APPEARANCES

BOARD MEMBERS

Mr. Steve Westly, Chairperson

Mr. Cruz Bustamante, represented by
Ms. Lorena Gonzalez

STAFF

Mr. Paul Thayer, Executive Officer

Mr. Jack Rump, Chief Counsel

Mr. Eric Gillies, Project Manager

Mr. James Hemphill, Mineral Resources Management Division

Mr. Dwight Sanders, Division Chief, Environmental Planning

ALSO PRESENT

Mr. Tony Brown, Atlantic Richfiled Company

Mr. Alan Hager, Deputy Attorney General

Ms. Donna Hebert

Ms. Marilyn Fluharty, California Department of Fish and Game

Mr. Dave Koehler, San Joaquin River Parkway Conservation Trust

Ms. Kathy Knight, Ballona Ecosystem Project

Mr. John Lorentz

Mr. Wade Major, City of Rio Vista
APPEARANCES CONTINUED

ALSO PRESENT

Mr. Luis Perez, Santa Barbara County
Ms. Leslie Purcell
Ms. April Wakeman, United Anglers of Southern California
Mr. Gary Wayne
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CHAIRPERSON WESTLY: I'd like to call this meeting of the State Lands Commission to order.
Can you hear me in the back here?
Is it on?
A quorum of the representatives of the Commission is present. I'm State Controller Steve Westly. I'm joined today by Lorena Gonzalez, representing Lieutenant Governor Cruz Bustamante.

For the benefit of those in the audience, the State Lands Commission administers properties owned by the state as well as its mineral interests.

Today we'll hear proposals concerning the leasing and management of these public properties.

The first item of business will be the adoption of the minutes from the Commission's last meeting.

May I have a motion to approve the minutes?

ACTING COMMISSIONER GONZALEZ: I move to approve the minutes from the last meeting.

CHAIRPERSON WESTLY: That would be unanimous.

Let me explain to the members of the audience.
The third member of the commission representing the Director of Finance is not here today. So we have a two-person quorum. And there may be a large number of two-number votes if something is moved. And I agree it
will be unanimous.

Having said that --

(Laughter.)

CHAIRPERSON WESTLY: -- the next order of business -- we're not doing anything funny with the voting here.

The next order of business is the Executive Officer's report.

Mr. Thayer, may we have your report.

EXECUTIVE OFFICER THAYER: Thank you. And good afternoon, Mr. Chair and members of the Commission.

I'd just like to highlight a few things that are on the consent calendar as part of my Executive Officer's report.

I think we find that there's a lot of good work that's done. But we accept the consent calendar items that aren't necessarily noticed in public, because I do know the Commission votes all of those items out in mass. We're going to have the opportunity to identify some of these things.

So I'd like to take a couple minutes just to look at some of the projects that are for the benefit of the public.

Item number 11 involves a survey of the Owens Valley which is being done preparatory to some work to
prevent dust storms and other environmental and air quality problems that are occurring out there.

That work has the potential to adversely impact any archeological resources out there. So this item, which the Commission proposed to approve today approves a survey to make sure that the -- that those resources will be protected and any artifacts uncovered will either go to museums or the universities or made available to the local tribes and remanded to them.

The second two items I wanted to highlight were items 36 and 42. Both of these are clean energy items. Thirty-six involves a wind monitoring proposal to determine whether or not there's sufficient wind energy at the location in San Diego to construct wind turbines and generate electricity.

The second of those two is Item 42. This involves putting a buoy off of Catalina Island to determine whether or not there's sufficient wave and current energy to generate electricity.

And both of these methods of electrical generation do not involve pollution.

Item 47 involves leasing the wreck of the Frolic, an 18 -- I think 1850 or thereabouts shipwreck to the Department of Parks and Rec, with the idea that it can be better protected and managed that way. There is a
citizens group that's very interested in helping to
protect the wreck and would work with Parks and Rec on
that. And I think the net result would benefit the state
by preserving this historical resource.

And then, finally, there are three items dealing
with Bolsa Chica. The Bolsa Chica Restoration Project --
Wetlands Restoration Project has been very important to
the Commission. We're playing the lead role in that
project. And in the last couple meetings and probably the
next few meetings we'll have a number of items that we
need to prove to get that project under way, leading to
groundbreaking taking place in the first week in October,
an event that we're hopeful that the Commissioners will be
able to attend.

The three items on today, two of them are
relatively minor, 49 and 50, that involve obtaining right
of way for construction -- a reconstruction of the highway
there as it's affected by the project.

A little bit bigger item is Item 48, which
involves the acquisition of 43 acres along the eastern
fringe of the restoration area. We've reached a willing
settler agreement with Hearthside. The name of the
property's called Fieldstone. And the net result will be
that this additional 43 acres will be subject to the same
restoration as the rest of Bolsa Chica.
I also need to note that there is a cap on the amount of money that would be put into Item 49. And presently it's listed at $250,000. We don't think that much money is necessary and so I'd like to orally modify that staff recommendation and lower it to 75,000.

So those are the consent calendar items that I wanted to highlight.

The other two things that I wanted to mention is, first, that our next Commission meeting will be August 17th in Sacramento, probably in the Capitol. And it will probably be at 2 o'clock.

And then the final thing is to note, that I think we have a number of people who have indicated an interest in speaking. And although the time limit is at the discretion of the Chair, to remind people in the audience that our normal time period is three minutes.

The Chair of course can modify that as his desire.

CHAIRPERSON WESTLY: I think that is wholly appropriate. Unless we see a ground swell of people coming forward, I think we could probably allow the full three minutes.

EXECUTIVE OFFICER THAYER: And that concludes my report.

CHAIRPERSON WESTLY: Is there anyone in the
audience who'd like to speak to any items still on the consent calendar?

If not, what I'd like to do, the remaining consent items will be taken up as a for a single vote.

Do we have a motion?

ACTING COMMISSIONER GONZALEZ: Before I make that motion, I do have a request by the Lieutenant Governor; and I wanted to in conjunction with the Executive Officer's report.

There was an oil spill since our last meeting on the shore, not on our land. And unlike oil spills in the ocean, we have very little jurisdiction over what would happen or when that pipeline would go back into working order.

The Lieutenant Governor would like to know if we could begin a process where we look at our leases on on-shore oil. And if, in any part of the lease, we could write into a future lease that we'd have the power to keep the pipeline shut down in the same respect that we have offshore.

I know that to establish any regulations is going to take a lot more time and energy. But we were hoping for at least the immediate future that there might be something we could do with our leases so that we could have a little more power in exercising our jurisdiction
over any pipeline in California land that we have any
piece of jurisdiction over.

