APPEARANCES

COMMISSION MEMBERS

Mr. Gavin Newsom, Lieutenant Governor, Chairperson, also represented by Mr. Chris Garland

Mr. John Chiang, State Controller, represented by Mr. Alan Gordon

Ms. Ana J. Matosantos, Director of Finance, represented by Mr. Pedro Reyes

STAFF

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Acting Chief Counsel

ATTORNEY GENERAL

Mr. Joe Rusconi, Deputy Attorney General

ALSO PRESENT

Ms. Marla Jo Bruton, COAST Alliance

Ms. Shaunn Cartwright

Mr. Rick Drain

Mr. James Lee

Mr. Itzik Lerner

Ms. Tal Lerner

Ms. Alison Madden

Mr. Paul Mahler

Mr. Joseph Rosas

Mr. Colt Rymer
APPEARANCES CONTINUED

ALSO PRESENT

Mr. Richard Sadowski, COAST Alliance
Mr. Buckley Stone
Ms. Wendy Stone
Mr. Paul Supplee
Ms. Leslie Webster
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CHAIRPERSON NEWSOM: All right. Call this special meeting of the State Lands Commission to order. I'm Gavin Newsom, the Chair of the State Lands Commission. I'm joined today by State Controller representative Deputy Controller Alan Gordon and Pedro Reyes representing the Department of Finance.

We have a number of items on today's agenda, and we'll conclude by going into closed session, but we'll begin with consideration of the minutes from the --

ACTING COMMISSIONER REYES: Move approval of the minutes, sir.

ACTING COMMISSIONER GORDON: Second.

CHAIRPERSON NEWSOM: This is an efficient operation we're running. It's been moved and seconded. Without objection, we'll approve the minutes of the December 5th, 2012 meeting. The minutes now formally adopted.

The next order of business will be the adoption of the Consent Calendar.

ACTING COMMISSIONER REYES: Move approval.

ACTING COMMISSIONER GORDON: Second.

CHAIRPERSON NEWSOM: Any is there anyone in the audience that wishes any of the items on the Consent Calendar to be taken up?
Seeing none. Going, going, gone.

We've got a motion to move and second the Consent Calendar. We'll proceed with a vote, unanimously. As a consequence, the Consent Calendar is affirmed and approved.

Ms. Lucchesi, what is the next order of business?

EXECUTIVE OFFICER LUCCHESI: I believe the will of the Commission is to break into closed session at this moment.

CHAIRPERSON NEWSOM: Excellent. Now, with that in mind, out of respect to those members of the public that are here, I imagine they don't want to be asked to leave the room and have to come back, perhaps --

ACTING CHIEF COUNSEL MEIER: This is the only room we have.

ACTING COMMISSIONER REYES: We can adjourn to my office.

CHAIRPERSON NEWSOM: Oh, yeah -- no, but perhaps if -- unless -- maybe we can open public comment now --

EXECUTIVE OFFICER LUCCHESI: At the will of the Commission.

CHAIRPERSON NEWSOM: -- so everyone has the opportunity. Then they can take off.

ACTING COMMISSIONER REYES: Sure.

EXECUTIVE OFFICER LUCCHESI: That would be fine.
CHAIRPERSON NEWSOM: Unless you want to wait around, and we'll do our business for the next 4 or 5, 6 hours.

(Laughter.)

CHAIRPERSON NEWSOM: So why don't we just -- is that -- is there any other urgency stuff I'm missing?

ACTING COMMISSIONER REYES: No, that's it.

CHAIRPERSON NEWSOM: Why don't we do that just out of respect. Let's let you guys jump in. How many of you want to speak?

(Hands raised.)

CHAIRPERSON NEWSOM: My gosh. And you guys wrote your names down, even better. All right. Well, let's -- is there a formal place to sit?

EXECUTIVE OFFICER LUCCHESI: Over here at the head of the table.

CHAIRPERSON NEWSOM: So why don't you -- I know you filled out these fancy forms, and that's helpful to us, but why don't you guys just decide for yourselves who should come up first or second and jump right on in and ladies first.

EXECUTIVE OFFICER LUCCHESI: Chair, we do have 2 speakers that do want to speak on one subject, and I believe the rest of the speakers want to speak on a
different subject altogether.

So I'm not sure if you want --

ACTING COMMISSIONER REYES: Do you want to do it by subject matter?

CHAIRPERSON NEWSOM: Yeah. That's good. What are the 2 subjects?

EXECUTIVE OFFICER LUCCHESI: The 2 subjects are low energy seismic surveying, geophysical. And those have 2 speakers, and then the rest of the speakers are on Pete's Harbor.

CHAIRPERSON NEWSOM: Well, why don't we do -- since the 2 I imagine desperately hope they're in first place, why don't you guys come up and just intro yourself and we will afford the appropriate amount of time.

EXECUTIVE OFFICER LUCCHESI: Richard Sadowski and Marla Bruton.

MR. SADOWSKI: Richard Sadowski.

CHAIRPERSON NEWSOM: If you want to sit, you can sit, otherwise stand or whatever is comfortable.

MR. SADOWSKI: I'll just stand. Just a board member of the COAST alliance, Citizens Opposing Acoustic Seismic Testing. And it has come to our attention recently that there was another permit issued in the Santa Barbara channel regarding a test that's going to be being accomplished on February 9th. And I just want to let the
Board know that the COAST Alliance is going to follow up on that. And I would like to leave the remaining time that I have to the Chair of the COAST Alliance, Marla Jo Bruton. She's going to just read a resolution into the record that we had submitted to the CCC. And it has the State Lands Commission mentioned in there. So I'll do that.

