

MEETING  
STATE OF CALIFORNIA  
LANDS COMMISSION

CONTRA COSTA COUNTY BOARD OF SUPERVISORS  
BOARD CHAMBERS ROOM 107  
651 PINE STREET  
MARTINEZ, CALIFORNIA

THURSDAY, OCTOBER 24, 2019  
10:03 A.M.

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

A P P E A R A N C E S

COMMISSION MEMBERS:

Ms. Eleni Kounalakis, Lieutenant Governor, Chairperson

Ms. Betty T. Yee, State Controller

Ms. Keely Bosler, Director of Department of Finance,  
represented by Ms. Gayle Miller

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Colin Connor, Assistant Executive Officer

Ms. Pamela Griggs, Acting Chief Counsel

Mr. Nicholas Lavoie, Public Land Manager, Land Management  
Division

Ms. Sheri Pemberton, Chief, External Affairs Division

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Mr. Greg Boro, The SPHERE Institute

Supervisor Candace Andersen, Contra Costa County Board of  
Supervisors

Ms. Joanna Cassese, Crockett Community Foundation,  
Crockett Lions Club

Mr. Brandon Dawson, Sierra Club California

Mr. Destinee Dixon

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

ALSO PRESENT:

Mr. David Fraser, Chief of Staff, Contra Costa County  
Supervisor Federal Glover

Mr. Larry Hayden, Crockett Chamber of Commerce

Mr. John Kopchik, Department of Conservation, Contra Costa  
County

Mr. Alison Madden, San Francisco Bay Marinas for All

Mr. Dale McDonald, Crockett Community Services District

Mr. Heidi Petty, Contra Costa Resource Conservation  
District

Ms. Jennifer Savage, Surfrider Foundation

Mr. Igor Skaredoff, Contra Costa Resource Conservation  
District

Mr. Buckley Stone, San Francisco Bay Marinas for All

Ms. Helen Wolter, Committee For Green Foothills

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I 10:00 AM - Open Session	1
II Confirmation of Minutes for the August 23, 2019 meeting	3
III Executive Officer's Report	4

Memorandum of Understanding between the staffs of the California Coastal Commission and the California State Lands Commission to enhance coordination. Please go to the following link to read the Memorandum of Understanding.

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

· Devil's Isle, Inc (Lessee): Continuation of rent at \$2,140 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in White Slough and Little Potato Slough, adjacent to 14501 West Eight Mile Road, near Stockton, San Joaquin County. (PRC 6548.1)

· Pacific Gas and Electric (Lessee): Continuation of rent at \$3,443 per year for a General Lease - Right-of-Way Use located on sovereign land in the Sacramento River, adjacent to Sutter County Assessor's Parcel Number (APN) 35-330-020 and Yolo County APN 05-050-03, near Woodland, Sutter and Yolo Counties. (PRC 8856.1)

IV Consent Calendar 01-75	19
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The following items are considered to be noncontroversial and are subject to change at any time up to the date of the meeting.

Land Management

Northern Region

01 WARREN S. BRAY AND DARLENE PEARSON BRAY, AS TRUSTEES OF THE BRAY FAMILY 2008 TRUST, DATED MARCH 3, 2008; AND DOUGLAS E. READ AND LAURA B. READ, TRUSTEES OF THE READ FAMILY TRUST DATED 2001 (APPLICANT): Consider

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application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2880 Lake Terrace Avenue, near Tahoe City, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 4124.1; RA# 17818) (A 1; S 1) (Staff: S. Avila)

02 BRUCK-MCLAIN PROPERTIES, A GENERAL PARTNERSHIP; GARY R. SITZMANN AND LINDY LOU SITZMANN, CO-TRUSTEES OF THE JENNIFER B. LAVIS 2010 IRREVOCABLE TRUST U/A/D JUNE 25, 2010; AND GARY R. SITZMANN AND LINDY LOU SITZMANN, CO-TRUSTEES OF THE MATTHEW M. SITZMANN 2010 IRREVOCABLE TRUST U/A/D JUNE 25, 2010 (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 3368.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6960 West Lake Boulevard, Assessor's Parcel Numbers 098-210-026 and 098-210-027, near Tahoma, Placer County; for the proposed modification of an existing pier and appurtenant facilities; installation of a boat lift; removal of one existing mooring buoy, and continued use and maintenance of three existing mooring buoys. CEQA Consideration: categorical exemptions. (Lease 3368.1; RA# 15318) (A 1; S 1) (Staff: M.J. Columbus)

03 CALIFORNIA STATE LANDS COMMISSION AND PACIFIC GAS AND ELECTRIC COMPANY (PARTIES): Consider an Indemnification Agreement for an existing natural gas pipeline located on the Airport Road Bridge, over sovereign land in the Sacramento River, near Anderson, Shasta County. CEQA Consideration: not a project. (A2171; RA# 24418) (A 1; S 1) (Staff: A. Franzoia)

04 CALIFORNIA STATE LANDS COMMISSION AND PACIFIC GAS AND ELECTRIC COMPANY (PARTIES): Consider amendment of an Indemnification Agreement for four existing electrical conduits located on the Washington Street Bridge, over sovereign land located in the Petaluma River, adjacent to North Water Street and River Plaza, Petaluma, Sonoma County. CEQA Consideration: not a project. (A2075; RA# 27618) (A 10; S 3) (Staff: M.J. Columbus)  
Staff Report revised 10/15/19

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05                   CAMP RICHARDSON RESORT, INC. (LESSEE):  
Consider amendment of Lease No. PRC 5859.1, a General  
Lease - Commercial Use, of sovereign land located in Lake  
Tahoe, adjacent to 3001 Jameson Beach Road, near South  
Lake Tahoe, El Dorado County; for the removal of 12  
existing boat slips. CEQA Consideration: categorical  
exemption. (PRC 5859.1; A2069; RA# 26418) (A 5; S 1)  
(Staff: S. Avila)  
Staff Report revised 10/17/19

06                   CITY OF NAPA (APPLICANT): Consider application  
for a General Lease - Public Agency Use, of sovereign land  
located in the Napa River, near Napa, Napa County; for an  
existing water main pipeline. CEQA Consideration:  
categorical exemption. (Lease 3759.9; A2033; RA# 13918) (A  
4; S 3) (Staff: A. Franzoia)

07                   WILLIAM F. CRONK III AND JANET M. CRONK,  
CO-TRUSTEES OF THE CRONK REVOCABLE TRUST, DATED DECEMBER  
30, 1981 (LESSEE); THE TRUSTEES OF RSF 2010 WEST LAKE  
BOULEVARD TRUST (APPLICANT): Consider acceptance of a  
lease quitclaim deed for Lease No. PRC 4057.1, a General  
Lease - Recreational Use; and application for a General  
Lease - Recreational Use, of sovereign land located in  
Lake Tahoe, adjacent to 2010 West Lake Boulevard, near  
Tahoe City, Placer County; for an existing pier and two  
mooring buoys previously authorized by the Commission, and  
one existing mooring buoy not previously authorized by the  
Commission. CEQA Consideration: categorical exemption.  
(Lease 4057.1; A2096; RA# 28518) (A 1; S 1) (Staff: S.  
Avila)

08                   MAX W. DAY AND ALVENA V. DAY AS TRUSTEES OF  
THE DAY FAMILY TRUST ESTABLISHED FEBRUARY 16, 1999; AND  
ROBERT C. MARVIN AND NANCY K. MARVIN, TRUSTEES OF THE  
MARVIN FAMILY TRUST DATED MAY 1, 2000 (APPLICANT):  
Consider application for a General Lease - Recreational  
Use, of sovereign land located in Lake Tahoe, adjacent to  
4760 West Lake Boulevard, near Homewood, Placer County;  
for an existing joint-use pier, boathouse with boat lift,  
and two mooring buoys. CEQA Consideration: categorical  
exemption. (Lease 4866.1; RA# 23818) (A 1; S 1) (Staff: J.  
Toy)

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09 FAROUTLOOK, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4116 Ferguson Avenue, near Carnelian Bay, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (A2199; RA# 2019037) (A 1; S 1) (Staff: S. Avila)

10 HAWKINS INSULATION COMPANY, INC., AND LYON INVESTMENTS, LP, A CALIFORNIA LIMITED PARTNERSHIP (LESSEE); HAWKINS INSULATION COMPANY, INC., AND 5620 WEST LAKE PARTNERS, LLC, A TEXAS LIMITED LIABILITY COMPANY (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 5884.1. a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5620 and 5650 West Lake Boulevard, near Homewood, Placer County; for an existing joint-use pier, boat lift, and four mooring buoys. CEQA Consideration: categorical exemption. (Lease 5884.1; RA# 14818) (A 1; S 1) (Staff: J. Toy)

11 KJM HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8726 Brockway Vista Avenue, near Kings Beach, Placer County; for a pier modification; and an existing pier and two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27144; A2151; RA# 15318) (A 1; S 1) (Staff: M.J. Columbus)

12 LCOF LAKE TAHOE INVESTMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY (LESSEE); ACTION MOTORSPORTS OF TAHOE, INC., A CALIFORNIA CORPORATION (SUBLESSEE); PFP 2019-5, LTD. (SECURED-PARTY LENDER): Consider amendment of Lease No. PRC 3981.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 3411 Lake Tahoe Boulevard, South Lake Tahoe, El Dorado County; for an existing commercial marina known as Timber Cove Lodge Marina. CEQA Consideration: not a project. (PRC 3981.1; A2130; RA# 14018) (A 5; S 1) (Staff: M.J. Columbus)

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13 ANN MAGEE, SUSAN M. BRANDT, AND JEROME MAGEE, JR. (LESSEE); JOHN CHARLES HODGE AND STACEY KEARE, TRUSTEES OF THE HODGE/KEARE FAMILY TRUST DATED NOVEMBER 8, 2001 AS AMENDED AND RESTATED (APPLICANT): Consider termination of Lease No. PRC 4476.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5372 North Lake Boulevard, near Carnelian Bay, Placer County; for repair and reinforcement of an existing pier including reconstruction of the pierhead; removal of a gantry system, one mooring buoy, and fixed catwalk; installation of a boat lift and adjustable catwalk, and continued use and maintenance of one existing mooring buoy previously authorized by the Commission; and one existing freshwater intake pipeline with conduit not previously authorized by the Commission. CEQA Consideration: categorical exemptions. (Lease 4476.1; RA# 01417) (A 1; S 1) (Staff: M.J. Columbus)

14 WILLIAM A.S. MAGRATH II AND JUDITH B. MAGRATH, AS TRUSTEES OF THE MAGRATH FAMILY TRUST (U/T/D 2/11/2008) (LESSEE AND APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 8938.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8357 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for reconstruction of an existing pier; removal of a stairway and catwalk, installation of an adjustable catwalk and gangway; and use and maintenance of two existing mooring buoys. CEQA Consideration: categorical exemptions. (Lease 8938.1; A2149; RA# 33018) (A 5; S 1) (Staff: S. Avila)

15 JOSEPH A. MCCARTHY, TRUSTEE OF THE JOSEPH A. MCCARTHY REVOCABLE TRUST, DATED JUNE 22, 1998, JOHN F. BRENNAN, AND LISA BRENNAN (APPLICANT): Consider application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 4170 and 4176 Ferguson Avenue, near Carnelian Bay, Placer County; for an existing joint-use pier, two boat lifts, and four mooring buoys. CEQA consideration: categorical exemption. (Lease 3652.1; A2160; RA# 2019011) (A 1; S 1) (Staff: A. Franzoia)

16 DAVID A. OLSON AND LYNN D. OLSON, AS TRUSTEES OF THE OLSON FAMILY TRUST, AS AMENDED AND RESTATED IN



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2001, DATED JANUARY 3, 2001 (LESSEE); L. TIM ROCHFORD AND CAROL ROCHFORD (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 7277.1, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1340 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, two boathouses, three boat lifts, and one boat hoist. CEQA Consideration: categorical exemption. (Lease 7277.1; A2073; RA# 26818) (A 1; S 1) (Staff: J. Toy)

17 MICHAEL R. RAFTERY AND GEORGIANNE RAFTERY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor Parcel Number 092-180-008, near Carnelian Bay, Placer County; for an existing pier and boat lift. CEQA Consideration: categorical exemption. (Lease 6540.1; RA# 18918) (A 1; S 1) (Staff: S. Avila)

18 SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS (LESSEE/SUBLESSOR); PACIFIC GAS AND ELECTRIC (SUBLESSEE): Consider amendment to Lease No. PRC 505.1, a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, near Anderson, Shasta County, for a vehicular and pedestrian bridge to remove Pacific Gas and Electric as a sublessee. CEQA Consideration: not a project. (PRC 505.1; A2133; RA# 24418) (A 1; S 1) (Staff: A. Franzoia)

19 SHELDRA J. PERRY, TRUSTEE OF THE SHELDRA J. PERRY TAHOE RESIDENCE TRUST DATED DECEMBER 27, 2012; AND SHELDRA JOY PERRY, TRUSTEE OF THE SHELDRA JOY PERRY FAMILY TRUST DATED OCTOBER 19, 2016 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1920 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8381.1; RA# 15717) (A 1; S 1) (Staff: J. Toy)

20 SIMPSON PAPER COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, adjacent to Assessor's Parcel Number 401-121-007, near Eureka, Humboldt County; for two existing non-operational outfall

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pipelines. CEQA Consideration: categorical exemption.  
(Lease 3393.1; RA# 12317) (A 2; S 2) (Staff: A. Franzoia)  
Staff Report revised 10/22/19

21           TAHOE KEYS PROPERTY OWNERS ASSOCIATION  
(APPLICANT): Consider application for a General Lease -  
Recreational Use of sovereign land located in Lake Tahoe,  
adjacent to 356 Ala Wai Boulevard, South Lake Tahoe, El  
Dorado County; for a portion of an existing pier not  
previously authorized by the Commission. CEQA  
Consideration: categorical exemption. (A2245; RA# 22316)  
(A 5; S 1) (Staff: A. Franzoia)  
Removed from agenda 10/23/19

22           ARTHUR WALLACE AND ALFIA AMANDA WALLACE  
(APPLICANT): Consider application for a General Lease -  
Recreational Use, of sovereign land located in Donner  
Lake, adjacent to 14096 South Shore Drive, near Truckee,  
Nevada County; for an existing pier and installation of a  
floating boat dock not previously authorized by the  
Commission. CEQA Consideration: categorical exemption.  
(A2163; RA# 2019014) (A 1; S 1) (Staff: S. Avila)  
Bay / Delta Region

23           ASPEN PINES, LLC, A NEVADA LIMITED LIABILITY  
COMPANY (LESSEE): Consider revision of rent to Lease No.  
PRC 3935.1, a General Lease - Commercial Use, of sovereign  
land located in Steamboat Slough, adjacent to 13415 Grand  
Island Road, near Walnut Grove, Sacramento County; for an  
existing accommodation dock with an attached covered dock  
with landing and appurtenant facilities. CEQA  
Consideration: not a project. (PRC 3935.1) (A 11; S 3)  
(Staff: N. Lavoie)

24           MICHELLE BARNES AND DAVID BARNES (APPLICANT):  
Consider application for a General Lease - Recreational  
Use, of sovereign land located in Georgiana Slough,  
adjacent to 17191 Terminous Road, near Isleton, Sacramento  
County; for an existing boat dock, hydro lift, shed,  
personal watercraft lift, and appurtenant facilities. CEQA  
Consideration: categorical exemption. (Lease 5800.1;  
A2138; RA# 32118) (A 11; S 3) (Staff: J. Holt)

25           THE BERMUDEZ FAMILY TRUST, DATED MAY 31, 1996,  
EDUARDO S. BERMUDEZ AND RITA B. BERMUDEZ, TRUSTORS AND/OR  
TRUSTEES (APPLICANT): Consider application for a General

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Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2427 Garden Highway, Sacramento, Sacramento County; for an existing covered boat dock with slip, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 7357.1; RA# 22318) (A 7; S 6) (Staff: J. Holt)

26 CALIFORNIA DEPARTMENT OF TRANSPORTATION (APPLICANT): Consider application for a Public Agency Permit and approval of a Right-of-Way Map pursuant to Section 101.5 of the Streets and Highways Code, of sovereign land located in the Cosumnes River near Elk Grove, Sacramento County; for a bridge replacement project over the Cosumnes River and the Cosumnes River Overflow. CEQA Consideration: Negative Declaration, adopted by the California Department of Transportation, State Clearinghouse No. 2019039070. (A2131; RA# 31418) (A 9; S 3, 5, 8) (Staff: D. Tutov)

27 CALIFORNIA STATE LANDS COMMISSION AND PACIFIC GAS AND ELECTRIC COMPANY (PARTIES): Consider an Indemnification Agreement for a natural gas pipeline located on the Hickman Road Bridge, over sovereign land located in the Tuolumne River, adjacent to Assessor's Parcel Numbers 080-041-005, 080-035-009, 080-009-001, and 080-011-001, near Waterford, Stanislaus County. CEQA Consideration: not a project. (W 27224; RA# 14718) (A 12; S 8) (Staff: D. Tutov)