EXECUTIVE OFFICER THAYER: As the Commission may
be aware, our regulations do require that if an oil
facility is shut down due to a pollution incident, that
the operator has to obtain the permission, in some
circumstances from the Commission itself and others from
the staff, before they can start up again. That
regulation does not apply in land. And we'll look into
this further. And there's of course some question as to
which would be the best way to go, as a lease condition or
a regulation event. Which of course a regulation being
that we could apply those to leases that are now in
existence that might not be up for a renewal for 10 or 20
years. But we'll come back with some proposals to the
Commission about that. We'd be glad to do that.

ACTING COMMISSIONER GONZALEZ: Great. Thank you.

EXECUTIVE OFFICER THAYER: The one other thing I
should mention is that I neglected to say that calendar
items 54 and 55 have been removed from the consent
calendar. The applications were withdrawn by the
applicant.

So when you report on the consent calendar, those
will be removed.

ACTING COMMISSIONER GONZALEZ: Given that, I make
a motion to accept the consent calendar, approve the consent calendar, with the removal of 54 and 55.

CHAIRPERSON WESTLY: Thank you.

My support. That would be unanimous.

And that brings us to item 58.

Item 58 concerns the certification of the EIR and a revised removal project of parts of an old oil pier, Santa Barbara County, called Bird Island. On Friday my staff learned the Department of Fish and Game proposed this project and believes it's needed for habitat. The County of Santa Barbara and the City of Goleta have some concerns and they've sent a representative to present these concerns to the Commission.

Would the representatives from Santa Barbara and Goleta as well as other speaker cards on this item -- if you'd pass those forward. And then I'd love to start with the Commission staff presentation.

EXECUTIVE OFFICER THAYER: Certainly. Mr. Chair, our staff presentation will be made first by James Hemphill, who is from our Mineral Resources Management Division and is expert in oil matters. And then he'll be followed up Dwight Sanders, who heads up our environmental unit who worked on the Environmental Impact Report for this project.

MR. HEMPHILL: Good afternoon, honorable Chair
and member, California State Lands Commission.

I'm James Hemphill, Engineering Manager for the Mineral Resources Management Division of the State Lands Commission.

I'll present a background of the PRC 421 oil and gas lease and ARCO's proposal to abandon the pier remnant known as Bird Island.

Dwight Sanders will then describe how this project evolved into the item before you today.

The lease is located offshore from the Sandpiper Golf course in the City of Goleta in Santa Barbara County. And it's shown in Exhibits A and B of your calendar item.

The original lease was issued to H.J. Barnson in 1929. During the past 75 years the lease has been reassigned to many different lessees.

In the 1930s the lessee built three piers from the shore into the ocean for drilling, development, and production of the oil and gas reserves.

The end of Pier 1, the longest of the three piers, was reinforced with steel and concrete to hold the drilling rigs. By the mid-1950's most of the wells and portions of the piers had been removed, leaving just the offshore remnant. This remnant became a favorite roosting/nesting area for the marine birds and became known as Bird Island, as it is shown on the map on the
In February of 1993 the Commission approved the assignment of the lease from Atlantic Richfield/Mobil Oil Corporation, with the provision that ARCO would remain responsible for the abandonment of Bird Island.

In the 1990s the Commission staff and ARCO examined the potential for Bird Island's collapse. The staff subsequently determined that the structure was in extremely degraded condition and needed to be removed. ARCO submitted an application for the complete removal in May of 2000.

Dwight will now explain the events and circumstances that created the revised project.

ENVIRONMENTAL PLANNING DIVISION CHIEF SANDERS:

Thank you, James, and Commissioners.

This is a special project that has been borne under and in response to meet local conditions and circumstances. The structure that you see on the left exhibit is the present Bird Island Pier remnant. And the reason it's called Bird Island can readily be assessed if you take a look at Exhibit C of your staff report.

As James indicated, we began a process to remove this structure and every remnant of the oil and gas development at that site.

During the circulation of the draft EIR for that
project, the Department of Fish and Game expressed its concern the local sea birds, including the California Brown Pelican, a federal and state endangered species, and Brandt's Cormorant, would lose an established roosting/nesting site along this portion of the coast. This site is evidently the only nocturnal roosting site for such marine birds in 120 kilometers of southern California coastline.

In response to Fish and Game's concern, sort of a unique team began working on a potential resolution. That team included your staff, both engineering and environmental, the avian experts from the Department of Fish and Game, Coastal Commission staff, applicants, engineers, and environmental consultants working with us on the environmental document.

That team over -- a little over a year developed a design that would provide a replacement for the existing roosting/nesting function that is served offshore. That replacement is simulated in the far right exhibit from precisely the same vantage point as the photograph for the existing facility is taken, giving one an idea of what the public might see from either Haskell's Beach, which is at the base of the Sandpiper Golf Course, or perhaps from the 13th tee of said golf course.

Although the revised project would cost
approximately 10 percent more than the original project, the applicant ARCO agreed to proceed. And as a result, before we developed a new draft Environmental Impact Report for the revised project, we consulted with local environmental groups, including the Environmental Defense Center, staff of Santa Barbara County Energy Division, and the Santa Barbara Audubon Society.

Staff also received a commitment prior to engaging in any further work from the Department of Fish and Game to lease and maintain, at no cost to itself, the proposed improvements.

A draft EIR for the project before you was prepared and circulated for a 45-day comment period.

I'd like to have Mr. Eric Gillies of my staff, who is the project manager for the EIR, to briefly summarize some of the comments that we received both in support of and in expressing concern with the -- this particular project.

Following Eric's brief presentation I will describe to you project components that were finalized after the completion of the staff report, and I think will bear on the deliberation of the Commission.

Eric.

MR. GILLIES: Thanks, Dwight.

I'm Eric Gillies, Project Manager for the Bird
Island project.

The Environmental Impact Report for the proposed project was circulated for a 45-day period, ending March 11th of this year. We received 15 comment letters for the proposed project. Some of the more notable comments in support of the project include: NOAA Fisheries, who strongly appreciates the effort to improve habitat quality, as well as quality habitat for fish species in the hard bottom substrate; United Anglers, a nonprofit group, strongly supports the project, both the bird roosting habitat and a hard bottom substrate for local fisheries; the Audubon Society also appreciates the intent of the project to minimize the loss of roosting/nesting site and providing a habitat for the aquatic community.

Some of the collective concerns over the project included several people from the public as far as the height of the platforms. And the concern there was aesthetics and one speed affecting bird use.

Another comment from several of the commenters was post-construction monitoring to make sure that the birds use it. And if the birds don't use it, what would happen? And Dwight will address that later.

And then we've got a couple letters from the County of Santa Barbara, City of Goleta. It concerns that this project is sort of a precedent for a Rigs to Reef
There were several other comments that were not that substantial that we provided a response to in the final environmental document that's before you.

ENVIRONMENTAL PLANNING DIVISION CHIEF SANDERS:

Thank you, Eric.

