

VIDEOCONFERENCE MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

ZOOM PLATFORM

WEDNESDAY, AUGUST 25, 2021

1:01 P.M.

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

APPEARANCES

COMMISSION MEMBERS:

Eleni Kounalakis, Lieutenant Governor, Chairperson

Betty T. Yee, State Controller

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

STAFF:

Jennifer Lucchesi, Executive Officer

Colin Connor, Assistant Executive Officer

Seth Blackmon, Chief Counsel

Brian Bugsch, Chief, Land Management Division

Sheri Pemberton, Chief, External Affairs and Legislative
Liaison

Katie Robinson-Filipp, Environmental Scientist

ATTORNEY GENERAL:

Andrew Vogel, Supervising Deputy Attorney General

ALSO PRESENT:

Dominic Aliano, representing Contra Costa County
Supervisor Federal Glover

Del De Fabry

Anne Eubanks, Dana Point Boaters Association

Larry Haydon, Crockett Chamber of Commerce

Bob Kurz

Andrea León-Grossman, Azul

APPEARANCES CONTINUED

ALSO PRESENT:

Mark Manzione

Frankie Orona, Society of Native Nations, American Indian Movement

Marla Parada, Crockett Community Foundation

Heidi Petty, Contra Costa Resource Conservation District

Lydia Ponce

Nancy Rieser

Merv Silverman

Alejandro Sobrera, Sunrise Movement Orange County

D'Arcy Trask

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I Open Session	1
II Public Comment	5
<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 29, 2021 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">- No items for this section <p>Tomales Bay Assignment Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:</p> <ul style="list-style-type: none">- Anthony Johnson and Terry Shrode (ASSIGNOR); Robin Livingston (ASSIGNEE): Assignment of General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, near Marshall, Marin County (PRC 9426.1)	
V Consent Calendar 01-37	27
<p>The following items are considered to be noncontroversial and are subject to change at any time up to the date of the meeting.</p> <p>Land Management</p> <p>Northern Region</p>	

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- 01 CITY OF CHICO (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, adjacent to Assessor's Parcel Number 039-530-018, near Chico, Butte County; for an existing outfall pipeline, ballast weights, riprap, and a non-operational outfall pipeline. CEQA Consideration: categorical exemption. (Lease 4911; A2770; RA# 2020052) (A 3; S 4) (Staff: M.J. Columbus)
- 02 LAKE POINT BEACH RESORT, LLC, A NEVADA LIMITED LIABILITY COMPANY (APPLICANT): Consider acceptance of a lease quitclaim deed and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent 7650 North Lake Boulevard Tahoe Vista, Placer County; for reconstruction, extension, and widening of an existing multi-use pier; installation of access stairs; relocation of an existing boat lift; removal of an existing buoy; use and maintenance of an existing rock jetty, and two mooring buoys. CEQA Consideration: categorical exemptions. (Lease 4198; A2963; RA# 2020324) (A 1; S 1) (Staff: L. Anderson)
- 03 LONG BAR MINE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Yuba River, adjacent to Assessor's Parcel Numbers 006-170-141, -140, -139, -126, -119, and 118; and 005-270-176, -140, and -018, near Marysville, Yuba County; for habitat restoration, floodplain excavation and grading, creation of a side perennial channel, and riparian revegetation. CEQA Consideration: Mitigated Negative Declaration, certified by the County of Yuba, State Clearinghouse Number 2021030284, and adoption of a Mitigation Monitoring Program. (A2982; RA# 2020344) (A 3; S 4) (Staff: M.J. Columbus)
- 04 PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT): Consider rescission of prior Commission authorization of an amendment to Lease Number PRC 6205 and consider authorization of a General Lease - Right-Of-Way Use, of sovereign land located in the Russian River, adjacent to the Wohler Road Bridge Over The Russian River Seismic Retrofit Project, near Santa Rosa,

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Sonoma County; for relocation of existing overhead electric transmission lines not previously authorized by the Commission. CEQA Consideration: Mitigated Negative Declaration, adopted by Sonoma County, State Clearinghouse Number 2014082054. (A3161; RA# 2021028) (A 2; S 2) (Staff: A. Franzoia)

Bay / Delta Region

- 05 MADELINE BUNFILL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 6041 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8549; A2321; RA# 2020411) (A 9; S 6) (Staff: S. Avila)
- 06 CALIFORNIA STATE LANDS COMMISSION (PARTY): Authorize staff to file a Record of Survey for the Reach 3 San Joaquin River Administrative Map, Fresno and Madera counties. CEQA Consideration: not a project. (W26377) (A 5, 31; S 12) (Staff: J. Koepke)
- 07 MARK CAUWELS AND SUZANNE J. CAUWELS, AS TRUSTEES OF THE MARK AND SUZANNE CAUWELS FAMILY TRUST INITIALLY CREATED ON JULY 30, 1992 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign tide and submerged land located in the Pacific Ocean, adjacent to 70 Geoffroy Drive, near Santa Cruz, Santa Cruz County; for an existing concrete seawall previously authorized by the Commission, and an existing plugged sea cave not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 8000; A2502; RA# 2019225) (A 29; S 17) (Staff: G. Asimakopoulos)
- 08 CENTRAL CONTRA COSTA SANITARY DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Pacheco Creek, near Martinez, Contra Costa County; for one non-operational force main pipeline previously authorized by the Commission, and two force main pipelines and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 4214; A2874; RA#

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- 2020311) (A 14; S 7) (Staff: D. Tutov)
- 09 WAYNE DEMMEL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 12836 Sir Francis Drake Boulevard, near Inverness, Marin County; for an existing pier and boat dock. CEQA Consideration: categorical exemption. (Lease 8941; A3117; RA# 2020439) (A 11; S 3) (Staff: K. Connor)
- 10 TIMOTHY COOK DRAPER AND MELISSA PARKER DRAPER, TRUSTEES OF THE TIMOTHY DRAPER LIVING TRUST DATED APRIL 21, 1988, AS AMENDED AND RESTATED ON DECEMBER 17, 2010 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 560 Pierce Point Road, Inverness, Marin County; for an existing boathouse, ramp, and boat dock previously authorized by the Commission, and an existing pier with a boat hoist, two-pile dolphin, two pilings, utility conduit, and water line not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 7854; A3062; RA#2020438) (A 10; S 2) (Staff: G. Asimakopoulos)
- 11 RAYMOND L. DREW, JR., TRUSTEE OF THE RAYMOND L. DREW, JR. DECLARATION OF TRUST DATED AUGUST 18, 2005 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Calaveras River, adjacent to 4339 Yacht Harbor Drive, near Stockton, San Joaquin County; for an existing boat dock and appurtenant facilities previously authorized by the Commission and an existing utility conduit and water line not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 5934; A2548; RA# 2019277) (A 13; S 5) (Staff: J. Toy)
- 12 DAVID H. JOHNSON AND JEANE P. JOHNSON, TRUSTEES OF THE DAVID H. JOHNSON AND JEANE P. JOHNSON 2001 FAMILY TRUST, DATED SEPTEMBER 18, 2001; AND TIMOTHY J. MAIMONE AND JESSICA L. MAIMONE, TRUSTEES OF THE 2016 TIMOTHY J. MAIMONE AND JESSICA L. MAIMONE TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent

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- to 13990 Grand Island Road, near Walnut Grove, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 5696; A2552; RA# 2020430) (A 11; S 3) (Staff: J. Toy)
- 13 MARTHA NEVAI (LESSEE); PAUL CRAMPTON AND TANIA G. CRAMPTON (APPLICANT): Consider termination of Lease Number PRC 8636, a General Lease - Recreational and Protective Structure Use; void Invoices, and any associated Penalty and Interest; and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 6961 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 8636; A3124; RA# 2020462) (A 7; S 6) (Staff: J. Holt)
- 14 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse Number 2021050121 and adoption of a Mitigation Monitoring Program; and amendment of Lease Number PRC 5438.1-A, a General Lease - Right-of-Way Use, of sovereign land located in Latham Slough, Middle River, and Old River, near Stockton, San Joaquin and Contra Costa counties; for removal of a portion of and abandonment-in-place of a portion of a non-operational pipeline. (Lease 5438.1-E; A2861; RA# 2020103) (A 11, 13; S 5, 7) (Staff: A. Franzoia)
- 15 PORT STOCKTON BOATERS, INC. (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the San Joaquin River, at Headreach Island, near Stockton, San Joaquin County; for existing boat docks, ramps, water intake pipeline, recreational facilities, septic system, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 2771; A2797; RA# 2020117) (A 13; S 5) (Staff: D. Tutov)
- 16 RECLAMATION DISTRICT NO. 2111 (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the North Fork of the Mokelumne River, adjacent to Assessor's Parcel Numbers

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- 146-0470-001 and 146-0470-003, at Dead Horse Island, near Walnut Grove, Sacramento County; and Assessor's Parcel Number 069-020-190, at Staten Island, near Walnut Grove, San Joaquin County; for an existing bridge. CEQA Consideration: categorical exemption. (Lease 802; A3089; RA# 2020431) (A 11, 13; S 3, 5) (Staff: G. Asimakopoulos)
- 17 PHILIP RODONI (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to Teachers Beach, near Inverness, Marin County; for a proposed mooring buoy. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse Number 2012082074. (A3025; RA# 2020402) (A 10; S 2) (Staff: D. Tutov)
- 18 SACRAMENTO MUNICIPAL UTILITY DISTRICT (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land in the American River, adjacent to Watt Avenue, Sacramento, Sacramento County; for two existing electrical power-line conduits attached to the Watt Avenue Bridge. CEQA Consideration: categorical exemption. (Lease 3967; A3031; RA# 2020375) (A 8; S 6) (Staff: M. Schroeder)
- 19 SACRAMENTO MUNICIPAL UTILITY DISTRICT (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land in the American River, adjacent to Howe Avenue, near Sacramento, Sacramento County; for two existing electrical power-line conduits attached to the Howe Avenue Bridge. CEQA Consideration: categorical exemption. (Lease 4113; A3019; RA# 2020374) (A 7; S 6) (Staff: M. Schroeder)
- 20 TIMOTHY SCOTT GARTON (ASSIGNOR); PATRICK D. CRAIG AND KATHRYN A. CRAIG, TRUSTEES OF THE PATRICK D. CRAIG AND KATHRYN A. CRAIG FAMILY TRUST DATED 10/31/2000 (ASSIGNEE): Consider assignment of Lease Number PRC 2646, a General Lease - Recreational and Residential Use, of sovereign land, located in Mare Island Strait, adjacent to 9 Sandy Beach Road, near Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: not a project. (PRC 2646; A3178 RA# 2021485) (A 14; S 3)

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(Staff: D. Tutov)

- 21 SIERRA HEALTH FOUNDATION (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 1321 Garden Highway, Sacramento, Sacramento County; for existing bank protection. CEQA Consideration: categorical exemption. (Lease 7951, A2824; RA# 2020377) (A 7; S 6) (Staff: M.J. Columbus)
- 22 JONATHAN D. SMITH AND MILISSA SMITH (LESSEE); KEVIN M. SULLIVAN AND CHRISTINE E. SULLIVAN, TRUSTEES OF THE SULLIVAN FAMILY TRUST DATED MAY 31, 1991 (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease Number PRC 9168, a General Lease - Recreational and Protective Structure Use, and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4237 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 9168; A3051; RA# 2020388) (A 7; S 6) (Staff: G. Asimakopoulos)
- 23 TE VELDE STAN GLENN PROPERTIES #2, L.P., A CALIFORNIA LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Stanislaus River, adjacent to 2949 Ladd Road, near Modesto, Stanislaus County; for existing bank protection. CEQA Consideration: categorical exemption. (Lease 6750; RA# 2020333) (A 12; S 5) (Staff: M. Schroeder)
- 24 MICHAEL S. TINKER (LESSEE); DAVID HOANG (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease Number PRC 5840, a General Lease - Recreational and Protective Structure Use, and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2375 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 5840; A2944) (A 7; S 6) (Staff: J. Toy)

