

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

HOLIDAY INN SACRAMENTO
DOWNTOWN ARENA
CALIFORNIA ROOM
300 J STREET
SACRAMENTO, CALIFORNIA

THURSDAY, OCTOBER 18, 2018
10:01 A.M.

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

A P P E A R A N C E S

COMMISSION MEMBERS:

Ms. Betty T. Yee, State Controller, Chairperson

Mr. Gavin Newsom, Lieutenant Governor, represented by Ms. Sloane Viola

Ms. Keely Bosler, Director of Department of Finance, represented by Ms. Jacqueline Wong-Hernandez

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Colin Connor, Assistant Executive Officer

Mr. Mark Meier, Chief Counsel

Mr. Warren Crunk, Staff Attorney, Legal Division

Ms. Maren Farnum, Environmental Scientist, Executive Office

Mr. Nicholas Lavoie, Public Land Manager, Land Management Division

Ms. Kim Lunetta, Administrative Assistant

Ms. Abby Newman, Sea Grant Fellow

Mr. Chris Packer, Research Analyst III, GIS Division

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

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

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

ALSO PRESENT:

Mr. Christopher Adams

Ms. Julie Baller

Ms. Sabrina Brennan, Committee for Equity in Women's Surfing

Mr. Dylan Budd, World Surf League

Mr. Frank Coats

Mr. Sean Drake, California Coastal Commission

Ms. Leslie Flint, Sequoia Audubon

Mr. Frank Graves

Mr. John Hansen, West Coast Ocean Alliance

Ms. Mary Hufty

Mr. Uriel Hernandez

Mr. Rick Johnson, Citizens Committee to Complete Refuge

Mr. Edmundo Larenas

Ms. Flower Moye, Sea Grant Fellow, State Controller's Office

Mr. Ebbie Nakhjavani, EKN Development Group

Ms. Leslie Nishihara, Port of San Diego

Mr. Ronald Powell, Port of San Diego

Ms. Jennifer Savage, Surfrider

Ms. Barb Singleton, Community Advocates Leadership Academy

Mr. Lee Strieb, UNITE HERE

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

ALSO PRESENT:

Ms. Lily Tsukuyuma, Port of San Diego

Ms. Karen Verpeet, H.T. Harvey & Associates

Ms. Veronika Vostinak, Sphere Institute

Ms. Helen Wolter, Committee for Green Foothills,
Baykeepers, Save the Bay

I N D E X

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I 10:00 A.M. - OPEN SESSION	1
II CONFIRMATION OF MINUTES FOR THE MEETING OF AUGUST 23, 2018	2
III EXECUTIVE OFFICER'S REPORT	2

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

- Frank Mario Carson, Jr (Lessee): Continuation of rent \$129 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in the Sacramento River, adjacent to 6057 Garden Highway, near Sacramento, Sacramento County.
(PRC 9044.1)

- Joseph P. Colmery and Laurie W. Colmery (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 632 Olympic Drive, near Tahoe City, Placer County. (PRC 8624.1)

- Bradley A. Geier and Cathy C. Geier, Trustees of the Geier Family Trust dated May 8, 2003 (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 2750 West Lake Boulevard, near Tahoe City, Placer County. (PRC 9101.1)

- Nathaniel Goldhaber and Marilyn K. Goldhaber, Co-Trustees of the Goldhaber Revocable Trust u/a/d 11/11/2005 (Lessee): Continuation of annual rent at \$3,104 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 9818 Lake Street and 77 Speedboat Avenue, near Kings Beach, Placer County.
(PRC 3659.1)

- Jeffrey S. Hines and Barbara A. Hines, as Trustees of the Jeffrey and Barbara Hines Revocable Trust (Lessee): Continuation of annual rent at \$239 per year for a General Lease - Recreational Use located on sovereign land in the Sacramento River, adjacent to 10451 Garden Highway, near Verona, Sutter County. (PRC 6103.1)

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- Grant M. Inman and Suanne B. Inman, Co-Trustees of the Inman 2012 Irrevocable Children's Trust u/a/d December 13, 2012 (Lessee): Continuation of annual rent at \$2,170 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 8841 Rubicon Drive, near Rubicon Bay, El Dorado County. (PRC 3669.1)

- Marvin M. McSwain and Patricia McSwain, Trustees of the Marvin M. McSwain and Patricia McSwain Trust dated April 13, 2007 (Lessee): Continuation of annual rent at \$340 per year for a General Lease - Recreational Use located on sovereign land in Sacramento River, adjacent to 11035 State Highway 160, near Hood, Sacramento County. (PRC 8495.1)

- Jeffrey A. Omand and Diane Deary Omand, Trustees of the Diane Deary Omand and Jeffrey A. Omand Family Revocable Trust Dated July 21, 1992 (Lessee): Continuation of annual rent at \$425 per year for a General Lease - Recreational Use located on sovereign land in Sacramento River, adjacent to 6770 Arabella Way, near Sacramento, Sacramento County. (PRC 8490.1)

- Graham Owen and Kacie Owen (Lessee): Continuation of annual rent at \$280 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in Sacramento River, adjacent to 4251 Garden Highway, near Sacramento, Sacramento County. (PRC 4947.1)

- James Harold Richardson, IV and Kimberly Paulson Richardson, Trustees of the 2006 Restatement of the Richardson Family Trust Dated July 26, 2006 (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 3280 Edgewater Drive, near Tahoe City, Placer County. (PRC 9100.1)

- The Landing Homeowners Association (Lessee): Continuation of annual rent at \$154 per year for a General Lease - Recreational Use located on sovereign land in Corte Madera Creek, adjacent to APNs 022-550-01 through 022-550-07, near Greenbrae, Marin County. (PRC 4673.1)

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- Christopher D. White and Kristine F. White
(Lessee): Continuation of annual rent at \$754 per year for
a General Lease - Recreational Use located on sovereign
land in Lake Tahoe, adjacent to 99 Chipmunk Street, near
Kings Beach, Placer County. (PRC 9099.1)

IV CONSENT CALENDAR C01-C83 8

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

LAND MANAGEMENT DIVISION

NORTHERN REGION

- C 01 ASHLEY W. ABDO AND MARY E. ABDO (LESSEE); MMAA,
LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT):
Consider waiver of rent, penalty, and interest;
acceptance of a lease quitclaim deed for Lease No. PRC
8366.1, a General Lease - Recreational Use; and an
application for a General Lease - Recreational Use, of
sovereign land located in Lake Tahoe, adjacent to 9922
Lake Street, Kings Beach, Placer County; for two
existing mooring buoys. CEQA Consideration:
categorical exemption. (PRC 8366.1; RA# 31917) (A 1; S
1) (Staff: M. Schroeder)
- C 02 JULIE E. BURT AND K. RANDALL BURT, TRUSTEES OF
THE BURT FAMILY TRUST, U.D.T. DATED MARCH 25, 2003
(ASSIGNOR); JAMES F. BAGAN AND MEREDITH H. BAGAN
(ASSIGNEE): Consider application for an assignment of
Lease No. PRC 3592.1, a General Lease - Recreational
Use, of sovereign land located in Lake Tahoe, adjacent
to 4760 North Lake Boulevard, near Carnelian Bay,
Placer County; for an existing pier and one mooring
buoy. CEQA Consideration: not a project. (PRC 3592.1;
RA# 01318) (A 1; S 1) (Staff: S. Avila)
- C 03 COUNTY OF TEHAMA (LESSEE/APPLICANT): Consider
acceptance of a quitclaim deed for Lease No. PRC
504.9, a Right-of-Way Lease, and issuance of a General
Lease - Public Agency Use, of sovereign land located
in the Sacramento River, adjacent to Assessor's Parcel

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- Numbers 009-120-022, -023; 009-150-34; and 009-160-01, near Red Bluff, Tehama County; for the replacement of the Jelly's Ferry Road Bridge and use of a temporary construction easement. CEQA Consideration: Mitigated Negative Declaration and Addendum, adopted by the County of Tehama, State Clearinghouse No. 2007082085, and adoption of a Mitigation Monitoring Program. (PRC 504.9; RA# 33217) (A 3; S 4) (Staff: M. Schroeder)
- C 04 JAMES DOBBAS AS TRUSTEE UNDER DECLARATION OF TRUST DATED DECEMBER 22, 1976 (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 4494.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8297 Meeks Bay Ave, near Meeks Bay, El Dorado County; for an existing pier and one mooring buoy. CEQA Consideration: not projects. (PRC 4494.1) (A 5; S 1) (Staff: S. Evans)
- C 05 PATRICK W. HIGGINS AND LEAH E.C. HIGGINS; AND MCKINNEY SHORES, LLC (ASSIGNOR); LEAH E. HIGGINS AND PATRICK HIGGINS, TRUSTEES OF THE HIGGINS FAMILY TRUST, UNDER INSTRUMENT DATED DECEMBER 13, 2001; AND ZACKO INVESTMENTS II, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (ASSIGNEE): Consider application for an assignment of Lease No. PRC 4924.1, General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6160 and 6190 West Lake Boulevard, near Tahoma, Placer County; for an existing joint-use pier, boat lift, and two mooring buoys. CEQA Consideration: not a project. (PRC 4924.1; RA# 31616) (A 1; S 1) (Staff: M.J. Columbus)
- C 06 HUMBOLDT REDWOOD COMPANY, LLC (LESSEE): Consider revision of rent to Lease No. PRC 9095.1, a General Lease - Right-of-Way Use, of sovereign land located in the Eel River, adjacent to Assessor's Parcel Numbers 205-061-004 and 205-341-019, near the town of Scotia, Humboldt County; for an existing seasonal bridge crossing. CEQA Consideration: not a project. (PRC 9095.1) (A 2; S 2) (Staff: S. Evans)
- C 07 LOYD BINGHAM HUTCHINS, ELIZABETH DAISY HELMAN, AND KATHERINE PAGE BINGHAM (APPLICANT): Consider application for a General Lease - Recreational Use, of

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- sovereign land located in Lake Tahoe, adjacent to 6730 West Lake Boulevard, near Tahoma, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4033.1; RA# 33517) (A 1; S 1) (Staff: M. Schroeder)
- C 08 JOHN A. LAMBETH AND CARSON LAMBETH (LESSEE): Consider revision of rent to Lease No. PRC 9098.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 33912 South River Road, near Clarksburg, Yolo County; for a boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 9098.1) (A 4; S 3) (Staff: S. Evans)
- C 09 RONALD F. MACK AND JUDY A. MACK, CO-TRUSTEES OF THE RON AND JUDY MACK FAMILY TRUST (U/T/A JUNE 8, 1983) (ASSIGNOR); THOMAS S. DOLAN, TRUSTEE OF THE THOMAS S. DOLAN TRUST, DATED JUNE 22, 2001 (ASSIGNEE): Consider application for an assignment of Lease No. PRC 8016.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1170 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8016.1; RA# 25717) (A 1; S 1) (Staff: J. Toy)
- C 10 JAMES M. MCCLENAHAN AND MARGARET ANN MCCLENAHAN, AS TRUSTEES OF THE MCCLENAHAN FAMILY TRUST DATED FEBRUARY 22, 2001 (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 8504.1, a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 15102 Point Drive, near Truckee, Nevada County; for an existing pier. CEQA Consideration: not projects. (PRC 8504.1) (A 1; S 1) (Staff: S. Evans)
- C 11 EDWARD F. MILLS, TRUSTEE, OR ANY SUCCESSORS IN TRUST, OF THE HORSESHOE TRUST DATED APRIL 6, 2017; AND FRANK DRAKE MILLS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7141 West Lake Boulevard, near Tahoma, El Dorado County; for an existing pier. CEQA Consideration: categorical exemption. (PRC 3907.1; RA# 30917) (A 5; S 1) (Staff: J. Toy)

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- C 12 OWENS PIER, LLC (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 9102.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 664 Olympic Drive, near Tahoe City, Placer County; for an existing pier, boat lift and two mooring buoys. CEQA Consideration: not projects. (PRC 9102.1) (A 1; S 1) (Staff: S. Evans)
- C 13 PACIFIC UNION COLLEGE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Albion River, adjacent to 34100 Albion Street, Albion, Mendocino County; for an existing dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8798.1; RA# 02018) (A 2; S 2) (Staff: M. Schroeder)
- C 14 IRENE PESTANA AND MICHAEL J. KELLY, JR., CO-TRUSTEES OF THE SURVIVOR'S TRUST ESTABLISHED UNDER THE PESTANA 1986 FAMILY TRUST AGREEMENT DATED MAY 15, 1986, AS AMENDED (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 7107.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5570, 5588, 5590 North Lake Boulevard, Agate Bay, Placer County; for an existing pier, two boathouses, one boat hoist, one boat lift and two sundecks with stairs. CEQA Consideration: not projects. (PRC 7107.1) (A 1; S 1) (Staff: S. Evans)
- C 15 RIDGEWOOD PIER OWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4520 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, 15 mooring buoys, and one swim float. CEQA Consideration: categorical exemption. (PRC 4967.1; RA# 22817) (A 1; S 1) (Staff: S. Avila)
- C 16 SIERRAGLOW LTD. (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 4923.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6770 West Lake Boulevard, near Homewood, Placer County; for an existing pier, boat lift and two mooring buoys. CEQA

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- Consideration: not projects. (PRC 4923.1) (A 1; S 1)
(Staff: S. Evans)
- C 17 BOB R. SIMPSON AND JANICE L. SIMPSON (LESSEE);
DAVID WILLIAM JESKE, TRUSTEE OF THE DAVID W. JESKE
TRUST UDT DATED 8/20/2009 (APPLICANT): Consider waiver
of rent, penalty, and interest; termination of Lease
No. PRC 8266.1, a General Lease - Recreational Use;
and an application for a General Lease - Recreational
Use, of sovereign land located in Lake Tahoe, adjacent
to 1780 North Lake Boulevard, Tahoe City, Placer
County; for two existing mooring buoys. CEQA
Consideration: categorical exemption. (PRC 8266.1; RA#
12717) (A 1; S 1) (Staff: M. Schroeder)
- C 18 PETER F. SNOOK AND JUDITH L. SNOOK, TRUSTEES OF
THE SNOOK FAMILY REVOCABLE TRUST, DATED APRIL 11, 2000
(LESSEE): Consider revision of rent to Lease No. PRC
1617.1, a General Lease - Recreational Use, of
sovereign land located in Lake Tahoe, adjacent to 4688
North Lake Boulevard, near Carnelian Bay, Placer
County; for an existing pier, boathouse with sundeck
and stairs, boat lift and two mooring buoys. CEQA
Consideration: not a project. (PRC 1617.1) (A 1; S 1)
(Staff: S. Evans)
- C 19 LAWRENCE R. SOLOMON AND JANE A. SOLOMON, TRUSTEES
OF THE SOLOMON FAMILY TRUST OF 1997, DATED JANUARY 6,
1997, AS AMENDED AND RESTATED (APPLICANT): Consider
application for a General Lease - Recreational Use, of
sovereign land located in Lake Tahoe, adjacent to 2590
West Lake Boulevard, near Tahoe City, Placer County;
for an existing pier, boathouse, boat lift, and two
mooring buoys. CEQA Consideration: categorical
exemption. (PRC 3525.1; RA# 24117) (A 1; S 1) (Staff:
J. Toy)
- C 20 GARY TOBEY AND MICHELE TOBEY (APPLICANT):
Consider application for a General Lease - Protective
Structure Use, of sovereign land located in the
Russian River, adjacent to 21800 Moscow Road, near
Monte Rio, Sonoma County; for existing bank
protection. CEQA Consideration: categorical exemption.
(W 27131; RA# 02617) (A 2; S 2) (Staff: J. Toy)
- C 21 LIDA URBANEK, TRUSTEE OF THE URBANEK RUBICON BAY
TRUST, DATED JULY 27, 2005 (APPLICANT): Consider

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application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8865 Rubicon Drive, near Rubicon Bay, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4328.1; RA# 00418) (A 5; S 1) (Staff: J. Toy)

C 22 JAMES VOGT (ASSIGNOR); GARY A. MEADE AND RANIDA THAMMARIN (ASSIGNEE): Consider application for an assignment of Lease No. PRC 6745.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Napa River, adjacent to 1230 Milton Road, near Napa, Napa County; for an existing boat dock, appurtenant facilities, deck, and bank protection. CEQA Consideration: not a project. (PRC 6745.1; RA# 01518) (A 4; S 3) (Staff: S. Avila)

C 23 JIM WESTBERG AND JULIE WESTBERG, AS TRUSTEE OF THE WESTBERG FAMILY TRUST DATED JUNE 22, 2000 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3405 Riverview Drive, city of Redding, Shasta County; for an existing concrete dock platform, boat dock, two pilings, and bank protection. CEQA Consideration: categorical exemption. (PRC 7249.1; RA# 00718) (A 2; S 4) (Staff: S. Avila)

BAY/DELTA REGION

C 24 23240 HIGHWAY 1, LLC (LESSEE): Consider revision of rent to Lease No. PRC 9096.1, a General Lease - Recreational Use, of sovereign land located in the Tomales Bay, adjacent to 23115 and 23240 Highway 1, near Marshall, Marin County; for an existing pier and appurtenant facilities. CEQA Consideration: not a project. (PRC 9096.1) (A 10; S 2) (Staff: S. Evans)

C 25 TIMOTHY P. ALPERS AND PAMELA J. ALPERS (ASSIGNOR); JAMES H. CREAGER, TRUSTEE OF THE JAMES CREAGER REVOCABLE TRUST DATED FEBRUARY 25, 2013 (ASSIGNEE): Consider application for the assignment of Lease No. PRC 8172.1, General Lease - Residential Leach Field System, of sovereign land lying below elevation 6,417, Mono Lake, Mono County; for an existing residential leach field system. CEQA

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Consideration: not a project. (PRC 8172.1; RA# 32617)
(A 5; S 8) (Staff: D. Simpkin)

- C 26 ALFRED A. ALYS AND SHIRLEY A. ALYS, AS TRUSTEES OF THE ALYS FAMILY LIVING TRUST DATED NOVEMBER 9, 2000 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Georgiana Slough, adjacent to 413 West Willow Tree Lane, near Isleton, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection previously authorized by the Commission, and water utility outlet not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4064.1; RA# 34317) (A 11; S 3) (Staff: G. Asimakopoulos)
- C 27 ASSOCIATION OF SURFING PROFESSIONALS, LLC (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Pacific Ocean, near Pillar Point, San Mateo County; for a professional surfing contest known as Mavericks Challenge. CEQA Consideration: categorical exemption. (W 27060; RA# 15917) (A 22; S 13) (Staff: A. Franzoia) 10
- C 28 BENICIA PORT TERMINAL COMPANY (APPLICANT): Consider application for a General Lease - Dredging, of sovereign land located in in the Carquinez Strait, at the Port of Benicia, near Benicia, Solano County; Maintenance dredging of a maximum of 90,000 cubic yards of sediment material annually. CEQA Consideration: categorical exemption. (PRC 5096.1; RA# 30817) (A 14; S 3) (Staff: D. Tutov)
- C 29 MARC A. BRENNEN AND PATRICIA L. BRENNEN (LESSEE); CARLOS L. RAMIREZ AND LORRAINE A. RAMIREZ, TRUSTEES OF THE CARLOS L. RAMIREZ AND LORRAINE A. RAMIREZ FAMILY REVOCABLE TRUST DATED JULY 26, 2017 (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 6352.1, a General Lease - Recreational and Protective Structure Use, and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2945 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock with boat lift, appurtenant facilities, and bank

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- protection. CEQA Consideration: categorical exemption. (PRC 6352.1; RA# 24417) (A 7; S 6) (Staff: G. Asimakopoulos)
- C 30 BURLINGAME BAY ASSOCIATES, (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 4687.1, a General Lease - Commercial Use, of filled and unfilled sovereign land located in San Francisco Bay, near Burlingame, San Mateo County; for a restaurant, parking lot, lagoon, footbridge, pedestrian path, landscaping, and shoreline protection. CEQA Consideration: not projects. (PRC 4687.1) (A 22; S 13) (Staff: A. Franzoia)
- C 31 REBECCA J. CABRAL, TRUSTEE OF THE REBECCA J. CABRAL REVOCABLE TRUST DATED DECEMBER 4, 2002 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Three Mile Slough, adjacent to 18110 Sherman Island East Levee Road, near Rio Vista, Sacramento County; for three existing pilings, a two-pile dolphin, and bank protection. CEQA Consideration: categorical exemption. (PRC 7946.1; RA# 34417) (A 11; S 3) (Staff: G. Asimakopoulos)
- C 32 CASE FAMILY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the San Joaquin River, adjacent to 18460 Sherman Island East Levee Road, near Rio Vista, Sacramento County; for construction of a covered boat dock and appurtenant facilities; and existing bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemptions. (W 27049; RA# 09116) (A 11; S 3) (Staff: G. Asimakopoulos)
- C 33 JOSEPH M. DEAK AND GRETCHEN W. DEAK (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Georgiana Slough, adjacent to 451 W. Willow Tree Lane, near Isleton, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8778.1; RA# 28617) (A 11; S 3) (Staff: J. Holt)

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- C 34 LEWIS J. DEAK AND BARBARA J. DEAK (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Georgiana Slough, adjacent to 425 W. Willow Tree Lane, near Isleton, Sacramento County; for an existing boat dock with slip, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8762.1; RA# 28417) (A 11; S 3) (Staff: J. Holt)
- C 35 DELTA BEACH PROPERTIES, INC. (LESSEE): Consider revision of rent to Lease No. PRC 5383.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 14250 Isleton Road, near Isleton, Sacramento County; for an existing boat launch ramp, accommodation dock and 20 double-point mooring buoys. CEQA Consideration: not a project. (PRC 5383.1) (A 11; S 3) (Staff: S. Evans)
- C 36 ABEL JAIME DIAZ, MARGARITA TECUN RAMOS, AND SILVESTRE ALMICAR DIAZ CHAY (APPLICANT): Consider application for a General Lease - Residential and Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 10 Lucky Drive, near Greenbrae, Marin County; for an existing residence, deck, storage, dock, ramp, and appurtenant facilities. CEQA Consideration: categorical exemption. (W 27089; RA# 25617) (A 10; S 2) (Staff: V. Caldwell)
- C 37 ECO SERVICES OPERATIONS CORP (LESEE): Consider application for an amendment of Lease No. PRC 7660.1, a General Lease - Industrial and Protective Structure Use, of filled and unfilled sovereign land located adjacent to 100 Mococo Road, in Peyton Slough and Carquinez Strait, city of Martinez, Contra Costa County; for the installation, use and maintenance of shoreline protection. CEQA Consideration: categorical exemption. (PRC 7660.1; RA# 24317) (A 14; S 3) (Staff: D. Tutov)
- C 38 CRAIG LEE ELDER AND MARY DELUCA ELDER (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 7145 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock,

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appurtenant facilities, and bank protection. CEQA
Consideration: categorical exemption. (PRC 8783.1; RA#
32317) (A 7; S 6) (Staff: J. Holt)

- C 39 GILBERT GONZALES AND MARGIE D. GONZALES
(APPLICANT): Consider application for a General Lease
- Recreational and Protective Structure Use, of
sovereign land located in the Sacramento River,
adjacent to 4001 Garden Highway, near Sacramento,
Sacramento County; for an existing boat dock,
appurtenant facilities, and bank protection. CEQA
Consideration: categorical exemption. (PRC 8774.1; RA#
30717) (A 7; S 6) (Staff: J. Holt)
- C 40 LIZ GRAHAM AND GREG GRAHAM (LESSEE): Consider
revision of rent to Lease No. PRC 3540.1, a General
Lease - Recreational Use, of sovereign land located in
the Petaluma River, adjacent to 104 Harbor Drive, near
Novato, Marin County; for a boathouse, two floating
boat docks and appurtenant facilities. CEQA
Consideration: not a project. (PRC 3540.1) (A 10; S 2)
(Staff: S. Evans)
- C 41 LEE HENRY GREENBERG, TRUSTEE OF THE LEE HENRY
GREENBERG REVOCABLE TRUST (APPLICANT): Consider
application for a General Lease - Residential and
Recreational Use, of sovereign land located in Corte
Madera Creek, adjacent to 14 Lucky Drive, near
Greenbrae, Marin County; for an existing residence,
decks, docks, and appurtenant facilities. CEQA
Consideration: categorical exemption. (PRC 8031.1; RA#
24617) (A 10; S 2) (Staff: V. Caldwell)
- C 42 MARY KATHLEEN HILDEBRAND AS TRUSTEE OF THE MARY
KATHLEEN HILDEBRAND REVOCABLE TRUST (LESSEE): Consider
revision of rent to Lease No. PRC 2511.1, a General
Lease - Right-of-Way Use, of sovereign land located in
the historic and current bed of the San Joaquin River,
adjacent to 23455 Hays Road, near Manteca, San Joaquin
County; for an existing access road with deck and a
culvert. CEQA Consideration: not a project. (PRC
2511.1) (A 12; S 5) (Staff: S. Evans)
- C 43 JEFFREY A. HUNT AND JENNIFER L. HUNT (APPLICANT):
Consider application for a General Lease -
Recreational and Protective Structure Use, of
sovereign land located in the Sacramento River,

