 3) (Staff: V. Caldwell)

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- C57 VICTOR A. DODGE AND GREGORY K. GAZAWAY (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 32 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5882.1; RA# 40614) (A 14; S 3) (Staff: V. Caldwell) 56
- C58 WILLIAM G. MCINERNEY (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 39 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5925.1; RA# 41814) (A 14; S 3)(Staff: V. Caldwell)
- C59 SACRAMENTO MUNICIPAL UTILITY DISTRICT (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land in the American River, adjacent to California State University Sacramento, in the city of Sacramento, Sacramento County, for two 12kV electrical power-line conduits attached to the Guy West Bridge. CEQA Consideration: categorical exemption. (PRC 3673.9; RA# 09615) (A 7; S 6) (Staff: A. Franzoia)
- C60 GERHARD WAGNER, MARILYN J. WAGNER AND NATALIE PAINE (LESSEE); MICHAEL J. LOUGHREY, TRUSTEE OF THE LOUGHREY FAMILY TRUST DATED JANUARY 3RD, 2007 (APPLICANT): Consider termination of Lease No. PRC 4764.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 17370 Grand Island Road, near Isleton, Sacramento County; for an existing pier and gangway. CEQA Consideration: categorical exemption.(PRC 4764.1; RA# 19615) (A 11; S 3) (Staff: W. Hall)

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- C61 MODESTO IRRIGATION DISTRICT (APPLICANT): Consider adoption of a Mitigation Monitoring Program, and an application for a General Lease - Public Agency Use of sovereign land, located in the Stanislaus River, adjacent to 8124 McHenry Avenue, near the city of Modesto, Stanislaus and San Joaquin Counties; for the relocation of overhead transmission lines not previously authorized by the Commission. CEQA Consideration: Mitigated Negative Declaration adopted by San Joaquin County, State Clearinghouse No. 2013032028. (W 26847; RA# 26714)(A 21; S 5) (Staff: W. Hall)
- C62 RYAN P. FRIEDMAN AND AMY A. DANIEL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 5445 Garden Highway, Sacramento, Sacramento County; for the removal of an existing dock and two cable anchors, the construction of a new dock with two pilings, and the use and maintenance of an existing gangway, not previously authorized by the Commission. CEQA Consideration: categorical exemption.(W 26929; RA# 12015) (A 7; S 6) (Staff: D. Tutov)

CENTRAL/SOUTHERN REGION

- C63 MFS GLOBENET, INC. (LESSEE): Consider revision of rent to Lease No. PRC 8141.1, a General Lease - Non Exclusive Right-of-Way Use, of sovereign land located in the Pacific Ocean, offshore of Montana de Oro State Park, San Luis Obispo County; for a steel conduit and fiber-optic cable. CEQA Consideration: not a project. (PRC 8141.1) (A 35; S 17) (Staff: R. Collins)
- C64 MFS GLOBENET, INC. (LESSEE): Consider revision of rent to Lease No. PRC 8142.1, a General Lease - Non Exclusive Right-of-Way Use, of sovereign land located in the Pacific Ocean, offshore of Montana de Oro State Park, San Luis Obispo County; for a steel conduit. CEQA Consideration: not a project. (PRC 8142.1) (A 35; S 17) (Staff: R. Collins)

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- C65 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (APPLICANT): Consider correction to prior authorization of Lease No. PRC 9239.9, a General Lease - Public Agency Use, of sovereign land located in the historic bed of the Colorado River, Moabi Regional Park, near Needles, San Bernardino County; for construction, operation, maintenance, and monitoring of open backwater, wetland, upland habitat, and ancillary structures. CEQA Consideration: not a project. (PRC 9239.9;RA# 27513) (A 33; S 16) (Staff: R. Collins)
- C66 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)
- C67 FRANK B. DEGELAS AND DONNA L. DEGELAS, AS TRUSTEES OF THE FRANK AND DONNA DEGELAS TRUST, DATED FEBRUARY 27, 2003 (LESSEE): Consider revision of rent for Lease No. PRC 7996.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in Huntington Harbour, adjacent to 3622 Venture Drive, city of Huntington Beach, Orange County, for an existing boat dock, access ramp, rock slope protection, and cantilevered deck. CEQA Consideration: not a project. (PRC 7996.1) (A 72; S 34) (Staff: S. Kreutzburg)
- C68 THE MUHS 1992 PARTNERSHIP, DATED DECEMBER 29, 1992, WITH DAVID C. MUHS AS TRUSTEE OF THE MUHS FAMILY TRUST, DATED AUGUST 18, 1987, AND BEING ADDITIONAL PARTNER TO THE GENERAL PARTNERS FRED B. MUHS AND MARY ANN MUHS, TRUSTEES OF THE FRED B. MUHS AND MARY ANN MUHS FAMILY TRUST, DATED FEBRUARY 27, 1979; CAROL ZOEBEL; ADELE CETIN; AND

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PAUL MUHS (LESSEE): Consider revision of rent for Lease No. PRC 3577.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16901 Bolero Lane, city of Huntington Beach, Orange County, for an existing boat dock, access ramp, and cantilevered deck. CEQA consideration: not a project. (PRC 3577.1) (A 72; S 34) (Staff: S. Kreutzburg)

C69 CALIFORNIA-AMERICAN WATER COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 4223.1, a General Lease - Right-of-Way Use, of sovereign land in San Diego Bay near San Diego and Coronado, San Diego County; for a water pipeline. CEQA consideration: not a project. (PRC 4223.1) (A 78; S 39)(Staff: D. Simpkin)

C70 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE/APPLICANT): Consider termination of Lease No. PRC 4480.9, a General Lease - Public Agency Use and an application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, near the City of Santa Monica, Los Angeles County; for continued use and maintenance of an underwater electrode. CEQA Consideration: categorical exemption. (PRC 4480.9; RA# 14115)(A 50; S 26) (Staff: D. Simpkin)

C71 MARINER'S POINT, A CALIFORNIA GENERAL PARTNERSHIP (LESSEE); GENERAL PETROLEUM DBA MAXUM PETROLEUM (APPLICANT): Consider termination of Lease No. PRC 3265.1, General Lease - Commercial Use and an application for a General Lease - Commercial Use, of sovereign land located in Sunset Bay, Huntington Beach, Orange County; for a commercial fuel dock facility. CEQA Consideration: categorical exemption. (PRC 3265.1; RA# 20915) (A 72; S 34) (Staff: D. Simpkin)

SCHOOL LANDS

C72 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 1936.2, a General Lease - Right-of-Way Use, of

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State school land located in a portion of Section 16, Township 5 South, Range 16 East, SBM, near the town of Desert Center, Riverside County; for an overhead transmission line and an unpaved access road. CEQA Consideration: not a project. (PRC 1936.2)(A 56; S 28) (Staff: C. Hudson)

- C73 VERIZON CALIFORNIA INC. (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State school land within a portion of Section 36, Township 6 South, Range 5 West, SBM, near Lake Elsinore, Riverside County; for an existing aerial fiber-optic cable attached to wood poles, and underground fiber-optic cable within a conduit, and an underground cable. CEQA Consideration: categorical exemption. (PRC 8208.2; RA# 15915) (A 71; S 28) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

- C74 CALIFORNIA DEPARTMENT OF CONSERVATION, OFFICE OF MINE RECLAMATION AND THE CALIFORNIA STATE LANDS COMMISSION ACTING AS THE SCHOOL LAND BANK FUND TRUSTEE (PARTIES): Consider a Memorandum of Understanding with the Department of Conservation, Office of Mine Reclamation and approval of authority to continue coordinating efforts to eliminate potential public safety hazards at abandoned mine sites on State school lands located statewide. CEQA Consideration: categorical exemption. (W 40102)(A & S: Statewide) (Staff: G. Pelka)

- C75 CITY OF LONG BEACH, CALIFORNIA RESOURCES CORPORATION AND THE STATE LANDS COMMISSION (PARTIES): Consider consent for certain amendments to the crude oil valuation provisions of the Contractors' Agreement and Tract No. 2 Agreement, Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 11026, W 11107; PRC 3455) (A 70; S 33) (Staff: J. Planck, J. Fabel)

MARINE FACILITIES - NO ITEMS

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ADMINISTRATION - SEE REGULAR CALENDAR

LEGAL

C76 CALIFORNIA STATE LANDS COMMISSION AND SPORTSMAN'S PARADISE, INC., (PARTIES): Consider a Compromise Title Settlement and Exchange Agreement between the State of California acting 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., regarding certain interest in lands in the historic bed of the Colorado River, County of Imperial. CEQA consideration: statutory exemption. (W 26855) (A 56; S 40) (Staff: J. Fabel)

C77 CALIFORNIA STATE LANDS COMMISSION: Consider authorizing the Executive Officer to sign, as a Concurring Party, the agreement titled "Programmatic Agreement Among the Bureau of Land Management - California, the California Office of Historic Preservation, and the Advisory Council on Historic Preservation Regarding Renewable Energy Development on a portion of Public Lands Administered by the Bureau of Land Management - California." CEQA Consideration: not a project. (A 26, 33, 34, 36, 42, 56, 71; S 8, 16, 21, 23, 28, 38, 40) (Staff: P. Huber, J. DeLeon)

C78 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider authorizing the staff of the California State Lands Commission and the Office of the Attorney General to take legal action against Steven and Anita Ramos to cause compliance with the Commission's leasing authority and jurisdiction or to require removal of structures trespassing on State sovereign lands in Steamboat Slough, Solano County, California and for recovery of costs and damages. CEQA Consideration: not a project. (PRC 7799.1) (A 11; S 3) (Staff: P. Pelkofer, V. Caldwell)

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

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EXTERNAL AFFAIRS

GRANTED LANDS

C79 CITY OF ALAMEDA AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider revised phase area boundaries for the second closing phase as required by the Naval Air Station Alameda Title Settlement and Exchange Agreement. CEQA Consideration: not a project. (AD 617; W 25109; G 01-01) (A 16; S 9) (Staff: R. Boggiano, J. Porter)

C80 CALIFORNIA STATE LANDS COMMISSION AND THE CITY OF SOUTH SAN FRANCISCO (GRANTEE): Consider a record of survey depicting the location and extent of filled tidelands as they existed around February 22, 1980 within Oyster Point Marina in the City of South San Francisco, San Mateo County. CEQA Consideration: not a project. (G 14-05) (A 22; S 13) (Staff: R. Boggiano, D. Frink)

LEGISLATION AND RESOLUTIONS - SEE REGULAR CALENDAR

VI. INFORMATIONAL - SEE REGULAR CALENDAR

VII. REGULAR CALENDAR 81-84

81 CALIFORNIA STATE LANDS COMMISSION AND SAN DIEGO UNIFIED PORT DISTRICT (INFORMATIONAL): Informational presentation on the framework for a partnership between the State Lands Commission and the San Diego Unified Port District to engage in a comprehensive, ecosystem-based, stakeholder driven pilot planning effort for the state-owned tidelands and submerged lands located in the Pacific Ocean offshore San Diego County. CEQA Consideration: not a project. (A 78, 80; S 39, 40) (Staff: J. DeLeon, S. Pemberton)

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82	CALIFORNIA STATE LANDS COMMISSION AND THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE) (INFORMATIONAL): Informational update on the Owens Lake Master Project, Owens Lake, Inyo County. CEQA Consideration: not a project. (W 26428; RA# 32212) (A 26; S 8)(Staff: D. Simpkin, G. Kato, J. DeLeon)	22
83	PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT) (INFORMATIONAL): Informational update regarding application of the California Environmental Quality Act (CEQA) to the consideration of a General Lease - Industrial Use for a cooling water discharge channel, water intake structure, breakwaters, and associated infrastructure at the Diablo Canyon Power Plant, near Avila Beach, San Luis Obispo County. CEQA Consideration for Informational Agenda Item: not applicable. (PRC 4449.1, PRC 4307.1, W 26721; RA# 06813) (A 17; S 35) (Staff: D. Simpkin, P. Huber, C. Oggins)	38
84	CALIFORNIA STATE LANDS COMMISSION: Consider supporting SB 900 (Jackson) that would require the State Lands Commission to administer a coastal hazard removal and remediation program along the California coastline, contingent on adequate funding. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)	52
VIII PUBLIC COMMENT		92
IX COMMISSIONERS' COMMENTS		92
Adjournment		93
Reporter's Certificate		94

P R O C E E D I N G S

CHAIRPERSON YEE: Good morning. Thank you. Good morning.

I call this meeting of the State Lands Commission to order. All the representatives of the Commission are present. I'm State Controller Betty Yee, and I'm joined today by Chief of Staff to Lieutenant Governor Gavin Newsom, Rhys Williams, and Eraina Ortega, representing the Department of Finance.

For the benefit of those in the audience, the State Lands Commission manages State property interests in over five million acres of land, including mineral interests. The commission also has responsibility for the prevention of oil spills at marine oil terminals and offshore oil platforms, and for preventing the introduction of marine invasive species into California's marine waters.

Today, we will hear requests and presentations involving the lands and resources within the Commission's jurisdiction.

Now, while the agenda indicates that closed session is first, we are going to start with open session. And the first item of business will be the adoption of the minutes from the Commission's meeting of December 18th of 2015. May I have a motion to approve the minutes?

1 ACTING COMMISSIONER ORTEGA: So moved.

2 CHAIRPERSON YEE: Moved by Ms. Ortega.

3 ACTING COMMISSIONER WILLIAMS: Second.

4 CHAIRPERSON YEE: Second by Mr. Williams.

5 Without objection, such will be the order.

6 Next order of business is the Executive Officer's
7 report. Ms. Lucchesi, may we have that report.

8 Good morning.

9 EXECUTIVE OFFICER LUCCHESI: Certainly. Good
10 morning. I have a fairly short Executive Officer's report
11 today.

12 First, I want to update the Commission on a
13 technology demonstration that staff is currently
14 conducting over the next week or two of unmanned aerial
15 systems, commonly known as drones, to better understand
16 the potential applications of these devices to improve
17 data modeling capabilities of the State Lands Commission.

18 We will be evaluating self-piloting drones in
19 both fixed wing and rotor configurations. These devices
20 are purpose built for mapping specific applications with
21 the ability to deliver 2-D and 3-D images with high detail
22 and spatial accuracy.

