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

STAFF:
Ms. Jennifer Lucchesi, Executive Officer
Mr. Dave Brown, Assistant Executive Officer
Mr. Mark Meier, Chief Counsel
Mr. Brian Bugsch, Chief, Land Management Division
Mr. Jennifer DeLeon, Science Policy Advisor
Ms. Kim Lunetta, Executive Assistant
Ms. Sheri Pemberton, Chief, External Affairs Division

ATTORNEY GENERAL:
Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:
Ms. Rochelle Becker, Alliance for Nuclear Responsibility
Mr. Bart Coombs
Mr. Ben Davis, Jr., California Nuclear Initiative
Mr. Victor Dodge
Mr. John Geesman, Alliance for Nuclear Responsibility
Mr. Add Kennon
APPEARANCES CONTINUED

ALSO PRESENT:

Mr. Justin Malan, ECOCONSULT, representing Friends of the Earth

Mr. Job Nelson, Port of San Diego

Mr. Louis Orantes

Ms. Jennifer Savage, Surfrider Foundation
I 10:00 A.M. – 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: 92

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):

   California State Lands Commission v. City and County of San Francisco


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

   San Francisco Baykeeper v. California State Lands Commission

   Keith Goddard v. State of California

   Sportsman’s Paradise v. California State Lands Commission

   Center for Biological Diversity v. California State Lands Commission

   City of Santa Monica, et al. v. Nugent

   City of Santa Monica, et al. v. Ornstein

   City of Santa Monica, et al. v. Bader

   City of Santa Monica, et al. v. Levy
2. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(B) or (2)(C).

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126 (c)(7) – TO PROVIDE DIRECTIONS TO ITS NEGOTIATORS REGARDING PRICE AND TERMS FOR LEASING OF REAL PROPERTY.

1. Provide instructions to negotiators regarding entering into a new lease of state land for the Broad Beach Restoration Project, City of Malibu, Los Angeles County. Negotiating parties: Broad Beach Geologic Hazard Abatement District, State Lands Commission; Under negotiation: price and terms.

2. Provide instructions to negotiators regarding acquisition of a public access easement to and along Martins Beach in San Mateo County. Negotiating Parties: Martins Beach 1, LLC., Martins Beach 2, LLC, State Lands Commission; Under negotiation: price and terms.
C. OTHER MATTERS.

THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(B) or (2)(C). THE COMMISSION MAY ALSO CONSIDER PERSONNEL ACTIONS TO APPOINT, EMPLOY, OR DISMISS A PUBLIC EMPLOYEE AS PROVIDED IN GOVERNMENT CODE SECTION 11126(a)(1).

II OPEN SESSION

III CONFIRMATION OF MINUTES FOR THE MEETING OF DECEMBER 18, 2015

IV EXECUTIVE OFFICER’S REPORT

Continuation of Rent Actions to be taken by the CSLC Executive Officer pursuant to the Commission’s Delegation of Authority - no items for this meeting.

V CONSENT CALENDAR C01-C80

THE FOLLOWING ITEMS ARE CONSIDERED TO BE NON-CONTROVERSIAL AND ARE SUBJECT TO CHANGE AT ANY TIME UP TO THE DATE OF THE MEETING.

LAND MANAGEMENT DIVISION

NORTHERN REGION

C01 NEIL R. BONKE AND KAREN L. BONKE (LESSEE); CHARLES E. SEUFFERLEIN AND SYLVIA L. SEUFFERLEIN, TRUSTEE OF THE SEUFFERLEIN 1990 REVOCABLE TRUST DATED NOVEMBER 13, 1990 AMENDED AND RESTATED ON NOVEMBER 9, 2004 (APPLICANT): Consider termination of Lease No. PRC 3580.9, a Recreational Pier Lease, and an application for a General Lease – Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3266 Edgewater Drive, near Tahoe City, Placer County; for an existing pier, boathouse, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 3580.1; RA# 14015) (A 1; S 1) (Staff: M.J. Columbus)
INDEX CONTINUED

C02 PAULA B. BUNTING; AND GREGORY S. BUNTING AS TRUSTEE OF THE GREGORY S. BUNTING 2015 REVOCABLE TRUST (APPLICANT): Consider application for a General Lease – Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4525 West Lake Boulevard, near Tahoe Pines, Placer County; for an existing pier and three mooring buoys. CEQA Consideration: categorical exemption. (PRC 5447.1; RA# 08715) (A 1; S 1) (Staff: M.J. Columbus)

C03 RICHARD GHILOTTI, TRUSTEE OF THE RICHARD AND NANCY GHILOTTI FAMILY TRUST UNDER DECLARATION OF TRUST DATED JULY 11, 1997; MICHELLE GHILOTTI MANDEL, TRUSTEE OF THE JOSEPH AND STELLA MAY RESIDENCE TRUST DATED MAY 18, 1992; DALE L. MARCELLINI AND JILL A. MARCELLINI, CO-TRUSTEES, OR ANY SUCCESSOR TRUSTEE, OF THE DALE L. MARCELLINI AND JILL A. MARCELLINI REVOCABLE LIVING TRUST EXECUTED ON NOVEMBER 1, 2005 (APPLICANT): Consider application for a General Lease – Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor’s Parcel Number 085-344-008, near Homewood, Placer County; for an existing pier and three mooring buoys. CEQA Consideration: categorical exemption. (PRC 5491.1; RA# 32414) (A 1; S 1) (Staff: S. Kreutzburg)

C04 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider correction to effective date in prior authorization of the revision of rent to Lease No. PRC 8856.1, a General Lease – Right-of-Way Use, of sovereign land located in the Sacramento River, adjacent to Sutter County Assessor’s Parcel Number 057-050-03, north of the city of Woodland, Sutter and Yolo Counties; for a natural gas pipeline. CEQA Consideration: not a project. (PRC 8856.1) (A 4; S 3) (Staff: N. Lee)

C05 LINDA NELSON DAVIS AND ROBERT WEBSTER, TRUSTEES OF THE LINDA NELSON DAVIS REVOCABLE TRUST NO. 2 U/A 9/22/1988, AS AMENDED 11/1/04 (APPLICANT): Consider application for a General Lease – Recreational Use, of sovereign land located in
Lake Tahoe, adjacent to 80 Lassen Drive, Tahoe City, Placer County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (PRC 8622.1; RA# 33814) (A 1; S 1) (Staff: M. Schroeder)

C06 LINDA NELSON DAVIS, ROBERT L. WEBSTER, AND PATRICIA LOUISE NELSON ATASSI, AS CO-TRUSTEES OF THE JENNIFER JOANNA DAVIS REVOCABLE TRUST DATED JUNE 20, 2001, AS AMENDED AND RESTATED ON JULY 3, 2012 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 76 Lassen Drive, Tahoe City, Placer County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (W 26864; RA# 34514) (A 1; S 1) (Staff: M. Schroeder)

C07 MARTIN A. COHEN, TRUSTEE OF THE MARTIN A. COHEN REVOCABLE LIVING TRUST, DBA THE SHORE HOUSE AT LAKE TAHOE (LESSEE); KW-NORTHSTAR VENTURES, LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 8601.1, a General Lease - Commercial Use, and an application for a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 7170 North Lake Boulevard, Tahoe Vista, Placer County; for an existing pier, boat lift, six mooring buoys, and one marker buoy. CEQA Consideration: categorical exemption. (PRC 8601.1; RA# 38414) (A 1; S 1) (Staff: M. Schroeder)

C08 RICHARD K. COOPER AND ALEXANDRA R. COOPER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7720 North Lake Boulevard, near Kings Beach, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 20844; RA# 04412) (A 1; S 1) (Staff: M. Schroeder)

Consider an application for amendment to Lease No. PRC 8692.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8355 Meeks Bay Avenue, near Rubicon Bay, El Dorado County; for a proposed extension of an existing pier. CEQA Consideration: categorical exemption. (PRC 8692.1; RA# 19415) (A 5; S 1) (Staff: M. Schroeder)

C10 WESLEY CASWELL AND GEORGIA ANDERSON (LESSEE); NATASHA V. SUMNER AND NICOLE DEL PRADO (APPLICANT): Consider termination of Lease No. PRC 8361.1, a General Lease - Recreational and Protective Structure Use, and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Napa River, adjacent to 1300 Milton Road, city of Napa, Napa County; for two existing uncovered floating boat docks, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8361.1; RA# 29614) (A 4; S 3) (Staff: M. Schroeder)

C11 ADJIDAUMO, LLC (LESSEE/APPLICANT): Consider termination of Lease No. PRC 4267.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7087 West Lake Boulevard, near Tahoma, El Dorado County; for the removal and reconstruction of an existing pier, installation of a boat lift, and removal of one existing mooring buoy, and continued use and maintenance of an existing mooring buoy and swim float. CEQA Consideration: categorical exemptions. (PRC 4267.1; RA# 15115) (A 5; S 1) (Staff: B. Terry)

C12 CITY OF NAPA (LESSEE): Consider application for an amendment of Lease No. PRC 3745.9, a General Lease - Public Agency Use, of sovereign land located within the historic bed of the Napa River, City of Napa; Napa County; to extend the dredging area within the Napa River Federal Channel to include the area lying between south of Third Street and north of the confluence of the Napa River and Asylum Slough. CEQA
INDEX CONTINUED

Consideration: categorical exemption. (PRC 3745.9; RA# 12815) (A 4; S 3) (Staff: B. Terry)

C13 U.S. BUREAU OF RECLAMATION (LESSEE): Consider application for an amendment to Lease No. PRC 5482.9, a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, near the city of Redding, Shasta County; to include two additional areas for the rehabilitation and restoration of King Salmon and Winter-Run Chinook Salmon spawning grounds. CEQA Consideration: Governor's Declaration of Emergency Proclamation No. 1-17-2014 and Proclamation of a Continued State of Emergency, dated 4-25-2015. (PRC 5482.9; RA# 13915) (A 3; S 4) (Staff: B. Terry)

C14 VIKING 1 PROPERTY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4100 Ferguson Avenue, near Carnelian Bay, Placer County; for one existing mooring buoy previously authorized by the Commission; and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5730.1; RA# 17815) (A 1; S 1) (Staff: B. Terry)

BAY/Delta REGION

C15 ANDREW JACKSON CODY (ASSIGNOR); BRIAN D. OLSON (ASSIGNEE): Consider application for the assignment of Lease No. PRC 5155.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3101 Garden Highway, city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 5155.1; RA# 12615) (A 7; S 6) (Staff: G. Asimakopoulos)

C16 PHILICIA G. LUND AND MARY K. LUND (LESSEE): Consider application for an amendment to Lease No. PRC 7473.9, a General Lease - Recreational
Use, of sovereign land located in the Sacramento River, adjacent to 17781 Grand Island Road, near Walnut Grove, Sacramento County; to remove specific construction dates. CEQA Consideration: categorical exemption. (PRC 7473.9; RA# 21915) (A 11; S 3) (Staff: G. Asimakopoulos)

C17 JAMES G. ROSS AND LAUREL J. ROSS, TRUSTEES OF THE ROSS FAMILY TRUST (APPLICANT): Consider application for a General Lease – Recreational Use, of sovereign land located in the Sacramento River, adjacent to 13219 River Road, near Walnut Grove, Sacramento County; for an existing uncovered floating boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6831.1; RA# 08915) (A 9; S 3) (Staff: G. Asimakopoulos)

C18 MICHAEL KEVIN MCRAE (APPLICANT): Consider application for a General Lease – Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4559 Garden Highway, city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 6998.1; RA# 06715) (A 7; S 6) (Staff: G. Asimakopoulos)

C19 OUTSOURCED LEGAL SUPPORT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease – Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2231 Garden Highway, city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 5530.1; RA# 13615) (A 7; S 6) (Staff: G. Asimakopoulos)

C20 PHILLIP HIROSHIMA AND JEAN HIROSHIMA, AS TRUSTEES OF THE PHILLIP HIROSHIMA AND JEAN HIROSHIMA 2003 TRUST (ASSIGNOR); GERALD MILLS AND MEREDITH MILLS (ASSIGNEE): Consider application for the assignment of Lease No. PRC 8564.1, a General
Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 6508 Benham Way, near the city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, gangway, and two cables attached to two “deadmen” on the upland. CEQA Consideration: not a project. (PRC 8564.1; RA# 11915) (A 9; S 6) (Staff: G. Asimakopoulos)

C21 JOHN OROSZ AND DIANA OROSZ (LESSEE); TALBERT DENNEY AND BARBARA DENNEY (APPLICANT): Consider termination of Lease No. PRC 6053.1, a General Lease – Recreational and Protective Structure Use, and an application for a General Lease – Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2365 Garden Highway, city of Sacramento, Sacramento County; for an existing covered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 6053.1; RA# 09315) (A 7; S 6) (Staff: G. Asimakopoulos)

C22 WILLIAM S. CHAPMAN, AS TRUSTEE OF THE BYPASS TRUST C/U THE RESTATED WILLIAM S. CHAPMAN AND DIANA R. CHAPMAN FAMILY TRUST DATED MARCH 21, 1995, AND AS TRUSTEE OF THE SURVIVOR’S TRUST C/U THE RESTATED WILLIAM S. CHAPMAN AND DIANA R. CHAPMAN FAMILY TRUST DATED MARCH 21, 1995 (ASSIGNOR); JAMES HANLEY AND KATHRYN HANLEY (ASSIGNEE): Consider application for the assignment of Lease No. PRC 4669.1, a General Lease – Recreational and Protective Structure Use, of sovereign land located in the Calaveras River, adjacent to 4357 Yacht Harbor Drive, near the city of Stockton, San Joaquin County; for an existing uncovered floating boat dock, appurtenant facilities, and bulkhead. CEQA Consideration: not a project. (PRC 4669.1; RA# 07715) (A 13; S 5) (Staff: G. Asimakopoulos)
C23 ADD T. KENNON, JR. AND BETTY A. KENNON, TRUSTEES OF THE ADD T. KENNON, JR. AND BETTY A. KENNON FAMILY TRUST U/D DTD OCTOBER 24, 2011 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 6 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, pool, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2619.1; RA# 42414) (A 14; S 3) (Staff: V. Caldwell)

C24 ALAN BARKER AND LINDA BARKER (LESSEE/APPLICANT): Consider termination of Lease No. PRC 6055.1, a General Lease - Recreational and Residential Use, and an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 3 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, dock, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6055.1; RA# 31306) (A 14; S 3) (Staff: V. Caldwell)

C25 BART COOMBS (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 34 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2838.1; RA# 42114) (A 14; S 3) (Staff: V. Caldwell)

C26 BRIAN PALKOWSKI (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Mare Island Strait, adjacent to 25 Sandy Beach Road, near the city of Vallejo, Solano
County; for an existing deck, berth, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5948.1; RA# 22713) (A 14; S 3) (Staff: V. Caldwell)

C27 BRUCE E. LEAVITT AND LESLEY A. GUTH (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 8 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities previously authorized by the Commission; and a portion of an existing residence not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5691.1; RA# 15615) (A 14; S 3) (Staff: V. Caldwell)

C28 BUCK KAMPHAUSEN (APPLICANT): Consider an application for a General Lease - Recreational Use of sovereign land located in Mare Island Strait, adjacent to 8½ Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6021.1; RA# 24013) (A 14; S 3) (Staff: V. Caldwell)

