

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

SAN FRANCISCO DOWNTOWN COURTYARD BY MARRIOTT
RINCON HILL ROOM, 2ND FLOOR
299 SECOND STREET
SAN FRANCISCO, CALIFORNIA

THURSDAY, APRIL 23, 2015
12:56 P.M.

JAMES F. PETERS, CSR
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. Kevin Schmidt

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

Ms. Betty T. Yee, State Controller

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Chief Counsel

Mr. Reid Boggiano, Public Land Management Specialist

Mr. Brian Bugsch, Chief, Land Management Division

Ms. Kelly Keen, Environmental Scientist

Ms. Sheri Pemberton, Chief, External Affairs and Legislative Liaison

Ms. Marina Voskanian, Chief, Mineral Resources Management Division

ATTORNEY GENERAL:

Mr. Joe Rusconi, Deputy Attorney General

ALSO PRESENT:

Mr. Brad Benson, Port of San Francisco

Mr. Lee Callister

Mr. Martin Curtin, Curtin Maritime

Mr. Jarod Ficker, Catalina Island Company

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

ALSO PRESENT:

Mr. Kevin Ivey

Mr. James Jonas

Ms. Alison Madden

Mr. Sean Matsler, Curtin Maritime

Ms. Monique Moyer, Port of San Francisco

Mr. Gary Nauman

Mr. Daniel Reidy, Catalina Freight Line, Inc.

Mr. William Sloan, Docktown

Mr. Edward Stancil

Mr. John Tesoriero

I N D E X

	PAGE
I 1:00 P.M. - OPEN SESSION	1
II CONFIRMATION OF MINUTES FOR THE SPECIAL TELECONFERENCE MEETING OF MARCH 20, 2015	1
III EXECUTIVE OFFICER'S REPORT	2
Continuation of Rent Actions to be taken by the CSLC Executive Officer pursuant to the Commission's Delegation of Authority:	
- Philip D. and Sarah D. Chapman, Trustees of the Chapman Family Living Trust (Lessee): Continuation of annual rent at \$542 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe adjacent to 3890 North Lake Boulevard, near Tahoe City, Placer County (PRC 3674.1).	
- Lloyd T. Rochford and Carol A. Rochford, Trustees of the Rochford Living Trust dated December 1, 1999 (Lessee): Continuation of annual rent at \$381 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe adjacent to 3740 North Lake Boulevard, near Carnelian Bay, Placer County (PRC 4058.1).	
IV CONSENT CALENDAR C01-C115	5
THE FOLLOWING ITEMS ARE CONSIDERED TO BE NON-CONTROVERSIAL AND ARE SUBJECT TO CHANGE AT ANY TIME UP TO THE DATE OF THE MEETING.	

LAND MANAGEMENT DIVISION

NORTHERN REGION

- C01 BEACHCOMBER INN VACATION MEMBERSHIP ASSOCIATION (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 5516.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 999 Lakeview Avenue, city of South Lake Tahoe, El Dorado County; for an existing pier, 12 mooring buoys, and two

I N D E X C O N T I N U E D

PAGE

marker buoys. CEQA Consideration: not projects. (PRC 5516.1) (A 5; S 1) (Staff: M. J. Columbus)

C02 DOUGLAS W. REGALIA AND SUSAN A. REGALIA, TRUSTEES, THE REGALIA FAMILY TRUST DATED JUNE 11, 2013 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3005 West Lake Boulevard, near Homewood, Placer County; for one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26744; RA# 15613) (A 1; S 1)(Staff: M. J. Columbus)

C03 ERWIN ZACHARIAS AND VERONIKA ZACHARIAS, AS TRUSTEES OF THE ERWIN AND VERONIKA ZACHARIAS FAMILY TRUST, UNDER AGREEMENT DATED MAY 12, 2011 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 7909 Garden Highway, near Verona, Sutter County; for an uncovered single-berth floating boat dock, gangway, and bank protection previously authorized by the Commission, and one existing piling, two-pile dolphin, debris deflector, and utility conduits not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 6824.1; RA# 24514) (A 3; S 4) (Staff: M. J. Columbus)

C04 GATES TAHOE HOUSE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 5913.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1320 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boathouse, boat lift, sundeck with stairs, and two mooring buoys. CEQA Consideration: not projects. (PRC 5913.1) (A 1; S 1) (Staff: M. J. Columbus)

I N D E X C O N T I N U E D

PAGE

- C05 KAYA TUNCER AND MARY MILLS TUNCER, TRUSTEES OF THE TUNCER FAMILY TRUST DATED OCTOBER 2, 2001 (ASSIGNOR); DENIZ TUNCER AS TRUSTEE, OR ANY SUCCESSOR TRUSTEE(S), OF THE CRESSMAN/TUNCER FAMILY TRUST, UNDER DECLARATION OF TRUST DATED JANUARY 25, 2006; AND AYSHE TUNCER, AS TRUSTEE, OR ANY SUCCESSOR TRUSTEE(S) OF THE TUNCER ANDERSON REVOCABLE TRUST, UNDER DECLARATION OF TRUST DATED MAY 20, 2011 (ASSIGNEE): Consider application for the assignment of Lease No. PRC 8979.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3170 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8979.1; RA# 21614) (A 1; S 1) (Staff: M. J. Columbus)
- C06 PACIFICORP DBA PACIFIC POWER (LESSEE): Consider revision of rent to Lease No. PRC 4510.1, a General Lease - Right-of-Way Use, of sovereign land located in the Klamath River, adjacent to Assessor's Parcel Number 140-130-28, near the town of Klamath, Del Norte County; for an existing overhead 12.5-Kilovolt electrical power distribution line. CEQA Consideration: not a project. (PRC 4510.1) (A 2; S 2) (Staff: M. J. Columbus)
- C07 SILVER BLUE LODGE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (ASSIGNOR); NORTH FORTY BAY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (ASSIGNEE): Consider application for the assignment of Lease No. PRC 8476.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4784 North Lake Boulevard, near Carnelian Bay, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8476.1; RA# 25214) (A 1; S 1) (Staff: M. J. Columbus)
- C08 CALIFORNIA DEPARTMENT OF WATER RESOURCES (APPLICANT): Consider an application for a General Lease - Public Agency Use, of sovereign land located at the confluence of the Sacramento River and Butte Slough, adjacent to 2701 Butte Slough Road, near the town of Colusa, Sutter and

I N D E X C O N T I N U E D

PAGE

Colusa Counties; for the rehabilitation, use, and maintenance of the Butte Slough Outfall Gates, including the inlet and outfall structures, flap gates, boat ramp, other appurtenant structures, bank stabilization, and an on-site control facility. CEQA Consideration: Mitigated Negative Declaration, adopted by the California Department of Water Resources, State Clearinghouse No. 2014082018, and adoption of a Mitigation Monitoring Program. (W 26821; RA# 18314) (A 3; S 4) (Staff: W. Hall)

C09 TUSCARORA GAS TRANSMISSION COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 7829.1, a General Lease - Right-of-Way Use, of sovereign lands in the bed of the Pit River at five separate locations, near the city of Alturas, Modoc County; for three existing natural gas main pipelines and two existing lateral lines. CEQA Consideration: not a project. (PRC 7829.1) (A 1; S 1)(Staff: C. Hudson)

C10 ANDREW SWEET, EDWARD SWEET AND SHELLEY SWEET, AS TRUSTEES OF THE 1999 SWEET FAMILY RESIDENCE TRUST; LINDA C. YOUNGS, TRUSTEE OF THE GEORGE AVANESSIAN AND PATRICIA AVANESSIAN TRUST U/A/D DECEMBER 21, 1992; JOSEPH VENOSA AND JOY NEOMI VENOSA REVOCABLE TRUST DATED NOVEMBER 1, 1996 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8676 and 8678 Brockway Vista Avenue, near Kings Beach, Placer County; for an existing joint-use pier, two boat lifts, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 5022.1; RA# 17714) (A 1; S 1) (Staff: S. Kreutzburg)

C11 BASSETTS TAHOE TOMATO, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2710 West Lake Boulevard, near Tahoe City, Placer County; for an existing mooring buoy. CEQA Consideration: categorical exemption. (PRC 7557.1; RA# 18414) (A 1; S 1) (Staff: S. Kreutzburg)

I N D E X C O N T I N U E D

PAGE

- C12 CARL BEST, TRUSTEE OF THE WHITNEY BEST TRUST
 CREATED UNDER THE SHELBY E. BEST REVOCABLE TRUST
 DATED AUGUST 25, 1998; SCOTT BEST, WHITNEY BEST,
 AND TRACY DEMETRE (APPLICANT): Consider an
 application for a General Lease - Recreational
 Use, of sovereign land located in Lake Tahoe,
 adjacent to 3580 West Lake Boulevard, near
 Homewood, Placer County; for two existing mooring
 buoys. CEQA Consideration: categorical exemption.
 (PRC 7877.1; RA# 23214) (A 1; S 1)
 (Staff: S. Kreutzburg)
- C13 CHARLES LOUIS BROCHARD AND CANDACE LEE BROCHARD,
 CO-TRUSTEES OF THE BROCHARD FAMILY TRUST DATED
 MAY 16, 1996; VICTOR A. BROCHARD AND BARBARA A.
 BROCHARD, TRUSTEES, OF THE VICTOR A. G. AND
 BARBARA BROCHARD FAMILY TRUST U/A DATED DECEMBER
 22, 1992; DAVID R. CARTA AND CHRISTINE A. CARTA,
 TRUSTEES OF THE DAVID R. CARTA AND CHRISTINE A.
 CARTA REVOCABLE TRUST, DATED OCTOBER 11, 2010;
 PHILIP T. BROCHARD AND SARAH A. ONETO, AS
 TRUSTEES OF THE PHILIP T. BROCHARD AND SARAH A.
 ONETO 2013 REVOCABLE TRUST; COLIN B. BROCHARD;
 AND VICTOR NMN BROCHARD (APPLICANT): Consider
 application for a General Lease - Recreational
 Use, of sovereign land located in Lake Tahoe,
 adjacent to 6740 West Lake Boulevard, near
 Tahoma, Placer County; for an existing pier and
 one mooring buoy. CEQA Consideration: categorical
 exemption. (PRC 4473.1; RA# 20114)
 (A 1; S 1) (Staff: S. Kreutzburg)
- C14 DAVID PUTNAM, TRUSTEE OF THE MARTIN AND ANNE
 PUTNAM 2010 IRREVOCABLE TRUST DATED DECEMBER 10,
 2010 (APPLICANT): Consider application for a
 General Lease - Recreational Use, of sovereign
 land located in Lake Tahoe, adjacent to 5240
 North Lake Boulevard, near Tahoe City, Placer
 County; for an existing freshwater intake
 pipeline previously authorized by the Commission
 and construction of a pier not previously
 authorized by the Commission. CEQA Consideration:
 categorical exemption. (W 26816; RA# 15614)
 (A 1; S 1)(Staff: S. Kreutzburg)

I N D E X C O N T I N U E D

PAGE

- C15 DAVID PUTNAM, TRUSTEE OF THE MARTIN AND ANNE PUTNAM 2010 IRREVOCABLE TRUST DATED DECEMBER 10, 2010 (LESSEE): Consider acceptance of a Quitclaim Deed for Lease No. PRC 3545.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 5244 and 5248 North Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys, one freshwater intake pipeline, and reconstruction of a pier. CEQA Consideration: quitclaim - not a project; lease - categorical exemption. (PRC 3545.1; RA# 15214) (A 1; S 1) (Staff: S. Kreutzburg)
- C16 JAMES F. BAGAN AND MEREDITH H. BAGAN (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4762 North Lake Boulevard, near Carnelian Bay, Placer County; for one existing mooring buoy previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5074.1; RA# 25314) (A 1; S 1) (Staff: S. Kreutzburg)
- C17 JAROSLAW GLEMOCKI, OR HIS SUCCESSOR(S), TRUSTEE UNDER REVOCABLE TRUST AGREEMENT DATED AUGUST 24, 2001, AS AMENDED (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5070 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26828;RA# 19814) (A 1; S 1) (Staff: S. Kreutzburg)
- C18 JON K. FOLAN AND GAIL L. FOLAN, CO-TRUSTEES OR SUCCESSOR TRUSTEES OF THE FOLAN FAMILY 1991 REVOCABLE TRUST, DATED MAY 7, 1991 (LESSEE); ROBERT SOLOMON AND JESSICA SOLOMON, CO-TRUSTEES OF THE SOLOMON REVOCABLE TRUST U/A/D AUGUST 3, 2011 (APPLICANT): Consider acceptance of a Quitclaim Deed for Lease No. PRC 5125.1, a

I N D E X C O N T I N U E D

PAGE

General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2570 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: quitclaim - not a project; lease - categorical exemption. (PRC 5125.1; RA# 24114) (A 1; S 1) (Staff: S. Kreutzburg)

C19 KEVIN DOUGLAS AND MICHELLE DOUGLAS, CO-TRUSTEES OF THE K&M DOUGLAS TRUST (LESSEE): Consider revision of rent to Lease No. PRC 4250.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2380 Sunnyside Lane, near Sunnyside, Placer County; for an existing pier, boat lift, adjustable catwalk, one mooring buoy, and one swim float. CEQA Consideration: not a project. (PRC 4250.1) (A 1; S 1) (Staff: S. Kreutzburg)

C20 KRISTINA LESSING HOMER, AS TRUSTEE OF THE MICHAEL JAMES HOMER QTIP TRUST NO. 2 UTD DATED DECEMBER 6, 1999, AS AMENDED (LESSEE); JOHN O. RYAN AND PAULINE E. RYAN, TRUSTEES OF THE JOHN AND PAULINE RYAN TRUST DATED JANUARY 22, 1992 (APPLICANT): Consider acceptance of a Quitclaim Deed for Lease No. PRC 5623.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8833 Rubicon Drive, near Rubicon Bay, El Dorado County; for an existing pier, boathouse with boat lift, and two mooring buoys. CEQA Consideration: quitclaim - not a project; lease - categorical exemption. (PRC 5623.1; RA# 11014) (A 5; S 1) (Staff: S. Kreutzburg)

C21 LAKESIDE TERRACE HOMEOWNERS ASSOCIATION; TIMBERLAKE HOMEOWNERS ASSOCIATION (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1380 and 1400 North Lake Boulevard, near Tahoe City, Placer County; for an existing joint-use pier, 13 mooring buoys, and two marker buoys. CEQA Consideration: categorical

I N D E X C O N T I N U E D

PAGE

- exemption. (PRC 8570.1; RA# 04814) (A 1; S 1)
(Staff: S. Kreutzburg)
- C22 MICK VORBECK (ASSIGNOR); JONATHAN D. RUGGIERO AND LAURIE L. RUGGIERO, AS TRUSTEES OF THE RUGGIERO TRUST DATED 4/1/2013 (ASSIGNEE): Consider application for the assignment of Lease No. PRC 5529.9, a Recreational Pier Lease, of sovereign land located in Lake Tahoe, adjacent to 3135 and 3145 West Lake Boulevard, near Tahoe City, Placer County; for an existing joint-use pier and four mooring buoys. CEQA Consideration: not a project. (PRC 5529.9; RA# 18714) (A 1; S 1)
(Staff: S. Kreutzburg)
- C23 RANDOLPH K. YACKZAN AND LYNNE U. YACKZAN, TRUSTEES OF THE YACKZAN FAMILY REVOCABLE TRUST DATED OCTOBER 15, 1997; AND UNGER ENTERPRISES LP, A CALIFORNIA LIMITED PARTNERSHIP (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 5267.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Number 092-180-008, near Carnelian Bay, Placer County; for an existing pier and open-sided boathouse with boat hoist. CEQA Consideration: not projects. (PRC 5267.1) (A 1; S 1)
(Staff: S. Kreutzburg)
- C24 RICHARD J. FERRIS, TRUSTEE OF THE RICHARD J. FERRIS CALIFORNIA QUALIFIED PERSONAL RESIDENCE TRUST DATED JULY 30, 2011, AND KELSEY K. FERRIS, TRUSTEE OF THE KELSEY K. FERRIS CALIFORNIA QUALIFIED PERSONAL RESIDENCE TRUST, DATED JULY 30, 2011 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3400 and 3410 Edgewater Drive, near Tahoe City, Placer County; for an existing pier, boat lift, adjustable platform, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4860.1; RA# 08114) (A 1; S 1)
(Staff: S. Kreutzburg)

I N D E X C O N T I N U E D

PAGE

- C25 WILLIAM E. DOYLE AND MARION J. DOYLE FAMILY LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land, located in Donner Lake, adjacent to 13880 South Shore Drive, near the town of Truckee, Nevada County; for an existing fixed pier and floating boat dock. CEQA Consideration: categorical exemption. (PRC 7805.1; RA# 14714)(A 1; S 1) (Staff: S. Kreutzburg)
- C26 CITY OF PETALUMA (LESSEE): Consider revision of rent to Lease No. PRC 7235.1, a General Lease - Public Agency Use, of sovereign land located in the Petaluma River, adjacent to Assessor's Parcel Number 005-060-59, city of Petaluma, Sonoma County; for a commercial marina and maintenance dredging. CEQA Consideration: not a project. (PRC 7235.1) (A 10; S 3) (Staff: M. Schroeder)
- C27 EVELYN H. HYATT, TRUSTEE OF THE ALBERT M. HYATT CREDIT SHELTER TRUST DATED JULY 10, 1997 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8415 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier and one mooring buoy previously authorized by the Commission; and an existing boat hoist not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5787.1; RA# 18114) (A 5; S 1) (Staff: M. Schroeder)
- C28 JACKSON STORER ENTERPRISES, L.P., A CALIFORNIA LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8365 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7827.1; RA# 17014) (A 5; S 1) (Staff: M. Schroeder)

I N D E X C O N T I N U E D

PAGE

- C29 JOHN D. BRADY, TRUSTEE OF THE JOHN D. AND JUDY V. BRADY 1980 REVOCABLE LIVING TRUST AS AMENDED AND RESTATED DECEMBER 13, 1990 (LESSEE): Consider amendment and revision of rent to Lease No. PRC 5405.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Number 092-180-008, near Carnelian Bay; Placer County; for a pier and boat lift. CEQA Consideration: not projects. (PRC 5405.1) (A 1; S 1) (Staff: M. Schroeder)
- C30 JOSEPH AND JOYCE LANZA (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 120 Sierra Terrace Road, Tahoe City, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 3623.1;RA# 05014) (A 1; S 1) (Staff: M. Schroeder)
- C31 NASUS PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP (LESSEE): Consider amendment and revision of rent to Lease No. PRC 2289.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3650 North Lake Boulevard, near Kings Beach; Placer County; for an existing open-pile pier, a rock crib pier with breakwater, two seasonal floating boat docks, and one mooring buoy. CEQA Consideration: not projects. (PRC 2289.1) (A 1; S 1)(Staff: M. Schroeder)
- C32 PACIFIC REALTY ASSOCIATES, L.P., A DELAWARE LIMITED PARTNERSHIP DBA M&T CHICO RANCH (APPLICANT): Consider application for a General Lease - Dredging and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to Assessor's Parcel Numbers 039-530-018, 032-330-006, and 032-330-008 at the confluence of Big Chico Creek and the Sacramento River, city of Chico, Butte and Glenn counties; for dredging and bank protection. CEQA Consideration: Dredging ;V Mitigated Negative Declaration, adopted by the California Department of Fish and Wildlife, State Clearinghouse No. 2012092050, and adoption of a Mitigation

I N D E X C O N T I N U E D

PAGE

Monitoring Program; bank protection - categorical exemption. (W 26704; RA# 02413) (A 3; S 4)
(Staff: M. Schroeder)

- C33 SHIRLEE M. QUEIROLO, TRUSTEE OF THE QUEIROLO FAMILY TRUST U/T/D MARCH 8, 1993; AND SHIRLEE M. QUEIROLO, TRUSTEE OF THE QUEIROLO FAMILY MARITAL DEDUCTION TRUST DATED MARCH 14, 2000 (LESSEE); SECOND MANASSAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 5281.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 833 Stateline Avenue, city of South Lake Tahoe, El Dorado County; for an existing pier and one mooring buoy. CEQA Consideration: quitclaim - not a project; lease - categorical exemption.(PRC 5281.1; RA# 11914) (A 5; S 1)
(Staff: M. Schroeder)
- C34 TAHOE TAVERN PROPERTY OWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 300 West Lake Boulevard, Tahoe City, Placer County; for an existing pier, 64 mooring buoys, relocation of 26 mooring buoys and four marker buoys. CEQA Consideration: categorical exemption. (PRC 5956.1; RA# 10414)(A 1; S 1)
(Staff: M. Schroeder)
- C35 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider authorizing staff to file a Record of Survey for State of California owned property, located at 3339 Lake Tahoe Boulevard, in the city of South Lake Tahoe, El Dorado County. CEQA Consideration: not a project. (PRC 9286.9) (A 5; S 1) (Staff: B. Terry, J. Porter)
- C36 CHAMBERS LANDING NO. II HOMEOWNERS ASSOCIATION (LESSEE): Consider application for an amendment to Lease No. PRC 3044.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6400 and 6500 West Lake Boulevard, near Homewood, Placer County; to

I N D E X C O N T I N U E D

PAGE

- relocate existing mooring buoys. CEQA
Consideration: categorical exemption. (PRC
3044.1;RA# 21014) (A 1; S 1) (Staff: B. Terry)
- C37 OBEXER AND SON, INC. (LESSEE): Consider revision
of rent to Lease No. PRC 653.1, a General Lease
- Commercial Use, of sovereign land located in
Lake Tahoe, adjacent to 5340 West Lake Boulevard,
near Homewood, Placer County, for an existing
commercial marina, consisting of 25 boat slips,
15 mooring buoys, and two fuel pumps, including
ancillary services and maintenance dredging. CEQA
Consideration: not a project. (PRC 653.1)
(A 1; S 1) (Staff: B. Terry)
- C38 RICHARD R. TOMLINSON AND SANDY L. TOMLINSON,
TRUSTEES OF THE TOMLINSON FAMILY TRUST DATED
MARCH 7, 1995 (LESSEE); TAHOE ALPINE PARTNERS,
LLC (APPLICANT): Consider termination of Lease
No. PRC 8445.1, a General Lease - Recreational
Use; and an 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. CEQA Consideration: termination - not a
project; lease - categorical exemption.
(PRC 8445.1; RA# 17314) (A 1; S 1)
(Staff: B. Terry)
- C39 STAR HARBOR ASSOCIATION (LESSEE): Consider an
amendment to Lease No. PRC 4694.1, a General
Lease - Recreational Use, of sovereign land
located in Lake Tahoe, adjacent to 2350 Star
Harbor Court, near Tahoe City, Placer County; to
include maintenance dredging and revision of
rent. CEQA Consideration: categorical exemption.
(PRC 4694.1; RA# 19914) (A 1; S 1)
(Staff: B. Terry)
- C40 TAVERN SHORES ASSOCIATION (LESSEE): Consider
application for an amendment to Lease No. PRC
4015.1, a General Lease - Recreational Use, of
sovereign land located in Lake Tahoe, adjacent to
180 West Lake Boulevard, near Tahoe City, Placer
County; to relocate existing mooring buoys. CEQA
Consideration: categorical exemption. (PRC
4015.1; RA# 12514) (A 1; S 1)(Staff: B. Terry)

I N D E X C O N T I N U E D

PAGE

- C41 VIRGINIA FEUCHTER, TRUSTEE OF THE RESIDUAL TRUST CREATED UNDER THE ROBERT FEUCHTER AND VIRGINIA FEUCHTER FAMILY TRUST DATED DECEMBER 11, 1991; AND VIRGINIA FEUCHTER, TRUSTEE OF THE SURVIVOR'S TRUST CREATED UNDER THE ROBERT FEUCHTER AND VIRGINIA FEUCHTER FAMILY TRUST DATED DECEMBER 11, 1991 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 672 Olympic Drive, Tahoe City, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26123; RA# 11405) (A 1; S 1) (Staff: B. Terry)
- C42 WALSH FAMILY LLC, DBA NORTH TAHOE MARINA (LESSEE): Consider revision of rent to Lease No. PRC 5856.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 7360 North Lake Boulevard, Tahoe Vista, Placer County; for a commercial marina facility with fueling facility, pump out station, boat ramp, 30 boat slips, 48 mooring buoys, and two marker buoys. CEQA Consideration: not a project. (PRC 5856.1) (A 1; S 1) (Staff: B. Terry)
- C43 WILLIAM J. MONTY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 668 Olympic Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8270.1; RA# 30311) (A 1; S 1) (Staff: B. Terry)

BAY/DELTA REGION

- C44 JOHN J. CORCORAN, III, TRUSTEE OF THE JOHN J. CORCORAN, III FAMILY TRUST (TRUST A) CREATED DECEMBER 16, 2012 UDT DATED JUNE 15, 2004 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 7651 Garden Highway, near the city of Sacramento, Sacramento County; for an existing single-berth floating boat dock with

I N D E X C O N T I N U E D

PAGE

removable tarpaulin cover, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 6884.1; RA# 10714) (A 7; S 6) (Staff: G. Asimakopoulos)

- C45 PORT OF STOCKTON (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the San Joaquin River, adjacent to Assessor's Parcel Numbers 145-020-15, 145-020-19, and 162-030-07, on Rough and Ready Island, near the city of Stockton, San Joaquin County; for the removal of an existing two-lane bridge, and the construction, use, and maintenance of two temporary trestle bridges and a new four-lane removable span bridge. CEQA Consideration: Mitigated Negative Declaration, adopted by the Port of Stockton, State Clearinghouse No. 2013042040, and adoption of a Mitigation Monitoring Program. (W 26823; RA# 19014) (A 13; S 5) (Staff: G. Asimakopoulos)
- C46 CARLO GUIDI (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located on the Sacramento River, adjacent to 195 Edgewater Drive, near Rio Vista, Solano County; for an existing deck, stairs, uncovered floating boat dock, appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26845; RA# 25014) (A 11; S 3) (Staff: V. Caldwell)
- C47 CITY OF LARKSPUR (APPLICANT): Consider acceptance of a Right-of-Way Easement Quitclaim Deed for Lease No. 1977.9; and an application for a General Lease - Public Agency Use, of sovereign land located in Corte Madera Creek, adjacent to Bon Air Road, Marin County; for the demolition and removal of an existing bridge, relocation of existing utilities, and the construction of cofferdams, two temporary trestle bridges, and a new bridge. CEQA Consideration: Mitigated Negative Declaration (MND) and an Addendum to the MND, adopted by the City of Larkspur Public Works

I N D E X C O N T I N U E D

PAGE

Department, State Clearinghouse No. 2012052052, and adoption of a Mitigation Monitoring Program. (PRC 1977.9; RA# 26214) (A 10; S 2)(Staff: V. Caldwell)

- C48 KEY LEASE CORPORATION INC. (LESSEE): Consider revision of rent to Lease No. PRC 2409.1, a General Lease - Commercial Use, of sovereign land located in the San Joaquin River, adjacent to 841 W. Brannan Island Road, near the city of Isleton, Sacramento County; for an existing commercial marina. CEQA Consideration: not a project. (PRC 2409.1) (A 11; S 3) (Staff: V. Caldwell)
- C49 LAWRENCE K. KARLTON AND SUE KARLTON (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to Sacramento County Assessor's Parcel Number 201-0260-037, near the city of Sacramento, Sacramento County for an existing uncovered floating boat dock, appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26824; RA# 19214) (A 7; S 6) (Staff: V. Caldwell)
- C50 LEE A. STEARN (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2611 Garden Highway, near the city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26770; RA# 25813) (A 7; S 6) (Staff: V. Caldwell)

