

MEETING OF THE
CALIFORNIA STATE LANDS COMMISSION

TRANSCRIPT OF PROCEEDINGS

February 12, 1997

10:30 A.M.

City of Huntington Beach
City Hall Council Chambers
2000 Main Street
Huntington Beach, California

REPORTED BY:
Malia Carlsen,
CSR No. 10577
Our File No. 34351

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APPEARANCES:

GRAY DAVIS, LIEUTENANT GOVERNOR, CHAIRMAN;
KATHLEEN CONNELL, STATE CONTROLLER, MEMBER;
THERESA PARKER, CHIEF DEPUTY DIRECTOR,
DEPARTMENT OF FINANCE, MEMBER

FOR THE STATE OF CALIFORNIA:

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APPEARANCES: (Continued)

DEPARTMENT OF JUSTICE
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FOR THE U.S. ENVIRONMENTAL PROTECTION
AGENCY:

BY: HUGH BARROLL
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San Francisco, California 94105-3901

1 MR. DAVIS: This meeting of the Lands
2 Commission will come to order. We note that all
3 three members are present. So we have a quorum.

4 Begin by accepting a motion to
5 approve the minutes of the last meeting.

6 MS. CONNELL: I move that we approve the
7 minutes.

8 MS. PARKER: Second.

9 MR. DAVIS: Then it's unanimously adopted.

10 The first item of this business is
11 the consent calendar.

12 Do I have a motion on the consent
13 calendar?

14 MS. CONNELL: I move that we approve the
15 consent calendar.

16 MS. PARKER: Second.

17 MR. DAVIS: Consent calendar is unanimously
18 adopted.

19 And I believe, Mr. Hight, that leaves
20 us with two items?

21 MR. HIGHT: Correct, Mr. Chairman.

22 That leaves us with two items, No. 89
23 and 90, which we will take up as a package, which
24 both deal with the Bolsa Chica acquisition and
25 restoration.

1 At the moment we have been advised by
2 private parties that they are very close to
3 finishing their negotiations which would allow the
4 Lands Commission the opportunity to move forward
5 on this. And I would suggest that I give you a
6 brief presentation of the facts, and then we hold
7 public testimony, with the hope that during that
8 time we will have some definitive word.

9 This transaction, while it has been
10 extremely nerve-racking, is really very simple in
11 concept. The Ports of Los Angeles and Long Beach
12 desire to fill submerged lands in order to
13 expand. In order to do that, they need mitigation
14 credits which would be the result of the
15 restoration of Bolsa Chica.

16 This project has been the cooperative
17 results of four federal and four state agencies
18 and the two ports. On the state side it's
19 naturally the Commission, the Department of Fish
20 and Game, the Coastal Conservancy, the Resources
21 Agency. On the federal side it's Fish and
22 Wildlife, EPA, National Marine Fisheries and Corps
23 of Engineers and, plus, the two ports.

24 You'll recall from previous
25 Commission meetings that the Commission authorized

1 the execution of the Memorandum of Understanding
2 which was really precedent-setting in the sense
3 that that agreement, for the first time in
4 history, provided a mechanism by which the ports
5 could deposit money with the Commission. And if
6 certain conditions were met, they could do their
7 restoration. Their fill work and the restoration
8 work would go forward.

9 I have been advised by all of the
10 federal and state agencies that they have made a
11 go decision contingent upon the Commission's
12 adoption and approval of this item, which is
13 likewise contingent upon the final resolution
14 between the private parties.

15 MR. DAVIS: So we are the last state or
16 federal agency to put its stamp of approval on
17 this transaction?

18 MR. HIGHT: Correct.

19 MR. DAVIS: Although the other agencies just
20 approved of this yesterday?

21 MR. HIGHT: Yes.

22 MR. DAVIS: It's not like we've been
23 stalling around here.

24 MR. HIGHT: Now, that transaction is as
25 follows: The Commission would take title to

1 880 acres from the Koll Company and 25 acres
2 previously owned by the Metropolitan Water
3 District, which has been conveyed to the Bolsa
4 Chica Land Trust, for a purchase price of
5 \$25 million. The property, absent the 25 acres,
6 has been appraised at \$31 million.

7 The private parties, CalResources and
8 Koll, have agreed to clean up the property at
9 their expense, at no expense to the public. And
10 the work for the cleanup will be overseen by the
11 Regional Water Quality Control Board.

12 Immediately upon closing, the Fish
13 and Wildlife Service will start a sampling,
14 additional sampling of the property, to determine
15 the areas that need to be cleaned up.

16 Simultaneously, the Coastal
17 Conservancy will start a public outreach program
18 to determine the conceptual plan for the
19 restoration.

20 These two projects will merge then in
21 an EIR/EIS, which the Commission will be the lead
22 state agency. The Corps of Engineers will be the
23 lead federal agency. And that EIR/EIS is
24 anticipated to be finished sometime in late '98,
25 with restoration to begin around 2000. And these

1 numbers are a little fuzzy because they are
2 planning the future based upon what we know.

3 And that, in substance, is the
4 transaction. It's really very simple. The
5 problem has been placing the worth on paper to
6 arrive at this conceptual solution.

7 MR. DAVIS: You have described it as a
8 "simple transaction."

9 As we well know, it has taken years
10 of cooperative effort, by a host of agencies and
11 many private, to bring us to the brink of
12 success.

13 So it may sound simple. But it took
14 a long time.

15 MR. HIGHT: A very long time.

16 MR. DAVIS: Shall we hear from the public
17 now?

18 MR. HIGHT: Yes.

19 MR. DAVIS: First, I'd like to call to the
20 microphone for comment, the mayor. Then following
21 the mayor, the mayor pro tem, Huntington Beach.

22 We're glad to be here. Thank you for
23 your hospitality.

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RALPH BAUER

MR. BAUER: You're very welcome.

