COMMISSION MEMBERS:
Mr. Gavin Newsom, Lieutenant Governor, Chairperson
Mr. Michael Cohen, Director of Department of Finance, represented by Ms. Eraina Ortega
Ms. Betty T. Yee, State Controller

STAFF:
Ms. Jennifer Lucchesi, Executive Officer
Mr. Mark Meier, Chief Counsel

ATTORNEY GENERAL:
Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:
Ms. Lisa Belenky, Center for Biological Diversity
Mr. Lance Carnes
Ms. Erica Brand, The Nature Conservancy
Ms. Karen Douglas, Commissioner, California Energy Commission
Mr. Jon Gollinger
Mr. James Kenna, Bureau of Land Management, California
Mr. Lee Radner, Friends of the Golden Gateway (FOGG)
Mr. Lee Robbins, Friends of the Golden Gateway (FOGG)
Ms. Nan Roth, Friends of the Golden Gateway (FOGG)
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CHAIRPERSON NEWSOM: Good. All right. Well, then we'll call this special meeting of the State Lands Commission to order. All the representatives of the Commission are present. I'm Lieutenant Governor Gavin Newsom. I'm joined today by State Controller Betty Yee, and Eraina Ortega, the representative from the Department of Finance.

For the benefit of those in the audience, the State Lands Commission manages State property interests of over five million acres of land, though that will be reduced today potentially --

(Laughter.)

CHAIRPERSON NEWSOM: -- including mineral interests. Today, we will consider a Memorandum of Intent to the Bureau of Land Management concerning the land exchange that, if implemented, is anticipated to protect nationally significant lands and generate significant revenue for the benefit of California's retired teachers.

The first item of business today is the Executive Director's -- or Executive Officer's report. Ms. Lucchesi, do you have anything you wish to report?

EXECUTIVE OFFICER LUCCHESI: Not at this time.

Thank you.

CHAIRPERSON NEWSOM: All right. Next order of
business is the regular calendar. Item number 1 is to consider authorizing a memorandum of intent with the Bureau of Land Management for the proposed Phase 1 land exchange located in San Bernardino, Inyo, and Riverside counties.

May we have a staff presentation?

(Thereupon an overhead presentation was presented as follows.)

EXECUTIVE OFFICER LUCCHESI: Yes. Thank you. It is with great pleasure -- and we're going to be pulling up a PowerPoint presentation here shortly. It's with great pleasure that I present the Commission with this Memorandum of Intent for your consideration. Through the proposed Memorandum of Intent, the Commission and the Bureau of Land Management expressly recognizes significant benefits associated with the Phase 1 land exchange and commit to working together to implement the land exchange and future phases throughout the entire process.

The BLM and State Lands have each long pursued efforts to protect nationally significant lands designated as National Conservation Lands, and to consolidate lands that generate revenue for the California State Teachers' Retirement System respectively.

Beginning in 2011 and through diligent collaboration and partnership, the BLM and the State Lands
Commission have developed a proposed series of land exchanges that will achieve mutual objectives of protecting and conserving valuable, biological, and other natural resources, and provide access and recreational opportunities for the public through the consolidation of federal lands within the National Conservation Lands units and other BLM management lands.

In addition, the proposed series of land exchanges will provide an immediate and continuing revenue source dedicated to benefiting California's teachers through the State acquisition of lands with operational renewable energy facilities, or lands that otherwise have potential to generate revenue for CalSTRS.

There we go. Almost. There we go.

This series of land exchanges supports the energy and conservation goals for the Desert Renewable Energy Conservation Plan, and supports the State's School Land Bank Act and the California Public Resources code sections 8720.

Phase 1 of the exchange, as outlined on your screen, will include approximately 61,000 acres of State school lands and approximately 5,600 acres of federal lands that have the potential for, or are previously developed with, renewable energy facilities.

