APPEARANCES

COMMISSIONERS:
Mr. Gavin Newsom, Lieutenant Governor, Chairperson
Mr. John Chiang, State Controller, represented by
Mr. Alan Gordon
Ms. Ana Matosantos, Director of Finance, represented
Ms. Karen Finn

STATE LANDS COMMISSION STAFF:
Ms. Jennifer Lucchesi, Executive Officer
Mr. Mark Meier, Chief Counsel
Ms. Sheri Pemberton, Chief, External Affairs
Mr. Dave Brown, Chief, Administration and Fiscal Services
Mr. Brian Bugsch, Chief, Land Management Division
Ms. Shelli Haaf, Staff Attorney
Ms. Kim Lunetta, Administrative Assistant

ATTORNEY GENERAL'S OFFICE STAFF:
Ms. Shari Posner, Deputy Attorney General

I. 11:00 OPEN SESSION

II. CONFIRMATION OF MINUTES FOR THE MEETING OF APRIL 26, 2013

III. EXECUTIVE OFFICER'S REPORT - None

IV. LEGISLATION CONSENT CALENDAR C01 - C09 - None

LEGISLATION CONSENT

LEGISLATION AND RESOLUTIONS

C 01 CALIFORNIA STATE LANDS COMMISSION: Consider supporting federal legislation that would enact the Realize America’s Maritime Promise Act and the Harbor Maintenance Act of 2013, which would require the total budget resources for expenditures from the Harbor Maintenance Trust Fund for harbor maintenance programs to equal the level of receipts plus interest credited to such Fund for that fiscal year. (House Bill 335, Representative Boustany/S. 218, Senator Levin, Carl) (A & S: Federal) (Staff: S. Pemberton)

C 02 CALIFORNIA STATE LANDS COMMISSION: Consider supporting federal legislation that would enact the Federal Land Transaction Facilitation Act Reauthorization of 2013, which would reauthorize, until July 25, 2021, the program for the completion of appraisals and satisfaction of other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under the Federal Land Policy and Management Act of 1976. (Senate Bill 368, Senator Heinrich, Martin) (A & S: Federal) (Staff: S. Pemberton)

C 03 CALIFORNIA STATE LANDS COMMISSION: Consider supporting federal legislation that would enact the Coastal State Climate Change Planning Act, which would amend the Coastal Zone Management Act to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response program. This program would provide assistance to coastal states to voluntarily develop coastal climate change adaptation...
plans and provide financial and technical assistance and training to enable coastal states to implement plans through the States' enforceable policies. (House Bill 764, Representative Capps) (A&S: Federal) (Staff: S. Pemberton)

C 04 CALIFORNIA STATE LANDS COMMISSION: Consider co-sponsoring state legislation that would require trustees of legislatively granted public trust lands to assess the impacts of sea level rise on natural and manmade resources and facilities located on trust lands. (AB 691, Muratsuchi) (A & S: Statewide) (Staff: S. Pemberton)

C 05 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation to eliminate, notwithstanding any other provision of law, the requirement of a lease from the State Lands Commission for dredging on granted public trust lands wherein minerals are reserved to the State if the dredging is consistent with the proper management of granted lands, the dredged material is not sold or used for private benefit, and the dredged material is disposed of at an approved disposal site. (AB 727, Stone) (A & S: Statewide) (Staff: S. Pemberton)

C 06 CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would increase the maximum annual assessment from $0.065 to $0.08 per barrel of crude oil or petroleum products and would allow the Administrator to adjust the maximum fee annually based on the percentage increase in the California Consumer Price Index, as well as capping the nontank vessel fee at $3,500 and allowing the Administrator to transfer up to $2,000,000 in funds from the Oil Spill Prevention and Administration Fund to the Oil Spill Response Trust Fund to fund the State’s Oiled Wildlife Care Network program. (AB 881, Chesbro) (A & S: Statewide) (Staff: S. Pemberton)

