

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

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

MONDAY, FEBRUARY 4, 2019
10:05 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. Eleni Kounalakis, Lieutenant Governor, Chairperson

Ms. Betty T. Yee, State Controller

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. Chris Scianni, Senior Environmental Scientist

Ms. Cheryl Hudson, Public Land Management Specialist

Ms. Sarah Mongano, Senior Environmental Scientist

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

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Mr. David Asti, Souther California Edison

Ms. Mary Bernier, Interfaith Peace Coalition

Mr. John Berge, Pacific Merchant Shipping Association

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

ALSO PRESENT:

Mr. Emilio Diaz

Mr. Dominick Gulli, Save Dad's Point

Dr. Kate Huckelbridge, California Coastal Commission

Ms. Alison Madden, San Francisco Bay Marinas For All

Mr. Dan Slanker, Redwood Creek Association

Mr. Ed Stancil

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I	10:00 A.M. - OPEN SESSION	1
II	CONFIRMATION OF MINUTES FOR THE MEETING OF DECEMBER 3, 2018	1
III	EXECUTIVE OFFICER'S REPORT Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:	3

Barry Agri/Tech (Lessee): Continuation of annual rent at \$189 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in Georgiana Slough, adjacent to 14260 River Road, near Walnut Grove, Sacramento County. (PRC 5349.1)

Jesse A. Berber and Elizabeth A. Berber, Trustees or any Successor Trustee of the Jesse A. Berber and Elizabeth A. Berber Family Trust Dated July 6, 2001 (Lessee): Continuation of annual rent at \$653 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in Colorado River, adjacent to 1138 Beach Drive, near Needles, San Bernardino County. (PRC 9282.1)

Patrick C. Bradley and Nancy T. Immekeppel (Lessee): Continuation of annual rent at \$375 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in Georgiana Slough, adjacent to 17001 Terminous Road, near Isleton, Sacramento County. (PRC 7764.1)

Russell H. Butcher and Leonore Butcher and Nicholas M. Hanna and Andrea L. Hanna (Lessee): Continuation of annual rent at \$347 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in Colorado River, adjacent to 1122 Beach Drive, near Needles, San Bernardino County. (PRC 9120.1)

Chevron Products Company, a division of Chevron U.S.A., Inc. (Lessee): Continuation of annual rent at \$15,795 per year for a General Lease - Right-of-Way Use located on sovereign land in San Pablo Bay,

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adjacent to Point San Pablo, near Richmond, Contra Costa County. (PRC 7062.1)

Brenda P. Cooley, Trustee of the Brenda Cooley Trust dated April 10, 2013, and Successor Trustees Thereunder; William Ashley Payne; Robert Best Payne; John C. Weaver III; Dan G. Best II, Trustee of the Dan G. Best II Revocable Living Trust under Declaration of Trust dated October 7, 1993; Dan G. Best II, as Sole Trustee of the "Best Exempt Credit Trust"; and Dan G. Best II, as Sole Trustee of the "Best Survivor's Trust" (Lessee): Continuation of annual rent at \$2,120 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 4940, 4950, and 4960 West Lake Boulevard, near Homewood, Placer County. (PRC 5828.1)

Freeport Marina Inc. (Lessee): Continuation of minimum annual rent at \$8,700 per year for a General Lease - Commercial Use located on sovereign land in Sacramento River, adjacent to 8250 Freeport, near Freeport, Sacramento County. (PRC 4157.1)

Duane M. Hines, Trustee of the June M. Woodger Trust (Lessee): Continuation of a minimum annual rent at \$9,800 per year for a General Lease - Commercial Use located on sovereign land in Mokelumne River, adjacent to 500 Brannan Island Road, near Isleton, Sacramento County. (PRC 2052.1)

Gail R. Jamar, Trustee of the Gail R. Jamar 2001 Separate Property Trust dated 7/11/01 and Nancy E. Proano and Robert J. Proano, Trustees of the Proano Family Trust, under declaration of trust dated May 2, 1996 (Lessee): Continuation of annual rent at \$807 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 3061 Jameson Beach Road, near South Lake Tahoe, El Dorado County. (PRC 3881.1)

Derry L. Knight and Patricia C. Esgro (Lessee): Continuation of annual rent at \$203 per year for a General Lease - Recreational Use located on sovereign land in Sacramento River, adjacent to 6535 Garden Highway, near Sacramento, Sacramento County. (PRC 8529.1)

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Terry P. Miller, Trustee of the Shelter Trust under Stephen Roy Miller 1982 Trust (Lessee): Continuation of annual rent at \$1,090 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 241 Drum Road, near Meeks Bay, El Dorado County. (PRC 2724.1)

North Forty Bay, LLC, a California Limited Liability Company (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 4784 North Lake Boulevard, near Carnelian Bay, Placer County. (PRC 8476.1)

Edward D. Pike, III, Trustee of the Pike Family Trust dated November 17, 1984 and amended and restated March 11, 1999 (Lessee): Continuation of annual rent at \$1,114 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 8335 Meeks Bay Avenue, near Rubicon Bay, El Dorado County. (PRC 9277.1)

Brock R. Settlemier and Marlene B. Settlemier, Trustees of the Brock R. Settlemier and Marlene B. Settlemier Trust Under Instrument Dated December 4, 1991, Laura Settlemier Mcintyre, Juliet Grace Settlemier Ivey, Brock Reid Settlemier, Jr., and Weston James Settlemier (Lessee): Continuation of annual rent at \$1,553 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 800 West Lake Boulevard, near Tahoe City, Placer County. (PRC 5843.1)

Shallow Beach Association, Inc. (Lessee): Continuation of annual rent at \$628 per year for a General Lease - Recreational Use located on sovereign land in Tomales Bay, adjacent to 470-520 Pierce Point Road, near Inverness, Marin County. (PRC 9125.1)

Lucy M. Souza, Trustee of The Arthur J. And Lucy M. Souza Trust Dated December 18, 2007 (Lessee): Continuation of annual rent at \$136 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in Sacramento River, adjacent to 3333 Garden Highway, near Sacramento, Sacramento County. (PRC 6671.1)

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Patrick J. Waltz and Linda J. Waltz, Trustees of the Patrick and Linda Waltz 2013 Revocable Trust (Lessee): Continuation of annual rent at \$169 per year for a General Lease - Recreational Use located on sovereign land in Sacramento River, adjacent to 6991 Garden Highway, near Sacramento, Sacramento County. (PRC 8518.1)

IV CONSENT CALENDAR C01-C77 14

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 WILLIAM S. BECKHAM AND BENITA F. BECKHAM, AS TRUSTEES OF THE BECKHAM 2008 LIVING TRUST, AND DENNIS R. UNDERWOOD AND GAIL A. UNDERWOOD, AS TRUSTEES OF THE UNDERWOOD 2008 LIVING TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6035 North Lake Boulevard, near Tahoe Vista, Placer County; for an existing pier, sundeck with stairs, boat hoist, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4360.1; RA# 04418) (A 1; S 1) (Staff: J. Toy)
- C 02 THOMAS H. BREDT AND POLLY WALKER BREDT, CO-TRUSTEES OF THE BREDT 1993 LIVING TRUST (LESSEE); DANELLE JAMES AND EDWARD KAVALERCHIK (APPLICANT): Consider termination of Lease No. PRC 3868.1, a General Lease - Recreational Use; and application for a General Lease -Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8645 Beach Lane, near Tahoma, El Dorado County; for an existing pier, boathouse with boat lift, boat hoist, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 3868.1; RA# 26117) (A 5; S 1) (Staff: S. Avila)
- C 03 CEDAR FLAT IMPROVEMENT ASSOCIATION, INCORPORATED (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake

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- Tahoe, adjacent to 4370 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier with sundeck and stairs, and 21 mooring buoys. CEQA Consideration: categorical exemption. (PRC 4173.1; RA# 04318) (A 1; S 1) (Staff: S. Avila)
- C 04 CHAMBERS LANDING NO. II HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6400 and 6500 West Lake Boulevard, near Homewood, Placer County; for an existing pier, 46 mooring buoys, placement of two seasonal swim areas, two swim floats, two marker buoys, and one speed limit buoy. CEQA Consideration: categorical exemption. (PRC 3044.1; RA# 06418) (A 1; S 1) (Staff: M. Schroeder)
- C 05 KENNETH LEE CHRISTIE AND GAIL BAIN CHRISTIE, AS TRUSTEES OF THE KENNETH LEE CHRISTIE AND GAIL BAIN CHRISTIE LIVING TRUST, DATED MAY 24, 2017; AND ROSS A. ROBINSON AND VICKI J. ROBINSON, AS TRUSTEES OF THE ROBINSON TRUST, DATED SEPTEMBER 2, 2016; (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3990 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4143.1; RA# 06618) (A 1; S 1) (Staff: S. Avila)
- C 06 COMCAST OF CALIFORNIA/MARYLAND/PENNSYLVANIA/VIRGINIA/WEST VIRGINIA, LLC (LESSEE): Consider revision of rent to Lease No. PRC 5592.1, a General Lease - Right-of-Way Use, of sovereign land located in the Albion River, near Albion, and in the Big River, near Mendocino, Mendocino County; for existing fiber optic communication cables. CEQA Consideration: not a project. (PRC 5592.1) (A 2; S 2) (Staff: S. Evans)
- C 07 JOSEPH P. FANUCCHI AND MARILYN M. FANUCCHI (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1500 North Lake Boulevard, Tahoe City, Placer County; for one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26766; RA# 25113) (A 1; S 1) (Staff: M. Schroeder)

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- C 08 JOHN S. GLETNE AND NYDIA GLETNE, TRUSTEES, U.D.T., DATED MAY 27, 1992 (ASSIGNOR); NYDIA GLETNE AND GLENDA L. GAITHER, TRUSTEES OF THE GLENTE SURVIVOR'S TRUST AS SET FORTH IN THE GLETNE FAMILY LIVING TRUST DATED MAY 27, 1992 (ASSIGNEE): Consider assignment and revision of rent of Lease No. PRC 4121.1, General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4020 North Lake Boulevard, near Tahoe City, Placer County; for an existing pier, a portion of a boat lift, boathouse, and a sundeck, railing and stairs, and two mooring buoys. CEQA Consideration: not projects. (PRC 4121.1; RA# 07818) (A 1; S 1) (Staff: J. Toy)
- C 09 TERRIE HANSEN, TRUSTEE OF THE TERRIE HANSEN LIVING TRUST UAD 8/20/07 F/B/O TERRIE HANSEN, AND HER HEIRS; AND OLIVER CARLTON PHILLIPS (APPLICANT): Consider a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4527 West Lake Boulevard, near Homewood, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 5524.1; RA# 01918) (A 1; S 1) (Staff: S. Avila)
- C 10 ELEANOR HEWLETT GIMON AND SALLY M. HEWLETT, TRUSTEES OF THE HEWLETT FAMILY TRUST OF JANUARY 1, 1992 (LESSEE): Consider revision of rent to Lease No. PRC 4854.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2050 West Lake Boulevard, Tahoe City, Placer County; for an existing rock crib pier, breakwater and one mooring buoy. CEQA Consideration: not a project. (PRC 4854.1) (A 1; S 1) (Staff: S. Evans)
- C 11 BRYAN H. HILLSTROM, TRUSTEE OF THE BRYAN H. HILLSTROM TRUST DATED JUNE 19, 2014 AND TONY WEIR INDUSTRIES, LLC, A TEXAS LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 214 and 226 Four Ring Road, near Rubicon Bay, El Dorado County; for an existing joint-use pier and one mooring buoy. CEQA Consideration: categorical exemption. (PRC 4853.1; RA# 00715) (A 5; S 1) (Staff: M. Schroeder)

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- C 12 ROBERT A. HYER AND SONOMA HYER (LESSEE): Consider revision of rent to Lease No. PRC 8460.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 16510 County Road 117, West Sacramento, Yolo County; for a boat dock and appurtenant facilities. CEQA Consideration: not a project. (PRC 8460.1) (A 4; S 3) (Staff: S. Evans)
- C 13 JOHN I. KESSLER, TRUSTEE OF THE BURTON HANCOCK TRUST (LESSEE); TONY WEIR INDUSTRIES, LLC, A TEXAS LIMITED LIABILITY COMPANY (APPLICANT): Accept a lease quitclaim deed and consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 226 Four Ring Road, near Rubicon Bay, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7451.1; RA# 39514) (A 5; S 1) (Staff: M. Schroeder)
- C 14 CHARLES E. MCCARL AND SUZANNE MCCARL AS TRUSTEES OF THE CHARLES E. MCCARL AND SUZANNE MCCARL FAMILY TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3047 Jameson Beach Road, near South Lake Tahoe, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7959.1; RA# 18317) (A 5; S 1) (Staff: S. Avila)
- C 15 LAWRENCE MCCULLOUGH AND JAMIE MCCULLOUGH (ASSIGNOR); AMY BOGART AND HALEY BOGART (ASSIGNEE): Consider assignment of Lease No. PRC 3550.9, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4676 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: not a project. (PRC 3550.9; RA# 06218) (A 1; S 1) (Staff: J. Toy)
- C 16 JOHN MURRY OWENS AND DIANE OWENS, TRUSTEES OF THE OWENS FAMILY REVOCABLE TRUST, DATED MARCH 14, 2007; DIANE OWENS, TRUSTEE OR HER SUCCESSOR IN TRUST UNDER THE OWENS IRREVOCABLE GIFTING TRUST, DATED DECEMBER 3, 2007; JOHN MURRY OWENS, TRUSTEE OR HIS SUCCESSOR IN TRUST UNDER THE OWENS FAMILY BANK TRUST, DATED DECEMBER 3, 2007 (APPLICANT): Consider application for

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- a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8411 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier and one mooring buoy. CEQA Consideration: categorical exemption. (PRC 5646.1; RA# 08818) (A 5; S 1) (Staff: J. Toy)
- C 17 ADOLPH A. SCHONDER AND KATHLEEN M. SCHONDER, TRUSTEES OF THE ADOLPH AND KATHLEEN SCHONDER REVOCABLE TRUST, DATED MARCH 7, 2005 (ASSIGNOR); AMJAD MUNIM (ASSIGNEE): Consider assignment of Lease No. PRC 9321.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 735 Lakeview Avenue, near South Lake Tahoe, El Dorado County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 9321.1; RA# 31517) (A 5; S 1) (Staff: M.J. Columbus)
- C 18 KEITH THOMAS SCHULER AND CHELLE RENAE SCHULER, TRUSTEES OF THE SCHULER FAMILY REVOCABLE TRUST, DATED JANUARY 7, 2016; JAMES GORDON OLIVER; AND PATRICIA J. OLIVER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6140 and 6150 West Lake Boulevard, near Homewood, Placer County; for an existing joint-use pier, boathouse, boat hoist, four mooring buoys, and sundeck with stairs. CEQA Consideration: categorical exemption. (PRC 4884.1; RA# 01618) (A 1; S 1) (Staff: J. Toy)
- C 19 PAMELA A. SEROY, TRUSTEE OF THE PAMELA A. SEROY REVOCABLE TRUST DATED 11/17/99 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8642 Brockway Vista Avenue, near Kings Beach, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27204; RA# 08018) (A 1; S 1) (Staff: J. Toy)
- C 20 ROBERT T. SHEPHERD, RICHARD V. SHEPHERD, JAMES K. SHEPHERD, AND MARY JO SHEPHERD, AS TRUSTEE OF THE WILLIAM R. SHEPHERD III, 2004 TRUST, DATED APRIL 29, 2004; AND MARY JO SHEPHERD, TRUSTEE OF THE MARY JO SHEPHERD HOMEWOOD QUALIFIED PERSONAL RESIDENCE TRUST, DATED DECEMBER 31, 2008 (APPLICANT):

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- Consider application for a General Lease -
 Recreational Use, of sovereign land located in Lake
 Tahoe, adjacent to 6210 West Lake Boulevard, near
 Homewood, Placer County; for an existing pier,
 boathouse with two boat lifts, sundeck with stairs,
 and two mooring buoys. CEQA Consideration: categorical
 exemption. (PRC 4272.1; RA# 31017) (A 1; S 1) (Staff:
 S. Avila)
- C 21 SHE'S SUCH A LADY, LLC, A CALIFORNIA LIMITED
 LIABILITY COMPANY (APPLICANT): Consider application
 for a General Lease - Recreational Use, of sovereign
 land located in Lake Tahoe, adjacent to 221 Paradise
 Flat Lane, near Rubicon Bay, El Dorado County; for an
 existing pier, boat lift, swim float, and two mooring
 buoys. CEQA Consideration: categorical exemption. (PRC
 4852.1; RA# 04818) (A 5; S 1) (Staff: J. Toy)
- C 22 CHARLES G. STEPHENSON, AS TRUSTEE OF THE
 STEPHENSON FAMILY TRUST, DATED MAY 5, 2004; JULIE S.
 PACKARD; BARBARA S. PETERS; GAYLEY E. STEPHENSON; KATE
 S. GAITLEY; AND JOHN T. STEPHENSON (APPLICANT):
 Consider application for a General Lease -
 Recreational Use, of sovereign land located in Lake
 Tahoe, adjacent to 4870 West Lake Boulevard, near
 Homewood, Placer County; for an existing pier and two
 mooring buoys. CEQA Consideration: categorical
 exemption. (PRC 3724.1; RA# 00518) (A 1; S 1) (Staff:
 S. Avila)
- C 23 D. RUSSELL SYMON, JR., TRUSTEE OF THE TRUST
 ESTABLISHED BY THE DECLARATION OF TRUST DATED JULY 24,
 1986, AMENDED AND RESTATED ON MARCH 30, 2010 AS THE D.
 RUSSELL AND SALLY MOORE SYMON FAMILY TRUST DATED JULY
 24, 1986; BONNIE J. SYMON, TRUSTEE OF THE SYMON FAMILY
 TRUST (TRUST B) CREATED U/D/T DATED JULY 31, 1986;
 MARGARET S. DONALDSON, TRUSTEE OF THE DONALDSON FAMILY
 TRUST, WHICH WAS CREATED UNDER A TRUST AGREEMENT
 EXECUTED WITH DEAN R. DONALDSON ON AUGUST 28, 1985 AND
 AMENDED BY A COMPLETE RESTATEMENT OF TRUST AGREEMENT
 ON JULY 10, 2013; JAMES R. LONG, TRUSTEE OF THE JRL
 MARITAL TRUST, U/T/A DATED DECEMBER 29, 2010; JULIE
 ANN WHITE, TRUSTEE OF THE JF DESCENDANT TRUST, CREATED
 UNDER THE VML TRUST AGREEMENT DATED DECEMBER 20, 2010;
 AND JENNIFER FORBECK, TRUSTEE OF THE JF DESCENDANT
 TRUST, CREATED UNDER THE VML TRUST AGREEMENT DATED
 DECEMBER 20, 2010 (APPLICANT):

