

VIDEOCONFERENCE MEETING

STATE OF CALIFORNIA

LANDS COMMISSION

STATE LANDS COMMISSION

100 HOWE AVENUE, SUITE 100 SOUTH

SACRAMENTO, CALIFORNIA

WEDNESDAY, APRIL 29, 2020

1:03 P.M.

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

A P P E A R A N C E S

COMMISSION MEMBERS:

Ms. Betty T. Yee, State Controller, Chairperson

Ms. Eleni Kounalakis, Lieutenant Governor

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

Mr. Seth Blackmon, Chief Counsel

Ms. Grace Kato, Assistant Chief, Land Management Division

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Ms. Sandy Aylesworth, Natural Resources Defense Council

Ms. Lisa Beutler, Stantec

Ms. Anna Christensen, Protect the Long Beach Los Cerritos
Wetlands, Sierra Club Los Cerritos Wetlands Task Force

Ms. Randa Coniglio, Port of San Diego

Dr. Mark Gold, Deputy Secretary, Natural Resources Agency;
Executive Director, Ocean Protection Council

Ms. Susan Jordan, California Coastal Protection Network

Ms. Pam Kershaw, Port of Oakland

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

ALSO PRESENT:

Mr. Tom Rudolph, The Pew Charitable Trusts

Ms. Jennifer Savage, Surfrider Foundation

Mr. Robert Trettin, The Trettin Company

Ms. Laura Walsh, Surfrider Foundation

Mr. Danny Wan, Port of Oakland

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I 1:00 PM - Open Session	1
II Public Comment	5

Public comments will be heard at 1:00 pm for items not on the agenda, for no more than 30 minutes. At the discretion of the Chair, speakers will be given up to 3 minutes. For those unable to attend the early comment period, there may be additional comment time available later in the day. Note: Comments made during the general public comment period regarding matters pending before the Commission do not become part of the official record for those matters.

III Confirmation of Minutes for the February 28, 2020 meeting	12
IV Executive Officer's Report	13

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

- Beachcomber Inn Vacation Membership Association Lessee): Continuation of rent at \$4,763 per year for a General Lease - Commercial Use located on sovereign land at Lake Tahoe, adjacent to 999 Lakeview Avenue, South Lake Tahoe, El Dorado County. (PRC 5516.1)
- Dennis W. Chance (Lessee): Continuation of rent at \$315 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in the Colorado River, adjacent to 1142 Beach Drive, Needles, San Bernardino County. (PRC 9132.1)
- Geysers Power Company, LLC (Lessee): Continuation of rent at \$1,128 per year for a General Lease - Right-of-Way Use located on State indemnity school land in portions of Sections 3 and 4, Township 11 North, Range 9 West, MDM, near Cloverdale, Sonoma County. (PRC 8610.2)

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V Consent Calendar 01-71

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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 ROBERT W. ANGELL, AS TRUSTEE OF THE ROBERT W. ANGELL CABIN TRUST DATED AUGUST 3, 1995; AND ELIZABETH A. COOK, TRUSTEE UNDER DECLARATION OF TRUST DATED SEPTEMBER 7, 1994 (LESSEE); KUHN HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; AND ELIZABETH A. COOK, TRUSTEE UNDER DECLARATION OF TRUST DATED SEPTEMBER 7, 1994 (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 7346.9, a Recreational Pier Lease; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1260 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 7346.1, A2202; RA# 2019110) (A 1; S 1) (Staff: S. Avila)
- 02 RICHARD C. BLUM, TRUSTEE OF THE RICHARD C. BLUM 1996 REVOCABLE TRUST, DATED JANUARY 9, 1996, ANNETTE C. BLUM, HEIDI J. BLUM, AND EILEEN J. BLUM (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9105 State Highway 89, near Meeks Bay, El Dorado County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 5555.1; RA# 35015) (A 5; S 1) (Staff: A. Franzoia)
- 03 BROCKWAY SPRINGS OF TAHOE PROPERTY OWNERS ASSOCIATION I AND II, INC. (LESSEE); BST III OWNERS ASSOCIATION, INC. (APPLICANT): Consider amendment to Lease No. PRC 7939.1, a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 9680 Brockway Springs Drive, near Brockway, Placer County; to add the Applicant as a Lessee and include the use and maintenance of an existing pier with floating dock and gangway, hot springs deck and breakwater, swim area with swim line and float, and 15 mooring buoys.

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- CEQA Consideration: categorical exemption. (Lease 7939.1; RA# 08717) (A 1; S 1) (Staff. A. Franzoia)
- 04 DAVID BURKHART AND CAROL BURKHART (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 5640 Lakeville Highway, near Petaluma, Sonoma County; for an existing boat dock with gangway, pier, and covered berth previously authorized by the Commission; and three existing storage areas not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 5692.1; A2121; RA# 30418) (A 10; S 3) (Staff: J. Toy)
- 05 CALIFORNIA STATE LANDS COMMISSION AND RIVER ONE, LLC (PARTIES): Consider amending AD 81 "An Agreement Between the State Lands Commission and Thomas P. Raley to Establish a Boundary Line Between Private Property and Public Sovereign Property in the Sacramento River, Yolo County" recorded on May 26, 1989, to extinguish a public access easement in exchange for a deposit into the Kapiloff Land Bank Fund, near Tower Bridge, West Sacramento, Yolo County. CEQA Consideration: Environmental Impact Report, certified by the City of West Sacramento, State Clearinghouse No. 2005042083, and Addendum. (I1448; RA# 2019138) (A 7; S 6) (Staff: M.J. Columbus, A. Kershen)
- 06 JOHNSON L. CHIAO AND DIANA W. CHIAO, TRUSTEES OF THE JOHNSON L. AND DIANA W. CHIAO TRUST CREATED BY DECLARATION OF TRUST DATED OCTOBER 7, 2007 (LESSEE/APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 4248.9, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3870 North Lake Boulevard, near Carnelian Bay, Placer County; for two existing mooring buoys, and the reconstruction, use and maintenance of an existing pier. CEQA Consideration: categorical exemption. (Lease 4248.1; A2374; RA# 2019160) (A 1; S 1) (Staff: S. Avila)
- 07 CITY OF NAPA (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Napa River, adjacent to Assessor Parcel Number 046-450-018, near Kennedy Park, City of Napa,

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- Napa County; for an existing storm water outfall, appurtenant facilities, and rock riprap. CEQA Consideration: categorical exemption. (Lease 7708.9; RA# 03618) (A 4; S 3) (Staff: A. Franzoia)
- 08 CITY OF PETALUMA (APPLICANT): Consider application for a General Lease - Dredging Use of sovereign land in the Petaluma River, at Petaluma Marina, adjacent to 781 Baywood Drive, Petaluma, Sonoma County. CEQA Consideration: categorical exemption. (Lease 8449.9; A2515; RA# 2019229) (A 10; S 3) (Staff: A. Franzoia)
- 09 COUNTY OF HUMBOLDT (APPLICANT): Consider application for a General Lease - Public Agency Use and endorsement of a sublease, of sovereign land located in the Salt River, adjacent to Assessor Parcel Numbers 100-111-008 and 100-241-005, near Ferndale, Humboldt County; for the existing Valley Flower Bridge, previously authorized by the Commission, and an existing water pipeline not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 7683.9; RA# 02618) (A 2; S 2) (Staff: S. Avila)
- 10 CUE VI, LLC; SEQUOIA INVESTMENTS XXIV, LLC; CITY OF EUREKA; AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Rescission of authorization of the Balloon Tract Title Settlement and Trust Termination Agreement, Eureka, Humboldt County. CEQA Consideration: not a project. (W25560) (A 2; S 2) (Staff: G. Kato, J. Frey)
- 11 JOHN M. CUROTTO AND BREE A. CUROTTO (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6203 North Lake Boulevard, near Tahoe Vista, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 5664.1; A2387; RA# 2019148) (A 1; S 1) (Staff: L. Anderson)
- 12 CHARLES B. EBRIGHT AND MARY C. EBRIGHT, AS TRUSTEES OF THE CHARLES B. EBRIGHT AND MARY C. EBRIGHT REVOCABLE TRUST DATED JULY 17, 2001 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2285

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- Cascade Road, South Lake Tahoe, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 8623.1; RA# 31514) (A 5; S 1) (Staff: N. Lee)
- 13 STEVEN F. HAMMAN, TRUSTEE OF THE STEVEN HAMMAN AND CATHLEEN CATON TRUST DATED APRIL 22, 2014 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3200 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8860.1; A2341; RA# 18818) (A 1; S 1) (Staff: J. Toy)
- 14 JACKSON STORER ENTERPRISES, L.P. A CALIFORNIA LIMITED PARTNERSHIP (LESSEE); RYAN HEATER; THOMAS CHIN PARK AND JENNY KIM PARK, TRUSTEES OF THE PARK FAMILY TRUST DATED DECEMBER 22, 1997; AND RICHARD D. HEATER AND MARIAN C. HEATER, CO-TRUSTEES OF THE HEATER FAMILY TRUST DATED JULY 26, 1997 (APPLICANT): Consider termination of Lease No. PRC 7827.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8365 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 7827.1; A2220; RA# 2019047) (A 5; S 1) (Staff: L. Anderson)
- 15 THOMAS KESSLER MCMANUS, JR. AND JANET MOORE MCMANUS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3087 Jameson Beach Road, near South Lake Tahoe, El Dorado County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (Lease 7992.1; A2264; RA# 2019070) (A 5; S 1) (Staff: J. Toy)
- 16 LELAND ROCK (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Van Duzen River, adjacent to Assessor Parcel Number 201-261-009, near Alton, Humboldt County; for up to two seasonal bridge crossings. CEQA Consideration: California Coastal Commission Coastal Development Permit No. 1-15-0205-A2. (Lease 7989.1; A2240; RA# 2019062) (A 2; S 2) (Staff: J. Toy)

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- 17 VICTOR L. METAS AND SHIRLEY F. METAS, TRUSTEES OF THE METAS TRUST DATED JUNE 17, 1998; WILLIAM A. REINHARD; NORMA R. CALONICO, TRUSTEE OF THE REMO T. CALONICO AND NORMA R. CALONICO REVOCABLE TRUST DATED MAY 1, 2013; AND SUSAN SCANNELL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6010 and 6020 North Lake Boulevard, near Agate Bay, Placer County; for an existing pier and four mooring buoys. CEQA Consideration: categorical exemption. (Lease 8457.1; A2389; RA# 2019172) (A 1; S 1) (Staff: S. Avila)
- 18 NORTHSHORE TOWNHOUSE ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 100 Lassen Drive, near Tahoe City, Placer County; for an existing pier and 16 mooring buoys. CEQA Consideration: categorical exemption. (Lease 5296.1; A2178; RA# 2019044) (A 1; S 1) (Staff: L. Anderson)
- 19 JEFFREY B. O'NEILL AND DARICE D. O'NEILL, AS TRUSTEES OF THE O'NEILL TRUST UTA DATED 4/10/1996 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3940 Bellevue Avenue, near Tahoe Pines, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 6958.1; A2380; RA# 2019151) (A 1; S 1) (Staff: L. Anderson)
- 20 PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT): Consider amendment of lease and revision of rent to Lease No. PRC 8827.1, a General Lease - Right-of-Way Use, of sovereign land located in the Feather River, adjacent to Sutter County Assessor Parcel Number 10-270-007 and Yuba County Assessor Parcel Number 18-040-003, near Yuba City and Marysville, Sutter and Yuba counties; for an existing overhead electrical transmission line. CEQA Consideration: not a project. (PRC 8827.1; RA# 04807) (A 2; S 4) (Staff: A. Franzoia)
- 21 PACIFICORP, DBA PACIFIC POWER (LESSEE): Consider revision of rent to Lease No. PRC 4510.1, a General Lease - Right-of-Way Use, of sovereign land in the Klamath River, adjacent to Assessor Parcel Number 140-130-28, near Klamath, Del Norte County; for an

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- overhead electrical distribution line. CEQA
 Consideration: not a project. (PRC 4510.1) (A 2; S 2)
 (Staff: N. Lee)
- 22 WILLIAM M. SEARS AND AUDREY M. SEARS, TRUSTEES OF THE
 AMENDMENT AND RESTATEMENT OF THE WILLIAM AND AUDREY
 SEARS LIVING TRUST; AND GEORGE TYLER MARSH, AS TRUSTEE
 OF THE GEORGE TYLER MARSH REVOCABLE TRUST ESTABLISHED
 FEBRUARY 19, 2015 (APPLICANT): Consider application
 for a General Lease - Recreational Use, of sovereign
 land located in Lake Tahoe, adjacent to 8519 Meeks Bay
 Avenue, near Meeks Bay, El Dorado County; for an
 existing pier and two mooring buoys. CEQA
 Consideration: categorical exemption. (Lease 3656.1;
 A2217; RA# 2019045) (A 5; S 1) (Staff: L. Anderson)
- 23 JOHN WILLIAM STANNARD, SR., AND CATHY J. STANNARD,
 TRUSTEES OF THE CATHY AND JOHN STANNARD 2005 TRUST AS
 AMENDED AND RESTATED OCTOBER 13, 2010 (APPLICANT):
 Consider application for a General Lease -
 Recreational Use, of sovereign land located in Lake
 Tahoe, adjacent to 3795 Belleview Avenue, near
 Homewood, Placer County; for two existing mooring
 buoys. CEQA Consideration: categorical exemption.
 (Lease 6925.1; A2381; RA# 2019147) (A 1; S 1) (Staff:
 S. Avila)
- 24 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 an existing pier not
 previously authorized by the Commission. CEQA
 Consideration: categorical exemption. (A2245; RA#
 22316) (A 5; S 1) (Staff: A. Franzoia)
- 25 TUSCARORA GAS TRANSMISSION COMPANY (LESSEE): Consider
 revision of rent to Lease No. PRC 7829.1, a General
 Lease - Right-of-Way Use, of sovereign land in the bed
 of the Pit River at five separate locations, near
 Alturas, Modoc County; for natural gas pipelines and
 appurtenant facilities. CEQA Consideration: not a
 project. (PRC 7829.1) (A 1; S 1) (Staff: N. Lee)
- 26 WALSH FAMILY LLC, DBA NORTH TAHOE MARINA (LESSEE):
 Consider revision of rent to Lease No. PRC 5856.1, a

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General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 7360 North Lake Boulevard, Tahoe Vista, Placer County; for a commercial marina. CEQA Consideration: not a project. (PRC 5856.1) (A 1; S 1) (Staff: N. Lee)

- 27 ROY L. WICKLAND, AS TRUSTEE OF THE WICKLAND MARITAL TRUST ESTABLISHED SEPTEMBER 25, 2012 (LESSEE/APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 8555.1. a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9021 Lupine Lane, near Rubicon Bay, El Dorado County; for the construction of a pier and boat lift; and continued use and maintenance of two existing mooring buoys and a swim platform. CEQA Consideration: categorical exemptions. (Lease 8555.1; A2365; RA# 2019143) (A 5; S 1) (Staff: J. Toy)

Bay / Delta Region

- 28 JOHN R. AREIAS (APPLICANT): Consider delegating authority to the Executive Officer for consideration of an application for a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 14031 River Road, Walnut Grove, Sacramento County; for an existing commercial marina, known as Landing 63. CEQA Consideration: categorical exemption. (Lease 6200.1; A2517.1; RA# 2019222) (A 11; S 3) (Staff: M. Schroeder)
- 29 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of the 2020 Category 1 Sacramento River and Delta Area benchmark rental rates for sovereign land in the Sacramento, San Joaquin, and Mokelumne Rivers, and various sloughs; Colusa, Contra Costa, Sacramento, San Joaquin, Shasta, Solano, Sutter, Tehama, and Yolo counties. CEQA Consideration: not a project. (W27243) (A 1, 3, 4, 8, 9, 11; S 1, 3, 4, 5, 6) (Staff: V. Caldwell)
- 30 BILLYANN GROZA, TRUSTEE OF THE BILLYANN GROZA REVOCABLE TRUST DATED SEPTEMBER 30, 2009 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of

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sovereign land located in the Sacramento River, adjacent to 7454 Pocket Road, Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 5818.1; A2236; RA# 2019116) (A 9; S 6) (Staff: J. Holt)

- 31 CHRISTINE M. HUTTINGER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Georgiana Slough, adjacent to 14700 Andrus Island Road, near Isleton, Sacramento County; for an existing covered boat dock with lift, ramp, gangway, swim ladder, and six pilings previously authorized by the Commission, and an existing seasonal swim area not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 7977.1; A2489; RA# 2019203) (A 11; S 3) (Staff: J. Holt)
- 32 DARRELL L. JOHNSTON, HELEN S. JOHNSTON, ANNETTE L. WELTON, AND PATRICK L. WELTON, AS TRUSTEES OF THE JOHNSTON FAMILY REVOCABLE TRUST DATED JULY 26, 2019 AND ANNETTE LEAH WELTON, AS TRUSTEE OF THE WELTON FAMILY TRUST DATED JANUARY 28, 1992 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 425 River Road, Rio Vista, Solano County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 5744.1; A2333; RA# 2019115) (A 11; S 3) (Staff: J. Holt)
- 33 KEY LEASE CORPORATION, INC. DBA SPINDRIFT MARINA (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in the San Joaquin River, adjacent to 841 W. Brannan Island Road, near Isleton, Sacramento County; for an existing commercial marina, known as the Spindrift Marina previously authorized by the Commission; and two existing restrooms with shower facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 2409.1; RA# 21918) (A 11; S 3) (Staff: M. Schroeder)

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- 34 STEVEN G. KUHN AND CAROL A. KUHN, TRUSTEES OF THE KUHN AND VAN BRUGGEN DECLARATION OF TRUST ESTABLISHED FEBRUARY 19, 1998 (ASSIGNOR); LOUIS BONACICH, TRUSTEE OF THE BONACICH FAMILY TRUST DATED JULY 4, 2011 (ASSIGNEE): Consider assignment of Lease No. PRC 5188.1, a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 1951 Garden Highway, near Sacramento, Sacramento County; for an existing commercial marina and appurtenant facilities. CEQA Consideration: not a project. (PRC 5188.1; A2474; RA# 2019199) (A 7; S 6) (Staff: G. Asimakopoulos)
- 35 STEVEN JACK LININGER, AS TRUSTEE OF THE JACK A. LININGER TRUST DATED JANUARY 4, 2008 (ASSIGNOR); ALAN S. LOWE AND JULIE K. LOWE, TRUSTEES OF THE ALAN S. AND JULIE K. LOWE FAMILY TRUST DATED OCTOBER 10, 1996 (ASSIGNEE): Consider assignment of Lease No. PRC 7769.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, at Long Island, adjacent to 17412 Grand Island Road, near Isleton, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 7769.1; A2379; RA# 2019157) (A 11; S 3) (Staff: G. Asimakopoulos)
- 36 LODI GAS STORAGE L.L.C. (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the North and South Mokelumne Rivers, Georgiana, Broad, Three Mile, Jackson and Tomato sloughs, between Rio Vista and Lodi, within Sacramento and San Joaquin counties; for an existing gas pipeline. CEQA Consideration: categorical exemption. (Lease 8207.1; A 2274; RA# 2019093) (A 9, 11, 13; S 3, 5) (Staff: D. Tutov)
- 37 NAUTILUS DATA TECHNOLOGIES, INC., A DELAWARE CORPORATION (LESSEE/APPLICANT); ORION ENERGY PARTNERS INVESTMENT AGENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY (SECURED-PARTY LENDER): Consider amendment to Lease No. PRC 9510.1, a General Lease - Industrial Use, to extend the lease term; and approval of an Agreement and Consent to Encumber Lease, of proprietary land located in the San Joaquin River, adjacent to Assessor's Parcel Number 162-030-07, Rough

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- and Ready Island, near Stockton, San Joaquin County. CEQA Consideration: Mitigated Negative Declaration, adopted by the Port of Stockton, State Clearinghouse No. 2016062010. (PRC 9510.1; A2504; RA# 2019219) (A 13; S 5) (Staff: G. Asimakopoulos)
- 38 DENNIS MORTON OIKLE AND HILDEGARDE HEIDI OLIVEROIKLE, DBA HEIDI'S OUTRIGGER MARINA AND SALOON (LESSEE); PARADISE INVESTMENT PROPERTIES GROUP, LLC (APPLICANT/SUBLESSOR); PARADISE OUTRIGGER MARINA (SUBLESSEE); AND ALLSTAR FINANCIAL SERVICES, INC. (SECURED-PARTY LENDER): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 3934.1, a General Lease - Commercial Use; an application for a General Lease - Commercial Use, an endorsement of a sublease under Lease 3934.1, and the Agreement and Consent to Encumber Lease 3934.1, of sovereign land located in Three Mile Slough at Sherman Island, adjacent to 17641 Sherman Island East Levee Road, near Rio Vista, Sacramento County; for an existing commercial marina, known as the Paradise Outrigger Marina and bank protection. CEQA Consideration: categorical exemption. (Lease 3934.1; RA# 15218) (A 11; S 3) (Staff: M. Schroeder)
- 39 PORT OF STOCKTON (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Burns Cutoff at Daggett Road, Rough and Ready Island, Stockton, San Joaquin County; for an existing non-operational swing bridge. CEQA Consideration: categorical exemption. (Lease 4376.1; RA# 15618) (A 13; S 5) (Staff: M. Schroeder)
- 40 SACRAMENTO WALDORF SCHOOL ASSOCIATION, INC. (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the American River, adjacent to 3750 Bannister Road, Fair Oaks; for existing bank protection. CEQA Consideration: categorical exemption. (Lease 6728.9; A2159; RA# 2019010) (A 6; S 1) (Staff: D. Tutov)
- 41 JAMES I. TANIMOTO AND EVELYN K. TANIMOTO, TRUSTEES IN TRUST, UNDER THE JAMES I. AND EVELYN K. TANIMOTO LIVING TRUST, DATED AUGUST 7, 2000 (LESSEE); RYAN MAX BOGLE AND KATIE BUTLER (APPLICANT): Consider termination of Lease No. PRC 7463.1, a General Lease -

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Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 639 Brickyard Drive, Sacramento, Sacramento County; for removal of an existing boat dock; construction, use, and maintenance of a boat dock and two pilings; and the continued use and maintenance of an existing piling, two-pile dolphin, and ramp. CEQA Consideration: categorical exemptions. (Lease 7463.1; A 2225; RA# 2019051) (A 9; S 6) (Staff: D. Tutov)