I'm Ralph Bauer, Mayor of Huntington Beach. And on behalf of my six colleagues, as well as the 200,000 people of Huntington Beach, you're welcome to Huntington Beach, and we're pleased that you're here.

MR. DAVIS: Thank you.

MR. BAUER: You always wonder what you ought to say at a time like this. And I guess I try to get some perspective, and I look back at our society and review the sorts of groups, if you will, who keep the system honest.

And I count among those, three groups that we think are very important. One, of course, the free-and-open press, which we do have and, of course, intend to preserve.

Second, the grand jury.

And the third is the League of Women Voters. And I mention League of Women Voters because about 20 years ago a small group of ladies gathered in a living room here in Huntington Beach and asked the question, "What should we do about Bolsa Chica? Does that not belong to the citizens

1 of California?"

2 The group studied, and they decided,
3 yes, indeed it does belong to the citizens of
4 California. And that was the first time somebody
5 had asked that question. And from that group, the
6 Amigos de Bolsa Chica, a whole group of other
7 organizations, activist groups, the Bolsa Chica
8 Land Trust and a variety of others.

9 So from that early beginnings of a
10 group of about a half a dozen or so women asking
11 that question, we have arrived to the issue today.

12 Needless to say we thank very much
13 all of the people who participated in the Land
14 Trust, all the agencies and all the
15 organizations.

16 But we must never forget that group
17 of women, which is typically American, who got
18 together and asked questions. And from that, led
19 us here today. I want us to all recollect that,
20 and we have great admiration for those women.

21 MR. DAVIS: Are any of those women still
22 with us?

23 MR. BAUER: There are some of them here.

24 MS. CONNELL: I hope they were young women
25 when this process started.

1 MR. DAVIS: Can we ask them to stand if
2 you're still here?

3 MR. BAUER: I might also mention that we
4 recognize our city as a city of activists, some
5 call us "troublemakers." But activists is a
6 little nicer word. And a lot of the activists are
7 here.

8 We're all in agreement that this is a
9 wonderful project. And we urge you to support,
10 and I know that you will.

11 Thank you very much.

12 MR. DAVIS: Thank you.

13

14 SHIRLEY DETTLOFF

15

16 MS. DETTLOFF: I'm one of those old ladies
17 who was young once upon a time.

18 Good morning and welcome to the city
19 of Huntington Beach. I'm Mayor Pro Tem Shirley
20 Dettloff.

21 And I want to thank all of the state
22 and federal agencies for the hours of work,
23 determination and wisdom in putting together the
24 acquisition of Bolsa Chica Wetlands.

25 Many of us have spent years working

1 on what we once saw as a dream, and now, because
2 of the dedication and hard work of so many, have
3 made this a reality.

4 At no time in history have we seen
5 state and federal agencies putting aside
6 differences to work for a common goal. They have
7 achieved that goal.

8 What you are doing today is
9 preserving for future generations one of the
10 largest remaining wetlands in California. The
11 state will not only acquire a viable wetland, but
12 the resources to clean up the oil operations and
13 moneys to restore the area.

14 This is a once-in-a-lifetime and very
15 unique opportunity. Today you will be making one
16 of the most important and significant decisions
17 ever made by the State Lands Commission, one that
18 generations of Californians will thank you for.

19 Again, my thanks to all who brought
20 us to this day. A special thanks to Bob Hight,
21 Hugh Barroll, Tom Yocom, Secretary Wheeler and
22 Under Secretary Frampton and all who participated
23 in the endless discussions and negotiations. What
24 you have done is good for the economy and is good
25 for the environment.

1 As a past president of the
2 Amigos de Bolsa Chica and having worked on the
3 Bolsa Chica project for the past 20 years, I would
4 like to bring to you the thanks of thousands and
5 thousands of volunteers and dedicated citizens who
6 want these lands placed in public ownership.

7 And I thank you for your
8 consideration of this issue. And this is a
9 win-win for all of us in the state of California.

10 MR. DAVIS: Thank you. Mayor --

11 MS. DETTLOFF: Yes?

12 MR. DAVIS: We didn't identify, by name,
13 some of the early pioneers who helped you bring us
14 to this point.

15 Could you identify the three people
16 who stood up so we can add their names to the
17 record and thank them officially.

18 We are great believers that we stand
19 on the shoulders of those who precede us.

20 MS. DETTLOFF: Virginia Whipple.

21 MR. DAVIS: Virginia, thank you so much.

22 MS. DETTLOFF: Linda Moon and Charlene
23 Bauer.

24 MR. DAVIS: Charlene, thank you.

25 Madam Secretary, did you get those

1 names?

2 MS. SHAW: Virginia Whipple, Charlene Bauer
3 and Linda Moon.

4 MR. HIGHT: Mr. Chairman, I left out one
5 minor detail in my presentation. Before you we
6 have over 300 letters of support, the largest
7 number of letters that, to my knowledge, the
8 Commission has ever received.

9 In addition, every local, state and
10 federal elected official that touches the coast
11 from Orange County to Los Angeles has supported
12 this, and there's a letter there from them before
13 you.

14 MR. DAVIS: Why did it take us so long if
15 everyone is in favor of this?

16 MS. CONNELL: Unfortunately, the people that
17 delayed it were not necessarily those who have
18 been writing the letters of support.

19 MR. DAVIS: But I am told that we have no
20 letters of opposition, which is rare for our
21 meetings.

22 MS. CONNELL: Yes.

23 MR. DAVIS: Let's proceed with the people
24 who have asked to testify. We have, I believe,
25 another nine of them.

1 We have the president of the
2 Amigos de Bolsa Chica from Huntington Beach,
3 someone who has been very active in this effort,
4 Tom Livengood.