23 We will be using the Sacramento River Greenway
24 Plan as a project framework for the assessment, so that we
25 can compare and contrast the image and data outputs in a

1 real-world scenario to quantify improvements over existing
2 data modeling techniques. We identified potential use
3 cases for these types of -- this type of technology at the
4 State Lands to include survey support, land asset
5 inventorial -- inventory and aerial image reference
6 library, sea level rise analysis, compliance monitoring
7 and enforcement, and visual and communication for
8 presentations and information sharing.

9 I will be reporting back to the Commission on the
10 results of these demonstrations and recommendations from
11 staff on if and how to potentially incorporate use of this
12 technology into our programs and practices.

13 Second, I am pleased to announce that Marina
14 Voskanian, Chief of our Mineral Resources Management
15 Division, has recently been selected by a vote of the
16 board members to serve as chairperson of the Governing
17 Board of Baldwin Hills Conservancy. The State Lands
18 Commission Executive Officer holds a non-voting seat on
19 the Board, and Marina represents the Commission as my
20 designee.

21 The Baldwin Hills Conservancy is within the
22 Resources Agency. And the mission of the Conservancy is
23 to acquire and manage open space within the Baldwin Hills
24 area of the City of Los Angeles and Culver City for
25 development of parks and other uses for the enjoyment by

1 the public.

2 The Conservancy has been successfully achieving
3 this goal since establishment in 2000. I'm pleased to say
4 that the Commission staff representation on the Board has
5 provided valuable contribution to the Conservancy's
6 mission during the past 15 years. This opportunity is
7 the first time that the State Lands Commission
8 representative has had an opportunity to serve as
9 chairperson, and I wanted to express my congratulations to
10 Marina on her selection to this position.

11 And finally, I wanted to identify the areas and
12 the strategies in the strategic plan that are being
13 implemented in today's meeting should all the items be
14 approved as recommended. Sixty-six items in support of
15 Strategy 1.1 to deliver the highest levels of public
16 health and safety in the protection, preservation, and
17 responsible economic use of the lands and resources under
18 the Commission's jurisdiction.

19 There are three items, including Regular Item 81,
20 in support of Strategy 1.2 to provide that current and
21 future management of ungranted sovereign lands and
22 resources and granted lands, including through strategic
23 partnerships with trustee ports and harbor districts, are
24 consistent with evolving Public Trust principles and
25 values, particularly amid challenges relating to climate

1 change, sea level rise, public access, and complex
2 land-use planning and marine freight transportation
3 systems.

4 There are eight items in support of Strategy 1.3
5 to protect, expand, and enhance appropriate public use and
6 access to and along the State's inland and coastal
7 waterways. There is one item, Regular Item 84, in support
8 of Strategy 1.5 to ensure the highest level of
9 environmental protection and public safety in the
10 production and transportation of oil and gas resources.

11 There are six items in support of Strategy 2.1 to
12 optimize returns for the responsible development and use
13 of State lands and resources, both onshore and offshore.
14 There are five items in support of Strategy 2.2 to ensure
15 timely receipt of revenues and royalties from the use and
16 development of State lands and minerals.

17 And finally, there is one item in support of
18 Strategy 3.2 to commit to early and meaningful
19 coordination and collaboration with local, State, and
20 federal agencies, California Native American tribes, and
21 local and regional communities, and all individuals
22 disproportionately impacted by environmental pollution.

23 They are all referenced in the individual staff
24 reports for ease of reference for the public and for the
25 Commissioners.

1 That concludes my report. Thank you.

2 CHAIRPERSON YEE: Thank you, Ms. Lucchesi. And
3 thank you for referring back to our strategic plan. This
4 is really going to help demonstrate how the plan is going
5 to guide the work of this Commission. And to be able to
6 relate the items on the agenda to that is very helpful.

7 Any comments or questions, members?

8 Okay. Thank you. The next order of business
9 will be the adoption of the consent calendar. And, Ms.
10 Lucchesi, I'm going to ask for your guidance here. We
11 have some speakers on a number of items on the consent
12 calendar.

13 EXECUTIVE OFFICER LUCCHESI: Yes.

14 CHAIRPERSON YEE: Do we wish to pull those?

15 EXECUTIVE OFFICER LUCCHESI: Yes. We have
16 members of the public that wish to speak on items 23, 25,
17 and 57. All three of those consent items relate to a
18 community referred to as Sandy Beach. And we actually
19 have 34 items on the consent agenda relating to that
20 community and lease applications there.

21 So in the effort of transparency and consistency,
22 I'd like to actually remove all 34 items from the consent
23 agenda so that when the Commission considers those three
24 items, if there's any changes to the staff's
25 recommendation, that those changes can be applied

1 consistently to all 34. So just to be clear, I am going
2 to be removing C23 through 43, C45 through C51, and C53
3 through C58 from the consent agenda to the regular agenda
4 to be heard after the regular agenda items that are listed
5 on the agenda are heard.

6 CHAIRPERSON YEE: Okay, very well. So, members,
7 we have then the items 23 through 43, 45 to 51, 53 to 58
8 removed from the consent calendar, and we will -- I know
9 we have requests to speak on a few of those.

10 So with that, is there a motion on the remainder
11 of the consent calendar?

12 ACTING COMMISSIONER ORTEGA: I'll move adoption
13 of the remainder of the consent calendar.

14 CHAIRPERSON YEE: Okay. Motion by Ms. Ortega to
15 adopt the remainder of the consent calendar.

16 ACTING COMMISSIONER WILLIAMS: Second.

17 CHAIRPERSON YEE: Second by Mr. Williams.

18 Without objection, such will be the order. Thank
19 you.

20 So now going back, let me just note we have three
21 speakers related to the items that have been pulled off
22 the consent calendar. And let me have you come --

23 EXECUTIVE OFFICER LUCCHESI: If I may?

24 CHAIRPERSON YEE: Yes.

25 EXECUTIVE OFFICER LUCCHESI: May I recommend that

1 we start with the regular items?

2 CHAIRPERSON YEE: Oh, okay. That's fine.

3 EXECUTIVE OFFICER LUCCHESI: Regular Item 81, and
4 move through the regular items first --

5 CHAIRPERSON YEE: Okay. Very well.

6 EXECUTIVE OFFICER LUCCHESI: -- and then discuss
7 the three that have been pulled from consent.

8 CHAIRPERSON YEE: Okay. That sounds fined.

9 EXECUTIVE OFFICER LUCCHESI: Great. Thank you.

10 CHAIRPERSON YEE: Great. Thank you.

11 All right. So then our next order of business is
12 an informational presentation, and that is Item 81. And
13 this is relating to the framework for the partnership
14 between the State Lands Commission and the San Diego
15 Unified Port District. Ms. Lucchesi, why don't you
16 present the item.

17 EXECUTIVE OFFICER LUCCHESI: Yes. Our Science
18 Policy Advisor, Jennifer DeLeon will be giving staff's
19 presentation.

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

22 SCIENCE POLICY ADVISOR DeLEON: Good morning,
23 Chairman Yee and Commissioners. My name is Jennifer
24 DeLeon. I'm the Science Policy Advisor for the
25 Commission. I'm here to present you an update on staff's

1 efforts to develop a framework to engage in a partnership
2 with the San Diego Unified Port District to plan for
3 State-owned tidelands and submerged lands located in the
4 Pacific Ocean offshore of San Diego County.

5 --o0o--

6 SCIENCE POLICY ADVISOR DeLEON: So what do we
7 mean when we say ecosystem-based marine planning or marine
8 spatial planning?

9 As shown here, this term generally refers to
10 planning around human activities, resource use, and
11 ecosystem integrity using scientific and geospatial
12 information. In terms of national context, President
13 Obama's administration recognized the potential of marine
14 spatial planning in its national ocean policy
15 implementation plan in 2013. We are already seeing
16 encouraging results from several other coastal states,
17 such as Oregon and Massachusetts.

18 Here in California, NOAA's MPA center partnered
19 with the Marine Conservation Institution to create a
20 variety of visual, interactive, on-line tools free to the
21 public, including the California Ocean Uses atlas, which
22 maps the full range of significant human uses of the ocean
23 in State and federal waters off the coast of California,
24 including non-consumptive, fishing, industrial, and
25 military activities.

1 This type of tool could be refined at a regional
2 and subregional scale through this pilot project off of
3 San Diego, and assists both applicants and decision-makers
4 to smooth the permitting process by greatly improving the
5 information available on which those decisions are based.

6 Note also that California's recently updated
7 network of marine protected areas used marine spatial
8 planning concepts to redesign and organize California's
9 marine protected areas into a cohesive network aimed at
10 protecting and enhancing marine ecosystems and ecosystem
11 services, marine wildlife, and the economic value of
12 marine resource use.

13 --o0o--

14 SCIENCE POLICY ADVISOR DeLEON: We believe this
15 type of ecosystem-based marine spatial planning makes
16 sense for a variety of reasons. Marine spatial planning
17 is a rigorous, yet highly flexible, tool that can be
18 explored to inform good governance of the ocean space by
19 considering the entire ecosystem and multiple uses
20 together rather than managing one activity at a time,
21 separated from the broader context, which, as we know, in
22 some cases, leads to conflict and less than ideal
23 outcomes.

24 As trustees of this sovereign tidelands and
25 submerged lands of California, the Commission wants to

1 work with regional partners to develop this tool to
2 facilitate planning decisions that protect and enhance the
3 environmental integrity of marine ecosystems for the
4 benefit of all Californians, while addressing current and
5 emerging human uses consistent with our duties under the
6 Public Trust Doctrine.

7 As evidenced by the recently adopted strategic
8 plan, the State Lands Commission is committed to creating
9 innovative and forward-looking policy for the benefit of
10 all Californians, and the land we hold in trust for
11 present and future generations.

12 Marine spatial planning is an exciting way to
13 engage in a more integrated and inclusive planning process
14 that can achieve environmental policy goals more
15 effectively than the fragmented efforts of the past. It
16 is also an opportunity to develop accessible, interactive,
17 technology-driven, visual representations of the ocean
18 space, uses, and potential conflict areas.

19 Taking a proactive approach by creating this
20 project is consistent with all five strategic plan guiding
21 principles and values, which I have shown here.
22 Specifically, it is driven by transparency and robust
23 public engagement. It emphasizes partnerships and it
24 leverages rigorous, best available science to ensure
25 informed, balanced, and solution-oriented ocean

1 management. This is for the benefit of economic, social,
2 and environment alike.

3 --o0o--

4 SCIENCE POLICY ADVISOR DeLEON: So where are we
5 talking?

6 This pilot project will focus on the San Diego
7 offshore region, beginning with the development of an MOA
8 with the San Diego Unified Port District. The port
9 district is the local grantee of Public Trust Lands within
10 the conceptual planning area, and is therefore a natural
11 partner for this effort.

12 The area is also ideal, because it hosts both
13 critically important ecosystems and marine life, as well
14 as a broad spectrum of human activities. The region has
15 tackled nuanced and adaptive environmental planning
16 processes before, most recently by the creation of the sea
17 level rise adaptation strategy for San Diego Bay in 2012.
18 This was a multi-stakeholder effort led by the San Diego
19 Unified Port District, and included non-profits, local
20 city and county governments, the San Diego Airport
21 Authority, the U.S. Navy, and academic research
22 institutions, such as Scripps, UC San Diego, San Diego
23 State and more.

24 The Commission and the Port District want to use
25 these active working relationships to embark on a

1 detailed, interactive, and effective marine spatial
2 planning process. As stated earlier, we believe this type
3 of planning effort is good policy, as it can help
4 anticipate and proactively resolve potential conflicts
5 using scientifically rigorous information.

6 --o0o--

7 SCIENCE POLICY ADVISOR DeLEON: So the purpose of
8 the preliminary MOA with the San Diego Unified Port
9 District is simply to outline the respective roles of the
10 Commission and the Port District, to explore financial
11 support, and define the general objectives, goals, and
12 principles of agreement. By establishing this MOA, we can
13 set in motion an ecosystem based planning collaboration
14 for State-owned tidelands and submerged lands that will
15 lead to a better coordinated management of existing and
16 emerging marine resource activities.

17 Exploring new strategies, such as this, to
18 improve management is essential for ensuring a healthy
19 functioning environment, particularly one that is
20 resilient to climate change impacts, such as sea level
21 rise, while continuing to offer environmental quality and
22 recreational benefits to coastal communities. It can also
23 reduce conflicts between user groups, protect and enhance
24 public access, and promote sustainable economic projects.

25 It is important to note that this endeavor is not

1 based on a specific project, nor is it driven by any
2 particular sector. Rather, we seek to be the facilitator
3 of an informational roadmapping process, in which a
4 diverse array of stakeholders and experts would be the
5 actual drivers. Some of the potential planning partners
6 we have reached out to so far include the Navy, the
7 California Coastal Commission, the Ocean Protection
8 Council, Department of Fish and Wildlife, Resources Legacy
9 Fund, and Natural Resources Defense Council.

10 In the weeks and months to come, we will continue
11 to seek input and collaboration from additional --
12 additional agencies, researchers, fishermen, nonprofits,
13 and tribes.

14 Thank you for your time. I'm available for
15 questions.

16 CHAIRPERSON YEE: Thank you very much for the
17 update. Questions or comments, members?

18 Ms. Lucchesi.

19 EXECUTIVE OFFICER LUCCHESI: I believe we have
20 two comment -- commenters.

21 CHAIRPERSON YEE: Yes. Let me have them come
22 forward and then I'll pose some questions at the end. If
23 we could have Job Nelson come up, Chief Policy Advisor for
24 the Port of San Diego.

25 MR. NELSON: Job.

1 CHAIRPERSON YEE: Job Nelson. Sorry.

2 MR. NELSON: That's okay

3 CHAIRPERSON YEE: Okay. And Jennifer --

4 MR. NELSON: It's something I encounter a lot.

5 CHAIRPERSON YEE: Okay. And Jennifer Savage with
6 Surfrider.

7 MR. NELSON: It's at times like this that I thank
8 my mom for naming me Job. A very unique name. It creates
9 all sorts of difficulties.

10 Good morning, Madam Chair, Commissioners, and
11 Jennifer. For the record, my name is Job Nelson. I'm the
12 Chief Policy Advisor for the Port of San Diego. We
13 appreciate the thoughtful presentation by Jennifer and
14 don't have a significant amount to add. I would just note
15 a few things. First, the Port of San Diego is one of
16 several public agencies that occupies a special place with
17 State Lands. We are a trustee, meaning that we entrusted
18 to manage your lands on your behalf.