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Central / Southern Region

- 42 J. CHRIS BAKER AND MARTA BAKER, TRUSTEES OF THE BAKER FAMILY TRUST DATED APRIL 26, 2002 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to 219 Pacific Avenue, Solana Beach, San Diego County; for a portion of an existing seawall and an existing seacave/notch fill. CEQA Consideration: categorical exemption. (Lease 8183.1; A2373; RA# 2019161) (A 78; S 39) (Staff: D. Simpkin)
- 82
- 43 MARK L. BARR AND FELICIA A. SCHENKEL, TRUSTEES OF THE BARR-SCHENKEL FAMILY TRUST DATED DECEMBER 10, 2011 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to 225 Pacific Avenue, Solana Beach, San Diego County; for a portion of an existing seawall and an existing seacave/notch fill. CEQA Consideration: categorical exemption. (Lease 8187.1; A2375; RA# 2019164) (A 78; S 39) (Staff: D. Simpkin)
- 44 FRANKLIN J. BUCCELLA AND VIRGINIA M. BUCCELLA, CO-TRUSTEES OF THE BUCCELLA FAMILY TRUST ESTABLISHED JANUARY 2, 1980, BY FRANKLIN J. BUCCELLA AND VIRGINIA M. BUCCELLA, TRUSTORS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3541 Courtside Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered decks not

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- previously authorized by the Commission. CEQA Consideration: categorical exemption. (W27007; RA# 26817) (A 72; S 34) (Staff: K. Connor)
- 45 CABRILLO POWER I, LLC (LESSEE): Consider amendment to Lease No. PRC 791.1, a General Lease - Industrial Use, of sovereign land located in the Pacific Ocean, adjacent to Agua Hedionda Lagoon, Carlsbad, San Diego County; to reduce the size of the lease area and revise the rent. CEQA Consideration: categorical exemption. (PRC 791.1; A2299; RA# 2019109) (A 76; S 36) (Staff: C. Hudson)
- 46 EDWARD LEROY CLARK, JR., TRUSTEE OF THE ED CLARK FAMILY TRUST DATED MAY 25, 2016 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour adjacent to 17061 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, boat lift, access ramp and cantilevered deck; and the replacement of the existing boat dock and access ramp with a new boat dock and access ramp. CEQA Consideration: categorical exemptions. (Lease 4094.1; A2263; RA# 2019097) (A 72; S 34) (Staff: L. Pino)
- 47 GARY GARBER AND DIANE GARBER, TRUSTEES OF THE GARBER FAMILY TRUST DATED 11/5/86 , (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to 231 Pacific Avenue, Solana Beach, San Diego County; for a portion of an existing seawall and an existing seacave/notch fill. CEQA Consideration: categorical exemption. (Lease 8188.1; A2376; RA# 2019162) (A 78; S 39) (Staff: D. Simpkin) 82
- 48 ARTHUR JAN, JR. AND BESS K. JEONG, TRUSTEES OF THE ARTHUR JAN, JR. AND BESS K. JEONG TRUST UDT DATED MAY 2, 1997 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 16851 Marina Bay Drive, Huntington Beach, Orange County; for an existing boat dock and access ramp not previously authorized by the Commission. CEQA Consideration: categorical exemption. (A2155; RA# 2019006) (A 72; S 34) (Staff: K. Connor)

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- 49 JDC ENTERPRISE LLC, A LIMITED LIABILITY COMPANY IN THE STATE OF CALIFORNIA (APPLICANT): Consider application for the termination and reissuance of Lease 3086.1, a General Lease - Recreational Use, of sovereign land 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; the removal and relocation of three existing concrete piles; and the replacement of the existing boat dock and access ramp with a new boat dock and access ramp. CEQA Consideration: categorical exemptions. (Lease 3086.1; A2301; RA# 2019204) (A 72; S 34) (Staff: L. Pino)
- 50 NORTH COUNTY TRANSIT DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Batiquitos Lagoon, Carlsbad, San Diego County; for the construction, use, and maintenance of a buried armored revetment. CEQA Consideration: statutory exemption. (W26644; RA# 30916) (A 76; S 36) (Staff: R. Collins)
- 51 JAMES HOYT O'NEAL AND NANCY DEE BARDEN O'NEAL, TRUSTEES OF THE O'NEAL FAMILY TRUST UNDER AGREEMENT DATED JUNE 21, 2001 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to 211 Pacific Avenue, Solana Beach, San Diego County; for a portion of an existing seawall and an existing seacave/notch fill. CEQA Consideration: categorical exemption. (Lease 8182.1; A2371; RA# 2019155) (A 78; S 39) (Staff: D. Simpkin) 82
- 52 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider amendment to Lease No. PRC 9347.1, a General Lease - Industrial Use, of sovereign land located in and adjacent to the Pacific Ocean, Avila Beach, San Luis Obispo County; for infrastructure associated with the Diablo Canyon Power Plant; to change the submittal date for the restoration plan. CEQA Consideration: not a project. (PRC 9347.1; A2528; RA# 2019246) (A 17; S 35) (Staff: C. Hudson)

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- 53 JOHN PERELL AND KIMBERLY REED PERELL (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to 215 Pacific venue, Solana Beach, San Diego County; for a portion of an existing seawall and an existing seacave/notch fill. CEQA Consideration: categorical exemption. (Lease 8186.1; A2372; RA# 2019163) (A 78; S 39) (Staff: D. Simpkin) 82
- 54 CHAIYAWAT ROBERT POONSAENGSATHIT, TRUSTEE OF THE CHAIYAWAT ROBERT POONSAENGSATHIT REVOCABLE LIVING TRUST DATED MAY 6, 2008 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 16841 Marina Bay Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 6339.1; A2262; RA# 2019069) (A 72; S 34) (Staff: K. Connor)
- 55 WILLIAM J. SCHMIT AND MICHELLE H. SCHMIT, CO-TRUSTEES OF THE WILLIAM J. SCHMIT REVOCABLE TRUST DATED AUGUST 12, 2014; AND WILLIAM J. SCHMIT AND MICHELLE H. SCHMIT, CO-TRUSTEES OF THE MICHELLE H. SCHMIT REVOCABLE TRUST DATED AUGUST 12, 2014 (LESSEE/APPLICANT): Consider termination of lease and acceptance of a lease quitclaim deed for Lease No. PRC 3854.1 a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16841 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck; removal of the existing boat dock and access ramp; and the construction, use, and maintenance of a new boat dock and access ramp to include an additional concrete pile. CEQA Consideration: California Coastal Commission Coastal Development Permit No. 5-19-0990, and categorical exemptions. (Lease 3854.1; A2403; RA# 2019159) (A 72; S 34) (Staff: K. Connor)
- 56 SPRINT SPECTRUM L.P. (APPLICANT): Consider application for a General Lease - Other, of sovereign land located on Rincon Island, near Mussel Shoals, Ventura County;

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for an existing wireless telecommunications site and related equipment. CEQA Consideration: categorical exemption. (Lease 8101.1; A2351; RA# 2019128) (A 37; S 19) (Staff: K. Connor)

- 57 QUOC TAN TRAN, TRUSTEE OF THE QUOC TAN TRAN FAMILY TRUST, DATED JULY 13, 2007; AND DAVID Q. TRAN AND KIMBERLY HA TRAN, TRUSTEES OF THE TRAN FAMILY TRUST, DATED JANUARY 30, 2007 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16741 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock and access ramp not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W27026; RA# 03418) (A 72; S 34) (Staff: K. Connor)
- 58 U.S. BUREAU OF RECLAMATION (LESSEE): Consider amendment to Lease No. PRC 9239.9, a General Lease - Public Agency Use, of sovereign land located in the historic bed of the Colorado River, Moabi Regional Park, near Needles, San Bernardino County; to construct and maintain a cable fence around the perimeter of the lease premises. CEQA Consideration: categorical exemption. (PRC 9239.9; A2393; RA# 2019152) (A 33; S 16) (Staff: R. Collins)
- 59 VANDENBERG VILLAGE COMMUNITY SERVICES DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Burton Mesa Ecological Reserve, near Lompoc, Santa Barbara County; for an existing unpaved access road. CEQA Consideration: categorical exemption. (W26978; RA# 34215) (A 35; S 19) (Staff: R. Collins)

School Lands

- 60 CALIFORNIA STATE LANDS COMMISSION; BARSTOW SPANISH TRAIL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (PARTIES): Consider amendment to the "Offer to Purchase Real Estate in the County of San Bernardino and Acceptance of Offer to Purchase" for approximately 63.3 gross acres of indemnity school lands in Barstow, San Bernardino County; to extend the closing date. CEQA Consideration: not a project. (SA 5772; RA# 24716) (A 33; S 16) (Staff: R. Collins, P. Huber)

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- 61 CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER (APPLICANT): Consider rescission of approval, and issuance of a General Lease - Right-of-Way Use, of State-owned school land within a portion of Section 36, Township 2 South, Range 31 East, MDM, near Bishop, Mono County; for an existing electrical transmission line and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 4645.2; A2077; RA# 27518) (A 5; S 8) (Staff: C. Hudson)

Mineral Resources Management

- 62 CITY OF LONG BEACH (GRANTEE): Consider acceptance of the Long Beach Unit Annual Plan (July 1, 2020 through June 30, 2021), 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 CITY OF LONG BEACH (APPLICANT): Consider approval of subsidence monitoring costs for vertical measurements and studies for the 2020-2021 Fiscal Year, City of Long Beach, Los Angeles County. CEQA Consideration: categorical exemption. (W 10443) (A 70; S 33, 34) (Staff: R. B. Greenwood)
- 64 COASTAL FRONTIERS CORPORATION (APPLICANT): Consider application for a General Permit to conduct geophysical surveys on sovereign land, including granted and ungranted tide and submerged lands, under the jurisdiction of the California State Lands Commission. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, State Clearinghouse No. 2013072021. (A2484; RA# 2019227) (A & S: Statewide) (Staff: R. B. Greenwood)
- 65 DESERT QUARTZITE (APPLICANT): Consider application for a modification of the State's Right of Surface Entry on approximately 160 acres of State reserved mineral interest school land, Assessor's Parcel Numbers: 879-110-001, State parcel number 237-534, located about 11 miles southwest of the Blythe Airport, near Blythe, in Section 15, Township 7 South, Range 21 East, SBBM, Riverside County. CEQA Consideration: not a project. (A2228; RA# 2019055) (A 56; S 28) (Staff: R. Lee)

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- 66 FUGRO USA MARINE, INC. (APPLICANT): Consider application for a General Permit to conduct geological surveys on sovereign tide and submerged lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: categorical exemption. (A2463; RA# 2019189) (A & S: Statewide) (Staff: R. B. Greenwood)
- 67 ORNI 5 LLC, INC. (APPLICANT): Consider application for a Non-Exclusive Geophysical Exploration Permit for geothermal resources covering 23.5 square miles involving State lands identified as Assessor Parcel Numbers: 017-340-011, 017-340-018, 017-340-010, 017-340-003, 017-010-048, 017-970-014, 017-340-004, 017-010-016, 017-010-056, 017-010-044, 017-010-045, 017-010-017, 017-010-027, 017-050-013, located within the Truckhaven Geothermal area, Imperial County. CEQA Consideration: Mitigated Negative Declaration adopted by Imperial County, State Clearinghouse No. 2019119033, and adoption of a Mitigation Monitoring Program. (A2269; RA# 14515) (A 71; S 38) (Staff: R. B. Greenwood)

Marine Environmental Protection - no items

Administration - no items

Legal

- 68 CALIFORNIA STATE LANDS COMMISSION, JEREL D. ELLIOTT, JR., SACRAMENTO COUNTY SHERIFF, MARINE ENFORCEMENT DETAIL (PARTIES): Consider taking title to and authorizing the removal and disposal of an abandoned vessel on sovereign land in the Sacramento River, adjacent to Assessor Parcel Numbers 119-0230-042 and 119-0230-043, near Clarksburg, Sacramento County. CEQA Consideration: categorical exemption. (A 9; S 3) (Staff: A. Kershen, V. Caldwell)
- 69 CALIFORNIA STATE LANDS COMMISSION AND NP OAKLEY, LLC (PARTIES): Consider a Litigation and Title Settlement Agreement between the California State Lands Commission and NP Oakley, LLC resolving a title dispute with respect to certain real property located adjacent to the San Joaquin River, City of Oakley, Contra Costa County. CEQA Consideration: statutory

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exemption. (W 27240; RA# 2019023) (A 11; S 7)
(Staff: M. Wiemer, L. Calvo)

Kapiloff Land Bank Trust Acquisition - no items

External Affairs

Granted Lands

70 CITY OF LONG BEACH (TRUSTEE): Review proposed tideland oil revenue expenditures in an amount not to exceed \$4,600,989 by the City of Long Beach for four capital improvement projects located both on and adjacent to legislatively granted sovereign land in the City of Long Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-03) (A 70; S 33) (Staff: M. Moser)

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

VI Informational Calendar

72 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)

VII Regular Calendar 73-76

73 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational update on efforts to develop the Commission's 2021-2025 Strategic Plan and to solicit comments and suggestions from stakeholders. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: C. Connor, J. Lucchesi)

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74	CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational update on the impact of the COVID-19 pandemic on the state's local trustees of granted public trust lands and resources. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: R. Boggiano, S. Pemberton)	48
75	CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider a limited Delegation of Authority authorizing the Executive Officer to enter into need-based negotiated settlements with lessees and applicants adversely impacted by COVID-19 pandemic and related shelter-in-place orders to provide limited-term relief including rent deferral, waiver of penalty and interest, and deferral of application processing expenses; consider authorizing the Executive Officer to implement emergency rulemaking if determined necessary; consider authorizing short-term extensions for certain public agency leases. CEQA Consideration: not a project. (W9301) (A & S: Statewide) (Staff: M. Wiemer, B. Bugsch)	75
76	CALIFORNIA STATE LANDS COMMISSION: Consider adoption of "Making California's Coast Resilient to Sea Level Rise: Principles for Aligned State Action," a set of principles to be implemented by a variety of state agencies that reflect unified, effective action toward sea-level rise resilience grounded in best available science, partnerships, alignment, communications and local support. CEQA Consideration: not a project. (A & S: Statewide) (Staff: J. Lucchesi)	104
VIII	Public Comment	127
IX	Commissioners' Comments	131
X	Closed Session	131

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.

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A. Litigation.

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

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

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

California State Lands Commission, et al. v. Martins Beach 1 LLC, et al.

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

Hollister Ranch Owners Association v. Xavier Becerra, et al.

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

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In re: Venoco, LLC, Bankruptcy Chapter 11	
John W. Lebolt and Richard A. Lebolt v. City and County of San Francisco	
Madden v. City of Redwood City	
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	
Renee Walton v. City and County of San Francisco; Port Commission of San Francisco, et al.	
San Francisco Baykeeper, Inc. v. State Lands Commission	
San Joaquin River Exchange Contractors Water Authority v. State of California; State Lands Commission	
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.	

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2. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(b), under which;

a. A point has been reached where, in the opinion of the Commission, on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the Commission, or

b. Based on existing facts and circumstances, the Commission is meeting only to decide whether a closed session is authorized because of a significant exposure to litigation against the Commission.

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

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

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).

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P R O C E E D I N G S

1
2 CHAIRPERSON YEE: Great. Thank you. Good
3 afternoon, everyone. I call this meeting of the State
4 Lands Commission to order. I am State Controller Betty
5 Yee. Welcome to our first ever completely virtual State
6 Lands Commission meeting. Let me turn it over to Ms.
7 Lucchesi and please ask if you will call the role of the
8 Commissioners in attendance.

9 EXECUTIVE OFFICER LUCCHESI: Certainly.

10 Lieutenant Governor and Commissioner Kounalakis?

11 COMMISSIONER KOUNALAKIS: Present.

12 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

13 CHAIRPERSON YEE: Here.

14 EXECUTIVE OFFICER LUCCHESI: And Deputy Director
15 of Finance and Commissioner Gayle Miller will be joining
16 us in about 15 minutes or so, but we do have a quorum
17 present.

18 In addition, I would like to identify the members
19 of the staff of the Commission and the Attorney General's
20 office present for this virtual meeting. I am Executive
21 Officer Jennifer Lucchesi. We have Chief Counsel Seth
22 Blackmon, meeting liaison Kim Lunetta, Assistant Executive
23 Officer Colin Conor, Supervising Deputy Attorney Andrew
24 Vogel, and our Zoom co-host Katie Robinson-Filipp, Grace
25 Kato, Phil Schlatter, and Mike Farinha.

1 Thank you, Chair.

2 CHAIRPERSON YEE: Thank you, Ms. Lucchesi.

3 So for the benefit of those joining us virtually,
4 the State Lands Commission manages State property
5 interests in over five million acres of land, including
6 mineral interests. The Commission also has responsibility
7 for the prevention of oil spills and marine oil terminals
8 and offshore oil platforms, and for preventing the
9 introduction of marine invasive species into California's
10 marine waters.

11 Today, we will hear requests and presentations
12 involving the lands and resources within the Commission's
13 jurisdiction. We recognize that the lands we manage have
14 been be inhabited for thousands of years by California's
15 native people and take seriously our trust relationship
16 with these sovereign governments.

17 I want to take a moment to honor the California
18 Native American communities all across our state of
19 California for persisting, carrying on diverse cultural
20 and linguistic traditions, and sustainably managing the
21 land that we now share. Native people have maintained a
22 constant presence on the landscape from many thousands of
23 years. And they are essential stewardship partners
24 whether along the coast -- and again just want to thank
25 Native American communities for participating in this

1 Commission's activities and for their essential role in
2 maintaining and adding to our state's rich cultural
3 legacy.

4 Additionally, it is important to acknowledge that
5 many of environmental justice organizations already face
6 barriers to participating in government processes or
7 otherwise have limited capacity and resources to respond
8 to calls for public comment. The public health and
9 economic crisis due to COVID-19 is exacerbating this
10 issue.

11 The Commission is working diligently to ensure
12 equitable public participation, outreach, and engagement
13 during this challenging time. Specifically, the
14 Commission has incorporated in the agenda for this meeting
15 two public comment periods for items not on the agenda.
16 The Commission has also posted the Executive Officer's
17 report and the public comment letters received on our
18 website under each agenda item.

19 The Commission will also incorporate it -- will
20 also incorporate expanded opportunities for engagement
21 during the development of its strategic plan. And let me
22 just pause here for a moment to just make some comments
23 with respect to this time that we are in. Very much
24 appreciate the staff and all the work of the State Lands
25 Commission, our audio visual team, and our support for

1 being able to allow this Commission meeting to happen.

2 This is a time when I think many are looking for
3 elevated engagement -- public engagement with our
4 government, not less. And so very, very appreciative that
5 this Commission meeting can take place today.

6 And, of course, our hearts and minds are with
7 those who have been devastated by the impacts of the novel
8 Coronavirus. And never enough opportunities to thank
9 those who are our frontline health workers, our frontline
10 really workers at every turn that we take that can -- who
11 continue to contribute in making sure that our lives are
12 able to continue to function every day. And, of course,
13 as we think about being here in California, I also want to
14 acknowledge the leadership of our Governor and for his
15 presence every day in the moment bringing factual
16 information to Californians up and down this State, and to
17 many of our local leaders who are managing this crisis
18 really based on the experiences and the realities that
19 many Californians are facing today.

20 So with that, let me -- actually, what I'd like
21 to do, Commissioner Kounalakis, do you have any comments
22 to offer at this point?

23 EXECUTIVE OFFICER LUCCHESI: Commissioner
24 Kounalakis, you are still on mute right now.

25 COMMISSIONER KOUNALAKIS: Okay. Well, thank you,

1 Madam Chair. And I just also would like to recognize that
2 this is a very different time that we're in. I don't
3 think that we could have contemplated even a few months
4 ago that we would be holding a meeting like this. So I
5 want to thank all the members of the public for your
6 persistence in making sure that your voice is heard by
7 joining this virtual call, also to our staff that has
8 really hustled, most of whom have been working from home
9 and trying to put this together and make sure that we meet
10 all of our necessary requirements to be able to do it, as
11 well as preparing for the agenda and for all the items
12 that we have in doing the regular work.

13 And, as the Chair said, there's never enough
14 opportunities to recognize all of our incredible health
15 care workers and essential workers who have been out there
16 on the frontlines, especially during the early days when
17 there was not enough PPE and so much uncertainty still.
18 And that here we are. We're doing it. We're having our
19 State Lands Commission meeting. We are a can-do
20 California society. We're going to keep going and we're
21 going to get through this together.

22 CHAIRPERSON YEE: Wonderful. Thank you
23 Commissioner Kounalakis. This is a nice lead-in to our
24 next item of business, which will be public comment.
25 Before I open the public comment period for items not on

1 the agenda, again let me thank everyone, especially our
2 stakeholders and members of the public for taking the time
3 to join our first virtual meeting. This is a new
4 experience for most of us and we appreciate your support
5 and patience as we work together in this new endeavor.

6 Let me turn it over to Ms. Lucchesi again to
7 quickly share some instructions on how we can best
8 participate in this meeting, so it can run as smoothly as
9 possible.

10 EXECUTIVE OFFICER LUCCHESI: Thank you, Chair
11 Yee, and thank you, Commissioner Kounalakis.

12 First, everyone please make sure you have your
13 microphones or phones muted to avoid background noise.
14 For members of the public, if you would like to speak
15 either during our open public comment period or during the
16 public comment period that is part of an agenda item, you
17 will need to do so in one of two ways. First, if you are
18 attending on the Zoom platform, please raise your hand in
19 Zoom. If you are new to Zoom and you joined our meeting
20 use the Zoom application, click the participants' icon at
21 the bottom of your screen and look in the box where your
22 name is listed under attendees and find the small hand to
23 the left. If you click on that hand, it will raise your
24 hand.

25 Second, if you are joining our meeting via phone,

1 you must press star nine, not hashtag nine or pound nine,
2 but star nine on your keypad to raise your hand to make a
3 comment. If you are calling in and want to view the
4 meeting, including the PowerPoint presentations, please
5 view the meeting through the Cal-Span Live webcast link.
6 There will be a slight time delay, but it will avoid an
7 echo or feedback using the Zoom application and your
8 phone.

9 If you emailed us with a request to speak, please
10 also raise your hand, so we don't inadvertently miss you.
11 We will call on individuals who have raised their hands in
12 the order that they are raised using the name they
13 registered with or the last three digits of their
14 identifying phone number.

15 After you are called on, you will be unmuted, so
16 that you can share your comments. Please also remember to
17 unmute your computer or phone and identify yourself.

18 Remember, you have a limit of three minutes to
19 speak on an item. Please keep your comments respectful
20 and focused. We will mute anyone who fails to follow
21 these guidelines or at worst dismiss them from the
22 meeting.

23 Finally, every now and then, you may hear me
24 refer to our meeting hosts. Our Commission staff are
25 acting as hosts for the meeting behind the scenes to

1 ensure that the technology moves the meeting forward
2 smoothly and consistently.

