

VIDEOCONFERENCE MEETING

STATE OF CALIFORNIA

LANDS COMMISSION

STATE LANDS COMMISSION

100 HOWE AVENUE, SUITE 100 SOUTH

SACRAMENTO, CALIFORNIA

THURSDAY, AUGUST 20, 2020

1:02 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, also  
represented by Mr. Matt Dumlao

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

Mr. Brian Bugsch, Chief, Land Management Division

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

Ms. Grace Kato, Assistant Chief, Land Management Division

Ms. Sheri Pemberton, Chief, Legislative Affairs Division

Ms. Katie Robinson-Filipp, Sea Grant Fellow

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Mr. John Berge, Pacific Merchant Shipping Association

Ms. Lisa Beutler, Stantec

Ms. Ruth Bley

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

ALSO PRESENT:

Ms. Anna Christensen, Los Cerritos Wetlands Task Force,  
Sierra Club

Mr. Francis Coats

Ms. Casey Cruikshank, Northcoast Environmental Center

Ms. Abigail Edwards, Kaufman Edwards Planning & Consulting

Mr. Garry George, National Audubon Society

Mr. Larry Hanson, California River Watch

Mr. Gerald Hasson

Mr. Brian Holt, International Brotherhood of Electrical  
Workers, Loca 428

Dr. Lee Kindberg, Maersk

Mr. Scott Kuhlke, EDF Renewables

Ms. Patricia Miller

Ms. Katherine O'Dea, Save Our Shores

Mr. Ken Owen, Channel Islands Restoration

Mr. Eric Ronning

Mr. Tom Rudolph, The Pew Charitable Trusts

Ms. Jennifer Savage, Surfrider Foundation

Mr. Mark Welther, Redwood Forest Foundation, Inc.

## I N D E X

	PAGE
I     1:00 PM - Open Session	1
II    Public Comment	4
<p>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 public 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.</p>	
III   Confirmation of Minutes for the June 23, 2020 meeting	21
IV    Executive Officer's Report	22
<p>Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:</p> <ul style="list-style-type: none"><li>-     Southern California Gas Company (Lessee): Continuation of rent at \$42,968 per year for a General Lease - Right-of-Way Use of eight parcels of State school land in portions of Section 36, Township 10 North, Range 13 East, SBM; Section 36, Township 10 North, Range 14 East, SBM; Section 16, Township 7 North, Range 1 East, SBM; Section 16, Township 7 North, Range 10 East, SBM; Section 16, Township 7 North, Range 13 East, SBM; Section 16, Township 7 North, Range 21 East, SBM; Section 16, Township 8 North, Range 20 East, SBM; and Tract 41, Township 8 North, Range 20 East, SBM, San Bernardino County. (PRC 1801)</li><li>-     Southern California Gas Company (Lessee): Continuation of rent at \$545 per year for a General Lease - Right-of-Way Use of sovereign land in and adjacent to the San Dieguito River, near Del Mar, San Diego County. (PRC 8896)</li></ul>	

# I N D E X   C O N T I N U E D

PAGE

- Tulare County Resource Management Agency (Lessee): Continuation of rent at \$223 per year for a General Lease - Public Agency Use of sovereign land in the Kings River, near Dinuba, Tulare County. (PRC 8900)

V      Consent Calendar 01-57 29

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      MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF, TRUSTEES OF THE MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF REVOCABLE LIVING TRUST (LESSEE); MARK R. GILMARTIN, TRUSTEE OF THE MARK R. GILMARTIN 2006 TRUST (LESSEE); MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF, TRUSTEES OF THE MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF REVOCABLE LIVING TRUST; MARK R. GILMARTIN, TRUSTEE OF THE MARK R. GILMARTIN 2006 TRUST; AND HENRY F. TELFEIAN AND ELIZABETH K. STAGE (APPLICANT): Consider delegating authority to the Executive Officer to accept a lease quitclaim deed for Lease No. PRC 8271, a General Lease - Recreational Use; delegating authority to the Executive Officer to accept a lease quitclaim deed for Lease No. PRC 8976, a General Lease Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8778, 8780, 8782, and 8796 Brockway Vista Avenue, Kings Beach, Placer County, for three existing mooring buoys previously authorized by the Commission; construction, use, and maintenance of a joint-use pier with four boat lifts; and removal of three existing mooring buoys and one double personal watercraft lift. CEQA Consideration: categorical exemptions. (Lease 8271; A2342; RA# 2019118) (A 1; S 1) (Staff: S. Avila)

88

# I N D E X   C O N T I N U E D

PAGE

- 02    JOHN D. BRADY, TRUSTEE OF THE JOHN D. AND JUDY V. BRADY 1980 REVOCABLE LIVING TRUST AS AMENDED AND RESTATED DECEMBER 13, 1990 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, near 4310 North Lake Boulevard, Carnelian Bay, Placer County; for an existing pier and boat lift. CEQA Consideration: categorical exemption. (Lease 5405; A2235; RA# 2019197) (A 1; S 1) (Staff: L. Anderson)
  
- 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, 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 consolidate 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 previously authorized under Lease No. PRC 1691. CEQA Consideration: categorical exemption. (PRC 7939; RA# 08717) (A 1; S 1) (Staff: A. Franzoia)
  
- 04    FRANK CASALE AND TERESA M. CASALE (LESSEE); DANIEL S. HAAS, AS TRUSTEE OF THE DANIEL S. HAAS TRUST DATED DECEMBER 21, 2004 (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 8643, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 720 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8643; A2102) (A 1; S 1) (Staff: J. Toy)
  
- 05    PETER E. HAAS JR., INDIVIDUALLY AND AS TRUSTEE OF THE PETER HAAS TRUST, ESTABLISHED UNDER THE PETER AND JOANNE HAAS FAMILY TRUST INSTRUMENT, DATED MAY 3, 2001; DANIEL S. HAAS, INDIVIDUALLY AND AS TRUSTEE OF THE DANIEL S. HAAS TRUST, DATED DECEMBER 21, 2004; AND BRADLEY J. HAAS, INDIVIDUALLY AND AS TRUSTEE OF THE BRADLEY J. HAAS TRUST, DATED MARCH 17, 2009 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5690 West Lake Boulevard, near

# I N D E X   C O N T I N U E D

PAGE

- Homewood, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 3512; A2219; RA# 2019046) (A 1; S 1) (Staff: J. Toy)
- 06 WELLINGTON S. HENDERSON, JR., AS TO A LIFE ESTATE; AND WELLINGTON S. HENDERSON, JR., AND RICHARD L. GREENE AS TRUSTEES OF THE HARRIET WALKER HENDERSON IRREVOCABLE TRUST U/T/A DATED AUGUST 14, 1973 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8901 Rubicon Drive, near Meeks Bay, El Dorado County; for an existing pier, boathouse, boat hoist, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 4471; A2524; RA# 2019239) (A 5; S 1) (Staff: L. Anderson)
- 07 MEGANNE G. HOUGHTON-BERRY (LESSEE); LAURENTINUM LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 9038, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9101 Highway 89 and 9120 South Lane, Tahoma, El Dorado County, for two existing mooring buoys previously authorized by the Commission and one existing mooring buoy not previously authorized; removal of one previously unauthorized mooring buoy; and construction of a joint-use pier, adjustable catwalk, boat lift, stairs, and ladders. CEQA Consideration: categorical exemptions. (Lease 9038; A2521; RA# 2019230) (A 5; S 1) (Staff: M.J. Columbus)
- 08 DAVID WILLIAM JESKE, TRUSTEE OF THE DAVID W. JESKE TRUST UDT DATED 8/20/2009 (LESSEE): Consider amendment of Lease No. PRC 8266, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1780 North Lake Boulevard, near Tahoe City, Placer County; for construction, use, and maintenance of a pier, boat lift, catwalk, and ramp, and removal of one buoy. CEQA Consideration: categorical exemptions. (PRC 8266; A2522; RA# 2019226) (A 1; S 1) (Staff: A. Franzoia)

# I N D E X   C O N T I N U E D

PAGE

- 09    LAKELAND VILLAGE OWNERS ASSOCIATION (APPLICANT):  
       Consider application for a General Lease -  
       Recreational Use, of sovereign land located in Lake  
       Tahoe, adjacent to 3535 Lake Tahoe Boulevard, South  
       Lake Tahoe, El Dorado County; for an existing pier and  
       three mooring bouys. CEQA Consideration: categorical  
       exemption. (Lease 5490; A2467; RA# 2019285) (A 5; S 1)  
       (Staff: L. Anderson)
  
- 10    M. DAVID PAUL AND DIANE B. PAUL (APPLICANT): Consider  
       application for a General Lease - Recreational Use, of  
       sovereign land located in Lake Tahoe, adjacent to 2020  
       West Lake Boulevard, near Sunnyside, Placer County;  
       for an existing pier, boat lift, and two mooring  
       buoys. CEQA Consideration: categorical exemption.  
       (Lease 4284; A2254; RA# 2019067) (A 1; S 1) (Staff: J.  
       Toy)
  
- 11    JONATHAN D. RUGGIERO AND LAURIE L. RUGGIERO, AS  
       TRUSTEES OF THE RUGGIERO TRUST DATED 4/1/2013; AND  
       GREGORY H. ST. CLAIRE AND ANNE L. ST. CLAIRE, TRUSTEES  
       OF THE ST. CLAIRE FAMILY TRUST (APPLICANT): Consider  
       application for a General Lease - Recreational Use, of  
       sovereign land located in Lake Tahoe, adjacent to 3135  
       and 3145 West Lake Boulevard, near Homewood, Placer  
       County; for an existing joint-use pier and four  
       mooring buoys. CEQA Consideration: categorical  
       exemption. (Lease 5529; A2288; RA#18714) (A 1; S 1)  
       (Staff: S. Avila)
  
- 12    STEVEN J. SELL AND MARGARET D. WILLIAMS, TRUSTEES OF  
       THE STEVEN J. SELL AND MARGARET D. WILLIAMS REVOCABLE  
       INTER VIVOS TRUST (APPLICANT): Consider application  
       for a General Lease - Recreational Use, of sovereign  
       land located in Lake Tahoe, adjacent to 4590 North  
       Lake Boulevard, near Carnelian Bay, Placer County; for  
       an existing pier, boat lift, and two mooring buoys.  
       CEQA Consideration: categorical exemption. (Lease  
       8341; A2611; RA# 2019297) (A 1; S 1) (Staff: S. Avila)
  
- 13    M. RICHARD SMITH AND REBECCA W. SMITH, AS TRUSTEES OF  
       THE SMITH 2002 FAMILY TRUST, AMENDED AND RESTATED MAY  
       2, 2007 (APPLICANT): Consider application for a  
       General Lease - Recreational Use, of sovereign land  
       located in Lake Tahoe, adjacent to 8227 Meeks Bay  
       Avenue, near Meeks Bay, El Dorado County; for an



# I N D E X   C O N T I N U E D

PAGE

- existing pier, boat lift, and two mooring bouys. CEQA Consideration: categorical exemption. (Lease 7315; A2306; RA# 2019180) (A 5; S 1) (Staff: L. Anderson)
- 14    TAHOE LLC, A SOUTH DAKOTA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6820 West Lake Boulevard, near Tahoma, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 3548; A2362; RA# 2019135) (A 1; S 1) (Staff: J. Toy)
- 15    WSC INVESTORS, LLC (LESSEE) HOMEWOOD VILLAGE RESORTS, LLC (SUBLESSEE): Consider revision of rent to Lease No. PRC 8052, a General Lease - Commercial Use, of sovereign land in Lake Tahoe, adjacent to 5160 West Lake Boulevard, near Homewood, Placer County; for an existing restaurant accommodation pier. CEQA Consideration: not a project. (PRC 8052) (A 1; S 1) (Staff: N. Lee)
- 16    RANDOLPH K. YACKZAN AND LYNNE U. YACKZAN, TRUSTEES OF THE YACKZAN FAMILY REVOCABLE TRUST DATED OCTOBER 15, 1997; AND UNGER ENTERPRISES LP, A CALIFORNIA LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, near 4330 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boathouse, and boat hoist. CEQA Consideration: categorical exemption. (Lease 5267; A2415; RA# 2019175) (A 1; S 1) (Staff: L. Anderson)

## Bay / Delta Region

- 17    27 GEISSBERGER LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 1341 South Eliseo Drive, near Greenbrae, Marin County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 4495; A2406; RA# 2019169) (A 10; S 2) (Staff: G. Asimakopoulos)

# I N D E X   C O N T I N U E D

PAGE

- 18     805 SOUTH ELISEO HOMEOWNERS ASSOCIATION, A CALIFORNIA  
NONPROFIT MUTUAL BENEFIT CORPORATION (APPLICANT):  
Consider application for a General Lease - Protective  
Structure Use, of sovereign land located in Corte  
Madera Creek, adjacent to 805 South Eliseo Drive, near  
Greenbrae, Marin County; for existing bank protection,  
and installation of additional bank protection. CEQA  
Consideration: categorical exemptions. (Lease 8838;  
A2180; RA# 2019205) (A 10; S 2) (Staff: G.  
Asimakopoulos)
  
- 19     BERT E. BLACKWELDER AND ARAMINTA D. BLACKWELDER  
(LESSEE); STEPHEN C. SPENCER AND PATRICIA M. SPENCER,  
TRUSTEES OF THE SPENCER FAMILY TRUST, DATED OCTOBER  
22, 2002 (APPLICANT): Consider termination of Lease  
No. PRC 5564, a General Lease - Recreational and  
Protective Structure Use, and an application for a  
General Lease - Recreational and Protective Structure  
Use, of sovereign land located in the Sacramento  
River, adjacent to 175 Edgewater Drive, Rio Vista,  
Solano County; for existing concrete stairs, pilings,  
and bank protection; and proposed construction of a  
floating boat dock and gangway. CEQA Consideration:  
categorical exemptions. (Lease 5564; A2587; RA#  
2019282) (A 11; S 3) (Staff: V. Caldwell)
  
- 20     CALIFORNIA DEPARTMENT OF TRANSPORTATION (APPLICANT):  
Consider application for a Public Agency Permit and  
Right-of-Way Map pursuant to Section 101.5 of the  
Streets and Highways Code, of sovereign land located  
in the Tolay Creek, adjacent to 4100 Sears Point Road  
near Sonoma, Sonoma County; for an existing bridge.  
CEQA Consideration: categorical exemption. (Lease  
4625; A2537; RA# 2019256) (A 10; S 3) (Staff: D.  
Tutov)
  
- 21     CHRIS CARLINO, TRUSTEE OF THE CHRIS CARLINO TRUST  
DATED 02/22/2012 (APPLICANT): Consider application for  
a General Lease - Recreational Use, of sovereign land  
located in the Sacramento River, adjacent to 6333  
Garden Highway, near Sacramento, Sacramento County;  
for an existing boat dock and appurtenant facilities  
previously authorized by the Commission and an  
existing boat lift and personal watercraft float not  
previously authorized by the Commission. CEQA

I N D E X   C O N T I N U E D

PAGE

- Consideration: categorical exemption. (Lease 7224; A2632; RA# 2019321) (A 7; S 6) (Staff: J. Holt)
- 22    CITY OF SACRAMENTO (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Sacramento River at Garcia Bend Park, Sacramento, Sacramento County; for an existing boat launch ramp and appurtenant facilities, and maintenance dredging. CEQA Consideration: categorical exemptions. (Lease 5021; A2410; RA# 2019184) (A 9; S 6) (Staff: M. Schroeder)
- 23    COUNTY OF SACRAMENTO, DEPARTMENT OF TRANSPORTATION (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Sutter Slough at its confluence with the Sacramento River, adjacent to 11919 Sutter Slough Bridge Road, near Courtland, Sacramento and Yolo Counties; for an existing swing bridge. CEQA Consideration: categorical exemption. (Lease 3699; A2580; RA# 2019280) (A 11; S 3) (Staff: J. Holt)
- 24    EAST BAY MUNICIPAL UTILITY DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Mokelumne River, adjacent to 800 East Woodbridge Road, Woodbridge, San Joaquin County; for two existing conduits. CEQA Consideration: categorical exemption. (Lease 7452; A2460; RA# 2019286) (A 9; S 5) (Staff: J. Holt)
- 25    EAST BAY REGIONAL PARK DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Carquinez Strait at Eckley Cove, near Crockett, Contra Costa County; for an existing public fishing pier. CEQA Consideration: categorical exemption. (Lease 7834; A2545; RA# 2019259) (A 14; S 3) (Staff: J. Holt)
- 26    ROBERT L. HULBERT AND ZULIMA O. HULBERT (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 673 Brickyard Drive, near Sacramento, Sacramento County; for an existing boat dock with boathouse, and appurtenant facilities

# I N D E X   C O N T I N U E D

PAGE

- previously authorized by the Commission, and electric and water utility outlets not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 8513; A2407; RA# 2019173) (A 9; S 6) (Staff: G. Asimakopoulos)
- 27    JOHN C. LAING AND ELIZABETH A. LAING, AS TRUSTEES OF THE 2000 JOHN C. LAING AND ELIZABETH A. LAING REVOCABLE TRUST DATED AUGUST 23, 2000, AS AMENDED AND RESTATED ON APRIL 22, 2013 (ASSIGNOR); LAGOM PROPERTIES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (ASSIGNEE): Consider assignment of Lease No. PRC 8793, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to 4610 Opal Cliff Drive, near Santa Cruz, Santa Cruz County; for an existing stem wall. CEQA Consideration: not a project. (PRC 8793; A2349; RA# 2019303) (A 29; S 17) (Staff: G. Asimakopoulos)
- 28    LARKSPUR ISLE CONDOMINIUM ASSOCIATION, INC. (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in Corte Madera Creek, adjacent to 625 Larkspur Plaza Drive, near Larkspur, Marin County; for the installation, use, and maintenance of bank protection. CEQA Consideration: categorical exemption. (A2644; RA# 2019319) (A 10; S 2) (Staff: D. Tutov)
- 29    OLS HOLDING, LLC (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 5311 Garden Highway, near Sacramento, Sacramento County; for existing bank protection. CEQA Consideration: categorical exemption. (Lease 4655; A2414; RA# 2019254) (A 7; S 6) (Staff: J. Holt)
- 30    PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider rescission of prior Commission authorization of an amendment to Lease No. PRC 5438.1-B and consent to abandonment-in-place of a natural gas pipeline, of sovereign land located in the Sacramento River, near Isleton, Sacramento County. CEQA Consideration: categorical exemption. (PRC 5438.1-B) (A 11; S 3) (Staff: A. Franzoia)

# I N D E X   C O N T I N U E D

PAGE

- 31    RANCHO MURIETA COMMUNITY SERVICES DISTRICT (LESSEE):  
      Consider revision of rent to Lease No. PRC 7429, a  
      General Lease - Right-of-Way Use, of sovereign land in  
      the Cosumnes River, near Rancho Murieta, Sacramento  
      County; for a water line within a casing. CEQA  
      Consideration: not a project. (PRC 7429) (A 8; S 8)  
      (Staff: N. Lee)
  
- 32    SAN FRANCISCO SAILING WHALEBOAT ASSOCIATION, INC.  
      (LESSEE): Consider revision of rent to Lease No. PRC  
      5437, a General Lease - Right-of-Way Use, of sovereign  
      land located in White Slough at Empire Tract, adjacent  
      to Assessor's Parcel Number 069-080-15, near  
      Terminous, San Joaquin County; for pilings and a  
      walkway. CEQA Consideration: not a project. (PRC 5437)  
      (A 13; S 5) (Staff: N. Lee)
  
- 33    STARBIRD MARICULTURE, INC. (APPLICANT): Consider  
      application for a General Lease - Commercial Use, of  
      sovereign land located in Tomales Bay, adjacent to  
      18225 State Highway 1, near Marshall, Marin County;  
      for a proposed mooring buoy. CEQA Consideration:  
      Negative Declaration, adopted by the California State  
      Lands Commission, State Clearinghouse No. 2012082074.  
      (A2386; RA# 2019207) (A 10; S 2) (Staff: D. Tutov)
  
- 34    SUISUN RESOURCE CONSERVATION DISTRICT (APPLICANT):  
      Consider application for a General Lease - Public  
      Agency Use, of sovereign land located in Goodyear  
      Slough, near Benicia, Solano County; for an existing  
      boat dock and walkway previously authorized by the  
      Commission, and five existing mooring poles not  
      previously authorized by the Commission. CEQA  
      Consideration: categorical exemption. (Lease 8781;  
      A2616; RA# 2019176) (A 14; S 3) (Staff: M. Schroeder)
  
- 35    THE SPHERE INSTITUTE (LESSEE): Consider amendment to  
      Lease 9596, a General Lease - Other, of sovereign land  
      located in the historic bed of the San Francisco Bay,  
      at 410 Airport Boulevard, Burlingame, San Mateo  
      County; to extend the lease term and all associated  
      submittal deadlines. CEQA Consideration: categorical  
      exemptions. (Lease 9596; A2617; RA# 2019060) (A 22; S  
      13) (Staff: M. Schroeder)

Central/Southern Region

# I N D E X   C O N T I N U E D

PAGE

- 36    CABRILLO POWER I LLC (ASSIGNOR); POSEIDON RESOURCES (CHANNELSIDE) LP (ASSIGNEE): Consider assignment of Lease No. PRC 8727, a General Lease - Industrial Use, of sovereign land in the Pacific Ocean, , adjacent to Agua Hedionda Lagoon, Carlsbad, San Diego County; for existing seawater intake and outfall structures comprised of four groins protecting two open water channels associated with the upland Carlsbad Desalination Plant. CEQA Consideration: not a project. (PRC 8727; RA# 2019294) (A 74; S 38) (Staff: C. Hudson)
  
- 37    VINCENT COBURN AND SUSAN COBURN (LESSEE): Consider amendment of Lease No. PRC 9210, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River adjacent to 1198 Beach Drive, Needles, San Bernardino County; for the installation, use and maintenance of a new boat dock, walkway, and access ramp. CEQA Consideration: categorical exemption. (PRC 9210; RA#2019306) (A 33; S 16) (Staff: L. Pino)
  
- 38    GENERAL PETROLEUM DBA MAXUM PETROLEUM (APPLICANT): Consider termination of Lease No. PRC 3265, a General Lease - Commercial Use, and an application for a General Lease - Commercial Use, of sovereign land located in Sunset Bay, Huntington Beach, Orange County; for a commercial fuel dock facility. CEQA Consideration: categorical exemption. (Lease 3265; A2503; RA# 2019235) (A 72; S 34) (Staff: D. Simpkin)
  
- 39    BARBARA GENTILE-CRARY; CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider acceptance and authorize the placement of a memorial plaque in remembrance of the 34 individuals who lost their lives aboard the MV Conception, on sovereign land in the Pacific Ocean, Platt's Harbor, Santa Cruz Island, Santa Barbara County. CEQA Consideration: categorical exemption. (A2651) (A 37; S 19) (Staff: D. Simpkin)
  
