

MEETING  
STATE OF CALIFORNIA  
LANDS COMMISSION

STATE CAPITOL  
ROOM 447  
SACRAMENTO, CALIFORNIA

FRIDAY, SEPTEMBER 20, 2013  
10:07 A.M.

JAMES F. PETERS, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

A P P E A R A N C E S

COMMISSION MEMBERS:

Mr. Gavin Newsom, Lieutenant Governor, Chairperson, also represented by Mr. Chris Garland

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

Mr. Michael Cohen, Director of Finance, represented by Ms. Eraina Ortega

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Chief Counsel

Ms. Jennifer DeLeon, Environmental Program Manager I, Division of Environmental Planning and Management

Mr. Joe Fabel, Staff Counsel

Ms. Mary Hays, Public Land Manager, Land Management Division

Ms. Sheri Pemberton, Chief, External Affairs Division

Ms. Marina Voskanian, Chief, Mineral Resources Management Division

Ms. Holly Wyer

ATTORNEY GENERAL:

Mr. Joe Rusconi, Deputy Attorney General

ALSO PRESENT:

Mr. Andrew Antwih, Pacific Merchant Shipping Association

Mr. Jeff Carothers, Fugro West, Inc.

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Gary DeMar, representing Betty Vranesh

Ms. Karen Garrison, Natural Resources Defense Council

Mr. Jim Grant, Fugro West, Inc.

Mr. Steve Greig, Venoco, Inc.

Mr. Aaron Riffenburgh Kirby, ORB

Ms. Alison Madden, San Francisco Bay Marinas for All

Mr. Brad Snook, Surfrider Foundation

Mr. Bill Toman Pacific, Marine Renewables

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I	10:00 A.M. - OPEN SESSION	1
II	CONFIRMATION OF MINUTES FOR THE REGULAR MEETING OF JUNE 21, 2013 AND THE SPECIAL MEETING OF JULY 12, 2013	1
III	EXECUTIVE OFFICER'S REPORT	

Continuation of Rent Actions to be taken by the CSLC's Executive Officer pursuant to the Commission's Delegation of Authority:

- Pacific Gas and Electric Company (Lessee): Continuation of rent at \$726 per year for a General Lease - Right-of-Way Use, located on State school land in Shasta and Trinity Counties (PRC 383.2).
- Pacific Gas and Electric Company (Lessee): Continuation of rent at \$306 per year for a General Lease - Right-of-Way Use, located on State school land in Shasta County (PRC 5391.2).
- Broadwing Communications, LLC (Lessee): Continuation of rent at \$651 per year for a General Lease - Right-of-Way Use, located on State school land in San Bernardino County (PRC 8047.2).
- Kern River Gas Transmission Company (Lessee): Continuation of rent at \$3,384 per year for a General Lease - Right-of-Way Use, located on State school land in San Bernardino County (PRC 8411.2).
- Kern River Gas Transmission Company (Lessee): Continuation of rent at \$3,826 per year for a General Lease - Right-of-Way Use, located on State school land in San Bernardino County (PRC 8412.2).

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- Ned and Mary Burgess, dba Salmon Harbor Resort (Lessees): Continuation of rent at \$50 per year for a General Lease - Recreational Use, located on sovereign land in the Smith River, Del Norte County (PRC 1584.1).
- George J. Vukasin and Sonja L. Vukasin, Trustees of the Vukasin Family Living Trust dated October 10, 1994 (Lessees): Continuation of rent at \$1,085 per year for a General Lease - Recreational Use, located on sovereign land in Lake Tahoe, adjacent to 980 West Lake Boulevard, near Tahoe City, Placer County (PRC 7773.1).
- William S. Beckham and Benita F. Beckham, as Trustees of the Beckham 2008 Living Trust; and Dennis R. Underwood and Gail A. Underwood, as Trustees of the Underwood 2008 Living Trust (Lessees): Continuation of rent at \$257 per year for a General Lease - Recreational Use, located on sovereign land in Lake Tahoe, adjacent to 6035 North Lake Boulevard, near Tahoe Vista, Placer County (PRC 4360.1).
- Cedar Flat Improvement Association, Inc. (Lessee): Continuation of rent at \$725 per year for a General Lease ;V Recreational Use, located on sovereign land in Lake Tahoe, adjacent to 4370 North Lake Boulevard, near Carnelian Bay, Placer County (PRC 4173.1).

IV CONSENT CALENDAR C01-C115

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THE FOLLOWING ITEMS ARE CONSIDERED TO BE  
NON-CONTROVERSIAL AND ARE SUBJECT TO CHANGE AT  
ANY TIME UP TO THE DATE OF THE MEETING.

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LAND MANAGEMENT DIVISION

NORTHERN REGION

C01 CHATEAUX DU LAC ASSOCIATION, INC.  
(APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 709 Lakeview Avenue, near the city of South Lake Tahoe, El Dorado County; for an existing pier not previously authorized by the Commission. (W 26500; RA# 24112) (A 5; S 1) (Staff: G. Asimakopoulos)

C02 HERBERT L. DAMNER AND ARVILLE B. DAMNER, TRUSTEES OF THE HERBERT L. DAMNER AND ARVILLE B. DAMNER REVOCABLE TRUST U/D/T, DATED SEPTEMBER 25, 1998 (ASSIGNORS); JOHN R. GRIGSBY AND PATRICIA A. GRIGSBY, TRUSTEES OF THE JOHN R. GRIGSBY AND PATRICIA A. GRIGSBY REVOCABLE TRUST, DATED SEPTEMBER 24, 2003 (ASSIGNEES): Consider application for the assignment of Lease No. PRC 7459.9, a Recreational Pier Lease, of sovereign land located in Lake Tahoe, adjacent to 36 Moana Circle, near Homewood, Placer County; for an existing pier and two mooring buoys. (PRC 7459.9; RA# 29512) (A 1; S 1) (Staff: G. Asimakopoulos)

C03 MARY V. INGRAM AND DAVID M. INGRAM (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 7045 Garden Highway, near the city of Sacramento, Sacramento County; for existing bank protection previously authorized by the Commission, and an existing uncovered single-berth floating boat dock with boat lift, gangway, dolphin, and two pilings not previously authorized by the Commission. (PRC 5523.1; RA# 29012) (A 7; S 6) (Staff: G. Asimakopoulos)

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C04 COLIN BOONE ARNOLD AND VICTORIA LYNN ARNOLD, TRUSTEES OF THE ARNOLD FAMILY REVOCABLE TRUST, DATED AUGUST 23, 1994 (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2915 Garden Highway, near the city of Sacramento, Sacramento County; for an existing floating boat dock, gangway, debris deflector, two steel pilings, and bank protection. (PRC 6064.1; RA# 32312) (A 7; S 6) (Staff: G. Asimakopoulos)

C05 COLIN BOONE ARNOLD AND VICTORIA LYNN ARNOLD, TRUSTEES OF THE ARNOLD FAMILY REVOCABLE TRUST, DATED AUGUST 23, 1994 (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2851 Garden Highway, near the city of Sacramento, Sacramento County; for an existing single-berth floating boat dock, gangway, five steel pilings, and bank protection previously authorized by the Commission, and an existing cover over the dock, two boat lifts, personal watercraft lift, storage shed, and electric and water utility outlets not previously authorized by the Commission. (PRC 7231.1; RA# 32412) (A 7; S 6) (Staff: G. Asimakopoulos)

C06 BRIAN J. MCCULLOUGH (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 14976 South Shore Drive, near the town of Truckee, Nevada County; for the reconstruction, use, and maintenance of an existing pier not previously authorized by the Commission. (W 8670.67; RA# 35812) (A 1; S 1) (Staff: G. Asimakopoulos)

C07 JAMES M. TALCOTT AND PATRICIA DYKEMA, TRUSTEES OF THE JAMES M. TALCOTT REVOCABLE TRUST, DATED MARCH 16, 2006 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in the Napa River, adjacent to 1576 Milton Road, near the city of Napa, Napa County; for an existing uncovered floating boat dock, pier, walkway, gangway, and two pilings. (PRC 7214.1; RA# 25612) (A 7; S 2) (Staff: R. Boggiano)

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C08 OLYMPIA OF VALLEJO, LLC (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in White Slough, adjacent to Assessor's Parcel Number 0051-250-220, near the city of Vallejo, Solano County; for an existing tidewall and bank protection. (PRC 7728.9; RA# 18712)(A 7; S 2) (Staff: R. Boggiano)

C09 ARNOLD G. HUNN AND SANDRA A. HUNN, AS TRUSTEES OF THE HUNN FAMILY REVOCABLE TRUST, ESTABLISHED SEPTEMBER 2, 2005 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 10595 Bryne Avenue, near Los Molinas, Tehama County; for an existing uncovered floating boat dock and two anchoring cables attached to deadmen on the upland. (PRC 4782.1; RA# 15012) (A 4; S 2) (Staff: R. Boggiano)

C10 MATTHEW A. YOUNG AND PAMELA T. YOUNG (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in the Napa River, adjacent to 1308 Milton Road, near the city of Napa, Napa County; for an existing uncovered floating boat dock, walkway, and three pilings. (PRC 8456.1; RA# 30612) (A 7; S 2) (Staff: R. Boggiano)

C11 RAMOS OIL COMPANY, INC. (PARTY); W. KENT RAMOS AND KYLE RAMOS (APPLICANTS): Authorize acceptance of a settlement of outstanding rent under Lease No. PRC 701.1, a General Lease ;V Industrial Use, for previous wharfage facilities and an application for a General Lease - Industrial Use, of sovereign land located in the Sacramento River, adjacent to 1555 South River Road, in the city of West Sacramento, Yolo County; for an existing concrete pier, ramp, five three-pile dolphins, and an uncovered floating boat dock. (PRC 701.1, PRC 3773.1; RA# 16612) (A 8; S 5) (Staff: R. Boggiano)



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C12 CALIFORNIA LAND AND WATER COMPANY, A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Montezuma Slough, adjacent to Assessor's Parcel Number 0046-200-010, near Suisun City, Solano County; for an existing uncovered floating boat dock, two pilings, walkway, and covered shed. (PRC 7727.1; RA# 12912)(A 7, 8; S 5, 2) (Staff: R. Boggiano)

C13 CITY OF RIO DELL (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Eel River, adjacent to Assessor's Parcel Numbers 052-061-053 and 205-111-039, near the city of Rio Dell, Humboldt County; for the installation, use, and maintenance of a 14-inch diameter high density polyethylene (HDPE) effluent pipeline. (W 26651; RA# 17312) (A 1; S 2) (Staff: R. Boggiano)

C14 LEO H. SCHUERING JR. AND EILEEN S. SCHUERING, AS TRUSTEES OF THE SCHUERING FAMILY REVOCABLE TRUST, DATED NOVEMBER 30, 1994 (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4475 Garden Highway, near the city of Sacramento, Sacramento County; for an existing floating boat dock with a single-berth boathouse and gangway previously authorized by the Commission, and two existing steel pilings, boat lift, electrical and water utility outlets, and bank protection not previously authorized by the Commission. (PRC 6988.1; RA# 31412) (A 5; S 6) (Staff: R. Boggiano)

C15 DANIEL L. WALSH (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4321 Garden Highway, near the city of Sacramento, Sacramento County, for existing bank protection previously authorized by the Commission; and an uncovered single-berth floating boat dock, dolphin, two pilings, and gangway not previously authorized by the Commission. (PRC 6324.1; RA# 28312) (A 7; S 6) (Staff: V. Caldwell)

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C16 RIVERBANK HOLDING COMPANY, LLC (APPLICANT), OHIO NATIONAL LIFE INSURANCE COMPANY (SECURED-PARTY LENDER): Consider termination of Lease No. PRC 6427.1, a General Lease - Commercial Use; an application for a General Lease - Commercial Use; Termination of Agreements and Consent to Encumbrancing of the Lease; approval of a new Agreement and Consent to Encumbrancing of the Lease; and approval of subleases, of sovereign land located in the Sacramento River, adjacent to 1371 Garden Highway, city of Sacramento, Sacramento County; for an existing commercial marina known as Riverbank Marina. (PRC 6427.1; RA# 01413) (A 9; S 6) (Staff: V. Caldwell)

C17 MYRON SIDIE (LESSEE); FACES, INC. (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 2216.1, a General Lease - Commercial Use, and an application for a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 6985 Garden Highway, near the town of Nicholas, Sutter County; for an existing commercial marina. (PRC 2216.1; RA# 01313) (A 3; S 4) (Staff: V. Caldwell)

C18 MONTEZUMA WETLANDS, LLC (LESSEE): Consider application for an amendment to Lease No. PRC 8275.1, a General Lease - Industrial Use, of sovereign land located in the Sacramento River and Montezuma Slough, near Collinsville, Solano County; to include the construction of a surface water pump with a fish-screened intake pipeline, an extension of the lease term, and a revision in rent. (PRC 8275.1; RA# 21611) (A 8; S 4) (Staff: V. Caldwell)

C19 JAMES M. MCCLENAHAN AND MARGARET ANN MCCLENAHAN, AS TRUSTEES OF THE MCCLENAHAN FAMILY TRUST DATED FEBRUARY 22, 2001 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 15102 Point Drive; near the town of Truckee, Nevada County, for an existing pier. (PRC 8504.1; RA# 25512) (A 1; S 1) (Staff: M. J. Columbus)

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C20 ROGER B. PRIMM, TRUSTEE OF THE REVISED AND RESTATED ROGER B. PRIMM FAMILY TRUST U/D/T JANUARY 30, 1990 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3115 Jameson Beach Road, near the city of South Lake Tahoe; El Dorado County, for an existing pier and two mooring buoys. (PRC 6863.1; RA# 32812) (A 5; S 1) (Staff: M. J. Columbus)

C21 ALAN K. AUSTIN AND MARIANNE P. AUSTIN, TRUSTEES OF THE AUSTIN FAMILY TRUST DATED AUGUST 6, 1997, AND KAREN J. VAN VOORHIS, TRUSTEE OF THE KAREN J. VAN VOORHIS REVOCABLE TRUST, UNDER TRUST AGREEMENT DATED DECEMBER 23, 1992, A TRUST (LESSEES); ALAN K. AUSTIN AND MARIANNE P. AUSTIN, TRUSTEES OF THE AUSTIN FAMILY TRUST DATED AUGUST 6, 1997, AND BEAMING JOY LIMITED, A BVI LIMITED CORPORATION (APPLICANTS): Consider termination of Lease No. PRC 5801.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 850 and 860 West Lake Boulevard, Tahoe City, Placer County; for an existing joint-use pier, two boat lifts, and four mooring buoys. (PRC 5801.1; RA# 27810) (A 1; S 1)(Staff: M. J. Columbus)

C22 THE KOURETAS FAMILY TRUST U/A DATED NOVEMBER 15, 1978, AS AMENDED (APPLICANT): Consider application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 5230 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and two mooring buoys. (PRC 1710.1; RA# 35910) (A 1; S 1) (Staff: M. J. Columbus)

C23 THE SOL AND NETTIE SCHERMAN FAMILY LIMITED PARTNERSHIP (LESSEE); MARK A. MARIANI AND MELODY ANN MARIANI, TRUSTEES OF THE MARK AND MELODY ANN MARIANI REVOCABLE TRUST UAD 1/9/97 (APPLICANTS): Consider termination of Lease No. PRC 4859.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2820 Lake Terrace Avenue, near Tahoe City, Placer County; for an existing pier, covered boathouse, and two mooring buoys. (PRC 4859.1; RA# 26012) (A 1; S 1) (Staff: M. J. Columbus)

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C24 JAMES DOBBAS AS TRUSTEE UNDER DECLARATION OF TRUST DATED DECEMBER 22, 1976 (APPLICANT): Consider application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 8283 Meeks Bay Avenue, Meeks Bay, El Dorado County; for an existing pier and one mooring buoy. (PRC 4494.1; RA# 18312) (A 5; S 1) (Staff: W. Hall)

C25 COUNTY OF SUTTER (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Feather River, adjacent to 243 Second Street, Yuba City, Sutter County; for an existing concrete boat launch ramp previously authorized by the Commission, and an L-shape uncovered floating dock, four pilings, retaining wall, and bank protection not previously authorized by the Commission. (PRC 7747.9; RA# 17511) (A 3; S 4) (Staff: W. Hall)

C26 JEAN M. SHELDON FIRST FAMILY LIMITED PARTNERSHIP (LESSEE); SEAN J. KEENE AND AMMANDA E. KEENE, TRUSTEES OF THE SEAN AND AMMANDA KEENE 2004 TRUST, DATED AUGUST 19, 2008 AS AMENDED (APPLICANTS): Consider termination of Lease No. PRC 4855.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5820 North Lake Boulevard, near Agate Bay, Placer County; for an existing pier and two mooring buoys previously authorized by the Commission and the removal of three existing unattached pilings not previously authorized by the Commission. (PRC 4855.1; RA# 21312) (A 1; S 1) (Staff: W. Hall)

C27 GERALD E. JOHNSTON AND CYNTHIA M. JOHNSTON, TRUSTEES OF THE GERALD E. JOHNSTON AND CYNTHIA M. JOHNSTON TRUST, UNDER THE DECLARATION OF TRUST DATED APRIL 26, 2002; CYRUS A. JOHNSON, SUCCESSOR TRUSTEE UNDER REVOCABLE TRUST DATED JANUARY 10, 1989; STEPHEN N. GRAY AND CAROLE J. GRAY, CO-TRUSTEES OF THE GRAY FAMILY REVOCABLE TRUST DATED AUGUST 7, 1999; AND WILLIAM E. LANDIS AND JULIE H. LANDIS, CO-TRUSTEES OF THE LANDIS FAMILY REVOCABLE TRUST OF 1999 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake

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Tahoe, adjacent to 5020 and 5040 West Lake Boulevard, Homewood, Placer County; for an existing joint-use pier and four mooring buoys. (PRC 5120.1; RA# 33412) (A 1; S 1) (Staff: W. Hall)

C28 PAUL R. MALONE, VIRGINIA M. MALONE AND HAROLD S. PENNEY; AND CHARLOTTE C. PENNEY AS TRUSTEES OF THE HAROLD S. PENNEY AND CHARLOTTE C. PENNEY LIVING FAMILY TRUST, DATED NOVEMBER 6, 2002 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2865 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier and one mooring buoy. (PRC 4128.9; RA# 10409) (A 1; S 1) (Staff: W. Hall)

C29 SFPP, L.P. (APPLICANT): Consider termination of a holdover tenancy and acceptance of a Quitclaim Deed for Lease No. PRC 5439.1, a General Lease - Right-of-Way Use and an application for three new General Lease - Rights-of-Way Use, of sovereign land located in various waterways, various counties, for existing petroleum pipelines. (PRC 5439.1, PRC 9040.1, PRC 9041.1, PRC 9042.1; RA# 15512) (A & S: Statewide) (Staff: D. Jones)

C30 SFPP, L.P. (LESSEE): Consider revision of rent to Lease No. PRC 8486.1, a General Lease - Right-of-Way Use, of sovereign land located in Walnut, Grayson and Pacheco Creeks, Cordelia Slough and the Carquinez Strait; Contra Costa, Solano and Yolo Counties, for petroleum pipelines. (PRC 8486.1) (A 8, 11; S 5, 7) (Staff: D. Jones)

C31 JOHN R. GARAMENDI AND PATRICIA W. GARAMENDI, TRUSTEES OF THE GARAMENDI LIVING TRUST, DATED JULY 23, 1989 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to Sacramento County Assessor's Parcel Number 142-0230-008, near the city of Walnut Grove, Sacramento County; for the reconstruction, use, and maintenance of an uncovered floating boat dock, ramp, and two pilings. (PRC 6351.1; RA# 28011) (A 11; S 3) (Staff: N. Lavoie)

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C32 CHRISTOPHER LUNARDI AND JOANNE LUNARDI; TAB STILES AND CHARLENE STILES AS TRUSTEES OF THE TAB AND CHARLENE STILES FAMILY TRUST, UNDER TRUST DATED OCTOBER 15, 2007; REGINALD G. BOONE, JR. AND LEI-WEY SUN; AND ROBERT M. FREY AND MALIA M. FREY (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Shag Slough, adjacent to Assessor's Parcel Number (APN) 0042-210-060, and in Cache Slough, adjacent to APN 0042-160-160 near the city of Rio Vista, Solano County; for four existing recreational dock facilities in Shag Slough and four boat sheds in Cache Slough previously authorized by the Commission, and an existing portion of a residence and attached deck in Shag Slough not previously authorized by the Commission. (PRC 6362.1; RA# 31312) (A 11; S 3) (Staff: N. Lavoie)

C33 KRISTINA LESSING HOMER, AS TRUSTEE OF THE MICHAEL JAMES HOMER QTIP TRUST NO. 2, UTD DECEMBER 6, 1999, AS AMENDED (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8833 Rubicon Drive, Rubicon Bay, El Dorado County; for an existing pier, boathouse, and two mooring buoys previously authorized by the Commission, and an existing boat lift not previously authorized by the Commission. (PRC 5623.1; RA# 21809)(A 5; S 1) (Staff: N. Lee)

C34 HOMEWOOD VILLAS, LLC (APPLICANT): Consider an amendment of Lease No. PRC 9071.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5130 West Lake Boulevard, near Homewood, Placer County; to include a revised land description. (PRC 9071.1; RA# 02912) (A 1; S 1) (Staff: N. Lee)

C35 NATHAN TOPOL, DBA HOMEWOOD RESORT (LESSEE): Consider rescission of a quitclaim deed and acceptance of a new quitclaim deed for Lease No. PRC 5857.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 097-130-028 through 097-130-033, near Homewood, Placer County; for the lease area associated with an existing pier. (PRC 5857.1) (A 1; S 1) (Staff: N. Lee)

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C36 CITY OF NAPA (APPLICANT): Consider application for the termination and issuance of a General Lease - Public Agency Use for an existing boat ramp; to dredge 40,000 cubic yards of material from sovereign land located in the Napa River at the boat ramp, Napa County; and disposal of dredged material at the U.S. Army Corps of Engineers' designated disposal sites SF-9 (Carquinez Strait), the Cullinan Ranch Restoration Project, the Napa County Flood Control and Water Conservation District's Imola Avenue site, and/or other U.S. Army Corps of Engineers' approved disposal sites. (PRC 3745.9; RA# 20812) (A 7; S 2) (Staff: D. Oetzel)

C37 VALLEJO YACHT CLUB (APPLICANT): Consider application for a General Lease - Dredging, to dredge material from granted land, minerals reserved; located in the Mare Island Strait in the city of Vallejo, Solano County. (PRC 8224.9; RA# 02513) (A 7; S 2) (Staff: D. Oetzel)

