

STATE LANDS COMMISSION

TRANSCRIPTS

March 2, 1992

MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

ORIGINAL

STATE CAPITOL BUILDING
ROOM 447
SACRAMENTO, CALIFORNIA

MONDAY, MARCH 2, 1992

11:00 A.M.

Doris M. Bailey, CSR, RPR
Certified Shorthand Reporter
License Number 8751

COMMISSION MEMBERS PRESENT:

Mr. Gray Davis,
State Controller,
Represented by Mr. James Tucker,
Acting Chairman

Honorable Leo T. McCarthy,
Lieutenant Governor,
Represented by Mr. James Goldstene

Mr. Thomas W. Hayes,
Director of Finance,
Represented by Suzanne Burton

STAFF PRESENT:

Mr. Charles Warren,
Executive Officer

Mr. James F. Trout,
Assistant Executive Officer

Ms. Carla J. Caruso,
Deputy Attorney General

Ms. Patsy Tomasello,
Commission Secretary

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PROCEEDINGS

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3 ACTING CHAIRMAN TUCKER: Good morning. This
4 is the State Lands Commission. I'm Jim Tucker
5 representing the State Controller. We have Susie Burton
6 representing the Department of Finance, and Jim Gold --

7 ACTING COMMISSIONER GOLDSTONE: Goldstone.

8 ACTING CHAIRMAN TUCKER: Goldstone, I'm sorry,
9 representing Lieutenant Governor Leo McCarthy.

10 MR. HIGHT: Mr. Tucker, for the record, Mr.
11 Goldstone is sitting in a non-voting capacity for the
12 Lieutenant Governor.

13 MR. WARREN: Who will be here shortly.

14 ACTING CHAIRMAN TUCKER: We have items C-22
15 and 29 that have been pulled? Anything else?

16 EXECUTIVE OFFICER WARREN: Yes.

17 ACTING CHAIRMAN TUCKER: And Item 3-A that's
18 on the regular calendar?

19 EXECUTIVE OFFICER WARREN: Consent calendar
20 item number three will be moved to the regular calendar,
21 Mr. Chairman.

22 Also consent item number five has been removed
23 at the request of Commissioner McCarthy who desires
24 extra time to review the application and certain
25 implications derived therefrom. So C05, consent

1 calendar item five, Pacific Lumber Company is the
2 applicant, will be pulled.

3 Other than that that will be it.

4 ACTING CHAIRMAN TUCKER: Okay. Does anybody
5 wish to say anything on any of the items on consent?

6 Okay, the consent calendar is adopted.

7 Moving to the regular calendar.

8 EXECUTIVE OFFICER WARREN: Could we adopt the
9 minutes of the last meeting?

10 ACTING CHAIRMAN TUCKER: Sure. We adopt the
11 minutes of the last meeting unless there's any
12 objections or changes.

13 Item 24.

14 EXECUTIVE OFFICER WARREN: Mr. Chairman, I
15 wonder if we could begin with C03 --

16 ACTING CHAIRMAN TUCKER: Oh, Okay.

17 EXECUTIVE OFFICER WARREN: -- if you don't
18 mind?

19 MS. SEKELSKY: Item C03 is an application for
20 recreational pier lease at Lake Tahoe. We have received
21 letters from the owners of an adjacent upland property
22 objecting to the proposed pier on several grounds.

23 There are six upland properties fronting the
24 cove on which the proposed pier is to be constructed.
25 Two of which already have piers. The opponents of the

1 projects assert that a third pier would negatively
2 impact their views of the lake and their use of the cove
3 for swimming and paddling in their rowboats.

4 Staff has reviewed their concerns with TRPA
5 staff and with the Design Review Committee consisting of
6 representatives of various jurisdictional agencies, and
7 have concluded that the proposed pier meets all existing
8 rules, criteria, and policies regarding pier design and
9 location.

10 I have a photograph here that the project
11 opponents had provided us showing the two existing piers
12 and showing that the proposed pier would be located in
13 the center. I can pass this up to you.

