

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

UNIVERSITY OF CALIFORNIA, MERCED
FRESNO CENTER
INYO/KERN CONFERENCE ROOMS
550 EAST SHAW AVENUE
FRESNO, CALIFORNIA

WEDNESDAY, NOVEMBER 29, 2017
12:36 P.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

A P P E A R A N C E S

COMMISSION MEMBERS:

Mr. Gavin Newsom, Lieutenant Governor, Chairperson

Ms. Betty T. Yee, State Controller

Mr. Michael Cohen, Director of Department of Finance,
represented by Ms. Eraina Ortega

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Chief Counsel

Mr. Reid Boggiano, Public Land Management Specialist

Mr. Joe Fabel, Staff Attorney, Legal Division

Ms. Maren Farnum, Staff Environmental Scientist

Mr. Patrick Huber, Staff Attorney

Ms. Kim Lunetta, Administrative Assistant

Ms. Sheri Pemberton, Chief, External Affairs and
Legislative Liaison

ATTORNEY GENERAL:

Jennifer Rosenfeld, Deputy Attorney General

ALSO PRESENT:

Mr. Nathan Alonzo, Fresno Chamber of Commerce

Mr. David Beaupre, Port of San Francisco

Mr. Bruce Campbell

Mr. Brad Castillo

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Zachary Darrah, Fresno Interdenominational Refugee Ministries(FIRM)

Ms. Jenn Eckerle, Ocean Protection Council

Mr. Mark Krausse, Pacific Gas & Electric

Mr. Rey León, Latino Environmental Advancement and Policy, Access for All

Ms. Melinda Marks, San Joaquin River Conservancy

Mr. Radley Reep

Ms. Jennifer Savage, Surfrider Foundation

Ms. Sharon Weaver, San Joaquin River Parkway Trust

I N D E X

PAGE

I	12:30 P.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:	44
---	--	----

A. LITIGATION.

The Commission may consider pending and possible litigation pursuant to the confidentiality of attorney-client communications and privileges provided under Government Code section 11126, subdivision (e).

1. The Commission may consider pending and possible matters that fall under Government Code section 11126, subdivision (e)(2)(A), concerning adjudicatory proceedings before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the Commission is a party. Such matters currently include the following:

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

Center for Biological Diversity v. California State Lands Commission

City of Goleta v. California State Lands Commission

In re: Rincon Island Limited Partnership Chapter 11

In re: Venoco, LLC, Bankruptcy Chapter 11

Little Beaver Land Company, Inc. v. State of California

Martins Beach 1, LLC and Martins Beach 2, LLC v. Effie Turnbull-Sanders, et al.

Nowell Investment Company v. State of California; California State Lands Commission

I N D E X C O N T I N U E D

PAGE

San Francisco Baykeeper v. California State
Lands Commission

San Francisco Baykeeper v. California State
Lands Commission II

San Joaquin River Exchange Contractors Water
Authority v. State of California; State Lands
Commission

Seacliff Beach Colony Homeowners Association
v. State of California, et al.

Sierra Club, et al. v. City of Los Angeles,
et al.

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

SOS Donner Lake v. State of California, et
al.

United States v. 1.647 Acres

United States v. Walker River Irrigation
District, et al.

World Business Academy v. California State
Lands Commission

2. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(b), under which;
 - a. A point has been reached where, in the opinion of the Commission, on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the Commission, or
 - b. Based on existing facts and circumstances, the Commission is meeting only to decide whether a closed session is authorized because of a significant

I N D E X C O N T I N U E D

PAGE

exposure to litigation against the Commission.

3. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(C), where, based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

II	OPEN SESSION	1
III	CONFIRMATION OF MINUTES FOR THE MEETING OF OCTOBER 19, 2017	3
IV	EXECUTIVE OFFICER'S REPORT	4

Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:

- Helio A. Fialho and Therese S. Fialho, Trustees of the Fialho Family Trust; and Brian J. Mettler (Lessee): Continuation of annual rent at \$2,706 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 1600 and 1620 North Lake Boulevard, near Tahoe City, Placer County. (PRC 5561.1)
- 10:10 Holdings, LLC, a California Limited Liability Company (Lessee): Continuation of annual rent at \$377 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 8551 Meeks Bay Avenue, near Tahoma, El Dorado County. (PRC 8419.1)
- David M. Adams and Courtney Adams, Co-Trustees of the David Adams Family Revocable Trust; and Michael W. Adams and Sue E. Adams, Co-Trustees of the Michael W. and Sue E. Adams Revocable Trust of 2002 (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe,

I N D E X C O N T I N U E D

PAGE

adjacent to 640 Olympic Drive, near Tahoe City, Placer County. (PRC 8658.1)

- Rajit Kumar Agrawal and Reena Modi Agrawal, Trustees of The Rajit and Reena Agrawal Living Trust (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 9902 Lake Street, Kings Beach, Placer County. (PRC 8854.1)
- Kathlyn F. Gallo and Patrick T. Beckley (Lessees): Continuation of annual rent at \$248 per year for a General Lease - Recreational Use located on sovereign land in Georgiana Slough, adjacent to 405 West Willow Tree Lane, near Isleton, Sacramento County. (PRC 4726.1)
- Gabrielle D. Harle; Anne B. Donahoe, as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 1; Anne B. Donahoe, as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 2; and Anne B. Donahoe, as Trustee of the Anne B. Donahoe Tahoe Residence Trust No. 3 (Lessee): Continuation of annual rent at \$1,312 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 8873 and 8879 Rubicon Drive, near Tahoma, El Dorado County. (PRC 3653.1)
- AKM Retreat, LLC, a Delaware Limited Liability Company (Lessee): Continuation of annual rent at \$2,402 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 2500 West Lake Boulevard, near Tahoe City, Placer County. (PRC 4158.1)
- Anne Crowley, and her successor(s), as the Trustee of the Reilly 2012 Irrevocable Trust, which is established under the Reilly 2012 Irrevocable Trust Agreement dated December 19, 2012 (Lessee): Continuation of annual rent at \$1,602 per year for a General Lease -

I N D E X C O N T I N U E D

PAGE

Recreational Use located on sovereign land in Lake Tahoe, adjacent to 5850 North Lake Boulevard, near Carnelian Bay, Placer County. (PRC 6609.1)

- Douglas P. Ley and Linda M. Gaudiani, Trustees of the Gaudiani-Ley 2007 Trust Dated August 28, 2007 (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to adjacent to 8781 Rubicon Drive, Rubicon Bay, El Dorado County. (PRC 8210.1)

V CONSENT CALENDAR C01-C75

20

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

LAND MANAGEMENT DIVISION

NORTHERN REGION

C01 STANLEY J. PURA AND JAMII EADE PURA, AS TRUSTEES OF THE 2006 PURA REVOCABLE TRUST, DATED FEBRUARY 28, 2006; AND BRUCE J. POHLE AND SHARON POHLE, TRUSTEES OF THE BRUCE J. POHLE AND SHARON POHLE 1970 REVOCABLE LIVING TRUST (ASSIGNOR); JOSEPH A. MCCARTHY, TRUSTEE OF THE JOSEPH A. MCCARTHY REVOCABLE TRUST DATED JUNE 22, 1998; AND JOHN F. BRENNAN AND LISA BRENNAN (ASSIGNEE): Consider application for an assignment of Lease No. PRC 3652.9, a Recreational Pier Lease, of sovereign land located in Lake Tahoe, adjacent to 4170 and 4176 Ferguson Avenue, near Carnelian Bay, Placer County; for an existing joint-use pier, two boat lifts, and four mooring buoys. CEQA Consideration: not a project. (PRC 3652.9; RA# 25816) (A 1; S 1) (Staff: M.J. Columbus)

C02 DUME VIEW, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (ASSIGNOR); TRANQUIL WATERS, LLC, A NEVADA LIMITED LIABILITY COMPANY (ASSIGNEE): Consider application for the assignment of Lease No. PRC 3695.1, a General Lease - Recreational

I N D E X C O N T I N U E D

PAGE

Use, of sovereign land located in Lake Tahoe, adjacent to 4750 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier with boat slip, boat lift, boat hoist, sundeck with stairs, and two mooring buoys. CEQA Consideration: not a project. (PRC 3695.1; RA# 32416) (A 1; S 1)(Staff: M.J. Columbus)

C03 TRUCKEE-DONNER RECREATION AND PARK DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Donner Lake, adjacent to 15511 Donner Pass Road, near Truckee, Nevada County; for an existing concrete boat launching ramp, two uncovered floating boat docks, raised boardwalk, and bank protection. CEQA Consideration: categorical exemption. (PRC 3952.9; RA# 21416) (A 1; S 1) (Staff: M.J. Columbus)

C04 LAKE FOREST UNIT #3 PROPERTY OWNERS ASSOCIATION, INCORPORATED (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3670 North Lake Boulevard, near Tahoe City, Placer County; for an existing pier and 20 mooring buoys previously authorized by the Commission and an existing boat hoist and stairs not previously authorized by the Commission. CEQA Consideration: categorical exemption.(PRC 5685.1; RA# 32116) (A 1; S 1) (Staff: M.J. Columbus)

C05 STEVEN D. MELLEMA AND CYNTHIA L. MELLEMA (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 13671 Donner Pass Road, near Truckee, Nevada County; for an existing pier and boat hoist. CEQA Consideration: categorical exemption. (PRC 7284.1; RA# 28115) (A 1; S 1) (Staff: M.J. Columbus)

C06 HOMEWOOD VILLAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE); HOMEWOOD SHORES ASSOCIATION, A CALIFORNIA NONPROFIT MUTUAL BENEFIT CORPORATION (APPLICANT): Consider termination of Lease No. PRC 9071.1, a General Lease - Recreational Use, and an application for

I N D E X C O N T I N U E D

PAGE

- a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5138 West Lake Boulevard, near Homewood, Placer County; for an existing pier with proposed replacement of an existing catwalk with an adjustable catwalk. CEQA Consideration: categorical exemption. (PRC 9071.1) (A 1; S 1)(Staff: M.J. Columbus)
- C07 LACHLAN M. RICHARDS, TRUSTEE OF THE LSR TRUST DATED DECEMBER 11, 2012; STEPHEN F. MCCARL AND KIM S. MCCARL, AS TRUSTEES OF THE MCCARL FAMILY TRUST (SPW), UNDER DECLARATION OF TRUST DATED NOVEMBER 1, 2001; AND WAYNE R. ROWLANDS, AS TRUSTEE OF THE SEPARATE SHARE TRUST F/B/O COURTNEY E. ROWLANDS, CREATED UNDER THE 1997 ROWLANDS FAMILY TRUST U/T/A DATED APRIL 24, 1997 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3071 Jameson Beach Road, city of South Lake Tahoe, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 3241.1; RA# 30316) (A 5; S 1) (Staff: K. Connor)
- C08 SUZANNE SCHARF (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4910 West Lake Boulevard, near Homewood, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 3622.1; RA# 01817) (A 1; S 1) (Staff: K. Connor)
- C09 JOE MASSOLO AND SONS TRUCKING COMPANY, INC., A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8751 Rubicon Drive, near Rubicon Bay, El Dorado County; for an existing pier, boathouse, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4063.1; RA# 27116) (A 5; S 1) (Staff: K. Connor)
- C10 JRB PROPERTY COMPANY II, L.P., A CALIFORNIA LIMITED PARTNERSHIP (LESSEE): Consider an

I N D E X C O N T I N U E D

PAGE

amendment of lease and revision of rent to Lease No. PRC 4172.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2720 West Lake Boulevard, near Homewood, Placer County; for an existing pier, boathouse with boat lift, sundeck with stairs, and two mooring buoys. CEQA Consideration: not projects. (PRC 4172.1) (A 1; S 1) (Staff: K. Connor)

- C11 WILLIAM E. DOYLE AND MARION J. DOYLE FAMILY LIMITED PARTNERSHIP (LESSEE); ROBERT F. WHITTEY, TRUSTEE OF THE RM KARADANIS 2001 IRREVOCABLE TRUST (APPLICANT): Consider waiver of rent, penalty, and interest; acceptance of a quitclaim deed for Lease No. 7805.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 13880 South Shore Drive, near Truckee, Nevada County; for an existing fixed pier and floating boat dock. CEQA Consideration: categorical exemption. (PRC 7805.1; RA# 20016) (A 1; S 1) (Staff: K. Connor)
- C12 GERHARD H. PARKER AND CAROL PARKER (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2215 Cascade Road, near South Lake Tahoe, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 8008.1; RA# 20116) (A 5; S 1) (Staff: K. Connor)
- C13 JAROSLAW GLEMOCKI, OR HIS SUCCESSOR(S), TRUSTEE UNDER REVOCABLE TRUST AGREEMENT DATE AUGUST 24TH, 2001, AS AMENDED (ASSIGNOR); LOS ESTEROS ASSOCIATES, LIMITED PARTNERSHIP AGREEMENT (ASSIGNEE): Consider an application for an assignment of Lease No. PRC 8250.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5090 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8250.1; RA# 05117) (A 1; S 1) (Staff: K. Connor)

I N D E X C O N T I N U E D

PAGE

- C14 TAHOE BOAT COMPANY OWNERS ASSOCIATION (APPLICANT): Consider termination of Lease No. PRC 7920.1, a General Lease - Commercial Use; an application for a General Lease - Commercial Use; and approval of Member Subleases, of sovereign land located in Lake Tahoe, adjacent to 700 North Lake Boulevard, Tahoe City, Placer County; for a commercial marina consisting of boat slips, docks, sheet pile crib walls, and a boathouse. CEQA Consideration: categorical exemption. (PRC 7920.1; RA# 10914) (A 1; S 1) (Staff: N. Lee, W. Crunk)
- C15 DANNY GIOVANNONI, THOMAS GIOVANNONI, AND REBECCA GIOVANNONI (ASSIGNOR); CRAIG C. WALKER (ASSIGNEE): Consider application for the assignment of Lease No. PRC 9222.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Napa River, adjacent to 1234 Milton Road, city of Napa, Napa County; for an existing floating boat dock, appurtenant facilities, a deck, and bank protection. CEQA Consideration: not a project. (PRC 9222.1; RA# 00417) (A 4; S 3) (Staff: M. Schroeder)
- C16 CVIN, LLC (LESSEE): Consider amendment of Lease No. PRC 9296.9, a General Lease - Right-of-Way Use, of sovereign land located in the Sacramento, Feather, Stanislaus, Tuolumne, and Merced Rivers, in Colusa, Sutter, Yuba, San Joaquin, Stanislaus, and Merced counties; for the proposed installation of a conduit carrying a fiber optic cable and removal of another conduit carrying fiber optic cables. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Yuba City, State Clearinghouse No. 2013082011. (PRC 9296.9; RA# 11916)(A 3, 12, 21; S 4, 5, 8, 12) (Staff: M. Schroeder)
- C17 THE WILDLANDS CONSERVANCY (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Eel River Estuary Preserve, including Cutoff Slough, Centerville Slough and historic tidal sloughs, adjacent to Assessor's Parcel Numbers 100-121-01, 100-143-01,

I N D E X C O N T I N U E D

PAGE

100-142-01; 100-131-03, and -04; 100-121-04, and -05, near Ferndale, Humboldt County; for the Eel River Estuary Preserve Ecosystem Enhancement Project. CEQA Consideration: Environmental Impact Report, certified by the California Coastal Conservancy, State Clearinghouse No. 2014122040, and adoption of a Mitigation Monitoring Program and Statement of Findings. (W 27113; RA# 27316) (A 2; S 2) (Staff: M. Schroeder)

C18 TAHOE YACHT HARBOR, LLC (LESSEE): Consider revision of rent to Lease No. PRC 706.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 700 North Lake Boulevard, near Tahoe City, Placer County; for an existing commercial marina, known as Tahoe City Marina. CEQA Consideration: not a project. (PRC 706.1) (A 1; S 1) (Staff: J. Toy)

C19 LIBERTY UTILITIES (CALPECO ELECTRIC) LLC (LESSEE): Consider revision of rent to Lease No. PRC 944.1, a General Lease - Right-of-Way Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 018-041-04 and 018-060-05, near Emerald Bay, El Dorado County; for a power cable and an inoperable power cable abandoned in place. CEQA Consideration: not a project. (PRC 944.1) (A 5; S 1) (Staff: J. Toy)

C20 GUS C. GIANULIAS AND JULIE M. GIANULIAS, TRUSTEES OF THE GUS C. AND JULIE M. GIANULIAS FAMILY REVOCABLE TRUST, ESTABLISHED JANUARY 20, 1983 (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 3556.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3880 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and one mooring buoy. CEQA Consideration: not projects. (PRC 3556.1) (A 1; S 1) (Staff: J. Toy)

C21 JAMES A. ASTORIAN AND KATHRIN C. ASTORIAN (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 3755.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4160

I N D E X C O N T I N U E D

PAGE

Ferguson Avenue, near Carnelian Bay, Placer County; for an existing pier, boathouse with a boat lift, two boat lifts, and two mooring buoys. CEQA Consideration: not projects. (PRC 3755.1) (A 1; S 1) (Staff: J. Toy)

- C22 DREAMY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 4120.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 291 and 301 Paradise Flat Lane, near Rubicon Bay, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: not projects. (PRC 4120.1) (A 5; S 1) (Staff: J. Toy)
- C23 JON W. BALL AND PAULA K. BALL, TRUSTEES OF THE JON W. BALL AND PAULA K. BALL FAMILY TRUST (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 4994.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4850 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, marine railway, and one mooring buoy. CEQA Consideration: not projects. (PRC 4994.1) (A 1; S 1)(Staff: J. Toy)
- C24 HAWKINS INSULATION COMPANY, INC. AND LYON INVESTMENTS, LP, A CALIFORNIA LIMITED PARTNERSHIP (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 5884.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5620 and 5650 West Lake Boulevard, near Homewood, Placer County; for an existing joint-use pier, boat lift, and four mooring buoys. CEQA Consideration: not projects. (PRC 5884.1) (A 1; S 1) (Staff: J. Toy)

BAY/DELTA REGION

- C25 J. JOSEPH MCDOWELL AND MARILYN MCDOWELL, TRUSTEES OF THE MCDOWELL LIVING TRUST, UTA 5/27/93 (LESSEE); LYNETTE L. BRYDON, TRUSTEE OF THE LYNETTE L. BRYDON REVOCABLE TRUST, DATED MARCH

I N D E X C O N T I N U E D

PAGE

- 20, 2002 (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 7695.9, 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 Georgiana Slough, adjacent to 16909 Terminous Road, near Isleton, Sacramento County; for an existing floating boat dock, appurtenant facilities, and existing bank protection. CEQA Consideration: categorical exemption.(PRC 7695.1; RA# 30416) (A 11; S 3) (Staff: G. Asimakopoulos)
- C26 MILDRED LEATHAM, SUCCESSOR TRUSTEE TO GEORGE LEATHAM, TRUSTEE OF THE GEORGE LEATHAM FAMILY TRUST, UNDER TRUST DATED MAY 22, 2015 (ASSIGNOR); TIMOTHY SCOTT GARTON (ASSIGNEE): Consider application for the assignment of Lease No. PRC 2646.1, General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 9 Sandy Beach Road, near Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: not a project. (PRC 2646.1; RA# 06217) (A 14; S 3) (Staff: V. Caldwell)
- C27 PLAINS PRODUCTS TERMINALS LLC (ASSIGNOR); TRANSMONTAIGNE OPERATING COMPANY L.P. (ASSIGNEE): Consider assignment of Lease No. PRC 4769.1, a General Lease - Industrial Use, of filled and unfilled sovereign land located in Suisun Bay and Pacheco Slough, adjacent to Waterfront Road, near Martinez, Contra Costa County; for a marine oil terminal and appurtenant facilities. CEQA Consideration: not a project. (PRC 4769.1; RA# 09717) (A 14; S 3)(Staff: V. Caldwell)
- C28 CHE SHENG CHAO AND WEI YUAN CHAO; KEITH KAI TSU AND CARMELITA KO; BURK H. CHUNG AND MARY A.L. CHUNG; CHARLES NIP AND PATRICIA NIP; RAYMOND K. LI AND CHI F. LI; AND KWOK HUNG SZETO AND NIKKI SZETO (LESSEE): Consider revision of rent to Lease No. PRC 4683.1, a General Lease - Commercial Use, of filled sovereign land located in San Francisco Bay, near Burlingame, San Mateo

I N D E X C O N T I N U E D

PAGE

- County; for a commercial parking lot. CEQA
 Consideration: not a project. (PRC 4683.1) (A 22;
 S 13) (Staff: A. Franzoia)
- C29 BURLINGAME BAY PARK HOTEL, LLC (APPLICANT):
 Consider application for a General Lease -
 Recreational and Protective Structure Use of
 sovereign land located in San Francisco Bay, city
 of Burlingame, San Mateo County, to maintain
 access to and functionality of the existing San
 Francisco Bay Trail; maintain signage and cyclone
 fencing; remove all trash, rubbish, and debris;
 reduce potential fire hazards; and monitor
 shoreline protective structures. CEQA
 Consideration: categorical exemption. (W 26981;
 RA# 35315) (A 22; S 13) (Staff: A. Franzoia)
- C30 THE REED LEASING GROUP, LLC (APPLICANT): Consider
 application for a General Lease - Right-of-Way
 Use, of sovereign land located in the historic
 channel of the Tuolumne River, near Waterford,
 Stanislaus County; for a paved haul road. CEQA
 Consideration: categorical exemption. (PRC
 7637.1; RA# 28616) (A 12; S 8)(Staff: J. Holt)
- C31 SACRAMENTO VALLEY CONSERVANCY (LESSEE): Consider
 application for an amendment of lease and
 continuation of rent for Lease No. PRC 9033.1, a
 General Lease, of sovereign land located near the
 American River, Assessor's Parcel Numbers
 274-0120-007 and 274-0120-009, city of
 Sacramento, Sacramento County; for Camp Pollock.
 CEQA Consideration: categorical exemption. (PRC
 9033.1)(A 7; S 6) (Staff: J. Holt)
- C32 DECKER ISLAND, LLC (LESSEE): Consider acceptance
 of a lease quitclaim deed for Lease No. PRC
 9142.1, a General Lease - Right-of-Way Use, of
 sovereign land in Horseshoe Bend, near Rio Vista,
 Sacramento and Solano Counties; for a proposed
 power cable. CEQA Consideration: not a project.
 (PRC 9142.1;RA# 01517) (A 11; S 3)
 (Staff: J. Holt)
- C33 JAIME FAVILA JR. AND KATHRYN A. FAVILA (LESSEE):
 Consider revision of rent to Lease No. PRC

I N D E X C O N T I N U E D

PAGE

- 3590.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 7140 Pocket Road, city of Sacramento, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: not a project. (PRC 3590.1) (A 9; S 6)
(Staff: D. Simpkin)
- C34 INVESTORS OF KING ISLAND, INC. (LESSEE): Consider a revision of rent to Lease No. PRC 6846.1, a General Lease - Commercial, Right-of-Way, and Protective Structure Use, of sovereign land located in the Old River at King Island, near Byron, San Joaquin and Contra Costa counties; for 10 floating boat docks, a bridge, roadway, fill, bank protection, and a removable water intake float. CEQA Consideration: not a project. (PRC 6846.1) (A 13, 14; S 5, 7) (Staff: D. Simpkin)
- C35 JOHN O. WYATT, TRUSTEE OF THE JOHN O. WYATT, JR. TRUST, INITIALLY ESTABLISHED ON AUGUST 14, 2001 (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 7604.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 14060 State Highway 160, near Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: not projects. (PRC 7604.1) (A 11; S 3) (Staff: D. Simpkin)
- C36 VINTAGE PRODUCTION CALIFORNIA LLC (LESSEE): Consider revision of rent to Lease No. PRC 8734.1, a General Lease - Right-of-Way Use, of sovereign land located in the San Joaquin River, near Lathrop, San Joaquin County; for an existing natural gas pipeline. CEQA Consideration: not a project. (PRC 8734.1) (A 13; S 5)
(Staff: D. Simpkin)
- C37 LARKSPUR SHORES HOMEOWNERS ASSOCIATION (APPLICANT): Consider termination of Lease No. PRC 5549.1, a General Lease - Recreational Use; and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Corte Madera Creek,

I N D E X C O N T I N U E D

PAGE

adjacent to 635 South Eliseo Drive, Greenbrae, Marin County; for the removal of an existing boat dock and gangway, and the construction, use, and maintenance of a new boat dock and appurtenant facilities, previously authorized by the Commission and the continued use and maintenance of bank protection, not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5549.1; RA# 03317) (A 10; S 2) (Staff: D. Tutov)

C38 PRUDENTIAL FINANCIAL INSURANCE COMPANY OF AMERICA (LESSEE): Consider revision of rent to Lease No. PRC 7876.1, a General Lease - Right-of-Way Use, of sovereign land in Belmont Slough, near Redwood City, San Mateo County; for two storm water outfalls and rock riprap. CEQA Consideration: not a project.(PRC 7876.1) (A 22; S 13) (Staff: D. Tutov)

C39 CALIFORNIA STATE COASTAL CONSERVANCY (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in San Pablo Bay, at Giant Marsh, near Point Pinole Regional Shoreline in Richmond, Contra Costa County; for habitat restoration of oyster beds, eelgrass, and tidal marsh. CEQA Consideration: categorical exemption. (W 27114; RA# 28916)(A 15; S 9) (Staff: D. Tutov)

C40 ROBERT CARDWELL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 98 Camino Del Mar, near Inverness, Marin County; for a proposed mooring buoy. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27127; RA# 07216)(A 10; S 2) (Staff: D. Tutov)

CENTRAL/SOUTHERN REGION

C41 GERALD A. JONES, TRUSTEE OF THE GERALD A. JONES AND MARILYN L. JONES REVOCABLE TRUST DATED SEPTEMBER 12, 1985 (LESSEE): Consider revision of rent to Lease No. PRC 3079.1, a General Lease -

I N D E X C O N T I N U E D

PAGE

Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3442 Gilbert Drive, Huntington Beach, Orange County, for a boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3079.1)(A 72; S 34)
(Staff: S. Avila)