CHAIRPERSON NEWSOM: Appreciate that. Thank you.
MR. SADOWSKI: Thank you.
CHAIRPERSON NEWSOM: Excellent. Relax.
MS. BRUTON: Yeah. Hi. I'm Marla Jo Bruton. And I'm the chair of the COAST Alliance. And that's Citizens Opposing Acoustic Seismic Testing. We formed last August/September when we became aware of the PG&E proposed HESS testing in our front yard ocean, and rallied the whole community and -- anyway, so that's who we are. We're new. We're a diverse collation alliance of environmental, governmental, non-governmental, citizens, fisherman, business.

Okay. So I'm here today -- I just -- I want to read our draft resolution that we gave to the CCC because we mentioned you in there, so as a courtesy.

"Recognizing that the California Coastal Commission's mission is to protect, conserve, restore, and enhance the environment of the
California coastline.

"Acknowledging California ranked second only to Florida in the total number of participants in coastal recreation, 17.6 million participants, but ranks first in terms of the number of State residents that participate in coastal recreation activities.

"Aware that the ease of seeing whales from the land in California places it at the top of all areas in the United States where people view whales and that whale and wildlife tourism non-market value from whale watchers in California alone at more that be 40 million annually.

"Recognizing that the California Coastal Act of the 1976 mandates the CCC in partnership with coastal cities and counties to plan and regulate the use of land and water in the coastal zone, including policies focused on terrestrial and marine habitat protection, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works.

"Acknowledging that the CCC is one of California's 3 designated coastal management
agencies for the purpose of administering the
Federal Coastal Zone Management Act in
California.

"Aware that the CZMA gives State coastal
management agencies regular touring control,
federal consistency review authority, overall
federal activities and federally licensed,
permitted, or assisted activities, wherever they
may occur, i.e., landward or seaward, or at the
respective coastal zone boundaries fixed under
State law, if the activity affects coastal
resources.

"Examples of such federal activities include
outer continental shelf oil and gas leasing,
exploration and development, designation of
dredge material disposal sites in the ocean,
military projects at coastal locations."

CHAIRPERSON NEWSOM: Just so you know that
ominous looking red light has just appeared. Just note
that, if you can wrap up. I apologize.

MS. BRUTON: He was ceding my time to me.

CHAIRPERSON NEWSOM: Okay. Well, we don't really
technically do that. It looks good on C-SPAN and
Congress, but we -- but, yes, so if we could just jump to
some of the Therefore be it further resolved clauses.
MS. BRUTON: All right.

"Acknowledging the CCC hearing on November 14th 2012 refused to permit to PG&E to conduct tests at the central coast in a region which included marine protected area, commercial fishing zones, endangered marine life, cetaceans, and other marine species because of the damage likely to be inflicted on the marine environment by received levels of underwater noise.

"Respecting the scientific advice, which demonstrates a serious lack of information on the cumulative impacts of seismic surveys, both HESS and LESS, on marine environments and aquatic life, which depends on health marine ecosystems.

"Acknowledging the lack of adequate research on all species impacted by HESS on and LESS in the marine environment.

"Concern that the description of HESS and LESS are misleading, and that the only relevant description of these surveys is the source level and received levels.

"Request the CCC instruct seismic survey operators to provide source and received levels of the equipment involved as decibels and hertz to remove HESS and LESS acronyms of the
description.

"Aware that comprehensive research, mitigation measures, and legislation capable of dealing with noise in the underwater environment is lacking.

"COAST respectfully recommends that the CCC adopt a resolution to collaboratively investigate the permitting process by the CSLC for all acoustic seismic testing projects in the past, and the lack of proper legislation reflecting the issue with the Cal OPC, the Department of Fish and Game, and the CalEPA.

"Additionally, we ask for a suspension of all Acoustic Seismic Testing, AST, in California both now and in the future, until an in-depth investigation and research effort focused on determining the cumulative impacts and acoustic trauma on marine ecosystems and marine life as a result of AST is conducted. An investigation needs to be open to the public, and the public interest enshrined in new legislation."

CHAIRPERSON NEWSOM: Thank you very much.

ACTING COMMISSIONER REYES: Would like that record to be submitted for the record?

MS. BRUTON: Yes.
MR. SADOWSKI: Yes Thank you for letting her go on.

CHAIRPERSON NEWSOM: Oh, please, no. I apologize for not clarifying that earlier.

Excellent. Thank you. You can just leave a copy with us.

MS. BRUTON: Okay. I believe your staff is working on a Public Records Act request that we have for them.

CHAIRPERSON NEWSOM: Good. We're all for opening up our records. That's something we'll talk about at another time, too.

So we've got -- the next item I've got a series of speaker cards. And in no particular or -- just again, there are a good dozen plus of you. So if you're number 12, you probably hope that everyone speaks less than 5 minutes. If you're number 1, you hope everyone is patient with your 10-minute speech.

So maybe we can -- you know, does 2 minutes work for folks, is that all right?

Anyone going to be really offended?

You've got 5. All right. Well, we only do 3, so 5 is a gross exaggeration.

You guys all for 3, okay?