19 We take those responsibilities seriously and have
20 worked hard to balance our roles as economic engine and
21 environmental stewards and have been recognized, both
22 statewide and nationally for both. We work in close
23 collaboration with the staff here at State Lands
24 Commission and this effort will be no different.

25 We're all going to be seeing increasing

1 impressions -- I'm sorry, see increasing pressures to be
2 out in the Pacific, whether it's to use resources or to
3 just kind of spend some time out on the ocean. We can
4 either plan for it or we can let it happen organically.
5 And this is one instance where letting it happen
6 organically is not good, which is why the Obama
7 administration launched a federal effort to do marine
8 spatial planning at a national level, and why State Lands
9 Commission is considering this pilot effort in the San
10 Diego region.

11 For environmental, economic, and security
12 reasons, it is the right way to approach this. Let me
13 just wrap-up by reiterating a point that Jennifer made.
14 The MOA is not a plan. It is an agreement between State
15 Lands and the Trustee to define the mechanics of how the
16 planning process will proceed.

17 And so I don't want everybody to kind of get
18 worried that somehow there's going to be a plan that's
19 going to come out of this whole MOA process.

20 We look forward to engaging with stakeholders in
21 this process, and with you in this process as it moves
22 forward. And I'll be available for questions should you
23 have any.

24 CHAIRPERSON YEE: Thank you, Mr. Nelson.

25 Ms. Savage.

1 MS. SAVAGE: Good morning, members of the
2 Commission. I'm Jen Savage from Surfrider. And I'm
3 giving this testimony on behalf of Jenn Eckerle from the
4 Natural Resources Defense Council, who regrets she cannot
5 be here today, but at least you'll have met your quota of
6 Jens for the hour.

7 (Laughter.)

8 MS. SAVAGE: Thank you for the opportunity to
9 comment on the framework between State Lands Commission
10 and the Port of San Diego to pursue a potential marine
11 spatial planning pilot project in the ocean offshore from
12 San Diego. We have spoken with several members of your
13 staff, and appreciate their desire to engage in an open
14 dialogue about this effort.

15 The staff report makes it clear that the MOU --
16 I'm sorry, MOA between State Lands Commission and the Port
17 of San Diego is a first step in determining whether a
18 small scale pilot planning process is feasible and
19 outlines the information and component necessary to
20 initiate such an effort.

21 We remain open-minded about this effort and
22 recognize that staff and the Commission view it as an
23 opportunity to advance collaborative, forward-looking
24 management of California's coast and ocean. We also
25 appreciate staff's acknowledgement of San Diego's seven

1 offshore marine protected areas, and the importance of
2 integrating them into any ocean planning efforts that
3 California may undertake.

4 At the same time, we are wary that spatial
5 planning effort could unintentionally contribute to
6 streamlining industrialization of the ocean. To further
7 safeguard resources and public access to the coast and
8 prioritize conservation as an essential component of the
9 spatial planning process, it is critical that the
10 appropriate community groups and environmental
11 stakeholders are included as active participants.

12 We understand that staff views inclusive
13 stakeholder participation as a top priority, and we look
14 forward to working with them to ensure that the right
15 player are at the table. We also urge you to initiate
16 engagement and coordination with your sister coastal
17 management agencies, including the Coastal Commission, the
18 Department of Fish and Wildlife, the Fish and Game
19 Commission, the State Water Resources Control Board, and
20 the Ocean Protection Council as they share
21 responsibilities to steward and protect California's
22 marine environment, and can play important roles in
23 scoping and undertaking any marine spatial planning
24 process in California.

25 Thank you for the opportunity to address this

1 issue.

2 CHAIRPERSON YEE: Thank you, Ms. Savage, very
3 much.

4 A couple questions, Ms. Lucchesi, if I may. This
5 is a really important effort. And I just want to applaud
6 the Port District and certainly your staff for engaging
7 already into this process. And it just fulfills so many
8 of the strategies that we've articulated in our strategic
9 plan. So I really am looking forward to what comes to
10 fruition here.

11 I guess the first question is, is it really going
12 to take 12 months to develop this, because it seems like
13 there's a lot of work already done and the relationships
14 are established, and --

15 EXECUTIVE OFFICER LUCCHESI: I certainly hope
16 not. I've learned my lesson from overcommitting though in
17 the past. I certainly hope not. And if there was a
18 direction from the Commission to come back earlier than
19 the 12 months, we would certainly follow that direction.

20 It was just kind of the bookends of what we think
21 it might take, given other priorities or staffing issues,
22 that sort of thing.

23 CHAIRPERSON YEE: Sure.

24 EXECUTIVE OFFICER LUCCHESI: But we certainly
25 hope it doesn't take us that long to develop an MOA.

1 CHAIRPERSON YEE: Okay. And then the partnership
2 between the Commission and the Port, is there already good
3 coordination? I'm just trying to figure out how that will
4 continue during the development of the MOA.

5 EXECUTIVE OFFICER LUCCHESI: Oh, certainly. We
6 have decades-long relationship working with the Port of
7 San Diego staff on all kinds of different efforts. And
8 like Job said, this is just the most recent, incredibly
9 important and significant, but just the most recent effort
10 that we would engage in as respective staffs.

11 We met yesterday via conference call to start
12 that ball rolling. And I anticipate that we'll be having
13 our first in-person meeting within the next couple weeks
14 to start identifying the broad outlines of what the MOA
15 would include.

16 CHAIRPERSON YEE: Very good. And we have the
17 resources to support this effort?

18 EXECUTIVE OFFICER LUCCHESI: That is certainly at
19 the top of our list --

20 CHAIRPERSON YEE: Very good.

21 EXECUTIVE OFFICER LUCCHESI: -- is identifying
22 what kind of resources are necessary and how to go about
23 obtaining those resources.

24 CHAIRPERSON YEE: Okay. Mr. Nelson, do you mind
25 coming back forward. I'm going to ask you the same

1 questions. And this doesn't question the commitment of
2 the Port District or the staff, but I just want to be sure
3 this effort doesn't experience any bumps along the way.

4 And what about funding on your side? And I know
5 you have consultants working on this as well.

6 MR. NELSON: We do. We've been going through our
7 integrated planning process, our 50-year visioning for the
8 land-based activities for the Port of San Diego. And so
9 we already have consultants on-call that we've been using
10 for that. We hope that we can be able to dovetail some of
11 those folks in, and some of those contracts in to be able
12 to help with this.

13 Additionally, we're going through our budget
14 process. And I was told yesterday by our assistant vice
15 president of green port that he's actually setting aside
16 some funding --

17 CHAIRPERSON YEE: Oh, excellent.

18 MR. NELSON: -- to be used for potential
19 consultants that we might do -- we might use here, as we
20 kind of move forward on a process. Obviously, some of
21 those aren't going to be necessary for the MOA, but
22 identifying what we will need in the future with the MOA
23 is important. So I think that we will have the resources
24 on call.

25 Additionally, we have a great relationship with

1 the universities in town, and I think we'll be using them
2 for a lot of the data gathering.

3 CHAIRPERSON YEE: Good. Good. Thank you.

4 All kinds of benefits coming out of this effort,
5 so already some identified. I'd like to request, if I
6 may, if 12 months is the bookend time frame, if we could
7 just agendaize this for each of the Commission meetings
8 coming up. If we experience any bumps, whether it's
9 funding, whether it's, you know, maybe some communication
10 hiccups, whatever it is, I think it would be good for the
11 Commission to just know about those. But I don't
12 anticipate any problems, but I think a progress report at
13 each meeting, since we don't meet at frequent intervals.

14 EXECUTIVE OFFICER LUCCHESI: Certainly.

15 CHAIRPERSON YEE: Okay. That would be terrific.
16 Other comments, members?

17 Okay. Thank you. So with that, we will move on
18 to Item 82. And this relates to the -- it's a joint
19 presentation by the Commission and Los Angeles Department
20 of Water and Power. And this was at the request of the
21 Commission after the approval of the lease at the August
22 Commission meeting.

23 EXECUTIVE OFFICER LUCCHESI: That's correct, yes.

24 Our Assistant Chief of our Land Management
25 Division, Grace Kato will be giving the presentation.

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

3 CHAIRPERSON YEE: Great. Good morning.

4 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

5 Good morning, Commissioners. My name is Grace
6 Kato, and I'm the Assistant Chief, as Jennifer said, with
7 the Commission's Land Management Division.

8 I'm here to present informational calendar Item
9 82.

10 And that is LADWP's presentation, so if we can
11 switch that over, that would be great.

12 Thank you.

13 I'll go ahead and continue. We'll catch up the
14 slides as we go through. My presentation will provide a
15 brief update on Owens Lake and will be followed by a
16 presentation by Mr. Rich Harasick from the Los Angeles
17 Department of Water and Power who will provide an update
18 on the Owens Lake master project.

19 --o0o--

20 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

21 Owens lake is located at the terminus of the
22 Owens Valley in Inyo County, and is approximately 110
23 square miles in size.

24 --o0o--

25 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

1 Today, the lake is relatively dry. But as
2 recently as the early 1900s, the lake was up to 50 feet
3 deep in some places. In 1908, the city commenced
4 construction of the Los Angeles aqueduct to divert water
5 from the Owens River north of Owens Lake. This water
6 diversion, including that of neighboring farmers, caused a
7 decline in lake levels.

8 With the completion of the aqueduct in 1913, the
9 lake was virtually dry by 1930, with only a small brine
10 pool remaining, which exists to this day.

11 --o0o--

12 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

13 The United States Environmental Protection Agency
14 has designated the southern part of the Owens Valley as a
15 serious nonattainment area for particulate matter, or
16 dust, that is less than or equal to 10 microns in
17 diameter, which is approximately a tenth of the diameter
18 of a human hair.

19 In 1999, the Commission authorized a 20-year
20 lease to the City of Los Angeles via their Department of
21 Water and Power to implement the Owens Lake dust
22 mitigation program. Since 1999, the Commission has
23 authorized 16 amendments to this lease. That lease is set
24 to expire in April of 2019.

25 --o0o--

1 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

2 In order to mitigate dust coming off of the lake,
3 the Great Basin Unified Air Pollution Control District has
4 approved the implementation of three types of dust
5 control, or best available control measures, BACM, on the
6 lakebed. Those include shallow flooding, managed
7 vegetation, and gravel.

8 --o0o--

9 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

10 In addition to the three measures approved by the
11 district, the city is also permitted to till the soil, to
12 roughen the soil surface rendering it more resistant to
13 wind erosion with BACM back-up, wherein tilled areas may
14 be rewetted in order to maintain dust control.

15 In 2015, the district, in collaboration with the
16 city, obtained permission from the Commission to implement
17 phase 2 of their Engineered Roughness Elements Test to
18 place 1,100 solid gray plastic blocks measuring a half
19 meter in height and a meter in length and width on
20 approximately two and a half acres of the lakebed. Based
21 on the data collected, the district may allow the city to
22 utilize these Engineered Roughness Elements to control
23 dust on the lake.

24 Based on 2014 emissions from the dust ID network,
25 there has been approximately a 95 percent reduction in

1 emissions compared to peak emissions in 2006.

2 --o0o--

3 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

4 The Commission authorized phase 7/9[sic] on
5 September 20th, 2013, which included 3.1 square miles of
6 dust control in six areas, and the transition of 3.4
7 square miles of shallow flooding to other BACM. The dust
8 control components of phase 7/9 were completed on December
9 31st, 2015.

10 --o0o--

11 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

12 Phase 9/10 was authorized by the Commission on
13 August 19th, 2015 with the exception of cell T18 South,
14 and included 3.6 square miles of dust control. The
15 Commission did not authorize the transition of cell T18
16 South, pending the outcome of the validation of the
17 Habitat Suitability Model.

18 Point Blue, the city's environmental consultant,
19 anticipates a final draft of their report on March 1st of
20 2016. If the city intends to transition T18 South, based
21 on the outcome of this report, they understand the
22 necessity to return to this Commission to amend their
23 existing lease. The notice to proceed for the
24 construction of phase 9/10 was issued January 28th, 2016.

25 --o0o--

1 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

2 On December 30th, 2014, the Sacramento Superior
3 Court approved a stipulated judgment against the city,
4 which settled a number of issues, including the
5 requirement to complete the Owens Lake Dust Control
6 Project. As part of that stipulated judgment, the city is
7 required to complete phase 9 and 10 by December 31st of
8 2017. Upon completion, a total of 48.6 square miles of
9 dust control will be in place on the lakebed.

10 Pursuant to the judgment, the Great Basin Air
11 Control District may order the city to implement up to an
12 additional 4.8 square miles of dust control at any time
13 after January 1st, 2016, to provide emission reductions
14 necessary to meet the national air -- ambient air quality
15 standards. This additional area would also require an
16 authorization by the Commission.

17 It is important to note, neither the Commission
18 nor the California Department of Fish and Wildlife were a
19 party to the stipulated judgment, and therefore are not
20 bound by it.

21 At this time, I would like to invite Mr. Rich
22 Harasick with the L.A. Department of Water and Power to
23 provide you with an update to the Owens Lake Master
24 Project. Staff is available for any questions.

25 CHAIRPERSON YEE: Thank you very much.

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

3 CHAIRPERSON YEE: Good morning.

4 MR. HARASICK: Good morning, Commissioners. My
5 name is Richard Harasick. And I'm the Director of Water
6 Operations for the City of Los Angeles Department of Water
7 and Power. The planning, construction, and operation of
8 our Owens Lake Dust Mitigation Program is within my
9 division.

10 And from 1998 to 2005, I was personally directing
11 the development of what we now refer to as the Owens Lake
12 Dust Mitigation Program, and putting into place much of
13 what is at the lake right now.

14 And our relationship with the State Lands
15 Commission and Owens Lake, along with other stakeholders,
16 has created one of the most unique environmental
17 protection projects really in the nation. And I'm kindly
18 joined today by the Mr. Phil Kiddoo, who's the Air
19 Pollution Control Officer of the Great Basin Unified Air
20 Pollution Control District. And I'm thankful for the
21 opportunity to tell you all about our vision and framework
22 for the future at Owens Lake.

23 --o0o--

24 MR. HARASICK: Owens Lake is big, and it has a
25 big impact on a whole sorts of resources, level of effort,

1 and requires a lot of cooperation from agencies. So in
2 order of Super Bowl 50, and the Bay Area's hosting of it,
3 I thought I'd overlay it on San Francisco.

