

~ MINUTES ~
CALIFORNIA STATE LANDS COMMISSION
MEETING OF FEBRUARY 8, 2011

TSAKOPOULOS LIBRARY GALLERIA
EAST MEETING ROOM
828 I STREET
SACRAMENTO, CALIFORNIA 95814

APPEARANCES

COMMISSIONERS PRESENT

- Gavin Newsom, Lt. Governor, Chair
- John Chiang, Controller
- Fred Klass, Chief Operating Officer, Department of Finance,
Alternate for Ana J. Matosantos, Director, Department of Finance

STAFF MEMBERS IN ATTENDANCE

- Curtis Fossum, Executive Officer
- Jennifer Lucchesi, Chief Counsel

REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL

- Joseph Rusconi, Deputy Attorney General

NOTE: A list of individuals making statements before the Commission and the entities they represent, along with the Executive Officer's Report, are included in a complete transcript of the proceedings, which is on file in the Sacramento offices of the Commission and posted on the Commission's website at www.slc.ca.gov. Also included on the website is the voting record of the meeting with the staff report for each agenda item linked to the respective consent, regular or informational item number. A link to a recorded Cal-Span.org webcast of the meeting is also available on the Commission's website. All of these items may be found under Most Popular Links / Previous Meetings, by date of the meeting.

**RECORD OF ACTION TAKEN BY THE
CALIFORNIA STATE LANDS COMMISSION
MEETING OF FEBRUARY 8, 2011**

Chair Gavin Newsom called the meeting of the California State Lands Commission to order at 1:30 P.M. at the Tsakopoulos Library Galleria, East Meeting Room, 828 I Street Sacramento, California 95814; also present was Commissioner John Chiang. Commissioner Alternate Fred Klass arrived at the beginning of discussion of the Consent Calendar.

The amended Minutes of the October 29, 2010 meeting were approved by a vote of 2-0.

The Minutes of the December 10, 2010 meeting were approved by a vote of 2-0.

EXECUTIVE OFFICER'S REPORT

Executive Officer Curtis Fossum updated the Commission on the following items:

- The Commission at the December 10th Meeting voted 3-0 to appoint Curtis Fossum as Executive Officer.
- State Lands Commission received a \$700,000 grant from the Bureau of Ocean Energy Management Regulation Enforcement for removing hazards in Santa Barbara and Ventura counties. Staff is now proceeding with the removal of 19 hazards.
- The audit by the Bureau of State Audits is proceeding. Staff has been cooperating with audit staff and providing them with information they have requested.
- Following Commission's action in December, staff sent notices to oil companies operating on state-submerged lands informing them of interim guidelines for third-party certification of blowout preventers. Formal implementation of third-party certification will be brought to the Commission later this year.
- Mario De Bernardo, the Legislative Liaison and Staff Counsel, accepted a position as a Senior Consultant with the Assembly Natural Resources Committee.

CONSENT CALENDAR

Consent Item C12 was removed from the agenda, to be heard at a later date. Consent Items C01-C11 and C13-C37 were approved by a vote of 3-0.

REGULAR CALENDAR

(The Items below appear in the order presented.)

ITEM 38: A staff presentation was made to the Commission asking them to consider eight legislative proposals:

- 1) Rent-Free Piers: Staff recommended that the Commission sponsor legislation to repeal Public Resources Code 6503.5, as well as Chapter 431, Statute of 1977; and assess fair market value rent for all private pier leases and buoys on state-owned public trust lands.
- 2) Chula Vista Land Exchange Agreement: Staff recommended that the Commission sponsor legislation to grant certain leased lands to the Port of San Diego.
- 3) Vessels and Ground Tackle: Staff recommended that the Commission sponsor legislation that creates an administrative process to remove and dispose of trespassing vessels, trespassing ground tackle and abandoned vessels.
- 4) Mining Leases Quitclaims: Staff recommended that the Commission sponsor legislation that would make a quitclaim effective only when accepted by the Commission and all production facilities have been removed and the lease premises restored to Commission satisfaction.
- 5) Marine Invasive Species: Staff recommended that the Commission sponsor legislation that (1) makes technical, clean-up amendments to the CA Marine Invasive Species Act, (2) extends the grandfathering date of experimental ballast water treatment systems, and (3) extends the sunset date that protects the Commission's Marine Invasive Species program from being compromised by conflicting requirements pertaining to the discharge or release of ballast water and other vectors of nonindigenous species from a vessel.
- 6) Sea Level Action Plan: Staff recommended that the Commission support legislation that would require each local trustee of legislatively granted public trust lands to prepare a sea level action plan.
- 7) Trespass on State Lands: Staff recommended that the Commission sponsor legislation that authorizes the Commission to impose fines and order the removal of unauthorized structures through administrative action. The Commission would be required to provide due process protections to the affected party, which would include notice and an opportunity to be heard at Commission meetings.
- 8) Increase the fees that support Oil Spill Prevention and Administration Fund: Staff recommended that the Commission support legislation that would allow adjustment of the OSPAF fees to an amount that would be sufficient to carry out both the Commission's and OSPR's oil spill prevention and response programs.

Item 38 was approved by a vote of 2-0. (Commission Alternate Klass abstained)

ITEM 39: This item was removed from consideration.

INFORMATIONAL:

The six Divisions of the State Lands Commission—Legal, Mineral Resources Management, Land Management, Marine Facilities, Environmental Planning, and Administrative and Information Services—gave PowerPoint presentations explaining the functions of their division. Staff presentations were also made regarding the Marine Oil Terminal Engineering and Maintenance Standards program and the Marine Invasive Species program.

This item was informational – no action required.

The Commission meeting public session was adjourned at 3:32 P.M.

**STAFF AND PUBLIC ADDRESSING
THE FOLLOWING CALENDAR ITEMS
CALIFORNIA STATE LANDS COMMISSION MEETING**

FEBRUARY 8, 2011

ITEM 38 – #7 TRESPASS ON STATE LANDS

- Jan Briscoe, representing Tahoe Lakefront Owners' Association

PUBLIC COMMENT

No speakers