5 Tom, if you would please give us the
6 benefit of your thoughts.

7 And I'd like to ask the people who
8 speak if they could follow the good example of the
9 two elected officials who kept their remarks well
10 under three minutes. So, I think it's a good
11 model for the rest of us to follow.

12

13 TOM LIVENGOOD

14

15 MR. LIVENGOOD: Before I start, my name is
16 Tom Livengood. I'm the president of the Amigos de
17 Bolsa Chica. I would like to point out that Linda
18 Moon and Charlene Bauer are presently serving on
19 the Board of Amigos de Bolsa Chica.

20 For 20 years Amigos members have
21 invested thousands of volunteer hours in
22 fund-raising, lobbying and participating in
23 educational programs to support the Amigos'
24 mission, save Bolsa Chica.

25 The proposal before you to purchase

1 880 acres of Bolsa Chica and acceptance of 25 more
2 acres, will bring the Amigos' dream to reality.
3 The Amigos strongly recommend you approve the
4 proposal.

5 Support for the proposal comes from
6 elected officials at all levels of government --
7 federal, state, county and city, Republican and
8 Democrats.

9 Support also comes from environmental
10 groups, community activist groups and business
11 organizations.

12 As you heard Bob Hight say that
13 hundreds of citizens have submitted letters of
14 support.

15 Today you have the opportunity to
16 approve a project financed by the ports, place
17 over 900 acres of land in the control of the state
18 with over \$50 million interest for restoration.

19 By approving the purchase and
20 acceptance of over 900 acres of Bolsa Chica
21 Wetlands, you will set the wheels in motion for
22 restoration of valuable wetlands for future
23 generations, jump start the opportunity for
24 thousands of jobs and stimulate positive
25 economic growth in this region. You have a

1 once-in-a-lifetime opportunity to approve a
2 project that is a true partnering of the
3 environmental and business community.

4 Again, the Amigos urge you to take
5 action now and vote yes on the proposal.

6 The Amigos would like to take this
7 opportunity to thank the individuals that
8 represent the state and federal agencies, the
9 landowner and oil operators that worked so hard to
10 hammer out an agreement.

11 We would also like to thank you for
12 scheduling this historical meeting in Huntington
13 Beach, the city that surrounds the Bolsa Chica.
14 Thank you.

15 I do have the latest support list
16 that was completed yesterday afternoon. We have
17 added U.S. Congressman Christopher Cox and
18 Supervisor Tom Wilson in Orange County.

19 MS. CONNELL: You mean they weren't part of
20 our 300 letters of support?

21 MR. DAVIS: Thank you, Tom. Thank you for
22 your good work.

23 Are there any questions?

24 (No response.)

25 MR. DAVIS: Next I'd like to ask Bob

1 Sulnick, who is the executive director of the
2 American Oceans Campaign, who has been very active
3 in the work, to come forward and give us the
4 benefit of his thoughts.

5

6

BOB SULNICK

7

8 MR. SULNICK: Thank you, Mr. Chairman, and
9 the members of the Commission.

10 My name is Bob Sulnick. I'm the
11 executive director of the American Oceans. I'm
12 here on behalf of our organization to speak in
13 favor of the acquisition and restoration of the
14 lowlands of Bolsa Chica.

15 I have brought with me a letter of
16 support from nine other environmental leaders. I
17 would like to read it into the record, and I will
18 give you a copy.

19 You've just heard from Tom Livengood,
20 the president of the Amigos de Bolsa Chica.

21 In addition, supporting the
22 acquisition and restoration is: Roger McManus,
23 who is the president of Center for Marine
24 Conservation; Rodger Schlickeisen, who is the
25 president of Defenders of Wildlife; Mark Gold, who

1 is the executive director of Heal the Bay; Paul
2 Hansen, who is the executive director of the Izaak
3 Walton League; Mel Nutter, who is the chairperson
4 of the League for Coastal Protection; Dan Taylor,
5 who is the executive director of the National
6 Audubon Society, California; Joel Reynolds, who is
7 the senior staff attorney at the Natural Resources
8 Defense Council; and Vic Sher, who is the
9 president of Sierra Club Legal Defense Foundation.

10 The reason you have so many national
11 CEOs of environmental organizations signing this
12 letter of support, speaks to the importance of
13 restoring our wetlands in the state of California.

14 We have lost 91 percent of our
15 wetlands over the past century. They are a
16 central part of a functioning ecosystem. They
17 provide an essential hatchery for most of the
18 sport and commercial fisheries that we rely on in
19 this state. They are the nesting grounds for a
20 multitude of migratory birds and endangered
21 species. They are a flood-control plain, nature's
22 design. They recharge our groundwater and
23 replenish our aquifers. And they dilute pollution
24 from our ecosystems.

25 We cannot afford to continue to lose

1 valuable wetlands. And therefore we are very
2 excited about the potential of restoring these
3 some 900 acres.

4 There is one other thing that I would
5 like to put on the record. I think that what you
6 have before you today is a paragon for a new model
7 of environmental problem solving, desperately
8 needed by the 21st century. This is the first
9 time in my career, which has gone on for more
10 years than I would like to admit, that I have seen
11 cooperation between the private sector, the Koll
12 Company, eight federal and state agencies
13 including your own -- and tremendous regard for
14 your executive director, Mr. Hight -- two ports
15 and the environmental community, none of which
16 could have accomplished this task on its own.

17 Clearly the environmental community
18 doesn't have any infrastructure capable of
19 approaching this process. And it would seem to me
20 that everyone in this process has had to come off
21 a traditional position to make this happen. I
22 think it speaks well for the future, and we
23 strongly urge you to approve this wonderful
24 possibility.