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- adjacent to 925 Piedmont Drive, city of Sacramento, Sacramento County; for an existing boat dock with boathouse, appurtenant facilities, and bank protection previously authorized by the Commission, and electric and water utility outlets not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4062.1; RA# 28217) (A 9; S 6) (Staff: G. Asimakopoulos)
- C 44 EDWIN M. KADO AND JEAN A. KADO, TRUSTEES OF THE ED AND JEAN KADO FAMILY REVOCABLE TRUST, ESTABLISHED DECEMBER 17, 1998 (LESSEE): Consider revision of rent to Lease No. PRC 6524.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 1635 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities and bank protection. CEQA Consideration: not a project. (PRC 6524.1) (A 7; S 6) (Staff: S. Evans)
- C 45 LAWSON'S LANDING, INC. (LESSEE): Consider revision of rent to Lease No. PRC 6978.1, a General Lease - Commercial Use, of sovereign land located in the Tomales Bay, adjacent to 94 Marine View Drive, near Dillon Beach, Marin County; for an existing commercial marina. CEQA Consideration: not a project. (PRC 6978.1) (A 10; S 2) (Staff: S. Evans)
- C 46 MILDRED K. LEATHAM, SUCCESSOR TRUSTEE OF THE GEORGE LEATHAM FAMILY TRUST DATED MAY 22, 2015 (ASSIGNOR); D. GREGG DOYLE, TRUSTEE OF THE D. GREGG DOYLE REVOCABLE LIVING TRUST, DATED JULY 19, 2016 AND GISELLE SHEPATIN, TRUSTEE OF THE GISELLE SHEPATIN REVOCABLE LIVING TRUST, DATED AUGUST 28, 2018 (ASSIGNEE): Consider application for the assignment of Lease No. PRC 9315.1, General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 31 Sandy Beach Road, near Vallejo, Solano County; for a portion of an existing residence, deck and appurtenant facilities. CEQA Consideration: not a project. (PRC 9315.1; RA# 06818) (A 14; S 3)(Staff: V. Caldwell)
- C 47 LINCOLN CHAN FARMS, LLC (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in Hensley Slough, adjacent to

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- Assessor's Parcel No. 132-0190-050, near Courtland, Sacramento County; for an existing road. CEQA Consideration: categorical exemption. (PRC 4221.1; RA# 31117) (A 9; S 3) (Staff: L. Pino)
- C 48 JEFFERY MORENO (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use of sovereign land located in Georgiana Slough at Andrus Island, adjacent to 17161 Terminous Road, near Isleton, Sacramento County; for an existing covered boat dock, appurtenant facilities, and bank protection previously authorized by the Commission; and a boat lift and electrical and water utility outlets not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 7089.1; RA# 28017) (A 11; S 3) (Staff: G. Asimakopoulos)
- C 49 JACK L. SHRADER AND ELISE SHRADER, TRUSTEES U.D.T. DATED 12/9/99 TRUSTEES OF THE SHRADER LIVING TRUST (LESSEE): Consider revision of rent to Lease No. PRC 5393.1, a General Lease - Commercial Use, of sovereign land located in Goodyear Slough, near Benicia, Solano County; for an existing commercial marina known as Pierce Harbor Marina. CEQA Consideration: not a project. (PRC 5393.1) (A 14; S 3) (Staff: J. Holt)
- C 50 NAUTILUS DATA TECHNOLOGIES, INC., A DELAWARE CORPORATION (APPLICANT): Consider application for a General Lease - Industrial Use, of proprietary land located in the San Joaquin River within the Port of Stockton, adjacent to Assessor's Parcel Number 162-030-07, Rough and Ready Island, near Stockton, San Joaquin County; for the installation, use, and maintenance of a barge-mounted water-cooled data center and appurtenant facilities. CEQA Consideration: Mitigated Negative Declaration, adopted by the Port of Stockton, State Clearinghouse No. 2016062010, and adoption of a Mitigation Monitoring Program. (W 27181; RA# 31817) (A 13; S 5) (Staff: G. Asimakopoulos)
- C 51 TIME WARNER TELECOM OF CALIFORNIA, L.P. (LESSEE): Consider revision of rent to Lease No. PRC 8044.1, a General Lease - Right-of-Way Use, of sovereign land located in the Stanislaus River, Mokelumne River, and Cosumnes River, near the cities of Riverbank and Lodi,

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and the Town of Wilton, Stanislaus, San Joaquin, and Sacramento Counties; for existing conduit ducts with fiber-optic cable within one of the six ducts. CEQA Consideration: not a project. (PRC 8044.1) (A 8, 12; S 5, 8) (Staff: S. Evans)

C 52 JOYCE TURNER (ASSIGNOR); NOAH M. ARON (ASSIGNEE): Consider application for the assignment of Lease No. PRC 9271.1, General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 65 Greenbrae Boardwalk, near Larkspur, Marin County; for an existing deck, boat dock, and appurtenant facilities. CEQA Consideration: not a project. (PRC 9271.1; RA# 07018) (A 10; S 2) (Staff: V. Caldwell)

C 53 UNITED STATES GEOLOGICAL SURVEY (LESSEE): Consider application for an amendment to Lease No. PRC 7650.9, a General Lease - Public Agency Use, of sovereign land located in the Old River, Middle River, San Joaquin River, Holland Cut, False River, South Fork Mokelumne River, North Fork Mokelumne, Little Potato Slough, Threemile Slough, Sacramento River, Sutter Slough, Steamboat Slough, Georgiana Slough, Miner Slough, Cache Slough, in Contra Costa, San Joaquin, Sacramento, Yolo, and Solano Counties; for two existing pilings and the installation, use, and maintenance of two additional water monitoring stations in the Sacramento River. CEQA Consideration: categorical exemption. (PRC 7650.9; RA# 33417) (A 7; S 6) (Staff: D. Simpkin)

C 54 JOHN H. WHITE, TRUSTEE OF THE JHW TRUST, DATED MAY 16, 2000 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4435 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8026.1; RA# 27817) (A 7; S 6) (Staff: J. Holt)

C 55 LYNN C. WHITE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 37 Havenwood Road, near Novato, Marin County; for an

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existing pier, boat dock, boat shed, storage shed, ramp, and two pilings. CEQA Consideration: categorical exemption. (PRC 3679.1; RA# 23917) (A 10; S 2) (Staff: K. Connor)

C 56 CHARLES R. WILLIAMS AND JOSEPHINE F. WILLIAMS (LESSEE); AND SHERMAN ISLAND LLC (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 8352.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in the San Joaquin River, adjacent to 19900 Sherman Island Crossing, near Rio Vista, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8352.1; RA# 12517) (A 11; S 3) (Staff: J. Holt)

C 57 ANNA YOUNG, TRUSTEE OF THE ANNA YOUNG TRUST DATED APRIL 21, 1997; CATTARINA BIRGITTA VAN DEN TOORN, AS TRUSTEE OF THE CATTARINA BIRGITTA VAN DEN TOORN SEPARATE PROPERTY TRUST DATED DECEMBER 2, 2002; AND LINNEA ALBERTA BONDOC, TRUSTEE OF THE LINNEA ALBERTA BONDOC SEPARATE PROPERTY TRUST DATED DECEMBER 2, 2002 (LESSEE): Consider revision of rent to Lease No. PRC 3582.1, a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 55 Havenwood Road, near Novato, Marin County; for a boat dock, walkway, and appurtenant facilities. CEQA Consideration: not a project. (PRC 3582.1) (A 10; S 2) (Staff: S. Evans)

CENTRAL/SOUTHERN REGION

C 58 BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC. (LESSEE): Consider revision of rent to Lease No. PRC 8054.1, a General Lease - Industrial Use, of sovereign land located in the San Diego Bay, San Diego County; for ship repair dry dock facilities and appurtenant structures. CEQA Consideration: not a project. (PRC 8054.1) (A 80; S 40) (Staff: S. Evans)

C 59 SUSAN BLAIS-HADER, TRUSTEE OF THE SUSAN BLAIS 1990 FAMILY TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean, adjacent to 19820 Pacific Coast Highway, city of Malibu, Los Angeles

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- County; for an existing deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26743; RA# 25017) (A 50; S 27) (Staff: K. Connor)
- C 60 CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, adjacent to Gaviota State Beach, near Goleta, Santa Barbara County; for an existing public recreational pier and appurtenant facilities; and authorization for the Gaviota Pier Repair Project. CEQA Consideration: categorical exemption. (PRC 4300.9; RA# 00617) (A 37; S 19) (Staff: L. Pino)
- C 61 CITY OF SOLANA BEACH (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land in the Pacific Ocean, City of Solana Beach, San Diego County; for the deposition of up to a maximum of 150,000 cubic yards of sand annually at Fletcher Cove under the City of Solana Beach Opportunistic Beach Fill Program. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Solana Beach, State Clearinghouse No. 2008021047. (PRC 7938.9; RA# 24517) (A 78; S 39) (Staff: K. Connor)
- C 62 JAMES M. DAWSON AND SUSAN E. DAWSON, TRUSTEES OF THE DAWSON FAMILY TRUST DATED NOVEMBER 9, 2011 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 17071 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27027; RA# 30217) (A 72; S 34) (Staff: K. Connor)
- C 63 CHER C. DUBBINK, TRUSTEE OF THE CHER DUBBINK SURVIVOR'S TRUST, ESTABLISHED DECEMBER 2, 2016 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Morro Bay adjacent to 1147 9th Street, Los Osos, San Luis Obispo County; for an existing fixed pier. CEQA Consideration: categorical exemption. (PRC 7644; RA# 33317) (A 35; S 17)(Staff: L. Pino)

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- C 64 THOMAS C. HUTTON AND VICTORIA T. HUTTON (LESSEE): Consider revision of rent to Lease No. PRC 8257.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16701 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck with partial roof, and bulkhead protection. CEQA Consideration: not a project. (PRC 8257.1) (A 72; S 34) (Staff: S. Evans)
- C 65 STEPHEN R. KROLL AND JUDITH A. KROLL, AS CO-TRUSTEES OF THE STEPHEN R. KROLL AND JUDITH A. KROLL FAMILY TRUST DATED MAY 23, 1996 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign located in the Midway Channel of Huntington Harbour, adjacent to 3591 Courtside Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27001; RA# 00118) (A 72; S 34)(Staff: K. Connor)
- C 66 DANIEL BERNARD LELCHUK AND DEBORAH ELLEN LELCHUK, AS TRUSTEES OF THE LELCHUK FAMLY TRUST U/A APRIL 17, 2008 AS AMENDED AND RESTATED DECEMBER 15, 2010 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16802 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27017; RA# 31317) (A 72; S 34) (Staff: K. Connor)
- C 67 LONG POINT DEVELOPMENT, LLC (LESSEE): Consider revision of rent to Lease No. PRC 8814.1, a General Lease - Non-Commercial Use, of sovereign land located in the Pacific Ocean, near the city of Rancho Palos Verdes, Los Angeles County; for a drainage channel and public beach area. CEQA Consideration: not a project. (PRC 8814.1) (A 66; S 26) (Staff: D. Simpkin)
- C 68 JIM H. MARTIN AND MARILYN A. MARTIN, TRUSTEES, OR THEIR SUCCESSORS IN TRUST UNDER THE MARTIN LIVING TRUST, DATED FEBRUARY 27, 2006 AND ANY AMENDMENTS THERETO (LESSEE): Consider revision of rent to Lease

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- No. PRC 3857.1, a General Lease - Recreational Use, of sovereign land located in the in the Midway Channel of Huntington Harbour, adjacent to 3532 Gilbert Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project.(PRC 3857.1) (A 72; S 34) (Staff: S. Evans)
- C 69 TINH NGUYEN AND LAM-QUYNH NGUYEN (LESSEE): Consider revision of rent to Lease No. PRC 8259.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16651 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck and bulkhead protection. CEQA Consideration: not a project. (PRC 8259.1) (A 72; S 34) (Staff: S. Evans)
- C 70 LAWRENCE W. ZARRILLI, TRUSTEE OF THE LAWRENCE ZARRILLI 1993 INTERVIVOS TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign located in the Midway Channel of Huntington Harbour, adjacent to 3601 Courtside Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26999; RA# 32517) (A 72; S 34) (Staff: K. Connor)
- SCHOOL LANDS
- C 71 BROSAMER & WALL, INC. (APPLICANT): Consider application for a General Lease - Industrial Use, of State-owned school land located within a portion of Section 36, Township 9 South, Range 13 East, SBM, north of Niland, Imperial County; for an unimproved parking area surrounded by a chain link fence. CEQA Consideration: categorical exemption. (PRC 9106.2; RA# 21717) (A 56; S 40) (Staff: J. Porter)
- C 72 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 6794.2, a General Lease - Right-of-Way Use, of 3.5 acres on state lieu land, in a portion of Section 33, Township 11 North, Range 8 West, MDM, near Middletown, Sonoma County; for an existing unpaved access road, known as

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Pine Flat Road. CEQA Consideration: not a project.
(PRC 6794.2) (A 4; S 2) (Staff: S. Evans)

- C 73 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE):
Consider revision of rent to Lease No. PRC 3392.2, a
General Lease - Right-of-Way Use, of State indemnity
school lands in a portion of Section 6, T9N R4E, SBM,
Newberry Springs, San Bernardino County; for existing
electrical transmission lines, appurtenant facilities
and an unpaved access road. CEQA Consideration: not a
project. (PRC 3392.2) (A 33; S 16) (Staff: S. Evans)

MINERAL RESOURCES MANAGEMENT

- C 74 eTRAC, INC. (APPLICANT): Consider application for
a General Permit to conduct geophysical surveys on
tide and submerged lands under the jurisdiction of the
California State Lands Commission. CEQA Consideration:
Mitigated Negative Declaration, Mitigation Monitoring
Program, and addendum, State Clearinghouse No.
2013072021. (W 6005.192; RA# 02918) (A & S: Statewide)
(Staff: R. B. Greenwood)
- C 75 RASCAL LITHIUM LLC (APPLICANT): Consider
application for a prospecting permit for minerals
other than oil, gas, geothermal resources, sand and
gravel, Assessor's Parcel Numbers 041-380-01 and
041-380-02, containing approximately 640 acres of
State 100 percent reserved mineral interest, school
land, located within Section 36, T27N, R4E, SBM, about
8 miles northwest of Death Valley Junction, Inyo
County. CEQA Consideration: categorical exemption. (W
40997; RA# 03118) (A 26; S 8) (Staff: V. Perez)
- C 76 UNITED STATES GEOLOGICAL SURVEY (APPLICANT):
Consider application for a Non-Exclusive Geophysical
Survey Permit on inland submerged granted and
sovereign lands located in Contra Costa, Sacramento,
San Joaquin, Solano, and Yolo Counties; using low
energy geophysical methods. CEQA Consideration:
categorical exemption. (W 6005.193; RA# 07418) (A 4,
6, 7, 8, 9, 12, 13; S 1, 3, 4, 5, 6, 7, 8) (Staff: R.
B. Greenwood)

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MARINE ENVIRONMENTAL PROTECTION

- C 77 CALIFORNIA STATE LANDS COMMISSION: Consider approval of proposed regulatory amendments to the 2019 California Building Code, California Code of Regulations, Title 24, Part 2, Chapter 31F - Marine Oil Terminals and Chapter 35 - Referenced Standards, for submission to the California Building Standards Commission for adoption. CEQA Consideration: not a project. (W 9777.106, W 9777.226) (A & S: Statewide) (Staff: C. Beckwith, A. Nafday, J. Fabel)
- C 78 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA STATE UNIVERSITY MARITIME ACADEMY (PARTIES): Request authority for the Executive Officer to enter into an agreement with the California State University Maritime Academy to support the design, fabrication, and testing of a sampling tool to assess vessel compliance with California's ballast water discharge performance standards. CEQA Consideration: categorical exemption. (W 9777.234, W 9777.291, W 9777.295) (A & S: Statewide) (Staff: L. Ceballos, D. Cook)

ADMINISTRATION

- C 79 CALIFORNIA STATE LANDS COMMISSION: Request authority for the Executive Officer to solicit statements of interest for on-call consultant services, negotiate a fair and reasonable price, and award and execute agreements of less than \$250,000 per task for supporting Commission staff in the preparation of Mitigated Negative Declarations and other environmental technical studies as needed. CEQA Consideration: not a project. (A & S: Statewide) (Staff: K. Forbes, E. Gillies, J. Fabel)

LEGAL - SEE REGULAR

KAPILOFF LAND BANK TRUST ACQUISITIONS

- C 80 CALIFORNIA STATE LANDS COMMISSION, IN ITS CAPACITY AS THE KAPILOFF LAND BANK TRUSTEE: Consider delegating authority to the Executive Officer to execute expenditures from Kapiloff Land Bank funds and granting authority to solicit bids, proposals for consultant services, negotiate a fair and reasonable

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- price, and award and execute agreements for the retention of a groundwater consultant. CEQA Consideration: not a project. (Bid Log 2018-05) (A & S: Statewide) (Staff: J. Garrett, D. Simpkin)
- C 81 CALIFORNIA STATE LANDS COMMISSION, IN ITS CAPACITY AS THE KAPILOFF LAND BANK TRUSTEE: Consider authorization to expend moneys from the Kapiloff Land Bank, pursuant to the Kapiloff Land Bank Act, Public Resources Code section 8600 et seq., for removal of abandoned vessels and marine debris in the San Francisco Bay Area. CEQA Consideration: categorical exemptions. (W 27207) (A 11, 14, 15, 18; S 3, 7, 9) (Staff: C. Connor, N. Lavoie)
- EXTERNAL AFFAIRS
- GRANTED LANDS
- C 82 CITY OF LONG BEACH (GRANTEE): Review a proposed tideland oil revenue expenditure in an amount not to exceed \$5,250,000 by the City of Long Beach for two capital improvement projects located on or adjacent to legislatively granted lands in the of the City of Long Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-03) (A 70; S 33) (Staff: M. Moser, R. De Leon)
- FEDERAL PUBLIC LAND CONVEYANCES PURSUANT TO CHAPTER 535, STATUTES OF 2017 (SB 50, ALLEN)
- C 83 CALIFORNIA STATE LANDS COMMISSION: Consider exercising right of first refusal for the acquisition of federal public lands, or right to arrange for their transfer to another entity, in the County of Riverside. CEQA Consideration: not a project; statutory exemption. (SB50-18-015) (A 56; S 28) (Staff: P. Huber, E. Kennedy)
- V. INFORMATIONAL
- 84 CALIFORNIA STATE LANDS COMMISSION: Legislative Report providing information and a status update concerning state and federal legislation relevant to the Commission. CEQA consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)

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VI REGULAR CALENDAR 85-90

85 CALIFORNIA STATE LANDS COMMISSION: Consider authorizing the Executive Officer to solicit proposals, informed by the Public Trust Needs Assessment, for the development, operation and maintenance of filled sovereign Public Trust lands, consisting of approximately 9.4 acres at 410 Airport Boulevard, adjacent to San Francisco Bay, in the City of Burlingame, San Mateo County. CEQA Consideration: not a project. (W 27160) (A 22; S 13) (Staff: A. Franzoia) 22

86 CALIFORNIA STATE LANDS COMMISSION AND THE TAHOE REGIONAL PLANNING AGENCY (PARTIES): Consider two Memoranda of Understanding between the Commission and the Tahoe Regional Planning Agency regarding Shorezone Permitting and Enforcement, respectively, on Lake Tahoe. CEQA Consideration: not a project; categorical exemption. (W 27206) (A 1; S 1) (Staff: C. Connor, W. Crunk) 61

87 CALIFORNIA STATE LANDS COMMISSION: Consider a resolution acknowledging the importance of the blue economy, an organizing principle with roots in the common law Public Trust Doctrine which promotes maximum benefit, protection, and enhancement of the natural environment, securing healthy ocean and coastal ecosystems, and sustainable economic growth. CEQA Consideration: not a project. (A & S: Statewide) (Staff: F. Moye, J. Lucchesi) 67

88 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational report on efforts to overhaul the Commission's Environmental Justice Policy. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: A. Newman, S. Pemberton) 76

89 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational presentation on the public, interactive Web Mapping Application developed to provide comprehensive information and the best available science related to Public

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Trust uses, resources, and values in State waters offshore San Diego County. The Web Mapping Application was developed by the San Diego Ocean Planning Partnership, a pilot project of the State Lands Commission and the Port of San Diego. CEQA Consideration: not a project. (A 78, 80; S 39, 40) (Staff: M. Farnum, C. Packer, A. Newman)	96
90 CALIFORNIA STATE LANDS COMMISSION AND TUOLUMNE RIVER PRESERVATION TRUST (PARTIES) (INFORMATIONAL): Informational presentation on the removal of Dennett Dam from the Tuolumne River immediately downstream of the 9th Street Bridge, cities of Modesto and Ceres, Stanislaus County. CEQA Consideration: not a project. (PRC 9382.9) (A 21; S 12) (Staff: C. Connor, G. Kato)	116
VII PUBLIC COMMENT	123
VIII COMMISSIONERS' COMMENTS	142
IX CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE MATTERS LISTED BELOW PURSUANT TO GOVERNMENT CODE SECTION 11126, PART OF THE BAGLEY-KEENE OPEN MEETING ACT:	
A. LITIGATION.	
The Commission may consider pending and possible litigation pursuant to the confidentiality of attorney-client communications and privileges provided under Government Code section 11126, subdivision (e).	
1. The Commission may consider pending and possible matters that fall under Government Code section 11126, subdivision (e)(2)(A), concerning adjudicatory proceedings before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the Commission is a party. Such matters currently include the following:	

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California Coastkeeper Alliance, California Coastal Protection v. California State Lands Commission

California State Lands Commission v. City and County of San Francisco

In re: Rincon Island Limited Partnership Chapter 7

In re: Venoco, LLC, Bankruptcy Chapter 11

Madden v. City of Redwood City (aka "Docktown")

Martins Beach 1, LLC and Martins Beach 2, LLC v. Effie Turnbull-Sanders, et al.

San Francisco Baykeeper v. California State Lands Commission

San Francisco Baykeeper v. California State Lands Commission II

San Joaquin River Exchange Contractors Water Authority v. State of California; State Lands Commission

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

Sierra Club, et al. v. City of Los Angeles, et al.

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

SOS Donner Lake v. State of California, et al.

Terminal One Development v. State of California, et al.

United States v. 1.647 Acres

United States of America v. State of California, et al.

United States v. Walker River Irrigation District, et al.

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World Business Academy v. California State Lands
Commission

2. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(b), under which;
 - a. A point has been reached where, in the opinion of the Commission, on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the Commission, or
 - b. Based on existing facts and circumstances, the Commission is meeting only to decide whether a closed session is authorized because of a significant exposure to litigation against the Commission.
3. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(C), where, based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

The Commission may consider matters that fall under Government Code section 11126, subdivision (c)(7), under which, prior to the purchase sale, exchange, or lease of real property by or for the Commission, the directions may be given to its negotiators regarding price and terms of payment for the purchase, sale, exchange, or lease. At the time of publication of this Agenda, it is not anticipated that the Commission will discuss any such matters; however, at the time of the scheduled meeting, a discussion of any such matter may be necessary or appropriate.

Adjournment	143
Reporter's Certificate	144

P R O C E E D I N G S

1
2 CHAIRPERSON YEE: Good morning. I call this
3 meeting of the State Lands Commission meeting to order.
4 All representatives of the Commission are present. I am
5 State Controller Betty Yee, and I'm joined today by
6 Lieutenant Governor's staff scientist Sloane Viola and
7 also Jacqueline Wong-Hernandez representing the Department
8 of Finance.

9 And for the benefit of those in the audience, the
10 State Lands Commission manages property interests in over
11 5 million acres of land including mineral interests.
12 Commission also has responsibility for the prevention of
13 oil spills and marine oil terminals and offshore oil
14 platforms and for preventing the introduction of marine
15 invasive species into California's marine waters.