14 It's my understanding that the parties who are
15 objecting to this pier are here in the audience.

16 ACTING CHAIRMAN TUCKER: The proposed pier is,
17 connects with the applicant's property?

18 MS. SEKELSKY: That's correct.

19 ACTING CHAIRMAN TUCKER: And that property
20 goes up to the shore line?

21 MS. SEKELSKY: Yes.

22 ACTING CHAIRMAN TUCKER: Okay, we have three
23 people who have indicated they'd like to speak.

24 George Pickett.

25 You want to step forward, please? Have a seat.

1 right there.

2 And if you could speak into the microphone and
3 give us your name?

4 MR. PICKETT: My name is George Pickett. I
5 have visited and vacationed at the family cabin for
6 almost 60 years and the last 15 years since my
7 retirement we've been there all summer, my wife and I.
8 We're on lot twelve which is adjacent to the Villicana
9 pier, which is lot 13. And I think a map would also aid
10 in further explaining what -- what's your name?

11 MS. SEKELSKY: Jane, Jane Sekelsky.

12 MR. PICKETT: -- what Jane Sekelsky explained.
13 This pier is in a rather unique cove. The picture shows
14 it. I don't know how many had a chance to see it.

15 MS. SEKELSKY: I think most everyone has seen
16 it.

17 MR. PICKETT: But this cove is a special
18 nature that I think needs some understanding before you
19 actually look at the application itself. You did
20 mention that there's lots, and there are 50 foot lots,
21 and that there are six homes. Of those six, only one,
22 the Villicana's rent their home. All the rest are
23 strictly family homes. And of the five homes besides
24 the Villicana's, four of those are very heavily family
25 use. None of the others except the Villicana's --

1 ACTING CHAIRMAN TUCKER: Speak into the
2 microphone.

3 MR. PICKETT: Yes, I'll try.

4 I guess I need to start with saying this
5 application for this pier has been flawed to some extent
6 from the start. The only thing that the state, was
7 submitted to the State Lands Commission was a drawing
8 that's dated July, 1988. It has incorrect information
9 about the width of the lot, and the only information it
10 provides regarding other piers says the nearest pier to
11 one side of the proposed center line of the proposed
12 pier is 170 feet. And the pier the other way is 162
13 feet. It makes no mention of the fact that those piers
14 are at strange angles and it makes a big difference in
15 this consideration. So they omitted, in my view, some
16 of the most important factors on this.

17 There were also sixteen public comment letters
18 in the TRPA files from the first public hearing on this
19 which was September of 1990. And it's my belief that
20 the State Lands Commission had no information about this
21 consent hearing that was the second TRPA hearing, which
22 included a map that shows correctly the non-conforming
23 piers.

24 You've received it?

25 MS. SEKELSKY: Uh-huh.

1 MR. PICKETT: That, to my knowledge, this
2 packet that was sent to the State Lands Commission and I
3 had also sent to the Army engineers, is the first
4 information that your staff had that there was any
5 problem in regarding non-conforming piers or that really
6 showed what the situation was.

7 In my view the application to you not only
8 deliberately omitted the two most important factors,
9 that is public comments and existing two non-conforming
10 piers, but went on to add a completely false claim of
11 having two mooring bouys anchored on the bed of Lake
12 Tahoe.

13 Regardless of what action this Commission may
14 feel required to take regarding approval of a pier in
15 this case, I believe it appropriate for you to
16 specifically deny any appropriation of existing mooring
17 bouys, and to comment on the application's lack of full
18 disclosure. Since a TRPA included in their conditional
19 approval in item six, and I'm now quoting,

20 "This approval is based on the
21 permittees' representation that all
22 plans and information contained in
23 this subject application are true
24 and correct. And should any
25 information or representation

1 submitted in connection with this
2 project application be incorrect or
3 untrue, the TRPA may rescind this
4 approval or take other appropriate
5 action."

6 In recognition of these problems and the
7 application presented to you -- pardon me.

8 Recognition of these problems in the
9 application presented to you should be acknowledged.
10 This might be even be helpful in any future TRPA
11 consideration of this case.