- C42 LAWRENCE C. TISTAERT, TRUSTEE OF THE CHILDREN'S TRUST ESTATE OF THE JAMES H. DEWALD AND WANDA E. DEWALD TRUST DATED AUGUST 13, 1986, AS AMENDED (APPLICANT): Consider an amendment to Lease No. PRC 3569.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 17051 Bolero Lane, Huntington Beach, Orange County; for the removal of an existing boat dock and access ramp; the construction, use, and maintenance of a new boat dock and access ramp; and the use and maintenance of an existing cantilevered deck. CEQA Consideration: categorical exemption. (PRC 3569.1; RA# 03917) (A 72; S 34) (Staff: S. Avila)
- C43 SIMON B. RAYHANABAD AND KELARICE RAYHANABAD, TRUSTEES OF THE RAYHANABAD TRUST ESTABLISHED MARCH 9, 1995 (LESSEE): Consider revision of rent to Lease No. PRC 3578.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16591 Carousel Lane, Huntington Beach, Orange County, for a boat dock, access ramp, cantilevered deck, and bulkhead protection. CEQA Consideration: not a project. (PRC 3578.1) (A 72; S 34) (Staff: S. Avila)
- C44 STILLWATER YACHT CLUB (LESSEE): Consider application for a General Lease - Recreational Use, of sovereign land located in Stillwater Cove, adjacent to 2700 17 Mile Drive, Pebble Beach, Monterey County; for mooring buoys and anchors, and floating boat docks. CEQA Consideration: categorical exemption. (PRC 6764.1; RA# 22516) (A 29; S 17) (Staff: S. Avila)

I N D E X C O N T I N U E D

PAGE

- C45 NATHAN CHEN AND JENNIE CHEN, TRUSTEES OF THE NATHAN CHEN FAMILY TRUST (LESSEE): Consider revision of rent to Lease No. PRC 8237.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16641 Carousel Lane, Huntington Beach, Orange County, for a boat dock, access ramp, cantilevered deck, and bulkhead protection. CEQA Consideration: not a project. (PRC 8237.1) (A 72; S 34) (Staff: S. Avila)
- C46 SAN PEDRO BAY PIPELINE COMPANY (ASSIGNOR); SAN PEDRO BAY PIPELINE COMPANY (ASSIGNEE): Consider application for the assignment and amendment of Lease No. PRC 5636.1, General Lease - Right of Way Use, of sovereign lands located in the Pacific Ocean, San Pedro Bay, offshore of Seal Beach and Huntington Beach, Orange County; for a crude oil pipeline serving Platform Elly located in federal waters. CEQA Consideration: not a project. (PRC 5636.1; RA# 04217) (A 70; S 33) (Staff: L. Pino)
- C47 WESTERN LOS ANGELES COUNTY COUNCIL, INC., BOY SCOUTS OF AMERICA (LESSEE): Consider revision of rent to Lease No. PRC 6442.1, a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean at Emerald Bay and Doctor's Cove, near Two Harbors, Santa Catalina Island, Los Angeles County; for two fixed piers, two gangways, two floating dock modules connecting the two piers, an attached boat landing float; two moorings, four small boat moorings; and seasonal swim area with a swim-line and floating barge. CEQA Consideration: not a project. (PRC 6442.1) (A 70; S 26) (Staff: L. Pino)
- C48 INTERVARSITY CHRISTIAN FELLOWSHIP USA (LESSEE): Consider revision of rent to Lease No. PRC 6456.1, a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean at Gallagher Beach, Santa Catalina Island, Los Angeles County; for a pier, access ramp, floating dock, swim area, and seven moorings. CEQA Consideration: not a project. (PRC 6456.1) (A 70;

I N D E X C O N T I N U E D

PAGE

- S 26)(Staff: L. Pino)
- C49 GUIDED DISCOVERIES, INC. (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 6457.1, a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean at Toyon Bay, Santa Catalina Island, Los Angeles County; for a pier, gangway, floating dock, seasonal swim and SCUBA areas, nine moorings, and two safety cans. CEQA Consideration: not projects.(PRC 6457.1) (A 70; S 26) (Staff: L. Pino)
- C50 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION (PARTIES): Consider acceptance of an offer to dedicate a lateral public access easement adjacent to 6746 Breakers Way, in Mussel Shoals, Ventura County. CEQA Consideration: not a project. (W 24665) (A 37; S 19) (Staff: L. Pino)
- C51 OXNARD HARBOR DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean near Hueneme Beach, Port Hueneme, Ventura County; for the deposition of approximately 30,000 cubic yards material suitable for beach nourishment. CEQA Consideration: Mitigated Negative Declaration, adopted by the Oxnard Harbor District, State Clearinghouse No. 2017011049, and adoption of a Mitigation Monitoring Program. (W 27132; RA# 04117) (A 44; S 19) (Staff: L. Pino)
- C52 SAN DIEGO UNIFIED PORT DISTRICT (LESSEE): Consider application for an amendment to Lease No. PRC 8912.9, a General Lease - Public Agency Use, of sovereign land located in San Diego Bay, near Chula Vista, San Diego County; to authorize activities associated with the proposed Site 6 Preparation Grading Plan. CEQA Consideration: Environmental Impact Report, adopted by the San Diego Unified Port District, State Clearinghouse No. 2005081077. (PRC 8912.9;RA# 04717) (A 80; S 40) (Staff: L. Pino)
- C53 EMERALD BAY COMMUNITY ASSOCIATION (LESSEE): Consider revision of rent to Lease No. PRC

I N D E X C O N T I N U E D

PAGE

- 4513.1, a General Lease - Recreational Use, of sovereign land located in Emerald Bay, near Laguna Beach, Orange County; for seven marker buoys and three swimmer safety lines. CEQA Consideration: not a project. (PRC 4513.1) (A 74; S 37) (Staff: D. Simpkin)
- C54 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE): Consider application for an amendment to Lease No. PRC 8079.9, a General Lease - Public Agency Use, to allow for emergency repairs in response to high spring runoff conditions and consider delegation of authority to Executive Officer to authorize alternative dust control measure on T37-2 on the bed of Owens Lake, Inyo County. CEQA Consideration: categorical and statutory exemption. (PRC 8079.9; RA# 29516) (A 26; S 8) (Staff: D. Simpkin)
- C55 AT&T CORP. (LESSEE): Consider application for an amendment to Lease No. PRC 8154.1, General Lease - Non-Exclusive Right-of-Way Use, of sovereign land located in the Pacific Ocean, offshore of Morro Bay, San Luis Obispo County; to remove one fiber optic cable, revise the annual rent, and modify the lease terms. CEQA Consideration: Environmental Impact Report previously certified by the California State Lands Commission, State Clearinghouse No. 99051063, and Addendum. (PRC 8154.1; RA# 26015) (A 35; S 17) (Staff: D. Simpkin)
- C56 AT&T CORP. (LESSEE): Consider application for an amendment to Lease No. PRC 8278.1, General Lease - Non-Exclusive Right-of-Way Use, of sovereign land located in the Pacific Ocean, offshore of Morro Bay, San Luis Obispo County; to remove one fiber optic cable, revise the annual rent, and modify the lease terms. CEQA Consideration: Environmental Impact Report previously certified by the California State Lands Commission, State Clearinghouse No. 99051063, and Addendum. (PRC 8278.1; RA# 26015) (A 35; S 17) (Staff: D. Simpkin)

I N D E X C O N T I N U E D

PAGE

- C57 CALIFORNIA AMERICAN WATER COMPANY (LESSEE): Consider application for an amendment to Lease No. PRC 9177.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, Monterey Bay, near Marina, Monterey County; for a temporary exploratory test slant water well. CEQA Consideration: categorical exemption. (PRC 9177.1; RA# 01612) (A 29; S 17) (Staff: D. Simpkin)
- C58 REGENTS OF THE UNIVERSITY OF CALIFORNIA SAN DIEGO (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Pacific Ocean, adjacent to Naval Amphibious Base Coronado, city of Coronado, San Diego County; for the installation of up to eight seafloor bottom mounted pressure and current sensors. CEQA Consideration: categorical exemption. (W 27130; RA# 02017) (A 78; S 39) (Staff: D. Simpkin)
- C59 L.A. SEISMIC, LLC (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Pacific Ocean, adjacent to Seal Beach, city of Seal Beach, Orange County; for the installation of 116 geophone seismic nodes. CEQA Consideration: categorical exemption. (W 27133; RA# 03717) (A 72; S 34)(Staff: D. Simpkin)

SCHOOL LANDS

- C60 JOHN MATLEY & SON (APPLICANT): Consider application for a General Lease - Grazing Use, of State-owned school land located in Section 16, Township 25 North, Range 15 East and a portion of Section 36, Township 26 North, Range 15 East, MDM, near Doyle, Plumas County; for livestock grazing. CEQA Consideration: categorical exemption. (PRC 5531.2; RA# 29716) (A 1; S 1) (Staff: J. Porter)
- C61 TIMOTHY GRUBB (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State-owned school land located in a portion of Section 16, Township 36 North, Range 5 West, MDM, west of Lamoine, Shasta County, for an existing

I N D E X C O N T I N U E D

PAGE

water storage tank and pipeline. CEQA
Consideration: categorical exemption. (PRC
6807.2; RA# 29616) (A 1; S 1) (Staff: J. Porter)

C62 SPRINT COMMUNICATIONS COMPANY L.P. (APPLICANT):
Consider application for a General Lease -
Right-of-Way Use, of five State-owned school land
parcels totaling 2.75 acres, more or less,
located east of Barstow and west of Mountain
Pass, San Bernardino County; for a fiber optic.
CEQA Consideration: categorical exemption. (PRC
7201.2; RA# 03017) (A 33; S 16) (Staff: J.
Porter)

C63 CALIFORNIA STATE LANDS COMMISSION, ACTING AS THE
SCHOOL LAND BANK FUND TRUSTEE (PARTY): Consider
delegating authority to the Executive Officer to
solicit bids, and award and execute an agreement
for a Land Investment Consultant. CEQA
Consideration: not a project. (W 26086) (A & S:
Statewide)(Staff: J. Porter, P. Huber, A.
Abeleda)

C64 IMPERIAL IRRIGATION DISTRICT (LESSEE): Consider a
revision of rent to Lease No. PRC 7188.2, a
General Lease - Right-of-Way Use, of State school
and lieu lands located in a portion of Section 30
and Section 36, Township 9 South, Range 13 East,
SBM, east of the Salton Sea, Imperial County; for
an electrical transmission line. CEQA
Consideration: not a project. (PRC 7188.2) (A 56;
S 40) (Staff: D. Simpkin)

MINERAL RESOURCES MANAGEMENT

C65 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER
(APPLICANT): Consider an application for a
Non-Exclusive Geological Survey Permit on
State-owned sovereign lands located in the
northwestern portion of Owens Lake, Inyo County.
CEQA Consideration: categorical exemption. (W
6005.186;RA# 07617) (A 34; S 18) (Staff: R. B.
Greenwood)

C66 CLE ENGINEERING (APPLICANT): Consider an
application for a General Permit to conduct

I N D E X C O N T I N U E D

PAGE

geophysical surveys on tide and submerged lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and Addendum, State Clearinghouse No. 2013072021. (W 6005.185, RA# 06417) (A & S: Statewide)(Staff: R. B. Greenwood)

- C67 SCRIPPS INSTITUTION OF OCEANOGRAPHY (APPLICANT): Consider an application for a Non-Exclusive Geophysical Survey Permit on tide and submerged lands located in San Diego Bay, San Diego County, using low-energy geophysical equipment. CEQA Consideration: categorical exemption. (W 6005.183, RA# 05517) (A 78, 80; S: 39, 40) (Staff: R. B. Greenwood)
- C68 SCRIPPS INSTITUTION OF OCEANOGRAPHY (APPLICANT): Consider an application for a Non-Exclusive Geological Survey Permit on tide and submerged lands located offshore California. CEQA Consideration: categorical exemption. (W 6005.184; RA# 06017) (A & S: Statewide) (Staff: R. B. Greenwood)
- C69 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of qualifying miles for subventions for Fiscal Year 2017-2018 to the counties of Ventura and Santa Barbara; to the city of Carpinteria located in Santa Barbara county; to the cities of Huntington Beach and Seal Beach, located in Orange county; and to the city of Long Beach, located in Los Angeles county. CEQA Consideration: not a project (W 4848.1, W 4848.3, W 4848.4, W 4848.5, W 4848.6, W 4848.8)(A 37, 53, 68, 70, 72, 74; S 19, 24, 33, 34, 37) (Staff: N. Heda, C. Connor)
- C70 ROBERT G. WETZEL (PERMITTEE): Consider application for an extension of a mineral prospecting permit for minerals other than oil, gas, or geothermal resources, sand and gravel on Assessor's Parcel No. 0570-051-24, administered by the Commission, containing approximately 633 acres of State fee-owned school land, located within Section 16, T15N, R10E, SBM, about 3 miles

I N D E X C O N T I N U E D

PAGE

northwest of Interstate 15, Halloran Springs Exit, San Bernardino County. CEQA Consideration: Environmental Assessment/Finding of No Significant Impact adopted by the Bureau of Land Management. (PRC 9305.2; RA# 05617) (A 33; S 16) (Staff: V. Perez)

MARINE ENVIRONMENTAL PROTECTION - NO ITEMS

ADMINISTRATION - NO ITEMS

LEGAL

C71 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider the future disposition of State oil and gas leases PRC 1466.1, PRC 410.1, and PRC 145.1 held by Rincon Island Limited Partnership and the suitability of proposals submitted on behalf of the bankruptcy estate of Rincon Island Limited Partnership for alternate operators to assume control of those leases. CEQA Consideration: not a project. (PRC 1466.1, PRC 145.1, PRC 410.1) (A 37; S 19) (Staff: S. Blackmon, J. Fabel)

21

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS

C72 SAN DIEGO UNIFIED PORT DISTRICT (GRANTEE): Consider approval of a proposed expenditure of public trust funds by the San Diego Unified Port District to acquire a 4-acre parcel located adjacent to existing public trust land in the City of Chula Vista, San Diego County. CEQA Consideration: Environmental Impact Report, certified by the San Diego Unified Port District, State Clearinghouse No. 2005081077. (G 10-08) (A 80; S 40) (Staff: R. Boggiano)

I N D E X C O N T I N U E D

PAGE

C73 CALIFORNIA STATE LANDS COMMISSION (PARTY) AND THE CITY OF RICHMOND (GRANTEE): Consider a record of survey depicting the location and extent of filled tidelands as they existed around February 22, 1980 within Terminal One in the City of Richmond, Contra Costa County. CEQA Consideration: not a project. (G 02-04) (A 15; S 9) (Staff: R. Boggiano, D. Frink)

C74 CITY OF LONG BEACH (GRANTEE): Review the expenditure of tideland oil revenues, in an amount not to exceed \$7,264,285 by the City of Long Beach for capital improvement projects within legislatively granted sovereign land in the city of Long Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-03.10) (A 70; S 33) (Staff: M. Moser)

C75 CITY OF REDONDO BEACH (GRANTEE): Consider authorizing an expenditure of tideland funds in the amount of \$1,309,000 by the City of Redondo Beach for the emergency repairs of the Redondo Beach pier deck located within legislatively granted sovereign land in the City of Redondo Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-07.13) (A 66; S 26) (Staff: M. Moser)

VI INFORMATIONAL - SEE REGULAR

VII REGULAR CALENDAR 76-88

76 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider an update on the Commission's land and resource management activities involving the San Joaquin River, including its participation on the San Joaquin River Conservancy Governing Board and the proposed San Joaquin River Conservancy River West Fresno, Eaton Trail Extension Project, City of Fresno, Fresno County. CEQA Consideration: not a project. (W 27140) (A 23; S 8) (Staff: R. Collins, J. Ramos, J. Lucchesi)

57

I N D E X C O N T I N U E D

PAGE

- 77 SAN FRANCISCO PORT COMMISSION, CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider approval of a Compromise Title Settlement and Land Exchange Agreement, pursuant to Chapter 477, Statutes of 2011, between the State of California, acting by and through the State Lands Commission, and the City and County of San Francisco, acting by and through the San Francisco Port Commission involving certain land located in and adjacent to the San Francisco Bay at Pier 70, City and County of San Francisco. CEQA Consideration: Environmental Impact Report certified by the San Francisco Planning Commission, State Clearinghouse No. 2015052024, and statutory exemption. (G 11-01; RA# 17125)(A 17; S 11) (Staff: R. Boggiano, S. Scheiber) 44
- 78 CALIFORNIA STATE LANDS COMMISSION: Consider Adoption of the Legal Guide to the Public's Rights to Access and Use California's Navigable Waters and Brochure on the Public's Rights to Access and Use California's Navigable Waters. CEQA Consideration: not a project. (A & S: Statewide) (Staff: P. Huber, C. Fossum) 51
- 79 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation in the second half of the 2017-18 legislative session to grant and convey in trust to the San Diego Unified Port District land in the City of Chula Vista pursuant to a land exchange agreement the Commission approved in December 2010. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 32
- 80 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation in the second half of the 2017-18 legislative session to repeal the Metropolitan Water District of Southern California's statutory trust grant. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 33

I N D E X C O N T I N U E D

PAGE

- 81 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation in the second half of the 2017-18 legislative session to amend Public Resources Code section 6307 to allow the Commission to provide, as part of an exchange agreement involving granted lands, that the lands or interests in lands that are acquired and impressed with the protections of the common law Public Trust Doctrine be conveyed in trust to the grantee and deemed part of the statutory trust grant. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 36
- 82 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation in the second half of the 2017-18 legislative session to amend Public Resources Code section 6217.8 to remove the \$300 million cap in the oil trust fund so that the abandonment fund for the Long Beach oil operations is more likely to be sufficient to cover the State's abandonment liability. CEQA Consideration: not applicable.(A & S: Statewide) (Staff: S. Pemberton) 37
- 83 CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation in the second half of the 2017-18 legislative session to amend Public Resources Code sections 6216.1, 6107, 6201, 6477, 6914, 7730, 8618, 8622, and 71200 through 71271. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 40
- 84 CALIFORNIA STATE LANDS COMMISSION: Consider supporting a June 5, 2018, Statewide Ballot Measure, SB 5 (Chapter 852, Statutes of 2017) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton, J. Lucchesi) 41

I N D E X C O N T I N U E D

		PAGE
85	OCEAN PROTECTION COUNCIL (INFORMATIONAL): Presentation by the Ocean Protection Council staff on updating the State of California's Sea Level Rise Guidance Document. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: J. Mattox, M. Farnum, J. Lucchesi)	83
86	PACIFIC GAS AND ELECTRIC COMPANY (INFORMATIONAL): Status update on PG&E's Diablo Canyon Power Plant Joint Proposal application pending before the California Public Utilities Commission, near Avila Beach, San Luis Obispo County. CEQA Consideration: not applicable. (PRC 4307.1, PRC 4449.1)(A 17; S 35) (Staff: P. Huber, J. Lucchesi)	107
87	CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational report on efforts to update the Commission's environmental justice policy. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)	101
88	CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational update on the pollution issues within the Tijuana River Watershed. CEQA Consideration: not applicable. (A 78; S 40) (Staff: M. Farnum, J. Mattox, S. Pemberton)	120
	VIII PUBLIC COMMENT	137
	IX COMMISSIONERS' COMMENTS	145
	Adjournment	146
	Reporter's Certificate	147

P R O C E E D I N G S

1
2 CHAIRPERSON NEWSOM: All right. Everybody out is
3 there ready?

4 Good. We'll call this meeting of the State Lands
5 Commission to order. All the representatives of the
6 Commission are here present. And those of you that are
7 here for the first time, one or two of you at home that
8 might be watching with nothing else going on, or
9 passionately attentive to this Commission meeting, the
10 benefit of those out there, the State Lands Commission
11 manages State properties in over five million acres of
12 land including mineral interests. The Commission has the
13 responsibility for the preventive of oil spills at marine
14 oil terminals and offshore oil platforms, and for
15 preventing the introduction marine invasive species into
16 the California marine waters.

17 Today we're going to hear requests and
18 presentations involving the lands and resources within the
19 Commission's jurisdiction. We are also honored to be here
20 in Fresno. And I'm grateful for those of you that are
21 here that have had not the opportunity to be at a State
22 Lands Commission before because without exception, over
23 the course of decades, we've never been out here. And
24 that wrong is being righted today. And hopefully, a new
25 pattern will be established moving forward.

1 There tends to be a perception, and in some cases
2 when you look at the agenda, some reality to bear the
3 perception out that we overly indulge in terms of our
4 coastal outreach. With the exception of obviously the
5 meetings we have in Sacramento, there is a gap in terms of
6 our outreach to other parts of the State. And so we, a
7 number of months ago as a commission, all decided that it
8 was right to move out of our comfort zone, to get out of
9 Sacramento in particular, but also move off the coast and
10 to reach out to other parts of the State. And so this is
11 an effort to do just that. And I'm grateful everybody
12 that helped organize the event for the facilities that
13 have been afforded, all of us.

14 And for the opportunity also to agendize a few
15 items that have a little more relevancy and local
16 competency as it relates to issues that a number of you in
17 the community may care disproportionately about. But this
18 is your State Lands Commission. It is your State. The
19 issues that come in front of us should matter, regardless
20 of where their immediate impacts are felt most, as we all
21 share, as the Bible says. Forgive me for bringing
22 religion into this. We are many parts but one body. And
23 that was what Father Kauz at least taught me at Santa
24 Clara.

25 (Laughter.)

1 CHAIRPERSON NEWSOM: So I will share his wisdom
2 and we lost him a few years ago. And I imagine he would
3 have wanted me to say that when he was alive, and I've
4 regretted it, so now I've added it.

5 And so that's -- that's a bit of an overview.
6 And I want to just in respecting people's times, let folks
7 know we'll take a number of items off the top on the
8 consent calendar first. We'll go into one item in
9 particular that we're pulling from the consent calendar.
10 We'll listen to the Executive Officer and her Director's
11 report. And then the burden on all of you. I'll ask for
12 your indulgence. We have to go into closed session to
13 talk about pending litigation that is relevant to the rest
14 of the calendar. And that's why I will ask you, if we
15 could, just get a little bit of your time and we'll ask
16 you back in the room and we'll quickly get to the rest of
17 the agenda.

18 So it's in that spirit that we'll ask Ms.
19 Lucchesi for her Executive Officer's report after I ask
20 for the adoption of the minutes of the meeting on October
21 19th. And there may be a motion but it may be an amended
22 motion.

23 Try it and see what happens.

24 COMMISSIONER YEE: There we go. There we go.

25 Great. Thank you.

1 Thank you, Mr. Chairman. We do have the minutes
2 of October 19th before us, and it's my understanding that
3 with respect to our action relating to the Huntington
4 Beach desalination plant that there might be some
5 ambiguity with respect to the motion that was made. And
6 so what I'd like to do is to give staff some time to
7 review the Commission meeting transcript, and also just
8 confer with any of us, if necessary, and defer approval
9 until the February meeting.

10 CHAIRPERSON NEWSOM: Does that work for you?

11 ACTING COMMISSIONER ORTEGA: Fine.

12 CHAIRPERSON NEWSOM: And that works, Jennifer?
13 You -- you're good with that --

14 EXECUTIVE OFFICER LUCCHESI: Yes.

15 CHAIRPERSON NEWSOM: -- and I appreciate that.
16 And that's -- it's a good pick up that we're actually
17 paying attention to the minutes. And so I'm grateful for
18 that request. And we'll defer that till the next meeting.

19 COMMISSIONER YEE: Thank you.

20 CHAIRPERSON NEWSOM: So the next order of
21 business is the Executive Officer's report.

22 EXECUTIVE OFFICER LUCCHESI: All right. Yes,
23 thank you. A couple of programmatic items that I want to
24 update the Commission on, and then get into some personnel
25 acknowledgments to end my Executive Officer's report.

1 First, I want to talk about a recent enforcement
2 effort within our Marine Invasive Species Program. On
3 July 18th of this year the merchant vessel Ionic
4 discharged ballast water from 12 ballast tanks in
5 California's waters offshore Pittsburg in the -- violation
6 of the Marine Invasive Species Act. The 12 discharges
7 resulted in 10 moderate violations and two minor
8 violations pursuant to the Commission's enforcement
9 regulations, amounting to a maximum penalty
10 of -- potential penalty of \$110,000.

11 The vessel's owner and the Executive Officer,
12 myself, agreed to settle the liability resulting from the
13 violations for \$75,000, which Commission staff has
14 deposited into the Marine Invasive Species Control Fund.
15 This amount will help fund further efforts to protect
16 California's waters from marine invasive species and deter
17 future violations of the Act.

18 And so this was one of the first enforcement
19 actions that we have taken under our new regulations, and
20 it served well in terms of our communication with the
21 vessel's owner and also has facilitated increased
22 communication with other vessels and their agents.

23 So we're hoping that this -- these -- this new
24 regulatory authority will help keep California waters
25 protected.

1 CHAIRPERSON NEWSOM: And just -- and forgive me,
2 because of the novel nature of this -- this 75,000 was
3 based -- is it not on any scale that was set forth or was
4 more of a negotiated assessment?

5 EXECUTIVE OFFICER LUCCHESI: The regulations that
6 the Commission adopted and then delegated to the executive
7 officer to implement has a very specific matrix on how you
8 identify the extent of the violation, minor/moderate, or
9 more extensive. And then the amounts that are associated
10 with that.

11 And then also the number of violations. So it's
12 very prescriptive. It provides some detailed framework,
13 which allowed the Commission to delegate that authority to
14 me, but also gives enough discretion to be able to
15 negotiate something, an amount, that both meets the
16 purposes of the Act, and protecting California waters
17 without putting a company out of business.

18 CHAIRPERSON NEWSOM: And the 75, just -- and
19 forgive me -- it represents the lower end of that scale or
20 the moderate?