25 MR. DAVIS: Thank you, Bob, very much.

1 The next person to speak is the
2 president of Bolsa Chica Land Trust, Nancy
3 Donovan.

4 Thank you for your assistance and for
5 your participation.

6 Nancy, were you one of these original
7 pioneers?

8

9 NANCY DONOVAN

10

11 MS. DONOVAN: Well, sort of. I started the
12 newsletter for the Amigos early on.

13 Good morning, commissioners and
14 chairman. I am here today to speak on behalf of
15 the Bolsa Chica Land Trust, a group of over 3300
16 members, the largest environmental group ever in
17 Huntington Beach, and currently a property owner
18 in the wetlands, as you well know.

19 Our group, along with the Sierra
20 Club, Surfrider Foundation and Huntington Beach
21 Tomorrow, was instrumental three years ago in
22 interesting the Fish and Wildlife Service in the
23 Bolsa Chica project and helped to bring the
24 agencies together to accomplish this Herculean
25 feat of agreement.

1 Suffice it to say that, with the
2 responsibility for cleanup of contamination being
3 taken by the contaminators, we have no further
4 concerns about the purchase of the wetlands. We
5 support this purchase and hope you will vote to
6 approve it.

7 Further, we currently are planning to
8 acquire the other endangered parts of the Bolsa
9 Chica jewel, and that is the Bolsa Chica Mesa. We
10 would like you to keep this in mind and would hope
11 that members of the state government will
12 cooperate with the federal to help to bring this
13 about also.

14 I will not go into the whys and
15 wherefores of the importance of this effort,
16 except that there has to be some reason that we
17 receive many new membership applications each
18 week.

19 Thank you very much.

20 MR. DAVIS: Thank you, Nancy.

21 The next speaker is Haydee Tillotson
22 from Huntington Beach. Haydee is speaking --
23 there is no indication of what organization she
24 represents, but maybe she will tell us.

25 ///

1 HAYDEE TILLOTSON

2

3 MS. TILLOTSON: Thank you, Mr. Chairman,
4 members of the committee. Thank you for this
5 opportunity.

6 My name is Haydee Tillotson. I'm
7 representing myself as a citizen of
8 Huntington Beach.

9 I am a member of the Amigos de Bolsa
10 Chica. But what I wanted to express at this
11 meeting is the fact that 20 years ago I was not a
12 member of Amigos. As a matter of fact, I opposed
13 the Amigos.

14 I live across the street from the
15 Bolsa Chica in an area called Huntington Harbor.
16 Today Huntington Harbor could not be built. I
17 enjoy the harbor life, being able to look at the
18 water across from my living room, so on and so
19 forth.

20 I wanted marinas. I wanted
21 commercial in Bolsa Chica. I wanted all of those
22 things. When I first moved to the harbor, I was
23 told there was going to be a cut to the ocean --
24 but I saw the light. And I saw the light thanks
25 to the Amigos de Bolsa Chica.

1 The Amigos did an excellent job in
2 educating the public, educating people like myself
3 that, of course, I enjoy the birds; of course, I
4 enjoy the open space. But I really did not have a
5 full understanding of what this really meant, not
6 only to me, but to future generations.

7 And I think it's important to know
8 that there are many people in Huntington Beach and
9 probably in Southern California just like myself.

10 I'm a developer in the city of
11 Huntington Beach, and developers do like open
12 space. Developers do like to see birds and fish
13 and beautiful areas that are preserved and
14 conserved in the wetlands.

15 I drive by Bolsa Chica two and three
16 times a day. And I can tell you that, as I'm
17 driving along, I'm always looking to one side and
18 seeing the beautiful, beautiful fauna that goes on
19 and birds.

20 And one of the most beautiful sights
21 that I saw years ago, for the first time, was when
22 I saw a flock of white pelicans. I had never seen
23 that. And I've gotten to the point where I can
24 really and truly appreciate it. I know that I am
25 not the only one.

1 to work with organizations such as the
2 Amigos de Bolsa Chica and the Bolsa Chica Land
3 Trust and the other organizations that were
4 mentioned here already this morning.

5 I would like to echo the sentiments
6 of the previous speakers and to piggyback on some
7 of their comments. Our organization
8 wholeheartedly endorses this. And I have a pen
9 here, if you need one, to sign the documents
10 today, if you're short on pens.

11 As an activist organization, however,
12 you sometimes get called, like, a negative group
13 because you may point out certain facts of
14 development and projects that come up that maybe
15 others haven't seen or at least are not getting
16 out to the public. And maybe I'll toss us out as
17 sort of being the group that is maybe the "fly in
18 the ointment."

19 One of the things, in your staff
20 report here, that we are concerned about -- and I
21 do want to congratulate your staff on their
22 diligence -- is the contamination issue. And this
23 is an issue that we are very greatly concerned
24 about, about the cleanup. And it does state that
25 contaminants have been identified and will be

1 cleaned up at the expense of the seller. We agree
2 with this and hope that that remains that way.

3 One of the things that we do want to
4 bring out, however, is the question of, are there
5 any other contaminants that aren't identified?
6 And what happens if those contaminants pop up or
7 something pops up in the future? Who is going to
8 be responsible for that?

9 So we want to, sort of, guarantee and
10 ask you that the public bear no impact financially
11 on the cleanup cost on this.

12 Other than that, I'll let you to it.
13 I hope you can sign this today. And, again, I
14 hope you endorse this wholeheartedly.

15 MR. DAVIS: Thank you, Bob, very much.

16 MS. CONNELL: Mr. Hight, can you speak to
17 the issue of the contaminants and the securities
18 that we have and the legal agreement that the
19 state will bear on no liability?

20 MR. HIGHT: Yes. That is the agreement.

21 And I think I'll let Hugh Barroll,
22 who is the attorney for the Environmental
23 Protection Agency, who was instrumental to help
24 negotiate that piece, describe that.