16 Today we will hear requests and presentations
17 involving the lands and resources within the Commission's
18 jurisdiction.

19 We recognize that the lands we manage have been
20 inhabited for thousands of years by California's native
21 people and take seriously our trust relationship with
22 these sovereign governments.

23 Today our gratitude goes to the Nisenan, Wintun,
24 and Miwok people who have inhabited Sacramento River
25 corridor, valley, and foothills for countless generations.

1 First item of business will be the adoption of
2 the minutes from the Commission's meeting of August 23rd,
3 2018. May I have a motion to approve the minutes.

4 ACTING COMMISSIONER WONG-HERNANDEZ: Move
5 approval.

6 CHAIRPERSON YEE: Motion by Commissioner
7 Wong-Hernandez.

8 ACTING COMMISSIONER VIOLA: Second.

9 CHAIRPERSON YEE: Seconded by Commissioner
10 Sloane.

11 Without objection, the minutes are adopted.

12 Next order of business is the Executive Officer's
13 report.

14 And we'll turn to Ms. Lucchesi for the report.

15 Good morning.

16 EXECUTIVE OFFICER LUCCHESI: Thank you. Good
17 morning. Good morning, Commissioners, and good morning,
18 everyone watching from the webcast and any in the audience
19 today.

20 There are a couple of items I want to update the
21 Commission on:

22 First being an update on the Dynegy Morro Bay
23 Power Plant decommissioning site. The Commission approved
24 the decommissioning project at its February 2018 meeting
25 earlier this year. In developing the mitigated Negative

1 Declaration for the project, Commission staff engaged in
2 coordination under the Commission's Tribal Consultation
3 Policy, which resulted in several mitigation measures
4 being recommended, including a jointly developed cultural
5 resources monitoring and treatment plan.

6 On Thursday, October 11th, last week, the
7 culturally affiliated Tribal Monitor and project
8 archaeologists discovered human remains during the
9 excavation of the beach pipeline segment. Project
10 activities were halted, and the remains were transferred
11 to the county corner for examination.

12 If the remains are determined to be Native
13 American, the Native American Heritage Commission will
14 determine the most likely descendent who would work with
15 the city of Morro Bay as the property owner to investigate
16 the extent and ultimate disposition of the discovery.

17 While we understand the challenge this discovery
18 creates for all involved, we believe this is a great
19 example of the importance of tribal coordination and shows
20 that the processes that the Commission both required in
21 its Tribal Consultation Policy as well as in its approval
22 of this specific project are working as intended to
23 protect previously unidentified resources.

24 Next, I also want to highlight a recent
25 scientific report that relates to our climate change,

1 sea-level rise, and environment justice work. On the
2 heels of last month's Global Climate Action Summit in San
3 Francisco, legislation committing California to achieving
4 a 100 percent clean energy by 2045 and Governor Brown's
5 Executive Order establishing a goal of carbon neutrality
6 of 2045, the United Nations Intergovernmental Panel on
7 Climate Change, or the IPCC, on October 6th unveiled a
8 special report on global warming of 1.5 degrees Celsius,
9 describing the drastic and unprecedented worldwide action
10 that must be taken to limit the impacts of climate
11 disruption and ensure more sustainable and equitable
12 society. With over 6,000 scientific references cited and
13 91 authors from 40 different countries, the report is both
14 a compelling call to action and a pragmatic roadmap to
15 achieving success.

16 In fact, the report notes that although action
17 needs to accelerate, some of the types of actions we need
18 to implement to limit global warming to 1.5 degrees
19 Celsius are already underway around the world and very
20 much so in California.

21 According to the co-chair of the IPCC working
22 group focusing on the mitigation of climate change,
23 limiting global warming to 1.5 degrees compared with 2
24 degrees, would reduce challenging impacts on ecosystems,
25 human health, and well-being, making it easier to achieve

1 the United Nations' sustainable development goals.

2 I wanted to take this opportunity, given the
3 audience that we have at this Commission, just to
4 highlight that report, and also acknowledge about being
5 proud to be in California and knowing that our work is --
6 we're all working very hard to address the challenges
7 associated with climate change and sea-level rise.

8 I want to also update the Commission on our
9 decommissioning efforts out at Platform Holly. The
10 Commission continues its operation and management of
11 Platform Holly and the Ellwood onshore facility. Staff
12 and the Commission's agents are working towards the plug
13 and abandonment of the wells on Platform Holly so that the
14 facilities, including the EOF, can be safely shut in in
15 preparation for their eventual decommissioning.

16 On October 15th, the trustee, the successor to
17 the Venoco, filed an adversary proceeding against the
18 Commission, alleging the Commission's ongoing management
19 of the EOF constitutes inverse condemnation because the
20 Commission will not pay the trustee additional monies for
21 the use of that property.

22 The presence of the State at EOF through the
23 Commission and in Venoco's absence is absolutely critical
24 to ensuring the health and safety of the local communities
25 and the protection of the local terrestrial and marine

1 environment from potential releases of oil and hydrogen
2 sulfide gas, and is an appropriate exercise of the police
3 power inherent to the State.

4 The Commission intends to remain in control of
5 the EOF until all the wells are safely plugged and
6 abandoned.

7 Update on the Rincon Island decommissioning
8 efforts. Regarding Rincon Island and the onshore
9 decommissioning, staff is thrilled to announce that on
10 September 24th work began to abandon the first of 70 oil
11 and gas wells and, as of this morning, three wells overall
12 have been abandoned to surface on the upland area of the
13 former releases. This work is progressing at a more rapid
14 rate than expected and is anticipated to generate cost
15 savings for the state than originally budgeted.

16 Staff has been working in conjunction with
17 Driltek, our abandonment contractor, and the Department of
18 Oil, Gas, and Geothermal Resources, or DOGGR, to write and
19 review well abandonment programs that are then submitted
20 through DOGGR's Well Star Program for review and approval.

21 Abandonment work on the offshore Rincon Island
22 wells is expected to begin after the beginning of the
23 year, 2019.

24 I would also like to give a brief update on our
25 efforts to achieve public access at Martins Beach and at

1 Hollister Ranch. And as the Commission and, likely, most
2 of the audience knows, in the Martins Beach versus
3 Surfrider case, the United States Supreme Court denied
4 review, which would -- means that the decision that the
5 property owner cannot close the gate without first
6 obtaining a coastal development permit stands.

7 As of today, we have approximately \$381 in
8 donations to our Kapiloff subaccount for the purposes of
9 acquiring an easement for access. And we're continuing to
10 accept donations. And in addition we continue to work
11 with the Coastal Commission, the County of San Mateo, the
12 Attorney General's office, to explore options and
13 opportunities to achieve access at Martins Beach.

14 Relating to Hollister Ranch, there was a bill
15 that was authored by Assembly Member Limón, AB 2534, that
16 was recently vetoed by the Governor, with the message that
17 the Governor believed that it was important to take
18 another look at the 1982 Public Access Program that was
19 developed for Hollister Ranch and update that as
20 necessary.

21 In response to that, the staffs of the Coastal
22 Commission, State Coastal Conservancy, State Parks
23 Department, and the State Lands Commission are starting to
24 organize to take the first steps to review that public
25 access program. And as part of that, the State Lands

1 Commission staff just yesterday sent a notice to the
2 Hollister Ranch Association letting them know that we plan
3 to conduct a mean high tide line survey of the coastline
4 along the 8.5 miles of the ranch property during the week
5 of November 5th. And that is an important first step as
6 we start to review and reassess the public access program
7 out at that site, because it's important to understand the
8 extent of the State's ownership as it relates to the
9 offshore boundary in order to start reformulating what a
10 public access program looks like out there.

11 So I will continue to update the Commission, you
12 know, on a consistent manner both in regards to Martins
13 Beach and Hollister Ranch and the public access
14 opportunities and efforts that we're working on there.

15 And that concluded my Executive Officer's report.
16 Thank you very much.

17 CHAIRPERSON YEE: Great. Thanks, Jennifer. And
18 just want to say congratulations to the staff on just the
19 tremendous progress on the well abandonment. It's really
20 great progress.

21 Comments from Commissioners?

22 Okay. Great. Thank you for the report.

23 Next item of business will be the adoption of the
24 consent calendar.

25 And are there any items, Commissioners, that you

1 wish to remove from consent?

2 And I see that we have some speakers here for
3 Item 27. Should we --

4 EXECUTIVE OFFICER LUCCHESI: Yes. So I would
5 like to remove a couple of consent items.

6 CHAIRPERSON YEE: Okay.

7 EXECUTIVE OFFICER LUCCHESI: And I'll move Item
8 27 to the regular agenda.

9 So officially --

10 CHAIRPERSON YEE: Okay.

11 EXECUTIVE OFFICER LUCCHESI: -- consent items C4,
12 C15, C30, C41, and C42 are removed from the agenda today
13 and will be brought to the Commission at a later date for
14 consideration.

15 CHAIRPERSON YEE: Okay.

16 EXECUTIVE OFFICER LUCCHESI: C27 will be moved
17 from the consent agenda to the regular agenda to be -- for
18 a staff presentation, and allow public testimony prior to
19 the vote by the Commission.

20 CHAIRPERSON YEE: Okay. Very well. Thank you
21 very much.

22 All right. Commissioners, we have then these
23 items that have been removed, C4, C15, C30, C41, C42, to a
24 later date agenda. C27 on to the regular agenda today.

25 Is there a motion on the remainder of the

1 calendar?

2 ACTING COMMISSIONER WONG-HERNANDEZ: Move consent
3 of the calendar as amended.

4 CHAIRPERSON YEE: Okay. Motion by Commissioner
5 Wong-Hernandez.

6 ACTING COMMISSIONER VIOLA: Second.

7 CHAIRPERSON YEE: Seconded by Commissioner
8 Sloane.

9 We will -- without objection, we will adopt the
10 consent calendar.

11 Thank you very much.

12 Let me go ahead and do this. Let me go ahead and
13 maybe take up Item 27 --

14 EXECUTIVE OFFICER LUCCHESI: Yes.

15 CHAIRPERSON YEE: -- now. We have people in the
16 audience who are here.

17 Let me ask for the staff presentation on Item 27.
18 And we will have our public speakers address this after
19 that.

20 PUBLIC LAND MANAGER LAVOIE: Hello, Commissioners
21 and members of the public. I am Nicholas Lavoie with the
22 Commission's Land Management Division, and I'm here to
23 introduce staff's report 27, an application for a General
24 Lease - Other with the Association of Surfing
25 Professionals, LLC, doing business as World Surf League.

1 (Thereupon an overhead presentation was
2 Presented as follows.)

3 PUBLIC LAND MANAGER LAVOIE: The application is
4 for a temporary use of sovereign land in the Pacific
5 Ocean, offshore of Pillar Point, near Half Moon Bay in San
6 Mateo County, to conduct a professional surfing contest
7 commonly known as The Mavericks Challenge.

8 The Mavericks Challenge is a one-day Big Wave
9 surf event that began as a recreational pursuit by local
10 surfers in the sixties and has since turned into an
11 invitation-only contest with professional big wave surfers
12 from around the world. This event, while temporary, is a
13 large commercial operation that requires exclusive use of
14 State land and resources.

15 Historically this well-known event has not
16 allowed female athletes to participate. The Committee for
17 Equity in Women's Surfing played a central role in
18 bringing this inequity to our attention. Working with
19 both us and the California Coastal Commission, the
20 applicant has committed to creating a women's division in
21 the competition and providing equal prize money to all
22 competitors regardless of gender.

23 To codify these important commitments made by the
24 applicant, staff recommends including provisions in the
25 lease that memorialize equal benefits, opportunities, and

1 prize money regardless of gender.

2 Additionally the applicant has taken this
3 commitment to equity even further, when last month they
4 announced that they will award equal prize money to male
5 and female competitors at all applicant-controlled events
6 worldwide, including The Mavericks Challenge.

7 Staff believes that an annual one-day
8 professional surfing event is generally consistent with
9 the Public Trust -- with the common law Public Trust
10 Doctrine and will not substantially interfere with other
11 Public Trust needs at this location at this time and for
12 the foreseeable five-year term of the proposed lease, and
13 it is in the State's best interests. Therefore, staff
14 recommends approval.

15 I am available to answer any questions.

16 CHAIRPERSON YEE: Thank you very much for the
17 presentation.

18 At this time let me call forward our public
19 speakers.

20 First Dylan Budd with the World Surf League,
21 followed by Sabrina Brennan with the Committee for Equity
22 in Women's Surfing, Edmundo Larenas, and then Jennifer
23 Savage with Surfrider, in that order.

24 MR. BUDD: Thank you and good morning.

25 CHAIRPERSON YEE: Good morning.

1 MR. BUDD: My name is Dylan Budd and I'm the
2 general counsel for the World Surf League. I'm here in
3 support of our lease application to hold a one-day surfing
4 competition, The Mavericks Challenge, as part of our Big
5 Wave Tour.

6 The World Surf League is the global leader in
7 surfing competitions. We run more than 180 events around
8 the world across our Championship Tour, Big Wave Tour,
9 Qualifying Series, Junior and Long-board championships at
10 the most iconic surf spots in the world. We crown the
11 undisputed world champions of surfing across these
12 disciplines. We partner with leading brands and sponsors,
13 and we distribute our events around the world across a
14 number of media platforms.

15 If approved and conditions permitting, this would
16 be the first year that we bring the Big Wave Tour to The
17 Mavericks site. Our Big Wave Tour features waves of at
18 least 25 feet and is some of the most breathtaking surfing
19 to watch.

20 We continue to invest and expand in this tour,
21 including, as mentioned, in the area of participation of
22 women's athletes, which will increase this year from six
23 competitors in our proposed event from last year to 10
24 this year in a multi-heat format.

25 It's an incredible exciting time for surfing in

1 California and around the world. Not only did surfing
2 become the official sport of the State of California this
3 summer, but we also announced equal prize money across our
4 men's and women's divisions. It's a project that our
5 company has been working on for over a year led by our CEO
6 Sophie Goldschmidt and our Deputy Commissioner Jessi
7 Miley-Dyer, a retired championship tour competitor who has
8 advocated on behalf of women surfers for over a decade.
9 It is part of the company's vision since we restructured
10 six years ago, which combines the beauty and excitement of
11 our sports with the values of inclusiveness, event safety,
12 and environmental stewardship.

13 We thought it was a great time with our recent
14 Surf Ranch Pro events in Lemoore, California, on our
15 artificial wave pool and with this upcoming Mavericks
16 Challenge to announce this initiative which we're
17 extremely proud of.

18 As noted in our application, we consult heavily
19 and work closely with local agencies and stakeholders,
20 which is why our events are the best run in the world of
21 surfing.

22 Thank you to the local surfers, the public, and
23 community groups for supporting our applications; and
24 thank you to the Commission, to the executive director,
25 and to staff for all their assistance in the process and

1 for considering our request.

2 Thank you.

3 CHAIRPERSON YEE: Thank you, Mr. Budd, very much.
4 Ms. Brennan.

5 MS. BRENNAN: Thank you for the opportunity. I
6 have Ed Larenas ceding time to me. Is that okay?

7 CHAIRPERSON YEE: Yes.

8 MS. BRENNAN: Okay. Thank you.

9 So I'm Sabrina Brennan. I'm currently serving a
10 second term on the San Mateo County Harbor Commission and
11 I'm a co-founder of the Committee for Equity in Women's
12 Surfing. I'm here today as a representative of CEWS.

13 We would like to thank your staff and
14 particularly the executive director for their excellent
15 work. Thank you for that. And we support approval of the
16 proposed lease agreement with the World Surf League.

17 I'd like to provide some context regarding the
18 proposed State Lands Lease Agreement for The Mavericks
19 Challenge surf competition.

20 Three years ago I was -- sorry -- three years ago
21 I asked the California Coastal Commission to add a
22 condition requiring a women's heat to a CDP for the event.
23 It was the first time the Coastal Commission had ever
24 considered permitting The Mavericks competition, and some
25 of the Commissioners were surprised to learn that the

1 event had a history of gender-based discrimination.

2 At the November 2015 hearing, I informed the
3 Coastal Commission about the San Mateo County Harbor
4 District five-year exclusive permit with Cartel
5 Management, the Titans event promoter. I explained that
6 the harbor district permit specified that only one surf
7 contest could be held at Mavericks from November 1,
8 through March 31. I made the point that the exclusive
9 permit prohibited any other competitive events that might
10 have included a women's division.

11 November 2015 there was a motion made to approve
12 the CDP application and there was a condition added by
13 Commissioner Mark Vargas. Mark Vargas said, "I'm a little
14 concerned about the fact that there's no clear plan for
15 highlighting, involving, or encouraging the growth of
16 women in this event or in this sport.

17 "I'll float it out there. I'd like to see if I
18 can make an amended motion to add a specific condition
19 that we ask the applicant to provide a plan for
20 encouraging equal opportunity for women surfers in future
21 events."

22 A clear mandate was issued and a 7-4 vote to
23 approve Vargas' amended motion. And in 2016 and 2017, the
24 Coastal Commission voted unanimously to include women in
25 The Mavericks competition.

1 There have been many hurdles since then,
2 including Griffin Guess's discriminatory behavior and
3 retaliation against women and his company Cartel
4 Management filing bankruptcy in federal court. In August
5 2017, the World Surf League bought the San Mateo County
6 Harbor District multi-season permit out of bankruptcy for
7 \$525,000.

8 We were hopeful that women would finally have an
9 opportunity to compete. However, by the time the WSL got
10 their permit in order the season's best surf conditions
11 had already passed.

12 In 2018, the Committee for Equity in Women's
13 Surfing requested a meeting with the WSL on numerous
14 occasions to address concerns about gender-based
15 discrimination and equal pay. The WSL refused to schedule
16 a meeting with us until after we sent the Coastal
17 Commission a letter on July 9th, 2018, that said: "Unfair
18 business practices prevent women professional surfers from
19 utilizing public resources and coastal access. Please
20 take action to prohibit gender-based discrimination."

21 On July 23rd, 2018, CEWS met with the WSL in
22 Redwood City. We presented a proposal for equal prize
23 money and a multi-heat women's division in the 2018, 2019
24 Mavericks Challenge. On July 30th, 2018, the WSL agreed
25 to a three-heat women's division that would include up to

1 10 athletes. We were very happy about this.

2 On September 5th, 2018, the WSL agreed to full
3 prize money equality across all global WSL-controlled
4 events. This was amazing.

5 Sorry, I still get...

6 CHAIRPERSON YEE: That's okay.

7 MS. BRENNAN: Starting in 2018, equal prize money
8 will be awarded in the Big Wave Tour. The season's
9 schedule for the 2018-2019 Big Wave Tour women's division
10 will include The Mavericks Challenge and the Pe'ahi
11 Challenge.

12 In 2019, the Championship Tour, the Long-board
13 Tour, and the World Junior Championships will be awarded
14 equal prize money.

15 This is a precedent-setting victory. Recently
16 economics professor David Berri was quoted in CALmatters
17 article by Laurel Rosenhall. Berri said, "The Mavericks
18 case could set precedence for local governments to demand
19 equal pay in any sporting event held on public property."

20 We hope that our success will expand future
21 opportunities for inclusion and pay equity for all sports
22 leagues, and we look forward to future legislation.

23 The persistence of women and girls paid off.
24 Women surfers and their supporters stood together united
25 in their demand for equality and equal pay. We did not

1 back down and we refused anything less than equal pay.

2 When offered compromises such as equal pay --
3 sorry. When offered compromises such as equal pay at some
4 future date in the next few years, we did not give in. In
5 July 2018, the WSL threatened to cancel The Mavericks surf
6 competition and we stood our ground. With helpful
7 collaboration and assistance from two State agencies, we
8 thank the California State Lands Commission members and
9 staff for their work in bringing equality to the publicly
10 owned sovereign lands of California, and we thank the
11 Coastal Commission members and staff who have worked
12 tirelessly to bring equality to the use of State resources
13 for The Mavericks Challenge.

14 I thank you for this. And I pretty much said the
15 same thing at the Coastal Commission meeting that recently
16 happened in San Diego, and I did not get this emotional.
17 So I think -- I think what's amazing about today is that
18 this is a culmination of all the work over years, and this
19 is just the whole thing coming full circle today.

20 So thank you.

21 CHAIRPERSON YEE: Thank you, Ms. Brennan. And
22 thank you for your sustained leadership on this issue.
23 This is a defining moment for sure.

24 Jennifer Savage, if you're here, please come
25 forward.

1 MS. SAVAGE: Good morning, Commissioners.

2 CHAIRPERSON YEE: Good morning.

3 Jennifer Savage, Surfrider Foundation.

4 The concept of access is most often addressed in
5 physical terms such as gates, parking policies, coastal
6 erosion, poor water quality, or other clearly quantifiable
7 deterrents. However, access can also be defined and
8 denied by less tangible measures including intimidation or
9 an attitude of exclusion. Surfrider therefore takes a
10 strong stand on access equity.

11 The surf contest at Mavericks has long been run
12 contrary to the Coastal Act by historically reducing
13 access opportunities for a specific subset of people.

14 Surf contests inherently impact public access by
15 their nature. Adding gender exclusion to the physical
16 impacts is clearly unacceptable. Therefore, Surfrider
17 Foundation has stood with the community for equity in
18 women surfing in demanding a multi-heat women's division
19 in The Mavericks competition. We further support equal
20 prize money for winners regardless of gender, which feels
21 crazy to be saying in 2018. But here we are.

22 And we congratulate the WSL for its commitment to
23 providing equal prize money not only to the winners at The
24 Mavericks contest but to male and female contest winners
25 at their events throughout the world. Certainly an

1 example we hope others emulate.

2 And speaking of leadership, we would be remiss to
3 not mention the leadership shown by Commissioners and by
4 Commission staff. We thank your staff and Chair Yee for
5 making gender equity a clear requirement when it comes to
6 Public Trust lands and coastal access. Mavericks is a
7 single surf contest - an exceptional one, to be sure - but
8 the message sent is a necessary one. Thanks to you and
9 your staff.

10 And as Sabrina noted, this permit application
11 marks a quantifiable and historical turning point in
12 access equity. We therefore offer our full support for
13 this application and we look forward to the positive
14 influence that your decision will have going forward.

15 Thank you.

16 CHAIRPERSON YEE: Thank you, Jennifer, very much.
17 Comments, members, on this?

18 Yes, please, Commissioner Sloane.

19 ACTING COMMISSIONER VIOLA: I would just like to
20 extend gratitude to the advocates for their passion and
21 their persistence, and to staff for their engagement and
22 responsiveness, and then also to the World Surf League for
23 going beyond just The Mavericks competition and extending
24 equal pay to all competitions worldwide. It really sets
25 the necessary tone. So thank you for that.

1 CHAIRPERSON YEE: Thank you very much.

2 Other comments?

3 Okay. Now, we've got some noise above us.

4 But first let me just say thank you to the World
5 Surf League for really putting the marker down on this
6 issue.

7 And, you know, I echo Ms. Brennan's emotion
8 around this. And all I keep thinking was that Title 9 was
9 over 45 years ago, here we are.

10 With that, I think we need an action on this
11 item.

12 Okay. May I -- is there a motion on this?

13 ACTING COMMISSIONER WONG-HERNANDEZ: Move
14 approval of the application.

15 CHAIRPERSON YEE: Okay. We have a motion by
16 Commissioner Wong-Hernandez to approve the lease
17 application.

18 ACTING COMMISSIONER VIOLA: Second.

19 CHAIRPERSON YEE: With a second.

20 Without objection, the lease application is
21 approved.

22 Thank you very much.

23 Our next item will be the regular calendar. And
24 we will now move to Item 85. And this is in consideration
25 of authorizing the Executive Officer to solicit proposals

1 for filled sovereign Public Trust lands adjacent to San
2 Francisco Bay and the City of Burlingame.

3 I'm going to ask for the presentation. And then
4 we have quite a few speakers, but I'll call you up after
5 the presentation.

6 (Thereupon an overhead presentation was
7 Presented as follows.)

8 PUBLIC LAND MANAGER LAVOIE: Hello again,
9 Commissioners and members of the public. I am Nicholas
10 Lavoie, a Public Land Manager in the Commission's Land
11 Management Division, and I am presenting an Item 85.

12 This item concerns a vacant owned State property
13 at 410 Airport Boulevard, located in the City of
14 Burlingame, and adjacent to the San Francisco Bay.

