MEETING
STATE LANDS COMMISSION
STATE OF CALIFORNIA

STATE CAPITOL
ROOM 447
SACRAMENTO, CALIFORNIA

WEDNESDAY, SEPTEMBER 1, 1982
11:00 A.M.

Reported by:
Cathleen Slocum, C.S.R.
License No. 2822
MEMBERS PRESENT

Jim Tucker, Acting Chairperson, representing Gray Davis, State Controller
LaFenus Stancell, representing Jesse R. Huff, Director of Finance
Jock O'Connell, representing Leo T. McCarthy, Lieutenant Governor

MEMBERS ABSENT

NONE

STAFF PRESENT

Claire Dedrick, Executive Officer
Robert Hight, Chief Counsel
James Trout, Assistant Executive Officer
Lance Kiley
W. M. Thompson
Gail Moore, Secretary

ALSO PRESENT

Jan Stevens, Supervising Deputy Attorney General
## INDEX

<table>
<thead>
<tr>
<th>Proceedings</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Confirmation of Minutes for the Meeting of August 10, 1988</td>
<td>1</td>
</tr>
<tr>
<td>II. Consent Calendar C01 - C25, excluding C01 B</td>
<td>2</td>
</tr>
<tr>
<td>III. Regular Calendar</td>
<td></td>
</tr>
<tr>
<td>Agenda Item 26 - Whalers Village Club (Applicant)</td>
<td>2</td>
</tr>
<tr>
<td>Agenda Item 27 - State Lands Commission (Applicant)</td>
<td>3</td>
</tr>
<tr>
<td>Mr. Hight</td>
<td>3</td>
</tr>
<tr>
<td>Mr. Stevens</td>
<td>3</td>
</tr>
<tr>
<td>Discussion</td>
<td>5</td>
</tr>
<tr>
<td>Greg Lien, Tahoe Sierra Preservation Council</td>
<td>11</td>
</tr>
<tr>
<td>Jerry Wells, Chief of Project Review, TRPA</td>
<td>19</td>
</tr>
<tr>
<td>Agenda Item 28 - Kenneth R. Wood (Applicant)</td>
<td>23</td>
</tr>
<tr>
<td>Agenda Item 29 - Richard H. Moran (Applicant)</td>
<td>23</td>
</tr>
<tr>
<td>Agenda Item 30 - Pacific Southwest Region of the U.S. Forest Service, Mendocino National Forest (Applicant)</td>
<td>23</td>
</tr>
<tr>
<td>Agenda Item 31 - Sea Epics Research, Inc. (Applicant)</td>
<td>24</td>
</tr>
<tr>
<td>Agenda Item 32 - PS Marina Investors I, DBA Tower Park Marina (Lessee)</td>
<td>24</td>
</tr>
<tr>
<td>Agenda Item 33 - United States Army Corps of Engineers (Applicant)</td>
<td>24</td>
</tr>
<tr>
<td>Agenda Item 34 - Off Calendar</td>
<td></td>
</tr>
<tr>
<td>Agenda Item 35 - Off Calendar</td>
<td></td>
</tr>
<tr>
<td>Agenda Item 36 - Exxon Company, USA (Lessee/Operator)</td>
<td>25</td>
</tr>
<tr>
<td>Agenda Item 37 - Shell Western E&amp;P, Inc. (Lessee)</td>
<td>25</td>
</tr>
</tbody>
</table>
INDEX (Continued)

Agenda Item 38 - Chevron U.S.A., Inc., Exxon Company, U.S.A., ARCO Oil and Gas Company (Lessees) 25
Agenda Item 39 - Mobil Exploration and Producing 25
Agenda Item 40 - City of Long Beach (Applicant) 25
Agenda Item 41 - Off Calendar
Agenda Item 42 - City of Long Beach (Applicant) 26
Agenda Item 43 - City of Long Beach (Applicant) 26
Agenda Item 44 - Robert H. Pelham and Margaret G. Pelham (Applicants) 26
Agenda Item 45 - National Park Service (Applicant) 27
Agenda Item 46 - Off Calendar
Agenda Item 47 - Off Calendar
Agenda Item 48 - State Lands Commission (Applicant) 27
Agenda Item 49 - State Lands Commission (Applicant) 27
Adjournment 29
Certificate of Shorthand Reporter 30
ACTING CHAIRMAN TUCKER: This is the State Lands Commission and let me just announce the items that are taken off. The items that are taken off are Consent Items 1B, 16 and 22 and Items 34, 35, 41, 46 and 47.