28 CYNTHIA CAULK (LESSEE); MARY MARGARET MCNALLY (APPLICANT): Consider termination of Lease No. PRC 5910.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in Steamboat Slough, adjacent to 13962 Grand Island Road, near Walnut Grove, Sacramento County; for an existing boat dock, a proposed boat dock and slip, appurtenant facilities, and boat ramp. CEQA Consideration: categorical exemption. (Lease 5910.1; A2111; RA# 29918) (A 11; S 3) (Staff: J. Holt)

29 CENTRAL CONTRA COSTA SANITARY DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Grayson Creek, near Martinez, Contra Costa County; for two existing buried box pipes. CEQA Consideration: categorical

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exemption. (Lease 7742.9; RA# 03718) (A 14; S 7) (Staff: J. Holt)

30 CITY OF SACRAMENTO (LESSEE/SUBLESSOR); SACRAMENTO RIVER TOURS, LLC, DBA SACRAMENTO JETBOAT EXCURSIONS (SUBLESSEE): Consider application for an endorsement of a sublease under Lease No. PRC 7001.1, a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, between the "I" Street Bridge and the Tower Bridge, city of Sacramento, Sacramento County; for riverfront commercial use for mooring and operating a tour boat. CEQA Consideration: not a project. (PRC 7001.1; A2074; RA# 34017) (A 7; S 6) (Staff: M. Schroeder)

31 COUCHMAN BROS., A CALIFORNIA GENERAL PARTNERSHIP (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Tuolumne River, adjacent to 3131 Illinois Avenue, near Modesto, Stanislaus County; for existing bank protection. CEQA Consideration: categorical exemption. (Lease 6865.1; A2100; RA# 28718) (A 21; S 12) (Staff: J. Holt)

32 COUNTY OF SAN JOAQUIN (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Middle River, adjacent to Assessor's Parcel Numbers 131-120-030, 131-120-040, 131-120-140, 131-120-150, 189-150-010, and 189-250-320, near Tracy, San Joaquin County; for the existing Tracy Boulevard Bridge. CEQA Consideration: categorical exemption. (Lease 4724.9; A2120; RA# 30618) (A 13; S 5) (Staff: G. Asimakopoulos)

33 CPN PIPELINE COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in New York Slough, San Joaquin River, and Sacramento River, near Pittsburgh; Contra Costa, Sacramento, and Solano counties; for an existing deactivated natural gas pipeline. CEQA Consideration: categorical exemption. (Lease 4699.1; RA# 15316) (A 11, 14; S 3, 7) (Staff: M. Schroeder)

34 KOKET RESORT LLC (LESSEE): Consider revision of rent to Lease No. PRC 2049.1, a General Lease - Commercial Use, of sovereign land located in the

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Sacramento River, adjacent to 14174 Isleton Road, near Walnut Grove, Sacramento County; for an existing commercial marina. CEQA Consideration: not a project. (PRC 2049.1) (A 11; S 3) (Staff: N. Lavoie)

35 ANDREW MAJIT AND ANSLEY MAJIT (LESSEE) ANSLEY MAJIT (LESSEE/APPLICANT); PNC BANK (SECURED-PARTY LENDER): Consider amendment to Lease No. PRC 9488.1, a General Lease - Recreational Use, to modify the named Lessee and extend the lease term; and approval of an Agreement and Consent to Encumbrancing of Lease of sovereign land located in Corte Madera Creek, adjacent to 35 Boardwalk One, Marin County. CEQA Consideration: categorical exemption. (PRC 9488.1; RA# 2019053) (A 10; S 2) (Staff: V. Caldwell)

36 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider approval for removal of a portion of and abandonment-in-place of a portion of a retired natural gas pipeline as provided under Lease No. PRC 5438.1-C, a General Lease - Right-of-Way Use, of sovereign land located in the Stanislaus River, near Ripon, in San Joaquin and Stanislaus Counties. CEQA Consideration: categorical exemptions. (PRC 5438.1-C; A2057; RA#25418) (A 12, 21; S 5, 12) (Staff: M. Schroeder)

37 RANCHO MURIETA COMMUNITY SERVICES DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Cosumnes River, adjacent to Assessor's Parcel Numbers 073-0190-109 and 073-0790-047, near Rancho Murieta, Sacramento County; for three existing pipelines located on a pedestrian bridge commonly known as the Old Yellow Bridge. CEQA Consideration: categorical exemption. (Lease 7765.1; A2126; RA# 31118) (A 8; S 8) (Staff: G. Asimakopoulos)

38 CURTIS D. RAPTON, TRUSTEE OF THE CURTIS D. RAPTON TRUST DATED MARCH 21, 2002 AND ROSSANA RAPTON, TRUSTEE OF THE ROSSANA RAPTON FAMILY TRUST DATED OCTOBER 3, 2011 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 3045 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock with boat slip and appurtenant facilities previously authorized by the Commission, and an existing personal

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watercraft dock not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 5578.1; RA# 19818) (A 7; S 6) (Staff: J. Holt)

39 TRILOGY HOMES, INC., A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 14554 State Highway 160, near Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 3910.1; A2122; RA# 30718) (A 11; S 3) (Staff: G. Asimakopoulos)  
Central / Southern Region

40 PETER CHAU AND HSIAO-FEN CHEN (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 17031 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and partially enclosed cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W27028; RA# 22917) (A 72; S 34) (Staff: K. Connor)

41 CITY OF CORONADO (PERMITTEE): Consider amendment of Permit No. PRC 3691.9, a General Permit - Public Agency Use, of sovereign land in the Pacific Ocean, City of Coronado, San Diego County; for the City of Coronado Opportunistic Beach Fill Program. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Coronado, State Clearinghouse No. 2008021045. (PRC 3691.9; A2132; RA# 2019003) (A 78; S 39) (Staff: K. Connor)

42 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE): Consider amendment of Lease No. PRC 4480.9, a General Lease - Industrial Use, of sovereign land located in the Pacific Ocean, near Santa Monica, Los Angeles County; for full removal of the non-operational underwater electrode array and related structures. CEQA Consideration: Environmental Impact Report, State Clearinghouse No. 2010091044, certified by City of Los Angeles Department of Water and Power and Addendum. (PRC 4480.9; A2082; RA# 06718) (A 50; S 26) (Staff: C. Hudson)

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43 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (APPLICANT): Consider termination of Lease No. PRC 8899.9 and PRC 9193.9, General Leases - Public Agency Use and an application for a General Lease - Public Agency Use, of sovereign land located on Owens Lake, Inyo County; for the collection of hydrologic monitoring data and continued maintenance of existing groundwater wells, piezometers, and flumes. CEQA Consideration: categorical exemption. (Lease 8899.9; Lease 9193.9; A2045; RA# 25118) (A 26; S 8) (Staff: D. Simpkin)

44 JACK A. DOMINGUE AND PAMELA LYNN DOMINGUE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour adjacent to 3571 Courtside Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27004; A2125; RA# 30918) (A 72; S 34) (Staff: L. Pino)

45 DUNCAN FREDERICK AND LYNDA FREDERICK (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour adjacent to 16721 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock and access ramp previously authorized by the Commission and a cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 8304.1; A2129; RA# 31318) (A 72; S 34) (Staff: L. Pino)

46 FRANKLIN W. GIBSON AND SANDRA J. GIBSON (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16991 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27031; A2108; RA# 29418) (A 72; S 34) (Staff: K. Connor)

47 ABDOLAZIM JOHARCHI AND CEZANE JOHARCHI (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour adjacent to 16922 Coral Cay

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Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27009; A2124; RA# R31018) (A 72; S 34) (Staff: L. Pino)

48 JOHN EUGENE KOMPANIEZ, TRUSTEE OF THE KOMPANIEZ MARITAL TRUST CREATED UNDER THE KOMPANIEZ 1998 FAMILY TRUST DATED FEBRUARY 10, 1998 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16581 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck, and bulkhead protection. CEQA Consideration: categorical exemption. (Lease 4443.1; A2113; RA# 30818) (A 72; S 34) (Staff: K. Connor)

49 ROBERT LIENAU JR, AND CAROL LIENAU, CO-TRUSTEES OF THE LIENAU FAMILY TRUST ESTABLISHED AUGUST 4, 1992 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16642 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W27025; A2144; RA# 32618) (A 72; S 34) (Staff: K. Connor)

50 MARINE BIOENERGY, INC. (LESSEE): Consider amendment to Lease No. PRC 9400.1, a General Lease - Other, of sovereign land located in the Pacific Ocean, offshore of Howland's Landing and Parsons Landing, Santa Catalina Island, Los Angeles County; to extend the lease term an additional 5 years and authorize placement of one additional kelp elevator. CEQA Consideration: categorical exemption. (PRC 9400.1, A2150; RA# 33218) (A 70; S 26) (Staff: L. Pino)

51 ANTHONY F. MENARD AND BRENNAM M. MENARD, TRUSTEES OF THE MENARD FAMILY TRUST, DATED SEPTEMBER 13, 2005 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16782 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not



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previously authorized by the Commission. CEQA  
Consideration: categorical exemption. (W 27019; A2084; RA#  
06018) (A 72; S 34) (Staff: K. Connor)

52 OAK HILLS ESTATE, LLC (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in Burton Mesa Ecological Reserve, near Lompoc, Santa Barbara County; for the installation, use, and maintenance of habitat restoration and mitigation; and consider accepting a deposit into the Kapiloff Land Bank Fund. CEQA Considerations: Environmental Impact Report, certified by the County of Santa Barbara, State Clearinghouse No. 2015111069, and adoption of a Mitigation Monitoring Program and Statement of Findings; statutory exemption. (Lease 9520.1; RA# 34917) (A 35; S 19) (Staff: R. Collins)  
Staff Report, Exhibits A-1 through A-7 and Exhibit B revised 10/22/19

53 STEVEN RAMELOT, TRUSTEE OF THE STEVEN RAMELOT FAMILY TRUST, U/A DATED JULY 6, 2012 (LESSEE): Consider revision of rent to Lease No. PRC 3086.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour adjacent to 16442 Malden Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3086.1) (A 72; S 34) (Staff: L. Pino)

54 THE SAMAAAN FAMILY TRUST DATE JULY/27/1988 WASSEEM A. SAMAAAN AND NAJLA SAMAAAN CALLED TRUSTEES (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3575 Courthouse Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27003; A2105; RA# 29218) (A 72; S 34) (Staff: K. Connor)

55 SAN LUIS OBISPO COUNTY PARKS AND RECREATION DEPARTMENT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, Cayucos, San Luis Obispo County; for an existing public recreational use pier. CEQA Consideration:

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categorical exemption. (Lease 5589.9; A2097; RA# 28318) (A 35; S 17) (Staff: D. Simpkin)

56 WENDY WEISS SAWYER, TRUSTEE OF THE MALDEN IRREVOCABLE TRUST, DATED AUGUST 16, 2007 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16462 Malden Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 8810.1; A2156; RA# 2019007) (A 72; S34) (Staff: K. Connor)

57 THE ABALONE FARM, INC. (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Cayucos, San Luis Obispo County; for five ocean saltwater intake pipelines. CEQA Consideration: categorical exemption. (Lease 7326.1; A2141; RA# 32918) (A 35; S 17) (Staff: R. Collins)

58 MICHAEL J. THERMOS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16871 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27032; A2136; RA# 31918) (A 72; S 34) (Staff: K. Connor)

59 WILLIAM H. WILSON, SUCCESSOR TRUSTEE OF THE WILLIAM H. WILSON AND SARAH H. WILSON FAMILY TRUST A, DATED JUNE 8, 1993 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour adjacent to 16961 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock and access ramp previously authorized by the Commission, and an enclosed cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 3571.1; RA# 19610) (A 72; S 34) (Staff: L. Pino)  
School Lands

60 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider authorization to prepare a Notice of Emergency Timber Operations and to harvest and sell fire-damaged

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timber on State-owned school land located in the northwest quarter and the north half of the northeast quarter of Section 16, Township 36 North, Range 5 West, MDM, west of Lamoine, Shasta County. CEQA Consideration: categorical exemption. (I1357) (A 1; S 1) (Staff: J. Porter)

61 NORBERT C. FREITAS AND ALICE FREITAS  
(APPLICANT): Consider application for a General Lease - Grazing Use, of State-owned school and lieu land in all of Section 36, Township 32 North, Range 15 East, MDM; portions of Sections 7, 17, 18, 19, 20, 30, and all of Section 16, Township 31 North, Range 16 East, MDM; and portions of Sections 24, 25, 34, and all of Section 36, Township 31 North, Range 15 East, MDM, near Litchfield, Lassen County; for livestock grazing and fencing. CEQA Consideration: categorical exemptions. (Lease 5329.2; A2119; RA# 30518) (A 1; S 1) (Staff: C. Hudson)  
Mineral Resources Management

62 CITY OF LONG BEACH (TRUSTEE): Consider acceptance of the Final Report and Closing Statement for the Long Beach Unit Annual Plan (July 1, 2018 through June 30, 2019), Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 17166) (A 70; S 33, 34) (Staff: E. Tajer)

63 ECOSYSTEMS MANAGEMENT ASSOCIATES, INC.  
(APPLICANT): Consider an application for a General Permit to conduct geophysical surveys on sovereign tide and submerged lands under the jurisdiction of the California State Commission. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, State Clearinghouse No. 2013072021. (A2192; RA# 2019032) (A & S: Statewide) (Staff: R. B. Greenwood)

64 ECOSYSTEMS MANAGEMENT ASSOCIATES, INC.  
(APPLICANT): Consider an application for a Non-Exclusive Geological Survey Permit on sovereign tide and submerged lands. CEQA Consideration: categorical exemption. (A2196; RA# 2019054) (A & S: Statewide) (Staff: R. B. Greenwood)

65 IP ATHOS III, LLC (APPLICANT): Consider application for a modification of the State's Right of Surface Entry on approximately 424.6 acres of State reserved mineral interest school land, Assessor's Parcel Numbers: 879-090-036, 879-090-037, 879-090-038,

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879-090-039, 863-030-002, 863-030-003, 863-030-004,  
863-030-005, 863-030-006, 863-030-007, 863-030-008,  
863-030-009, 863-030-010, 863-030-013, 863-030-014,  
863-030-015, 863-030-016, 863-030-017, Riverside County.  
CEQA Consideration: not a project. (A2172; RA# 2019038) (A  
56; S 28) (Staff: R. Lee)  
Exhibit A revised 10/21/19  
Marine Environmental Protection

66 CALIFORNIA STATE LANDS COMMISSION AND THE  
CALIFORNIA STATE UNIVERSITY MARITIME ACADEMY (PARTIES):  
Consider granting authority for the Executive Officer to  
enter into an agreement with the California State  
University Maritime Academy to collect and analyze ballast  
water discharge samples to assess the performance of  
ballast water management systems. CEQA Consideration:  
categorical exemption. (W 9777.234, W 9777.290, W  
9777.295) (A & S: Statewide) (Staff: L. Ceballos, K.  
Forbes)  
Administration

67 CALIFORNIA STATE LANDS COMMISSION AND THE  
UNIVERSITY OF CALIFORNIA, SAN DIEGO (PARTIES): Consider  
granting authority for the Executive Officer to enter into  
an agreement with the University of California, San Diego  
to procure the services of two Science Policy Fellows  
through the California Sea Grant State Fellows Program.  
CEQA Consideration: not a project. (A & S: Statewide)  
(Staff: K. Forbes, J. Mattox)

68 CALIFORNIA STATE LANDS COMMISSION (PARTY):  
Consider granting authority for the Executive Officer or  
her designee to solicit, negotiate, award and execute a  
Public Works contract for the repair and/or renovation of  
the State Lands Commission Field Office in Huntington  
Beach, California. In accordance with PCC CA PUB CONT §  
1101 and 10108; State Contract Act PCC § 10100 - 10285.5.  
CEQA Consideration: not a project. (IFB2019-006) (A & S:  
Statewide) (Staff: K. Maita Smith, K. Forbes, D. Cook)  
Legal

69 CALIFORNIA STATE LANDS COMMISSION; CERTAIN  
UPLAND PROPERTY OWNERS AT DONNER LAKE (PARTIES): Consider  
Boundary Line and Easement Agreements between the State of  
California acting by and through the California State  
Lands Commission and Certain Property Owners at Donner

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Lake, Town of Truckee, Counties of Nevada and Placer, California. CEQA Consideration: statutory exemption. (W 503.2094; AD 671) (A 1; S 1) (Staff: W. Crunk)

70 SIGNAL HILL SERVICE, INC. (APPLICANT): Consider rejection of an application for a General Lease - Right-of-Way Use, of sovereign land located in the Santa Barbara Channel, near Rincon Point, Santa Barbara and Ventura counties; for four existing pipelines and an outfall. CEQA Consideration: statutory exemption. (A2209) (A 37; S 19) (Staff: J. Fabel, L. Pino)

