

MEETING  
STATE OF CALIFORNIA  
LANDS COMMISSION

**ORIGINAL**

LEGISLATIVE OFFICE BUILDING  
1020 N STREET, ROOM 100  
SACRAMENTO, CALIFORNIA

THURSDAY, OCTOBER 20, 2005  
10:00 A.M.

Michael Mac Iver  
Shorthand Reporter

APPEARANCES

Cruz Bustamante, Chairperson, represented by Lorena Gonzalez

Tom Campbell, Director of Finance, represented by Anne Sheehan

Steve Westly, State Controller, represented by Cindy Aronberg

STAFF

Paul Thayer, Executive Officer

Jack Rump, Chief Counsel

ALSO PRESENT

Alan Hager, Deputy Attorney General

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PROCEEDINGS

1  
2           ACTING CHAIRPERSON GONZALEZ: Good morning. I  
3 call this meeting of the State Lands Commission to order.  
4 All representatives of the Commission are present.

5           My name is Lorena Gonzalez and I'm representing  
6 Cruz Bustamante. I'm joined today by the delegate from  
7 Steve Westly's office, Cindy Aronberg, and Anne Sheehan  
8 representing the Department of Finance.

9           For the benefit of those in the audience, the  
10 State Lands Commission administers properties owned by the  
11 State as well as mineral interests. Today we will hear  
12 proposals concerning the leasing and management of these  
13 public properties.

14           The first item of business will be the adoption of  
15 the minutes from the Commission's last meeting.

16           Can I have a motion to approve the minutes.

17           ACTING COMMISSIONER SHEEHAN: I will move adoption  
18 of the minutes.

19           ACTING COMMISSIONER ARONBERG: I will second.

20           ACTING CHAIRPERSON GONZALEZ: A 2-0 vote. The  
21 minutes are adopted by a 2-0 vote.

22           The next order of business is the Executive  
23 Officer's report.

24           Mr. Thayer, if you want to give the report.

25           EXECUTIVE OFFICER THAYER: Certainly. I wanted to

1 report on a couple of different matters, or three or four,  
2 to the Commission. A couple of them are in the front of the  
3 report pack in response to some of the public comments we  
4 received at the last Commission meeting.

5 The first was from Mr. Lester Denevan. He had  
6 some concerns about how Long Beach was administering the  
7 grant of public trust land that they manage. He had two  
8 issues. The first had to do with whether or not the public  
9 trust revenues from the public trust lands were being  
10 expended strictly for public trust purposes.

11 We contacted the City with respect to that. The  
12 City has sent us a letter. They are in the process of doing  
13 an accounting, they provided some accounting material, and  
14 it looks at this point as though the City has not done  
15 anything wrong. It appears that the public trust revenues  
16 were expended for public trust purposes, however, we're  
17 trying to look a little bit more closely at the figures,  
18 they didn't come from the City until this week so we haven't  
19 had time to analyze them.

20 The second matter has to do with the convention  
21 center there which is on tidelands. There's an agreement  
22 between the City and the Commission which requires, first,  
23 that the City report to us annually on what convention  
24 activities were held and whether or not they were consistent  
25 with the public trust, and finally, whether any of those

1 conventions were run at a deficit to the City. The  
2 requirement of the agreement states that in addition to that  
3 accounting that if there is a deficit, that can't be made up  
4 with public trust funds. The funding for that would have to  
5 come from the City's general fund.

6 On that score, there's definitely been a lack of  
7 reporting from the City. The City has acknowledged that in  
8 a letter back to us, and they are going back and will  
9 provide the missing reports which we will then analyze  
10 further and get back to the Commission.

11 So in some sense, in a great sense, this is a  
12 status report of our review. The initial indications on the  
13 first matter is that there isn't a problem, on the second  
14 matter there certainly is a problem with respect to  
15 fulfilling the reporting requirement, and as to whether or  
16 not it's more substantive, whether or not public trust  
17 revenues were used for nontrust related conventions is  
18 something we'll determine through the analysis and we will  
19 report back to the Commission.

