

TELECONFERENCE MEETING OF THE
CALIFORNIA STATE LANDS COMMISSION

MILTON MARKS CONFERENCE CENTER
455 GOLDEN GATE AVENUE
LOWER LEVEL - VALLEJO ROOM
SAN FRANCISCO, CALIFORNIA 94102

OFFICE OF STATE CONTROLLER JOHN CHIANG
300 CAPITOL MALL, SUITE 1850
SACRAMENTO, CALIFORNIA 95814

DEPARTMENT OF FINANCE
STATE CAPITOL, ROOM 1145
SACRAMENTO, CALIFORNIA 95814

ADDITIONAL LOCATION PROVIDED FOR THE PUBLIC
CALIFORNIA STATE LANDS COMMISSION
100 HOWE AVENUE, SUITE 100-SOUTH
SACRAMENTO, CALIFORNIA

THURSDAY, MAY 23, 2013

11:00 A.M.

Jacqueline Toliver
Certified Shorthand Reporter
Certificate No. 4808

APPEARANCES

COMMISSIONERS:

Mr. Gavin Newsom, Lieutenant Governor, Chairperson

Mr. John Chiang, State Controller, represented by
Mr. Alan Gordon

Ms. Ana Matosantos, Director of Finance, represented
Ms. Karen Finn

STATE LANDS COMMISSION STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Chief Counsel

Ms. Sheri Pemberton, Chief, External Affairs

Mr. Dave Brown, Chief, Administration and Fiscal Services

Mr. Brian Bugsch, Chief, Land Management Division

Ms. Shelli Haaf, Staff Attorney

Ms. Kim Lunetta, Administrative Assistant

ATTORNEY GENERAL'S OFFICE STAFF:

Ms. Shari Posner, Deputy Attorney General

I N D E X

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I. <u>11:00 OPEN SESSION</u>	1
II. <u>CONFIRMATION OF MINUTES FOR THE MEETING OF APRIL 26, 2013</u>	3
III. <u>EXECUTIVE OFFICER'S REPORT</u> - None	
IV. <u>LEGISLATION CONSENT CALENDAR C01 - C09</u> - None	

LEGISLATION CONSENT

LEGISLATION AND RESOLUTIONS

C 01 CALIFORNIA STATE LANDS COMMISSION: Consider supporting federal legislation that would enact the Realize America's Maritime Promise Act and the Harbor Maintenance Act of 2013, which would require the total budget resources for expenditures from the Harbor Maintenance Trust Fund for harbor maintenance programs to equal the level of receipts plus interest credited to such Fund for that fiscal year. (House Bill 335, Representative Boustany/S. 218, Senator Levin, Carl) (A & S: Federal) (Staff: S. Pemberton)

C 02 CALIFORNIA STATE LANDS COMMISSION: Consider supporting federal legislation that would enact the Federal Land Transaction Facilitation Act Reauthorization of 2013, which would reauthorize, until July 25, 2021, the program for the completion of appraisals and satisfaction of other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under the Federal Land Policy and Management Act of 1976. (Senate Bill 368, Senator Heinrich, Martin) (A & S: Federal) (Staff: S. Pemberton)

C 03 CALIFORNIA STATE LANDS COMMISSION: Consider supporting federal legislation that would enact the Coastal State Climate Change Planning Act, which would amend the Coastal Zone Management Act to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response program. This program would provide assistance to coastal states to voluntarily develop coastal climate change adaptation

plans and provide financial and technical assistance and training to enable coastal states to implement plans through the States' enforceable policies. (House Bill 764, Representative Capps) (A&S: Federal) (Staff: S. Pemberton)

C 04 CALIFORNIA STATE LANDS COMMISSION: Consider co-sponsoring state legislation that would require trustees of legislatively granted public trust lands to assess the impacts of sea level rise on natural and manmade resources and facilities located on trust lands. (AB 691, Muratsuchi) (A & S: Statewide) (Staff: S. Pemberton)

C 05 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation to eliminate, notwithstanding any other provision of law, the requirement of a lease from the State Lands Commission for dredging on granted public trust lands wherein minerals are reserved to the State if the dredging is consistent with the proper management of granted lands, the dredged material is not sold or used for private benefit, and the dredged material is disposed of at an approved disposal site. (AB 727, Stone) (A & S: Statewide) (Staff: S. Pemberton)