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- Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3735 Idlewild Way, near Homewood, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4185.1; RA# 04618) (A 1; S 1) (Staff: S. Avila)
- C 24 TAHOE DONNER ASSOCIATION (LESSEE): Consider revision of rent to Lease No. PRC 4909.1, a Non-Commercial Lease, of sovereign land located in Donner Lake, adjacent to 12914 and 12993 Donner Pass Road, Truckee, Nevada County; for two existing floating docks and appurtenant facilities. CEQA Consideration: not a project. (PRC 4909.1) (A 1; S 1) (Staff: S. Evans)
- C 25 DAVID J. TEECE AND LEIGH G. TEECE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 250 Four Ring Road, near Tahoma, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7246.1; RA# 08418) (A 5; S 1) (Staff: J. Toy)
- C 26 URBANA TAHOE TC, LLC, A DELAWARE LIMITED LIABILITY COMPANY (LESSEE/ASSIGNOR/SUBLESSOR); LCOF LAKE TAHOE INVESTMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY (ASSIGNEE); ACTION MOTORSPORTS OF TAHOE, INC., A CALIFORNIA CORPORATION (SUBLESSEE); AND PFP HOLDING COMPANY, LLC, A DELAWARE LIMITED LIABILITY COMPANY (SECURED-PARTY LENDER): Consider termination of an agreement and consent to encumbrancing of lease, assignment of lease, approval of a sublease endorsement, and agreement and consent to encumbrancing of Lease No. PRC 3981.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 3411 Lake Tahoe Boulevard, near South Lake Tahoe, El Dorado County; for an existing commercial marina known as Timber Cove Lodge Marina. CEQA Consideration: not projects. (PRC 3981.1; RA# 14018) (A 5; S 1) (Staff: M.J. Columbus)

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- C 27 JACQUELINE D. WILDER, TRUSTEE OF THE WILDER FAMILY 1985 REVOCABLE TRUST DATED JUNE 29, 1985 (LESSEE): Consider revision of rent to Lease No. PRC 6608.1, a General Lease - Recreational Use, of sovereign land located in the Napa River, adjacent to 1632 Milton Road, Napa, Napa County; for an existing boat dock and appurtenant facilities. CEQA Consideration: not a project. (PRC 6608.1) (A 4; S 3) (Staff: S. Evans)
- BAY/DELTA REGION
- C 28 BEL WEST, L.P. (LESSEE): Consider revision of rent to Lease No. PRC 4898.1, a General Lease - Recreational Use, of sovereign land located in the Corte Madera Creek, adjacent to 975 South Eliseo Drive, Greenbrae, Marin County; for an existing boat dock and appurtenant facilities. CEQA Consideration: not a project. (PRC 4898.1) (A 10; S 2) (Staff: S. Evans)
- C 29 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 adjacent to San Francisco Bay, Burlingame, San Mateo County; for a restaurant, parking lot, lagoon, footbridge, pedestrian path, landscaping, and shoreline protection. CEQA Consideration: not a project. (PRC 4687.1) (A 22; S 13) (Staff: A. Franzoia)
- C 30 BURLINGAME POINT, LLC (LESSEE): Consider amendment to Lease No. PRC 9084.1, a General Lease - Recreational, Protective Structure and Right-of-Way Use, of sovereign land adjacent to San Francisco Bay, Burlingame, San Mateo County, to extend the time for project completion. CEQA Consideration: categorical exemption. (PRC 9084.1; RA# 10718) (A 22; S 13) (Staff: A. Franzoia)
- C 31 CALIFIA LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 7631.1, a General Lease - Commercial Use, of sovereign land located in the San Joaquin River, adjacent to 73 West Stewart Road, Lathrop, San Joaquin County; for an existing commercial marina, known as

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- Mossdale Marina. CEQA Consideration: not a project.
(PRC 7631.1) (A 12; S 5) (Staff: S. Evans)
- C 32 CHEVRON U.S.A., INC. (LESSEE): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse No. 2018122022, adoption of a Mitigation Monitoring Program, and consider amendment to Lease No. PRC 3277.1, a General Lease - Right-of-Way Use, of sovereign land in Honker Bay, Solano and Contra Costa Counties; Roaring River Slough, Montezuma Slough, and Grizzly Slough, Solano County; and the Sacramento River, Yolo and Sacramento Counties; to install a petroleum pipeline and abandon-in-place the existing pipeline under Montezuma Slough between Grizzly Island Road to Birds Landing Road, near Suisun City. (PRC 3277.1; RA# 11418) (A 11; S 3) (Staff: M. Schroeder)
- C 33 CITY OF PALO ALTO (LESEE): Consider amendment of Lease No. PRC 9143.9, a General Lease - Public Agency Use, of sovereign land near the Palo Alto Airport, Palo Alto, Santa Clara County; to authorize existing pipelines and allow for the construction of a new outfall pipeline associated with a wastewater treatment plant. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Palo Alto, State Clearinghouse No. 2017122060, and adoption of a Mitigation Monitoring Program. (PRC 9143.9; RA# 29817) (A 24; S 13) (Staff: D. Tutov)
- C 34 CITY OF SAN MATEO (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the San Francisco Bay, adjacent to the San Mateo Bridge, San Mateo County; for an existing outfall pipeline. CEQA Consideration: categorical exemption. (PRC 3947.9; RA# 17216) (A 22; S 13) (Staff: J. Holt)
- C 35 CITY OF SUISUN CITY (APPLICANT): Consider application for a General Lease - Dredging to dredge material from sovereign land located in Suisun Slough, Solano County; disposal of dredged material at the designated upland disposal site at the Pierce Island Levee Rehabilitation Project. CEQA Consideration: categorical exemption. (PRC 7757.9; RA# 08918) (A 11; S 3) (Staff: A. Franzoia)

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- C 36 TED AND NICOLA CONSTANTINE (LESSEE): Consider revision of rent to Lease No. PRC 5933.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 3777 Garden Highway, near Sacramento, Sacramento County; for an existing covered boat dock, debris diverter, and appurtenant facilities. CEQA Consideration: not a project. (PRC 5933.1) (A 7; S 6) (Staff: S. Evans)
- C 37 CONTRA COSTA WATER DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Pacheco Creek, near Martinez, Contra Costa County; for an existing buried non-operational water pipeline. CEQA Consideration: categorical exemption. (PRC 3371.1; RA# 31416) (A 14; S 7) (Staff: J. Holt)
- C 38 PAULA FAVA CORCORAN (LESSEE): Consider revision of rent to Lease No. PRC 3710.1, a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 5 Hillside Terrace, near Novato, Marin County; for an existing boathouse and pier. CEQA Consideration: not a project. (PRC 3710.1) (A 10; S 2) (Staff: S. Evans)
- C 39 GEORGE W. CORVALLIS, JR. AND JOETTA K. CORVALLIS (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 200 Miner Court, near Isleton, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 5615.1; RA# 29317) (A 11; S 3) (Staff: J. Holt)
- C 40 LUCERO DORADO (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27195; RA# 16215) (A 10; S 2) (Staff: D. Tutov)

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- C 41 GREENBRAE IMPROVEMENT CLUB INC. (LESSEE): Consider revision of rent to Lease No. PRC 9119.1, a General Lease - Recreational Use, of sovereign land located in the Corte Madera Creek, adjacent to 2170 Redwood Highway, Greenbrae, Marin County; for an existing boat dock and appurtenant facilities. CEQA Consideration: not a project. (PRC 9119.1) (A 10; S 2) (Staff: S. Evans)
- 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 San Joaquin River, adjacent to 23455 Hays Road, near Manteca, San Joaquin County; for an existing access road with a deck and culvert. CEQA Consideration: not a project. (PRC 2511.1) (A 12; S 5) (Staff: S. Evans)
- C 43 JOHN LONGEVAL LEWALLEN AND DIANA M. LEWALLEN, TRUSTEES OF THE JOHN AND DIANA LEWALLEN TRUST (LESSEE): Consider revision of rent to Lease No. PRC 6036.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 13800 River Road, Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: not a project. (PRC 6036.1) (A 11; S 3) (Staff: S. Evans)
- C 44 VICKI A. PFINGST, AS TRUSTEE OF THE VICKI A. PFINGST TRUST, U.D.T., DATED MARCH 3, 1998 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2521 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 4939.1; RA# 32017) (A 7; S 6) (Staff: J. Holt)
- C 45 PINE CREEK OWNERS ASSOCIATION, INC. (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Corte Madera Creek, adjacent to 755-775 South Eliseo Drive, near Greenbrae, Marin County; for an existing boat dock, appurtenant

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- facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 4523.1; RA# 07718) (A 10; S 2) (Staff: J. Holt)
- C 46 STEVEN SCHULE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 6029 Garden Highway, near Sacramento, Sacramento County; for an existing covered boat dock with slip and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8799.1; RA# 09418) (A 7; S 6) (Staff: J. Holt)
- C 47 TAMARA N. ST CLAIRE AND RICHARD W. GEVEN (ASSIGNOR); TERRIE GORDON GAMBLE, TRUSTEE OF THE TERRIE GORDON GAMBLE TRUST DATED 05/15/2015 (ASSIGNEE): Consider assignment of Lease No. PRC 8785.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 7027 Garden Highway, near Sacramento, Sacramento County; for an existing covered boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 8785.1; RA# 33017) (A 7; S 6) (Staff: G. Asimakopoulos)
- C 48 SANTA CLARA VALLEY WATER DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Artesian Slough and New Chicago Marsh near Alviso, Santa Clara County; for a coastal levee project known as the South San Francisco Bay Shoreline Project. CEQA Consideration: Environmental Impact Report/Statement, certified by the Santa Clara Valley Water District, State Clearinghouse No. 2006012020, and adoption of a Mitigation Monitoring Program, Statement of Findings, and Statement of Overriding Considerations. (W 27193; RA# 35317) (A 25; S 10) (Staff: D. Tutov)
- C 49 STANISLAUS COUNTY (LESSEE): Consider amendment of Lease No. PRC 2961.9, a General Lease - Public Agency Use, of sovereign land in the Tuolumne River, adjacent to Assessor's Parcel Numbers 080-041-005, 080-035-009, 080-009-001, and 080-011-001, near Waterford, Stanislaus County; for the construction, use, and maintenance of a new bridge known as the Hickman Road Bridge, use of a temporary construction easement; and

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- the removal of the existing Hickman Road Bridge; CEQA Consideration: Mitigated Negative Declaration, adopted by the Stanislaus County Department of Public Works, State Clearinghouse No. 2017102063, and adoption of a Mitigation Monitoring Program. (PRC 2961.9; RA# 00818) (A 12; S 8) (Staff: D. Tutov)
- C 50 STARBIRD MARICULTURE INC. (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27194; RA# 29115) (A 10; S 2) (Staff: D. Tutov)
- C 51 TODD STEVENOT AND ANNE CATHARINE SANDBACH (APPLICANT): Consider application for General Lease - Residential and Recreational Use, of sovereign land located in the Petaluma River, adjacent to 118 Beattie Avenue, near Novato, Marin County; for an existing walkway and pier previously authorized by the Commission, and an existing platform, deck, and portion of residence not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 3870.1; RA# 35417) (A 10; S 2) (Staff: J. Holt)
- C 52 STANLEY J. STEWART AND PAMELA O. STEWART, AS TRUSTEES OF THE STEWART 2006 LIVING TRUST DATED APRIL 10, 2006 (APPLICANT): Consider an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3077 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, 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 6883.1; RA# 34517) (A 7; S 6) (Staff: G. Asimakopoulos)
- C 53 STOCKON MARINA PROPERTIES, LLC (LESSEE): Consider revision of rent to Lease No. PRC 4049.1, a General Lease - Commercial Use, of sovereign land located in Seven Mile Slough, adjacent to 1550 Twitchell Island

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- Road, Isleton, Sacramento County; for an existing commercial marina, known as Owl Harbor Marina. CEQA Consideration: not a project. (PRC 4049.1) (A 11; S 3) (Staff: S. Evans)
- C 54 JOSEPH T. ZEITER (APPLICANT): Consider an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the historic bed of the San Joaquin River at Atherton Cove, adjacent to 3700 Country Club Boulevard, near Stockton, San Joaquin County; for two existing boat dock facilities consisting of an uncovered boat dock, four covered boat docks, a sundeck, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 5577.1; RA# 32817) (A 13; S 5) (Staff: G. Asimakopoulos)
- CENTRAL/SOUTHERN REGION
- C 55 JAMES A. CACCAVO AND KIMBERLY J. CACCAVO, OR THEIR SUCCESSORS, AS TRUSTEES OF THE JAMES AND KIMBERLY CACCAVO FAMILY TRUST DATED FEBRUARY 17, 2002 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, below 417 Pacific Avenue, Solana Beach, San Diego County; for an existing seawall and a portion of a seacave/notch fill. CEQA Consideration: categorical exemption. (PRC 8811.1; RA# 05118) (A 78; S 39) (Staff: D. Simpkin, B. Johnson)
- C 56 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION (PARTIES): Consider acceptance of an offer to dedicate a lateral public access easement over land adjacent to 25350 Malibu Road, Malibu, Los Angeles County. CEQA Consideration: not a project. (W 24665) (A 50; S 27) (Staff: L. Pino)
- C 57 RALPH S. CASS AND LOISANN L. CASS, TRUSTEES OF THE CASS FAMILY TRUST, ESTABLISHED JULY 26, 2001, AS AMENDED JANUARY 16, 2017 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Morro Bay adjacent to 1134 5th Street, Los Osos, San Luis Obispo County; for an existing recreational pier not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 24180; RA# 10618) (A 35; S 17) (Staff: L. Pino)

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- C 58 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE): Consider amendment to Lease No. PRC 8079.9, a General Lease - Public Agency Use, of sovereign land located on Owens Lake, Inyo County; for the installation, use, and maintenance of barn owl boxes in Dust Control areas (DCA) T5, T6, T7, and T8; the extended use of sand fences; the redesignation of 353 acres of managed vegetation dust control measures to sprinkler shallow flooding; the continued use and maintenance of two previously unauthorized access roads in DCA T37-2a (T37-2-L1); installation of flood control system in DCA T2-1b (C2-L1); and the continued use and maintenance of 0.81 acre of previously unauthorized gravel cover in DCA T2-1b (C2-L1) and 1.46 acres in DCA T2-1c (Duck Pond L1). CEQA Consideration: Environmental Impact Reports (State Clearinghouse Nos. 2011051068 and 2014071057) certified by the City of Los Angeles Department of Water and Power, an Addendum to the Environmental Impact Reports prepared by Commission staff, and categorical exemptions. (PRC 8079.9; RA# 15117) (A 26; S 8) (Staff: D. Simpkin)
- C 59 VIET VAN DANG AND THUY TRAN DANG, TRUSTEES OF THE VIET V. AND THUY T. DANG FAMILY LIVING TRUST DATED JULY 26, 2000 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour adjacent to 16822 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock and access ramp not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27014; RA# 05918) (A 72; S 34) (Staff: L. Pino)
- C 60 JUDITH A. FINCH (LESSEE): Consider revision of rent to Lease No. PRC 5492.1, a General Lease - Commercial Use, of sovereign land located in the historic bed of the San Joaquin River, adjacent to 10705 Lanes Road, in Fresno, Fresno County; for an existing unimproved recreational vehicle park and boat launch. CEQA Consideration: not a project. (PRC 5492.1) (A 5, 23; S 8, 12) (Staff: L. Pino)
- C 61 CHRIS JOSEPH HAMILTON AND JUDITH WREN HAMILTON, TRUSTEES OF THE HAMILTON TRUST DATED DECEMBER 5, 1995 (APPLICANT): Consider application for a General Lease

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- Protective Structure Use, of sovereign land located in the Pacific Ocean, below 407 Pacific Avenue, Solana Beach, San Diego County; for an existing seawall and a portion of a seacave/notch fill. CEQA Consideration: categorical exemption. (PRC 8821.1; RA# 10818) (A 78; S 39) (Staff: D. Simpkin, B. Johnson)
- C 62 RUSSELL H. LEPPER AND MARSHA L. LEPPER (LESSEE): Consider revision of rent to Lease No. PRC 3172.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16622 Somerset Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp and cantilevered deck. CEQA Consideration: not a project. (PRC 3172.1) (A 72; S 34) (Staff: S. Evans)
- C 63 KENNETH ARTHUR LESTER AND LANA CHRISTINE LESTER, TRUSTEES OF THE LESTER FAMILY TRUST, DATED APRIL 18, 1991 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16821 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (PRC 4095.1; RA# 03818) (A 72; S 34) (Staff: K. Connor)
- C 64 MEGAN MATCHINSKE AND DAVID W. BREHMER (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, below 423 Pacific Avenue, Solana Beach, San Diego County; for an existing seawall and a portion of a seacave/notch fill. CEQA Consideration: categorical exemption. (PRC 8812.1; RA# 05218) (A 78; S 39) (Staff: D. Simpkin, B. Johnson)
- C 65 JACK GRAHAM MERRITT AND SHARON LEE MERRITT AS TRUSTEES OF THE JACK GRAHAM MERRITT AND SHARON LEE MERRITT FAMILY TRUST, DATED DECEMBER 13, 1988 (ASSIGNOR); LESTER A. WALKER, III AND MARIA ELENA WALKER (ASSIGNEE): Consider assignment of Lease No. PRC 8966.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in Huntington Harbour, adjacent to 3502 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck, and bulkhead

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protection. CEQA Consideration: not a project. (PRC 8966.1; RA# 10318) (A 72; S 34) (Staff: K. Connor)

C 66 ROBERT D. STEWART, TRUSTEE OF THE STEWART 2012 IRREVOCABLE FAMILY TRUST, DATED DECEMBER 17, 2012 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign located in the Main Channel of Huntington Harbour, adjacent to 16692 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and two cantilevered decks not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27022; RA# 05818) (A 72; S 34) (Staff: K. Connor)

C 67 LEE SWEARINGEN, TRUSTEE OF THE SWEARINGEN FAMILY TRUST, UNDER DECLARATION OF TRUST, DATED APRIL 15, 1996 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16832 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (PRC 5936.1; RA# 29917) (A 72; S 34) (Staff: K. Connor)

C 68 BRUCE L. WARREN AND TRACY ST AMOUR, CO-TRUSTEES OF THE WARREN TSA TRUST, DATED JANUARY 4, 2011; BRUCE L. WARREN AND TRACY ST AMOUR, CO-TRUSTEES OF THE WARREN CLW TRUST, DATED JANUARY 4, 2011; BRUCE L. WARREN AND TRACY ST AMOUR, CO-TRUSTEES OF THE WARREN LWC TRUST, DATED JANUARY 4, 2011 AND; BRUCE L. WARREN AND TRACY ST AMOUR, CO-TRUSTEES OF THE WARREN BLW TRUST, DATED JANUARY 4, 2011 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located at the mouth of the San Dieguito River and the Pacific Ocean, adjacent to 3010 Sandy Lane, Del Mar, San Diego County; for a rock riprap revetment, and masonry and wood fencing. CEQA Consideration: categorical exemption. (PRC 7899.1; RA# 32515) (A 78; S 39) (Staff: D. Simpkin)

SCHOOL LANDS

C 69 JOHN BARNUM (LESSEE): Consider revision of rent to Lease No. PRC 6823.2, a General Lease - Grazing Use, of State indemnity school land, in portions of Section 11, 12, 13 and 14, Township 26 North, Range 16

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- East, MDM, and Sections 6 and 7, Township 26 North, Range 17 East, MDM, near Herlong, Lassen County; for livestock grazing and fencing. CEQA Consideration: not a project. (PRC 6823.2) (A 1; S 1) (Staff: S. Evans)
- C 70 GEYSERS POWER COMPANY, LLC (LESSEE): Consider revision of rent to Lease No. PRC 8090.2, a General Lease - Right-of-Way Use, of lieu land located in Section 33, Township 11 North, Range 8 West, MDM, near Middletown, Sonoma County; for an existing unpaved access road, known as Pine Flat Road. CEQA Consideration: not a project. (PRC 8090.2) (A 4; S 2) (Staff: S. Evans)
- C 71 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 3463.2, a General Lease - Right-of-Way Use, of State-owned school lands located within portions of Section 36, Township 23 North, Range 6 East, SBM; Section 36, Township 22.5 North, Range 6 East, SBM; Section 16, Township 25 North, Range 5 East, SBM; Section 36, Township 25 North, Range 5 East, SBM; Section 16, Township 22 North, Range 7 East; SBM, and Section 36, Township 26 North, Range 3 East, SBM, near Death Valley Junction, Inyo County; for an existing electrical transmission line. CEQA Consideration: not a project. (PRC 3463.2) (A 26; S 8) (Staff: C. Hudson)
- C 72 TRAVIS STEWART (APPLICANT): Consider application for a General Lease - Grazing Use on State-owned indemnity and lieu lands, located within all of Sections 22, 26, 34, portions of Section 9, 15, 23, 25, Township 27 North, Range 17 East, MDM; and a portion of Section 33, Township 28 North, Range 17 East, MDM, near Duck Lake, Lassen County; for livestock grazing. CEQA Consideration: categorical exemption. (W 27190; RA# 01818) (A 1; S 1) (Staff: C. Hudson)
- C 73 EDWARD SVENDSEN AND ELIZABETH FIELDING (LESSEE): Consider revision of rent to Lease No. PRC 9137.2, a General Lease - Grazing Use, of State indemnity school land, in portions of Section 3, 10, 11 and 14, Township 26 North, Range 16 East, MDM, near Herlong, Lassen County; for livestock grazing and fencing.

