

MEETING  
STATE OF CALIFORNIA  
LANDS COMMISSION

SONOMA STATE UNIVERSITY  
STUDENT CENTER - BALLROOM D  
1801 EAST COTATI AVENUE  
ROHNERT PARK, CALIFORNIA

THURSDAY, JUNE 21, 2018  
10:09 A.M.

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

A P P E A R A N C E S

COMMISSION MEMBERS:

Ms. Betty T. Yee, State Controller, Chairperson

Mr. Gavin Newsom, Lieutenant Governor, also represented by  
Ms. Sloane Viola

Mr. Michael Cohen, Director of Department of Finance,  
represented by Ms. Jacqueline Wong-Hernandez

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Chief Counsel

Mr. Steve Curran, Senior Petroleum Drilling Engineer,  
Mineral Resources Management Division

Ms. Nicole Dobroski, Assistant Chief, Marine Environmental  
Protection Division

Ms. Maren Farnum, Environmental Scientist, Executive  
Office

Ms. Wendy Hall, Environmental Program Manager, Executive  
Office

Mr. Ben Johnson, Staff Attorney

Ms. Kim Lunetta, Administrative Assistant

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

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

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

ALSO PRESENT:

Ms. Grace Anderson

Ms. Gina Belforte, Council Member, Rohnert Park

Mr. John Berge, Pacific Merchant Shipping Association

Ms. Mary Bernier, Interfaith Peace Coalition

Ms. Maureen Brennan

Ms. Carrie Chee, Heal the Ocean

Mr. Charles Davidson

Mr. Emilio Diaz

Mr. Jason Giffen, Port of San Diego

Ms. Deborah Halberstadt, Ocean Protection Council

Ms. Hillary Hauser, Heal the Ocean

Mr. Jake Mackenzie, Council Member, Rohnert Park;  
Metropolitan Transportation Commission

Ms. Alison Madden, San Francisco Bay Marinas for All

Mr. Tom Martell

Ms. Ann Puntch

Ms. Nancy Reiser, Rodeo United to Defend the Environment

Mr. Kevin Reynolds, Glosten

Ms. Judy Sakaki, President, California State University,  
Sonoma

Ms. Jennifer Savage, Surfrider Foundation

Ms. Mari Rose Taruc, Asian Pacific Environmental Network

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

ALSO PRESENT:

Ms. Lily Tsukayama, Port of San Diego

Mr. Lucas Zucker, Central Coast Alliance United for a  
Sustainable Economy(CAUSE)

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I	10:00 A.M. - OPEN SESSION	1
II	CONFIRMATION OF MINUTES FOR THE MEETINGS OF APRIL 19, 2018 AND MAY 11, 2018	9
III	EXECUTIVE OFFICER'S REPORT	9

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

2101-2603 Wilbur LLC (Lessee): Continuation of rent at  
\$140,075 per year for a General Lease - Industrial Use  
located on filled and unfilled sovereign land in the  
San Joaquin River, adjacent to 2301 Wilbur Road, near  
Antioch, Contra Costa County. (PRC 1546.1)

5490 West Lake Associates (Lessee): Continuation of  
rent at \$754 per year for a General Lease -  
Recreational Use located on sovereign land in Lake  
Tahoe, adjacent to 5490 West Lake Boulevard, near  
Homewood, Placer County. (PRC 8512.1)

Donald W. Aase and Judith E. Aase (Lessee):  
Continuation of rent at \$163 per year for a General  
Lease - Recreational and Protective Structure Use, on  
sovereign land in the Colorado River, adjacent to 1118  
Beach Drive, Needles, San Bernardino County.  
(PRC 9088.1)

Albert Avalos and Stacy Avalos, Trustees, or their  
successors in trust, under the Albert and Stacy Avalos  
Living Trust, dated November 27, 2000, and any  
amendments thereto (Lessee): Continuation of rent at  
\$303 per year, for a General Lease - Recreational and  
Protective Structure Use, on sovereign land in the  
Colorado River, adjacent to 1116 Beach Drive, Needles,  
San Bernardino County. (PRC 9087.1)

BSTCO, a California General Partnership (Lessee):  
Continuation of rent at \$10,000 per year, and an  
additional percentage of gross payment in the amount  
of 10 percent of gross revenues in excess of \$300,000,  
for a General Lease - Agricultural Use for located on  
indemnity school land in Section 13, Township 10

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South, Range 3 West, SBM, north of Escondido, San Diego County. (PRC 5265.2)

John R. Christensen (Lessee): Continuation of rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 100 Sierra Terrace Road, near Tahoe City, Placer County. (PRC 8405.1)

Michael F. Denton, Sr. (Lessee): Continuation of rent at \$331 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in the Colorado River, adjacent to 1178 Beach Drive, Needles, San Bernardino County. (PRC 9086.1)

Dean Giannetto (Lessee): Continuation of rent at \$248 per year for a General Lease - Recreational Use located on sovereign land in the Calaveras River, adjacent to 2881 Calariva Drive, near Stockton, San Joaquin County. (PRC 7338.1)

Robert L. Gotelli and Kelly J. Gotelli, Trustees of the Gotelli Family Trust U/A dated August 20, 2003 (Lessee): Continuation of rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 4800 West Lake Boulevard, near Homewood, Placer County. (PRC 8358.1)

Innex California, Inc., a Texas Corporation (Lessee): Continuation of rent at \$580 per year for a General Lease - Right-of-Way Use located on sovereign land in the Eel River, near Alton, Humboldt County. (PRC 8472.1)

Ronald E. Iverson and Virginia L. Iverson, aka Virginia L. Iverson, Trustees of the 2004 Ronald E. Iverson and Virginia L. Iverson Revocable Trust U/D/T August 17, 2004 (Lessee): Continuation of rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 3350 Edgewater Drive, near Tahoe City, Placer County. (PRC 8320.1)

Jon E. Maring and Tamara Maring (Lessee): Continuation of rent at \$1,330 per year for a General Lease -

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Recreational Use located on sovereign land in Lake Tahoe, adjacent to 6460 North Lake Boulevard, near Tahoe Vista, Placer County. (PRC 5563.1)

Alan H. Matthews and Elizabeth E. Matthews, Trustees of the Matthews Family Revocable Trust Dated March 26, 2009 (Lessee): Continuation of rent at \$754 per year, for a General Lease - Recreational Use located on sovereign land in Lake Tahoe adjacent to 4850 West Lake Boulevard, near Homewood, Placer County. (PRC 8487.1)

Shannon Mlcoch and Richard M. Hunt (Lessee): Continuation of rent at \$164 per year for a General Lease - Recreational Use located on sovereign land in Elk Slough, adjacent to 52265 Nishida Lane, near Clarksburg, Yolo County. (PRC 9052.1)

Robert E. Mori, II (Lessee): Continuation of rent at \$147 per year for a General Lease - Recreational Use located on sovereign land in the Mokelumne River, adjacent to 30005 West Vail Road, near Walnut Grove, San Joaquin County. (PRC 6500.1)

MP Mine Operations, LLC (Lessee): Continuation of rent at \$668 per year for a General Lease - Right-of-Way Use for use and maintenance of one 14-inch diameter potable water transportation line located on school land in Section 16, Township 16 North, Range 13 East, SBM, near Mountain Pass, San Bernardino County. (PRC 6375.2)

Frank T. Rauzi and Judith D. Rauzi (Lessee): Continuation of rent at \$255 per year for a General Lease - Recreational Use located on sovereign land in the Calaveras River, adjacent to 2943 Calariva Drive, near Stockton, San Joaquin County. (PRC 8473.1)

Michael T. Rose and Laurel K. Rose (Lessee): Continuation of rent at \$378 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in Steamboat Slough, adjacent to 13914 Grand Island Road, near Walnut Grove, Sacramento County. (PRC 7023.1)

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Joseph Ryniak and Cynthia Ryniak (Lessee):  
Continuation of rent at \$372 per year for a General  
Lease - Recreational and Protective Structure Use on  
sovereign land in the Colorado River, adjacent to 1226  
Beach Drive, Needles, San Bernardino County. (PRC  
9091.1)

Gerald E. Shipman and Patty Shipman, Trustees of the  
Gerald and Patty Shipman Family Trust, dated July 17,  
2002 (Lessee): Continuation of rent at \$1,513 per year  
for a General Lease - Recreational and Protective  
Structure Use located on sovereign land in the  
historic bed of the San Joaquin River, adjacent to  
3444 Country Club Boulevard, in Atherton Cove, San  
Joaquin County. (PRC 5844.1)

Earl L. Skidmore, Successor Trustee of the Skidmore  
Living Trust dated December 16, 1991 (Lessee):  
Continuation of rent at \$1,225 per year for a General  
Lease - Recreational Use located on sovereign land in  
Lake Tahoe, adjacent to 4390 North Lake Boulevard,  
near Carnelian Bay, Placer County. (PRC 4467.1)

Valero Refining Company - California (Lessee):  
Continuation of base rent of \$29,940 (established  
2013) per year with an annual CPI adjustment for a  
General Lease - Right-of-Way Use located in the  
Carquinez Strait in Suisun Bay, at the Benicia  
Refinery, Solano and Contra Costa Counties. (PRC  
3811.1)

Venice Island, Inc., a California Corporation  
(Lessee): Continuation of rent at \$452 per year for a  
General Lease - Recreational Use located on sovereign  
land in the San Joaquin River, adjacent to 17500 West  
Eight Mile Road, Venice Island, near Stockton, San  
Joaquin County. (PRC 2212.1)

W. Group Holding IV, LLC (Lessee): Continuation of  
rent at \$976 per year for a General Lease -  
Recreational Use located on sovereign land in Lake  
Tahoe, adjacent to 4260 North Lake Boulevard, near  
Carnelian Bay, Placer County. (PRC 4182.1)



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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 3790 NLB, LLC, A CALIFORNIA LIMITED LIABILITY  
COMPANY (ASSIGNOR); JAMES C. BLAKEMORE AND GRACE E.  
HACKMEIER (ASSIGNEE): Consider application for the  
assignment, amendment of lease, and revision of rent  
to Lease No. PRC 5751.1, a General Lease -  
Recreational Use, of sovereign land located in Lake  
Tahoe, adjacent to 3790 North Lake Boulevard, near  
Carnelian Bay, Placer County; for an existing pier,  
boat lift, and two mooring buoys. CEQA Consideration:  
not projects. (PRC 5751.1; RA# 15817) (A 1; S 1)  
(Staff: J. Toy)

C02 AGATE PIER AND SWIM CLUB, INC. (APPLICANT):  
Consider application for a General Lease - Commercial  
Use, of sovereign land located in Lake Tahoe, adjacent  
to 5690 North Lake Boulevard, near Agate Bay, Placer  
County; for an existing pier, 21 mooring buoys, and  
one marker buoy. CEQA Consideration: categorical  
exemption. (PRC 3994.1; RA# 17417) (A 1; S 1) (Staff:  
M. Schroeder)

C03 GUADALUPE AYALA DBA WARDS BOAT LANDING  
(APPLICANT): Consider application for a General Lease  
- Commercial Use, of sovereign land located in the  
Sacramento River and Butte Slough, adjacent to 2701  
Butte Slough Road, near Colusa, Colusa County; for an  
existing commercial marina, known as Wards Boat  
Landing. CEQA Consideration: categorical exemption.  
(PRC 2220.1; RA# 17917) (A 3; S 4) (Staff: M.  
Schroeder)

C04 BIG WATER VIEW, LLC, A NEVADA LIMITED LIABILITY  
COMPANY (LESSEE); THE SOCOTRA FUND, LLC, A CALIFORNIA  
LIMITED LIABILITY COMPANY; KENNETH A. WILLIAMS, JR.  
AND JAYNE R. WILLIAMS AS TRUSTEES OF THE KENNETH A.  
WILLIAMS, JR. AND JAYNE R. WILLIAMS DECLARATION OF  
TRUST DATED JANUARY 24, 1996; JACOB A. CHAPMAN AND  
GALE S. CHAPMAN AS TRUSTEES OF THE CHAPMAN TRUST;

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DENNIS A. NEELEY AND DARLENE I. NEELEY, CO-TRUSTEES OF THE DENNIS AND DARLENE NEELEY FAMILY TRUST U/T/A DATED APRIL 16, 2006; JOAN FERRARI, TRUSTEE OF THE JOAN A. FERRARI TRUST DATED 10/15/07; SCOTT BERGER AS TRUSTEE OF THE SCOTT AND NICOLE BERGER FAMILY TRUST ESTABLISHED 9/15/2011; WAYNE E. STAHMER AND LINDA K. STAHMER, TRUSTEES OF THE STAHMER FAMILY TRUST DATED JUNE 6, 2002; RON CHAPMAN AND MARY CHAPMAN AS TRUSTEES OF THE CHAPMAN FAMILY TRUST 2001; PENSCO TRUST COMPANY CUSTODIAN, FBO, R. MICHAEL WILKIE, ROTH IRA; KENNETH J. CHAPMAN (SECURED-PARTY LENDERS): Consider application for the Agreement and Consent to Encumbrancing of Lease No. PRC 5739.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 7220 North Lake Boulevard, Tahoe Vista, Placer County; for an existing commercial marina known as Tahoe Vista Inn and Marina. CEQA Consideration: not a project. (PRC 5739.1; RA# 17317) (A 1; S 1) (Staff: M.J. Columbus)

C05 BULLSEYE FARMS, A CALIFORNIA GENERAL PARTNERSHIP (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 4091.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4810 West Lake Boulevard, near Homewood, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: not projects. (PRC 4091.1) (A 1; S 1) (Staff: J. Toy)

C06 CAMP RICHARDSON RESORT, INC. (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 3001 Jameson Beach Road, South Lake Tahoe, El Dorado County; for an existing commercial marina, known as Camp Richardson Marina. CEQA Consideration: categorical exemption. (PRC 5859.1; RA# 15217) (A 5; S 1) (Staff: M. Schroeder)

C07 LEE M. CHESNUT, TRUSTEE OF THE CHESNUT FAMILY TRUST DATED FEBRUARY 2, 1994 (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 6798.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5500 West Lake Boulevard, near Homewood, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: not projects. (PRC 6798.1)

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(A 1; S 1) (Staff: S. Avila)

C08 CITY OF RED BLUFF (LESSEE): Consider application for an amendment to Lease No. PRC 9013.9, a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, adjacent to 98 Main Street, Red Bluff, Tehama County; for the construction of a 2-lane boat launch ramp, 2 boarding floats, a gangway, a guide cable with anchor, and riprap; and the conversion of an existing single-lane boat launch ramp into a nonmotorized boat launch ramp. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Red Bluff, State Clearinghouse No. 2014072008, and adoption of a Mitigation Monitoring Program. (PRC 9013.9; RA# 08317) (A 3; S 4) (Staff: S. Avila)

C09 RICHARD A. COOMBS AND JENNIFER C. COOMBS (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 8201.1, a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 15336 South Shore Drive, near Truckee, Nevada County; for an existing pier. CEQA Consideration: not projects. (PRC 8201.1) (A 1; S 1) (Staff: S. Evans)

C10 DMB/HIGHLANDS GROUP, LLC, AN ARIZONA LIMITED LIABILITY COMPANY (LESSEE); MARTIS CAMP CLUB (APPLICANT): Consider application for the assignment of Lease No. PRC 7862.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6920 North Lake Boulevard, near Tahoe Vista, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 7862.1; RA# 18517) (A 1; S 1) (Staff: M. Schroeder)

C11 RAY DOLBY AND DAGMAR DOLBY, TRUSTEES OF THE DOLBY FAMILY TRUST DATED MAY 7, 1999 (ASSIGNOR); DAGMAR DOLBY, AS TRUSTEE OF THE DAGMAR DOLBY TRUST ESTABLISHED UNDER THE DOLBY FAMILY TRUST INSTRUMENT, DATED MAY 7, 1999 (ASSIGNEE): Consider application for the assignment of Lease No. PRC 3683.9, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2540 West Lake Boulevard, near Tahoe City, Placer County; for an existing rock crib pier and open-sided boathouse, two boat lifts, portion

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of a storage building, and two mooring buoys. CEQA Consideration: not a project. (PRC 3683.9; RA# 20217) (A 1; S 1) (Staff: J. Toy)

C12 RAY DOLBY AND DAGMAR DOLBY, AS TRUSTEES OF THE DOLBY FAMILY TRUST DATED MAY 1999 (ASSIGNOR); DAGMAR DOLBY, AS TRUSTEE OF THE DAGMAR DOLBY TRUST ESTABLISHED UNDER THE DOLBY FAMILY TRUST INSTRUMENT, DATED MAY 7, 1999 (ASSIGNEE): Consider application for the assignment and revision of rent to Lease No. PRC 4132.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2550 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, open-sided boathouse with stairs, pumphouse/shed, boat lift, and two mooring buoys. CEQA Consideration: not projects. (PRC 4132.1; RA# 20317) (A 1; S 1) (Staff: J. Toy)

C13 DRUM LODGE LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7741 State Highway 89, near Meeks Bay, El Dorado County; for an existing pier and one mooring buoy previously authorized by the Commission, and one boat lift not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27151; RA# 18217) (A 5; S 1) (Staff: S. Avila)

C14 ROBERT J. FEIBUSCH AND CHRISTINE LILIA FEIBUSCH, TRUSTEES OF THE FEIBUSCH RESIDENCE TRUST, DATED JANUARY 3, 2007 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1310 West Lake Boulevard, near Sunnyside, Placer County; for an existing pier, covered boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7711.1; RA# 12817) (A 1; S 1) (Staff: J. Toy)

C15 HUMBOLDT COUNTY RESOURCE CONSERVATION DISTRICT (LESSEE/SUBLESSOR); ANDREW J. ALBIN AND SARAH E. ALBIN (SUBLESSEE): Consider application for an amendment to Lease No. PRC 8955.1, a General Lease - Public Agency Use, and approval of a sublease, of sovereign land located in the Salt River; and Smith Creek, from Cutoff Slough at Riverside Ranch to Reas Creek, near Ferndale, Humboldt County; for a proposed agricultural

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bridge for the Salt River Ecosystem Restoration Project. CEQA Consideration: Addendum to Environmental Impact Report, approved by the Humboldt County Resource Conservation District, State Clearinghouse No. 2007062030. (PRC 8955.1; RA# 21217) (A 2; S 2) (Staff: M. Schroeder)

C16 MICHAEL ALAN JONSSON; ROBERT ERIK JONSSON; MARGARET ANNE JONSSON SEDILLO; AND DAVID MARK JONSSON AND JOYCE SPILMAN JONSSON, TRUSTEES OF THE JONSSON FAMILY TRUST UTA DATED APRIL 1, 1994 (LESSEE); DAVID MARK JONSSON AND JOYCE SPILMAN JONSSON, TRUSTEES OF THE JONSSON FAMILY TRUST OF APRIL 1, 1994 (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 7182.9, a Recreational Pier Lease; and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 221 Drum Road, near Meeks Bay, El Dorado County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (PRC 7182.1; RA# 07417) (A 5; S 1) (Staff: S. Avila)

C17 ALBERT M. KING AND BONNIE L. KING, TRUSTEES OF THE A.M. KING FAMILY REVOCABLE TRUST DATED MARCH 4, 2008 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2975 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8417.1; RA# 17617) (A 1; S 1) (Staff: J. Toy)

C18 JAMES V. LUCAS AND SHARI LUCAS (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5754 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and catwalk previously authorized by the Commission and two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 7276.1; RA# 14317) (A 1; S 1) (Staff: S. Avila)

C19 SALLY BANKOFIER MARKSTEIN AS TRUSTEE OF THE SALLY BANKOFIER MARKSTEIN TRUST DATED MARCH 11, 1997 (APPLICANT): Consider an application for a General

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Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3380 Edgewater Drive, near Dollar Point, Placer County; for an existing pier and one mooring buoy previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5575.1; RA# 12117) (A 1; S 1) (Staff: J. Toy)

C20 CHRISTOPHER MCCOOK (APPLICANT): Consider an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Russian River, adjacent to 21786 Moscow Road, near Monte Rio, Sonoma County; for an existing boat dock, appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemptions. (W 27138; RA# 06517) (A 2; S 2) (Staff: J. Toy)

C21 MICHAEL E. RANEY, TRUSTEE OF THE MICHAEL E. RANEY LIVING TRUST DATED DECEMBER 3, 2010 (LESSEE); DRUM LODGE LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider waiver of rent, penalty, and interest; acceptance of a quitclaim deed for Lease No. 4266.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7701 State Highway 89, near Meeks Bay, El Dorado County; for an existing pier, marine rail, three freshwater intake pipelines, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4266.1; RA# 18117) (A 5; S 1) (Staff: S. Avila)

C22 SECOND MANASSAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 837 Stateline Avenue, South Lake Tahoe, El Dorado County; for an existing pier and one mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27146; RA# 10317) (A 5; S 1) (Staff: M. Schroeder)

C23 SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS (LESSEE/SUBLESSOR); AT&T CORP., CHARTER COMMUNICATIONS, INC., AND PACIFIC GAS AND ELECTRIC

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COMPANY (SUBLESSEES): Consider revision of rent to Lease No. PRC 505.1, a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, near Anderson, Shasta County; for an existing bridge known as the Airport Road Bridge; natural gas pipeline. and five telecommunication conduits. CEQA Consideration: not a project. (PRC 505.1) (A 1; S 1) (Staff: M. Schroeder)

C24 BARRY E. SHERIDAN AND LORNA M. SHERIDAN (APPLICANT): Consider an application for a General Lease - Residential and Recreational Use, of sovereign land located in the Napa River, adjacent to 1436 Milton Road, city of Napa, Napa County; for an existing portion of residence and deck, boat dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6960.1; RA# 05717) (A 4; S 3) (Staff: S. Avila)

C25 SISTERS OF SAINT DOMINIC, CONGREGATION OF THE MOST HOLY NAME (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 4379.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2800 Lake Terrace Avenue, near Tahoe City, Placer County; for an existing pier. CEQA Consideration: not projects. (PRC 4379.1) (A 1; S 1) (Staff: S. Avila)

C26 SONOMA RESOURCE CONSERVATION DISTRICT (APPLICANT): Consider application for a General Lease - Dredging, of sovereign land located in the Petaluma River, Novato Creek, San Pablo Bay, Sonoma Creek, Tolay Creek, North and East Branches of Tolay Creek, Napa Slough, Second Napa Slough, Third Napa Slough, Hudeman Slough, Steamboat Slough, Schell Slough, Railroad Slough, Rainbow Slough, and San Antonio Creek, Marin and Sonoma Counties; for maintenance dredging in the Petaluma River and Sonoma Creek basins, and deposition of dredged materials at the levee crowns, or at the U.S. Army Corps of Engineers approved disposal sites. CEQA Consideration: categorical exemption. (PRC 6675.9; RA# 11717) (A 2, 4, 10; S 2, 3,) (Staff: M.J. Columbus)

C27 DAVID L. STRONG AND SHARON H. STRONG; DONALD L. STRONG AND KATHERINE MILLER STRONG; VIRGINIA MCAFEE

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NIX AND DAVID WILLIAM NIX, AS TRUSTEES OF THE NIX LIVING TRUST, DATED JULY 19, 2013; ROBERT KEITH MCAFEE, JR. AND JEANNETTE LOUISE MCAFEE; AND PETER KIRK MCAFEE AND DEBORAH KAY MCAFEE (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3212 Edgewater Drive, near Tahoe City, Placer County; for one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27068; RA# 16816) (A 1; S 1) (Staff: J. Toy)

C28 CAROLYN TRIMBLE FKA CAROLYN SUE GRISET, AS TRUSTEE OF THE CAROLYN SUE GRISET FAMILY TRUST DATED AUGUST 15, 1989 (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 6924.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6123 North Lake Boulevard, near Tahoe Vista, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: not projects. (PRC 6924.1) (A 1; S 1) (Staff: S. Evans)

C29 JAMES MARK WILLIAMSON (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1420 North Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boat lift, and two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 21301; RA# 24815) (A 1; S 1) (Staff: M.J. Columbus)

BAY/DELTA REGION

C30 KENNETH W. ADGATE JR. AND DONNA L. ADGATE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Georgiana Slough, adjacent to 17035 Terminous Road, near Isleton, Sacramento County; for an existing boat dock with covered slip and boat lift, four attached covered personal watercraft lifts, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8780.1; RA# 16417) (A 11; S 3) (Staff: J. Holt)

C31 DONALD H. ALTHOFF AND JEAN C. ALTHOFF, COTRUSTEES UNDER THE DONALD H. ALTHOFF AND JEAN C. ALTHOFF REVOCABLE LIVING TRUST, DATED FEBRUARY 6, 2004



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(LESSEE): Consider revision of rent to Lease No. PRC 4789.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 17428 Grand Island Road, near Walnut Grove, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 4789.1) (A 11; S 3) (Staff: J. Holt)

C32 STEPHEN A. ARDITTI AND MELVA A. ARDITTI (APPLICANT): Consider an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3107 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection previously authorized by the Commission, and a boat dock cover and piling not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 6969.1; RA# 15417) (A 7; S 6) (Staff: G. Asimakopoulos)

C33 SHAWN BERRIGAN AND DIANE HOUSE (APPLICANT): Consider an application for a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 11740 State Highway 160, near Courtland, Sacramento County; for an existing commercial marina, known as Courtland Docks. CEQA Consideration: categorical exemption. (PRC 5637.1; RA# 14617) (A 9; S 3) (Staff: G. Asimakopoulos)

C34 BURLINGAME BAY ASSOCIATES (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 4687.1, a General Lease - Commercial Use, of filled and unfilled sovereign land located in San Francisco Bay, near Burlingame, San Mateo County; for a restaurant, parking lot, lagoon, footbridge, pedestrian path, landscaping, and shoreline protection. CEQA Consideration: not projects. (PRC 4687.1) (A 22; S 13) (Staff: A. Franzoia)

C35 BURLINGAME BAY LLC (ASSIGNOR); EVERWEST REAL ESTATE INVESTORS, LLC (ASSIGNEE): Consider application for the assignment of Lease No. PRC 6127.1, General Lease - Commercial Use, of filled and partially filled tidelands of San Francisco Bay, adjacent to the

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Sanchez Channel and Burlingame Lagoon, Burlingame, San Mateo County; for an existing segment of the San Francisco Bay Trail including paved walkways, bike paths, viewing areas, benches, trash containers, and commercial parking. CEQA Consideration: not a project. (PRC 6127.1; RA# 20614) (A 22; S 13) (Staff: A. Franzoia)

C36 CALIFORNIA STATE LANDS COMMISSION AND PACIFIC GAS AND ELECTRIC COMPANY (PARTIES): Consider an Indemnification Agreement for an existing natural gas pipeline located on the Sunrise Avenue Bridge, over sovereign land in the American River, adjacent to Rancho Cordova and Fair Oaks Village, Sacramento County. CEQA Consideration: not a project. (W 26608; RA# 09017) (A 4, 8; S 1, 4) (Staff: A. Franzoia)

C37 RICHARD M. CUNHA (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4111 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock and appurtenant facilities previously authorized by the Commission, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5552.1; RA# 08117) (A 7; S 6) (Staff: J. Holt)

C38 JESSICA D. FLORES AND MITCHELL FLORES (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the historic bed of San Joaquin River at Atherton Cove, adjacent to 2308 Virginia Lane, near Stockton, San Joaquin County; for an existing boat dock, covered boathouse, cantilevered deck, appurtenant facilities, and bulkhead previously authorized by the Commission; and filled land not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 7147.1; RA# 22317) (A 13; S 5) (Staff: D. Tutov)

