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MEETING  
STATE LANDS COMMISSION

DEPARTMENT OF TRANSPORTATION  
BASEMENT BOARDROOM  
1120 N Street  
Sacramento, California

ORIGINAL

TUESDAY, MARCH 23, 1982  
10:48 A.M.

Cathleen Slocum, C.S.R.  
License No. 2822

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MEMBERS PRESENT

David Ackerman, Acting Chairperson, representing  
Mike Curb, Lt. Governor

Susanne Morgan, Commissioner, representing  
Mary Ann Graves, Director of Finance

MEMBERS ABSENT

John Jervis, representing Ken Cory, Controller

STAFF PRESENT

Claire Dedrick, Executive Officer

Robert Hight, Chief Counsel

Jack Rump, Assistant Chief Counsel

R. S. Golden, Assistant Executive Officer

J. F. Trout

Curtis Fossum

Joyce Lane

Diane Jones, Administrative Assistant

Jane Smith, Secretary

ALSO PRESENT

N. Gregory Taylor, Assistant Attorney General

Jan S. Stevens, Deputy Attorney General

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ACTING CHAIRPERSON ACKERMAN: Will the State Lands Commission meeting please come to order.

The first item on the agenda is confirmation of the minutes of our meeting of February 9th, 1982. Are there any questions from Commissioners on the minutes?

COMMISSIONER MORGAN: No.

ACTING CHAIRPERSON ACKERMAN: Any comments from the audience?

Without objection, then, the minutes of February 9th will be approved.

We have the report of the Executive Officer.

EXECUTIVE OFFICER DEDRICK: The last time we reported to you that the Coast Guard was closing its 12th District Office and we expressed our concern to them. They have replied by telling us that it's not going to be closed, and I think I probably should read you the brief letter that they sent us.

"Dear Mr. Cory:

"On behalf of Secretary Lewis I am responding to your letter that expressed concern about the possible merger of the Eleventh and Twelfth Coast Guard Districts. The intent of this action was to reduce

1 expenditures by consolidating administrative  
2 functions. Operational capabilities were to  
3 be preserved for the most part.

4 "I am happy to say, however, that the  
5 recent prospect of budget relief has suspended  
6 this action. Thank you for your concern.

7 "Sincerely, J. A. McDonough, Jr.,  
8 Captain, U.S. Coast Guard."

9 The next item is in regard to geothermal bidding.  
10 At the last Commission meeting you requested that we find  
11 out what's going on with geothermal leases. We are  
12 submitting to you today a preliminary report from the staff  
13 on the basis of, where they have talked to past and present  
14 bidders and other people in the industry, and to make a long  
15 story short, it's the matching bid problem that's a real  
16 problem. We can pursue that at the next Commission  
17 conference, if you'd like. Is that -- Okay.

18 COMMISSIONER MORGAN: Yes.

19 EXECUTIVE OFFICER DEDRICK: Again at the last  
20 meeting there were some questions regarding the exploration  
21 permits, proposed Section 2100 of Article 2.9. There  
22 appeared to have been confusion as to when the Commission  
23 would require exploration permits. For clarification of  
24 the record, it should be emphasized that under the new  
25 regulations a general permit is required for all geological

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1 or geophysical surveys conducted on State lands. The  
 2 general permits will require advance notice to the Commission  
 3 staff, local fishermen, and other entities several days prior  
 4 to the actual survey. The terms and conditions covered by  
 5 the general permits are still to be determined. It is the  
 6 staff's understanding that the Commission, at its regular  
 7 meetings, wishes to have a monthly recap of geological or  
 8 geophysical activity, if any has taken place. Correct?

9           ACTING CHAIRPERSON ACKERMAN: Are we going to be  
 10 asked to approve the permits on a case-by-case basis?  
 11 Weren't they for general permits?

12           EXECUTIVE OFFICER DEDRICK: These were the  
 13 overriding rules and, to a certain -- Yes, I think the answer  
 14 to that is yes, although it looks like somebody wants to say  
 15 something here.

16           MR. HIGHT: The answer is yes.

17           EXECUTIVE OFFICER DEDRICK: The answer is yes.

18           You authorized last month the sale of some royalty  
 19 crude oil and the staff conducted two competitive bids. One  
 20 on March 16th for oil produced from lease PRC 426 and the  
 21 other on March 17th for oil produced from lease E-392.  
 22 Champlin Petroleum submitted the only bids for both leases  
 23 offering to pay the State bonuses of 15.1 cents and 8.1 cents  
 24 per barrel. The 8.1 cent sale is on the consent calendar  
 25 today. The 15.1 cent will be on the April calendar. That

1 is, of course, above posted price. If the bids are  
2 accepted, the State would receive revenues in excess of  
3 \$300 a day.

4 ACTING CHAIRPERSON ACKERMAN: Has the Department  
5 of Finance already spent that money?

6 EXECUTIVE OFFICER DEDRICK: I think so.

7 COMMISSIONER MORGAN: I think the Lt. Governor  
8 spent some of it.

9 [Laughter.]

10 EXECUTIVE OFFICER DEDRICK: I don't think that  
11 was a fair question.

12 [Laughter.]

13 EXECUTIVE OFFICER DEDRICK: There is a controlled  
14 burn proposed, the Fuel Modification Project, they call it,  
15 by the California Department of Forestry on some federal,  
16 state and privately-owned lands in Forestry's pilot area.  
17 The Eysel and Thatcher Creek Watershed Management Unit in  
18 Mendocino County has been selected. The plan is to carry  
19 out this project within the time period of late March to  
20 early April, this year. There are about ten acres of  
21 chaparral which will be affected by the burn. The burning  
22 on the school land will consist of a variable width strip  
23 across a portion of the parcel to create a wildlife island  
24 and improve the wildlife habitat of the area. That may sound  
25 unlikely, but it's really true. Wildlife does better when

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1 there is a break in the kind of environment, that is to say,  
2 brush to meadow or forest to brush.

3 With the Commission's concurrence, I will issue  
4 a temporary permit so that the project may proceed as  
5 scheduled. A formal agreement will be executed and  
6 presented at a forthcoming meeting.

7 ACTING CHAIRPERSON ACKERMAN: Have any problems?

8 COMMISSIONER MORGAN: No.

9 ACTING CHAIRPERSON ACKERMAN: Without objection,  
10 that's fine.

11 COMMISSIONER MORGAN: Is this the geothermal thing  
12 you refer to?

13 EXECUTIVE OFFICER DEDRICK: Yes. It is  
14 preliminary, but because of the problem with matching bids,  
15 the staff feels that it won't improve in the future. But  
16 I would be glad to have your response to any concerns that  
17 are raised by reading this report and will do our best to  
18 answer them next time around.

19 COMMISSIONER MORGAN: Thank you.

20 ACTING CHAIRPERSON ACKERMAN: Any other questions?

21 COMMISSIONER MORGAN: No.

22 ACTING CHAIRPERSON ACKERMAN: Is there a staff  
23 report on Coastal matters?

24 MR. GOLDEN: Yes, Mr. Chairman.

25 The Coastal Commission held a public hearing on

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1 OCS Sale 68 proposals on March 17, 1982. The hearing took  
2 over three hours and consisted of comments totally opposing  
3 oil drilling off the California Coast to specific objections  
4 to the sale of specified tracts.

5 The hearing was held to develop recommendations  
6 to the governor on this proposed sale of 172 tracts by the  
7 Department of Interior.

8 At the conclusion of the hearing, the Commission  
9 voted to oppose the OCS 68 sale nomination off the California  
10 Coast in their entirety with a follow-up resolution as a  
11 backup position giving approval to all parcels except some  
12 27 tracts as recommended by staff and two additional tracts  
13 off Point Dume added by the Commission as a result of public  
14 input.

15 It was notable that there was no oil company input  
16 to the public hearing although their input was actively  
17 solicited.

18 That terminates my report.

19 ACTING CHAIRPERSON ACKERMAN: Did the Lands  
20 Commission get involved at all in OCS Tract 68?

21 MR. GOLDEN: Yes, Mr. Chairman. There was a member  
22 of our staff present on the Policy Advisory Board which sat  
23 with the Coastal Commission during this hearing.

24 ACTING CHAIRPERSON ACKERMAN: Does Tract 68 abut  
25 to State-leased tracts?

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1 MR. GOLDEN: Yes. Some of the proposed tracts  
2 did and those were the ones that they were eliminating, those  
3 in the Orange County and the vessel traffic separation lanes  
4 going into Port of Los Angeles, Port of Long Beach, and then  
5 there was some other miscellaneous tracts that did abut.

6 ACTING CHAIRPERSON ACKERMAN: Are you aware if  
7 any of the proposed tracts abutted against nonleased State  
8 areas?

9 MR. GOLDEN: I believe some of them did as proposed.  
10 That was the problem. They were trying to keep from  
11 triggering a mechanism in the oil and gas sanctuaries  
12 specifically off Orange County.

13 ACTING CHAIRPERSON ACKERMAN: Am I not correct  
14 that if federal tracts are leased where, against an unleased  
15 tract from the strait, drainage occurs, then the State would  
16 realize revenues?

17 MR. GOLDEN: We would have to prove, of course,  
18 how much of that was coming from within the State tract and  
19 that poses problems.

20 ACTING CHAIRPERSON ACKERMAN: Thus the Coastal  
21 Commission's objection to leasing these tracts could result  
22 in the State foregoing revenues?

23 MR. GOLDEN: Well, I think mainly that it would  
24 mean that we would then perhaps go out and put platforms  
25 out there as well to drill on our side of the line, and

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1 I think that's what they were concerned about.

2 ACTING CHAIRPERSON ACKERMAN: It might be  
3 advisable to have the staff monitor the situation of what  
4 the impact is on State revenues with the Federal OCS policies  
5 and maybe report periodically to the Commission in other  
6 than just the Coastal Commission report because I realize  
7 you're not an expert.

8 MR. GOLDEN: Right.

9 MR. TROUT: Mr. Ackerman, I think we should point  
10 out that there are provisions with the cooperation of the  
11 federal lessees for sharing revenues from a pool that crosses  
12 a State line, but we've never been very successful in getting  
13 an agreement with the Federal Government. But we would be  
14 happy to report on that later.

15 ACTING CHAIRPERSON ACKERMAN: Okay. Any questions?

16 COMMISSIONER MORGAN: No.

17 ACTING CHAIRPERSON ACKERMAN: Thank you, Dick.

18 Just for your information on calendar items, Item  
19 C16 which is on the consent calendar will be pulled off and  
20 placed on the regular calendar. I understand there's someone  
21 in the audience that wishes to address the Commission on  
22 that item. Also, Items 26, 29 and 43 are all off calendar.

23 We will proceed then with the regular calendar,  
24 Items C1 through, is it 25, C1 through 25 with the exception  
25 of Item C16 are considered the consent calendar. These are

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1 items that are normally administrative in nature and are  
2 noncontroversial. The Commission would approve these items  
3 in whole unless there are objections from anyone in the  
4 audience who wishes to have any item removed and placed on  
5 the regular calendar for hearing. Is there any request  
6 from anyone in the audience to remove any item on the  
7 consent calendar?

8 Then without objection, the consent calendar will  
9 be deemed approved with the exception of Item C16.

10 Why don't we just go to C16 at this point.

11 In fact, Jim or Claire, would you discuss the issue  
12 and the item.

13 MR. TROJT: Mr. Chairman, it would perhaps be  
14 helpful if you look at the aerial photo that we've blown  
15 up here on the wall. What is on the calendar is the  
16 approval of a longstanding, trying to be gracious,  
17 longstanding trespass in the Petaluma River and the Gilardi  
18 people who are really running this operation as I believe  
19 an upland restaurant or coffee shop or something like that,  
20 and these facilities in the Petaluma River, this is what's  
21 on the calendar for your approval, the issuance of a lease.

22 We understand that representatives of Mrs. Miller,  
23 the neighbor, and her attorney are here and they probably  
24 would like to present their side of the case.

25 Staff put this on the calendar because this solves

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1 a longstanding problem regarding this occupancy of the  
2 Petaluma River.

3 ACTING CHAIRPERSON ACKERMAN: Mr. Matthew Hudson,  
4 I believe, is present. Sir, if you could identify yourself  
5 for the record and state your relationship in the case.

6 MR. HUDSON: Thank you. My name is Matthew Hudson.  
7 My offices are at 205 Kelly Street in Petaluma. I represent  
8 Mrs. Natalie Miller, who is the landowner adjacent to the  
9 Gilardi property.