The avian experts that helped us design this project for the Department of Fish and Game are confident of the success of this project, that birds will readapt to the new platforms.

But, frankly, what if we build it and they don't come. To this end, we have worked with the applicant. And ARCO will post a bond that will be -- the effective date of which will be the Department of Fish and Game lease. The amount of the bond will be sufficient, combined with the unused maintenance fund, to remove the pile and the bird platforms.

The Department of Fish and Game lease provides that the facilities would be evaluated after four years and a decision made as to whether they were successful or not and whether they should be removed or allowed to be maintained.

Commissioners, the environmental impacts of the project before you are fully mitigated, as required by the California Environmental Quality Act. Nonetheless, a few
weeks ago staff was approached by ARCO and informed the project could be eligible to receive monies from an environmental enhancement fund provided by ARCO. Such monies are restricted, however, to use by nonprofit organizations.

Staff summarily contacted the Santa Barbara Audubon Society and the Santa Barbara Channel Keeper and solicited two distinct proposals, which I'd like to briefly describe to you right now.

First, the proposal through the science program of the Santa Barbara Audubon Society provides a five-year sea bird monitoring program, pre- and post-construction, be conducted in conjunction with the Department of Fish and Game. The Department of Fish and Game's lease also provides for a five-year monitoring time period in the concept as to have these two programs work with and complement one another.

As stated in the Santa Barbara Audubon Society proposal, the primary concern with the new Bird Island is if Cormorants and pelicans would use the new structure for roosting and nesting and how quickly the birds return to using the structure.

The tendency to -- the monitoring immediately after the completion of construction and during the first breeding season is called for to properly document the
success of the project from an avian perspective.

Second -- or excuse me. The preliminary cost estimates for the effort I just described to you range from $85,000 to $100,000 for a five-year period.

Second, the proposal from the Santa Barbara Channel Keeper would provide a five-year program for the artificial reef portion of the project. Santa Barbara Channel Keeper is doing a similar effort under a lease from the California State Lands Commission at the Carpenteria Reef.

This program has three major components: Restoration, monitoring, and public education.

The restoration component has at its goal to speed up the natural cycle of kelp recruitment by establishing adult or juvenile plants at the reef after rocks are in place.

The monitoring portion, baseline and long-term monitoring the reef, are necessary to evaluate the success of restoration and natural recruitment. The recruitment of algae, invertebrates, and fishes to the new reef will also be monitored and recorded.

And, lastly, public education. This program will be incorporated into the channel keeper's existing educational component, which includes -- involves the community, teachers, students, and volunteer divers.
School children in Santa Barbara County and Ventura County will, for example, be instructed in kelp cultivation techniques and use -- and use provided aquaria to grow kelp for eventual out-planting into the restoration area.

The primary cost estimates for this program range from $50,000 to $100,000 for the five-year period, depending on the frequency of monitoring.

In addition to the support for this project described by Mr. Gillies, staff has received this morning, and I believe Commissioners have been provided copies, of a letter of support from the Santa Barbara Audubon Society.

Mr. Chairman and member, staff believes that the project before you is truly one of a kind. We also believe that it is: 1) Consistent with the Commission's efforts to clean up former oil and gas facilities on state tide and submerged lands, 2) It is conscious of and beneficial to the environmental resources of the region, and 3) it will provide a wealth of scientific data and information for academia, area students, and the public.

Thank you. And staff is available of course for questions. And we are also aware that a representative of the Department of Fish and Game and the United Anglers and of course Santa Barbara County are present to also provide testimony to the Commission.
Thank you.

CHAIRPERSON WESTLY: Thank you, Mr. Sanders, for that thorough presentation.

You know, believe it or not here, we have so many people who'd like to speak, I think I may actually ask that people try to hold it to two minutes each. We have quite a number.

What I'd love to do is start with Luis Perez.

So welcome.

MR. PEREZ: Mr. Chairman, Commissioners, good afternoon. Luis Perez from Santa Barbara County, representing both the County of Santa Barbara and the City of Goleta. I'll try to be as brief as possible.

The Coastal Commission and State Lands Commission have in the past required that all sub-sea structures related to oil and gas projects be fully removed during the abandonment phase.

Of course the County of Santa Barbara has supported those efforts and we would prefer to see all of ARCO's remaining Pier C421 pier components completely removed from the site.

The current proposal to leave the caissons lying in the ocean floor and the creation of artificial habitats for pelicans and Cormorants may set an undesirable precedent for the future -- for future oil and gas
abandonment projects. And we know that there's quite a
bit that has yet to be removed in the Santa Barbara County
area specifically.

We don't think that the exception to make this
project a special project as described by Mr. Sanders is
warranted, or at least we haven't seen the evidence that
supports that.

We understand that the nest for Cormorants, for
example, were not discovered until 1997. We also -- and
this is based on the information from the environmental
document -- that pelicans were not documented at night,
and are described as having a moderate attachment to the
site.

Another comment with regards to Cormorants is
that they only rarely nest on manmade structures, which
could mean that they may not recolonize the site, which of
course is the whole intent.

Another comment with regards to the design of the
project, if you're Commission chooses to continue, is that
you have a design that is based on a hundred year waves.
Typically what happens with the nesting season is that it
goes from the end of March until approximately the end of
August, which is not the time that you have high waves in
Santa Barbara County. Any good surfer will tell you that.

But, nevertheless, you're trying to protect
during a time that is unlikely to offer any benefit. What that does is that the people of Goleta that are going to be visiting the beach are going to have a higher profile to contend with and aesthetic impacts.

So if you continue to consider this project, we ask that you at minimum consider a redesign of the project to reduce the height and, thereby, reduce the aesthetic impact that the project may have.

And then finally I'd like to leave you with a point with regards to the timeliness of removal. I think, as the staff report suggests and that's written in the environmental document, this site has not been used for oil and gas development in 50 years. It has taken us this long to come up with a project for removal. We encourage that all projects be removed as promptly as possible and that they're taken care of as promptly as possible. The point being that if we leave anything out there for long enough, it will become habitat for anything.

Thank you.

CHAIRPERSON WESTLY: Thank you.

I'd love to ask Ms. Marilyn Fluharty to come forward.

MS. FLUHARTY: Good afternoon. I'm Marilyn Fluharty and I'm an environmental scientist with the Department of Fish and Game. I'm here today to provide
the Department's view on this project.

Foremost, I'd like to say the Department is in favor of this revised project because it does address all of our environmental concerns.

The new project will provide critical resting habit for the endangered Brown Pelican and the nesting habit for the Brandt's Cormorant.

In addition, it will also enhance the hard bottom area. And in this area of Santa Barbara hard bottom habitat is very limited.

And although this could be viewed as a Rigs to Reef project, there is a clear environmental benefit to leaving this -- well, this revised structure in place.