Future phases contemplate conveying approximately
150,000 acres of school lands to the Bureau of Land Management in exchange for approximately 16 acres of federal lands. The majority of lands subject to the proposed exchanges are located in San Bernardino, Inyo, and Riverside counties.

The specific land exchange for Phase 1 is it -- I know it's a little hard to see. We'll get a little closer screen shot here. But the lands being conveyed to -- that will be conveyed to BLM are colored in green, and are located within the National Conservation Lands units. The lands being -- that are proposed to be conveyed to the State are colored in yellow, and are located in San Bernardino and Riverside County.

Here's a screen shot of the proposed acquisition by the State. This is in the Lucerne Valley area. And as you can see, these -- this accounts for a significant portion of the lands being conveyed to State -- the State Lands Commission through the proposed land exchange.

This next shot --

EXECUTIVE OFFICER LUCCHESI: -- if I can get it going. There -- is a different view, but the red areas show our existing school lands. So what this shows is we are consolidating our existing school lands with the lands that BLM is proposing to convey to us in order to have a
consolidated area that has the potential for renewable
energy facilities, siting, and development.

EXECUTIVE OFFICER LUCCHESI: This next screen
shot shows the area of land that BLM is proposing to
convey to State Lands with the operational solar facility
on it. It's commonly known as Desert Sunlight. And you
can see underneath the yellow shading are the solar
panels.

The Commission and the BLM recognize the
complexities and challenges in completing a land exchange,
especially one of this magnitude. The process can take
many years, and frequently involves issues and conflicts
that arise along the way, including potential adjustments
to the selected lands once the formal appraisals are
conducted.

Additionally, land exchanges require
environmental review, and robust public participation in
accordance with NEPA and CEQA. It requires Congressional
notification, review and approval by the State Lands
Commission, Department of Justice and at the BLM national,
State, and local office levels.

Specifically, in the Phase 1 land exchange, there
will be four BLM offices involved. Interested
stakeholders and the public will have an opportunity to
review and comment on the proposed land exchange through
the federal and State process, and as required by NEPA and
CEQA.

Because of the process -- because the process
will involve a significant amount of staff time and
resources from both the federal agencies involved and the
State agencies, the Commission and the BLM wish to
memorialize their continuing commitment to pursue the
proposed exchanges and work cooperatively to resolve any
issues.

In summary the proposed Memorandum of Intent
recognizes that the Phase 1 land exchange, as well as
future phases will provide clear, significant, and
comprehensive public benefits, including environmental
protection, land conservation, facilitation of renewable
energy, greenhouse gas reduction, and a critical and
ongoing revenue source dedicated to CalSTRS for the
benefit of California's retired teachers.

As such, staff recommends the Commission
authorize the Memorandum of Intent.

And then what I'd also like to do, at this point,
is introduce State Director, Jim Kenna, from the Bureau of
Land Management who would like to say a few words, and
also California Energy Commissioner, Karen Douglas, who
would like to say a few words after Jim.

MR. KENNA: Lieutenant Governor and Board members, thank you for allowing me to speak. And I wanted to offer just a few quick thoughts about this land exchange and the approach we’ve been taking. It’s taken years, I think, to reach this point and the efforts of many. We have to engage in land-use planning. And one of the things we have to do is come to, what we call, a land tenure decision, which makes lands available for exchange.

We're closing in on the end of that process with the Desert Renewable Energy and Conservation Plan. And we've closed, I believe, or hopefully we will close today with the State Lands Commission on the policy direction that is necessary here going forward.

There are three major benefits that I think emanate from this proposal. And let me preface this by saying, from our perspective in the Bureau of Land Management, and I would say from our interactions with the State Lands Commission and staff, we believe that this is about good governance for the benefit of citizens. It really doesn't have anything to do with State, federal, local. It's for the benefit of citizens, and there are three primary areas where I see benefit to citizens, and they were -- have already been mentioned.
One is that you can improve the situation for schools in California. You can benefit the financial situation for those schools. The second is that you can also at the same time give a major shot in the arm to the conservation design in the California desert. And the third thing equally important in a time when we're trying to work on reducing greenhouse gases and address the challenges of climate change is the emphasis on renewable energy and continued generation of renewable energy going forward.