If anybody would like to speak on any of these items, we have a little form we'd like you to fill out so we then have your fingerprints and all that good kind of stuff. And you should make sure if we zip by an item that you wanted to address and you didn't jump up in time, please don't hesitate to go ahead and jump up anyway and we'll be glad to hear you.

Let's see, do we have to confirm the minutes?

EXECUTIVE OFFICER DEDRICK: The minutes, yes, Mr. Chairman.

ACTING CHAIRMAN TUCKER: Mr. Stevens, have you reviewed the minutes of the last meeting to make sure they conform to all requirements of law?

MR. STEVENS: Thoroughly, Mr. Chairman. I was just out in the hall reviewing them.

(Laughter.)

ACTING CHAIRMAN TUCKER: The minutes are adopted without correction.

MR. HIGHT: Mr. Chairman, if I could state for the
record that Jock O'Connell will be sitting in a nonvoting
capacity for the Lieutenant Governor.

ACTING CHAIRMAN TUCKER: Good. All right.

Any items on the Consent Calendar that anyone would
wish to address? If not, our procedure is to simply take up
the whole list as a group and approve them. So if there's
any item that anyone wants to be heard on, that's Cl through
25, you should so indicate.

Okay. The Consent Calendar then is adopted.

EXECUTIVE OFFICER DEDRICK: With the exception of
the two items already noted by the chairman.

ACTING CHAIRMAN TUCKER: Right. Okay, Item 26,
Whalers Village.

EXECUTIVE OFFICER DEDRICK: This is a request for
approval of a ten-year general permit protective structure.
It's for riprap to protect a home in Malibu in Ventura
County.

COMMISSIONER STANCELL: Moved.

ACTING CHAIRMAN TUCKER: Okay, that item is
approved. I take it there were no comments from the
audience? Okay.

Item 27, Mr. Hight, how are we going to address this
now?

EXECUTIVE OFFICER DEDRICK: Item 27 I've asked Mr.
Hight to handle it because primarily we've got -- the
arguments are primarily legal arguments here, Mr. Chairman, rather than administrative ones.

MR. HIGHT: Mr. Chairman, on Item 27, as Commission staff understands the existing problem, the Commission staff had proposed the lifting of a moratorium.

TRPA's concern in this area was that in the area of fish habitats and spawning areas that a permit from TRPA would be all that would be necessary. It's the Attorney General's opinion -- and Jan is here and can amplify on that -- that in those areas we do not believe that TRPA through their regulations has the ability to exempt extensions and new piers.

ACTING CHAIRMAN TUCKER: Mr. Stevens.

MR. STEVENS: I can amplify on that a little if you'd like. Basically is that as we had understood it the Commission initially suspended issuing pier permits at Lake Tahoe because of a lack of sufficient knowledge of the cumulative impacts of these permits and their environmental effects on the lake.

A study was funded which in part explored these impacts. The study concluded that the littoral drift was not substantially affected by the construction of new piers. At the same time TRPA did adopt a shore zone ordinance -- and I understand a representative from that agency is here to discuss it, if desired -- which dealt with this general
subject and provided for an evaluation of piers. And by its terms in our view it prohibited new piers and additional intrusive pier construction or extension in areas of fish habitat, fish spawning areas and habitat restoration areas which, of course, are sensitive and could be adversely affected.

No study has been made exhaustively to our knowledge of the environmental impacts of cumulative pier construction as yet or of other impacts other than littoral drift there.

TRPA has begun issuing permits under its ordinance for new piers and pier extensions, modifications at the lake and these permits are now making their way to the Lands Commission which is the agency, of course, charged with the public trust and the ownership of the lake bed.

The calendar item before the Commission today calls for an express lifting of the moratorium which was imposed by the Commission and authorizes the staff to receive applications for pier permits at Lake Tahoe if they are accompanied by a valid TRPA permit and if the staff has considered all applicable public trust uses and impacts.

At the last meeting an attorney representing the Tahoe Sierra Preservation Council appeared and requested that a pier extension in fish habitat areas expressly be accepted by the Commission. We differ with his construction of the TRPA ordinance. We do not believe the ordinance allows
either new piers or pier extensions in these areas and for
that reason, of course, Chairman Davis asked that the matter
be clarified and put over until this meeting.