The Bird Island site is truly a unique site. There is no other site in the area that has the nesting birds. These communal roost sites are essential for pelicans as well as Cormorants. And other roost sites in the area are typically offshore rock islands and sand islands where they're going to have large estuaries. And because of the intense shoreline development and the wetland filling, another habitat alteration, there really isn't much area for these pelicans to go to. And so they're now relying heavily on artificial structures such as jetties.

So it is the Department's intent to take on the
lease and long-term management of the site.

Sorry, I don't do a lot of public speaking.

But I hope you'll approve this project.

CHAIRPERSON WESTLY: I appreciate that. Thank you.

I'd like to call on Mr. Tony Brown from Atlantic Richfield.

MR. BROWN: Sorry, I don't have any direct comments to the Commission. But we are available here to answer questions, if necessary.

CHAIRPERSON WESTLY: Thank you. Again, I just have to compliment you on the work you and ARCO have done here. Whenever I hear that the Audubon Society has written letters on your behalf, that says to me that something is going right in the world. So I appreciate the efforts you're making.

MR. BROWN: Yes, thank you very much.

CHAIRPERSON WESTLY: It's good to know you're available for questions.

I'd like to then move ahead.

April Wakeman, United Anglers of Southern California.

MS. WAKEMAN: Good afternoon. My name is April Wakeman, and I'm an attorney representing United Anglers of Southern California. We support this project.
wholeheartedly.

The construction of bird platforms will provide critical roosting and nesting habitat for endangered and threatened species. In addition, the construction of the artificial reef by toppling the concrete caissons and enhancing them with quarry rock will provide valuable habitat for fish and other marine life.

We endorse the State Lands approach, making use of the existing structures to enhance the existing environment and provide important ecological benefits. In fact, we believe that the value of increasing hard bottom substrates in this location is greater than the draft EIR suggests.

According to the draft EIR, only minor benefits are expected from creating an artificial reef, improving recreational and commercial fishing, compared to removing the caissons. Elsewhere the document suggests that impacts on recreational fishing and diving could be beneficial, but this is not certain.

In United Anglers' view, this understates the case for the artificial reef in an area where natural hard bottom substrate is so limited. It's clear that fish, including the over-fished species such as Rock Fish, congregate and shelter such structures. And we really need to encourage these fish and give them a safe place to
live.

It is because we believe enhancing hard bottom habitat in this area has considerable value that United Anglers is considering the use of hard bottom mitigation funds to support this project.

And in addition to placing quarry rock, the artificial reef could be further enhanced with reef balls to increase the value to the fish. The State Lands Commission should recognize this important benefit as it considers the final decision in this project.

Thank you.

CHAIRPERSON WESTLY: Thank you very much Ms. Wakeman.

We have Donald -- I'm sorry -- Donna Hebert.

MS. HEBERT: Yes. I'm with Padre Associates. And Simon Poulter also is here. We're available for questions. We assisted in the State Lands Commission and the environmental review document preparation.

CHAIRPERSON WESTLY: So you're supportive of this movement?

MS. HEBERT: That's correct.

CHAIRPERSON WESTLY: -- to move forward, to move ahead?

MS. HEBERT: We're actually unbiased.

(Laughter.)
CHAIRPERSON WESTLY: Supportive in an unbiased way. Duly noted.

And Mr. John Lorentz.

MR. LORENTZ: Yes. I'm not here to really make a comment. But if it would be okay, if I could address a comment that Mr. Perez had made.

My name is John Lorentz. I'm a representative for Atlantic Richfield.

In Mr. Perez's comments discussing the height of the platforms as being designed for the 100-year wave. It's not an issue with regard to whether the birds are nesting there during the 100-year wave. This has an issue to do with the structural integrity of the platforms themselves. And typically there's many industrial codes that require structures to be designed for a 100-year event. And certainly along the California coast we can document a number of instances where we've had 100-year or very near 100-year events in successive years or near to successive years.

So the height is developed based on hindcasting of predicted waves in that immediate area. And as well, given an air gap above the crest of that wave to the bottom of the platform to prevent wave slam on the platform. So it's not an issue with -- as far as the sea bird nesting.
The other item is, as far as the removal of oil field facilities that Santa Barbara County requires, it's also true that quite a bit of pipelines are allowed to be abandoned in place and so forth. So it's -- that statement wasn't entirely correct.

Thank you.

CHAIRPERSON WESTLY: At this point, unless there are any more speakers from the public, I'd love to ask the other members if you'd like to make a comment or ask any questions of the speakers at this time.

ACTING COMMISSIONER GONZALEZ: I do. I have a few questions. And the gentleman just addressed some of it concerning the height.

The second question I had actually is to the representative, Mr. Perez. I know that we hear often from community activists and stakeholders in Santa Barbara. And I was a little curious. It's unusual that we would hear from the county and not also get kind of a stream of opposition from some of the locals who are very involved in many of our decisions from the State Lands Commission.

I wondered if you could speak to that. Because I'm feeling a little perplexed we could actually have a letter in support of it from the Audubon Society, and you're making some of the arguments that we usually hear from some of the other stakeholders.
MR. PEREZ: Mr. Chair, Commissioners. Thank you.

I think one of the problems that you have is that the project has been moving very fast through the process. I believe the final EIR was released last week. It's very hard for the environmental groups to react and provide an opinion this fast.

So if that's the problem, the reason why -- typically we would have a letter of comment that would give you a detailed description. And we as staff do not have the time to put that together for you consideration. That's also demonstrated here. We have to come with essentially oral comments.

ACTING COMMISSIONER GONZALEZ: Okay. Well, even from our own -- I tend to stir up the problems if I think there is one. And even from calling around trying to stir up problems, I couldn't really do so. I was just wondering --

(Laughter.)

ACTING COMMISSIONER GONZALEZ: I mean it's horribly the truth.

I was just wondering -- there's part of me that's very conflicted. Some of the things that you say I completely agree with. The Lieutenant Governor is completely opposed to Rigs to Reef. If you take it theoretically, I don't believe that any oil company should
be able to leave any debris in the ocean. But this seems like a very unique case where you have a lot of groups who are very supportive of the type of bringing together that Mr. Sanders did here to really solve an environmental problem, at the same time as -- it's not saving the company any money.

So I'm just wondering -- and, I'm sorry, I don't mean to put you on the spot -- that sometimes we're looking for -- is there another reason maybe that's not so obvious or that I'm missing why the city and the county would be so opposed? I mean it's visual. I understand that there's no curing matter, there seems to be no ability to cure that. But it's one thing to theoretically oppose leaving trash in our ocean. We absolutely oppose that. And I don't want in any, if we make a motion to approve this, want this to serve as any kind of precedent, and part of that motion would be that we will take this on a case-by-case basis.

