

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

HOLIDAY INN SACRAMENTO DOWNTOWN-ARENA
300 J STREET
SACRAMENTO, CALIFORNIA

TUESDAY, FEBRUARY 7, 2017
10:03 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:

Mr. Gavin Newsom, Lieutenant Governor, Chairperson

Ms. Betty T. Yee, State Controller

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

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Colin Connor, Assistant Executive Officer

Mr. Mark Meier, Chief Counsel

Mr. Ken Foster, Public Land Management Specialist, Land
Management Division

Ms. Sheri Pemberton, Chief, External Affairs and
Legislative Liaison

Ms. Kim Lunetta, Administrative Assistant

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Mr. Faaris Akremi, Stanford Environmental Clinic, City of
Marina

Ms. Sandy Aylesworth, Natural Resources Defense Council

Mr. Francis Coats

Ms. Shannon Galvin, Stanford Environmental Law Clinic,
City of Marina

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

ALSO PRESENT:

Ms. Helen Horn, Docktown Marina

Mr. Miles Muller, Stanford Environmental Law Clinic, City
of Marina

Ms. Kathryn Phillips, Sierra Club California

Ms. Jennifer Savage, Surfrider Foundation

Ms. Theresa Simsiman, American Whitewater

Mr. Edward Stancil, Docktown Marina

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I 10:00 A.M. - OPEN SESSION	1
II CONFIRMATION OF MINUTES FOR THE MEETING OF DECEMBER 6, 2016	1
III EXECUTIVE OFFICER'S REPORT	

Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:

Colleen Casey, Trustee of the Paul LeBaron Thiebaud Administrative Trust U/A Dated May 24, 2002 (Lessee): Continuation of annual rent at \$780 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in the Sacramento River, adjacent to 41820 South River Road, near Clarksburg, Yolo County. (PRC 8326.1)

James E. Dunn and Laura A. Dunn, Trustees of the Dunn Family Living Trust Dated March 14, 1995 (Lessee): Continuation of annual rent at \$146 per year for a General Lease - Recreational Use located on sovereign land in the Sacramento River, adjacent to 14065 River Road, near Walnut Grove, Sacramento County. (PRC 8765.1)

Michael P. Morris and Gail E. Morris (Lessee): Continuation of annual rent at \$182 per year for a General Lease - Recreational Use located on sovereign land in the Sacramento River, adjacent to 14268 State Highway 160, near Grand Island, Sacramento County. (PRC 5127.1)

Corinna L. Huff, Trustee of the Tom and Corinna Huff Trust, UAD 11-25-91 (Lessee): Continuation of annual rent at \$167 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in the Calaveras River, adjacent to 4407 Yacht Harbor Drive, near Stockton, San Joaquin County. (PRC 4670.1)

William R. Schomberg and Karen M. Schomberg (Lessee): Continuation of annual rent at \$399 per year for a General Lease - Recreational and

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Protective Structure Use located on sovereign land in the Sacramento River, adjacent to 3099 Garden Highway near the city of Sacramento, Sacramento County. (PRC 5935.1)

Stephen W. Frankel and Lynn Frankel, Trustees of the Frankel Family Revocable Trust, dated January 3, 1986; and Thomas P. Jackovics and Judit M. Jackovics, Trustees of the Egung Living Trust dated June 27, 1991 (Lessee): Continuation of annual rent at \$328 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 8669 and 8675 Beach Lane, near Rubicon Bay, El Dorado County. (PRC 4176.1).

Michael L. Gurev, Trustee of the Maxwell M. Freeman Qualified Personal Residence Trust Dated October 20, 2003 (Lessee): Continuation of annual rent at \$410 per year for a General Lease - Recreational Use located on sovereign land in Atherton Cove (original bed of the San Joaquin River), adjacent to 2300 Virginia Lane, near the city of Stockton, San Joaquin County. (PRC 6075.1).

Star Harbor Association (Lessee): Continuation of annual rent at \$479 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 2350 Star Harbor Court, Tahoe City, Placer County. (PRC 4694.1).

Charles R. Williams and Josephine F. Williams (Lessee): Continuation of annual rent at \$631 per year for a General Lease - Recreational Use located on sovereign land in the San Joaquin River, adjacent to 19900 Sherman Island Cross Road, near the city of Rio Vista, Sacramento County. (PRC 8352.1).

IV CONSENT CALENDAR C01-C64 22

THE FOLLOWING ITEMS ARE CONSIDERED TO BE
NONCONTROVERSIAL AND ARE SUBJECT TO CHANGE AT ANY TIME
UP TO THE DATE OF THE MEETING.

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LAND MANAGEMENT DIVISION

NORTHERN REGION

C01 GORDON P. ANDREWS, SUCCESSOR TRUSTEE OF THE GEORGE A. POPE TRUST DATED DECEMBER 30, 1935 (APPLICANT): Consider application for a General Lease. Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9800 Brockway Springs Drive, Kings Beach, Placer County; for an existing pier, boathouse, four boat hoists, sundeck with stairs, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 5055.1; RA# 36815)(A 1; S 1) (Staff: M.J. Columbus)

C02 MARK B. NELSON, TRUSTEE OF THE WILBORN CHILDREN'S TRUST AND LORIE L. WILBORN, TRUSTEE OF THE NELSON HERITAGE TRUST (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 5353.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4200 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and two boat hoists. CEQA Consideration: not projects. (PRC 5353.1) (A 1; S 1) (Staff: M.J. Columbus)

C03 MILTON P. CHAMPAS, AS TRUSTEE OF THE CHAMPAS FAMILY REVOCABLE TRUST, DATED MARCH 21, 1994 ("SURVIVOR'S TRUST") (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3199 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8703.1; RA# 01616) (A 1; S 1) (Staff: M.J. Columbus)

C04 BROCKWAY SPRINGS OF TAHOE PROPERTY OWNERS ASSOCIATION I AND II, INC. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9680 Brockway Springs Drive, near Kings Beach, Placer County; for 26 existing mooring buoys and two marker buoys. CEQA Consideration: categorical exemption. (PRC 7939.1; RA# 39015)(A 1; S 1) (Staff: M.J. Columbus)

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C05 ARTHUR GRANT BURTON AND KATHLEEN KEANE BURTON, TRUSTEES OF THE BURTON FAMILY TRUST (LESSEE): Consider amendment of Lease No. PRC 8739.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3216 Edgewater Drive, near Tahoe City, Placer County; for the proposed expansion of an existing pierhead and removal of an existing catwalk, and installation, use, and maintenance of a new adjustable catwalk. CEQA Consideration: categorical exemption. (PRC 8739.1; RA# 04716) (A 1; S 1) (Staff: M.J. Columbus)

C06 DONNER PINES WEST HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Donner Lake, adjacent to 15825 Donner Pass Road, town of Truckee, Nevada County; for an existing floating boat dock, walkway, gazebo, ramp, and filled land with retaining wall. CEQA Consideration: categorical exemption. (PRC 7901.1; RA# 02816) (A 1; S 1) (Staff: M.J. Columbus)

C07 WEST SACRAMENTO AREA FLOOD CONTROL AGENCY (APPLICANT): Consider acceptance of a quitclaim deed for PRC 7497.1, a General Lease - Recreational Use, and application for a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, adjacent to Assessor's Parcel Numbers between 046-230-050 and 046-010-044, from River Mile (RM) 57.2 south to RM 51.6, city of West Sacramento, Yolo County; for construction, use, and maintenance of flood risk-reduction measures, including bank stabilization, removal of trees and vegetation, removal of existing encroachment structures, rock slope protection, erosion site repairs, and maintenance and construction areas. CEQA Consideration: Environmental Impact Report, certified by the West Sacramento Area Flood Control Agency, State Clearinghouse No. 2011082069, and adoption of a Mitigation Monitoring Program, Statement of Findings, and Statement of Overriding Considerations. (W 27040; RA# 05916) (A 7; S 6) (Staff: M.J. Columbus)

C08 RICHARD M. KLEIN AND FRIEDA V. KLEIN, TRUSTEES OF THE KLEIN FAMILY TRUST DATED DECEMBER 15, 1969

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(APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 140 Sierra Terrace Road, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 7555.1; RA# 03816) (A 1; S 1) (Staff: K. Connor)

C09 JOHN A. RUETZ AND DOLORES D. REUTZ, AS TRUSTEES OF THE RUETZ 1999 TRUST DATED FEBRUARY 10, 1999 (APPLICANT): Consider application for a General Lease. Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3858 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 6817.1; RA# 06216) (A 1; S 1) (Staff: K. Connor)

C10 SLOSS TAHOE PROPERTY, A CALIFORNIA GENERAL PARTNERSHIP (APPLICANT): Consider application for a General Lease . Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7117 Highway 89, near Tahoma, El Dorado County; for an existing pier and one mooring buoy previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 3506.1; RA# 04316) (A 5; S 1) (Staff: K. Connor)

C11 WINIFRED BRADY NOBLE AND MUFJ UNION BANK, N.A., FORMERLY KNOWN AS UNION BANK, N.A., CO-TRUSTEES OF THE CHARLES E. NOBLE TRUST DATED JULY 13, 1992; WINIFRED BRADY NOBLE, TRUSTEE OF THE WINIFRED BRADY NOBLE 2001 TRUST; WILLIAM L. NOBLE, TRUSTEE OF THE WILLIAM NOBLE 2011 TRUST; MORRIS H. NOBLE, JR., TRUSTEE OF THE MORRIS H. NOBLE, JR. 2000 TRUST DATED JANUARY 11, 2000 (APPLICANT): Consider application for a General Lease. Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2181 Cascade Road, near the city of South Lake Tahoe, El Dorado County; for an existing pier and covered boat hoist. CEQA Consideration: categorical exemption. (PRC 3940.1; RA# 05716) (A 5; S 1)(Staff: K. Connor)

C12 RONALD C. KISKIS AND NANCY I. KISKIS (ASSIGNOR); RONALD C. KISKIS AND NANCY I. KISKIS, TRUSTEES OF THE KISKIS FAMILY TRUST AGREEMENT DATED JUNE 23, 1994

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(ASSIGNEE): Consider a continuation of rent and an application for an assignment of Lease No. PRC 9020.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2622 West Lake Boulevard, near Tahoe City, Placer County; for one existing mooring buoy. CEQA Consideration: not a project. (PRC 9020.1; RA# 11816) (A 1; S 1) (Staff: K. Connor)

C13 RUBICON TAHOE OWNERS, INC. (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 5676.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 016-142-11 and 016-221-06, Rubicon Bay, El Dorado County; for two existing piers, two swim areas, two swim floats, 97 mooring buoys, and three marker buoys. CEQA Consideration: not projects. (PRC 5676.1) (A 5; S 1) (Staff: N. Lee)

C14 BUTTE CREEK FARMS (LESSEE): Consider revision of rent to Lease No. PRC 3933.1, a General Lease. Commercial Use, of sovereign land located in the Sacramento River, adjacent to 3249 Butte Slough Road, near the city of Colusa, Colusa County; for an existing commercial marina. CEQA Consideration: not a project. (PRC 3933.1) (A 3; S 4) (Staff: M. Schroeder)

C15 THE FRANCISCAN OWNERS ASSOCIATION, A CALIFORNIA NONPROFIT CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6944 North Lake Boulevard, near Tahoe Vista, Placer County; for 16 existing mooring buoys and two marker buoys. CEQA Consideration: categorical exemption. (PRC 5886.1; RA# 02316) (A 1; S 1) (Staff: M. Schroeder)

C16 JAROTH II, LLC, A DELAWARE LIMITED LIABILITY COMPANY (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 8105.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6103 North Lake Boulevard, Tahoe Vista, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: not projects. (PRC 8105.1) (A 1; S 1) (Staff: M. Schroeder)

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C17 DAVID MICHAEL BOWMAN, AS TRUSTEE, OR HIS SUCCESSOR, OF THE DAVID MICHAEL BOWMAN TRUST AGREEMENT DATED APRIL 13, 1989 (LESSEE); FAUPS LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider termination of Lease No. PRC 1828.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8401 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 1828.1; RA# 04516) (A 5; S 1)(Staff: M. Schroeder)

C18 JAMES A. GREGORY AND MAUREEN GREGORY (LESSEE); FRANK SLOOTMAN AND BRENDA L. SLOOTMAN, TRUSTEES OF THE SLOOTMAN LIVING TRUST DATED SEPT 8, 1999 (APPLICANT): Consider waiver of rent, penalty, and interest; acceptance of a lease quitclaim deed for Lease No. PRC 8374.1, a General Lease - Recreational Use, and an application for a General Lease. Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2140 North Lake Boulevard, Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8374.1; RA# 38615) (A 1; S 1)(Staff: M. Schroeder)

C19 BOB R. SIMPSON AND JANICE L. SIMPSON (LESSEE): Consider revision of rent to Lease No. PRC 8266.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1780 North Lake Boulevard, near Tahoe City, Placer County; for two mooring buoys. CEQA Consideration: not a project. (PRC 8266.1) (A 1; S 1) (Staff: J. Toy)