C39 MARY C. HALLEY, TRUSTEE OF THE MARY C. HALLEY LIVING TRUST, DATED SEPTEMBER 29, 1999 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19775 State Route 1, near Marshall,

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Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27141; RA# 24515) (A 10; S 2) (Staff: D. Tutov)

C40 W. WAYNE HERMAN, TRUSTEE OF THE 1991 W. WAYNE HERMAN TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2295 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock with slip, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8779.1; RA# 16017) (A 7; S 6) (Staff: J. Holt)

C41 IAN HODDER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19225 State Route 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27147; RA# 16915) (A 10; S 2) (Staff: D. Tutov)

C42 MIDDLE RIVER SKI CLUB (LESSEE): Consider revision of rent to Lease No. PRC 6702.1, a General Lease - Recreational Use, of sovereign land located in the San Joaquin River, adjacent to Assessor's Parcel Number 129-170-06, near Stockton, San Joaquin County; for a boat dock, a slalom course with marker buoys, and appurtenant facilities. CEQA Consideration: not a project. (PRC 6702.1) (A 11; S 5) (Staff: D. Tutov)

C43 BRETT MILLER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 520 Pierce Point Road, near Inverness, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27142; RA# 30315) (A 10; S 2) (Staff: D. Tutov)

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C44 PATRICIA E. NEALON AND DELBERT WRIGHT (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 5629 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 5841.1; RA# 14517) (A 7; S 6) (Staff: G. Asimakopoulos)

C45 MARK DONALD PETERS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27148; RA# 18615) (A 10; S 2) (Staff: D. Tutov)

C46 PATRICIA POWELL (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 15967 Isleton Road, near Isleton, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6453.1; RA# 12917) (A 11; S 3) (Staff: G. Asimakopoulos)

C47 RECLAMATION DISTRICT 341 (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land in the Sacramento River, located along the southeast bank of Horseshoe Bend of the Sacramento River on Sherman Island, adjacent to APN 158-0020-010, Sacramento County; for a levee rehabilitation project. CEQA Consideration: Mitigated Negative Declaration, adopted by Reclamation District 341, State Clearinghouse No. 2017072034, and adoption of a Mitigation Monitoring Program. (W 27152; RA# 11517) (A 11; S 3) (Staff: D. Tutov)

C48 STEPHEN J. REINL AND WENDI M. REINL, TRUSTEES OF THE STEPHEN J. REINL AND WENDI M. REINL REVOCABLE TRUST DATED 9/13/2005 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 943 Piedmont Drive, near Sacramento,

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Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7303.1; RA# 10917) (A 9; S 6) (Staff: J. Holt)

C49 JEFFREY M. SAARMAN AND TERESA A. FERRARI, TRUSTEES OF THE SAARMAN-FERRARI TRUST DATED MAY 7, 2007 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19815 State Route 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27143; RA# 19815) (A 10; S 2) (Staff: D. Tutov)

C50 SAN FRANCISCO ESTUARY INSTITUTE (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the San Francisco and San Pablo Bays in Alameda, Contra Costa, San Mateo, and Marin Counties; six buoys and subsurface cages containing California mussels to support a long-term bioaccumulation monitoring program. CEQA Consideration: categorical exemption. (W 27161; RA# 13316) (A 10, 17, 22; S 2, 11, 13) (Staff: D. Tutov)

C51 TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Carquinez Strait, at the California Maritime Academy, adjacent to 200 Maritime Academy Drive, near Vallejo, Solano County; for an existing breakwater. CEQA Consideration: categorical exemption. (PRC 4345.9; RA# 13017) (A 14; S 3) (Staff: D. Tutov)

C52 WALNUT GROVE HOMEOWNERS AND MERCHANTS ASSOCIATION (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Sacramento River, adjacent to River Road, Walnut Grove, Sacramento County; for an existing accommodation guest dock, access lift, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8007.1; RA# 18817) (A 11; S 3) (Staff: J. Holt)

C53 DONALD WINGLEWICH (APPLICANT): Consider application for a General Lease - Recreational Use, of

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sovereign land located in Tomales Bay, adjacent to 18621 State Route 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27145; RA# 25515) (A 10; S 2) (Staff: D. Tutov)

C54 MOHAMMAD REZA ZAMIRI AND AZAR GHAFOURI ZAMIRI (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 1957 Garden Highway, near Sacramento, Sacramento County; for two existing boat docks, deck, and appurtenant facilities previously authorized by the Commission, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5382.1; RA# 19317) (A 7; S 6) (Staff: D. Tutov)

CENTRAL/SOUTHERN REGION

C55 RUBEN BAGHDASSARIAN AND CHERYL B. BAGHDASSARIAN, AS TRUSTEES OF THE RUBEN BAGHDASSARIAN AND CHERYL B. BAGHDASSARIAN LIVING TRUST DATED FEBRUARY 17, 2000 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3492 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck, and bulkhead protection. CEQA Consideration: categorical exemption. (PRC 8286.1; RA# 28316) (A 72; S 34) (Staff: K. Connor)

C56 KWAN MING CHAN AND KAREN KUNG-MEI CHAN, TRUSTEES OF THE K.M. LIVING TRUST, DATED MAY 24, 1995 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16847 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and a cantilevered deck with enclosure and catwalk. CEQA Consideration: categorical exemption. (PRC 3852.1; RA# 09117) (A 72; S 34) (Staff: K. Connor)

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C57 CITY OF HUNTINGTON BEACH  
(APPLICANT/LESSEE/SUBLESSOR); ABERCROMBIE & FITCH CO.,  
RUBY'S DINER, INC., LET'S GO FISHING, FARE SHARE  
ENTERPRISES, SURF CITY STORE, KITE CONNECTION  
(SUBLESSEES): Consider termination of Lease No. PRC  
6616.9, a General Lease - Public Agency Use, and an  
application for a General Lease - Public Agency Use,  
of sovereign land located in the Pacific Ocean,  
Huntington Beach, Orange County; for an existing  
Municipal Pier, and endorsement of six subleases. CEQA  
Consideration: categorical exemptions. (PRC 6616.1;  
RA# 16217) (A 74; S 37) (Staff: L. Pino)

C58 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 amend the Special Provisions of the 19th  
amendment to allow for a time extension for the  
submittal and adoption of a Tribal Consultation  
Policy. CEQA Consideration: not a project. (PRC  
8079.9; RA# 15117) (A 26; S 8) (Staff: D. Simpkin)

C59 COUNTY OF SAN BERNARDINO (APPLICANT): Consider  
application for a General Lease - Commercial Use, an  
endorsement of a sublease, and authorization to file  
and record a record of survey, of sovereign land  
located in the Colorado River, near Needles, San  
Bernardino County; for an existing regional park. CEQA  
Consideration: categorical exemption. (PRC 3321.1;  
RA# 07816) (A 33; S 16) (Staff: R. Collins)

C60 LINDA MARIE FLETCHER, SUCCESSOR CO-TRUSTEE OF  
TRUST A OF THE MALBURG FAMILY TRUST DATED MAY 25,  
2001, AS AMENDED, AND CARLO SIMA, SUCCESSOR CO-TRUSTEE  
OF TRUST A OF THE MALBURG FAMILY TRUST DATED MAY 25,  
2001, AS AMENDED (ASSIGNORS); STEVEN RAMELOT, AS  
TRUSTEE OF THE STEVEN RAMELOT FAMILY TRUST, U/A DATED  
JULY 6, 2012 (ASSIGNEE): Consider an application for  
an assignment of Lease No. PRC 3086.1, a General Lease  
- Recreational Use, of sovereign land located in  
Huntington Harbour, adjacent to 16442 Malden Circle,  
Huntington Beach, Orange County; for an existing boat  
dock, access ramp, and cantilevered deck. CEQA  
Consideration: not a project. (PRC 3086.1; RA# 17717)  
(A 72; S 34) (Staff: K. Connor)

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C61 FRESNO COUNTY DEPARTMENT OF PUBLIC WORKS AND PLANNING (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the historic bed of the Kings River, near Laton, Fresno County; for an existing public park and appurtenant facilities. CEQA consideration: categorical exemption. (PRC 4111.9; RA# 17517) (A 31; S 12) (Staff: L. Pino)

C62 GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT (LESSEE): Consider application for an amendment to Lease No. PRC 9085.9, a General Lease - Public Agency Use, of sovereign land located on the dry lake bed of Owens Lake, Inyo County; to authorize the removal of 27 Sensit sites, and the installation of four additional Sensit sites; and to authorize the Executive Officer to approve the future placement and removal of Sensits. CEQA Consideration: categorical exemption. (PRC 9085.9; RA# 15414) (A 26; S 8) (Staff: D. Simpkin)

C63 PETER W. MCKINLEY AND LIZ NORRIS MCKINLEY, TRUSTEES OF THE PETER W. MCKINLEY AND LIZ NORRIS MCKINLEY FAMILY TRUST DATED MARCH 9, 1994 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign located in the Main Channel of Huntington Harbour, adjacent to 16882 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27012; RA# 13417) (A 72; S 34) (Staff: K. Connor)

C64 R.C. MILLER AND GLENNA MILLER, CO-TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE MILLER LIVING TRUST, DATED MARCH 28, 2011, AND ANY AMENDMENTS THERETO (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16532 Somerset Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (PRC 3085.1; RA# 20417) (A 72; S 34) (Staff: K. Connor)



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C65 CHARLES F. NICHOLS AND JUDITH A. NICHOLS, TRUSTEES OF THE NICHOLS FAMILY TRUST (RESTATED JANUARY 1991) (LESSEE): Consider revision of rent to Lease No. PRC 3078.1, a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3492 Gilbert Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3078.1) (A 72; S 34) (Staff: S. Evans)

C66 OCEAN SURF, LLC (LESSEE): Consider revision of rent to Lease No. PRC 9067.1, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to 24132 Malibu Road, Malibu, Los Angeles County; for an existing rock revetment and staircase. CEQA Consideration: not a project. (PRC 9067.1) (A 41; S 23) (Staff: L. Pino)

C67 ARNOLD AND SHIRLEY OSTROW, TRUSTEES OF THE OSTROW FAMILY TRUST (LESSEE): Consider revision of rent to Lease No. PRC 7693.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16831 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 7693.1) (A 72; S 34) (Staff: S. Evans)

C68 PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT): Consider termination of Lease No. PRC 8737.1, a General Lease - Right-of-Way Use, and issuance of a General Lease - Other, of sovereign land located in and adjacent to the Colorado River, near Needles, San Bernardino County; for existing and proposed improvements necessary to facilitate the Topock Compressor Station Groundwater Remediation Project. CEQA Consideration: Subsequent Environmental Impact Report, certified by the Department of Toxic Substances Control, State Clearinghouse No. 2008051003, and adoption of a Mitigation Monitoring Program, Statement of Findings, and Statement of Overriding Considerations. (PRC 8737.9; RA# 07017) (A 33; S 16) (Staff: L. Pino)

C69 SANTA BARBARA COUNTY FLOOD CONTROL DISTRICT (APPLICANT): Consider application for a General Lease

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- Public Agency Use, of sovereign land located in San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough, and the Pacific Ocean near Goleta Beach County Park, city of Goleta, Santa Barbara County; for dredging and placement of dredged materials. CEQA Consideration: Subsequent Environmental Impact Report, adopted by the Santa Barbara County Flood Control District, State Clearinghouse No. 2000031092. (PRC 7763.9; RA# 19917) (A 37; S 19) (Staff: D. Simpkin)

C70 CARL W. TUNNELL AND BETSY TUNNELL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Kings River adjacent to 38550 Road 16, Kingsburg, Tulare County; for an existing fixed dock. CEQA Consideration: categorical exemption. (PRC 8773.1; RA# 21617) (A 26; S 14) (Staff: L. Pino)

C71 U.S. BORAX, INC. (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located on the dry lakebed of Owens Lake, Inyo County; for an existing roadway and drainage ditches. CEQA Consideration: categorical exemption. (PRC 3511.1; RA# 17117) (A 26; S 8) (Staff: D. Simpkin)

C72 U.S. BORAX, INC. (LESSEE): Consider revision of rent to Lease No. PRC 2976.1, a General Lease - Industrial Use, of sovereign land located on the dry lakebed of Owens Lake, Inyo County; for a mineral processing site, water wells, access road, solar evaporation ponds, and an electrical transmission facility. CEQA Consideration: not a project. (PRC 2976.1) (A 26; S 8) (Staff: D. Simpkin)

C73 JOHN WOOLSTON (ASSIGNOR); 1228 BEACH DR., LLC (ASSIGNEE/APPLICANT): Consider application for the assignment, amendment, and revision of rent of Lease No. PRC 9090.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1228 Beach Drive, near Needles, San Bernardino County; for a stairway, landing, and gangway with railing, floating walkway and boat dock, and riprap bankline. CEQA Consideration: not projects. (PRC 9090.1; RA# 17817) (A 33; S 16) (Staff: R. Collins)

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SCHOOL LANDS

C74 CALIFORNIA STATE LANDS COMMISSION, BARSTOW SPANISH TRAIL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (PARTIES): Consider authorization, as trustee of the School Land Bank Fund, for the Executive Officer to amend the Offer to Purchase Real Estate in the County of San Bernardino and Acceptance of Offer to Purchase, previously authorized by the Commission. CEQA Consideration: not a project. (SA 5772; RA# 24716) (A 33; S 16) (Staff: J. Porter, P. Huber)

C75 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (APPLICANT): Consider application for a General Lease - Public Agency Use, of State-owned school land located within a portion of Section 36, Township 18 North, Range 36 East, and a portion of Section 36, Township 18 North, Range 37 East, MDM, near Owens Lake, Inyo County; for one camera and one Sensit. CEQA Consideration: categorical exemption. (W 27168; RA# 15117) (A 26; S 8) (Staff: D. Simpkin)

C76 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 2507.2, a General Lease - Right-of-Way Use, of State-owned school land within portions of Sections 30, 31, and 32, Township 10 North, Range 1 East, SBM, near Yermo, San Bernardino County; for two existing electrical transmission lines, wood poles, steel towers, and an unpaved access road. CEQA Consideration: not a project. (PRC 2507.2) (A 33; S 16) (Staff: C. Hudson)

C77 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 4511.2, a General Lease - Right-of-Way Use, of State-owned school land within a portion of Section 16, Township 24 South, Range 38 East, MDM, near Little Lake, Inyo County; for an existing electrical distribution line, wood poles, and steel towers. CEQA Consideration: not a project. (PRC 4511.2) (A 26; S 8) (Staff: C. Hudson)

C78 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 9093.2, a General Lease - Right-of-Way Use, of State-owned school land located within a portion of Section 16, Township 24 South, Range 38 East, MDM, near Little

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Lake, Inyo County for an existing transmission line and steel towers. CEQA Consideration: not a protect. (PRC 9303.2) (A 26; S 8) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

C79 OCCIDENTAL COLLEGE (APPLICANT): Consider an application for a General Permit to conduct geophysical surveys on tide and submerged lands under the jurisdiction of the Commission. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, adopted by the California State Lands Commission, State Clearinghouse No. 2013072021. (W 6005.189; RA# 27017) (A & S: Statewide) (Staff: R. B. Greenwood)

C80 U.S. BORAX INC. (APPLICANT): Consider an application for renewal of a mineral extraction lease for minerals, other than oil, gas, or geothermal resources containing approximately 15,543 acres of sovereign land, located on the dry lakebed of Owens Lake, along the east side of U.S. Highway 395, approximately 10 miles south of the city of Lone Pine, Inyo County. CEQA Consideration: categorical exemption. (PRC 5464.1; RA# 17217) (A 26; S 8) (Staff: V. Perez)

MARINE ENVIRONMENTAL PROTECTION - SEE REGULAR

ADMINISTRATION - SEE REGULAR

LEGAL - NO ITEMS

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS

C81 CITY OF ALAMEDA (TRUSTEE): Authorize filing a disclaimer of interest of sovereign title interests in the quiet-title action, Legacy Partners I Alameda II LLC v. City of Alameda et al., Alameda County Superior Court No. RG 18900047. CEQA Consideration: not a project. (G 01-01) (A 18; S 9) (Staff: R. Boggiano, S. Scheiber)

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C82 CITY OF MARTINEZ (TRUSTEE): Consider temporarily relieving the City of Martinez from a requirement to transmit 20 percent of the revenue generated from its granted lands to the State. CEQA Consideration: not a project. (G 02-02) (A 11; S 7) (Staff: M. Moser)

C83 CITY OF REDWOOD CITY, CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider a Title Settlement and Land Exchange Agreement involving certain lands located within the City of Redwood City, San Mateo County, and issuance of a 10-year lease of lands acquired by the State Lands Commission to the City of Redwood City. CEQA Consideration: statutory exemption; categorical exemptions. (G 14-03; W 27180) (A 22; S 13) (Staff: R. Boggiano, A. Kershen)

C84 THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE (SUCCESSOR AGENCY TO THE SAN FRANCISCO REDEVELOPMENT AGENCY), CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider approving a deviation from the building height limits in the Hunters Point Shipyard/Candlestick Point Title Settlement, Public Trust Exchange and Boundary Line Agreement, concerning lands within the former Hunters Point Naval Shipyard, City and County of San Francisco. CEQA Consideration: Environmental Impact Report certified by the San Francisco Planning Commission and the Redevelopment Agency Commission, State Clearinghouse No. 2007082168, and Addendum. (AD 557) (G 11-00.7) (A 17; S 11) (Staff: R. Boggiano, S. Pemberton, A. Kershen)

FEDERAL PUBLIC LAND CONVEYANCES PURSUANT TO CHAPTER 535, STATUTES OF 2017 (SB 50, ALLEN)

C85 CALIFORNIA STATE LANDS COMMISSION: Consider exercising right of first refusal for the acquisition of federal public lands, or right to arrange for their transfer to another entity, in the city of Sylmar, Los Angeles County. CEQA Consideration: not a project; statutory exemption. (SB50-18-009) (A 39; S 18) (Staff: P. Huber, E. Kennedy)

C86 CALIFORNIA STATE LANDS COMMISSION: Consider exercising the right of first refusal for the acquisition of federal public lands, or right to

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arrange for their transfer to another entity, in the city of Pacifica, San Mateo County. CEQA Consideration: not a project; statutory exemption. (SB50-18-010) (A 22; S 13) (Staff: E. Kennedy, P. Huber)

C87 CALIFORNIA STATE LANDS COMMISSION: Consider exercising the right of first refusal for the acquisition of federal public lands, or right to arrange for their transfer to another entity, in the county of Sacramento. CEQA Consideration: not a project; statutory exemption. (SB50-18-011) (A 8; S 6) (Staff: P. Huber, E. Kennedy)

C88 CALIFORNIA STATE LANDS COMMISSION: Consider exercising the right of first refusal for the acquisition of federal public lands, or right to arrange for their transfer to another entity, in the city and county of San Francisco. CEQA Consideration: not a project; statutory exemption. (SB50-18-012) (A 19; S 11) (Staff: P. Huber, E. Kennedy)

C89 CALIFORNIA STATE LANDS COMMISSION: Consider exercising right of first refusal for the acquisition of federal public lands, or right to arrange for their transfer to another entity, in various counties. CEQA Consideration: not a project; statutory exemptions. (SB50-18-013) (A 1, 2, 7, 23, 35, 40, 41, 43, 46, 50, 52, 53, 55, 56, 57, 60, 74, 75; S 1, 2, 6, 8, 17, 18, 20, 22, 23, 25, 26, 29, 30, 31, 32, 37, 38, 40) (Staff: P. Huber, E. Kennedy)

C90 CALIFORNIA STATE LANDS COMMISSION: Consider exercising right of first refusal for the acquisition of federal public lands, or right to arrange for their transfer to another entity, in the city of Hawthorne, Los Angeles County. CEQA Consideration: not a project; statutory exemption. (SB50-18-014) (A 62; S 35) (Staff: E. Kennedy, P. Huber)

V.    I N F O R M A T I O N A L

91 CALIFORNIA STATE LANDS COMMISSION: Legislative Report providing information and a status update concerning state and federal legislation relevant to the Commission. CEQA Consideration: not applicable. (A

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& S: Statewide) (Staff: S. Pemberton)

## VI    REGULAR CALENDAR 92-97

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| 92 | <p>CALIFORNIA STATE LANDS COMMISSION<br/>(INFORMATIONAL): Informational report on efforts to overhaul the Commission's environmental justice policy. CEQA Consideration: not applicable. (A &amp; S: Statewide) (Staff: S. Pemberton)</p>  | 92 |
| 93 | <p>CALIFORNIA STATE LANDS COMMISSION: Consider delegating authority to the Executive Officer to solicit proposals for consultant services, negotiate fair and reasonable price, award and execute agreements for preparation and subsequent execution of an engineering plan for permanent abandonment of up to three legacy wells in the Summerland Oil Field; informational report providing an update on the implementation plan for Senate Bill 44 (Jackson, 2017); and informational report providing an update on the Becker Onshore Well Decommissioning Project located in the Summerland Oil Field, near the city of Summerland, Santa Barbara County. CEQA Consideration: not a project. (W 26911, W 30214) (A 37; S 19) (Staff: S. Blackmon, S. Curran, J. Fabel, A. Kershen, W. Scott)</p> | 17 |
| 94 | <p>CALIFORNIA STATE LANDS COMMISSION<br/>(INFORMATIONAL): Informational update on the Selby Slag Remediation Project, located in Contra Costa County. CEQA Consideration: not a project. (A 14; S 3, 9) (Staff: W. Hall, C. Huitt, K. Oliver, B. Johnson)</p>  | 29 |
| 95 | <p>OCEAN PROTECTION COUNCIL (INFORMATIONAL): Presentation by Ocean Protection Council staff on the updated 2018 State of California Sea-Level Rise Guidance and next steps for implementation by state agencies and local governments. CEQA Consideration: not applicable. (A &amp; S: Statewide) (Staff: J. Mattox, M. Farnum, J. Lucchesi)</p>   | 62 |

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96	CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational report providing an update on the San Diego Ocean Planning Partnership and the preliminary observations from stakeholder input and data collection efforts. CEQA Consideration: not applicable. (A 78, 80; S 39, 40) (Staff: J. Mattox, M. Farnum)	74
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VII PUBLIC COMMENT		131
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IX	CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE MATTERS LISTED BELOW PURSUANT TO GOVERNMENT CODE SECTION 11126, PART OF THE BAGLEY-KEENE OPEN MEETING ACT:	147
<p>A. LITIGATION.</p> <p>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).</p> <p>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:</p>		



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California Coastkeeper Alliance, California  
Coastal Protection v. California State Lands  
Commission

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

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.

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 of America v. State of California,  
et al.

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

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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 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.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

The Commission may consider matters that fall  
under Government Code section 11126, subdivision  
(c)(7), under which, prior to the purchase sale,  
exchange, or lease of real property by or for the  
Commission, the directions may be given to its  
negotiators regarding price and terms of payment  
for the purchase, sale, exchange, or lease. At  
the time of publication of this Agenda, it is not  
anticipated that the Commission will discuss any  
such matters; however, at the time of the  
scheduled meeting, a discussion of any such  
matter may be necessary or appropriate.

Adjournment 148

Reporter's Certificate 149

## P R O C E E D I N G S

CHAIRPERSON YEE: Good morning. I call this meeting of the State Lands Commission to order. All the representatives of the Commission are present. I am State Controller Betty Yee. And I am joined today by Lieutenant Governor Gavin Newsom, and Jacqueline Wong-Hernandez representing the Department of Finance.

For the benefit of those in the audience, the State Lands Commission manages State property interests in over five million acres of land, including mineral interests. The Commission also has responsibility for the prevention of oil spills at marine oil terminals and off-shore oil platforms, and for preventing the introduction of marine invasive species into California's marine waters. Today, we will hear requests and presentations involving the lands and resources within the Commission's jurisdiction. And we recognize that the lands we manage have been inhabited for tens of thousands of years by California's native peoples, and takes seriously our trust relationship with these sovereign governments.

Today, our gratitude goes to the Pomo, Miwok and Wappo who have inhabited the Sonoma County area for countless generations, including the lands on and around this University.

1           And I want to first thank Sonoma State University  
2 and President Judy Sakaki for hosting us today. And I'm  
3 thrilled that she's here to offer some welcoming remarks  
4 to the Commission. Good morning, Madam President.

5           SONOMA STATE PRESIDENT SAKAKI: Happy Summer  
6 Solstice.

7           (Laughter.)

8           SONOMA STATE PRESIDENT SAKAKI: Today is the  
9 first official day of summer. Lieutenant Governor Newsom,  
10 Controller Yee, Chief Deputy Director Wong-Hernandez and  
11 Deputy Controller Baker, and community members, welcome to  
12 Sonoma State.

13           We are so honored that the Commission is meeting  
14 for the very first time on our campus. Last fall, as you  
15 know, our region experienced the devastating north bay  
16 fires. Each of the six counties surrounding Sonoma State  
17 was affected at some level by the disaster. These  
18 wildfires were indiscriminate. They showed no regard for  
19 anyone.

20           In our Sonoma State community alone, more than 80  
21 students, faculty, and staff lost everything. I am one of  
22 them. We lost our homes, our cars, clothes, our priceless  
23 family treasures, every single thing we owned.

24           The fires may not have shown regard for anyone,  
25 but our community showed its regard for everyone. That

1 concern, that strength, that love, those are things that  
2 cannot be destroyed.

3           The fires came dangerously close to the borders  
4 of our campus, so close that we had to water down our  
5 campus to prevent it from catching on fire. We had mutual  
6 aid support. We protected our campus. We put out burning  
7 embers that landed on the rooftops of these buildings.  
8 They were the size of pizzas, and basically we were able  
9 to put them out and save our -- protect our campus.

10           When we reopened the campus after having closed  
11 for nine days, we could see the devastation right from our  
12 campus. Along with the greater bay -- north bay  
13 community, we at Sonoma State are still managing a  
14 considerable clean up and restoration effort, maintaining  
15 support services for fire survivors, and seeking to  
16 resolve the financial impact of the fires.

17           Yes, immediate work is still needed. But as  
18 President of Sonoma State, I am committed to taking a long  
19 view as we recover and rebuild. I believe that powerful  
20 experiences like the north bay fires offer opportunities  
21 to recommit to our values as a community, and to reassess  
22 our responsibilities to our broader region. Sonoma State  
23 one of those core community values is sustainability.

24           This commitment is much larger and greater than  
25 our physical campus. Sustainability also shapes our

1 strategic priorities as a university. This includes our  
2 primary goals of academic excellence and innovation, what  
3 we teach our students, and how we teach our students. We  
4 have remarkable resources. We are on Miwok land here at  
5 the University. And at my investiture, I invited  
6 representatives, elders from the local Graton -- Federated  
7 Indians of Graton Rancheria to come and speak. And we  
8 have created a partnership together that are working to  
9 preserve our preserves, as well as to do other great  
10 things for our campus community.

11 We have these remarkable resources for hands-on  
12 learning. Our university has over 4,000 acres of natural  
13 preserves land in Sonoma and Mendocino counties. And our  
14 studies show that today's students spend less time outside  
15 than at any other time in history.

16 The average American now spends 93 percent of our  
17 time either in enclosed buildings or in vehicles. Another  
18 study found that children are playing outside for only  
19 about four hours a week, about half the time that their  
20 parents spent outdoors.