25 MR. BARROLL: I'll describe it very briefly

1 but focus on the question that was posed by the
2 commenter in terms of the future discovery of
3 contamination, because that is a critical one.

4 The overall structure of the clean-up
5 agreement has the project -- the state and federal
6 agencies conducting an environmental risk
7 assessment and confirmatory sampling effort.
8 We're going to go out to the whole property that
9 we are looking at for restoration and look at it
10 and find out what the contamination is. We're not
11 relying on what we know now. We're going to go
12 out to find more. And we expect we will probably
13 find more. We don't know yet.

14 To the extent we find anything
15 through this effort -- and we're not going to
16 pinch pennies on this. This is something that we
17 control. CalResources and Koll will be on the
18 hook to clean it up.

19 And we may not find everything. No
20 sampling effort can be perfect in this regard.
21 And our clean-up agreement has to end at some
22 point. If we find it during the term of our
23 sampling, it's required to be cleaned up.

24 If for some reason we miss something
25 and need to come back in the future, we aren't

1 waiving regulatory authority relating to cleanup.
2 We won't have a cleanup agreement for it, but we
3 aren't going to be giving away the store either.
4 We will have a way to make sure that anything that
5 we missed in the sampling is also addressed.

6 We think we're going to find
7 everything that we need. We're not anticipating
8 problems on this score. But we're not foreclosing
9 our options to make sure that the public is
10 protected on this.

11 MR. DAVIS: I'm happy to hear that you
12 expect to be very diligent in the sampling phase,
13 because that is our best insurance policy that all
14 of the contaminated area that needs to be cleaned
15 up is identified and the public is not left
16 holding the bag in the future.

17 So please proceed with all due
18 diligence and take the time you need to do a
19 thorough job.

20 MS. CONNELL: What is your understanding of
21 the timetable for your initial survey?

22 MR. BARROLL: We expect to spend the next
23 few months developing our work plan to make sure
24 that we do it right. And we will be consulting
25 with Regional Water Quality Control Board as well

1 as the people from CalResources to basically make
2 sure that we're thorough in this regard.

3 It's in no one's interest to get a
4 surprise down the road. We want to do it right
5 the first time.

6 This will take, basically, through
7 the spring, early summer. Then we expect to do
8 the sampling work, probably, over about a six- to
9 nine-month period between summer of '97 and early
10 1998. We hope and expect to be done with this
11 effort late winter of 1998.

12 MS. CONNELL: At which point the cleanup can
13 begin and the restoration?

14 MR. BARROLL: Yes.

15 The cleanup and restoration will
16 generally progress -- cleanup first, restoration
17 next -- except for possibly some cleanup
18 activities that make more sense to combine with
19 restoration.

20 MR. DAVIS: Are there any further questions
21 on this subject?

22 (No response.)

23 MR. DAVIS: Let's move to our next speaker
24 who is Irvin Haydock, private citizen. He says
25 representing "my children and my grandchildren."

1 So thank you, Irvin, for representing
2 that very special contingency.

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IRVIN HAYDOCK

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MR. HAYDOCK: Thank you, Mr. Chairman.

7 My name is Irvin Haydock. I'm a
8 Ph.D. Ecologist, graduate from the University of
9 California, Davis, and a marine pollution expert
10 for the past 30 years.

11 I'm a former Huntington Beach
12 resident, former chairman of the Environmental
13 Council here at Huntington Beach. I now live in
14 Fountain Valley at 11570 Aqua Marine Circle.

15 I am here to represent my four
16 children and also my grandchildren, because
17 they're not here for a variety of reasons. The
18 four children are working to pay off their
19 mortgages; and the grandchildren, I hope, are in
20 school today, some of them at least. Most of them
21 live here in the county.

22 As a matter of fact, my great
23 grandfather started the fruit canning industry in
24 California in San Jose, on my mother's side. And
25 my great grandfather on my father's side was a

1 conductor for the Southern Pacific Railroad.

2 And I would say that it's very
3 important to me to see this happen. And I was
4 pleased to hear that the young ladies in this area
5 had formed a counsel 20 years ago and thought
6 about this.

7 But, in fact, science is way out
8 ahead on these matters. In 1969 I read the mega
9 report that Dillingham put out on Bolsa Chica with
10 full-color illustrations. And the most impressive
11 thing that I saw were the old maps of the Bolsa
12 Chica and of all of the other wetland areas here
13 in Southern California. Tremendous production.
14 There were only a few copies, probably one here in
15 the local library. I wasn't able to get a copy
16 for myself. But it's a classic.

17 Aldo Leopold in his "Sand County
18 Almanac" said:

19 "Save all the bits and pieces
20 if you expect to save Mother Nature."

21 You're well aware that that's your
22 job today, I think. And you're well aware that
23 over 90 percent of California's wetlands are now
24 gone. And because of this, also gone is the
25 former rich productivity of the adjacent coastal

1 zone which supported some of the world's greatest
2 fisheries.

3 I think we need to remember that
4 purchasing this piece will begin to turn the
5 tide. You will greatly please some of us.
6 Purchasing all the pieces of Bolsa Chica would
7 please us even more.

8 I urge you to do this deal for my
9 children and my grandchildren. In Orange County,
10 the perfect California, it's time to start putting
11 the pieces back together where they belong.

12 Thank you very much for your
13 attention.

14 MR. DAVIS: The next speaker is Joseph
15 Underwood. He's the president of the Wildlife and
16 Natural Beauty Association.

17 Is Joseph here? Joseph Underwood?

18 (No response.)

19 MR. DAVIS: All right. Pass on Joseph.

20 The next speaker is Rudy Vietmeier.
21 He's a member of the Sierra Club and lives in
22 Lakewood, California.

23 ///

24 ///

25 ///

1 RUDY VIETMEIER

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3 MR. VIETMEIER: Mr. Chairman, members, I'm a
4 member of the Sierra Club, Preserve Bolsa Chica
5 Task Force. And the task force was formed for the
6 express purpose of assisting the Bolsa Chica Land
7 Trust in acquiring all of Bolsa Chica.