C20 ROBERT LEWIS VAN BLOIS AND VICKIE GAYLE VAN BLOIS, AS TRUSTEES AND ANY SUCCESSOR TRUSTEE OF THE VAN BLOIS FAMILY TRUST DATED MAY 22, 2001 (LESSEE): Consider revision of rent to Lease No. PRC 8309.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 644 Olympic Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8309.1) (A 1; S 1)(Staff: J. Toy)

C21 WILLIAM F. CRONK III AND JANET M. CRONK, CO-TRUSTEES OF THE CRONK REVOCABLE TRUST, DATED

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DECEMBER 30, 1981 (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 4057.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2010 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, and two mooring buoys. CEQA Consideration: not projects. (PRC 4057.1) (A 1; S 1) (Staff: J. Toy)

C22 MURRAY B. HALL, TRUSTEE OF THE MURRAY B. HALL REVOCABLE TRUST DATED SEPTEMBER 16, 1997 AS AMENDED AND RESTATED (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 3401.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3920 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and one mooring buoy. CEQA Consideration: not projects. (PRC 3401.1) (A 1; S 1) (Staff: J. Toy)

C23 RONALD T. VANDERBEEK AND BILLIE J. VANDERBEEK (LESSEE): Consider revision of rent to Lease No. PRC 8991.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1640 Sequoia Avenue, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8991.1) (A 1; S 1) (Staff: J. Toy)

C24 FINANCIAL PORTFOLIOS, LTD. (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 3696.1, a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 5683 Lakeville Road, near the city of Petaluma, Sonoma County; for an existing floating boat dock, pier, ramp, and two pilings. CEQA Consideration: not projects. (PRC 3696.1) (A 10; S 3)(Staff: J. Toy)

BAY/DELTA REGION

C25 JOSEPH R. CHALIFOUX AND SHERRI E. CHALIFOUX (APPLICANT): Consider an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2827 Garden Highway, near the city of Sacramento, Sacramento County; for existing bank protection and the proposed construction, use, and

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maintenance of a floating boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6885.1; RA# 20615) (A 7; S 6) (Staff: G. Asimakopoulos)

C26 ROSS OLIVEIRA AND IDA OLIVEIRA (LESSEE/APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 6891.9, a General Lease - 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 4061 Garden Highway, near the city of Sacramento, Sacramento County; for existing bank protection and the proposed construction of a covered floating boat dock with boat lift, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6891.1; RA# 01116) (A 7; S 6) (Staff: G. Asimakopoulos)

C27 KURT STEVEN GLASSMAN (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 6687 Garden Highway, near the city of Sacramento, Sacramento County; for the replacement, use, and maintenance of a floating boat dock and gangway, and use and maintenance of existing appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 6502.1; RA# 08516) (A 7; S 6) (Staff: G. Asimakopoulos)

C28 CHEVRON U.S.A., INC. (LESSEE): Consider application for an amendment to Lease No. PRC 3277.1, a General Lease - Right-of-Way Use, of sovereign land located in Honker Bay, Roaring River Slough, Montezuma Slough, Grizzly Slough, and the Sacramento River; Solano, Contra Costa, Yolo, and Sacramento Counties; to install pipeline and abandon-in-place an existing pipeline under Grizzly Slough. CEQA Consideration: Mitigated Negative Declaration previously adopted by the California State Lands Commission, State Clearinghouse No. 2016072038, and Addendum. (PRC 3277.1; RA# 31615) (A 11; S 3) (Staff: A. Franzoia)

C29 GREGORY EVAN DANIEL (APPLICANT): Consider application for a General Lease . Recreational Use, of sovereign land located in Goodyear Slough, adjacent to

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Solano County Assessor's Parcel Number 0090-240-030, near the city of Benicia, Solano County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8740.1; RA# 01016) (A 14; S 3)(Staff: J. Holt)

C30 CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Stanislaus River, adjacent to Caswell Memorial State Park, 28000 S. Austin Road, near the city of Ripon, San Joaquin County; for existing bank protection. CEQA Consideration: categorical exemption. (PRC 6878.9; RA# 05516) (A 12; S 5) (Staff: J. Holt)

C31 DAWSON D. ZAUG AND CHARLOTTE A. LEE, AS TRUSTEES OF THE ZAUG-LEE FAMILY TRUST, DATED JULY 14, 1994 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 95 Mistletoe Lane, near the city of Novato, Marin County; for an existing pier, floating boat dock, and appurtenant facilities, not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27048; RA# 08416) (A 10; S 2) (Staff: J. Holt)

C32 ST. FRANCIS YACHT CLUB (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the San Joaquin River, adjacent to 14344 Tinsley Island, San Joaquin County; for six mooring buoys. CEQA Consideration: categorical exemption. (PRC 5266.1; RA# 13215) (A 10; S 5) (Staff: J. Holt)

C33 LUTHER N. CLARK, TRUSTEE AND MARY H. CLARK, TRUSTEE OF THE LUTHER N. AND MARY H. CLARK REVOCABLE TRUST, ESTABLISHED SEPTEMBER 29, 1994 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Sacramento River, adjacent to 6805 Garden Highway, near the city of Sacramento, Sacramento County; for an existing floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8751.1; RA# 06516) (A 7; S 6) (Staff: J. Holt)

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- C34 VICTOR DALLARI, JR. AND SUSAN BOYLES (LESSEE): Consider revision of rent to Lease No. PRC 7027.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2261 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 7027.1) (A 7; S 6) (Staff: J. Toy)
- C35 ROBERT M. NAVE, TRUSTEE OF THE ROBERT M NAVE TRUST, CREATED BY TRUST DECLARATION DATED FEBRUARY 2, 2006 AND ROBERT M. NAVE, JR., TRUSTEE OF THE TRUST UNDER THE WILL OF DORIS MARIE NAVE, DECEASED (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 22055 State Route 1, near the town of Marshall, Marin County; for an existing pier and ramp. CEQA Consideration: categorical exemption. (PRC 5138.1; RA# 01516) (A 10; S 2) (Staff: D. Tutov)
- C36 JEFFREY EHLERS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 152 Beattie Avenue, near the city of Novato, Marin County; for an existing fishing pier and deck. CEQA Consideration: categorical exemption. (PRC 3714.1; RA# 21511) (A 10; S 2) (Staff: D. Tutov)
- C37 JEFFREY EHLERS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 152 Beattie Avenue, near the city of Novato, Marin County; for an existing platform and walkway. CEQA Consideration: categorical exemption. (PRC 4059.1; RA# 26515) (A 10; S 2) (Staff: D. Tutov)
- C38 JOAN E. CARLSON AND MARK ROPERS (APPLICANT): Consider rescission of approval of Lease No. PRC 9353.1 for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 18555 State Route 1, near the town of Marshall, Marin County; for a proposed mooring buoy. CEQA Consideration: not a project. (PRC 9353.1; RA# 18515) (A 10; S 2) (Staff: D. Tutov)

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CENTRAL/SOUTHERN REGION

C39 BETTY YUEN CHENG LIANG, AS TRUSTEE FOR THE BETTY YUEN CHENG LIANG 2010 TRUST, UNDER INSTRUMENT DATED SEPTEMBER 9, 2010 (LESSEE): Consider revision of rent to Lease No. PRC 5244.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 3532 Venture Drive, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 5244.1) (A 72; S 34) (Staff: S. Avila)

C40 WILLIAM J. SCHMIT JR. AND MICHELLE SCHMIT (ASSIGNOR); WILLIAM J. SCHMIT AND MICHELLE H. SCHMIT, CO-TRUSTEES OF THE WILLIAM J. SCHMIT REVOCABLE TRUST DATED AUGUST 12, 2014; AND WILLIAM J. SCHMIT AND MICHELLE H. SCHMIT, CO-TRUSTEES OF THE MICHELLE H. SCHMIT REVOCABLE TRUST DATED AUGUST 12, 2014 (ASSIGNEE): Consider application for the revision of rent and assignment of Lease No. PRC 3854.1, General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16841 Bolero Lane, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not projects. (PRC 3854.1; RA# 12216) (A 72; S 34) (Staff: S. Avila)

C41 RALPH ASCHER AND MARIETTA ASCHER (LESSEE): Consider revision of rent to Lease No. PRC 7423.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16232 Piedmont Circle, city of Huntington Beach, Orange County; for an existing boat dock and access ramp. CEQA Consideration: not a project. (PRC 7423.1) (A 72; S 34) (Staff: S. Avila)

C42 DOUGLAS WILLIAMS AND ANNE WILLIAMS, TRUSTEES OF THE WILLIAMS REVOCABLE LIVING TRUST, DATED MARCH 19, 2010 (LESSEE): Consider revision of rent to Lease No. PRC 5761.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16682 Coral Cay Lane, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 5761.1)(A 72; S 34) (Staff: S. Avila)

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C43 OLIVER E. CLARK III AND JEAN A. CLARK, TRUSTEES OF THE OLIVER E. CLARK III AND JEAN A. CLARK FAMILY TRUST DATED OCTOBER 12, 1983 (LESSEE): Consider revision of rent to Lease No. PRC 3579.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in Huntington Harbour, adjacent to 16601 Carousel Lane, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, rock slope protection, sheet pile, and cantilevered deck. CEQA Consideration: not a project. (PRC 3579.1) (A 72; S 34) (Staff: S. Avila)

C44 BRENT N. ALLEN AND POLLYANN EVELYN ALLEN, AS TRUSTEE, OR ANY SUCCESSOR TRUSTEE, UNDER THAT CERTAIN DECLARATION OF TRUST DATED DECEMBER 28, 1992, AND CREATED BY BRENT N. ALLEN AND POLLYANN EVELYN ALLEN, AS TRUSTORS; CRAIG D. ALLEN AND KAREN E. ALLEN, AS TRUSTEES OF THE CRAIG D. ALLEN AND KAREN E. ALLEN FAMILY TRUST DATED OCTOBER 20, 2009, AND CREATED BY CRAIG D. ALLEN AND KAREN E. ALLEN, AS SETTLORS; RYAN J. ALLEN AND MARA E. ALLEN, AS TRUSTEES OF THE RYAN J. ALLEN AND MARA E. ALLEN FAMILY TRUST DATED OCTOBER 16, 2009; AND CATHERINE A. HILL AS TRUSTEE OF THE BURTON MEWS TRUST U/A/D JULY 29, 2015 (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in Huntington Harbour adjacent to 16911 Bolero Lane, in the city of Huntington Beach, Orange County; for the use and maintenance of a boat dock and access ramp previously authorized by the Commission, and an existing cantilevered deck with enclosure not previously authorized by the Commission; and consider acceptance of compensation for the unauthorized occupation of state land. CEQA consideration: categorical exemption. (PRC 3574.1; RA# 24210) (A 34; S 72) (Staff: S. Avila)

C45 POINT ARGUELLO PIPELINE COMPANY (PAPCO) (LESSEE): Consider revision of rent to Lease No. PRC 6942.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Point Conception, Santa Barbara County; for an existing oil pipeline. CEQA Consideration: not a project. (PRC 6942.1) (A 37; S 19) (Staff: R. Collins)

C46 POINT ARGUELLO NATURAL GAS PIPELINE COMPANY (PANGL) (LESSEE): Consider revision of rent to Lease

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No. PRC 6943.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Point Conception, Santa Barbara County; for an existing natural gas pipeline. CEQA Consideration: not a project. (PRC 6943.1) (A 37; S 19) (Staff: R. Collins)

C47 DOS CUADRAS OFFSHORE RESOURCES (DCOR), LLC (LESSEE): Consider revision of rent to Lease No. PRC 3116.1, a General Lease - Industrial Use, of sovereign land located in San Pedro Bay, Pacific Ocean, near Huntington Beach, Orange County; for the continued operation and maintenance of existing submarine pipelines and a power cable. CEQA Consideration: not a project. (PRC 3116.1)(A 72; S 34) (Staff: R. Collins)

C48 EXXONMOBIL CORPORATION (LESSEE): Consider revision of rent and acceptance of back rent to Lease No. PRC 7163.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, offshore of El Capitan State Beach, near the city of Goleta, Santa Barbara County; for pipelines transporting crude oil/water emulsion, a treated water outfall line, and power cables. CEQA Consideration: not projects. (PRC 7163.1) (A 37; S 19) (Staff: K. Foster)

C49 CATALINA ISLAND CAMPS, INC. (LESSEE): Consider revision of rent to Lease No. PRC 6455.1, a General Lease - Commercial Use, of sovereign land located in the Pacific Ocean, at Howlands Landing, Santa Catalina Island, Los Angeles County; for a fixed pier, two gangways, three floating boat dock segments, seasonal swim area, swim platform, and mooring stringline; and the use and maintenance of one individual mooring; used in conjunction with the upland camp facility. CEQA Consideration: not a project. (PRC 6455.1) (A 70; S 26) (Staff: L. Pino)

C50 CITY OF REEDLEY (LESSEE): Consider application for an amendment to Permit No. PRC 6927.9, a General Lease - Public Agency Use, of sovereign land located in the Kings River, city of Reedley, Fresno County; for the rehabilitation and expansion of the existing boat launch facilities at Cricket Hollow Park; and to rename it from a permit to a lease. CEQA Consideration: Mitigated Negative Declaration,