21 And we're -- but we're working hard to reverse  
22 this trend. Eight years ago less than 100 Sonoma State  
23 students spent time on our campuses preserves. This year,  
24 over 2,000 students spent time learning in those  
25 preserves. Through our preserves, our students learn more

1 about our region's ecology, they gain a level of comfort  
2 with the outdoors, and they begin to think outside the  
3 box. They start to piece together the creative solutions  
4 that we will all need to solve the great challenge of  
5 climate change, and the great challenge that disasters,  
6 such as the north bay fires present to our entire State.

7         These preserves are classrooms, laboratories, and  
8 community building spaces for our students. Through these  
9 preserves we are teaching our students about the open  
10 spaces that define our north bay region. These are the  
11 open spaces that our students, along with all the  
12 community members in our region, bear responsibility for.

13         In the years ahead, our students will become the  
14 stewards of open spaces, like those throughout the entire  
15 State of California. Our students will also be  
16 responsible for helping to solve the environmental  
17 challenges that confront our planet.

18         For these reasons, we started an initiative that  
19 we call the environmentally ready generation. The goal is  
20 to get our students outside and to get them excited about  
21 sustainability. For many Sonoma State students, an  
22 increasing number who are first generation college  
23 students, they've not spent a lot of time outdoors.

24         So -- let me see. I'm sorry. I lost my place  
25 here.

1           So here at Sonoma State we're a caring community.  
2   And I believe that if you talk with our students, and  
3   hopefully you get to see some of them. We have our new  
4   students just walking around that are joining us this  
5   fall. You'll find that they represent the very best of  
6   California's future. They're vibrant, dedicated,  
7   hard-working young people. And they bear the  
8   responsibility for the future of our State lands. They  
9   are our State's future Commissioners, its future public  
10  servants, and its future stewards -- our future stewards.

11           Thank you so much for your commitment to our  
12  amazing lands, and for the service that you do on all of  
13  our behalves. So welcome to our campus.

14           Thank you.

15           CHAIRPERSON YEE: Thank you, President Sakaki.  
16  Thank you very much. And thank you to you and your staff  
17  for being so accommodating and a joy to work with.

18           Thank you.

19           Commissioners, we also have with us the honor of  
20  City Council Member Gina Belforte is here joining us.  
21  Would you like to address the Commission?

22           ROHNERT PARK CITY COUNCIL MEMBER BELFORTE: Oh  
23  sure.

24           Thank you, Chairman Yee, Future Governor Newsom.  
25  I hope that's okay to say.



1 (Laughter.)

2 COMMISSIONER NEWSOM: From my perspective it is.

3 (Laughter.)

4 ROHNERT PARK CITY COUNCIL MEMBER BELFORTE: I'm  
5 sure it was. I'm sure it was.

6 Director of Finance Michael Cohen, Deputy  
7 Director Baker, and Commissioner Wong-Hernandez. First of  
8 all, I want to welcome you very much to the City of  
9 Rohnert Park. If it wasn't for this beautiful university  
10 that we have there -- here in this terrific union and hall  
11 that we have, you might not be here. And so Rohnert Park  
12 is a very little city in a terrifically wonderful State.  
13 So we appreciate your presence. And I also want to thank  
14 Officer Sloat for being here representing the CHP, and  
15 then also all the community members that are here.

16 One thing that people don't know is that many,  
17 many years ago Rohnert Park and the surrounding area was  
18 actually a waterway that was adjacent to San Pablo and San  
19 Francisco. And as time went on, it actually became a  
20 basin. And there is a huge lake that is under Rohnert  
21 Park. Rohnert Park has five creeks that feed off of the  
22 mountains of Sonoma.

23 So what you're doing here today actually is  
24 critical to Rohnert Park. Sonoma County really prides  
25 itself on all of our waterways with the Santa Rosa Creek,

1 with the coast of Bodega, and everything that feeds into  
2 it, the Russian River and the Eel River. And so land  
3 management and water use is probably one of the most  
4 critical things facing California today, that most people  
5 I don't think really understand.

6 And so you being here and sharing what is  
7 happening on agendas, opening up some of our eyes. I  
8 would probably have never attended a Land Commission  
9 meeting had you not had it here. It's just a huge thanks  
10 to us, and to please keep advocating for waterways that  
11 work for communities, whether as large as the San  
12 Francisco Bay -- I also happen to be a director of the  
13 Golden Gate Bridge. And so utilization of that,  
14 transporting people, recreation, housing, all of the  
15 things that you touch upon, please keep speaking loudly  
16 about it, and it's critical need to the welfare of  
17 California.

18 So I just want to thank you very much for coming,  
19 appreciate all the time that you're spending, and for all  
20 that you do for the community.

21 Thank you.

22 CHAIRPERSON YEE: Thank you so much.

23 Thank you. Any opening remarks by Commissioners  
24 before we move on?

25 Okay. Very well.

1           So our first item of business will be the  
2 adoption of the minutes from the Commission's meetings of  
3 April 19th, 2018 as well as May 11th 2018. May I have a  
4 motion to approve the minutes?

5           COMMISSIONER NEWSOM: So moved.

6           ACTING COMMISSIONER WONG-HERNANDEZ: Second.

7           CHAIRPERSON YEE: Motion by Commissioner Newsom,  
8 Second by Commissioner Wong-Hernandez.

9           Without objection, those minutes are approved.

10          Next order of business will be the Executive  
11 Officer's. Ms. Lucchesi, good morning.

12          EXECUTIVE OFFICER LUCCHESI: Good morning. Thank  
13 you. I have a couple of brief -- I have a couple of  
14 brief -- sorry -- items to update the Commission on.

15          First, the 2018-19 California State Lands  
16 Commission budget recently approved by the legislature,  
17 and awaiting the Governor's signature is approximately  
18 \$104 million, or -- yes, \$104 million dollars. It's about  
19 65 percent greater than prior budget years. And this is  
20 primarily due to the \$58 million we are receiving for the  
21 oil and gas plug and abandonment and decommissioning  
22 activities associated with Rincon Island and Platform  
23 Holly down in Southern California.

24          Other 2018-19 funded projects include \$2 million  
25 for the Bolsa Chica Wetlands for dredging the inlet, \$3

1 million for the State Lands Commission's portion towards  
2 this year's Selby Slag remediation project efforts, \$2  
3 million for the new Coastal Hazards Removal Program  
4 pursuant to SB 44 authored by Senator Jackson, and \$2.3  
5 million towards this year's Records Preservation and  
6 Management IT Project.

7           Other items of note in the legislatively-approved  
8 budget include amendments to SB 50 from last year by  
9 senator Allen to address the Commission's implementation  
10 of that bill relating to federal conveyances; \$500,000 to  
11 the Commission as a one-time expenditure for  
12 implementation of AB 691, which was a bill -- a law that  
13 was passed a number of years ago directing State grantees  
14 to develop a sea level rise assessment and submit that to  
15 the Commission by 2019 next year. The \$500,000 would help  
16 the Commission hire a consultant specializing in ocean  
17 economics and climate change, so that we can partner with  
18 our grantees to look at various solutions and  
19 implementation concepts to actually take the assessment  
20 that they've done pursuant to AB 691, and put it to work,  
21 in terms of developing resiliency strategies to adapt to  
22 sea level rise.

23           Also, a couple of other items included in the  
24 legislatively approved budget relating to the State Lands  
25 Commission is that it also includes approximately \$250,000

1 for an independent study and evaluation of rent  
2 methodology practices associated with Lake Tahoe. And it  
3 also creates a Martins Beach subaccount in the  
4 Commission's Kapiloff Land Bank Fund and authorizes the  
5 Commission to use that money to create a public access  
6 route to and along the shoreline of Martins Beach.

7 Moving to Lake Tahoe, and the Commission's  
8 management of the California side of the lake. The lake  
9 Tahoe Regional Planning Agency has been in the process of  
10 developing its shoreline plan, which also overlaps the  
11 Commission's leasing jurisdiction at Lake Tahoe. In 2010,  
12 the U.S. District Court ordered TRPA's 2008 shore zone  
13 ordinance amendments vacated, along with the final  
14 Environmental Impact Statement supporting them. This  
15 action has left TRPA unable to permit new shore zone  
16 development and limit its ability to take enforcement  
17 actions against unauthorized structures.

18 Since 2016, Commission staff has participated in  
19 the development of a new EIS and core -- Code of Ordinance  
20 amendments, which TRPA has released for public comment  
21 this past May.

22 The draft ordinances require a memorandum of  
23 understanding between TRPA and the Commission for TRPA to  
24 authorize new piers in the shore zone at Lake Tahoe. This  
25 MOU specifies the consultation process between the two

1 agencies for evaluating impacts to public access resulting  
2 from new pier structures. This increased collaboration  
3 between our two agencies will improve the analysis of  
4 public access impacts around the lake, provide applicants  
5 with a more efficient and clearly defined application  
6 review process, and improve enforcement against  
7 unauthorized buoys in the lake.

8           We are optimistic the proposed code amendments  
9 and newly defined processes will enhance the State's  
10 ability to responsibly manage the valuable Public Trust  
11 Lands around Lake Tahoe and enhance public access.

12           In May -- I want to move down to the  
13 decommissioning projects that the Commission is leading  
14 relating to Rincon Island and Platform Holly. We have  
15 been on a bit of a public outreach tour relating to those  
16 two decommissioning projects. In May, we spent -- our  
17 staff spent about three days in the City of Goleta hosting  
18 a community town hall and presenting to the City Council  
19 of Goleta, as well as meeting with individual city council  
20 members to update the community and the city on our  
21 efforts to decommission and plug and abandon the 32 wells  
22 associated with Platform Holly and Piers 421.

23           It was a really great couple of days that we  
24 spent with the community and with the leaders in that city  
25 to make sure that we have open lines of communication in

1 full transparency with the Commission's work down there.

2 We then moved to Ventura County on June 12th, and  
3 made a presentation to the Ventura County Board of  
4 Supervisors updating them on our efforts to plug and  
5 abandon the wells located at Rincon Island, and  
6 decommission that -- those facilities.

7 In terms of updates on those two projects, with  
8 Platform Holly we are about to start our slick line  
9 campaign, which is essentially detailed surveys by sending  
10 equipment down hole of the individual wells to get a  
11 better sense on the status of those wells. And all that  
12 information will help inform our strategy for actually  
13 going and plugging and abandoning those individual wells.

14 So we've spent a lot of time over the last month  
15 or two working with our contractor and with ExxonMobil to  
16 make repairs to the platform, and those are still ongoing  
17 to get it ready for decommissioning. And next week, we'll  
18 start those well surveys or the slick-line campaign to get  
19 more detailed information about the well -- the wells, in  
20 order to develop strategies for the actual plugging and  
21 abandonment work.

22 For Rincon Island, we are in the final stages of  
23 negotiating our contract with our contractor. We hope to  
24 have that finalized within the next week or so. And then  
25 we'll be able to start developing the plan for plugging

1 and abandoning the wells associated with the island and  
2 onshore. So things are moving along, you know, at the  
3 pace that we thought they were. So we're making progress.

4 I want to give a couple of CEQA document updates.  
5 The first is a Draft Environmental Impact Report for the  
6 decommissioning of the San Onofre Nuclear Generating  
7 Station, or SONGS, Units 2 and 3 in Northern San Diego  
8 County. The Draft EIR will be released for a 60-day  
9 public comment period and staff will hold public hearings  
10 on the Draft EIR on August 7th in Oceanside, and August  
11 8th in San Clemente.

12 The Draft EIR analyzes the applicant, Southern  
13 California Edison's, proposal to de-contaminate and  
14 dismantle the SONGS onshore facilities, which lie entirely  
15 within the boundaries of the Marine Corps Base Camp  
16 Pendleton, remove partially remove, or leave in place the  
17 off-shore 18 foot inner-diameter intake and discharge  
18 pipelines associated with the lease the Commission issued.

19 These were used for seawater cooling, and then  
20 restore the site over the next one to three decades. The  
21 former non-operating power plant is subject to federal  
22 preemption and the requirements of a license issued by the  
23 U.S. Nuclear Regulatory Commission. The Final EIR is  
24 scheduled to be heard during the last part of this year or  
25 early next year.



1           Staff also plans to release a Mitigated Neg Dec  
2 that analyzes the impacts of issuing a new lease for the  
3 continued commercial mining of a historical oyster shell  
4 deposits in South San Francisco Bay near the San Mateo  
5 Bridge and San Mateo and Alameda counties.

6           The MND will be released for a 30-day public  
7 comment period and is tentatively scheduled to be heard as  
8 either the Commission's August or October meeting.

9           Public notices and other information on both CEQA  
10 documents and the projects will be posted on the  
11 Commission's website when the documents are available.  
12 The notices and the executive summaries for both projects,  
13 the CEQA documents associated with those will be  
14 translated into Spanish.

15           And finally, I want to give an update on the  
16 Burlingame Public Trust Needs Assessment being conducted  
17 on approximately 8.8 acre parcel of filled land along the  
18 waterfront in the City of Burlingame. The Commission  
19 directed staff at its January 27th meeting to prepare a  
20 report to the Commission on Public Trust needs and values  
21 in the area, and associated with the subject property for  
22 future use and development.

23           Staff has now prepared that needs assessment and  
24 made a draft version available on our website. It can be  
25 found on our -- at our home page. We'll be seeking public

1 comment on this draft for the next 30 days before  
2 finalizing the assessment and bringing it before the  
3 Commission for your consideration.

4           The assessment was greatly informed by  
5 significant public outreach and information meetings that  
6 we co-hosted with the City of Burlingame. Our goal is to  
7 have the assessment ready for your consideration in  
8 August. However, it is important to note that the August  
9 meeting will be held in Los Angeles, so we may want to  
10 defer the consideration until October when we will be in  
11 Sacramento.

12           And that concludes my Executive Officer's Report.  
13 Thank you so much.

14           CHAIRPERSON YEE: Thank you very much, Jennifer.

15           Questions or comments, Commissioners?

16           Okay. Very well. Seeing none.

17           We will move on to the next agenda item -- next  
18 order of business the adoption of the consent calendar.  
19 Any items that anyone desires to have removed from  
20 consent?

21           EXECUTIVE OFFICER LUCCHESI: Yes, I would like to  
22 confirm removal of consent items 13, 16, 21, 34, 35, 63,  
23 69 and 81.

24           CHAIRPERSON YEE: Okay. Those items are so noted  
25 to be removed from the consent calendar.

1 Any others, Commissioners?

2 EXECUTIVE OFFICER LUCCHESI: I would just -- I  
3 would like to recommend moving Item 92, which is the  
4 Environmental Justice --

5 CHAIRPERSON YEE: Yes.

6 EXECUTIVE OFFICER LUCCHESI: -- policy update to  
7 the end of the regular agenda.

8 CHAIRPERSON YEE: All right. Great. Yes, I  
9 think we have some speakers that will be joining us a  
10 little later.

11 Thank you. So, yes.

12 COMMISSIONER NEWSOM: Move the remainder of the  
13 calendar.

14 ACTING COMMISSIONER WONG-HERNANDEZ: Second.

15 CHAIRPERSON YEE: Okay. Motion by Commissioner  
16 Newsom to move the remainder of the consent calendar,  
17 seconded by Commissioner Wong-Hernandez.

18 Without objection, noting the items removed, such  
19 will be the order. Thank you.

20 Okay. Let me -- next order of business will be  
21 the regular calendar. So we have moved Item 92 to the end  
22 of the calendar, so we are on Item 93, which will have the  
23 Commission considering delegating authority to the  
24 Executive Officer for soliciting proposals for consultant  
25 services for the preparation of the engineering plan for

1 the permanent abandonment of up to three legacy wells in  
2 the Summerfield[SIC] Oil Field.

3 Jennifer, do you want to present this or do we  
4 have a presentation.

5 EXECUTIVE OFFICER LUCCHESI: Yes. I'd like to  
6 introduce Steve Curran, our Senior Engineer, who will be  
7 reporting on this item.

8 CHAIRPERSON YEE: Excellent. Thank you. Good  
9 morning.

10 (Thereupon an overhead presentation was  
11 Presented as follows.)

12 SENIOR PETROLEUM DRILLING ENGINEER CURRAN: Good  
13 morning. Good morning, Commissioner Yee, and Commissioner  
14 Newsom, and Wong-Hernandez and Deputy Chair -- Chairman  
15 Yee.

16 I'm Steve Curran, a Senior Engineer with the MRMD  
17 Division down in Long Beach, and I've been involved with  
18 this project for a long time. So this will be a short  
19 presentation, and it will have a video, which will be a --  
20 is worth more than a thousand words. So we're going to be  
21 doing videos like this with our projects from now on,  
22 because we've got drones and HD, and we're advancing.

23 So to begin with, Becker is located in the  
24 Summerland Beach area, which is a couple of miles south of  
25 Montecito, and four miles north of Carpinteria. It has a

1 long history of the legacy wells that were drilled in the  
2 late 1890s and early 1900s. And we have a lot of  
3 abandoned wells out there that are not properly abandoned.  
4 And, of course, we have the SB 44 now superimposed on that  
5 to deal with it. And this is the first legacy well in the  
6 surf zone that we've got properly abandoned. That's what  
7 this recap is about. So I'm going to defer to the  
8 video -- can I just start it.

9 Please turn your sights up to the video, and  
10 hopefully it will work. Maybe. If I can get to the right  
11 slide.

12 There we go.

13 (Thereupon a video was played.)

14 SENIOR PETROLEUM DRILLING ENGINEER CURRAN: I'm  
15 not going to ruin the video by speaking, so...

16 Okay. So ten seconds short, but -- okay. So the  
17 job -- that's what a lot of the jobs are going to look  
18 like in the Summerland area. It would involve a barge.  
19 It could involve piers. It could involve a deepwater  
20 barge. But in this case, we did a -- we installed  
21 six-foot cofferdam. Cleaned it out to a depth of about 14  
22 feet. That triggers a lot of, you know, engineering  
23 challenges. And then installed a 24-inch pile over the  
24 well, and entombed it and cemented it, so -- and then, of  
25 course, the cofferdam was taken away.

1           So the job was slightly ahead of schedule. It  
2 took 3.6 actual days on location. And we planned for four  
3 days. It came in \$192,000 under budget. It was budgeted  
4 for 1.4. The hours on location for the re-abandonment was  
5 86 hours. The hours to clean out the cofferdam and expose  
6 the well bore was 38 hours. We have ideas about  
7 significantly reducing that time moving toward.

8           We found the Becker Well bore actually deeper  
9 than we did when we did the excavation back in 2015. And  
10 we were able to successfully complete the project. Of  
11 course, everyone is very excited. There's been no  
12 manifestation of the Becker Well since then. So  
13 everything looks good so far.

14           So the next steps. Now, we can move on to SB 44.  
15 Two million dollars is in budget, the 2018-2019 budget to  
16 address other legacy wells. We plan to complete drone  
17 surveys, dive surveys, and link the sheen origins to  
18 actual wells. We have already determined a schedule for  
19 the next three years for the priority for re-abandonment  
20 of wells. And we will begin engineering design and  
21 upgrading the EIR to a Programmatic EIR this year.

22           And this issue solicits solicitations of interest  
23 for abandoning the next three wells.

24           So those proposals -- can you flip it for me.

25                           --o0o--

1            SENIOR PETROLEUM DRILLING ENGINEER CURRAN: Thank  
2 you. Those proposals include a rate of abandoning one  
3 well per year. So the target of three wells was selected  
4 to provide a reasonable time horizon for planning  
5 purposes. The three wells that are proposed are the C.H.  
6 Olsson Well, the Duquesne Wharf 910 Well, and the  
7 Treadwell 10 well. The two -- the Olsson Well and the  
8 Duquesne Well -- Duquesne Well were discovered in the 2016  
9 re-survey when -- after El Niño when everything was  
10 exposed -- or actually the 2017 investigation. Treadwell  
11 10 has been previously identified and had many attempts to  
12 fix it

13                                --o0o--

14            SENIOR PETROLEUM DRILLING ENGINEER CURRAN: So  
15 the next slide is the Olsson Well. That's over in the  
16 rock pile along the seawall. That has a few challenges.  
17 We'll either do that with a barge or a pier structure. It  
18 is leaking from inside the casing.

19            So the next well --

20                                --o0o--

21            SENIOR PETROLEUM DRILLING ENGINEER CURRAN: -- is  
22 the Duquesne Well. That's down the coast by the rock  
23 pile. That's a 20-inch casing that's exposed. It has  
24 cement cap on it, but it's leaking out the side of the  
25 casing. You can see where the yellow circle is.

1                   --o0o--

2           SENIOR PETROLEUM DRILLING ENGINEER CURRAN: And,  
3 of course, the Treadwell Well is under water. It's in 17  
4 to 20 feet of water, so you can't really see the wellhead.  
5 We've got it on dive surveys, but not actual pictures. So  
6 you're just seeing the sheening that is associated with  
7 the Treadwell.

8                   --o0o--

9           SENIOR PETROLEUM DRILLING ENGINEER CURRAN: So if  
10 you have any questions, I'm open.

11          CHAIRPERSON YEE: Jennifer.

12          EXECUTIVE OFFICER LUCCHESI: I just wanted to say  
13 that this was a -- we're -- we're obviously very proud of  
14 this project. And I just want to go back down memory lane  
15 a little bit. If you remember, we were in Newport Beach  
16 City Council Chambers at a State Lands Commission meeting  
17 in 2014 when we first talked to the Commission about this  
18 Becker Well. And members of the community came and  
19 testified in front of the Commission. And it was at that  
20 point that the Commission, all three members, really made  
21 a commitment to finding the funding, fighting for that  
22 funding, and getting it to the Commission, so that we can  
23 actually implement this remediation project.

24               And so this is a project that has been plaguing  
25 the commun -- or excuse me, this well has been plaguing



1 the community for decades. We have been well aware of it  
2 for just as long without the appropriate funding. All we  
3 could do was -- were essentially take notes about when it  
4 was leaking, how much it was leaking.

5 And this was, especially for Steve, just a  
6 project that he could not wait to sink his teeth. So I  
7 want to just thank the Commission, the Commissioners,  
8 especially the Lieutenant -- Lieutenant Governor Newsom  
9 and Chair Yee, who were on the Commission at that time in  
10 2014 that saw the importance of fighting for the funding,  
11 and helping us to advocate for it, and for the Governor  
12 signing that into the budget for fiscal years 2017-18 --  
13 excuse me, '16-'17.

14 So this was -- this is a huge success project for  
15 the Commission. And I just want to acknowledge the  
16 Commission's support and leadership to get us the funding  
17 necessary to do this.

18 CHAIRPERSON YEE: Thank you, Jennifer.

19 This is something we should feel very, very  
20 excited and proud about, and just staying the course, but  
21 obviously a long time coming. And I also want to just  
22 thank my colleagues on the Commission. Oftentimes, it's  
23 just hard -- just kind of -- just keep steady about this,  
24 bit I just need to thank the staff for its diligence and  
25 anything that comes in under budget and done in --

1 (Laughter.)

2 CHAIRPERSON YEE: -- under the requisite hours is  
3 just always good news, but just tremendous work. Thank  
4 you, Steve.

5 SENIOR PETROLEUM DRILLING ENGINEER CURRAN: Thank  
6 you.

7 CHAIRPERSON YEE: Commissioners?

8 Yes, Commissioner Newsom.

9 COMMISSIONER NEWSOM: Just a quick question. It  
10 sort of begs the question with those old leaky caps,  
11 what's the warranty on these projects?

12 (Laughter.)

13 SENIOR PETROLEUM DRILLING ENGINEER CURRAN:  
14 Hopefully, through your term as Governorship.

15 (Laughter.)

16 COMMISSIONER NEWSOM: I have no further  
17 questions.

18 (Laughter.)

19 SENIOR PETROLEUM DRILLING ENGINEER CURRAN: We're  
20 hoping that this will be the final solution. They seem to  
21 be -- we know that they're not very deep, because they're  
22 during the cable tool turn of the century time. So  
23 there's not much pressure involved. So this entombing  
24 method is a lot -- it seems a lot better than trying to go  
25 into shallow casings, and drill out, and perforate, and do

1 a bunch of other things you would do with deeper wells,  
2 because you might just create more of a mess.

3 So as long as we realize -- or as long as we can  
4 verify with the wells that we move on that, they are lower  
5 pressure, we're going to do the entombing method. And we  
6 feel pretty confident it will be forever.

7 COMMISSIONER NEWSOM: That's the approach.

8 SENIOR PETROLEUM DRILLING ENGINEER CURRAN: Yeah.

9 COMMISSIONER NEWSOM: Great. Thank you.

10 SENIOR PETROLEUM DRILLING ENGINEER CURRAN: If we  
11 can get the piles around them, the 24-inch piles, or  
12 whatever size it takes to entomb it, and then get four or  
13 five feet of good current class G concrete cement over it,  
14 then we're -- and then, of course, weld this fuel cap on.  
15 We're confident it will be good. It won't be leaking from  
16 that well. It could be leaking from somewhere else. You  
17 can't control that.

18 COMMISSIONER NEWSOM: Somewhere else. Yeah. Got  
19 your point. Yeah. Thank you.

20 CHAIRPERSON YEE: Thank you.

21 Any other comments, Commissioners?

22 I think this is an action to delegate authority,  
23 is that correct?

24 SENIOR PETROLEUM DRILLING ENGINEER CURRAN: Yes.

25 EXECUTIVE OFFICER LUCCHESI: Yes, and we do have

1 two members --

2 CHAIRPERSON YEE: Oh, I'm sorry. Public Yes.

3 EXECUTIVE OFFICER LUCCHESI: -- of the public who  
4 wish to speak.

5 CHAIRPERSON YEE: Yes. Let me get me speaking  
6 list here. Okay. Very good.

7 So we have, let me call you up. Hillary Hauser,  
8 please come forward, as well as Carrie Chee.

9 And we'll give you each three minutes.

10 MS. HAUSER: Chair Betty Yee and Commissioners,  
11 I'm Hillary Hauser from Heal the Ocean. This is the  
12 greatest day --

13 (Laughter.)

14 MS. HAUSER: -- the greatest day. We were at the  
15 2015 Newport meeting, and we came up and said we're going  
16 to get the money. We're going to get the money to cap  
17 this well. And I remember the Commission looking at me  
18 and saying who are you?

19 (Laughter.)

20 MS. HAUSER: And -- but when we went out of that  
21 room, Steve Curran came out after me, and Seth Blackmon  
22 and some other members of the staff, say let's talk about  
23 it. And they came to Santa Barbara, and they came to the  
24 Heal the Ocean office. And we had a consultant that knew  
25 how to get State money, and we could -- we could get it,

1 but we couldn't get the CEQA 250,000 for it, so it  
2 didn't -- we didn't get it.

3 But what this whole activity did was move us  
4 forward, and to start working with Steve -- and Steve  
5 Curran is a hero in Santa Barbara for his dedication.

6 (Laughter.)

7 MS. HAUSER: And we -- he even came up -- when  
8 that Becker Well, when we finally toughed it out, and got  
9 the 750, and then the next 750, and it was leaking, he  
10 said come with me. This is easy. We could stick a stick  
11 down there, a two by two, and we went down there and put  
12 it in there, and lo and behold the oil stopped running.

13 So Heal the Ocean went down there -- we had an  
14 intern who went every week and stuck -- you know, made  
15 sure that stick was still working, so -- during the  
16 interim.

17 AB 84 -- wait, yes. SB 44, sorry. Hannah-Beth  
18 Jackson is a personal friend of ours -- of mine. And when  
19 this came forward, we had heard some language about, well,  
20 how do we know where these leaks are. It's a needle in a  
21 haystack. California has got cracks and oil seeps and  
22 blah, blah.

