

COMMISSION MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

SECRETARY OF STATE BUILDING
AUDITORIUM
SACRAMENTO, CA

TUESDAY, JUNE 24, 2008

10:01 A.M.

LINDA KAY RIGEL, CSR
CERTIFIED SHORTHAND REPORTER
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMISSIONERS

Mr. John Chiang, State Controller, Chair

Mr. John Garamendi, Lieutenant Governor, Represented by
Mr. Brian Bugsch

Mr. Michael C. Genest, Director of Finance, Represented
by Ms. Anne Sheehan

STAFF

Mr. Paul D. Thayer, Executive Officer

Mr. Jack Rump, Chief Counsel

Mr. Joe Rusconi, Attorney General's Office

Mr. Mario T. De Bernardo, Legislative Liaison, Staff
Counsel

Ms. Kimberly Lunetta, Executive Assistant

Ms. Lynda Smallwood, Calendar Coordinator

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1 P R O C E E D I N G S

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3 CHAIRPERSON CHIANG: Good morning. I call
4 this meeting of the State Lands Commission to order.
5 All the representatives of the Commission are present.

6 I am John Chiang, I'm the State Controller;
7 and I am very pleased to be joined this morning by
8 Brian Bugsch representing the Lieutenant Governor, John
9 Garamendi, and Anne Sheehan who represents the
10 Department of Finance.

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

16 The first item of business will be the
17 adoption of the minutes from the Commission's last
18 meeting. May I have a motion to approve these minutes?

19 COMMISSIONER SHEEHAN: I'll move approval, if
20 there are no changes.

21 CHAIRPERSON CHIANG: Okay. Motion by Anne.
22 Is there a second?

23 ALTERNATE MEMBER BUGSCH: Second.

24 CHAIRPERSON CHIANG: Second by Brian. Without
25 objection, the motion passes. The minutes are

1 unanimously adopted.

2 And the next order of business is the
3 Executive Officer's Report. Paul, may we have that
4 report, please?

5 EXECUTIVE OFFICER THAYER: Yes. Thank you.
6 Good morning, Members of the Commission. I have
7 several different items I wanted to cover.

8 The first is the Commission had previously
9 asked staff to keep you regularly updated on the
10 progress of resolving some of the violations that have
11 been identified over the last year. We started doing
12 this at the last meeting, and I wanted to continue
13 today.

14 First is the South Bay Yacht Club. At the
15 last meeting, I erroneously said that I think several
16 days after the Commission meeting we anticipated that
17 the Yacht Club would be before the Santa Clara Valley
18 Water District for a lease which is necessary to get
19 some of the other permits they need to do the cleanup
20 that we'd like to see happen.

21 In fact, the matter was scheduled for a
22 hearing at the Yacht Club's own board, and today is the
23 day we anticipate that this item will go to the Water
24 District itself.

25 The staff recommendation from the Water

1 District is for approval. Once they have that
2 approval, they can get the permit from BCDC and be able
3 to do more work with Department and Fish and Game.

4 And in the long run, of course, just to
5 refresh your memory, we are looking to see some of the
6 docks replaced there, some of the excess vegetation
7 that made the docks inaccessible to be removed.

8 And finally, a condition of the Commission's
9 lease was that the public have access to the water
10 here, and some of these improvements are necessary to
11 safely get them there.

12 So we think good progress is being made, but
13 they're still working on the December deadline from the
14 Commission to achieve all of this.

15 With respect to the Courtland docks, this is a
16 small marina that's in Courtland, California south of
17 Sacramento perhaps 20 miles. The problem is generally
18 that the docks are in poor shape. A house has been
19 reconstructed so that it extended slightly out over the
20 Public Trust lands, and the neighbors were concerned as
21 to whether or not the marina owners were living on a
22 vessel there.