C29 DAN D. MARSH (LESSEE); DAN D. MARSH AND MARGARET A. MARSH, TRUSTEES OF THE DAN D. MARSH AND MARGARET A. MARSH 2005 FAMILY TRUST DATED June 20, 2005 (APPLICANT): Consider termination of Lease No. PRC 2829.1, a General Lease - Recreational and Residential Use, rescission of approval of an Agreement and Consent to Encumbrancing Agreement of Lease No. PRC 2829.1, and an application for a General Lease - Recreational Use of sovereign land located in Mare Island Strait, adjacent to 2 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2829.1; RA# 42214) (A 14; S 3) (Staff: V. Caldwell)
I N D E X C O N T I N U E D

C30 DAVID J. LAMOREE AND BETTY J. LAMOREE (LESSEE); KATHRINE M. WALTON (APPLICANT): Consider termination of Lease No. PRC 5782.1, a General Lease - Recreational and Residential Use and an Agreement and Consent to Encumbrancing of Lease; and an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 19 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5782.1; RA# 40414) (A 14; S 3) (Staff: V. Caldwell)

C31 DONALD G. DOPKINS AND JANET N. DOPKINS, CO-TRUSTEES OF THE DOPKINS FAMILY TRUST DATED FEBRUARY 21, 1997 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 46 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26732; RA# 40514) (A 14; S 3) (Staff: V. Caldwell)

C32 DONALD L. RISING, STEVEN A. RISING, AND DARLENE RISING KLUBER (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 40 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 3650; RA# 41714) (A 14; S 3) (Staff: V. Caldwell)

C33 ELAINE LOGAN MEIN, TRUSTEE, G. E. MEIN REVOCABLE TRUST DATED APRIL 4, 1990 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 16 Sandy Beach Road, near the city of Vallejo, Solano County;
for an existing deck and appurtenant facilities previously authorized by the Commission; and a portion of an existing residence not previously authorized by the Commission. CEQA Consideration: categorical exemption (PRC 7012.1; RA# 41014) (A 14; S 3) (Staff: V. Caldwell)

C34 ELEANOR J. NOKES (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 38 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2649.1; RA# 41914) (A 14; S 3) (Staff: V. Caldwell)

C35 GEORGE F. O'NEAL AND GAIL E. O'NEAL, TRUSTEES OF THE O'NEAL FAMILY 2000 LIVING TRUST (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 5 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6048.1; RA# 42414) (A 14; S 3) (Staff: V. Caldwell)

C36 GEORGE LEATHAM, TRUSTEE OF THE GEORGE LEATHAM FAMILY TRUST, UNDER TRUST DATED MAY 22, 2015 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 9 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing residence, deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2646.1; RA# 10915) (A 14; S 3) (Staff: V. Caldwell)

C37 GEORGE LEATHAM, TRUSTEE OF THE GEORGE LEATHAM FAMILY TRUST, UNDER TRUST DATED MAY 22, 2015 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait,
adjacent to 31 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26735; RA# 11015) (A 14; S 3) (Staff: V. Caldwell)

C38 GREGORY C. PLASKETT (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 21 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, boathouse, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 22297; RA# 40714) (A 14; S 3) (Staff: V. Caldwell)

C39 GUY WOODS AND CHRISTINA WOODS, AS TRUSTEES OF THE GUY R. WOODS AND CHRISTINA WOODS 2008 REVOCABLE TRUST, DATED APRIL 24, 2008 (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 23 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 22298; RA# 41514) (A 14; S 3) (Staff: V. Caldwell)

C40 HIRO R. KAGIYAMA (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 18 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 3960; RA# 14615) (A 14; S 3) (Staff: V. Caldwell)

C41 JAMES C. FEA (APPLICANT): Consider an application for a General Lease - Recreational Use of sovereign land located in Mare Island Strait,
adjacent to 11 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5794.1; RA# 21007) (A 14; S 3) (Staff: V. Caldwell)

C42 JAMES P. COSGROVE AND LINDA C. COSGROVE (APPLICANT): Consider an application for a General Lease - Recreational Use of sovereign land located in Mare Island Strait, adjacent to 14 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing deck and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7498.1; RA# 10815) (A 14; S 3) (Staff: V. Caldwell)

C43 KAREN A. PERRY (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Mare Island Strait, adjacent to 42 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26733; RA# 41614) (A 14; S 3) (Staff: V. Caldwell)

C44 LEE R. MILLER AND DOROTHEA E. MILLER, AS TRUSTORS OF THE MILLER TRUST, DATED JANUARY 1, 1992 (APPLICANT): Consider correction to prior authorization of Lease No. PRC 9259.1, a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 69 Greenbrae Boardwalk, near the city of Larkspur, Marin County. CEQA Consideration: not a project. (PRC 9259.1) (A 6; S 3) (Staff: V. Caldwell)

C45 LOUIS E. ORANTES AND RACHEL ORANTES (APPLICANT): Consider application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 10 Sandy Beach Road, near the city of Vallejo, Solano County; for an existing deck, boathouse, and appurtenant facilities previously authorized by the Commission; and a portion of an existing residence not previously
authorized by the Commission. CEQA
Consideration: categorical exemption. (PRC
3378.1; RA# 02599) (A 14; S 3) (Staff: V.
Caldwell)

C46 MAREK M. KUROWSKI AND JOLANTA ANDERSON-KUROWSKI
(APPLICANT): Consider an application for a
General Lease - Recreational and Residential Use,
of sovereign land located in Mare Island Strait,
adjacent to 22 Sandy Beach Road, near the city of
Vallejo, Solano County; for a portion of an
existing residence, deck, and appurtenant
facilities not previously authorized by the
Commission. CEQA Consideration: categorical
exemption. (W 26734; RA# 41214) (A 14; S 3)
(Staff: V. Caldwell)

C47 MARILYN TOCH AND KAREN L. WAGGERMAN, CO-TRUSTEES
UNDER THE TOCH REVOCABLE INTER VIVOS TRUST DATED
APRIL 8, 1983 (APPLICANT): Consider an
application for a General Lease - Recreational and
Residential Use of sovereign land located in
Mare Island Strait, adjacent to 7 Sandy Beach Road, near the city of
Vallejo, Solano County; for a portion of an
existing residence, deck, and appurtenant
facilities. CEQA Consideration: categorical
exemption. (PRC 6049.1; RA# 21015) (A
14; S 3) (Staff: V. Caldwell)

C48 MARK HUBBARD (APPLICANT): Consider an application
for a General Lease - Recreational and
Residential Use, of sovereign land located in
Mare Island Strait, adjacent to 43 Sandy Beach Road, near the city of Vallejo, Solano County;
for portion of an existing residence, deck, and
appurtenant facilities. CEQA Consideration:
categorical exemption. (PRC 5806.1; RA# 41414) (A
14; S 3) (Staff: V. Caldwell)

C49 MARTHA JILL CRESS, TRUSTEE OF THE MARTHA JILL
CRESS REVOCABLE TRUST DATED MAY 9, 2001
(APPLICANT): Consider an application for a
General Lease - Recreational and Residential Use
of sovereign land located in Mare Island Strait,
adjacent to 17 Sandy Beach Road, near the city of
Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7569.1; RA# 41114) (A 14; S 3) (Staff: V. Caldwell)

C50 MICHAEL S. WILLIAMS AND MICHELLE JOAN FRISCH (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to Assessor’s Parcel Number 0062-030-210, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6118.1; RA# 40814) (A 14; S 3) (Staff: V. Caldwell)

C51 NIGEL BRANDSTATER (LESSEE); NIGEL S. BRANDSTATER AND TAMARA GOPP BRANDSTATER, AS CO-TRUSTEES OF THE NIGEL AND TAMARA BRANDSTATER FAMILY TRUST (APPLICANT): Consider termination of Lease No. PRC 5962.1, a General Lease - Recreational and Residential Use and an Agreement and Consent to Encumbrancing of Lease; and an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 4 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5962.1; RA# 25506) (A 14; S 3) (Staff: V. Caldwell)

C52 PAULA JOY BREMIER AND VALARY GAY BREMIER (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Corte Madera Creek, adjacent to 2170 Redwood Highway, near the city of Larkspur, Marin County; for an existing uncovered floating boat dock and gangway previously authorized by the Commission; and an existing deck, pilings, four platforms, and launch ramp not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5264.1; RA# 03712) (A 10; S 2) (Staff: V. Caldwell)
C53 PHILIP ROSS JOY (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 35 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6020.1; RA# 42014) (A 14; S 3) (Staff: V. Caldwell)

C54 RENEE M. SANDERS, TRUSTEE OF THE RENEE MELISSA SANDERS TRUST (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 33 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 22300; RA# 41314) (A 14; S 3) (Staff: V. Caldwell)

C55 RICHARD BENBOW BULLOCK (LESSEE/APPLICANT): Consider termination of Lease No. PRC 6003.1, a General Lease - Residential Use, and an application for a General Lease - Recreational and Residential Use of sovereign land located in Mare Island Strait, adjacent to 12 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6003.1) (A 14; S 3) (Staff: V. Caldwell)

C56 ROBERT S. JONES AND DONNA J. JONES (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 20 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7536.1; RA# 17103) (A 14; S 3) (Staff: V. Caldwell)
C57  VICTOR A. DODGE AND GREGORY K. GAZAWAY (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 32 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5882.1; RA# 40614) (A 14; S 3) (Staff: V. Caldwell) 56

C58  WILLIAM G. MCINERNEY (APPLICANT): Consider an application for a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 39 Sandy Beach Road, near the city of Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5925.1; RA# 41814) (A 14; S 3) (Staff: V. Caldwell)

C59  SACRAMENTO MUNICIPAL UTILITY DISTRICT (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land in the American River, adjacent to California State University Sacramento, in the city of Sacramento, Sacramento County, for two 12kV electrical power-line conduits attached to the Guy West Bridge. CEQA Consideration: categorical exemption. (PRC 3673.9; RA# 09615) (A 7; S 6) (Staff: A. Franzoia)

C60  GERHARD WAGNER, MARILYN J. WAGNER AND NATALIE PAINE (LESSEE); MICHAEL J. LOUGHERY, TRUSTEE OF THE LOUGHERY FAMILY TRUST DATED JANUARY 3RD, 2007 (APPLICANT): Consider termination of Lease No. PRC 4764.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 17370 Grand Island Road, near Isleton, Sacramento County; for an existing pier and gangway. CEQA Consideration: categorical exemption. (PRC 4764.1; RA# 19615) (A 11; S 3) (Staff: W. Hall)
C61 MODESTO IRRIGATION DISTRICT (APPLICANT): Consider adoption of a Mitigation Monitoring Program, and an application for a General Lease – Public Agency Use of sovereign land, located in the Stanislaus River, adjacent to 8124 McHenry Avenue, near the city of Modesto, Stanislaus and San Joaquin Counties; for the relocation of overhead transmission lines not previously authorized by the Commission. CEQA Consideration: Mitigated Negative Declaration adopted by San Joaquin County, State Clearinghouse No. 2013032028. (W 26847; RA# 26714) (A 21; S 5) (Staff: W. Hall)

C62 RYAN P. FRIEDMAN AND AMY A. DANIEL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 5445 Garden Highway, Sacramento, Sacramento County; for the removal of an existing dock and two cable anchors, the construction of a new dock with two pilings, and the use and maintenance of an existing gangway, not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26929; RA# 12015) (A 7; S 6) (Staff: D. Tutov)

CENTRAL/SOUTHERN REGION

C63 MFS GLOBENET, INC. (LESSEE): Consider revision of rent to Lease No. PRC 8141.1, a General Lease – Non Exclusive Right-of-Way Use, of sovereign land located in the Pacific Ocean, offshore of Montana de Oro State Park, San Luis Obispo County; for a steel conduit and fiber-optic cable. CEQA Consideration: not a project. (PRC 8141.1) (A 35; S 17) (Staff: R. Collins)

C64 MFS GLOBENET, INC. (LESSEE): Consider revision of rent to Lease No. PRC 8142.1, a General Lease – Non Exclusive Right-of-Way Use, of sovereign land located in the Pacific Ocean, offshore of Montana de Oro State Park, San Luis Obispo County; for a steel conduit. CEQA Consideration: not a project. (PRC 8142.1) (A 35; S 17) (Staff: R. Collins)
C65 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (APPLICANT): Consider correction to prior authorization of Lease No. PRC 9239.9, a General Lease – Public Agency Use, of sovereign land located in the historic bed of the Colorado River, Moabi Regional Park, near Needles, San Bernardino County; for construction, operation, maintenance, and monitoring of open backwater, wetland, upland habitat, and ancillary structures. CEQA Consideration: not a project. (PRC 9239.9; RA# 27513) (A 33; S 16) (Staff: R. Collins)

C66 UNIVERSITY OF SOUTHERN CALIFORNIA (LESSEE): Consider revision of rent to Lease No. PRC 3692.1, a General Lease – Non-Commercial Use, of sovereign land located in the Pacific Ocean, Santa Catalina Island, Los Angeles County; for an existing concrete pier with two connecting floating docks, rock mole, concrete marine ramp, helipad, 25 mooring buoys, six marker buoys, two seawater intake lines, a marine life refuge, and open range undersea habitat areas. CEQA Consideration: not a project. (PRC 3692.1) (A 70; S 26) (Staff: G. Kato)

C67 FRANK B. DEGELAS AND DONNA L. DEGELAS, AS TRUSTEES OF THE FRANK AND DONNA DEGELAS TRUST, DATED FEBRUARY 27, 2003 (LESSEE): Consider revision of rent for Lease No. PRC 7996.1, a General Lease – Recreational and Protective Structure Use, of sovereign land located in Huntington Harbour, adjacent to 3622 Venture Drive, city of Huntington Beach, Orange County, for an existing boat dock, access ramp, rock slope protection, and cantilevered deck. CEQA Consideration: not a project. (PRC 7996.1) (A 72; S 34) (Staff: S. Kreutzburg)

PAUL MUHS (LESSEE): Consider revision of rent for Lease No. PRC 3577.1, a General Lease – Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16901 Bolero Lane, city of Huntington Beach, Orange County, for an existing boat dock, access ramp, and cantilevered deck. CEQA consideration: not a project. (PRC 3577.1) (A 72; S 34) (Staff: S. Kreutzburg)

C69 CALIFORNIA-AMERICAN WATER COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 4223.1, a General Lease – Right-of-Way Use, of sovereign land in San Diego Bay near San Diego and Coronado, San Diego County; for a water pipeline. CEQA consideration: not a project. (PRC 4223.1) (A 78; S 39)(Staff: D. Simpkin)

C70 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE/APPLICANT): Consider termination of Lease No. PRC 4480.9, a General Lease – Public Agency Use and an application for a General Lease – Public Agency Use, of sovereign land located in the Pacific Ocean, near the City of Santa Monica, Los Angeles County; for continued use and maintenance of an underwater electrode. CEQA Consideration: categorical exemption. (PRC 4480.9; RA# 14115)(A 50; S 26) (Staff: D. Simpkin)

C71 MARINER’S POINT, A CALIFORNIA GENERAL PARTNERSHIP (LESSEE); GENERAL PETROLEUM DBA MAXUM PETROLEUM (APPLICANT): Consider termination of Lease No. PRC 3265.1, General Lease – Commercial Use and an application for a General Lease – Commercial Use, of sovereign land located in Sunset Bay, Huntington Beach, Orange County; for a commercial fuel dock facility. CEQA Consideration: categorical exemption. (PRC 3265.1; RA# 20915) (A 72; S 34) (Staff: D. Simpkin)

SCHOOL LANDS

C72 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 1936.2, a General Lease – Right-of-Way Use, of
State school land located in a portion of Section 16, Township 5 South, Range 16 East, SBM, near the town of Desert Center, Riverside County; for an overhead transmission line and an unpaved access road. CEQA Consideration: not a project. (PRC 1936.2) (A 56; S 28) (Staff: C. Hudson)

