

**STATE OF CALIFORNIA
CALIFORNIA STATE LANDS COMMISSION MEETING
OPEN SESSION MINUTES
FERRY BUILDING MARKETPLACE
PORT COMMISSION HEARING ROOM, 2ND FLOOR
ONE FERRY BUILDING
SAN FRANCISCO, CALIFORNIA 94111**

2:00 PM

February 2, 2004

APPEARANCES

COMMISSIONERS PRESENT

Steve Westly, Controller, Chair
Cruz M. Bustamante, Lt. Governor
Fred Klass, Alternate for Department of Finance

COMMISSIONERS' STAFF PRESENT

Lorena Gonzalez, Alternate for Lieutenant Governor
Cindy Aronberg, Alternate for Controller

STAFF MEMBERS IN ATTENDANCE

Paul D. Thayer, Executive Officer
Jack Rump, Chief Counsel

REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL

Alan Hager, Supervising Deputy Attorney General

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**STATE OF CALIFORNIA
CALIFORNIA STATE LANDS COMMISSION
MINUTES OF THE OPEN SESSION**

MEETING OF FEBRUARY 2, 2004

Controller Steve Westly, Chair, called the regular meeting of the California State Lands Commission to order at 2:01 p.m., at the Ferry Building Marketplace, Board Commission Hearing Room, 2nd Floor, One Ferry Building, San Francisco, California 94111.

The minutes of the December 9, 2003 meeting were approved as presented.

**RECORD OF ACTION TAKEN BY THE
CALIFORNIA STATE LANDS COMMISSION
MEETING OF FEBRUARY 2, 2004**

Calendar Items C07 and C43 were removed from the agenda to be heard at a subsequent meeting.

The recommendation of staff, relative to Calendar Items C01-C06, C08-C25, C27-C42, and C44-49 were approved by unanimous vote of Commission Chair Cruz Bustamante; Controller Steve Westly; and Fred Klass, Commission alternate for Department of Finance.

Calendar Item 26: The Commission was asked to approve a five-year lease for a Duke Energy pipeline. The lease was approved by unanimous vote but amended to reflect: 1) shorten the proposed lease from five years to two years, 2) require that the environmental review necessary for removal or determination by the Commission as to what to do with the physical improvements would be completed -- begun and completed in time so that it would be available at the end of the two-year lease, and 3) that should any reuse of the pipeline be proposed by Duke, such as for a fiber-optic cable, that the Commission charge market-rate rent for use of those facilities, charge Duke that much.

Calendar Item 50 & 51: Commission listened to staff presentation pertaining to the consideration of offers to dedicate access easements in Malibu. The item was approved by unanimous vote.

Regular Calendar Item 52: Commissioners listened to a presentation. This was an informational item, no vote was taken.

**PUBLIC ADDRESSING THE FOLLOWING CALENDAR ITEMS
CALIFORNIA STATE LANDS COMMISSION MEETING**

FEBRUARY 2, 2004

CALENDAR ITEM 26 – DUKE ENERGY

- Steve Goschke, Plant Manager, Morro Bay Power plant

REGULAR CALENDAR ITEMS 50 AND 51 - OTDs

- Peter Douglas, Executive Director, CA Coastal Commission
- Curtis Fossum, Senior Staff Counsel, CSLC
- Alan Hager, Assistant Attorney General

REGULAR CALENDAR ITEM 52 – OCEAN OBSERVING SYSTEMS

- Burr Heneman, Consultant to the Coastal Conservancy
- Linda Sheehan, Director, Pacific Regional Office, Ocean Conservancy
- Paul Siri, represents Commonwealth Ocean Policy Program

PUBLIC COMMENT

- Alec Bash, representing self
- AnneMarie Conroy
- Ruth Gravanis, Public Trust Group
- Kimia Mizany, Save the Bay
- Nan Roth, representing self
- Sandra Threlfall, Waterfront Action