23 And so we -- our organization raised money for an  
24 aerial survey that was this high-tech survey that over the  
25 course of four or five months, and overseen by Steve. He

1 could come down. And the drone flight pieced together a  
2 fancy map that showed one well, second well, third well  
3 that was there every time.

4 And so on that basis, the -- all the committees  
5 were -- felt fine about moving forward on SB 44, and the  
6 funding. And so that was a banner day. Senator Jackson  
7 was thrilled. And again, we thank this Commission. We  
8 thank Steve Curran with all of our hearts for staying on  
9 it, and getting us to this place.

10 Thank you.

11 CHAIRPERSON YEE: Thank you very much, Ms.  
12 Hauser. Carrie Chee, do you wish to come forward. Yes.

13 MS. CHEE: Hello. My name is Carrie Chee. I'm  
14 here on behalf of Heal the Ocean. But I'm mainly here on  
15 behalf of kids and families who love to spend time on the  
16 beach. And you've just taken the Eew factor away from  
17 stepping in things.

18 (Laughter.)

19 MS. CHEE: And the fact that they can go to the  
20 beach now and have the real beach experience that's a  
21 legacy due to your hard work, and efforts, and everyone  
22 listening to each other, and being cooperative. So thank  
23 you very much. And I'm thanking you on behalf of children  
24 at the beach.

25 CHAIRPERSON YEE: Thank you very much.

1           Okay. Commissioners, so this is an action item.

2           COMMISSIONER NEWSOM: Move it.

3           CHAIRPERSON YEE: We have a motion by  
4 Commissioner Newsom --

5           ACTING COMMISSIONER WONG-HERNANDEZ: Second.

6           CHAIRPERSON YEE: -- to delegate authority to the  
7 Executive Officer for consultant proposal solicitation,  
8 seconded by Ms. -- Commissioner Wong-Hernandez.

9           Without objection, that motion carries.

10          Thank you very much.

11          Okay. Next item is Item 94. It's an  
12 informational update on the Selby Slag Remediation Project  
13 located in Contra Costa County. And we do have a staff  
14 presentation on this.

15          Good morning.

16          ENVIRONMENTAL PROGRAM MANAGER HALL: Good  
17 morning, Commissioners. My name is Wendy Hall, and I'm to  
18 present Item 94, an informational item on the Selby Slag  
19 Remediation Project.

20          Slides.

21          (Thereupon an overhead presentation was  
22 presented as follows.)

23          ENVIRONMENTAL PROGRAM MANAGER HALL: There we go.

24          This Selby Slag Remediation Project is a proposed  
25 clean-up activity to present -- prevent slag at the Selby

1 Slag site from entering the San Francisco Bay.

2           The Commission has jurisdiction over a portion of  
3 the site and partly responsible for the remediation or  
4 clean-up of the site pursuant to a court-approved  
5 settlement agreement. The site is listed on the Hazardous  
6 Waste and Substances List, also known as the Cortese List.

7                   --o0o--

8           ENVIRONMENTAL PROGRAM MANAGER HALL: The site  
9 consists of about 66 acres located in Contra Costa County  
10 near the communities of Rodeo and Crockett next to the  
11 southern shoreline of the San Pablo Bay and Carquinez  
12 Strait, both part of the San Francisco Bay.

13           The nearest residence is approximately a quarter  
14 to a half mile from the site. You can see on this slide  
15 the location of the slag, if I can make this work. Right  
16 here in the lower left-hand corner, and in its proximity  
17 to Highway 80 and Carquinez Bridge and the Carquinez  
18 Strait.

19           A portion of the site is owned by the State as  
20 historic and present day tidelands. A portion is owned by  
21 C.S. Land, Incorporated, an affiliate of Phillips 66  
22 Company. The lease -- the State leases its portion to  
23 C.S. Land, which authorizes C.S. Land to hold the  
24 Commission's portion of the site in an undeveloped state.

25                   --o0o--



1 ENVIRONMENTAL PROGRAM MANAGER HALL: So to give a  
2 bit of historical background of the site. In 1872, Thomas  
3 Selby constructed a lead smelter at the site. The  
4 American Smelting and Refining Company ASARCO assumed  
5 operation of the smelter in 1912 and expanded the smelting  
6 operation to include copper and gold extraction.

7 During the historic smelting operations, a slag,  
8 a waste product from the smelting process, was deposited  
9 on the site. Beginning in the late 1940s, the State,  
10 unaware of the toxic character of the slag, negotiated  
11 leases of tidelands to ASARCO that authorized the  
12 placement of the smelter slag on State-owned lands.

13 --o0o--

14 ENVIRONMENTAL PROGRAM MANAGER HALL: In 1977,  
15 Wickland Oil Company purchased the smelter from ASARCO.  
16 In 1980, the California Department of Health Services  
17 informed Wickland that the slag on the site could pose a  
18 threat to human health and requested additional  
19 investigation of the slag's impacts.

20 In 1983 Wickland sued ASARCO and the Commission  
21 under the Comprehensive Environmental Response  
22 Compensation and Liability Act of 1980, or CERCLA, to  
23 determine responsibility for cleaning up the site.

24 In 1989 -- or under a 1989 settlement agreement,  
25 ASARCO, the Commission, and Wickland agreed to clean up

1 the site. The settlement agreement allocated clean-up  
2 cost percentages between the three parties, but did not  
3 cap the total clean-up cost each party could be required  
4 to pay. The settlement agreement also required an initial  
5 clean-up and asphalt capping of the site.

6 In 2000, C.S. Land purchased Wickland's portion  
7 of the site and assumed Wickland's rights and obligations  
8 under the settlement agreement. In 2005, ASARCO declared  
9 bankruptcy. In a 2008 Bankruptcy court judgment, the  
10 court set aside about \$34 million of ASARCO's money to  
11 cover their ongoing cost of clean up under the -- for the  
12 site.

13 Under the bankruptcy judgment, the Department of  
14 Toxic Substances Control, or DTSC, administers the  
15 disbursement of funds from this account.

16 --o0o--

17 ENVIRONMENTAL PROGRAM MANAGER HALL: In 2000, the  
18 Department of Toxic Substances Control was designated as  
19 the administering agency for the clean up of the site. As  
20 such, DTSC determines adequacy of investigation and  
21 clean-up activities at the site, and the extent to which  
22 the activities comply or fail to comply with applicable  
23 State and local laws, ordinances, regulations, and  
24 standards.

25 Upon DTSC's request, additional studies were

1 performed in 2000, which showed that future -- further  
2 measures needed to be taken to prevent the slag from  
3 entering the bay through either groundwater intrusion or  
4 erosion of the slag and asphalt cap along the shoreline by  
5 tidal and wave action.

6 Based on these studies, DTSC asked for a  
7 feasibility study to evaluate additional potential  
8 remediation strategies to prevent the Selby Slag site from  
9 contaminated the Bay. DTSC reviewed and approved the  
10 final feasibility study in 2012. A recommended  
11 alternative was developed from the feasibility study, and  
12 the draft remedial action plan was completed in 2018.

13 --o0o--

14 ENVIRONMENTAL PROGRAM MANAGER HALL: As stated in  
15 a fact sheet developed by DTSC for their CEQA process, the  
16 proposed remedial action plan involves the following  
17 elements: Installing a containment wall to prevent  
18 discharge of contaminated groundwater into the Bay and  
19 leaching of contaminants from the site through tidal  
20 action; the dredging and excavating of the slag from the  
21 Bay and placing it on site behind the containment wall;  
22 and the repaving of the disturbed asphalt cap.

23 --o0o--

24  
25 ENVIRONMENTAL PROGRAM MANAGER HALL: Additional

1 elements include: Installing ground -- a groundwater  
2 pumping well system outside of the site; and a containment  
3 wall near the western edge of the site to prevent  
4 groundwater intrusion into the site, as well as installing  
5 a groundwater extraction and treatment system on site to  
6 isolate any groundwater treated -- and treat it before  
7 disposal. Institutional controls will also be required by  
8 DTSC to prohibit any sensitive uses and also to protect  
9 the asphalt cap from any disturbance. Also, the long-term  
10 operations and maintenance of the containment wall,  
11 extraction systems, and asphalt cap.

12 --o0o--

13 ENVIRONMENTAL PROGRAM MANAGER HALL: This is an  
14 exhibit which illustrates some of the those features. The  
15 red line demonstrates the conceptual alignment of the  
16 containment wall. The orange arrow is really delineating  
17 just the removal of the slag from the bay, which would be  
18 deposited back on site. The green dots in the center of  
19 the slag area are the on-site groundwater treatment  
20 system. And the red dots at the lower portion of the site  
21 here are the off-site groundwater treatment system, which  
22 would divert groundwater from entering the slag. And, of  
23 course, the gray area is the repaving of the asphalt cap  
24 for -- to prevent any contact with the slag.

25 --o0o--

1 ENVIRONMENTAL PROGRAM MANAGER HALL: The initial  
2 construction work is estimated to take approximately three  
3 years with completion in 2023. The cost of the remedial  
4 project is projected to be approximately \$76 million, with  
5 the long-term operations and maintenance of -- costing  
6 approximately \$110 million over a period of 100 years.

7 The State Lands Commission obligation is 38  
8 percent of these costs, which translates to approximately  
9 \$29 million for the construction of the project, and  
10 420,000 annually over the next 100 years.

11 --o0o--

12 ENVIRONMENTAL PROGRAM MANAGER HALL: The  
13 California Department of Toxics Substances has the  
14 regulatory authority and is responsible for reviewing and  
15 approving the remedial action plan for the Selby Slag  
16 site, and is the lead agency under the California  
17 Environmental Quality Act. The cost sharing obligations  
18 under the 1989 settlement agreement are as follows:

19 ASARCO was provided 42 percent of the obligation,  
20 which is post-bankruptcy. That's now -- that fund is now  
21 being administered by DTSC. State Lands Commission has 38  
22 percent obligation, and C.S. Land has 20 percent  
23 obligation.

24 --o0o--

25 ENVIRONMENTAL PROGRAM MANAGER HALL: And this is

1 just a recap of the CEQA process that DTSC is currently  
2 under. In 2016, they released their Notice of Preparation  
3 and held public comments. The Draft EIR and Draft RAP was  
4 released this year in January, and -- followed by a public  
5 reviewed and comment period of 90 days. The initial  
6 45-day period was expanded for an additional 45 days,  
7 during which they held two public meetings, one on  
8 February 1st in Crockett, the second on April 3rd in  
9 Vallejo, and with the close of the public comment period  
10 on April 12th, 2018.

11 And they are currently under the review in  
12 response to comments phase of the CEQA process.

13 --o0o--

14 ENVIRONMENTAL PROGRAM MANAGER HALL: Staff has  
15 received some inquiries from the public about the future  
16 uses of the State's portion of the site. And, at this  
17 time, there is no contemplated future use for this site,  
18 other than the current use under lease as an undeveloped  
19 state. After the remediation has been completed, any  
20 proposed future use would be evaluated pursuant to the  
21 Commission's lease application process, including a CEQA  
22 analysis, a public meeting, as well as consistency with  
23 the Public Trust Doctrine and for consistency with the  
24 best interests of the State.

25 Any proposed use would further be evaluated by

1 the Bay Conservation and Development Commission, or BCDC,  
2 for consistency with their land-use Designations, as well  
3 as other regulatory agencies. And the Depart -- and the  
4 land use would need to comply with the land-use  
5 restrictions imposed by the Department of Toxic  
6 Substances.

7 That completes my presentation. Thank you.

8 CHAIRPERSON YEE: Thank you very much for the  
9 presentation.

10 Questions or comments, Members?

11 Commissioner Newsom

12 COMMISSIONER NEWSOM: No, it is what it is. The  
13 undeveloped state, what is that -- how does that -- what's  
14 the definition of an undeveloped state, no public access,  
15 or what is it?

16 ENVIRONMENTAL PROGRAM MANAGER HALL: At this  
17 time, there's not public access. There -- it's fenced and  
18 there's security measures for entrance. And it is just  
19 in -- with the asphalt cap, so it's just capped at this  
20 time.

21 COMMISSIONER NEWSOM: Got it. Okay.

22 And then, I mean, obviously, the 38 percent. So  
23 we were somehow culpable back in the day, in terms of the  
24 original deal, and the transferring, and the liability, et  
25 cetera, so...

1 EXECUTIVE OFFICER LUCCHESI: Yeah. Our lease to  
2 Wickland and ASARCO at the time allowed the deposit of  
3 Selby -- or excuse me, of slag into the bay.

4 COMMISSIONER NEWSOM: Got it. Unknowingly,  
5 obviously, at the time.

6 EXECUTIVE OFFICER LUCCHESI: Yeah. And Ben can  
7 speak to this a little bit more. But from what we  
8 understand, the slag was at one time, before folks knew  
9 the dangers associated with it, and the toxicity  
10 associated with it, thought it would be great construction  
11 material. And so --

12 COMMISSIONER NEWSOM: Interesting. So we were,  
13 yeah, I get it.

14 STAFF ATTORNEY JOHNSON: Yeah, I'm Ben Johnson.  
15 I'm a staff attorney and I'm working on the Selby Slag  
16 Site and this proposed project. And, yeah, Jennifer had  
17 it exactly right. It looks like at one time they thought  
18 this could be used for construction of levees or other  
19 uses, and -- before they realized the toxic character of  
20 it.

21 COMMISSIONER NEWSOM: Yeah.

22 CHAIRPERSON YEE: Okay. Thank you.

23 Yes, Commission Wong-Hernandez.

24 ACTING COMMISSIONER WONG-HERNANDEZ: So I'm --  
25 Jennifer, I'm doing some quick math over here. So the 34



1 million that was set aside in the settlement -- the ASARCO  
2 settlement, most of that it seems like then will be  
3 exhausted on those initial activities. And then at some  
4 point in the future we'll figure out -- we're going to  
5 need funding for their portion of the maintenance. Am I  
6 reading that correctly?

7 EXECUTIVE OFFICER LUCCHESI: Yes, that's correct.

8 ACTING COMMISSIONER WONG-HERNANDEZ: Okay.

9 Thanks.

10 CHAIRPERSON YEE: Thank you.

11 We have a number of public speakers on this item.  
12 Let me call them forward. First Maureen Brennan, a  
13 citizen of Rodeo; Charles Davidson. Why don't we start  
14 with the two. You'll have three minutes each.

15 MS. BRENNAN: Thank you. And I do have a little  
16 PowerPoint on this.

17 (Thereupon an overhead presentation was  
18 Presented as follows.)

19 MS. BRENNAN: My name is Maureen Brennan, and I'm  
20 a citizen of Rodeo. And thank you for your presentation  
21 on the Selby Slag. More people need to know about this  
22 problem. The proposed plan -- I've been to both of the  
23 community meetings, both in Crockett and Vallejo, and I'm  
24 very disturbed by this plan. I think it's a dangerous  
25 plan. And I'd like to step through some of the problems.

1 You've see the map.

2 But just note, the yellow strip there is the slag  
3 material. It's the aquatic slag material. The  
4 containment wall will be built inside of that. So when  
5 they go to drill the slag material, the aquatic slag, it  
6 will have un-- it will be going into the bay.

7 --o0o--

8 MS. BRENNAN: I've read one of the AECOM  
9 technical things about the 24-inch auger goes down, it  
10 takes about 20 min -- or two hours to go 20 -- two feet.  
11 It's very dense material. And it is solid, heavy metal  
12 material. It's dangerous. It's poisonous. And every  
13 time that drill moves to the next site, it goes poof into  
14 the bay.

15 There will be contamination. They have no plans  
16 for containment of the aquatic drilling. And we did have  
17 an environmental scientist come and review the site for  
18 us, and -- on his time and dime. And he just shook his  
19 head. He said this is really bad. This is going to be  
20 ecological disaster.

21 So we are very concerned about this. Then, as  
22 mentioned by Wendy, they're going to remove 30 acres of  
23 asphalt cap. That's a large amount of cap that's covering  
24 toxic slag. There would be slag dust everywhere. We are  
25 concerned.

1           There's a train. Amtrak runs right adjacent to  
2 this slag site. So Amtrak freight trains will be further  
3 grinding up the slag and distributing it along the  
4 railroads.

5           And then a third concern is the toxic groundwater  
6 runoff described. DTSC went to great lengths to tell us  
7 they were going to do a reverse hydrology situation, when  
8 in fact, we've found out that they've approached the Rodeo  
9 Water District to use their outflow pipes. And it will go  
10 directly into the bay, high levels of arsenic and other  
11 metals according to their report.

12                               --o0o--

13           MS. BRENNAN: This is what we got at the meeting.  
14 The impacts found to be less than significant. Really? I  
15 just want to direct your attention to hazards and  
16 hazardous materials. They -- this is what happens with  
17 heavy metal toxins. They're the most poisonous things on  
18 earth, up there with nuclear waste. Arsenic, cadmium -- I  
19 just picked my top favorite three. Look at the exposure  
20 limits, please. It's 0.002 milligrams per cubic meter.  
21 This is very toxic material.

22           And when they dredge it, the excavate it, they  
23 rock crush it, there will be slag dust everywhere. Other  
24 things that will come out of this slag is antimony,  
25 copper, lead, zinc. And already in the bay muds, there's

1 dioxin and MTBE, because we are adjacent to Phillips 66.

2 I'm concerned for environmental justice reasons.  
3 Rodeo already is subject to Phillips 66 refinery. We are  
4 in the top one percent of the state's highest toxic  
5 release inventory. We are in the 96th percentile of  
6 severe asthma rates. And Rodeo falls in the top six  
7 percent of heavily impacted mobile point sources. We have  
8 trucks. We have ships. It all comes through Rodeo.

9 --o0o--

10 MS. BRENNAN: So here's a map of disadvantaged  
11 communities from 2017. Rodeo is right up at the top there  
12 joined up with Vallejo. We're in trouble

13 --o0o--

14 MS. BRENNAN: Oh, I can barely read this one.  
15 But this is a cumulative toxin that comes already from  
16 conventional refinery from Phillips 66. And for one thing  
17 on their scale 1 to 10, if you can see it better than I  
18 can. Rodeo is already in the 8.4 range for cancer risk.  
19 We're already very high. Heavy metals, slag, we'll make  
20 that worse. We will get cancer. I'm -- it's given.

21 Also, I want to direct you to the benzene and  
22 xylene that's released every year. Benzene and xy --  
23 there's tons of it. And it's toxic at any level. So this  
24 is what we're dealing with.

25 So -- woops, moving right through.

--o0o--

MS. BRENNAN: So these are just different levels of the different chemicals.

--o0o--

MS. BRENNAN: You've seen this before. Particulate matter is a huge concern for us. The causes of asthma.

--o0o--

MS. BRENNAN: This is a Harvard study that we will have a four year decline in our life expectancy with this kind of particulate matter present.

--o0o--

MS. BRENNAN: This is a picture of the once-through-cooling system of Phillips 66. It's difficult to see, but there's a little black line is that's the slag that's present. And already, the outflow from that once -- it's probably clogging the once-through-cooling system at this point, but P66 can tell you that.

But already, there's -- the State has identified high levels of nickel, copper, and dioxin in the outflow mudflats of Rodeo. It's already poisoned. And now they're going to drain the Selby Slag site and put more outflow of arsenic and other heavy metals into those same mudflats.

1           So I am wondering what's going on here. It's a  
2 very expensive project. Yet, it's severely underfunded.  
3 Excavation will create environmental havoc. And the  
4 public health catastrophe with this heavy-metal dust, it's  
5 such a risk. I'm a little shocked.

6           And I was concerned when I did see a memorandum  
7 of understanding from April 20th last year that used the  
8 word from -- for marine commerce purpose. I'm very happy  
9 to hear what you said about this would remain in an  
10 undeveloped state, because that would just be a terrible  
11 thing.

12           And I'm -- finally, it's -- how is it that the 20  
13 percent owner, that's C.S. Lands, is calling all the shots  
14 here with confidentiality. Eighty percent owner -- well,  
15 with the ASARCO settlement, DTSC is -- you are the owners  
16 here. And, yet C.S. Lands is calling all the shots.  
17 They're using AECOM as a contractor. And they're -- they  
18 have long-known ties with ConocoPhillips.

19           I think this is a dangerous plan. It is not a  
20 clean-up project, and we could build and impermeable  
21 cement wall outside the slag. One of us -- our local --

22           CHAIRPERSON YEE: Ms. Brennand your time has  
23 expired. So I'm going to ask you to wrap it up, please.

24           MS. BRENNAN: Okay. Anyway, this is it. Build  
25 an impermea -- impermeable wall outside the slag, and so

1 we have true containment, and it doesn't soil our  
2 beautiful bay.

3 Thank you.

4 CHAIRPERSON YEE: Thank you very much. Charles  
5 Davidson, and then followed by -- I'm sorry, I can't ready  
6 the last name is it Ann?

7 MR. DAVIDSON: Ann Puntch.

8 CHAIRPERSON YEE: Okay. And then Tom Martell  
9 following Ann. Thank you.

10 MR. DAVIDSON: Greetings. My name is Charles  
11 Davidson from Hercules, about two miles from Selby Slag.  
12 Selby Slag.

13 Selby Slag is two and a half million cubic yards  
14 of toxic slag from historic metals refining located  
15 directly within San Pablo Bay proper, 20 miles north of  
16 Berkeley. The slag's pollutants are derived from 100  
17 years of metal refining for gold, silver, copper, and  
18 lead, and include heavy metals such as arsenic, cadmium,  
19 zinc, lead and nickel.

20 The 66-acre site has nearly a mile of uncontained  
21 toxic slag material fully open to bay waters, subject to  
22 two-way water intrusion. It is known that Selby's former  
23 sulfuric acid production site still contaminates slag  
24 groundwater, accelerating the ongoing release of heavy  
25 metals. These sites are located on what is now Phillips

1 66's portion of the slag property. That is the most  
2 eastern 20 percent.

3 We strongly believe that the California DTSC's  
4 proposed sheet metal seawall embedded into bay mud falls  
5 woefully short of protecting bay waters, particularly in  
6 the long term, subject to exposure from acidic slag  
7 groundwater.

8 The iron in the steel seawall plus salt water,  
9 sulfur acid, and nickel are ideal ingredients for a  
10 battery, but not for a protective seawall, such as -- such  
11 a corrosive chemical mixture would deteriorate the seawall  
12 far more rapidly than the 180 years predicted in the DEIR.

13 I ask why was not a more robust concrete seawall  
14 proposed embedded directly into bedrock, which could be  
15 increased in height to mitigate against updated sea level  
16 rise projections.

17 Most importantly, the DEIR fails to acknowledge  
18 that only several hundred years from the slag's most  
19 western edge is the Phillips 66's refinery's once-through  
20 cooling system intake, or OTC, near the base of the marine  
21 terminal pipelines.

22 The San Francisco Regional Water Quality Control  
23 Board has classified the refinery's once-through-cooling  
24 system as a major discharger, because it releases nearly  
25 40 million gallons per day of heated OTC wastewaters



1 containing Selby Slag's nickel, copper, and lead. That is  
2 documented.

3 The OTC outfall is less than one half mile from  
4 the Lone Tree Park shoreline in Rodeo. I also ask why did  
5 the DEIR not propose working levees or berms which would  
6 contain the toxic plumes during dredging? Why did the  
7 DEIR not consider removing off site the entirety of the  
8 slag's eastern region, which has by far the least volume,  
9 and yet the most acid, heavy metal, and MTBE  
10 contamination? Why was Phillips 66's 20 percent share of  
11 the project's cost considered sufficient to remediate the  
12 most acidic and toxic slag portion when fixed as a  
13 percentage years before AECOM's 2013 toxicity analysis?

14 Thank you very much.

15 CHAIRPERSON YEE: Thank you, Mr. Davidson. Thank  
16 you for being here.

17 Good afternoon -- Good morning, sorry.

18 MS. PUNTCH: Good morning. My name is Ann Puntch  
19 and I'm from Rodeo. I'm just a citizen of Rodeo. Good  
20 morning, Chairman Yee, Commissioners, and staff,  
21 especially Ms. Lucchesi. And thank you for the  
22 opportunity to speak today.

23 (Thereupon an overhead presentation was  
24 presented as follows.)

25 MS. PUNTCH: Although, it's been difficult for us

1 to understand and access the several different agencies  
2 involved with the Selby Slag Remediation Project, we want  
3 to thank the State Lands Commission staff who helped us  
4 out by joining us on site for a tour, and provided further  
5 information.

6 So as you can see on that slide there, we're  
7 dealing with a multiplicity of agencies that are public  
8 agencies, who either have discretionary approval over the  
9 project or have authority related to the project.

10 In addition, since the Clean Water Act authorizes  
11 the EPA and states to regulate point source -- point  
12 sources that discharge pollution into waters of the United  
13 States through the National Pollutant Discharge  
14 Elimination System - it's called the NPDES - permit  
15 program, perhaps the EPA should also be on that list.

16 The Rodeo Sanitary Board technical memo makes it  
17 clear that the discharges from this project cannot be  
18 incorporated into existing discharge systems, or under  
19 their permits, and suggested that the project construct a  
20 1.5 mile pipeline, and obtain a separate NPDES permit.  
21 That might be in the DEIR, but I haven't seen it, either  
22 under costs or construction.

23 It must be said that our confidence in the  
24 companies that produce these reports is not a hundred  
25 percent, after discovering many flaws and omissions, for

1 instance, inaccurate representations as distance from  
2 residential neighborhoods, and schools, since our Head  
3 Start Program is literally across the street.

4           Since AECOM and its partners, including Tetra  
5 Tech have a long history of consulting for the industry,  
6 and have recently had some of their work seriously  
7 questioned, our confidence would increase with input from  
8 other experienced, perhaps more academic-based  
9 consultants.

10           Since several of the main agencies are presently  
11 developing newer updated policies, which could affect our  
12 project, we wonder whether this project as it's now  
13 designed is perhaps premature, and believe some of its  
14 bases also rely on outdated information, sea level rise  
15 for instance.

16           The DC -- DTSC, which is the agency in charge is  
17 also still in the process of developing policies for  
18 hazardous material disposal. They have a -- they have to  
19 get into compliance with a Title 7 settlement agreement,  
20 and several areas are still not fleshed out, the disposal  
21 of contaminated waters, public health information, the  
22 hydrology modeling seems to be a little questionable, and  
23 other things that we've identified in public comment on  
24 the DEIR.

25           So perhaps permitting possibilities should be

1 explored before going ahead with the project. Also,  
2 according to the memo of understanding, C.S. Land's P66  
3 will hire the project management who will have to control  
4 confidentiality, monitoring, further hiring. So we have  
5 to say we're a little bit concerned about outsourcing the  
6 Public Trust.

7 The BCDC is in the process of adopting its  
8 Environmental Justice Policy, and it's requiring projects  
9 to include ART, adapting to rising tide measures. So it  
10 will also have a lot to say on dredging and wall  
11 placement.

12 The Coastal Commission has responsibility for  
13 areas a hundred feet from the shoreline. But it also has  
14 responsibility for preventing oil spills. And here's our  
15 catch. This project is related to that, because we firmly  
16 believe it's a prelude to the expansion of the P66 Wharf,  
17 and more than doubling the oil tanker traffic into the  
18 bay.

19 In short, more ships and -- you know that in  
20 2016, there was a spill at the wharf, which sent people in  
21 Vallejo to the hospital.

22 In short, more ships equal more risk of spills.  
23 And these ships will carrying Canadian tar sands, which  
24 represents the destruction of the boreal forest home, and  
25 livelihood for the Canadian first nations, and always

1 means an increase in toxic emissions, including lead and  
2 other metals, greenhouse gases, requires increased energy  
3 input for diminishing returns, and helps to expand an  
4 industry in the midst of a global climate crisis it has  
5 caused.