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approved by the City of Reedley, State Clearinghouse No. 2016031065, and adoption of a Mitigation Monitoring Program. (PRC 6927.9; RA# 07116) (A 31; S 14)(Staff: L. Pino)

C51 JOHN R. KEEFNER AND LORI SCHAFFER (ASSIGNOR); FLAVIO S. JAEN (ASSIGNEE): Consider application for the assignment of Lease No. PRC 3570.1, General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 17011 Bolero Lane, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3570.1; RA# 09516) (A 72; S 34)(Staff: L. Pino)

C52 DOUGLAS ARDEN DANIELS AND LA RAE DANIELS (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3602 Venture Drive, city of Huntington Beach, Orange County; for the continued use and maintenance of an existing boat dock, access ramp, cantilevered deck, and bulkhead protection. CEQA Consideration: categorical exemption. (PRC 8282.1; RA# 10016)(A 72; S 34) (Staff: L. Pino)

C53 JOHN C. VAUGHN AND SANDRA K. VAUGHN, TRUSTEES OF THE VAUGHN FAMILY TRUST, DATED SEPTEMBER 26, 1996. (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16731 Carousel Lane, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, two cantilevered decks, and bulkhead protection. CEQA Consideration: categorical exemption. (PRC 8246.1; RA# 09616) (A 72; S 34)(Staff: L. Pino)

C54 ROBERT ISAACS AND MICHELE ISAACS, TRUSTEES OF THE ISAACS FAMILY REVOCABLE TRUST DATED JANUARY 31, 1995 (LESSEE): Consider revision of rent to Lease No. PRC 3167.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16552 Somerset Lane, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered

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deck. CEQA Consideration: not a project.
(PRC 3167.1) (A 72; S 34) (Staff: J. Toy)

C55 WARREN I. MITCHELL AND NANCIE LEE MITCHELL
(LESSEE): Consider revision of rent to Lease No. PRC
3573.1, a General Lease - Recreational Use, of
sovereign land located in the Main Channel of
Huntington Harbour, adjacent to 16921 Bolero Lane,
city of Huntington Beach, Orange County; for an
existing boat dock, access ramp, and cantilevered
deck. CEQA Consideration: not a project.
(PRC 3573.1) (A 72; S 34) (Staff: J. Toy)

C56 ROBERT P. MANIACI AND MARY M. MANIACI, AS
TRUSTEES OF THE ROBERT P. AND MARY M. MANIACI FAMILY
TRUST, DATED JULY 14, 1993 (LESSEE): Consider revision
of rent to Lease No. PRC 3173.1, a General Lease -
Recreational Use, of sovereign land located in
Huntington Harbour, adjacent to 16642 Somerset Lane,
city of Huntington Beach, Orange County; for an
existing boat dock, access ramp, and cantilevered
deck. CEQA Consideration: not a project. (PRC 3173.1)
(A 72; S 34) (Staff: J. Toy)

C57 TRINIDAD ISLAND HOMEOWNERS ASSOCIATION (LESSEE):
Consider revision of rent to Lease No. PRC 5258.1, a
General Lease - Recreational Use, of sovereign land
located in Huntington Harbour, city of Huntington
Beach, Orange County; for 60 boat slips, nine access
ramps, and periodic maintenance dredging. CEQA
Consideration: not a project. (PRC 5258.1) (A 72; S
34) (Staff: J. Toy)

C58 PC LANDING CORP., A WHOLLY-OWNED SUBSIDIARY OF
NTT COMMUNICATIONS CORPORATION (LESSEE): Consider
revision of rent to Lease No. PRC 8152.1, a General
Lease - Non Exclusive Right-of-Way Use, of sovereign
land located in the Pacific Ocean, offshore of Grover
Beach, San Luis Obispo County; for two steel conduits
and two fiber optic cables. CEQA Consideration: not a
project. (PRC 8152.1) (A 35; S 17) (Staff: J. Toy)

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C59 AT&T CORP., A WHOLLY-OWNED SUBSIDIARY OF SBC COMMUNICATIONS, INC. (LESSEE): Consider revision of rent to Lease No. PRC 2984.2, a General Lease - Right-of-Way Use, of State-owned school land located within a portion of Section 36, Township 12 North, Range 5 East, SBM, southwest of Baker, San Bernardino County, for an existing underground coaxial telephone cable line. CEQA Consideration: not a project. (PRC 2984.2) (A 33; S 16) (Staff: C. Hudson)

C60 A-Z FARMS, INC. (APPLICANT): Consider application for a General Lease - Agricultural Use, of State-owned Indemnity school land located within a portion of Section 9, Township 11 South, Range 14 East, SBM, southwest of Niland, Imperial County; for farming. CEQA Consideration: categorical exemption. (PRC 8668.2; RA# 06316) (A 40; S 56) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

C61 CALIFORNIA STATE LANDS COMMISSION: Consider delegating authority to the Executive Officer to execute a Division Order acknowledging the State's 1/16th royalty mineral interest from the production of oil and gas attributed to the Gatchell Prospect parcel located in the southeast quarter of Section 20, T17S, R17E, MDM, near Five Points, an unincorporated area of Fresno County. CEQA Consideration: not a project. (W 40988) (A 31; S 14) (Staff: N. Heda, J. Fabel)

C62 CP DEVELOPMENT COMPANY (APPLICANT): Consider application for a Non-Exclusive Geological Survey Permit on filled tide and submerged lands near Hunters Point adjacent to San Francisco Bay, San Francisco County. CEQA Consideration: categorical exemption. (W 6005.172; RA# 14416) (A 17; S 11)(Staff: R. B. Greenwood)

MARINE ENVIRONMENTAL PROTECTION - NO ITEMS

ADMINISTRATION

C63 CALIFORNIA STATE LANDS COMMISSION: Consider delegating authority to the Executive Officer to amend an existing agreement for legal services. CEQA

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Consideration: not a project. (C2016-46) (A & S: Statewide) (Staff: J. Fabel,A. Abdela)

LEGAL

C64 CALIFORNIA STATE LANDS COMMISSION, THE SEA RANCH ASSOCIATION (PARTIES): Consider delegating authority to the Executive Officer to enter into an agreement for the long-term loan of a steam valve from the Klamath shipwreck near The Sea Ranch, an unincorporated community in Sonoma County. CEQA Consideration: not a project. (W 27069) (A 10; S 3) (Staff: J. Garrett, N. Lee)

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS - NO ITEMS

LEGISLATION AND RESOLUTIONS - SEE REGULAR

V INFORMATIONAL

65 CALIFORNIA STATE LANDS COMMISSION: Legislative report providing information and a status update concerning state and legislation relevant to the California State Lands Commission. CEQA Consideration: not applicable.(A & S: Statewide) (Staff: S. Pemberton, M. Moser)

VI REGULAR CALENDAR 66-68

66 CALIFORNIA STATE LANDS COMMISSION: Consider opposing federal legislation that would prohibit states from regulating incidental vessel discharges, including ballast water, within state waters and prevent states from enforcing corresponding provisions of federal law. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)

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67	CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation (SB 44, Jackson) that would create a legacy oil and gas well and coastal hazard removal and remediation program in statute and provide funding to the Commission to administer it. CEQA Consideration: not applicable. (A & S: Statewide)(Staff: S. Pemberton)	27
68	CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of the 2017 Category 1 Colorado River benchmark rental rate for sovereign land in San Bernardino, Riverside, and Imperial Counties. CEQA Consideration: not a project. (W 27072) (A 33, 56; S 16, 28, 40) (Staff: K. Foster)	29
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IX	CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE FOLLOWING PURSUANT TO GOVERNMENT CODE SECTION 11126:	62
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	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 Seacliff Beach Colony Homeowners Association v. State of California, et al.	

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

United States v. Walker River Irrigation
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United States v. 1.647 Acres

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

Little Beaver Land Company, Inc. v. State of
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City of Goleta v. California State Lands
Commission

World Business Academy v. California State
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et al.

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. The Commission may provide instructions to
negotiators regarding proposed amendments to oil
and gas leases held by Venoco, Inc., Santa
Barbara County. Negotiating parties: Venoco,
Inc., State Lands Commission; Under negotiation:
terms.

C. OTHER MATTERS:

THE COMMISSION MAY ALSO CONSIDER PERSONNEL ACTIONS TO
APPOINT, EMPLOY, OR DISMISS A PUBLIC EMPLOYEE AS
PROVIDED FOR IN GOVERNMENT CODE SECTION 11126(A)(1).

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P R O C E E D I N G S

1
2 CHAIRPERSON NEWSOM: Good. We'll call this
3 meeting of the State Lands Commission to order. All the
4 representatives of the Commission are present. I'm Gavin
5 Newsom and joined today by Commissioner Yee and
6 Commissioner Ortega.

7 For the benefit of those in the audience, the
8 State Lands Commission manages State property interests in
9 over 5 million acres of land. The Commission also has
10 responsibility for prevention of oil spills and
11 preventing -- it sounds ominous. The theater in the
12 round. All right -- prevention of oil spills and the
13 prevention of introduction of invasive species. And
14 today, we're going to hear requests and presentations
15 involving the land resources within the jurisdiction of
16 the Commission.

17 The first item of business as always is the
18 adoption of minutes for the Commission meeting that we
19 held on December 6th. Is there a motion to approve the
20 minutes?

21 COMMISSIONER YEE: So moved.

22 ACTING COMMISSIONER ORTEGA: Second.

23 CHAIRPERSON NEWSOM: Second.

24 Without objection the motion is approved.

25 And next order of business is the Executive

1 Officer's Report.

2 EXECUTIVE OFFICER LUCCHESI: Good morning.

3 CHAIRPERSON NEWSOM: Good morning.

4 EXECUTIVE OFFICER LUCCHESI: So I have a couple
5 things to update the Commission on. First, is the
6 Governor's budget. On January 10th, the Governor released
7 his proposed budget for fiscal year 2017-18. The
8 Commission's proposed budget is \$39.254 million. And of
9 this, about 14 and a half million is from the general
10 fund, while 13 and a half is from the Oil Spill Prevention
11 and Administration Fund. There are also appropriations
12 from the Marine Invasive Species Control Fund, the School
13 Land Bank Fund, and the Kapiloff Land Bank Fund. The
14 budget is also predicated on reimbursements of about \$5.4
15 million.

16 In addition, the Commission received increased
17 funding for the Bolsa Chico Lowlands Restoration Project,
18 \$1 million; another 700,000 for the abandonment of the
19 Becker Well -- Becker onshore well in Summerland;
20 approximately \$470 million for Selby Slag remediation.
21 I'm sorry, 470 million.

22 ASSISTANT EXECUTIVE OFFICER CONNOR: No, 470,000.

23 EXECUTIVE OFFICER LUCCHESI: 470,000. I thought
24 that was --

25 CHAIRPERSON NEWSOM: Yeah, a million is a

1 little --

2 (Laughter.)

3 EXECUTIVE OFFICER LUCCHESI: 470,000 for the
4 Selby Slag site remediation. That's in the Carquinez
5 Strait; the Records Digitization and Indexing Project
6 about 200,000; and the Long Beach office relocation we
7 received about \$1.4 million. Our Long Beach offices are
8 going to need to be relocated because the lease that we're
9 currently in is expiring.

10 Next, I want to just update the Commission on
11 direction that they provided to staff in December relating
12 to establishing a working group with various stakeholders
13 for monitoring and understanding better the air quality
14 issues surrounding the Ports of L.A. and Long Beach. We
15 have scheduled that first working group meeting. And that
16 will occur on March 7th in Long Beach.

17 San Diego -- an update to the San Diego Pilot
18 Ocean Planning effort. Since completing the development
19 of the partnership workplan last year in December,
20 Commission and Port staffs continue to conduct preliminary
21 activities and collaboration related to phase 1 of the
22 workplan, consisting of the public engagement and outreach
23 framework, data collection, and planning area boundary
24 decisions. Port and Commission staffs are convening a
25 kick-off meeting on -- tomorrow on February 8th to assign

1 roles and responsibilities, identify staffing resources
2 availability, and discuss a number of housekeeping
3 decisions like web hosting, data information sharing
4 platforms and facilitation.

5 We are also scheduled to participate in a meeting
6 in San Diego on the 13th of February with Port staff and
7 other member agencies of the West Coast Regional Planning
8 Body, including the Navy, Coast Guard, Ocean Protection
9 Council, and the Coastal Conservancy.

10 Recognizing the important of this initiative, as
11 evidenced by the Commission's direction last year, we are
12 pleased to introduce 2 new Sea Grant Fellows that will be
13 integral to us being able to meet the Commission's goals
14 as it relates to the ocean planning effort. Esther
15 Essourdry and Jaimie Huynh, can you guys stand up? I know
16 that you're in the audience there. They're our 2 new Sea
17 Grant Fellows. And as we are well aware, they bring
18 invaluable expertise, knowledge, and motivation, and
19 excitement to our staff on these issues of climate change
20 science, wetlands ecology, blue carbon, environmental
21 justice and water quality.