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CEQA Consideration: not a project. (PRC 9137.2) (A 1;
S 1) (Staff: S. Evans)

MINERAL RESOURCES MANAGEMENT

- C 74 RONALD JAMES MARTIN (APPLICANT): Consider application to extend a mineral prospecting permit for placer gold and minerals other than oil, gas, or geothermal resources, sand and gravel, Assessor's Parcel Number 097-210-06, containing approximately 145 acres of State fee-owned school land, located within section 36, T28½S, R40E, MDM, Kern County. CEQA Consideration: categorical exemption. (PRC 9378.2; RA# 12118) (A 34; S 16) (Staff: V. Perez)
- C 75 ROBERT G. WETZEL (APPLICANT): Consider application for a prospecting permit for precious metals and minerals other than oil, gas, geothermal resources, or sand and gravel, Assessor's Parcel Number 0570-051-24, containing approximately 633 acres of State fee-owned school land, located within Section 16, T15N, R10E, SBM, about 3 miles northwest of Interstate 15 Halloran Springs Exit, San Bernardino County. CEQA Consideration: Environmental Assessment/Finding of No Significant Impact adopted by the U.S. Bureau of Land Management. (PRC 9305.2; RA# 12418) (A 33; S 18) (Staff: V. Perez)

MARINE ENVIRONMENTAL PROTECTION - SEE REGULAR

ADMINISTRATION - NO ITEMS

LEGAL

- C 76 CALIFORNIA STATE LANDS COMMISSION: Consider approval of proposed additions to the California Code of Regulations, title 2, division 3, chapter 1, article 2.9.1-Permits for Geophysical Surveys. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, adopted by the California State Lands Commission, State Clearinghouse No. 2013072021, and categorical exemption. (W 30177) (A & S: Statewide) (Staff: K. Keen, J. Fabel)

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C 77 CALIFORNIA STATE LANDS COMMISSION: Consider authorizing the Attorney General to file a disclaimer in the McEnerney action entitled City and County of San Francisco v. All Persons, etc. et al. and State of California, San Francisco County Superior Court No. CGC-18-569714. CEQA Consideration: not applicable. (G 11-01) (A 17; S 11) (Staff: R. Boggiano, S. Scheiber)

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS - SEE LEGAL

V INFORMATIONAL

78 CALIFORNIA STATE LANDS COMMISSION: Legislative Report providing information and a status update concerning state legislation relevant to the Commission. CEQA consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)

VI REGULAR CALENDAR 79-84

79 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational update on implementation of the Commission's 2016-2020 Strategic Plan. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: C. Connor, J. Lucchesi)

15

80 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider certification of a Final Subsequent Environmental Impact Report (State Clearinghouse No. 1998031027); adoption of Findings and Mitigation and Monitoring Program; an application for an amendment to Lease No. PRC 8097.1, a General Lease - Non-Income Producing Use, of sovereign land located in the Pacific Ocean, San Clemente, Orange County, to authorize the Wheeler North Reef Expansion Project and revise the annual rent. (PRC 8097.1; RA# 21616) (A 73; S 36) (Staff: C. Hudson, S. Mongano, B. Johnson)

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<p>81 CALIFORNIA STATE LANDS COMMISSION: Consider approval of the legislative report titled "2019 Biennial Report on the California Marine Invasive Species Program." CEQA Consideration: not a project. (W 9777.234) (A & S: Statewide) (Staff: C. Scianni, N. Dobroski)</p>	46
<p>82 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation in the 2019-20 legislative session to amend the Marine Invasive Species Act. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton, N. Dobroski)</p>	60
<p>83 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation in the 2019-20 legislative session to address the decommissioning of offshore oil and gas facilities. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)</p>	65
<p>84 CALIFORNIA STATE LANDS COMMISSION: Consider supporting federal legislation introduced in the 116th Congress, H.R. 310 by Congressman Jared Huffman (D-CA-2) to permanently prohibit offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington, and H.R. 279 by Congressman Salud Carbajal (D-CA-24) to permanently prohibit oil and gas leasing off the coast of California. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)</p>	68
<p>VII PUBLIC COMMENT</p>	71
<p>VIII COMMISSIONERS' COMMENTS</p>	102
<p>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:</p>	102

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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:

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

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

Oakland Bulk and Oversized Terminal, LLC v. City of Oakland

San Francisco Baykeeper v. California State Lands Commission

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.

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

SOS Donner Lake v. State of California, et al

State of California v. International Boundary and Water Commission, et al.

State Lands Commission v. Plains Pipeline, L.P., et al.

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

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

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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 103

Reporter's Certificate 104

P R O C E E D I N G S

1
2 CHAIRPERSON KOUNALAKIS: I call this meeting of
3 the State Lands Commission to order.

4 All the representatives of the Commission are
5 present. I am Lieutenant Governor Eleni Kounalakis. I'm
6 joined today by State Controller Betty Yee, and Jacqueline
7 Wong-Hernandez representing the Department of Finance.

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

16 Today, we will hear requests and presentations
17 involving the lands and resources within the Commission's
18 jurisdiction. We recognize that the lands we manage have
19 been inhabited for thousands of years by California's
20 native people, and takes seriously our trust relationship
21 with these sovereign governments. Today, our gratitude
22 goes to the Nisenan, Wintun, and Miwok people who have
23 inhabited the Sacramento River corridor, valley, and
24 foothills for countless generations.

25 The first item of business will be the adoption

1 of the minutes from the Commission's meeting of December
2 3rd, 2018.

3 May I have a motion to approve the minutes?

4 COMMISSIONER YEE: So moved.

5 ACTING COMMISSIONER WONG-HERNANDEZ: Second.

6 CHAIRPERSON KOUNALAKIS: Any objection to the
7 unanimous vote, which I will abstain from, not having been
8 present at that meeting.

9 Any objection?

10 COMMISSIONER YEE: No objection.

11 EXECUTIVE OFFICER LUCCHESI: I will call roll
12 call in that response --

13 CHAIRPERSON KOUNALAKIS: Oh. All right. Got it.

14 EXECUTIVE OFFICER LUCCHESI: -- in that respect.

15 No worries.

16 Commissioner Yee?

17 COMMISSIONER YEE: Aye.

18 EXECUTIVE OFFICER LUCCHESI: Commissioner
19 Wong-Hernandez?

20 ACTING COMMISSIONER WONG-HERNANDEZ: Aye.

21 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

22 CHAIRPERSON KOUNALAKIS: Abstain.

23 EXECUTIVE OFFICER LUCCHESI: Great.

24 CHAIRPERSON KOUNALAKIS: The motion passes.

25 The next order of business is the Executive

1 Officer's report.

2 Ms. Lucchesi, may I have that report, please.

3 EXECUTIVE OFFICER LUCCHESI: Yes. Thank you.

4 And welcome to your first State Lands Commission
5 meeting, Chair Kounalakis. We've very excited to have you
6 here today. And, Commissioners, welcome to your first
7 meeting of to 2019. I have a number of things to update
8 the Commission on, so bear with me. It might be a little
9 longer than normal.

10 First, I did want to provide an update to the
11 Commission on the Commission's application review process
12 for the San Onofre Nuclear Generating Station Units 2 and
13 3 Decommissioning Project. We are currently putting the
14 final touches on our responses to comments in the Final
15 EIR. We hope to publish the final EIR by February 13th.
16 This would give stakeholders and the general public over
17 30 days to review the Final EIR before March 21st
18 tentatively scheduled special meeting. The location of
19 that meeting is tentatively scheduled for San Juan
20 Capistrano, approximately 25 miles from the SONGS site.
21 And we will be posting that information on our website
22 this week.

23 Next, I want to update the Commission on the
24 Tijuana River litigation. Staff, along with Andrew, our
25 Deputy Attorney General, and other representatives from

1 the Attorney General's office toured the infrastructure
2 meant to capture cross-border wastewater with staff from
3 the San Diego Regional Water Quality Control Board. They
4 witnessed the discarded clothing, tire, plastic bottles,
5 and sewage that entered the Tijuana River when the
6 infrastructure fails, and discussed solutions with the
7 regional water board staff.

8 Stopping the cross-border solution -- pollution
9 will require collaboration with local, State, federal, and
10 Mexican agencies. And our goal is that the litigation
11 will force the U.S. International Boundary and Water
12 Commission, the federal agency responsible for the
13 cross-boundary pollution, to honor its obligation to stop
14 this pollution from harming the public.

15 Since we last met, the Commission has been
16 granted intervening -- intervenor status in the
17 litigation. It is -- the litigation is still in the early
18 information gathering phase. And most recently, the City
19 of San Diego voted to join the lawsuit. And we look
20 forward to voting -- to working with them along with the
21 regional board, the City of Imperial Beach, the City of
22 Chula Vista, and the San Diego Unified Port District, and
23 the Surfrider Foundation to preserve the environment and
24 protect the public use of sovereign lands by stopping this
25 cross-border pollution.

1 Next, I'd like to update the Commission on a
2 couple -- on our two favorite and most important oil and
3 gas decommissioning projects. First, with the Rincon
4 Island and the Rincon Upland Lease. As the Commission is
5 aware, the Rincon Project consists of abandoning oil and
6 gas wells from both an onshore location and from Rincon
7 Island located offshore of Ventura County.

8 Since September 2018, the Commission has
9 abandoned 11 wells at the onshore location. Fourteen
10 wells remain, which we expect to have fully abandoned
11 before the end of 2019. The first island well abandonment
12 began about one week ago. There is a total of 50 wells
13 located on Rincon Island, and this work is expected to
14 last up to 36 months. The work is progressing ahead of
15 schedule and costs remain within budget.

16 Next, with Platform Holly decommissioning. The
17 Parker Drilling Company finished their surveys to lay the
18 basis for full repair and replacement work. This is
19 dealing with the platform itself. The list of repairs and
20 replacement equipment is extensive, and the repairs have
21 begun. However, the total work won't -- excuse me, won't
22 be completed until August 1st, weather permitting. The
23 plugging and abandonment of the 30 Holly wells should
24 begin this summer. And the good news is that some of the
25 subtasks will not only make the work safer, but will

1 greatly increase efficiency and should expedite the
2 abandonments to make up for the delay that's been caused
3 from essentially having to rebuild the entire platform.

4 In terms of the Ellwood Onshore Facility. Both
5 the oil and gas lines from the platform to shore have been
6 electronically surveyed and the oil line has been repaired
7 in two places by placing clamps over the area showing
8 reduction in steel thickness. So again, more work
9 relating to ensuring that everything is properly repaired,
10 and put into place in order to start the plugging and
11 abandonment in a safe well.

12 And finally, with the two shore zone piers under
13 lease PRC 421 - and these two wells date back to the
14 1940s - there have been extensive surveys done on
15 supporting the structures and the wellheads. That
16 information, along with a risk assessment, produced a
17 laundry list of items to be checked and repaired. So
18 we're continuing to do that, and at the moment, continuing
19 to reevaluate how we're going to approach the plugging and
20 abandonment.

21 We anticipate that we will begin to abandon once
22 the structure is set and the rig moves in. And hopefully
23 that will happen in the next month or so.

24 I do want to update the Commission on the PG&E
25 bankruptcy case. The State Lands Commission has 34 active

1 leases with PG&E for a variety of improvements in
2 facilities, such as roads, gas transmission lines, natural
3 gas pipelines, and distribution lines on both school lands
4 and Public Trust Lands, including the offshore and river
5 crossings.

6 We also have a lease with PG&E for the offshore
7 infrastructure associated with the Diablo Canyon Nuclear
8 Power Plant. Our Land Management and Legal Divisions in
9 collaboration with the Attorney General's office are
10 closely monitoring the bankruptcy proceedings to ensure
11 this Commission's interest are protected as it relates to
12 our 34 leases. And I will continually -- continue to
13 update the Commission on those events as we move forward.

14 The Hollister Ranch survey update is the next
15 item I want to update the Commission on. As the
16 Commission is aware, since December, we have been working
17 to survey the approximately eight and a half miles of
18 coastline along the Hollister Ranch area of the Gaviota
19 Coast. That survey was essentially completed this last
20 Friday.

21 The aerial imagery portion has been completely --
22 has been totally completed. We have been able to survey
23 approximately seven and a half miles of the eight and a
24 half miles of coastline. However, about a mile of the
25 coast in different areas were unable to be surveyed

1 because of unsafe conditions or access issues. So at this
2 point, our team is going to synthesize the data that was
3 collect in the field and we'll try to assess whether it
4 makes sense to try to capture that last mile or if we have
5 the information we need to at least approximate for our
6 current purposes.

7 So we'll continue to evaluate, but the majority
8 of the work associated with mean high tide line survey --
9 the majority of the field work, has been completed.

10 We hope to, over the next month and a half,
11 synthesize that field work, and then be able to start
12 putting lines on a map for those of us that are not
13 surveyors can better understand the extent of the State's
14 jurisdiction.

15 The next item I want to update the Commission on
16 is a number of administrative items. First, our two
17 divisions the Mineral Resources Management Division and
18 the Marine Environmental Protection Divisions are -- those
19 two divisions are headquartered in Long Beach. Due to an
20 expiring office lease, over the past year, we have been
21 preparing to move these two divisions to a new office
22 location. Both divisions will start moving on Tuesday,
23 February 19th, and the move will be deleted by Monday
24 February 25th.

25 Our current office space is along Ocean Boulevard

1 in Long Beach. Our new office space is less than a mile
2 away, also on Ocean Boulevard. So in terms of distance,
3 we're not moving that far. But as you can imagine, moving
4 approximately 100 staff people and all of their equipment
5 and files, even a short distance, is quite a feat. And
6 we'll be focusing on that move to make it as seamless as
7 possible.

8 On January 31st, our staff participated in a
9 legislative staff briefing relating to sea level rise and
10 climate change. The Assembly Committee on Natural
11 Resources hosted this legislative staff briefing on sea
12 level rise policy. Various State agencies were invited,
13 including the Coastal Commission, the Coastal Conservancy,
14 the Ocean Protection Council, and the San Francisco Bay
15 Conservation and Development Commission, in addition to
16 the State Lands Commission.

17 We each gave a presentation on each agency's
18 efforts and approaches to dealing with sea level rise
19 within our own unique authorities and jurisdictions. And
20 from what I understand, it was very well received. Lots
21 of questions, especially dealing with the State Lands
22 Commission and the legal boundary between State sovereign
23 tidelands and uplands. So we look forward to working with
24 legislative staff and legislators in the next -- in the
25 upcoming session and over the next many years dealing with

1 sea level rise.

2 I'm also excited to announce that the
3 Commission's website is transitioning to an updated user
4 center -- centered accessible and mobile-friendly site.
5 This new website, which we expect to unveil in the next
6 month or so, is intended to increase transparency improve
7 accessibility, and better showcase the diverse and
8 picturesque public lands and resources under the
9 Commission's jurisdiction.

10 Essentially, the last time we updated our website
11 was about five or six years ago. This new design is
12 sharper, more visually appealing, and makes better use of
13 the pages to achieve user-friendliness. You might say
14 that it's analogous to the difference between an iPhone 4
15 and an iPhone 10. So we're looking forward to that
16 unveiling in the next month.

17 As the Commission is aware, the Governor's
18 proposed fiscal year 2019-2020 proposed budget was
19 released a couple of weeks ago. For the State Lands
20 Commission, the 2019-20 budget is for \$85,423,000. It's
21 about 50 percent greater than prior year base budgets.
22 And most of this is attributed to the \$40 million we're
23 being allocated for the Rincon and Platform Holly
24 decommissioning projects.

25 Other 2019-20 funded projects include two million

1 for the second year of the Bolsa Chica Wetlands dredging,
2 two million for our new Coastal Hazards and Legacy Well
3 Remediation Program, as well as over \$2 million for
4 continued record preservation and digitization, and the
5 implementation of our Records Management IT Project.

6 We were also given in the proposed budget a new
7 forestry position to help manage our approximately 55,000
8 acres of school lands. So we'll look forward to working
9 with the Legislature as the proposed budget moves through
10 its process to July.

11 And two more items. I would like to take the
12 opportunity, especially because it's Chair Kounalakis's
13 first meeting of the State Lands Commission, and also our
14 first meeting of 2019, to introduce your senior staff that
15 are here for this meeting. So I will ask everybody to
16 stand up, please.

17 Our Assistant Executive Officer is Colin Connor.
18 Our Chief of our Legal Division and Assistant Chief of our
19 Legal Division is Mark Meier and Pam Griggs. Our Chief of
20 our External Affairs Division is Sheri Pemberton. Our
21 Chief of our Land Management Division and Assistant Chief
22 of our Land Management Division is Brian Bugsch and Grace
23 Kato. Our Acting Chief of our Division of Environmental
24 Planning and Management is Eric Gillies. Our Chief of our
25 Mineral Resources Management Division is Marina Voskanian.

1 Our Chief of our Marine Environmental Protection Division
2 is Chris Beckwith. And our Assistant Chiefs are Dennis
3 Vogel, who's not here today, and Nicole Dobroski, who is.
4 Bob Stoddard is our Acting Chief for our Information
5 Services Division. And Denise Cook and Lisa Lloyd, who I
6 don't believe are here, are our Chief and Assistant Chief
7 of our Administrative Services Division.

8 So these are faces, along with our staff that
9 you'll see over the next year helping to provide you with
10 all the relevant information and analysis in order to --
11 for you to make the best decisions.

12 And finally, I would be remiss if I did not also
13 acknowledge that for the first time in its 80-year
14 history, our State Lands Commission is being led by an all
15 female Commission.

16 (Applause.)

17 EXECUTIVE OFFICER LUCCHESI: Since its creation
18 in 1938, the Commission has been led by 19 Lieutenant
19 Governors, 11 State Controllers, and 32 Finance Directors,
20 and has generated over is 11 and a half billion dollars
21 for the State of California. But this is truly a
22 watershed moment, as the Commission's leadership is now
23 made up of an -- of all women, who, in your own very
24 unique ways, are uniquely and especially poised to lead us
25 in 2019 and beyond. And I'm so grateful for this

1 opportunity to work with you all.