67

I N D E X C O N T I N U E D

PAGE

- C51 LEONA H. PEDERSEN, AS TRUSTEE OF THE LORENZE W. AND LEONA H. PEDERSEN TRUST DATED JULY 12, 2007 (APPLICANT): Consider application for a General Lease - Other, of filled and unfilled sovereign land located on the Petaluma River, adjacent to 136 Harbor drive, near the city of Novato, Marin County, for an existing uncovered floating boat dock, walkway, shed, and stationary ark previously authorized by the Commission; and existing fill not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5083.1; RA# 25610) (A 10; S 2) (Staff: V. Caldwell)
- C52 MAX OLAF SCHENK, SUCCESSOR TRUSTEE OF THE ETHEL S. SCHENK FAMILY TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3411 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County; for an existing deck, uncovered floating boat dock, ramp, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26833; RA# 21814) (A 11; S 3) (Staff: V. Caldwell)
- C53 PATRICK STEPHEN TULLY AND WENDY MAE TULLY (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3067 Garden Highway, near the city of Sacramento, Sacramento County for an existing uncovered single-berth floating boat dock, four steel pilings, gangway, and bank protection previously authorized by the Commission; boat lift, electric utility outlet, and double jet-ski float not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 8545.1; RA# 19414) (A 7; S 6) (Staff: V. Caldwell)

I N D E X C O N T I N U E D

PAGE

- C54 RICHARD W. LAVEZZO AND ANGELA M. LAVEZZO, TRUSTEES OF THE LAVEZZO FAMILY LIVING TRUST DATED MAY 27, 2000 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2251 Garden Highway, near the city of Sacramento, Sacramento County; for an existing uncovered single-berth floating boat dock, appurtenant facilities, and bank protection previously authorized by the Commission; and electric and water utility outlet not previously authorized by the Commission. CEQA Consideration: categorical exemption.(PRC 5581.1; RA# 19614) (A 7; S 6) (Staff: V. Caldwell)
- C55 ROBERT SPINARDI AND DEBRA SPINARDI (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located on the Sacramento River, adjacent to 225 Edgewater Drive, Rio Vista, Solano County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26844; RA# 24414) (A 11; S 3) (Staff: V. Caldwell)
- C56 SAN FRANCISCO SAILING WHALEBOAT ASSOCIATION, INC. (LESSEE):Consider revision of rent to Lease No. PRC 5437.1, a General Lease - Recreational Use, of sovereign land located in White Slough at Empire Tract, adjacent to Assessor's Parcel Number 069-080-15, near the city of Stockton, San Joaquin County; for two existing wood pilings and a walkway. CEQA Consideration: not a project. (PRC 5437.1) (A 10; S 5) (Staff: V. Caldwell)
- C57 STEPHEN P. WOMBACHER AND TONYA D. SHY-WOMBACHER (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to Solano County Assessor's Parcel No. 0177-070-020 and 3466 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County; for an existing single-berth boathouse and walkway previously authorized by the

I N D E X C O N T I N U E D

PAGE

Commission; and an existing uncovered floating boat dock, appurtenant facilities, and bulkhead not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5954.1; RA# 21414) (A 11; S 3) (Staff: V. Caldwell)

C58 STUART SEIFF AND MARILOU S. SEIFF (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located on the Sacramento River, adjacent to 155 Edgewater Drive, Rio Vista, Solano County; for an existing uncovered floating boat dock, walkway, and gangway previously authorized by the Commission; two wood pilings, concrete landing, stairs, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 6074.1; RA# 22314) (A 11; S 3) (Staff: V. Caldwell)

C59 THOMAS LIEBNER, AS TRUSTEE OF TRUST "A" CREATED UNDER THE LIEBNER TRUST DATED JUNE 19, 1999 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to Solano County Assessor's Parcel No. 0177-070-020 and 3464 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County for an existing single-berth boathouse and walkway previously authorized by the Commission; and an existing uncovered floating boat dock, appurtenant facilities, and bulkhead not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 7785.1; RA# 25514) (A 11; S 3) (Staff: V. Caldwell)

C60 WALTER KINNEY (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2589 Garden Highway, near the city of Sacramento, Sacramento County; for an existing uncovered single-berth floating boat dock, appurtenant facilities, and bank protection previously

I N D E X C O N T I N U E D

PAGE

authorized by the Commission; boat lift, electric utility outlet, and debris diverter not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 6880.1; RA# 24014) (A 7; S 6) (Staff: V. Caldwell)

- C61 CITY OF WATERFORD (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Tuolumne River at River Park, city of Waterford, Stanislaus County; for the construction, use, and maintenance of a boat launch ramp. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Waterford, State Clearinghouse No. 2013082058, and adoption of a Mitigation Monitoring Program. (W 26805; RA# 12014) (A 12; S 14)(Staff: A. Franzoia)
- C62 RAMOS OIL CO., INC. (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 14976 Hwy. 160, Isleton, Sacramento County; for an office, partial warehouse, wharf, two 9-pile dolphins, and two steel pilings. CEQA Consideration: categorical exemption. (PRC 5072.1; RA# 13614) (A 11; S 3) (Staff: A. Franzoia)
- C63 MODESTO IRRIGATION DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use of sovereign lands, located in the Stanislaus River, adjacent to 8124 McHenry Ave., near the city of Modesto, Stanislaus and San Joaquin Counties; for the relocation of overhead transmission lines not previously authorized by the Commission. CEQA Consideration: Mitigated Negative Declaration adopted by the San Joaquin County Department of Public Works, State Clearinghouse No. 2013032028, and adoption of a Mitigation Monitoring Program. (W 26847; RA# 26714) (A 21; S 5) (Staff: W. Hall)
- C64 UNITED STATES FISH AND WILDLIFE SERVICE (APPLICANT): Consider an amendment of Lease No. PRC 8993.9, a General Lease - Public Agency Use, of sovereign land located in the Napa River and

I N D E X C O N T I N U E D

PAGE

Dutchman Slough, near Vallejo, Solano County; to extend the deadline to complete the construction of a new temporary sediment offloading facility and pipeline. CEQA Consideration: Environmental Impact Report/Statement certified by the California Department of Fish and Wildlife and the United States Fish and Wildlife Service, State Clearinghouse No. 2007092004, and the addendum prepared by the Commission. (PRC 8993.9; RA# 23414) (A 7; S 2)
(Staff: W. Hall)

- C65 KATHERINE G. DANA OSTERLOH (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 12916 Sir Francis Drake Boulevard, near Inverness, Marin County; for an existing pier. CEQA Consideration: categorical exemption. (PRC 8483.1; RA# 21213) (A 10; S 2)
(Staff: J. Sampson)
- C66 LYNN C. WHITE (LESSEE): Consider revision of rent to Lease No. PRC 3679.1, a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 37 Havenwood Road, Novato, Marin County; for an existing pier, floating boat dock, boathouse, storage unit, ramp, and two pilings. CEQA Consideration: not a project. (PRC 3679.1) (A 10; S 2)
(Staff: J. Sampson)
- C67 RANCHO MURIETA COMMUNITY SERVICES DISTRICT (LESSEE): Consider a revision of rent to Lease No. PRC 7429.1, a General Lease - Right-of-Way Use, of sovereign land located in the Cosumnes River, downstream of the Granlees 451 Dam, near the city of Rancho Murieta, Sacramento County; for an existing 42-inch diameter case with a 20-inch diameter water line. CEQA Consideration: not a project. (PRC 7429.1) (A 8; S 8)
(Staff: J. Sampson)
- C68 RAYMOND D. HAYWOOD, JR. AND KIMBERLY D. HAYWOOD (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to

I N D E X C O N T I N U E D

PAGE

6837 Garden Highway, near the city of Sacramento, Sacramento County; for a floating boat dock with boat lift, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8516.1; RA# 19514) (A 7; S 6) (Staff: J. Sampson)

- C69 SAN JOAQUIN DELTA POWER SQUADRON (LESSEE): Consider a revision of rent to Lease No. PRC 5212.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the San Joaquin River, adjacent to Headreach Island, near the city of Stockton, San Joaquin County; for an existing floating boat dock, appurtenant facilities, one concrete pad with a wooden platform and a patio roof, one concrete pad with barbeque grills, three-speed control signs, and a retaining wall. CEQA Consideration: not a project. (PRC 5212.1) (A 13; S 5) (Staff: J. Sampson)
- C70 SHANGYI CHEN (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 6797.9, a Recreational Pier Lease, and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 7911 Garden Highway, near the city of Sacramento, Sacramento County; for a floating boat dock, cable anchors, and gangway previously authorized by the Commission, and an unattached piling and bank protection not previously authorized by the Commission. CEQA Consideration: quitclaim - not a project; lease - categorical exemption. (PRC 6797.1; RA# 26413) (A 7; S 6)(Staff: J. Sampson)
- C71 SONOMA-MARIN AREA RAIL TRANSIT DISTRICT (LESSEE): Consider acceptance of a quitclaim deed for Lease No. PRC 9030.9, a General Lease - Public Agency Use, of sovereign land located in the Petaluma River, near Black Point, near the city of Novato, Marin County. CEQA Consideration: not a project. (PRC 9030.9) (A 10, S 2) (Staff: J. Sampson)

I N D E X C O N T I N U E D

PAGE

- C72 SUNHILL INVESTMENTS, LTD (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Corte Madera Creak, adjacent to 535 Larkspur Plaza Drive, Larkspur, Marin County; for an existing floating boat dock, appurtenant facilities, and bulkhead. CEQA Consideration: categorical exemption. (PRC 5695.1; RA# 35512) (A 10; S 2)(Staff: J. Sampson)
- C73 THOMAS JEFFERY HIGHTOWER AND VICKI MCLEAN HIGHTOWER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Calaveras River, adjacent to 2915 Calariva Drive, Stockton, San Joaquin County; for an existing covered single berth floating boat dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7735.1; RA# 21714) (A 13; S 5) (Staff: J. Sampson)
- C74 THOMAS SANDER AND NANCY R. SANDER (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 14486 State Route 160, near Walnut Grove, Sacramento County; for an existing covered single-berth floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8350.1; RA# 04309) (A 11; S 3) (Staff: J. Sampson)

CENTRAL/SOUTHERN REGION

- C75 JESSE A. BERBER AND ELIZABETH A. BERBER, AS TRUSTEES OR ANY SUCCESSOR TRUSTEE OF THE JESSE A. BERBER AND ELIZABETH A. BERBER FAMILY TRUST DATED JULY 6, 2001 (LESSEE): Consider application for an amendment to Lease No. PRC 9282.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1138 Beach Drive, city of Needles, San Bernardino County; to amend the authorized improvements to include an aluminum gangway with railing and floating boat dock. CEQA

I N D E X C O N T I N U E D

PAGE

Consideration: categorical exemption. (PRC 9282.1; RA# 03714)(A 33; S 18)
(Staff: R. Collins)

- C76 JOHN ANTHONY TESORIERO AND KIMBERLY JOAN TESORIERO, TRUSTEES OF THE JOHN AND KIMBERLY TESORIERO FAMILY TRUST (LESSEE): Consider an amendment to Lease No. PRC 8996.9, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1134 Beach Drive, City of Needles, San Bernardino County; to amend the authorized improvements to include an aluminum stairway, walkway, and gangway with railing, and floating boat dock. CEQA Consideration: statutory exemption. (PRC 8996.9; RA# 16213) (A 33; S 16) (Staff: R. Collins) 72
- C77 KAMI M. ERICKSON AND MICHAEL R. CARTER (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1206 Beach Drive, city of Needles, San Bernardino County; for use and maintenance of an existing concrete patio, landing, and stairway, and riprap bankline not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26798; RA# 08614) (A 33; S 16) (Staff: R. Collins)
- C78 UNITED STATES BUREAU OF RECLAMATION (APPLICANT): Consider rescission of a General Lease - Public Agency Use, Lease No. PRC 9280.9, and an application for a General Lease - Public Agency Use, of sovereign land at eight locations in the San Joaquin River, Fresno and Madera Counties; for the temporary placement of fish collection structures. CEQA Consideration: rescission - not a project; lease - Environmental Assessment/Finding of No Significant Impact as a CEQA-equivalent document. (PRC 9280.9; RA# 18213) (A 5, 23, 31; S 12, 14) (Staff: R. Collins)

I N D E X C O N T I N U E D

PAGE

- C79 VINCENT COBURN AND SUSAN COBURN (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1198 Beach Drive, city of Needles, San Bernardino County; for use and maintenance of an existing concrete patio with aluminum railing and a fire pit, concrete stairway with aluminum railing and electrical lighting appurtenances, two planter areas with stacked concrete block retaining walls and electrical lighting appurtenances, and riprap bankline not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26826;RA# 19714) (A 33; S 16) (Staff: R. Collins)
- C80 MARTIN RESORTS, INC. (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean adjacent to 2411, 2555, 2575, and 2651 Price Street, in the city of Pismo Beach, San Luis Obispo County; for existing shoreline protective structures, portions of a retaining wall, and sand fill. CEQA Consideration: categorical exemption. (PRC 4698.1;RA# 03612) (A 35; S 17) (Staff: K. Foster)
- C81 VENOCO, INC. AND EXXONMOBIL PRODUCTION COMPANY (APPLICANT): Consider application for a General Lease - Industrial Use, of sovereign land located in the Pacific Ocean, near the city of Goleta, Santa Barbara County; for an existing fixed industrial pier. CEQA Consideration: categorical exemption. (PRC 5515.1; RA# 26913) (A 37; S 19) (Staff: K. Foster)
- C82 PORTOFINO COVE YACHT ASSOCIATION (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Main and Bolsa Chica Channels of Huntington Harbour, adjacent to 16291 Countess Drive, Huntington Beach, Orange County; for the continued use and maintenance of an existing 47-slip marina previously authorized by the Commission; and use and maintenance of gangways, walkways, pilings, a protected eel grass bed, an emergency mooring

I N D E X C O N T I N U E D

PAGE

line, and maintenance dredging not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 7304.1; RA# 14614) (A 72; S 34)(Staff: A. Franzoia)

- C83 ANN W. BAKER, TRUSTEE OF THE BAKER TRUST DATED 09/2/1987 (LESSEE): Consider revision of rent to Lease No. PRC 8183.1, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean below 219 Pacific Avenue, city of Solana Beach, San Diego County; for the retention, use, and maintenance of an existing sea cave/notch infill, and the construction, use, and maintenance of a portion of a new seawall. CEQA Consideration: not a project. (PRC 8183.1) (A 78; S 39) (Staff: D. Oetzel).
- C84 CHRIS JOSEPH HAMILTON AND JUDITH WREN HAMILTON, TRUSTEES OF THE HAMILTON TRUST DATED DECEMBER 5, 1995 (LESSEE): Consider revision of rent to Lease No. PRC 8821.1, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean below 407 Pacific Avenue, city of Solana Beach, San Diego County; for a seawall and sea cave/notch fill. CEQA Consideration: not a project. (PRC 8821.1) (A 78; S 39) (Staff: D. Oetzel)
- C85 CITY OF HUNTINGTON BEACH (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Huntington Harbour between Typhoon Lane and Grimaud Lane, city of Huntington Beach, Orange County; for the construction, use and maintenance of a 14-inch diameter water pipeline. CEQA Consideration: Mitigated Negative Declaration, adopted by the County of Orange, State Clearinghouse No. 2014081072, and adoption of a Mitigation Monitoring Program. (W 26799; RA# 06114) (A 72; S 34)(Staff: D. Oetzel)
- C86 COUNTY OF ORANGE (APPLICANT): Consider application for a General Lease - Dredging, of sovereign land located in Huntington Harbour, city of Huntington Beach, Orange County; for

I N D E X C O N T I N U E D

PAGE

maintenance dredging and disposal of material at the LA-2 open ocean disposal site, or an upland landfill; or reuse for habitat restoration of marsh areas within the Seal Beach National Wildlife Refuge, beach nourishment at Surfside/Sunset Beach, or eelgrass mitigation areas. CEQA Consideration: Mitigated Negative Declaration, adopted by the County of Orange, State Clearinghouse No. 2014081072, and adoption of a Mitigation Monitoring Program. (W 26791; RA# 10114) (A 72; S 34) (Staff: D. Oetzel)

C87 GARY GARBER AND DIANE GARBER (LESSEE): Consider revision of rent to Lease No. PRC 8188.1, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean below 231 Pacific Avenue, city of Solana Beach, San Diego County; an existing sea cave/notch infill, and seawall. CEQA Consideration: not a project. (PRC 8188.1) (A 78; S 39) (Staff: D. Oetzel)

C88 IRENE COOPER (LESSEE): Consider revision of rent to Lease No. PRC 3247.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 3522 Gilbert Drive, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3247.1) (A 72; S 34) (Staff: D. Oetzel)

C89 JOHN PERELL AND KIMBERLY PERELL (LESSEE): Consider revision of rent to Lease No. PRC 8186.1, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean below 215 Pacific Avenue, city of Solana Beach, San Diego County; for an existing sea cave/notch infill and seawall. CEQA Consideration: not a project. (PRC 8186.1) (A 78; S 39) (Staff: D. Oetzel)

C90 MARK L. BARR AND FELICIA A. SCHENKEL (LESSEE): Consider revision of rent to Lease No. PRC 8187.1, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean below 225 Pacific Avenue, city of Solana

I N D E X C O N T I N U E D

PAGE

Beach, San Diego County; for an existing sea cave/notch infill and seawall. CEQA Consideration: not a project. (PRC 8187.1) (A 78; S 39) (Staff: D. Oetzel)

- C91 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 8877.1, a General Lease - Right-of-Way Use, of sovereign land located in the bed of the Kings River, city of Reedley, Fresno County; for an existing 12kV overhead distribution line; and the reconstruction, use and maintenance of an existing 70kV overhead transmission line to a 115kV overhead transmission line. CEQA Consideration: not a project. (PRC 8877.1) (A 31; S 14) (Staff: D. Oetzel)
- C92 CALIFORNIA GAS GATHERING, INC. (LESSEE): Consider revision of rent to Lease No. PRC 7410.1, a General Lease - Right-of-Way Use, of sovereign land in the bed of the San Joaquin River, near Mendota, Fresno and Madera counties; for an existing 6-inch diameter natural gas pipeline. CEQA Consideration: not a project. (PRC 7410.1) (A 31; S 12) (Staff: D. Simpkin)
- C93 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION (PARTIES): Consider acceptance of one offer to dedicate lateral public access easement over land adjacent to State tidelands in the city of Malibu, 33524 Pacific Coast Highway, Los Angeles County. CEQA Consideration: not a project. (W 24665) (A 50; S 27) (Staff: D. Simpkin)
- C94 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION (PARTIES): Consider acceptance of one offer to dedicate lateral public access easement over land adjacent to State tidelands in the city of Malibu, 19824 Pacific Coast Highway, Los Angeles County. CEQA Consideration: not a project. (W 24665) (A 50; S 27) (Staff: D. Simpkin)

I N D E X C O N T I N U E D

PAGE

- C95 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) (LESSEE): Consider application for an amendment to Lease No. PRC 9193.9, a General Lease - Public Agency Use, for sovereign land located in the dry lake bed, Owens Lake, Inyo County; to authorize the continued use and maintenance of four piezometers. CEQA Consideration: categorical exemption. (PRC 9193.9;RA# 20213) (A 26; S 8) (Staff: D. Simpkin)
- C96 JOHN HUNTER (APPLICANT): Consider application for a General Lease - Grazing Use, of sovereign land located in the dry lake bed, Owens Lake, Inyo County; for livestock grazing. CEQA Consideration: categorical exemption. (W 26839; RA# 22814) (A 26; S 8) (Staff: D. Simpkin)
- C97 JOHN HUNTER (APPLICANT): Consider application for a General Lease - Grazing Use, of State school lieu lands located in portions of Section 19 and 30, Township 17 South, Range 37 East, MDM, Section 7, Township 18 South, Range 37 East, and Section 6, Township 18 South, Range 37 East, MDM, Owens Lake, Inyo County; for livestock grazing. CEQA Consideration: categorical exemption. (PRC 4565.2;RA# 22814) (A 26; S 8) (Staff: D. Simpkin)
- C98 RICHARD G. LEWIS AND SANDRA A. LEWIS, CO-TRUSTEES OF THE LEWIS FAMILY TRUST ESTABLISHED SEPTEMBER 18, 1991 (LESSEE): Consider revision of rent to Lease No. PRC 3563.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16472 Malden Circle, City of Huntington Beach, Orange County; for a boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3563.1) (A 72; S 34) (Staff: D. Simpkin)

I N D E X C O N T I N U E D

PAGE

C99 SOUTHERN CALIFORNIA EDISON COMPANY
(APPLICANT): Consider rescission of approval
of a General Lease - Protective Structure Use
and application for a General Lease -
Protective Structure Use, of sovereign land,
located at Pebbly Beach, Santa Catalina
Island, Los Angeles County; for rock riprap
shoreline protection. CEQA Consideration:
rescission - not a project; lease -
categorical exemption. (PRC 6908.1;
RA# 03414) (A 70; S 26) (Staff: D. Simpkin)

C100 SANTA CATALINA ISLAND COMPANY
(APPLICANT/SUBLESSOR); CATALINA FREIGHT
LINE, INC. (SUBLESSEE); AVALON FREIGHT
SERVICES, LLC (SUBLESSEE): Consider
termination of Lease No. PRC 7378.1, a
General Lease - Commercial Use, and an
application for a General Lease -
commercial Use, and approval of subleases
of sovereign land located at Pebbly Beach,
Santa Catalina Island, Los Angeles County;
for an existing concrete freight barge
landing. CEQA Consideration: termination
of lease and approval of subleases - not
projects; lease - categorical exemption.
(PRC 7378.1; RA# 20914) (A 70; S 26)
(Staff: D. Simpkin)

96

C101 STEVEN M. STEWART AND GAIL L. STEWART
(APPLICANT): Consider application for a General
Lease - Grazing Use, of sovereign land located in
the dry lake bed, Owens Lake, Inyo County; for
livestock grazing. CEQA Consideration:
categorical exemption. (PRC 6753.1; RA# 22914)
(A 26; S 8) (Staff: D. Simpkin)

SCHOOL LANDS

C102 BIDWELL CATTLE COMPANY, INC. (APPLICANT):
Consider application for a General Lease -
Grazing Use, of State school land in a portion of
Section 16, Township 35 North, Range 5 East, near
Fall River Mills, Shasta County; for livestock
grazing. CEQA Consideration: categorical
exemption. (PRC 3353.2; RA# 20814)
(A 1; S 1) (Staff: C. Hudson)

I N D E X C O N T I N U E D

PAGE

C103 GEYSERS POWER COMPANY, LLC (LESSEE): Consider revision of rent to Lease No. PRC 8337.2, a General Lease - Right-of-Way Use, of State indemnity school land located in a portion of Section 33, Township 11 North, Range 8 West, MDM, near the city of Healdsburg, Sonoma County; for an existing non-potable water pipeline. CEQA Consideration: not a project. (PRC 8337.2) (A 2; S 2)(Staff: C. Hudson)

C104 GRANITE CONSTRUCTION COMPANY, LLC (LESSEE): Consider revision of rent to Lease No. PRC 8108.2, a General Lease - Right-of-Way Use, of State lieu land located in a portion of Section 28, Township 11 North, Range 12 West, SBM, near the town of Mojave, Kern County; for an existing underground water pipeline. CEQA Consideration: not a project. (PRC 8108.2) (A 36; S 16) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

C105 CITY OF LONG BEACH (APPLICANT): Consider prior approval of subsidence costs for vertical measurements and studies, 2015-2016 Fiscal Year, City of Long Beach, Los Angeles County. CEQA Consideration: categorical exemption. (W 10443) (A 70; S 33, 34) (Staff: R. B. Greenwood)

C106 MONTECITO WATER DISTRICT (APPLICANT): Consider approval of a Non-Exclusive Geophysical Survey Permit on tide and submerged lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: categorical exemption. (W 6005.151; RA# 26414) (A 37; S 19) (Staff: R. B. Greenwood, K. Keen)

C107 EGS AMERICAS, INC. (APPLICANT): Consider approval of a Non-Exclusive Geophysical Survey Permit on tide and submerged lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: Mitigated Negative Declaration, State Clearinghouse No. 2013072021, and addendum adopted by the California State Lands Commission.

I N D E X C O N T I N U E D

PAGE

(W 6005.152; RA# 26814) (A & S: Statewide)
(Staff: R. B. Greenwood)

C108 CALIFORNIA RESOURCES PRODUCTION CORPORATION
(APPLICANT): Consider acceptance of the "Lease
Quitclaim Deed for State Oil and Gas Lease,"
Negotiated Subsurface (no surface use) Oil and
Gas Lease No. PRC 8505.1, San Joaquin River, San
Joaquin County. CEQA Consideration: not a
project. (PRC 8505.1) (A 13; S 5) (Staff: N. Heda)

C109 CITY OF LONG BEACH (APPLICANT): Consideration
of the Long Beach Unit Program Plan (July 1,
2015 through June 30, 2020), and the Annual
Plan (July 1, 2015 through June 30, 2016),
Long Beach Unit, Wilmington Oil Field, Los
Angeles County. CEQA Consideration: not a
project. (W 17168) (A 70; S 33, 35)
(Staff: E. Tajer, H. Rassamdana)

124

MARINE FACILITIES - SEE ADMINISTRATION

ADMINISTRATION

C110 CALIFORNIA STATE LANDS COMMISSION: Consider
granting authority to the Executive Officer to
execute an Interagency Agreement with University
Enterprises, Inc. for information technology
services for Budget Fiscal year 2015-2016. CEQA
Consideration: not a project. (A & S: Statewide)
(Staff: C. Connor, D. Cook, A. Abeleda)

C111 CALIFORNIA STATE LANDS COMMISSION (PARTY):
Request authority for the Executive Officer to
enter into an agreement with Michigan State
University to support a study on the
identification and enumeration of viruses in
ballast water. CEQA Consideration: categorical
exemption. (W 9777.290) (A & S: Statewide)
(Staff: N. Dobroski, C. Connor)

LEGAL

C112 REDWOOD SQUARE ENTERPRISES, LLC (GRANTOR);
CALIFORNIA STATE LANDS COMMISSION (GRANTEE):
Consider acceptance of a Quitclaim Deed for a
portion of Assessor's Parcel Number 0051-010-510

I N D E X C O N T I N U E D

PAGE

consisting of approximately 1.72 acres of land located within the bed of White Slough, Solano County. CEQA Consideration: statutorily exempt. (AD 79; W 26715) (A 14; S 3) (Staff: J. Frey)

C113 JENCO FARMS, L.P. (GRANTOR); CALIFORNIA STATE LANDS COMMISSION (GRANTEE): Consider acceptance of a Quitclaim Deed to a portion of Assessor's Parcel Number 576-010-11, consisting of approximately 8.03 acres of land located within the bed of the San Joaquin River, Fresno County. CEQA Consideration: not a project. (W 26850) (A 23; S 8) (Staff: S. Haaf)

C114 CALIFORNIA STATE LANDS COMMISSION: Consider establishment of procedures for designation of an Acting Chair of the Commission. CEQA Consideration: not a project. (W 26856) (A & S: Statewide) (Staff: M. Meier)

KAPILOFF LAND BANK TRUST ACTIONS - NO ITEMS
EXTERNAL AFFAIRS
GRANTED LANDS

C115 TREASURE ISLAND DEVELOPMENT AUTHORITY AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider hazardous material remediation finding for the first closing phase as required by the Compromise Title Settlement and Land Exchange Agreement for Treasure Island and Yerba Buena Island. CEQA Consideration: not a project. (AD 599; W 25115; G11-02)(A 17; S 11) (Staff: R. Boggiano, E. Page)

LEGISLATION AND RESOLUTIONS - SEE REGULAR CALENDAR

V. INFORMATIONAL

116 CALIFORNIA STATE LANDS COMMISSION:
Multi-Year Report Update on the Biological, Physical, and Beach Monitoring for the Bolsa Chica Lowlands Restoration Project near Huntington Beach, Orange County. CEQA Consideration: not a project. (W 25306; RA# X09702) (A 72; S 34) (Staff: W. Hall, J. Trout)

I N D E X C O N T I N U E D

PAGE

- 117 CALIFORNIA STATE LANDS COMMISSION:
Legislative report providing information and
a status update concerning state and federal
legislation relevant to the California State
Lands Commission. CEQA Consideration: not a
project.(A & S: Statewide)
(Staff: S. Pemberton, M. Moser)

VI. REGULAR CALENDAR

- 118 CALIFORNIA STATE LANDS COMMISSION
(INFORMATIONAL): Informational briefing on
the statutory trust grant of state
sovereign lands to the City and County of
San Francisco, administered by the Port of
San Francisco. CEQA Consideration: not a
project. (A 17; S, 11) (Staff: R. Boggiano,
S. Pemberton) 17
- 119 CALIFORNIA STATE LANDS COMMISSION
(INFORMATIONAL): Staff report on the
California State Lands Commission staff's
activities to address sea level rise. CEQA
Consideration: not a project.
(A & S: Statewide) (Staff: S. Pemberton,
J. DeLeon, K. Keen) 45
- 120 CALIFORNIA STATE LANDS COMMISSION: Consider
supporting federal legislation introduced by
Senator Dianne Feinstein and co-sponsored by
Senator Barbara Boxer that would enact the
California Desert Conservation and
Recreation Act of 2015, which would amend
and update the historic California Desert
Protection Act of 1994. CEQA Consideration:
not a project. (A & S: Federal)
(Staff: S. Pemberton) 133
- 121 CALIFORNIA STATE LANDS COMMISSION: Consider
supporting AB 367 (Dodd) that would
appropriate \$2.4 million from the Fish and
Game Preservation Fund to the County of Lake
to restore Clear Lake wetlands, maintain the
water quality of Clear Lake, prevent the
spread of invasive species to Clear Lake,
and eradicate invasive species in Clear Lake.