21 EXECUTIVE OFFICER LUCCHESI: It -- no, more in
22 the median to higher end of that --

23 CHAIRPERSON NEWSOM: Okay. Thank you.

24 EXECUTIVE OFFICER LUCCHESI: -- because of the
25 extent of the violations.

1 CHAIRPERSON NEWSOM: Thank you.

2 EXECUTIVE OFFICER LUCCHESI: For a moderate
3 violation. Thank you.

4 Next, I just want to update the Commission on our
5 partnership with the Port of San Diego and our efforts
6 under the San Diego Ocean Planning Pilot Partnership. If
7 San Diego Ocean Planning Partnership continues to move
8 through its first phase of stakeholder engagement and data
9 collection. And we're starting to prepare for phase 2.
10 Staff in San Diego and Sacramento are meeting with
11 individual stakeholders and groups, planning public
12 community meetings for the beginning of 2018 and drafting
13 the summary assessment report of all that we've learned
14 from our outreach with the various stakeholders involved.

15 Our staff is also currently exploring potential
16 technical and expert review panel options. We expect to
17 complete our phase 1 summary assessment in spring of 2018,
18 and from there move into phase 2, which includes a
19 conflict and opportunity analysis, drafting of initial
20 recommendations, and the development of a spatial viewer
21 tool.

22 Next week, our staff will attend the West Coast
23 Planning Body meeting in Long Beach, along with State
24 representatives from Washington and Oregon, as well as
25 ocean planners from the east coast and the Gulf states.

1 We'll participate in sessions on subregional
2 planning, data and regional ocean assessments, funding and
3 stakeholder engagement, and tribal issues. We will -- our
4 staff will also visit the Southern California Coastal
5 Water Research Project, or SCCWRP, along with our port
6 partners next Friday as guest speakers to discuss our
7 ocean planning partnership and enhanced networking
8 opportunities with those scientists.

9 And we will continue, as directed by the
10 Commission, to provide routine updates to the Commission
11 on this project through all the phases over the next
12 couple of years.

13 So that concludes my remarks about our
14 substantive -- programmatic updates.

15 I do want to get into a couple of personnel
16 acknowledgments. First, regrettably we are saying goodbye
17 to our Sea Grant Fellow Jaimie Huyhn. She came to us from
18 the Scripps Institute of Oceanography and had experience
19 working on water quality and environmental planning as
20 staff for the City of San Diego's Transportation and
21 Stormwater Division.

22 We knew Jaimie would be a great help on our ocean
23 planning project, sea level rise policy implementation,
24 and offshore renewable energy, and she has been
25 exceptional on all those fronts. What we discovered

1 though in getting to know her, and getting to know the
2 quality of work and her personality, is that she has also
3 brought other tremendous talents and skills to our work,
4 including her photography, her graphic art skills, and her
5 ability to connect with people.

6 When we asked if she could help us with our
7 environmental justice update, she dove into the project
8 full force, and has really proven to be such a natural at
9 that outreach and assessment effort. We -- we're going
10 to miss her tremendously in that role, her enthusiasm,
11 her energy and creativity. And we're just very proud and
12 grateful for her contribution to the Commission. And we
13 will, of course, keep tabs on her as she moves on to her
14 next adventure.

15 Unfortunately, she's not with us today, but I did
16 want to acknowledge her, because she won't be with us at
17 our February meeting. And it's one of those things -- I
18 know the Lieutenant Governor's office has been very
19 fortunate to have -- participate in the Sea Grant Fellow
20 program. And the Controller's Office is about to
21 experience that next year. And it's a -- it's a -- it's
22 double-edged sword, because they -- they come to you for a
23 year, and they jump in just full force, and they
24 are -- they become very valuable and they contribute
25 tremendously right away from the very beginning, and then

1 you have to say goodbye.

2 And it's both personally and emotionally hard to
3 say goodbye to somebody that you've worked with so
4 closely, but they've also made such an impact and
5 contribution over the year that your whole institution,
6 your whole agency are going to miss the value added from
7 them.

8 So this is always a hard time for us to have to
9 say goodbye, but we also look forward to meeting and
10 working with our new Sea Grant Fellow coming -- coming on
11 next year. So I want to acknowledge Jaimie for her work
12 at the Commission on that.

13 CHAIRPERSON NEWSOM: Hear, hear.

14 EXECUTIVE OFFICER LUCCHESI: Next, I wanted
15 to -- I want to talk about two significant retirements at
16 our Commission. It is with great pleasure, but also with
17 great sadness to acknowledge the retirements of two iconic
18 members of our Commission staff. Between the two of them,
19 they have almost 75 years of service to the people of
20 California. Saying goodbye to them is truly an end of an
21 era at the Commission.

22 First -- and they're with us fortunately today.
23 First is Jeff Planck. And Jeff is, of course, hiding
24 behind the pillar over there.

25 (Laughter.)

1 EXECUTIVE OFFICER LUCCHESI: As he usually likes
2 to be behind the scenes, but not today. Jeff Planck has
3 given the people of California over 33 years of dedicated
4 and distinguished public service. He has worked -- his
5 career started in the indus -- the petroleum industry
6 working in the fields of California, Montana, Texas, the
7 Gulf of Mexico, and the north sea. He entered service
8 with this Commission's Mineral Management -- Resources
9 Management Division in October of 1984.

10 He later -- this is a fun fact about Jeff. He
11 later received his JD, his Juris Doctorate, and joined the
12 California State bar as an attorney in 1992. So he's an
13 engineer, and an attorney. Jeff, since 1984, has provided
14 expert technical advice and managerial direction initially
15 as an Associate Mineral Resources Engineer, and since
16 1988, as a Senior Mineral Resources Engineer. And later
17 he rose through the ranks to be manager. And then since
18 2013, he's been our Assistant Chief of our Mineral
19 Resources Management Division.

20 He is a great leader. He has consciously guided
21 the Commission's Resources Management Division with his
22 dedication and leadership. His industry, legal, and
23 engineering training and experience has been instrumental
24 in serving as a project manager for all of the major
25 offshore oil and gas projects since 1988, beginning with

1 Project Clear View, the seafloor well abandonment, and the
2 clean up of the oil field debris in Santa Barbara Channel,
3 and efforts undertaken toward the abandonment of all major
4 oil and gas operations in State waters within the Santa
5 Barbara Channel.

6 I think most recently, and where I have gotten
7 the work with Jeff so closely, is on our recent efforts to
8 decommission plug and abandoned -- excuse me, plug and a
9 pan done the Summerland Oil Well, the quitclaim of the
10 Platform Holly leases, and the responsibility that the
11 Commission has taken on to clean -- to plug and abandon
12 those wells and decommission those facilities. He has
13 been our lead on that project.

14 And then what we'll talk about in a little bit is
15 the Rincon Island facility and the shut down of
16 that -- those operations, and the ultimate plugging and
17 abandonment. We -- he took the responsibility as lead in
18 that -- this those efforts without a second thought, and
19 we have all benefited from that. We've talked about, I
20 think, a number -- on a number of occasions about how
21 incredibly complex and challenging those efforts have
22 been, because it's something the Commission has never
23 really been involved in at this level with this type of
24 complexity before.

25 But so far, it's -- it's gone as smoothly as we

1 could have hoped. That's what -- that's what the public
2 is seeing, that's what the Commission is seeing. There is
3 a tremendous amount of work that goes on behind the scenes
4 that he is in the middle of making sure that everything is
5 moving in the right direction.

6 Because of his dedication and integrity, he has
7 succeeded in compiling an incredibly successful record of
8 achievements and earning the admiration of not only all of
9 us, his colleagues, but those representing industry, and
10 the community organization. I just want to wish Jeff and
11 his family sincere best wishes for a rewarding and
12 gratifying retirement. And I think we all wish him and
13 his family the very best this years to come.

14 And we do have a resolution for him up there.
15 And I would love for him to be able to come up and take a
16 picture with the Commission he has served for the last 33
17 years.

18 CHAIRPERSON NEWSOM: Hear, hear.

19 EXECUTIVE OFFICER LUCCHESI: So, yes.

20 (Applause.)

21 CHAIRPERSON NEWSOM: All right. The one day I
22 don't wear a tie.

23 (Laughter.)

24 CHAIRPERSON NEWSOM: Thank you, sir.

25 Actually retiring or what are you doing?

1 (Laughter.)

2 CHAIRPERSON NEWSOM: All right.

3 EXECUTIVE OFFICER LUCCHESI: I will say that the
4 Commission is obviously a wonderful place to work. And a
5 lot of times we find those that have dedicated
6 their -- pretty much their entire career to serving the
7 people of California and this Commission, they
8 just -- they just find themselves coming back so easily,
9 which we accept graciously.

10 (Laughter.)

11 EXECUTIVE OFFICER LUCCHESI: So the next -- our
12 next legacy that I want to acknowledge is Jean Gunther.
13 For over 40 years -- and Jean, where are you?

14 For over 40 years, she has dedicated her career
15 to public service to the people of California. She began
16 her career with the State in July of 1975 as a graphic
17 artist, with the Office of Emergency Services. She then
18 moved to State Parks and then landed at State -- the State
19 Lands Commission in May of 1977, as a graphic artist for
20 us.

21 Jean has utilized her artistic talents to assist
22 various State and local agencies, such as the Bureau of
23 Automotive Repair, the Delta Protection Council, Wildlife
24 Conservation Board, Riparian Habitat Joint Venture, the
25 Sacramento River Greenway, the Ocean Protection Council,

1 all with logo, branding and design.

2 She is one of our key ambassadors for interagency
3 relationships because of her graphic art -- her graphics
4 work on behalf of the Natural Resources Agency, the Water
5 Resources Control Board, the Native American Heritage
6 Commission, and the Department of Fish and Wildlife.

7 She has been fundamental in creating the visual
8 presentations for conferences, such as the California and
9 the World Conference, Western States Land Commissioners
10 Association, and the Maritime Leadership Symposium. She
11 has also been the key -- the key staff member in the
12 development of the Commission's State Capitol upper
13 rotunda exhibits, which notably include the Brother
14 Jonathan exhibit in 1999, the Surveyor General exhibit in
15 2009, and the 75th anniversary of the State Lands
16 Commission in 2013.

17 She has designed almost all of, I would say, the
18 Commission's publications, such as the Delta report, the
19 Sacramento Greenway report, School Lands report, Rivers
20 report, and just a handful of others. She's created all
21 of our displays, brochures, and presentations for the
22 Commission's bi -- Commission's biannual Prevention First
23 conference since its inception.

24 And she's just widely known both inside an
25 outside our agency as epitomizing the high standard of

1 customer service and excellence that we strive for on a
2 daily basis. Jean has a very special place this our
3 Commission. She works out of our Sacramento office, and
4 she -- she is the first person that a new staff member
5 really gets to meet and know, because she takes your photo
6 ID picture. And her personality and her warmth, you end
7 up speaking with her on your first day for an hour, as she
8 learns about you and gets to know you. She is really our
9 welcoming -- I think our Assistant Executive Officer
10 nailed it on had the head what he called her our welcoming
11 ambassador to the agency.

12 I know when I first started at the agency, that's
13 what she was to me, and she does that for everybody.
14 Everybody calls her, you know, Mama Jean, or Auntie Jean.
15 She -- she is a real pillar of our Commission staff
16 family.

17 We're very excited for her retirement. She has
18 three young grandchildren. Her children and their
19 families all live relatively close to her. Her husband is
20 retired. She has an amazing adventure and life ahead of
21 her and we're very excited for her to experience that.
22 We're just super sad for us.

23 (Laughter.)

24 EXECUTIVE OFFICER LUCCHESI: We -- I always have
25 such mixed feelings about these retirements, because

1 it's -- it's an incredible point -- part -- time in your
2 life to get to. And there's lots to do in this world
3 besides work eight hours every day. But -- but for the
4 people that she is leaving behind, we will greatly miss
5 what she adds to our life at work every day.

6 Thank you, Jean, for your unwavering loyalty,
7 integrity, and excellence in your service. And I
8 just -- if we could have a round of applause for Jean.

9 (Applause.)

10 EXECUTIVE OFFICER LUCCHESI: And I'd also like
11 for her to come up and take a picture. We have a
12 resolution for Jean as well.

13 CHAIRPERSON NEWSOM: Jean, unfortunately, you'll
14 have to do the photograph as well.

15 (Laughter.)

16 (Applause.)

17 EXECUTIVE OFFICER LUCCHESI: So, like I said, it
18 really is an end of an era for us. And thank you for your
19 indulgence for us to be able to acknowledge their work and
20 their contribution.

21 I have one more acknowledgement, and that is of
22 Commissioner Ortega. I want to acknowledge that today is
23 her going to be her last State Lands Commission meeting.
24 She was recently appointed Inspector General in the office
25 of Audits and Investigations at the California Department

1 of Transportation. Commissioner Ortega has served as
2 Chief Deputy Director of Policy at the California
3 Department of Finance since 2013. And as part of her role
4 there, she has been the Director's alternate on the
5 Commission.

6 Thank you, Commissioner Ortega, for your
7 extremely valuable work on the Commission. I speak for
8 all of Commission staff when I say that it has been a
9 great honor and pleasure working for and with you.

10 We appreciate your thoughtful and comprehensive
11 approach to the issues before the Commission, your work to
12 advance the Commission's vision and mission, and your
13 commitment to sound policy and good strong transparent
14 government that the people.

15 We wish you all the best in your new adventure.
16 It sounds exciting, but we will miss you a lot. Thank
17 you.

18 (Applause.)

19 EXECUTIVE OFFICER LUCCHESI: And that concludes
20 my report.

21 CHAIRPERSON NEWSOM: No one else --

22 EXECUTIVE OFFICER LUCCHESI: No.

23 (Laughter.)

24 CHAIRPERSON NEWSOM: -- leaving us?

25 My gosh.

1 COMMISSIONER YEE: Thank you, Mr. Chairman.
2 First of all, I just have to say of the 70 boards and
3 commissions on which I have the privilege have serving,
4 there is none that really parallels this Commission. And
5 I can see why. I mean, it really is the dedication
6 of -- to a person on the staff of your team, Jennifer, but
7 also the dedication to the mission. And it really
8 permeates throughout the organization, whether you're
9 in -- whatever capacity you are in the organization. You
10 know, that mission is just so clear. But I also just
11 wanted to add my thanks and my congratulations to our
12 colleague, Commissioner Ortega, who's just been -- I'm not
13 only going to miss her here, I'm missing on CalSTRS. I'm
14 missing her on a number of financing authorities.

15 (Laughter.)

16 COMMISSIONER YEE: So this is really hard for me.

17 (Laughter.)

18 COMMISSIONER YEE: But she has just been a
19 wonderful solid leader who, as she said, perfectly, it's
20 always about what's in the best interests of California,
21 but particularly around accountability and transparency.
22 So thank you, Eraina.

23 CHAIRPERSON NEWSOM: Yeah. Well State. And just
24 briefly just picking up on a little bit of Commissioner
25 Yee's point, none of what you reflected on was

1 perfunctory. And I think it goes to the spirit of what
2 the Commissioner was saying. So well done. That
3 leadership is at the top as well, so we do admire it. And
4 thank you, both, for your decades of service and look
5 forward to figuring out what you're doing next, because I
6 don't believe it's -- you know, I don't know. There are a
7 lot of fishing.

8 This is a Commission that maybe you end up going
9 fishing, maybe.

10 (Laughter.)

11 CHAIRPERSON NEWSOM: So, you know, maybe
12 I'm -- for give me.

13 (Laughter.)

14 CHAIRPERSON NEWSOM: Anyway. Thank you,
15 Jennifer. And anything else? That's it for the Executive
16 Officer's report.

17 So we have next item is the adoption of the
18 consent calendar, but I know there's maybe an item or two
19 or more that --

20 EXECUTIVE OFFICER LUCCHESI: Yes.

21 CHAIRPERSON NEWSOM: -- that needs to get
22 pulled. Are there any items, Jennifer, that you want to
23 pull from the consent?

24 EXECUTIVE OFFICER LUCCHESI: Yes. There are
25 several. I would like to pull C 28, C 29, C 30, C 46, C

1 65, and C 73 from the agenda completely. We will hear
2 those items at a later date.

3 I would like to remove consent item 71 to the
4 regular agenda, so that we could hear a staff presentation
5 and the Commission's deliberation on that.

6 CHAIRPERSON NEWSOM: That's great. So with the
7 exception of 28, 29, 30, 46, 65, 73, and the need to move
8 71 to the regular agenda, is there a motion to adopt the
9 rest of the calendar?

10 COMMISSIONER YEE: I will so move.

11 ACTING COMMISSIONER ORTEGA: Second.

12 CHAIRPERSON NEWSOM: And seconded.

13 Is there anyone here that wishes to speak on any
14 of those items? 71 again, we'll have an opportunity to
15 speak at the regular agenda. Anyone here to speak to
16 think of the other consent items?

17 One person, perhaps more.

18 EXECUTIVE OFFICER LUCCHESI: Give me one second.

19 We're good.

20 CHAIRPERSON NEWSOM: We're good.

21 Seeing none. We will close public comment.

22 And there's a motion and it's been seconded.

23 Without objection, we'll move to adopt the remainder of
24 the calendar.

25 And that brings us to the next order of business,

1 which is the regular agenda. And as promised, or at least
2 promoted, we will take up item 71. And then I'll
3 respectfully request that we move to closed session, so
4 that we can get to the rest of regular calendar.

5 EXECUTIVE OFFICER LUCCHESI: Right.

6 CHAIRPERSON NEWSOM: So with that in mind, if we
7 could get a presentation on item 71.

8 EXECUTIVE OFFICER LUCCHESI: Yes. Staff attorney
9 Joe Fabel will be giving staff's presentation to this item
10 to the oil and gas leases associated with Rincon Island in
11 Ventura County.

12 STAFF ATTORNEY FABEL: Thank you very much. Good
13 afternoon Commissioners, Chair. My name is Joseph Fabel.
14 I'm an attorney here at the State Lands Commission.

15 Today, I'm presenting Item 71 dealing with the
16 final disposition of leases for Rincon Island Limited
17 Partnership, or RLP. This item is unique, because for the
18 first time in the Commission's history, the Commission is
19 considering the termination of an active producing oil and
20 gas lease on State sovereign land for breach of the lease.

21 This will result in 1,551 acres being added to
22 the California Coastal Sanctuary, and approximately 2.5
23 million barrels of oil reserves remaining in the ground
24 unextracted. This adds to the 7,500 acres and 85.1
25 million barrels of reserves added to the sanctuary as a

1 result of the Venoco quitclaim earlier this year.

2 Since 2014, staff worked to ensure that all
3 reasonable alternatives were explored short of terminating
4 RLP's leases. However, what has been made clear recently
5 is that the lease termination is the only remaining option
6 to secure Rincon Island from the potential risks it poses
7 to marine environment and to ensure it never again poses
8 such danger.

9 The leases, which include Rincon Island, and two
10 onshore leases, are located near the community of Mussel
11 Shoals just right off Ventura County.

12 RLP's operational history was explored and
13 detailed in information item 77 at the Commission's August
14 2017 meeting. But in short, significant problems with the
15 wells were discovered in November 2014. When those issues
16 went unaddressed, Commission staff delivered a default
17 notice in April 2016 providing 60 days to cure those
18 violations or risk lease termination.

19 On August 8th, 2016, as the Commission prepared
20 to consider terminating leases, RLP declared bankruptcy.
21 The material violations remain uncured to this day. Now
22 this slide is a little busy, but it does represent a
23 lessee's minimum expectations under a State oil and gas
24 lease. The defining characteristics of this bottom red
25 category is a failure to act as a reasonably prudent

1 operator.

2 As demonstrated by the Commission's extensive
3 documentation in this area, and history of communications
4 with lessee, RLP's operations have consistently failed to
5 rise above the minimum expectations, and therefore meets
6 the elements necessary to justify termination of the
7 leases.

8 Now, to briefly visit how we got to her today.
9 In July of this year, a chapter 11 trustee was appointed
10 to oversee RLP's estate in its bankruptcy proceedings. As
11 part of this -- as part of the trustee's far-reaching
12 authority, the trustee has the power to transfer the
13 leases with court approval.

14 In August, the trustee hired DrilTek, a reputable
15 oil operating company to manage day-to-day operations of
16 the leases. In September, after a marketing campaign run
17 by the trustee, five beds -- sorry five bids, rather, were
18 received from companies seeking to be the new lessee.

19 In October, staff evaluated a series of proposals
20 from the only bidder the trustee considered qualified, a
21 company named West Energy Offshore.

22 Now, as explained in exhibit B of the staff
23 report attached to this item, staff did not consent could
24 West Energy becoming the new lessee over Rincon Island.
25 As a result, because no other options existed for

1 resolving the issues on Rincon Island, at the Commission's
2 direction, staff asked the trustee to voluntarily
3 surrender its lease rights, effectively terminating the
4 leases.

5 Both the trustee, and UBS AG Bank, RLP's largest
6 secure creditor in the bankruptcy, having cooperated in
7 seeking this end. If the court will consider approval of
8 the quitclaim, actually tomorrow at a hearing at 8:00 a.m.
9 Pacific time, and a quitclaim could follow as soon as
10 tomorrow or very shortly afterwards.

11 However, as a contingency, staff is recommending
12 that the Commission make the requisite findings justifying
13 termination of the leases in case the court does not
14 approve RLP's voluntary surrender. Either way, once the
15 leases do terminate, staff expects to enter and secure the
16 leases, and commence operations to comply with DOGGR's
17 emergency order 1114, which is still outstanding.

18 On November 15, Commission staff executed an
19 emergency contract with DrilTek to them out there and
20 operate the leases, and to start assessing the lease
21 facilities.

22 Within the next 90 days, staff anticipates
23 soliciting bids for a contractor to plug and abandon the
24 80 or so wells -- leases. The eventual disposition of the
25 island and connecting causeway itself will be considered

1 by the Commission in the future with full public input and
2 in a manner fully compliant with the California
3 Environmental Quality Act.

4 Finally, I'd like to mention staff's appreciation
5 for the hard work and close cooperation of the Department
6 of Conservation and its Division of Oil Gas and Geothermal
7 Resources. DOGGR's regulatory efforts played a huge role
8 in letting us secure the leases with finality and
9 permanence. To Dr. David Bunn, the Director of
10 Conservation and his team, Jason Marshall, Ken Harris,
11 James Pearce, who has been a singular force in helping us
12 out with this effort, and the Division Coastal District
13 Deputy Pat Abel and Yuan Benum, along with others. Staff
14 thanks you and looks forward to moving ahead to the good
15 work that must be done.

16 And with that, that concludes my presentation.

17 CHAIRPERSON NEWSOM: You said on the good work
18 that must be done. We've got -- we've got a bond, a
19 little less than 10 billion -- million dollars. We've got
20 that ARCO -- those dollars eight plus million or
21 something. I mean, give me a scope or a sense, and I
22 think it's helpful for the public as well, of what the
23 next steps are? Are those resources nearly enough? What
24 is that place in terms of burden on this Commission/the
25 State, and how -- you know, give me a sense of the

1 timeline as we move forward to do all of the above?

2 STAFF ATTORNEY FABEL: Well, certainly. I'll
3 give you my best efforts. And obviously moving forward,
4 we'll have more clarity as things develop. But we do hold
5 19 -- sorry \$17.65 million in securities. An estimate
6 performed in June of 2016 estimated plug and
7 abandonment -- and a lot of this work I described earlier
8 as about \$50.5 million. So there is a shortfall, and this
9 is a the negative aspect of this is that the public
10 will -- may be on the hook for a lot of these funds here.
11 And that's where Commission staff is working to secure the
12 bond and work with AIG, which is the bondholder to receive
13 those. And we believe we're making good progress on that.

14 And we are exploring other options in the future,
15 in the form of cost recovery, and also trying to preserve
16 claims against any other prior operator, who may have lie
17 built fee for this. And I can't speak too much of that
18 now, because there is -- there's things in play, so to
19 speak, but we are certainly utilizing every effort in
20 order to minimize the impact to the people of the State of
21 California.

22 CHAIRPERSON NEWSOM: And just -- and just to
23 flesh out a little bit again, I think it's important for
24 the public to understand, there was an opportunity for
25 folks to submit bids to perform, at the expectation

1 standards that -- that all of us agree were minimum
2 requirements. And it's your assessment, staff's
3 assessment that none of them met the threshold to actually
4 perform?

5 STAFF ATTORNEY FABEL: That is absolutely
6 correct. Five bids were received. The only one company
7 that was offered as an alternative for us to consider was
8 that one company West Energy Offshore. From a technical
9 perspective, they had very smart people. They did bring
10 experience to the industry. This -- staff felt, however,
11 that to address the issues on the island, and address them
12 permanently, and that was a huge component to this, we did
13 not feel comfortable and confident that their financial
14 structure was suited to that end.

15 They might be able to address those issues for
16 the first year or two. But if there was a downturn, if
17 their economic projections for production just didn't turn
18 out, we could have been in this exact same situation two
19 or three years from now.

20 CHAIRPERSON NEWSOM: Right. Right. And that was
21 unanimously -- you all agreed. There was no dissent
22 amongst you?

23 EXECUTIVE OFFICER LUCCHESI: No. We have -- we
24 have a team of technical experts led by Jeff Planck and
25 his staff in our -- is that are petroleum engineers.

1 There are -- are economic and financial expertise if our
2 audit division, they are the folks that are kind of on the
3 ground looking at these facilities. They are inspectors.
4 They know exactly what's the work that needs to be done
5 out there, particularly in close coordination with DOGGR
6 and their experts. So we know what's necessary and what's
7 needed.

8 And then our team of attorneys and our executive
9 management team looking at just what would need to be
10 accomplished going forward, knowing what the Commission's
11 expectations are, and what the State's expectations were,
12 we felt it just wasn't a risk worth taking. And it was
13 unanimous among our team.

14 CHAIRPERSON NEWSOM: Yeah. Significant as you
15 suggest, I mean, the idea that two plus million barrels
16 remain in the ground is a -- not an insignificant
17 narrative, fact, but also part of a broader narrative, as
18 you know, from the environmental community. But -- so I
19 appreciate this moment an opportunity for the Commission
20 to act.