10 That's a good picture up there. Mrs. Miller, as  
11 you can see, is to the right as you view that picture. The  
12 Lakeville Highway runs at about the top of that picture.  
13 Mrs. Miller owns parcels on either side of it. Below the  
14 Lakeville Highway is about 10.4 acres with a barn that she  
15 leases to a local merchant who stores hay. Above the highway  
16 is another 250 or so acres which is leased for dairy cattle  
17 and for ranching generally. The 10.4 acres is also leased  
18 to John Bordessa who runs a portion of his sheep operation  
19 on it. Mr. Bordessa also owns property to the left of the  
20 Gilardi property as you see it on the picture.

21 The marina layout originally, at least until about  
22 1975, had a dock that ran just above to but not quite the  
23 boundary between the Gilardi and Miller properties. In about  
24 1975, perhaps slightly later than that, three pilings were  
25 put in place by Mr. Gilardi or by his agents and the dock

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1 was extended across the property line by about 75 feet.  
2 Millers have owned their property, and it was the Merrill  
3 property earlier, for about 33 years. The area itself is  
4 agriculture. In fact, the marina represents the only  
5 commercial activity in that area for some distance in either  
6 direction, in fact, until you really get into the environs  
7 of Petaluma as you head north.

8 There are, of course, the agricultural operations  
9 including John Bordessa's on either side of the marina and  
10 the cattle and dairy ranches on the other side of the  
11 Lakeville Highway.

12 The barn, as I said, is also leased and stores  
13 hay for a local grain and hay merchant who does business  
14 in the City of Petaluma. The older docks have probably been  
15 in place for at least 30 years. It was grandfathered, as  
16 we understand it, by the Corps of Engineers at least as to  
17 the original extent of the marina. It is a modest point,  
18 unassuming and right now in the state of, I think you can  
19 call, genteel dilapidation including even the new portions  
20 of it. It's a very colorful place run by a very colorful  
21 person. If you haven't been there, you should try it  
22 some day.

23 It advertises itself as having the best hamburgers  
24 in the whole damn universe which is an indication of its  
25 character, too.

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1           The problem though is that we do have this  
2 extension of the pier. If I might, I'd like to show the  
3 Commission several pictures to indicate both the nature of  
4 the area and of the marina itself. Can I hand them up there?  
5 There are about ten or twelve of them.

6           ACTING CHAIRPERSON ACKERMAN: This is pteel  
7 state of repair?

8           MR. HUDSON: That's right. It's not Newport Beach,  
9 that's for sure.

10           In about 1972, in fact, in November of '72, Mr.  
11 Gilardi, the owner of the marina property, wrote to Mrs.  
12 Miller and actually to her agent, Mr. George Schlenker, in  
13 asking permission to drive these piles in. I'd like to show  
14 you a copy of the letter that Mr. Gilardi wrote and then  
15 a copy of the response that Mr. Schlenker wrote in return.  
16 I'll give you several copies of this, if I might.

17           ACTING CHAIRPERSON ACKERMAN: I don't mean to --  
18 Has the staff had a chance to examine or discuss in detail  
19 with Mr. Hudson the points that he's raising?

20           MR. TROUT: We've been aware of this problem and  
21 maybe Curtis Fossum and Joyce Lane of our staff who handled  
22 it could specifically answer any questions. I believe they  
23 have been in contact with Mr. Hudson and with others prior  
24 to this meeting.

25           ACTING CHAIRPERSON ACKERMAN: What I want to make

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1 sure, Susie, unless you feel differently, is that the  
2 information is being presented today, that the staff has  
3 had an opportunity or been afforded an opportunity to at  
4 least consider it and be prepared to at least make a  
5 recommendation to the Commission possibly to settle this  
6 without having to get into a debate before us. Is that  
7 possible?

8 EXECUTIVE OFFICER DEDRICK: Let's see what Curt  
9 has to say.

10 MR. FOSSUM: As Mr. Trout mentioned, we have been  
11 trying for some time to get this operation under lease. Staff  
12 feels that, based on the present lessee of Mr. Gilardi who  
13 is Mrs. Lahargoue, that her cooperation in entering this  
14 lease and the terms of the lease are such that it's in the  
15 best interest of the State to enter the lease at this time.  
16 It is an existing structure and our alternatives are to remove  
17 the structure. So based on her cooperation and the revenues  
18 that will be generated and the fact that this particular  
19 commercial operation, while it does occupy a part of the  
20 river that's in front of Mrs. Miller's property, the staff  
21 feels that it does not interfere with her use of the  
22 property.

23 ACTING CHAIRPERSON ACKERMAN: She is not proposed  
24 to be charged any rent in this case; is that correct?

25 EXECUTIVE OFFICER DEDRICK: That's correct.

1 MR. FOSSUM: No, it's not. She has an existing  
2 pier and had a lease with us and has informed us that she  
3 will remove her pier.

4 ACTING CHAIRPERSON ACKERMAN: Is her pier a  
5 commercial pier or private?

6 MR. FOSSUM: No.

7 ACTING CHAIRPERSON ACKERMAN: It's under the  
8 auspices of the free recreational piers?

9 MR. FOSSUM: Well, there's no house on the  
10 property. So she's not in fact a residential use. It's  
11 this pier that's to be removed. But the lease that we are  
12 proposing, the description of the lease itself, does not  
13 abut Mrs. Miller's property. It's out in the water and  
14 technically Mrs. Lahargoue who is the lessee of Mr. Gilardi  
15 will not occupy any abutting lands.

16 ACTING CHAIRPERSON ACKERMAN: And that's the  
17 principal point at issue here?

18 MR. HUDSON: Is the extension across the property  
19 line.

20 MR. FOSSUM: Projected property line.

21 MR. HUDSON: We have no complaint about the marina  
22 itself. It's the intrusion on what we view, as I will  
23 describe, intrusion on the use of the property that Mrs.  
24 Miller owns. I should say that the Miller's dock is in no  
25 condition to be used at all. It should be torn down.

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1           ACTING CHAIRPERSON ACKERMAN: What latitude does  
2 the Commission have here? Can the Commission require removal  
3 of a portion of the dock?

4           EXECUTIVE OFFICER DEDRICK: I would think so.  
5 Bob.

6           MR. HIGHT: The Commission has broad latitude and  
7 could require removal of the dock or permitting of the dock  
8 at your discretion and the finding necessary is, is there  
9 an interference with public use and benefit.

10          ACTING CHAIRPERSON ACKERMAN: Has the staff had  
11 an opportunity to review it from that point and to make a  
12 recommendation?

13          MR. FOSSUM: Yes. We recommend, based on what we  
14 feel is the lack of interference of this structure to the  
15 adjacent property owner --

16          MR. TROUT: Mr. Chairman, I think the important  
17 issue here is that if, for example, at Clear Lake or even  
18 here, if this dock were to go across a series of individual  
19 property ownerships and block the access to the waterfront,  
20 staff would not be making this recommendation. In this  
21 particular case, we feel it is in the best interests. The  
22 latitude that the Commission has in approving this is that  
23 there's a large expansive frontage on the Miller property  
24 and that this small extension here which is about 30 feet  
25 from the water line here and extends about 70 feet out, does

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1 not unnecessarily or unreasonably interfere with the access  
2 to the property. Now, the lease could be handled at some  
3 future time if it did become a problem. But the Commission  
4 has the authority to either approve it with the extension  
5 across, to approve it limited to this point and require the  
6 removal of this area, in which case we may lose our  
7 applicant, I don't know. But that's really what's before  
8 the Commission.

9 MR. TAYLOR: Mr. Chairman, just for the record,  
10 could I clarify a number of matters? It appears that the  
11 dock, as Mr. Trout noted, is out away from the shoreline  
12 and that there is passageway for boats to go to the shoreline  
13 of the Miller property.

14 MR. TROUT: It's about 30 feet in here.

15 MR. TAYLOR: Secondly, the ownership of the  
16 petaluma River itself is in the State. It is a navigable  
17 river. We've had an Appellate Court recently on that, White  
18 versus the State. It still carries a considerable amount  
19 of tonnage. So from that standpoint the ownership of the  
20 State to the riverbed is clear.

21 There is a regulation that gives a preference to  
22 the upland owner. However, the Commission may find in the  
23 best interests of the State that that not be the case in  
24 a particular instance and by awarding this lease the  
25 Commission would be making a determination that it would

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1 be in the best interest of the State due to the physical  
2 configuration of this property and the fact that the State  
3 owns the waterway to award the lease or in its discretion  
4 it may decide not to do so. But I think that needs to be  
5 made clear for the record.

6 I believe I understand the Miller's attorney's  
7 position is that they feel that this interferes with their  
8 exercise of rights to come out into the waterway which in  
9 the position of counsel --

10 ACTING CHAIRPERSON ACKERMAN: Mr. Hudson is  
11 shaking his head.

12 MR. TAYLOR: Well, then perhaps we've interrupted  
13 him. Maybe we should let him finish.

14 MR. HUDSON: I don't know --

15 ACTING CHAIRPERSON ACKERMAN: If you could speak  
16 directly to the point and what you are requesting the  
17 Commission to do. That would help us in our deliberations.

18 MR. HUDSON: I don't know whether you want to mark  
19 those pictures in evidence or not. I don't know what your  
20 procedures are. I'd like to have them before you, whatever  
21 process you use.

22 ACTING CHAIRPERSON ACKERMAN: If you wish, we will  
23 so designate as Exhibit A.

24 MR. HUDSON: If you don't traditionally, I'm not  
25 going to worry about it either. I just want to make sure

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1 they get in the record.

2 ACTING CHAIRPERSON ACKERMAN: We have enough  
3 attorneys in the room, I think they can.

4 MR. HUDSON: I was amazed.

5 [Thereupon the above-mentioned 13  
6 photographs were marked as Exhibit A.]

7 MR. HUDSON: Well, the question really is whether  
8 that extension across the property line is appropriate. The  
9 issue arises because of the agricultural nature of the  
10 property and because there are liveboards who tie up at  
11 the marina for long periods of time and there's no provision  
12 for disposal of human waste or other sewage or garbage and  
13 that is a problem.

14 MR. FOSSUM: The lease will prohibit liveboards.

15 MR. HUDSON: That will help a lot. That means  
16 that it won't be necessary for her to have that additional  
17 70 feet either because it won't be economically necessary.  
18 I'm glad to hear that, Curt.

19 The problem with the extension also is that it  
20 permits people with boats who have dogs on those boats to  
21 tie up and the dogs then jump off the pier, go to the tules  
22 and kill sheep. I think that is one of the primary problems.

23 I have a letter from John Bordessa which I'd like  
24 to give the Commission and have you consider it as evidence  
25 today. In 1978, ten of his sheep were killed by a dog that

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1 had jumped off the pier. Three weeks ago he lost another  
2 lamb. In between those two incidents he's lost about a dozen  
3 sheep. So in the last five years, he's lost about two dozen  
4 animals to dogs specifically coming along this pier, jumping  
5 off and going in for his animals. He's tried to catch up  
6 with the owners of the animals, but they are transient in  
7 that they can untie their boats and leave or else they've  
8 just been uncooperative and John Bordessa is a good neighbor.  
9 He doesn't want to cause any problems for Gilardi. So he's  
10 just sat back and taken it.

11 The problem of dogs and sheep is a big one in  
12 Sonoma County if it's not in this county. We recently had  
13 an episode of a rancher shooting a dog and hanging it by  
14 its neck by a sign that says your dog will be shot if it's  
15 caught molesting sheep and cattle. Millions of dollars of  
16 product are lost every year in our county to dogs. So this  
17 isn't a phony issue that I raise. It's a real one and it  
18 comes because this is the only commercial enterprise within  
19 this large agricultural area.

20 What we propose is to remove this dock and the  
21 three pilings which Mr. Gilardi put in without our consent  
22 and with the knowledge that things like this were going to  
23 happen because of the intrusion of a commercial enterprise  
24 in this area. We want him to take out those pilings, take  
25 out the dock and put a fence across the end of it. We also

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1 want to improve the fence in between the two properties,  
2 but that isn't where the dogs are coming from. That fence  
3 isn't the problem because these dogs come down that are tied  
4 up to the dock itself.

5 That is the sum and substance of our problem.

6 The other thing is and has bothered me in dealing  
7 with the staff, not that they aren't able in doing their  
8 job, but it has been a problem of it's a lot easier to get  
9 forgiveness than it is to get permission. Mr. Gilardi has  
10 put it in, has been able to live with it because Mrs. Miller  
11 is also a good neighbor and doesn't want to cause some  
12 problem if she doesn't have to. But now she finds herself  
13 hung by that goodness, if you will, by not protesting  
14 earlier and Mr. Gilardi wants to formalize what in the past  
15 he could not have obtained from you, I think, or from the  
16 Corps of Engineers if he had made proper application. I  
17 think he would have paid attention to the problem of extension  
18 into the agricultural areas. I think you would have paid  
19 attention to the problem of liveboards and I think you would  
20 have cut him off at the pass, if you will, and contained  
21 him within his boundary line.