It is still the view of our office that in fish
habitat areas or the other sensitive areas we talked about,
neither new piers nor pier extensions or modifications with
more intrusive impacts upon spawning areas is permitted under
the TRPA ordinance.

We think that the staff calendar item covers that by
requiring a valid TRPA permit. A permit from TRPA which
allows an extension in these areas would not be a valid
permit in our view.

There are two express pier permits also before the
Commission next in line, calendar Items 28 and 29 which have
been evaluated by staff and we understand and not in
sensitive areas and don't raise any problems.

So the Commission has before it a general policy
proposal as well as two express permit applications.

ACTING CHAIRMAN TUCKER: Just so we can focus the
discussion because there are several people who like to speak
on this, it would be my inclination that we not lift the
moratorium and, therefore, the staff's recommendation in 27
be rejected. However, that as to the two specific
applications, because they are not in sensitive areas of the
lake and because those applications have construction that
needs to be done before October 15th it's my understanding, that those two applications be approved. And I have discussed this with legal staff and they have indicated to me that both of those positions are consistent and would be legally supportable.

Any questions before we take the witnesses?

COMMISSIONER STANCELL: As I understand it, the moratorium that's in place now does not allow any pier modifications or extensions or building of new ones; is that what the moratorium does now?

ACTING CHAIRMAN TUCKER: Until the completion of the study.

MR. HIGHT: That's correct.

COMMISSIONER STANCELL: Until the completion of the study. Now, the study has been completed?

MR. HIGHT: Well, TRPA has completed the study and I guess one of the problems is the study -- the extent and completeness of the study.

COMMISSIONER STANCELL: Is in question?

MR. HIGHT: Yes.

COMMISSIONER STANCELL: And your proposal then is to make an exception to the moratorium for these two requests that are before us?

ACTING CHAIRMAN TUCKER: That's correct. They're the only requests that are before us as I understand it and
the staff has indicated that they are not in sensitive areas and therefore they don't raise potential environmental problems.

COMMISSIONER STANCELL: But we will still impose a moratorium?

ACTING CHAIRMAN TUCKER: Right. We're not imposing it.

COMMISSIONER STANCELL: We are continuing it. We're not changing it. We're not lifting it, but we are -- we would be making an exception to it?

ACTING CHAIRMAN TUCKER: That's correct.

COMMISSIONER STANCELL: And that would be the policy that would be from here on out in terms of this particular issue or is this just one time?

ACTING CHAIRMAN TUCKER: The Commission could look at future applications and decide whether or not they involve sensitive areas or not.

COMMISSIONER STANCELL: So the moratorium is sort of not a moratorium in effect. It depends on whether it's in a sensitive area or not. Is that what you're saying?

ACTING CHAIRMAN TUCKER: Yeah. It's a moratorium --

COMMISSIONER STANCELL: It's a moratorium on those that are in sensitive areas?

ACTING CHAIRMAN TUCKER: Right.

COMMISSIONER STANCELL: So you're modifying the
existing moritorium?

ACTING CHAIRMAN TUCKER: That's correct. My concern
is if we simply lift the moritorium, it really sends the
wrong kind of signal. We wouldn't accurately reflect what,
in fact, we are doing which is making sure that no, from our
perspective, that no piers or pier extensions are allowed in
what we view to be sensitive areas.

COMMISSIONER STANCELL: So basically our policy is
that if it's a pier, new pier, an extension of an existing
pier that impacts a sensitive area, we will not allow that to
occur. There will be a moritorium. Any other pier that made
application will be considered.

ACTING CHAIRMAN TUCKER: I think that's the
practical effect of it.

EXECUTIVE OFFICER DEDRICK: What I was thinking,
Mr. Chairman, is if it's the will of the Commission to go
that way, perhaps the legal staff could write a resolution
which you could adopt that clarifies the imposition of a
moritorium on sensitive areas so that we have clear guidance
both to the staff and public if that's your wish.

ACTING CHAIRMAN TUCKER: I think we could certainly
take that up in the future and look at it. It seems to me
that the simplest approach is we simply don't have to do
anything on Item 27 and simply approve the two applications
if that's the willingness of the Commission. We could do it
either way.

COMMISSIONER STANCELL: I'm not an attorney. But if the moratorium would apply to the entire issue, whether it's in a sensitive area or nonsensitive area, how can you keep it in place and then make an exception?