20 The second report back had to do with some  
21 concerns raised by Mr. Don May. His basic concern was  
22 whether or not the Commission was adequately enforcing or  
23 implementing agreements that we've entered into. And he had  
24 two examples he raised. He raised Queensway Bay, another  
25 project in Long Beach, and Mission Bay. At the time he did

1 not have a lot of details and we attempted to communicate  
2 with him both by letter and by phone. We didn't hear back  
3 from him until yesterday.

4 He is satisfied that the Mission Bay issue he  
5 raised is not of great concern, in fact, he had a discussion  
6 with Commissioner Gonzalez about that, and he agrees that an  
7 agreement, a binding agreement, had been entered into which  
8 divided up where the land was, what was trust and what was  
9 nontrust, and that the activities over which he had concerns  
10 were in the nontrust areas and therefore not of concern to  
11 the Commission. So we settled it as to that.

12 With respect to Queensway Bay, he raised the  
13 concern as to whether or not the project is being phased.  
14 When that project first came to the Commission, one of the  
15 concerns expressed by the local residents was that this  
16 project was going to go on forever and it was going to be  
17 phased for a long period of time. Most of those buildings  
18 have been built to this point, but there are two areas from  
19 which the trust had been lifted where the structures have  
20 not been built yet.

21 The first one of those is in the IMAX site. A  
22 proposal had been made that an IMAX theater would be located  
23 in the development. That was a nontrust use and the trust  
24 was lifted from that. And let me drop back for a second  
25 here. The agreement provides that if some aspect of the

1 agreement is not fulfilled with respect to any particular  
2 site from which the trust had been lifted, that the trust  
3 would then be reimposed upon that site.

4 With respect to the IMAX site, the City is now  
5 proposing and a developer has come on board to have a hotel  
6 on that site. So, in fact, it will become a public trust  
7 site, the language designation again, and a hotel is a  
8 public trust use, and the fact that whether or not there is  
9 any phasing involved isn't as relevant anymore because it's  
10 going to go back into public trust uses anyway and a use  
11 that would be consistent with the public trust.

12 The other use for which there hasn't been any  
13 construction is a retail site. I think originally it was  
14 designated for either a bookstore or a clothing store,  
15 although again the designation is officially retail, it can  
16 be used for a variety of nontrust uses. No construction has  
17 occurred there. The City has argued that the phasing  
18 requirements don't require them to build a building if they  
19 don't have a user in place. I'm sure that's right. And as  
20 with the issues from Lester Denevan, we're going to continue  
21 to review this with the City.

22 Our procedural remedy is to file a 60-day notice  
23 that we don't think they are in compliance and let the City  
24 explain why they are in compliance. But at the State we  
25 want to do some additional review. But there is some



1 indication that that site could be subject to the agreement  
2 and might have to come back into the trust since no  
3 construction has occurred there. But we will report back on  
4 that further at the next meeting.

5           The other matter I was going to talk about is the  
6 South Bay Yacht Club, which is a lessee of ours in San  
7 Francisco Bay, but I see that John Asuncion is here, he's  
8 the one who originally brought it to our attention, and I  
9 think he's going to speak to the Commission during the  
10 public comment period probably about this issue and so we'll  
11 just discuss it further then.

12           The final thing I wanted to mention is that we  
13 have two longtime staffers who are in the room who are  
14 retiring in the near future. The first one is Bill Morrison  
15 who has handled all of our legislation and certainly his  
16 good work for us are exemplified by the fact that SB-365 got  
17 through reestablishing our authority to do exchanges. It  
18 was a big deal for us, it was a hard thing to do because it  
19 really didn't get into print until the last of the sessions  
20 and to get something through like that. We had only one no  
21 vote all the way through, so it's a credit to him. And I  
22 wanted Bill Morrison to stand up to acknowledge. He's not  
23 here.

24           (Laughter.)

25           EXECUTIVE OFFICER THAYER: But he's actually

1 working on the press release for the resolution which is why  
2 he's back there to make sure it's all coordinated. But  
3 anyway, he's been very helpful to us and he's going to be  
4 retiring at the end of November.

5 The second person I wanted to acknowledge may be  
6 at our next meeting, but she's not sure, it depends upon  
7 whether things come up, and that's Jane Smith, who I know is  
8 here. Please stand up. Jane's been with the Commission  
9 again for about forever. You wouldn't know it from looking  
10 at her, it seems like she reported for work yesterday. But  
11 she has one of the items up today and she will be retiring  
12 at the end of the year. And so she may be down at the San  
13 Diego meeting, but I was afraid she might not be and I  
14 wanted to acknowledge her good work for the Commission while  
15 she was here.