C73 VERIZON CALIFORNIA INC. (APPLICANT): Consider application for a General Lease – Right-of-Way Use, of State school land within a portion of Section 36, Township 6 South, Range 5 West, SBM, near Lake Elsinore, Riverside County; for an existing aerial fiber-optic cable attached to wood poles, and underground fiber-optic cable within a conduit, and an underground cable. CEQA Consideration: categorical exemption. (PRC 8208.2; RA# 15915) (A 71; S 28) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

C74 CALIFORNIA DEPARTMENT OF CONSERVATION, OFFICE OF MINE RECLAMATION AND THE CALIFORNIA STATE LANDS COMMISSION ACTING AS THE SCHOOL LAND BANK FUND TRUSTEE (PARTIES): Consider a Memorandum of Understanding with the Department of Conservation, Office of Mine Reclamation and approval of authority to continue coordinating efforts to eliminate potential public safety hazards at abandoned mine sites on State school lands located statewide. CEQA Consideration: categorical exemption. (W 40102)(A & S: Statewide) (Staff: G. Pelka)

C75 CITY OF LONG BEACH, CALIFORNIA RESOURCES CORPORATION AND THE STATE LANDS COMMISSION (PARTIES): Consider consent for certain amendments to the crude oil valuation provisions of the Contractors’ Agreement and Tract No. 2 Agreement, Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 11026, W 11107; PRC 3455) (A 70; S 33) (Staff: J. Planck, J. Fabel)

MARINE FACILITIES - NO ITEMS
C76 CALIFORNIA STATE LANDS COMMISSION AND SPORTSMAN’S PARADISE, INC., (PARTIES): Consider a Compromise Title Settlement and Exchange Agreement between the State of California acting by and through the California State Lands Commission, in its regular capacity and as Trustee of the Kapiloff Land Bank Fund, and Sportsman’s Paradise, Inc., regarding certain interest in lands in the historic bed of the Colorado River, County of Imperial. CEQA consideration: statutory exemption. (W 26855) (A 56; S 40) (Staff: J. Fabel)

C77 CALIFORNIA STATE LANDS COMMISSION: Consider authorizing the Executive Officer to sign, as a Concurring Party, the agreement titled “Programmatic Agreement Among the Bureau of Land Management – California, the California Office of Historic Preservation, and the Advisory Council on Historic Preservation Regarding Renewable Energy Development on a portion of Public Lands Administered by the Bureau of Land Management – California.” CEQA Consideration: not a project. (A 26, 33, 34, 36, 42, 56, 71; S 8, 16, 21, 23, 28, 38, 40) (Staff: P. Huber, J. DeLeon)

C78 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider authorizing the staff of the California State Lands Commission and the Office of the Attorney General to take legal action against Steven and Anita Ramos to cause compliance with the Commission’s leasing authority and jurisdiction or to require removal of structures trespassing on State sovereign lands in Steamboat Slough, Solano County, California and for recovery of costs and damages. CEQA Consideration: not a project. (PRC 7799.1) (A 11; S 3) (Staff: P. Pelkofer, V. Caldwell)

KAPILOFF LAND BANK TRUST ACQUISITIONS – NO ITEMS
EXTERNAL AFFAIRS

GRANTED LANDS

C79 CITY OF ALAMEDA AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider revised phase area boundaries for the second closing phase as required by the Naval Air Station Alameda Title Settlement and Exchange Agreement. CEQA Consideration: not a project. (AD 617; W 25109; G 01-01) (A 16; S 9) (Staff: R. Boggiano, J. Porter)

C80 CALIFORNIA STATE LANDS COMMISSION AND THE CITY OF SOUTH SAN FRANCISCO (GRANTEE): Consider a record of survey depicting the location and extent of filled tidelands as they existed around February 22, 1980 within Oyster Point Marina in the City of South San Francisco, San Mateo County. CEQA Consideration: not a project. (G 14-05) (A 22; S 13) (Staff: R. Boggiano, D. Frink)

LEGISLATION AND RESOLUTIONS - SEE REGULAR CALENDAR

VI. INFORMATIONAL - SEE REGULAR CALENDAR

VII. REGULAR CALENDAR 81-84

81 CALIFORNIA STATE LANDS COMMISSION AND SAN DIEGO UNIFIED PORT DISTRICT (INFORMATIONAL): Informational presentation on the framework for a partnership between the State Lands Commission and the San Diego Unified Port District to engage in a comprehensive, ecosystem-based, stakeholder driven pilot planning effort for the state-owned tidelands and submerged lands located in the Pacific Ocean offshore San Diego County. CEQA Consideration: not a project. (A 78, 80; S 39, 40) (Staff: J. DeLeon, S. Pemberton)
CALIFORNIA STATE LANDS COMMISSION AND THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE) (INFORMATIONAL):
Informational update on the Owens Lake Master Project, Owens Lake, Inyo County. CEQA Consideration: not a project. (W 26428; RA# 32212) (A 26; S 8) (Staff: D. Simpkin, G. Kato, J. DeLeon) 22

PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT) (INFORMATIONAL): Informational update regarding application of the California Environmental Quality Act (CEQA) to the consideration of a General Lease - Industrial Use for a cooling water discharge channel, water intake structure, breakwaters, and associated infrastructure at the Diablo Canyon Power Plant, near Avila Beach, San Luis Obispo County. CEQA Consideration for Informational Agenda Item: not applicable. (PRC 4449.1, PRC 4307.1, W 26721; RA# 06813) (A 17; S 35) (Staff: D. Simpkin, P. Huber, C. Oggins) 38

CALIFORNIA STATE LANDS COMMISSION: Consider supporting SB 900 (Jackson) that would require the State Lands Commission to administer a coastal hazard removal and remediation program along the California coastline, contingent on adequate funding. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 52

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PROCEDINGS

CHAIRPERSON YEE: Good morning. Thank you. Good morning.

I call this meeting of the State Lands Commission to order. All the representatives of the Commission are present. I'm State Controller Betty Yee, and I'm joined today by Chief of Staff to Lieutenant Governor Gavin Newsom, Rhys Williams, and Eraina Ortega, representing the Department of Finance.

For the benefit of those in the audience, the State Lands Commission manages State property interests in over five million acres of land, including mineral interests. The commission also has responsibility for the prevention of oil spills at marine oil terminals and offshore oil platforms, and for preventing the introduction of marine invasive species into California's marine waters.

Today, we will hear requests and presentations involving the lands and resources within the Commission's jurisdiction.

Now, while the agenda indicates that closed session is first, we are going to start with open session. And the first item of business will be the adoption of the minutes from the Commission's meeting of December 18th of 2015. May I have a motion to approve the minutes?
ACTING COMMISSIONER ORTEGA: So moved.
CHAIRPERSON YEE: Moved by Ms. Ortega.
ACTING COMMISSIONER WILLIAMS: Second.
CHAIRPERSON YEE: Second by Mr. Williams.
Without objection, such will be the order.
Next order of business is the Executive Officer's report. Ms. Lucchesi, may we have that report.
Good morning.
EXECUTIVE OFFICER LUCCHESI: Certainly. Good morning. I have a fairly short Executive Officer's report today.
First, I want to update the Commission on a technology demonstration that staff is currently conducting over the next week or two of unmanned aerial systems, commonly known as drones, to better understand the potential applications of these devices to improve data modeling capabilities of the State Lands Commission.
We will be evaluating self-piloting drones in both fixed wing and rotor configurations. These devices are purpose built for mapping specific applications with the ability to deliver 2-D and 3-D images with high detail and spatial accuracy.
We will be using the Sacramento River Greenway Plan as a project framework for the assessment, so that we can compare and contrast the image and data outputs in a
real-world scenario to quantify improvements over existing
data modeling techniques. We identified potential use
cases for these types of -- this type of technology at the
State Lands to include survey support, land asset
inventory -- inventory and aerial image reference
library, sea level rise analysis, compliance monitoring
and enforcement, and visual and communication for
presentations and information sharing.

I will be reporting back to the Commission on the
results of these demonstrations and recommendations from
staff on if and how to potentially incorporate use of this
technology into our programs and practices.

Second, I am pleased to announce that Marina
Voskanian, Chief of our Mineral Resources Management
Division, has recently been selected by a vote of the
board members to serve as chairperson of the Governing
Board of Baldwin Hills Conservancy. The State Lands
Commission Executive Officer holds a non-voting seat on
the Board, and Marina represents the Commission as my
designee.

The Baldwin Hills Conservancy is within the
Resources Agency. And the mission of the Conservancy is
to acquire and manage open space within the Baldwin Hills
area of the City of Los Angeles and Culver City for
development of parks and other uses for the enjoyment by
the public.

The Conservancy has been successfully achieving this goal since establishment in 2000. I'm pleased to say that the Commission staff representation on the Board has provided valuable contribution to the Conservancy's emission during the past 15 years. This opportunity is the first time that the State Lands Commission representative has had an opportunity to serve as chairperson, and I wanted to express my congratulations to Marina on her selection to this position.

And finally, I wanted to identify the areas and the strategies in the strategic plan that are being implemented in today's meeting should all the items be approved as recommended. Sixty-six items in support of Strategy 1.1 to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

There are three items, including Regular Item 81, in support of Strategy 1.2 to provide that current and future management of ungranted sovereign lands and resources and granted lands, including through strategic partnerships with trustee ports and harbor districts, are consistent with evolving Public Trust principles and values, particularly amid challenges relating to climate
change, sea level rise, public access, and complex
land-use planning and marine freight transportation
systems.

There are eight items in support of Strategy 1.3
to protect, expand, and enhance appropriate public use and
access to and along the State's inland and coastal
waterways. There is one item, Regular Item 84, in support
of Strategy 1.5 to ensure the highest level of
environmental protection and public safety in the
production and transportation of oil and gas resources.

There are six items in support of Strategy 2.1 to
optimize returns for the responsible development and use
of State lands and resources, both onshore and offshore.
There are five items in support of Strategy 2.2 to ensure
timely receipt of revenues and royalties from the use and
development of State lands and minerals.

And finally, there is one item in support of
Strategy 3.2 to commit to early and meaningful
coordination and collaboration with local, State, and
federal agencies, California Native American tribes, and
local and regional communities, and all individuals
disproportionately impacted by environmental pollution.

They are all referenced in the individual staff
reports for ease of reference for the public and for the
Commissioners.
That concludes my report. Thank you.

CHAIRPERSON YEE: Thank you, Ms. Lucchesi. And thank you for referring back to our strategic plan. This is really going to help demonstrate how the plan is going to guide the work of this Commission. And to be able to relate the items on the agenda to that is very helpful.

Any comments or questions, members?

Okay. Thank you. The next order of business will be the adoption of the consent calendar. And, Ms. Lucchesi, I'm going to ask for your guidance here. We have some speakers on a number of items on the consent calendar.

EXECUTIVE OFFICER LUCCHESI: Yes.

CHAIRPERSON YEE: Do we wish to pull those?

EXECUTIVE OFFICER LUCCHESI: Yes. We have members of the public that wish to speak on items 23, 25, and 57. All three of those consent items relate to a community referred to as Sandy Beach. And we actually have 34 items on the consent agenda relating to that community and lease applications there.

So in the effort of transparency and consistency, I'd like to actually remove all 34 items from the consent agenda so that when the Commission considers those three items, if there's any changes to the staff's recommendation, that those changes can be applied.
consistently to all 34. So just to be clear, I am going to be removing C23 through 43, C45 through C51, and C53 through C58 from the consent agenda to the regular agenda to be heard after the regular agenda items that are listed on the agenda are heard.

CHAIRPERSON YEE: Okay, very well. So, members, we have then the items 23 through 43, 45 to 51, 53 to 58 removed from the consent calendar, and we will -- I know we have requests to speak on a few of those.

So with that, is there a motion on the remainder of the consent calendar?

ACTING COMMISSIONER ORTEGA: I'll move adoption of the remainder of the consent calendar.

CHAIRPERSON YEE: Okay. Motion by Ms. Ortega to adopt the remainder of the consent calendar.

ACTING COMMISSIONER WILLIAMS: Second.

CHAIRPERSON YEE: Second by Mr. Williams.

Without objection, such will be the order. Thank you.

So now going back, let me just note we have three speakers related to the items that have been pulled off the consent calendar. And let me have you come --

EXECUTIVE OFFICER LUCCHESI: If I may?

CHAIRPERSON YEE: Yes.

EXECUTIVE OFFICER LUCCHESI: May I recommend that
we start with the regular items?

CHAIRPERSON YEE: Oh, okay. That's fine.

EXECUTIVE OFFICER LUCCHESI: Regular Item 81, and move through the regular items first --

CHAIRPERSON YEE: Okay. Very well.

EXECUTIVE OFFICER LUCCHESI: -- and then discuss the three that have been pulled from consent.

CHAIRPERSON YEE: Okay. That sounds fine.

EXECUTIVE OFFICER LUCCHESI: Great. Thank you.

CHAIRPERSON YEE: Great. Thank you.

All right. So then our next order of business is an informational presentation, and that is Item 81. And this is relating to the framework for the partnership between the State Lands Commission and the San Diego Unified Port District. Ms. Lucchesi, why don't you present the item.

EXECUTIVE OFFICER LUCCHESI: Yes. Our Science Policy Advisor, Jennifer DeLeon will be giving staff's presentation.

(Thereupon an overhead presentation was presented as follows.)

SCIENCE POLICY ADVISOR DeLEON: Good morning, Chairman Yee and Commissioners. My name is Jennifer DeLeon. I'm the Science Policy Advisor for the Commission. I'm here to present you an update on staff's
efforts to develop a framework to engage in a partnership with the San Diego Unified Port District to plan for State-owned tidelands and submerged lands located in the Pacific Ocean offshore of San Diego County.

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SCIENCE POLICY ADVISOR DeLEON: So what do we mean when we say ecosystem-based marine planning or marine spatial planning?

As shown here, this term generally refers to planning around human activities, resource use, and ecosystem integrity using scientific and geospatial information. In terms of national context, President Obama's administration recognized the potential of marine spatial planning in its national ocean policy implementation plan in 2013. We are already seeing encouraging results from several other coastal states, such as Oregon and Massachusetts.

Here in California, NOAA's MPA center partnered with the Marine Conservation Institution to create a variety of visual, interactive, on-line tools free to the public, including the California Ocean Uses atlas, which maps the full range of significant human uses of the ocean in State and federal waters off the coast of California, including non-consumptive, fishing, industrial, and military activities.
This type of tool could be refined at a regional and subregional scale through this pilot project off of San Diego, and assists both applicants and decision-makers to smooth the permitting process by greatly improving the information available on which those decisions are based.

Note also that California's recently updated network of marine protected areas used marine spatial planning concepts to redesign and organize California's marine protected areas into a cohesive network aimed at protecting and enhancing marine ecosystems and ecosystem services, marine wildlife, and the economic value of marine resource use.

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SCIENCE POLICY ADVISOR DeLEON: We believe this type of ecosystem-based marine spatial planning makes sense for a variety of reasons. Marine spatial planning is a rigorous, yet highly flexible, tool that can be explored to inform good governance of the ocean space by considering the entire ecosystem and multiple uses together rather than managing one activity at a time, separated from the broader context, which, as we know, in some cases, leads to conflict and less than ideal outcomes.

As trustees of this sovereign tidelands and submerged lands of California, the Commission wants to
work with regional partners to develop this tool to facilitate planning decisions that protect and enhance the environmental integrity of marine ecosystems for the benefit of all Californians, while addressing current and emerging human uses consistent with our duties under the Public Trust Doctrine.