6           Finally, we want to thank the Commission Director  
7 Jennifer Lucchesi for the opportunity she's provided us  
8 next week to have a meeting with Commission staff and  
9 community members. And we hope to be able to present some  
10 of the issues.

11           Thank you very much for your time.

12           CHAIRPERSON YEE: Thank you. Thank you.

13           Tom Martell followed Nancy Reiser.

14           (Thereupon an overhead presentation was  
15 Presented as follows.)

16           MR. MARTELL: Hi. My name is Tom Martell, and  
17 I'm a resident of Crockett. Thank you all for being here.  
18 And just to keep it in perspective, let's not forget we  
19 still have all those children who are being imprisoned at  
20 the border.

21           I'd like to say the devil is in the details here  
22 on the financial part of this. Thank you for asking that  
23 question. You came up with 76 million for a hundred years  
24 of operation, and another hundred -- was it 105 for the  
25 continued operation of it. So that came out to a total of

1 187 million with 25 cent -- 25 percent contingency, which  
2 is a little addendum they had, that comes up to \$226  
3 million.

4 Okay. And we already went through this. The  
5 CSLC has 42 percent of the responsibility. California  
6 State Land Institute, 20 percent; ASARCO 38. So ASARCO's  
7 responsibility totals almost 71 million, over 86 million  
8 with the contingency.

9 Now, ASARCO, of course, is bankrupt at this point.  
10 They're already \$36 million short. With contingencies, it  
11 would run about \$51 million short.

12 And these calculations do not include an  
13 additional 20 something acres, which they're going to  
14 uncap on the slag. So at this point now, we really don't  
15 know how much money is involved with this.

16 We also wonder why Phillips 66 is -- through C.S.  
17 Lands gets to choose the contractor for this project.  
18 What we want is an update on all these financials, because  
19 we feel they're out of date and way out of touch. We  
20 would like a bond, whatever you do, to ensure the  
21 completion at a set price. And a clause in that bond to  
22 ensure project gets done by the due date.

23 What we have here is a situation -- we don't want  
24 a situation like we had with the Bay Bridge, or with the  
25 smart train, where we get half of it done, and then we

1 have to go and put a bond issue up there to get the rest  
2 of the funding, or we have to raise taxes, especially when  
3 you consider this is going to help a corporation, which  
4 made \$3.2 billion in the last quarter. We'd like  
5 competitive bidding on all of this.

6 And that is about all I have to say.

7 I just don't want another case where -- of  
8 privatizing profits while we socialize losses. So, yeah,  
9 in short, I think we should do this over or we should look  
10 at the plan to put the concrete fixture all around that,  
11 because that would solve a myriad of issues. And I think  
12 it would be cheaper.

13 Thank you.

14 CHAIRPERSON YEE: Thank you very much, Mr.  
15 Martell.

16 Nancy Reiser.

17 (Thereupon an overhead presentation was  
18 Presented as follows.)

19 AGP: We're loading it.

20 MS. REISER: Thank you. All right. Very good.

21 My name is Nancy Reiser. I live in Crockett.

22 I just wanted to walk you through our process of  
23 peeling back the onion skin of this project that finally  
24 led us to that 2017 MOU, which confirmed our worst  
25 suspicion, that this project runs counter to the

1 Commission's strategic plan, which emphasizes  
2 transparency, public safety, and environmental protection.

3 --o0o--

4 MS. REISER: First, the writers of the DEIR  
5 deliberately understated the proximity of the nearest  
6 neighborhood, so I would correct the staff report. The  
7 closest residence is only a couple of hundred yards away  
8 from the entrance of the slite -- of the Selby Slag site,  
9 but they photoshopped the existence of the two largest  
10 neighborhoods completely out of the project map.

11 --o0o--

12 MS. REISER: These two Google Maps clearly show  
13 where we are in relationship to the slag. The nearest  
14 Rodeo neighborhood, Bayo Vista, is one mile away from the  
15 southern edge of this site, not two miles.

16 --o0o--

17 MS. REISER: The town of Crockett is not two  
18 miles away from the site as the DEIR stated. Selby Slag  
19 is in Crockett. The first large Crockett neighborhood  
20 begins a half mile away from the edge of the slag as crow  
21 and the dust flies.

22 --o0o--

23 MS. REISER: That -- this EIR -- DEIR deemed our  
24 existence as less than significant was disturbing, as once  
25 the asphalt cap is removed, the exposed slag dust ladened



1 with carcinogenic metals will be picked up by bay winds  
2 and will float through our kitchen and bedroom windows a  
3 half a mile away.

4 The primitive abatement method of sprinkling  
5 contaminated dust with water from a garden hose,  
6 supposedly the best practice to protect our health,  
7 reflects our lesser status.

8 --o0o--

9 MS. REISER: Moving on to wildlife. There are 14  
10 species of fish listed in the DEIR's own table. The  
11 engineers acknowledged that twice daily tidal forces  
12 distribute toxic sediments more than 700 meters away.  
13 They also acknowledge that the strongest hydrological  
14 force in the bay is the Carquinez Strait, a river that  
15 whooshes along the northern edge of the slag at 600,000  
16 cubic feet of water per second, and stirs up toxic  
17 sediments and deposits particulate matter in the strait  
18 and out into the bay twice a day.

19 --o0o--

20 MS. REISER: Yet, the importance of these two  
21 huge hydraulic forces that will be present during the  
22 dredging process was dismissed, because the toxic  
23 materials disbursed, toxins that would harm us humans,  
24 would not harm wildlife, as per the DEIR, despite studies  
25 published by fish and wildlife agencies elsewhere in the

1 country that conclude the opposite.

2 --o0o--

3 MS. REISER: So it was then that we discovered  
4 the two interrelated elephants standing in the middle of  
5 the room that the DEIR was not talking about. The first  
6 elephant, Phillips 66, their once-through cooling system,  
7 the little yellow arrows point to that little horizontal  
8 line next to the larger white line that is the pier. It's  
9 located at the base of the pier in the cove adjacent to  
10 the asphalt cap's shoreline. The gray area at the bottom  
11 is the asphalt cap.

12 The muddy tidal flats that hold toxic slag  
13 materials slide directly below the mouth of the pipe.

14 --o0o--

15 MS. REISER: The DEIR was silent about the OTC's  
16 sucking up 40 million gallons of salt water daily from the  
17 cove. It -- that water runs through the enclosed system,  
18 through the refinery to keep all the units cool. The  
19 heated water is then discharged further south into Rodeo's  
20 inter-tidal mudflats. Regional agencies acknowledge that  
21 the P66 outfall is one of the biggest dischargers of  
22 wastewater into the bay, and the water is contaminated  
23 with nickel, copper, dioxin, lead and other slag  
24 materials.

25 --o0o--

1 MS. REISER: The second elephant, the back muds  
2 recent DEIR declines to the -- this DEIR declines to  
3 mention the back muds DEIR for the -- for Phillips 66  
4 doubling its marine traffic.

5 Twice as many tankers and tugs will stir up as --  
6 twice as many slag elements. And there lies the real  
7 problem. Salt water is corrosive. The slag metals are  
8 also corrosive. Both slag metals and the salt water  
9 travel through the OTC together. Folks familiar with  
10 refinery operations tell us that both are no doubt  
11 compromising the once-through-cooling system.

12 If the marine terminal expansion project is  
13 approved, there will be twice as many ships. The muddy  
14 slag -- the muddy slag tidal flats will release twice as  
15 many corrosive elements will -- which will be sucked  
16 through the OTC. The doubling of ships, if the cove is  
17 not dredged, could contribute to the demise of the OTC.  
18 And if the OTC is out, you don't have a refinery.

19 --o0o--

20 MS. REISER: And finally -- woop -- oh, the other  
21 slide is not there.

22 Finally, I just want to wrap-up by saying this is  
23 a refinery operational issue. This operational issue  
24 beats at the heart of this clean up. It's not about  
25 protecting the health of the humans that live nearby, nor

1 is it about protecting Mother Nature. The purpose of the  
2 clean-up is to protect Phillips 66's bottom line, and have  
3 the State of California foot 80 percent of the bill.

4 Houston, you have a problem, and you're trying to  
5 make it ours.

6 CHAIRPERSON YEE: Thank you very much, Ms.  
7 Reiser.

8 Any staff comments? And maybe just to -- for  
9 review and clarity perhaps about the Commission's  
10 jurisdiction and authority, since there are multiple  
11 parties involved here.

12 EXECUTIVE OFFICER LUCCHESI: Yeah, of course.

13 I'll start just by, first, thanking the Rodeo and  
14 community -- and Crockett community, and the greater  
15 communities that have an interest in this -- in this  
16 project, and the concerns that they've expressed. They  
17 have spent a lot of their own time, and resources, and  
18 energy making sure that we, as a staff, are aware of their  
19 concerns. And we're listening, and we hear them, and  
20 we're taking steps, and have already taken steps to better  
21 understand and hear their concerns, and understand their  
22 perspectives, and also be able to shine a little bit more  
23 light and transparency on the history of the site, and the  
24 Commission's role, both in the project and along with our  
25 role in the greater area, including the terminals in the

1 area, and the refineries, and that sort of thing.

2 So we're engaged in that -- that meaningful  
3 outreach and communication to educate, I think, all of us  
4 along those ways.

5 In 1989, as Wendy mentioned, there was a consent  
6 judgment that was entered into that directed clean up,  
7 that allocated the responsible -- allocated the financial  
8 responsibility among the three parties, ASARCO; Wickland at  
9 the time, now C.S. Land; and the State Lands Commission.

10 At the time that that judgment was entered into,  
11 the thought was that there was an initial clean up, and  
12 that was all that was needed. And that was essentially a  
13 cap over the slag.

14 Over time that obviously did not work. There was  
15 contamination into the bay, as Wendy went through that  
16 history. So the terms of that settlement agreement did  
17 not actually anticipate to -- in detail, what would happen  
18 if there was additional remediation that was needed to  
19 address the pollution there.

20 So the -- the MOU that was mentioned by a number  
21 of the community members was entered in 2017, and I hope  
22 this is a subject that we can talk about in more detail  
23 when we meet with them next week, oh whenever it's  
24 convenient for them, and we can walk through the MOU.

25 I will say the MOU does not give C.S. Land the

1 right and the sole responsibility for contracting. It  
2 really sets up how we're going to coordinate entering into  
3 the contracts for the remediation project, because again  
4 the original consent judgment did not provide those kinds  
5 of details.

6 And so I hope we can walk through some of that.  
7 And I'm sure they'll point out some aspects of that MOU  
8 that we hadn't seen before, and just build on our  
9 understanding and the concerns.

10 So we hope to have that conversation about the  
11 MOU, but we did not -- it's my opinion, we did not cede  
12 our authority for implementing the project to a private  
13 entity through that MOU.

14 I will also say that the DT -- because ASARCO  
15 went into bankruptcy and now DTSC administers the amount  
16 that -- that we were able to claw from the bankruptcy  
17 court when they went through that process, you know, that  
18 amount likely won't be enough. And that is an aspect of  
19 this project that we as the Commission are very well aware  
20 of.

21 I think I can speak from Commission staff and the  
22 Commission that we are committed to doing what we need to  
23 do to be able to fulfill our responsibility in cleaning  
24 this site up. Obviously, it's not just us that's  
25 responsible for writing checks. We have to go through the

1 proper State process to -- in future budget years. But as  
2 a Commission, we are -- we are committed to cleaning that  
3 site up.

4 And it's also hard -- it's hard for us as staff  
5 who live in the bureaucracy of State government to  
6 understand the different roles State agencies play. But  
7 in this particular project, the State Lands Commission, as  
8 the landowner, is the applicant. And so we are not the  
9 CEQA lead agency, as we typically are. We aren't reacting  
10 to a proposal necessarily. DTSC is the lead agency under  
11 CEQA. They are also the lead agency responsible for  
12 essentially developing and approving the remedial action  
13 plan, which is the plan to remediate the site.

14 And so we -- DTSC is really the lead agency  
15 directing this remediation project. And as the CEQA lead  
16 agency, they are in the middle of that CEQA process and  
17 preparing formal responses to the comments it receives.

18 So in terms of actually responding to some of the  
19 technical project-specific questions, we are not the  
20 appropriate staff at this time to respond to those,  
21 because -- to those questions, because there is a formal  
22 CEQA process going on. Of course, once those responses  
23 are made available by DTSC, we can then talk about those  
24 responses and discuss, you know, a little bit in more  
25 detail what those mean in relation to the Commission's

1 roles and responsibilities.

2 With that said, it's incredibly frustrating for  
3 the community to be at this point in this entire process,  
4 where we can't answer a lot of the questions, because it  
5 is -- falls on DTSC's responsibilities. And we understand  
6 that frustration. And so we're also committed to  
7 continuing continuous communication with the community,  
8 and meeting with them as much as we need to, to be able to  
9 talk about what we know, and -- and again, try to shine as  
10 much light and transparency on this process as possible,  
11 while respecting DTSC's role that they play as the lead  
12 State agency in -- under CEQA and for the remedial action  
13 plan.

14 CHAIRPERSON YEE: Yeah. Thank you very much.  
15 No, and I also want to thank the members of the community  
16 for coming before the Commission. We are taking this  
17 matter very, very seriously and very grateful for all of  
18 the time, and energy, and resources you're putting in.  
19 We'll continue to do so to better inform us as we go --  
20 continue the process.

21 So very much appreciate you being here.

22 Other comments by Commissioners?

23 Okay. Very well. Thank you very much.

24 Our next item is Item 95, I believe. Yes. This  
25 is a information presentation relating to the sea level



1 rise guidance by the Ocean Protection Council.

2 And we're very happy to have Deborah Halberstadt,  
3 the Executive Director of the Ocean Protection Council  
4 here before the Commission.

5 Welcome.

6 (Thereupon an overhead presentation was  
7 Presented as follows.)

8 OPC EXECUTIVE DIRECTOR HALBERSTADT: Good  
9 morning, Chair Yee. Thank you very much for inviting me  
10 here. And Commissioners Newsom and Wong-Hernandez and  
11 Deputy Chair Baker.

12 It's my pleasure to be here today to provide a  
13 little of an update on our sea level rise guidance  
14 document. I know you've received briefings previously  
15 about the scientific underpinning for the document, and  
16 why we decided to update it. So today, I'm really going  
17 to focus more on the steps we're taking to implement the  
18 document.

19 --o0o--

20 OPC EXECUTIVE DIRECTOR HALBERSTADT: So just as a  
21 very quick reminder, OPC commissioned a scientific  
22 synthesis of the State of the sea level rise science a  
23 couple of years ago including advances in modeling, and  
24 improved understanding of extreme sea level rise due to  
25 the melting of the polar sheets. The scientists provided

1 us with probabilistic projections that will help us  
2 understand and address potential sea level rise impacts.  
3 We use that scientific analysis and synthesis as the  
4 foundation for our policy guidance.

5 And the guidance really acts as a bold  
6 science-based risk assessment approach to help State and  
7 local agencies analyze the risks associated with sea level  
8 rise. We suggest looking at a range of sea level rise  
9 projections and thinking through the impacts and  
10 consequences of that range.

11 One component I do want to highlight about our  
12 guidance is that we recommend using adaptation pathways.  
13 This is a fairly innovative approach, but we are looking  
14 at it as a way to provide opportunity for decision makers  
15 to think through planning and contingencies if the  
16 projections over or underestimate the sea level rise.

17 And then we also in our document provide several  
18 adaptation strategies, one of which we worked very closely  
19 with State Lands Commission staff on to address the  
20 concerns of the water-dependent community.

21 --o0o--

22 OPC EXECUTIVE DIRECTOR HALBERSTADT: So as far as  
23 implementing the guidance, I want to emphasize that this  
24 guidance really should be seen as a living document, and  
25 that our work on sea level rise did not end with adoption

1 of the guidance document, but that was just one step in a  
2 multi-step process. So we are currently working very  
3 closely with our State and local partners to ensure the  
4 best possible uptake in implementation.

5 We've been coordinating very closely with our  
6 sister State agencies, including State Lands Commission,  
7 to understand how this document can be used and  
8 interpreted, and where some of the challenges to  
9 implementation lie. We also have funding that we are  
10 hoping to use to help implement the guidance, so both  
11 coordination with other entities and funding.

12 --o0o--

13 OPC EXECUTIVE DIRECTOR HALBERSTADT: As far as  
14 our outreach efforts, since the guidance was adopted in  
15 March, OPC staff has been partnering with staff from State  
16 Lands Commission and other Coastal Agencies -- excuse me  
17 -- on a coordinated approach to implement the guidance.  
18 This includes working together to develop consistent  
19 messaging about sea level rise adaptation, and to share  
20 knowledge and experiences and lessons learned, because  
21 different agencies are at different places in their  
22 experience with incorporating sea level rise adaptation  
23 into decision making.

24 We've also been working with State Lands  
25 Commission on implementation of the -- on the working

1 group of AB 691. And we've been working to provide  
2 information on the guidance to grantees who are required  
3 to submit sea level rise assessments under AB 691. OPC  
4 staff will be participating in the upcoming AB 691 webinar  
5 that's being held by State Lands Commission staff.

6 And I also just wanted to note, I was pleased to  
7 see that State Lands Commission received a budget  
8 augmentation. And Jennifer mentioned this earlier in her  
9 Director's report that will assist in implementation of AB  
10 691. And we look forward to working with you in any way  
11 we can to help with that.

12 And in addition to our work with our State  
13 partners, we've also been working very closely with local  
14 and regional partners. And in the coming months in the  
15 summer and fall, we'll be conducting public outreach to  
16 support implementation at a local level, including  
17 doing -- holding a workshop at the third climate  
18 adaptation forum, which is being held in Sacramento from  
19 August 27th to 29th. We also hope to conduct regional  
20 workshops on the guidance later in the fall. And we've  
21 been talking with State agencies about how they would like  
22 to see the guidance information disseminated through  
23 outreach.

24 So we've been working with the State Lands  
25 Commission and other State agencies to really think

1 through how we can best reach our local partners with this  
2 information.

3 --o0o--

4 OPC EXECUTIVE DIRECTOR HALBERSTADT: And finally,  
5 I think it's important to acknowledge the role that  
6 funding plays in assisting entities with implementing  
7 adaptation strategies. OPC has several streams of funding  
8 available to assist. So we have currently two competitive  
9 grant programs underway under Proposition 1 and  
10 Proposition 84, and through those programs we've received  
11 many exciting and innovative proposals that have not yet  
12 been decided on by the Council, so I can't share them with  
13 you, but stay tuned.

14 And we've also received funds through Prop 68  
15 this year. Prop 68 contains specific requirements for  
16 targeting disadvantaged and severely disadvantaged  
17 communities which is very much in line with the guidance  
18 document. And there are specific provisions in there that  
19 allow funds to be used to assist with building capacity  
20 and expertise. And this is an area that I think is  
21 particularly important for local government. So we're  
22 really excited to think through the guidelines for Prop 68  
23 and start getting that money out.

24 It specifically directs us to use the funds to  
25 assist coastal communities, including those reliant on

1 commercial fisheries with adaptation to climate change,  
2 including sea level rise, ocean acidification, and habitat  
3 restoration or protection.

4 And finally, we were -- we were fortunate to  
5 receive some additional funds through the environmental  
6 license plate fund under this current budget. And that is  
7 to be used to target our climate change work, which  
8 include all of our sea level rise activities.

9 We'd like to think through some adaptation  
10 financing opportunities that could -- that we could  
11 essentially incubate and start at a very small level at  
12 the Ocean Protection Council, and then grow  
13 geographically, and to address other threats of climate  
14 change beyond just sea level rise. So we're trying to  
15 think through different ways we could seed adaptation  
16 financing mechanisms that could then grow and become more  
17 robust and powerful over time.

18 So with that, I am happy to answer any questions,  
19 either about implementation, or the guidance document  
20 itself, or whatever else you'd like to talk about.

21 CHAIRPERSON YEE: Great. Thank you very much.  
22 We do have one speaker on this item. Maybe let's hear  
23 from them and perhaps it may trigger some questions.

24 Jason Giffen, Port of San Diego.

25 MR. GIFFEN: Thank you. Good morning, Chair.

1 Betty Yee, Commissioners, Commission staff. My name is  
2 Jason Giffen here on behalf of the Port of San Diego. And  
3 I'd like to just start by thanking the Commission and  
4 staff from both the Commission as well as the Ocean  
5 Protection Council to here -- to be here today to present  
6 on this important issue of the 2018 sea level rise  
7 guidance update.

8           The Port has been active as a participant in the  
9 development of this guidance. We submitted a comment  
10 letter. We participated in webinars. Also participated  
11 in many of the meetings at both in January and March at  
12 the Ocean Protection Council. We're appreciative of  
13 staff's consideration of all of our comments to date,  
14 especially in relation to the unique characteristics of  
15 ports and harbors, and Public Trust uses.

16           As you know, the Port of San Diego is unique in  
17 its diversity of both geography and uses. And as a  
18 trustee port, we have a mission to protect Public Trust  
19 uses in response to our AB 691 requirements. As well as  
20 in our update to our current port master plan that we're  
21 in the process of drafting, we will need to address the  
22 impacts of sea level rise to the Public Trust uses and  
23 granted tidelands and submerged lands that we manage on  
24 behalf of the State.

25           Beyond these requirements this past may, the Port

1 of San Diego entered into a Memorandum of Agreement  
2 actually with the U.S. Navy to better coordinate and  
3 prepare for the potential impacts of sea level rise, which  
4 is the first agreement of its kind on the West Coast. And  
5 as you heard related to some of the barriers of  
6 implementation, we -- we are optimistic that this  
7 relationship can help remove some of those barriers by  
8 looking at how the partnership around San Diego Bay with  
9 the Navy can help address and add better data and  
10 scientific information and coordination on this topic.

11 Specifically, what we'd like to thank the Ocean  
12 Protection Council and the staff for taking additional  
13 time and effort to further discuss this guidance, as well  
14 as taking additional time for public comment, as we went  
15 through the process before it was finalized. And  
16 specifically for Chair Betty Yee's balanced advocacy for  
17 ports and harbors, we're greatly appreciative of that.

18 OPC staff has already reached out to our staff in  
19 San Diego, as well as the San Diego Regional Climate  
20 Collaborative, which is a group we participate in, and  
21 also provide financial support to. And we look forward to  
22 further coordination and engagement on this topic.

23 So with that, that concludes my remarks. Thank  
24 you very much.

25 CHAIRPERSON YEE: Thank you very much for coming



1 forward.

2 Deborah do you want come back forward for  
3 Commissioner questions or comments.

4 Questions, Commissioners?

5 Well, let me -- okay.

6 COMMISSIONER NEWSOM: I had the chance, OPC last  
7 year, I think we had a three-hour conversation on the  
8 topic. And so I just -- I want to acknowledge that and  
9 compliment the work and the collaboration that's being  
10 done, and the sincerity and significance of the endeavor.  
11 And so I just wanted to express that, and express your --  
12 express appreciation of your leadership as well.

13 OPC EXECUTIVE DIRECTOR HALBERSTADT: Thank you.

14 CHAIRPERSON YEE: Thank you, Deborah. Let me  
15 echo that as well, and really appreciate the partnership  
16 in this effort. Although, I'm feeling like now is the  
17 time where the real work begins, and it's going to be  
18 tough. But I wanted to just delve a little bit, and I  
19 we're all thinking about this. And you've had some really  
20 robust stakeholder input as well.

21 But just in terms of the assistance that we're  
22 going to be providing, particularly to some of the local  
23 agencies, and how we help them with even kind of messaging  
24 to their constituents about, you know, the importance of  
25 the issue, how we interpret the science, because this is

1 going to be a long-term effort that will be with them.  
2 There will be controversy when they pick scenarios. And  
3 so -- and then not to mention the costs that will be  
4 associated with how to do adaptation or, you know,  
5 whatever strategy is employed.

6 So I just wanted to ask whether you've kind of  
7 thought that far ahead in terms of implementation,  
8 messaging, or just kind of interpretive messaging?

9 OPC EXECUTIVE DIRECTOR HALBERSTADT: Yeah. No,  
10 those are excellent points, and I entirely agree that this  
11 is a many year process.

12 CHAIRPERSON YEE: Yeah.

13 (Laughter.)

14 OPC EXECUTIVE DIRECTOR HALBERSTADT: So what  
15 we've decided to do is take some time at the front end to  
16 really work with our State partners to ensure that we have  
17 a unified approach. That we're not providing  
18 contradictory guidance or information to our local and  
19 regional partners. So we're really starting now with that  
20 conversation, and we're going to have workshops with our  
21 State partners. We've already met with the sea level rise  
22 leadership team. We've met with the Coastal and Ocean  
23 Climate Action Team. And we're going to continue to do  
24 those meetings as we develop kind of a unified way of  
25 talking about really complicated and charged issues like

1 managed retreat, like how do you deal with the H++ ice  
2 melt scenario that is terrifying to everyone.

3           Once we have a little more of a solid  
4 understanding of how State entities will be interpreting  
5 that, then we will be going out to do the local and  
6 regional outreach.

7           CHAIRPERSON YEE: Good. Good. No, and I think  
8 all of us will continue to have input, and we're happy to  
9 continue to participate.

10           I mean, this is so sensitive and if I were a  
11 local agency, I would be kind of freaking out right now --  
12           (Laughter.)

13           OPC EXECUTIVE DIRECTOR HALBERSTADT: Yeah.

14           CHAIRPERSON YEE: -- about what -- about what  
15 we're about to embark on. But I mean simple things like,  
16 you know, how we reconcile some of the sea level rise  
17 projection tables that differed from different points in  
18 time, and, you know, kind of what the thinking was behind  
19 that or the science behind that, I think, would be  
20 helpful.

21           OPC EXECUTIVE DIRECTOR HALBERSTADT: Yeah.

22           CHAIRPERSON YEE: And I agree with you, I think a  
23 unified message from -- on the part of the State would be  
24 terrific.

25           I will continue to advocate for the ports,

1 because they are our trustees, and we care a lot about  
2 them. But also I'm sensitive to some of the smaller  
3 projects that don't have a lot of capacity. And so -- but  
4 we're going to continue to be a partner in just fleshing  
5 all those issues out. So thank you.

6 OPC EXECUTIVE DIRECTOR HALBERSTADT: Yeah, thank  
7 you very much.

8 CHAIRPERSON YEE: Thank you.

9 Other questions or concerns?

10 Great. Thank you so much for being here.

11 OPC EXECUTIVE DIRECTOR HALBERSTADT: Thank you.

12 CHAIRPERSON YEE: And thank you for the great  
13 work.

14 Okay. Our next item is Item 96. This is also an  
15 informational report on the -- it's an update on the San  
16 Diego Ocean Planning Partnership. And let us have the  
17 staff presentation on that.

18 (Thereupon an overhead presentation was  
19 presented as follows.)

20 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Hi. Well  
21 as this is pulling up, good after -- what are we in?

22 No, we're still in morning. Good morning,  
23 Commissioners.

24 CHAIRPERSON YEE: Good morning.

25 STAFF ENVIRONMENTAL SCIENTIST FARNUM: My name is

1 Maren Farnum and I am the State Lands Deputy Project  
2 Manager for the San Diego Ocean Planning Partnership.  
3 This morning, I'll be sharing our early learnings from  
4 this pilot project. And I would like to thank our  
5 partners at the Port of San Diego for being here this  
6 morning with us today.