71 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (PARTY): Consider Cession of Concurrent Criminal Jurisdiction pursuant to California Government Code section 126 over lands at the Los Angeles Ambulatory Care Center at 351 East Temple Street, Los Angeles, Los Angeles County. CEQA Consideration: not a project. (FJ 0119.19) (A 53; S 24) (Staff: P. Huber)

72 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (PARTY): Consider Cession of Concurrent Criminal Jurisdiction pursuant to California Government Code section 126 over lands at the Sepulveda Ambulatory Care Center at 16111 Plummer Street, Los Angeles, Los Angeles County. CEQA Consideration: not a project. (FJ 0119.20) (A 46; S 18) (Staff: P. Huber)

73 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (PARTY): Consider Cessions of Concurrent Criminal Legislative Jurisdiction pursuant to California Government Code section 126 over Lands at the Sacramento Veterans Affairs Medical Center at 10535 Hospital Way, Mather, Sacramento County; Veterans Affairs Martinez Outpatient Clinic at 150 Muir Road, Martinez, Contra Costa County; Veterans Affairs Palo Alto Campus at 3801 Miranda Avenue, Palo Alto, Santa Clara County; and Fresno Veterans Affairs Medical Center at 2615 East Clinton Avenue, Fresno, Fresno County. CEQA Consideration: not a project. (FJ 0134.3; FJ 0107.3; FJ 0143.3; FJ 0110.6) (A 8, 14, 24, 31; S 3, 8, 13) (Staff: P. Huber)  
Kapiloff Land Bank Trust Acquisition - no items  
External Affairs  
Granted Lands

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74 CITY OF LONG BEACH (TRUSTEE): Review proposed tideland oil revenue expenditures in an amount not to exceed \$1,150,000 by the City of Long Beach for four capital improvement projects located on or adjacent to legislatively granted sovereign lands in the of the City of Long Beach, Los Angeles County. CEQA consideration: not a project. (G 05-03) (A 70; S 33) (Staff: M. Moser)

75 CALIFORNIA STATE LANDS COMMISSION AND TREASURE ISLAND DEVELOPMENT AUTHORITY (PARTIES): Consider approving a parcel boundary adjustment, a revised phasing plan, a deviation from trust streets diagram, and making a hazardous material remediation finding for the second and third closing phases of the Compromise Title Settlement and Land Exchange Agreement for Treasure Island and Yerba Buena Island in the City and County of San Francisco. CEQA consideration: statutory exemption. (A 17; S 11) (Staff: R. Boggiano, A. Kershen)

V Informational

76 CALIFORNIA STATE LANDS COMMISSION: Legislative Report providing information and a status update concerning state legislation relevant to the Commission. CEQA consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)

VI Regular Calendar 77-81

77 CALIFORNIA STATE LANDS COMMISSION: Consider supporting H.R. 3895 by Representative Juan Vargas (D-CA-51) and H.R. 4039 by Representative Mike Levin (D-CA-49): legislation introduced in the 116th Congress to support mitigation efforts in the Tijuana River Valley and to reduce cross-border pollution from flowing into the United States. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton, K. Robinson-Filipp) Staff Report revised 10/23/19 20

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<p>78 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational update on the Commission's activities along the Crockett Waterfront near the Carquinez bridge, Contra Costa County. (A 14; S 3) (Staff: N. Lavoie) Staff Report revised 10/17/19</p>	27
<p>79 EQUILON ENTERPRISES, LLC DBA SHELL OIL PRODUCTS US (ASSIGNOR); PBF HOLDING COMPANY, LLC (ASSIGNEE): Consider assignment and amendment of Lease No. PRC 4908.1, a General Lease - Industrial Use, of sovereign land located in the Carquinez Strait, Martinez, Contra Costa County; for an existing marine oil terminal wharf and appurtenant facilities. CEQA Consideration: not a project. (PRC 4908.1; A2162; RA# 2019013) (A 14; S 3) (Staff: D. Tutov) Removed from agenda 10/22/19</p>	20
<p>80 THE SPHERE INSTITUTE (APPLICANT): Consider application for a General Lease - Other, of filled and unfilled sovereign land located in the historic bed of the San Francisco Bay, at 410 Airport Boulevard, Burlingame, San Mateo County; for maintenance, removal of debris, and monitoring of subject property. CEQA Consideration: categorical exemptions. (A2234; RA# 2019060) (A 22; S 13) (Staff: M. Schroeder)</p>	57
<p>81 CALIFORNIA STATE LANDS COMMISSION AND POSEIDON RESOURCES (SURFSIDE) LLC (PARTIES): Consider authorization of a Memorandum of Understanding to provide site assurance for use of the Bolsa Chica Lowlands Restoration Project area to fulfill mitigation obligations for a proposed desalination facility if permitted by the regulatory agencies, in the city of Huntington Beach, Orange County. CEQA Consideration: not a project. (W 025306A; RA# X9702) (A 74; S 37) (Staff: W. Hall, L. Calvo) Removed from agenda 10/21/19</p>	20
<p>VII Public Comment</p>	73
<p>VIII Commissioners' Comments</p>	73

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IX Closed Session

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At any time during the meeting the Commission may meet in a session of Government Code section 11126, part of the Bagley-Keene Open Meeting Act.

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:

· Baywood, LLC and California State Lands Commission v. DOES

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

· California State Lands Commission v. Signal Hill Service, Inc.; Pacific Operators, Inc., dba Pacific Operators Offshore, Inc.; DOES 1-100

· Eugene Davis v. State of California and California State Lands Commission

· In re: HVI Cat Canyon, Inc., Bankruptcy Chapter 11

· In re: PG&E Corporation and Pacific Gas and Electric Company, Bankruptcy Chapter 11

· In re: Rincon Island Limited Partnership Chapter 7

· In re: Venoco, LLC, Bankruptcy Chapter 11

· Madden v. City of Redwood City



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- Martins Beach 1, LLC and Martins Beach 2, LLC v. Effie Turnbull-Sanders, et al.
- Oakland Bulk and Oversized Terminal, LLC v. City of Oakland
- Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al.
- Public Watchdogs v. California State Lands Commission
- Safe Embarcadero for All v. State ex rel. State Lands Commission, City and County of San Francisco
- San Francisco Baykeeper, Inc. v. State Lands Commission
- San Joaquin River Exchange Contractors Water Authority v. State of California; State Lands Commission
- Seacliff Beach Colony Homeowners Association v. State of California, et al.
- SLPR, LLC, et al. v. San Diego Unified Port District, California State Lands Commission
- SOS Donner Lake v. State of California, et al
- State of California v. International Boundary and Water Commission, et al.
- State Lands Commission v. Plains Pipeline, L.P., et al.
- United States v. Walker River Irrigation District, et al.

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

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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.

C. Other matters.

The Commission may also consider personnel actions to appoint, employ, or dismiss a public employee as provided for in Government Code section 11126(A)(1).

Adjournment 84

Reporter's Certificate 85

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

1  
2 CHAIRPERSON KOUNALAKIS: I'm Eleni Kounalakis.  
3 I'm joined today by State Controller Betty Yee and Gayle  
4 Miller representing the Department of Finance.

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

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

16 We recognize that the lands we manage have been  
17 inhabited for thousands of years by California's native  
18 people, and takes seriously our trust relationship with  
19 these sovereign governments. Today, our gratitude goes to  
20 the Ohlone and Miwok people who have lived, fished, hunted  
21 and gathered in this area for countless generations, and  
22 who continue to revitalize and reclaim their culture  
23 today.

24 I would like to start our meeting today by  
25 welcoming Supervisor Candace Anderson, Vice Chair of the

1 Contra Costa County Board of Supervisors. Welcome.

2 CONTRA COSTA COUNTY SUPERVISOR ANDERSEN: Good  
3 morning. And I know better to turn on my microphone. I  
4 do want to welcome all three of you to Contra Costa  
5 County. I am supervisor Candace Andersen and I have the  
6 privilege of representing the south end of Contra Costa  
7 County. The ends of Lafayette, Moraga, Orinda, Danville,  
8 San Ramon, and Walnut Creek. And its's really a privilege  
9 to welcome you to our chambers today. I hope you'll come  
10 back next year where we are going to have even more fun.  
11 New and improved chambers across the street, as we are  
12 building our new county administration building.

13 We are just delighted to give you the opportunity  
14 to meet here in our county. We appreciate the positive  
15 working relationship that you have with our county staff.  
16 And in Contra Costa County, we have 300 miles -- over 300  
17 miles of shoreline within our jurisdiction, and I believe  
18 over 100 State Land leases held within Contra Costa.

19 And so it's -- to us, it's with great  
20 appreciation that you meet here where it's convenient for  
21 our constituents, your constituents to be here to  
22 participate in these meetings. We are looking forward to  
23 a little discussion about Crockett later on as well. But  
24 we appreciate all also -- I've got to extend my  
25 appreciation both to our county DoIT, our technology group

1 that has really helped facilitate the technology today,  
2 clerk of our Board staff, City of Martinez Police  
3 Department, who have all supported the logistics that come  
4 with a meeting of this magnitude. And you have our very  
5 best wishes on behalf of the entire Board of Supervisors  
6 and appreciate all you do for the people of California.  
7 So thank you for being here.

8 CHAIRPERSON KOUNALAKIS: Thank you so much,  
9 Supervisor. Thank you for letting us take over your  
10 chambers today. And we are delighted to be here. It is  
11 always our mission to hold these meetings in various parts  
12 of California, as you say, so that the public knows the  
13 work of the Commission and how it relates to them in their  
14 own community.

15 So thank you so much.

16 The first item of business will be the adoption  
17 of the minutes from the Commission's meeting of August  
18 23rd, 2019.

19 May I have a motion to approve the minutes.

20 COMMISSIONER YEE: So moved.

21 ACTING COMMISSIONER MILLER: Second.

22 CHAIRPERSON KOUNALAKIS: Any objection?

23 If not, motion passes unanimously.

24 The next order of business is the Executive  
25 Officer's report. Ms. Lucchesi, may we have the report.

1 EXECUTIVE OFFICER LUCCHESI: Yes. Good morning,  
2 Chair and Commissioners. I also wanted to express my  
3 gratitude to the County of Contra Costa and the Board of  
4 Supervisors, and all of their staff for allowing us to  
5 have our Commission meeting here today. It is wonderful  
6 to come to this area of the waterfront and talk about all  
7 the things that we're doing along this area, and in  
8 partnership with the staff of the Contra Costa County.

9 In particularly -- in particular, I'd like to  
10 thank Amalia Cunningham and John Kopchik, who we work with  
11 very closely on the future of the Crockett waterfront, but  
12 also who have been absolutely instrumental in being able  
13 to set up today's meeting for you, in a way that has just  
14 been very seamless and easy for us. So I want to extend  
15 our gratitude to them for their attention to us and to the  
16 detail that we need in order to host a Commission meeting  
17 here.

18 Next, I want to update the Commission on the most  
19 recent fire that has broken out in Sonoma County. It's  
20 being called the Kincade Fire. And that is in close  
21 proximity and has impacted our leases at the Geyser Field,  
22 geothermal leases at the Geyser Field. We are still  
23 learning the extent of the impact. We are in constant  
24 contact with Calpine and their representatives.

25 What we know so far, based on our conversations

1 with Calpine representatives, is that no employees have  
2 been injured, and there has only been minor damage to the  
3 facilities. We will continue to keep in close contact  
4 with them as things progress and as we learn more.

5           Next, I want to update the Commission on public  
6 access at Hollister Ranch in Santa Barbara County. The --  
7 on October 9th, Governor Newsom signed a AB 1680 by  
8 Assembly Member Limón, which will help facilitate the  
9 opening of public -- of Hollister Ranch to public access  
10 along the 8.5 miles of coastline there.

11           I want to just quote the Governor in a -- in a  
12 Time -- in a Los Angeles Times article where he made clear  
13 his position on beach access for all, stating, "As  
14 Californian's respect and reverence to our..." -- "...for  
15 Our Beaches is in our DNA, so much so that we have  
16 enshrined public beach access into our State  
17 Constitution", he said. "I've long fought to protect  
18 these public treasurers for future generations and to  
19 ensure any person can experience their beauty. That won't  
20 change now that I'm Governor".

21           And I think with that statement, along with the  
22 very strong position of this Commission and, of course, of  
23 that of Assembly Member Limón, and the rest of the  
24 Legislature, that we have a really strong foundation in  
25 terms of moving forward, working with the Hollister Ranch

1 homeowners, as well as all the stakeholders involved to  
2 actually facilitate a new public access program and pursue  
3 implementation of that as well.

4           Along those same lines, in terms of the details  
5 about how we're going to proceed with facilitating public  
6 access, as you are aware, we have an agreement with the  
7 three other State agencies, the Coastal Conservancy, the  
8 Coastal Commission, and State Parks to pursue a public  
9 engagement process, we have retained a consultant to help  
10 us do that. That process, which will include one-on-one  
11 interviews and surveys will start in November and then  
12 proceed into the beginning of next year with more larger  
13 public meetings to again solicit feedback and input from  
14 various stakeholders on what values associated with public  
15 access they'd like to see out there.

16           And this will also be in conjunction with our  
17 work with the Hollister Ranch homeowners and their  
18 representatives to make sure that we take into account  
19 their interests and their vision as private property  
20 owners of the uplands there.

21           Most recently, the State Coastal Conservancy on  
22 October 17th authorized the acceptance of \$300,000 from  
23 State Parks to again facilitate the consultant's work on  
24 public engagement. So we also have a very good foundation  
25 of funds to ensure that our public outreach is as thorough



1 and comprehensive as possible.

2           Next, I'd just like to update the Commission on  
3 some work and education that we're pursuing with the  
4 Salton Sea. The Salton Sea is this State's largest lake.  
5 However, it is not a natural lake, so there -- it is not  
6 Public Trust Lands that the Commission has jurisdiction  
7 over. It was essentially created by accident in 1905.

8           But the Commission's jurisdiction in this area  
9 does include some landholdings, school landholdings and  
10 lands that we acquired through land exchanges. We also  
11 have a number of geothermal leases in the approximate area  
12 of the Salton Sea. So we have some key interest in the  
13 future of the Salton Sea, along with, of course, the  
14 habitat and wildlife values associated with the Salton  
15 Sea.

16           So last week, Commission staff attended the  
17 Salton Sea Summit at the UC Riverside Palm Desert campus  
18 facilitated by numerous stakeholders to address the  
19 serious and growing threat posed by the shrinking Salton  
20 Sea. Climate fluctuations, improved agricultural  
21 conservation measures, decreased water flow from Mexico,  
22 and water diversion to cities has resulted in a reduction  
23 of the lake level by nine inches in the last 16 years.

24           This has caused an increase in water salinity and  
25 exposure of salty, silty playa that is increasingly

1 emitting dust during wind events, like Owens Lake, prior  
2 to the routine remediation that DWP is pursuing. This is  
3 posing a serious threat to human health, the ecology of  
4 the lake, and the economy of Imperial Valley.

5           The State of California, through the Natural  
6 Resources Agency in 2017, adopted the Salton Sea  
7 management program, the first phase of which will  
8 construct habitat and suppress dust on areas of the playa  
9 that are or will be exposed by 2028. Several projects are  
10 underway or are in the permitting stage, and the State is  
11 planning a Programmatic EIR to expedite the implementation  
12 of the additional habitat and dust remediation projects.

13           We are continuing to be involved and monitor the  
14 situation especially because of our landholdings and our  
15 leases in that area. And we'll continue to update the  
16 Commission on the activities of the State in that area.

17           Next, I want to update the Commission on our two  
18 oil and gas offshore facility decommissioning projects.  
19 First, I'll start with Platform Holly and the Piers 421.  
20 We were -- in terms of Piers 421, these are the two shore  
21 zone piers. The one production well that we had been  
22 working on for months to plug and abandon properly.

23           As a Commission, and the public will remember, we  
24 did have a minor discharge incident on May 28th. That was  
25 cleaned up under the supervision of the Unified Command.

1 Back in December, we finally completed and successfully  
2 completed the plugging and abandonment of that production  
3 well.

4 And so that is a huge milestone, and it really  
5 signifies also the strong partnership that we have with  
6 the U.S Coast Guard, the Office of Oil Spill Prevention  
7 and Response, DOGGR, the City of Goleta, and the County of  
8 Santa Barbara.

9 So with that finally plugged and abandoned, we  
10 are can move on to analyzing the actual decommissioning  
11 and removal of the infrastructure there pursuant to CEQA  
12 and hopefully start on that work in the first half of next  
13 year.

14 And then that also leads us to beginning work on  
15 the plugging and abandonment of the 30 wells off of  
16 Platform Holly. We have been working for the last year  
17 and a half two years to essentially get the platform ready  
18 to plug and abandon those wells. And we are about to  
19 start doing the first well next week.