23 There is a deadline of June 15th for this to
24 be corrected. The individuals are now living in the
25 house which had extended too far in the Public Trust

1 land, and the house has been reconstructed so it's been
2 drawn back off the Trust land. Some of the old docks
3 have been removed, and they've accepted delivery of all
4 the new docks, and some of them have been installed.

5 I have some pictures here that I'd like to
6 share with Commission that shows the docks are in the
7 process of being installed and some of them are still
8 on the bank.

9 So technically, they did not meet the
10 Commission's deadline of June 15th; but nonetheless,
11 given the progress that's been made there and the fact
12 that they have all the docks there that need to be
13 installed and that's really the last physical thing
14 they need to do, we think that the Commission should
15 hold in abeyance any effort for further enforcement
16 action there.

17 The one last other item they need to do is
18 obtain a bond. The owners here don't have a lot of
19 money, and they are in litigation with another
20 individual not related to the commission's enforcement
21 action. And because of that litigation, they've had
22 trouble getting that bond.

23 They hope to get a court judgment by the end
24 of this month on the 27th for -- that will clear up the
25 litigation, and they expect to be able to get a bond

1 after that.

2 And so I think our proposal is to come back to
3 the Commission meeting on August 22nd and report on the
4 progress of all these items, but that, as I say, good
5 progress is being made.

6 Then the next item is Jeanne Bird. She owns a
7 houseboat, a very nice houseboat, down in the Delta.
8 The staff discovered that this houseboat was for sale
9 in real estate ads as a residence. Of course, that's
10 inconsistent with the Public Trust Doctrine.

11 The Commission allowed the lease to remain in
12 holdover because it was expiring and directed her to
13 seek ways to either sell this floating house, really --
14 it's not a houseboat; it's more like a floating
15 house -- and have it moved to some place that didn't
16 include Public Trust waters. There are a number of
17 artificial waterways in the Delta, and so that would be
18 appropriate. Or to seek use of it by somebody else,
19 selling it to somebody else who might convert it into
20 office space for a marina.

21 So far, none of that has happened. She has a
22 deadline of June 30th, and it is looking to us like
23 probably she's not going to end up complying. She's
24 supposedly taking some efforts to try to market the
25 houseboat, but she's not yet out of compliance because

1 the deadline hasn't come yet.

2 And once again, we'll report back on this in
3 August, but we're less optimistic on this one as we are
4 with the other two.

5 Then I also just wanted to make sure you knew
6 we're still working on the Holbert case. This is a
7 gentleman just south of Sacramento who had overbuilt
8 the dock, built the dock much larger than the
9 Commission had approved.

10 And the Commission authorized litigation, and
11 Attorney General's office is working on that through
12 the preliminary briefs and discovery in that matter.
13 No real -- nothing real to report on that other than
14 we're continuing to work on that.

15 So that concludes the enforcement actions,
16 unless there are question you had about any of these.

17 CHAIRPERSON CHIANG: Questions? No.

18 EXECUTIVE OFFICER THAYER: While I'm on the
19 subject of legal work, I guess, I wanted to make sure
20 that all of you knew Joe Rusconi here, to introduce him
21 to you if you haven't met him before.

22 He's been at a number of our meetings, has
23 worked specifically through the years on a whole bunch
24 of State Lands Commission projects. But he's now with
25 us on a permanent basis.

1 Matt Rodriguez, who's been filling in for the
2 Attorney General's office has been elevated. What's
3 his official --

4 DEPUTY ATTORNEY GENERAL RUSCONI: He's now the
5 Chief Deputy Attorney General in charge of the Public
6 Rights Unit.

7 EXECUTIVE OFFICER THAYER: Lot more people,
8 lot more responsibilities. We're lucky to have this
9 happen because he's so familiar with the Public Trust
10 Doctrine. He'll continue to be a real asset for us in
11 the Attorney General's office, but he can't come to the
12 meetings anymore.