21 With that in mind, is there anyone here that
22 wishes to speak? Anyone from Rincon, out of curiosity,
23 that's here? Anyone that has contradictory point of view,
24 complementary point of view, any point of view?

25 Seeing none. We then will close public comment.

1 Are there any questions from the Commission?

2 Seeing none.

3 I think this is fairly straightforward under the
4 circumstances, though it will be made more clear as you
5 suggest tomorrow potentially and significantly so. So we
6 look forward to learning about that action.

7 And I'd look then for a motion.

8 COMMISSIONER YEE: So moved.

9 ACTING COMMISSIONER ORTEGA: Second.

10 CHAIRPERSON NEWSOM: And seconded.

11 Without objection, move the item forward. Thank
12 you. Thank you all for your good and hard work on this.

13 So let me -- let me -- as I said, I promoted
14 something, I didn't promise it. And I want to
15 make -- underscore that distinction. There's just --
16 there's three items that I think are -- lack any real
17 controversy, and I don't have anyone here that has at
18 least filled out a form that wishes to aggressively speak
19 to those items, 79, 81, which I think are related and then
20 83.

21 Is it possible just to briefly, because I imagine
22 some of you may be trapped hoping is that we move forward
23 with those items, and I want to let you go, or do you
24 think those require extensive presentations?

25 EXECUTIVE OFFICER LUCCHESI: No.

1 CHAIRPERSON NEWSOM: It's pretty straightforward,
2 right?

3 EXECUTIVE OFFICER LUCCHESI: Right. And just to
4 clarify, the legislative items 79 all the way through 84.

5 CHAIRPERSON NEWSOM: Yeah.

6 EXECUTIVE OFFICER LUCCHESI: Okay.

7 CHAIRPERSON NEWSOM: Fair point. Well, yeah, I
8 was thinking 79, 81, because they seem directly
9 connected --

10 EXECUTIVE OFFICER LUCCHESI: Oh, okay.

11 CHAIRPERSON NEWSOM: But I -- only because I
12 have -- yeah, 84, that's quick. I know someone wants to
13 speak on that, just approving a bond. But I want
14 to -- can we -- is that -- with your indulgence, can we do
15 that just so -- yeah, so we can -- I just want to be,
16 again, respectful of everybody that is here and wants to
17 get moving.

18 So maybe we can quickly go to 79 and,
19 let's -- yeah, let's hit through all the way to 84 and I
20 think these are straightforward.

21 EXECUTIVE OFFICER LUCCHESI: Sheri is -- can get
22 through those very quickly, so I --

23 CHAIRPERSON NEWSOM: Fabulous.

24 EXECUTIVE OFFICER LUCCHESI: Yes, I think it's
25 good suggestion.

1 CHAIRPERSON NEWSOM: We're going to test you.
2 Let's do it.

3 (Laughter.)

4 CHAIRPERSON NEWSOM: Thank you, Sheri.

5 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
6 PEMBERTON: Thank you, Mr. Chair and Commissioners. I'll
7 do my best. Item 79 recommends that the Commission
8 sponsor legislation to grant the San Diego Unified Port
9 District land in the City of Chula Vista that the
10 Commission acquired in a land exchange that was completed
11 in 2010. When the Commission approved the land exchange,
12 they contemplated granting this land in the City of Chula
13 Vista to the Port to be part of its grant.

14 So this proposed legislation that we've been
15 working with the Port on would do just that, the last step
16 in the land exchange process.

17 CHAIRPERSON NEWSOM: Yeah. Seems very
18 straightforward. Is there anyone that wanted to speak to
19 this item?

20 Perfect. We'll close public comment.

21 Is there any questions or...

22 ACTING COMMISSIONER ORTEGA: I'm going to
23 abstain.

24 CHAIRPERSON NEWSOM: You're going to abstain.

25 ACTING COMMISSIONER ORTEGA: I'll abstain from

1 all of these.

2 CHAIRPERSON NEWSOM: All of these items.

3 ACTING COMMISSIONER ORTEGA: I will make my point
4 one time. I will abstain from all the legislative items,
5 because just sometimes people get the notion that if I
6 vote yes here --

7 CHAIRPERSON NEWSOM: That the Governor is on
8 board.

9 ACTING COMMISSIONER ORTEGA: -- that it implies
10 something else somewhere else, so I'll just abstain.

11 CHAIRPERSON NEWSOM: No. That's a great point.

12 COMMISSIONER YEE: Mr. Chairman, I'll make a
13 motion to have the Commission sponsor this legislation.

14 CHAIRPERSON NEWSOM: Good. Without objection,
15 we'll move item 79.

16 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
17 PEMBERTON: Thank you.

18 CHAIRPERSON NEWSOM: Item 80.

19 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
20 PEMBERTON: Item 80 recommends that the Commission sponsor
21 legislation to repeal a grant made in 1967 to the Southern
22 California Metropolitan Water District to create a nuclear
23 powered desalinization or energy plant out in the ocean.
24 The grant was never implemented because the district never
25 built the island to create the plants. And so what we'd

1 like to do is recommend is that the legislature revoke the
2 grant, because they're not contemplating building these
3 types of plants. And we've been talking with the district
4 and they're doing some research and looking through their
5 files to be sure that they're comfortable with that
6 approach as well.

7 CHAIRPERSON NEWSOM: So the Met, they're on
8 board-ish?

9 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
10 PEMBERTON: They are on board-ish. They're just
11 unfamiliar with the history, so they've been doing some
12 research into their files to ensure they understand --

13 CHAIRPERSON NEWSOM: In order to -- yeah, 1967,
14 half a century ago.

15 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
16 PEMBERTON: Well -- yeah.

17 CHAIRPERSON NEWSOM: Yeah.

18 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
19 PEMBERTON: Yeah.

20 CHAIRPERSON NEWSOM: And it's to build a nuclear
21 plant, which I imagine is not top of the agenda for
22 metropolitan --

23 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
24 PEMBERTON: Yes. Yes.

25 CHAIRPERSON NEWSOM: -- water district.

1 COMMISSIONER YEE: They were forward thinking
2 back then.

3 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
4 PEMBERTON: It's low on the -- it's a nuclear powered
5 energy plant or desalinization plant.

6 CHAIRPERSON NEWSOM: Or desal.

7 COMMISSIONER YEE: Desalination plant.

8 EXECUTIVE OFFICER LUCCHESI: Offshore.

9 CHAIRPERSON NEWSOM: Off -- yeah --
10 (Laughter.)

11 CHAIRPERSON NEWSOM: Offshore nuclear plant.
12 (Laughter.)

13 CHAIRPERSON NEWSOM: Good. Well, as long as
14 we're maintaining, yeah, a collaborative engagement, yeah.

15 EXECUTIVE OFFICER LUCCHESI: I had some of the
16 same concerns about bringing this to the Commission before
17 Metropolitan Water District had formally taken a position
18 on this. But because of the hard work that Sheri and her
19 team have done in outreaching and communication with them
20 over the last many, many months, we are -- I am confident
21 that we are on the same page.

22 CHAIRPERSON NEWSOM: That's great.

23 EXECUTIVE OFFICER LUCCHESI: And they are just
24 doing what they should do, their due diligence. And so
25 we'd like to afford them that, but also be ready to jump

1 in on this as the legislative session approaches us.

2 CHAIRPERSON NEWSOM: Yeah. So you could bring
3 this back if --

4 EXECUTIVE OFFICER LUCCHESI: Yeah.

5 CHAIRPERSON NEWSOM: -- in case. Yeah, I mean,
6 we'll be respectful and responsive.

7 EXECUTIVE OFFICER LUCCHESI: Correct.

8 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
9 PEMBERTON: Yes.

10 CHAIRPERSON NEWSOM: Excellent. Is anyone else
11 here to speak on this item?

12 Seeing none. We'll close public comment.

13 Any additional comments, questions?

14 COMMISSIONER YEE: No. But I'll move that the
15 Commission sponsor this legislation as well.

16 CHAIRPERSON NEWSOM: Great. So moved and
17 seconded. And we will move that item forward as well, the
18 recommendation or support.

19 Item number 81.

20 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

21 PEMBERTON: Thank you. Item 81 recommends that the
22 Commission sponsor legislation in the cases of land
23 exchanges involving a local grantee, like I described this
24 item 79, to allow the Commission rather than the
25 legislature to convey the final Public Trust land into the

1 local jurisdiction's grant. And there's a number of
2 reasons why we think this is beneficial.

3 Typically, the following legislation is a number
4 of years later, and mainly ministerial. So we think it's
5 a more effective process to give the Commission the
6 authority to convey that land, which was -- or would be
7 already contemplated in the agreement.

8 CHAIRPERSON NEWSOM: Hear, hear.

9 Is there any public comment on this item?
10 Seeing none. We'll close public comment.
11 And it seems as straightforward as can be.

12 COMMISSIONER YEE: Yeah.

13 CHAIRPERSON NEWSOM: Move?

14 COMMISSIONER YEE: Move to sponsor.

15 CHAIRPERSON NEWSOM: Second.

16 And we will adopt item 81 and move to item 82.

17 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
18 PEMBERTON: Thank you. Item 82 recommends that the
19 Commission sponsor legislation relating to the oil trust
20 fund in the State Treasury. This fund is for the State's
21 share abandonment liability for the Long Beach oil
22 operations, which include four islands and associated
23 facilities, and a huge number of wells.

24 The cap currently is 300 million, which was
25 reached several years ago. And the interest on the cap

1 goes into the general fund. The City of Long Beach Gas
2 and Oil Department commissioned a study that CRC did
3 finding that the actual State abandonment liability is far
4 higher, many, many hundreds of million dollar -- of
5 dollars higher.

6 So we recommend legislation to change that cap,
7 so we can build back up the fund, so the State's protected
8 when the operations end.

9 CHAIRPERSON NEWSOM: And are we asking to
10 increase the cap to, I mean, a fixed amount, to assess
11 different kind of transfer as it relates to the interest
12 that's being accrued away from the general fund?

13 What's the -- what's the more -- what's the
14 legislative thinking?

15 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
16 PEMBERTON: The thought, at this point, is to request
17 authorization to work with the city and for our staff to
18 work internally to figure out the best approach to
19 changing the fund.

20 The unfunded liability is estimated at a round
21 536 million, and the operations are projected to
22 potentially end in 2036 or 2040. So we're trying to kind
23 of assess what the right approach is with raising the cap.

24 Previously, there was two million per year that
25 was put into the fund from the State's portion until it

1 reached that cap. So potentially going back to that same
2 formula, but we'll work together as a staff to decide what
3 we recommend the best -- the best approach is.

4 CHAIRPERSON NEWSOM: All right.

5 EXECUTIVE OFFICER LUCCHESI: We also anticipate
6 as we look to identify an author that would be willing to
7 carry this and then also work with the various committees
8 and also the Department of Finance, we expect there will
9 be a lot of discussion around what those parameters for a
10 new cap may be. The recommendation before you today is
11 just to remove that cap --

12 CHAIRPERSON NEWSOM: Got it.

13 EXECUTIVE OFFICER LUCCHESI: -- know how
14 legislation makes it's way through the process, and we are
15 open and we expect to work with all the stakeholders that
16 have an interest in this through the government process,
17 but also stakeholders in the public that have an interest
18 in this.

19 CHAIRPERSON NEWSOM: It's a big issue. It's
20 going to be bigger and bigger.

21 COMMISSIONER YEE: Um-hmm. Yeah.

22 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
23 PEMBERTON: Yes.

24 CHAIRPERSON NEWSOM: It's all relevant to the
25 earlier conversations.

1 So that's great, at least that's my point of
2 view.

3 Anyone else have a point of view? Public
4 comment?

5 Seeing none. We'll close public comment.

6 Any additional comments, questions?

7 COMMISSIONER YEE: No, I will move the that the
8 Commission sponsor this, but I do think I would definitely
9 like to have robust discussions around this from all
10 parties. It's clear that we're going to need to come to
11 grips with cost before any of these fields are closed, so
12 we need the flexibility, but then also going forward what
13 this could look like.

14 CHAIRPERSON NEWSOM: Hear, hear. Without
15 objection, move item 82. We'll move to item 83.

16 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
17 PEMBERTON: Thank you.

18 Item 83 recommends that the Commission sponsor
19 code clean-up legislation to amend numerous statutes that
20 govern the Commission's authority. There are very minor
21 changes. For example Fish and Game -- Department of Fish
22 and Game is now Fish and Wildlife. So correcting those
23 references, updating the process that the Commission
24 submits routine reports to make it consistent with current
25 practices, gender neutral language, and other very minor

1 changes that are identified in exhibit A to the staff
2 report.

3 CHAIRPERSON NEWSOM: That's great. Anybody here
4 want to speak to this?

5 No one. We'll close public comment.

6 It's in the hands of the Commission.

7 COMMISSIONER YEE: Move to sponsor.

8 CHAIRPERSON NEWSOM: Excellent. Without
9 objection, we'll move item 83.

10 That brings us to item 84.

11 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
12 PEMBERTON: Thank you.

13 Item 84 recommends is that the commission support
14 a June 5th ballot measure, which is called the California
15 Drought, Water, Parks, Climate, Coastal Protection, and
16 Outdoor Access For All Act of 2018. The Act, subject to
17 voter approval, proposes to issue \$4 billion in general
18 obligation bonds to finance the program. It's centered
19 around providing more public access to the State's coastal
20 resources and lands inland and all over the State. And
21 most of what it ties to do is align very closely with the
22 Commission's mission and vision. So we recommend that the
23 Commission support that -- that item.

24 CHAIRPERSON NEWSOM: Is there anyone here that
25 wishes to speak?

1 If fact, there is. Jennifer.

2 (Laughter.)

3 CHAIRPERSON NEWSOM: You're here. Ms. Savage.

4 MS. SAVAGE: Jennifer savage Surfrider
5 Foundation. Thank you. As a coastal protection and
6 outdoor access organization, Surfrider has been keenly
7 interested in supporting and will continue to sort Senate
8 Bill 5. This bond provides critical investments in areas,
9 including parks, climate resiliency, natural resource
10 protection, and open spaces throughout California.

11 With actions by the federal government, currently
12 undercutting and eliminating support for natural resources
13 and the environment, California must invest in order to
14 keep our communities moving forward towards sustainability
15 and equity. We need to do more to protect what we have
16 without losing ground. Clearly SB 5 will help. It is
17 much needed and overdue.

18 It's been 15 years since California has passed a
19 park bond. We've seen our State Parks accumulate over \$2
20 billion in deferred maintenance, and witness the need for
21 local parks being wildly outpaced by population, growth,
22 and demand, particularly in low income communities. A
23 majority of California's children do not live within a
24 10-minute walk to a park or a green space. And on a
25 person note as someone who raised three children on very

1 little income, the ability to take them to nearby parks
2 and beaches really made a huge difference.

3 We might have been financially poor, but
4 California's parks and beaches made us feel rich in other
5 ways.

6 SB 5 is a critical step forward to address the
7 immense demands in our State. These investments are
8 essential to the health and well-being of every
9 Californian in our economy, and we appreciate the State
10 Lands Commission's action to invest in our water resources
11 and outdoor spaces.

12 Thank you.

13 CHAIRPERSON NEWSOM: Grateful. Thank you.

14 Anyone else wish to speak on this item?

15 Seeing none. We'll close public comment.

16 Any questions, comments, Commissioners?

17 Motion?

18 COMMISSIONER YEE: Move to support.

19 CHAIRPERSON NEWSOM: Support. Seconded.

20 Without objection. Grateful. Thank you.

21 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
22 PEMBERTON: Thank you.

23 CHAIRPERSON NEWSOM: So we moved through
24 reasonably quickly, and grateful to everybody for
25 indulging us on those items.

1 Now, I will ask that we go into closed session.
2 We have a number of items that we need to discuss closed
3 session relevant to some of the items that we'll bring
4 back in front of all of you. And so please indulge us.
5 We'll do it as quickly as we possibly can. And we are now
6 going to officially move into closed session.

7 (Off record at 1:29 p.m.)

8 (Thereupon the meeting recessed
9 into closed session.)

10 (Thereupon the meeting reconvened
11 open session.)

12 (On record: 2:06 p.m.)

13 CHAIRPERSON NEWSOM: Okay, everybody. We call
14 this meeting back to order. Ms. Lucchesi, anything
15 specifically or generally that we should communicate from
16 the closed session?

17 EXECUTIVE OFFICER LUCCHESI: No, not at this
18 time.

19 CHAIRPERSON NEWSOM: So we'll move to the next
20 item. And I -- you know, we're already -- we're bouncing
21 around. What do you say, 77 works?

22 EXECUTIVE OFFICER LUCCHESI: Yes.

23 CHAIRPERSON NEWSOM: Let's do it. So let's
24 consider item 77, consider the approval of the title
25 settlement agreement involving land located at Pier 70, at

1 a place called San Francisco.

2 EXECUTIVE OFFICER LUCCHESI: All right. Reid
3 Boggiano is our granted lands representative that has been
4 one of the leads along with our staff attorney, Sharon
5 Scheiber, on negotiating this title settlement for many,
6 many, many years.

7 (Laughter.)

8 CHAIRPERSON NEWSOM: Fabulous.

9 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: Good
10 afternoon, Commissioners.

11 CHAIRPERSON NEWSOM: Thank you, sir.

12 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO:

13 The -- do we have a -- I'll wait till the slides.

14 CHAIRPERSON NEWSOM: A presentation.

15 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: I'm
16 just waiting for it to pop up. There we go.

17 The Pier 70 compromise title settlement and land
18 exchange agreement involves lands this San Francisco
19 within the area commonly known as Pier 70. Pier 70 is
20 located in and adjacent to San Francisco Bay at Pier 68
21 and 70, and covers about 72 acres of uplands, fill
22 tidelands, and adjacent submerged lands.

23 All the lands at Pier 70 involved in the
24 agreement, including the adjacent submerged lands are held
25 in trust by the City and County of San Francisco acting by

1 and through the Port. The Port will continue to hold
2 title to all the lands involved in the exchange after the
3 title settlement.

4 The Pier 70 area is vastly underutilized.
5 Historically, Pier 70 was an active shipyard used for ship
6 building and repair, steel production, and supporting
7 heavy industrial use. Most of the site is listed in the
8 National Register of Historic Places as the Union Iron
9 Works Historic District, which contains 44 contributing
10 resources to one of the most important intact maritime
11 industrial complexes west of the Mississippi River.

12 The historic buildings located throughout Pier 70
13 convey a sense of the area's early maritime industrial
14 history.

15 Today, the land is still used for ship repair on
16 about 15 acres of land. However, due to changes in the
17 maritime needs in the area, most of the land is vacant and
18 deteriorating or put the uses that are not consistent with
19 the Public Trust.

20 Many of the buildings are boarded up and
21 surrounded by fencing. Public activity is severely
22 limited and waterfront access at the site has been
23 effectually non-existent to the general public for
24 decades.

25 To facilitate the productive reuse of lands

1 within Pier 70, legislation was enacted in 2011 by former
2 Assembly Member Ammiano authorizing the Commission to
3 carry out an exchange of lands is that will place or
4 confirm the Trust on lands with substantial value for the
5 Trust, and will terminate any Trust interest in Pier 70
6 that are no longer useful for Trust purposes.

7 The extent to which the lands at Pier 70 may be
8 subject to the Trust is uncertain, complex, and subject to
9 dispute. Resolving these title and boundary uncertainties
10 would return extensive land, and title and boundary
11 litigation at a great public expense.

12 As you can see on the map, the majority of Pier
13 70 is either not impressed with the Public Trust, which is
14 the kind of pink pale area on the map or the Public Trust
15 status is uncertain, which is the hashed area there at the
16 bottom right.

17 Potentially, there are areas along the waterfront
18 of high value to the public that could be sold into
19 private ownership and cutoff from public access. Pier 70
20 also contains interior lands that are not useful for Trust
21 purposes, but are restricted by the Public Trust, and
22 therefore could not be used for non-Trust uses essential
23 to the revitalization of Pier 70.

24 The proposed land exchange would reconfigure the
25 lands that are or may be subject to the Public Trust. The

1 Port would continue to hold title to all of the lands
2 involved in the exchange after the title settlement.

3 Through the exchange, the waterfront will be open
4 to the public and reactivated for Public Trust uses. The
5 exchange places the Public Trust, which is green on this
6 map, on all water covered lands and lands along the
7 waterfront. The Trust configuration allows for the site's
8 waterfront lands to become vibrant public parks and
9 enables and incentivizes public access to the waterfront,
10 while preserving an historic and important industrial
11 complex.

12 The exchange would also free certain lands within
13 Pier 70 of the Public Trust, so that the lands can be
14 developed for non-Trust purposes, which will generate
15 needed Trust revenue for the Port and revitalization of
16 Pier 70. Revenues from the lands that have been freed
17 from the Trust, including any revenue from the future sale
18 of Trust termination lands will continue to be held by the
19 Port as Trust assets.

20 The legislation authorized the Commission to
21 approve a title settlement and land exchange at Pier 70
22 subject to certain findings the Commission must make prior
23 to the approval of the exchange. The record of survey and
24 legal descriptions have not yet been reviewed by staff,
25 and will need to be taken to the Commission at a future

1 Commission meeting.

2 However, Commission staff and the Attorney
3 General's office have reviewed the proposed agreement and
4 believe all necessary legal requirements have been met.
5 Staff therefore recommends that the Commission approve the
6 agreement and authorize its execution and the execution
7 and recordation of all documents necessary to implement
8 it, subject to the Commission approving the record of
9 survey and legal descriptions at a future Commission
10 meeting.

11 And that concludes staff's presentation. Staff's
12 available and the Port staff is also available for any
13 questions.

14 CHAIRPERSON NEWSOM: Excellent.

15 David, do you want to speak to this from the
16 Port?

17 MR. BEAUPRE: Thank you, Commissioners.
18 Director -- or, I'm sorry, Chair Newsom, and Director
19 Lucchesi. The Port is very appreciative of the
20 Commission. In particular, we wanted to thank Director
21 Lucchesi, Sharon Scheiber, Sheri Pemberton, Reid Boggiano,
22 Colin Connor and Dan Frink all of whom have been working
23 on this for a long time.

24 Director Lucchesi and I were speaking this
25 morning just briefly about when we first worked on this

1 starting in 2002. She's served many positions with the
2 Commission, as a part of this process. It's been a long
3 road. We think we have a great project here. We think
4 there's a massive benefit to the Trust.

5 By authorizing this, you'll allow a lot of people
6 to appreciate and enjoy the waterfront, the historic
7 nature of Pier 70. And again, it as great benefit to not
8 only the Trust, the city, and the State. And we're really
9 appreciative of the team. Thank you.

10 CHAIRPERSON NEWSOM: 2002, huh?

11 (Laughter.)

12 CHAIRPERSON NEWSOM: I think I've got you by a
13 few years however --

14 (Laughter.)

15 CHAIRPERSON NEWSOM: -- as a supervisor. But,
16 yeah, my gosh. Yeah. Anyone else wish to speak on this
17 item?

18 I mean, I literally have no questions, because
19 I've lived this pier for decades, but maybe others do.

20 Grateful. Thanks, everyone for the hard work.
21 And I know we'll be back again, and there's some little
22 issues we need to still tweak and work through to move the
23 ultimate project forward.

24 But there's a motion to get it?

25 COMMISSIONER YEE: Move approval.

1 ACTING COMMISSIONER ORTEGA: Second

2 CHAIRPERSON NEWSOM: Seconded.

3 Without objection, we'll move item 77.

4 That moves us to item 78, the public access guide
5 and...

6 CHAIRPERSON NEWSOM: Staff attorney Patrick Huber
7 will be giving staff's presentation on this.

8 CHAIRPERSON NEWSOM: Excellent Patrick.

9 STAFF ATTORNEY PATRICK HUBER: Good afternoon,
10 Commissioners. I'm Patrick Huber from your Legal
11 Division. I'm going to talk to you about staff report 78,
12 which regards two items. First, the legal guide to the
13 public's rights to access and use California's navigable
14 waters, which I'll call the guide for short. And the
15 second item is the brochure on the public's rights to
16 access and use California's navigable waters, which I'll
17 call the brochure for short.

18 I'll start with the guide. In 2013, the
19 Commission directed staff to develop an education a
20 guideline for the public to use in understanding its
21 rights to access an use navigable waters. At that time,
22 staff started researching the Constitution, statutory
23 divisions, case law, and formulated a large document to
24 summarize and inform the public about its rights to access
25 and use navigable waters.

1 Some of the points of discussion in the guide
2 include the Public Trust Doctrine, sovereign lands, the
3 Public Trust easement, the public right to navigation,
4 restrictions on what the public can do in navigable
5 waters, and other agencies rules affecting public access
6 rights.

7 Staff worked closely with the Office of the
8 Attorney General collaborating and writing the document.
9 We reached out to our other State agencies partners that
10 have a hand in public access, and we also solicited public
11 comment. And we thought we got some great feedback from
12 members of the public.

13 And one of the comments we received is that the
14 guide, useful and informative, it's difficult to read,
15 because it's 50 pages of legally dense language. And
16 quite frankly, it's not the most user friendly document we
17 could prepare.

18 CHAIRPERSON NEWSOM: Is that just being frank
19 or --

20 (Laughter.)

21 STAFF ATTORNEY PATRICK HUBER: Yes, it is.

22 CHAIRPERSON NEWSOM: -- just understating?

23 (Laughter.)

24 STAFF ATTORNEY PATRICK HUBER: So in response to
25 that, we developed a smaller more reader friendly brochure

1 version of the guide, which seeks to answer two questions,
2 which we think are the questions most people will ask when
3 turning to these types of resources. And those are
4 what -- where am I allowed to access and what am I allowed
5 the do there?

6 Some of the topics that discusses our sovereign
7 lands, where they're allowed to access, what they're
8 allowed to do, and it also focuses closely on the public
9 right to navigation, while explaining some of the
10 restrictions to both rights.