12 Thank you very much.

13 Is there any question about the, any of these
14 maps?

15 ACTING COMMISSIONER BURTON: Jim, I have a
16 question.

17 ACTING CHAIRMAN TUCKER: Yeah.

18 ACTING COMMISSIONER BURTON: Mr. Pickett, the
19 TRPA public hearing that was held?

20 MR. PICKETT: The first one was --

21 ACTING COMMISSIONER BURTON: Are you
22 presenting testimony that there is no approval from
23 TRPA?

24 MR. PICKETT: They have a conditional approval
25 and we have, your staff has a copy, but there's a whole,

1 pages and pages of conditional approvals. And I talked
2 to them. They have no record of the two mooring bouys
3 that are claimed in the application to you, and they
4 have received no request for it. And they will
5 eventually have to act on that if they, if they ever try
6 to get bouys.

7 And also the TRPA, talking to their staff man
8 anyway, they have to re-review this thing after because
9 two of the conditions were approval by State Lands
10 Commission and Army engineers. When they get that back
11 then they still have further action to take before their
12 final permit is processed.

13 ACTING COMMISSIONER BURTON: Thank you.

14 MR. PICKETT: Is that correct?

15 MS. SEKELSKY: With regard to the mooring
16 bouys, in fact the application to us does indicate there
17 were existing bouys. Our permit however requires that
18 the applicant, if they do their project, comply with any
19 kind of TRPA regulations and rules. TRPA would require
20 that the applicant show evidencce that the bouys were
21 there before May of 1976 in order to be treated as
22 existing bouys. And so in the TRPA process they will be
23 required to show that.

24 MR. PICKETT: They can't show that. Even TRPA
25 knows that.

1 ACTING COMMISSIONER BURTON: So could you
2 explain the process to me a little bit? Conditional
3 approval at the local level?

4 MS. SEKELSKY: Typically what you will have is
5 you will have TRPA approve things, as we do in some
6 cases, subject to others agencies giving their permits.

7 In the case of Lake Tahoe you have two or
8 three different types of approval that are sought under
9 current conditions. TRPA itself, of course, as a board
10 has to authorize projects.

11 There is also a Design Review Committee which
12 has been established. This Design Review Committee has
13 been established since this application was first
14 submitted to TRPA. However we brought this issue up
15 because of the concerns that had been raised with the
16 Design Review Committee just two weeks ago. And the
17 committee closely reviewed the application and the
18 project as proposed and did in fact determine that it
19 has met all of the existing policies and criteria that
20 are out there.

21 ACTING COMMISSIONER BURTON: Thank you.

22 ACTING CHAIRMAN TUCKER: Okay, thank you.

23 Nancy Gibson.

24 MR. PICKETT: Thank you, gentlemen.

25 ACTING CHAIRMAN TUCKER: Good morning.

1 MRS. GIBSON: Good morning. I'm Nancy Fickett
2 Gibson. I'm his daughter and also part of this family
3 that has the cabin n ext door to the Villacanas. And we
4 hope that you got letters that we wrote in January when
5 we first heard about this?

6 ACTING CHAIRMAN TUCKER: Yes, we do have
7 those.

8 MRS. GIBSON: Okay. I don't know too much to
9 say. But my first thing is, why is everyone so anxious
10 to approve this pier? Lake Tahoe is a treasure that I
11 thought the California agencies were working to protect.

12 This pier is considerably longer than the
13 other piers and much longer than is necessary
14 considering the slope of the lake.

15 At each step errors are found in the
16 applicant's statements and drawings, and no agency seems
17 to be able to say this is wrong and this pier should not
18 be built.

19 They've hired an agent to get this through the
20 government maze, and it seems to being working as
21 regular citizens don't seem to be able to crack this
22 wall.

23 If this pier is approved then it seems that
24 each of us along the lake can have its own pier. If we
25 each had a pier there would be less than 15 feet between

1 each of our piers at the lake end because the piers come
2 in like this. Does this make sense?

3 Two piers in this small cove is enough. No
4 new piers should be permitted if protection of the lake
5 and the environment are of real concern.