- 40    CHRISTOPHER LAWRENCE GREAVES AND SAMANTHA KAY GREAVES, AS CO-TRUSTEES OF THE CHRISTOPHER LAWRENCE GREAVES RESIDENCE TRUST, ESTABLISHED SEPTEMBER 11, 2018 AND CHRISTOPHER LAWRENCE GREAVES AND SAMANTHA KAY GREAVES, AS CO-TRUSTEES OF THE SAMANTHA KAY GREAVES RESIDENCE TRUST, ESTABLISHED SEPTEMBER 11, 2018 (APPLICANT):

# I N D E X   C O N T I N U E D

PAGE

- Consider application for a General Lease -  
Recreational Use, of sovereign land located in the  
Midway Channel of Huntington Harbour, adjacent to 3585  
Courtside Circle, Huntington Beach, Orange County; for  
an existing boat dock and access ramp not previously  
authorized by the Commission. CEQA Consideration:  
categorical exemption. (W27002; A2594; RA# 2019287) (A  
72; S 34) (Staff: K. Connor)
- 41    HUNTINGTON MARINA ASSOCIATION (APPLICANT): Consider  
application for a General Lease - Recreational Use, of  
sovereign land located in Huntington Harbour, adjacent  
to Assessor's Parcel Numbers 178-581-02, 03, 04, and  
05, Huntington Beach, Orange County; for multiple boat  
docks with dinghy docks and access ramps. CEQA  
Consideration: categorical exemption. (Lease 3288;  
A2627; RA# 2019302) (A 72; S 34) (Staff: K. Connor)
- 42    GERALD A. JONES, TRUSTEE OF THE GERALD A. JONES AND  
MARILYN L. JONES REVOCABLE TRUST, DATED SEPTEMBER 12,  
1985 (LESSEE); NICOLE RUELAS, TRUSTEE OF THE STEVEN A.  
LOVATO AND KAREN L. LOVATO REVOCABLE TRUST, DATED  
FEBRUARY 22, 2001 (APPLICANT): Consider termination of  
Lease No. PRC 3079, a General Lease - Recreational  
Use, and an application for a General Lease -  
Recreational Use, of sovereign land located in the  
Midway Channel of Huntington Harbour, adjacent to 3442  
Gilbert Drive, Huntington Beach, Orange County; for an  
existing boat dock, access ramp, and cantilevered  
deck. CEQA Consideration: categorical exemption.  
(Lease 3079; A2472; RA# 2019188) (A 72; S 34) (Staff:  
K. Connor)
- 43    NAGY KHALIL AND ALICE KHALIL TRUSTEES OF THE KHALIL  
TRUST DATED APRIL 25, 2019 (APPLICANT): Consider  
termination of Lease No. PRC 3253, 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 16542  
Somerset Lane, Huntington Beach, Orange County; for an  
existing boat dock, access ramp, and cantilevered  
deck. CEQA Consideration: categorical exemption.  
(Lease 3253; A2525; RA# 2019243) (A 72; S 34) (Staff:  
L. Pino)
- 44    MONTEREY COUNTY WATER RESOURCES AGENCY (APPLICANT):  
Consider application for a General Lease - Public

# I N D E X   C O N T I N U E D

PAGE

- Agency Use, of sovereign land located in the Salinas River and Old Salinas River channel, near Castroville, Monterey County; for four existing reclaimed water distribution pipelines previously authorized by the Commission; and two existing culverts and an existing public access road not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 7818; A2388; RA# 2019191) (A 29; S 17) (Staff: L. Pino)
- 45    NRG CALIFORNIA SOUTH LP (ASSIGNOR); ORMOND BEACH POWER, LLC, A SUBSIDIARY OF GENON HOLDINGS, INC. (ASSIGNEE): Consider assignment of Lease No. PRC 4196, a General Lease - Industrial Use, of sovereign land in the Pacific Ocean, offshore Ormond Beach, near Oxnard, Ventura County; for one seawater intake conduit and one discharge conduit. CEQA Consideration: not a project. (PRC 4196; RA# 2019308) (A 44; S 19) (Staff: C. Hudson)
- 46    SAN BERNARDINO COUNTY (LESSEE); TURTLE COVE MARINA, LLC DBA PIRATE COVE RESORT & MARINA, LLC (APPLICANT): Consider termination of Lease No. PRC 3321, a General Lease - Commercial Use, and an application for a General Lease - Commercial Use, of sovereign land located in the Colorado River, near Needles, San Bernardino County; for an existing regional park, and construction, use, and maintenance of the Pirate Cove Peninsula Master Development Plan Improvements; and authorization to file and record a record of survey. CEQA Consideration: categorical exemption and Mitigated Negative Declaration, adopted by San Bernardino County, State Clearinghouse No. 2012121047, and adoption of a Mitigation Monitoring Program. (PRC 3321; A2325; RA# 2019120) (A 33; S 16) (Staff: R. Collins)
- 47    SAN DIEGO GAS & ELECTRIC COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 8895, a General Lease - Right-of-Way Use, of sovereign land in and adjacent to the San Dieguito River, Del Mar, San Diego County; for retention, use, and maintenance of a natural gas pipeline attached to the Camino Del Mar Bridge. CEQA Consideration: not a project. (PRC 8895) (A 78; S 39) (Staff: K. Foster)



# I N D E X   C O N T I N U E D

PAGE

- 48    SANTA CATALINA ISLAND COMPANY (LESSEE): Consider amendment to a General Lease - Commercial Use of sovereign land located in the Pacific Ocean, near Pebbly Beach, Santa Catalina Island, Los Angeles County; to replace a concrete ramp. CEQA Consideration: categorical exemption. (Lease 7332; A2314 RA# 2019273) (A 70; S 26) (Staff: D. Simpkin)
  
- 49    JEREMY SLOAN AND TANNER SLOAN, TRUSTEES, UNDER THE 2005 NORTON SLOAN INVESTMENT TRUST DATED JANUARY 3, 2006; NORTON SLOAN; AND GRETCHEN SLOAN (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located adjacent to 201 Pacific Avenue, Solana Beach, San Diego County; for a seacave/notch fill. CEQA Consideration: categorical exemption. (Lease 8184; RA# 2019288) (A 78; S 39) (Staff: D. Simpkin)
  
- 50    U.S. DEPARTMENT OF THE NAVY (APPLICANT); CALIFORNIA DEPARTMENT OF PARKS AND RECREATION AND CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider application from the U.S. Department of the Navy for a General Lease - Public Agency Use and authorization for staff to negotiate and enter into an Agreement for the Transfer of Control and Possession of State-Owned Real Property with the California Department of Parks and Recreation, of sovereign land located along Silver Strand State Beach, near Coronado, San Diego County; for use and maintenance of Silver Strand Training Complex North. CEQA Consideration: categorical exemption. (Lease 6319; A2488; RA# 2019253) (A 78; S 39) (Staff: D. Simpkin)

## School Lands

- 51    PLUMAS-SIERRA RURAL ELECTRIC COOPERATIVE, INC. (LESSEE): Consider revision of rent to Lease No. PRC 7458, a General Lease - Right-of-Way Use, of State-owned school land in a portion of Section 36, Township 24 North, Range 17 East, MDM, near Doyle, Lassen County; for an electrical distribution line, transmission line, overhead fiber-optic cable and appurtenant facilities. CEQA Consideration: not a project. (PRC 7458) (A 1; S 1) (Staff: N. Lee)

## Mineral Resources Management

# I N D E X   C O N T I N U E D

PAGE

- 52    CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (APPLICANT): Consider application for a Non-Exclusive Geological Survey Permit to collect geological and geotechnical information by hollow stem auger drilling, on up to 49 shallow 6- to 8-inch diameter borings, less than 15 feet deep, on State sovereign land, located on Owens Lake, Inyo County. CEQA Consideration: categorical exemption. (A2600; RA# 2019307) (A 34; S 18) (Staff: R. B. Greenwood)
  
- 53    DESERT QUARTZITE, LLC (APPLICANT): Consider application for a modification of the State's Right of Surface Entry on approximately 160 acres of State reserved mineral interest State school (lieu) land, Accessor's Parcel Number: 879-110-001, State Parcel Number: 237-534, located about 4 miles southwest of the Blythe Airport, near the city of Blythe, in the northeast quarter of 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)
  
- 54    GEYSERS POWER COMPANY, LLC AND CPN WILDHORSE GEOTHERMAL, LLC (APPLICANTS): Consider an application for consent to encumber leases and an encumbrance agreement, of seven geothermal leases (Lease Nos. 4596, 4597, 5206, 6422, 7845, 8556, 8844) and four right-of-way leases (Lease Nos. 6793, 8090, 8337, 8610) on State school lands within the Geysers geothermal field near Healdsburg, Middletown, and Cloverdale in Sonoma, Lake, and Mendocino counties. CEQA Consideration: not a project. (A2690; RA# 2019351) (A 2, 4; S 2) (Staff: N. Saito)

## Marine Environmental Protection

- 55    CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of proposed amendment to section 2298.5 of the California Code of Regulations, title 2, division 3, chapter 1, article 4.8 Marine Invasive Species Program Annual Vessel Reporting Form. CEQA Consideration: not a project. (W 9777.291, W 9777.234) (A & S: Statewide)

I N D E X   C O N T I N U E D

PAGE

(Staff: N. Dobroski, P. Huber)

72

Administration

- 56    CALIFORNIA STATE LANDS COMMISSION (PARTY):  
Request authority for the Executive Officer to  
solicit Statements of Interest for consultant  
services, negotiate a fair and reasonable price,  
and award and execute agreements for the  
preparation of a feasibility report and  
environmental documentation for the proposed  
Rincon Island Decommissioning Project near  
Mussel Shoals, Ventura County. CEQA  
Consideration: not a project. (Lease Nos. 145,  
410, 1466; RA# RX9215) (A 37; S 19) (Staff: C.  
Herzog, M. Wiemer)

Legal - no items

Kapiloff Land Bank Trust Acquisition - no items

External Affairs

Granted Lands

- 57    CITY OF LONG BEACH (TRUSTEE): Review a proposed  
tideland oil revenue expenditure in an amount  
not to exceed \$600,000 by the City of Long Beach  
for one capital improvement project located on  
and adjacent to legislatively granted sovereign  
land in the of the City of Long Beach, Los  
Angeles County. CEQA consideration: not a  
project. (G 05-03) (A 70; S 33) (Staff: M. Moser)

VI    Informational Calendar 58

- 58    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)

# I N D E X   C O N T I N U E D

PAGE

## VII Regular Calendar 59-62

- 59 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, B. Stoddard, K. Robinson-Filipp) 31
- 60 BIGBEAU SOLAR, LLC (APPLICANT): Consider application for a General Lease - Industrial Use, of State school land in a portion of Section 34, Township 10 North, Range 14 West, SBM, west of Mojave, Kern County; for the construction, use, maintenance, and decommissioning of a new solar energy facility. CEQA Consideration: Environmental Impact Report, certified by Kern County, State Clearinghouse No. 2019071059, and adoption of a Mitigation Monitoring Program, Statement of Findings, and Statement of Overriding Considerations. (W27128; RA# 01117) (A 36; S 16) (Staff: R. Collins) 108
- 61 CALIFORNIA STATE LANDS COMMISSION: Consider adopting a resolution recognizing October 7, 2020, as California Clean Air Day, a Coalition for Clean Air project. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton, K. Robinson-Filipp) 66
- 62 CALIFORNIA STATE LANDS COMMISSION: Consider adopting a support position on certain provisions of H.R. 7608 by Representative Lowey, a fiscal year 2021 appropriations bill introduced in the 116th Congress, that would ban new offshore drilling leases and seismic testing. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 122

## VIII Public Comment 126

## IX Commissioners' Comments 127

I N D E X   C O N T I N U E D

PAGE

X      Closed Session      128

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

A.    Litigation.

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

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

- Baywood, LLC and California State Lands Commission v. DOES
- California Coastkeeper Alliance, California Coastal Protection v. California State Lands Commission
- California State Lands Commission v. Signal Hill Service, Inc.; Pacific Operators, Inc., dba Pacific Operators Offshore, Inc.; DOES 1-100
- California State Lands Commission, et al. v. Martins Beach 1 LLC, et al.
- City of Vallejo v. The State of California, By and Through the State Lands Commission
- 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

I N D E X   C O N T I N U E D

PAGE

- In re: PG&E Corporation and Pacific Gas and Electric Company, Bankruptcy Chapter 11
- In re: Rincon Island Limited Partnership Chapter 7
- In re: Venoco, LLC, Bankruptcy Chapter 11
- 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
- San Francisco Baykeeper, Inc. v. State Lands Commission
- San Joaquin River Exchange Contractors Water Authority v. State of California; State Lands Commission
- SOS Donner Lake v. State of California, et al
- State of California v. International Boundary and Water Commission, et al.
- State Lands Commission v. Plains Pipeline, L.P., et al.
- United States v. Walker River Irrigation District, et al.
- 2. The Commission may consider matters that fall under Government Code section 11126, subdivision (e) (2) (b), under which;

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

PAGE

- 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.

C. Other matters.

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

Adjournment	129
Reporter's Certificate	130

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

CHAIRPERSON YEE: Good afternoon. I call this meeting of the State Lands Commission to order. I'm State Controller Betty Yee and welcome to our completely virtual State Lands Commission meeting.

Ms. Lucchesi, will you please call the roll of the Commissioners in attendance?

EXECUTIVE OFFICER LUCCHESI: Yes.

Lieutenant Governor Eleni Kounalakis?

COMMISSIONER KOUNALAKIS: Here.

EXECUTIVE OFFICER LUCCHESI: Gayle Miller representing the Department of Finance?

I believe that she is trying to log in now, Chair Yee.

CHAIRPERSON YEE: Okay. Very well. We'll recognize her when she joins us.

EXECUTIVE OFFICER LUCCHESI: Actually, I think she just joined us right there.

CHAIRPERSON YEE: Okay. Wonderful.

EXECUTIVE OFFICER LUCCHESI: Gayle Miller representing the Department of Finance?

ACTING COMMISSIONER MILLER: Here.

Sorry.

CHAIRPERSON YEE: Wonderful welcome.

EXECUTIVE OFFICER LUCCHESI: Chair and State



1 Controller Yee?

2 CHAIRPERSON YEE: Here.

3 EXECUTIVE OFFICER LUCCHESI: Madam Chair, we have  
4 a quorum present and in addition, I would like to identify  
5 the staff of the Commission and the Attorney General  
6 present for this meeting.

7 Executive -- I am Executive Officer Jennifer  
8 Lucchesi. I am joined by Chief Counsel Seth Blackmon,  
9 meeting liaison Kim Lunetta, Assistant Executive Officer,  
10 Supervising Deputy Attorney General Andrew Vogel, and our  
11 Zoom co-hosts Katie Robinson-Filipp, Grace Kato, and Phil  
12 Schlatter.

13 CHAIRPERSON YEE: Thank you very much, Ms.  
14 Lucchesi. Before I provide my opening introductory  
15 remarks, I just wanted us to all just take a moment to  
16 obviously place at the top of our thoughts those who are  
17 on the frontlines just battling the fires throughout the  
18 State of California. If there was any ever doubt -- every  
19 any doubt of the severe weather events that we've been  
20 experiencing, and the relationship to climate change, and  
21 all of the attendant impacts that it's having, our hearts  
22 go out to the communities that have been affected,  
23 particularly those who have lost property, and homes, and  
24 cherished possessions, and, of course, to our firefighters  
25 who are doing their best to protect lives and property.

1           So for the benefit of those joining us virtually,  
2 the State Lands Commission manages State property  
3 interests in over five million acres of land, including  
4 mineral interests. The Commission also has responsibility  
5 for the prevention of oil spills at marine oil terminals  
6 at offshore oil platforms and for preventing the  
7 introduction of marine invasive species into California's  
8 marine waters. Today, we will hear requests and  
9 presentations involving the lands and resources within the  
10 Commission's jurisdiction.

11           We recognize that the lands we manage we have  
12 been inhabited for thousands of years by California's  
13 native people and takes seriously our trust relationship  
14 with these sovereign governments. I want to take a moment  
15 to honor the California Native American communities all  
16 across the State for persisting, carrying on diverse  
17 cultural and linguistic traditions, and sustainably  
18 managing the land that we now share.

19           Native people have maintained a constant presence  
20 on the landscape for thousands of years and they are  
21 essential stewardship partners, whether along the coast,  
22 along our rivers and valleys, or in our fragile deserts.  
23 We thank California Native American communities for  
24 participating in this Commission's activities and for  
25 their essential role in maintaining and adding to our

1 State's rich cultural legacy.

2 The next item of business will be public comment.  
3 And before I open the public comment period for items not  
4 on the agenda, first, let me thank everyone, especially  
5 our stakeholders and members of the public for taking the  
6 time to join our virtual meeting. While these virtual  
7 meetings are becoming more routine, this is still a  
8 relatively new experience for most of us and we appreciate  
9 your support and patience as we work together in this new  
10 medium.

11 Now, let me -- actually, Ms. Lucchesi, before I  
12 turn it over, let me just turn to my fellow Commissioners  
13 to see if there are any opening remarks at this time.

14 Okay. Seeing none. Ms. Lucchesi, do you want to  
15 just quickly share some instructions in how we can best  
16 participate in this meeting, so we can have it run as  
17 smoothly as possible.

18 EXECUTIVE OFFICER LUCCHESI: Of course, thank  
19 you, Chair Yee. First, everyone, please make sure you  
20 have your microphones or phones muted to avoid any  
21 background noise. For members of the public, if you would  
22 like to speak either during our open public comment period  
23 or during a public comment period that is part of an  
24 agenda item, you will need to do so in one of two ways.  
25 First, if you are attending on the Zoom platform, please

1 raise your hand in Zoom. If you are new to Zoom and you  
2 joined our meeting using the zoom application, click on  
3 that hand icon at the bottom of your screen. When you  
4 click on that hand, it will raise your hand.

5 Second, if you are joining our meeting via phone,  
6 you must press star nine, not pound, but star on your  
7 keypad to raise your hand to make a comment. If you are  
8 calling in and want to view the meeting, including the  
9 PowerPoint presentations, please view the meeting through  
10 the CAL-SPAN live webcast link that's located on our  
11 agenda. There will be a slight time delay, but it will  
12 avoid an echo or feedback from using the Zoom application  
13 and your phone.

14 If you mailed -- emailed us with a request to  
15 speak, please also raise your hand, so we don't  
16 inadvertently miss you. We will call on individuals who  
17 have raised their hands in the order that they are raised  
18 using the name they registered with or the last three  
19 digits of the identifying phone number. After you are  
20 called on, you will be unmuted, so you can share your  
21 comments. Please also remember to unmute your computer or  
22 phone and identify yourself.

23 You will have a limit of three minutes to speak  
24 on an item. Please keep your comments respectful and  
25 focused. We will mute anyone who fails to follow these

1 guidelines or at worst dismiss them from the meeting.

2           Finally, every now and then, you will hear me  
3 refer to the meeting host. Our Commission staff are  
4 acting as hosts for the meeting behind the scenes to  
5 ensure that the technology moves the meeting forward  
6 smoothly and consistently. The Commission has also  
7 established an email address to compile public comments  
8 for our meetings. Its address is  
9 cslc.commissionmeetings@slc.ca.gov. We have received a  
10 number of emails and letters from parties that have been  
11 shared with all the Commissioners prior to the meeting.  
12 If we receive any emails during the meeting, they will be  
13 shared with the Commissioners and be made available on our  
14 website at [www.slc.ca.gov](http://www.slc.ca.gov), along with the public comments  
15 we have already received.

16           Chair Yee, that concludes my virtual meeting  
17 instructions. We are ready to move to the general public  
18 comment period.

19           Chair Yee. Chair Yee, you are muted.

20           CHAIRPERSON YEE: Thank you. Thank you, Ms.  
21 Lucchesi.

22           Our next order of business is the public comment  
23 period. So if anyone wants to address the Commission on  
24 any matter not on today's agenda, please raise your hand  
25 and you will have three minutes to do so.

1 Grace, will you please call on the first person  
2 who would like to make a public comment.

3 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

4 Thank you, Chair Yee. The first person making a  
5 comment during general public comment will be Jennifer  
6 Savage followed by Gerald Hasson.

7 CHAIRPERSON YEE: Good afternoon.

8 MS. SAVAGE: Hi. Just checking to make sure you  
9 could hear me.

10 CHAIRPERSON YEE: Yes, we can.

11 MS. SAVAGE: Thank you. I'm Jennifer Savage,  
12 Surfrider Foundation. Good afternoon, Chair Yee,  
13 Commissioners.

14 I apologize in advance for the bleak opening I'm  
15 about to deliver. But as you are all clearly, keenly  
16 aware, we are in very bleak times at this particular  
17 moment, in the throes of a year in which the only  
18 certainty seems to be ongoing instability and increasing  
19 challenges, many of which have already visited just  
20 terrible consequences on California's residents, our  
21 families, friends, and neighbors with more suffering sure  
22 to come.

23 The health and economic crisis COVID has wrought  
24 has already appropriately narrowed attention in projects  
25 to emergency response, and now with much of the state

1 again on fire, including the mountains just north of Santa  
2 Cruz where my younger daughter lives, continuing to talk  
3 about non-immediate threat feels frankly kind of bizarre  
4 on some levels.

5 But we still must plan for other emergencies  
6 we're aware are coming in hopes of preventing an ever more  
7 painful future, which brings me to the August 10th report  
8 by the Legislative Analysis[SIC] Office that just came  
9 out, "What Threat Does Sea Level Rise Pose to  
10 California?". The report notes that among all of our  
11 other challenges, California still faces the looming  
12 impacts of climate change and rising seas, noting that the  
13 COVID-19 pandemic and resulting economic impacts have  
14 rightly drawn the focus of the Legislature's attention  
15 since March, but that the threat of encroach --  
16 encroaching seas and waves continue to threaten  
17 California's coast.

18 And the report, in its section about vulnerable  
19 communities, also notes that future sea level rise  
20 flooding could affect more than 56,000 people who earn  
21 less than 30,000 annually, putting them at greatest risk.

22 So, in short, the report outlines how the State  
23 and its coastal communities cannot afford to defer all  
24 preparation efforts until economic conditions have fully  
25 rebounded from the recent crisis. I know that you all,

1 and your staff, have been very attentive to the risks  
2 coming from sea level rise, and we are very grateful for  
3 that.

4 I would recommend taking a deep look at that  
5 report and the ideas that are outlined for how the State  
6 can engage, even with limited fiscal resources. And I  
7 would suggest that in efforts to look toward doing another  
8 survey of the mean high tide line, perhaps identifying  
9 some of the most vulnerable communities and organizing  
10 multi-agency participation, and at least some discussions  
11 of what that might mean would be a step that the State  
12 Lands Commission could take.