As evidenced by the recently adopted strategic plan, the State Lands Commission is committed to creating innovative and forward-looking policy for the benefit of all Californians, and the land we hold in trust for present and future generations.

Marine spatial planning is an exciting way to engage in a more integrated and inclusive planning process that can achieve environmental policy goals more effectively than the fragmented efforts of the past. It is also an opportunity to develop accessible, interactive, technology-driven, visual representations of the ocean space, uses, and potential conflict areas.

Taking a proactive approach by creating this project is consistent with all five strategic plan guiding principles and values, which I have shown here. Specifically, it is driven by transparency and robust public engagement. It emphasizes partnerships and it leverages rigorous, best available science to ensure informed, balanced, and solution-oriented ocean
management. This is for the benefit of economic, social, and environment alike.

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SCIENCE POLICY ADVISOR DeLEON: So where are we talking?

This pilot project will focus on the San Diego offshore region, beginning with the development of an MOA with the San Diego Unified Port District. The port district is the local grantee of Public Trust Lands within the conceptual planning area, and is therefore a natural partner for this effort.

The area is also ideal, because it hosts both critically important ecosystems and marine life, as well as a broad spectrum of human activities. The region has tackled nuanced and adaptive environmental planning processes before, most recently by the creation of the sea level rise adaptation strategy for San Diego Bay in 2012. This was a multi-stakeholder effort led by the San Diego Unified Port District, and included non-profits, local city and county governments, the San Diego Airport Authority, the U.S. Navy, and academic research institutions, such as Scripps, UC San Diego, San Diego State and more.

The Commission and the Port District want to use these active working relationships to embark on a
detailed, interactive, and effective marine spatial planning process. As stated earlier, we believe this type of planning effort is good policy, as it can help anticipate and proactively resolve potential conflicts using scientifically rigorous information.

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SCIENCE POLICY ADVISOR DeLEON: So the purpose of the preliminary MOA with the San Diego Unified Port District is simply to outline the respective roles of the Commission and the Port District, to explore financial support, and define the general objectives, goals, and principles of agreement. By establishing this MOA, we can set in motion an ecosystem based planning collaboration for State-owned tidelands and submerged lands that will lead to a better coordinated management of existing and emerging marine resource activities.

Exploring new strategies, such as this, to improve management is essential for ensuring a healthy functioning environment, particularly one that is resilient to climate change impacts, such as sea level rise, while continuing to offer environmental quality and recreational benefits to coastal communities. It can also reduce conflicts between user groups, protect and enhance public access, and promote sustainable economic projects.

It is important to note that this endeavor is not
based on a specific project, nor is it driven by any particular sector. Rather, we seek to be the facilitator of an informational roadmapping process, in which a diverse array of stakeholders and experts would be the actual drivers. Some of the potential planning partners we have reached out to so far include the Navy, the California Coastal Commission, the Ocean Protection Council, Department of Fish and Wildlife, Resources Legacy Fund, and Natural Resources Defense Council.

In the weeks and months to come, we will continue to seek input and collaboration from additional -- additional agencies, researchers, fishermen, nonprofits, and tribes.

Thank you for your time. I'm available for questions.

CHAIRPERSON YEE: Thank you very much for the update. Questions or comments, members?

Ms. Lucchesi.

EXECUTIVE OFFICER LUCCHESI: I believe we have two comment -- commenters.

CHAIRPERSON YEE: Yes. Let me have them come forward and then I'll pose some questions at the end. If we could have Job Nelson come up, Chief Policy Advisor for the Port of San Diego.

MR. NELSON: Job.
CHAIRPERSON YEE: Job Nelson. Sorry.

MR. NELSON: That's okay

CHAIRPERSON YEE: Okay. And Jennifer --

MR. NELSON: It's something I encounter a lot.

CHAIRPERSON YEE: Okay. And Jennifer Savage with Surfrider.

MR. NELSON: It's at times like this that I thank my mom for naming me Job. A very unique name. It creates all sorts of difficulties.

Good morning, Madam Chair, Commissioners, and Jennifer. For the record, my name is Job Nelson. I'm the Chief Policy Advisor for the Port of San Diego. We appreciate the thoughtful presentation by Jennifer and don't have a significant amount to add. I would just note a few things. First, the Port of San Diego is one of several public agencies that occupies a special place with State Lands. We are a trustee, meaning that we entrusted to manage your lands on your behalf.

We take those responsibilities seriously and have worked hard to balance our roles as economic engine and environmental stewards and have been recognized, both statewide and nationally for both. We work in close collaboration with the staff here at State Lands Commission and this effort will be no different.

We're all going to be seeing increasing
impressions -- I'm sorry, see increasing pressures to be
out in the Pacific, whether it's to use resources or to
just kind of spend some time out on the ocean. We can
either plan for it or we can let it happen organically.
And this is one instance where letting it happen
organically is not good, which is why the Obama
administration launched a federal effort to do marine
spatial planning at a national level, and why State Lands
Commission is considering this pilot effort in the San
Diego region.

For environmental, economic, and security
reasons, it is the right way to approach this. Let me
just wrap-up by reiterating a point that Jennifer made.
The MOA is not a plan. It is an agreement between State
Lands and the Trustee to define the mechanics of how the
planning process will proceed.

And so I don't want everybody to kind of get
worried that somehow there's going to be a plan that's
going to come out of this whole MOA process.

We look forward to engaging with stakeholders in
this process, and with you in this process as it moves
forward. And I'll be available for questions should you
have any.

CHAIRPERSON YEE: Thank you, Mr. Nelson.
Ms. Savage.
MS. SAVAGE: Good morning, members of the Commission. I'm Jen Savage from Surfrider. And I'm giving this testimony on behalf of Jenn Eckerle from the Natural Resources Defense Council, who regrets she cannot be here today, but at least you'll have met your quota of Jens for the hour.

(Laughter.)

MS. SAVAGE: Thank you for the opportunity to comment on the framework between State Lands Commission and the Port of San Diego to pursue a potential marine spatial planning pilot project in the ocean offshore from San Diego. We have spoken with several members of your staff, and appreciate their desire to engage in an open dialogue about this effort.

The staff report makes it clear that the MOU -- I'm sorry, MOA between State Lands Commission and the Port of San Diego is a first step in determining whether a small scale pilot planning process is feasible and outlines the information and component necessary to initiate such an effort.

We remain open-minded about this effort and recognize that staff and the Commission view it as an opportunity to advance collaborative, forward-looking management of California's coast and ocean. We also appreciate staff's acknowledgement of San Diego's seven
offshore marine protected areas, and the importance of integrating them into any ocean planning efforts that California may undertake.

At the same time, we are wary that spatial planning effort could unintentionally contribute to streamlining industrialization of the ocean. To further safeguard resources and public access to the coast and prioritize conservation as an essential component of the spatial planning process, it is critical that the appropriate community groups and environmental stakeholders are included as active participants.

We understand that staff views inclusive stakeholder participation as a top priority, and we look forward to working with them to ensure that the right player are at the table. We also urge you to initiate engagement and coordination with your sister coastal management agencies, including the Coastal Commission, the Department of Fish and Wildlife, the Fish and Game Commission, the State Water Resources Control Board, and the Ocean Protection Council as they share responsibilities to steward and protect California's marine environment, and can play important roles in scoping and undertaking any marine spatial planning process in California.

Thank you for the opportunity to address this
issue.

CHAIRPERSON YEE: Thank you, Ms. Savage, very much.

A couple questions, Ms. Lucchesi, if I may. This is a really important effort. And I just want to applaud the Port District and certainly your staff for engaging already into this process. And it just fulfills so many of the strategies that we've articulated in our strategic plan. So I really am looking forward to what comes to fruition here.

I guess the first question is, is it really going to take 12 months to develop this, because it seems like there's a lot of work already done and the relationships are established, and --

EXECUTIVE OFFICER LUCCHESI: I certainly hope not. I've learned my lesson from overcommitting though in the past. I certainly hope not. And if there was a direction from the Commission to come back earlier than the 12 months, we would certainly follow that direction.

It was just kind of the bookends of what we think it might take, given other priorities or staffing issues, that sort of thing.

CHAIRPERSON YEE: Sure.

EXECUTIVE OFFICER LUCCHESI: But we certainly hope it doesn't take us that long to develop an MOA.
CHAIRPERSON YEE: Okay. And then the partnership between the Commission and the Port, is there already good coordination? I'm just trying to figure out how that will continue during the development of the MOA.

EXECUTIVE OFFICER LUCCHESI: Oh, certainly. We have decades-long relationship working with the Port of San Diego staff on all kinds of different efforts. And like Job said, this is just the most recent, incredibly important and significant, but just the most recent effort that we would engage in as respective staffs.

We met yesterday via conference call to start that ball rolling. And I anticipate that we'll be having our first in-person meeting within the next couple weeks to start identifying the broad outlines of what the MOA would include.

CHAIRPERSON YEE: Very good. And we have the resources to support this effort?

EXECUTIVE OFFICER LUCCHESI: That is certainly at the top of our list --

CHAIRPERSON YEE: Very good.

EXECUTIVE OFFICER LUCCHESI: -- is identifying what kind of resources are necessary and how to go about obtaining those resources.

CHAIRPERSON YEE: Okay. Mr. Nelson, do you mind coming back forward. I'm going to ask you the same
questions. And this doesn't question the commitment of
the Port District or the staff, but I just want to be sure
this effort doesn't experience any bumps along the way.

And what about funding on your side? And I know
you have consultants working on this as well.

MR. NELSON: We do. We've been going through our
integrated planning process, our 50-year visioning for the
land-based activities for the Port of San Diego. And so
we already have consultants on-call that we've been using
for that. We hope that we can be able to dovetail some of
those folks in, and some of those contracts in to be able
to help with this.

Additionally, we're going through our budget
process. And I was told yesterday by our assistant vice
president of green port that he's actually setting aside
some funding --

CHAIRPERSON YEE: Oh, excellent.

MR. NELSON: -- to be used for potential
consultants that we might do -- we might use here, as we
kind of move forward on a process. Obviously, some of
those aren't going to be necessary for the MOA, but
identifying what we will need in the future with the MOA
is important. So I think that we will have the resources
on call.

Additionally, we have a great relationship with
the universities in town, and I think we'll be using them
for a lot of the data gathering.

    CHAIRPERSON YEE: Good. Good. Thank you.

    All kinds of benefits coming out of this effort,
so already some identified. I'd like to request, if I
may, if 12 months is the bookend time frame, if we could
just agendize this for each of the Commission meetings
coming up. If we experience any bumps, whether it's
funding, whether it's, you know, maybe some communication
hiccups, whatever it is, I think it would be good for the
Commission to just know about those. But I don't
anticipate any problems, but I think a progress report at
each meeting, since we don't meet at frequent intervals.

    EXECUTIVE OFFICER LUCCHESI: Certainly.

    CHAIRPERSON YEE: Okay. That would be terrific.

Other comments, members?

    Okay. Thank you. So with that, we will move on
to Item 82. And this relates to the -- it's a joint
presentation by the Commission and Los Angeles Department
of Water and Power. And this was at the request of the
Commission after the approval of the lease at the August
Commission meeting.

    EXECUTIVE OFFICER LUCCHESI: That's correct, yes.

    Our Assistant Chief of our Land Management
Division, Grace Kato will be giving the presentation.
(Thereupon an overhead presentation was presented as follows.)

CHAIRPERSON YEE: Great. Good morning.

LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

Good morning, Commissioners. My name is Grace Kato, and I'm the Assistant Chief, as Jennifer said, with the Commission's Land Management Division.

I'm here to present informational calendar Item 82.

And that is LADWP's presentation, so if we can switch that over, that would be great.

Thank you.

I'll go ahead and continue. We'll catch up the slides as we go through. My presentation will provide a brief update on Owens Lake and will be followed by a presentation by Mr. Rich Harasick from the Los Angeles Department of Water and Power who will provide an update on the Owens Lake master project.

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LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

Owens lake is located at the terminus of the Owens Valley in Inyo County, and is approximately 110 square miles in size.

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LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
Today, the lake is relatively dry. But as recently as the early 1900s, the lake was up to 50 feet deep in some places. In 1908, the city commenced construction of the Los Angeles aqueduct to divert water from the Owens River north of Owens Lake. This water diversion, including that of neighboring farmers, caused a decline in lake levels.

With the completion of the aqueduct in 1913, the lake was virtually dry by 1930, with only a small brine pool remaining, which exists to this day.

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LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

The United States Environmental Protection Agency has designated the southern part of the Owens Valley as a serious nonattainment area for particulate matter, or dust, that is less than or equal to 10 microns in diameter, which is approximately a tenth of the diameter of a human hair.

In 1999, the Commission authorized a 20-year lease to the City of Los Angeles via their Department of Water and Power to implement the Owens Lake dust mitigation program. Since 1999, the Commission has authorized 16 amendments to this lease. That lease is set to expire in April of 2019.

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LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

In order to mitigate dust coming off of the lake, the Great Basin Unified Air Pollution Control District has approved the implementation of three types of dust control, or best available control measures, BACM, on the lakebed. Those include shallow flooding, managed vegetation, and gravel.

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LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

In addition to the three measures approved by the district, the city is also permitted to till the soil, to roughen the soil surface rendering it more resistant to wind erosion with BACM back-up, wherein tilled areas may be rewetted in order to maintain dust control.

In 2015, the district, in collaboration with the city, obtained permission from the Commission to implement phase 2 of their Engineered Roughness Elements Test to place 1,100 solid gray plastic blocks measuring a half meter in height and a meter in length and width on approximately two and a half acres of the lakebed. Based on the data collected, the district may allow the city to utilize these Engineered Roughness Elements to control dust on the lake.

Based on 2014 emissions from the dust ID network, there has been approximately a 95 percent reduction in
emissions compared to peak emissions in 2006.

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LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
The Commission authorized phase 7/9[sic] on September 20th, 2013, which included 3.1 square miles of dust control in six areas, and the transition of 3.4 square miles of shallow flooding to other BACM. The dust control components of phase 7/9 were completed on December 31st, 2015.

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LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
Phase 9/10 was authorized by the Commission on August 19th, 2015 with the exception of cell T18 South, and included 3.6 square miles of dust control. The Commission did not authorize the transition of cell T18 South, pending the outcome of the validation of the Habitat Suitability Model.

Point Blue, the city's environmental consultant, anticipates a final draft of their report on March 1st of 2016. If the city intends to transition T18 South, based on the outcome of this report, they understand the necessity to return to this Commission to amend their existing lease. The notice to proceed for the construction of phase 9/10 was issued January 28th, 2016.

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LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

On December 30th, 2014, the Sacramento Superior Court approved a stipulated judgment against the city, which settled a number of issues, including the requirement to complete the Owens Lake Dust Control Project. As part of that stipulated judgment, the city is required to complete phase 9 and 10 by December 31st of 2017. Upon completion, a total of 48.6 square miles of dust control will be in place on the lakebed.

Pursuant to the judgment, the Great Basin Air Control District may order the city to implement up to an additional 4.8 square miles of dust control at any time after January 1st, 2016, to provide emission reductions necessary to meet the national air -- ambient air quality standards. This additional area would also require an authorization by the Commission.

It is important to note, neither the Commission nor the California Department of Fish and Wildlife were a party to the stipulated judgment, and therefore are not bound by it.

At this time, I would like to invite Mr. Rich Harasick with the L.A. Department of Water and Power to provide you with an update to the Owens Lake Master Project. Staff is available for any questions.

CHAIRPERSON YEE: Thank you very much.
(Thereupon an overhead presentation was
presented as follows.)

CHAIRPERSON YEE: Good morning.