20 So a lot happening and it's a very exciting time.  
21 It's also a right time to go down to the community and  
22 talk about the success of Piers 421, as well as the start  
23 of the plugging and abandonment of the 30 offshore wells.  
24 We have scheduled a town hall for November 7th to talk to  
25 the community about the progress and what the future looks

1 like. We try -- we -- over the last couple years, we've  
2 been attempting to go down there for about two or three  
3 town halls throughout the year to -- in order to keep the  
4 community updated and answer any questions that they may  
5 have.

6           That leads me to -- excuse me -- the  
7 decommissioning of Rincon Island. And as part of the trip  
8 that staff will make down to Santa Barbara County and  
9 Ventura County, we also will be hosting two tours of  
10 Rincon Island. The first -- on November 7th. The first  
11 one with Ventura County officials, so that they can see  
12 the progress that we're making there, as well as the Dean  
13 of the Bren Institute of UC Santa Barbara and his  
14 colleagues to come out and check out the island and see  
15 what potential there might be post decommissioning of  
16 those facilities.

17           So we're really excited to host those tours on  
18 November 7th and talk about the significant progress that  
19 we're making on Rincon Island.

20           We have successfully plugged and abandoned 20 of  
21 the 50 offshore wells and 24 of the 25 onshore wells. And  
22 this is ahead of schedule and about \$2 million under our  
23 projected budget. So like I said, we're making  
24 significant progress on Rincon Island and we're very proud  
25 of the work that our contractor and our staff from our

1 Mineral Resources Management Division are doing with  
2 Rincon Island.

3           Next, I want to highlight a recent memorandum of  
4 understanding that Commission staff entered into with  
5 Coastal Commission staff. A link to this MOU is  
6 highlighted on our agenda under the Executive Officer's  
7 report.

8           The Coastal Commission and State Lands Commission  
9 are working together on a Public Trust coordination  
10 project funded by a grant from the National -- National  
11 Ocean[SIC] and Atmospheric Association[SIC], NOAA. The  
12 purpose of this multi-year project is to strengthen  
13 communication, collaboration, and coordination between the  
14 two agencies surrounding our prospect -- respective Public  
15 Trust responsibilities and the challenges related to the  
16 ambulatory State tidelands boundary, climate change,  
17 rising sea levels, a rapidly changing shoreline, and  
18 competing Public Trust uses.

19           The Public Trust Doctrine and the California  
20 Coastal Act provide important legal frameworks to address  
21 coastal resource protection, given future sea level rise,  
22 other climate impacts, and shoreline management issues.

23           And the goal of this MOU is really to create a  
24 process for communication and work going forward that will  
25 facilitate collaboration between the agencies and

1 achieving protection of Public Trust lands, resources,  
2 uses, and values.

3           And I also want to emphasize that this MOU with  
4 its emphasis on coordination, and collaboration, and  
5 communication really also provides a strong foundation for  
6 applicants to have certainty of process. Obviously,  
7 between the two agencies, we have different legal  
8 frameworks by which we manage the resources and lands  
9 entrusted to our care. And this MOU does not change any  
10 of that. It does not circumvent any -- either agency's  
11 strong jurisdiction and authority.

12           What it does though is it provides a certainty of  
13 process and a certainty of coordination between our two  
14 agencies, which will hopefully facilitate understanding by  
15 applicants and give them a sense of confidence that we are  
16 working together and we won't ping-pong an applicant  
17 between our two agencies as they're trying to achieve  
18 their objective. And I can't emphasize enough that this  
19 MOU does nothing to undermine either agency's respective  
20 jurisdiction and authority.

21           Next, I want to provide an update to the  
22 Commission on our two offshore wind applications offshore  
23 of Vandenberg. As the Commission will recall, action on  
24 one of the applicants, Ideol's, data collection lease was  
25 deferred by the Commission at our August meeting, so that

1 we could get additional feedback from various stakeholders  
2 on data gaps and recommended methodologies for the data  
3 collection prior to Commission authorization.

4           Outreach has been ongoing since the August  
5 meeting. We've been working closely with the applicant  
6 Ideol to get full disclosure on the type of data  
7 collection activities they will be undertaking. And both  
8 the applicant, Ideol, and Commission staff separately have  
9 held a number of conversations with stakeholders,  
10 including environmental NGOs over the past couple of  
11 months.

12           And we're working with those stakeholders to make  
13 sure that when we bring the data collection lease back to  
14 the Commission, that we've identified and addressed all  
15 the concerns to the extent possible that we can.

16           We also have two applications for an actual  
17 demonstration project by Ideol and another company called  
18 CIERCO. Both applications are currently incomplete with  
19 the Commission. And we're working with both applicants on  
20 the information that's needed to complete their  
21 application. CIERCO has been providing information and  
22 responses to our incomplete letter, but have not fully  
23 responded to the requests for additional information. And  
24 we're still working with Ideol to submit information to  
25 address our incomplete letter that we have sent them.

1           This is the normal process that we go through  
2 with all applicants in terms of ensuring that we have the  
3 best information we can to synthesize and analyze to  
4 develop a recommendation for the Commission.

5           Next, I want to update the Commission on one of  
6 our sister agency's recent adoption of their Environmental  
7 Justice Policy. The Bay Conservation and Development  
8 Commission recently adopted their first ever Environmental  
9 Justice Policy. The State Lands Commission is a voting  
10 member on the BCDC and we have been working very closely  
11 with BCDC staff both in the development of their  
12 Environmental Justice Policy. And likewise, they worked  
13 very closely with us in the development of the  
14 Environmental Justice Policy the Commission adopted last  
15 year.

16           It's been a great effort again to ensure  
17 coordination, and collaboration, and shared values, and  
18 foundations for making sure that the policy that was  
19 adopted by both BCDC and State Lands can be implemented  
20 consistent with the intent and to the fullest degree  
21 possible.

22           Next, I want to highlight an item on the  
23 Commission's agenda today on the consent agenda, Item 69.  
24 I don't believe I have any requests to speak on that item.  
25 So I want to take the moment -- a moment here to express



1 to the Commission how important this particular boundary  
2 line agreement and settlement agreement is both to the  
3 property owners at Donner Lake as well as the Commission.

4           The boundary dispute at Donner Lake around the --  
5 almost the entire lake has been ongoing for decades dating  
6 all the way back to the early 1970s. And it has only been  
7 over the last couple years that we have been able to work  
8 cooperatively with representatives of the property owners,  
9 you know, through some litigation, but I like to focus on  
10 the -- on the positive work of what the settlement the  
11 Commission authorized a number of months ago, where that  
12 has led us to today, an authorization of this agreement.

13           It provides certainty as to boundaries and  
14 leasing jurisdiction, which is important for the property  
15 owners there, as well as it preserves the Commission's  
16 ownership interest, public access interest in the Public  
17 Trust easement area, as well as takes into account the  
18 ambulatory nature of the actual water boundary on the  
19 ground.

20           This is a win-win all the way around. And I  
21 could not be more proud -- prouder of our legal staff,  
22 Warren Crunk and our boundary staff, Dan Frink, for all  
23 the work that they did to get us here, as well as the  
24 great litigation support that we had from the AG's office.  
25 So I wanted to highlight that.

1           And I have just one more thing, if you'll bear  
2 with me, and then I'll be done. Last week, October 17th  
3 through the 18th, our Senior Environmental Scientist with  
4 the Commission's Marine Invasive Species Program, Lina  
5 Ceballos, represented the State of California at an  
6 International Maritime Organization workshop in Mexico  
7 City. The IMO convened the workshop in collaboration with  
8 the United Nations Development Program and the Global  
9 Environment Facility to address the issue of invasive  
10 aquatic species transferred through biofouling in some of  
11 the developing regions of the world.

12           Biofouling is the accumulation of aquatic  
13 organisms on surfaces and structures emersed in water.  
14 And biofouling species are moved around the world on  
15 vessels and can threat native communities, human health,  
16 and the economy when introduced to new regions.

17           Mexico is one of the 12 countries selected to  
18 participate in this IMO biofouling project. The IMO  
19 organized this workshop to create a Mexican national task  
20 force to bring together all relevant stakeholders  
21 associated with biofouling management with the goal of  
22 developing and implementing biofouling regulations.

23           Since the Commission's Marine Invasive Species  
24 Program already developed and implemented biofouling  
25 requirements in California, and due to California's

1 proximity and significant shipping traffic shared with  
2 Mexico, the IMO invited Commission staff as expert guests  
3 to participate in the workshop and share our experiences  
4 and knowledge with the participants. During the workshop,  
5 Lina described the risk of aquatic invasive species and  
6 the importance of biofouling as a vector for introducing  
7 these species.

8 She presented an overview of the California  
9 biofouling regulations and the lessons learned during the  
10 rulemaking process, and facilitated a discussion during  
11 the national task force formation. The workshop was all  
12 in Spanish. And the presence of a representative from  
13 California that spoke their same language helped the  
14 discussions and activities program by the IMO.

15 The workshop included a very engaged and  
16 committed group of people that will continue with the  
17 regulations development process in Mexico, and important  
18 connections were made, and Commission staff will continue  
19 to help the task force during their regulation development  
20 process.

21 These collaborations are important to ensure  
22 global consistency of biofouling management, and will  
23 facilitate work and partnerships between California and  
24 Mexico. And that concludes my Executive Officer's report.

25 Thank you.

1           CHAIRPERSON KOUNALAKIS: Well, that was a very  
2 comprehensive and very substantive report. And I just  
3 want to commend you and your staff, because it's  
4 reflective of how hard your team works and how effectively  
5 you work between meetings to be able to -- to be able to  
6 advance the important objectives of the Commission. So  
7 thank you.

8           And if there is any comment on the public report  
9 from either of the Commissioners.

10           Commissioner Yee.

11           COMMISSIONER YEE: Thank you, Madam Chair. Let  
12 me also just add my thanks to the staff. The progress  
13 with respect to the two oil and gas decommissioning  
14 efforts is really nothing short of remarkable. The  
15 proactiveness of this Commission, the staff just really  
16 steadily continued to keep a hand on the work that needs  
17 to be done every day on that. And I especially appreciate  
18 the ongoing external outreach with respect to the  
19 progress. That's been important as -- for the communities  
20 surrounding those areas.

21           I also want to just say with respect to Hollister  
22 Ranch, I know there was some concern about a bill maybe  
23 pressing not too much in one direction or another. And I  
24 just wanted to publicly say, this was really to just try  
25 to put the efforts back on track. I know the author of

1 the bill really wanted to see more progress. I think  
2 people in the area have been wanting to see some sort of  
3 an agreement reached for sometime now. But I think it  
4 really was to just create a neutral starting point, so  
5 that now the agencies that part of the Memorandum of  
6 Agreement to move forward can begin that work and begin  
7 really a publicly-oriented process, which I think will be  
8 helpful.

9 One of the things I just wanted to congratulate  
10 you on is that, you know, the Environmental Justice Policy  
11 that we adopted last year, the work that continues to be  
12 done in terms of integrating that into the work throughout  
13 the Commission is ongoing, but also has really been taken  
14 note of by others in State government. And so I'm hopeful  
15 that when we undertake the Hollister Ranch effort that we  
16 will really put that into play, certainly reaching out to  
17 those communities that have been wanting to be a part of  
18 the conversation with respect to what beach access looks  
19 like that provides some semblance of equity.

20 Thank you.

21 CHAIRPERSON KOUNALAKIS: The next order of  
22 business will be the adoption of the consent calendar.  
23 Commissioner Yee, Commissioner Miller, are there any items  
24 you would like removed from the consent calendar?

25 Ms. Lucchesi, are there any items, if any, that

1 have been removed from the consent calendar?

2 EXECUTIVE OFFICER LUCCHESI: Yes. Consent item  
3 21 has been removed from the agenda. And Regular items 79  
4 and 81 are removed from the agenda and will be considered  
5 at a later time.

6 CHAIRPERSON KOUNALAKIS: Okay. Is there anyone  
7 in the audience who wishes to speak on any item remaining  
8 on the consent calendar?

9 Okay. If not, we will proceed with a vote.

10 Do we have a motion?

11 COMMISSIONER YEE: So moved.

12 ACTING COMMISSIONER MILLER: Second.

13 CHAIRPERSON KOUNALAKIS: Objection?

14 Okay. If not, seeing none, the motion passes  
15 unanimously.

16 The next order of business will be the regular  
17 calendar. Item 77 is to consider supporting HR 3895 by  
18 Representative Juan Vargas and HR 4039 by Representative  
19 Mike Levin to support mitigation efforts in the Tijuana  
20 River Valley and to reduce cross-border pollution from  
21 flowing into the United States.

22 May we have with the presentation, please.

23 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Yes.  
24 Thank you, Madam Chair and Commissioners. This item  
25 recommends that the Commission support these two federal

1 bills that seek to address the untreated wastewater,  
2 sewage, and trash and sediment from Mexico that flows into  
3 Southern California. The Commission has jurisdiction over  
4 the sovereign lands in and near this area and has several  
5 leases, including a lease to the City of San Diego and the  
6 International Boundary and Water Commission for an  
7 outfall.

8 HR 3895, which was introduced this past July,  
9 would increase the capital of the North American  
10 Development Bank by 1.5 million for water infrastructure  
11 projects and it would also establish a Border Health  
12 Public Trust Fund.

13 HR 4039, also introduced this past July, would  
14 require the U.S. EPA to carry out a program to fund water  
15 treatment and other infrastructure improvement projects to  
16 try to prevent the flow of transboundary waste and other  
17 things into our state. Both bills are in committee and  
18 awaiting a hearing.

19 I also wanted to mention that recently also at  
20 the federal level, Senator Feinstein secured almost \$20  
21 million in three appropriation bills to also help  
22 facilitate improvements and take a more broad approach to  
23 address this issue.

24 Her language in the appropriation bills would  
25 require the Secretary of State to create an interagency

1 plan to address the effects of the toxic pollution and  
2 also figure out which agencies are responsible and how to  
3 elevate this issue with Mexico -- Mexican officials.

4           As I think the Commission has heard before,  
5 unfortunately pollution is common in this area and the  
6 effects are really devastating. And so these two bills  
7 are a way to help address the crisis, and, in particular,  
8 develop funding and target it at ways to either expand or  
9 rebuild the wastewater treatment facility in California  
10 and also other diversionary infrastructure to help prevent  
11 the flow of waste into -- into our State waters.

12           It's also consistent with the Commission's role  
13 and jurisdiction over sovereign lands in this area. And  
14 the Commission is a plaintiff in litigation pending  
15 against the International Boundary and Water Commission  
16 and consistent with that effort as well.

17           So we recommend that the Commission take a  
18 support position on these two bills.

19           CHAIRPERSON KOUNALAKIS: Okay. Commissioners,  
20 any questions?

21           I might just weigh in, because I've been spending  
22 some time on this issue myself. I was in Mexico City a  
23 few weeks ago and had the opportunity to meet with the  
24 Minister of Economy, who discussed the current Mexican  
25 government's commitment to improving the infrastructure



1 and water treatment in Tijuana, which is a very important  
2 piece of this process.

3           And yesterday, I was down in Tijuana and had the  
4 opportunity to meet with Governor-Elect of Baja,  
5 California Jaime Bonilla, who is a former dual citizen and  
6 had been a representative on the Chula Vista Water  
7 District. Someone with quite a bit of knowledge and  
8 expertise on the question of water and water quality.

9           It's also important to recognize that  
10 improvements on the California side are deeply needed.  
11 And so these bills will be very helpful as we do our part  
12 on this side of the border to make sure that water  
13 treatment is adequate and that the various overlapping  
14 agencies are working together, because it truly is a  
15 major, major threat to public health.

16           And the fact that it has been elevated by the  
17 Newsom administration I think is a big part of how we have  
18 seen an increase in recognition of the need to act and I'm  
19 very hopeful not just that as we on our side of the border  
20 are doing more, that on the Mexican side of the border,  
21 there is an increased recognition of the need to improve  
22 facilities in order to limit the discharges, which are the  
23 root of the problem.

24           And I might just add because you mentioned the  
25 Governor's remarks on public access to the beaches, both

1 with that important issue that affects this Commission and  
2 the question of the Tijuana River Valley, he sat on this  
3 Commission for eight years and worked with the staff of  
4 the State Lands Commission. So I think what we're seeing  
5 is many years of elevating these important projects and  
6 these important issues to be able to get to the point now  
7 where there's real momentum in order to be able to address  
8 them effectively.

9 So I am in favor of endorsing these bills.

10 Anyone else like to speak?

11 All right. Yes, Jennifer.

12 EXECUTIVE OFFICER LUCCHESI: We do have one  
13 person that would like to speak on this item.

14 CHAIRPERSON KOUNALAKIS: Thank you. Yes.  
15 Jennifer Savage. Hello.

16 MS. SAVAGE: Hi. Jennifer Savage, Surfrider  
17 Foundation. Just wanted to echo the support for  
18 supporting this legislation. Our San Diego Chapter has  
19 been working on this issue for years, years, decades, I  
20 think, at this point. It's such a crisis, as has been  
21 identified. And with this particular issue, even though  
22 putting all the pieces in place is certainly a huge  
23 challenge, we know that with enough funding, with enough  
24 determination that it is solvable. So it's really  
25 heartening to see the Commission's emphasis on trying to

1 make progress.