And I thought you brought up a great point about how long it's taken to get to the point of removal. And that's something that maybe we need to address with the State Lands -- with our staff, is that we want these structures removed and we want them removed now. We don't want them removed 50 years from now.

But in this particular case is there something
else maybe? I want to make sure that we give you the full
time to express your concerns.

MR. PEREZ: And I appreciate that. And I think
that the concern is it could be precedent setting. You
have a situation where a reef is being added, and it's
constructed as part of the support for scouring. But
there's really no proof that you need the amount of rock
that you're going to put down there for kelp restoration.
There's no support for that.

We also don't feel there's sufficient information
to support having the roosting habitat. It could be very
possible that four years from now we'll be before the
State Lands Commission asking to remove this, because the
Cormorants have really very little attachment to manmade
structures. And that's documented in the record, in the
biological record.

And then, similarly, the pelicans have a hard
time with and have a moderate attachment to this
particular site. And that is part of the record in the
environmental document.

So what we feel is that we have looked at this;
and, yes, we are opposed to the rigs-to-reef type of
situation, this is a precedent-setting project in our
mind, and the record has not been made in our appreciation
to make the exception.
I would also like to comment that, obviously if you're giving the Audubon Society and if you're giving Channel Keepers money to do the monitoring projects, that would make it a lot easier for them to be supportive of them. So I caution you that there may be a bit of conflict there. If it's the Audubon Society that's going to be doing the monitoring and they're going to be receiving a hundred thousand dollars for X period of time to do it, there may be a reason for their support.

ACTING COMMISSIONER GONZALEZ: And in all fairness, I am a member of the Board of Trustees for the California Coast Keeper, the parent society to the Channel Keepers. And I hope that they would not oppose something based on the fact that they're receiving a grant for a kelp restoration. They receive numerous grants throughout the state for the great work they do.

So I can't imagine that that would be the reason, but I understand your questioning.

That was my questions for him. I don't think I have any more.

CHAIRPERSON WESTLY: Mr. Perez, I'd love if you'd stay there just for a minute.

I'd love to ask Mr. Thayer here -- I think this is an interesting issue, for an awful lot of reasons, to go ahead. And I certainly don't want to table the issue
to next month when there's pretty compelling evidence
there seems to be a fairly broad base of support that we
move forward. But can you provide perhaps some top-level
thoughts as someone who sees the big picture.

EXECUTIVE OFFICER THAYER: I hope that that's
true, that I can see the big picture --

CHAIRPERSON WESTLY: More often than not.

EXECUTIVE OFFICER THAYER: The Chairman's very
kind.

Rigs to reef is an issue -- a broader issue that
California's faced in a number of different environments.
There's been legislation introduced sponsored by the oil
companies that would allow them to engage in a Rigs to
Reef program that eventually -- I can't remember whether
it failed the final vote or was vetoed by the Governor,
but it did not get through.

Aware that we'd be facing this problem more
often, we had a Rigs-to-Reef workshop that occupied half a
day before a Commission meeting about four years ago. And
we invited experts from the oil industry. We had Milton
Love from UC Santa Barbara, who testified after his
investigations of platforms and the value that they had.

The Commission did not adopt any policy direction
after hearing all this expert testimony. And my own
personal conclusion from that workshop was that there was
no one-size-fits-all solution, and that the best approach
the Commission could take would be to take these projects
on a case-by-case basis, not set a precedent and either to
leave stuff in or to take it out, but determine, you
know, the overriding consideration should be "What's best
for the environment?" and not adhere to any one particular
policy in terms of whether it should come or go.

California's somewhat lucky. We think that we
have a lot of development. But as compared to the Gulf
Coast, we have much less. And so we're looking at, you
know, under 10 facilities to have to be abandoned still
off of California.

And one of the -- Santa Barbara's at the
epicenter of what we do have, with the shell mounds, with
Platform Holly, with -- Rincon of course is up in Ventura.
But it's understandable that there's this concern. But I
think our approach that we've taken on at staff level is,
again, to treat these on a case-by-case basis.

As was pointed out in the original staff
presentation, the initially proposed project was to take
it all -- everything out, just as Santa Barbara County
wanted. And we were proceeding in that direction, and
only changed course when we got the expert input from the
Department of Fish and Game, who basically said, "No, this
is valuable habitat. It would be worse for the
environment if you took everything out than if you left
some in or came up with these mitigation measures."

So as a staff, we don't have any predilection in
terms of taking out or leaving in. And we were thinking
two years ago, three years ago that we'd be bringing to
the Commission a project for removal of everything. But
it's only with this expert input from Fish and Game that
caused us to go to ARCO and ask them to revise the
project.

And, finally, to take up a little bit further on
the input from Commissioner Gonzalez. We contacted
several of the prominent representatives of the
environmental community in Santa Barbara County -- I
remember a representative of EDC and another one -- during
the preparation of the Environmental Impact Report several
months ago and again two weeks ago to find out if they had
any objections to where we were going. I don't want to
say that they were in support of the project. They didn't
say that. But they also said that they had no objections
to us going forward.

CHAIRPERSON WESTLY: Okay. Thank you, Mr.
Thayer.

You know, based on that -- and I'd like to thank
Mr. Perez for coming. This has been very helpful to me.

Second, I'd just like to say it's a fascinating
I understand both sides.

On balance though, you know, what I'm hearing is -- while there is no perfect solution, I'm seeing more, you know, general consensus here from ARCO, from the Audubon Society, from the state, and from others, the anglers, that I feel I think comfortable enough to move forward.

I do agree strongly with Mr. Perez that we don't want to set a precedent here. I think the Lieutenant Governor and I have grave concerns about the concept of rigs to reefs. And I would like it duly noted that we will view each of these cases on a case-by-case basis. And this is not meant to set a precedent.

But having said that, I'd love to ask my fellow Commissioner if she'd be willing to make a motion.

ACTING COMMISSIONER GONZALEZ: I would like to make a motion. There is something that he brought up though that I think we need address and, that is -- and I'm not sure. Maybe, Mr. Thayer, you can help me with this. But if we could get some sort of indication on the time between abandonment and removal, that we have -- I know that there has been some abandonment. How many are out there that we're still working with? Like you said, two to three years ago you thought you were going to come with this to us. But how many more are just sitting out
there, you know, like is it -- Mr. Perez said it's been out there for 50 years. I mean --

EXECUTIVE OFFICER THAYER: Parts of it have been, yes. I think -- you know, several years ago we did what was called a lease status report, and where we went through all of our leases and described for the Commission which ones were active, which ones were inactive, what might happen next? And I know the county's been very concerned about -- they've gone through their own policies in an effort to move past what was really an historical development. It's not something that's happening any more off the California coast. There's no new development.

And perhaps the best thing to do, rather than trying to pick some number offhand, is to come back with some sort of memo or a report to the Commissioners so they'd understand exactly what facilities are still remaining out there and their status, where we're going with those --

ACTING COMMISSIONER GONZALEZ: That would be great.