22 As your staff has said, you do have the authority  
23 to go beyond it, but your rules also say in the general case,  
24 in the usual situation, you will not.

25 Now, I would like to urge the Commission today

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1 not to close down the marina. That's not our intention,  
2 but to require the owner to remove the 70 feet of dock space.  
3 I saw no evidence in the application and I don't think we'll  
4 hear any today that says that that 70 feet is necessary to  
5 the owner of the marina to maintain an economic operation.  
6 I asked Mrs. Miller whether she's ever seen any boats rafted  
7 out during the busiest part of the summer to indicate that  
8 they were busier than they could handle, you're not going  
9 to see that. I know enough about the operation out there  
10 to know that the owner herself probably doesn't know who's  
11 tied up there half the time and wouldn't collect rent anyway.

12 So I would urge you, because of the problems my  
13 client has as a neighbor, to limit this lease within the  
14 confines of the property boundaries themselves and the  
15 extension. I'd be glad to answer any questions if I can.

16 MR. FOSSUM: Well, yesterday is the first day that  
17 staff was informed about this dog problem and we followed  
18 up. Joyce Lane contacted the County and they checked their  
19 records and there have not been any dog protests in this  
20 area in the last four months and some subsequent months in  
21 1981 from this area. The person that was contacted did state  
22 that there was as much as \$400,000 worth of damage to  
23 livestock in the county last year, but this particular  
24 location they had no reports.

25 Our problem is that, I don't know whether the County

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1 has a leash law or not, but that type of activity is one  
2 that normally the police powers of the county would be  
3 involved in. The Commission could look into it and see  
4 whether or not dogs should be prohibited possibly from the  
5 dock or something like that. But as far as we know, there's  
6 nothing that keeps the dogs from simply crossing upland  
7 parcels to get onto the property as well as from any place  
8 else. They could swim around it.

9 ACTING CHAIRPERSON ACKERMAN: Having the 70 feet  
10 of dock by itself alleviates the problem?

11 MR. FOSSUM: It doesn't seem to us that it would.

12 MR. HUDSON: With fences at the end, I think it  
13 would.

14 MR. FOSSUM: In fact, the proposal to run a fence  
15 out into the water would be objected to by the Commission  
16 simply as a hazard to navigation. So that wouldn't be  
17 allowed in any event.

18 MR. HUDSON: That wasn't exactly my proposal.  
19 The proposal was to fence to the water line at the end,  
20 actually at the end of the tules which can't be used anyway  
21 and then across the end of the dock itself. I think that  
22 would be sufficient because at the end of the dock then you  
23 will have boats that will be tied up and prevent the animals  
24 from getting through anyway. The problem is that they come  
25 across, they can see the sheep. As you can see from the

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1 pictures I gave you, from the end of the dock the animals  
2 are out there very obviously. At the back end it's not so  
3 much of a problem, especially because there's a barrier there.  
4 As for the question of where the dogs came from, I have a  
5 letter from John Bordessa which I would also like to present  
6 to the Commission, if I might, indicating that he knows that's  
7 where the dogs come from and they don't come from the upland  
8 areas, partly because Lakeville Highway is a busy road.  
9 They don't survive very well out there. Partly because  
10 fences on the upland area are better than directly adjacent  
11 to the marina itself.

12 EXECUTIVE OFFICER DEDRICK: Mr. Hudson, this letter  
13 from John Bordessa is not dated. Could you give some  
14 indication?

15 MR. HUDSON: It's dated March 18th.

16 ACTING CHAIRPERSON ACKERMAN: It's dated at the  
17 bottom, March 18, 1982.

18 EXECUTIVE OFFICER DEDRICK: Okay. Sorry.

19 ACTING CHAIRPERSON ACKERMAN: Susie, what is your  
20 pleasure?

21 COMMISSIONER MORGAN: I think we ought to ask the  
22 staff a few more questions, but it's not at all clear to  
23 me that taking off 70 feet will have any effect on the  
24 problem that you raise of dogs attacking sheep. On the other  
25 hand, the point of our giving a blessing and a permit to

1 something that we would not have approved if it had been  
2 applied for prior to the extra 70 feet put in is a good  
3 point and I don't think the staff has responded to that.

4 EXECUTIVE OFFICER DEDRICK: Curt, would you respond  
5 to that?

6 MR. FOSSUM: Well, I think it would be up to the  
7 discretion of the Commission whether they would approve it  
8 if it hadn't actually been constructed yet. The criteria  
9 is rather liberal in giving the Commission extreme discretion  
10 in which they can find simply that it's in the best interest  
11 of the State to issue a lease.

12 ACTING CHAIRPERSON ACKERMAN: Is this part of our  
13 effort that was initiated by the chairman some time ago to  
14 go out and pick up people that were trespassing?

15 MR. FOSSUM: That's correct. We have several  
16 people in this vicinity in which we have gotten under lease  
17 recently and after investigations have gone on for years  
18 and we are trying to, as you can see, there are quite a few  
19 structures adjacent to the water there and this was, as was  
20 mentioned, the only commercial one in the area. We felt  
21 that the importance of bringing this commercial operation  
22 under lease would be a big step in bringing the rest of these  
23 people under permit as well.

24 ACTING CHAIRPERSON ACKERMAN: Is there a precedent  
25 for this type of situation before in going out and leasing

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1 with trespassers?

2 MR. FOSSUM: It becomes somewhat difficult to  
3 negotiate with a potential lessee when part of your  
4 conditions would be removal of half their operation. It's  
5 difficult enough and in many instances we have to result  
6 to litigation to bring people under lease. So it tends to  
7 be a situation that when we finally do find out about a  
8 trespass that is in existence, that in negotiating and  
9 trying to bring these people under lease, part of the give  
10 and take would include the reasonableness of our attitude  
11 to their existing operation as well as their reasonableness.

12 ACTING CHAIRPERSON ACKERMAN: If we made a change  
13 today in the terms of the lease, then it's very likely in  
14 your opinion that the terms would be rejected or you would  
15 have to go back and do some different negotiations?

16 MR. FOSSUM: It would certainly be a potential  
17 for them not wanting to accept that. It may not be quite  
18 half, but it would be at least over 30 percent of their  
19 docking space is actually past that projected line. Once  
20 again, it's not a property line out there. We own the river.  
21 It's simply projections.

22 ACTING CHAIRPERSON ACKERMAN: Is it appropriate  
23 then today to not approve this item but, instead, have you  
24 entertain Mr. Hudson's suggestions or his comments within  
25 the scope of negotiations with the owner to see if there's

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1 possibly not his solution but some other way to see if they  
2 can take care of the problem of policing on the dock or some  
3 other physical structure, something like that?

4 EXECUTIVE OFFICER DEDRICK: I think that would  
5 be entirely appropriate.

6 MR. FOSSUM: We can contact them. We can also  
7 mention the problem with the dogs to see if we can't include  
8 a provision at least to prohibit dogs.

9 ACTING CHAIRPERSON ACKERMAN: If you're going to  
10 ask them to entertain any capital expenditures as well, I  
11 think that would affect some terms of the lease that you've  
12 entered into as well.

13 MR. FOSSUM: We may have an additional problem.  
14 The lessee who we are trying to bring under lease may or  
15 may not own the structures. It may be Mr. Gilardi that  
16 actually owns the dock.

17 MR. HUDSON: I think that's correct.

18 MR. FOSSUM: His acquiescence in that possible  
19 removal could be somewhat more difficult.

20 ACTING CHAIRPERSON ACKERMAN: My position, I'm  
21 sensitive to the concerns you've raised, Mr. Hudson, and  
22 perhaps with your okay, Susie, we'll not approve this item  
23 today and have the staff see what efforts they can undertake  
24 to see if we can get some compromise solution out there.

25 EXECUTIVE OFFICER DEDRICK: All right. Thank you.

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1 MR. TAYLOR: For purposes of the record we'll say  
2 that 13 photographs have been submitted which have a date  
3 on them of 3-22-82 of various portions of the properties  
4 involved and showing the condition of the boat yard. Those  
5 will be put in the staff's file and be made a part of the  
6 record of this hearing and the same will be true of the  
7 letter.

8 MR. HUDSON: There were three letters actually.

9 ACTING CHAIRPERSON ACKERMAN: In fact, Bob, do  
10 we specifically have to reference each letter? I have one  
11 dated March 18, 1982, from John Bordessa, and there are two  
12 other documents.

13 MR. HUDSON: One dated November 16, 1972, addressed  
14 Dear Sir and signed Clarence Gilardi, and the other one dated  
15 November 21, 1972, addressed to Clarence Gilardi by George  
16 J. Schlenker.

17 ACTING CHAIRPERSON ACKERMAN: Those will be  
18 entered as part of the record and if the staff would  
19 undertake their efforts and report back to us at a  
20 subsequent meeting.

21 MR. HUDSON: Thank you very much.

22 [Thereupon the above-mentioned letters  
23 were marked as exhibits.]

24 ACTING CHAIRPERSON ACKERMAN: Thank you. So much  
25 for the consent calendar.

1 [Laughter.]

2 ACTING CHAIRPERSON ACKERMAN: I hope that's not  
3 an omen of things to come.

4 We will then continue with the regular calendar  
5 items. Number 26 is off calendar. Item Number 27, we're  
6 amending a Minute Item from November 23rd, '81 concerning  
7 a boundary line agreement. Any controversial issue on this?

8 MR. TAYLOR: No.

9 COMMISSIONER MORGAN: I don't remember, and staff,  
10 maybe you do, was this a contested item when we heard it  
11 previously?

12 MR. TAYLOR: No, it was not.

13 MR. HIGHT: No.

14 MR. TROUT: No, it was not.

15 ACTING CHAIRPERSON ACKERMAN: Any objection?

16 COMMISSIONER MORGAN: No.

17 ACTING CHAIRPERSON ACKERMAN: Without objection,  
18 Item 27 will be deemed approved.

19 Item 28, City of Long Beach and Wrather Port  
20 Properties, approval of first amendment to the lease between  
21 the City of Long Beach and Wrather Port Properties,  
22 concerning the property around the QUEEN MARY. Is there  
23 any comments the staff wishes to make?

24 MR. TROUT: Unless you have questions.

25 ACTING CHAIRPERSON ACKERMAN: I've examined the

1 documents.

2 Anyone in the audience who wishes to appear on  
3 the item?

4 Without objection, then, the item will be approved.

5 COMMISSIONER MORGAN: I have a question, Dave.

6 I thought, and I remember this was a long time  
7 ago when we discussed this issue, but it was my  
8 understanding that we expected to see some change to the  
9 lease once the Wrather Corporation entered into the marina.  
10 We expected to see some increased rental coming from this.  
11 Now, do I remember incorrectly?

12 MR. TROUT: No. You remember exactly correct.

13 Mr. Stevens is here from Wrather on another matter, but he's  
14 in the audience and might want to respond. He has presented  
15 to staff and to the City a rough plan of the development  
16 of the area and that would result in an amendment that I  
17 think, Commissioner Morgan, you remember and it would amend  
18 the lease terms. What this does, you may recall, that the  
19 chairman at the time had a question about the lease terms  
20 were renegotiated after the first loan was paid off and he  
21 said what if they left one dollar owing and never paid it  
22 off, then the lease would never be adjusted. So what has  
23 been put in here is a 30-year window whether the loan is  
24 paid or not. But there is a rather expansive plan being  
25 worked up by the Wrather people for the development of the

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1 whole area. That's just commencing its process down the  
2 road for approval.

3 COMMISSIONER MORGAN: Okay.

4 ACTING CHAIRPERSON ACKERMAN: Do we have further  
5 options as well to look at changes in rent review schedules  
6 pending the type of development and schedule for development  
7 that's to be undertaken in the area?

8 MR. TROUT: Unless there is staff that wants to  
9 correct me, my understanding is that as the developments  
10 come on line over some 20-year period, there will be things  
11 brought before the Port Commission and the State Lands  
12 Commission involving that property.

13 ACTING CHAIRPERSON ACKERMAN: That was my  
14 understanding when we approved it.

15 COMMISSIONER MORGAN: Okay.

16 MR. TROUT: At the moment it's not certain exactly  
17 what the development would look like. There could be  
18 everything from cruise ship terminals to marine institutes,  
19 to motels and restaurants.

20 COMMISSIONER MORGAN: Okay.

21 ACTING CHAIRPERSON ACKERMAN: All of those plans  
22 are subject to specific approval by the Commission anyway.

23 COMMISSIONER MORGAN: A year and a half ago we  
24 asked the City and Wrather Corporation to negotiate an  
25 amendment that would provide for renegotiation of rental

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1 in the event that they exercise the option to build the  
2 marina.

