

VIDEOCONFERENCE MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

ZOOM PLATFORM

THURSDAY, OCTOBER 21, 2021

1:00 P.M.

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

APPEARANCES

COMMISSION MEMBERS:

Eleni Kounalakis, Lieutenant Governor, Chairperson, also represented by Matthew Dumlao, PhD

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

Vicki Caldwell, Public Land Manager, Land Management Division

Al Franzoia, Public Land Management Specialist, Land Management Division

Jennifer Mattox, Science Policy Advisor & Tribal Liaison

Katie Robinson-Filipp, Environmental Scientist

Drew Simpkin, Public Land Management Specialist, Land Management Division

ATTORNEY GENERAL:

Andrew Vogel, Supervising Deputy Attorney General

ALSO PRESENT:

Sandy Aylesworth, Natural Resources Defense Council

Jessie Barrios, Port San Luis Commercial Fishermen's Association

APPEARANCES CONTINUED

ALSO PRESENT:

Delia Bense-Kang, Surfrider Foundation

Tanya Boyce, Bayview Hunters Neighborhood Association

Emily Cohen, San Francisco Department of Homelessness and Supportive Housing

Mike Conroy, Pacific Coast Federation of Fishermen's Association

Tom Cullen, Office of Spill Prevention and Response

Lauren Cullum, Sierra Club California

Sergeant Darron Epperson, Sacramento County Sheriff's Office

Armando Delgado, Southwest Carpenters Local 805

Steven Depont-Kalani

Penny Elia, Sierra Club Orange County Conservation Committee

Eric

Gary Estes, Project America River Canyons

Abe Evans, representing San Francisco Board of Supervisor Shamann Walton

Garry George, National Audubon Society

Bruno Geschier, BW Ideol

Tom Hafer, Morro Bay Commercial Fishermen's Organization

Robb Hamilton

Marcia Hanscom, Sierra Club Ballona Wetlands Restoration Committee

Kristen Hislop, Environmental Defense Center

APPEARANCES CONTINUED

ALSO PRESENT:

Jeff Hunerlach, Building and Construction Trades Council
of Humboldt and Del Norte counties

Mikael Jakobsson, Cierco

Michael Janis

Peter Jones, Environmental Defense Center

Kate Kelly, Defenders of Wildlife

Kent

Nancy Kirshner-Rodriguez, Business Network for Offshore
Wind

Lisa Levinson, In Defense of Animals

Joshua Medrano, Tri-Counties Building and Construction
Trades Council San Luis Obispo, Santa Barbara, and Ventura
County

Andrew Meredith, State Building and Construction Trades
Council of California

Joel Merriman, American Bird Conservancy

Shirley Moore

Alex Perez, Southwest Regional Council of Carpenters

Karen Pierce

Michelle Pierce, Bayview Hunters Point Community Advocates

Nancy Rader, California Wind Energy Association

Nicole Restmeyer, representing Assemblymember David Chiu

Martin Rodriguez, Tri-Counties Building Trades, Iron
Workers Local 433

Alison Rowe, Monterey Bay Aquarium

APPEARANCES CONTINUED

ALSO PRESENT:

Dan Silver, Endangered Habitats League

Timothy Alan Simon

Catherine Steinberg, Sea and Sage Audubon Society

Michael Stocker, Ocean Conservation Research

Barb T.

Josh Taylor, Southwest Regional Council of Carpenters

Scott Thomas, Sea and Sage Audubon Society

Jane Velez-Mitchell

James Volz, Orange County Flood Control District

Gwendolyn Westbrook, The United Council of Human Services

Lucas Williams, Bayview Hill Neighborhood Association

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II	Public Comment	5
	Public comments will be heard at 1:00 pm for items not on the agenda, for no more than 30 minutes. At the discretion of the Chair, speakers will be given up to 3 minutes. For those unable to attend the early 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.	
III	Confirmation of Minutes for the August 25, 2021 meeting	17
IV	Executive Officer's Report	18
	Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:	
	- No items for this section	
	Tomales Bay Assignment Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:	
	- No items for this section	
V	Consent Calendar 01-28	32
	The following items are considered to be noncontroversial and are subject to change at any time up to the date of the meeting.	
	Land Management	
	Northern Region	
01	JESUS G. DOMINGUEZ AND ROSA LILIA N. DOMINGUEZ, TRUSTEES OF THE JESSIE AND LILLY DOMINGUEZ REVOCABLE TRUST (APPLICANT): Consider application	

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for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 53750 South River Road, near Clarksburg, Yolo County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8425; A3229; RA# 2021037) (A 4; S 3) (Staff: S. Avila)

- 02 MARTHA REESE HUGHES, SUCCESSOR TRUSTEE OF THE THOMAS AND MARTHA HUGHES 2006 REVOCABLE TRUST (LESSEE/ASSIGNOR); JENNIFER HUGHES DOWLEY; HOWARD REESE HUGHES; AND MEREDITH HUGHES LYONS (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3105 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 7556; RA# 2021009) (A 1; S 1) (Staff: S. Avila)
- 03 SIERRA BOAT COMPANY, INC., A CALIFORNIA CORPORATION (ASSIGNOR); SIERRA BOAT PROPERTIES, A CALIFORNIA LIMITED LIABILITY COMPANY (ASSIGNEE); AND FIRST REPUBLIC BANK (SECURED-PARTY LENDER): Consider assignment of Lease, approval of a sublease endorsement, and agreement and consent to encumbrance of Lease Number PRC 5680, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 5146 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing commercial pier, breakwater, fueling facility, and 15 mooring buoys. CEQA Consideration: not projects. (PRC 5680; A3198; RA# 2021008) (A 1; S 1) (Staff: M.J. Columbus)

Bay / Delta Region

- 04 2101-2603 WILBUR, LLC, A MISSOURI LIMITED LIABILITY COMPANY (LESSEE); 2101-2603 WILBUR, LLC, A MISSOURI LIMITED LIABILITY COMPANY (APPLICANT/ SUBLESSOR); APS WEST COAST, INC., A CALIFORNIA CORPORATION, DBA AMPORTS (SUBLESSEE): Consider termination of Lease 1546, a General Lease - Industrial Use; an application for a General Lease - Industrial Use; and an endorsement of a sublease under Lease 1546, of sovereign land located in the San Joaquin River, adjacent to 2301 Wilbur Avenue, near Antioch, Contra Costa County; for the structural upgrade, operation,

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- and maintenance of an existing non-operational industrial wharf and appurtenant facilities. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Antioch, State Clearinghouse No. 2021070030, and adoption of a Mitigation Monitoring Plan. (Lease 1546; A2869; RA# 2020325) (A 11; S 7) (Staff: G. Asimakopoulos)
- 05 CLIFF'S RIVER MARINA, INC. (ASSIGNOR); SELENA RAY AND BILLY RAY (ASSIGNEE): Consider assignment of Lease Number PRC 3264, a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 8651 River Road, near Freeport, Sacramento County; for an existing commercial marina. CEQA Consideration: not a project. (PRC 3264.1; A2277; RA# 2019076) (A 9; S 3) (Staff: D. Tutov)
- 06 GREGORY A. CRUZ AND GLADYS CRUZ, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE CRUZ FAMILY TRUST, DATED JUNE 29, 1984, AND ANY AMENDMENTS THERETO (LESSEE); ORLANDO TEIXEIRA AND MARIA F. TEIXEIRA (APPLICANT): Consider acceptance of a lease quitclaim deed and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Georgiana Slough, adjacent to 17071 Terminous Road, near Isleton, Sacramento County; for an existing covered boat dock, appurtenant facilities, and bank protection previously authorized by the Commission and an existing waterline and electrical conduit not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 8628; A3191; RA# 2021004) (A 11; S 3) (Staff: J. Toy)
- 07 JOSHUA EVANS AND NICOLE EVANS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Three-Mile Slough, adjacent to 18164 Sherman Island East Levee Road, near Rio Vista, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8414; A3144; RA# 2020457) (A 11; S 3) (Staff: S. Avila)
- 08 JANELLE M. HOPPS, AS TRUSTEE OF THE VITZNAU TRUST UNDER TRUST INSTRUMENT DATED JANUARY 19, 1999 AS TO AN

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- UNDIVIDED 50% INTEREST; AND RYAN A. BAILY, A SINGLE MAN, AS TO AN UNDIVIDED 50% INTEREST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 3505 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 5720; A3149; RA# 2021007) (A 7; S 6) (Staff: J. Holt)
- 09 ROY W. KELLER AND NICOLE A. KELLER, TRUSTEES, THE KELLER FAMILY TRUST DATED DECEMBER 3, 2007 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 10545 Highway 160, near Hood, Sacramento County; for the removal of an existing boat dock and walkway and use and maintenance of one piling and one three-piling dolphin. CEQA Consideration: categorical exemption. (Lease 6610; A2979; RA# 2020349) (A 9; S 3) (Staff: D. Tutov)
- 10 KHA BRADFORD RANCH LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the False River, adjacent to 5700 Bradford Island Road, near Oakley, Contra Costa County; for an existing boat dock, appurtenant facilities, and wood breakwater. CEQA Consideration: categorical exemption. (Lease 5900; A3108; RA# 2020426) (A 11; S 7) (Staff: J. Holt)
- 11 JEREMIAH G. MURPHY AND MELODY MURPHY (LESSEE); SPENCER JACKSON AND KRISTIN MORRISON (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease Number PRC 8211, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 113 Greenbrae Boardwalk, Greenbrae, Marin County; for an existing deck, boat dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8211; A2871; RA# 2020114) (A 10; S 2) (Staff: L. Anderson)
- 12 BRYAN A. NICK, TRUSTEE, OR HIS SUCCESSOR(S) IN TRUST, UNDER THE BRYAN A. NICK REVOCABLE LIVING TRUST, DATED SEPTEMBER 16, 2016 (APPLICANT): Consider application

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- for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 11851 Riverside Avenue, Courtland, Sacramento County; for an existing boat dock, gangway, and five pilings previously authorized by the Commission; and a watercraft float not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 2952; A2135; RA# 31718) (A 9; S 3) (Staff: K. Connor)
- 13 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, near Sacramento, Sacramento County; for existing bank protection. CEQA Consideration: categorical exemption. (Lease 7951, A2824; RA# 2020377) (A 7; S 6) (Staff: M.J. Columbus)
- 14 KEVIN PAUL STEWARD AND LORI ANNE STEWARD, TRUSTEES OF THE STEWARD REVOCABLE TRUST DATED NOVEMBER 15, 2015 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located on the Sacramento River, adjacent to 14513 Isleton Road, near Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8407; A3111; RA# 2020468) (A 11; S 3) (Staff: S. Avila)
- 15 UNITED STATES GEOLOGICAL SURVEY (APPLICANT): Consider amendment of Lease Number PRC 7650, a General Lease - Public Agency Use, of sovereign land in the Old River, Middle River, San Joaquin River, Holland Cut, False River, South Fork Mokelumne River, North Fork Mokelumne River, Little Potato Slough, Three Mile Slough, Sacramento River, Sutter Slough, Steamboat Slough, Georgiana Slough, Miner Slough, Cache Slough, and Suisun Bay, in Contra Costa, San Joaquin, Sacramento, Yolo, and Solano Counties; for the installation, use, and maintenance of pilings and monitoring stations, and removal of existing pilings. CEQA Consideration: categorical exemptions. (PRC 7650; RA# 2020465) (A 7, 9, 11; S 3, 5, 6) (Staff: D. Tutov)
- 16 JOHN H. WHITE, TRUSTEE OF THE JHW TRUST, DATED MAY 16, 2000 (ASSIGNOR); DONALD JAMES BJORK AND JEAN ANN

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- BJORK, AS TRUSTEES OF THE BJORK 2006 TRUST DATED JULY 26, 2006 (ASSIGNEE): Consider assignment of Lease Number PRC 8026, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4435 Garden Highway, Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (Lease 8026; A2779; RA# 2020381) (A 7; S 6) (Staff: M.J. Columbus)
- 17 PAMELA B. WITTPEN, TRUSTEE OF THE PAMELA B. WITTPEN FAMILY TRUST UNDER DECLARATION OF TRUST DATED AUGUST 9, 1995 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River at Garcia Bend, adjacent to 6882 Arabella Way, near Sacramento, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8744; A3094; RA# 2020419) (A 4; S 6) (Staff: S. Avila)
- Central / Southern Region
- 18 CALIFORNIA DEPARTMENT OF TRANSPORTATION (APPLICANT): Consider application for a Public Agency Permit and approval of a Right-of-Way Map of sovereign land located in Seal Beach, adjacent to Pacific Coast Highway and 1st Street, and approval of a Right-of-Way Easement on fee land, adjacent to 1700 Pacific Coast Highway, Huntington Beach, Orange County. CEQA Consideration: categorical exemption. (A3081; RA# 2020405) (A 72, 74; S 34, 37) (Staff: D. Simpkin)
- 19 CITY OF PORT HUENEME (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land in the Pacific Ocean, adjacent to Assessor's Parcel Numbers 207-0-270-025 and 207-0-290-160, Port Hueneme, Ventura County; for an existing public recreational pier and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 4661; A3018; RA# 2020395) (A 19; S 44) (Staff: L. Pino)
- 20 MARTIN RESORTS, INC. (LESSEE): Consider amendment of Lease Number PRC 4698, a General Lease - Protective Structure Use, of sovereign land in the Pacific Ocean

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adjacent to 2411, 2555, 2575, and 2651 Price Street, Pismo Beach, San Luis Obispo County; to remove inapplicable provisions related to public access. CEQA Consideration: not a project. (PRC 4698; RA# 2021012) (A 35; S 17) (Staff: D. Simpkin)

- 21 ORANGE COUNTY FLOOD CONTROL DISTRICT (APPLICANT): Consider termination of Lease Number PRC 2171, a General Lease - Public Agency Use and application for a General Lease - Public Agency Use and Dredging, of sovereign land located in the Lower Santa Ana River, Orange County; for two riprap flood control jetties, one riprap dike, and maintenance dredging in the Lower Santa Ana River. CEQA Consideration: categorical exemption and Supplemental Environmental Impact Statement, prepared by the U.S. Army Corps of Engineers, and Addendum prepared by the Orange County Flood Control District. (Lease 9358; A3053; RA# 2020435) (A 74; S 37) (Staff: D. Simpkin) 169
- 22 DOUGLAS WILLIAMS AND ANNE WILLIAMS, TRUSTEES OF THE WILLIAMS REVOCABLE LIVING TRUST, DATED MARCH 19, 2010 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16682 Coral Cay Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 5761; A3054; RA# 2020467) (A 72; S 34) (Staff: J. Holt)

School Lands

- 23 KERN RIVER GAS TRANSMISSION COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State-owned school land, located in a portion of Section 16, Township 17 North, Range 14 East, SBM, near Mountain Pass and in a portion of Section 36, Township 14 North, Range 6 East, SBM, west of Baker, San Bernardino County; for an existing gas pipeline. CEQA Consideration: categorical exemption. (Lease 7512; A2835; RA# 2020303) (A 33; S 16) (Staff: R. Collins)

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- 24 KERN RIVER GAS TRANSMISSION COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State-owned school land, located in a portion of Section 16, Township 17 North, Range 14 East, SBM, near Mountain Pass and in a portion of Section 36, Township 14 North, Range 6 East, SBM, west of Baker, San Bernardino County; for an existing gas pipeline. CEQA Consideration: categorical exemption. (Lease 8412; A2836; RA# 2020304) (A 33; S 16) (Staff: R. Collins)
- 25 FRONTIER CALIFORNIA, INC. (APPLICANT): Consider rescission of previous lease authorization and application for a General Lease - Right-of-Way Use of State indemnity school land in a portion of Section 26, Township 9 North, Range 2 East, SBM, near Newberry Springs, San Bernardino County; for an existing underground fiber optic cable and a copper cable. CEQA Consideration: categorical exemption. (Lease 7522; A2137; RA# 31818) (A 33; S 16) (Staff: R. Collins)

Mineral Resources Management

- 26 STREAM ENERGY, INC. AND SUMMIT EXPLORATION (CALIFORNIA), LLC (LESSEE): Termination of a subsurface oil and gas lease No. 8395, covering 44.32 acres of State-owned sovereign land situated in the bed of Snodgrass Slough, near Walnut Grove, Sacramento County. CEQA Consideration: not a project. (Lease No. 8395) (A 15; S 5) (Staff: N. Heda)

Marine Environmental Protection

- No items for this section

Administration

- No items for this section

Legal

- 27 HALO RANCH, LLC AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider a compromise title settlement and land exchange agreement involving lands within and adjacent to historic sloughs of Petaluma River, city of Petaluma, Sonoma County. CEQA

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Consideration: statutory exemption. (W 27251)
(A 10; S 3) (Staff: J. Garrett)

Kapiloff Land Bank Trust Acquisition/Expenditure

- No items for this section

External Affairs

Granted Lands

28 CITY OF EUREKA (TRUSTEE): Consideration of a lease, issued by the City of Eureka, to construct and operate a marine supply business, pursuant to Chapter 1086, Statutes of 1970, as amended by Chapter 1095, Statutes of 1978. CEQA Consideration: not a project. (G 04-02.10) (A 2, S 2) (Staff: M. Moser, R. Boggiano)

VI Informational Calendar 29

29 CALIFORNIA STATE LANDS COMMISSION: Informational update about the 2021 state legislative session. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)

VII Regular Calendar 30-32

30 CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (LESSEE): Consider amendment of Lease 6414, a General Lease - Public Agency Use; and an endorsement of a sublease, of filled sovereign land located within the Candlestick Point State Recreation Area in San Francisco, City and County of San Francisco; to authorize the use of an existing paved parking lot in support of a proposed Safe Parking Area and Vehicle Triage Center. CEQA Consideration: statutory and categorical exemptions. (PRC 6414; A3220; RA# 2021027) (A 17; S 11) (Staff: A. Franzoia)

34

31 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider authorization for abandoned vessel removal and contracting activities in Sevenmile Slough, near Isleton, Sacramento County. CEQA Consideration: categorical exemptions. (W27250)

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(A 11; S 3) (Staff: V. Caldwell, K. Foster, A. Kershen)	75
32 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider delegation of authority for the Executive Officer to solicit Statements of Interest for consultant services, negotiate fair and reasonable prices, and award and execute agreements for the preparation of environmental documentation and mitigation monitoring for two proposed offshore wind energy projects in the Pacific Ocean, near Vandenberg Space Force Base, Santa Barbara County. CEQA Consideration: not a project. (A2181, A2222; RA# 2019024, 2019049) (A 35; S 19) (Staff: S. Meshkati, J. Mattox)	84
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X Closed Session	195

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:

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- California State Lands Commission
v Signal Hill Service, Inc.;
Pacific Operators, Inc., dba Pacific
Operators Offshore, Inc.; DOES 1-100
- California State Lands Commission, et
al. v. Martins Beach 1 LLC, et al.
- City and County of San Francisco; India
Basin Investment, LLC v. State of
California; South San Francisco Dock
Co.; et al.
- Eugene Davis v. State of California and
California State Lands Commission
- 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

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- State of California v. International Boundary and Water Commission, et al.
 - State Lands Commission v. Plains Pipeline, L.P., et al.
 - United States v. Walker River Irrigation District, et al.
 - White v. California State Lands Commission; California Public Works Board
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

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negotiators regarding price and terms of payment for the purchase, sale, exchange, or lease. At the time of publication of this Agenda, it is not anticipated that the Commission will discuss any such matters; however, at the time of the scheduled meeting, a discussion of any such matter may be necessary or appropriate.

C. Other matters

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

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1 of the Commission.

2 Chair, back to you.

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

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

22 Native people have maintained a constant presence
23 on the landscape for many thousands of years and they are
24 essential stewardship partners, whether along the coast,
25 along our rivers or valleys, and -- or in our fragile

1 deserts. We thank California Native American communities
2 for participating in this Commission's activities and for
3 their essential role in maintaining and adding to our
4 state's rich cultural legacy.

5 The next item of business will be public comment.
6 Before I open the public comment period for items not on
7 the agenda, first let me thank everyone, especially our
8 stakeholders and members of the public for taking the time
9 to join our virtual meeting.

10 Now, I'd like to turn it over to Ms. Lucchesi to
11 quickly share some instructions on how we can best
12 participate in this meeting, so that it runs as smoothly
13 as possible.

14 Ms. Lucchesi.

15 EXECUTIVE OFFICER LUCCHESI: Thank you, Madam
16 Chair. First, everyone, please make sure your phones and
17 computers are on mute to avoid any micro -- background
18 noise.

19 For members of the public, if you would like to
20 speak during our open public comment period or during a
21 public comment period that is part of an agenda item, you
22 can do so in one of two ways. First, if you are attending
23 on the Zoom platform, please raise your hand in Zoom. If
24 you are new to Zoom and you joined our meeting using the
25 Zoom application, click on the hand icon at the bottom of

1 your screen. When you click on that hand, it will raise
2 your hand. Second, if you are joining our meeting by
3 phone, you must press star nine on your keypad to raise
4 your hand to make a comment. If you are calling in and
5 want to view the meeting, including the PowerPoint
6 presentations, please view the meeting through the
7 CAL-SPAN live webcast link. There will be a slight time
8 delay, but it will avoid an echo or feedback from using
9 the Zoom application and your phone.

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

16 After you are called on, you will be unmuted and
17 you will be promoted so that the Commissioners can see you
18 speak and testify and that way you can share your comments
19 directly to the Commissioners. Please also remember to
20 unmute your phone on your end and identify yourself.
21 Please also remember, you have a limit of three minutes to
22 speak on an item. Please keep your comments respectful
23 and focused. We will mute anyone who fails to follow
24 these guidelines or at worst dismiss you from the meeting.

25 The Commission has also established an email

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

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

12 CHAIRPERSON KOUNALAKIS: Thank you so much, Ms.
13 Lucchesi. Our next order of business is the public
14 comment period. If anyone would like to address the
15 Commission on any matter not on today's agenda, please
16 raise your hand and you will have three minutes to do so.

17 Katie, please call on the first person who would
18 like to make a public comment.

19 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
20 you, Madam Chair. Our first public commenter is Marcia
21 Hanscom.

22 CHAIRPERSON KOUNALAKIS: Ms. Hanscom?

23 MS. HANSCOM: Can you hear me?

24 CHAIRPERSON KOUNALAKIS: Yes, we can hear you
25 now.

1 MS. HANSCOM: Great. Thank you.

2 Honorable Commissioners, Marcia Hanscom. I'm
3 Chair of the Sierra Club Ballona Wetlands Restoration
4 Committee and I'm Assistant Vice Chair of the Angeles
5 Chapter, which covers Orange and Los Angeles counties.
6 And as you know, in Orange County, we have been very much
7 concerned about oil releases in offshore. We're also very
8 concerned about it onshore. And I watched the Governor's
9 announcement today about the new rules his administration
10 is proposing for setbacks for new oil and gas wells to be
11 drilled in this state.

12 And we have been advocating, along with
13 environmental justice allies, for these setbacks for
14 several years now. This rule will apply to lands the
15 State Lands Commission owns at the Ballona Wetlands, where
16 SoCalGas owns the mineral rates and stores methane gas
17 injected under very high pressure after this gas is piped
18 in from Oklahoma and Texas after fracking it from the
19 earth.