13 Thank you.

14 CHAIRPERSON YEE: Thank you very much, Jennifer.  
15 Grace, our next speaker.

16 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:  
17 Our next speaker is Gerry Hasson.

18 CHAIRPERSON YEE: Good afternoon, Jerry.

19 MR. HASSON: Hi. Can you hear my okay.

20 CHAIRPERSON YEE: Yes, we can.

21 MR. HASSON: Okay. Well, I appreciate this  
22 opportunity. I have a simple question for the California  
23 State Lands Commission regarding the property identified  
24 as the Boat Repair Facility, which is at the very southern  
25 tip -- southwestern tip of the Port of L.A. I've actually



1 emailed you a map, so you can take a look at the property  
2 I'm talking about.

3 I'm actually inquiring on behalf of a major  
4 developer who may be interested in investing in excess of  
5 \$300 million in a high rise residential development on  
6 that property. This development would allow for up to 20  
7 percent of the residences to be low cost, homeownership  
8 for senior citizens requiring financial assistance and  
9 include a program to provide that financial assistance.

10 Naturally, such a development would feature  
11 substantial open grounds, gardens, pools, lavish  
12 landscaping, barbecue areas, an exercise club, even some  
13 small retail facilities, such as a convenience store, a  
14 small restaurant, and a barbershop salon.

15 All of this would, of course, require a massive  
16 investment of money by a vastly experienced high rise  
17 residential developer, and take several years to complete  
18 during what appears to be extremely unstable times in our  
19 economy. I understand that the Port of L.A.'s trust with  
20 the State of California currently does not allow housing  
21 on port property, but I'd like to ask the Commission to  
22 consider granting an exception to the Port of L.A. for  
23 following reasons:

24 First of all, there are dozens of examples where  
25 housing is currently available within the Port of L.A. In

1 fact, this particular property at the very southwestern  
2 tip of the port is within a thousand yards of the  
3 DoubleTree Hotel.

4 Such a proposed development would require an  
5 investment of approximately \$300 million, which would  
6 provide a tremendous contribution to the local economy.

7 In addition, a high rise luxury condo simply  
8 makes economic sense for this property, not only for the  
9 developer, but also for the Port of L.A., Los Angeles  
10 City, the County of Los Angeles, and the State of  
11 California, because in addition to the massive \$300  
12 million development, this would provide annual property  
13 tax revenues in excess of \$6,400,000 a year, despite the  
14 fact that the property would be on lease-held lands still  
15 owned by the Port of L.A.

16 Also, because of the tremen -- the location of  
17 this property, and the tremendous infrastructure already  
18 in place, we're confident that there would be very little  
19 or no adverse ec -- environmental impact to the  
20 development, including traffic, the obstruction of ocean  
21 views by anyone, the nature of the property, and its  
22 location wouldn't restrict anyone's access to public  
23 beaches.

24 And finally, a large residential property --  
25 project of this size would provide that low-income,

1 financially-assisted home ownership that would be a  
2 tremendous benefit to the community.

3 And here's my question, would the State Lands  
4 Commission -- are there any circumstances in which they  
5 would consider granting an exception to the no housing  
6 condition, thereby freeing the Port of L.A. in granting  
7 their 99 -- a 99 year lease that would allow the  
8 development as described.

9 I appreciate your time and consideration. If any  
10 of you have any questions, I'd be happy to address them.  
11 And if you would like to know more of the location, I'd be  
12 happy to share some maps that I have on my screen, if you  
13 wanted to make my screen available.

14 Thank you.

15 CHAIRPERSON YEE: Thank you, Gerry. Thank you  
16 for coming forward during our public comment period. The  
17 issue you raise is not properly agendized, but we would  
18 welcome certainly your following up with providing any  
19 materials, so that we can provide a response back to your  
20 question.

21 Thank you.

22 Grace, do we have another speaker?

23 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

24 We do, Anna Christensen has provided a speaker  
25 slip.

1 CHAIRPERSON YEE: Okay. Good afternoon, Anna.

2 MS. CHRISTENSEN: Yes. Anna Christensen, Los  
3 Cerritos Wetlands Task Force of the Sierra Club. We're  
4 requesting that the State Lands Commission take a more  
5 hands-on approach to the Los Cerritos Wetlands. The  
6 Commission does own a parcel within the wetlands, as well  
7 as have some ability to monitor oil and gas operations  
8 throughout. There's four companies operating within the  
9 wetlands and the impact which is severe on the wetlands  
10 and local waters and the community.

11 One, we would like you to encourage and possibly  
12 help fund. Not sure how to do it. We need a stationary  
13 air quality monitor in the Los Cerritos Wetlands. We  
14 recently saw the 2018 survey about -- that stated that the  
15 wetlands -- the Los Cerritos Wetlands had the worst air  
16 quality in the area, as high as the port, the freeways,  
17 and there's no air quality monitoring going on. Citizens,  
18 residents of across the street are rushing to close their  
19 windows. We think it's primarily one company that is  
20 operating and polluting waters. We're not sure, but we  
21 need your help with that.

22 Second, you do own a property, which the Los  
23 Cerritos Wetlands Authority wants to turn into a second  
24 visitors center building. There's an old foundation on  
25 your property, but there are also over 50 palm trees,

1 which are housing owls and other endangered species or  
2 important coastal birds as well. We would like you to  
3 absolutely reject that as part of the FEIR, the project  
4 EIR, for the Los Cerritos Wetlands Restoration and take a  
5 very hard look at that -- at that plan, which involves  
6 building giant berms on the wetlands and flooding  
7 significant areas with salt water.

8 And finally, recently, in Seal Beach, the city  
9 took a bulldozer and dug pits in the hill above the  
10 wetlands in their public park and disturbed tribal burial  
11 sites -- or possibly disturbing burial sites, tribal  
12 culture area, well known, shell everywhere. This goes to  
13 the heart of your introduction, which we really  
14 appreciate, which is consideration for tribal concerns.

15 There seems to be a lack of knowledge and  
16 consistently with respect for tribal peoples. And we  
17 hope -- we know that you have a good relationship and we  
18 ask that you help the cities and the city staff and -- be  
19 more aware, and more considerate, and more careful,  
20 because of -- it's gone now. This area has now been  
21 disturbed and we're sorry about that.

22 All right. Thank you very much. Have a good  
23 afternoon.

24 CHAIRPERSON YEE: Thank you very much, Anna, for  
25 coming forward today.

1 Grace, our next speaker.

2 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

3 Chair Yee, we have speaker identified by RFFI.

4 MR. WELTHER: This is Mark Welther. I'm the

5 President and CEO of the non-profit Redwood Forest

6 Foundation, Incorporated. I was making a comment as part

7 of item number 59. Is this the proper time to do that?

8 CHAIRPERSON YEE: No. Actually, we will plug you  
9 in when we take up that agenda item. So --

10 MR. WELTHER: Okay. It might have been because I  
11 raised my hand and sent in a speaker card.

12 CHAIRPERSON YEE: Okay. All right. No problem.  
13 So we will note you for Item 59 when we take up that item.

14 MR. WELTHER: Thank you.

15 CHAIRPERSON YEE: Thank you.

16 Grace, any other --

17 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

18 Chair Yee.

19 CHAIRPERSON YEE: Any other speakers? Yes.

20 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

21 Yes. Thank you. We have Patricia Miller who has  
22 raised her hand to speak.

23 CHAIRPERSON YEE: All right.

24 Good afternoon.

25 MS. MILLER: Hi. Good afternoon. I wanted to

1 touch bases with the Commission. I came in in January and  
2 presented an issue up here in Lakehead, California. The  
3 State Lands Commission has a parcel here behind me, I  
4 think 250 acres. It did burn up in the Delta Fire.

5 I have been working with Randy Collins and trying  
6 to get -- he's been trying to get someone to chip the  
7 wood, because they put it out for logging and it -- it was  
8 too far gone being over a year old at that time for  
9 loggers to have any interest in it.

10 So a chipper was interested, but apparently that  
11 may fall through. And I sent photos of trees that are  
12 beginning to fall. Now, these are big Mother Trees. And  
13 it's very dense back there. And I sent pictures to  
14 Jennifer Lucchesi and to Kenneth Foster the other day.  
15 And then I spoke to Kenneth at length.

16 My concern is if we can't get a chipper to come  
17 up here and take care of these trees, with the vast fire  
18 hazard at hand that they present, because there was  
19 recently a fire at Pollard Flat, which could have been  
20 another catastrophic wildfire just one exit down from us  
21 right off the freeway on the eastside of the freeway.  
22 We're on the westside of the freeway. And I can see  
23 their -- their property from our road coming into our  
24 property.

25 Fortunately, they got that all pretty much in

1 control before that happened. But the fear and the risk  
2 is high, because the trees here are now almost two years  
3 old. As of September 5th, they'll be two years completely  
4 dead. And they're starting to fall. And the one picture  
5 I sent yesterday took out five trees up there. The big  
6 mother tree took out many others on the way down and I  
7 sent pictures of that.

8 So the dangers are real. And I just want to find  
9 out mostly if -- if this chipper won't come and do this,  
10 what do we do from that point. I'm just very concerned  
11 about the trees and need to know that there will be some  
12 kind of resolution. And all I'm asking for is just to  
13 clear 200 feet back from my property line, just so they  
14 don't fall on our property, or fall on somebody on my  
15 property, or give me a little fire space.

16 And that's -- that's what I'm just reiterating  
17 today that I'm still very concerned. And we're still  
18 working on it. I just wanted to give everybody an update  
19 about where it's going at this point.

20 CHAIRPERSON YEE: Great. Thank you, Ms. Miller.  
21 With all of the public commenters during this session, we  
22 are taking your comments under submission and we'll be  
23 responding to them.

24 Ms. Lucchesi, any comments at this point in time?

25 EXECUTIVE OFFICER LUCCHESI: I just wanted to



1 share Ms. Miller's frustration. We have been working  
2 diligently to try to get a contractor out there to take  
3 care of the trees. You may remember Ms. Miller came to  
4 the meeting earlier this year when we were still meeting  
5 in person.

6 CHAIRPERSON YEE: Yes.

7 EXECUTIVE OFFICER LUCCHESI: And so like I said,  
8 we share her frustration and her very serious concerns.  
9 Unfortunately, the contractor we were able to retain did  
10 go out there and was interfered with with another property  
11 owner and is not willing to go back out there. So we're  
12 working on different plan Bs and Cs, including hopefully  
13 trying to get some assistance maybe even from the  
14 Sheriff's Department to go and conduct the work that we  
15 need to do in order to be responsible neighbors.

16 So we are continuing to work on this problem and  
17 we will continue to be in close coordination with Ms.  
18 Miller. And I just really appreciate her reaching out to  
19 us during this week to let us know the status of  
20 everything and make sure this is still a priority for us.  
21 Thank you.

22 CHAIRPERSON YEE: Thank you.

23 MR. MILLER: Thank you.

24 CHAIRPERSON YEE: Thank you very much, Ms.  
25 Miller. Thank you, Jennifer.

1 Grace, anyone else in the queue for public  
2 comment?

3 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

4 The last hand we have raised at this point is  
5 from Francis Coats.

6 CHAIRPERSON YEE: Okay. Great. Good afternoon,  
7 Mr. Coats.

8 MR. COATS: Hello. I just received a response  
9 from my concerns about providing the public with the  
10 information about where lands subject to public fishing  
11 rights are located. I just received it yesterday  
12 afternoon and it indicates that the staff is not willing  
13 to provide the public -- the public with the lists of  
14 State lands owned beginning in September 1st, 2015.

15 The Surveyor General provided lists of vacant  
16 State-owned lands several times between 2000 -- 1915,  
17 sorry -- 1915 and 1928. And there -- they're Surveyor  
18 General publications. They provide precise descriptions  
19 of 813 acres of land on the first list throughout the  
20 state. And they are accompanied by information regarding  
21 how you go about purchasing the land, including the  
22 expressed statement that any purchase is going to be  
23 subject to fishing rights.

24 Their -- it's your document. You know, they're  
25 your documents. They're your plans. They're official

1 documents. I got my copies out of the California State  
2 Library. There is really no question that they're  
3 authentic. If your people question they're authentic,  
4 they can go to the State Library and look at your agency's  
5 documents in the library.

6           There's no question that they were compiled by  
7 the Surveyor General's employees and staff for the purpose  
8 of facilitating the sale of these lands. They were  
9 compiled carefully and they were formerly printed in  
10 formal pamphlets. And there's really no question -- you  
11 know, there are about six or eight reasons why it's pretty  
12 clear that practically every single one has an expressed  
13 reservation of the fishing rights. And even if they  
14 didn't have an expressed reservation, the case law seems  
15 to indicate that the courts would always read in the  
16 reservation.

17           So I really don't see -- you know, the reasons  
18 for not making these available to the public through the  
19 Commission are silly. And I guess maybe -- maybe I'll put  
20 them on my Google drive and make them available to the  
21 public. I've got them sitting on my computer, because  
22 they were available online from the California State  
23 Library.

24           Thank you. Take care.

25           CHAIRPERSON YEE: Thank you, Mr. Coats.

1           Okay. Grace, any other speakers?

2           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

3           Chair Yee, we have no other hands raised for  
4 public comment at this time.

5           CHAIRPERSON YEE: Great. Thank you, Grace.

6           Ms. Lucchesi, any other comments during this  
7 before I conclude this part of the public comment?

8           EXECUTIVE OFFICER LUCCHESI: Not at this time.  
9 Thank you,

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

12          So let's move on to our next item of business,  
13 which will be the adoption of the minutes from the  
14 Commission's meeting of June 23rd, 2020. May I have a  
15 motion to approve the minutes and a second.

16          ACTING COMMISSIONER MILLER: So moved, Madam  
17 Chair.

18          CHAIRPERSON YEE: Okay. We have a motion by  
19 Commissioner Miller.

20          Second by Commissioner Kounalakis.

21          COMMISSIONER KOUNALAKIS: Second.

22          CHAIRPERSON YEE: Great. Ms. Lucchesi, please  
23 call the roll.

24          EXECUTIVE OFFICER LUCCHESI: Of course.  
25 Commissioner Kounalakis?

1 COMMISSIONER KOUNALAKIS: Aye.

2 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller.

3 ACTING COMMISSIONER MILLER: Aye.

4 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

5 CHAIRPERSON YEE: Aye.

6 EXECUTIVE OFFICER LUCCHESI: The motion passes  
7 unanimously.

8 CHAIRPERSON YEE: Great. Thank you.

9 Alrighty. Next order of business is the  
10 Executive Officer's Report. And, Ms. Lucchesi, may we  
11 have the report.

12 EXECUTIVE OFFICER LUCCHESI: Yes, I'm happy to  
13 provide that. Good afternoon. I have a number of things  
14 to update the Commission and the public on relating to  
15 items and initiatives the Commission staff is working on,  
16 but not agendized for this meeting, except for the first  
17 one I will talk about.

18 As you may remember, on September 2nd, 2019, the  
19 dive boat MV conception tragically (inaudible) and sank  
20 resulting in the loss of 34 human lives. On today's  
21 consent agenda is an item to accept a bronze plaque  
22 attached to a granite rock that will be placed on the  
23 ocean bottom at the site of this tragedy offshore Santa  
24 Cruz Island near Platts Harbor in -- off -- in Santa  
25 Barbara County. The plaque will include the names of the

1 victims and will honor the lives lost and serve as  
2 memorial for the victims' families, friends, and those in  
3 the diving community to visit and reflect.

4 I next want to update the Commission on a recent  
5 fire along the Crockett waterfront in Contra Costa County.  
6 At midnight on August 3rd, staff learned that structures  
7 located along the town of Crockett's waterfront were on  
8 fire. Luckily the Crockett-Carquinez Fire Department  
9 responded swiftly and the Nantucket Restaurant and the  
10 neighboring Bass Club pier sustained only minor damage.

11 Staff was part of a coordinated emergency cleanup  
12 response team that included the Crockett-Carquinez Fire  
13 Department, the California Department of Oil Spill  
14 Prevention and Response, Union Pacific Railroad, Contra  
15 Costa County HAZMAT Team and the county's building  
16 inspector, and the Commission's lessee, the Dixons. Staff  
17 has contracted with experts to conduct the emergency  
18 demolition and hazardous material cleanup at the site,  
19 including removal of the boathouse fire debris, the pier,  
20 rock and concrete pilings along the shoreline.

21 Nine 55-gallon barrels of hazardous waste were  
22 transported off-site and disposed of. The Commission has  
23 spent roughly \$80,000 on the debris removal and site  
24 cleanup so far. We are now working with the San Francisco  
25 Bay Conservation and Development Commission, the U.S. Army

1 Corps of Engineers, and the regional water quality control  
2 board to obtain permits to remove other in-water  
3 facilities.

4           Next, I want to acknowledge that staff is  
5 debuting an updated modernized staff report template at  
6 this meeting. Readers will note a change in the way the  
7 information is laid out. And we are using a new font for  
8 optimal readability and website accessibility to persons  
9 with disabilities. The updated template is a major step  
10 in website accessibility because our staff reports are the  
11 most detailed source of information about the Commission's  
12 decisions.

13           The new template is part of a broader staff  
14 effort prompted by AB 434 and related website  
15 accessibility laws to make Commission information more  
16 accessible to persons with disabilities.

17           Next, I want to update the Commission on our  
18 various oil and gas well and decommissioning projects.  
19 First, we are making steady progress in abandoning the  
20 wells at the former Rincon leases in Ventura County. On  
21 the island, 42 of the 50 offshore wells have been plugged.  
22 Onshore, 24 of the 25 have been abandoned. The removal of  
23 the wellheads and concrete well cellars is complete and  
24 the surface areas has been graded. Total project costs  
25 are estimated at \$33.7 million, which is about \$4.4

1 million, or 11.5 percent, below plan.

2 Altogether, 66 of the 75, or 88 percent, of the  
3 state's well abandonments are complete and project  
4 completion is expected by June of next year.

5 Item 56 on the Commission's consent agenda today  
6 requests authority to retain consultants to assess the  
7 feasibility and conduct the environmental review of  
8 decommissioning options and the ultimate disposition and  
9 future of the island at that site. So we are at the cusp  
10 of moving on to the next stage of this major project,  
11 which is really exciting.

12 And due to the COVID-19 pandemic, the Commission  
13 and ExxonMobil have determined that further plugging and  
14 abandonment work of the wells on Platform Holly is  
15 untenable, given the physical distancing requirements and  
16 continued personnel and idle equipment costs.

17 On July 26th, the preservation, cold stack, and  
18 demobilization of the platform rig equipment was completed  
19 to prevent degradation from the marine environment and  
20 ExxonMobil personnel have left the platform. The  
21 Commission, through our contractor Beacon West, will  
22 continue to secure the platform and monitor and staff the  
23 offshore operations in compliance with State regulations.

24 The Commission and ExxonMobil will have quarterly  
25 meetings to assess the potential for restarting work based



1 on the evolution of the pandemic and State guidance. The  
2 Commission and ExxonMobil are proceeding with  
3 decommissioning the shore zone PRC 421 Piers. A soil  
4 removal test was postponed to next month, because of bird  
5 nesting on the access road and at the piers. Once the  
6 test is complete, staff will draft a comprehensive project  
7 description and collaboration with our sister agencies  
8 begin preparing the environmental document to finally  
9 remove the infrastructure in the surf zone and on the  
10 beach.

11           Next week on August 27th, we will be hosting a  
12 virtual town hall from 6:00 to 8:00 p.m. to update the  
13 public about the status of the Platform Holly Piers 421  
14 decommissioning projects, including the upcoming CEQA  
15 process associated with removing the 421 piers.

16           The town hall will be recorded and aired live on  
17 channel 19 and rebroadcast through the week. The public  
18 can watch it live online or view a recording after the  
19 meeting on the commission and city websites.

20           Finally, under the category of legacy wells, oil  
21 and gas wells, the Commission's Legacy Well and Coastal  
22 Hazards Program, which was codified in 2013 -- '17, excuse  
23 me, through F -- SB 44 by Hannah-Beth Jackson and provides  
24 up to \$2 million per year to properly remediate legacy  
25 wells and coastal hazards, we are making significant

1 progress on starting to remediate additional wells.

2 In June, following a competitive selection  
3 process, we selected Interact to plug and abandon up to  
4 eight legacy wells, depending on costs and available SB 44  
5 funding located offshore Summerland Beach in Santa Barbara  
6 County. Permitting is underway, including with the Santa  
7 Barbara County Planning and Parks Departments, the Coastal  
8 Commission, Army Corps of Engineers, the air pollution  
9 control district, U.S. Coast Guard, and the Office of Oil  
10 Spill Prevention and Response. We anticipate beginning  
11 plugging and abandonment work in the fourth quarter of  
12 this year.

13 And finally, I want to conclude by expressing  
14 Commission staff's thoughts and prayers for those  
15 evacuating their homes right now, and express how grateful  
16 we all are for the State, local, and federal firefighters  
17 and first responders on the frontlines. Fires continue to  
18 ravage throughout the state. There are currently, based  
19 on information I was provided yesterday, 367 fires burning  
20 23 of (inaudible).

21 And I want to encourage everyone participating in  
22 our meeting today to take a moment to visit the Cal Fire  
23 Ready for Wildfire website. This readyforwildfire.org  
24 website provides resources to help individuals plan for  
25 wildfires, as well as prepare their response in the event

1 of a wildfire. This includes learning about defensible  
2 space, hardening your home, and building an emergency  
3 supply kit.

4 Over the past several days, California has  
5 experienced a historic lightning siege that resulted in  
6 over 10,000 lightning strikes across the state causing  
7 more than 367 new fires. And over 6,900 fire personnel  
8 from State, local, and federal agencies remain assigned to  
9 these incidents. The size and complexity at which these  
10 incidents are burning is challenging all aspects of  
11 emergency response and it is absolutely critical that  
12 individuals and communities heed the warnings of law  
13 enforcement and remain prepared to evacuate at a moment's  
14 notice.

15 That concludes my report. Thank you very much,  
16 Chair Yee.

17 CHAIRPERSON YEE: Thank you very much, Ms.  
18 Lucchesi. Lots of great information. And thank you for  
19 the direction to the Cal Fire website.

20 Let me just turn to my fellow Commissioners  
21 Kounalakis and Miller to see if there are any comments or  
22 questions?

23 COMMISSIONER KOUNALAKIS: No. Thank you very  
24 much for the report. And, yeah, we've got a lot going on  
25 in this state right now, but have made some great progress

1 over the last few years to be able to handle these really  
2 catastrophic events that are unfortunately part of our  
3 modern reality in the state as a result of the impacts of  
4 climate change. And it just gives more reason for us all  
5 to continue to do our work to prepare for the future and  
6 the changing environmental conditions in our state.