22 And also, in the next upcoming weeks, we're going
23 to be conducting interviews for an environmental scientist
24 position to act as the lead technical coordinator for this
25 ocean planning partnership. So we're really trying to

1 staff up using our existing resources to ensure the
2 success of this pilot planning effort.

3 CHAIRPERSON NEWSOM: Hey, Jennifer, just out of
4 curiosity, just in terms of the open positions within your
5 staff, do you have a lot of vacancies or -- I mean, how is
6 the staffing looking?

7 EXECUTIVE OFFICER LUCCHESI: We are -- where we
8 have the most challenges in terms of our open positions is
9 in our inspector positions down in Southern California.
10 Those are inspector positions to go out and inspect our
11 offshore oil and gas facilities, and as well as auditors
12 to come in and do financial audits of our leases. Those
13 are where we find the most challenges in terms of filling
14 our positions.

15 CHAIRPERSON NEWSOM: And why do you suppose?

16 EXECUTIVE OFFICER LUCCHESI: A number of reasons.
17 Primarily though, the qualifications of the applicants
18 meeting those minimum qualifications coupled with salary.
19 We just -- the State just doesn't pay enough to be able to
20 lure those folks from the private sector into State
21 government.

22 COMMISSIONER YEE: So with respect to the auditor
23 classes, I think we might want to do some work with
24 respect to having CalHR look at that particular
25 classification. This is not just unique to the State

1 Lands Commission, as you know.

2 EXECUTIVE OFFICER LUCCHESI: Right.

3 COMMISSIONER YEE: So I want to be sure that as
4 they're looking at the various needs for auditors
5 throughout State government, that the State Lands
6 Commission types of positions are considered as part of
7 the whole examination about compensation and how we
8 recruit for those.

9 CHAIRPERSON NEWSOM: So you guys -- you're having
10 similar challenges?

11 COMMISSIONER YEE: We are. We are. We have some
12 of the lowest paid auditors in the State Controller's
13 Office, which seems a little strange that we have a -- you
14 know, because we such a statewide reach, but we are --
15 we're not even competitive with respect to other State
16 agencies that have auditors. So if we can get some parity
17 within State government, that would be great.

18 EXECUTIVE OFFICER LUCCHESI: Excellent. We're
19 follow up with you on that.

20 CHAIRPERSON NEWSOM: And then on the inspector
21 side, I mean it's the same. I mean, the salary, at the
22 end of the day, and beyond the qualifications, the same
23 issue.

24 EXECUTIVE OFFICER LUCCHESI: Right. Right. And
25 we can follow up with the Commission with a more detailed

1 look at our open inspector and auditor positions, the
2 vacancies, along with how long they've been vacant, and
3 kind of our -- the history and how we've tried to fill
4 those in the past.

5 CHAIRPERSON NEWSOM: Yeah, I'd be -- I mean, you
6 know, without overindulging, I mean, obviously we're here
7 to help. And there's ways we can help leverage or sort of
8 engage in a different kind of conversation with our
9 friends over at Finance.

10 (Laughter.)

11 CHAIRPERSON NEWSOM: Then it's certainly worth
12 it. If -- I mean, if these are truly serious issues. I
13 mean, we hate -- you know, obviously, it's one thing in
14 the usual turnover may be a couple months, but, I mean, if
15 you've got some vital functions, self-evidently we've got
16 to fix that.

17 EXECUTIVE OFFICER LUCCHESI: No, I would love to
18 bring this more into the spotlight to see if there is
19 something that can be done, because especially not -- I
20 mean, what we're talking about with our financial auditors
21 is ensuring that the State is receiving the appropriate
22 rental and royalties.

23 COMMISSIONER YEE: Right.

24 EXECUTIVE OFFICER LUCCHESI: So there is a direct
25 connection in terms of being able to increase efficiencies

1 that will benefit the general fund.

2 And then in addition with the inspectors,
3 the -- those folks are actually going out and ensuring
4 that our offshore oil and gas operations, the transfers
5 that are happening at our marine oil terminals are being
6 done in a way that protects the State and -- from
7 liability, protects the environment, protects the health
8 and safety of our public, so...

9 CHAIRPERSON NEWSOM: Great. Thank you.

10 EXECUTIVE OFFICER LUCCHESI: I will follow up
11 with you on that. Thank you.

12 CHAIRPERSON NEWSOME: Appreciate that.

13 EXECUTIVE OFFICER LUCCHESI: Commission staff
14 participate on a number of climate action teams, or CATs,
15 including the Forest Climate Action Team. The Commission
16 has a stake in the forest carbon plan being prepared by
17 the FCAT, because of the Commission's ownership interest
18 in forested school lands as well as navigable rivers
19 within forested lands of the State.

20 The draft -- there is a draft Forest Carbon Plan
21 that's being developed under the leadership of the
22 administration. We're participating in that. And it's
23 going -- it is assessing forest conditions across the
24 State, and outlines a vision and strategy, including
25 specific implementation goals to improve the health and

1 resilience of forested lands.

2 The FCAT team has released a public review draft
3 for this Forest Carbon Plan in January, and it will also
4 hold a public workshop in February next week. And the
5 FCAT expects to release a final plan late spring of this
6 year. So we will continue to bring updates to the
7 Commission on this. We don't have a lot of school
8 lands -- forested school lands, but we do have some. And
9 so we have been an active participant this effort, not
10 only to help bring data and information to the development
11 of the plan, but also then to see where we might fit in in
12 benefiting from the implementation of the plan. So we
13 will be updating the Commission as public comments come
14 in, and as the plan gets refined because of those
15 comments.

16 I also wanted to highlight a couple of river
17 conservancy programs that the State Lands Commission
18 participates in, one in which we are board member and have
19 participated in since its inception, and one that's just
20 getting started.

21 As you know, the State Lands Commission sits on a
22 number of boards and commissions, not as many as the
23 Controller and Finance, but we're getting up there, and
24 primarily because we are a significant landowner in a lot
25 of these areas.

1 We are a voting member of the San Joaquin River
2 Conservancy. And that's a board that meets every month,
3 and particularly has a mission of expanding and enhancing
4 access to the San Joaquin River, along with increasing
5 environmental benefits that the river environment
6 provides.

7 This is a conservancy that we have staffed with a
8 long-time valuable member of our team, Mike McKown, who's
9 actually a retired annuitant. And he's been sitting on
10 that Board for the State Lands Commission for over a
11 decade or longer.

12 There are, however, a number of important
13 projects coming up in front of the Conservancy over the
14 next year dealing primarily with public access, and
15 increasing public access to -- to a large swath of the
16 community -- communities of Fresno County.

17 So because of the Commission's focus on public
18 access, I, along with my Assistant Executive Officer Colin
19 Connor, will be participating in the San Joaquin River
20 Conservancy Board meetings and following those projects a
21 lot more carefully than we have in the past, A, because we
22 do have a systematic loss of institutional knowledge, as
23 Mike is a retired annuitant, but also because of the
24 public access issues that will become a higher priority as
25 those projects come before the San Joaquin River

1 Conservancy, in particular the Eaton Trail Extension
2 Project. So you'll be hearing more about that as time
3 goes on this year.

4 Last year, the legislature passed, and the
5 Governor signed, AB 1716, which created the Lower American
6 River Conservancy Program. This -- and the State Lands
7 Commission is a member of the advisory board that will be
8 created to advise the program that will be housed under
9 the Wildlife Conservation Board. This is just getting
10 started, so I believe the executive director, Director
11 Donnelly of the Wildlife Conservation Board is meeting
12 with all of the advisory board members to identify who's
13 going to participate in this program, and how it's all
14 going to be set up.

15 I am scheduled to meet with him next week on
16 this, but you will start to hear more and more about our
17 participation in this conservancy program. So I just
18 wanted to give the heads up to the Commission on that.

19 And finally, in December of last year, the
20 Commission asked for an update on what staff's priorities
21 will be for 2017, particularly as it relates to the
22 strategic plan. So I'm going to talk a little bit about
23 what our priorities are.

24 But before I get into that, I want to also
25 highlight that the Controller hosted a public workshop

1 with approximately 30 stakeholders of the Commission to
2 hear from them about how the Commission did this past year
3 in the first year of implementation of the strategic plan,
4 as well as hear from them directly about what some of the
5 priorities should be in the upcoming year relating to the
6 strategic plan.

7 So some of the stakeholders were representatives
8 from the major ports of California, including Oakland, San
9 Francisco, Los Angeles, Long Beach, and San Diego; public
10 utility companies such as LADWP and PG&E. The oil
11 industry was represented through WSPA, California
12 Resources Corporation and Venoco. And we also had a
13 significant amount of both individual participants, whose
14 focus is on public access, as well as more kind of broad
15 environmental nongovernmental organizations like
16 Surfrider's and Environment California and others.

17 So it was -- it is a very broad-based stakeholder
18 group, which often have competing interests, but came
19 together with some -- I thought some very productive and
20 substantive suggestions and thoughts, and many of which
21 helped inform staff in terms of what our priorities will
22 be this year.

23 So I don't know Controller Yee, if you wanted to
24 speak to that at all, that workshop, or I can go on with
25 our priorities.

1 COMMISSIONER YEE: Just briefly. So I think it's
2 been really instructive and informative to keep this as a
3 pretty stakeholder driven process with respect to our
4 strategic plan and certainly our planning priorities going
5 forward.

6 What I was very heartened by was really looking
7 at what traditionally have been competing interests being
8 in the room and some organic kind of collaboration
9 beginning to develop on some of the issues that we're
10 dealing with.

11 EXECUTIVE OFFICER LUCCHESI: Right.

12 COMMISSIONER YEE: So very promising. And I just
13 really want to thank everyone for participating, because
14 our work is only as robust as, you know, the input that we
15 get from our stakeholders.

16 EXECUTIVE OFFICER LUCCHESI: Right, right. I
17 want to just mention quickly about what was primarily on
18 the stakeholder's mind, because I think it's -- it
19 reflects also what's on the Commission's mind, both the
20 Commission itself and staff.

21 I think the main theme was just the concern that
22 all the stakeholders expressed, including our port
23 partners over how the new administration's policies may
24 affect the State. And that's obviously with regards to
25 climate change and sea level rise, but also marine

1 invasive species protection and trade through our ports.
2 And so that was a pretty solid underlining theme.

3 But there was also other aspects to that
4 discussion as it relates to sea level rise and climate
5 change about, on one hand, coastal armoring and wanting to
6 see less of that in certain areas, but recognizing that
7 there are other urban waterfront areas, like San
8 Francisco, where there needs to be an increase investment
9 into the seawall there, in order to protect some valuable
10 industries and infrastructure.

11 And so there was this kind of back and forth
12 about that concept and how we pay for that, also, not so
13 surprising, the need to inventory orphan legacy wells,
14 also about increasing public access opportunities, and
15 also the need for more data collecting devices like drones
16 and other technologies to monitor changes in the
17 environment. So the meeting lasted about 2 and a half
18 hours, and it was, I thought, incredibly productive.

19 CHAIRPERSON NEWSOM: That's great.

20 EXECUTIVE OFFICER LUCCHESI: So in terms of
21 staff's priorities for the upcoming year, I'm not going
22 to -- we can relate it back to the strategic plan in terms
23 of specific targeted outcomes, but I'm not going to do
24 that because it's just a bunch of numbers, that if you're
25 not following, you'll get lost in.

1 So I'll just describe some of those efforts.
2 First, on our list is to begin the effort to develop a
3 school lands fund investment plan. And that will start
4 with this year issuing an RFP to hire a consultant to
5 develop the school lands investment plan. So we will keep
6 the Commission updated on that.

7 Next is to expand our efforts and obtain funding
8 for our inventory and remediation of legacy wells, and
9 coastal hazards. We are also going to expand efforts to
10 inventory and remediate legacy abandoned mines on school
11 lands under the Commission's jurisdiction in the desert.

12 We have a huge effort that's being led by our
13 legal department, but involves all of our Divisions, and
14 that's to update our regulations, particularly as they
15 relate to the transfer of oil products, and also drilling,
16 and operations regulations updates.

17 We are expanding our social network tools to
18 include Twitter and Flickr. And so you'll start to see
19 that a little bit more. And we are also looking to
20 establish secure, stable, and long-term funding for the
21 Bolsa Chica Lowlands Restoration Project. We are working
22 to prepare and disseminate a legal guide to public rights
23 on and to California navigable waters, and a companion
24 public brochure for coastal and inland waterways.

25 We're looking to expand our efforts to acquire

1 public access properties along the coast, particularly in
2 Southern California using our Kapiloff Land Bank Fund.

3 We are also -- as I mentioned before, our biggest
4 efforts is going to be on the ocean pilot -- Ocean
5 Planning Pilot Program, and getting that set up for the
6 next 4 years basically of work. And we are going to
7 continue the Commission's efforts to implement climate
8 change and sea level rise awareness and adaptation.