2 So thank you.

3 CHAIRPERSON KOUNALAKIS: Well, thank you very
4 much Director Lucchesi, and thank you for that warm
5 welcome from you and from your staff. My Chief of Staff
6 Panorea Avdis is here. I'd like for everyone to have a
7 chance to know her. And Danna Stapleton also from our
8 office, who does our technology and social media work.
9 And I also just want to thank you for the many hours that
10 you have already spent, that you and your team have
11 already spent in getting us up to speed, briefing us on
12 the extensive and important work of the Commission.

13 We had a chance to go to Hercules together and
14 meet your team there. We had a chance to go already down
15 to San Onofre with the upcoming important meeting on the
16 decommissioning work there. And I know that we are in
17 great hands with you and your team to ensure that we have
18 all the information that we need.

19 I also want to acknowledge my fellow
20 Commissioners, in particular Controller Betty Yee. Your
21 work in the last -- over the last few years in the
22 establishment of the -- of the strategic plan for the
23 State Lands Commission. For the first time having a
24 comprehensive strategic plan will ensure that there is
25 consistency, and -- and institutional knowledge to help

1 guide this Commission forward into the future. So thank
2 you to you for that work, and for your incredible
3 leadership of this Commission.

4 And I think with that, I will just go ahead and
5 move on to the next item. So the next order of business
6 will be the adoption of the consent calendar.

7 Commissioner Yee, Commissioner Wang --
8 Wong-Hernandez, are there any items you would like to have
9 removed from the consent calendar?

10 ACTING COMMISSIONER WONG-HERNANDEZ: No.

11 COMMISSIONER YEE: I believe Ms. Lucchesi has a
12 list of them that incorporate my items.

13 CHAIRPERSON KOUNALAKIS: All right. Ms.
14 Lucchesi, if you can indicate which items have been
15 removed from the consent calendar.

16 EXECUTIVE OFFICER LUCCHESI: Yes. Consent items
17 C29, C50, and C68 are removed from agenda and will be
18 considered at a later time. I will -- I do want to note
19 C29, that will be brought back to the Commission at its
20 April meeting.

21 CHAIRPERSON KOUNALAKIS: Okay. Is there anyone
22 in the audience who wishes to speak on any item remaining
23 on the consent calendar?

24 If not, we will proceed with a vote. Do I have a
25 motion?

1 COMMISSIONER YEE: Yeah, so moved.

2 ACTING COMMISSIONER WONG-HERNANDEZ: Second.

3 CHAIRPERSON KOUNALAKIS: Any objection to a
4 unanimous vote?

5 If not, the motion passes.

6 The next order of business will be the regular
7 calendar.

8 Item 79 is an informational update on
9 implementation of the Commission's 2016 to 2020 Strategic
10 Plan. May we have the presentation.

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

13 ASSISTANT EXECUTIVE OFFICER CONNOR: Okay. And
14 we are live. Okay. Good morning, Chair Commissioner. My
15 name is Colin Connor. I'm the Assistant Executive
16 Officer. And it is my pleasure to present staff report
17 number 79, an update on the Commission's Strategic Plan.

18 --o0o--

19 ASSISTANT EXECUTIVE OFFICER CONNOR: And before I
20 get too far into this, I want to tie into something that
21 the Chair just said about the implementation of the
22 Strategic Plan. Prior to the Strategic Plan being
23 implemented, you know, we hadn't had one forever
24 basically.

25 (Laughter.)

1 ASSISTANT EXECUTIVE OFFICER CONNOR: But -- and
2 so I think Commission staff was pretty much head down and
3 going about the basic functions. Once we had the
4 Strategic Plan, and with -- with input from the
5 Commissioners and staff, it became more of a roadmap. And
6 staff really had a -- got a broader view of what the
7 Commission is trying to do. And that really manifested
8 itself when we start preparing this staff report. We have
9 the numbers of targeted outcomes and things like, which
10 I'll talk about. But what was really interesting to me is
11 when we asked for the major accomplishments from all the
12 divisions, it's amazing the buy-in. They really feel
13 empowered and you -- when you get all this information of
14 what they consider are their -- are their major
15 accomplishments, it's just -- it's really -- it's cool for
16 lack of a better word.

17 What makes it difficult is when we're trying to
18 condense it down to a staff report, you know, trying to
19 get some of the top things. So I'm going to be a little
20 bit later on presenting what those are, but also hedging
21 it, because there's so much that we did.

22 --o0o--

23 ASSISTANT EXECUTIVE OFFICER CONNOR: So let's go
24 over the strategic goals.

25 First of all, meet the challenges of our future,

1 lead innovative and responsible land and resource
2 management, engage Californians to help safeguard the
3 Trust, and lastly, the foundational aspect, cultivate
4 operational excellence through integrated technology.

5 And as I said, that's a foundational aspect. And
6 I think what we've done over the last several years is a
7 great job of leveraging technology to increase our
8 efficiency as staff, but also to increase public awareness
9 of what the -- of what the Commission is trying to do.

10 --o0o--

11 ASSISTANT EXECUTIVE OFFICER CONNOR: This is how
12 we track our progress on meeting our strategic goals.
13 Each strategic goal has a targeted outcome, or targeted
14 outcomes plural, basically metrics track our process --
15 our progress. Each targeted outcome has one or more
16 champions, the people who are actually working on the
17 action, and they track their progress on this form. And
18 this is what I was referencing that we have the numbers.
19 We can go back and, you know, see what they're doing.

20 --o0o--

21 ASSISTANT EXECUTIVE OFFICER CONNOR: This is a
22 tally of our achievements. And there are -- up until last
23 year, there were 146 targeted outcomes. We added one this
24 year, which is to identify school land sites suitable for
25 electronic -- electric vehicle charging stations. So

1 that's something we're actively looking into.

2 --o0o--

3 ASSISTANT EXECUTIVE OFFICER CONNOR: And now the
4 top accomplishments of 2018.

5 (Laughter.)

6 --o0o--

7 ASSISTANT EXECUTIVE OFFICER CONNOR: So let's
8 start off with revenue. There's the pie chart that's in
9 the staff report. And here's kind of a summary of it.
10 Revenue gen -- increased from -- increased to \$180 million
11 this year. It was at \$123 million last year. So that's
12 almost a 50 percent increase. Some of the notable things
13 there are the amount of money that we're contributing to
14 CalSTRS, but also the Lake Tahoe Science and Improvement
15 Fund of 1.5 million. Those monies go back to the lake for
16 helping to basically, you know, preserve its clarity, and
17 also mitigate and reduce any invasive species.

18 --o0o--

19 ASSISTANT EXECUTIVE OFFICER CONNOR: And here are
20 some of our statistics on the Marine Invasive Species
21 Prevention Program, which is a recognized world leader.
22 I'm not going to read all that, but I do want to note that
23 with respect to violations, the act has an enforcement and
24 hearing process. And since we've started doing that
25 process in July 1st, 2017, so over that 18 months, we've

1 pursued 12 enforcement actions and settled five of those
2 for a total of \$393,500, which goes back into the fund to
3 be used. And the other seven actions are pending in
4 various stages of negotiation.

5 --o0o--

6 ASSISTANT EXECUTIVE OFFICER CONNOR: And here's
7 some statistics on our Oil Spill Prevention Program. And
8 again, not going to read it. But the most important part
9 about this is the incredibly small amount of oil that has
10 actually spilled during these transfers, one part in a
11 billion. I mean that just blows you away. The staff
12 report actually has the decimal places. And it's like --
13 you know, no one can really understand what that is.
14 That's why we basically boiled it down to one part per
15 billion.

16 --o0o--

17 ASSISTANT EXECUTIVE OFFICER CONNOR: And then
18 this is the -- the -- how to phrase this. We -- for the
19 last year, so we've been trying to evaluate the renewable
20 energy resource potential on the lands under the
21 Commission's jurisdiction, primarily the staff of the
22 Mineral Resources Management Division, Marina's shop.
23 They've done an incredible job on that looking at the
24 various types, you know, wave energy, wind energy, solar,
25 biomass, things like that. And they'll be continuing that

1 work through 2019 and beyond with a more focused approach
2 looking at specific sites.

3 --o0o--

4 ASSISTANT EXECUTIVE OFFICER CONNOR: A number of
5 our staff participated in the Government Alliance on Race
6 and Equity, a State agency cohort. This is a picture of
7 the staff at one of the meetings. And we were
8 participants, along with other State agencies. And we'll
9 be continuing that process through 2019.

10 --o0o--

11 ASSISTANT EXECUTIVE OFFICER CONNOR: Another top
12 accom -- this is it. This is a huge one. This was like a
13 milestone moment right here. This was -- at the
14 Commission's October 2018 meeting, the Commission
15 authorized the a staff for the Mavericks Surf -- excuse
16 me, Mavericks Challenge, a professional surfing contest.
17 And surfing is now the official State sport. But this
18 particular action, the State -- the Commission guaranteed
19 and safeguarded equal pay and participation for female
20 athletes.

21 This is like incredibly precedent setting, not
22 only for the Commission, but hopefully statewide. Just a
23 huge thing. It garnered a lot of press, as you're all
24 aware.

25 --o0o--

1 ASSISTANT EXECUTIVE OFFICER CONNOR: This is one
2 that was, I think, very important for a different reason.
3 This was -- this is the Dennett Dam on the Tuolumne River
4 in Modesto, Stanislaus County. This dam had posed public
5 health and safety hazard for decades. People had
6 unfortunately drowned here. In April -- excuse me,
7 August, 2018, the Commission, through funding and issuance
8 of a lease, assisted in the removal of this dam. Not only
9 was it removing a public hazard, but it allowed
10 recreational boating passage as well, and just as
11 important, fish migration and fish habitat.

12 --o0o--

13 ASSISTANT EXECUTIVE OFFICER CONNOR: And this --
14 as Jennifer had alluded to earlier, this is a view from
15 Rincon Island looking to the land. She'd mentioned that
16 we had taken -- or plugged and abandoned 11 during -- I
17 believe during actually 2018, there were nine. So that's
18 what this slide basically says. But this is looking from
19 the island to the onshore. The wells that are being
20 plugged and abandoned are the ones that are on the onshore
21 that go out under water into the ocean.

22 --o0o-- done

23 ASSISTANT EXECUTIVE OFFICER CONNOR: Another
24 major accomplishment was the completion of the San Diego
25 Ocean Planning Project's preliminary assessment. And this

1 is a -- just a shot of Point Loma off San Diego.

2 --o0o--

3 ASSISTANT EXECUTIVE OFFICER CONNOR: And this one
4 was really cool. This is the plugging and abandonment of
5 the Becker Onshore Well at Summerland Beach in Santa
6 Barbara County. We finished that up in March 2018 on time
7 and under budget, a great accomplishment. I especially
8 like the picture of the child looking at the oil.
9 Hopefully, this will become a thing of the past, and
10 children won't have to deal with that going forward.

11 And this also ties in with our SB 44 actions,
12 where we're trying to identify seeps and remediate those
13 and legacy wells as well.

14 --o0o--

15 ASSISTANT EXECUTIVE OFFICER CONNOR: So at its
16 December 2018 meeting, the Commission adopted an
17 environmental justice plan and the implementation
18 blueprint. And we'll be continuing working on that
19 through 2019 through an implementation program and staff
20 training.

21 --o0o--

22 ASSISTANT EXECUTIVE OFFICER CONNOR: And that is
23 a summary of the top accomplishments. And again, it was
24 very difficult to choose, which ones were the -- you know,
25 the major accomplishments, so much so that we added

1 another category.

2 --o0o--

3 ASSISTANT EXECUTIVE OFFICER CONNOR: And this
4 is -- these are some of the other ones. And one of the
5 ones, which happened just in September, was Prevention
6 First. Our 13th Prevention first. They occur every two
7 years. And this one we had 65 presentations, 72 different
8 speakers, 524 attendees from all over the industry and
9 other agencies. And we had a keynote address from the
10 State Controller, Ms. Yee.

11 We also -- again, I'm not going to list all of
12 them. But one of the other things that I thought was very
13 beneficial to the Commission was we completed and -- we
14 started with an employee engagement survey. And from
15 that, we built onto it, and did a workforce plan, and then
16 a succession plan. And going -- again, in 2019, we're
17 going to be building on that and trying to implement those
18 plans.

19 --o0o--

20 ASSISTANT EXECUTIVE OFFICER CONNOR: So what are
21 the 2019 plans?

22 As Jennifer mentioned, we're going to continue
23 working on Rincon Island and actually getting to plugging
24 and abandonment on the wells on the island. And that's --
25 the slide to the upper right is Rincon Island and the

1 causeway leading to the shore. To the left is Platform
2 Holly. We're going to be -- most of the time that's spent
3 thus far in 2018 was refurbishing the platform so that we
4 could actually conduct the plugging and abandonment
5 operations from the platform.

6 So 2019, we're looking to actually start the
7 plugging and abandonment work. And that's going to take
8 quite some time to do.

9 --o0o--

10 ASSISTANT EXECUTIVE OFFICER CONNOR: We're also
11 looking at updating our MOTEMS standards -- or
12 regulations, excuse me. MOTEMS stands for Marine Oil
13 Terminal Engineering and Maintenance standards. And we're
14 also going to be upgrading our oil spill prevention
15 database.

16 --o0o--

17 ASSISTANT EXECUTIVE OFFICER CONNOR: So this is
18 simply titled AB 691. AB 691 requires certain trustees to
19 prepare and submit to the Commission by July 1st of this
20 year 2019 an assessment of the impacts of sea level rise
21 on their public trust lands and assets. We're in the
22 process of hiring a consultant to, on the one hand, help
23 those people who are having difficulty compiling those
24 reports, but also to help us synthesize the results of
25 that and make recommendations going forward. So it will

1 be kind of an iterative process with the grantees.

2 --o0o--

3 ASSISTANT EXECUTIVE OFFICER CONNOR: So we're
4 also doing these things. And again, I'm not going to list
5 them all out. We're going to -- although, I will say the
6 one thing that's very important is Environmental Justice
7 Liaison. We're looking to add a position, create a
8 position. We've been trying to figure out what those
9 duties are down to a granular level. And then we're going
10 to be filling that position. We're going to continue on
11 with GARE. We hope to continue in meeting in diverse
12 locations. Last year, we were in Fresno, for instance,
13 but other areas where these impacted communities can have
14 some input.

15 --o0o--

16 ASSISTANT EXECUTIVE OFFICER CONNOR: Again, as I
17 mentioned, workforce and succession planning. Some of the
18 things we're going to do on workforce and succession
19 planning are implement strategies to improve recruitment;
20 do better onboarding, so that people have a better idea of
21 all the duties and all the other things that -- the
22 services that are available to employees; knowledge
23 transfer, mentoring, and a leadership development program.

24 --o0o--

25 ASSISTANT EXECUTIVE OFFICER CONNOR: And with

1 difficult to pare down. So I just kept it with things
2 that I thought that we could understand. Otherwise, we
3 were like into tech talk and cloud speak. And so I just
4 wanted it to -- you know, like, here are the main things.

5 --o0o--

6 ASSISTANT EXECUTIVE OFFICER CONNOR: And that
7 concludes my presentation. I'm here to answer any
8 questions. And if I can't answer them, we've got subject
9 matter experts here as well.

10 So thank you.

11 CHAIRPERSON KOUNALAKIS: Well, thank you very
12 much for that very complete presentation.

13 Comments from other Commissioners?

14 COMMISSIONER YEE: Thank you, Madam chair. Thank
15 you, Connor[SIC], for the -- for the overview and the
16 update. First, I just want to applaud now Governor Newsom
17 for the vision of embarking on the strategic planning
18 process. You know, it was really, I think, just kind of
19 coming to the Commission at one point and thinking where
20 are we headed?

21 And given that, you know, the world is changing
22 around us, and we can continue to do the work, and be
23 conscious of the changes around us, but to actually have
24 active involvement with respect to how we move from a
25 fossil fuel-based economy and state to what we're about to

1 face going forward, and taking the lead on so many of
2 these issues with respect to moving towards renewable
3 energy within our jurisdiction, as well as tackling the
4 daunting challenge of sea level rise, the effects of which
5 are already upon us.

6 What I'm really impressed by is just how much
7 we're able to quantify the work of the Commission through
8 the objectives and goals of the strategic plan. It is
9 something that I think is oftentimes left as an
10 afterthought. But at the same time that we're actually
11 developing the business plan of which each of the
12 Divisions are doing, I think being able to come back and
13 to have a report that shows just how far we're moving.
14 And really, the leadership of the staff to take on so many
15 fronts is really impressive, and particularly since the
16 staff is quite small to tackle all of this. So we're
17 thrilled to have this report.

18 This plan gets renewed every four years. And so
19 what I wanted to say about that was the process was really
20 an enriching one. This is a shared -- really a shared
21 vision by all the stakeholders who do business with this
22 Commission. And I think the stakeholder-driven process
23 that we had embarked upon is something that I certainly
24 will be employing again as we move to updating the plan
25 going forward, with so much more information under our

1 belt as far as what the capabilities are of the
2 Commission, but more importantly what we continue to build
3 on.

4 And the other thing -- and I know Madam Chair,
5 you'll agree with this, but this is a Commission that has
6 been very shy about asking for additional resources. And
7 when you look at all of the work that it has been able to
8 accomplish without really a lot of additional resources, I
9 would say that even when we do ask, it's very modest. And
10 I for one will just whenever the need arises will be
11 advocating for those resources. They came with a lot of
12 thought. They come with a lot of, you know, just really
13 needs justified. And this is a time where I don't think
14 we should be shy about asking for additional resources
15 with the breadth of work that the staff is already
16 undertaking, pursuant to the initial strategic plan.

17 So really just kudos to the staff. Really,
18 really happy, Madam Chair, that you've embraced this as
19 kind of our Bible, if you will. But this is -- I just
20 can't say enough about how this has really just thrust
21 this Commission, you know, to the forefront. It's always
22 been a leader, but even more so now with these -- this
23 very much forward orientation.

24 Thank you.

25 CHAIRPERSON KOUNALAKIS: Thank you very much,

1 Commissioner Yee.

2 Do we have any public comments on this item?

3 All right. Seeing none.

4 We'll move to Item 80. It is to consider an
5 application to authorize the Wheeler North Reef Expansion
6 Project.

7 May we have the presentation, please.

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

10 EXECUTIVE OFFICER LUCCHESI: Cheryl Hudson, from
11 our Land Management Division will lead us of, followed by
12 Sarah Mongano from our Environmental and Planning and
13 Management Division.

14 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: Hi.
15 Good morning, Madam Chair and members of the Commission.
16 My name is Cheryl Hudson, and I'm a Public Land Management
17 Specialist were the Commission's Land Management Division.

18 I'm here to present Regular Item 80.

19 --o0o--

20 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: Item
21 80 is requesting that the Commission consider approval of
22 certification of a Final Subsequent Environmental Impact
23 Report and to amend the existing lease PRC 8097.1 to
24 authorize the proposed Wheeler North Expansion Project.

25 The proposed project is located on sovereign land

1 in the Pacific Ocean approximately 0.6 mile offshore the
2 City of San Clemente adjacent to the City of San
3 Clemente -- City Pier. Sorry. Excuse me.

4 --o0o--

5 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON:

6 Southern California Edison Company has applied to
7 amend the lease to expand the existing Wheeler North Reef
8 from 174.4 acres to approximately 385 acres to meet the
9 coastal development permit performance standards.

10 The Proposed Reef Expansion Project is known as
11 the Wheeler North Reef Expansion Project, and would be
12 phase 3 of the artificial reef required by the CDP. The
13 proposed project would place approximately 175,000 tons of
14 quarried rock in 23 designated areas adjacent to the
15 existing reef.