11 Also, it identifies several resources for access.
12 The Coastal Commission, the Department of Parks and some
13 local government -- government units offer resources to
14 help inform the public in where it can access navigable
15 waterways. And we direct the public to those resources in
16 the brochure.

17 So with that said today, as more specifically
18 stated in the staff report, staff is seeking the
19 Commission's adoption of the guide and the brochure,
20 direction to update these materials as needed, and
21 direction to publish and distribute them as appropriate.

22 CHAIRPERSON NEWSOM: Hear, hear. Jennifer, you
23 want -- you have a thought?

24 EXECUTIVE OFFICER LUCCHESI: Yeah. I would like
25 to add just a few more points. As Patrick noted, this is

1 a legally dense document. And it took he -- it took a lot
2 of effort and collaboration, particularly with the
3 Attorney General's office. And I just want to highlight a
4 couple of names, because it -- actually, this document or
5 this idea started with the AG's office, and they kind of
6 handed it off to us to see it through.

7 And particularly Assistant Attorney
8 General -- former Assistant Attorney General Jan Stevens
9 worked extremely closely with us on this. Former Attorney
10 General -- Deputy Attorney General Lisa Trankley. And
11 then they had two legal interns working in their office
12 that where this was their project to work with us on this
13 document, and that was Jonathan Crook and Sofie Wenslaw.
14 And it was just -- it was a -- it took us some years to
15 finalize it and put it all together. But between the
16 document -- the guideline document, this is really going
17 to be useful for attorneys, and local district attorney
18 offices or county counsels that are kind of in the
19 trenches trying to deal with these types of issues to our
20 sister State agencies and us that have to -- that are
21 constantly being asked to weigh in on different access
22 issues or call to provide advice.

23 The brochure is, I think, what we're really
24 excited about, because it's the first step in, I think, a
25 greater effort and outreach to educate the public about

1 their rights to access our navigable waterways. And
2 brochures are antiquated a bit, but we also think there's
3 something to be said about having something to stick in
4 your pocket. We will make it user mobile friendly. So
5 from our website, it will be easy to refer to. And then
6 we also think there's a lot of other opportunities to
7 expand on this effort specifically identifying access
8 points and working with other stakeholders to just improve
9 upon this.

10 So I am very excited. This is an action item in
11 our strategic plan and --

12 CHAIRPERSON NEWSOM: Good.

13 EXECUTIVE OFFICER LUCCHESI: Yeah.

14 CHAIRPERSON NEWSOM: And was there something
15 that -- did I conflate this, but some CEQA exemption
16 requirement, in terms of the action?

17 No, I conflated it.

18 EXECUTIVE OFFICER LUCCHESI: Yeah.

19 CHAIRPERSON NEWSOM: Yeah. Thank, God.

20 EXECUTIVE OFFICER LUCCHESI: Yes.

21 (Laughter.)

22 CHAIRPERSON NEWSOM: It made no sense. Yeah, it
23 was like I just thought I was ludicrous --

24 EXECUTIVE OFFICER LUCCHESI: Right.

25 CHAIRPERSON NEWSOM: -- applying that notion.

1 Thank you.

2 All right. Good. I'm glad I made that up.

3 EXECUTIVE OFFICER LUCCHESI: Yes.

4 CHAIRPERSON NEWSOM: So, yeah, well, there's
5 nothing that I can say critical of this until I see it.

6 (Laughter.)

7 CHAIRPERSON NEWSOM: But the idea is warn in and
8 long overdue and I'm grateful for the work. Is there
9 anyone here that wishes to speak on this item?

10 Seeing none. We'll close public comment.

11 Any additional comments or questions or --

12 COMMISSIONER YEE: I think the brochure is
13 beautiful. It's really a beautiful brochure.

14 No. I want to commend the staff. This has been
15 a multi-year effort, and it's just great to be able to get
16 to this place and be able to really point to it. It's a
17 lot of great work.

18 So with that, I will move adoption of the
19 guide/brochure.

20 CHAIRPERSON NEWSOM: Without objection. Thanks
21 Patrick.

22 So you wanted to speak, sir. Sorry. Apologies.

23 MR. LEÓN: Excuse me. I just want to ask a
24 question that -- the brochure looks wonderful --

25 CHAIRPERSON NEWSOM: Yes.

1 MR. LEÓN: And just out of curiosity, is it also
2 in Espanol?

3 CHAIRPERSON NEWSOM: Si, it will be.

4 COMMISSIONER YEE: Yeah. Not yet.

5 CHAIRPERSON NEWSOM: Soon.

6 EXECUTIVE OFFICER LUCCHESI: That's great point,
7 and we appreciate that. We will make it --

8 CHAIRPERSON NEWSOM: Make sure it is.

9 EXECUTIVE OFFICER LUCCHESI: -- bilingual

10 CHAIRPERSON NEWSOM: Yeah. Excellent. Great
11 point.

12 So item is moved, seconded.

13 Without objection.

14 And let me apologize to Rey and Zachary and
15 Sharon and whomever else was waiting patiently. Item 76 I
16 skipped. And of all items, I should be ashamed. It's
17 very local item. It should have the first out of the
18 closed session. So let's skip back to 76. And again,
19 thank you all for your patience, particularly those that
20 killed out cards to speak on that item.

21 Jennifer, do you have a --

22 EXECUTIVE OFFICER LUCCHESI: Yes, I do have a
23 presentation --

24 CHAIRPERSON NEWSOM: -- a presentation?

25 EXECUTIVE OFFICER LUCCHESI: -- on this one.

1 Item 76, please.

2 All right. Great. So as Chair Newsom
3 identified, this is the first time that we have
4 been -- held a Commission meeting in the City of Fresno.
5 And it is long overdue. We actually -- while we -- I
6 think we're most identified as having lands and working on
7 land management and environmental issues along the coast.
8 We are equally active and busy on our inland waterways.
9 The last item is an example of that.

10 We -- we have a lot of work that we're currently
11 involved in and have been in the past dealing with the San
12 Joaquin River, which is a 396 mile river that drain
13 portions of Sierra Nevada mountains and the southern half
14 of California's Central Valley. And it flows through the
15 San Joaquin Valley, and is considered to be one of the
16 most productive agricultural regions in the world before
17 it reaches the San Joaquin Delta, Suisun Bay, and San
18 Francisco Bay, and finally the Pacific Ocean.

19 So we thought it was important, since we're here
20 today, to talk about the land management activities that
21 the Commission engages in in this area, particularly with
22 the San Joaquin River. And also, talk a little bit about
23 a current project that is pending before the San Joaquin
24 Conservancy Board relating to access to a segment of that
25 San Joaquin River.

1 So if you'll indulge me just for a little bit.

2 Following the construction of the Friant Dam in
3 1944 by the Bureau of Reclamation, the last salmon run in
4 the river occurred in the late 1940s, when sections of the
5 river ran dry, which is also why we're so active,
6 particularly in identifying where State lands historically
7 were before the development of the dam.

8 With the completion of the dam in 1944, the
9 Madera -- the Madera Canal in 1945 and the Friant Kern
10 Canal in 1951. River water was diverted to supply over 1
11 million acres of farmland along the eastern portion of the
12 San Joaquin Valley.

13 This obviously impacted the natural river flows
14 and the native salmon populations upstream from the San
15 Joaquin's confluence with the Merced River.

16 So one of the activities that we are involved in
17 stems from a 1988 action by a coalition of conservation
18 and fishing groups led by the Natural Resources Defense
19 Council, which sued Reclamation and Friant Water Users
20 Authority to seek to restore water flows to the river and
21 boost the dwindling salmon populations.

22 That litigation lasted for 18 years with -- and
23 it ended up culminating in a settlement that had two
24 primary goals, a restoration goal and a water management
25 goal. The restoration goal was to restore and maintain

1 fish populations in good condition. And the water
2 management goal was to reduce or avoid adverse water
3 supply impacts to all of the Friant division long-term
4 contractors that may result from interim flows and
5 restoration flows provided for in the settlement.

6 The -- and that essentially provides an umbrella
7 framework for a lot of the work that our staff conducts as
8 it relates to the San Joaquin River. The Commission's
9 jurisdiction, as you are well aware, is that it owns
10 inland navigable waterways for the benefit of the people
11 of California for specific uses as waterborne commerce,
12 navigation, fisheries, access, water-related recreation,
13 habitat preservation and open space. All uses consistent
14 with the common law Public Trust Doctrine.

15 So in terms of the staff's work along the San
16 Joaquin River, one of our major efforts under the
17 restoration program and through coordination and
18 contracting with Reclamation, is to map the restoration
19 program's coverage areas, which includes 149 million
20 mile -- excuse me, 149 mile section of the river in
21 Fresno, Madera, and Merced counties.

22 We started this work in 2008 and really
23 Reclamation wanted to leverage our surveyor's expertise
24 and technical specialization to help identify the location
25 and the extent of the State's claims in and to the bed of

1 the river for the restoration program. So we have been
2 working that for many, many years to help benefit the
3 restoration program.

4 We have issued a number of different leases to
5 the Bureau of Reclamation to implement the restoration
6 program for a number of different projects. And we expect
7 many more to come through the Commission for its
8 consideration.

9 We also work very closely with the San Joaquin
10 River Parkway and Conservation Trust, which I think you'll
11 hear from later today from Ms. Weaver. The Trust was
12 created in 1988 to establish a continuous greenbelt along
13 the San Joaquin River Parkway. And we -- the Commission
14 issues and considers leases to the Trust and its partners
15 to help fulfill their mission as well, access, habitat
16 preservation and such. We've issued a handful of leases
17 for those purposes.

18 And our -- one of our major partners in this area
19 is the San Joaquin River Conservancy. As I mentioned, and
20 as you saw in the staff report, the Commission's Executive
21 Officer is a voting member of the Conservancy Board. But
22 even beyond that decision-making capacity, our staffs work
23 hand in hand on a number of different efforts to both
24 acquire land in -- in furtherance of the Conservancy's
25 goals to develop projects and increase access and habitat

1 preservation for the parkway purposes. And we do that in
2 close coordination with the Conservancy and their staff.
3 Director Melinda Marks is -- has really been a key friend
4 and colleague on efforts to secure access to the river.
5 And we're very thankful for her work over the many years
6 at the Conservancy.

7 So that brings me to a current project before the
8 Conservancy Board, and ultimately that may come before the
9 Commission, depending on the extent of the project that's
10 adopted for a lease.

11 This is relatively major project proposal
12 for -- that would increase access by extending a popular
13 trail, called the Eaton Trail, and would increase access
14 and extend trails to a -- by approximately 2.4 miles in
15 this area. This is the area that the project encompasses.
16 The -- this has been a long-term effort that the
17 Conservancy and the local communities, including the City
18 of Fresno have been involved in, I think -- at the
19 Conservancy Board in November I heard some of the Board
20 members saying they've been working on it for 20 years.

21 So this is a vision that has been in the works
22 for some time now, and there's great momentum to move it
23 forward to finally realize access in the important stretch
24 of the river.

25 The proposed project is what you see here and

1 that would entail access in the red highlighted circle on
2 the screen. It would include a parking lot, and then
3 multiple trails throughout the project area to enhance and
4 facilitate access along with a number of other project
5 elements. There are other alternatives that were analyzed
6 in the EIR. But at the most recent Conservancy Board
7 meeting, the Board pretty much narrowed the options down
8 to three. And that includes Alternative 1, Alternative
9 5B, and the proposed project, which I'll talk about next.

10 This is Alternative 1. And it has essentially
11 two access points. One is the same as the proposed
12 project, which is on the far end to your right of the
13 screen. And it also includes an access point -- vehicular
14 access point at the River View entranceway that would also
15 include a parking lot down in the riverbed. That is one
16 of the options that will be before the Conservancy Board
17 in December.

18 The other -- there is another alternative under
19 the umbrella of the Alternative 5. In a number of our
20 staff comment letters that staff prepared in response to
21 the EIR document, we express support for both Alternative
22 1 as well as Alternative 5, a particular route called 5E,
23 that would provide access on the opposite end of the
24 project area through an intersection called Palm and Nees.
25 This was ultimately not an alternative that was selected

1 by the Board in November.

2 But for the record, Commission staff does believe
3 that that is an alternative option for access that we
4 should be keeping as an option in the future. It had some
5 challenges because of land acquisition opportunities, and
6 other remediation issues. However, that is still
7 something that we're interested in, because of the
8 increase in access that it does provide for a number of
9 surrounding communities.

10 And finally, the third option before the Board in
11 December is Alternative 5B. And this is supported by a
12 number of the local members of the community, because it
13 provides access, not through a particular neighborhood,
14 but again towards that farther end of the project area.
15 It would entail significant construction bifurcating an
16 existing park, grading into the bluff, and then a land
17 acquisition for a private parcel down towards the bed of
18 the river that was a former landfill site.

19 As we have talked about in the staff report,
20 there are pros and cons to many of -- to all three of
21 these alternatives. This isn't an easy choice by the
22 Board, in my opinion. There are policy trade-offs
23 on -- for all alternatives.

24 I will say that the Commission staff, I have
25 taken the position, both through our little and at the

1 Board meetings, that Alternative 1, if given those three
2 options, is the best option to pursue at this point,
3 primarily because meaningful, quality public access to the
4 river can be achieved, in my opinion and our staff's
5 opinion, more quickly and with more certainty than
6 Alternative 5B.

7 I do want to spend a little bit of time on
8 Alternative 5B, because this was not an alternative that
9 was originally analyzed in the EIR, but the City of Fresno
10 to their credit, in trying to address a number of
11 competing concerns by the -- their constituents and their
12 community was trying to identify different options that
13 would meet the goals of the project without some of the
14 concerns that had been raised by the neighborhood impacts,
15 and also trying to address more directly better access.

16 And so they spent a significant amount of money
17 and resources in a short amount of time to develop
18 Alternative 5B, so that it could be included in the EIR,
19 and part of the decision-making process by the Board.

20 And I understand the preference for that
21 alternative in a number of ways. I think you can see from
22 this picture that there are a number of disadvantaged
23 communities that would benefit from increased access to
24 the river in this location. Alternative 5B, which is
25 towards the lower end of the picture, would provide access

1 to some of those communities. It would -- actually, also
2 provide closer access to the actual river, if you were
3 carrying your kayak.

4 But the uncertainty associated with the need to
5 acquire a former landfill site in order to implement that
6 project in a timely manner and with certainty is what
7 gives me pause about that particular alternative. And I
8 know that there are efforts underway from a nonprofit to
9 secure property rights to help implement that alternative.
10 However, I have not actually seen those documents and kind
11 of reserve my opinion about how that would actually be
12 implemented. And my concerns still remain.

13 This is an area of the river that has been in
14 need of meaningful quality access for the city and the
15 region of Fresno and Madera counties, and for the State as
16 a whole. And while none of the options are perfectly
17 perfect, I do think that Alternative 1 is the best
18 alternative to getting to that access with the most
19 certainty and in the quickest amount of time for the
20 residents of Fresno.

21 That's my thought process. That's been staff's
22 thought process this.

23 CHAIRPERSON NEWSOM: Excellent. So thank you for
24 the presentation. With your indulgence, Commissioners,
25 unless there's immediate questions, I'm very curious

1 thousand to open it up for public comment, and listen and
2 then we can have a chance to dialogue.

3 EXECUTIVE OFFICER LUCCHESI: Right.

4 CHAIRPERSON NEWSOM: That's great. So I have a
5 number of speakers that have filled out forms. If you
6 haven't, please do. And if you refuse that's fine too,
7 and just announce yourself at the right time. But Sharon
8 Weaver I'll ask first. Sharon, if you want to come up and
9 Rey León, and then Zachary Darrah. Thank you.

10 MS. WEAVER: Good afternoon. My name is Sharon
11 Weaver. I'm the Executive Director of the San Joaquin
12 River Parkway and Conservation Trust. And I just want to
13 thank all of you today for meeting here in Fresno. We're
14 so happy to have you here. And I want to thank your
15 Executive Officer. She has been a real pleasure to work
16 with, and I really appreciate the leadership that she has
17 shown during her time on the Conservancy's board of
18 directors.

19 And we are absolutely in favor of Alternative 1
20 and Alternative 5, as you're Executive Officer described
21 them. We -- we agree that those are the --

22 CHAIRPERSON NEWSOM: Sharon is that 5 -- forgive
23 me 5E or --

24 MS. WEAVER: Right

25 CHAIRPERSON NEWSOM: -- more specifically.

1 MS. WEAVER: It's just the -- the way it's
2 described in the EIR, it is just 5. It doesn't have a
3 letter behind it.

4 CHAIRPERSON NEWSOM: Okay.

5 MS. WEAVER: So it's -- we like to call it the
6 real Alternative 5. So Alternative 1 and Alternative
7 5 --

8 CHAIRPERSON NEWSOM: So 5B is not the real --

9 MS. WEAVER: It is the nonexistent alternative is
10 what we call it.

11 CHAIRPERSON NEWSOM: Now I know where you stand.

12 (Laughter.)

13 CHAIRPERSON NEWSOM: Thank you.

14 MS. WEAVER: Less.

15 (Laughter.)

16 MS. WEAVER: So the reason we say that - I'll
17 expand upon that a little bit - is that these other two
18 alternatives are using existing roads that go into the
19 river bottom today. So Alternative 1 is on a road called
20 Riverview Drive. It's a road that was built to serve a
21 1500 home development that was proposed for the Spano
22 River Ranch back in the 1980s. And it was built to serve
23 a large amount of traffic. They were expecting about
24 16,000 vehicle trips or trip ends per day in that EIR from
25 1985.

1 Now, we were successful in protecting this piece
2 of property. It's a huge success. It's one of our
3 earliest successes working with the Conservancy as
4 partners. We're so grateful that we were able to protect
5 this property. And we have this fabulous road that was
6 built to serve a lot of people going into the river
7 bottom. So, to us, it makes sense to use that as an
8 access point.

9 The Alternative 5 access point is actually a
10 gravel haul road that was used by trucks from Madera
11 County that used to use a culvert bridge that crossed from
12 Madera into Fresno. You can drive out, if -- you can walk
13 down the road today. It's currently gated off. But if
14 you had a big truck, you could drive a fire truck up and
15 down the road. It exists. It's very stable. So with
16 both of these roads in such close proximity to each other,
17 it seems really silly to us to build a new road down the
18 river bluff. It would destroy a park. It would destroy a
19 mature stand of sycamore trees at the base of the bluff.
20 And it would cost the engineer's estimate for that road,
21 for Alternative 5B, is \$5 million.

22 So for all of those reasons, we just think like,
23 come on, let's be rational here and choose Alternative 1,
24 and Alternative 5. And of course Alternative 1 is what
25 the Board is basically looking at for this next meeting.

1 So again, thank you so much --

2 CHAIRPERSON NEWSOM: Thank you.

3 MS. WEAVER: -- for thinking about this. And
4 thank you again to Ms. Lucchesi.

5 CHAIRPERSON NEWSOM: Grateful. Thank you.

6 Again, Rey.

7 MR. LEÓN: Buenas tardes. Good afternoon. My
8 name is Rey León, founder and executive director of the
9 San Joaquin Valley Latino Environmental Advancement and
10 Policy project, for short Valley LEAP. And we work with
11 valley communities to achieve environmental and climate
12 justice.

13 We are here in strong support of Alternative 1
14 and 5. I always share the story in regards to when the
15 Latino families go to parks or to green spaces, you know,
16 we don't necessarily go, you know, like on their own. You
17 know, we roll in generations, you know, at least three
18 generations. And what that means is that we bring with us
19 in the family vulnerable individuals, the grandparents,
20 the grand aunts and uncles, the small children.

21 And we choose Alternative 1 and 5, because those
22 will really create the access necessary, so that our
23 vulnerable members in our families could be able to be
24 there at the river bottom, and enjoy the river, and not
25 chance it walking down a steep hill, right?

1 And so we've been working this with a number of
2 partners including the San Joaquin River Parkway. And on
3 behalf of many of our Latino residents that we communicate
4 with here in the City of Fresno and other parts, the way
5 we see it is the parkway is a regional park and it should
6 have access to the whole region for the whole region,
7 particularly because in regards to parks and green space,
8 it's pretty limited. I think Fresno ranks very high in
9 terms of the lack of.

10 And when you start talking about Latino
11 communities or the barrios, it's even worse. And we need
12 to be able to provide that access to the families that,
13 you know, love being outdoors. You know, Latinos love
14 outdoors. I love outdoors, and we've got to provide that
15 access. I mean, there's no way around it. We can't cage
16 a park, right?

17 And as my colleague Sharon Weaver just mentioned,
18 the -- it's there already. It's cost effective. And it's
19 just about moving forward with it. But thank you very
20 much for your recommendation. And I think that's the
21 right way to go, and once again, welcome to the San
22 Joaquin Valley, welcome to Fresno, and thank you.

23 CHAIRPERSON NEWSOM: Grateful. Thank you.

24 Zachary, followed by Melinda Marks.

25 MR. DARRAH: Good afternoon. My name is Zach

1 Darrah. And I'm the executive director of the Fresno
2 Interdenominational Refugee Ministries. We work with the
3 refugee community here in Fresno and have so for the last
4 23 years. We serve predominantly the southeast Asian
5 refugee community, the Ukrainian refugee community,
6 African and Syrian refugee communities as well here in
7 Fresno.

8 When we first heard about everything that was
9 going on with the -- with the access at the river, of
10 course, this is not a new issue. I'm sure it's not the
11 first time that's -- that it's been brought here to this
12 Commission over the last 15 or so years.

13 But when we first heard about it, you know, we
14 were very concerned as an organization, because the
15 Southeast Asian community culturally outdoors, fishing and
16 outdoor recreation is a big, big component to cultural and
17 family recreation. And similar to what Rey said about the
18 Latino community, it is the exact same with the
19 generational impact for the Southeast Asian community.

20 And so when we heard about it, it was a slam dunk
21 for us to say, hey, we've got to get involved this thing,
22 because we want to see access happen.

23 As we've been part of many of the Conservancy
24 Board meetings, first of all, I just want to thank Ms.
25 Lucchesi, at the Conservancy Board, to bringing discussion

1 and questions of a level that was necessary in light of
2 other arguments or other conversations or narratives that
3 were being spoken across the Board, specific to this last
4 meeting, when Alternative 5B was really brought to the
5 table as a superior project for access to the river. We
6 strongly disagree with Alternative 5B being the best way
7 to access the river, and we are in full support of
8 Alternative 1.

9 It just seems to make perfect sense to me to
10 access public lands on a public road that already exists.
11 And to do anything other than that, just seems to be a
12 little bit outside of even common sense. It just seems
13 interesting to me that the Conservancy Board overall, and
14 other communities members would recommend an alternative
15 to access this beautiful property by, you know,
16 eliminating essentially a big portion of a park. That's
17 the only riverside park in all of Fresno.

18 To destroy sycamore trees that are really no
19 longer on river bottom anymore, to figure out how to go
20 through an 11 acre parcel of landfill and to go down a
21 steep bluff to get access to a property that could be
22 accessed to public road. It just seems like a very common
23 sense type project, and it's unfortunate that we're today
24 having these types of arguments.

25 And so I just want to thank Ms. Lucchesi, and I

1 want to thank the Commission for also staying true to your
2 new strategic plan. And I appreciated that in the report
3 in looking at, hey, what about as a Commission, what do we
4 believe about river access and what that looks like? And
5 I feel like, and we all agree, at least Sharon and Rey and
6 my colleagues that Alternative 1 fits, not only for the
7 community, but fits for this Commission.

8 And I'd also like to point out that this is a
9 city, this is a regional, and this is a State resource.
10 People will come from the entire State of California to
11 visit this property at River West. And it's time to open
12 it up and to let people do that.

13 Thank you so much for your time. Thank you, Ms.
14 Lucchesi. We're behind you and we encourage you at the
15 next Conservancy Board meeting to continue to raise these
16 concerns, and to hopefully really change the narrative
17 that 5B is a superior project in order the access these
18 lands.

19 Thank you so much.

20 CHAIRPERSON NEWSOM: Thank you. Ms. Marks
21 followed by Brad Castillo.

22 MS. MARKS: Good afternoon, Commissioners and
23 welcome to Fresno. I'm Melinda Marks with the San Joaquin
24 River Conservancy. And our office is located in Fresno.

25 I'm pleased to see you here and to see you

1 interested in the local projects and programs specifically
2 the San Joaquin River Conservancy's programs. The
3 Conservancy is one of several State conservancies. We're
4 governed by a State and local board, and among which the
5 State Lands Commission has had a very active voice over my
6 entire tenure with the Conservancy.

7 The Conservancy is to develop a connected,
8 contiguous parkway from Friant Dam to Highway 99. So this
9 particular project that's being discussed today is but a
10 segment of an overall master plan.

11 There's a great deal of synergy created by the
12 overlap with the Conservancy's mission and the
13 Commission's mission. And we're able to accomplish much
14 more working together than either one of us would have
15 been able to accomplish on our own. Particularly,
16 Jennifer mentioned things like land acquisitions, where
17 we've been able to acquire the upland property and make
18 sure that the river frontage property was quitclaimed to
19 the State as well at no cost to the State.

20 So we very much appreciate the Commission's
21 support and partnership and active contributions to the
22 program.

23 Your staff summarized very well 1400 some pages
24 of documents that are in the EIR. So it's a nutshell, but
25 it gave you a glimpse of the trade-offs, the controversy,

1 the complexity that's created by having all these
2 different alternative ways to look at this project.

3 The project is part of this long-term master
4 plan. So whatever we can accomplish during this
5 particular project approval, under this EIR, we still have
6 opportunity for instance on work on Alternative 5, which
7 is a little -- it's an off-site alternative. We still
8 have the opportunity to create that connection down the
9 road when landfill areas have been cleaned up and we can
10 acquire either land or more -- more vigorous easements,
11 more easements that give us better rights down in that
12 area.

13 So there's -- we can always go get this part done
14 and go to the next step, and we're still accomplishing
15 things, and it's through partnerships with all of our
16 membership agencies. So thank you very much for being
17 here and welcome, and come back again.