3 As the Chair mentioned, the Commission has also
4 established an email address to compile public comments
5 for our meetings. Its address is
6 cslc.commissiomeetings@slc.ca.gov.

7 If we receive any emails during the meeting, they
8 will be shared with the Commissioners and be made
9 available on our website at www.slc.ca.gov along with the
10 public comment emails or letters we have already received.

11 Chair Yee, that concludes my virtual meeting
12 instructions. We are ready to move to the general public
13 comment period.

14 CHAIRPERSON YEE: Great. Thank you very much,
15 Ms. Lucchesi. So let us proceed to the public comment
16 period. If anyone want to address the Commission --
17 excuse me. If anyone wants to address the Commission on
18 any matter not on today's agenda, please raise your hand
19 and you will have three minutes to do so.

20 Let me go to Grace. And Grace, will you please
21 call the first person who would like to make a public
22 comment.

23 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
24 Chair Yee, we have no hands raised at this time
25 for public comment.

1 CHAIRPERSON YEE: Okay.

2 EXECUTIVE OFFICER LUCCHESI: Actually, real
3 quick, I do see one hand raised.

4 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
5 One hand just was raised. Sorry. My apologies.
6 I'd like to call on Donna Harry to make a presentation.

7 CHAIRPERSON YEE: Good afternoon, Donna.

8 MS. CHRISTENSEN: Hello.

9 CHAIRPERSON YEE: Hello.

10 MS. CHRISTENSEN: Yeah, I'm not Donna Harry. Oh,
11 I know what happened. It's a different -- it's a
12 different website number. I didn't realize it.

13 My name is actually Anna Christensen. Thank you
14 for this opportunity and for your generosity in
15 understanding that the public really still very much wants
16 to participate, and like you, are trying to meet the
17 technological changes involved. So I'm a member of a
18 group called -- a coalition called Protect the Long Beach
19 Los Cerritos Wetlands, which organized to stop a massive
20 expansion of oil drilling in our Los Cerritos Wetlands.
21 So I'm speaking for that coalition today, as well as for
22 Sierra Club's Los Cerritos Wetlands Task Force. And we
23 also submitted two comments to agenda items.

24 And what I'd like to spend the next couple of
25 minutes talking about is the situation in the Los Cerritos

1 Wetlands that has led us to engage, which is an expansion
2 of oil drilling operations projected for the wetlands, as
3 well as a restoration project that is very questionable in
4 light of sea rise and more that we know about restoration
5 projects in general.

6 And we will be submitting, you know, further
7 comments. But I just hope that the State Lands
8 Commission, which has a very small piece of property in
9 the wetlands that will follow -- and it does have a staff
10 member working on this, will take a hard look at what
11 wetlands restoration means, which is not creating massive
12 salt marshes and putting everything under water. That's
13 going to happen already, so we need to hold on to our --
14 what exists there now and the -- and the stories, whether
15 it's over in Ballona Wetlands or here in Los Cerritos that
16 the land is too degraded, that there's not enough there,
17 so we're just going to bull doze it and start over, is
18 incredibly wrong-headed and also takes -- does not take
19 into consideration the opinion of the most traditional
20 tribal leaders who believe this land to be a traditional
21 tribal property.

22 The Los Cerritos Wetlands are part of the sacred
23 site of Puvungna. So I would really encourage the State
24 Lands Commission, and I know you have some good working
25 relationships to pay special attention to multiple tribes

1 that have a right to comment, and in general in the main,
2 the most traditional leaders want less disruption. You go
3 and bulldoze in the Los Cerritos Wetlands, you will dig up
4 bodies. It's already happened.

5 And so we're just asking for that from the Los
6 Cerritos Wetlands Task Force. And also, that the Native
7 American Heritage Commission be invited to sit on
8 interagency review teams for any kind of mitigation means
9 that the State Lands Commission is involved in.

10 Thank you very much.

11 CHAIRPERSON YEE: Thank you, Ms. Christensen.
12 Really appreciate you coming forward with your comments.

13 Ms. Lucchesi, anything on this item at this
14 point?

15 EXECUTIVE OFFICER LUCCHESI: Not anything to
16 comment or respond to specifically on the Los Cerritos
17 Wetlands project. We will follow up with Ms. Christensen
18 to better understand her perspectives and make sure that
19 we're engaging as comprehensively and as meaningfully as
20 possible.

21 And I do also just want to acknowledge that
22 Deputy Director of Finance and Commissioner Miller has
23 just joined us as well.

24 CHAIRPERSON YEE: Very well. Thank you very
25 much.

1 Welcome.

2 Alrighty. Grace, is there anyone else who would
3 like to make a public comment?

4 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

5 Chair Yee, there are no hands raised. Thank you.

6 CHAIRPERSON YEE: Okay. Thank you.

7 And we will have another public comment period
8 later on in the agenda. So let me welcome Commissioner
9 Miller. And we will be moving to the next item of
10 business, which will be the adoption of the minutes from
11 the Commission's meeting of February 28th 2020. Is there
12 a motion to approve the minutes and a second?

13 Okay.

14 EXECUTIVE OFFICER LUCCHESI: Commissioner
15 Kounalakis, you're on mute.

16 COMMISSIONER KOUNALAKIS: Okay. I'm going to get
17 this down. My apologies. I move to -- I move the motion.

18 CHAIRPERSON YEE: All right. Commissioner
19 Kounalakis moves to approve the minutes of February 28th.

20 Is there a second?

21 I will second that motion.

22 Without objection -- or actually, do we need to
23 call the roll?

24 EXECUTIVE OFFICER LUCCHESI: We do need to call a
25 roll call vote.

1 CHAIRPERSON YEE: All right.

2 EXECUTIVE OFFICER LUCCHESI: And I'm happy to do
3 that.

4 Commissioner Kounalakis?

5 COMMISSIONER KOUNALAKIS: So aye.

6 (Laughter.)

7 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

8 ACTING COMMISSIONER MILLER: Aye.

9 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

10 CHAIRPERSON YEE: Aye.

11 EXECUTIVE OFFICER LUCCHESI: The motion passes
12 unanimously.

13 CHAIRPERSON YEE: Thank you very much.

14 All right. Next order of business is the
15 Executive Officer's report. Ms. Lucchesi, may we have
16 that report, please.

17 EXECUTIVE OFFICER LUCCHESI: Yes. Good
18 afternoon, Commissioners and members of the public joining
19 us virtually. A more comprehensive and detailed written
20 report is posted on our website as a link on today's
21 agenda. And I encourage those who are interested to read
22 it. I will highlight a few of the updates in that report
23 this afternoon, including our efforts to meaningfully
24 engage in our tribal consultation efforts and
25 environmental justice communities; our 2020 and 2021

1 budget; our Rincon and Platform Holly decommissioning
2 projects; and the Tijuana River pollution crisis.

3 First and foremost, I want to acknowledge and
4 thank our over 230 Commission staff members. Since the
5 middle of March, our staff have been continually adapting
6 to the situation presented by the COVID-19 pandemic. The
7 changes made are based on evolving guidance from the
8 Governor and his administration, including California
9 Natural Resources Agency Secretary Wade Crowfoot and
10 CalHR.

11 Fortunately the line of communication has been
12 exceptional. At this time, approximately 74 percent of
13 our staff are teleworking. While all of our offices are
14 operational, we have closed our offices to visitors. We
15 have posted contact information so that the public can
16 always get ahold of us. We continue to work closely with
17 the California Natural Resources Agency on specific
18 directives for managing staff and implementing physical
19 distancing measures and sanitation practices pursuant to
20 guidance from CalHR.

21 We have instituted modified inspection practices
22 and procedures for our inspectors and engineers, who are
23 still inspecting marine oil terminals and oil and gas
24 production facilities, monitoring transfers, and boarding
25 vessels as part of the Commission's Oil Spill Prevention

1 and Marine Invasive Species programs. These modified
2 practices and procedures center around physical distancing
3 and digital paperwork, while maintaining core inspection
4 and monitoring activities.

5 I want to specifically acknowledge our
6 inspectors, engineers, and other essential staff who are
7 working in the field in furtherance of the Commission's
8 core mission. I also want to thank our Informational
9 Services Division under the leadership of Mike Farinha,
10 Phil Schlatter, and Jeff Kwong. Our ISD team not only
11 mobilized incredibly quickly to equip and train the
12 majority of our staff to telework, they have also worked
13 overtime to answer and respond to a variety of questions
14 and requests by our staff to maintain their productivity
15 and ensure that we were ready to host this meeting
16 virtually.

17 Additionally, I want to thank Lisa Lloyd and our
18 HR team for mobility -- mobilizing just as quickly to help
19 advise our managers and supervisors on the ever-changing
20 personnel directives and guidance as the State workforce
21 has converted to telework in such an unprecedented pace.
22 And many thanks to Katera Forbes and Conner Mulligan for
23 working overtime to procure the necessary equipment and
24 supplies to keep our field staff safe and protected.

25 Before I get into the specific program and

1 project updates, I want to share a phone conversation I
2 recently had with my mother-in-law, Josephine. Josephine
3 immigrated to the United States from Italy when she was 20
4 years old. She grew up in northern Italy in a little
5 farming community outside of Lucca during World War II.

6 During our recent conversation, she was drawing
7 parallels and contrasts of her time during the war and now
8 during this pandemic. Two things struck me. First, she
9 reflected that during the war, her and her family could
10 physically hide from the Nazi soldiers, whereas we can't
11 hide from this virus.

12 Second, her, her family, her neighbors, friends
13 and community could help support and comfort each other in
14 ways that are just impossible for us to do now, especially
15 during the really hard and dangerous and scary times. And
16 due to those two important factors, today's pandemic, in
17 some ways, are worse than her personal experience during
18 the World War II.

19 It is against this backdrop and context that I
20 want to acknowledge the incredible grace, professionalism,
21 and empathy of the Commission's managers, supervisors,
22 senior staff, and senior leadership. This pandemic crisis
23 has required significant changes in the way we interact
24 and connect with staff, with our colleagues, with our
25 family, friends, and neighbors.

1 Our management team has adapted their management,
2 communication, and leadership approaches and strategies in
3 such a creative and supportive way that have empowered our
4 staff to continue to maintain and even enhance their work
5 productivity while also providing the emotional support
6 and personal connection to their staff that has been
7 absolutely essential during this crisis.

8 Further, our entire staff has risen up and met
9 this moment in ways I can't describe, in terms of
10 supporting and caring for one another, reaching out and
11 engaging with our tribal and local governments, connecting
12 with our stakeholders, lessees, applicants, and our
13 regulated community.

14 I'm incredibly grateful for our entire State
15 Lands Commission team. They are truly committed public
16 servants and I'm proud to work alongside them in
17 implementing your vision and your mission, Commissioners,
18 especially during this unprecedented time.

19 As the Chair acknowledged, many environmental
20 justice organizations are already facing barriers to
21 participating in government processes or otherwise have
22 limited capacity and resources. And this has been
23 exasperated by the COVID 19 pandemic.

24 Commission staff is working diligently to ensure
25 equitable participation during this challenging time, and

1 we have incorporated many of the recommendations from the
2 Leadership Counsel for Justice and Accountability,
3 including making this Executive Officer's report available
4 online and preparing multiple options for public comment.

5 Similarly, tribal engagement and
6 government-to-government consultation have been greatly
7 affected by COVID-19, as a tribe's full attention must be
8 on protecting their vulnerable members and elders, and
9 avoiding outbreaks in their communities.

10 At this time, the Commission has five active
11 consultations that are impacted or could be impacted,
12 including one that it is in the post-Commission approval
13 stage, where project monitoring could be impacted.

14 On April 23rd, Governor Newsom issued Executive
15 Order N-54-20, which suspends time frames set forth in
16 CEQA with -- within which a California Native American
17 tribe must request consultation and the lead agency must
18 begin the consultation process for a period of 60 days in
19 consideration that tribal capacity to engage in or request
20 consultation may be limited at this time.

21 The Governor's Tribal Advisor also encouraged all
22 agencies to be as flexible as possible with all
23 consultations, whether subject to the Executive Order or
24 not, to sure meaningful input is not forfeited in the name
25 of project expediency.

1 Staff is working with project applicants,
2 consultants, and tribes to ensure the integrity of the
3 consultation process, so that cultural considerations are
4 fully integrated and sensitive resources are protected.

5 When the COVID-19 pandemic broke out --
6 broke out, it changed the trajectory of legislation and
7 altered the State's budget outlook. There are a lot of
8 uncertainties about the pandemic -- about what the
9 pandemic means for the State budget. The Constitutional
10 mandate to pass a budget by June 15 remains, even though
11 the IRS and the State postponed tax deadlines until July
12 2020. This means that the State will not have a clear
13 picture of its revenues until after the June 15th deadline
14 to pass a budget.

15 As a result, the Legislature will likely revisit
16 the budget after June 15th with a round of budget
17 deliberations in August or later this year.

18 The eventual budget will look much different than
19 the budget the Governor proposed earlier this year. It
20 will be known as a baseline budget, a budget with no major
21 changes for the next fiscal year, except for proposals or
22 adjustments necessary to support the emergency response to
23 the pandemic.

24 Although it is too early to know exactly how the
25 Commission's budget will be affected, we expect the

1 following changes to revenues.

2 First, with oil and gas production down, and the
3 price of oil at a precarious state, royalty revenues to
4 both the general fund and the State Teachers' Retirement
5 Fund will likely drop in the last quarter of fiscal year
6 19-20.

7 In addition, the Oil Spill Prevention and
8 Administration Fund depends on fees that directly
9 correlate to oil prices, meaning that the fund will likely
10 see significant cuts to revenue for the duration of this
11 economic slowdown. This special fund was already in a
12 decline, so the Commission and other fund users may need
13 to contemplate deep expenditure reductions to protect the
14 balance.

15 Finally, with normal shipping routes disrupted,
16 the Marine Invasive Species Control Fund is also likely to
17 see declining fee revenues. Program staff estimates a six
18 percent reduction to fees, because of reduced vessel
19 visits to California ports, which will contribute to an
20 already declining fund balance.

21 The Assembly is expected to return from recess
22 May 4th. Senate President Pro Tem Atkins recently
23 announced the Special Committee on Pandemic Emergency
24 Response will meet on May 6th. And the Senate is expected
25 to return from recess on May 11th.

1 Next, I want to update the Commission briefly on
2 our decommissioning projects. DrilTek continues to make
3 study progress in abandoning the offshore and onshore
4 wells at the former Rincon leases in Ventura County. On
5 the island, 33 of the 50 onshore wells have been cemented
6 back to the mud line. Onshore, 24 of the 25 wells have
7 been abandoned and a removal of the wellheads and concrete
8 well cellars is 95 percent complete. In total, 57 of the
9 75 well abandonments have been completed. Project costs
10 are approximately \$3.8 million under the planned budget of
11 32.8 million.

12 DrilTek anticipates project completion before
13 June 2021. Plugging and abandonment operations on
14 Platform Holly are suspended to the -- to Platform Holly's
15 pandemic response plan. We have crews stationed on the
16 platform to re -- maintain and service critical equipment
17 that will be used for the plug and abandonment work when
18 the pandemic response plan is lifted.

19 We are brainstorming ideas with our contractors
20 on ways to continue to move well abandonment activities
21 forward on Platform Holly, while practicing safe physical
22 distancing. The goal is to find creative solutions to
23 continue the essential plugging and abandonment work,
24 while protecting all the people engaged in the work.

25 Finally, I want to update the Commission on the

1 Tijuana River pollution crisis. Efforts are ongoing to
2 resolve the pollution issues in the Tijuana River Valley
3 and protect the impacted Public Trust Lands, resources,
4 and values within the region, including public access,
5 water quality, and recreation. In February, reports of
6 pump failures, highly contaminated transboundary flows,
7 and insufficient communications prompted the Commission to
8 request immediate action and leadership from the U.S. EPA.

9 Commission staff and other agencies recently
10 reviewed the Tijuana River Valley needs and opportunities
11 assessment prepared by the County of San Diego pursuant to
12 SB 507. This report summarizes the proposed projects and
13 alternatives to address the pollution that can be
14 implemented on the U.S. side of the border.

15 Next steps will include developing analyses of
16 preferred alternatives, feasibility studies, extensive
17 stakeholder outreach, and identifying project-funding
18 sources.

19 Recent reporting over the past couple of days and
20 weeks have detailed tires and debris blocking the main
21 channel and causing backup and foul odors. Imperial Beach
22 water tests reported extremely high bacterial levels,
23 making the water unsafe for contact.

24 And while Imperial Beach and other San Diego
25 County beaches had been open for limited uses, Imperial

1 Beach water is off limits due to the high bacterial
2 levels. Sixty million gallons per day are fouling
3 Imperial Beach's coast and air quality.

4 Importantly, last year's State budget included a
5 15 million allocation from proposition 68 bond funds to
6 the State Coastal Conservancy for the Tijuana pollution
7 control and restoration projects. Now, that the Tijuana
8 River Valley needs and opportunities assessment is
9 complete, a number of projects have been identified on the
10 U.S. side of the border that could qualify for funding
11 opportunities.

12 These bonds funds can be used for planning,
13 research, feasibility studies, restoration projects,
14 monitoring, and certain capital construction costs.

15 Unfortunately, the deadline to encumber the \$15
16 million is June of this year, just in a couple of months.
17 However, the Legislature could extend this deadline to
18 give applicants more time to develop proposals and give
19 the State Coastal Conservancy more time to allocate the
20 funds. We hope this will occur.

21 Now, more than ever, it is critical that the
22 Tijuana River's water quality be restored so that it no
23 longer endangers the public health of the residents of
24 Imperial Beach and the surrounding communities, border
25 protection agents, U.S. Navy service men and women, State

1 Park Rangers, scientists, volunteers, and many more.

2 Thank you, Chair Yee and Commissioners. That
3 concludes my report and I'm happy to answer any questions.

4 CHAIRPERSON YEE: Thank you so much, Ms. Lucchesi
5 for a thorough Executive Officer's report. And let me
6 just remind our public and audience that this report is
7 posted on our website.

8 And I want to just make a couple comments, if I
9 could. One, thank you for just trying to level-set and
10 put some perspective with respect to this pandemic. And
11 certainly in your conversation with your mother in-law I
12 think -- I think many are reflecting with our families
13 with respect to what this point -- what this time means
14 for many of us, and I think certainly getting the
15 perspectives of those who have lived through some
16 difficult -- difficult times in the past really does help
17 to put some perspective in terms of what we are
18 experiencing today.

19 I also wanted to just make a comment with respect
20 to just all of the ongoing work of the Commission staff.
21 This is a time where I think no one would be faulting just
22 those in State government as we're trying to deal with the
23 Coronavirus response -- responses and response efforts to
24 really see a little letting up with respect to, you know,
25 just some of the -- the functions and activities that we

1 are traditionally expected to carry out.

2 And I will say State Lands Commission staff has
3 not missed a beat and that work continues. And again,
4 just really in the spirit of knowing that engagement
5 during this time is even more important than ever, and I
6 just wanted to commend the staff for that.

7 On the issue of the Tijuana River Valley, I first
8 need to just acknowledge Commissioner Kounalakis's
9 leadership on this issue. She -- as I have -- we've spent
10 time down there. We have really seen the enormity of the
11 issues and I want to applaud the stakeholders who have
12 really just been putting a lot of diligence into the work
13 that has really gotten to a point of identifying specific
14 projects, and certainly would be very, very -- very, very
15 supportive of an extension of the expenditure of the bond
16 funds for some of these purposes.

17 But I do want to -- Commissioner Kounalakis, if I
18 may, maybe just turn it to you and have you offer some
19 perspective with -- with regard to that whole region and
20 the work that you've been doing there.

21 COMMISSIONER KOUNALAKIS: Well, thank you so
22 much, Madam Chair. It is something that I've been very
23 interested in since I first heard about it and then had an
24 opportunity to visit.

25 You know, the kind of sewage released into the

1 Tijuana River is unlike anything that our State or federal
2 guidelines here in California would ever permit. It is
3 nothing like any -- most of us have ever seen, because we
4 have sewer treatment systems that ensure that we have the
5 sanitation protocols in order to keep people safe and that
6 are very much part of the way that California has
7 developed and built out over many years.

8 So the cross-border sewage contamination,
9 particularly the challenges when it's raining, and the
10 Tijuana River is flowing, are extremely difficult. So the
11 phased approach to dealing with this includes projects
12 like the one that you mentioned, and which I think there
13 is tremendous support and awareness for the extension of
14 the time in order to be able to encumber those \$15
15 million. That's important. That goes to one particular
16 project, which will stop quite a bit of trash from
17 collecting into the basin and then getting flushed out.

18 But the bigger projects that we're talking about
19 here, a major sewer treatment plant on our side of the
20 border that will contain all but somewhere around 10 or --
21 10 to 15 days, or events, which are again the biggest
22 events, when it's really raining and there's a lot of
23 water coming over. It's almost possible to deal with
24 that, other than to fix the sanitation issues on the
25 southern part of the border.

1 But that major piece of infrastructure, which we
2 really need, has found a funding home within the USMCA
3 process, and we're all watching that very closely. There
4 is so much that is tied to the need for us to revive our
5 economy, reopen our economy, get things moving again, that
6 there's a domino effect that could be -- that could impact
7 this ability to ultimately, significantly address this
8 challenge over time.

9 So whenever we think about our efforts in
10 California, not just to respond immediately and continue
11 to do projects like this \$15 million project, which is
12 very important, but also to the bigger picture of
13 containment, of community spread of COVID-19, and being
14 able to get people back to work in a way that will still
15 at the same time keep them safe and not compromise our
16 values, all of this is going to have a lot of ripple
17 effects.

18 So thank you, Chair Lucchesi, for putting a
19 spotlight on the need to encourage the Legislature to take
20 that act of extending the time to make the expenditure in
21 order to be able to do this one specific project and
22 everything that we are doing to get the economy back up
23 and running will have an impact on so many things,
24 including USMCA, in order to be able to move these other
25 bigger projects forward.

1 CHAIRPERSON YEE: Great. Thank you so much,
2 Commissioner Kounalakis, and -- thank you very much,
3 Commissioner Kounalakis for really offering that
4 perspective and your ongoing engagement with all of these
5 initiatives.

6 Ms. Lucchesi, is there -- let just say I think I
7 am hearing that we have Commissioner support. And I'll
8 ask Commission Miller if she has any concerns about our --
9 just adding our support for the extension of time for the
10 encumbrance of the \$15 million.

11 ACTING COMMISSIONER MILLER: I can -- we
12 completely support that Chairman Yee and think it's a
13 great idea and also echo your sentiments about the
14 incredible work of the State Lands staff. Thank you very
15 much.