20 Ballona Wetlands has already been the site of oil
21 damage in the past. Yes, because the gas that is piped in
22 from other far away states is injected into an old oil
23 field. The oil comes up with the gas when it's extracted
24 and it has infected these wetlands. Did you know about
25 that?

1 California Department of Fish and Wildlife knows
2 about it, because their oil spill prevention team came out
3 and has dealt with that on a couple of different
4 occasions, but they likely did not report it to the State
5 Lands Commission, even though you are an immediate
6 adjacent landowner. California Department of Fish and
7 Wildlife unfortunately, in this case at least, is the
8 proverbial fox guarding the chicken coop.

9 As you know, SoCalGas would benefit from the
10 highly destructive bulldozing project proposed for the
11 Ballona Wetlands being euphemistically referred to as a
12 restoration, which it is not, as to 2.5 million cubic
13 yards of soil would be bulldozed and excavated and moved
14 around on the site to create something that designers and
15 engineers think is pleasant, but which is wholly not
16 acceptable to the species that rely on the current
17 habitat.

18 It would cause SoCalGas less money to install the
19 new fossil fuel infrastructure they want to install if
20 this project goes forward, so that they can operate for
21 decades into the future. They want to drill new slant
22 wells into the site beneath the State Ecological Reserve.
23 Will the Governor's newly announced rules apply? We are
24 hopeful they will. We are told they will, but it will
25 take all of us to ensure that the future of Ballona does

1 not include the ability for SoCalGas to install these new
2 wells and this toxic and dangerous site is closed. That's
3 why we're coming to you. We need your help and we hope we
4 can collaborate with your agency as we work to protect
5 this fragile ecosystem on the Los Angeles coast.

6 Thank you.

7 CHAIRPERSON KOUNALAKIS: Thank you, Ms. Hanscom.
8 Katie, may we have the next speaker, please.

9 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
10 you, Madam Chair.

11 Our next speaker is Jane Velez-Mitchell.

12 CHAIRPERSON KOUNALAKIS: Ms. Mitchell?

13 MS. VELEZ-MITCHELL: Once second.

14 Can you hear me and see me?

15 CHAIRPERSON KOUNALAKIS: Yes, we can.

16 MS. VELEZ-MITCHELL: Okay. Thank you very much.

17 It's a privilege and an honor to speak here today. I am
18 speaking from the heart. I live -- the beach is right
19 there, a stone's throw away. I'm devastated by the
20 horrific oil spill and the untold damage and death this
21 oil spill has caused. And it is another wake-up call -
22 how many do we need - that the fossil fuel industry uses
23 deceptive and manipulative tactics. And right now,
24 they're using those same tactics to try to get down into,
25 underneath the Ballona Wetlands to their crumbling gas

1 storage facility to upgrade it. And they have donated to
2 a wide variety of organizations to try to present this as
3 a restoration. Well, complete and utter destruction and
4 bulldozing is not a restoration. It is a wholesale
5 destruction.

6 If you go to defendballonawetlands.org, we have a
7 gentle restoration plan, 20-point plan, that achieves all
8 the legitimate goals of restoration without bulldozing.
9 The only thing we don't achieve is allowing SoCalGas to
10 get down there and upgrade their crumbling gas storage
11 facility.

12 Now, we know that the LA City Council voted to
13 close that gas storage facility down. And that's what
14 needs to be done to prevent -- to prevent another Aliso
15 Canyon style blowout, which was considered one of the
16 worst environmental disasters in California history, in
17 fact, worse in terms of environmental damage than the
18 Exxon Valdez oil spill.

19 So what I am just begging you to do is to please
20 use whatever powers that you have to re-examine and put a
21 halt to this phony restoration of one square mile, LA's
22 last coastal wetlands, home to 1,700 species, some
23 endangered and some threatened.

24 Now, the proponents of this bulldozing plan which
25 would take 10 years and \$200 million, during which time

1 the people of Los Angeles would not have access to these
2 wetlands, which they could in short order have access to
3 now, if we were to unlock the gates and clean it up a
4 little bit, because the Department of Fish and Wildlife
5 has proactively allowed it to deteriorate to try to make
6 the case that it's dead and dying, which it's not.

7 If we could simply clean it up a little bit.
8 We're not arguing that there's nothing that needs to be
9 done. We're saying there's a gentle way to do it that
10 doesn't mean destroying the homes of 1,700 species when we
11 are already in the midst of the sixth mass extinction.

12 Please, we are begging. As somebody who see
13 these animals every day, just follow your heart do the
14 right thing. Stop this travesty, this phony restoration.

15 Thank you.

16 CHAIRPERSON KOUNALAKIS: Thank you.

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

18 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
19 Thank you, Madam Chair. Our next speaker is Penny Elia.

20 CHAIRPERSON KOUNALAKIS: Ms. Elia, can you hear
21 us?

22 Katie.

23 MS. ELIA: Yes, ma'am. I'm here, but I'm --

24 CHAIRPERSON KOUNALAKIS: Oh, there she is.

25 MS. ELIA: I'm speaking on Item 21, please.

1 CHAIRPERSON KOUNALAKIS: Okay. Then we will call
2 you back when that item comes up. Thank you.

3 MS. ELIA: Thank you so much.

4 CHAIRPERSON KOUNALAKIS: Katie, may we have the
5 next speaker.

6 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
7 Our next speaker is Kent.

8 CHAIRPERSON KOUNALAKIS: Kent, are you there?

9 KENT: How about that, can you hear me?

10 CHAIRPERSON KOUNALAKIS: Yes, we can.

11 KENT: Oh, good. Okay. I'm calling about the
12 vehicle triage center, is that the right time?

13 CHAIRPERSON KOUNALAKIS: Katie, is that --

14 EXECUTIVE OFFICER LUCCHESI: No. Actually,
15 that's agenda Item number 30, Madam Chair, so...

16 CHAIRPERSON KOUNALAKIS: Okay. So Kent, could
17 you please ask to speak on -- when item -- Agenda Item 30
18 comes up. That will be the appropriate time.

19 KENT: Okay. Thank you.

20 CHAIRPERSON KOUNALAKIS: Thank you.

21 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Our
22 next public speaker is Tanya Monique Boyce.

23 CHAIRPERSON KOUNALAKIS: Ms. Boyce, are you
24 there?

25 MS. BOYCE: Yes. Can you hear me?

1 CHAIRPERSON KOUNALAKIS: Yes, we can hear you
2 now. Go ahead.

3 MS. BOYCE: Thank you very much. I, myself, am
4 also signed up to speak to Item number 30, please.

5 CHAIRPERSON KOUNALAKIS: All right. We will call
6 you back then.

7 MS. BOYCE: Thank you.

8 CHAIRPERSON KOUNALAKIS: And just as a reminder
9 to everyone listening, if you are speaking on an item on
10 the agenda, we will call you for public comment when that
11 agenda item comes up. Now is the time for anyone to have
12 public comment on items not on the agenda. Thank you.

13 Katie, can we have the next speaker, please.

14 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
15 Thank you, Madam Chair.

16 Our next speaker is Gary Estes.

17 CHAIRPERSON KOUNALAKIS: Mr. Estes, please go
18 ahead.

19 Mr. Estes, are you there?

20 MR. ESTES: I am here. Okay. There I am. Thank
21 you. Can you hear me now?

22 CHAIRPERSON KOUNALAKIS: Yes, we can. Please go
23 ahead.

24 MR. ESTES: Thank you. Good afternoon. My name
25 is Gary Estes. I'm on the Board of Protect American River

1 Canyons, better known as PARC. We're in Auburn. It's a
2 river conservation and education group based in Auburn.
3 And what I called right here to discuss is a public safety
4 hazard, which we have on the American River due to the
5 State Route 49 bridge debris, which sits in the American
6 River near Auburn.

7 And so on October 1st of this year, PARC, as we
8 call it, submitted a email requesting an enforcement
9 hearing regarding unauthorized structures on State Lands.

10 And this concerns the State Route 49 bridge to
11 debris located on State lands in the north fork of the
12 American River. And we believe that the California
13 Department of Transportation, Caltrans, is the appropriate
14 respondent based upon our research. We submitted this
15 information via email. Staff did acknowledge receipt of
16 our letter and seven attachments and we have not yet
17 received any other -- any other communication to date.

18 But I wanted to take this opportunity to
19 highlight this public safety hazard to boaters, swimmers,
20 fisherman, who recreate in the very popular Auburn State
21 Recreation Area. What's important for you is a brief
22 history that this bridge debris was washed out on December
23 the 23rd, 1964 of the failure of the Hell Hole Dam under
24 construction for Placer County Water Agency. And then
25 nine months later on September the 2nd, 1965, the bill

1 authorizing the Auburn Dam and Reservoir was enacted. And
2 Caltrans opened that replacement bridge on April 30th,
3 1965. So the bridge debris remains -- remained on private
4 property until the Bureau of Reclamation which purchased
5 the land in about 1971 for the Auburn Reservoir.

6 You know, Caltrans, in our view, had six years to
7 remove the debris from the washout date until Reclamation
8 purchased the land. And Caltrans did not remove the
9 debris, because they expect the Auburn Reservoir would
10 eventually be covered under several hundred feet of water,
11 a reasonable decision on their part. And the Auburn Dam
12 was never completed and there are no plans to do so and
13 the debris remains a public safety hazard.

14 So if you go to the PARC website, you'll see --
15 you can see a four-minute video showing the debris field
16 and its history, which is an introduction to a 30-minute
17 video of underwater survey work, which PARC hired Advanced
18 Marine Services to perform. And our efforts have been to
19 advance the debris removal effort by drafting the
20 project -- the project description required for
21 environmental reviews and agency permits. This is
22 included in our attachments.

23 So if our enforcement hearing request does not
24 come under the Commission's jurisdiction, we hope the
25 Commission will agree this is a public safety hazard in an

1 intention to encourage Caltrans to remove the debris.

2 Thank you.

3 CHAIRPERSON KOUNALAKIS: Thank you very much, Mr.
4 Estes.

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

6 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
7 Thank you, Madam Chair.

8 Our next speaker is Lisa Levinson.

9 CHAIRPERSON KOUNALAKIS: Ms. Levinson, when
10 you're ready, please go ahead.

11 MS. LEVINSON: Hi there. There's a little -- a
12 little delay when people join, just to let you know.

13 CHAIRPERSON KOUNALAKIS: Yes.

14 MS. LEVINSON: So thank you very much. I'll be
15 able to start in just a wee minute.

16 Here we go.

17 Honorable Commissioners, I'm Lisa Levinson with
18 In Defense of Animals, representing 250,000 worldwide
19 supporters and 25,000 of those in California. We are very
20 concerned about the Ballona Wetlands Ecological Reserve
21 and the 1,700 species that are at risk from a
22 State-approved construction project that is masquerading
23 as a restoration, but would mostly benefit SoCalGas and
24 its storage operation that has infrastructure pipes and
25 wells throughout the reserve. More than \$15 million in

1 public State bonds have already been allocated to plan a
2 project that is very unpopular and that has been in the
3 planning stages for more than 15 years.

4 Now we've seen the damage that can happen when
5 oil mixes with fragile habitats from the massive oil
6 release in Orange County nearly two weeks ago, a tragedy
7 for wild animals and their habitats.

8 Now, we also know that oil from this -- from this
9 field where gas is stored at the Ballona Wetlands has
10 negatively impacted these imperiled lands before, which is
11 crucial habitat for so many rare and endangered species.

12 Please do everything that you can to shut down
13 the methane gas storage facilities at Ballona Wetlands in
14 Playa del Rey as soon as possible so that oil damage is
15 one problem we don't have to worry about in that area.

16 We urge you to carefully study the plans for
17 Ballona and submit comments from your agency to the
18 federal agencies that are now reviewing this plan. We
19 know you care about wetlands and the animals there just
20 like we do. Please help those that cannot speak for
21 themselves and offer their protection.

22 Thank you.

23 CHAIRPERSON KOUNALAKIS: Thank you very much.

24 Katie, may we please have the next speaker.

25 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank

1 you, Madam Chair. At this time, we have no other hands
2 raised for public comment.

3 CHAIRPERSON KOUNALAKIS: Thank you very much,
4 Katie. That concludes our public comment period.

5 The next item of business is the adoption of the
6 minutes from the Commission's meeting of August 21st --
7 25th 2021. May I have a motion to approve the minutes and
8 a second?

9 ACTING COMMISSIONER MILLER: Move approval.

10 COMMISSIONER YEE: I'll second.

11 CHAIRPERSON KOUNALAKIS: We have a motion by
12 Commissioner Miller and a second by Commissioner Yee.

13 Ms. Lucchesi, will you please conduct a roll call
14 vote?

15 EXECUTIVE OFFICER LUCCHESI: Certainly.

16 Commissioner Miller?

17 ACTING COMMISSIONER MILLER: Aye.

18 EXECUTIVE OFFICER LUCCHESI: Commissioner Yee?

19 COMMISSIONER YEE: Aye.

20 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

21 CHAIRPERSON KOUNALAKIS: Aye.

22 EXECUTIVE OFFICER LUCCHESI: The motion passes
23 unanimously.

24 CHAIRPERSON KOUNALAKIS: Thank you.

25 The next order of business is the Executive

1 Officer's report. Ms. Lucchesi, may we please have that
2 report.

3 EXECUTIVE OFFICER LUCCHESI: Certainly. Thank
4 you and good afternoon, everyone. I want to start with an
5 update on the pipeline Orange County oil spill off of the
6 coast in Southern California. On October 2nd, the U.S.
7 Coast Guard received a report of an oil sheen off the
8 coast of Huntington and Newport Beach. A unified command
9 composed of representatives of the United States Coast
10 Guard, California Department of Fish and Wildlife's Office
11 of Spill Prevention and Response, and Amplify Energy
12 Corp. -- Corporation, the responsible party, was
13 established that same afternoon.

14 Over the course of the response, a representative
15 of Orange County and a representative of San Diego County
16 joined the unified command, both as a local government
17 on-scene coordinators. And I'm hoping -- Phil, can you
18 pull up the PowerPoint slide for me, please.

19 (Thereupon a slide presentation.)

20 EXECUTIVE OFFICER LUCCHESI: I'm pulling that up.
21 The approximate 17.7-mile long pipeline at issue
22 transports crude oil from the federal Platform Elly
23 through federal waters into State waters and terminates at
24 the Port of Long Beach near the Queen Mary. An
25 approximate 4.4-mile section of the pipeline is under

1 lease from the State Lands Commission. Lease number 5636,
2 highlighted on your screen, authorizes the operation and
3 maintenance of a 16-inch diameter pipeline from where it
4 enters the State's three-mile jurisdiction from Platform
5 Elly in federal waters to the legislative tidelands grant
6 area that the City of Long Beach owns and manages in trust
7 on behalf of the State. This lease was originally issued
8 to Shell Oil company in 1979. The line was installed in
9 1980 in conjunction with the construction of platforms in
10 federal waters.

11 Since that time, the Commission has authorized a
12 series of lease renewals, assignments, rent reviews, and
13 other actions. The Commission's current lessee for this
14 section of the pipeline is the San Pedro Bay Pipeline
15 Company, a subsidiary of Amplify Energy Operations.

16 The Commission is working closely with the
17 unified command and other State and federal partners in
18 the response efforts. We are also working with local
19 officials and State legislators in responding to --
20 providing information about the Commission's jurisdiction
21 and authorities as requested.

22 And, at this time, I would like to introduce the
23 OSPR Administrator Tom Cullen to provide an update on the
24 State's spill response efforts.

25 Administrator Cullen.

1 MR. CULLEN: Thank you very much, Jennifer, Madam
2 Commissioners, colleagues. Privileged to be with you here
3 today to give you an update on the spill response for the
4 pipeline of 547 spill. And as Jennifer introduced, I am
5 the Administrator of the Office of Spill Prevention and
6 Response, a trustee agency within California Department of
7 Fish and Wildlife. And we're responsible for protecting
8 all of the State's surface waters and associated habitat
9 from oil spills. And this program encompasses prevention,
10 preparedness, response, the phase we're in right now, and
11 restoration.

12 We have 200 first responders stationed throughout
13 the state. And I appreciate, Commissioners, I think all
14 of -- three of you actually visited our previous incident
15 command post in Long Beach. We're currently located at
16 the Orange Coast College in Costa Mesa. And we're
17 probably going to be moving the command post one last time
18 to Los Alamitos next week.

19 And so since you already have the background that
20 Jennifer offered and you visited and got an update last
21 week, I'm just going to tell you where we are right now
22 with the response.

23 So currently, there's 121 folks from OSPR, my
24 office, that are involved either remotely or on-site
25 working on the response. We plug into the unified command

1 as the State on-scene coordinator in partnership with the
2 U.S. Coast Guard, which is the federal on-scene
3 coordinator, the responsible party, Beta Offshore, part
4 of, you know, as you just mentioned, is the responsible
5 party -- excuse me -- and representatives from Orange and
6 San Diego counties.

7 Currently, we have 86 personnel working in person
8 here in the command post with a hundred -- 482 in the
9 field. That's down from a high of last week of 1,800.
10 And that has been scaled back proportionate to what we're
11 seeing on the beaches. We still have plenty of people out
12 there walking the beaches, doing assessments, and cleaning
13 up the oil, not only proactively but also as reports come
14 in, we have hot shot teams that are detailed to go and
15 clean.

16 To date, we've recovered 490,000 pounds of oily
17 debris. A lot of that would be sand, containment boom,
18 other associated oil debris. Most of the oil right now is
19 being recovered in San Diego County and we have 17 teams
20 and five hot shot teams that are responding mainly down
21 from San Elijo down to La Jolla and as far south as
22 Mission Bay.

23 As I said, beach surveys and cleanup operations
24 are continuing. Some of the northern segments of the
25 beaches have achieved, what we call, endpoints. That's a

1 term that refers to a comparison of what we're seeing on
2 the beach compared to what background would be. Nothing
3 has been signed off as being quote/unquote clean yet. We
4 are waiting for a weather event and a King tide over the
5 weekend that could bring some more oil ashore. And so
6 we're staying positioned and ready to respond and clean up
7 any oil that would come in associated with that event.

8 From a wildlife perspective, we've recovered 32
9 live birds, including seven federally threatened Snowy
10 Plovers, 76 dead Oilbirds were recovered as of last night.
11 And it's important to note that while all the live birds
12 that were treated and eventually released did have oiling
13 on them, some of the dead birds had no visible sign of
14 oiling. It will only be through further investigation
15 that we determine their causes of death.

16 There was one live Northern Right Whale Dolphin
17 stranded alive along the beach area, but was euthanized
18 due to its poor condition. One Bottlenose Dolphin, two
19 California Sea Lions, one unidentified pinniped, and one
20 unidentified mammal were also found dead. And again,
21 cause of death not associated with the oil as of yet. And
22 then 14 fish were found dead.

23 We also have a vessel decontamination process in
24 progress. To date, 28 vessels have been cleaned by the
25 contractor with another 44 scheduled and 81 others to be

1 assessed.

2 We're providing daily liaison updates to our
3 stakeholders. And we hold several times a week recurring
4 calls with elected officials and our stakeholder agencies
5 to deliver updates and answer any questions. As of this
6 morning, we've started an after action report process,
7 which will continue on for the next months, where we look
8 at best practices and lessons learned because we always
9 recognize that we can do better, and we're going to find
10 those ways to try to, you know, improve our processes in
11 response.

12 And so I'd like to close with how grateful I am
13 for the participation of all of our partners, you know,
14 our NGO stakeholders, and particularly State Lands. And
15 I'm willing to answer any questions you may have.

16 Thank you.

17 CHAIRPERSON KOUNALAKIS: Thank you very much.

18 Ms. Lucchesi, can I call -- is -- does that
19 conclude the report?

20 EXECUTIVE OFFICER LUCCHESI: I do have more to
21 report to the Commission as part of my Executive Officer's
22 report. But I'm happy to pause if there's any questions
23 or comments that you'd like to direct directly to
24 Administrator Cullen.

25 CHAIRPERSON KOUNALAKIS: Controller Yee, do you

1 have any questions or comments you'd like to make right
2 now?

3 COMMISSIONER YEE: Just a comment, then a
4 question. Thank you, Administrator Cullen, and really
5 appreciated the -- just appreciate everyone's diligence on
6 this effort.

7 I wanted to just get a sense of the status of
8 beach closures and openings, and whose jurisdiction that
9 is in terms of determining, you know, when those areas are
10 accessible by the public at this point in time?

11 MR. CULLEN: Thank you, ma'am. And as of earlier
12 the week, all beaches have been reopened, but that does
13 not mean that operations aren't continuing simultaneous
14 with the public enjoying the beach. So we're continuing
15 to have a presence out there looking for and responding to
16 reports of tarballs.

17 COMMISSIONER YEE: Okay. All right. I know many
18 of the local government officials have been involved. And
19 so I just want to be sure that as we're addressing the
20 public that they're aware of the status --

21 MR. CULLEN: Yes, ma'am.

22 COMMISSIONER YEE: -- of these particular
23 properties. Great. Thank you.

24 CHAIRPERSON KOUNALAKIS: Thank you very much,
25 Commissioner Yee.

1 Commissioner Miller, at this time, do you have
2 any questions of Mr. Cullen.

3 ACTING COMMISSIONER MILLER: Hi, Mr. Cullen and
4 thank you. What is the status of fishing? Are we still
5 warning the contamination effects and how are we handling
6 making sure that the folks down there are aware of
7 everything going on?

8 MR. CULLEN: Yes, ma'am. And shortly after the
9 spill occurred, we were unfortunately forced to close any
10 fishing in an area that extended about seven miles
11 offshore. And that was tragic in that it coincided almost
12 perfectly with the opening of the lobster fishery down
13 here. And so we're actively working with California
14 Office of Environmental Health and Assessment[SIC], OEHHA,
15 within EPA to try to reopen the fisheries. It's a more
16 prolonged process than closing unfortunately. We're --
17 it's going to take about 14 days as we gather samples
18 and -- but we're taking this very seriously and trying to
19 reopen, at least shrink, you know, that fishery closure as
20 quickly as possible.

21 CHAIRPERSON KOUNALAKIS: So thank you, Mr.
22 Cullen. I'd just like to thank you, thank all the members
23 of the coordinated response, the Coast Guard, of course,
24 which launched such a robust response, and to you, Ms.
25 Lucchesi, I know you were embedded down there at the

1 command center. As all of you have heard, every member of
2 this Commission had the opportunity to go down and survey
3 the damage. Jennifer, I know that you had a lot of
4 sleepless nights as this response was rolling out. Those
5 first few hours are so critically important in responding
6 to a cleanup before the damage that the leaked oil
7 dissipates, you know, where there's still an opportunity
8 to catch it with booms.

9 It was quite an operation. There's no question
10 it could have been much, much worse had there not been the
11 capability to launch such a robust operation.

12 But I just do want to say for the public that I
13 like you was astonished that this could happen. There is
14 an ongoing investigation to understand exactly what did
15 happen and whether or not there's -- the response should
16 have been even sooner than it was. And we are going to
17 get to the bottom of exactly what happened.