4 San Francisco is about 47 square miles, and we
5 will, after phase 9 and 10, have about 48 square miles of
6 control on Owens Lake. Much of that, 34 square miles,
7 will be of that shallow flood dust mitigation measure
8 which uses a significant amount of water. So at Owens
9 Lake, SF does not stand for San Francisco, but stands for
10 shallow flood.

11 So there is a lot of water to manage, a lot of
12 dust to control, and a lot of habitat to manage as well.
13 So it's a big problem, and it takes some big solutions.

14 --o0o--

15 MR. HARASICK: So our solution going forward is,
16 what we call, the master project. And it's really a
17 complete systems approach. And those systems would be
18 dust control, managing habitat for birds, and conserving
19 water. And that last one, conserving water, really is a
20 main driver for us. And this water conservation emphasis
21 is also consistent with the State Lands Commission
22 strategic plan, which has that as an element, which we are
23 thankful for.

24 But using drinking water for dust mitigation is
25 really not a sustainable path forward with the main regime

1 right now of shallow flooding. So based on future
2 conditions, we believe we must move forward in a more
3 environmentally sustainable approach to dust control at
4 Owens Lake.

5 --o0o--

6 MR. HARASICK: So there are a number of factors
7 that are stressors really on water resources statewide,
8 and really necessitate a change in the projects that we
9 use at Owens Lake: Droughts and possible increases in the
10 potential of future droughts, increases of population and
11 therefore increases in the demand for the water, and
12 regulatory restrictions resulting in reductions from, not
13 only Northern California water, but our own imports -- or
14 exports from the Owens Valley. All of these place a big
15 stress on water resources.

16 And let me talk a little bit about what that
17 means for Owens Lake and water resources. In 2012, we
18 used a maximum of 75,000 acre feet of water for that year.
19 And in the future, if nothing really changes, that amount
20 will stay somewhere between 55,000 acre feet of water and
21 75,000 acre feet of water.

22 So again, to use our San Francisco analogy here,
23 San Francisco again is about the same size. And
24 interestingly enough, it uses the same amount of water
25 that is used on Owens Lake, about 73,000 acre feet as

1 recently as last year.

2 Locally, up in the eastern Sierra, Los Angeles
3 did not deliver any of its eastern Sierra water for the
4 first six months of the water year, primarily because
5 there was no water to deliver after meeting all of our
6 obligations in the valley, including Owens Lake.

7 So, in effect therefore, water on Owens Lake
8 comes from Northern California and the California river
9 aqueduct, the other sources of supply for Los Angeles. So
10 if we can't use our own, and we have to meet a demand in
11 Los Angeles, that's where we go for that. So we are
12 connected.

13 So therefore, building upon the planning efforts
14 to date, we are developing with a diverse group of
15 stakeholders, a project that considers California's
16 environmental challenges inside and outside of the Owens
17 Valley, including water supply, reliability, endangered
18 species, and habitat.

19 --o0o--

20 MR. HARASICK: So this master project will
21 enhance the design and effectiveness of Owens Lake dust
22 control measures through a combination of water
23 conservation, dust control, and habitat management. And
24 because of that stipulated judgment and the resolution of
25 our differences with Great Basin, we now have increased

1 the opportunities for water conservation.

2 And this is due in large part to the combined
3 efforts of Water and Power and Great Basin formalized in
4 that agreement. So the new designs going forward will
5 utilize a mix of the dust control measures that Grace
6 showed, and significantly that they're either less water
7 using or non-water using.

8 And in addition to the one she mentioned, we also
9 have the opportunity to build a brine crust on the lake,
10 along with tillage being less water using measures. And
11 then putting those together, what we call, a hybrid, which
12 is a combination of those, managed veg, shallow flooding,
13 and gravel dust control measures, and still have a great
14 habitat value because of the foraging and nesting
15 opportunities they provide.

16 So we can do all this, again, while preserving
17 and actually creating habitat for the different types of
18 waterbirds and shorebirds and waterfowl and opportunities
19 for the public for bird viewing.

20 --o0o--

21 MR. HARASICK: So this slide here shows a little
22 bit of the developmental history of Owens Lake dust
23 control. And beginning in the 2011 to 2015 period, after
24 putting 40 square miles of dust control on, we began
25 transitioning existing areas of water-using dust control

1 to less or no water using methods. And we did this as new
2 areas were ordered from us from Great Basin to control --
3 to control such that we would be water neutral going
4 forward as the new phases came into operation. And we see
5 this -- these transitional areas as fall within the
6 strategy of the master project and meeting the master
7 project goals.

8 As these areas are transitioned from shallow
9 flood water using methods, some, including the State Lands
10 staff, are rightly concerned with the impacts that such a
11 strategy has on bird populations and the habitat. And the
12 phase 9/10 lease that dealt with the T-18 transition area
13 that was mentioned had conditions that, at the time, Water
14 and Power wasn't willing to accept.

15 And though they are meant to conserve the
16 existing habitat, we actually believe there is a way to
17 best produce the needed habitat.

18 --o0o--

19 MR. HARASICK: So this is a slide of T-18. And
20 there's an additional slide, hopefully I think it was
21 given to you, that looks like this. And I'll refer to
22 those in just a bit. But 9 and 10, the phase 9 and 10, is
23 really a microcosm of what we want to accomplish with the
24 master project. Again, we want to balance dust
25 mitigation, habitat management, and water conservation.

1 And the way we do that in part is with our
2 Habitat Suitability Model. The Habitat Suitability Model
3 is a tool that has been created to help us ensure that
4 current habitat values will be maintained. And it's been
5 observed that we can maintain habitat values and bird
6 populations with less water. And that's because water is
7 not the sole determiner of suitable habitat nor bird
8 populations.

9 Other factors make habitat suitable for birds,
10 vegetation cover and type of vegetation for foraging and
11 protection, add to that the microtype topography that can
12 be developed in dry areas for nesting, and varying depths
13 of whatever water is there, and most importantly salinity
14 of the water are key factors. In fact, density of bird
15 populations and their food is mostly determined by
16 salinity. And it's just kind of like Goldilocks and the
17 Three Bears, it has to be just right to bring in the right
18 population of birds.

19 So though there is an incredible amount of
20 variables, we can -- this is significant at this point.
21 We can control these significant factors to provide the
22 most conducive conditions for habitat suitability. And
23 this concept of the Habitat Suitability Model has been
24 validated in concept by Point Blue, and it performs well,
25 and it can get better. And with their help, it will.

1 Now, there is a point of difference between us,
2 as I said, and the State Lands staff with what we are to
3 do if the model doesn't perform as predictive. And LADWP
4 is committed to a process of adaptive management. And in
5 that process, we asked the question did the model
6 project -- did the projected amount of habitat actually
7 come about? Did the project produce a similar amount of
8 birds, and if not, why not?

9 And with the answer to that question, we then
10 look to refining the model, and then we make the necessary
11 and actual changes on the lake to benefit bird habitat.
12 And if that means more water, then we will put more water
13 on the lake.

14 However, what's been asked of us is to really
15 expect possible scenarios in the future and have a
16 remedial protocol for each. And in other words, we've
17 been asked to write a remediation plan before T-18 is
18 constructed. We believe that you don't need to do that
19 with an adaptive management plan. The adaptive management
20 plan is the way to deal with remediating all of the
21 variables. And you will remediate after you know what
22 needs to be fixed.

23 So we really believe that we are on the right
24 path with the master project and the Habitat Suitability
25 Model approach. And as we experience more, and as we get

1 more data, as it becomes available in the future, our
2 ability to provide rich and suitable habitat will only get
3 better.

4 But for now, we're focused on T-18. And it's
5 worth noting that the actual amount of water surface
6 reduced is only 0.35 square miles. And if you look at the
7 upper right image here on the slide, that shows what T-18
8 looks like now. That green surface is the water surface.
9 The gray is actually amount of dry area on there that's
10 allowed in a shallow flood area. You can have up to 25
11 percent of the area dry.

12 Thank you.

13 If you look then at the bottom left, that's what
14 T-18 will look like, as well as the additional slide I
15 gave you. And if you look at the -- if you were to
16 calculate the difference in the amount of dry area, it's
17 only about a third of a square mile difference. And so
18 that's what we are asking.

19 So all of the abundance of habitat that is seen
20 on the lake now came just as a result of dust control,
21 really accidentally. And just think of what we can do if
22 we deliberately and purposely manage towards suitable
23 habitat. And where we go really is of our own making.
24 And we're glad to go along that road with State Lands
25 Commission. And we expect and desire to continue to talk

1 with staff. We will have upcoming discussions with them
2 and Point Blue and starting in March, if not earlier. And
3 we believe this is -- this is good for dust control, for
4 water conservation, and that's statewide, as well as for
5 habitat.

6 So thank you, and I will be able to take
7 questions.

8 CHAIRPERSON YEE: Thank you, Mr. Harasick.
9 Questions, members?

10 Okay. Ms. Lucchesi, comments on this?

11 EXECUTIVE OFFICER LUCCHESI: I just wanted to
12 thank Rich and his staff at LADWP for making the trip up
13 to Sacramento, and providing this comprehensive
14 presentation to the Commission, particularly on what to
15 look forward to, and what it's likely to be brought before
16 you. And I don't think he can overemphasize enough that
17 this is not only a big lake, but it's a big complex lake
18 with -- that is in great need of big solutions.

19 And from the Commission's perspective, weighing
20 the Public Trust resources and values at this lake with
21 the need to control dust and mitigate dust for public
22 health and safety, along with the added complexity of the
23 historic drought that California is in and doing this all
24 within the best interests of the state is an enormous
25 responsibility that both the staff, in providing you with

1 the accurate information and analysis that you need to
2 make the right decisions at the lake, that kind of
3 responsibility cannot be underestimated here.

4 So it's -- I think that Rich's presentation
5 really nailed things on the head with regards to what the
6 Commission is going to be faced with in the near future.

7 CHAIRPERSON YEE: Great. Thank you. I want to
8 thank, Richard, your team for facilitating a tour that I
9 did of the area. And if my fellow Commissioners have not
10 had a chance to take the tour, I would really encourage
11 it. It is something really to see, but I can attest to
12 the dedication of the LADWP team on this effort. So thank
13 you. I really appreciate the update.

14 Next, we'll move on to Item 83, which is an
15 informational update. And this is regarding an
16 application for an industrial use general lease located
17 adjacent to Diablo Canyon Nuclear Power Plant in San Luis
18 Obispo. Ms. Lucchesi do you want to present the item,
19 please?

20 EXECUTIVE OFFICER LUCCHESI: Yes, I will be
21 giving a very brief introduction to this. And I know that
22 we have a number of speakers that would like to speak on
23 this item, this informational update. And hopefully, we
24 can get the presentation up just to provide some visual
25 context for both the Commission and for the public viewing

1 this.

2 As you all are aware, the Commission currently
3 has two leases for the intake, breakwater and outfall
4 facilities at Diablo Canyon Power Plant in San Luis Obispo
5 County.

6 It's presentation 83. Great. Thank you.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 EXECUTIVE OFFICER LUCCHESI: So again, just to
10 provide a little bit of context. I know you're all very
11 well -- very familiar with this location.

12 --o0o--

13 EXECUTIVE OFFICER LUCCHESI: And the -- back in
14 1969 and 1970 respectively, the State Lands Commission
15 issued two 49-year leases, one for the intake and
16 associated breakwater facilities, and the other for the
17 outfall facilities.

18 Those leases are due to expire in 2018 and 2019.
19 The NRC licenses for the power plant do not expire until
20 2024 and 2025 for the two units. And so PG&E has
21 submitted an application requesting the termination of the
22 two existing leases and issuance of a new general lease
23 for the continued use and maintenance of the facilities
24 located on State property for a term to coincide with the
25 earlier date of the license expiration of 2024.

1 As was detailed in our December meeting last
2 year, there is some further analysis that needs to be done
3 on what the appropriate CEQA treatment is for the
4 consideration of this lease application. And, at that
5 meeting, the Commission directed staff to defer action on
6 the subject lease application for consideration at a
7 future meeting, and the Commission further directed staff
8 to analyze the level of review required under CEQA, and as
9 trustee pursuant to the Public Trust Doctrine, related to
10 PG&E's application for a new lease.

11 We are still reviewing and analyzing the
12 appropriate review under CEQA, along with the scope of
13 what a Public Trust analysis of the resources and values
14 at this location are. And so this is really just an
15 update to let the Commission know that we're still working
16 on this, and that we hope to bring an item back in the
17 near future at a future Commission meeting to address the
18 questions that you raised, and to complete that analysis.
19 But unfortunately, at this time, we weren't able to do
20 that by this meeting.

21 And so I'm available to answer questions, Chief
22 Counsel Mark Meier is available to answer questions, and I
23 know we have a number of public commenters.

24 CHAIRPERSON YEE: We do. Thank you, Ms.
25 Lucchesi. I think one thing to keep in mind as we move

1 forward, and I know there are -- there's a lot of interest
2 in this particular item, is just to keep the time frames
3 in mind in terms of when the leases expire, in the event
4 that we do have to pursue a full CEQA review.

5 So with that, let me ask the public speakers to
6 come up. First, if I could have, Justin Malan, the
7 principal with Friends of the Earth come forward, followed
8 by -- let me just get you queued up here, Ben Davis, Jr.
9 with the California Nuclear Initiative; Rochelle Becker,
10 executive director with Alliance for Nuclear
11 Responsibility; as well as John Geesman.

12 Please.

13 MR. MALAN: Madam Chair, Justin Malan for
14 ECOCONSULT on behalf of Friends of the Earth. We just
15 wanted to thank you and your fellow Commissioners for the
16 leadership you've shown. Friends of the Earth did send a
17 letter on December the 19th, and we do believe that there
18 should be a full and proper public review of this before
19 these leases are extended.

20 We standby to help with you in any way we can.
21 And again, we just want to thank you for your leadership
22 and taking care of the Public Trust that you are entrusted
23 with.

24 Thank you very much.

25 CHAIRPERSON YEE: Thank you.

1 Next speaker, please, Ben Davis?

2 MR. DAVIS: I'm Ben Davis, Jr., and thank you for
3 the opportunity to address you. I provided, at the
4 beginning of the meeting, a copy of a Third District Court
5 of Appeal opinion in a case that I was involved with.
6 It's the only case in California involving the application
7 of the California Environmental Quality Act to a nuclear
8 power plant. And in that case, the court of appeal agreed
9 with me that it was subject to CEQA.