16 CHAIRPERSON YEE: Thank you, Commissioner Miller.
17 All right. Very well. Any other comments, Ms.
18 Lucchesi or Commissioners on this -- on the Executive
19 Director's report?

20 EXECUTIVE OFFICER LUCCHESI: (Shakes head.)

21 CHAIRPERSON YEE: Okay. Hearing none.

22 We will now move to our next order of business,
23 which will be the adoption of the consent calendar. Let
24 me just first turn to my fellow Commissioners.
25 Commissioners Kounalakis or Miller, are there any items

1 that you would like removed from the consent calendar?

2 COMMISSIONER KOUNALAKIS: No, Madam Chair.

3 ACTING COMMISSIONER MILLER: (Shakes head.)

4 CHAIRPERSON YEE: Okay. Next, let me call on Ms.
5 Lucchesi to indicate which items, if any, have been
6 removed from the consent calendar.

7 EXECUTIVE OFFICER LUCCHESI: Of course. Ms.
8 Lucche -- oh, excuse me.

9 Consent Items 3, 10, 33, 38, and 65 are removed
10 from the agenda and will be considered at a later time.

11 Consent Items 42, 43, 47, 51, and 53 are moved
12 from the consent agenda to the regular agenda. I do want
13 to note that we have received comments on consent items 62
14 and 70. Those were submitted as written comments without
15 a request to speak on them.

16 So I know it's -- next, Chair Yee, you will ask
17 if there's anybody who still wishes to speak on a consent
18 agenda item, and we'll wait to see if that hand is
19 raised -- a hand is raised. But if there aren't any hands
20 that are raised in response to the written comments for
21 those two items that we just received just a short time
22 ago, I do recommend that they stay on consent. The
23 Commission's authority and discretion with relating to
24 those two items are very limited, and I'm happy to go into
25 more details about that. But at this point, we'll just

1 wait to see if there is anybody who wishes to speak on
2 those two items.

3 CHAIRPERSON YEE: Great. Very well. Let me turn
4 to Grace and see, is there anyone online who wishes to
5 speak on any item remaining the consent calendar, if so
6 please raise your Zoom hand now and Grace will be
7 recognizing you.

8 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
9 Thank you, Chair Yee. I do have Anna Christensen
10 who has raised her hand to make a public comment.

11 CHAIRPERSON YEE: All right.

12 MS. CHRISTENSEN: Yes. So there's two items.
13 They both relate to the request -- two different requests
14 from the City of Long Beach. One is just an approval of
15 the annual budget regarding their tidelands oil funds,
16 monies, and drilling.

17 And if you can take -- glance at those requests,
18 we're making them of course in light of the total collapse
19 of oil pricing. And we have concerns. I did speak for
20 over an hour yesterday with our -- the head of that
21 organi -- you know, the tidelands oil funds monies. And
22 he did point out that he has submitted an addendum comment
23 regarding, you know, what it would look like at -- if oil
24 was \$30 a barrel.

25 He also added the statement that at -- if oil

1 didn't get above \$11 a barrel for six months, he would
2 consider shutting down existing wells. In terms of oil
3 operations in Long Beach, we have had apparently 2,000
4 oil -- new wells drilled here. We have been drilling
5 about a new well a month off of our oil island. So we are
6 maybe the epicenter of offshore oil drilling in
7 California. You don't see it, because it's all a matter
8 of just adding one more pipe, which never comes up, gets
9 filled with cement, lays down there, and going for more
10 oil.

11 We also have a city that wants to be green. And
12 according -- you know, complying with the Governor's order
13 to design a CAP Program to meet climate change has
14 promoted an awful lot of good ideas. Not drilling for oil
15 isn't one of them. And we hope that the State Lands
16 Commission will consider the suggestions we've made. If
17 not today, we note that you have an opportunity to have 45
18 days to make adjustments to this budget request. And
19 we're hoping that you will continue to follow in the short
20 run what's going on with oil and oil revenues, but also in
21 the long run think about our absolute essential need to
22 not count on oil for anything, and, in fact, to work very
23 hard towards, you know, shutting down existing wells. So
24 that's the comment on the first one.

25 As far as the second one goes, born and raised in

1 Long Beach here. I will tell you that the request for
2 some of these items, whether it's the sculpture -- and I
3 am an artist, coming from an art background. Taught art
4 for many years. I do not find it's essential to have a
5 new sculpture at this time.

6 I also know that some of these projects regarding
7 the concessions are incredibly, to me, just crazy. You
8 don't need water feature at the concession stand in
9 Granada Beach when you can walk over to the ocean for
10 children and splash. You can splash in the ocean.

11 So we hope you consider those written things.
12 I'm not going to repeat them. You have them in front of
13 you. If not, amending them today at least within the 45
14 day period for the budget.

15 Thank you very much.

16 CHAIRPERSON YEE: Thank you, Ms. Christensen.

17 Ms. Lucchesi, do you want to comment on these. I
18 think you made a comment earlier with respect to these two
19 items being items where the Commission does have limited
20 jurisdiction.

21 And let me just say to Ms. Christensen, I don't
22 think you're going to find any disagreement with respect
23 to the members of this Commission relative to certainly
24 additional capacity with respect to oil drilling. But I
25 want to just have Ms. Lucchesi address these two specific

1 items, because they are limited in scope and I do believe
2 we can still take action on those today.

3 EXECUTIVE OFFICER LUCCHESI: Right. So in
4 response to Item 62, which is consideration of the annual
5 plan for the Long Beach Unit, these are the oil islands
6 offshore Long Beach, that the City of Long Beach manages
7 on behalf of the State. And the operator is California
8 Resources Corporation.

9 The statutory framework and the resulting
10 agreements from those various statutes really place the
11 day-to-day management and the majority of the discretion
12 and authority and the decisions that are made for those --
13 for the Long Beach Unit in the City of Long Beach.

14 The Commission has very limited jurisdiction and
15 authority to make changes to those day-to-day operations,
16 including the very specific items that Ms. Christensen
17 raised in her email comment. And so the -- what's before
18 the Commission in Item 62 today is the annual plan. And
19 the Commission's authority is to review that annual plan
20 within the narrow scope of whether that annual plan is
21 consistent with the five-year program plan that's adopted
22 by the City of Long Beach.

23 And so based on the statutory framework and the
24 resulting agreements from those statutory authorities, the
25 Commission does not have the authority frankly to direct

1 any changes to that annual plan, so long as that annual
2 plan is consistent with the program plan. I think just to
3 echo what the Chair just said, we are very concerned about
4 the drop in oil prices and the impact that that has to all
5 producers, and oil operators on State Lands. And we are
6 working closely with the city and CRC in that -- this new
7 economic environment.

8 But based on the law, the Commission has only a
9 certain period of time from the moment the city submits
10 that annual plan. And Ms. Christensen referenced that
11 time frame. That time frame is -- that deadline date is
12 May 2nd. So, frankly, just by virtue of when the City
13 approved the annual plan itself at a public meeting and
14 then submitted that formal annual plan to the Commission,
15 the Commission really only has today to review that, and
16 again even with that has very limited discretion to make
17 any changes.

18 And I know that's -- that's probably not
19 acceptable to many people, but it is the way the
20 statutory -- statutes were set up in the 60s, 70s, and
21 80s, in terms of how this operation was to be managed.

22 And so with that, Commission staff stands by its
23 recommendation for the Commission to accept this annual
24 plan, based on the narrow scope that it is consistent with
25 the five-year program plan.

1 CHAIRPERSON YEE: Thank you very much, Ms.
2 Lucchesi. So --

3 EXECUTIVE OFFICER LUCCHESI: I would -- if it
4 pleases the Chair, at some point, I'd like to also respond
5 to item -- the comments made on Item 70 as well.

6 CHAIRPERSON YEE: Yes, let me ask you to do that.
7 I was just going to turn to you about that.

8 EXECUTIVE OFFICER LUCCHESI: Right. So this has
9 a very similar statutory framework, in terms of the City
10 of Long Beach is the State's trustee and manager of the
11 State's Public Trust lands and resources, including the
12 revenues that are generated from State Lands. So the
13 statutory framework that governs the expenditures of these
14 tidelands funds is dictated by these specific statutes.
15 And the Commission has 60 days from the time the
16 Commission -- or the city submits the proposed
17 expenditures to object.

18 And so that's why the authorization is written in
19 the very specific way it is. The Commission actually does
20 not approve these expenditures. It reviews to ensure that
21 the expenditures are consistent with the very specific
22 statutory language governing these expenditures. And
23 that's the limited scope that we have to review those.

24 We -- for a long time, the -- these expenditures
25 were not brought even to the Commission in a public

1 setting like this. We started doing that about ten years
2 ago or so to ensure public transparency about how the city
3 was expending these tidelands funds, in addition to their
4 own public meeting and public process.

5 And so again, the scope and authority of the
6 Commission is very limited in this respect. And any kind
7 of deferral of action or request to modify the
8 expenditures would place the Commission outside of the
9 time frame associated with the review.

10 So that's a long-winded way of saying that the
11 Commission staff stands by the recommendation, in terms of
12 the review of the expenditures and that they are
13 consistent with the statutory framework and the law that
14 was -- that's essentially provided for these expenditures.

15 CHAIRPERSON YEE: Thank you very much, Ms.
16 Lucchesi.

17 So let me just turn to Grace and just check in
18 and see if there are other speakers who wish to speak on
19 any item remaining on the consent calendar?

20 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
21 Chair Yee, there are no other hands raised for
22 public comment at this time.

23 CHAIRPERSON YEE: Okay. Thank you, Grace.

24 Okay. Seeing none.

25 If not, we will now proceed with the vote on the

1 consent calendar. May I have a motion to adopt the
2 consent calendar and a second?

3 ACTING COMMISSIONER MILLER: I move to adopt the
4 consent calendar, Madam Chair.

5 CHAIRPERSON YEE: Okay. Thank you.

6 COMMISSIONER KOUNALAKIS: Second.

7 CHAIRPERSON YEE: We have a motion by
8 Commissioner Miller, second by Commissioner Kounalakis.
9 Now, Ms. Lucchesi, please call the roll.

10 EXECUTIVE OFFICER LUCCHESI: Commissioner
11 Kounalakis?

12 COMMISSIONER KOUNALAKIS: Aye.

13 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

14 ACTING COMMISSIONER MILLER: Aye.

15 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

16 CHAIRPERSON YEE: Aye.

17 EXECUTIVE OFFICER LUCCHESI: The motion passes
18 unanimously.

19 CHAIRPERSON YEE: Thank very much. Thank you for
20 our public speakers.

21 Next order of business will be the regular
22 calendar.

23 And we will now move to Item 73, which is an
24 informational update on efforts to develop the
25 Commission's 2021 to 2025 strategic plan. May we have the

1 presentation, please.

2 EXECUTIVE OFFICER LUCCHESI: Yes. I'm happy to
3 provide staff's presentation. Item 73 is an update on our
4 strategic planning efforts. As you will recall, the
5 Commission held a special public meeting on February 4th
6 to report on the progress made during the 2019 -- during
7 2019 on the Commission's current strategic plan and also
8 to convene a stakeholder panel discussion to solicit input
9 to inform the development of the Commission's next
10 strategic plan.

11 The Commission received insights and suggestions
12 from Mark Gold, Ocean Protection Council Executive
13 Director and California Natural Resources Agency Deputy
14 Secretary, various tribal governments. And through the
15 power -- excuse me, and through the Panel discussion, the
16 Commission engaged with various lessees, port
17 representatives, environmental protection representatives,
18 and environmental justice advocates.

19 The robust panel discussions have provided a
20 wealth of information perspectives and priorities for the
21 Commission's consideration. At its February 28th public
22 meeting, I provided an informational update on the status
23 of efforts for this next strategic plan. In the
24 presentation, I noted that we were in the process of
25 soliciting proposals for consultant to assist staff in the

1 public outreach and development of the new plan.

2 There were also five public commenters who
3 provided input and recommendations for the strategic plan.
4 The comments and recommendations, including reducing
5 harmful air emissions at ports through the use of
6 zero-emission technology; encouraging renewable energy,
7 including offshore wind energy; coordinating with other
8 agencies to map out the permitting process for renewable
9 energy projects; promoting aquaculture; providing grant
10 funding for public access; and providing increased public
11 access to open space for environmental justice
12 communities.

13 In March, we awarded the contract for the
14 strategic plan consultant services to Stantec Consulting
15 Services. Stantec has tremendous experience in providing
16 strategic planning services to State agencies, including
17 the California Tahoe Conservancy strategic plan, the Delta
18 Protection Commission's Vision 2030 document, the
19 California Water Plan, and the off-highway recreational
20 motor vehicle strategic plan.

21 As an initial step, Stantec will conduct
22 interviews with the commissioners and staff. Stantec will
23 then begin outreach interviews with stakeholders. The
24 consultant anticipates providing a strategic plan for
25 public comment later this summer or fall. Stantec will

1 provide progress reports at each of the upcoming
2 Commission meetings.

3 The project director for Stantec, Lisa Beutler,
4 is with us virtually today. Lisa began her professional
5 career as a State Park Ranger, then served as a California
6 State Lands -- at the California State Lands Commission in
7 a variety of capacities, including the launching the
8 Commission's enforcement program, supporting negotiations
9 related to offshore oil leasing, authoring an update to
10 the dredging policy, and serving as the manager of our
11 School Lands Program.

12 She has also served in special offices for two
13 State Governors and as an acting Undersecretary along with
14 managerial assignments in additional State agencies.

15 Now, at Stantec, Lisa helps clients with
16 strategic thinking, collaborative policy, planning, and
17 other strategic initiatives. And I would like to
18 introduce Ms. Lisa Beutler and invite her to say a few
19 words. In addition to Stantec conducting outreach, the
20 public can also submit suggestions on the next strategic
21 plan directly to the Commission by telephone or by email.

22 And with that, I would like to introduce Lisa.
23 Hello, Lisa.

24 MS. BEUTLER: Hi. Thank you. Thank you so much
25 for the invitation to spend time with you today. Hello to

1 the Commissioners and the Chair. It truly is a pleasure
2 to be here. As the Executive Officer indicated, I am an
3 alumni of the Commission. So when the opportunity to work
4 on a strategic plan came by, it was just -- it was just
5 something we were so excited to put in an offer on. And
6 we're very, very thrilled to be able to be selected for
7 this.

8 As the Executive Officer indicated, one of our
9 very first steps will be to sit down and fully scope out
10 our outreach process. That's going to be focused on
11 really working with stakeholders, identifying key
12 stakeholders. We've developed a couple of different
13 ideas, including surveys, including potentially using
14 focus groups, as well as individual interview processes.
15 We also understand that this is a difficult time for
16 people to meet in person.

17 And so for that reason, we'll be looking at lots
18 of different options to make participation as feasible and
19 to get to as many people as possible. We'll also utilize
20 this time when people are really not traveling around too
21 much. It's actually not a bad time to try to do
22 interviews with people, because they kind of can take time
23 to sit down with us on the phone, or through Zoom, or some
24 of these other techniques.

25 We expect to be talking to your key stakeholders,

1 which, of course, includes the ports, your sister
2 agencies. The Ocean Protection Council comes to mind, as
3 well as many others, and certainly all levels of
4 government which will include tribes.

5 So I'm very excited to be working on this. I'm
6 happy to answer any questions. And I'll turn this back.
7 Oh, I do want to note also the importance of the
8 environmental justice community. I think -- there's some
9 voices that aren't traditionally heard and we want to make
10 some special efforts to make sure that those -- that those
11 voices do get into the mix.

12 So I'll turn this back to the Executive Officer.

13 EXECUTIVE OFFICER LUCCHESI: That concludes our
14 presentation. Chair, I'll turn it back over to you.

15 CHAIRPERSON YEE: Okay. Thank you very much.
16 And really appreciate you Lisa -- Ms. Beutler for joining
17 us today.

18 Let me just turn to my Commissioners and see,
19 Commissioner Kounalakis or Miller, do you have any
20 comments or questions on this item?

21 COMMISSIONER KOUNALAKIS: Just to thank you very
22 much, Lisa, for you and your organization's work on this.
23 It's obviously something very important to, I think, safe
24 to say, all of us Commissioners, especially the Chair, who
25 initiated this process, I think, several years ago, having

1 these public processes for the updates, and, of course, to
2 all of our -- all of our stakeholders and our staff as
3 well.

4 CHAIRPERSON YEE: Thank you. Thank you.

5 Other comments or questions?

6 Okay. Very well. Thank you.

7 Let me turn to Grace and see if we have anyone
8 who has their hand raised? And if so, would you please
9 call upon them to make a comment on this item.

10 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

11 Thank you, chair. We have Tom Rudolph to speak
12 on this item.

13 CHAIRPERSON YEE: All right. Thank you. Good
14 afternoon.

15 MR. RUDOLPH: Good afternoon, Chair Yee and
16 members of the Commission. Could I please first check and
17 make sure that you can hear me?

18 CHAIRPERSON YEE: We can hear you.

19 MR. RUDOLPH: All right. Love it when that
20 works.

21 My name is Tom Rudolph. And I am here today
22 virtually representing The Pew Charitable Trusts. Pew is
23 a 501(c)(3) nonprofit that has been active in West Coast
24 marine resources issues for a number of years, mostly on
25 fisheries, but more recently on coastal habitat more

1 broadly.

2 What we try to do is to help develop and advocate
3 for putting in place marine resource management strategies
4 that take an ecosystem-based approach, in terms of looking
5 at the big picture. And I really appreciate the
6 opportunity to provide some comments today. I previously
7 addressed the Commission in February relative to the
8 strategic plan. And what we would like to suggest, and
9 hope that the Commission will consider, is including a
10 look at the regulations governing seabed mining for hard
11 minerals and considering revising those to shift them into
12 a more precautionary approach whereby seabed mining for
13 hard minerals on submerged lands would be prohibited.

14 I submitted a public comment letter last week.
15 And I don't want to spend too much time rehashing what was
16 said in the letter, because I'd really like to try to
17 provide something -- something new that wasn't in the
18 letter when I testified to a decision-making body, like
19 I'm doing today.

20 But the letter outlines some of the key reasons
21 why we think that this is a good idea and some suggestions
22 for how we think it could be accomplished. And it
23 basically all focuses on the value and vulnerability of
24 seafloor habitat resources and the scientific consensus
25 that the disturbance associated with seabed mining would

1 be profound.

2 So in terms of something new, one of the things
3 that really drives our interest in this issue is it seems
4 like almost every day there's new information coming out
5 on the likelihood that seabed mining will take place in
6 various places in future years and the impacts it would
7 cause.

8 And sure enough today when I went to look,
9 there's a new paper out just today in Science Advances
10 that looked at one of the only experiments that's been
11 done globally to look at the type of seafloor disturbance
12 mining would cause and how long recovery would take. And
13 the bottom line is that this disturbance, which took place
14 in 1989, the new research confirms that very little
15 recovery has taken place, and in particular, in terms of
16 the microbial community on the seafloor. And the microbes
17 it ends -- it turns out drive much of the ecosystem
18 functions and services provided by the deep sea.

19 So I see that my time is up. And I guess I will
20 stop there and thank you very much for the opportunity.

21 CHAIRPERSON YEE: Thank you, Mr. Rudolph for
22 coming forward and we do appreciate the submission of your
23 comments and we will be taking them under consideration.

24 Thank you.

25 Grace, is there anyone else who wishes to speak

1 on this item?

2 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

3 Yes. Jennifer Savage has raised her hand to
4 speak on this.

5 CHAIRPERSON YEE: Wonderful. Thank you.

6 Good afternoon, Jennifer.

7 MS. SAVAGE: Hi. You can hear me okay?

8 CHAIRPERSON YEE: Yes.

9 MS. SAVAGE: Great. Thank you and good
10 afternoon, Commissioners. Jennifer Savage, California
11 Policy Manager, Surfrider Foundation.

12 The Surfrider Foundation works to protect our
13 ocean and the dangers to it today and in the future. And
14 our ocean protection initiative includes grassroots
15 campaigns to establish and support marine protected areas,
16 oppose new offshore drilling and seismic testing,
17 participate in regional ocean planning, and ensure that
18 future energy projects do not damage our ocean.

19 And so with all of that in mind, we echo the
20 request from Pew that the California State Lands
21 Commission consider prohibiting seabed mining for hard
22 minerals on and under California's submerged lands as an
23 objective in the Commission's 2021-2025 strategic plan.

24 The destructive impacts of seabed mining have
25 been well documented and include the devastation of

1 extraordinarily sensitive habitat that serves as home to
2 multiple slow-growing long-living species about which we
3 are just beginning to learn.

4 Essentially, seabed mining promises a loss of
5 biodiversity and threatens our blue economy, which depends
6 on recreation, tourism, fishing, and all the businesses
7 reliant on a healthy ocean. We appreciate the
8 Commission's stewardship of our public lands and have had
9 reason to applaud your actions many times in recent years
10 from Indian coastal sand mining in California, to fighting
11 for public access at Martins Beach, to protecting and
12 restoring our coastal waters from the consequences of
13 offshore oil drilling. The State Lands Commission has
14 made it clear that resources protection is front of mind.

15 By including a prohibition against seabed mining
16 as part of your upcoming strategic plan, you'll reaffirm
17 this commitment.

18 Thank you.

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

21 Grace, any other speakers in the queue?

22 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

23 Chair Yee, we have no other hands raised for
24 comment at this time?

25 CHAIRPERSON YEE: Okay. Very well.

1 Commissioners, any further comments or questions on this
2 item?

3 Okay. Thank you. This is an informational item.
4 We very much look forward to working with Ms. Beutler and
5 certainly Ms. Lucchesi as we continue to advance our
6 engagement with respect to the 2021-25 strategic plan.

7 Thank you very much.

8 Let's move on to Item 74, which is also an
9 informational item. And this is an update on the impact
10 of the COVID-19 pandemic on the State's local trustees of
11 granted Public Trust Lands and resources. And I believe
12 we have a presentation, Ms. Lucchesi.

13 EXECUTIVE OFFICER LUCCHESI: Yes. I'm happy to
14 provide staff's presentation.

15 The Commission has oversight authority over 71
16 local entities of legislatively granted trust -- granted
17 Public Trust Lands and resources. The COVID-19 pandemic
18 will have lasting economic impacts on many local trustees.
19 A trustee's ability to generate revenues to helpful
20 fulfill its public stewardship mission is directly related
21 to the health of its tenant businesses and their ability
22 to pay rent and comply with environmental regulations and
23 other laws and regulations.

24 In the weeks since the Pandemic broke out, staff
25 reached out to a number of trustees to learn how COVID-19

1 will affect them, their strategies for responding to the
2 crisis, and to find out how the Commission can be a
3 resource during this time.