7 So thank you, Ms. Lucchesi.

8 CHAIRPERSON YEE: Thank you Commissioner  
9 Kounalakis.

10 So let's move on to our next item, which is the  
11 adoption of the consent calendar. Let me just turn to  
12 Commissioners Kounalakis and Miller. Are there any items  
13 that you would like to see removed from the consent  
14 calendar?

15 COMMISSIONER KOUNALAKIS: No.

16 ACTING COMMISSIONER MILLER: (Shakes head.)

17 CHAIRPERSON YEE: Okay. Seeing none, let me call  
18 on Ms. Lucchesi to indicate which items, if any, have been  
19 removed from the consent calendar.

20 EXECUTIVE OFFICER LUCCHESI: Of course. Consent  
21 item 25 is removed from the agenda altogether and will be  
22 considered at a later time.

23 Consent items 1 and 55 are moved from the consent  
24 agenda to the regular agenda for discussion.

25 CHAIRPERSON YEE: All right. Very well. So we

1 have item 25 removed from the consent calendar to a later  
2 date. Items number 1 and number 55 moved from the consent  
3 calendar to the regular calendar. And then let me see if  
4 there is anyone who is joining us virtually who wishes to  
5 speak on any item remaining on the consent calendar. If  
6 so, please raise your Zoom hand or dial star 9 if joining  
7 by phone now.

8 Grace --

9 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

10 Chair Yee, we have no -- we have no hands  
11 raised --

12 CHAIRPERSON YEE: Okay.

13 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

14 -- for public comment on the consent agenda.

15 CHAIRPERSON YEE: Great. Thank you. Thank you.  
16 So seeing and hearing none, we will now proceed with the  
17 vote. May I have a motion to adopt the consent calendar  
18 and a second.

19 ACTING COMMISSIONER MILLER: So moved, Madam  
20 Chair.

21 CHAIRPERSON YEE: Okay. A motion by Commissioner  
22 Miller.

23 Seconded by --

24 COMMISSIONER KOUNALAKIS: Second.

25 CHAIRPERSON YEE: -- Commissioner Kounalakis.

1 Great. Ms. Lucchesi, please call the roll.

2 EXECUTIVE OFFICER LUCCHESI: Commissioner  
3 Kounalakis?

4 COMMISSIONER KOUNALAKIS: Aye.

5 EXECUTIVE OFFICER LUCCHESI: Commissioner  
6 Gayle -- commissioner Miller, excuse me.

7 ACTING COMMISSIONER MILLER: Aye. No worries.

8 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

9 CHAIRPERSON YEE: Aye.

10 EXECUTIVE OFFICER LUCCHESI: The motion passes  
11 unanimously.

12 CHAIRPERSON YEE: Great. Thank you. All right.  
13 Let's then proceed to our next order of business, which  
14 will be the regular calendar.

15 Item 59 is an informational update on efforts to  
16 develop the Commission's 2021 to 2025 strategic plan. Let  
17 me turn to Ms. Lucchesi for the presentation.

18 EXECUTIVE OFFICER LUCCHESI: Of course. Thank  
19 you. Your staff Katie Filipp-Robinson[SIC], along with  
20 our consultant, Lisa Beutler will be providing the staff  
21 presentation today.

22 CHAIRPERSON YEE: All right. Thank you.

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

25 MS. ROBINSON-FILIPP: Thank you, Madam Chair,

1 Commissioners. My name is Katie Robinson-Filipp and I'm a  
2 SeaGrant Fellow at the Commission. In April 2020, the  
3 Commission awarded the strategic plan consulting contract  
4 to Stantec Consulting. Immediately, Commission staff  
5 began working with the Stantec team to identify  
6 stakeholders for a series of stakeholder interviews.  
7 These interviews are just one component of the  
8 Commission's engagement and outreach to develop the  
9 strategic plan.

10 Commission staff are currently preparing a series  
11 of tribal government roundtables, as well as one-on-one  
12 consultations. We will continue to work with Stantec to  
13 engage the public, our stakeholders, staff, and government  
14 partners. Today, Stantec will present the key topics and  
15 intersecting themes from the stakeholder interviews,  
16 followed by an update from Executive Officer Jennifer  
17 Lucchesi on next steps before opening for comments and  
18 questions. And now I'd like to welcome Lisa Beutler from  
19 Stantec to provide her presentation.

20 MS. BEUTLER: Thank you, Katie. My name is Lisa  
21 Beutler from Stantec and I'll be providing an overview of  
22 the results from our stakeholder interview series.

23 Go to the next slide, please.

24 --o0o--

25 MS. BEUTLER: During the discussion, I'll cover

1 the stakeholder interview series, just the general  
2 approach, the planning process, the update process, and  
3 discuss the results.

4 Moving to the next slide.

5 --o0o--

6 MS. BEUTLER: So this is a little overview of  
7 what we did. Interviews were conducted between June 17th,  
8 which was a test interview. We tested the questions with  
9 several stakeholders, went final with them, and then about  
10 six weeks altogether was -- resulted in an interview  
11 process. We were able to interview 79 people, out of a  
12 list of about 149. I'll talk about that in a second.

13 Our method of reaching out was an initial email  
14 from your Executive Officer. We followed up to check on  
15 people's availability. We confirmed everyone had actually  
16 received the emails. If not, we went back and cleaned up  
17 the list. And then we did waves of follow-up to try to  
18 get as many people as possible in the time frame we were  
19 discussing.

20 So with that, there was 13 people not available  
21 for interview during the time frame and 12 declined. Some  
22 of them declined just because they felt they didn't have  
23 enough information to participate and some just begged  
24 off, because given the current circumstances with COVID  
25 and everything else, it was just -- just more than they



1 could manage.

2 Altogether, we were not able to reach 45 people.  
3 And there are a variety of reasons for that, which are not  
4 terribly relevant to this.

5 We'll go to the next one.

6 --o0o--

7 MS. BEUTLER: We -- these are the participants  
8 that we talked to by the stakeholder sectors. There was  
9 an environmental justice community, an air quality and  
10 public health community. And I'll let you go ahead and  
11 read. But these are the interests, the kinds of -- the  
12 topics that the particular stakeholder groups were known  
13 to be interested in and active in conversations.

14 So as you can see -- and some of these were  
15 individuals we had -- you yourself had already talked to,  
16 for example, the port and the port interests.

17 So going to the next slide.

18 --o0o--

19 MS. BEUTLER: Our planning assumptions in going  
20 in and forming the questions for the interviews process  
21 were that the plan was just being updated. Generally  
22 speaking, people felt pretty good about the existing plan.  
23 This was really about updating the plan to reflect the  
24 current situation. Our understanding was that -- and  
25 belief was that we could learn from the past and see how

1 well the last plan had gone, that the stakeholders were  
2 very much valued partners. And whatever it is they had to  
3 say would be very helpful to the update process, and that  
4 we were operating under some really unique pandemic  
5 circumstances, so that are outreach would reflect a point  
6 in time that was quite specific to what was occurring in  
7 the rest of the world.

8 Moving down.

9 --o0o--

10 MS. BEUTLER: One of the things that we want to  
11 really caution on is there are always limitations and  
12 outreach at this point. We did our very best working with  
13 the staff to make sure we had good representation of all  
14 the sectors, but it was sample representation. There were  
15 certainly individuals that might have been missed. There  
16 were types that we can't guarantee that that particular  
17 group of people we spoke to completely represented  
18 everyone. So that -- that's always a limitation.

19 The other one is the hazardous summary. When I  
20 gave this original presentation to staff, it took two  
21 hours, and I'm spending about 10 to 12 minutes with you  
22 today.

23 So moving down.

24 --o0o--

25 MS. BEUTLER: So our interview themes. This is

1 what we heard when we talked to people. So once again,  
2 the things that we talked to people about -- and I'll move  
3 to the next slide.

4 --o0o--

5 MS. BEUTLER: We asked them to give us feedback.  
6 We asked us -- asked them to tell us their big ideas. We  
7 asked them what kinds of things should be considered in  
8 the next update and we asked for advice.

9 So one of the things that always happens in  
10 interviews like this is people oftentimes ignore the  
11 questions and go straight to the things that they're  
12 concerned about. And this particular interview session  
13 was no different. We did hear lots of things over and  
14 over again, things like the importance of considering  
15 climate change, the need to collaborate, convene, mediate,  
16 build alignment. Lots of conversations about equity and  
17 environmental justice.

18 In fact, I've been doing these types of  
19 interviews for a number of years and I have never heard  
20 the urgency in conversations like the urgency I heard in  
21 this set.

22 Lots of discussion about the post-petroleum  
23 economy, the evolving nature of the public trust, and what  
24 constituted appropriate use. I noticed an earlier speaker  
25 talking about housing. We did hear that. We did hear

1 questions like that during the interview process.

2 Moving down to the next slide.

3 --o0o--

4 MS. BEUTLER: So when people talked about climate  
5 change, it was really interesting to us, because most of  
6 them actually didn't refer to it as climate change. They  
7 talked about it in the context of how they experienced it.  
8 So they were very concerned about sea level rise. There  
9 was some discussion of heat island, urban and forestry.  
10 So when people talked about heat, they were talking about  
11 how hot things were and what a problem that was, the fire  
12 season for example.

13 There was an interest in looking what the  
14 Commission could actually do to correct climate change and  
15 a sense that the Commission did have a role in that. And  
16 then also the fact that some ultra weather patterns like  
17 flash extreme water events could possibly change, even  
18 beyond just the sea level rise, but that could all of a  
19 sudden create some really unusual Public Trust issues in  
20 riverways that were flooded.

21 Some moving down to the next slide.

22 --o0o--

23 MS. BEUTLER: Something we heard over and over  
24 again was what people thought the Commission could do in  
25 terms of building alignment. They didn't use the word

1 "Switzerland", but they talked about the Commission as a  
2 really wonderful neutral place to have a really honest  
3 broker, a place where people could bring ideas and they  
4 would be considered in a larger way than they might be in  
5 other types of venues.

6           There was a clear interest in having ongoing  
7 stakeholder engagement, that the Commission was a great  
8 place to bring the parties together that didn't otherwise  
9 have a natural venue, and that the Commission could really  
10 create an important leadership role. They wanted the  
11 Commission to create some clarity of direction on some of  
12 the big topics of the day.

13           Moving down.

14                           --o0o--

15           MS. BEUTLER: Once again, equity and  
16 environmental justice. A lot of conversation about things  
17 that needed to be done about racial disparities. One of  
18 that -- one of those things had to do with representation,  
19 representation in the workforce, representation in the  
20 advisory bodies, every place where decisions were made  
21 making sure that people were adequately represented.

22           We heard about access, and access meant a lot of  
23 different things. One of them was pure language. Do I  
24 understand what you're saying? And that doesn't  
25 necessarily mean different languages. It might mean are

1 you speaking with too much of a science focus that is  
2 really not assessable. I don't really understand how that  
3 might make it result in a decision.

4 A very interesting thing that we heard and this  
5 was -- this was one part of the sector that we talked to  
6 was the idea of the extraction of wealth. So things are  
7 happening in some communities. Some communities are  
8 overly impacted by what happens. And the wealth is  
9 created by those activities that's not returning to that  
10 community. So there was interest in trying to find an  
11 equity equation for that and create some form of a social  
12 license to operate.

13 Moving down.

14 --o0o--

15 MS. BEUTLER: A lot of discussion about the  
16 post-petroleum economy and a lot of excitement about what  
17 the Commission could do in terms of a blue and green  
18 economy, looking at renewable energy. There were concerns  
19 also about liabilities with stranded infrastructure,  
20 particularly with oil and gas facilities. And also, the  
21 fact that when you start doing new kinds of energy  
22 production or new types of activities -- so, for example,  
23 say you went with aquaculture and brought in some new  
24 types of activities with kelp farming, how would that  
25 impact the existing fishing industry or if we decided to

1 look at doing more wind or wave generation, how would that  
2 displace something else? So questions about how you would  
3 really weigh the importance of those different activities  
4 and the costs of conversion.

5 Moving down.

6 --o0o--

7 MS. BEUTLER: Lots of discussion about the Public  
8 Trust and it was not remotely consistent. So we heard  
9 people talking about the ports and what was the  
10 appropriate use for the ports. Some people asked, and  
11 they believed strongly, that in the time of COVID, it was  
12 unlikely that things would go back to the way they used to  
13 be. So when you thought about public access in terms of  
14 retail access, restaurants, those types things, is it  
15 going to look the same and should your decision making  
16 about public access be based on what we understand to be  
17 the way people gather today.

18 There was a question about rising sea level and  
19 where does the Trust actually exist? So if there are  
20 barriers that are constructed, and that water is  
21 displaced, and the beaches go away, what is happening  
22 there? Is there actually a trespass on the Trust? The  
23 fact that that stuff has been lost, should that be  
24 replaced in some way by the people who are preventing  
25 natural sea rise, or conversely, what -- what are the

1 obligations to -- is there some form of compensation that  
2 needs to go to the people that have lost their land?

3 And then finally, once again, access is not just  
4 physical, that we need to think about access. Also, in  
5 terms of education, that people may not even know they  
6 have a right to be able to access their Public Trust.

7 Next.

8 --o0o--

9 MS. BEUTLER: We heard some other things that  
10 these were repeated, but they weren't consistent across  
11 the sectors. So the things that I talked to you about  
12 before were things every sector talked about. Here, we  
13 heard people with a focus on land management. We're very,  
14 very interested in taking a look at how adaptive  
15 management was done and really encouraging the Commission  
16 to promote innovative tactics as they were looking at the  
17 ways they wanted to look at projects.

18 Lots of discussion about the need to be flexible,  
19 that things are changing so rapidly, so some of the old  
20 ways that things were done maybe are no longer going to be  
21 as effective. And perhaps, we should be more flexible in  
22 how we look at that. Of course, and I hear this and have  
23 for many years in almost all the projects I do like this,  
24 but a lot of questions about can we do some permanent  
25 streamlining, and that's a constant, particularly when



1 multiple agencies are involved in their conflicts and what  
2 agencies are requiring.

3 Always an interest in improving technology. And  
4 some -- a subset of the people are really, really  
5 interested in how you are going to define success. They  
6 wanted you to have good metrics.

7 Moving to the next slide.

8 --o0o--

9 MS. BEUTLER: Lots of discussion about money.  
10 There was a real interest in optimizing revenue, making  
11 sure that you had on-time collection, new funding tools to  
12 be available, and that you really looked at securing  
13 funding that was aligned with your program.

14 So with that, I have one more, I think. A couple  
15 more.

16 --o0o--

17 MS. BEUTLER: We ask -- the last thing that we  
18 asked for was advice. And so some of the advice that  
19 people gave us was, once again, to think about COVID-19,  
20 how that was going to fundamentally alter the world. And  
21 they encouraged us to take into account all the new  
22 technology and ways people are interacting and see if we  
23 can really expand that. In some ways, it would increase  
24 access, but also that barriers may exist in doing that.

25 They also encouraged the sort of 360 look. There

1 was wide, wide compliments that were offered for the fact  
2 the staff is wanting to hear and the Commission was  
3 wanting to hear from the stakeholders. And they really  
4 encouraged a continuing conversation.

5 They felt that the Commission had a role to both  
6 listen and teach, once again, that people may not know the  
7 full clarity of what the Commission could do or what its  
8 responsibilities are.

9 A very strong interest in presence in the  
10 community. What that meant was is that staff did come to  
11 where things were happening, that there was a place based  
12 understanding. It wasn't a theoretical understanding of  
13 any particular project or activity. People did ask for  
14 the Commission to do more clarity around their authority,  
15 goals, and purpose, and once again, this idea of staff  
16 flexibility.

17 So moving down.

18 --o0o--

19 MS. BEUTLER: Our next steps. And just for quick  
20 overview, I'll cover this very quickly.

21 So next slide.

22 --o0o--

23 MS. BEUTLER: Based on what we heard, we wanted  
24 to let you know what we thought you might want to revise  
25 in the actual planning process. And this is just a fairly

1 high level overview. But we knew that the amount of  
2 effort we as the consultants would be doing would be very  
3 low with regards to the message from the Commissioners.  
4 Clearly, that's going to come from you.

5 You also have a strong vision and mission. The  
6 things that you say about your partnership, some of the  
7 appendixes[SIC] are in great shape. So we really don't  
8 look at a lot of refresh there, except maybe making it  
9 pretty. We thought -- we wanted to go back and fine-tune  
10 the principles and values a little bit. That was mostly  
11 around the language and updating it a little bit.

12 And then the place where the vast majority of the  
13 work will be to take all of the advice that we received,  
14 go back, take a look at the strategic goals, the workplan,  
15 and how we would approach each of these various items that  
16 you have in your existing plan and just update it. And  
17 that's going to probably be where the bulk of the work is.

18 So moving on to the next slide.

19 --o0o--

20 MS. BEUTLER: I'll turn this back over to  
21 Jennifer.

22 EXECUTIVE OFFICER LUCCHESI: Great. Thank you so  
23 much, Lisa, for the incredible presentation and for your  
24 entire team's hard work to complete these interviews in  
25 such a short period of time and under very unusual and

1   unprecedented circumstances.

2           As you know, as you can see, this presentation  
3   reflects the key topics and important themes from a series  
4   of stakeholder interviews across various field interests.  
5   The Commission continues to work with our stakeholders and  
6   partners to ensure continue -- robust engagement process.  
7   And I really want to highlight that the staff -- that we  
8   are working to prepare a series of dedicated tribal  
9   government roundtable sessions and one-on-one  
10  consultations.

11           So in Lisa's -- one of her previous slides, where  
12  she listed out the various stakeholders that we  
13  interviewed with, I want to just clarify that we -- her  
14  and her team and our staff conducted interviews with some  
15  Native American nonprofit organizations, but we are  
16  conducting a very separate and intentional outreach effort  
17  with our tribal governments and consultation one-on-one  
18  meetings.

19           So we are continuing to (inaudible) to conduct  
20  internal outreach amongst Commission staff. And we  
21  expect, in working towards a draft plan for review for the  
22  August -- excuse me, the October 22nd Commission meeting.

23           Next slide, please.

24                               --o0o--

25           EXECUTIVE OFFICER LUCCHESI: And before I get to

1 the traditional, you know, we want to hear from you  
2 discussion, I do want to share just a brief story. A  
3 couple days ago, I was on a bike ride with my youngest  
4 son. He's nine years old. His name is Harrison. And he  
5 asked, he said, "Mom, can -- when we get home, can we cut  
6 up an avocado"? And I said, "Sure. You know, we can make  
7 a salad, or a sandwich, or quesadillas, or even make a  
8 smoothie out of it". And he turns to me and he said,  
9 "Mom, I don't want to eat it. I want to make a face  
10 mask".

11 And I share that story, because we're very  
12 genuinely interested, I think -- if I may speak for the  
13 Commissioners and for staff in really hearing from our  
14 stakeholders and the public, at least from the Commission  
15 staff's perspective, we -- there is no doubt that we live  
16 a lot of times in our own bureaucratic State government  
17 bubble. And we have a long history date -- going back 80  
18 years of how we do business. But as a staff, we are  
19 incredibly open to different and new ideas, because we  
20 understand we are at an incredible inflection point. It  
21 is so different than what we are used to and it's going to  
22 be changing very fast as we move forward.

23 And so while we may look at things in a way or  
24 our traditional way of doing business leads us down one  
25 path, we need to hear from the public, and our

1 stakeholders, and our partners to teach us, to show us, to  
2 advise us on how we can look at things differently and  
3 take different alternative paths, so that we can advance  
4 the State's policy goals, that we can really serve all the  
5 people of California in the most effective and efficient  
6 manner.

7 And so with that, next slide, please.

8 --oOo--

9 EXECUTIVE OFFICER LUCCHESI: I just want to thank  
10 you and we are -- our entire team is available to answer  
11 any questions.

12 CHAIRPERSON YEE: Great. Thank you, Ms.  
13 Lucchesi, and Ms. Beutler, and to Katie. Wonderful  
14 presentation and update.

15 Let me just turn to Commissioners Kounalakis or  
16 Miller with anyone questions or comments.

17 Okay.

18 ACTING COMMISSIONER MILLER: Thanks, Madam Chair.  
19 I just -- you, know I sit on a lot of these boards and I  
20 just -- huge kudos to the team that this is the most  
21 robust, and thoughtful, and open strategic plan I've seen  
22 done in a really long time. And it's a huge testament to  
23 your work and your open-mindedness of making avocados as  
24 face masks that has really gotten us there. So thank you  
25 for that.

1           CHAIRPERSON YEE: Great. Thank you. Thank you.  
2 I do want to just reiterate just the fact that we do want  
3 to hear from people. This is a time where I'm going to  
4 say that government doesn't have all the answers, and the  
5 challenges especially that all of us have experienced with  
6 the pandemic, certainly the impacts of what's happening  
7 with our economy. I think many of the stakeholders  
8 probably are beginning to think with much more future  
9 orientation, but at the same time, we know, for example,  
10 that just the very nature of the work that's being done  
11 with many of our -- within our own organization and  
12 certainly with our trustees is likely going to change  
13 going forward.

14           So these are all the things that we hope will be  
15 part of the strategic plan process about just how we  
16 really can have this guidance that is responsive to just  
17 how fluid things have become, and certainly how uncertain  
18 they are going forward. So I do also want to just welcome  
19 any thoughts or suggestions from the general public.

20           Let's see. I'm going to just turn to Grace now,  
21 because I knew we had a public speaker earlier who did  
22 sign up for this particular item and there probably are  
23 others. So, Grace, will you just queue them up and we are  
24 ready to hear from those who want to comment on Item 59.

25           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

1           Chair Yee, thank you. We have seven speakers  
2 that have requested time to speak. We'd like to start  
3 with Larry Hanson and followed by Jennifer Savage

4           CHAIRPERSON YEE: Wonderful. Thank you. Good  
5 afternoon, Mr. Hanson.

6           MR. HANSON: That's the word I was looking for.  
7 Can you hear me?

8           CHAIRPERSON YEE: Yes, we can.

9           MR. HANSON: Okay. That's great. So I'm Larry  
10 Hanson. I am representing California River Watch, which  
11 has a deep concern for the impacts caused by seabed  
12 mining. California River Watch is a nonprofit  
13 organization, just to give you a little better bit of a  
14 background, with a stated mission to strengthen the  
15 ability of citizens to protect water quality in rivers,  
16 tributary watersheds, oceans, bays, wetlands, surface and  
17 groundwater in California.