I N D E X C O N T I N U E D

	PAGE
CEQA Consideration: not a project. (A & S: Statewide)(Staff: S. Pemberton)	15
122 CALIFORNIA STATE LANDS COMMISSION: Consider supporting AB 1323 (Frazier) that would make it easier for public agencies to remove and dispose of dilapidated vessels that are unseaworthy and incapable of being made seaworthy from state waterways, public beaches and state tidelands or submerged lands. CEQA Consideration: not a project. (A & S: Statewide) (Staff: S. Pemberton)	15
VII PUBLIC COMMENT	135
VIII COMMISSIONERS' COMMENTS	151
IX CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE FOLLOWING PURSUANT TO GOVERNMENT CODE SECTION 11126:	151
A. LITIGATION. THE COMMISSION MAY CONSIDER PENDING AND POSSIBLE LITIGATION PURSUANT TO THE CONFIDENTIALITY OF ATTORNEY-CLIENT COMMUNICATIONS AND PRIVILEGES PROVIDED FOR IN GOVERNMENT CODE SECTION 11126(e).	
1. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(A): California State Lands Commission v. City and County of San Francisco Defend Our Waterfront v. California State Lands Commission et al. Seacliff Beach Colony Homeowners Association v. State of California et al. The Melton Bacon and Katherine L. Bacon Family Trust et al. v. California State Lands Commission, City of Huntington Beach	

I N D E X C O N T I N U E D

PAGE

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

San Francisco Baykeeper v. State Lands Commission

Keith Goddard v. State of California

Sportsman's Paradise v. California State Lands Commission

California State Lands Commission v. Lee Stearn

2. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(B) or (2)(C).
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(c)(7) - TO PROVIDE DIRECTIONS TO ITS NEGOTIATORS REGARDING PRICE AND TERMS FOR LEASING OF REAL PROPERTY.
1. Provide instructions to negotiators regarding entering into a new lease of state land for the Broad Beach Restoration Project, City of Malibu, Los Angeles County. Negotiating parties: Broad Beach Geologic Hazard Abatement District, State Lands Commission; Under negotiation: price and terms.
- C. OTHER MATTERS. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(B) or (2)(C). THE COMMISSION MAY ALSO CONSIDER PERSONNEL ACTIONS TO APPOINT, EMPLOY, OR DISMISS A PUBLIC EMPLOYEE AS PROVIDED IN GOVERNMENT CODE SECTION 11126(a)(1).

Adjournment 152

Reporter's Certificate 153

P R O C E E D I N G S

1
2 CHAIRPERSON NEWSOM: All right. Well, thank you,
3 everybody. I'll call this meeting of the State Lands
4 Commission to order. All the representatives of the
5 Commission are present. I'm Lieutenant Governor Gavin
6 Newsom. I'm joined today by State Controller Betty Yee,
7 and by Eraina Ortega representing the Department of
8 Finance.

9 For the benefit of those in the audience, the
10 State Lands Commission manages State property interests in
11 over five million acres of land, including mineral
12 interests. The Commission has responsibility for
13 prevention of oil spills and marine oil terminals and
14 offshore oil platforms and for preventing the introduction
15 of marine invasive species into California marine waters.
16 Today, you will hear requests and presentations involving
17 the lands and resources within the Commission's
18 jurisdiction.

19 The first item for business will be the adoption
20 of the minutes of our very brief teleconference meeting on
21 March 20th, 2015. Is there a motion to approve the
22 minutes?

23 ACTING COMMISSIONER ORTEGA: So moved.

24 COMMISSIONER YEE: I'm going to abstain.

25 CHAIRPERSON NEWSOM: All right. It has been

1 moved and I guess seconded by me. And there's two of us
2 and one abstention. And those minutes will be adopted.

3 The next order of business is the Executive
4 Officer's report. Ms. Lucchesi, I look forward to your
5 report.

6 EXECUTIVE OFFICER LUCCHESI: Thank you.

7 CHAIRPERSON NEWSOM: I mean I really do actually.

8 (Laughter.)

9 EXECUTIVE OFFICER LUCCHESI: Thank you. I
10 appreciate that.

11 CHAIRPERSON NEWSOM: You know, I know it kind of
12 came across as like -- yeah. No, I do.

13 (Laughter.)

14 EXECUTIVE OFFICER LUCCHESI: Well, one thing I do
15 want to say is we did revise the introduction to be less
16 lawyerly and a little shorter.

17 CHAIRPERSON NEWSOM: No wonder that was -- yeah,
18 thank you. That was the first time I almost enjoyed it.

19 (Laughter.)

20 EXECUTIVE OFFICER LUCCHESI: Yes, good. Very
21 good. Well, I have a couple things to update the
22 Commission on. The first is our benchmarks. Our
23 benchmarks are used by Commission staff and the Commission
24 to establish uniform rental rates in specific geographic
25 areas with large concentrations of similar facilities,

1 mostly private recreational piers. You may remember the
2 benchmark was -- and the way we use the benchmark to
3 establish rent was of particular interest to folks in Lake
4 Tahoe over the past couple years.

5 The use of benchmarks not only improves
6 consistency throughout that geographic region, but it also
7 improves Commission efficiency in setting and adjusting
8 rent -- excuse me -- for a large number of leases. The
9 primary areas where the Commission uses these benchmarks
10 are Lake Tahoe, Tomales Bay, the Colorado River,
11 Huntington Beach, and Solano Beach.

12 We have recently placed that -- the benchmark
13 information for all of these areas, including some
14 background information on how and why the Commission uses
15 benchmark, on our website, which is the first time that
16 that's ever been done to increase transparency and
17 information to the general public.

18 And that is a small part of a much larger effort
19 that we have embarked on that we hope to complete within
20 the next eight weeks is a complete redesign of our website
21 to make it more user friendly to the public and to our
22 applicants and to our stakeholders and providing much
23 needed transparency in our operations and the business
24 that we conduct, as well as provide useful and easily
25 accessible information.

1 As you are all very aware, the Agency's website
2 it's often its initial liaison to the general public. And
3 taking that to heart, we're really trying hard to really
4 enhance our website and its usability. And, in
5 particular, the Commission has a very long and unique
6 history dating back to before 1938 even, in terms of the
7 information, the documents that we have. We're a huge
8 repository for historical documents dating back to before
9 Statehood. And so to be able to show that information and
10 present it in a way that the public can understand and use
11 is our utmost priority in this web redesign, so --

12 CHAIRPERSON NEWSOM: And it goes without saying
13 there's a mobile first focus in terms of the design
14 itself, the web?

15 EXECUTIVE OFFICER LUCCHESI: Yes, that's correct.

16 CHAIRPERSON NEWSOM: And sometimes over -- you
17 know, overlooked honestly.

18 EXECUTIVE OFFICER LUCCHESI: Yeah.

19 CHAIRPERSON NEWSOM: And as you know with Google
20 now and their rating systems, it's an imperative.

21 EXECUTIVE OFFICER LUCCHESI: Yes. That is
22 definitely a significant factor in our redesign consistent
23 with our overall framework that we have to live within as
24 a State government.

25 CHAIRPERSON NEWSOM: Right.

1 EXECUTIVE OFFICER LUCCHESI: Yeah, so -- but
2 we're certainly looking at that from our staff. And so
3 when that redesign is completed, we will be showing it off
4 to the Commission at the regularly scheduled Commission
5 meeting.

6 CHAIRPERSON NEWSOM: And just -- and for what
7 it's worth, will it substantially at that point have been
8 done? Is it sort of perfunctory to show it to us or is
9 there an opportunity to actually opine and influence the
10 design?

11 EXECUTIVE OFFICER LUCCHESI: Well, we can
12 certainly provide an update at our June meeting. It won't
13 necessarily be completed at that point, but --

14 CHAIRPERSON NEWSOM: Yeah. Hearing it after the
15 fact, you know, it can be frustrating.

16 EXECUTIVE OFFICER LUCCHESI: Yeah. Yeah. We can
17 certainly -- before we finalize it, we can certainly
18 present it to the Commission for feedback and insight to
19 make it better. We would love to be able to do that.

20 CHAIRPERSON NEWSOM: I would love to do that,
21 wouldn't you?

22 COMMISSIONER YEE: Yes.

23 EXECUTIVE OFFICER LUCCHESI: We will do that.
24 Thank you.

25 Next, I want to just give an update on our

1 shoreside feasibility study. This is to address ballast
2 water and preventing and minimizing invasive species. To
3 augment existing information onshore based ballast water
4 treatment, the current -- the Commission has authorized
5 the funding of a shore-side -- shore-based ballast water
6 treatment study in California. This was about a year and
7 a half go or so that it authorized this.

8 We -- the study is being managed by the Delta
9 Stewardship Council. The Commission approved the budget
10 of the -- of the contractor to do the study in December
11 2014. I just want to update that in our contract with the
12 Delta Stewardship Council there has been a need to
13 increase the cost that we pay them by about \$100,000 to
14 deal with some unanticipated legal and staff costs dealing
15 with their RFP process, and also to increase stakeholder
16 participation. It's not an action item by the Commission,
17 but I did want to update you on that.

18 CHAIRPERSON NEWSOM: And remind me, are there
19 other State agencies involved in that process as well?

20 EXECUTIVE OFFICER LUCCHESI: Yes. Yeah, we
21 certainly coordinate with other State and federal agencies
22 including Fish and Wildlife.

23 CHAIRPERSON NEWSOM: This is sort of our pro rata
24 share. Everyone is --

25 EXECUTIVE OFFICER LUCCHESI: No, actually --

1 CHAIRPERSON NEWSOM: They're looking for us.

2 EXECUTIVE OFFICER LUCCHESI: Well, the Commission
3 is the -- we manage the State's Marine Invasive Species
4 Program, so the fees that we collect to support that
5 program come to us to help fund these types of studies.
6 So it's not coming out of our general fund budget.

7 CHAIRPERSON NEWSOM: Got it. Right. So we're
8 basically -- we're the single agency funding the entire
9 process?

10 EXECUTIVE OFFICER LUCCHESI: Yes, that's correct,
11 through those fees.

12 CHAIRPERSON NEWSOM: Right, exactly.

13 EXECUTIVE OFFICER LUCCHESI: I want to just
14 provide a quick strategic plan update. Staff has been
15 working very diligently on creating an internal draft,
16 which we have done. But through that process, we have
17 realized that it would be, I think, beneficial to both
18 staff and to the Commission and to the public to bring in
19 an outside perspective to help us navigate the draft
20 strategic plan that we have developed so far to ensure
21 that we're bringing in as comprehensive and thorough
22 perspectives as we can before finalizing a draft and
23 rolling it out to the public for comment and for
24 engagement on that.

25 We're doing it in a very frugal way. And I can

1 certainly provide additional information on that at your
2 request. But we will be bringing in an outside consultant
3 to help us navigate some of the policy and programmatic
4 perspectives of the strategic plan.

5 CHAIRPERSON NEWSOM: You're still on the same
6 original schedule?

7 EXECUTIVE OFFICER LUCCHESI: We -- I would like
8 to update that schedule. We will certainly be providing
9 an update to the Commission on the development of the
10 strategic plan, but I would also request that the timeline
11 be extended a bit to ensure that we can engage the public
12 a little bit more.

13 CHAIRPERSON NEWSOM: Remind me, you had a pretty
14 short period of time --

15 EXECUTIVE OFFICER LUCCHESI: Yes.

16 CHAIRPERSON NEWSOM: -- that you anticipated
17 getting this done anyway. What's the update on that?

18 EXECUTIVE OFFICER LUCCHESI: We anticipated
19 getting it done in June.

20 CHAIRPERSON NEWSOM: Right. Okay.

21 EXECUTIVE OFFICER LUCCHESI: I think that it's
22 important to include a robust public outreach and
23 engagement on this. And so I think we're looking at the
24 public engagement lasting between June and October with
25 possible Commission action either October or December. Is

1 that --

2 CHAIRPERSON NEWSOM: That's fine. I mean,
3 nothing substitutes for legitimate public outreach, so I
4 think that's -- I mean, that's a healthy thing, if that's
5 the case. And candidly, I thought June always ambitious.
6 I was sort of surprised by that.

7 EXECUTIVE OFFICER LUCCHESI: Yeah. Yeah.

8 COMMISSIONER YEE: Question?

9 CHAIRPERSON NEWSOM: Go ahead.

10 COMMISSIONER YEE: So just one consideration --
11 oh, sorry. So one consideration then, I don't want to
12 kind of look at the final outcome of the strategic plan.
13 But hopefully this will be an opportunity to also explore
14 some of our human resource needs going forward. And I
15 just want to be sure that as we look at the multiple
16 challenges -- multitude of challenges that we're facing
17 that we are paying attention to shoring up whatever
18 scientific and other specialized classes that, you know,
19 do the work of the Commission. And I know with a larger
20 State civil service reform effort, it might actually
21 coincide in terms of informing that process too. So --

22 EXECUTIVE OFFICER LUCCHESI: Certainly. That --

23 COMMISSIONER YEE: -- I don't want to kind of
24 forget about kind of our capacity to really address a
25 number of challenges we're going to be facing.

1 EXECUTIVE OFFICER LUCCHESI: Yeah, I certainly
2 appreciate that. We will do -- definitely include that
3 part into our strategic plan efforts.

4 Okay. Next, I want to just provide an update on
5 Commission staff's efforts in relation to the recent
6 Executive Order by the Governor on the drought. As you
7 know, last year, Governor Brown proclaimed a state of
8 emergency due to severe drought conditions. On April 1st,
9 following the lowest snowpack ever recorded in California,
10 Governor Brown issued Executive Order B2915 proclaiming a
11 continued state of emergency due to the ongoing drought
12 and calling for the first ever statewide mandatory water
13 reductions.

14 As part of that Executive Order, paragraph 19
15 requires State permitting agencies to prioritize and --
16 prioritize, review, and approval of water infrastructure
17 projects and programs that increase local water supplies,
18 including water recycling facilities, reservoir
19 improvement projects, surface water treatment plants, and
20 desalination plants among others. And agencies are
21 supposed to report to the Governor's office on
22 applications that have been pending for longer than 90
23 days.

24 We have one pending application for the
25 construction of a water desalination facility. That

1 project is located in Moss Landing, Monterey County. That
2 application is for the lease of sovereign lands where the
3 water will be taken in. The actual desalination facility
4 is primarily located on uplands outside of the
5 Commission's jurisdiction.

6 The application is currently incomplete, pending
7 further information and the preparation of an
8 environmental document. We are -- the State Lands
9 Commission is the CEQA lead agency. We will be doing a
10 joint EIR and EIS with the Monterey Bay National Marine
11 Sanctuary as the lead agency under NEPA.

12 Staff anticipates that the project will be
13 considered by the Commission in mid to late 2016 after the
14 completion of the CEQA and NEPA process.

15 Historically, the Commission has previously
16 authorized two desalination facilities, both involve the
17 joint use of intake and outfall facilities of existing
18 power plants already under lease. These are the 2008 and
19 2010 lease amendments allowing Poseidon Resources to use
20 existing facilities located at Carlsbad and Huntington
21 Beach respectively.

22 Although construction infrastructure at the
23 Carlsbad facility is underway, neither facility is
24 currently operating. And also at the December 2014
25 meeting, the Commission authorized a test slant well

1 located in the City of Marina. This is the CalAm project.
2 The test slant well has been constructed and testing is
3 currently underway.

4 I would also like to take the opportunity to note
5 other actions Commission staff are taking or will be
6 taking in response to the drought conditions. Going
7 forward, staff will be developing lease terms, addressing
8 water conservation, that will be incorporated into
9 appropriate industrial, commercial, and agricultural and
10 grazing Commission leases. And I have just sent out
11 yesterday a letter to all of the Commission's oil, gas,
12 geothermal, industrial, commercial, and agricultural
13 lessees whose leases are believed to involve the use of
14 water encouraging them to take any and all possible steps
15 to conserve water.

16 I'd -- the next item I want to talk about is a --
17 the receipt by the State of approximately \$15.5 million
18 from the federal government for the Elk Hills settlement
19 that occurred in the nineties.

20 As background, I reported this at the December
21 meeting, but for the benefit of the Commissioners that
22 weren't there, as background, then Lieutenant Governor Leo
23 McCarthy announced California's lawsuit against the United
24 States seeking payment for oil being pumped from certain
25 sections of the State's school lands under the

1 jurisdiction and trusteeship of the State Lands Commission
2 in the federal hills -- federal Elk Hills Naval Petroleum
3 Reserve.

4 Basically, the United States was ignoring its
5 obligations to California, and -- however, for complicated
6 reasons the case was a long shot and was instituted to try
7 and bring the United States to the table with California.

8 When we lost, which was as expected frankly, in
9 the district court on a procedural ground, we decided not
10 to appeal at the time, because we didn't want the
11 potential for bad precedent. However, we kept our claims
12 in the back of our pocket to take the opportunity when it
13 arose to reinvigorate those claims. And when the United
14 States decided to sell its Elk Hills holdings in 1996, we
15 had another opening.

16 We made it clear that California still claimed
17 title to those two sections -- or those sections of school
18 lands and that our claims would significantly impact the
19 marketability of the Elk Hills sale.

20 We engaged in negotiations, and finally obtained
21 a very favorable settlement, nine percent of the sale
22 proceeds. At the United States insistence, it called for
23 ten payments all subject to congressional appropriation.

24 Last year, Congress allocated the payment of the
25 \$5.5 million in its appropriations legislation for fiscal

1 year 2015. This was the last payment received. We
2 actually received it in the account yesterday. And with
3 that, approximately \$15.5 million, California will have
4 received a total of \$315 million into -- that will go to
5 the benefit of CalSTRS. So that's a huge achievement in
6 the resolution of that very long effort.

7 CHAIRPERSON NEWSOM: Great.

8 EXECUTIVE OFFICER LUCCHESI: And finally, I want
9 to just provide my Martin's Beach update, that we will be
10 conducting a site visit next week with our lead negotiator
11 and our appraiser to meet with representatives from
12 Martin's Beach, LLC to talk about valuation and gather
13 some information with that.

14 And then on May 12th, we have scheduled a meeting
15 with Martin's Beach representatives to continue our
16 discussions and hopefully get into some details of
17 negotiations for the acquisition of a public access
18 easement at that site.

19 CHAIRPERSON NEWSOM: Great.

20 EXECUTIVE OFFICER LUCCHESI: And that concludes
21 my report. Thank you.

22 CHAIRPERSON NEWSOM: And, I mean, without getting
23 into details, the general -- I mean, how are the
24 conversations progressing?

25 EXECUTIVE OFFICER LUCCHESI: I would say that, at

1 this point, there is a commitment to continue
2 discussing -- discussions. We have not yet gotten into
3 some of the detailed negotiations that are associated with
4 any kind of property interest acquisition, but there is a
5 sense on all sides to continue the negotiations in
6 furtherance of that effort.

7 CHAIRPERSON NEWSOM: Okay. All right. Thank you
8 again for all your work on that, seen and unseen.

9 Well, the next order of business is the adoption
10 of the consent calendar. And I imagine we've got a number
11 of items that we want to remove. So, Commissioners,
12 which -- Commissioner Yee, you've got some items you'd
13 like to see removed from the consent calendar. And
14 Jennifer, do you have any?

15 EXECUTIVE OFFICER LUCCHESI: I do.

16 COMMISSIONER YEE: I think she's got mine.

17 CHAIRPERSON NEWSOM: Oh, you've got the big list.
18 Which ones?

19 EXECUTIVE OFFICER LUCCHESI: I do. I have them.
20 So I would like to remove consent items 63 and 80, and
21 regular items 121 and 122 to be removed from the agenda
22 and to be considered at a later meeting.

23 CHAIRPERSON NEWSOM: So 63, 80, 121 -- all those
24 four all removed?

25 EXECUTIVE OFFICER LUCCHESI: All removed to be

1 considered at a future meeting.

2 CHAIRPERSON NEWSOM: All right. Great. So why
3 don't we take action on that now, first.

4 EXECUTIVE OFFICER LUCCHESI: You don't need to
5 take action on that. I Just --

6 CHAIRPERSON NEWSOM: Is there anyone here -- I
7 guess it's public comment. Anyone came for those items
8 that's infuriated that we're pushing it back?

9 Good. All right. We'll just officially close
10 any public comment on that. Then we'll, I guess,
11 perfunctorily move those items to the next agenda.

12 EXECUTIVE OFFICER LUCCHESI: Yes. And then I
13 would like to move consent items 50, 76, 100 and 109 from
14 the consent agenda to the regular agenda.

15 CHAIRPERSON NEWSOM: Great. Anything else that
16 we may have missed that Ms. Lucchesi didn't have?

17 COMMISSIONER YEE: No.

18 CHAIRPERSON NEWSOM: Good. So on the remainder
19 of the consent items, is there a motion to --

20 COMMISSIONER YEE: Yes, so moved.

21 ACTING COMMISSIONER ORTEGA: Second.

22 CHAIRPERSON NEWSOM: Moved, seconded. Without
23 objection.

24 We will then move on to -- oh, and anyone here
25 that wishes to speak? I apologize. Anyone on any of

1 those other items that we just moved?

2 Good. We'll close public comment.

3 I'm dyslexic, so that made a lot of sense to me
4 doing that backwards.

5 Then next order of business is the regular
6 calendar. Ms. Lucchesi, any preference by -- you want to
7 move these items that you just pulled to the front of the
8 regular agenda or how would you like to start?

9 EXECUTIVE OFFICER LUCCHESI: I don't have a
10 preference to do that. I actually have a preference to
11 start with 118.

12 CHAIRPERSON NEWSOM: 118, perfect. Great. Well,
13 that's the informational briefing on the trust grant of
14 the State sovereign lands to the City and County San
15 Francisco administered by the Port of San Francisco. May
16 we have a staff presentation.

17 (Thereupon an overhead presentation was
18 presented as follows.)

19 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: Good
20 afternoon, Commissioners. My name is Reid Boggiano, I'm
21 the grants lands representative for the State Lands
22 Commission. The Port of San Francisco is one of the
23 Commission's most diverse and dynamic grantees. And so we
24 thought being in San Francisco this would be a great
25 opportunity to invite the Port over. And we are going to

1 kind of give you a brief overview of the Port, some
2 interesting historic facts, and a few of the projects that
3 we've collaborated on the Port with in the past and some
4 future projects that we'll be working with them on in the
5 future.

6 --o0o--

7 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: San
8 Francisco's waterfront has witnessed many important events
9 in California's history. It was where the 49ers first
10 arrived before they set to seek their fortune or lose it
11 in California's gold field. And it was the Port of entry
12 for the supplies that enabled the 49ers and those who
13 followed to make their livelihood on the California
14 frontier. The waterfront from the Gold Rush days,
15 however, is much different from the San Francisco
16 waterfront that we know today. Few other places in the
17 world host the array of shipping, industry, passenger, and
18 recreational maritime activities all in one place.

19 --o0o--

20 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: To
21 give you a little brief history lesson on how a large
22 portion of San Francisco's waterfront was created, when
23 California became a State in 1850, it acquired title from
24 the United States to all the tide and submerged lands
25 within its new boundaries. In 1851, the State legislature

1 enacted the San Francisco Beach and Waterfront Lots Act
2 that granted the tide and submerged lands to the San
3 Francisco -- to San Francisco and directed their filling
4 and sale into private ownership. These lots are known
5 today as seawall lots. Much of what is now downtown San
6 Francisco below the original shoreline at Montgomery
7 Street actually passed into private ownership in this
8 fashion.

9 In order to further the development of the
10 waterfront, the State legislature created the Board of
11 Tideland Commissioners in 1868. The Board was directed to
12 subdivide the bay out to a depth of 24 feet of low -- at
13 low water along the San Francisco Bay frontage. These are
14 known as BTLC lots. By extending the pattern of the
15 subdivision for the upland streets and blocks into the bay
16 and by selling the BTLC lots, the State created a new San
17 Francisco waterfront. And you can kind of tell from this
18 picture where the old shoreline used to be. And those are
19 BTLC lots that -- on the grid that they eventually filled
20 and sold and created the new shoreline of San Francisco.

21 Fortunately, the selling of tidelands into
22 private ownership ended in 1879 when a provision was added
23 to the California Constitution banning the sale of
24 tidelands or submerged lands within two miles of an
25 incorporated city or town. In 1892, the United States

1 Supreme Court established as a principle of American
2 constitutional law that public rights in lands lying under
3 the navigable waters of a State may not be alienated by
4 the State, except under very limited circumstances. The
5 ban was later broadened to include all tide and submerged
6 lands in the State. The California courts have strictly
7 applied this principle ever since.

8 Today, nearly one-quarter of the San Francisco
9 Bay is claimed by private parties. In 1968, the remaining
10 tide and submerged lands within San Francisco, consisting
11 of approximately seven and a half miles were legislatively
12 granted to the San Francisco -- to San Francisco pursuant
13 to the Burton Act. These lands are controlled and managed
14 by the Port subject to the terms and condition of the
15 Burton Act and the Common Law Public Trust Doctrine.

16 --o0o--

17 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: In
18 the past decade, there's also been quite a bit of
19 legislation impacting the Trust Lands and various
20 waterfront projects. Here's a slide of the previous
21 bills. And I picked out a few of the more interesting
22 ones for this presentation.

23 SB 815, by former Senator Migden, freed certain
24 seawall lots from the use requirements of the Public Trust
25 and authorized the Port to issue non-Trust fair market

1 value leases for up to 75 years with proceeds funding
2 historic pier repairs. However, before the Port can enter
3 a think non-Trust lease, the Port has to submit the
4 proposed lease to the State Lands Commission for its
5 consideration and approval. SB 815 also addresses seawall
6 lot 337, which is currently a parking lot for AT&T Park.
7 It required that seawall lot 337 remain subject to the use
8 requirements of the Trust until certain conditions are
9 met, including that the Port prepares a study analyzing
10 the Public Trust needs of the site. The State's Lands
11 Commission is required to approve the conclusions of the
12 Port study.

13 Another significant bill is AB 418 by former
14 Assembly Member Ammiano, which authorized the State Lands
15 Commission to effectuate a land exchange involving Public
16 Trust Lands within the Pier 70 area to further the Port's
17 redevelopment plans. AB 418 also freed the Trust
18 restrictions from seawall lot 3330 and authorized the
19 transfer of the property to a private property if the
20 State Lands Commission makes certain findings.

21 And most recently AB 1273 by Assembly Member Ting
22 was enacted to require the Commission -- to require the
23 Commission to make a Trust consistency determination about
24 a proposed arena on Piers 30 and 32 for the Warriors
25 basketball team.