8 So the Sierra Club used this
9 auspicious occasion today as a down payment for
10 acquiring all of Bolsa Chica. That is our
11 ultimate goal. We echo that concern of the Land
12 Trust to acquire all of Bolsa Chica.

13 This is an opportunity that won't
14 come again, and we should not let it pass.

15 We also echo concern of the gentleman
16 from Huntington Beach Tomorrow about the
17 contaminant issue. And I would like to see that
18 this is a matter of concern to yourselves as
19 well. And I feel very confident that will be
20 dealt with adequately. That is the extent of my
21 comments.

22 Thank you.

23 MR. DAVIS: Thank you very much.

24 The next speaker is the executive
25 director of the Bolsa Chica Conservancy, Les

1 Riddell.

2

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LES RIDDELL

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5 MR. RIDDELL: Good morning, Chairman Davis
6 and members of the Commission.

7 I'm pleased to be here today on
8 behalf of the Volunteer Corps of the Bolsa Chica
9 Conservancy to encourage your support and to
10 pledge our support with the added duties that we
11 perform as a nonpolitical organization and whose
12 sole mission is to preserve, enhance and protect
13 the Bolsa Chica wetlands.

14 So we encourage your support and
15 pledge ourselves to see that the project is
16 carried out.

17 Thank you.

18 MR. DAVIS: Thank you.

19 The next member is a council member
20 here at Huntington Beach.

21 If I had known your name was in here,
22 I would have recognized you earlier, Dave. Dave
23 Garofalo, thank you for your presence.

24 ///

25 ///

1 DAVE GAROFALO

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3 MR. GAROFALO: Chairman Davis, honorable
4 members of the State Lands Commission, welcome.

5 I am privileged to occupy one of
6 those seven chairs every Monday night. And I just
7 want to make sure that you understand that you are
8 welcome in the eleventh largest city in the state
9 of California, the ninetieth largest city in the
10 country and certainly the safest city in America
11 for two consecutive years.

12 And all the friends and enemies are
13 all in one room today.

14 I wanted to bring the broadest
15 perspective I possibly could to this meeting in a
16 very brief way. Being an elected official in this
17 community, owning one of the community newspapers
18 that serves Huntington Beach, Fountain Valley and
19 Westminster and just coming off the --

20 MR. DAVIS: Who did they endorse in your
21 race?

22 MR. GAROFALO: -- and just coming off of the
23 board of directors of the Amigos of Bolsa Chica,
24 just going on the board of directors of the
25 Conservancy, and having stood before the voters of

1 the community that have embraced this concept of
2 Bolsa Chica just 30 months ago.

3 And the promise was sincere then, and
4 it remains this way today: To do everything we
5 possibly can for public acquisition and
6 restoration.

7 My plea to you today is very simple:
8 The future is now. Sometimes our lives are just
9 simply -- my plea is not to struggle so hard for
10 perfection that we lose perspective of the focus
11 of what the objective is.

12 And while we all want this to be a
13 perfect scenario, I'm hoping that the wisdom of
14 your leadership will result today in the vote to
15 acquire the site even if there remains a few
16 questions and even if we have to rely on Mother
17 Nature at the end to fulfill the entire promise
18 for the next 20, 25 years, however long it might
19 take to make this piece of property truly
20 environmentally productive.

21 Again, I join everyone else who has
22 been at the podium today. I sincerely thank you
23 for coming and hope that your vote will be an
24 affirmative, yes, even if perfection is not
25 achieved.

1 MR. DAVIS: Thank you.

2 The next speaker is Joyce Riddell of
3 the Huntington Beach Chamber of Commerce.

4

5 JOYCE RIDDELL

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7 MS. RIDDELL: Good morning. I'd like to
8 welcome you to Huntington Beach, Commissioner
9 Davis and commission members.

10 I'm here today on behalf of our
11 organization, which represents 800 businesses in
12 the community, to officially state our support for
13 the acquisition.

14 Our organization has been involved,
15 over the past 20 years, in the debates and the
16 discussion. And I would like to just take the
17 opportunity to applaud all of the parties that
18 have been involved in the negotiations that have
19 brought us to this point. It is a day of
20 celebration. It is a win-win situation.

21 I won't take the time to go over all
22 the points the previous speakers have mentioned.
23 But we urge your support of the acquisition
24 because I think it is a win for the citizens of
25 Huntington Beach, the citizens of the county and

1 state of California.

2 Thank you.

3 MR. DAVIS: Thank you, Joyce.

4 The next speaker is Jim Paulk. He's
5 president of United Anglers of Southern
6 California.

7

8

JIM PAULK

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10 MR. PAULK: I'm Jim Paulk, president of the
11 United Anglers of Southern California. We have
12 two divisions, one up north and one down south.

13 United Anglers of California is the
14 largest fishing organization in the state. We
15 represent over 80,000 affiliated members, and,
16 hence, the largest organization -- we represent
17 one and a half to two million recreational anglers
18 in California.

19 We have a couple of projects that we
20 are working on right now that I'm going to
21 mention. One is the Bolsa Chica Artificial Reef
22 right here off our coast. It's 220 acres. It's
23 the largest artificial reef on the west coast of
24 the United States.

25 The other is a white sea bass

1 program. We have ten pens raising white sea bass
2 to be put back in the ocean, these ten pens
3 located from San Diego to Santa Barbara. And
4 about 40,000 volunteer hours a year go into that
5 program.

6 One of those pens is located here in
7 Huntington Beach in Huntington Harbor, and the
8 Amigos are actively involved in that program as
9 well.