C 07 CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would prohibit stores that have a specified amount of dollar sales or retail floor space from providing single-use carryout bags and would require these stores to make recycled paper, compostable, or reusable bags available for purchase by customers. The legislation also sets standards for the definition of “reusable,” requires stores to provide plastic bag recycling collection bins, and creates a reusable bag certification program administered by the
Department of Resources Recycling and Recovery. (AB 158, Levine) (A & S: Statewide) (Staff: S. Pemberton)

C 08 CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would, as of January 1, 2015, prohibit stores that have a specified amount of dollar sales or retail floor space from providing a single-use carryout bag to a customer and would require these stores to meet other requirements regarding providing recycled paper bags, compostable bags, or reusable bags to customers. (SB 405, Padilla) (A & S: Statewide) (Staff: S. Pemberton)

C 09 CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would remove the January 1, 2014 sunset date on the State’s Voluntary Turn In Program, which allows recreational vessel owners to turn in their derelict and dilapidated vessels to a public agency for the purpose of disposal. (SB 122, Lieu) (A & S: Statewide) (Staff: S. Pemberton)

VII. CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE FOLLOWING PURSUANT TO GOVERNMENT CODE SECTION 11126

V PUBLIC COMMENT - None

VI COMMISSIONER'S COMMENTS - None

VII. CLOSED SESSION: - None

A. LITIGATION.

THE COMMISSION MAY CONSIDER PENDING AND POSSIBLE LITIGATION PURSUANT TO THE CONFIDENTIALITY OF ATTORNEY-CLIENT COMMUNICATIONS AND PRIVILEGES PROVIDED FOR IN GOVERNMENT CODE SECTION 11126(e).

1. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(A):

Los Angeles County Waterworks District #40 v. Diamond Farming Company, et al.

State of California, acting by and through the State Lands Commission v. Venoco, Inc.

State of California, acting by and through the State Lands Commission v. Singer

State of California, acting by and through the State Lands Commission v. Crockett Marine Services, et al.


The Melton Bacon and Katherine L. Bacon Family Trust, et al. v. California State Lands Commission, City of Huntington Beach

SLPR, LLC, et al. v. San Diego Unified Port District, State Lands Commission

San Francisco Baykeeper v. State Lands Commission

City of Los Angeles v. Great Basin Unified Air Pollution Control District et. al.

City of Los Angeles v. California Air Resources Board et. al.

Keith Goddard v. State of California

2. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(B) or (2)(C).

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EXECUTIVE OFFICER LUCCHESI: Hi. This is Jennifer in the San Francisco conference room with the Lieutenant Governor and Chair.

CHAIRPERSON NEWSOM: Mark and Alan are in Sacramento?

EXECUTIVE OFFICER LUCCHESI: Right.

CHAIRPERSON NEWSOM: Very good.

ACTING COMMISSIONER FINN: Karen Finn here in the Sacramento Department of Finance Office.

EXECUTIVE OFFICER LUCCHESI: Okay. Well, why don't we begin.

CHAIRPERSON NEWSOM: Are we ready?

EXECUTIVE OFFICER LUCCHESI: Yes.

CHAIRPERSON NEWSOM: All right. I'm Gavin Newsom, Lieutenant Governor, and I'll call this meeting of the State Lands Commission to order.

Ms. Lucchesi, this is a telephone conference and meeting. Ask, if you could, to please call the roll.

EXECUTIVE OFFICER LUCCHESI: Yes.

Mr. Chairman, since we're doing a teleconference today, before each individual speaks, please identify yourself for the court reporter, who is located in Sacramento, so that she can be accurate in her transcription.
Also, while not speaking, I would recommend that the other offices keep their speakerphones on mute until wishing to speak, as that will aid in clarity.

I'd also like to identify the members of the staff of the Commission and the Attorney General's Office present on this telephonic meeting.

In San Francisco with the Lieutenant Governor, Jennifer Lucchesi, the Executive Officer; Sheri Pemberton, Chief of our External Affairs Division; and Shari Posner, Deputy Attorney General.

In the Sacramento Controller's Office with Alternate Commissioner Alan Gordon, Mark Meier, our Chief Counsel, is with Alan.

In Sacramento at the State Capitol with Alternate Commissioner Karen Finn is Dave Brown, our Chief of Administrative and Informational Services.