18 But as you heard from my opening remarks, it is
19 the State Lands Commission that has primary responsibility
20 for these offshore platforms and the facilities that serve
21 them. The amount of offshore drilling off the coast of
22 California is significantly, significantly, over 90
23 percent, reduced from what it was in its peak in the
24 mid-nineties. but we are all looking at these legacy
25 wells with all of the activity that goes through this

1 area, whether it's fishing, or shipping, or tourism, and
2 asking, you know, how can we do better and how can we
3 ensure that this will be the last time that we deal with a
4 catastrophe like this?

5 So thank you all for your response. And again to
6 everyone listening, to members of the public, I hope they
7 know that the response of this Commission and
8 commissioners was as immediate and robust as it could
9 possibly be, and that we will continue to follow this
10 investigation and to understand what more we can do to
11 ensure that this kind of a disaster never happens again.

12 Ms. Lucchesi, please return to the rest of your
13 report.

14 EXECUTIVE OFFICER LUCCHESI: Thank you. Thank
15 you, Administrator Cullen.

16 All right. So moving on, I do want to update the
17 Commission on our COVID relief funding for our ports and
18 harbor districts. In this year's State budget, the
19 Commission received \$250 million of federal Coronavirus
20 fiscal recovery funds for appropriation to California
21 ports impacted by the pandemic state of emergency.
22 Commission staff has released its application package. We
23 did so on October 8th.

24 Ports have a sizable impact on the state's
25 recovery effort. Approximately one million California

1 jobs are linked to trade activities at the 11 public ports
2 and an infusion of federal funds will have a significant
3 impact in targeting the unemployed residents of port
4 communities by helping ports to rehire or bring on new
5 essential workers, as well as retaining existing
6 employees.

7 Ports that rely on tourism-based revenue will
8 particularly benefit from these federal funds, given the
9 disproportionate impact the pandemic had on
10 tourism-related industries. Commission staff worked
11 closely with our colleagues at the Department of Finance
12 to develop its application package and is now accepting
13 recovery fund requests through November 8th. The
14 application documents are available on the Commission's
15 website, and we have provided them to ports and harbor
16 districts directly. Staff will evaluate the port
17 applications in the coming weeks and we anticipate the
18 Commission will consider initial disbursements at its
19 December 8th public meeting.

20 Next, I'd like to update the Commission and the
21 public on our Platform Holly and Piers 41 -- 421
22 decommissioning project. Plug and abandonment work on
23 Platform Holly resumed earlier this month, 528 days after
24 the pandemic shut down this work. As an important
25 milestone, well 3242-6 became the first well plugged to

1 surface this month. Twenty-nine more wells to go. Staff
2 continues to maintain and monitor Platform Holly and the
3 onshore facilities to ensure public health and safety.
4 And in September, staff, ExxonMobil, and their
5 subcontractors reactivated equipment that had been
6 mothballed during the shutdown and a full 24-hour rig crew
7 returned to the platform on October 1st.

8 Plug and abandonment is planned to continue
9 uninterrupted until all wells are plugged, which is
10 estimated to take approximately 12 to 18 months. We are
11 collaboratively -- excuse me, working collaboratively with
12 ExxonMobil, their subcontractors, and CalGEM to ensure
13 that the work ahead is conducted safely, effectively,
14 efficiently, and to reduce costs where possible.

15 Staff continues to develop an EIR for the Piers
16 421 Decommissioning Project. This project is to remove
17 the derelict oil piers associated -- and associated
18 infrastructure on Haskell's Beach in Goleta. Staff is
19 coordinating with the City of Goleta and the Coastal
20 Commission as part of a joint review panel for this EIR.

21 The joint review panel works collaboratively as
22 the Environmental Impact Report is developed, which allows
23 each agency to review the analysis at the draft stage and
24 ensures the science underlying the document is rigorous
25 and supported. Staff anticipates releasing a draft EIR in

1 the second half of November with a 45-day public review
2 period. And we hope to start the decommissioning and
3 removal in August of next year.

4 Next, I'd like to update the Commission on the
5 Hollister Ranch Public Access Program. Last week, the
6 California Coastal Commission had to postpone its first
7 public workshop on the Draft Coastal Access Program for
8 Hollister Ranch. The workshop was postponed because of
9 the Alisal fire that was burning along the Gaviota
10 coastline near Hollister Ranch. The purpose of the
11 workshop is to hear from the commissioners and the public
12 regarding additional thoughts, concerns, ideas, and
13 questions about the Draft Access Program. The workshop is
14 now being scheduled for November.

15 And finally, in concluding in my report, I want
16 to acknowledge the passing of Fred Collins, Chairman of
17 the Northern Chumash Tribal Council, earlier this month.
18 Chairman Collins was a fearless and tireless advocate for
19 the protection of Native American lands and cultural
20 sites, as well as for the rights of nature and the ocean's
21 living creatures.

22 Chairman Collins was the driving force behind the
23 proposed Chumash Heritage National Marine Sanctuary, which
24 is pending designation by the federal government, and
25 which would ensure the protection of culturally and

1 biologically important stretch of California's coast and
2 ocean.

3 Chairman Collins was involved many of the
4 Commission's activities, including the fate of the Diablo
5 Canyon Nuclear Power Plant, the decommissioning of the
6 Morro Bay Power Plant, and the current planning for
7 offshore wind. He was a thoughtful collaborator and
8 consistently strived to provide detailed, substantive
9 comments on the Commission's environmental documents,
10 which always resulted in meaningful improvements to
11 project evaluation and well-informed Commission decisions.

12 The Commission is honored and grateful to have
13 worked and -- worked with and learned from Chairman
14 Collins over the many years. We send our heartfelt
15 condolences to his family and loved ones.

16 Thank you and that concludes my report. Chair
17 Kounalakis, back to you.

18 CHAIRPERSON KOUNALAKIS: Thank you, Ms. Lucchesi.

19 Commissioner Yee, do you have any comments or
20 questions?

21 COMMISSIONER YEE: (Shakes head.)

22 CHAIRPERSON KOUNALAKIS: Commissioner Miller?

23 ACTING COMMISSIONER MILLER: Just two quick
24 comments. One, a huge kudos to the -- to Ms. Lucchesi and
25 the State Lands Commission team for working on the ports

1 disbursement of the 250 million. We understand how vital
2 that is and look forward to having resolution on that at
3 the same time as the ports are facing these huge supply
4 chain demands. And we do hope that we can all continue to
5 collaborate. And the Governor did issue an Executive
6 Order last night and we hope that that continues to be an
7 opportunity to really make sure that we're collaborating
8 on the vital issues.

9 And then just to share our condolences for
10 Chairman Collins. I think you know may his memory be a
11 blessing and he -- he certainly leaves a legacy in
12 teaching all of us how we can all again work together and
13 truly make a difference in some of the most vital ways in
14 which we honor our -- the Native Americans that were here
15 way before us. So thank you for that and I'm also sorry
16 for his loss.

17 CHAIRPERSON KOUNALAKIS: Thank you, Commissioner
18 Miller.

19 Next, I call on Ms. Lucchesi to indicate -- oh,
20 sorry, the next order of business will be the adoption of
21 the consent calendar. Commissioner Yee, Commissioner
22 Miller, are there any items you'd like removed from the
23 consent calendar?

24 COMMISSIONER YEE: (Shakes head.)

25 ACTING COMMISSIONER MILLER: (Shakes head.)

1 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi, would you
2 indicate please which items, if any, have been removed
3 from the consent calendar?

4 EXECUTIVE OFFICER LUCCHESI: Certainly. Consent
5 items 13, 23, and 24 have been removed from the agenda and
6 will be considered at a later time.

7 Consent item 21 will be moved to the regular
8 agenda to be heard after Item 32.

9 CHAIRPERSON KOUNALAKIS: Okay. Thank you. And
10 is there anyone joining us virtually who wishes to speak
11 on any item remaining on the consent calendar? If so,
12 please raise your Zoom hand now or dial star nine if
13 joining by phone. Katie, do we have anyone who wishes to
14 speak on any item remaining on the consent calendar?

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

18 CHAIRPERSON KOUNALAKIS: Okay. We now proceed
19 with the vote. May I have a motion and a second?

20 COMMISSIONER YEE: Madam Chair, I'll move
21 adoption of the remainder of the consent calendar.

22 ACTING COMMISSIONER MILLER: And I'll second.

23 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi, could you
24 please conduct a roll call vote?

25 EXECUTIVE OFFICER LUCCHESI: Certainly.

1 Commissioner Miller?

2 ACTING COMMISSIONER MILLER: Aye.

3 EXECUTIVE OFFICER LUCCHESI: Commissioner Yee?

4 COMMISSIONER YEE: Aye.

5 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

6 CHAIRPERSON KOUNALAKIS: Aye.

7 EXECUTIVE OFFICER LUCCHESI: The motion passes
8 unaniously.

9 CHAIRPERSON KOUNALAKIS: The next order of
10 business will be regular calendar.

11 Item 30 is to consider amendment of a lease
12 within the Candlestick Point State Recreation Area to
13 authorize the use of an existing paved parking lot in
14 support of a proposed safe parking area and vehicle triage
15 center.

16 May we have the presentation, please.

17 EXECUTIVE OFFICER LUCCHESI: Chair and
18 commissioners, Al Franzoia of the Commission staff will be
19 giving staff's presentation. And we also have a
20 representative from State Parks and the City of San
21 Francisco following his presentation to address any -- to
22 make comments and address any questions the Commissioners
23 may have.

24 Al.

25 (Thereupon a slide presentation.)

1 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA:

2 Thank you, Jennifer.

3 Good afternoon, Madam Chair and members of the
4 Commission. My name is Al Franzoia and I'm a Public Land
5 Management Specialist in the Land Management Division.

6 I'm here to present the proposed amendment to the
7 Department of Parks and Recreation lease for this
8 Candlestick Point State Recreation area.

9 Next slide, please.

10 --o0o--

11 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA:

12 Candlestick Point State Recreation Area is
13 located a few miles south of downtown San Francisco
14 adjacent to San Francisco Bay and consists of
15 approximately 95 acres. And you can see its outline along
16 the shoreline.

17 Next slide, please.

18 --o0o--

19 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA:

20 Since the start of the pandemic, approximately
21 100 to 150 unhoused people have been living in their
22 vehicles on Hunters Point Expressway adjacent to the
23 Candlestick Point State Recreation Area. People are
24 living either inside or outside their vehicle and are
25 exposed to an unsafe, unsanitary, and unclean environment

1 without the basic necessities of life. The current
2 situation impedes vehicular and pedestrian traffic along
3 the expressway and impacts public access to the State
4 Recreation Area.

5 Next slide, please.

6 --o0o--

7 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA: The
8 Hunter Point -- Hunters Point Expressway is the main
9 access to the -- to the entrance to the State Park
10 Recreation Area. The lessee, community based social
11 service providers and the City of San Francisco have
12 collaborated to provide resources to those experiencing
13 homelessness. In response, the City is proposing the
14 development of a temporary Low Barrier Navigation Center
15 to be located temporarily on an under-utilized parking lot
16 within the State recreation area.

17 Next slide, please.

18 --o0o--

19 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA: This
20 would have been an overflow parking area for many years
21 for Candlestick Park. As you can see, it's identified as
22 BLM and that's already an existing paved area.

23 Next slide, please.

24 --o0o--

25 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA:

1 The Bayview Vehicle Triage Center would be a Low
2 Barrier Navigation Center. Government Code section
3 65660(a) defines a Low Barrier Navigation Center as a
4 housing first, low barrier service enriched shelter
5 focused on moving people into permanent housing that
6 provides temporary living facilities while case managers
7 connect individuals experiencing homelessness to income,
8 public benefits, health services, shelter, and housing.

9 Governor Newsom has directed State agencies
10 through Executive Order N-23-20 to assess the use of state
11 resources and their impact on reducing street
12 homelessness, breaking down barriers to homeless
13 individuals, accessing health care and other critical
14 services, and increasing housing options for those
15 experiencing homelessness.

16 The issue of homelessness is a statewide concern
17 and numerous bills have been signed into law this year in
18 attempt to address the issue. While the Commission's
19 jurisdiction and authority have not been directly impacted
20 by these laws, they illustrated the statewide policy of
21 acknowledgement that addressing local and regional
22 homeless -- homelessness benefits the entire state. It is
23 not only morally the right thing to do, but it is in the
24 state's best interest.

25 Next slide, please.

1 --o0o--

2 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA:

3 Throughout this process, staff has been working
4 with both City and County of San Francisco and State
5 Parks. Staff is now requesting the Commission authorize
6 the amendment to the existing lease to the State Parks for
7 the Candlestick Point State Recreation Area to allow for
8 the temporary use of an existing underutilized paved
9 parking lot, and to install public utilities for the
10 development, operation, and maintenance of the Low Barrier
11 Navigation Center, endorse the sublease City and County of
12 San Francisco for the VTC.

13 Next slide, please.

14 --o0o--

15 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA: The
16 City proposes to restripe the parking lot to accommodate a
17 maximum of 155 parking stalls for 86 recreational and 69
18 passenger vehicles with a maximum of 232 people and
19 install a perimeter fence with privacy screen, solar
20 lights, portable restrooms, showers, and laundry
21 facilities on trailers, staff trailers for site
22 supervisors, case managers, clinical supervisors, security
23 and janitorial staff, a guard shack, picnic area, portable
24 water hose bibs, electrical service to each vehicle enough
25 to charge cell phones and small appliances, fire/water

1 service, trash container, security cameras and access
2 gates. Utility upgrades will be implemented to support
3 the electrical water and waste water needs at the site.
4 Additional parking will be provided for staff, visitors,
5 and other vehicles. Other amenities such as picnic
6 tables, shade, umbrellas, and a pet area will provide
7 space for people to gather and foster community.

8 The city will spend approximately \$45,000 per
9 month or \$540,000 per year to maintain and operate the
10 VTC.

11 Next slide, please.

12 --o0o--

13 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA: The
14 use of Public Trust Lands for long-term private
15 residential use is inimical to the Trust, as interpreted
16 by the judicial decisions and because it significantly
17 impairs the public's right to Trust lands.

18 However, whereas field sovereign lands have
19 traditionally not been used for addressing homelessness,
20 the Commission has authority to approve such uses where it
21 appears that the execution of such leases and the
22 operations thereunder will not interfere with the trust
23 upon which such lands are held or substantially impair the
24 public rights to navigation and fishing.

25 Staff believe that the proposed VTC will not

1 substantially interfere with or impair Public Trust uses
2 and values at this location, and therefore may be
3 authorized by the Commission. The VTC sublease itself
4 will be of limited term without granting long term or
5 permanent rights to property. The proposed amendment will
6 allow use of a chronically underutilized parking lot and
7 would serve to divert homeless encampments from nearby
8 Hunters Point Expressway. This diversion, the leased
9 lands, would improve vehicular and pedestrian safety for
10 the roadway and VTC users, and provide those users access
11 to police and social services that could improve refuse
12 collection, sanitation, and public health in the entire
13 State Recreation Area.

14 This will serve to improve and enhance the
15 broader visitor experience to Candlestick Point SRA and
16 the Bay, and continue protection of the environment and
17 Public Trust resources. And clearing the roadway would
18 also improve public access to the State Recreation Area
19 and the Bay.

20 Finally, staff do not anticipate that the
21 proposed VTC will limit access to the boat ramp or
22 waterways. In all, staff finds a temporary short-term use
23 of sovereign land in support of transition --
24 transitioning unhoused people living in their vehicles
25 adjacent to the Candlestick Point SRA to the VTC is a

1 statewide benefit and in the best interests of the state.

2 Next slide, please.

3 --o0o--

4 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA: In
5 closing, staff recommends that the Commission authorize
6 the amendment of lease to authorize the Low Barrier
7 Navigation Center within the Candlestick Point SRA and
8 endorsement of a two-year sublease to the City and County
9 of San Francisco for the Bayview Vehicle Triage Center.

10 Next slide, please.

11 --o0o--

12 PUBLIC LAND MANAGEMENT SPECIALIST FRANZOIA: This
13 concludes staff's presentation and we're available to
14 answer any questions. We also have available a
15 representative of the California Department of Parks and
16 Recreation, Gerald O'Reilly, and from the City of San
17 Francisco's Department of Homelessness Emily Cohen, if you
18 have questions.

19 CHAIRPERSON KOUNALAKIS: Thank you very much, Mr.
20 Franzoia.

21 Commissioners, questions?

22 Commissioner Yee?

23 COMMISSIONER YEE: (Shakes head.)

24 Commissioner Miller?

25 ACTING COMMISSIONER MILLER: (Shakes head.)

1 CHAIRPERSON KOUNALAKIS: So I actually have a
2 question of Emily Cohen.

3 Maybe Emily, if you could give us a little bit of
4 perspective of how the plan for this site is different
5 than other homeless -- or navigation centers that the City
6 has put in place. And specifically, you know, as a former
7 member of the San Francisco Port Commission, I have a
8 little bit of experience with these navigation centers.
9 Of course, we've had some things come up here at State
10 Lands as well. And I'm wondering if you could talk a
11 little bit about the timeline, because a period of no more
12 than two years we can approve something, you know, in that
13 time horizon, but I'd just like to have a little bit of a
14 sense of how confident you are that that time frame will
15 be able to be honored.

16 MS. COHEN: Thank you very much for the question.
17 My name is Emily Cohen, Deputy Director with the
18 Department of Homelessness and Supportive Housing. The
19 proposed Vehicle Triage Center is similar to Navigation
20 Centers, in that it is a 24/7 robust housing-first focused
21 facility designed for people experiencing homelessness in
22 our community. It is a bit different than our existing
23 Navigation Centers in that we are not asking people to
24 leave their vehicles and come into a facility. We're
25 asking them to come with their vehicles to the facility.

1 So this is a model that we piloted one other time in San
2 Francisco. We did a small pilot of this model at the
3 Bal -- near the Balboa BART station on a temporary -- a
4 temporarily available piece of land. And it was
5 incredibly successful for relieving the vehicle
6 encampments in the area and connecting the guests to
7 healthcare services, social services and the ultimate
8 goal, of course, of housing and moving people beyond
9 living in their vehicles. That is not the end goal.

10 So it is similar to a Navigation Center in that
11 it's housing first and low barrier. It is different in
12 that people do come and stay in their vehicles. I think
13 the Balboa pilot demonstrated our effectiveness at meeting
14 temporary use timelines. We have made use of
15 pre-development sites across the community for different
16 projects and have exited those sites in a -- in a timely
17 way, you know, according to the agreements that we have
18 reached. And so we have a strong practice of wind down.
19 So we are not returning people to the street, kicking
20 people out to the -- you know, to return to the encampment
21 across the way. We really work with people over time to
22 move them into housing, we pause intake, so that we can
23 have a very clear, clean pathway for people to -- or for
24 the City to wind down the project.

25 CHAIRPERSON KOUNALAKIS: Okay. Thank you very

1 much Emily and thank you for your commitment to this just,
2 you know, so often very heartbreaking and challenging
3 issue.

4 Commissioners, any other questions or comments?

5 COMMISSIONER YEE: I have a question.

6 CHAIRPERSON KOUNALAKIS: Commissioner Yee.

7 COMMISSIONER YEE: Thank you, Madam Chair. I
8 really appreciate the matter coming before us. You know,
9 it's one of those issues that I think really compels the
10 Commission to look at certainly the evolving nature of our
11 Public Trust provisions. And it is -- I think the
12 presentation by Mr. Franzoia, at least for me, was
13 compelling from the perspective that no public trust uses
14 will be interfered with. And so I think that -- and to be
15 able to still respond to, you know, one of our greatest
16 humanitarian crises of our time I think just makes a lot
17 of sense. And also, providing for, you know, just safety,
18 safety for those who are going to be part of the VTC as
19 well as for the surrounding neighbors. And so I think
20 it's a responsible proposal.

21 The one thing I did want to just -- and thank you
22 Emily for your comments, because I think so much of the
23 time our focus when we deal with those who are unhoused is
24 on obviously securing permanent housing or permanent
25 supportive housing. And we know in the near term there is

1 so many needs that just could be addressed that really
2 could enhance the success of being able to transition, you
3 know, so many of these people to a successful permanent
4 placement.

5 So I just really applaud the work of the City and
6 really appreciate that the Commission can be a partner in
7 this effort.

8 Thank you.

9 CHAIRPERSON KOUNALAKIS: Katie, do we have any
10 public comments? If anyone would like to comment on this
11 item, please raise your Zoom hand now.

12 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
13 you, Madam Chair. For our first public commenter, we have
14 Abe Evans.

15 CHAIRPERSON KOUNALAKIS: Mr. Evans, when you are
16 ready.

17 MR. EVANS: Hi, everybody. Can you see and hear
18 me?

19 CHAIRPERSON KOUNALAKIS: Yes, we can.

20 MR. EVANS: Great. Thank you for having me speak
21 today. My name is Abe Evans. I'm a legislative aid for
22 President Shamann Walton who represents District 10 where
23 this location is. And I just wanted to reiterate how
24 supportive and how excited our office is for this Vehicle
25 Triage Center. D-10 and Bayview Hunters Point

1 neighborhood specifically has been historically
2 under-resourced and underserved neighborhood for decades.
3 And as of the last couple years, we really have seen an
4 exponential increase in the number of folks living in
5 their vehicles in this area and candidly haven't had the
6 proper level of services to support these folks.

7 We've heard from both our community advocates,
8 like the Coalition on Homelessness, and from neighbors
9 living in the Candlestick area that this situation frankly
10 is untenable and that we need to be doing a better job of
11 supporting our vehicularly-housed neighbors. This
12 particular center brings us miles closer to providing the
13 necessary services this community needs to tackle these
14 challenges in the area. You know, folks living in their
15 vehicles deserve to live with dignity and access to basic
16 services, like trash, restrooms, and showers. And our
17 housed neighbors, who live along the Candlestick area,
18 deserve to live in a safe and clean community. And this
19 Vehicle Triage Center accomplishes both of those things.
20 So, you know, we thank you for considering this at the
21 Commission today and we ask for your support.

22 CHAIRPERSON KOUNALAKIS: Thank you very much and
23 please convey our appreciation to the supervisor for
24 making sure that we knew her views on this. It's very,
25 very helpful.

1 Katie, do we have the next speaker?

2 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
3 you, Madam Chair. Our next speaker is Nicole Restmeyer.

4 CHAIRPERSON KOUNALAKIS: We're having a little
5 bit of a delay in teeing people up, so we'll expect it
6 always takes a few seconds. But when our next speaker is
7 ready, please proceed.

8 MS. RESTMEYER: Hi. Can you hear me?

9 CHAIRPERSON KOUNALAKIS: Yes, we can.

10 MS. RESTMEYER: Great. So hold on one second.

11 Good afternoon, Madam Chair and Commissioners.
12 My name is Nicole Restmeyer and I will be providing
13 comments on behalf of Assemblymember David Chiu who serves
14 as the Chair of the Assembly Housing and Community
15 Development Committee, and represents the District this
16 lease is located in.

17 This proposal before you for a temporary Vehicle
18 Triage Center is the best opportunity we have to address
19 the vehicle encampment crisis in the Candlestick Point
20 State Recreation Area. This unique partnership provides
21 us an opportunity to use underutilized public space for
22 the public good, while addressing one of our state's
23 greatest challenges, homelessness.