9 The top of our list is a couple years ago the
10 legislature passed and the Governor signed a bill, AB 691,
11 that requires our legislative grantees, that generate
12 revenue over a certain amount, to prepare an assessment of
13 sea level rise and climate change on their State Trust
14 lands. That report is due in 2019 to the Commission.

15 So while we have been talking with our grantees
16 about that requirement since that legislation was passed,
17 we're starting a more robust renewed effort to help our
18 grantees. So there's a lot of information out there.
19 They don't need to go out and reinvent the wheel. So
20 leveraging our partnerships with the NGO community like
21 The Nature Conservancy, along with our State and federal
22 agencies, to give our trustees the tools that they need to
23 be able to meet that legislative requirement.

24 We're also continuing to expand our internal
25 staff training on sea level rise and climate change,

1 because we really think that with the Commission's both
2 jurisdiction as well as our geographic reach from the
3 coast all the way to the Colorado River and Lake Tahoe
4 that we have a real opportunity to educate the public on
5 climate change and sea level rise, and really help them
6 prepare, especially those mom and pop marinas in the
7 delta, to start thinking ahead and getting positioned to
8 prepare for sea level rise impacts.

9 We are also looking at a plan to continue our
10 participation with the various agents -- State agency
11 groups on planning for and identifying data relating to
12 sea level rise and climate change, including the Climate
13 Action and Safeguarding California Implementation teams.

14 And finally, we are working closely with the
15 Coastal Commission staff on efforts to more formally
16 formalize our collaborative working relationship in terms
17 of how we process and interact with applicants in the
18 coastal zone, because we typically, our 2 agencies,
19 receive applications for the same project involving the
20 same piece of property. And in order to both effectively
21 advance State policy goals, but also make it as efficient
22 for the applicant and give certainty of process to the
23 applicant, there's a lot of work that the Coastal
24 Commission and State Lands Commission can do to help
25 formalize that coordination to be just more effective and

1 be more service friendly to our public.

2 And finally, we are -- we'll continue to develop
3 and expand our relationships with California native
4 American tribes, and ensure compliance with AB 52, and the
5 Commission's recently adopted Tribal Consultation Policy.

6 That concludes my report. Thank you.

7 CHAIRPERSON NEWSOM: Thank you.

8 COMMISSIONER YEE: So, Jennifer, I think there
9 were -- there seemed to be interest, on the part of the
10 stakeholders, after our meeting to look at some focused
11 attention on a number of areas.

12 EXECUTIVE OFFICER LUCCHESI: Right.

13 COMMISSIONER YEE: And, first, I think the
14 stakeholders are getting comfortable with one another to
15 where they did express a desire to come back annually to
16 do the same thing as what they did in December.

17 EXECUTIVE OFFICER LUCCHESI: Right.

18 COMMISSIONER YEE: Secondly, there seemed to be
19 pretty broad agreement about having a focused working
20 group developed around issues of public access.

21 EXECUTIVE OFFICER LUCCHESI: Right.

22 COMMISSIONER YEE: And then thirdly, really
23 beginning to get our arms around the issue of sea level
24 rise, particularly its impact on ports and the integral
25 part that ports will play, you know, with respect to those

1 issues. So are those going to get formed, I guess, during
2 -- over the course of the year or how do you envision
3 that?

4 EXECUTIVE OFFICER LUCCHESI: Yeah. So I -- if I
5 recall correctly, there was a desire by the group to
6 establish subcommittees --

7 COMMISSIONER YEE: Yes.

8 EXECUTIVE OFFICER LUCCHESI: -- that would
9 explore public access, air quality, and climate change and
10 sea level rise more fully. So we are working to identify
11 how best to identify those subcommittee members, and then
12 move forward in a meaningful way.

13 I think probably most pressing is the public
14 access subcommittee, because we are -- we do have a draft
15 document that legal guidelines document that we are
16 working with the Attorney General's office on. And
17 particularly what I heard was a desire from our public
18 access advocate friends that, instead of reacting to a
19 document, they wanted to be more involved in the
20 development of that.

21 And so given where we are in terms of the process
22 that we've made -- progress that we've made, and then how
23 to bring them -- fold them into that loop, we're figuring
24 that out.

25 COMMISSIONER YEE: Okay. Good.

1 CHAIRPERSON NEWSOM: And, Jennifer, we talked a
2 little bit off line about efforts back in, I think it was,
3 2002 --

4 EXECUTIVE OFFICER LUCCHESI: Right.

5 CHAIRPERSON NEWSOM: -- was it on Environmental
6 Justice.

7 EXECUTIVE OFFICER LUCCHESI: Right.

8 CHAIRPERSON NEWSOM: There was a report that came
9 out at the Commission. And imagine, was that the first
10 report that was done on environmental justice --

11 EXECUTIVE OFFICER LUCCHESI: Yes.

12 CHAIRPERSON NEWSOM: -- 15 plus years now --

13 EXECUTIVE OFFICER LUCCHESI: Right.

14 CHAIRPERSON NEWSOM: -- old. So obviously time
15 to dust it off and reconsider. Any new thinking based on
16 our private conversation you can make more public in terms
17 of thoughts around updating that plan.

18 EXECUTIVE OFFICER LUCCHESI: Right. I think that
19 there -- that it is time to update our environmental
20 justice policy. And we have been doing a lot of internal
21 thinking about not only how to update the policy itself,
22 but then how do we engage the public and develop an
23 implementation plan, so that a policy just doesn't sit on
24 our shelf, but we actually are implementing it, not only
25 in our environmental documents, which we have been doing

1 since 2002, but in the actual decisions that the
2 Commission is making on individual leases to more broader
3 efforts, like whether its our working group on air quality
4 in the Ports of L.A. and Long Beach, but also our
5 involvement on other boards and commissions on projects,
6 and making sure that's a part of both staff and the
7 Commission's decision-making process.

8 CHAIRPERSON NEWSOM: All right. Do -- any of
9 your sister agencies, any work that you're aware of as it
10 relates to EJ policy?

11 EXECUTIVE OFFICER LUCCHESI: Well, I am aware of
12 California EPA has an incredibly robust environmental
13 justice policy. And I would -- or -- and program. It's
14 not just a policy. It's a very robust program that hits
15 on all different levels, whether it's advising agencies on
16 how they may incorporate environmental justice concerns
17 and thoughts into their own decision making to funding
18 certain opportunities. And I would say they're probably,
19 from what I can tell, the leading State entity on this
20 subject matter. So we have been consulting all of the
21 information that they have in terms of resources on their
22 website, and we hope to get in touch with them as we
23 fulfill the direction to update our environmental justice
24 policy again focusing on implementation.

25 CHAIRPERSON NEWSOM: That's great. So when --

1 and just give us a rough timeline and how we're going to
2 start this out.

3 EXECUTIVE OFFICER LUCCHESI: Yeah. Well, I think
4 what I would like to propose is that we come as early as
5 April with an initial draft policy and implementation
6 plan, and not necessarily for adoption by the Commission,
7 but as an opportunity to hear from the public, similar to
8 how we approached our strategic plan. And then with a --
9 depending on the public comments we received from that,
10 come back either in August or October -- excuse me, June
11 or August or October with a final plan -- with a final
12 policy and plan.

13 CHAIRPERSON NEWSOM: Okay. Love it. And so
14 April. That's great. Good. Ambitious.

15 EXECUTIVE OFFICER LUCCHESI: Um-hmm.

16 CHAIRPERSON NEWSOM: Appreciate it.

17 Anything else you want to add?

18 EXECUTIVE OFFICER LUCCHESI: No.

19 CHAIRPERSON NEWSOM: Anyone else?

20 EXECUTIVE OFFICER LUCCHESI: That concludes my
21 report.

22 CHAIRPERSON NEWSOM: Great. We'll move on -- I
23 think the next order of business is -- we haven't even got
24 to the consent calendar. So adoption of the consent
25 calendar. Are there ANY items we -- anyone wishes to

1 move -- remove?

2 EXECUTIVE OFFICER LUCCHESI: I don't have any
3 requests to remove any of the consent items, except for I
4 would like to remove Item 6.

5 CHAIRPERSON NEWSOM: Item 6.

6 EXECUTIVE OFFICER LUCCHESI: And that's it.

7 CHAIRPERSON NEWSOM: That's it. Any -- nothing.

8 COMMISSIONER YEE: Hmm-um.

9 CHAIRPERSON NEWSOM: Is there any public comment
10 on the consent calendar?

11 Seeing none. We'll close public comment.

12 Is there a motion to adopt the remainder of the
13 consent calendar?

14 COMMISSIONER YEE: So moved.

15 ACTING COMMISSIONER ORTEGA: Second.

16 CHAIRPERSON NEWSOM: Moved and seconded.

17 And so we'll pull item number 6, and now get to
18 the regular calendar. You want to just jump right into
19 Item 6.

20 EXECUTIVE OFFICER LUCCHESI: Well, no, we're
21 removing it completely.

22 CHAIRPERSON NEWSOM: Oh, you're just removing it
23 completely. You want to get rid of it.

24 (Laughter.)

25 CHAIRPERSON NEWSOM: You want it to go away.

1 EXECUTIVE OFFICER LUCCHESI: I wouldn't
2 characterize it that way.

3 (Laughter.)

4 CHAIRPERSON NEWSOM: You don't want to ever see
5 it again.

6 (Laughter.)

7 EXECUTIVE OFFICER LUCCHESI: We're going to
8 remove it from the calendar in order to hear it at a later
9 date.

10 CHAIRPERSON NEWSOM: Uh-huh.

11 (Laughter.)

12 EXECUTIVE OFFICER LUCCHESI: But other than that,
13 the consent agenda is ready to be adopted.

14 CHAIRPERSON NEWSOM: Perfect. Good. Yeah. We
15 just moved and seconded. So we just adopted.

16 So the next item is the regular calendar. Item
17 66.

18 EXECUTIVE OFFICER LUCCHESI: Yeah, Item 66. And
19 Sheri Pemberton of our staff will be making a brief staff
20 presentation.

21 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
22 PEMBERTON: Thank you. This item recommends that the
23 Commission adopt an oppose position on federal
24 legislation, the Commercial Vessel Incidental Discharge
25 Act that would preempt State authority to address

1 commercial vessel pollution. The purpose of the bill is
2 to address concerns from the maritime industry about
3 potentially duplicative roles for how large vessels manage
4 ballast water and other incidental discharges into State
5 waters.

6 But the legislation by eliminating State
7 authority to take actions necessary to protect our State
8 waters and by eliminating our enforcement authority would
9 weaken our ability to protect against invasive species
10 discharge from ballast water of large ships.

11 Just briefly, the legislation adopts the
12 International Maritime Organization's existing ballast
13 water performance standards, and would leave them in place
14 until 2022. It provides for review of these standards
15 every 10 years by the Coast Guard, who could choose to
16 revise them based on a practicability review, which places
17 commercial shipping interests on the same footing as
18 environmental protections.

19 The bill also exempts from any pollution control
20 vessels operating within a broadly defined geographical
21 limited area, which would kind of render vast stretches of
22 ocean waters unprotected. The legislation also jettisons
23 Clean Water Act protections and State authority under the
24 Non-Indigenous Aquatic Nuisance Protection and Control
25 Act, which is based on the notion that states and the

1 federal government should partner to protect -- to prevent
2 the introduction and spread of aquatic invasive species.

3 I just close by saying that San Francisco Bay is
4 the most heavily invaded estuary in the world. And
5 California is home to 3 of the most -- biggest ports in
6 the country. So we -- our staff has been at the forefront
7 of protecting our water from invasive species from large
8 ships. Our scientists are looked as leaders throughout
9 the world.

10 And this legislation would kind of obliterate our
11 program and weaken our protections. So we ask that you
12 oppose the federal legislation and any similar
13 legislation.

14 CHAIRPERSON NEWSOM: Yeah, I have feeling there
15 will be many more of these coming in front of the
16 Commission.

17 Yeah. Fabulous. Any comments?

18 Any public comment on this item?

19 Seeing none. We'll close public comment.

20 Appreciate -- yeah, I mean, it goes without
21 saying this is -- this is why we're here. So
22 enthusiastically oppose.

23 Any motion to approve this --

24 COMMISSIONER YEE: Yeah. I'll move to adopt the
25 staff recommendation to oppose the legislation.

1 ACTING COMMISSIONER ORTEGA: Second.

2 CHAIRPERSON NEWSOM: Second.

3 Thank you. So ordered.

4 Next item on the agenda, Item 67, correct?

5 EXECUTIVE OFFICER LUCCHESI: It's 67, and Sheri
6 will present this item as well.

7 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
8 PEMBERTON: Thank you.

9 Item 67 addresses State legislation, SB 44, by
10 Senator Jackson that would create a legacy oil and gas
11 well inventory program and provide funding to the
12 Commission to do a comprehensive inventory of legacy oil
13 and gas wells predominantly in Southern California off the
14 coastline to assess the rates and amounts of potentially
15 leaking oil, and also look at the reasons and information
16 about natural oil seeps in that area.

17 The goal of the bill is to protect our coastal
18 resources, address ongoing and significant presence of oil
19 in Southern California on the beaches, and improve public
20 access. The bill also allows the Commission -- not
21 allows, but provides the Commission in cooperation with
22 the Department of Conservation can begin remediating any
23 legacy oil and well -- oil and gas wells that are
24 identified as leaking.