2 I think that this legislation will be an  
3 important and useful key in finding the solution, so that  
4 the Tijuana River Valley, the estuary Imperial Beach and  
5 Border Field state Park. All these places that are right  
6 now terribly polluted, dangerous places could at last be  
7 transformed into the critical habitat and recreational  
8 treasures that they should be for our state.

9 So thank you very much

10 CHAIRPERSON KOUNALAKIS: Yes. Commissioner Yee.

11 COMMISSIONER YEE: Thank you, Madam Chair. And  
12 thank you for your leadership and certainly presence with  
13 the Mexican government on this. We -- this is -- these  
14 are all efforts that are going to require very high levels  
15 of cooperation and certainly with respect to implementing  
16 some of the work that we need to have take place.

17 I did want to just point out that perhaps the  
18 Commission could take a leadership role, because there are  
19 many diverse interests that really want to be part of the  
20 solution. And just in a couple of the visits and  
21 conversations I've had with some of those interests, it  
22 seems to me that we're going to trip over ourselves if we  
23 don't have some sort of better coordination.

24 And so I think through you, Madam Chair, if we  
25 could maybe just have the staff look at just some of the

1 other activities that are happening. And much of it  
2 privately financed, but I'm not so sure are necessarily  
3 cognizant of some of the just compliance issues that need  
4 to be focused upon, and then obviously a lot of global  
5 interest in this as well.

6 So to the extent that we could maybe just do an  
7 inventory of all of the efforts that are taking place down  
8 there and the various interests that have weighed in with  
9 intention about trying to help resolve some of the Tijuana  
10 River Valley issues would be great.

11 CHAIRPERSON KOUNALAKIS: Thank you so much for  
12 that. I will say Wade Crowfoot from EPA? EPA? No,  
13 Natural Resources, but also the EPA have been very  
14 involved in this. So I think that what we have is sort of  
15 a team leadership effort going on. And, you know, there  
16 really are two pieces of this, the California side and the  
17 Mexico side.

18 And it's not going to be possible to provide --  
19 to build a big enough water treatment plant on the  
20 California side to clean the Tijuana River when the flows  
21 are high. So certainly we have work to do on our side to  
22 treat what we can. But this partnership with Mexico is  
23 going to be very, very important. And again, I think that  
24 the pieces are in place, but the ongoing work with the  
25 Mexican government, and, of course, with the federal

1 government, which has so much jurisdiction as well.

2           So our seat at the table to make sure that  
3 everyone is moving forward and working together, so that  
4 the meetings are not just recognition that we have a  
5 problem, but that, in fact, it's really moving toward  
6 building more infrastructure, particularly frankly on the  
7 other side of the border.

8           So I think we have real momentum. But again,  
9 there's just a lot of work to do. So -- so that's what  
10 we're going to do.

11           Is there a motion to --

12           COMMISSIONER YEE: I'll move to support the two  
13 federal bills.

14           ACTING COMMISSIONER MILLER: I'll second.

15           CHAIRPERSON KOUNALAKIS: Any objections?

16           Seeing none. Motion carries. Thank you.

17           Item 78 is an informational update on the  
18 Commission's activities along the Crockett waterfront near  
19 Carquinez Bridge.

20           May we have the presentation, please.

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

23           PUBLIC LAND MANAGER LAVOIE: Good morning,  
24 Chairwoman Kounalakis and members of the Commission. My  
25 name is Nicholas Lavoie and I'm a Public Land Manager in

1 the Commission's Land Management Division. And I am  
2 presenting on Item 78, which is an informational update on  
3 the Crockett waterfront.

4 (Thereupon an overhead presentation was  
5 Presented as follows.)

6 PUBLIC LAND MANAGER LAVOIE: The Crockett  
7 waterfront is located on the south side of the Carquinez  
8 Strait where it meets San Pablo Bay. Even though  
9 Crockett's entire northern boundary is connected to the  
10 Carquinez Strait, the community is, in a way, disconnected  
11 from the strait. The community's boundary with the strait  
12 has both natural barriers, such as bluffs, and human-made  
13 barriers.

14 On this map, I attempt to show how the Crockett  
15 shoreline is broken up. Starting from the west, or the  
16 left side of the map, you can see there is a marine oil  
17 terminal and associated refinery. Adjacent to that is  
18 Selby Slag. Then you have a stretch of natural bluff and  
19 a railroad right of way along the shore. Beyond that is  
20 the C&H sugar refinery, followed by another natural bluff  
21 with the same railroad right of way along the shore. And  
22 finally at the east, there is a public fishing pier.

23 Along the bluff, there are wonderful scenic  
24 views. But as you can see, there is very little shoreline  
25 allowing the public to get closer to the water. In the

1 center of the map, you will find the area that is subject  
2 to this informational presentation. This is a low-lying  
3 area at the waterfront just west of the Carquinez Bridge  
4 with a railroad right of way separating the community from  
5 the actual shoreline.

6 --o0o--

7 PUBLIC LAND MANAGER LAVOIE: The Commission's  
8 jurisdiction at this location is not readily apparent. As  
9 you know, the Commission has jurisdiction over sovereign  
10 land in the original bed of the Carquinez Strait and the  
11 strait is generally located in the same place it was at  
12 statehood in 1850.

13 However, a low-lying area adjacent to the strait  
14 is actually filled sovereign land. Organizations and  
15 individuals began buying tidelands at the base of the hill  
16 to fill for railroad use. And, as you can see today, on  
17 this image or if you've every taken the Capital Corridor  
18 train, the railroad is right along the shoreline.

19 The original railroad track meandered the base of  
20 the hill and is shown in magenta. The curve of the track  
21 required trains to slow. And the railroad had an interest  
22 in straightening the line to keep the trains moving more  
23 quickly. As you can see by the 1930s much of the fill had  
24 been placed and the track was already straightened, as  
25 highlighted within the green line.





1 existing leases in this fill tideland area with numerous  
2 entities for a multitude of different uses, such as public  
3 agencies, industrial, agricultural, and recreational.

4           The Commission also had a commercial lease with  
5 Crockett Marine Service Incorporated, which operated the  
6 Nantucket Restaurant and associated marina and boat repair  
7 business.

8           The Commission terminated that lease in December  
9 of 2018 due to their inability to perform under the lease.  
10 Generally, this area struggled for many years due to a  
11 lack of management by Crockett Marine Service. However,  
12 the area has seen renewed support. The renewed interest  
13 seems to have been spurred by the general clean-up  
14 activities that have taken place and removal of Crockett  
15 Marine Service as a lessee.

16                           --o0o--

17           PUBLIC LAND MANAGER LAVOIE: Clean up on the  
18 upland started in 2017. Contra Costa County code  
19 enforcement began siting ongoing issues in the public  
20 parking area adjacent to the Nantucket Restaurant, and  
21 Commission staff worked with C&H Sugar and CalRecycle to  
22 clean up the parking lot area landward of the railroad  
23 tracks.

24           After the initial clean up by CalRecycle,  
25 barricades were placed to reduce the size of the parking

1 lot and reduce opportunity for ongoing illegal dumping  
2 activities.

3 Staff also had two gates installed for access to  
4 the parking lot and distributed keys to authorized  
5 parties. The parking lot is intended to be open during  
6 the daytime to allow for public access, but closed during  
7 the evenings to help maintain the property and discourage  
8 dumping and other illicit activity.

9 The county code enforcement officers and  
10 sheriff's deputies have taken -- have been key partners in  
11 keeping the site as clean and safe as it is today.

12 --o0o--

13 PUBLIC LAND MANAGER LAVOIE: Despite the  
14 expensive clean-up efforts that have already occurred,  
15 there are more being done and clean-up efforts at the site  
16 are ongoing.

17 Most recently, the Bass Club offered -- or  
18 covered graffiti with fresh paint and the Contra Costa  
19 Resource Conservation District organized an Earth Day  
20 clean up and a California coastal clean-up day where large  
21 amounts of garbage and debris were removed from the site.

22 --o0o--

23 PUBLIC LAND MANAGER LAVOIE: Staff has received  
24 two applications for the use of this area. Both  
25 applications have the potential to help vitalize the area.

1 One application is from the Contra Costa Resource  
2 Conservation District for a passive park space landward of  
3 the railroad tracks. The District has also applied for an  
4 Urban Greening Grant through the California Natural  
5 Resources Agency to fund the project. The grant was not  
6 approved this year, but the district is hopeful to have  
7 one more chance next year.

8 The second application is from Rod and Destinee  
9 Dixon for the rehabilitation of the formal -- the former  
10 Nantucket Restaurant. Their application includes the  
11 clean up of some of the former Crockett Marine Service  
12 lease area. Their application is currently incomplete and  
13 the Dixons are working to complete their application. One  
14 ongoing challenge for the Dixons is that to operate the  
15 restaurant, they need access rights from Union Pacific due  
16 to the railroad crossing.

17 Staff understands this to be an expensive and  
18 time-consuming process. The railroad and Public Utilities  
19 Commission have standards that must be met to open and  
20 maintain the railroad crossing. I can tell you firsthand  
21 the Dixons are persistent. And after eight months, it  
22 appears they are close to getting a right-of-way agreement  
23 in place with the railroad.

24 --o0o--

25 PUBLIC LAND MANAGER LAVOIE: In the meantime,

1 staff has heard repeated requests from the county that the  
2 Commission not seek removal of the existing restaurant  
3 facilities waterward of the railroad tracks. The county  
4 would like to see the restaurant and supporting facilities  
5 reopened.

6 While staff continues to process the application  
7 submitted and believes successful reuse of the restaurant  
8 is possible, the existing facilities are an ongoing hazard  
9 and source of blight. Staff has already expended funds on  
10 multiple occasions to board up the restaurant and adjacent  
11 facilities. The status quo is not sustainable.

12 Staff has a duty to explore all options to  
13 address the existing facilities. And one such option is  
14 to return the site to a natural state, thereby reducing  
15 the risk and liability to the State. This is an expensive  
16 proposal, for which funding is not currently available.

17 Staff is working through the contracting process  
18 to see how much in-water and shoreline debris can be  
19 removed using the Kapiloff Fund expenditure approved by  
20 the Commission in October of 2018. The entire cleanup is  
21 estimated to cost \$3 million. The Commission currently  
22 has approximately \$690,000 available.

23 --o0o--

24 PUBLIC LAND MANAGER LAVOIE: Staff has, and  
25 continues to seek, partnerships and funding mechanisms to

1 remove all hazards and sources of blight. While the  
2 Commission has given authorization to conduct removal  
3 activities in the water at the site, staff is not  
4 authorized to pursue such removal of the restaurant and  
5 supporting facilities without specific authorization from  
6 the Commission. In addition, any reuse of the area will  
7 require separate Commission authorization.

8           One partnerships that looks promising is with the  
9 San Francisco Bay Conservation and Development Commission,  
10 National Marine Fisheries Service, Lind Marine, and Lehigh  
11 Hanson/Hanson Aggregates. This partnership seeks to  
12 conduct necessary in-water cleanup within the defunct  
13 marina. Several sunken vessels and numerous abandoned  
14 pilings have already been identified as eligible for  
15 removal and those items are identified on this image, the  
16 vessels circled in red and the pilings in blue.

17           The proposal would be undertaken to fulfill BCDC  
18 permit conditions and a conservation measure included in  
19 the National Marine Fisheries Services Biological Opinion  
20 associated with Lind and Hanson's sand mining activities  
21 in the San Francisco Bay.

22           This is the end of my update, but I want you to  
23 know that staff is committed to working with the  
24 stakeholders regarding the use and cleanup of the area.  
25 And I am available answer any questions.

1 CHAIRPERSON KOUNALAKIS: Thank you. That was a  
2 really terrific presentation, particularly those drone  
3 images really helped to see the site so well.

4 Do any Commissioners have comments or questions?  
5 Commissioner Yee.

6 COMMISSIONER YEE: Thank you. The \$3 million  
7 slated for cleanup. Have we pursued funding for that as  
8 a -- formally?

9 EXECUTIVE OFFICER LUCCHESI: We are open to  
10 pursuing all options, including budget augmentations. But  
11 we have not received a budget augmentation to --

12 COMMISSIONER YEE: Right.

13 EXECUTIVE OFFICER LUCCHESI: -- for the full \$3  
14 million at this point.

15 COMMISSIONER YEE: Okay. Okay. All right. I  
16 would like to see something maybe advanced, so -- and I --  
17 and the plan is in place, so we've got the justification  
18 for the activities that will be required.

19 EXECUTIVE OFFICER LUCCHESI: I didn't hear that  
20 last part.

21 COMMISSIONER YEE: The plan is in place, so  
22 there's easy justification for the funding, if we request  
23 it.

24 EXECUTIVE OFFICER LUCCHESI: Yeah, we've been  
25 doing a lot of work to evaluate and establish the

1 justification for full removal of everything. So we do  
2 have a lot of evidence and facts in place for that  
3 justification.

4 COMMISSIONER YEE: Okay. Okay.

5 EXECUTIVE OFFICER LUCCHESI: I will just note too  
6 that the Commission is looking at these hazards statewide,  
7 particularly not just in this area, but throughout the  
8 Delta. We just presented a report to the Commission  
9 earlier this year on the abandoned vessels in the Delta.

10 COMMISSIONER YEE: Right.

11 EXECUTIVE OFFICER LUCCHESI: We're also looking  
12 in Southern California and the coastal hazards associated  
13 with prior industries there. So this is a -- the hazards  
14 in this area are incredibly impactful to the local  
15 community. This is also representative of the larger  
16 issue that the Commission --

17 COMMISSIONER YEE: Right.

18 EXECUTIVE OFFICER LUCCHESI: -- faces with  
19 coastal hazards and in-water hazards throughout the state.

20 COMMISSIONER YEE: Okay. And I'm just thinking  
21 about in terms of -- and I am -- and I do think about  
22 these things statewide that we have a lot of kind of  
23 hazard abatement type of things that we've been hanging on  
24 to for a while.

25 EXECUTIVE OFFICER LUCCHESI: Right.

1           COMMISSIONER YEE: It seems to me it might be  
2 ripe for some one-time funding, if available, so -- to  
3 just make some good progress on them. So I'd like to see  
4 something advance.

5           EXECUTIVE OFFICER LUCCHESI: Yeah. Understood.  
6 And we'll continue to pursue the paths that are available  
7 to us for budget augmentations.

8           COMMISSIONER YEE: That's great. Thank you.

9           ACTING COMMISSIONER MILLER: Thank you, Madam  
10 Chair.

11           Ms. Lucchesi, is there a way to somehow -- I  
12 don't know if this is possible, but to somehow prioritize  
13 some of the funding needs for abatement around the state?  
14 Is that -- is that something the Commission would be -- or  
15 your staff would be able to do?

16           EXECUTIVE OFFICER LUCCHESI: That is definitely  
17 feasible to do. We will likely need to reach out for  
18 other expertise, both in terms of conducting a  
19 comprehensive inventory and then assigning criteria to  
20 establish a priority. That's exactly what we did in the  
21 abandoned vessel assessment that we presented to the  
22 Commission for the abandoned vessels in the Delta area.  
23 We worked very closely with OSPR on -- in terms of the  
24 inventory that they conducted and then assigned criteria  
25 to establish priorities associated with removing those



1 abandoned vessels.

2           So can you take that and apply it more broadly  
3 across the state? Of course, we can. I will be honest  
4 that we do not have the existing resources to do this --  
5 that, at this time, both personnel, expertise, and then  
6 the actual funding to conduct that inventory and analysis.  
7 But it's definitely something that is on our minds  
8 constantly and something that, given the adequate  
9 resources and funding, we would be happy to pursue in  
10 coordination with other agencies that are looking at  
11 similar issues.

12           ACTING COMMISSIONER MILLER: Great. Thank you.

13           And just one follow-up question. Have there been  
14 any budget change proposals submitted with regards to  
15 hazard abatement from you or any of -- or any other  
16 department?

17           EXECUTIVE OFFICER LUCCHESI: So we have not been  
18 successful in receiving budget augmentations in budgets  
19 approved by the Legislature and signed by the Governor in  
20 the past, except for certain one-time allocations  
21 associated with coastal hazard removal and remediation in  
22 the Santa Barbara Channel area through special funding  
23 that occurred, gosh, maybe almost a decade ago.

24           So, yes, we have not been successful in receiving  
25 budget augmentations in approved budgets thus far for a

1 larger inventory and assessment.

2 ACTING COMMISSIONER MILLER: Thank you very much.

3 CHAIRPERSON KOUNALAKIS: Okay. Thank you very  
4 much. And we have some folks here who would like to speak  
5 on this item. When you hear your name, please approach  
6 the podium. And first, we have John Kopchik, then Igor  
7 Skaredoff, and then Heidi Petty.