ACTING CHAIRMAN TUCKER: It's our moratorium. I mean, we can make exceptions to it.

COMMISSIONER STANCELL: You got to modify it. I think you ought to change the policy. I think you should do it the right way.

ACTING CHAIRMAN TUCKER: That's fine. I think then if we were going to do that we should notice it. Give staff enough time to prepare it.

EXECUTIVE OFFICER DEDRICK: Do that on the next calendar.

ACTING CHAIRMAN TUCKER: We should notice it and put it on the calendar for a future.

But in the meantime I think we should act on these applications because it's my understanding that those people do have a deadline and that, again, staff has assured us that there are no environmental considerations that we need be concerned about in regards to these two applications. Is that correct?

MR. HIGHT: Correct.

EXECUTIVE OFFICER DEDRICK: Mr. Chairman, it would
be helpful if we could notice this for the next Commission meeting. We have another perhaps ten applications pending. The earliest 884 date is December.

ACTING CHAIRMAN TUCKER: My understanding is there's a period that they can't build until May.

EXECUTIVE OFFICER DEDRICK: I'm sorry. I didn't make myself clear.

ACTING CHAIRMAN TUCKER: They can't build until May of next year anyway --

EXECUTIVE OFFICER DEDRICK: That's correct.

ACTING CHAIRMAN TUCKER: -- so I don't think we're in a mad rush.

EXECUTIVE OFFICER DEDRICK: I'm only concerned that 884 will run on some of these permits in December. We, therefore, either have to grant them or deny them prior to December. If we had clarification of the Commission's policy, it would make it clearer to both the public and the staff how these items should be handled. That's why I'm recommending --

ACTING CHAIRMAN TUCKER: If that's possible, that's fine. There is another alternative which is they can agree or they can reapply since there's not enough time.

EXECUTIVE OFFICER DEDRICK: If they choose to do so, that is correct. But the Commission would have to act if they do not.
ACTING CHAIRMAN TUCKER: Anyway, if we can get it clarified and adopted, that's fine. Is that --

COMMISSIONER STANCELL: Fine.

ACTING CHAIRMAN TUCKER: Okay. With that in mind, Mr. Lien, Greg Lien.

You were a man destined to be an attorney.

MR. LIEN: With a last name like that I've been hearing that since law school.

My name is Greg Lien. I represent the Tahoe Sierra Preservation Council and several interested individuals.

I appreciated your comments, Mr. Chairman, particularly on the issue of sending signals because that's what I want to talk about a little bit this morning.

There are other people in addition to the following two items on your agenda this morning that have deadlines to worry about. In effect I think we have quite a number of applications that at this point are backed up with the State Lands Commission. They're all facing deadlines and they want to get going this fall before the winter season strikes and, of course, they get the big storms then which can cause further damage to piers which cannot be repaired in the interim. So I would ask that we think this through a little bit further.

Again, on the issue of sending signals. What the Chairman proposes -- while I understand the motivations that
led to your suggestion; I appreciate them — I think can send a signal that we're attempting to cut a broader swath than was suggested by your staff. In order to understand this I want to go back and give you a little bit of background on what's gone on at Lake Tahoe.

Several years ago at Lake Tahoe paranoia and distrust were rampant, I believe, whether one aligned themselves with environmentalists or with pro-property rights advocates, each really suspected the other's motive. In short, it was not an atmosphere particularly conducive to resolution of the complex issues facing Lake Tahoe, particularly with all the various interest groups feeling that they had something very substantial to lose in the process.

In such an atmosphere it was little wonder that virtually no progress was made in the universally embraced goal of protecting and improving Lake Tahoe's water quality and the other attributes that have led to its recognition as being a natural treasure.

Instead, we had in excess of a decade of back-to-back moritoria for political wrangling and regulatory paralysis. In 1984 just after TRPA adopted a controversial new regional plan, Lake Tahoe's battles spilled over into the courtroom. An injunction was imposed that brought a halt to virtually every activity at Lake Tahoe. Regulatory
government essentially ceased to function as control of the Tahoe Basin was effectively transferred to a federal court just down the street here in Sacramento.

Nevada was threatening to withdraw from the bistate compact that created the TRPA and things seemed destined for protracted quagmire and stalemate.

It was against this backdrop that TRPA's executive director, Bill Morgan -- and by the way, he had wanted to be here today, but couldn't. He sent instead his chief of project review who is here to answer your questions.