16 The rocks used for the proposed project would
17 range from approximately 0.25 to 0.5 -- or, yeah, 0.5 ton,
18 and would be clean and free of contaminants. Due to the
19 high demand of rock, the quarried rock would be purchased
20 from a combination of Pebbly Beach and Empire Landing
21 quarries on Santa Catalina Island in California, and the
22 La Piedra Quarry in Ensenada, Mexico.

23 --o0o--

24 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: In
25 1991, the California Coastal Commission adopted permit

1 conditions from the San Onofre Nuclear Generating Station,
2 SONGS units 2 and 3, that required a package of mitigation
3 to compensate for the loss of marine environment. The
4 Coastal Commission amended the permit conditions in May of
5 1997 to require the SCE to create an artificial reef
6 Pacific Ocean. As mitigations for SONGS units 2 and 3's
7 impacts on the San Onofre kelp reef, the artificial reef
8 was built in two phases.

9 On June 14th, 1999, the Commission authorized
10 phase 1, a small exper -- I can't -- experimental --
11 excuse me -- reef that was monitored for five years. SCE
12 used the information gained from this monitoring to design
13 and construct phase 2, a full sized mitigation reef.
14 Phase 2 was authorized by the Commission on November 21st,
15 2006.

16 Under the CDP, the reef must meet a series of
17 performance standards each year for full operating life as
18 defined in the permit, including past and future years of
19 operations of SONGS units 2 and 3, including
20 decommissioning period, to the extent there are continuing
21 discharges.

22 --o0o--

23 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: A team
24 of independent scientists have been monitoring the reef
25 since 2009. Between 2009 and 2016, Wheeler North Reef

1 failed to meet the fish standing stock requirement each
2 year, and for two years did not sustain enough kelp. The
3 reef has met every other standard to date.

4 SCE has not received any mitigation credit for
5 the Wheeler North Reef, because of its failure to meet the
6 standards. Analysis of monitoring data collected from the
7 Wheeler North Reef show that the additional reef acreage
8 is needed for the Wheeler North Reef to meet all of its
9 performance standards.

10 This includes -- concludes my portion of the
11 presentation. Sarah Mongano with our Commission's
12 Environmental Planning and Management Division will now
13 discuss the environmental setting.

14 Thank you.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Good
17 morning, Madam Chair and members of the Commission. I'm
18 Sarah Mongano and I'm a Senior Environmental Scientist
19 with the Commission's Division of Environmental Planning
20 and Management.

21 --o0o--

22 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: In 1999,
23 the Commission certified a Program EIR that analyzed the
24 construction and maintenance of the existing portions of
25 this artificial reef. Program EIRs, as opposed to Project

1 contingency areas allowed SCE to keep the original
2 proposed project reef size, while avoiding areas
3 identified by the Acjachemen Nation as being of concern
4 for tribal cultural resources.

5 Commission staff has received the thanks of the
6 Acjachemen Nation. And their feeling that this project
7 has been a great example of regulator, applicant, and
8 Native American tribes working in collaboration towards a
9 successful project.

10 --o0o--

11 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Public
12 comments for this project have been broken down into five
13 major areas, with this slide showing each of those areas
14 concern raised during the public process -- comment
15 process.

16 The first is that the project is expensive and
17 SCE will pass the cost onto the ratepayers.

18 Staff acknowledges the concern. The project is
19 estimated to cost over \$20 million. However, expanding
20 the Wheeler North Reef is necessary to mitigate for the
21 destruction of the natural kelp reefs associated with the
22 operation of the SONGS facility.

23 Results of monitoring since 2009 have concluded
24 that the artificial reef was built too small to meet the
25 CDP mitigation requirements. If the project isn't

1 implemented, some of the natural resources lost to SONGS
2 operations will never be sufficiently mitigated.

3 The second comment area is that a high relief
4 reef would increase fish production and improve fishing
5 opportunities more effectively than the proposed low-reef
6 design.

7 Our response is that the alternative of a
8 compound reef, which included high- and low-relief
9 segments, was described in the EIR and was eliminated from
10 consideration because it's inconsistent with the
11 projects's goals. The Wheeler North Reef was built to
12 mitigate for impacts to a low-relief reef impacted by
13 SONGS operations. The CDP also requires that the Wheeler
14 North Reef have medium to high kelp densities. And these
15 densities are not supported by high-relief reefs.
16 Additionally, high-relief reefs require a lot more quarry
17 rock. And transportation of that additional rock would
18 substantially increase the project's environmental impacts
19 to air quality and increase greenhouse gas emissions.

20 A third major comment area for this EIR was that
21 the existing reef has impacted sea urchin harvesting
22 grounds inshore by affecting sand accretion, and the reef
23 expansion will cause further impacts.

24 This reef is extensively monitored and has been
25 since 2009. Monitors of the existing reef report that

1 they don't generally see significant differences in
2 accretion between offshore, middle, and inshore areas of
3 the reef. The area landward of the existing reef is a
4 dynamic area in shallow water. Natural changes in
5 these -- this -- these areas are due to dynamic movement
6 of the sediment, rather than the presence of the Wheeler
7 North Reef. The project is not expected to impact inshore
8 urchin harvesting grounds.

9 The fourth major comment area we received was
10 that the project could impact surf breaks and surfing
11 conditions near the project site.

12 Our response is that the reef would be placed in
13 more than 40 feet of water with hard substrate that would
14 extend no more than three feet above the seafloor. The
15 1999 Program EIR concluded that the reef and its resulting
16 kelp -- excuse me -- kelp forest would not affect swell
17 waves. Since the existing reef's construction, no impacts
18 to swell waves or surfing conditions have been observed.
19 Because the project area and reef design for the project
20 is very similar to the existing artificial reef, the
21 expanded reef is also not expected to impact surf
22 conditions.

23 Finally, we received comments that the reef
24 monitoring or the performance standards in the CDP -
25 that's coastal development permit - are flawed and should

1 be changed rather than expanding the reef.

2 Our response is that the proposed project does
3 not include a change in the monitoring methods, which are
4 required in the Coastal Commission's CDP. The performance
5 standards are outside the purview of this lease. They're
6 reviewed on a regular basis by the Coastal Commission and
7 their effectiveness is considered in annual reports
8 prepared by the monitoring science -- scientists.

9 The Coastal Commission has the discretion to
10 revise the monitoring plan, based on these reports.

11 --o0o--

12 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: So in
13 conclusion, staff recommends that the Commission certify
14 the subsequent Environmental Impact Report, adopt the
15 Mitigation Monitoring Program and CEQA findings, and
16 authorize the amendment to the lease as presented in Item
17 20.

18 This concludes the presentation. Thank you.

19 CHAIRPERSON KOUNALAKIS: Thank you very much for
20 that presentation.

21 Do we have any comments from Commissioners?

22 Okay. Hearing none.

23 Do we have a motion?

24 EXECUTIVE OFFICER LUCCHESI: Chair? Madam Chair,
25 we do have --

1 CHAIRPERSON KOUNALAKIS: Oh, I'm so sorry.

2 EXECUTIVE OFFICER LUCCHESI: Yes.

3 CHAIRPERSON KOUNALAKIS: We do have a speaker
4 slip right in front of me. My apologies.

5 We have one speaker registered to comment on Item
6 80. It's David Asti, Senior Advisor of Regulatory Affairs
7 from Southern California Edison. My apology.

8 MR. ASTI: No problem. Can you hear me okay?

9 Good morning. I am David Asti, Senior Advisory,
10 Regulatory Affairs for Southern California Edison.

11 I've got about a 40-slide slide deck -- no, just
12 kidding.

13 (Laughter.)

14 MR. ASTI: We've just got some -- a little panic.
15 Small comments here. I just want to read a few into the
16 record.

17 SCE would like to thank the State Lands
18 Commission and their consultant staff, Dudek, for the
19 outstanding quality of work presented in the Final EIR,
20 and swift manner in which they addressed comments on the
21 draft, in order of the Commission to be able to hear the
22 project today.

23 As you saw, the Wheeler North Reef is required
24 under the Coastal Commission's CDP for SONGS to attain 11
25 relative and four absolute standards. As also shown in

1 today's presentation, the Science Advisory Panel and the
2 principal investigators conclude that while the existing
3 176-acre reef is performing as a natural reef,
4 unfortunately it's neither large enough to meet the fish
5 standing stock standard of 28 tons nor the giant kelp area
6 standard.

7 The proposed expansion project will add about 200
8 acres to the existing reef, and is designed to meet the
9 absolute and relative standards, even in years of low kelp
10 production associated with natural oceanic cycles.

11 It's our opinion that the Final EIR and
12 associated lease amendment reflect an accurate and fair
13 representation of the project. It presents and over --
14 objective review of the project's potential impacts and
15 benefits, and recommends appropriate mitigation to reduce
16 the potential adverse impacts.

17 We also believe the Wheeler North Reef will
18 result in a net benefit to several marine habitats and
19 life forms.

20 As such, we encourage the Commission's approval
21 of the Final EIR and lease amendment presented before you
22 today.

23 Again, thank you very much.

24 We have the project manager and subject matter
25 experts should you have any additional questions.

1 CHAIRPERSON KOUNALAKIS: Well, thank you so much.
2 I do have one, because you raised again the role of the
3 Coastal Commission. Do we hear from the Coastal
4 Commission as part of this process?

5 EXECUTIVE OFFICER LUCCHESI: I am not sure if
6 they submitted a formal comment letter, but I'm looking to
7 Sarah. And we do have a representative from the Coastal
8 Commission staff in the audience, if you wish to hear
9 directly from them.

10 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Coastal
11 Commission staff have been involved with the project from
12 the beginning. They did not submit formal comments
13 because they have been -- we had a -- I forget whether it
14 was an MOA or an MOU. They reviewed the documents
15 prior -- in many of its stages. And they are -- they are
16 in complete agreement with the findings. We have Coastal
17 Commission staff here, if you'd like to hear from them.

18 CHAIRPERSON KOUNALAKIS: Yes, thank you.

19 DR. HUCKELBRIDGE: Good morning, Commissioners.
20 My name is Kate Huckelbridge. I'm a Senior Environmental
21 Scientist with the Coastal Commission.

22 And I have been actively involved with your staff
23 for many months working on this document. As was
24 explained, the reason we are here is because we have a
25 requirement that this -- the first phase in -- phase 1 and

1 phase 2 reefs, that that reef has not been meeting its
2 requirements under our permits, so we have required SCE to
3 build a bigger reef.

4 That then kicked it over here to your Commission
5 to make a determination on expanding the size of the reef.
6 So we will be taking this up in front of our Commission,
7 if it is passed here, for consideration for another CDP.
8 But we are in full agreement with the document, as was
9 prepared, and -- but are happy -- I also have one of our
10 scientists here today, so if you have any technical
11 questions, we're more than happy to answer.

12 CHAIRPERSON KOUNALAKIS: You know I just -- I
13 just have one sort of general question, which is how are
14 you finding the creation of new reefs in terms of being
15 able to duplicate those which are found naturally?

16 DR. HUCKELBRIDGE: Excellent question. So one
17 of -- when we required the creation of phase 1 and phase 2
18 reef, it included this very extensive monitoring program.
19 And part of what the requirement was was to create a reef
20 that behaved like a natural reef. And so as you've heard
21 discussed, there were two standards that the reef was not
22 meeting, that was the fish biomass requirement, and in a
23 couple of years the kelp.

24 The only other standards are designed to compare
25 that -- the phase 1 and phase 2 reefs with other natural

1 reefs, and to see if it was behaving. And what we have
2 found is, in general, yes, it has been behaving like a
3 natural reef. It just wasn't big enough. So that's why
4 we're here today.

5 CHAIRPERSON KOUNALAKIS: Wonderful. Thank you
6 very much.

7 DR. HUCKELBRIDGE: Thank you.

8 CHAIRPERSON KOUNALAKIS: All right. Any other --
9 Commissioner Yee.

10 COMMISSIONER YEE: Thank you, Madam Chair. I
11 just want to thank everyone for the extensive
12 participation in this process, and the -- also, the really
13 thoughtful, extensive responses by the staff to all of the
14 comments that were made.

15 This is a project -- and I think your question,
16 Madam Chair, really speaks to the heart of I think a lot
17 of the skepticism around mitigations like this. But I
18 think this process has been probably as open as it
19 possibly can be.

20 So with that, I'd like to move that the
21 Commission certify the Final EIR.

22 ACTING COMMISSIONER WONG-HERNANDEZ: Second.

23 CHAIRPERSON KOUNALAKIS: Any objection to a
24 unanimous vote?

25 Seeing none. The motion passes unanimously.

1 Thank you.

2 EXECUTIVE OFFICER LUCCHESI: I just want to
3 mention two things. First, if we could not just vote to
4 approve the EIR, but approve the entire staff
5 recommendation, that would be great.

6 COMMISSIONER YEE: Okay. Let me go ahead then
7 and amend the motion to approve the final EIR, as well as,
8 yeah, the staff recommendation, which is inclusive of
9 that.

10 ACTING COMMISSIONER WONG-HERNANDEZ: Second.

11 CHAIRPERSON KOUNALAKIS: All right. We have a
12 motion and a second. Any other staff comment?

13 EXECUTIVE OFFICER LUCCHESI: The only thing I
14 wanted to just amplify was our Tribal Consultation Policy,
15 and the implementation of that with this project. You
16 heard our staff presentation mention that, but I think
17 it's worth just highlighting for one moment, because it
18 was through that Consultation Policy and the hard work of
19 not just our staff, but the applicant SCE, along with all
20 the other stakeholders really hearing and understanding
21 the concerns from the tribal nation that was affected, and
22 redesigning and being open to redesigning the project to
23 avoid impacts to cultural resources. And I thought that
24 that was a really great example of our Tribal Consultation
25 Policy, you know, in its implementation.

1 And we hope to replicate that process with many
2 of our projects throughout the state. So I always like to
3 highlight where that consultation works well, such as this
4 project.

5 Thank you.

6 CHAIRPERSON KOUNALAKIS: Thank you very much.

7 All right. Seeing no objection, motion carries.

8 Item 81 is to consider approval of the
9 legislative report titled *2019 Biennial Report on the*
10 *California Marine Invasive Species Program*.

11 May we have the presentation, please.

12 EXECUTIVE OFFICER LUCCHESI: And before our --
13 before Chris starts, I do want to just warn the Commission
14 and members of the audience listening, this will be a more
15 in-depth presentation that lasts a little bit longer than
16 our typical presentations, only because it provides a good
17 foundation of the Marine Invasive Species Program itself,
18 which is going to be important moving forward in this
19 year, and also really sets the stage for subsequent
20 actions by the Commission on this agenda.

21 So we're going to be spend a little bit more
22 time --

23 CHAIRPERSON KOUNALAKIS: Great.

24 EXECUTIVE OFFICER LUCCHESI: -- explaining the
25 program and how successful its been. And so we thank you

1 in advance for your patients.

2 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Thank
3 you for the warning.

4 (Laughter.)

5 (Thereupon an overhead presentation was
6 presented as follows.)

7 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: It won't
8 be too much longer than normal, but -- so good morning,
9 Madam Chair and Commissioners. My name is Chris Scianni.
10 I'm a Senior Environmental Scientist with the Marine
11 Environmental Protection Division. And I'm going to be
12 presenting Item number 81 and ask for you to consider
13 approving the proposed legislative report titled 2019
14 *Biennial Report on the California Marine Invasive Species*
15 *Program.*

16 --o0o--

17 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So
18 first, a little bit of background about the problem that
19 we're trying to address and that's the introduction of
20 non-indigenous species into California waters. So
21 non-indigenous species are organisms that are transported
22 into areas where they don't naturally or historically
23 occur.

24 And once they come into a new environment, if
25 they become established, they can start to cause a lot of

1 the negative environmental, human health impacts, economic
2 impacts that are typically associated with invasive
3 species.

4 --o0o--

5 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And just
6 want to spend one more slide talking about the impacts of
7 invasive species and compare it to a more traditional
8 pollutant like oil that we're more familiar with. So this
9 is a generalized figure here with impacts on the Y axis on
10 the left-hand side, and time on the X axis on the bottom.

11 And for oil spills, the impacts are usually
12 immediate and devastating. But over time, through clean
13 up-activities, dispersal, and just time in general, those
14 impacts can be reduced. For invasive species, it's quite
15 the opposite. So usually, the impacts are minimal at the
16 beginning. The small introduce population has some small
17 impacts. But if they get a foothold, and they start
18 producing, the population size starts to grow. Their
19 geographic footprint starts to grow. Their interactions
20 with other organisms starts to grow, and so you see more
21 and more impacts over time.

22 And so kind of the takeaway point from this
23 figure is that the magnitude of the level -- the level of
24 impacts is pretty similar, but the timing is drastically
25 different. And so for invasive species, because the

1 impacts continue to rise over time, it's pretty hard to
2 remove them to clean up the environment once they get a
3 foothold, and so prevention is obviously key.

4 --o0o--

5 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So these
6 non-indigenous species are moved around the world through
7 a variety of different pathways. For coastal areas,
8 commercial shipping is the primary pathway and it's
9 responsible for approximately 80 percent of the currently
10 established non-indigenous species in the coastal and
11 estuarine waters of North America.

12 Ships and other vessels move species around
13 through two primary mechanisms. And the first is ballast
14 water. So this is basically water that they'll take on
15 board to -- for trim, stability, and balance purposes.
16 It's usually inversely correlated to cargo loading and
17 unloading operations. So if they're unload -- so, for
18 example, if it's a tank vessel that's unloading oil at a
19 terminal, they'll take on ballet water often, and then go
20 to the next port, take on cargo, and then they'll unload
21 that ballast water.

22 And so basically they're taking large volumes of
23 water from one port with the billions of organisms in that
24 water, and then transporting it to a new area.

25 The other mechanism is vessel biofouling. And

1 it's commonly referred to as hull fouling. But these are
2 basically the organisms that are physically attached to
3 the vessel underneath. So think of muscles and barnacles
4 attaching to any rock. But they do the same with ships.
5 And so as the ship -- the vessel moves from port to port
6 to port around the world on its voyage, these organisms
7 are going with it.

8 --o0o--

9 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And so
10 because of these challenges, the State Legislature created
11 our program, the Marine Invasive Species Program. And
12 they placed a mandate on us to move the state
13 expeditiously toward elimination of the discharge of
14 non-indigenous species into the waters of the state.

15 So basically, we're an invasive species
16 prevention program. And we focus on regulating the
17 management of ballast water and biofouling for ships that
18 are operating in California.

19 It's a multi-agency program, so the Commission is
20 the administrator of the program. We develop regulations.
21 We propose -- we make recommendations to the Legislature.
22 We enforce those regulations. We collect, and analyze,
23 and use a lot of data that comes in from the shipping
24 industry on their management practices. The Department of
25 Fish and Wildlife conducts surveys of the outer coasts,

1 ports, harbors, bays initially to get a baseline of what
2 species were here in California at the time that our
3 program was put into place. And then they regularly go
4 out to monitor and see if they can identify any new
5 introductions or range expansions to get a better feel
6 for -- to evaluate the effectiveness of the policies that
7 we put into place.

8 The State Water Resources Control Board serves
9 consultative role, so they provide water quality expertise
10 to our policymaking. And then the Department of Tax and
11 Fee Administration charges a fee, and receives that fee
12 from every vessel that comes into California to fund our
13 entire program. So we're entirely specially funded. We
14 don't draw any general funds.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So now
17 onto the report. The purpose of this report is to provide
18 an update to the Legislature. We do this every two years,
19 as required by Public Resources Code section 71210 and
20 71212.