25 So the recommendation is to adopt a support

1 position. The bill was introduced in December and has
2 been referred to the Senate Natural Resources and Water
3 Committee, and is awaiting a hearing. We're not aware of
4 any support or opposition I believe at this time.

5 CHAIRPERSON NEWSOM: And for full disclosure,
6 last year the Governor did veto a similar bill.

7 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
8 PEMBERTON: Yes.

9 CHAIRPERSON NEWSOM: And so just very briefly
10 tell us why we should expect something differently this
11 year?

12 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
13 PEMBERTON: Yes. Last year, the governor directed -- or
14 vetoed similar legislation and directed staff to work with
15 the Department of Conservation to develop a comprehensive
16 inventory to first get that baseline information that
17 would help inform staff's work to do the later
18 remediation.

19 As you heard at our meeting in December, I think
20 from staff, we did that initial stage of the inventory,
21 but were not able to go further and really quantify the
22 problem without additional funding to do the kind of
23 aerial surveys and diving to get that information.

24 So we're hopeful that with that information and
25 building off of that, that would be the basis for the bill

1 being successful this year.

2 CHAIRPERSON NEWSOM: Okay. Jennifer, anything
3 you want to add?

4 EXECUTIVE OFFICER LUCCHESI: The only thing I
5 will add even -- although there isn't official support on
6 the bill itself, the Commission did receive support
7 letters from the City of Goleta, and the Mayor of Goleta
8 supporting the position's support position on this bill.

9 (Laughter.)

10 CHAIRPERSON NEWSOM: Wonderful. Well done.
11 Great.

12 Any additional comments or a motion to approve?

13 COMMISSIONER YEE: I'll move to support SB 44.

14 CHAIRPERSON NEWSOM: Great. And you're going to
15 abstain?

16 ACTING COMMISSIONER ORTEGA: Yeah, I will abstain
17 from the motion.

18 CHAIRPERSON NEWSOM: Perfect. And I certainly
19 support. So we'll move that item forward after I request
20 of all of you a willingness to speak on this item?

21 Seeing none. We'll close public comment.

22 And we'll move that item forward unanimously.

23 Thank you. One abstention.

24 That moves us to Item number 68.

25 EXECUTIVE OFFICER LUCCHESI: Our staff member,

1 Ken Foster will be giving our presentation on this item.

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

4 CHAIRPERSON NEWSOM: And just to remind anybody
5 that wishes to speak on public comment at the end. If you
6 haven't filled out a form, it would be helpful to do so.
7 I've got a number of them, but just want to make sure
8 everybody gets that done.

9 Thank you.

10 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: Good
11 morning, Chair Newsom and Commissioners. My name is Ken
12 Foster. I'm the manager of the Southern California region
13 for the Commission's Land Management Division. And I'm
14 here to present information on Calendar Item 68.

15 --o0o--

16 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER:
17 Calendar item 68 includes a recommendation that the
18 Commission approve an update to the Category 1 Colorado
19 River benchmark, which applies to leases on the Colorado
20 River in San Bernardino, Riverside, and Imperial counties.

21 --o0o--

22 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: Before
23 I discuss the benchmark values themselves, I want to
24 provide you with some background information about
25 benchmarks and why the Commission uses them for

1 calculating rent. The use of benchmarks is authorized by
2 the California Code of Regulations under section 2003 of
3 Title 2, Administration.

4 Benchmarks are used to establish uniform rental
5 rates in specific geographic areas with large
6 concentrations of similar facilities. Benchmarks improve
7 consistency, transparency, predictability and staff
8 efficiency in the calculation of rent within the
9 geographic areas they cover.

10 Commission appraisal staff generally updates
11 benchmarks every 5 years. The benchmarks are the
12 foundation for the recommended rental rates approved by
13 the Commission for individual lease authorizations and
14 rent revisions. The benchmark being considered today was
15 established in 2012.

16 --o0o--

17 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: This
18 map shows the various areas within the Commission's
19 jurisdiction where benchmark rates are applied. The area
20 I'll be discussing is covered by the Category 1 benchmark
21 designated by the red oval at the bottom of the map.

22 --o0o--

23 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: This
24 table lists the Commission's current benchmark rates for
25 each of the areas shown on the previous map. The

1 benchmark subject to this recommendation is highlighted in
2 red near the top. The Commission conducted a similar
3 review of the 2016 Category 1 Southern California
4 benchmark, and 2016 Category 2 Huntington Harbor benchmark
5 rates at its October 13th, 2016 meeting.

6 --o0o--

7 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: As the
8 table shows, 4 benchmarks, including the subject of this
9 presentation, are due for updates in 2017. This table and
10 the previous map are available for viewing on the
11 Commission's website.

12 --o0o--

13 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: The
14 current 2012 Category 1 benchmark applies to docks, piers,
15 buoys, and similar facilities and is set at \$0.146 per
16 square foot.

17 --o0o--

18 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: In
19 order to determine the new 2017 Category 1 Colorado River
20 Benchmark rate, Commission appraisal staff conducted
21 surveys with commercial marina operators in the counties
22 covered by the benchmark. Staff initially investigated 20
23 marinas, but found that only 5 were suitable for
24 comparison purposes.

25 For example, several of the marinas only rent

1 slips on a daily or short-term basis, while others only
2 allow use by private resort members or guests. The 5
3 surveys shown here provide long-term moorage and therefore
4 more similar to the use of a private dock like those that
5 would be coming under lease.

6 An analysis of the data indicates that commercial
7 marinas in the survey area feature an average berth length
8 of 24 feet, and charge an average monthly rental rate of
9 \$7.02 per linear foot.

10 Converted to an annual basis, the average renter
11 income received by a marina operator for an average berth
12 in the survey area is approximately \$2,022.

13 --o0o--

14 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER:

15 Commission appraisal staff previously conducted a
16 study to determine the percentage of value attributable to
17 marina income by the use of sovereign land. The study
18 concluded the 5 percent value factor shown here. When
19 applied to the annual income rate, the value attributable
20 to the use of sovereign land by berth of 24 feet is
21 approximately \$101

22 The final step in the calculation uses a report
23 prepared by the California Department of Boating and
24 Waterways, which identifies 590 square feet as the area
25 required by a 24-foot berth. Dividing the \$101 value

1 obtained in the previous staff by the 590 square feet area
2 identified in the DBW report yields the 2017 Category 1
3 Colorado River Benchmark rate of \$0.171 per square foot.

4 --o0o--

5 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: This
6 slide shows a comparison between rental amounts using the
7 2012 benchmark rate versus the 2017 rate for
8 representative general lease recreational and protective
9 structure use with an encroachment area of 965 square feet
10 authorized by the Commission in 2012.

11 The lease area is located in the community of Rio
12 Buena Vista on the Colorado River in the City of Needles.
13 Based on the 965 square foot lease area, rent was
14 calculated at \$140 per year using the 2012 rate. Rent
15 would be \$165 per year if the 2017 rate is applied.

16 --o0o--

17 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: Staff
18 recommends approval of the 2017 Category 1 Colorado River
19 Benchmark rental rate effective as of today.

20 --o0o--

21 PUBLIC LAND MANAGEMENT SPECIALIST FOSTER: Thank
22 you. And staff is available to answer questions.

23 CHAIRPERSON NEWSOM: Any questions?

24 Pretty straightforward.

25 Any public comment on this item?

1 Seeing none.

2 Straightforward as this is, we'll get complaints
3 later.

4 (Laughter.)

5 CHAIRPERSON NEWSOM: Not now.

6 Is there a motion to move this item?

7 COMMISSIONER YEE: So moved.

8 ACTING COMMISSIONER ORTEGA: Second.

9 CHAIRPERSON NEWSOM: Seconded.

10 Without objection, we'll move it forward.

11 What -- what do we have left, Jennifer?

12 EXECUTIVE OFFICER LUCCHESI: Public comment.

13 CHAIRPERSON NEWSOM: Public comment.

14 EXECUTIVE OFFICER LUCCHESI: Right.

15 CHAIRPERSON NEWSOM: I think so. So that's it.

16 So I've got a bunch of public comment cards, and
17 in no particular order -- well because I had this --
18 Francis, yours first. I can't read. Is it Francis Coats?

19 Coats, yes. Come on up, if you're still here.

20 You were the first one. And then I will ask, let's see
21 here, Edward -- and I'm terrible with what this says.

22 Edward Stancil and then Helen Horn.

23 Sir.

24 MR. COATS: Hello, I'm Francis Coats. I wanted
25 to talk about Article 1, Section 25 of the State

1 Constitution that provides that no land owned by the State
2 will be sold without reserving in the people the right to
3 fish thereupon. This was added in 1910 by a popular vote.
4 And since that time, at least in school lands and in lieu
5 lands transactions, the State -- the support of the State
6 Lands Commission and its predecessors always reserved
7 these rights to fish for 100 years.

8 There are hundreds of thousands of acres of land
9 in California subject to this burden, or which benefit, if
10 you're the public. There is no way for the public to get
11 this information, unless they ask you really. I mean,
12 they could do individual title searches tract by tract,
13 but you have indexes by land location showing which land
14 is subject to this right to fish that's in the public.
15 You could make that available on your website. It
16 wouldn't be that difficult. You could scan in the static
17 indexes. It wouldn't be electronic gee whiz flashy, but
18 they would be there on the internet and people could look
19 up by county, township, range, and section to find out if
20 there was any land there they could go fishing on. There
21 are hundreds of thousands of acres that's already indexed
22 by location.

23 I'd also ask you to reserve these fishing rights
24 upon land exchanges. The language of the constitutional
25 provision covers transfers of land. It's a constitutional

1 provision, so it can't be limited or restricted by normal
2 legislation.

3 You should be reserving the fishing rights when
4 you swap land for land. That is a transfer. And given
5 that land is valuable, when you exchange land for land,
6 that actually looks like a sale too.

7 There is apparently a legal opinion, possibly
8 from the Attorney General, that staff relies upon to say
9 that land exchanges are not covered by this constitutional
10 amendment. I've looked at everything I can look at, and I
11 can't see that it's possible that there's a good legal
12 opinion that says that. But if there is a legal opinion
13 that the Commission is relying upon to take that position,
14 it would be nice if the public could see it. At this
15 point, the staff feels it's confidential and won't let
16 anyone see it.

17 I think you have to make available to the public
18 the rationale you based the decision on. And if your
19 decision is to not impose the reservation on land
20 exchanges, you need to let the public know the rationale.
21 And if the rationale is that Attorney General's opinion,
22 that's what we need to see.

23 One other point before I leave you is that if
24 there are lands that have been transferred and the
25 reservation was not made, there's a significant risk that

1 those are void and there's a tremendous hair ball of a
2 problem accumulating over time.

3 Thank you.

4 CHAIRPERSON NEWSOM: Appreciation it.

5 Just, Jennifer, on the issue of the website and
6 transparency as it relates to fishing rights, is that
7 something that can be accomplished?

8 EXECUTIVE OFFICER LUCCHESI: I will -- I'm sure
9 it is something that can be accomplished. I'll have to
10 talk with staff to see -- you know, to look into that a
11 little bit further, and I can report back to the
12 Commission.

13 I will say thought real quick --

14 CHAIRPERSON NEWSOM: On the second part.

15 EXECUTIVE OFFICER LUCCHESI: Well, I'll address
16 that too, but I wanted to talk about just our historical
17 records and what we're doing -- the process that we're
18 engaged in now both to preserve those historical documents
19 and make them available on our website.

20 In fact, I mentioned it when I was talking about
21 the Governor's budget, and we did receive some funding to
22 continue the process of our -- of our records management
23 project. And the types of documents that Frank is talking
24 about is just one example of the vast amount of historical
25 documents that we have housed in our agency that date back

1 to prior to Statehood, and that we actually use on a daily
2 basis to do the work that we do for the Commission.

3 And so it's a top priority for us and for the
4 Commission to be able to digitize inventory, digitize and
5 make those documents available on -- publicly and
6 internally through -- electronically, so that we can
7 continue to use them in our everyday business, but then
8 also be able to preserve those documents appropriately
9 with State Archives and other entities.

10 So this is a top priority for the Commission,
11 and -- but I will specifically look into the index that
12 Frank was mentioning and see if we can do something a
13 little bit more quickly than kind of our more larger
14 comprehensive effort to preserve the Commission's
15 documents.

16 On the constitutional reservation of the public's
17 right to fish, Frank has brought this to our attention.
18 We do have actually our former chief counsel and executive
19 officer working with Frank and the Attorney General's
20 office to get to the bottom of this issue. So we're in
21 the process of investigating the concern that Frank raised
22 and how we might address it.

23 CHAIRPERSON NEWSOM: Fabulous. I appreciate
24 that.

25 Edward and then Helen Horn. Thank you. Followed

1 by Jennifer Savage.

2 MR. STANCIL: So I'm not going to talk about
3 this. My wife is. But you guys can read it over while I
4 fumble through my stuff.