C38 RICHARD BOWLING, JR. AND KATHLEEN S. BOWLING, AS CO-TRUSTEES OF THE BOWLING REVOCABLE TRUST DATED DECEMBER 27, 1991 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4692 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and two mooring buoys. (PRC 5318.1; RA# 06412) (A 1; S 1) (Staff: S. Paschall)

C39 COLLEEN KIMBALL, TRUSTEE OF THE SURVIVOR'S TRUST OF THE KIMBALL FAMILY TRUST DATED JANUARY 2, 2003; AND COLLEEN KIMBALL, TRUSTEE OF THE DECEDENT'S TRUST OF THE KIMBALL FAMILY TRUST DATED JANUARY 2, 2003 (APPLICANT): Consider application for a General Lease -Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6918 Pomina Avenue, near Tahoma, Placer County; for two existing mooring buoys not previously authorized by the Commission. (W 26702; RA# 00512) (A 1; S 1) (Staff: S. Paschall)

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C40 SISTERS OF SAINT DOMINIC, CONGREGATION OF THE MOST HOLY NAME (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2800 Lake Terrace Avenue, near Tahoe City, Placer County; for an existing pier. (PRC 4379.1; RA# 20608) (A 1; S 1) (Staff: S. Paschall)

C41 JAY GUDEBSKI, TRUSTEE OF THE JAY GUDEBSKI TRUST DATED 8/25/2008 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8315 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for two existing mooring buoys. (PRC 8178.1; RA# 09912) (A 1; S 1) (Staff: S. Paschall)

C42 GERALD R. ROSE AND DEBORAH K. ROSE, CO-TRUSTEES OF THE ROSE FAMILY TRUST, DATED APRIL 9, 2008 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, Knights Landing, Yolo County; for an existing floating boat dock, cables, and gangway not previously authorized by the Commission. (W 24498; RA# 34912)(A 4; S 3) (Staff: J. Sampson)

C43 HEIGH HO, LLC (LESSEE); RAJIT KUMAR AGRAWAL AND REENA MODI AGRAWAL, TRUSTEES OF THE RAJIT AND REENA AGRAWAL LIVING TRUST (APPLICANTS): Consider termination of Lease No. PRC 8854.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9902 Lake Street, Kings Beach, Placer County; for two existing mooring buoys. (PRC 8854.1; RA# 34412) (A 1; S 1) (Staff: J. Sampson)

C44 RAJIT KUMAR AGRAWAL AND REENA MODI AGRAWAL, TRUSTEES OF THE RAJIT AND REENA AGRAWAL LIVING TRUST (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9922 Lake Street, Kings Beach, Placer County; for two existing mooring buoys. (PRC 8366.1; RA# 34512) (A 1; S 1) (Staff: J. Sampson)



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C45 FRANK SLOOTMAN AND BRENDA L. SLOOTMAN, CO-TRUSTEES OF THE SLOOTMAN LIVING TRUST DATED SEPTEMBER 8, 1999 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2050 North Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. (PRC 8399.1; RA# 15511) (A 1; S 1) (Staff: M. Schroeder)

C46 JOSHUA R. FLOUM AND MARGARET R. O'DONNELL (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3328 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys. (PRC 8401.1; RA# 24011) (A 1; S 1) (Staff: M. Schroeder)

C47 CRAIG MILLER AND BEVERLY JO YUKE-MILLER, TRUSTEES OF THE CRAIG MILLER AND BEVERLY JO YUKE-MILLER TRUST DATED MARCH 27, 2000 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3356 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys. (PRC 5528.1; RA# 29011) (A 1; S 1) (Staff: M. Schroeder)

C48 DAVID MICHAEL BOWMAN, AS TRUSTEE, OR HIS SUCCESSOR, OF THE DAVID MICHAEL BOWMAN TRUST AGREEMENT DATED APRIL 13, 1989 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8401 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier, boat hoist, and two mooring buoys. (PRC 1828.1; RA# 14711) (A 5; S 1) (Staff: M. Schroeder)

C49 CHRISTOPHER AHERN LEE, TRUSTEE OF THE FOX-LEE LIVING TRUST DATED JULY 10, 1998 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 13760 Highway 160, near Walnut Grove, Sacramento County; for an existing uncovered floating boat dock, a ramp, two pilings, and stairs. (PRC 6035.1; RA# 33210) (A 11; S 3) (Staff: M. Schroeder)

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C50 DILL CORPORATION, A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 652 Olympic Drive, near Tahoe City, Placer County; for two existing mooring buoys. (PRC 5580.1; RA# 24111) (A 1; S 1) (Staff: M. Schroeder)

C51 RAY DOLBY AND DAGMAR DOLBY, TRUSTEES OF THE DOLBY FAMILY TRUST DATED MAY 7, 1999 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2540 West Lake Boulevard, near Tahoe City, Placer County; for an existing rock crib pier and open-sided boathouse previously authorized by the Commission; and two existing boat lifts, portion of a storage building, and two mooring buoys not previously authorized by the Commission. (PRC 3683.9; RA# 23309) (A 1; S 1)(Staff: M. Schroeder)

C52 GARY W. GUITTARD AND HORRACE A. GUITTARD, JR. (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5660 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boathouse, and two mooring buoys previously authorized by the Commission; and an existing boat lift, boat hoist, and a sundeck with stairs not previously authorized by the Commission. (PRC 3294.1; RA# 08700) (A 1; S 1) (Staff: M. Schroeder)

C53 ROGER D. GRIFFITH AND ELIZABETH A. GRIFFITH (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6966 West Lake Boulevard, near Tahoma, Placer County; for an existing pier, boat lift, marine rail, and two mooring buoys. (PRC 4926.9; RA# 09509) (A 1; S 1) (Staff: M. Schroeder)

C54 C. HENRY VEIT, TRUSTEE OF THE WARREN H. SICHEL TESTAMENTARY TRUST DATED AUGUST 11, 1993 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4190 Ferguson Avenue, near Carnelian Bay, Placer County; for an existing pier and boathouse previously authorized by the Commission; and an existing boat lift, boat hoist, sundeck with

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stairs, and two mooring buoys not previously authorized by the Commission. (PRC 5122.1; RA# 23510) (A 1; S 1) (Staff: M. Schroeder)

C55 RCD TAHOE LP, A CALIFORNIA LIMITED PARTNERSHIP; DAVID J. TEECE; AND LEIGH G. TEECE (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9125 Emerald Bay Road and 256 Four Ring Road, near Rubicon Bay, El Dorado County; for an existing joint-use pier, boathouse, and four mooring buoys previously authorized by the Commission; and an existing boat lift not previously authorized by the Commission. (PRC 2223.1; RA# 10311) (A 5; S 1) (Staff: M. Schroeder)

C56 SWEETBRIAR, INC. (LESSEE): Consider revision of rent to Lease No. PRC 7806.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8000 North Lake Boulevard, near Kings Beach, Placer County; for two existing mooring buoys. (PRC 7806.1) (A 1; S 1) (Staff: M. Schroeder)

C57 PAUL PHILLIPS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6400 North Lake Boulevard, near Tahoe Vista, Placer County; for an existing pier, boat lift, and two mooring buoys. (PRC 3223.1; RA# 22812) (A 1; S 1) (Staff: M. Schroeder)

C58 ELISEO COVE HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, Greenbrae, Marin County; for an existing boat dock and access ramp. (PRC 4900.1; RA# 31512) (A 10; S 2) (Staff: D. Simpkin)

C59 SAN FRANCISCO STATE UNIVERSITY ROMBERG TIBURON CENTER FOR ENVIRONMENTAL STUDIES (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in San Francisco Bay, near Tiburon, Marin County; for an existing finger pier previously authorized by the Commission; and an existing weather station, water quality instruments,

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and 32 concrete pilings not previously authorized by the Commission. (PRC 8446.9;RA# 31612) (A 6; S 3) (Staff: D. Simpkin)

C60 SAN FRANCISCO STATE UNIVERSITY ROMBERG TIBURON CENTER FOR ENVIRONMENTAL STUDIES (APPLICANT): Consider termination of Lease No. PRC 8268.9, a General Lease - Public Agency Use, and an application for a General Lease - Public Agency Use, of sovereign land located in San Francisco Bay, near Tiburon, Marin County; for an existing 300-foot long, 8-inch diameter saltwater intake pipeline and rock riprap. (PRC 8268.9; RA# 32912)(A 6; S 3) (Staff: D. Simpkin)

C61 K.M.C., INC. (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in San Francisco Bay, near Tiburon, Marin County; for an existing public park, a north and south breakwater, three navigational pilings, and maintenance dredging. (PRC 2148.1; RA# 30512) (A 10; S 2) (Staff: D. Simpkin)

C62 GRAYLE TULLY JAMES AND GWYN-MOHR TULLY (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8507 and 8511 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier, boat lift, and four mooring buoys. (PRC 8421.1; RA# 33712) (A 5; S 1) (Staff: B. Terry)

C63 GABRIELLE D. HARLE; ANNE B. DONAHOE, AS TRUSTEE OF THE ANNE B. DONAHOE TAHOE RESIDENCE TRUST NO. 1; ANNE B. DONAHOE, AS TRUSTEE OF THE ANNE B. DONAHOE TAHOE RESIDENCE TRUST NO. 2; AND ANNE B. DONAHOE, AS TRUSTEE OF THE ANNE B. DONAHOE TAHOE RESIDENCE TRUST NO. 3 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8873 and 8879 Rubicon Drive, near Tahoma, El Dorado County; for an existing pier, boat lift, and two mooring buoys. (PRC 3653.1; RA# 18510) (A 5; S 1)(Staff: B. Terry)

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C64 RICHARD R. TOMLINSON AND SANDY L. TOMLINSON, TRUSTEES OF THE TOMLINSON FAMILY TRUST DATED MARCH 7, 1995 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 648 Olympic Drive, Tahoe City, Placer County; for two existing mooring buoys. (PRC 8445.1; RA# 29912) (A 1; S 1) (Staff: B. Terry)

C65 TONOPALO PRIVATE RESIDENCE CLUB OWNERS ASSOCIATION, INC. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Number 117-240-022, Tahoe Vista, Placer County; for an existing pier and 12 mooring buoys. (PRC 8439.1; RA# 14112) (A 1; S 1) (Staff: B. Terry)

C66 WILLIAM O. ADAMS AND JANICE L. ADAMS, TRUSTEES OF THE WILLIAM O. AND JANICE L. ADAMS FAMILY REVOCABLE TRUST, ESTABLISHED MAY 16, 1998 (LESSEES); DAVID M. ADAMS AND COURTNEY ADAMS, CO-TRUSTEES OF THE DAVID ADAMS FAMILY REVOCABLE TRUST; AND MICHAEL W. ADAMS AND SUE E. ADAMS, CO-TRUSTEES OF THE MICHAEL W. AND SUE E. ADAMS REVOCABLE TRUST OF 2002 (APPLICANTS): Consider acceptance of a quitclaim deed for Lease No. PRC 8658.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 640 Olympic Drive, Tahoe City, Placer County; for two existing mooring buoys. (PRC 8658.1; RA# 20612) (A 1; S 1) (Staff: B. Terry)

CENTRAL REGION

C67 FRANK T. RAUZI AND JUDITH D. RAUZI (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in the Calaveras River, adjacent to 2943 Calariva Drive, near the city of Stockton, San Joaquin County; for an existing boat dock, boathouse, and gangway. (PRC 8473.1; RA# 30812) (A 13; S 5) (Staff: G. Asimakopoulos)

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C68 KIM CURRIERI AND LYNNE CURRIERI (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Calaveras River, adjacent to 4239 Yacht Harbor Drive, near the city of Stockton, San Joaquin County; for an existing uncovered U-shaped floating boat dock, gangway, and three pilings previously authorized by the Commission, and an existing bulkhead, not previously authorized by the Commission. (PRC 4200.1; RA# 22311) (A 17; S 5) (Staff: R. Boggiano)

C69 MIDDLE RIVER SKI CLUB (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Middle River, adjacent to Assessor's Parcel Number 129-170-06, near the city of Stockton, San Joaquin County; for an existing floating boat dock, two pilings and a slalom course with 22 marker buoys and anchors previously authorized by the Commission, and two existing sunshade structures not previously authorized by the Commission. (PRC 6702.1; RA# 30712) (A 17; S 5) (Staff: R. Boggiano)

C70 TIKI LAGUN PARTNERS, LLC (APPLICANT): Consider acceptance of a Quitclaim Deed for Lease No. PRC 4082.1, a General Lease - Commercial Use; termination of an Agreement and Consent to Encumbrancing of Lease; and an application for a new General Lease - commercial Use and an Agreement and Consent to Encumbrancing, of sovereign land located in Whiskey Slough, near the city of Stockton, San Joaquin County; for a commercial marina. (PRC 4082.1; RA# 02213) (A 15, 17, 26; S 5, 14) (Staff: R. Boggiano)

C71 HERCULES LLC (LESSEE): Consider revision of rent to Lease No. PRC 7985.1, a General Lease - Right-of-Way Use, of sovereign land located in San Pablo Bay, city of Hercules, Contra Costa County; for an 8-inch diameter treated wastewater industrial outfall pipeline, anchor plates, and diffusers. (PRC 7985.1) (A 15; S 9) (Staff: K. Foster)

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- C72 CENTRAL CONTRA COSTA SANITATION DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Carquinez Strait, city of Martinez, Contra Costa County; for existing sanitary sewer pipelines. (PRC 4136.9; RA# 26612) (A 14; S 7) (Staff: A. Franzoia)
- C73 350 BEACH ROAD LLC (APPLICANT): Consider application for a General Lease - Recreational, Protective Structure, and Right-of-Way Use, of filled sovereign land located in the city of Burlingame, San Mateo County; for the reconstruction of a portion of the San Francisco Bay Trail; the new construction of a private driveway to Fisherman-s Park including public parking; and reconstruction of a portion of the existing Airport Road to conform with the future alignment of Airport Boulevard; and existing riprap not previously authorized by the Commission. (W 26655; RA# 21012)(A 22; S 8, 13) (Staff: A. Franzoia)
- C74 KENNETH J CARVER, II (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in the Carquinez Strait, Crockett, Contra Costa County; for an existing marina, restaurant, and appurtenant facilities. (PRC 2546.1; RA# 26911) (A 14; S 3) (Staff: G. Kato)
- C75 WIND OVER WATER KITEBOARDING LLC (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land on and adjacent to San Francisco Bay, city of Burlingame, San Mateo County; for a kite-boarding operation and equipment storage not previously authorized by the Commission. (W 26695; RA# 34612) (A 14; S 3) (Staff: G. Kato)
- C76 ST. FRANCIS YACHT CLUB (LESSEE): Consider revision of rent to Lease No. PRC 5266.1, a General Lease - Recreational Use, of sovereign land located in the San Joaquin River, adjacent to Tinsley Island, San Joaquin County; for 12 existing mooring buoys. (PRC 5266.1) (A 13; S 5) (Staff: N. Lavoie)

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C77 C&H SUGAR COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 7659.1, a General Lease - Industrial Use, of sovereign land located in the Carquinez Strait, in the town of Crockett, Contra Costa County; for a sugar refinery, dock, and outfall pipelines. (PRC 7659.1) (A 11; S 7) (Staff: D. Oetzel)

C78 CHEVRON PRODUCTS COMPANY (APPLICANT): Consider application for a General Lease - Industrial Use, of sovereign land located in San Francisco Bay in the city of Richmond, Contra Costa County; to place the Chevron Pt. Orient Wharf into caretaker status, during which time Chevron will conduct feasibility studies to determine the future use of the property. (PRC 139.1; RA# 20611 ) (A 6; S 9)(Staff: D. Oetzel)

C79 SOUTH BAY YACHT CLUB (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in the Guadalupe River, near the town of Alviso, Santa Clara County; for existing docking and moorage facilities. (PRC 3979.1; RA# 12212) (A 25; S 10) (Staff: D. Simpkin)

C80 GREAT BASIN AIR POLLUTION CONTROL DISTRICT (APPLICANT): Consider termination of Lease No. PRC 8277.9, a General Lease - Public Agency Use, and an application for a General Lease - Public Agency Use, of sovereign land located on the dry lake bed of Owens Lake, Inyo County; for one existing meteorological tower previously authorized by the Commission; 124 sensit sites and four meteorological towers not previously authorized by the Commission; and the proposed placement of one air monitoring station. (W 26673; RA# 30912)(A 34; S 18) (Staff: D. Simpkin)

C81 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (APPLICANT): Consider application for an Archeological Investigation Permit for excavation of sites on sovereign land located on the dry lake bed of Owens Lake, Inyo County, for the Owens Lake Dust Mitigation Program (Phase IX) project.(PRC 8943.9, RA# 02113) (A 34; S 18) (Staff: D. Simpkin)



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C82 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE): Consider application for an amendment to Lease No. PRC 8079.9, a General Lease - Public Agency Use on sovereign land located in the dry lake bed, Owens Lake, Inyo County; to construct and maintain 6.5 square miles of dust control on the bed of Owens Lake. (PRC 8079.9; RA# 17010) (A 34; S 18) (Staff: D. Simpkin)

C83 CITY OF MODESTO (APPLICANT): Consider termination of Lease No. PRC 8514.9, a General Lease - Public Agency Use, and an application for a General Lease - Public Agency Use, of sovereign land located in the Tuolumne River, adjacent to Assessor's Parcel Numbers 037-036-003, 038-022-013, and 038-022-014, city of Modesto, Stanislaus County; for one existing 18-inch diameter sewer pipeline and three abandoned sewer pipelines; and the installation, use, and maintenance of two new 18-inch diameter sewer pipelines. (PRC 8514.9; RA# 22412) (A 26; S 12) (Staff: B. Terry)

SOUTHERN REGION

C84 MICHAEL F. DENTON SR. AND MERRIE N. DENTON (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1178 Beach Drive, city of Needles, San Bernardino County; for an existing stairway with railing, two sundecks, shower, and riprap bankline not previously authorized by the Commission. (W 26602; RA# 00412) (A 33; S 18) (Staff: R. Collins)

C85 ALBERT AVALOS AND STACY AVALOS, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE ALBERT & STACY AVALOS LIVING TRUST, DATED NOVEMBER 27, 2000, AND ANY AMENDMENTS THERETO (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1116 Beach Drive, city of Needles, San Bernardino County; for existing concrete stairs with rock retaining walls and appurtenances, two concrete patio areas with railing and rock retaining walls, two planter areas with rock retaining walls and a shower, and riprap bankline not previously authorized by the Commission. (W 26557; RA# 24511) (A 33; S 18) (Staff: R. Collins)

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C86 DONALD W. AASE AND JUDITH E. AASE (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1118 Beach Drive, city of Needles, San Bernardino County; for existing concrete stairs with rock retaining walls, two concrete patio areas and rock retaining walls, planter area, and riprap bankline not previously authorized by the Commission. (W 26558; RA# 24711) (A 33; S 18)(Staff: R. Collins)

C87 ROBERT E. MASON AND MARY E. MASON (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1214 Beach Drive, city of Needles, San Bernardino County; for two existing concrete stairways with railing and rock walls, concrete patio with rock retaining walls, and riprap bankline not previously authorized by the Commission. (W 26578; RA# 29811) (A 33; S 18) (Staff: R. Collins)

C88 ENCINA WASTEWATER AUTHORITY (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, in the Gulf of Santa Catalina, City of Carlsbad, San Diego County; for an existing 7,800 Linear Foot, 48- and 72-inch diameter ocean outfall pipelines. (PRC 3097.9; RA# 13512) (A 76; S 38) (Staff: R. Collins)

C89 TODD SEIDNER, TRUSTEE OF THE SEIDNER FAMILY TRUST DATED JUNE 14, 2001 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1228 Beach Drive, city of Needles, San Bernardino County; for the construction, use, and maintenance of a stairway with railing, landing, gangway, floating walkway, and floating boat dock; and existing riprap not previously authorized by the Commission. (W 26670; RA# 24412) (A 33; S 28) (Staff: R. Collins)

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C90 JOSEPH R. RYNIAC AND CYNTHIA M. RYNIAC  
(APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1226 Beach Drive, city of Needles, San Bernardino County; for the construction, use, and maintenance of a stairway, gangway, and floating boat dock; and existing planter area and riprap bankline not previously authorized by the Commission. (W 26671; RA# 24512)(A 33; S 18) (Staff: R. Collins)

C91 MICHAEL J. HILGERT AND JACQUELINE D. HILGERT, TRUSTEES, UNDER THE HILGERT FAMILY TRUST DATED OCTOBER 6, 2010 (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1230 Beach Drive, city of Needles, San Bernardino County; for the construction, use, and maintenance of a gangway with railing, floating walkway, and floating boat dock; and an existing stairway with railing, sundeck, and riprap bankline not previously authorized by the Commission. (W 26672; RA# 24312) (A 33; S 18) (Staff: R. Collins)

C92 OPTICACCESS LLC (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean offshore from Morro Bay to Santa Barbara, San Luis Obispo and Santa Barbara Counties; for an existing fiber-optic cable. (PRC 8168.1; RA# 22112) (A 35, 37; S 17, 19) (Staff: A. Franzoia)

C93 GERALD A. JONES AND MARILYN L. JONES, TRUSTEES OF THE GERALD A. JONES AND MARILYN L. JONES REVOCABLE TRUST DATED SEPTEMBER 12, 1985 (APPLICANTS): Rescission of Commission authorization and consideration for a new General Lease - Recreational Use, of sovereign land in the Midway Channel of Huntington Harbour, adjacent to 3442 Gilbert Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. (PRC 3079.1; RA# 07112) (A 67; S 35) (Staff: A. Franzoia)

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C94 SIGNAL HILL SERVICE, INC. (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Santa Barbara Channel, near Rincon Point, Santa Barbara and Ventura counties; for four existing submarine pipelines from Platform Hogan to an onshore point and one outfall pipeline from shore. (PRC 3914.1; RA# 23111) (A 35; S 18) (Staff: D. Oetzel)

C95 ROBERT E. FABER AND SARAH K. FABER, CO-TRUSTEES (LESSEES): Consider revision of rent to Lease No. PRC 5625.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 1667 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. (PRC 5625.1) (A 67; S 35) (Staff: D. Oetzel)

C96 NEWPORT HARBOR YACHT CLUB (LESSEE): Consider revision of rent to Lease No. PRC 6411.1, a General Lease - Recreational Use, of sovereign land located in Moonstone Cove, Santa Catalina Island, Los Angeles County; for an existing pier, ramp, and floating platform with two mooring anchors used to access upland club facilities. (PRC 6411.1) (A 54; S 27) (Staff: D. Oetzel)