10 It's basically the Sacramento County was in the
11 same position you'll be in, in that, if they took action,
12 it would allow the power plant to continue to operate.
13 Therefore, the court found that it was a project subject
14 to the California Environmental Quality Act, and you had
15 to consider the environmental implications of your action.

16 I don't see any difference in what you're doing
17 now. If you don't take action, the plant can't continue
18 to operate, if I understand correctly, and there can be no
19 environmental ramifications of operation.

20 It was my hope if that Environmental Impact
21 Report in Sacramento County went forward, which it didn't
22 because eventually the plant was closed by an initiative
23 that I drafted after the court case. But had it gone
24 forward, I was pushing to have the Environmental Impact
25 Report consider the worst case accident at a nuclear power

1 plant, because that is the worst environmental effect, and
2 something very needed to consider whether or not the plant
3 is worth operating.

4 You may be aware that in considering energy
5 options for the State, basically a State is in the
6 position of balancing the risks and benefits of any energy
7 option. The environmental repercussions are definitely on
8 the risk side, though some could be positive, I suppose.
9 But certainly a worst case accident is the worst risk that
10 we're taking by operating that plant.

11 So I will hope that you go ahead and require an
12 Environmental Impact Report before taking action, and that
13 that environmental impact report will consider, among
14 other things, the worst possible accidents that can happen
15 in a nuclear power plant.

16 I'd also like to address something -- several
17 issues that came up in your December meeting, because I
18 believe there is some mistaken assumptions stated at that
19 meeting. First, it was assumed that California needs the
20 energy from Diablo Canyon, which both the Legislative
21 Analyst's Office and the California Energy Commission have
22 found not to be the case anymore.

23 Basically, Diablo Canyon provides six percent of
24 the energy in California. You may have heard the seven to
25 nine percent range, but that includes Palos Verdes Nuclear

1 Power that comes from Arizona. Diablo Canyon itself,
2 according to the Energy Commission, only provides six
3 percent. At the current time, we have over -- about a 20
4 percent surplus in California. So both the Legislative
5 Analyst's Office and the Energy Commission, at this point,
6 are questioning whether or not we need it for anything.
7 Other than providing income for PG&E, Diablo Canyon really
8 doesn't help the State at all anymore. So when we're
9 considering the risks and benefits of this, there really
10 is no benefit to operating Diablo Canyon at the current
11 time to anybody but PG&E.

12 The Legislative Analyst's Office actually
13 questioned whether or not it would even cause a rate
14 increase to stop the use of Diablo Canyon. The Energy
15 Commission, in its most recent Integrated Energy Policy
16 Report, which is scheduled to be adopted tomorrow, but in
17 considering the draft, noted that we did not need Diablo
18 Canyon in order to meet the Governor's goals of reducing
19 greenhouse emissions.

20 So again, at the last meeting, it was assumed
21 that was the case, and it's not. We don't need Diablo
22 Canyon for that either. At that meeting, in December, it
23 was also stated that it was clear that we needed the
24 energy and the economic -- the positive economic influence
25 of Diablo Canyon on the State. Again, there is none.

1 Perhaps, locally, one could argue in the short-term to San
2 Luis Obispo. But to the State of California, in fact, it
3 is questionable whether or not there would be a positive
4 impact by closing Diablo Canyon. And there's certainly
5 none to the nation, which was also stated at your meeting.

6 The California Energy Commission, also in their
7 Integrated Energy Policy Report, stated that
8 over-production of energy could be a problem, as far as
9 competing with our alternative energy goals. So Diablo
10 Canyon is really in a position now of being almost all
11 risks without an adequate insurance, something again the
12 energy policy -- the energy -- the California Energy
13 Commission and the LAO noted. Because of the
14 Price-Anderson Act, we don't have adequate insurance for
15 Diablo Canyon should we have a worst-case accident or any
16 accident there.

17 The last thing I would mention is involving
18 accidents. It was suggested at the last meeting that
19 Diablo Canyon would not be subjected to an earthquake as
20 large as effected Fukushima. That is not the case.
21 Fukushima only experienced 0.5 Gs of ground shaking. In
22 fact, the earthquake was 9.0, but it was over 100 miles
23 away and 20 miles deep. The earthquakes that will affect
24 Diablo Canyon are within a mile -- a few miles from Diablo
25 Canyon will cause two to three times the ground shaking

1 that was experienced at Fukushima.

2 So all these things considered, I would hope one
3 would see the necessity of reviewing environmentally
4 what's going on in the operation of Diablo Canyon, so that
5 we can balance the potential benefits to the State, which,
6 as I've pointed out, are basically none.

7 Thank you very much for listening to me.

8 CHAIRPERSON YEE: Thank you, Mr. Davis.

9 MR. DAVIS: If there's any questions, please let
10 me know.

11 CHAIRPERSON YEE: Thank you, Mr. Davis, for
12 coming forward.

13 Next, Rochelle Becker.

14 MS. BECKER: Rochelle Becker, Alliance for
15 Nuclear Responsibility. I'd like to talk about logistics
16 as we go forward. I stress that a full CEQA review is
17 very important to the people of San Luis Obispo County,
18 but also hearing the decision-makers' reasons for voting
19 for the CEQA, a full CEQA permit, would be very important
20 in San Luis Obispo County.

21 Last week, hundreds of people showed up at a
22 meeting on oil trains in San Luis Obispo County, because
23 we're interested in our environment. Tomorrow, there will
24 probably be thousands of people showing up at a Coastal
25 Commission meeting to protect our coast. This is a very

1 interested community, and it's very difficult for us to
2 get to proceedings. So we would like to request that you
3 have proceedings in San Luis Obispo County when you speak
4 of a CEQA that would -- might allow a nuclear power plant
5 that was built and designed in the 1960s to continue to
6 operate.

7 Thank you.

8 CHAIRPERSON YEE: Thank you very much, Ms.
9 Becker.

10 Mr. Geesman, good morning.

11 MR. GEESMAN: Thank you very much. John Geesman
12 on behalf of the Alliance for Nuclear Responsibility. If
13 you ultimately choose to extend PG&E's life to be
14 coterminous with its existing NRC licenses, you will be
15 increasing the operating lives of these reactors by 21
16 percent. PG&E has an active relicensing proceeding
17 underway at the NRC, and the NRC never in its history has
18 denied an application for relicensing. Your lease is a
19 necessary pre-requisite to that relicensing.

20 So if you, in fact, extend this lease, it is
21 reasonably foreseeable, indeed it is probable, that PG&E
22 will successfully get its NRC licenses extended from 2025
23 to 2045. That means an 82 percent increase in the
24 operating lives of these reactors from what they would be,
25 if you allowed your lease to expire in 2018.

1 Now, I'm not going to address the environmental
2 effect of the plant on the marine environment, because
3 that issue is pending currently at the State Water
4 Resources Control Board, but I do want to direct your
5 attention to two areas where the time of operation is a
6 pretty good proxy for the effect on the environment.

7 The first of those is nuclear waste, primarily
8 spent nuclear fuel from the operation of the reactors. If
9 you extend your lease to 2025, that's a 21 percent
10 increase in nuclear waste that will be produced. If you
11 enable an extension to 2045, that's an 82 percent increase
12 in the nuclear waste associated with this facility.

13 The other area that is represented well by time
14 of operation is exposure to seismic risk. This plant is
15 globally notorious for its seismic setting. And the State
16 of California spent a lot of money trying to figure out
17 just how serious that seismic risk is. If you expand your
18 lease to 2025, it will increase the exposure to that
19 seismic risk by 21 percent. If you enable an expansion to
20 2045, it will increase the exposure to that seismic risk
21 by 82 percent.

22 Now, PG&E has been telling every agency in State
23 government for the last year and a half that it hasn't
24 made up its mind yet as to whether it will seek to extend
25 its NRC licenses. The Alliance for Nuclear Responsibility

1 obtained, through legal discovery the PUC last week,
2 written admission from PG&E that as of the end of 2015, it
3 had spent \$48 million in pursuit of that objective, nine
4 million of which, almost 20 percent, had come in 2015.

5 More significantly, PG&E admitted that it intends
6 to ramp up those expenditures by another \$15 million in
7 2016. Now, I'm not much of a boxing fan, and I'm
8 certainly not going to mistake anybody at PG&E for
9 Muhammad Ali, but I recognize that old rope-a-dope
10 strategy when I see it, and you should too.

11 All the Alliance asks for, at this point, is a
12 full evaluation of the effects on the environment from
13 your decision, whether or not to extend the lease.

14 Thank you very much.

15 CHAIRPERSON YEE: Thank you, Mr. Geesman.

16 Ms. Lucchesi, a couple questions for you, if I
17 may. And thank you. I appreciate the ongoing effort by
18 the staff to really flesh out these issues, and I know
19 it's complex. And I wanted to see, and I think I may have
20 raised it after the Lieutenant Governor really focused on
21 the CEQA aspect of this, but do we have our arms around
22 what kinds of Public Trust issues this Commission would
23 need to consider on that?

24 EXECUTIVE OFFICER LUCCHESI: Certainly, that's --
25 that is going to be part of our analysis and

1 recommendation when we come back to the Commission in a --
2 at a future meeting. But the first step, if I could talk
3 about it more in terms of process --

4 CHAIRPERSON YEE: Yes.

5 EXECUTIVE OFFICER LUCCHESI: -- is to identify
6 what the Public Trust resources and values are out at this
7 location, both onshore in the coastal area and also
8 offshore. And then how does the continued operation of
9 the plant impact those Public Trust resources and values.
10 And then through that process, that analytical process,
11 you're also looking at weighing the impacts of those
12 Public Trust -- to those public trust resources and values
13 under the umbrella of what's in the state-wide interest.
14 And so that brings in socioeconomic considerations, energy
15 considerations, all the considerations that you would look
16 at to determine what's in the best interests of the state.

17 So that's the general process that we would go
18 about to identify what resources and values are out there,
19 and then how to go through an analytical process to
20 evaluate and come -- and make a recommendation.

21 But that's certainly a huge effort to proceed
22 with in conjunction with an Environmental Impact Report as
23 well. Although, the information that would be obtained
24 and analyzed in an EIR process would then be -- that data
25 would be used to help inform the Public Trust analysis.

1 So all of that I anticipate would be detailed out
2 in the staff report that would come before you
3 in -- within the near future looking at not only what's
4 the appropriate CEQA consideration, but then what's the
5 appropriate level and extent of a Public Trust analysis,
6 and what are the main elements of that analysis, and how
7 would we go about doing that.

8 CHAIRPERSON YEE: Okay. Thank you.

9 I wanted to just pick up on a point I made
10 earlier, and that is we have time frames that are -- I
11 think are probably establishing parameters for the
12 decision of this Commission. And I want to allow the
13 staff enough time to really bring back a robust vetting of
14 the issues that would need to be part of a broad-based
15 review.

16 But I do think that if we're going to move
17 forward with this review, and given the time of the lease
18 expiration, that we probably need to have a pretty good
19 handle by our June meeting about where we're headed. And
20 so I just wanted to put that expectation out there, that
21 is what I would like to see come back from the staff is
22 how we are going to proceed with an EIR if that's the
23 direction we're taking, what are the Public Trust issues
24 that we've identified, and to really have that be the
25 subject of the update in June on this item.

1 I want to take also into consideration, Ms.
2 Becker's suggestion that we are dealing with a community
3 that's very involved on issues related to the environment.
4 I don't know about the feasibility of holding our June
5 meeting in San Luis Obispo, but certainly some way of
6 facilitating participation from the community in our
7 Commission proceedings for the June meeting, if you could
8 explore both of those.

9 EXECUTIVE OFFICER LUCCHESI: Of course.

10 CHAIRPERSON YEE: Questions or comments, members?

11 Okay. Great.

12 EXECUTIVE OFFICER LUCCHESI: I will commit to
13 providing the Commission with an update on the logistics
14 for a future June meeting at the April meeting during my
15 Executive Officer's report.

16 COMMISSIONER YEE: That's great. Thank you.
17 Thank you very much, and thank you to our speakers.

18 All right. Let's move forward to our next item,
19 it's Item 84. This is a consideration of the Commission's
20 support. Actually, are we able to move on this, Senate
21 Bill 900?

22 EXECUTIVE OFFICER LUCCHESI: Yes.

23 CHAIRPERSON YEE: Okay. Okay. And this would
24 require --

25 EXECUTIVE OFFICER LUCCHESI: I know. The voting

1 concerns only apply when both Constitutional officers are
2 represented by alternates.

3 CHAIRPERSON YEE: Oh, okay. All right.

4 EXECUTIVE OFFICER LUCCHESI: Because the
5 Controller is here, the voting -- we're fine with the
6 voting.

7 CHAIRPERSON YEE: All right. Okay. Mr.
8 Williams, are you ready to present on this.

9 ACTING COMMISSIONER WILLIAMS: (Nods head.)

10 CHAIRPERSON YEE: Okay. Great. So this is the
11 consideration of the Commission supporting SB 900 that
12 would require the State Lands Commission to administer a
13 Coastal Hazard Removal Remediation Program along the
14 California coastline.

15 Ms. Lucchesi, do you want to present further on
16 this before we take action?

17 Oh, I'm sorry, yes, Ms. Pemberton.

18 EXECUTIVE OFFICER LUCCHESI: Sheri Pemberton, our
19 Chief of our External Affairs Division will be giving
20 staff's presentation.

21 CHAIRPERSON YEE: Great. Thank you. Thank you.

22 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank
23 you. SB 900 was recently introduced by Senator Jackson
24 and co-authored by Assembly Member Das Williams. And it
25 requires the Commission to implement a Coastal Hazards

1 Removal and Remediation Program, and allocates funding
2 from tideland oil revenues for this purpose, \$2 million
3 initially, and then the fund would stay at that amount
4 over time.

5 It's focused on a lot of, what we call, legacy
6 wells off the coast of Santa Barbara, where the first
7 offshore oil drilling activity occurred in the world
8 before the turn of the century. Most of those wells were
9 improper abandoned. We don't have records or a way to
10 trace ownership. And the Commission is the landowner in
11 this area, and has jurisdiction.

12 So SB 900 provides the funding for the Commission
13 to inventory these legacy wells, administer a Coastal
14 Hazards and Remediation Program, and also request studies
15 to determine seep rates, environmental impacts of those
16 seeps, and remediation measures, and to work with the
17 Department of Conservation's Division of Oil, Gas, and
18 Geothermal Resources to remediate legacy wells that are an
19 immediate danger to the public.