If you could do it shorter than 3, the 12th
person is going to appreciate you. Why don't we shoot for
3. I'll be a little harder on the light just out of
respect for the number of speakers. And we'll just start
with Richard -- and I apologize my own reading of the
writing -- Sadowski.

MR. SADOWSKI: I already spoke.

CHAIRPERSON NEWSOM: Oh, Richard. We just -- oh
that's the two of you, and Marla. No wonder they're
recognizable your names.

(Laughter.)

ACTING COMMISSIONER REYES: Mr. Chair, also if we
could encourage the folks who come later if they're
stating something somebody already said, they could say,
"Me Too".

CHAIRPERSON NEWSOM: As always. I've never heard
anyone apply that, but I'm all for -- yeah, repetition is
the mother of skill, but you don't necessarily have to
repeat verbatim everything that was said.

Rick Drain, Paul Mahler or Mamer -- thanks, Paul,
great. So Rick and Paul you're up, followed by Wendy
Stone and Buckley Stone.

MR. DRAIN: Hi. I'm Rick Drain. Our group is
here to talk to you about Pete's Harbor in Redwood City,
where there's State's lands that's been leased and Public
Trust concern about what's going to happen to that State
Land now that the development has been proposed and Pete's Harbor is being closed.

So just a little background. The south bay has been losing harbors at an alarming rate, Alviso silted in, Palo Alto long ago silted in, because of the development that diverted water, so it's been closed. Peninsula has been closed by a developer. And now at Pete's they're talking about making it -- making the harbor accessible only to tenants of the new apartment development.

It's your land. It's our land. And you already have a marina on it. It's not necessarily going to be the new developer's choice what to do with it. You guys have a choice. And we can't put marinas just anywhere.

This is a place that, unlike 2 that I described, it's not going to silt in. There's a lot of current flow. It's going to be a good place for a marina forever. And we just want you guys to take that very seriously. It's also a great area for water access and wildlife viewing, as there's a wildlife refuge across the creek from it.

Please keep that a publicly accessible marina. It's already developed. We've talked to some people about running it for us, professionals. So that's really the story. Please keep that publicly accessible marina.

Thank you.

CHAIRPERSON NEWSOM: Thanks very much, sir.
Paul, and after Paul again Wendy and Buckley.

Thank you, guys.

MR. MAHLER: Thank you all for your time and concern. And let me talk, even though I just got a little shorter.

So I am resident of Pete's Harbor. I've been there about 4 years. It's been a wonderful place to live. And I am totally pro development. Paula Uccelli owns that property. She has every right to develop that property. I think she should develop that property, and the developer Paul Powers appears to be putting together a very nice development.

So I'm actually here to speak to one issue only, which is my goal in being here is to help you all keep Pete's Harbor for the public.

So the State has leased two parcels to the Uccellis. The lease -- it's not clear what happened to the lease after Mr. Uccelli's demise. I assume it would go to Mrs. Uccelli.

It's clear, very clear, that they do not want a marina there any longer and we really need you all to help to keep that marina and to keep it for the public. They have taken marinas out. The same developer removed a marina from a developer -- from a development down the street, said he would replace it. It has never been
replaced, even though it started in a very good state of repair.

They could have maintained the marina and the docks, but more importantly they could have retained a substantial income from those docks. And for whatever reason, they have decided to try and privatize them or to more likely eliminate them.

They have gone on record saying that they do not want docks. The best public interest is to take the docks out, even though they've been there for decades. And it seems apparent to me that they want to destroy this marina.

Mrs. Uccelli was supposed to maintain this marina and has not, which puts her in default of her lease. There are repairs she should have made that are required by the lease, which she hasn't. She has said that they need to close the marina to do a survey to determine what repairs are needed, but she's done things like sold docks that are new that are in storage without the survey. I would think that if I were about to repair my marina, I would save brand new docks for that use. They have managed to refurbish the marina recently with complete new utilities for water and electric without closing the marina or without a survey. I believe that that claim that they need to closed the marina for repairs is
disingenuous.

I think that this really is more about money in regards to the marina than it is about the Public Trust. Paula Uccelli has made millions of dollars off of people, many of them who do not have a lot of money.

She rented docks on land that it turns out she has no leasehold for. I happen the be in one of those docks. She made a tremendous amount of money by each month and over the years from those marinas. She should have stood up to her responsibility to maintain the marinas. She has promised people for decades that she would take care of them way out, which she has not.

There are not enough slips in this area. It's a State-owned marina on State land. It's been a marina for 50 years. The community loves it. Unlike some of the local marinas which have locked gates, the public has free access to come, bring their children, and fish.

And there's one very easy way to resolve this conflict, which I'll close with, let's please keep Pete's Harbor public for the public.

CHAIRPERSON NEWSOM: Thanks very much.

Wendy.

MS. STONE: I moved here from Denver and I'm from Virginia Beach originally. It was really great to get back to the water. This is the Bay Area. I thought,
"Yea. Water." And it's hard to believe that they're closing down all these marinas. And this is like one of the last bastions. And so I back obviously all of what they said.

But I wouldn't even be able to afford to live somewhere in California right now if it weren't for a place like this. I mean, not a decent place. Even though my daughter is in Denver, it would be a great opportunity to go back or whatever. I hope that we don't have to.