16 MS. SMITH: Thanks.

17 EXECUTIVE OFFICER THAYER: Thank you, Jane.

18 (Applause.)

19 EXECUTIVE OFFICER THAYER: And that concludes the  
20 Executive Officer's report.

21 ACTING CHAIRPERSON GONZALEZ: Thank you, Paul.  
22 And having been able to work with both Jane and Bill, I know  
23 you are missing two very important people at the  
24 organization, and I'm sorry for that, but happy retirement.

25 The next order of business will be the adoption of

1 the consent calendar. Are there any items that have been  
2 removed from the consent calendar?

3 EXECUTIVE OFFICER THAYER: There are three items  
4 we'd like to remove. Two of them would be heard, we plan on  
5 hearing at our next Commission meeting December 8th in San  
6 Diego. The first is Item Number 18 which has to do with the  
7 transfer of an Offer to Dedicate for public access that we  
8 previously accepted and plan to transfer to Access for All,  
9 a nongovernmental organization. The second one is the  
10 Millenium Railyards project here in Sacramento. There is  
11 some additional work that needs to be done on the toxic  
12 matters, and so that's Item 38.

13 Finally, we received some opposition to Item 33  
14 which has to do with the moorings at Catalina Island. We  
15 would like to hear that today, and, therefore, we would like  
16 to take it off the consent calendar and move it to the  
17 regular calendar. The rest of the items we will move.

18 ACTING CHAIRPERSON GONZALEZ: Is there anyone in  
19 the audience who wishes to speak on an item still on the  
20 consent calendar? If not, the remainder of the consent  
21 items will be taken up as a group for a single vote. We  
22 will now take that vote.

23 ACTING COMMISSIONER ARONBERG: Madam Chair, I just  
24 wanted to make a comment, not to remove anything. Item C-  
25 41, the Controller will be voting for this and is just very

1 pleased and wanted to commend staff on the number of  
2 wonderful safety assurances. And without all of these,  
3 there is a number listed here and I won't bother reading  
4 them all, but we've got an early safety audit, an early  
5 safety training, a whole load of oil spill exercises, that  
6 would allow the Commission to shut down operations in the  
7 event of any incident, and then a number of financial  
8 assurances as well. So the Controller wants to thank staff,  
9 wants to thank DCOR for raising all of these, and because  
10 all these conditions have been agreed to, the Controller  
11 will be indeed voting for this item.

12 EXECUTIVE OFFICER THAYER: Thank you.

13 ACTING COMMISSIONER SHEEHAN: I will move the  
14 consent calendar.

15 ACTING COMMISSIONER ARONBERG: I second.

16 ACTING CHAIRPERSON GONZALEZ: Let the record  
17 reflect that the consent is accepted with a two-zero vote.

18 We're moving on to the general calendar, Item 42,  
19 which is the expiration of the regulations concerning the  
20 federal oil drilling moratorium.

21 Do we have a staff presentation?

22 EXECUTIVE OFFICER THAYER: I do have some prepared  
23 comments on this. The Commission has dealt with this matter  
24 before several times. This particular resolution expresses  
25 the Commission's continued opposition to new leasing and

1 development in the federal waters off shore of California,  
2 this long history in California of restrictions and  
3 prohibitions on offshore oil development in state waters.  
4 And what the resolution does is continue to put the  
5 Commission on record as opposing the same sorts of things in  
6 federal waters.

7           Within the state waters, there have been no new  
8 leases of state lands since 1969, the Santa Barbara oil  
9 spill. There has been a legislative moratorium in place for  
10 first many of the areas off the coast, and now all of the  
11 areas. The State Lands Commission even before that  
12 moratorium was adopted in statute had its own policy of no  
13 new leases. In 1994 the Legislature enacted the present  
14 moratorium which prohibits all new leases in state waters.