13 And we're blessed to have Joe. Joe worked as
14 well on the Hanson Sand Mining case and a whole bunch
15 of things.

16 I also wanted to close with another update on
17 Poseidon. I know that the Department of Finance is
18 particularly interested in doing this. We talked about
19 this at an earlier meeting. To refresh the
20 Commission's recollection, we heard this in October.

21 The proposal is for a 50-million-gallon-a-day
22 desalination facility in Carlsbad, and the Commission
23 was reluctant to approve a lease because of concerns
24 about whether or not mitigation has been worked out
25 sufficiently to understand that it was adequately going

1 to address the impacts of once-through cooling, the
2 intake of the water from the Agua Hedionda Lagoon, and
3 also to see whether or not Poseidon was going to be
4 able to meet the commitment expressed at the Commission
5 meeting to have a zero greenhouse gas footprint from
6 the project.

7 Staff has been working on this since then.
8 The Coastal Commission had similar concerns, and so we
9 have been working with them as well.

10 The Coastal Commission actually approved the
11 permit, conditioned issuance of that permit upon
12 dealing with the same issues, and so there's been a lot
13 of cooperation there.

14 We have changed information with Poseidon. We
15 have been working with the Water Board who has primary
16 jurisdiction over the biological impacts, the Coastal
17 Commission, Energy Commission, and Air Resources Board.

18 On the wetlands matter, Poseidon claims that
19 in both phases the 42 wetland acres are sufficient
20 mitigation. The Coastal Commission has hired a
21 consultant who's worked on a number of coastal projects
22 who believes -- it's made a presentation that 55 acres
23 is the appropriate amount. That report is not yet
24 finalized.

25 Poseidon is working to obtain a site for

1 wetlands mitigation in the San Dieguito Lagoon. Our
2 understanding is that it has not yet received
3 permission from the project there. It's a big
4 restoration project. It's mostly to mitigate the
5 nuclear generating facility, and Edison is involved
6 with it.

7 Those -- that entity controls the land there
8 and has not yet agreed to its use by Poseidon, so
9 Poseidon really hasn't met what the Commission asked
10 for which was some assurance about where the mitigation
11 site's going to be until it gets that approval.

12 The Water Board did approve earlier this
13 spring, the flow plan which was intended to deal --
14 include the mitigation. But that was left somewhat
15 ambiguous and the Water Board directed its staff to
16 continue to work on this and develop final answers by
17 this fall. And yet we haven't received, therefore,
18 from the Water Board and its staff the guidance we're
19 hoping to get from the experts on that matter.

20 On the greenhouse gas emissions, Poseidon
21 continues to rely on a plan for offsetting the impacts.
22 Most of the impacts are from the use of electricity in
23 the desalination facility. It's developed a list of
24 potential mitigation measures but would like to be able
25 to choose from that list just before the plant opens.

1 There is some justification for that because
2 offsetting greenhouse gases is a relatively new thing,
3 and there continues to be new mitigation measures and
4 perhaps some of these will be more efficient than the
5 ones now available.

6 But it certainly doesn't give us very much in
7 the way of specificity in terms of how we're going to
8 do the mitigation.

9 The plan excludes mitigation for vehicles and
10 for plant construction. It's just for the use of
11 electricity in the finished plant.

12 It relies heavily on offsets from the foregone
13 electrical use of the water that they say will be
14 displaced -- the use of water which will be displaced
15 by the new plant.

16 This is probably the most fundamental issue,
17 whether we should be counting the total emissions
18 associated from the electricity used by this plant, or
19 whether we should subtract the amount of electricity
20 that's used to bring the water from the State Water
21 Resources project or the Colorado River from the
22 emissions that are generated by the plant.

23 Staff's present conclusion, based on what we
24 know, is that the water purveyors there that provide
25 water in the area use every drop that's available to

1 MWD and the San Diego Water Authority; and as such, we
2 don't think there is really a substitution occurring
3 here. It will be an addition, additional water, and
4 will therefore be an addition of emissions, and we
5 don't think there is an offset.