3 MR. TROUT: Your approval was conditional on them  
4 doing it.

5 COMMISSIONER MORGAN: So now they've come to some  
6 agreement and that's what is before us?

7 MR. TROUT: Yes.

8 COMMISSIONER MORGAN: And the agreement is, let's  
9 see, that the rent will be reviewed or increased or  
10 reconsidered in the marina area when in the marina area the  
11 payment of the first permanent loan occurs or 30 years from  
12 the funding of the loan. What does that mean?

13 MR. TROUT: That gives you an absolute window so  
14 that they couldn't extend the adjustment on the marina out  
15 forever. Most of the other facilities are on a percentage  
16 of net or some other thing that wouldn't require a rent  
17 review window.

18 ACTING CHAIRPERSON ACKERMAN: The concern was made  
19 a year and a half ago that the owner in this case could either  
20 refinance the property or through some other financial means  
21 simply extend that final date and never be subjected to any  
22 rent review based on the improvements they made in the  
property. The Commission at that time wanted to make sure  
24 that this didn't happen.

25 COMMISSIONER MORGAN: So what we provide for now

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1 is a 30-year rent review?

2 MR. TROUT: Or if the loan is paid off earlier,  
3 Mr. Stevens is here if you want to get into greater detail.

4 MR. STEVENS: Briefly what this is is merely  
5 reflecting the negotiation that was done up here in front  
6 of your Commission and it's just taken a long time and there  
7 was some other housekeeping cleanup. There's no change in  
8 what you're seeing here than what the Commission agreed to.

9 With respect to the marina, it was negotiated here  
10 that because Mr. Cory was concerned that, as was stated,  
11 that we could just never pay off a loan and the State would  
12 never get a chance to amend the percentage paid for the slips  
13 and that window was closed at 30 years because if we didn't  
14 finance for 20, we'd still have only ten years before it  
15 would be renegotiated. There's no change in what the  
16 Commission has already agreed to.

17 Just for information purposes, we were obligated  
18 to submit a master plan within a certain time period and  
19 we just recently submitted it. So it will be working its  
20 way up to the Commission over a period of months.

21 MR. TAYLOR: For the record, Mr. Stevens, could  
22 you identify yourself?

23 MR. STEVENS: Richard S. Stevens, Wrather  
24 Corporation.

25 ACTING CHAIRPERSON ACKERMAN: What's the time

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1 frame for submission of the overall development plan to the  
2 Commission? Are we looking at --

3 MR. STEVENS: Perhaps I can add, the Port of Long  
4 Beach had 60 days to act in terms of whether or not they  
5 approved the plan in concept. Monday of this week they gave  
6 a conditional approval subject to legal and environmental  
7 clarification of several elements in the plan. Staff at  
8 this level as well as staff at the Port level as well as  
9 the AG's office will be looking at those issues that are  
10 in question, resolve them and then it would start through  
11 its normal permit process environmentally and otherwise.  
12 So we'll keep everybody advised. Nothing's happening yet.

13 COMMISSIONER MORGAN: Thanks.

14 ACTING CHAIRPERSON ACKERMAN: Any further questions  
15 Susie?

16 COMMISSIONER MORGAN: No.

17 ACTING CHAIRPERSON ACKERMAN: Without objection,  
18 Item 28 is deemed approved.

19 Item 29 is off calendar.

20 Item Number 30, California Department of Forestry.  
21 We're going to approve Management Plans for some forest  
22 demonstration projects. Any comment from the staff?

23 COMMISSIONER MORGAN: Is this the Christmas tree  
24 place?

25 EXECUTIVE OFFICER DEDRICK: One of them is.

1           ACTING CHAIRPERSON ACKERMAN: It's for Christmas  
2 trees, right?

3           MR. TROUT: Yes.

4           COMMISSIONER MORGAN: Are we working with the  
5 Department of Forestry on very many demonstration projects?

6           MR. TROUT: Yes, ma'am.

7           COMMISSIONER MORGAN: What have we done so far?

8           MR. TROUT: We have ten parcels that are now under  
9 management agreement with the Department of Forestry. They  
10 are required to submit a management plan on those parcels  
11 for Commission approval. You have approved one already.  
12 This is the second and third ones, if I recall correctly.  
13 Forestry is tentatively talking to us about an additional  
14 ten parcels. When we identify the parcels, we'll seek your  
15 advice and concurrence.

16           COMMISSIONER MORGAN: Okay.

17           ACTING CHAIRPERSON ACKERMAN: Any further questions?

18           COMMISSIONER MORGAN: No.

19           ACTING CHAIRPERSON ACKERMAN: Without objection,  
20 Item 30 will be deemed approved.

21           Item 31 is Western Title Insurance Company,  
22 preparation and processing of a State patent to be issued  
23 in the name of D. J. Canty, for 40 acres of land in Shasta  
24 County. Any questions?

25           EXECUTIVE OFFICER DEDRICK: The operational point

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1 was that he's had it since 1899.

2 ACTING CHAIRPERSON ACKERMAN: That's right, 1899.  
3 We're finally getting around to it.

4 Anyone in the audience on Item 31?

5 Without objection, Item 31 will be deemed  
6 approved.

7 Item 32 is the highest qualified bidder selection  
8 on award of oil royalty sales. What was the bid?

9 EXECUTIVE OFFICER DEDRICK: 8.1 cents.

10 ACTING CHAIRPERSON ACKERMAN: 8.1 cents.

11 EXECUTIVE OFFICER DEDRICK: The 15 cent will be  
12 on the next one.

13 ACTING CHAIRPERSON ACKERMAN: Okay. Any question  
14 from Commissioners?

15 COMMISSIONER MORGAN: No.

16 ACTING CHAIRPERSON ACKERMAN: Without objection,  
17 Item 32 will be approved.

18 Item Number 33, Shell Oil Company. They're asking  
19 for authorization to conduct a public hearing on subsidence  
20 and pollution control for oil and gas leases.

21 COMMISSIONER MORGAN: Is this the public hearing?

22 MR. HIGHT: This is the public hearing.

23 ACTING CHAIRPERSON ACKERMAN: This is on Solano  
24 County.

25 MR. TROUT: This is authorization to conduct the

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1 hearing. This is not the hearing.

2 COMMISSIONER MORGAN: Okay. Got you.

3 ACTING CHAIRPERSON ACKERMAN: Anyone in the  
4 audience on Item 33?

5 Without objection, Item 33 will be deemed  
6 approved.

7 Item 34, Newmont Exploration Limited. They're  
8 asking for a two-year permit for prospecting for gold and  
9 silver on about 600 acres. Any issue on this item, any  
10 questions?

11 COMMISSIONER MORGAN: No.

12 ACTING CHAIRPERSON ACKERMAN: Anyone in the  
13 audience on Item 34?

14 It will be deemed approved without objection.

15 Item 35, in the Long Beach Operations, monitoring  
16 of possible subsidence and seismic hazards in the Wilmington  
17 oil field. I understand this is just a continuance of the  
18 annual subsidence monitoring program. Any questions from  
19 Commissioners?

20 COMMISSIONER MORGAN: No.

21 ACTING CHAIRPERSON ACKERMAN: Anyone from the  
22 audience?

23 Claire, do you have a point on this one?

24 EXECUTIVE OFFICER DEDRICK: No. I was just going  
25 to point out that Mr. Thompson is here if you have any

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questions on the Long Beach Operations.

COMMISSIONER MORGAN: Where is he?

EXECUTIVE OFFICER DEDRICK: Back row.

MR. TAYLOR: He's in the last row.

ACTING CHAIRPERSON ACKERMAN: Item 35 will be deemed approved without objection.

Item 36, City of Long Beach, the notification of intent by the City to spend \$79,000 from its share of the oil revenues for a capital improvement project. I understand this is resurfacing a parking lot that has no connection to the Long Beach Grand Prix; is that correct?

MR. TROUT: That's correct.

EXECUTIVE OFFICER DEDRICK: That's correct.

ACTING CHAIRPERSON ACKERMAN: Any questions from Commissioners on this?

COMMISSIONER MORGAN: No.

ACTING CHAIRPERSON ACKERMAN: Anyone in the audience on Item 36?

Item 36 will be deemed approved.

Item 37. This is approval of a Land Bank Option Agreement with the Trust for Public Lands for 40 acres located near Suisun City in Solano County. Anyone in the audience on Item 37?

Any questions from Commissioners?

COMMISSIONER MORGAN: No.

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1           ACTING CHAIRPERSON ACKERMAN: Item 37 will be  
2 deemed approved.

3           Item 38, Usonia, Incorporated, compromise of a  
4 Title Settlement Agreement, and this ties into the last item  
5 of approval of Land Bank as an exchange parcel.

6           MR. TROUT: Mr. Chairman, you previously approved  
7 the settlement and this will take 31 percent of the item  
8 you just approved.

9           ACTING CHAIRPERSON ACKERMAN: Anyone in the  
10 audience on Item 38?

11           Any questions, Susie?

12           COMMISSIONER MORGAN: No.

13           ACTING CHAIRPERSON ACKERMAN: Item 38 will be  
14 deemed approved.

15           Item 39, Title Insurance and Trust, approval for  
16 authorization for the Attorney General and the Commission  
17 to litigate concerning hazards in Malibu.

18           COMMISSIONER MORGAN: We should do it.

19           ACTING CHAIRPERSON ACKERMAN: We should do that.

20           Anyone in the audience on Item 39?

21           Any questions from Commissioners?

22           COMMISSIONER MORGAN: No.

23           ACTING CHAIRPERSON ACKERMAN: Greg, one question  
24 on this. Is this the only area in which we're proceeding  
25 to remove hazards or is this the first step in a hazard

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1 removal effort along the beaches?

2 MR. TAYLOR: Well, the Commission has been engaged  
3 in an extensive one in Ventura and Santa Barbara Counties,  
4 You'll recall that there was an appropriation for it with  
5 a machine. I don't know the extent to which staff is going  
6 on any the others.

7 MR. TROUT: I think, Mr. Chairman, the significant  
8 difference is in other areas where we have been unable to  
9 find the person who put the facilities in to begin with,  
10 through federal money and through State money and through  
11 the contributions of some oil companies we've been removing  
12 hazards. In this case, it's pretty clear from the record  
13 who installed these groins. So we are basically looking  
14 to the person who originally installed them.

15 ACTING CHAIRPERSON ACKERMAN: Any questions?

16 MR. TAYLOR: You'll recall that we had a prior  
17 action that we discussed and the Title Company doesn't  
18 agree with us. That's why we can't reach a settlement.

19 ACTING CHAIRPERSON ACKERMAN: These are metal spikes  
20 that are just under the surface of the water?

21 MR. TAYLOR: No. Some of them are rocks and all  
22 kinds of things.

23 ACTING CHAIRPERSON ACKERMAN: Okay. Any questions,  
24 Susie?

25 COMMISSIONER MORGAN: No.

1           ACTING CHAIRPERSON ACKERMAN: Item 39 will be  
2 deemed approved without objection.

3           Item 40, Mrs. Anne Houk. This is another  
4 authorization for the Commission and the Attorney General  
5 to take steps including litigation to collect rent. Mr.  
6 Hight, do you have a comment on this?

7           MR. HIGHT: Hopefully with this authorization we  
8 can either bring the facility under lease or collect the  
9 rent.

10          ACTING CHAIRPERSON ACKERMAN: Is there anyone in  
11 the audience on Item 40? I understand someone might appear  
12 today.

13          Any objection?

14          COMMISSIONER MORGAN: No.

15          ACTING CHAIRPERSON ACKERMAN: Is there any  
16 situation in this that's at all similar to the other one  
17 we discussed?

18          MR. TROUT: Not as far as --

19          EXECUTIVE OFFICER DEDRICK: Strictly a price tag.

20          ACTING CHAIRPERSON ACKERMAN: Okay. Without  
21 objection, Item 40 then will be deemed approved.

22          Item 41, Mobil/Redwood Shores. This is approval  
23 to execute an amended exchange agreement. This is just to  
24 allow an acceptance of a letter of credit, I understand.

25          MR. HIGHT: Yes, Mr. Chairman.

1           ACTING CHAIRPERSON ACKERMAN: Any question on Item  
2 41?

3           COMMISSIONER MORGAN: Redwood Shores and Mobil  
4 are one and the same?

5           MR. HIGHT: Yes.

6           COMMISSIONER MORGAN: Staff started out talking  
7 about Redwood Shores and then continued the discussion using  
8 Mobil as the party, but it's the same.