15           The reason we're revisiting this is because there  
16 are new threats to lift or weaken the federal moratorium.  
17 There has been a new energy related bill that has been  
18 issued or promulgated which calls for the lifting of the  
19 moratorium with respect to gas development, and there have  
20 been proposals made and are still being evaluated to weaken  
21 the moratorium with respect to oil development and leasing.  
22 So as a result, both the Lieutenant Governor and the  
23 Controller have asked that the Commission renew its  
24 opposition to these things.

25           It's especially timely that the Commission act

1 right now because our understanding is that there may be a  
2 markup of some of this legislation as early as October 26.  
3 So should the Commission approve this resolution, we can  
4 ensure that our position is once again made known as  
5 promptly as possible. The resolution calls that it be sent  
6 to all the congressional leaders, the President, and our own  
7 state delegation so that it's clear where the Commission  
8 stands on this.

9 That's about it and I would be happy to answer any  
10 questions.

11 ACTING CHAIRPERSON GONZALEZ: Well, on behalf of  
12 the Lieutenant Governor, I want to thank you. It is  
13 becoming redundant the number of these resolutions that  
14 we've passed and upward, but obviously this is a continuing  
15 threat and something that we need to keep our eye on and  
16 obviously we just need to remind the federal government  
17 where we stand. So thank you for getting the resolution  
18 done.

19 EXECUTIVE OFFICER THAYER: Thank you.

20 ACTING COMMISSIONER ARONBERG: First of all,  
21 looking right here at what's going on it's very timely  
22 actually.

23 ACTING COMMISSIONER SHEEHAN: Question. Is it  
24 still in committee in Washington or has it passed either the  
25 House or --

1 EXECUTIVE OFFICER THAYER: I don't think it's  
2 passed either house.

3 ACTING COMMISSIONER SHEEHAN: Okay.

4 EXECUTIVE OFFICER THAYER: And I think what's  
5 happening is that there's still some reconciliation  
6 occurring between the House and Senate, and I think that's  
7 what this meeting is about on the 26th. But you're right,  
8 normally they do the markup or the reconciliation after  
9 versions have passed both houses, so I may be incorrect on  
10 that. But there is also some anticipation that it might go  
11 into yet other bills, the stronger language, the language  
12 that's already been promulgated merely, not merely, but it's  
13 limited to allowing for new gas leasing. But there's  
14 additional discussions going on as to whether or not there  
15 will be new oil leasing provisions that could go into there.

16 ACTING COMMISSIONER SHEEHAN: So we do appreciate  
17 the work you all did this.

18 EXECUTIVE OFFICER THAYER: Great, thank you.

19 ACTING COMMISSIONER ARONBERG: I will happily move  
20 approval of the resolution.

21 ACTING COMMISSIONER SHEEHAN: And I will second.

22 ACTING CHAIRPERSON GONZALEZ: Great.

23 Moving on to Item 33 which was pulled from the  
24 consent calendar and a staff presentation.

25 EXECUTIVE OFFICER THAYER: Apparently that item

1 will be presented by Jane Smith.

2 MS. SMITH: Good morning. Before I begin, I would  
3 just like to say that it has been an honor to have been a  
4 member of this staff for the last 27 years.

5 Madam Chair and Members of the Commission, my name  
6 is Jane Smith and I'm a member of the Land Management  
7 Division. Calendar Item 33, consideration of an application  
8 submitted by the Santa Catalina Island Company and the Santa  
9 Catalina Island Conservancy to amend their existing lease to  
10 add 32 additional moorings around Catalina Island.

11 The lessee has determined that some of the  
12 moorings were needed for seasonal employees and for  
13 administrative purposes, such as harbor patrol, lifeguard  
14 and sheriff's vessels, shoreboats, work skiffs, pumpouts,  
15 and trash boats. The current lease which was authorized by  
16 the Commission on November 25th, 2001, is for continued use  
17 and maintenance of 720 revenue-producing moorings and six  
18 revenue-producing stringlines. The lessees propose to add  
19 two moorings at White's Cove, eight at Isthmus Cove, two at  
20 Emerald Bay, and 20 at Catalina Harbor. All of these  
21 moorings will be located within existing established mooring  
22 areas.