6 But at the end of the day, we imagine we will
7 bring calculations that are figured both ways to the
8 Commission with an explanation of our approach; and
9 Poseidon, of course, has its own reason why it believes
10 an offset approach is a better way to go.

11 In terms of going forward, the Coastal
12 Commission met in June to adopt findings to justify its
13 approval of the project. The original staff report to
14 the Commission recommended denial, so when the Coastal
15 Commission went the other way for approval, they needed
16 a reply staff report to provide a legal basis for the
17 decision.

18 There was a debate between Poseidon and the
19 Coastal Commission staff over what the appropriate
20 findings would be. Poseidon had its own version they
21 wanted the Coastal Commission to adopt. And in the
22 end, the Coastal Commission put over adoption of those
23 findings until August.

24 So we have been operating on the assumption,
25 or something of a promise, that the Coastal Commission

1 would hear this in July. Because of this fight over
2 Poseidon findings, it's been put off to August. The
3 Coastal Commission staff believes that it's not
4 appropriate to adopt both the findings that justify
5 what the Coastal Commission is asking for in compliance
6 with that, with those requirements.

7 So the Coastal Commission staff has taken the
8 position that it will bring back revised findings in
9 August, and perhaps not until September, to get
10 compliance with the Coastal Commission's conditions to
11 deal with those same issues as the wetlands mitigation
12 and greenhouse gas mitigation.

13 As I've discussed previously with you, it's
14 our intent to act in a way -- and I believe this
15 represents the State Lands Commissioners' perspectives
16 as well -- act in a way that does not unduly delay the
17 project.

18 So my view is if the Coastal Commission hears
19 both of these things, findings and compliance in
20 August, we will hear this at the August 22nd meeting.
21 If the Coastal Commission puts off final compliance
22 until September -- especially if the wetlands
23 mitigation is not resolved in terms of the site or the
24 appropriate number of acres -- then it would be my
25 recommendation that we hear this immediately after the

1 Coastal Commission hears it, either in a special
2 meeting or at the October 16th meeting which is the
3 next one after the September meeting of the Coastal
4 Commission.

5 So that's where it rests right now. And if
6 this is consistent with your desires on that, that's
7 how we'll proceed. We'll bring it August 22nd if the
8 Coastal Commission acts finally in August, otherwise in
9 a subsequent meeting.

10 COMMISSIONER SHEEHAN: But it sounds like what
11 you were saying on the -- at least the staff on the
12 Coastal Commission wants to bifurcate the issue?

13 EXECUTIVE OFFICER THAYER: Yes.

14 COMMISSIONER SHEEHAN: But I guess,
15 considering the Commissioners' desire to do it at the
16 same time, that's still a possibility.

17 EXECUTIVE OFFICER THAYER: Yes. We had a
18 staff member ask the Coastal Commission when it heard
19 this earlier this month. And I haven't talked with
20 Peter since then about where he thinks that's going to
21 go.

22 COMMISSIONER SHEEHAN: Okay.

23 EXECUTIVE OFFICER THAYER: I'm sure he'll have
24 discussions with his chair and probably be involved.

25 COMMISSIONER SHEEHAN: Okay.

1 CHAIRPERSON CHIANG: Brian?

2 ALTERNATE MEMBER BUGSCH: I just trust, Paul,
3 that the Coastal Commission is aware of our situation.
4 You've been in contact with them in terms of --

5 EXECUTIVE OFFICER THAYER: Yes.

6 ALTERNATE MEMBER BUGSCH: -- preference not to
7 delay and push it forward.

8 EXECUTIVE OFFICER THAYER: We have discussed
9 all of this with the Coastal Commission staff
10 generally, you know. We've taken a position that we'd
11 like to be prompt in our evaluation of this project.

12 But on the other hand, a lot of the work that
13 the Coastal Commission has done and staff has done has
14 been consistent with trying to get to the bottom of
15 some of these issues that this Commission was
16 interested in as well.