7         The San Diego Planning Partnership is a pilot  
8 project spearheaded by the State Lands Commission and the  
9 Port of San Diego to understand the seascape of current  
10 and emerging ocean uses, and to establish a process to  
11 enhance management opportunities to balance the different  
12 ocean uses for the State-owned tidelands and submerged  
13 lands located in the Pacific Ocean offshore of San Diego  
14 County.

15         I just want to make clear that this effort is  
16 located in the State waters offshore of San Diego County,  
17 not within San Diego Bay itself. There's a number of  
18 planning efforts currently going on within San Diego Bay  
19 that we hope to compliment with this effort.

20         We are developing an interactive spatial tool  
21 that will be user-friendly and available for anybody to  
22 use to find out more about the ocean space, inform  
23 resource management, and provide for increased  
24 communication and coordination opportunities between ocean  
25 users, resource managers, and coastal communities. This

1 project is stakeholder -- is a stakeholder driven effort  
2 that relies heavily on the best available science, and  
3 publicly available data.

4 --o0o--

5 STAFF ENVIRONMENTAL SCIENTIST FARNUM: For  
6 members of the public, I'll describe who we are as the  
7 partners and our relationship to this ocean space. The  
8 State Lands Commission has exclusive jurisdiction over the  
9 ungranted sovereign and submerged lands and tidelands of  
10 the State. We seek to balance sustainable resource use  
11 with conservation, and to manage these lands responsibly  
12 for the benefits of all Californians.

13 --o0o--

14 STAFF ENVIRONMENTAL SCIENTIST FARNUM: The Port  
15 of San Diego serves the communities surrounding San Diego  
16 Bay. It is a specially created district balancing  
17 multiple uses on 34 miles of waterfront along San Diego  
18 Bay and spanning five cities.

19 The Port manages granted sovereign lands within  
20 the bay, and has strong relationships with regional  
21 stakeholders, and a broad and diverse knowledge base built  
22 from its role as a hub for diverse marine uses.

23 --o0o--

24 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So why are  
25 we doing this in San Diego in the first place? The

1 coastal waters off of San Diego County are really an idea  
2 pilot area, because of the diversity of uses and  
3 stakeholders that are there. This broad range of uses  
4 includes, but is not limited to, academic research,  
5 military, maritime, and commercial and recreational  
6 fishing. Our stakeholders include folks from across the  
7 spectrum from regional, State, and federal agencies, and  
8 private groups representing academic, environmental,  
9 social, economic and defense concerns.

10 --o0o--

11 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Our  
12 partnership is a natural extension of our shared  
13 management responsibilities under the Public Trust  
14 Doctrine, and the connected ocean space that supports  
15 Public Trust uses from the open coast through the bay.

16 Our planning effort seeks to gather comprehensive  
17 information from all of these important Public Trust uses,  
18 including navigation, commerce, fisheries, recreation, and  
19 environmental stewardship, and is not centered around just  
20 one singular use or one type or another.

21 --o0o--

22 STAFF ENVIRONMENTAL SCIENTIST FARNUM: To  
23 formalize our partnership and establish a foundation for  
24 communication and coordination, we entered into a  
25 Memorandum of Agreement with the Port in 2016. We worked

1 together to develop our principles including a commitment  
2 to transparent, robust public engagement, and a planning  
3 process to reduce the potential for conflict among Public  
4 Trust uses, and consider ways to effectively and  
5 responsibly inform decision making.

6 --o0o--

7 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So this is  
8 a little hard to see right now. You can take a look later  
9 at it, but I wanted to kind of let you know where we are  
10 at right now, and where we are heading. So since the  
11 signing of the MOA, we have made significant progress with  
12 initial stakeholder engagement and data collection. We're  
13 here today to hear what we've learned so far from the  
14 stakeholders.

15 But also, I just want to show you sort of some of  
16 the next milestones that are coming up. So today's look  
17 is going to be a brief sort of high level look at  
18 stakeholder feedback. But soon, we will be releasing a  
19 very detailed draft preliminary assessment report that  
20 will contain much more robust information about this  
21 stakeholder engagement process, our data collection, and  
22 the development of our interactive spatial tool. And it  
23 will also provide recommendations for the next steps and  
24 the next phases of this project.

25 We anticipate releasing the draft report at the



1 end of summer in August followed by a public comment  
2 period. And during this time in early fall, we'll also  
3 hold two public meetings in the San Diego County area, one  
4 in the northern area of the county and one in the southern  
5 area to elicit feedback from just public communities as  
6 well.

7 We'll then revise the draft based on that  
8 feedback and individual public comments with a plan to  
9 release a final draft in the winter. And also within the  
10 late fall/early winter, we hope to release a beta form of  
11 our interactive spatial tool. That will work a little bit  
12 the way as the preliminary assessment draft in terms of we  
13 want to elicit public feedback. We want to see how users  
14 do with it, and what more things they'd like to see within  
15 it, sort of what works and what doesn't about it. So it  
16 will be a little bit of a testing phase there.

17 And we want to make sure that it's responsive as  
18 possible to the needs of ocean users and resource  
19 managers.

20 --o0o--

21 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So now  
22 going into our early learnings from stakeholders about  
23 ocean planning. I just wanted to talk about sort of where  
24 we're at right now. We're still just finishing up these  
25 individual meetings with a whole host of diverse

1 stakeholders listed there. And then again, we will be  
2 doing more broader public engagement coming up. That's on  
3 deck.

4 --o0o--

5 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So in all  
6 of our stakeholder meetings, we asked them the same set of  
7 questions in order to gain a consistent set of responses  
8 that we can use to identify the major priority needs,  
9 opportunities, and common challenges that folks are  
10 facing. And this will just be a walk-through of some of  
11 those questions and some of the general responses we've  
12 been receiving.

13 So we tried to get a sense of what experience a  
14 stakeholder already has with ocean planning and what it  
15 means from their perspective. We hope to learn from these  
16 prior planning processes, though many of them have had  
17 different objectives and purposes than our own.

18 Many of our stakeholders have participated in  
19 some kind of ocean or marine spatial planning process  
20 before, as you can see here. Some of those include the  
21 Marine Life Protection Act, which initiated the creation  
22 of the statewide Marine Protected Area network along our  
23 coast, engagement with the Pacific Fisheries Management  
24 Council around fishery-specific planning efforts; the  
25 Integrated Natural Resource Management Plan, which is

1 going on within San Diego Bay, and environmental review of  
2 planning processes through NEPA or CEQA.

3 And finally, some folks have been participants in  
4 the West Coast Regional Planning Body, which brings  
5 together California, Washington, and Oregon to plan in  
6 state and federal waters. Ourselves, as State Lands  
7 Commission, and the Ocean Protection Council are the two  
8 representatives for the State of California.

9 --o0o--

10 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So we also  
11 asked how folks are currently using the ocean space. And  
12 as you can see, we have stakeholders really representing  
13 all of our Public Trust uses. And this is how they are  
14 using the space: Navigation, safety and security.  
15 There's a number of commercial uses. Recreation is a huge  
16 deal in San Diego, as well as conservation and resource  
17 management, and academic research with some major academic  
18 institutions there involved in ocean science, including  
19 San Diego State University, University of California, San  
20 Diego, and Point Loma.

21 --o0o--

22 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So some of  
23 the challenges that ocean users are currently facing are  
24 limited resources and funding to carry out their  
25 activities, difficulty understanding and navigating the

1 complex regulatory environment for ocean activities, and  
2 changing ocean conditions, such as beach erosion, sea  
3 level rise, other impacts from climate change.

4 And as this space becomes more crowded, there is  
5 some common challenges users are anticipating looking  
6 ahead to the future. And those include the increased  
7 potential for conflict between users, competing for the  
8 same areas in resources, and the subsequent pressures and  
9 impacts to Public Trust resources.

10 --o0o--

11 STAFF ENVIRONMENTAL SCIENTIST FARNUM: There are  
12 many benefits that our stakeholders are interested in  
13 seeing realized through our pilot planning process. This  
14 process, by bringing so many users, resource managers, and  
15 communities together could enhance coordination to work on  
16 regional issues. Jason mentioned the San Diego Regional  
17 Climate Collaborative, that's one such example of a  
18 regional -- regional effort to address an issue.

19 And they also think that this could enhance  
20 coordination, communication amongst themselves as  
21 stakeholders, and provide better access to robust  
22 comprehensive, public information about the ocean.

23 --o0o--

24 STAFF ENVIRONMENTAL SCIENTIST FARNUM: We are  
25 asking our stakeholders to help us be mindful and proceed

1 through the process in a thoughtful way that understands  
2 the lessons of the past, and allows us to develop this  
3 pilot to respond to their current needs.

4 Our stakeholders have asked that we continue to  
5 demonstrate our commitment to public outreach and  
6 engagement, supporting the consideration of diverse  
7 perspectives. Some stakeholders have raised concerns that  
8 this effort will result in new zoning designations that  
9 could exclude certain uses that are permitted currently,  
10 and others have expressed concern that this will result in  
11 additional regulatory burdens.

12 They have encouraged us to provide a clear and  
13 well communicated vision, develop a process to resolve  
14 conflicts, and ensure the process is public and  
15 transparent.

16 --o0o--

17 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So we've  
18 already gone over some of these next steps.

19 Oops, something just went away there.

20 Sorry there's some animation on this slide. But  
21 again, our draft early assessment report will be released  
22 at the end of the summer, followed by a public comment  
23 period, followed by the release of our interactive spatial  
24 tool for beta testing, and then our final preliminary  
25 assessment report which will again lead to recommendations

1 for the next phase

2 --o0o--

3 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So with  
4 that, I just want to thank you, and ask for any questions  
5 you have. I'd be happy to answer them.

6 CHAIRPERSON YEE: Great. Thanks, Maren.

7 Any questions from the Commissioners at this  
8 point?

9 We do have a couple speakers on this item. So  
10 let me have you just sit tight for a second, okay.

11 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Sure.

12 CHAIRPERSON YEE: We have two representatives  
13 from the Port of San Diego. Let me call up Lily Tsukayama  
14 and Jason Giffen.

15 MR. GIFFEN: Hello again. Good afternoon, Chair  
16 Yee, Commissioners, Commission staff. Again, Jason Giffen  
17 on behalf of the Port of San Diego. Thank you for  
18 attention -- your attention to this item. We recognize  
19 this is an important project, both for the Chair and the  
20 Commission, as well as our board. It's a priority,  
21 especially for our Chairman, given this year that Rafael  
22 Castellanos's theme for this year is ocean optimism.

23 So a lot of optimism gaining information about  
24 the assessment going forward and then what are the next  
25 steps.

1           To complement your staff's presentation, we are  
2 happy to report on the progress thus far for the  
3 partnership. Just last week, we provided a presentation  
4 and update to our board on preliminary observations. And  
5 I'm happy to report our board was very positive about the  
6 work done so far and was complimentary of the work  
7 completed to date, and really appreciates the opportunity  
8 to work together with the Commission on this partnership.

9           Not only are we, as the Port and State Lands  
10 Commission, building a strong foundation or our working  
11 relationship, but it's been a very important stakeholder  
12 engagement effort as well. We've had the opportunity to  
13 speak with and hear from dozens of people from local,  
14 State, federal agencies, nonprofits, the fishing  
15 community, business owners and other ocean users about  
16 their vision for the future of our oceans.

17           In particular, this process has really  
18 strengthened our long-standing relationships. You heard  
19 me talk a little bit earlier about the Navy, but also it  
20 has helped with institutions like the National Oceanic  
21 Atmospheric Administration, locally the Scripps Institute  
22 of Oceanography.

23           And of particular interest, I'd like to point out  
24 the strengthening of our relationship with the local  
25 commercial fishing community, which initially were, you

1 know, a little reluctant at first to embrace on a topic  
2 like this.

3 But we forged a really good relationship with  
4 them. And frankly, they've come up with some terrific  
5 ideas. One example is really focusing on creating a  
6 process as a result of the assessment to folks on conflict  
7 resolution, be proactive about avoiding conflicts up front  
8 as opposed to deal with them in retrospect.

9 As Maren said, we still have many milestones to  
10 meet. And we, as the Port of San Diego, look forward to  
11 continuing that voyage together with you at the  
12 Commission. We recognize that the State Lands Commission  
13 has many strong relationships with other trustee ports and  
14 granted lands trustees, and we're grateful for your choice  
15 to partner with us. And we think that this process could  
16 be replicable and provide benefit to other ports and  
17 harbors throughout the State.

18 So thank you.

19 CHAIRPERSON YEE: Thank you, Jason, very much.  
20 Love the theme, ocean optimism. As Anne says, great  
21 bumper sticker for these times.

22 Lily, please.

23 MS. TSUKAYAMA: Good afternoon. I think it's  
24 past noon, so I'm going to say afternoon --

25 CHAIRPERSON YEE: Yes.



1 MS. TSUKAYAMA: -- Commissioner Chair Yee,  
2 Commissioners and staff. My name is Lily Tsukayama. And  
3 I'm a planner with the Port of San Diego. I was a Sea  
4 Grant Fellow with the port last year in their first year  
5 of hosting Fellows, and the San Diego Ocean Planning  
6 Partnership was one of the primary projects that I worked  
7 on, and it's something that I still dedicate time to in my  
8 current full-time position at the Port.

9 I'm grateful to have this time today to share my  
10 experience on this pilot project with the State Lands  
11 Commission. As a former Sea Grant Fellow and now as Port  
12 staff, it has been a really great learning experience to  
13 be part of such a large and unique partnership.

14 As Jason said, we have had the great opportunity  
15 to speak with and hear from dozens of stakeholders. And  
16 it may sound obvious or redundant to hear that  
17 stakeholders want a transparent and inclusive process, but  
18 I also find it encouraging and positive to hear such a  
19 consistent message from such a wide variety of  
20 stakeholders. This is not something to be taken for  
21 granted, and it's a testament to some of the guiding  
22 principles that were memorialized in our MOA and workplan,  
23 including scientifically informed decision making,  
24 transparent, robust public engagement, and regional  
25 coordination.

1           Thank you for your leadership in this effort.

2   Thank you.

3           CHAIRPERSON YEE:   Thank you very much, Lily.   And  
4   let me just point out it's nice to have a former Sea Grant  
5   Fellow as the lead for the Port, as we have our Sea Grant  
6   Fellow as our lead on this effort from our office.

7           Thank you.

8           A couple thoughts on this.   And thank you, we  
9   really appreciate the partnership with the Port of San  
10   Diego, especially the engagement with the fisher  
11   community, as I know they probably came into this with a  
12   bit of skepticism.   But their optimism about the process I  
13   think is exactly right.   We do want this to really be  
14   about having a process for conflict resolution for any --  
15   for all parties that have any engagement with the use of  
16   this ocean space.

17           But I suspect they like many others who are still  
18   sharing a bit of skepticism about the project believe that  
19   this effort is about creating zoning or new regulatory  
20   measures, which is not the case at all.   So I'm going to  
21   reiterate that at every public moment I can.   I wish the  
22   Port would do the same and help us do that, because this,  
23   I think, is a very, very optimistic effort that could  
24   really bring parties together in a very, I think,  
25   coordinated way, but also a very useful way.

1           And I hope that -- and I will meet with the Chair  
2 separately of the board -- of your board, but I'm hopeful  
3 by the end of the year, we can actually see the spatial  
4 tool, which has been really going -- undergoing a lot of  
5 work, and -- as well as the assessment really being in  
6 good shape to be released.

7           My one question that had to do with, because I  
8 think this is an important one as the stakeholder  
9 engagement process, and that is at what point do the  
10 comments from various stakeholders, where do we put those,  
11 just so everyone is aware of what they are and we're  
12 public about them?

13           STAFF ENVIRONMENTAL SCIENTIST FARNUM: So we hope  
14 to capture a lot of that information within the  
15 preliminary assessment draft.

16           CHAIRPERSON YEE: Okay.

17           STAFF ENVIRONMENTAL SCIENTIST FARNUM: And also  
18 we -- I guess we want to make the point too that  
19 stakeholder engagement is not intended to end when we  
20 release the preliminary assessment draft.

21           CHAIRPERSON YEE: Right, exactly.

22           STAFF ENVIRONMENTAL SCIENTIST FARNUM: We  
23 absolutely intend to carry forward working with all of  
24 these stakeholders in a collaborative way. And we're  
25 going to rely on the preliminary assessment draft

1 recommendations to inform how we do that. So we might  
2 begin, for instance, organizing folks into more working  
3 groups around, you know, specific topic areas that might  
4 be appropriate. But we're going to rely on our  
5 stakeholders themselves to understand what form of  
6 engagement they would like to see moving forward. And so  
7 we do hope to capture their feedback though initially in  
8 this draft.

9 CHAIRPERSON YEE: Okay. That's great. You know,  
10 my view about the spatial tool is that could it be very  
11 helpful in terms of providing information to all of the  
12 parties. And so I'm hopeful that we could see that before  
13 the end of this calendar year.

14 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Yes.

15 CHAIRPERSON YEE: Okay. That will be the goal?

16 STAFF ENVIRONMENTAL SCIENTIST FARNUM: That is  
17 the plan.

18 (Laughter.)

19 CHAIRPERSON YEE: Okay. And hopefully, the Port  
20 is in agreement with that as well.

21 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Yeah.

22 CHAIRPERSON YEE: But I think a lot of good work  
23 has been put into this. So that should be a possibility.

24 STAFF ENVIRONMENTAL SCIENTIST FARNUM: And we do  
25 also intend for the tool itself to also kind of be a

1 living product --

2 CHAIRPERSON YEE: Yes, yes.

3 STAFF ENVIRONMENTAL SCIENTIST FARNUM: -- and to  
4 have the ability to incorporate new data and science as it  
5 becomes available. And so that we're also working on a  
6 plan -- this is kind of, you know, boring, but we do need  
7 to also put together a plan for the tool's maintenance,  
8 and operation, and upkeep. And that will also be  
9 something that we work on internally.

10 CHAIRPERSON YEE: Okay. Very well. Thank you  
11 very much.

12 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Yes.  
13 Thank you.

14 CHAIRPERSON YEE: Jennifer, any other thoughts on  
15 this?

16 EXECUTIVE OFFICER LUCCHESI: (Shakes head.)

17 CHAIRPERSON YEE: Okay. Great.

18 Thank you to the Port representatives for being  
19 here.

20 All right. Jennifer, do we want to go back -- do  
21 we want to go back to Item 92, do you think?

22 EXECUTIVE OFFICER LUCCHESI: It's at your  
23 discretion.

24 CHAIRPERSON YEE: Do we have all the  
25 representatives here for that item?

1 EXECUTIVE OFFICER LUCCHESI: Yes. Yes, we do.  
2 We can move to 92.

3 CHAIRPERSON YEE: Thank you very much. Before we  
4 move forward let me just welcome our representative from  
5 the Lieutenant Governor's office, Sloane Viola who will be  
6 sitting in for the Lieutenant Governor.

7 Thank you.

8 Good afternoon.

9 (Thereupon an overhead presentation was  
10 presented as follows.)

11 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
12 PEMBERTON: Good afternoon. Thank you, Chair Yee and  
13 Commissioners. My name is Sheri Pemberton. And I'm just  
14 going to give you an update on where we are with our  
15 revision of our Environmental Justice Policy.

16 --o0o--

17 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
18 PEMBERTON: I just wanted to kind of go back to the  
19 beginning. We have previously established an  
20 Environmental Justice Policy in 2002. But we realized  
21 that it was time to take another look at it and update it,  
22 and really roll up our sleeves and dive into that work.

23 So we then began a long process of outreaching to  
24 environmental justice communities everywhere in this --  
25 well, in a lot of places throughout the state, as much as

1 we were able. And we're continuing to do that. We also  
2 educated ourselves as staff on what environmental justice  
3 means, why it's important, and how our work intersects  
4 with environmental justice.

5 --o0o--

6 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
7 PEMBERTON: We kind of gradually realized through that  
8 process what elements we thought would be essential to put  
9 in an Environmental Justice Policy. And that's how our  
10 draft policy that we circulated in late May emerged.

11 --o0o--

12 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
13 PEMBERTON: So in late May, we circulated a draft  
14 Environmental Justice Policy. And a few weeks later, the  
15 Environmental Justice Working Group, who has been advising  
16 us as we -- as we try to develop a better, stronger  
17 Environmental Justice Policy also gave us recommendations  
18 for the policy. And their recommendations which have give  
19 guiding principles and eight focus areas --

20 --o0o--

21 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
22 PEMBERTON: -- are on our website. And some members of  
23 that working group are here today. So they'll talk more  
24 about their recommendations.

25 We also received comments on the draft from our

1 staff and from others. And we've continued to do  
2 one-on-one conversations with environmental justice  
3 communities and advocates throughout the state. And now  
4 we're working on our second revised draft that we hope to  
5 circulate in the coming weeks.

6 And we also this past Tuesday convened a  
7 community outreach meeting with the San Francisco Bay  
8 Conservation and Development Commission, and California  
9 Coastal Commission. And we felt that it was a really,  
10 really effective successful event. There was a lot of  
11 lively, engaging, heartfelt, robust participation that  
12 really -- that really helped all of our three agencies  
13 understand more about community concerns and priorities,  
14 and what people care about, and how they -- how they want  
15 to see government work -- work for them and with them.

16 So we're currently kind of synthesizing all that  
17 information, and we'll be following up. And then in the  
18 coming months, we're also planning some additional  
19 outreach sessions, similar to what we did in Oakland with  
20 other community members throughout the state.

21 --o0o--

22 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
23 PEMBERTON: And I think that we are on our way to  
24 transforming our Environmental Justice Policy. And also  
25 building a sense of trust among those that we've been



1 reaching out to and working with. And so that concludes  
2 my comments. And I think we have a few presenters here to  
3 also speak on this

4 CHAIRPERSON YEE: Thank you very much, Sheri.  
5 Thank you for your ongoing work with this. Let me -- I  
6 know there might be other speakers who have signed.

7 EXECUTIVE OFFICER LUCCHESI: I was -- I don't  
8 believe Mari Rose filled out a speaker card, but I'd like  
9 to introduce Mari Rose and Lucas, members of the  
10 Environmental Justice Working Group --

11 CHAIRPERSON YEE: Right.

12 EXECUTIVE OFFICER LUCCHESI: -- who would like to  
13 present --

14 CHAIRPERSON YEE: Please.

15 EXECUTIVE OFFICER LUCCHESI: -- some of their  
16 recommendations.

17 CHAIRPERSON YEE: Okay.

18 (Thereupon an overhead presentation was  
19 Presented as follows.)

20 MR. ZUCKER: Good afternoon, Commissioners. My  
21 name is Lucas Zucker. I'm the Policy Director at CAUSE,  
22 Central Coast Alliance United for a Sustainable Economy.  
23 We're an organization that does community organizing and  
24 advocacy for social, economic, and Environmental Justice  
25 in Ventura and Santa Barbara counties. And we started

1 doing environmental justice work over a decade ago in the  
2 City of Oxnard, actually on an issue that was a State  
3 Lands Commission decision, which was stopping the LNG  
4 terminal which would have been the largest source of air  
5 pollution in our community.

6 Won that on a 2 to 1 State Lands Commission vote  
7 thanks to the leadership here, and, you know, thousands of  
8 community members who mobilized.

9 And most recently been working the last four  
10 years on working to stop the proposed Puente Power Plant  
11 in Oxnard.

12 MS. TARUC: Good afternoon. I'm Mari Rose Taruc.  
13 I have been coordinating the Environmental Justice Working  
14 group for the last six months. And just a little of my  
15 Background. I've been doing environmental justice  
16 organizing for 25 years and was recently the co-chair of  
17 the AB 32 Environmental Justice Advisory Committee that  
18 brought and developed the 2030 Climate Scoping Plan into  
19 play in December.

20 So with that, Lucas and I are going to tag team  
21 on this presentation. And we have some slides for you.  
22 And the slides really are -- we wanted to -- the  
23 Environmental Justice Working Group is bigger than the two  
24 people that you see here.

25 --o0o--

1  
2 MS. TARUC: And we wanted to bring pictures of  
3 folks that we work with in the communities and what these  
4 communities look like so that you can understand the  
5 context of how we arrived at these EJ recommendations.

6 So if you can go to the next slide.

7 --o0o--  
8

9 MS. TARUC: So the EJ Working Group -- oh, I get  
10 the click. Wonderful.

11 The Environmental Justice Working Group are these  
12 eight EJ advocacy organizations up and down the State from  
13 the north we have Azul works with Latino communities on  
14 ocean -- on ocean issues. We have Communities for a  
15 Better Environment, that span both Richmond, Oakland,  
16 Wilmington -- down south L.A., Wilmington, Huntington  
17 Park. We have Center for Race, Poverty, and the  
18 Environment that works primarily in the Central Valley.  
19 Leadership Counsel for Justice and Accountability, also in  
20 the upper Central Valley and Fresno. We've East Yard  
21 Communities for Environmental Justice in the Long Beach  
22 and South L.A. area. Sacred Places Institute in Native  
23 Lands that is now southern California, and WILDCOAST in  
24 San Diego.

25 --o0o--

1 MS. TARUC: So these -- the Environmental Justice  
2 Working Group developed recommendations in two major  
3 areas. And I think -- I want to thank -- we want to thank  
4 the Commission for your leadership in wanting to recommit  
5 to and -- the agency to environmental justice and really  
6 creating the opportunity to revamp your Environmental  
7 Justice Policy, because there are ideas that folks have on  
8 the ground that folks didn't know how to share them with  
9 you. And so you opening up your EJ policy process allowed  
10 for these different organizations and communities to feel  
11 like they could be engaged in your process.

12 And so over the five months, there's been an  
13 iterative process between the EJ Working Group meeting,  
14 meeting with your staff, looking at each other's drafts of  
15 the policies and recommendations. And what the group  
16 arrived at are recommendations that are both a process for  
17 inside your organization, and then recommendations that  
18 are in these issue areas, where the groups wanted you to  
19 understand more about the context of what's happening on  
20 the ground, so that you can help make better decisions  
21 about environmental justice related to those issues.

22 So Lucas and I are going to cover some of the  
23 issue areas first, and then we'll go through the internal  
24 process recommendations.

25 So the issue areas -- we looked at eight

1 different issues or programs. We don't know -- quite know  
2 how you call it within your agency, but these are  
3 California Native American tribes and indigenous peoples;  
4 climate change in terms of planning for adaptation and  
5 resilience; a lot of the operations within oil and gas,  
6 ports and the transportation that comes with ports and the  
7 transportation impacts; public access and conservation,  
8 which I think when we first heard of your jurisdiction  
9 often is what is talked about is around recreation and  
10 conservation. So that -- that's number five.

11 Renewable energy, because there is a lot of work  
12 that EJ communities have been doing on renewable energy,  
13 on generation in California, that benefits disadvantaged  
14 communities; water, and as it relates to pollution, and  
15 sewage, and solid waste going into the water, including  
16 wastewater, and then development on the waterfront that  
17 you may be -- you may have jurisdiction over.

18 Lucas and I are going to cover three top issue  
19 areas with you today. We highlight these three issue  
20 areas as areas that we think when you start to implement  
21 your new EJ policy are ones that we would like you to look  
22 at really deeply first to see what changes you can make in  
23 those areas.

24 --o0o--

25 MS. TARUC: So the first of the three are around

1 California Native American Tribes and indigenous peoples.  
2 So that map on the right just shows you that there --  
3 there are hundreds of indigenous groups in California  
4 still. And Angela Mooney D'Arcy was going to come and  
5 present today with she's with the Sacred Places Institute  
6 for Indigenous Peoples. But inclement weather in  
7 Washington D.C. kept her there, and she couldn't come  
8 today.