18           And we do this through education, pollution  
19 prevention, legal enforcement, and preservation. We work  
20 with many California agencies applying Clean Water Act,  
21 the Endangered Species Act, and many California laws to  
22 protect waters of the state. We have a site where  
23 citizens can contact us about water pollution issues. And  
24 we are -- we are one of the many environmental  
25 organizations that have signed on to the recent letter,



1 seabed mining would harm the marine ecosystem and should  
2 be addressed.

3           How to address this is to prohibit it. To be  
4 clear, this prohibition would apply to phosphorite --  
5 phosphorite -- phosphorite -- is that how you say it --  
6 metals and metal-enriched sands as stated in the letter.

7           The issue is extremely important at this time.  
8 Instead of combating significant impacts in current  
9 industries, with minimal effects because, in part, they  
10 play the economic's card. We have an opportunity here to  
11 not allow that to happen. Even with restrictions and  
12 industry to get a foot in the door is ripe for expansion.

13           Moreover, many extraction industries will go  
14 beyond making under -- making under-staffed enforcement  
15 try to catch them with excesses, or misprocessing, or,  
16 we've seen it many times, they pay the fines as a cost of  
17 doing business.

18           The ocean ecosystem is already struggling with  
19 Dead zones, dying coral reefs, mercury pollution, plastic  
20 acidification and overfishing. Adding further extraction  
21 processes, as well as removal of ocean components, will  
22 add to the problems and not take us in the right  
23 direction, which is ceasing or restricting certain ongoing  
24 activities, as well as restoration and preservation.  
25 That's the right direction.

1           Finally, climate change is an overall compelling  
2 reason that is exacerbating the imbalance of everything.  
3 Especially our oceans. I'm sitting here at a place where  
4 I have been evacuated from my home due to wildfires in  
5 Sonoma County that are ravaging.

6           So the climate change has been delineated for  
7 decades by scientists. These warnings have been virtually  
8 ignored and we're seeing some of these. So if I could  
9 create a metaphor here. The ocean too can burn like we're  
10 having landscapes burn due to the climate change impacts.  
11 This is a time to do something. Let's go in the right  
12 direction.

13           Thank you.

14           CHAIRPERSON YEE: Thank you, Mr. Hanson. And we  
15 wish you all the best in your situation with the fires.

16           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

17           Chair Yee, our next speaker is Jennifer Savage  
18 followed by Ken Owen.

19           CHAIRPERSON YEE: Okay. Good afternoon,  
20 Jennifer.

21           MS. SAVAGE: Hi. Good afternoon. Jennifer  
22 Savage, Surfrider Foundation. With regards to the draft  
23 strategic plan, first, thank you for striving to ensure  
24 the development of a thoughtful, robust,  
25 stakeholder-informed plan. We really appreciate the

1 presentation and the effort driving it. With regard to  
2 the identification of key intersecting themes, Surfrider  
3 believes that the inclusion of emerging issues and  
4 proactive protections reflects these areas where multiple  
5 concerns overlap.

6 Specifically, including within the draft  
7 strategic plan, the revising of the Commission's policies  
8 and regulations to preclude the possibility of seabed  
9 mining for hard minerals applies to at least one  
10 identified cross-cutting theme, the evolving nature of the  
11 Public Trust Doctrine in land and resources management.

12 We know that the Commission does not yet have a  
13 comprehensive analysis of the potential impacts of seabed  
14 mining, primarily because you have yet to receive an  
15 application that would facilitate such an analysis, but we  
16 do have sufficient information to show that seabed mining  
17 for hard minerals in nearshore areas is incompatible with  
18 a sustainable ocean economy.

19 We also know that seabed mining is a destructive  
20 act that harms fragile, critical ecosystems. And we  
21 should therefore not wait for a harmful practice to  
22 threaten the Public Trust, but instead proactively protect  
23 California's submerged tidelands.

24 We also believe that as the Commission continues  
25 to align with California's goal to shed dependence on

1 fossil fuels and move toward clean energy, the need to  
2 ensure staff has adequate time and resources to focus on  
3 what will all -- move us all forward will be better served  
4 by preempting what we know to be harmful.

5         Along with our partners, we submitted a letter in  
6 advance of this meeting outlining our recommendations and  
7 thoughts in greater detail. We appreciate your staff's  
8 willingness to discuss this issue and the conversations  
9 we've had so far. And we look forward to continuing to  
10 work towards the shared goals of safeguarding California's  
11 Trust land and resources far into the future.

12         Thank you.

13         CHAIRPERSON YEE: Thank you.

14         Okay. Next, we have Mr. Owen.

15         MR. OWEN: Are you able to hear me okay?

16         CHAIRPERSON YEE: Yes.

17         MR. OWEN: Great. Good afternoon, Chairman Yee  
18 and members of the Commission. My name is Ken Owen. I'm  
19 Executive Director of Channel Islands Restoration. We're  
20 a nonprofit organization and we do restoration for native  
21 plants and animals, primarily in Santa Barbara and Ventura  
22 County. We restore in multiple habitats but also in  
23 coastal marshes wetlands. And so we too are concerned  
24 about the issue of seabed mining as you consider your  
25 update to your strategic plan.

1           We're advocating that the state close our waters  
2 to seabed mining. The state really needs a policy that  
3 will protect fragile ecosystems that make up our coastal  
4 waters. There have been huge advances in the last few  
5 years in seabed mining extraction technology. This could  
6 create a second gold rush on the California coast as  
7 companies compete to extract valuable minerals. But  
8 seabed machinery -- mining machine -- seabed mining  
9 machinery will directly destroy countless amounts of  
10 marine life. It will create sediment clouds, which will  
11 smother other marine life for long distances and impact  
12 all marine life from plankton all the way up to fish and  
13 marine mammals.

14           As others have noted, the State of Oregon has  
15 addressed threats to seabed mining in their waters and we  
16 believe that California should do so as well. Also, in  
17 thousands of places on our coast, particularly in the  
18 Channel Islands region, sea level rise, since the last ice  
19 age, has covered important archaeological sites. Undersea  
20 archaeology is a thriving science and our nearshore seabed  
21 is rich in archaeological and culturally significant  
22 sites. Seabed mining would destroy these sites, which  
23 could be an immeasurable loss to Native American cultures  
24 and to science.

25           We're concerned that laws that are meant to

1 preserve ecological, archaeological, and cultural  
2 resources may not be adequate to protect these yet  
3 undiscovered sites and marine life.

4 So again, we urge that as you consider your  
5 strategic plan that you work to protect our waters by  
6 closing them to seabed mining.

7 Thank you very much.

8 CHAIRPERSON YEE: Thank you Mr. Owen.

9 Grace, our next speaker.

10 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

11 Thank you. Our next speaker is Mark Welther,  
12 followed by Casey Cruikshank.

13 MR. WELTHER: Good afternoon. My name is Mark  
14 Welther. Thank you for the opportunity to testify before  
15 you today. I'm the President and CEO of the non-profit  
16 Redwood Forest Foundation. We work to establish  
17 community-driven acquisition, protection, restoration and  
18 management of forest lands in the redwood region for the  
19 long-term benefit of the surrounding communities.

20 We own and operate the 50,000 acre Usal Redwood  
21 Forest in the lost coasts or Northern Mendocino County, a  
22 property that includes critical salmonid watershed  
23 habitat, each of which -- two critical watersheds, each of  
24 which has a recovery -- coho recovery plan written in  
25 collaboration with the California Department of Fish and

1 Wildlife.

2           Our organization and the State have invested  
3 heavily in the health of these coastal riparian zones in  
4 order to protect habitat for coho and other threatened  
5 aquatic species. As you know, our state is blessed with  
6 amazing ancient forests. These ecosystems provide  
7 critical habitat, increased biodiversity and regional  
8 economic vitality for the long term.

9           California is also blessed with equally amazing  
10 ancient ecosystems on the seafloor just off the coast.  
11 These extremely fragile habitats, as slow growing as the  
12 redwoods, provide vital shelter for fish, and help  
13 regulate the climate by sequestering methane. The  
14 seafloor is also a huge carbon sink in certain areas that  
15 store methane that will be -- may be rapidly released if  
16 disturbed by mining equipment.

17           It's worth -- it's not worth risking these  
18 critical areas for the short-term economic gains. And it  
19 doesn't make sense for California to leave itself in the  
20 position of having to fight one dangerous seafloor mining  
21 proposal after another. It would be better to stop it  
22 before it starts.

23           I encourage you to include a precautionary policy  
24 prohibiting seabed mining in your strategic plan to guide  
25 your future work.

1 Thank you.

2 CHAIRPERSON YEE: Thank you, Mr. Welther.

3 Our next speaker.

4 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

5 Our next speaker is Casey Cruikshank followed by  
6 Tom Rudolph.

7 CHAIRPERSON YEE: Thank you.

8 Good afternoon, Casey.

9 MS. CRUIKSHANK: Hi there. My name is Casey and  
10 I'm speaking on behalf of the Northcoast Environmental  
11 Center in Humboldt County. We also signed on to the  
12 seabed mining letter.

13 Thank you for the opportunity to speak with you  
14 today about the potential threats seabed mining poses for  
15 California communities and our fishing and tourism  
16 industries. Based on the rapid growth of the seabed  
17 mining industry globally, we believe it's not a matter of  
18 if this extremely harmful activity comes knocking on  
19 California's shores, but when. We encourage you to please  
20 lead the way by preventing seabed mining before this  
21 destructive activity begins off our coast.

22 The mission of the Northcoast Environmental  
23 Center is to promote understanding of the relations  
24 between people and the biosphere and to conserve, protect  
25 and celebrate terrestrial, aquatic and marine ecosystems



1 of Northern California and Southern Oregon.

2 At the NEC we recognize that California seeks to  
3 position itself as a leader in the blue economy of the  
4 21st century, but sea mining is the opposite of the blue  
5 economy. We have fought many dangerous industrial  
6 proposals over the years and stand ready to oppose seabed  
7 mining. But Californians shouldn't have to fight to  
8 prevent something so obviously harmful to our state.

9 Again, please work proactively to prevent seabed  
10 mining off our treasured coast. Thank you.

11 CHAIRPERSON YEE: Thank you, Casey.

12 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

13 Our next speaker is Tom Rudolph follows by Anna  
14 Christensen.

15 CHAIRPERSON YEE: All right.

16 MR. RUDOLPH: Thank you. Good afternoon, Chair  
17 Yee and members of the Commission. Can you hear me okay?

18 CHAIRPERSON YEE: Yes, we can. Thank you. Good  
19 afternoon.

20 MR. RUDOLPH: My name is Tom Rudolph and I'm here  
21 today on behalf of the Pew Charitable Trusts. First, I  
22 want to express our appreciation for the Commission's work  
23 to develop your new strategic plan, even as a very  
24 difficult 2020 has continued to unfold.

25 Pew is new to your public process and we've

1 greatly appreciated the thoughtfulness and commitment you  
2 and your collective staffs have been investing in this new  
3 plan, as well as the collaborative hand that's been  
4 extended to us as new participants asking you to consider  
5 a new approach to a new issue. Specifically, we again ask  
6 you to include a review of your policies and procedures  
7 for consideration of mineral leasing on State submerged  
8 lands as an element of the new strategic plan.

9           In the letter we submitted in conjunction with  
10 partners earlier this week, we tried to begin exploring  
11 some structural questions about how to appropriately  
12 address this issue within the framework of a Commission's  
13 strategic plan. In this effort, we were aided by some  
14 helpful discussions with Commission and Commissioner  
15 staff, and I'd like to thank the Commission for those  
16 conversations as well.

17           My letter suggests prioritizing a broad effort to  
18 identify and, where appropriate, address emerging issues  
19 that could potentially impact Public Trust resources,  
20 including, but not limited to, potential interests in hard  
21 minerals like metals and phosphorite found on or under the  
22 seabed on submerged State lands.

23           I'd like to suggest today that this emerging  
24 issues examination could fit logically under one of the  
25 potential themes teased out by the staff and Ms. Beutler

1 in their work to date, specifically the evolving nature of  
2 the Public Trust Doctrine and the appropriate uses of  
3 Public Trust resources.

4 As I mentioned to you the first time I came to a  
5 Commission meeting, I found the use of the word "evolving"  
6 in this context in the year 2016 to 2020 strategic plan  
7 and the concepts that embodied to be innovative and  
8 refreshing and we very much support continued work toward  
9 that end.

10 Finally, I've mentioned to you all before that it  
11 seems like every week there's compelling new information  
12 on this topic in the scientific literature or popular  
13 press, and that we would like to try and highlight some of  
14 these for you all whenever possible. Earlier this week,  
15 there was an article on a mining industry news site  
16 focused on phosphorite, one of the minerals potentially  
17 found off California.

18 Our letter to the Commission in June took a deep  
19 dive on phosphorite, including the fact that three large  
20 marine phosphorite mining proposals had emerged in other  
21 countries in recent years, and all had triggered  
22 contentious and lengthy debates. One of the projects we  
23 studied is a proposal from a U.S. company to mine seabed  
24 phosphorite in the Mexican Exclusive Economic Zone.

25 And on Tuesday, it was reported that the company,

1 despite two previous denials by the Mexican government,  
2 has no intentions of giving up and is, in fact, pursuing a  
3 multi-billion dollar claim through arbitration under the  
4 North American Free Trade Act.

5 To us, this represents a cautionary tale of  
6 warning that an open door to seabed mining will eventually  
7 invite interested parties to enter and they won't easily  
8 take no for an answer.

9 To us, the science is quite clear that this  
10 activity is incompatible with a sustainable ocean economy  
11 in the nearshore area managed by the State. And a clear  
12 preclusion on the development of a seabed mining industry  
13 would be a sensible step towards long-term stewardship of  
14 not only Natural Resources Agency, but also Commission  
15 resources, because it will avoid lengthy debates over  
16 individual mining lease applications in the years ahead.

17 Thank you very much for your time.

18 CHAIRPERSON YEE: Thank you, Mr. Rudolph.

19 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

20 Chair Yee, we have Anna Christensen and then  
21 followed by Katherine O'Dea.

22 CHAIRPERSON YEE: All right. Thank you.

23 Good afternoon, Anna.

24 MS. CHRISTENSEN: Hello. I'm not sure how I got  
25 on this link -- this list of speakers, but I'm happy to

1 address the issue of the Public Trust and also the  
2 precautionary principle, which is these are -- these are  
3 terms that are big. They have a lot of history. They're  
4 somewhat legal.

5 But they're also very, very much open to a common  
6 sense interpretation. So what is trust? The public  
7 trusts you to care for resources as did the Roman public  
8 that were inevitably, cannot be privatized. You cannot  
9 privatize the air or the water. But there are  
10 corporations who believe they have, let's say, more  
11 equity, more right than others to the use of these  
12 resources. They get leases, mineral leases. They get  
13 laws passed like a mining law in the 1800s, which pretty  
14 much gives them free rein to go here, there and everywhere  
15 and wreak havoc on the health and the welfare of the land  
16 and the community.

17 And this we need to acknowledge. If we are going  
18 to be proceeding with caution when it comes to the future,  
19 as we have not done in the past, we need to understand  
20 that we have many laws, and we have decided to change some  
21 and limit others, and then create new laws, because we  
22 want to make a better world. We need to act and  
23 understand that -- I just heard a gentleman earlier in the  
24 meeting say, well, what about the mineral leases? I mean,  
25 nobody wants to get sued, you know. But what is the right

1 of any company, as this gentleman just spoke, especially a  
2 global company or any individual to do something that  
3 is -- it's going to totally destroy our water, the ability  
4 of people even to breathe. How much right can any -- any  
5 business have?

6 And I would -- I would just state that undersea  
7 mining, no. Mining the moon, no. Let's be just very real  
8 about this. We need to shut down this -- this  
9 exploitation of oil, gas, and minerals in favor of our  
10 ultimate survival. Thank you very much.

11 CHAIRPERSON YEE: Thank you, Anna.

12 I believe next we have Ms. O'Dea.

13 MS. O'DEA: Good afternoon. I assume you can  
14 hear me.

15 CHAIRPERSON YEE: Yes.

16 MS. O'DEA: My name is Katherine O'Dea and I'm  
17 the Executive Director of an organization called Save Our  
18 Shores. Since 1978, we have been protecting and  
19 conserving the marine ecosystems of a significant portion  
20 of California's central coast. Our first task was to stop  
21 oil drilling or the threat of oil drilling in our Monterey  
22 Bay. We were successful at that, but not satisfied with  
23 what we had accomplished. We were worked hard with others  
24 in our region, in our meters, in the federal  
25 administration at the time to have the Monterey Bay

1 designated as a National Marine Sanctuary with its largest  
2 proposed boundaries from just south of San Francisco to  
3 just north of San Luis Obispo in Cambria.

4 More recently, with our colleagues at Surfrider,  
5 and specifically Monterey Bay Surfrider Chapter, as well  
6 as the statewide organization, we, with the support of the  
7 State Lands Commission, negotiated closure of the last  
8 coastal sand mine in the United States. We are therefore  
9 opposed to seabed mining. And we would prefer not to have  
10 to fight the fight to prevent it from happening on our  
11 coast and to protect one of our most important economic  
12 industries, which is tourism that brings millions and  
13 millions of dollars into our economy, but we will do so,  
14 if necessary.

15 Instead, we ask that we -- you take preemptive  
16 measures and prohibit seabed mining from becoming a policy  
17 in California, and continue to protect our most gorgeous  
18 coastline. It has got to be one of the most gorgeous in  
19 the world. Thank you so much.

20 CHAIRPERSON YEE: Thank you, Ms. O'Dea for coming  
21 forward.

22 Grace, our next speakers.

23 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

24 Chair Yee, we have no other hands raised for  
25 comment on this item.

1           CHAIRPERSON YEE:   Okay.   Very well Thank you.  
2   Let me just -- actually, let me took to Jennifer, if you  
3   have any comments in response to any of the public  
4   comments?

5           EXECUTIVE OFFICER LUCCHESI:   Not at this time.

6           CHAIRPERSON YEE:   Okay.

7           EXECUTIVE OFFICER LUCCHESI:   There were a number  
8   of comments around seabed mining.   And I want to thank all  
9   the members of the public that spoke on -- on that issue.  
10   We are conducting our independent research on that, and  
11   how we will fit that into the strategic plan.   We also  
12   really appreciate everyone who spoke providing additional  
13   information that we will incorporate and help inform our  
14   draft.   So with that, I'll turn it back to you, Chair Yee.

15          CHAIRPERSON YEE:   Thank you.   Thank you.   And I  
16   also want to thank all of the public speakers.   And, you  
17   know, the strategic planning process is going to be very  
18   public, so there will be other opportunities down the  
19   road.   The iterative nature of this, we're just very  
20   appreciative of all the public input along the way.   So  
21   thank you again to those who took the time to make  
22   comments today.

23          I want to be mindful of the agenda -- the rest of  
24   the agenda, so Ms. Lucchesi, I'm thinking maybe we should  
25   maybe move to Item 61, if that's okay.



1 EXECUTIVE OFFICER LUCCHESI: Yes, and I would --

2 CHAIRPERSON YEE: Does that make sense?

3 EXECUTIVE OFFICER LUCCHESI: Yes, that makes  
4 sense at this point. I would like to, for the record,  
5 acknowledge that Commissioner Kounalakis did have to step  
6 away and her alternate, her Science Policy Advisory, Matt  
7 Dumlao, has stepped in as her alternate for this portion  
8 of the meeting.

9 CHAIRPERSON YEE: Okay.

10 EXECUTIVE OFFICER LUCCHESI: And onto Item 61  
11 sounds great.

12 CHAIRPERSON YEE: Okay. Very well. So we are  
13 moving now to Item 61. This is considering adoption of a  
14 resolution recognizing October 7th, 2020 as California  
15 Clean Air Day. And let me look to Sheri Pemberton for the  
16 presentation. Good afternoon.

17 EXECUTIVE OFFICER LUCCHESI: You're on mute,  
18 Sheri.

19 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON:

20 Sorry. Okay.

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

23 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: So  
24 I'm just having a little bit of technical difficulties.  
25 I'm sorry. Could we reverse the PowerPoint or is that not

1 possible? I just -- oh, perfect. Okay. Thank you.

2 Sorry. We can start the PowerPoint. Thank you  
3 Madam Chair and Commissioners. This item recommends that  
4 the Commission adopt a resolution recognizing October 7th,  
5 2020 as Clean Air Day.

6 Next slide, please.

7 --o0o--

8 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Clean  
9 Air Day is an initiative developed by the Coalition for  
10 Clean Air.

11 AGP VIDEO: Ms. Pemberton?

12 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Yes.

13 AGP VIDEO: Sorry, we can't see you PowerPoint.

14 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Oh.

15 EXECUTIVE OFFICER LUCCHESI: Bill, is bringing it  
16 up, Sheri. Just hold on tight.

17 CHAIRPERSON YEE: Okay. There you go.

18 EXECUTIVE OFFICER LUCCHESI: You're on slide two  
19 right now, Sheri.

20 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Okay.  
21 Great. Sorry.

22 --o0o--

23 EXECUTIVE OFFICER LUCCHESI: That's okay.

24 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Clean  
25 Air Day is an initiative developed by the Coalition for

1 Clean Air to draw attention to the importance of clean air  
2 and share ways that everyone can be part of the solution.  
3 California Clean Air Day is on October 7th, 2020. And the  
4 goal of this day is to raise awareness about sources of  
5 air pollution, educate people how to reduce their air  
6 pollution footprint, and start conversations about  
7 improving air quality across California.

8 By raising awareness and actively working to  
9 reduce air pollution, everybody can help ensure that every  
10 breath we take the is a breath of clean air. One of the  
11 ways that the Commission can support Clean Air Day is by  
12 adopting a resolution to proclaim October 7th as Clean Air  
13 Day, and encourage residences, businesses, employees,  
14 community members, and other governmental entities to take  
15 the Clean Air Pledge and participate in this year's Clean  
16 Air Day.

17 The Commission's Vision is to be a recognized  
18 leader that champions environmentally sustainable public  
19 land management and balanced resource protection for the  
20 benefit and enjoyment of current and future generations.  
21 Adopting this resolution is consistent with this vision  
22 and our Environmental Justice Policy.

23 Recognizing and participating in Clean Air Day  
24 reflects the Commission's commitment to addressing  
25 disproportionate impacts on low-income communities and

1 communities of color, recognizing that harmful air quality  
2 significantly impacts and burdens marginalized and  
3 disadvantaged communities.

4 Many cities in California rank among those as  
5 having the worst air quality in America and climate change  
6 is manifesting in the hottest years in history, as we've  
7 seen this week, increasing high ozone days and  
8 contributing to devastating wildfires. Despite these  
9 challenges, we can all do our part to improve air quality.

10 Next slide, please.

11 --o0o--

12 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON:

13 Scientists, government agencies, businesses,  
14 ports, and many others have all committed to participate  
15 in this year's Clean Air Day. And the Commission can do  
16 its part by joining this effort.