8 John Kopchik.

9 MR. KOPCHIK: Good morning, Chair Kounalakis and  
10 Members Yee and Miller and good morning also to Executive  
11 Officer Lucchesi. And we really appreciate you being here  
12 and the excellent presentation that Mr. Lavoie -- I think  
13 he did an excellent job of summarizing the issue. And as  
14 he mentioned, even though the community of Crockett lies  
15 right along the shoreline. It's just that narrow window  
16 where the people that live there and people in the  
17 surrounding area can actually get to the shoreline and  
18 enjoy it.

19 And really, the only way across the railroad  
20 tracks is through the lease that's been operated by the  
21 former leaseholders for the Nantucket Restaurant. And the  
22 County Board of Supervisors sent a letter to the State  
23 Lands Commission back in May, I believe it was, stressing  
24 that, you know, for all that length of shoreline how  
25 critically important it was to maintain a commercial use

1 out there.

2           And so I know that the staff is interested in  
3 exploring the need for -- you know, if nothing -- if you  
4 can't get a lessee to really revitalize that spot, that  
5 you need to clean it up. But I think we would argue that  
6 certainly some cleanup needs to happen. There's some  
7 aspects of that site that need to be cleaned up.

8           But really, if we ever lose the restaurant site  
9 and it becomes restored, of course, we need restoration  
10 throughout the county. That's part of our department's  
11 mission. That's part of the County's mission as well.  
12 But this is a place that people can actually go and enjoy  
13 a meal on the shoreline. And it would be -- it's really a  
14 defining feature of the Crockett community. It's one of  
15 their main assets.

16           And so I know that finding the resources to  
17 really help that prospective lessee get through the  
18 difficulty of getting a railroad crossing, we would just  
19 urge the Commission to try and find the resources to  
20 support that. It's a lot to ask of a private individual  
21 to deal with the railroads to accomplish a lease. And we  
22 would just urge the Commission to do what they can to try  
23 and make sure that restaurant lives on.

24           You will also be hearing from others about the  
25 need for the open space uplands. Our department is

1 working with them as well to try and help them frame a  
2 proposal for the park. And I think it presents a real  
3 opportunity to clean up, revitalize, and restore a really  
4 important part of the shoreline for Contra Costa County.

5 We will do our part. The County and the  
6 Department of Conservation and Development, where I work,  
7 we have code enforcement, economic developments all within  
8 our jurisdiction. We really look forward to continuing to  
9 work with your staff and with the Commission to try and  
10 make that a reality.

11 Thank you.

12 CHAIRPERSON KOUNALAKIS: Thank you. And next we  
13 have Igor - I think I'm saying this right - Skaredoff? Is  
14 that right?

15 MR. SKAREDOFF: Very well done. It's an  
16 extremely challenging name. I've been living with it for  
17 78 years.

18 (Laughter.)

19 CHAIRPERSON KOUNALAKIS: I know the feeling.

20 MR. SKAREDOFF: So you've done well with it.  
21 Thank you.

22 I'm the Chairman of the Board for the Resource  
23 Conservation District in Contra Costa County. And I'd  
24 like to join Supervisor Anderson in welcoming you here to  
25 us. We're very happy to have you here. She and I are

1 also both colleagues on the Contra Costa LAFCO Commission,  
2 so we have another interest as well in these kind of  
3 topics.

4 I'll -- I'm not going to get into a lot of  
5 detail, but I would just like to let you know that our  
6 Resource Conservation District, we pledge our sweat  
7 equity, our -- what resources we can bring to bear, our  
8 connections in the community, and throughout the  
9 conservation and restoration community to bring all that  
10 to bear to make this all work. We're going to do very  
11 much whatever we can to make this all happen and to  
12 continue working with the local community, so that it  
13 reflects their values and their interests as well.

14 We have -- as have been mentioned, this is a  
15 fairly restricted area for -- unique area for access to  
16 the Bay in this part of the shoreline. A lot of the rest  
17 of it is either barricaded off or elevated away from the  
18 shore. And so especially valuable would be to integrate  
19 the work that we're doing on the upland side to make that  
20 the -- an attractive and safe place for the community to  
21 gather, and to celebrate, and do the various things that  
22 make a community a good one, to integrate that with this  
23 restoration project.

24 We already have a native plant nursery onsite.  
25 And there's a -- youth activities have been taking place

1 with restoration focused for a really long time on this  
2 site. So it's already got that going for it. And we  
3 intend to kind of keep all that in focus as well.

4 So thank you very much for hearing me out and  
5 welcome to us. And we'll be glad to host you again when  
6 showing the progress we've made on this project.

7 Thanks.

8 CHAIRPERSON KOUNALAKIS: Thank you. Thank you.  
9 Heidi Petty. And then we have Larry Hayden, and then  
10 David Fraser.

11 MS. PETTY: Hello. Is that low enough?

12 I'm Heidi Petty. I work for the Contra Costa  
13 Resource Conservation District. I am actually currently  
14 the Watershed Program Manager for the Carquinez Strait.  
15 I've been part of this whole process from the beginning.  
16 I worked for Carquinez Regional Environmental Education  
17 Center for a long time, which is the nursery down there,  
18 the greenhouse.

19 So I was there one day and we walked there. And  
20 normally, there's a lot of garbage and dumping. And out  
21 of nowhere, all of that was gone. So thanks to your  
22 efforts and C&H's efforts, much of that garbage was  
23 removed. So with a blank palette in front of us, we  
24 decided to start a group of citizens. All of the people  
25 in Crockett came. Everyone was very interested in doing

1 this and revitalizing this area that they had kind of lost  
2 to this garbage and a danger, honestly, because there was  
3 no one there.

4           So we formed a committee called the Crockett  
5 Recover the Waterfront Committee. We created a vision  
6 plan for the park and -- and for the waterfront. That was  
7 included. Our area is obviously more the park area. But  
8 for us, keeping that railroad crossing open, having that  
9 commerce down there, people there, is a very big part of  
10 us being able to access that waterfront, have educational  
11 activities, have recreation, have Crockett have a place to  
12 really have something they can call their own, which they  
13 have not had for a very long time.

14           So, for us, the restaurant, although we like the  
15 idea of restoring it to a wonderful natural waterfront, I  
16 believe that for our project, drawing people to the  
17 community, having water access, people boating up, that's  
18 a very important part too. So we're in great support of  
19 them having a restaurant there still. We would like to  
20 see maybe some fishing piers. It is a fishing community.

21           And I was recently told that it is part of your  
22 environmental justice plan. So this is a community that  
23 should be looked at. And I appreciate you going to all  
24 that effort to do that, to involve the communities, to  
25 look at places like this, where the shoreline can really

1 be revitalized and really bring a sense of community to  
2 the California shores.

3           So I appreciate you having this meeting here. I  
4 appreciate all of the work that Nicholas has done for us.  
5 He has been a great communicator with us. He has come  
6 out. He has toured the ideas with me, talked about  
7 things, helped us with our cleanup. So like you saw in  
8 his pictures, we did take 72 -- 7,200 pounds of garbage  
9 out on coastal cleanup day that day. The bass club came  
10 out and got out half boats, and garbage, and chairs, and  
11 things.

12           And it's actually making a really big dent in  
13 this area. So I would hate to see, now that we finally  
14 have a blank palette, it not going to something wonderful.

15           So that's kind of my basic here. And I  
16 appreciate you coming here.

17           CHAIRPERSON KOUNALAKIS: Thank you. Thank you  
18 very much for those kind words.

19           MS. PETTY: Yeah. Thank you.

20           CHAIRPERSON KOUNALAKIS: Larry Hayden.

21           MR. HAYDEN: Good morning. My name is Larry  
22 Hayden. I'm here representing the Crockett Chamber of  
23 Commerce. I'm also a member of the Crockett Restore the  
24 Waterfront Committee that Heidi just referenced.

25           Thank -- first of all, thank you very, very much



1 for holding this meeting here today and accessible for all  
2 the people from Crockett to be here. And thank you all  
3 for all of your efforts for the Crockett waterfront, and  
4 as Heidi said especially Nicholas and all the efforts he's  
5 put forth. We've really appreciate it.

6           Again, the waterfront is an extremely important  
7 area to Crockett. It has been for generations. From the  
8 Chamber Commerce's standpoint, the restaurant down there,  
9 that Nantucket Restaurant, although it's been, you know,  
10 marginal for years, it's still been a very, very viable  
11 economic feature of Crockett for decades and it serves the  
12 community. And, in fact, it really -- if you know  
13 Crockett at all, we really have no restaurants at this  
14 point. We have one giant restaurant, The Dead Fish, but  
15 that really doesn't serve the local community. It serves  
16 more of a regional basis. So Crockett -- with the loss of  
17 The Nantucket Restaurant now, we really have no locally  
18 serving restaurants. So it's very critical to us that  
19 that be restored.

20           So, however -- I mean, the cleanup down there is  
21 immensely important, but however, the coordination of that  
22 cleanup with the rebuilding of a functional restaurant and  
23 a marina would be critical to the town and the business  
24 community there.

25           So thank you all very much.

1 CHAIRPERSON KOUNALAKIS: Thank you very much.

2 David Fraser, and then Dale McDonald, and then  
3 Joanna Cassese, I think is what I see here.

4 Hello.

5 MR. FRASER: Good morning, Commissioners. I'm  
6 David Fraser, chief of staff to District 5 Supervisor  
7 Federal Glover. His supervisorial district includes  
8 Crockett. He is traveling on the east coast today and  
9 couldn't be here. So he asked me to stop by and just sort  
10 of summarize three points that he would like for the  
11 Commission to be aware of and to understand.

12 First, the location we're speaking of has had a  
13 restaurant for about 50 years. So it's been a long  
14 history and the average person could simply stop by and  
15 have a meal. And so with the closure of that particular  
16 business, it means that there is also a closure of access  
17 to the Bay, and that's important.

18 But there's another piece to this as well. That  
19 part of the county is a disadvantaged community under SB  
20 535. And so that area has been historically  
21 under-invested. That's an important point I think we need  
22 to take away from this. I believe it was in May that the  
23 board of supervisors sent correspondence to the Commission  
24 expressing the desire to make sure that this remains a  
25 restaurant. Supervisor Glover followed up with

1 correspondence in May.

2           And on the second note, the second issue is that  
3 Supervisor Glover believes that State Lands should perhaps  
4 take the lead in securing a master license of sorts with  
5 the railroad for crossing the tracks, so that whomever  
6 ultimately does business there will fall under that master  
7 license. The Commission probably will have a lot more  
8 leverage in negotiating such than an individual would. So  
9 that's a second thought and a second recommendation.

10           The third and final is this, although this  
11 Commission meeting being held here in Contra Costa County  
12 in Martinez is certainly welcome. Supervisor Glover also  
13 believes that it would be useful to have a meeting in the  
14 community, sort of a town hall meeting and such, where  
15 locals can attend and voice their opinions.

16           Finally, you know, the current condition is not  
17 something that we can continue to accept. It is -- it is  
18 in bad shape. And when property is left in this type of  
19 derelict condition, ultimately it attracts crime and the  
20 like. And so that's an area of concern for him as well.

21           Again, we'd like to welcome you to Contra Costa  
22 County and we appreciate your presence.

23           Thank you.

24           CHAIRPERSON KOUNALAKIS: Thank you very much.  
25 And staff can note the request for a town hall meeting.

1           Two more speakers. If there's anyone I haven't  
2 called who would like to speak, please submit a speaker  
3 slip. We have Dale McDonald and then Joanna -- again, I  
4 think it's Cassese.

5           Thank you.

6           MR. McDONALD: Good morning. My name is Dale  
7 McDonald. I am the general manager of the Crockett  
8 Community Services District. So we are the small local  
9 government in Crockett. Our primary responsibility there  
10 are sewers and recreation. So we don't have a direct  
11 investment on the waterfront, but we have an interest in  
12 the facility.

13           I wanted to share with the Commission the  
14 District's position on the restore -- restoration of the  
15 waterfront. And there's two aspects. There's the lot one  
16 that Nicholas showed at, which is on the waterfront and  
17 the restaurant. We can confirm that that restaurant in  
18 that location is entitled to sewer service. So any  
19 restored building can continue to receive sewer service at  
20 that location. We anticipate upgrade requirements of  
21 course.

22           On the landside, on the area that would be the  
23 park, we have an easement that goes through there for  
24 access to our -- actually a wet stormwater storage unit to  
25 the west of town. We're supportive with the development

1 of that park, and are working with them, and would be  
2 willing to relocate and move our easement to facilitate  
3 open greenspace, but still allows us access. So both our  
4 board, as well as what I've heard through the town itself,  
5 have been very supportive of both projects to continue,  
6 waterfront development as well as landside.

7           The railroad crossing is very important to our  
8 district. From the sanitary district side, or our  
9 sanitary department, we do have some manholes and sewer  
10 lines on the northern side of that shore. We utilize that  
11 railroad crossing for maintenance, underneath the  
12 bridgehead for what is the lowest area of our wastewater  
13 manholes that are there. If that railroad crossing were  
14 to disappear, if the restaurant goes away, and the right  
15 for that crossing goes away, it would be very difficult  
16 for us to cross that track.

17           The railroad has removed other crossings in the  
18 past in the town of Port Costa that has caused a challenge  
19 for us, and we'd fear that happening again. So we're a  
20 strong supporter of trying to keep the restaurant have a  
21 crossing.

22           You mentioned in the opening remarks, the  
23 community, the Ohlone and other tribes accessing the  
24 water. We talked about fishing. It is hugely popular and  
25 still is along the waterfront. And this is that location

1 for safe crossing.

2           Otherwise, you're asking people to still cross  
3 the railroad. They will do it without a safe crossing.  
4 And I think that's a risk to them. So I appreciate you  
5 being -- allowing me to speak on this issue, sharing the  
6 support from our Community Services District, as well as  
7 the importance of protection from that railroad crossing  
8 and the support of the restaurant that the community has  
9 shown me.

10           I think I'll end by saying there's probably not a  
11 week that goes by that I don't run into someone from  
12 greater West Contra Costa County telling me in the  
13 day-to-day challenges what happened to The Nantucket? I  
14 so liked going there. So it's not just Crockett. There  
15 are countless people throughout west county that enjoyed  
16 going town there on a warm November day coming up soon -  
17 we expect more - and enjoying that restaurant.

18           So thank you.

19           CHAIRPERSON KOUNALAKIS: Thank you.

20           And then finally we have one more speaker, if she  
21 is here. Joanna, please tell us how to spell -- how to  
22 pronounce your last name. I'm so sorry.

23           MS. CASSESE: It depends on whether you're in  
24 Italy or in or America.

25           CHAIRPERSON KOUNALAKIS: Okay. Cassese.

1 Cassese?

2 MS. CASSESE: In Italy, you're correct, it's  
3 Cassese.

4 CHAIRPERSON KOUNALAKIS: All right.

5 MS. CASSESE: Here, it's Cassese.

6 CHAIRPERSON KOUNALAKIS: Okay.

7 MS. CASSESE: But thank you so very much for all  
8 the work that you do. I'm here representing the community  
9 of Crockett as a member of the Crockett Community  
10 Foundation, and the Crockett Lions Club, and also someone  
11 still considered a relative newcomer, but has been living  
12 in Crockett for about 40 years --

13 (Laughter.)

14 MS. CASSESE: -- and have been enjoying -- had  
15 been enjoying The Nantucket for many years. And I'm  
16 curious how many people who are here have actually been to  
17 Crockett?

18 (Hands raised.)

19 MS. CASSESE: Okay. So a few of you have. And  
20 I'm hoping that all of you who are participating in the  
21 future of Crockett would definitely visit. I think that  
22 you will find that it is what many people have called a --  
23 an undeveloped pearl in an oyster shell. But I think  
24 beyond that is I do want to reinforce that the Crockett  
25 community is directly connected to the waterfront.

1 Possibly not based upon land lines and geography, but  
2 emotionally, we are very connected to the waterfront.

3           And to have a section that is virtually at the  
4 beginning and the entrance of the town to be in such  
5 disrepair could be absolutely devastating to the future of  
6 Crockett and to the people who live there.

7           We have about a population of about 3,300. And I  
8 can tell you that about 15 percent of our population are  
9 volunteers. And just about everything that you see that  
10 has been done within Crockett, since we are incorporated,  
11 has been done by a volunteer fundraising, has been  
12 volunteer -- has been done by many of the volunteer  
13 organizations. And these are significant projects, if you  
14 come into Crockett, that you will see.

15           So I would invite everyone to come. And since we  
16 only have The Dead Fish restaurant, you can certainly have  
17 lunch at The Dead Fish. But I think also that even though  
18 The Dead Fish appears to be outside of Crockett, it is a  
19 very, very important part of Crockett. And I think that  
20 if that waterfront area, which can be seen directly from  
21 The Dead Fish when you are enjoying your meal, it would  
22 also be very important to their business. I don't know if  
23 anyone has connected in regards to cooperation with the  
24 owners of The Dead Fish, but I think that would be very  
25 important.



1           So what the community of Crockett is asking is to  
2 possibly open up the bidding process of the cleanup to  
3 public bidding, once we have the guidelines. I think we  
4 might find that it can be done less expensive than \$3  
5 million.