17 ALTERNATE MEMBER BUGSCH: And in terms of the
18 Coastal Commission's information and its relevance to
19 us, I mean you feel pretty strongly that it would
20 inform our understanding of the mitigation dimension of
21 that?

22 EXECUTIVE OFFICER THAYER: Absolutely. They
23 have biologists on staff. And although our current
24 head of our Environmental Planning Unit has a biology
25 background, we don't deal with the issues with the same

1 frequency the Coastal Commission does. They have
2 coastal policies and wetlands, and they have a lot of
3 expertise on it.

4 So in the absence of the Water Board making
5 some sort of final determination on it, we're looking
6 for some help in all this from the Coastal Commission.

7 CHAIRPERSON CHIANG: Understanding the sense
8 of the Lieutenant Governor's office, if you would keep
9 us apprised of the timeliness of the findings of the
10 Coastal Commission? I'm sensitive to my colleagues and
11 when they want to hear this. I'm not wedded to the
12 October time frame.

13 EXECUTIVE OFFICER THAYER: Sure.

14 CHAIRPERSON CHIANG: Just want to keep that
15 open.

16 EXECUTIVE OFFICER THAYER: We'll continue to
17 coordinate with all of the commissioners' offices about
18 this.

19 ALTERNATE MEMBER BUGSCH: In terms of
20 location, that October meeting is in?

21 EXECUTIVE OFFICER THAYER: San Diego.

22 ALTERNATE MEMBER BUGSCH: San Diego.

23 EXECUTIVE OFFICER THAYER: Yes.

24 ALTERNATE MEMBER BUGSCH: And then August in
25 LA.

1 EXECUTIVE OFFICER THAYER: If we heard it
2 then, it would be proximate to the location.

3 ALTERNATE MEMBER BUGSCH: Okay.

4 EXECUTIVE OFFICER THAYER: Then I think that
5 concludes, yes, Executive Officer's Report.

6 CHAIRPERSON CHIANG: Thank you. The next item
7 of business is the Consent Calendar. Is there anyone
8 in the audience who wishes to speak on an item that is
9 still on the Consent Calendar?

10 Seeing none, if not, the remaining group of
11 consent items will be taken up as a group for a single
12 vote. Is there a motion?

13 EXECUTIVE OFFICER THAYER: I just want to make
14 sure that we are clear the two items that are being
15 removed from consent are items 8 and 26.

16 One of those deals with emission control for
17 the dust at Owens Lake. And the other one is
18 associated with an emergency revetment to prevent
19 erosion already in place at a beach in Santa Barbara
20 County. We expect to hear those at a later date.

21 CHAIRPERSON CHIANG: Okay. That's noted.

22 ALTERNATE MEMBER BUGSCH: I move to approve
23 the Consent Calendar, taking items 8 and 26 off that
24 calendar.

25 COMMISSIONER SHEEHAN: And I'll second.

1 CHAIRPERSON CHIANG: We have a motion by
2 Brian, seconded by Anne. Without objection, the motion
3 passes.

4 Next item.

5 EXECUTIVE OFFICER THAYER: The next item is
6 the sole item on the regular calendar which is a
7 resolution requested by the Controller's Office to
8 support HR 21, a measure presently in Congress.

9 Mario De Bernardo, our legislative
10 representative, will make the presentation.

11 CHAIRPERSON CHIANG: Okay.

12 MR. DeBERNARDO: Good morning, Mr. Chairman
13 and Committee members. Mario De Bernardo, Legislative
14 Liaison for State Lands.

15 And this resolution here is in support of the
16 Ocean Conservation Education and National Strategy for
17 the 21st Century Act, which is HR 21, otherwise known
18 as oceans 21. And the author is Sam Farr in the House
19 of Representatives.