23 During our review of the application, issues were  
24 raised by a small group of boat owners over shallow  
25 anchoring restrictions and the appropriate width of the



1 fairway at White's Cove. The lessee acknowledged that in  
2 the past their harbor patrol personnel have not been  
3 consistent with the implementation of their policies and  
4 procedures relative to these issues. The lessees have  
5 revised their anchorage and mooring policies to address the  
6 inconsistencies and have advised their harbor patrol  
7 personnel of the revisions.

8 At the request of Commission staff, the lessees  
9 prepared new illustrated plats to be incorporated into the  
10 lease that clearly identify the various mooring and  
11 anchorage areas, fairways, piers, and camp zones within the  
12 lease premises. The plats will be included in lessee's  
13 policies and procedures manual and it will be available to  
14 all boaters.

15 Commission staff also requested and reviewed the  
16 lessee's policies and procedures manual, we believe that it  
17 to be a furtherance of lessee's responsibilities for safe  
18 management of this area.

19 Letters of support for the staff's recommendation  
20 have been received from the Newport Harbor Yacht Club and  
21 the San Diego Yacht Club. Staff recommends that the  
22 Commission authorize the amendment of Lease PRC 3639.1 for  
23 the installation of 32 additional moorings and to authorize  
24 the replacement of the illustrative plats presently attached  
25 to the lease with the new illustrated plats which are named

1 Exhibits A1 through A9.

2           Representatives of the Island Company and the  
3 Conservancy and Commission staff are happy to answer any  
4 questions the Commission may have. Thank you.

5           ACTING CHAIRPERSON GONZALEZ: The first speaker  
6 who I believe is concerned about the item, Jerry Desmond  
7 from Recreational Boaters of California.

8           MR. DESMOND: Thank you and good morning. My name  
9 is Jerry Desmond, Jr., I'm the Director of Government  
10 Relations for Recreational Boaters of California. We're a  
11 statewide organization for the boating community with 75,000  
12 boating families. And specifically I work over at the State  
13 Legislature and the executive branch on boating-related  
14 issues.

15           And I think the last time we appeared before the  
16 State Lands Commission was in regard to the renewal of the  
17 lease. I think it was 1982 when our organization supported  
18 the lessee and the awarding of the leases. And I don't  
19 think we've appeared since then at the Commission.

20           And I want to ,first, this is the first time I've  
21 appeared, is to say thank you again to Jane, who I didn't  
22 know was retiring, but we became activated on this issue  
23 just yesterday when we started hearing from some of the  
24 local boaters that there might be some confusion and maybe  
25 some miscommunications that had taken place maybe from some

1 of the individual boaters and the things to try to find out  
2 what's going on and the issues raised about issues for  
3 possible resolution. And I want to thank Jane and the  
4 people with the Conservancy and the company for the ability  
5 to get a handle on these things.

6 We note that the two yacht clubs have indicated  
7 their support for the lease and we're not here to oppose it.  
8 We have heard from some of the individual boaters down in  
9 the area who utilize it that their maintenance and practices  
10 in the past where pleasure boats, boats under 31 feet, as  
11 opposed to boats under 80 feet, would have been anchoring in  
12 the area of White's Cove which is between where the moorings  
13 will be and where the shoreline is and there may be some  
14 concerns that they will not be able to do so in the future.  
15 And also understanding that there this issue has been  
16 explored and staff has done the work and accompanied the  
17 Conservancy to determine what are the right safety  
18 conditions there.

19 What we are interested in is a further discussion  
20 of those and maybe other issues so that the boating  
21 community has more bite into the pie. Because I think  
22 perhaps we're guilty of not having been engaged earlier and  
23 our representatives of the local boaters down there that  
24 there is a confusion based on past practices and I think  
25 that with a discussion that will take place subsequent to

1 today that perhaps there could be a meeting of the minds.

2 And that's our main issue. Thank you.

3 ACTING CHAIRPERSON GONZALEZ: Thank you for  
4 expressing that concern.

5 I know that we have Oleg Olser from the Santa  
6 Catalina Island Company, correct?

7 MR. OLSER: Correct.

8 ACTING COMMISSIONER GONZALEZ: And I don't know if  
9 you still want to speak or Mel from the Santa Catalina  
10 Island Conservancy, are you guys okay with not speaking?