21 So this report covers the time period from July
22 2016 to June 2018, so the last two full fiscal years. And
23 the report itself includes an update of our activities as
24 a program, a summary of the vessel reported data that
25 we've been collecting from vessels for these past two

1 years, including their traffic patterns, their ballast
2 water and biofouling management practices.

3 It includes a summary of our inspection data and
4 enforcement information. And then a summary of recent
5 research that we've either conducted ourselves, we've
6 funded, or that we also include a literature review from
7 all of the relevant literature from the scientific
8 community for the past two years.

9 --o0o--

10 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So I
11 just want to touch on -- kind of build off of what Colin
12 did earlier and touch on our accomplishments as a program
13 for the past two years. We have quite a few.

14 So this first page is three sets of regulations
15 that were either newly adopted or amended during this
16 two-year period and implemented. The first is a set of
17 biofouling management regulations that was implemented on
18 October 1st 2017. This was the world's first set of
19 biofouling management regulations that were implemented.

20 Since then, New Zealand has also implemented a
21 set of regulations. But it's a good example of California
22 kind of leading the world on this new environmental
23 protection policy. We also implemented enforcement
24 regulations that started July 1st of 2017, setting
25 categories of non-compliance, setting penalty amount for

1 different -- the different categories. And it kind of
2 lays out transparently our process of assessing these
3 penalties and gives the violating party an opportunity to
4 appeal those decisions. So it kind of lays that out
5 transparently.

6 And then finally a fee change regulation, again
7 implemented in early 2017, to adjust the amount of the fee
8 that the vessels pay when they come into California to
9 make sure that we can cover all the costs of the program.

10 --o0o--

11 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: One of
12 the other accomplishments - I'll go backwards with the
13 bullets - there was a change to the reporting submission
14 compliance for vessel submitted reporting forms a few
15 years ago to have them submit it to us 24 hours prior to
16 arrival versus before it was upon departure.

17 But our ability to get this form now a day before
18 they come in allows us to look at it, review it, conduct a
19 pre-arrival risk assessment to identify the high-priority
20 vessels, so that we're not going out -- because we have a
21 mandate to inspect 25 percent of the incoming vessels
22 every year. So that we don't just go out and inspect a
23 random selection of 25 percent. We're going to target the
24 ones that are most in need of outreach, most in need of a
25 real inspection, because they present a risk. So this was

1 a new thing that we started this -- the last two years.

2 --o0o--

3 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Another
4 accomplishment is a public facing vessel reporting
5 application. This was again released in 2017. This
6 allows a vessel's crew, or owner, or agent, or shipping --
7 yeah, shipping agent to log on and complete the mandatory
8 reporting forms online, and submit them directly to us, so
9 that we can do a quick review and then put them into our
10 database.

11 It improves the transparency for the industry,
12 because it allows them to log on. And any member that I
13 said, it could be the vessel's crew, the owner, the
14 operator, the agent, to see if their forms have been
15 submitted. They can track their port call history. They
16 can track their submission history. They can track their
17 inspection history. So it provides a lot more information
18 for them to make decisions, and it improves the efficiency
19 of our program overall.

20 --o0o--

21 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And then
22 finally, during these past two years, our staff made a
23 commitment to publish a lot more of our data and our
24 research, so that it gets out there to the broader world.

25 So over the past two years, we had four

1 peer-reviewed scientific articles that were published.
2 Yeah, it helps to shine a light on our program, but it
3 also helps us to make sure that our processes are done
4 correctly. So when these go out, they get peer reviewed.
5 Our methods get vetted by practicing scientists. And it
6 makes it easier for us to use this information to develop
7 policies.

8 --o0o--

9 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So those
10 are the accomplishments. In the report, we highlighted
11 one main challenge. And we talked at length of this
12 challenge in a previous report that the Commission
13 approved in December on ballast water treatment
14 technologies.

15 So here, I'll just briefly bring it up. There
16 was a law that went into effect, that was signed into law
17 in December, originally introduced as the Vessel
18 Incidental Discharge Act. And it was signed into law as a
19 part of the Frank LoBiondo Coast Guard Reauthorization Act
20 of 2018. And the challenges that it will preempt State
21 authority to establish and implement ballast water
22 management requirements. And that includes California's
23 existing ballast water discharge standards.

24 We have about four years before that happens.
25 The U.S. EPA has to go through a rulemaking action to set

1 national standards. The Coast Guard has to go through
2 another rulemaking action after that to set up their
3 enforcement and compliance regime. And so the estimate is
4 about four years for that to take place. And so in the
5 interim, we have to start planning for this.

6 We spelled out in the previous report some of the
7 actions that we'll take, including working with the
8 Legislature to make changes to the Marine Invasive Species
9 Act that need to be made, and to also review it in depth
10 with the Attorney General's office to make sure that we
11 understand exactly what the implications are for our
12 program.

13 And I believe the next item, Item 82, will touch
14 on that a bit. So I'll leave that there for now.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Our next
17 steps. I mentioned that we had new biofouling management
18 regulations that went into effect. And we also had
19 enforcement regulations that went into effect. Those two
20 rulemaking actions went through simultaneously. And the
21 enforcement regulations were adopted first. And so it
22 really only includes our ballast man -- ballast water
23 management requirements. And so one of the things that
24 we're working on now is to develop a new rulemaking action
25 to incorporate all the biofouling management requirements

1 into that enforcement regime. And so that's ongoing.

2 I also talked about a pre-arrival risk
3 assessment. We -- now that we have biofouling management
4 requirements, we're developing a numerical model to place
5 weighted risk based on the information that the vessels
6 submit to us in several reporting forms, so that we can
7 prioritize not only the high ballast water priority -- or
8 not separately, high biofouling priority, but a high
9 priority vessel for us to inspect. So it will help us to
10 better target our limited resources for inspections.

11 And then finally to work with the Legislature to
12 amend the Marine Invasive Species Act, like I mentioned.
13 And we're going to hear more about that on the next item.

14 --o0o--

15 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So with
16 that, yeah, just the -- the staff recommendation is to
17 approve the proposed legislative report titled *2019*
18 *Biennial Report on the California Marine Invasive Species*
19 *Act*. Sorry, that should be "Program". *Marine Invasive*
20 *Species Program*.

21 Happy to take questions, if you have any.

22 CHAIRPERSON KOUNALAKIS: Thank you very much.
23 Commissioners, questions?

24 COMMISSIONER YEE: Just a comment, Madam Chair,
25 if I may.

1 You spoke about the peer review process. I just
2 wanted to acknowledge, you know, what the State Lands
3 Commission is doing, actually the State of California. We
4 really are leaders on this front. So many observers
5 around the world actually look at what California is
6 doing. So I'm happy you brought up the federal VIDA
7 legislation, because, you know, any setback with respect
8 to our authority to continue to do what we've been doing,
9 I think would really create some harm. So appreciate you
10 raising all of that.

11 COMMISSIONER YEE: So with that, I will --

12 CHAIRPERSON KOUNALAKIS: Director --

13 COMMISSIONER YEE: I will --

14 CHAIRPERSON KOUNALAKIS: We have one -- we have
15 one speaker --

16 COMMISSIONER YEE: Oh, one speaker. Okay. Okay.

17 CHAIRPERSON KOUNALAKIS: -- from the public.
18 Director Lucchesi, did you have anything to add before
19 we --

20 EXECUTIVE OFFICER LUCCHESI: No.

21 CHAIRPERSON KOUNALAKIS: All right. John Berge
22 Vice President of PMSA. Please come to the podium.

23 MR. BERGE: Thank you, Madam Chair and
24 Commissioners. My name is John Berge. I'm with the
25 Pacific Merchant Shipping Association. We are a regional

1 trade association. And we represent, among other things,
2 shipping lines calling California servicing our great
3 needs, and thus part of the regulated community under the
4 Marine Invasive Species Program.

5 Just simply I'm speaking in support of the
6 report. I think it is important for you to understand
7 that our industry has recognized and taken responsibility
8 for the risk of aquatic invasive species introduction
9 through shipping vectors, and we've invested significant
10 resources in trying to mitigate that risk.

11 We have achieved that risk mitigation really
12 hand-in-hand with the State Lands staff. Their excellence
13 in outreach, and education, and collaboration I think has
14 helped to make this as successful as we've seen. And I
15 believe the data in the report that you've seen bears that
16 out.

17 We are now really entering a new chapter in
18 invasive species risk mitigation for our industry. And
19 VIDA, the Incidental Discharge Act aside, the fact is
20 we're moving from what used to be a interim based
21 management strategy for reducing this risk, now moving
22 towards basically installing best available technology on
23 all the ships, essentially worldwide, but certainly all
24 the ships calling the United States.

25 So as we enter this new phase, you know, there's

1 going to be some significant challenges and complications
2 just inherent in the process. But we're looking forward
3 to working for -- working closely with State Lands staff
4 and the Commission in trying to make that as successful as
5 possible.

6 And on a related note, again, agenda item right
7 after this, 82, the legislation, we're also committed to
8 working with the Commission, as that legislation makes it
9 through the Legislature and to the Governor's desk.

10 So that's simply the comments I had. If you had
11 any questions, please feel free to ask.

12 CHAIRPERSON KOUNALAKIS: All right. Thank you
13 very much.

14 Do we have a motion?

15 COMMISSIONER YEE: So moved.

16 ACTING COMMISSIONER WONG-HERNANDEZ: Second.

17 CHAIRPERSON KOUNALAKIS: Any objection to the
18 unanimous vote?

19 Seeing none. The motion passes unanimously.

20 Item 82 is to consider sponsoring State
21 legislation to amend the Marine Invasive Species Act.

22 May we have the staff presentation?

23 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
24 PEMBERTON: Thank you, Madam chair and Commissioners. My
25 name is Sheri Pemberton. And I won't go over the full

1 discussion on these issues, since the previous staff
2 report went into that.

3 The problem that we seek to address in this item
4 is that our previous reports have shown that technology
5 isn't available to meet the California standards. And the
6 next standards are taking effect January 1st, 2020. We
7 also have the issue of VIDA, which was recently passed
8 that does preempt California's authority to establish its
9 own ballast water discharge standards.

10 So absent a legislative change, operators will be
11 unable to comply January 1st, 2020. So we want to engage
12 the Legislature on looking at ways that we can strengthen
13 the law, so that we are protecting our State waters from
14 marine Invasive species protection -- introductions. And
15 we also want to give the Commission the tools that it
16 needs to be effective.

17 We've been laying that groundwork. We've been
18 meeting with legislative staff.

19 (Sound system malfunction.)

20 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
21 PEMBERTON: We've been -- our staff has been laying the
22 groundwork briefing key legislative staff at the Natural
23 Resources and Environmental Quality Committees. And so
24 I'll just take you quickly through the provisions that we
25 request that the Commission authorize in this legislation.

1 One is to give the Commission authority to take samples of
2 ballast water and biofouling for research purposes. And
3 this will help us look at whether the discharge systems
4 installed on vessels are working, and also update some of
5 the definitions, including the definition of Pacific Coast
6 Region and delete other obsolete language in the statute,
7 and then broader authority to work with the Legislature on
8 addressing the standards issue.

9 So the recommendation is that the Commission
10 sponsor legislation to that effect.

11 CHAIRPERSON KOUNALAKIS: Okay. Comments from
12 Commissioners?

13 COMMISSIONER YEE: Thank you, Madam Chair.

14 I'm wondering if, in addition to legislation,
15 there might not be some interest to also introduce a joint
16 resolution that speaks to the opportunities and the
17 benefits of the State having authority, and really using
18 it as a tool to hopefully move some of our members back in
19 Washington.

20 And to the extent that this is all under the
21 Coast Guard related legislation, the lead federal agencies
22 maybe can take a look at California with respect to how
23 they might want to fashion, you know, what they do at the
24 Federal level.

25 So it's just an idea. I'm not saying do it, but

1 oftentimes it's kind of an extra kind of call for our
2 members of Congress to pay attention to California. And
3 it's also maybe a way to memorialize the successes we've
4 had as well.

5 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
6 PEMBERTON: Yes, I think that's an excellent -- excellent
7 idea that we can -- we can certainly work on and explore.

8 COMMISSIONER YEE: And it can be a companion to
9 the bill to strengthen our own provisions as well.

10 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
11 PEMBERTON: Yes.

12 COMMISSIONER YEE: Great. Thank you.

13 EXECUTIVE OFFICER LUCCHESI: So we will take that
14 back --

15 COMMISSIONER YEE: Yes.

16 EXECUTIVE OFFICER LUCCHESI: -- and work on some
17 of the details associated with that, and bring that back
18 to the Commission for your consideration.

19 COMMISSIONER YEE: Yes, that would be great.

20 CHAIRPERSON KOUNALAKIS: Okay.

21 COMMISSIONER YEE: So with that I would --

22 CHAIRPERSON KOUNALAKIS: Public comments.

23 COMMISSIONER YEE: Oh, I'm sorry. Are there?

24 CHAIRPERSON KOUNALAKIS: Real quick. Are there
25 any public comments?

1 I have not received any slips.

2 Okay.

3 COMMISSIONER YEE: Okay. So I would move that
4 the Commission sponsor legislation to amend the Marine
5 Invasive Species Program.

6 ACTING COMMISSIONER WONG-HERNANDEZ: So, Madam
7 Chair, the Department of Finance considers, during the
8 normal legislative process, all of the bills that go
9 through, and so we typically abstain from legislation,
10 either taking a position or sponsoring.

11 CHAIRPERSON KOUNALAKIS: All right. I'll second.
12 So can we have a roll call vote?

13 EXECUTIVE OFFICER LUCCHESI: Yes.
14 Commissioner Yee.

15 COMMISSIONER YEE: Aye.

16 EXECUTIVE OFFICER LUCCHESI: Commissioner
17 Wong-Hernandez?

18 ACTING COMMISSIONER WONG-HERNANDEZ: No voting.

19 EXECUTIVE OFFICER LUCCHESI: And, Madam Chair?

20 CHAIRPERSON KOUNALAKIS: Aye.

21 EXECUTIVE OFFICER LUCCHESI: Okay. The motion
22 passes 2 to 0.

23 CHAIRPERSON KOUNALAKIS: All right.

24 EXECUTIVE OFFICER LUCCHESI: With one abstention.

25 CHAIRPERSON KOUNALAKIS: Okay. Next on the

1 agenda, Item 83, is to consider sponsoring State
2 legislation to address the decommissioning of offshore oil
3 and gas facilities.

4 May we have the staff presentation?

5 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

6 PEMBERTON: Yes. Thank you, Madam Chair and
7 Commissioners. Item 83 recommends that the Commission
8 sponsor legislation relating to offshore oil and gas
9 decommissioning. There's two pieces to the proposal. The
10 first is to clarify in statute when the Commission
11 considers an application to assign or transforce --
12 transfer or sublease an offshore oil and gas lease to
13 clarify conditions that the Commission can consider when
14 assessing that application, including whether the proposed
15 lessee or transferee has experience with decommissioning,
16 is financially capable of complying with the provisions in
17 the existing lease and with the decommissioning
18 requirements, and defining what a transferee or assignee
19 is.

20 This is similar to legislation that was passed in
21 a bipartisan way in the legislature a couple years ago,
22 but was unfortunately vetoed, because it was deemed to be
23 authority that the Commission already had. But in light
24 of over the past couple years with high profile
25 bankruptcies with big operators, we think it is especially

1 important to revisit this issue.

2 The second component of the legislation is to
3 clarify when decommissioning accrual -- decommissioning
4 responsibilities accrue and liability for operators when a
5 lease has been transferred. And what we propose to do is
6 to pull into State statute some of what's in federal
7 regulations that assign responsibility to past lessees and
8 operators.

9 So even if a lease is later transferred, those
10 who have already been benefiting from the production, it
11 clarifies that they are responsible for those
12 decommissioning costs, and all the financial
13 responsibilities that come along with that.

14 CHAIRPERSON KOUNALAKIS: Okay. Any --
15 Commissioner Yee, you want to jump in?

16 COMMISSIONER YEE: Absolutely.

17 (Laughter.)

18 COMMISSIONER YEE: This Commission has really
19 taken a lot of leadership on this front. And I think
20 certainly with the steadfast commitment and dedication to
21 this Commission with respect to protecting against any
22 further offshore oil extraction drilling and the like.
23 This just seems to be the next best step.

24 But more importantly, this is really necessary to
25 protect the State's interests. And we're -- we've been so

1 proactive, and at the same time, I think we can bolster
2 certainly the tools that we have at our disposal to be
3 sure that we -- at every turn, we do run into some
4 surprises at times with respect to taking on this role.
5 But this, I think, is just really going to bolster our
6 ability to be sure that we do protect the State's
7 interests financially and otherwise.

8 CHAIRPERSON KOUNALAKIS: Yes.

9 ACTING COMMISSIONER WONG-HERNANDEZ: We will
10 abstain again, but I needed to make a comment. I wanted
11 to really commend staff on trying to bring some sound
12 fiscal policy and to really look at ways that we can
13 strengthen our position and protect the State.

14 To Commissioners Yee's point, this -- it's too
15 bad that we're having to do this at this point. And I
16 know that a lot of it is clarifying, but I think that this
17 makes a lot of sense.

18 CHAIRPERSON KOUNALAKIS: Yeah. And I'll just
19 chime in as well. There is just tremendous concern in the
20 public about the possibility of expanded offshore
21 drilling. And part of the reason is because of the legacy
22 activity that's been going on, and the kinds of
23 circumstances that what this item is attempting to avoid
24 in the future. So it's very difficult work, and I commend
25 the staff for getting us to where we are and moving this

1 forward. So thank you.

2 Okay. Did we have anything else from staff?

3 EXECUTIVE OFFICER LUCCHESI: No.

4 CHAIRPERSON KOUNALAKIS: All right.

5 Public comment?

6 Seeing none.

7 Motion?

8 COMMISSIONER YEE: So moved.

9 CHAIRPERSON KOUNALAKIS: I will second.

10 And can we have a roll call vote?

11 EXECUTIVE OFFICER LUCCHESI: Commissioner Yee?

12 COMMISSIONER YEE: Aye.

13 EXECUTIVE OFFICER LUCCHESI: Commissioner
14 Wong-Hernandez?

15 ACTING COMMISSIONER WONG-HERNANDEZ: Not voting.

16 EXECUTIVE OFFICER LUCCHESI: And Madam Chair?

17 CHAIRPERSON KOUNALAKIS: Aye.

18 EXECUTIVE OFFICER LUCCHESI: Great. The motion
19 passes 2 to 0, with one abstention.

20 CHAIRPERSON KOUNALAKIS: Thank you.

21 Item 84 is to consider supporting federal
22 legislation addressing offshore oil and gas operations in
23 federal waters.

24 May we have the presentation.

25 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

1 PEMBERTON: Yes. Thank you, Madam Chair and
2 Commissioners. Item 84 recommends that the Commission
3 support two pieces of recently introduced federal
4 legislation that would prohibit any new offshore oil and
5 gas development in federal waters offshore California's
6 coast or the Oregon and Washington coast. They are HR 310
7 by Congress Member Jared Huffman, and HR 279 by Congress
8 Member Carbajal.

9 And they would prohibit any new production in
10 federal waters. In the past couple decades, the
11 Commission has consistently opposed any proposals to have
12 new offshore oil and gas development in federal waters,
13 because of the risks to California's coastline and
14 environment. So we recommend that the Commission support
15 this legislation.

