

~ MINUTES ~
CALIFORNIA STATE LANDS COMMISSION
MEETING OF OCTOBER 18, 2018

**HOLIDAY INN SACRAMENTO DOWNTOWN – ARENA
CALIFORNIA ROOM
300 J STREET
SACRAMENTO, CALIFORNIA 95814**

APPEARANCES

COMMISSIONERS PRESENT

- Betty T. Yee, State Controller
- Sloane Viola, Staff Scientist and Alternate for Lt. Governor Gavin Newsom (Rhys Williams, Chief of Staff and Alternate, participated for Closed Session)
- Jacqueline Wong-Hernandez, Chief Deputy Director and Alternate for Director of the Department of Finance Keely Bosler

STAFF MEMBERS IN ATTENDANCE

- Jennifer Lucchesi, Executive Officer
- Mark Meier, Chief Counsel

REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL

- Andrew Vogel, Deputy Attorney General

NOTE: *The final approved Minutes also include the Agenda and corresponding staff reports (incorporated into the draft Minutes by reference) approved as presented unless otherwise indicated in the Record of Action. A list of individuals making statements before the Commission and the entities they represent, along with the Executive Officer's Report, are included in a complete transcript of the proceedings, which is on file in the Sacramento offices of the Commission and posted on the Commission's website at www.slc.ca.gov. Also included on the website is the voting record of the meeting with the staff report for each agenda item linked to the respective consent, regular or informational item number. A link to a recorded Cal-span.org webcast of the meeting is also available on the Commission's website. All of these items may be found under Previous Meetings, by date of the meeting.*

**RECORD OF ACTION TAKEN BY THE
CALIFORNIA STATE LANDS COMMISSION
MEETING OF OCTOBER 18, 2018**

Chair Betty Yee called the meeting of the California State Lands Commission to order at 10:00 A.M. at the Holiday Inn Sacramento Downtown – Arena, California Room, 300 J Street, Sacramento, California 95814; also present were Commissioner Alternate Sloane Viola and Commissioner Alternate Jacqueline Wong-Hernandez.

Confirmation of the Minutes of the August 23, 2018 meeting were approved as presented by a vote of 3-0 (Yee–Yes; Viola–Yes; Wong-Hernandez–Yes).

EXECUTIVE OFFICER’S REPORT

Executive Officer Jennifer Lucchesi updated the Commission on the following items:

- The Commission was updated on the Dynegy Morro Bay Power Plant decommissioning site. The Commission approved the decommissioning project at the February 2018 meeting. On October 11th, the culturally affiliated Tribal Monitor and project archaeologists discovered human remains during the excavation of the beach pipeline segment. Project activities were halted, and the remains were transferred to the county corner for examination. If the remains are determined to be Native American, the Native American Heritage Commission will determine the most likely descendent who would work with the city of Morro Bay as the property owner to investigate the extent and ultimate disposition of the discovery.
- The Executive Officer highlighted a recent scientific report that relates to the Commission’s climate change, sea-level rise, and environmental justice work. The United Nations Intergovernmental Panel on Climate Change (IPCC), on October 6th unveiled a special report on global warming of 1.5 degrees Celsius, describing the drastic and unprecedented worldwide action that must be taken to limit the impacts of climate disruption and ensure more sustainable and equitable society. The report notes that although action needs to accelerate, some of the types of actions we need to implement to limit global warming to 1.5 degrees Celsius are already underway around the world and in California.
- Commission staff continues its operation and management of Platform Holly and the Ellwood Onshore Facility. Staff with the Commission’s agents are working towards the plug and abandonment of the wells on Platform Holly so that the facilities, including the EOF, can be safely shut off in preparation for their eventual decommissioning. On October 15th, the Trustee (the successor to Venoco) filed an adversary proceeding against the Commission alleging that the Commission’s ongoing management of the EOF constitutes inverse condemnation because the Commission will not pay the Trustee additional monies for the use of that property. The presence of the State at the EOF, through the Commission and in Venoco’s absence, is absolutely critical to ensuring the health and safety of the local citizenry and the protection of the local terrestrial and marine environment from potential releases of oil and hydrogen sulfide gas and is an appropriate exercise of the police power inherent to the State.

RECORD OF ACTION CONTINUED

- The Commission was updated on the decommissioning efforts on Rincon Island. On September 24th, work began to abandon the first of 70 oil and gas wells and three wells overall have been abandoned to surface on the upland area of the former leases. Staff has been working in conjunction with Driltek and the Department of Oil, Gas, and Geothermal Resources (DOGGR) to write and review well abandonment programs that are then submitted through DOGGR's Well Star Program for review and approval. Abandonment work on the offshore Rincon Island wells is expected to begin after the beginning of the year, 2019.
- The Commission was updated on staff's efforts to achieve public access at Martins Beach and Hollister Ranch.
 - In the Martins Beach v. Surfrider case, the United States Supreme Court denied review, which means that the decision that the property owner cannot close the gate without first obtaining a coastal development permit stands. Commission staff continues to work with the Coastal Commission, the County of San Mateo, and the Attorney General's office to explore options and opportunities to achieve access at Martins Beach.
 - There was a bill that was authored by Assembly Member Limon, AB 2534, that was recently vetoed by the Governor. The Governor's veto message stated that it was important to take another look at the 1982 Public Access Program that was developed for Hollister Ranch and update as necessary. In response to that, staffs of the Coastal Commission, State Coastal Conservancy, State Parks Department, and the State Lands Commission are starting to organize the first steps to review and update that public access program.