Bill Morgan suggested that we needed a more human approach to the problems that we were facing. Realizing that suspicion and distrust created an atmosphere where reaching agreement was impossible, we embarked upon a consensus approach to the problem. This approach which worked to resolve many environmentally-oriented land use disputes nationwide, involved the intervention of a professional facilitator to help the participants understand the issues and work towards positive solutions. All of the key stakeholders -- that was the buzz word -- in the Tahoe Basin participated in this process.

As it applies to the topic before us today, the regulation of Lake Tahoe's shoreline, the outgrowth of the consensus process was TRPA's shore zone ordinance. That ordinance was developed over several years with the
participation of all the conflicting interests, stakeholders and regulatory agencies involved. Those included: The Army Corps of Engineers, the California Attorney General's Office, the League to Save Lake Tahoe, the California and Nevada Departments of Fish and Game, the Tahoe Lakefront Owners Association, the Tahoe Sierra Preservation Council and others.

You will be pleased to hear that your staff made a particularly important contribution and a positive one as to the critical issues. Your staff had just at that point completed its study of the impacts of piers on Lake Tahoe, and as you can see from your staff report they concluded that they had no cumulative or serious negative impacts.

In the end, both the environmentalists and the property rights advocates appeared to be equally displeased with the compromises reached which I'm told is the sign of a good settlement. All of the parties and participants agreed to abide by the compromises that were reached.

As it affects the shore zone of Lake Tahoe, most of the debate revolved about new piers, not extensions, not modifications.

Finally, it was agreed that a moratorium would be imposed on new piers in all areas which were mapped as having value as fish habitat. That, by the way, constitutes 90 to 95 percent of the California shoreline.
A handful of new piers have been approved by TRPA in areas outside mapped fish habitats as the following two on your agenda indicate.

After several years of a blanket moratorium which even included repairs, TRPA can now issue permits for repair, reconstruction, modification and extension of piers under rigorous guidelines.

Those that are successful in running this TRPA permit gauntlet of findings, fees and studies of all impacts, including visual, water quality, fisheries and the entire spectrum of environmental impacts, have indeed been carefully scrutinized.

In addition, California side applicants at Lake Tahoe must face review from the LaHontan Regional Water Quality Control Board, the California Department of Fish and Game, the Army Corps of Engineers and whichever county they are, in fact, located.

At your meeting last month you considered a proposal that would have imposed a new moratorium as I view it on modifications and extensions. Whether you view it as new or a continuation of the old one however the results are the same.

TRPA has been accepting applications for those types of projects and provided all necessary findings could be made, they have been issuing permits. Having only found out
about this proposal moments before your meeting last month, I
must confess that my old feelings of mistrust and suspicion
returned. Based upon what I had learned to that point, I
worried that perhaps the State Lands Commission would become
a participant in an attempt to unravel the compromise that
was so painstaking put in place through the consensus process
at TRPA.

For that reason I was relieved when I ran into your
staff by chance last week as they were having a retreat at
Lake Tahoe. In discussing the matter with your staff at that
time, I was informed that no moratorium was being discussed
and that a TRPA approval in effect became one's ticket to get
in the door at the State Lands Commission.

Monday of this week I learned the final language
that was to be contained in your staff report and indeed you
have before you today. And in pertinent part, of course, the
recommendation to authorize the staff to accept applications
for things which are accompanied by a valid TRPA permit.

My concerns at that point were in large part
satisfied in my confidence that you would agree that anything
that could run the rigorous gauntlet at Lake Tahoe could
certainly run through your process here once you had a chance
to examine the issues and satisfy yourselves on them.

I was confident that for the time being at least
there would continue to be peace in the valley.
Unfortunately, I may have been mistaken as just yesterday I had a chance to review the staff report in its entirety. It appears that the Attorney General's Office has advised you that many of the projects submitted to your agency for review are not accompanied by valid TRPA permits. This apparently is based upon the fact that the Attorney General's Office has a different reading of TRPA's ordinances than TRPA does itself.

This effectively amounts to the imposition of the same moratorium suggested to you by your staff at last month's meeting. And now this morning I, again, in the nature of sending signals, we hear perhaps even a broader moratorium being imposed.

Far from resolving the problem, therefore, it seems to me that we are still in the midst of it. And the point I want to emphasize to you today is that disagreements over the comprises embodied in TRPA's shore zone ordinance ought to be resolved at TRPA and not before this forum.