C97 DCOR, L.L.C (LESSEE): Consider revision of rent to Lease No. PRC 6417.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, offshore of Huntington Beach, Orange County; for one existing 24-inch pipeline containing two power cables and one existing 6-inch diameter gas pipeline extending offshore to serve Platform Eva (in State waters) and Platform Edith (in Federal waters). (PRC 6417.1) (A 67; S 35) (Staff: D. Oetzel)

C98 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 4055.1, a General Lease - Right-of-Way Use, of sovereign land located in Sunset Bay, near Seal Beach, Orange County; for an existing overhead electrical transmission line. (PRC 4055.1) (A 67; S 35) (Staff: D. Oetzel)

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C99 ERNEST F. GREETHER, JR., TRUSTEE OF THE GREETHER RESIDENCE TRUST DATED MAY 9, 2003 (LESSEE): Consider revision of rent for Lease No. PRC 3855.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16795 Bolero Lane, city of Huntington Beach, Orange County for an existing boat dock, access ramp, and cantilevered deck. (PRC 3855.1) (A 72; S 34) (Staff: D. Simpkin)

C100 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION (PARTIES): Consider acceptance of an offer to dedicate lateral public access easement over land adjacent to State tidelands in the city of Malibu, 25160 Malibu Road, Los Angeles County. (W 24665) (A 41; S 23)(Staff: D. Simpkin)

C101 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION (PARTIES): Consider acceptance of an offer to dedicate lateral public access easement over land adjacent to State tidelands in the city of Malibu, 27952 Pacific Coast Highway, Los Angeles County. (W 24665) (A 41; S 23) (Staff: D. Simpkin)

SCHOOL LANDS

C102 SOUTHERN CALIFORNIA EDISON COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State school land located in a portion of Section 16, Township 24 South, Range 38 East, MDM, near the unincorporated community of Little Lake, Inyo County; for an existing 115 kilovolt (kV) transmission line and four steel towers not previously authorized by the Commission. (W 26686; RA# 28712) (A 34; S 17) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

C103 TOWNE EXPLORATION COMPANY, LP (ASSIGNOR) AND VINTAGE PRODUCTION CALIFORNIA LLC (ASSIGNEE): Consider approval of a lease amendment and an assignment of Towne Exploration Company, LP's 100 percent interest in State Oil and Gas Lease No. PRC 8349.1 to Vintage Production California LLC, underlying the bed of Mokelumne River, Sacramento and San Joaquin Counties. (PRC 8349.1) (A 8,17; S 4,5) (Staff: N. Heda, M. LeClair)

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C104 TOWNE EXPLORATION COMPANY, LP (ASSIGNOR) AND VINTAGE PRODUCTION CALIFORNIA LLC (ASSIGNEE): Consider approval of a lease amendment and an assignment of Towne Exploration Company, LP's 100 percent interest in State Oil and Gas Lease No. PRC 8573.1 to Vintage Production California LLC, underlying the bed of Georgiana Slough, Sacramento county. (PRC 8573.1)(A 15; S 5) (Staff: N. Heda, M. LeClair)

C105 TOWNE EXPLORATION COMPANY, LP (ASSIGNOR) AND VINTAGE PRODUCTION CALIFORNIA LLC (ASSIGNEE): Consider approval of a lease amendment and an assignment of Towne Exploration Company, LP's 60 percent interest in State Oil and Gas Lease No. PRC 8694.1 to Vintage Production California LLC, underlying the bed of Georgiana Slough, Sacramento County. (PRC 8694.1)(A 15; S 5) (Staff: N. Heda, M. LeClair)

C106 VENOCO, INC. (ASSIGNOR) AND VENOCO ENERGY PARTNERS OPERATING, LLC (ASSIGNEE): Consider approval of a partial assignment of 22 percent (22%) of Venoco, Inc.; 100 percent (100%) interest in Well No. 3242-15, located on State Oil and Gas Lease No. PRC 3242.1 to Venoco Energy Partners Operating, LLC, Santa Barbara and Ventura Counties. (PRC 3242.1) (A 35; S 10) (Staff: M. LeClair)

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MARINE FACILITIES  
ADMINISTRATION

C107 PHILLIPS 66 (LESSEE): Consider waiver of penalty and partial reduction of interest due to late payment of rent on Lease No. PRC 600.1, a General Lease - Industrial Use, of sovereign land located in Contra Costa County. (PRC 600.1) (A 11; S 7) (Staff: D. Brown)

LEGAL

C108 REDWOOD SQUARE ENTERPRISES, LLC (PARTY): Consider Acceptance of a Quitclaim Deed to lands located in Vallejo, Solano County. (AD 79) (A 14; S 2, 3)(Staff: J. Frey)

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C109 REDWOOD SQUARE ENTERPRISES, LLC; CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider Amendment to Compromise Title Settlement Agreement between the State of California and Standard Brands Paint Co. recorded January 31, 1989 regarding lands located in Vallejo, Solano County. (AD 79)(A14; S 2, 3) (Staff: J. Frey)

C110 MAXIM COMMERCIAL CAPITAL LLC (PARTY): Consider approval of an Interim Authorization to Effectuate Vessel Removal for the vessel known as "the Frank M. Coxe" also/formerly known as "Dago Mary's" "The Sherman" and "The Showboat" among other names, as well as removal of the gangway, pilings and other restaurant-related improvements from sovereign land, at 410 Airport Boulevard, Burlingame, San Mateo County. (W 26713) (A 19; S 8) (Staff: S. Haaf)

C111 STECKLER-PACIFIC COMPANY, INC.; HELEN GALATOLO; COUNTY OF MARIN; HONORABLE POLYXENI STEFANIDOU, TRUSTEE; DOROTHY STECKLER; AND CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider a compromise Title Settlement, Exchange and Boundary Line Agreement between the State of California, acting by and through the State Lands Commission, the Steckler-Pacific Company Inc., County of Marin, Helen Galatolo, The Honorable Polyxeni Stefanidou, Consul General of Greece at San Francisco, California as Trustee of the Kratico Nosocomio aka General Public Hospital of Kalmata Trust, and Dorothy J. Steckler. (W 26186; AD 516) (A 10; S 2) (Staff: E. Milstein, J. Koepke)

C112 ALVIN M. OGA; CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider, by an informal hearing pursuant to Public Resources Code section 6302.3, authorization for the staff of the California State Lands Commission to remove and dispose of an abandoned vessel, the Steel Toy, illegally occupying state lands in the Old River at Beaver Island, Contra Costa County. (W 26534) (A 15; S 5)(Staff: P. Pelkofer, V. Caldwell)

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C115	CITY OF NEWPORT BEACH (APPLICANT): Consider approval of a new lease in Newport Harbor, pursuant to Chapter 728, Statutes of 1994, located within legislatively-granted sovereign land in the City of Newport Beach, Orange County. (G 09-02) (A 74; S 37) (Staff: S. Scheiber)	
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2. THE COMMISSION MAY CONSIDER MATTERS THAT  
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B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.  
THE COMMISSION MAY CONSIDER MATTERS THAT FALL  
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PRICE AND TERMS FOR LEASING OF REAL PROPERTY.

1. Consider and provide instructions to  
negotiators regarding negotiations over  
amendments to and assignment interest in an oil  
and gas lease of state lands (PRC 3242.1)  
currently held by Venoco, Inc. Negotiating  
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1 P R O C E E D I N G S

2 CHAIRPERSON NEWSOM: Hello, everybody. All  
3 right. We'll call this meeting of the State Lands  
4 Commission to order. All of the representatives are here,  
5 including me. I'm joined today by Deputy Controller Alan  
6 Gordon and Eraina Ortega, representing the Director of  
7 Finance. I don't know that we need to do the benefit for  
8 everyone about what State Lands does.

9 Everyone know what State Lands is all about?

10 I assume that's why you're here, and those  
11 watching. Trust me, we're not top of mind, most people.  
12 They tune in, because they actually have a reason to tune  
13 in. So I'll dispense with the formalities of what we do,  
14 and I'll just call the first item of business. It's the  
15 adoption of the minutes of our last regularly scheduled  
16 meeting of June 21st, and the special meeting that we had  
17 on July 12th. Is there a motion to approve the minutes.

18 ACTING COMMISSIONER GORDON: Move adoption of the  
19 minutes.

20 CHAIRPERSON NEWSOM: Second?

21 ACTING COMMISSIONER ORTEGA: I'd like to abstain.

22 CHAIRPERSON NEWSOM: We'll move the item without  
23 objection. They're unanimously, with one abstention,  
24 adopted.

25 The next order of business is the Executive

1 Director's report.

2 Ms. Lucchesi, what say you?

3 EXECUTIVE OFFICER LUCCHESI: Yes. Okay. Good  
4 morning. First, I want to welcome Ms. Eraina Ortega, our  
5 new Deputy Finance Director to the Commission.

6 Next, I would like to discuss -- just give the  
7 Commission a brief update on our State lease information  
8 center database project. It's progressing very well on  
9 schedule and within budget. The software selected is  
10 Accela Automation's Land Management Solution, a web-based  
11 workflow platform that is used by a variety of local  
12 jurisdictions, including the City of Roseville, City of  
13 Sacramento, as well as the Coastal Commission.

14 Staff has been working with its consultants from  
15 Natoma Technologies and TruePoint Solutions to implement  
16 and update a lease database system that will more  
17 effectively track our lease status and payments. The  
18 focus of this first phase is concentrating on lease  
19 management from the Commission's action forward. This  
20 includes specifically addressing those deficiencies called  
21 out in the audit, such as compliance review, billing and  
22 revenue collection, and timely lease renewals.

23 Activities dealing with application processing  
24 and environmental review will be part of future  
25 implementations. This project, just as a reminder, is

1 being pursued under the direction of the Lieutenant  
2 Governor, and specifically addresses those deficiencies  
3 noted in the State Auditor's report that was critical of  
4 the timeliness of lease management activities, and the  
5 staff's use of disparate data sources to manage the  
6 Commission's leases. Project timeline indicates that  
7 completion will likely be in mid-December.

8           On the subject of leveraging technology for the  
9 Commission's efficiency. Commission staff recently  
10 contracted with OpenGov to create a web-based  
11 visualization tool that will enable staff and the public  
12 to easily access, visualize, and share Commission  
13 financial data. We hope to implement this application on  
14 the Commission's website by the end of the year.

15           CHAIRPERSON NEWSOM: Can I just jump in?

16           This is really exciting stuff for those that  
17 think open government is exciting, and there are a few of  
18 us that believe that. I mean, the budget process is  
19 remarkably opaque. It's Incredibly difficult for people  
20 that are experts to understand oftentimes what they're  
21 adopting as it relates to budgets. I've seen this as a  
22 county supervisor, as a mayor, and now up here at the  
23 State.

24           It's not an indictment of any individual. It's  
25 just the nature of the game, and how it's operated. And

1 standard operating procedure has been confusing for the  
2 best of us. And so what you're about to do, no other  
3 agency in government has done, and I think it's exciting,  
4 and I think it will be very meaningful for people. You'll  
5 actually be able to understand budgets. I mean, you'll  
6 actually be able to not be confined to agencies or to  
7 particular departments, but you'll be able to focus on  
8 your interest, and you'll actually be able to get  
9 information about areas of interest, in a very navigable  
10 way, a very transparent way.

11           It's very significant, for another reason, in  
12 that it's risky, because you actually are putting  
13 everything out there, and it's not gotcha government.  
14 We're not waiting for the reporters to come in with a  
15 Freedom of Information Act to do a 10-part investigation  
16 please, if they do those anymore, even of the staff. It's  
17 about being accountable and transparent in a way that can  
18 inform the public so they can inform us to be more  
19 effective and more efficient. So we're hoping folks take  
20 advantage of this new platform of engagement and provide  
21 us feedback. I'm really grateful to you, because you  
22 didn't need to say yes to this. You could have, you know,  
23 said well we're doing great -- you know, everybody said  
24 oh, we're doing this, and next year we'll have this, but  
25 you jump right in. And so I just want to compliment you

1 and thank you. And I hope it's a model to other agencies  
2 in government.

3 EXECUTIVE OFFICER LUCCHESI: Thank you. We're  
4 looking forward to its implementation. We think it will  
5 provide benefits, not only to the public, but to staff to  
6 understand, you know, what its agency is doing too.

7 CHAIRPERSON NEWSOM: Amen.

8 EXECUTIVE OFFICER LUCCHESI: I also want to  
9 provide the Commission with a legislative update on  
10 various bills that affect the Commission.

11 First, AB 723 -- or, excuse me, 727, which  
12 eliminates the requirement of a lease from the Commission  
13 for dredging on granted Public Trust Lands wherein  
14 minerals are reserved to the State, if the dredge material  
15 is disposed of at an approved on or offshore disposal  
16 site, is not sold and is consistent with the proper  
17 management of the granted lands has been signed into law  
18 by the government, and takes effect on January 1st, 2013.  
19 The Commission sponsored that bill.

20 AB 691, which would require a trustee of granted  
21 Public Trust Lands to prepare an assessment of the impacts  
22 of sea level rise on its granted lands, provided that --  
23 and provide that information to the State Lands  
24 Commission, is on its way to the Governor. And that was  
25 co-sponsored by the State Lands Commission and the State



1 Controller's office.

2 AB 881, which would have increased the maximum  
3 per barrel fee from \$0.065 to \$0.07 cents beginning  
4 January first 2015, and temporarily funded the Oiled  
5 Wildlife Care Network out of proceeds from the Oil Spill  
6 Prevention and Administration Fund. The Commission  
7 supported that bill. It has been placed on the inactive  
8 file and is now a two-year bill.

9 Senate Bill 814, which is a committee bill, would  
10 delay implementation of the California's ballast water  
11 performance standards for two years. Commission staff  
12 supported this bill, and it's on its way to the Governor  
13 for signature.

14 AB 1273, which would authorize the State Lands  
15 Commission to approve a mixed use development, including a  
16 multipurpose venue on the San Francisco waterfront at  
17 Piers 30/32 on land that is held in trust by the City and  
18 County of San Francisco, if the Commission finds that  
19 certain requirements have been met. That is also on its  
20 way to the Governor for signature.

21 SB 630, which continues and amends the Tahoe  
22 Regional Planning Agency's bi-state compact, declares that  
23 the State of Nevada has agreed to repeal its 2011 statute  
24 requiring its withdrawal from the compact, and creates the  
25 Lake Tahoe Science and Lake Improvement Account, which

1 will be funded by rental income from surface leases that  
2 the Commission authorizes for Public Trust Lands at Lake  
3 Tahoe. That is also on its way to the Governor for  
4 signature.

5           The next order -- subject I want to brief the  
6 Commission on is its -- Commission staff recently held a  
7 public meeting on June 19th for the residents of the Sandy  
8 Beach community, which is a small waterfront community  
9 near the City of Vallejo along the Carquinez Strait.  
10 Staff is continuing its efforts to ensure that those  
11 occupying State property are brought under lease with the  
12 Commission.

13           Towards that end, we usually hold public meetings  
14 with the affected community to educate them and to hear  
15 from them about their concerns and our efforts for  
16 bringing those folks that are encroaching on State  
17 property under lease.

18           We are currently reviewing and receiving comments  
19 from those who attended our public meeting, and we will  
20 respond to all comments appropriately and encourage the  
21 submittal of lease applications in the near future.

22           Of the 40 improved lots at Sandy Beach, 37 have  
23 improvements that encroach onto State property. We only  
24 have currently six active leases and seven additional ones  
25 are in holdover. So we think there's a tremendous amount

1 of progress that can be made in terms of bringing these  
2 folks under lease.

3           And finally, I want to recognize one of our  
4 long-term staff members, Linda Smallwood, who is going to  
5 be retiring within the next month. She has spent 22 years  
6 of service to the Commission, 17 of those years was spent  
7 primarily organizing and implementing these Commission  
8 meetings, which is no small feat.

9           But she has made them over the past 17 years run  
10 very smoothly and effectively, and we will miss her, but  
11 we're also excited for her to embark on her new  
12 adventures.

13           CHAIRPERSON NEWSOM: Is she around?

14           EXECUTIVE OFFICER LUCCHESI: You know, there she  
15 is.

16           CHAIRPERSON NEWSOM: Look at that. Quietly  
17 ensconced. Thank you.

18           MS. SMALLWOOD: You're welcome.

19           CHAIRPERSON NEWSOM: We're always on the -- I  
20 feel like we're on run as the Commission. We're always  
21 someplace else. So thank you for all your hard work.

22           MS. SMALLWOOD: My pleasure.

23           EXECUTIVE OFFICER LUCCHESI: That concludes my  
24 Executive Officer's report.

25           CHAIRPERSON NEWSOM: Excellent. All right.

1 Well, the next item up for consideration is the adoption  
2 of the consent calendar. I think we've got, I was going  
3 to say a few hundred, but over 100 items. So I'd ask if  
4 you -- Madam Director, if there's any items that you know  
5 we should remove or consider to remove. I know I've got a  
6 few folks here that want to comment on some items. I'm  
7 sure you'll incorporate those as well.

8 EXECUTIVE OFFICER LUCCHESI: That's correct.  
9 Items C44, C75, C79, C92, C108, and C109 are removed from  
10 the agenda and will be considered at a later time.

11 Items 106, C113, and C114 are moved to the  
12 regular agenda.

13 CHAIRPERSON NEWSOM: Okay. Great. All right.  
14 Is there anyone in the audience that wishes to speak on  
15 any items that are still on the consent calendar? I know  
16 a number of you have indicated interest in 113 and 114,  
17 but we're moving that later to the regular calendar.

18 Anyone to speak to the remaining items?

19 I see no one interested.

20 So we've got the rest of the consent calendar for  
21 consideration. Is there a motion to adopt the remaining  
22 consent calendar?

23 ACTING COMMISSIONER GORDON: Move adoption minus  
24 Item 44, 75, 79, 92, 108 and 109 which we'll put over to a  
25 future meeting. And Items 106, 113 and 114, which shall

1 be on the regular calendar for later this morning.

2 CHAIRPERSON NEWSOM: Fabulous.

3 ACTING COMMISSIONER ORTEGA: Second.

4 CHAIRPERSON NEWSOM: Seconded. Without  
5 objection, we'll move those forward. The consent items  
6 are now approved.

7 ACTING COMMISSIONER GORDON: Did we vote?

8 CHAIRPERSON NEWSOM: We just did.

9 ACTING COMMISSIONER GORDON: Did we?

10 CHAIRPERSON NEWSOM: Yeah. Motion approved,  
11 seconded, without objection. It's all good. Unless, you  
12 know, the attorneys say, you know. We will replay it.

13 So, Jennifer, what do we have. Do you want to go  
14 to the regular consent or do you want to pull -- what  
15 order -- what works from your perspective?

16 EXECUTIVE OFFICER LUCCHESI: Yeah. Let me  
17 recommend an order for the regular agenda. I recommend  
18 that we hear items in this order, 114, 117, 118, 119, 120,  
19 121, and then move on to 106, and conclude with 113.

20 CHAIRPERSON NEWSOM: Fabulous. We'll have a  
21 conversation later on how you put that order together.

22 (Laughter.)

23 EXECUTIVE OFFICER LUCCHESI: Rolling the dice.

24 CHAIRPERSON NEWSOM: But why don't we start.

25 Then the first item we'll hear is 114. And I guess that's

1 the adoption of a standardized reporting form and  
2 approving a workload analysis related to your grant loans  
3 program.

4 EXECUTIVE OFFICER LUCCHESI: Yes. Sheri  
5 Pemberton our Chief of our External Affairs Division will  
6 be giving that presentation.

7 CHAIRPERSON NEWSOM: Excellent.

8 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank  
9 you. Just as background, in 2012 the Governor signed  
10 legislation into law requiring the Commission to do a  
11 workload analysis of its staffing needs for its Granted  
12 Land Program, and also authorize Commission staff to  
13 develop a standardized reporting form for grantees of  
14 Public Trust Lands.

15 Both of those elements are intended to assist the  
16 Commission in its oversight of granted Public Trust Lands.  
17 Current law requires every grantee to provide the  
18 Commission with detailed information about their trust  
19 expenditures and revenues. And there are over 80 that  
20 include California's major ports, harbor districts, and  
21 marinas. Many grantees to fulfill this requirement give  
22 the Commission their CAFR, which is a very big document  
23 that has a lot of information not specific to the grant,  
24 which makes it very difficult for staff to review the  
25 expenditures and determine their trust consistency.

1           So the standardized reporting form will help the  
2 Commission staff with its review. It's a simple form  
3 that's user friendly and simply summarizes the revenues  
4 and expenditures. It will also promote transparency and  
5 accountability, because this information would be publicly  
6 available on the Commission's website.

7           The workload analysis element of this item  
8 summarizes the resources necessary for the Commission to  
9 meet its oversight responsibilities. It breaks down  
10 staffing needs in regard to boundary, title, legal work,  
11 and administration. And it also includes a chart that  
12 shows all the different specific approvals and  
13 responsibilities over the various grants.

14           It's intended to illustrate the scope of the  
15 Commission's work and describe our staffing needs to meet  
16 our responsibilities. It also provides some background  
17 and context over granted Public Trust Lands, and also  
18 details the grantee's fiduciary responsibilities. And it  
19 also details the Commission's granted lands goals and  
20 objectives, including the assistance it would like to  
21 provide to grantees and facilitate economic development on  
22 trust lands and protect maritime uses.

23           I will just close by adding, it's also intended  
24 to be responsive to the 2011 audit that criticized the  
25 Commission for lacking a monitoring program over granted

1 lands.

2 So that concludes my presentation.

3 Thank you.

4 CHAIRPERSON NEWSOM: Great. Are there any  
5 comments from the Commission?

6 ACTING COMMISSIONER ORTEGA: Yeah, Mr. Chair, I  
7 would like to recommend splitting the action on this item  
8 into two parts. And so I would like to -- I'm happy to  
9 move in the agenda, there are three actions, and I would  
10 be happy to move Items 1 and 3 -- move to approve 1 and 3,  
11 and then I would like to have a separate vote on Item 2.

12 CHAIRPERSON NEWSOM: Okay. And I know we have  
13 some public comment on this as well.

14 Jennifer, just on that, what's your assessment?  
15 Does that work from your perspective.

16 EXECUTIVE OFFICER LUCCHESI: Yes, it does. I  
17 can't turn this on obviously. By the way, you're two feet  
18 away from us, so we can hear you. Yes, that works. That  
19 is perfectly fine.

20 CHAIRPERSON NEWSOM: Okay. And I know Andrew,  
21 you're here. You want to talk about this. And to the  
22 extent that we have this consideration on items 1 and 3  
23 and 2 loved to hear your feedback on that as well.