24 It is important to note that this proposal is
25 temporary and ensures that residents, park-goers, and

1 neighbors maintain access to the recreational space at the
2 park. The proposed Vehicle Triage Center will be located
3 at a remote area of the park and it would only occupy
4 about two percent of all park space. This proposal builds
5 off of a successful pilot program the City of San
6 Francisco has instituted at another location. It would
7 provide desperately needed security and services to people
8 living in their vehicles with the ultimate goal of
9 transitioning those individuals to supportive housing.

10 On a more personal note, Assemblymember Chiu
11 lives directly next to Candlestick Point -- Candlestick
12 Point Recreation Area and he's personally very familiar
13 with the ongoing challenges in the area. He believes the
14 Triage Center is one of the vi -- is the one viable option
15 to improving conditions in the recreation area and the
16 immediate surrounding neighborhood. The security and
17 services that would be provided by the City will only help
18 the situation.

19 With that, on behalf of Assemblymember Chiu, I
20 respectfully ask that you approve this sublease agreement
21 and support the proposed Vehicle Triage Center as your
22 staff has recommended.

23 Thank you very much.

24 CHAIRPERSON KOUNALAKIS: Thank you very much.

25 And again, thank you for bringing down -- coming down to

1 convey the Assemblyman's position on this. It's very
2 helpful and very informative.

3 Katie, next speaker.

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
5 you, Madam Chair. Our next speaker is Lucas Williams.

6 CHAIRPERSON KOUNALAKIS: Lucas Williams, when you
7 are ready, please proceed.

8 MR. WILLIAMS: Hi.

9 CHAIRPERSON KOUNALAKIS: Please proceed.

10 MR. WILLIAMS: Hi there. Lucas Williams. I'm a
11 professor and attorney with the Environmental Law and
12 Justice Clinic. I'm here on behalf of the Bayview Hill
13 Neighborhood Association. I'll be addressing the Public
14 Trust issues with the proposed VTC.

15 So to put it really simply, this project cannot
16 legally be approved on Public Trust land. The Commission
17 doesn't have that authority under the Public Trust
18 Doctrine. So your staff's analysis is really surprisingly
19 sloppy and unsupported. And the bottom line is staff's
20 analysis would extend the Public Trust Doctrine to its
21 breaking point. Courts have never authorized this kind of
22 project on Public Trust land, as staff candidly
23 acknowledges, but then goes on to just speculate that it's
24 not going to impair Public Trust uses.

25 But look, it doesn't -- this project does not

1 facilitate Public Trust uses. It does the exact opposite.
2 It takes them away, right? So moving people from outside
3 Trust lands directly onto sovereign lands doesn't improve
4 access. It does the opposite. It restricts it. And the
5 staff report is just baffling on this issue.

6 And so this -- like, this is the kind of analysis
7 that California courts love to strike down. It's just
8 based on pure speculation and just ignoring the case law.
9 So I really hope the Commission will take a look at this
10 issue, look at the case law closely. For example, you
11 can't just take away Public Trust uses, unless there's
12 been some analysis here of alternative locations for the
13 project.

14 And so let me ask, has the Commission or the City
15 bothered to study any of the many other appropriate
16 locations that are not on Public Trust Lands for this
17 project? We have haven't seen any evidence of that,
18 certainly not in the staff report. Staff's analysis
19 just -- based on zero evidence, based on misreading the
20 case law, it's never going to hold up in court, never
21 going to hold up in court.

22 And look, I know -- I know the Commission is
23 getting a lot of pressure from the City to push this
24 through, but you're the ones who are going to have to
25 defend this in court. And I just -- I don't think that's

1 a good use of taxpayer money.

2 Thanks for your time.

3 CHAIRPERSON KOUNALAKIS: Katie, may we have the
4 next speaker, please.

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
6 Thank you, Madam Chair. Our next speaker is Michael
7 Janis.

8 And there's just a little bit of a lag in --

9 CHAIRPERSON KOUNALAKIS: Yeah.

10 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP:

11 -- getting him to panelist at the moment.

12 CHAIRPERSON KOUNALAKIS: Katie, is there anything
13 we can do to make that process go a little faster? I
14 think we've got a lot of speakers today.

15 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
16 Unfortunately, it seems to be a system issue with the
17 promotion. So, let's see, while he's being added as a
18 panelist, I can go onto the next speaker.

19 CHAIRPERSON KOUNALAKIS: Okay.

20 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Oh,
21 there he goes.

22 CHAIRPERSON KOUNALAKIS: Hello?

23 Katie?

24 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
25 Mr. Janis, you should be able to speak. Can you test to

1 see if your mic is working, please.

2 MR. JANIS: How is that?

3 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP:

4 Perfect.

5 CHAIRPERSON KOUNALAKIS: Okay.

6 MR. JANIS: Fabulous. Thank you for your
7 patience. Good afternoon, members of the Commission. I
8 am Michael Janis and I'm speaking in support of this item.
9 I am a member -- I'm a community member of the task force
10 that has been focused on and working on this important
11 issue -- initiative. Our efforts over these 19 months
12 have been very diligent and extremely robust to develop a
13 feasible program that will have immediate impacts.

14 We agree with those that are not supportive of
15 the VTC that the conditions that exist today are
16 substandard in so many ways for all. The project has
17 been -- that project has been developed and scoped to
18 timely improve these conditions for all involved and
19 impacted. This is a program that makes sense for this
20 situation at this point in time at this place.

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. The next speaker is Tanya Monique

1 Boyce.

2 CHAIRPERSON KOUNALAKIS: Ms. Boyce, please
3 proceed.

4 MS. BOYCE: Hello. Can you hear me?

5 CHAIRPERSON KOUNALAKIS: We can hear you now,
6 yes.

7 MS. BOYS: Thank you very much. Good afternoon,
8 commissioners. Thank you for the opportunity to speak to
9 you today. My name is Tanya Boyce. I have been an urban
10 planner since 1999, and currently I'm a certified law
11 student working at the Golden Gate Environmental Law and
12 Justice Clinic. Today, I'm speaking to you on behalf of
13 our client Bayview Hill Neighborhood Association.

14 Let me start our comments by saying all of us
15 here at Golden Gate, as well as our clients, recognize the
16 enormity of the homelessness crisis faced by our city and
17 our state. We understand that the goal of the efforts
18 around this project is to address that pressing concern
19 and we applaud those efforts.

20 That being said, since the 1960s, Bayview Hunters
21 Point community has been cited as a notable example of
22 marginalized neighborhoods. And today, it remains one of
23 the most economically disadvantaged areas in San
24 Francisco. Bayview Hunters Point is a neighborhood
25 historically overburdened with deleterious uses and

1 underserved with open space.

2 Currently, the Bayview Hunters Point area, just
3 under four square miles, hosts three other VTC facilities
4 and a disproportionate amount of homeless services as
5 compared to other parts of the city.

6 Furthermore, and most importantly, the CEQA
7 analysis for this project is critically flawed for two
8 reasons. Number one, it does not qualify for statutory
9 exemption under AB 101. While the proposed VTC may meet
10 the definition of a Low Barrier Navigation Center as
11 defined by AB 101, the proposed Candlestick site does not
12 qualify for CEQA exemption, as it is not zoned for
13 multi-family use. The area is located within the Bayview
14 Hunters Point Redevelopment Plan area, and as such is
15 zoned open space, not public, as the San Francisco
16 Planning Department asserted.

17 Allowing for open space uses -- allowable open
18 space uses are distinctly different than those allowed for
19 public zoning. Specifically, while the City's public
20 zoning designation does allow operation of homeless
21 shelters, open space zoning makes no provision of any
22 shelter type. This fact renders the City's CEQA analysis
23 flawed, as it does not analyze the correct and actual
24 zoning for the site. The redevelopment plan also makes
25 clear this site is Public Trust land allowing only for

1 open use -- uses held for the recreational benefit of the
2 surrounding community and the public at large.

3 Number two, this does not qualify for categorical
4 exemption under 15301, existing facilities, or 15303, new
5 construction. The project is not an expansion of an
6 existing use. And if it were a new construction, that
7 exemption allows for construction of up to six
8 multi-family units in a properly zoned site. Here, this
9 project is obviously serving more than six families and is
10 not properly zoned. And therefore, the new construction
11 exemption does not apply.

12 Furthermore, if one of these exemptions did
13 apply, a notice of exemption should have been issued,
14 which could have and would have been appealed. It is
15 incorrect to claim a categorical exemption without an
16 opportunity to appeal that exemption.

17 In closing, as you make your decision to revise
18 the lease on this Public Trust open space, please be
19 mindful that by doing so not only goes directly against
20 the open space purpose of Public Trust Lands, which the
21 Bayview residents desperately want and need, but also is
22 in violation of AB 101, which requires sites be zoned for
23 multi-family uses, and CEQA, which would require analysis
24 of impacts or noticing of a proper -- of an appropriate
25 exemption.

1 Despite best intentions, these shortcomings are
2 fatal flaws for this approval. Obviously, we all need and
3 want more services for unhoused residents of San
4 Francisco, but we do not need more services in this
5 neighborhood, and specifically not at the expense of
6 Public Trust open space.

7 Thank you ever so kindly.

8 CHAIRPERSON KOUNALAKIS: Thank you.

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

10 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
11 you, Madam Chair. Our next speaker is Kent. Kent, you
12 should be able to unmute yourself.

13 KENT: Hello. Can you hear me?

14 CHAIRPERSON KOUNALAKIS: Yes, we can, Kent.

15 KENT: Great. Okay. My name is Kent and I'm a
16 resident of Bayview Hill near Candlestick Park. I'm
17 against the VTC, because there's no plan to move the
18 current homeless people into it. There's a sprawling
19 ramshackle RV camp filled with criminal violations
20 attached to my yard and the occupant has been bragging
21 he's not moving. He wants his freedom. So he stays and
22 another 150 homeless camps will be added to the problem,
23 so that sound worse to me.

24 The more homeless the city brings into my
25 neighborhood and the more the city allows them to live

1 anywhere they want, like the street behind my house, and
2 obey no laws, like this person, the more they end up on my
3 block among the homeowners and the families and I don't
4 think that's fair.

5 I want clean streets and a safe neighborhood.
6 This VTC plan is only half a solution, which is just going
7 to make things worse for me and my neighbors. The thing
8 missing is the power to move people into it who prefer to
9 stay where they are.

10 That's the end of my comment. Thanks.

11 CHAIRPERSON KOUNALAKIS: Thank you.

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

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
14 Thank you, Madam Chair. Our next speaker is a call in
15 ending in the last three digits 407.

16 CHAIRPERSON KOUNALAKIS: Call in with -- yes.

17 ERIC: Hello.

18 CHAIRPERSON KOUNALAKIS: Yes. We can hear you.

19 ERIC: Hi. My name is Eric and I'm also a
20 resident of the Bayview neighborhood. And what -- and I
21 am opposed to VTC as well as many of my neighbors. We are
22 familiar with the other VTC site at Balboa. And according
23 to the statistics, they -- that was -- that accommodated
24 40 vehicles and approximately 13 people found permanent
25 housing.

1 Now, I don't know what metric that is gauged as a
2 success, but to me -- to me, that's about a 75 percent
3 failure rate. The other issue is that if you take --
4 there's currently about 700 vehicles, RVs, in our D-10,
5 District 10, neighborhood. And if you take -- if you take
6 150 vehicles, which I believe is the maximum capacity of
7 the vehicles that can be accommodated by the VTC, there's
8 no guarantee that wherever those vehicles are removed
9 from, that other vehicles will not simply just take up
10 their space. So it's only actually encouraging more
11 people to come into the city and occupy our streets,
12 because that -- it creates larger demand for more homeless
13 services.

14 There's no metrics to determine the success rate,
15 how success is determined, and a terminal date for this.
16 And what you're doing is you're bringing more poverty,
17 more homeless people into a district that is already
18 starved for resources. The police department is
19 significantly already understaffed and has a -- and has a
20 hard time dealing with our depressed community. What we
21 really need is more funds for the people that are already
22 here and we need to clean up the street. It is dangerous.
23 Oftentimes, the RVs that are already in our neighborhood
24 do not comply with vehicle codes. They are not safe.
25 They often sit there and block visibility, making it

1 extremely dangerous to bicycle, walk, or drive in our
2 neighborhoods and we don't need more of this.

3 And I'm not sure why we have -- as a
4 neighborhood, we have written many times, we have called,
5 we have had meetings with Shamann Walton who is the
6 District 10 Supervisor and also the President of the Board
7 of Supervisors. And he does not accurately reflect the
8 views of the Bayview residents.

9 Finally, I did some researching on the company
10 that is going to be administering to the VTC site, which
11 is Urban Alchemy. Okay. Their goal is to sit there and
12 bring in -- bring in next cause and -- to work for the
13 organization and rehab, which I'm totally -- I understand
14 people need second chances.

15 However, I have not for a week been able to get a
16 hold of Urban Alchemy. And having sat there and looked at
17 their previous record, the VTC at Balboa -- at Balboa
18 station, it doesn't indicate to me that there is any
19 formula for success.

20 With that said, I think you guys -- I urge you
21 guys to reject this proposal, because you are sitting
22 there and merely dropping -- throwing a small bucket of
23 water on a big fire, which is homelessness in San
24 Francisco. We need measures to fix it. This is not a
25 fix. This is a band-aid.

1 Thank you.

2 CHAIRPERSON KOUNALAKIS: Thank you.

3 Okay. Katie, do we have another speaker, the
4 next speaker.

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
6 Our next speaker is Steven Carrier. And Steven, you
7 should be able to unmute yourself.

8 MR. DEPONT-KALANI: I have. Thank you very much.
9 Good afternoon, commissioners. My name is Steven
10 Depont-Kalani. Carrier is my old name. But I am glad to
11 be here and I'm honored to be here to speak to you. I am
12 actually the former Co-Chair of the Vehicle Triage Center
13 Community Working Group at the upper yard at Balboa Park
14 BART station.

15 I was -- I was honored to be appointed to this
16 working group and I was honored to be voted as Co-Chair.
17 And I have to say that I do not call what we did at Balboa
18 a failure. We were highly successful. We were -- we
19 didn't have the capacity that Candlestick Point does, but
20 we did do this as a pilot program, which actually brought
21 a lot of people in my community, which is the outer
22 Mission, Excelsior, Crocker Amazon neighborhoods together
23 to work only with -- with the city, and with the police
24 department, and with our supervisor.

25 I wholeheartedly support this project. I'm

1 backing Shamann Walton a hundred percent. I totally agree
2 with Mr. Evans and Ms. Restmeyer from David Chiu's office
3 regarding having a temporary housing facility for these
4 people who are living in their vehicles.

5 You know, unfortunately, in San Francisco and the
6 State of California, we have a dire emergency of housing
7 people who are not housed. And this is one way to do it.
8 There will be services like it was at Balboa, complete
9 services for public health and mental health. And we
10 brought food in. We were able to have food brought in to
11 facilitate the BART station, Balboa BART. And it was
12 highly, highly successful.

13 I'm just honored to be able to speak to you and
14 urge you to approve this for San Francisco, and hopefully
15 permanently house the people that will be there
16 temporarily.

17 So I thank you so much for your time.

18 CHAIRPERSON KOUNALAKIS: Thank you.

19 Katie, next speaker, please.

20 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
21 Our next speaker is a call-in ending in the last three
22 digits of 728.

23 CHAIRPERSON KOUNALAKIS: We -- I believe that you
24 are -- we can hear you caller from your phone.

25 MS. MOORE: Hello.

1 CHAIRPERSON KOUNALAKIS: Yes, go ahead.

2 MS. MOORE: Hello.

3 CHAIRPERSON KOUNALAKIS: Yes, we can hear you.

4 MS. MOORE: Yes. Hi there. Thank you. Thank
5 you very much, Commissioners. My name is Shirley Moore
6 and I am a resident of the Candlestick Point community,
7 have been for the past 30 years. I am the Vice President
8 of the Bayview Hill Neighborhood Association.

9 And I'm calling to oppose this Vehicle Triage
10 Center. The Candlestick State Recreation Park is situated
11 in our community. And that's the only open space that we
12 have to use for the people, for the seniors, for people to
13 get to the park, and to walk, and to exercise, and for
14 families to picnic.

15 And moreover, the community has not been engaged
16 in this process at all. Mr. Walton, who -- Supervisor
17 Walton who represents our district and is a board of
18 supervisors has not engaged the community, the residents
19 in this process. There were 19 months of meetings about
20 this project, but not one resident was included in the
21 process. And everybody who is calling in and who is
22 saying that they approve, they are a CBO or a person who
23 stands to gain in a nonprofit way. We have been -- saw
24 for the past year of raw sewage, garbage, dumping,
25 everything imaginable. Mr. Meyer -- Kent Meyer that

1 called up earlier, he has a raw sewage bucket in his
2 backyard that has joined my backyard that we've been
3 trying to get removed since October 2020, and it is still
4 there.

5 There were people -- some people who ran through
6 the fence. And one person was killed overnight last
7 night. That's just how dangerous this community has come.
8 Mr. Walton has chose not to bring services to our
9 community, because he's trying to get this VTC center
10 passed through our community. So I ask you not to
11 authorize this center in our marginalized neighborhood.
12 We lack the services at -- we lack services as it is.

13 Candlestick State Park has been disinvested in
14 since 2010. The 49ers did not leave till 2013. All of
15 the money that has come into that park has been given to
16 the general fund and they have -- Mr. Walton or no other
17 person in the city has tried in any respect to upgrade the
18 park, or to invest in the park, or to make it safe, but
19 yet, they want to bring another entity over and above the
20 three -- the three additional Navigational Centers that we
21 have. So why can't they use those services to navigate
22 these poor people into services. And we fear that once
23 this VTC gets out into our community, it will be there and
24 it will be forgotten. Thank you so very much for
25 listening to me.

1 CHAIRPERSON KOUNALAKIS: Thank you for your
2 comments.

3 Katie, next speaker, please.

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
5 you. Our next speaker is Gwendolyn Westbrook.

6 MS. WESTBROOK: Good afternoon.

7 CHAIRPERSON KOUNALAKIS: Yes.

8 MS. WESTBROOK: Thank you for hold -- can you
9 hear me?

10 CHAIRPERSON KOUNALAKIS: Yes, we can.

11 MS. WESTBROOK: Okay. Thank you for holding this
12 important hearing and I do hope you guys approve this plan
13 for Candlestick Park and the VTC.

14 I am -- I have been one of the lone homeless
15 providers here in Bayview Hunters Point period. For the
16 last 50 years, the United Council has worked tirelessly to
17 get people involved in housing.

18 Candlestick Point has homeless people down there.
19 And I think what the City is really trying to do is bring
20 people together, clean up the mess that's down there while
21 they help the people who have caused or who are part of
22 the community problem, our homeless community. The City
23 and nonprofit agencies are not in it to make money,
24 because there is no money for this -- for the problem that
25 San Francisco now faces.

1 I kind of resent them saying that nonprofits are
2 in it to gain from it. Nobody is gaining from this
3 situation. The City is putting a positive thing on it by
4 trying to get people together and providing services to
5 their community. It is a forgotten area in San Francisco.
6 The encampments that I run are totally successful. People
7 are getting into housing, but it's a process. So we have
8 to start the process some place. And right now, there's a
9 large number of homeless people in the park out there that
10 do need services. And we need to stop looking at what
11 it's doing and figure out a way for us all to work
12 together to come up with a solution that will improve that
13 community as it has over here on Jennings Street.

14 So I urge you to please help us help them, even
15 the ones who are against it, because we are trying to
16 bring services that will provide for a better neighborhood
17 in full.

18 Thank you for listening to me. I appreciate you
19 guys and thanks for having this hearing.

20 CHAIRPERSON KOUNALAKIS: Thank you very much.

21 Katie, can we have the next speaker, please?

22 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
23 you, Madam Chair. Our next speaker is Timothy Alan Simon.
24 And apologies, but there is an issue with Zoom and we're
25 unable to promote you to panelist, so we will not be able

1 to see your video.

2 MR. SIMON: No problem. I understand.

3 Commissioners. Thank you for holding this hearing and
4 allowing us the opportunity of due process that was not
5 afforded to us by the San Francisco Board of Supervisors
6 in the way this matter was passed. In all due respect to
7 Mr. Currier, he does not live in this community. The
8 Balboa project is not a reasonable facsimile to what we
9 have here. It was a very temporary project on a site that
10 was already targeted and approved for development. So to
11 try to use that as an example as why we should have a
12 Vehicle Triage Center here in Bayview Hunters Point is at
13 best a misrepresentation.

14 The City has failed to apply the necessary
15 services to the existing encampment. We had a number
16 of -- a series of reported criminal activities just last
17 night and it is continuous. We care about these people
18 and we feel that they are being used as a means to -- for
19 this 15 -- over \$15 million Vehicle Triage Center project
20 decided largely in closed session by nonprofit
21 organizations who may not profit, but they will receive
22 revenue for the services.

23 If the City cared about this community, if the
24 City cared about its tax paying residents, the so-called
25 wrap around intense transitional housing services would be

1 applied now. The fact is that the vehicle residents are
2 turning down transitional housing, but yet are allowed to
3 continue in a trespassing capacity. The Candlestick State
4 Park was once upon a time a beautiful gem of this city,
5 wildlife, aquatics, parasailors, wind sailors, fishermen
6 from all walks of life.

7 Today it is a unfortunate tragic encampment. I
8 call it Thunderdome. It is under your jurisdiction to
9 turn this park back to the people, to allow those of us in
10 San Francisco and beyond to enjoy this State treasure. It
11 should not be used as an example of the failings of the
12 City and County of San Francisco to produce adequate
13 housing for those whom are unhoused. It is a public
14 health hazard, it has become a safety and law hazard, and
15 most important, it is destroying the environment of the
16 region.

17 As Ms. Moore pointed out, raw sewage is being
18 dumped into the Bay on a regular basis. The fencing has
19 been torn down and utilized for firewood. These signs
20 that say no parking have been torn down. The City refuses
21 to even move them temporarily to sweep and clean the area.
22 We are asking upon you, the State of California, and the
23 jurisdiction that you've been granted for this amazing
24 stretch of open space, of a wildlife preserve to please
25 step in and to disallow the desecration of this State park

1 and the inhumane conditions that the City now wants to
2 move into the park that is now part of the perimeter.

3 Thank you very much.

4 CHAIRPERSON KOUNALAKIS: Thank you for your
5 comments. And Katie, if you can bring in the next
6 speaker.

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

10 Oh, we just have two more hands that were raised.
11 Our next public speaker is Barb T.

12 BARB T.: Hello. Are you able to hear me?

13 CHAIRPERSON KOUNALAKIS: Yes, we can hear you.

14 BARB T.: Okay. Wonderful. Thank you very much,
15 Commissioners. I really appreciate the chance to speak.
16 So I am calling to submit public comment in opposition to
17 the proposed sublease agreement for this Vehicle Triage
18 Center at Candlestick Point State Recreation Area for
19 three reasons.

20 First, the area is already overburdened by
21 poverty, pollution, lack of resources compared to other
22 San Francisco neighborhoods. That fact cannot be
23 overlooked when making these decisions.