MR. HARASICK: Good morning, Commissioners. My
name is Richard Harasick. And I'm the Director of Water
Operations for the City of Los Angeles Department of Water
and Power. The planning, construction, and operation of
our Owens Lake Dust Mitigation Program is within my
division.

And from 1998 to 2005, I was personally directing
the development of what we now refer to as the Owens Lake
Dust Mitigation Program, and putting into place much of
what is at the lake right now.

And our relationship with the State Lands
Commission and Owens Lake, along with other stakeholders,
has created one of the most unique environmental
protection projects really in the nation. And I'm kindly
joined today by the Mr. Phil Kiddoo, who's the Air
Pollution Control Officer of the Great Basin Unified Air
Pollution Control District. And I'm thankful for the
opportunity to tell you all about our vision and framework
for the future at Owens Lake.

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MR. HARASICK: Owens Lake is big, and it has a
big impact on a whole sorts of resources, level of effort,
and requires a lot of cooperation from agencies. So in order of Super Bowl 50, and the Bay Area's hosting of it, I thought I'd overlay it on San Francisco.

San Francisco is about 47 square miles, and we will, after phase 9 and 10, have about 48 square miles of control on Owens Lake. Much of that, 34 square miles, will be of that shallow flood dust mitigation measure which uses a significant amount of water. So at Owens Lake, SF does not stand for San Francisco, but stands for shallow flood.

So there is a lot of water to manage, a lot of dust to control, and a lot of habitat to manage as well. So it's a big problem, and it takes some big solutions.

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MR. HARASICK: So our solution going forward is, what we call, the master project. And it's really a complete systems approach. And those systems would be dust control, managing habitat for birds, and conserving water. And that last one, conserving water, really is a main driver for us. And this water conservation emphasis is also consistent with the State Lands Commission strategic plan, which has that as an element, which we are thankful for.

But using drinking water for dust mitigation is really not a sustainable path forward with the main regime
right now of shallow flooding. So based on future conditions, we believe we must move forward in a more environmentally sustainable approach to dust control at Owens Lake.

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MR. HARASICK: So there are a number of factors that are stressors really on water resources statewide, and really necessitate a change in the projects that we use at Owens Lake: Droughts and possible increases in the potential of future droughts, increases of population and therefore increases in the demand for the water, and regulatory restrictions resulting in reductions from, not only Northern California water, but our own imports -- or exports from the Owens Valley. All of these place a big stress on water resources.

And let me talk a little bit about what that means for Owens Lake and water resources. In 2012, we used a maximum of 75,000 acre feet of water for that year. And in the future, if nothing really changes, that amount will stay somewhere between 55,000 acre feet of water and 75,000 acre feet of water.

So again, to use our San Francisco analogy here, San Francisco again is about the same size. And interestingly enough, it uses the same amount of water that is used on Owens Lake, about 73,000 acre feet as
recently as last year.

Locally, up in the eastern Sierra, Los Angeles did not deliver any of its eastern Sierra water for the first six months of the water year, primarily because there was no water to deliver after meeting all of our obligations in the valley, including Owens Lake.

So, in effect therefore, water on Owens Lake comes from Northern California and the California river aqueduct, the other sources of supply for Los Angeles. So if we can't use our own, and we have to meet a demand in Los Angeles, that's where we go for that. So we are connected.

So therefore, building upon the planning efforts to date, we are developing with a diverse group of stakeholders, a project that considers California's environmental challenges inside and outside of the Owens Valley, including water supply, reliability, endangered species, and habitat.

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MR. HARASICK: So this master project will enhance the design and effectiveness of Owens Lake dust control measures through a combination of water conservation, dust control, and habitat management. And because of that stipulated judgment and the resolution of our differences with Great Basin, we now have increased
the opportunities for water conservation.

And this is due in large part to the combined efforts of Water and Power and Great Basin formalized in that agreement. So the new designs going forward will utilize a mix of the dust control measures that Grace showed, and significantly that they're either less water using or non-water using.

And in addition to the one she mentioned, we also have the opportunity to build a brine crust on the lake, along with tillage being less water using measures. And then putting those together, what we call, a hybrid, which is a combination of those, managed veg, shallow flooding, and gravel dust control measures, and still have a great habitat value because of the foraging and nesting opportunities they provide.

So we can do all this, again, while preserving and actually creating habitat for the different types of waterbirds and shorebirds and waterfowl and opportunities for the public for bird viewing.

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MR. HARASICK: So this slide here shows a little bit of the developmental history of Owens Lake dust control. And beginning in the 2011 to 2015 period, after putting 40 square miles of dust control on, we began transitioning existing areas of water-using dust control
to less or no water using methods. And we did this as new areas were ordered from us from Great Basin to control -- to control such that we would be water neutral going forward as the new phases came into operation. And we see this -- these transitional areas as fall within the strategy of the master project and meeting the master project goals.

As these areas are transitioned from shallow flood water using methods, some, including the State Lands staff, are rightly concerned with the impacts that such a strategy has on bird populations and the habitat. And the phase 9/10 lease that dealt with the T-18 transition area that was mentioned had conditions that, at the time, Water and Power wasn't willing to accept.

And though they are meant to conserve the existing habitat, we actually believe there is a way to best produce the needed habitat.

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MR. HARASICK: So this is a slide of T-18. And there's an additional slide, hopefully I think it was given to you, that looks like this. And I'll refer to those in just a bit. But 9 and 10, the phase 9 and 10, is really a microcosm of what we want to accomplish with the master project. Again, we want to balance dust mitigation, habitat management, and water conservation.
And the way we do that in part is with our Habitat Suitability Model. The Habitat Suitability Model is a tool that has been created to help us ensure that current habitat values will be maintained. And it's been observed that we can maintain habitat values and bird populations with less water. And that's because water is not the sole determiner of suitable habitat nor bird populations.

Other factors make habitat suitable for birds, vegetation cover and type of vegetation for foraging and protection, add to that the microtype topography that can be developed in dry areas for nesting, and varying depths of whatever water is there, and most importantly salinity of the water are key factors. In fact, density of bird populations and their food is mostly determined by salinity. And it's just kind of like Goldilocks and the Three Bears, it has to be just right to bring in the right population of birds.

So though there is an incredible amount of variables, we can -- this is significant at this point. We can control these significant factors to provide the most conducive conditions for habitat suitability. And this concept of the Habitat Suitability Model has been validated in concept by Point Blue, and it performs well, and it can get better. And with their help, it will.
Now, there is a point of difference between us, as I said, and the State Lands staff with what we are to do if the model doesn't perform as predictive. And LADWP is committed to a process of adaptive management. And in that process, we asked the question did the model project -- did the projected amount of habitat actually come about? Did the project produce a similar amount of birds, and if not, why not?

And with the answer to that question, we then look to refining the model, and then we make the necessary and actual changes on the lake to benefit bird habitat. And if that means more water, then we will put more water on the lake.

However, what's been asked of us is to really expect possible scenarios in the future and have a remedial protocol for each. And in other words, we've been asked to write a remediation plan before T-18 is constructed. We believe that you don't need to do that with an adaptive management plan. The adaptive management plan is the way to deal with remediating all of the variables. And you will remediate after you know what needs to be fixed.

So we really believe that we are on the right path with the master project and the Habitat Suitability Model approach. And as we experience more, and as we get
more data, as it becomes available in the future, our
ability to provide rich and suitable habitat will only get
better.

But for now, we're focused on T-18. And it's
worth noting that the actual amount of water surface
reduced is only 0.35 square miles. And if you look at the
upper right image here on the slide, that shows what T-18
looks like now. That green surface is the water surface.
The gray is actually amount of dry area on there that's
allowed in a shallow flood area. You can have up to 25
percent of the area dry.

Thank you.

If you look then at the bottom left, that's what
T-18 will look like, as well as the additional slide I
gave you. And if you look at the -- if you were to
calculate the difference in the amount of dry area, it's
only about a third of a square mile difference. And so
that's what we are asking.

So all of the abundance of habitat that is seen
on the lake now came just as a result of dust control,
really accidentally. And just think of what we can do if
we deliberately and purposely manage towards suitable
habitat. And where we go really is of our own making.
And we're glad to go along that road with State Lands
Commission. And we expect and desire to continue to talk
with staff. We will have upcoming discussions with them and Point Blue and starting in March, if not earlier. And we believe this is -- this is good for dust control, for water conservation, and that's statewide, as well as for habitat.

So thank you, and I will be able to take questions.

CHAIRPERSON YEE: Thank you, Mr. Harasick.

Questions, members?

Okay. Ms. Lucchesi, comments on this?

EXECUTIVE OFFICER LUCCHESI: I just wanted to thank Rich and his staff at LADWP for making the trip up to Sacramento, and providing this comprehensive presentation to the Commission, particularly on what to look forward to, and what it's likely to be brought before you. And I don't think he can overemphasize enough that this is not only a big lake, but it's a big complex lake with -- that is in great need of big solutions.

And from the Commission's perspective, weighing the Public Trust resources and values at this lake with the need to control dust and mitigate dust for public health and safety, along with the added complexity of the historic drought that California is in and doing this all within the best interests of the state is an enormous responsibility that both the staff, in providing you with
the accurate information and analysis that you need to
make the right decisions at the lake, that kind of
responsibility cannot be underestimated here.

So it's -- I think that Rich's presentation
really nailed things on the head with regards to what the
Commission is going to be faced with in the near future.

CHAIRPERSON YEE: Great. Thank you. I want to
thank, Richard, your team for facilitating a tour that I
did of the area. And if my fellow Commissioners have not
had a chance to take the tour, I would really encourage
it. It is something really to see, but I can attest to
the dedication of the LADWP team on this effort. So thank
you. I really appreciate the update.

Next, we'll move on to Item 83, which is an
informational update. And this is regarding an
application for an industrial use general lease located
adjacent to Diablo Canyon Nuclear Power Plant in San Luis
Obispo. Ms. Lucchesi do you want to present the item,
please?

EXECUTIVE OFFICER LUCCHESI: Yes, I will be
giving a very brief introduction to this. And I know that
we have a number of speakers that would like to speak on
this item, this informational update. And hopefully, we
can get the presentation up just to provide some visual
context for both the Commission and for the public viewing
As you all are aware, the Commission currently has two leases for the intake, breakwater and outfall facilities at Diablo Canyon Power Plant in San Luis Obispo County.

It's presentation 83. Great. Thank you.

(Thereupon an overhead presentation was presented as follows.)

EXECUTIVE OFFICER LUCCHESI: So again, just to provide a little bit of context. I know you're all very well -- very familiar with this location.

EXECUTIVE OFFICER LUCCHESI: And the -- back in 1969 and 1970 respectively, the State Lands Commission issued two 49-year leases, one for the intake and associated breakwater facilities, and the other for the outfall facilities.

Those leases are due to expire in 2018 and 2019. The NRC licenses for the power plant do not expire until 2024 and 2025 for the two units. And so PG&E has submitted an application requesting the termination of the two existing leases and issuance of a new general lease for the continued use and maintenance of the facilities located on State property for a term to coincide with the earlier date of the license expiration of 2024.
As was detailed in our December meeting last year, there is some further analysis that needs to be done on what the appropriate CEQA treatment is for the consideration of this lease application. And, at that meeting, the Commission directed staff to defer action on the subject lease application for consideration at a future meeting, and the Commission further directed staff to analyze the level of review required under CEQA, and as trustee pursuant to the Public Trust Doctrine, related to PG&E's application for a new lease.

We are still reviewing and analyzing the appropriate review under CEQA, along with the scope of what a Public Trust analysis of the resources and values at this location are. And so this is really just an update to let the Commission know that we're still working on this, and that we hope to bring an item back in the near future at a future Commission meeting to address the questions that you raised, and to complete that analysis. But unfortunately, at this time, we weren't able to do that by this meeting.

And so I'm available to answer questions, Chief Counsel Mark Meier is available to answer questions, and I know we have a number of public commenters.

CHAIRPERSON YEE: We do. Thank you, Ms. Lucchesi. I think one thing to keep in mind as we move
forward, and I know there are -- there's a lot of interest
in this particular item, is just to keep the time frames
in mind in terms of when the leases expire, in the event
that we do have to pursue a full CEQA review.

So with that, let me ask the public speakers to
come up. First, if I could have, Justin Malan, the
principal with Friends of the Earth come forward, followed
by -- let me just get you queued up here, Ben Davis, Jr.
with the California Nuclear Initiative; Rochelle Becker,
executive director with Alliance for Nuclear
Responsibility; as well as John Geesman.

Please.

MR. MALAN: Madam Chair, Justin Malan for
ECOCONSULT on behalf of Friends of the Earth. We just
wanted to thank you and your fellow Commissioners for the
leadership you've shown. Friends of the Earth did send a
letter on December the 19th, and we do believe that there
should be a full and proper public review of this before
these leases are extended.

We standby to help with you in any way we can.
And again, we just want to thank you for your leadership
and taking care of the Public Trust that you are entrusted
with.

Thank you very much.

CHAIRPERSON YEE: Thank you.
Next speaker, please, Ben Davis?

MR. DAVIS: I'm Ben Davis, Jr., and thank you for the opportunity to address you. I provided, at the beginning of the meeting, a copy of a Third District Court of Appeal opinion in a case that I was involved with. It's the only case in California involving the application of the California Environmental Quality Act to a nuclear power plant. And in that case, the court of appeal agreed with me that it was subject to CEQA.

It's basically the Sacramento County was in the same position you'll be in, in that, if they took action, it would allow the power plant to continue to operate. Therefore, the court found that it was a project subject to the California Environmental Quality Act, and you had to consider the environmental implications of your action.

I don't see any difference in what you're doing now. If you don't take action, the plant can't continue to operate, if I understand correctly, and there can be no environmental ramifications of operation.

It was my hope if that Environmental Impact Report in Sacramento County went forward, which it didn't because eventually the plant was closed by an initiative that I drafted after the court case. But had it gone forward, I was pushing to have the Environmental Impact Report consider the worst case accident at a nuclear power
plant, because that is the worst environmental effect, and something very needed to consider whether or not the plant is worth operating.

You may be aware that in considering energy options for the State, basically a State is in the position of balancing the risks and benefits of any energy option. The environmental repercussions are definitely on the risk side, though some could be positive, I suppose. But certainly a worst case accident is the worst risk that we're taking by operating that plant.

So I will hope that you go ahead and require an Environmental Impact Report before taking action, and that that environmental impact report will consider, among other things, the worst possible accidents that can happen in a nuclear power plant.

I'd also like to address something -- several issues that came up in your December meeting, because I believe there is some mistaken assumptions stated at that meeting. First, it was assumed that California needs the energy from Diablo Canyon, which both the Legislative Analyst's Office and the California Energy Commission have found not to be the case anymore.

Basically, Diablo Canyon provides six percent of the energy in California. You may have heard the seven to nine percent range, but that includes Palos Verdes Nuclear
Power that comes from Arizona. Diablo Canyon itself, according to the Energy Commission, only provides six percent. At the current time, we have over -- about a 20 percent surplus in California. So both the Legislative Analyst's Office and the Energy Commission, at this point, are questioning whether or not we need it for anything. Other than providing income for PG&E, Diablo Canyon really doesn't help the State at all anymore. So when we're considering the risks and benefits of this, there really is no benefit to operating Diablo Canyon at the current time to anybody but PG&E.

The Legislative Analyst's Office actually questioned whether or not it would even cause a rate increase to stop the use of Diablo Canyon. The Energy Commission, in its most recent Integrated Energy Policy Report, which is scheduled to be adopted tomorrow, but in considering the draft, noted that we did not need Diablo Canyon in order to meet the Governor's goals of reducing greenhouse emissions.