9 But one of the things that I've been learning  
10 from Sacred Places Institute especially as a person who's  
11 been doing environmental justice work for a long time, for  
12 over 20 years in California, is that there's a lot more  
13 that I could learn and do better to be a better ally to  
14 Native American communities here in California.

15 I've learned from Angela that we often look at  
16 California history, and even the State Land -- the history  
17 of the State Lands Commission as starting from when  
18 California started. But she reminds us that before  
19 California claimed these lands, they had to exterminate  
20 indigenous communities to claim this as California land,  
21 and to remind us that. And that that is not just history,  
22 and that those -- the tribes are not just history, they  
23 are still alive today, and that they want to return to  
24 their lands. And what is the opportunity within the State  
25 Lands Commission jurisdiction about land transfers or

1 allowing them to be -- to reclaim their ability to manage  
2 the lands that they're -- that they still have  
3 relationship to, as people living today, and as  
4 communities living today.

5 So I think that's the main message that I think I  
6 have gotten from the folks in the EJ Working Group around  
7 this recommendation around tribes.

8 Now, I'll pass it off the Lucas for the others.

9 --o0o--

10 MR. ZUCKER: Great. I'll be covering ports and  
11 energy and fossil fuels. So we really appreciate that the  
12 draft environmental justice policy put together by staff  
13 recognizes the need to address the major impact of port  
14 operations, and the logistics industry overall, and the  
15 air quality and coastal access of communities of color.

16 State Lands decisions shape the massive numbers  
17 of trucks, ships, trains moving through California ports,  
18 as well as along the freeways and railways that are used  
19 to transport goods from shipping terminals to inland  
20 warehouses and distribution centers.

21 So with the explosive growth of global supply  
22 chains and on-demand online retail, the logistics industry  
23 continues to expand across the west coast, meaning greater  
24 and greater public health impacts in our communities, from  
25 sources like diesel trucking.

--o0o--

MR. ZUCKER: We really hope to see the State Lands Commission utilize its powers to push for the clean up of ports and freight across the California coast. And prevent and mitigate impacts on disadvantaged communities from commercial activities that take place and originate Public Trust Lands. This can be done by engaging with other agencies and with private industry to promote zero-emission vehicle adoption at ports and throughout the logistics industry; advocating for ports to provide public benefits to the surrounding communities such coastal access points, environmental health programs; and using your oversight authority to prevent harmful projects at our ports, such as coal export infrastructure at the Port of Oakland.

We also recognize the important role that State Lands Commission has in the energy sector with both fossil fuel and renewable energy leases throughout the state. And our communities have long borne the greatest burdens of fossil fuels from extraction, to processing, to burning.

So we urge the Commission to use its jurisdiction wherever possible to clean up oil and gas operations in environmental justice communities, particularly where they're close to homes, schools, or other sensitive



1 receptors.

2           This includes preventing the expansion of oil  
3 refineries in communities like Wilmington and Richmond,  
4 fighting federal plans to open the coast to offshore  
5 drilling, stopping new fossil fuel infrastructure such as  
6 coastal power plants, liquefied natural gas terminals and  
7 oil pipelines.

8           And we believe it's critical for the Commission  
9 to analyze both the upstream and downstream impacts of any  
10 oil and gas development, which pollutes our communities  
11 from cradle to grave.

12           The Commission can also play an important role in  
13 ensuring a socially and economically just transition to  
14 clean energy, including championing the decommissioning  
15 and clean up of old oil and gas facilities in our  
16 communities; prioritizing renewable energy development in  
17 our communities, which have historically borne the  
18 environmental burden of dirty energy, yet are too often  
19 left out of the economic benefits of clean energy.

20           So environmental justice is not just about  
21 equitable policy, but also about equitable process. So I  
22 want to get into a little bit moving beyond kind of the  
23 specific policies, but to the general process of how the  
24 Commission engages with communities members --

25                           --o0o--

1           MR. ZUCKER: -- not just with this commission,  
2 but with, you know, all public agencies. Our communities  
3 are too often left out of policy making, lack the  
4 resources of powerful industries to influence decision  
5 making, and face economic, social, and other barriers to  
6 participation.

7           To change this, agencies like State Lands must  
8 make a cultural shift, including changes to internal  
9 structure and day-to-day operations.

10           At the staff and Commission level specifically,  
11 we recommend the State Lands Commission adopt training for  
12 agency staff in environmental justice and social equity,  
13 including engagement directly with environmental justice  
14 organizations and community residents, and prioritize  
15 hiring staff with both lived and professional experience  
16 within environmental justice communities.

17           We also urge State Lands to create an  
18 environmental justice advisory committee, and to allow  
19 environmental justice representation directly on the  
20 Commission. These are both steps that other State  
21 agencies have already taken, such as the California Public  
22 Utilities Commission, California Air Resources Board, and  
23 the California Coastal Commission.

24           We also stress that due to the deep systemic and  
25 institutional barriers that disadvantaged communities face

1 to engaging with State Agency processes, equal opportunity  
2 to participate will not result in equitable actual  
3 participation on the ground. Community engagement really  
4 has to be more than checking boxes of legal requirements  
5 like providing translation and really moving into  
6 involving dedicating meaningful resources to proactive  
7 outreach to marginalized community members, and building  
8 partnerships directly with community organization, who  
9 hold the relationships and trust, as well as the cultural  
10 linguistic competency to engage on the represented  
11 populations.

12 Finally, CEQA analysis of projects for State  
13 Lands decisions should include an environmental justice  
14 section, including demographic assessment of impacted  
15 communities, historic environmental burdens and cumulative  
16 impacts, and potential impacts to both public health and  
17 coastal access.

18 Commission decisions should take this analysis  
19 seriously by seeking to prevent harm rather than allowing  
20 risks. Analyzing all possible alternatives, and seeking  
21 to provide benefits rather than simply mitigating impacts  
22 in EJ communities.

23 Pass this back over to Mari Rose to --

24 MS. TARUC: You want to close it out.

25 MR. ZUCKER: Oh, that's right. I'm closing out.

1 Sorry about that.

2 (Laughter.)

3 MR. ZUCKER: All right. So that's our  
4 presentation kind of -- you know, those three policy  
5 issues, as well as the eight, as well as kind of the  
6 process recommendations. We'd love to hear from you where  
7 you see kind of our recommendations, and kind of what  
8 you're hearing from EJ groups kind of intersecting with  
9 existing State Lands policy and with the proposed EJ -- EJ  
10 policy draft. And here are some of your thoughts.

11 CHAIRPERSON YEE: Right. Thank you very much,  
12 both of you for the presentation. Let me -- before we  
13 open it up, we do have couple speaks on this. So you  
14 might want to hear from them before we have our  
15 discussion. Let me invite Jason Giffen and Jennifer  
16 Savage. Please come forward.

17 MR. GIFFEN: Okay. Thank you. Good morning  
18 again, Chair Yee, Commissioners, and Commission staff for  
19 one final time today.

20 (Laughter.)

21 MR. GIFFEN: I'm Jason Giffen here on behalf of  
22 the Port of San Diego. And I'd like to thank the  
23 Commission and staff for taking time to provide an update  
24 on this very important topic in providing time for public  
25 feedback and outreach, as every voice needs to be heard.

1           As you know, and as I mentioned this morning, the  
2 Port of San Diego has a mission to protect and promote  
3 Public Trust uses including commerce, navigation,  
4 fisheries, recreation, and environmental stewardship. To  
5 balance these uses, the Port of San Diego has been taking  
6 a proactive innovative and thoughtful approach to how we  
7 move forward with our plans, and how we manage these uses.

8           In this role, one important initiative for us, as  
9 I've presented before, is our port master plan, which will  
10 include policy guidance for high level elements, such as  
11 natural resources, mobility, economic development, as well  
12 as guidance for our 10 planning districts around the bay.  
13 Our draft policies are informed by our integrated planning  
14 vision and guiding principles, which include planning  
15 principles, as well as values and standards principles.

16           One example of a planning principle is to  
17 guarantee the public realm, which is intended to maximize  
18 waterfront access, create meaningful public spaces  
19 throughout the bay accessible to everyone, which clearly  
20 is in alignment with the draft policy for environmental  
21 justice.

22           One example of our values and standards  
23 principles for this update is also to promote clean air,  
24 healthy communities, and environmental justice also in  
25 alignment. So as a trustee port, we look forward to

1 seeing the policy progress, and hope the themes and  
2 principles from the final policy can inform our own work  
3 as we update documents like our port master plan.

4 We do intend to provide a formal comment letter  
5 on the draft policy. But just to give you a brief  
6 preview, here are some of our preliminary thoughts. We  
7 appreciate the inclusion of shared values like a clean  
8 environment for all peoples and partnering with ports like  
9 San Diego throughout the state to promote sustainable  
10 freight.

11 We think some of the partnership language in the  
12 policy can be strengthened. For example, the Port of San  
13 Diego has strong working relationships as a jurisdiction  
14 located in a border region. And this may benefit  
15 implementation once the policy is completed.

16 Given our location, as I said, near the border,  
17 as well as neighboring working -- traditional and  
18 historical working waterfront communities, stakeholder  
19 and -- meetings in San Diego would always -- we'd be  
20 always appreciative and welcome those meetings in San  
21 Diego. And I might point out, like the day we have  
22 outside today, we have probably over 300 of those in San  
23 Diego, so come on down.

24 (Laughter.)

25 MR. GIFFEN: You have heard me mention fishing a

1 couple times this morning. So one item that seems absent,  
2 given be our shared trust responsibilities, is related to  
3 subsistence fishing. In San Diego alone, we have several  
4 public fishing piers, both around the bay and off the pier  
5 of Imperial Beach, which is on the Pacific Ocean, which  
6 serve as essential public amenities for communities who  
7 rely on piers to catch local fish to support their weekly  
8 dietary needs. In San Diego -- in San Diego, namely these  
9 serve our Filipino, Vietnamese, and Spanish speaking  
10 communities.

11 In fact, to support these groups, our fishing  
12 advisories on the piers are translated and posted in those  
13 three languages, as well as English to provide additional  
14 support for those communities.

15 That concludes my brief remarks, and we will  
16 be -- we look forward to continuing working with the  
17 Commission and Commission staff as this policy evolves.

18 CHAIRPERSON YEE: Thank you so much. Thank you  
19 so much for being here.

20 Jennifer.

21 MS. SAVAGE: Hi. Jennifer Savage, Surfrider  
22 Foundation. Surf Rider is, of course, committed to  
23 ensuring coastal access, healthy beaches, and clean water  
24 for all people. We would like to commend you for updating  
25 the EJ policy, and implementing it in the most effective

1 way.

2 This would be the right thing to do at any time.  
3 In the current political climate, it is clearly more  
4 imperative than ever. In particular, we'd like to support  
5 the ideas of having an EJ rep on the Commission, of  
6 strengthening community outreach to improve engagement,  
7 the inclusion of environmental justice and project  
8 analysis. And further, in my own work as a regional  
9 stakeholder during the MLPA process on north coast, it was  
10 a very educational experience working with so many tribal  
11 representatives. And one takeaway was that there's a very  
12 long way to go. So I would like to echo the points that  
13 were made in the presentation and encourage further  
14 outreach with the tribes in California.

15 So finally, I'd just like to make sure -- or ask  
16 you to make sure that the suggestions that have emerged  
17 are incorporated into the policy, and help guide the  
18 Commission and staff as you continue to move forward with  
19 your commitment to protecting the Public Trust.

20 Thank you.

21 CHAIRPERSON YEE: Thank you, Jennifer.

22 All right. Comments, Commissioners, on this?

23 Jennifer, any thoughts?

24 EXECUTIVE OFFICER LUCCHESI: I just really want  
25 to thank Mari Rose and Lucas for making the trip to



1 present to the Commission today.

2 I also want to acknowledge the enormous amount of  
3 time and energy that has been put to assisting the  
4 Commission and its staff in developing our policy, and  
5 providing recommendations from the Environmental Justice  
6 Working Group.

7 You know, from a personal level, I have always  
8 kind of prided myself on being able to listen well, and  
9 understand, and be empathetic. I think over the last six  
10 months, particularly working with the Environmental  
11 Justice Working Group members, engaging more directly with  
12 communities, and honing our ability to try -- put  
13 ourselves in their shoes, listening, seeking to  
14 understand, we have begun to understand how much more work  
15 that our Commission can do. And as a staff, that cultural  
16 shift that Mari Rose and Lucas were speaking to, that  
17 cultural shift is already starting to happen, but we have  
18 a long ways to go.

19 And frankly, it's long, long, long, overdue,  
20 and -- but I'm also very excited to make progress in  
21 shifting that culture among staff. And so I'm just very  
22 grateful. And I think our entire internal EJ team that is  
23 made up of staff from all of our divisions, and is putting  
24 a lot of effort and passion into this -- to the --  
25 developing the policy, and implementation plan to make

1 sure it's meaningful, I think, were -- we are just all  
2 very grateful for the time that community members,  
3 representatives, the Environmental Justice Working Group  
4 have all put towards working with us on this.

5 CHAIRPERSON YEE: Absolutely. Thank you. And I  
6 want to just compliment the staff, because, you know,  
7 these are efforts, particularly on the part of government,  
8 that easily could be thrown together, but -- and they have  
9 been thrown together frankly in the past. And this is  
10 something that's much more deliberative, much more about  
11 really deepening understanding in terms of the experiences  
12 of our environmental justice community members, and taking  
13 that time.

14 And one thing I know, just in terms of the  
15 challenges going forward, will be, you know, we are but  
16 one State agency that will have potential impact on your  
17 communities, and so -- just how do we be sure that we  
18 continue to engage you. I want to see you build capacity  
19 around the work that you're doing. It's important. I can  
20 say as one Commissioner, I would like to see this be more  
21 integrated in terms of our own thought process for the  
22 long term, rather than ending up just having, you know,  
23 some sort of a consultative process, that this is really  
24 an integration effort.

25 So -- and I appreciate the ports being here, the

1 Port of San Diego particularly, because this is really all  
2 of our -- all of our stakeholders in terms of the work  
3 that we do at the Commission.

4 But I know that you are interfacing with other  
5 State agencies as well. And I just say keep at it. Keep  
6 at it. And just very appreciative that you're here today.

7 Thank you.

8 Yes, please.

9 ACTING COMMISSIONER WONG-HERNANDEZ: Thanks.  
10 Thank you all for being here. I've asked staff in our  
11 briefings a lot of questions about this process, and about  
12 the Environmental Justice Policy we have here. And it's  
13 been really informative for me to see -- and inspiring to  
14 see what feels like a really genuine process for seeking  
15 to understand, and to move forward together in a way  
16 that's meaningful and true. And I think it will have  
17 other lessons for other State agencies. I mean, it's  
18 something that, you know, I'm able to take back with me to  
19 a lot of the different departments and agencies that I  
20 work with that are dealing with the same sorts of issues.  
21 You know, we dealt with this in cap and trade recently.  
22 It's been an ongoing conversation. But how it rolls out,  
23 it varies. And I think that this could really be a model  
24 for starting that collaboration and being very willing to  
25 come and listen and to devote that time.

1 I also appreciate the documents that you all have  
2 provided, because I think that when we put things down on  
3 paper too, even if they change, and even if they get  
4 edited, and we're taking in more perspectives into  
5 account, we can use those documents in other places too,  
6 as a -- as a place to kind of start a conversation, and to  
7 say, you know, here's what the Environmental Justice  
8 Working Group for State Lands Commission has done, and  
9 here are the kinds of things that we should think about.

10  
11 And a lot of this conversation, both with staff  
12 and also some of the documents I've seen from the  
13 Environmental Justice Working Group is a lot of proactive  
14 steps. It's not about a specific project. It's about a  
15 mindset, and it's about appreciating these issues sort of  
16 going forward.

17 So thank you all for helping to educate me on  
18 this as well.

19 CHAIRPERSON YEE: Thank you. Yes, please,  
20 Sloane.

21 ACTING COMMISSIONER VIOLA: So I'd like to just  
22 echo the comments from the other Commissioners, and our  
23 Executive Officer to express our gratitude for the  
24 participation from the EJ Working Group.

25 I've been fortunate to participate in the

1 Government Alliance for Racial Equity work with State  
2 Lands Staff. And that experience has been so eye-opening  
3 and deeply moving. And one of the strongest takeaways  
4 we've learned there is that engagement with communities is  
5 the critical bedrock of environmental justice work to  
6 promote meaningful policies.

7 And so I would -- you know, just based on that,  
8 really, deeply extend our gratitude to the EJ working  
9 group for their participation and hope that this leads to  
10 a greater partnership moving forward, and hopefully that  
11 our partnerships with other agencies can also have a  
12 positive influence.

13 CHAIRPERSON YEE: Thank you very much.

14 Any other comments?

15 Great. Thank you, Mari Rose, thank you, Lucas,  
16 for making the trip up. Really appreciate your  
17 presentation.

18 Okay. Let's move on to our next item, I believe  
19 is Item 97. This is an informational update on the  
20 Commission funded study. This is the study of short-based  
21 ballast water reception and treatment facilities in  
22 California. And we have a presentation.

23 Good afternoon.

24 (Thereupon an overhead presentation was  
25 presented as follows.)

1 MARINE ENVIRONMENTAL PROTECTION DIVISION

2 ASSISTANT CHIEF DOBROSKI: Good afternoon, Commissioners.  
3 Last, but hopefully not least.

4 My name is Nicole Dobroski. I'm one of the  
5 Assistant Chiefs of the Commission's Marine Environmental  
6 Protection Division, and I'm manager of the Marine  
7 Invasive Species Program.

8 I'm here today to present to you an informational  
9 report on a Commission funded study to assess the  
10 feasibility of shore-based ballast water treatment to meet  
11 California's interim ballast water discharge standards.

12 The Commission originally approved funding for  
13 the study in 2013. And the Commission contracted with the  
14 Delta Stewardship Council to manage the study. And in  
15 2014, the Delta Stewardship Council entered into contract  
16 with the Glosten Associates a Naval architecture and  
17 marine engineering consulting firm to perform the study.

18 The Delta Stewardship Council also engaged a  
19 five-member independent review panel with expertise in  
20 wastewater management, economics, marine vessel design,  
21 and marine biology to review all drafts of the report and  
22 provide comments.

23 The final report was presented to Commission  
24 staff in April of this year, and we present to you today  
25 to inform you about the report's conclusions. The results

1 of the study will be incorporated into a Commission report  
2 to the legislature that will assess the availability of  
3 ballast water treatment technologies to meet California's  
4 interim ballast water discharge standards. That  
5 legislative report will be presented to the Commission for  
6 consideration later this year.

7 The overview of the shore-based feasibility study  
8 will be presented by Kevin Reynolds, principal  
9 investigator from the Glosten team. In the audience, we  
10 also have George Isaac, a senior environmental scientist  
11 with the Delta Stewardship Council. George. And Dr.  
12 William Cooper, Chair of the independent review pane. All  
13 are available to answer any questions you have. And I'll  
14 pass off the presentation to Kevin.

15 CHAIRPERSON YEE: Please.

16 MR. REYNOLDS: Good afternoon, Commissioners. My  
17 name is Kevin Reynolds. I'm with Glosten Associates.  
18 We're marine engineering consultants. It was a privilege  
19 to be able to work with a team of six experts in marine  
20 biology, economics, port development, wastewater treatment  
21 and ourselves as marine engineers and naval architects.

22 --o0o--

23 MR. REYNOLDS: The challenge that we had in front  
24 of us was the current status is ships are discharging huge  
25 amounts of ballast water into California waters. And that

1 ballast water has a threat of invasive species.

2           Currently, international and federal requirements  
3 are requiring the ships to manage the ballast water on  
4 board the ships themselves and take essentially more than  
5 100,000 living organisms and reduce it down to less than  
6 10. So that's a 99.99 percent removal with the ship-board  
7 equipment.

8           So the task in front of our team, our team of six  
9 companies, was if we offload that ballast water to a shore  
10 facility, can we get it down to non-detectable in a 50  
11 organisms size class, or can we get it down to 1000 times  
12 the federal requirement for these smaller organisms

13           Careful to note that we weren't tasked with the  
14 question of is it worth it, or what is the reduction in  
15 invasive species introduction potential. It's just can we  
16 do it? What are the other impacts, things such as  
17 pollution to the air? What's it cost and how long does it  
18 take to get it done?

19                               --o0o--

20           MR. REYNOLDS: To put it into scope, we get 12.8  
21 million metric tons is discharged into California waters  
22 annually. That's about nine million gallons of day. It  
23 comes from container ships, bulk carriers, oil tankers,  
24 articulated tug and barges, cruise ships, car carriers,  
25 and. There's 1500, so 1,500 ballast water discharges



1 annually. So it's a lot of vessels. California is a huge  
2 State, and this is a massive amount of water.

3 --o0o--

4 MR. REYNOLDS: So we've broken it down into a  
5 little bit more digestible. We said all right, let's just  
6 look at Oakland, Stockton, Port Hueneme, El Segundo and  
7 LA/LB as representative.

8 So the first question was what do you have to  
9 actually do to the ship to be able to present this --  
10 these huge streams of water. So we looked at that. It  
11 turns out about 150,000 to \$425,000 of retrofitting the  
12 ships themselves to pass off the water.

13 We then took a look and said what's the practical  
14 means of who are we going to give the water too? One idea  
15 is you give it to land-based piping systems. And you can  
16 see it to new wastewater treatment plants, or existing  
17 wastewater treatment plants. What does that look like?

18 Well, for LA/LB, that's about 50 miles of piping.  
19 So obviously the efforts for permitting, the efforts for  
20 buy -- getting the land use for 50 miles of piping is  
21 quite significant.

22 Alternatively, we took a look and said about  
23 seven new wastewater treatment barges could -- could be an  
24 alternative. And the cost difference for LA/LB was we're  
25 looking at \$1.8 billion for the land piping, 50 miles of

1 piping plus new treatment facilities or about \$326 million  
2 for these new barges. We also looked at the other end of  
3 the spectrum. Port Hueneme has a very small amount of  
4 ballast water discharges in terms of volume and  
5 infrequency, and we came with up a similar ratio.

6 So working with Bill Cooper in the independent  
7 science panel, we determined let's move forward with  
8 barges as compared to land based piping networks.

9 --o0o--

10 MR. REYNOLDS: Once we -- the next step is can we  
11 actually meet the standard. So this is a different  
12 standard than all the technologies that have been  
13 developed to date for international and federal  
14 requirements. And our experts Kennedy/Jenks in wastewater  
15 treatment said, yes, this is technically feasible. It's  
16 technically possible. We can send the water onto the  
17 barge. We can take it through flocculation processes. We  
18 can use settling. We can use ultraviolet radiation. We  
19 can use membrane filtration. And then it goes into the  
20 receiving waters, the bays. And they said, yes, we can  
21 meet that requirement.

22 However, it hasn't been done yet, so we haven't  
23 done this on barges, and we haven't done this particular  
24 type of water. So there must be a prototyping phase and a  
25 scale-up phase, where it actually gets practiced before

1 it's reduced to certainty.

2 --o0o--

3 MR. REYNOLDS: Now, that's a single barge. How  
4 would we cover the entire state? The concept is breaking  
5 the state into six zones that can be serviced by a group  
6 of barges to make sure that you get more than 99 percent  
7 coverage. So when a ship is looking to discharge, there  
8 could be a barge waiting there. That came up with a total  
9 of 24 barges statewide that would be able to reliably  
10 receive the water coming off of vessels.

11 --o0o--

12 MR. REYNOLDS: The cost was estimated at \$3.62  
13 billion over a 30-year lifecycle. So lifecycle considers  
14 what's it take to do the construction, and then what does  
15 it make to maintain this over time? About 60 percent of  
16 that cost, so the red piece of the pie chart, would be  
17 borne directly by the ship operators. That's really  
18 refitting the ships themselves.

19 So the ship is doing that \$150,000 to \$425,000  
20 refit. Recall, we've got about 1,500 discharges a year.  
21 So it's going to affect a great number of ships.

22 One thing to note is of that 1500 discharges,  
23 that's only about one in six vessels actually discharges  
24 ballast water. So there's about 7,500 ships that come.  
25 So it's just a subset of ships that you see out there in

1 harbors that are actually discharging.

2 In terms of -- so a single ship, that's their  
3 impact. So an operator needs to decide am I going to  
4 spend then money so I can come to California?

5 The other 40 percent of that \$3.62 billion is  
6 what it takes to run the treatment barge network. So the  
7 bill for getting this barge to come up to manage a single  
8 ship discharge would be somewhere between \$36,000 and  
9 \$118,000.

10 In terms of unit cargo, we're looking at a couple  
11 dollars per ton of grain or oil, \$18 per shipping  
12 container handled, \$11 per automobile, or \$46 for a cruise  
13 ship passenger that's looking to take a holiday.

14 --o0o--

15 MR. REYNOLDS: So will this affect the market?  
16 Is this going to change how we conduct commerce in  
17 California?

18 So all the way on the right there, the single  
19 ship, the vessels that have dedicated trade in California  
20 will likely perform the modifications required. The  
21 vessels who work on a spot market, meaning that they don't  
22 necessarily know they're coming to California. They may  
23 actually be going to Vancouver, British Columbia, or  
24 through the Panama Canal. They may elect not to do these  
25 refits and be California ready. So it would be a

1 reduction in available vessels for what we call spot  
2 market trade.

3 In terms of that one ballast water discharge, if  
4 there's a bulk ship calling in Stockton, the day rate,  
5 what does the ship earn in a given day is about \$18,000 a  
6 day. For them to pay about \$120,000 to manage the ballast  
7 water means they have almost nine days worth of revenue to  
8 go somewhere else instead.

9 So it seems things like this would be a major  
10 impact for bulk carriers calling in a place like Stockton.  
11 These remote smaller ports would be significantly impacted  
12 by these sort of expenses.

13 In terms of unit cost, how is it going to affect  
14 actual cargoes? If it's an optional cargo, the cargo may  
15 go or it may not go, it's not something absolutely  
16 required, often called discretionary, it's about one for  
17 one. So if we see a 5.6 percent increase in a cruise ship  
18 passenger ticket, we probably see a 5.6 percent decrease  
19 in the usage of those vessels. So we would see a real  
20 actual cost in the market.

21 --o0o--

22 MR. REYNOLDS: We then look at emissions, what's  
23 the emissions cost for this additional reduction in  
24 aquatic nuisance species? It takes about six times the  
25 energy to go from 100,000 organisms or more to

1 non-detectable as compared to going from \$100,000 to less  
2 tan 10.

3           So you can meet -- if you can meet with one pound  
4 of CO2, the federal standard, it will take six pounds of  
5 CO2 to meet the State standard. So that's a six times  
6 increase. Does it mean anything in terms of California?  
7 Is this a six times increase of a lot or a little? We can  
8 say it's about -- if we look at South Coast basin, it's  
9 about a two to five percent increase in pollution from  
10 harbor craft. So it is -- it is a significant amount.

11                       --o0o--

12           MR. REYNOLDS: So conceptually, what this would  
13 do is take water that's being pumped off the ship, and  
14 instead it's pumped off to a barge. The barge then goes  
15 through a treatment process and it puts that water into  
16 the harbor, and then it also collects some solid waste.

17           This is well in alignment with U.S. Coast Guard  
18 and EPA rules. They both have in their sets of  
19 requirements the option to do this process. So we're okay  
20 in terms of Coast Guard and EPA. In terms of State Lands  
21 Commission, they've made it very clear through inquiries  
22 that just because you send it to another facility, you  
23 can't just call it municipal water. You still must meet  
24 the aquatic nuisance species requirements to make sure  
25 that there's not toxicity from the treatment process. So

1 that also is a green light. They recognize that this is a  
2 possible omission.