It's beautiful. I'm spoiled now. This is the Bay Area. Living on the water seems so natural. It's crazy to think that they're closing everything down.

So, please, if you guys have this kind of influence and can do this thing in your power, keep it open. Thank you.

CHAIRPERSON NEWSOM: Thanks.

ACTING COMMISSIONER GORDON: Can I ask you one question? If

MS. STONE: Yes.

ACTING COMMISSIONER GORDON: If you don't mind, if it doesn't feel like an invasion of privacy, how much is your rent?

MS. STONE: Well, just for the one boat, it would be, what, about --

MR. STONE: I'm the guy that handles that.
CHAIRPERSON NEWSOM: Okay.

MS. STONE: He's coming after me.

CHAIRPERSON NEWSOM: Why don't you answer that question.

ACTING COMMISSIONER GORDON: If you could answer that question, that would be great.

CHAIRPERSON NEWSOM: Thank you, Mr. Stone.

And after Ms. Stone, Leslie Webster followed by Paul Supplee.

MR. STONE: Thank you for taking the time to see me. I've been living at Pete's Harbor for 20 years.

My name is Buckley Stone.

I've been living at Pete's Harbor for 20 years. I first came to this marina by accident. I was in the Air Force and I suffered -- I was a law enforcement officer in the Air Force. I survived cancer, and I went out and got a job in electronics, and I worked in the Bay Area.

And I traveled so much that owning an apartment didn't make sense. So here was this wonderful liveaboard community. So I worked and worked and worked, and in 2000 well that cancer reared its ugly head and came back. Now I'm 100 percent disabled with the VA, and I'm living on my Social Security.

We believed that in July that everything was fine and dandy. And then we were told September 20th that the
Pauls Powers Corporation was going to come in and take over and build 100 percent residential, privatizing the slips, and that we were to leave by January 15th. That's two and a half months notice.

I've spent all my money in Redwood City, my bank, my doctors, my Safeway. I pay my rent on time. It's roughly $7.75 per foot, plus a $225 liveaboard fee, plus a $80 pump-out fee, and your electricity and your own phone.

It was a lifestyle I could afford, and it was a healthy lifestyle for me, because after I got sick with Hep C, my environment became very small. My immune system is shot. And here I am living on the water, clean air. I get to sail whenever I can, and I help out around the marina and help people in our community. Something that was missing -- I owned a condo in San Juan Capistrano, but when I came to Pete's Harbor, there was a real sense of community. Everybody looked out for each other. You didn't want your neighbor to sink, catch on fire, people to drowned. It was a real village, and we were decimated.

The Paul Powers Corporation from Denver does not care about the marina. They want the dirt. They want to build it up. They want a carbon footprint right next to the Don Edwards National Wildlife Refuge. They have no care at all for boaters.

These leases we're talking about were stolen from
the State for 20 years. And then when it was discovered, the guys offered this guy a deal, about $6,000 a year. They didn't know where to send the check. They got behind about half a million dollars. And now we find out that we've been paying them all these -- all this money. They've been spending the money in the City, paying the right people, making the right charities, making them look like kings and queens with our hard-earned money. $250,000 I paid them, and they didn't pay you guys a penny.

And now they want you to hand it to this developer in Denver to privatize for people who make better than 250 K a year, so they can have their own boat. Don't let it happen. It's already there. It's a great place for the public. It's your one last chance to save something beautiful in Redwood City.

Thank you.

CHAIRPERSON NEWSOM: Thank you, sir.

Leslie. Leslie Webster.

MS. WEBSTER: My name is Leslie Webster. I've lived at Pete's Harbor for 4 years. It change my life, but this isn't about me.

On September 20th, Paula Uccelli advised us of the potential sale and development plan of the harbor. After telling us that there was nothing we could do and
she would not talk to any tenants until after the sale went through, I immediately contacted Peninsula Conflict Resolution Center in hopes of mediating. We received no response.

We went to the city council, we went to the planning commission to request that they work with us to give us more time to try to reach a compromise, we had no luck. We filed an appeal with the City, which won't be heard until next week.

We reached out to Paula Uccelli through her attorney. We reached out to the developer, The Pauls Corporation, had no response. We reached out to local politicians, to the Housing and Human Concerns Committee, to anybody we could, and haven't had any help.

So, at this point, we still believe there is room for compromise. We are reaching out to you. Please help us keep the public lands at Pete's Harbor for public use.

CHAIRPERSON NEWSOM: Appreciate it.

Paul Supplee -- my apologies -- followed by Tal Lerner.

MR. SUPPLEE: Thank you. My name is Paul Supplee, and I live at Pete's Harbor. I've been there for 12 years. I fully support Paula Uccelli's right to sell her property and retire. We wish her the best. I also support The Pauls Corporation's right to purchase and
develop the upland property, and to develop the inner harbor. It's private property. That's perfectly fine.

My objection is to the closure and proposed transfer of the Public Trust lease covering the outer harbor. The lease specifically calls for the operation and maintenance of a commercial and public marina.

On that subject, I have bad news, but I also have good news. First, the bad news. The transfer would be to a developer who has clearly stated that he has no interest at all in operating or maintaining a public and commercial marina. The marina is now closed except for the few of us that are left here, and they are threatening us with eviction.

ACTING COMMISSIONER GORDON: How many of you are left?

MR. SUPPLEE: About 25?