20 The bill hasn't received any opposition and will
21 be heard in policy committee in the coming weeks. And
22 staff recommends that the Commission take a support
23 position on the bill.

24 CHAIRPERSON YEE: Great. Thanks, Ms. Pemberton.
25 Questions or comments on this?

1 Okay.

2 ACTING COMMISSIONER ORTEGA: Madam Chair, I'd
3 like to abstain on this.

4 CHAIRPERSON YEE: Okay. With Ms. Ortega noting
5 that she will be abstaining from this item. And first,
6 let me thank the Commission staff for working with my
7 staff on the development of this bill. A really critical
8 need to conduct this inventory. With that, is there a
9 motion to support the bill?

10 ACTING COMMISSIONER WILLIAMS: So moved.

11 CHAIRPERSON YEE: So moved by Mr. Williams. I
12 will second that motion. And without objection, such will
13 be the order.

14 Thank you very much.

15 CHAIRPERSON YEE: Okay. So our next item, I
16 think we are going to circle back?

17 EXECUTIVE OFFICER LUCCHESI: That's right. We
18 actually have four members of the public that wish to
19 speak on four items of the consent agenda that were
20 pulled.

21 CHAIRPERSON YEE: Great.

22 So we can proceed in order of those items, if
23 that's --

24 CHAIRPERSON YEE: Sure.

25 EXECUTIVE OFFICER LUCCHESI: Okay. And maybe

1 just for efficiency's sake, like I mentioned in the
2 beginning, all four of these items relate to lease
3 applications for facilities located on State property in
4 the community of Sandy Beach, and the Carquinez Strait.
5 So we can proceed with one staff presentation by our Chief
6 of our Land Management Division, Brian Bugsch, and then
7 hear from each of the our member -- our lease applicants
8 for each of those applications.

9 CHAIRPERSON YEE: That's terrific. Good. Thank
10 you. Good morning.

11 (Thereupon an overhead presentation was
12 presented as follows.)

13 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Good
14 morning, Commissioners. My name is Brian Bugsch, and I'm
15 Chief of the Land Management Division. I'm here to give a
16 presentation at presentation on Sandy Beach.

17 Sorry.

18 The Sandy Beach community is located in an
19 unincorporated portion Solano County near the City of
20 Vallejo --

21 --o0o--

22 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Make sure
23 this is working. Anyway -- west of I-80 and east of Mare
24 Island. In 1868, the State issued parent -- patents for
25 tideland survey numbers 10 and 11 documenting the State's

1 conveyance of fee interest in the tidelands between the
2 ordinary high and low water marks into private ownership.

3 As we understand, there were fishing shacks
4 already in existence at the location when the tidelands
5 were sold. Later in the 1940s, the patented area was
6 subdivided into numerous small lots, which continued to be
7 developed with homes built on pilings. Over time, these
8 homes and associated structures were constructed and
9 extended waterward of the patented tidelands.

10 --o0o--

11 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Today,
12 Sandy Beach community consists of approximately 43
13 single-family -- single-family residences. Of the 43, 35
14 have improvements located on State sovereign land. In the
15 past, the Commission has had lease agreements with 25 of
16 the 35 property owners with improvements extending onto
17 sovereign lands. The number of properties under lease has
18 gradually declined to five, leaving many of the property
19 owners with unauthorized facilities on State Lands.

20 Over the past several years, in an effort to
21 bring everyone under lease, the Commission's compliance
22 staff conducted a comprehensive public outreach effort to
23 educate the community on the Commission's jurisdiction,
24 leasing practices, and lease application process.

25 In addition to the community residents, this

1 outreach effort included meetings with Senator Lois Wolk's
2 office, Assembly Member Susan Bonilla's office, and Solano
3 County Building, Planning and Assessor's staff, including
4 regular communication with Solano County Supervisor Linda
5 Seifert's office.

6 --o0o--

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: We have a
8 deep history in this area. And I'm going to spend some
9 time going over that. I apologize for the length of this.

10 The public outreach effort began with a public
11 meeting for the community on August 19th, 2013 at the JFK
12 Library in Vallejo. Prior to that meeting, a letter was
13 sent to all Sandy Beach residents, State and local
14 legislators representing this area, and the Solano County
15 staff. The letter also included a two-page
16 frequently-asked-questions document to provide attendees
17 with some history of the State Lands Commission and our
18 relationship to their community.

19 Approximately 15 residents and two legislative
20 representatives attended the public meeting. At the
21 August 2013 public meeting, we also presented the
22 methodology and values for how we would charge rent. In
23 October 2013, staff sent a letter to all Sandy Beach
24 residents and other interested parties responding to
25 questions and comments from the community, and putting

1 forth the framework for a lease.

2 Over the next several months, staff met with a
3 small group of Sandy Beach residents representing the
4 community and began negotiating lease terms. In June
5 2014, ten months after negotiations had begun, the Law
6 Offices of Dana Dean contacted Commission staff and
7 advised us that she had been retained by the Sandy Beach
8 Improvement Association and its members to represent them.

9 We continued to negotiate with Ms. Dean. And in
10 April 2015, after working with the community and their
11 representatives over the course of a year and a half, we
12 came to an agreement on a proposed lease, which is before
13 you today here. That lease was provided to the residents.
14 An additional public meeting was held by the Commission
15 staff on April 16th, 2015 to answer questions and help
16 provide guidance on completing applications.

17 In the weeks and months after that public
18 meeting, staff visited the Sandy Beach community on four
19 separate site visits to collect applications, answer
20 questions, take measurements and photos of the existing
21 improvements in an effort to assist residents in the
22 completion of the application.

23 All Sandy Beach residents with facilities
24 extending onto State-owned sovereign lands have now
25 submitted an application to bring encroaching facilities

1 under lease. All of those applications, with the
2 exception of one, are on today's agenda. And Commission
3 staff recommends approval.

4 The one remaining application is currently
5 incomplete, and staff is continuing to work with that
6 applicant. Throughout the outreach and negotiation
7 process, the same community concerns kept coming up. I
8 want to take a little bit of time to go over those items.

9 --o0o--

10 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The first
11 concern is the boundary and the fact that the boundary is
12 ambulatory. This is a common concern throughout the
13 State. The idea that a property boundary can move is
14 difficult to understand and accept. This issue concerns
15 property owners on the open coast, along meandering
16 rivers, and here at Sandy Beach.

17 However, it is important for everyone to remember
18 that the ambulatory nature of this boundary is for the
19 public benefit. The Common Law Public Trust Doctrine
20 ensures that the State's sovereign lands are used for
21 Trust-consistent uses, such as water-related commerce,
22 navigation, and fisheries, recreation and open space, and
23 that the public has access to these lands and resources.

24 If that line were not ambulatory, over time the
25 public would not only lose access to the State's

1 waterways, but the use of the waterways entirely.

2 --o0o--

3 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The next
4 boundary-related concern was that the community wanted the
5 boundary to be part of the parcel -- or to be parcel line
6 as shown on the Solano County Assessor's plat map. The
7 parcel line is the solid black line seen on this map.
8 This line is based on a James and Waters survey done in
9 December 1943. And in the map, the surveyor identified
10 the boundary between the private and public property as
11 the mean lower low water mark.

12 But this is not and cannot be the boundary. The
13 boundary here is the ordinary low water mark, which at
14 this location is the mean low water mark. Therefore, we
15 cannot use the James and Waters survey or the line it
16 surveyed, because it calls to the mean lower low water.
17 And the mean lower low water, as a matter of law, cannot
18 be that boundary.

19 We understand that this was the line used to draw
20 up the subdivision map for Sandy Beach lots, but the law
21 is clear, the State cannot extinguish its ownership of
22 sovereign lands between the mean low water and the mean
23 lower low water.

24 --o0o--

25 LAND MANAGEMENT DIVISION CHIEF BUGSCH: It is

1 important to note on this slide, that the Solano County
2 Assessor's maps depicting this survey have a disclaimer on
3 them advising the public that the map does not define
4 legal boundary rights or imply compliance with land
5 division laws.

6 --o0o--

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Once we
8 get the community past those boundary concerns, the next
9 hurdle is a survey that was done in April of 1943 called
10 the Boggs Survey. The Boggs Survey was correctly done to
11 the mean low water, and was the most accurate
12 representation of this shared boundary at this location at
13 that time.

14 This was the survey the Commission used for
15 leasing for many years to depict the boundary between
16 public and private interests. However, the community
17 regularly questioned the survey -- the accuracy of the
18 Boggs Survey.

19 --o0o--

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: To
21 address this concern, in 2009, staff commissioned a
22 photogrammetric aerial survey to create planimetric
23 mapping of the present improvements, and to map the mean
24 low water line. The accuracy of this type of survey is to
25 within plus or minus six inches or better.

1 The mean low water elevation is compiled by NOAA.
2 And the tide station used was the closest available, the
3 Mare Island station. The elevations were based on NAVD 88
4 datum. Using the same datum and information from NOAA, we
5 established a mean low tide elevation. We then contracted
6 with HJW geospatial to have the area flown. The
7 deliverables were orthophotos, planimetric mapping of all
8 structures, and topographic mapping of the area. Using
9 the topographic survey, we selected a contour line that
10 closely matched that of the low water elevation.

11 Using this contour, the planimetric mapping of
12 the structures and our site visit dimensions and
13 descriptions, we calculated the area of encroachment
14 waterward of the low water mark. Again, I must remind you
15 that this is an ambulatory or moving property boundary
16 that is constantly changing. Our survey does not and
17 cannot fix this line, since the boundary remains in a
18 natural ambulatory state.

19 However, for leasing purposes, we located this
20 line on the best information available, which takes into
21 account the average elevation of that boundary over a full
22 tidal epic of 18.6 years.

23 Furthermore, though the line is ambulatory, the
24 results of our 2009 survey indicate that the boundary did
25 not move much, if at all in some locations, in the -- over

1 the course of the 65 years since the Boggs Survey. The
2 compilation plats before you were presented to the
3 community at the August 2013 public meeting. Boundary
4 staff was available to answer questions at that time, and
5 we have made our staff available for consultation ever
6 since.

7 We have told the Sandy Beach residents from the
8 beginning that they are free to hire their own surveyor
9 and/or provide us with any additional information they may
10 have that would alter or improve upon our survey results.
11 No one has provided any information over the past several
12 years to alter our conclusions.

13 The second main concern revolved around the cost
14 associated with obtaining a lease.

15 --o0o--

16 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The first
17 expense had to do with applying for a lease and paying the
18 minimum application processing fees. Each applicant is
19 required, as you know, to pay the Commission's costs
20 associated with the processing of their application.
21 Prior to requesting applications, we analyzed the ability
22 to process the applications for all 35 residents at the
23 same time, and determined that by batch processing the
24 applications, we could reduce staff expenses by nearly 40
25 percent, and offered to reduce the application deposits

1 accordingly.

2 The next expensive concern to the community was
3 the annual rent associated with the lease. By law, the
4 Commission must collect fair market rent for the use of
5 State land. However, we still went back to the drawing
6 board to see what options were available. In doing so, we
7 determined that we could not find fault with either our
8 appraisal or our methodology. The appraisal used to
9 determine rent is based on the sales comparison method
10 using sales from Sandy Beach road and analyzing the
11 county's allotment of land value associated with each --
12 with each sale.

13 Per the California Code of Regulations, the State
14 may charge annual rent in the amount equal to nine percent
15 of the appraised value of the leased land. Based on the
16 appraisal and our recreational benchmark, we have three
17 rent valuations depending on the type of improvement. For
18 houses or residences that encroach it's at \$2.16 per
19 square foot, for decks it's \$0.54 per square foot, and for
20 any piers or mooring-related use it's 16.06 cents per
21 square foot.

22 Again, these values were given to the Sandy Beach
23 residents more than two years ago and it remained
24 unchanged since then. All rents are based on these three
25 values, but the amount of rent varies depending on the

1 level of encroachment and the type of encroachment.
2 Annual rents for the Sandy Beach leases range from \$125 to
3 \$3,200, with the average rent just under \$1,200.

4 --o0o--

5 LAND MANAGEMENT DIVISION CHIEF BUGSCH: In
6 conclusion, through this long, patient, deliberative, and
7 interactive public outreach process, we, as staff, believe
8 we have negotiated in good faith and done everything
9 within our powers to treat the Sandy Beach residents
10 fairly and consistently. We've tried to respond honestly
11 to all questions and there is nothing left to negotiate.

12 In consideration of one of the community's final
13 concerns regarding fairness and equity, staff strongly
14 recommends that the Commission act today to support and
15 approve staff's recommendation for a fair, consistent, and
16 equitable lease as proposed. We're available to answer
17 questions -- any questions you may have.

18 Thank you.

19 CHAIRPERSON YEE: Thank you very much. Any
20 comments at this point by Commissioners?

21 Okay. Then we'll get to our public speakers on
22 this. Let me just call -- there are four speakers on this
23 series of items, Item C 23, Add Kennon, Jr. come forward,
24 followed by Item C 25, Bart Coombs, Item C 45 Louis
25 Orantes and C 57 Victor Dodge.

1 MR. KENNON: Yeah. Hello. My name is Add
2 Kennon. I live at 6 Sandy Beach. The reason I'm here is
3 to request or let you know there's a huge hardship on me
4 and my family. I retired three years ago. My wife is --
5 I'm 77 years old, so to get a part-time job, it would -- I
6 could probably do that, but I'd have to get a part-time
7 job to pay for this lease.

8 My wife will turn 75. We were trying to get her
9 to retire this year, but now that we are going to have to
10 come up with a lease -- I don't mind the lease, but it's
11 the amount of money. From \$300 years ago, then they turn
12 around and recalculate this thing to around \$2,000. I'm
13 using round figures. Two thousand dollars to someone
14 that's retired is a lot of money. It might be a trip to
15 Hawaii or whatever. And this is not just a \$200 -- or
16 \$2,000 one time. It's every year. So there's a trip down
17 the drain every year.

18 We spent time and money to refinance our house to
19 get a better rate, and we did. You know, two or three
20 hundred dollars a month, we thought, hey, this is great.
21 Now, we get a lease that's going to take two-thirds of
22 that each month. I'm here to beg, basically to say, hey,
23 is there something we could do, let's say for a veteran,
24 let's say for a old-timer, you know, some kind of discount
25 or reevaluate how you came up with this money figure? How

1 can it go from, back 20 some years ago, \$300. Nothing has
2 escalated that much, unless you have gold. If I had gold,
3 I'd be real happy.

