



State Lands Commission August Meeting Highlights

This past Commission meeting was noteworthy. Some of the accomplishments include setting in motion the process to close the last coastal sand mine in the continental U.S., delivering a plan to tackle leaking oil wells along the southern California coast, authorizing an agreement between the Commission and the Bolsa Chica Land Trust, anchored on the shared goal of protecting and enhancing the Bolsa Chica wetlands, and authorizing a collaboration to improve management of marine protected areas. Another highlight is that a landmark report was unveiled about the Public Trust Doctrine as a guiding principle for managing and preserving California's coast in the midst of climate change and sea-level rise. Additionally, the Commission, already a leader in government transparency, committed to exploring ways to modernize transparency for its closed session items.

THE END OF COASTAL SAND MINING

The Commission voted unanimously to approve an historic settlement agreement with CEMEX that ends coastal sand mining in Monterey County and in the continental United States. The Commission's approval set in motion the process that will end sand mining at this location and preserve the beach and restore public access. The parties to this milestone agreement, the State Lands Commission, California Coastal Commission, city of Marina, and CEMEX, the sand mine operator, worked assiduously to negotiate an agreement that averts protracted, expensive litigation and that results in shuttering the coastal sand mining operation. The core terms are that the sand mining will cease by December 2020, maximum sand extraction until then is limited to 240,000 tons per year—less than the current rate of 300,000 tons per year, all alleged violations by the Coastal Commission, the State Lands Commission, and the city of Marina are resolved, and CEMEX agrees to sell the site at less-than-market value to a nonprofit or governmental entity that will conserve the land and provide public access. The agreement also allows for the respectful transition of current employees at the operation to help secure their future and the future of their families.

REMEDIATING OFFSHORE LEGACY OIL AND GAS WELLS

The Commission also voted unanimously to take a critical step to remedy leaking oil wells at Summerland Beach in Santa Barbara County. Over the past few years, the State Lands Commission has fought to secure dedicated funding to remediate and properly abandon the Becker well and other leaking wells offshore and near the coastline in Southern California. The Becker well project approval and the Environmental Impact Report certification at the meeting on a 3-0 vote is a major step that will make it possible to properly abandon and remediate the Becker well and other leaking oil wells off of the Santa Barbara and Ventura coastline.

OTHER SIGNIFICANT ACCOMPLISHMENTS

Other significant achievements include approving an agreement between the Commission and the Bolsa Chica Land Trust to seek grant funding in order to develop recommendations about how to adaptively manage the iconic wetlands over the long-term, and approving a collaboration between the Commission, the Marine Protected Area Collaborative Network and other agencies that is designed to enhance management of the State's marine protected areas. The agreement formalized through this action creates a collaborative partnership to inform and support California's Marine Protected Area Network.

The Commission was also briefed about a new landmark consensus report about the Public Trust Doctrine as a guiding principle for managing and preserving California's coast in the midst of climate change and sea-level rise. This report, prepared by members of a working group that the Center for Ocean Solutions convened, which included highly respected experts in this field, is intended to provide a clear interpretation of the Public Trust Doctrine's potential role in climate change adaptation along California's coast. This landmark report describes California's duty and authority under the Public

Trust Doctrine and identifies opportunities for policymakers, coastal managers, and stakeholders to improve the governance and management of our coastal public trust resources and uses amid sea-level rise and climate change.

- [The Public Trust Doctrine: A Guiding Principle for Governing California's Coast Under Climate Change](#)

At the meeting, staff updated the Commission about Rincon Island Limited Partnership's bankruptcy and the estimated timeframe for proceeding with potentially terminating the offshore leases. Since Rincon filed for bankruptcy protection last year, Commission staff has been participating in the proceedings to protect the state's interests.

Staff also updated the Commission about issues related to the Rancho LPG facility in San Pedro and about a revocable permit the Port of Los Angeles issued to Rancho LPG to use a railroad spur on land the Port owns and holds as a Public Trust asset. Even though the Commission lacks jurisdiction over the Rancho LPG facility and the federal government has exclusive authority over the rail spur, more local diligence and clarification may help quell anxiety. The Commission, an agency accustomed to leaning in to the extent it can, will formally request clarification from the Attorney General about its jurisdiction in this situation and encourage the City and Port of Los Angeles to convene stakeholders to focus on ways to assess the risks associated with the facility and the commodities transported to and from it.

As part of its August 17, 2017 Closed Session agenda and specifically related to the litigation *California State Lands Commission v. City and County of San Francisco*, the Commission waived its privilege with respect to the result of its April 23, 2014 vote in Closed Session to pursue litigation concerning San Francisco's Proposition B of 2014. During that April 23, 2014 vote, the Lt. Governor and the Controller were represented by their alternates. Legally, only one of the two alternates could vote. Consequently, the Lt. Governor's alternate abstained. The Controller's alternate and the Director of Finance voted in favor of litigation. The Commission's waiver is limited solely to the privilege for the result of the April 23, 2014 vote information just disclosed. The Commission has not waived the privilege for any attorney-client communications, whether in Closed Session or otherwise, concerning this litigation, or any other confidential attorney-client information concerning the litigation. For context, in pursuing this litigation the Commission is committed to ensuring that the state's valuable and unique public trust lands are managed on behalf of, and accessible to, all California citizens and not just those California citizens that are fortunate enough to live near these precious waterfront lands. In addition, the Commission directed staff to develop recommendations on improving and enhancing public transparency relating to the Commission's Closed Session agendas. The Commission is set to consider these Closed Session disclosure enhancements at its October 19th meeting.

Finally, the Commission, owing to recent Executive Orders from the federal government, has been advocating more fervently to protect the state's sovereign lands and resources. The Commission's Executive Officer, in her Executive Officer report, gave an update about recent advocacy examples. These include letters the Commission sent to the federal government opposing new oil and gas leasing in the Pacific Outer Continental Shelf region in the new national Leasing Program for 2019-2024, opposing rolling back National Marine Sanctuaries protections, and supporting marine national monument designations.

- [Letter opposing including new oil and gas leasing in the Pacific Outer Continental Shelf region in the new national Leasing program for 2019-2024](#)
- [Letter opposing rolling back National Marine Sanctuaries protections and supporting marine national monument designations.](#)