MS. WEBSTER: I counted this morning. There are -- today, there were 32 boats. There are 23 people living on 19 liveaboard boats. On September 20th, there were 144 people living on 86 liveaboard boats.

MR. SUPPLEE: We've been threatened with eviction and people have fled out of fear. If the lease is transferred to the new owner, he will convert the outer harbor to private boat slips for the exclusive and private use for the townhouse and condo owners. The public will
not be invited to the Public Trust.

Aside from the bike trail, a little gazebo viewing area, and a small platform for canoes, kayaks, and paddle boats, the public will not have access to our Public Trust that we've enjoyed and cherished for decades. No outside recreational boats, no sailboats, and certainly no liveaboards will be allowed as is permitted by State of California. Boating is our California history and our maritime heritage, especially in Redwood City, which is a deep-water port.

We've already talked about the closure of all the marinas, so I can skip through that, but the main thing is that whole vibrant water-use communities, as our heritage, have been uprooted from Redwood City and everybody is dispersed around the north bay and the coast with great personal costs, longer commute times to work in the peninsula, and families that are stretched to the limit.

If the closure of the outer harbor is finalized and the lease transferred, instead of the wonderful open marina access that we have to our Public Trust, we will end up with an exclusive private playground for luxury townhouses. The public need not apply.

Does that sound like that's in the best interest of the Public Trust to us? Where is the value to the people of California?
I don't believe that there is any value at all in signing away our access to the Public Trust. This is not a good deal for the people of California. The developer wants to treat this as their own private property along with the rest of the development.

Okay. Now that's the bad news, but I have good news.

CHAIRPERSON NEWSOM: A little bit of time on the good news.

MR. SUPPLEE: Yes, a little bit of time. The good news is that I believe with a little extra time and effort, working together we can resolve all of the issues that will be brought up today, and we can come up with a compromise solution that will allow an economically successful commercial public marina with a vibrant water-use community, that can make money for the State.

We can also, at the same time, have a beautiful and successful townhouse and condo development in a forward-thinking multi-use community that everyone can be proud of, and that can be an example for the world for environmental sustainability and beautiful design. It's not a question of either boats or housing for Redwood City. We can have both. The two are totally compatible.

So I ask you, let's work together for compromise. Please help us get a little bit more time. Please stop
the evictions of the people, and let's -- we owe it to the
people of California to come up with a compromise that
everybody can work with.

Thank you very much.

CHAIRPERSON NEWSOM: Thank you very much.

Tall Lerner, and maybe another Lerner here as
well. I can't read the writing.

MS. LERNER: Hello, everyone. My name is Tal.

I've been living in California for 11 years. I moved from
Israel. I have a Ph.D. in cancer biology, and I moved to
work at Stanford. And as soon as I got to California, I
fell in love with it. And one of the reasons is the
access that we have living here to natural beauty. I
decided to make it my home.

I wasn't born here. It's not my fault. I chose
California as my home, and I think this is something very
special. And I don't know -- I don't know you, the
members, but have you been to Pete's Harbor? Have you
been there? Have you visited? Have you seen how
beautiful it is?

In my eyes, it's not less beautiful than
Yosemite. And I think that regardless of -- I also lived
in the community, but only for 4 months, and I would like
to make it my home if it becomes available again, because
it's really wonderful.
But aside from this, just as a resident on the peninsula, we don't have much access to the waterfront. A lot of it was already constructed, you know, Foster City, Redwood Shores. This is a jewel. This is a beautiful spot. Before you make a decision, at least take a look at photographs and see what the decision is that you're making, because I think blocking the access to the waterfront and closing down such a beautiful marina would be a mistake and for generations to come.

And if there can be a compromise so that there will be some construction, but also leaving the marina open and operating, I think it would be beneficial for everybody living on the peninsula and guests from other places in California.

CHAIRPERSON NEWSOM: Thank you.

MS. LERNER: So thank you.

CHAIRPERSON NEWSOM: Mr. Lerner.

MR. LERNER: My name is Itzik Lerner. I'm also from Israel. After everybody speaking, I think -- I cannot add a lot, because I wrote some stuff to tell, but I'll tell some of it, because -- first of all, about myself. I moved here from Israel. I'm the father of 2 boys that are in middle school. And I'm founder and CEO of a high-tech start-up in Palo Alto. This is why I came to California. This is what brought me to Silicon Valley.
And I'm one of the hundreds of residents that -- I'm an active member in the community, this wonderful community, that is being deported now from the Pete's Harbor. Except from this, I'm in the IDF of the Israeli Army. I'm a captain in the armed forces.

And from my experience in the Army, the battle field, there are moments that -- especially when you hear a lot of firing around and people are falling next to you, friends, and there are moments that you think that there is no hope, and everything is hopeless.

And in this moment, what we was trying to do is to be calm, and to look for the roots of the problem, because when there is fire all over, it's very confusing. But when you find the root of the fire, and you deal with the root of the problem, then everything later is becoming quieter, and -- well, maybe not perfect, but you can take out something of the situation.

Also, in the business -- in my business also sometimes, you know, the numbers are falling down and you think that everything is falling apart, but then you find this small thing that solves, and everything is becoming -- also here in our situation here, I think that there is a lot of emotion here. I'm also -- you counted how many people are living today. You didn't count me and other -- and a lot of people like me, because I am now not
homeless, boatless.