So again, at the last meeting, it was assumed that was the case, and it's not. We don't need Diablo Canyon for that either. At that meeting, in December, it was also stated that it was clear that we needed the energy and the economic -- the positive economic influence of Diablo Canyon on the State. Again, there is none.
Perhaps, locally, one could argue in the short-term to San Luis Obispo. But to the State of California, in fact, it is questionable whether or not there would be a positive impact by closing Diablo Canyon. And there's certainly none to the nation, which was also stated at your meeting.

The California Energy Commission, also in their Integrated Energy Policy Report, stated that over-production of energy could be a problem, as far as competing with our alternative energy goals. So Diablo Canyon is really in a position now of being almost all risks without an adequate insurance, something again the energy policy -- the energy -- the California Energy Commission and the LAO noted. Because of the Price-Anderson Act, we don't have adequate insurance for Diablo Canyon should we have a worst-case accident or any accident there.

The last thing I would mention is involving accidents. It was suggested at the last meeting that Diablo Canyon would not be subjected to an earthquake as large as effected Fukushima. That is not the case. Fukushima only experienced 0.5 Gs of ground shaking. In fact, the earthquake was 9.0, but it was over 100 miles away and 20 miles deep. The earthquakes that will affect Diablo Canyon are within a mile -- a few miles from Diablo Canyon will cause two to three times the ground shaking
that was experienced at Fukushima.

So all these things considered, I would hope one would see the necessity of reviewing environmentally what's going on in the operation of Diablo Canyon, so that we can balance the potential benefits to the State, which, as I've pointed out, are basically none.

Thank you very much for listening to me.

CHAIRPERSON YEE: Thank you, Mr. Davis.

MR. DAVIS: If there's any questions, please let me know.

CHAIRPERSON YEE: Thank you, Mr. Davis, for coming forward.

Next, Rochelle Becker.

MS. BECKER: Rochelle Becker, Alliance for Nuclear Responsibility. I'd like to talk about logistics as we go forward. I stress that a full CEQA review is very important to the people of San Luis Obispo County, but also hearing the decision-makers' reasons for voting for the CEQA, a full CEQA permit, would be very important in San Luis Obispo County.

Last week, hundreds of people showed up at a meeting on oil trains in San Luis Obispo County, because we're interested in our environment. Tomorrow, there will probably be thousands of people showing up at a Coastal Commission meeting to protect our coast. This is a very
interested community, and it's very difficult for us to
get to proceedings. So we would like to request that you
have proceedings in San Luis Obispo County when you speak
of a CEQA that would -- might allow a nuclear power plant
that was built and designed in the 1960s to continue to
operate.

Thank you.

CHAIRPERSON YEE: Thank you very much, Ms.
Becker.

Mr. Geesman, good morning.

MR. GEESMAN: Thank you very much. John Geesman
on behalf of the Alliance for Nuclear Responsibility. If
you ultimately choose to extend PG&E's life to be
coterminous with its existing NRC licenses, you will be
increasing the operating lives of these reactors by 21
percent. PG&E has an active relicensing proceeding
underway at the NRC, and the NRC never in its history has
denied an application for relicensing. Your lease is a
necessary pre-requisite to that relicensing.

So if you, in fact, extend this lease, it is
reasonably foreseeable, indeed it is probable, that PG&E
will successfully get its NRC licenses extended from 2025
to 2045. That means an 82 percent increase in the
operating lives of these reactors from what they would be,
if you allowed your lease to expire in 2018.
Now, I'm not going to address the environmental effect of the plant on the marine environment, because that issue is pending currently at the State Water Resources Control Board, but I do want to direct your attention to two areas where the time of operation is a pretty good proxy for the effect on the environment.

The first of those is nuclear waste, primarily spent nuclear fuel from the operation of the reactors. If you extend your lease to 2025, that's a 21 percent increase in nuclear waste that will be produced. If you enable an extension to 2045, that's an 82 percent increase in the nuclear waste associated with this facility.

The other area that is represented well by time of operation is exposure to seismic risk. This plant is globally notorious for its seismic setting. And the State of California spent a lot of money trying to figure out just how serious that seismic risk is. If you expand your lease to 2025, it will increase the exposure to that seismic risk by 21 percent. If you enable an expansion to 2045, it will increase the exposure to that seismic risk by 82 percent.

Now, PG&E has been telling every agency in State government for the last year and a half that it hasn't made up its mind yet as to whether it will seek to extend its NRC licenses. The Alliance for Nuclear Responsibility
obtained, through legal discovery the PUC last week, written admission from PG&E that as of the end of 2015, it had spent $48 million in pursuit of that objective, nine million of which, almost 20 percent, had come in 2015.

More significantly, PG&E admitted that it intends to ramp up those expenditures by another $15 million in 2016. Now, I'm not much of a boxing fan, and I'm certainly not going to mistake anybody at PG&E for Muhammad Ali, but I recognize that old rope-a-dope strategy when I see it, and you should too.

All the Alliance asks for, at this point, is a full evaluation of the effects on the environment from your decision, whether or not to extend the lease.

Thank you very much.

CHAIRPERSON YEE: Thank you, Mr. Geesman.

Ms. Lucchesi, a couple questions for you, if I may. And thank you. I appreciate the ongoing effort by the staff to really flesh out these issues, and I know it's complex. And I wanted to see, and I think I may have raised it after the Lieutenant Governor really focused on the CEQA aspect of this, but do we have our arms around what kinds of Public Trust issues this Commission would need to consider on that?

EXECUTIVE OFFICER LUCCHESI: Certainly, that's -- that is going to be part of our analysis and
recommendation when we come back to the Commission in a --
at a future meeting. But the first step, if I could talk
about it more in terms of process --

            CHAIRPERSON YEE: Yes.

            EXECUTIVE OFFICER LUCCHESI: -- is to identify
what the Public Trust resources and values are out at this
location, both onshore in the coastal area and also
offshore. And then how does the continued operation of
the plant impact those Public Trust resources and values.
And then through that process, that analytical process,
you're also looking at weighing the impacts of those
Public Trust -- to those public trust resources and values
under the umbrella of what's in the state-wide interest.
And so that brings in socioeconomic considerations, energy
considerations, all the considerations that you would look
at to determine what's in the best interests of the state.

            So that's the general process that we would go
about to identify what resources and values are out there,
and then how to go through an analytical process to
evaluate and come -- and make a recommendation.

            But that's certainly a huge effort to proceed
with in conjunction with an Environmental Impact Report as
well. Although, the information that would be obtained
and analyzed in an EIR process would then be -- that data
would be used to help inform the Public Trust analysis.
So all of that I anticipate would be detailed out in the staff report that would come before you in -- within the near future looking at not only what's the appropriate CEQA consideration, but then what's the appropriate level and extent of a Public Trust analysis, and what are the main elements of that analysis, and how would we go about doing that.

CHAIRPERSON YEE: Okay. Thank you.

I wanted to just pick up on a point I made earlier, and that is we have time frames that are -- I think are probably establishing parameters for the decision of this Commission. And I want to allow the staff enough time to really bring back a robust vetting of the issues that would need to be part of a broad-based review.

But I do think that if we're going to move forward with this review, and given the time of the lease expiration, that we probably need to have a pretty good handle by our June meeting about where we're headed. And so I just wanted to put that expectation out there, that is what I would like to see come back from the staff is how we are going to proceed with an EIR if that's the direction we're taking, what are the Public Trust issues that we've identified, and to really have that be the subject of the update in June on this item.
I want to take also into consideration, Ms. Becker's suggestion that we are dealing with a community that's very involved on issues related to the environment. I don't know about the feasibility of holding our June meeting in San Luis Obispo, but certainly some way of facilitating participation from the community in our Commission proceedings for the June meeting, if you could explore both of those.

EXECUTIVE OFFICER LUCCHESI: Of course.

CHAIRPERSON YEE: Questions or comments, members?

Okay. Great.

EXECUTIVE OFFICER LUCCHESI: I will commit to providing the Commission with an update on the logistics for a future June meeting at the April meeting during my Executive Officer's report.

COMMISSIONER YEE: That's great. Thank you. Thank you very much, and thank you to our speakers.

All right. Let's move forward to our next item, it's Item 84. This is a consideration of the Commission's support. Actually, are we able to move on this, Senate Bill 900?

EXECUTIVE OFFICER LUCCHESI: Yes.

CHAIRPERSON YEE: Okay. Okay. And this would require --

EXECUTIVE OFFICER LUCCHESI: I know. The voting
concerns only apply when both Constitutional officers are represented by alternates.

CHAIRPERSON YEE: Oh, okay. All right.

EXECUTIVE OFFICER LUCCHESI: Because the Controller is here, the voting -- we're fine with the voting.

CHAIRPERSON YEE: All right. Okay. Mr. Williams, are you ready to present on this.

ACTING COMMISSIONER WILLIAMS: (Nods head.)

CHAIRPERSON YEE: Okay. Great. So this is the consideration of the Commission supporting SB 900 that would require the State Lands Commission to administer a Coastal Hazard Removal Remediation Program along the California coastline.

Ms. Lucchesi, do you want to present further on this before we take action?

Oh, I'm sorry, yes, Ms. Pemberton.

EXECUTIVE OFFICER LUCCHESI: Sheri Pemberton, our Chief of our External Affairs Division will be giving staff's presentation.

CHAIRPERSON YEE: Great. Thank you. Thank you.

EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank you. SB 900 was recently introduced by Senator Jackson and co-authored by Assembly Member Das Williams. And it requires the Commission to implement a Coastal Hazards
Removal and Remediation Program, and allocates funding from tideland oil revenues for this purpose, $2 million initially, and then the fund would stay at that amount over time.

It's focused on a lot of, what we call, legacy wells off the coast of Santa Barbara, where the first offshore oil drilling activity occurred in the world before the turn of the century. Most of those wells were improper abandoned. We don't have records or a way to trace ownership. And the Commission is the landowner in this area, and has jurisdiction.

So SB 900 provides the funding for the Commission to inventory these legacy wells, administer a Coastal Hazards and Remediation Program, and also request studies to determine seep rates, environmental impacts of those seeps, and remediation measures, and to work with the Department of Conservation's Division of Oil, Gas, and Geothermal Resources to remediate legacy wells that are an immediate danger to the public.

The bill hasn't received any opposition and will be heard in policy committee in the coming weeks. And staff recommends that the Commission take a support position on the bill.

CHAIRPERSON YEE: Great. Thanks, Ms. Pemberton. Questions or comments on this?
Okay.

ACTING COMMISSIONER ORTEGA: Madam Chair, I'd like to abstain on this.

CHAIRPERSON YEE: Okay. With Ms. Ortega noting that she will be abstaining from this item. And first, let me thank the Commission staff for working with my staff on the development of this bill. A really critical need to conduct this inventory. With that, is there a motion to support the bill?

ACTING COMMISSIONER WILLIAMS: So moved.

CHAIRPERSON YEE: So moved by Mr. Williams. I will second that motion. And without objection, such will be the order.

Thank you very much.

CHAIRPERSON YEE: Okay. So our next item, I think we are going to circle back?

EXECUTIVE OFFICER LUCCHESI: That's right. We actually have four members of the public that wish to speak on four items of the consent agenda that were pulled.

CHAIRPERSON YEE: Great.

So we can proceed in order of those items, if that's --

CHAIRPERSON YEE: Sure.

EXECUTIVE OFFICER LUCCHESI: Okay. And maybe
just for efficiency's sake, like I mentioned in the
beginning, all four of these items relate to lease
applications for facilities located on State property in
the community of Sandy Beach, and the Carquinez Strait.
So we can proceed with one staff presentation by our Chief
of our Land Management Division, Brian Bugsch, and then
hear from each of the our member -- our lease applicants
for each of those applications.

CHAIRPERSON YEE: That's terrific. Good. Thank
you. Good morning.

(Thereupon an overhead presentation was
presented as follows.)

LAND MANAGEMENT DIVISION CHIEF BUGSCH: Good
morning, Commissioners. My name is Brian Bugsch, and I'm
Chief of the Land Management Division. I'm here to give a
presentation at presentation on Sandy Beach.

Sorry.

The Sandy Beach community is located in an
unincorporated portion Solano County near the City of
Vallejo --

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: Make sure
this is working. Anyway -- west of I-80 and east of Mare
Island. In 1868, the State issued parent -- patents for
tideland survey numbers 10 and 11 documenting the State's
conveyance of fee interest in the tidelands between the
ordinary high and low water marks into private ownership.

As we understand, there were fishing shacks
already in existence at the location when the tidelands
were sold. Later in the 1940s, the patented area was
subdivided into numerous small lots, which continued to be
developed with homes built on pilings. Over time, these
homes and associated structures were constructed and
extended waterward of the patented tidelands.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: Today, Sandy Beach community consists of approximately 43
single-family -- single-family residences. Of the 43, 35
have improvements located on State sovereign land. In the
past, the Commission has had lease agreements with 25 of
the 35 property owners with improvements extending onto
sovereign lands. The number of properties under lease has
gradually declined to five, leaving many of the property
owners with unauthorized facilities on State Lands.

Over the past several years, in an effort to
bring everyone under lease, the Commission's compliance
staff conducted a comprehensive public outreach effort to
educate the community on the Commission's jurisdiction,
leasing practices, and lease application process.

In addition to the community residents, this
outreach effort included meetings with Senator Lois Wolk's office, Assembly Member Susan Bonilla's office, and Solano County Building, Planning and Assessor's staff, including regular communication with Solano County Supervisor Linda Seifert's office.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: We have a deep history in this area. And I'm going to spend some time going over that. I apologize for the length of this.

The public outreach effort began with a public meeting for the community on August 19th, 2013 at the JFK Library in Vallejo. Prior to that meeting, a letter was sent to all Sandy Beach residents, State and local legislators representing this area, and the Solano County staff. The letter also included a two-page frequently-asked-questions document to provide attendees with some history of the State Lands Commission and our relationship to their community.

Approximately 15 residents and two legislative representatives attended the public meeting. At the August 2013 public meeting, we also presented the methodology and values for how we would charge rent. In October 2013, staff sent a letter to all Sandy Beach residents and other interested parties responding to questions and comments from the community, and putting
forth the framework for a lease.

Over the next several months, staff met with a small group of Sandy Beach residents representing the community and began negotiating lease terms. In June 2014, ten months after negotiations had begun, the Law Offices of Dana Dean contacted Commission staff and advised us that she had been retained by the Sandy Beach Improvement Association and its members to represent them. We continued to negotiate with Ms. Dean. And in April 2015, after working with the community and their representatives over the course of a year and a half, we came to an agreement on a proposed lease, which is before you today here. That lease was provided to the residents. An additional public meeting was held by the Commission staff on April 16th, 2015 to answer questions and help provide guidance on completing applications.

In the weeks and months after that public meeting, staff visited the Sandy Beach community on four separate site visits to collect applications, answer questions, take measurements and photos of the existing improvements in an effort to assist residents in the completion of the application.

All Sandy Beach residents with facilities extending onto State-owned sovereign lands have now submitted an application to bring encroaching facilities
under lease. All of those applications, with the exception of one, are on today's agenda. And Commission staff recommends approval.

The one remaining application is currently incomplete, and staff is continuing to work with that applicant. Throughout the outreach and negotiation process, the same community concerns kept coming up. I want to take a little bit of time to go over those items.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: The first concern is the boundary and the fact that the boundary is ambulatory. This is a common concern throughout the State. The idea that a property boundary can move is difficult to understand and accept. This issue concerns property owners on the open coast, along meandering rivers, and here at Sandy Beach.