20 This bill is in response to two Commission
21 reports, one by the Pew Oceans Commission, the other by
22 the US Commission on Ocean Policies. And these reports
23 were conducted earlier in this decade, and they
24 concluded that major changes in ocean management are
25 needed to stop degradation of ocean resources and to

1 restore and protect oceans for future generations.

2 The bill does five things.

3 It establishes a national ocean policy to
4 minimize environmental impacts to ocean waters, coastal
5 waters, and to ocean resources.

6 It creates a Committee on Ocean Policy in the
7 Executive Office to implement the national ocean
8 policy.

9 And the third thing it does is formally
10 codifies NOAA which was created in 1970 according to an
11 a Executive Order by President Nixon. This would
12 formally codify NOAA.

13 The fourth thing it would do is implement this
14 regional ocean coordination program which would split
15 the country into nine different regions, and there
16 would be a partnership between state and federal
17 agencies and entities to develop a regional ocean plan
18 which would then be implemented through this bill.

19 And it creates a trust fund and also a stamp
20 to fund the program.

21 CHAIRPERSON CHIANG: Okay, very good. Any
22 comments?

23 COMMISSIONER SHEEHAN: No. I would be happy
24 to move approval.

25 CHAIRPERSON CHIANG: Would anybody like to

1 make public comment? Okay. I'll accept a motion.

2 COMMISSIONER SHEEHAN: I'll move approval of
3 the resolution.

4 CHAIRPERSON CHIANG: We have a motion by Anne.

5 ALTERNATE MEMBER BUGSCH: Second.

6 CHAIRPERSON CHIANG: Second by Brian. Without
7 objection, motion passes.

8 COMMISSIONER SHEEHAN: Very good.

9 EXECUTIVE OFFICER THAYER: Actually, that's
10 all of the regular calendar items except we have one
11 off-calendar item that we wanted to bring up, and that
12 is to appropriately recognize Jack Rump in his
13 impending retirement.

14 And I think what I'd like to do is read the
15 resolution, and perhaps if the Commissioners would sign
16 this resolution and would care to make comments then I
17 might close with a few since I worked with Jack so
18 much.

19 CHAIRPERSON CHIANG: Sure.

20 EXECUTIVE OFFICER THAYER: And it's an
21 unfortunately big day for me. But let me read through
22 this resolution because it says a lot about Jack:

23 A Resolution by the California State
24 Lands Commission Commending Jack E. Rump
25 WHEREAS, Jack Rump has given the People

1 of California over 35 years of dedicated
2 and distinguished public service; and
3 WHEREAS, Jack Rump, following two years
4 of private practice, entered state
5 service with the Department of Social
6 Welfare in November of 1972 as a hearing
7 referee, during which time he also
8 taught Business Law at the University of
9 the Pacific; and
10 WHEREAS, Jack Rump, since May 1973, has
11 provided expert legal advice to the
12 Commission and its staff, initially as a
13 Legal Counsel, followed by his promotion
14 to Staff Counsel and in June 1984
15 Assistant Chief Counsel; and
16 WHEREAS, Jack Rump, since 1995, has
17 served as the Chief Counsel of the
18 California State Lands Commission and
19 has now been a legal counselor to the
20 Commission for over half of its 70 year
21 existence, longer than any other
22 attorney; and
23 WHEREAS, Jack Rump has guided the
24 Commission's legal staff with his
25 expertise, supervision and leadership;

1 I don't know about supervision.

2 (Laughter)

3 And

4 WHEREAS, Jack Rump's accomplishments
5 include providing environmental
6 protection to tens of thousands of acres
7 of San Francisco Bay wetlands and Public
8 Trust lands through litigation and by
9 negotiations of major title settlements,
10 including the 10,000+ acre Westbay
11 Settlement; and

12 WHEREAS, Jack Rump provided the
13 Commission with the legal guidance
14 necessary to resolve a major dispute
15 involving public access to moorings for
16 recreational vessels at Catalina Island;
17 and

