

~ MINUTES ~
CALIFORNIA STATE LANDS COMMISSION
MEETING OF NOVEMBER 29, 2017

**UC MERCED FRESNO CENTER
INYO/KERN CONFERENCE ROOMS
550 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710**

APPEARANCES

COMMISSIONERS PRESENT

- Gavin Newsom, Lieutenant Governor
- Betty T. Yee, State Controller
- Eraina Ortega, Chief Deputy Director and Alternate for Director of the Department of Finance Michael Cohen

STAFF MEMBERS IN ATTENDANCE

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

REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL

- Jennifer Rosenfeld, Deputy Attorney General

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

**RECORD OF ACTION TAKEN BY THE
CALIFORNIA STATE LANDS COMMISSION
MEETING OF NOVEMBER 29, 2017**

Chair Gavin Newsom called the meeting of the California State Lands Commission to order at 12:36 P.M. at the UC Merced Fresno Center, Inyo/Kern Conference Rooms, 550 East Shaw Avenue, Fresno, California 93710; also present were Commissioner Betty Yee and Commissioner Alternate Eraina Ortega.

Confirmation of the Minutes of the October 19, 2017 meeting were deferred.

EXECUTIVE OFFICER'S REPORT

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

- On July 18th of this year the merchant vessel *Ionic* discharged ballast water from 12 ballast tanks in California's waters offshore Pittsburg, which is a violation of the Marine Invasive Species Act. The 12 discharges resulted in 10 moderate violations and two minor violations pursuant to the Commission's enforcement regulations. The vessel's owner and the Executive Officer agreed to settle the liability resulting from the violations for \$75,000, which staff has deposited into the Marine Invasive Species Control Fund.
- The Commission was updated on the partnership with the Port of San Diego and Commission staff's efforts under the San Diego Ocean Planning Pilot Partnership.
- The Executive Officer acknowledged the departure of Sea Grant Fellow intern Jaimie Huynh.
- The Executive Officer acknowledged the retirements of Assistant Chief of MRMD Jeff Planck and Graphic Artist Jeanne Gunther.
- The Executive Officer acknowledged the departure of Commissioner Eraina Ortega, who was recently appointed Inspector General in the Office of Audit and Investigations at the California Department of Transportation.

CONSENT CALENDAR

- Consent Items C28, C29, C30, C46, C65, and C73 were removed from consideration.
- Consent Item C71 was moved to the Regular Calendar.
- Consent Items C01-C27, C31-C45, C47-C64, C66-C70, C72, C74, and C75 were approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

RECORD OF ACTION CONTINUED

REGULAR CALENDAR

(items appear in order heard)

ITEM C71: A staff presentation was made to the Commission to consider the future disposition of State oil and gas leases PRC 1466.1, PRC 410.1 and PRC 145.1 held by Rincon Island Limited Partnership and the suitability of proposals submitted on behalf of the bankruptcy estate of Rincon Island Limited Partnership for alternate operators to assume control of those leases.

Item C71 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

ITEM 79: A staff presentation was made to the Commission to consider sponsoring legislation to grant and convey in trust to the San Diego Unified Port District land in the City of Chula Vista pursuant to a land exchange agreement the Commission approved in December 2010.

Item 79 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

ITEM 80: A staff presentation was made to the Commission to consider sponsoring state legislation to repeal the Metropolitan District of Sothern California's statutory trust grant.

Item 80 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

ITEM 81: A staff presentation was made to the Commission to consider sponsoring state legislation to amend Public Resources Code section 6307 to allow the Commission to provide, as part of an exchange agreement involving granted lands, that the lands or interested in lands that are acquired and impressed with the protections of the common law Public Trust Doctrine be conveyed in trust to the grantee and deemed part of the statutory trust grant.

Item 81 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

ITEM 82: A staff presentation was made to the Commission to consider sponsoring state legislation to amend Public Resources Code section 6217.8 to remove the \$300 million cap in the oil trust fund so that the abandonment fund for the Long Beach oil operations is more likely to be sufficient to cover the State's abandonment liability.