24 Thank you.

25 MR. ANTWIH: Thanks, Mr. Chairman and members.



1 Andrew Antwih here today on behalf of the Pacific Merchant  
2 Shipping Association. We support all three components of  
3 the staff recommendation. It's rooted in legislation that  
4 we sponsored, AB 2620 from 2011. And we agree with the  
5 way the staff has structured the recommendation to  
6 implement it. Workload analysis we think is very, very  
7 important. And the development of a standardized form  
8 could lead to some cost savings, because obviously we  
9 believe the workload analysis will lead to the conclusion  
10 that there should be some more staff to help do the  
11 monitoring.

12           From the local perspective, we believe we're  
13 partners with the Lands Commission in monitoring how these  
14 tidelands, granted lands are being utilized. And to the  
15 extent that we're investing multiple hundreds of millions  
16 of dollars in developing these granted tidelands,  
17 especially at the port, we have a very vested interest in  
18 making sure that these lands are being properly used  
19 towards their mission under the overall Tidelands Trust  
20 Act.

21           And so we think that it's a good idea here, and  
22 we would like to see the whole -- all components of the  
23 recommendation go forward.

24           CHAIRPERSON NEWSOM: Appreciate it. Thank you  
25 very much.

1           Anyone -- I had only one speaker's card related  
2 to this item. Anyone else wish to speak to this item?

3           Seeing none, we'll close public comment.

4           And to the Director, and as relates to separating  
5 Item number 2, the effect of that would be?

6           EXECUTIVE OFFICER LUCCHESI: I believe Ms. Ortega  
7 can correct me, but I believe the purpose for separating  
8 is that she would like to abstain from voting on  
9 Authorization number 2.

10           CHAIRPERSON NEWSOM: A lot of abstentions today.  
11           (Laughter.)

12           EXECUTIVE OFFICER LUCCHESI: So we can take it up  
13 in two parts. You can -- I believe she moved  
14 Authorizations 1 and 3. The Commission can vote on that,  
15 and then move on to item 2.

16           CHAIRPERSON NEWSOM: Excellent. Is there a  
17 motion to move forward Item 1 and 3?

18           ACTING COMMISSIONER ORTEGA: Yes, I move that.

19           ACTING COMMISSIONER GORDON: Second.

20           CHAIRPERSON NEWSOM: Second. Without objection,  
21 we'll move those two items forward.

22           And number 2, is there a motion to support?

23           ACTING COMMISSIONER GORDON: I will make a motion  
24 to support number 2.

25           CHAIRPERSON NEWSOM: And I will support that, and

1 you will abstain.

2 ACTING COMMISSIONER ORTEGA: And I will abstain.

3 CHAIRPERSON NEWSOM: And we will move that as  
4 well.

5 That then concludes this item, and we will then  
6 move into Item 117.

7 EXECUTIVE OFFICER LUCCHESI: And again, Sheri  
8 Pemberton with our External Affairs Division will be  
9 presenting on that.

10 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank  
11 you. This item requested the Commission adopt a  
12 resolution in support of the 2013 Lake Tahoe Restoration  
13 Act, which authorizes over \$400 million over 10 years to  
14 fund environmental restoration projects at Lake Tahoe  
15 intended to combat invasive species, improve water  
16 quality, address pollution, and protect against wildfires.

17 Just as background, legislation was enacted at  
18 the -- in Congress in 2000 that authorized over 300  
19 million for the same purpose, and it was very successful  
20 in creating various partnerships among State, local, and  
21 private entities to improve Lake Tahoe. This legislation  
22 builds on that. It's authored by Senator Feinstein and  
23 co-authored by Senator Harry Reid, Dean Heller, and  
24 Senator Boxer.

25 It's pending in the Senate, and we would ask for

1 your support of this resolution and support of the  
2 legislation.

3 CHAIRPERSON NEWSOM: Here, here.

4 Any comments from the Commission?

5 Anyone here wish to speak to this item?

6 And let me just -- I'll extend. I had an  
7 opportunity to be up there at the summit once again, and  
8 just thank Governor Brown, Governor Sandoval of Nevada,  
9 and obviously appropriately the leadership in particular,  
10 Senator Reid and Feinstein. And, you know, as they say,  
11 when all the dust settled on that last effort, I haven't  
12 heard one critique. It's been remarkably successful, and  
13 we're encouraged by this leadership and stepping it up and  
14 not running the 90-yard dash in terms of the efforts here,  
15 since a lot of progress has been made. So enthusiastic  
16 support.

17 Jennifer, any comments on this?

18 EXECUTIVE OFFICER LUCCHESI: No.

19 ACTING COMMISSIONER ORTEGA: I will also abstain  
20 from this item. And just by way of explanation for the  
21 abstentions.

22 CHAIRPERSON NEWSOM: Yes.

23 ACTING COMMISSIONER ORTEGA: It's simply  
24 tradition that the Department of Finance is not going to  
25 take action on State and federal legislation or items that

1 would clearly be budget related, so I will abstain from  
2 this.

3 CHAIRPERSON NEWSOM: You don't want to break  
4 tradition?

5 ACTING COMMISSIONER ORTEGA: Not today.

6 (Laughter.)

7 EXECUTIVE OFFICER LUCCHESI: Not at her first  
8 meeting.

9 ACTING COMMISSIONER ORTEGA: Maybe later.

10 (Laughter.)

11 CHAIRPERSON NEWSOM: Not today. A great first  
12 impression.

13 (Laughter.)

14 CHAIRPERSON NEWSOM: Is there a motion to  
15 support?

16 ACTING COMMISSIONER GORDON: I'll move support of  
17 the resolution.

18 CHAIRPERSON NEWSOM: Great. And without  
19 objection, we'll move that item.

20 Forward to Item number 118.

21 EXECUTIVE OFFICER LUCCHESI: Item 118 is an  
22 informational staff report. No action is necessary by the  
23 Commission. Holly Wyer will be presenting on a report  
24 that she was the primary author on entitled Marine  
25 Renewable Energy and Environmental Impacts advancing

1 California's goals.

2 CHAIRPERSON NEWSOM: And Holly, just because I'm  
3 so supportive of this fellowship, a little background --  
4 just a very brief background, because you came here under  
5 a great program. And you're now proving the efficacy of  
6 that program by this presentation you're about to give.

7 MS. WYER: Yes. I came here through the Sea  
8 Grant Program, which works to bring science into policy  
9 and decision making. I think it's a great way to get  
10 talented young people with advanced degrees into public  
11 service.

12 CHAIRPERSON NEWSOM: That's great. Ms. Lucchesi,  
13 what do you have, three folks that you pulled in?

14 EXECUTIVE OFFICER LUCCHESI: Yes. We've had  
15 three Sea Grant Fellows, and two of them who have become  
16 full-time employees here at the Commission. And both of  
17 them Holly and then Kelly Keen, who worked on our  
18 Geophysical Permit Program have made tremendous efforts  
19 and contributions to the Commission's activities. We're  
20 so grateful and lucky to have them.

21 CHAIRPERSON NEWSOM: Yeah. It's a great program.  
22 Congratulations, Holly.

23 MS. WYER: Thank you.

24 (Thereupon an overhead presentation was  
25 presented as follows.)

1 MS. WYER: The PowerPoint should turn up right  
2 now.

3 EXECUTIVE OFFICER LUCCHESI: And hopefully, you  
4 have copies in front of you of the PowerPoint, as well as  
5 a report.

6 CHAIRPERSON NEWSOM: Perfect.

7 MS. WYER: So I have been working as part of your  
8 Renewable Energy Program and I've been focusing  
9 specifically on marine renewable energy.

10 The development, planning, and permitting of  
11 emerging technologies, including marine renewable energy  
12 projects, has presented challenges to both project  
13 developers and agency staff.

14 A number of unsuccessful attempts to develop  
15 these projects off California has resulted in interest  
16 from Commission staff, under the leadership of Lieutenant  
17 Governor Newsom, to analyze why proposals have been  
18 unsuccessful and how to move forward from here.

19 --o0o--

20 MS. WYER: Anyway. One of the results of this  
21 work was the understanding that information on  
22 environmental effects caused by these projects was not  
23 available in a convenient or easy to use format for agency  
24 staff. Existing information was very dispersed both in  
25 terms of where research had occurred and where information

1 from these studies could be accessed.

2 Building upon the previous work done by other  
3 State entities, and an effort to bridge this information  
4 gap, the Commission staff has prepared a report, Marine  
5 Renewable Energy and Environmental Impacts: Advancing  
6 California's Goals.

7 The report is meant to provide an overview of  
8 marine renewable energy and potential impacts for agency  
9 staff, interested stakeholders, and project developers.  
10 The report compiles and synthesizes existing information  
11 on marine renewable energy into a framework that is  
12 familiar to California policy makers, namely the  
13 California Environmental Quality Act.

14 Using the California Environmental Quality Act as  
15 a framework allows this report to be useful to many public  
16 agencies and other interested stakeholders in California.

17 --o0o--

18 MS. WYER: The report discusses offshore energy  
19 potential in California for offshore wind, wave, and tidal  
20 energy.

21 --o0o--

22 MS. WYER: The general types of wave, tidal, and  
23 wind energy devices.

24 --o0o--

25 MS. WYER: Common are likely types of



1 environmental issues and impacts to consider when  
2 developing or reviewing project proposals, applicability  
3 and limitations of existing information to the California  
4 marine environment, future research needs and next steps  
5 for California.

6 --o0o--

7 MS. WYER: Finally, I'd like to provide you with  
8 a brief update on staff's current activities. On July  
9 16th, 2013, Commission staff received a presentation from  
10 a consortium of parties being coordinated by Pacific  
11 Marine Renewables, with an interest in marine renewable  
12 energy development off of California.

13 This consortium has applied to the U.S.  
14 Department of Energy for a grant to determine the  
15 feasibility of siting a wave energy test center off of  
16 California. They are proposing two different sites to the  
17 U.S. Department of Energy right now. One is -- both are  
18 in federal waters. One is off of Humboldt and the other  
19 is off of Platform Irene.

20 What's up on the screen right now is an artist's  
21 rendering of what a full test site would look like off of  
22 Platform Irene.

23 As you can see, there's both wave energy and some  
24 wind energy devices up there. And part of that is because  
25 it's relatively straightforward to test both floating wind

1 and floating wave devices in the same sort of test  
2 facility, so a complete test facility may be able to  
3 handle both kinds of devices.

4 The grant that was applied for involves  
5 performing paper engineering studies only. No equipment  
6 would be physically present in the water. Commission  
7 staff had provided a letter of support for the grant  
8 application. And the grant awards are expected to be  
9 announced in October.

10 CHAIRPERSON NEWSOM: And what's the size of the  
11 grant roughly? When was our application.

12 MS. WYER: Bill Toman with Pacific Marine  
13 Renewables is here and I'm sure he can tell us.

14 MR. TOMAN: Just to answer your question  
15 Lieutenant Governor, it's a \$750,000 federal grant. We  
16 have matching funds for another \$300,000 contributed by  
17 State universities.

18 CHAIRPERSON NEWSOM: Great. Fabulous. Thank  
19 you.

20 MS. WYER: Staff will continue to provide updates  
21 as necessary regarding these efforts. If the funds are  
22 awarded to this project, there may be additional  
23 opportunities for the Commission to participate.

24 ACTING COMMISSIONER GORDON: Tell me, what is the  
25 reason for going floating wind as opposed to stationary

1 wind?

2 MS. WYER: Sorry?

3 ACTING COMMISSIONER GORDON: Why floating wind as  
4 opposed to a traditional stationary wind source? Is the  
5 ocean too deep there?

6 MS. WYER: Yes, because the sea floor off of the  
7 west coast descends much more quickly than the east coast.  
8 And so stationary wind turbine technology is not feasible  
9 here. That's the main point of innovation in offshore  
10 wind off the west coast is that they need to develop  
11 floating bases for these wind turbines.

12 CHAIRPERSON NEWSOM: Well, let me -- you know,  
13 thank you for the follow-up and, you know, in absentia, I  
14 know Kevin Schmidt in my office has been working very hard  
15 on all of this with our other State agencies and our  
16 federal partners. And so I'm really appreciative.

17 Again, I'm happy to be critical, but I have no  
18 reason to be so far in this agenda. I don't want to pile  
19 it on, and come across as soft.

20 But you guys have made great progress here, and  
21 you know, I don't know what I don't know, but I've long  
22 been intrigued by these technologies. And I think  
23 California, in its traditional stead, is always on the  
24 lead and the forefront.

25 And it's interesting, just a very quick aside.

1 I've been very involved in this America's Cup. And New  
2 Zealand, of course, is cleaning our clock for the moment.  
3 It's not over yet.

4 (Laughter.)

5 CHAIRPERSON NEWSOM: And the technologies that  
6 are coming out of New Zealand are very interesting. And  
7 because of the number of -- I think the entire country of  
8 New Zealand is -- there's not a car on the street, and  
9 those that are still in New Zealand and not in San  
10 Francisco that are celebrating their team.

11 There's so many folks that have come from New  
12 Zealand around this technology, that are advancing it very  
13 aggressively, and just furthers -- I guess is a  
14 long-winded way of saying, furthers my enthusiasm for the  
15 efforts that this agency is taking. Some of the work at  
16 the Ocean Protection Council and their support of some of  
17 our efforts and other State agencies. So I'm grateful for  
18 the progress and for the sincere effort here, and now for  
19 the efforts to secure some real resources, and all the  
20 partnerships.

21 And, Chris, you've been incredibly helpful in  
22 connecting all these dots, these public and private  
23 agencies, to give us a shot to potentially do something  
24 meaningful in the very near term.

25 So thank you.

1 MS. WYER: Thank you.

2 CHAIRPERSON NEWSOM: So that was just an  
3 information item?

4 EXECUTIVE OFFICER LUCCHESI: Yes.

5 CHAIRPERSON NEWSOM: Does anyone want to speak to  
6 this item?

7 We see none. We'll close public comment on Item  
8 118, and we'll move to the next item, which I believe is  
9 119.

10 EXECUTIVE OFFICER LUCCHESI: Item 119 will be  
11 presented by Jennifer DeLeon, our renewable energy  
12 coordinator.

13 (Thereupon an overhead presentation was  
14 presented as follows.)

15 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Good  
16 morning. Thanks for having me here. I'm Jennifer DeLeon.  
17 I'm in the Division of Environmental Planning and  
18 Management. I'm an Environmental Program Manager there.

19 I, generally, have been focusing my efforts on  
20 issues of statewide importance, planning importance,  
21 policy development. I'm also the coordinator for the  
22 State Lands Commission's Renewable Energy Program. So  
23 Holly is one of my staff people. She's been focusing on  
24 the marine environment, and I've been working on the  
25 Desert Renewable Energy Conservation Plan or the DRECP.

1           So this is just a really super quick overview of  
2 the status of our participation in the DRECP. And we have  
3 come to the point where we are ready to submit our  
4 application for an incidental take permit to the U.S. Fish  
5 and Wildlife Service.

6           We've been participating in planning meetings and  
7 developing species lists, mapping of development focus  
8 areas. And we've been enthusiastically invited by the  
9 other agencies involved to submit an incidental take  
10 permit application.

11           The requirement for the U.S. Fish and Wildlife  
12 service in order to do that is preparation of the habitat  
13 conservation plan. The DRECP is that habitat conservation  
14 plan that would support issuance of the incidental take  
15 permit.

16           We've included today a draft. It is not  
17 complete, but it gives you a picture of what that permit  
18 application looks like and how the DRECP supports that  
19 application. I'll just say that the main advantage of  
20 going this direction is a gigantic streamlining benefit.  
21 This habitat conservation plan is -- provides the  
22 envelope, the pre-screening that's necessary to facilitate  
23 rapid consideration development of lease applications and  
24 rapid approval.

25           As the permittee, the State Lands Commission

1 itself would have delegated authority to issue incidental  
2 take authorization to lessees as they bring in  
3 applications to develop our lands. They wouldn't have to  
4 go out and do their own long and languishing environmental  
5 process and consultation with the State and federal  
6 wildlife agencies, because it would be almost like a  
7 pre-approval.

8           Our role would simply be to sign on to agreeing  
9 that we would only issue leases that required the lessees  
10 to implement activities as described in the DRECP. So as  
11 long as we hold our delegated permittees to the  
12 conservation requirements and construction and operational  
13 requirements, then we would be able to provide that  
14 delegated take authority.

15           ACTING COMMISSIONER GORDON: Jennifer, is this  
16 essentially programmatic EIR?

17           ENVIRONMENTAL PROGRAM MANAGER DeLEON: It is.

18           So what I brought today were just three slides  
19 that show our areas that we're most interested in  
20 developing, because they are areas that we have the most  
21 consolidated land holdings.

22           In our -- in what is now the preferred  
23 alternative, we have about 20,000 acres of school lands  
24 contained in development focused areas. And our  
25 applications states that we have the desire to develop

1 all -- as much as possible of those lands.

2 So mostly we're in the Lucerne and Johnson Valley  
3 areas. This is the vicinity map.

4 --o0o--

5 ENVIRONMENTAL PROGRAM MANAGER DeLEON: This is  
6 our Lucerne Valley. We actually have an application for  
7 this area already. They're on hold pending further  
8 development of the DRECP.

9 --o0o--

10 ENVIRONMENTAL PROGRAM MANAGER DeLEON: And this  
11 is our Johnson Valley area. So you can see that we've got  
12 some good consolidated parcels. And if we were a  
13 participant in this plan, it would be a great marketing  
14 tool to bring applicants in the fold and get some  
15 renewable energy going on our school lands and make money  
16 for STRS.

17 CHAIRPERSON NEWSOM: Great.

18 EXECUTIVE OFFICER LUCCHESI: I just wanted to  
19 add -- thank you, Jennifer -- that this is one element  
20 piece of the DRECP plan. And the next steps are to  
21 publish the CEQA and NEPA documents along with the plan  
22 and circulate them for public review, that the  
23 administration and the Interior Office is coordinating.

24 Once that has been finalized and circulated and  
25 agreed upon, we will bring that plan, along with the CEQA



1 review, to the Commission for final authorization to be an  
2 official participant. So this is one step in this bigger  
3 plan, and we will be bringing -- coming back to the  
4 Commission for final authorization to be a formal  
5 participant in the near future.

6 CHAIRPERSON NEWSOM: Great.

7 ENVIRONMENTAL PROGRAM MANAGER DeLEON: That's  
8 correct. Yeah, the draft should be on the street in about  
9 one month. It will have a 90-day public review period,  
10 and then the team will be looking at developing final  
11 DRECP EIS/EIR next summer to next fall. And at that time,  
12 if it were approved in some form, the Commission would  
13 have an opportunity, at that point, to make a final  
14 decision on whether to sign the implementation agreement,  
15 which is actually the binding contract for making the  
16 implementation happen.

17 CHAIRPERSON NEWSOM: Great. Just give me a sense  
18 if it, how long have you been working on this?

19 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Including  
20 when I was at the Department Fish and Game?

21 (Laughter.)

22 CHAIRPERSON NEWSOM: Yeah.

23 ENVIRONMENTAL PROGRAM MANAGER DeLEON: From being  
24 at State Lands Commission, since 2010, the whole time I've  
25 been here.

1           CHAIRPERSON NEWSOM: Just trying to sort of  
2 organize this framework and this kind of collaboration.

3           ENVIRONMENTAL PROGRAM MANAGER DeLEON: Yes. They  
4 didn't really think about us at first. So when I moved  
5 over here and things -- we started talking. At that time,  
6 the executive director of DRECP was Michael Valentine,  
7 who's very familiar to the State Lands Commission, and we  
8 reached out to each other and eventually signed a  
9 memorandum of understanding in 2011.

10           CHAIRPERSON NEWSOM: That's good. I mean  
11 self-evidently, from my humble perspective, fabulous. So  
12 it's encouraging, the progress, and grateful.

13           ENVIRONMENTAL PROGRAM MANAGER DeLEON: Thank you.  
14 I would also that it's really providing some great  
15 momentum to get serious about engaging in land exchanges  
16 with the Bureau of Land Management. That will bring even  
17 more school land property under our control, including, at  
18 this point, in the draft exchange agreement two permitted  
19 projects, permitted but not constructed projects.

20           CHAIRPERSON NEWSOM: Great. Fabulous. Anyone  
21 here wish to speak on this item, pro or con, neutral?

22           We'll close it.

23           Any other additional comments from the  
24 Commissioners?

25           Is there a motion to support?

1           ACTING COMMISSIONER ORTEGA: I'll move the staff  
2 recommendation.

3           ACTING COMMISSIONER GORDON: Second.

4           CHAIRPERSON NEWSOM: Without objection.

5           Thank you very much. Appreciate it. Keep up the  
6 good work.

7           Next item on the agenda is 120.

8           EXECUTIVE OFFICER LUCCHESI: That's correct.  
9 Item 120, Jennifer DeLeon will be giving that  
10 presentation.

11          CHAIRPERSON NEWSOM: Great.

12          (Thereupon an overhead presentation was  
13 presented as follows.)

14          CHAIRPERSON NEWSOM: Jump in.

15          ENVIRONMENTAL PROGRAM MANAGER DeLEON: I'm just  
16 wondering if I'm the only one having a déjà vu view moment  
17 right now.

18          (Laughter.)

19          ENVIRONMENTAL PROGRAM MANAGER DeLEON: We are  
20 going to be talking about geophysical surveys.

21          Item 120 is for the Commission's consideration of  
22 adoption of a Mitigated Negative Declaration, an approval  
23 of a general permit for the Commission's Offshore Low  
24 Energy Geophysical Survey Permit Program.

25                         --oOo--

1 ENVIRONMENTAL PROGRAM MANAGER DeLEON: And what I  
2 will do today is walk through the background of what has  
3 brought us here today, some brief points on how we  
4 approached the Mitigated Negative Declaration, the science  
5 behind it, our process with peer and public review. Then  
6 I'll include the program review report, which was -- which  
7 we feel is a very important piece of running this program,  
8 because it describes how to improve our processes and  
9 implementation. And finally, a wrap-up and  
10 recommendation.

11 --o0o--

12 ENVIRONMENTAL PROGRAM MANAGER DeLEON: So  
13 basically, our goal in getting to this point is to improve  
14 and maximize our efficiency by using -- by having a tool,  
15 i.e., the general permit, that allows us to capture most  
16 geophysical surveys under the umbrella of this Mitigated  
17 Negative Declaration. This has advantages of time  
18 efficiency, cost efficiency, as well as timely running of  
19 surveys.

20 There are about 10 to 12 surveys per year based  
21 on our history. And to have each and every one of those  
22 go through an individual CEQA development process would  
23 not be timely, and it would be very redundant.