4 Ports and infrastructure and the broader supply
5 chain are considered essential businesses and remain open.
6 The ripple effect of COVID-19, however, is affecting the
7 supply chain. Port maritime operations are suffering from
8 the earlier shutdowns in China and other Asian countries
9 that halted a lot of production earlier this year. And as
10 the economy recedes, that will mean fewer imports and
11 shipping activity.

12 Ports are reporting decreased cargo loads
13 compared with cargo loads from last year. Complicating
14 matters, the ports of Oakland, San Diego, and Los Angeles
15 are self-funded and do not receive any tax dollars, and
16 are ineligible for certain federal COVID-19 relief funds,
17 in the recently passed federal stimulus package.

18 While the lasting economic impact of the COVID-19
19 pandemic on the State's trustees is still unknown, the
20 short-term impacts are profound. Most trustees are still
21 discussing strategies with their boards or governing
22 bodies regarding how best to adjust their budget
23 projections.

24 Trustees are also exploring creative ways to
25 retain and assist tenants, and are continuing to ask

1 Commission staff for guidance or advice about whether
2 their proposed solutions can be done within the confines
3 of the Public Trust doctrine and the applicable granting
4 statutes.

5 Staff will continue to monitor the impact of the
6 COVID-19 pandemic on trustees and to serve as a resource
7 for trustees as they navigate this difficult time. With
8 that said, I'll also mention that many of our trustees,
9 including our working waterfronts and our major ports, and
10 harbor districts are also doing what they can to assist
11 regional and statewide efforts to respond to this
12 pandemic. And in that -- those circumstances, even with
13 the hardships that they are currently facing, they're
14 finding ways, particularly with the unique assets and
15 resources that they have and expertise, to really play an
16 important role in helping the State respond statewide to
17 this pandemic.

18 And I think that that goes to show just the
19 diversity and the ability of them to -- of our ports, and
20 working waterfronts, and harbor districts, and local
21 governments to contribute to doing the right thing, while
22 they're also dealing with significant hardships.

23 So to provide specific context, I would like to
24 next introduce first Randa Coniglio, the San Diego Unified
25 Port District's Executive Director and President. And

1 following her, I'd like to introduce the Port of Oakland's
2 Executive Director Danny Wan.

3 Randa.

4 MS. CONIGLIO: Good afternoon. Thank you, Chair,
5 Yee, Director Lucchesi and Commissioners. And
6 congratulations on your first virtual public meeting. No
7 one would ever know this is the first time you all have
8 done this, so great job. Great job on that.

9 And you can all hear me, correct?

10 CHAIRPERSON YEE: Yes, we can hear you.

11 MS. CONIGLIO: Okay. So we're grappling with a
12 new normal at the ports in response to COVID-19 and having
13 really to adjust everything we do to meet this challenge,
14 as it impacts our workforce, and the way we do business.

15 California ports have been answering the call on
16 this crisis, even though our businesses have been
17 virtually turned upside down, and resources and revenues
18 are scarce.

19 Our revenues, by the way, are as Ms. Lucchesi
20 indicated, self-generated. But when the economy stops,
21 the ports can't. We have to keep going. So the ground
22 has shifted underneath our feet literally from one end of
23 the state to the other. As you know, San Diego is a
24 tourism-dependent -- dependent port. That's how our
25 operations and infrastructure are funded. It's how we pay

1 our police officers, and environmental specialists, and
2 maintenance personnel, and the rest of our staff. It's
3 how we do our job taking care of San Diego's waterfront
4 and the region's crown jewel, the San Diego Bay itself.

5 Ports deal with goods movement and people
6 movement. And it doesn't matter what type of port you
7 are, when movement stops, people suffer.

8 According to the California Travel Association,
9 California travel spending dropped to only \$345 million
10 last week, down \$2.6 billion compared to the same week in
11 2019. That's an 88 percent drop. Travel spending losses
12 in the State have totaled 11.7 billion just since March
13 first, resulting in a loss of \$561 million in State and
14 local tax revenue.

15 And in San Diego, we are really feeling this. We
16 haven't stopped doing what is expected of us. The Centers
17 for Disease Control and Prevention have extended the no
18 sail order for the cruise ships. So working with local
19 and federal authorities, we have a number of those vessels
20 temporarily on layberth status in San Diego. And we're
21 making sure people are safe and ships aren't in distress.

22 At the cargo terminals, we're bracing for a
23 coming decrease of automobile imports and exports, due to
24 U.S. and European manufacturers being shut down or
25 switching to producing ventilators and other PPE.

1 Ports continue to deliver and move freight.
2 Hospital -- hospitals and frontline workers are getting
3 the PPE they need, and grocery stores are still being
4 supplied as fast as the goods are received.

5 And for the workforce, we continue to provide
6 extra handwashing stations, gloves, and sanitizers to our
7 essential workforce on dock, encouraging social
8 distancing, and keeping operations running safely.

9 At our airport, we've cut back the number of
10 harbor police shifts, so that we can help our airport with
11 its own costs. And we're absorbing those costs, so we
12 don't have to layoff police officers.

13 The Port of San Diego is one of California's 11
14 public ports, but has a unique profile as a trustee of
15 State lands, one of the few that is an independent special
16 district, not a department of a city. The portfolio of
17 activities we manage around San Diego Bay, like I said,
18 are primarily visitor serving. We have 22 public parks,
19 100 restaurants, 18 hotels, cruise and cargo terminals,
20 the San Diego Convention Center, the San Diego Airport,
21 and more under our jurisdiction.

22 Almost all of those are now at a standstill,
23 closed, shuttered, and the public is gone. In fact, the
24 convention center in San Diego is being used a homeless
25 shelter.

1 Because of that unique status, unlike the State
2 and many ports that are -- that are divisions of their
3 cities, the Port of San Diego is so far not eligible for
4 federal Coronavirus relief, direct assistance funds.

5 If you could get on a plane right now and see
6 what I see in San Diego on our waterfront, the only bigger
7 impact I can think of is if we actually drained the water
8 out of the bay. The financial damage of COVID-19
9 continues to drain the Port of its resources that we need
10 for all the work we do to support commerce, navigation,
11 the environment, and public safety. Our mission remains
12 in full force, but the port itself is now operating with
13 massive shortfalls in every single revenue category.

14 To stanch that flow, the Port District is
15 requesting direct financial assistance to cover the lost
16 revenue while maintaining employment and mission-critical
17 operations.

18 Prior to the COVID-19 outbreak, the Port of San
19 Diego's anticipated earnings for fiscal year 2019 were
20 \$193 million dollars in operating revenues. Sorry, that's
21 fiscal year 2020. And that goes from July 2019 through
22 June 2020.

23 Every, like I said, major revenue category for
24 the Port District is continuing to fall as a result of the
25 pandemic. And we expect a shortfall of \$31 million in our

1 operating revenues just from March through June this year.

2 The Port District's concession revenues from
3 hotels, restaurants, retail, and attractions, which pay us
4 percentage rents, percentages on their gross revenues, is
5 expected to fall by 22.4 million for the fiscal year, a
6 drop of nearly 50 percent. As you know, this is the high
7 season for tourism and for our hotels and attractions. So
8 that 50 percent reduction is just beginning in March and
9 extending through June, 50 percent for the whole year.

10 The same -- in the same time frame, our maritime
11 cargo and cruise revenues are also expected to drop by 35
12 percent for the year. So like I said, we are
13 tourism-dependent. These are our largest sources of
14 revenue. And between now and June 2021 -- so our next
15 fiscal year is coming up, and between now and the end of
16 our next fiscal year, we think that we'll be 70 to 95
17 million dollars below what would have been our budgeted
18 expectations, and that's on \$193 million budget.

19 So, as a special district, it's important to keep
20 in mind that we're not a municipal port. We operate
21 without any tax revenue, but are self-funded by our own
22 lease revenues and maritime operations. And those -- and
23 those tenants that pay us those lease revenues are really,
24 like I said, they're crushed and closed.

25 As a first step in helping those tenants, earlier

1 this month, our Board approved an emergency temporary rent
2 deferral program to help those tenants that are most
3 impacted at potential cost to the Port of approximately \$6
4 million. There are a number of expense categories that
5 the Port District cannot reduce, while we have cut
6 expenses across the board in every way that we can, while
7 maintaining the objective of keeping as many of our folks
8 working as possible for as long as possible.

9 There are some expenses we simply can't cut. The
10 Port of San Diego Harbor Police dispatch and public safety
11 services have to remain in operation 24 hours a day, 7
12 days a week. Our maritime operations are also a 7/24
13 operation, and other public safety services and
14 maintenance and cleaning of parks, promenades, and other
15 public spaces and facilities still continue. And in fact,
16 with current sanitization and other safety protocols,
17 they're continuing at an even higher-than-usual cost.

18 So as a proud public agency partner of the State
19 of California and designated critical infrastructure --
20 with designated critical infrastructure workers, we show
21 up every day to achieve the public goals that have been
22 set before us, and we look forward to continuing to
23 perform that mission.

24 The historic levels of disruption to our business
25 has not disrupted our commitment to deliver on our promise

1 to the people of the State of California. It has
2 definitely challenged it. But that is where the strength
3 of our partnership with the State is what we hope will
4 pull us through. We won't succeed unless we all work
5 together.

6 So thank you again very much for the opportunity.
7 Thank you, Jennifer, for your -- always support toward us,
8 and thank you for letting me share the perspective from
9 San Diego today. Thank you State Lands Commission for
10 your leadership in helping us meet this crisis and
11 continue to deliver on our promise as trustees of the
12 State's tidelands.

13 We appreciate it. Thank you very much.

14 CHAIRPERSON YEE: Thank you, Randa, very much for
15 joining us today and for sharing those perspectives.
16 Obviously, the nature of the pandemic and its deep impacts
17 are not lost on this Commission. And as a -- the close
18 relationship we have had with you certainly as our trustee
19 is such that, you know, everything you've described we
20 take to heart. We know what this means in terms of the
21 near term and long term. And so we definitely will be
22 continuing to work with you to see what available options
23 there are to ensure the viability of the port and
24 certainly that of your lessees as well.

25 MS. CONIGLIO: Thank you very much.

1 CHAIRPERSON YEE: Thank you.

2 Jennifer, I believe we have Danny Wan here with
3 the Port of Oakland.

4 MR. WAN: Yes. Just before I begin, is there a
5 way to share one slide at all or should I just not do that
6 at all?

7 CHAIRPERSON YEE: Can we do --

8 EXECUTIVE OFFICER LUCCHESI: We -- so, yes, if
9 you can -- maybe, Phil, can you unmute yourself and walk
10 Director Wan --

11 MR. WAN: No, I know how to do it. Just as --
12 allow --

13 EXECUTIVE OFFICER LUCCHESI: Oh, yes. Yes, of
14 course.

15 MR. WAN: Okay. I'll do it, if I can. If not --

16 Good afternoon, Commissioners and Commission
17 staff. Thank you very much for the opportunity to
18 participate in today's meeting. I'm Danny Wan, the
19 Executive Director of the Port of Oakland. As you know,
20 the Port of Oakland operates the Oakland International
21 Airport, as well as the seaport, and the visitor-serving
22 real estate amenities on the State lands, mainly in Jack
23 London Square.

24 So I'm here to report that the Port of Oakland,
25 as trustee, is operational in these unprecedented

1 challenging times, and has put the State's land to use for
2 the State's emergency response, as well as essential air
3 travel, and to keep the California shelves stocked by
4 moving goods through the port. For the Oakland staff,
5 tenants, and customer began this -- fulfilling this
6 obligation by being at the forefront of the COVID-19
7 crisis from the outset, beginning with the Grand Princess
8 cruise ship the pulled up to the port and disembarked its
9 passengers and some of its crew in March. In the span of
10 48 hours, we mobilized and transformed a part of our
11 industrial seaport into a State and federal humanitarian
12 mission.

13 And additionally, our staff at the Oakland
14 International Airport maintained a 24-hour emergency
15 operation center to assist with the repatriation flights
16 for the passengers and crew members of that ship. People
17 sometimes focused on a ship at the seaport, but there was
18 a lot of work done at the airport to get the people out to
19 their home towns and countries.

20 While our staff resources have been strained to
21 their full limits and beyond, we're all completely
22 dedicated to providing the government essential services
23 and infrastructure on behalf of our first responders and
24 residents through the duration of this crisis.

25 And as we express our appreciation - we often do

1 this to our frontline workers - I would really like to
2 extend our appreciation to our workers at the airport and
3 those moving goods through our seaport. And they don't
4 get mentioned a whole lot, but I would like to, whenever I
5 can, say that they are also frontline workers at the
6 airport and the seaports.

7 Thus, I have to report to you some profound
8 challenges in continuing to perform our essential
9 functions and to maintain these essential infrastructure.
10 Like the Port of San Diego before us, the Port of Oakland
11 is largely self-funded. It does not receive any local tax
12 revenues for daily operations nor any State tax revenues
13 for operations. We must rely on lease payments from our
14 tenants, airport passenger fees, and other concession
15 revenues.

16 The impact of the COVID-19 is unprecedented for
17 many of our business partners, tenants and business
18 owners, and their workers. I like to say to folks that
19 the Port of Oakland in the San Francisco Bay and Northern
20 California region supports 84,000 jobs either directly or
21 indirectly, and these workers are impacted. Our tenants,
22 business owners, and their workers, including food
23 concessionaires and their workers, airlines, and everybody
24 else, everybody involved in serving passengers, as well as
25 restaurants and many of the visitor-serving businesses on

1 our waterfront are all impacted.

2 The Port's immediate focus has been on the safety
3 of our workers and operations, including the tenants and
4 customers. And the priority focus remains today, and has
5 been regularly evolving, as the health information evolves
6 on a daily basis it seems.

7 The next focus, however, has to be stabilizing
8 our internal finances and sustainable operation. This has
9 included immediate measures, such as canceling all travel,
10 freezing all -- most of the port's hiring, reducing,
11 eliminating all discretionary spending of all types, and
12 reprioritizing all capital projects' efforts with a focus
13 on regulatory or essential needs for only the most
14 critical operation areas, and also revenue retention
15 projects.

16 But these measures haven't really been enough.
17 We really find ourselves having to do more to plan for
18 sustainability going forward in a very uncertain future.
19 The financial projections that we're having are troubling
20 to say the least. Our airport volume has been reduced to
21 barely five percent, that's 05, of our normal daily
22 levels. And some aviation experts are not predicting a
23 rebound to pre-COVID passenger levels potentially two to
24 five years.

25 As a consolidated airport and seaport authority,

1 including the commercial real estate, tourism, and
2 visitor-serving destinations, the dramatic and sudden loss
3 of revenue in two of our three business lines have created
4 a significant hardship that we have not really discovered
5 the full economic depth of.

6 Any business enterprise relying on international,
7 interstate, or even state visitors will be severely
8 hindered for many months and years to come with travel,
9 tourism, hospitality, restaurant industry suffering
10 dramatically.

11 While our seaport remains operational, cargo
12 volumes through our docks has dropped 11 percent in March
13 compared to last year. Furthermore, on top of the 11
14 percent drop, we just got news today that a significant
15 portion of our upcoming ship visits will be canceled due
16 to decrease of import volumes and reduced consumer demands
17 causing perhaps another 10 to 15 percent in decreased
18 volume on top of the 11 percent.

19 Additionally, our port is one of the nation's
20 largest exporters of refrigerated fresh and frozen meat
21 products. And the continued closure of the many
22 meat-packing facilities around the nation due to the
23 COVID-19 crisis is an additional threat of our expected --
24 to our expected cargo volume.

25 These are some -- just a few signs of

1 instability. There are daily reminders and no one can
2 expect any semblance of business as usual in our
3 operations.

4 All told, the Port projects that its operating
5 revenues for our next fiscal 20-21 will drop anywhere from
6 15 to 30 percent compared to 2019 results. However, this
7 is the sort of the Executive Director's nightmare, people
8 look at me as being able to project, and predict, and tell
9 people what's going to happen, and reassure people that
10 this is the way it's going to be, given however bad it is,
11 but I've got to tell you the uncertainty surrounding the
12 trajectory of this health emergency makes it almost
13 hazardous to project to any possible duration or depth of
14 impact on the port's sustainability. It's just -- it is
15 one of those things that I haven't quite experienced that
16 I like to control, because I like to predict. But without
17 able to be predict, it is really making our jobs
18 difficult.

19 But I like to -- I think just even this point
20 learn a couple lessons I'd like to share with the
21 Commission. And if we could cooperate and operate on
22 this. The first is that the affirmation of this principle
23 the Tideland Trust. That use of the public lands for
24 emergency and humanitarian operations for essential travel
25 or for trade and commerce demonstrates the need to own, to

1 maintain and operate State lands for public purposes.
2 That is absolutely affirmed and this is why we're all
3 here.

4 The second is that the reliance on -- on --
5 oops -- the second is reliance on operating revenues to
6 sustain essential public service infrastructure during the
7 time of public emergency economic crisis may not be a
8 financially-sustainable model, because when emergency
9 happens, there is no revenue. And yet, we're depending on
10 that revenue to continue the emergency response.

11 The third is a need for flexibility. As we go
12 through this epidemic, very few people will expect the
13 world to go back to normal as it was. Airports have to
14 reinvent itself. Seaports have to see fundamental shift
15 in the supply chain, and visitor-serving industries may
16 need to redefine their customer base. Some tideland uses
17 that previously generated net income to support public use
18 operations may no longer be feasible.

19 Given this environment uncertainty, I think there
20 will have to be more flexibilities for trustees of State
21 lands to use lands to generate revenues in innovative and
22 new ways, as we go forward.

23 I just want to, if I can, show that one slide
24 that I was going to show. Well, that's okay. It's not
25 working

1 With all this in mind, we humbly and respect the
2 request of Commission staff and the Commission to continue
3 to work with us and our trustees to find creative and
4 workable solutions to stabilize our finances as we
5 propo -- as we prepare for post COVID-19 world.

6 We're confident in our ability to be resilient,
7 but we will need to adapt our business model to new
8 realities. We ask that you be partners with us in
9 adapting to a manner that is consistent with our new
10 realities that we're going to be facing.

11 Additionally, the State Lands Commission can also
12 serve as an advocate for trustees with their sister State
13 agencies and with our federal partners, as we continue to
14 seek financial relief and additional flexibility with
15 various regulatory milestones, interpretations, and
16 deadlines that being fundamentally alter -- that have been
17 fundamentally altered by this global pandemic.

18 So I know I share some thoughts. And so thank
19 you for listening, and I'll be here to answer any
20 questions. I'm pleased to also to ask my colleague Pam
21 Kershaw, Director of Commercial Real Estate, maybe to
22 provide some additional views.

23 MS. KERSHAW: With the permission of the Chair,
24 should I speak now or...

25 CHAIRPERSON YEE: Please, now. Thank you for

1 joining us. We would be pleased to hear from you.

2 MS. KERSHAW: Thank you so much. Nice to see all
3 of you and hello, Jennifer. Good afternoon. Thank you
4 for allowing us to speak here today, and thank you so much
5 Madam Chair and the members of the Commission for
6 agendizing this item for discussion. I really appreciate
7 the fact to have a public forum to talk about what's going
8 on in our world, which is so different than our world from
9 two months ago, am I right, as I sit in my kitchen, and
10 talk to you virtually. And I'm impressed with your
11 ability to stand up a screen in a virtual meeting so
12 quickly. Our first one was a little bumpy, so so far
13 you've topped us out. That's nice.

14 I want to mimic some of the comments that our
15 Executive Director Wan has already said here. We are
16 facing an unprecedented challenge right now as a result of
17 this pandemic. And all three of our business lines,
18 airport, seaport, and commercial real estate are having
19 dramatic and fast reductions in our revenues and our
20 volumes all at the same time.

21 We used to pride ourselves on having kind of
22 these three very different business lines. And so when
23 there was one down, the other one or the other two could
24 buoy the others up. And all of a sudden, we're -- all
25 three are down, everything coming in and out of the water,

1 everything going into the air on an airplane, and everyone
2 who used to travel and visit at all of our discretionary
3 locations at our hotels, and our restaurants, and our
4 wonderful waterfront, and our 85 public events we host on
5 the waterfront, and festivals, and celebrations all have
6 been stopped for social distancing requirements, and our
7 shelter-in-place orders, and generally just the decline in
8 our national economy, the global economy going on, as well
9 as the China trade war, which didn't really help us out
10 the last six months either.

11 With that being said, we know we're facing some
12 severe challenges in the months and potentially years
13 ahead with respect to retaining and attracting tenants on
14 port-owned lands.

15 The traditional trust-related uses of commerce,
16 navigation, fisheries, and visitor-serving items are going
17 to be stressed, and they're going to be stressed for more
18 than 30 more days, and six months, and probably a few
19 years. No one is predicting that we'll go back to those
20 volumes very quickly unfortunately. I wish that were the
21 case.

22 So now, more than ever, we need some flexibility
23 and creativity with respect to how we use our trust
24 properties and how he manage our trust assets. We've had
25 an amazingly collaborative relationship with your staff

1 over the past 20 years that I know I've worked at the Port
2 of Oakland, Jennifer, and Sheri, and Reid, and Andrew, and
3 Seth, hello, and Grace I hear is in the queue somewhere
4 here. Great to be working with them constantly. And
5 we've done some really creative and challenging and
6 unconventional projects together in Oakland on port lands
7 in the past.

8 We're hopeful that we continue to explore new and
9 even more innovative ways to use our lands and assets, so
10 that we can find ways to keep ourselves financially
11 sustainable and relevant, now and in the future, both for
12 the Port of Oakland's sake, and the numerous properties,
13 and over 85,000 businesses and tenants that we support and
14 manage on the State's behalf.

15 So we look forward to coming up with creative
16 ways to kind of reinvent how we use our lands and assets,
17 and ask for your indulgence in the months to come on that.
18 So thank you so much for the opportunity to speak and for
19 the good work you're doing for the State of California.

20 CHAIRPERSON YEE: Thank you very much, Pam.
21 Really appreciate your comments, and, you know, if there's
22 anything that really resonates with all of the comments
23 this afternoon, it's this notion that this pandemic has
24 really affected every aspect of the operation of our
25 trustees. And as you pointed out, you know, there are

1 very few places to go where this pandemic really has not
2 discriminated with respect to its impact on all -- on the
3 entirety of the operations of our ports.