18 WHEREAS, Jack Rump's Renaissance Man
19 knowledge, including expertise involving
20 complex areas of Constitutional law, the
21 Public Trust Doctrine, environmental
22 law, administrative law, land title and
23 boundary law and public rights, has
24 resulted in a legacy of benefits to the
25 People of California; and

1 WHEREAS, as a result of his
2 conscientious commitment, dedication and
3 superior intellect Jack Rump has
4 succeeded in compiling an impressive
5 record of career achievements and earned
6 the admiration and respect of not only
7 those who have had the privilege of
8 working with him, but those representing
9 opposing interests; now therefore be it
10 RESOLVED BY THE CALIFORNIA STATE LANDS
11 Commission, that Jack E. Rump be
12 commended and thanked for his
13 distinguished record of professional
14 public service for more than thirty-five
15 years representing and advising the
16 California State Lands Commission; we
17 extend sincere best wishes for a
18 rewarding and gratifying retirement; and
19 the Commission wishes Jack, his wife
20 Sally and their daughter Megan the very
21 best in the years to come.
22 I hereto set my hand and have caused the
23 Seal of the California State Lands
24 Commission to be affixed on this 24th
25 day of June, of the Year 2008.

1 (Ovation)

2 CHAIRPERSON CHIANG: Very good. I know all
3 three commissioners would like to make comments.
4 Brian?

5 ALTERNATE MEMBER BUGSCH: Yeah. I would just
6 like -- I worked with Jack for about a year and a half
7 now, and his integrity and work and knowledge and sage
8 advice helping guide me and the Commissioner through
9 everything is very much appreciated.

10 I wonder if that resolution is only slightly
11 shorter than his tenure with the State --

12 (Laughter)

13 ALTERNATE MEMBER BUGSCH: But I don't know
14 that I can add too much more to that. We just really
15 appreciate you and I think we're really going to miss
16 you. And I think -- I know there's a whole body of
17 people underneath Paul and Jack, and they're kind of
18 the figureheads we deal with primarily and everything.

19 I think that he's a great representative of
20 everything and helps synthesize all that, and I know
21 the team underneath him is tremendous. And the
22 Commissioner and I both work with lots of different
23 State entities and everything, you know, and this is
24 one of the most impressive bodies that I've ever worked
25 with and staffs I've ever worked with, and I think

1 you're a big part of that, Jack, and I wish you the
2 best in future.

3 And as always, Commission Garamendi is never
4 to be outdone, right? So he also is giving Jack a
5 resolution. I won't read it here, but I'll give that
6 to you after we're all done and everything.

7 So thank you, Jack.

8 CHAIRPERSON CHIANG: Great. Anne?

9 COMMISSIONER SHEEHAN: Sure. I would like to
10 add my sentiments to both Brian's and the resolution.
11 Let's see, I think I've been on a little bit longer
12 than four years.

13 But I have to say it is truly your wisdom and
14 counsel that I've been able to navigate and help me
15 understand better the issues before the Commission. So
16 I really appreciate and respect the dedication that you
17 have for this.

18 We wish you the best in your retirement.
19 We're going to miss you. You have really made it
20 easier for me to do my job. So with that, I will
21 always be truly grateful and wish you the best.

22 CHAIRPERSON CHIANG: Thank you, Anne.

23 My comments: Jack, you've been nothing short
24 of extraordinary. You have been most generous in your
25 assistance. You obviously bring formidable

1 intellectual competence to the work here. You are held
2 in extraordinarily high regard, and you have my -- and
3 this is heartfelt -- thanks.

4 We are very, very blessed in this state to
5 have wonderful talent, and you're part of the blessings
6 of this great state.

7 So I wish you, your wife Sally, and Megan -- I
8 guess you can try to learn French from her and you can
9 speak German as you do your travels, even though it's a
10 little bit expensive now with the dollar.