9           MR. HIGHT: They're a partnership.

10          COMMISSIONER MORGAN: That's fine.

11          ACTING CHAIRPERSON ACKERMAN: Anyone in the  
12 audience on Item 41?

13                 Without objection, Item 41 will be deemed approved.  
14 Item 42, San Diego LAFCO. They're asking us to  
15 approve a boundary line.

16          MR. HIGHT: Approve the legal sufficiency of their  
17 description.

18                 MR. TROUT: I think the staff may have misled the  
19 Commission in the briefings because in re-review of the  
20 calendar item itself, and Mr. Fossum is here to answer  
21 questions, I had told you in the briefings that we were only  
22 approving the boundaries. The calendar item on page 170  
23 you are approving the boundaries and the incorporation.  
24 So this is not a two-step process as is typical.

25          COMMISSIONER MORGAN: I'd like to see Exhibits

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1 A and B.

2 ACTING CHAIRPERSON ACKERMAN: Is there any  
3 objection locally to the incorporation? Was there any  
4 objection opposed at LAFCO?

5 MR. FOSSUM: This is something LAFCO -- Curtis  
6 Fossum.

7 LAFCO has been working for six months or more.  
8 Local cities in the San Dieguito area have been proposing  
9 incorporation. They've had some disputes over where the  
10 boundaries should be. If the exhibits aren't there --

11 EXECUTIVE OFFICER DEDRICK: They aren't.

12 MR. FOSSUM: The northern boundary of the proposed  
13 City of San Dieguito will be the southern boundary of  
14 Datiguito's Lagoon, and that will be excluded. It will be  
15 included within the area of Del Mar. So there won't be any  
16 tide and submerged lands there. The southern boundary will  
17 include San Elijo Lagoon which includes sovereign tide and  
18 submerged lands. Also, they are proposing to include the  
19 area offshore to the three-mile limit. Therefore, there  
20 are lands under the jurisdiction of the State Lands  
21 Commission.

22 You are being asked to approve the propriety of  
23 the boundary of this incorporation and additionally I  
24 included, because of our somewhat extended problem with  
25 Del Mar, I included a provision in there that we also do

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1 not object or we approve as the landowner this particular  
2 incorporation.

3 COMMISSIONER MORGAN: How long would it take to  
4 get Exhibits A and B for us to look at? Maybe we could hold  
5 the item.

6 MR. TROUT: We do have egg on face, I have to admit.

7 COMMISSIONER MORGAN: I'm sorry.

8 EXECUTIVE OFFICER DEDRICK: How long will it take  
9 us to get it?

10 COMMISSIONER MORGAN: You always have everything  
11 here. I didn't mean to embarrass you. I just thought  
12 someone forgot to give me my copy.

13 MR. HIGHT: Fifteen minutes at most.

14 COMMISSIONER MORGAN: Are they available?

15 ACTING CHAIRPERSON ACKERMAN: Is there a time  
16 difficulty that this has to be approved at this meeting?

17 MR. FOSSUM: They have been very much aware of  
18 our processes and the election is not planned for several  
19 more months. So I don't think there would be any problem  
20 putting it off.

21 ACTING CHAIRPERSON ACKERMAN: Why don't we just  
22 wait until the next meeting, then?

23 COMMISSIONER MORGAN: Okay.

24 EXECUTIVE OFFICER DEDRICK: I would rather like  
25 to do that.

1           ACTING CHAIRPERSON ACKERMAN: Normally, Jim, didn't  
2 you say it was a two-step process to approve the boundaries?

3           MR. TROUT: Typically those are annexations.

4           MR. FOSSUM: Excuse me. Mr. Taylor does remind  
5 me that technically under the Code we have a 45-day period  
6 in which the Commission must approve or reject the  
7 description, otherwise it is deemed approved. We have a  
8 difficulty every time one of these annexations or  
9 incorporations take place because of the timing of the  
10 Commission meetings.

11           ACTING CHAIRPERSON ACKERMAN: How much time do  
12 we have left?

13           MR. FOSSUM: A day or two, maybe.

14           [Laughter.]

15           ACTING CHAIRPERSON ACKERMAN: Let's see if we can  
16 get the items and take this as the last item on the agenda.

17           COMMISSIONER MORGAN: Otherwise, I would be  
18 prepared to move denial without prejudice so that we could  
19 have an opportunity to review them.

20           EXECUTIVE OFFICER DEDRICK: That might be the  
21 easiest.

22           ACTING CHAIRPERSON ACKERMAN: We'll hold it and  
23 see if we can do it.

24           Item 43 is off calendar.

25           Item 44, State Lands Commission item,

1 administrative action. We're to approve the replacement of  
2 the alternate on BCDC who is just leaving the room.

3 [Laughter.]

4 EXECUTIVE OFFICER DEDRICK: Diane.

5 ACTING CHAIRPERSON ACKERMAN: You must be pretty  
6 confident.

7 [Laughter.]

8 ACTING CHAIRPERSON ACKERMAN: She won't even come  
9 before us for questioning.

10 Any questions?

11 COMMISSIONER MORGAN: No. That's fine.

12 ACTING CHAIRPERSON ACKERMAN: I'm happy to vote  
13 on this action. Without objection, Item 44 will be deemed  
14 approved.

15 COMMISSIONER MORGAN: I think we should say thank  
16 you to Dick who has represented us longer than I can  
17 remember.

18 MR. GOLDEN: Longer than 11 years.

19 EXECUTIVE OFFICER DEDRICK: Probably as long as  
20 BCDC has been there.

21 ACTING CHAIRPERSON ACKERMAN: I'm interested in  
22 how did Dick finagle his way out of this.

23 MR. GOLDEN: It's been a privilege. I really  
24 appreciate it. Thank you very much.

25 COMMISSIONER MORGAN: You've been an excellent

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1 representative. We appreciate your work.

2 ACTING CHAIRPERSON ACKERMAN: I hope that you will  
3 be providing some assistance to our new appointee --

4 MR. GOLDEN: Oh, definitely.

5 ACTING CHAIRPERSON ACKERMAN: -- for an  
6 in-service training program.

7 MR. GOLDEN: Right.

8 EXECUTIVE OFFICER DEDRICK: I'd like to say just  
9 a word about Dick. I got to know him before I'd ever  
10 dreamed I'd be in government. Through his actions on BCDC  
11 he is very highly thought of by the other Commissioners.  
12 Chairman Joe Houghteling is particularly sorry to lose Dick  
13 because they go back to the beginning together. I really  
14 think that we have a right to be proud of our staff for the  
15 good work that they do and Dick has represented us  
16 beautifully. I'm sure Diane will be just as good 11 years  
17 from now.

18 ACTING CHAIRPERSON ACKERMAN: Thank you very much,  
19 Dick.

20 MR. GOLDEN: Thank you.

21 ACTING CHAIRPERSON ACKERMAN: Item 44, then, will  
22 be deemed approved.

23 [Thereupon agenda Item 45 was submitted  
24 under separate cover.]

25 COMMISSIONER MORGAN: Item 42.

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1           ACTING CHAIRPERSON ACKERMAN: Item 42.

2           EXECUTIVE OFFICER DEDRICK: I'd like to ask staff  
3 if the Commission follows Commissioner Morgan's suggestion  
4 of dismissing it without prejudice while we find some maps  
5 that tell us more than the ones we have today, would there  
6 be any problem with that that you foresee?

7           MR. TAYLOR: No.

8           EXECUTIVE OFFICER DEDRICK: Then I'd like to  
9 recommend that we do that. I don't think that the material  
10 that is here is going to answer your question.

11           COMMISSIONER MORGAN: Then I'll move that we  
12 dismiss without prejudice and bring it back --

13           MR. TAYLOR: Deny.

14           COMMISSIONER MORGAN: Deny.

15           ACTING CHAIRPERSON ACKERMAN: It is moved that  
16 Item 42 be denied without prejudice. That vote should be  
17 recorded as unanimous.

18           In the absence of any other calendar items, the  
19 meeting is adjourned.

20           [Thereupon the State Lands Commission  
21 Meeting was adjourned at 12:30 p.m.]

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CERTIFICATE OF SHORTHAND REPORTER

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I, CATHLEEN SLOCUM, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing State Lands Commission Meeting was reported in shorthand by me, Cathleen Slocum, and thereafter transcribed into typewriting.

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 April, 1982.

Cathleen Slocum  
CATHLEEN SLOCUM  
Certified Shorthand Reporter  
License No. 2822

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MEETING

STATE LANDS COMMISSION

In the Matter of: )  
)  
CONSIDERATION BY COMMISSION OF )  
FUTURE MANAGEMENT OF CERTAIN )  
SUBMERGED LANDS AT SANTA )  
CATALINA ISLAND RELATIVE TO )  
COMMISSION LEASE PRC 3639.1 )

ORIGINAL

DEPARTMENT OF TRANSPORTATION  
BASEMENT BOARDROOM  
1120 N Street  
Sacramento, California

EXCERPT

Tuesday, March 23, 1982  
10:40 A.M.

25 Cathleen Slocum, C.S.R.  
License No. 2822

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MEMBERS PRESENT

David Ackerman, Acting Chairperson, representing  
Mike Curb, Lt. Governor

Susanne Morgan, Commissioner, representing  
Mary Ann Graves, Director of Finance

MEMBERS ABSENT

John Jervis, representing Ken Cory, Controller

STAFF PRESENT

Robert Hight, Chief Counsel

Claire Dedrick, Executive Officer

Jack Rump, Assistant Chief Counsel

Diane Jones, Administrative Assistant

Jane Smith, Secretary

ALSO PRESENT

N. Gregory Taylor, Assistant Attorney General

Jan Stevens, Deputy Attorney General

I N D E X

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| 3  | Agenda Item 45 - Santa Catalina Island  |
| 4  | Proceedings   |
| 5  | Opening statement by Acting Chairperson Ackerman  |
| 6  | James Radcliffe, Attorney for Island Navigation Company   |
| 7  | Comments by Mr. Taylor  |
| 8  | Harold Lingle, representing Jack Finnie   |
| 9  | Joseph Steele, Boatowners Associated Together   |
| 10 | Comments by Mr. Taylor  |
| 11 | Barry LeBow   |
| 12 | Comments by Acting Chairperson Ackerman   |
| 13 | Comments by Mr. Taylor  |
| 14 | Robert Hertzberg, Counsel for Catalina Marine Services Corporation                                  |
| 15 | Question by Commissioner Morgan   |
| 16 | Further comments by Mr. Hertzberg   |
| 17 | Charles Greenberg of the Law Firm of Ball, Hunt, Hart Brown & Baerwitz, representing present lessee |
| 18 | Jack Reinhold   |
| 19 | Commission discussion - Acting Chairperson Ackerman   |
| 20 | Commissioner Morgan   |
| 21 | Commission action re Agenda Item 42   |
| 22 | Adjournment of Agenda Item 45   |
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PROCEEDINGS

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ACTING CHAIRPERSON ACKERMAN: Item 45, Santa Catalina Island, next-to-the-last item on the agenda.

The reason this item is on the agenda, perhaps I can open with a brief reason. The Commission asked that the staff study this issue, take another look at it and come back when prepared to the Commission to lay out very specifically what the options are to the Commission for further study and further action concerning the lease operations at Catalina Island. The staff is prepared to do so today. That's why you have not had specific actions proposed, solicited or sent out to you because the staff has presented this in a form of a discussion item so that the Commission may decide what course of action it's going to take.

What I would like to do, Susie, if it's okay with you, is have the staff briefly make their presentation on their study so far to the Commission. Then I've received four different requests to appear and testify before the Commission, five, I believe.

I would like to give those people the opportunity to respond to the staff's comments and then I would anticipate the Commission to discuss it and make a decision if one is in order.

1 Do you have any problem with that approach?

2 COMMISSIONER MORGAN: That's fine.

3 ACTING CHAIRPERSON ACKERMAN: Claire.

4 EXECUTIVE OFFICER DEDRICK: Yes. What the staff  
5 has done is to thoroughly research the legal questions that  
6 relate to your authorities here and you have received that  
7 information on attorney-client relationship, if I'm saying  
8 that right, Mr. Taylor?

9 MR. RUMP: That's correct.

10 EXECUTIVE OFFICER DEDRICK: We also have looked  
11 at the time period which different sorts of reviews would  
12 require. There are a range of options that we can pursue.  
13 I think you're all cognizant of those options and of what  
14 time and legal restrictions you have. That's the substance  
15 of the staff report.

16 ACTING CHAIRPERSON ACKERMAN: Okay. What I'd like  
17 to do is briefly lay out at least my own thoughts on this  
18 first and then at least provide a basis and a context in  
19 which those people who are going to testify are going to  
20 testify so we're not just talking in the dark.