CONSENT CALENDAR

- Consent Items C04, C15, C30, C41, and C42 were removed from consideration
- C27 was moved to the Regular Calendar
- Consent Items C01-C03, C05-C14, C16-C26, C28, C29, C31-C39, and C43-C83 were approved as presented by a vote of 3-0 (Yee-Yes; Viola-Yes; Wong-Hernandez-Yes)

INFORMATIONAL CALENDAR

ITEM 84 – was informational – no vote required

REGULAR CALENDAR

ITEM C27: A staff presentation was made to the Commission to consider an 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.

RECORD OF ACTION CONTINUED

Item C27 – was approved as presented by a vote of 3-0 (Yee–Yes; Viola–Yes; Wong-Hernandez–Yes)

ITEM 85: A staff presentation was made to the Commission to 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.

Item 85 – was approved as amended by a vote of 3-0 (Yee–Yes; Viola–Yes; Wong-Hernandez–Yes)

ITEM 86: A staff presentation was made to the Commission to consider two Memoranda of Understanding between the Commission and the Tahoe Regional Planning Agency regarding Shorezone Permitting and Enforcement, respectively, on Lake Tahoe.

Item 86 – was approved as presented by a vote of 3-0 (Yee–Yes; Viola–Yes; Wong-Hernandez–Yes)

ITEM 87: A presentation was made to the Commission to 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.

Item 87 – was approved as presented by a vote of 3-0 (Yee–Yes; Viola–Yes; Wong-Hernandez–Yes)

ITEM 88: A staff presentation was made to the Commission to update them on the efforts to overhaul the Commission’s Environmental Justice Policy.

Item 88 – was informational – no vote required

ITEM 89: A staff presentation was made to the Commission on the public, interactive Web Mapping Application developed to provide comprehensive information and the best available science related to Public 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.

Item 89 – was informational – no vote required

RECORD OF ACTION CONTINUED

ITEM 90: A staff presentation was made to the Commission on the removal of the Dennett Dam from the Tuolumne River immediately downstream of the 9th Street Bridge, in the cities of Modesto and Ceres in Stanislaus County.

Item 90 – was informational – no vote required

(The State Lands Commission adjourned into closed session from 1:07 P.M. to 2:11 P.M., then resumed open session at 2:12 P.M.)

CLOSED SESSION: The Commission approved distribution of a draft boundary line agreement to the lakefront owners on Donner Lake in conjunction with the proposed settlement of Nevada County Superior Court Case SOS Donner Lake v. State of California, et al.

The Commission meeting public session was adjourned at 2:13 P.M.

**STAFF AND PUBLIC ADDRESSING
THE FOLLOWING STAFF REPORTS
OCTOBER 18, 2018**

ITEM C27

Nicholas Lavoie, Public Land Manager, Land Management Division, CSLC

- Sabrina Brennan, Co-founder, Committee of Equity in Women's Surfing
- Dylan Budd, General Counsel, World Surf League
- Jennifer Savage, California Policy Manager, Surfrider

ITEM 85

Nicholas Lavoie, Public Land Manager, Land Management Division, CSLC

- Sabrina Brennan, Co-founder, Committee of Equity in Women's Surfing
- Leslie Flint, Sequoia Audubon
- Mary Hufty, San Mateo County resident
- Rick Johnson, Citizens Committee to Complete the Refuge
- Edmundo Larenas
- Ebbie Nakhjavani, CEO, EKN Development Group
- Veronika Vostinak, Corporate Secretary, Sphere Institute
- Barb Singleton, open space advocate, Community Advocates Leadership Academy
- Lee Strieb, Research Director, Unite Here
- Karen Verpeet, Sphere Institute
- Helen Wolter, Legislative Advocate for Committee for Green Foothills, Baykeepers, and Save the Bay

ITEM 86

Warren Crunk, Staff Attorney, Legal Division, CSLC

ITEM 87

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

- Ronald Powell, Corporate Communications Director, Port of San Diego

ITEM 88

Abby Newman, Sea Grant Fellow, CSLC

- Sean Drake, Coastal Program Analyst, California Coastal Commission
- Ronald Powell, Corporate Communications Director, Port of San Diego
- Jennifer Savage, California Policy Manager, Surfrider

STAFF AND PUBLIC ADDRESSING CONT'D

ITEM 89

Maren Farnum, Staff Scientist, CSLC
Chris Packer, Research Analyst III, GIS Division, CSLC
Lesley Nishihara, Planning Director, Port of San Diego
Lily Tsukuyuma, California Sea Grant Fellow, Port of San Diego

- John Hansen, Coordinator, West Coast Ocean Alliance

ITEM 90

Colin Connor, Assistant Executive Officer, CSLC

PUBLIC COMMENT

- Christopher Adams, representing self
- Julie Baller, representing self
- Sabrina Brennan, Co-founder, Committee for Equity in Women's Surfing
- Frank Coats, representing self
- Howard Graves, representing self
- Uriel Hernández, representing self
- Mary Hufty, San Mateo County resident
- Edmundo Larenas
- Jennifer Savage, California Policy Manager, Surfrider
- Barb Singleton, open space advocate, Community Advocates Leadership Academy
- Helen Wolter, Legislative Advocate for Committee for Green Foothills, Baykeepers, and Save the Bay