The Commission would be taking a precipitous action which endangers the maintenance of the peace at Lake Tahoe if it were to impose a continuing moratorium out of step with all other regulators at Lake Tahoe.

It should be remembered that to the extent that TRPA's permits are somehow invalid, they would affect both California and Nevada shoreline owners.
I believe that the Attorney General's Office, however, appreciates the sensitivity of this matter. I'm informed that the Attorney General's Office has contacted TRPA's staff and is planning to meet this Friday to see whether there is potential to harmonize the dispute that we now have before us. If this can be done in the next several weeks, we can avoid the fallout that the imposition of a protracted moratorium would entail.

On a final note I hope that we can agree that attempting to streamline the process for applicants generally is a goal worth working toward. We certainly have seen that this can work as people who needed emergency permits for dredging because of our recent draught. We had an excellent process for that.

Again, we're somewhat in the dark as to exactly what's being proposed at this point. I would just like to conclude that in our judgment a workable process here would be one that generally respected the compromises embodied in TRPA shore zone audience, and that by implication includes a rapid resolution of the Attorney General's disagreement with TRPA.

It would also involve, again, an effort to minimize duplication and streamline the process in the interest of applicants involved.

That's all the comments I have unless you have any
questions.

ACTING CHAIRMAN TUCKER: Okay. Thank you.

Mr. Wells.

MR. WELLS: Good morning. My name is Jerry Wells. I'm the Chief of Project Review with TRPA. And I was asked to come here today to clarify some points that were brought out in the staff summary and for the sake of time I'll try to just focus on those primary issues. I think Mr. Lien covered most of the history and saved me having to go through all that.

The one thing in the staff summary that we do conform with is that we do: -- it's clearly in the ordinance -- that we do have a moratorium on new piers in fish habitat areas. This includes areas designated as fish spawning as well as restoration areas, escape, cover and feeding areas as well. So it's a pretty broad area. As Mr. Lien mentioned, it covers roughly 90 percent or more of the California shoreline.

One point of clarification I would like to make though is that we have always under the code since it was adopted had the ability to have repairs of existing piers without regard to the designated fish habitat areas.

In addition to that, I believe your staff summary pointed out that reconstruction of existing piers is also prohibited in fish habitat areas. That is not true under the
TRPA ordinance. We consider reconstruction of existing piers without modification or expansion as a form of a repair. So we don't look at that as being different. It does allow people to actually completely remove their piers and replace them as was previously existing.

In some of those instances, however, we do require additional environmental reviews such as an environmental assessment of the impacts, especially if it's in a critical fish spawning area.

As to the interpretation that has been raised by the Attorney General's Office, we did take an interpretation before our governing board in March of this year. That was open for public hearing. The staff report and the interpretation itself was distributed and no questions at that time were raised by any of the board members or the public in general.

Since that time we have approved certain pier expansions and extensions in fish habitat areas, primarily outside of spawning areas.

The one point I'd like to make on that is the TRPA ordinance, what we classify as an expansion is maybe different from what you consider expansion. It's not merely just the lengthening of the pier. It's all inclusive. It includes adding handrails to piers, adding low-level boat lifts, very minor what you would call additions to a pier are
considered expansions. To interpret the ordinance to say that none of that can be done in a fish habitat area I don't believe was the original intent of the structure of the ordinance. And to further that, we have allowed some actual extensions in length to bring piers into conformance.

We feel that TRPA as an agency is charged with interpreting its own ordinances. We feel we've done that. As we've come across these needs for interpretations, we will write them and bring them to our board for acknowledgement. And we have done that with this particular one.

The Attorney General, as I mentioned earlier, has questioned this at this stage and we are more than willing to sit down with them and discuss the merits of their objections. But at this point we feel that the interpretation is still in effect and we plan to continue issuing permits based on that interpretation.

As to the staff summary's comments towards valid permits, we, of course, at TRPA feel that all of our permits are valid. We've made the findings on each one of the permits that are required by the code. We've issued those permits and as of this date none of those permits have been challenged. So we feel that any project that comes to you with an official TRPA permit is, in fact, valid.

One other comment that I think Mr. Tucker you had made earlier was to the effect that -- regarding the fish
study or one of the staff members mentioned that it was complete, but it was being contested. We're in the process now of doing a fish study. It's not complete to my knowledge. It's scheduled to be completed by the fall of '89. And it's a two-year study. The focus of that study is to make a determination of the impacts of piers on fish habitat areas.