15 Development of this site has been a topic of
16 interest to the Commission, the City of Burlingame, and
17 Burlingame residents for years, and a number of uses have
18 been proposed for the site. With the divergent proposals
19 previously received, a Public Trust needs assessment
20 became a necessary planning tool to inform the Commission
21 on future use.

22 At the Commission's February 27th, 2018, meeting
23 the Commission authorized the temporary moratorium on the
24 acceptance and consideration of lease applications for use
25 of the property and for staff to conduct a Public Trust

1 needs assessment and report back to the Commission on
2 Public Trust needs in the area.

3 This staff report and presentation is to report
4 staff's findings and to make a recommendation on steps
5 going forward.

6 --o0o--

7 PUBLIC LAND MANAGER LAVOIE: Staff kicked off
8 this process by engaging with the City of Burlingame to
9 set up a public meeting in the community. The city was a
10 huge help in organizing the meeting and reaching out to
11 the community. On March 22nd of this year staff held a
12 public outreach meeting in Burlingame attended by more
13 than 100 people. Attendees included staff from the
14 offices of Senator Jerry Hill; Assembly Member Kevin
15 Mullin; San Mateo County Supervisor Dave Pine; staff from
16 the city, as well as current and former city council
17 members; former lease applicants; current lessees in the
18 area; neighboring property owners; hotel labor union
19 members; various advocacy organizations; and residents
20 from the region.

21 The needs reported by the public primarily
22 focused on passive and recreational uses such as open
23 space, park space, and water access.

24 The public expressed a strong desire to keep and
25 improve the existing Bay trail as well as create a San

1 Francisco Bay Area water trail access point for
2 water-related activities. All of these types of uses
3 would support the regional and statewide effort to
4 facilitate public access to and use of the State's
5 waterways regardless of race, gender, or socioeconomic
6 status.

7 Members of the public also highlighted immediate
8 needs for the site that should be addressed as soon as
9 possible regardless of the long-term vision. Those
10 short-term needs are to remove existing debris, fill voids
11 in the Bay trail, remove hazards along the shoreline, and
12 provide basic site maintenance such as preventing
13 vegetative overgrowth and providing trash service.

14 Following the public meeting, the staff compiled
15 the comments and posted the comments on the Commission's
16 website. Staff contacted all interested parties and -- we
17 were aware of and asked them to review the list to make
18 sure we did not miss anything and to give another
19 opportunity to provide additional input.

20 --o0o--

21 PUBLIC LAND MANAGER LAVOIE: Staff organized all
22 comments received at the public outreach meeting through
23 phone conversations, emails, and reported it in person.

24 Further, staff created general categories to
25 group similar public needs reported by interested parties.

1 These groups are shown on the screen and are identified as
2 bay and water access; parks, both active and passive;
3 open-space preservation and restoration; commercial
4 visitor serving; and miscellaneous, to capture some of the
5 other unique ideas we heard.

6 After staff's initial assessment we posted a
7 draft of the Public Trust needs assessment on the
8 Commission's website on June 21st, with a 30-day comment
9 period that ended on July 23rd. Notice of the draft was
10 sent out to all interested parties, and it was noticed
11 through social media.

12 Staff reviewed the comments made and prepared the
13 final Public Trust needs assessment, which is available as
14 Exhibit B to this staff report.

15 The Public Trust needs assessment has helped
16 guide staff's analysis for general uses. However,
17 specific creative and innovative design concepts should be
18 fostered. Staff recommends soliciting proposals to
19 develop the site, to expand public access to the Bay
20 waters and shoreline, improve the shoreline protection and
21 Bay trail, and create a waterfront destination that
22 includes a diverse mix of Public Trust consistent uses.

23 --o0o--

24 PUBLIC LAND MANAGER LAVOIE: Staff proposes use
25 of the Request for Proposal, or RFP, process. The RFP

1 process is a competitive process regularly used by public
2 and private sector to obtain very complex and/or unique
3 services in which professional expertise and methods may
4 vary greatly and creative or innovative approaches are
5 needed.

6 The preference for using competitive methods of
7 procurement is that they tend to promote transparency,
8 efficiency, and minimize the perception of favoritism or
9 bias. This will afford project proponents a commonly used
10 and understood fair and equitable process in applying to
11 develop the property. In line with the standard RFP
12 process, applicants will be aware of the requirements,
13 goals, and expectations for their proposal. Applicants
14 will also be aware of how applications will be scored and
15 what to expect long term.

16 The selected project will need to be consistent
17 with the information received from the Public Trust needs
18 assessment and meet the State's needs associated with safe
19 and equitable public access, including site maintenance
20 and addressing shoreline protective structure repair and
21 ongoing maintenance needs.

22 --o0o--

23 PUBLIC LAND MANAGER LAVOIE: Staff proposes that
24 the RFP will include, but may not be limited to, the
25 following requirements:

1 Public Trust consistent uses.

2 How public access to the Bay will be a primary
3 use.

4 Long-term maintenance plan.

5 Addressing existing shoreline protective
6 structure and Bay trail segment to facilitate climate
7 change resiliency and public trail access.

8 Adaptation to climate change and sea-level rise.

9 Detailed short-term project funding and long-term
10 site maintenance.

11 Basic architectural features including site plans
12 and floor plans, if applicable.

13 How the project would avoid delays in
14 construction, operation, and maintenance of facilities due
15 to labor disruptions.

16 A resumé of project team experience and pro forma
17 financial package.

18 --o0o--

19 PUBLIC LAND MANAGER LAVOIE: Short-term
20 implementation of the long-term plan includes evaluation
21 of proposals by a review panel consisting of Commission
22 staff, and ranked numerically based on predetermined
23 criteria. Staff would then negotiate a short-term lease
24 agreement with the top ranked applicant.

25 The purpose of the short-term lease agreement is

1 for the applicant with the highest score to have control
2 of the lease premises to begin the CEQA review process and
3 obtain other regulatory entitlements.

4 The short-term lease agreement would be brought
5 to the Commission at a properly noticed public meeting for
6 approval. Subject to approval by the Commission of the
7 short-term lease, staff would then begin the CEQA process
8 analyzing the proposed project.

9 If agreement short-term lease can be reached with
10 the first applicant, the second ranked qualified applicant
11 would be considered, continuing down the list until
12 agreement is reached.

13 --o0o--

14 PUBLIC LAND MANAGER LAVOIE: Staff plans to
15 continue to work closely with the City of Burlingame and
16 other agencies throughout this process to ensure that our
17 collective objectives are being met. After the completion
18 of the CEQA process staff anticipates engaging in a
19 negotiation for a longer term lease with the applicant.
20 The CEQA document and the proposed long-term lease would
21 be brought before the Commission at a properly noticed
22 public meeting for approval.

23 I understand that quite a few people have
24 comments on this item and we have been excited to see the
25 engagement. However, I do want to be very clear about

1 what is before the Commission today.

2 --o0o--

3 PUBLIC LAND MANAGER LAVOIE: Today the
4 recommendation is to authorize the Executive Officer or
5 her designee to issue a request for proposal, evaluate
6 those proposals, select a proposal and negotiate a
7 short-term lease with the applicant which will be brought
8 before the Commission at a future date for consideration.
9 There is no lease application before the Commission today,
10 and any short-term or long-term lease would be brought
11 before the Commission at a properly noticed public meeting
12 for your consideration.

13 I am available to answer any questions. There
14 are also representatives from the city here to address any
15 questions that may pertain to the city.

16 Thank you.

17 CHAIRPERSON YEE: Thank you very much for the
18 presentation.

19 Let me go ahead and begin the public testimony.
20 There was quite a list of speakers, so I'll call you up in
21 3s.

22 First is Ebbie Nakhjavani with EKN Development
23 Group, followed by Veronika Vostinak with Sphere
24 Institute, and Leslie Flint with the Sequoia Audubon.

25 MR. NAKHJAVANI: Good morning, members of the

1 Commission. My name is Ebbie Nakhjavani. I'm with EKN
2 Development Group, 220 Newport Center Drive, Newport
3 Beach, California.

4 Thank you for allowing me to speak today
5 regarding the property on Airport Drive, and thank you to
6 staff for gathering significant public input and preparing
7 its report.

8 I agree with the recommendations contained in the
9 staff report and encourage the preparation of an RFP to
10 allow interested parties to demonstrate the highest and
11 best use for the property that meets the needs of the
12 statewide and regional public, and is consistent with the
13 Public Trust Doctrine and the Commission's vision,
14 mission, and strategic plan.

15 As stated in the staff report, a hotel or other
16 visitor-serving commercial use would be consistent with
17 the Public Trust Doctrine as a statewide or regional use
18 that facilitates the public's enjoyment of the waterfront.

19 Moreover, development of the hotel could also set
20 aside significant portions of the property and include
21 sustainable and financially viable plans to promote and
22 provide uses such as open space, preservation, and
23 restoration; Bay and water access; and park space.

24 The hotel project with a substantial open-space
25 area can deliver a financially and environmentally viable

1 program to keep and improve the existing Bay trail as well
2 as create a San Francisco Bay Area water trail access
3 point to water related activities including wind surfing
4 and kite boarding.

5 A multiple use project can -- that includes a
6 hotel will create jobs and will ensure the ongoing
7 maintenance of the entire property to commence in a timely
8 manner and guarantee enhancements of the shoreline and
9 ensure the protection of the property for years to come.

10 Thank you very much for the opportunity to speak.

11 CHAIRPERSON YEE: Thank you very much.

12 MR. NAKHJAVANI: Thank you.

13 MS. VOSTINAK: Good morning. I'm Veronika
14 Vostinak, and I'm here on behalf of the Sphere Institute,
15 one of the prior applicants for the parcel.

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

18 MS. VOSTINAK: Our proposal for Burlingame
19 Shoreline Park reflects an overwhelming public preference
20 for the use of the land in line with the Public Trust. As
21 a nonprofit government contractor and neighbor to the
22 site, we're in a unique position to make this need a
23 reality.

24 We've been working over the past year refining
25 design and funding as well as creating valuable

1 relationships with partners, advisors, and stakeholders.

2 Sphere will provide all design and permitting
3 costs to ensure the project can move forward without
4 delay, and is committing 150,000 per year in order to
5 ensure there is significant funding for operations and
6 maintenance.

7 Most recently we have partnered with the San
8 Mateo Resource Conservation District and worked with the
9 Peninsula Open-Space Trust and Committee for Green
10 Foothills as strategic advisors.

11 96 percent of the comments made during the Public
12 Trust needs assessment reflected a vision similar to ours.

13 We believe the site can be a legacy for the State
14 and the Commission as well as being cherished by the
15 public for generations to come.

16 Please help us make this vision a reality and
17 give priority to viable open-space restoration proposals
18 in the RFP.

19 Thank you, Commissioners, for the opportunity to
20 speak today, and thank you to the Chair for allowing us to
21 combine our speaker cards today to designate a
22 spokesperson for the Sphere Institute to give you a little
23 bit more detail.

24 In that case I would like to introduce Karen
25 Verpeet, who's our landscape architect with H.T. Harvey &

1 Associates, and she will take it from here.

2 MS. VERPEET: Hi. Thank you for the opportunity.
3 Let's dive right in.

4 --o0o--

5 MS. VERPEET: So looking at the vision and
6 approach for the site. We really think that committing
7 the entire parcel to --

8 CHAIRPERSON YEE: I'm going to ask you to move
9 right up to the microphone so they can all hear you.

10 Yeah, thank you.

11 MS. VERPEET: Is that better?

12 CHAIRPERSON YEE: Yes.

13 --o0o--

14 MS. VERPEET: Okay. By committing the entire
15 parcel to open space, there's a really unique opportunity
16 to provide universal access to the Bay: To define the
17 waterfront, to highlight interactions with nature, to
18 educate the public about climate change and sea-level
19 rise, and to respond to the Public Trust needs assessment
20 which was overwhelmingly in support of open space.

21 --o0o--

22 MS. VERPEET: As Veronika mentioned, Sphere has
23 partnered with the RCD -- San Mateo RCD. A summary of
24 their role is shown here. And we'll get into more details
25 of that later in the presentation.

1 --o0o--

2 MS. VERPEET: Sphere has strategic partners,
3 planning advisors in both POST and the Committee for Green
4 Foothills and for water access with BASK, the Bay Area Sea
5 Kayakers, and the San Francisco Board Sailing Association,
6 to ensure that the water access meets their needs.

7 --o0o--

8 MS. VERPEET: The project has the support of
9 many other organizations as well. And should Sphere be
10 selected as the leasee, there will be ongoing coordination
11 regarding operations and programming with other entities
12 as well.

13 --o0o--

14 MS. VERPEET: So the project is in line with
15 State Lands Commission approved uses for the site as well
16 as the Public Trust needs assessment, with only 3 percent
17 of responders preferring a hotel.

18 The project is line with the scientific
19 community's goals for this part of the Bay based on the
20 Baylands Goals Project, and with Californian and local
21 voters who all overwhelmingly support open space and
22 habitat preservation measures at the ballot.

23 --o0o--

24 MS. VERPEET: In terms of context, we see this as
25 an important opportunity to demonstrate and respond to

1 sea-level rise and also to restore habitat in a meaningful
2 way.

3 --o0o--

4 MS. VERPEET: To address environmental justice,
5 the site is located in what is considered a low income
6 community by the California Air Resources Board.

7 --o0o--

8 MS. VERPEET: To advance State goals in policy,
9 in the State Lands Commission's Strategic Plan there's a
10 key action related to climate change and preservation and
11 enhancement of habitat.

12 --o0o--

13 MS. VERPEET: The concept plan is really focused
14 around the creation of a tidal marsh right behind the
15 existing seawall. We would dig that out, create a marsh,
16 and then create a gentle transition slope into the uplands
17 to show what the historic coastline and shoreline would
18 have looked like here.

19 Around that habitat restoration will be more
20 formal park elements that would be a location for folks to
21 gather and to be able to enjoy these interactions with
22 nature.

23 The Bay trail would run through the site and
24 there would be two distinct water access points straight
25 into San Francisco Bay.

1 --o0o--

2 MS. VERPEET: This is a -- let me see if I can
3 get this to work.

4 Can you click on it?

5 Thank you.

6 There's a simulation here, it's about 10 or 15
7 seconds, that shows if it will load.

8 There it goes.

9 How the tide would come into the site through the
10 breached seawall. And you can see how that tidal marsh
11 will be inundated, and the park will be formed around
12 that.

13 I should also mention that the marsh will be
14 constructed at the appropriate elevation to have it be
15 vegetated. It would not be a mudflat, which is an
16 existing condition immediately adjacent.

17 --o0o--

18 MS. VERPEET: In terms of educational
19 opportunities, we see three main topics: Sea-level rise,
20 of course, as just mentioned; but also native ecology,
21 native habitat, plant communities, most of which have been
22 extirpated from this part of the Bay shoreline.

23 And then also talk about regional connectivity,
24 the Bay trail as it connects up and down the peninsula and
25 the access points into the water.

1 --o0o--

2 MS. VERPEET: In terms of funding, we see this as
3 a three-phase project. The first would be happening
4 during the short-term lease that was just mentioned during
5 the staff presentation. So that's design, permitting, and
6 funding acquisition. We anticipate that would take about
7 two years at a cost of approximately \$2 million, and
8 Sphere would cover all of that cost.

9 Phase 2 is construction. That's up to three
10 years at a cost of 12 to \$15 million, and Sphere and grant
11 money would largely cover that cost, potentially with some
12 private funding added in.

13 And then phase 3 is post construction, is ongoing
14 operations and programming; ongoing annually, estimating
15 right now at about 150,000 per year. Sphere again would
16 take the lead on funding and operations and work with
17 others on operations and programming.

18 --o0o--

19 MS. VERPEET: So in terms of the RCD's fear of
20 partnership because RCD is a public district, in phase 1,
21 as we're doing the planning work, the RCD would apply for
22 and manage all of the public grants - so they would
23 completely hold that part of the process - while Sphere
24 continues as they have been, taking the lead on the design
25 process as well as the permitting process with the

1 process.

2 --o0o--

3 MS. VERPEET: In terms of funding, we have had
4 some very promising conversations with staff at the San
5 Francisco Bay Restoration Authority as well as the Coastal
6 Conservancy, and are very optimistic that really Measure
7 AA and Prop 68 alone would be able to fund this project.
8 There are many other additional likely public funding
9 sources that could come into play should they be needed.
10 But these two in and of themselves will -- should be
11 sufficient.

12 --o0o--

13 MS. VERPEET: And this is a little bit more
14 detail again. I realize this is small.

15 The first two lines show that Measure AA has \$25
16 million available per year. And because we're going into
17 a three-year -- or two- or three-year construction season,
18 we're asking for a total of 8 to 10 million over that
19 timespan. So it's a very reasonable assumption. And Prop
20 68 we're assuming 5 million from them.

21 So that very easily gets us to the total 12 to 15
22 for the project. And then the other public grants listed
23 there also have a lot of funding available.

24 --o0o--

25 MS. VERPEET: So, in conclusion, we feel that a

1 park-focused -- a hundred percent on restoring the Bay
2 edge and providing access best fills the needs of the
3 Public Trust. Because it's fully water dependent and
4 oriented, it can only happen at this location. It
5 facilitates public access to and enjoyment of the
6 shoreline. It addresses a shortage of natural habitat
7 along this part of the shoreline in what is considered a
8 low-income community. And it responds to sea-level rise
9 and provides a demonstration project and a public
10 education project around that.

11 --o0o--

12 MS. VERPEET: So, in conclusion, the project is
13 viable in partnership with the RCD, with our strategic
14 planning advisors, and with our many supporters; it is
15 fundable, again just through Measure AA and Prop 68 alone;
16 it's in line with the Commission's 2015 Strategic Plan key
17 action items; it's in line with the Public Trust needs
18 assessment that was just conducted, again, you know, with
19 only 3 percent of responders preferring a hotel; it's in
20 line with the State and local voters' support for open
21 space, an that's exactly why the money is available
22 through Measure AA and Prop 68 - those were voter-approved
23 measures, so the funding is there - and it's in line with
24 the scientific community's goals for this part of the Bay.

25 So we thank you for your time, and we're happy to

1 answer any questions that you may have.

2 CHAIRPERSON YEE: Great. Thank you very much.

3 Questions or comments?

4 Okay. Not at this time.

5 Thank you for the presentation.

6 MS. VERPEET: Thank you.

7 MS. FLINT: A short person now.

8 (Laughter.)

9 MS. FLINT: Hi. My name is Leslie Flint and I
10 represent Sequoia Audubon Society, which is the San Mateo
11 County chapter of National Audubon.

12 In May, May 3rd we submitted a letter to the
13 Commission in support of keeping this property as open
14 space. And I'm assuming you have a copy of that in your
15 materials.

16 I just wanted to reiterate that Sequoia Audubon
17 supports the opportunity to keep this parcel 100 percent
18 as open space, with the potential for habitat restoration
19 to support wildlife along San Francisco Bay.

20 Thank you.

21 CHAIRPERSON YEE: Thank you very much.

22 Our next three speakers will be Mary Hufty, Lee
23 Strieb, and I believe it's Helen Wolter. I'm sorry, I
24 can't read the first name.

25 MS. HUFTY: I'm Mary Hufty. I'm representing

1 myself as an individual, but I began an organization
2 called Bay Visions, which was the six garden clubs of
3 Northern California, working to make a cleaner and
4 healthier bay.

5 We are really excited by this opportunity that's
6 in front of you - we feel that you couldn't possibly do
7 better - and want to have you consider a hundred percent
8 open space in your consideration.

9 CHAIRPERSON YEE: Thank you.

10 MR. STRIEB: Good morning, Commissioners. My
11 name is Lee Strieb and I'm here today on behalf of Unite
12 Here, which is the Hotel Workers Union. My main job is to
13 coordinate the union's work dealing with hotel development
14 throughout the West Coast.

15 And our union, Unite Here, especially our San
16 Francisco and San Mateo affiliate, Local 2, is very, very
17 interested in what happens with the 410 Airport parcel.

18 The Local 2's been very involved in a good
19 dialogue with your staff about the land and had over 20 of
20 its members from San Mateo County at that meeting in the
21 spring.

22 Right now, this month unfortunately for this
23 conversation they're preoccupied with their strike against
24 seven Marriott hotels in San Francisco, so I'm here
25 representing the organization.

1 So with all that said, I want to just make a few
2 quick points. First, Unite Here supports and urges you to
3 approve the staff recommendation to for an RFP or a
4 proposal solicitation for the use of 410 Airport. We're
5 not taking a position on what you should do with that
6 land. We're not for or against any particular use. But
7 we think that a clear transparent process like the one
8 that's been proposed here based upon the -- you know, with
9 information based upon the needs assessment and so on, it
10 is the way to go and we support that.

11 Secondly, if it does end up that there's a
12 developer with a proposal for a hotel on the parcel, and
13 if it is the case that that proposal is likely to be
14 brought before you for consideration as a winning bidder,
15 then we ask you to make sure that before that gets to you
16 for any action, that the developer has shown and proven to
17 you and to the staff that it has in place what's called a
18 labor peace agreement for the hotel. And that would be an
19 agreement with the relevant union or unions that provides
20 you with a guarantee of labor peace, in hotel operations
21 and also potentially in hotel construction. That would be
22 a benefit to the agency, to the State Lands, because it
23 would protect from the adverse impacts of strikes and
24 picket lines and so on, the lease revenues that your body
25 is set to receive or would be set to receive from such a

1 project.

2 Frankly, it also makes sense for you to get that
3 issue out of the way sooner rather than to have it linger
4 and, you know, pop up as a problem later in this process.

5 So on that labor peace issue, what's before you
6 today directing staff to solicit proposals for the site,
7 contains some helpful language about having proposers tell
8 you how they'll deal with labor disruptions and delays,
9 and avoiding those. And we're pleased about that language
10 being included and generally about your staff's
11 responsiveness on this issue.

12 At the same we urge you to go a step farther by
13 making clear that your one-third will be in place, a labor
14 peace agreement, before any serious hotel project proposed
15 for that parcel can move very much farther forward. We've
16 shared with the staff some ideas on the mechanism for
17 doing that.

18 And in general, we hope that this project can be
19 a model for balanced development on publicly owned parcel
20 throughout the State, and we look forward to continuing to
21 work with you and your staff on this.

22 Thank you.

23 CHAIRPERSON YEE: Thank you, Mr. Strieb for
24 coming forward.

25 Next we have -- and I'm sorry -- but Ms. Wolter.

1 MS. WOLTER: Thank you.

2 Good morning, honorable Commissioners. My name
3 is Helen Wolter, and I represent the Committee for Green
4 Foothills, Save the Bay, Baykeepers, and the Loma Prieta
5 Chapter of the Sierra Club. Thank you for your
6 consideration of our comments on this issue.

7 We are here today over an unusual site. The site
8 was under water not very long ago, and eventually it will
9 be under water again. This is an opportunity to create
10 something that will last a long time, a crucial decision
11 that you can point out to next generations.

12 Creating something that would last for
13 generations is truly unusual. You could have a hotel and
14 rest on the substantial lease revenue to the State.
15 However, when the site is eventually inundated, you would
16 be leaving a legacy that would cost the next generation -
17 and most likely the cost would be born by the public
18 rather than the developer - a ton of money.

19 In terms of economics, if you spend \$2 today, you
20 will save \$10 later on due to the inundation from the
21 sea-level rise.

22 Will the revenue from a hotel use on this land
23 make up the difference? And what is the liability to the
24 State? As the city of Burlingame has not even yet studied
25 their options with the coming sea-level rise and their

1 liability, it seems negligent to consider a hotel
2 proposal. As the city of Burlingame already has 1.3
3 billion in unprotected assets, most of which are on
4 private lands, I'm surprised that the State would even
5 consider potentially adding to the climate change bill.

6 Another key difference about this site, it is
7 public land. And the public spoke during your staff's
8 public outreach process, and by a landslide wants this
9 parcel as open space. To have 96 percent of the public
10 agree on something, which was the case here, is highly
11 unusual.

12 Lastly, the site has unique environmental
13 potential due to its proximity to the San Francisco Bay.
14 It offers considerable potential habitat and conservation
15 benefits, in an area that solely[SIC] lacks these
16 benefits, while offering to improve public access to the
17 Bay. Since 90 percent of the Bay's historic wetlands have
18 been lost to development, this is a remarkable opportunity
19 to reclaim shoreline.

20 We do hope that the State Lands Commission
21 recognizes this chance to create a long-term difference
22 along the Bay that counters development pressures, as
23 there is not enough quality natural space in this part of
24 the Bay waterfront.