21 Personally, my own interests are to, one, very  
22 carefully and methodically, try to further examine the  
23 leasing and subleasing, not the subleasing but the master  
24 lease operations, at Catalina. What I will be prepared  
25 to propose is to ask the staff for a period of 90 days to

1 study the prior bid proposal and prior bid proposals and  
2 the framework for those proposals, come back to the  
3 Commission within 90 days with its recommendation as to the  
4 content of a new master lease proposal if one is in order  
5 per the staff's recommendation that could reflect either  
6 the existing lease or modifications to it as determined by  
7 the staff. At our last meeting, we had considerable  
8 discussion concerning pros and cons on the lease,  
9 environmental concerns, legal questions and the like. It's  
10 those questions which I would like the staff to specifically  
11 address in coming back to the Commission with a proposal.

12           The last time we had limited time with which to  
13 do this. This time I want to make sure that we give the  
14 staff adequate time to consider all ramifications and all  
15 possibilities in their efforts. I'm not planning to ask  
16 any other direction or seek any other resolution at this  
17 time other than to ask the staff to come back to us in 90  
18 days with a detailed proposal for the Commission's action.  
19 That proposal would also have to be given to all interested  
20 parties enough in advance so that any public comment that  
21 was appropriate could be given to the Commission and so that  
22 all individuals have time to study the document and prepare  
23 such comments.

24           That's why I'm looking at the 90-day time period  
25 on it.

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1 With that, Susie, unless you have any questions  
2 which I imagine you probably do.

3 COMMISSIONER MORGAN: Where you're heading is  
4 toward a new bid process; is that true?

5 ACTING CHAIRPERSON ACKERMAN: I think our options,  
6 at least legally that are being looked at, is the Commission  
7 can do a variety of things. Number one, we could open it  
8 up to an entire new bidding process. Number two, we could  
9 limit the process to selected participants which the  
10 Commission may wish to select, possibly limited to the bidders  
11 that have already expressed an interest in operating at  
12 Catalina or, third, do nothing at this particular time frame  
13 since a master lessee already is in place and we have the  
14 option of substituting that lessee over the first three  
15 years of the lease. We could act any time prior to, if staff  
16 advises me correctly, October of the third year to substitute  
17 a lessee.

18 So our options would be somewhere within a  
19 three-year time frame. We could do nothing this year or  
20 next year except further study the issue to make a  
21 determination. In 1984, would it be?

22 EXECUTIVE OFFICER DEDRICK: Yes. October 1st,  
23 '84, for operation.

24 COMMISSIONER MORGAN: You think you're going to  
25 outlast me. I think you are, too.

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1 [Laughter.]

2 ACTING CHAIRPERSON ACKERMAN: So that's what I'm  
3 looking at as three options.

4 What I'd like the staff to do, the way I'm  
5 leaning, which I've already discussed with some individuals  
6 in the audience in some meetings in Newport, is looking  
7 towards some way that the Commission may receive new  
8 proposals on a limited and restricted basis to mirror as  
9 close as possible the existing operations on the Island.  
10 That was our original intent in seeking bids before and I  
11 think we should be consistent in soliciting revised  
12 proposals on that same basis again without going to an  
13 entire, brand-new, public bid package.

14 I don't know if I confused the issue or not, but  
15 that's what I'm looking at as my options. Do you want to  
16 comment?

17 COMMISSIONER MORGAN: I think we ought to hear  
18 from the people who are here and see their reactions to that.  
19 It's perfectly fine with me if you want to ask the staff  
20 to do some more work. It's my feeling that unless we're  
21 talking about creating a whole new environment at Catalina,  
22 then what we're talking about is ending up at the point where  
23 we have to say that the only workable master lessee is the  
24 upland owner. I don't know if additional information will  
25 bring you to that conclusion or to some other conclusion.

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1 But if you're interested in getting additional  
2 staff work, fine. I mean, any more heads on this could surely  
3 bring new ideas.

4 EXECUTIVE OFFICER DEDRICK: Commissioner Ackerman,  
5 before you open, we have a couple of communications to the  
6 Commission which should be put into the record.

7 ACTING CHAIRPERSON ACKERMAN: Let me note for the  
8 record that we've received one letter from a Mr. Richard  
9 D. Glenn, the Catalina Oyster Company, asking the Commission  
10 to revise the terms of the current lease and take some other  
11 relative actions concerning the Island. We also have  
12 received correspondence from the law firm of Hertzberg,  
13 Koslow and Franzen, asking, among other things, to restrict  
14 further consideration of a new lease. These will be entered  
15 officially into the record.

16 Let me start in the order that I received these.  
17 Mr. James Radcliffe, attorney for the Island Navigation  
18 Company.

19 Mr. Radcliffe.

20 MR. RADCLIFFE: Mr. Chairman, Miss Morgan, staff,  
21 Mr. Chairman, I must confess that I am not clear,  
22 particularly in view of the chairman's statement as to the  
23 nature of these proceedings today. It was my original  
24 understanding that each of the bidders had been invited to  
25 Sacramento and came to Sacramento to present to the staff

1 input which was to have been, I understood, communicated  
2 to the Commission and out of which would come some guidelines  
3 for today's hearing. In view of the chairman's original  
4 statement of the various options and of the chairman's  
5 inclination for the 90-day staff study, I would say first  
6 of all that, absent any guidelines, it had been my intention  
7 to suggest to the Commission that there be further staff  
8 study. In view of the fact that the staff report which was  
9 submitted on December the 17th, I believe it was, when the  
10 prior action was taken or a decision was made to take  
11 subsequent action which ultimately did happen, it seemed  
12 to me that the staff study as a result of the fact that the  
13 staff, I'm sure, did not have time to familiarize itself  
14 with the operations on Catalina Island and did not have time  
15 to examine into the factual basis, if any, of some of the  
16 bids, that the recommendations or that the report made to  
17 the Commission by the staff contains some rather glaring  
18 errors of fact.

19 I'm sure that these errors were a result of what  
20 I have just stated, a lack of time. But I think the  
21 operation in Catalina Island as it has existed over the years  
22 and how it is working and how it has worked is something  
23 that the Commission should in making the decision that it  
24 is going to make for a lessee for a 12-year period or  
25 14-year period or whatever, the balance of the 15-year term,

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1 that the Commission owes to itself and to the people of the  
2 State of California, to be fully conversant with the facts  
3 as to how the operation has run, the potential gross revenues  
4 from the operation in Catalina Island and the effectiveness  
5 of the potential bidders.

6 It was our position when we responded to the  
7 original bid that the Commission and the solicitation to  
8 bid was inviting a bid that would have either negative or  
9 no environmental impacts so it would be either categorically  
10 exempt or would be able to simply replace that which was  
11 in existence. We felt that our bid had a negative impact.  
12 We were going to remove from the Island operations which  
13 presently existed on the Island.

14 ACTING CHAIRPERSON ACKERMAN: You mean negative  
15 not in an environmental way, but negative in a positive way?

16 MR. RADCLIFFE: That's correct. Yes.

17 In other words, rather than have an impact, it  
18 would have not only no impact but it would remove some of  
19 the impact of this operation on Catalina Island.

20 Apparently information was presented where the  
21 staff obtained information which indicated that was not the  
22 case and that was presented in the staff report as one of  
23 the bases for which Pioneer and Island Navigation Company  
24 would necessitate an environmental impact report. Now, as  
25 the Commission may recall, at the time of the hearing the

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1 staff report did not say that but during the hearing it was  
2 subsequently developed that that apparently was the staff  
3 opinion.

4 It seems to me in these times when you're dealing  
5 with revenues to the State of California, when we're dealing  
6 with property owned by unquestionably the State of  
7 California, that it behooves all of us to say that the people  
8 of the State, not only the users of the facility, but all  
9 of the people of the State of California are not short-  
10 changed in which bid and the type of bid and the type of  
11 lease that the State enters into. It seems to me that, as  
12 I understand this whole process developed, historically there  
13 was an operator paying about \$19,000 a year for tidelands  
14 and submerged lands where the gross revenues ranged,  
15 depending upon which estimate you read, three-quarters of  
16 a million to a million and a half dollars a year. As I  
17 further understand it, there was another party who volunteered  
18 to double that and it got redoubled in the process and  
19 ultimately led to the notion by the Commission that perhaps  
20 open bidding was a way to really determine what that  
21 leasehold was worth.

22 I would suggest to the Commission that with that  
23 history in mind in this specific situation, that I would  
24 concur certainly with the chairman's notion that there  
25 should be an in-depth staff study. I think perhaps 90 days

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1 is an appropriate period of time to allow the staff the time  
2 which they did not have initially and I would suggest that  
3 during that period of time it might be appropriate to have  
4 an adversary administrative hearing in which each of the  
5 bidders and the staff were parties to develop what in fact  
6 is the situation in Catalina Island today and what in fact  
7 is projected by the lease that is anticipated.

8 I personally believe that that would be  
9 enlightening, both to the Commission and to various of the  
10 bidders, but I think it's not only important, as has been  
11 said, that justice be done, but it must also appear to be  
12 done. I think the Commission, if I may say so, and the  
13 bidders, are obliged to assure the people of the State of  
14 California that they're getting a fair shake. That all of  
15 the revenues which are potential revenues are brought out  
16 into the open and are considered by the Commission in  
17 awarding the bid. I would suggest to the Commission that  
18 that has not been the case and that there are revenues which  
19 the Commission is unaware that would add to the income to  
20 the State of California.

21 ACTING CHAIRPERSON ACKERMAN: I would expect the  
22 staff work to address those points as well.

23 MR. RADCLIFFE: The only other suggestion I would  
24 have in view of the chairman's opening statement, would be  
25 as I have said, first of all, an open hearing to assist the

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1 staff by adversary proceedings. That the staff specify to  
2 the various bidders what it is in those bids that caused  
3 the staff to determine that there was some environmental  
4 impact that should be addressed, and to allow each of the  
5 bidders, if such is the case -- and I would submit it's true  
6 of all three bidders, even though I know that the Island  
7 Company Conservancy position has been that they have been  
8 there and, therefore, there is no environmental impact.  
9 I don't agree with that notion based on the history of how  
10 this has developed.

11 I think in all fairness if that is the case and  
12 if the staff has specifics that it feels would trigger an  
13 environmental impact, that each bidder be allowed to amend  
14 his bid so that such an impact would be avoided because that,  
15 after all, was the condition of the original solicitation  
16 to bid.

17 With that idea in mind, I would like to say that  
18 Island Navigation Company as one of the bidders finally would  
19 say that the Anglo-Saxon concept of fair play, it seems to  
20 me, dictates that all of the bidders having gone to  
21 expense -- I've heard the figure in the case of one bidder  
22 of \$35,000, and I assure the Commission, that's not us --  
23 but considerable money and considerable time and considerable  
24 effort not only has been expended by the staff but has been  
25 expended by each of these bidders. They have submitted bids

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1 in good faith, all three, I'm sure. They're out on the table  
2 for the world to see. There was adequate notice, I feel,  
3 for those who were interested at the time to get involved.  
4 I would suggest finally and in concluding that it be  
5 considered by the Commission that the staff be directed to  
6 conduct its study in the next 90 days to a process which  
7 would involve the three original bidders with the amendments  
8 that I have suggested if there is an environmental impact  
9 problem.

10 I thank you, Commissioners, for your time.

11 ACTING CHAIRPERSON ACKERMAN: Thank you very much.

12 MR. TAYLOR: Mr. Chairman, may I make a statement  
13 because there has been some reference made in the last  
14 presentation to the fact that there is some continuing  
15 nature to the bids that were submitted in December. The  
16 Commission's action was that those bids were rejected. They  
17 no longer had any further force and effect and what is before  
18 the Commission at the present time is the consideration under  
19 the lease which was issued in December as to whether or not  
20 there shall be a substitution. I think that for the record  
21 that must be made clear that the bids are no longer in  
22 effect. We have so advised you.

23 It does not preclude the Commission from  
24 reentertaining them or having them resubmitted or developing  
25 a proposal. But the matter that happened in December has

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1 now been concluded and this is proceeding under a new  
2 ball game which is with respect to the option that is left  
3 to the Commission to substitute somebody.

4 ACTING CHAIRPERSON ACKERMAN: Point well taken.

5 MR. RADCLIFFE: I understand.

6 EXECUTIVE OFFICER DEDRICK: Mr. Chairman.

7 ACTING CHAIRPERSON ACKERMAN: Mr. Harold Lingle.

8 COMMISSIONER MORGAN: While you're walking up here,  
9 I wanted to find out how many speakers there are to see if  
10 we should take a break and make a few phone calls or  
11 continue on.

12 ACTING CHAIRPERSON ACKERMAN: There are four more  
13 speakers, and I don't think with the limited discussion that  
14 we're having, it will take all that long.