6 The two existing piers that angle into this
7 bay are longstanding, 40, 50 years, and are well
8 maintained. They are not going away. The owners
9 replace three or four of the wooden pilings with new
10 steel ones each year, and replace rotten wooden planks.

11 My understanding is that under the present
12 regulations pier owners are allowed to spend five
13 thousand dollars for maintenance per year. And these
14 pier owners do that. So these piers are going to stay.

15 I also understand the applicant has stated the
16 cabin is only used for personal use. I know that
17 Langston Realty has handled the rental of this cabin, at
18 least since 1977, when friends of mine, Sally and Bob
19 Osborne, rented it for one week. They also rented it
20 during the summer of 1978 through George Langston
21 Realty. I have a signed letter and a cancelled check
22 that Sally was able to find showing a payment for the
23 rent of the Villicana home. Which if you want it you
24 can have it, that's a copy.

25 They have always rented this house out, and

1 rarely use it for themselves. It currently rents for a
2 thousand dollars a week three or four weeks of every
3 summer. As my folks live there July from May to
4 October, and most of the other cove families use it
5 extensively, this pier will be a real detriment to the
6 people who are there most of the time.

7 Thank you very much more listening to our
8 comments.

9 ACTING CHAIRMAN TUCKER: Thank you.

10 Rod Gibson.

11 MR. GIBSON: Good morning. My name is Rod
12 Gibson. I'm here to speak in opposition of the subject
13 project.

14 I own the lot directly behind the Villicana's
15 and I'm a member of the family, of course, of the Tahoe
16 Cabin Trust. Unfortunately we received your staff's
17 report Friday, three calendar days or less than one
18 working day to prepare comments for this meeting, as
19 well as travel from Los Angeles. I think that's
20 unfortunate for something as important as this.

21 You did pull the subject project from the
22 consent docket. Up to that point it has been labeled as
23 non-controversial. I suggest it may be one of the most
24 controversial piers on the lake, projects.

25 You've heard something about the flawed

1 process of preparing this report. Let me just reiterate
2 that the first TRPA hearing was cancelled at the last
3 minute on this project. The pier application withdrawn.
4 It was dramatically flawed in its architecture. That
5 was not recognized until we pointed that out. The
6 second hearing we received no notice. It was held over
7 Thanksgiving at Lake Tahoe. You've heard that no
8 information was sent to your Commission prior to Mr.
9 Pickett requesting that it be sent. And I commented
10 about the short notice to prepare our comments.

11 We have enjoyed the beauty of Lake Tahoe for
12 many decades. Our property is on one of the most
13 beautiful small, natural, sandy coves on the lake. And
14 as you heard, has been bordered by two non-conforming
15 piers for 40 years or more, which separate the rocky
16 shore from this natural sandy cove. These piers jet
17 toward each other, as you can notice in the picture,
18 thus the lake side entrance to this cove is smaller than
19 what would be available if the non-conforming piers went
20 straight out from their property.

21 This cove will not support piers from each
22 lot. You heard that if everybody built a pier there
23 would be less than 15 feet between the ends of the
24 piers. The first pier in the cove spoils it for
25 everyone else.

1 Usual regulations can't deal with this complex
2 of an issue. It takes human evaluation. I urge this
3 Commission to do this.

4 The staff report says a scenic simluation was
5 evaluated as part of the agency's consideration. I
6 cannot visualize how a scenic simluation would evaluate
7 the effect of this proposed project on this natural
8 cove. If someone were to say they went to the location
9 and evaluated visually the impact, that would be more
10 substantial, and I suggest that the picture verifies
11 that.

12 The staff report quotes the regulation that
13 piers for single family dwellings must be located within
14 the pier head line as established by the Tahoe Regional
15 Planning Agency from Corps of Engineer' plans.

16 It further states that this project is within
17 that limit. What it failed to say, as you've heard
18 mentioned already, is the last 75 feet of the 175 feet
19 gains nothing but additional encroachment on the lake
20 for no functional purpose. The lake is flat over this
21 entire distance as can be verified by Corps of Engineer
22 maps or simply by walking along the bottom now that the
23 lake is low.