11 But I hope you look back very, very fondly
12 upon your work here because we hold you in the deepest
13 regard.

14 EXECUTIVE OFFICER THAYER: And I'd like to
15 just add a couple comments of my own.

16 Obviously I would echo everything the
17 Commission had to say. It represents a lot of my own
18 views toward Jack.

19 But I think the Commission cannot know the
20 number of times problems have been resolved early on
21 and never get to you, or when they finally do get to
22 you, they have been fully worked up and developed, that
23 the options have been clarified, the lousy ones that I
24 think of have been discarded.

25 And the work of the Commission is enormously

1 facilitated, not only at a Commission meeting like
2 this, but day-to-day operations in the Commission
3 offices.

4 Jack's voice has been one of wisdom, and I
5 really cannot count the number of times where he sort
6 of, Paul, you know, do you really want to go there and
7 have you thought about the consequences of that?

8 And I'm a fool if I don't accept his advice on
9 these sorts of things, so I always do.

10 So it's going to be an enormous loss for me on
11 a day-to-day basis to figure out how we're going to do
12 this stuff. I can't imagine without Jack's presence.

13 So I'm just hoping he won't be a stranger and
14 will come by and I'll ask okay, on this one, what
15 should we do. And I really appreciate his fellowship
16 and advice since I've been with the Commission.

17 So with that, perhaps -- we do have a couple
18 of cameras. Curtis you brought yours as well. We
19 could do a presentation of the resolution.

20 CHAIRPERSON CHIANG: Is there anybody who
21 would like to make comments about Jack? This is your
22 last chance.

23 (Laughter)

24 CHAIRPERSON CHIANG: Let's go off the record.

25 (Presentation of the Resolution)

1 CHIEF COUNSEL RUMP: I should say a few words.

2 (Laughter)

3 CHIEF COUNSEL RUMP: I'll keep it to three,
4 which is my normal manner.

5 Yeah, it is a difficult moment for me because
6 I've had a wonderful career, and it's very much due to
7 fine commissioners such as you.

8 It's been wonderful to see people come in new
9 to a subject matter which is extremely complex, pick it
10 up with the ease that you do, and then implement it
11 with good public policy. I couldn't be happier when I
12 see that.

13 We deal with a complex mixture of history, of
14 law, of science, public policy, all stirred around,
15 public input, and you've made terrific decisions.

16 I was particularly proud to be here during the
17 L&G hearings which were very difficult and very
18 controversial, but we saw it through and got it done.

19 I have had the pleasure over a number of
20 years. When I began with the Commission, think of it.
21 Ronald Reagan was governor. Not president, but
22 governor.

23 So it's been a few years, and it's a little
24 shocking to me to hear that I've been here half the
25 existence of the term of the creation of this

1 Commission. So in many ways these will be terrific
2 memories, but I think the thing that makes me happiest
3 is the baton has been passed to you. The torch has
4 come from future Commissions, from you, and from the
5 ones in the past. There is a continuity.

6 This is an interesting doctrine we have, the
7 Public Trust. It means something. And it's to be
8 used. And I couldn't be happier to have you all in
9 office now. I feel like the days are assured that the
10 public will get the full benefit.

11 Thank you very much. Appreciate everything.

12 EXECUTIVE OFFICER THAYER: And the last item
13 on the regular session.

14 CHAIRPERSON CHIANG: Okay. Would anybody like
15 to make any public comment? This is the time for
16 public comment. Okay. Hearing none, we will now
17 adjourn into Closed Session.

18 --o0o--

19 (Thereupon the CALIFORNIA STATE LANDS
20 Commission meeting adjourned to Closed
21 Session at 10:35 a.m.)
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2 I, LINDA KAY RIGEL, a Certified Shorthand
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4 That I am a disinterested person herein; that
5 the foregoing CALIFORNIA STATE LANDS Commission meeting
6 was reported in shorthand by me, Linda Kay Rigel, a
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8 California, and thereafter transcribed into
9 typewriting.

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

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand this July 15, 2008.

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