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Central / Southern Region

- 25 ROBIN A. BEESO (LESSEE); BABAK LAVI (APPLICANT): Consider termination of Lease Number PRC 3076, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3262 Gilbert Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 3076; A3165; RA# 2020476) (A 72; S 34) (Staff: J. Holt)
- 26 CITY OF AVALON (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, adjacent to Pebbly Beach Road, near the City of Avalon, Santa Catalina Island, Los Angeles County; to stabilize sea-cave voids with rock and concrete. CEQA Consideration: categorical exemption. (A2848; RA# 2020340) (A 70; S 26) (Staff: D. Simpkin)
- 27 FRANK B. DE GELAS AND DONNA L. DE GELAS, AS TRUSTEE(S) OF THE FRANK AND DONNA DE GELAS TRUST ESTABLISHED 2-27-2003 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3632 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 7986; A3048; RA# 2020385) (A 72; S 34) (Staff: S. Avila)
- 28 EXXON MOBIL CORPORATION (APPLICANT): Consider application for a General Lease - Industrial Use, of sovereign land located in the Pacific Ocean, near Coal Oil Point, Santa Barbara County; for two mooring buoys. CEQA Consideration: categorical exemption. (Lease 6371; A2763; RA# 2020049) (A 37; S 19) (Staff: D. Simpkin)
- 29 WILLIAM CAMERON FOSTER, AS TRUSTEE OF THE WILLIAM CAMERON FOSTER INVESTMENT TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3551 Courtside Circle,

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- Huntington Beach, Orange County; for an existing boat dock and access ramp previously authorized by the Commission and an existing cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 6746; A2717; RA# 2020420) (A 72; S 34) (Staff: J. Holt)
- 30 ROBERT ISAACS AND MICHELE ISAACS, AS TRUSTEES OF THE ISAACS FAMILY REVOCABLE TRUST DATED JANUARY 31, 1995 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16552 Somerset Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 3167; A3148; RA# 2020463) (A 72; S 34) (Staff: J. Holt)
- 31 ROBERT LIENAU, JR., AND CAROL LIENAU, CO-TRUSTEES OF THE LIENAU FAMILY TRUST ESTABLISHED AUGUST 4, 1992 (LESSEE/ASSIGNOR); ROBERT SEBRING, JR. AND GAIL SEBRING, AS TRUSTEES OF THE SEBRING FAMILY TRUST DATED JANUARY 10, 2002 (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16642 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (Lease 9586; A2964; RA# 2020326) (A 72; S 29) (Staff: L. Anderson)
- 32 GABY MENDEZ, AS TRUSTEE(S) OF THE LOVEWATER FAMILY TRUST DATED MAY 1, 2021 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3622 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck, and rock slope protection. CEQA Consideration: categorical exemption. (Lease 7996; A3127; RA# 2020448) (A 72; S 34) (Staff: S. Avila)
- 33 ROBERT SEBRING, JR. AND GAIL SEBRING, AS TRUSTEES OF THE SEBRING FAMILY TRUST, DATED JANUARY 10, 2002 (LESSEE/ASSIGNOR); MICHAEL F. MCCOY, TRUSTEE OF THE MCCOY 1995 INTER VIVOS TRUST DATED JANUARY 25, 1995

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- (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16402 Grimaud Lane, Huntington Beach, Orange County; for an existing cantilevered deck. CEQA Consideration: not a project. (Lease 8881; A2965; RA# 2020328) (A 72; S 29) (Staff: L. Anderson)
- 34 STEVEN SENEAL AND CYNTHIA SENEAL AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP (APPLICANT): Consider waiver of rent, penalty, interest; termination of Lease Number PRC 5244, a General Lease - Recreational Use; and issuance of a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3532 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 5244; A3006; RA# 2020370) (A 72; S 29) (Staff: L. Anderson)
- 35 BIN XU (LESSEE/ASSIGNOR); GRACE ROAD LLC (APPLICANT/ASSIGNEE): Consider assignment of Lease Number PRC 3859, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16801 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3859; A2204; RA# 2019237) (A 72; S 34) (Staff: K. Connor)

School Lands

- No items for this section

Mineral Resources Management

- 36 ENERGYSOURCE, LLC (LESSEE/ASSIGNOR); HUDSON RANCH I HOLDINGS LLC (ASSIGNEE): Consider assignment of Lease No. 9000, a Geothermal Resources Lease, of 40 acres of State sovereign land, Assessor's Parcel Number 020-010-030-000, located within the Southeast $\frac{1}{4}$ of the Southeast of Section 14, Township 11 South, Range 13 East, San Bernardino Baseline & Meridian, near the southeast shore of the Salton Sea geothermal field, Imperial County. CEQA Consideration: not a project. (A3069; Lease 9000; RA# 2020416) (A 56; S: 40) (Staff: R. Lee)

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Marine Environmental Protection

- 37 CALIFORNIA STATE LANDS COMMISSION (PARTY):
Consider approval of modifications to the
proposed amendments to sections 2291, 2292,
2293, 2294, 2295, and 2296 of the California
Code of Regulations, Title 2, Division 3,
Chapter 1, Article 4.7. CEQA Consideration:
categorical exemption. (W9777.234) (A & S:
Statewide) (Staff: L. Ceballos Osuna, P. Huber)

Administration

- No items for this section

Legal

- No items for this section

Kapiloff Land Bank Trust Acquisition/Expenditure

- No items for this section

External Affairs

Granted Lands

- No items for this section

VI. Informational Calendar

- 38 TODD JAMISON BALLANTYNE (LESSEE): Receipt of a
quitclaim deed for oil and gas lease No. 6786,
for 23.36 acres of State-owned sovereign land,
in the beds and vicinity of Butte Slough and
Butte Creek, Sutter County. CEQA Consideration:
not a project. (Lease No. 6786) (A 3; S 1, 4)
(Staff: V. Perez)

VII Regular Calendar 39-40

- 39 CALIFORNIA STATE LANDS COMMISSION: Discussion
and possible action on state legislation
relevant to the California State Lands
Commission. CEQA consideration: not applicable.
(A & S: Statewide) (Staff: S. Pemberton) 29
- 40 CALIFORNIA STATE LANDS COMMISSION (PARTY):
Authorize staff to enter into contracts for
removal activities along the Crockett Waterfront

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near the Carquinez Bridge, Contra Costa County. CEQA Consideration: categorical exemptions. (W27249) (A 14; S 3) (Staff: V. Caldwell)	35
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X Closed Session	70

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:

- 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.

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- Eugene Davis v. State of California and California State Lands Commission
- In re: PG&E Corporation and Pacific Gas and Electric Company, Bankruptcy Chapter 11
- In re: Temblor Petroleum Company, LLC, Bankruptcy Chapter 11
- In re: Venoco, LLC, Bankruptcy Chapter 11
- In re: EHT US1, Inc. et al.
- 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.
- San Francisco Baykeeper, Inc. v. State Lands Commission
- San Joaquin River Exchange Contractors Water Authority v. State of California; State Lands Commission
- State of California v. International Boundary and Water Commission, et al.
- State Lands Commission v. Plains Pipeline, L.P., et al.

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- United States v. Walker River
Irrigation District, et al.
- 2. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(b), under which;
 - a. A point has been reached where, in the opinion of the Commission, on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the Commission, or
 - b. Based on existing facts and circumstances, the Commission is meeting only to decide whether a closed session is authorized because of a significant exposure to litigation against the Commission.
- 3. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(C), where, based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.
- B. Conference with real property negotiators

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

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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	71
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PROCEEDINGS

1
2 CHAIRPERSON KOUNALAKIS: Good afternoon,
3 everyone. I call this meeting of the State Lands
4 Commission to order. I am Lieutenant Governor Eleni
5 Kounalakis. Welcome to our completely virtual State Lands
6 Commission meeting.

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

9 EXECUTIVE OFFICER LUCCHESI: Certainly.

10 State Controller Betty Yee?

11 COMMISSIONER YEE: Here.

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

14 ACTING COMMISSIONER MILLER: Here.

15 EXECUTIVE OFFICER LUCCHESI: Chair and Lieutenant
16 Governor Eleni Kounalakis?

17 CHAIRPERSON KOUNALAKIS: Present.

18 EXECUTIVE OFFICER LUCCHESI: Madam Chair, we have
19 a quorum present.

20 In addition, I would like to identify the members
21 of the staff of the Commission and the Attorney General's
22 office present for this virtual meeting. I am Executive
23 Officer Jennifer Lucchesi. I'm joined by Chief Counsel
24 Seth Blackmon, meeting liaison Rene DeLeon, Assistant
25 Executive Officer Colin Connor, Supervising Deputy

1 Attorney General Andrew Vogel, and our zoom co-hosts Katie
2 Robinson-Filipp, Mike Farinha, and Phil Schlatter.

3 I'm happy to turn --

4 CHAIRPERSON KOUNALAKIS: Thank you very --

5 EXECUTIVE OFFICER LUCCHESI: -- it over to you.

6 (Laughter.)

7 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
8 Lucchesi.

9 For the benefit of those joining us virtually,
10 the State Lands Commission manages State property
11 interests in over five million acres of land, including
12 mineral interests. The Commission also has responsibility
13 for the prevention of oil spills at marine oil terminals
14 and offshore oil platforms, and for preventing the
15 introduction of marine invasive species into California's
16 marine waters. Today, we will hear requests and
17 presentations involving the lands and resources within the
18 Commission's jurisdiction.

19 We recognize that the lands we manage have been
20 inhabited for thousands of years by California's native
21 people and take seriously our trust relationship with
22 these sovereign governments. I want to take a moment to
23 honor the California Native American communities all
24 across the state for persisting, carrying on diverse
25 cultural and linguistic traditions, and sustainably

1 managing the land that we now share.

2 Native people have maintained a constant presence
3 on the landscape for many thousands of years and they are
4 essential stewardship partners whether along the coast,
5 along the rivers and valleys, or in our fragile deserts.
6 We thank California Native American communities for
7 participating in this Commission's activities and for
8 their essential role in maintaining and adding to our
9 State's rich cultural legacy.

10 The next item of business will be public comment.
11 Before I open the public comment period for items not on
12 the agenda, first let me thank everyone, especially our
13 stakeholders and members of the public, for taking the
14 time to join our virtual meeting. Now, I'd like to turn
15 it over to Ms. Lucchesi to quickly share some instructions
16 on how we can best participate in this meeting, so that it
17 runs as smoothly as possible.

18 EXECUTIVE OFFICER LUCCHESI: Thank you, Chair
19 Kounalakis.

20 First, everyone please make sure you have your
21 microphones or phones muted to avoid any background noise.
22 For members of the public, if you would like to speak
23 either during our public comment period or during a public
24 comment period that is part of an agenda item, you will
25 need to do so in one of two ways. First, if you are

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

6 Second, if you are joining our meeting by phone,
7 you must present star nine on your keypad to raise your
8 hand to make a comment. If you are calling in and want to
9 view the meeting, including the PowerPoint presentations,
10 please view the meeting through the CAL-SPAN live webcast
11 link. 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 emailed us with a request to speak, please
15 also raise your hand, so we don't inadvertently miss you.
16 We will call on individuals who have raised their hands in
17 the order that they are raised using the name they
18 registered with or the last three digits of their
19 identifying phone numbers -- phone number. After you are
20 called on, you will be unmuted, so that you can share your
21 comments. Please also remember to unmute your computer or
22 phone and identify yourself. You will have a limit of
23 three minutes to speak on an item. Please keep your
24 comments respectful and focused. We will mute anyone who
25 fails to follow these guidelines or at worst dismiss them

1 from the meeting.

2 We have also established an email address to
3 compile public comments for our meetings. The address is
4 cslc.commissionmeetings@slc.ca.gov. We have received
5 various emails from parties that have been shared with all
6 the commissioners prior to the meeting. If we receive any
7 emails during the meeting, they will be shared with the
8 Commissioners and made available on our website along with
9 the public comment letters and emails we have already
10 received.

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

14 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
15 Lucchesi. And our next order of business is the public
16 comment period. If anyone would like to address the
17 Commission on any matter not on today's agenda, please
18 raise your hand and you will have three minutes to do so.
19 Katie, please call on the first person who would like to
20 make a public comment.