24 So we want to capture these surveys. And to do  
25 this, we needed to update the environmental analysis. We

1 have to decide on what measures to implement to ensure  
2 that no significant impacts to the environment would  
3 occur, because that's the requirement for a Mitigated  
4 Negative Declaration.

5           And then we want to identify and implement  
6 recommendations for increasing our oversight and  
7 transparency.

8   --o0o--

9           ENVIRONMENTAL PROGRAM MANAGER DeLEON: These  
10 surveys are important for several reasons. They serve the  
11 function of scientific investigations, safety, and  
12 commercial purposes. And I've put a few of those up on  
13 the screen.

14   --o0o--

15           ENVIRONMENTAL PROGRAM MANAGER DeLEON: So what  
16 brought us here? What's going on?

17           Well, in 19 -- we've been issuing these permits  
18 pursuant to Public Resources Code 6826, since its passing.  
19 In 1984, the Commission adopted a Mitigated Negative  
20 Declaration for the program, and that is what has been in  
21 use since then.

22           In 1987 and 1998, there -- the Commission took  
23 action on several items related to the OGPP program. In  
24 1987, the Commission prohibited the use of air guns or  
25 survey techniques that had more than two kilojoules of

1 energy input, and 1998 instituted a requirement for a  
2 Marine Wildlife Contingency Plan.

3           Obviously, 1984 was a long time ago. We  
4 understand the need to update the program, based on the  
5 current understanding of acoustics in the ocean and its  
6 interaction with marine life.

7           So in 2011, we finally were able to secure some  
8 funds from the Ocean Protection Council. They gave us  
9 three tasks, to develop the Mitigated Neg Dec, to provide  
10 a scientific review, and to provide a program review.

11           The scientific review is included as one of the  
12 appendices of the Mitigated Neg Dec, and the program  
13 review has been provided separately, and we've got several  
14 recommendations in there to improve implementation.

15                               --o0o--

16           ENVIRONMENTAL PROGRAM MANAGER DeLEON: So there's  
17 a few differences. I've tried to highlight those here.  
18 Both the current program and the proposed program prohibit  
19 the use of air guns. However, we're proposing to change  
20 the way that that is measured by eliminating the use of  
21 the two kilojoule energy input threshold, because it is  
22 not useful.

23           Our current understanding of the science is that  
24 what is the most useful is to determine the sound  
25 propagation through the water, and how far harmful decibel

1 levels would propagate to reach marine life within that  
2 area. So we are moving towards a sound modeling criteria  
3 and away from kilojoule energy input threshold.

4 In the proposal that we have now, we are looking  
5 to have surveys be screened every time, so that it's not a  
6 blanket permit. It's not a free for all. Once you get  
7 your general permit, that there are certain requirements  
8 that each and every survey has to follow, and staff would  
9 be looking at everyone of those individually for  
10 compliance.

11 We're also -- the other major revision that we're  
12 proposing to make through the program review report is  
13 vastly increased oversight and accountability, tracking  
14 and effectiveness monitoring.

15 --o0o--

16 ENVIRONMENTAL PROGRAM MANAGER DeLEON: So just  
17 the basics. This goes back to why we changed from  
18 kilojoules to model sound output. What's become evident  
19 is that the effects on marine life are dependent on the  
20 sound level that they experience in the water. The  
21 primary factors contributing to how far that harmful sound  
22 level travels are the frequency of the sound wave and the  
23 decibel level output. There are other variables, such as  
24 water depth, salinity, et cetera, but these are the two  
25 primary factors that we looked at.

1           In this case, unlike last year's high energy  
2 survey, we are looking at equipment that, generally  
3 speaking, is highly directional. The beams are directed  
4 down toward the sea floor, rather than in all directions.  
5 This greatly changes the amount of radial sound  
6 propagation that takes place, and was a very important  
7 part of our analysis.

8                           --o0o--

9           ENVIRONMENTAL PROGRAM MANAGER DeLEON: The next  
10 few slides are just examples of the equipment that we are  
11 looking to include under this program, and the equipment  
12 that -- basically, the equipment that we modeled in our  
13 hypothetical typical survey scenario.

14           So we've put up the frequency and the decibel  
15 sound output. Mostly, we're looking at mid to high  
16 frequency equipment and highly directional sound beams.  
17 And also these are some pictures of the equipment or the  
18 types of images that they produce.

19                           --o0o--

20           ENVIRONMENTAL PROGRAM MANAGER DeLEON: So you can  
21 see the one on the far right is the sort of almost a  
22 3D-ish bathymetric looking map. So that's one of the  
23 primary reasons to do these surveys is to get this  
24 detailed sea floor mapping.

25           ACTING COMMISSIONER GORDON: Jennifer, can I



1 just -- as you're going forward, if possible, could you  
2 address -- we have a letter from Natural Resources Defense  
3 Council, which requests certain amendments with regard to  
4 equipment. And if it would be possible as you're going  
5 through, can you address these specific requests that  
6 they've made to be included. That would help me in my  
7 final vote.

8 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Sure.  
9 Okay. So specifically there are requests for certain  
10 equipment to be modified.

11 ACTING COMMISSIONER GORDON: Um-hmm.

12 ENVIRONMENTAL PROGRAM MANAGER DeLEON: I believe  
13 that one of the requests had to do with boomers. That's  
14 the one on the left-hand side of this slide. You can see  
15 that there is a pretty big range of frequencies. We had a  
16 piece of, what we would call, typical equipment that was  
17 modeled. That was based on conversations with surveyors,  
18 with industry. So we used that, because that's what they  
19 say that they use.

20 However, there is equipment that, you know, goes  
21 at a different frequency. Boomers are the pieces of  
22 equipment that generally has the farthest radial distance  
23 for sound propagation. There is a concern, I believe,  
24 that the letter was expressing -- and I'll let Karen  
25 Garrison speak for herself, but I believe that the concern

1 there is that larger radius for use in particularly  
2 sensitive habitats, where there are, for instance, more of  
3 a harbor porpoise that -- that they are resident there, so  
4 the large radial distances could affect them more than if  
5 it were used in another place.

6 ACTING COMMISSIONER GORDON: So does staff have  
7 any objection to the amendment they've requested with  
8 regard to these accepting boomers proposed for habitat  
9 porpoise habitat?

10 ENVIRONMENTAL PROGRAM MANAGER DeLEON: I don't  
11 believe we have objection. I think that what we wanted to  
12 do was work with them in order to figure out the best  
13 location to put that restriction.

14 ACTING COMMISSIONER GORDON: Okay.

15 ENVIRONMENTAL PROGRAM MANAGER DeLEON: But  
16 conceptually, I think, yeah, we don't have any objections.

17 EXECUTIVE OFFICER LUCCHESI: I think the  
18 question, if I may just add, is whether we include -- if  
19 we except boomers in specific locations from the permit  
20 itself or we include that as part of our screening process  
21 for each survey that's submitted under a permit.

22 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Yes.

23 EXECUTIVE OFFICER LUCCHESI: So I think that's a  
24 decision point for the Commissioners is do you include  
25 that -- do you except boomers to be used in -- excuse me,

1 in harbor porpoise habitat under the permit, except that  
2 from the permit itself, or is that something that you'll  
3 direct staff to consider each time a survey is submitted  
4 under a permit, and to address the impacts to those types  
5 of habitat with that particular equipment.

6 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Okay.

7 EXECUTIVE OFFICER LUCCHESI: Either way, staff  
8 doesn't have any objections, but I suspect that you might  
9 hear from industry who may have some thoughts on that.

10 CHAIRPERSON NEWSOM: Good. Good.

11 ENVIRONMENTAL PROGRAM MANAGER DeLEON: But  
12 generally speaking, I would say that we're neutral. We're  
13 not opposed to that.

14 The other main issue at hand was the use of  
15 multibeam echosounders. Again, this has to do with the  
16 fact that while we modeled a 200 kilohertz frequency,  
17 there are models of this equipment that run at a much  
18 lower frequency. And the concern on that was that if we  
19 just said multibeam echosounder that that could be too  
20 loose and allow people to come in and say, well, it's a  
21 multibeam echosounder, but it's 12 kilohertz instead of  
22 200 and that makes a big difference.

23 One of the requests is to -- there's sort of the  
24 options were to limit it to that 200 kilohertz. Our  
25 preference would be to tie it back to the significance

1 criteria identified in the Mitigated Neg Dec, because what  
2 we're really talking about here are how all the variables  
3 mix together to create the total sound propagation  
4 distances.

5           So, for example, if something -- if they were to  
6 use 170 kilohertz or 150 kilohertz, but also the decibel  
7 output was reduced, would that still be within the modeled  
8 distances, threshold distances in the Neg Dec? And we  
9 believe that if it were, then it should be allowed. It's  
10 consistent with what we analyzed.

11           So we'd prefer, I think, to stay on a -- with  
12 language that ties it to that -- to those distances,  
13 rather than tying it to a specific frequency, because we  
14 just don't feel that that's as useful.

15           And I'll leave it at that, unless you have  
16 another question.

17           CHAIRPERSON NEWSOM: We've got a number of people  
18 that want to speak, including a representative from the  
19 NRDC, Surfrider, and others. And so stay tuned and  
20 prepare a response.

21           ENVIRONMENTAL PROGRAM MANAGER DeLEON: I know.  
22 Don't I seem prepared?

23           CHAIRPERSON NEWSOM: You do.

24           Why don't we -- I'll ask Karen Garrison -- Karen,  
25 if you could come up first, and then Brad Snook, and we'll

1 start the public comment, and then Jeff Carothers  
2 afterwards.

3 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Okay.  
4 Would you like me to be done now?

5 CHAIRPERSON NEWSOM: Yeah. Well, let's get in.  
6 Actually, I think it's a good point to break anyway,  
7 because we're having the conversation that I know that  
8 they want us to have.

9 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Should I  
10 go sit down.

11 EXECUTIVE OFFICER LUCCHESI: No. Why don't you --

12 CHAIRPERSON NEWSOM: Yeah, just sit on the side.

13 EXECUTIVE OFFICER LUCCHESI: Sit on the side,  
14 Jennifer.

15 CHAIRPERSON NEWSOM: Just right there. We're  
16 going to get you a seat, when Chris Garland gets up there  
17 and provides it to you.

18 Just sit in one of those. There we go.

19 MS. GARRISON: Okay. Greetings, Commissioners.  
20 It's good to be here today. I'm Karen Garrison speaking  
21 for the Natural Resources Defense Council and our 1.4  
22 million members and activists.

23 I want to thank you for this very necessary  
24 update to the geophysical permit. We're very pleased that  
25 you're moving forward with it. We encourage you to direct

1 staff to embark on a rule-making as soon as possible. We  
2 also ask that you direct staff to provide an  
3 implementation report after six months or a year on how  
4 the new program is working with recommended changes to  
5 improve the process or reflect new science, as necessary.

6           Because the State's landmark new network of  
7 marine protected areas was just completed at the end of  
8 last year, we want to keep that network in full view as  
9 you consider the update to this permit.

10           Surveys that could harm marine life or habitat in  
11 marine protected areas, especially marine reserves, should  
12 be avoided to the extent possible, unless they advance the  
13 purposes of the Marine Life Protection Act.

14           To that end, we support the permit's requirement  
15 that survey operators consult both the State Lands  
16 Commission and the Department of Fish and Wildlife if work  
17 is proposed in or would impact a marine protected area.  
18 And we appreciate staff's willingness to clarify language  
19 on that subject in Section 5G of the permit. And there's  
20 more details in the letter. I won't get into those  
21 details here.

22           To ensure transparency and facilitate public  
23 review, we respectfully ask that you add a requirement in  
24 the general permit "Contents of Notice" section that any  
25 marine protected area near or overlapping the project area

1 be shown in the proposed project maps. We think that  
2 would be really helpful. The public doesn't have the  
3 ability to overlay GIS maps on a project area. The staff  
4 and project proponents do have that ability, so we'd like  
5 to make sure that happens.

6           The details of our remaining recommendations are  
7 in the letter that I think just got passed around. I'll  
8 quickly summarize them. Each one involves revisions or  
9 additions of just a few words, but we think they would  
10 significantly strengthen the permit, and help make sure  
11 that we don't unintentionally let harmful projects  
12 through.

13           So the first one, the intention here I think is  
14 to only include, in the general permit, projects that are  
15 substantially similar in their acoustic characteristics to  
16 those that were modeled in the marine -- in the Mitigated  
17 Negative Declaration. And Jennifer explained that  
18 process.

19           We feel that the permit, as written, doesn't  
20 actually achieve that purpose. It has a list of equipment  
21 types, but you have to go back to the Mitigated Negative  
22 Declaration to see what the -- what acoustic  
23 characteristics are considered acceptable. So we'd like  
24 to see that link made explicit. And our recommendations  
25 under number 1 in our letter try to accomplish that

1 purpose.

2           So the second recommendation in our letter would  
3 except boomer -- except, take out, boomers in harbor  
4 porpoise habitat from the list of authorized equipment,  
5 because boomers have, by far, the largest acoustic  
6 propagation distances of the modeled sound sources, and  
7 harbor porpoise is, by far, the most vulnerable species in  
8 the near-shore environment.

9           For this species and source, the correction  
10 factors applied in the Mitigated Negative Declaration, in  
11 our view, aren't appropriate, so we'd like to see that  
12 exception made. We understand Jennifer's point about  
13 going back to the Mitigated Negative Declaration. I think  
14 there is a variety of ways you could handle that, but we  
15 definitely want to call attention to boomers and harbor  
16 porpoises.

17           Okay. The third recommendation in our letter is  
18 to revise the Mitigation Measure Bio 6, which we consider  
19 an important measure related to making sure the pulse  
20 lengths are as short as possible, to add a provision that  
21 operators should, notwithstanding that recommendation to  
22 the maximum extent practicable, avoid using pulse lengths  
23 with rise times shorter than 20 minutes.

24           Sorry. Exactly.

25           Second. Sounds with those rise times have been



1 shown to induce acute startle responses in marine mammals  
2 experimentally, as well as in other animals.

3           The fourth recommendation in the letter is to add  
4 two mitigation measures. One is to design track lines to  
5 avoid movements from sea to shore in order to avoid  
6 strandings and embayments. The other would require  
7 permittees to show that they've planned the surveys to  
8 avoid times of year when particularly sensitive species  
9 are present or engaged in activities that might make them  
10 particularly vulnerable, like calving.

11           So we've also raised some issues of concern about  
12 some of the methodological assumptions in the  
13 environmental analysis, like the correction factors for  
14 behavioral impacts. In response, staff has made one  
15 appropriate adjustment, and we hope others will be  
16 considered in the future as projects are evaluated.

17           We really appreciate staff's willingness to  
18 listen to our concerns. We also commend you for involving  
19 the Ocean Protection Council, and doing both an  
20 independent science review and a program review. Both  
21 have been very helpful contributions to this process, and  
22 we think that's a good model.

23           So in short, if the Commission adopts our  
24 recommendations, I think we can support this permit.

25           CHAIRPERSON NEWSOM: All right. Appreciate that.

1 So as we move to the next speaker, if you guys could look  
2 more granularly at these recommendations and give us a  
3 sense of your feeling about the amendments and what you're  
4 willing to do at this moment, and then we'll get back  
5 after the end of public comment, and let's dialogue around  
6 that.

7 But I'll also Brad Snook. Brad, you're up, and  
8 come to the mic.

9 MR. SNOOK: I have some documents for -- those  
10 are fishing blog data, specifically tailored for  
11 quantifying the 2010 to 2012 travels of commercial fishing  
12 vessels and the reports to Department of Fish and  
13 Wildlife. And explicitly, it tells you where they're  
14 getting the fish and how much the fish are valued. And I  
15 address that in what I'll be reading a little bit later.

16 I think where Surfrider differs a little bit is  
17 that we have an opportunity for the Commission here to  
18 simplify policy. And since the beginning of the year, our  
19 chapter in San Luis Obispo has been sending letters to  
20 staff, asking whether the seismic testing should be  
21 halted, until this process has worked itself to an end.

22 And in reading the documents that came out during  
23 the process in the scientific literature, and the  
24 enlarging of safety areas, and also some of the  
25 information that came out on the sub-bottom profilers, I

1 think some of our concerns were confirmed in a lot of  
2 ways.

3           Low energy seismic testing is not low energy, and  
4 so as I go forward and I read what I've brought to the  
5 Commission today, I hope that we'll be able to kind of  
6 take what is an extremely large document, over 400 pages,  
7 and staff has really combed through a lot of information  
8 to come to the recommendations. And they've always been  
9 accessible to us, so, I mean, it's been a good working  
10 relationship and we hope that will continue.

11           But I hope the Commissioners will look at this  
12 and say it's an opportunity after over 30 years to  
13 simplify the process in a way that brings industry and  
14 some of our environmental concerns together, and then  
15 addresses those in one fell swoop.

16           Again, my name is Brad Snook. I'm the Chair of  
17 our county's chapter of Surfrider Foundation. The overall  
18 changes to the OGPP policy are largely insignificant  
19 without a planned measurable reduction to ocean noise  
20 pollution. The OGPP update does not quantify risks to  
21 sustainability or to public health. Despite that, the  
22 Commission still has an excellent opportunity to bring  
23 this program in phase with other agencies in California.

24           In order to do that, you will have to surpass  
25 staff's limited recommendations, and you will have to ask

1 yourself how can this OGPP update help protect our marine  
2 resources and ocean users in a measurable, sustainable  
3 way?

4 We hope the Commission's new policy will become  
5 part of the solution, instead of remaining part of the  
6 problem. The updated policy mentions that effects of  
7 seismic testing on San Luis Obispo County for fish landed  
8 in ports --

9 CHAIRPERSON NEWSOM: Without abruptly cutting you  
10 off, just the light -- the red light went off. So if you  
11 could do your best to try to summarize.

12 MR. SNOOK: Oh, I didn't know I was under the --

13 CHAIRPERSON NEWSOM: Under the duress of time  
14 limits.

15 If you could do your best.

16 MR. SNOOK: I will definitely do my best. In  
17 fact, since you have fishing data, I'll cut to the chase  
18 on our recommendations.

19 CHAIRPERSON NEWSOM: Great. That would be  
20 helpful. Thank you.

21 MR. SNOOK: First of all, a focus on the MPAs,  
22 and also marine sanctuaries -- national marine  
23 sanctuaries. Bringing those more into focus is a vital  
24 issue. We ask the Commission to explore moving the  
25 technology of subsurface profiler and boomers to an

1 identical permitting process as the high energy studies,  
2 just pull them over there.

3           In this way, the Commission will be utilizing an  
4 existing pathway to permitting projects, but the projects  
5 will experience more thorough environmental review. Thus,  
6 there will be a higher probability of reducing the  
7 project's impacts through alternative technologies or  
8 through a more appropriate scaling of the project.

9           We also ask that the Commission enhance its  
10 enforcement capabilities by fining operators for  
11 unpermitted projects or operations.

12           And I've got some cards here, so I'll pass those  
13 on. Again, thank you.

14           CHAIRPERSON NEWSOM: Appreciate it. Thank you.  
15 Thank you for your time.

16           ACTING COMMISSIONER GORDON: Can I ask you one  
17 question? When you're referencing moving the low level  
18 into the high level, are you looking for a full EIR on  
19 each permit?

20           MR. SNOOK: That's for the subsurface profilers.

21           ACTING COMMISSIONER GORDON: Okay. Thank you.

22           MR. SNOOK: You're welcome.

23           CHAIRPERSON NEWSOM: And Jeff, followed by Jim  
24 Grant. And that's the only two comment cards -- or rather  
25 public speaking cards that have been filled out. And

1 anyone else that wishes to address the Commission, start  
2 making your way up.

3 Jeff.

4 MR. CAROTHERS: Yeah, I'd like to thank you,  
5 Lieutenant Governor, and the rest of the Commissioners as  
6 well as the staff. I was at the last meeting and spoke  
7 about this permit item. And we're very happy and  
8 appreciative that the staff is I believe gone above board  
9 to get this out in a timely manner. Our permits were  
10 expiring at the end of September, which would mean -- a  
11 position of not feeding my kids anymore, because we do  
12 surveys.

13 I'd like to -- I hadn't planned on talking about  
14 this. There's a couple of things I'd like to address with  
15 the previous speakers. It's interesting that we talk  
16 about the low energy sub-bottom profiler, the new MDec  
17 came out and said there's a 50 meter radius around --  
18 danger radius around the sub-bottom profiler, but it does  
19 extend out several kilometers, but it's at a very low  
20 level. In fact, the side-scan sonar from the report is  
21 even more worrisome to us, because that's a 600 meter  
22 radius and we believe that instrument, you know, just  
23 makes about this much sound.

24 (Thereupon Mr. Carothers snapped his fingers.)

25 MR. CAROTHERS: That's all it makes, and there's

1 a 600 meter radius around that. So to say that the  
2 sub-bottom profiler, which has a 50-meter radius, is more  
3 dangerous than the side-scan, from the report, with a 600  
4 meter radius seems out of context to me.

5           Anyway, my main topic I wanted to talk about was,  
6 let's just say, enforcement. We've had a permit since the  
7 first permits were issued, and we've been through this  
8 process and followed the rules to the T ever since. When  
9 the change was made with air guns, we followed those  
10 rules. When the changes were made to have marine wildlife  
11 observers on board, we gladly did that. We agreed with  
12 that.

13           We actually agree with the permit as it stands  
14 now. We like it. We have a couple misgivings. Like I  
15 say, I'll talk about just one of them. I believe it's  
16 enforcement. We have been abiding by the rules for 25  
17 years. I've been with the company for 30 years.

18           There's a lot of --

19           CHAIRPERSON NEWSOM: The previous five years you  
20 weren't abiding by the rules.

21           (Laughter.)

22           MR. CAROTHERS: I was somewhere in Asia at that  
23 time.

24           CHAIRPERSON NEWSOM: Okay.

25           MR. CAROTHERS: But anyway, we see a lot of

1 surveys. Obviously, it's a competitive market. There's  
2 so many survey companies here and there's only so much  
3 offshore work. And that's how I feed my kids. We see a  
4 competitive market.

5           So when people come in from out of state, they  
6 don't even know they need a permit. They just hop in the  
7 water and go to work, okay? We play by the rules, so our  
8 rates are higher than theirs, because we have to charge  
9 for marine mammals, so on and so forth. I don't see --  
10 and self-admittedly by staff, there's no way to police  
11 this thing. Anybody can come out here and do a survey.

12           So my question is can I do a survey without a  
13 permit?

14           There seems to be a lot of people that do. In  
15 fact, an example I'll give you is a company called Merkel  
16 and Associates last year was going to do a job for an  
17 artificial reef for the Corps of Engineers. And as part  
18 of the Corps of Engineers process, I reviewed the scope of  
19 work for the Corps of Engineers.