4 And so I know that our partnership will remain
5 strong throughout this, and -- as it has been in the past.
6 And with respect to looking at flexibility -- issues of
7 flexibility, obviously, with respect to new revenue
8 generation, I think those were conversations that we were
9 slated to have as we begin to look forward in terms of our
10 future as the State Lands Commission, certainly in our
11 relationship with you as our trustees. This pandemic
12 certainly has accelerated the focus on those items. And
13 so we -- I know that I, as a -- as a Commissioner, will be
14 very, very focused on how we move forward using the --
15 certainly the experience of this pandemic on those items.

16 I do want to just ask Commissioners Kounalakis
17 and Miller if there are any comments or questions. We've
18 heard a lot this afternoon and really again appreciate
19 Randa, Danny, and Pam coming forward.

20 COMMISSIONER KOUNALAKIS: Thank you as well, for
21 coming and participating in this today. We have heard --
22 my office has been checking in with all of you regularly
23 and hearing some of these projections, and it's
24 absolutely -- absolutely devastating, so I just want to
25 share with you our deep concern, my deep concern, over the

1 economic health of the ports and what it means to all of
2 your workers, and your companies, and people who have
3 invested so much. We hope that there will be more help on
4 the way from the federal government in these relief
5 packages. We encourage you to keep working with the
6 federal government directly to try to get access to some
7 of that relief.

8 And I actually just had two questions, and any
9 one of you can answer. And one of them is we had heard
10 early on about issues related to access to PPE. I raised
11 this with OES and felt that it was very important for them
12 to make sure that as the State distributes PPE, that the
13 ports are not forgotten. So I'd just like to hear whether
14 or not, at this point, you're adequately supplied.

15 And then secondly, to the degree to which you
16 rely on debt, can you give us any indication of what debt
17 service, either for the ports or, frankly, for your
18 tenants is starting, in any way, shape, or form, to look
19 like

20 MR. WAN: If I may.

21 CHAIRPERSON YEE: Please, yes.

22 MR. WAN: Thank you for asking that question
23 about debt service. Part of the Port of Oakland's
24 challenge is that we have a billion dollars of debt that
25 we had borrowed to develop our seaport. And that debt

1 burden is every -- present, and we use our cash flow to
2 pay that.

3 So I was going to show you the chart, which says
4 that our debt service coverage, meaning the revenue -- the
5 net revenue we generate divided by the debt mortgage
6 payment we have to pay every year. During the deep
7 recession of 2009, we went down all the way to 1.34 debt
8 service -- or 1.39 debt service coverage times.

9 And then we went up all the way to almost 2.2,
10 2.3 times coverage, which we're very proud of. That took
11 ten years to build up. In one six-month period, that debt
12 service dropped from 2.4 all the way down to 2 -- 1.3,
13 even below the 2009 debt service coverage level. That's
14 how dramatic this impact on us is.

15 When you think back on the recession, even though
16 that was pretty sudden, but it -- none of this was
17 direct -- it was spread out over some time. This one hit
18 us, I don't know, like an airplane. Just sort of like
19 we -- it just hit us. And then our debt service dropped
20 suddenly.

21 So, yes, our debt burden is one that is hindering
22 our ability to be flexible in terms of how we -- how we
23 are able to help the businesses that operate the Port and
24 in terms of some of the worker relief that -- that we're
25 looking at how we can help with that. And we're -- the

1 flexibility we have is very minimal.

2 In terms of PPE, I think the Office of State
3 Emergency Services has been very, very helpful in
4 responding. And thank you, Commissioner, for pointing out
5 that we are part of the folks in the State that needs
6 those. And they have been responsive. And we are on
7 own -- with the help of the -- some of the local agencies
8 here have been able also to secure some supply that --
9 masks that we've gotten in recently. So we are, I think,
10 doing fine so far in that respect.

11 COMMISSIONER KOUNALAKIS: That's sufficient,
12 Chair Yee.

13 EXECUTIVE OFFICER LUCCHESI: Chair Yee, you're on
14 mute.

15 CHAIRPERSON YEE: Thank you.

16 Thank you, Commissioner Kounalakis.

17 Ms. Lucchesi, any thoughts on this item with
18 respect to just areas of focus going forward with our
19 ports?

20 COMMISSIONER KOUNALAKIS: You're mute, Jen.

21 EXECUTIVE OFFICER LUCCHESI: I'm sorry. I'm
22 here. I'm sorry.

23 We will continue. I was just saying I don't have
24 any additional comments or insights to add, other than I
25 will continue, and our staff will continue to work closely

1 with the Port of Oakland, and the Port of San Diego, and
2 all of our other port partners, and harbor districts, and
3 local governments to do what we can to help support, and
4 advise, and think creatively, and innovatively on how we
5 manage this new world order that we're living in.

6 CHAIRPERSON YEE: Thank you. Thank you.

7 And I especially want to thank the ports for
8 stepping in with regard to just the immediate needs of the
9 response to the pandemic, and obviously want to be sure,
10 as Commissioner Kounalakis suggests, that we have everyone
11 at the Port safe and healthy, but also, you know, the
12 focus on the federal government will be very key. I think
13 we really are seeing just so heightened the significant
14 role of our ports, the global reach of our ports. And
15 with respect to just when and how this economy begins to
16 recover, that this is something that has to be part of the
17 consideration with regard to our port operations and
18 infrastructure going forward. So very much appreciate
19 both the Port of San Diego and the Port of Oakland being
20 with us today.

21 I think what I'd like to do, Ms. Lucchesi, I want
22 to be mindful of our meeting reporter who have been
23 recording our meeting since the beginning. Should we take
24 a break now or should we take up Item 75 and maybe take a
25 break. What's your preference?

1 EXECUTIVE OFFICER LUCCHESI: I would recommend
2 actually opening up this item to any public comment first,
3 and then we can take a five-minute break for Jim, our
4 court reporter, and then come back and discuss Item 75,
5 the Solano Beach protective structure item and Item 76.

6 CHAIRPERSON YEE: All right. That sounds good.

7 So let me move to Item 75. This is to consider a
8 limited delegation of authority --

9 EXECUTIVE OFFICER LUCCHESI: Chair Yee, I'm sorry
10 to interrupt, but I think we should open up Item 74 to
11 public comment. I don't know if we have any public
12 comment, but we should see if there's anybody who would
13 like to provide public comment.

14 CHAIRPERSON YEE: Sure. Thank you.

15 Grace, is there anyone who has raised their hand
16 with respect to public comment -- offering public comment
17 on Item 74?

18 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

19 Chair Yee, there are no hands raised for public
20 comment on this item.

21 CHAIRPERSON YEE: Okay. Very well. Thank you.

22 Ms. Lucchesi, should we take a break at this
23 point?

24 EXECUTIVE OFFICER LUCCHESI: I think -- I think
25 that would be helpful for Mr. Peters, our court reporter.

1 So we can take five-minute break for him and then come
2 back and start up with Item 75.

3 CHAIRPERSON YEE: Okay. Why don't we take a
4 ten-minute break, if we could. We'll come back at 2:55.

5 (Off record: 2:45 p.m.)

6 (Thereupon a recess was taken.)

7 (On record: 2:56 p.m.)

8 CHAIRPERSON YEE: Thank you very much. All
9 right. Let us reconvene. And I believe we are now moving
10 to Item 75, which is to consider a limited delegation of
11 authority that authorizes the Executive Officer to enter
12 into need-based negotiated settlements with lessees and
13 applicants who have been adversely affected by the
14 COVID-19 pandemic and related shelter-in-place orders.

15 And, Ms. Lucchesi, you have a presentation for
16 us, yes?

17 EXECUTIVE OFFICER LUCCHESI: We do, yes. Phil,
18 can you please bring up my PowerPoint.

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

21 EXECUTIVE OFFICER LUCCHESI: Excellent. Next
22 slide, please.

23 --o0o--

24 EXECUTIVE OFFICER LUCCHESI: The COVID-19 global
25 pandemic and resulting statewide and local

1 shelter-in-place orders are unprecedented, as we've been
2 discussing all afternoon.

3 Staff recognizes that many of the Commission's
4 lessees and applicants, especially individuals and small
5 businesses may be directly adversely impacted by the
6 pandemic and related orders for many reasons, including
7 job loss, reduction in work hours, business closures,
8 reduction in services, school closures, and child care
9 restrictions.

10 Next slide, please.

11 --o0o--

12 EXECUTIVE OFFICER LUCCHESI: In anticipation of
13 these unknown but expected impacts, staff is proposing
14 this limited delegation of authority for a COVID-19 rent
15 and application expense deferral program. This program is
16 intended to provide certainty to lessees and applicants in
17 need, who are worried about their financial ability to
18 meet rent obligations or pay application expenses, and who
19 desire to remain in compliance with lease terms and
20 applicable laws and regulations.

21 The program allows staff to work with qualifying
22 lessees and applicants on a case-by-case basis to
23 negotiate, one, the deferral of rent, two, the deferral of
24 application processing expenses, and three, the waiver of
25 penalty and interest.

1 We are proposing a deferral of rent and
2 application expenses, not a waiver. In general, the
3 standard deferral would last for 90 days beyond the end of
4 a statewide shelter-in-place order. If the request is
5 made after the shelter-in-place order ends, the deferral
6 would be 90 days.

7 Next slide, please.

8 --o0o--

9 EXECUTIVE OFFICER LUCCHESI: The basic criteria
10 to qualify for an expedited process is listed on the slide
11 before you. This is intended as an expedited program to
12 assess the Commission's lessees and applicants who are
13 likely to be the hardest hit. Lessees and applicants who
14 do not qualify for the expedited process may still
15 individually apply for deferral. Those requests would be
16 brought to the Commission at a regularly scheduled
17 Commission meeting.

18 Next slide, please.

19 --o0o--

20 EXECUTIVE OFFICER LUCCHESI: As part of this
21 delegation, staff is also requesting the Commission's
22 authorization to pursue emergency rulemaking through the
23 Office of Administrative Law, if the Executive Officer
24 determines it is necessary to respond to changes required
25 by the evolving COVID-19 pandemic. And staff also

1 requests authorization to issue short-term one-year
2 extensions for public agency leases identified in Exhibit
3 A to the staff report, which are set to expire in the next
4 year.

5 Many public agency resources have been diverted
6 to address issues related to COVID-19. And this action
7 allows us additional time to work with those agencies to
8 negotiate new leases without them expiring and without
9 taking up their precious resources and time as they focus
10 on other priorities.

11 Next slide, please.

12 --o0o--

13 EXECUTIVE OFFICER LUCCHESI: As mentioned, the
14 proposed program is not intended to allow for any waiver
15 of rent or reimbursable application processing costs. It
16 is an expedited deferral program intended to provide
17 timely and temporary relief to the Commission's most
18 vulnerable lessees and applicants, so they can meet their
19 lease obligations and allow the Commission's lease program
20 to retain its stability.

21 The proposed program will also reduce the
22 inefficient use of limited resources spent on compliance
23 and enforcement on issues, and enable staff to instead
24 work with lessees and applicants to find reasonable
25 solutions to these unusual and unforeseen circumstances.

1 Staff will report back to the Commission on the
2 status of the program at each Commission meeting over the
3 next year. And for all of these reasons, staff requests
4 your approval of the proposed limited delegation.

5 Thank you, and I'm available to answer any
6 questions.

7 Next slide.

8 --o0o--

9 CHAIRPERSON YEE: Thank you very much, Jennifer.
10 And let me just turn to Commissioners Kounalakis
11 and Miller, to see if there are any comments or questions?

12 COMMISSIONER KOUNALAKIS: I do have one question,
13 because obviously these decisions are going to impact
14 income into the general fund. And so how did you
15 coordinate this with Department of Finance? Gayle, maybe
16 you have some thoughts here, because obviously, it makes
17 so much sense to have a program like this to defer income
18 that frankly might not even be coming anyway. So I think
19 it's very much in the spirit of the way that we engage
20 with our stakeholders, but I'm also wondering whether or
21 not this has kind of been discussed or there's been
22 engagement to make sure that -- okay. Why don't I leave
23 it at that and let -- let you respond and maybe Gayle has
24 some thoughts.

25 EXECUTIVE OFFICER LUCCHESI: I'm happy to

1 respond, in the first instance, and, of course, defer to
2 Commissioner Miller on any additional insights.

3 We did have a number of conversations with our
4 colleagues and counterparts that focused specifically on
5 budgets for our agency with the Department of Finance and
6 at the California Natural Resources Agency. And our
7 general estimates is that this deferral program would
8 likely result, if every single qualifying lessee took
9 advantage of it, of about two and a half million dollars
10 of deferral rent over the next year or two.

11 And we walked through all the details of our
12 proposal, like I said, with our colleagues at Finance and
13 at the Resources Agency. And during those conversations
14 and follow-ups, we did not receive any expressions of
15 concern or objections to us proposing this to the
16 Commission today.

17 CHAIRPERSON YEE: Thank you, Jennifer.

18 Commissioner Miller, any thoughts on this item?

19 ACTING COMMISSIONER MILLER: No. Thank you for
20 that. I think Ms. Lucchesi has it. I think the -- what
21 we've been trying to do consistently across the board, and
22 the Governor has done a lot of work on, is making sure
23 that we have appropriate deferrals to understand that
24 there are a lot of hardship cases. And I know that the
25 Controller has been -- had a lot of leadership around

1 certain taxes that we allowed for delays in. So we're
2 working together and understand these are extraordinary
3 times, and that deferrals are the best way to allow people
4 the time to hopefully get back on their feet. So we
5 appreciate that.

6 Thank you. Thank you for your work, Ms.
7 Lucchesi.

8 CHAIRPERSON YEE: Thank you, Commissioner Miller.
9 And thank you, Ms. Lucchesi. This is, again, just as
10 Commissioner Miller commented and is just the kind of
11 flexibility that I think, you know, so many are looking
12 for during this time. It is for our smaller leases. And
13 so I think this is one that I hope can be helpful. And we
14 will be revisiting just the status of all of this as we
15 look at our future meetings.

16 So given that, is there a motion to adopt the
17 staff recommendation?

18 EXECUTIVE OFFICER LUCCHESI: May I -- I'm sorry.
19 May I interrupt just real quick, in the event that there's
20 public comment.

21 CHAIRPERSON YEE: Thank you.

22 Grace, let me turn to you. Is there anyone who
23 has their hand raised on this item who wishes to speak?

24 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

25 Chair Yee, there are no hands raised to speak on

1 this item.

2 CHAIRPERSON YEE: Thank you, Grace.

3 All right. Seeing none.

4 May I have a motion to adopt the staff
5 recommendation and a second?

6 ACTING COMMISSIONER MILLER: I so move to adopt
7 the staff recommendation.

8 CHAIRPERSON YEE: Okay. A motion by Commissioner
9 Miller to adopt the staff recommendation.

10 I will second that motion.

11 Ms. Lucchesi, please call the roll.

12 EXECUTIVE OFFICER LUCCHESI: Certainly.
13 Commissioner Kounalakis?

14 COMMISSIONER KOUNALAKIS: Aye.

15 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

16 ACTING COMMISSIONER MILLER: Aye.

17 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

18 COMMISSIONER YEE: Aye.

19 EXECUTIVE OFFICER LUCCHESI: The motion passes
20 unanimously.

21 CHAIRPERSON YEE: Thank you very much and thank
22 you very much for your work on this.

23 Okay, Commissioners, we next move on to the items
24 that were removed from the consent calendar that relate to
25 the leases for protective structures at Solana Beach. I

1 believe those are items 42, 43, 47, 51, and 53.

2 And I believe we have a staff presentation first
3 before we continue.

4 EXECUTIVE OFFICER LUCCHESI: Yes. And we -- if
5 there are no objections from the Commission, I would like
6 to take up all five of these items in one presentation,
7 and then if there is a motion and a second in one vote,
8 because they are all connected and similarly situated.

9 So this presentation -- oh, can you please pull
10 up the PowerPoint, Phil.

11 (Thereupon an overhead presentation was
12 presented as follows.)

13 EXECUTIVE OFFICER LUCCHESI: Excellent. Thank
14 you.

15 This presentation will provide a brief overview
16 of the proposed leases.

17 Next slide, please.

18 --o0o--

19 EXECUTIVE OFFICER LUCCHESI: Solana Beach is
20 located in San Diego County approximately 20 miles north
21 of the City of San Diego.

22 Next slide, please.

23 --o0o--

24 EXECUTIVE OFFICER LUCCHESI: A large portion of
25 the coastline in the city is composed of steep bluffs,

1 residences along Pacific Avenue in Solana Beach.

2 Some other portions of the seawall that are
3 within the Commission's jurisdiction are under lease with
4 different bluff-top property owners.

5 Next slide, please.

6 --o0o--

7 EXECUTIVE OFFICER LUCCHESI: Portions of the
8 seawall and sea cave notch fills are located on land owned
9 by the city, and portions are on State sovereign land
10 under the Commission's jurisdiction.

11 Next slide, please.

12 --o0o--

13 EXECUTIVE OFFICER LUCCHESI: The seawall and sea
14 cave notch fills associated with the five properties were
15 previously authorized by the Commission on August 20th,
16 2010. These are existing structures.

17 Next slide, please.

18 --o0o--

19 EXECUTIVE OFFICER LUCCHESI: In addition to the
20 Commission's most recent authorizations in 2010, the five
21 bluff top property owners obtained a series of coastal
22 development permits for the construction of the seawall
23 and sea cave notch fills in 1999 and 2010.

24 In 2017, the applicants obtained a coastal
25 development permit amendment to remove the 20-year permit

1 term and tie the authorization of the seawall to the life
2 of the existing structures and upland residences the
3 seawall protects.

4 Under the amended coastal development permit,
5 when any one of the bluff top residences is developed, is
6 no longer present, or no longer requires armoring, all
7 applicants must apply for a new permit. The amended
8 coastal development permit also requires the applicants to
9 submit a complete application for the coastal development
10 permit or a coastal development permit amendment to
11 reassess mitigation for the ongoing impacts of the seawall
12 on or before April 14th, 2030. The application must
13 include an analysis of the impacts, sea level rise, and
14 alternative. This date aligns with the expiration of the
15 proposed leases before you.

16 Next slide, please.

17 --o0o--

18 EXECUTIVE OFFICER LUCCHESI: Commission staff
19 found that the leases for the existing seawall and sea
20 cave notch fills continue to provide a certain public
21 benefit. The existing seawall and sea cave notch fills
22 protect against bluff failure and protect the
23 single-family residences on top of the bluff.

24 The seawall and sea cave notch fills also protect
25 the public using the beach by reducing potentially

1 physically dangerous bluff failures and keeping the beach
2 free of bluff debris. The entire armoring structure
3 between Tide Beach Park and Fletcher Cove Beach Park
4 supports primary public access points to the beach.

5 While there are benefits of the existing seawall
6 and sea cave notch fills, there are also negative impacts
7 of these structures. In this coastal -- in this location,
8 coastal armoring exasperate -- exacerbates beach loss in
9 two ways. It can accelerate the loss of sand by
10 amplifying wave action, and it can prevent the naturally
11 eroding bluff sediments from reaching the beach and
12 contributing to the amount of beach sand.

13 One approach to mitigating some of these impacts
14 is to nourish the beach periodically with sand. And
15 that's why there are fees collected from the homeowners by
16 SANDAG, the San Diego Association of Governments. The
17 funds are collected for the sand mitigation fee program to
18 help offset impacts the sand supply from the armoring
19 structures and are a condition of the coastal development
20 permit.

21 The Commission's authority to approve or deny a
22 lease for the use of State lands is not impacted by the
23 Coastal Commission's decision to authorize a coastal
24 development permit. The Commission, as the landowner,
25 coordinates with the regulatory authority, the Coastal

1 Commission, so that the provisions in each separate and
2 distinct authorization are aligned to the extent possible,
3 that the best available science and data are used to make
4 these decisions.

5 The proposed leases require the applicants to
6 comply with the coastal development permits, including any
7 modifications to the coastal development permit and to
8 provide Commission staff with required coastal development
9 permit monitoring reports, so that staff can track
10 evolving conditions along the bluff and continue our close
11 coordination and collaboration with the Coastal Commission
12 staff.

13 Next slide, please.

14 --o0o--

15 EXECUTIVE OFFICER LUCCHESI: Conditions are
16 changing quickly along the California coast, due to
17 coastal climate change impacts, including stronger and
18 more frequent storms, and sea level rise.

19 Therefore, an adaptive management approach is
20 appropriate for many lease areas, including here on Solana
21 Beach.

22 The ten-year lease term allows the Commission to
23 reevaluate the seawall and sea cave notch fills at the
24 expiration of the leases. Approving these leases would
25 not limit the Commission's ability to deny subsequent

1 leases in the future and require removal of the seawall
2 and notch fills on State sovereign lands.

3 The applicant's are also required to apply to the
4 Commission for either a lease amendment or new lease, if
5 needed, to satisfy the terms of the coastal development
6 permit. The leases also require payment of annual rent to
7 compensate the people of the State for the use of public
8 land.

9 Next slide, please.

10 --o0o--

11 EXECUTIVE OFFICER LUCCHESI: In conclusion, staff
12 recommends the Commission authorize issuance of this
13 general lease protective structure use to the applicants
14 of staff reports 41, 43, 47, 51, and 53 for a term of ten
15 years beginning on June 1st, 2020 for the use and
16 maintenance of a portion of a seawall and associated sea
17 cave and notch fill.

18 That concludes my presentation. And I do believe
19 we have a couple of public commenters for these items.

20 CHAIRPERSON YEE: Okay. Well, thank you very for
21 the presentation, Jennifer. Commissioners, let me move on
22 to the public comment first, and -- which may inform our
23 questions and comments.

24 So, Grace, let me turn to you to see who we have
25 in the queue to speak on this item.

1 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
2 Thank you, chair Yee. We have Robert Trettin
3 first.

4 CHAIRPERSON YEE: Good afternoon, sir.

5 MR. TRETTIN: I'm sorry. Good afternoon. Am I
6 be heard at present?

7 CHAIRPERSON YEE: Yes, you are.

8 MR. TRETTIN: Great. My name is Robert Trettin.
9 I'd first like to ask if, because we're dealing with five
10 leases, I might have six minutes to do my presentation.

11 CHAIRPERSON YEE: I think there are related
12 issues. Let's start with three and see how you do.

13 MR. TRETTIN: I'll do my best, but...

14 All right. Good afternoon to you, Chair Yee and
15 members of the Commission. My name is Bob Trettin and I
16 do represent the owners of the five properties addressed
17 in these agenda items. And I have provided a letter to
18 the Chair and the Commission through your Executive
19 Director. And I'm just going to take a few minutes to try
20 and highlight some of the concerns that we would have, if
21 you were not to approve these leases.

22 I want -- some of items, I might go and I'll try
23 to skip them, have been addressed very well by your
24 Executive Director.

25 CHAIRPERSON YEE: And we do have your letter in

1 front of us, Mr. Trettin.