To have all of those things as policy goals inside the same proposal to me is highly significant. There is further processes, Jennifer mentioned, going forward. So there's plenty of opportunity to make adjustments based on actual appraisals, to make adjustments on any issues that might surface in the public process and that's totally appropriate. I think the question today is do we have the policy direction correct?

And in my view this is a win-win-win. And thank you for your attention to this item.

CHAIRPERSON NEWSOM: Thank you. Appreciate that.

Thank you very much.

MS. DOUGLAS: Well, thank you, Lieutenant Governor and members of the Commission. I'm Karen Douglas. I'm a Commissioner at the California Energy
Commission. We've been working with the Bureau of Land Management and the State and federal wildlife agencies and the State Lands Commission on the Desert Renewable Energy Conservation Plan for years. The topic of a potential land exchange came up in the very early days of working on DRECP.

And it came up in the context, as Jim said, of this being a clear win-win. That was something that we really wanted to be able to facilitate and help make happen. And since those early days, the State Lands Commission staff, certainly Jennifer Lucchesi, Jenny DeLeon, Jim Porter and others have been in the meetings with us, both generally working on the DRECP over the years, and also specifically working with BLM on the land exchange.

I know this has been a long process, because at least from the outside on the land exchange discussions, I've seen it, and been strongly supportive of it. And I'm really delighted that it's reached this point. So I just wanted to come and express my support and congratulations to the State Lands Commission staff and also BLM for working so hard to make this happen.

Thank you.

CHAIRPERSON NEWSOM: Appreciate that. Thank you.

Thank you.
Jennifer, anyone else in terms of your formal presentation? I know I have a number of speaker cards.

EXECUTIVE OFFICER LUCCHESI: Yeah. No, we can move on to the public comment.

CHAIRPERSON NEWSOM: Great. At this stage, just jump in to the speakers. Great, and we can talk afterwards.

So I'll just mention a number of you. If you haven't filled out a speaker card, please do so. No urgency, because there are a number of speakers in front of you, if you haven't.

But Erica Brand, followed by Lisa Belenky and then we'll ask Lance Carnes or Carness to come up.

Thank you.

MS. BRAND: Good afternoon. My name is Erica Brand. I'm the California Energy Program Director for The Nature Conservancy. The Conservancy is a nonprofit organization working in California and around the world for more than 50 years to conserve the lands and waters on which all life depends.

We have partnered with the Commission on a number of projects in California over the years, and are pleased that the Commission will be pressing forward with the next step in the land exchange process. We have analyzed the proposed exchange and find that generally the transaction
would offer significant support to the conservation priorities revealed in The Nature Conservancy's ecological assessments of the California desert, and would enhance desert ecological integrity in other respects.

For these reasons, we support the framework and goals of the proposed land exchange to advance low-impact renewable energy siting and long-term conservation of ecologically important lands.

And we recommend that the Commission enter into the Memorandum of Intent with the Bureau of Land Management to formally pursue the proposed Phase 1 land exchange transaction.

I'd like to offer a few more comments for the future phases of the transaction process. So first, we recommend that all lands transferred to BLM include all mineral rights and be placed, upon transfer, within a durable and lasting conservation designation, and managed to ensure the long-term maintenance of ecological values.

Second, we recommend that the exchange transaction provide transparent documentation and public disclosure of the process employed to assess the conservation values of the lands exchanged, as well as the appraisal process and valuation criteria.

Third, we recommend early public disclosure of the lands proposed for future transactions phases.
We look forward to working with the Commission, the Bureau of Land Management, and other stakeholders through the Phase 1 land exchange transaction. I thank you for the opportunity to provide comments today.