24 Staff commented that under the heading of
25 scenic quality that TRPA Design Review Committee says a

1 cumulative scenic impact will not result from this
2 project because the homes are located on the bluff,
3 bluff top lots.

4 However, I submit the more important issue is
5 what is the scenic impact to the users of this natural
6 sandy beach. This beach is used daily in the summer
7 months by many family members of the adjoining lot
8 owners such as ours.

9 It will completely destroy the present beauty
10 of the lake. All you need to do is go see for
11 yourselves and the photo illustrates this, I suggest.

12 Any recreational boat user could protect this
13 natural resource by using a boat bouy and a small boat
14 from the beach as we have done for decades. I can only
15 speculate that the reason non-boat users, they have
16 never had a boat at the lake, want a pier, is to enhance
17 the rental or sale value of the property.

18 I mentioned the process has been flawed and
19 went through a list of comments, and you also heard that
20 the project description describes continued placement of
21 two mooring bouys anchored on the bed of the lake, and
22 you heard staff's response, I guess it was, that they
23 would have to conform to this. I just suggest this is
24 an example of how the agent for this proposed pier has
25 done his best to get the pier approval through without

1 stating truthful facts.

2 Thank you for the opportunity to express these
3 concerns. I urge you to deny this project.

4 ACTING CHAIRMAN TUCKER: Okay, any questions?

5 ACTING COMMISSIONER GOLDSTONE: I have a
6 question, maybe directed to staff. Our role as State
7 Lands Commission is just to approve the use of the land.
8 We wouldn't be giving final approval, right? Our
9 approval is needed as a condition of the TRPA approval?

10 EXECUTIVE OFFICER WARREN: We're a permitting
11 agency. There is only one other permit outstanding as I
12 recall, and that's the U.S. Army Corp of Engineers. The
13 Nevada County has approved it, TRPA has approved, Fish
14 and Game has approved.

15 We will, our recommendation is that the
16 conditions imposed on the TRPA permit be met before our
17 permit as well.

18 ACTING COMMISSIONER GOLDSTONE: What about the
19 noise issue? Is that, the residents in the area are
20 concerned that the new pier would allow motor boats to
21 be used or?

22 MS. SEKELSKY: Yeah, the concern seems to be
23 that if there's an additional pier there will be
24 additional motor vessels in that area. Since it's a
25 private pier and it is for the use of the users of the

1 upland cabin, it does not seem that it would generate
2 much additional boat traffic.

3 EXECUTIVE OFFICER WARREN: If I may, Mr.
4 Chairman. There is one bit of information that has come
5 to light in this testimony that you might want to
6 explore with the representative of the applicant, Jan
7 Briscow, who is here and available to address you. And
8 it concerns a matter about which the commission staff
9 has attempted to get more information, and that is
10 whether or not this pier would be used as part of a
11 private, residential use which is the language of the
12 statute permitting these piers.

13 The information that perhaps the home, or the
14 residence, and this pier which would be appurtenant to
15 that, are being or may be used for purposes other than
16 single family residential, others of a commercial nature
17 seem might want to be explored. I'm not quite sure if
18 that makes a difference or not, quite frankly, but I
19 would like to know (a) is that true, and (b) what legal
20 effect that might have.

21 ACTING CHAIRMAN TUCKER: Okay, thank you.

22 Jan Briscow.

23 MS. BRISCOW: Good morning, my name is Jan
24 Briscow. I'm the agent representing the Villacanas.

25 ACTING CHAIRMAN TUCKER: Would you like to

1 answer the question?

2 MS. BRISCOW: It is my understanding from
3 talking with Mrs. Villacana, that the last ten years the
4 property has been loaned to two family friends on
5 occasion during the summer months only, that the
6 property is not used as a rental, it is not advertised
7 for rent.

8 ACTING CHAIRMAN TUCKER: Was there, were there
9 any other points you wanted to respond to?

10 MS. BRISCOW: Well there are several points
11 that were not consistent with the project as it was
12 purported by the dissenting parties.