24 Second, the plan is using incorrect zoning from
25 our research. It's ignoring the redevelopment plan open

1 space that is intended for parks and related recreational
2 uses and facilities. Much like the previous callers, you
3 know, open space and parks are important for physical and
4 mental health in this area, as it is for the rest of the
5 city residents that have access to these waterfront parks.

6 Third, the project has failed to conduct an
7 environmental review under the California Environmental
8 Quality Act. And this attempt to avoid CEQA does appear
9 illegal. AB 101 doesn't apply to an area zoned for open
10 space, because it doesn't allow multi-family uses. My
11 questions for the sponsors of these items really are to
12 understand does the City know that zoning isn't proper for
13 this project? Why does the City think it can relo --
14 locate the VTC on a parcel zoned for open space. What is
15 the city doing to kick-start the much delayed Candlestick
16 Site project, which would build over 7,000 residential
17 units that the City desperately needs and is required by
18 the State from a housing point of view.

19 And for those reasons, I do request that the
20 Commission please refuse the lease, so that it can be
21 continued to use as a park and invested in as park and
22 open space for the community. Thank you very much. I
23 submit my time.

24 CHAIRPERSON KOUNALAKIS: Katie, can you please
25 call the next speaker?

1 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
2 Thank you, Madam Chair. The next speaker is Karen J.
3 Pierce.

4 CHAIRPERSON KOUNALAKIS: Ms. Pierce.

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Ms.
6 Pierce, you should be able to unmute yourself and turn on
7 your video, if you would like.

8 MS. KAREN PIERCE: Okay. Can you hear me?

9 CHAIRPERSON KOUNALAKIS: Yes, we can hear you.

10 MS. KAREN PIERCE: Okay. I'm Karen Pierce. I am
11 a resident of Bayview Hunters Point. I'm a native San
12 Franciscan. When I was born, my family lived up on the
13 hill in Hunters Point. I am a homeowner in Bayview and
14 have been a homeowner for more than 40 years now. I have
15 been an active member of the community and am an
16 environmental justice activist.

17 For full -- I also work for the Department of
18 Public Health as the Environmental Justice Director.
19 However, I am speaking as a resident at this hearing.
20 Okay. I was invited to and have been part of the group
21 that went out and did the work and has spent the last 19
22 months attempting to find resolution to the problems that
23 were very accurately described by the State's
24 representative. Okay.

25 And I want to let you know that much of the

1 description of the existing conditions are absolutely
2 accurate. It's a mess out here. There have been
3 attempts, and some of them have been successful, to
4 address some of these problems, but the problems come
5 back. We finally have the City offering a temporary
6 solution, but a solution that will address all of the
7 current problems. We need to be bringing in additional
8 services to our unhoused population, and especially to our
9 vehicularly domiciled population at this point.

10 I want to remind everyone on this call that we
11 are still in a city and state emergency. We need to be
12 utilizing all of our resources to address this. We need
13 to ensure that everyone is safe and has what they need in
14 order to remain healthy and safe. And finally, I just
15 want to say that last week, I was out at Candlestick Point
16 State Park, along with more than 100 other people, mostly
17 seniors. We spent a day exercising. We walked through
18 the park. We had lunch, lots of networking, all with our
19 masks on, even though we were outside.

20 But I want to assure you that moving into the
21 area that we're talking about, which I also know well,
22 will in no way impair the availability of the park to
23 people who want to use it the way it is designed and the
24 way it has always been used.

25 I really appreciate having the opportunity to

1 speak and I want to just support what an earlier speaker
2 said, Gwendolyn said, we need additional services. You've
3 heard from many people who are opposed to this saying
4 there aren't services in the neighborhood. What we're
5 trying to do is bring those services into the neighborhood
6 and do it in a way that will actually benefit all of us.

7 Thank you for your time -- our time.

8 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
9 Pierce, and thank you for taking the time to come and to
10 share those views with us.

11 Katie, are there any more people who have
12 indicated they'd like to speak?

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
14 Thank you, Madam Chair. Our next speaker is BVHP
15 Advocates. You should be able to unmute yourself and turn
16 on your video if you would like.

17 MS. MICHELLE PIERCE: I am attempting to turn on
18 my video. In the meantime, hello, my name is Michelle
19 Pierce. I am with the Bayview Hunters Point Community
20 Advocates. I have been part of this task force from the
21 very beginning. We are actually in our 20th month, not
22 the 19th month. And I, too, would like to acknowledge the
23 fact that every single problem that has been brought up on
24 all sides are fair and accurate, and they're very
25 problematic to all of us who are in this community and a

1 part of this community.

2 We have gone through so many battles over these
3 issues, exactly as the people who are in opposition have
4 stated. Our current State partners, our current city
5 partners have all felt all of our wrath just like the
6 people in the opposition. And I want to say that we have
7 finally come to a solution. If there are other solutions
8 out there, please present them to me, but this is the
9 solution that solves for sanitation, that solves for
10 proper sewage disposal, that solves for health access
11 issues that actually brings in authorities to solve for
12 safety and security issues.

13 I am not always and most often not on the side of
14 government, and particularly since my organization is an
15 environmental justice organization full stop when it comes
16 to public spaces. But this is the solution that allows us
17 to come in and stabilize. And right now, we need to
18 stabilize. This is not a permanent solution. And if it
19 turns into a permanent solution, I will be on the other
20 side opposing it.

21 But you have to stabilize a solution -- I mean, a
22 situation before you can come in and really work to solve
23 it. And I really appreciate everybody who has given
24 public comment today for getting at the heart of just how
25 dire this situation is and just how much critically we

1 need this solution to happen, so that we can open back up
2 the parking lot, so that we can have a safer, more
3 pleasant entry into this recreational space, and so that
4 we can really do the deep dive and get people into
5 permanent, on their own, fully independent housing
6 situations. That is the final goal.

7 Thank you guys very much.

8 CHAIRPERSON KOUNALAKIS: Thank you very much.

9 Katie, is there anyone who would like to speak --
10 anyone else?

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

14 CHAIRPERSON KOUNALAKIS: Okay.

15 Commissioners, does anyone -- we've already --
16 I've already asked you, but any other questions?

17 So let me just again thank everyone for coming
18 down and for sharing their views on this. I know the city
19 of San Francisco has been working very hard. There are no
20 easy solutions here and I just want to want emphasize that
21 what we are approving here is a project that the time
22 frame has been -- that we're voting on is a maximum of two
23 years.

24 So with that, do we have a motion?

25 COMMISSIONER YEE: Madam Chair, I will move the

1 item.

2 CHAIRPERSON KOUNALAKIS: And a second?

3 ACTING COMMISSIONER MILLER: Second. Sorry,
4 Madam Chair.

5 CHAIRPERSON KOUNALAKIS: All right. Ms.
6 Lucchesi, would you please call the roll.

7 EXECUTIVE OFFICER LUCCHESI: Certainly.
8 Commissioner Miller?

9 ACTING COMMISSIONER MILLER: Aye.

10 EXECUTIVE OFFICER LUCCHESI: Commissioner Yee?

11 COMMISSIONER YEE: Aye.

12 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

13 CHAIRPERSON KOUNALAKIS: Aye.

14 EXECUTIVE OFFICER LUCCHESI: The motion passes
15 unanimously.

16 CHAIRPERSON KOUNALAKIS: Okay. Our next item is
17 Item 31 to consider authorization for abandoned vessel
18 removal and contracting activities in the Sevenmile
19 Slough, near Isleton.

20 May we have the presentation.

21 EXECUTIVE OFFICER LUCCHESI: Vicki Caldwell of
22 our Land Management Division will be giving staff's
23 presentation and her PowerPoint should be loading up right
24 now.

25 Vicki.

1 CHAIRPERSON KOUNALAKIS: Vicki, whenever you're
2 ready.

3 (Thereupon a slide presentation.)

4 PUBLIC LAND MANAGER CALDWELL: Thank you,
5 Jennifer. Good afternoon, Madam Chair and commissioners.
6 My name is Vicki Caldwell. I'm a Public Land Manager in
7 the Land Management Division. I'm here to present
8 information on item 31, staff's request for authorization
9 to remove abandoned vessels in Sevenmile Slough in
10 Sacramento County.

11 Next slide.

12 --o0o--

13 PUBLIC LAND MANAGER CALDWELL: I would like to
14 start with a little background. For years, the Commission
15 has advocated for a State-level program to address
16 abandoned and derelict commercial vessels, ADVs, in State
17 waters. A significant step was taken in 2011 when the
18 Legislature passed SB 595 and Public Resources Code 6302
19 and vested the Commission with the power to declare
20 certain vessels abandoned property and to take title and
21 remove and dispose of them.

22 Next slide.

23 --o0o--

24 PUBLIC LAND MANAGER CALDWELL: In 2018, the
25 Legislature passed Assemblymember Frazier's AB 2441, which

1 directed the Commission to prepare a plan for the removal
2 of abandoned commercial vessels in the Sacramento-San
3 Joaquin Delta. The Commission adopted its abandoned
4 commercial vessel removal plan in June of 2019. At the
5 time, the Legislature did not provide funding to implement
6 the plan.

7 Next slide.

8 --o0o--

9 PUBLIC LAND MANAGER CALDWELL: The Budget Act of
10 2021 allocated \$12 million to the Commission to remove
11 commercial ADVs from the Sacramento-San Joaquin Delta
12 region. This map shows the five Delta counties, including
13 Sacramento, Yolo, Solano, San Joaquin, and Contra Costa.

14 Next slide.

15 --o0o--

16 PUBLIC LAND MANAGER CALDWELL: There is an
17 existing site within the Delta region known as the Skarry
18 debris site shown with the yellow arrow.

19 Next slide.

20 --o0o--

21 PUBLIC LAND MANAGER CALDWELL: This site contains
22 a group of abandoned and sunk vessels formerly owned by
23 Michael Skarry. In February of 2013, the Commission
24 authorized staff to compel Mr. Skarry to remove his
25 property. The Sacramento County District Attorney's

1 office had initiated legal proceedings against Mr. Skarry
2 to require him to properly remove or dispose of the
3 debris. He passed in late 2019 and his ADVs remain.

4 Next slide.

5 --o0o--

6 PUBLIC LAND MANAGER CALDWELL: At least five
7 vessels owned by Mr. Skarry are abandoned and are either
8 grounded or sunk in Sevenmile Slough, which is a waterway
9 directly off the San Joaquin River in southern Sacramento
10 County. The known vessels are listed and referenced here.

11 Next slide.

12 --o0o--

13 PUBLIC LAND MANAGER CALDWELL: Since 2016, staff
14 has collaborated with the Sacramento County Sheriff's
15 Marine Patrol, California Department of Fish and Wildlife,
16 and its Office of Spill Prevention and Response,
17 California Department of Toxic Substance Control, U.S.
18 Coast Guard, and U.S. Environmental Protection Agency to
19 monitor the debris for stability and safety.

20 In 2016, the United States Coast Guard removed
21 fuels and oils, and in 2019, the Department of Toxic
22 Substance Control removed loose hazardous waste, including
23 a dozen drums of various fluids, containers of grease,
24 paint, batteries, and propane cylinders. And in 2020, the
25 United States Environmental Protection Agency prepared a

1 hazardous materials analysis that found asbestos tiling,
2 residual petroleum products, and metals, including lead,
3 copper, zinc, and others in paint chips.

4 Next slide.

5 --o0o--

6 PUBLIC LAND MANAGER CALDWELL: The cost of
7 removing a vessel increases dramatically when a vessel
8 sinks. Two of the five vessels are floating. The tug,
9 Standard No. 2, and Valiant. Staff therefore believes
10 that removal these two tugs as quickly as possible is top
11 priority. Staff has taken -- staff has taken action under
12 Public Resources Code 6302 to tag the vessels.

13 Next slide.

14 --o0o--

15 PUBLIC LAND MANAGER CALDWELL: Here are a couple
16 photos of the current location and condition of the
17 93-foot tug Standard No. 2.

18 Next slide.

19 --o0o--

20 PUBLIC LAND MANAGER CALDWELL: And here are a
21 couple photos of the current condition of the 60-foot tug
22 Valiant.

23 Next slide.

24 --o0o--

25 PUBLIC LAND MANAGER CALDWELL: Staff estimates

1 removal to cost approximately \$900,000. Physically
2 removing and dismantling the two tugs is expected to cost
3 \$350,000. Safely removing and disposing of hazardous
4 material, including asbestos, residual petroleum, PCBs,
5 and mercury switches is expected to cost \$550,000. Staff
6 is working towards a cost-sharing partnership with U.S.
7 EPA, but their ability to participate is not yet certain.

8 Next slide.

9 --o0o--

10 PUBLIC LAND MANAGER CALDWELL: Staff is
11 requesting authorization to the Executive Officer, or her
12 designee, to: first, take title to two abandoned
13 commercial vessels, the Standard No. 2 and the Valiant;
14 and two, remove and dispose of the two vessels; and three,
15 work with the Office of Attorney General to recoup the
16 Commission's costs.

17 Next slide.

18 --o0o--

19 PUBLIC LAND MANAGER CALDWELL: That concludes
20 staff's presentation. Thank you and we are available to
21 answer any questions.

22 CHAIRPERSON KOUNALAKIS: Thank you.

23 Commissioners Miller and Yee, do either of you
24 have questions or comments on this item?

25 ACTING COMMISSIONER MILLER: (Shakes head.)

1 ACTING COMMISSIONER YEE: (Shakes head.)

2 CHAIRPERSON KOUNALAKIS: Katie, do we have any
3 public comments? If you --

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
5 you Madam --

6 CHAIRPERSON KOUNALAKIS: Yeah.

7 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Sorry.
8 Thank you, Madam Chair. Yes, we have Sergeant Darron
9 Epperson.

10 CHAIRPERSON KOUNALAKIS: Thank you. And if
11 anyone else would like to comment, please raise your Zoom
12 hand now

13 Officer, are you there?

14 MR. EPPERSON: Hello. Can you hear me?

15 CHAIRPERSON KOUNALAKIS: Yes.

16 MR. EPPERSON: Sorry. Appreciate the opportunity
17 to speak, so thank you, Madam Chair and Commission
18 members. My name is Sergeant Darron Epperson. I
19 supervise the marine enforcement detail for the Sacramento
20 County Sheriff's Office.

21 And it's Sacramento County where this Skarry
22 debris site resides. So I just want to offer a little bit
23 more context and some history of the site and the owner.
24 So Michael Skarry and his brother operated a commercial
25 business, a dive and marine construction business

1 throughout the 80s and 90s in the Sacramento Bay Area.

2 Around 2009, he took this hundred ton barge frame
3 that's called BD-245 into Sevenmile Slough and moored it
4 right there. He didn't do it, you know, with any
5 permission from anyone. He just moored it. Around 2010,
6 he moved in the two tugs in question, the Valiant and the
7 Standard No. 2, and then also a smaller crane barge named
8 the Peanut. And he moved them to a marina right down
9 Sevenmile Slough about half a mile.

10 So he had all five -- or four of those items
11 there at that time. Around 2011, he moved in another
12 crane barge next to the large barge. And in 2013, that
13 barge sank and it currently sits under water next to the
14 large barge crane.

15 Around 2016, that large barge crane that BD-245
16 started to sink and a large oil sheen was produced. The
17 Coast Guard got involved. They responded with Fish and
18 Wildlife, the Sheriff's office, and they spent about
19 \$90,000 doing a cleanup of the oil that came off of that
20 derelict barge.

21 At that time, the district attorney's office
22 started prosecuting Mr. Skarry. And there was a lot of
23 interruptions in that case, and he had some health
24 considerations, and everything kind of got put on hold.

25 Then around 2017, '18, we started looking at him

1 again. We actually opened up the case, brought him back
2 into custody, and he pled guilty to that case. That's
3 when he started moving items around a little bit and he
4 eventually passed by natural causes before anything else
5 was really done.

6 But because of the pollution threat and the risk
7 to it, we got Department of Toxic Substances Control
8 involved and they came out, like Vicki Caldwell said, and
9 they spent about \$10,000 removing loose hazmat from the
10 two vessels. And then after that, the EPA spent about 50
11 grand doing a hazmat assessment on it.

12 So other agencies have taken a stab at this, but
13 there's no single agency taking the lead on overseeing it.
14 And so I'm really encouraged about this opportunity now
15 before you guys to see if you guys can approve this item,
16 so title can be taken, and then we can start a process of
17 removing these two tugs. And the importance of these two
18 tugs out of the other pieces of marine debris is these are
19 the only two that are still floating. The other three
20 barge cranes are already sunk and there's a tremendous
21 cost difference in trying to remove something that's
22 afloat that you can tow to a responsible site to do the
23 work versus trying to raise an item from the bottom of the
24 riverbed. So the cost jumps --

25 CHAIRPERSON KOUNALAKIS: Thank you. Thank you,

1 Sergeant Epperson. Thank you very much for the additional
2 information and perspective.

3 Katie, do we have anyone else who would like to
4 provide public comment on this item?

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank,
6 Madam Chair. We have no other public commenters on this
7 item.

8 CHAIRPERSON KOUNALAKIS: Okay. Commissioners,
9 may I have a motion to adopt staff's recommendation and a
10 second.

11 COMMISSIONER YEE: Yes, Madam Chair. So moved.

12 ACTING COMMISSIONER MILLER: Second.

13 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi, please
14 call the roll.

15 EXECUTIVE OFFICER LUCCHESI: Certainly.

16 Commissioner Miller?

17 ACTING COMMISSIONER MILLER: Aye.

18 EXECUTIVE OFFICER LUCCHESI: Commissioner Yee?

19 COMMISSIONER YEE: Aye.

20 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

21 CHAIRPERSON KOUNALAKIS: Aye.

22 EXECUTIVE OFFICER LUCCHESI: The motion passes
23 unanimately.

24 CHAIRPERSON KOUNALAKIS: Okay. Item 32 is to
25 consider delegation of authority for the Executive Officer

1 to solicit statements of interest for consultant services
2 for the preparation of environmental documentation for two
3 proposed offshore wind energy products -- projects in the
4 Pacific Ocean near Vandenberg Space Force Base. May we
5 have the presentation, please.

6 EXECUTIVE OFFICER LUCCHESI: Yes. Jennifer
7 Mattox, our -- the Commission's Science Policy Advisor
8 will be giving staff's presentation. That will be
9 followed by presentations by both applicants, and then by
10 public -- by those wishing to testify on the item.

11 Jennifer.

12 (Thereupon a slide presentation.)

13 SCIENCE POLICY ADVISOR & TRIBAL LIAISON MATTOX:

14 Thank you, Jennifer. Good afternoon, Chair
15 Kounalakis, Commissioners, Ms. Lucchesi, staff, and the
16 public. My name is Jennifer Mattox. I'm the Science
17 Policy Advisor at the Commission and I'll be presenting
18 Item 32 related to two applications for offshore wind
19 projects.

20 Next slide, please.

21 --o0o--

22 SCIENCE POLICY ADVISOR & TRIBAL LIAISON MATTOX:

23 Thank you.

24 Meeting California's climate, equity, and
25 economic goals requires focused and collaborative action

1 Understanding that floating offshore wind
2 technology is new to the west coast, staff began an early
3 and comprehensive stakeholder engagement process. We
4 wanted to know what data were out there that people could
5 share with us, what issues people were concerned about,
6 and what ideas people had for alternatives or mitigation
7 measures.

8 The input we received from this early public
9 consultation fed directly into a recently completed
10 preliminary assessment -- Preliminary Environmental
11 Assessment, or PEA. The purpose of the PEA was not meant
12 to disclose or evaluate all possible impacts, but to get
13 an early qualitative assessment of potential areas of
14 concern to our government partners and the public, and to
15 elicit further ideas and dialogue.

16 Next slide.

17 --o0o--

18 SCIENCE POLICY ADVISOR & TRIBAL LIAISON MATTOX:

19 This graphic demonstrates how we got to today's
20 first decision point, namely whether to develop an
21 Environmental Impact Report, or EIR, for the proposed
22 projects. Between December 2020 and April 2021, staff
23 held six virtual meetings, including an informational
24 webinar that provided an overview of the applications and
25 explained our engagement process followed by focused

1 stakeholder group meetings with agencies, local officials,
2 ports and harbors, environmental organizations, and
3 fishermen. We conducted government-to-government
4 consultation with three coastal Chumash tribes. And we
5 started outreach to understand potential environmental
6 justice issues.

7 In addition to seeking to learn about potential
8 concerns, we also asked participants what kind of data and
9 information they believed would be important for us to
10 include in a future EIR to help inform the Commission's
11 decision. Compliance with the procedural and substantive
12 requirements of the California Environmental Quality Act
13 would be the next necessary phase in processing the
14 applications prior to considering any lease for the
15 projects.

16 Next slide.

17 --o0o--

18 SCIENCE POLICY ADVISOR & TRIBAL LIAISON MATTOX:

19 Staff received PEA comments from a broad and
20 diverse set of readers, including government agencies,
21 NGOs, fishing community, labor, and individuals.

22 Responses ranged from short email statements, to formal
23 comment letters, as well as responses to an online survey
24 form staff developed to provide an alternative way for
25 people to engage with staff.

1 Exhibit B of the staff report contains the high
2 level summaries of the PEA comments proved by type of
3 commenters and the major recurring comment topics are
4 summarized visually here. Main topics include adverse
5 wildlife interactions with various aspects of the
6 structures above and below the water, collision,
7 entanglement, electromagnetic field effects, exclusion
8 zones that may result in the loss of access to productive
9 fishing areas, concerns about impacts to sensitive
10 cultural areas, potential viewshed degradation, and
11 overall concerns about the biologically diverse nature of
12 the near-shore environment.

13 We also received many helpful and substantive
14 recommendations to consider should the Commission move
15 forward with preparing an EIR. Suggestions in --
16 suggestions included ensuring data gaps and baseline
17 information needs are identified and addressed, avoiding
18 sensitive and protected marine and onshore areas, ensuring
19 a robust monitoring and adaptive management plan to
20 address unanticipated impacts, and ensuring meaningful
21 inclusion of the fishing community, as well as fishing
22 compensation agreements.

23 Next slide, please.

24 --o0o--

25 SCIENCE POLICY ADVISOR & TRIBAL LIAISON MATTOX:

1 Last one. The climate crisis and its effects on
2 the ocean, land, and people are among the most urgent
3 issues of our time. We must increase our efforts to
4 transition away from fossil fuels and toward renewable
5 energy sources. In doing so, however, we must seek to
6 understand and minimize the potential adverse effects of
7 renewable energy technologies, like floating offshore
8 wind.

9 While many stakeholders have expressed concern
10 about potential impacts, particularly to biological
11 resources and fishing, the scope and severity of such
12 impacts, particularly for a demonstration-sized project,
13 have not been scientifically, methodically identified and
14 evaluated, resulting in much uncertainty and speculation.

15 It is critical to promote and practice
16 transparency in data collection and analysis to understand
17 the current state of the ocean and coastal space. We must
18 put all facts on the table, so that everyone can be aware
19 of the potential benefits and trade-offs to ensure
20 decisions reflect the state's values and priorities.

21 Therefore, staff believes the most appropriate
22 vehicle for this investigation is the CEQA's -- is the
23 CEQA process. Today's recommendation represents an
24 opportunity to move forward on wind planning and continue
25 the Commission's strong commitment to responsible science-

1 and data-driven planning and decision making. It is an
2 opportunity to explore project alternatives that support
3 planning for California, meet project goals and
4 objectives, and reduce impacts.