CHAIRPERSON NEWSOM: Great. Thanks so much. Appreciate it.

MS. BELENKY: Good afternoon, Lisa Belenky. I'm a senior attorney at the Center for Biological Diversity, and I want to thank you for this opportunity to speak on this item.

The Center for Biological Diversity has been very involved in the DRECP process, and we do support the concept of a land exchange. We have some concerns about this specific proposal that will certainly be dealt with as we move forward in the CEQA and NEPA process.

But as an initial matter, I also want to say that if this Commission wants to look in a meaningful way at climate change, this is not necessarily the best place to start. The Commission needs to reject any future oil and gas leasing on lands that are managed by the Commission or owned in trust for the People of the State of California, and should be working to shut down all oil and gas operations and all fracking on those lands. That is the way we are going to move forward in a climate change scenario with changing our own behaviors.
Nonetheless, this land exchange is important, and we strongly support the exchange of lands within wilderness and conservation areas that already are designated on BLM lands. We have some concerns about some of the other areas that have been identified, which are not currently under conservation, and where it is unclear what the strength of those conservation measures will be once the lands are transferred to the BLM.

Secondly, as far as the transfer from the BLM to State Lands, we are very concerned about the idea of transferring an already permitted large-scale project that actually has been quite controversial and was quite controversial during the time that it was being permitted. This project destroyed over 4,000 acres of very, very high quality habitat that was intact in the desert. It is also on the doorstep of Joshua Tree National Park. We don't think that this is a kind of project that you would consider to be well sited. And so for the State Lands Commission to come in now and pick it up, so to speak, for the revenue is problematic, because there was not really the kind of alternatives analysis we would have liked to see, under a full CEQA process you would have had.

In this case, it was primarily under a NEPA process. It was under the ARRA process, which is also
called fast track. There was a lot of pressure to permit this project in this place and not look at alternative sites. So I just wanted to put that in context for the Commission, that this was -- is a controversial issue.

CHAIRPERSON NEWSOM: But you're still supportive despite that, is that it?

MS. BELENKY: We're not necessarily --

CHAIRPERSON NEWSOM: I'm sort of now getting confused.

MS. BELENKY: We're not supportive of that particular site being the site that the State Lands acquires. We are supportive of an exchange. And as has been said, this is the very beginning of the process. All of the details have not been worked out. There has not yet been a NEPA or CEQA process for the exchange. So we're not supportive of necessarily that site being picked up, because we do believe that it would look like an endorsement of a very poor siting process.

Similarly, the other set of lands in Lucerne Valley have quite a few habitat values. It may have more appropriateness in some of that area for siting, but it is not clear that all of those lands are appropriate for siting large-scale utility renewable energy.

So these are the kinds of details we hope to work with the Commission on as you go forward. We do support,
in general, the concept of the exchange, and particularly consolidating lands in conservation areas in the California desert.

   Thank you so much.

CHAIRPERSON NEWSOM: Thanks. Appreciate it.

MR. CARNES: I'm pass. I wanted to speak on public comment.

CHAIRPERSON NEWSOM: Oh. Okay. More generic -- generally. Okay. Because I see a number of people just that have interest in -- during public comment. Anyone else specific to this issue that wishes to speak?

Seeing none. We will close public comment on this item.

Jennifer, any reflections on some of the comments about future disclosures, transparency issues, obviously concerned about -- I mean, any reflective thoughts?

EXECUTIVE OFFICER LUCCHESI: Just to emphasize that both the Bureau of Land Management and the State Lands Commission staff have every intent to make the future process to analyze and identify the specifics of the proposed Phase 1 land exchange. We have every intent to make that a very full, transparent, public participation effort. And at various different times, it will come back to the Commission for concurrence or for ultimate approval, and same through the BLM federal
process. And in addition to that, CEQA and NEPA will both be complied with for this Phase 1 land exchange and for future phases.