4 And speaking of gold, I guess, you know, the old
5 golden years I've always -- hey, you're going to -- the
6 golden years, well, the golden years evidently takes
7 money, lots of money. We have spent time on other issues
8 that happen on the beach. It's not your fault.

9 But now I am in the process of getting a
10 surveyor. I want to take a look at the survey that was
11 done by the State. The State came in and did a survey and
12 came up with how much it's going to cost for my home. The
13 cost on it will be -- well, I'll give you a for instance.
14 On my home, it shows that there's a portion of the house
15 that's under lease, and that lease is \$2.16 a square foot.

16 We know the measurements aren't 100 percent
17 accurate. They mention that. It could be six inches plus
18 or minus. On this calculation, it gives like 280 feet
19 that's on State Lands, but it's 280.16 square feet they're
20 asking. How can we be that accurate.

21 So I'd like to ask you to hold off, as far as I
22 need to get a survey. I want to get it surveyed. I want
23 to take a look at it. There are some other issues that on
24 my property, where part of it -- I would call part of it a
25 dock, and we haven't had the time to meet with the -- your

1 correct people to go over this.

2 This thing was -- you know, we received a lease
3 in the mail. And when we got the lease, on the lease all
4 it said was you owe 1,900 and some odd dollars. There
5 were no measurements. There was nothing else.

6 So at that, I said, you know, hey, look, I've got
7 to have some measurements to see what you're doing. I
8 took my own measurements, and I've been in construction
9 for 45 years. You know, I can measure. I know how to do
10 that. And my measurements don't coincide with what I
11 have. I don't know where their starting points were or
12 anything else. I need time to review it, and take a look
13 at it, and meet with the proper people to hopefully get
14 something resolved.

15 But if there's any way we could look at how much
16 we have to pay per month, that's a lot of money. And like
17 I mentioned before, it takes time.

18 There are a million things I'd like to talk
19 about, but that's the biggest issue right now. If you
20 could give us time to review it, because we didn't have
21 enough time to -- once we got the lease, and that was only
22 less than a month ago that we got the lease, and then all
23 of a sudden now we have to get a surveyor. So I'd beg you
24 to take a look at it. And my wife and I are starting to
25 pick out a shopping cart.

1 CHAIRPERSON YEE: Thank you, Mr. Kennon.

2 Before we go to the next speaker, can I -- can we
3 address some of the issues that were raised by Mr. Kennon?

4 EXECUTIVE OFFICER LUCCHESI: Certainly.
5 Certainly. I expect that the issues will have a --

6 CHAIRPERSON YEE: Exactly.

7 EXECUTIVE OFFICER LUCCHESI: -- similar theme
8 raised by other members of the public.

9 A couple of things. I certainly empathize with
10 the issue of hardship. And that -- unfortunately, the
11 State Constitution and the Public Resources Code that we
12 operate under require the State Lands Commission to charge
13 fair market rent for the occupation of State property.
14 It's important to remember that this is not a tax or a fee
15 assessed on private property. This is occupation of the
16 public's property by a particular individual. And the
17 California Constitution, which prohibits the gift of
18 public funds, and the Public Resources Code, under which
19 the State Lands Commission operates under, requires that
20 the Commission charge fair market rent.

21 There is some allowance for the public benefit
22 associated with a particular project or occupation, but
23 unfortunately, that -- there isn't that kind of public
24 benefit associated with these types of leases. It's very
25 similar to what we see in Lake Tahoe and Huntington Harbor

1 and various areas of the Delta as well.

2 In terms of timing, the -- oh, one last issue
3 getting back to the hardship. As a staff, you know,
4 especially beginning in August of 2013, when we started
5 this effort in earnest, we took a lot of these concerns
6 from the homeowners to heart and really tried to work with
7 them to see where we had flexibility to be able to reduce
8 the cost to them. And as Brian mentioned, we were able to
9 reduce our staff costs by 40 percent.

10 In addition, we are recommending longer term
11 leases here than we would typically recommend, because of
12 the hardships of having to come back so many times with a
13 new application, and also to help them in their -- any
14 kind of refinancing or other kinds of loans that they need
15 to take out against their home.

16 So those are just two examples of where I think
17 we have been incredibly flexible in trying to address
18 their individual concerns.

19 In terms of timing and having more time to be
20 able to digest this information, you know, frankly, we've
21 been at this since August 2013. And the information, the
22 survey, the areas that would be covered under the
23 individual leases, the amount of rent have been made known
24 to the community, both on an individual basis through our
25 public meetings and individual correspondence, along with

1 through their legal representative from the very start of
2 this.

3 And so with that said, you know, we are always
4 welcome to receive new information, especially as it
5 relates to boundaries or even valuation. We want to make
6 sure that what we're recommending to the Commission is the
7 most accurate information and data possible. So, you
8 know, depending on what we hear from the other members of
9 the public, I -- if the Commission wanted to accommodate
10 the more time request, I would recommend that the
11 Commission actually authorize these leases -- the batch of
12 these leases consistent with staff's recommendation, and
13 staff would commit to working individually with these
14 homeowners that have concerns. And if they are able to go
15 out and retain a surveyor and conduct that survey within a
16 certain period of time, and that changes the staff's
17 analysis, then we will bring these items back to the
18 Commission for reauthorization consistent with that.

19 But it has to happen within a short period of
20 time, because this isn't the first time that we've heard
21 from certain members of the community that they wanted to
22 retain their own surveyor. They've had two and a half
23 years to do so and it hasn't been done yet.

24 So again, I want to be sensitive to the time
25 request, but also -- also be sensitive to the amount of

1 time and effort that staff and the Commission has put into
2 this outreach.

3 CHAIRPERSON YEE: Great. Very well. Thank you
4 Ms. Lucchesi.

5 MR. KENNON: Could I ask for rebuttal there?

6 CHAIRPERSON YEE: Well --

7 MR. KENNON: Is there a chance?

8 CHAIRPERSON YEE: Briefly.

9 MR. KENNON: Well, on of the things about the --
10 it was mentioned that about the lease, the time frame on
11 the lease, and State Lands have bent over backwards, and
12 they -- instead of a 20-year lease, they said they would
13 do something else.

14 Back in 1991, the Board -- the Executive Board
15 approved issuance of a 40-year lease. So you already did
16 that. Then when they came out with the new lease, you
17 know, you want it 20 years. So we had an attorney to
18 fight this. So, I mean, it wasn't something -- it's
19 something we had, and it's something they took away.

20 And as far as how much you're asking for the
21 lease, it's something we had before. How was it
22 calculated years ago? Why couldn't you use the same way
23 to calculate it 20, 25, 30 years ago? There are people on
24 the beach that -- one person in particular had a 100-year
25 lease, and guess what? You give it and you take it away.

1 They took it away from them. They went from \$100 a month
2 to \$1,400 a month.

3 You know, so -- and as far as having the time,
4 and we say we'd get a surveyor. Yes, we did all say that,
5 but we thought we'd get your information first and see
6 where we were, see how much you wanted us to pay, and see
7 what your survey says.

8 And once we got that, which was recently, now we
9 want to have time to survey it, to see if we are meeting.
10 It's a lot of money.

11 CHAIRPERSON YEE: Okay. I think we understand
12 that.

13 MR. KENNON: I beg your pardon?

14 CHAIRPERSON YEE: No. I think we understand the
15 need for time on your end. Thank you.

16 Just a question in terms of the information that
17 formed the basis for the ultimate valuation and the
18 amounts of rent, was that shared, the...

19 EXECUTIVE OFFICER LUCCHESI: I'm going to ask
20 Brian to help answer that.

21 CHAIRPERSON YEE: Yeah.

22 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah.
23 That was a survey done by a retired annuitant, who's an
24 MAI appraiser. We're very comfortable with the results of
25 that, and the depth of everything. In terms of the

1 appraisal, during the negotiation process, we don't share
2 that, because it's work product. But if the Commission
3 wants us to make that available, we can make that
4 available.

5 CHAIRPERSON YEE: I just -- in the interests of
6 time and I think certainly, Mr. Kennon, your hardship
7 situation would suggest that this is going to be an
8 expensive that I'm not sure that you want to take on, but
9 I mean, that you're going to take on. But, I mean, is
10 this unprecedented that we don't generally share this
11 information? I guess if it's a negotiated situation, we
12 don't, right?

13 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Not
14 usually during negotiations, no.

15 EXECUTIVE OFFICER LUCCHESI: Okay. Our typical
16 process is to obviously share the methodology by which how
17 we calculated the rent. And we also take countervailing
18 information and data into account.

19 CHAIRPERSON YEE: Right.

20 EXECUTIVE OFFICER LUCCHESI: So if they had done
21 their own valuations or hired their own appraiser to
22 pursue evaluation, we would take that into consideration.

23 And to my understanding, they have not.

24 CHAIRPERSON YEE: They have not done that.

25 EXECUTIVE OFFICER LUCCHESI: Yes.

1 MR. KENNON: I didn't know we could.

2 CHAIRPERSON YEE: All right. Well, let's sit on
3 that for a bit. Thank you.

4 Our next speaker is Bart Coombs please come
5 forward.

6 MR. COOMBS: Good morning.

7 CHAIRPERSON YEE: Good morning.

8 MR. COOMBS: I'm attending this meeting today to
9 request a two-month extension on the delivery of the
10 signed lease. I've already made this request to the -- to
11 State Lands Commission representatives, but my request has
12 been denied. The reason for this extension is that I
13 still have several questions regarding the lease
14 documents, in particular with the survey and the survey
15 description.

16 To provide some background information, I
17 purchased 34 Sandy Beach road in July of 2014. This
18 leasing process was already well underway at the time of
19 purchase. Since the purchase of my house, I've received
20 three letters from the State Lands Commission, two letters
21 to coordinate measurements, and one letter two weeks ago
22 with the final lease documents.

23 Two weeks ago is the first time that I've had a
24 chance to look at the survey information. Over the
25 last -- yeah, three letters is all I've received since

1 July of 2014.

2 When the State Lands Commission representatives
3 came to my residence to take measurements, I specifically
4 requested information regarding the basis of survey. I
5 was told that the State Lands Commission has 20 years of
6 data, and that they would provide that. I have not
7 received that information.

8 To be fair, I should have been more diligent in
9 following up that request, but my job is very demanding
10 and the third quarter of last year was extremely hectic.

11 The biggest question that I have regarding the
12 survey and the lease documents is with regard to the 2009
13 mean low water line as described in the -- as noted on the
14 survey information. In a recent email response, Mr. Brian
15 Bugsch indicated that the State Lands Commission
16 established the mean low tide elevation of 1.09 feet,
17 based on that NAVD 88 datum, that the survey was completed
18 using photogrammetric methods, and the accuracy of those
19 types of methods are plus or minus six inches.

20 I am in a -- yeah, I'm firm in my position that
21 this low water line needs to be described in and the basis
22 documents referred to in these lease documents.

23 Let me say that again. That description of that
24 line needs to be in these lease documents that in the
25 survey it just refers to 2009 MLWL, but what is that based

1 on?

2 This is -- you know, I believe this is an
3 elevation that information was processed, was reviewed,
4 and the elevation was arrived at, and the line was drawn
5 using these photogrammetric methods. That elevation needs
6 to be in these lease documents.

7 Now, that line -- that line may be ambulatory --
8 that low water line may be ambulatory, but it's not
9 ambulatory for this lease agreement. It is being fixed by
10 this lease agreement, and it needs to be fixed in these
11 documents.

12 I also believe that a boundary survey needs to be
13 completed. And I also believe that the State Lands
14 Commission should complete this survey. There are several
15 reasons for this. State Lands Commission is establishing
16 a property boundary. The standard for doing this is a
17 boundary survey, not photogrammetry.

18 Mr. Bugsch -- Mr. Bugsch's email indicated there
19 is a plus or minus six inch error in the photogrammetry
20 survey. I believe that a California licensed surveyor
21 should certify that level of accuracy. This should --
22 this -- that level of accuracy should be in the lease
23 documents, what is the datum, how is it established, and
24 the level of accuracy, so somebody else can go out and
25 reproduce that survey.

1 I also believe that the six-inch error in this
2 mean low water line, given the fairly low slope underneath
3 my house, can actually move where that property line will
4 be several feet in either direction. I have been told
5 that I am welcome to complete a boundary survey at my own
6 means, but my position is I don't have enough information
7 in the lease documents to complete that boundary survey.
8 To complete a boundary survey, you need to justify every
9 line in that -- justify every line of that survey.
10 There's not enough information in the current lease
11 documents to make that justification.

12 Yeah. And I guess I just to give a simple
13 analogy that if I have a neighbor that comes and says,
14 hey, pal, your fence is on my property, it's not my
15 responsibility to do the survey to show that my fence is
16 on my property. It's the responsibility of that neighbor
17 making that claim.

18 And that -- yeah, I believe my position that the
19 State Lands Commission needs to include detailed
20 information in the lease agreement and needs to complete
21 that boundary survey.

22 That's all. Thank you.

23 CHAIRPERSON YEE: Thank you, Mr. Coombs.

24 Ms. Lucchesi.

25 EXECUTIVE OFFICER LUCCHESI: So we did conduct a

1 boundary survey. The boundary at this location between
2 the State-owned fee tidelands and submerged lands and the
3 private underlying fee ownership of the uplands is the
4 mean low water mark. And our licensed surveyor, Jim
5 Koepke, and his staff, went out in 2009 and surveyed that
6 boundary. It's -- there are different methodologies, by
7 which you can conduct a mean low water mark survey. And
8 he used one of the acceptable methodologies to conduct
9 that survey.

10 And so as we've stated before, we have a
11 professional staff of licensed surveyors that do this
12 every day throughout the State, and so we are fairly
13 confident in the work that they did in 2009, and what
14 we're relying on for our recommendation today.

15 In respect to the request to include some of that
16 background information in the lease documents, we
17 certainly can do that and to help walk through how
18 everything is tied together. But we can certainly include
19 those as part of the lease documents. They are part of
20 the administrative record and part of that particular
21 property location's files.