5 Anyway, we were here before. We're Docktown
6 residents. We liveaboard. Everybody knows us. We're the
7 cute couple who have houseboats on Redwood Creek.

8 I've been there since '96. My wife has been with
9 me since probably 2000 or something like that. And we've
10 got 3 boats in Docktown. We have 2 liveaboard slips that
11 are considered legal liveaboard slips. They're licensed
12 by the city. They're not part of BCDC. We'd like to
13 retain those slips.

14 We could move other places. You've asked us to
15 work with the city. We went to the city. They do not
16 want to work with us. They came up with a Docktown plan,
17 which was mostly relocation. You have to leave type deal.

18 We wrote -- I wrote my plan, 4 pages. It's a
19 great plan. They didn't respond to it. They won't give
20 us a planner. There is 5 other marinas. There's only
21 50 -- there was 60 boats. Now, they're down to 58,
22 because 2 people have died, and they're slowly
23 attritioning our community to nothing.

24 We're not allowed to sell our boats. We're not
25 allowed to bring new people in. And we're a work-based

1 community. You come by there during work hours, there's
2 no cars in the parking lot because everybody is working.
3 And then -- and so -- Redwood City has no -- no staying
4 power with our thing, so they've been forced into a
5 lawsuit, I guess, that tied their hands and this article
6 says that.

7 We, as a community, had to counter sue them,
8 because they didn't follow their own charter. So we're
9 going to see what happens with that. But once you sue
10 your landlord, it's pretty much over with whatever you
11 have going, but you are our landlord. It is State Lands
12 that we're on. There's only 52 of us residents left.

13 We need to preserve our right to live on the
14 water that we've had for over 50 years on that creek. And
15 over -- since 1859, there's been people living in Redwood
16 City on barges, on houseboats, and on boats. So it's not
17 something that just like, oh, where did you guys come
18 from. We pay \$50,000 a month to the city.

19 And in my plan, which I emailed you, I have a
20 thing here where we could go ahead and sign a lease
21 directly with you, if that's possible, and pay you guys
22 the money that the city doesn't want to take, and use that
23 for whatever.

24 But the one problem that I see here at State
25 Lands is that if you're a millionaire and you have a Lake

1 Tahoe house, which is over \$2 million, and you want to put
2 your yacht out in front of your house, then you can go
3 ahead and rent a buoy from you guys. And then me walking
4 down the beach trying to fish with my buddy Frank here,
5 it's like, oh, it's private beach. You can't do that.
6 That's my boat. You know you're -- you can't walk across
7 my dock that I'm paying money for.

8 So we're not millionaires, but we'd like to have
9 the same respect that you give the millionaires.

10 Thank you very much.

11 CHAIRPERSON NEWSOM: Got it. I appreciate it.
12 Thank you.

13 Helen, you're up next. Thanks. Again, followed
14 by Jennifer Savage.

15 MS. HORN: Okay. We were here a year ago, and we
16 were advised -- and we listened to everybody discuss the
17 you recommend that the city work with us in helping us
18 find a way to either stay or find -- or relocate. And
19 they have -- they went and hired a group from Southern
20 California -- or they're all over the State, but they're
21 relocation committees. And they're not -- most of what
22 they presented to us, they're not qualified people.

23 We asked for a boat surveyor. They got some guy
24 from Florida who doesn't even recognize the houses he's
25 been on and the boat -- the floating homes, which we have

1 boats, but he has float -- floating homes.

2 He's not even familiar with anything to do with
3 that. They've intruded on people's properties. They --
4 when they came on our boat, which is a -- one of our
5 boats, which is a trawler, which has -- it looks like a
6 regular trawler you go bop around the bay in, which we
7 take to, you know, Fleet Week and things like that. It
8 has 2 -- a foredeck, and a foreroom, and a book room, and
9 a main salon.

10 We had 4 guys walk on that boat, one with a
11 backpack. There's nowhere to walk around the boat with a
12 backpack. And they're bumping around into things like --
13 you know, what are you guys doing in here?

14 So then last week they sent us a letter -- or 2
15 weeks ago, we want -- by the 9th, we want -- which is 2
16 days from now -- we want all of you to have met with us
17 and talked to us again.

18 Okay. We were the first people who offered to
19 talk to them because we wanted to get on a page where we
20 were cooperative and wanted to understand how they were
21 doing things. They refused to give us any information
22 that we presented with them. He -- Edward has sent things
23 to them, requests and comparable prices of boats around
24 the bay, around, you know, the State, and they will not
25 talk to us about anything. They say, well, my boss knows.

1 I don't know. We don't know. They don't know.

2 And there's no way to directly get an answer from
3 any of them. And they did have to bring in attorneys to
4 try to get this a little bit more straightforward. They
5 wanted to preserve a bay trail, which is -- I love bay
6 trail. I'm a Department of Boating and Waterways dock
7 walker. I love taking care of the water. I love people
8 being -- getting onto it. That's my whole goal in life.
9 Martin's Beach was one of my big babies, because I grew up
10 there.

11 We need to find a way to make a bay trail
12 logical. They want to run the bay trail through this
13 little promontory they ran when they redistricted the
14 little area there for building Pete's Harbors into a large
15 private community. The harbor that used to be for
16 everybody. Now, it's totally just one little group.

17 The attorney that started all this came from that
18 group. He supports them, and then another group. And so
19 he is working with every single -- every single entity
20 that's trying to develop, and the city as well. And the
21 lawsuit that they said up, which was a \$4.5 million
22 lawsuit that he filed with unknown people calling
23 themselves Citizens for the Public Trust, they rolled over
24 and they gave it to them right away. They said we can't
25 afford to have a lawsuit.

1 So he was -- he took \$1.5 million and went down
2 and bought himself a piece of property in Panama. And he
3 comes back and forth to check on this, when they discussed
4 the Environmental Impact Report, which he requested, but
5 he wanted a little one. They gave him a big one, and he
6 got very upset with us, so he filed another lawsuit.

7 CHAIRPERSON NEWSOM: Ms. Horn, let me --

8 MS. HORN: I'm out of time.

9 CHAIRPERSON NEWSOM: -- just because -- yeah.
10 And I'm -- and I -- and I appreciate the seriousness to
11 which both of you take this issue and certainly have
12 followed it for years now. And I want to respect that.
13 And so what -- if it's okay with you, can we engage
14 directly at the staff level and take advantage of the fact
15 you guys drove all the way up here --

16 MS. HORN: Thank you very much.

17 CHAIRPERSON NEWSOM: --- and walk through this in
18 a little bit more detail and specificity.

19 MS. HORN: Thank you.

20 CHAIRPERSON NEWSOM: Okay. I appreciate it,
21 Helen. Thank you.

22 Jennifer Savage. And then followed by Sandy --
23 and I'm sorry, I can't read any writing here. Maybe I do
24 need glasses after all.

25 (Laughter.)

1 MS. SAVAGE: Hi. Jennifer Savage, Surfrider
2 Foundation. Good morning, Commissioners. Thank you as
3 always for your time and your dedication to the Public
4 Trust.

5 As was mentioned earlier, Surfrider found --
6 Surfrider Foundation attended the recent stakeholder
7 meeting. And I wanted to echo what a positive experience
8 it was. In addition to the updates and presentations, I
9 always appreciate the opportunity to connect with people
10 in person. So I wanted to thank Controller Yee and staff
11 for convening the meeting and including the NGO community.

12 On behalf of Surfrider, I also wanted to thank
13 the Commission for your strong stance regarding no new
14 offshore oil drilling in federal waters, as confirmed by
15 your December resolution. Surfrider's volunteers and
16 staff have spent years to prevent new drilling throughout
17 the country, and particularly in California have helped
18 ensure that stringent regulations and laws are in place to
19 prevent spills and leaks and the environmental damage that
20 they cause.

21 Given the change in the federal administration,
22 maintaining a strong anti-oil pro-coastal protection
23 message is critical. So I wanted to further thank
24 Controller Yee for the statement of opposition to any
25 expanded drilling in State waters, particularly regarding

1 the future of Platform Holly.

2 The proposal by Venoco to adjust and expand its
3 lease boundary would increase the danger of oil spills and
4 leaks in critical marine habitat, including a State Marine
5 Protected Area, and would further subject the City of
6 Goleta and residents of Santa Barbara County to risks
7 they've struggled to diminish for decades now, which is
8 simply not fair.

9 There is no public appetite for this proposal.
10 Indeed, there is unified opposition to it within the
11 environmental community and beyond. I urge the Commission
12 as a whole to reject further attempts by Venoco, and
13 anyone else for that matter, to undue the State's promise
14 of no new drilling in State waters, and to not compromise
15 our message to the federal government and to support the
16 citizens of Goleta, Santa Barbara, and the State as a
17 whole.

18 Thank you very much.

19 CHAIRPERSON NEWSOM: Thank you.

20 Sandy, you're up. Thank you. Followed by
21 Kathryn Phillips.

22 MS. AYLESWORTH: Good morning, Commissioners. My
23 name is Sandy Aylesworth. And I'm here on behalf of the
24 Natural Resources Defense Council.

25 I wanted to thank the State Lands Commission and

1 Commissioner Yee for 2 items. The first was I wanted to
2 State -- thank the State Lands Commission for its December
3 2016 resolution in support of the Obama Administration's
4 ban on new oil and gas drilling in the Pacific. And then
5 also thank Controller Yee for her statement of opposition
6 last week to Venoco's application to expand the boundary
7 of its oil and gas lease in the South Ellwood Field.

8 California's continued role as a national leader
9 in combating climate change will be critical during the
10 Trump administration. Just as California has led the
11 nation with its landmark climate change legislation, the
12 Global Warming Solutions Act of 2006, and SB 350, and SB
13 32 last year, California must unwaveringly reject new or
14 expanded fossil fuel extraction.

15 The Commission's December resolution and Governor
16 Brown's December MOU with Department of the Interior
17 demonstrate the State's strong commitment to reducing CO2
18 emissions and growing the renewable energy economy.

19 Venoco has claimed that expanding Platform Holly
20 would be an environmental win by proposing to shut down
21 the facility earlier than planned in exchange for drilling
22 into a new area. Yet, the expansion would enable
23 increased oil extraction and production and imperil the
24 surrounding marine and coastland habitats, which would
25 pose a threat to fisherman and Santa Barbara's nearly \$2

1 billion tourism industry. The lease expansion would
2 extend into the Campus Point Marine protected area and
3 other ecological -- other ecologically sensitive areas.

4 Given that warming waters, ocean acidification,
5 and pollution already threaten the health of our State
6 water, a lease expansion that piles on additional
7 stressors is too great a threat for us as conscientious
8 citizens to allow. Expanding oil extraction in State
9 waters would contradict the spirit of Governor Brown's
10 renewable energy MOU and the Commission's December
11 resolution.

12 Once again, I would like to thank the Commission
13 and Controller Yee for their public actions to oppose new
14 oil and gas drilling, and in so doing, protecting
15 California's marine resources and supporting the millions
16 of California residents and visitors who treasure our
17 coast.

18 Thank you very much for the opportunity to
19 comment.

20 MS. PHILLIPS: I'm Kathryn Phillips, director of
21 the Sierra Club California. I represent about 158,000 --
22 158,000 members in California. Sierra Club has a long
23 history of opposing offshore drilling, so it will come as
24 no surprise to any of you that we oppose Venoco's proposal
25 to expand its oil drilling boundaries around Platform

1 Holly, which would effectively increase oil drilling in
2 State waters.

3 As the previous speakers have already noted, this
4 would have deleterious effects on the environment,
5 increase in oil production, increase in greenhouse gas
6 production, increased threats to wildlife, but it would
7 also signal -- send a signal to the Trump Administration
8 that California's shoreline is open to oil drilling,
9 despite the December resolution regarding federal --
10 drilling in federal waters.

11 I appreciate the State Lands Commission's
12 Executive Director's report earlier about -- that
13 indicated how seriously the State Lands Commission staff
14 and Commission is taking climate change. And we thank --
15 I thank, and my organization thanks the Commission for its
16 December resolution. And, Controller Yee, we thank you
17 for your recent statement opposing expansion of the Venoco
18 oil drilling.

19 And we ask that the Commission direct an equally
20 strong signal to the State Lands Commission staff to
21 reject any new drilling in State waters and any new
22 proposals for drilling in State waters. We must not allow
23 oil drilling in our State waters.

24 Thank you.

25 CHAIRPERSON NEWSOM: Thanks.

1 Next -- I wanted to just say that project is
2 dead, but that would be -- that would be my opinion --

3 (Laughter.)

4 CHAIRPERSON NEWSOM: -- which I guess I can
5 express.

6 (Laughter.)

7 CHAIRPERSON NEWSOM: As the Controller expressed
8 hers in writing, I'll do it more publicly.

9 That said, we have still more public comment.

10 Theresa Simonds -- Simsiman.

11 MS. SIMSIMAN: Yes.

12 CHAIRPERSON NEWSOM: Simsiman. That's it.

13 MS. SIMSIMAN: Thank you for taking the time to
14 get that right.

15 CHAIRPERSON NEWSOM: Grateful. Thank you.

16 MS. SIMSIMAN: Appreciate it. My name is Theresa
17 Simsiman. I am the California stewardship director for
18 American Whitewater.