CHAIRPERSON NEWSOM: Excellent. Any thoughts, comments? I just want to compliment all the extra effort that's gone into this. We've been watching this process chug along over the last few years. And, you know, I agree, it's a win-win-win. It establishes a framework that advances all of our collective goals. And I appreciate the representation from the outset that we're all in this together.

And I always find it, as a former Mayor of a City also a County, and looking at the State and the federal, you know, we're many parts, but one body. And so this kind of collaboration is, to me, self-evident in terms of its benefit. And I appreciate the intentionality of this particular effort.

And, you know, this is not insignificant. We know CalSTRS has a huge gap and a hole to fill, so four million, if that is indeed where we're going to end up is not going to plug it. But in and of itself, it is a significant step in the right direction, and it's exactly the kind of work we should be doing.

So I want to compliment all of you for your leadership on this. And I also want to compliment the
speakers and their expressed concern. And I'll just say, you know, we all -- I'm looking forward to living a low carbon green growth future. And that requires us to dramatically change the way we produce and consume energy, but there's a bridge to that future. And this is part of building that bridge.

And so this is certainly part of the foundation that we need to build. And so I'm grateful for those comments, and certainly want to sort of assert my support for the spirit of which they were advanced.

And I'm now looking for either final closing comments or a motion to support, and then we will move to public comment.

COMMISSIONER YEE: Mr. Chairman, let me add my thanks to Mr. Kenna and the State Lands Commission staff. It's been an arduous long tedious process, but a very important point where we have ended up, starting today, but this is, as everyone's represented, just the beginning of the process. So I'm looking forward to some continued robust discussions going forward.

With that, I would make a motion to authorize the Memorandum of Intent to be executed. And do we need a motion also on the CEQA finding as well?

EXECUTIVE OFFICER LUCCHESI: No, just a motion to authorize.
COMMISSIONER YEE: Okay. All right. So moved.

ACTING COMMISSIONER ORTEGA: Second.

CHAIRPERSON NEWSOM: Moved and seconded. Without objection.

Thank you all very much. Appreciate all the work. We have more work today.

EXECUTIVE OFFICER LUCCHESI: Yes, you do.

Well, what I'd like to do, at this point, is actually have, Chair, you and State Director Kenna execute the Memorandum of Agreement, and take some pictures.

CHAIRPERSON NEWSOM: It seems like you knew we were going to decide.

EXECUTIVE OFFICER LUCCHESI: Yeah, I was hoping. You can actually stay where you're seated.

CHAIRPERSON NEWSOM: Oh, we can?

EXECUTIVE OFFICER LUCCHESI: Yes.

CHAIRPERSON NEWSOM: Okay. Great. Good. Oh, that's why you have all these fancy pens. I was wondering. Unbelievable.

EXECUTIVE OFFICER LUCCHESI: And Controller Yee, and Commissioner Ortega, please stay seated because we're going to take pictures with all of you.

Thank you, by the way.

MR. KENNA: Thank you, sir.

CHAIRPERSON NEWSOM: Well done.
You've got a better signature.

MR. KENNA: I don't know. Let's debate that.

Thanks again. Let's all get in.

(Thereupon pictures were taken.)

CHAIRPERSON NEWSOM: All right. Public comment.

EXECUTIVE OFFICER LUCCHESI: Well, and if I may, just before we jump to regular public comment, and while Mr. Kenna is still here, I just want to acknowledge his service and everything he brought to the table in terms of negotiating this land exchange and for all his work in California with the DRECP. He is actually retiring. His last day is tomorrow.


EXECUTIVE OFFICER LUCCHESI: And I wanted to just acknowledge his retirement and just talk a little bit about him and my personal experience with him.

CHAIRPERSON NEWSOM: Fabulous.