3 In terms of the water boards, they have the  
4 delegation from EPA to issue permits. And we've started  
5 initial discussions, and there were no significant  
6 barriers there for permitting.

7 --o0o--

8 MR. REYNOLDS: This is going to take about --  
9 from the -- if it was decided to proceed, it would take  
10 about nine years to implement, three years for undergoing  
11 permitting for doing this prototyping, approving the  
12 technology, rulemaking, in particular, communicating to  
13 those thousands of ships that will call in California that  
14 you need to undergo this retrofit, change your vessel to  
15 give the water to these barges.

16 We'd also take the time to design and build the  
17 barges, so we could start receiving the water after about  
18 seven years and phase it in between seven years to nine  
19 years for full implementation.

20 --o0o--

21 MR. REYNOLDS: In summary, the -- it is  
22 practical. We can capture the ballast water leaving  
23 ships. And the technology is available to meet the  
24 California interim standard, but we need to prove it first  
25 with the prototyping and the pilot projects, because

1 there's going to be bumps as you transfer that technology.

2 A barge-based network can grab those 1500 ballast  
3 water discharges. It's about a \$3.5 billion cost, mostly  
4 borne by the shipping industry in refitting their ships.  
5 It would require about \$552 million investment to build  
6 this network of barges. We'll see a significant -- we'll  
7 see an impact on discretionary cargo. We would see an  
8 impact on small and remote parts. One concept there is --  
9 and that's, of course, if each port paid its own way, if  
10 there was a cost sharing across ports, that would be a  
11 mitigating measure. Harbor craft emissions would be  
12 increased, and it would take about nine years to  
13 implement.

14 --o0o--

15 MR. REYNOLDS: Thank you.

16 CHAIRPERSON YEE: Thank you very much, Mr.  
17 Reynolds.

18 I think we have a public speaker on this item.  
19 Is John Berge still in the audience.

20 Please come forward.

21 Good afternoon.

22 MR. BERGE: Thank you, Commissioner Yee, Deputy  
23 Commissioners.

24 My name is John Berge, and I'm with the Pacific  
25 Merchant Shipping Association. Thank you for the



1 opportunity to provide some public comment here.

2 I'd like to start by recognizing the work of the  
3 Delta Stewardship Council and the Glosten Associates in  
4 producing this report. It was a long, long time in  
5 developing and coming forward. We Don't agree with all  
6 the findings and recommendations, but we do find the  
7 report to be very comprehensive and substantive.

8 And I realize this is not an action item, and  
9 we've written or submitted written comments in more  
10 detail. But I just wanted to highlight a few issues.  
11 Although, I must point out that Mr. Reynolds pretty much  
12 highlighted those issues for me ahead of time.

13 Firstly, I think the question of the proposed --  
14 whether the proposed strategy will actually meet the  
15 California standard is critical. The study finds that it  
16 may. That's based on theoretical performance  
17 specifications. But considering the hurdles in making  
18 that determination, we agree with the report that that  
19 question should be thoroughly answered before further  
20 steps are considered.

21 Secondly, the actual environmental benefits that  
22 could be achieved. Mr. Reynolds described the 99.99  
23 percent versus 99.999 percent reductions in organisms.  
24 And it's worth pointing out, I think, that in 2011, the  
25 National Academy of Sciences did a study to determine the

1 risk reduction based on various discharge standards. And  
2 they actually found that you could not infer a measurable  
3 risk reduction in bioinvasions based on small differences  
4 in discharge standards. So it's very likely that whatever  
5 extra reduction is achieved would be immeasurable.

6 Third, I do want to point out one conflict we  
7 have with Mr. Reynolds' suggestion, and that is the  
8 proposed deployment strategy doesn't really comport with  
9 existing State law. The study recommends a phased  
10 approach, which makes perfect sense from a technical and  
11 economic perspective. However, the State discharge  
12 standard, which is currently in abeyance, applies to all  
13 discharges in State waters.

14 So if the barge system would be the only method  
15 to achieve that standard, then essentially you would have  
16 to have a fully deployed barge system throughout every  
17 port in the state. And every vessel entering the port or  
18 entering the state would have to be capable of using that  
19 system before the -- the discharge standard could enter  
20 into force.

21 And conversely, until such time as the discharge  
22 standard enters into force, there would really be no  
23 incentive for a ship to employ the use of a barge at great  
24 cost when compliance can be achieved through methods  
25 already at hand. So that's something to consider. I

1 think the time frame really becomes the nine years or  
2 beyond rather than being phased in.

3 And finally, in terms of economic impacts, I  
4 think the study did a good job of addressing many of those  
5 concerns. I can't vouch for the study's figures or  
6 economic models, but we do agree that certain trade  
7 routes, trade sectors, and certain small ports will be  
8 disproportionately affected, and could essentially become  
9 uncompetitive.

10 Again, thank you for the opportunity. I  
11 understand the staff will be analyzing this report going  
12 forward. And we look forward to working with them in that  
13 process.

14 CHAIRPERSON YEE: Thank you very much.

15 Great. Thank you.

16 Jennifer, you want to talk about next steps or  
17 maybe --

18 EXECUTIVE OFFICER LUCCHESI: Yeah, I'm happy to.  
19 So just to recap a little bit. The Legislature  
20 established the California interim ballast water discharge  
21 standard in statute in 2006. The Commission's charge is  
22 to implement those standards based on the best available  
23 technology.

24 Thus far, no ship-board ballast water treatment  
25 systems have been shown to meet California's stan --

1 interim ballast water discharge standards. The purpose of  
2 this report was to assess the feasibility of meeting the  
3 standards via shore-based reception and treatment. Our  
4 next steps include providing the legislature with all the  
5 information via our 2018 technology report, which we will  
6 be presenting to the Commission later on this year, so  
7 that the legislature can make a determination on whether  
8 or not they wish to continue implementation of the  
9 standards as written, or if they wish to make changes to  
10 the statute or alter -- to alter the existing framework.

11 I think generally speaking, all treatment  
12 technologies have pros and cons. And we want to use all  
13 the available information, especially this report, and our  
14 analysis of it to make the best possible recommendation to  
15 the legislature on how to proceed taking into account all  
16 the different perspectives and stakeholders' interests.

17 And finally, I just want to also give my thanks  
18 to the Delta Stewardship Council, and Glosten and  
19 associates for the work that they did. This really has  
20 been a long journey that we have all been on to publish  
21 this report. And I think this additional information will  
22 only add value to both the work that we have to do as the  
23 Commission, and the legislature's work in assessing future  
24 next steps.

25 CHAIRPERSON YEE: Thank you. Thank you very

1 much. Really appreciate the comprehensiveness of the  
2 study, and we look forward to the legislative response.

3 All right. Any other comments, Commissioners, on  
4 this item?

5 Okay. Very well. Thank you very much.

6 Hearing none.

7 Our next item of business is Public Comment. I'd  
8 like to, at this time, welcome to come forward Rohnert  
9 Park Council Member Jake Mackenzie who's joined us. He's  
10 chair of the Metropolitan Transportation Commission, and

11 ROHNERT PARK CITY COUNCIL MEMBER MACKENZIE: Here  
12 I am, Madam Chair. Thank you. Thank you for that  
13 introduction. I apologize for being late, but my Kaiser  
14 appointment interfered with your agenda.

15 (Laughter.)

16 ROHNERT PARK CITY COUNCIL MEMBER MACKENZIE: But  
17 this is a historic occasion for Sonoma County. And so --  
18 and as council member in the City of Rohnert Park, we  
19 share a postal address with Sonoma State University.

20 CHAIRPERSON YEE: Yes.

21 ROHNERT PARK CITY COUNCIL MEMBER MACKENZIE: But  
22 they are within our sphere of influence and not within our  
23 city limits. So we can't claim -- we can't claim that  
24 there's a constituency here to vote in city council  
25 elections, but we have a very close town and gown

1 relationship.

2           And so I thought as a Rohnert Park City Council  
3 Member it would be appropriate for me to welcome you here  
4 to this neighborhood. I apologize for not being here  
5 earlier to so do.

6           But the other thing I wanted to mention to you  
7 all is that as Chair of the Metropolitan Transportation  
8 Commission, I suspect that you're familiar with  
9 metropolitan planning organizations, and I suspect you're  
10 also familiar with Sustainable Communities Strategies  
11 under Senate Bill 375. And we, working with our  
12 colleagues in the Association of Bay Area Governments,  
13 last year signed off on Plan Bay Area 2040, one of the  
14 pillars of which is the question of resiliency, and how do  
15 we deal with sea level rise, in the years to come, as we  
16 tackle the problems of the jobs, housing, transportation  
17 balance in this nine-county area.

18           We've been grappling with this. We just  
19 concluded a Rockefeller Foundation funded  
20 resilient-by-design study. Again, you may be familiar  
21 with this on the Commission. If you're not, I command it  
22 to your attention, because design teams from all over the  
23 world presented about three weeks ago in Alameda the  
24 results of their reviews, possible solutions to the  
25 problems that are facing the Bay Area.

1           The one that's nearest, and may I say dearest to  
2 our hearts, is the North San Pablo Bay State Route 37,  
3 which thanks to the passage of Regional Measure 3 in the  
4 general actions, we now have \$100 million, so that we can  
5 get started with the process of doing Environmental  
6 Assessment and design.

7           One of the resilient-by-design projects by Common  
8 Ground showed a vision as to how we might deal with the  
9 transportation crisis that approaches as sea level rises.  
10 It was last year under flooding conditions that 37 was  
11 closed for about 21 days, caused major disruption, and  
12 that was a high tide, and some flooding.

13           And we and the Metropolitan Transportation  
14 Commission, and I suspect that you and the State Lands  
15 Commission, are convinced that sea level rise is real and  
16 not fake news.

17           So I just wanted to take this opportunity to let  
18 you know that we in MTC working with ABAG and obviously  
19 working with stakeholders in the nine Bay Area counties  
20 are dedicated to examining the potential for damage to all  
21 of our systems through sea level rise. And obviously,  
22 given your remit as the State Lands Commission, if there's  
23 some connection that needs to be made -- and I frankly  
24 wasn't familiar when I got the letter of invitation to our  
25 Mayor. And I thought State Lands Commission, sea level

1 rise. And then it dawned on me, if we haven't been  
2 talking to you guys, we should have been talking to you  
3 guys.

4 (Laughter.)

5 ROHNERT PARK CITY COUNCIL MEMBER MACKENZIE: So  
6 with that I thank you for the opportunity to address you,  
7 and welcome you belatedly to Sonoma County, the Rohnert  
8 Park postal address.

9 Thank you very much.

10 CHAIRPERSON YEE: Thank you very much Council  
11 Member Mackenzie. Really appreciate you being here,  
12 welcoming us, and look forward to working with you going  
13 forward.

14 Okay. We have now the public comment portion of  
15 on agenda. Let me call up our public speakers who have  
16 signed in, and we will give you three minutes each. First  
17 Grace Anderson will come forward followed by Jennifer  
18 Savage.

19 MS. ANDERSON: Good afternoon, members of the  
20 Commission. Our friends at the Capitol who visit our  
21 property frequently encouraged me to come speak to you  
22 today. My name is Grace Christy Anderson. I reside  
23 across from Sonoma State University, at a historic ranch  
24 dating to 1848, along with my husband and children who  
25 continue to work the land, much like our ancestors before



1 us.

2 My husband's family had been on that property  
3 since the 1840s, and are considered as part of California  
4 Golden Pioneers. I come to you today to bring to your  
5 attention a concern that I have in regards to the  
6 destruction of a portion of a hill by the City of Rohnert  
7 Park that is a part of a scenic byway, and adds to the  
8 beauty and richness of this part of Sonoma County.

9 I, along with many community members, find it  
10 unsettling that the composition of the Sonoma County  
11 Designated Resource Scenic Hill is being changed to the  
12 detriment of its beauty and purpose as a scenic byway.

13 We must protect our scenic designated lands like  
14 this hill for the enjoyment of our future generations, so  
15 they can see what the beauty of the area holds, much like  
16 the Chinese Californians, Native Americans, and early  
17 pioneers did at that very spot.

18 Happy to talk more with anyone who may be able to  
19 assist to bring attention to this issue. Thank you for  
20 your time. Welcome to Sonoma County.

21 Thank you very much.

22 CHAIRPERSON YEE: Thank you very much, Ms.  
23 Anderson.

24 MS. SAVAGE: Hi. Jennifer Savage Surfrider  
25 Foundation.

1 I wanted to just talk about two things very  
2 quickly. One is regarding the Tijuana River Valley and  
3 the problems down there with the sewage and the pollution.  
4 As you know, our San Diego chapter has been working on  
5 that extensively, along with many other non-profit groups,  
6 notably WILDCOAST, and along with Cal -- or not with them,  
7 but in coordination with them with -- along with the  
8 California State Water Resources Control Board.

9 Surfrider has filed a Notice of Intent to sue the  
10 U.S. International Boundary and Water Commission in -- as  
11 part of our fight for clean water along the San Diego  
12 coast. So I know that the attention that the State Lands  
13 Commission has brought on that issue has really caused a  
14 lot more attention to this issue. I was at a Department  
15 of Fish and Wildlife meeting yesterday, and there was a  
16 presentation by the Coastal Conservancy, and the one thing  
17 that they said that can be done is more and more attention  
18 on this issue. And I wanted to say thank you for your  
19 efforts, because I know that that has made a difference.

20 The other topic I wanted to talk about real  
21 briefly is, as you are probably aware, the Trump  
22 Administration on Tuesday repealed the National Ocean  
23 Policy, which is, of course, another blow to sensible and  
24 effective management and yet another attack on our ocean  
25 and coastlines.

1           This new policy will prioritize industrialization  
2 over clean waters, and what I would refer to as common  
3 sense.

4           (Laughter.)

5           MS. SAVAGE: And we need every line of defense  
6 employed with all the strength possible. And I'm hoping  
7 that -- there are two bills that are working their way  
8 through the legislature, SB 834 and AB 1775. Those are  
9 the ones that would stop new leases that could allow for  
10 new offshore oil drill -- oil and gas drilling.

11           I want to say of huge thank you to your staff,  
12 because I know they've been working very closely with the  
13 authors' offices to try to iron out any differences, so  
14 that ideally by the time you come back for your August  
15 meeting, I'm hoping that you'll be poised to offer support  
16 for those bills. So I wanted to flag that.

17           Thank you.

18           CHAIRPERSON YEE: Thank you, Jennifer. Thank you  
19 very much.

20           Let me have the next series of speakers come up.  
21 I believe they are speaking on the same issue. Mary  
22 Bernier followed by Alison - I'm sorry - Madden, and  
23 Emilio Diaz. Please come forward.

24           MS. BERNIER: Hello. Thank you for being here,  
25 madam Chair, Commissioners, everybody.

1           So I want to thank you for supporting the 2016  
2 legislation that would have allowed the Docktown houseboat  
3 floating home community to survive on Redwood Creek. You  
4 might have noticed there's a few photographs of the  
5 floating homes and boats. Because of different things  
6 that happened in the community, although the majority of  
7 people in the community in Docktown Marina wanted to stay  
8 for 15 years, it turned out that the people who had more  
9 attention from the media, and who had a lot of power, they  
10 didn't want that, so the legislation failed.

11           So now we've got some people here who will be  
12 speaking on that. Several of them are low income. And we  
13 have people interested in the community and nonprofits,  
14 and faith-based communities who hate the thought that this  
15 whole place would be demolished. And that, at this point,  
16 is pretty much what's expected.

17           The 30 -- well, 25 floating homes, there's a  
18 realtor, Robert Pedro, that's trying to find people to buy  
19 them. But it's a very difficult thing to do. The only  
20 kind of target population he has are people who have  
21 floating homes in Sausalito, where floating homes are  
22 allowed.

23           And he's brought a few people over there who want  
24 to swap out their older home for one of these, but it's  
25 not going to be easy. He figures maybe by November or

1 December he might be able to sell some.

2           The city was first charging the people who sold  
3 their homes \$60,000 for demolition, because there's simply  
4 no other room in any of the other marinas for floating  
5 homes. Marinas are for yachts, and sail boats, and stuff  
6 like that, not places that take up two or three slips.

7           So the idea from the faith-based communities and  
8 non-profits is asking our city, and asking you, if you can  
9 facilitate this, that we would be able to remodel these  
10 homes into low-income housing, and into homeownership  
11 possibilities, where people with low incomes could finally  
12 buy their -- a little boat. We had several families  
13 living on the boats with like two kids. And there's  
14 pictures of boats out there, about 10 of them.

15           We've got more that the city might or might not  
16 buy, just so they're not demolished. Because with the  
17 crisis in housing right now in our Bay Area, it just seems  
18 really sad to just have all of this stuff go down. The  
19 Boats won't. The boats they'll find somebody. They have  
20 an auctioneer who is going to auction the boats off. But  
21 the floating homes, they are two, and a few of them, three  
22 stories high.

23           And Habitat for Humanity was really interested in  
24 the idea, Referred us to Rebuilding Together Peninsula.  
25 There's a wonderful lady there Cari Pang Chen who helped

1 write the thing I wrote -- read last month, May 11th. And  
2 the whole thing is just unfortunate that it's going so  
3 slow. And it's my fault, because everybody else at  
4 Docktown is focused on their things, and I'm a terrible  
5 writer and I haven't gotten a proposal ready to bring to  
6 people.

7 But just hope you'll consider that. And you  
8 could facilitate it by letting the City know that you  
9 still would consider -- you know, similar to the 15 year  
10 proposal that didn't fly, so that we could save this  
11 housing and not have it destroyed. I think that's about  
12 it.

13 CHAIRPERSON YEE: Okay.

14 MS. BERNIER: Did you want to say something? I'm  
15 sorry.

16 CHAIRPERSON YEE: No, I was just -- and  
17 appreciate you being here on behalf of residents, Mary.  
18 It's -- I mean I trust you've been continuing to engage  
19 the city with respect to --

20 MS. BERNIER: You know, Steve is not here  
21 anymore. Steven Turner was here. Yeah, I bring these  
22 floating home pictures to the different meetings. And  
23 it's just that I need to have more support from the  
24 community, which is now -- I'm going to work on it. I've  
25 been the swing left. And it's amazing how many people you

1 meet in poor communities in the San Joaquin Valley that we  
2 need to do social service once you get back home here.  
3 It's nuts. And the war in Yemen. So I have to focus now,  
4 and I am focused.

5 CHAIRPERSON YEE: No, I understand. I  
6 understand.

7 MS. BERNIER: So, let's see, my other things,  
8 just photos, development. Oh, yeah, we've got some more  
9 things here. We've got photos of --

10 CHAIRPERSON YEE: Yeah.

11 MS. BERNIER: -- the condos that have been made.  
12 Is my three minutes up? I'll walk.

13 CHAIRPERSON YEE: Yes.

14 MR. BERNIER: Okay.

15 CHAIRPERSON YEE: Thank you.

16 MS. BERNIER: Thank you.

17 CHAIRPERSON YEE: Alison Madden followed by  
18 Emilio Diaz.

19 MS. MADDEN: Good day. Thank you for hearing  
20 from us. We wanted to continue to come, like I said at  
21 the last meeting in Palm Springs, which was really, really  
22 interesting. And I also really support that you go around  
23 the state. I think it's fantastic to engage with the  
24 local communities. We'd love to have you in Redwood City.

25 I -- one of the reasons is to just update you and

1 to keep the conversation opened. Like Mary mentioned, I  
2 think we've only come in an agendized item here once a  
3 year and a half ago, I think, April of 2016, and --  
4 actually two years ago now, in Berkeley.

5 And like with Lieutenant Governor Newsom, the  
6 City will have a change this fall with elections. We have  
7 the current Mayor who's a fantastic a person, who's Ian  
8 Bain, who came and spoke to you last time. He is terming  
9 out, and our former Mayor Seybert who was the one that  
10 wrote the proposal with conditions is not running I think  
11 he's moving on to a transportation role in public  
12 employment.

13 And so we -- we do -- we are still there. We  
14 have a petition for review in front of the Supreme Court  
15 with respect to a lawsuit in superior court that alleges  
16 that the Council never had jurisdiction to enter into the  
17 Ted Hannig settlement, and it was really the Port, who  
18 under the city charter is the sole body that was supposed  
19 to be dealing.

20 And, in fact, it's the Port that reports to the  
21 State Lands Commission on all the granted lands under the  
22 charter. So we're still moving forward with that. We  
23 believe we're going to be here past the new election, past  
24 when the new city council is seated. And that we're going  
25 to have an opportunity to come back with a different



1 proposal from that group of people. In fact one of them  
2 published today that she has gone through the first step  
3 of fostering some of the migrant children who have been  
4 separated from their families.

5 And, you know, there's so much that we can do  
6 with the properties down there. I really appreciate Mary.  
7 And I really invite you and ask you to look at all the  
8 hard work she's done putting the boards together out  
9 there.

10 My floating home is on there, and I have no idea  
11 where I'm going to put it, but I do believe we're going to  
12 be able to stay in the long run. And I do note that it  
13 was your staff and you that did indicate support for a  
14 longer time frame, the 15-years. And I also wanted to say  
15 that everyone that's down there, we are very sympathetic  
16 and agree with the no gift of Public Trust to individual  
17 people as oppose to an entire marina operator. We would  
18 like a nonprofit to operate the marina, have the profit go  
19 back into maintenance, Public Trust uses. You know, the  
20 communities cleans the creek. We run a yacht club,  
21 Sailing Safety, all kinds of things that are Trust  
22 related.

23 There's commercial, recreational, and the extent  
24 of the residential that we're asking for, we believe is  
25 consistent with the policies that you've had.

1           So there's so much more. This takes a long time  
2 to have this conversation go on, but we'd like to keep the  
3 conversation open. And, you know, hopefully, we'll be  
4 doing that post this election.

5           Thank you.

6           CHAIRPERSON YEE: Thank you very much.

7           Actually, while you're here, Jennifer, help me  
8 here. I feel like -- I really appreciate the updates,  
9 because obviously it's a very, very difficult and  
10 frustrating situation. On the other hand, I want to be  
11 sure the conversations are taking place with the right  
12 parties.

13          MS. MADDEN: Yes.

14          CHAIRPERSON YEE: And I know that we had  
15 encouraged a legislative resolution that did not work  
16 well. I'm hoping you're keeping your legislators in the  
17 loop.

18          MS. MADDEN: Yes, absolutely.

19          CHAIRPERSON YEE: Okay. And you're certainly  
20 engaging the city

21          MS. MADDEN: Yeah.

22          CHAIRPERSON YEE: I believe that the Commission's  
23 role in this is pretty minimal, aside from encouragement.  
24 Is that appropriate?

25          EXECUTIVE OFFICER LUCCHESI: Right. Right.

1 That's correct. We don't have any direct leasing  
2 jurisdiction over the tidelands and submerged lands at  
3 Docktown. Those lands have been granted to the city.

4 However, we are able to provide technical support  
5 and advice, which we did with legislative  
6 representatives --

7 CHAIRPERSON YEE: Right.

8 EXECUTIVE OFFICER LUCCHESI: -- back when a  
9 legislative solution was being sought. And we stand by  
10 ready to help in that role as well, you know, in the event  
11 that your legislative representatives in the City is  
12 willing to move forward along those line.

13 MS. MADDEN: Fantastic, we believe they will.  
14 And if I can talk for just 10 or 15 seconds, I do want to  
15 say that the attorneys in court they are posturing the  
16 offering of the Attorney General's advice letter and the  
17 position that the Commission has taken as a direct order  
18 to terminate now; residential use at Docktown, which I  
19 this is a misstatement of what actually happened, and how  
20 it unfolded, and how the opinion with regard to the policy  
21 was offered.

22 So I just wanted to say that it's actually in my  
23 notes, but there's so much to say that you know some  
24 things get skipped over. They're actually saying that you  
25 are the ones that ordered that they -- that they kick us

1 out.

2 Thank you.

3 CHAIRPERSON YEE: Good afternoon, Mr. Diaz.

4 MR. DIAZ: Good afternoon, Commissioners. My  
5 name is Emilio Diaz. I'm a 20-year old resident of  
6 Docktown.

7 I came there in '98. There was 400 residents  
8 across the way at Peninsula Marina. There was 300 boats  
9 in Pete's Harbor. And I wear -- Docktown had 120, now  
10 there's 20 people left. That's it. And unless we get  
11 something in court, we're out of there in 60 days, less  
12 actually, because I got that notice I think on Monday.

13 It's a real shame, because this is a really nice  
14 community that's gone down. And you know when people  
15 offer you over a million dollars for your homes, the big  
16 homes got that kind of stuff, and they left. But the  
17 small boats, the small little river boats, and anybody on  
18 a regular boat got very little. I was offered 15, and  
19 that's a 46-foot sail boat.

20 The -- I think that floating homes and marinas  
21 that let people live on them is a real good solution to  
22 water rise, because, you know, it obviously floats. And  
23 there's not going to be a problem there. And Sausalito  
24 and places like Seattle have beautiful floating  
25 communities. So that option should be open. Floating

1 communities should be a way to the future, rather than  
2 taking them out. Thank you.

3 CHAIRPERSON YEE: Thank you.

4 Any other members of the public who wish to  
5 address the Commission?

6 Any other comments by the Commission?

7 Jennifer, anything else?

8 EXECUTIVE OFFICER LUCCHESI: No.

9 CHAIRPERSON YEE: Okay. Thank you.

10 At this point, we will now recess into closed  
11 session? So let me ask the members of the public to  
12 vacate the room while the Commission meets in closed  
13 session.

14 (Off record: 1:22 p.m.)

15 (Thereupon the meeting recessed  
16 Into closed session.)

17 (Thereupon the meeting reconvened  
18 open session.)

19 (On record: 1:46 p.m.)

20 CHAIRPERSON YEE: Welcome back, everyone.

21 The Commission met in closed session and  
22 discussed pending litigation and settlements. Let me ask  
23 our Chief Counsel if there's anything to report out?

24 CHIEF COUNSEL MEIER: Yes. The Commission  
25 approved the terms of an engagement agreement with

1 ExxonMobil in the phase one agreement and settlement of  
2 claims related to the plug and abandonment of 32 wells  
3 associated with Platform Holly and nearby shoreside piers.  
4 Venoco acquired these wells from Mobil in 1967, and they  
5 subsequently relinquished the rights under bankruptcy --  
6 through bankruptcy. The Executive Officer has been  
7 authorized to execute the final agreement subject to  
8 continuing review and recommendation from the office of  
9 the Attorney General. The agreement will be published on  
10 the Commission's website upon execution.

11 CHAIRPERSON YEE: All right. Thank you very  
12 much.

13 Any other business to come before the Commission?

14 Seeing and hearing none, this meeting is  
15 adjourned.

16 Thank you all very much.

17 (Thereupon the California State Lands

18 Commission meeting adjourned at 1:47 p.m.)  
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20  
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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 Skype proceedings was taken before  
9 me, in shorthand writing, and was thereafter transcribed  
10 to the best of my ability with intermittent Skype  
11 connection, under my direction, by computer-assisted  
12 transcription.

13 I further certify that I am not of counsel or  
14 attorney for any of the parties to said meeting nor in any  
15 way interested in the outcome of said meeting.

16 IN WITNESS WHEREOF, I have hereunto set my hand  
17 this 5th day of July, 2018.

18  
19  
20   
21  
22

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