1 After half a century of successful collaboration
2 between the State Lands Commission, the Port of San
3 Francisco, BCDC, and other regulatory agencies, San
4 Francisco's Waterfront is more dynamic, diverse, and
5 reunited with its surrounding community than ever before.
6 The open communication and strong relationship between the
7 Port and Commission has allowed the Commission to be
8 actively involved in projects to promote maximum public
9 enjoyment of the Port's granted lands, and to ensure
10 compliance with the Port's granting statute and Public
11 Trust Doctrine.

12 In these waterfront development projects, the
13 Commission's specialized Public Trust expertise has been
14 integral to increasing the Public Trust uses within
15 projects and ensuring that the waterfront development
16 benefits the statewide public consistent with the Burton
17 Act and the Public Trust. In addition to contributing its
18 unique knowledge about the history and application of the
19 Public Trust doctrine, Commission staff has facilitated
20 projects by reviewing and approving appraisals and
21 resolving complex boundary title issues.

22 Under the Burton Act, the Port's not generally
23 required to obtain Commission approval for a project on
24 granted lands. However, on rare occasions, specific
25 Commission approval has been required for activities

1 undertaken by the Port. The Commission, Port, and the
2 City have a long history of working together in a
3 cooperative and collaborative manner that has further and
4 enhanced the Public Trust purposes along the San Francisco
5 waterfront.

6 And I have a few projects here that have come to
7 fruition with the help of the partnership between the Port
8 and the State Lands Commission.

9 --o0o--

10 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: And
11 these are some before and after pictures. AT&T ballpark
12 with its breath-taking views, classic design, gracefully
13 embraces the waterfront and is a monument to and for the
14 public. The Port and the Commission meticulously
15 collaborated to assist in the design of a world-class
16 stadium that would not only serve as the home of the San
17 Francisco Giants but would also serve as an example of how
18 a ballpark, together with its public spaces, access, and
19 visitor-serving specialty shops, can complement the
20 overall use of the waterfront and also be compatible with
21 the Public Trust.

22 The building is surrounded by plazas and open
23 space, a public promenade located between the stadium and
24 the water, free public visual access from that promenade
25 into the ballpark, a dedicated ferry terminal on site to

1 transport fans by water to the ballpark from other parts
2 of San Francisco Bay. AT&T Park has been a resounding
3 success drawing tens of thousands of people on a daily
4 basis to the waterfront that had been largely inaccessible
5 to the public.

6 --o0o--

7 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: The
8 Ferry Building renovation. Built in 1898, the Ferry
9 Building is the preeminent building on the San Francisco
10 waterfront and is a widely recognized symbol of San
11 Francisco.

12 The Commission determined that the preservation
13 of the Ferry Building for future generations to enjoy was
14 a Public Trust activity given that significant Public
15 Trust uses and public access were incorporated into the
16 project. This included public access both inside and
17 outside the building, a public market hall, restaurants, a
18 historic gallery of the Port of San Francisco, and public
19 access to the architecture of the Ferry Building.

20 The building also provides support services for
21 the ferry, such as ticket sales and a waiting area for
22 ferry passengers. The project also set in motion Piers 1,
23 1½, 3, and 5 for rehabilitation.

24 --o0o--

25 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: The

1 Pier 1 historic rehabilitation project. Pier 1 contains a
2 pier shed and a bulkhead containing -- constructed in
3 1930. It's typical of the piers that were once used for
4 breakbulk cargo, but lost its utility commercial -- lost
5 its utility for commercial shipping with the emergence of
6 the container cargo.

7 Pier 1's rehabilitation includes the creation of
8 public access around the entire perimeter of the pier
9 providing sweeping views of the bay and a vantage point
10 for watching the ferry traffic at the Ferry Building.
11 Public access extends into the interior of the building
12 with the Bayside History Walk, including access along a
13 portion of the old beltline railroad tracks.

14 --o0o--

15 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO:
16 Piers 1½, 3, and 5 historic rehabilitation
17 project. As part of the rehabilitation of the these
18 piers, a publicly accessible boat dock was built to
19 provide direct water access for visiting recreational
20 boats free of charge. It's widely used by visiting
21 hand-powered and motorized vessels. Additionally, Pier 1½
22 is one of three water taxi facilities that initiated
23 service in 2012. The Piers 1½, 3, and 5 were based on a
24 plan for integrated and complementary uses with the Ferry
25 Building waterfront subarea.

1 the Port's Executive Director.

2 (Thereupon an overhead presentation was
3 presented as follows.)

4 MS. MOYER: Well, good afternoon, Commissioners.
5 Very wonderful to have you here in San Francisco and
6 welcome back. Thank you for having all of us here today.
7 It is our honor and our privilege to be here and it's
8 always great to give a little bit of history about the
9 Port. Reid did a lot, and I'm hoping that I won't repeat
10 that. Brad is going to join me.

11 But the Port of San Francisco dates back, as he
12 mentioned, to the 1860's. So it's about 152 years old.
13 That goes back to the point in time when Abraham Lincoln
14 was President. And one of the acts of the President then
15 was to enact the Railroad Transportation Act that led to
16 the railroad system.

17 And so a lot of what we have today that we are
18 working with goes back to that era in time. And we've
19 been doing what our City has been doing, which is to
20 reinvent ourselves for the last 150 years. So to keep a
21 little bit of the past, bring forward a little bit of
22 modernization, and position ourselves for the future.

23 And so if you will bear with me, I'll just do a
24 quick run-through, if I can figure out how to work this.

25 MR. MATHIEU: I'll do that.

1 MS. MOYER: Okay. Is there anyway you can do a
2 full screen on that?

3 MR. MATHIEU: Yes.

4 MS. MOYER: Thank you.

5 Anyway if you'd just page down, we can -- I can
6 keep going. Thank you much.

7 So I just want to orient those of you who maybe
8 don't know, the Port of San Francisco is on the east side
9 of the San Francisco peninsula. Our jurisdiction runs
10 seven and a half miles from Aquatic Park in the north all
11 the way down to Islais Creek in the south. It ends just
12 before the Hunters Point Naval Shipyard, which was a
13 federal jurisdiction.

14 Next slide, please.

15 --o0o--

16 MS. MOYER: Reid showed you this in a little bit
17 different manner. I believe that his map picked up with
18 the original Yerba Buena Cove, which is where the
19 Financial District is now, but you can see that a lot of
20 the eastern seashore was filled in and remains to be a
21 very important part of San Francisco's current economy.

22 Yerba Buena was already filled in and is known as
23 the Financial District when the Port of San Francisco was
24 enacted. And you can see that Mission Bay was a very
25 sizeable bay. In fact, if you drive this area, the depths

1 of Mission Bay go all the way back to the 280 extension.
2 So you'll find that the Port has some jurisdiction that
3 far back.

4 Next slide, please.

5 --o0o--

6 MS. MOYER: But mostly, we are on the east side
7 of the city, and most of our property is pile supported.
8 So unlike -- as you probably know, there are 11 port --
9 public ports in the State of California. Unlike almost
10 all of them, we are right in our neighborhoods. We are
11 right in our downtown. It is 25 miles from downtown L.A.
12 to the Port of L.A. It's a couple of miles from downtown
13 Oakland to the Port of Oakland. It's 100 yards from
14 downtown San Francisco to our Port.

15 We were built, as I mentioned, so long ago that
16 it was an era when cargo moved fully man-powered, cords,
17 backs, horses, buggies, long before containerization. And
18 we were built as a finger-pier port. There were eight
19 built in the country. We are the last remaining one, and
20 is now listed as a historic landmark on the National Parks
21 Service's list. So it's something that we're working very
22 hard to preserve. But as you can see, there's not a lot
23 of landside use there like most of the other ports.

24 Next slide, please.

25 --o0o--

1 MS. MOYER: You went one too far.

2 So we jog around, as I mentioned, down through
3 our downtown. And you can see it's all on the waterside.

4 Next slide, please.

5 --o0o--

6 MS. MOYER: Down through Mission Bay. This is an
7 older view of Mission Bay. If you were to see it today,
8 it's pretty well built out.

9 Next slide, please.

10 --o0o--

11 MS. MOYER: And down into the southern part,
12 which is where we have our primary cargo operations. So
13 we do have room there for containers, but it's not the
14 kind of room that the Port of Oakland might have or the
15 Port of L.A., Long Beach, et cetera. So we've done --
16 we've done other types of maritime, which date back to our
17 original history.

18 Next slide.

19 --o0o--

20 MS. MOYER: The main thing that I'd like you to
21 know about the Port of San Francisco, and Reid alluded to
22 it, is it's extremely diverse. We are home to the highest
23 and lowest paid people in San Francisco. Among the
24 highest paid are some of our professional athletes, among
25 the lowest paid might part-time workers, either as

1 restaurateurs, car valets, or any of the number of people
2 that work in some of the trades.

3 We are all also the area where the City has
4 determined that they will focus their attention for light
5 industrial and heavy industrial use, so key to our
6 historic roots, as well as a very robust maritime
7 business.

8 Next slide, please.

9 --o0o--

10 MS. MOYER: So you can get a sense that these are
11 some of the major tenants at the Port of San Francisco.
12 They range from retail, restaurant, to maritime, to light
13 industrial and heavy industrial.

14 Next, please.

15 --o0o--

16 MS. MOYER: Maritime uses. As I mentioned, it's
17 often thought of that the Port of San Francisco is not in
18 the maritime business, but, in fact, we are in every
19 aspect of the maritime business but containers. If you
20 eat fish in San Francisco, it came through our Port. We
21 are the largest fish processing center in all of
22 California. If you took a ferry, you came through our
23 Port probably. Although, that is changing and
24 elaborating. If you took a cruise ship, you came through
25 our Port. And likely, if you did some form of maritime

1 recreation, you touched the Port in some way. And we're
2 very proud of that. We also home to a lot of the harbor
3 services.

4 Next slide, please.

5 --o0o--

6 MS. MOYER: I think you went one too far.

7 This year, we were able to open a brand new
8 cruise terminal. Our last cruise terminal was ahead of
9 its time. It was a multi-modal facility proudly built in
10 1918. It did passengers and cargo. It lasted 98 years.
11 That was incredible labor that built it for us.

12 But this year, we were able to open a new
13 passenger terminal. This terminal sees about 300,000
14 passengers per year. It's dealing with ships that are
15 carrying approximately 3,500 passengers and another 1,000
16 crew. A lot of the passengers that are leaving on ships
17 from this area are from San Francisco, about 50 percent
18 are from the San Francisco region, another 25 percent are
19 from the California area, and then 20 percent are from the
20 United States and Canada, and five percent are from
21 outside the U.S.

22 But we also get ships from around the world. We
23 get several world cruises. They come to us from Japan,
24 Italy, Germany, England, et cetera. So we're very proud
25 of the cruise ship terminal.

1 It also, as you see, has a lovely front door of a
2 park. And that is open all year-round, so that people can
3 really get to know and embrace the cruise ships and
4 they're very attracted by it.

5 Next slide, please.

6 --o0o--

7 MS. MOYER: We also have an incredible amount of
8 public space in a way that you wouldn't see at most other
9 ports. We are now up to 87 acres of public space. We've
10 brought on quite a bit in the last couple of years and
11 counting. We continue to try to put a public space every
12 seven minutes of walking at our Port, so that people can
13 commune with the bay, which is incredibly popular.

14 Next slide, please.

15 --o0o--

16 MS. MOYER: And then, of course, wetlands is an
17 important part of our environmental stewardship and our
18 ability to do education and communication with the bay.

19 Next slide, please.

20 --o0o--

21 MS. MOYER: So we've been working for the last 17
22 years under a -- something called the Waterfront Land-Use
23 Plan, which guides our reuse of these great buildings. In
24 those 17 years, we've seen 1.6 billion in public and
25 private investment. We've seen approximately 250 million

1 of public dollars just in the last four to five years
2 alone. Those are the projects, in additions to the
3 projects that Reid mentioned to you, that have been very
4 much involved by your staff and by your Commission,
5 because a lot of it is required policy decisions of all of
6 you.

7 We've created 63 acres of open space and new
8 neighborhoods, as well as the AT&T Ballpark, which is
9 celebrating its 15th anniversary.

10 Next slide, please.

11 Next slide, please.

12 Still next slide, please.

13 --o0o--

14 MS. MOYER: Thank you.

15 One of the great pieces of our Port is the
16 promenade. I think Reid mentioned this as well. The
17 promenade is three miles of contiguous space. So it is
18 the longest open space of contiguous nature of this sort I
19 believe in the Bay Area right now.

20 In 2014 alone, that promenade saw 24 million
21 people. Twenty-four million people equals half of the
22 number of passengers going through SFO, two and a half
23 times the number of passengers going through Oakland
24 International Airport, and about 25 percent more than San
25 Diego International Airport. So it's a really big number

1 of people. And it has been one of our goals over almost
2 the last two decades. And we could not have done that
3 without being pragmatic, without being -- having some
4 ingenuity, and without having the policy-making body that
5 all of you represent.

6 And so I really want to take a moment to commend
7 you. We know we've challenged all of you in this room to
8 think hard about how we can take this historic asset, be
9 true to our roots, be true to our Public Trust mission,
10 and yet offer an amenity for the people of California and
11 the world that is above reproach and is something that can
12 be offered nowhere else.

13 And now that we're seeing 24 million people, we
14 think we're doing a pretty good job. So we really want to
15 thank you and your team for working with us on that. It
16 always -- it hasn't always been easy. The neighbors are
17 right across the street. You can see there are no fences
18 here as there are in other ports, so that creates issues
19 as well, but we really are pleased with the outcome.

20 Next slide, please.

21 --o0o--

22 MS. MOYER: And Reid already mentioned the
23 projects that we've worked on hard with all of you. They
24 are -- have been really well received by not only the
25 people of California but numerous international visitors.

1 I'm the one that gets to visit with the mayors from around
2 the world who come and ask how did we do this, how do we
3 have an operating port next to a tourism entity, next to a
4 parks and open space amenity. And it has been very hard
5 work, but it has been work with Jennifer and her team.
6 It's something that we do -- we probably are in
7 communication with your staff, at least on a weekly basis,
8 if not on a daily basis. We have pushed the envelope with
9 them. I know it's been a lot of hard work.

10 I'm finding though that my other Port colleagues
11 are in the same business now, if you will. Even though
12 L.A. is 25 miles from downtown, they too are having to
13 figure out how to interact better with their neighbors.
14 There aren't the same sort of historic buffer zones
15 between port activities and neighborhoods that there used
16 to be. And that is where the State Lands Commission comes
17 in, and can have a really significant role to make those
18 types of uses coexist together. We're working very hard
19 on that in San Francisco.

20 There are very, very few jurisdictions that have,
21 for example, a cruise ship terminal next to a public park
22 or a ship repair yard for mega ships next to kayaks, for
23 example. And it's something that it takes all of us to
24 think about. And I couldn't be happier with the
25 relationship. We don't always get the answer we want, but

1 we get to an answer, and that's the important part. And
2 so I really thank you for all of that. And if I may, I'm
3 going to introduce Brad Benson who's director of our
4 special projects who will give you a quick preview of what
5 we're looking at ahead, so you'll know what's coming
6 towards you.

7 MR. BENSON: Good afternoon, Commissioners,
8 Executive Director. Appreciate the invitation to speak
9 today. We want to give you a little glimpse about the
10 future of what we're working on. If I could go to the
11 next slide, please.

12 --o0o--

13 MR. BENSON: We have a -- obviously, due to the
14 economy today, we have a lot of big projects happening and
15 a couple of major projects in Mission Bay right near the
16 Giants Ballpark. We're working actually with an affiliate
17 of the Giants on a new neighborhood to round out Mission
18 Bay that will include parks, residential development,
19 commercial development, and a rehab of Pier 48, including
20 Anchor Brewing as an anchor tenant in that facility.

21 Pier 70 is a great love of Port staff. We
22 have -- the piers are a historic district on the national
23 register. We have another historic district at Pier 70
24 that just got nominated, the Union Iron Works Historic
25 District. And so we've been working with Orton

1 Development, and are just ready to sign a lease to save
2 some of the really gorgeous industrial buildings along
3 20th street, and are working with Forest City to develop a
4 new neighborhood on 28 acres of the site right adjacent to
5 the ship repair activities, as Monique was saying.

6 And in all of these projects, we need to consult
7 with your staff. In some cases, we need to come to the
8 Commission for approval. And it's not without
9 controversy. We've had a lot of controversy around
10 heights and ballot measures, but we're hoping to work
11 through those controversies.

12 If I could go to the next slide, please.

13 --o0o--

14 MR. BENSON: To address controversy, we've been
15 trying to start a planning process. We have a waterfront
16 plan, as Monique mentioned. And we think it's time, after
17 17 years, to update and refresh that plan. And so we've
18 started doing some staff level analysis of the issues --
19 the big issues that we should address in that planning
20 process.

21 One of our big challenges is how old the Port's
22 assets are. We have these great beautiful historic
23 resources, but as you look at them and you start to
24 understand when they were built, we've got a group of
25 piers south of the Bay Bridge that's been in the Bay for

1 100 years, well beyond its useful life. We're not sure if
2 we can save those piers. We've been trying. We tried
3 recently with the Warriors at 30, 32, but it's possible
4 that those piers can't be developed.

5 If we could go to the next slide.

6 --o0o--

7 MR. BENSON: A big issue is the seawall. It was
8 built over 100 years ago. It's in an area that's filled,
9 subject to liquefaction. We're doing a seawall study to
10 figure out how the seawall will perform in a major seismic
11 event. We want to make sure that it continues to protect
12 the San Francisco waterfront.

13 We -- there's -- right where you see this
14 gentleman standing, he's standing under something called
15 the marginal wharf. It's the oldest sort of built
16 pile-supported structure along the Port, and we're worried
17 about how that will perform as well.

18 Next slide, please.

19 --o0o--

20 MR. BENSON: Sea level rise is a big topic of
21 conversation. We think that San Francisco's shoreline is
22 good through 2050. We project 12 inches of sea level
23 rise, plus or minus four inches by 2050. The shoreline
24 should be good through that period of time. Piers may
25 start to get flooded, depending on wave action.

1 But if you look at 36 inches of sea level rise at
2 2100, which is the projection, we need to start thinking
3 about a new shoreline to protect the city. So that --
4 talk about cooperative efforts, that's going to involve
5 State, federal agencies, multiple local entities in San
6 Francisco.

7 Next slide, please.

8 --o0o--

9 MR. BENSON: These are -- we keep on getting more
10 and more dramatic pictures of wave action along the San
11 Francisco waterfront, so we've got current flooding that
12 we've got to worry about in some of the winter storm
13 conditions.

14 Next slide, please.

15 --o0o--

16 MR. BENSON: So as we're thinking about the
17 piers, and sea level rise, and what we can do with these
18 precious historic assets, you know, we've had a model of
19 doing full pier redevelopments with a mix of uses that
20 often has challenged the Public Trust doctrine. We're
21 starting to think that we may have to rethink those
22 models. And, you know, maybe we need to just focus on the
23 bulkhead buildings, which everybody loves. There may be
24 piers that we have to take out because they get red
25 tagged, and they're unsafe, and we just can't afford to do

1 anything with them. So we'll be looking at all of these
2 different management strategies ion the update process.

3 Next slide, please.

4 --o0o--

5 MR. BENSON: While we're going through this
6 public planning process, we do intend to keep moving
7 forward with our current projects. We don't want to slow
8 progress down.

9 Next slide, please.

10 --o0o--

11 MR. BENSON: So we're starting this waterfront
12 plan update process now, hopefully this summer. We think
13 it will last for about two years. You can't see all the
14 projects, open space, and maritime and mixed-use projects
15 that are listed there, but those -- we intend that those
16 will continue through their public review process, while
17 we're going through this public planning process.

18 But this is where we really need to engage with
19 your staff. We're hoping that your staff will be involved
20 in this planning process, because we need your help
21 explaining the Public Trust Doctrine to residents and
22 other activists in the City of County of San Francisco,
23 who don't understand it.

24 Next slide, please.

25 --o0o--

1 MR. BENSON: Finally, I'll just point out,
2 there's been a lot of work. We've seen evidence of it in
3 this presentation. People tend to think of the Port as a
4 place where a lot of development happens. And what we're
5 finding out, as we look at -- as we mapped out the
6 waterfront is there's really not that much left to develop
7 along the San Francisco waterfront.

8 We may be reaching an end of major development
9 over the next 20 or so years.

10 Final slide, please.

11 --o0o--

12 MR. BENSON: So, you know, as we update the
13 waterfront plan, we welcome your participation. We hope
14 we can continue to join the Port with the City, and hope
15 that we can together sort of deal with some of the
16 controversies that we've seen over the past couple of
17 years.

18 Final slide.

19 --o0o--

20 MR. BENSON: Thank you very much. Appreciate it.

21 CHAIRPERSON NEWSOM: Thank you.

22 EXECUTIVE OFFICER LUCCHESI: Just to kind of wrap
23 things up from staff's perspective, I just wanted to echo
24 what Monique was saying. I think that when working with
25 our grantees, such as the Port of San Francisco, there's a

1 couple of hallmarks of great working relationships,
2 especially when dealing with the historic doctrine of the
3 Public Trust, and legislation, and local versus statewide
4 interests, and how to find that balance in an
5 ever-changing waterfront development world.

6 And those hallmarks are -- they're alive and well
7 with the Port of San Francisco and their staff under
8 Monique's leadership. It's mutual respect for the
9 historic laws and history that we both kind of work
10 within. It's the willingness and the desire to
11 collaborate and communicate on a regular basis. And it's
12 also a willingness to be creative on all sides.

13 And the Public Trust Doctrine is not an easy
14 doctrine to understand. It can be very nuanced. And I
15 think that their -- the Port of San Francisco is an
16 example of one of our grantees that has great respect for
17 that nuance, and especially one of the hallmarks of the
18 Public Trust being a doctrine that is not static, but
19 evolving to accommodate changing public needs.

20 And with that mutual respect about the Doctrine
21 and what its overall intent is, and how it can be used to
22 further the public's access to and enjoyment of the
23 waterfront is something that the Port of San Francisco --
24 it's at their core values, and we certainly recognize that
25 and appreciate it. And it makes for a very good working

1 relationship.

2 Like both Monique and Brad said, it's not without
3 its controversy. It's not without our -- those situations
4 where we may not see eye to eye on things, but it's always
5 with the understanding that we will reach a resolution
6 that achieves all of our goals and visions. So I just
7 wanted to echo what Monique and Brad said.

8 Thank you.

9 CHAIRPERSON NEWSOM: Anyone here that want to say
10 anything additionally on this information item?

11 Seeing none.

12 Commissioners, any comments?

13 We've got 24 more presentations, so perhaps we
14 should save it. But I'm just reminded, seeing Monique and
15 Brad, that mayors come and go, but Port Directors last as
16 long as we need them.

17 (Laughter.)

18 MS. MOYER: Sometimes.

19 CHAIRPERSON NEWSOM: So keep at it. Great to see
20 you guys. Thanks for the presentation, and all the
21 extraordinary work. And I will say, having seen it from
22 both perspectives, it is -- I don't want to -- special
23 relationship comes across a little patronizing, but it's a
24 remarkably good relationship between State Lands and the
25 Port staff. And we should aim to keep it that way. So

1 I'm grateful to all the staff for all your hard work and
2 your commitment to building that relationship, and
3 maintaining it. So thank you guys very much.

4 Appreciate it.

5 MS. MOYER: Thank you very much.

6 CHAIRPERSON NEWSOM: The next item is,
7 appropriately Brad, sea level rise. We're going to see if
8 they contradict your assessments of sea level rise when
9 our staff makes its presentation. Item 119. You don't
10 have to stick around. Get out of here.

11 (Laughter.)

12 CHAIRPERSON NEWSOM: You guys have to go work.
13 Oh, you're probably going to go to the baseball game,
14 truth be told.

15 (Laughter.)

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 ENVIRONMENTAL SCIENTIST KEEN: Good afternoon,
19 Commissioners.

20 CHAIRPERSON NEWSOM: Thank you.

21 ENVIRONMENTAL SCIENTIST KEEN: My name is Kelly
22 Keen and I'm an environmental scientist with the State
23 Lands Commission. And today, I will be reporting to you
24 on staff's activities to address sea level rise.

25 About three-quarters of all Californians live

1 near the coast. And from this slide, you can see how
2 developed much of our coastline really is. Because of
3 this geographic reality, sea level rise and its associated
4 impacts will cause harmful economic, ecological, physical,
5 and social risks for coastal communities and even in the
6 neighborhoods.

7 --o0o--

8 ENVIRONMENTAL SCIENTIST KEEN: In order to assist
9 the west coast with planning efforts, the National
10 Research Council published a report in 2012 assessing
11 future sea level rise along the coast of California,
12 Oregon, and Washington.

13 In California, the presence of a major plate
14 tectonic boundary at Cape Mendocino causes the coastline
15 to behave differently on either side of this feature.
16 Now, relative to the year 2000, as you can see here in
17 this table, the NRC projects that sea level could rise by
18 17 to 66 inches for the coast south of Cape Mendocino by
19 2100 and four to 56 inches for the coast north of Cape
20 Mendocino.

21 These figures however do not account for the fact
22 that the coast of Northern California, Oregon, and
23 Washington will one day undergo the next big subduction
24 zone earthquake, which might cause some coastal areas to
25 immediately subside and local sea level to suddenly rise

1 by at least one meter.

2 As a result, there is an urgent need to address
3 this issue to produce risks for future generations and
4 ourselves and help communities adapt to sea level rise.

5 --o0o--

6 ENVIRONMENTAL SCIENTIST KEEN: Now, the
7 Commission as a land and resource trust manager does
8 protect over four million acres of sovereign land and over
9 1,100 miles of coastline, including the offshore islands
10 from the ordinary high water mark, as measured by the mean
11 high tide line, to three nautical miles offshore.

12 Now, also the Commission exercises residual
13 oversight authority over some Public Trust Lands granted
14 in trust by the legislature to approximately 80 local
15 jurisdictions. As a result, the Commission has
16 significant influence over on-the-ground development and
17 uses of Public Trust Lands that will be affected by sea
18 level rise.

19 --o0o--

20 ENVIRONMENTAL SCIENTIST KEEN: Now, if sea levels
21 continue to rise, California's coastline will change,
22 which will have a number of significant consequences for
23 sovereign Public Trust Lands and resources under the
24 Commission's jurisdiction. For the Commission, once
25 significant impact of sea level rise will be the property

1 boundaries from changes in the elevation of the mean high
2 tide line. Except for those locations for the boundary
3 where they've been permanently fixed, the landward
4 boundary of the most sovereign land is an ambulatory
5 boundary, because it moves with the ebb and flow of the
6 tide.

7 Because of this, sea level rise can impact
8 boundaries between State-owned sovereign land and private
9 uplands. Other sea level rise impacts that could
10 potentially affect the Commission's jurisdiction include
11 an increase in applications to build new seawalls and
12 protective structures, or to repair existing ones.

13 --o0o--

14 ENVIRONMENTAL SCIENTIST KEEN: The Common Law
15 Public Trust Doctrine is especially important in the
16 context of sea level rise, because it ensures that the
17 title to sovereign land is held by the State in trust for
18 the people of the State, for commerce, navigation,
19 fishing, water-oriented recreation, and environmental
20 preservation.

21 As a result of sea level rise, the public's
22 access to these lands and resources may be limited. As
23 such, a large part of the Commission's efforts to address
24 sea level rise will continue to focus on protecting public
25 access and the public's property rights and interest in

1 these lands and resources.

2 --o0o--

3 ENVIRONMENTAL SCIENTIST KEEN: Now, because of
4 their nature and location, these lands are already
5 vulnerable to a range of natural events, such as storms
6 and extreme high tides. While some of these lands are
7 undeveloped and in their natural state, significant
8 portions have been developed either pursuant to a lease
9 from the Commission or a legislative grant to a local
10 jurisdiction.