17 Next slide, please.

18 --o0o--

19 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Given  
20 the pandemic, the activities to facilitate clean air will  
21 look different this year. But what the Commission can do  
22 is encourage employee engagement by announcing its  
23 participation in Clean Air Day through its newsletter and  
24 Internet, adopting the attached resolution, and promoting  
25 California Clean Air Day on social media and among its

1 sister State agencies.

2 Next slide, please.

3 --o0o--

4 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Staff  
5 therefore recommends that the Commission adopt the  
6 proposed resolution recognizing October 7th, 2020 as Clean  
7 Air Day.

8 Thank you. And I'm happy to answer any  
9 questions.

10 CHAIRPERSON YEE: Great. Thank you, Sheri.

11 First, let me just thank the Coalition for Clean  
12 Air for, I think, just really the broad outreach to many  
13 of our State agencies. And I can't think of a more timely  
14 topic, given what we've experienced this past period, and  
15 really look forward to certainly engaging my staff team  
16 and it's -- there's so many things that we each can do on  
17 an individual basis to really contribute to the overall  
18 goals. So really appreciate the presentation and  
19 certainly, the State Lands Commission's resolution  
20 adoption item on the agenda today.

21 Are there comments by Commissioners Miller or  
22 Dumlao?

23 ACTING COMMISSIONER DURLAO: Nothing from me.

24 CHAIRPERSON YEE: Nothing. Okay. All right.  
25 Very well. Seeing none.

1           Do we have -- oh, do we have any public comment  
2 on this particular item, Grace, Item 61.

3           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:  
4           Chair Yee, we have no hands raised for public  
5 comment on this item.

6           CHAIRPERSON YEE: Okay. Very well. Then may I  
7 have a motion to adopt the staff recommendation and a  
8 second.

9           ACTING COMMISSIONER DURLAO: So moved.

10          ACTING COMMISSIONER MILLER: Second.

11          CHAIRPERSON YEE: Okay. Motion by Commission  
12 Durlao, seconded by Commission Miller.

13          Ms. Lucchesi, will you call the roll.

14          EXECUTIVE OFFICER LUCCHESI: Yes, certainly.  
15 Commissioner Durlao?

16          ACTING COMMISSIONER DURLAO: Aye.

17          EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

18          ACTING COMMISSIONER MILLER: Aye.

19          EXECUTIVE OFFICER LUCCHESI: Chair Yee?

20          CHAIRPERSON YEE: Aye.

21          EXECUTIVE OFFICER LUCCHESI: The motion passes  
22 unanimously.

23          CHAIRPERSON YEE: Wonderful. Thank you.

24          Okay. Then let's see, our next item shall we  
25 move -- I'm thinking how about the --

1 EXECUTIVE OFFICER LUCCHESI: Item 55?

2 CHAIRPERSON YEE: Yes, uh-huh, that we removed  
3 from the consent calendar. Let's move to Item 55.

4 EXECUTIVE OFFICER LUCCHESI: Excellent. Our  
5 staff presentation will be provided by Nicole Dobroski,  
6 Assistant Chief for our Marine Environmental Protection  
7 Division.

8 CHAIRPERSON YEE: Great.

9 EXECUTIVE OFFICER LUCCHESI: And I believe she  
10 has a PowerPoint as well that Phil will be brining up.

11 CHAIRPERSON YEE: Okay.

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

14 MARINE ENVIRONMENTAL PROTECTION DIVISION

15 ASSISTANT CHIEF DOBROSKI: Good afternoon, Madam Chair and  
16 Commissioners. My name is Nicole Dobroski. I'm an  
17 Assistant Chief of the Marine Environmental Protection  
18 Division and Manager of the Commission's Marine Invasive  
19 Species Program. I'm here today to recommend your  
20 approval of a proposed amendment to the Article 4.8  
21 regulations that involve the management of vessel  
22 biofouling in State waters.

23 Next slide.

24 --o0o--

25 MARINE ENVIRONMENTAL PROTECTION DIVISION

1 ASSISTANT CHIEF DOBROSKI: As a bit of background, Article  
2 4.8 requires vessels to submit the Annual Vessel Reporting  
3 Form, known as the AVRF, at least 24 hours in advance of  
4 the first arrival at a California port for each calendar  
5 year. The form collects information about a vessel  
6 operational and maintenance practices that influence the  
7 accumulation of biofouling on vessel surfaces.

8 Commission staff used these data to assess the  
9 risk of a vessel introducing nonindigenous species into  
10 California waters.

11 Next slide.

12 Next slide, please.

13 --o0o--

14 MARINE ENVIRONMENTAL PROTECTION DIVISION

15 ASSISTANT CHIEF DOBROSKI: Vessels may currently submit  
16 the AVRF to the Commission via our online portal at  
17 misp.io, as a PDF attachment to an email, or by fax. Most  
18 forms are received as a PDF attachment to an email.  
19 Processing these attachments involves printing the form,  
20 date stamping it, and then manually entering the form data  
21 into a Commission database.

22 After the AVRF is entered into the database, an  
23 equality assurance review is conducted. Staff files  
24 retains these....(inaudible)

25 EXECUTIVE OFFICER LUCCHESI: Nicole, we lost your



1 volume.

2 MARINE ENVIRONMENTAL PROTECTION DIVISION

3 ASSISTANT CHIEF DOBROSKI: Next slide, please.

4 EXECUTIVE OFFICER LUCCHESI: Nicole, we lost your  
5 volume for a bit. Do you mind repeating that. I'm sorry.

6 MARINE ENVIRONMENTAL PROTECTION DIVISION

7 ASSISTANT CHIEF DOBROSKI: Sure. After the AVRF is  
8 entered into the database an equality assurance review is  
9 conducted. Staff files and retains these forms based on  
10 the Commission's record retention schedule. Altogether,  
11 staff spends approximately 1,700 hours processing 1,800  
12 forms reach year.

13 Next slide.

14 --o0o--

15 MARINE ENVIRONMENTAL PROTECTION DIVISION

16 ASSISTANT CHIEF DOBROSKI: The proposed amendment to  
17 Article 4.8 would require that all AVRFs are submitted via  
18 the Commission's online portal, misp.io. Submittal  
19 through the online portal allows vessel owners and  
20 operators to directly submit the form to the database and  
21 to save copies of the form on the online portal for future  
22 use.

23 The online portal has automatic rules built in to  
24 help ensure the data are entered in an appropriate format,  
25 which helps cut down on errors during form submittal. If

1 all AVRFS were to be submitted through misp.io each year,  
2 staff estimates that the total annual form processing time  
3 would drop from 1,727 hours to 154 hours per year. This  
4 equates to approximately \$57,390 in savings that could be  
5 redirected to other high priority program needs, including  
6 compliance assessment and enforcement.

7 Next slide.

8 --o0o--

9 MARINE ENVIRONMENTAL PROTECTION DIVISION

10 ASSISTANT CHIEF DOBROSKI: The process to amend the  
11 Article 4.8 regulations began with publication in the  
12 notice register on May 7th, 2020. The proposed amendment  
13 was open to public comment through June 23rd, 2020. If  
14 approved by the Commission, staff expects to submit the  
15 completed rulemaking file to the Office of Administrative  
16 Law in October. And if approved by OAL, the proposed  
17 amendment would take effect on January 1, 2021.

18 Next slide.

19 --o0o--

20 MARINE ENVIRONMENTAL PROTECTION DIVISION

21 ASSISTANT CHIEF DOBROSKI: During the public comment  
22 period, staff received 22 comments from five individuals  
23 and organizations. The major concern was that vessels do  
24 not have reliable broadband Internet access while at sea  
25 and would thus have difficulty accessing the online portal

1 to submit the AVRF and comply with reporting requirements.

2 Furthermore, some vessels are routed with short  
3 notice to California ports and combined with unreliable  
4 Internet access would have trouble complying with the  
5 requirement to submit the AVRF at least 24 hours in  
6 advance of arrival.

7 Commenters requested that alternative submission  
8 methods, including submission of forms....(inaudible)

9 CHAIRPERSON YEE: Nicole, your audio has gone  
10 blank again.

11 CHIEF COUNSEL BLACKMON: Her feed may have  
12 frozen.

13 EXECUTIVE OFFICER LUCCHESI: All right. So with  
14 that, let me see if I can pull up her presentation really  
15 quick.

16 CHAIRPERSON YEE: Yeah.

17 MARINE ENVIRONMENTAL PROTECTION DIVISION

18 ASSISTANT CHIEF DOBROSKI: I'm -- can you hear me again?

19 CHAIRPERSON YEE: Yes.

20 EXECUTIVE OFFICER LUCCHESI: Yes, we can hear  
21 you.

22 MARINE ENVIRONMENTAL PROTECTION DIVISION

23 ASSISTANT CHIEF DOBROSKI: I apologize for the connection  
24 difficulties.

25 Next slide, please.

--o0o--

MARINE ENVIRONMENTAL PROTECTION DIVISION

ASSISTANT CHIEF DOBROSKI: Staff appreciates the time that commenters took to identify concerns about the proposed amendment. Staff's response is three-fold. Vessels must submit the AVRf at least 24 hours in advance of the voyage. But there is nothing precluding a vessel from submitting the form a week or more in advance of arrival at a time when Internet access is available.

Shore-based personnel who work for the vessel, vessel owner or operator are able to submit the form via misp.io. There is no requirement that the vessel itself submit the form, so long as someone submits it on behalf of the vessel.

And third, Article 4.8 includes a provision in section 2298.9 that allows any person subject to the regulations to submit a request for an alternative to the provisions in Article 4.8. Therefore, vessels that are unable to access misp.io due to operational or technical difficulties could email Commission staff and request to submit the form as a PDF attachment to an email. If the alternative is approved, the vessel would meet the regulatory requirement to submit the form.

Next slide.

--o0o--

1 MARINE ENVIRONMENTAL PROTECTION DIVISION

2 ASSISTANT CHIEF DOBROSKI: Staff believes that the  
3 alternative request process.....(inaudible)

4 EXECUTIVE OFFICER LUCCHESI: So I can finish up  
5 for Nicole.

6 CHAIRPERSON YEE: Okay.

7 EXECUTIVE OFFICER LUCCHESI: So staff believes  
8 that the alternative request process addresses the  
9 concerns -- oh. Hi, Nicole.

10 MARINE ENVIRONMENTAL PROTECTION DIVISION

11 ASSISTANT CHIEF DOBROSKI: I'm sorry.

12 EXECUTIVE OFFICER LUCCHESI: That's okay.

13 CHAIRPERSON YEE: It's all right.

14 EXECUTIVE OFFICER LUCCHESI: Why don't you finish  
15 up real quick.

16 MARINE ENVIRONMENTAL PROTECTION DIVISION

17 ASSISTANT CHIEF DOBROSKI: We'll engage in extensive  
18 outreach and stakeholder meetings with the vessel owners  
19 and operators. And we'll ensure that they understand the  
20 misp.io portal.

21 So thank you for your time. I apologize for the  
22 Internet connectivity issues and I'd be happy to take any  
23 questions.

24 CHAIRPERSON YEE: Thank you Nicole very much for  
25 the presentation and also very much appreciate staff

1 working through some alternatives for compliance with the  
2 form submittal. Let me just see if any -- my fellow  
3 Commissioners have any questions or comments on the  
4 presentation?

5 Okay. Seeing none. Let me turn to you, Grace,  
6 to see if we have any speakers on this item. This is Item  
7 55.

8 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

9 Thank you, Chair Yee. We have two speaker  
10 requesters.

11 CHAIRPERSON YEE: Okay.

12 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

13 First is from Lee Kindberg and followed by John  
14 Berge.

15 CHAIRPERSON YEE: Very good.

16 Good afternoon, Lee.

17 DR. KINDBERG: Good afternoon. I hope my sound  
18 is adequate.

19 CHAIRPERSON YEE: Yes, it is.

20 DR. KINDBERG: Thank you for this opportunity to  
21 speak briefly today. I'm Lee Kindberg. I'm head of  
22 Environment and Sustainability Maersk for North America.

23 Maersk vessels make over 500 port calls in  
24 California each year. And as I mentioned in our written  
25 comments yesterday, we appreciate the constructive

1 relationship with State Lands Commission staff and the  
2 responsiveness to industry questions and concerns.

3 Now, on today's proposal to require annual vessel  
4 reports be input on a web portal, the staff report on this  
5 proposal states that 97 percent of vessels use the emailed  
6 PDF form versus three percent on the web form. That's a  
7 really low adoption rate. Now that may partly be  
8 awareness, but it also reflects the challenges in using  
9 web-based tools at sea.

10 We surveyed some of our vessel captains on  
11 web-based reporting and the captains do detailed forms  
12 like this, by the way, while they're at sea, because  
13 they're extremely busy while they're in port. Now,  
14 unfortunately some vessels only have satellite email and  
15 not full Internet connectivity. Our captains told us  
16 Internet connection quality is unreliable at sea and web  
17 forms are very time consuming. They also tell us that an  
18 offline form or tool is much more efficient for them,  
19 because it can be done as time allows and with  
20 interruptions and provides easy delegation of various  
21 sections. They also mention cost and cybersecurity  
22 concerns.

23 Now, going from three percent to a hundred  
24 percent web-based reporting is a big change. And to try  
25 to make this more successful we recommend the following.

1 First, let's delay or phase in the web tool  
2 requirement over one to two years, and during that period  
3 not issue violations or warnings. These poor masters  
4 don't need a black mark on their records for something  
5 that they don't have the equipment to do.

6 During this period, let's work with industry and  
7 the agency to conduct a web tool awareness campaign to try  
8 to increase web tool use and do whatever education is  
9 needed. And let's also identify technical barriers that  
10 might be getting in the way of web reporting.

11 We should also ensure that the process for  
12 requesting alternative submissions - and thank you for  
13 that process by the way - minimizes workload for both  
14 agency staff and industry, by doing things like, for  
15 example, allowing you to bundle multiple vessels rather  
16 than a single vessel. And I believe that is what is  
17 planned.

18 So again, we think that these three items, if  
19 modified into what's proposed to you, would greatly  
20 improve the success of this proposal. And thank for your  
21 time.

22 CHAIRPERSON YEE: Thank you very much.

23 Mr. Berge, you're next.

24 Grace, do we have Mr. Berge on queue?

25 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:



1 Yes, Mr. Berge, you may be muted.

2 CHAIRPERSON YEE: Maybe while we're waiting for  
3 him, let me turn back to Nicole to at least comment. Is  
4 there anything precluding -- well, I guess I'm -- I was a  
5 little confused, because it seems like there are several  
6 alternatives that have been put forth and -- the option  
7 that was presented about, you know, bundling form  
8 submittals, is that something that we would actually  
9 accept as an alternative?

10 EXECUTIVE OFFICER LUCCHESI: Chair Yee, let me  
11 step in.

12 CHAIRPERSON YEE: Yeah.

13 EXECUTIVE OFFICER LUCCHESI: And yes -- the short  
14 answer to your question is yes, of course. And just to  
15 provide maybe a little bit more context and perspective --

16 CHAIRPERSON YEE: Yeah.

17 EXECUTIVE OFFICER LUCCHESI: -- we really, really  
18 appreciate Lee's comments today, also the public comment  
19 letters that we've received over the past couple days on  
20 this. This is a form that is required to be submitted  
21 annually, so once a year only. And it also -- the only  
22 requirement in terms of timing is that it be submitted 24  
23 hours prior to the vessels arrival -- first arrival in  
24 that calendar year. So it can be submitted any time  
25 before that 24 hours, a day, two weeks, six months, when

1 they under -- when the -- when the vessel knows what the  
2 schedule is going to look like, and maybe it could be  
3 submitted through the online portal from the headquarters  
4 office, where Internet service and connection is more  
5 reliable.

6 But even with all of that, you know, we  
7 understand that routes can be -- can change without a  
8 whole lot of notice. And so there are a number of  
9 alternatives that a vessel can -- and a company can  
10 leverage to meet the requirements, including requesting an  
11 alternative submittal, including the traditional or former  
12 way to submit the form, which is through a PDF or fax.

13 So there's a number of different ways that a  
14 vessel can comply with this that we think provides the  
15 ultimate amount of flexibility. Although, you know, in  
16 all honesty, this will require vessels to change their  
17 process, slightly. But in terms of the overall benefit to  
18 not only the program, but the efficient and effective use  
19 of industry fees that fund the program, we -- we see this  
20 as a real monetary savings, and highly efficient use of  
21 staff time to convert to this type of data submittal.

22 The last thing I just want to conclude on is that  
23 our practice - and we're -- we plan to do it here and I  
24 just want to assure the regulated community and the  
25 Commissioners - is not to jump right into enforcement

1 after a regulation package like this. We work hard and  
2 are very proud of our effort to not only put a lot of  
3 effort and focus into education and awareness, which we  
4 plan to do starting immediately next month, but also not  
5 pursue enforcement for at least a year, until we can  
6 conduct that education, conduct that awareness campaign,  
7 work with the vessel operators and the regulated industry,  
8 and then reevaluate at the end of the year, because the  
9 ultimate goal here is not to -- to play catch-a-game, it's  
10 really to facilitate the efficient capture of data, so  
11 that we can implement the Commission -- the State's Marine  
12 Invasive Species Program more effectively and efficiently.  
13 And so with that, I'll turn it back over to you, Chair  
14 Yee.

15 CHAIRPERSON YEE: Thank you. Yeah, really  
16 appreciate that. And certainly the ongoing engagement  
17 with respect to just the education and outreach before  
18 actually implementing any kind of an enforcement  
19 provision. Let me turn to Grace and see if we have our  
20 other public speaker on this item on board.

21 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:  
22 Chair --

23 MR. BERGE: Can you hear me now?

24 CHAIRPERSON YEE: Yes, we can.

25 MR. BERGE: Oh. Yeah, my apologies. I had a

1 wrong setting. This is John Berge, Chair Yee and  
2 Commissioners, with the Pacific Merchant Shipping  
3 Association. I'll be brief.

4 CHAIRPERSON YEE: Uh-huh.

5 MR. BERGE: I concur with what Ms. Kindberg said.  
6 She outlined the issues that we're concerned about. We  
7 support the effort to go forward with this process. Our  
8 only concern is that this is a new system. It's entirely  
9 different for what 97 percent of the ships are doing, and  
10 that there will be a learning period in terms of just  
11 understanding it and also dealing with the technical  
12 issues.

13 And I might add it's somewhat ironic, I think,  
14 that the presentation made for this particular item  
15 suffered from those connectivity issues that we're  
16 concerned about.

17 We do appreciate the alternatives, and, you know,  
18 I think staff has been great at trying to outline those.  
19 One thing, for instance, though I see a problem with in  
20 terms of petitioning, a vessel might be coming into port  
21 and trying to complete the form, only to find out too late  
22 that it is not able to get the proper connectivity past  
23 the period when it would have to actually petition for  
24 a -- you know, for an alternative. So, you know, that's  
25 just one example of, I think, some of the myriad technical

1 issues we might face.

2           So anyway, in some -- you know, based on our past  
3 experience with the Commission staff, and provided that  
4 there could be some sort of phased-in approach without  
5 violations issued for a period of time, you know, we think  
6 this can be a win-win for everyone involved.

7           So thank you for entertaining my comments. And I  
8 apologize for my technical difficulties.

9           CHAIRPERSON YEE: That's all right. I'm glad you  
10 were able to connect back in.

11           Thank you for the comments. You know, I think  
12 certainly the alternatives that were developed were in  
13 response to just some of the difficulties we had heard  
14 about the submittal of the form on vessel. And to the  
15 extent that we know this will require a bit of an  
16 educational period to be sure there's full compliance, I  
17 feel confident that we can move forward and continue to  
18 engage.

19           I think it's really difficult to talk about  
20 hypotheticals that may come up and -- but certainly want  
21 to be responsive to any real potential challenges that are  
22 on the horizon. And as Ms. Lucchesi says, this is an  
23 annual reporting. And so we, I think, have built in  
24 enough options to really make this as flexible as possible  
25 to achieve the efficiencies.

1 Any comments from Commissioners before we move  
2 on?

3 ACTING COMMISSIONER MILLER: (Shakes head.)

4 CHAIRPERSON YEE: Okay. This is an action item.  
5 So is there a motion?

6 ACTING COMMISSIONER DURLAO: So moved.

7 CHAIRPERSON YEE: Thank you. Thank you.

8 Commissioner Durlao moves staff recommendation.

9 ACTING COMMISSIONER MILLER: Second, please.

10 CHAIRPERSON YEE: Seconded by Commissioner  
11 Miller.

12 Ms. Lucchesi, will you call the roll, please.

13 EXECUTIVE OFFICER LUCCHESI: Of course.

14 Commissioner Durlao?

15 ACTING COMMISSIONER DURLAO: Aye.

16 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

17 ACTING COMMISSIONER MILLER: Aye.

18 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

19 CHAIRPERSON YEE: Aye.

20 EXECUTIVE OFFICER LUCCHESI: The motion passes  
21 unanimously.

22 CHAIRPERSON YEE: Thank you. Thank you very  
23 much.

24 Perhaps, we should move to Item 1, I think that  
25 was the other --

1 EXECUTIVE OFFICER LUCCHESI: Yes.

2 CHAIRPERSON YEE: Okay.

3 EXECUTIVE OFFICER LUCCHESI: And Brian -- Brian  
4 Bugsch of our Land Management Division will be providing  
5 staff's presentation today.

6 CHAIRPERSON YEE: Great. Thank you.

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: There's a  
8 PowerPoint and so I guess Phil will put that up.

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

11 LAND MANAGEMENT DIVISION CHIEF BUGSCH:

12 Good afternoon, Commissioners. My name is Brian  
13 Bugsch. I'm Chief of the Commission's Land Management  
14 Division and I'll be presenting today on Item 1.

15 Is the presentation up?

16 EXECUTIVE OFFICER LUCCHESI: Not yet.

17 It is right now.

18 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Okay.  
19 We'll leave it there for a minute. This item recommends  
20 authorization of a lease for the applicants: Michael  
21 Akatiff and Christy Akatiff, trustees; Mark Gilmartin  
22 trustee; and Henry Telfeian and Elizabeth Stage. My  
23 apologies if I'm mispronouncing names.

24 The application is for the use and maintenance of  
25 three existing mooring buoys, the construction use and

1 maintenance of a joint-use pier with four boat lifts, and  
2 removal of three existing mooring buoys and one double  
3 personal watercraft lift. This proposed pier will be  
4 located adjacent to properties on Brockway Vista Avenue on  
5 the north shore of Lake Tahoe directly east of Kings  
6 Beach.