20           I advised the Corps at the time well whoever does  
21 the survey will need a permit, and of course, my company  
22 has a permit, so I was trying to get the work, but anyway.  
23 It was awarded to another company who did not have a  
24 permit, but the Corps said, you need to get a permit.  
25 Well, they didn't have one, and they just suggested they



1 contact me. So they called me asking if they could borrow  
2 my permit.

3 (Laughter.)

4 MR. CAROTHERS: And I says -- we'll put a guy on  
5 Board and, you know, we'll pay you a few hundred bucks a  
6 day or whatever. I said I'm not prostituting my permit to  
7 anybody. That's not the deal here. So I just see no way  
8 to enforce this. I just really don't and I don't -- it  
9 hurts me. It hurts the companies that -- the companies  
10 listed that are going to get permits. We're going to  
11 follow the rules. There's a lot of people that come in.  
12 And again, staff, self-admittedly -- we've asked this  
13 question. They cannot police this.

14 CHAIRPERSON NEWSOM: Yeah.

15 MR. CAROTHERS: That's unfair. To me, that's  
16 unfair.

17 CHAIRPERSON NEWSOM: I appreciate that. And  
18 we're going to talk about that in a moment. And I think  
19 it relates as well, I think, the next item.

20 EXECUTIVE OFFICER LUCCHESI: Yes.

21 CHAIRPERSON NEWSOM: So I appreciate that.

22 MR. CAROTHERS: But I want to see the  
23 environment -- I'm concerned about the environment too,  
24 and we do operate environmentally sound. But I don't want  
25 to see people coming in from outside that don't follow the

1 rules that could do some damage. That's my concern.

2 CHAIRPERSON NEWSOM: We're on the same page.

3 Thank you. Thank you very much.

4 MR. CAROTHERS: Thank you.

5 CHAIRPERSON NEWSOM: Jim. Mr. Grant.

6 MR. GRANT: Good morning. Thank you for your  
7 time. I'm a long time follower of the Commission and  
8 first time speaker, a little nervous.

9 Jim Grant. I'm with Fugro West. I've been  
10 conducting hydrographic and geophysical surveys for 37  
11 years. I've been working with the last speaker for 32  
12 years. And I wanted to comment specifically about the  
13 JASCA report, Appendix G, Rev 2, August 30 specifically  
14 regarding side-scan sonar data. Side-scan sonar is a  
15 towed instrument with a fan shaped beam, typically used  
16 for habitat mapping, investigating sites for renewable  
17 energy projects, inspecting infrastructure like  
18 pipelines -- cultural resources, yes.

19 The report suggests that the analysis was done  
20 with the instrument towed three meters below the surface,  
21 which is if it's a fan-shaped beam, the higher it is, the  
22 bigger the footprint.

23 The protocol and procedures for what we do is we  
24 tow that instrument as close as we can to the sea bottom  
25 to get the resolution, so we can identify these seabed

1 features in support of the project.

2 I believe that it's -- the analysis is flawed.  
3 And consequently, they have a 600 meter radius exclusion  
4 zone on each side of the towed instrument. So that  
5 requires us to monitor a piece of real estate that's 12 to  
6 14 football fields wide behind a moving boat. It seems --  
7 I believe it's flawed and I think that the area that we  
8 should monitor should be reviewed. I think something more  
9 like 90 some meters may be on either side would be more  
10 appropriate.

11 CHAIRPERSON NEWSOM: All right. We'll ask staff  
12 about that.

13 MR. GRANT: Thank you very much. I appreciate  
14 your time.

15 CHAIRPERSON NEWSOM: I appreciate it. Thank you  
16 for your attentiveness to this Commission and your  
17 testimony today.

18 Anyone else wish to speak on this item?

19 We'll close public comment then.

20 So let's -- I've made notes, and then I frankly  
21 just stopped writing, because this -- we're getting --  
22 there was some very granular and specific things from  
23 Surfrider's and obviously NRDC and the last speaker and  
24 then the enforcement issue.

25 So how do we want to unpack this? What's your

1 sense? You've had a chance to review, I know, the  
2 documents, and I know the Commissioners as well.

3 EXECUTIVE OFFICER LUCCHESI: Well, between --  
4 yeah, between Jennifer and I, we'll start with Surfrider's  
5 comments, particularly focusing on the requirement for an  
6 EIR versus an MND for certain equipment.

7 CHAIRPERSON NEWSOM: Yeah.

8 EXECUTIVE OFFICER LUCCHESI: And we can go on to  
9 Mr. Garrett's(sic) concern about the 600 meter exclusion  
10 zone, and then we can address NRDC's proposals, if that  
11 pleases the Commission?

12 CHAIRPERSON NEWSOM: That works.

13 EXECUTIVE OFFICER LUCCHESI: And so, Jennifer,  
14 I'll start real quick, but if you could add -- embellish  
15 more.

16 In regards to conducting an EIR versus relying on  
17 the MND, staff stands behind and believes that the  
18 Mitigated Neg Dec is legally defensible and appropriate  
19 when addressing these types of equipment for low energy  
20 surveys.

21 We believe that the mitigation measures proposed  
22 in the MND sufficiently reduce any impacts to below  
23 significance. And we stand behind this MND and recommend  
24 that the Commission adopt it.

25 CHAIRPERSON NEWSOM: Do you guys feel reasonably

1 the same?

2 Great. Okay. Thank you.

3 EXECUTIVE OFFICER LUCCHESI: Do you have anything  
4 to add to that, Jennifer?

5 ENVIRONMENTAL PROGRAM MANAGER DeLEON: If there's  
6 interest, I have a couple of images that I can put up that  
7 specifically address Surfrider's comments.

8 CHAIRPERSON NEWSOM: You want to briefly do that?

9 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Sure.

10 So one of the questions was about reducing  
11 overall ambient noise in the ocean and our responsibility  
12 in that regard. And I do just want to bring forth a  
13 little bit of information. This is a commercially  
14 available web application that shows vessel traffic at any  
15 time. You can see that, at any point of your day you can  
16 go on here, there's as a lot of vessels, cargo vessels,  
17 tankers, yachts, fishing boats, everything. So that's  
18 just a quick example.

19 There is a lot of activity in the ocean, and  
20 most, if not all, of these boats have engine noise that  
21 sometimes exceed the decibel levels of equipment doing  
22 these projects, and also regularly use depth sounders and  
23 fish finders.

24 --o0o--

25 ENVIRONMENTAL PROGRAM MANAGER DeLEON: This is an

1 example of a commercially available fish finder. You can  
2 see that it is substantially similar to the equipment for  
3 the surveys that we're talking about, and you can probably  
4 guess that most fishermen out there are using these types  
5 of equipment, as well as depth sounders.

6 --o0o--

7 ENVIRONMENTAL PROGRAM MANAGER DeLEON: And then I  
8 would just lastly have you look at these images here that  
9 are the -- these are basically the drawings, the modeled  
10 outputs that show the 180 decibel and 160 decibel and 140  
11 and 120 decibel sound fields that are created by selected  
12 pieces of equipment. That's what we're talking about when  
13 we talk about threshold -- noise thresholds and injury and  
14 behavioral modification thresholds.

15 So in terms of the question about 600 meters and  
16 all of that, the safety -- what we're calling the safety  
17 zones are safety radii were developed based on these  
18 modeling efforts that give us an idea of how far out do  
19 these decibel levels propagate that are considered harmful  
20 by the National Marine Fisheries Service.

21 And then we added -- because we modeled a range,  
22 we added what we believed was a fair buffer to account for  
23 variations in depth, in bottom substrate, temperature,  
24 salinity, things of that nature.

25 So we've also gotten in the peer review

1 responses, one of the comments that was made by more than  
2 one of the peer review experts was that compared to the  
3 level of ambient noise already in the water, that these  
4 surveys are quote unquote a drop in the bucket. And, in  
5 fact, that our analysis, because it didn't take into  
6 account other sources of noise that increase the ambient  
7 noise, that we, in fact, were overly conservative or, if  
8 anything -- if any error were to be found in our analysis,  
9 that we overstate rather than understate the level of  
10 impacts. So I would just leave it at that.

11 CHAIRPERSON NEWSOM: All right. Ms. Lucchesi.

12 EXECUTIVE OFFICER LUCCHESI: Okay. I think that  
13 we've addressed Surfrider's -- or responded to Surfrider's  
14 concerns. On Mr. Garrett's(sic) concern regarding the  
15 exclusion zone and the extent of that, I'm actually going  
16 to have to kick it to Jennifer on the 600 meter exclusion  
17 zone for the particular equipment, the side-scan sonar  
18 versus his recommendation of 90.

19 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Right.  
20 This may or may not be a minor point, but one of the  
21 things that is required on the pre-survey notification is  
22 deployment depth of the towfish or any other pieces of  
23 equipment. However, the -- and I may have to phone a  
24 friend here, but it's my understanding that the models  
25 were based on input that our consultant received from

1 industry as being typical, and manufacturers. And then I  
2 already described how we developed the safety radii from  
3 those scenarios.

4 ACTING COMMISSIONER GORDON: So the exclusion  
5 zone, is this a visual exclusion zone, someone standing on  
6 the boat going dolphins, whales, pinnipeds?

7 ENVIRONMENTAL PROGRAM MANAGER DeLEON: That's  
8 correct.

9 ACTING COMMISSIONER GORDON: Now, if we're  
10 talking 12 football fields, if -- well, 600 meters is --  
11 is that really 12 football fields?

12 It seems less than that to me, 6, 9 maybe?

13 CHIEF COUNSEL MEIER: From side to side.

14 ENVIRONMENTAL PROGRAM MANAGER DeLEON: Eighteen  
15 hundred feet.

16 ACTING COMMISSIONER GORDON: Eighteen hundred  
17 feet. Is it -- are you visually going to be able to --  
18 I'm trying -- to spot that distance from both sides? And  
19 how would we know if there are -- I guess, whales and  
20 dolphins are going to surfaces. I mean, is that -- I'm  
21 just trying to find out. Visually, it strikes me -- I  
22 don't -- maybe I'm just nearsighted and old, but I can't  
23 imagine seeing 12 football fields in one direction. That  
24 seems like a long way out. Is that a reasonable distance  
25 on both sides of the boat?



1 ENVIRONMENTAL PROGRAM MANAGER DeLEON: The  
2 requirement is that the marine wildlife monitors be  
3 qualified and trained. And the entity that really kind of  
4 gets to say is the National Marine Fisheries Service.  
5 People do get trained to do these things. In fact, our  
6 Division Chief, Cy, has actually been a marine wildlife  
7 monitor in the past. And there have also -- there's also  
8 been several -- well, at least one that I can think of  
9 that we discuss in the Mitigated Neg Dec to assess  
10 mitigation effectiveness of marine wildlife monitors, and  
11 where that cutoff is.

12 And all of our safety radii are generally within  
13 what has been shown, at least in that research paper,  
14 to -- for observers to actually be effective. Now, of  
15 course, at night, they would be less effective. In bad  
16 weather, they would be less effective. There's things  
17 that can affect their ability to see also whether or not  
18 it's generally a surface animal or something that dives  
19 more. Those correction factors were considered in our  
20 take estimates, and adjusted accordingly, whether they're  
21 more or less vulnerable because of their diving habits.

22 I would also point out that in the permit and in  
23 the -- and one of the measures in the Neg Dec is that the  
24 marine wildlife observer can stop the survey at any time,  
25 if they feel their ability to monitor the safety zone is

1 compromised.

2           ACTING COMMISSIONER GORDON: Now, just one last  
3 one. So this is going to apply to whales, dolphins. This  
4 doesn't apply to fish, right? I mean, you're --

5           ENVIRONMENTAL PROGRAM MANAGER DeLEON: That's  
6 correct. Although, I would expect that if thousands of  
7 fish started bubbling up to the surface, then the marine  
8 wildlife monitor might want to mention it.

9           (Laughter.)

10          EXECUTIVE OFFICER LUCCHESI: I'm sure they're  
11 trained to.

12          So if it pleases the Commission, we can move on  
13 to the NRDC comments.

14          CHAIRPERSON NEWSOM: Please.

15          EXECUTIVE OFFICER LUCCHESI: Okay.

16          ACTING COMMISSIONER GORDON: Can we deal with  
17 enforcement first maybe? That was on there.

18          ENVIRONMENTAL PROGRAM MANAGER DeLEON: Yeah,  
19 that's an easy one.

20          CHAIRPERSON NEWSOM: Yeah.

21          EXECUTIVE OFFICER LUCCHESI: So the Commission  
22 staff, really we have one staff member, our geophysical  
23 permit coordinator that coordinates all the permits and  
24 ensures compliance, and teams with our Environmental  
25 Planning Unit as well as others.

1            Enforcement is a challenge for us. I would like  
2 to note, just so we understand the context that we're  
3 talking about when the Commission is issuing these  
4 permits, the Commission is issuing permits for ungranted  
5 sovereign lands, meaning that permit -- industry who wants  
6 to conduct these types of surveys does not need a permit  
7 from the Commission, if they're conducting -- their  
8 activities are in federal waters, or in lands that have  
9 been granted to a local jurisdiction.

10            So, for example, if you're talking about City of  
11 Long Beach, you're talking about the mean high tide line  
12 out three miles.

13            So there are significant areas outside State  
14 waters in federal waters where industry that does not --  
15 has not obtained a permit for the State Lands Commission  
16 could conduct these types of surveys, and also in State  
17 waters in granted lands.

18            With that said, that's still a large area in  
19 California that we have jurisdiction over that is -- where  
20 enforcement is a challenge. And there's -- we are  
21 exploring internally ways that we can use existing law,  
22 existing regulations to help beef up our ability to  
23 enforce.

24            But the real problem is having boots out in the  
25 field, and knowing whether these activities are actually

1 taking place.

2 CHAIRPERSON NEWSOM: Coastal Commission has  
3 any -- what role do they play?

4 EXECUTIVE OFFICER LUCCHESI: So that is something  
5 that we have been talking with you and your office about,  
6 in terms of working with the Coastal Commission and other  
7 regulatory agencies, other academic institutions that  
8 employ or require these types of surveys to require that  
9 these surveys are conducted by State Lands Commission  
10 permitted entities.

11 And so that's something that we've been  
12 discussing with your office. And if that's something the  
13 Commission would like to direct us to do as part of our  
14 program, that we'd obviously be very happy to do that.

15 CHAIRPERSON NEWSOM: I would be hard pressed to  
16 believe we wouldn't want you to continue that.

17 (Laughter.)

18 EXECUTIVE OFFICER LUCCHESI: I kind of served it  
19 up.

20 CHAIRPERSON NEWSOM: Right. I mean, a tough one  
21 obviously for everyone and sympathetic to the comment.  
22 You know, the race should be to the top not to the bottom.  
23 I don't want to move away from a permitting regime, just  
24 because it's difficult or near impossible to enforce.

25 That said, we'll see what we can do to raise the

1 bar and we heed the comments and certainly respect the  
2 good players in this. And we'll encourage more examples,  
3 and we'll discourage those that are here inappropriately.

4 EXECUTIVE OFFICER LUCCHESI: May I move on to the  
5 NRDC comments?

6 CHAIRPERSON NEWSOM: Yeah.

7 EXECUTIVE OFFICER LUCCHESI: So I believe that  
8 Ms. Garrison started talking about an implementation  
9 update after six months or a year to --

10 CHAIRPERSON NEWSOM: Yep.

11 EXECUTIVE OFFICER LUCCHESI: And we fully support  
12 that. We think that's a great idea to come back to the  
13 Commission in a year. That would give us sufficient time  
14 to review the applications for these permits that have  
15 come in under the program, and the different factors and  
16 elements to those, along with the effectiveness of the  
17 program requirements. And so we will be coming back to  
18 the Commission with a status update.

19 Additionally, I believe Ms. Garrison mentioned  
20 some guidelines. And that's something that we've been  
21 talking in-house about, about developing some guidelines,  
22 handy tips for both industry as well as interested  
23 stakeholders in terms of helping the public, helping  
24 industry understand our permitting process, being able to  
25 understand the considerations that staff will be utilizing

1 when individual survey requests come in under the permit.

2           So we would also like -- we agree that developing  
3 those guidelines, pursuant to the rule-making process,  
4 pursuant to the administration -- Administrative  
5 Procedures Act, would be a benefit to everybody involved,  
6 and -- so those were kind of the top level comments that  
7 she made.

8           She also discussed or requested that the notice  
9 contents include some overlay of the marine protected  
10 areas, where the survey activities will take place. That  
11 is something that we can do, and we can either work with  
12 the applicants to provide that or internally do that with  
13 our own mapping staff. And we will work to include that  
14 in the notice requirement -- in the noticing that goes out  
15 to the public, so that they are as informed as possible  
16 about where these areas are and how they overlay. We're  
17 not exactly sure how the details will work on that, but  
18 we'll work to make that result happen.

19           CHAIRPERSON NEWSOM: All right.

20           EXECUTIVE OFFICER LUCCHESI: As to the  
21 substantive issues, she had four comments in her letter,  
22 or recommendations. The first one involved the specific  
23 equipment and the levels of frequency output, and being  
24 more specific about that. That is something that we can,  
25 in concept, incorporate into the permit and the program,

1 maybe not using these exact -- this exact language that  
2 she's proposed, but something very substantially similar  
3 and gets the same end. So, as staff, we would be okay  
4 with that recommendation.

5 CHAIRPERSON NEWSOM: Okay.

6 EXECUTIVE OFFICER LUCCHESI: The second one had  
7 to do with an exception for boomers proposed for harbor  
8 porpoise habitat. Again, that's something that staff  
9 would be okay with including in the program permit.

10 Her third recommendation relates to pulse lengths  
11 and other aspects where we have not really had the chance  
12 to investigate that or research that particular  
13 recommendation. So we would stay neutral on that. We're  
14 recommending that we not include anything in the permit  
15 relating to that this time, because as staff we have not  
16 had the chance to really investigate that proposal or that  
17 recommendation.

18 Her fourth recommendation includes two additional  
19 mitigation measures. And we believe that's something that  
20 could be included in our guidance document that I  
21 referenced at the beginning. That that's something we can  
22 build into providing industry, as well as the public, on  
23 what would be -- we would consider as a staff when  
24 individual surveys come in for our review. And I think  
25 that concludes what her comments were.

1           CHAIRPERSON NEWSOM: Does that substantively  
2 address your concerns and issues?

3           MS. GARRISON: Yeah, I think so. I mean, I'd  
4 love to stay in communication as you guys figure out  
5 exactly what the language is, but that sounds very good.

6           CHAIRPERSON NEWSOM: Excellent.

7           EXECUTIVE OFFICER LUCCHESI: And that's -- if I  
8 just may add, we will, of course, engage with Karen and  
9 her folks at NRDC, but also with industry on these -- on  
10 this language too.

11          CHAIRPERSON NEWSOM: Absolutely.

12          ENVIRONMENTAL PROGRAM MANAGER DeLEON: Yeah.  
13 We'll definitely need their input on the issue of the rise  
14 times, because what we really need to make sure that we're  
15 doing is allowing them to maintain data acquisition  
16 targets. And if so, we want to make sure that having that  
17 bright line doesn't compromise their ability to collect  
18 the data that they need.

19          CHAIRPERSON NEWSOM: Makes sense.

20          MS. GARRISON: And I would just add that if you  
21 follow the course you've just laid out, you will be  
22 addressing at least one of Surfrider's concerns about  
23 putting boomers in a different category, because  
24 boomers -- you know, basically harbor porpoise habitat is  
25 a lot of our concern, so I think that's a very good move.



1 EXECUTIVE OFFICER LUCCHESI: And if I just,  
2 again, kind of bring it back to the 20,000 foot level  
3 here. This is our general permit, so if there's an  
4 application coming in for a survey or an application for a  
5 permit that doesn't fit within the confines of our general  
6 permit, and the MND that was conducted, that doesn't mean  
7 that we deny it straight off. We would analyze it just  
8 under a separate -- just outside of the general permit.  
9 So there's still obviously a process that needs to happen.

10 CHAIRPERSON NEWSOM: Excellent.

11 Go ahead, please.

12 ACTING COMMISSIONER GORDON: What about the fifth  
13 comment from NRDC with regard -- under the contents of  
14 notice mapping the marine life protected, is there any  
15 problem doing that?

16 EXECUTIVE OFFICER LUCCHESI: No. No, we can  
17 definitely do that.

18 MS. GARRISON: Sorry, I kind of reversed the  
19 order and put that first in the comments, so she addressed  
20 it earlier.

21 EXECUTIVE OFFICER LUCCHESI: Yes.

22 CHAIRPERSON NEWSOM: So any of those require any  
23 formal amendments to the item?

24 EXECUTIVE OFFICER LUCCHESI: Yes. So if I can  
25 propose a motion.

1 CHAIRPERSON NEWSOM: Fabulous.

2 EXECUTIVE OFFICER LUCCHESI: Okay. I am -- let  
3 me pull up the item. Okay. Under item -- we're on Item  
4 120. And under -- there's a number of authorizations,  
5 including a CEQA finding to adopt the Mitigated Neg Dec.  
6 Under the authorization for the general permit, I would  
7 amend Authorization number 1, which currently states,  
8 "Approve the proposed OGPP update as described in the  
9 staff report and as represented by the general permit  
10 attached as Exhibit D hereto".

11 I would recommend that a motion be made to  
12 approve the proposed OGPP update as described in the staff  
13 report, and represented by the general permit attached, in  
14 addition to inclusion, in substantial form, Comments  
15 number 1 and 2 of the NRDC letter, and comment -- excuse  
16 me, Comment number 1 and 2 in the NRDC letter  
17 substantially. So let me try and repeat that.

18 (Laughter.)

19 CHAIRPERSON NEWSOM: It made sense.

20 (Laughter.)

21 EXECUTIVE OFFICER LUCCHESI: Okay.

22 CHAIRPERSON NEWSOM: I don't dare. Does  
23 anyone -- yeah, does that make sense to you?

24 ACTING COMMISSIONER GORDON: (Nods head.)

25 CHAIRPERSON NEWSOM: Is there a motion?

1           ACTING COMMISSIONER GORDON: Yeah, I  
2 would -- yes, move approval with the caveat, as stated by  
3 the Executive Director.

4           ACTING COMMISSIONER ORTEGA: I'll second.

5           CHAIRPERSON NEWSOM: Great. So without  
6 objection, we'll move on that.

7           Next.

8           EXECUTIVE OFFICER LUCCHESI: Okay. I would just  
9 add that the Commission could direct us -- you know,  
10 separate from this item, direct staff to report back to  
11 the Commission on the implementation of this program in  
12 one year.