11 As I'll discuss throughout this presentation,
12 Commission staff is collaborating with federal, State, and
13 local agencies, and the State legislature to plan for and
14 mitigate the impacts of sea level rise on the lands and
15 natural resources under its jurisdiction.

16 --o0o--

17 ENVIRONMENTAL SCIENTIST KEEN: Now, one of the
18 first steps the Commission took to adjust sea level rise
19 was back in 2009 when it issued a report on sea level rise
20 preparedness, which included the results of a survey that
21 assessed whether trustees of granted lands and the
22 Commission's lessees had considered the potential impacts
23 of sea level rise.

24 Based on survey responses, the Commission adopted
25 recommendations from the report to improve sea level rise

1 preparedness, including considering sea level rise in the
2 Commission's lease application, in its jurisdictional
3 determinations, and its boundary line agreements and title
4 settlements, as well as in -- as well as including sea
5 level rise on any relevant resource categories of a
6 proposed project in the Commission's California
7 Environmental Quality Act documents, and in comment
8 letters, and requiring marine oil terminals to consider
9 sea level rise projections over the remaining life of the
10 terminal.

11 --o0o--

12 ENVIRONMENTAL SCIENTIST KEEN: The Commission has
13 also worked hard to address the impacts of sea level rise
14 on granted Public Trust Lands, which includes tidal and
15 submerged lands underlying many of the State's ports,
16 harbors, and marinas, including the Ports of L.A., Long
17 Beach, San Diego, San Francisco, and Oakland.

18 AB 691 requires local trustees of these lands
19 with annual gross Public Trust revenues exceeding \$250,000
20 to prepare and submit to the Commission an assessment of
21 how they propose to address sea level rise, including
22 impacts on existing facilities and future development.

23 Assessments must be submitted to the Commission
24 by July 1st, 2019. And later this year, grantees will
25 receive letters offering assistance with AB 691

1 compliance.

2 --o0o--

3 ENVIRONMENTAL SCIENTIST KEEN: In 2014, staff
4 participated in the Assembly Select Committee on Sea Level
5 Rise and the California Economy hearings. The select
6 committee consulted with many stakeholders to analyze the
7 impacts of sea level rise on coastal agriculture, fishing,
8 aquaculture, tourism, and ports.

9 They also reviewed the authority of certain State
10 agencies to address those issues. The Commission's
11 Executive Officer provided testimony to the Committee on
12 how the Commission and its staff have been addressing sea
13 level rise and the threat to Public Trust Lands and
14 resources under its jurisdiction.

15 --o0o--

16 ENVIRONMENTAL SCIENTIST KEEN: Current efforts to
17 improve the Commission's consideration of sea level rise
18 in its decision-making processes include further revisions
19 to the service leasing application to guide applicants in
20 assessing the impacts of future sea level rise on their
21 proposed projects.

22 Applicants will also be asked to identify project
23 design alternatives and adaptation measures to avoid
24 impacts to coastal resources and structures, as well as
25 minimize risk to proposed projects. This information will

1 help the Commission develop appropriate and effective
2 lease terms to address and adapt to sea level rise, and
3 better protect the State against hazard and liability
4 risks addresses -- associated with sea level rise.

5 Staff is also designing a webpage to serve as a
6 resource for applicants assessing the impacts of sea level
7 rise, including statewide tools, maps, data sets and other
8 relevant information that will be updated as new
9 information becomes available.

10 --o0o--

11 ENVIRONMENTAL SCIENTIST KEEN: Now, staff is also
12 addressing sea level rise by contributing to statewide
13 efforts to prepare and adapt. As a member of the Coastal
14 and Ocean Resources Working Group for the Climate Action
15 Team, staff coordinated with other agencies to review and
16 provide recommendations for the Safeguarding California
17 Plan, which was released in July 2014 by the Natural
18 Resources Agency.

19 This plan is part of an ongoing effort to reduce
20 impacts and prepare for risks associated with climate
21 change by providing policy recommendations and guidance
22 for decision makers, including priority actions for
23 protecting coastal communities and ocean and coastal
24 ecosystems.

25 --o0o--

1 ENVIRONMENTAL SCIENTIST KEEN: The Commission is
2 also a member of the State Coastal Leadership Group on Sea
3 Level Rise, which includes the executive leaders of the
4 Ocean Protection Council, State Lands Commission,
5 California Coastal Commission, San Francisco Bay
6 Conservation and Development Commission, and the State
7 Coastal Conservancy.

8 The main focus of the leadership group is to
9 develop and implement a coordinated approach for the State
10 that leverages resources, expertise, and complementary
11 Agency missions to address sea level rise. The group is
12 developing a shared vision of resilience that can
13 facilitate sea level rise preparedness, and it's in the
14 process of crafting an action plan that will identify and
15 prioritize specific activities in the Safeguarding
16 California principles and accomplish successive
17 resilience. After the action plan is finalized, staff
18 will bring it to the Commission for its consideration.

19 --o0o--

20 ENVIRONMENTAL SCIENTIST KEEN: Further, the
21 Commission is also a member of the California
22 Collaborative on Coastal Resilience, which is a subgroup
23 of the Leadership Group focused on ways that State
24 agencies can support local, coastal jurisdictions in their
25 efforts to prepare for sea level rise. The Collaborative

1 convened a workshop in March 2015 in Humboldt County to
2 bring local stakeholders and partners together to discuss
3 local adaptation projects, challenges, and how the State
4 can be of assistance.

5 This pilot project is helping the various
6 agencies involved in improving collaboration amongst
7 diverse stakeholder groups, and providing ideas for how a
8 State can help local governments to be proactive in
9 addressing sea level rise.

10 --o0o--

11 ENVIRONMENTAL SCIENTIST KEEN: Now -- and if
12 unaddressed, sea level rise will have catastrophic
13 consequences for the State's millions of acres of
14 sovereign lands. However, through continued collaboration
15 and commitment to science-based policy development, staff
16 will continue to protect and enhance the public's interest
17 in the lands, resources, and assets under the Commission's
18 jurisdiction. And we are committed to being proactive,
19 creative, and diligent to meet the challenges in front of
20 us.

21 Thank you, Commissioners for the opportunity to
22 present this information to you, and I'm available to
23 answer any questions.

24 CHAIRPERSON NEWSOM: Jennifer, anything you want
25 to amplify?

1 EXECUTIVE OFFICER LUCCHESI: Yes, please. I want
2 to kind of summarize by saying that addressing sea level
3 rise on this Commission's lands throughout the State is a
4 very challenging effort. We have a lot of different types
5 of lands and uses of those lands, ranging from ports to
6 marinas to open space to private recreational docks to
7 protective structures that will have to be dealt with in
8 dealing with sea level rise. So a one-size-fits-all is
9 not going to work obviously.

10 And as a landowner, we have adjacent property
11 owners next to the State's land. And all of this is
12 within the framework of the Coastal Act or in the Bay Area
13 the McActeer-Petris Act. So there's a lot of overlays
14 that will influence how the Commission makes decisions on
15 the use and occupation of its lands, and how to protect
16 it.

17 And, of course, that is also in dealing with our
18 neighboring property owners, whether it's a homeowner
19 wishing to protect its property from rising sea levels
20 through a protective structure or an industrial facility
21 that -- a desalination facility that wants to occupy not
22 only its upland property, but then also have portions of
23 its facility located on State property.

24 So what does this mean for the Commission, in
25 terms of dealing with sea level rise in the applications

1 that come before you or the projects that come before you?

2 In our staff's world of collaboration and
3 engaging with other State agencies, our real goal in doing
4 that is to ensure that we can bring that information to
5 the Commission on any particular project or policy effort,
6 so that we have analyzed kind of the statewide efforts,
7 and we're able to package it in a way that helps inform
8 you in your decision making on any particular application
9 or project.

10 And with that comes different projects that are
11 existing projects or existing facilities, where we're --
12 where the application is to renew a lease or a totally new
13 project, where there is an EIR that's been done and sea
14 level rise and climate change has been able to be analyzed
15 through the environmental review document.

16 All of this is going to result in lease terms
17 that are incorporated into the proposed lease before you
18 and how to deal with sea level rise in the future for the
19 length of the term and beyond. And so that's -- as a
20 staff, that's our focus is how do we use our jurisdiction
21 and our authority to further the State's ability to adapt
22 to sea level rise. And in the first instance, it's
23 through the lease terms and the documents that we
24 approve -- that you approve.

25 The challenging part is going to be for existing

1 structures and improvements that are already there, and
2 particularly those facilities, the small businesses or the
3 commercial marinas in terms of how do we help facilitate
4 them being able to have the resources to plan and adapt to
5 sea level rise.

6 We don't have the answers to that at this moment
7 in time, but that is what we are focused on in terms of
8 looking ahead and how the Commission can be the most
9 helpful within our jurisdiction and within our position in
10 the overall State government in dealing with sea level
11 rise.

12 I think another element of dealing -- of
13 addressing sea level rise is going to be the moving
14 boundary associated with the landward migration of the
15 mean high tide line, and -- both in terms of what that
16 means to the State's jurisdiction and ownership, and also
17 what that means from applicant -- from applications that
18 are coming in by individual homeowners or other upland
19 property owners to build protective structures or maintain
20 existing protective structures to protect their upland
21 infrastructure, and what does it mean for the State to
22 have -- to -- operates lands for those types of uses, in
23 terms of lease terms and overall public policy, especially
24 as it relates to public access.

25 And so again, we don't have the answers, but

1 those are definitely on the horizon of what we're
2 grappling with kind of in the trenches right now, and are
3 working towards coming up with some proposals to help the
4 Commission in its decision making.

5 I think just to close on that, immediately where
6 I think this is going to come together is in an
7 application that we're currently processing for the
8 maintenance of a protective structure down at Broad Beach
9 in Malibu. And that's a rock revetment that straddles the
10 property boundary that will need a lease from the State
11 Lands Commission. And analyzing, not only that project
12 and the environmental impacts associated with that, but
13 also the public benefits associated with that versus the
14 private benefits, and how that's reflected in the lease
15 terms that the Commission will be considering.

16 So with that said, I just wanted to attempt to
17 try and kind of bring all this back to what does this mean
18 to the Commission and the applications that will be before
19 you for a decision.

20 CHAIRPERSON NEWSOM: Here, here. Any questions?

21 COMMISSIONER YEE: Great. Thank you. I had a
22 question that I think probably has more to do with
23 chronology of things. So these AB 691 assessments, which
24 aren't due until 2019, it seems to me that's going to
25 provide some pretty important information. So how are you

1 going to handle -- I guess, what's the volume of
2 assessments you're expecting and are they going to be
3 coming in on a flow basis, or are they all coming at once?

4 EXECUTIVE OFFICER LUCCHESI: Well, if -- I
5 suspect when you're given a deadline, that they typically
6 come in at the right' that deadline. So we anticipate
7 receiving those assessments during that period of year
8 leading up to the deadline. The bill requires -- only
9 requires these assessments for those that -- grantees that
10 have revenues above a certain amount, so \$250,000, I
11 believe it is.

12 So of the approximately 80 grantees that we have,
13 I don't believe -- I think it's less than half of those 80
14 grantees that would fall into that category. So we're
15 looking at a smaller portion of grantees, if 50 percent.
16 I don't have those exact numbers.

17 But in terms of utilizing that information, I
18 think that as a -- in addition to being able to put that
19 information up on our website, so the public can view how
20 their local grantees are going to be addressing sea level
21 rise of the State's property, I think that we'll also use
22 it, not only to inform our own analysis and how we --
23 staff may be addressing sea level rise on the Commission's
24 lands under its direct jurisdiction, but also in hopes to
25 facilitate communication and ideas among our local

1 grantees.

2 I think that just going back to our previous
3 presentation with Monique and the Port of San Francisco,
4 there's a lot of overlap, especially dealing with Public
5 Trust Lands and resources and how to deal with these
6 issues. And I think that that's a key role, the State
7 Lands Commission and its staff play, in helping to bridge
8 that information gap about how to deal with some of these
9 state-wide policy issues and other factors that go into
10 how to manage the State's Public Trust Lands.

11 So I think it's also for us to use to help
12 facilitate coordination and collaboration among grantees
13 that may be in similar situations geograph -- from a
14 physical improvement what they have structures-wise and
15 also some of their own organizational structures and that
16 sort of thing.

17 COMMISSIONER YEE: Okay. And I assume we're
18 going to expect an increase in applications on -- for new
19 seawalls and shoreline protection and the like.

20 EXECUTIVE OFFICER LUCCHESI: Yes, for both
21 existing as well as -- as we suspect, new protective
22 structures to help protect the upland property.

23 COMMISSIONER YEE: So I'm concerned about our
24 capacity to deal with all of this stuff obviously. So
25 should we be having a conversation, at some point, about

1 resources -- additional resources?

2 EXECUTIVE OFFICER LUCCHESI: I'm always happy to
3 have that conversation.

4 (Laughter.)

5 COMMISSIONER YEE: I want to be realistic. It
6 seems like -- and with the -- I guess a little bit of
7 breathing room until we get, I think, probably the bulk of
8 the workload. That would be good to just think through
9 what capacity issues we have.

10 EXECUTIVE OFFICER LUCCHESI: We can certainly do
11 that. Thank you for that.

12 CHAIRPERSON NEWSOM: Just briefly, because I'm
13 cognizant of folk's time, particularly those that are
14 waiting patiently for 50, 76, and 100, are we -- were we
15 considered, when you look out at all of the Gulf states or
16 look at our northern partners in Oregon, Washington, of
17 course, the east coast, are we considered the vanguard in
18 terms of this kind of analysis, this kind of proactivity
19 in terms of sea level rises and changes? Are we looking
20 to best practices in Florida, for example? Are there
21 examples in other states? Do we have collaboratives in
22 place in terms of looking at these things?

23 Because this -- the whole presentation here was
24 looking internally --

25 EXECUTIVE OFFICER LUCCHESI: Yes.

1 CHAIRPERSON NEWSOM: -- but I'm just curious what
2 the best practices are externally.

3 ENVIRONMENTAL SCIENTIST KEEN: Yeah. No,
4 absolutely. I know that California is collaborating with
5 our partners in Washington and Oregon, since they are on
6 our coast. And we are looking to best practices as well,
7 especially in the southeast and in the northeast as well.

8 CHAIRPERSON NEWSOM: Yeah. I'm curious, I mean,
9 if there's some -- to the extent you guys come across some
10 interesting information about what other states are doing
11 outside of this state, it would be helpful. I'd love to
12 see some examples --

13 ENVIRONMENTAL SCIENTIST KEEN: Absolutely.

14 CHAIRPERSON NEWSOM: -- and just make sure that
15 we're -- you know, we're maintaining our -- and exercising
16 our responsibilities, but also be inspired by other
17 people's work as well.

18 EXECUTIVE OFFICER LUCCHESI: Of course.

19 ENVIRONMENTAL SCIENTIST KEEN: Absolutely.

20 EXECUTIVE OFFICER LUCCHESI: We will definitely
21 keep the Commission informed.

22 CHAIRPERSON NEWSOM: And I imagine for countries
23 around the world as well, they're looking at the same
24 thing. I'm just, you know, just interested the whole best
25 practice side of this.

1 EXECUTIVE OFFICER LUCCHESI: Yeah.

2 CHAIRPERSON NEWSOM: Excellent. Well done. Good
3 presentation. Perfect segue from Port. Now is there
4 anyone here that has a passionate point of view that they
5 want to share, even a dispassionate point of view on this.
6 Come on up briefly.

7 And anyone else can line on up on this item. And
8 I appreciate it, sir. Please state your name for the
9 record.

10 MR. JONAS: My name is James Jonas, Redwood City,
11 and I live in Docketown, and I'm the face of the future of
12 sea level rise. I live on a floating home. I actually am
13 not on grant property. Docketown, by the way, jumps
14 between two worlds, one a grant property and non-grant
15 property, so it's a very interesting example.

16 We've been confronted with this discussion about
17 the Public Trust Doctrine. And we understand that it's
18 malleable. And this is really a situation in which the
19 needs, Public Trust needs, are changing. And so as a
20 consequence, I've come before you several times, and said
21 let's start to engage in the conversation and use Docketown
22 as an example of how we might explore those alternatives.

23 Let me give you an example. You were talking
24 about international ways of solving this problem. In
25 Amsterdam, there's -- and my apologies, if I mispronounced

1 it, I think it's IJburg, is a new floating home
2 development that they have allowed in their bay.

3 What this represented was a very interesting set
4 of leases terms. They, too, have a history, based on
5 Roman law and based on the Magna Carte and other types of
6 points of interest that create the historical basis for
7 the Public Trust Doctrine, but they've taken a different
8 interpretation, that of experimentation and innovation.

9 In Docktown, we actually have an opportunity to
10 have a wonderful conversation here with you, and we've
11 opened up that door. Now, I've come before you and said
12 let's explore all other alternatives under current law
13 before we're forced into other alternatives whereby
14 perhaps the State has to change the laws through a State
15 proposition system.

16 Toward that end, what we've engaged is a offer,
17 Morrison Foerster. And, in fact, William Sloan is here in
18 the audience and -- to carry on that conversation to see
19 whether we can't search for other alternatives in which,
20 what we can do is actually find a solution, because the
21 alternative to that is the current State position, which
22 is as seas rise, the State takes, because residential use
23 is not allowed. That means, as that mean high tide
24 shifts, we're talking about the destruction of
25 neighborhoods, homes, cities. And we need to seek all

1 other alternatives. We need to have that robust
2 conversation.

3 And the opportunity in our small little nat, the
4 tiny little Docktown example is one way for us to have
5 that conversation. So please, we want to carry on a good
6 conversation with staff. And by the way, thank you very
7 much for a wonderful presentation on sea level rise, and
8 also for the folks from the Port. It was an amazing
9 presentation. Thank you very much.

10 CHAIRPERSON NEWSOM: Thank you for paying
11 attention.

12 MR. JONAS: And I also cede my card for public
13 comment.

14 CHAIRPERSON NEWSOM: Okay. Thank you for that.
15 You're always welcome back when we open that up.

16 Anyone else on sea level?

17 MR. STANCIL: So I'm a sailor in San Francisco
18 Bay. I belong to a couple yacht clubs, and also a
19 resident of Docktown. I just want to point out to the
20 Commission and the people doing the sea level thing is
21 that the high tide is 2.2 feet higher.

22 So in 2001, when you have a 36-inch rise here in
23 San Francisco Bay, it will be over 60 inches, which is
24 over five feet. Okay. So if you take the King tides,
25 which is 9.9 feet last year, add five feet to it, that's

1 15 feet.

2 So in Docketown we're right along the edge. We've
3 lost our access to the land and stuff, and they want to
4 build right up to the edge. There's no room to put 15
5 feet of wall between our community and that. And I'd like
6 to remind you that Mission Bay went through a similar
7 problem when they were trying to develop the Chinese Basin
8 area. And they got an extension on their lease for 40
9 more years, because they put utilities underneath their
10 marina.

11 And the same thing has happened at Docketown. The
12 sewer line went underneath our Marina. The city took over
13 the marina. They didn't get us -- they're not taking care
14 of our interests at all.

15 But the most important thing is, is that sea
16 level rise here might be -- only be three feet. It's
17 going to be six feet at our place.

18 Edward Stancil.

19 CHAIRPERSON NEWSOM: Anyone else on sea level?

20 Well, seeing none, we'll close public comment,
21 and we'll move to the next item, which I believe is Item
22 120, which is consideration of federal legislation, is
23 that the next item?

24 EXECUTIVE OFFICER LUCCHESI: Or we can move right
25 on to the consent agenda for the items pulled in light of

1 the public --

2 CHAIRPERSON NEWSOM: Yeah, that would be
3 respectful.

4 EXECUTIVE OFFICER LUCCHESI: -- members that are
5 here.

6 CHAIRPERSON NEWSOM: Yeah, why don't we do that.

7 EXECUTIVE OFFICER LUCCHESI: Yes.

8 CHAIRPERSON NEWSOM: You guys have been patient
9 enough. So why don't we start with Item 50. And I know
10 we've got a number of -- or at least one speaker. And I
11 can't ready it. I think it's Gary Nauman. I'm sorry if I
12 can't read your handwriting.

13 And anyone else who wishes to speak on this, if
14 you could fill out a speaker's card, that would help us
15 move things along. Why don't we start in with Item 50.

16 EXECUTIVE OFFICER LUCCHESI: We have a very short
17 staff presentation from our Chief of our Land Management
18 Division, Brian Bugsch.

19 CHAIRPERSON NEWSOM: All right.

20 (Thereupon an overhead presentation was
21 Presented as follows.)

22 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I'm
23 waiting for that, but I'll go ahead and get started and
24 get it maybe done before it gets up there.

25 (Laughter.)

1 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Good
2 afternoon, Commissioners. My name is Brian Bugsch. I'm
3 the Chief of the Land Management Division and I'm
4 presenting background information on Item C50.

5 On May 19th, 2014, Mr. Stearn, the applicant,
6 submitted an application for a general lease - commercial
7 use for the existing uncovered floating boat dock,
8 gangway, stairs, and bank protection with an impact area
9 large enough to moor his commercial vessel.

10 --o0o--

11 LAND MANAGEMENT DIVISION CHIEF BUGSCH: There's a
12 picture of the -- his commercial barge with a pile driver.

13 While reviewing the application, staff became
14 aware that the commercial use of the uplands and the
15 waterways at this location was in conflict with Sacramento
16 County's zoning ordinances, and that Mr. Stearn had been
17 issued several code violations.

18 --o0o--

19 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Staff
20 also received multiple complaints from one of Mr. Stearn's
21 neighbors, whom you'll hear from regarding the disruptive
22 nature of his commercial business pile -- driving piles,
23 and building docks.

24 --o0o--

25 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Staff

1 understands that the applicant has signed an agreement
2 with a local marina with the capacity to take his
3 commercial vessel. Staff recommends issuance of a general
4 lease - recreational and protective structure use
5 consistent with other uses in the vicinity for the
6 existing uncovered floating boat dock, gangway, stairs,
7 bank protection, and the standard nine-foot impact area
8 customary with recreational use.

9 Staff is not recommending authorization of an
10 impact area large enough to accommodate a commercial
11 vessel. And commercial use of the lease premises is
12 prohibited under the proposed lease terms. That concludes
13 staff's presentation for this item. I'm available to
14 answer questions.

15 CHAIRPERSON NEWSOM: Okay. Stay there. And is
16 it Mr. Nauman?

17 MR. NAUMAN: Yes.

18 CHAIRPERSON NEWSOM: Thank you. Why don't you
19 come on up and then we'll indulge anyone else that wants
20 to speak to this item. If you could, fill out, again, a
21 speaker's card and we'll move to your comments.

22 MR. NAUMAN: Thank you guys for doing your job.
23 You do good.

24 CHAIRPERSON NEWSOM: You pay us. Thank you.

25 (Laughter.)

1 MR. NAUMAN: Gary Nauman. I have property
2 adjoining Mr. Stearn's, and it's been quite a problem. He
3 doesn't think rules apply to him. And I'm not really
4 against him getting a dock permit. Permitted should be
5 great. But I would like to see his floating cafe removed
6 from the water. He had it tied to two of my trees, which
7 pulled them into the river a couple winters ago.

8 Also, the crane that was there has been removed,
9 and I thank California State Lands for doing that. But I
10 think it also ought to comply to the EPA's smog rules,
11 wherever it's at. So if you could -- it's probably out of
12 your jurisdiction, but you've got more power than I do,
13 I'm sure.

14 And let get my glasses out here.

15 Let's see. He has a clamshell bucket out in the
16 river, which his floating cafe, pontoon boat, whatever is
17 tied to. And I think that could be a safety hazard, if
18 the river keeps dropping down, kids water skiing and
19 stuff.

20 So anyway, the conditions of approval, I'd like
21 you to have in there is get -- have him get the crane
22 smogged, remove the pontoon boat cafe so that he can no
23 longer tie anything to my trees, and remove the clamshell
24 in the river.

25 So you're thinking why did this guy come down

1 here to say that, huh?

2 (Laughter.)

3 CHAIRPERSON NEWSOM: Well, I appreciate that
4 testimony. Why don't we -- Ms. Lucchesi.

5 EXECUTIVE OFFICER LUCCHESI: I will say that Mr.
6 Nauman has been at our past couple of Commission meetings
7 waiting to speak and has been very patient.

8 CHAIRPERSON NEWSOM: Thank you.

9 EXECUTIVE OFFICER LUCCHESI: And so I'm certainly
10 glad he took the trip down here to be able to speak before
11 the Commission on this.

12 I'd like to turn it over to our Chief to answer
13 those questions and respond to his requests.

14 CHAIRPERSON NEWSOM: That's great.

15 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah.
16 He's provided a few photos, and we'll take a look at that
17 and definitely look to address. Our staff has been
18 working regularly with Mr. Nauman to try and address the
19 things that are within our jurisdiction and what we can
20 address.

21 EXECUTIVE OFFICER LUCCHESI: I will say too that
22 the staff's recommendation is very specific to the docking
23 and mooring of a recreational vessel. So his cafe and his
24 clamshell dredger or equipment would not be consistent
25 with the Commission's authorization.

1 CHAIRPERSON NEWSOM: Got it. Got it.

2 Okay. Anyone else who wishes to speak to this
3 item?

4 Seeing none. We'll close public comment.

5 Any additional thoughts, comments from the
6 Commission?

7 So, Ms. Lucchesi, you guys will obviously
8 continue to work with Mr. Nauman to the extent there are
9 other issues. But beyond that, I think your
10 recommendation is pretty clear on this item.

11 EXECUTIVE OFFICER LUCCHESI: Thank you.

12 CHAIRPERSON NEWSOM: Is there a recommendation to
13 move forward?

14 COMMISSIONER YEE: Yeah, move the staff
15 recommendation.

16 ACTING COMMISSIONER ORTEGA: Second.

17 CHAIRPERSON NEWSOM: Without objection, that will
18 be the -- well, that will be the recommendation or that
19 will be the action of the Commission, more appropriately.
20 I don't want to act arrogantly, but that's what we do. We
21 pass things. So we'll move that forward.

22 So the next item up is -- that we pulled is Item
23 number 76. As well, I see one speaker card. And if
24 anyone else wishes to speak to this in addition to Mr.
25 Tesoriero. And I apologize, Tesoriero.

1 MR. TESORIERO: Tesoriero.

2 CHAIRPERSON NEWSOM: Is that close?

3 MR. TESORIERO: Tesoriero.

4 CHAIRPERSON NEWSOM: I can just call you John.
5 That's easier.

6 If anyone else wishes to speak, please fill out a
7 speaker's card. And go ahead.

8 (Thereupon an overhead presentation was
9 presented as follows.)

10 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I'll try
11 and do this right as well, because in mind I've been
12 saying it differently. How do you say it again?

13 MR. TESORIERO: Tesoriero.

14 CHAIRPERSON NEWSOM: Tesoriero.

15 LAND MANAGEMENT DIVISION CHIEF BUGSCH:
16 Tesoriero. Okay. I'll be sure to --

17 CHAIRPERSON NEWSOM: It spells differently.

18 MR. TESORIERO: Tesoriero.

19 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah,
20 that's what I was going to say Tesoriero.

21 Good afternoon, Chairman and members of the
22 Commission. My name is Brian Bugsch again. I'm Chief of
23 the Land Management Division, and I'm here to present on
24 Item 76.

25 --o0o--

1 LAND MANAGEMENT DIVISION CHIEF BUGSCH: In 1991,
2 the Commission and Kahala Needles Partners entered into a
3 boundary line agreement known as AD134. AD134 confirmed
4 the State of California's fee ownership in the sovereign
5 lands within the Colorado River and granted an approximate
6 ten-foot wide public pedestrian access easement to the
7 State of California at that location.

8 --o0o--

9 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On May
10 24th, 2012, the Commission authorized issuance of a lease
11 number PRC 8669.9, a general lease - recreational and
12 protective structure use to John and Kimberly Tesoriero --

13 MR. TESORIERO: Yes.

14 LAND MANAGEMENT DIVISION CHIEF BUGSCH:
15 -- adjacent to 1134 Beach Drive for the use and
16 maintenance of existing concrete stairs, a concrete
17 boardwalk, and riprap bank line.