13 If you have any questions specifically of the
14 project I'm happy to answer them.

15 ACTING CHAIRMAN TUCKER: Do you have any
16 questions?

17 ACTING COMMISSIONER BURTON: No.

18 ACTING CHAIRMAN TUCKER: No, thank you.

19 Does anybody else wish to be heard on this?

20 MR. PICKETT: Could I ask a question?

21 ACTING CHAIRMAN TUCKER: Ask a question of
22 whom?

23 MR. PICKETT: Of the room, I guess. If --

24 ACTING CHAIRMAN TUCKER: Why don't you come up
25 here so the reporter can take your statement down,

1 please.

2 MR. PICKETT: What kind of proof would you
3 like to have regarding the rental? In other words, if
4 you can call --

5 ACTING CHAIRMAN TUCKER: I don't think it has
6 much relevance.

7 MR. PICKETT: Okay, that's why we didn't try
8 harder to bring more proof, but we didn't have time.

9 Thank you.

10 ACTING CHAIRMAN TUCKER: Okay. Just for the
11 information of the people who spoke on this item so that
12 you can understand a little better the role of the
13 Commission.

14 You have to understand that we're trying to
15 and of course required to follow legal standards. We
16 can't substitute our judgment for that of a property
17 owner as to how they can best use their property. Or
18 how they would like to use it. We can only follow those
19 legal guidelines that we've been given.

20 And you also have to understand that we hear
21 from property owners who feel that nobody should be on
22 the beaches, that there should not be any public access.

23 We hear from property owners who feel that
24 they should be allowed to do anything they want with
25 their property.

1 We hear from property owners who want to build
2 a two-story house in front of somebody else, and argue
3 that they're entitled to do that.

4 We hear from the people behind who argue that
5 they should be able to keep the people in front of them
6 from doing those kinds of things, etcetera, etcetera.

7 We're dealing with a situation in which there
8 are obviously competing interests, competing uses. And
9 all we can do is follow the law as set out that
10 indicates which factors we can take into consideration
11 and really which we cannot.

12 It's ironic that today the United States
13 Supreme Court, in hearing the Lucas case, may decide
14 that we cannot take any of these factors into
15 consideration and that a property owner's entitled to do
16 anything they want with their property unless the state
17 wants to pay them for it.

18 So there is a balancing process here. We
19 can't substitute our judgment as to how a property owner
20 can use their property except to the extent that there
21 are limitations placed on that use by law.

22 Based on that and based on the fact that the
23 staff was engaged in a pretty extensive evaluation of
24 this project, it seems to me that the Commission doesn't
25 have any choice other than to approve with the

1 conditions that have been indicated on the application.

2 And I would so move.

3 ACTING COMMISSIONER BURTON: I concur.

4 ACTING CHAIRMAN TUCKER: It is moved and
5 seconded. The item is approved with the conditions
6 indicated by staff.

7 Thank you.

8 Okay, Item 24.

9 MS. SEKELSKY: Yes, Item 24 concerns an
10 application for a recreational pier lease at Donner
11 Lake.

12 Staff has received two comments expressing
13 concerns about this particular facility. One is from a
14 local park district which is concerned regarding the
15 safety of swimmers in a nearby swim area which is
16 adjacent to a local park.

17 The pier appears to be approximately 200 feet
18 or more from the designated swim area. We don't think
19 that that represents an undue hazard to the swimmers.

20 We've also received a letter of concern from
21 Mr. Harold Christian who has concerns over the private
22 use of the pier which might interfere with public access
23 to the state lands.

24 This lease, if approved, would provide that
25 there be public access along the shore between the high

1 and low water marks. And that is required in all of our
2 recreational pier leases.

3 ACTING CHAIRMAN TUCKER: Okay, any questions?

4 Anybody that wants to be heard in opposition
5 to this item?

6 We received several slips but everyone
7 indicated that they only wanted to speak if there were
8 any questions. I don't believe there are any.

9 ACTING COMMISSIONER BURTON: I have a
10 question. Is this the one where the park district has
11 expressed opposition?

12 ACTING CHAIRMAN TUCKER: Yeah.

13 MS. SEKELSKY: Yes, that's correct.

14 ACTING COMMISSIONER BURTON: What's happening
15 with that?

16 MS. SEKELSKY: Well their concern was with
17 regard to the swim area that they operate which is
18 approximately 200 feet away from this particular pier.