21 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
22 you, Madam Chair. For our first public speaker, we have
23 Andrea León-Grossman.

24 CHAIRPERSON KOUNALAKIS: Andrea, can you hear us?

25 MS. LEÓN-GROSSMAN: Yes. Can you hear me?

1 CHAIRPERSON KOUNALAKIS: Yes, we can.

2 MS. LEÓN-GROSSMAN: Hi. Dear Commissioner Yee,
3 my name is Andrea León-Grossman and I am the Climate
4 Action Director with Azul, an environmental justice
5 organization that works with the Latinx community to
6 protect the coast and ocean. I'm also co-author of two
7 books about energy.

8 Today, I want to talk to you about the Huntington
9 Beach Poseidon proposed plant and how its emission would
10 affect low income communities of color.

11 Commissioner Yee, in October 19, 2017, you were
12 concerned that you had not heard a progress report back
13 about the greenhouse gas emissions. You asked for three
14 specific things, Poseidon not to write just a check to
15 fulfill the obligation for greenhouse gas emissions,
16 really develop excellent technology, and the avoidance of
17 offsets to be actual. And you did not get what you asked
18 for.

19 Poseidon just filed for these permits before the
20 California Coastal Commission with the exact same
21 greenhouse gas emission plan that they submitted back in
22 2017. Basically, some investments in green energy and
23 mostly writing a check for offsets. This plan includes
24 highly controversial offsets out of the country in
25 Ecuador.

1 Poseidon plans to co-locate next to the dirty AES
2 gas plant and use dirty energy from it. The emissions
3 from this plant end up blowing east and affecting
4 communities of color in Santa Ana, Fullerton, and Anaheim.
5 It is not surprising that Poseidon is not complying with a
6 directive from a regulatory agency as they think they can
7 simply get away with the bare minimum regulations to get
8 their destructive boondoggle built, so they can start
9 privatizing water and making a profit out of the
10 California coast.

11 In order to fulfill the energy needs with the
12 local power and assure reliability under peak conditions,
13 Poseidon would need to invest and pay for the installation
14 of 100 megawatts of solar on commercial rooftops in
15 Huntington Beach and potentially surrounding cities. The
16 City of Huntington Beach will take responsibility of those
17 soft costs using city staff to identify commercial
18 building candidate sites, permitting, and administration
19 overhead for profit -- those profits.

20 Additionally, Poseidon also needs to establish
21 and pay for battery storage for four hours of duration at
22 commercial solar installation. And that would cost about
23 150 million for solar, plus 24 million for battery storage
24 for a total of 174 million. Poseidon will have to finance
25 and basically install this renewable energy at that local

1 site and not use those energy credits.

2 We need to ensure environmental justice and not
3 pay to poisoned schemes. Poseidon's parent company
4 Brookfield Asset Management, which is a multi-billion for
5 corporation should not have a problem financing such a
6 project on their own. This should also not come out of
7 the California taxpayers of tax -- taxpayers, as Poseidon
8 is trying to do with the rest of this boondoggle.

9 Again, I really encourage you to look into their
10 scheme. They do not need to write a check and we do not
11 deserve to be poisoned by Poseidon.

12 Thank you so much.

13 CHAIRPERSON KOUNALAKIS: Thank you.

14 Katie, can you bring up our next speaker?

15 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
16 Thank you, Madam Chair. Our next speaker is Lydia Ponce.

17 MS. PONCE: Yes. I'm competing here with the
18 gardener next door, so I apologize. My name is Lydia
19 Ponce. I am Mayo and Quechua. I reside here in the
20 unceded lands of the Tongva people Saangna in Venice.

21 I want to discuss the failure -- the epic failure
22 for Poseidon's no communication, improper communication,
23 and no consent from local tribal people for their
24 particular project in Huntington Beach. There -- it was
25 really wonderful to hear your address and your

1 acknowledgement of California tribal people, because now
2 in existence you have your EJ committee, your Commission,
3 your policy to abide by that acknowledgement is to really
4 put -- hit the brakes on this particular project.

5 The UN provided us with a free and prior informed
6 consent. You need to add consultation before they have
7 consent -- anyone globally has consent from indigenous
8 people.

9 But let's talk about Poseidon's epic failure.
10 They mailed letters to tribal Post Office boxes. Did not
11 hear from them in the time of epic proportions of this
12 pandemic hitting the entire world, but they con -- they
13 consider that to be consultation. They consider that to
14 be consent. We ask them -- I personally had emails going
15 back and forth - I can provide any and all of them - to
16 seek out the relationships, to seek out the conversations
17 necessary to inform the local tribal people. We had two
18 elders whose families were not only stricken with the
19 pandemic, with this COVID-19, but also two of them had to
20 bail out. There was a lot of loss of life.

21 So there was no consideration from Poseidon in a
22 humanitarian effort, as water is life and life is life,
23 when you have this pandemic that there was no
24 consideration on their part. They didn't need to.
25 They're trying to push this through.

1 Outside of those letters, nothing else was done.
2 And I have written -- I had written to them several times
3 saying that I am not the representative. I'm just holding
4 space for the right people to arrive. You'll be hearing
5 from Frankie Orona, who's on the call waiting to share his
6 three minutes.

7 Lastly, I'd like to say that if you can possibly
8 stop this process before it hits, stop them dead in their
9 tracks, because whatever kind of shenanigans prior to your
10 EJ Committee, and Commission, and policy, they were just
11 pushing it through without any kind of current data,
12 current Environmental Impact Report or study, and old
13 business, and clearly they didn't want to pay for any
14 updated studies or surveys.

15 So stop the process before they go ahead and kill
16 everything in sight, in the ocean, the land, and erase the
17 people who are there. They are waiting and ready to help
18 and support in an honest conversation. I thank you for
19 your time.

20 CHAIRPERSON KOUNALAKIS: Katie, do we have the
21 next speaker?

22 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
23 Thank you, Madam Chair. Our next speaker is Frankie
24 Orona.

25 MR. ORONA: Haku. Haku. Can you hear me?

1 CHAIRPERSON KOUNALAKIS: Yes, we can hear you.

2 MR. ORONA: Awesome. Thank you. Good day to
3 each and every one of you. Thank you for your time. You
4 know, my name is Frankie Orona. I'm with Society of
5 Native Nations and the American Indian Movement. I'm also
6 a descendant of the lands of the Los Angeles area. And
7 I'm here to speak a little bit about how I feel like the
8 Tongva people, and Hashaman people, and the Chumash
9 people, and the Ohlones, and all the different tribal
10 communities, bands, families, and clans that live in the
11 region, including the POC communities in the region that
12 haven't really been consulted, haven't been brought to the
13 table.

14 You know, much has been said already that I would
15 probably be just repeating my -- you know, repeating
16 what's been said. But I think, at this point you know,
17 those things need to be repeated, because history keeps
18 repeating itself. You know, our people and our
19 communities have been ignored time, after time, after
20 time, after time, and there needs to be new approaches.

21 You know, when our elders -- I know for a fact
22 that they haven't been reached out to in the right ways
23 for consultation and the request for consultation. And I
24 don't think any of these projects should be able to move
25 forward without proper consultation. I would never go

1 into someone's house and tell them how or what they should
2 do with their home, or what they need to add or take away
3 from their home. You know, they have an inherent right to
4 these lands and to protect these lands for their future
5 generations and for all future generations, because
6 ultimately, their decisions on taking care of the land
7 impact all of us and is in our best interests to have a
8 healthier sustainable future.

9 And so, you know, the tac -- you know, the
10 processes that have been used to reach out for
11 consultation obviously haven't worked. Our elders in our
12 communities have been devastated by the lies, and the
13 abuse, and, you know, feeling as if their voices don't
14 matter. So there needs to be new approaches. There needs
15 to be a new process on making sure that we -- you know,
16 the consultation is seeked in the right way and that
17 they're brought to the table to make them feel like their
18 voices matter, so they want to take a seat at the table
19 and have these discussions.

20 You beat a -- you beat a community down enough,
21 and, you treat them wrong, you know, who wants to hang
22 around that kind of behavior or that kind of treatment,
23 you know -- and, you know, that's what we're dealing with.
24 We have to make a change. We have to address these
25 issues. We have to include the voices of those that will

1 live directly impacted by these decisions and involve, you
2 know, them, their families, their communities, and their
3 voices most of all, especially that next generation. I
4 hope your children, our children, everyone's children will
5 hold us accountable for what we do today. It's important.
6 We meet -- we need -- we need the change and we need that
7 inclusion and that transparency.

8 So again, thank you. And I just want to say once
9 again I don't think any project should move forward until
10 proper consultation is considered and a part of this
11 decision-making.

12 Thank you.

13 CHAIRPERSON KOUNALAKIS: Katie, may we have the
14 next speaker, please.

15 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
16 Our next speaker is Alejandro.

17 MR. SOBRERA: Hi. Hello. My name is Alejandro
18 Sobrera. I'm the OC Sunrise Movement Hub Coordinator.
19 We're a youth-led movement fighting for a Green New Deal.
20 And today I want to talk about the environmental justice
21 policy at the State Lands Commission and the Poseidon
22 Huntington Beach desal project.

23 So Commissioner Yee, you had a hearing in October
24 of 2017 where the Poseidon project was discussed at
25 length. The transcript from that date is about 377 pages

1 long. And in that same transcript, the word "equity" is
2 mentioned zero times. However, it is mentioned 14 times
3 in your environmental justice policy that is only 12 pages
4 long and was published after in 2018, months after the
5 hearing regarding Poseidon.

6 And so many things have changed since 2017, but
7 many have not. Poseidon is still a very powerful
8 corporation with an army of lobbyists trying to convince
9 us all that privatizing water is good, even though its
10 plant in Carlsbad has caused water rates in San Diego to
11 skyrocket. Carlsbad has also failed year after year to
12 deliver the water it promised and has been issued dozens
13 of notices of violations for excessive dumping of
14 concentrated brine and toxic chemicals, and has managed
15 not to get fined even once.

16 What has changed is that we now know that the
17 climate crisis is getting worse and that the IPCC report
18 that just came out called desal -- or desalination
19 maladaptation[SIC] for destroying marine life and the
20 ridiculous amount of energy it uses. We also know that
21 the Carlsbad plant had to shut down for weeks because of
22 red tides, even though Poseidon calls it climate proof,
23 and even calls the ocean an infinite source of water, when
24 it's really a fragile ecosystem and not their profit
25 center.

1 With a warmer climate, we will have more red
2 tides and their existing plant will have to be shut down
3 more frequently. Your environmental justice policy talks
4 about impacted communities, analyzing impacts and
5 supporting cleaner industry. I think those must be looked
6 at again by State Lands, especially with the EJ Policy.
7 My generation will have to bear the brunt of this
8 destructive and polluting project. And it's simply
9 unconscionable that Poseidon could sail through without
10 considering the environmental justice impacts to the most
11 vulnerable and climate equity.

12 So Poseidon pretty much wants me to pay with my
13 pocketbook and my health for this boondoggle. And I'm
14 asking you, Commissioner Yee, to reconsider the lease and
15 deny it based on the State Lands Commission EJ Policy.

16 Thank you.

17 CHAIRPERSON KOUNALAKIS: Katie, can we have the
18 next speaker, please?

19 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
20 Our next speaker is Gauge Point.

21 CHAIRPERSON KOUNALAKIS: Katie, and what is the
22 name of the next speaker?

23 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Sorry.
24 The next speaker is Gauge Point.

25 Gauge, you are unmuted, so if you could try

1 speaking, please. Let's make sure your audio works.

2 CHAIRPERSON KOUNALAKIS: Katie.

3 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.

4 We're having issues with your audio, so if you could
5 please try calling in and raise your hand by calling in,
6 then we'll call on you next. Thanks.

7 Our next speaker is Bob Kurz.

8 MR. KURZ: Are you able to hear me?

9 CHAIRPERSON KOUNALAKIS: Okay. We can hear you.
10 Please go ahead, Mr. Kurz.

11 MR. KURZ: Thank you. Good afternoon, Madam
12 Chair and Commissioners. My name is Bob Kurz and I'm a
13 longtime slip tenant in Dana Point Harbor. I'm
14 participating at today's meeting to object to the recently
15 announced slip fee increase to take effect on October 1st
16 of this year. As you're undoubtedly aware, Dana Point
17 Harbor was created as a public marina under the tidelands
18 trust.