13          CHAIRPERSON NEWSOM: Six months?

14          EXECUTIVE OFFICER LUCCHESI: One year. I  
15 recommend one year, just to give us enough time and be  
16 able to provide you with enough information.

17          CHAIRPERSON NEWSOM: All right. Fair point.  
18 I'll defer.

19          EXECUTIVE OFFICER LUCCHESI: Okay. And direct  
20 staff to -- I'll get to that. Also, direct staff to  
21 include the mapping notice that would overlay the marine  
22 protected areas along with where the survey activities are  
23 located, and also develop guidelines consistent with the  
24 Administrative Procedures Act to help facilitate program  
25 implementation by industry and the public.

1 CHAIRPERSON NEWSOM: So there's no objection to  
2 that, we'll separately direct you to direct yourself.

3 EXECUTIVE OFFICER LUCCHESI: Yes, I direct myself  
4 to do all those things.

5 CHAIRPERSON NEWSOM: Yes.

6 EXECUTIVE OFFICER LUCCHESI: And if we may just  
7 go back to 120 and re-vote on that to ensure that we're  
8 getting the adopted --

9 CHAIRPERSON NEWSOM: All we did is adopt the  
10 amendments, so we haven't even moved the item.

11 EXECUTIVE OFFICER LUCCHESI: Yeah, you have to  
12 move the item consistent with staff's recommendation.

13 CHAIRPERSON NEWSOM: Right. So no other  
14 amendments or any other comments about the item?

15 ACTING COMMISSIONER GORDON: No.

16 CHAIRPERSON NEWSOM: Then on the item itself as  
17 amended.

18 ACTING COMMISSIONER GORDON: I'll move 120 as  
19 amended.

20 ACTING COMMISSIONER ORTEGA: Second.

21 CHAIRPERSON NEWSOM: Seconded. Without  
22 objection.

23 EXECUTIVE OFFICER LUCCHESI: Great. Thank you.

24 CHAIRPERSON NEWSOM: The item is moved.

25 And that brings us to the next item on the

1 calendar, which I believe is 121.

2 EXECUTIVE OFFICER LUCCHESI: Joe Fabel, one of  
3 our newer attorneys with the Commission will be giving the  
4 presentation on 121.

5 STAFF COUNSEL FABEL: It should be brief.

6 Should I continue?

7 CHAIRPERSON NEWSOM: Not, that I don't love you.  
8 Speak on, please. I'll leave you in more capable hands.

9 STAFF COUNSEL FABEL: Well, good morning, Mr.  
10 Chairman, members of the Commission. Again, to state, my  
11 name is Joe Fabel. I'm a staff attorney here with the  
12 Lands Commission.

13 Now, in light of this Commission's adoption of  
14 the recently approved offshore geophysical program update  
15 Mitigated Negative Declaration and the permit structure  
16 implementing those mitigations found within the MND,  
17 Commission staff now recommend that the Commission  
18 authorize issuance of statewide non-exclusive general  
19 geophysical permits to the nine applicants listed within  
20 this staff report. These nine permits will be for a term  
21 of three years from October 1st 2013 to September 30th,  
22 2016.

23 Now, staff recognized the varied and important  
24 work performed by the applicants covered to bring a  
25 variety of scientific and engineering purposes. We went

1 over a few of them, but to restate the purposes are  
2 surveys of near-shore sand erosion and deposition,  
3 surveying existing pipelines to assess any structural  
4 damage, developing maps of hard bottom and essential fish  
5 habitat, or cultural resources among other important  
6 purposes.

7 Now, the permits that staff will issue, if  
8 authorized, will conform with the permit structure that  
9 was recently proved with the amendments, under Item 120,  
10 including the Mitigation Monitoring Program.

11 Major changes within the permit structure have  
12 already been identified and addressed. However, the  
13 enhanced pre-survey notification and post-survey  
14 notification that we'll be implementing into the Program,  
15 along with the staff's commitment to using modern  
16 technology, such as email and Internet, to put the  
17 pre-survey information provided from the permittees onto  
18 the Internet pretty much within 24 hours of receiving it,  
19 will really, from the start, from the first surveys that  
20 start under this program create a level of transparency  
21 the program really hasn't seen prior. So this is  
22 definitely a step above and beyond.

23 The nine applicants have submitted their  
24 applications and material. Pretty much from this point,  
25 if approved, staff would go ahead and just update the

1 information that we have received according to the new  
2 permit requirements, so that the permit applicants can  
3 start conducting science and survey work as soon as  
4 possible after the 30th.

5 I thank you for your time. That's the end of my  
6 presentation. Again, I promised it would be short.

7 ACTING CHAIRPERSON GARLAND: Thank you. Any  
8 comments from the Commissioners before I make one that the  
9 LG asked me to make.

10 ACTING COMMISSIONER ORTEGA: I just have one  
11 question about the action that we took previously. So is  
12 there enough time in the recommendation in the action  
13 right now to kind of coordinate what changes we made in  
14 the previous action with the permits that are being  
15 discussed here?

16 EXECUTIVE OFFICER LUCCHESI: Yes, there is.

17 ACTING COMMISSIONER ORTEGA: Okay. Thank you.

18 ACTING CHAIRPERSON GARLAND: Good question.  
19 Commissioner Gordon.

20 ACTING COMMISSIONER GORDON: No.

21 ACTING CHAIRPERSON GARLAND: Okay. I almost feel  
22 like we're in Batman when I say that.

23 (Laughter.)

24 ACTING CHAIRPERSON GORDON: Sorry.

25 Relative to the folks who we're talking about

1 approving permits to, the Lieutenant Governor was pretty  
2 strong about this, and we referenced it briefly in the  
3 last one, but we'd like to direct staff, if the other  
4 Commissioners approve, to find ways to significantly boost  
5 the folks who actually do seek permits and are good actors  
6 in our waters, and to work with other agencies in State  
7 government and our federal partners to encourage them to  
8 work with those folks who are seeking permits and doing  
9 business the right way in California.

10 Any objection?

11 ACTING COMMISSIONER GORDON: I would just like to  
12 add my agreement to that. I mean, I spent four years  
13 working for the President of the Senate back in the  
14 nineties, and one of the biggest complaints we had would  
15 be business people coming into the office who were  
16 complying with California's laws happily, wanting to be  
17 both good corporate and environmental actors, complaining  
18 about scofflaws not being caught. They were incurring  
19 additional costs, which they were not necessarily  
20 complaining about. The problem was they were losing in  
21 the marketplace to the bad actors.

22 And it strikes me that one of the primary roles  
23 of government and government regulators is to operate a  
24 level playing field, but in so doing, do it in a way that  
25 the people that are doing the activities that we encourage



1 went and grow their business. And if we're not doing  
2 that, we're doing a disservice to the state.

3 So, yeah, I would like to associate the  
4 Controller's office with those remarks as well, Chris.  
5 Thank you.

6 ACTING CHAIRPERSON GARLAND: Don't have any  
7 public comment cards on this item, but is anyone here to  
8 speak on this item?

9 Seeing none.

10 EXECUTIVE OFFICER LUCCHESI: If I may just jump  
11 in --

12 ACTING CHAIRPERSON GARLAND: Sure.

13 EXECUTIVE OFFICER LUCCHESI: -- because since the  
14 Lieutenant Governor has left and, Chris, you are his  
15 alternate, we run into our voting conundrum. So pursuant  
16 to the Government Code only one of the Constitutional  
17 offices alternate members can vote on any given action.  
18 Finance can always vote.

19 ACTING CHAIRPERSON GARLAND: Do we have a motion  
20 on this item?

21 ACTING COMMISSIONER ORTEGA: I'll make the  
22 motion.

23 ACTING CHAIRPERSON GARLAND: I'll second that  
24 motion.

25 All those in favor?

1 (Ayes.)

2 ACTING CHAIRPERSON GARLAND: The Controller's  
3 office is necessarily not voting on this, but I believe  
4 they're feelings were --

5 ACTING COMMISSIONER GORDON: Very supportive of  
6 this.

7 ACTING CHAIRPERSON GARLAND: So that passes 2-0,  
8 and with one abstention -- or one not voting.

9 We're moving on to Item -- I know there were some  
10 changes in the order here, so what item are we on now?

11 EXECUTIVE OFFICER LUCCHESI: Yeah. Moving are  
12 moving on to Item 106 and I will briefly introduce this.

13 Venoco has requested the additional assignment of  
14 a particular well, Well 15, a partial assignment of that  
15 Well 15 into -- to the VEPO, Venoco Energy Partners  
16 Operating, LLC, to facilitate the creation of their master  
17 limited partnership.

18 This would be to add this particular well and  
19 assign 22 percent of it to the assignment authorization  
20 that was provided by the Commission in July of this year.  
21 Venoco has requested that this occur, staff's  
22 recommendation is to authorize this assignment.

23 And let me just back up real quick. The purpose  
24 of adding this well is that there is sufficient evidence,  
25 and State Lands staff engineers have confirmed this, that

1 Well 15, which has been recently re-drilled, is  
2 communicating with the other nine wells that were part of  
3 the assignment authorization.

4 And so, from a technical perspective, it's -- the  
5 purpose is to add this to the assignment, 22 percent,  
6 because of the communication occurring.

7 ACTING CHAIRPERSON GARLAND: And for those of the  
8 public in the room and for our two loyal watchers  
9 on-line -- hi, mom and dad --

10 (Laughter.)

11 ACTING CHAIRPERSON GARLAND: -- can you explain  
12 communication between wells, because they obviously didn't  
13 talk to each other.

14 EXECUTIVE OFFICER LUCCHESI: Yes. Well 15 -- and  
15 we have our oil and gas engineers here and Mark, but I'll  
16 do my best from a non-technical person. Well 15 was  
17 drilled near the lease line. And communication means that  
18 it's accessing the same part of the reservoir and actually  
19 taking production from those other nine wells that are  
20 nearby. And so it's not producing new oil, it's actually  
21 taking production from existing wells.

22 ACTING CHAIRPERSON GARLAND: You've got a future  
23 in writing Oil Wells for Dummies. Thank you for that.

24 (Laughter.)

25 ACTING CHAIRPERSON GARLAND: I see a

1 representative from the petitioner here. Would you have  
2 any comments or anything you'd like to add to the  
3 presentation?

4 MR. GRIEG: No. I'm available for questions.

5 ACTING CHAIRPERSON GARLAND: Okay. I have  
6 several questions on this.

7 ACTING COMMISSIONER ORTEGA: I'll move the item.

8 ACTING CHAIRPERSON GARLAND: Okay. And you may  
9 want to step to the table. I think it's been pretty clear  
10 what our -- what the Lieutenant Governor's office position  
11 on this has been from the beginning. We continue to have  
12 serious and potentially grave concerns about this.  
13 Although, we pray that none of them come true.

14 Do we have -- we understand the petitioner wanted  
15 a much broader agreement on this with more wells included  
16 initially. And that's potentially where they're going  
17 down the road, if this does work. Were there -- could it  
18 have been reasonably believed that when 15 was drilled, it  
19 would have communicated with wells that they knew they  
20 were putting into the MLP? And for staff or for  
21 representatives of Venoco.

22 MR. GRIEG: Sure. Steve Grieg with Venoco.

23 I think that if you looked at the location, I  
24 think there was the -- the possibility was there. It was  
25 not anticipated. I think there was a timing issue with us

1 with the initial -- you know, with the July hearing. The  
2 15 Well was not under production at that point. In fact,  
3 it was being drilled. That none of the other wells showed  
4 that same communication, so from our standpoint, it's --  
5 you know, the geology is the geology. You don't know a  
6 lot of it until you've actually drilled into it. So there  
7 was definitely a surprise. But the --

8 ACTING CHAIRPERSON GARLAND: It was a surprise?

9 MR. GRIEG: There was a surprise that there was  
10 the communication that there has been. I think that,  
11 obviously in hindsight, it would have been included, but  
12 it was more of a timing issue. And then that, coupled  
13 with the communication, is what's causing us to request  
14 this.

15 ACTING CHAIRPERSON GARLAND: I appreciate the  
16 issue of timing. It was something that we were, you know,  
17 keenly aware of when the initial request was brought  
18 forward. And we know that you need to move on this.

19 Although, I would like to ask one of our oil  
20 staff experts to come up and see if -- to the issue of  
21 could there have been a reasonable expectation that 15  
22 would have communicated with the other wells prior to the  
23 initial request for the MLP approval?

24 Petitioner's stance is that they were surprised  
25 that 15 was communicating with the other wells. Is that

1 staff's understanding as well?

2 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

3 VOSKANIAN: I'm Marina Voskanian, Division Chief of  
4 Resources Management Division.

5 And I believe when we do -- try to identify a  
6 location of the well, you review the performance of other  
7 wells and kind of make that decision. And it's done much  
8 easily on a regular sandstone operation, like in Long  
9 Beach or other fields. But in Monterey, fractured shell,  
10 when there's a fracture, it's a little bit more difficult  
11 to predict exact performance of the well, depending of how  
12 the well is drilled, particular to the fault -- to the  
13 fracture in the reservoir or parallel to the fracture.

14 The first few three re-drills that they've done,  
15 the production came really high. One of the wells making  
16 2,000 barrels a day. And then the next one was 800  
17 barrels a day, and it was a good improvement to the total  
18 production of the field.

19 If I was me, I was looking at that, probably I  
20 wouldn't drill that close to the other wells, but they've  
21 seen so much success in the lease line, and assuming that  
22 it would be -- it was draining from outside of the lease  
23 line, they get more oil, they drilled again in that area.

24 And, at that time, when they were talking about  
25 the MLP, they first wanted to include decent part of the

1 MLP. But because of the wells they were drilling at that  
2 time came dry, no oil production, they figured, okay, if  
3 they bring that one on board as part of the MLP, they may  
4 be bringing more risk to it. And they wanted to make sure  
5 the production coming to total MLP is kind of a more lower  
6 risk than they can get their IPO.

7 As a result, they excluded the future drilling  
8 well to be re-drilled. And we were also concerned, at  
9 that time, that every time they're going to come and bring  
10 more wells to this MLP, and then we have to go to the  
11 Commission, if that's going to be routine things going on.

12 But to answer your question, it would be hard to  
13 predict, but, in my opinion, they could have done more  
14 study to predict if there was some communication coming or  
15 not.

16 But they were so successful on these re-drills,  
17 they figured, okay, we'll re-drill this one and get more  
18 production, which the production went up. It's not like  
19 it didn't go up. And it was a good successful economic  
20 well, but it's just a matter of, you know, communication.  
21 And it's -- the interference happens usually in the oil  
22 field.

23 And that's why we call it expediting production.  
24 You know, we're bringing more wells and expediting the  
25 production. You drill less wells and you're extending the

1 life of the platform.

2           ACTING CHAIRPERSON GARLAND: Thank you for that  
3 response. It was comprehensive, and leads me to my next  
4 question for the petitioner, which is are there any other  
5 wells in current production or currently planned or being  
6 currently drilled that are as close as 15 is to the  
7 current wells in the MLP that you could reasonably expect  
8 to have communication, and therefore need to come back to  
9 us again with project creep to increase the size of this  
10 MLP?

11           MR. GRIEG: The answer is no. That we've --  
12 obviously, because of the results of this well, the future  
13 of drilling or re-drilling that we've been looking at from  
14 Platform Holly has been postponed or -- and we're going to  
15 do more steady as Marina has mentioned, but --

16           ACTING CHAIRPERSON GARLAND: And let me be clear  
17 here. We're not against you bringing in more for the  
18 State. And obviously, we're very much appreciative of you  
19 being good stewards of your lease with us, but what we  
20 want to avoid here, and what I will tell you on the record  
21 right now, we will strenuously object to in the future is  
22 any kind of project creep here without you first proving  
23 that this MLP is a valuable instrument for the State as  
24 well as your company.

25           MR. GRIEG: Completely.



1           ACTING CHAIRPERSON GARLAND: And with your no  
2 response I will withhold my objections and attribute this  
3 first one to sometimes stuff happens.

4           (Laughter.)

5           ACTING CHAIRPERSON GARLAND: And even though it  
6 could have been reasonably expected, the -- we'll withhold  
7 our objection on this one and allow the other two  
8 Commissioners to move forward with us having to  
9 necessarily take the pass, because there's no  
10 Constitutional officer here.

11           So with that, any other further comments by the  
12 Commissioners?

13           ACTING COMMISSIONER GORDON: Move approval of  
14 Item 121.

15           ACTING COMMISSIONER ORTEGA: Second.

16           ACTING CHAIRPERSON GARLAND: Motion and a second.  
17 Those in favor?

18           (Ayes.)

19           ACTING CHAIRPERSON GARLAND: It passes 2-0 with  
20 the Lieutenant Governor's office not voting, but concerns  
21 are on the record.

22           I believe that's --

23           EXECUTIVE OFFICER LUCCHESI: We actually have one  
24 more.

25           ACTING CHAIRPERSON GARLAND: One more, right?

1 EXECUTIVE OFFICER LUCCHESI: Yes. Item 113 was  
2 pulled from the consent agenda. And Mary Hays who is  
3 our --

4 Yes. Can we go back Item, 106 not 121. Can we  
5 take that vote again?

6 ACTING CHAIRPERSON GARLAND: Oh, I'm sorry.  
7 That's correct. You're right. Thank you for catching  
8 that. Somebody is paying attention out there.

9 Nice.

10 EXECUTIVE OFFICER LUCCHESI: Thank you, Cy.

11 ACTING CHAIRPERSON GARLAND: Good job, Cy.

12 Going backwards here. We had already taken care  
13 of that other item. So this is Item 106, the Venoco MLP.

14 Do we have a motion to move 106?

15 ACTING COMMISSIONER GORDON: Yeah, I move 106.

16 ACTING COMMISSIONER ORTEGA: Second.

17 ACTING CHAIRPERSON GARLAND: Those in favor?

18 (Ayes.)

19 ACTING CHAIRPERSON GARLAND: Same outcome.

20 Thank you, Cy.

21 And then we have Item 113.

22 EXECUTIVE OFFICER LUCCHESI: Yes. Mary Hays will  
23 be -- one of our Public Land Managers will be giving the  
24 presentation.

25 (Thereupon an overhead presentation was

1           presented as follows.)

2           PUBLIC LAND MANAGER HAYS: Good morning,  
3 Commissioners, and welcome Commissioner Ortega.

4           Again, my name is Mary Hays, and I'm a Public  
5 Land Manager with the Land Management Division for the  
6 Northern California Region, and I'll be presenting some  
7 background information on this calendar Item 113.

8           I'm going to start with just some background.  
9 This is a property -- the upland property is located at  
10 2221 Garden Highway. It's within Sacramento County. It's  
11 on the Sacramento River. And in 1997, the Commission  
12 authorized a lease with Betty Vranesh -- she has a  
13 trust -- for bank protection.

14           That lease expired in May of 2007. In October of  
15 '07, an application was submitted for a new lease for the  
16 bank protection, which went before the Commission, and was  
17 approved, but the lease was never executed by the property  
18 owner, and that was due to an illness. We understood that  
19 Betty Vranesh had Alzheimer's. Her daughter was looking  
20 to get a power of attorney in order to get the lease  
21 executed.

22           Staff worked over a period of time after that to  
23 get the lease executed. It never did. It was never  
24 executed. So fast forward to May of 2012, and during  
25 investigation with a prior -- Mr. Lee Stearns, who is --

1 there was an action before the Commission back in June for  
2 some illegal activities that he was performing with pile  
3 driving on the Sacramento River.

4 So back in May of 2012, our Legal staff and our  
5 Land Management staff did investigation along that stretch  
6 of the Sacramento River. And, at that time, there were 11  
7 docks that were discovered that were not under lease. And  
8 we wrote letters to those folks and asked them to come  
9 under lease or we would take some legal action against  
10 them.

11 Seven came right in. We now have four that did  
12 not come in for a lease, still have not. And in June, we  
13 brought those to the Commission for an enforcement action.

14 During that May 2012 inspections, we found that  
15 there was an additional property that was Betty Vranesh's,  
16 where we had a lease already for bank protection, we found  
17 that there was an installation of a dock. That, we  
18 believe, took place some time in the 2010/2011 period  
19 based on Google Earth photos.

20 In July of this year, we had been in  
21 communication -- one of our staff had been in  
22 communication with Betty Vranesh's family, her daughter,  
23 who we understood then did have a power of attorney. So  
24 we met with the family, Betty's family, on July the 22nd  
25 to go over the necessity to submit an application for the

1 installation of the dock or it would very likely have to  
2 be removed if we took an enforcement action.

3           So that's really what's before you today.  
4 We -- staff met -- actually, in July, we sent the initial  
5 letter to contact us within 15 days. On August the 14th,  
6 we did meet with the property owner's daughter and  
7 son-in-law, discussed the application process, the fact  
8 that the prior lease was just for riprap and it had not  
9 been executed. It really was not even a contract.

10           At the time, we offered to go through the  
11 application process with them, and we also worked out a  
12 reduction in the application fees. But to date, we have  
13 not received an application. Between August 14 and I  
14 think within two weeks after that, Mrs. Vranesh's daughter  
15 did submit the power of attorney, and she did submit a  
16 copy of an exhibit of the size of the dock. But since  
17 that time, we have had no application submitted.

18           So the action before you today is -- well,  
19 there's -- I also wanted to let you know that the prior  
20 action for the other four, the Attorney General's office  
21 has recommended that this action be included in the prior  
22 action, if it got to that point for economies of scale and  
23 staffing.

24           So to conclude, staff is asking the Commission to  
25 authorize the staff or the Attorney General to take legal

1 action to cause compliance with the Commission's leasing  
2 authority and to have the trespass structures brought  
3 under lease, or if that does not occur, for removal and  
4 restoration and covering our -- the damages.

5 So I'm available for any questions. And the -- I  
6 believe it's Mr. DeMar who is the son-in-law of Betty  
7 Vranesh is here.

8 ACTING CHAIRPERSON GARLAND: Any --

9 EXECUTIVE OFFICER LUCCHESI: Oh, I was just going  
10 to ask Mary if you could click a couple of slides, just so  
11 we can get a picture of the area in question.

12 PUBLIC LAND MANAGER HAYS: Oh, I'm sorry. I  
13 didn't realize I was the one doing it.

14 This is a picture of the Sacramento River. And  
15 the Vranesh property is on the east side in the Sacramento  
16 County side of the river.

17 --o0o--

18 PUBLIC LAND MANAGER HAYS: And this is a photo  
19 taken at the time staff and the Attorney General were out  
20 looking at the Lee Stearn's activities is when they took  
21 photos of these unauthorized docks. This is actually the  
22 dock at Betty Vranesh's property.