15 MR. HIGHT: Mr. Lingle is very brief.

16 MR. LINGLE: Thank you.

17 [Laughter.]

18 MR. LINGLE: I'm Harold Lingle. I represent Jack  
19 Finnie.

20 This whole process I believe started because  
21 Mr. Finnie offered to double the amount that was proposed  
22 to have been negotiated. When Mr. Finnie offered to do that,  
23 it was his assumption that he was going to try to operate  
24 the moorings and the leases in the same manner as they  
25 previously had been operated. I think one of the things

1 that goes on is that there seems to be a fear that  
2 something's going to happen to the yachtsmen, and I hope  
3 nothing happens to the yachtsmen. It certainly was not Mr.  
4 Finnie's intention to make anything happen to the yachtsmen.  
5 I think we have to put that in the perspective that you're  
6 talking about a valuable resource. Those yachtsmen have  
7 boats that are worth a great deal of money and this is a  
8 valuable resource. It's worth a great deal of money.

9 Do we just provide the yachtsmen a special  
10 anchorage at Catalina or do we attempt to get a fair and  
11 reasonable return for the State and the other people.  
12 Mr. Finnie, as you know, did not bid originally. He is still  
13 interested in bidding. We urge you to put it up to bid on  
14 some reasonable grounds and we want you to know that you  
15 have, in addition to the original bidders, other people that  
16 are looking at it and are interested in bidding who think  
17 they can do a good job.

18 ACTING CHAIRPERSON ACKERMAN: Let me correct just  
19 one thing that you said so there's no misconception. We  
20 have really two issues at stake here. One is the selection  
21 of a master leaseholder. The other is the terms and  
22 conditions of the lease. At least in my recollection the  
23 terms and conditions of the lease as it affects the boater  
24 have been resolved and put to rest. Those issues are not  
25 going to be reopened again. So as far as the protection

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1 of the boaters is concerned, as to their subleasing and  
2 their subleasing arrangements, that's over. The boater can  
3 rest assured that no master lessee is going to disturb the  
4 guarantees that the Commission has already vested in the  
5 boaters' lease over the next 14 years. At least I'm not  
6 going to vote for that.

7 MR. LINGLE: Mr. Ackerman, I certainly shouldn't  
8 be making that pitch either. That isn't what I'm trying  
9 to do.

10 ACTING CHAIRPERSON ACKERMAN: I think the  
11 Commission has stated its position very clearly on that.

12 MR. LINGLE: Then my real thrust or argument is  
13 we'd like the opportunity to bid on it again or to examine  
14 what that lease that was put up to see whether we want to  
15 bid and we want you to know that you have serious people  
16 and that there is a source of income for this state.

17 ACTING CHAIRPERSON ACKERMAN: That's what we're  
18 here to find out.

19 MR. LINGLE: That's all.

20 ACTING CHAIRPERSON ACKERMAN: Thank you very much.

21 COMMISSIONER MORGAN: Thanks.

22 ACTING CHAIRPERSON ACKERMAN: Mr. Robert S. Hood.  
23 Mr. Hood.

24 MR. HOOD: I'm not going to speak.

25 ACTING CHAIRPERSON ACKERMAN: Thank you.

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1 Mr. Joseph Steele, Joe,

2 MR. STEELE: Mr. Chairman, I'm Joe Steele, the  
3 President of Boatowners Associated Together, a California  
4 nonprofit corporation of some 35,000 boat-owning families.

5 We were not quite sure what action the Commission  
6 intended to do today. So I'm perhaps not as well prepared  
7 to address you as I would have liked to have been.

8 It was my understanding that the issue of  
9 eliminating the two options to cancel the lease at the first  
10 and second year would arise today. Your meeting in December,  
11 the minutes that I received of that meeting, indicated that  
12 the Commission had voted to offer a lease to the Island  
13 Company for 15 years with a cancellation at the end of the  
14 third year only. There was nothing in the public record  
15 of that meeting indicating a cancellation earlier. So it  
16 was that issue that I primarily came to address you on.

17 However, a couple of other items have arisen since  
18 that time. The Island Navigation Company brought up the  
19 issue of maximizing the State income on these leases and  
20 that really disturbs me. I'm sure you realize that this  
21 is purely a recreation issue. The State has not invested  
22 one single cent in the development of this. There is no  
23 extraction, there is no oil being taken out or gravel or  
24 any other such thing. The only thing that's being extracted  
25 from Catalina is pleasure and we hope we can continue to

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1 do that. I would certainly hope that it is not the policy  
2 of the State of California to maximize the income on every  
3 piece of recreational property in the state because if that's  
4 the policy, I think you could charge considerably more for  
5 many other places where you have invested a large amount  
6 of money. That worries me as you assured us that the boaters  
7 have been taken care of as far as the subleases are  
8 concerned and we are very happy with that. The boater would  
9 not be very well taken care of if the master lease were put  
10 out to the absolute highest bidder because the only place  
11 he's going to get his income is from the boaters and we would  
12 be spending a rather tremendous amount of money on that.

13 Mr. Chairman, we feel that you have a perfectly  
14 good lease right now with only one problem, and that is the  
15 cancellation clauses that you have imposed on the lease  
16 and particularly the fact that the lease can be cancelled  
17 at the end of each of the first three years. So in fact,  
18 the lessees have a one-year lease with an option to extend  
19 one year at a time for three years and then an option to  
20 extend for 12. This makes it very difficult for anyone to  
21 do anything in the way of capital improvement. We can  
22 hardly expect them to buy new boats or make any investments  
23 over there when their lease might be cancelled at the end  
24 of a year.

25 If this process that you're going through right

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1 now continues, it makes the whole business even more  
2 doubtful. As you well know, this is a very political year  
3 in the State of California. We feel that this issue should  
4 be resolved quickly and not dragged out until campaign time  
5 because it is a very emotional issue in Southern California.  
6 There are literally hundreds of thousands of boaters down  
7 there who use the facility at Catalina and who are very  
8 worried about this.

9 I think that's all I have unless you have some  
10 questions.

11 ACTING CHAIRPERSON ACKERMAN: I've met with you  
12 on several occasions and I think I'm very clear on your  
13 position.

14 Susie.

15 COMMISSIONER MORGAN: I want to make it clear,  
16 notwithstanding the fact that someone from your organization  
17 wrote me and told me they'd support me for governor, that  
18 I do not intend to run.

19 [Laughter.]

20 MR. STEELE: Maybe you should.

21 ACTING CHAIRPERSON ACKERMAN: Nor will she accept  
22 a draft.

23 MR. TAYLOR: Mr. Chairman, I might clarify one  
24 of Mr. Steele's concerns, and that is, that it is a 15-year  
25 lease. That as far as the sublessees are concerned, they

1 have a right to renew for 15 years provided they want to  
2 make whatever the rental consideration fixed by the master  
3 lessee. The only option remaining to the Commission at this  
4 time is whether at one point during a three-year period which  
5 can be exercised on any October during that three-year  
6 period the Commission desires to substitute a new master  
7 lessee. So from the standpoint of the boatowners, their  
8 concerns have been addressed and taken care of and there  
9 isn't any problem about their interests being terminated  
10 if a new master lessee steps into the picture.

11 In other words, they have a right to renew under  
12 whoever the master lessee is. Does that address your  
13 concern?

14 MR. STEELE: Well, not completely because after  
15 all it makes a lot of difference who the landlord is. It's  
16 the landlord who is going to provide most of the services  
17 over there. So certainly you've taken care of the boaters  
18 in one respect in that they're not going to find themselves  
19 out in the cold, but they may find themselves with much less  
20 cooperative landlord than they have right now.

21 FROM THE AUDIENCE: Higher prices.

22 MR. STEELE: And that's worse.

23 ACTING CHAIRPERSON ACKERMAN: For the record,  
24 Barry LeBow [ph.].

25 MR. LeBOW: I think we're concerned about one other

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1 item in here in this clarification as Greg Taylor just said.  
2 When we left you on December 17th, the statement of the  
3 Commission and the motion which you approved, was for a  
4 15-year lease that could be reviewed at the end of three  
5 years. The lease that we now prepared at some point prior  
6 to the 24th of the month provided for something that wasn't  
7 even discussed, and that was that the lease could be reviewed  
8 in any one of the first three years, not after three years,  
9 by notification on October 1st.

10 We submit that we the boaters didn't hear any part  
11 of that and we wonder how you did it or whether it was  
12 proper because, once again, with regard to the things that  
13 Joe has just said, with regard specifically to capital  
14 improvements and those things that will benefit the boaters,  
15 if I was a lessee and I only had a nine-month lease and that's  
16 to October 1st or then I had to worry about each successive  
17 year, I wouldn't be spending much money for those boaters  
18 in that period. I submit that that's a change in the lease  
19 and I would hope that at this meeting, even as an interim  
20 type of step, that you at least remove the chain between  
21 the December 17th and December 24th.

22 MR. TAYLOR: Could we have the gentleman's name  
23 for the record?

24 MR. LeBOW: I am Barry LeBow, Van Nuys, California.  
25 I'm speaking as an individual.

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1           ACTING CHAIRPERSON ACKERMAN: Barry, as you recall,  
2 when the Lieutenant Governor and I met with you and several  
3 others down in Newport, I believe it was last month, we did  
4 discuss that provision.

5           MR. LeBOW: Correct

6           ACTING CHAIRPERSON ACKERMAN: The day following  
7 my return to Sacramento, I spent a good, much to the chagrin  
8 of the staff, a good four to five hours with the staff  
9 going over a lot of the details of the lease and of our  
10 actions. I have discussed, not with you personally since  
11 then, but with numerous individuals including counsel for  
12 several of the parties that issue of the modification of  
13 just a three-year lease versus a cancellation clause at  
14 each of the first three years.

15           I committed to you at the time that I would raise  
16 that today as an issue and I was prepared to do so. I've  
17 talked to counsel for one of the parties involved who  
18 suggested to me that perhaps it need not be raised now  
19 because future action of the Commission could render that  
20 a moot point and that we did not need to go back and start  
21 to make technical amendments and technical changes to the  
22 lease at this stage when it may be a moot point at some point  
23 in the future. So, therefore, I did not plan to raise it  
24 today.

25           MR. LeBOW: Without then bringing it up, can you

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1 just for the record, because I think it was evident in,  
2 certainly wasn't in the Commission meeting, but it was  
3 evident in the public session, that there was some  
4 discrepancy and that the year to year at this point is  
5 improper. But rather than raise it as an issue and change  
6 the lease at this point, hold off to a more appropriate date.  
7 But I think it should be acknowledged that it was an  
8 inappropriate change.

9 MR. HIGHT: No.

10 ACTING CHAIRPERSON ACKERMAN: The change is advice  
11 from counsel and it was done legally and correctly.

12 EXECUTIVE OFFICER DEDRICK: I think that that should  
13 be restated, Greg.

14 MR. TAYLOR: Following the Commission meeting the  
15 form of the lease was shown to individual commissioners who  
16 felt that it did not fully reflect their views, whatever  
17 the reason for that was, and with regard to concerns about  
18 how fast environmental review could be done. It was felt  
19 that refinement of what the Commission acted upon was in  
20 order and that was discussed with the current lessee and  
21 the current lessee executed a letter to the State waiving  
22 any objection to that modification of the lease form.

23 I think it should also be pointed out that with  
24 regard to services and other things that the boaters are  
25 concerned about, is that the lease is very specific as to

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1 the type of services that will be provided irrespective of  
2 the master lessee and it's my understanding that each  
3 sublessee sent a copy of the lease which sets forth all of  
4 those conditions.

5 One other individual, Mr. Robert Hertzberg.

6 MR. HERTZBERG: Mr. Chairman, Commissioner, my  
7 name is Robert Hertzberg. I'm counsel for Catalina Marine  
8 Services Corporation, one of the three bidders that were  
9 considered on December 17th.

10 In light of the fact that I'm last and comments  
11 have been rather long, I'd like to make a very brief outline  
12 of a few of our thoughts we have concerning the awarding  
13 of the conditional lease.

14 First, it is our feeling that the conditional bid  
15 should be offered and limited to the three bidders who  
16 participated at the December 17th, 1981 hearing. We feel  
17 that this was a competitive bid process that was entered  
18 into, that those bidders stepped forward and bid. We feel  
19 that it is now unfair to open it up to any others than those  
20 three bidders because those three bidders have now shown  
21 their hand as we have set forth in the letter which you  
22 acknowledged at the beginning of the meeting.

23 Second, we feel that there should be a solicitation  
24 bid and it should be modified in the following respects:

25 A, it should eliminate all references to CEQA,

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1 California Environmental Quality Act, and coastal  
2 development permits as a condition to the award of the lease.  
3 This, we believe, is in conformity with the commissioners'  
4 intent and discussion after reviewing the record from the  
5 December 17th hearing.