6           I'm also quite surprised that for 40 years just  
7 little, by little, by little, we have seen the waterfront  
8 areas and the extensions into the water collapse. And  
9 really wondering why the leaseholder was not keeping an  
10 eye on the maintenance. I mean, there's -- over 40 years  
11 of maintenance that has been absolutely ignored. And so I  
12 appreciate that the State Lands Commission is taking a  
13 look at this now and hopefully any help that you could  
14 give us.

15           And then just one last thing that I would also  
16 like to reinforce is that any meetings that are to be held  
17 on this product -- this project, please hold them in  
18 Crockett. We have a beautiful community center that we  
19 can do this. And there's a lot of transportation issues  
20 with many of the members of the community. So holding it  
21 in town would be extremely useful.

22           Again, thank you very much for your interest and  
23 your time. And we look forward of you working directly  
24 with the community on everything.

25           Thank you.

1           CHAIRPERSON KOUNALAKIS: So Ms. Lucchesi, you may  
2 have some comments to make after these presentations, but  
3 I just want to thank everyone for coming down. It really  
4 helps to put context around the work of the Commission.  
5 And, Ms. Lucchesi, did you have any kind of final thoughts  
6 about this site, the restaurant, the community.

7           EXECUTIVE OFFICER LUCCHESI: Yes, of course. Of  
8 course. I also want to thank the community  
9 representatives that are here today, as well as  
10 representatives from various elements of the community, in  
11 terms of the governance and the local government for  
12 taking the time to express their perspective and their  
13 desires to the Commission directly.

14           I want to emphasize that we hear the community  
15 loud and clear, in terms of the treasure that this area is  
16 to the larger community, both the community of Crockett as  
17 well as the larger community of Contra Costa. As staff,  
18 many of us have visited Crockett, both when The Nantucket  
19 was operating, had lots of lunches there over the many  
20 decades. In fact, one of our field offices here is in  
21 Hercules. And so we are -- we are connected with this  
22 community as well from that perspective.

23           We don't go into tearing down buildings and  
24 cleaning up sites lightly, especially when the potential  
25 for revitalization and enhancing the community connection

1 with the waterfront has so much potential. And so that is  
2 a huge priority of ours.

3 And again, I just want to close by saying we hear  
4 the community and their representatives loud and clear.  
5 And I am very grateful for Nicholas and his team, and the  
6 work that they've done on the ground to help connect with  
7 the community and ensure that we're hearing them and their  
8 perspectives as accurately as possible.

9 So we'll continue to work with them. I think a  
10 town hall is a great idea to solicit more input, and  
11 feedback, and ideas. And we'll continue to keep the  
12 Commission updated.

13 CHAIRPERSON KOUNALAKIS: Great. Thank you very  
14 much.

15 All right. Moving forward on to Item 80. Item  
16 80 is to consider an application for a general lease of  
17 filled and unfilled sovereign land located in the historic  
18 bed of the San Francisco Bay at 410 Airport Boulevard in  
19 Burlingame.

20 May we have the presentation, please  
21 (Thereupon an overhead presentation was  
22 presented as follows.)

23 PUBLIC LAND MANAGER LAVOIE: I am presenting on  
24 Item 80. This item concerns a vacant State-owned property  
25 at 410 Airport Boulevard located in the City of Burlingame

1 and adjacent to the San Francisco Bay.

2 --o0o--

3 PUBLIC LAND MANAGER LAVOIE: Development of this  
4 site has been a topic of interest to the Commission, and  
5 the City of Burlingame, and Burlingame residents for  
6 years, and a number of uses have been proposed for the  
7 site.

8 At the Commission's October 18th, 2018 meeting,  
9 staff report -- reported results of a Public Trust Needs  
10 Assessment. And the Commission authorized the Executive  
11 Officer to issue a request for project proposal, or RFP,  
12 for the development, operation, and maintenance of the  
13 vacant parcel, to evaluate and rank the proposals, and to  
14 negotiate a lease with the highest scoring respondent.

15 This staff report and presentation is to report  
16 on the outcome of the RFP process and staff's  
17 recommendation for a proposed short-term lease.

18 --o0o--

19 PUBLIC LAND MANAGER LAVOIE: A request for  
20 project proposal was posted to the Commission's website  
21 and emailed to over 200 contacts on May 22nd, 2019 with a  
22 due date for all submittals of July 26th.

23 Three proposals were submitted by the due date  
24 from EKN Development Group, VillaSport, and the SPHERE  
25 Institute. The proposals were evaluated by an advisory

1 panel made up of eight Commission staff. The initial  
2 screening of each proposal was completed to make a  
3 determination of responsiveness, including proposal  
4 completeness, compliance with format requirements, and  
5 with the Common Law Public Trust Doctrine.

6           The initial screening did not involve scoring,  
7 but was a pass/fail determination. Two of the three  
8 proposals, EKN Development Group and VillaSport, did not  
9 pass the initial screening and were not eligible for  
10 further consideration and were rejected.

11           In the interest of transparency, and to inform  
12 the Commission, I will review what the two rejected  
13 proposals were for and why they were rejected. The  
14 proposal from EKN Development Group was to build a 550  
15 room hotel with a public nature preserve and park. The  
16 advisory panel deemed the submittal incomplete and  
17 non-responsive, as the submittal did not include a  
18 response to one of the questions on capital investment and  
19 financial strength.

20           Specifically, the submittal did not provide  
21 information detailing the source amount, timing, and use  
22 of capital investment and other funds for the project, nor  
23 did the application provide evidence of funds or details  
24 on the applicant's ability to fund the project. There was  
25 also no discussion of any grants or loans the EKN

1 Development Group may need to obtain for the project.  
2 Therefore, Commission staff was unable to determine how  
3 EKN Development Group would finance the proposal.

4 A letter was sent to EKN Development Group on  
5 August 27th notifying them of the proposal failing the  
6 initial screening process. Thereafter, on September 4th,  
7 EKN Development Group sent a letter of protest and  
8 provided additional information that was not part of the  
9 original proposal requesting reconsideration of the  
10 rejection.

11 On September 12th, staff sent a letter advising  
12 pursuant to the submittal requirements of the RFP that  
13 after a proposal had been submitted, no modifications or  
14 additions to the proposal were allowed. Thus, staff  
15 confirmed the determination that the original proposal had  
16 failed the initial screening process for being incomplete  
17 and was correctly deemed non-responsive.

18 --o0o--

19 PUBLIC LAND MANAGER LAVOIE: The proposal from  
20 VillaSport was for a peninsula regional aquatic and  
21 recreational park. The proposal included development of a  
22 91,000 square foot indoor recreational facility with  
23 indoor pools, outdoor pools, cafes, exercise studios for  
24 group exercise classes, basketball court, relaxation  
25 lounges, saunas, steam rooms, a day spa, and an indoor and

1 outdoor kids play area.

2           The remaining site would be for multi-use spaces,  
3 encouraging a wide variety of year-round recreation,  
4 fitness, and water sport activities, including a boathouse  
5 for rental of personal watercraft, such as kayaks, and a  
6 plaza adjacent to the boathouse for food truck events.

7           The proposal stated the indoor recreational  
8 facility would be a necessary component of the overall  
9 proposal, because it would provide the revenue stream to  
10 support the operations and management of the rest of the  
11 site.

12           Staff sent a letter to VillaSport on August 27th  
13 notifying them of the rejection of their proposal in the  
14 initial screening process for being inconsistent with the  
15 Public Trust Doctrine. While most of the aquatic and  
16 recreational park portions of the project would be  
17 comprised of uses that are consistent with the Public  
18 Trust, because they are water related recreational uses or  
19 provide access to the bay, the primary use of this -- of  
20 the property appeared to be for the indoor recreational  
21 facility, which is similar to private membership-based  
22 gyms.

23           Private usage-based gyms are typically not  
24 consistent with the Public Trust, because they serve the  
25 local community through memberships; provide a local

1 rather than statewide benefit; and are not water  
2 dependent.

3           On September 5th, VillaSport sent a letter  
4 protesting staff's determination stating the proposed  
5 project would be open to the entire public, and even the  
6 indoor recreational areas would be open to all on a  
7 pay-per-use basis providing many layers of public benefits  
8 to regional and statewide visitors. And that the indoor  
9 recreational facility would create a sustainable funding  
10 source for enhancement of the subject property with water  
11 and bay trail access, and ensure maintenance throughout  
12 the life of the project.

13           On September 12th, Commission staff sent a letter  
14 to VillaSport that the addition -- that we conducted the  
15 additional review and Commission staff's determination  
16 that the proposal is inconsistent with the Public Trust  
17 Doctrine remained unchanged.

18                           --o0o--

19           PUBLIC LAND MANAGER LAVOIE: The third  
20 application making it through the screening process was  
21 from SPHERE Institute or SPHERE. Their proposal is to  
22 convert the subject property into a natural park with  
23 native habitat and new tidal marsh. A reconfigured bay  
24 trail, secondary trails, three large lawns, family picnic  
25 areas, bay access for kitesurfing, windsurfing, kayaks and



1 fishing, and a new park building with restrooms and  
2 possibly a vendor, such as for kayak rentals or a cafe,  
3 and an educational space.

4 The proposed park, including parking, would act  
5 as a demonstration project for a nature-based approach to  
6 sea level rise adaptation. The existing deteriorating  
7 seawall would be breached to introduce tidal action to  
8 create new tidal wetlands and transition zone habitat with  
9 an interpretive program providing education around sea  
10 level rise and the bays edge.

11 As mentioned, SPHERE passed the initial screening  
12 and its proposal was scored by the advisory panel.

13 On September 11th --

14 CHAIRPERSON KOUNALAKIS: Take your time. It's  
15 that season.

16 PUBLIC LAND MANAGER LAVOIE: On September 11th,  
17 the advisory panel conducted an oral interview with  
18 SPHERE. Thereafter, a letter was sent to SPHERE notifying  
19 them they were the highest ranked scoring applicant, and  
20 as a result were awarded the opportunity.

21 --o0o--

22 PUBLIC LAND MANAGER LAVOIE: It is the  
23 opportunity for SPHERE to develop the site that is before  
24 the Commission today and not their long-term natural park.  
25 The Commission should generally consider the proposed

1 future lease when considering the short-term lease, but  
2 the Commission is not weighing approval of or committing  
3 to a long-term lease for park development and operation  
4 today.

5           The long-term proposal has not been analyzed  
6 under the California Environmental Quality Act, also  
7 referred to as CEQA, or by staff in sufficient detail.  
8 This proposed short-term lease under consideration today  
9 would give SPHERE the site control they need to conduct  
10 initial studies and complete their site analysis.

11           A short-term lease will allow SPHERE to begin  
12 applying for other permits and ensure their proposal can  
13 be permitted. Once SPHERE has completed their due  
14 diligence and their long-term proposal has undergone full  
15 analysis by staff, including the appropriate level of CEQA  
16 review, a long-term lease proposal will be brought before  
17 the Commission for its consideration.

18           While a short-term lease will allow SPHERE to  
19 continue to pursue their proposal, the lease will require  
20 them to maintain the site and improve overall safety for  
21 public access.

22           The proposed short-term lease would require  
23 SPHERE to provide improved public access through the site  
24 and continue to allow the public to park in the gravel  
25 parking lot free of charge. Provide -- private security

1 patrol and monitoring after sunset is anticipated to  
2 maintain safety and prevent chronic dumping of debris.  
3 SPHERE would become responsible for the ongoing vegetation  
4 management required to reduce fire risks, maintain clear  
5 access to fire hydrants and maintain access, appearance,  
6 and safety of the bay trail.

7 --o0o--

8 PUBLIC LAND MANAGER LAVOIE: Staff recommends the  
9 Commission authorize issuance of a general lease, other,  
10 to SPHERE for a term of three years for maintenance of  
11 public access and the site as a whole, including the  
12 installation of any security or safety improvements  
13 reasonable necessary to secure the property and minimize  
14 risk to the general public; removal of trash and access to  
15 the site to conduct all required studies needed for a  
16 detailed design, preparation of a CEQA document, and  
17 regulatory permit applications required to apply for a  
18 long-term lease in the future.

19 I am here to answer any questions.

20 CHAIRPERSON KOUNALAKIS: Thank you very much for  
21 that presentation, Nick. Rest your voice. There may be  
22 some questions.

23 But first, any comments or questions from  
24 Commissioners?

25 All right. Well, that was terrific. We've been

1 hearing about and talking about this site for quite some  
2 time. So why don't we move forward to comments from the  
3 public. I have a few people here signed up.

4 Greg Boro, then Helen Wolter, then Brandon  
5 Dawson.

6 If anyone else would like to speak on Item  
7 20[SIC], please submit a speaker slip.

8 Thank you.

9 MR. BORO: Good day. I'm may need your water.

10 (Laughter.)

11 MR. BORO: No, I'm good. Thank you.

12 Good day. Thank you, Madam Chair, Commissioners,  
13 and staff for allowing me the opportunity to speak today  
14 and to represent the SPHERE Institute.

15 We have a great opportunity to enhance the  
16 Burlingame bayfront. With our headquarters located  
17 directly adjacent to this property, we have an intimate  
18 relationship with the land and really see the potential  
19 for it. In fact, our staff has repeatedly participated in  
20 bayfront cleanup efforts on the adjacent parcel also  
21 controlled by State Lands, so we can't wait to deploy  
22 similar efforts to this one.

23 Our two and a half year path leading to today has  
24 been aided by advocacy groups, as represented by letters  
25 of support from, amongst others, the San Mateo Labor

1 Council, San Mateo Building Trades Council, Housing For  
2 All Burlingame, Nuestra Casa, Committee for Green  
3 Foothills, the Sierra Club, and others.

4           If our short-term lease is approved, we will  
5 continue stakeholder engagement to complete the vision for  
6 Burlingame shoreline park. SPHERE is excited to lead this  
7 effort. We have begun to lay the groundwork with the San  
8 Mateo Resource Conservation district, Resource LEGACY  
9 fund, Peninsula Open Space Trust, and others to identify  
10 funding for the construction phase. With the lease in  
11 hand, we look forward to securing additional private  
12 funding partners for the planning and maintenance  
13 stages -- phases.

14           In an area with such dense development, we are  
15 committed to providing quality open space along the bay  
16 and improving access to the water. We know this is the  
17 right thing to do. Our grant management experience, or  
18 shall I say expertise, led us to take this action. Our  
19 goal remains to provide the greatest benefit to the  
20 greatest number of users.

21           I'll remain available to answer questions.

22           Thank you.

23           CHAIRPERSON KOUNALAKIS: Helen Wolter, please.

24           MS. WOLTER: Good morning, Chair Kounalakis and  
25 Commissioners. Thank you for your careful consideration

1 of possible uses for the property at 410 Airport  
2 Boulevard. Special thanks also to the staff for their  
3 thorough and conscientious vetting of best uses of public  
4 land under the Public Trust on the San Francisco Bay.

5 My name is Helen Wolter. I'm with the Committee  
6 for Green Foothills. The Committee for Green Foothills is  
7 a regional organization that advocates for the protection  
8 of open space, farmlands, and natural resources in San  
9 Mateo and Santa Clara counties. Our organization  
10 recognizes the importance of keeping the San Francisco Bay  
11 accessible to all, as mandated under the California  
12 Constitution, which states, "Access to the navigable  
13 waters of the State shall always be attainable for the  
14 people".

15 On behalf of our members, we support the staff  
16 recommendation for all open space at 410 Airport  
17 Boulevard, as staff believes the proposed lease is  
18 consistent with the Common Law Public Trust Doctrine and  
19 is in the best interest of the State.

20 We strongly support SPHERE's proposal that would  
21 enable the creation of a new natural living levee that  
22 would include transition zone native habitats. This  
23 living levee would provide greater resilience in the face  
24 of sea level rise, restore habitat for multiple types of  
25 wildlife, and create the basis for an improved and

1 attractive segment of the Bay trail and for the recreation  
2 opportunities.

3           The proposed shoreline park best complies with  
4 the Public Trust Doctrine as it includes public --  
5 includes improved public access to the water, shoreline  
6 restoration, and recreational opportunities along the Bay.  
7 Furthermore, we believe that such improvements will off --  
8 will offer environmental justice opportunities by  
9 increasing access for all.

10           Restoration of shoreline habitat on this 9.4 acre  
11 parcel could be a signature project for Burlingame and the  
12 State Lands Commission, as 90 percent of the Bay's  
13 historic wetlands have been lost to development. This is  
14 a remarkable opportunity to reclaim shoreline.

15           We do hope that the Commission recognizes this  
16 chance to create a long-term difference along the bay that  
17 counters development pressures. For an area with only one  
18 percent of open space left, there is not enough quality  
19 natural open space in this part of the Bay waterfront.

20           I am also submitting 2,065 signatures of people  
21 that support all open space at the site. The petition  
22 reads, "I support all nine acres of Burlingame Shoreline  
23 Park as a nature park that would improve public access to  
24 the Bay, restore wildlife habitat, and create a more flood  
25 resilient shoreline.