16 I also just wanted to point out this follows last
17 year the Department of Interior issued a new leasing
18 program -- or a draft program planned for new leasing
19 offshore in federal waters that proposed opening up the
20 Pacific region coast and other offshore areas of the
21 nation for new development. And the Commission, at that
22 time, strenuously opposed that proposal. And while it's
23 still not finalized and we don't know if ultimately the
24 plan will include the Pacific region, we think it's
25 important for the Commission to weigh in and memorialize

1 its opposition to new federal offshore drilling by
2 supporting these two bills.

3 CHAIRPERSON KOUNALAKIS: So I think it's very
4 important that the Commission weigh in as well, but why
5 don't we start with the other Commissioners.

6 Commissioner Yee any other comment?

7 COMMISSIONER YEE: I think we're on the same
8 page, Madam Chair. Thank you.

9 (Laughter.)

10 ACTING COMMISSIONER WONG-HERNANDEZ: We're on the
11 same page as well. I mean, this is -- it seems like the
12 next extension of what we requested and said in a really
13 strongly worded unanimous letter this time last year.

14 CHAIRPERSON KOUNALAKIS: That's right. It's just
15 incredibly important that we reflect and advocate for the
16 very strong sentiment of the people of this state who are
17 by and large just overwhelmingly against expanded offshore
18 drilling.

19 I think it's important to note that the federal
20 administration has already blocked Florida from this kind
21 of thing, but California, in their mind, is game, or it's
22 open. So we need to send at every possible level the
23 strongest message, that this is not in the interest of
24 California. It is not wanted by the people of California.
25 And so I'm -- I guess we can go ahead and have a motion.

1 COMMISSIONER YEE: Yes. So moved.

2 CHAIRPERSON KOUNALAKIS: Second.

3 Are you also --

4 ACTING COMMISSIONER WONG-HERNANDEZ: No, we'll
5 vote. We don't have the opportunity to consider these.

6 CHAIRPERSON KOUNALAKIS: All right. So any
7 objection?

8 All right. Then a unanimous vote. Motion
9 carries. Thank you.

10 All right. Director Lucchesi, what is the next
11 order of business?

12 EXECUTIVE OFFICER LUCCHESI: The next order of
13 business is general public comment. And we have a number
14 of speakers that wish to speak during public comment at
15 this time

16 CHAIRPERSON KOUNALAKIS: Okay. I'm going to call
17 you to the podium. I believe this is in the order that we
18 received the slips, but we do our best here, starting with
19 Jennifer Savage, California Policy Manager for Surfrider.
20 And after Jennifer is Dominic Gulli.

21 EXECUTIVE OFFICER LUCCHESI: And I believe
22 Jennifer has already left, so we might want to start with
23 Dominick.

24 CHAIRPERSON KOUNALAKIS: Oh, okay.

25 EXECUTIVE OFFICER LUCCHESI: I am not seeing her

1 in the audience right now.

2 CHAIRPERSON KOUNALAKIS: All right. Dominick
3 Gulli, civil engineer, the public trust. Welcome.

4 MR. GULLI: Yeah. My name is Dominick Gulli.
5 I'm a licensed engineer and a licensed surveyor in the
6 state of California. I'm here on behalf of Save Dad's
7 Point.

8 It's a website that I developed. Dad's Point is
9 currently planned. You guys are going to be considering a
10 lease for Dad's Point to build a dam across the original
11 bed of the San Joaquin River. It's called the Smith Canal
12 Gate. It's down in Stockton. And I believe it's against
13 the public trust. There's numerous public trusts. One is
14 navigation.

15 We have a disadvantaged community down in
16 Stockton. We have a fee boat ramp right at Dad's Point.
17 Right now, they can go out, boom they're on the Delta.
18 With this gate, they're going to go out, and have to go
19 over and go through a 50 foot opening in a gate with
20 significantly more dangerous to monitor boats. So it's on
21 behalf of -- navigation is a Public Trust, and I think
22 it's -- you should not grant the lease to them for that.

23 Recreation. Dad's Point is a peninsula. It's a
24 remnant from when they dug the Stockton Deep Water Ship
25 Channel. It actually used to be part of Rough and Ready

1 Island. Now, it's peninsula. It has a fire pit on the
2 end, a walking path. It's available for bank fishing,
3 swimming, walking. And almost any time you go there,
4 you'll see herrings -- blue herrings, snowy egrets, lots
5 of wildlife on there. It's going to be converted to a
6 federal levee with riprap on both sides and a dam at the
7 end, steel.

8 Commerce is affected by this project. This
9 Stockton Deep Water Ship Channel some day is going to be
10 deepened so that we can get bigger ships up there with
11 more products coming into the Port of Stockton, which is a
12 very advantageous port, because you don't have to deal
13 with all the Bay Area traffic. Boom, it's there. It's on
14 the train, it's on a plane, or it goes down onto trucks.
15 So the Stockton Port is going to be affected. This deep
16 water ship channel, which was conveyed from the State
17 Lands to the federal government for that purpose. That's
18 going to be recreation, commerce, and the fish and
19 wildlife. The 50-foot opening is going to affect water
20 quality. It just will.

21 Not as much water. Right now, there's 240-acre
22 feet. It's tidal, three feet flows in, three feet flows
23 out every single day twice a day.

24 So I think -- I believe it's going to be on your
25 agenda to approve this lease coming up in April. There is

1 a very viable alternate to just fix the levees up along
2 the Smith Canal. It's just a canal. It's a drainage
3 canal. You can fix the levees. They're pretty good
4 levees right now. So there is an alternate to building a
5 steel gate within the original bed of the San Joaquin
6 River that's going to affect the Public Trust.

7 Thank you. Any questions?

8 CHAIRPERSON KOUNALAKIS: Any questions?

9 Director Lucchesi, do you want to respond?

10 EXECUTIVE OFFICER LUCCHESI: Yeah. I will just
11 respond by saying thank you very much for coming to our
12 meeting and expressing your concerns and your comments.
13 We do have an application for this project pending. And
14 what I'd like to suggest is that you talk with our
15 Assistant Chief of Land Management, Grace, or our Chief of
16 Land Management, Brian, so that they can both get your
17 contact information, and also get additional materials
18 about your thoughts on this project, so we can follow up
19 appropriately.

20 MR. GULLI: Yeah. Thank you. And I've been
21 dealing with Emma Kennedy as well, to provide me some
22 information.

23 EXECUTIVE OFFICER LUCCHESI: Oh, great.

24 MR. GULLI: I have provided information. And I
25 just -- along with your strategic goals up there, one of

1 the goals was to engage the public to protect the Trust.
2 And I appreciate that. And unfortunately, I mean, I'm
3 taking it on, because I can. But the agency -- so I'd
4 really like to see -- and please do not put it on your
5 consent agenda when it comes up to issue a lease for this,
6 because it's a big thing.

7 The other thing I saw on the slide was that dam
8 that you're taking out -- I think it was called the --
9 anyway, the dam that you're taking out of the river.

10 EXECUTIVE OFFICER LUCCHESI: Dennett Dam.
11 Dennett Dam.

12 MR. GULLI: I mean this would be terrible to have
13 to take this double steel sheet pile wall dam out into the
14 future, if it does become a problem with water quality,
15 which I'm fairly confident it will. I'm an expert in
16 hydrodynamics.

17 So thank you.

18 EXECUTIVE OFFICER LUCCHESI: Thank you.

19 CHAIRPERSON KOUNALAKIS: Thank you very much.

20 EXECUTIVE OFFICER LUCCHESI: They will raise
21 their hand back there so you can follow up with them.
22 Thank you.

23 CHAIRPERSON KOUNALAKIS: Okay. We have several
24 speakers on Docket. The first -- and it looks like Ed
25 Stancil, is that right? It's a little hard to make this

1 out.

2 MR. STANCIL: I'd like to go after.

3 CHAIRPERSON KOUNALAKIS: Oh, okay.

4 Alison Madden representing San Francisco Bay
5 Marinas For All.

6 MS. MADDEN: Good afternoon. Congratulations.

7 And we've been speaking on this for a couple
8 years now. And it's something that is very important to
9 us. We've come many times. And this is respecting
10 probably a dozen households that are left out of what was
11 a very highly dense liveaboard marina. And at this point,
12 we feel that it's consistent with the State Lands
13 Commission's policy for safety and security of marinas.

14 And we came and spoke in Sonoma. And with much
15 very due respect, Commissioner Yee noted that the State
16 Lands Commission's role is very limited. But what we've
17 been trying to say all along is that it's really not.
18 It's kind of 100 percent driven what's going on by the
19 advice and direction of the State Lands Commission.

20 And right now, we're in unlawful detainer
21 proceedings. We're being evicted. We have a procedural
22 issue on a petition for review to the Supreme Court. And
23 it makes even attorney lies glaze over, so I won't go into
24 what that procedural issue is. But if the Supreme Court
25 doesn't hear it within the next few weeks, we're back down

1 into giving our answer with affirmative defenses that go
2 to the right of possession, that say that we think the
3 Council of Redwood City doesn't have jurisdiction. It's
4 the Port Department. And the Port has always been the
5 reporting body to the State Lands Commission.

6 So we have a lot ahead of us. We have a trial.
7 We're exposed to attorney's fees and eviction. And right
8 now, the people that are left are elderly, disabled,
9 single-working parents. One person who recently left has
10 a disabled son that's living in an RV in a Kmart parking
11 lot. We have veterans living in RVs. We have a couple
12 living in a shelter.

13 And right now, we feel that this percentage of
14 people down there qualifies for the State Lands Commission
15 Safety and Security Policy. It's often stated as two to
16 four percent. Ten percent was given down in Huntington
17 Beach, which is being sued by the State for having no
18 affordable housing. Probably that ten percent is the only
19 affordable housing Huntington Beach has.

20 Recently, the Mayor wrote a letter -- well, it
21 was November of 2018, and Ms. Lucchesi responded on
22 January 29th, and we feel in a very encouraging manner,
23 which she had two pathways. One is the safety and
24 security, and one is legislation. We feel that the Safety
25 and Security Policy is enough to cover the people that are

1 left to not be evicted. These are not barges. They're
2 not fixed foundation floating homes. They are remaining
3 vessels.

4 Twenty million has been spent by Redwood City
5 already. This never needed to happen on such a quick time
6 frame. There was a lawsuit. I can see an interested --
7 I'm very happy -- and interested look.

8 And what I'd like to say is that there are all
9 these State agencies talking to each other. And it takes
10 years to talk about this kind of thing. And there was a
11 lawsuit brought on a very short time frame that said kick
12 all of these people out within a year or two. The
13 attorney got paid \$1.5 million, and the rest of us, you
14 know, got the boot. The \$20 million went to the big barge
15 homes. So there's much here. I've sent emails. I've got
16 emails -- a packet of emails here.

17 And also what I'd like to say is what I said in
18 one of the emails is what about us? No one is talking to
19 us.

20 CHAIRPERSON KOUNALAKIS: Staff response. Should
21 we hear from everyone?

22 EXECUTIVE OFFICER LUCCHESI: I recommend that we
23 hear from everybody, and I'm happy to provide a response.

24 CHAIRPERSON KOUNALAKIS: All right. Okay. Thank
25 you very much for coming down today. Why don't you go

1 ahead and leave the materials with the staff.

2 Thank you. Okay. Ed, how do you say your last
3 name? It's --

4 MR. STANCIL: Stancil.

5 CHAIRPERSON KOUNALAKIS: Stancil.

6 MR. STANCIL: Edward Stancil, yeah.

7 CHAIRPERSON KOUNALAKIS: Welcome.

8 MR. STANCIL: So my background. I was born and
9 raised in Chili Bar. It's on the South Fork of the
10 American River, seven miles upstream from Coloma, which is
11 where gold was discovered. I went away to college. I
12 lived in Redwood -- or not Redwood City, but actually
13 Sacramento.

14 And that was one place that I didn't have a
15 waterfront home or lived on the water. I moved -- I
16 graduated from ARC, went to UOP, lived a Smith Slough,
17 which this guy is trying to protect. We had a house right
18 there. It was a student house, and it's still a student
19 house today.

20 Anyway, I'm a member of Dockettown community. I've
21 been there since 1996, and I have a house that's paid in
22 Silicon Valley. We clean up the creek. We take care of
23 everything. We take care of boaters that come by lost.
24 They're out of gas. There's not a gas pump anywhere
25 within 20 miles. We'll get our tanks out and go fill them

1 up, so that they can get back to Oakland of wherever they
2 come in. They're like, "Oh, how did we get here", right?

3 So there's a lot that we provide. We offer
4 access to everybody. We don't have gates on our docks.
5 We don't have key passes on our docks. And if you want to
6 walk down to the dock and put your feet in the water, or
7 launch your kayak, we have a free ramp to do that, and
8 also access to the water.

9 Redwood City has just lied to us and -- over and
10 over again. And it's just unbelievable. They've extended
11 their extension on their elections, so we couldn't even
12 have a referendum or recall because there was no election
13 for 18 months while they're kicking us out.

14 They came up with the Docktown plan, where we
15 have to sign off our rights to go ahead and receive
16 benefits, but they're not relocating us, okay, because --
17 they're not relocating us. They hired a relocation
18 company, but we are not entitled to re -- CRAL, California
19 Relocation Act money, because where they're just settling
20 a lawsuit and removing all the residents.

21 Well, we're fighting for our home. It's paid
22 for. They're nice. It's -- we're a very small footprint,
23 and we'd like to stay. The two percent, or four percent,
24 or ten percent, it's -- we're so far out of BCDC.

25 And the other problem is that Redwood City

1 earlier on has tubed the whole creek and used is as a
2 sewage for 50 years, or more. Right behind is called Poop
3 Lagoon, because it's where they dumped the poop when it
4 rained. Okay.

5 But since they've cleaned it up now, we have to
6 go. So anyway, we really need your help, and we need not
7 to be evicted from our homes until at least we get our day
8 in court.

9 Thank you.

10 CHAIRPERSON KOUNALAKIS: Thank you very much for
11 coming down.

12 Emilio Diaz.

13 MR. DIAZ: Hello. I'm a resident -- hello. Hi,
14 everybody.

15 I'm a resident of Docketown. I -- in the
16 seventies when I built my boat, after, you know, going --
17 serving in the Marine Corps and serving in Vietnam '65 to
18 '66, veteran, I built this boat in Alviso back in the
19 seventies. And in '98, I started living aboard in
20 Docketown. I've been there for like over 20 years. And I
21 thought it was a good idea, you know, building a boat,
22 living on the boat, living on the water. Nice.

23 Well, it's a whole different world now. There is
24 very few places where you can go and live, especially in
25 the Bay. So there's not many options. There used to be.

1 It used to be -- I think old maritime law was you could
2 put your boat in the creek, and as long as you came along
3 about every 30 days and looked at it and made sure it was
4 okay, that was the law.

5 And now it's like, BCDC says they're landfill.
6 Docks and boats are landfill. Come on. That should be
7 against the law, even their jurisdiction over that.

8 And so where am I going to go?

9 Thank you.

10 CHAIRPERSON KOUNALAKIS: Thank you for coming
11 down.

12 Dan -- okay. Whoever the handwriting on the
13 thing --

14 MR. SLANKER: Slanker.

15 CHAIRPERSON KOUNALAKIS: Thank you.

16 Dan Slanker. Thank you.

17 MR. SLANKER: Yeah, Slanker. Thank you.

18 Good morning. My name is Dan Slanker, President
19 of the Redwood Creek Association of Docktown. I've got my
20 Docktown shirt on here. Found in 1954. So Docktown has
21 been around for quite awhile. And thank you for letting
22 be here to speak. I certainly appreciate it.

23 I'm here to speak about Docktown. I'm glad to
24 see that affordable housing has made its way to the top of
25 the campaigns recently. Not that Docktown is all about

1 affordable housing, but it certainly is. And it has been
2 and still is a wonderful community.

3 Displacement is an awful thing. In fact, it has
4 been said that it's only second to loss of a loved one.
5 And I can speak for that truly.

6 Sorry.

7 I've been involved rather heavily with attempting
8 to save Docketown community for the last three years. It
9 should never have been a quick action of closure. After
10 all, Docketown has been here for over 60 years. A year or
11 more back, I was speaking with one of the city officials,
12 probably one of the best there to speak with. And it's
13 odd how small statements can really strike you. The
14 statement was that some of the individuals at Docketown
15 needed to be more responsible.

16 That statement was maybe immediately in context.
17 Okay. But as far as it was also slightly related to a
18 Latino lady - bless her heart - that lived there. And it
19 was unbeknownst at the time working two jobs. And while
20 she was making it and living on her own there, she was
21 traumatically stressed by the possibility of losing her
22 home.

23 She's now homeless, along with half a dozen other
24 or more former Docketown residents, including veterans, and
25 mothers with disabled children and seniors.

1 So I guess what I'm pointing out is about
2 responsibility and communication. I don't think it was
3 Kamala Harris, or Gavin Newsom's, or SLC's intent to evict
4 people, or make people homeless over policy, especially
5 policy -- living policy that's changing and fluid. We are
6 currently under a UD at Docktown, and very much so in the
7 eviction process.

8 Please stop the evictions. Actions speak louder
9 than words. Please respond and follow up immediately with
10 the city to clarify to the Mayor Bain, that this is truly
11 not SLC's intent to evict people.

12 Time is of the essence. It's -- our local lawyer
13 that has held us -- so far saved us at this point -- the
14 remaining residents from eviction. It is a fast process,
15 and there's no time to waste.

16 It is your responsibility to clarify that it is
17 not the State Lands' intent to evict people. Of course --
18 if that is your intent. Perhaps, those that have been
19 made homeless by the policy or the misinterpretation of
20 the policy's lack of intent, or clarification of intent,
21 or whatever it might be, could be apologized to also.

22 I know that all of you have difficult jobs, but I
23 urge you to treat this with the assistance that it
24 deserves.

25 Thank you sincerely.

1 CHAIRPERSON KOUNALAKIS: Thank you very much. I
2 have one more speaker on this. If anyone else would like
3 to speak on this or any issue, please give a slip to
4 staff.

5 Mary Bernier a volunteer with Interfaith Peace
6 Coalition.

7 MS. BERNIER: Thank you very much. Welcome.

8 We read about you. You did good work, and
9 obviously, Commissioner Yee and Commissioner Hernandez.

10 So I'm speaking -- following up my brothers and
11 sister with Dockettown. I used to live there myself.
12 However, I'm going to be speaking a little bit for our
13 community low-income in Redwood City. I've got a packet
14 for -- of photographs of the beautiful big floating homes
15 that the city bought for \$20 million, basically what was
16 said already.

17 And after they bought them -- this was
18 November -- all of them together in 2017, we then -- while
19 they were telling owners that they were going to subtract
20 60,000 for demolition of the homes. And the homes are
21 beautiful.

22 And by January, February, they weren't going to
23 demolish anymore, but it was very unclear what they were
24 going to do. So I came to different City Council meetings
25 and to your meeting, especially June 21st, with the

1 posters showing these beautiful homes, and saying, please
2 don't demolish them. Please allow them to remain. I
3 can't remember, I didn't have time to check, but I think
4 by June 21st I was not asking for low-income housing any
5 more. I don't mean to say my. Our little tiny Interfaith
6 Peace Coalition. We were just asking that the nonprofits
7 be able to use those homes for desperately needed office
8 space and space to continue their programs.

9 There was a -- obviously, a great need. There
10 was a report that was put out in November of last year, a
11 couple months ago, displacement of nonprofits in San Mateo
12 County.