EXECUTIVE OFFICER THAYER: -- so it would be more comprehensive --

ACTING COMMISSIONER GONZALEZ: That would be great.

Given that, I again want to thank Mr. Perez for
bringing these concerns to us. As the Controller said, the Lieutenant Governor is adamantly opposed on the whole to the theory of rigs to reef. But when you have a compelling case like this, where we actually are going back and asking the company to make some modifications and to keep some of the stuff there, I think we have to be open to a case-by-case basis and review.

Given that, I move to pass Calendar Item No. 58.

CHAIRPERSON WESTLY: Okay. That item will be unanimous.

Thank you. Thank all of the members of the public for coming to comment today.

With that -- I'm sorry?

California -- Item 59 -- through the Commission, has jurisdiction and stewardship over 3.1 million acres of ocean. Item 59 relates to the bipartisan Pew and U.S. Ocean Commission reports, which looked at the state of our millions of acres and the rest of the oceans, which comprise more than 70 percent of the earth's surface.

The Pew Commission was chaired by my good friend, Leon Panetta. I had dinner with him the week before last. He speaks eloquently about the perils that our oceans face and his hope for the future.

The U.S. Commission report was released in April following our last meeting. Both the Pew and the U.S.
Ocean Commission solicited the testimony of hundreds, including some of the best thinkers and leading scientists in the state and the firsthand experiences of fishermen, conservationists, and business people.

After learning of the similarity in findings and recommendations in these reports and that there is a consensus the oceans are in crisis, that reforms are essential, I've asked staff to help prepare an appropriate resolution supporting the Commission's key recommendations.

And may we now have a presentation from the staff.

Mr. Thayer.

EXECUTIVE OFFICER THAYER: Thank you, Mr. Chair. Actually I think the Chair's comments were pretty much what I was going to say.

(Laughter.)

EXECUTIVE OFFICER THAYER: And I wouldn't want to waste the Commission's time. And I couldn't do it as -- I couldn't say the case for that resolution nearly as well as you have.

We've worked with your staff preparing the resolution. And I think it puts the Commission squarely on record as supporting doing more for the oceans than is presently being done. There were these two ocean
commissions. And I think it's remarkable that their report ended up so similar. It shows that there is a unanimity amongst the experts about what needs to be done. And I think we can take a lot of comfort in knowing that they're on the right track by having that agreement.

So I would hope that the Commission would find the resolution expresses the will of the Commission and would be willing to adopt it.

CHAIRPERSON WESTLY: I think there's a broad public support, certainly support from the Commission. If there's anyone from the public who'd like to speak, please let me know. Otherwise I'd love to ask Lorena to make a comment if she'd like.

ACTING COMMISSIONER GONZALEZ: I move to accept your very eloquent resolution.

CHAIRPERSON WESTLY: Okay. That would be unanimous.

Item 60 relates to drilling in federal oil and gas leases along our coast.

You know, I feel like we've made our position clear on this topic before. But it seems that the Administration in Washington has not fully heard us. And I have asked for this resolution because I don't want to ignore these continued threats to our coastline. Given how clear California's voice has been on this issue, it's
troubling that the Department of Energy continues to push
the working group that could lead to a lifting of the
drilling moratorium under the pretext of exploring for
natural gas as opposed to oil.

And, Mr. Thayer, I'd love to here the
presentation from the staff on this.

EXECUTIVE OFFICER THAYER: Once again you've said
a lot of what I would say. But I would add that the
historical background, which is covered in the resolution
itself, is that there was an industry report from the
National Petroleum Council that came out in September
which recommended that the federal government throw open
areas off coast in various places in the United States,
but certainly including California, for a new gas
development.

The fact that the industry had called for this
did not have that great of significance in terms of the
impact on a moratorium. However, when in May the
Department of Energy instructed their working group with
the specific task of looking for ways to implement
recommendations from that report, I think the matter
became more serious and is why your staff came to us and
asked us to work up this resolution. It shows that at
least at some level the federal administration is
considering this. And so I think, you're right, that even
if we've said it before, it's time to reemphasize that we
still feel the same about this.

CHAIRPERSON WESTLY: Terrific.
I know there is a speaker.

Mr. Perez, if you'd like to come up. And I just
have to say, tongue in cheek, if only the President had a
closer relationship with the Governor of Florida, perhaps
they could do more with the coast of that state.

(Laughter.)

MR. PEREZ: Mr. Perez. Mr. Chair, Commissioners.

Good afternoon again.

And in this particular case we're in full support
of your resolution from both the County of Santa Barbara
and the City of Goleta.

In particular, the City of Goleta has recently
sent you a letter dated May 17th, that mentions the
previous letter that you had sent to the President, and
fully supports that. And also I think has the expectation
that, in that same vein, you recognize that you have the
two remaining piers off the coast of California that could
be brought back for production. And that in that same
vein, as you're opposing the offshore leasing, that you
also take a look at the particulars of those cases where
perhaps after 10 years of idle operations, it may be
worthwhile to pursue abandonment of those leases.
CHAIRPERSON WESTLY: That's very helpful. And we're very aware that a lot of concerns are in your very backyard, and we're trying to keep a close eye on these.

Lorena, would you like to say a few words?

ACTING COMMISSIONER GONZALEZ: I just want to thank you for again bringing up the issue. I know as long as the Lieutenant Governor has been there, this is the third time we have then issued a similar resolution, and we've also I think done a letter separately. And I guess there is still some confusion about whether or not California is opposed to offshore oil drilling. But thank you for reclarifying that again for the Administration.

CHAIRPERSON WESTLY: Thank you.

I'd love to ask you for a motion on that.

ACTING COMMISSIONER GONZALEZ: I move to accept Calendar Item No. 60.

CHAIRPERSON WESTLY: And that would be unanimous. Thank you very much. That concludes the regular calendar.

If there are any speakers who wish to address the Commission during the public comment period -- and we have one, Mr. -- or two -- Mr. Koehler -- or three.

Mr. Koehler, from the San Joaquin River Parkway and Conservation Trust, please.

MR. KOEHLER: Thank you, Mr. Chairman and
Commissioner. My name is Dave Koehler. And I serve as Executive Director of the San Joaquin River Parkway and Conservation Trust.

And the River Parkway Trust is a nonprofit land trust. We have about -- approximately 2,000 members that provide us with an annual contribution, and overall more than 4,000 donors.

Our mission is to preserve the San Joaquin River for all of the valley's people. And we provide program services of land conservation, trail development, and education programs such as our school field trips and guided canoe trips.

I'd like to take this opportunity also to thank the State Lands Commission, the Commission members and the staff for your help in implementing and establishing the San Joaquin River Parkway over a number of years now.