And in Sacramento at the State Lands Commission Office in the Executive Conference Room is Brian Bugsch, Chief of our Land Management Division, Kim Lunetta of our Executive Office, and the court reporter.

And I will now call roll. Chairman and Lieutenant Governor Gavin Newsom.

CHAIRPERSON NEWSOM: Here.

EXECUTIVE OFFICER LUCCHESI: Commission Alternate for the State controller, Alan Gordon.
ACTING COMMISSIONER GORDON: Here.

EXECUTIVE OFFICER LUCCHESI: And Commission Alternate for the Director of Finance, Karen Finn.

ACTING COMMISSIONER FINN: I'm here.

EXECUTIVE OFFICER LUCCHESI: Great.

CHAIRPERSON NEWSOM: Great.

Well, the first order of business is the adoption of the minutes of the Commissions' April 26th meeting. Is there a motion to approve the minutes?

ACTING COMMISSIONER GORDON: Approve adoption.

This is Alan Gordon.

ACTING COMMISSIONER FINN: I will second. This is Karen Finn.

CHAIRPERSON NEWSOM: Moved and seconded. And then we'll move that item on. The minutes are formally adopted.

EXECUTIVE OFFICER LUCCHESI: And if we could just call the roll call for the vote because this is a telephonic conference.

CHAIRPERSON NEWSOM: Let's call the roll.

Who's in favor of adopting those minutes?


CHAIRPERSON NEWSOM: Great.

ACTING COMMISSIONER FINN: Karen Finn. Aye.

CHAIRPERSON NEWSOM: Great. And Gavin Newsom,
Aye. So the Ayes have it. How's that for unanimous consent? The minutes are adopted.

Next order of business is the Executive Officer's report.

EXECUTIVE OFFICER LUCCHESI: I do not have anything to report.

CHAIRPERSON NEWSOM: I suspected as much.

The next order of business will be the adoption of Legislation Consent Calendar, Items CO1 to CO9.

Is there anyone in the audience, anyone listening physically or on the phone, who wish to speak on the items that are still on the Consent Calendar?

ACTING COMMISSIONER GORDON: Alan Gordon moves adoption of the Consent Calendar.

CHAIRPERSON NEWSOM: Good. We'll proceed with a vote. Is there a second? This is a roll call, I guess, right?

EXECUTIVE OFFICER LUCCHESI: Karen, will you be abstaining from this?

ACTING COMMISSIONER FINN: Yes, I will abstaining from the vote.

CHAIRPERSON NEWSOM: Okay. Good. So that's the two. So we have a motion. I'll second it. So is that a formal -- Jennifer, does that account for a formal vote?
EXECUTIVE OFFICER LUCCHESI: Yes.

CHAIRPERSON NEWSOM: We'll move those items forward. Is there any other order of business? Do we have anything else to do?

EXECUTIVE OFFICER LUCCHESI: No, unless there's -- does anybody have any public comment speakers in their offices?

ACTING COMMISSIONER FINN: We do not here in the Capitol.

CHAIRPERSON NEWSOM: No one here either.

EXECUTIVE OFFICER LUCCHESI: Okay.

CHAIRPERSON NEWSOM: Well, then that's it.

Then if there's no other business about which to address, then we will conclude this extraordinarily long, tenuous, torturous meeting.

Thank you, guys, for joining us.

ACTING COMMISSIONER GORDON: Thank you.

EXECUTIVE OFFICER LUCCHESI: Thank you.

There is no closed session. Thank you.

MS. LUNETTA: Thank you.

(Thereupon the California State Lands Commission meeting adjourned at 11:05 a.m.)

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REPORTER'S CERTIFICATE

I, Jacqueline Toliver, a Certified Shorthand Reporter for the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing State Lands Commission hearing was reported in shorthand by me, a duly qualified Certified Shorthand Reporter, and thereafter transcribed into typewritten form by means of computer-aided transcription.

I further certify that I am not of counsel or attorney for any of the parties to said hearing or in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of June 2013.

JACQUELINE TOLIVER
Certified Shorthand Reporter
License No. 4808