19 In the past, rate increases have largely
20 reflected cost-of-living adjustments. However, this
21 latest increase bears no relationship to the rate of
22 inflation. What changed?

23 In 2018, Dana Point Harbor Partners, LLC assumed
24 management responsibility for Dana Point Harbor and its
25 environs. Since that time, operation of the marina seems

1 to be run more for the benefit of the partners than the
2 public. In 2019, Dana Point Harbor Partners completely
3 changed the methodology for determining slip fees from
4 slip size to overall vessel length. In my case, this
5 resulted in a 10 percent monthly fee increase.

6 Now, on October 1st, my monthly slip fees will
7 increase by an astonishing 39 percent. For me, the
8 cumulative effect of these back-to-back fee increases is
9 49 percent. This seems at the very least excessive, if
10 not egregious. Clearly, something is wrong. In the past,
11 slip fees at marinas from San Diego to Santa Barbara were
12 included in the periodic rate survey. This time, Dana
13 Point Harbor Partners surveyed only marinas located in
14 Orange County, including Newport Harbor, which has the
15 most expensive slip fees in Southern California.

16 It should be noted that some of these marinas are
17 also managed by the same individuals who comprise the Dana
18 Point Harbor Partners.

19 Under the existing master lease agreement with
20 Orange County, it's become very clear that Dana Point
21 Harbor is not being managed in the public interest.
22 Therefore, I'm respectfully requesting the Commission to
23 initiate an investigation into Dana Point Harbor Partners'
24 rate-setting methodology to ensure it's both fair and
25 equitable, as well as in the public's interest.

1 Thank you.

2 CHAIRPERSON KOUNALAKIS: Katie, may we have our
3 next speaker?

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
5 Thank you, Madam Chair. Our next speaker is Anne Eubanks.

6 MS. EUBANKS: Madam Chair and Commission, my name
7 is Anne Eubanks. I'm the President of Dana Point Boaters
8 Association. Because of the massive proposed increase in
9 slip fees proposed by the lessees of the Dana Point
10 Marina, we believe the tidelands grant requirement of
11 maximum reasonable public access has been violated and the
12 grantee, the County of Orange, has abdicated its
13 responsibility to monitor and protect the public interest.

14 We are therefore asking this Commission to step
15 in and help assure the public rights are protected. Dana
16 Point Harbor is a small boat marina. After
17 revitalization, the average slip size will be 32 feet.
18 Dana Point Boaters Association has been advocating for
19 Dana Point boaters for 14 plus years. During the many
20 years of revitalization planning, we've had a seat at the
21 table with all entities involved. We were at the table
22 because we're collaborative, we know and understand the
23 harbor, we're reasonable people, and we're discreet.

24 After Dana Point Harbor Partners was selected as
25 the lessee and steward of the harbor for the next 66

1 years, we collaborated with them on marina design and
2 concerns about the dry storage. We were told on more than
3 one occasion that there would be no slip increases until
4 boaters were in their new slips.

5 After the master lease was signed and after
6 approval of the CDP things changed. We appeared to be
7 more of a nuisance than a help Dana Point Harbor Partners.
8 In fact to quote Joe Ueberroth, the Dana Point Boaters
9 Association is a lightning rod of negativity.

10 I assure you, Commissioners, we are not. On May
11 14th, Joe Ueberroth of Bellwether Financial, the Dana
12 Point Harbor Partners entity tasked with the
13 revitalization of the marina sent a one-page letter with a
14 two-page attachment to Matt Miller, Chief Real Estate
15 Officer of Orange County. That letter contained a
16 sentence, which should have immediately alerted county
17 officials to irregularities, but it appears it did not.
18 The sentence was, "The marina has not implemented a rate
19 increase since July 2017, when the increase averaged 1.9
20 percent, far below average increases in the market". If I
21 had been a county official responsible for oversight, I
22 would have immediately replied, "No, Joe, that's not
23 correct". The last county implemented rate increase was
24 in July 2018 and it was a 2.8 percent increase.

25 The letter went on to justify why only Orange

1 County Marina should be included in the very elementary
2 market rate survey they supplied the county. It appears
3 there's truly no oversight of the 66-year lease and
4 neither the county executives nor the board of supervisors
5 feel it necessary to respond to their constituents
6 regarding the matter. At least three board members at
7 Dana Point Boaters Association have supplied very detailed
8 written comments for today's Commission meeting. I'm
9 asking you to please review the comments and hold OC
10 executives and supervisors accountable.

11 There's a lot more information and facts to
12 support boaters' concerns and we are willing to supply to
13 the Commission. We hope that you will give us a seat at
14 your table to make our case.

15 Thank you.

16 CHAIRPERSON KOUNALAKIS: Thank you.

17 Katie, may we have the next speaker, please.

18 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
19 you, Madam Chair. We'll try again Darcy Trask. Darcy,
20 you are able to unmute yourself now. If you could see if
21 that works?

22 MR. TRASK: Yes. Can you hear me now?

23 CHAIRPERSON KOUNALAKIS: Yes, we can.

24 MR. TRASK: Yeah. Thank you very much. My
25 question and comments are in regards to Item 40. Should I

1 just wait until that subject is brought up?

2 CHAIRPERSON KOUNALAKIS: Yes, that's right.
3 We're only taking comments for items that are not on the
4 agenda.

5 MR. TRASK: Thank you. I'll --

6 CHAIRPERSON KOUNALAKIS: So you will have an
7 opportunity later to speak up on that item.

8 MR. TRASK: Thank you.

9 CHAIRPERSON KOUNALAKIS: Thank you.
10 Katie.

11 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
12 you, Madam Chair. At this time, we have no other hands
13 raised to provide public comment.

14 CHAIRPERSON KOUNALAKIS: Thank you, Katie.

15 That concludes our public comment period. The
16 next item of business will be the adoption of the minutes
17 from the Commission's meeting of June 29th, 2021. May I
18 have a motion to approve the minutes and a second?

19 COMMISSIONER YEE: Madam Chair, I'll --

20 ACTING COMMISSIONER MILLER: I'll move the
21 minutes, Madam Chair.

22 COMMISSIONER YEE: I'll second.

23 CHAIRPERSON KOUNALAKIS: All right. So we're
24 doing it verbally. We don't have to do it with raised
25 hands?

1 EXECUTIVE OFFICER LUCCHESI: (Shakes head.)

2 CHAIRPERSON KOUNALAKIS: Great. All right. So
3 we have a motion from Commissioner Miller and a second
4 from Commissioner Yee.

5 Ms. Lucchesi, will you please conduct a roll call
6 vote?

7 EXECUTIVE OFFICER LUCCHESI: Certainly.

8 Commissioner Yee?

9 COMMISSIONER YEE: Aye.

10 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

11 ACTING COMMISSIONER MILLER: Aye.

12 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

13 CHAIRPERSON KOUNALAKIS: Aye.

14 EXECUTIVE OFFICER LUCCHESI: The motion passes
15 unanimously.

16 CHAIRPERSON KOUNALAKIS: The next order of
17 business is the Executive Officer's report. Ms. Lucchesi,
18 may we please have the report?

19 EXECUTIVE OFFICER LUCCHESI: Certainly. Well,
20 first, I want to report on our two well abandonment and
21 decommissioning projects. First, with regards to the
22 Rincon Island and onshore facility project. Phase one
23 work, the plugging and abandoning the wells and oil
24 facilities at the former leases at Rincon Island is
25 complete, as we've reported previously. The Rincon Island

1 and onshore site were placed into caretaker status
2 officially in July. The facilities will remain in
3 caretaker status while the phase two feasibility study and
4 CEQA analysis are completed, and until the phase three
5 work, the final island and onshore decommissioning
6 commences.

7 Padre Associates, which -- who is our
8 environmental consultant is currently conducting surveys
9 and assessments to inform the feasibility study and
10 subsequent CEQA document, which will evaluate
11 decommissioning alternatives for the final disposition of
12 the island and the onshore property. A bathymetric study
13 of the island and surrounding area and a coastal
14 engineering study have been completed. Ongoing work
15 include site assessments for hydrocarbon contamination,
16 site characterization, a marine biology study, an
17 engineering assessment, and an environmental baseline
18 assessment.

19 We are continuing our robust public outreach to
20 community and stakeholders. We hosted a community town
21 hall in April and a feasibility study workshop in June.
22 This was followed by a questionnaire staff sent to the
23 Mussel Shoals residents requesting their input on phase
24 two.

25 Staff will convene another town hall after we

1 release the draft feasibility study, which is expected to
2 occur in late September or early October. We have also
3 begun informal consultation with the California Coastal
4 Commission, the State Coastal Conservancy, Fish and
5 Wildlife Service, the National Marine Fisheries Service,
6 and Ventura County. And we anticipate presenting the
7 final feasibility study to the Commission at its meeting
8 in December.

9 As it relates to the Platform Holly and Piers 421
10 Decommissioning Project, we continue to maintain and
11 monitor the platform and onshore facilities to ensure
12 public health and safety. Staff and ExxonMobil are
13 planning to reactivate the mothballed Platform Holly rig
14 in preparation for resuming well plug and abandonment
15 work. Subcontractor maintenance personnel returned to the
16 platform on August 16th to begin a five-week reactivation
17 program. The full complement of personnel are expected to
18 return to the platform in mid-September to begin the well
19 plug and abandonment work. Personnel transport and cargo
20 operations to and from Platform Holly will continue from
21 alternative piers in the area for the foreseeable future,
22 while negotiations to regain access to the Ellwood Pier
23 continue.

24 And we're really excited to get started -- get
25 back started on the plugging and abandonment work at

1 Platform Holly. We had to put that on hold due to the
2 pandemic. So we've been delayed about a year and a half
3 now, so we're -- us, and ExxonMobil, and our contractors
4 are ready to get moving on that again.

5 Last month, staff issued a Notice of Preparation
6 for the Haskell's Beach oil piers. These are the Piers
7 421 Removal Project. And we held a virtual public scoping
8 meeting, actually two of those, earlier this month. Staff
9 anticipates releasing the Draft Environmental Impact
10 Report later this year.

11 I want to report on our SB 44 Legacy Well
12 Remediation Program. As you know, this program provides
13 up to \$2 million per year to address legacy wells and
14 coastal hazards. In July, we successfully plugged and
15 abandoned the Olson 805 well at Summerland Beach. This is
16 third well we have re-abandoned in Santa Barbara County
17 using SB 44 funds. The abandonment was completed on time,
18 within budget, and without incident.

19 In April, staff authorized dive work to
20 investigate seeps to determine if any of the leaks
21 observed during the previous drone surveys were associated
22 with another legacy well. Throughout three days of
23 diving, eight new well casings were discovered, which were
24 leaking hydrocarbons into the ocean. During the diving
25 operations, old timber piles were also discovered and

1 appear to be remnants of the Treadwell Pier.

2 We intend to address these wells and remnants in
3 the future as part of the SB 44 program. We are
4 developing a plan to prepare the engineering programs,
5 cost estimates, and establish priorities for additional
6 well abandonments in this fiscal year. And we're excited
7 to continue our successful work and our continued
8 collaboration with our partner agencies and the community.

9 And finally, I want to provide an update on the
10 Hollister Ranch Public Access Program. The Hollister
11 Ranch State agency team and its consultants have been
12 leading a robust public engagement process for more than a
13 year and a half. The public engagement process began with
14 interviews of 18 stakeholder groups followed by three
15 public surveys and other interactive platforms for public
16 engagement, two public meetings, and six listening
17 sessions with stakeholders, environmental justice
18 communities, and tribal representatives. Formal tribal
19 consultations were initiated after the release of the
20 conceptual public access plan draft in June and are
21 currently in progress. The Coastal Commission expects to
22 hold its first public hearing on the draft public access
23 program in October of this year.

24 That completes my Executive Officer's report.
25 I'm happy to answer any questions.

1 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
2 Lucchesi.