23 --o0o--

24 ACTING CHAIRPERSON GARLAND: Does that conclude  
25 your presentation?

1 PUBLIC LAND MANAGER HAYS: That concludes my  
2 presentation.

3 ACTING CHAIRPERSON GARLAND: Thank you.

4 Before we get to the comment card, anything from  
5 the Commissioners?

6 Okay. Mr. DeMar.

7 Welcome, sir.

8 MR. DeMAR: Hello. Nice to meet you. My name is  
9 Gary DeMar. I built this house. I put the dock in. I  
10 got all the permits, right? I did everything. The State  
11 Contractors -- I didn't know they existed when they  
12 started this. The plans were approved 2005/2006. So we  
13 started -- in 2007, we get a letter that we have to pay  
14 this fee to buy the bank -- or to pay for the bank, right?

15 So we go down and we write -- we told her that  
16 her mom has Alzheimer's. We paid them the money, and  
17 then, you know, they sent her -- I guess they must have  
18 sent her the lease, because we never got it. But anyway,  
19 it was good enough for six years, supposedly, until I  
20 would say I put in the dock. The dock is all permitted on  
21 my plans. I have a -- from The Reclamation Board, a  
22 complete permit from them, and it considers the whole  
23 project.

24 And I went through the County, the Water  
25 Resources, everybody. See, they have a special assessment

1 district. When you go to build a house on the river, you  
2 go to a special assessment district. It took probably a  
3 year and a half to get to this point to build.

4 And so I put in the dock as of probably right  
5 about end of 2010. And he was a licensed contractor. I  
6 had permits for it. And they came in, I think it was  
7 what, 2012 -- 2013 I was hit with this thing where it's  
8 like the State Gestapo comes down to my property, brings  
9 the county --

10 ACTING CHAIRPERSON GARLAND: I'd prefer you not  
11 speak about our staff like that. It doesn't help your  
12 cause.

13 MR. DeMAR: I think it was pretty good though,  
14 but that's pretty close.

15 But anyway, brings the county inspector, right,  
16 and the State Contractor's License Board. They've got a  
17 little vendetta going on the river here, you know, just so  
18 you know, but they all come down, and they're going to  
19 look at this illegal dock.

20 And I said, "Well, it's legal. I've got it all  
21 permitted. It's totally legal." And the county says,  
22 well, "Let me see your plans", the county inspector asked,  
23 and the State License Board. I said, "I'm a contractor,  
24 and I did most of the work. He just put in the piling.  
25 And he's a licensed contractor and I paid him to do it".



1           And so everything was legal as far as I can tell.  
2       So I showed the county inspector my plans. I showed them  
3       all my permits. And he said -- he looked at the License  
4       Board and he said, "He's legal", and they all left.

5           Okay. So nothing comes of it for about another  
6       six months to a year, who -- I don't know the person I'm  
7       talking about, the worker bee. I guess she found out that  
8       the lease wasn't signed or something, so that's an illegal  
9       lease according to them, which we already paid for their  
10      time, right, and to do this. And this has been six years  
11      now that it's been on.

12           And so then we get this letter, we have to come  
13      down and redo the dock, right?

14           ACTING CHAIRPERSON GARLAND: Hold on, you said  
15      it's been six years it's been on.

16           MR. DeMAR: Well, that's when we went in 2007 we  
17      paid the money. This is 2013, right?

18           ACTING CHAIRPERSON GARLAND: For the bank, not  
19      for the --

20           MR. DeMAR: Right for the bank -- reclamation.  
21      But see, this is all permitted at the time in 2005.

22           ACTING CHAIRPERSON GARLAND: And county and --

23           MR. DeMAR: Right. Right.

24           ACTING CHAIRPERSON GARLAND: At the county and  
25      city level, not at the State level.

1 MR. DeMAR: Right. Right. No, no, at the  
2 Reclamation District. It went through the Army Corps, all  
3 the stuff. I mean, the Reclamation District goes through  
4 everybody, you know, but I've never heard of these people.  
5 And they should be at the county level at this assessment  
6 board. When anything comes on the river, they should be  
7 there.

8 ACTING COMMISSIONER GORDON: Is the issue over  
9 this -- the illegality of the dock or the failure to pay  
10 for the leasehold?

11 MR. DeMAR: Well, the issue is -- more or less my  
12 issue, we already paid \$1,525 for this, right? Okay, the  
13 new thing is they have a special new fee now because they  
14 have new law that -- I don't know, maybe some kind of pork  
15 somebody signed that they're going to charge by the square  
16 foot for the dock.

17 I mean --

18 ACTING COMMISSIONER GORDON: Well, the -- let me  
19 stop you for a second. The State passed a law in 20 --

20 MR. DeMAR: Eleven.

21 ACTING COMMISSIONER GORDON: -- 11 that indicates  
22 you recognize your dock is -- you're using a waterway that  
23 belongs to the people of California. Okay. The State  
24 Legislature passed, the Governor signed a law saying that  
25 to continue utilizing that, you need to pay a leasehold.

1           Is there a piece of that you don't understand? I  
2 mean, this is -- I understand that prior to this you  
3 didn't have to pay for it. Okay. We've got hundreds, if  
4 not thousands, of people throughout the State that came  
5 under this law. You're not unique in this way.

6           MR. DeMAR: I realized they were recommending you  
7 put in these recreational piers, and now, since everybody  
8 has got them in, they're going to charge you for them,  
9 which is kind of good State thing, you know, just a little  
10 extra.

11           ACTING COMMISSIONER GORDON: That is -- you do  
12 understand that's State law.

13           MR. DeMAR: I understand that.

14           ACTING COMMISSIONER GORDON: All we are doing  
15 here is enforcing State law.

16           MR. DeMAR: Well, let me run this scenario by you  
17 a little bit then, since --

18           ACTING COMMISSIONER GORDON: Okay.

19           MR. DeMAR: -- you know, I mean, I do pay taxes,  
20 right? I mean, you guys get paid from our taxes, and then  
21 I have to pay them to look my land, right? I've got to  
22 pay them to look at my land, right, and -- the CSL to look  
23 at it, right? And I already pay them once. Now, I'm  
24 paying them again, right?

25           ACTING COMMISSIONER GORDON: Sir, you're --

1           MR. DeMAR: Now, wait a minute. Now, wait a  
2 minute. Let me finish. I get my three minutes before the  
3 red light goes off.

4           ACTING CHAIRPERSON GARLAND: Which have been up  
5 for quite some time.

6           MR. DeMAR: I know. I know.

7           And then -- so then now they're going to charge  
8 me for the dock by the square foot, right? So then she  
9 brings the county out with her, and the county says, well,  
10 now since that dock isn't exactly the same, you might have  
11 to get another permit for that dock so we can reassess  
12 your property, because you pay your property taxes, and we  
13 can add to that.

14           And then the dock is on State Lands. I said,  
15 well, why don't you tax the State, you know. I mean, now  
16 what is -- I'm just a simple homeowner. We're homeowners.  
17 We're not commercial businesses. All I ask them to do was  
18 run the same lease from 2007 to 2017. We'd sign it. It  
19 would be done, and then they could come after the dock.

20           But no, that doesn't work. They want to get us  
21 on the 2011 one so that we can pay more money. I mean,  
22 obviously -- I mean, you like that scenario, huh? That's  
23 pretty tough. I said we need more State laws. We need  
24 more -- every dock.

25           ACTING CHAIRPERSON GARLAND: Sir, and I would

1 suggest if you have an issue with the State law or the  
2 county, that you take it up --

3 MR. DeMAR: I was hoping Gavin would be here, but  
4 he wasn't.

5 ACTING CHAIRPERSON GARLAND: He was.

6 MR. DeMAR: I know, but he left before I got up  
7 here. But anyway, I just -- all I asked was for them to  
8 run the regular lease, and be done with it and it would  
9 have been -- the dock lease is cheaper 1,225. You know,  
10 and it's 15 for the other one, and -- but they just want  
11 to get you under it, so you can start paying quicker, but  
12 the dock was built before the 2011 deal. So now, if she  
13 wants me to do that, just a regular dock lease, and then  
14 they won't charge me by the square foot for the dock until  
15 2024 or whatever, yeah, I'd be happy with that.

16 ACTING COMMISSIONER GORDON: We don't have the  
17 discretion to do that. We need to treat all landowners,  
18 all folks that are using State Lands the same. That's how  
19 the law reads. So we have -- the fairest way to do that  
20 was to charge people based on the size of their docks, and  
21 that is what has been implemented.

22 Your complaint is with the State for passing the  
23 law, maybe with the county for how they are assessing your  
24 property taxes. But with regard to the leasehold for the  
25 dock, you are being treated identically to every other

1 landowner in the State who is utilizing land that is owned  
2 by the people of California.

3 MR. DeMAR: Who decides the fees for this dock  
4 square footage? How does that -- what's that based on?

5 ACTING COMMISSIONER GORDON: That is based on  
6 regulations that have been adopted by the Commission.

7 MR. DeMAR: I've never seen anything on that.  
8 But anyway, I just -- all I want to do is get this lease  
9 right. I think it should be the other way, and I don't --  
10 you know, I just can't believe you got to pay five times  
11 for everything. I mean, it's just getting unreal, I'm  
12 telling you.

13 ACTING CHAIRPERSON GARLAND: I would suggest, and  
14 I appreciate your comments. And you may have something to  
15 take up with the legislature, and the county. I would  
16 suggest to you that the easiest way to take care of this  
17 would be to meet with the State Lands staff in the next  
18 couple days, come into compliance, and then go fight where  
19 the fight should be, which is the legislature and the  
20 county.

21 MR. DeMAR: Well, you guys should be -- if you  
22 have to go through you for everything on the river, when  
23 there's a house built, you guys should be at the permit  
24 place on the special assessment. I mean, that should be  
25 automatic.

1           ACTING COMMISSIONER GORDON: See, we don't have  
2 upland authority. We have the authority for the dock that  
3 is in the river.

4           MR. DeMAR: Well, you -- and the bank.

5           ACTING COMMISSIONER GORDON: The upland authority  
6 is with the county --

7           MR. DeMAR: But you have the bank and that's on  
8 everybody's property on the river, you know.

9           ACTING COMMISSIONER GORDON: -- and the State  
10 Reclamation Board.

11          MR. DeMAR: It's just a -- I mean, I didn't even  
12 know you existed, and I wished I hadn't. You know, it  
13 would be a lot easier.

14          ACTING COMMISSIONER GORDON: Well, the State  
15 Lands Commission is Constitutionally -- what's the word  
16 I'm looking for? We exist under the Constitution of the  
17 State of California, and been there since what year?

18          EXECUTIVE OFFICER LUCCHESI: 1938.

19          ACTING COMMISSIONER GORDON: 1938.

20          MR. DeMAR: 19 what?

21          ACTING CHAIRPERSON GARLAND: '38.

22          ACTING COMMISSIONER GORDON: Oh, shoot, I wasn't  
23 even born then.

24          (Laughter.)

25          MR. DeMAR: But anyway --

1           ACTING CHAIRPERSON GARLAND: Thank you so much.

2           MR. DeMAR: -- so what are you voting on? Do you  
3 vote now or do I just go out the door?

4           ACTING COMMISSIONER GORDON: We can vote right  
5 now.

6           ACTING CHAIRPERSON GARLAND: Actually, we're  
7 about to move through our process, so if you'd like to sit  
8 there and listen to us, be my guest.

9           Any further comments by the Commissioners?

10          Do I have a motion?

11          ACTING COMMISSIONER GORDON: A motion to adopt  
12 staff recommendation on Item number 113.

13          ACTING COMMISSIONER ORTEGA: Second.

14          ACTING CHAIRPERSON GARLAND: Motion and a second.  
15 I'll be -- since you moved it, I'll lay out on this one.

16          Motion and second. All those in favor?

17          (Ayes.)

18          ACTING CHAIRPERSON GARLAND: It carries 2-0 with  
19 Lieutenant Governor's office not voting.

20          Thank you.

21          MR. DeMAR: That was government in action.

22          ACTING CHAIRPERSON GARLAND: Have a great  
23 weekend.

24          ACTING COMMISSIONER GORDON: Thank you, sir.

25          MR. DeMAR: I'm on it. I'll be at the bar.



1           ACTING CHAIRPERSON GARLAND: Happy to come in and  
2 buy one for you from our State salary.

3           (Laughter.)

4           ACTING CHAIRPERSON GARLAND: Ms. Lucchesi, I  
5 believe that ends our regular session.

6           EXECUTIVE OFFICER LUCCHESI: It actually ends  
7 our --

8           ACTING CHAIRPERSON GARLAND: Oh, public comment.

9           EXECUTIVE OFFICER LUCCHESI: Yes. It ends our  
10 regular calendar, but moving on to the public comment.

11          ACTING CHAIRPERSON GARLAND: I have just one card  
12 today?

13          Alison, come on up.

14          ACTING COMMISSIONER GORDON: Oh, God not again.

15          (Laughter.)

16          ACTING COMMISSIONER GORDON: I'm sorry.

17          ACTING CHAIRPERSON GARLAND: Welcome back.

18          MS. MADDEN: Thank you, and thank you for having  
19 me. I am the corporate secretary and in-house counsel for  
20 a nonprofit California public benefit nonprofit. It's  
21 called San Francisco Bay Marinas For All. And we desire  
22 to stop the privatization and eradication of the marinas  
23 in San Francisco Bay that are still in useful and useable  
24 condition.

25          In particular, we've shown up and spoken in the

1 past. And it's never been an agenda item yet. So we  
2 understand that no commentary can happen and no action on  
3 the record, but we have attended the State Lands  
4 Commission meetings before to brief the Commission on what  
5 is happening Pete's harbor. And there are other marinas  
6 that we're concerned about, but primarily Pete's Harbor.

7           And there used to be 700 public access slips  
8 between three areas of water on this inlet in Redwood  
9 City. One was Peninsula Lake, one is the inner harbor at  
10 Pete's Harbor, and one is the State Public Trust land in  
11 Smith Slough. And there are now zero of those public  
12 access slips.

13           We're asking that you continue to discuss with  
14 staff, and do what you can do in terms of supporting a  
15 couple things. In January, there was a meeting where the  
16 State Lands Commission took the position that they would  
17 like to see the parties work this out, and we would like  
18 that to continue to be communicated at the city level.

19           And we would like to have you do what you can to  
20 support the slowing down of the demolition at Pete's  
21 Harbor. What happened is the BCDC issued a pretty fast  
22 track permit under an abbreviated region-wide permit to  
23 allow the dismantling and removal of the docks at Pete's  
24 Harbor.

25           And initially, there was just a reference to the

1 docks, and now it's the pilings. There's 72 pilings and  
2 135 docks. It's a major project. It did not go to a  
3 public hearing, and it did not go before the  
4 Commissioners. And we spoke yesterday at the BCDC to ask  
5 them for more environmental review and a public hearing  
6 and Commission action. And our attorney, Ellen Trescott,  
7 of Adams and Broadwell, has written a 10-page letter with  
8 very good authority on this.

9           We would like to say that what we have discovered  
10 is that the one Uccelli access strip is federal property.  
11 The U.S Fish and Wildlife Service did not know that they  
12 owned it. We discovered that, and we told them that. And  
13 this is a very recent discovery. They've owned it since  
14 1999.

15           We're talking to our county board of supervisors  
16 about a potential land swap for a constant perpetual  
17 public access there. And we're asking them, and the  
18 federal Fish and Wildlife Service is interested in  
19 guaranteeing perpetual public access. And we've asked  
20 them for a non-exclusive easement in favor of the State  
21 Lands Commission that could go appurtenant to this marina.

22           We have a marina builder, a contractor who has  
23 built a marina in Stockton, who is willing to be on our  
24 advisory board. And we also have potential grants from  
25 the Water Trail to enable immediate use of the Water

1 Trail. And there's been a promise for 10 years here of  
2 water trail access that hasn't materialized.

3 So we feel like there's a lot of momentum, and  
4 we're working with our county supervisors, the federal  
5 agencies, and the State. And we just would really like to  
6 see more time, if there's anything you can do to permit  
7 that.

8 ACTING CHAIRPERSON GARLAND: Thank you.

9 MS. MADDEN: Thank you.

10 ACTING CHAIRPERSON GARLAND: We have one  
11 additional card that was submitted for Aaron Riffenburgh.  
12 Aaron -- there we go.

13 Welcome, Mr. Riffenburgh.

14 MR. KIRBY: Thank you.

15 Hi. I'm Aaron Riffenburgh Kirby. I'm 13. And  
16 I'm the executive director of a youth led organization  
17 called ORB. We had about 15 youth that couldn't come  
18 today. So I am their voice, and we are here to tell you  
19 that the negative declaration can't possible pass the fair  
20 argument test. But if you were to approve this negative  
21 dec, be really sure that it won't have any significant  
22 environmental impact, because if it does, you will be the  
23 ones responsible that their parents can no longer guide  
24 ocean tours, because the sea life has been chased away or  
25 killed.

1           You will be the ones answering to the kids who  
2 lost their family fishing business. You are making jobs,  
3 but you are also taking jobs. Even if no sea life is  
4 killed, those supporting this permit admit that it will  
5 drive the animals away, collapsing the food chain, and  
6 severing the vital stream of revenue from the ocean.

7           I spoke to a fisherman, and he said during the  
8 testing there were no fish. Even the pelicans were skin  
9 and bones.

10           We are asking you to save our birds, save our  
11 fish, and save our jobs. Thank you.

12           And then I'm also authorized to speak for Eric  
13 Greening of Atascadero.

14           He urges denial of this blanket take -- this is  
15 for the issue on the solar panels in the desert. He urges  
16 the denial of the blanket take permit, because the plants  
17 and animals of the desert have an inherent right to exist.  
18 And no higher cause is served by their proposed sacrifice.

19           There is plenty of built environment and plenty  
20 of already degraded land available for solar panels.  
21 Covering the California desert with them will not combat  
22 climate change, because the California Renewable Energy  
23 Standard is ratio, not a replacement.

24           Nothing in it makes fossil fuel plants go away.  
25 Once the 33 and one-third percent renewable target is met

1 by 2020, expansion of renewable energy production will  
2 allow fossil energy production to increase twice as fast.  
3 Please say no to the killing and disturbance of beautiful  
4 plants and animals, and thank you all.

5 EXECUTIVE OFFICER LUCCHESI: Thank you. If --

6 ACTING CHAIRPERSON GARLAND: Actually, if you  
7 could stay with us for just one second.

8 EXECUTIVE OFFICER LUCCHESI: As an explanation,  
9 we have already -- our Commission has already heard and  
10 voted on those. But what I understand is that you had  
11 originally come to the Capitol, and Capitol staff had  
12 given him directions to go to our office on Howe Avenue.  
13 And so he missed the consideration and the discussion  
14 occurring over those items.

15 MR. KIRBY: So you've already voted on both the  
16 items?

17 EXECUTIVE OFFICER LUCCHESI: Yes, we have. Yes,  
18 the Commission has. And if I may, we will -- this is the  
19 first time I'm aware of this happening. What we will  
20 endeavor to do is for each Commission meeting in the  
21 future that happens at the Capitol, we will work to let  
22 Capitol staff know, so that they can provide accurate  
23 instructions on where to find our Commission meetings.

24 MR. KIRBY: All right. And may I ask what you  
25 guys voted on those?

1           ACTING CHAIRPERSON GARLAND: Both of those items  
2 were passed.

3           MR. KIRBY: Okay.

4           ACTING CHAIRPERSON GARLAND: And can you tell me  
5 a little bit about your group.

6           MR. KIRBY: We're a --

7           ACTING CHAIRPERSON GARLAND: You came all this  
8 way and we kind of screwed up here by not letting you get  
9 up here when these items were up. So I apologize for the  
10 Capitol staff not knowing where we were and for you  
11 getting sent to the wrong place. And so tell me a little  
12 bit about this organization.

13           MR. KIRBY: We're a nonprofit that focuses on  
14 bringing youth together to focus on -- it's consecutive  
15 nonprofits. Unfortunately, we're based in -- or I'm based  
16 in SLO County, so we couldn't get kids up here. We  
17 couldn't get kids to miss school to come up here at like  
18 5:00 o'clock in the morning to drive all the way up here.  
19 So I came to represent them, and -- yeah.

20           ACTING CHAIRPERSON GARLAND: Thank you for doing  
21 that.

22           MR. KIRBY: Thank you.

23           ACTING CHAIRPERSON GARLAND: And I apologize that  
24 you were sent to the wrong place. And can you make sure  
25 that you give your contact information to the Commission

1 secretary, and so we can communicate back with you.

2 MR. KIRBY: All right.

3 ACTING CHAIRPERSON GARLAND: I would appreciate  
4 that.

5 MR. KIRBY: Thank you so much.

6 ACTING CHAIRPERSON GARLAND: Can you get his  
7 contact information for us.

8 Ms. Lucchesi, I believe that ends our public  
9 comment and our regular agenda. Do either of the  
10 Commissioners have anything else they'd like to say in  
11 open session before -- Ms. Lucchesi, where does that lead  
12 us?

13 EXECUTIVE OFFICER LUCCHESI: That leads us to  
14 adjourning open session and moving into closed session.  
15 And we ask that all the public and non-necessary staff  
16 leave the room for that.

17 ACTING CHAIRPERSON GARLAND: Now, we're recessing  
18 public session.

19 EXECUTIVE OFFICER LUCCHESI: Recessing, excuse  
20 me. Recessing it.

21 Thank you.

22 (Off record: 12:22 PM)

23 (Thereupon the meeting recessed  
24 into closed session.)

25 (On record: 12:34 PM)



1           ACTING CHAIRPERSON GARLAND: We're back from  
2 closed session. Is there anything to report from closed  
3 session?

4           EXECUTIVE OFFICER LUCCHESI: No.

5           ACTING CHAIRPERSON GARLAND: In that case, do we  
6 have a motion to adjourn?

7           ACTING COMMISSIONER GORDON: So moved.

8           ACTING COMMISSIONER ORTEGA: Second

9           ACTING CHAIRPERSON GARLAND: Moved and seconded.

10 We are adjourned.

11           (Thereupon the California State Lands  
12 Commission meeting adjourned at 12:35 PM)

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## 1 C E R T I F I C A T E O F R E P O R T E R

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California State Lands Commission meeting was  
7 reported in shorthand by me, James F. Peters, a Certified  
8 Shorthand Reporter of the State of California;

9 That the said proceedings was taken before me, in  
10 shorthand writing, and was thereafter transcribed, under  
11 my direction, by computer-assisted transcription.

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

15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 this 30th day of September, 2013.

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22  
23 JAMES F. PETERS, CSR, RPR  
24 Certified Shorthand Reporter  
25 License No. 10063