25 In closing, when considering the proposals that

1 may be submitted under the RFP process, please do not
2 privatize this public land by allowing a hotel.

3 Thank you for your time and thoughtfulness in
4 this matter.

5 CHAIRPERSON YEE: Thank you, Ms. Wolter.

6 All right. Next up we have Rick Johnson.

7 Come forward.

8 Barb Singleton, and then Edmundo Larenas, and
9 then Sabrina Brennan.

10 MR. JOHNSON: Thank you for the opportunity to
11 speak. My name is Rick Johnson.

12 CHAIRPERSON YEE: You can pull the microphone up
13 higher.

14 MR. JOHNSON: A little higher?

15 CHAIRPERSON YEE: Yeah.

16 MR. JOHNSON: Can you hear me now?

17 CHAIRPERSON YEE: It will probably be more
18 comfortable.

19 MR. JOHNSON: Okay. My name is Rick Johnson from
20 Menlo Park. Today I'm speaking for the Citizens Committee
21 to Complete the Refuge. This is a regional organization
22 that focuses on advocacy for protecting, restoring
23 wetlands in San Francisco Bay, and has participated in
24 letters in earlier parts of this process.

25 The main point I want to make today is that I

1 would like to see a change in the RFP proposal. I think
2 it's something that you could do in doing it. The -- the
3 RFP calls for proposals that match certain primary uses.
4 And I believe that this primary use should be included:

5 Restoration of native habitats including
6 intertidal and transition zones.

7 So adding that provision will match the comments
8 that you will receive during the comment period. This
9 change will upgrade the site to more productive habitat,
10 featuring native species, and will help adapt to sea-level
11 rise.

12 The site will be open and attractive for public
13 use, while offering opportunities for learning about the
14 Bay's ecology, habitat, and sea-level rise.

15 I have a written copy I'll give to you
16 afterwards.

17 This position is also well supported by public
18 policy. If we look at the State Lands Commission
19 Strategic Plan, one of the requirements: Prioritize the
20 use of sovereign lands where appropriate for open space:
21 wetlands; riparian habitat; habitat preservation,
22 restoration, and enhancement.

23 So adding this provision will be directly in
24 support of a strategic objective of the Commission.

25 It's also consistent with the plans of

1 Burlingame. Envision Burlingame establishes policies and
2 strategies that will, quote, where feasible, restore
3 natural features of vegetative covers, streams, marshes
4 and Bay Area, which have been disturbed. And of course
5 virtually all the historic tidal wetlands in Burlingame
6 are gone. There are some that have grown up since outside
7 of that. So it's consistent with that.

8 Furthermore, the EIR for the Burlingame general
9 plan update says, quote, impacts on riparian habitat,
10 other sensitive habitat - so wetlands - would be
11 considered significant if development pursuant to the 2040
12 general plan converts vacant lands that have a reasonable
13 potential to support riparian habitat or other sensitive
14 habitats or wetlands to develop a lands or other
15 incompatible uses. In other words, taking a vacant
16 property like this and doing other than restoring it to a
17 sensitive habitat is an impact from the standpoint -- it's
18 a negative impact from the standpoint of Burlingame.

19 So essentially all of the historic wetlands are
20 gone. If you look where the railroad was -- and I have
21 some sources here that I'll give you for it. If you look
22 at 1800s maps, the wetlands went out to where the railroad
23 is. It skirted. So there's about 500 acres of tidal
24 wetlands that one's protected - Burlingame. And that is
25 essentially gone. There's a little bit left at the mouth

1 of Mills Creek. There is a new marsh that has grown up
2 where Sanchez Creek now empties into what was Bay at the
3 time.

4 So this would be one more step moving in the
5 right direction for restoring habitat and preparing for
6 sea-level rise. So I urge that one change to the RFP, and
7 I hope you'll consider it.

8 Thank you very much.

9 CHAIRPERSON YEE: Thank you, Mr. Johnson.

10 Yes, we'll take that.

11 MS. SINGLETON: Good morning, Commission.

12 CHAIRPERSON YEE: Good morning.

13 MS. SINGLETON: I'm Barb Singleton. I'm with
14 CALA, the Community Advocates Leadership Academy. I just
15 wanted to reiterate a couple points.

16 Please prioritize a hundred percent open space
17 proposals during your RFP process. And also the community
18 meeting that happened back in March, 98 percent of the
19 people did want open space. I think that with all the
20 buildings, people need to get out for a walk, exercise,
21 enjoy the habitat and everything that the open space has
22 to offer.

23 Thank you very much.

24 CHAIRPERSON YEE: Thank you, Ms. Singleton.

25 MR. LARENAS: Good morning.

1 CHAIRPERSON YEE: Good morning.

2 MR. LARENAS: I'm Edmundo Larenas. I'm here
3 representing the San Mateo County Chapter of the Surfrider
4 Foundation and also I'm a board member of Committee for
5 Green Foothills, so I'll be speaking for them as well.

6 So, first of all, thank you to all of you who
7 were at the needs assessment in Burlingame. That was a --
8 it was great to see you there. We very much appreciate
9 you asking the public as well what they want for this
10 parcel. And I have to say that it's -- it's too late for
11 balanced development in Burlingame. But you have an
12 opportunity here to move the bar just a little bit further
13 towards balancing it towards open space.

14 I'm here to ask you to prioritize this parcel 100
15 percent open space, not 10 percent, not 50 percent, but a
16 hundred percent. This is the last remaining parcel in
17 Burlingame that's not developed. It's surrounded by
18 hotels and warehouses, and the public very much needs
19 access to open-space lands. The population in the Bay
20 Area is continuing to increase and it's increasing
21 pressure for public access to open space.

22 So thank you.

23 CHAIRPERSON YEE: Thank you very much, Mr.
24 Larenas.

25 MS. BRENNAN: Hi. I'm Sabrina Brennan. I'm a

1 harbor commissioner in San Mateo County. I'm speaking
2 today as an individual, and I'm also a San Mateo County
3 resident. I have been elected county-wide twice.

4 I feel like I have a pretty good sense of what is
5 on the minds of the residents of San Mateo County. And
6 what I hear consistently across the board is that people
7 in San Mateo County would like to be better connected to
8 the Bay.

9 One of the things that's so wonderful about our
10 county is that we are almost surrounded by water. We have
11 the bay side and then we have the coast side. We're
12 incredibly lucky.

13 However, there are many communities in San Mateo
14 County that have less access to the Bay than they should;
15 and that's because of the way development has evolved over
16 the years. This is a tremendous opportunity to provide
17 waterfront recreational access to the community, not just
18 to Burlingame but to the entire county and to the entire
19 Bay Area.

20 It's rare that we have an opportunity like this.
21 And what I hear from people county-wide is that they want
22 more access for human-powered vessels, they want launch
23 locations, they want areas where they can ride their
24 bikes, they can walk. All types of passive active rec
25 would be available if we had this open space.

1 Also, we desperately need locations where the
2 public can be better educated about water quality. This
3 could provide a point for that. Also, we need education
4 about sea-level rise planning and wetland restoration.
5 And if this particular site was turned into open space,
6 there would be a lot of people visiting and it would be a
7 great place where they could learn about these things. It
8 could be essentially a prototype for future projects
9 around the Bay.

10 We know sea-level rise is coming. There's no way
11 that we can prevent it at this point. And we need to
12 start preparing for it. And this is a great place to do
13 it.

14 So I hope that providing this opportunity to the
15 public to enjoy open space will be considered seriously.

16 Thank you.

17 CHAIRPERSON YEE: Thank you, Ms. Brennan.

18 Are there any other members of the public who
19 wish to address the Commission on this item?

20 I just need to ask, is there any representative
21 from the city of Burlingame in the audience?

22 Okay. Great. Thank you. Thank you for being
23 here.

24 All right. Ms. Lucchesi, I have a couple
25 questions. I wanted to see if you had any comment with

1 respect to Mr. Johnson's testimony about amending the RFP
2 that speaks to the native habitat.

3 EXECUTIVE OFFICER LUCCHESI: To the comment about
4 prioritizing particular uses in the RFP process. That
5 is -- that is definitely within the Commission's
6 discretion and in its authorization today.

7 From staff's perspective, our goal was to try
8 to -- is to recommend a process that would throw out the
9 largest net possible to be able to bring in varying
10 proposals, that range from open-space passive recreational
11 uses, inclu -- and all the way including commercial and
12 visitor serving uses that are consistent with the Public
13 Trust.

14 There are a lot of financial and economic needs
15 associated with this parcel particularly with the
16 protective structure that protects the upland area from
17 the San Francisco Bay. And so, again, wanting to be as
18 thorough and comprehensive as possible in terms of the
19 ideas that may come forward, we didn't -- staff's
20 perspective was not to prioritize one use or another but
21 to allow the stakeholders and the market to be able to be
22 creative in bringing proposals to the Commission for your
23 consideration.

24 But that was the approach that staff was
25 recommending.

1 CHAIRPERSON YEE: Sure. Okay.

2 And I was -- so you're comment just now probably
3 covers the response back to Mr. Johnson's testimony about
4 wanting to prioritize restoration of native habitat,
5 including intertidal and transition zones. So okay.

6 I do think there's one consideration that I would
7 like to look at proposing an additional requirement in the
8 RFP. And this is not -- I'm not kind of predisposed to an
9 outcome. I would like to see a full process in terms of
10 considering any and all proposals. But I am -- I was
11 appreciative of the staff raising the issue about the risk
12 that labor disruptions could cause with respect to
13 visitors serving hospitality-based uses. And I think with
14 respect to that, I'm compelled by the idea that we would
15 probably likely benefit from a commitment for entering
16 into a labor peace agreement that would be actually
17 articulated in the RFP just because of the potential
18 financial exposure. And so I wanted to just put forth
19 directing staff to include a qualification in the RFP that
20 any visitor serving hospitality-based proposal including
21 commitment to enter into a labor peace agreement for this
22 property before the lease is brought to this Commission
23 for approval. We're seeing a lot of disruption in this
24 industry. And I think our interests would be well
25 protected if we actually articulated that in the RFP

1 itself.

2 So I'm just putting that forth, but I wanted to
3 see if my fellow Commissioners had any thoughts about
4 that.

5 Yes, Commissioner Wong-Hernandez.

6 ACTING COMMISSIONER WONG-HERNANDEZ: I would also
7 support that amendment. I think -- you know, again not
8 predisposing toward commercial interests. But in the
9 event that that's a direction that's being considered, I
10 mean we've seen this disruption in other places, we've
11 spent some time, the Controller and I, on this issue.

12 And I would be supportive as well.

13 CHAIRPERSON YEE: Okay. And I think the amount
14 of revenue that we could be talking about particularly in
15 this location could be significant. So...

16 ACTING COMMISSIONER VIOLA: We'd just like to ask
17 staff how including the labor peace agreement requirement
18 would be substantially different from the RFP that's
19 proposed in the staff report?

20 EXECUTIVE OFFICER LUCCHESI: So the language in
21 the staff report, the recommendation puts forth a
22 requirement that they -- that any proposal that for
23 visitors serving uses, that they describe how they would
24 address those disruptions. And I believe what the Chair
25 is asking for is that becomes a qualifying requirement of

1 the RFP. So, the official motion would be to -- if any
2 one of the Commissioners were willing to make a motion at
3 this time, would be to move to adopt staff's
4 recommendation with the amendment as described by Chair
5 Yee.

6 ACTING COMMISSIONER VIOLA: Thank you.

7 And, yes, we're also supportive.

8 CHAIRPERSON YEE: Okay. Great. Thank you very
9 much.

10 Other comments, members, from the testimony?

11 Yes, Commissioner Wong, go ahead please.

12 ACTING COMMISSIONER WONG-HERNANDEZ: Thank you.

13 I just had sort of -- I wanted to pay a
14 compliment to staff. I spent a lot of time with the
15 Public Trust needs assessment exhibit that you all
16 prepared. I just wanted to appreciate the thoroughness on
17 both the history and process, and also the thoughtfulness
18 with which this has been approached. Not that it isn't
19 for everything, but just especially it seems so in this
20 case. And I support the recommendation to authorize an
21 RFP process. I think casting a wide net makes a lot of
22 sense. And I think that the process you've laid out is a
23 good one.

24 And so when it is appropriate to move it, I would
25 move it with the amendment suggested by the Chair.

1 EXECUTIVE OFFICER LUCCHESI: The only thing I
2 would add at this point that I should have added when I
3 was answering your first question, Chair Yee, is this
4 is -- and I know Nick mentioned this in his
5 presentation -- this is the very beginning of this
6 process. And consistent with, you know, the Commission's
7 history and its future, all the key decisions are made by
8 the Commission at a public meeting. And even with an
9 authorization today consistent with staff's recommendation
10 and potentially a motion by Chair Yee, there will be
11 additional public meetings where the Commission is acting
12 in a discretionary manner on the future of this parcel.
13 And so there will be a number of different check-in points
14 for the public and stakeholders to weigh in and hold staff
15 accountable and express their desires and their concerns
16 directly to the Commission to help inform your decision on
17 the future of this parcel.

18 CHAIRPERSON YEE: Great. Excuse me. Thank you
19 very much.

20 No, I thought the public outreach process was a
21 very great educational tool. And certainly with the
22 different thoughts about what should happen on this
23 property that preceded the -- those meetings, I think that
24 was necessary.

25 I also want to thank the city of Burlingame. I

1 know this has been a long process for them. And thank
2 them for their patience. But I do believe that we're
3 going to be -- we'll have a much more, you know, robust,
4 thoughtful, you know, decision at the end of this.

5 But also to the stakeholders who really
6 participated throughout all of this and will continue to
7 participate, very much appreciate the engagement and we
8 look forward to more coming.

9 I think at this point, let me go ahead and make
10 the motion, since it might be a little bit complicated
11 just for the record, and that is on this particular item
12 to move the staff recommendation with the additional
13 direction to staff to include a qualification in the RFP
14 that any visitor serving hospitality-based proposal
15 include a commitment to enter into a labor peace agreement
16 for this property before the lease is brought to this
17 Commission for approval.

18 Is there a second?

19 ACTING COMMISSIONER WONG-HERNANDEZ: I'll second.

20 CHAIRPERSON YEE: Seconded by Commissioner
21 Wong-Hernandez.

22 Without objection.

23 All right. That motion carries.

24 Thank you very much.

25 Thank you, everyone, for your testimony.

1 All right. Our next item is Item 86. And this
2 is the MOU regarding State Lands Commission from the Tahoe
3 Regional Planning Agency.

4 And we'll have the staff presentation.

5 Good morning.

6 STAFF ATTORNEY CRUNK: Good morning,
7 Commissioners. My name is Warren Crunk. I'm a Commission
8 staff attorney.

9 Item C86 presents for your consideration two
10 separate memoranda of understanding with the Tahoe
11 regional Planning Agency, or TRPA. As background, the
12 Commission has more than 700 leases at Lake Tahoe, making
13 it the highest concentration of recreational structure
14 leases in the State. However, the Commission's interest
15 really goes beyond its lessees at Lake Tahoe.

16 Each year approximately three million people
17 visit Lake Tahoe. So effective stewardship of this
18 important Public Trust resource and promotion of public
19 access at Lake Tahoe really is at the core of the
20 Commission's mission statement.

21 So in furtherance of these ideals the Commission
22 staff participated in TRPA's renewed effort to update
23 their 1987 shore zone ordinances as members of the
24 steering committee and the joint fact-finding committee.

25 The two MOUs being presented today represent the

1 product of extensive collaboration not only with TRPA but
2 also with stakeholder groups and the Attorney General's
3 office.

4 So the first MOU relates to the Commission's
5 review of Public Trust impacts at Lake Tahoe, and allows
6 the Commission to require projects to provide lateral
7 public access. With incoming project applications that
8 require a TRPA permit, they must first be reviewed by the
9 Commission. If the project impacts State land below the
10 low water or the Public Trust easement between the low and
11 high water lines, the applicant must include a public
12 access design feature. And for most piers this would mean
13 passage under the pier for open piling design or a
14 stairway to allow the lateral access up and over the pier.

15 Through the process, TRPA has agreed to provide
16 applicants with various exemptions that will facilitate
17 this, such as allowing the applicant to build the pier two
18 feet higher to give better headroom under the pier or not
19 count the visible mass of stairs against the applicants
20 where it's required for lateral access.

21 The MOU also provides for unusual circumstances
22 where one of those two methods won't work. It provides a
23 consultation process between TRPA, the applicant, and the
24 Commission to work out another way to provide meaningful
25 public access.

1 So really for me one of the key ideas with this
2 is that it allows the Commission to review incoming
3 projects that are restricted to the easement area, which
4 is something we haven't had a great ability to do before,
5 so it is a great step forward.

6 So this MOU really will increase the Commission's
7 ability to ensure that projects at Lake Tahoe will provide
8 for meaningful public access. And it also by specifying
9 the order in which the agency's review projects will
10 provide greater certainty of process for the applicants as
11 well.

12 So just one further important note. That full or
13 partial reconstructions of the existing piers do not
14 actually fall under this MOU. However, staff have worked
15 with TRPA, and they've agreed to include within their
16 codes a similar process for consultation with State Lands
17 Commission to ensure that there are access features with
18 those reconstructions.

19 The second MOU addresses unauthorized buoys at
20 Lake Tahoe. So the recent buoy count kind of highlighted
21 the fact that there are quite a few unauthorized buoys in
22 the lake. And once TRPA resumes active permitting and
23 enforcement at the lake, many of these are going to be
24 addressed. And through the process TRPA's going to
25 provide highly visible tags which will be placed on the

1 buoys. And also TRPA and the Commission will work to
2 share GIS information on the location of permitted buoys,
3 helping to kind of identify those.

4 Through this, the unauthorized buoys are going to
5 be much more apparent.

6 If these unauthorized buoys aren't voluntarily
7 removed, both TRPA and the Commission have the ability to
8 impose fines on the buoys' owners. However, it's not
9 always clear who's responsible for putting a particular
10 buoy into the lake; and that's where this MOU becomes
11 important.

12 So the Commission has authority under Public
13 Resources Code 6302.1 to remove abandoned vessels and,
14 more importantly, hear their moorings. So the proposed
15 MOU allows the Commission to work under this authority
16 along with TRPA, who will have more presence actually at
17 the lake as well as the ability to fund the removals
18 through their buoy permitting program.

19 The process really just follows the statute. So
20 when there's a buoy that's suspected to be unauthorized,
21 both the Commission and TRPA will work to verify whether
22 or not it is. And if not, the Commission will issue a
23 notice which will be placed on the buoy. And once the
24 required notice period has passed, then TRPA will remove
25 the buoy and impound it.

1 The proposed MOU will provide a new tool to
2 protect State Land from unauthorized structures and
3 prevent those unauthorized buoys from interfering with the
4 public's use of Lake Tahoe.

5 Staff recommends the Commission authorize the two
6 memoranda of understanding as set forth in the staff
7 report for Item C86.

8 I'm available for any questions.

9 CHAIRPERSON YEE: Thank you very much.

10 Questions, members?

11 EXECUTIVE OFFICER LUCCHESI: I just have a couple
12 things to add, if I may, Chair Yee.

13 CHAIRPERSON YEE: Yes.

14 EXECUTIVE OFFICER LUCCHESI: Unfortunately I got
15 notice this morning that TRPA's General Counsel, John
16 Marshall, was -- had fallen ill and could make it down to
17 our Commission meeting today. But they -- between John
18 and Joanne Marchetta, the Executive Director of TRPA,
19 wanted me to read into the record that TRPA staff is in
20 full support of the approach and the content and --
21 encapsulated in both the MOUs.

22 They also wanted me to ensure that I read into
23 the record that the Regional Plan Implementation Committee
24 of the TRPA Governing Board and TRPA's Advisory Planning
25 Commission have unanimously recommended approval of both

1 MOUs -- or, excuse me -- of both MOUs, and Joanne fully
2 anticipates the governing board will follow through with
3 the adoption of the entire shoreline plan package
4 including the MOU next week.

5 We don't have any public comment slips in for
6 this item, which I'm pleasantly surprised about
7 considering this is about development at Lake Tahoe.

8 However, I think that's also a testament to the
9 now over two years of hard work that not only your staff
10 here at the Commission but also the other steering
11 committee members have put into developing a shoreline
12 plan package that attempts to address all the different
13 varying interests at the lake.

14 And so with that, I turn it back over to the
15 Chair.

16 CHAIRPERSON YEE: Great. Thank you very much,
17 Jennifer, and really appreciate the ongoing process with
18 the work that the staff has done to get us to this point.

19 Hearing no other comments from Commissioners, is
20 there a motion to approve the MOUs?

21 ACTING COMMISSIONER WONG-HERNANDEZ: Move
22 approval of the MOUs.

23 CHAIRPERSON YEE: Okay. Motion by Commissioner
24 Wong-Hernandez.

25 ACTING COMMISSIONER VIOLA: Second.

1 CHAIRPERSON YEE: Seconded by Commissioner Viola.
2 Without objection.

3 That motion carries.

4 Thank you very much. Great work.

5 Okay. Our next item's Item Number 87. And this
6 will be a presentation. And let me introduce proudly our
7 Sea Grant Fellow for the Sierra, Flower Moye, who will be
8 making the presentation. And she has been really just
9 bringing a lot of enthusiasm to this initiative.

10 So welcome.

11 MS. MOYE: Thank you. Thank you for allowing me
12 this opportunity to talk about such an interesting topic.
13 I'll say that.

14 (Thereupon an overhead presentation was
15 Presented as follows.)

16 MS. MOYE: We are asking you today to adopt a
17 resolution acknowledging the importance of advancing a
18 vision for California's blue economy.

19 --o0o--

20 MS. MOYE: California's ocean economy is
21 traditionally defined by activities such as tourism;
22 recreation; fishing; and maritime industries, like
23 shipping and offshore gas and oil.

24 --o0o--

25 MS. MOYE: NOAA's report on the ocean economy of

1 the U.S. found that California's ocean economy totaled
2 \$44.8 billion, employed over 524,000 people, and generated
3 \$21.6 billion in wages.

4 Since 2005 our ocean economy grew by 6.4 percent
5 in gross domestic product, surpassing the overall growth
6 of 4.4 percent for the State.

7 --o0o--

8 MS. MOYE: With 1,100 miles of diverse and
9 iconic Pacific coast, it is no surprise that growth is
10 largely attributed to tourism and recreation.

11 --o0o--

12 MS. MOYE: However, this incredible productivity
13 takes place in a small area along the coast that
14 represents only 22 percent of California's land mass but
15 houses approximately 70 percent of the State's residents,
16 an area that is already seeing impacts of sea-level rise,
17 increased tidal inundation and flooding, and loss of
18 natural habitats like wetlands and beaches due to our
19 changing climate.

20 Challenges in the ocean and coastal space pose
21 different management problems than on land. As you can
22 see from this photo, the ocean is less transparent than
23 air and has a much larger mass than land. Marine species
24 can travel longer distances than land animals. Nutrients
25 and pollutants can be retained for decades in the water,

1 then returned by ocean circulation.

2 The ocean does not have clearly delineated
3 boundaries, which can pose unique challenges to
4 conservation and sustainable development.

5 This is why a vision to guide our decision-making
6 is important. And in that sense, these management
7 challenges and climate change issues are also
8 opportunities if we expand our traditional definitions of
9 the ocean economy to include emerging activities and uses
10 such as education and scientific research.

11 --o0o--

12 MS. MOYE: Not just to provide policymakers and
13 landowners with the best available science and data, but
14 also to educate the next generation of scientists and
15 decision makers.

16 Other expansive activities and uses include
17 marine renewable energies, marine aquaculture and
18 biotechnologies, and the management of ocean-scale
19 protected areas.

20 California has the most ambitious marine
21 management plan in the nation, with significant social and
22 financial investments behind it. This safeguards
23 ecosystems and economic activities that rely on a healthy
24 ocean, which of course contributes to making California
25 the fifth largest economy in the nation.

1 What is not simply pictured here are the
2 effective and creative partnerships required to balance
3 resource, health, and use. Truly, the blue economy can be
4 thought of as an organizing principle, which has a strong
5 link to the Public Trust Doctrine.

6 --o0o--

7 MS. MOYE: I adopted this figure from the OECD's
8 report on the ocean economy. And what I'd like you to
9 take away from this is that immediate input of marine and
10 coastal ecosystems produce increased knowledge and
11 subsequent protection of those systems, and that the blue
12 economy captures market and non-market assets and values
13 of the ocean and coast, acknowledging the need for both in
14 the equation.