I'm now living with friends until I know what I can do, if I can come back. And the same as me, there are also a number of people I think in the moment that we will declare that we can go back to the marina. It will be filled up again very fast.

So the thing is what I see here is a small solution that can maybe show some solution is on the last meeting the representative of the owner, of the current owner, said that the problem in maintaining a marina is the parking spaces, if you remember.

So there is not enough parking space -- there is requirements of the city that to build 411 condos, they need a certain amount of parking spaces. And if we will maintain the marina, there won't be enough parking spaces for the marina.

And this is the -- if we solve this small issue, I think it can be solved. If you count how much money the development will do, it's like 500,000 for each condo, roughly it's over $200 million. So for this kind of money, I think to build extra 100 parking spaces under the ground or somehow higher, it's nothing. It's peanuts for this amount of money.

So by giving the list, you have the authority to authorize the transfer of the lease. If you transfer the
lease, you're just giving a present to the developer to save the money that it could cost them to build these parking spaces. This is the spot that can solve this and I will thank you.

CHAIRPERSON NEWSOM: Thank you, Mr. Lerner.
Thank you very much.

Alison Madden followed by James Lee and then Shaunn Cartwright.

MS. MADDEN: I am the attorney for the tenants. I also happen to live at the harbor. Here's a map in case you would like to look at that during closed or otherwise. It shows the closed marina, and it shows the outer harbor and inner harbor.

And I think for me, you know, first of all, I'd like to say that the State Lands Commission staff and Commission itself has been incredibly professional and open to input and information. I think there's nothing about this that they probably don't already know. And they've spoken to the owner, the new potential buyer, and the tenants, and then we've also represented the citizens of Redwood City.

So I think there's a whole lot of information. Had you gone into closed session, you might have had enough, but we really, really appreciate you hearing from us. And I think it's really important. I wanted to go
last for clean up. No jokes about that with the lawyer thing.

But I just -- I wanted all of the tenants to speak. And there's some that didn't even put their name in that are so really well spoken and really have their individual stories. And it's important to listen to those.

I can tell you that I'm going shopping in Redwood City and Woodside and people giving me cash back, and say, "Good luck, Honey". You know, everyone knows that this is going on, and everyone in the community supports it.

There's a very little -- it's been a very emotional and high profile situation, because there is a lot of -- the Uccellis became benefactors with this. So as you most know, in 1981 there was litigation with the State Lands Commission. And probably that was the proper forum. The executive branch and the judicial branch clarifying the Public Trust for a really not, I think, apparently no good reason, it was taken from those two branches and the Legislature, you know, passed an emergency act of the legislation.

There were two no votes. One was M. Waters, and I'm guessing that's Maxine Waters. And I think it was really rushed through as an emergency thing, when just absolutely, in my view, not necessary. The outer harbor
and the inner harbor would have both been State land. I think the slips would have continued to exist and be exploited and be used for community.

But what happened is all of the uplands, including that inner harbor, which was a wrap-around at the time, would have been available, and benefited the public and the Uccellis. And so that 1983 legislation I think it's important to know what it would have looked like at the time.

I just want to quickly say that, you know, like I said, there's been a lot of panic and fear in the last couple weeks, talk of, you know, evictions, calling the Sheriff on the day after the notice of termination, self-help, turning off water and electricity, and all of this. And specifically it means that we're proceeding at our peril, and for my sake I better be right in all of this stuff. Not at any one person, some of that's been in the public.

And so I just want to say that we're not trying to interfere with anyone's contract. We're trying to enforce what we view as a public lease for Public Trust land in a public forum. And we really hope that -- you know, very specifically there's issues. There's a small consent lease and a large transfer lease. We'd like to think of them as really all being together and not trying
to divide and conquer, and to allow that entire outer harbor to be, you know, fully exploited for the full use of recreational boating.

So, as you know, in California, Public Trust is not just commerce, navigation, and fishery, but recreational use as well. And so we don't intend the entire thing to be liveaboards. You know, some residential, you know, of the condos being there, people who come in that are called extended-stayer cruisers, recreational weekend boating, but a real full public use is what we're trying to do.

Thank you.

CHAIRPERSON NEWSOM: Well, thank you very much.

Mr. Lee. James Lee.

MR. LEE: Hi there. Thanks for taking this opportunity -- giving us the opportunity to speak. I was hoping Alison would go last, but we're actually speaking to Assembly Member Gordon, Assembly Member Mullin, and Senator Hill before we came here.

And I just wanted to bring that up, because the reason we're here talking to you guys about a city issue, Pete's Harbor, is because, as Leslie was saying earlier, we have gone to almost everyone, and we're not being heard. We really need your help here.

The Housing and Community Concerns Commission
that Leslie referred to, it's an appointed body with very little power in the city, but that's where we're going now, because there's just no one to turn to.

I want to speak specifically to the Public Trust use over at the outer harbor. Just to support what Alison said, the outer harbor itself, even if that remains State land, that in itself is a compromise, because as Alison said, there was more of it that was State land. So if we're just preserving the outer harbor, that already is a compromise position. And that's all we're really asking for.

I do want to bring up we had been talking to the Bay Conservation Development Commission, BCDC. Our County Supervisor, Dave Pine, brought BCDC staff out to look at the land of the harbor itself. And they came out a King Tide, which is one of the extreme high tides. And they were really concerned about sea level rise at the area. They were really concerned about how that would affect the public access that the developer is proposing for the area, because the public access is basically a trail that goes behind the condos. And the first thing that will be affected by that is -- to be affected by sea level rise is that trail.