7 Next slide.

8 --o0o--

9 LAND MANAGEMENT DIVISION CHIEF BUGSCH: As brief  
10 background, the Commission issued a lease to the Akatiffs  
11 in 2015 for three mooring buoys and a personal watercraft  
12 lift. The Commission issued a lease to the Gilmartins in  
13 2012 for two buoys. And the Commission also received an  
14 application from Telfeian and Stage for one mooring buoy  
15 in 2020, but a lease was never authorized by the  
16 Commission.

17 The three applicants own littoral parcels  
18 adjacent to the leased premises. The Tahoe Regional  
19 Planning Agencies, TRPA, approved the applicants' permit  
20 for the project that is now before you here today.

21 When the project is completed TRPA will transfer  
22 the current mooring registra -- registrations from the  
23 removed buoys to the installed boat lifts.

24 Next slide.

25 --o0o--



1 LAND MANAGEMENT DIVISION CHIEF BUGSCH: All  
2 right. This slide right here is the site plan for the  
3 proposed pier overlaid on an aerial image, so you can see  
4 it in perspective to the surrounding area. There will be  
5 people speaking after this, so it's important to take in.

6 The proposed pier extends 362 feet out into Lake  
7 Tahoe. The proposed pier will run parallel to the  
8 existing piers to the northwest as you can see, and a  
9 little different angle than the one below it there.

10 Next slide.

11 --o0o--

12 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Okay.  
13 This slide is a little bit zoomed in with some pictures of  
14 the buoys. The -- it shows the four moorings that are --  
15 that they are removing in yellow, the three buoys and the  
16 jet ski rack. Those four yellow ones will be taken out  
17 and those will be -- as I mentioned, will be removed in  
18 exchange for the four boat lifts you can see on the  
19 pierhead there. And then the three mooring buoys that the  
20 applicants will be retaining are highlighted in blue  
21 there.

22 Next slide.

23 --o0o--

24 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I'm going  
25 to go through a little bit of a kind of a timeline for

1 this project. So in 2007, two of the applicants, I think  
2 Akatiff and Telfeian applied for a TRPA permit to build a  
3 pier. In March 2009, TRPA issued a permit for pier  
4 construction. However, before construction started,  
5 TRPA's shore zone ordinance was vacated by the U.S.  
6 District Court in 2010.

7 The effect of the vacated ordinances was a  
8 moratorium on all pier construction in Lake Tahoe for a  
9 decade.

10 So, next slide.

11 --o0o--

12 LAND MANAGEMENT DIVISION CHIEF BUGSCH: After new  
13 shore zone ordinances were adopted in October of 2018, the  
14 applicant applied for -- to TRPA for a joint-use pier. On  
15 May 28th, 2020, TRPA approved a conditional permit for the  
16 proposed pier. The applicants also received authorization  
17 from Lahontan Regional Water Quality Control Board on  
18 February 21st, 2020, so earlier this year, and then  
19 permission from the U.S. Army Corps of Engineers on March  
20 16th of this year. And authorization from the California  
21 Department of Fish and Wildlife on April 15th of this  
22 year.

23 The applicant applied to the Commission for a  
24 lease in October of 2019. The applicant has obtained all  
25 necessary approvals from all the other permitting agencies

1 as I mentioned. And the final requirement for this  
2 project was a Tahoe yellow cress survey, which was  
3 completed on July 13th. And now we're bringing this to  
4 you today.

5 Next slide, please.

6 --o0o--

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So in  
8 conclusion, staff's recommendation -- or staff recommends  
9 the Commission authorize the Executive Officer to accept  
10 lease quitclaim deeds for the two existing leases and  
11 authorize a new general lease recreational use for three  
12 existing mooring buoys, construction of the proposed  
13 joint-use pier with four boat lifts, and removal of the  
14 three existing mooring buoys and one double personal  
15 watercraft lift.

16 That concludes staff -- staff's report and we're  
17 available to answer any questions.

18 CHAIRPERSON YEE: Great. Thank you very much.  
19 Let me see if our -- my Commissioners have any questions  
20 or comments of staff?

21 Okay. Seeing none.

22 Let me turn to Grace. Any public comments or  
23 those who have signed up to comment on this item, Item 1?

24 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:  
25 Thank you, Chair Yee. We have Eric Ronning

1 followed Ruth Bley.

2 CHAIRPERSON YEE: Okay. I'll have Eric start.  
3 Good afternoon.

4 MR. RONNING: Yes. Good afternoon. My name is  
5 Eric Ronning. I'm speaking to the honorable Commissioners  
6 in opposition to the Akatiff pier.

7 If you can put up the satellite view. Look at  
8 Chipmunk Street there in red and look at the angle of the  
9 pier coming off the shore there at a 45 degree angle. The  
10 problem with this area right here is that the parcels on  
11 Brockway Vista Avenue meet at a 90 degree angle to the  
12 parcels on Chipmunk Street.

13 Now, while TRPA is the lead agency on this pier,  
14 it failed to complete their homework when it comes to the  
15 necessary compatibility findings, that TRPA fast-tracked  
16 this pier with a site plan that precluded Chipmunk Street  
17 and its shoreline. So I had to have this made to get  
18 reference to what's going on here.

19 So the site plan being incomplete, and that along  
20 with the 90 degree angle of the parcels coming together,  
21 and with the TRPA's brand new untested shore code being  
22 applied for the first time to a multi-use pier, the proper  
23 considerations were not given here.

24 Prior to the TRPA's vote -- the Board vote, no  
25 one from TRPA visited Chipmunk Street, or the shoreline

1 there, or anywhere on this project area to consider it.  
2 TRPA said that they visited last year by boat, but that  
3 wouldn't give anywhere near the view from the land, which  
4 is most people's stationary perspective.

5 Of the required compatibility findings, Section  
6 80.4.3, TRPA must find that the project is compatible with  
7 existing structures in the immediate vicinity. And here  
8 is the rationale provided by the pier applicant. There  
9 are multiple piers in the vicinity that are approximately  
10 250 feet long. Well, the reality is the proposed pier is  
11 362 feet long with four boat lifts, while piers in the  
12 vicinity have no more than one boat lift. So the pier  
13 doesn't meet that compatibility finding.

14 And in the minutes of the TRPA hearing, where the  
15 staff is discussing the pier with the voting Board, the  
16 staff says that the piers in the vicinity are quote, "not  
17 quite as long as this one, although the homeowners  
18 association pier to the south is almost as long". So you  
19 can see the one at the bottom left, that's 232 feet long.  
20 The applicants' pier is 362 feet long. Plus, it's at an  
21 odd angle as well, so -- and then the pier to the -- the  
22 pier just above the Akatiff pier is 272 feet long.

23 So, you know, California State Lands has their  
24 own pier application and it's lacking in accuracy. And I  
25 think it's a trickle down from the TRPA accuracy.

1           Quotes from the California State Lands  
2 application. Question, will there be a change in pattern,  
3 scale, or character of the land use in the general area of  
4 the project? The applicants answer, no.

5           Question, will there be a change in scenic views?  
6 Applicant answer, yes, but then there's no description. I  
7 asked and there's no description following up to that yes  
8 answer.

9           Please don't allow the industrial grade pier to  
10 ruin the shoreline and lake use in front of Chipmunk  
11 Street area.

12           Thank you so much for your consideration.

13           CHAIRPERSON YEE: Thank you.

14           Okay. Our next speaker, Ruth.

15           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

16           Ruth, your mic may be muted.

17           EXECUTIVE OFFICER LUCCHESI: Grace, maybe we can  
18 move on to the next public speaker and then return to  
19 Ruth.

20           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

21           Thank you, Jennifer. Our next speaker is Mark  
22 Gilmartin.

23           CHAIRPERSON YEE: Okay. Go ahead, Mark.

24           MR. GILMARTIN: Thank you, Madam Chair. Can you  
25 hear me all right?

1 CHAIRPERSON YEE: Yes, we can.

2 MR. GILMARTIN: Okay. I appreciate you all  
3 taking the time to hear the other side of the story here.  
4 I am obviously one of the applicants for this lease. And  
5 as staff pointed out, we applied for a pier all together.  
6 It was actually all four parcels ten years ago. And we  
7 were granted the okay to go ahead before the environmental  
8 agencies and many other things, the district court,  
9 stopped it. We've been in a holding pattern for ten  
10 years.

11 And during those ten years, I've sure you're all  
12 aware, but I'd like it -- to once again bring it to  
13 everybody's attention that every single agency in the  
14 Tahoe basin, the TRPA, the League to Save Lake Tahoe, the  
15 homeowners associations, all the agencies over the course  
16 of the last ten years, and dozens and dozens of public  
17 meetings, which I attended many of, got together to write  
18 a set of rules, a set of shore-zone ordinances that  
19 everybody would be happy with, so -- including Cal State  
20 Lands. Cal State Lands did participate in those meetings  
21 diligently for the last ten years.

22 When the new rules were published and adopted by  
23 the TRPA and all the other agencies, we once again  
24 reapplied, spending, as you can imagine, tens of thousands  
25 of dollars to do so. We fit within all the

1 specifications, so the size, and design, and length, and  
2 width, and everything of our pier that we're proposing,  
3 that's all within the rules and regulations of the new  
4 shore-zone ordinances that were written by all the  
5 agencies in the Tahoe Basin. We didn't write the rules.  
6 We just abided by them.

7           So we were once again granted the right to move  
8 forward with a new pier unanimously by the TRPA. And as  
9 staff once again pointed out, that all the other agencies  
10 that require approval have given us their approval. Cal  
11 State Lands is the last agency.

12           And I just think that I'd like to ask you all to  
13 seriously consider that -- to approve this lease, and for  
14 the main reason, if not any, that you, along with  
15 everybody else, for the last ten years has worked  
16 diligently to define these design specifications and the  
17 new rules. And it seems to me it would be a shame at the  
18 last second to -- to -- to disallow a pier that everybody  
19 for the last ten years worked so hard to write rules to  
20 adopt, so there is no favoritism, there is no one-off  
21 complaining. The rules are the rules. And our pier does  
22 not hinder any of the complaining party's ability to have  
23 their own pier.

24           And that's all I have to say. Thank you very  
25 much. And if there are any questions, I'm obviously



1 available.

2 CHAIRPERSON YEE: Thank you, Mr. Gilmartin.

3 Grace, do we have another speaker?

4 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

5 We do. I'd like to try to call on Ruth Bley  
6 again to see if we can get her mics going.

7 CHAIRPERSON YEE: All right.

8 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

9 Okay. It looks as though we're still  
10 experiencing some technical issues.

11 I'd like to call on a phone number, last three  
12 digits 228, to speak on this item.

13 MS. BLEY: Hello. Can you hear me?

14 CHAIRPERSON YEE: Yes. Uh-huh. Would you please  
15 state your name for the record?

16 MS. BLEY: This is Ruth Bley.

17 CHAIRPERSON YEE: Oh. Oh.

18 MS. BLEY: I'm on the phone. I've been trying to  
19 star nine.

20 CHAIRPERSON YEE: Okay. Great. Thank you, Ruth.

21 MS. BLEY: Thank you for allowing me to speak on  
22 this matter.

23 CHAIRPERSON YEE: Sure.

24 MS. BLEY: I understand, you know, both sides of  
25 this, but unfortunately, I'm -- I feel that as owners of

1 the Chipmunk properties, we weren't able to weigh in on  
2 any of this. So I'm not saying that there shouldn't be a  
3 pier. It just seems that there should be some sort of  
4 compromise, so that it's not -- it doesn't affect us as  
5 substantially as this one does, because where my property  
6 is located, this pier comes right in front of it, I mean,  
7 literally broadsides it.

8 So my view of the lake, everything else is  
9 affected by this pier, especially that it's huge and has  
10 four boat lifts. So once it has four boats on it, it's a  
11 massive thing.

12 And also, what never came into consideration is  
13 the fact that I have two buoys out there and the location  
14 of this pier is right on top of my buoys. So I'm not sure  
15 what the plan is around this. It goes directly over one  
16 of the buoys and the second buoy is impacted. And my  
17 buoys are close-up buoys that I like to use to put the  
18 kayaks and the paddle boards on, so that I'm not always  
19 launching over the rocks. And it's also a route that the  
20 paddle boarders and kayakers take.

21 So I don't think the issue is so much that there  
22 shouldn't be a pier. It's just the why is this pier that  
23 already has sort of a -- an unfortunately bad location in  
24 respect to the other properties, why is it allowed to be  
25 so big to affect all of these other properties?

1           And I guess what we were kind of hoping was to  
2 find some sort of compromise, where it's not such a visual  
3 impact or an impact to the use of the lake and the use of  
4 my buoys, which I'm not sure what the man is for my buoys.

5           So I think Ron had come up with some  
6 modifications that would help reduce this. And it was our  
7 thought that maybe that would be taken into consideration,  
8 so that what was actually constructed would be something  
9 that was beneficial to all. So not saying that these --  
10 these people can't have a pier. It's just because of the  
11 location of their property, this type of pier is not the  
12 best installation. It's not the best use of what should  
13 be put there, because of this 90 degree convergence of  
14 these properties. And I don't know if that got across.

15           So I very appreciate the ability to talk to you.  
16 I know this has gone really far and it happened without  
17 any of us really knowing. So thank you.

18           CHAIRPERSON YEE: Thank you very much, Ruth.

19           Grace, are there any other speakers on this item?

20           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

21           We have own additional hand raised from Abigail.

22           CHAIRPERSON YEE: Okay.

23           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

24           Abigail, you may be muted.

25           MS. EDWARDS: Hello.

1 CHAIRPERSON YEE: Yes. Hello.

2 MS. EDWARDS: Great. Okay. Thanks for the  
3 opportunity to comment today. My name is Abigail Edwards,  
4 and I work for Kaufman Edwards Planning and Consulting.  
5 And I've worked for -- I've represented the property  
6 owners, all four of them -- or all three of them since  
7 about 2007 when we were planning on coming together for a  
8 multiple-use pier.

9 TRPA has been, for the past ten years, providing  
10 incentives on projects -- new pier projects that involve  
11 more -- that involve numerous littoral parcels. So they  
12 prioritize the new pier allocations based on the number of  
13 parcels that submit. So back in 2009, we were chosen as  
14 the top ranking parcel, because we had four properties  
15 sharing. And then again, in 2019, we were chosen as the  
16 top ranking pier application.

17 So the reason why our pier is proposed in the  
18 location that it's at is because the TRPA projection lines  
19 and setbacks are from the low water line of Lake Tahoe.  
20 And if you take a look at the site plan, if you have time  
21 to read it, our pier goes down the center of our  
22 projection lines. It goes right down the middle of all  
23 four parcels. The orientation of the pier is basically  
24 dictated by the parcel to the west and all of the other  
25 piers to the west.

1           The reason why we have four boat lifts and the  
2 length of the pier is it is allowed based on the TRPA  
3 code, but they provide additional length incentives and  
4 they're allowing you to trade buoys for boat lifts, up to  
5 four -- up to one per parcel, rather than -- you know, so  
6 you would have one pier with four boat lifts rather than  
7 potentially two shared piers or four single-use piers. So  
8 how TRPA sees it is they will be deed restricting three of  
9 the four parcels from future shore developments for  
10 additional piers.

11           I just wanted to bring up a comment on Ruth  
12 Blay's piers -- or buoys. Her buoys are not permitted, I  
13 believe, with TRPA currently. She did provide coordinates  
14 in 2009 for her buoy application with TRPA. And the  
15 coordinates are actually further out than where she's  
16 showing the -- where she's saying the buoys are. And  
17 they're not showing on any of the aerials or surveys that  
18 we've had done. We would be very happy to move her buoys  
19 if they do -- if they are in the area of the new pier.

20           But thank you for your time. Basically, we are  
21 meeting the TRPA code and all the other agency codes. And  
22 the location basically was dictated based on the code.

23           Thank you.

24           CHAIRPERSON YEE: Thank you, Abigail.

25           Grace, any other speakers on this item?

1 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

2 We have no other hands raised to speak on this  
3 item.

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

5 So maybe -- could I just have staff, because this has been  
6 through obviously a very lengthy public process. And I  
7 just wanted to just clarify just specifically what's  
8 before the Commission now. And it does look like there  
9 have been perhaps -- maybe not enough opportunity for some  
10 of the parties to be before some of the other agencies  
11 prior to this. But we do have the item before us now with  
12 respect to the lease quitclaim deeds and the general  
13 lease.

14 So, Jennifer, do you want to just describe what  
15 we have before us?

16 EXECUTIVE OFFICER LUCCHESI: Yes, of course. So  
17 maybe I can just provide a little bit more context and  
18 clarification. I believe, as the applicant and the  
19 applicants' representative alluded to, this -- TRPA, the  
20 Tahoe Regional Planning Agency for the past, you know,  
21 five, six years has been engaged in a very robust update  
22 to their shore zone ordinances, due to the fact that their  
23 prior ordinances were vacated by the federal district  
24 court.

25 The State Lands Commission, through myself and

1 our Assistant Executive Officer, Colin Connor, sit on a  
2 steering committee, along with a number of other agencies  
3 and stakeholders to help identify the policies of the new  
4 shore zone ordinances and also to help inform the  
5 specifics of the code drafting, as well as the  
6 environmental analysis that went along with it.

7 And so as it relates to this particular  
8 application, one of the major policy goals of those shore  
9 zone ordinances was to incentivize less development, but  
10 still provide the opportunity for property owners and  
11 public agencies to have piers -- new piers constructed in  
12 the lake. And so one way that that -- that broad  
13 objective was implemented was through incentivizing  
14 joint-use piers, so -- and that's really what's in front  
15 of you today.

16 And just to reemphasize what the applicants'  
17 representatives stated that four littoral parcels  
18 owners -- or properties have combined under three owners  
19 to apply for a joint-use pier. Technically, they could  
20 all -- all four property owners could apply for their own  
21 pier. And so a joint-use pier is technically going to be  
22 a little bit longer, not only to accommodate the moorings  
23 of the littoral property for their vessels, but also to  
24 adapt to low lake levels, which was also a policy goal due  
25 to climate change. And so it does go out a little bit

1 further, because of those -- those objectives.

2 And so what's before you is this joint-use pier  
3 that includes four boat hoists and also three mooring  
4 buoys. And this -- the alternative worst case scenario  
5 could be four individual piers and eight moorings. And so  
6 there -- the real goal is to consolidate ultimate new  
7 construction within the lake.

8 With that said, this is also located in an area  
9 of Lake Tahoe where it's in a cove. And so the projection  
10 lines that were referred to earlier, where you would  
11 normally think that the projection lines going out for new  
12 piers, would go perpendicular to the shoreline, in coves  
13 like this -- and this is all based on the regulations and  
14 ordinances of TRPA, sometimes those projection lines go at  
15 angles.

16 And so if you noticed, and if we can pull it up,  
17 but in some of the prior slides, other piers that are  
18 located in this same area are also at a 45 degree angle  
19 because of those projection lines. So it really just  
20 follows the layout essentially that TRPA has adopted for  
21 this area of Tahoe.

22 And then finally, I want to just address Ms.  
23 Blay's comments about her own buoys. Unfortunately, she  
24 does not have a lease with us for her two buoys at this  
25 time, so we can't independently confirm where her existing



1 buoys are, because we have no records of that under our  
2 own leasing program.

3           However, we have independently conferred with  
4 TRPA and identified what her 2009 permit -- under her 2009  
5 permit where those buoys should be located versus where  
6 they're -- they are actually located, based on the  
7 information she provided. And they are about 60, 70 feet  
8 apart. And so that is something that we are going to  
9 be -- that hopefully, TRPA and Ms. Bley can work together  
10 to fix, to locate her buoys in the area that is covered  
11 under her permit. And then that can be confirmed through  
12 a lease application with us.

13           With that said, overall, like I -- I mentioned in  
14 the beginning, the idea here is really to facilitate new  
15 pier construction, but in a very responsible and less  
16 impactful way. And as a number of state, and local  
17 agencies, and stakeholders that were involved in that  
18 shore zone process identified as a priority was to really  
19 incentivize these joint-use piers.

20           And so with that, I'll turn it back over to Chair  
21 Yee and the Commissioners for any additional questions.

22           CHAIRPERSON YEE: Great. Thank you, Jennifer,  
23 for the clarification and just a little bit more  
24 elaboration about the specifics of the proposal that we  
25 have before us.

1           Again, any questions from Commissioners?

2           Okay. If not, then we do have a staff  
3 recommendation before us, which is to authorize the  
4 Executive Officer to accept lease quitclaim deeds for the  
5 two existing leases and then to authorize the general  
6 lease, which is for recreational use for three existing  
7 mooring buoys and the proposed joint-use pier with the  
8 four boat lifts and the removal of the three existing  
9 mooring buoys and one double personal watercraft lift. So  
10 that is the staff recommendation. Is there a motion?

11           ACTING COMMISSIONER MILLER: I move the staff  
12 recommendation, Madam Chair.

13           CHAIRPERSON YEE: Thank you very much,  
14 Commissioner Miller. We have a motion.

15           Seconded by Commissioner Dumlao?

16           ACTING COMMISSIONER DURLAO: Am I -- yeah, I  
17 second the motion.

18           CHAIRPERSON YEE: Thank you very much.  
19 Ms. Lucchesi, may we have the roll?

20           EXECUTIVE OFFICER LUCCHESI: Certainly.  
21 Commissioner Dumlao?

22           ACTING COMMISSIONER DURLAO: Aye.

23           EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

24           ACTING COMMISSIONER MILLER: Aye.

25           EXECUTIVE OFFICER LUCCHESI: Chair Yee?

1 CHAIRPERSON YEE: Aye.

2 EXECUTIVE OFFICER LUCCHESI: The motion passes  
3 unanimously.

4 CHAIRPERSON YEE: Thank you. Thank you very much  
5 and really appreciate all the speakers coming forward on  
6 this item.

7 Okay. Ms. Lucchesi, what is our next item?

8 EXECUTIVE OFFICER LUCCHESI: Our next item of  
9 business is Item 60.

10 CHAIRPERSON YEE: Okay. Very well. Let's move  
11 to Item 60 and this is to consider an application for a  
12 new solar energy facility in Kern County. And we do have  
13 a staff presentation by Brian Bugsch. Welcome back.

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

16 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Thanks.  
17 I thought I was getting out of here for a second.

18 (Laughter.)

19 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Good  
20 afternoon, Commissioners. I hope everybody is having a  
21 good day.

22 My name is Brian Bugsch and I'm Chief of the  
23 Commission's Land Management Division and I'm presenting  
24 on Item 60.

25 Next slide.

1                   --o0o--

2                   LAND MANAGEMENT DIVISION CHIEF BUGSCH: This item  
3 is an application from BigBeau Solar, LLC to construct,  
4 use, and maintain, and decommission a new solar energy  
5 facility on school lands in Southern Kern County, west of  
6 the City of Rosamond.