And I'm here actually on a very serious matter that affects the river and the San Joaquin River Parkway. I'm here to ask the Commission's legal support to protect the San Joaquin River and the public's right of access to the river. We have a situation that has developed in Madera County, that is precedent setting, threatens the river and the public's right of access to the river. And it also frustrates the implementation of the San Joaquin River Parkway plan. And I'd like to
briefly show that area to you here.

EXECUTIVE OFFICER THAYER: This speaker is about 10 seconds from the two-minute limit you talked about earlier.

CHAIRPERSON WESTLY: We do have a bunch of people behind you. So if you could maybe conclude as quickly as you can.

Thank you.

MR. KOEHLER: I provided an area of maps showing the San Joaquin River Parkway here. And the project -- I'll just leave these here where you can look at them.

The figure down below here is the development project that is not -- the area of which is not providing public access to the river and ignores some of the planning policies that will help implement the parkway plan.

In the area of the parkway, it's this upper section. It's the first project coming forward in a 15,000 acre regional plan. And my board of directors has authorized our organization to file a legal challenge to provide public access and to implement the planning policies of the Madera County. And we're asking the State Lands Commission's help in that. You can probably imagine how much support that would mean to our local organization.
And thank you for your consideration.

CHAIRPERSON WESTLY: Great.

Mr. Thayer, we'll ask you to follow up on that as is appropriate.

EXECUTIVE OFFICER THAYER: Thank you.

CHAIRPERSON WESTLY: We'd love to ask Kathy Knight to come forward, from the Ballona Ecosystem Regional Project. Thank you so much. We'll ask you to keep it to three minutes to be fair to the other speakers.

MS. KNIGHT: Okay. Good afternoon, Commissioners. Thank you. My name is Kathy Knight. And I also work with the -- I'm Chair of the Air Quality Marine Group, Sierra Club. And I gave you a packet. I hope you got it. I'm sorry, the printer -- I wrote you a beautiful letter and the printer wouldn't print it.

(Laughter.)

MS. KNIGHT: So you have a scribbled handwritten note. But it has a picture of the bluff. And the reason I'm here today is to ask your support in any way. I'm not an expert. So if you know ways you can help us, write a letter or whatever. We're looking for funding to acquire the bluff. The reason is that this bluff adjoins the land purchased by California last year for 139 million, the Ballona Wetlands west of Lincoln.

I gave you a letter with two expert opinions
saying that the wetlands need an upland with them. When
it floods out, the animals have to get away. Some of the
pollinators live up -- have nests up there, the
pollinators of wetlands lands. We need that bluff. It's
the last one left.

The good news is Senator Debra Bowen is fully on
board. She supports it. Also Catellus Development
Corporation, I speak to them on a regular basis. They
totally want to sell the bluff. They don't care if it's
sold for open space or for homes. They want to sell it.

And the bad news is Catellus is bulldozing the
bluff. And so it's time urgent. It's really a priority
to help find some money. Trusts for Public Lands are
willing to help put a deal together. But they need a
beginning amount of money.

So we're looking for even up to five million down
payment to get this going. We want to see it -- we
have -- there's two lawsuits at the California Supreme
Court. But Catellus is not waiting till they're heard.

We want to see it saved as a cultural site. It
was a sacred site, a very, very important burial site. We
want to see it saved as both an example of an almost
extinct cultural ecosystem and a place for the Gabrielino
Indians can go and have some land in L.A. They've lost
everything. Even though they've lived here for -- they
lived here for 10,000 years, they've lost everything.

The California Native Plan Society and Lowell
University are both willing to help us do a restoration.
And we're working with the Gabrielino Indians.

So if there's anything you can do to help us,
write a letter of support, whatever it is, we're trying as
hard as we can to even find a down payment five million.

Thank you so much.

CHAIRPERSON WESTLY: Ms. Knight, let me just ask
you. I just have to note, as the state's chief financial
officer, we're a little short in Sacramento.

But the down payment is five million. And what
do you think the total amount would be if some worthy
person or group were to step up here?

MS. KNIGHT: Well, there's two different ideas of
what it's worth. Catellus will tell me it's worth 80, 90
million, okay? But we have another source that says maybe
28 million -- 28 to 30 million.

So I think if we could come up with some good --
what do you call it -- good -- what do you call it, a good
down payment money -- there's a word for it -- good faith
money, that they would work with us. But we're entrusted
with public lands to work with them on the wetlands. They
saved the wetlands down there and they saved -- and they
want to help us on the bluff. But we just need something
to get started here. And we're working on resources at the federal level too.

CHAIRPERSON WESTLY: Great. What's the time line here?

MS. KNIGHT: As soon as possible. They are bulldozing it. They're putting in the infrastructure. So far they haven't been able to sell it to a home builder because there's been four lawsuits on it. One was lost at the trial level and may be appealed. But there's three other lawsuits on it, one by a native American over his ancestors.

CHAIRPERSON WESTLY: Okay. Go ahead, Mr. Thayer.

EXECUTIVE OFFICER THAYER: This area is generally outside of our jurisdiction. However, the entities -- we don't have that kind of money. But the entities that have had that money -- I don't know if it's all -- that would be the Wildlife Conservation Board and the State Coastal Conservancy. And if it's the will of the Commission, I could forward the information that the commenter has provided to those two entities.

CHAIRPERSON WESTLY: That's exactly where I was going with this, is I think that is the way to be most helpful. Mr. Thayer and the staff know the organizations that are in the business of doing this. And if you could ask staff to reach out to them for this information, I
think that that would be a most efficacious way of dealing with this.

MS. KNIGHT: So we would tell them that we appeared today and that we asked for help with it?

CHAIRPERSON WESTLY: You made a compelling case as to why one should consider this.

MS. KNIGHT: Okay. Thank you.

CHAIRPERSON WESTLY: No, thank you very much for being here.

We have Ms. Leslie -- or is there a Mr. Leslie Purcell?

MS. PURCELL: Good afternoon. I appreciate being here. And I am fully in support of what Kathy Knight said about the west bluff. And I actually came about a year ago when they were getting ready to start poisoning the small rodents on top of the bluff. And it was, you know, a concern for the State Lands Commission the wetlands below.

And Mr. Thayer was very helpful and wrote a letter. Unfortunately Catellus ignored it. But any help we can get, we would appreciate.

And I'm actually here more in support of the native American issue today. And it's of grave concern to me. I also spoke with Mr. Thayer on Friday about this.