3 Commissioner Yee, do you have any questions or
4 comments?

5 COMMISSIONER YEE: Not at this time, Madam Chair.
6 Thank you.

7 CHAIRPERSON KOUNALAKIS: Commissioner Miller, do
8 you have any questions or comments?

9 ACTING COMMISSIONER MILLER: (Shakes head.)

10 CHAIRPERSON KOUNALAKIS: Well, let me just make
11 one quick comment, because I know how hard you and your
12 staff have been working on the plugging and abandonment of
13 Platform Holly. These are not simple engineering feats
14 and so it is very good to hear that progress is being
15 made. And to everyone who is working from the divers, to
16 the legal work that needs to be done, to the construction
17 folks out there doing this work, it is a very high
18 priority that these old legacy wells get plugged and
19 abandoned on time and effectively. So thank you to you
20 and the whole team.

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

25 COMMISSIONER YEE: No.

1 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi --

2 ACTING COMMISSIONER MILLER: No.

3 CHAIRPERSON KOUNALAKIS: -- please indicate any
4 items which have been removed from the consent calendar.

5 EXECUTIVE OFFICER LUCCHESI: Certainly. Items 3,
6 8, 14, and 21 are removed from the agenda and will be
7 considered at a later time.

8 CHAIRPERSON KOUNALAKIS: Thank you. Is there
9 anyone joining us virtually who wishes to speak on any
10 item remaining on the consent calendar? If so, please
11 raise your Zoom hand or dial star nine if joining by phone
12 now?

13 Katie, is there anyone who would like to speak on
14 any item remaining on the consent calendar?

15 Hearing none, we will --

16 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Sorry.
17 Thank you, Madam Chair. At this time, we have no hands
18 raised.

19 CHAIRPERSON KOUNALAKIS: Hearing none, we will
20 now proceed with the vote. May I have a motion to adopt
21 the consent agenda and a second?

22 COMMISSIONER YEE: I'll so move, Madam Chair.

23 ACTING COMMISSIONER MILLER: I'll second.

24 CHAIRPERSON KOUNALAKIS: We have a motion by
25 Commissioner Yee and a second by Commissioner Miller.

1 Ms. Lucchesi, will you please conduct a roll call
2 vote?

3 EXECUTIVE OFFICER LUCCHESI: Certainly.
4 Commissioner Yee?

5 COMMISSIONER YEE: Aye.

6 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

7 ACTING COMMISSIONER MILLER: Aye.

8 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

9 CHAIRPERSON KOUNALAKIS: Aye.

10 The next --

11 EXECUTIVE OFFICER LUCCHESI: The motion passes
12 unanimously.

13 CHAIRPERSON KOUNALAKIS: The next order of
14 business will be the regular calendar.

15 Item 39 is to receive an update on State
16 legislation relevant to the State Lands Commission.

17 May we please have the presentation?

18 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Yes.
19 Thank you, Madam Chair and Commissioners. It's hard to
20 believe that the California Legislature, as you know, is
21 heading into the last two weeks of session with a
22 September 10th adjournment date. Tomorrow, the Senate and
23 Assembly Appropriations Committees will convene to
24 dispense with their suspense file bills. And since
25 members were limited to 12 bills this year, we don't

1 expect as many bills to go to the floor as have in past
2 years, but there will still be a lot and it will still be
3 an incredibly hectic two weeks as the Legislature wraps up
4 this year's session.

5 We're expecting to see additional budget bills
6 surface, as well as legislation detailing how the \$3.7
7 billion climate resilience package will be allocated. And
8 our staff will continue to monitor the bills affecting the
9 Commission and the amendments coming out of tomorrow's
10 appropriations hearings. Our review is focused on climate
11 change adaptation and sea level rise preparedness related
12 bills, offshore wind energy, plastic pollution reduction,
13 carbon capture and storage, and legislation to plug and
14 abandon hazardous or deserted wells.

15 I wanted to highlight AB 1390 by Assemblymember
16 Boerner Horvath, a bill the Commission is sponsoring that
17 would remove constraints that make it difficult for the
18 Commission to invest in property to generate revenue for
19 CalSTRS, among other things. And this bill is on the
20 Senate Appropriations Committee suspense file and we're
21 optimistic it will pass. It's had bipartisan support
22 throughout the process and doesn't have any State cost.

23 We're also pursuing two relatively technical
24 amendments related to the Commission's Marine Invasive
25 Species Program. Those amendments are in SB 822 and SB

1 824. Both bills are on the Senate floor and we expect
2 them to go to the Governor in the coming days.

3 And then I wanted to highlight SB 796 by Senator
4 Bradford, which the Commission is also supporting. This
5 would authorize the County of LA to convey Bruce's Beach,
6 a portion of land within Manhattan Beach, to descendants
7 of the Bruce family. That bill is also on suspense and
8 will be considered tomorrow.

9 And then I wanted to highlight a few more bills,
10 AB 525 by Assemblymember Chiu, which is the most
11 substantive piece of legislation on offshore wind energy
12 in many, many years, and if signed into law would require
13 the State Lands Commission to be part of the process to
14 develop a strategic plan for offshore wind energy
15 development in California.

16 The key provision in AB 525 is a requirement that
17 the Energy Commission, in coordination with other
18 agencies, develop a strategic plan for offshore wind
19 energy development off the California coast in federal
20 waters and submit it to the Natural Resources Agency and
21 the Legislature by December of next year. And the State
22 Lands Commission is among the agencies that the Energy
23 Commission must coordinate with when developing that
24 strategic plan.

25 AB 525 also requires the Energy Commission to

1 work with the State Lands Commission to identify suitable
2 sea space for wind energy areas in federal waters
3 sufficient to achieve the offshore planning goals
4 established in the Strategic Plan.

5 And then I wanted to highlight two
6 climate-related measures that involve the State Lands
7 Commission and are particularly noteworthy in the context
8 of the later IPP -- IPCC report released a couple weeks
9 ago, which reported that the world has warmed by more than
10 one degree Celsius, nearly two degrees Fahrenheit, and that
11 global temperatures are now higher than at any other time
12 in the past hundred and twenty-five thousand years.

13 The first bill is SB 83 by Senator Allen, which
14 would require the Ocean Protection Council, in
15 consultation with the State Coastal Conservancy, to
16 develop a sea level rise revolving loan program to provide
17 low interest loans to local jurisdictions to purchase
18 vulnerable coastal property. SB 83 would require Ocean
19 Protection Council to consult with the State Lands
20 Commission, among others, to develop the criteria and
21 guidelines to identify eligible vulnerable coastal
22 properties.

23 And then the second bill I wanted to highlight is
24 SB 1 by Senator Atkins. This bill, the California Sea
25 Level Rise Mitigation and Adaptation Act of 2021 would,

1 among other things, create within the Ocean Protection
2 Council, the California Sea Level Rise State and Regional
3 Support Collaborative to provide information, support, and
4 grants to local governments to plan for and address sea
5 level rise.

6 The bill requires the Ocean Protection Council to
7 coordinate with other land management planning and coastal
8 management agencies, including the State Lands Commission,
9 as they administer grants and on the kind of information
10 and support that is provided to local, regional, and other
11 State agencies.

12 So that summarizes my update on the sea level
13 rise and climate change adaptation bills and the offshore
14 wind energy legislation, and the other bills that staff is
15 monitoring. We'll continue to monitor these bills and
16 report back to the Commission at our October meeting with
17 an update on these and other bills coming out of the end
18 of this year's session.

19 Thank you.

20 EXECUTIVE OFFICER LUCCHESI: Madam Chair, you're
21 on mute.

22 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
23 Pemberton. Commissioner Yee, do you have any comments or
24 questions?

25 COMMISSIONER YEE: Yes, Madam Chair. I just had

1 one request if I could. I really appreciate the update on
2 the pending legislation. I was wondering if I could make
3 a request of staff at the -- for the next meeting to
4 perhaps compile just all of the actions to date,
5 particularly related to the budget. There were several
6 major investments in the budget that really comport with
7 some of the goals in our own strategic plan relative to
8 work in this area and in other areas. I just think during
9 this historic time when we've made these investments, it
10 might be good just to start tracking, you know, some of
11 those, so that we can just look at the progress of
12 certainly the work of our Commission. And partnerships
13 are important to us as we work with other entities as
14 well. But just to maybe have that in one place, so that
15 we can really measure the progress in a concerted way, so
16 that year after year as we either continue to enhance our
17 investments or to certainly look at, you know, just what
18 our return is on them, that we have those just noted in a
19 single -- in a single place.

20 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON:

21 Absolutely.

22 COMMISSIONER YEE: Thank you.

23 CHAIRPERSON KOUNALAKIS: Commissioner Miller,
24 questions or comments?

25 ACTING COMMISSIONER MILLER: (Shakes head.)

1 CHAIRPERSON KOUNALAKIS: Okay. Katie, do we have
2 any public comments? If anyone would like to make a
3 comment, please raise your Zoom hand now.

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
5 you, Madam Chair. Right now, we have one public commenter
6 and that is Darcy Trask, if you could please unmute
7 yourself to speak.

8 MR. TRASK: Yes. Can you hear me?

9 CHAIRPERSON KOUNALAKIS: Yes.

10 MR. TRASK: Once again, is this in regards to
11 Item number 40?

12 CHAIRPERSON KOUNALAKIS: That is the next thing
13 we're going to take up in a moment.

14 MR. TRASK: Okay. I'm stepping back.

15 (Laughter.)

16 CHAIRPERSON KOUNALAKIS: All right. Thank you.

17 (Laughter.)

18 CHAIRPERSON KOUNALAKIS: All right. So thank you
19 very much for the informational item and we will look
20 forward to a report back at our next meeting per the
21 request of Commissioner Yee.

22 Our next item, Item 40, is to consider
23 authorizing staff to enter into contracts for removal
24 activities along the Crockett waterfront near the
25 Carquinez Bridge. May we have the presentation, please?

1 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Good
2 afternoon, Commissioners. My name is Brian Bugsch. I'm
3 Chief of the Land Management Division.

4 (Thereupon a slide presentation.)

5 LAND MANAGEMENT DIVISION CHIEF BUGSCH: And I'll
6 be presenting on Item 40 today. This item requests
7 authorization to contract to remove improvements on the
8 Crockett Waterfront.

9 Next slide, please.

10 --o0o--

11 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
12 Crockett -- Crockett is a small unincorporated community
13 in northwestern Contra Costa County. The Crockett
14 waterfront is located on the south side of the Carquinez
15 Strait where it meets the San Pablo Bay.

16 Next slide, please.

17 --o0o--

18 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Over the
19 years, the Commission has authorized leases for various
20 uses along and near the Crockett shoreline. These include
21 marine oil terminals, a sugar refinery, and interstate
22 highway crossing, a boat repair facility and marina,
23 restaurant, fishing club, fishing pier, horticultural
24 center, and a waste water treatment facility.

25 Next slide, please.

1 --o0o--

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: One of
3 the leases along the waterfront was to Crockett Marine
4 Services for a restaurant, marina and boat repair
5 facility. The lessee had difficulty maintaining the
6 improvements and Commission staff worked with the lessee
7 for years to bring the lease into good standing. But
8 ultimately, on December 3rd, 2018, the Commission
9 terminated the lease due to the lessee's inability to
10 fulfill its obligations to maintain the improvements.

11 Only the Nantucket Restaurant remained in good
12 use and condition at the time of lease termination, but
13 the restaurant subsequently closed on February 7th, 2019.
14 And in March 2019, the Commission paid to board up the
15 restaurant. Since that time, the restaurant has been
16 broken into numerous times and the building fixtures have
17 been stripped and vandalized. The building remains an
18 attractive nuisance. And to date, the Commission has
19 expended more than \$18,000 continuing to secure the
20 building.

21 Next slide.

22 --o0o--

23 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On August
24 3rd, 2020, the derelict Crockett boat repair facility,
25 adjacent to the restaurant, caught fire and burned to the

1 ground. These are some of the images of it before and
2 during the fire.

3 And then following -- in the months following the
4 fire, the Commission completed an emergency clean-up with
5 costs exceeding \$90,000.