7                   I'll digress a little bit here and say staff is  
8 pretty excited. If approved, this would be the first  
9 solar energy project on school lands managed by the  
10 Commission. It's kind of a big deal for us. The overall  
11 project site is about 2,125 acres of generally undeveloped  
12 range land, of which 120 acres is on State school lands.

13                   The BigBeau Solar Project proposes to develop a  
14 photovoltaic solar facility and associated infrastructure  
15 necessary to generate a combined 128 megawatts of  
16 renewable electrical energy and up to 60 megawatts of a  
17 battery energy storage system.

18                   Next slide.

19                   --o0o--

20                   LAND MANAGEMENT DIVISION CHIEF BUGSCH: Of the  
21 proposed 128 megawatt capacity system, up to 17 megawatts  
22 of solar PV modules would be on school lands. The project  
23 has an anticipated operational life of up to 35 years,  
24 after which the project proponent -- proponent may choose  
25 to either update the site technology and recommission or

1 to decommission the site and remove the system from -- and  
2 their components.

3 Next slide.

4 --o0o--

5 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The  
6 parent company for this project, EDF Renewables, is one of  
7 the largest renewable energy developers in North America  
8 with more than 16 gigawatts of wind, solar, storage and  
9 electrical vehicle charging projects developed throughout  
10 the United States, Canada, and Mexico. EDF owns and  
11 operates over 1,000 megawatts in California (inaudible)  
12 wind projects in the area near the proposed project.

13 The applicant has already secured a 20-year  
14 purchase power agreement for the energy to be produced by  
15 the facility. And at full capacity, the electricity  
16 generated by this project would be enough to satisfy the  
17 annual electrical -- electricity needs of 64,000  
18 California homes, and offset more than 315,000 metric tons  
19 of CO2 emissions annually, which is equivalent to a year's  
20 worth of greenhouse gas emissions from 67,000 passenger  
21 vehicles.

22 Next slide.

23 --o0o--

24 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Kern  
25 County was the lead agency for the CEQA process. And the

1 EIR was prepared and certified by the county on June 2nd,  
2 2020. The county also adopted findings, a Statement of  
3 Overriding Considerations and a Mitigation Monitoring  
4 Program. The project will minimize impacts to threatened  
5 and endangered species and reduce other environmental  
6 impacts by using existing infrastructure.

7 In conjunction with the EIR process, the county  
8 did extensive tribal consultation as well. The contacted  
9 tribes include those listed on this slide, the 29 Palm  
10 Band -- 29 Palms Band of Mission Indians, San Manuel Band  
11 of Mission Indians, Tejon Indian Tribe, and Torres  
12 Martinez Desert Cahuilla Indians.

13 While no significant subsurface archaeological  
14 deposits were found during the archaeological testing on  
15 28 different sites, the project will completely avoid  
16 construction or operational activities in any potentially  
17 significant cultural sites. The Mitigation Monitoring  
18 Program also requires that the applicant retain full-time  
19 Native American tribal monitors during project  
20 construction.

21 As part of the application process, staff also  
22 conducted environmental justice outreach. Letters were  
23 sent to several environmental justice organizations in the  
24 area. No comments on the project were received as a  
25 result of the outreach. And staff, at this time, is not

1 aware of any opposition to the project.

2 Next slide.

3 --o0o--

4 LAND MANAGEMENT DIVISION CHIEF BUGSCH: In  
5 addition to helping fulfill one of the Commission's  
6 strategic plan goals, this lease will contribute to  
7 achieving California's clean energy policy goals of  
8 reducing greenhouse gas emissions to 40 percent below 1990  
9 levels by 2030 and sourcing 60 percent of California's  
10 energy from renewable sources by 2030 and 100 percent by  
11 2045.

12 In addition to meeting the annual electricity  
13 needs, I've mentioned, 4,000 California homes and  
14 offsetting a lot of CO2 emissions annually, the proposed  
15 Big Bear -- BigBeau Solar Energy Project would generate  
16 revenue for the California Teachers -- State Teachers'  
17 Retirement System, would create -- create up to 12  
18 full-time jobs, and support an estimated 220 construction  
19 jobs, and support the economic development of Kern County,  
20 L.A. County, and the State of California.

21 The proposed lease is also consistent with, and  
22 in furtherance of, the values and strategic goals  
23 prioritized in the Commission's strategic plan and the  
24 Commission's 2008 resolution on renewable energy as well.

25 Next slide.

1                   --o0o--

2           LAND MANAGEMENT DIVISION CHIEF BUGSCH: I missed  
3 one there. But in conclusion, staff recommends that the  
4 Commission authorize issuance of a general lease  
5 industrial use to the applicant beginning August 20, 2020,  
6 for a term of 40 years for a construction, use,  
7 maintenance, and decommissioning of a new solar energy  
8 facility on State-owned school land.

9           That concludes staffers -- staff's report.  
10 Representatives from both the applicant and Kern County  
11 are here to speak on this item and answer any specific  
12 questions the Commission may have.

13           CHAIRPERSON YEE: Okay. Thank you very much,  
14 Brian. Let me just turn to Scott Kuhlke from EDF  
15 Renewables and Craig Murphy with Kern County to see if  
16 they have any other comments to offer on the item.

17           Mr. Kuhlke, I believe you're on mute.

18           We still can't you hear, Mr. Kuhlke.

19           MR. KUHLKE: Hi. Can -- can you hear me now?

20           CHAIRPERSON YEE: Yes. Thank you.

21           MR. KUHLKE: All right. I do have a presentation  
22 to provide that was provided to staff. I'm happy to do it  
23 now.

24           CHAIRPERSON YEE: Sure.

25           EXECUTIVE OFFICER LUCCHESI: It's being pulled up



1 now, yes.

2 (Thereupon an overhead presentation was  
3 Presented as follows.)

4 MR. KUHLMKE: Okay. Great. Well, thank you,  
5 Commissioners and thank you State Lands Commission staff.  
6 My name is Scott Kuhlke. I'm Associate Director of  
7 Development at EDF Renewables headquartered in San Diego,  
8 California. I'm here to present to you the BigBeau Solar  
9 Project.

10 Next slide, please.

11 --o0o--

12 MR. KUHLMKE: EDF Renewables as a subsidiary of  
13 the EDF group, a global leader in low carbon energy, is  
14 focused on delivering renewable solutions to transition to  
15 a sustainable future. We're a vertically-integrated  
16 company, leading the project siting, origination,  
17 development, construction and finally the long-term  
18 operation of renewable energy projects.

19 Next slide, please.

20 --o0o--

21 MR. KUHLMKE: In North America, we consider  
22 ourselves homegrown in California. Our roots of our  
23 business started in 1987 as an operations and maintenance  
24 contractor for the wind farms outside of Palm Springs.  
25 And now roughly half of our North American employees are

1 located in California with nearly a thousand megawatts of  
2 renewable energy projects owned and operated in the state.

3 Of all the counties in the U.S. we're most  
4 familiar with is in eastern Kern County. We own and  
5 operate four projects in a compact footprint west of the  
6 community Rosamond. BigBeau Solar will be our fifth  
7 project, 128 megawatt solar facility with up to 60  
8 megawatts of battery energy storage.

9 Siting projects close together provides numerous  
10 benefits, including a light development footprint, use of  
11 existing roads and transmission infrastructure to access  
12 the projects and interconnection points, and few  
13 year-round neighboring residents.

14 As you can see, the location of the State parcel  
15 is ideally situated within BigBeau's project footprint.

16 Next slide, please.

17 --o0o--

18 MR. KUHLKE: BigBeau has garnered tremendous  
19 support. We have a terrific relationship with Kern County  
20 going back to 2010. Both the planning commission and  
21 board of supervisors hearings were passed with unanimous  
22 consent. Earlier this year, we executed a project labor  
23 agreement with numerous unions, which will provide  
24 hundreds of good paying, local jobs during the project's  
25 construction. And we've also worked closely with

1 conservation groups, such as Defenders of Wildlife, local  
2 and national audubon societies, with a recently announced  
3 partnership concerning conservations efforts of the  
4 Swainson's Hawk in the Antelope Valley.

5 Next slide, please.

6 --o0o--

7 MR. KUHLLKE: As mentioned previously, BigBeau is  
8 a contracted project with an expected commercial  
9 operations date of December 2021. We're well underway in  
10 design and we'll be initiating site preparation and  
11 pre-construction activities in early September, applying  
12 for our construction permits in October, and we anticipate  
13 full project mobilization in January of next year.

14 In conclusion, our strong working relationship  
15 with Commission staff and their dedication to this project  
16 over the past couple years has been integral to bringing  
17 us here today. We see this as a great partnership and a  
18 chance for us to realize not only the first solar lease on  
19 State lands, but also help meet California's renewable  
20 energy goals of 60 percent by 2030.

21 Thank you for your time.

22 CHAIRPERSON YEE: Thank you, Mr. Kuhlke.

23 Mr. Murphy, are you on?

24 Craig Murphy with Kern County.

25 Okay. Maybe not.

1           If he comes on board, we'll be sure to put him  
2 on.

3           I have one question for Mr. Kuhlke and that is  
4 the project schedule that you just outlined, is that in  
5 consideration of just obviously some of the restrictions  
6 of work during the pandemic and any of the public health  
7 directives that will need to be observed at the worksite

8           MR. KUHLKE: Our schedule builds that into  
9 account. And we've been working closely with our  
10 contractors to make sure that we have good and safe  
11 operation characteristics on-site.

12           CHAIRPERSON YEE: Okay. All right. Thank you.  
13 Let me ask my fellow Commissioners if there are any  
14 questions or comments?

15           Okay. A very exciting project.

16           Let me turn to Grace. Grace, are there any  
17 public comments on Item 60?

18           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

19           We do. Thank you, Chair. I'm going to see if  
20 Mr. Murphy is able to speak first as a --

21           CHAIRPERSON YEE: Okay.

22           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

23           -- to be one of the presenters.

24           CHAIRPERSON YEE: That will be great.

25           LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

1 Mr. Murphy, you may have your line muted.

2 All right. I'm going to go ahead and move on to  
3 the public comments.

4 CHAIRPERSON YEE: All right.

5 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

6 Our first speaker is Garry George followed by  
7 Brian Holt.

8 MR. GEORGE: Good afternoon. Can you hear me?

9 CHAIRPERSON YEE: Yes, we can, Mr. George.

10 MR. GEORGE: Okay. Good afternoon Chair Yee and  
11 Commissioners. Thank you for this opportunity. I'm Garry  
12 George. I'm the Director of the Clean Energy Initiative  
13 with the National Audubon Society, and I'm located here in  
14 California.

15 Audubon science that's hosted on  
16 climate.audubon.org reveals that 389 species of North  
17 American birds are seriously threatened with climate --  
18 with extinction if we can't keep warming below 1.5 degrees  
19 Celsius. So we support a national clean energy goal of a  
20 hundred percent and we support State Lands permitting of  
21 renewable energy. Congratulations on your first solar  
22 project. And we'll be making comments on that in the  
23 strategic plan and we thank you for that opportunity.

24 I'm here today to support the commitment of EDF  
25 Renewables to work collaboratively with Audubon and the

1 Defenders of Wildlife on the BigBeau Solar Project on  
2 State and private lands in Kern County. This  
3 collaboration resulted in an agreement that provides  
4 funding for research and a conservation fund to support  
5 acquisition of lands or easements for conservation of  
6 Swainson's Hawk in the Antelope Valley in the area of the  
7 project.

8 This agreement is voluntary. It's not mitigation  
9 for the project's impacts, as Kern County required no  
10 mitigation for the impacts on Swainson's Hawk. It's a  
11 fine example for us of conservation and clean energy going  
12 hand-in-hand. And we support that collaboration and  
13 EDFR's commitment to it on the BigBeau -- BigBeau Solar  
14 Project.

15 Thank you very much.

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

18 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:  
19 Next, we'll have Brian Holt.

20 CHAIRPERSON YEE: Good afternoon, Mr. Holt.

21 MR. HOLT: Good afternoon. My name is Brian  
22 Holt. I'm Assistant Business Manager of the International  
23 Brotherhood of Electrical Workers, Local 428. And we are  
24 the electrical workers union serving Kern County and we  
25 represent nearly a thousand hard working men and women,

1 150 of which are State indentured apprentices. We stand  
2 in strong support of this project.

3 Thank you.

4 CHAIRPERSON YEE: Thank you very much.

5 Grace, any other speakers?

6 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

7 Chair Yee, we have one additional speaker, a  
8 phone number, last three digits 743.

9 CHAIRPERSON YEE: Okay.

10 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

11 You'll need to unmute.

12 EXECUTIVE OFFICER LUCCHESI: Grace, why don't we  
13 try Mr. Murphy again.

14 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

15 Mr. Murphy, are you available to speak at this  
16 time?

17 EXECUTIVE OFFICER LUCCHESI: Maybe one last time  
18 with the speaker on the telephone three digits of 743.

19 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

20 Speaker 743, it looks on our end as though your  
21 phone is muted.

22 CHAIRPERSON YEE: Hello. Good afternoon.

23 Looked like they may have dropped off, Grace.

24 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

25 Correct, Chair Yee. Thank you. We have no other

1 speakers at this time.

2 CHAIRPERSON YEE: Okay. Well, hopefully, Mr.  
3 Murphy, if he's still with us, will chime in. But I think  
4 very exciting project. And I can just sense the  
5 excitement of all the parties this afternoon around this.  
6 So hearing no other comments from Commissioners, this item  
7 is before us. Is there a motion?

8 ACTING COMMISSIONER MILLER: I'll move, Madam  
9 Chair. And I agree it's very exciting.

10 CHAIRPERSON YEE: Thank, Commissioner Miller.  
11 Okay. Motion by Commissioner Miller.

12 Seconded by --

13 ACTING COMMISSIONER DURLAO: And I'll second it.

14 CHAIRPERSON YEE: -- Commissioner Durlao. Thank  
15 you.

16 Ms. Lucchesi, please call the roll.

17 EXECUTIVE OFFICER LUCCHESI: Commissioner Durlao?

18 ACTING COMMISSIONER DURLAO: Aye.

19 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

20 ACTING COMMISSIONER MILLER: Aye.

21 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

22 CHAIRPERSON YEE: Aye.

23 EXECUTIVE OFFICER LUCCHESI: The motion passes  
24 unanimously.

25 CHAIRPERSON YEE: Thank you very much. Thank



1 you, everyone

2 I just want to do a little bit of a time check.  
3 We're down to I think the last item, are we?

4 EXECUTIVE OFFICER LUCCHESI: Yes. Yes, Item 61  
5 -- or excuse me, 62.

6 CHAIRPERSON YEE: Sixty-two.

7 EXECUTIVE OFFICER LUCCHESI: And this should go  
8 fairly quickly.

9 CHAIRPERSON YEE: Okay. Very good.

10 So we are now on Item 62, Commissioners. And  
11 that is to consider adoption of a support position on  
12 certain provisions of federal legislation HR 7608 by  
13 Representative Lowey. And this is a bill that would ban  
14 new offshore drilling leases and seismic testing.

15 So let me have Sheri Pemberton present the --  
16 present on this item.

17 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank  
18 you, Madam Chair and Commissioners.

19 This item recommends that the Commission adopt a  
20 support position on provisions of HR 7608, a federal  
21 appropriations bill that would ban new offshore drilling  
22 leases and seismic testing.

23 As background, in 2018, the federal government  
24 released a five-year national oil and gas lease proposal  
25 that would open the entire Pacific outer continental shelf

1 to new offshore oil and gas drilling. Shortly thereafter,  
2 the Commission, noting that it has opposed new offshore  
3 oil development for over 30 years, sent letters to the  
4 federal government urging them to withdraw California from  
5 their proposed leasing program.

6 Last month, the House of Representatives approved  
7 HR 7608, with amendments that would ban new offshore oil  
8 leases and seismic testing. Further offshore oil and gas  
9 development is unnecessary and it's incompatible with the  
10 State's Energy policies, transitioning energy markets and  
11 vision for the future.

12 The Commission has adopted numerous resolutions  
13 in past years opposing the resumption or expansion of  
14 offshore oil and gas development. The resolutions convey  
15 the Commission's view that additional offshore oil and gas  
16 leasing and development threatens the environment and the  
17 economy, prevents the nation from reducing its dependency  
18 on fossil fuels, contributes to greenhouse gas emissions,  
19 and adversely affects critical California industries, like  
20 tourism and fisheries.

21 As Oceana, one of the many organizations that  
22 support the amendments in HR 7608 stated after the House  
23 vote, quote, "This legislation is an important step  
24 towards stopping the President's plans and protecting  
25 those who rely on a clean and healthy ocean. We applaud

1 House members for working to protect our coasts from new  
2 dirty and dangerous drilling. For nearly three decades,  
3 Congress blocked offshore drilling through similar funding  
4 measures. We're counting on Congress to once again enact  
5 a moratorium on new off shore drill", end quote.

6 A support position from the Commission on the  
7 amendment in HR 7608 is consistent with the Commission's  
8 past actions, and protects California's cherished  
9 national -- natural resources.

10 Staff, therefore recommends that the Commission  
11 adopt a support position on the amendments in HR 7608 to  
12 ban new offshore oil drilling and seismic testing.

13 Thank you and I'm available to answer any  
14 questions.

15 CHAIRPERSON YEE: Thank you, Sheri.

16 Any comments by Commissioners on this?

17 Thank -- yes, Commissioner Dumlao.

18 ACTING COMMISSIONER DURLAO: Yeah. Just a quick  
19 comment. I know the Lieutenant Governor is passionately  
20 against new offshore oil drilling. And I think, you know,  
21 the Commission has done a very good job of being very  
22 vigilant the last few years in ensuring that every  
23 opportunity that we have to push back against the federal  
24 government, we take it. So I really appreciate staff  
25 keeping an eye on federal legislation....(inaudible)

1 CHAIRPERSON YEE: You're fading out,  
2 Commissioner.

3 ACTING COMMISSIONER DURLAO: Oh, just very  
4 thankful for the Commission monitoring federal legislation  
5 and bringing it forward for us to support today.

6 Thank you.

7 CHAIRPERSON YEE: Very well. Thank you.

8 (Laughter.)

9 ACTING COMMISSIONER DURLAO: Move on.

10 (Laughter.)

11 CHAIRPERSON YEE: That's okay. Let me turn to  
12 Grace and see if there are any speakers on this item, on  
13 Item. 62

14 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

15 Chair Yee, we have no hands raised for public  
16 comment on this item.

17 CHAIRPERSON YEE: Okay. Very well. Thank you.  
18 So we do have the item before us. Is there a motion to  
19 adopt the staff recommendation to support the amendments  
20 to HR 7608.

21 ACTING COMMISSIONER DURLAO: So moved.

22 CHAIRPERSON YEE: Okay. Motion by Commissioner  
23 Durlao. Seconded by Commissioner Miller?

24 ACTING COMMISSIONER MILLER: Yes, please.

25 CHAIRPERSON YEE: Ms. Lucchesi, please call the

1 roll.

2 EXECUTIVE OFFICER LUCCHESI: Commissioner Dumlao?

3 ACTING COMMISSIONER DURLAO: Aye.

4 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

5 ACTING COMMISSIONER MILLER: Aye.

6 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

7 CHAIRPERSON YEE: Aye.

8 EXECUTIVE OFFICER LUCCHESI: Motion passes  
9 unanimously.

10 CHAIRPERSON YEE: Thank you very much.

11 Lets see, I think, Ms. Lucchesi, what is our next  
12 order of business?

13 EXECUTIVE OFFICER LUCCHESI: Next order of  
14 business is our second public comment period.

15 CHAIRPERSON YEE: Okay. So this is the time if  
16 anyone wishes to address the Commission on -- excuse me --  
17 on any matters that -- on any matter that is not on  
18 today's agenda. You may raise your hand and you will have  
19 three minutes to -- to do so. And so I'm going to look to  
20 Grace and see if we have any -- any members of the public  
21 with their hand raised who wishes to address the  
22 Commission.

23 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

24 Chair Yee, I have no hands raised for public  
25 comment.

1 CHAIRPERSON YEE: Okay. Very well. Thank you,  
2 Grace. And thank you for monitoring that throughout the  
3 meeting.

4 That concludes our second public comment period.

5 Let me just check-in again with Commissioner  
6 Dumlao and Commissioner Miller. Any other comments or  
7 questions?

8 ACTING COMMISSIONER DUMLAO: (Shakes head.)

9 ACTING COMMISSIONER MILLER: (Shakes head.)

10 CHAIRPERSON YEE: Okay. Ms. Lucchesi, what is  
11 our -- what's our next order of business?

12 EXECUTIVE OFFICER LUCCHESI: Our next order of  
13 business is closed session. We will be conducting closed  
14 session via a traditional conference call. So  
15 Commissioners, please email me or call my cell phone if  
16 you need the call-in information. It was emailed a couple  
17 days ago, but it might be hard to find. I'm sure  
18 everybody receives a ton of emails.

19 For the Commissioners and staff participating in  
20 the closed session, upon adjournment, please mute your  
21 microphone, turn off your webcam, and, if possible, go  
22 into a different room. That will ensure confidentiality  
23 of our discussions.

24 And at the conclusion of our closed session, we  
25 will return back to the public session in order to report

1 anything out and then adjourn the meeting.

2 CHAIRPERSON YEE: Okay. Very well. So we will  
3 put audio --

4 EXECUTIVE OFFICER LUCCHESI: Yes.

5 (Off record: 3:44 p.m.)

6 (Thereupon the meeting recessed  
7 into closed session.)

8 (Thereupon the meeting reconvened  
9 open session.)

10 (On record: 3:56 p.m.)

11 EXECUTIVE OFFICER LUCCHESI: There we go.

12 AGP VIDEO: And we are recording now.

13 CHAIRPERSON YEE: Thank you. I call this meeting  
14 back to order. Ms. Lucchesi, is there anything to report  
15 from closed session?

16 EXECUTIVE OFFICER LUCCHESI: Not at this time.

17 CHAIRPERSON YEE: Okay.

18 AGP VIDEO: Okay. Mr. Chair, we are -- Madam  
19 Chair, we are back in session. You may continue.

20 EXECUTIVE OFFICER LUCCHESI: So I -- Chair Yee,  
21 you have to call it back to order.

22 CHAIRPERSON YEE: Yes. So I do call this meeting  
23 back to order. Ms. Lucchesi, is there anything to report  
24 from closed session?

25 EXECUTIVE OFFICER LUCCHESI: No.

1 CHAIRPERSON YEE: Okay. That concludes the open  
2 meeting. And seeing no other business coming before the  
3 Commission, we are adjourned. Thanks, everyone. Be safe.

4 (Thereupon the California State Lands  
5 Commission meeting adjourned at 3:56 p.m.)  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



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

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

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

8 That the said proceedings was taken before me, in  
9 shorthand writing, and was thereafter transcribed 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 25th day of August, 2020.

17  
18  
19   
20  
21

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