1           These are -- we submitted this earlier to  
2 Burlingame and we had less at that point. So we've been  
3 getting more signatures, but to give you a sense of what  
4 they all look like in one place.

5           We started gathering signatures in the late  
6 summer. When I was gathering signatures when I mentioned  
7 to people the possibility of another hotel, I was  
8 repeatedly told I don't want another hotel. We have  
9 enough. Having been an organizer for 20 plus years, I've  
10 never been on a project with the breadth and depth of  
11 support. Labor, housing, environmental, recreation, and  
12 EJ all support this project.

13           Respectfully, we request your vote of support of  
14 the staff recommendation to preserve and enhance the  
15 greenspace, so that the site is enjoyed for generations to  
16 come.

17           Thank you.

18           CHAIRPERSON KOUNALAKIS: Thank you very much.  
19 The final speaker, Brandon Dawson, unless there is anyone  
20 else who would like to speak on Calendar Item 80, in which  
21 case please submit a speaker notice. Thank you.

22           Hello.

23           MR. DAWSON: Hello. Good morning, Madam Chair  
24 and members. My name is Brandon Dawson on behalf of  
25 Sierra Club California and our 500,000 members, and



1 supporters across the state of California.

2 We support the proposal to lease the Burlingame  
3 shoreline property and the development of a park. In our  
4 view, it will provide multiple public benefits, such as  
5 providing needed open space in an area that has a  
6 disadvantaged community very close. And so it will allow  
7 access to these members of this community, where otherwise  
8 they'd have to travel far distances to likely see such a  
9 natural open space.

10 It will also provide outdoor nature, education  
11 opportunity, and preserve habitat for fish and wildlife in  
12 a time when we know climate change is greatly affecting  
13 our natural habitats and our wildlife in the state of  
14 California. And it will also provide an opportunity to  
15 establish a natural barrier to sea level rise and storm  
16 surge in a way that would allow the land to be held in  
17 Public Trust and to model responsible solutions to a  
18 critical statewide issue.

19 We believe the proposal is the right thing to do  
20 and we strongly urge your vote, yes, on this measure.

21 Thank you.

22 CHAIRPERSON KOUNALAKIS: Okay. Thank you. I  
23 have no more speaker slips.

24 Do we have a motion?

25 ACTING COMMISSIONER MILLER: I move approval.

1 COMMISSIONER YEE: Second.

2 CHAIRPERSON KOUNALAKIS: Any additional comment?

3 Any objection?

4 Seeing none. Motion carries.

5 EXECUTIVE OFFICER LUCCHESI: I would like to just  
6 make a couple of comments, if that's okay with the Chair.

7 CHAIRPERSON KOUNALAKIS: Please, yes.

8 EXECUTIVE OFFICER LUCCHESI: So in this -- the  
9 entire evolution of this property, the Commission embarked  
10 on an effort that was unprecedented from the Commission's  
11 perspective, in terms of understanding that there were a  
12 lot of different interests in the development of this  
13 property. And the Commission directed staff, in response  
14 to those many interests, to go out into the community of  
15 Burlingame and the greater region to really obtain what  
16 their perspectives, what their thoughts were, ideas, their  
17 values, and their needs for their waterfront.

18 We did that through a robust public engagement  
19 process that resulted in a Public Trust needs assessment.  
20 From there, the Commission directed us to go through a  
21 very public RFP process to solicit very specific  
22 proposals.

23 The action that the Commission just took today is  
24 the next step in that very public process. But with that  
25 said, this is a short-term lease. And with the

1 information that's gained by the now lessee, through the  
2 next three years, we will develop both the CEQA document  
3 and start negotiating a future longer term use of the  
4 property that will come back to the Commission for your  
5 full discretionary review.

6           So I just want to kind of put this all in  
7 perspective that there is still a very robust effort that  
8 both the short-term lessee must go through and that the  
9 Commission still retains full discretion in terms of the  
10 ultimate long-term use of the site.

11           But I wanted to put that in the context of the  
12 overall unprecedented nature of how the Commission has  
13 pivoted as a land manager mostly reactive and been  
14 proactive in soliciting the public's desires, needs, and  
15 value for this site.

16           So thank you.

17           CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.  
18 Lucchesi. And what is the next order of business?

19           EXECUTIVE OFFICER LUCCHESI: Let me just check my  
20 notes. We are -- unless the Commissioners want to make  
21 any comments more generally, we can move right into public  
22 comment.

23           CHAIRPERSON KOUNALAKIS: Okay. I have several  
24 speakers who've signed up for public comment. First,  
25 Jennifer Savage, and then I have Alison Madden, and then

1 Buckley Stone. And if anyone else would like to speak  
2 during public comment, please fill out a speaker's slip  
3 and submit it.

4 Thank you.

5 MS. SAVAGE: Hi. Jennifer Savage, Surfrider  
6 Foundation again. With our tens of thousands of  
7 supporters in California and our hundreds of thousands of  
8 supporters throughout the nation, Surfrider represents a  
9 broad constituency concerned with the protection of our  
10 state's ocean, beaches, and waves.

11 I should know better. All right.

12 We have been engaged in the process of exploring  
13 the potential for offshore wind energy off the California  
14 coast and elsewhere for years. So I came today  
15 specifically to thank you for postponing the Ideol item at  
16 the last meeting, not because it was inherently good or  
17 bad, but we just wanted more time to understand what it  
18 meant. And so I want to thank you for that, and also  
19 thank your staff for all the outreach that has happened  
20 since then. It's been really heartening to have the  
21 opportunity to hear more about the specific project, as  
22 well as contribute to the larger discussion around  
23 California's renewable energy needs. We look forward to  
24 continued engagement on that.

25 And then after hearing Executive Officer

1 Lucchesi's report, I was just reminded of how from  
2 ensuring better coordination and communication with the  
3 Coastal Commission around the impacts of sea level rise  
4 that are to come, to the cleanup and decommissioning  
5 related to offshore oil drilling, that your staff's work  
6 and the Commission's direction aligns so often with  
7 Surfrider's commitment to public access and resource  
8 protection.

9           And so on behalf of the thousands of recreational  
10 coastal users and people who love the California coast and  
11 ocean, I wanted to commend your staff and say thank you.

12           CHAIRPERSON KOUNALAKIS: Well, thank you for  
13 that. And thank you also for Surfrider's commitment to  
14 engaging and cleaning up the Tijuana River Valley, because  
15 it has been very substantial and important.

16           All right, next we have Alison Madden, and then  
17 Buckley Stone.

18           MS. MADDEN: Good day, Lieutenant Governor and  
19 Commissioners. If I could, for just a second, I didn't  
20 know that that was going to be on the agenda and I didn't  
21 have time to run back and do a speaker's card, but I  
22 wanted to say that I just went through the Community  
23 Advocate Leadership Academy with Green Foothills and very  
24 much support their position on this project.

25           And I also want to say I really think it's great

1 that you pivoted, because I remember reading in the paper  
2 one of the Burlingame city council members, and it was  
3 printed in our San Mateo County Daily Journal, said  
4 there's this really weird agency that's telling us we need  
5 a hotel and that a public park is not a statewide benefit.

6 And I do think that you really pivoted from  
7 analysis that has been communicated in the past. And as  
8 the Chair of San Francisco Bay Marinas For All, we very  
9 much support the use that was the one that was not ruled  
10 out in the RFP process.

11 And specifically, we also support Surfrider. I  
12 just met their co-founder in a Green New Deal strategy  
13 meeting last week. And his nickname is Bird Legs. And  
14 he, you know, gave us a lot of color on the start of the  
15 Surfriders.

16 I wanted to say with respect to the reason that  
17 I'm here today is obviously on Docktown, you know, we've  
18 come here and we've spoken several times before. And we  
19 just want to keep the issue on your radar and in front of  
20 you.

21 I want to introduce into the public record two  
22 different communications. One is to the Palo Alto Daily  
23 Post that is likely to be printed as an op-ed. And it's a  
24 response to Dave Price, who is the editor and publisher.  
25 And he wrote a article as community benefits as bribes.

1 And it's something that's been affecting a lot of the  
2 developments on the peninsula.

3 And then I transmitted it to one of our local  
4 progressive politicians who's running for senator, and  
5 that's Josh Becker, and we also have Sally Lieber. So the  
6 Democratic party there has endorsed both Josh and Sally,  
7 and they're both progressives. And they'll be running  
8 against one of our Redwood City Council Members Shelly  
9 Masur, who's always -- also running for Senate.

10 And I just don't feel that any other city on the  
11 peninsula would have made people homeless and under-housed  
12 in the way that Redwood City did. And I'm not going to  
13 read it verbatim, but I want to say that we're still  
14 there, for 14 households at Docktown. We're desiring to  
15 have the ten percent safety and security allowance that  
16 the BCDC permits. And again you sit on the Board.  
17 Literally, they issue permits for that.

18 Right close to this open space is a Millbrae  
19 marina that has 50 liveboards. In Redwood City, there's  
20 multiple liveboard marinas. And so that's the BCDC whose  
21 land is also characterized underlying as Public Trust.

22 And so we're under SLC and not BCDC, but BCDC  
23 also always safety and security residential liveboards.  
24 There may be some dialogue about whether that's very few,  
25 or ten percent, or more than ten percent, or less, but it

1 is --

2 CHAIRPERSON KOUNALAKIS: Can I just ask you how  
3 much more time you'd like to request?

4 MS. MADDEN: Sure. Not much, a minute or two  
5 just because I spoke on the --

6 CHAIRPERSON KOUNALAKIS: Two more minutes on the  
7 o'clock.

8 Go ahead.

9 MS. MADDEN: Thank you. I appreciate that. So I  
10 say to Josh that we have UDs in front of the Supreme Court  
11 still and my charter lawsuit is in front of the First  
12 District Court of Appeals. And this is unfortunately just  
13 getting started in a legal sense. The upshot is that in a  
14 time of climate impact, and sea level rise, and an  
15 affordable housing crisis, why would Redwood City want to  
16 make people homeless?

17 Not only that, they're forcing people out for  
18 peanuts and becoming houseless and underhoused, a real  
19 tragedy and absolutely avoidable. We're not opposed to  
20 the upland development and support it, in fact. It's  
21 Strata, and Michael Cohen whom I like personally and went  
22 to Hastings at the same time. Actually, different years,  
23 but same law school.

24 So I testified for the upland development.  
25 They're only having half the density they could have had,



1 beautiful landscaping and they're cleaning a toxic site.  
2 But they had to promise to build a city road to get it.  
3 And I don't think that's right.

4 I don't care about Blomquist extension but  
5 funding soccer fields and larding -- and build roads and  
6 the like should not be privatized. Larding money over  
7 non-profits desperate for funding such as Magic Playground  
8 and Boys and Girls Clubs is just plain manipulative.

9 So that's some of what we're facing, what's  
10 driving these developments. And the other one is an email  
11 to the council and port showing how the course of conduct  
12 that they engaged in is putting people at real risk of  
13 harm. And there are people breaking into the empty  
14 floating homes, kicking them in, somebody walking around  
15 with an axe last week. A group of three guys walking off  
16 with stuff that they stole from one of the barges. It's  
17 very dangerous.

18 And also when you thin out a marina like that,  
19 the wind and the tide actually made one of the big  
20 floating homes break loose and almost hit another person's  
21 boat. So it's really reckless and it didn't have to  
22 happen. We don't think that you intended in issuing any  
23 kind of a guidance or opinion that everything happen on a  
24 one or two year time frame.

25 And by the way, it was \$28 million they've spent.

1 They're giving these away for a few thousand dollars.  
2 It's an absolute travesty and we'd appreciate some  
3 support.

4 CHAIRPERSON KOUNALAKIS: Thank you.

5 Buckley Stone, I believe is also here to speak on  
6 this same issue.

7 MR. STONE: Governor Kounalakis, Commissioner Yee  
8 and Miller, and also Jennifer Lucchesi we've met before.  
9 My name is Buckley Stone and I am president of a nonprofit  
10 organization called San Francisco Bay Marinas For All. I  
11 lived in Redwood city for 20 years. And, at that time,  
12 there was Pete's Harbor, there was Peninsula Marina, and  
13 there was Docktown. Those marinas were not under the BCDC  
14 kind of jurisdiction. And it was up to the harbor masters  
15 to decide who could liveaboard and who couldn't. And it  
16 met the Redwood City charter for affordable or low-income  
17 housing, the 15 percent required easily.

18 They tore out that Peninsula Marina ten years  
19 ago, 300 people lost their homes. They tore out Pete's  
20 Harbor six years ago, 200 liveaboards lost their homes,  
21 had to move away. Redwood City is a charter city and they  
22 decided that kind of condos, and apartments, and high  
23 rental rates were the thing to do.

24 I am Coast Guard Certified on boating safety  
25 skills, Group 46, and certified for boat handling and

1 navigation skills. I have been a liveaboard for 26 years.  
2 I am a disabled veteran. And I wouldn't be able to live  
3 in the Bay Area at all if it weren't for the fact that I  
4 could liveaboard.

5 I want you to also know that someone San  
6 Francisco Bay Marinas For All does support SPHERE, and --  
7 but their wetlands -- Burlingame waterfront is just a  
8 great, great project that should be really considered.  
9 Three years is not going to be enough for the natural  
10 habitat to do it's thing, but it's headed in the right  
11 direction.

12 I hope that you realize that the last livable  
13 place in Redwood city, which was a international port  
14 wouldn't be Redwood City if it weren't for the redwood  
15 trees that they floated down from the hills, put on boats  
16 like this Alma, and turned it into a shipping port have  
17 now erased almost all the marinas. It's like there's no  
18 boating in this place where it was -- boating created it.

19 We need to hang on to that heritage. And we're  
20 losing it everywhere. I had to move all the way over to  
21 Alameda to find a marina that I could liveaboard, which  
22 was sad, because I was going to the Palo Alto VA, a great  
23 place next to Stanford. I had a lot of studies done on  
24 me.

25 Now, I'm in the Oakland catchment and the closest

1 semi-hospital there I have is right here in Martinez. And  
2 it's made it very difficult to handle my health issues.  
3 But that's okay, it's all worth it. I live in gratitude.

4 Dockettown needs to be addressed in a fair way. It  
5 really does. It's the last bit of heritage of a  
6 marine-created environment and city. And I would thank --  
7 thank you all. Just don't -- don't sweep it under the  
8 rug.

9 Thank you very much for your time and it's a  
10 pleasure to see you again and you'll be hearing from us.

11 CHAIRPERSON KOUNALAKIS: Thank you. Thanks so  
12 much or coming down.

13 The last speaker, unless anyone else would like  
14 to speak, submit a speaker slip, is Destinee Dixon.

15 MS. DIXON: Hello. Good afternoon. My name is  
16 Destinee Dixon. Sorry I'm little a bit late. So I know I  
17 missed it on the calendar, but I'm actually here on behalf  
18 of ourself. We are the applicants for the Crockett Marina  
19 and The Nantucket.

20 A little bit of background, we purchased the  
21 light house in Glen Cove Marina about 12 years ago. So we  
22 have completely remodeled and changed that reputation.  
23 And in regards of what's going on in Crockett, it's  
24 obviously unfortunately kind of a similar situation at the  
25 moment.

1           So over the last ten months, we've been in  
2 communication with State Lands Commission, as well as  
3 Union Pacific and the railroad. At the moment, we are  
4 passing back plans and forth with the railroad. They're  
5 saying that there is not an issue with us getting a lease.  
6 The issue is the communication with them and Public  
7 Utilities Commission of the changes and the upgrades that  
8 need to be done in regards to safety down there.

9           We are at the mercy of their time. And we are  
10 definitely still in the process. We're pretty adamant and  
11 definitely doing everything possible to move forward. And  
12 we're hoping that with everything going on in Crockett, we  
13 can get on the December calendar in the hopes of being  
14 able to get a future lease down there.

15           So, yeah.

16           CHAIRPERSON KOUNALAKIS: Thank you. Thanks very  
17 much for coming down. So we will now adjourn into closed  
18 session.

19           Thank you.

20           (Off record: 11:53 a.m.)

21           (Thereupon the meeting recessed  
22 into closed session.)

23           (Thereupon the meeting reconvened  
24 open session.)

25           (On record: 12:34 p.m.)

1 CHAIRPERSON KOUNALAKIS: I call this meeting back  
2 to order.

3 Ms. Lucchesi, is there anything to report from  
4 closed session?

5 EXECUTIVE OFFICER LUCCHESI: No.

6 CHAIRPERSON KOUNALAKIS: That concludes our  
7 meeting. We are adjourned.

8 (Thereupon the California State Lands  
9 Commission meeting adjourned at 12:34 p.m.)

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C E R T I F I C A T E O F R E P O R T E R

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California State Lands Commission meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California;

That the said proceedings was taken before me, in shorthand writing, and was thereafter transcribed to the best of my ability, under my direction, by computer-assisted transcription.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of November, 2019.

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