6 Next slide.

7 --o0o--

8 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On
9 December 9th -- or December 6th rather 2019, the
10 Commission authorized a one-year lease to the Nantucket
11 Revitalization, LLC to rehabilitate the existing
12 restaurant and make it a regional destination. Staff and
13 the applicant hoped to restore and reopen the Nantucket
14 Restaurant.

15 The short-term lease, however, was conditioned
16 upon the applicant obtaining and maintaining a Union
17 Pacific Railroad right of way access. The railroad
18 crossing agreement had lapsed along with the prior lease.
19 The only means of accessing the restaurant from the upland
20 required crossing the active railroad.

21 For the safety purposes a crossing signal would
22 be required. Construction of an additional crossing
23 signal was estimated at around \$234,000 a year with annual
24 maintenance costs exceeding \$15,000 a year. This proved
25 too costly for the applicant and they withdraw their

1 application in April of this year.

2 Today, all the remaining facilities, including
3 the restaurant building, are so dilapidated at this point,
4 that there is no longer any economic value in repairing
5 it. And the Contra Costa Fire Chief has determined that
6 the remaining derelict improvements along the waterfront
7 are a health and safety hazard and need to be removed.

8 Next slide, please.

9 --o0o--

10 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On
11 December 9th, 2020, Commission staff hosted a virtual town
12 hall meeting to discuss the current state of affairs at
13 the Crockett Waterfront, to notify the community and
14 interested parties of staff's intent to request removal of
15 the derelict restaurant building and marina facilities,
16 and to solicit community input and feedback on staff's
17 proposal. Public outreach included engagement with
18 community leaders, District staff, and local businesses
19 and residents of Crockett, and the meeting was well
20 attended.

21 Staff also assessed the building to determine if
22 it contained asbestos. The assessment determined that
23 there was asbestos and the asbestos will be remediated as
24 part of the scope of the proposed contract and process for
25 removal and disposal.

1 On July 26th, as part of outreach for the
2 proposed Commission action, staff sent 575 letters to
3 members of the Crockett community and key stakeholders to
4 notify them of the proposed action -- proposed action
5 today.

6 Next slide, please.

7 --o0o--

8 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On
9 October 18th, 2018, the Commission authorized expenditures
10 from three Kapiloff Bank fund subaccounts for the removal
11 and disposal of abandoned vessels, marine debris,
12 navigational hazards, or obstructions, and derelict
13 structures in the Crockett Marina.

14 The removal work contemplated, and any contracts
15 awarded in furtherance of this work, would be funded from
16 the same Kapiloff subaccounts. The remaining amount of
17 funds in the subaccounts at this time is approximately
18 \$598,000. Staff is requesting authorization to enter into
19 contracts up to the full amount of the remaining funds in
20 the subaccounts to remove the restaurant building, and the
21 marina facilities in the interest of public health and
22 safety.

23 Next slide, please.

24 --o0o--

25 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So this

1 is an overview of the facilities there. The -- you'll see
2 the freeway off to the -- to the side there and then the
3 bass fishing club here. The remaining facilities are the
4 areas of removal. In phase one, we would be requesting --
5 would involve removal of the Nantucket restaurant building
6 and related facilities that are in that red circle there.

7 Next slide, please.

8 --o0o--

9 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Here is
10 some visuals of what it's looking like in somewhat
11 recent -- I think it's deteriorated even more since these
12 photos, but this gives you an idea of what the area looks
13 like at the ground level.

14 Next slide.

15 --o0o--

16 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Phase two
17 of what we'd be looking at would be to remove some of the
18 sunken vessels just offshore there. That would involve
19 the removal of a 45-foot sunken work boat, a sunken
20 landing -- landcraft that's off the -- off the -- just off
21 the edge there of the restaurant building, and then also
22 a -- we call it the barge on barge, but a partially sunken
23 steel barge. And then there's also a small pontoon boat
24 that's further offshore there.

25 Next slide, please.

1 --o0o--

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Here is a
3 close-up of those. The barge on barge is in the upper
4 left there. You can see the two vessels off the -- in the
5 upper right off the restaurant building there. And then
6 the one shown there that you can see the top of is the
7 work boat.

8 Next slide, please.

9 --o0o--

10 LAND MANAGEMENT DIVISION CHIEF BUGSCH: And then
11 phase three would involve removal of a small crane mounted
12 to steel frames and timber piles, timber cap stringers,
13 and other debris along the shoreline, and the Army Pier
14 walkway and support piles that are extending out off the
15 side of the restaurant building areas.

16 So next slide.

17 --o0o--

18 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So here's
19 some ground-level views of some of the stuff out there
20 that's -- next slide.

21 --o0o--

22 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So in
23 conclusion, staff requests authorization to enter into
24 contracts for removal work at Crockett up to the full
25 amount of the remaining funds in the Kapiloff subaccounts

1 referenced in the staff report.

2 Thank you and that concludes my presentation.

3 Staff is available to answer questions.

4 CHAIRPERSON KOUNALAKIS: Thank you very much, Mr.
5 Bugsch. And Commissioner Yee, do you have any questions
6 or comments?

7 COMMISSIONER YEE: Not at this time, Madam Chair.

8 CHAIRPERSON KOUNALAKIS: Commissioner Miller?

9 ACTING COMMISSIONER MILLER: Just one, Madam
10 Chair. Thank you. And that is that just to the
11 Commission team, and the staff, and the community in
12 Crockett, we did hear this a couple years ago. And I know
13 how desperately hard everyone in that community worked and
14 how much this area means to the community. So I know that
15 this was -- this was done with a lot of thought and
16 consideration and work with the community. And I'm really
17 grateful for that, because I know how important that area
18 is. So with that, I'm happy to move the recommendation
19 when you're ready.

20 CHAIRPERSON KOUNALAKIS: Thank you.

21 First, Katie, do we -- I believe we have one
22 person we've heard from who would like to speak on this
23 issue. Would you like to call the first speaker, please?

24 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
25 Thank you, Madam Chair. For our first speaker we have

1 Merv Silverman.

2 CHAIRPERSON KOUNALAKIS: Mr. Silverman, are you
3 there?

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: There
5 are two Merv Silvermans. Let me try giving permission to
6 the second one to see if that works.

7 Okay.

8 MR. SILVERMAN: Can you hear me?

9 CHAIRPERSON KOUNALAKIS: Yes, Mr. Silverman, we
10 can hear you now. Please go ahead.

11 MR. SILVERMAN: Thank you. I moved to Crockett
12 21 years ago from San Francisco, where I had served as
13 Director of Health. And I found Crockett to be a quaint
14 town, lovely environment, good people, fine weather. But
15 compared to multiple communities along the Carquinez
16 Strait, there was an absolute absence of any real access
17 to the waterfront. With C&H Cogeneration and the
18 railroad, they blocked pretty much almost 98 percent of
19 the access.

20 This small area is the only possibility for
21 access. I think it's so important for you to try and
22 preserve, and help us to preserve this space, so we can
23 make it a true community waterfront area. As I say, it's
24 lovely here and everything is great, but to have so little
25 space and to see that taken away is -- would be tragic.

1 CHAIRPERSON KOUNALAKIS: Thank you very much, Mr.
2 Silverman.

3 Katie, do we have the next speaker, please?

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
5 Our next speaker is Marla Parada.

6 MS. PARADA: Hello. Can you hear me?

7 CHAIRPERSON KOUNALAKIS: Yes, we can hear you.
8 Please proceed.

9 MS. PARADA: Okay. This actually would make more
10 sense after Darcy Trask speaking, but I will go ahead. My
11 name is Marla Parada and I'm the Chairperson for the
12 Crockett Community Foundation. Our mission is to enhance
13 the quality of life in the community now and for
14 generations to come. Our goals are to serve Crockett,
15 Port Costa, and Tormey by providing grants and fundraising
16 assistance to non-profit organizations in our community.
17 We promote the vitality of non-profit organizations and
18 foster volunteerism. We promote a sense of community in
19 Crockett and improve community resources.

20 The waterfront along the Carquinez Strait in
21 Crockett is a resource that has been accessible to the
22 public for generations. Since 1995, we've provided over a
23 hundred thousand dollars in funding to the Carquinez
24 Regional Environmental Education Center, also known as
25 CREEC, that is located near the waterfront and within the

1 jurisdiction of the California State Lands Commission.

2 In addition, in 2018, \$22,000 was granted for
3 CEQA compliance for Carquinez to recover the waterfront
4 project. We supported CREEC and the Crockett Striped Bass
5 Club through fundraising assistance. The Crockett
6 Community Foundation would be happy to consider grant
7 applications by our local non-profit organizations to
8 support the use of the waterfront in the future.

9 Thank you.

10 CHAIRPERSON KOUNALAKIS: Thank you.

11 Katie, may we have our next speaker, please.

12 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.

13 Our next speaker is Nancy Rieser.

14 MS. RIESER: Hi. Can you hear me?

15 CHAIRPERSON KOUNALAKIS: Yes, we can. Please
16 proceed.

17 MR. RIESER: Thank you. I'm a Crockett resident,
18 past Board member of the Crockett Community Foundation,
19 and a former docent for our local museum. Our town is
20 downwind from the Phillips 66 refinery in Rodeo. And the
21 State has recognized that our two towns suffer
22 disproportionate[SIC] amounts of hazard -- of the hazards of
23 environmental pollution and have determined that both
24 towns were environmental justice communities.

25 Let me tell you, you'll be hard-pressed to find a

1 more can-do, scrappier community than Crockett. In fact,
2 one of the spans on the Carquinez Bridge is named after
3 one of our own, iron worker Al Zampa. In fact, it's the
4 only bridge in California named after a blue collar
5 worker.

6 I have to tell you that the slow degradation of
7 our vibrant -- once vibrant marina that occurred on the
8 California State Lands Commission watch has been
9 heartbreaking. The State allowed a tenant to squat for
10 years rent free. Piers partially crumbled into the sea.
11 Boats sank into the mud. Ironically, two of the many
12 boats hauled out of the mud were State of California oil
13 spill response boat -- boats.

14 Our progress with the developer with an excellent
15 track record in rehabbing marinas came to an abrupt halt
16 when the railroad demanded an extortive payment of near --
17 of over \$200,000 for railroad safety equipment that the
18 railroad should be obligated to install and maintain on
19 its own dime.

20 Now, this demand has not been made to the more
21 affluent nearby cities of Martinez, Rodeo, Hercules, and
22 Pinole. This pay up or else demand of Crockett delivered
23 by a private industrial company effectively denies our
24 access to the waterfront, which is a public right
25 guaranteed by the California Constitution and federal law.

1 It's my view that the railroad's demand and the
2 State Lands Commission intent to demolish the restaurant
3 and piers is the very definition of economic injustice.

4 The Kapiloff Land Bank Act specifies that funds
5 are authorized to manage and improve real estate property
6 for public access. Now, how can these funds be used on
7 something that does not allow public access. I would ask
8 you to proceed with phases two and three only with the
9 exception of removing the piers. And in doing so, you
10 would allow the community to surround the restaurant with
11 tall fencing and install security cameras. In doing so,
12 you would allow us the time to work with the railroad and
13 suggest alternatives the can enhance safety, such as
14 fencing parallel to the tracks that can have both
15 pedestrian and vehicle gates, choices that would not
16 economically gut our small town.

17 Put phase one on ice. Save the State a half a
18 million bucks earmarked for demolition. Allow us to start
19 down the road of responsible economic development, so we
20 can bring our historic waterfront back to life.

21 Thank you.

22 CHAIRPERSON KOUNALAKIS: Thank you very much.

23 Katie, may we have the next speaker, please?

24 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.

25 Thank you, Madam Chair. Our next speaker is Heidi Petty.

1 MS. PETTY: Hi. Is it possible to table my
2 comments till after Darcy speaks and reads our letter?

3 CHAIRPERSON KOUNALAKIS: Yes, that's fine.

4 Katie, can we -- I don't know who you have in the
5 queue, but could you please put the speakers in the order
6 requested?

7 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
8 So the next speaker on our list is Darcy Trask, so let
9 me --

10 CHAIRPERSON KOUNALAKIS: Okay.

11 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Okay.