5 We all have a role in advancing a clean energy
6 future and the Commission can support this critical
7 transition through a scientifically-grounded process
8 designed to ensure a robust blue economy and a vibrant
9 environment. As a result, staff recommends delegating
10 authority to the Executive Officer, or her designee, to
11 engage a consultant to prepare an EIR.

12 Thank you.

13 CHAIRPERSON KOUNALAKIS: Thank you, Ms. Mattox.
14 Commissioner Yee, do you have any comments or
15 questions?

16 COMMISSIONER YEE: Thank you, Madam Chair. Maybe
17 just before we start the discussion and public comment, I
18 just maybe wanted to get from Ms. Mattox or Ms. Lucchesi
19 the decision that's before us, because I think this is not
20 to authorize a lease. This is really to pursue the EIR
21 process to gather more information and data. And I think
22 for proposals like this where we know this is probably a
23 direction that the State of California will need to move
24 towards, this is a demonstration project that, at least
25 from the staff recommendation, allows us that opportunity

1 to just gather more information. But I just wanted to
2 clarify just what the decision is before us today.

3 EXECUTIVE OFFICER LUCCHESI: Certainly. Yes, you
4 are absolutely correct, Commissioner Yee. The decision
5 before the Commission is to authorize staff to move
6 forward with the EIR analysis -- development and analysis.
7 It has -- there is no foreshadowing or any kind of
8 indication through a decision today on how the Commission
9 might vote on an -- the two projects and any proposed
10 lease in the future.

11 In fact, this is a pretty routine action in any
12 other situation and any other application that we receive.
13 Any lease application that comes before us that includes
14 the development of a new project, where staff has
15 determined that an EIR is required, we typically bring
16 this kind of request to the Commission on the consent
17 agenda to get authorization to expend monies to pursue
18 this additional analysis.

19 The reason we are taking a little bit of a
20 different approach with these two applications,
21 particularly conducting the extensive and comprehensive --
22 comprehensive stakeholder outreach and developing the
23 Preliminary Environmental Assessment was because this is
24 so new to California and we know there is so much interest
25 and passion in the development of offshore wind off -- in

1 California. So we wanted to be very intentional, and
2 methodical, and frankly transparent and engaging from the
3 very moment these applications were received by our
4 office.

5 So just to reiterate, no decision -- no
6 substantive decision on the projects or their leases --
7 lease applications are being made today. It is simply a
8 process decision on whether to move forward on developing
9 the EIR, and developing additional analysis, and gathering
10 additional data to help inform a future decision on the
11 substance of the projects themselves.

12 COMMISSIONER YEE: Thank you. I appreciate that.
13 And really thank you to all the stakeholders who provided
14 input into the Preliminary Environmental Assessment. It
15 was very helpful in terms of just understanding the stage
16 at which we are now looking at this potential
17 demonstration project.

18 Thank you.

19 CHAIRPERSON KOUNALAKIS: Ms. Miller, do you
20 have -- Commissioner Miller, do you have any questions or
21 comments at this point?

22 ACTING COMMISSIONER MILLER: No comments at this
23 time. Thank you, Madam Chair.

24 CHAIRPERSON KOUNALAKIS: Okay. So before we get
25 into public comment, I do have a few things I'd like to

1 just note, because I know we have a lot of people who have
2 come here to speak on this issue and we've had many people
3 weighing in already.

4 And let me just start by recognizing that right
5 now as we grapple with another devastating wildfire season
6 and another drought, it is clear that climate change is an
7 existential threat to us all and to our state.

8 Additionally, we were traumatically reminded of the
9 significant risks associated with fossil fuel dependency
10 to our environment and our coastal economies with the
11 recent Southern California pipeline rupture that released
12 a minimum of 24,000 gallons of crude oil into our ocean.
13 We must transition away from fossil fuels to carbon
14 neutral renewable energy sources.

15 The State is committed to meeting our goal of 100
16 percent carbon-free energy by 2045. And the Commission is
17 deeply committed to doing our part in helping the state
18 meet that goal by supporting the development of renewable
19 energy projects on lands we manage.

20 I see tremendous potential for offshore wind to
21 help us meet our state's energy needs. Offshore wind can
22 provide a reliable source of clean energy and there is the
23 potential for offshore wind to be done at scale. That
24 said, offshore wind is a brand new industry for California
25 and it must be developed responsibly. Projects must be

1 sited to minimize impacts to the environment and other
2 ocean uses, while maximizing the benefits to the state,
3 including workforce transition, job creation, and
4 enhancing our economy.

5 In fact, that is the tension at the heart of how
6 the State is approaching offshore wind. The State Lands
7 Commission, Energy Commission, Ocean Protection Council,
8 Department of Fish and Wildlife, and many other agencies
9 have been studying offshore wind for several years to see
10 how it can be done responsibly in California.

11 Recently, the Legislature passed and the Governor
12 signed AB 525, a bill I co-sponsored, which requires the
13 State to develop a strategic plan for the development of
14 offshore wind projects and to determine how much offshore
15 wind should be developed by 2030 and 2045. AB 525 is
16 important because it creates a process to help us figure
17 out how to best move forward. We need to know where we
18 should put turbines, how much we should put in the water,
19 how to connect the turbines to the grid, supply, assembly,
20 and manufacturing chains, and so many more issues.

21 It also looks at the issue from a statewide
22 perspective, so that the benefits and burdens
23 transparently identified and distributed equitably. It
24 also provides for, and indeed depends on, robust
25 stakeholder engagement. All of this is necessary to do

1 offshore wind the right way.

2 The item before us today is not explicitly part
3 of that process. The AB 525 process is focused on federal
4 waters where offshore wind could be built at large scale.
5 This item looks at putting a total of eight turbines in
6 State waters. That said, these projects may provide some
7 useful information that could inform the larger buildout
8 of offshore wind 20 to 30 miles from the coast.

9 I do intend to support this item today, but I
10 want to underscore an important point. Starting an EIR in
11 no way guarantees the project will move forward. That is
12 the message for everyone here to testify as well as to the
13 applicants themselves. It does not prejudge approval of
14 the project. In fact, the environmental review may
15 demonstrate that these projects could result in
16 environmental impacts so unacceptable that the entire
17 project cannot move forward.

18 The important piece to consider is that the EIR
19 will provide us with the facts and analysis to make an
20 informed decision, transparently reflected, all the facts
21 and the potential benefits and trade-offs to ensure our
22 decisions reflect the State's values and priorities. Once
23 the EIR is completed, this Commission will then make a
24 decision on authorizing whether or not to move forward.

25 Let's also be clear about another important

1 point, the climate crisis is already having tremendous
2 impacts on our state. We are already experiencing ocean
3 acidification, sea level rise, impacts on fisheries and so
4 on. Doing nothing to reduce greenhouse gas emissions does
5 not mean our coast will remain unchanged.

6 So with that, Katie, if we could please proceed
7 with what I believe is fairly extensive public comment on
8 this item.

9 Katie.

10 CHAIRPERSON KOUNALAKIS: Madam Chair, actually,
11 we're going to -- if it's okay with you, we're going to
12 start with the applicants.

13 CHAIRPERSON KOUNALAKIS: Oh, my goodness.

14 EXECUTIVE OFFICER LUCCHESI: Yes.

15 CHAIRPERSON KOUNALAKIS: Okay.

16 EXECUTIVE OFFICER LUCCHESI: So --

17 CHAIRPERSON KOUNALAKIS: We will have an
18 applicant presentation. Thank you.

19 EXECUTIVE OFFICER LUCCHESI: Yes.

20 CHAIRPERSON KOUNALAKIS: Thank you.

21 EXECUTIVE OFFICER LUCCHESI: So first up is
22 Cierco. Michael Jakobsson.

23 (Thereupon a slide presentation.)

24 MR. JAKOBSSON: Can you hear me?

25 CHAIRPERSON KOUNALAKIS: Yes, we can. Please

1 proceed, Mr. Jakobsson.

2 MR. JAKOBSSON: Madam Chair, Honorable
3 Commissioners thank you for giving us the opportunity
4 today to expand a little bit on the new emphasis of the
5 Cademo project. So I will just jump right into it.

6 Next slide, please.

7 --o0o--

8 MR. JAKOBSSON: So Cademo is a joint venture
9 between Cierco and SBM Offshore. So there's a team here
10 of over 30 years of offshore wind experience from
11 development into actually operations of floating offshore
12 energy infrastructure in quite a large scale. So we're
13 quite a broad team, so we're capable and a good basis for
14 taking this forward.

15 We want it clear that this project is fully
16 funded by us. This process that we have in front of us
17 is fully funded and with -- without any dependencies, if
18 you will. So we're ready to take this on with the risks
19 that we understand it has. The project has construction
20 and installation plan between in 2024 and 2026. And I
21 will come back to that, because that's an important date.

22 We're using wind turbines of the latest stand.
23 That means we're looking at the turbines that would be
24 relevant for the big buildout of the commercial projects.
25 And we're introducing two technologies for the matter of

1 introducing competitiveness into the market.

2 Next slide, please.

3 --o0o--

4 MR. JAKOBSSON: As we look at the timeline
5 here -- and this -- I'm coming back to this very important
6 slide. We have a State timeline that we're in with this
7 CEQA process and we have a federal timeline. Looking at
8 this upper part, you'll see a timeline that shows that the
9 BOEM process is actually not going to get us -- whether
10 you're a demonstration project or you're a commercial
11 project, in this same timeline, you're going to end up at
12 the end of the decade or beyond the decade.

13 The benefit here is that with the State Lands
14 process and the projects that are possible here, we are
15 actually in a timeline to deploy turbines by 2026. And
16 this is very fundamental, because this is the only place
17 where this can happen and the only chance to get a project
18 in order to demonstrate this.

19 Next slide, please.

20 --o0o--

21 MR. JAKOBSSON: The California coast is very
22 important here and we have undertaken quite a detailed
23 study to understand where projects can be. And taking all
24 the different aspects of sanctuaries, species, and so on
25 and so forth, down into where can we actually be. This

1 derived to this location. So this location lended itself
2 very nicely to also understand and document species. And
3 I think this is what's important, so we can feed that
4 information and mitigation measures into the commercial
5 process.

6 Now, also a very important impact is the
7 engagement with the fishing industry to understand how we
8 can minimize or optimize the access that we don't take up
9 too much space. And another very important aspect is the
10 supply chain and the workforce development job creation.

11 And I want to go to the next slide to expand on
12 that, because this is one of the key elements that
13 offshore wind -- next slide, please.

14 --o0o--

15 MR. JAKOBSSON: -- that the -- is very
16 fundamental for offshore wind. So we, from the very
17 beginning, have been engaged in workforce development. We
18 know that the jobs will have to come with offshore wind.
19 And to do that, we have to actively take that on. We have
20 done so. We were awarded in the High Road Training
21 Partnership that we created in last year with the
22 California Workforce Development Board. We are in the
23 discussions of project labor agreements. We're working on
24 apprenticeships and pre-apprenticeships targeted for the
25 disadvantaged communities, supply chain very important,

1 ports, what companies, what industries can do certain
2 things in California, what can create those jobs. So long
3 term, this is a high road model for California wind
4 industry.

5 Next slide, please.

6 --o0o--

7 MR. JAKOBSSON: As we look at this process we
8 have ahead of us, I think it's absolutely fundamental to
9 be an active developer, to be active in the stakeholder
10 engagement working closely together with the Commission,
11 with the stakeholders, making sure that we get robustness
12 into this environmental impact assessment, and developing
13 these other measures and mitigation.

14 So I think we've just scratched the surface when
15 we conclude that we have identified already over 30
16 different projects from entanglement of fishing gear, to
17 look at bird detection, looking at bats, looking at safe
18 fishing practices, and access to the turbines.

19 Next slide.

20 --o0o--

21 MR. JAKOBSSON: So as we are looking at the vote
22 today, and we want to -- Ms. Mattox presentation also just
23 emphasized that this is not a project decision. We
24 understand that, but it is a fundamental decision of going
25 into this environmental collection process. This is the

1 only way that we can generate this information. And a
2 project like this, it is the only chance we have before
3 the hundreds of wind turbines that will come in in the
4 commercial projects. And that train is already coming.
5 That means we have the only opportunity here to take this
6 forward.

7 So we share the environmental community's -- many
8 of their concerns, but we think fundamentally and as
9 tradition have showed us in offshore wind taking us to
10 where we are, is that the environmental project -- the
11 environmental process in these first projects are
12 fundamentally important. As we enter into a new market,
13 we enter in with large technologies. We are entering in
14 with the first offshore wind turbines in this market. And
15 we just join everyone in the -- in the view that this has
16 to be done with care and with maximized values, so again,
17 timeline of being ahead of the market, being five years
18 ahead of commercial projects and getting us in, and start
19 measuring, start testing. The fact here is that we have a
20 climate emergency and the pressure is upon us to act now.

21 Now, reflecting as somebody -- I've been around
22 since the very first offshore wind turbine project
23 offshore in 1989. I must -- I must say that I'm also
24 encouraged that there is a project opportunity like this,
25 because this is fundamental to actually achieve the first

1 step of know-how and understanding before the commercial
2 projects are here.

3 So with that, I want to thank the Commission and
4 the opportunity to say my -- say the words about the
5 project. Thank you.

6 Next slide, please.

7 --o0o--

8 CHAIRPERSON KOUNALAKIS: Okay. Thank you very
9 much, Mr. Jakobsson. I do not have any questions of the
10 presentation. Again, maybe just to reiterate for everyone
11 in understanding that proceeding with an EIR is a -- just
12 an information-gathering process and does not prejudge
13 this. And, Mr. Jakobsson, I think it's very, very
14 important that you understand that as well, that this is
15 not an indication, and that you also understand, and I
16 think this is vitally important, that the legislation that
17 we just passed mandates a statewide stakeholder process to
18 come up with a comprehensive vision. So you will be
19 moving something forward without having any information as
20 to where the stakeholder process might bring that vision.
21 And that vision could be very, very different from what
22 you are proposing.

23 MR. JAKOBSSON: (Nods head.)

24 CHAIRPERSON KOUNALAKIS: All right.

25 Commissioners, do you have any questions for comments?

1 ACTING COMMISSIONER MILLER: (Shakes head.)

2 CHAIRPERSON KOUNALAKIS: Yes, Commissioner Yee.

3 COMMISSIONER YEE: Thank you, Madam Chair. I
4 didn't know whether there was a representative from Ideol,
5 the other company?

6 EXECUTIVE OFFICER LUCCHESI: Yes, there is.
7 Through the Chair, when you're ready, we can introduce the
8 second applicant. Mr. Bruno Geschier with Ideol.

9 CHAIRPERSON KOUNALAKIS: All right. Thank you.
10 Sorry, this is not on my agenda. So please proceed with
11 the presentation, the representative from Ideol.

12 MR. GESCHIER: Yes. Hello, Madam Chairman,
13 Commissioners, Mrs. Lucchesi. To avoid any mishaps, my
14 presentation has been prerecorded. But before the
15 recording is launched, I just want to add -- make one
16 comment. In addition to what Michael has said, there's
17 not one place in the world where -- one country in the
18 world where they went from zero floating wind turbine or
19 zero offshore wind turbine to a commercial scale wind
20 farm. Everywhere in the world, in Asia, in Europe,
21 northern Europe, southern Europe, the UK, Scotland, every
22 project has always gone from through a pilot or a
23 full-scale demonstration project, which was needed to
24 expose all the stakeholders, the industrial players, but
25 of course environmental NGOs, the governmental agencies to

1 MR. GESCHIER: I'm very pleased and honored to be
2 presenting here today. And I do have to admit that the
3 great people at the State Lands Commission have made my
4 life easy looking at the tremendous documents that have
5 compiled with their preliminary environmental assessment.
6 So basically my presentation is going to be rather short
7 and straightforward today.

8 I will start with a brief company introduction,
9 highlight a few of the key features of our project, and
10 address some additional considerations.

11 --o0o--

12 MR. GESCHIER: So in terms of brief company
13 introduction. We are one of the world leaders in floating
14 offshore wind with a proven technology and several
15 projects across the globe under development. We have two
16 full-scale units that have been operating successfully in
17 France and Japan for the last three years. And for each
18 of these projects, over 90 percent of the project's budget
19 has been allocated to local suppliers, even in countries
20 that are very different, like France and Japan. So I
21 don't see any reasons why we would not be able to
22 duplicate that in California.

23 We have a project, similar to the project we're
24 looking at here in California, that is ready for
25 construction in 2022. And we also have numerous other

1 projects ongoing across the globe, each time focusing on
2 the lowest possible carbon footprint and above all on
3 offering high local content guaranteed.

4 --o0o--

5 MR. JAKOBSSON: In terms of the project. Well,
6 as you know, it's located off Vandenberg Air Force Base in
7 California state waters. It's a project comprised of four
8 10-megawatt wind turbines, with the eventual possibility
9 to increase those. But at this point, the base case is
10 four times 10 megawatts.

11 We are using a proven technology and the
12 technology that has been proven at full scale. So
13 reassuring both the stakeholders and investors in terms of
14 their reliability and the seriousness of the technology
15 that will be implemented off the coast of California.

16 And again, we have the possibility to build the
17 hulls a hundred percent locally with local union workers,
18 and that is rather unique offering. The reason why,
19 because basically we're building it, our hulls, out of
20 concrete, and I'll get to that a little later. And we
21 have two cable routing options as the document prepared by
22 the Lands Commission staff has demonstrated in detail.

23 --o0o--

24 MR. GESCHIER: Our solution is very simple. We
25 have a concrete hull, a hull that resembles, for lack of a

1 better word, to a square donut. It's also the most
2 compact floater on the market, which is very important in
3 terms of impact on the environment, constructability,
4 launchability, et cetera. And we offer always a full
5 redundant mooring system. And that again is very
6 important if you don't want to run any risks of either
7 losing power production or worth, having a -- or worse,
8 having a unit drifting at sea.

9 We are considering two anchoring solutions that
10 are both proven and time tested. We are talking about
11 suction anchors or drag embedded anchors and/or electrical
12 cable design is a router conventional and again proven and
13 time tested also.

14 --o0o--

15 MR. JAKOBSSON: To conclude, I'd like to
16 highlight a couple of very important points.

17 --o0o--

18
19 MR. JAKOBSSON: The first one is that all the
20 projects we've been involved with in the past, and that
21 we're currently working on anywhere across the globe. All
22 those projects are always done in full compliance with
23 local or national regulatory and environmental
24 regulations. The issues we're seeing here -- or the
25 concerns rather that we are observing here in California,

1 concerns from the environmental NGOs, concerns from the
2 fishermen, or other stakeholders, such as indian tribes,
3 for example, are concerns that are universal, that we've
4 observed in many parts of the world, and that each time
5 have been addressed through either best practices or
6 simply clear regulations that needed to be followed and
7 sometimes even laws.

8 So we do not intend to implement or to develop a
9 project in California without stringent observance of
10 these regulations and without addressing the concerns of
11 all stakeholders big and small. To achieve that, we
12 often, of course, collaborate with academia organizations.
13 And we have a track record of collaborating so at global
14 level with universities, with specialists, with experts
15 from across the world.

16 To that effect, hopefully next month, but
17 definitely by the end of this year, we are very happy to
18 announce that we'll be able to publish or at least a
19 third-party academic institution will be public --
20 publishing, sorry, a wonderful report on the monitoring
21 and assessment of our project throughout construction,
22 offshore installation, and operation, and with conclusions
23 that are rather encouraging, notably the absence of
24 negative environmental impact and sometimes even positive
25 impact of our floater that has been now operating in

1 France for the last three years.

2 We, of course, promote and encourage further
3 collaborations on these very subjects as well as
4 collaborations with industrial partners that are eager to
5 increase the local content of our project, as well as
6 collaborate with us in reducing the carbon footprint of
7 our technology locally.

8 So with all that said, I thank you all very much
9 for your kind attention. I remain available for any
10 questions you might have, and I'd invite you to send me
11 emails to the address you see here on your screen.

12 Thank you again. Thank you to the Commission for
13 their hard work, for the opportunity to present today.
14 And let's make sure that we can contribute, in way or the
15 other, to the further and accelerated decarbonation of
16 your great state. Thank you very much.

17 CHAIRPERSON KOUNALAKIS: Okay. Thank you very
18 much. And now, Ms. Lucchesi, we will proceed with public
19 comment. Katie, can you give us an idea of how many
20 people have signed up to speak on this item?

21 EXECUTIVE OFFICER LUCCHESI: I can -- I can
22 provide that. We have received 17 requests to speak
23 during public comment.

24 CHAIRPERSON KOUNALAKIS: Okay. All right.
25 Katie, please proceed with the first speaker.

1 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
2 Thank you, Madam Chair. Our first speaker is Kate Kelly.
3 And again, apologies, Zoom is not allowing me to promote
4 you to panelist, so we will not be able to see your video,
5 but you should be able to unmute yourself now.

6 MS. KELLY: Great. Can you hear me? Sound
7 check, please.

8 CHAIRPERSON KOUNALAKIS: Yes.

9 MS. KELLY: Awesome. Okay. Good afternoon. I
10 am Kate Kelly. I am speaking on behalf of Defenders of
11 Wildlife and appreciate the Chair, commissioners, and
12 staff time today.

13 Defenders of Wildlife has long advocated for
14 policies and actions to bring offshore wind projects to
15 scale in an environmentally protective manner. We
16 understand that developing renewable energy is pivotal for
17 California to avoid the worst consequences of climate
18 change, achieve a zero carbon energy future, and maintain
19 our thriving economy, healthy communities, and national
20 role as an environmental leader.

21 Careful consideration how we achieve this zero
22 carbon future is vital for protecting California's
23 internationally treasured wildlife, landscapes, marine
24 ecosystems, iconic coastline, cultural resources,
25 protected farmlands, and diverse habitats.

1 As California explores diverse prospective
2 offshore wind development, we have an opportunity and a
3 responsibility to become a visionary leader in offshore
4 wind energy and create a planning process that sets a high
5 environmental standard for this new technology and ocean
6 use. Offshore wind energy must be developed responsibly
7 in a way that incorporates a range of stakeholder
8 considerations, and first avoids, then minimizes local and
9 cumulative impacts to the environment. We believe that
10 such an approach will benefit industry in siting and
11 permitting will advance expeditiously if use conflicts are
12 addressed ahead of the permitting process.

13 Indeed AB -- excuse me, SB 100 joint agency
14 report states the benefits of using landscape-level
15 approaches for renewable energy and transmission in
16 planning include early identification and resolution of
17 large issues or barriers to development, coordinated
18 agency permitting processes, and increased transparency in
19 decision making, increased collaboration, avoidance of
20 impacts, and more rapid development of environmentally
21 responsible renewable energy projects.

22 State and federal planning processes to identify
23 least conflict provide needed streamlining decision-making
24 that reflects environmental and other concerns, especially
25 concerns of stakeholders and affected coastal

1 committees -- communities.

2 We believe the State, working in partnership with
3 BOEM, or independently, must facilitate the inclusive and
4 transmission -- transparent planning process with wind use
5 and coastal stakeholders to identify those least conflict
6 lease areas. Further, having identified all the
7 development sites will enable federal and State agencies
8 to evaluate offshore wind projects comprehensively and
9 efficiently within the context of all offshore waters from
10 California rather on reactive and ad hoc basis.