18 Thanks.

19 CHAIRPERSON NEWSOM: Thank you. Grateful.

20 Brad.

21 MR. CASTILLO: Good afternoon, and thank you for
22 giving me the opportunity to speak today. I'm a former
23 Fresno City Council Member. I was elected from 2000 to
24 2004. And when I was on the city council, I was appointed
25 as chairman of the Conservancy. So while I was on the

1 conservancy, we made two very important decisions.

2 Decision one was to hire Melinda Marks. I was on
3 the Board when we hired you, and I think that was an
4 incredible decision that we made. The other decision we
5 made was to purchase this property is that we are now
6 talking about. So it's been 15 years in the making. I
7 was really disappointed at the city council meeting. It
8 want a city council meeting, but the Conservancy meeting
9 that was held at city hall, because of the resistance to
10 Alternative 1.

11 I want to point out that Ms. Lucchesi mentioned
12 that there was local members of the community who spoke in
13 favor of Alternative 5B. I want to be very clear. There
14 was very few people from the community who spoke in favor
15 of 5B. It was is residents that opposed Alternative 1
16 that spoke in favor of 5B, because they don't want us to
17 access the river through their neighborhood. It's plain
18 and simple.

19 She also mentioned a nonprofit that was formed to
20 purchase the land on 5B to clean it up and then lease it
21 back to the State. It was the same neighbors who formed a
22 nonprofit, basically to buy land to then donate to again
23 keep us out of their neighborhood.

24 So I was disappointed when I saw the date of this
25 meeting that there was only one alternative, which was

1 Alternative 5B which was pushed by the neighbors and by
2 our local government. I want to thank the Conservancy
3 Board members for having the foresight to see that there
4 was other alternatives on the table that were not
5 presented to them, that will be presented at the December
6 13 meeting.

7 And I'm here to tell you that Alternative 1 is
8 the best option for the City of Fresno and for our
9 residents. Yes, we can always look at all Alternative 5B
10 down the road, but I think that should be something that's
11 down the road. Immediate access will be through
12 Alternative 1 and Alternative 5, as it was mentioned, the
13 real alternative.

14 Another thing that I would like to ask if you are
15 here and you are present and you are able to make a
16 decision is to hold the next meeting later in the
17 afternoon when all members of the community are able to
18 attend.

19 This meeting was attended by, I would say, 99
20 percent Anglo. So there was no diversity at the meeting.
21 People of my color were not there to speak to talk about
22 how they felt, the access would affect them. Nobody
23 really that works 9:00 to 5:00 are able to attend a
24 meeting like this to voice our opinion. And this is a
25 project that affects us tremendously.

1 Like a speaker mentioned earlier, this is going
2 to be statewide. People will come here because of the
3 access to this river. So I think the entire community
4 should be given the opportunity to voice their concerns,
5 their opinions, and their dislike and dislike for either
6 of the alternatives.

7 So if you could keep that in consideration, I'd
8 appreciate.

9 Thank you very much.

10 CHAIRPERSON NEWSOM: Grateful. Thank you.

11 Is there anyone else? That concludes those at
12 least that have filled out a form.

13 Seeing none, no one here advocating for 5B. None
14 of the folks that were at that council meeting.

15 Seeing none, I'll close public comment.

16 That was very helpful for me, the public comment,
17 and the presentation. And it shows the value of being
18 here, and also suggests those that aren't here may not
19 feel as strongly, or perhaps have conflicts, but curiously
20 no one here to oppose, which is interesting.

21 But we're here to direct you, Jennifer, correct,
22 as our representative on the Conservancy, to move forward
23 with a preferred alternative which you recommend? Is
24 that, in essence, the action item we're taking?

25 EXECUTIVE OFFICER LUCCHESI: Right. The action

1 item -- the staff's recommendation is to acknowledge the
2 position that staff has been advocating for for the last
3 year on this project through various means, including on
4 the Board and to support my participation going forward on
5 the Board as it relates to this project, both in terms of
6 supporting Alternative 1, but also supporting achieving
7 the most meaningful quality access, in the shortest amount
8 of time, for the greatest number of people for this
9 particular project, because there's -- there's -- I
10 do -- I want to just add a little caveat that you -- as
11 you -- as you all are well aware, the decision making from
12 the dais can go in interesting directions, especially with
13 a controversial project.

14 And I think that Alternative 1, as we've -- I've
15 been advocating for is the best alternative moving
16 forward. But I also don't want to be boxed in if there
17 are other elements that are added to a particular proposal
18 that would achieve greater access.

19 CHAIRPERSON NEWSOM: Yes.

20 EXECUTIVE OFFICER LUCCHESI: So I -- I would
21 appreciate some dis -- some discretion, but the general
22 support of Alternative 1 and acknowledging the work that
23 the staff is doing to achieve access along the San Joaquin
24 River.

25 CHAIRPERSON NEWSOM: It's hard to argue with the

1 way you framed that. Yeah.

2 I mean, I've -- I have comments. I don't have
3 any additional questions.

4 Questions or comments?

5 COMMISSIONER YEE: So thank you, Jennifer,
6 for -- I think exactly the way you framed it is -- are
7 really kind of the parameters and they're certainly
8 consistent with what we've expressed in our strategic plan
9 relative to access. So really appreciate that.

10 Excuse me.

11 The Alternative 1 seems to speak to all those
12 elements that you've just articulated. And I'm prepared
13 to make a motion on that. But with regard to your need
14 for perhaps some flexibility, I would just say that I
15 really -- what I appreciate about the people who have come
16 forward is that they've been a part of this process.
17 You've been, you know, very much every step of the way
18 been very vocal about the needs of the community.

19 And that's the other, I think, hallmark of this
20 Commission is that, you know, we do work collaboratively
21 with the community and really welcome all stakeholder
22 input. And so this has been a long time coming frankly.
23 And I think Alternative 5B, all I'm kind of associate with
24 that is a lot of uncertainty in the future, and also
25 potentially some unknown environmental impacts that may

1 not be clearly spelled out yet.

2 So I think for the elements that you've
3 articulated, I would use that as your guidepost in case
4 any other points of discussion come up on the dais for
5 you.

6 But at this point, Mr. Chairman, I'm prepared to
7 make a motion to support Alternative 1.

8 ACTING COMMISSIONER ORTEGA: I'll second the
9 motion. And I just wanted to make the point the Director
10 of Finance is also on the Conservancy Board as are a
11 number of other State representatives. And so this -- the
12 staff recommendation is consistent with the
13 administration's point of view on this issue more broadly
14 as well. So happy to second the motion.

15 CHAIRPERSON NEWSOM: Great.

16 No, this -- I -- first of all, thank you all for
17 participating in the conversation. I'm ideological about
18 one thing, and that's access, but not about necessarily
19 how to achieve it. I'm open to argument. And I listened.
20 And in the absence of the alternative argument being
21 presented, and frankly, if, as it was described, those
22 questions remain open-ended in terms of purchasing new
23 land, issues associated with the degradation of trees and
24 questions of the opportunity or degradation related to the
25 opportunity to sort of bisect or bifurcate a park are

1 accurate, I don't think this is a difficult decision for
2 this Commission.

3 And so with that in mind, and with everything
4 stated, I would certainly support my colleagues, and move
5 this item unanimously.

6 Grateful. Thank you. Thank you all for being
7 here.

8 With that, since the world is circilinear, and
9 not linear --

10 (Laughter.)

11 CHAIRPERSON NEWSOM: -- if that's even a
12 word -- we'll go from 77, 78, to 76 to now what number,
13 Jennifer?

14 EXECUTIVE OFFICER LUCCHESI: Eighty-five.

15 CHAIRPERSON NEWSOM: Of course.

16 (Laughter.)

17 CHAIRPERSON NEWSOM: Eighty-five.

18 EXECUTIVE OFFICER LUCCHESI: And it's -- it's
19 with great pleasure to introduce the deputy director of
20 the Ocean Protection Council Jenn Eckerle, who will be
21 giving --

22 CHAIRPERSON NEWSOM: Oh, yes.

23 EXECUTIVE OFFICER LUCCHESI: -- the Commission
24 an update on the State's sea level rise guidance document
25 update.

1 CHAIRPERSON NEWSOM: Thank you.

2 MS. ECKERLE: That was such a nice intro. Thank
3 you. Good afternoon, Chair Newsom, and members of the
4 Commission. I'm Jenn Eckerle. I'm the Deputy Director of
5 the Ocean Protection Council. And as Jennifer just
6 mentioned, I'm here to give an overview of OPC's process
7 to update the State's sea level rise guidance document.

8 So I'm going to provide a brief summary of why
9 we're conducting this update, a recent synthesis of the
10 updated sea level rise science, our public outreach and
11 the key themes that have emerged from those efforts, and
12 the high level framework that for the draft policy
13 guidance, which is currently out for public review and
14 comment through December 15th.

15 Do I have a...

16 All right. So this update was actually
17 triggered, catalyzed by direction from Governor Brown, and
18 was warranted by advances in sea level rise science,
19 particularly our understanding of ice loss from the
20 Greenland and Antarctic ice sheets, and the implications
21 of that loss for California's coastline.

22 We wanted to make sure that planning decisions
23 were based on the best available science. Additionally,
24 the increased policy focus requiring State and local
25 governments to incorporate climate change this decision

1 making, including Governor Brown's Executive Order B3015
2 merited an update to address the needs of both State and
3 local audiences.

4 So our process to update the guidance has
5 included three main steps, a synthesis of the best
6 available science, stakeholder engagement, and then an
7 update of the policy guidance itself.

8 So first, we'll start with the science.

9 This report which was released in April of this
10 year, was prepared by a working group of OPC science
11 advisory team, led by our partner, the Ocean Science
12 Trust. Chair Newsom, you had a deep dive on this report
13 at the April meeting, so if there are questions from your
14 fellow Commissioners, I'm going to defer to you.

15 CHAIRPERSON NEWSOM: That's right.

16 (Laughter.)

17 CHAIRPERSON NEWSOM: I got it back.

18 MS. ECKERLE: This report synthesized the State
19 of sea level rise science, including advances in modeling
20 and the improved understanding of extreme sea level rise
21 from the polar -- from loss from the polar ice sheets.

22 It provides updated probabilistic sea level rise
23 projections at three coastal locations. Probabilistic sea
24 level rise projections differ from the scenario based
25 projections in the current guidance, in that they

1 associate a likelihood of occurrence or a probability with
2 sea level rise heights, and are directly tied to specific
3 emission scenarios.

4 However, the probabilistic projections may
5 underestimate the likelihood of extreme sea level rise
6 from the loss of the West Antarctic ice sheet,
7 particularly under high emission scenarios. So the
8 scientists included an extreme scenario called the H++
9 scenario. The probability of this scenario is currently
10 unknown, but his consideration is important, particularly
11 for high stakes long-term decisions.

12 I just wanted to point out that while the Rising
13 Seas report only included projections for three tide
14 gauges, the guidance itself provides projections for 12
15 active tide gauges up and down the coast. And I'll show
16 you an example of what that looks like in just a minute.

17 To ensure that the updated guidance was
18 understandable and useful for State and local decision
19 making our public process -- our update process included
20 extensive public outreach and with interviews, listening
21 sessions, public workshops to solicit input from local,
22 regional, State and federal partners, and tribes.

23 To improve coordination and consistency in sea
24 level rise planning, OPC also collaborated closely with
25 State coastal management agencies, including members of

1 your staff, and other member agencies of the State's
2 Coastal and Ocean Working Group of the Climate Action
3 Team.

4 There were several key themes that came out of
5 our outreach efforts. Users wanted guidance on which
6 projections to use under what circumstances and what
7 mapping tools to use to visualize impacts. They wanted
8 the guidance to continue to serve as a high level
9 framework for the State while allowing flexibility in
10 local decision making.

11 They wanted the guidance to be drafted in such a
12 way to avoid users defaulting to the lowest projection.
13 They wanted the guidance to be clear about when the new
14 projections go into effect, and what happens to planning
15 or development efforts is that are already underway when
16 the guidance is adopted.

17 They wanted clarity on how to move from planning
18 to action and when, how, and what frequency the guidance
19 would be updated. And finally, we heard quite frequently
20 the need for a central clearinghouse of resources,
21 including funding, case studies, and other resources to
22 help with planning and adaptation. And I'll talk about
23 that in just a minute.

24 So the guidance document itself has three
25 components. The first is the updated science, which I

1 just talked about. The second is specific guidance on how
2 to actually select sea level rise projections. And the
3 third is recommendations for planning and adaptation.

4 So because I just talked about the science, I'd
5 like to highlight the other two components of the
6 guidance. The draft guidance includes a step-wise process
7 for helping select sea level rise projections along with a
8 risk analysis and decision framework. So I'm just going
9 to walk you briefly through these steps. If anyone wants
10 more detail, I'm happy to provide it. Please feel free to
11 ask.

12 So step one is just identifying the nearest tide
13 gauge, so you can understand where your projections are in
14 the guidance. Second is to evaluate your project life
15 span. Third is to identify a range of sea level rise
16 projections. Step four is to evaluate project impacts and
17 adaptive capacity around a longer range of sea level rise
18 projections and emission scenarios. And five is to select
19 a particular projection based on your tolerance for risk.

20 So a little bit abstract, I'm just going to show
21 you the actual table. I know this is kind of hard to
22 read, but this is a slide showing sea level rises
23 projections for the San Francisco tide gauge. And it
24 illustrates sea level rise heights associated with
25 specific time frames, which are on the left-hand side,

1 along with a low-emissions scenario, which is generally
2 consistent with the Paris agreement, and a high emissions
3 scenario which is basically business as usual.

4 In this slide, you can see as an example, there
5 is a 50 percent chance sea level rise will meet or exceed
6 2.5 feet in 2100 under the high emissions -- emissions
7 scenario. This table also provides the H++ scenario,
8 which is predicted at 10 feet by 2100.

9 And I just want to point out that the extreme
10 scenario is a single scenario and that does not have a
11 probability like the others. And so it is a little bit
12 difficult to read this slide from where you guys are
13 sitting, but I wanted to point out that these are all of
14 the projections that were provided in the scientific
15 report.

16 What we wanted to do at OPC was actually help
17 focus decision making, so that you had an understanding of
18 where, in this list of numbers, you should really be
19 looking. So the columns that you see outlined in red
20 provide kind of the bounds for how to analyze your sea
21 level rise risk and projection.

22 So on the left-hand side, we're calling that a
23 low risk aversion number. That may be a projection that
24 you select if you have a project such as an unpaved
25 coastal trail that has low consequences. You don't mind

1 if it floods several times a year. You may feel
2 comfortable with using a lower sea level rise projection
3 in that scenario.

4 For projects that are -- you know, have no
5 adaptive capacity, you're not able to move them, they're
6 very expensive to relocate or to repair, and you may be
7 more -- you may want to use the H++ scenario in your
8 planning and adaptation strategies to be more
9 precautionary. Even though the probability of that
10 scenario as happening is yet unknown, if you are not
11 comfortable with 10 feet of sea level rise, then you
12 should be thinking about planning for that.

13 The updated guidance also includes
14 recommendations on preferred strategies for planning and
15 adaptation, including prioritizing social equity,
16 environmental justice, and protection of vulnerable
17 communities, protecting and preserving coastal habitats
18 and public access, considering sea level rise caused by
19 storms and other extreme events, using consistent
20 projections across multi-agency planning and regulatory
21 decisions, including adaptive capacity in both design and
22 planning, and conducting risk assessments and
23 adaptive -- adaptation planning at a regional level where
24 possible.

25 I wanted to point out that the step-wise approach

1 analyzing impacts under a range of different scenarios,
2 and the recommended -- recommended adaptation strategies
3 in our guidance are generally consistent with can criteria
4 developed by State Lands Commission to guide local
5 trustees of granted public lands in their sea level rise
6 adaptation strategy assessments consistent with Assembly
7 Bill 691.

8 So just getting back to that need for a
9 centralized location of resources, the -- our policy
10 guidance will be accompanied by a set of resources
11 including case studies, funding opportunities, scientific
12 papers, and guidance documents that will help
13 practitioners integrate sea level rise into their
14 planning, permitting and investment decisions. These
15 resources are going to be hosted on the Office of Planning
16 and Research State Adaptation Clearinghouse, and will
17 include an interactive database and mapping tool tools
18 linked to planning documents and vulnerability
19 assessments.

20 These are currently being developed by UC
21 Berkeley's Climate Readiness Institute with funding from
22 OPC. I've been talking with State Lands Commission staff
23 and I think there's an opportunity here to leverage the
24 work that you've been doing with your mapping tool and
25 integrate that into the clearinghouse. So when the

1 guidance is done and actually before that, we can start
2 having those conversations about how to integrate all of
3 those pieces.

4 So finally, just next steps. As I mentioned, we
5 are in the middle of our 30 day comment period, which will
6 send this December -- on December 15th. We will then take
7 those -- take the time to respond and integrate comments
8 where appropriate, and will bring the final guidance to
9 the Ocean Protection Council at the January 31st meeting.
10 So there will be another opportunity for public comment in
11 the lead up to the Ocean Protection Council meeting.

12 So I just want to thank you for your time, and
13 the opportunity to be here, and I welcome any questions.

14 CHAIRPERSON NEWSOM: How active is that, the
15 public comment over the last 30 days?

16 MS. ECKERLE: We have gotten one so far.

17 (Laughter.)

18 CHAIRPERSON NEWSOM: That's interesting.

19 MS. ECKERLE: I'm expecting them all to come in
20 on December 14th.

21 CHAIRPERSON NEWSOM: The day before.
22 Interesting.

23 MS. ECKERLE: Yeah. And I actually -- I would
24 just provide an additional background. We did give all of
25 our coastal State management agencies partners, along with

1 our partners at NOAA's Office of Coastal Management, the
2 Office of Planning and Research, and our scientists a
3 preliminary review of the guidance document. And we
4 integrated all of their feedback. So we --

5 CHAIRPERSON NEWSOM: Already been --

6 MS. ECKERLE: -- we have had kind of a round.
7 Yeah, one round already.

8 CHAIRPERSON NEWSOM: I appreciate it.

9 Jennifer, you want to add anything? I know we've
10 all been marching down this path for a while.

11 EXECUTIVE OFFICER LUCCHESI: Right. I mean, I
12 think the only thing that I will add is that our team
13 dealing with sea level rise and building that into our own
14 staff analyses, and then making sure that's a part of your
15 consideration with all of our leases, and actions that
16 will be impacted by sea level rise and climate change,
17 they have been working extremely closely with OPC staff,
18 as gen mentioned, along with our of our sister State
19 agencies both through this process, but also in other
20 various efforts that we have going on, for example, with
21 the Coastal Commission staff and looking at moving
22 boundaries and the Public Trust, and how we might work
23 more collaboratively together as the boundary line moves
24 landward due to sea level rise.

25 So all of -- there is a lot of collaboration, a

1 lot of sharing, brainstorming work that's being done
2 across agencies and it's, I think, if I can speak for our
3 team, both personally and gratifying and exciting, and
4 then professionally needed --

5 (Laughter.)

6 EXECUTIVE OFFICER LUCCHESI: -- in government.
7 So -- so we're making a lot of progress. And we thank
8 Jenn and Deborah, the Director of OPC, and all of their
9 staff for working with us on a lot of comments and
10 concerns that we've had.

11 COMMISSIONER YEE: Thank you, Jenn, very much for
12 the presentation.

13 MS. ECKERLE: Sure.

14 COMMISSIONER YEE: Obviously, this -- I like kind
15 of the whole feeling of the all hands-on deck kind of
16 effort, so --

17 MS. ECKERLE: Yeah.

18 COMMISSIONER YEE: -- which is needed.

19 I had a couple questions. And I apologize, I
20 haven't been as steeped in this --

21 MS. ECKERLE: Yeah.

22 COMMISSIONER YEE: -- not being on OPC on this
23 year, but --

24 CHAIRPERSON NEWSOM: Soon.

25 COMMISSIONER YEE: And I guess it has to

1 be -- yeah, soon. Thank you for the reminder.

2 (Laughter.)

3 COMMISSIONER YEE: That -- I mean, I appreciate
4 the flexibility of the decision framework, and obviously,
5 the decision about risk tolerance being left up to each
6 individual, you know, entity is great. And I guess my
7 concern is whether this is going to help us kind of just
8 kind of funnel everything towards kind of a common focus,
9 or whether we're going to see kind of a lot of disparate
10 approaches to -- to really getting our arms around sea
11 level rise.

12 And the thought here is whether it was ever
13 contemplated that we have perhaps a minimum projection
14 that we consider, and then have things that could act as
15 triggers for other considerations. So could you comment
16 on that?

17 MS. ECKERLE: Yeah. Yeah. I mean, I think
18 that's a really great observation and something that we've
19 been struggling with, right, is how do you provide
20 statewide State high level guidance in a way that's
21 helpful but not so prescriptive that specific local
22 decisions are confined.

23 And so what we tried to do in that table that
24 actually has the red boxes in it was to say, hey, we don't
25 want you looking at the median.

1 COMMISSIONER YEE: Right.

2 MS. ECKERLE: Okay. The median we shouldn't be
3 planning for the median. We need to be pushing towards,
4 you know, the higher end of the likely range as our low
5 end. And then from there, we have -- we've actually taken
6 kind of the higher end, the 1 in 200 chance, as the kind
7 of middle range. And then we've bounded it by that H++
8 high scenario.

9 COMMISSIONER YEE: Right.

10 MS. ECKERLE: So we felt, even though there's a
11 lot of uncertainty around that extreme scenario, we felt
12 it was really important to flag that in the guidance and
13 to say listen this -- there -- the potential for this is
14 coming. You don't need to design -- you may not need to
15 design for it right now, but you may need to be planning
16 for it.

17 And that gets to your point about triggers --

18 COMMISSIONER YEE: Um-hmm.

19 MS. ECKERLE: -- and thinking about if you're not
20 prepared or not willing or not able to plan for 10 feet of
21 sea level rise right now, and maybe that doesn't make
22 sense. We need to be thinking about how you adapt, if and
23 when that 10 feet of sea level rise happens, right?

24 COMMISSIONER YEE: Right. Right.

25 MS. ECKERLE: So if you're building a house,

1 maybe you're okay with your garage flooding 10 times a
2 year. I don't know. So, yeah, and I think there's going
3 to be a lot of work that needs to be done in the follow-up
4 to the adoption of this guidance. And we're planning on
5 doing, you know, another series of workshops and webinars
6 and partnering to think about how do we make sure that
7 across the State we're being precautionary enough --

8 COMMISSIONER YEE: Right, exactly.

9 MS. ECKERLE: -- to deal with this, get our
10 hands around this issue.

11 COMMISSIONER YEE: Uh-huh. Okay. So there's
12 going to be a next level of work once the --

13 MS. ECKERLE: We have so much work.

14 (Laughter.)

15 COMMISSIONER YEE: Yeah. No. No, and I
16 appreciate that --

17 MS. ECKERLE: Yeah.

18 COMMISSIONER YEE: -- because obviously
19 jurisdictions have varying views about how far out to
20 look, and, I mean, all kinds of considerations. And so
21 just trying to kind of get it back into a place of where
22 the State truly is providing is providing guidance. And
23 I'm not going to say consistency, because I'm not that's
24 exactly what we're looking for --

25 MS. ECKERLE: Yeah.

1 COMMISSIONER YEE: -- but that we're all kind of
2 moving in the same direction.

3 MS. ECKERLE: Yeah, it's really challenging when
4 you have kind of, you know scientific uncertainty and
5 rapid advances in what we know about sea level rise, and
6 also differing priorities in local jurisdictions and the
7 things that they care about, and the things that they have
8 resources for. And so we're just trying to walk that line
9 and provide those guardrails, and then the local support.

10 COMMISSIONER YEE: Right. Right. And not
11 wanting to mandate a lot on the local's part, but
12 also -- I mean, I do -- I do see a role for there being
13 some triggers or maybe an expression of a minimum
14 protection.

15 MS. ECKERLE: Yeah, yeah. And we tried to do
16 that, and maybe we can think about how we can be more --

17 COMMISSIONER YEE: Okay.

18 MS. ECKERLE: -- explicit about that.

19 COMMISSIONER YEE: Okay. Good.

20 MS. ECKERLE: Yeah, that's helpful.

21 COMMISSIONER YEE: And then the second piece of
22 this, obviously, our ports have been doing a lot of work
23 in this area. And so with respect to these new
24 projections, how is that being overlaid with the work
25 that's currently in progress with the ports? Have you --

1 MS. ECKERLE: Yeah, that's a good question. I
2 was just talking with Maren from your staff yesterday
3 about kind of the progress of those assessment reports
4 required by AB 691.

5 COMMISSIONER YEE: Right.

6 MS. ECKERLE: And this idea that certainly
7 there's not an expectation that if you are far down a
8 planning or development path, that when this guidance is
9 adopted, you will then stop and start from scratch, right?

10 So there's some flexibility about how we think we
11 can incorporat or plan for these increased projections,
12 once we've started down a planning pathway. So
13 we -- Maren and I did not figure out the answer to that
14 yesterday --

15 COMMISSIONER YEE: Uh-huh.

16 MS. ECKERLE: -- on the call, but we -- we know
17 that it's an issue, and we know that it's something we
18 have to help not only ports, but all of our local
19 jurisdictions and State jurisdictions that are trying to
20 plan for sea level rise and maybe in some portion of a
21 planning or development process.

22 COMMISSIONER YEE: Okay. Good.

23 MS. ECKERLE: Yeah.

24 COMMISSIONER YEE: And then I'm going to just ask
25 for some special consideration of our ports, in the final

1 guidance, perhaps including some port-specific
2 acknowledgement. Obviously, they have a special role and
3 certainly with respect to their water-dependent facilities
4 that are going to be need to be protected.