12 MR. TRASK: Yes. Hi. Can you hear me?

13 CHAIRPERSON KOUNALAKIS: Yes, we can.

14 MR. TRASK: Okay. Thank you very much. So I
15 have pre -- we prepared a letter to the Chair and the
16 members of the State. Thank you very much for taking the
17 time today to listen to us. We've written this letter to
18 inform you of our vision of the Crockett waterfront, a
19 vision of waterfront access, recreation, commerce, and
20 economic development. We would like to formally request
21 the following changes to your agency's projected
22 description plan.

23 Change and modify one, removal of the Crockett --
24 Nantucket restaurant to phase three with the following
25 project description changes: maintain the current

1 utilities, water, swing power, gas line meters, and
2 septic -- sewer and septic tank; keep the piles and
3 building structures, but continue to include the removal
4 of the interior debris and asbestos abatement. This will
5 allow for future environmental sound repurposing and
6 economic development in this environmental justice
7 community.

8 Phase two would become phase one with the
9 following project description changes: phase two, section
10 D, removal of the Army Pier walkways, but keep the
11 supporting piles for future development. This action
12 would not halt the clean-up progress, but rather enable
13 the community to investigate stakeholders' options and
14 continue on the existing vision plan for this site. The
15 Nantucket lease terminated was executed in December of
16 2018 and an application for leasing the site was entered
17 between the new developers. In Feb -- in February of
18 2021, this application was pulled by the developers due to
19 costs associated with upgrading the pedestrian crossing.

20 This community-driven process has been hampered
21 by State-imposed COVID-19 restrictions. In the time since
22 COVID-19, the restaurant industry has been -- has
23 declined. This additional layer of difficulty has greatly
24 hampered our ability to find new prospective stakeholders.
25 We understand the safety issues around the building and

1 dilapidated marina. However, we are committed to
2 finding -- funding for security solutions included to, but
3 not limited, fencing and installation of security cameras.

4 In the review of the historical data on the site,
5 we found that the construction was opened and -- an
6 opening of the 1927 Carquinez Bridge, the Southern Pacific
7 Railway Company backfilled a consider section --
8 considerable section of the Crockett shoreline to create a
9 straightened path for its trains. This right-of-way
10 eliminated the curve on Horseshoe Bend. This new and more
11 linear path meant saving valuable time, but not having
12 to -- by not having to reduce train speed through the
13 turn.

14 Before the massive backfill project, the original
15 shoreline was dotted with many piers, including
16 residences, businesses, and a public beach, Port Costa
17 Lumber Company, and Tilden Lumber Company and a hotel at
18 marina junction, and the Amador slip were all removed
19 during this project.

20 May I request more time, please.

21 CHAIRPERSON KOUNALAKIS: How much more time would
22 you like to request?

23 MR. TRASK: Say two minutes.

24 CHAIRPERSON KOUNALAKIS: That's fine. Go ahead.

25 MR. TRASK: Thank you. The Dowrelia family built

1 a beautiful harbor, which included berth space for boats,
2 large and small, a marine shop, a family restaurant, and a
3 new beach for Crockett residents. The community has
4 enjoyed this area as a place to affordably meet with
5 friends and family. This scenario is precisely what the
6 State Lands Commission addresses in their mission
7 statement and recently adopted Environmental Justice
8 Policy.

9 In your report regarding the Nantucket building,
10 it was con -- included that the build is potentially
11 historically significant under California Registration of
12 Historical Resources criteria two for its association with
13 Tony Dowrelino, but it does not retain significant
14 integrity to convey its significance. However, the entire
15 marina is a historic site. We feel that this location has
16 been mismanaged for decades. The community deserves a
17 chance to save this wonder space and reenvision the
18 potential opportunities for commerce and recreation in
19 this small town.

20 It is a vital part that the State Lands
21 Commission reconsider the historic community site,
22 demolition, and improve one of the only remaining
23 shoreline areas in Contra Costa County that can be brought
24 to its functional water -- waterfront district.

25 We are planning to begin the process of making

1 a -- this site a historic landmark. So instead, we ask
2 that you simply support our own ongoing negotiations with
3 the Union Pacific Railway, Contra Costa County, and C&H
4 Sugar regarding the use -- the closure of public access to
5 this waterfront. Access to the water -- to our waterfront
6 is a public right that has been expressed in the
7 California Act of Admission, the California State
8 Constitution, and federal law.

9 It is our hope that the State Lands Commission
10 will support us in these negotiations and do whatever it
11 can to ensure that our waterfront remains, open free, and
12 accessible to our community.

13 Thank you very much for allowing me to make these
14 comments. And this is from the residents of Crockett and
15 myself Darcy Trask business owner in Crockett, the letter
16 even with the Crockett Chamber of Commerce, and a number
17 of citizens have signed. And so thank you. Appreciate
18 your time.

19 CHAIRPERSON KOUNALAKIS: Thank you very much.
20 We'll go to the next speaker. But as soon as we finish
21 public comment, Ms. Lucchesi, if you could respond to some
22 of the suggestions and comments that have been raised, it
23 would be very helpful.

24 Katie, may we have the next speaker, please.

25 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank

1 you, Madam Chair.

2 For our next speaker we have Heidi Petty.

3 MR. PETTY: Hello. And thank you, Madam Chair.

4 My name is Heidi Petty. I work for the Contra Costa
5 Resource Conservation District. I'm Watershed Program
6 Manager and kind of overall worker for the Carquinez
7 Strait area, all the way from Martinez through Rodeo and
8 Hercules.

9 As you can see, the community really has been
10 involved in this area. We've been kind of working on this
11 for three and a half years. We've created a vision plan.
12 We have really high hopes for this area. As you know,
13 there's been a lot of issues. You've probably heard me
14 speak at almost every meeting that we were on with you.

15 Overall, I believe that if this building is torn
16 down at the beachfront that our hopes of having something
17 new there are just destroyed. I think that this feeds the
18 fuel for the closure of the railroad crossing. It will
19 speed up that process for them. And I fear that this will
20 be the end of our hope for having access to this beach.

21 The towns of Rodeo and Crockett deserve to have
22 access to this beach that has been covered in garbage for
23 so many years. They deserve to enjoy it with their
24 children. I think that, at this point, you've seen that
25 the community can pitch in and remove all that garbage

1 from the beach that are in some of those pictures. That's
2 all gone almost completely by community effort.

3 I think that the fight has been a really real one
4 for all of us, including you at State Lands. I think that
5 in dealing with the railroad crossing it's quite obvious
6 that it's a tough go. We have, in fact, though been able
7 to reduce the cost of that crossing to \$180,000 from the
8 243, so that's a good start. We have community commitment
9 and industry commitment to help us in paying for that.

10 But during COVID, it has been very difficult to
11 continue to have site visits and group meetings, so it has
12 really hampered our ability to continue.

13 If you could halt the destruction of the building
14 at least for the time being to give us enough time to
15 negotiate with the railroad, keep our crossing open, and
16 potentially find a new person to come in, new business to
17 come in and take over this location and this lease, we
18 would be grateful beyond grateful.

19 We're also very interested in when you do have
20 these Crockett waterfront public meetings where you meet
21 with just our town -- a town hall meeting, how is that
22 reported back to you as a board? We want to just ensure
23 that you're getting all the information that we're
24 Providing. There's a lot of hope, love in this community,
25 and we want to make sure that you know we have that.

1 Thank you.

2 CHAIRPERSON KOUNALAKIS: Thank you.

3 Katie, are there any more speakers who would like
4 to address this item?

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
6 you, Madam Chair. Our next speaker is Larry Haydon.

7 MR. HAYDON: Thank -- can you hear me?

8 CHAIRPERSON KOUNALAKIS: Yes, Mr. Haydon. We can
9 hear you. Please proceed.

10 MR. HAYDON: Thank you. Well, good afternoon.
11 And my name is Larry Haydon and I'm here representing the
12 Crockett Chamber of Commerce and I thank you for holding
13 this meeting and for your interest in the Crockett
14 waterfront.

15 Our waterfront is an important resource and asset
16 to the Crockett community. For well over a decade, the
17 waterfront has been severely neglected and mismanaged by
18 both your tenant and by the State Lands Commission. As a
19 result of this neglect and mismanagement, our community
20 has lost its marina and a beloved restaurant, and now is
21 in danger of losing all access to the waterfront at the
22 hands of the railroad.

23 All of this could have and should have been
24 avoided by proper management of the State Lands leases by
25 your agency. We ask you at this critical time don't

1 compound this community disaster. Please help us to help
2 you restore this area to a beautiful waterfront access and
3 recreational use sustainably supported by economic uses.

4 Over the past few years, the Crockett community
5 and many community organizations have worked diligently to
6 find and plan a solution to this challenge. When we were
7 close to success, the door was slammed shut by the
8 railroad and then by COVID. We certainly understand your
9 agency's challenge today with the dilapidated buildings
10 and piers, and the liability that they represent.

11 And while these are obviously non-functional
12 today, they do represent a valuable basis from which to
13 rebuild the waterfront. I think it's safe to say if the
14 Nantucket building and the piers are removed, nothing new
15 could ever be built.

16 So please, instead of voting to tear this down
17 today, work with us to restore the Crockett waterfront.

18 Thank you.

19 CHAIRPERSON KOUNALAKIS: Thank you.

20 Katie, may we have our next speaker.

21 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
22 you, Madam Chair. For our next speaker, we have Mark
23 Manzione.

24 Mark, you are unmuted. If you can try to see if
25 your audio works, please.

1 If you are having trouble with your audio, if you
2 could please try calling in, so that we could hear you,
3 that might be able to help.

4 CHAIRPERSON KOUNALAKIS: So, Mark, why don't you
5 go ahead and try calling in. Katie, does he have that
6 phone number?

7 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
8 The phone number should be on the meeting invitation. I
9 don't have that in front of me, but let me pull that up.

10 CHAIRPERSON KOUNALAKIS: And then meanwhile, we
11 had -- someone had requested to speak later, so I want to
12 make sure we don't forget.

13 EXECUTIVE OFFICER LUCCHESI: It does look like we
14 have another speaker, Katie. And we can provide -- I can
15 provide the phone number for the Zoom after our next
16 public speaker.

17 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
18 you. For our next speaker, we have Dominic Aliano.

19 MR. ALIANO: Hello. Can you hear me?

20 CHAIRPERSON KOUNALAKIS: Yes, we can. Please
21 proceed.

22 MR. ALIANO: Thank you for your time. My name is
23 Dominic Aliano. I'm a district representative for Contra
24 Costa County Supervisor, Federal Glover. And Supervisor
25 Federal Glover represents the Crockett community in the

1 matter -- in the area that you're discussing today.

2 I just want to say that, you know, we appreciate
3 staff from the State Lands Commission on working with the
4 community, ensuring what their direction and
5 recommendations were going to be to the Commission. We do
6 wish as a county that there was a little bit more
7 collaboration on to figure out how we could save the
8 waterfront within Crockett.

9 You know, we'd like to continue to have those
10 discussions. We wish the State that -- we would
11 respectfully recommend that the State would collaborate
12 more to work with the Union Pacific Railroad to see the
13 further development of the Crockett waterfront. And I
14 thank you very much for your time. Thank you.

15 CHAIRPERSON KOUNALAKIS: Thank you.

16 Jennifer -- Ms. Lucchesi, go ahead and provide
17 the telephone number.

18 EXECUTIVE OFFICER LUCCHESI: Certainly. It is --
19 you would dial 1(253)215-8782 and then you would use the
20 webinar ID 895 4319 8848.

21 CHAIRPERSON KOUNALAKIS: And then meanwhile,
22 Katie, do we have any other speakers?

23 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Madam
24 Chair, at this time, we have no other hands raised. I'll
25 try to unmute Mark Manzione again to see if his audio is

1 working.

2 CHAIRPERSON KOUNALAKIS: Mr. Manziona, can you
3 hear us?

4 MR. MANZIONE: I can hear you. Can you hear me?

5 CHAIRPERSON KOUNALAKIS: Yes, we can. Please
6 proceed.

7 MR. MANZIONE: Great. I'm not using a Zoom
8 microphone. I'm calling in on the telephone line. Do you
9 have me on clear audio?