11 In contrast, to a planned informed approach to
12 offshore wind siting and development, these two projects,
13 as clearly demonstrated by the PEA, and the comment
14 letters from the California Department of Fish and
15 Wildlife, and the Coastal Commission pose substantive risk
16 to wildlife marine ecosystems entrusted to the State Lands
17 Commission's protection.

18 CHAIRPERSON KOUNALAKIS: Ms. Kelly --

19 MS. KELLY: Further analysis --

20 CHAIRPERSON KOUNALAKIS: -- we have -- we're
21 going to have to keep everyone to three minutes in order
22 to be able to get through on time. Can you maybe finish
23 in about 15 seconds?

24 MS. KELLY: Sure. Thank you for that. These
25 projects are not demonstration projects. These projects

1 do not benefit California's work in looking at renewable
2 energy on the Offshore environment, and we believe that
3 Coastal Commission's time -- or excuse me, the State Lands
4 Commission's time and resources are better spent engaging
5 in the implementation of AB 525 and other offshore
6 planning processes.

7 Thank you for your time and consideration this
8 afternoon.

9 CHAIRPERSON KOUNALAKIS: So please, if everyone
10 can keep their comments to under three minutes, so we can
11 get through everyone in a timely manner.

12 Katie.

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
14 you, Madam Chair. Our next speaker is Delia Bense-Kang
15 and you should be able to unmute yourself and turn on your
16 video, if you would like.

17 MS. BENSE-KANG: Hello. Can you hear me?

18 CHAIRPERSON KOUNALAKIS: Yes.

19 MS. BENSE-KANG: All right. Thank you. Thanks,
20 Commissioners. Delia Bense-Kang, Northern and Central
21 California Regional Coordinator for Surfrider Foundation.
22 Surfrider has long advocated for policies and actions to
23 bring offshore wind projects to scale in an
24 environmentally protective manner.

25 Based on the PEA, we believe the proposed

1 Vandenberg project raise many environmental and permitting
2 concerns and are not in the best interests of the State
3 and are inconsistent with the California State Lands
4 Commission's obligation to protect Public Trust resources.

5 We believe preparing an EIR is not necessary
6 given the ample information presented regarding the
7 Environmental harms posed by these projects. In
8 particular, Surfrider is concerned that Vandenberg project
9 locations are in an area along the California coast that
10 is vital to marine productivity as described in the PEA.

11 Project locations are directly adjacent to the
12 Vandenberg State Marine Reserve, which has the highest
13 level of protection in California's MPA network. This
14 area is also near the Point Conception Marine Reserve,
15 another vital part of California's MPA network.

16 In addition, it is also within the proposed
17 Chumash Heritage National Marine Sanctuary, which
18 Surfrider has long advocated for. The sanctuary was
19 nominated in 2015 for its rich ecological resources and
20 cultural significance. And NOAA's Office of National
21 Marine Sanctuaries renewed the nomination in 2020
22 indicating support from NOAA to protect this area. The
23 2020 review identified that this is an area of national
24 significance and that there is a broad community support
25 for the nomination.

1 So again, in conclusion, based on the project
2 location being near and possibly in many MPAs and for many
3 other reasons, we urge the Commission to deny the
4 applications, because they are not in the best interests
5 of the State. And we also look forward to working with
6 the Commission to ensure careful and responsible offshore
7 wind development.

8 Thank you very much.

9 CHAIRPERSON KOUNALAKIS: Thank you very much.

10 Katie.

11 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.

12 Our next speaker is Mike Conroy. Mike, you should be able
13 to unmute yourself and turn on video, if you'd like.

14 MR. CONROY: Perfect. Can you hear me?

15 CHAIRPERSON KOUNALAKIS: Yes, we can.

16 MR. CONROY: Perfect. Thanks. I'm going to
17 spare the video.

18 My name is Mike Conroy. I'm speaking on behalf
19 of the Pacific Coast Federation of Fishermen Associations,
20 whose membership currently spans from Santa Barbara to
21 Alaska. We also have members who actively fish in the
22 project area under consideration today. I also work with
23 the California Wetfish Producers Association, which
24 harvest squid, mackerel, sardine, and the American -- the
25 American Albacore Fishing Association, and the California

1 Lobster and Trout Fishermen's associations, all of whom
2 would feel impacts from the loss of fishing grounds in the
3 area.

4 I stopped -- start by offering support for
5 comments submitted yesterday by the Alliance of
6 Communities for Sustainable Fisheries with one caveat. I
7 recommend their last bullet point be expanded to include
8 all potentially impacted fishermen, fisheries, and fishing
9 communities with a dependence, however that is defined, on
10 those areas, those areas being blocks -- Fish and Game
11 blocks 643 and 44.

12 We submitted lengthy and detailed comments on the
13 draft PEA. I want to thank State Lands Commission staff,
14 in particular Jen Mattox for her efforts in ensuring the
15 fishing community was informed of the applications and
16 provided us an opportunity to convey our comments,
17 questions, and concerns.

18 I also want to call out the folks from Cierco for
19 their outreach to the fishing community in June of last
20 year, that they conducted outreach with folks they knew
21 were going to be skeptical should be noted. I would hope
22 that should this Cademo project move forward, they
23 continue outreach and discussions with the fishing
24 industry.

25 Against that backdrop, I would recommend that the

1 Commission not move any of these projects forward, as they
2 are not in the best interests of the state. However,
3 recalling from my law school days, it is never a bad thing
4 to argue in the alternative, who would alternatively
5 recommend that the Commission move forward with the
6 environmental review of a potential pilot project, which
7 limits the number of turbines to those necessary to
8 provide useful and necessary information.

9 We would also request that the fishing industry
10 be included in discussions surrounding the development of
11 research needs, goals, and plans. For example, it is easy
12 to identify fisheries, which have historic dependence on
13 these two blocks. But given change in ocean conditions,
14 those areas may be important to new or different species
15 in 10, 20, or 30 years. It will be important to begin to
16 understand those potential impacts as our State's food
17 security should be a consideration of primary importance.

18 We agree with the Chair that we must explore and
19 consider alternative energy sources. All that we ask is
20 it be done with us not to us.

21 We close by reminding the Commissioners that for
22 the vast majority of Californians, the only access they
23 have to the state's living marine resources is through the
24 highly managed and sustainable source of -- source of
25 healthing -- healthy protein we harvest for them.

1 Thank you for the opportunity to offer these
2 comments and I'm available to answer any questions.

3 CHAIRPERSON KOUNALAKIS: Thank you very much.
4 Katie.

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
6 you. Our next speaker is Tom Hafer.

7 CHAIRPERSON KOUNALAKIS: Mr. Hafer --

8 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Mr.
9 Hafer, you should be able to unmute yourself.

10 CHAIRPERSON KOUNALAKIS: Mr. Hafer, are you
11 there?

12 MR. HAFER: Hi. Have you got me?

13 CHAIRPERSON KOUNALAKIS: Yes.

14 MR. HAFER: So I'm Tom Hafer. I'm the President
15 of the Morro Bay commercial fishing organization. We have
16 about 98 members. I don't know if the Avila President is
17 on or not, but they have about the same. And then I don't
18 know how many guys are in Santa Barbara in their
19 organization, but there's a few more I think.

20 I just want to tell you guys that that area down
21 there is very rich fishing grounds and a lot of guys use
22 it, Dungeness crab, salmon, squid. It's just very rich
23 and some type -- some parts of the year a lot of guys make
24 a lot of money down there. And the windmills that are
25 proposed goes right through the salmon tack, right through

1 the crab set, and that's a problem. I mean, sometimes the
2 Dungeness crab and the salmon show up down there and
3 that's where a lot of guys make a hundred percent of their
4 money for the year.

5 So I just think it's a really bad idea having any
6 windmills down there. I mean, we've got it planned for
7 400 square miles off Morro Bay, 300 windmills possible --
8 possibly. I mean, that's a big project. You know, we're
9 going to take a heavy hit on that and this would just add
10 one more thing that we've got to worry about and work
11 around.

12 And so, you know, and then the whole thing about
13 that area down there, there's a lot of sea life. There's
14 a lot of mammals. There's a lot of birds. A lot of bait
15 comes in there. So, you know, I think the whole thing
16 should just be dead in the water and a lot of people agree
17 with that. It's not really a pilot project for the
18 offshore area. It's in shallow water. And they have
19 tested these windmills in other place in the -- other
20 places in the world, but they know how they react.

21 So I just want to, you know, end it saying that,
22 you know, there's a lot of guys that fish down there and
23 it would be a big hit again to the fishing community and
24 Santa Barbara, Avila, and Morro Bay.

25 Thank you.

1 CHAIRPERSON KOUNALAKIS: Thank you very much.
2 Katie.

3 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
4 you. Our next speaker is Sandy Aylesworth.

5 MS. AYLESWORTH: Hi, can you hear me?

6 CHAIRPERSON KOUNALAKIS: Yes, we can.

7 MS. AYLESWORTH: Wonderful. Thanks.

8 Good afternoon, Commissioners and State Lands
9 staff. My name is Sandy Aylesworth and I'm a senior
10 advocate with NRDC. NRDC urges the Commission to oppose
11 the staff recommended action, which calls for State Lands
12 Commission to advance its CEQA analysis on the projects.
13 As many people here today have noted, we face a climate
14 emergency. Offshore wind energy is an exciting resource
15 that could be an integral part of California's renewable
16 energy mix.

17 It is crucial, however, to note that we also face
18 a biodiversity crisis that threatens human existence.
19 There are projected one million species going extinct
20 within our lifetimes. To address both of these problems,
21 hundreds of scientists unanimously agree that we need
22 transformative change, in which decision-makers make the
23 best decisions for both the climate and biodiversity.

24 This holds true for California. The risks of
25 floating wind, a new industrial use of the ocean, are

1 unknown. These projects pose a threat to marine
2 biodiversity and would set the wrong tone for the future
3 of California's offshore wind industry.

4 As many NGOs noted in our comment letter to the
5 Commission, the proposed projects are sited in a
6 remarkably rich area. The project area supports
7 approximately 40 species of marine mammals, at least five
8 species of sea turtles, important fish species, and other
9 wildlife.

10 The Cademo projects are adjacent to the
11 Vandenberg State Marine Reserve, which as Surfrider
12 already noticed, that's an MPA with the highest level of
13 protection. The projects overlap with an area of highest
14 seabird and marine mammal density. They overlap with blue
15 and gray whale feeding and migratory biologically
16 important areas. Put plainly, the project area is one of
17 California's most biologically rich marine environments.

18 We're concerned that these projects would
19 demonstrate that the State Lands Commission intends to
20 disregard the state offshore wind policy, put forth in AB
21 25 which states quote, "Offshore wind should be developed
22 in a manner that protects coastal and marine ecosystems.
23 The State of California should use its authority under
24 State programs and policies to ensure avoidance,
25 minimization, and mitigation of significant adverse

1 impacts", end quote.

2 The choice to advance these precedent-setting
3 projects despite their obvious overlap with areas of
4 remarkable biodiversity would contradict the State's
5 commitment to upholding this critical first element of the
6 mitigation hierarchy.

7 NRDC strongly supports offshore wind energy.
8 Yet, scaling up a new industry in California's rich
9 offshore waters must be done right, with care taken from
10 the very beginning, which means this stage, to build in
11 protections for the marine environment.

12 Today, NRDC asks the Commission to use its
13 decision-making authority to create a new status quo for
14 California's floating wind industry, in which local
15 biodiversity is protected as the industry develops.

16 Thank you.

17 CHAIRPERSON KOUNALAKIS: Thank you.

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

19 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes,
20 thank you.

21 Our next speaker is Kristen Hislop.

22 MS. HISLOP: Thank you. Can you hear me?

23 CHAIRPERSON KOUNALAKIS: Yes.

24 MS. HISLOP: Great. I'm Kristen Hislop, the
25 Senior Director of the Marine Program at the Environmental

1 Defense Center. And for the past five years, the
2 Environmental Defense Center has been working closely with
3 our environmental colleagues, individuals in the offshore
4 wind industry as well as State and federal agencies in a
5 genuine attempt to progress floating offshore wind off the
6 coast of California. When the Bureau of Ocean and Energy
7 Management received the unsolicited lease request for an
8 area offshore Morro Bay, we immediately became engaged in
9 the process.

10 We understand from experience that in order to
11 move projects forward smoothly and with minimal road
12 blocks, they must be well planned, with extensive
13 stakeholder outreach that results in site collection in
14 areas with the least conflicts with other human uses and
15 the environment.

16 Unfortunately, these projects before you were not
17 sited with input from the environmental community and
18 other stakeholders, and have done very little, if
19 anything, to choose locations that avoid environmental
20 impacts. This is evidenced by the known importance of
21 this area to the Chumash peoples, the marine and coastal
22 resources identified in the preliminary environmental
23 assessment, as well as the multitude of comments you
24 received from environmental groups and other agencies.

25 Because of that, I respectfully urge you to

1 reject staff recommendation to move forward with
2 environmental review. The information we have available
3 through the completion of the PEA plainly shows that the
4 location of these projects will harm coastal resources and
5 is not in the best interests of the state.

6 EDC and our partners have continuously requested
7 the lead agencies, both federal and State, undertake a
8 planning process to identify the best places for offshore
9 wind along the California coast. We are encouraged by the
10 interagency cooperation we have seen and heard about
11 today, and the upcoming planning process that will come
12 out of AB 525.

13 We believe this process will result in
14 identification of areas to move forward with offshore wind
15 and areas to avoid. This one will surely be an area to
16 avoid. Ahead of such a process, we, as the environmental
17 community, have been looking closely at the areas
18 currently proposed for offshore wind, including the
19 Vandenberg project area.

20 At this point, we have an understanding the
21 project site is farther from shore, that avoid known hot
22 spots will have less impacts to those that are near shore.
23 This has been supported by our agency partners, who
24 have -- we have heard many times say they will focus 20
25 plus miles from shore. You also saw comments of concern

1 for this location from the Coastal Commission, Fish and
2 Wildlife, you just heard from fishers, and others who
3 commented on the draft PEA.

4 We also know from spatial planning exercises that
5 we can identify areas of high species abundance. The
6 proposed projects are in such an area, a known hot spot
7 for marine species abundance in an onshore area with
8 intact habitats that support a myriad of species. I would
9 need far more than three minutes to adequately describe
10 the importance, uniqueness, and sacredness of this place.

11 It is imperative that we protect places like the
12 area around Point Conception from industrial development,
13 especially if we have an alternative location. We
14 understand and support California's commitment to clean
15 energy, and look forward to working with you to reach
16 those goals. However, this is not the place to begin.
17 Thank you very much for your consideration.

18 CHAIRPERSON KOUNALAKIS: Thank you very much.
19 Katie, may we have our next speaker.

20 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
21 Thank you. Our next speaker is Garry George.

22 MR. GEORGE: Can you hear me?

23 CHAIRPERSON KOUNALAKIS: Yes, we can.

24 MR. GEORGE: Great. Good evening, Madam Chair,
25 Commissioners, and staff. My name is Garry George and I'm

1 the National Director of the Clean Energy Initiative at
2 Audubon. It's part of our climate strategy to save birds
3 from going extinct if we get to three degrees of warming.
4 We agree with Madam Chair that we need to get off fossil
5 fuels quickly. The oil spill is just one example. And we
6 supported AB 525, and thank you for your co-sponsoring of
7 that important bill. I support the comments of my NGO
8 colleagues here today.

9 First of all, I just want to point out a couple
10 of things. There is no one here from the offshore wind
11 industry that is testifying that these demonstration
12 projects are needed. Also, I'd like to point out that
13 these projects are not really in the interest of the
14 State's SB 100 goal or climate change, as together they
15 would provide, if all the turbines got built out, about a
16 hundred megawatts, which is about the same as a community
17 solar project, or a few blocks of rooftop, or one-third or
18 one-fifth of a utility scale project which could be
19 deployed years earlier, faster, less permitting, and at
20 less cost to taxpayers for California agency staff time.

21 Because we work nationally on offshore wind, I'm
22 going to give a national perspective on demonstration
23 projects to help inform the Commissioners' decision today,
24 which we hope is that it's not in the interests of the
25 State of California to move forward. So five states have

1 demonstration projects installed or approved, Maine, Rhode
2 Island, New Jersey, Virginia, and Ohio. Three of those
3 states held a stakeholder marine spatial planning process
4 for ocean users to inform their siting decision for where
5 they're going to put the demonstration project. That's
6 three out of the five. The closest to the coast is the
7 six turbine Block Island Wind Project in Rhode Island.
8 That's eight miles from the coast, three miles south of an
9 island, but eight miles from the coast.

10 The furthest is two turbines in Virginia, 27
11 miles from the coast, because that's where they see the
12 deployment at scale of offshore wind. The others range
13 from 10 to 12 miles on the coast. None of them are as
14 close as what California is considering today.

15 The state of New Jersey also rejected a
16 five-turbine demonstration project 2.8 miles from their
17 coast with the State Department of Environmental
18 Protection stating that the potential harm to wildlife is
19 minimized the farther the turbines are located offshore.
20 They are now engaging in BOEM projects, which are further
21 offshore in the 20-mile or so limit.

22 So there is a precedent for rejecting a project
23 early in the process, and we are asking you to do that
24 today as this project is not in the interests of the state
25 of California.

1 Thank you so much.

2 CHAIRPERSON KOUNALAKIS: Thank you.

3 Katie

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
5 you. Our next speaker is Alison Rowe.

6 MS. ROWE: Thank you. Chair Kounalakis and
7 members of the Commission, thank you for the opportunity
8 to address you and comment on the two proposed offshore
9 wind energy projects off the coast of Santa Barbara
10 County. My name is Alison Row and I am with the Monterey
11 Bay Aquarium.

12 While the aquarium supports responsibly developed
13 offshore wind energy, the proposed project locations
14 threaten sensitive marine habitats and protected
15 resources. These projects are not in the best interests
16 of the state of California as they pose the risk of
17 significant environmental impacts already identified in
18 the Preliminary Environmental Assessment and through
19 substantial comments from resource agencies, scientists,
20 and NGOs.

21 Although the staff report indicates that an
22 Environmental Impact Report would provide valuable
23 information, we believe the Commission has enough
24 information to determine that the potential impacts from
25 the projects would be significant and unacceptable. We

1 know that climate change is challenging ocean health in
2 profound ways. The aquarium recognizes that responsible
3 development of offshore wind energy can help address these
4 challenges. It is also imperative that we avoid and
5 minimize the impacts of offshore wind development on
6 California's ocean wildlife, ecosystems, and coastal
7 communities.

8 The two proposed projects would be located in
9 near-shore areas that have high densities of diverse
10 marine life and the potential for significant adverse
11 impacts. Again, while we remain supportive of responsibly
12 sited offshore wind, we do not think these projects are in
13 the best interests of the state.

14 We support the California State Lands Commission
15 in its efforts to engage with other State agencies to
16 identify least conflict areas through a comprehensive and
17 inclusive planning process included in the recently signed
18 AB 525.

19 Thank you again for your time and consideration
20 of these comments.

21 CHAIRPERSON KOUNALAKIS: Thank you very much.
22 Katie.

23 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
24 you. Our next speaker is Joel Merriman.

25 MR. MERRIMAN: Hi. Can you hear me?

1 CHAIRPERSON KOUNALAKIS: Yes.

2 MR. MERRIMAN: Great. Good evening, everyone.
3 Thank you for the opportunity to provide these comments.
4 My name is Joel Merriman. I'm the Bird-Smart Wind Energy
5 Campaign Director at American Bird Conservancy.

6 I want to support by voicing out support for
7 environmentally responsible offshore wind energy
8 development. Appropriately sited wind turbines in marine
9 waters have the potential to generate large amounts of
10 clean energy and power some of our largest population
11 centers on the coast. But the unfortunate reality is that
12 this form of development does not come without
13 environmental consequences.

14 We know from studies in Europe that poorly sited
15 offshore wind turbines can result in fatal collisions for
16 birds. Some species are displaced by turbines, so poorly
17 sited facilities can result in substantial habitat loss.

18 But these risks and impacts can be minimized
19 through smart planning. By far, the most important
20 element of environmental responsible wind energy
21 development is appropriate facility siting. In most
22 cases, there is little that can be done to reduce a wind
23 facility's impacts to birds once it's constructed, so it
24 is critical that facilities are sited in low risk
25 locations for wildlife.

1 This brings us to the projects that are under
2 discussion today, which are instead proposed in an area of
3 immense importance to birds and other wildlife. The
4 turbines are proposed in close proximity to the Vandenberg
5 State Marine Reserve, as well as multiple
6 globally-important bird areas that were identified by
7 National Audubon Society due to their disproportionate
8 importance for seabirds.

9 Additional important bird areas are located
10 immediately onshore. These were designated due to the
11 presence of seabird nesting colonies as well as their
12 importance for migratory shorebirds. These are also
13 important breeding areas for California Least Tern and
14 Western Snowy Plover.

15 We already have plenty of information about these
16 areas and the list of concerns goes on and on. The
17 take-home message is clear, this is an exceptionally poor
18 choice of location for a wind facility. The benefits of
19 installing a small number of turbines in this location do
20 not outweigh the environmental impacts. And because of
21 the outsized importance of siting for minimizing
22 environmental impacts, further review of these projects
23 through CEQA cannot substantially improve that. Any
24 further consideration of these projects is not in the
25 state's best interest.

1 I want to note that these projects have generated
2 an unusual amount of opposition from the environmental
3 community. This is very different from the overwhelmingly
4 supportive positions taken on the numerous and much larger
5 projects being planned in federal waters on both coasts.
6 It is also very different than positions taken on
7 similarly-sized projects in Rhode Island and Maine, where
8 transparent and inclusive stakeholder engagement informed
9 planning. This is indicative of the highly problematic
10 nature of a development in this specific location.

11 The bigger picture goal is the installation of
12 offshore wind facilities that is scaled meaningful to
13 California's carbon reduction targets. The few poorly
14 sited turbines under consideration here are a distraction
15 from that goal and create unnecessary conflict that will
16 undermine State and federal agencies' efforts to develop
17 an offshore wind industry.

18 We reiterate that further review will not change
19 the fatal flaws at this location and that further
20 consideration of these projects is not in the State's best
21 interest.

22 Thank you.

23 CHAIRPERSON KOUNALAKIS: Thank you.

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

25 And just to remind everyone to please keep your

1 comments to under three minutes. Thank you.

2 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
3 you. Our next speaker is Josh Taylor.

4 MR. TAYLOR: Good afternoon, honorable
5 Commissioners. My name is Josh Taylor, member of the
6 Southwest Regional Council of Carpenters. I'm a resident
7 of Southern California and I live, work and recreate in
8 the vicinity of the Vandenberg Offshore Wind Energy
9 Project sites.

10 I believe that this will be -- that I will be
11 impacted by the environmental impacts of these projects.
12 And I understand that your decision today is not a
13 decision on either project, but instead on EIR
14 consideration.