11 MR. OLSER: Yeah, we're okay.

12 ACTING COMMISSIONER GONZALEZ: Can we just have  
13 maybe one of you come up and maybe comment on the ability to  
14 work with some of the boaters, the issues that Jerry brought  
15 up, and maybe some sort of plan to really explain the goals  
16 to make sure that there is not this confusion so that we can  
17 at least put to rest those concerns.

18 MR. DINKEL: Good morning. Mel Dinkel, Chief  
19 Operating Officer for the Conservancy.

20 As the gentleman before me mentioned, we offered  
21 to sit down and talk about the issues with them. We have  
22 been attempting to do that for the last year and have had a  
23 difficult time finding the right avenue because there is no  
24 one voice that we have been able to find. We talk to  
25 individuals and try to resolve those issues and we actually

1 have.

2 The fairway issue that was identified, we agreed  
3 that it had not been consistently been administered and we  
4 changed that method so that I think everybody has agreed  
5 with it. I think there is just a few others that feel like  
6 that things that have been done in the past they want to  
7 continue to do, which aren't safely being able to be  
8 administered, and so we will go and talk with them about  
9 that.

10 But I think the way in which staff has asked that  
11 specifics be identified on the plats will help our harbor  
12 patrol people, along with the others, the boaters, to have  
13 specific guidelines that now can't be just administered  
14 based upon personal feelings. So I think it's a great  
15 recommendation by the staff.

16 ACTING CHAIRPERSON GONZALEZ: Thank you.

17 EXECUTIVE OFFICER THAYER: If I could respond to a  
18 couple of those points as well?

19 I think that what has been brought to the  
20 Commission in the way of staff recommendation in these  
21 amendments are an attempt to kind of resolve this in the  
22 fairways. There are sort of two areas of concern, as I  
23 understand it, one is whether or not boats should be allowed  
24 to anchor between the established mooring lines and the  
25 shore, this area is two to three hundred feet wide, and the

1 Island Company believes that that is not safe and they have  
2 e-mail from the Coast Guard which substantiates that, that  
3 it's not so safe.

4 But the other area of concern is what should be  
5 the size of the fairway. What the fairway is, and you can  
6 see it on, I guess it's Plat A2, one of the green sheets  
7 from the staff report, the back of the staff report, is  
8 merely the open area of water which comes in from the ocean  
9 and it's between two lines of mooring buoys and it leads up  
10 to the pier on the shore. And so the concern there is we  
11 don't have boats anchoring there because it interferes with  
12 safe passage into the pier.

13 But as the previous speakers have pointed out,  
14 upon occasion the Island Company employees had fairly  
15 aggressively defended that fairway, perhaps had stopped  
16 boats from entering in areas which weren't directly in the  
17 fairways. So the net result of these maps is to very  
18 clearly establish what areas are okay to anchor in and what  
19 areas are not okay, and consistent with the safety concerns  
20 of the Coast Guard and the company. And by mapping out the  
21 fairway, it helps ensure that boaters who are there  
22 appropriately outside of the fairways aren't going to be  
23 harassed and, on the other hand, it puts everybody on notice  
24 on what areas should be kept clear.

25 And so there have been these letters dealing with

1 these issues and expressing the concern from some of these  
2 boaters for close to a year and there have been some  
3 discussions with the individuals, some of the individuals  
4 who have written those letters, and appropriate correctional  
5 steps taken on the part of the Island Company to try to deal  
6 with some of those concerns. And so we think as the staff  
7 these plats will make it clear to everyone, you know, where  
8 you can go and where you can't go and establish a more  
9 coordinated approach to this.

10 ACTING CHAIRPERSON GONZALEZ: Again, I just want  
11 to encourage both sides to continue talking. I understood  
12 the problem to be more a lack of communication.

13 I would entertain a motion.

14 ACTING COMMISSIONER ARONBERG: Move adoption of  
15 the item.

16 ACTING COMMISSIONER SHEEHAN: Second.

17 ACTING CHAIRPERSON GONZALEZ: Okay. It has been  
18 approved in a two-to-zero vote.

19 That concludes the regular calendar.

20 Is there anyone here who wishes to address the  
21 Commission during the public comment period. I see one slip  
22 for public comment. John Asuncion.