So we're hoping that the findings that come out of that study will help us fine tune our ordinances even more in the future and, in fact, we anticipate doing that in the fall of '89 or shortly thereafter pending the conclusion of that study.

So, again, we feel that the current regulations that are in place today are adequate to protect the environmental of Lake Tahoe until such time that that study is completed and then we can fine tune it at that point.

Just a few closing remarks. Our governing board at its August hearing discussed this pier moratorium that the State Lands Commission has held for some time. They discussed it at some length and they wanted staff to at least bring to you the feeling that they would urge you to consider the strong need for consistency in regulations so we don't get the overlap and the conflict between agencies. We feel we're putting the public in a real tight screw here in between agencies. And as Mr. Lien mentioned earlier, they do
go through a very rigorous process through our review and then get to this point and end up being stopped.

We feel that all the necessary ordinances are in place in terms of the TRPA code and with coordination and cooperation between the agencies, we feel that they can be adequately applied as they are today.

That's all the comments I had. I'll be happy to answer any questions that any of you have of TRPA.

Thank you.

ACTING CHAIRMAN TUCKER: Does anybody else wish to be heard on this?

I would then move that we approve the Items 28 and 29 and that Item 27 simply be put over and that staff be directed to write up a policy that's consistent with the comments that were made today.

EXECUTIVE OFFICER DEDRICK: That's fine, Mr. Chairman, from our viewpoint.

COMMISSIONER STANCELL: Second.

ACTING CHAIRMAN TUCKER: That's approved.

EXECUTIVE OFFICER DEDRICK: Twenty-seven is put over.

ACTING CHAIRMAN TUCKER: Twenty-seven, twenty-eight, twenty-nine.

Item 30.

EXECUTIVE OFFICER DEDRICK: Item 30 is an
authorization to issue a school lands patent to the United States for the purpose of a Forest Service road that will give access to their land and to ours in Mendocino County.

ACTING CHAIRMAN TUCKER: Any questions on this?

COMMISSIONER STANCELL: Move the item.

ACTING CHAIRMAN TUCKER: That's approved.

Item 31.

EXECUTIVE OFFICER DEDRICK: Item 31, Sea Epics Research, Inc. This is approval of a one-year salvage permit to Donald Knight who is the principal of Sea Epics Research to carry out some salvage operations on the wreck Brother Jonathan which is up by Crescent City in Del Norte County.

ACTING CHAIRMAN TUCKER: Any questions on this?

That's approved.

Item 32.

EXECUTIVE OFFICER DEDRICK: Thirty-two is approval of a consent to an Encumbrance Agreement for PS Marina Investors who is also Tower Park Marina.

COMMISSION STANCELL: Move the item.

ACTING CHAIRMAN TUCKER: Okay. That's approved.

Thirty-three.

EXECUTIVE OFFICER DEDRICK: Thirty-three is approval of a dredging permit for the U.S. Army Corps of Engineers to carry out some dredging in Anaheim Bay in Orange County.

ACTING CHAIRMAN TUCKER: Okay. That's approved.
Thirty-four.

EXECUTIVE OFFICER DEDRICK: Thirty-four and thirty-five are off calendar.

Thirty-six -- Mr. Chairman, Items 36 through 39 are all requests for drilling deferments. Staff has recommended -- and I'll give you a quick rundown on them -- number 36 is Exxon. Staff's recommending a one-year drilling deferment for leases in Santa Barbara County. Thirty-seven, a one-year deferment for the drilling obligation on their leases in I believe Santa Barbara County also. Thirty-eight we're recommending 18 months. That's a special case there. It's a situation where one rig can be used on four platforms and they're having some internal disagreements on how that should be handled. And 39 is the Mobil exploration program which Mobil withdrew their application just before the EIR went to public hearing and have requested a drilling deferment. Staff recommends granting a year deferment in that case also.

ACTING CHAIRMAN TUCKER: Any questions on items or statements on Items 36 through 39, drilling deferments?

COMMISSIONER STANCELL: Move the items.

ACTING CHAIRMAN TUCKER: Those are approved.

Forty.

EXECUTIVE OFFICER DEDRICK: Item 40 is approval of forms and specifications for inviting bids for gas treatment
agreement at the tidelands at Long Beach.

ACTING CHAIRMAN TUCKER: Okay. It's approved.

Forty-one.