C 06 CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would increase the maximum annual assessment from \$0.065 to \$0.08 per barrel of crude oil or petroleum products and would allow the Administrator to adjust the maximum fee annually based on the percentage increase in the California Consumer Price Index, as well as capping the nontank vessel fee at \$3,500 and allowing the Administrator to transfer up to \$2,000,000 in funds from the Oil Spill Prevention and Administration Fund to the Oil Spill Response Trust Fund to fund the State's Oiled Wildlife Care Network program. (AB 881, Chesbro) (A & S: Statewide) (Staff: S. Pemberton)

C 07 CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would prohibit stores that have a specified amount of dollar sales or retail floor space from providing single-use carryout bags and would require these stores to make recycled paper, compostable, or reusable bags available for purchase by customers. The legislation also sets standards for the definition of "reusable," requires stores to provide plastic bag recycling collection bins, and creates a reusable bag certification program administered by the

Department of Resources Recycling and Recovery. (AB 158, Levine) (A & S: Statewide) (Staff: S. Pemberton)

C 08 CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would, as of January 1, 2015, prohibit stores that have a specified amount of dollar sales or retail floor space from providing a single-use carryout bag to a customer and would require these stores to meet other requirements regarding providing recycled paper bags, compostable bags, or reusable bags to customers. (SB 405, Padilla) (A & S: Statewide) (Staff: S. Pemberton)

C 09 CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would remove the January 1, 2014 sunset date on the State's Voluntary Turn In Program, which allows recreational vessel owners to turn in their derelict and dilapidated vessels to a public agency for the purpose of disposal. (SB 122, Lieu) (A & S: Statewide) (Staff: S. Pemberton)

VII. CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE FOLLOWING PURSUANT TO GOVERNMENT CODE SECTION 11126

V PUBLIC COMMENT - None

VI COMMISSIONER'S COMMENTS - None

VII. CLOSED SESSION: - None

A. LITIGATION.

THE COMMISSION MAY CONSIDER PENDING AND POSSIBLE LITIGATION PURSUANT TO THE CONFIDENTIALITY OF ATTORNEY-CLIENT COMMUNICATIONS AND PRIVILEGES PROVIDED FOR IN GOVERNMENT CODE SECTION 11126(e).

1. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(A):

Los Angeles County Waterworks District #40 v. Diamond Farming Company, et al.

State of California, acting by and through the State Lands Commission v. Venoco, Inc.

Seacliff Beach Colony Homeowners Association v. State of California, et al.

State of California, acting by and through the State
Lands Commission v. Singer

State of California, acting by and through the State
Lands Commission v. Crockett Marine Services, et al.

Defend Our Waterfront v. California State Lands
Commission, et al.

The Melton Bacon and Katherine L. Bacon Family Trust, et
al. v. California State Lands Commission, City of
Huntington Beach

SLPR, LLC, et al. v. San Diego Unified Port District,
State Lands Commission

San Francisco Baykeeper v. State Lands Commission

City of Los Angeles v. Great Basin Unified Air Pollution
Control District et. al.

City of Los Angeles v. California Air Resources Board et.
al.

Keith Goddard v. State of California
California State Lands Commission v. Edward L. Clark Jr.
Everardo Acevedo, et al. v. Jorge A. Diaz, et al.

2. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER
GOVERNMENT CODE SECTION 11126(e)(2)(B) or (2)(C).

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1 Also, while not speaking, I would recommend
2 that the other offices keep their speakerphones on mute
3 until wishing to speak, as that will aid in clarity.

4 I'd also like to identify the members of the
5 staff of the Commission and the Attorney General's Office
6 present on this telephonic meeting.

7 In San Francisco with the Lieutenant Governor,
8 Jennifer Lucchesi, the Executive Officer; Sheri
9 Pemberton, Chief of our External Affairs Division; and
10 Shari Posner, Deputy Attorney General.

11 In the Sacramento Controller's Office with
12 Alternate Commissioner Alan Gordon, Mark Meier, our Chief
13 Counsel, is with Alan.

14 In Sacramento at the State Capitol with
15 Alternate Commissioner Karen Finn is Dave Brown, our
16 Chief of Administrative and Informational Services.

17 And in Sacramento at the State Lands Commission
18 Office in the Executive Conference Room is Brian Bugsch,
19 Chief of our Land Management Division, Kim Lunetta of our
20 Executive Office, and the court reporter.