15 This organizing principle, combined with the
16 unique jurisdiction of this Commission, can guide the
17 collective partnerships between academia, conservation,
18 industry and policy, to secure healthy ocean and coastal
19 ecosystems, while promoting economic growth, social
20 inclusion, and the preservation and improvement of
21 livelihoods.

22 --o0o--

23 MS. MOYE: I'd like to highlight the San Diego
24 area, which is currently host to several unique blue
25 economy efforts and partnerships. You heard from Dr.

1 Margaret Leinen, the director of Scripps Institution of
2 Oceanography, at the August Commission meeting. And you
3 may recall she described that the blue economy is not just
4 the industrial part and the direct revenue generation of
5 the ocean, but it is also the assurance of quality and
6 avoiding the loss of our natural resources.

7 One of the many things Scripps monitors are
8 changing oceanographic conditions, and they have
9 collaborative partnerships with some of the Maritime
10 Alliance's member industries. To test new blue technology
11 is to help increase the capacity and collection of sound
12 data.

13 The Maritime Alliance had quoted in San Diego is
14 the largest blue tech sector organization in the nation.
15 They not only provide pathways for small and medium
16 industries to lift up their innovative blue technologies,
17 but also hold education and workforce development as a
18 high priority.

19 They align resources and curriculums with grades
20 K through 14 in the Blue Stem program, and create pathways
21 for trade school and college graduates to easily connect
22 with industries and jobs.

23 The Port of San Diego launched a blue economy
24 incubator and dedicated \$5,000,000 over the next five
25 years to support entrepreneurship, foster sustainable

1 aquaculture, and help drive blue tech innovations.

2 --o0o--

3 MS. MOYE: The Port is also partnering with the
4 State Lands Commission in the San Diego ocean planning
5 partnership. This project aims to present the public,
6 resource managers, and decision makers with the best
7 available information about the regional ocean space and
8 develop an early engagement framework that will aid in
9 proactive management and conflicts resolution to balance
10 the multiple Public Trust uses of the area.

11 This robust and comprehensive information will be
12 important to consider in advancing the blue economy as
13 well as all other Public Trust uses and activities.

14 --o0o--

15 MS. MOYE: But what does a resolution for the
16 blue economy look like for the State Lands Commission? As
17 we advise and work with grantees in coastal communities,
18 especially in regards to integrating sea-level rise
19 science to maximize coastal resiliency, we will continue
20 to emphasize how important public access, publicly managed
21 critical infrastructure, and natural habitats are to
22 supporting long-term and high-value investments. We'll
23 work with our partners of the local, State, federal,
24 community, and tribal nations to promote the inclusive
25 blue economy vision throughout the State.

1 We will continue to value those effective and
2 creative partnerships, policies, and programs that spur
3 innovations and emerging technologies, opening new
4 pathways for economic prosperity to improve efficiencies,
5 reduce environmental impacts, revitalize working
6 waterfronts, enhance the marine and coastal environments,
7 and maximize public benefits.

8 The Commission's adoption of the resolution
9 advancing a vision for California's coastal future has
10 already set the foundation of the blue economy. It
11 highlights our commitment to secure the long-term health
12 and resilience of California's ocean and coastal
13 resources. And because of this, it will help foster
14 social well-being and economic prosperity of California
15 communities, provide opportunities for the workforce of
16 tomorrow, and enhance Public Trust lands and resources for
17 current and future generations.

18 Thank you very much for your consideration of
19 this important resolution.

20 CHAIRPERSON YEE: Thank you, Flower, very much
21 for the presentation.

22 Comments, Commissioners?

23 Yes, please.

24 ACTING COMMISSIONER VIOLA: I'd like to thank
25 Flower for bringing this to the Commission. Too often

1 ocean issues are framed as conservation versus industry.
2 And this blue economy lens kind of shifts that into a
3 conversation of one of collaboration. And I'm really
4 appreciative of that emphasis being brought to the
5 Commission's decision-making.

6 The coast and ocean are a huge asset of the State
7 of California. And I think it's this Commission's
8 responsibility to ensure the responsible use and enjoyment
9 of this asset, and this resolution will just really help
10 guide that.

11 So thank you.

12 CHAIRPERSON YEE: Thank you very much. Great
13 comment.

14 And thank you.

15 The resolution is before us, and I think if
16 there's anything to stress it's the idea that we don't
17 work alone here at the State Lands Commission. This is
18 really going to be a broad engagement and hopefully a
19 shared vision across all agencies, and certainly already
20 as we've engaged some of the stakeholders in these
21 conversations. So thank you for broadening the lens for
22 us as we look at adopting this resolution.

23 And let me -- just a question. Once this
24 resolution is adopted here, what are the next steps, I
25 guess?

1 EXECUTIVE OFFICER LUCCHESI: Do you want me to
2 answer -- would you like me?

3 MS. MOYE: You can.

4 EXECUTIVE OFFICER LUCCHESI: Okay. I didn't want
5 to just jump in. I'm sorry.

6 Our next step is to distribute this resolution to
7 not only our sister agencies and our local grantees, but
8 also start to have discussions with our colleagues in the
9 legislature, and continue to embrace and enhance our
10 strategic partnerships, using this as a tool to do that.

11 CHAIRPERSON YEE: Great. I was just going to
12 mention the legislature because I think oftentimes when
13 issues are being addressed short-term, they might not have
14 the frame of the larger vision. And so I would hope there
15 could be some invest engagement with key legislators about
16 this.

17 EXECUTIVE OFFICER LUCCHESI: And if I may just
18 add as well, I -- in about a little less than a year or
19 so, the middle of next year, we're planning to start in
20 earnest an update, a new five-year strategic plan. And so
21 this resolution and the work the Commission is doing under
22 the Commissioner -- Commission's leadership will be very
23 critical to informing how that strategic plan is developed
24 with our stakeholders.

25 CHAIRPERSON YEE: That's terrific. Great. Thank

1 you.

2 Thank you, Flower, very much.

3 So we have the resolution before us,
4 Commissioners. What is the will?

5 ACTING COMMISSIONER WONG-HERNANDEZ: Move
6 adoption of the resolution.

7 CHAIRPERSON YEE: Okay. I have a motion by
8 Commissioner Wong-Hernandez to adopt the resolution.

9 ACTING COMMISSIONER VIOLA: Second.

10 CHAIRPERSON YEE: Second by Commissioner Viola.
11 Without objection.

12 That will be the order.

13 Thank you very much.

14 Okay. Now moving on to Item 88. This is an
15 informational item about the Commission's Environmental
16 Justice Policy.

17 We'll have the presentation.

18 EXECUTIVE OFFICER LUCCHESI: I am very sorry. We
19 did have a public comment speaker on the last item.

20 Mr. Ron Powell from the Port of San Diego.

21 CHAIRPERSON YEE: Oh, I'm sorry. I apologize.

22 EXECUTIVE OFFICER LUCCHESI: Fortunately he
23 was -- he is in support of the resolution. But I am -- if
24 we --

25 CHAIRPERSON YEE: Thank you. I apologize for

1 that.

2 And I see you're up for this next item too.

3 So --

4 MR. POWELL: Yes. That's okay. This is one of
5 those rare kumbaya moments in government where at least
6 we're on the same page on this.

7 Good morning, Chair Yee and Commissioners and
8 staff and fellow Californians. My name is Ron Powell and
9 I'm here on behalf of the Port of San Diego.

10 The Port of San Diego supports the resolution
11 acknowledging the importance of advancing a vision for
12 California's blue economy. The Port has long championed
13 traditional blue jobs in commercial fishing, ship
14 building, and ship repair as well as cruise and cargo
15 commerce.

16 Beginning in 2017 the Port created a blue tech
17 incubator as a launching pad for blue industry startups in
18 San Diego Bay.

19 The incubator now has six pilot companies in
20 either planning or operational stages under port funding,
21 including an oyster nursery, an in-water drive-in boat
22 wash, and an on-water trash collection vessel.

23 Recently the Port approved a seaweed aquaculture
24 pilot program. Seaweed can be used for human and animal
25 food production, biofuels, cosmetics, medicines and other

1 uses.

2 The Port of San Diego also collaborates with
3 regional partners to advance blue tech jobs and
4 innovation. Now we are happy to see two of our partners,
5 Scripps Institute of Oceanography and the Maritime
6 Alliance, cited for their work in the State Lands
7 resolution.

8 To further demonstrate the Port's support for the
9 blue economy, the organization is a visionary sponsor for
10 Blue Tech Week, which is November 5th through the 9th in
11 San Diego. The event brings together blue tech companies
12 and researchers from around the globe.

13 Next year the Port will be a partner in
14 Oceanology International, a global British-led conference
15 that was last held in San Diego in 2017.

16 And, finally, the Port has entered two
17 cutting-edge agreements in blue tech this year. One is
18 the first ever MOU between a port and the U.S. Navy to
19 jointly plan to address sea-level rise.

20 The second is an agreement between the Port and
21 the Naval Undersea Warfare Center Division in Washington
22 State that would allow blue tech startups to test their
23 products in an underwater Navy lab and to leverage Navy
24 technology.

25 For these reasons and more the Port of San Diego

1 heartily endorses the resolution -- it was already
2 passed --

3 (Laughter.)

4 MR. POWELL: -- that will promote job creation
5 and ecological health in the waters of our State.

6 Thank you very much.

7 CHAIRPERSON YEE: Thank you, Mr. Powell, very
8 much, and really want to applaud the Port's leadership on
9 all of these initiatives and the partnership with the
10 State Lands Commission.

11 Okay. Now we will proceed to Item 88 on the
12 State Lands Commission's Environmental Justice Policy, and
13 we'll have the staff presentation.

14 Good morning.

15 MS. NEWMAN: Good morning, Commissioners, staff
16 and the public. My name is Abby Newman and I'm a Sea
17 Grant Fellow at the State Lands Commission and an
18 Environmental Justice team member.

19 --o0o--

20 MS. NEWMAN: The Commission's Environmental
21 Justice, or EJ, team envisions a future where all
22 Californians have access to and enjoy the benefits of
23 public lands and natural resources and where EJ
24 communities are no longer disproportionately impacted by
25 pollution and environmental hazards. The purpose of our

1 EJ policy is to advance this vision.

2 With help from our external EJ working groups,
3 staff and local community members, the EJ team compiled a
4 list of 12 policy objectives which are listed on this
5 slide. These objectives are not prescriptive but rather
6 lay the foundation for our implementation plan. This will
7 be a document that accompanies the policy and leverage as
8 a mechanism to hold the Commission accountable. We intend
9 for this implementation plan to be developed next year.

10 --o0o--

11 MS. NEWMAN: Since last January 1 I started my
12 fellowship. The EJ team created a listserve of EJ or
13 organizations and interested community members. We
14 continue to add to this list after each outreach session
15 and currently have a total of 214 contacts.

16 We've also created an EJ web page and a dedicated
17 email address. We have so far held two brown-bag lunches
18 to educate Commission staff on our efforts to overhaul the
19 EJ policy.

20 Our Commission has also partnered with the
21 Coastal Commission, the Bay Conservation and Development
22 Commission, and most recently East Yard Communities for
23 Environmental Justice to convene meaningful community
24 outreach.

25 These outreach sessions are critical to informing

1 our policies, broadening staff awareness, and building
2 trust in local communities.

3 --o0o--

4 MS. NEWMAN: The Commission is also participating
5 in the 2018 Governmental Alliance on Race and Equity, or
6 GARE, a cohort in Sacramento, where we are learning how to
7 advance racial equity in government, a key aspect of the
8 EJ. Our GARE team is in a process of developing a racial
9 equity action plan that will inform internal policies and
10 practices, with the overall objective of having a more
11 diverse workforce.

12 The link posted on this slide provides more
13 background on GARE.

14 --o0o--

15 MS. NEWMAN: Early on staff recognized that
16 drafting an effective policy required connecting with EJ
17 communities, identifying priority concerns, and seeking
18 opportunities to advance equitable decision-making. We
19 have so far held four roundtables with over 250 attendees.
20 The last roundtable before bringing our final policy to
21 the Commission is scheduled on October 29th. This is a
22 tribal-nations-only event and will be held in our
23 Sacramento office from 11 to 3.

24 --o0o--

25 MS. NEWMAN: Here's a timeline of our policy and

1 outreach efforts from 2016 to 2019.

2 In 2016, Lieutenant Governor Gavin Newsom, who
3 was serving as the Commission Chair, directed staff to
4 craft a new EJ policy. The existing policy was adopted in
5 2002 with general principles and guidelines, but lacked a
6 way for Commission staff to implement EJ into their daily
7 work. Pursuant to the Lieutenant Governor's request,
8 staff set up an internal team representing different
9 divisions within the Commission. The team was divided
10 into three subgroups: outreach, policy development, and
11 implementation.

12 The team received \$50,000 provided by the
13 Lieutenant Governor to support outreach efforts and
14 participation in GARE.

15 In 2017, the internal EJ team held listening
16 sessions in Fresno and Los Angeles, attended EJ workshops
17 and interagency meetings, conducted targeted outreach, and
18 attended a training hosted by CalEPA and CalRecycle.

19 Earlier this year a group of eight EJ
20 organizations were brought together to advise the
21 Commission's internal EJ team, which was facilitated by
22 the State Controller. At the June meeting the group
23 presented their policy recommendations and priorities for
24 integrating EJ into key commission programs.

25 Since May our EJ team has produced two draft

1 policies, conducted extensive outreach, collaborated with
2 sister agencies and EJ groups, led internal staff
3 trainings, and presented at Commission meetings.

4 Looking ahead in 2019 our goals are to develop an
5 implementation plan, create a dedicated EJ liaison
6 position, and continue to conduct statewide outreach.

7 --o0o--

8 MS. NEWMAN: Since our last August update the EJ
9 team convened a roundtable in Long Beach with 100
10 attendees. We co-hosts this event East Yard Communities
11 for Environmental Justice. Attendees suggested several
12 important Commission considerations, some of which
13 included setting up an equity fund for job training,
14 conservation and community projects; prioritizing EJ at
15 Commission meetings; increasing Commission visibility and
16 bolstering its social media presence; spending quality
17 time in EJ communities for Commissioners and staff alike;
18 considering public health and leasing decision-making,
19 including an EJ analysis in staff reports; prioritizing
20 tribal consultation in honoring tribal lands; and ensuring
21 accountability.

22 I would like to make a quick shoutout to Taylor
23 Thomas at East Yards and her talented team who helped make
24 this outreach event a huge success. This was our first
25 roundtable where we've presented with a local EJ

1 organization, and I sincerely hope it won't be our last.

2 --o0o--

3 MS. NEWMAN: Staff is now carefully reflecting on
4 the feedback received during community outreach and
5 determining what feedback is most appropriate for the
6 policy or for the implementation plan. We are organizing
7 written comments into a document which we plan to make
8 available to the public.

9 With the incorporated feedback, staff will
10 produce a third draft by early to mid November. The final
11 draft will be presented at the December Commission meeting
12 and we invite the public to attend.

13 --o0o--

14 MS. NEWMAN: Our team has drafted some initial
15 ideas for how we intend to attract accountability. These
16 include creating a dedicated EJ liaison, who will serve as
17 the first point person -- who will serve as the point of
18 contact for EJ groups and tribal nations in addition to
19 our tribal liaison, regularly updating the Commissioners
20 on our EJ outreach and implementation efforts,
21 incorporating the implementation plan into our strategic
22 plan, providing continuous educational training for staff
23 to ensure that we are fully incorporating EJ and social
24 equity considerations into our everyday work, reviewing
25 staff reports on an annual basis to assess how many

1 applications included at the EJ analysis, and hosting
2 outreach sessions with EJ organizations and tribal nations
3 to assess implementation efforts.

4 --o0o--

5 MS. NEWMAN: Serving as a fellow at the
6 Commission and working as an EJ team member is one of my
7 proudest accomplishments. This role has equipped me with
8 the necessary skills to pursue a career at Earthjustice.
9 While I will be leaving the Commission at the end of the
10 month, the opportunities and lessons learned over the past
11 nine months have made a lasting and profound impact. A
12 reoccurring theme voice at each of our roundtables was for
13 staff to push the boundaries in terms of what the
14 Commission can do to champion environmental justice. I
15 believe the Commission is up for the challenge, that the
16 EJ policy has put us on notice, and EJ communities and
17 tribal nations are looking to us to bring their concerns
18 and interests to the decision-making table.

19 Thank you for the opportunity to speak with you
20 today.

21 CHAIRPERSON YEE: Thank you very much, Abby, for
22 the great work and for the presentation.

23 Comments, members?

24 Yes, please, Commission Viola.

25 ACTING COMMISSIONER VIOLA: The Lieutenant

1 Governor's office is really grateful for all the thorough
2 and extensive work that staff has done over the last year
3 and a half to bring this together. And I'm especially
4 impressed with the efforts to educate staff to make sure
5 that our internal processes are consistently respectful of
6 this EJ policy. And those accountability measures that
7 you brought up are also a huge improvement over the 2002
8 policy to ensure that this doesn't just sit on a shelf,
9 and make sure that this is an effective long-lasting step
10 in the right direction and hopefully an opportunity for
11 our agency to lead.

12 So thank you very much.

13 MS. NEWMAN: Thank you.

14 CHAIRPERSON YEE: Thank you very much,
15 commissioner.

16 And I'm looking forward to actually having a
17 policy particularly ahead of -- already thinking about our
18 next strategic plan of how we incorporate the great work
19 into our future going forward with the Commission.

20 Thank you very much.

21 MS. NEWMAN: Thank you.

22 CHAIRPERSON YEE: All right. Member, our next --
23 oh, I'm sorry. I have speakers on this.

24 Let me call Sean Drake and Jennifer Savage up.

25 And Mr. Ron Powell.

1 MR. DRAKE: Good morning, Commissioners. My name
2 is Sean Drake. I'm a staff member in the Transportation
3 Division of the California Coastal Commission and a member
4 of our Government Alliance on Race and Equity team.

5 On behalf of the Coastal Commission, I'd like to
6 convey our appreciation and support for your agency's
7 efforts to address environmental justice in a
8 comprehensive systematic approach.

9 As you know, the Coastal Commission and the State
10 Lands Commission have much in common, including a shared
11 mission to ensure public access to California's coastline
12 and to protect the State's ocean, coastal, and Public
13 Trust resources,

14 Our shared goals are enhanced by your agency's
15 representation on the Coastal Commission at our monthly
16 meetings, which has facilitated high-level coordination on
17 numerous pressing social and environmental issues.

18 Recently the Coastal Commission and the State
19 Lands Commission have undertaken parallel efforts to
20 develop environmental justice policies for both of our
21 agencies. And while the structure of our respective
22 policies may differ, our common goal is to ensure that the
23 concerns of marginalized communities are systematically
24 factored into our decision-making procedures, so that the
25 process and the outcomes of our public lands management

1 are more equitable.

2 Over the past year, our respective environmental
3 justice team members have been in regular contact with one
4 another, sharing ideas, trainings, roundtables, and other
5 resources. In this work, Coastal Commission staff has
6 been consistently impressed with the thoughtful approach
7 and dedication of State Lands staff to its policy
8 development.

9 Our agencies are also working together as part of
10 the 2018 Government Alliance on Race and Equity cohort
11 here in Sacramento, where we are learning how to advance
12 racial equity across all levels of government, a key part
13 in environmental justice.

14 Due to the extensive public outreach efforts to
15 affected communities by both our agencies, the State Lands
16 Commission's draft Environmental Justice Policy identifies
17 priority concerns for marginalized communities that are
18 similar to those reflected in the Coastal Commission's
19 draft policy. These include meaningful community outreach
20 and public engagement, more accessible meetings, honoring
21 tribal concerns, public access, accountability, and
22 climate resiliency, just to name a few.

23 Ensuring that all Californians regardless of
24 race, gender, socioeconomic status or geography can share
25 equally in the enjoyment of coastal resources depends on

1 promoting both healthy communities and a clean
2 environment. On behalf of the staff of the Coastal
3 Commission, I'd like to commend the State Lands Commission
4 and its staff for its work to develop a robust
5 Environmental Justice Policy and for the significant and
6 extensive community outreach that is the basis of the
7 draft policy.

8 We look forward to continuing to work with this
9 Commission to finalize and implement our respective
10 programs.

11 Thank you.

12 CHAIRPERSON YEE: Thank you, Mr. Drake, for
13 coming forward.

14 Jennifer.

15 MS. SAVAGE: Hi. Jennifer Savage, Surfrider
16 Foundation.

17 We at Surfrider Foundation recognize that
18 environmental justice is a critical part of ensuring
19 effective environmental protections. And just as I was
20 waiting to make comment I noticed in my email that the
21 California Environmental Justice Alliance just released
22 their sixth annual environmental justice scorecard for the
23 2018 legislative session. It's the only one in the State
24 that assesses how well California's doing as far as
25 addressing environmental issues. So that would be an

1 interesting thing to check out. It's at CalEJA.org.

2 We commend your staff for their work on updating
3 the Commission's EJ policy, in particular effectively
4 reaching out to communities throughout the State to
5 convene roundtables and otherwise connect with
6 disadvantaged and marginalized communities.

7 In fact, your draft policy has been held up in
8 conversations with our partners as an example of what a
9 comprehensive environmental justice policy should look
10 like. We especially appreciate the inclusion of specific
11 actions and a timeline for implementing them.

12 As an organization dedicated to beach access for
13 all and which encourages civic engagement to further that
14 goal, we were particularly interested in what staff
15 characterized as the subtle impediments to public access
16 that foster unequal access, such as a security presence,
17 language barriers, inconvenient meeting times and
18 locations. In many ways those impediments echo the list
19 of intangible barriers that keep many of the same
20 communities from being able to adequately exercise their
21 right to visit California's beaches.

22 We continually see opportunities to expand our
23 own access program to better reflect and meet these
24 challenges. You as an agency serving the public have an
25 even greater responsibility to weave specific means to

1 equity ends within your plans and policies.

2 We support the recommendations of the working
3 group as outlined in the staff report, and would emphasize
4 that not only is it important to acknowledge the ancestral
5 homelands of California's Native American tribes,
6 especially those currently landless, but to proactively
7 seek opportunities to learn from tribal representatives
8 how your decision-making impacts their lands, cultural
9 history and present-day practices.

10 Much of the success of an environmental justice
11 policy relies on the commitment to the principles and
12 practices outlined within it. We believe the Commission's
13 draft EJ Policy is indeed bold and robust, and look
14 forward to the final draft policy and implementation
15 outlined presentation in December.

16 Thank you.

17 CHAIRPERSON YEE: Thanks, Jennifer.

18 Mr. Powell.

19 MR. POWELL: Good morning again. Again I'm still
20 Ron Powell --

21 (Laughter.)

22 MR. POWELL: -- and I'm here on behalf of the
23 Port of San Diego.

24 I want to begin by thanking the Commission and
25 its staff for making environmental justice a front-burner

1 issue for our State.

2 I also want to thank the staff for its work in
3 providing outreach on this important topic around the
4 State and for holding roundtables like the one I attended
5 this month in Long Beach. It was well attended. The
6 discussion was robust. People are passionate about this
7 issue.

8 The roundtables allow the people of California to
9 help define environmental justice for policy purposes
10 through the lens of conditions in their own communities.

11 The Port of San Diego embraces environmental
12 justice for one simple reason: We want to be a good
13 neighbor in the communities where we conduct our cargo,
14 cruise businesses, and other endeavors.

15 Our immediate neighbors in San Diego are the
16 environment justice communities of Barrio Logan and
17 National City.

18 The Port is working on several clean air projects
19 in our San Diego cargo terminal adjacent to historic
20 Barrio Logan, and we have already installed shore power
21 for the ships of our anchored tenant Dole Fresh Fruit
22 Company.

23 That's important because Dole imports more than 2
24 billion bananas a year through our 10th Avenue marine
25 terminal for distribution throughout the West Coast

1 including British Columbia.

2 Without shore power these diesel-powered ships to
3 bring in bananas, pineapple and other goods would keep
4 their engines idling at birth and pollute the air that
5 Barrio Logan residents breathe.

6 The Port is also concerned about air pollution
7 levels at San Ysidro and the rest of our border region,
8 which has some of the heaviest car and truck traffic in
9 the nation.

10 We are also concerned about environmental
11 resources and environmental issues at our port member
12 city, Imperial Beach, namely, the unchecked sewage flows
13 from Mexico.

14 The Port is part of a federal lawsuit that
15 demands solutions to the border sewage issue, joining the
16 city of Imperial Beach and the city of Chula Vista in that
17 legal action.