2 MR. TRETTIN: Thank you. Thank you.

3 So let me place the emphasis on the fact that the
4 idea of even denying these leases would have potentially
5 disastrous consequences in a number of areas. First of
6 all, it would place the homes back under imminent threat
7 of failure. It would eliminate the protection of the
8 public infrastructure, and it would place individuals
9 using the beach below these properties in jeopardy.

10 I know that in your letter that you received from
11 Surfriders[SIC], they say that these walls provide a
12 short-lived if false sense of security to the property.
13 And that's just not the case. The seawalls are engineered
14 and they're certified by a licensed engineers to remain
15 for the 75 year life of the residences with just normal
16 maintenance. Most of the walls I've been associated n
17 permitting over the past 30 years haven't even required
18 maintenance.

19 When failures do occur on these 80-foot bluffs --
20 80-foot plus bluffs, they occur in seconds. They drop
21 hundreds of tons of material onto the beach and it extends
22 30 to 40 feet seaward of the toe of bluff. Beachgoers
23 that put their towels down anywhere in the area of
24 unprotected bluffs have no idea of the consequences they
25 might be facing.

1 Just last August, three women were tragically
2 killed in a sudden bluff collapse in Encinitas that was
3 just a few miles north of the subject site.

4 The Surfrider also -- representative also stated
5 two things, that mitigation fees associated with the
6 related coastal development permits don't come close and
7 don't compensate in any way for the current and coming
8 public loss of Sandy Beach. And they quoted the staff
9 report as saying seawalls will destroy the beach.

10 Neither of those are accurate statements. The
11 staff report quoted a coastal staff report, which noted
12 that seawalls can have a detrimental effect on the beach
13 and that's the reason why mitigation is required.

14 And here, I just want to make a small correction
15 to your staff report. You noted there was approximately
16 \$74,000 in sand mitigation paid. There was also sand
17 mitigation paid for the undercut infills back in 1999 for
18 20 years. So when the seawalls came along in ten years,
19 they paid more, but they got a credit, because there was
20 still some existing. Overall, they've paid over a hundred
21 thousand dollars.

22 And I don't believe your staff -- your staff
23 report noted that the owners have also paid a \$256,000
24 beach recreation public access fee to -- as a mitigation
25 requirement. And again, in ten years, they're going to

1 have to come back and pay both these fees again, or
2 whatever the fee structure is. And there are legitimate
3 fee structures now in the Solana Beach local coastal plan
4 that the Commission has adopted.

5 So without the seawalls, the property fails, the
6 houses fail, or are removed, and then how do you protect
7 public infrastructure, the street and utilities above.

8 Does government come back like they've done along
9 Pacific Coast Highway 101 and just north of there where
10 they've built seawalls to protect public parking and beach
11 parking? Does government come back and spend hundreds of
12 millions of dollars building seawalls to protect the
13 public infrastructure, when at present you have property
14 owners assuming that burden?

15 I don't -- I don't know the answers to the
16 questions. And then finally, with regard to protected --
17 projected sea level rise, the numbers that are cited in
18 your staff report, 7.1 feet sea level rise by 2100,
19 they're at the extreme end of the projections made in that
20 study, and they have a zero -- that study itself says they
21 have a 0.5 percent probability of occurring.

22 But even so, the seawalls in front of you today
23 for leases have been constructed in an engineered manner
24 that would accommodate that extreme increase in sea level
25 rise. We know that, because we just built two seawalls

1 immediately north of the subject site. Your photos don't
2 even show them yet. They were just finished. And they
3 are the exact same engineered structured seawall. And we
4 had to do significant reports to the Coastal Commission,
5 which we provided to the State Lands Commission
6 documenting that they will accommodate sea level rise.

7 In closing, I just want to thank the CSLC staff,
8 particularly Drew Simpkin, for working so professionally
9 and responsibly with me on the leases issue. And over the
10 past 12 years or so, I've had the chance to work with a
11 number of your staff members, and I've always -- they've
12 always been super responsive, extremely helpful in
13 responding to questions, concerns. You have a great
14 staff.

15 Again, thank you for allowing me to address the
16 issues on the leases today. And I would respectfully ask
17 that you approve your staff recommendations and approve
18 these leases.

19 Thank you very much for the time.

20 CHAIRPERSON YEE: Thank you, Mr. Trettin. I
21 really appreciate you coming forward and addressing the
22 Commission.

23 Grace, who -- will you present our next speaker
24 on this item?

25 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

1 Thank you, Chair.

2 The next speaker on this item is Jennifer Savage.

3 CHAIRPERSON YEE: Okay. Good afternoon,
4 Jennifer.

5 MS. SAVAGE: Hi. Good afternoon. Jennifer
6 Savage, Surfrider Foundation. The Commission is poised to
7 adopt today a set of principles aligning State agencies
8 around making California's coast resilient to sea level
9 rise, to be the first in more than a dozen agencies in
10 agreement that it is necessary, as articulated in section
11 6, to prioritize nature-based adaptation measures and to
12 ensure that adaptation projects do not shift hazards and
13 impacts elsewhere along the coast or shoreline.

14 Hard armoring not only shifts impacts from
15 private property to public sand, but reduces coastal
16 access ultimately to only those who can afford the million
17 dollar properties adjacent to it.

18 Over one-third of San Diego county's coast is
19 already armored. And in some cases, armoring does protect
20 the public interest, such as in the case of wastewater
21 treatment plants, public infrastructure. But much of this
22 concreting of our coast is to protect private property
23 often installed over the objections of the public interest
24 and in protecting their beach, and often under the guise
25 of public safety, when what's truly being protected is

1 perceived property value.

2 In a recent LA Times op-ed, coastal scientist
3 Sean Anderson, Kiki Patsch and Dan Reineman wrote,
4 "There's nothing like a global pandemic to remind us of
5 what we truly value. As mortality rates and economic
6 upheaval fill the headlines, we, in coastal California,
7 are also grappling with another significant change: the
8 closing of our beaches and the severing of our access to
9 the sea. It is hard to understate the magnitude of this
10 situation or how portentous it is".

11 They go on to say, "Climate-change-driven
12 sea-level rise and ever more powerful sand-robbing storms
13 increasingly gnaw away at ocean edge of our beaches.
14 Property owners have responded by pouring more concrete,
15 piling up mountains of boulders, or otherwise armoring the
16 landward side of beaches to shield property and structures
17 from the encroaching sea. Unfortunately, such protection
18 sacrifices public access and ultimately the beach sand
19 itself..."

20 "Fostering a future rich with beaches requires
21 new, well-informed approaches to face this looming
22 threat".

23 So in short, the biggest threat to California's
24 beaches, and therefore to equitable public access is the
25 hard armoring of our coast in the form of seawalls, rock

1 revetments, concrete bluff fill, riprap, et cetera. These
2 items today are an opportunity for the State Lands
3 Commission to take a new well-informed approach to coastal
4 resiliency and set an example for other agencies.

5 We therefore, on behalf of the public to whom the
6 coast belongs, objected to an automatic renewal of these
7 leases. And we ask that you consider denying them,
8 reducing the time of the leases, or increasing the rent to
9 better reflect the true cost of the people -- that the
10 people of California are paying in allowing these private
11 property owners to hasten the loss of our shared beaches.

12 Thank you.

13 EXECUTIVE OFFICER LUCCHESI: Chair Yee, you need
14 to unmute yourself.

15 CHAIRPERSON YEE: Thank you.

16 Grace, any other speakers on this item, please?

17 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

18 Thank you, Chair. We have Laura Walsh to speak.

19 CHAIRPERSON YEE: Okay. Very well. Good
20 afternoon, Ms. Walsh.

21 MS. WALSH: Hi. Good afternoon. My name is
22 Laura Walsh. I'm following up on Jennifer's comments, but
23 speaking specifically on behalf of the Surfrider
24 Foundation San Diego Chapter. Kristin Brinner is a
25 resident of Solana Beach and she was planning to speak,

1 but she had to drop off.

2 So we're requesting that the Commission deny
3 these renewals, because as you are all aware, hard
4 armoring of the coast in the form of seawalls causes beach
5 to narrow by fixing the back of the beach. And this is
6 troubling in light of sea level rise. Solana Beach is
7 about 1.7 miles of coastal beach. And many parts of the
8 beaches here are narrow and they disappear at a very high
9 tide already.

10 The vast majority of Solana Beach is already
11 armored, about 80 percent, despite having been constructed
12 mostly after 1998 since the passage of the Coastal Act.
13 And this armoring has visibly and demonstrably narrowed
14 beaches in the area, despite large beach sand
15 replenishment projects that have happened.

16 Seawalls are being framed as a public safety
17 solution to bluff instability, but this is just simply
18 inaccurate. Seawalls temporarily protect private property
19 and fix the back of the beach, quietly taking the public
20 sandy beach away forever. They don't provide a public
21 safety benefit. And this position is supported by the
22 California Coastal Commission.

23 If your Commission is unable to deny these
24 leases, we ask that you reduce the time the leases are
25 good for, so that we can incorporate more sea level rise

1 information as it comes out. And at the very least, we
2 would like to see the rent increase, because \$4,000 a
3 month -- the \$4,000 a month that's being applied is really
4 a pittance, when the tradeoff is the loss of our public
5 beaches. The value of those beaches is being very
6 strongly affirmed right now, as much as Southern
7 California is rushing back to the coast after this recent
8 period of closures that we've all endured. The heat is
9 really starting to push people to get back in the water.
10 And so we ask, in light of all this, that you please
11 consider efforts to preserve the beach in our area.

12 Thank you.

13 CHAIRPERSON YEE: Thank you very much, Laura.
14 Grace, any other additional speakers for this
15 item?

16 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

17 Chair Yee, we have no other hands raised to speak
18 on this item.

19 CHAIRPERSON YEE: Okay. Thank you very much.

20 Commissioners, comments or questions on this
21 item?

22 COMMISSIONER KOUNALAKIS: Look, I -- I see both
23 sides of this. I'm sure that when those folks built those
24 houses, they were not anticipating either sea level rise
25 or the deterioration of the bluff. But I think that this

1 whole question is not going to get solved on one project,
2 where there's already been a fair amount of work on those
3 bluffs. And I think that it really though puts a lot more
4 pressure and poignancy around the next item in talking in
5 general about what kind of strategies we're going to
6 implement and require, so that frankly there's
7 predictability for -- for those who are looking to improve
8 property -- private property right next to the coast, as
9 well as to help local jurisdictions think about this
10 differently as well, because as surely as those bluffs
11 have deteriorated, more sea level rise is coming and it's
12 going to have an impact on our coast, and it's going to be
13 difficult, so...

14 CHAIRPERSON YEE: Thank you, Commissioner
15 Kounalakis. And you're absolutely right, and I think
16 certainly leading into the next item, where we're going to
17 have a -- we are going to be looking at a broader
18 perspective with respect to coastal resiliency and sea
19 level rise, this is -- this is not the end of this issue
20 by any means. And so thank you for raising that.

21 Commissioner Miller, any comments or questions?

22 ACTING COMMISSIONER MILLER: (Shakes head.)

23 EXECUTIVE OFFICER LUCCHESI: If I may, Chair Yee,
24 and Commissioners, I would love to just provide a little
25 bit more context, because I think the perspectives and the

1 comments that you've heard, both on behalf of the
2 applicants and the property owners, as well as from
3 Surfrider representing folks that enjoy the beach and the
4 marine resources in that area, and are very concerned
5 about the impacts of sea level rise and the effects of
6 coastal, you know, kind of traditional hard armoring of
7 our coast, this is really a moment in time, especially in
8 light of the next item we're going to be talking about.
9 And it's not an easy conversation and there aren't easy
10 solutions.

11 Existing conventional shoreline armoring projects
12 and existing structures, like the Solana Beach seawall and
13 the fill complex pose a significant challenge to coastal
14 resilience. And with rising seas, these structures offer
15 considerable protection for people's homes, and other
16 public access points, and working waterfronts like our
17 ports and harbors that support fishing and shipping
18 industries, but they also compound the problem of beach
19 loss and coastal squeeze.

20 Our beaches and other coastal habitats like
21 estuaries and wetlands are severely threatened by sea
22 level rise. And there are projections that we will lose
23 the majority of them just by the end of the century, which
24 is only a generation or two away.

25 And so we have to adapt. We have to come up with

1 alternatives that can protect our sovereign public lands
2 and resources and upland properties, and we have to
3 embrace change.

4 And really the proposed leases and staff's
5 recommendation for these five leases with the limited term
6 of ten years, which coincides very specifically with --
7 and intentionally with the existing coastal development
8 permits and the reevaluation of the mitigation measures,
9 is so that we have the time to coordinate and collaborate
10 with our partner agencies to develop a methodical, and
11 intentional, and thoughtful approach and policy to these
12 very difficult challenges.

13 And so just to reiterate, I think what
14 Commissioner Kounalakis was saying is it's we -- can't do
15 this on a case-by-case basis. And I think the principles
16 that we'll be discussing next really sets a stage and tees
17 all of us State agencies up in a way to have a more
18 meaningful, comprehensive, discussion and really all get
19 on the same page in terms of how we're going to approach
20 this in local areas, regional areas, and, of course, be
21 consistent -- to the extent that we can, given the
22 geological and geographic differences as consistent of an
23 approach as possible.

24 So with that, I'll turn it back to the Chair.

25 CHAIRPERSON YEE: Thank you, Ms. Lucchesi, very

1 much.

2 Hearing no other comments or questions from
3 Commissioners, is there a motion to adopt the staff
4 recommendation?

5 ACTING COMMISSIONER MILLER: Madam Chair?

6 CHAIRPERSON YEE: Yes.

7 ACTING COMMISSIONER MILLER: I move to adopt the
8 staff recommendation.

9 CHAIRPERSON YEE: Thank you, Commissioner Miller.

10 COMMISSIONER KOUNALAKIS: I'll second it.

11 CHAIRPERSON YEE: Thank you, Commissioner
12 Kounalakis. We have a motion and a second to adopt the
13 staff recommendation. Ms. Lucchesi, please call the roll.

14 EXECUTIVE OFFICER LUCCHESI: Commissioner
15 Kounalakis?

16 COMMISSIONER KOUNALAKIS: Aye.

17 EXECUTIVE OFFICER LUCCHESI: I'll get this right
18 some time.

19 COMMISSIONER KOUNALAKIS: Aye.

20 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

21 ACTING COMMISSIONER MILLER: Aye.

22 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

23 CHAIRPERSON YEE: Aye.

24 EXECUTIVE OFFICER LUCCHESI: The motion to
25 approve staff's recommendation for all five lease --

1 proposed leases are -- passes unanimously.

2 CHAIRPERSON YEE: Thank you. Thank you very
3 much, Ms. Lucchesi.

4 And this is really an appropriate lead-in to our
5 next item, Commissioners, Item 76, which is the -- for us
6 to consider adoption of the "Making California's Coasts
7 Resilient to Sea Level Rise: Principles for Aligned
8 Station Action". And this has been something that I'm
9 just really -- just very impressed and proud of all of our
10 agencies coming together and really being able to use this
11 as a way to really forge a path forward about how our
12 agencies are going to coordinate on how we manage sea
13 level rise going forth, and hopefully a way to prioritize
14 investments with respect to addressing sea level rise.

15 And I believe that this item before the State
16 Lands Commission puts us as the first Commission or Board
17 to be able to put our stamp of approval on these -- on
18 these principles.

19 So let me ask the staff to make the presentation.
20 And I believe we have Mark Gold with us today.

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

23 EXECUTIVE OFFICER LUCCHESI: That's right. I'll
24 be providing a brief presentation and then I'd like to
25 welcome and turn it over to Mark to provide his remarks

1 and insights into these principles based on his
2 leadership.

3 Next slide, please.

4 --o0o--

5 EXECUTIVE OFFICER LUCCHESI: At the beginning of
6 this year, Natural Resources Agency Secretary Wade
7 Crowfoot, and CalEPA Secretary Jared Blumenfeld convened
8 the Executive Officers and Directors of various State
9 agencies with coastal bay and shoreline management
10 responsibilities, including myself, to develop a set of
11 principles we could use statewide to face the threat of
12 sea level rise.

13 California has been a leader in sea level rise
14 science and modeling. We know that sea level rise is
15 happening now and will continue because of climate change.
16 Sea level rise causes erosion and flooding and it will
17 impact our beaches, public access, our ports and harbors,
18 roads, coastal communities, and much more.

19 We felt it was important to come together and
20 develop principles to address this challenge head on and
21 build a more resilient California coast. There are
22 several goals we want to achieve with these principles.
23 We want to build resiliency to protect our coast through
24 California planning and preparation. We want to act now
25 and save California taxpayers up to six times the amount

1 that it would cost in damages if we wait until the water
2 levels get higher. We want to align our strategies and
3 coordinate our actions, so that we succeed together across
4 the entire State. Communication and collaboration will be
5 the keys to unlocking our collective strength and
6 innovation, so that we can protect our coast.

7 Next slide, please.

8 --o0o--

9 EXECUTIVE OFFICER LUCCHESI: Here are the six
10 principles for making California's coast resilient to sea
11 level rise. They're listed -- the first -- or the three
12 are listed here: Develop and utilize the best available
13 science applying it to planning, decision-making, project
14 design, and implementation; build coastal resilience
15 partnerships that connect all levels of government, the
16 public, and other stakeholders, particularly around sea
17 level rise resilient -- resilience issues, policies, and
18 planning; and improve coastal resilience communications,
19 so that we can implement a coordinated public awareness
20 and education campaign.

21 Next slide, please.

22 --o0o--

23 EXECUTIVE OFFICER LUCCHESI: Support local
24 leadership and address local conditions, because that's
25 where the solutions will really come from. These

1 communities that are on the frontlines, they know their
2 region the best and what will work there.

3 We will especially prioritize the early
4 protection and capacity building that's needed for
5 underresourced communities.

6 Strengthen alignment around coastal resilience by
7 rooting our individual practices and actions in a common
8 set of sea level rise projections, terms, and standards.

9 And six, implement and learn from coastal
10 resilience projects that protect and enhance public trust
11 lands and resources, including critical water-dependent
12 infrastructure that makes up our working waterfronts and
13 blue economy. We'll prioritize multi-benefit projects
14 whenever possible, particularly those that are nature
15 based and restore coastal habitats and landscapes.

16 Next slide, please.

17 --o0o--

18 EXECUTIVE OFFICER LUCCHESI: Our staff recommends
19 the Commission adopt these principles for aligned State
20 action on sea level rise to reflect its strong commitment
21 to the protection of the California coast.

22 Many of these principles are already familiar
23 practice for the Commission. They are woven into our
24 existing strategic plan, and remain core elements, and
25 strategic objectives and strategies of our new one. By

1 adopting and implementing these principles, the Commission
2 and its partner agencies throughout the state will build
3 coastal resiliency for the benefit of all State lands,
4 resources, values and assets as well as for the public we
5 serve.

6 Next slide, please.

7 --o0o--

8 EXECUTIVE OFFICER LUCCHESI: In conclusion, I
9 want to express my sincere gratitude to Secretary
10 Crowfoot, Secretary Blumenfeld, Deputy Secretary Mark
11 Gold, Coastal Commissioner Sara Aminzadeh, and Coastal
12 Commissioner Vice Chair Donna -- Donne Brownsey for their
13 leadership and intense focus on bringing us all together
14 to develop these principles in a very collaborative and
15 also very expedient process.

16 We worked for, you know, over a couple months.
17 And it was incredible -- and I'm sure Mark will talk about
18 this. It was incredible that all of us State agencies
19 really had the core foundational principles already either
20 in our practices or something that we could buy into from
21 the very beginning. And so it was -- it was relatively
22 easy for all of us to come together on these principles
23 and that makes me very proud and very thankful for the
24 leadership of CalEPA and CNRA for bringing us all together
25 to really set these foundational principles, so then we

1 can take the more challenging and important step of
2 implementation.

3 And with that, it's my pleasure to introduce Mark
4 Gold.

5 DR. GOLD: Thank you. I can tell you that my
6 presentation -- I'm very glad that I didn't write anything
7 out, because Executive Officer Lucchesi pretty much
8 covered everything that I would have covered. But that
9 being said -- and she did -- she did a wonderful job in
10 doing so. I think -- I think the fact that we're at this
11 place and the fact that this -- putting together the
12 principles really did occur in record time, reflects upon
13 the fact that the 17 agencies have all been struggling
14 with these issues and how to move forward, and we were all
15 moving forward in different ways.

16 And that there was a real thirst at this point to
17 get together on the same page and really -- you know,
18 everything from the standpoint of how do we use the best
19 available science to how do we best collaborate, doing so
20 as early as possible in the planning phase before
21 construction begins on projects, you know, all those
22 things that are really common sense.

23 It really has been, no exaggeration, right up
24 there with the approval by the Ocean Protection Council of
25 the Coast and Ocean Strategic Plan, one of the two most

1 rewarding moments I've had since I was appointed to this
2 position.

3 And I think the leadership really mattered a lot
4 to have Secretary Crowfoot and Secretary Blumenfeld really
5 kick-off the meetings and get everybody focused. But, you
6 know, when have you seen something like this come
7 together, you know, in two meetings and something of this
8 importance?

9 And so that -- that was incredibly rewarding and
10 to -- I can't commend the State Lands Commission enough
11 from the standpoint of moving forward so assertively in
12 adopting these principles in a formal manner, because I
13 think it really sends a very loud message to not only all
14 the other State agencies, the 17 agencies that
15 participated in putting together these principles, and the
16 staff that worked for those 17 agencies, but now obviously
17 it's public. And so the public gets to see that this is
18 how, you know, government should work. You know, we
19 should have a lot more collaboration, and coordination,
20 and communication, especially on issues as critical as
21 this, that have been so contentious for so long.

22 And in watching the previous item, and in some of
23 the -- some of the issues there and the article today in
24 CalMatters by Julie Cart, which was really focusing on
25 managed retreat, one of the things that we all agreed to

1 was that somehow the narrative and how we're moving
2 forward as the State of California on sea level rise was
3 just never in the right direction. I mean, focusing on
4 managed retreat, which is one of so many different
5 solutions, which I know this body has gone over meeting,
6 after meeting, after meeting on -- you know, the last
7 meeting on ports for me was a great learning opportunity
8 to see all the creative ways that the various different
9 ports are dealing with sea level rise and are planning to
10 deal with sea level rise moving forward.

11 And so to focus on managed retreat doesn't make
12 sense. And so we're -- we're very enthused in that, you
13 know, if you -- looking at the principles, you'll see it's
14 really important to focus on infrastructure, because
15 that's something that resonates with each and every one of
16 us in California, is that we all use the infrastructure.
17 Infrastructure is so important to our economy. And that
18 really is the much more critical part of the discussion.