6 B, the solicitation bid, the modified solicitation  
7 bid should include consideration of additional sources of  
8 revenue other than the minimum annual lease payments and  
9 percentage of gross revenues. We think that that is a  
10 benefit to the State as clearly it will result in more  
11 revenue.

12 Thirdly, we concur with Mr. Radcliffe's statement  
13 that the three bidders should be allowed to modify their  
14 respective proposals to mitigate any potential CEQA or  
15 coastal development act on. That should not be, however,  
16 a precondition to or consideration of the award of the  
17 conditional lease. But what it should be is it should simply  
18 allow the parties to do that so that when the conditional  
19 lessee is awarded the lease, that they have the opportunity  
20 to minimize whatever administrative review is necessary which  
21 will shorten down the time that it will take for the  
22 conditional lessee to step in the shoes of the present  
23 lessee.

24 COMMISSIONER MORGAN: Could I interrupt and ask  
25 a question?

1 MR. HERTZBERG: Sure.

2 COMMISSIONER MORGAN: It sounds like nonsense to  
3 me, but maybe I'm not following you. What you are asking  
4 the Commission to do is ignore the environmental laws and  
5 ask the bidders to ignore the environmental laws and, having  
6 ignored that, that would not even be a factor in  
7 considering the proposals that are brought forward.

8 MR. HERTZBERG: It is our understanding from  
9 your action on December 17th, that what you intended to do  
10 by having that three-year clause in the present lessee's  
11 document and lease, was to allow a conditional lessee to  
12 step in the shoes, to have a conditional lease awarded and  
13 then once that conditional lease was awarded, then that would  
14 give jurisdiction to the various lead agencies to begin the  
15 environmental review process. It would give jurisdiction  
16 to the Coastal Commission to begin the development permit  
17 process and that while that time was running, that  
18 conditional lessee would go through the requisite approvals,  
19 and as soon as those approvals were received, based upon  
20 the opinion of Mr. Taylor and some of the others here, they  
21 thought -- and I think it was Mr. Northrop -- they thought  
22 that that process could take upwards of three years. That  
23 once that approval was received, all stamped, met all  
24 California laws, environmental and coastal, then that  
25 person, assuming that happened before October 1st, 1984,

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1 would step in the shoes of the present lessee and will have  
2 met all laws. So it's not ignoring the laws. It's simply  
3 putting each of the parties on an equal footing and ignoring  
4 the CEQA for purposes of granting the conditional lease.  
5 That was our understanding of the Commission's action on  
6 December 17th.

7 What we're attempting to do here is we'd like to  
8 see the Commission here today limit, to get this thing  
9 underway. Because what's happening here, the real problem  
10 is that the time is ticking against that three-year clock.  
11 If the opinion of Mr. Taylor, if the opinion of Mr. Northrop  
12 is accurate, that it's going to take three years to go through  
13 the process once a conditional lease is granted, that clock  
14 is running and it has to happen before October '84. We've  
15 already lost a tremendous amount of time as it is, any  
16 conditional lessee getting into it.

17 So what may happen is that the attempt of the  
18 Commission in our opinion by its action on December 17th,  
19 was to put all the parties on equal and fair footing. But  
20 by delaying the process to the other bidders in the process,  
21 you're causing prejudice.

22 COMMISSIONER MORGAN: Why don't you go ahead with  
23 your points.

24 MR. HERTZBERG: That was really one of my points.  
25 You saved me a little time.

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1 We respectfully request that the Commission here  
2 today reentertain those three bids and make the decision  
3 to limit it to those three bids, and 90 days -- Again, we're  
4 causing prejudice to the other bidders here. To limit it  
5 to 30 days I think that's a reasonable period of time because  
6 I believe there was a Commission meeting on November 6th  
7 in which it was sent out to bid. There was thereafter a  
8 meeting on December 17th, in which the bids were entertained.  
9 It's clearly doable. I think that it should be 30 days rather  
10 than 90 days. That the staff should come back with a  
11 modified bid solicitation which governs the rules and allows  
12 the various parties to modify their respective bid leases  
13 within the guidelines of that provision.

14 We agree with Mr. Steele as to the urgency of this  
15 matter.

16 That's all. Thank you.

17 ACTING CHAIRPERSON ACKERMAN: Is there anyone else  
18 in the audience that wishes to address the Commission?

19 Mr. Greenberg.

20 MR. GREENBERG: Charles Greenberg of Ball, Hunt  
21 Hart, Brown and Baerwitz, representing your present lessee.  
22 As representing your lessees, I didn't really think that  
23 we would make a comment but I do feel constrained to respond  
24 to Mr. Hertzberg's statement because I believe it can lead  
25 you into a significant legal error that we believe would

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1 be most unfortunate.

2 If I understand the gravamen of what he's saying,  
3 it is that we are about to undertake a process by which prior  
4 to the time the required environmental review is done of  
5 a substitute bidder's program, you conditionally award some  
6 sort of lease to him and then subsequent to that award you  
7 go through some sort of environmental process, whatever you  
8 think is appropriate, which we continue to think inevitably  
9 will be an EIR. But that I believe clearly is inappropriate  
10 legally. The whole thrust of the California Environmental  
11 Quality Act is that at the earliest possible time and at  
12 the time that you make a decision, tentative or otherwise,  
13 to go with a particular project or go with a particular  
14 leaseholder in this case, that you should have before you  
15 all of the environmental materials that you need,  
16 environmental materials that have been properly prepared  
17 in accordance with the guidelines of the California  
18 Environmental Quality Act. The concept -- this is not a  
19 lawyer's esoteric thing -- the concept is very simple. The  
20 concept is that an EIR or any environmental documentation  
21 is similar to a situation where you want to buy a stock and  
22 you want to have before you, a new stock, and you want to  
23 have before you the disclosures required by the securities  
24 laws at the time you buy the stock. The case law is clear  
25 that the environmental review has to be done at the earliest

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1 possible time and before you take your action in adopting  
2 the project.

3           Therefore, whatever process you set up as far as  
4 we're concerned -- by the way, we believe that really at  
5 this point, having gone through an exhaustive process where  
6 on the one hand the other parties seeking the lease were  
7 telling you that you can obtain substantially more monies  
8 if you put the matter out to bid and where we were telling  
9 you it is impossible for any other party to operate this  
10 leasehold without causing substantial environmental effects  
11 that require difficult analysis, it seems clear to us that  
12 both parties have made their point. That you went through  
13 the bidding process. As a result of it, the funds which  
14 the State is going to receive did indeed go substantially  
15 up and the people who were telling you that were correct.

16           Now that you know more about the Catalina  
17 operations and how this lease has to be operated, it seems  
18 absolutely clear that we were right also and that that  
19 operation cannot be operated without having a very careful  
20 analysis of very substantial environmental effects if it  
21 is to be operated by anybody else but the adjacent land site  
22 owner.

23           Now, having done that, our view would be you've  
24 clearly put yourself in a position where you have all the  
25 evidence you need before you to say, fine, we're now

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1 obtaining more monies, we now have the best environmentally  
2 sound way of operating that lease, and that should be the  
3 end of the issue. You have a prerogative under your lease  
4 of going forward. If you do go forward, however, I would  
5 urge you to do it in a way where you analyze projects and  
6 analyze the environmental effect of those projects strictly  
7 in accordance with the requirements of California  
8 Environmental Quality Act prior to the time you make any  
9 decision that might be construed as adopting a project or,  
10 quote, conditionally, unquote, awarding the lease to anyone  
11 with respect to this project.

12 Thank you very much. Be pleased to answer any  
13 questions you might have.

14 ACTING CHAIRPERSON ACKERMAN: I think you were  
15 very clear.

16 Yes, sir.

17 MR. REINHOLD: My name is Jack Reinhold, and I  
18 represent my wife and me who are individual boatowners.

19 Several people have commented on the fact that  
20 the boater has been taken care of in the Catalina program.  
21 I think that's true, but not the way I'd like to be taken  
22 care of. Our mooring rates have gone up 34 percent, being  
23 forced by this competitive bidding. It's a recreational  
24 area. The high dollar boatowners generally go to Avalon.  
25 They now can have a daily fee stopover for less money than

1 we can in the isthmus area. I think you draw a line to it.  
2 I think you should leave it with the Island Company. They  
3 do an outstanding job. They have the history and let's not  
4 let the prices go up any more because most of us are going  
5 to be priced out of it. It's our only recreation.

6 Thank you.

7 ACTING CHAIRPERSON ACKERMAN: Any other comments  
8 from the audience?

9 Susie, what is your, or do you want me to --

10 I think based, at least my opinion, based upon  
11 the testimony now, I would feel that, number one, the staff  
12 and the Commission has to very carefully chart the course  
13 that's out before us to both serve ourselves and the people  
14 of California and the boaters and the bidders that we have  
15 in fact systematically and very completely analyzed all the  
16 details on it so that we don't have any unanswered questions.  
17 Because right now, at least in my opinion, we are now going  
18 on opinion as to environmental impact. We're going on  
19 opinion as to the level of services that are provided for  
20 in each of the packages.

21 I, for one, want to see a very clear and a very  
22 detailed analysis of that so that the Commission may make  
23 a total informed decision on it. I think we would be remiss  
24 to do any less.

25 I picked the 90-day figure somewhat out of the

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1 air, but usually that time frame is given for review  
2 processes. I would still offer that the staff within 90  
3 days, which doesn't preclude sooner if the staff is ready,  
4 within 90 days come back to the Commission with a very clear  
5 and very definite set of proposed actions that lays out the  
6 exact course of action for the Commission to follow. I think  
7 the staff should do that after consultation and discussion  
8 with the people who have testified here today. Each of them  
9 have raised various points. I think those points should  
10 be considered in the Commission making a final decision as  
11 to the direction we're going to proceed.

12 COMMISSIONER MORGAN: Well, since you are the  
13 commissioner who continues to have concerns, it seems to  
14 me it would be more appropriate for the staff to work with  
15 you in responding to the questions that you have in putting  
16 together something that you feel satisfies your concerns.  
17 When you feel they have done that, then bring it to the  
18 Commission and make a presentation based on what you feel  
19 is an appropriate way to go. But at this point I think  
20 the Commission has had sufficient public meetings to get  
21 public input and if there's a different direction that you  
22 would like to go, then it seems to me it's up to you to work  
23 with the staff to bring that direction back to the  
24 Commission.

25 " Is there anything else we need to do?

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1 EXECUTIVE OFFICER DEDRICK: Yes. We're through  
2 with Catalina.

3 [Thereupon a brief recess was taken.]

4 COMMISSIONER MORGAN: I'll move approval of Item  
5 42 having seen Exhibits A and B.

6 ACTING CHAIRPERSON ACKERMAN: Let me ask one point  
7 of clarification for the staff, whoever should answer.

8 Does the Commission need to take official action  
9 today or should we to initiate a staff review or would that  
10 be done in the course of past Commission actions and  
11 internal discussions?

12 EXECUTIVE OFFICER DEDRICK: I would think that  
13 your directions to us are already on record. This is a  
14 continuing process. Unless you feel you need to do  
15 something like that, I think I know what the staff is  
16 supposed to be doing. It's very good for us to have those  
17 kinds of directions on the record, but we don't need you to  
18 tell us.

19 ACTING CHAIRPERSON ACKERMAN: I'll stipulate to  
20 Susie's remarks, but again realizing that there are only two  
21 of us here today. There is necessarily three people that  
22 constitute the Lands Commission and I'm only one vote of  
23 those three.

24 Secondly, that it would be my intent, unless  
25 there's objection, that 90 days be a time limit on the

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1 outside on this and if it can be done sooner, so be it.

2 COMMISSIONER MORGAN: Then if at the end of 90  
3 days you have not brought the matter back to the Commission  
4 for discussion, that I will be prepared that we amend the  
5 lease to remove the offensive termination language that was  
6 mentioned here today.

7 ACTING CHAIRPERSON ACKERMAN: Okay. No problem  
8 with that.

9 COMMISSIONER MORGAN: Okay.

10 [Thereupon Agenda Item 45 was concluded.]

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CERTIFICATE OF SHORTHAND REPORTER

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3 I, CATHLEEN SLOCUM, a Certified Shorthand  
4 Reporter of the State of California, do hereby certify:

5 That I am a disinterested person herein; that  
6 the foregoing excerpt from the State Lands Commission  
7 Meeting was reported in shorthand by me, Cathleen Slocum,  
8 and thereafter transcribed into typewriting.

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

12 IN WITNESS WHEREOF, I have hereunto set my hand  
13 this 31st day of March, 1982.

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