19 ACTING COMMISSIONER BURTON: Okay.

20 ACTING COMMISSIONER GOLDSTENE: And they want
21 to build two piers?

22 MS. SEKELSKY: No, one pier.

23 ACTING COMMISSIONER GOLDSTENE: Just one pier.

24 MS. SEKELSKY: There's just one pier being
25 proposed at this time.

1 ACTING COMMISSIONER GOLDSTENE: Which is what
2 the recreational district is objecting to?

3 MS. SEKELSKY: No. Yes. Yes, the
4 recreational district is objecting to the owner's
5 application to build one pier, yes.

6 ACTING COMMISSIONER GOLDSTENE: Okay.

7 ACTING CHAIRMAN TUCKER: Okay.

8 ACTING COMMISSIONER BURTON: What sort of
9 local review did this have?

10 MS. SEKELSKY: This has been, the local
11 permits involved in this case, Department of Fish and
12 Game, the regional office, and as well as the
13 headquarters have approved this. They have their
14 streambed alteration permit and they're ready to go.

15 ACTING CHAIRMAN TUCKER: Okay. All right.
16 That item is approved.

17 Item 25.

18 MS. SEKELSKY: Item 25 concerns an application
19 for a 30-berth boat storage marina in the Sacramento
20 River near Walnut Grove.

21 You may recall that this item was before you
22 approximately a year ago. And at that time Fish and
23 Game staff objected to the proposed project because of
24 potential interference with recreational fishing in the
25 area. Testimony at that time indicated that while the

1 project site itself is not within a prime fishing area,
2 it is a site within which fishermen trolling downstream
3 come up into this area, turn around, and go back
4 downstream.

5 We've done a lot of analysis on this. We've
6 talked to the project applicants and tried to make some
7 adjustments to take care of those concerns.

8 It appears that if the project were to build
9 as designed and approved by the Corps, an open channel
10 of well over 250 feet would exist between this facility
11 and the facility that is across the river. It seems
12 that that should be sufficient for turning for vessels
13 that are trolling in that area.

14 In addition, the project proponents have
15 agreed to provide a public fishing platform at the end
16 of their facility, and a space for transient public
17 berthing for access by boaters to shoreside facilities.

18 The calendar item describes these features in
19 more detail. And staff feels that under these
20 conditions and given the demand for boat storage such as
21 is proposed here, all the issues that have been raised
22 have been adequately addressed.

23 ACTING CHAIRMAN TUCKER: Okay, thank you.

24 ACTING COMMISSIONER BURTON: No problem.

25 ACTING CHAIRMAN TUCKER: Okay, that item's

1 approved.

2 ACTING COMMISSIONER BURTON: These were items
3 that were on the consent calendar?

4 ACTING CHAIRMAN TUCKER: No.

5 MS. SEKELSKY: No, just the first one.

6 ACTING COMMISSIONER BURTON: Oh, okay.

7 MS. SEKELSKY: Just the first one.

8 EXECUTIVE OFFICER WARREN: The next item, Mr.
9 Chairman, Item number 26 and the remaining items, will
10 be presented by Paul Mount, the Chief of our Mineral
11 Resources Management Division.

12 MR. MOUNT: Item number 26. The item is to
13 approve the Long Beach Unit Program Plan. The plan
14 being from January '92 to June of '96, otherwise known
15 as the five-year plan. Also approve the Long Beach Unit
16 Annual Plan from January '92 to June of 1992. And the
17 Long Beach Unit Annual Plan from July 1st, 1992 to June
18 30th, 1993.

19 This has been approved by the Long Beach City
20 Council. This will be the first program plan and annual
21 plan under the optimized water flood that has been
22 caused by the agreement with Arco and the City of Long
23 Beach to complete and optimize water flood in Long
24 Beach.

25 We have Mr. Margard here today with us, Vice

1 President of Arco Oil and Gas for Western area, and also
2 Mr. Frank Brown, from, he's the President of THUMS, Long
3 Beach.