18 The Port of San Diego also partners with the
19 environmental group Wildcoast and the Environmental Health
20 Coalition on environmental justice issues in our region.

21 The Port agrees with the State Lands Commission
22 that the State's tribal nations be a major part of any
23 Environmental Justice Policy. San Diego County is home to
24 19 federally recognized tribes, and we are well aware of
25 their struggles in the environmental realm.

1 Environmental justice is so important to the Port
2 of San Diego that Port staff at a November 1st meeting
3 that's upcoming will urge our Board of Port Commissioners
4 to make it an element of our port master plan update.
5 That update will provide policies and goals for the Port's
6 development over the next 50 years.

7 In closing, the Port of San Diego supports the
8 work of the Commission and the Commission's staff to adopt
9 an Environmental Justice Policy. We look forward to
10 partnering with the Commission as the policy progresses
11 and we share the view that no Californian should be
12 disadvantaged, no Californian should be subjected to
13 pollution.

14 Thank you very much.

15 CHAIRPERSON YEE: Thank you very much, Mr.
16 Powell.

17 Okay. Very well.

18 I think we are ready to move on to our next item,
19 Item 89.

20 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

21 CHAIRPERSON YEE: Oh, yes, I'm sorry.

22 EXECUTIVE OFFICER LUCCHESI: May I interrupt --

23 CHAIRPERSON YEE: Please.

24 EXECUTIVE OFFICER LUCCHESI: -- just a second.

25 I wanted to take this opportunity to thank our

1 Sea Grant Fellow Abby Newman. This is her last meeting.
2 And as she mentioned in her presentation, she will be
3 moving on to a very prestigious position at Earthjustice
4 at the end of the month.

5 This is always a very difficult time for us at
6 the Commission, when we have to say goodbye to our Sea
7 Grant Fellows. They, and Abby in particular, came on and
8 just became part of our team so naturally and really hit
9 the ground running in a way that benefited the Commission
10 and our staff and our work from the get-go.

11 And I think through her presentation on the
12 Environmental Justice Policy update you saw that she was
13 really a critical member -- is a critical member of our
14 environmental justice team as well as working on our
15 efforts to review sea-level rise assessments coming in
16 under AB 691, working on training staff as well as being a
17 significant member of our GARE cohort here in Sacramento
18 that you've heard a couple times already today.

19 We are -- it's a huge loss for the Commission and
20 for our team. But we are even -- we're equally, and
21 probably even more so once we get over our selfishness, so
22 proud of her for moving on to the position at
23 Earthjustice. And it really says a lot about who she is
24 as a person and her work ethic and commitment to not only
25 bringing high quality scientific importance to

1 decision-making and to her work but also now with the
2 emphasis on environmental justice and racial equity. She
3 is a powerhouse, and Earthjustice is super lucky to get
4 her, and we look forward to continuing to work with her in
5 her new role.

6 So I just wanted to thank her and let her know
7 how grateful we are and also wish her the best of luck in
8 her future adventures.

9 (Applause.)

10 CHAIRPERSON YEE: Thank you very much, Jennifer.
11 And all best wishes to Abby. Thank you.

12 All right, Commissioners. Item 89 now before us.
13 This relates to the ocean planning partnership between the
14 State Lands Commission and the Port of San Diego.

15 We'll have the staff presentation.

16 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Good
17 morning, Commissioners -- or afternoon. I'm not sure
18 where we are.

19 CHAIRPERSON YEE: Yes, we have just crossed that
20 point.

21 STAFF ENVIRONMENTAL SCIENTIST FARNUM: And I'll
22 be joined by some other folks as well on this
23 presentation.

24 So, hello, Chair Yee and Commissioners. I'm
25 Maren foreign and I'm the deputy project manager from the

1 State Lands Commission for the San Diego Ocean Planning
2 Partnership.

3 (Thereupon an overhead presentation was
4 Presented as follows.)

5 STAFF ENVIRONMENTAL SCIENTIST FARNUM: We are
6 excited to present an update for you today on the
7 partnership, its draft Preliminary Assessment Report, and
8 offer a preview of our forthcoming Web Mapping
9 Application.

10 I'm joined today by my colleague at the
11 Commission, Chris Packer, who leads our data team for this
12 pilot project; and two of our Port colleagues, Lesley
13 Nishihara, the Director of Planning at the Port of San
14 Diego, and Lily Tsukayama, also from the planning
15 department of the Port of San Diego.

16 We'll start by giving a brief update on our draft
17 Preliminary Assessment Report, then an overview of the
18 pilot project itself, including our public engagement.

19 We'll then describe in a bit greater detail the
20 development process and features of our Web Mapping
21 Application.

22 --o0o--

23 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Here we
24 go.

25 So our preliminary findings from public

1 engagement so far are summarized into the draft
2 Preliminary Assessment Report, which is currently
3 available for feedback on the San Diego Ocean Planning
4 Partnership's website, sdoceanplanning.org.

5 You may also see in the appendix the list of
6 stakeholders that were contacted and contributed to the
7 assessment.

8 We had a great open house last week hosted by the
9 Port of San Diego at their administration building, where
10 we able to engage with stakeholders and community members
11 and had lots of valuable individual conversations that
12 provided further feedback and input that will address and
13 integrate into the final Preliminary Assessment Report
14 that we'll bring to you in December.

15 The majority of our joint team staffed the open
16 house, and we were also joined by Commissioner Merrifield
17 from Port's Board of Port Commissioners, as well as our
18 own Executive Officer, Ms. Jennifer Lucchesi.

19 The draft Preliminary Assessment Report was
20 released a few weeks ago, and it is currently available on
21 the partnership's website. And we'd encourage those who
22 haven't had a chance yet to review it to do so and provide
23 us comments.

24 There's also a survey form there on the website
25 where folks can answer the same list of initial

1 This means that we have sought to connect and hold
2 one-on-one meetings with individuals and groups that
3 represent these uses, as well as collect as much spatially
4 referenced data as possible across all five Public Trust
5 use areas to ensure we are taking a comprehensive approach
6 that equally represents this multitude of perspectives and
7 use types.

8 --o0o--

9 PORT OF SAN DIEGO PLANNING DIRECTOR NISHIHARA:

10 For the San Diego Ocean Planning Partnership we are
11 also introducing the concept of collaborative stewardship.
12 This concept recognizes that while the jurisdictions of
13 the Commission and Port are separate and adjacent, the
14 coast and ocean are dynamic in interrelated environments
15 that require a coordinated approach to management. It is
16 also the concept that supports collaboration between both
17 agencies to be stewards of the Public Trust so that we may
18 work together to balance the use of State tidelands and
19 submerged lands in a way -- in ways that benefit the
20 environment and the community.

21 --o0o--

22 STAFF ENVIRONMENTAL SCIENTIST FARNUM: I'll just
23 take you back in time a little bit. In October of 2016,
24 the Port and Commission entered into a Memorandum of
25 Agreement, or MOA, to formalize the San Diego Ocean

1 Planning Partnership. This is the first time the
2 Commission has partnered with a local trustee in a
3 collaborative effort of this scale. As we learn together,
4 we are strengthening our relationship through better
5 communication and understanding of our shared Public Trust
6 missions.

7 The intent of this partnership is to gain an
8 understanding of and establish a process to enhance
9 management opportunities to balance the different ocean
10 uses for the State-owned tidelands and submerged lands
11 located in the Pacific Ocean offshore of San Diego County.

12 As partners, we are committed to transparent and
13 robust public engagement, reducing the potential for
14 conflict amongst Public Trust uses, and consider ways to
15 effectively and responsibly inform decision-making.

16 --o0o--

17 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Before we
18 dive into the data collection and Web Mapping Application,
19 I'll briefly go over our public engagement effort.

20 We have modeled the public engagement after the
21 Port's award-winning integrated planning outreach approach
22 for the Port Master Plan update. And we think this
23 approach is really beneficial for a couple of reasons. It
24 provides an opportunity for all interested stakeholders to
25 provide input, and it also gives the partnership a form to

1 check whether we are on the right track. This feedback
2 will help us to create a comprehensive picture as to how
3 this ocean space is being used.

4 To differentiate a public engagement is a
5 two-part: The first is the focused stakeholder engagement
6 which primarily involves small groups or individual
7 stakeholder discussions, where we ask them about their
8 specific uses, interests and challenges within the ocean
9 space.

10 By the way, those are the questions that are
11 online that folks can answer through the Google form.

12 These meetings are done one-on-one so that the
13 partners may build trusting relationships with
14 stakeholders, and invite candid conversations that provide
15 really useful information to advance our understanding of
16 how this ocean space is used, challenges that stakeholders
17 face, and the real benefits they'd like to see from this
18 pilot project. Over the course of these focused
19 stakeholder meetings so far the Commission and the Port
20 have met with over 100 stakeholders and ocean users, which
21 include San Diego County coastal cities, environmental and
22 community nonprofits, academia, commercial and
23 recreational fishermen, and local, State and federal
24 agencies including the U.S. Navy.

25 We are also still working to connect with some

1 stakeholders that we have not had the opportunity to meet
2 with yet. And we plan on continuing our efforts to
3 connect one-on-one to gain initial stakeholder input as
4 well as reconnect with some of our current stakeholders
5 throughout the next month.

6 A small team of us here at the Commission will be
7 reaching out to connect with State agencies and groups
8 here in Sacramento, as well as traveling to San Diego in
9 November for some more meetings with local stakeholders
10 and tribes.

11 The second type is the broader public engagement
12 where we can reach an expanded audience. Again, last week
13 we had an open house for the public in San Diego at the
14 Port's administration building where we introduced the
15 pilot to community members and demonstrated the Web
16 Mapping Application.

17 --o0o--

18 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So, for
19 our data collection, the goal of the data collection
20 effort was to collect reliable and publicly available
21 spatial data sets and compile them into a web mapping
22 application. Through this application these data, such as
23 habitat locations and recreational spots, can be
24 visualized into an interconnect -- interactive online map
25 to reflect the dynamic and interconnected relationship

1 between human uses and the ocean space.

2 We researched and reviewed many publicly
3 available data from numerous sources, and we were also
4 directed to additional data sets from stakeholders through
5 the public engagement efforts.

6 These data were compiled into the Web Mapping
7 Application, which will be public facing upon its release,
8 and serve as an informational and interactive tool to
9 visualize these data in one place at one time.

10 --o0o--

11 STAFF ENVIRONMENTAL SCIENTIST FARNUM: These data
12 sets are categorized by Public Trust uses. Examples of
13 data that fall under these Public Trust categories include
14 navigational aids and rec -- and obstruction locations for
15 the navigational portion. Alternative and renewable
16 energy potential, and oil and gas infrastructure locations
17 for commerce. The location of fishing piers and jetties
18 and fishing vessel density for fisheries, scuba-dive sites
19 and boat launch sites for recreation as well as public
20 access points and how to get to those public access
21 points, and canopy-forming kelp in national wetland
22 inventory, amongst many others for environmental
23 stewardship.

24 Chris Packer will now take you through the Web
25 Mapping Application itself.

1 County to the right. The area highlighted in orange is
2 the preliminary planning boundaries, which includes State
3 waters and submerged lands under the Commission's
4 jurisdiction. This boundary extends from the mean high
5 tideland out to the three nautical miles offshore.

6 As we compile data sets, we generally clip them
7 so that the data points primarily appeared within this
8 boundary. However, we also included a buffer, so you'll
9 notices that some points follow outside of the boundary
10 into San Diego Bay and on land adjacent to the ocean.
11 These data points are intended to help the user visualize
12 public access points, mobility options and associated
13 Public Trust uses that may interact or affect other uses
14 in the ocean space.

15 To the right of the screen, there's a legend
16 which shows the layers currently displayed on the Web
17 Mapping Application and their unique symbology. For
18 instance, the preliminary planning boundary is outlined in
19 orange. State Lands lease sites are shown with green
20 circles, and dive sites are depicted by blue squares. We
21 currently have a variety of data layers that can also be
22 displayed, ranging from scientific measurements of the
23 oceanographic conditions, to vessel density, to sensitive
24 habitat and dive sites.

25 Users of the Web Mapping Application may select

1 and display data layers individually or together, search
2 geographic locations in data layers, generate reports on
3 data and geographic locations, and explore various other
4 functions to assist in better understanding the dynamic
5 ocean environment.

6 --o0o--

7 GIS DIVISION RESEARCH ANALYST III PACKER: At
8 the top right of the application, there will be a tool
9 bar, which provides a suite of options for users to decide
10 which widgets or functions they'd like to use with the
11 data. When we release the application, we will also
12 include a user guide that will provide instructions on how
13 to use these different tools and widgets.

14 At the top left of the screen, we'll have the
15 Public Trust icons. As mentioned earlier, we want to
16 emphasize the importance of the Public Trust to our work.
17 Users will be able to click on these icons to see which
18 data sets are organized under the five Public Trust uses.

19 --o0o--

20 GIS DIVISION RESEARCH ANALYST III PACKER: So the
21 screen shots are great, but I'm going to walk you through
22 the application right here. Right here, I'm searching for
23 Imperial Beach. When you go into the application and type
24 that location in, it will zoom right to the location.

25 Right here, I'm going to demonstrate the

1 screening widget. I'm selecting a draw tool that will
2 allow me to select an area of interest. I've done that
3 next to Imperial Beach there. But I also want adjacent
4 areas, so I'm typing in a half-mile buffer that won't
5 include those areas nearby.

6 And here you can see relevant layers that are
7 showing up which I want to look at.

8 This is a coastal access location from the
9 Coastal Commission. I've selected Imperial Beach here.
10 And you can see that I can actually click on a link that
11 will show me that location.

12 Now, if I wanted to look at this data later and
13 analyze it, I have the option of then printing a report.

14 So here's that report again. You can see the
15 area of interest that I drew using the screening widget
16 and a summary of data sets that are within that area.

17 We understand that this is quite a bit of
18 information to digest. When we release the tool on the
19 website, the user guide will be a helpful tool for
20 navigating the Web Mapping application.

21 And now I'll hand the presentation over to Lily
22 Tsukayama from the Port of San Diego who will walk you
23 through our timeline.

24 MS. TSUKAYAMA: Thank you, Chris, and thank you
25 for taking the lead on developing this great application.

1 --o0o--

2 MS. TSUKAYAMA: So when will the application be
3 ready to be used? For the remainder of the year, we'll
4 continue to develop and refine the Web Mapping Application
5 and also do some demos with focus groups to gather some
6 initial feedback on how it can be further improved and
7 more user friendly.

8 We'll respond to this feedback and update the
9 application as best as we can, and anticipate a full
10 public release of the Web Mapping Application on our
11 website next year. Commission and Port staff have been
12 working diligently to develop and prepare the Web Mapping
13 Application.

14 As with any application, there are a few
15 important things to consider with its use. It is a
16 compilation of publicly available data sets, which will
17 need to be reviewed regularly for updates. In addition,
18 as new data become available, we will need to regularly
19 update the Web Mapping Application to incorporate these
20 new data.

21 Further, we have been coordinating closely with
22 the U.S. Navy to ensure that their operations can be
23 reflected accurately in the Web Mapping Application.

24 As with many ocean uses, while the Navy has an
25 extensive presence in the ocean space, there are still a

1 variety of uses that are compatible and can occur
2 simultaneously in the same area.

3 --o0o--

4 MS. TSUKAYAMA: So to bring this all together,
5 here is an anticipating timeline for the partnership
6 efforts. Here we are in October 2018, as represented by
7 that solid purple line, kind of just half -- right
8 two-thirds of that timeline slide.

9 And as Chris just covered, data collection and
10 development of the Web Mapping Application are highlighted
11 in orange at the bottom of the screen.

12 Together, data collection and stakeholder input
13 inform the development of the preliminary assessment
14 report. And as discussed earlier, we are currently
15 seeking comments.

16 Public engagement has also been occurring
17 simultaneously with stakeholder input and data collection.
18 This not only includes the open house we held last week,
19 but also the various State Lands Commission and Board of
20 Port Commissioners meetings we presented at. These
21 include an update on initial outreach this past March,
22 presenting early learnings and observations from
23 stakeholder input in June, and an update on the draft
24 Preliminary Assessment Report currently available on the
25 partnership's website for comments and feedback.

1 We held an open house last week to provide an
2 additional opportunity for stakeholders and the public to
3 get more information on the San Diego Ocean Planning
4 Partnership and to receive additional comments and
5 feedback on the draft Preliminary Assessment Report.

6 Over the next month, we will proactively reach
7 out to previously identified and newly identified
8 stakeholders and tribal representatives to ensure these
9 important voices are heard. We will incorporate feedback
10 received from all sources and finalize the Preliminary
11 Assessment Report at the end of 2018.

12 There it is.

13 This is where these final dotted arrows come into
14 place. At the very least, for next steps we expect that
15 we will continue data collection, stakeholder and tribal
16 input, and public engagement to hold the process to be
17 informed by the best available science and data, and to be
18 stakeholder driven.

19 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Okay.
20 That concludes our presentation. And we're all available
21 for questions if you have any. And thank you so much for
22 your time.

23 CHAIRPERSON YEE: Thank you for the great
24 presentation.

25 Let me -- we have one public speaker on this

1 items. But let's hear from the speaker and then from the
2 Commission.

3 John Hansen, if you'll come forward.

4 Mr. HANSEN: Good afternoon, Commissioners. My name is
5 John Hansen. I'm the coordinator of a group, West Coast
6 Ocean Alliance. It's a group previously up until a couple
7 months ago was the West Coast Regional Planning Body is a
8 little back on that group. It was an entity that was
9 established under an executive order from the previous
10 Administration under President Obama back in 2010, focused
11 on ocean policy for the U.S. Through that executive order
12 there were regions established for the U.S., and we have
13 one here on the West Coast. And then 2013 we established
14 a regional planning body group to discuss ocean planning
15 and coordination amongst the three West Coast states,
16 along with Federal agencies and federally recognized
17 tribal governments on the West Coast. And the State Lands
18 Commission is one of our two reps for the State of
19 California, the other being the Ocean Protection Council
20 in the Resources Agency.

21 We've really benefited from the engagement from
22 State Lands, and especially on the work happening here in
23 San Diego. We are now rebooting effectively due to a new
24 executive order from the current administration in the
25 White House that effectively disbanded the regional

1 planning body structure. But we're very encouraged
2 because we have strong continued commitment from our
3 federal partners, along with the three West Coast states,
4 including State Lands, and our federal -- or excuse me --
5 our federally recognized tribal governments to continue a
6 strong regional coordination and communication form around
7 ocean issues.

8 Our group is focused on transparent
9 decision-making, sustainable and compatible ocean uses,
10 strong comprehensive coastal and ocean data, and
11 recognition and respect of tribal responsibilities in
12 terms of management and science. So really themes that
13 are echoed by the work happening in San Diego, which has
14 really been something we've been encouraged to hear about.

15 Our group really tries to learn from what's
16 happening in San Diego. Maren, Jim Maddox, and State
17 Lands staff has been really a great partner in being on
18 our calls providing updates to our larger regional group.
19 And so we've really tried to pass along the information
20 and the lessons learned from this project out to our
21 larger partnership, as well as sharing lessons from other
22 partners in Oregon and Washington, through tribal
23 governments that have done similar things in various
24 iterations to pass along whatever they can so that this
25 local effort can potentially learn from that.

1 So overall we just wanted to voice our support
2 for this work. We really do get excited to hear about
3 this continued progression of the effort, tools like the
4 one you just heard about, the use of data, stakeholder
5 engagement.

6 And so we on the regional scale for the West
7 Coast look forward to continuing our link to State Lands
8 Commission and the Port of San Diego and the work
9 happening there, and applaud this work and the development
10 of the tool and other efforts happening there.

11 Thanks.

12 CHAIRPERSON YEE: Thank you, Mr. Hansen, very
13 much.

14 I'm really just pleased with the progress of
15 this, and kind of an idea hatched two years ago in terms
16 of this joint effort. But first I have to thank the Port
17 of San Diego for just being such a great partner in this
18 and really devoting the resources and the time to help us
19 get to this point. Really appreciate the preview of the
20 Web Mapping Applications. And if there's anything that I
21 think is probably a necessary step forward and that is to
22 maybe just spread our arms a little wider with respect to
23 kind of an interested party, and that is to probably begin
24 to bring this into the halls of the legislature so there's
25 no mystery about what we're trying to do here.

1 I still think there's a bit of misunderstanding
2 with respect to what the goal of all this is, but I think
3 it's exciting that we're just trying to get our hands on
4 the best data, to get the hands on all of the
5 stakeholders, to just really be able to have
6 science-guided informed decision-making. And it's -- and
7 we've got the tools and the talent to do it.

8 And I think there's still some thoughts about -
9 well, I'll just say - what this is not doing. I mean we
10 are not promoting development, you know, of any kind
11 through this effort. This is not looking at doing any
12 kind of permit streamlining or just kind of getting around
13 any existing process, but really just better informed.
14 And I think if I could, I'd just ask the staff to think
15 about particularly with our Senate President Pro Tem
16 representing the Port of San Diego to begin to engage the
17 Senate leadership and the Assembly leadership on this.
18 And maybe this could be even helpful to them. So...

19 EXECUTIVE OFFICER LUCCHESI: Certainly. We are
20 on it.

21 CHAIRPERSON YEE: Okay. Okay. Good. Good.

22 And because I just don't want there to be -- and
23 there's just been such positive momentum, and I would hate
24 to have a misunderstanding to start to kind of cast any
25 kind of aspersions on this that it's not meant to be doing

1 in the water, the dam was actually pulled down but not
2 taken out. So there is -- the dam is still in place.
3 It's just pushed down.

4 So going back to one.

5 What the dam actually did was in -- it's never
6 been properly maintained since the 1930s. It's gradually
7 disinterested in condition. What it does is -- other than
8 the turbulence that it's created, a lot of debris gets
9 snagged on it.

10 And what this has done over the course of the
11 years has led to, most recently since 2006, three
12 fatalities. Three people have drowned there, including
13 two and an adult.

14 In addition to the dam being a physical barrier
15 and a public health and safety hazard, it also is a
16 barrier to fish passage. Fish like Chinook salmon and
17 steelhead historically have used the Tuolumne River to
18 move upstream for spawning. Chinook salmon -- excuse
19 me -- Central Valley steelhead is listed under the State
20 and Federal Endangered Species Act, while Central Valley
21 fall-run Chinook salmon is a species of concern.

22 The river historically supported the largest run
23 of Chinook salmon in the San Joaquin Valley. Accordingly,
24 the removal of the dam was identified as a priority in
25 multiple fish restoration reports for the Central Valley.

1 So the removal activity started on August 1st,
2 2018, with construction and installation of the cofferdam
3 upstream of the dam and a water diversion channel around
4 the dam on the north side. You can see that activity
5 going on here.

6 --o0o--

7 ASSISTANT EXECUTIVE OFFICER CONNOR: And then
8 these are a little bit brighter. So you can see the
9 cofferdam is not in place and the diversion channel is
10 moving off to the north and around it.

11 --o0o--

12 ASSISTANT EXECUTIVE OFFICER CONNOR: And this is
13 a -- I think this is a fascinating -- this is actually a
14 video. I'm going to cue Billy to run this if you could.

15 This is actually some -- I'm just going to play a
16 little bit of this. This is the removal activities of the
17 dam itself. The dam was, as I mentioned earlier, was
18 constructed of sheet piles driven into the ground and
19 topped with a concrete. So you can see it's -- it's kind
20 of slow, and it was a slow process removing all these
21 sheet piles. So they've got this piece of machinery just
22 slowly pulling each of them out, like pulling teeth.

23 That's good, Billy. Thank you.

24 --o0o--

25 ASSISTANT EXECUTIVE OFFICER CONNOR: And this is

1 a picture of the -- after the dam was actually removed,
2 the cofferdam was then removed and the diversion channel
3 was filled in and -- let's see here what we've got. Let
4 me go back one.

5 The other thing about this, on the side you can
6 see where the -- all the activity was. Those -- those
7 banks were hydroseeded with native species.

8 --o0o--

9 ASSISTANT EXECUTIVE OFFICER CONNOR: The last two
10 slides here show the river as it looks today. We actually
11 had one of our staff people down there last week taking a
12 look at it. So I'm going to go to this one.

13 --o0o--

14 ASSISTANT EXECUTIVE OFFICER CONNOR: Then I'm
15 going to go to this one, which is also a video. So,
16 Billy, if you can cue that up as well.

17 So the removal of the dam eliminates ongoing
18 liability to the State, improves fish habitat, and also
19 enhances recreational opportunities within the lower
20 Tuolumne River Parkway, which is a 500-acre park extending
21 for seven miles along the river in the Modesto area.