And I regret to say I stapled the pages together wrong.
It should be -- the last page should be the second page.
So don't let that deter you from reading the article.
This is a New York Times article that was last Wednesday.
I've been working closely with some of the native American people who are vehemently opposed to their ancestors being dug up. And do not for a minute believe what Playa Vista and their attorneys say. It is not legally acceptable. There's a federal lawsuit both on the Catellus development and on the Playa Vista development. And they've had it -- they've tried to get it dismissed. It has not been dismissed.
And they're -- you know, there's a problem because it's not a federally recognized tribe and yet there is some state -- you know, there's state laws. The State's Native American Heritage Commission both on the bluff and at Playa Vista requested a cease and desist from the developers from digging up these graves. The developers just bring in more archeologists and more bulldozers and go faster.
And, you know, there is an article today, an OpEd piece in the L.A. Times -- unfortunately I didn't get a chance to copy it -- by a professor at UCLA, Peter Nabokov. It's titled "City is losing a part of its soul in Playa Vista." They're up to 275 plus burials. Some of the burials are actually composites, there's more than one
body in each one.

It is shocking that no other people get their cemeteries dug up like this. I think it's a human rights and civil rights issue. I'm sorry. I feel very emotional about it.

I appealed directly to Steve Zobov. He basically laughed in my face and said, "We can't move this riparian channel." They could easily move it. The Historic Creek runs a little bit north of there, of course. The indians wouldn't bury their people in the creek. They buried them just up from the creek, both on the bluff and in this Playa Vista site.

Now, where I believe you guys could actually help us -- I mean I know you're state officials. Mr. Bustamante has been supportive of the native American tribes. And this riparian corridor is an integral part of that fresh water marsh system. They sold this as a package. It's a mitigation system. I know it's on the other side of the road from you -- from your jurisdiction, but it is an integral part of the way they got this project approved. Fresh water marsh fed into by this riparian channel. And they could easily move that. Even now they could stop digging up these ancestors' burials. And I'm just appealing to you in some fashion to try and help.
And what Mr. Nabokov said about the environmental groups not weighing in with the native Americans is not really true. You know, people are trying to be careful and respectful. But, you know, I'm a Sierra Club member with the -- task force. And we've been working with the native Americans too.

So this issue needs to be brought up into the light. The City of L.A. basically is pushing this forward. So if the state could help us, we would really appreciate it.

CHAIRPERSON WESTLY: Thank you.

MS. PURCELL: I'm sorry.

CHAIRPERSON WESTLY: No, no. This is a very powerful and I think an important presentation you've made. And I have spoken out on this issue myself. I know the Lieutenant Governor has.

What I'd love to do is ask Mr. Thayer, because I think we all care about this issue, to say a word or two on what you think are potential things we could do to be helpful here.

EXECUTIVE OFFICER THAYER: The site isn't generally publicized, I presume, to avoid people knowing about it. But I presume it's the one you can see from Lincoln as you're driving by.

MS. PURCELL: Yeah. And actually this article
shows a map. Yeah, you can see it from Lincoln Boulevard.

EXECUTIVE OFFICER THAYER: The two tents and all of the --

MS. PURCELL: Right.

EXECUTIVE OFFICER THAYER: Yeah. So I drove by there this morning. It's, again, not on property that we have jurisdiction over. It is true that the channel that's being dug through there takes drainage water, runoff water from the development into the fresh water marsh, which we do own. I think that -- we have members on the Commission, such as yourself and the Lieutenant Governor in particular, that are in a position as elected officials to provide input on these kinds of things that involve broad public policy. And that might be the format.

We'd be glad to meet further with Ms. Purcell and perhaps bring some information to you that we then uncovered.

CHAIRPERSON WESTLY: I think I'd like to ask the staff to do that and to get creative on ways that we can help bring attention to what is I think a very important issue. And I understand that -- counsel, that we don't have direct jurisdiction, which limits the scope of things we can do. But I think if we can get just a little bit creative, there may be some ways we could help.
Congratulations on this article. I did take a look at it. This sort of press, that's phenomenal. And I hope there is at least a small budget to send this around to other local elected officials in the area. Because obviously something that hit the New York times, an awful lot of people are seeing this. But that would be great if you could do that.

Lorena, would you like to make a comment on this?

ACTING COMMISSIONER GONZALEZ: No, I also -- who -- I understand that we don't have direct jurisdiction. Have we looked at any kind of indirect or jurisdiction from the fact that this is flowing into our land?

EXECUTIVE OFFICER THAYER: Well, I think maybe we -- we'll try and look further into it. It may be that we can make a point that, you know, the Commission was certainly happy to take possession of this parcel, but that it's unconscionable for it to -- for anybody to expect that our acceptance of that property is condoning the kinds of things that are happening upstream on what is a fundamental part of the -- but we'll look further.

We have an attorney, Pam Griggs, who looks at archeological issues for us. And I suspect that she'd be more in tune with how we can do something about this.

ACTING COMMISSIONER GONZALEZ: So it is the city
who has jurisdiction? Does anyone know --

MS. PURCELL: Well, the Army Corps, you know, granted them a permit. And they're using a 1991 memorandum of agreement that they did not really update properly. And the tribal members have objected to it as well.

ACTING COMMISSIONER GONZALEZ: Army Corps -- I mean, I'm assuming that you've taken -- I'm sorry, but I haven't read the article yet. But has there been an attempt to get an injunction?

MS. PURCELL: Well, there is a one federal suit that Mr. Rose has filed from the Gabrielino/Tongva Indian California Tribal Council. And he -- you know, he's sort of doing it himself. And he's not actually an attorney, but he's done some litigation before.

And so it's tricky, you know. He has not actually tried to get an injunction as such. There's been a number of people looking at it and -- you know, it's because the laws are really not strong enough. And the State Attorney General would not step in to back up the Native American Heritage Commission unfortunately. I mean they asked for it to stop, the state's Native American Heritage Commission. And they don't have legal authority either. So it is a problem, you know.

CHAIRPERSON WESTLY: Let me -- I don't think
we're going to solve it here now. But I think you've got
a great support here. And I think we need to huddle up
with the staff and, frankly, possibly with each other and
see if we can't come out of the box with something. But I
want to thank you for coming and for making such a
persuasive presentation.

MS. PURCELL: Could I say one more thing.

There was a complaint through the State Water
Board at the end of February, because there was a huge
rainfall and it actually flooded into some of the burial
areas. And then that water went out and was pumped into
the -- they actually were pumping it out into the wetlands
across the street. And it was not clean. And so I don't
think they were actually written up -- they were written
up in some fashion. But I don't know if that's another
tie-in or not. But I just thought I'd mention that.

Thank you.

CHAIRPERSON WESTLY: Great. Thank you.

That concludes the open part of the meeting.

What we're going to do now is adjourn into closed
session. And what I would like to do is ask if we could
have the room cleared please. Thank you all, especially
members of the public, for being here.

(Thereupon the California State Lands
Commission meeting adjourned at 3:20 p.m.)
CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing California State Lands Commission meeting was reported in shorthand by me, James F. Peters, 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 17th day of June, 2004.

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
License No. 10063