4 EXECUTIVE OFFICER WARREN: And Zen Colosses,
5 representing the City of Long Beach.

6 And I might say, Mr. Chairman and
7 Commissioners, we've had frequent and recent meetings
8 with all those representatives. We are very pleased
9 with this first five-year plan. Not only with the plan
10 but the process that has been established for its
11 implementation.

12 For the first time in my rather admittedly
13 limited experience, I sense that all participants are
14 working cooperatively, professionally, and congenially,
15 and I think in a manner which will be of considerable
16 benefit to the state during the five-year period.

17 ACTING CHAIRMAN TUCKER: Okay, any questions?

18 ACTING COMMISSIONER BURTON: That's amazing.

19 ACTING CHAIRMAN TUCKER: I understand this is
20 an indication of their committment to this plan that all
21 the staff is willing to tie their salary to its success.

22 EXECUTIVE OFFICER WARREN: We can talk about
23 the percentage, yes.

24 ACTING CHAIRMAN TUCKER: Let's start
25 negotiating.

1 I wanted to just take a moment to salute Paul
2 Nargard who's here today. Paul is retiring from his
3 position. He was on the other side of these lengthy
4 negotiations that our staff was involved in, and I think
5 because of Paul's patience and expertise, the long
6 process was a fruitful one. I wanted to thank him for
7 all of his help because I think he made this agreement
8 possible.

9 I'm also really happy that both Paul Mount and
10 Zen Colosses have come to agreement on a plan. I think
11 that's a good indication of an important positive
12 relationship for the future, because we're going to all
13 have to work together in order to make this field
14 profitable. And we have outstanding people on our staff
15 and we have outstanding people at the City of Long
16 Beach. And I think that if all of those people are
17 working together, it looks like they will be, that we
18 should have the best shot possible of making this field
19 more productive and helping out the State of California.

20 So thanks to all of you, and I think this is a
21 propitious beginning.

22 Okay, Item 27.

23 MR. MOUNT: Okay, Item 27. Approve a
24 geothermal resources lease with Magma Power Company.

25 It's approximately 80 acres subsurface only,

1 and to be drilled directionally from other leases off,
2 surrounding that.

3 ACTING CHAIRMAN TUCKER: Okay, any questions?

4 EXECUTIVE OFFICER WARREN: Mr. Chairman,
5 before you take a vote on that, I'd like to make a
6 disclaimer. I have a reported 300 shares of Magma
7 Power. I've reported that to staff.

8 I did not participate in any of the
9 deliberations concerning this item. I want to make that
10 fact known to you and to the record.

11 ACTING CHAIRMAN TUCKER: How's it doing?

12 EXECUTIVE OFFICER WARREN: Very well.

13 ACTING CHAIRMAN TUCKER: So you recommend it?

14 (Laughter.)

15 ACTING COMMISSIONER BURTON: He can't do that.

16 ACTING CHAIRMAN TUCKER: He can kind of nod
17 though.

18 (Laughter.)

19 That item's approved.

20 Item 28.

21 MR. MOUNT: Item 28. Approve the subletting
22 and amendment for extension of lease term and exchange
23 of lands to implement a bioremediation plan to limit the
24 dust pollution on Owens Lake, State mineral extraction
25 lease to the Lake Minerals Corporation.

1 ACTING CHAIRMAN TUCKER: Okay, any questions?

2 Okay, that item's approved.

3 Is that it?

4 EXECUTIVE OFFICER WARREN: That concludes the
5 regular calendar, Mr. Chairman. We have a short
6 executive session following.

7 ACTING CHAIRMAN TUCKER: Okay, thank you very
8 much.

9 Thereupon the March 2, 1992 meeting
10 of the State Lands Commission was
11 concluded at 11:48 a.m.).

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, DORIS M. BAILEY, a Certified Shorthand Reporter and Registered Professional Reporter, in and for the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing hearing in shorthand writing and thereafter caused my shorthand writing to be transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand as a Certified Shorthand Reporter on the 30th day of March, 1992.

Doris Bailey

Doris M. Bailey, CSR, RPR

Certified Shorthand Reporter

License Number 8751