

~ MINUTES ~
CALIFORNIA STATE LANDS COMMISSION
MEETING OF FEBRUARY 1, 2010

COURTYARD BY MARRIOTT EMERYVILLE
5555 SHELLMOUND STREET
EMERYVILLE, CALIFORNIA 94608

APPEARANCES

COMMISSIONERS PRESENT

John Chiang, Controller, Chair
Mona Pasquil, Acting Lieutenant Governor
Cynthia Bryant, Chief Deputy Director for Policy, Department of Finance,
represented Ana J. Matosantos, Director, Department of Finance

STAFF MEMBERS IN ATTENDANCE

Paul Thayer, Executive Officer
Curtis Fossum, Chief Counsel

REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL

Joseph Rusconi, Deputy Attorney General

NOTE: A list of individuals making statements before the Commission and the entities they represent, along with the Executive Officer's Report, are included in a complete transcript of the proceedings, which is on file in the Sacramento offices of the Commission and posted on the Commission's website at www.slc.ca.gov. Also included on the website is the voting record of the meeting with the staff report for each agenda item linked to the respective consent or regular item number.

**RECORD OF ACTION TAKEN BY THE
CALIFORNIA STATE LANDS COMMISSION
MEETING OF FEBRUARY 1, 2010**

State Controller John Chiang, Chair, called the meeting of the California State Lands Commission to order at 10:01 A.M. at the Courtyard by Marriott Emeryville, 5555 Shellmound Street, Emeryville, California 94608; also present were Commissioner Mona Pasquil and Commissioner Alternate Cynthia Bryant.

The Minutes of the December 17, 2009 meeting were approved as presented by a vote of 3-0.

EXECUTIVE OFFICER'S REPORT

Executive Officer Paul Thayer provided a summary of the status of court proceedings against the Blue Whale Sailing School and an action against the Spirit of Sacramento. He also informed the Commission that the fence that interfered with public access to the shore of Lake Tahoe, which the Commission had ordered removed, had in fact been removed.

CONSENT CALENDAR

Consent items C09, C12 and C38 were removed from the agenda and not considered. Consent Item C34 was moved to the Regular Calendar. Consent items C01-C08, C10-11, C13-C33 and C35-C41 were approved as presented by a vote of 3-0.

INFORMATIONAL ITEM

ITEM 42: At the December 2009 meeting the Commission authorized an amendment to lease PRC 8079.9 to allow LADWP to construct sand fences and provide irrigation infrastructure for managed vegetation on a portion of the dry bed of Owens Lake. The Commission asked staff and LADWP to report back at the next meeting with an update on progress and additional proposals for dust control, including a demonstration solar panel project. The Commission was updated on the status of the Phase VII dust control project on the lake bed as well as communications between staff and LADWP involving the approved project and proposed future alternative projects. No application for the demonstration project had yet been submitted.

REGULAR CALENDAR

ITEM 43: A staff presentation was made to the Commission seeking authority to file a lawsuit to eject an unauthorized floating home from Elk Slough near Clarksburg in Yolo County. Commission staff had been attempting to have the structure removed from public trust lands in Courtland for several years. The Commission in December 2007 had

denied issuing a lease to keep the house on state property sought by the prior owner. The prior owner sold the house to Mr. Bishop who then moored it in Elk Slough with the consent of Mr. Soto the upland property owner, who also allowed a gangway to be constructed and provided access to Mr. Bishop across his property. Mr. Bishop testified that he believed his houseboat was a legal use and that it should be allowed to stay in Elk Slough. He also testified that the marinas he contacted would not allow him in. Staff indicated they had sent a list to Mr. Bishop and Mr. Soto indicating marinas that involved lands outside of the Commission's jurisdiction where the floating house would not be in trespass on state property. The Commission directed staff to again send Mr. Bishop a list of marinas that involved lands not involving state lands subject to the public trust doctrine restrictions on private residential use.

The Commission approved the item as presented by a vote of 3-0

ITEM 44: A staff presentation was made regarding AB 634, which would add scuba diving to a list of hazardous activities to Government Code Section 831.7(a). The bill would immunize the State from liability for injuries and property damage associated with scuba diving in state waters. Staff recommended taking a neutral position on the bill. Dean Rewertz, California Ships to Reefs Inc., testified in favor of having the Commission support the bill.

The Commission approved the staff recommendation by a vote of 2-0 (Finance abstained).

ITEM 34 – The Commission was given a staff presentation regarding termination of the current general lease to the City of Martinez for an existing commercial marina and the issuance of a new 46-year general lease, approval of five subleases and approval of an agreement and consent to encumber the lease. Staff and representatives of the city discussed the issue of liveaboards in the proposed marina and the appropriate number appropriate to provide security. Staff indicated it would work with the city to determine whether additional liveboard slips should be authorized and return to the Commission with an amendment of the lease at the next meeting if appropriate.

The Commission approved the staff recommendation by 3-0 vote.

The Commission meeting public session was adjourned at 12:02 P.M.

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

FEBRUARY 1, 2010

ITEM 34 – CITY OF MARTINEZ

Colin Connor, Assistant Chief, Land Management Division,
State Lands Commission

- Mark Ross, City Council Member, City of Martinez
- Philip Vince, City Manager, City of Martinez

INFORMATIONAL ITEM 42 – OWENS LAKE

Colin Connor, Assistant Chief, Land Management Division,
State Lands Commission

- Martin Adams, Los Angeles Department of Water and Power

REGULAR ITEM 43 – UNAUTHORIZED FLOATING HOME

Mary Hays, Public Land Manager, Land Management Division, State
Lands Commission

- Lance Bishop, owner of floating home

REGULAR ITEM 44 – ASSEMBLY BILL 634

Mario De Bernardo, Legislative Liaison/Staff Counsel, State Lands
Commission

- Dean Rewertz, California Ships to Reefs Inc.

PUBLIC COMMENT

- Ruth Gravanis, Public Trust Group
- Sandy Threlfall, Public Trust Group