10 So we're here to speak on behalf of
11 the fish. And with the loss of the wetlands is
12 one of the reasons that our fisheries off the
13 coast of California are so severely depleted.
14 Restoring those wetlands will be a real asset to
15 the fish and to the fishermen. And on behalf of
16 the fish and the fishermen we ask your support for
17 this project.

18 MR. DAVIS: Thank you.

19 The next speaker is Ralph Bauer.

20 MR. BAUER: I did speak already.

21 MR. DAVIS: Dave Hall, then, will be the
22 next speaker, representing himself.

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1 DAVE HALL

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3 MR. HALL: Mr. Chairman and members of the
4 Commission, I welcome you to Huntington Beach.

5 I come before you today to say that,
6 as all of us realize, the Bolsa Chica is very
7 important. As a matter of fact, when I looked at
8 the Los Angeles Times today there was nothing
9 about O.J. but the headline story was about Bolsa
10 Chica. So the Bolsa Chica is important.

11 And I'm glad that members of the
12 State Commission are here. The people of
13 Huntington Beach have known that for a long time,
14 and we welcome you.

15 I support the agreement. It does
16 purchase the wetlands, and it does save lowland
17 species. For example, it saves the California
18 least terns and also the Belding's Savannah
19 sparrow. I think it's an outstanding purchase
20 agreement.

21 However, the Bolsa Chica mesa is
22 important also. There are many raptor species
23 such as the burrowing owl and the red-tailed hawk
24 that use the mesa and the lowland.

25 So I don't think that this deal is

1 perfect. But I do support the agreement, and I
2 support Calendar Item 90 and also 89.

3 And, again, thank you very much for
4 being here.

5 MR. DAVIS: Thank you.

6 Now our next speaker is -- unless
7 I've called this gentleman before. You keep
8 giving me new requests for the speakers -- Ed
9 Laird of Huntington Beach, representing
10 Californians for Bolsa Chica.

11 Thank you, Ed, for being here.

12

13 ED LAIRD

14

15 MR. LAIRD: Good morning. Thank you for
16 being here this morning and welcome to the city of
17 Huntington Beach.

18 I represent the Californians for
19 Bolsa Chica Business Group. It is an organization
20 not just from the county, but from the greater
21 area of Southern California that hopes to build
22 consensus on the cleanup and the restoration of
23 Bolsa Chica.

24 At fist when we first started many
25 years ago, we said part of our charge was to count

1 the number of organizations that had Bolsa Chica
2 in their name. We found that there were quite a
3 few. But we do support this landmark purchase,
4 and we hold hope that you will move forward with
5 it today.

6 I also am the chairman of the Boy
7 Scouts Council of Orange County, and we represent
8 95,000 youths. And we need the Bolsa Chica for
9 environmental and eco-projects in the future.

10 I would like to, also, thank the Koll
11 Company, in particular Lucy Dunn, for their
12 diligence in bringing this forward today.

13 That's all I have to say. Thank you.

14 MR. DAVIS: Now the last request for
15 speaking that I have, we passed over once before,
16 but I want to see if Joseph Underwood has returned
17 to the room?

18 (No response.)

19 MR. DAVIS: Apparently not. All right.

20 Mr. Hight, those are all the people
21 who wanted to express their views on the subject.

22 MR. HIGHT: Mr. Chairman, may I suggest that
23 we take a five-minute break to find out where we
24 are on negotiations --

25 MR. DAVIS: -- negotiations between

1 CalResources and Phillips?

2 MR. HIGHT: Yes.

3 MR. DAVIS: Let's do that. We will recess
4 for five minutes.

5 (Brief recess.)

6 MR. DAVIS: We're reconvening today's
7 meeting of the Lands Commission.

8 I'm advised by -- ask the executive
9 director if it would be appropriate to ask
10 Mr. Harper of CalResources to brief us on the
11 status of negotiations between Phillips and
12 CalResources.

13 MR. HIGHT: Yes, Mr. Chairman. I think that
14 would be very appropriate.

15 MR. DAVIS: Mr. Harper, if you could come to
16 the microphone and tell us whether or not we have
17 agreement between the private parties.

18 MR. HARPER: Yes. I'm William Harper. I'm
19 manager of government affairs for CalResources and
20 have been working with your staff and your
21 Commission and others over the last year and a
22 half on this.

23 And I'm happy to say that I believe
24 the private parties have reached agreement and
25 that we are waiting for the documentation to be

1 completed. But when that is completed, we will be
2 prepared to go forward.

3 So we think this has been a fine
4 effort. We appreciate the opportunity to work
5 with you all. And I believe that we have reached
6 agreement among the private parties to go forward.

7 MS. CONNELL: Mr. Chairman, having that
8 reassurance from Mr. Harper, I'd like to make a
9 motion to formalize the action of the Commission
10 today.

11 I would like to move the Commission
12 approve the agreement contingent upon CalResources
13 written statement to be received by 5:00 p.m.
14 today; that they will execute all necessary
15 documents related to the cleanup of Bolsa Chica.

16 And secondarily the Commission will
17 authorize its executive director to sign all
18 necessary agreements related to the acquisition
19 and the restoration of Bolsa Chica by noon on
20 Friday.

21 MS. PARKER: Mr. Chairman, I would second
22 that motion.

23 I think the motion provides the
24 assurance for the amount of time that's necessary
25 for us to complete this deal and in that sense

1 gives assurance to the people in the community
2 that we are prepared to move forward in
3 recognizing the major support for this particular
4 project.

5 MR. DAVIS: I, too, support the motion.

6 It gives a time certain by which
7 CalResources has to formally notify us in writing,
8 namely today at 5:00 o'clock, that they will
9 proceed with the costs of cleaning up those parts
10 of the properties on which oil was drilled for
11 many, many years and gives a time certain for all
12 necessary documents to be reduced to writing,
13 namely noon on Friday. That's the drop dead
14 date.