18 --o0o--

19 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On August
20 14th, 2014, the Commission suspended leasing activities
21 for boat docks because of numerous complaints from people
22 in Rio Buena Vista community. In October of that same
23 year, 2012, Commission staff visited the site, held a
24 public meeting, and took comments on issues of importance
25 to the RBV owners and residents.

1 Mr. Tesoriero was there as well. Comments from
2 owners and residents during the site visit and public
3 meeting indicated that two existing beach areas were used
4 extensively throughout the year by both riverfront and
5 inland residents, as well as the general public.

6 Commission staff became aware that if boat docks
7 were authorized for all beachfront owners, the public's
8 Public Trust needs, values, and uses on the recognized
9 beach areas would be significantly impacted.

10 --o0o--

11 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On
12 December 5th of 2012, Commission staff presented a report
13 on the Public Trust needs of the RBV community to the
14 Commission. The Commission authorized staff to resume
15 processing applications for boat docks in the RBV
16 community on a case-by-case basis, consistent with the
17 Commission's practices on leasing on inland waterways and
18 the public trust needs identified in the area.

19 --o0o--

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On
21 February 3rd, 2014, Commission staff received an
22 application from the lessee requesting an amendment to the
23 lease for consideration, use, and maintenance of an
24 aluminum stairway, walkway, gangway with railing, and
25 floating boat dock.

1 The lessee proposes to construct an aluminum
2 stairway from the concrete patio located at the end of a
3 wing dam adjacent to a neighbor's property at 1138 Beach
4 Drive to a gangway leading down the riprapped bank line to
5 a floating boat dock.

6 --o0o--

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: This
8 slide here illustrates how the boat dock and the other
9 improvements would be constructed at the end of the wing
10 dam. And the lessee's boat is positioned approximately
11 where the floating boat dock would be constructed.

12 --o0o--

13 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
14 upland property adjacent to the leased premises is one of
15 ten properties that lies within the projection lines of
16 the two recognized beach areas, at Rio Buena Vista. The
17 Commission has not approved a boat dock lease for any
18 property within the beach projection lines. Commission
19 staff have also received comments indicating that
20 placement of a dock at this location would create a
21 permanent 365-day-a-year impact to the beach area.

22 Comments also suggest that a dock at this
23 location would negatively impact access to the sandy beach
24 area by creating a navigational hazard for boaters wishing
25 to pull their boats to the beach.

1 Currently, I'm moor my boat offshore about 10 to
2 60 feet in front of the public's sandy beach. Depending
3 on the season and the water level, the public sandy beach
4 is located directly below my property. On or about May
5 24th, 2012, I leased, from the State, the wing dam, the
6 riprap going from the house to the public sandy beach.
7 See supporting evidence in section 1.

8 This is section 1. And that just shows the
9 leased area of the parcel in front of the home.

10 Okay. On or about December 5th, 2012, the State
11 drew an invisible boundary line prohibiting anyone in the
12 ten homes above the public sandy beach from blocking
13 access to the public sandy Beach. See supporting evidence
14 in section 2. And the line shows right there which they
15 had showed earlier.

16 Thereafter on or about May 2014, I applied for a
17 State -- for the amendment for a variance to build a
18 floating boat dock on the State-owned wing dam or riprap.
19 See supporting evidence in section 3. This is just my
20 application for the -- to do it.

21 On or about June 18th, 2014, I received a phone
22 call from the SLC staff that they are recommending to the
23 Commission that the proposed be approved. Sometime before
24 the meeting of October 14th, 2014, Item 64 recommending
25 approval was removed from the agenda. See agenda item

1 2000 meeting -- see agenda item from October 14, 2014
2 meeting, Item 64 and other supporting evidence in section
3 4.

4 So it shows me doing the lease and everything,
5 and then it shows me the time when Randy Collins from the
6 State Lands Commission had called me and said we're going
7 to go ahead and put this on your agenda as an approved.

8 My understanding is that there are certain
9 criteria required to be placed before a variance or an
10 amendment can be granted. I believe I have satisfied
11 those criteria. There are special circumstances
12 applicable to my property that would distinguish it from
13 nearby properties, topography, locations and surroundings.

14 My property is located directly above a wing dam
15 and a public sandy beach. On or about May 2024 -- 2012,
16 excuse me, State Lands granted me a lease for the wing dam
17 or the riprap that runs from the public sandy beach in
18 front of my property out to the river. My property is
19 distinguishable because 70 percent of my property is
20 fronted by the wing dam. Because of this topography, I am
21 the only one that can build a floating boat dock without
22 encroaching on the sandy beach. See supporting evidence
23 in section 5.

24 That's section 5. Keep going. I think the
25 section 5 is coming up. And that's section 5, and it

1 shows the land coming out off the point, which they --
2 which Brian did show.

3 No unnecessary hardship would occur to other
4 property owners in the area. The proposed floating boat
5 dock does not block access to the public's sandy beach,
6 since it would be located on the point of the wing dam.

7 In October 12, 2014, an email was sent by the SLC
8 staff to a concerned property owner stated that for this
9 application, Commission staff performed an in-depth,
10 detailed analysis request and negotiated with the
11 applicant to ensure proposed boat dock and installation
12 would not encroach on the beach, and therefore
13 recommended -- recommending that the Commission approve
14 the lease amendment application to construct a boat dock.
15 Sea supporting evidence on section A.

16 Yellowed out. It shows that they did a complete
17 analysis on the boat dock originally. And then it also
18 shows on the next page where they told the concerned
19 people in the neighborhood -- person in the neighborhood
20 that it would be -- that they were going to put it -- to
21 let it be constructed.

22 Actually, my boat dock, when moored, encroaches
23 more on the access to the point sandy beach supporting the
24 evidence in 6B.

25 6B. Okay. Keep going. That's just the --

1 from -- a letter from Randy from the Commission to me.

2 Okay. Here's a picture -- turn it the other
3 way -- of the boat parked in front of the beach, where
4 it's moored probably 100 days of the year or more. You
5 can't turn it sideways, but it should be the other way.

6 The use for which the variance is proposed is
7 already in the zone. Consent to build a floating boat
8 dock was granted by Randy Baker at 1218 Beach Drive
9 Needles, California, which is also on the wing dam or
10 riprap in a protected sandy beach area. See precedent and
11 supporting evidence, section 7.

12 This is the boat dock. And that's the opposing
13 beach area. They allowed this boat dock to be put on this
14 wing dam, and the beach is not being encroached upon.

15 Conditions, or approval, are related to and
16 proportional to the granting of variances. The SLC stated
17 in the proposal the above reservation recommends that the
18 variance last ten years. Because the variance is limited
19 to the length of the lease, it seems proportional to
20 granting the approval.

21 The approval of the variance will be granted as a
22 special privilege to me. Because there is a wing dam, or
23 riprap, in front of my property, I do not believe I am
24 being granted special privilege, because the intent of the
25 boundary is to prevent the encroachment on the sandy

1 beach, and this dock does not do that.

2 Now, another dock has been approved on a wing dam
3 and riprap in a similar protection area. See supporting
4 evidence in 7, and that would be the same picture.

5 In conclusion --

6 CHAIRPERSON NEWSOM: Oh, good. I just -- yeah, I
7 just want to make sure we're cognizant of time.

8 MR. TESORIERO: Yeah, it's the same picture again
9 showing that there's another -- the dock was at the other
10 end.

11 In conclusion, the State has conducted surveys,
12 see section 8, requesting input from homeowners in my area
13 concerning the proposal of my building of floating boat
14 dock. At first, the input was negative. I found out that
15 much of the negative reaction was prompted by
16 misinformation.

17 The SLC staff then told me to attend homeowner
18 meetings and explain the locations of the dock. This I
19 did. After my appearances, I received numerous positive
20 reactions to redactions and negative responses were almost
21 zero, see section 8.

22 This shows a complete -- the SLC did this for me.
23 State Lands Commission, Randy Collins there, did a
24 complete -- after I went to these meetings, and I showed
25 him the proposal of the dock, and sat in front of my

1 neighbors, and it just kept getting where it just -- all
2 the opposition went off and all of it became a support.

3 According to the Commission's own report,
4 Calendar Item number 85, boat docks that do not encroach
5 on recognized sandy beaches would not significantly impact
6 the Public Trust needs and the use of these areas, see
7 section A and B, has been shown -- keep going. I'm sorry.

8 That's -- that's just a -- yeah, it says right
9 there. And it has in this calendar it says sandy beaches
10 that we are concerned with. Boat docks would not encroach
11 a public sandy beach. In fact, the access to the public
12 sandy beach will be enhanced for the public when my boat
13 is no longer moored offshore, see two pictures in section
14 8C.

15 Here is where it shows the boat encroaching on
16 the beach area, where it's parked out in front of the
17 beach. So if you were trying to come into the beach,
18 you've either got to go around it or through it or
19 whatever.

20 And then the other picture will show this is
21 where -- this has been the last -- we have revised this
22 dock multiple times, and this is the last drawing with the
23 boat moved forward on the dock, coming off the point with
24 the gangway going to the top.

25 And, I wish it was turned sideways, but --

1 CHAIRPERSON NEWSOM: We've got the photos here,
2 so we can see all this stuff.

3 MR. TESORIERO: Okay. Good. Thank you. Thank
4 you. Thank you, sir.

5 So it leaves the beach wide open to the public.
6 So, in fact, the access to the public beach is enhance to
7 the public. Because the State requirements have been met,
8 I do not understand why the Commission would reverse their
9 preliminary positive recommendation. I asked the
10 Commission to reconsider and grant my amendment.

11 I also would like to thank the Commission for
12 letting me speak today. And that's about it.

13 CHAIRPERSON NEWSOM: I appreciate it. Very good.

14 MR. TESORIERO: I have many, many letters from my
15 community that I've worked with. Probably more than 25 or
16 30 letters that have come in since then for support for
17 the dock. And I've tried to work with the SLC and with
18 Randy Collins and with Grace and Brian to make this dock
19 so it would not encroach on this beach, and make it -- you
20 know, to make it -- enhance it.

21 CHAIRPERSON NEWSOM: All right. Well, standby.
22 Brian come on back up.

23 So two different stories. Help us work through
24 this.

25 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah. I

1 don't think there's two different stories, just in
2 interpretation basically --

3 CHAIRPERSON NEWSOM: Two different perspectives,
4 I should say.

5 LAND MANAGEMENT DIVISION CHIEF BUGSCH: -- of
6 where -- yeah. We did work with Mr. Tesoriero throughout
7 the process trying to find a resolution that would work to
8 accommodate him. Ultimately, it's within the projection
9 lines, that was a concern. Mr. Tesoriero was aware of
10 this from the very beginning. He was -- I personally
11 spoke with him in 2012 outside his backyard when we went
12 down for the visit. And then he was also at the meetings
13 that we had and heard the presentations from everyone.

14 So we knew this was going to be difficult from
15 the beginning. We tried to put together a proposal that
16 would work. We were going to bring that to the
17 Commission. Then when the public -- when we did the
18 calendar item, as it should be, that was made public, and
19 the public came out, and then we had some resistance to
20 that from people in the community. That's when we were
21 contacted.

22 CHAIRPERSON NEWSOM: That's why that C64 on that
23 October agenda was pulled --

24 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Correct.

25 CHAIRPERSON NEWSOM: -- because of the growing

1 opposition.

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Correct.

3 So once it was published and it was out in the
4 public, that's when we received the feedback from the
5 public. That's why we pulled it from the agenda. We had
6 Mr. Tesoriero and the home owners association, we had him
7 go back and present that to his neighbors and see if he
8 could find, you know, a consensus or resolution within
9 that.

10 As he said, you know, there was some opposition.
11 We sent out fliers to the community to get them integrated
12 to let them know about that. And so there was a meeting
13 at the homeowners association where we presented it to his
14 community. Even after that, there was -- there was some
15 miscommunication that was clarified. There was still
16 resistance and opposition to that, after all of that as
17 well.

18 Taking everything into account, we felt that it
19 was definitely within the spirit and the intent of what
20 the Commission approved, is that this was encroaching on
21 the beaches. It was within the beach projection lines,
22 and that it could be a navigational hazard from people
23 coming in and around that. And based on all the
24 information that we had, we came with up our
25 recommendation to deny.

1 CHAIRPERSON NEWSOM: And, you know, there's the
2 supporting that Section 8A, the applicant has a series of
3 at least comments in support that --

4 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Right.

5 CHAIRPERSON NEWSOM: Is that -- I mean, is that
6 considered in the context of your remarks?

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH:

8 Absolutely. That's -- actually, that's our
9 internal staff document actually that he requested based
10 on he knew that we -- you know, we had kind of
11 accumulated. He wanted to see what comments were made as
12 a result of all the dialogue and everything. So that's
13 with all the names redacted and everything is the
14 information that we had as staff that we based our
15 decision upon.

16 CHAIRPERSON NEWSOM: All right.

17 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So I
18 think ultimately in that, there was, you know, a group of
19 people in support. There were people that are across the
20 river in Arizona that are on there. So they're not all
21 within the community, but it represents everybody who is
22 utilizing the beach or has an interest in it.

23 CHAIRPERSON NEWSOM: Right.

24 LAND MANAGEMENT DIVISION CHIEF BUGSCH: And
25 there's support, there's opposition, and --

1 CHAIRPERSON NEWSOM: No positions as well.

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Exactly.

3 CHAIRPERSON NEWSOM: Jennifer, what do you make
4 of all this?

5 EXECUTIVE OFFICER LUCCHESI: Well, just a couple
6 of thoughts is these are State-owned lands, and it's not
7 often that applications come before the Commission for the
8 use of State property for a private dock that causes so
9 many challenges associated with competing uses and
10 competing needs of the public.

11 What you have here is a homeowner that wants to
12 build a permanent private dock out on this State property.
13 And from staff's perspective, as evidenced in both in this
14 staff report and in prior staff reports, the Commission
15 and staff has done an extensive look at the needs of the
16 public in this community along Colorado -- along this
17 section of the Colorado River.

18 Our assessment is that these two recognized sandy
19 beaches are heavily used by the public, not just the
20 homeowners that live right adjacent, but the inland
21 portion of that community and the region. And so when you
22 have some competing needs, all Trust consistent, all
23 consistent with the use of the Colorado River, but you
24 have competing interests from various sectors of the
25 community and the State, we think that that -- that

1 challenge, that balance, that decision falls in favor of
2 more of the public -- the region being able to utilize and
3 enjoy these sandy beaches at this location.

4 So we think, when analyzing what's in the
5 public's best -- what's in the public's -- Public Trust
6 needs, what's in the statewide interest, staff's
7 recommendation is that it's the public users of this beach
8 to be able to access and enjoy, not just the sandy beach,
9 but the water area off that sandy beach.

10 Now, obviously -- and frankly, this is a judgment
11 call, and this is just staff's recommendation. So when
12 the Commission is looking at these pictures, hearing the
13 testimony both from staff and from the applicant, I think
14 that it's not a black and white decision, and it's -- it's
15 the Commission's -- in the Commission's discretion, full
16 discretion, to determine what the appropriate use of State
17 Lands are at this location.

18 So, I mean, I know I'm not providing a clear-cut
19 answer, but just from our thought process, the way we
20 approach this as staff, that's how we came out on it.

21 CHAIRPERSON NEWSOM: All right. I want to
22 just -- I mean,

23 MR. TESORIERO: Can I speak?

24 CHAIRPERSON NEWSOM: The idea -- I mean, so he's
25 got his boat out there legally moored right in front of

1 the beach, right, and making the argument that if he
2 pull's on a dock, you've actually taken away an impediment
3 to people's -- I mean, so what -- I mean, how do you
4 square that? Is this photograph misleading or what?

5 EXECUTIVE OFFICER LUCCHESI: No, I don't think --
6 I don't think so. I don't think it's misleading. The way
7 I look at that, and I think the way staff looked at that,
8 is that's a temporary mooring. It's not a permanent
9 structure in the Colorado River. It's a temporary mooring
10 of that vessel, which any -- frankly, anybody in the State
11 can take their boat out there and moor right there. And
12 so it may be temporary for a number of days within a year,
13 180 days I think was stated, but it's not a permanent
14 structure in the Colorado River. So it's perfectly legal,
15 but we're looking at an impact to the State's property for
16 a permanent impact, 365 days a year.

17 CHAIRPERSON NEWSOM: Yeah. Any thoughts,
18 comments from the Commission? Any instincts here? Your
19 judgment, perspective. Yeah, we'll give Mr. Tesoriero --
20 Tesoriero.

21 MR. TESORIERO: Tesoriero.

22 CHAIRPERSON NEWSOM: Tesoriero. I'm so
23 embarrassed.

24 MR. TESORIERO: No, no.

25 CHAIRPERSON NEWSOM: Apologies.

1 I definitely will give you a chance. You came
2 all the way up here, and I'm grateful for you taking the
3 time. Any additional thoughts? Any direction here?

4 ACTING COMMISSIONER ORTEGA: Well, I will say I
5 had the same concern about the picture, because I -- to
6 me, if I were on the Sandy Beach, it looks like the moored
7 boat would be an impediment to my enjoyment of the beach
8 as well. But I recognize the issue of it being a
9 temporary structure, and also that any boat could come in
10 and be there. So that's something that's part of the
11 recreational use of the area presumably, and that -- so
12 that gets back to the question of do we allow a permanent
13 structure in an area that would impede the folks using
14 that area on a daily basis?

15 And I think, based on the comments that Ms.
16 Lucchesi made, I think I tend to weigh again on the side
17 of the public having the maximum use of the area for the
18 most number of days. So I think I am more inclined to
19 agree with the staff recommendation.

20 CHAIRPERSON NEWSOM: John, one more chance to
21 come up and just briefly make some comments based upon --

22 MR. TESORIERO: I think that the people wanted
23 the use of the beach. I don't think they wanted the use
24 of the rock point jetty. Nobody parks their boat on the
25 rock jetty. I have letters from Bill Miller from the Army

1 Corps of Engineers stating that it is not a hazard at all.
2 I also have BOR from Chris Wallace saying the dock is
3 perfectly fine where it sits on that point.

4 So there's no hazard getting around it, okay, if
5 you look in the picture. If -- my boat's there -- my
6 children are there right now with their boats, and it's
7 there again. I was there a week ago.

8 And I think what the people -- what I'm trying to
9 say is what it enhances the beaches, the people use the
10 beach. I don't think the rocks are part of this beach at
11 all. I'm not going to say that. I'm saying that, but I'm
12 saying that nobody pulls up on those rocks and parks their
13 boat. I have never seen an E-Z Up on those rocks. I've
14 never seen a towel laid out there to sunbathe on those
15 rocks.

16 But in front of my home, the beach is used by
17 everybody in my community. And they are my friends, you
18 guys. I have sat in front of this -- my HOA board twice
19 and talked to my friends about using this beach. And it's
20 not just my boat. There was -- there is other docks going
21 in right now up river from this beach.

22 When we first started the community, all the
23 boats were on this beach. There's 121 homes in this beach
24 area, and these two beaches that are supposed to be used.
25 Of course, we know they're not going to be able to fit all

1 these boats. So we have already moved -- I didn't mean to
2 say we, but some of the homeowners already put docks in up
3 river from me. We have taken the concentration of boats
4 off these public beaches and put them up river.

5 So the homeowners that live behind us or in the
6 middle or across the river from us who want to come over
7 and visit or if they want to use these beaches, it gives
8 them more access to the beach.

9 So because I'm only using the rocks for my boat
10 dock, I feel that I'm allowing -- I shouldn't say I'm
11 allowing, but I'm giving more use to that beach. And it's
12 taken -- right now, there would be nine boats being gone
13 from that beach that were there last summer. They're gone
14 now. They're on boat docks parked out in front of these
15 people's homes. And it allows the people from the back or
16 the middle or even from the front that cannot have a boat
17 dock, like my next door neighbor, to be able to pull his
18 boat up, anchor his boat on that beach for the days that
19 he's there.

20 But if I'm there when he's there, then my boat is
21 in the way from anybody approaching that beach or parking
22 in front of that beach. Whereas, I take it and put it in
23 front of the rock jetty, which nobody uses -- and let me
24 tell you, at the meetings in 2012, the beaches were the
25 concern. And the letters that were written to my HOA that

1 I had to go to the meetings for to the SLC, were about the
2 sandy beach. They said nowhere in those letters that the
3 rock jetty was important. It just said the sandy beach.
4 So I'm going back -- and I have 30 letters from neighbors
5 from across the river, my neighbors next to me.

6 CHAIRPERSON NEWSOM: And I apologize cutting you
7 off. So here's -- and I -- and there's some indulgence
8 from the Commission. I need more information here. I'm
9 going to respect your point of view in terms of just being
10 able to explore it a little bit more deeply. I'd like to
11 take the time. There's no urgency is there in terms of
12 make this decision? I don't want to belabor the question.

13 Look, our default on this Commission is public
14 access.

15 MR. TESORIERO: Yes.

16 CHAIRPERSON NEWSOM: And it has historically been
17 that way. It's certainly my default as well, and I think
18 would be, without speaking for every Commissioner, would
19 be -- the indulgence of this Commission would be to
20 potentially reject this, but I -- but there's some
21 competing points of view that I want to work through.

22 If we may, Commissioners, with your indulgence,
23 if we can just continue this to the next calendar.

24 COMMISSIONER YEE: Sure.

25 CHAIRPERSON NEWSOM: And I'm going to put my

1 staff to work with your staff and with you, sir.

2 MR. TESORIERO: Thank you. And I've done my due
3 diligence on this. And I totally respect the SLC. I
4 loved working with Randy Collins and with Grace and Brian.
5 I'm trying very hard to work within my community, and, you
6 know, I'm trying to do everything. I'm not --

7 CHAIRPERSON NEWSOM: And I want to respect that
8 and I want to respect your presence here today and your
9 sincerity. And so -- without any promises whatsoever.
10 And I think you get a sense of where the staff is and
11 where the Commissioners are.

12 Let's take some time. I'll commit my staff, and
13 of course, the SL -- the State Land's staff as well, and
14 let's get to the bottom of these competing points of view.
15 So if we can, let's continue this item, and we'll be
16 spending some time in the next few weeks.

17 MR. TESORIERO: All right. Thank you very much.
18 Thank you, Commissioners, for hearing me. Thank you, SLC
19 staff.

20 CHAIRPERSON NEWSOM: I appreciate it. Anyone
21 else wish to speak on this item before we actually move to
22 continue it. So we'll move, seconded, to continue --

23 COMMISSIONER YEE: Um-hmm.

24 CHAIRPERSON NEWSOM: -- to the next regular
25 calendared State Lands Commission meeting.

1 Kevin Schmidt get ready to spend some time,
2 buddy. There he is, my staff.

3 (Laughter.)

4 CHAIRPERSON NEWSOM: So happy with me.

5 Next item, where are we? We have Item 100. Lots
6 of folks ready to talk on this item.

7 Or a few lots is three. Three times as many in
8 the last item.

9 Sir.

10 (Thereupon an overhead presentation was
11 presented as follows.)

12 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Good
13 afternoon. I think you know me by now. Brian Bugsch,
14 Chief of the Land Management Division. I'm here to
15 present information on C100.

16 There's a presentation. Hopefully, it will be up
17 in a second. This item asks the Commission to authorize a
18 general lease commercial use to the Santa Catalina Island
19 Company and various subleases for the continued use,
20 maintenance -- and maintenance of a concrete freight
21 landing barge located on sovereign lands in the Pacific
22 Ocean at Pebbly Beach, Santa Catalina Island.

23 The freight barge landing is located on the east
24 side of Santa Catalina Island just south of the City of
25 Avalon.

1 --o0o--

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On March
3 27th, 1990, the Commission authorized a 26-year general
4 lease commercial use to the Santa Catalina Island Company.
5 The Commission also authorized a sublease to Jack Finnie,
6 President of the Catalina Freight Line, or CFL, at the
7 same meeting.

8 The lease with the Island Company expires on
9 March 31st, 2016. An Island Company lease with CFL
10 covering the use of the upland facilities associated with
11 freight operations also expires on March 31st, 2016.

12 --o0o--

13 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
14 concrete freight ramp currently provides CFL a location to
15 load and unload freight from freight barge vessels. CFL
16 has operated freight services to and from the island for
17 approximately 50 years.

18 --o0o--

19 LAND MANAGEMENT DIVISION CHIEF BUGSCH: In
20 December 2012 the Island Company sent out a Request for
21 Proposal to eight possible freight service operators. The
22 initial group of eight operators was reduced to three
23 finalists, the current operator CFL, Curtin Maritime, and
24 Avalon Freight Services, or AFS.

25 In November 2013, the Island Company selected AFS

1 as their freight -- new freight line operator and lessee
2 for the upland freight facilities. The City of Avalon and
3 the Port of Los Angeles were also involved in the
4 selection process.

5 --o0o--

6 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
7 Island Company is now requesting that the Commission
8 terminate the existing lease and authorize the issuance of
9 a new lease. In addition, the Island Company is
10 requesting the Commission to authorize CFL as a sublessee,
11 so that it may continue the freight barge operations
12 through its current contract ending in March 31st, 2016,
13 and authorization of AFS as the new sublease -- sublessee
14 beginning April 1st, 2016.

15 Representatives from the CFL and Curtin Maritime
16 have submitted letters in opposition to the authorization
17 of a new lease to the Island Company and sublease to AFS
18 as the sole freight operator. They have also filed
19 protests on AFS applications with the California Public
20 Utilities Commission to become a vessel common carrier
21 between Santa Catalina Island and the main land.

22 An administrative law judge and CPUC Commissioner
23 have been assigned to the AFS application. However, a
24 hearing date has not yet been set. The antitrust section
25 of the California Attorney General's office has also

1 received a complaint from CFL and is investigating the
2 merits of that complaint.

3 Staff does not believe that the issues before the
4 CPUC and the AG's office prohibit the Commission's
5 consideration of a new lease and sublease and therefore
6 recommends termination of the existing lease effective
7 April 22nd, 2015, issuance of new general lease -
8 commercial use to the Santa Catalina Island Company
9 beginning April 23rd, 2015 for a term of 20 years for the
10 continued use and maintenance of the concrete freight
11 barge landing, approval of a sublease to Catalina Island
12 ending March 31st, 2016, and approval of a sublease to
13 Avalon Freight Services, LLC beginning April 1st, 2016 and
14 ending March 31st, 2026.

15 That concludes my presentation. Representatives
16 from the Island Company are here, as well as
17 representatives from CFL, AFS, and Curtin Maritime.

18 CHAIRPERSON NEWSOM: So, I mean, your point of
19 view, there was an open public process. People competed
20 in that open public process. Folks that didn't get it,
21 obviously understandably are upset, and they're here, I
22 guess, to make a point that they've got pending actions to
23 try to disrupt the process to suggest that it wasn't
24 necessarily the right conclusion. But your point of view
25 and the State Lands staff is that's their issue not our

1 issue necessarily, is that it? And that the person that
2 won the bid, based on the process that was set up, is
3 asked for this process to move forward. And there's
4 nothing from your perspective that should disrupt that
5 application request?

6 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Correct.
7 Yeah, and I think that --

8 CHAIRPERSON NEWSOM: You said it much better than
9 I, but I just want to make sure I understand that.

10 LAND MANAGEMENT DIVISION CHIEF BUGSCH: No, I
11 think you have it correct.

12 CHAIRPERSON NEWSOM: Okay. All right. Now,
13 they're here to tell us differently, because I have lots
14 of people that wish to speak.

15 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah, I
16 think there's a lot of concerns. I think the basis -- I
17 don't want to prejudge it, but a lot of it has to do with
18 a sole provider as opposed to multiple providers, and
19 then -- but we felt the process was open, and we feel that
20 if that's decided ultimately, this lease can be amended to
21 accommodate for those.