19 And I first wanted to echo my thanks for being
20 invited to the strategic planning stakeholder meeting. I
21 found it very informative and most importantly open. So I
22 do appreciate that.

23 American Whitewater is a national nonprofit
24 organization dedicated to conserving and restoring our
25 countries whitewater resources and to enhancing

1 opportunities to enjoy them safely. We have over 6,000
2 members and 100 affiliate clubs across the nation,
3 including our California affiliate clubs, Chico
4 Paddleheads, Gold Country Paddlers, Shasta Paddlers, and
5 Loma Prieta Paddlers.

6 Our members are typically non-commercial
7 kayakers, rafters, and canoeists that regularly paddle
8 rivers throughout California.

9 American Whitewater is one of a handful of NGOs
10 that actively works on public access to our rivers, so I
11 come here today to give the Commission some
12 in-the-trenches reasons why the completion of Section 1.3
13 specifically 1.3.2 in the strategic plan is imperative to
14 our work of protecting public access to our waterways.

15 Access to California's navigable rivers continues
16 to be eroded. State and local agencies are still failing
17 in their legal responsibilities to protect access to
18 rivers at bridges, bridge reconstruction sites,
19 subdivision development, and where State lands have been
20 sold.

21 Transparency is the key in terms of laws, policy,
22 and information. Without transparency, such as what was
23 requested by Frank Coats on Article 1, Section 25, the
24 records of our right to access and enjoy California rivers
25 are disappearing.

1 On any given river, we must contend with multiple
2 jurisdictions. For example, on a reach on the Cosumnes
3 River, I deal with 4 jurisdictions. And each of them has
4 their own interpretation on public access. El Dorado
5 County and Amador County allowed a landowner the put a
6 fence up Latrobe Road bridge, which we had to spend a lot
7 of our resources and times[sic] to get removed.

8 If you go down to the middle of this river
9 section, you encounter Sacramento County, who has just
10 informed us that there's no public easement at a bridge
11 that they will soon replace using federal highway funds.

12 And then finally at the end of this reach, you
13 have to deal with the subdivision of Rancho Murieta, who
14 has security guards claiming policing authority to stop
15 river egress at the Highway 16.

16 People versus Sweetser established lawful acts as
17 to a river where a public road or bridge easement across
18 private property intersects a waterway. Yet, with the
19 replacement of our aging infrastructure, new bridges over
20 rivers across California are being planned or constructed
21 without the thought to public river access, unless you
22 have a large stakeholder presence, and usually involving
23 expensive attorneys.

24 Lacking the bandwidth to approach all bridge
25 projects in the same manner we feel -- fear many historic

1 access points will be lost.

2 It is our hope that the Commission continues to
3 complete this part of the strategic plan, and we look
4 forward to working with you.

5 Thank you.

6 CHAIRPERSON NEWSOM: Grateful. Appreciate that.

7 We have 3 remaining public speakers, all on a
8 different item.

9 Miles Muller, followed by, I'm sorry, Faaris
10 Akremi, come on up guys, and then Shannon Galvin.

11 MR. MULLER: We're actually reversing the order
12 so Shannon goes first.

13 CHAIRPERSON NEWSOM: Are you?

14 MR. MULLER: And Miles will be last.

15 Perfect Miles. It's all yours.

16 MS. GALVIN: Good morning, Commissioners. My
17 name is Shannon Galvin and I'm a law student in the
18 Stanford Environmental Law Clinic. I am here on behalf of
19 the City of Marina, which submitted written comments by
20 Mayor Delgado prior to this meeting on the Cemex mine.

21 In October, this -- the Commission heard public
22 comment from Surfrider about the Cemex mine. And we know
23 that the staff has been working on these issues. We are
24 here to -- on behalf of the City of Marina to urge the
25 State Lands Commission to work with its staff to take

1 action.

2 I'll first describe some particulars of the mine
3 itself, and my colleagues will follow up with discussing
4 the geological and economic impacts, and how the mine
5 impacts the Public Trust.

6 The Cemex sand mine is a sand dredging and
7 processing operation located on the shores of the Monterey
8 Bay in the City of Marina. The operation dredges sand
9 from an artificial pond located between the shoreline and
10 dunes. This pond acts as a sand sink drawing on sand
11 during particular high tides and annual storms. A suction
12 dredge in the pond extracts sand from the pond floor and
13 feeds it to a processing plant via a pipe.

14 The Cemex sand line -- mine is the last of its
15 kind on the Monterey coast. At one point, 6 sand mines
16 operated in Monterey. In the 1980s, the other 5 mines
17 closed as their permits from the U.S. Army Corps of
18 Engineers expired. The Army Corps did not renew the
19 permits because they found that the beach sand mining
20 caused coastal erosion.

21 Nevertheless, the Cemex mine has continued to
22 operate extracting roughly 20,000 cement trucks worth of
23 sand per year. The mine began operations in 1906. In
24 1960s, the State Lands Commission issued a lease for the
25 mine. Since the 1970s, however, Cemex has operated

1 without a State Lands Commission lease. The mine has no
2 permit from the Coastal Commission, no permit from the
3 City of Marina, and no lease from the State Lands
4 Commission.

5 Its operations, however, have significant impacts
6 on the Monterey coast. The Cemex mine removes sand from
7 the southern Monterey littoral cell, which is the most
8 erosive coast in California. Cemex is considered to be
9 the leading cause of erosion. Numerous State lands are
10 within the Southern Monterey littoral cell, including the
11 Marina Dunes Preserve, Fort Ord's Dunes State Park, and
12 Monterey State Beach.

13 The Cemex mine is responsible for about 2 feet of
14 erosion per year of these public spaces. Thus, an
15 additional 4.36 acres of beach space disappears each year
16 the Cemex mine operates.

17 As the Cemex mine continues to operate, the
18 Monterey coast is rapidly eroding and the City of Marina
19 urges the State Lands Commission to work with its staff to
20 take action, recognize sand is a Public Trust resource,
21 and fulfill its Public Trust duty.

22 MR. AKREMI: Good morning, Commissioners. My
23 name is Faaris Akremi with the Stanford Environmental Law
24 Clinic, also here on behalf of the City of Marina. Like
25 my colleagues, I'd like to respectfully request on behalf

1 of the people of Marina that the State Lands Commission
2 take action regarding the Cemex sand mining facility.

3 As my colleagues have already noted, we believe
4 that the facility is abusing public resources, and that
5 the State Lands Commission has a duty to act.

6 As a final -- as a secondary note on our comments
7 today, I'd like to highlight to the Commission the impacts
8 that the Cemex facility is causing in the Monterey Bay.

9 First, a word on erosion research. As Dr.
10 Douglas Smith and his colleagues at Cal State Monterey Bay
11 found using techniques called stereophotogrammetry and
12 LiDAR, the rate of erosion for 10 sites between the
13 Salinas River mouth and the end of the Monterey Bay are
14 eroding at between 2.3 and 6.6 feet per year.

15 The Naval Post-Graduate School compiled one of
16 the most comprehensive coastal erosion studies to date,
17 and found that the erosion of the Monterey Bay to be
18 between 1 foot per year, at the least impacted site, and
19 just over 5 feet per year at the most impacted site.

20 A study commissioned by Sand City, one of the
21 municipalities along the eastern coast of the Monterey Bay
22 found that Between 1933 and 2003 the average rate of
23 erosion, as the Cemex sand mine operated, was about 3.1
24 feet per year for their coast front.

25 The National Oceanic and Atmospheric

1 Administration conducted a meta-study and identified
2 Cemex's sand mine as quote a significant cause of coastal
3 erosion in the Monterey Bay and concluded that the beach
4 has receded by about 1.5 to 3 feet per year every year
5 since records have been kept, concluding that the cost of
6 -- they also concluded that the cost of responding to
7 these -- to this erosion, like demolishing coastal
8 property, moving it inland, or importing sand to nourish
9 the beach is extremely high.

10 A note on economic costs, which are also
11 staggering. The Association of Monterey Area Governments
12 completed a coastal regional settlement -- sediment
13 management plan for Monterey Bay in 2008. And they
14 assessed that likely damages to commercial, recreational,
15 and public utilities facilities along the eastern side of
16 the bay could cost hundreds of million of dollars.

17 Another study by the Monterey Bay Sanctuary
18 Foundation in conjunction with the Environmental Sciences
19 Associates found that foreseeable costs of erosion at
20 current rates totals near \$800 million in the near future.

21 Honorable Commissioners, because Cemex has
22 operated outside the law for decades, extracting a public
23 resource for profit, and because the State Lands
24 Commission has the power to intervene, on behalf of the
25 City of Marina, Mayor Delgado, and the people of Marina,

1 we respectfully request that you redouble your efforts in
2 this matter.

3 MR. MULLER: Good afternoon, Commissioners. My
4 name is Miles Muller. Like my colleagues, I am also a
5 student in the Stanford Environmental Law Clinic and here
6 on behalf of the City of Marina.

7 We would like to reemphasize at this point that
8 the sand that is being taken and sold by Cemex is a Public
9 Trust resource. This is sand that is coming from the
10 adjacent littoral cell and nearby beaches, and which would
11 otherwise be deposited on downdrift eroding beaches, if
12 not for Cemex's dredge pond and its extraction efforts.
13 Instead, it is being trapped and removed from the natural
14 system, further diverting Public Trust sand from and
15 already sand-starved coastline.

16 This is a Public Trust resource that is being
17 appropriated and sold without any sort of payment, and
18 without any sort of permit or authorization. Not only is
19 Cemex not paying for the value of the sand that it is
20 appropriating, it is not paying for the cost of its
21 operations imposed on the neighboring beaches and
22 communities.

23 Instead, these costs and consequences are
24 borne -- are being borne by the public. The people are
25 the ones paying for the costs of Cemex's operations. And

1 they're paying not just with their wallets, but with their
2 beaches. The people of Marina and the rest of the
3 Monterey coast are left not only with diminished public
4 beaches, but with a diminished coastal economy in the wake
5 of increased erosion.

6 The Commission has an affirmative duty to protect
7 Public Trust resources on behalf of the people of this
8 State. Courts have recognized, as recently as 2 years
9 ago, that sand is a public trust resource, and that the
10 Commission must ensure its protection wherever feasible.

11 There is no dispute here that the sand that Cemex
12 is mining is coming from the Public Trust. Thus, the
13 Commission has an affirmative duty here to protect this
14 Public Trust sand from being stolen from the beaches and
15 the people of the Monterey coast.

16 And so on behalf of the City of Marina and on
17 behalf of the Monterey coast, we are here to ask you to
18 step in and to fulfill these Public Trust obligations, and
19 to protect the future of the Monterey coast from Cemex's
20 exploitive sand mining operation.

21 Thank you.

22 CHAIRPERSON NEWSOM: Appreciate it.

23 Anyone else?

24 I don't have anymore speakers cards. Anyone else
25 here to speak?

1 We'll close public comment. Just briefly,
2 Jennifer, just in the context of outcome X, any thoughts
3 or any --

4 EXECUTIVE OFFICER LUCCHESI: Of the Cemex sand
5 mining operation?

6 CHAIRPERSON NEWSOM: Yeah, Cemex.

7 EXECUTIVE OFFICER LUCCHESI: Yeah, we -- I
8 will -- as staff, we are looking into those operations,
9 and looking at the Commission's jurisdiction as it relates
10 to both the boundary where the extent of the State's
11 ownership in relation to the Cemex operations, as well as
12 the mining of the sand, and as the sand is a Public Trust
13 resource, and identifying the extent upon which the
14 Commission may have jurisdiction in this area.

15 We have conducted, I believe, 4 mean high tide
16 line surveys within the last year and a half, which is a
17 significant amount. In fact, we just sent our surveyors
18 down to the site a couple weeks ago.

19 CHAIRPERSON NEWSOM: Okay.

20 EXECUTIVE OFFICER LUCCHESI: So we are actively
21 investigating --

22 CHAIRPERSON NEWSOM: Great.

23 EXECUTIVE OFFICER LUCCHESI: -- this operation as
24 it relates to the Commission's jurisdiction.

25 CHAIRPERSON NEWSOM: That's great. That's good

1 to know. Okay. Thank you.

2 So I believe that concludes the regular agenda.
3 I think we have one additional item and that's closed
4 session. So we'll move into closed session. And I
5 apologize logistically for everybody that has to get on
6 up. And that will get us to the end.

7 (Off record: 11:18 a.m.)

8 (Thereupon the meeting recessed
9 into closed session.)

10 (Thereupon the meeting reconvened open session.)

11 (On record: 11:39 a.m.)

12 CHAIRPERSON NEWSOM: Great. Thank you all.

13 We'll reconvene the meeting. There's nothing to report
14 out from the closed session. So this will conclude the
15 official meeting.

16 Thank you all.

17 (Thereupon the California State Lands
18 Commission meeting adjourned at 11:40 a.m.)

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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, 2017.

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