15 I also think that with the
16 cooperation of countless agencies, we've done
17 something rather special. We've preserved for
18 generations to come a magnificent part of
19 California. Children will be able to see how
20 nature works and parents will be able to
21 experience the natural wonders of Bolsa Chica.

22 This couldn't happen without more
23 than a year of active cooperation with dozens of
24 private and public parties. And I want to salute
25 each and every one of them for their goodwill and

1 their determination.

2 A lot of times government disappoints
3 people. This time I think we truly are acting in
4 the public interest. So, with that, I will call
5 for the vote on Ms. Connell's motion.

6 Secretary will call roll.

7 MS. PARKER: Aye.

8 MS. CONNELL: Aye.

9 MR. DAVIS: I vote aye.

10 The matter is approved.

11 MS. CONNELL: Mr. Chairman, I'd like to
12 point out that the motion was inked in green, a
13 good environmental color and hopefully will be a
14 sign of our movement forward on these issues.

15 MR. DAVIS: I think people should see it.

16 (Document displayed by
17 Chairman Davis.)

18 MR. DAVIS: I don't think we have any other
19 business; do we?

20 MR. HIGHT: No, Mr. Chairman.

21 If you would indulge me for
22 30 seconds, I would like to list the people who we
23 owe this moment to: Rick Ludlow, who has spent a
24 year working diligently on this; Lance Kiley; Dan
25 Siegel with the Attorney General's Office; Paul

1 Mosley and Owen Olpin with O'Melveny, who have
2 assisted us; Department of Interior, Frampton, Ted
3 Boling and Jay Ziegler, an old name from the past;
4 U.S. Fish and Wildlife, Bill McDonald, Don
5 Steffeck, Chuck McKinely, Jack Fancher;
6 Environmental Protection Agency, Hugh Barroll, who
7 is with us, and Tom Yocom, who is with us, and
8 Arthur Haubenstock; Army Corps of Engineer, Pam
9 Castens, Ruth Villalobos and Dan Dykstra -- the
10 list goes on; National Marine Fisheries, Bob
11 Hoffman, Katherine Pease; Coastal Conservancy,
12 Glenn Alex and Melanie Denninger; Department of
13 Fish and Game, Patty Wolf and Troy Kelly; the
14 Resources Agency, Secretary Wheeler and Craig
15 Denisoff; Port of Long Beach, Geraldine Knatz and
16 Tom Johnson; Port of Los Angeles, Ralph Appy; Koll
17 Real Estate Group, Dick Ortwein, Lucy Dunn, their
18 able counsel, Howard Coleman; CalResources, Bill
19 Harper, who we will love forever, R.J. Pautsch,
20 Sub Sen; and Phillips Petroleum, Mike Wofford; and
21 the City of Huntington Beach; the Amigos de Bolsa
22 Chica.

23 Personal thanks to Sondra Rennie, who
24 has come in as mediator on this project. And I
25 think she would just as soon we didn't call her

1 anytime soon.

2 MR. DAVIS: Sondra, would you stand up?
3 Because I think people ought to recognize you.

4 MS. CONNELL: I would like to add,
5 Mr. Chairman, it began with a group of women, and
6 it ended with a woman.

7 MS. PARKER: I would like to add Bob Hight's
8 name to that list.

9 Obviously, he's not going to speak.
10 He's a little too modest. But I have heard Bob,
11 over the years, talk about this project sometimes
12 when other people were essentially throwing their
13 hands up and saying it wasn't going to happen.
14 And I really think that his perseverance, along
15 with, obviously, not only other governmental
16 agencies but the private sector and the community,
17 really made this very unique situation happen.

18 It's, I think, a model for the future
19 to show how public-private partnerships can, in
20 fact, come together. So I think we really, in
21 that sense, should recognize our executive
22 director.

23 MR. HIGHT: Thank you very much.

24 MR. DAVIS: I just want to close with these
25 thoughts: I don't know that I've ever seen so

1 many public and private parties come together for
2 the public good. It just shows that on occasion
3 we can work in the best interest of the public and
4 the best interest of the American taxpayers. It
5 doesn't happen too often. As a matter of fact, we
6 probably put this right up there with Mount
7 Rushmore. It's a very, very unique situation.

8 But it all started with the three
9 women who were acknowledged at the very
10 beginning. And I cannot tell you how much we are
11 in your debt for the vision you had of what could
12 happen with the Bolsa Chica wetlands. So I want
13 to dedicate today's vote to you and tell you we
14 are very grateful for all of your wisdom and
15 inspiration.

16 And with that we will adjourn.

17 UNIDENTIFIED SPEAKER: Real quickly, we have
18 one last thing.

19 MR. DAVIS: I'm sorry. I haven't hit the
20 gavel. So there's one last ceremony that Ed wants
21 to participate in.

22 UNIDENTIFIED SPEAKER: Just real quickly, we
23 have a gift for everybody that's here. It's a
24 signed, autographed book on the wildlife by
25 Peterson.

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And everyone here really appreciates
what you've done. And thank you very much.

* * *

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.

3

4 I, Malia Carlsen, CSR 10577, a
5 Certified Shorthand Reporter in and for the State
6 of California, do hereby certify:

7 That the foregoing proceeding was
8 taken down by me in shorthand at the time and
9 place named therein and was thereafter reduced to
10 typewriting under my supervision; that this
11 transcript is a true record of the testimony given
12 by the witnesses and contains a full, true and
13 correct record of the proceedings which took place
14 at the time and place set forth in the caption
15 hereto as shown by my original stenographic notes.

16 I further certify that I have no
17 interest in the event of the action.

18 EXECUTED this 21st day of

19 February, 1997.

20

Malia Carlsen

21

Malia Carlsen, CSR No. 10577

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