22 CHAIRPERSON NEWSOM: If we move forward and
23 they're successful, I think this -- we'll make this -- it
24 will negate whatever action we would take here today
25 anyway. By the way, is there any precedent for -- I mean,

1 have you considered -- in the past, have we done things
2 similarly, moved forward when there's pending litigation
3 and issues related to RFPs? I mean, is there any previous
4 action you may recall?

5 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I think
6 it changes from time to time. Sometimes we've moved
7 forward if we feel that, you know, the process can play
8 out and it can be amended later, but what we're approving
9 isn't in conflict with that. But I think other times
10 we've allowed it -- held it back and allowed that stuff to
11 play out. So I think we've done it both ways.

12 EXECUTIVE OFFICER LUCCHESI: I would just add,
13 there's two pending processes happening, one is before the
14 PUC. We have certainly acted before other agencies that
15 have permit authority in lease applications and we've
16 acted after. So we've done it all kinds of different
17 ways.

18 In terms of the complaint filed with the Attorney
19 General's office, I will say that is not litigation yet.
20 That is just a complaint that, as far as we know at this
21 point, is being looked into in the same fashion any
22 complaint that's filed with the AG's office is being
23 looked into.

24 And so given those factors, staff didn't believe
25 that there was anything prohibiting the Commission from

1 considering this action today. But at the same time, if
2 the will of the Commission, after hearing testimony, is to
3 defer action, there's nothing that -- there's nothing
4 prohibiting that as well. So just to kind of set the
5 stage.

6 CHAIRPERSON NEWSOM: Yeah, perfect. All right.
7 Well, let's jump in. We've got Martin Curtin who's here,
8 and I think his attorney Sean Matsler.

9 EXECUTIVE OFFICER LUCCHESI: If I may? I'm sorry
10 to interrupt. I do believe that our lessee -- or our
11 current lessee does have an organized presentation and
12 applicant.

13 CHAIRPERSON NEWSOM: Oh, as well. Excuse me.
14 Yeah, it seems appropriate.

15 Good to know. Jump in.

16 MR. FICKER: Yeah. Chair Newsom and members of
17 the Commission, my name is Jarod Ficker, on behalf of
18 Santa Catalina Island Company. And we wholeheartedly
19 support the staff recommendation.

20 Here with me are several colleagues I believe
21 have speaker slips in, but are here only to supplement or
22 answer any questions or respond to any comments.

23 That's Geoff Rusack and Kris Wilhelm with the
24 Santa Catalina Island Company. Jim Price with Hardesty.
25 They were the third-party consultant that was used for the

1 RFP process. And finally, Greg Bombard with Avalon
2 Freight Services and the proposed sublessee.

3 I'd like to make a few brief points and echo the
4 staff's recommendation. Santa Catalina Island Company has
5 enjoyed the long and excellent relationship with the State
6 Lands Commission. We appreciate the good work of the
7 Commission staff and support the staff recommendation to
8 approve the lease, which is really a lease extension, and
9 the sublessee, Avalon Freight Services. Commission staff
10 have been very hopeful and we agree with all provisions of
11 the recommendation.

12 The Santa Catalina Island Company is the upland
13 fee title landowner above the subject ramp area, and has
14 been -- that has -- really has been used for decades to
15 facilitate freight service to Catalina Island. In
16 anticipation of the existing ramp lease needing renewal,
17 the Santa Catalina Island Company chose to conduct a
18 third-party managed RFP to consider sublessees, and to
19 provide freight services and to consider potential
20 improvements for the island community.

21 As mentioned in the staff's recommendation, the
22 RFP process included participation from the City of Avalon
23 and the Port of L.A. in the selection process. And this
24 is rather unusual for a private upland landowner to
25 conduct an RFP with participation from the community in

1 the selection process, but this was done purposely for the
2 benefit and to get input from the community.

3 This RFP process selected the highest scoring
4 proposal, based primarily on capabilities and experience,
5 improvements in service, and financial wherewithal. And
6 the proposed sublessee, Avalon Freight Services, has
7 extensive experience and was selected via the RFP process.

8 They also are in full agreement with the terms of
9 the lease. And while there are a number of benefits
10 proposed by Avalon Freight Services, one notable
11 improvement is in transportation of emergency vehicles
12 for -- in cases of fire and other things that happen from
13 time to time on the island.

14 We are requesting action today because
15 significant investment is underway in preparation for
16 service beginning next -- early next year. Avalon Freight
17 Services is proceeding with an investment in excess of \$12
18 million for new vessels, barges, trucks and improvements
19 in facilities at the Port of L.A. This work is currently
20 underway with prevailing wage contractors in order to be
21 able to begin service in less than a year. The new lease
22 and service will commence early next year.

23 The bottom line, a lot of time, effort, and money
24 must be spent now to prepare. The Commission's action
25 today provides the certainty necessary to continue this

1 investment.

2 This item was scheduled for consent, as this
3 lease is a fairly routine item typically for the
4 Commission. Unfortunately, other parties that were not
5 selected as the sublessee, via the previously mentioned
6 RFP, are attempting to delay our lease renewal in an
7 effort to cause unnecessary delay.

8 This ultimately also creates uncertainty for the
9 Catalina Island community that relies on reliable freight
10 service. We respectfully ask for the Commission to act
11 today on this item, and we're happy to answer any
12 questions or respond to any comments.

13 Thank you for your consideration. And finally,
14 I'd be remiss if I didn't invite you all to Catalina
15 Island. There is something for everyone to experience on
16 this unique island.

17 CHAIRPERSON NEWSOM: Well done. Running for
18 Mayor there.

19 (Laughter.)

20 CHAIRPERSON NEWSOM: Jarod, do you want -- I've
21 got -- I saw another pile, so thank you. I apologize. I
22 didn't see this. But does Geoff and everyone else wish to
23 speak? But I heard you reference or be available for --

24 MR. FICKER: I think they're available to answer
25 any questions or respond to any comments. But I think any

1 other comments from our perspective are unnecessary at
2 this point.

3 CHAIRPERSON NEWSOM: At this point. Okay. Good.
4 Well, then we'll -- you certainly reserve the right for
5 everyone to come up after we hear from Martin Curtin and
6 Sean Matsler and Daniel Reidy.

7 All right. Thank you, sir.

8 MR. CURTIN: Good afternoon, Commissioners.
9 Martin Curtin, Curtin Maritime, born and raised on
10 Catalina Island. My family still lives on Catalina. A
11 lot of deep roots there for me.

12 I'm here today to ask you guys to take our letter
13 into consideration. We're trying to break the monopoly
14 that has been serving Catalina for -- since its
15 conception. We do have current hearings going on with the
16 Public Utilities Commission which govern this.

17 By amending the lease, which my attorney will go
18 into in much more detail, it just doesn't create another
19 roadblock, if the CPUC decides that, yes, open competition
20 is right for this community. And if they decide not to
21 issue any additional permits, then it doesn't have any
22 consequence whatsoever.

23 The City of Avalon has spoken. I don't know if
24 you guys received the letter from the City of Avalon
25 requesting you guys review the last city council meeting,

1 but there's been a massive public outcry. We've submitted
2 over almost 200 letters that citizens wrote to the Public
3 Utilities Commission requesting open competition and more
4 than one provider.

5 Everyone here on this Commission knows open
6 competition is always good for the public. The public is
7 speaking out against a monopoly, and we're here to openly
8 compete for their business.

9 CHAIRPERSON NEWSOM: Excellent. Thank you very
10 much.

11 MR. MATSLER: Good afternoon, honorable
12 Commissioners. Sean Matsler with Manatt, Phelps &
13 Phillips on behalf of Curtin Maritime.

14 Just to correct a couple of points from Mr.
15 Ficker's comments. We're not here today to ask you to
16 continue. I'm not even here today to ask you to turn down
17 the application. What I am here to do is to ask you to
18 insert an amendment to the application.

19 As staff explained to you, my client is seeking
20 vessel common carrier status before the PUC right now.
21 There's also the pending AG investigation.

22 What we're asking you to do is to add a new
23 condition to the lease that's before you today that would
24 say that any carrier that's approved, has a vessel common
25 carrier authorization from the PUC is licensed as a

1 sublessee under the agreement -- the lease that's before
2 you today from Avalon Freight.

3 I also want to just take a moment to explain why
4 we're here talking about freight, because it doesn't seem
5 like it's the kind of thing that we should be spending
6 that much time talking about. But freight on Catalina
7 Island is not just sort of bulk goods for commercial
8 services. It's anything that's oversized, bikes,
9 mattresses, desks. If Martin's parents want to go to
10 Costco on the main land and come back, they might have to
11 load their goods back from Costco through freight. So
12 freight is a very real issue for the people of Avalon, and
13 it's been a real problem.

14 There have been a suffering from sort of, you
15 know, no check on the prices, no check on the quality of
16 service. There's just one provider. And so obviously
17 what my client's goal is and what Mr. Reidy's client's
18 goal is is to get competition for these services.

19 And we feel like by inserting the amendment that
20 we've requested to the lease, that would again simply say
21 that any vessel common carrier licensed by the PUC is a
22 sublessee under the lease, that that would remove one
23 impediment should we be lucky enough to get vessel common
24 carrier authorization from the PUC.

25 Thank you so much.

1 CHAIRPERSON NEWSOM: Appreciate it. Thank you.
2 Mr. Reidy.

3 MR. REIDY: Thank you, Mr. President, members of
4 the Commission. I'm Daniel Reidy and I represent Catalina
5 Freight Line. Who has been the company that's been
6 providing the freight service to the island for over 40
7 years and during the current lease, which is 25 plus
8 years, that's going to expire March 31st.

9 For one thing, I acknowledge staff's point of
10 view that there's nothing that prohibits your Commission,
11 because we have a proceeding pending in the PUC, but there
12 is -- you have the authority to cooperate in a respectful
13 comity way. You know, here's another State agency that
14 has its own proceeding pending. And in my view, there's
15 no real urgency about this. It's a year from now that the
16 current lease can continue.

17 So if this were put over say for six months into
18 October, which is when we think that the PUC proceeding
19 will probably come to fruition, there would be no real
20 harm to anybody, if you'd just take a pause. So that was
21 what we suggested, one of our recommendations in the
22 letter that I sent around last week.

23 But the other issue though is I just would like
24 to clarify that this -- that we shouldn't sort of put an
25 aura of blessing around this RFP. It was a private

1 company's business plan process. It wasn't a public
2 process. They used an outside consultant. They had some
3 input from the pilot from the Port, and, you know,
4 participation of some people from the City, but it wasn't
5 really a public process. So it was like a business --
6 making a business decision.

7 And this -- the company, Alameda(sic) Freight
8 Services is a paper company. It doesn't have experience
9 at all. It's not an experienced company. Its partners do
10 passenger carrier work. They're very experienced in that.
11 They have a big outfit that does a lot of barges and
12 cranes and out at the oil rigs and big boats all over up
13 and down the west coast. So, I mean, these people know --
14 they have a lot of capacity and financial strength. They
15 have no hands-on experience in shipping the kind of
16 freight, like food and supplies and the buffalos that are
17 out, the bisons and so on, the animals that are handled by
18 this freight service.

19 It's a two-way thing. They bring some of the
20 solid waste out. They take water out to Edison that runs
21 the water company. So it's a very critical part of the
22 program.

23 And what -- we're on board with what the
24 attorneys for Curtin have said is that going forward it
25 should be shared. It's a new era, so you'd have three

1 companies. Our company is the only one that's authorized
2 by the PUC to transport freight on a scheduled basis from
3 the Port of Los Angeles out to the island or to take
4 anything from the island back to the main land.

5 The other two have asked to get some authority.
6 And it could be that there are problems with Avalon
7 Freight Service's application, and it might not even be in
8 hand by the 31st.

9 And we found out about this -- the short fuse new
10 sublease on Friday when the staff report came out. So,
11 you know, we're listed in the agenda of the item, but that
12 we -- this is all like new information that we're getting
13 now. So our recommendation is take a pause. There's no
14 sense of urgency. No one would be hurt if you'd wait say
15 till October, and think of this idea of putting a
16 condition on this facility that it would -- could be open
17 for you use on your -- what happens on the uplands will
18 work out in business or in other regulation.

19 But you could decide that it's furthering the
20 Public Trust to have that floating -- you know, the
21 floating dock and the water around it be open to any
22 carriers that do get the certification from the PUC,
23 Avalon Freight Service, if they get it, Curtin Maritime,
24 if they get it. Our people know it's newer era. You
25 know, if we had a de facto monopoly in the old days, it's

1 not there any more. So that's our position.

2 CHAIRPERSON NEWSOM: All right. I appreciate
3 that. Thank you, Mr. Reidy.

4 MR. REIDY: You're welcome.

5 CHAIRPERSON NEWSOM: You know, with the
6 consideration of that testimony, you know, Jeff Rusack and
7 Greg Bombard and others, you've filled out speaker's
8 cards, any of you wish to comment on what you heard or
9 have any additional comment at this time? No obligation
10 certainly. I'll now -- if you want to hold on.

11 Staff, then just what do you reflect? I mean,
12 what is the net effect of a new condition that amends what
13 any vessel carrier approved his license as a sublessee?
14 What does that mean from your perspective?

15 EXECUTIVE OFFICER LUCCHESI: Well, I think that
16 if the Commission was interested in pursuing that, I would
17 recommend deferral of the action, not trying to come up
18 with that language for a leases term on -- at the time
19 right now. I think we need to think about that as a staff
20 and how that would actually work, but also we have to work
21 with our lessee to see if that's -- to find common
22 language that we could all agree to.

23 So I would just say if the Commission was
24 interested in exploring that option, I would recommend
25 deferral of the action and allow staff to work with the

1 parties to accomplish that.

2 CHAIRPERSON NEWSOM: Got it. Any thoughts? And
3 I see folks are lined up maybe -- we'll hear for comment
4 or questions.

5 COMMISSIONER YEE: Yes. Do we have any sense of
6 the timing of the CPUC?

7 EXECUTIVE OFFICER LUCCHESI: As staff, we
8 certainly don't have a sense of that timing. I'm not sure
9 if the representatives from the Island Company or the
10 sublessee have a sense or any of the other entities that
11 have applications pending before the PUC have any comments
12 on that.

13 COMMISSIONER YEE: And the matter before the CPUC
14 is the operating permit.

15 EXECUTIVE OFFICER LUCCHESI: All three companies
16 that wish to be a sublessee have permits pending before
17 the PUC. And there is a -- there are two protests to one
18 of the company's applications. So I think there's a
19 couple of different processes going on, but I -- we are
20 not -- we weren't able to confirm the timing of that
21 before the meeting today.

22 COMMISSIONER YEE: Okay. I guess the issue of
23 competition I think will probably be front and center
24 before the PUC's consideration as well. So I think there
25 will be another bite at the apple by some of the parties

1 there in that proceeding.

2 I'm more compelled by the opposition from the
3 residents or the parties in the City of Avalon. And it
4 speaks to the -- a little bit probably to the RFP process,
5 and -- which gives me pause in terms of wanting to act
6 today. But I hope that we can really look at what some of
7 the statements were that were made at the city council
8 meeting. My staff had an opportunity to listen to the
9 meeting and there's quite a bit of concern.

10 So I -- just given the nature of the RFP process,
11 that's not to say that the outcome may change at the end,
12 but I think just giving time to at least absorb some of
13 the comments that were made publicly, and as you say, not
14 really rushing in terms of any amendment that may need to
15 be drafted and entertained.

16 So I would support the motion to defer this
17 matter.

18 CHAIRPERSON NEWSOM: So with that in mind, I
19 imagine those that are here that have a different point of
20 view that have filled out a speaker's card, may want to
21 take advantage of the opportunity to express a point of
22 view.

23 Mr. Ficker.

24 MR. FICKER: Again, Chair Newsom and members of
25 the Commission, so there were lots of points made here and

1 I just want to summarize a few things.

2 First of all, in regards to some of the comments
3 by the City of Avalon, the city has gone back and forth on
4 lots of things, and that's kind of a normal mode of
5 operation sometimes in the city. There's lots of
6 stakeholders with lots of opinions, and you guys have sat
7 on bodies and understand how that works.

8 I can emphatically say the city has on file a
9 support letter in the PUC process on behalf of Avalon
10 Freight Services. So there's support letters supporting
11 this very action.

12 Similarly, with regards to competition, you know,
13 intuitively competition is a good thing. And there is
14 many ways and forms of that it can come in. To conduct
15 freight service to Catalina Island, you have to have a
16 mainland facility to accommodate taking of freight on the
17 mainland and a island facility.

18 And this is not the only place where you can
19 conduct and serve those functions, but the Catalina Island
20 Company is the upland landowner. And the upland land to
21 this ramp is a very, very small space. It has to
22 accommodate and facilitate the associated things to
23 deliver freight, that means trucks and other things.

24 And while it might sound intuitive to have
25 competition doing this, one, Avalon is a very small

1 community, but providing accommodations for three or four
2 or five or endless entities that get services and
3 approved, to facilitate and put their trucks and -- which
4 would be somewhat redundant in the same area, and
5 orchestrate vessels coming in at different times in a very
6 small area is not practicable.

7 So finally on competition, and what everyone
8 wants is good reliable service at a fair rate. What's in
9 front of, not this body but the CPUC is consideration of,
10 what are called, vessel common carrier certificates. I
11 think three parties here. One has one and two are
12 proposed. The CPUC is indifferent and might certify
13 multiple entities.

14 But part of their consideration of that approval
15 is having essentially the appropriate infrastructure in
16 place to support those. Second, and independent, and this
17 is really more the competitive aspect that the community
18 cares about, are the rates. No one is proposing changing
19 any rates or the tariff structure. The CPUC is the body
20 that determines and looks at rates. And that is really,
21 in a rate-setting fashion, the protection of the public
22 for serving that.

23 So here today, and the reason why we're
24 requesting action, is significant, in excess of \$12
25 million, lots of work is being done to make improvements

1 in particularly the mainland-side facilities and build new
2 vessels, that investment has to happen today to start this
3 service going forward.

4 So if it doesn't happen, we introduce a whole lot
5 of uncertainty into the process. So should the Commission
6 want to consider other options or other ramps or areas
7 where there's an interface in the State Lands
8 jurisdiction, that these other freight operators might
9 propose in the future, that's certainly a consideration
10 that the Commission can do.

11 But for today, we're respectfully requesting
12 action, so that we can provide the certainty, not only to
13 the investment that needs to occur, but for the citizens
14 of Catalina that need the benefit of having reliable
15 freight service.

16 CHAIRPERSON NEWSOM: All right. Thank you. I
17 appreciate that.

18 So, yeah, I guess my -- I'm a little
19 uncomfortable getting -- if I was a member of the CPUC,
20 I'd be asking a lot of different questions. I feel like
21 we'll be inserting ourselves in something that's not
22 necessarily part of our direct responsibility and
23 oversight. I understand latitude is afforded here. So
24 I'm a little uncomfortable getting in the middle of this
25 discussion that I think is more appropriate for the CPUC,

1 sort of the finer points that were made here today.

2 And to the extent that staff has looked at this,
3 vetted this, feels it's appropriate, has made the
4 recommendation to move forward, that's also compelling to
5 me. And so, you know, my inclination is to move forward
6 with this today, move forward with the staff
7 recommendation.

8 That said, there's three of us for a reason.
9 It's not a monarchy. There's not one person. There's
10 multiple people. We've heard from two of us.

11 (Laughter.)

12 CHAIRPERSON NEWSOM: What say you? And don't
13 give me this I'm the Finance person. I can't get involved
14 in this.

15 ACTING COMMISSIONER ORTEGA: No, I'm not going to
16 give you that.

17 Well, two things. I think I am prepared to
18 support the staff recommendation. However, I think it has
19 been tradition to be deferential to Commissioners who want
20 to see some time to resolve something. So that's the --
21 where I come down here is that there are times when maybe
22 I've asked for more information or a deferral. And I'm --
23 I guess I would ask if we did defer the action just until
24 the next meeting, is there some clear harm? So we
25 deferred the previous action, because there was a feeling

1 of let's get a little more information. Is there a clear
2 reason why deferral today would be harmful to any of the
3 parties?

4 EXECUTIVE OFFICER LUCCHESI: Well, at least from
5 a State Lands staff perspective and processing
6 applications and dealing with the current lease and a new
7 lease coming on, there would not be harm from a staff's
8 perspective of deferring to the June meeting on this.
9 However, I think that that question is probably also --
10 should also be directed towards the Island Company's
11 representative.

12 ACTING COMMISSIONER ORTEGA: And so I'm --

13 CHAIRPERSON NEWSOM: And I guess that's the
14 difference here is the lease, and there's the process,
15 there's investment, and that's the concern I think.

16 Do you want pose that to --

17 ACTING COMMISSIONER ORTEGA: Yes, please.

18 Please. Yeah.

19 CHAIRPERSON NEWSOM: Come back up.

20 MR. FICKER: Yeah. And some representatives from
21 the Island Company might want to, you know, provide some
22 addition comment.

23 Absolutely, it does. I mean, we would have to
24 stop the process of investment in preparation for this,
25 because we would be introducing uncertainty to the

1 process.

2 As I said before, the CPUC process might approve
3 multiple entities, but we would be essentially putting in
4 place or starting to move forward with the concepts of
5 multiple freight providers providing service in certain
6 areas. And that would change a lot of dynamics related to
7 consideration of this, in that, you know, one, this is a
8 small community and you have massive financial investment
9 putting in -- providing vessels to provide this service.

10 So if the Commission didn't act today, we'd
11 essentially have to cease that investment. We would not
12 be able to fulfill the targets of providing the new
13 freight service on a timely basis into the future. And
14 it's -- from my perspective, I see no reason why the
15 Commission not act today. Should other entities put forth
16 the component pieces to consider and be approved as a
17 vessel common carrier to provide freight service into the
18 future, that request can certainly be made of this
19 Commission.

20 But today, we, in good faith, have come to the
21 Commission. And many lessees do not come before the
22 Commission before their leases have expired. They come
23 after the fact and say, hey, we need a new less and we
24 need to go forward. But we've, in good faith, ran an RFP,
25 included and selected the highest scoring proposal,

1 included members of the community into that process, are
2 making the appropriate investments, and are asking in turn
3 in advance for the certainty to move forward. And we
4 think that's a reasonable request and we'd request that
5 action today.

6 CHAIRPERSON NEWSOM: Okay.

7 ACTING COMMISSIONER ORTEGA: Can I ask one more
8 question?

9 CHAIRPERSON NEWSOM: Please, yeah.

10 ACTING COMMISSIONER ORTEGA: It may be a question
11 to Mr. Matsler, so please, you look like you want to say
12 something too, but let me ask my question. In thinking
13 about whether there would be a potential different
14 recommendation before the Commission, one thing that
15 confuses me about your suggestion about the amendment to
16 the proposal is the issue that the upland property is
17 private property. So help me understand how just sort of
18 generally saying anyone who has the license could use the
19 property -- could, in fact, use the property when it's
20 private property?

21 MR. MATSLER: No, it's a great question. This is
22 a -- if you were to agree to the amendment that I proposed
23 today, that wouldn't mean automatically that we are
24 authorized to deliver, offload, and, you know, distribute
25 freight throughout the island. It's a component process,

1 right?

2 So the first component is vessel common carrier.
3 That gets us the rights to traverse the waters, right, to
4 the shore. The second component is before you today, and
5 that's before you today right now. It's can we get from
6 the waters to the shore? And so we're asking, as I said,
7 for an amendment, or at least a continuance. And then
8 third is to offload it.

9 The upland adjacent landowner is the Island
10 Company. However, as part of the PUC process, we have
11 asked, and the incumbent operator Cat Freight has asked
12 that in order for Avalon Freight to get their vessel
13 common carrier, that they allow shared use among that
14 upland facility, which we think is fair.

15 As long as we can get it onshore, we have no
16 problem finding a warehouse in town to distribute the
17 goods. There's no train running down the track here. I
18 don't think that a one-month delay or a two-month delay is
19 going to cause anybody irreparable harm.

20 And to some of these questions earlier about the
21 timing of the CPUC process, we expect that to be concluded
22 well in advances of the March 2016 -- March 2016
23 expiration of this lease.

24 CHAIRPERSON NEWSOM: Thank you.

25 MR. MATSLER: Thank you.

1 CHAIRPERSON NEWSOM: Any additional questions
2 from the Commission?

3 COMMISSIONER YEE: Mr. Chairman, I mean, I think
4 I still would like to see a postponement of this item.
5 Although, I would like to put some time boundaries around
6 it. So probably no later than our next regularly
7 scheduled meeting.

8 CHAIRPERSON NEWSOM: Yeah. I mean, it is -- I
9 mean, you're right, there is a tradition of indulging the
10 continuances. And certainly if I'm hearing from both of
11 you, that's case, then certainly no reason -- I mean, I
12 can count.

13 (Laughter.)

14 CHAIRPERSON NEWSOM: So no reason to -- I guess
15 my only thing is I don't know. Maybe it's the business --
16 as far as the guy's business. You do -- you go through
17 the process. You do everything by the rules. And I know
18 what's going on here. I get it. I see through it. And
19 I -- you know, so you know, I'm going to indulge. I'm a
20 little uncomfortable continuing this, because I see what's
21 going on. But, you know, that's the world we're living
22 in. And I appreciate, Commissioner, your desire to
23 tighten up, so this is not, you know, tyranny without end
24 from at least one person's perspective or organization's
25 perspective.

1 So the next regularly scheduled meeting is when,
2 Ms. Lucchesi.

3 EXECUTIVE OFFICER LUCCHESI: June 29th.

4 CHAIRPERSON NEWSOM: June 29th. And if that's
5 the will of the Commission, with an additional comment.

6 ACTING COMMISSIONER ORTEGA: Yes, just one
7 comment, just to say that I'm a little uncomfortable
8 deferring it too. However, it's really about the working
9 relationship of the Commission that I'm concerned about as
10 well. So I think -- so I want to make clear that my
11 interest in seeing the item deferred in no way suggests
12 that I'm prepared to, without some additional information
13 being brought forward or some different recommendations or
14 suggestions by the staff, as I said at the outset, I was
15 completely comfortable voting for the staff
16 recommendation. So I would need to see something
17 significantly different to change that in June.

18 CHAIRPERSON NEWSOM: Yeah, I think you're hearing
19 that from both of us. And so -- all right. With that in
20 mind, and with the recommendation of two out of three of
21 the Commissioners to move forward with continuance, we
22 will move forward with that continuance.

23 And we will request that we move to the next
24 item, which I believe is Item 109.

25 (Thereupon an overhead presentation was

1 presented as follows.)

2 EXECUTIVE OFFICER LUCCHESI: Marina Voskanian is
3 our Chief of our Mineral Resources Management Division,
4 headquartered in Long Beach, and she'll be giving staff's
5 presentation on this item.

6 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

7 VOSKANIAN: Good afternoon, Mr. Chair and Commissioners.
8 I'm Marina Voskanian, Chief of the Commission's Mineral
9 Resources Management Division. I'm presenting Calendar
10 Item C109, consideration of the Long Beach Unit five-year
11 program plan and one-year annual plan beginning July 1st,
12 2015.

13 --o0o--

14 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

15 VOSKANIAN: I'm presenting -- yeah, but first, I will
16 begin with a brief five-minute overview of the Long Beach
17 Unit history and operations. The Wilmington Oil Field was
18 discovered in 1932. It's one of the largest fields in
19 North America, and includes an onshore portion and an
20 offshore portion.

21 The offshore portion lies in the tidelands area,
22 which was granted by the State to the City of Long Beach
23 in 1911. This giant field is divided in two parts, the
24 old West Wilmington portion, which is outlined in blue,
25 and East Wilmington field, which comprises the Long Beach

1 This agreement implemented in '92 provided
2 significant incentive for the contractor to benefit from
3 enhanced field development and also resulted in greater
4 benefits to the State.

5 --o0o--

6 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

7 VOSKANIAN: This is a map and aerial view of the four
8 man-made drilling islands. The large portion of the unit
9 by far is the offshore tidelands area, which comprise
10 about 87 percent of the unit.