13 It's especially the low in -- the nonprofits
14 serving our low-income community, that if they can't
15 afford their rent anymore, they're gone, and the services
16 they were providing won't be there any more.

17 So I've got to really speed this up.

18 Our city council, I wanted to say this -- because
19 Mayor Bain, wherever you are, you're probably watching
20 this. He asked you to please tell us, you know, that this
21 wasn't possible. But he has been saying it's illegal for
22 the nonprofits to use the housing. And that isn't really
23 so. When he wrote a letter to you - and thank you so much
24 for responding - it took five months for him to write this
25 letter. June 21st, I immediately found him that night and

1 told him that State Lands Commission had said that, you
2 know, it was up to the city what would happen, and State
3 Lands would be willing to work with him -- with the city
4 council.

5 And so why it would take him five months to write
6 a letter. And in the letter to you, he never asked if the
7 nonprofits could use the home -- the homes. He only
8 focused on using the homes for housing.

9 So he wrote back here, "Additionally..." -- this
10 is to myself. Mary, blah, blah. "...I have discussed
11 with our staff whether any of the barge-based dwellings
12 could be used for nonprofit or retail purposes, but
13 unfortunately, none of the structures are not built for
14 such purposes".

15 So we're just asking that, you know, please allow
16 someone besides the staff that's under incredible
17 pressures we don't understand. Our city council people
18 are good. The Mayor is a good guy, but this is very odd
19 behavior that they won't allow the nonprofits to
20 participate. I say -- there was never even a discussion.
21 They're in due diligence. It doesn't make sense.

22 Thank you.

23 CHAIRPERSON KOUNALAKIS: Thank you very much.

24 Thank you.

25 EXECUTIVE OFFICER LUCCHESI: Okay.

1 CHAIRPERSON KOUNALAKIS: Staff.

2 EXECUTIVE OFFICER LUCCHESI: Yes, of course.

3 This is obviously a very sensitive and hard issue and has
4 been for the Commission for many years, and obviously not
5 as hard as it is for the residents of Docketown and what
6 they have been going through over the past couple of
7 years.

8 I want to say a couple of things, and then I'm
9 actually going to pass it on to Deputy Attorney General
10 Andrew Vogel for a little bit more explanation on the
11 legal issues associated with this.

12 First and foremost, this is a legal issue, and
13 not a policy issue. It's not a -- the policy of the State
14 Lands Commission not to allow residential use of sovereign
15 Public Trust lands. That is a legal issue that Andrew can
16 speak to more articulately.

17 I do want to provide a little bit of background,
18 because this has been an issue that the Commission has --
19 and staff have talked about for many years at meetings
20 such as this. Where Docketown is located within Redwood
21 City is under a grant -- a legislative trust grant, where
22 the legislature has transferred the State's ownership to
23 the local municipality to manage, pursuant to certain
24 statutes, and under the umbrella of the Public Trust
25 Doctrine.

1 And what that means is the City of Redwood City
2 has the responsibility and the authority to manage those
3 lands on a day-to-day basis. They issue the leases. They
4 manage the lands. Similar to the way the Commission
5 manages its lands under its direct jurisdiction.

6 The State Lands Commission has oversight
7 authority, but no direct approval or discretionary action
8 authority over the actions of the City of Redwood City.

9 In January of 2016, the Commission staff wrote a
10 letter to the City in response to the City's Draft EIR for
11 a Proposed Inner Harbor Specific Plan. And that plan
12 contained a project alternative that included the
13 expansion of the residential component of the Docktown
14 Marina. And it was at that time that staff submitted a
15 comment letter and advised the City, in our advisory role,
16 that residential use of Public Trust Lands is not
17 consistent with the law.

18 And based on that, the City then embarked on a
19 number of different actions to come into compliance with
20 their granting statutes and the Public Trust Doctrine. To
21 provide the legal foundation for this conclusion, the
22 Commission also waived its privilege of attorney-client
23 confidentiality and disclosed Deputy Attorney General
24 Andrew Vogel's advice letter dated from 2015. And this
25 legal advice letter is relevant to addressing the issues

1 that were raised today, because again this is a legal
2 issue, not a policy decision.

3 And so the one other background I do want to
4 mention is that there was a moment in the recent history a
5 couple years ago where the Commission and Commission staff
6 worked closely with Docketown residents and the local State
7 legislators at the time to draft legislation that would
8 essentially allow a transitional period for the
9 responsible transition of Docketown from being a
10 residential liveaboard focused marina, and over a period
11 of 10 to 15 years responsibly transfer and convert it into
12 a more traditional marina.

13 And unfortunately, that legislation was -- did
14 not get off the ground and move forward for a variety of
15 reasons. However, we -- I want to ensure the Commission
16 that we have been very sensitive and solution oriented to
17 trying to address the situation at Docketown in a way that
18 still stays within the parameters of the law, and is
19 consistent with our overarching principles.

20 And I will say that the letter that I sent to
21 Mayor Bain outlines exactly what I just said. But we also
22 acknowledge that this is a very difficult time in
23 California in regards to housing, and affordable housing,
24 low-income housing. And we're not -- we're not blind to
25 that issue.

1 However, the fact is that these sovereign Public
2 Trust Lands are uniquely protected for the benefit of all
3 the people of California. And residential use is not one
4 of the uses that is appropriate for these types of lands.
5 And so that's the principle that guides the Commission
6 staff and the Attorney General's office.

7 And so with that, if you don't have an objection,
8 Madam Chair, I'll turn it over to Andrew to hopefully
9 emphasize and highlight what I just mentioned.

10 DEPUTY ATTORNEY GENERAL VOGEL: Certainly I will
11 could so. Jennifer covered the issue very, very
12 comprehensively and very well. So some of what I might
13 say might overlap with what she had. But I would like to
14 reiterate the point that there's a difference between
15 whether residential use of houseboats and liveaboards on
16 granted lands is good policy, in light of California's
17 issues with affordable housing on the one hand, and on the
18 other hand whether it's allowable under the law.

19 Now, our office became involved, as Jennifer
20 mentioned, when State Lands came to us and said -- asked
21 for our advice on whether residential houseboat use is
22 consistent with both the Public Trust and Redwood City's
23 own granting statutes.

24 And as Jennifer mentioned, the advice we gave was
25 made public. And that advice was that residential

1 houseboat use is not consistent with either the Public
2 Trust or the granting statutes. And as Jennifer pointed
3 out, one of the common threads throughout Public Trust
4 law, which does go back quite awhile, and a common thread
5 through the Redwood City granting statutes is that Public
6 Trust Lands and granted Public Trust Lands have to be
7 managed in a way that is -- that maximizes their benefit
8 for the people of California, and not just for people in a
9 particular locality.

10 So Public Trust law does go back years, decades,
11 even longer. We looked at the issue. And while Public
12 Trust law has expanded somewhat from its original origins
13 in navigation, and commerce, and fishery, and supporting
14 those uses, the California Supreme Court has said it's
15 flexible enough to encompass uses such as preservation of
16 Public Trust Lands for recreational value and conservation
17 value. But at no time over the decades of Public Trust
18 law's development has any court in California ever said
19 that residential use is a Public Trust use.

20 So that's the state of the law under the Public
21 Trust as we see it. And that's the advice that we gave to
22 the State Lands Commission and which has been made public.

23 If there are any other questions on that, I'm
24 happy to answer.

25 CHAIRPERSON KOUNALAKIS: Commissioner Yee.

1 COMMISSIONER YEE: Thank you, Madam Chair.
2 Jennifer or Andrew, could you comment on the point that
3 was raised about the safety and security provision, and
4 its application or relevance to this situation.

5 DEPUTY ATTORNEY GENERAL VOGEL: Yes. We covered
6 this a bit in the advice letter that was made public. But
7 there have been certain instances where a very small
8 number of liveboards have been authorized for temporary
9 use in a safety and security capacity. But they -- that's
10 happened under very particular conditions, typically where
11 the allowed residential use is part of a broader area
12 plan, where the residential use, as I mentioned, is
13 temporary and limited in number. And so we looked at that
14 issue as well in the context of Redwood City, and didn't
15 see those same conditions here.

16 CHAIRPERSON KOUNALAKIS: Thank you.

17 Commissioner Hernandez, did you have something?

18 I have a question. So when the legislative
19 process was attempted, what you're saying is that the only
20 way for any kind of an extension, or transition period, to
21 be approved would not be by intervention by this Board,
22 but could only happen at the legislative level, is that
23 right?

24 EXECUTIVE OFFICER LUCCHESI: That's correct.

25 CHAIRPERSON KOUNALAKIS: Okay. We have one --

1 what is our policy? One of the speakers has another
2 comment. Can I let her -- why don't you come on back.
3 Look, I have to tell you, I think that you're absolutely
4 right, Director Lucchesi, that in this current environment
5 when we're talking about the housing crisis in this state,
6 anytime we're talking about actions that affect people and
7 their status in having a roof over their head, even if
8 it's a roof of a boat, we need to really be very, very
9 careful. I mean, these are people's lives. The options
10 that people once had to be able to find another place to
11 live are just -- they just don't exist.

12 Go ahead. Can you state your name again for the
13 record?

14 MS. MADDEN: Yes. My name is Alison Madden. And
15 the reason I asked to speak is under the Brown Act,
16 typically we'd just give public comment and there wouldn't
17 be discussion. But I'm actually very grateful that the
18 discussion is happening. And so we get three minutes
19 every three months, you know. So I think it's pretty
20 fair.

21 Also, on your consent calendar today with
22 Stockton, it has ten liveboards for safety and security.
23 You re-upped a lease on your consent calendar today that
24 has ten liveboards. And I don't understand how, with all
25 due respect, the Deputy Attorney General can say he made

1 the decision for Redwood City that the dozen of us down
2 there are not proper and appropriate.

3 CHAIRPERSON KOUNALAKIS: So can we have a
4 response to that?

5 EXECUTIVE OFFICER LUCCHESI: Yes. The item that
6 was on the consent agenda regarding the Stockton marina -
7 I can't think of the applicant's full name - that was for
8 a revision of rent. So it was a lease that was issued a
9 number of years ago. But it also -- it's a marina that
10 includes 176 berths. And ten of those hundred -- are --
11 are allowed for security purposes.

12 And so, as Andrew was mentioning, there is a very
13 specific process that we go through to reconcile the
14 applicants -- and this is on lands that we directly
15 manage, reconcile the applicant's needs for security, and
16 whether those can be accomplished through residential use.

17 And we go through that very detailed analysis to
18 ensure that we remain true to the principle of the Public
19 Trust Doctrine, and that there is -- the purpose is not
20 necessarily to provide residential use, but the purpose is
21 to provide security for the marina. And that can be
22 accomplished in this very limited circumstance of allowing
23 for on-site liveaboards to accomplish that.

24 And so ten berths out of 176 is much less than
25 ten percent. And that has been something that the

1 Commission, on a case-by-case basis, for lands we directly
2 manage, has engaged on. It's a -- like --

3 CHAIRPERSON KOUNALAKIS: Who lives in those ten
4 berths? Are they security officers? Are they --

5 EXECUTIVE OFFICER LUCCHESI: They are -- they
6 aren't official security officers, but they are tasked
7 with the actual duties of providing security, and -- for
8 the marina, yes.

9 MS. MADDEN: We were not involved in this very
10 rigorous process and neither was Redwood City. This has
11 just -- Deputy Attorney General Vogel just told you that
12 they made a determination for Redwood City that it's not
13 appropriate. We are -- we're the ones providing security.
14 The docks aren't locked. The gangways access aren't
15 locked. It's near Highway 101. There's an itinerant
16 community. They are coming and breaking into the barges
17 that were sold for 20 million. We're calling the police,
18 the DPW. We are the security.

19 I've been to Aloe Harbor at Stockton. It's a
20 nicer newer marina. It's had liveboards the whole time.

21 CHAIRPERSON KOUNALAKIS: We -- I hear you.

22 MS. MADDEN: They're ordinary just like us.

23 CHAIRPERSON KOUNALAKIS: I hear you. I hear you.
24 Thank you. I want to -- not -- I'm glad you came back to
25 give us a little more information, but I think I want to

1 turn it over to the Director now.

2 EXECUTIVE OFFICER LUCCHESI: Yeah. And I --
3 this -- because we're in a situation that these are
4 granted Public Trust Lands, the Commission does not have
5 any discretionary authority to dictate to the City of
6 Redwood City what to do or not do. I will say in my
7 January 29th letter that as part of that, I did reference
8 to the City, and implore them, that if they did have a
9 specific detailed proposal regarding a security plan that
10 the Commission staff would be happy to review that.

11 But I will say again --

12 CHAIRPERSON KOUNALAKIS: But it would have to
13 come from the City?

14 EXECUTIVE OFFICER LUCCHESI: It has to come from
15 the City.

16 CHAIRPERSON KOUNALAKIS: All right.

17 EXECUTIVE OFFICER LUCCHESI: And allowing --
18 again, allowing the -- it's not a formulaic approach that
19 it's automatic. The entire 13 remaining residents --
20 residents can stay for security purposes. It's a process
21 that we analyze and go through to really again stay true
22 to the law, and ensure the overriding purpose is for
23 security and not for other purposes.

24 CHAIRPERSON KOUNALAKIS: Okay. Let me just say
25 I'm knew, but this has obviously been something that has

1 been dealt with at the -- at Commission level for many,
2 many years. And I am satisfied that staff has done
3 everything they possibly can do to look at all sides of
4 this.

5 But it does sound as they there's still
6 opportunity for you to work within the city to look at
7 other alternatives. So you may want to do that.

8 MR. STANCIL: One final comment. I'm sorry.

9 CHAIRPERSON KOUNALAKIS: All right. But
10 that's -- then we're going to keep moving through the
11 agenda.

12 MR. STANCIL: The problem we're having is that --

13 CHAIRPERSON KOUNALAKIS: Identify yourself. Take
14 the podium.

15 MR. STANCIL: Edward Stancil once again, and a
16 Docktown resident. The problem we're having is, is that
17 the City is acting on it as if you guys have already made
18 a decision with a date and a number that no liveaboards in
19 Redwood City will ever be allowed.

20 And when he gives the -- when he gives the -- an
21 opinion, that is not -- that's just an opinion, that --
22 and you can't -- it's informal advice.

23 And the City were giving high fives at the
24 Berkeley meeting, the city manager and the other guy,
25 because they killed the 30-year extension to our lease.

1 So we're being totally railroaded out of the community,
2 not only out of San Mateo County, but probably 12 counties
3 around it.

4 MS. MADDEN: Actually, we are going to go. I
5 want -- you know what I want to say, there are liveaboards
6 at seven marinas in Redwood City, because the BCDC allows
7 10 percent. So let me tell you, the State Lands
8 Commission before has taken out of the Public Trust or
9 given Public Trust title to developers who have an inner
10 harbor at Blue Harbor. They can have them. Inner harbor
11 at Bair Island they do have them. A ten acre lake paid
12 for by the federal taxpayers, they can have them. Ferrari
13 Pond, which was made by the Ferrari familiar up -- it's
14 private title. They can have them.

15 Mark Sanders who's a billionaire, and that's the
16 reason BCDC is being audited right, he can have them.
17 Municipal, which has just recently got approved by BCDC
18 for ten percent, they can have them. Redwood Landing has
19 a way old BCDC permit. They can have them.

20 Everywhere in Redwood City can have ten percent
21 liveaboards, except our tiny --

22 CHAIRPERSON KOUNALAKIS: And it sounds --

23 MS. MADDEN: -- our tiny stretch of creek.

24 CHAIRPERSON KOUNALAKIS: -- it sounds like this
25 has to go, process-wise, through the city to us.

1 MS. MADDEN: I'm very happy to hear that you guys
2 are open to it, that it hasn't been decided, and we will
3 work with the City. This is what we wanted. I agree --

4 CHAIRPERSON KOUNALAKIS: What was the date on the
5 letter that you sent?

6 EXECUTIVE OFFICER LUCCHESI: January 29th of this
7 year.

8 CHAIRPERSON KOUNALAKIS: Okay.

9 MS. MADDEN: Thank you so much.

10 CHAIRPERSON KOUNALAKIS: All right. Thank you.
11 Commissioner Yee.

12 COMMISSIONER YEE: Thank you, Madam Chair. I
13 want to just thank the residents for coming before the
14 Commission again. And I really -- I can appreciate the
15 frustration and certainly the untenable situation that
16 you're in.

17 I want to go back to the legislative route for a
18 moment, because I don't think that should be lost. You
19 know, to the extent that this Commission's hands are tied
20 -- and I know you enumerated a number of situations where
21 liveaboards were allowed for security purposes or
22 otherwise, but those are lands that are, you know, granted
23 to those jurisdictions.

24 This is really properly before the City. And if
25 they can come up with a plan, as you've heard, that can

1 really demonstrate that you're staying where you are is
2 consistent with their granting statutes, you know,
3 obviously, we will respect that.

4 But I want to just saying something about the
5 legislation, because this is a point that I really need to
6 say. You all were kind of screwed when the legislation
7 and the legislative efforts took place. You had a lot of
8 loud -- more vocal residents of Docketown, who probably
9 didn't even live there at the time, that owned properties
10 there, that pretty much undermined the whole legislative
11 effort. And I'm just going to put this on record, because
12 now you're living with the consequences.

13 And Senator Hill, at the time, tried to fashion
14 a -- an agreement. We could have extended the period of
15 time or transition period for you to stay there. I would
16 urge you to engage Senator Hill again and try to have him
17 help you work with the City on fashioning an outcome.

18 I meant what I said when I said our jurisdiction
19 is limited. It is limited, because these are not lands
20 that are under our jurisdiction. They're granted to the
21 City of Redwood City. But I'm -- this is a very
22 unfortunate situation. But to the extent that you pursue
23 legislation, again I would encourage you to contact
24 Senator Hill. He's aware of the situation. And to the
25 extent that now he's dealing with a very small number of

1 vocal residents, I would hope that when he looks at what's
2 available with respect to how the State can help in other
3 ways, besides just through looking at how he can work with
4 the city, housing is absolutely a priority of this
5 administration, of this Legislature. To the extent there
6 are other means that we can provide assistance, in terms
7 of whether you stay there or transition, I just think that
8 the time is right now to engage the Legislature again.

9 Thank you.

10 CHAIRPERSON KOUNALAKIS: Okay. Anymore --
11 anything else from staff?

12 EXECUTIVE OFFICER LUCCHESI: Not at this time.

13 CHAIRPERSON KOUNALAKIS: Do any of the
14 Commissioners have any additional comments or questions?

15 All right. Thank you, members of the community
16 for coming and speaking here today. Thank you for the
17 warm welcome, as my first public portion of serving as
18 your Chair has now concluded, and we will now adjourn into
19 closed session. Will the public please clear the room?
20 Thank you very much.

21 (Off record: 12:15 p.m.)

22 (Thereupon a discussion occurred off the record.)

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

25 (Thereupon the meeting reconvened

1 open session.)

2 (On record: 12:41 p.m.)

3 CHAIRPERSON KOUNALAKIS: I hereby call this
4 meeting back into order.

5 Director Lucchesi, is there anything to report
6 from closed session?

7 EXECUTIVE OFFICER LUCCHESI: No.

8 CHAIRPERSON KOUNALAKIS: All right then, that
9 concludes the open meeting.

10 We are adjourned.

11 (Thereupon the California State Lands
12 Commission meeting adjourned at 12:41 p.m.)

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

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, 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 6th day of February, 2019.

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