10 CHAIRPERSON KOUNALAKIS: Yes, we can hear you.

11 MR. MANZIONE: Good. Thank you. Before I even
12 get into my remarks, I'd like to point out to you that
13 there's a little problem with the communications for your
14 remote meetings. For those of who -- us who joined the
15 Zoom to watch the presentation but dial in by telephone,
16 you don't have any provision for notifying you that we're
17 on the telephone rather than on the Zoom. I did provide
18 that by email, but apparently didn't get to in time.

19 Good. Let me proceed with my remarks so that we
20 can get going with the meeting. Most of remarks have
21 already been covered in substance by Darcy Trask, by Larry
22 Haydon and others. So I'd like to pull out the things
23 that are specific. I do, as a private citizen in
24 Crockett, request that the Commission consider today to
25 defer authorizing staff for these contracts for demolition

1 and direct the staff to reengage with the community and
2 provide more detailed plans about it.

3 The main reason for this is that I see that the
4 authorizing those contracts today would be premature,
5 because they are incomplete. And they're incomplete for
6 reasons spoken of before, that we have existing commercial
7 and industrial waterfront developments, which would be
8 irretrievably removed or damaged if the contracts for
9 demolition are proceeded with as proposed.

10 I, amongst many, feel that the engagement and
11 collaboration with community has been insufficient. The
12 December meeting was not that well attended.

13 And I had two other specific factual corrections
14 to Mr. Bugsch's presentation and they are quite relevant.
15 In his listing of past and recent uses of that general
16 area at the waterfront, he missed the public
17 transportation hub. Historically, and up until recently,
18 there continued to be uses of that area for transportation
19 connections between water, bus, automobiles, and prior to
20 that, ferries.

21 Another fact I'd like to offer for correction is
22 that it's important to recognize that the access to this
23 location is not solely by a Union Pacific Railroad
24 crossing. There was established an often used water
25 access, that's an important transportation mode recognized

1 by the State Lands Commission, vital to the tidelands land
2 use policies, and the County of Contra Costa recognizes it
3 very strongly too. There is also a pedestrian access
4 along what is an unpaved road called Railroad Avenue that
5 runs the entire length of the Crockett route waterfront,
6 and which is accessible by established railroad crossings.
7 To be clear, the legal and institutional problem with the
8 specific railroad crossing at that location is not an
9 obstacle to continued use of those commercial and
10 industrial uses there.

11 I'm out of time, so I'm going to cut it short and
12 appreciate the opportunity to speak and look forward to
13 future engagement from the SLC to the community on this
14 matter.

15 Bye.

16 CHAIRPERSON KOUNALAKIS: Thank you very much for
17 your comments.

18 Katie, do we have any other speakers?

19 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
20 you, Madam Chair. For this item, we have no other hands
21 raised to provide comment.

22 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi, can we
23 hear a brief response from you?

24 EXECUTIVE OFFICER LUCCHESI: Of course. I also
25 want to thank and express our appreciation for the members

1 of the community and the representatives of this town in
2 both their love, and time, and energy, and devotion over
3 the many, many years both accessing this area, having
4 dinners at the restaurant or lunches, and then also in the
5 most recent past couple of years engaging with us and
6 making sure that we are aware and understand their
7 perspectives and concerns relating to the waterfront.

8 We have also been very frustrated with our -- the
9 situation at the Crockett waterfront. There is nothing
10 more that we would like as a staff than for that
11 restaurant to be revitalized and by a lessee serving the
12 community, serving regional visitors, and also generating
13 revenue for the state, and providing access to that part
14 of the waterfront.

15 We have been seeking that solution for some time
16 now and to no avail. And during that time, the
17 restaurant, all the infrastructure that the Commission is
18 well aware of has continued to dilapidate even beyond
19 potential repair and reuse. In fact, we've been
20 consulting with the fire chief and it is posing a public
21 health and safety issue.

22 And as Brian presented, the State is paying on a
23 continuous basis both to secure the site, as well as to
24 deal with situations that arrive -- arise that really put
25 the public's health and safety at risk. And so the

1 onshore facility, the restaurant and related
2 infrastructure, is in phase one, because of that risk, and
3 because of the ongoing cost to the State, and the
4 recommendation and request by the fire chief.

5 We don't believe at this -- and -- that removal
6 and cleaning up the waterfront of these dilapidated
7 structures (inaudible) public access. In fact, we think
8 it's a step towards facilitating public access, whether
9 it's passive recreational access or something more active
10 recreationally and commercially. There is -- the
11 Commission has full discretion to consider applications
12 for reuse, including building a new restaurant, putting in
13 a new marina, and that is very consistent frankly with our
14 strategic plan, as well as our underlying mission and
15 vision for State property.

16 So we actually think that this facilitates more
17 discussion, more collaboration, and more opportunity for
18 the public to access this waterfront. The situation with
19 the railroad is challenging and difficult. I think all of
20 us in our different experiences working both in government
21 and in private industry know how hard working with the
22 railroad is. And so we certainly would love to be able to
23 access both the community and representatives on the
24 local, State, and federal level to help negotiate more
25 convenient and low cost access and safe across the

1 railroad crossing. And we are -- we have been
2 participating in those conversations and we'll continue to
3 in the future, because that is so fundamental to our
4 mission.

5 I know that the community members have expressed
6 opposition to our staff recommendation, and I understand
7 why. Staff stands by our recommendation, because of the
8 on-the-ground work and issues that we have been facing for
9 some time now. And we actually will continue to stay
10 actively engaged in finding solutions to enhance and
11 improve public access in the way the community and
12 regional public wants to see out there.

13 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
14 Lucchesi. So let me just reiterate for those watching
15 that -- that staff is -- has concluded that the facilities
16 that are there now have degraded beyond repair, so that
17 this item, if approved -- and we have a motion on the
18 table, if approved -- but we need a second -- if approved,
19 we will move forward with cleaning up this site, but that
20 will not preclude a future tenant from leasing this
21 location for a future use.

22 And, in fact, with the condition of the current
23 facilities, investing in the clean-up, staff believes may
24 help support a future tenant coming in with an
25 application. So that is what I have heard. We have a

1 motion on the table. Do we have a second? And
2 Commissioner Yee, do you have any comments?

3 COMMISSIONER YEE: Yes. Thank you, Madam Chair.
4 I will second the motion and I do have a comment. First,
5 thank you to all of the community members who have
6 provided comment today. And what I would just want to
7 reiterate and also continue to invite your engagement, I
8 look at this as a new beginning frankly to what can be
9 hopefully a reimagining of, you know, just what this
10 particular location could be. And certainly the
11 recommendations that we are about to act on is not meant
12 to hinder any, you know, just foreseeable plans in the
13 future about, you know, just allowing public access. And
14 I think it's really -- as the Chair said and Ms. Lucchesi,
15 really helps facilitate that.

16 And frankly, we're trying to really just minimize
17 our liabilities, both for the State and for the local
18 parties. And so I hope it can be seen in that spirit, and
19 that we are not walking away from this by any means, but
20 really just looking for an opportunity to reengage in a
21 way that -- to continue to have all of you be a part of
22 the conversation about what this could look like going
23 forward.

24 So I'm happy to second the motion and really look
25 forward to continuing to engage with the community on what

1 I think has a lot of promise in the future.

2 CHAIRPERSON KOUNALAKIS: Thank you, Commissioner
3 Yee.

4 We have a motion by Commissioner Miller and a
5 second by Commissioner Yee. Ms. Lucchesi, will you please
6 conduct a roll call vote.

7 EXECUTIVE OFFICER LUCCHESI: Certainly.

8 Commissioner Yee?

9 COMMISSIONER YEE: Aye.

10 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

11 ACTING COMMISSIONER MILLER: Aye.

12 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

13 CHAIRPERSON KOUNALAKIS: Aye.

14 EXECUTIVE OFFICER LUCCHESI: The motion passes
15 unanimously.

16 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi, what is
17 the next order of business?

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

20 CHAIRPERSON KOUNALAKIS: If anyone would like to
21 address the Commission on any matter that is not on
22 today's agenda, please raise your hand and you will have
23 three minutes to do so. Katie, please call on the first
24 person who would like to make a public comment.

25 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank

1 you, Madam Chair.

2 Our first public commenter is Wayne Addison.

3 I do not see him on the list. So, Wayne, if you
4 could please raise your hand, so I can identify you and
5 give you permission to unmute yourself, please do so.

6 For our next speaker, we have George Hughes. And
7 I also do not see George on the list at this moment.

8 Okay. So our next speaker is Del De Fabry.

9 MR. DE FABRY: Yes. Good afternoon. My name is
10 Del De Fabry and I'm a resident of San Clemente,
11 California. I also have a boat in the Dana Point Harbor
12 on slip M10.

13 So I've been faced with this increase and I want
14 the Board to know that this increase is unfair, and
15 unjust, and not in keeping with the original tidelands
16 agreement. This has been changed from a public harbor to
17 a private for-profit harbor. And as indicated by this
18 massive rate increase - mine is an 80 percent increase -
19 this is intolerable for the slip owners and the public
20 that uses this marina. The supposed market indicators
21 were from Newport Beach marinas, which are highly --
22 mainly privately owned, and, in some cases, controlled by
23 the same partners that are part of this Dana Point Harbor
24 Partners.

25 This is intolerable for all of us. We can't use

1 the harbor as originally intended. And I would like to
2 recommend that the -- that the State Lands Commission
3 request a public audit. We've been paying rent to these
4 people for over three years at the rate of around \$2
5 million per month, and I'd like to know -- I'd like to
6 have an audit as to where this money has been going,
7 because there has been no improvement in the harbor at
8 all. Only fix it for damage that occurs to the slips. No
9 improvements to the harbor at all, and so I would like to
10 know, by way of a public audit.

11 The people here need to know where did all this
12 money go, and why is it hidden from us today, and why is
13 it necessary to increase the slips so dramatically based
14 on Newport Beach private harbors. These are questions
15 that need to be answered, and I believe this harbor is no
16 longer part of the original intent of the lands that were
17 provided to the county by the State in the tidelands
18 agreement and grant agreement.

19 I believe this has occurred because of the need
20 for corporate greed. And I think this could be satisfied
21 by simply providing an audit to the people of Orange
22 County, so that we could know where all this money has
23 been going that we've been paying every month. There have
24 been no improvements to date.

25 Thank you and I appreciate your continued

1 support.

2 CHAIRPERSON KOUNALAKIS: Thank you. Katie, may
3 we have the next speaker, please?

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
5 you, Madam Chair. At this time, we have no other hands
6 raised for the second general public comment.

7 CHAIRPERSON KOUNALAKIS: Okay. Do any of the
8 Commissioners have any comments or questions at this time?

9 ACTING COMMISSIONER MILLER: (Shakes head.)

10 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi, what is
11 our next order of business?

12 EXECUTIVE OFFICER LUCCHESI: Our next order of
13 business is closed section -- is closed session. We will
14 be conducting our closed session by conference call.
15 Commissioners, please email me or call my cell phone if
16 you need the call-in information. For the Commissioners
17 and staff participating in the closed session, upon
18 adjournment, please mute your phone, turn off your webcam,
19 and if possible go into a different room. This will
20 ensure confidentiality of our discussions.

21 CHAIRPERSON KOUNALAKIS: Thank you very much. We
22 will now adjourn into closed session.

23 (Off record: 2:34 p.m.)

24 (Thereupon the meeting recessed
25 into closed session.)

1 (Thereupon the meeting reconvened
2 open session.)

3 (On record: 2:57 p.m.)

4 CHAIRPERSON KOUNALAKIS: I call this meeting back
5 to order.

6 Ms. Lucchesi, is there anything to report from
7 closed session?

8 EXECUTIVE OFFICER LUCCHESI: No.

9 CHAIRPERSON KOUNALAKIS: Very good. Well, thank
10 you, everyone, for your participation, and that concludes
11 the open meeting. We are adjourned.

12 (Thereupon the California State Lands
13 Commission meeting adjourned at 2:57 p.m.)

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CERTIFICATE OF REPORTER

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of August, 2021.



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