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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. INFORMATIONAL

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)

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- 93 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) 17
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A.	LITIGATION.	
	The Commission may consider pending and possible litigation pursuant to the confidentiality of attorney-client communications and privileges provided under Government Code section 11126, subdivision (e).	
1.	The Commission may consider pending and possible matters that fall under Government Code section 11126, subdivision (e)(2)(A), concerning adjudicatory proceedings before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the Commission is a party. Such matters currently include the following:	

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

Martins Beach 1, LLC and Martins Beach 2, LLC v.
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San Francisco Baykeeper v. California State Lands
Commission

San Francisco Baykeeper v. California State Lands
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Seacliff Beach Colony Homeowners Association v.
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Sierra Club, et al. v. City of Los Angeles, et
al.

SLPR, LLC, et al. v. San Diego Unified Port
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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
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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.

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Reporter's Certificate 149

P R O C E E D I N G S

1
2 CHAIRPERSON YEE: Good morning. I call this
3 meeting of the State Lands Commission to order. All the
4 representatives of the Commission are present. I am State
5 Controller Betty Yee. And I am joined today by Lieutenant
6 Governor Gavin Newsom, and Jacqueline Wong-Hernandez
7 representing the Department of Finance.

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

22 Today, our gratitude goes to the Pomo, Miwok and
23 Wappo who have the inhabited the Sonoma County area for
24 countless generations, including the lands on and around
25 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 --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.

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 a 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 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 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
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 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 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 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 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 WILD Coast, 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 dow. 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 Dockettown 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 Docketown.

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 -- Docketown 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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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.

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23 JAMES F. PETERS, CSR
24 Certified Shorthand Reporter
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