EXECUTIVE OFFICER LUCCHESI: In 2011, the State Lands Commission received special direction -- legislative direction through AB 982 to pursue land exchanges with BLM. It obviously did not direct the federal government to engage in those negotiations with the State on that. However, with Jim's leadership, collectively we have been able to successfully implement the direction of AB 982. And I can't overstate how valuable that leadership on this
effort was, and how it really started us on a path to successful implementation thus far.

The fact that the MOU envisioned by AB 982 was executed and implemented just a mere nine months from the time AB 982 was signed by the Governor is really a testament to Jim's leadership. Further, his personal attention to this effort really empowered his extremely skilled and talented staff to be very proactive, timely, and responsive to our staff's needs and wishes as it related to this land exchange.

The Commission has a very unique role as a landowner in the California desert with specific fiduciary duties. And through Jim at BLM, through Karen's leadership at the Energy Commission, they were able to really learn that unique responsibility, understand it, and respect it. And that's reflected in all the documents that they have produced out of the Energy Commission, out of the DRECP planning effort, and out of BLM.

And I just can't thank them enough for that, because it's incredibly important, not only to the State but for this Commission as well. So I just want to take to opportunity to thank Jim for his leadership and his personal engagement on this.

CHAIRPERSON NEWSOM: Thank you. Well deserved, Jim.
MR. KENNA: Thank you.

CHAIRPERSON NEWSOM: Thank you. Do you have anything you want to say before you retire to get off your chest?

(Laughter.)

MR. KENNA: I hope you get it done.

(Laughter.)


So now time for public comment?

EXECUTIVE OFFICER LUCCHESI: Yes.

CHAIRPERSON NEWSOM: Next item.

So we've got a number of you ready to talk. Lance, why don't we start off with you.

MR. CARNES: I'll pass on my turn.

CHAIRPERSON NEWSOM: Okay. You're -- all right. Well, jump in, and then -- so we've got Nan Roth and Lee -- I can't make out the last name -- Robbins or Lee Radner as well.

So come on up you guys. Any order. Just -- you know who you are. Step on up.

MS. ROTH: My name is Nan Roth.

CHAIRPERSON NEWSOM: Nan, that's -- grab that bigger mic that's working actually.
MS. ROTH: If I set something on this computer, am I going to upset anything?

EXECUTIVE OFFICER LUCCHESI: No.

MS. ROTH: Okay. Thank you.

My name is Nann Roth. I'm here today as a neighbor, as a supporter of FOGG since day one, and as a retired urban planner with a deep concern for protecting our northeastern waterfront from the excesses plaguing the areas south of us. I served on and never missed a meeting of the Port's Waterfront Plan Advisory Board.

Both then, back in the 1990s, and now, it was and continues to be clear that the overwhelming majority of San Franciscans strongly oppose high-rise development on the northeast waterfront. Yet, Mr. Simon Snellgrove relentlessly continues to try to impose this grossly oversized and unpopular project on our community, regardless of the many unresolved legal issues surrounding it.

I'm here today to oppose the inclusion of Seawall Lot 351 in what is referred to as the 8 Washington Project. Twice, twice the majority of the residents of San Francisco have stepped up the polls -- to the polls and voiced their opposition to this project. Yet, Simon Snellgrove continues to press forward despite the legal and environmental issues that have been raised.
The time is nearing, if not already before you, to reconsider your support for this project, particularly in view of the Lieutenant Governor Newsom's involvement and the considerable financial support he has received from Simon Snellgrove and his specific waterfront partners.

I urge the Commission to at the very least to withhold, if not firmly deny, approval for the inclusion of Seawall Lot 351 in the 8 Washington Project.

Thank you.

CHAIRPERSON NEWSOM: Next speaker.

MR. RADNER: Thank you, Commissioners for this opportunity. My name is Lee Radner. I chaired the Friends of Goden Gateway, FOGG, for 13 years. As I say to my friends, I'm only 45, but look at me.

We're not sure, Commissioners, what your next move will be on Seawall Lot 351, 8 Washington. Our serious suggestion asked that you stop trying to aid a developer who has no more interest in the needs of the community of the future of the San Francisco waterfront. It is all about dollars.