The newest -- the latest studies by the USGS, the Geological Survey, has stated that sea level rise in the
San Francisco Bay is going to be 1.24 meters by 2100, so less than 90 years from now, and up to a meter and a half by 2105.

NASA has put out some flat maps for the San Francisco Bay area, including the peninsula where we are. Even with just a meter of sea level rise, the water will inundate the entire harbor, could get up to downtown Redwood City and possibly El Camino Real, which if you know the peninsula, is the main drag that kind of goes through the bayside of the peninsula.

So we're really -- we're not opposed to the development, but we feel that all these concerns have not been addressed with the development. We'd like to see something there. Of course, you know, something beautiful, something great for the community would be wonderful there, but all these considerations we feel just have not been looked at, have not been heard. And because they affect the Public Trust use of that State land, that's why we're coming to you.

Please keep the outer harbor public. Please keep it a place where we have maximum feasible access for everyone.

Thank you.

CHAIRPERSON NEWSOM: Thanks, Mr. Lee.

Shaunn Cartwright followed by Joseph Rosas.
MS. CARTWRIGHT: I just wanted to start off by saying thanks for the dance we shared once at --

(Laughter.)

CHAIRPERSON NEWSOM: That was -- that was for closed session.

(Laughter.)

CHAIRPERSON NEWSOM: God bless you. Thank you.

MS. CARTWRIGHT: We shared once at Dolores Park on Cinco de Mayo a few years ago.

(Laughter.)

MS. CARTWRIGHT: And I was your security escort, so it was even better.

(Laughter.)

MS. CARTWRIGHT: I wanted to -- I'm going to hit a couple of things and I talk really fast, but I've got a lot of things to same, so I'm going to try this.

One of the things also that I wanted to point out was shadow profile. Buck is not here to help me out, but there's another marina, and I believe it's in Oakland, where they have a shadow profile there over their harbor and also their trail that lasts all the way up until mid-afternoon.

So who's going to want to go to a trail where you're just thinking like I've got to take like this hoody and wear it like all afternoon. You want a place that's
pretty and has sunshine. Nobody goes to places that
you're like — (makes noise) — "This is great". I just had
to point that out.

And right now that shadow is an issue right now
with like -- if you're talking about a 6-story structure,
you know, they might cast a shadow.

And I also wanted to talk about -- I'm from L.A.
No harsh comments. But I'm from L.A. and because we have
ridiculous things, we have the L.A. River. And part of
the L.A. River is just a giant cement U. That's not a
river. That's just a big thing that fills up with rain
water. And I don't want the bay trail to be something
that's like that, like just this cement path. It should
be something that's pretty, and it should be something
that is something that's enjoyed by people and has nature,
and also not something that's submerged. I don't want
people to take their kids or me to take my kids to a
museum to say like, "Mommy, what's like a bay trail?", or,
you know, "What's public access?".

It shouldn't be something that years from now
people just have to look up on Wiki to figure out what
these things are, because they're disappearing fast, just
like marinas and liveaboards. And, you know, I think
these are things to be preserved.

And right now, it's like Peninsular Harbor went
away and Pete's Harbor is going, and Docktown might have been sold, which is a whole other batch of people. These are actually floating homes. It's not just liveaboards. These are homes that don't have motors, and that's going -- or that might have been sold.

And so it shouldn't be like a museum exhibit of things that once were. These aren't dinosaurs. These are things that roam the earth now, people that are alive noticed now, and we should preserve all these things.

I'm asking you to -- there's other things. There's been public -- issues that are going on right now at the outer harbor that are important. There's steel cables that have been placed across the slips. If a boat tried to enter that area, it would harm the boat. It could rip the cleat out, which could place a big hole in the boat and sink the boat, or it could brain somebody. If the cleat is flying around and you're walking around there, like that's it.

If a kayak went into that slip, and they didn't see it -- there's no caution tape. There's no any warning that it's there -- it could just clothesline a kayaker right into the water. These are huge issues, and it's on your land. It's not on the other marina, the inner marine. It's on your land.

I also wanted to point out that right now if this
is built, as it is now, you're going to have 1,500 vehicles exiting on a 1-lane road.

I wanted to ask please don't transfer the lease or the title, because as far as know, she is not the title holder. It did not transfer with her when her husband passed away. Please don't transfer the lease or the title. I don't believe the owner of the inner harbor has proven that she's a good manager of the Public Trust or its lands, and, in my opinion, she's proven she's more interested in billing and bullying others than paying her own bills. Join me in saying that this community matters, because this community matters, Public Trust matters, and public lands matter.

Thank you very, very much for hearing us today. And hopefully we'll dance again.

(Laughter.)

CHAIRPERSON NEWSOM: Joseph followed by Tal Raveh.

Is Tal here?

Oh, you put her twice and Itzik. Then we'll have Colt afterwards.

MS. LERNER: No, we asked for it and then

CHAIRPERSON NEWSOM: It's all good.

MR. ROSAS: Good after, Lieutenant Governor, Commission members. I am coming here today speaking as
myself, a fellow resident of the peninsula in Sunnyvale
specifically, not as part of an organization, and I bring
my personal experience to this. I'm sure the residents
and their attorney can speak more towards the actual facts
of living in the harbor.