11 --o0o--

12 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

13 VOSKANIAN: Presently, over 1,400 wells contribute to the
14 unit's oil production of 25,000 barrels per day. In the
15 last fiscal year, the State received nearly \$300 million
16 in net profits from unit oil production.

17 --o0o--

18 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

19 VOSKANIAN: The State has received approximately \$6
20 billion in net profits from operations in the Long Beach
21 Unit. The green bars on this graph show the annual
22 revenues from the Long Beach Unit to the State in the past
23 15 years. As I mentioned earlier, THUMS Long Beach
24 Company, a subsidiary of California Resources Corporation,
25 is the present unit contractor having replaced previous

1 contractors ARCO and Oxy. They, along with the city, have
2 also benefited significantly.

3 You can see that unit revenues are significantly
4 affected by oil price shown in red. Since August 2014,
5 the price of oil has dropped even further, and now
6 averages approximately \$50 per barrel.

7 --o0o--

8 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

9 VOSKANIAN: Each year, as required by Chapter 138 and
10 Chapter 941, the Commission considers acceptance of unit
11 expenditures proposed by the city. The proposed
12 expenditures consist of a five-year program plan, which is
13 prepared every two years, and an annual plan, which is
14 prepared every year.

15 Prior to recommending these plans for Commission
16 acceptance, Commission staff reviews the plans to ensure
17 they are consistent with good oil field practice,
18 consistent with the provisions of the Optimized Waterflood
19 Program Agreement, consistent with the Long Beach Unit and
20 unit operating agreements, and that it does not involve
21 any significant safety or environmental risk. As you can
22 see, these items have been brought routinely to the
23 Commission for their acceptance.

24 --o0o--

25 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

1 VOSKANIAN: Before I present the specifics of the proposed
2 program and annual plans, I want to point out the
3 Commission staff's involvement and participation in
4 helping assure the Long Beach Unit's facility safety and
5 pollution prevention compliance.

6 In addition to regular site surveillance,
7 Commission staff conducts comprehensive safety and
8 environmental audits of the entire Long Beach Unit
9 operating facilities. The facility audits are a part of
10 the Commission's safety audit program, which was created
11 in 2000 and was focused on all State offshore leases.

12 The Long Beach Unit was audited in 2002 and again
13 in 2012 at the direction of the Commission. The results
14 of these audits are available on are State Lands
15 Commission website.

16 --o0o--

17 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

18 VOSKANIAN: The audits not only scrutinize every aspect of
19 physical systems for adequacy of condition, design to
20 current standards, and conformance with all applicable
21 regulations and standards, but also evaluate safety
22 management practices and human factors issues.

23 Commission staff has observed that the Long Beach
24 Unit contractor has well established safety, health, and
25 environmental programs and policies and operate the unit

1 facilities in a responsible manner that protects the
2 health of the public, the environment, and its employees.

3 --o0o--

4 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

5 VOSKANIAN: A comparison of the 2002 safety audit and the
6 2012 safety audit showed a significant improvement in the
7 number of Priority 1 items, going from 198 items to just
8 two, a 98 percent improvement. The total number of action
9 items identified was reduced by more than half, a 53
10 percent improvement. All action items were resolved
11 following each safety audit, but because fewer items were
12 found in 19 -- 2012 audit, these items were corrected and
13 more quickly resulting in reduced risk exposure.

14 --o0o--

15 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

16 VOSKANIAN: Commission staff also participates in a
17 variety of other Long Beach Unit activities shown here:
18 Engineering meetings, pollution response exercises,
19 drilling safeguards, and financial audits are just a few
20 that involve our participations.

21 --o0o--

22 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

23 VOSKANIAN: Finally, getting to the calendar item, the
24 action before the Commission today is the acceptance of
25 the 2015 through 2020 program plan and 2015 annual plan.

1 The five-year program plan proposes expenditure
2 of 1 billion 760 million dollars over the five-year plan
3 period. Projected income from the unit is \$304 million
4 based on oil prices, increasing during the five-year
5 period from \$45 per barrel to \$60 per barrel by 2020. And
6 production ranging from 21,900 barrels of oil per day to
7 18,700 barrels per day by the end of five-year period.

8 --o0o--

9 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

10 VOSKANIAN: The annual plan proposes spending \$325 million
11 in 2015-16 fiscal year, and projects a unit net income of
12 nearly \$46 million again at \$45 projection.

13 Oil prices during the plan year are estimated
14 again at 45 and estimated oil production averaging 21,856
15 barrels per day for the plan year.

16 --o0o--

17 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF

18 VOSKANIAN: Commission staff has reviewed both the program
19 plan and annual plan and finds the plan meets the
20 objectives of the Long Beach Unit and Optimized Waterflood
21 Program Agreement meets the consistency criteria required
22 by the State and demonstrate conformance to safety and
23 environmental standards and regulations.

24 Staff therefore recommends the Commission accepts
25 the Long Beach Unit program and annual plans as submitted

1 by the City of Long Beach.

2 This completes my presentation for Calendar Item
3 109 and I'll be happy to answer any questions you may
4 have.

5 ACTING CHAIRPERSON SCHMIDT: Any questions or
6 anything?

7 Is there anybody in the public that wants to
8 speak on this matter?

9 All good to go?

10 Quick question. I know for West Wilmington and
11 it may be provided from CRC, but we typically get jobs and
12 investment numbers --

13 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF
14 VOSKANIAN: That's right.

15 ACTING CHAIRPERSON SCHMIDT: -- and that was part
16 of our negotiation. Do we have that for THUMS
17 specifically?

18 MINERAL RESOURCES MANAGEMENT DIVISION CHIEF
19 VOSKANIAN: I don't have it with me, but I'm sure they
20 would have it. We can find out.

21 ACTING CHAIRPERSON SCHMIDT: Okay. Thank you.
22 We're good. Do I have --

23 EXECUTIVE OFFICER LUCCHESI: This -- oh.

24 ACTING CHAIRPERSON SCHMIDT: Go ahead.

25 EXECUTIVE OFFICER LUCCHESI: No, I was just going

1 to say this item does require an action by the Commission.
2 And staff has recommended that the Commission accept the
3 report as detailed in the staff report.

4 ACTING CHAIRPERSON SCHMIDT: Do I have a motion.

5 ACTING COMMISSIONER ORTEGA: I move approval.

6 EXECUTIVE OFFICER LUCCHESI: And we also have
7 representatives from the City of Long Beach and California
8 Resources Corporation in the audience if there were any
9 questions from the Commissioners.

10 ACTING COMMISSIONER ORTEGA: I'll move approval
11 of the item.

12 COMMISSIONER YEE: Second.

13 ACTING CHAIRPERSON SCHMIDT: All right. All
14 three of us are very supportive.

15 (Laughter.)

16 EXECUTIVE OFFICER LUCCHESI: Okay. Excellent.
17 Thank you.

18 ACTING CHAIRPERSON SCHMIDT: Let's move on to
19 C120 considering federal legislation introduced by Senator
20 Feinstein and Boxer that would enact the California Desert
21 Conservation and Recreation Act of 2015.

22 Can I have staff presentation?

23 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank
24 you. Yes. Sheri Pemberton. This item recommends that
25 the Commission take a support position on S. 414, which is

1 the California Desert Conservation and Recreation Act of
2 2015, which would amend and update the Desert Protection
3 Act of 1994, contains a number of provisions to further
4 protect areas in the California desert for the enjoyment
5 of the public.

6 One particular element that's important for the
7 Commission is that as a result of the 1994 act, the
8 Commission entered into a series of land exchanges with
9 the federal government to transfer land within the desert
10 protection area that was State school land in exchange for
11 federal surplus lands. The final exchange where the
12 Commission is owed about \$7 million has been stalled
13 because there's a differing opinion about the process by
14 which that exchange took place, so we recommend support on
15 this bill, because there's also a provision in it that
16 would address that stalled land exchange and hopefully
17 result in that \$7 million going to the Commission.

18 Thank you -- or to the State. I apologize.

19 ACTING CHAIRPERSON SCHMIDT: Is there anybody in
20 the public that would like to make a comment?

21 No.

22 Commissioners?

23 ACTING COMMISSIONER ORTEGA: I'll be abstaining
24 from the item.

25 COMMISSIONER YEE: I'll move to support

1 ACTING CHAIRPERSON SCHMIDT: Aye.

2 EXECUTIVE OFFICER LUCCHESI: With Finance
3 abstaining. Thank you.

4 ACTING CHAIRPERSON SCHMIDT: Item 121,
5 Considering AB 367 authored by Assembly Member --

6 EXECUTIVE OFFICER LUCCHESI: That's off.

7 COMMISSIONER YEE: Yeah, that's off.

8 ACTING CHAIRPERSON SCHMIDT: Oh, that's off? We
9 pulled it

10 EXECUTIVE OFFICER LUCCHESI: Yes, that is off.

11 ACTING CHAIRPERSON SCHMIDT: He did not make
12 diligent notes here.

13 (Laughter.)

14 ACTING CHAIRPERSON SCHMIDT: I apologize.

15 EXECUTIVE OFFICER LUCCHESI: We have to do some
16 more educating on that.

17 ACTING CHAIRPERSON SCHMIDT: Yeah, we're going to
18 work on that.

19 (Laughter.)

20 ACTING CHAIRPERSON SCHMIDT: So, Ms. Lucchesi,
21 what is the next order of business?

22 EXECUTIVE OFFICER LUCCHESI: The next order of
23 business would be public comment. And I believe we have a
24 couple of speakers that would like to speak during the
25 public comment period.

1 ACTING CHAIRPERSON SCHMIDT: And I believe
2 everybody is here to speak on Docktown?

3 So Alison Madden, would you like to start.

4 MS. MADDEN: Good afternoon, Commission. Thanks
5 for having us. This was an extremely interesting meeting.
6 We're here to speak about some action that the City of
7 Redwood City may prematurely take on Monday. We found out
8 only last week that the city council would ask for a staff
9 report and hold public hearings about the potential for
10 closing the Docktown Marina in Redwood City, which is on
11 Redwood Creek.

12 And so needless to say we've been communicating
13 with staff for some time. The President of the floating
14 home association is here, as well as outside counsel. And
15 they'll speak to the -- a number of issues with respect to
16 the conversation that's been ongoing, but this is very
17 surprising to us as residents.

18 We -- you know, as I said, we believe it's not a
19 final action. It's a preliminary action, but we believe
20 that they're looking to close Docktown Marina. And we
21 believe it's premature for a number of reasons.

22 I'm asking that the Commission -- the
23 Commissioners when you meet with staff after this meeting,
24 that you consider authorizing and requesting staff to send
25 a letter to Redwood City stating specifically that time is

1 not of the essence. Counsel Shelli Haaf had shown up at
2 an Inner Harbor Task Force process. And although there
3 have been letters that have been communicated to the City
4 of Redwood City, Shelli told us afterward as residents
5 that there's no rush. This marina has been here for 50
6 years. She said the State is not looking to come barging
7 in, and that time was not of the essence.

8 Right now, you have a number of households down
9 here, including many who are low income, and very low
10 income, some, you know, disabled vets, people who have
11 served the country.

12 And so what we're asking is Monday night is the
13 city council meeting. It's at 7:00 p.m. Perhaps on
14 Monday afternoon, if a letter could be received by the
15 city stating that there's a process ongoing, that there's
16 a dialogue, that there's sharing of information and
17 authorities that govern this issue, that would be most
18 helpful.

19 What I'd like to say, first of all, is that
20 having a marina -- a commercial recreational marina on
21 State Public Trust Lands is absolutely not inconsistent
22 with the Public Trust itself at all. And in this Inner
23 Harbor Task Force the then city -- Assistant City Manager,
24 who is no longer with the city, requested a letter stating
25 that the residential liveaboard use is not permitted, that

1 the city is actually using that letter to remove the
2 entire marina.

3 And as Ms. Lucchesi has mentioned in a meeting
4 held here in the Ferry Building having marinas encourages
5 local, regional, and statewide boating, which is a huge
6 Public Trust purpose. And really what they want to do
7 here is take out the entire marina. I think it's really
8 important to stress that the littoral upland owner,
9 there's a buyer and a seller, they're both okay with the
10 marina being here. There are going to be some condos
11 here. The marina residents are fine with that. So this
12 is not a contentious development in any way.

13 There is the subissue, of course, of the
14 residential use. I would like to take just a minute, if I
15 could, to talk about my own personal situation when I
16 moved in. Two marinas have been closed, a 400-slip marina
17 right across the creek, a 300-slip marina down the road,
18 and now Docktown. When I moved in, I moved in with my son
19 who has autism. He has high-functioning autism
20 Asperger's. He was 17. He has since graduated from high
21 school. He turned 18, and now he's turned 19. And I am
22 wanting to buy another boat at the marina. And the city
23 has stated that because of the letters received from
24 staff, they're not allowing people to buy and sell boats,
25 even people that are still at the marina.

1 And so I would love it if a letter could state
2 that time is not of the essence, there's a process under
3 way, and please don't deny people their property rights.
4 Thank you very much, and thank you for allowing me to go
5 over time.

6 I would love to leave this in the public record.
7 It's my email to the -- Aaron Aknin who is the Community
8 Development Director of Redwood City. And it has some
9 information in there about my situation and very
10 specifically how we serve the public trust. We clean tons
11 of trash out of the creek that flows down and would
12 otherwise go into the Bay every year.

13 Thank you so much.

14 ACTING CHAIRPERSON SCHMIDT: Thank you. And what
15 I ask is after all public comment, maybe, Jennifer, you
16 can address some of the concerns that are raised and where
17 staff is today --

18 EXECUTIVE OFFICER LUCCHESI: Of course.

19 ACTING CHAIRPERSON SCHMIDT: -- and maybe a
20 little background for the Controller's benefit, because we
21 have been working at this issue for a while.

22 EXECUTIVE OFFICER LUCCHESI: That's correct.

23 ACTING CHAIRPERSON SCHMIDT: Next up is Edward
24 Stancil

25 MR. STANCIL: Hi. Once again, I'm Edward

1 Stancil. I'm Port Captain of PYC, it's a 50-year old
2 yacht club, one of the two yacht clubs that are still left
3 in Redwood City. There's the 75-year old Sequoia Yacht
4 Club, and we're up the creek a little further. It's
5 Peninsula Yacht Club. We're in a historical building, but
6 the city does not see the significance of maritime or
7 historical to it. It was built at the union iron works in
8 the mid-1800s. It was one of the first water tanks for
9 the steam ships that came in.

10 In 1889, in the Redwood City Gazette, they talk
11 about the Encinal and the South Bay Yacht Club having a
12 cruise-in. And every year, we have five or six cruise-ins
13 at our club and Sequoia has eight or nine cruise-ins at
14 their club. Without our marina being there, there would
15 be no place for boats to come in.

16 In 2008, Redwood City said the most important
17 part of Docketown was water access. We let people fish off
18 our docks. We let people launch their kayaks. Everybody
19 is welcome. Water access is a big part of our community.
20 Thank you very much.

21 ACTING CHAIRPERSON SCHMIDT: Thank you.

22 Lee Callister.

23 MR. CALLISTER: Hello, Commissioners. I've
24 spoken before you before, except for Ms. Yee. Thank you
25 again for hearing it -- hearing me.

1 A lot of what I had to say has been covered by
2 other speakers, so I'm just going to cut to the chase
3 here. As you may know or you should know, we disagree
4 with the staff's assessment of our right to be on the
5 creek and our value to the community.

6 The assumption that we should demolish our homes
7 and move to land because residential living is not, by its
8 nature, water dependent ignores the reality that
9 throughout the world floating communities are now
10 celebrated as innovative practical housing, especially as
11 my colleague Mr. Jonas pointed out, in the face of rising
12 sea levels.

13 Many countries in Europe in particular are
14 creating floating communities specifically for that
15 process -- for that purpose, including England from where
16 the floating -- the Public Trust Doctrine came to America.
17 And it's not applied consistently across the United
18 States. There's different ways of looking at it.

19 We also add enjoyment to the Redwood Creek. We
20 don't detract from it. As Ed just pointed out, we're 100
21 percent in favor of public access. As a matter of fact,
22 if we're not there, public access going to be limited to a
23 little sidewalk that walks along the creek. That's where
24 it is across the creek from us. That's not the kind of
25 public access we believe in. We believe in the kind of

1 public access where you can take a boat and go out on the
2 water and go explore the waterways, where you can take a
3 kayak and go kayaking. We're avid sportsmen.

4 And it was also pointed out we haul trash out of
5 the creek. The city celebrates -- has celebrated -- has
6 awarded our leader medals. I'm not sure if it's a medal,
7 an award, let's say, for the amount of trash that we've
8 hauled out over the creek over the years.

9 So -- and Alison has already updated you on
10 recent developments. The city is now -- would -- before
11 the inner harbor plan that was -- Shelli and Reid
12 participated in -- even comes before the city for
13 approval, the city is now asserting that we need to leave
14 and they're blaming it on the State Lands Commission. And
15 I don't think that that's -- I know that's not why it was
16 intended. I know that, as Alison said, time was not of
17 the essence. I know that Shelli Haas -- Haaf in the
18 meeting said that there should be a transition period.

19 So I would like to -- I would appreciate it if
20 you would listen to what our attorney has to say and
21 consider that there needs to be ongoing conversations
22 about some of these issues before any precipitous action
23 is taken.

24 Thank you very much.

25 ACTING CHAIRPERSON SCHMIDT: Thank you. Mr.

1 Jones -- Jonas, sorry.

2 MR. JONAS: I've already spoken during the sea
3 rise component, so I cede my time.

4 ACTING CHAIRPERSON SCHMIDT: Okay. Finally,
5 William Sloan.

6 MR. SLOAN: Thank you, and good afternoon. My
7 name is William Sloan. I am a partner of Morrison &
8 Foerster. And we have been engaged by the Redwood Creek
9 Association pro bono.

10 And I think it's important to understand how that
11 happened. We were approached by many people to do pro
12 bono work. And the Redwood Creek Association presented us
13 with some unique issues. One, preserving affordable
14 housing, something that this -- that the Bay Area
15 desperately needs. Second, this is a unique community
16 that is positioned to adapt to sea level rise.

17 We had a great presentation earlier about sea
18 level rise. And to have sort of what I view as
19 potentially a knee-jerk reaction to whether or not
20 residential use is consistent with the Public Trust, it
21 overlooks so many aspects of what this community
22 represents. I mentioned the affordable housing. You
23 heard them talk about the recreational uses. You heard
24 them talk about how they actually enhance the Public Trust
25 uses by doing things like removal of garbage in the area.

1 All of these things suggest that you have an opportunity
2 to look at this as a unique case of first impression.

3 Now, you don't have a statute that says floating
4 homes are inconsistent with the Public Trust. You do not
5 have a regulation that says floating homes are
6 inconsistent with the Public Trust. There have been
7 discussions between the staff and with the city about
8 whether or not this is a permissible use. But up to this
9 point, those have only been informal communications.

10 Now, you heard one of the previous speakers talk
11 about what's happening right now at Redwood City, and I'd
12 like to address that just briefly. While we were sitting
13 here in this meeting, the Redwood City City Council, their
14 staff, issued a staff report for their next meeting, which
15 I believe is occurring on Monday. And they outlined the
16 concerns that they have and pointed out that they are
17 fearful of legal remedies being pursued against them by
18 the State Lands Commission. And that staff report is
19 posted. It's available for people to review.

20 That was certainly news to us, certainly news to
21 these residents who still don't understand the fate of,
22 you know, their future and what they're going to do with
23 their homes.

24 But more importantly, it did not sound consistent
25 with the communications that we've had with State Lands.

1 And so you have a community that, on the one hand, is
2 looking to State Lands to understand whether the Public
3 Trust is ultimately going to be interpreted unfavorably to
4 them. You also have them looking to Redwood City, which
5 is saying that their hands are tied, and they
6 don't -- they feel threatened by the repercussions that
7 might happen if they don't act. But ultimately, none of
8 that seems to play out with the communications that this
9 community is having, and now that I'm involved, the
10 communications that I've had.

11 I did have one meeting with your staff back in
12 the fall, and it was very productive. And certainly, at
13 that point, everybody seemed open to exploring all
14 options. And so I would just hope that nothing has
15 changed since then.

16 I think the recommendation that -- if the staff
17 would reach out to Redwood City and say that there is time
18 to explore this further, that we do need to take into
19 account what ultimately is going to happen to these
20 residents, that would be very helpful.

21 So ultimately, really what I wanted to do is
22 introduce myself. I wanted to also thank you for the
23 meeting that the staff had with us, and hope that we'd be
24 able to do that going forward.

25 ACTING CHAIRPERSON SCHMIDT: Thank you.

1 Jennifer, you want to address some of the issues
2 raised and maybe talk a little bit about the communication
3 you had with the city regarding any legal challenge we
4 would have.

5 EXECUTIVE OFFICER LUCCHESI: Of course. Of
6 course. So what we're talking about here, at this
7 particular location in Redwood City, are legislatively
8 granted lands to the City of Redwood City. So the State
9 Lands Commission does not have any direct leasing
10 jurisdiction at this location where Docktown is located.
11 It's within a grant -- a legislative grant. So the City
12 of Redwood City has the day-to-day management
13 responsibilities for the use and occupation of these
14 lands.

15 We have been, over the past couple of years, more
16 engaged in the local efforts by both the city and the
17 residents and users of Docktown in trying to work with all
18 the stakeholders to find a resolution to the issues that
19 you've heard today.

20 I think -- this is a challenge. There's no doubt
21 about it. The use of public lands, the use of Public
22 Trust Lands for private residential uses is a concept and
23 a use that has been -- staff, and based on the advice from
24 the Attorney General's office, has taken a position in
25 opposition of that. These are statewide public lands.

1 They should be used for water-dependent statewide
2 purposes.

3 When you look at the spectrum of uses in terms of
4 what allows the public the most use and enjoyment of these
5 very unique lands, on one side you have open space and
6 other type of public amenities that are free and open to
7 all the public. And on the other end of the spectrum, you
8 have residential use, which is used by a very small select
9 group of homeowners or property owners there. And we've
10 been grappling with this, the State Lands Commission, the
11 legislature, and staff for decades.

12 The City of Redwood City came to the State Lands
13 Commission for advice for -- the State Lands Commission
14 staff for advice, just like a lot of our grantees do when
15 managing the State's Public Trust lands. Like I said, the
16 State Lands Commission does not have any kind of approval
17 authority over any particular element or action by the
18 city with regards to granted Public Trust lands, so that's
19 per their statute.

20 But oftentimes grantees will come to staff and
21 say, hey, this is the situation we have, what is
22 your -- what is your interpretation of our granting
23 statute and the Public Trust Doctrine, and that's really
24 how staff became involved. This is the advice that we
25 gave about residential use of Public Trust Lands is

1 consistent with the advice that we've given to grantees
2 throughout the State, again based on advice from the
3 Attorney General's office.

4 And we have also committed to being a part of
5 their Inner Harbor Task Force, and also engaged in this
6 discussion with all the stakeholders to find a resolution
7 for the use of -- for the issues surrounding Docktown.

8 Certainly, the State Lands Commission -- neither
9 State Lands Commission nor staff have had any discussions
10 to take legal action against the city with regards to
11 Docktown. The -- when looking at granted trust lands and
12 the Commission's oversight ability, unless the granting
13 statute, the legislative statute, says something different
14 and inserts the Commission in various ways, the only
15 recourse the Commission has, if it believes that its
16 trustee is managing the lands inappropriately, is to
17 either report that to the legislature or to litigate
18 against the grantee. That has occurred in the past with,
19 you know, coming to mind the City of Los Angeles or the
20 county of Orange County, but that certainly has not been a
21 part of our discussions internally or with the State Lands
22 Commission with regards to Redwood City.

23 In the first instance, we try very hard to work
24 with all the stakeholders and our grantees to find a
25 resolution to the various complex issues, and I think

1 that's where we are right now.

2 We are certainly aware of the city council
3 meeting on Monday, and we're talking internally about how
4 best to engage in that process, that not only protects the
5 State's interests, but also helps facilitate a resolution
6 forward.

7 ACTING CHAIRPERSON SCHMIDT: Any comments,
8 questions?

9 And we have one more speaker, Ken Ivey, it looks
10 like?

11 MR. IVEY: I'm sorry. I didn't prepare anything,
12 okay, but there were two items. The first was the person
13 with the oil pumping thing and their safety list that they
14 checked off and everything was done, that -- a curious
15 question should be are they using an outside person to
16 monitor what has been checked off on their safety issues.

17 I've been -- I was in the semi-conductor industry
18 for 30 years up north. And we always had to have somebody
19 that came through and could say, okay, no, this was done
20 correctly or this was not done correctly. Because it's
21 easy to throw a database together and just check it off,
22 oh, this is finished, this is finished. So when they talk
23 about their records, I don't know what kind of
24 documentation they have. Sorry, I just had to throw that
25 in there.

1 The second is that I want to put a face to the
2 homeless vet, okay? I live at Docktown. I bought a boat
3 there. I pay my rent every month. It's a great place to
4 live. It's very eclectic. Okay. It's not going to be
5 like some other yacht harbor, you know. It's just very
6 eclectic, the group of people that live there and so on
7 and so forth.

8 But when I bought the property, my houseboat, I
9 had to look at my finances and what I'd get, and I'm on
10 Social Security. And, you know, that all fits in for me
11 right now.

12 If I get -- if it gets closed down, then I have
13 to figure out what I do, so then I'm another homeless vet.
14 And that's not how I thought my life would end up, but
15 here I am.

16 Docktown adds a lot of things to the community.
17 I'm a little concerned, because the city -- they say it's
18 public access, but they have a chain across the boat
19 launch. There is no parking. Or even if there was -- you
20 could make some parking there and so on, but they have no
21 access to the water, unless people walk down or if they
22 want to launch their kayaks or so on and so forth. It's
23 kind of a quandary as far as how they take care of things.

24 And, you know, I can't live anywhere else on the
25 peninsula here like I live down there. I don't know if

1 that makes sense, but it's -- you know, it's a different
2 community. So thank you very much.

3 ACTING CHAIRPERSON SCHMIDT: Thank you.

4 Is there anybody else that would like to make a
5 comment?

6 Jennifer, I'd just ask that you reach out to the
7 city and let them know. I mean, we don't want to be
8 interpreted as a gun to their head as we're going to sue
9 them right away. I mean, we have a process on our end
10 that is pretty in-depth.

11 EXECUTIVE OFFICER LUCCHESI: Of course.

12 ACTING CHAIRPERSON SCHMIDT: So just make it
13 clear that we haven't taken a formal position as a
14 Commission.

15 EXECUTIVE OFFICER LUCCHESI: Of course.

16 ACTING CHAIRPERSON SCHMIDT: Thank you.

17 That concludes open meeting. We will now
18 adjourned into closed session. Will the public please
19 clear the room.

20 (Off record: 4:04 PM)

21 (Thereupon the meeting recessed into
22 closed session.)

23 (On record: 4:11 PM)

24 ACTING CHAIRPERSON SCHMIDT: Call the meeting of
25 the State Lands Commission back to order.

1 Ms. Lucchesi, is there anything to report from
2 closed session?

3 EXECUTIVE OFFICER LUCCHESI: Yes. I'll let Chief
4 Counsel Meier respond.

5 CHIEF COUNSEL MEIER: Yes. Chief Counsel Mark
6 Meier for the Commission. In closed session, the
7 Commission voted to approve the ordinary high water mark
8 mean high tide line survey substantially in the form on
9 file in the Commission's Sacramento office, of a portion
10 of shoreline in Ventura County in the vicinity of Seacliff
11 Beach, and to authorize the recordation of that survey in
12 the Ventura County Recorder's Office.

13 ACTING CHAIRPERSON SCHMIDT: Thank you. That
14 concludes our State Lands meeting.

15 (Thereupon the California State Lands
16 Commission meeting adjourned at 4:12 PM)

17
18
19
20
21
22
23
24
25

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, do hereby certify:

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

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

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

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 27th day of April, 2015.

16
17
18
19
20 

21
22
23 JAMES F. PETERS, CSR
24 Certified Shorthand Reporter
25 License No. 10063