However, it is important for everyone to remember that the ambulatory nature of this boundary is for the public benefit. The Common Law Public Trust Doctrine ensures that the State's sovereign lands are used for Trust-consistent uses, such as water-related commerce, navigation, and fisheries, recreation and open space, and that the public has access to these lands and resources.

If that line were not ambulatory, over time the public would not only lose access to the State's
waterways, but the use of the waterways entirely.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: The next boundary-related concern was that the community wanted the boundary to be part of the parcel -- or to be parcel line as shown on the Solano County Assessor's plat map. The parcel line is the solid black line seen on this map. This line is based on a James and Waters survey done in December 1943. And in the map, the surveyor identified the boundary between the private and public property as the mean lower low water mark.

But this is not and cannot be the boundary. The boundary here is the ordinary low water mark, which at this location is the mean low water mark. Therefore, we cannot use the James and Waters survey or the line it surveyed, because it calls to the mean lower low water. And the mean lower low water, as a matter of law, cannot be that boundary.

We understand that this was the line used to draw up the subdivision map for Sandy Beach lots, but the law is clear, the State cannot extinguish its ownership of sovereign lands between the mean low water and the mean lower low water.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: It is
important to note on this slide, that the Solano County
Assessor's maps depicting this survey have a disclaimer on
them advising the public that the map does not define
legal boundary rights or imply compliance with land
division laws.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: Once we
get the community past those boundary concerns, the next
hurdle is a survey that was done in April of 1943 called
the Boggs Survey. The Boggs Survey was correctly done to
the mean low water, and was the most accurate
representation of this shared boundary at this location at
that time.

This was the survey the Commission used for
leasing for many years to depict the boundary between
public and private interests. However, the community
regularly questioned the survey -- the accuracy of the
Boggs Survey.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: To
address this concern, in 2009, staff commissioned a
photogrammetric aerial survey to create planimetric
mapping of the present improvements, and to map the mean
low water line. The accuracy of this type of survey is to
within plus or minus six inches or better.
The mean low water elevation is compiled by NOAA. And the tide station used was the closest available, the Mare Island station. The elevations were based on NAVD 88 datum. Using the same datum and information from NOAA, we established a mean low tide elevation. We then contracted with HJW geospatial to have the area flown. The deliverables were orthophotos, planimetric mapping of all structures, and topographic mapping of the area. Using the topographic survey, we selected a contour line that closely matched that of the low water elevation.

Using this contour, the planimetric mapping of the structures and our site visit dimensions and descriptions, we calculated the area of encroachment waterward of the low water mark. Again, I must remind you that this is an ambulatory or moving property boundary that is constantly changing. Our survey does not and cannot fix this line, since the boundary remains in a natural ambulatory state.

However, for leasing purposes, we located this line on the best information available, which takes into account the average elevation of that boundary over a full tidal epic of 18.6 years.

Furthermore, though the line is ambulatory, the results of our 2009 survey indicate that the boundary did not move much, if at all in some locations, in the -- over
the course of the 65 years since the Boggs Survey. The compilation plats before you were presented to the community at the August 2013 public meeting. Boundary staff was available to answer questions at that time, and we have made our staff available for consultation ever since.

We have told the Sandy Beach residents from the beginning that they are free to hire their own surveyor and/or provide us with any additional information they may have that would alter or improve upon our survey results. No one has provided any information over the past several years to alter our conclusions.

The second main concern revolved around the cost associated with obtaining a lease.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: The first expense had to do with applying for a lease and paying the minimum application processing fees. Each applicant is required, as you know, to pay the Commission's costs associated with the processing of their application. Prior to requesting applications, we analyzed the ability to process the applications for all 35 residents at the same time, and determined that by batch processing the applications, we could reduce staff expenses by nearly 40 percent, and offered to reduce the application deposits.
The next expensive concern to the community was the annual rent associated with the lease. By law, the Commission must collect fair market rent for the use of State land. However, we still went back to the drawing board to see what options were available. In doing so, we determined that we could not find fault with either our appraisal or our methodology. The appraisal used to determine rent is based on the sales comparison method using sales from Sandy Beach road and analyzing the county's allotment of land value associated with each -- with each sale.

Per the California Code of Regulations, the State may charge annual rent in the amount equal to nine percent of the appraised value of the leased land. Based on the appraisal and our recreational benchmark, we have three rent valuations depending on the type of improvement. For houses or residences that encroach it's at $2.16 per square foot, for decks it's $0.54 per square foot, and for any piers or mooring-related use it's 16.06 cents per square foot.

Again, these values were given to the Sandy Beach residents more than two years ago and it remained unchanged since then. All rents are based on these three values, but the amount of rent varies depending on the
level of encroachment and the type of encroachment.
Annual rents for the Sandy Beach leases range from $125 to $3,200, with the average rent just under $1,200.

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LAND MANAGEMENT DIVISION CHIEF BUGSCH: In conclusion, through this long, patient, deliberative, and interactive public outreach process, we, as staff, believe we have negotiated in good faith and done everything within our powers to treat the Sandy Beach residents fairly and consistently. We've tried to respond honestly to all questions and there is nothing left to negotiate.

In consideration of one of the community's final concerns regarding fairness and equity, staff strongly recommends that the Commission act today to support and approve staff's recommendation for a fair, consistent, and equitable lease as proposed. We're available to answer questions -- any questions you may have.

Thank you.

CHAIRPERSON YEE: Thank you very much. Any comments at this point by Commissioners?

Okay. Then we'll get to our public speakers on this. Let me just call -- there are four speakers on this series of items, Item C 23, Add Kennon, Jr. come forward, followed by Item C 25, Bart Coombs, Item C 45 Louis Orantes and C 57 Victor Dodge.
MR. KENNON: Yeah. Hello. My name is Add Kennon. I live at 6 Sandy Beach. The reason I'm here is to request or let you know there's a huge hardship on me and my family. I retired three years ago. My wife is -- I'm 77 years old, so to get a part-time job, it would -- I could probably do that, but I'd have to get a part-time job to pay for this lease.

My wife will turn 75. We were trying to get her to retire this year, but now that we are going to have to come up with a lease -- I don't mind the lease, but it's the amount of money. From $300 years ago, then they turn around and recalculate this thing to around $2,000. I'm using round figures. Two thousand dollars to someone that's retired is a lot of money. It might be a trip to Hawaii or whatever. And this is not just a $200 -- or $2,000 one time. It's every year. So there's a trip down the drain every year.

We spent time and money to refinance our house to get a better rate, and we did. You know, two or three hundred dollars a month, we thought, hey, this is great. Now, we get a lease that's going to take two-thirds of that each month. I'm here to beg, basically to say, hey, is there something we could do, let's say for a veteran, let's say for an old-timer, you know, some kind of discount or reevaluate how you came up with this money figure? How
can it go from, back 20 some years ago, $300. Nothing has escalated that much, unless you have gold. If I had gold, I'd be real happy.

And speaking of gold, I guess, you know, the old golden years I've always -- hey, you're going to -- the golden years, well, the golden years evidently takes money, lots of money. We have spent time on other issues that happen on the beach. It's not your fault.

But now I am in the process of getting a surveyor. I want to take a look at the survey that was done by the State. The State came in and did a survey and came up with how much it's going to cost for my home. The cost on it will be -- well, I'll give you a for instance. On my home, it shows that there's a portion of the house that's under lease, and that lease is $2.16 a square foot.

We know the measurements aren't 100 percent accurate. They mention that. It could be six inches plus or minus. On this calculation, it gives like 280 feet that's on State Lands, but it's 280.16 square feet they're asking. How can we be that accurate.

So I'd like to ask you to hold off, as far as I need to get a survey. I want to get it surveyed. I want to take a look at it. There are some other issues that on my property, where part of it -- I would call part of it a dock, and we haven't had the time to meet with the -- your
correct people to go over this.

This thing was -- you know, we received a lease in the mail. And when we got the lease, on the lease all it said was you owe 1,900 and some odd dollars. There were no measurements. There was nothing else.

So at that, I said, you know, hey, look, I've got to have some measurements to see what you're doing. I took my own measurements, and I've been in construction for 45 years. You know, I can measure. I know how to do that. And my measurements don't coincide with what I have. I don't know where their starting points were or anything else. I need time to review it, and take a look at it, and meet with the proper people to hopefully get something resolved.

But if there's any way we could look at how much we have to pay per month, that's a lot of money. And like I mentioned before, it takes time.

There are a million things I'd like to talk about, but that's the biggest issue right now. If you could give us time to review it, because we didn't have enough time to -- once we got the lease, and that was only less than a month ago that we got the lease, and then all of a sudden now we have to get a surveyor. So I'd beg you to take a look at it. And my wife and I are starting to pick out a shopping cart.
CHAIRPERSON YEE: Thank you, Mr. Kennon.

Before we go to the next speaker, can I -- can we address some of the issues that were raised by Mr. Kennon?

EXECUTIVE OFFICER LUCCHESI: Certainly.

CHAIRPERSON YEE: Exactly.

EXECUTIVE OFFICER LUCCHESI: -- similar theme raised by other members of the public.

A couple of things. I certainly empathize with the issue of hardship. And that -- unfortunately, the State Constitution and the Public Resources Code that we operate under require the State Lands Commission to charge fair market rent for the occupation of State property. It's important to remember that this is not a tax or a fee assessed on private property. This is occupation of the public's property by a particular individual. And the California Constitution, which prohibits the gift of public funds, and the Public Resources Code, under which the State Lands Commission operates under, requires that the Commission charge fair market rent.

There is some allowance for the public benefit associated with a particular project or occupation, but unfortunately, that -- there isn't that kind of public benefit associated with these types of leases. It's very similar to what we see in Lake Tahoe and Huntington Harbor.
and various areas of the Delta as well.

In terms of timing, the -- oh, one last issue getting back to the hardship. As a staff, you know, especially beginning in August of 2013, when we started this effort in earnest, we took a lot of these concerns from the homeowners to heart and really tried to work with them to see where we had flexibility to be able to reduce the cost to them. And as Brian mentioned, we were able to reduce our staff costs by 40 percent.

In addition, we are recommending longer term leases here than we would typically recommend, because of the hardships of having to come back so many times with a new application, and also to help them in their -- any kind of refinancing or other kinds of loans that they need to take out against their home.

So those are just two examples of where I think we have been incredibly flexible in trying to address their individual concerns.

In terms of timing and having more time to be able to digest this information, you know, frankly, we've been at this since August 2013. And the information, the survey, the areas that would be covered under the individual leases, the amount of rent have been made known to the community, both on an individual basis through our public meetings and individual correspondence, along with
through their legal representative from the very start of this.

And so with that said, you know, we are always welcome to receive new information, especially as it relates to boundaries or even valuation. We want to make sure that what we're recommending to the Commission is the most accurate information and data possible. So, you know, depending on what we hear from the other members of the public, I -- if the Commission wanted to accommodate the more time request, I would recommend that the Commission actually authorize these leases -- the batch of these leases consistent with staff's recommendation, and staff would commit to working individually with these homeowners that have concerns. And if they are able to go out and retain a surveyor and conduct that survey within a certain period of time, and that changes the staff's analysis, then we will bring these items back to the Commission for reauthorization consistent with that.

But it has to happen within a short period of time, because this isn't the first time that we've heard from certain members of the community that they wanted to retain their own surveyor. They've had two and a half years to do so and it hasn't been done yet.

So again, I want to be sensitive to the time request, but also -- also be sensitive to the amount of
time and effort that staff and the Commission has put into this outreach.

CHAIRPERSON YEE: Great. Very well. Thank you Ms. Lucchesi.

MR. KENNON: Could I ask for rebuttal there?

CHAIRPERSON YEE: Well --

MR. KENNON: Is there a chance?

CHAIRPERSON YEE: Briefly.

MR. KENNON: Well, on of the things about the -- it was mentioned that about the lease, the time frame on the lease, and State Lands have bent over backwards, and they -- instead of a 20-year lease, they said they would do something else.

Back in 1991, the Board -- the Executive Board approved issuance of a 40-year lease. So you already did that. Then when they came out with the new lease, you know, you want it 20 years. So we had an attorney to fight this. So, I mean, it wasn't something -- it's something we had, and it's something they took away.

And as far as how much you're asking for the lease, it's something we had before. How was it calculated years ago? Why couldn't you use the same way to calculate it 20, 25, 30 years ago? There are people on the beach that -- one person in particular had a 100-year lease, and guess what? You give it and you take it away.
They took it away from them. They went from $100 a month to $1,400 a month.

You know, so -- and as far as having the time, and we say we'd get a surveyor. Yes, we did all say that, but we thought we'd get your information first and see where we were, see how much you wanted us to pay, and see what your survey says.

And once we got that, which was recently, now we want to have time to survey it, to see if we are meeting. It's a lot of money.

CHAIRPERSON YEE: Okay. I think we understand that.

MR. KENNON: I beg your pardon?

CHAIRPERSON YEE: No. I think we understand the need for time on your end. Thank you.

Just a question in terms of the information that formed the basis for the ultimate valuation and the amounts of rent, was that shared, the... EXECUTIVE OFFICER LUCCHESI: I'm going to ask Brian to help answer that.

CHAIRPERSON YEE: Yeah.

LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah.

That was a survey done by a retired annuitant, who's an MAI appraiser. We're very comfortable with the results of that, and the depth of everything. In terms of the...
appraisal, during the negotiation process, we don't share
that, because it's work product. But if the Commission
wants us to make that available, we can make that
available.

CHAIRPERSON YEE: I just -- in the interests of
time and I think certainly, Mr. Kennon, your hardship
situation would suggest that this is going to be an
expensive that I'm not sure that you want to take on, but
I mean, that you're going to take on. But, I mean, is
this unprecedented that we don't generally share this
information? I guess if it's a negotiated situation, we
don't, right?

LAND MANAGEMENT DIVISION CHIEF BUGSCH: Not
usually during negotiations, no.

EXECUTIVE OFFICER LUCCHESI: Okay. Our typical
process is to obviously share the methodology by which how
we calculated the rent. And we also take countervailing
information and data into account.

CHAIRPERSON YEE: Right.

EXECUTIVE OFFICER LUCCHESI: So if they had done
their own valuations or hired their own appraiser to
pursue evaluation, we would take that into consideration.

And to my understanding, they have not.

CHAIRPERSON YEE: They have not done that.

EXECUTIVE OFFICER LUCCHESI: Yes.
MR. KENNON: I didn't know we could.

CHAIRPERSON YEE: All right. Well, let's sit on that for a bit. Thank you.

Our next speaker is Bart Coombs please come forward.

MR. COOMBS: Good morning.

CHAIRPERSON YEE: Good morning.

MR. COOMBS: I'm attending this meeting today to request a two-month extension on the delivery of the signed lease. I've already made this request to the -- to State Lands Commission representatives, but my request has been denied. The reason for this extension is that I still have several questions regarding the lease documents, in particular with the survey and the survey description.

To provide some background information, I purchased 34 Sandy Beach road in July of 2014. This leasing process was already well underway at the time of purchase. Since the purchase of my house, I've received three letters from the State Lands Commission, two letters to coordinate measurements, and one letter two weeks ago with the final lease documents.

Two weeks ago is the first time that I've had a chance to look at the survey information. Over the last -- yeah, three letters is all I've received since
July of 2014.

When the State Lands Commission representatives came to my residence to take measurements, I specifically requested information regarding the basis of survey. I was told that the State Lands Commission has 20 years of data, and that they would provide that. I have not received that information.

To be fair, I should have been more diligent in following up that request, but my job is very demanding and the third quarter of last year was extremely hectic.