But living on the peninsula, we have a very
diverse, outright amazing, cultural history in just a
small stretch of land. Pete's Harbor is part of that
history. And actually the entire Redwood City waterfront
it was where logs were brought down from the hills and
they were shipped out to build San Francisco from the Port
of Redwood City. And there was just massive commerce,
small businesses all along that waterfront.

Pete's Harbor itself is the result of a
long-fought battle of somebody that had a vision and built
it. And I find it ironic that we're the ones here trying
to preserve the heritage of Pete's Harbor, preserve Pete's
legacy, and his widow is the one that's trying to pave
over it.

Once again, as a resident of the peninsula, we
really do cherish our position in between 2 large bodies
of water. We're right in between the Pacific and the Bay
area -- or the San Francisco Bay. And we really enjoy our
waterfront access, our access to both the bay and the sea.

And as somebody who really believes in the
Government and advocacy in the community, I find it personally offensive the way that her PR agency, and her representatives have referred to the boaters here. They have referred to them as squatters, as people who, in not so many words, defecate in the bay.

And also this specific PR firm has a long history of fighting against unpopular development. For example, they also represent the corporation that purchased the majority of rental properties on the west side of 101 in East Palo Alto. This is Singer Associates.

They also represented Chevron when they had a large environmental disaster in Ecuador a few years back. And this particular firm was hired due to their expertise with social media. And I -- as a network security advisor, I have not worked for them, but I have been hired by other PR firms to obfuscate IP addresses in order for those PR firms to create false social media accounts, commit falsified attacks on their clients, in order to generate empathy for their clients.

And, you know, the PCRC did give her an award for building empathy and respect in the Bay Area, but I'm not sure that's what they were referring to.

CHAIRPERSON NEWSOM: Appreciate it. Thank you.

Colt. Mr. Rymer.

MR. RYMER: Hi. Thank you for hearing us.
I'm a disabled veteran. I served in Vietnam and I paid a high price. I worked for the State and the Director of the Department of Industrial Relations.

After that, I went on to Silicon Valley and had a good career until my war wounds caught up with me and forced me to retire. I spent a lot of time in the hospital as my friends here can attest to. The VA keeps me going rather in a miracle way. I have come close to dying a couple times.

I have no complaints. I'm more than glad that I served and I believe in it. One of the reasons is, is that I did it for the public good. I felt that that's what a citizen does, you serve for your fellow citizens.

Part of the reason we serve, you know, is we want to do things for other people, but we also want to protect the society and its resources. If -- this is -- politicians today keep talking about honoring the vets.

One of the ways you do that is to protect what we fight for. And one of those principles is the commons, you know, common property, the parks, the bay shoreline, things like that. They're disappearing. You know, we see them turned over for ball parks and private interest. We see shorelines turned over for developments for condominiums, for the wealthy.

The problem with that is that the common person
doesn't have access anymore. As we said, what once was public property, now amounts to a little trail down there that's not being adequately available for the public, and probably will be even less available if, in deed, this development goes through.

That's not what I served for. That's not what I risked my life for. And that certainly was not what my men, some of them, who died for. I really, really urge you to, if you believe in the saying, "Support what we fight for", it's now your turn to really stand up and protect those properties for public access for the average person to use, for the average person to have some type of access, so that they don't have to try to go miles across land on buses, that they can't afford a car to get some type of access to the waterfront. It's disappearing in the Bay Area.

We've seen that the Commission, which is responsible for the public access of the waterfront, is not doing its job. It's letting the land go. Harbor after harbor is going away. And it's really important that we try to save what's left. Redwood City is the classic case, where we've seen really nice waterfront suddenly being snatched up by private interests.

So please stand up for the average person. That's really what we'd like you to do and we really ask
that you do that.

Thank you.

CHAIRPERSON NEWSOM: Thanks. Any other speakers?

I don't have anymore filled out cards.

Anyone else wish to speak?

Okay. Well, that will conclude public comment.

Ms. Lucchesi, I believe now we'll be moving into closed session.

EXECUTIVE OFFICER LUCCHESI: Yes. We'll conclude the open meeting and break down into closed session.

CHAIRPERSON NEWSOM: Great. So since we're stuck here, we'll ask all of you to be patient with us and --

ACTING COMMISSIONER REYES: Thank you for driving over to make your comments.

(Off record: 2:58 PM)

(Thereupon the meeting recessed into closed session.)

(On record: 3:33 PM)

ACTING CHAIRPERSON GARLAND: We're coming back into open session. I'm Chris Garland sitting in as the designee for the Lieutenant Governor who had to rush out to another meeting.

We're back in session. Ms. Lucchesi, is there anything to report from the closed session?

EXECUTIVE OFFICER LUCCHESI: I would like to
report that in the Melton Bacon and Katherine Bacon Family
Trust versus State Lands Commission, City of Huntington
Beach case, the Commission authorized an interlocutory
dock repair agreement for a term of 6 months or shorter.

Thank you. That is all.

ACTING CHAIRPERSON GARLAND: Thank you, Ms.
Lucchesi.

Any other business before the Commission?

We're adjourned.

(Thereupon the California State Lands
Commission meeting adjourned at 3:34 PM)
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;

That the said proceedings was taken before me, in shorthand writing, and was thereafter transcribed, under my direction, by computer-assisted transcription.

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 29th day of January, 2013.

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
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