5 MS. ECKERLE: Yeah.

6 COMMISSIONER YEE: So if we could just highlight
7 those.

8 MS. ECKERLE: Yeah.

9 COMMISSIONER YEE: Yeah.

10 MS. ECKERLE: Yeah, I'd like to talk off line
11 about that a little bit.

12 COMMISSIONER YEE: That would be great. Okay.
13 Thank you.

14 MS. ECKERLE: Great. Thank you.

15 CHAIRPERSON NEWSOM: Excellent. Any additional
16 comments?

17 Thank you for --

18 MS. ECKERLE: Okay.

19 CHAIRPERSON NEWSOM: We spent a lot of time a few
20 months ago on this topic, and thank you very much for --

21 MS. ECKERLE: Yeah.

22 CHAIRPERSON NEWSOM: -- taking the time to come
23 up here --

24 COMMISSIONER YEE: Thank you.

25 MS. ECKERLE: Yeah. Thank you for having me.

1 CHAIRPERSON NEWSOM: -- for the presentation and
2 thank you for the engagements.

3 MS. ECKERLE: Okay. Thank you.

4 CHAIRPERSON NEWSOM: Excellent.

5 Anyone? No one filled out a form? Anyone here
6 to speak on in item?

7 Seeing none. Public comment is closed. It's
8 just an informational item.

9 We'll move to two additional items. Item 87,
10 also an informational report on our efforts to update our
11 Commission's environmental justice work. What say you?

12 EXECUTIVE OFFICER LUCCHESI: Are we jumping past
13 PG&E?

14 CHAIRPERSON NEWSOM: Why not, yeah.

15 (Laughter.)

16 EXECUTIVE OFFICER LUCCHESI: Okay. No, no I have
17 no objection. I just wanted to --

18 (Laughter.)

19 CHAIRPERSON NEWSOM: I want to be consistently
20 inconsistent.

21 EXECUTIVE OFFICER LUCCHESI: Inconsistent. Got
22 it. All right. Sheri Pemberton will be providing staff's
23 presentation on this.

24 CHAIRPERSON NEWSOM: PG&E is not happy about
25 that.

1 (Laughter.)

2 CHAIRPERSON NEWSOM: But this will be quick. And
3 they should care about environmental justice.

4 COMMISSIONER YEE: They should.

5 CHAIRPERSON NEWSOM: So this is good.

6 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
7 PEMBERTON: Yeah. Thank you so much. This is an update
8 on our efforts to update the Commission's environmental
9 justice policy. This past November, we had three outreach
10 sessions here in Fresno, and we heard a lot of great
11 feedback from people in the community, both with interest
12 about learning more about the Commission, how important
13 access is to the San Joaquin River, and how important
14 meaningful public access is taking into account access to
15 public transportation, parking fees, and other issues like
16 that. We also heard from a lot of the people that we
17 talked to that translating documents into Spanish would be
18 helpful. And for some of our more complex documents,
19 environmental documents, if we could may be have a smaller
20 type of fact sheet of sorts that simplifies the
21 information, that would be helpful as well.

22 So we're compiling all the information that we
23 heard from the people that we met with.

24 Another thing that we heard from people we talked
25 to is that it would be helpful if we could present a draft

1 revised policy for people to review and comment on. So
2 we're thinking about maybe putting that together and
3 moving forward, having something more tangible we can
4 circulate to people for an update.

5 The other thing we've been focused on, also
6 together with Coastal Commission staff, is being more
7 connected to ethnic media, so we can use that to
8 communicate about what the Commission is trying to do and
9 how important environmental justice is. So that's just
10 kind of a quick synopsis on where we are and the status.

11 CHAIRPERSON NEWSOM: Great. So you said
12 you -- you outreached in a town hall type format, or how
13 did you actually engage out here?

14 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
15 PEMBERTON: We did -- we did three different things. We
16 participated in -- by phone there's a Leadership Council,
17 and we and participated in that by phone. And then we
18 also came out and attended another meeting that different
19 representatives from State and local agencies participate
20 in on environmental justice issues.

21 And then later in the evening, we held an
22 outreach session with members of the community to just
23 come and sit down and talk in a different setting, more
24 casual, and just exchange information.

25 CHAIRPERSON NEWSOM: That's great. So where are

1 we overall with our efforts? What's the latest status?

2 EXECUTIVE OFFICER LUCCHESI: Well, as Sheri
3 mentioned, what we keep hearing both through our efforts
4 here in Fresno, but, I think, throughout all of our
5 outreach is that it's -- it would -- the next step may be
6 to put a draft update, a draft policy together, so
7 that --

8 CHAIRPERSON NEWSOM: Work off that.

9 EXECUTIVE OFFICER LUCCHESI: -- our stakeholders
10 and those that are interested in this effort have
11 something to reacted to, to chew on, and when -- as Sheri
12 and I and our team were talking about this earlier, I
13 think it's -- it's a good time to do that, because we have
14 conducted a lot of different outreach efforts, talked with
15 a lot of people throughout the State in different kinds of
16 formats, and we think we have enough to at least put some
17 things on paper --

18 CHAIRPERSON NEWSOM: Good.

19 EXECUTIVE OFFICER LUCCHESI: -- so that that
20 takes it to the next level. So that's where I think we're
21 at in terms of moving this forward. And I -- as part
22 of -- it's not just -- our plan is not just to draft a
23 policy that then kind of gets put on a shelf, but a big
24 part of our effort as you directed is an implementation
25 plan. How are we going to take these policy directives

1 and actually implement it into our daily work, so is that
2 it becomes second nature as we're analyzing projects and
3 working these issues to make sure we do the right kind of
4 outreach at the right time to make sure all of the voices
5 are heard and all the considerations can be taken. And
6 your decision ultimately is informed by all of that.

7 I think, if I can just add a little bit on to
8 Sheri's reflection on the work that they did here in
9 Fresno. As they -- as Sheri and her team were debriefing
10 with me about that, what really came to light, you know,
11 through some of their reflections were how do we bridge
12 the gap between what our jurisdiction and authority is,
13 for example, in a particular geographic location, the San
14 Joaquin River - our ownership jurisdiction is limited -
15 and we're focused on access, but the access challenges to
16 these disproportional communities affected communities are
17 much greater than just our little area.

18 So through the implementation plan, how can we
19 bridge that gap? I mean, obviously, we can't fix
20 everything, but we do think that it would be -- it's
21 important to build into that implementation plan elements
22 that encourage communication partnership with some of the
23 local jurisdictions, so that we can at least shine a light
24 on some of those more holistic challenges that many of
25 these communities face, where our role may be just a small

1 part of that.

2 So --

3 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
4 PEMBERTON: Yeah, exactly. Exactly. I think people
5 express they really -- these are really important issues
6 and they really care, and they're really happy that we're
7 out talking about this and figuring out ways to
8 incorporate environmental justice into our work,
9 both -- not just as a policy, but as an implementation as
10 something that the Commission is committed to and will
11 really -- you know, will really make a priority.

12 CHAIRPERSON NEWSOM: Excellent. Good. Well
13 done. Appreciate. And I appreciate the update as well.

14 So how quickly you think we'll have a -- since
15 you've implied a draft --

16 (Laughter.)

17 EXECUTIVE OFFICER LUCCHESI: Well --

18 CHAIRPERSON NEWSOM: -- or prepare a draft.

19 EXECUTIVE OFFICER LUCCHESI: -- at the his of
20 being -- you know, making decisions as a staff on the
21 spot, I think it -- I think we should be working towards a
22 goal of having a draft that goes before you, not
23 necessarily -- before the Commission, not necessarily for
24 approval but --

25 CHAIRPERSON NEWSOM: Discussion.

1 EXECUTIVE OFFICER LUCCHESI: -- informational,
2 discussion, blessing that that's something we can move
3 forward with as a working document, living document that
4 we can then start using as the discussion piece in
5 furthering our outreach efforts.

6 And I think that's something that we will work
7 towards having before you at the February meeting next
8 year.

9 CHAIRPERSON NEWSOM: Okay. February. Fabulous.
10 That's great.

11 Anything, anybody else?

12 Anyone here to speak to this item?

13 I didn't get any forms build. Seeing none.
14 We'll close public comment. And we'll -- thank you very
15 much for the update and we'll move back to item number 86.

16 EXECUTIVE OFFICER LUCCHESI: All right. I'll
17 give a brief presentation on this. And I know that Mark
18 Krausse, a representative of PG&E is in the audience and
19 can provide addition a context and perspective.

20 As background, and as you are well aware, in June
21 of last year, the Commission authorized a lease with PG&E
22 nor the continued operation of Diablo -- of the Diablo
23 Canyon Power Plant, the offshore facilities and
24 infrastructure that helps support those operations.

25 It was a short-term lease to coincide with the

1 expiration of the federal permits to operate the nuclear
2 power plant. The Commission based its approval on that
3 short-term lease, in part on a joint proposal between
4 PG&E, a labor union, and several environmental
5 organizations.

6 It is an agreement that provides for the orderly
7 transition and ultimate retirement of the power plant,
8 while facilitating replacement of nuclear power with other
9 greenhouse gas-free resources, and also supporting the
10 local labor unions and local workers at the plant,
11 and of course, helping to mitigate the impacts of the
12 retirement of the power plant on the local community.

13 The joint proposal is subject to approval by the
14 California Public Utilities Commission, because of their
15 jurisdiction extends to who's going to pay for the
16 obligations set forth in the joint proposal. Recently, an
17 administrative law judge with the PUC issued a proposed
18 decision that effectually opines that certain elements of
19 the joint proposal aren't appropriate for funding by the
20 ratepayers. And that proposed decision significantly
21 impacts the effectiveness of the joint proposal.

22 There was a hearing yesterday for final oral
23 arguments with the ALJ, and the PUC is scheduled to
24 consider this joint proposal, including the decision of
25 the administrative law judge later this month.

1 And so with that background and update, trying to
2 make it short and sweet, I'm happy to answer any questions
3 to the extent that I can. This is -- this informational
4 report is to provide a status of the Commission, because
5 it was a significant item before the Commission in 2016
6 that I know all the Commissioners worked hard to get to
7 that decision-making point.

8 We also, as I mentioned, have Mr. Mark Krausse in
9 the audience for PG&E that can provide additional context
10 and update on the efforts before the PUC at this time.

11 CHAIRPERSON NEWSOM: Do you want to hear from
12 Mark now?

13 MR. KRAUSSE: Chairman Newsom, and Commissioners,
14 thank you very much. Mark Krausse with PG&E. I just want
15 to thank the Commission for your continued focus on the
16 implementation of our joint proposal.

17 I think I was here in April - I'm trying to
18 recall - and updated you that the replacement power pieces
19 of this, in terms of what generation will replace Diablo
20 Canyon, through public input at workshops that we held
21 earlier this year, almost unanimous input was that's not
22 appropriate for a stand-alone proceeding like you're
23 submitting here. That should be a part of the integrated
24 resource plan that public utilities approach to describing
25 what resources be it demand response, energy efficiency,

1 or generation might come in to replace Diablo Canyon.

2 So those pieces were agreed to by the joint
3 parties to be placed into the IRP, separating proceeding
4 that is currently going right now, and we expect to
5 be -- at least have a next stage of success somewhere in
6 the first quarter ideally.

7 But with regard to the proposed decision, yeah,
8 we're not at all pleased with -- neither PG&E nor their
9 joint parties are pleased with the ALJ's proposed
10 decision. And so a number of folks -- all the joint
11 parties represented yesterday had oral argument before the
12 Public Utilities Commission.

13 And to give you some sense of how important feel
14 it is, we had four of the five Commissioners, which isn't
15 always the case at an oral argument like this -- only one
16 was unavailable. But I think everybody got to make the
17 strong points that we still feel very strongly about zero
18 GHG replacement of this -- of Diablo Canyon, approval of
19 the energy efficiency 2000 gigawatt hours of energy
20 efficiency in the short-term, which will help, of course,
21 with that later replacement, and then the community
22 benefits package. That was zeroed, right, the community
23 mitigation -- impact mitigation package, \$85 million.

24 The ALJ gave about half a loaf, a little bit more
25 on the employee retention and retraining program. So

1 we're not giving up on any of those pieces. And most
2 importantly, we want the Commission to make a statement
3 that Diablo will be replaced with zero GHG resources, so
4 there will be no increased emissions as a result of its
5 closure.

6 CHAIRPERSON NEWSOM: Thank you. I appreciate it.
7 Any additional comment. We'll grab you back in a second.

8 MR. KRAUSSE: Thank you.

9 CHAIRPERSON NEWSOM: There are two other people
10 filled out forms, and I'd be remiss if I didn't ask you
11 up, Bruce Campbell, and forgive me, one other, I think Mr.
12 or Mrs. Alonzo. Forgive me, I can't make out the writing.

13 MR. CAMPBELL: Good day, Chair Newsom, Ms. Yee,
14 and Mr. Cohen sit-in.

15 I'm Bruce Campbell. I came up from L.A. today.
16 So the Diablo Canyon nuclear power facility should be
17 closed today. The collapse of the deal must lead to a
18 shut down, not a license extension. Here's a headline of
19 the Observer of November 18th, 2017, "Upsurge in Big
20 Quakes Predicted for 2018 as Earth Rotation Slows".

21 The actual better -- better title would have been
22 upsurge in big quakes predicted for 2018 as earth's slower
23 rotation of last four years begins to pick up again.

24 Scientists have warned there could be a big
25 increase in number of devastating earthquakes around the

1 world next year, the link between earth's rotation and
2 seismic activity was highlighted last month in a paper by
3 Roger Bilham of the University of Colorado, Boulder, and
4 Rebecca Bendick of University of Montana in Missoula
5 presented at the annual meeting of the Geological Society
6 of America.

7 "The correlation between earth's rotation and
8 earthquake activity is strong and suggests there is going
9 to be an increase in number of intense earthquakes next
10 year", Bilham told the observer last week.

11 In their study, Bilham and Bendick looked at
12 earthquakes of magnitude 7 and greater that had occurred
13 since 1900. They found five periods where there had been
14 significantly higher numbers of large earthquakes compared
15 with other times. In these periods there were between 25
16 to 30 intense earthquakes -- 25 to 30 over 7 earthquakes a
17 year. The rest of the time the average figure was around
18 15 major earthquakes a year.

19 Bilham and Bendick found that there have been
20 periods of around five years when earth's rotation slowed
21 by such an amount -- so over the last century and a half,
22 there have been several times where a 5-year period, so
23 we're now over 4 years into the slow down, and it's -- and
24 it's beginning to pick back up, which is when they expect
25 the quakes.

1 It is straightforward, said Bilham, the earth is
2 offering us a 5 year heads up on future earthquakes. The
3 link is particularly important, because earth's rotation
4 began one of its periodic slow owns more than 4 years ago.
5 The inference is clear, next year, we should see a
6 significant increase in numbers of severe earthquakes.

7 We've had it easy this year. So far we have had
8 only 6 severe quakes. We could easily have 20 a year
9 starting in 2018, and then note it can go up to 30.

10 And now I'll discuss major coastal faults in
11 southern and central California. So Southern
12 California -- so the basic Newport/Inglewood fault, which
13 goes by San Diego, San Onofre, Orange County through the
14 harbor and refinery area, through the largest urban oil
15 field, the Inglewood Oil Field, and ends around West L.A.,
16 Culver City, which are about a mile from me.

17 And unfortunately that quake has been -- seems to
18 be linked to the man -- the earth's mantle they've
19 discovered for that fault system.

20 So -- and then from West L.A. up to the Santa
21 Ynez Mountains in Santa Barbara County the faults go every
22 which way, and there's no obvious major coastal faults.
23 And then -- then you have the 2000 kilometer Oceanic
24 Murray Fracture Zone hitting that North American Continent
25 at Point Conception and Arguello in Santa Barbara count.

1 And if you look, that's -- if you look, that's where the
2 bend in the San Andreas is further east, which seems to
3 show impact of that Murray Fracture Zone setting besides.

4 CHAIRPERSON NEWSOM: And Mr. Campbell, forgive
5 me, the time has expired, but respecting you took the time
6 to come all the way up, I appreciate that, and I'll extend
7 it, but if you can just sort of sum up the point beyond
8 the self evident point, we've got to get ready for an
9 earthquake and let be sure we're prepared.

10 MR. CAMPBELL: So -- oh yeah, so -- so above
11 Santa Barbara County, so there's the Hosgri Fault -- so
12 there are three faults there. They might be separated by
13 a mile or two but they're pretty much one fault. Hosgri,
14 San Simeon, San Gregorio fault, and then it goes into the
15 San Andreas somewhere around the Farallon Islands or so.

16 And the Hosgri Fault had a 7.3 to 7.5 quake
17 November 4th 1927 west many Lompoc. And I meant to bring,
18 and also quote, but obviously don't have time,
19 about -- there was January 10th, 2013 article about how
20 they predict a statewide quake on the San Andreas. And
21 also that Fukushima quake, they didn't expect a strike
22 slip to have such a large -- large magnitude, and
23 they -- some now think that San Andreas could have an over
24 9.

25 So I hope to speak during general comment. Thank

1 you.

2 CHAIRPERSON NEWSOM: Appreciate it. We can add
3 Hayward in there.

4 There was, I think one -- oh, excuse me, Mr.
5 Alonzo come on up and anyone that wishes to speak on this
6 item specifically, if they can fill out a form, otherwise
7 you'll be the last public speaker on this item.

8 MR. ALONZO: Thank you, Chairman Newsom and
9 Commissioners. I have a brief statement and then a couple
10 of letters on the subject here for you, the Commission.

11 So we just received an update and a great
12 presentation on the Diablo Canyon Power Plant and the
13 status of the joint proposal application.

14 We were notified of this issue by our sister
15 chambers over on the central coast. We realize that
16 you're not the deciding body on this matter, but we also
17 know that you are monitoring the issue and we wanted to
18 take this opportunity to share the local community -- the
19 local business community's perspective on this really
20 important issue to our friends on the central coast and is
21 interrelated here to us in the Central Valley.

22 The Fresno Chamber shares the concerns of our
23 fellow chambers on the coast related to potential safety
24 and environmental impacts should the proposed decision be
25 adopted by the CPUC. The impacts are outlined in a letter

1 that the coalition of business organizations shared with
2 us, and I believe that they also shared it with you. But
3 just in case, I brought a copy with us.

4 We appreciate your time and we thank you for
5 coming to visit us here in Fresno, and we hope to have you
6 back for other Commission meetings here soon.

7 CHAIRPERSON NEWSOM: Very grateful.

8 Thank you very much. And again, anyone else here
9 wish to speak on this item?

10 Seeing none. We'll close public comment on the
11 item.

12 So, Jennifer, let's just -- you know, we had the
13 chance -- obviously, this is -- full disclosure was part
14 of the conversations we had in closed session. So if
15 you -- if you -- if you're frustrated by the brevity of
16 perhaps our public sentiment, it's -- I think we -- you
17 know, we've, dis -- you know, we've distilled the essence
18 in the Executive Officer's overview.

19 We worked hard this Commission, all of the
20 Commissioners, to secure certain deal points with multiple
21 organizations and entities. We had high expectations, and
22 we demand they be met. That now requires collaboration,
23 coordination with sister agencies. We were all
24 disappointed to learn about the administrative law judge
25 and their proposed decision, at least I was -- and I don't

1 want to speak for everyone else, but I believe that's the
2 sentiment of the Commission. And we seek to address that.

3 And I believe there's consensus that at very
4 least, we should assert our point of view yet again in an
5 aggregate manner by sending a letter to the PUC, and the
6 letter, more generally the public, so that those points
7 that were part of the this coalition are codified and
8 reinforced. That we reassert ourselves in this process
9 and encourage this process to ultimately conclude along
10 the lines of is that which we originally expected. At
11 least that's my sense of where we are.

12 With that though, I will defer to my colleagues
13 to fill in some blanks.

14 COMMISSIONER YEE: Thank you, Mr. Chairman.
15 Absolutely right. I mean, I can't -- not to relive what
16 we decided last year, but I think it's really important to
17 reaffirm the specific pillars upon which our decision was
18 based and really created the foundation for it. And, you
19 know, just looking forward in terms of the joint
20 agreement, and I will say it was a responsible, I think,
21 approach in terms of what led to our action. It is -- and
22 you and I, Mr. Chairman, we shared in a lot of the
23 development of those pillars.

24 I mean, for me, I just have to say the workforce
25 issues around employee retention and severance just speaks

1 to the heart of the assurance that there will continue to
2 be safe operation of the facility. And, I mean, safety
3 has got to be paramount and continues to be a paramount
4 concern for me here.

5 Secondly, the community impacts. Mitigation of
6 those comprise, I think, the majority of the testimony we
7 heard --

8 CHAIRPERSON NEWSOM: That's right.

9 COMMISSIONER YEE: -- during our deliberations.
10 And, you know, really was, I think, something that the
11 company was very diligent in pursuing, and worked very
12 hard with the community to ensure that there was some
13 provision for that.

14 And then obviously the goal of really getting the
15 replacement power to be zero GHG is -- is essential. And,
16 you know, regardless of how the Commission -- the Public
17 Utilities Commission wants to kind of frame each of these
18 elements, and their ultimate decision about how much, how
19 little is still forthcoming. I really want to have our
20 letter reaffirm how important those pillars were to
21 creating the foundation for our decision here.

22 CHAIRPERSON NEWSOM: Yeah. And in addition,
23 obviously those -- the community impact issues as well.
24 But I think all those points the Commissioner made
25 we've -- need to be reinforced explicitly.

1 Any additional comments?

2 So we -- and none us -- by the way, the whole
3 point of our Commission action was to shut this plant
4 down. There's a bit of mythology out there on this
5 misinformation candidly, intentional or unintentional.
6 I'm not always convinced which. And we are committed to
7 public safety, and we are committed to shutting this plant
8 down, and we're also committed to the environment in the
9 process and the people, the community impacted, and the
10 people that are there today making sure that the current
11 plant is operating at the highest level of safety.

12 And we also we also are not naive to the listens
13 that should have been learned, in the SONGS example, which
14 did not consider these things. So I think with that, what
15 we did was wise under the circumstances, and we should
16 advocate accordingly.

17 So I think you've got a sense of where we are.

18 EXECUTIVE OFFICER LUCCHESI: I do. If I may side
19 step just a bit for the record and clarification. You did
20 mention closed session. So for complete transparency, we
21 did discuss this under the umbrella of pending litigation,
22 because we do have litigation that's pending before the
23 appellate court in the World Business Academy versus the
24 California State Lands Commission. I wanted to make that
25 very clear that -- that we had authorization to talk about

1 this in closed session.

2 With that said, I hear you loud and clear. I
3 share your concerns, and I share your desire to convey
4 this message. And we will draft a letter quickly, because
5 it's important that we get that to the PUC as quickly
6 possible, so that it's part of their record in front of
7 them as they make this decision. And I will work with
8 each of the offices individually to ensure that the
9 direction that I'm being given today is consistent with
10 the letter that I ultimately send on your behalf.

11 CHAIRPERSON NEWSOM: Grateful. If there's no
12 additional comments, this was an informational item.
13 Thank you for that, and we look forward to viewing that
14 letter and getting it out immediately.

15 We have, I believe, one or two more items, the
16 two is the public comment.

17 EXECUTIVE OFFICER LUCCHESI: Correct.

18 CHAIRPERSON NEWSOM: The one is Item, I believe,
19 88 --

20 EXECUTIVE OFFICER LUCCHESI: Right.

21 CHAIRPERSON NEWSOM: -- is that correct?

22 EXECUTIVE OFFICER LUCCHESI: That is correct.

23 CHAIRPERSON NEWSOM: We're heading to the border.

24 EXECUTIVE OFFICER LUCCHESI: Yes. Yes. Our
25 staff environmental scientists Maren Farnum will be giving

1 staff's presentation on this informational item.

2 CHAIRPERSON NEWSOM: Excellent. Thank you.

3 And you can just jump right -- I think all of us
4 are very familiar, because we had the opportunity the last
5 time we were down south to discuss this with the mayor of
6 one of the cities impacted most significantly by this.

7 But, I mean, the question, I think for all us, in
8 your presentation, and perhaps it was meant to be that you
9 don't necessarily have it all keyed up, what our role is,
10 what we're doing in terms of working collaboratively with
11 other agencies, what our next steps are.

12 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Okay.

13 CHAIRPERSON NEWSOM: This is allowing you to just
14 throw out all of that work you did to prepare --

15 (Laughter.)

16 CHAIRPERSON NEWSOM: -- all that time you had to
17 reflect on your comments --

18 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Sure.

19 CHAIRPERSON NEWSOM: -- over the course of the
20 last four hours --

21 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Okay.

22 CHAIRPERSON NEWSOM: -- and now wing it.

23 (Laughter.)

24 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Well, so
25 should I take that as direction that my presentation will

1 not be coming up?

2 CHAIRPERSON NEWSOM: Well, I don't want --

3 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Okay.

4 Sure. So, yes as you know, we were prompted to look
5 further into this issue due to a major sewage and
6 untreated wastewater spill that happened earlier this
7 year. The mayor of Imperial Beach, one of the communities
8 most affected by that spill, came and spoke to our
9 Commission here, and you directed us to look further into
10 it.

11 And so that led us to a number of efforts to
12 reach out to so many different stakeholders, and other
13 federal, State and local agencies that are already engaged
14 in this problem. I have been working on it for decades
15 actually. And --

16 CHAIRPERSON NEWSOM: And for give me, in what
17 capacity you've been working on it for decades?

18 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Well, it's
19 a -- it's a complex patch work. So a lot of the efforts
20 are led by agencies in the federal government. The
21 International Border[sic] and Water Commission is one
22 that's a division of the State Department, and the U.S.
23 Fish and Wildlife Service, NOAA. There's the National
24 Estuary Research Reserve that's down there. So those are
25 shall of the federal partners, along with the U.S. EPA.

1 CHAIRPERSON NEWSOM: Yeah. But your involvement
2 individually?

3 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So my
4 involvement individually was -- and there was a team of us
5 actually at State Lands to look into what our jurisdiction
6 was in the area, what sovereign lands and Public Trust
7 resources were being most impacted, as well as what types
8 of collaborative efforts could we be engaged more with to
9 help be a part of some of the solutions that are out
10 there.