EXECUTIVE OFFICER DEDRICK: Forty-one is off calendar.

Forty-two is the City of Long Beach submittal of final report and closing statement of the '87-'88 Plan of Development Operations and Budget for the Wilmington Field.

ACTING CHAIRMAN TUCKER: Okay. Do we have any comments on that? That's approved.

Forty-three.

EXECUTIVE OFFICER DEDRICK: Forty-three, again Long Beach, approval of specifications and forms for inviting bids for a crude oil selloff in Fault Blocks IV and V in the Wilmington Field.

ACTING CHAIRMAN TUCKER: Okay. That's approved.

Forty-four.

EXECUTIVE OFFICER DEDRICK: Forty-four, Bob, we're into legal, would you like to take these?

MR. HIGHT: Forty-four, Mr. Chairman, is the authorization to enter into a compromise pending litigation for the settlement of a trespass on the Sacramento River in Tehama County. The Commission would receive $1,500 in back rent and $270 on a per annum basis. We recommend it as does the Attorney General.
COMMISSIONER STANCELL: Move the item.

ACTING CHAIRMAN TUCKER: Okay. That's approved.

Forty-five.

MR. HIGHT: Forty-five is the authorization to hold a hearing for the Devil's Post Pile National Monument concerning the cession of concurrent criminal jurisdiction. We will hold the hearing and then get back to the Commission as to the findings on the hearing.

ACTING CHAIRMAN TUCKER: Okay. That's approved.

Forty-six.

EXECUTIVE OFFICER DEDRICK: The other items are administrative. I've asked Mr. Trout to handle those.

I'm sorry. Forty-six is off calendar.

COMMISSIONER STANCELL: Forty-seven is off.

MR. TROUT: I'm sorry.

MR. HIGHT: Forty-seven is off.

COMMISSIONER STANCELL: Are we at 48 now?

MR. TROUT: Item 48 is authorization to solicit bids for the removal of the most serious hazards along the coastal zone. The Legislature made available $583,000 for that purpose. After the bids are received, we will come back to the Commission for approval of the bid.

COMMISSIONER STANCELL: Move the item.

ACTING CHAIRMAN TUCKER: Okay. That's approved.

And 49.
MR. TROUT: Forty-nine is authorization to solicit
bids for the rental of a Global Positioning System. This is
a system that uses navigational satellites to position the
location above which the instrument is located. This will be
about $30,000.

ACTING CHAIRMAN TUCKER: Are you trying to change
the position of the earth?

MR. TROUT: Yes. Instead of running -- did I miss
something?

EXECUTIVE OFFICER DEDRICK: That's all right. We
thought you were changing the position of the earth.

MR. TROUT: Well, I try.

COMMISSIONER STANCELL: Move the item.

ACTING CHAIRMAN TUCKER: Okay. That's approved.

Anything else that anybody has before we adjourn?

MR. STEVENS: Mr. Chairman, we just wanted to
briefly announce that Lake County Superior Court has ruled
for the Commission in setting the boundary of Clear Lake
applying the standard of the highest level for five
consecutive years that we established --

ACTING CHAIRMAN TUCKER: And we're going to have a
beach party.

MR. STEVENS: Certainly the public trust extends to
the Commission holding such events.

ACTING CHAIRMAN TUCKER: Vindicated once again.
Soon we will have everything.

EXECUTIVE OFFICER DEDRICK: We're working on it.

COMMISSIONER O'CONNELL: Have the Commissioners been advised of the staff retreat at Tahoe?

EXECUTIVE OFFICER DEDRICK: Commission members, staff had a management retreat at Tahoe last week which I believe was highly successful. We were at Granlibakken, the old Berkeley ski lodge, and had the managers, 25 managers of the staff in a very intensive work session at Tahoe. I only got one-half of one evening off.

COMMISSIONER O'CONNELL: Okay.

ACTING CHAIRMAN TUCKER: Thank you very much.

EXECUTIVE OFFICER DEDRICK: Thank you, Commissioners.

(Thereupon the Meeting of the State Lands Commission was adjourned at 11:37 a.m.)
CERTIFICATE OF SHORTHAND REPORTER

I, CATHLEEN SLOCUM, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing meeting of the State Lands Commission, was reported in shorthand by me, Cathleen Slocum, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 22 day of September, 1988.

CATHLEEN SLOCUM
Certified Shorthand Reporter
License No. 2822

PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345