22 CHAIRPERSON YEE: Good. Thank you. Questions or
23 comments from members?

24 Okay. Why don't we move on to our next speaker.
25 Mr. Orantes, please come forward.

1 MR. ORANTES. My name is Louis Orantes. I live
2 at 10 Sandy Beach Road. And a lot of the problems here
3 that started was when this line was moved. The line
4 was -- everybody had to be pretty happy with the line
5 where it was. But once they moved it, they really moved
6 it crazy. They -- before it ran right in front of my
7 deck, now it runs right through my house. Now, how can
8 water do that?

9 Water is straight across. It doesn't go this
10 way, that way, this way, and that way. But this is what
11 the -- what they're charging for us now. I would like to
12 know how many square feet is my deck and how many square
13 feet is my house. I have not received any information on
14 that at all, so -- and we have been paying the State Lands
15 Commission for 54 years. We have been there a long time.
16 We started paying like \$10 a month -- a year, then it went
17 to 25 and then 75. It was 75 for the longest time.

18 Now, all of sudden, it went up 20 times. It's
19 \$1,400. How can you, I mean, explain that, go up 20
20 times? It's ridiculous. It's absolutely ridiculous. The
21 State, I don't know how they came up with the cost that
22 they're charging, but it's way out of line. It needs to
23 be reevaluated. I don't know -- they said what criteria
24 they used, but it just doesn't really make sense. It's
25 way out of line.

1 Anyway, I have a lease number 3378-1, which was a
2 20-year lease. And I -- it was from 9, 79 to 8, 99. In
3 8, 99-9, the State said that they -- if we wish to renew
4 the lease, that we needed to send them a letter, which we
5 did. We sent them a letter to Nancy, if she's still here,
6 notifying her that we did want to continue the lease.

7 We continued to make our payments all the time,
8 and we never received a reply from the State. So
9 according to my calculations, my lease is not up until
10 2019. And you've got some other form of proving that I'm
11 wrong? But I have all the letters that I received from
12 the State Lands Commission telling me that that's what I
13 had to do was to notify them, and I did.

14 So therefore, I don't intend to sign this lease.
15 The lease is very bad for us. It's totally in favor of
16 the lessor. What are we getting for the increase in cost?
17 What services are you improving? What are you giving us?
18 You're giving us nothing, absolutely nothing. In fact,
19 you're taking away a lot of our rights. We can't remodel.
20 We can't fix our decks. We can't do anything without
21 notifying you. This is ridiculous. We don't need to do
22 that. We've never done it.

23 And so I would like -- that's basically what I
24 have to say. And like I say, when you go up 20 times of
25 what I was paying before is simply unreasonable. You need

1 to go back and figure this out and come up with a better
2 figure. This is totally unreal. Thank you.

3 CHAIRPERSON YEE: Thank you, Mr. Orantes.

4 Yes, Ms. Eraina -- Ms. Ortega.

5 ACTING COMMISSIONER ORTEGA: Ms. Lucchesi, can I
6 ask you to remind us about, the leases now have a CPI
7 inflation in them, or our leases that we're approving
8 going forward. So the -- kind of the issue of the jump in
9 rent and how that is handled in other leases and kind of
10 what we're doing to address that issue.

11 EXECUTIVE OFFICER LUCCHESI: Yeah. So thank you
12 for the question. We run into this issue throughout the
13 State, because as an agency, we went through a period of
14 time where we weren't keeping up with our updating our
15 rent reviews and updating our renewals of leases. In
16 fact, the Bureau of State Audits in 2011 issued a report
17 that stated as such, and so there are periods of
18 long -- long periods of time where the State Lands
19 Commission, in managing its lands and staff particularly,
20 were not keeping up with the rent reviews.

21 And so to go from the last time that we -- that
22 the Commission issued a lease and established a rent in
23 the 80s or the 90s up to now 2016, that is a huge jump.
24 There's no doubt about it. But again, looking at what we
25 are required to under the law in terms of assessing rent

1 and making recommendations, based on what the fair market
2 value of that land is, is consistent with the law.

3 And so now, in order to avoid having a situation
4 moving -- that we experienced in the past, we are
5 incorporating CPI adjustments into the current leases now,
6 so we don't run into that situation again.

7 ACTING COMMISSIONER ORTEGA: Thank you.

8 CHAIRPERSON YEE: Thank you.

9 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Can I
10 just add one thing?

11 CHAIRPERSON YEE: Please.

12 LAND MANAGEMENT DIVISION CHIEF BUGSCH: One thing
13 to that, these leases at Sandy Beach the negotiations
14 began well before we converted to doing the CPIs. And so
15 in respect of that, what we've done here is we do have --
16 we've extended -- we have a fixed rent for that period,
17 and then it will be a 10-year rent review actually. So
18 there will be two rent reviews during the 30-year period.

19 So yet another situation where it plays -- it
20 addresses that concern of having a fixed amount, a fixed
21 cost and being able to anticipate that. So what rent they
22 will be paying at the start of this lease will be held
23 constant for 10 years, and then there will be a rent
24 review at that point.

25 CHAIRPERSON YEE: Thank you.

1 ACTING COMMISSIONER ORTEGA: Thank you.

2 CHAIRPERSON YEE: Let's hear from our last
3 speaker, Mr. Victor Dodge, please come forward.

4 MR. DODGE: Good morning.

5 CHAIRPERSON YEE: Good morning.

6 MR. DODGE: My name is Skip Dodge. My real name
7 is Victor, but I go by Skip. And I live at 32 Sandy Beach
8 Road in South Vallejo. And I want to start by thanking
9 you all for this opportunity to speak with you today.

10 In 2000, my partner of 26 years, and now my
11 husband of two years, bought a decidedly run-down fixer
12 upper at Sandy Beach. The house had been on the market
13 for over two years. It had buckets in the living room to
14 collect rain water coming in through the roof, but it was
15 all that we could afford.

16 Still today, South Vallejo has some of the least
17 expensive property values anywhere in the Bay Area. So we
18 feel lucky to have been able to buy and stop being a
19 renter. We understood that when we purchased the property
20 that we would need to enter into a lease with the State,
21 but we understood the tidal line to be further into the
22 water than the one that is being proposed for the current
23 leases.

24 I have recently celebrated my 66th birthday, and
25 I was honestly hopping to be able to retire, or at least

1 cut back to a part-time job. With losses from the Great
2 Recession, the cost of the proposed State Lands lease, the
3 current flood insurance that we have to pay, I can't see
4 how I can retire. In addition, my husband has a chronic
5 disease, which presents him -- prevents him from working
6 full time.

7 We are both hoping that you will reconsider our
8 case, and give us a hardship reduction. A \$2,250 a year
9 increase in our mortgage, which is what this would be,
10 includes the million dollar liability policy that you're
11 asking it's just -- it's a hardship for us. We can't do
12 it.

13 We expect that we have to pay something, and we
14 are not asking you to waive the cost of the lease
15 entirely, but possibly capping a fee at maybe \$1,000,
16 something that we could reasonably forward would be
17 appreciated.

18 Thank you again for your time and consideration.

19 CHAIRPERSON YEE: Thank you, Mr. Dodge.

20 Are there any questions or comments, members?

21 Mr. Williams, please.

22 ACTING COMMISSIONER WILLIAMS: Thank you.

23 Recognizing the hardship and grateful to the
24 members of the community who came up here today to share
25 that with us. The Lieutenant Governor's office is

1 sensitive to the financial impact these leases may have,
2 but also recognizing the work that the staff has done in
3 that reach of this community over the last two and a half
4 years, and that they have done everything in their power
5 to reduce costs associated with these leases while staying
6 within the four corners of the law and recognizing being
7 within the conscientious requirements that Ms. Lucchesi
8 described.

9 As I understand it, the revenues from these
10 leases would go into the general fund. And the Lieutenant
11 Governor would like to ask staff if they would be willing
12 to explore legislative concepts that would allow the
13 revenue generated at Sandy Beach to go back into improving
14 public lands and resources within the community, so that
15 resources where the revenue is being generated directly
16 receives the benefits.

17 CHAIRPERSON YEE: Okay. Thank you, Mr. Williams.
18 Ms. Lucchesi.

19 EXECUTIVE OFFICER LUCCHESI: I'm happy to have
20 staff explore that option. A similar effort was succeeded
21 in Lake Tahoe a couple years ago where the lease revenues
22 that the State Lands Commission generates from those docks
23 and piers and buoys that are located on State Lands in
24 Lake Tahoe go back to into improving the lands and
25 resources at Lake Tahoe. And that was achieved through

1 special legislation.

2 And so I'd be happy to look into that so that the
3 community receives the benefits directly from the rent
4 that they're paying in terms of improving lands and
5 resources just offshore there.

6 CHAIRPERSON YEE: Okay. Comment?

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Can I
8 just add one thing to that? Through this process, as
9 well, I mean, that was a consideration from the very
10 beginning. Again, that would take legislation to do that.

11 CHAIRPERSON YEE: Right.

12 LAND MANAGEMENT DIVISION CHIEF BUGSCH: And we
13 did speak with Senator Wolk and Assembly Member Bonilla,
14 because they are the representatives in that area, and
15 they can take that on and lead that charge. We, as staff,
16 obviously can't do legislation.

17 CHAIRPERSON YEE: Correct.

18 LAND MANAGEMENT DIVISION CHIEF BUGSCH: We need
19 to carry it by a legislator. And so we presented those
20 ideas, and they've been aware of those for several years
21 in order to take that on, but they -- I think those
22 legislators would be the primary people to drive that.

23 CHAIRPERSON YEE: Sure. Okay.

24 EXECUTIVE OFFICER LUCCHESI: But we will
25 certainly work to remind them --

1 LAND MANAGEMENT DIVISION CHIEF BUGSCH: We'll
2 continue to with them.

3 CHAIRPERSON YEE: Right. Yeah, please do. And
4 then -- I mean, there's been some precedence here
5 previously with the Commission. So Mr. Williams, I
6 appreciate the suggestion, so let's see if we can
7 encourage our legislative delegation there to move in that
8 same direction.

9 EXECUTIVE OFFICER LUCCHESI: And I also want to
10 offer that, you know, building off of my proposed
11 recommendation earlier after the first speaker, that if
12 the Commission was inclined to move for authorization for
13 these batch of leases today, that we would continue to
14 work with the residences, particularly the four residences
15 that came before you today, to further explain and walk
16 them through, not only the boundary and surveying issues,
17 but also the rent calculations and how that's being
18 applied.

19 And also, if they were inclined to hire their own
20 surveyor, or their own appraiser, and do so within a
21 finite period of time, and come back with additional
22 information that may inform our recommendation, we would
23 bring these leases back to the Commission for
24 reconsideration.

25 CHAIRPERSON YEE: Okay. Very well.

1 Mr. Williams.

2 ACTING COMMISSIONER WILLIAMS: That's okay.

3 CHAIRPERSON YEE: Ms. Ortega.

4 ACTING COMMISSIONER ORTEGA: Madam Chair, I just
5 would state that I would be in favor of the staff's
6 recommendation at this point. I think one of the issues
7 that we haven't discussed, but an important reason to
8 bring leases up-to-date and to have the occupation of
9 state lands under lease is the liability issues to the
10 State, and that that is addressed once we have leases in
11 these areas.

12 And so notwithstanding the request to delay
13 action and bring that information forward, I'd rather have
14 these folks under lease and then allow them to continue to
15 work with staff, if lease modifications are necessary. So
16 I would move adoption of the leases that are before us. I
17 believe it's Items C --

18 EXECUTIVE OFFICER LUCCHESI: I can read them for
19 you.

20 ACTING COMMISSIONER ORTEGA: Yeah, that would be
21 great.

22 EXECUTIVE OFFICER ORTEGA: It would be C 23
23 through 43, C 45 through C 51, and C 53 through C 58.

24 CHAIRPERSON YEE: Okay. We have a motion by Ms.
25 Ortega to adopt those items.

1 Is there a second?

2 ACTING COMMISSIONER WILLIAMS: Yes.

3 CHAIRPERSON YEE: Second by Mr. Williams.

4 May I just ask a question? A request to actually
5 put the mean low water line description in the lease
6 itself, is that something that we could do?

7 EXECUTIVE OFFICER LUCCHESI: We typically -- I
8 mean, this is something that I'd like to have a little bit
9 of time to consult with my staff, and particularly our
10 head surveyor, about how most efficiently to do this. All
11 of our leases include a legal description that dictate the
12 parameters, the legal description of the lease.

13 Now, how the mean high tide line survey is
14 referenced in there, and then where, either the lessee or
15 a member of the public, could go and find that referenced
16 information, that's what we want to look at to see what's
17 going to be the most effective way to do that. But we
18 will certainly provide the homeowners with all of that
19 material just as part of their own files. So we will
20 certainly commit to that.

21 CHAIRPERSON YEE: Great. Thank you. Very well.
22 We have a motion to adopt the items as specified, seconded
23 by Mr. Williams. Without objection, such will be the
24 order.

25 Thank you.

1 And thank you for staff's continued commitment to
2 work with the property owners. This has, I know, been a
3 long arduous process. But those that have come forward
4 today, thank you for making the trip here and testifying
5 before the Commission.

6 Thank you.

7 Okay. Our next item -- let's see, I think we're
8 at the public comment section. Are there any members of
9 the public that wish to address the Commission?

10 I think we may have one.

11 Ms. Savage, are you here on the Martin's Beach
12 issue?

13 Did she leave?

14 Okay. She's not in the room. Any other members
15 of the public who wish to address the Commission during
16 this public comment period?

17 Okay. Seeing none, I believe that concludes the
18 open meeting of the Commission.

19 EXECUTIVE OFFICER LUCCHESI: Um-hmm.

20 CHAIRPERSON YEE: And we will now adjourn into
21 closed session. So let me just ask members of the public
22 to please clear the room at this time.

23 Thank you.

24 (Off record: 12:01 PM)

25 (Thereupon the meeting recessed)

1 into closed session.)

2 (Thereupon the meeting reconvened open session.)

3 (On record: 12:32 PM)

4 CHAIRPERSON YEE: Great. The Commission met in
5 closed session and discussed pending and possible
6 litigation. And with that, this Commissioning meeting is
7 adjourned.

8 Thank you.

9 (Thereupon the California State Lands

10 Commission meeting adjourned at 12:32 PM)

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C E R T I F I C A T E O F R E P O R T E R

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California State Lands Commission meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California;

That the said proceedings was taken before me, in shorthand writing, and was thereafter transcribed, under my direction, by computer-assisted transcription.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of February, 2016.

JAMES F. PETERS, CSR
Certified Shorthand Reporter
License No. 10063