22 The Tuolumne River Trust is commemorating the
23 removal of Dennett Dam with the celebration today in
24 Modesto. Grace Kato, the Assistant Chief of the
25 Commission's Land Management Division, who was also

1 instrumental in obtaining the Commission's share of the
2 funding and coordinating with the Trust is attending the
3 celebration and will be presenting the Trust with a letter
4 of appreciation from the commission for its efforts in
5 removing the dam. And I just found out yesterday that
6 Grace also gets to go on a raft trip while she's there.

7 (Laughter.)

8 ASSISTANT EXECUTIVE OFFICER CONNOR: So lucky
9 her.

10 And that really concludes my presentation. Here
11 to answer any questions if you have them.

12 CHAIRPERSON YEE: Okay. Thank you very much,
13 Colin.

14 Comments, commissioners?

15 Well, I think a prideful moment.

16 ASSISTANT EXECUTIVE OFFICER CONNOR: Very much
17 so. Thank you.

18 CHAIRPERSON YEE: Thank you.

19 Great. Thank you.

20 Let's see. I think -- are we on to public
21 comments?

22 EXECUTIVE OFFICER LUCCHESI: Yes.

23 CHAIRPERSON YEE: Thank you very much. Okay.

24 Thank you to members of the public who have
25 signed up to speak for your patience. I will call you up

1 one at a time. You'll have three minutes to address the
2 Board.

3 First is Mr. Frank Coats.

4 Mr. Coats.

5 Followed by Howard Graves and Julie Baller.

6 Good afternoon.

7 MR. COATS: I'm having a hard time with a cold.
8 So I'll work at this.

9 About a year -- boy, I hope we can do this.

10 About a year ago, this Commission had directed
11 staff to look into providing the public with a listing of
12 land sold by the Commission subject to fishing rights
13 under the California Constitution. And in June I wrote to
14 staff asking if any progress had been made, and I
15 essentially was told that they decided not to do it,
16 apparently as a resource question.

17 I don't know how you represent that you push the
18 interests of the public to public access if you sit on
19 over a million acres of land that the public already has
20 legal access to and you don't provide that listing to the
21 public.

22 It was interesting to watch the San Diego
23 presentation, you know. All we're asking is the simplest
24 of Excel spreadsheets listing the property by baseline and
25 township and range and section so you could just look it

1 up to find some place to go fishing.

2 Apparently every piece of land -- every piece of
3 school and lieu lands owned by -- sold by the State since
4 1910 has been subject to this. It seems to be very simple
5 to put together a list. It would be tedious but
6 incredibly simple.

7 The other thing I wanted to address was that I've
8 been cited for trespassing for walking on an easement
9 reserved by the State, a public road easement reserved by
10 the State in 1978 on the banks of the Sacramento River at
11 Fremont Weir. It was reserved in '78 for 35 years. The
12 public had no problem using this roadway to get to fishing
13 the river and to get to the wildlife area.

14 In 2013, the grandchildren of the people involved
15 in the deal put up a locked gate and no-trespassing signs.
16 And now I've been cited and I get to deal with it.

17 No State agency involved in this has lifted a
18 finger since the 2013 blockage of the road. There's
19 absolutely no legal basis for the blocking of the road.
20 Fish and Wildlife hasn't done anything. Central Valley
21 hasn't done anything. Department of Water Resources
22 hasn't done anything. Except they did lie to the public.
23 They did tell the public that there was no reserved
24 easement. Then an amazing surprise that somebody pointed
25 out that, yes, indeed, there was a reserved easement.

1 Unfortunately, this is representative of way State
2 agencies treat the public for river access on the inland
3 waters.

4 Now --

5 CHAIRPERSON YEE: Mr. Coats, your time is
6 concluded. I'm just going to ask you to sum up and I'll
7 just --

8 MR. COATS: Okay. Then compared to, say, the
9 effort at Martins Beach where it turned out you didn't
10 already have legal access, this sort of thing is amazing,
11 where, yes, the public has legal access but the State
12 agencies walk away from it, leaving the public to engage
13 in self-help.

14 Thank you.

15 CHAIRPERSON YEE: Thank you.

16 Jennifer, any comments on that?

17 EXECUTIVE OFFICER LUCCHESI: Yeah, certainly.

18 In regards to Mr. Coats' first concerns, it is a
19 resource -- a staffing and resource issue. I don't
20 necessarily disagree with him about in terms of it not
21 being, you know, a super complex effort in terms of the
22 challenges in understanding the information. But it is a
23 significant effort to go through thousands of files and
24 documents to compile the information that he's asking for.
25 But I also appreciate how that information would be

1 useful. We are embarking on a number of different efforts
2 to make our -- the information, the documents, the data
3 sets that we currently have primarily in paper form and
4 make the -- digitize them and make them -- package them in
5 a way that's not just useful for staff and in our everyday
6 work but eventually can be made more available to the
7 public at a click of a button.

8 Unfortunately we're just at the beginning of that
9 stage right now, and I will continue to endeavor to find
10 the resources to conduct the research project that he's
11 asking for.

12 With regards to his -- the second concern about
13 the reserve easement, I know he was having some
14 conversations about this with one of our attorneys during
15 the meeting, and we will follow up with him to understand
16 the situation better. I think he's brought this to our
17 attention maybe in the past as well. So we will follow up
18 to see what the status is at this point. And if there is
19 anything we can do, not being one of -- it doesn't appear
20 like we have specific jurisdiction over this particular
21 parcel, but we'll look into that.

22 CHAIRPERSON YEE: Okay. I appreciate it.

23 Thank you, Mr. Coats.

24 MR. COATS: All the data from 1938 is on-line.

25 CHAIRPERSON YEE: Mr. Coats, your time has

1 expired.

2 Howard Graves, please.

3 MR. GRAVES: Thank you for the opportunity to
4 speak with the Commission. My name is Howard Graves. I
5 am here to strongly urge the Commission to exercise its
6 eminent domain authority to purchase the Martins Beach
7 access road to permanently open access to this exceptional
8 piece of California coast.

9 My family and friends and I have been coming to
10 this beach annually for almost 30 years, until this access
11 was cut off in 2008 by Vinod Khosla and Associates.

12 The recent Supreme Court decision has reopened
13 this for limited hours. There's no public facilities
14 there and no bathroom. It's not really a very useful open
15 beach under these circumstances.

16 Briefly, the reasons to pursue this course of
17 action by the Commission, Martins Beach is a jewel of a
18 beach, it's -- with excellent open space for picnicking,
19 surfing and fishing, and was previously open to all of
20 these activities until 2008.

21 Secondly - and I think the Commission may not be
22 so aware of this - this road provides the only access to
23 an exceptionally beautiful protected cove beach on the
24 north end of Martins Beach called Mackey's Cove. This
25 protected cove provides a very suitable habitat for

1 smaller children. It does not have a big surf, but it has
2 surfs large enough that young surfers can learn to surf
3 here much more safely than in big waters. Surf --
4 surfing, as you now know, is the our state sport.

5 In my own opinion, I think Mackey's Cove would
6 make an excellent small State park or regional park. It's
7 really an extraordinary beach. The only way to get there
8 is from this road.

9 Third, Martins Beach is close by Half Moon Bay, a
10 rapidly growing community with over 20,000 in population
11 in the greater Half Moon area. Reopening this beach with
12 a public road would provide increased recreational
13 opportunities for this community that's less than 10 miles
14 from Martins Beach.

15 I'd point out to the Commission that there is
16 precedent in California for condemning private coastal
17 land for the greater public good. And I think this is
18 important for the record. In 1980 Santa Rosa Island off
19 the Santa Barbara coast became part of the Channel Islands
20 National Park under President Ronald Reagan. This island
21 was the -- was occupied by a cattle ranch that used this
22 85-square-mile island. The cattle ranch was condemned by
23 the National Park Service under President Reagan. The
24 owners were compensated very generously, and Santa Rosa
25 Island is now the largest -- the second largest island in

1 the Channel Island National Park, and an invaluable public
2 resource for California.

3 Finally, I would encourage the Lands Commission
4 to pursue public-private partnerships to help finance the
5 purchase of this access road and installation of
6 facilities appropriate for a public beach. I first
7 learned today of the executive -- from the executive
8 report by the Lands Commission that this financing effort
9 has started with \$300 collected.

10 Thank you.

11 I'd recommend this effort be more widely
12 advertised and interested public entities and foundations
13 be solicited to support this. Perhaps even Mr. Khosla
14 himself might be considered.

15 (Laughter.)

16 MR. GRAVES: Thank you.

17 CHAIRPERSON YEE: Thank you very much, Mr.
18 Graves.

19 Julie Baller.

20 MS. BALLER: Good afternoon, I guess.

21 My name's Julie Baller and I live in Albany. I'm
22 representing myself and also four generations of my family
23 who would like to return to our annual Martins Beach
24 picnic.

25 I appreciate -- in fact, I'm thrilled and

1 grateful to address the Land-Use Commission after the U.S.
2 Supreme Court decision to leave intact the California
3 Constitution's guaranteed public ownership of our beaches
4 and coastal wetscape. At least they had chose not to open
5 that for attack.

6 I now would like to ask you to implement that
7 guarantee of public access in the case of Martins Beach.
8 The billionaire who purchased the only access to this
9 pristine gem has announced his intention of litigating
10 indefinitely, with his bottomless resources, as a
11 so-called matter of principle. But perhaps his reputation
12 for no compromise, intransigent, actually is the point
13 rather than the beach itself, which he has said he doesn't
14 like and wishes he hadn't bought.

15 This stance is useful for extracting concessions.
16 In an August 30th, 2018, article in the New York Times one
17 of his business partners was quoted as saying of this
18 reputation, "It's an incredible negotiating tool for me."

19 So it's one he has apparently every intention of
20 preserving in his refusal to negotiate with the -- with
21 the State for purchase of the road back to Martins Beach
22 and to the cove that was so well described by Howard
23 Graves.

24 So I urge that it is time for the State to move
25 past this protracted obstruction and begin the process of

1 eminent domain as needed to open Martins Beach.

2 If and when access is restored, I beg you to
3 preserve the pre-existing road access that we enjoyed on
4 the beach. My mother, now 94, came annually to Martins
5 Beach well into her 80s until it was locked up. It was a
6 rare place, a wild picturesque beach where you could
7 literally drive down to within a few feet of the sand.
8 She hasn't been able to come with us to Pescadero or
9 Montara beaches, which are on the same stretch of coast,
10 because they require clambering down stairs or rocky paths
11 to the sand. With the passage of eight years I fear she
12 has permanently lost her chance -- forever lost her chance
13 to join our beach gatherings.

14 If and when access is restored, we would really
15 like there to be at least a drop-off and loading zone at
16 the beach level so that our elders, people with
17 disabilities or mobility limitations, young families laden
18 with baby gear, and all of us with picnic supplies,
19 chairs, and fishing gear can use the beach even if we have
20 to do some shuttling to a parking area that might be
21 higher up so as not to disturb the environment of the
22 beach area.

23 One last point. And I -- in sitting here
24 listening to the other issues that have been aired today,
25 I'm really impressed by the breadth and depth of the

1 issues that face the Lands Commission and how important it
2 is and how this issue, which has been my focus for years,
3 is -- is one facet of the very large ongoing
4 responsibility that will outlast all of us. I want to say
5 the pressure of big money to buy exclusive access to
6 California's precious beaches and coast will never let up.

7 My sign says, back there, "In every generation we
8 must fight for our public coast." Martins Beach is -- is
9 one of this moment's fights. I urge you to move now to
10 restore access to all Californians, if necessary, by
11 eminent domain. Further delay will embolden the next
12 beach grab and the next and the next.

13 Thank you very much for your time and for all the
14 work that you are doing.

15 CHAIRPERSON YEE: Thank you very much, Ms.
16 Baller.

17 Okay. Next up we have Christopher Adams,
18 followed by Jennifer Savage and Barb Singleton.

19 MR. ADAMS: My name is Christopher Adams, and I'm
20 also speaking about Martins Beach and the possible need
21 for eminent domain.

22 I know that's a very big step. I worked for the
23 University of California for over 30 years in planning and
24 land-use issues, and never once while I was there do I
25 know that we ever had to exercise the use of eminent

1 domain. We were lucky. I know it is a huge,
2 time-consuming, and expensive process.

3 But during that same time period my daughter was
4 born and every year of her life until she went away to
5 college she went with us to Martins Beach.

6 Now I have a grandson. He's so young that he has
7 never been to Martins Beach because it has been closed
8 ever since he was -- before he was born.

9 Thinking about my grandson and the millions of
10 other Californians who go to our precious coast, I hope
11 you have the courage and the will to do whatever is
12 necessary to restore access to that beautiful beach.

13 Thank you.

14 CHAIRPERSON YEE: Thank you very much, Mr. Adams.
15 Jennifer.

16 MS. SAVAGE: Hi. Jennifer Savage, Surfrider
17 Foundation. As Executive Director Lucchesi pointed out
18 after more than five years of litigation, Surfrider's
19 legal battle over public access at Martins Beach
20 culminated with the U.S. Supreme Court denying Vinod
21 Khosla's petition, which means our legal victories in
22 California stand, which frankly is a huge deal for our
23 mid-sized nonprofit and one that wouldn't have been
24 possible without our stellar legal team, and which also
25 stands as a testimony to the power of grassroots activism.

1 If our San Mateo chapter hadn't called attention to this
2 so many years ago and consistently showed up to be heard,
3 we wouldn't have had the attention or the momentum that
4 led to this victory.

5 But there's still work to be done. So we call
6 again upon the Commission to affirm your commitment to
7 this issue. In 2014 SB 968 passed directing staff to
8 negotiate with Mr. Khosla in hopes of reaching an amicable
9 solution. In 2016 you took the first steps toward eminent
10 domain to acquire the road leading to the beach, with then
11 Chair Lieutenant Governor Newsom promising the Commission
12 would not back down.

13 This year the State included \$1 million
14 specifically for the purchase of the Martins Beach access
15 easement and the County of San Mateo has pledged a
16 matching amount, plus \$381 in the fund for the public.

17 Surfrider staff volunteers and other supporters
18 have worked tirelessly to make sure all of this happened.

19 With all of that plus Surfrider's recent legal
20 victory, we've cleared the symbolic path, and it's time
21 for the State Lands Commission to take the next steps to
22 ensure the actual one remains open for all California
23 residents and visitors.

24 Surfrider's victory coincides with an increased
25 focus on beach access conflicts all along California's

1 coast. Also as Executive Director Lucchesi mentioned, a
2 public attention on Hollister Ranch has increased
3 attention to that longstanding problem and looks for new
4 solutions to it.

5 Similarly, efforts by a Santa Cruz community to
6 essentially privatize a public beach has triggered
7 blowback from both those charged with enforcing the
8 Coastal Act and the public increasingly tired of being
9 kept from the beaches that belong to everyone.

10 The State Lands Commission is charged with
11 protecting the natural resources entrusted to its care and
12 ensuring public access to these lands and waters for
13 current and future generations. In our experience, the
14 Commission and its staff uphold this mission
15 wholeheartedly. We appreciate the commitment of the
16 Commission to ensuring beach access for all at Martins, at
17 Hollister, and all along the California coast.

18 On behalf of all those longing to return to
19 Martins Beach, confident they can do so, we ask again for
20 the Commission to continue your leadership to respond to
21 the thousands of Californians who have reached out and to
22 include the issue of eminent domain on a coming meeting
23 agenda.

24 Thank you.

25 CHAIRPERSON YEE: Thank you, Jennifer.

1 MS. SINGLETON: Hi. I'm Barb Singleton. I'm a
2 lifelong Californian and beach enthusiast. I was born and
3 raised in Southern Cal.

4 Regarding Martins Beach, you know, I know the
5 next step here is to pursue eminent domain. But I want to
6 tell you my personal story about being at St. Martins
7 Beach.

8 You know, the ocean's right there. It was a
9 foggy day. I'm sitting on a picnic bench here.

10 CHAIRPERSON YEE: Can you pull the microphone
11 just --

12 MS. SINGLETON: Sorry.

13 Okay. And one of the most awesome experiences
14 happened, other than the beautiful surrounding, the
15 let-me-be-in-contemplative mode and so forth. But a man
16 and his dog walked up quietly, stood there. The man
17 started looking out at the beach and so forth. But he
18 gave the command to let his dog go run around. And she
19 went crazy, going like this in the water, going around to
20 a little lagoon area over here and paddling and swimming,
21 like trying to really swim. And make this short.

22 But -- and then the man about five minutes later
23 went -- you know, made a sound, and she immediately got
24 out of the water and stood by his side, and they both
25 stood there together looking out at the ocean, and then

1 they walked back home.

2 And I -- I mean when I think about that
3 experience and how awesome and beautiful the beach was, I
4 still talk about it with my friend to this day, and it's
5 been 10 years, I just feel that -- I mean the public beach
6 is so important to everyone. And hope you -- you know
7 what to do next.

8 Thank you.

9 CHAIRPERSON YEE: Thank you.

10 All right. And our final set of speakers. Uriel
11 Hernandez, Sabrina Brennan, Helen Wolter, and Mary Hufty.

12 MR. HERNANDEZ: Thank you all so much for this
13 meeting and for involving the community in this process.
14 My name is Uriel Hernandez. I'm a lifelong San Mateo
15 County resident from East Palo Alto where I've lived my
16 entire life, and currently serve as vice chair of the
17 planning commission.

18 I regularly advocate for public green space and
19 public access to nature because we really need to protect
20 all of the open space that we have in the Bay Area.

21 I'm here to ask this Commission commits to
22 pursuing eminent domain to acquire an easement at Martins
23 Beach for all of the reasons that have already been
24 brought up this afternoon. I haven't been able to go to
25 Martins Beach since I was in high school due to the

1 actions and viewpoints of one individual that I've never
2 met. But, you know, I grew up going to beaches with my
3 family. I know the importance of beaches to people of
4 color, to the Latino community. It's where we go to be in
5 nature.

6 And, you know, it really holds a special place in
7 our hearts. And investing in public access to open
8 spaces, beaches and, you know, all of the nature that's
9 around us is investing in future generations. And we must
10 do more of that instead of focusing on short-term gains
11 like, you know, making a quick buck building a hotel. You
12 know, all of these shortsighted and self-serving goals are
13 not in the public's best interests, and they really do a
14 disservice to the environment and to the community.

15 One of the worst legacies that we could leave for
16 future generations would be to allow the privatization of
17 what really should be public space and what has functioned
18 as public land and been a community resource for
19 generations.

20 You know, we really shouldn't humor those that
21 put the desires of a few above the needs of many. We
22 should really listen to the community and, you know, give
23 us back the beach, give us back Martins Beach.

24 Thank you.

25 CHAIRPERSON YEE: Thank you very much, Mr.

1 Hernandez.

2 MS. BRENNAN: Hi. Sabrina Brennan, San Mateo
3 County Harbor Commissioner, speaking as an individual and
4 also speaking for the Committee for Equity in Women's
5 Surfing. We support Surfrider's eight-year fight to open
6 Martins Beach. Please restore public access at Martins
7 Beach, and condemn the road as an easement.

8 Please create a Martins Beach website that allows
9 Californians to make a financial contribution online to
10 help fund the easement. We support coastal access for all
11 at Martins Beach. We also support coastal access at
12 Hollister Ranch.

13 Thank you.

14 CHAIRPERSON YEE: Thank you very much,
15 Ms. Brennan.

16 Helen Wolter.

17 MS. WOLTER: Good afternoon, commissioners. I
18 was here for an earlier agenda item. I'm back. I'm
19 speaking for myself.

20 Obviously, Martins Beach has been very
21 contentious. You know, that it went to the Supreme Court
22 level is unprecedented. But that sets a precedent now for
23 our Coastal Act and state strikes.

24 You know, as others have said today, to ensure
25 public access for all, the idea of eminent domain is

1 rarely actually invoked because -- you know, because of
2 private property rights. But I think in this case to --
3 you know, to ask for a public access easement does make
4 sense. So I am speaking up in support to allow open --
5 you know, access to open to our beaches under our
6 California Coastal Act.

7 Thank you for your consideration.

8 CHAIRPERSON YEE: Thank you very much.

9 MS. HUFTY: I'm Mary Hufty. I'm a resident of
10 San Mateo County. And I just wanted to speak to the
11 Commission to say thank you. This has been really
12 heartfelt experience being here. And I think heart is what
13 Martins Beach is about. Everybody sees it and they're
14 hearts are lightened. We -- we need it as a country and
15 as a county and as a state. And I know that you have the
16 heart to get it right.

17 So my thanks for your -- a wonderful day seeing
18 how well this Commission works together.

19 Thank you.

20 CHAIRPERSON YEE: Thank you very much. Thank you
21 for being here.

22 All right. Any other members of the public wish
23 to address the Commission?

24 EXECUTIVE OFFICER LUCCHESI: I have one speaker
25 slip. Edmundo Larenas maybe.

1 CHAIRPERSON YEE: Yeah. He's right here.

2 EXECUTIVE OFFICER LUCCHESI: Oh, I'm sorry.

3 Okay.

4 MR. LARENAS: So I'm not going to repeat
5 everything that was said. I'm Edmundo Larenas. I'm -- at
6 the time when this all began I was chair of the San Mateo
7 County Chapter of Surfrider. And we had no idea what we
8 were in for. We got the public -- letters and calls from
9 the public asking us to do something about the closure of
10 access to Martins Beach. And it wasn't just surfers. It
11 was beachgoers and fishermen and -- as you've heard.

12 So we wrote -- and you can imagine, the Bay Area
13 has a huge coalition of environmental people. One of them
14 gave us the idea who bought the property, because he had
15 established two LLCs to hide his name. So we wrote a
16 letter to this person, Vinod Khosla, and we said, "Dear
17 Mr. Khosla..." And he had this self-imposed reputation as
18 being a green investor and egalitarian person, so we
19 thought, "Dear Mr. Khosla, we would love to work with you
20 to provide access to the -- continue to provide access to
21 the public," maybe to understand the value of this beach.
22 And we waited and waited, and what we got was a letter
23 from his attorney and it said, "See you in court."

24 So we protested. We did '60s style protests with
25 signs saying "Open Martins Beach." And in one of those

1 protests a 93-year-old woman from Los Gatos, California,
2 had her grandson come and take her to the beach to
3 protest. And she was out there on the street with us
4 holding a sign saying "Open Martins Beach."

5 So I urge you to continue this process. The
6 public will love you for it. Whoever becomes the Chair of
7 this Commission will have the gratitude of all
8 Californians.

9 Thank you.

10 CHAIRPERSON YEE: Thank you very much.

11 Any other members of the public wish to address
12 the Commission?

13 Okay. Seeing none.

14 I believe we are ready to move into closed
15 session.

16 EXECUTIVE OFFICER LUCCHESI: Yes.

17 CHAIRPERSON YEE: Okay. And we're going to stay
18 here?

19 EXECUTIVE OFFICER LUCCHESI: Yes.

20 CHAIRPERSON YEE: Okay. Thank you very much for
21 joining us today. We are now going to convene. The
22 Commission will convene in closed session, and we will ask
23 members of the public to please vacate the room.

24 (Off record: 12:59 p.m.)

25 (Thereupon the meeting recessed

1 into closed session.)

2 (Thereupon the meeting reconvened

3 open session.)

4 (On record: 2:12 p.m.)

5 CHAIRPERSON YEE: All right. The Commission will
6 reconvene in open session.

7 The Commission met in closed session. And, Mr.
8 Meier, do we have a report?

9 CHIEF COUNSEL MEIER: Yeah, the Commission
10 approved distribution of a draft boundary line agreement
11 to the lakefront owners on Donner Lake in conjunction with
12 the proposed settlement of Nevada County Superior Court
13 Case SOS Donner Lake versus State of California, et al.

14 CHAIRPERSON YEE: All right. Thank you very
15 much.

16 All right. Any other business to come before the
17 Commission?

18 EXECUTIVE OFFICER LUCCHESI: No.

19 CHAIRPERSON YEE: Seeing none, this meeting is
20 adjourned.

21 Thank you very much.

22 (Thereupon the California State Lands

23 Commission meeting adjourned at 2:13 p.m.)

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 Skype proceedings was taken before
9 me, in shorthand writing, and was thereafter transcribed
10 to the best of my ability with intermittent Skype
11 connection, under my direction, by computer-assisted
12 transcription.

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

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 this 1st day of November, 2018.

18
19
20 

21
22
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