23 Welcome back.

24 MR. ASUNCION: Good morning. Thanks for giving me  
25 this opportunity to speak to the Commission.

1           Number one, I want to applaud the State Lands  
2 Commission for assisting us down in El Viso and, number one,  
3 I'm the President and founder of the Blue Whale Sailing  
4 School. We're a charitable educational corporation. And  
5 when I created this educational foundation with my wife Judy  
6 out in the audience, the educational foundation was created  
7 for innercity adults, handicapped adults, people of color  
8 like myself, and to give them an opportunity to go sailing,  
9 go on field trips. We use public lands.

10           I have been an advocate my whole life working on  
11 and designing golf courses and parks along properties, and I  
12 have been really fortunate. So the project that we have in  
13 El Viso has been a project for the public. We provide  
14 public access and we get no funding from the state, the  
15 county or the government. Myself and my wife purchased and  
16 paid for everything on our different projects here in the  
17 state.

18           And this last week we had a great cleanup party.  
19 We spent approximately \$18,000 of our money, not taxpayers'  
20 money, at no cost to the public. We had a great group of  
21 women and men up and down the state that supported our  
22 project, not with money, but with their time and equipment.  
23 As I'm a retired golf course architect and landscape  
24 architect, so we have means to pull in equipment where it  
25 would cost so much money.



1           And I would like to address the South Bay Yacht  
2 Club. Six years ago I told the City of San Jose, the water  
3 district and BCDC that I would give them a hundred thousand  
4 dollars to assist them clean up because I had the equipment.  
5 And it fell on bad ears I guess or whatever and, you know,  
6 it's just a shame it's happened. This is a public land that  
7 the public has to have a chance to use, and you have a clean  
8 environment for the community.

9           And I just want to thank State Lands and your  
10 office and our Lieutenant Governor Cruz Bustamante for  
11 looking into this matter. And just one other thing I would  
12 like to say, and Bill Morrison isn't here today, and I would  
13 like to have this given to Bill Morrison and Nancy Smith.

14           EXECUTIVE OFFICER THAYER: I can certainly pass  
15 these out, thank you.

16           Nancy Smith is one of our staffers who works on  
17 the Bay.

18           MR. ASUNCION: And she's a great help. And to  
19 like I said, Bill Morrison, and to Mr. Dave Plummer.  
20 Without his help on this matter I don't think we could ever  
21 accomplish what we've accomplished, and I am still willing  
22 to spend myself and my wife's money to assist the state --

23           (Laughter.)

24           EXECUTIVE OFFICER THAYER: Dave Plummer is here  
25 today and he has gone down and investigated the South Bay

1 Yacht Club and is working with BCDC and the local water  
2 district. The local water district probably controls about  
3 two-thirds of the site of the yacht club and we about a  
4 third. So there is a lot of coordination that has to occur.  
5 And he's also met with people from the South Bay Yacht Club,  
6 and some of the people he's met with have indicated a  
7 willingness to address a lot of the issues that Mr. Asuncion  
8 has just raised and we're looking forward to that happening.

9 MS. ASUNCION: And thank you for your time and  
10 it's nice to see you.

11 ACTING CHAIRPERSON GONZALEZ: If there are no  
12 other speakers, that concludes the meeting, we will now  
13 adjourn into closed session.

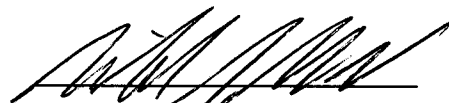
14 (Thereupon the meeting of the State  
15 Lands Commission was concluded at 10:38  
16 a.m. on October 20, 2005.)  
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## 1 CERTIFICATE OF SHORTHAND REPORTER

2 I, MICHAEL J. MAC IVER, a Shorthand Reporter, do  
3 hereby certify that I am a disinterested person herein; that  
4 I reported the foregoing State Lands Commission proceedings  
5 in shorthand writing; that I thereafter caused my shorthand  
6 writing to be transcribed into typewriting.

7 I further certify that I am not of counsel or  
8 attorney for any of the parties to said State Lands  
9 Commission proceedings, or in any way interested in the  
10 outcome of said State Lands Commission proceedings.

11 IN WITNESS WHEREOF, I have hereunto set my hand  
12 this 8th day of November 2005.

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18 Michael J. Mac Iver

19 Shorthand Reporter  
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