The voters of San Francisco, as Nan has already stated, gave the project a huge thumbs down, not once, but twice. And the courts have agreed with them. Now, while nothing is done illegally, both as Mayor and Lieutenant
Governor, Mr. Newsom received substantial donations from PWP and Mr. Snellgrove.

His TV ads with Mayor Ed Lee in support of the 8 Washington Project did not come from a Salvation Army bucket. It is really time to stop this pay-for-play. We don't want to be adversaries. We would like to work with you. We'd like you to join the community in developing a project for Seawall Lot 351 that provides a city-wide plan for everyone, allowing for the views to maintain and Seawall Lot 351 be open to the public, not just for a private few.

Thank you very much.

CHAIRPERSON NEWSOM: Next speaker.

MR. ROBBINS: I'm Lee Robbins. I'm a local resident --

CHAIRPERSON NEWSOM: The other mic, please.

MR. ROBBINS: I'm Lee Robbins. I'm a local resident and a college professor. I teach management and organizations with degrees from Harvard and Wharton. And I will say something that's -- briefly that's somewhat academic, but I am, after all, an academic.

So the basis of liberal democracy is a balance between democracy, which is the voters, law, which is the longer term structured system, and the State, which, in this case, is represented by the Commission and Gavin
Newsome, who is present, a former Mayor of San Francisco.

In order to have it function as a liberal democracy, which ours is still managing to do, including California, with its many difficulties, it requires a balance between the three of those. If anyone of them becomes predominant than the others are pushed aside. And, in this case, it seems to me like once again, under the leadership of our former Mayor Gavin Newsom, is attempting to do is push aside both the voters, who, as was mentioned not once but twice, have voted down the high-rise developments, and by a 2 to 1 majority, which in politics, as I understand it, is a land slide -- slide Tsunami.

And the attempt is to push aside both the voters and the legal system, which has decided multiple times against this. It's really time to stop this.

And my personal emotional experience is dismay at the results of contributions, which as we know is a much wider problem in our still liberal democracy. And I can only say that I noticed Lieutenant Governor Newsom amused when talking about the contributions. It reminds me of the comment he laughed all the way to the bank. But when the next election comes up, I think there may be a San Francisco voters for anyone but Gavin, if this continues.

Thank you.
CHAIRPERSON NEWSOM:  And I'll just -- yeah. Thank you. I appreciate your professionalism and lack of personalization.

Mr. Gollinger, in that spirit, look forward to this being the final public comment.

MR. GOLLINGER: Good afternoon, Chairman Newsom, Commissioner Yee, Commissioner.

My name is Jon Gollinger. I'm an environmental attorney here in San Francisco and a long-time waterfront advocate. And I'm also a newly appointed member of the Port's Waterfront Land-Use Advisory -- Waterfront Land-Use Working Group, which is the group of 32 folks, including your staff, Reid Boggiano -- if I'm saying his name right -- who's also been appointed to that.

I wanted to speak -- I mean, specifically, I'm here today, because you had -- the first two items on your litigation calendar, which you'll discuss in private, so we won't know what you do, but I want to encourage you to ask very specific questions about the first two items, the State Lands Commission lawsuit against the City and County of San Francisco over Proposition B, which allowed the voters to weigh-in on height limits on the waterfront. That comes -- that's going before a judge -- scheduled to go before the judge next month for a hearing.

And there are some very important decisions for
you to make before that occurs. I urge you not to just
leave it to staff.

The other item is Defend Our Waterfront against
State Lands. And as you may know or will hear, last month
the judge court of appeal unanimously upheld the trial
decision and -- nullifying the State Lands decision on the 8
Washington project to use a very narrow exemption for a
title and boundary dispute to avoid doing an environmental
review. And the judge and the court of appeal and your
decision, I believe, is whether to appeal to the Supreme
court already I think has back-fired and set, not just a
precedent here, but regionally and perhaps statewide, that
more environmental reviews need to be done, and you can't
use a loophole.