11 And so personally, I also went down there, and
12 met with a number of our people. I was able to attend the
13 Senate informational hearing on this item, and water
14 quality issues as well Salton Sea. I was able to meet
15 with a number of the local agencies, including the
16 regional water quality control board, and the folks at the
17 research reserve gave me a very comprehensive tour of the
18 whole area.

19 I was also able to meet with folks from Homeland
20 Security and the Navy who have concerns for their own
21 personnel in the area that are being affected by health
22 issues.

23 So -- so gathered up a lot of information,
24 including working with your Sea Grant Fellow and our Sea
25 Grant Fellows to really try and delve into some of the

1 issues surrounding the scientific data and research that
2 is necessary to inform the right decisions and priority
3 actions to take. It's a little bit of a -- it's a little
4 bit of a data soup, because we have data collection
5 efforts, and research efforts that happen on both sides of
6 the border.

7 So a lot of it is about -- a lot of the solutions
8 are geared towards improving coordination efforts across
9 the border, and those are on policies issues, but also on
10 the research side as well to really try and figure out the
11 main sources of these pollution problems, and then how we
12 can get resources most effectively to the source, rather
13 than always kind of cleaning up on the back end.

14 So I do have a presentation, which I just want to
15 show you, because there's some images that can help us
16 sort of orient ourselves here. But I'll go through it as
17 quickly --

18 CHAIRPERSON NEWSOM: No. Appreciate it.

19 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So just to
20 remind you, this is the extent of the full watershed.
21 It's over 1700 square miles. It spans both sides of the
22 border, the majority of which is on the Mexico side of the
23 border. But the whole thing drains out through a very
24 small 8 square mile river valley in the southern part of
25 the San Diego County, and just south of the City of

1 Imperial Beach.

2 And so we do have a few leases in this area. We
3 have leases to California Department of State Parks for
4 the Border Field State Park. We have a lease with the
5 U.S. Fish and Wildlife Service for part of that estuary
6 research reserve. And we also lease part of the Pacific
7 seafloor for an outfall for international
8 treatment -- wastewater treatment facility that is run by
9 the International Border[sic] and Water Commission, as
10 well as the City of San Diego.

11 So, again, we -- we know that these -- there was
12 a major spill earlier this year. But looking more into
13 this, we discovered the problems related to the sewage
14 spills are -- are pretty complex. These spills, large and
15 small, happen fairly alarmingly frequently throughout the
16 wet season. And the image on one side under the
17 transboundary flows is showing all these different
18 pathways that untreated sewage can end up taking as they
19 flow into the Tijuana River Valley that's on the U.S. side
20 of the border.

21 And a lot of that is because there's been a huge
22 population boom within the city of Tijuana and within the
23 canyon areas that surround the city. And the wastewater
24 infrastructure development hasn't really kept pace with
25 those population booms.

1 Also, similar to our cities and counties is that
2 we have here, much of the infrastructure that is within
3 the city limits is outdated, it's in need of repair and
4 replacement often, and sometimes it just -- even the stuff
5 that's there doesn't really function very well. The
6 systems get overloaded very quickly during the wet season.
7 And are also issues with things like power outages that
8 cause pump failures and things like that. So you see a
9 lot of direct wastewater and direct untreated sewage going
10 right into these tributaries down into the river valley.

11 Sediment is also a major problem, and a major
12 source of pollution for the salt water estuary down by the
13 river mouth, where a lot of our, you know, most important
14 Public Trust resources are located. The sedimentation
15 issues are largely related to the development and land use
16 patterns all throughout these canyon areas. A lot of
17 people building informal housing on steep slopes, and
18 these slopes are also composed of very fine grain loose
19 sediments that quickly and rapidly erode, and sometimes
20 there's also very major land slides during the wet season.

21 The sediment basins that exist including a couple
22 that are in Border Field State Park where we lease lands,
23 are consistently overburdened. Sediment disposal is very
24 difficult and costly. The sediments are contaminated.
25 They have to be cleaned, and then they have to be

1 transported somewhere. And they aren't the ideal
2 sediments to be placed for beach nourishment, because they
3 are fine grained small sediments. And you typically want
4 coarser larger grain sediments to stay in place when you
5 do beach nourishment.

6 There are plans to build a new sediment basin.
7 Those efforts are being led by the International
8 Border[sic] and Water Commission and others, but, you
9 know, we're a few years out from that becoming a reality.

10 But there's more. There's trash that also comes
11 along with those major sediment flows. The -- a lot of
12 the trash collection services within the city of Tijuana
13 do not reach out to those developing communities in the
14 canyons. There are a lot of roads that are built to get
15 those services to those areas. So there's a lot of sort
16 of informal places where trash and debris is discarded, as
17 well as the canyon walls are often reinforced by tires.

18 And so all of this washes down into the river
19 system in the wet season, and further exacerbating the
20 wastewater collection systems because they -- you know,
21 they crowd and sort of block up those pathways.

22 So again, I mentioned a lot of works are working
23 on this. These are actually just some of the federal,
24 State and local agencies, engaged in these efforts,
25 including there are working groups established by UPA

1 programs for wastewater, sediment, and trash, all specific
2 the those issues.

3 Also, in 2008, the Tijuana River recovery team
4 was formed, which is a collaboration between many agencies
5 as well as nonprofits in the area, to -- and that's put
6 forth some different strategies and projects that they'd
7 like to undertake.

8 I'll say that most of the funding for these
9 projects have had federal sources in the past, and those
10 funding sources are quickly disappearing, or have already
11 disappeared out of the, this administration's proposed
12 budget. So a lot of these programs are limping along at
13 the moment, and they don't really have future security.

14 So our main recommendations are to, as staff, to
15 get more involved, to collaborate more with these efforts
16 that are already underway, and to work with all these
17 partners, as well as the legislatures to try and come up
18 with some more ways that the State can make up maybe some
19 of the losses that are happening at the federal level.

20 We want to help these groups sort of identify
21 promising projects, funding opportunities. And we think
22 that we could play a role as well in helping to coordinate
23 some of the resources. So we are going to commit to you,
24 as a Commission, that we will keep you updated and
25 informed as our progress goes along. We've had some

1 talks, particularly with the Ocean Protection Council's
2 Marine Debris Program, to work on some ideas, as well as,
3 you know, a number of our sister agencies that are
4 involved in ocean and coastal management and the
5 protection of Public Trust resources.

6 So with that, I'd be happy to take any of your
7 questions.

8 CHAIRPERSON NEWSOM: No, I appreciate. I mean,
9 it's frustrating for everybody. Because at the end of the
10 day, it's going to require resources and resourcefulness.
11 And I think we're provided the latter not the former in
12 terms of our collaboration and coordination. I happened,
13 just interestingly, to be down - at least, it was an
14 interesting conversation - in Mexico City meeting with
15 representatives with the Mexican government on this issue
16 among a few others.

17 And everybody said the right thing. And everyone
18 lamented about the fact that they don't have the resources
19 to make the kind of capital infrastructure investments
20 that are required. But it was interesting -- and I -- I
21 didn't bring it with me, but there was -- they had their
22 own version of a presentation, and laid out a pretty
23 comprehensive framework of what they're doing and
24 committing to, as a central government, to help support
25 the local efforts up there.

1 And I want to make sure that I provide that to
2 you. Unfortunately, I didn't bring it with me today. So
3 let's connect on that. And you're already engaged with my
4 staff.

5 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Okay.

6 CHAIRPERSON NEWSOM: But we just -- I mean, the
7 bottom line here is we just have to reinforce and sort of
8 reinvigorate that collaborative process. And I think
9 it's -- you know, it's -- I'm encouraged and grateful to
10 you guys for leaning in on this, and not abdicating
11 responsibility, not pointing and suggesting that it's, you
12 know, above our pay grade, so to speak.

13 And I think that's encouraged a lot of other
14 partners, which is important, and I hope we continue that.
15 And I'm very grateful for your work on this as well.

16 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Thank you.

17 CHAIRPERSON NEWSOM: So that's more of a comment,
18 more than a question. But let's keep on this, and let's
19 raise the bar of expectation with our partners and sister
20 agencies. And let's continue to see if we can work
21 collaboratively with the Mexican government as well. I
22 think we need to reinvigorate those conversations as well.

23 It's just some thoughts. But those, by any
24 means, are comprehensive.

25 Do you have any?

1 EXECUTIVE OFFICER LUCCHESI: Not -- only to --

2 CHAIRPERSON NEWSOM: I don't want to deny you.

3 (Laughter.)

4 EXECUTIVE OFFICER LUCCHESI: Right. No, only to
5 reinforce what you're saying is we have coming out of the
6 direction from a couple of meetings ago on this, we have
7 developed a team. Maren is leading that team. And as you
8 heard, both in terms of the quality of her knowledge on
9 this after just a couple of months of diving in, plus the
10 efforts that she and her team have gone to to meet with
11 different people. We're all in.

12 CHAIRPERSON NEWSOM: That's great.

13 EXECUTIVE OFFICER LUCCHESI: And we want to
14 continue under your direction and vision to continue to
15 shine a lot on this. Obviously, it's incredibly complex.
16 And so there isn't going to be a magic solution out there.
17 But hopefully with all of us focusing on it, to this
18 extent and even more, that something will -- some
19 different options, solutions will start to show
20 themselves.

21 CHAIRPERSON NEWSOM: Yeah. No, this is -- this
22 is one of those areas where it would be nice if we had a
23 federal government that was enlightened, because no wall
24 is going to solve this problem. And this is just one of
25 the -- there's so many -- so many of these nuanced areas

1 where, you know, a little respect, a little collaboration,
2 a little empathy and understanding go a long way.

3 But this is becoming a bigger and bigger health
4 issue. And, of course, we're going into that rainy
5 season, so this is going to be highlighted and reinforced
6 over the course of a number of months -- next few months.

7 So, anyway, keep up the good work guys, and
8 thanks for the update.

9 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Thank you.

10 CHAIRPERSON NEWSOM: And forgive me, I don't know
11 if there's any additional --

12 EXECUTIVE OFFICER LUCCHESI: We do have a public
13 comment.

14 CHAIRPERSON NEWSOM: And there's -- and Jennifer
15 is here to talk about this.

16 EXECUTIVE OFFICER LUCCHESI: Right.

17 CHAIRPERSON NEWSOM: I don't know why the
18 Surfrider Foundation has any interest in this.

19 (Laughter.)

20 MS. SAVAGE: Well, I actually have some good
21 news, so bear with me.

22 CHAIRPERSON NEWSOM: Good.

23 MS. SAVAGE: And I do have a presentation.

24 CHAIRPERSON NEWSOM: Oh, gotcha. Okay.

25 MS. SAVAGE: Jennifer Savage Surfrider

1 Foundation, California Policy Manager. First of all,
2 thank you for your attention to this long-standing problem
3 of trash and sewage flowing from the Tijuana River into
4 the Pacific for decades. As you know very well, the
5 pollution has caused human health problems, threatened
6 local economies, and damaged the environment.

7 Woops. I got ahead of myself.

8 Surfrider, of course, finds this unacceptable.
9 Our San Diego Chapter has been working forward a solution
10 through it's No Border Sewage Program, which has commonly
11 known as No BS. We commend your staff for today's report,
12 and we wanted to follow up with some information of our
13 own.

14 Unfortunately, our San Diego staff could not be
15 here today, so I'm speaking on the chapter's behalf.

16 Notably during the last week end of October,
17 about a month ago, beachgoers in South San Diego County
18 reported a bad stench, discolored ocean water from
19 Imperial Beach to Coronado. Local residents, of course,
20 know these signs of sewage discharging from the Tijuana
21 River all too well. Unfortunately, Mexico's government at
22 the time denied that any sewage spill had occurred.

23 However, the Tijuana based Proyecto Fronterizo de
24 Educacion Ambiental -- forgive my pronunciation -- had
25 done independent water testing on Friday, October 27th,

1 and reported extremely high levels of fecal-indicator
2 bacteria in neighboring Playas de Tijuana.

3 Although Mexican officials deny a spill occurred,
4 the project's data indicated that Tijuana's deteriorating
5 San Antonio de los Buenos Sewage Treatment Plant was
6 likely the source.

7 The impact was that miles of coastline in San
8 Diego County were polluted with sewage and high levels of
9 fecal bacteria. Making matters worse, beaches in the area
10 remained open all throughout the weekend. The San Diego
11 Environmental Department of -- or Department of
12 Environmental Health tasked with protecting the health of
13 the beachgoers and regulating recreational water
14 were -- they were notified about the suspected spill, but
15 they only came out and performed a visual inspection.
16 They didn't do any sampling. They didn't close any
17 beaches. No notes were posted. Consequently, the beaches
18 remained open all weekend, and a whole bunch of surfers
19 and swimmers got sick, including the Mayor of Imperial
20 Beach, Serge Dedina, who brought this problem to your
21 attention before.

22 It's extremely unfortunate that these sewage
23 spills are happening so frequently. But this is where I
24 get to the good news. Our chapter staff had a very
25 productive meeting with the San Diego Department of

1 Environmental Health just yesterday regarding why they did
2 not do the testing back in October.

3 They explained that they sent out a staff sampler
4 on two occasions, but at the time that the sampler went
5 out neither that person nor the life guard smelled
6 anything or saw anything. The swell and wind had changed,
7 and so they didn't know people were getting sick. They
8 didn't know there were reports from Mexico received on
9 this side of the border. They just simply didn't have the
10 information that was circulating on social media and among
11 the nonprofits.

12 So to their credit, staff did recognize that
13 changes needed to be made. So here's what they came up.
14 In order to expand coverage, the county department will
15 mover its weekly water sampling to Thursdays, which will
16 then complement instead of duplicate efforts by the City
17 of San Diego and IBWC, which both test weekly on Tuesdays.

18 They will administer daily checks to the on-line
19 swell monitor and plume tracker to study the south swell
20 and wind changes.

21 They're in the process of building a partnership
22 in Tijuana with the nonprofits and local government, and
23 they've asked Surfrider and WILDCOAST to help facilitate
24 these relationships, because we already have them.

25 They're going to use digital globe and satellite

1 monitoring and evaluate images to better understand what
2 is -- what is happening. They are going to test whenever
3 there are odors where there is a south swell. So it won't
4 just be when we think something has happened. Whenever
5 there's a south swell or when odors are reported they're
6 going to test.

7 And finally, they have reached out to Southern
8 California Coastal Water Research Project to see the they
9 can join and broaden the study plan for spring 2018.

10 So we're really excited about the Department's
11 response. We think that it is a really good way for that
12 agency to plug in and help the cause.

13 And then is second bit of good news is that
14 Surfrider San Diego was recently awarded a grant from Las
15 Patronas to set up two Blue Water Task Force programs.
16 Blue Water Task Force is Surfrider's volunteer water
17 quality monitoring program. So one at a local high school
18 in Imperial Beach close to the border, and the other based
19 out of Coronado.

20 And these new labs will allow chapter volunteers
21 and high school students to establish an ongoing water
22 sampling program, so they can respond to future sewage
23 spills in the border region in a quick fashion.

24 These test results will then be posted on
25 Surfrider's website, shared with community members, local

1 beachgoers, agency officials -- who else? All the people
2 who are responsible for monitoring and managing the
3 situation. And our hope is that by providing this
4 information, it will assist in better protection of our
5 coastal communities, it will motivate our public officials
6 to act on necessary closures, and assist in finally
7 developing a federal solution to this ongoing public
8 health issue.

9 So I just want to say thank you to you and to
10 you're staff, particularly Maren for the efforts on this
11 matter, and we look forward to working together for the
12 protection and enjoyment of California's ocean, beaches,
13 and waves.

14 Thank you.

15 CHAIRPERSON NEWSOM: Thank you. Thanks for your
16 comments.

17 Anyone else wish to speak on this item?

18 Seeing none.

19 We will close -- well, we'll move on from this
20 informational item and update to the final item, which is
21 public comment, is that correct?

22 EXECUTIVE OFFICER LUCCHESI: That's correct.

23 CHAIRPERSON NEWSOM: And I believe we have two
24 individuals that have filled out public comment forms.
25 And for give me, it's Radley Reep followed by Bruce

1 Campbell.

2 MR. REEP: Members of the Commission, hello. My
3 name is Radley Reep. I'm a Fresno county resident. I am
4 so happy is that you are here --

5 (Laughter.)

6 MR. REEP: -- today in Fresno.

7 I attended one of your environmental justice
8 meetings that was held here a couple of weeks ago.

9 CHAIRPERSON NEWSOM: Great.

10 MR. REEP: That was wonderful.

11 CHAIRPERSON NEWSOM: Thanks.

12 MR. REEP: And it's because of my contact with
13 those folks that I felt emboldened to come here and make a
14 request of you today.

15 I'm vitally interested in the San Joaquin River
16 Parkway as it's being developed. And I realized now that
17 the parkway is getting to the point where this Commission
18 would be making more and more decisions, and studying it
19 more closely as things move along.

20 And I want to let you know that there are folks
21 like me who have lived on the river, or who have been on
22 the river for our lifetimes. We have a history of that
23 area and we know the condition of the property that you
24 have an interest in.

25 We'd like to help you, when it's appropriate, to

1 provide whatever information you may need. But to do
2 that, we think we need something from you. It's sort of
3 you -- we'll help you, you help us.

4 (Laughter.)

5 MR. REEP: And so the three things that we would
6 really help us would be first to develop a listserve, so
7 that I could send you my email. And if any reports or
8 studies or leases -- lease applications or anything were
9 coming up on that stretch of the river, you could just
10 drop us a quick note. And that way we would be in the
11 loop and be prepared to respond in a timely manner.

12 The second one is in regard to maps. Because I
13 lived on the river all my life, and know that property
14 owners over years have managed to pay demand taxes and get
15 their property rights extended to the middle of the river,
16 I know the complexity of that whole situation.

17 So when we want to address matters that are of
18 your interest, we need to know where your property is.
19 And we really don't know many times where that is. And so
20 we're wondering whether or not you could create a map for
21 us that would show along the parkway, that 22 mile
22 stretch, where your interests are.

23 And I would go to the county office -- assessor's
24 office to check their maps. But I'd tell they're not user
25 friendly, and they're often not accurate.

1 And the last thing is if you could establish
2 somebody in your offices who could be responsible for
3 answering our inquiries, a certain -- like a point person,
4 so that if we had a question -- if we saw, for example,
5 some great degradation on your property, and we just want
6 to give you a quick alert, that there would be somebody we
7 could contact.

8 So those are the three things. One, a listserve
9 to keep us informed, the other is maps so we know where
10 you are on the river, and the other is contact people.
11 And we would really appreciate working with you in the
12 future. Thank you.

13 CHAIRPERSON NEWSOM: Love it. Considering you
14 pay our salaries, it seems reasonable.

15 MR. REEP: Okay.

16 CHAIRPERSON NEWSOM: Everything you said.

17 MR. REEP: All right.

18 CHAIRPERSON NEWSOM: Jennifer, you'll -- that all
19 makes sense.

20 EXECUTIVE OFFICER LUCCHESI: It all makes sense.

21 CHAIRPERSON NEWSOM: Yeah.

22 EXECUTIVE OFFICER LUCCHESI: It's reasonable, and
23 it's -- we can easily do all three of those. So we will
24 start working on that right away. And I appreciate the
25 suggestion and the request.

1 CHAIRPERSON NEWSOM: Grateful.

2 MR. REEP: Oh. Thank you so very much.

3 CHAIRPERSON NEWSOM: Thank you very much. Thanks
4 for your patience too.

5 Mr. Campbell.

6 MR. CAMPBELL: Thank you.

7 Woops. Sorry about that. So Bruce Campbell from
8 L.A.

9 The two Diablo reactors sit near 13 faults. This
10 number includes the Hosgri fault a few miles away, part of
11 that largest subsidiary, the San Andreas fault I mentioned
12 earlier, but doesn't -- but that number doesn't include
13 the San Andreas about 40 miles away.

14 While it sounds like it's quite complex,
15 basically while there is that complexity, basically the
16 general framework is enough for a reasoned person who
17 doesn't have major influences to conclude that it's a
18 ridiculous spot for a nuclear power facility, let alone in
19 the late 2010's.

20 I attended the seismic hearings to the Atomic
21 Safety and Licensing Appeals Board of the NRC at the Vets
22 Memorial Building in San Luis Obispo in the fall of 1980
23 at which Governor Brown had two lawyers contending that
24 Diablo should not commence operation due to its seismic
25 setting. The seismic setting is the same, Brown isn't.

1 The hearings were held due to unusual ground
2 acceleration readings, especially vertical ground
3 acceleration from the Imperial Valley 10/15/79 earthquake.

4 By the way, when Chairman Salzman of the NRC's
5 ASLAB ruled that Diablo was seismically safe, that was
6 after he was appointed to a federal judgeship by President
7 Reagan.

8 At the time, Diablo -- at the time is that Diablo
9 got it's low power test license, over 100 workers gave
10 sworn testimony to the Government Accountability Project
11 about 3000 with the facility, but the NRC didn't care.
12 It's PG&E.

13 Now, let's deal with the levee subject of
14 radioactive waste containers. A German company makes a
15 transportable cask made of 24-inch thick stainless steel.
16 Twenty-two or 23 spent fuel rod assemblies in 24-inch
17 thick stainless steel. The NRC lets utilities choose rad
18 waste containers. Our cheapskate investigator-owned
19 utilities choose very thin can -- they don't choose casks,
20 which could be transported. Very thin canisters a half
21 inch or slightly over a half inch thick.

22 I heard the executive of the Holtec Company, Dr.
23 Singh, say at the community engagement panel meeting in
24 2014 or '15 that the Holtec canister cannot be monitored,
25 cannot be repackaged, and cannot be transported.

1 So -- let's see. One of PG&E's canisters show
2 signs of cracking after two years, and Dr. Singh admits
3 his company's canister can crack all the way through this
4 17 years, once the crack is identified.

5 And by the way PG&E seems to have loaded a
6 majority of their canisters in the wrong way, let alone it
7 being such a pathetic container to put it in. It's wrong
8 to put it there to begin with, even if they loaded it
9 right.

10 The Coastal Commission was assured by a Southern
11 California Edison attorney -- I'm thousand talking about
12 the San Onofre rad waste dump thing, might start putting
13 the -- build this half buried, somewhat cement mound of
14 canisters on the bluff above San Onofre's planned for this
15 coming month.

16 I haven't even mentioned the worst part of the
17 PG&E and SCE canisters. So remember -- remember the
18 24-inch thick stainless steel option from German -- a
19 German company, and that would house 22 or 23 spent fuel
20 rods assembly. That's a little over an inch of shielding
21 per spent fuel rod assembly.

22 So how many -- I know I'm familiar with SCE's
23 number here.

24 CHAIRPERSON NEWSOM: Good. And just, as you
25 know, the red light has gone off. I'm giving you a little

1 extra time. If you can just sum up and conclude.

2 MR. CAMPBELL: So SCE --

3 CHAIRPERSON NEWSOM: Thank you.

4 MR. CAMPBELL: SCE has chosen to put 37 spent
5 fuel -- a hell of a lot more than in the 24-inch thick in
6 this thick canister. They could careless about our
7 health. And also, the two -- think way PG&E lost their
8 initiative trying to squelch is community choice
9 aggregation, June 2010, 9/9/10 was the San Bruno pipeline
10 blast. Then they went judge shopping for a favorable
11 ruling in the payout on that. Then there are the wine
12 country fires.

13 Anyway, the Diablo fires will make wine country
14 fires look minimal. And I've seen wind row showing their
15 radiation cloud could go all the way up to the Shasta and
16 Redding area.

17 CHAIRPERSON NEWSOM: Thank you, Mr. Campbell.

18 MR. CAMPBELL: Good luck, Jim.

19 CHAIRPERSON NEWSOM: Okay thank you.

20 MR. CAMPBELL: Remember that Mission Impossible
21 statement, it might --

22 CHAIRPERSON NEWSOM: Got it.

23 MR. CAMPBELL: -- be impossible without people
24 standing up to PG&E.

25 Thank you.

1 CHAIRPERSON NEWSOM: All right. Thank you.

2 Any of our -- any additional members of the
3 public wish to speak?

4 Seeing none. We'll close public comment.

5 COMMISSIONER YEE: Mr. Chairman, thank you for
6 holding this Commission meeting here in Fresno. I think
7 it's really important for us to have a presence where we
8 do have interests that pertain to the work of the
9 Commission.

10 And might I suggest that we perhaps have a
11 meeting next year in a desert location to --

12 CHAIRPERSON NEWSOM: Yeah.

13 COMMISSIONER YEE: -- bring the participation
14 much our desert communities together.

15 CHAIRPERSON NEWSOM: I like that idea.

16 COMMISSIONER YEE: Thank you.

17 CHAIRPERSON NEWSOM: Considering you're running
18 this show next year, that's -- that's not a request.

19 (Laughter.)

20 CHAIRPERSON NEWSOM: That needs to be scheduled.

21 (Laughter.)

22 EXECUTIVE OFFICER LUCCHESI: Perfect timing. We
23 are working next career's schedule and locations now.

24 (Laughter.)

25 CHAIRPERSON NEWSOM: I love it.

1 EXECUTIVE OFFICER LUCCHESI: We'll certainly do
2 that, Commissioner Yee.

3 CHAIRPERSON NEWSOM: This was only 4 hours.
4 Nothing.

5 (Laughter.)

6 CHAIRPERSON NEWSOM: Like the last hearing -- or
7 last meeting.

8 Seeing no business remaining in front of this
9 Commission, I believe, Ms. Lucchesi, that concludes the
10 agenda, and concludes today's meeting.

11 Thank you all very much for your patience and
12 participation. Take care, everybody.

13 (Thereupon the California State Lands
14 Commission meeting adjourned at 4:15 p.m.)

15
16
17
18
19
20
21
22
23
24
25

1 C E R T I F I C A T E O F R E P O R T E R

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the
5 foregoing California State Lands Commission meeting was
6 reported in shorthand by me, James F. Peters, a Certified
7 Shorthand Reporter of the State of California;

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

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 11th day of December, 2017.

16
17
18
19
20 

21
22
23 JAMES F. PETERS, CSR
24 Certified Shorthand Reporter
25 License No. 10063