Item 82 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

RECORD OF ACTION CONTINUED

ITEM 83: A staff presentation was made to the Commission to consider sponsoring state legislation to amend Public Resources Code sections 6216.1, 6107, 6201, 6477, 6914, 7730, 8618, 8622, and 71200 through 71271.

Item 83 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

ITEM 84: A staff presentation was made to the Commission to consider supporting a June 5, 2018, Statewide Ballot Measure, SB 5 (Chapter 852, Statutes of 2017) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

Item 84 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

(The State Lands Commission adjourned into closed session from 1:31 P.M. to 2:03 P.M., then resumed open session at 2:06 P.M.)

ITEM 77: A staff presentation was made to the Commission to consider approval of a Compromise Title Settlement and Land Exchange Agreement, pursuant to Chapter 477, Statutes of 2011, between the State of California, acting by and through the State Lands Commission, and the City and County of San Francisco, acting by and through the San Francisco Port Commission involving certain land located in and adjacent to the San Francisco Bay at Pier 70, City and County of San Francisco.

Item 77 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes, Ortega-Yes).

ITEM 78: A staff presentation was made to the Commission to consider adoption of the Legal Guide to the Public's Rights to Access and Use California's Navigable Waters Guide and Brochure on the Public's Rights to Access and Use California's Navigable Waters. It was noted that the brochure will be printed in English and Spanish.

Item 78 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

ITEM 76: A staff presentation was made to the Commission to consider an update on the Commission's land and resource management activities involving the San Joaquin River, including its participation on the San Joaquin River Conservancy Governing Board and the proposed San Joaquin River Conservancy River West Fresno, Eaton Trail Extension Project.

Item 76 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

RECORD OF ACTION CONTINUED

ITEM 85: An informational presentation was made by the staff of the Ocean Protection Council to the Commission on the update to the State of California's Sea Level Rise Guidance Document.

Item 85 – was informational – no vote required.

ITEM 87: An informational staff presentation was made to the Commission to report on the efforts to update the Commission's Environmental Justice Policy.

Item 87 – was information – no vote required.

ITEM 86: An informational staff presentation was made to the Commission regarding a status update on PG&E's Diablo Canyon Power Plant Joint Proposal application pending before the California Public Utilities Commission, near Avila Beach in San Luis Obispo County.

Item 86 – was informational – no vote required.

ITEM 88: An informational staff presentation was made to the Commission on the pollution issues within the Tijuana River Watershed.

Item 88 – was informational – no vote required.

The Commission meeting public session was adjourned at 4:15 P.M.

**STAFF AND PUBLIC ADDRESSING
THE FOLLOWING CALENDAR ITEMS
NOVEMBER 29, 2017**

ITEM 76

- Brad Castillo, former Fresno City Council Member
- Zachary Darrah, Executive Director, FIRM, Inc.
- Rey León, Founder/Executive Director of Latino Environmental Advancement and Policy, Access for All
- Melinda Marks, Executive Officer, San Joaquin River Conservancy
- Sharon Weaver, Executive Director, San Joaquin River Parkway Trust

ITEM 77

- David Beaupre, Project Manager, Port of San Francisco

ITEM 79

Joseph Fabel, Staff Attorney, Legal Division, CSLC

ITEM 84

- Jennifer Savage, California Policy Manager, Surfrider Foundation

ITEM 85

- Jenn Eckerle, Deputy Director, Ocean Protection Council

ITEM 86

- Nathan Alonzo, Vice President, Fresno Chamber of Commerce
- Bruce Campbell, representing self
- Mark Krausse, Director, PG&E

ITEM 88

Maren Farnum, Environmental Scientist, Executive Office, CSLC

- Jennifer Savage, California Policy Manager, Surfrider Foundation

PUBLIC COMMENT

- Bruce Campbell, representing self
- Radley Reep, representing self