19 And I would add a loose definition of
20 infrastructure, which would include our natural areas,
21 because of the benefits that wetlands provide us for sea
22 level rise, as well as flood control, and carbon
23 sequestration, and biodiversity.

24 And so that's really it from the standpoint of,
25 you know, we strongly support you moving forward in doing

1 this. Our next steps, just so you know, at CNRA and
2 really encourage State Lands Commission to participate
3 fully, is we'd like to set up a workshop for staff on --
4 and leadership of the agencies within the next three
5 weeks, hopefully before Memorial Day, to really go through
6 what's best-in-class in each of the various different
7 agencies that participated in this, and what they're doing
8 on the six principles, because I think we have a lot to
9 learn from each other.

10 I know I learned a heck of a lot in this process
11 in seeing what Caltrans was doing and how the Office of
12 Emergency Services was very, very concerned about these
13 issues as well. So it wasn't just the usual suspects that
14 I'm used to dealing with, which is State Lands and Coastal
15 Commission, and the Coastal Conservancy, and BCDC, and
16 Fish and Wildlife. It was all the various different
17 agencies and how sea level rise is absolutely so critical
18 for all of them.

19 And so I'll stop there, but I'd be more than
20 happy to answer any questions you may have.

21 CHAIRPERSON YEE: Great. Thanks. Thank you very
22 much, Mark, for being here and for your leadership on
23 this. And really also appreciate your articulation of the
24 next steps here as well and really look forward to working
25 with you as this Commission.

1 Let me turn to Commissioners Kounalakis and
2 Miller to see if there any questions or comments.

3 ACTING COMMISSIONER MILLER: (Shakes head.)

4 MR. GOLD: Okay.

5 COMMISSIONER KOUNALAKIS: Public comment first.

6 CHAIRPERSON YEE: Okay. We can do that, uh-huh.

7 Okay. Grace, are there hands raised to speak on
8 this issue?

9 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

10 Thank you, Chair. We've had two speaker requests
11 prior to the meeting. First is Susan Jordan followed by
12 Sandy Aylesworth.

13 CHAIRPERSON YEE: All right.

14 Good afternoon, Susan.

15 MS. JORDAN: Hi. Can you hear me?

16 CHAIRPERSON YEE: Yes, we can.

17 MS. JORDAN: Okay. Great. Well, as we all know,
18 the conversation in California over sea level rise -- I
19 should identify myself. So Susan Jordan, Director of the
20 California Coastal Protection Network.

21 So the conversation about this began well over a
22 decade ago. And as the years progressed, so did the
23 science, which has warned that coastal impacts from
24 climate change-induced sea level rise in California will
25 occur much more rapidly than previously predicted with

1 increasingly severe adverse impacts to coastal resources
2 and critical infrastructure.

3 And there have been numerous plans and reports
4 over the years, which have affirmed the dire consequences
5 we're going to face here. But one of the biggest problems
6 is that of all those plans and studies have been siloed
7 under different agencies' jurisdictional authorities with
8 little consistent collaboration and coordination.

9 And it -- under that fractured environment, this
10 is kind of what Mark was referencing, it's been easy for
11 certain sectors to co-op that message, and to undermine,
12 and in some cases, actually block constructive efforts to
13 address sea level rise.

14 So in the absence of clear State-mandated
15 policies, agencies were left alone on the defensive. And
16 I think most of them have actually faced that and it's
17 been actually pretty brutal.

18 What was clearly needed was a set of principles
19 that were embraced by the State and that would bind the
20 agencies together in a coordinated effort to tackle this
21 problem. That obviously thankfully changed in early 2020
22 when the Natural Resources Secretary and the CalEPA
23 Secretary convened these two high-level meetings of the 17
24 agencies, to come together to design -- design and approve
25 these sea level rise principles. And I did hear that it

1 went well and in record speed.

2 But if anyone needs reminding of how important it
3 is to have these State principles in place, I would
4 reference back to the article that Mark mentioned today,
5 which appeared in CalMatters. And it was entitled, "Back
6 Off the Beach and the Rising Sea? No way California
7 cities says -- say".

8 So there really is a struggle here. And the only
9 way it's going to move forward is if everybody stands
10 under the State's umbrella and works together to get it
11 there. I've seen this in action myself in many, many
12 meetings, and it's been very, very difficult. So you
13 would be the first agency. I think it's great to be first
14 out of the gate. And we urge you to adopt the principles.

15 Thank you.

16 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

17 And Chair, I would like to ask if Sandy is still
18 intending to speak. She had lowered her hand just
19 briefly, but I wanted to make sure that she doesn't want
20 to speak on this item.

21 MS. AYLESWORTH: Hello. This is Sandy
22 Aylesworth, can you hear me?

23 EXECUTIVE OFFICER LUCCHESI: Yes. Sandy, this is
24 Jennifer Lucchesi. I'm -- it looks like the Chair has
25 dropped off, so if we could go for a short break, just so

1 I can make sure that she comes back online.

2 MS. AYLESWORTH: Sure thing.

3 (Off record: 3:48 p.m.)

4 (Thereupon a recess was taken.)

5 (On record: 3:50 p.m.)

6 EXECUTIVE OFFICER LUCCHESI: All right. Just for
7 everybody who is listening, the Chair's computer did
8 freeze and so she is switching computers at this moment
9 and will be joining the meeting very, very shortly. So if
10 can just hold on for a couple of more minutes until she
11 logs back in, that would be great. And thank you so much
12 for your patience and flexibility.

13 (Off record: 3:50 p.m.)

14 (Thereupon a recess was taken.)

15 (On record: 3:55 p.m.)

16 CHAIRPERSON YEE: Thank you, Commissioners.
17 Excuse me for the interruption. We had a little technical
18 difficulty. I know that Susan Jordan was presenting her
19 testimony. And I believe that has been completed.

20 So, Grace, let me just check in with you to see
21 if there are others who are -- who have raised their hand
22 to speak.

23 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

24 Thank you, Chair. We do have Sandy Aylesworth
25 who will be speaking next, followed by --

1 CHAIRPERSON YEE: All right.

2 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

3 -- followed by Jennifer Savage and Anna
4 Christensen.

5 CHAIRPERSON YEE: Wonderful. Thank you.

6 Sandy, please.

7 MS. AYLESWORTH: Great. Thank you. Good
8 afternoon, Chair Yee - it's good to have you back - and
9 Commissioners. Thanks so much for providing this
10 opportunity for public comment, particularly during these
11 incredibly challenging times.

12 My name is Sandy Aylesworth and I'm a Senior
13 Oceans Advocate with NRDC, that's the Natural Resources
14 Defense Council. NRDC heartily encourages the Commission
15 to adopt the principles for aligned State action on sea
16 level rise. And we congratulate the many State agencies,
17 including the State Lands Commission that were involved in
18 such a collaborative and visionary process.

19 The California Coastal Protection Network,
20 Surfrider and NRDC submitted a public comment letter on
21 April 27th in support of the Commission adopting the
22 principles. And today, I'd like to highlight two key
23 points we shared in the letter, both of which Susan has
24 already addressed, so I'll be brief.

25 The first is that every reputable scientific

1 assessment has confirmed that coastal impacts from climate
2 change-induced sea level rise in California will occur
3 more rapidly than previously projected. Sea level rise is
4 a pressing problem that California absolutely must tackle
5 in order to preserve its environmental and economic
6 security.

7 The second point I'd like to highlight is that
8 until now, California's State agencies' strategic plans
9 and studies on adapting to sea level rise -- rise have
10 been silay -- siloed, again as Susan mentioned. Having a
11 unified set of principles and guidance for State agencies
12 will save taxpayers money, improve project efficiency and
13 outcomes, and will prepare California's coastal and inland
14 communities for the certain future of rising seas.

15 By being the first agency to vote to approve
16 these principles, the State Lands Commission will
17 demonstrate its strong leadership in carrying out its
18 mission.

19 Thank you for the opportunity to comment.

20 CHAIRPERSON YEE: Thank you, Sandy. Next, we
21 have Jennifer Savage, Surfrider.

22 MS. SAVAGE: Hi. Thank you. This is Jennifer
23 Savage, California Policy Manager for the Surfrider
24 Foundation. First, I wanted to just say that -- I wanted
25 to give a shout-out to the Commissions, and staff, and to

1 AGP for managing this meeting. I know that it's just --
2 it has to be so challenging. And this is the first wholly
3 virtual meeting that I have attended. And overall, I
4 think it's going very well, so congratulations for that.

5 To move to the agenda item. This is an exciting
6 moment for the future of California's beaches, which
7 recent news stories have shown, are considered both
8 beloved and necessary for a significant percentage of
9 Californians. Nothing that we didn't know from polls
10 already, but if there was any doubt that we need to save
11 every square inch of sand we can, the restrictions around
12 COVID-19, which are absolutely justified, have only
13 highlighted how much Californians value our beaches.

14 And with all the added uncertainty in our world
15 right now, this moment in which the agencies wielding the
16 most influence over California's coasts are coming
17 together to unify on how to save our beaches into the
18 future, is especially appreciated.

19 We're particularly grateful for the leadership of
20 Natural Resources Secretary Crowfoot, CalEPA Secretary
21 Blumenfeld, and OPC Executive Director Mark Gold, and to
22 State Lands Commission staff for encouraging adoption of
23 these principles.

24 As regular attendees of a number of State agency
25 meetings, we've repeatedly seen firsthand the disconnect

1 between various agencies regarding implementing sea level
2 rise principles and policies. This as has created, to put
3 it gently, quite a bit of tension between agencies and for
4 the public anxious to save our beaches.

5 By having a coherent set of principles, embraced
6 by the State, agencies will have an agreed-upon direction
7 unifying future efforts. This is frankly a huge step
8 forward that could result in tangible preservation of our
9 coast.

10 We especially call attention to the paragraph in
11 the staff report threaded throughout the principles for
12 aligned State actions are themes of communication, equity,
13 public engagement, and informed decision making rooted in
14 sound science and infused with precaution. These are
15 essential components to ensure success is widespread and
16 not limited to the powerful and the wealthy. Coastal
17 preservation is ultimately an access equity issue and we
18 appreciate staff acknowledging it as such.

19 So for all these reasons, Surfrider
20 enthusiastically supports adoption of, "Making
21 California's Coast Resilient to Sea Level Rise: Principles
22 for Aligned State Action".

23 Thank you.

24 CHAIRPERSON YEE: Thank you very much, Jennifer.

25 Ms. Christensen.

1 Our next speaker is Ms. Christensen

2 MS. CHRISTENSEN: Oh, sorry. I didn't unmute
3 myself.

4 CHAIRPERSON YEE: That's okay.

5 MS. CHRISTENSEN: Speaking from the perspective
6 of someone who believes in sea rise and is sometimes
7 stunned at the sort of schizophrenia of some of our local
8 projects, such as building our new center for aquatics on
9 the sand under water, I welcome the fact that so many
10 State agencies are not in denial, and are working
11 together.

12 However, I would like to point out that all State
13 agencies -- apparently, all of our State agencies coming
14 together, quoting the Chair today, do not include any
15 State agencies, in fact, the premier State agency that
16 would speak, could speak, is in a position to speak for
17 the very tribal entities that were honored, and thank you
18 for that again, at the beginning of this meeting. So
19 there is no State tribal voice here.

20 And ironically, while there are -- most of these
21 agencies do have tribal consultation, policies and are
22 seeking to improve them, and that's great. Tribal
23 consultation is not at the beginning. It's a comment once
24 some ducks are in a row. And right now, here's a policy
25 trying to get the ducks in a row. Mr. Crowfoot got

1 everybody together, but he didn't. He left out the
2 sovereign entities. And, in some ways, that's what makes
3 them sovereign is not really being part of the State. And
4 yet, they must be represented, and they must be heard, and
5 they deserve to be heard.

6 So I would sooner, rather than later, encourage
7 and fund, because this is a very cash strapped agency, the
8 Native American Heritage Commission welcome their
9 involvement to send a representative to these -- to these
10 meetings, because tribal peoples cannot exist and do not
11 exist in any way, shape, or form separated from land and
12 water. They can't do it. That's where things start
13 falling apart.

14 And when we look at our coast, especially our
15 coast that is most impacted by development, these tribes
16 have no land. And so -- that they have no voice or a much
17 smaller voice. So I'm sort of begging you on that one.

18 And now, I'm down to 28 seconds, so I'll send my
19 other comments in writing. But the final one would be
20 that when we talk about wetlands restoration, we have to
21 be very, very careful. It can't be Disneyfication. It
22 can't be the complete arrogance of thinking that we can
23 scrape away everything and then just recreate it, because
24 we don't have that kind of power, as human beings.

25 Some of these very beleaguered and bedraggled

1 little pieces of coastline, and wetlands, and marshes, and
2 salt flats have taken tens of thousands of years to get
3 the way they are. You can't -- you can't just think that
4 they're not worth saving, even -- rather than replacing.

5 Thank you very much. Thanks for your good work.

6 CHAIRPERSON YEE: Thank you, Ms. Christensen.
7 Really appreciate your comments.

8 Now, let me -- let me direct maybe attention back
9 to Mark Gold and to Jennifer just to speak, if you would,
10 about the engagement going forward with our sovereign
11 tribal communities.

12 DR. GOLD: I think the language -- the language
13 is obviously reflected within the principles, but I think
14 the recommendation that was just made to share this with
15 the Native American Heritage Commission I think is a very
16 sound one, and one that I'll be pursuing right away.
17 There's no reason not to. So thank you for that
18 recommendation.

19 CHAIRPERSON YEE: Thank you.

20 Jennifer, any other comments?

21 EXECUTIVE OFFICER LUCCHESI: Yeah. Not -- not
22 substantively. I would -- I would just add that as Ms.
23 Christensen said, many of the agencies that have signed on
24 to these principles do have very robust and comprehensive
25 tribal consultation policies that go beyond just the AB 52

1 requirements under CEQA. And so just to follow up on what
2 Mark had said, not just bringing the Native American
3 Heritage Commission to the table on these principles, but
4 also a real commitment by the agencies involved to
5 implement our policies in a really robust and meaningful
6 way in the communication and collaboration surrounding
7 these principles, and also on a project-by-project basis.
8 I think we're all committed to that. And I appreciate the
9 comments and the suggestions made.

10 CHAIRPERSON YEE: Great. Thank you.

11 Commissioners Kounalakis or Miller, any comments
12 or questions on this item?

13 COMMISSIONER KOUNALAKIS: Well, let me just say,
14 it really does represent a sea change, pardon the pun --
15 (Laughter.)

16 COMMISSIONER KOUNALAKIS: -- to take an approach
17 like this where the State is really stepping up and
18 recognizing that there are many different situations
19 across the -- down the coast, many different stakeholders,
20 local stakeholders who know their neighborhood, their
21 beach, their region better than anybody, but that truly
22 this state has been leading now for quite some time in the
23 world on recognizing that climate change is real, that
24 oceans are rising, and dedicating ourselves to doing the
25 investment, and the research, and the innovative type of

1 work to try to combat climate change.

2 But meanwhile, we know it's coming. The last
3 item was artfully placed when you see an aerial photograph
4 of homes hanging over the side of a cliff. We know this
5 is happening.

6 And so I guess what I'd just like to say in
7 recognizing that this is a very significant act that we're
8 about to take in essentially taking our first steps into a
9 statewide collaborative approach to addressing this
10 challenge, and what it means to us, and to all of these
11 stakeholders, and so many who care so deeply about so many
12 aspects of this issue, is that it isn't about having fewer
13 voices, it's about having more, and about coordinating an
14 effort that will respond to the many stakeholders' needs.

15 Now, I point this out, because any time you look
16 at a challenge this great, and the number of folks and
17 perspectives that we need to bring into a process, it's
18 going to be challenging. And I think we should all
19 recognize that as well.

20 Probably no one view on this is going to prevail
21 in terms of future policy, future State policy or local
22 policy. And so I think that like the great challenge that
23 we're in right now, it's going to take all of us together
24 to really dedicate ourselves to patience, and to
25 open-mindedness, and to -- and to diplomatic communication

1 in order to be able to chart a way forward that we know we
2 have to do in order to -- in order to look after the
3 interests of future Californians.

4 CHAIRPERSON YEE: Thank you very much,
5 Commissioner Kounalakis. Really wonderfully articulated.
6 And by no means is our action here today suggesting that
7 the road ahead is easy. And, in fact, it will be very
8 challenging and difficult, and -- but I do think the
9 commitment, certainly by the State of California all of
10 its individual agencies, and to Mark Gold's comment at the
11 beginning, you know, there's been this hunger to come
12 together for a long time. And I'm just really proud that
13 this Commission is taking the first vote to really put
14 this in place.

15 So again, thank you, Mark, for being here with
16 us. Commission Miller any further comments on this item?

17 ACTING COMMISSIONER MILLER: (Shakes head.) No,
18 thank you, Madam Chair.

19 CHAIRPERSON YEE: Okay. Great.

20 So may I have a motion to adopt the staff
21 recommendation and a second.

22 COMMISSIONER KOUNALAKIS: So moved.

23 CHAIRPERSON YEE: A motion by Commissioner
24 Kounalakis.

25 ACTING COMMISSIONER MILLER: Second, Madam Chair.

1 CHAIRPERSON YEE: Seconded by Commissioner
2 Miller.

3 Ms. Lucchesi, please call the role.

4 EXECUTIVE OFFICER LUCCHESI: Certainly.
5 Commissioner Kounalakis?

6 COMMISSIONER KOUNALAKIS: Aye.

7 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

8 ACTING COMMISSIONER MILLER: Aye.

9 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

10 CHAIRPERSON YEE: Proudly, aye.

11 EXECUTIVE OFFICER LUCCHESI: It is with great
12 pleasure that this motion passes unanimously. Thank you.

13 CHAIRPERSON YEE: Thank you very much.

14 DR. GOLD: Thank you so much everybody. Thank
15 you.

16 CHAIRPERSON YEE: Thank you.

17 Ms. Lucchesi, what is our next order of business?

18 EXECUTIVE OFFICER LUCCHESI: Our next order of
19 business is our second general public comment period.

20 CHAIRPERSON YEE: Wonderful. Thank you. And let
21 me just again thank you and the staff for being so
22 responsive with our new meeting platform and allowing just
23 the broad opportunity for public comment. So we are in
24 our second public comment period. If anyone wishes to
25 address the Commission on any matter that is not on

1 today's agenda, please raise your Zoom hand and you'll
2 have three minutes to do so. And I will then -- why don't
3 I turn to Grace now and see if -- Grace, can you call on
4 the first person who would like to make a public comment.

5 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

6 Thank you, Chair. We have Susan Jordan who's
7 raised her hand for public comment.

8 CHAIRPERSON YEE: Okay.

9 MS. JORDAN: Can you hear me?

10 CHAIRPERSON YEE: Yes.

11 MS. JORDAN: Okay. Great. Susan Jordan,
12 California Coastal Protection Network. I don't need three
13 minutes to say this, but I want to really commend you on
14 the way that this hearing has gone. As you know, I engage
15 with a lot of agencies. And there have, as you know, been
16 a number of glitches in previous agency meetings. And I
17 also want to compliment staff on the way they put together
18 the instructions for this, because compared to some other
19 agencies, they're extraordinarily clear and easy to
20 follow, which I think is really important for the public,
21 not so much for, you know, seasoned advocates like Sandy
22 and Jennifer, but, you know, I'm talking about the general
23 public, who sometimes wants to engage. And some of these
24 instructions and how this is all working is very
25 difficult, if they're just coming to the process new. So

1 I just wanted to say a shout-out to that and that's it.

2 Thank you.

3 CHAIRPERSON YEE: Than you Susan. Really
4 appreciate you participating. Grace, do we have any other
5 speakers who wish to address the Commission?

6 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

7 Chair Yee, we have no other hands raised for
8 public comment. Oh, I apologize. We have one additional
9 person.

10 CHAIRPERSON YEE: Okay.

11 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

12 Anna Christensen who has also raised her hand for
13 public comment.

14 Thank you.

15 CHAIRPERSON YEE: All right. Anna, please.

16 Anna, can you hear us?

17 MS. CHRISTENSEN: Sorry. At the risk of wearing
18 out my welcome, I will make -- I will spend another two
19 minutes and 50 seconds of your time.

20 I would, first of all, like to agree with Susan
21 Jordan. And I would also recommend that your staff put a
22 packet together of how they did this and give it to
23 organizations like city councils, who have not been able
24 to figure this out at all. And it's really important for
25 our democracy to be able to have this interaction, so

1 thank you for that.

2 And I would like to say regarding the concerns
3 that the ports brought up, everybody is concerned about,
4 you know, how we're going to get back. I would encourage
5 us to also think about what we don't want back, and are
6 there new models for the use of our ports and the use of
7 our State Lands that are perhaps more sustainable. And
8 I'm -- I apologize for not understanding the rules better
9 in terms of what the regulations are. However, I do hope
10 that the kind of holes that are in our regulations and
11 rules that allow for continued massive fossil fuel
12 drilling, new permits for fracking, and other kinds of
13 activities that are not sustainable, and are -- and are
14 actually causing sea rise, and other adverse effects to
15 our ecosystems are also, you know, reevaluated at this
16 time, because certainly this is a time like no other.

17 And there are -- there are horrible side
18 effects -- I mean, and there are horrible effects of this
19 pandemic, but it's a time to value what we do have. We
20 have community. We have family. We have nature. And we
21 need -- we need to prioritize those, so -- and we have our
22 State leaders who we need. We need a government. So I
23 appreciate you so much.

24 Thank you very much.

25 CHAIRPERSON YEE: Thank you very much and thank

1 you for your robust participation today. We very much
2 appreciate it.

3 Grace, any other speakers to address the
4 Commission?

5 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
6 Chair Yee, I have no hands raised for public
7 comment at this time.

8 CHAIRPERSON YEE: Great. Thank you. And thank
9 you for managing our public comment throughout the agenda
10 today.

11 Do any of the Commissioners have any comments or
12 questions at this time?

13 COMMISSIONER KOUNALAKIS: (Shakes head.)

14 ACTING COMMISSIONER MILLER: (Shakes head.)

15 CHAIRPERSON YEE: Okay. Hearing none, I
16 understand we will not be holding a closed session today.
17 So that concludes the open meeting and we are hereby
18 adjourned. Thank you all very, very much. And thank you
19 again to the State Lands staff.

20 (Thereupon the California State Lands
21 Commission meeting adjourned at 4:16 p.m.)

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

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 this 13th day of May, 2020.

17
18
19 
20
21

22 JAMES F. PETERS, CSR
23 Certified Shorthand Reporter
24 License No. 10063
25