I want to spend my last minute and a half on the
Prop B issue. We want to move forward here in San
Francisco. That's why we're fighting so hard for our
waterfront. The reason I'm about to spend, and your
staff, and 30 other people and many others paying
attention in the next two years is to update the
waterfront plan that Ms. Roth worked on 25 years ago, is
we want a reasonably planned waterfront. That includes
projects that go up and also open space everyone can
enjoy.

The suit that State Lands has brought, and I urge
you to consider dropping it, would nullify not just Prop B, it would nullify all planning and zoning laws in San Francisco that apply to the waterfront. And that's not my view, that's the city attorney of San Francisco, and we'll see what the court says.

So if you proceed as planned with the lawsuit and succeed, the process your staff is about to engage in is worth nothing. And the fact that the lawsuit will continue, unless you drop it, whether you win or lose, it will be appealed all the way up, will put a cloud of uncertainty over how we can move forward on our waterfront.

I will just lastly say that last year 72 percent of the voters approved a height limit increase on the waterfront for Pier 70. So it shows that the process we've got, letting voters weigh-in, allows us to do something. Next month, the voters will decide whether the Mission Rock Project gets the same approval, but we've certainly had a good and balanced debate.

So I urge you really to ask specific questions, because that litigation is incredibly important to all of us.

Thank you.

CHAIRPERSON NEWSOM: All right. Anyone else wish to speak?
Seeing none, we'll close public comment.
Ms. Lucchesi, any other business today?
EXECUTIVE OFFICER LUCCHESI: No.
CHAIRPERSON NEWSOM: And it turns out we're not meeting in closed session.
EXECUTIVE OFFICER LUCCHESI: That's correct.
CHAIRPERSON NEWSOM: So that will, Commissioners, do it. Thank you very much.
Oh, you have more, you wish.
EXECUTIVE OFFICER LUCCHESI: I don't have more.
CHAIRPERSON NEWSOM: What do you have.
COMMISSIONER YEE: Just to keep the focus on our strategic planning process, I wanted to thank Jennifer and her staff and Deputy Controller Anne Baker for convening a pretty broad-based stakeholder meeting to get feedback on the draft strategic plan. I noticed that today the deadline for final comments was posted for November 1st. And it's my hope that we can then have more input in the October Commission meeting in San Diego, and look forward to the next phase of a draft, probably sometime early December, is that a good time frame?
EXECUTIVE OFFICER LUCCHESI: Yes.
COMMISSIONER YEE: And really hope that we can use our December meeting to have a pretty robust conversation about the elements of it.
I know, Mr. Chairman, your input has been invaluable with respect to just looking at how we can accomplish operational excellence a little bit better with the use technology. So that's a big part of it.

CHAIRPERSON NEWSOM: I appreciate all that.

Jennifer.

EXECUTIVE OFFICER LUCCHESI: I was just going to add that the stakeholder meeting last week was really insightful, and we received a lot of different perspectives that will help us in revising the draft strategic plan, in addition to the -- as Controller Yee said, invaluable comments by Chair Newsom and by Commissioner Yee at the last Commission meeting.

We kind of received a shot in the arm of momentum to, I think, meet all of your expectations, and your visions for what this document should look like and what the path should look like for the Commission over the next five years.

CHAIRPERSON NEWSOM: Great.

COMMISSIONER YEE: We should have taken a photo in terms of all the interests in the room together.

(Laughter.)

CHAIRPERSON NEWSOM: Thank you for that.

All right. Well, this will conclude the meeting. Thank you all very much.
COMMISSIONER YEE: Thank you.

EXECUTIVE OFFICER LUCCHESI: Thank you.

(Thereupon the California State Lands Commission meeting adjourned at 1:10 PM)
CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, 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 2nd day of October, 2015.

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