21 And I will now call roll. Chairman and
22 Lieutenant Governor Gavin Newsom.

23 CHAIRPERSON NEWSOM: Here.

24 EXECUTIVE OFFICER LUCCHESI: Commission
25 Alternate for the State controller, Alan Gordon.

1 ACTING COMMISSIONER GORDON: Here.

2 EXECUTIVE OFFICER LUCCHESI: And Commission
3 Alternate for the Director of Finance, Karen Finn.

4 ACTING COMMISSIONER FINN: I'm here.

5 EXECUTIVE OFFICER LUCCHESI: Great.

6 CHAIRPERSON NEWSOM: Great.

7 Well, the first order of business is the
8 adoption of the minutes of the Commissions' April 26th
9 meeting. Is there a motion to approve the minutes?

10 ACTING COMMISSIONER GORDON: Approve adoption.
11 This is Alan Gordon.

12 ACTING COMMISSIONER FINN: I will second. This
13 is Karen Finn.

14 CHAIRPERSON NEWSOM: Moved and seconded. And
15 then we'll move that item on. The minutes are formally
16 adopted.

17 EXECUTIVE OFFICER LUCCHESI: And if we could
18 just call the roll call for the vote because this is a
19 telephonic conference.

20 CHAIRPERSON NEWSOM: Let's call the roll.
21 Who's in favor of adopting those minutes?

22 ACTING COMMISSIONER GORDON: Alan Gordon. Aye.

23 CHAIRPERSON NEWSOM: Great.

24 ACTING COMMISSIONER FINN: Karen Finn. Aye.

25 CHAIRPERSON NEWSOM: Great. And Gavin Newsom,

1 Aye. So the Ayes have it. How's that for unanimous
2 consent? The minutes are adopted.

3 Next order of business is the Executive
4 Officer's report.

5 EXECUTIVE OFFICER LUCCHESI: I do not have
6 anything to report.

7 CHAIRPERSON NEWSOM: I suspected as much.

8 The next order of business will be the adoption
9 of Legislation Consent Calendar, Items C01 to C09.

10 Is there anyone in the audience, anyone
11 listening physically or on the phone, who wish to speak
12 on the items that are still on the Consent Calendar?

13 ACTING COMMISSIONER GORDON: Alan Gordon moves
14 adoption of the Consent Calendar.

15 CHAIRPERSON NEWSOM: Good. We'll proceed with
16 a vote. Is there a second? This is a roll call, I
17 guess, right?

18 EXECUTIVE OFFICER LUCCHESI: Karen, will you be
19 abstaining from this?

20 ACTING COMMISSIONER FINN: Yes, I will
21 abstaining from the vote.

22 CHAIRPERSON NEWSOM: Okay. Good. So that's
23 the two. So we have a motion. I'll second it. So is
24 that a formal -- Jennifer, does that account for a formal
25 vote?

1 EXECUTIVE OFFICER LUCCHESI: Yes.

2 CHAIRPERSON NEWSOM: We'll move those items
3 forward. Is there any other order of business? Do we
4 have anything else to do?

5 EXECUTIVE OFFICER LUCCHESI: No, unless there's
6 -- does anybody have any public comment speakers in their
7 offices?

8 ACTING COMMISSIONER FINN: We do not here in
9 the Capitol.

10 CHAIRPERSON NEWSOM: No one here either.

11 EXECUTIVE OFFICER LUCCHESI: Okay.

12 CHAIRPERSON NEWSOM: Well, then that's it.
13 Then if there's no other business about which to address,
14 then we will conclude this extraordinarily long, tenuous,
15 torturous meeting.

16 Thank you, guys, for joining us.

17 ACTING COMMISSIONER GORDON: Thank you.

18 EXECUTIVE OFFICER LUCCHESI: Thank you.

19 There is no closed session. Thank you.

20 MS. LUNETTA: Thank you.

21 (Thereupon the California State Lands
22 Commission meeting adjourned at 11:05 a.m.)

23 --oOo--

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1 REPORTER'S CERTIFICATE

2
3 I, Jacqueline Toliver, a Certified Shorthand
4 Reporter for the State of California, do hereby certify:

5 That I am a disinterested person herein; that
6 the foregoing State Lands Commission hearing was reported
7 in shorthand by me, a duly qualified Certified Shorthand
8 Reporter, and thereafter transcribed into typewritten
9 form by means of computer-aided transcription.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing or in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 10th day of June 2013.

15
16
17
18
19 _____
20 JACQUELINE TOLIVER
21 Certified Shorthand Reporter
22 License No. 4808
23
24
25