The biggest question that I have regarding the survey and the lease documents is with regard to the 2009 mean low water line as described in the -- as noted on the survey information. In a recent email response, Mr. Brian Bugsch indicated that the State Lands Commission established the mean low tide elevation of 1.09 feet, based on that NAVD 88 datum, that the survey was completed using photogrammetric methods, and the accuracy of those types of methods are plus or minus six inches.

I am in a -- yeah, I'm firm in my position that this low water line needs to be described in and the basis documents referred to in these lease documents.

Let me say that again. That description of that line needs to be in these lease documents that in the survey it just refers to 2009 MLWL, but what is that based
This is -- you know, I believe this is an elevation that information was processed, was reviewed, and the elevation was arrived at, and the line was drawn using these photogrammetric methods. That elevation needs to be in these lease documents.

Now, that line -- that line may be ambulatory -- that low water line may be ambulatory, but it's not ambulatory for this lease agreement. It is being fixed by this lease agreement, and it needs to be fixed in these documents.

I also believe that a boundary survey needs to be completed. And I also believe that the State Lands Commission should complete this survey. There are several reasons for this. State Lands Commission is establishing a property boundary. The standard for doing this is a boundary survey, not photogrammetry.

Mr. Bugsch -- Mr. Bugsch's email indicated there is a plus or minus six inch error in the photogrammetry survey. I believe that a California licensed surveyor should certify that level of accuracy. This should -- this -- that level of accuracy should be in the lease documents, what is the datum, how is it established, and the level of accuracy, so somebody else can go out and reproduce that survey.
I also believe that the six-inch error in this mean low water line, given the fairly low slope underneath my house, can actually move where that property line will be several feet in either direction. I have been told that I am welcome to complete a boundary survey at my own means, but my position is I don't have enough information in the lease documents to complete that boundary survey. To complete a boundary survey, you need to justify every line in that -- justify every line of that survey. There's not enough information in the current lease documents to make that justification.

Yeah. And I guess I just to give a simple analogy that if I have a neighbor that comes and says, hey, pal, your fence is on my property, it's not my responsibility to do the survey to show that my fence is on my property. It's the responsibility of that neighbor making that claim.

And that -- yeah, I believe my position that the State Lands Commission needs to include detailed information in the lease agreement and needs to complete that boundary survey.

That's all. Thank you.

CHAIRPERSON YEE: Thank you, Mr. Coombs.

Ms. Lucchesi.

EXECUTIVE OFFICER LUCCHESI: So we did conduct a
boundary survey. The boundary at this location between
the State-owned fee tidelands and submerged lands and the
private underlying fee ownership of the uplands is the
mean low water mark. And our licensed surveyor, Jim
Koepke, and his staff, went out in 2009 and surveyed that
boundary. It's -- there are different methodologies, by
which you can conduct a mean low water mark survey. And
he used one of the acceptable methodologies to conduct
that survey.

And so as we've stated before, we have a
professional staff of licensed surveyors that do this
every day throughout the State, and so we are fairly
confident in the work that they did in 2009, and what
we're relying on for our recommendation today.

In respect to the request to include some of that
background information in the lease documents, we
certainly can do that and to help walk through how
everything is tied together. But we can certainly include
those as part of the lease documents. They are part of
the administrative record and part of that particular
property location's files.

CHAIRPERSON YEE: Good. Thank you. Questions or
comments from members?

Okay. Why don't we move on to our next speaker.
Mr. Orantes, please come forward.
MR. ORANTES. My name is Louis Orantes. I live at 10 Sandy Beach Road. And a lot of the problems here that started was when this line was moved. The line was -- everybody had to be pretty happy with the line where it was. But once they moved it, they really moved it crazy. They -- before it ran right in front of my deck, now it runs right through my house. Now, how can water do that?

Water is straight across. It doesn't go this way, that way, this way, and that way. But this is what the -- what they're charging for us now. I would like to know how many square feet is my deck and how many square feet is my house. I have not received any information on that at all, so -- and we have been paying the State Lands Commission for 54 years. We have been there a long time. We started paying like $10 a month -- a year, then it went to 25 and then 75. It was 75 for the longest time.

Now, all of sudden, it went up 20 times. It's $1,400. How can you, I mean, explain that, go up 20 times? It's ridiculous. It's absolutely ridiculous. The State, I don't know how they came up with the cost that they're charging, but it's way out of line. It needs to be reevaluated. I don't know -- they said what criteria they used, but it just doesn't really make sense. It's way out of line.
Anyway, I have a lease number 3378-1, which was a 20-year lease. And I -- it was from 9, 79 to 8, 99. In 8, 99-9, the State said that they -- if we wish to renew the lease, that we needed to send them a letter, which we did. We sent them a letter to Nancy, if she's still here, notifying her that we did want to continue the lease.

We continued to make our payments all the time, and we never received a reply from the State. So according to my calculations, my lease is not up until 2019. And you've got some other form of proving that I'm wrong? But I have all the letters that I received from the State Lands Commission telling me that that's what I had to do was to notify them, and I did.

So therefore, I don't intend to sign this lease. The lease is very bad for us. It's totally in favor of the lessor. What are we getting for the increase in cost? What services are you improving? What are you giving us? You're giving us nothing, absolutely nothing. In fact, you're taking away a lot of our rights. We can't remodel. We can't fix our decks. We can't do anything without notifying you. This is ridiculous. We don't need to do that. We've never done it.

And so I would like -- that's basically what I have to say. And like I say, when you go up 20 times of what I was paying before is simply unreasonable. You need
to go back and figure this out and come up with a better figure. This is totally unreal. Thank you.

CHAIRPERSON YEE: Thank you, Mr. Orantes.

Yes, Ms. Eraina -- Ms. Ortega.

ACTING COMMISSIONER ORTEGA: Ms. Lucchesi, can I ask you to remind us about, the leases now have a CPI inflation in them, or our leases that we're approving going forward. So the -- kind of the issue of the jump in rent and how that is handled in other leases and kind of what we're doing to address that issue.

EXECUTIVE OFFICER LUCCHESI: Yeah. So thank you for the question. We run into this issue throughout the State, because as an agency, we went through a period of time where we weren't keeping up with our updating our rent reviews and updating our renewals of leases. In fact, the Bureau of State Audits in 2011 issued a report that stated as such, and so there are periods of long -- long periods of time where the State Lands Commission, in managing its lands and staff particularly, were not keeping up with the rent reviews.

And so to go from the last time that we -- that the Commission issued a lease and established a rent in the 80s or the 90s up to now 2016, that is a huge jump. There's no doubt about it. But again, looking at what we are required to under the law in terms of assessing rent
and making recommendations, based on what the fair market value of that land is, is consistent with the law.

And so now, in order to avoid having a situation moving -- that we experienced in the past, we are incorporating CPI adjustments into the current leases now, so we don't run into that situation again.

ACTING COMMISSIONER ORTEGA: Thank you.
CHAIRPERSON YEE: Thank you.
LAND MANAGEMENT DIVISION CHIEF BUGSCH: Can I just add one thing?
CHAIRPERSON YEE: Please.
LAND MANAGEMENT DIVISION CHIEF BUGSCH: One thing to that, these leases at Sandy Beach the negotiations began well before we converted to doing the CPIs. And so in respect of that, what we've done here is we do have -- we've extended -- we have a fixed rent for that period, and then it will be a 10-year rent review actually. So there will be two rent reviews during the 30-year period.

So yet another situation where it plays -- it addresses that concern of having a fixed amount, a fixed cost and being able to anticipate that. So what rent they will be paying at the start of this lease will be held constant for 10 years, and then there will be a rent review at that point.
CHAIRPERSON YEE: Thank you.
ACTING COMMISSIONER ORTEGA: Thank you.

CHAIRPERSON YEE: Let's hear from our last speaker, Mr. Victor Dodge, please come forward.

MR. DODGE: Good morning.

CHAIRPERSON YEE: Good morning.

MR. DODGE: My name is Skip Dodge. My real name is Victor, but I go by Skip. And I live at 32 Sandy Beach Road in South Vallejo. And I want to start by thanking you all for this opportunity to speak with you today.

In 2000, my partner of 26 years, and now my husband of two years, bought a decidedly run-down fixer upper at Sandy Beach. The house had been on the market for over two years. It had buckets in the living room to collect rain water coming in through the roof, but it was all that we could afford.

Still today, South Vallejo has some of the least expensive property values anywhere in the Bay Area. So we feel lucky to have been able to buy and stop being a renter. We understood that when we purchased the property that we would need to enter into a lease with the State, but we understood the tidal line to be further into the water than the one that is being proposed for the current leases.

I have recently celebrated my 66th birthday, and I was honestly hopping to be able to retire, or at least
cut back to a part-time job. With losses from the Great Recession, the cost of the proposed State Lands lease, the current flood insurance that we have to pay, I can't see how I can retire. In addition, my husband has a chronic disease, which prevents him from working full time.

We are both hoping that you will reconsider our case, and give us a hardship reduction. A $2,250 a year increase in our mortgage, which is what this would be, includes the million dollar liability policy that you're asking it's just -- it's a hardship for us. We can't do it.

We expect that we have to pay something, and we are not asking you to waive the cost of the lease entirely, but possibly capping a fee at maybe $1,000, something that we could reasonably forward would be appreciated.

Thank you again for your time and consideration.

CHAIRPERSON YEE: Thank you, Mr. Dodge. Are there any questions or comments, members? Mr. Williams, please.

ACTING COMMISSIONER WILLIAMS: Thank you. Recognizing the hardship and grateful to the members of the community who came up here today to share that with us. The Lieutenant Governor's office is
sensitive to the financial impact these leases may have, but also recognizing the work that the staff has done in that reach of this community over the last two and a half years, and that they have done everything in their power to reduce costs associated with these leases while staying within the four corners of the law and recognizing being within the conscientious requirements that Ms. Lucchesi described.

As I understand it, the revenues from these leases would go into the general fund. And the Lieutenant Governor would like to ask staff if they would be willing to explore legislative concepts that would allow the revenue generated at Sandy Beach to go back into improving public lands and resources within the community, so that resources where the revenue is being generated directly receives the benefits.

CHAIRPERSON YEE: Okay. Thank you, Mr. Williams. Ms. Lucchesi.

EXECUTIVE OFFICER LUCCHESI: I'm happy to have staff explore that option. A similar effort was succeeded in Lake Tahoe a couple years ago where the lease revenues that the State Lands Commission generates from those docks and piers and buoys that are located on State Lands in Lake Tahoe go back to into improving the lands and resources at Lake Tahoe. And that was achieved through
special legislation.

And so I'd be happy to look into that so that the community receives the benefits directly from the rent that they're paying in terms of improving lands and resources just offshore there.

CHAIRPERSON YEE: Okay. Comment?

LAND MANAGEMENT DIVISION CHIEF BUGSCH: Can I just add one thing to that? Through this process, as well, I mean, that was a consideration from the very beginning. Again, that would take legislation to do that.

CHAIRPERSON YEE: Right.

LAND MANAGEMENT DIVISION CHIEF BUGSCH: And we did speak with Senator Wolk and Assembly Member Bonilla, because they are the representatives in that area, and they can take that on and lead that charge. We, as staff, obviously can't do legislation.

CHAIRPERSON YEE: Correct.

LAND MANAGEMENT DIVISION CHIEF BUGSCH: We need to carry it by a legislator. And so we presented those ideas, and they've been aware of those for several years in order to take that on, but they -- I think those legislators would be the primary people to drive that.

CHAIRPERSON YEE: Sure. Okay.

EXECUTIVE OFFICER LUCCHESI: But we will certainly work to remind them --
LAND MANAGEMENT DIVISION CHIEF BUGSCH: We'll continue to with them.

CHAIRPERSON YEE: Right. Yeah, please do. And then -- I mean, there's been some precedence here previously with the Commission. So Mr. Williams, I appreciate the suggestion, so let's see if we can encourage our legislative delegation there to move in that same direction.

EXECUTIVE OFFICER LUCCHESI: And I also want to offer that, you know, building off of my proposed recommendation earlier after the first speaker, that if the Commission was inclined to move for authorization for these batch of leases today, that we would continue to work with the residences, particularly the four residences that came before you today, to further explain and walk them through, not only the boundary and surveying issues, but also the rent calculations and how that's being applied.

And also, if they were inclined to hire their own surveyor, or their own appraiser, and do so within a finite period of time, and come back with additional information that may inform our recommendation, we would bring these leases back to the Commission for reconsideration.

CHAIRPERSON YEE: Okay. Very well.
Mr. Williams.

ACTING COMMISSIONER WILLIAMS: That's okay.

CHAIRPERSON YEE: Ms. Ortega.

ACTING COMMISSIONER ORTEGA: Madam Chair, I just would state that I would be in favor of the staff's recommendation at this point. I think one of the issues that we haven't discussed, but an important reason to bring leases up-to-date and to have the occupation of state lands under lease is the liability issues to the State, and that that is addressed once we have leases in these areas.

And so notwithstanding the request to delay action and bring that information forward, I'd rather have these folks under lease and then allow them to continue to work with staff, if lease modifications are necessary. So I would move adoption of the leases that are before us. I believe it's Items C --

EXECUTIVE OFFICER LUCCHESI: I can read them for you.

ACTING COMMISSIONER ORTEGA: Yeah, that would be great.

EXECUTIVE OFFICER ORTEGA: It would be C 23 through 43, C 45 through C 51, and C 53 through C 58.

CHAIRPERSON YEE: Okay. We have a motion by Ms. Ortega to adopt those items.
Is there a second?

ACTING COMMISSIONER WILLIAMS: Yes.

CHAIRPERSON YEE: Second by Mr. Williams.

May I just ask a question? A request to actually put the mean low water line description in the lease itself, is that something that we could do?

EXECUTIVE OFFICER LUCCHESI: We typically -- I mean, this is something that I'd like to have a little bit of time to consult with my staff, and particularly our head surveyor, about how most efficiently to do this. All of our leases include a legal description that dictate the parameters, the legal description of the lease.

Now, how the mean high tide line survey is referenced in there, and then where, either the lessee or a member of the public, could go and find that referenced information, that's what we want to look at to see what's going to be the most effective way to do that. But we will certainly provide the homeowners with all of that material just as part of their own files. So we will certainly commit to that.

CHAIRPERSON YEE: Great. Thank you. Very well.

We have a motion to adopt the items as specified, seconded by Mr. Williams. Without objection, such will be the order.

Thank you.
And thank you for staff's continued commitment to work with the property owners. This has, I know, been a long arduous process. But those that have come forward today, thank you for making the trip here and testifying before the Commission.

Thank you.

Okay. Our next item -- let's see, I think we're at the public comment section. Are there any members of the public that wish to address the Commission?

I think we may have one.

Ms. Savage, are you here on the Martin's Beach issue?

Did she leave?

Okay. She's not in the room. Any other members of the public who wish to address the Commission during this public comment period?

Okay. Seeing none, I believe that concludes the open meeting of the Commission.

EXECUTIVE OFFICER LUCCHESI: Um-hmm.

CHAIRPERSON YEE: And we will now adjourn into closed session. So let me just ask members of the public to please clear the room at this time.

Thank you.

(Off record: 12:01 PM)

(Thereupon the meeting recessed)
into closed session.)
(Thereupon the meeting reconvened open session.)
(On record: 12:32 PM)
CHAIRPERSON YEE: Great. The Commission met in
closed session and discussed pending and possible
litigation. And with that, this Commissioning meeting is
adjourned.

Thank you.
(Thereupon the California State Lands
Commission meeting adjourned at 12:32 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 12th day of February, 2016.

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