15 That said, as the State Lands Commission
16 considers the next steps to take regarding these offshore
17 wind energy projects, we urge the State Lands Commission
18 to consider requiring the Cademo project and the Ideol
19 Vandenberg pilot project applicants to build these
20 projects out utilizing a local, skilled, and trained
21 workforce. Local hire and skilled and trained workforce
22 requirements reduce construction-related environmental
23 impacts, while benefiting the local economy. In a recent
24 2020 report titled, "Putting California on the High Road:
25 A Jobs and Climate Action Plan for 2030", the California

1 Workforce Development Board concluded that investments in
2 growing, diversifying, and upskilling California's
3 workforce can positively affect returns on climate
4 mitigation efforts.

5 Moreover, just this year, the South Coast AQMD
6 found that the use of local State certified apprenticeship
7 program or a skilled and trained workforce with a local
8 hire component can result in air pollutant reductions.
9 Recently, the City of Hayward in Northern California
10 adopted a skilled and trained workforce requirements into
11 its general plan and municipal code. Local skilled and
12 trained workforce requirements can boost economic
13 development and mitigate transportation and greenhouse gas
14 impacts by minimizing vehicle miles traveled.

15 The State Lands Commission should add local,
16 skilled, and trained workforce requirements for these
17 projects, if they are approved after the EIR process, to
18 benefit the economic development of the area surrounding
19 the projects as well as the environment.

20 Thank you for your time.

21 CHAIRPERSON KOUNALAKIS: Thank you. Katie, next
22 speaker.

23 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
24 you. Our next speaker is Lauren Cullum.

25 MS. CULLUM: Can you hear me?

1 CHAIRPERSON KOUNALAKIS: Yes.

2 MS. CULLUM: Hi. Good afternoon. Thank you for
3 the opportunity to comment. Lauren Cullum, policy
4 advocate with Sierra Club California representing 13 local
5 chapters in California and half a million members and
6 supporters across the State.

7 Sierra Club California supports the development
8 of offshore wind in an environmental responsible manner.
9 We agree that offshore wind is an important resource that
10 will help us move towards meeting our state's
11 decarbonization and climate change goals and grow a new
12 industry that supports thousands of well-paying jobs, but
13 it must be developed responsibly for ecosystems, wildlife,
14 and people that includes avoiding siting projects in
15 sensitive habitat areas, which these projects fail to do.

16 So Sierra Club California is opposed to these
17 specific projects because they are not located in an
18 appropriate area for any offshore wind development,
19 because of the sensitive ecological areas. In fact, these
20 projects would be located in an environmentally high-risk
21 area and have the potential to result in significant
22 adverse impacts to wildlife as a result of their
23 locations.

24 We provided more details in our written comments
25 that we submitted jointly with other environmental NGOs.

1 Due to the adverse impacts, these projects are clearly not
2 in the best interests of the state and they would actually
3 contradict the language under the recently signed into law
4 AB 525, which states that offshore wind should be
5 developed in a manner that protects coastal and marine
6 ecosystems.

7 In addition, I'd like to point out that labeling
8 these projects as demonstration projects is misleading,
9 because these projects will not actually provide
10 information that will be relevant to the larger projects
11 that are expected to be developed further offshore in
12 federal waters.

13 So we look forward to working with the agency and
14 stakeholders through a public engagement process to find
15 better locations for offshore wind development, but we are
16 past that point with this specific location proposed
17 today. This location is not the right place for any
18 project. And we do not need an EIR to tell us of the
19 environmental and ecological damage that will be caused.
20 Therefore, Sierra Club California urges the State Lands
21 Commission to not move forward on these applications.

22 Thank you so much.

23 CHAIRPERSON KOUNALAKIS: Thank you.

24 Katie, next speaker.

25 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank

1 you. Our next speaker is Alex Perez.

2 MR. PEREZ: Good afternoon, Madam Chair,
3 Commissioners, staff, and fellow Californians. My name is
4 Alex Perez and I'm a member and representative of the
5 Southwest Regional Council of Carpenters. I represent
6 over 1,800 members who live, work, and recreate in the
7 vicinity of the Vandenberg off-site wind energy project
8 sites.

9 I believe that all our members and the area
10 residents will be impacted by the environmental impacts of
11 the projects. Speaking of the direction of California,
12 first, local hire and skilled and trained workforce
13 requirements reduce construction-related environmental
14 impacts while benefiting the local economy. Let's use all
15 our local tradesmen instead of bringing in non-local
16 contractors and tradesmen.

17 With this, we automatically stimulate our local
18 economy in many ways. Local, skilled, and trained
19 workforce requirements boost economic development and
20 mitigate transportation and greenhouse gas impacts by
21 minimizing vehicle miles traveled.

22 Second, the State Lands Commission should most
23 definitely add local, skilled, and trained workforce
24 requirements for these projects to benefit the economic
25 development, while creating more local jobs for the

1 younger generations and development of the areas
2 surrounding the projects, as well as the environments.

3 In a recent 2020 report titled, "Putting
4 California on the High Road: A Jobs and Climate Action
5 Plan for 2030", the California Workforce Development Board
6 concluded that investing and growing diversified and
7 unskilling[SIC] California workforce can positively affect
8 returns on climate mitigation efforts.

9 Just this year, the South Coast Air Quality
10 Management District found that the use of a local,
11 skilled, and trained apprenticeship program, or a skilled
12 and trained workforce with a local hire component, can
13 result in air pollution reductions.

14 To close, recently in the City of Hayward in
15 Northern California adopted trained workforce requirements
16 into its general plan and municipal code.

17 Thank you.

18 CHAIRPERSON KOUNALAKIS: Thank you very much.

19 Katie, next speaker, please.

20 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
21 you. Our next speaker is Armando Delgado.

22 MR. DELGADO: Good afternoon, Madam Chair,
23 Commissioners, staff, and Californians. My name is
24 Armando Delgado and after my time in service with the
25 United States Marine Corps, I came home and attempted to

1 transition back into the civilian workforce smoothly.
2 That wasn't as easy as expected and it usually isn't for
3 most veterans. Transitioning is difficult regardless of
4 military service, graduating school, shifting from the
5 justice system, or just an overall change of industry.

6 Life for tradesmen and women in the Central Coast
7 can be somewhat challenging at times. As a construction
8 industry professional, I advocate for worker rights,
9 worker retraining, and most importantly worker
10 protections. We need better pathways and tonight you may
11 have a solution. If you are truly trying to put
12 California on the high road, consider the trades who
13 understand the Climate Action Plan for 2030. The
14 California Workforce Development Board know that they need
15 to invest in growing, diversifying, and upskilling
16 California's workforce to positively affect returns on
17 climate mitigation efforts.

18 We are that investment and not another expense as
19 some developers may see us. We need to train the next
20 generation of clean energy workers to build the projects
21 of the future. I understand, you know, certain groups
22 don't want these projects here, so where can we build
23 them? Probably nowhere in the state of California, but
24 these actually make sense. Massive projects like these
25 will have a social and economical impact to the local

1 communities, including housing stock, businesses, property
2 values and considerations of esthetics. Projects like
3 this and its efforts to improve air quality can affect
4 labor demand, and energy intensive industries will have an
5 effect on employment in service sectors like this.

6 Workers displaced from the regulations in
7 polluting sectors may experience losses and long-term
8 earnings as they make the transition to new jobs and
9 that's what we're talking about here, when we consider
10 using the locals from Central Coast to build these. Many
11 of us already work on Vandenberg and the local power
12 plants. We need to be considered.

13 As a representative of the Southwest Carpenters
14 Local 805 in the Central Coast, it is my job and my
15 responsibility to create more opportunities for our
16 members and anyone else willing to start a career in the
17 trades. That's why we assist transitioning service
18 members into our Stars and Stripes Pre-Apprenticeship
19 Program. We actively promote our Boots Program for women,
20 our Brothers Keeper Program for disenfranchised community
21 members. We are partnering with non-profits to help those
22 transitioning to society from the justice system and are
23 career connections pre-apprenticeship program for the
24 local high schools.

25 The State Lands Commission should add local and

1 trained skill force -- I'm sorry, local and trained
2 workforce requirements for those projects to benefit the
3 economic development of the area surrounding the project,
4 as well as the environment. There are thousands of trade
5 workers, or should I say thousands of stakeholders, in the
6 Central Coast, and we are the ones stressing the labor
7 workforce concerns that you saw on the PowerPoint today.

8 Lastly, we -- I'll just say thank you for your
9 time.

10 CHAIRPERSON KOUNALAKIS: Okay. Thank you. I
11 think, Ms. Lucchesi, the -- we're looking to take a quick
12 break.

13 EXECUTIVE OFFICER LUCCHESI: Yes. We do need
14 to --

15 CHAIRPERSON KOUNALAKIS: Well --

16 EXECUTIVE OFFICER KOUNALAKIS: Oh, sorry. Go
17 ahead.

18 CHAIRPERSON KOUNALAKIS: Well, unfortunately, I
19 have a conflict and my alternate is going to have to step
20 in. I just -- I just would like to reiterate something
21 from my comments before I leave and hand it over to Dr.
22 Dumlao, my alternate and Chief of Staff, and that is this,
23 you know, I spent 18 years as an applicant applying to
24 move projects forward. And so I'm both very sensitive to
25 the need and the ability to have process, that government

1 is here in order for applicants to process their
2 application. But at the same time, I'm also very well
3 aware that very often you can do your advance homework and
4 get a little bit of a sense before you apply as to what
5 might be in store. And just for everyone watching to know
6 that the applicants in almost every case, and in this
7 case, are the ones who fund the cost of the research that
8 the EIR will do. They will be providing the re -- the --
9 they will be paying for it.

10 But at the same time, and as I've said, I will
11 support this EIR moving forward and the information being
12 gathered. And frankly, I think that we will learn a lot.
13 But I also very much want to put this back on the
14 applicants to understand that many of the people you have
15 heard from are experts themselves already in this area,
16 and that -- that -- that the testimony that you have heard
17 already today should give you an idea of what people who
18 know these waters well believe lies under these waters.

19 And so again, I -- we're going to take a break
20 and my alternate is going to take my place. And I have
21 directed that I am supportive, unless there is something
22 else that comes up that we haven't heard, of going ahead
23 with an EIR, but again, I want to reiterate that this is
24 not prejudging anything. This will allow for quite a bit
25 of additional research on these waters to take place, but

1 at the same time, I just want to say again to the
2 applicants that it's very important that you take into
3 consideration at the start of this process the information
4 that the experts have put forward.

5 All right. Ms. Lucchesi, I will hand it back
6 over to you.

7 EXECUTIVE OFFICER LUCCHESI: Great. Thank you so
8 much, Lieutenant Governor. So we will take, if it's okay
9 with the rest of the commissioners, a five-minute break.
10 This will allow for the transition as the Lieutenant
11 Governor mentioned and also give our court reporter a much
12 needed break at the same time.

13 Thank you, Lieutenant Governor.

14 CHAIRPERSON KOUNALAKIS: Thank you.

15 (Off record: 4:15 p.m.)

16 (Thereupon a recess was taken.)

17 (On record: 4:24 p.m.)

18 ACTING CHAIRPERSON DURLAO: All right. Thank
19 you, everyone. My name is Matthew Dumlao. I am the
20 Lieutenant Governor's Chief of Staff. And as she pointed
21 out before she departed, I will be filling in for her for
22 the remainder of today's Commission meeting.

23 So I believe when we left off and took our break,
24 we still had a few people who wanted to provide public
25 comment on this item. So I think we should jump back in

1 and listen to the rest of the speakers.

2 EXECUTIVE OFFICER LUCCHESI: Katie, can you
3 please call the next public commenter.

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
5 Thank you. Our next speaker is Michael Stocker.

6 MR. STOCKER: Yeah. Good evening. Thank you.
7 Can you hear me?

8 ACTING CHAIRPERSON DUMLAO: Yes.

9 MR. STOCKER: Good. So thank you, Chair and
10 Commissioners for this opportunity to chat. My name is
11 Michael Stocker. I'm a marine bioacoustician and Director
12 of Ocean Conservation Research a research and policy
13 development organization focused on the impacts of human
14 generated noise in marine habitat.

15 And I just got the siting criteria document this
16 morning, so I kind of was pawing through it to try to
17 inform my comments today. But the gist of the matter is
18 we're getting ready to transform huge swaths of outer
19 continental shelf off the state of California in drastic
20 ways in putting forests of masts and cables out where this
21 has been open ocean for time immemorial. So it's really
22 important that we do have a demonstration site somewhere
23 along the line. Unfortunately, there seems to be a
24 correlation between proximity to shore and high,
25 particularly above water, habitat -- above water

1 creatures, so -- and we -- as seen from my conservation
2 colleagues as a concern of -- you know, lots of concerns
3 with this specific site.

4 I was not and none of us actually were -- that
5 I'm aware were included in the siting criteria. And I'm
6 looking it over and seeing that there's -- most of the
7 criteria that I would include are in that, but the waiting
8 is something that really isn't -- haven't -- you know, we
9 were not consulted on that. So I think that's one of the
10 problems that we're having with the exact site right now.

11 And I propose that we open up the resiting
12 evaluation and polling the expertise of a lot of the
13 conservation colleagues that have spoken today. And I
14 look forward to seeing nice, responsible offshore wind in
15 California, but there's some serious problems with the
16 siting where it is right now.

17 I just want to bring up one concern that has not
18 been addressed in any of the other offshore floating wind
19 is lunch-feeding whales that will feed on aggregations of
20 forage fish and other critters that are coming up in the
21 upflowing. And we don't know what's going to happen if
22 those guys hit those cables at essentially six meters a
23 second. So that's kind of a concern. There's a lot of
24 other concerns I have, but these are things that are not
25 addressed in the siting criteria.

1 So with that, I yield back my time and thank you
2 for the opportunity to speak.

3 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
4 Stocker.

5 Katie, next person.

6 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
7 you. Our next speaker is Nancy Rader.

8 MS. RADER: Good afternoon, Commissioners. My
9 name is Nancy Rader, Executive Director of the California
10 Wind Energy Association, known as CalWEA, a wind energy
11 trade association formed over 20 years ago.

12 CalWEA strongly encourages your approval of
13 Cierco's Corporation's application and to move forward in
14 preparing and Environmental Impact Report on this
15 important project. We understand that your favorable
16 action today would not greenlight the project. However,
17 starting the process today and giving this project a fair
18 factual EIR is important, because the early deployment of
19 floating offshore wind technology, which is a new
20 technology in an early stage of development, is needed to
21 obtain specific data and facts regarding impacts and
22 mitigation measures.

23 These are not the fix-bottomed turbines that have
24 been deployed on the east coast and in Europe. Fixed
25 bottom offshore wind is a mature industry. It doesn't

1 need demonstration projects. Floating offshore wind is in
2 its early stages, which is precisely why demonstration
3 projects are needed, especially in California.

4 Moving forward today is also crucial so that we
5 could foster the development of local ports, supply chain,
6 and a capable workforce to support California's offshore
7 wind industry and achieve the state's greenhouse gas
8 reduction goals.

9 Offshore wind projects will be of enormous scale
10 with unprecedented logistical challenges that must be
11 carefully planned and scaled up, if California is going to
12 have a chance at supplying the floating platforms,
13 anchoring systems, and other major components of these
14 projects within a global offshore wind marketplaces that's
15 already very competitive.

16 Without this kind of planning, California's
17 offshore wind projects are likely to be imported rather
18 than fabricated and assembled in California and the United
19 States. The High Road Training Partnership Grant will
20 allow Cierco to source components locally and use that
21 effort to study how to scale up a California offshore wind
22 industry. This is the kind of concerted effort that it
23 will take to deliver the economic benefits and jobs that
24 can come along with offshore wind development but are by
25 no means assured. And that is why your decision to allow

1 the project to move forward with full environmental review
2 today is so important.

3 Most importantly, your decision will help to
4 ensure that California will achieve its plan for meeting
5 its SB 100 greenhouse gas reduction targets, which
6 includes the installation of 10,000 megawatts of offshore
7 wind by 2045. The Cierco project will provide a roadmap
8 for scaling up California's own capabilities to achieve
9 that goal.

10 Thank you.

11 ACTING CHAIRPERSON DURLAO: Thank you, Ms. Rader.
12 And our next speaker, Katie.

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
14 you. Our next speaker is Joshua Medrano.

15 And then just for everyone who has their hands
16 raised, there -- there's a little issue with using Zoom,
17 not everyone is able to be promoted to a panelist, so not
18 everyone will be able to show their video. Apologies for
19 that.

20 MR. MEDRANO: Very good. Can everybody hear me?

21 ACTING CHAIRPERSON DURLAO: Yes.

22 MR. MEDRANO: All right. Well, thank you so much
23 for this opportunity. Honorable Commissioners, my name is
24 Joshua Medrano. I am the Executive Secretary and
25 Treasurer of the Tri-Counties Building and Construction

1 Trades Council of San Luis Obispo, Santa Barbara and
2 Ventura counties, representing well over 14,000 hard
3 working people of labor. And I'm here today to encourage
4 you to continue moving forward with the EIR and allow
5 these projects their time in the sun.

6 Right now, we have a unique opportunity to
7 essentially be the Mecca of green energy projects. And
8 what better way to set the stage than these projects that
9 are desperately needed, not only for the revamping of
10 infrastructure, but also for all the hard working men and
11 women who have suffered so much over the last decade with
12 the issue of the economy that we're having and losing
13 local jobs to non-local entities.

14 So I'm here today because it was my pleasure to
15 have been in contact with Cierco for quite some time.
16 They have been one of the only few entities that have been
17 in contact with the building trades since day one. Why is
18 that important? Well, it is important because they
19 realize that in order to do these projects of this
20 magnitude, it requires the skilled and trained workforce
21 that we at the building trades can provide. We are the
22 pathway to green energy projects. We have been on the
23 forefront of providing the training that is necessary for
24 these types of projects.

25 So tip of the cap to Cierco for understanding

1 that and trying to get ahead of the curve here with
2 inviting us to the table and making sure that labor
3 continues to be the voice that is heard throughout
4 California.

5 So to all my local Californians out there, I
6 understand the environmental impacts that we have heard
7 from a lot of these organizations here and we understand
8 that we all have to take a look at what we all have in
9 common to be able to strive forward together, and that is
10 the biggest thing here. So I encourage this Commission to
11 move forward with the EIRs that are being requested.

12 Thank you so much for your time.

13 ACTING CHAIRPERSON DURLAO: Thank you. Katie,
14 next speaker.

15 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
16 you. Our next speaker is Jeff Hunerlach.

17 MR. HUNERLACH: Good afternoon, Chair and
18 Commissioners. Cierco has committed to signing a project
19 labor agreement with the unions and we are currently
20 negotiating it. There is a good faith dialogue and
21 partnership. This is a project that will create skilled
22 and trained well-paying jobs in California. Cierco's
23 project will set the high road model for the offshore wind
24 industry that we need here for years to come. This is
25 important, because the offshore wind industry could go on

1 the low road, unless a strong model is set to start.

2 The Newsom and Biden administration have declared
3 that the offshore wind is needed as part of -- as part of
4 the State's energy future. The time is now for action.
5 The EI -- the EIR moving forward will give current data
6 that is so desperately needed.

7 And again, I thank you for the opportunity to
8 speak. My name is Jeff Hunerlach. I'm the district rep
9 for the Operating Engineers and I'm also the
10 Secretary/Treasurer of the Humboldt Del Norte Building and
11 Construction Trades, and we support this moving forward.

12 Thank you.

13 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
14 Hunerlach.

15 Katie, next speaker.

16 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
17 you. Our next speaker is Andrew Meredith.

18 Mr. Meredith, you should be able to unmute
19 yourself and share video, if you would like.

20 MR. MEREDITH: Okay. Can you hear me?

21 ACTING CHAIRPERSON DURLAO: Yes, sir.

22 MR. MEREDITH: Fantastic. Good afternoon. This
23 is Andrew Meredith and I am the President-Elect of the
24 State Building and Construction Trades Council of
25 California. Collectively, our organization represents

1 nearly half a million members, including over 70,000
2 registered State apprentices. Over 70 percent of our
3 apprentices identify as people of color. Our productive
4 skilled, trained, and diverse workforce has built the vast
5 majority of utility scale renewable energy projects in
6 California.

7 I want to first commend the Commission for taking
8 steps towards the deployment of offshore wind generation
9 here in California. As we all know, California has and
10 will continue to lead the world as it relates to renewable
11 energy. If we are to truly position California for the
12 future, we simply must deploy a portfolio of generation
13 that includes offshore and onshore wind, carbon capture,
14 hydrogen, biomass, and other available technologies.

15 I'm speaking today in support of the Cademo
16 project by Cierco. The project developer has been acting
17 in good faith to this point to negotiate an agreement with
18 local building trades councils that will assure the
19 project has a profound local impact. This approach will
20 create additional pathways to the middle class for workers
21 that are culled from the local community. These jobs in
22 the building trades are barrier free, offering hope to
23 underserved portions of the population including those
24 that were previously incarcerated, those matriculating
25 from foster care, veterans of the war in Iraq like myself,

1 DREAMers, and more.

2 The State Building and Construction Trades
3 Council is committed to providing the workforce needed to
4 meet the needs of California's future. By partnering with
5 us, developers like Cierco are committing to fair wages,
6 safe working conditions, and the utilization of a
7 productive, local, and qualified workforce. We applaud
8 that commitment and ask that you advance this agenda item.

9 The comments today in opposition to these
10 projects have been difficult to hear. Some of the same
11 organizations that continually pound the drum to end the
12 dependence on fossil fuels are arguing under this agenda
13 item to slow the deployment of a possible replacement
14 technology. This is not new nor is it unexpected. Many
15 of these groups think bumper sticker talking points should
16 rule the day. We strongly disagree. You cannot advocate
17 for the abandonment of fossil fuels while simultaneously
18 opposing projects like these that we are discussing today.

19 Governor Newsom and President Biden have made it
20 clear that offshore wind must be a part of our energy
21 portfolio moving forward. We agree with them both. These
22 projects are needed. The time for capitulating is over.
23 The time for action is now. Please advance this agenda
24 item.

25 Thank you.

1 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
2 Meredith.

3 And Katie, next speaker.

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
5 you. Our next speaker is Jessie Barrios.

6 MR. BARRIOS: Yes. Can you hear me alright?

7 ACTING CHAIRPERSON DURLAO: Yes, we can.

8 MR. BARRIOS: Alrighty. I'm Jessie Barrios. I
9 represent the Port San Luis Commercial Fishermen's
10 Association. And we would like to encourage the
11 Commission to halt the progress on the (inaudible) and
12 plans. We appreciate Cierco helping us this far giving us
13 a little input. However, we're very disturbed by the lack
14 of input we are allowed to give about the site planning.
15 The site planning for this area is a horrible choice.
16 It's -- pardon me. It's one of the most biologically
17 diverse areas we have.

18 Pardon me.

19 Alrighty, I'm back. It happens to be in the area
20 right near Point Arguello, Point Conception, where we have
21 kind of the Southern California currents hitting the
22 Northern California currents. So we have both southern
23 species and northern species of fish and wildlife
24 migrating and habitating in that area.

25 So, to us, it feels like if you're going to do a

1 test site, this seems like a horrible area to do a test
2 site or a proof of project, all that. It's smack in the
3 middle of basically one of our most productive fishing
4 areas and just overall wildlife areas.

5 So I've said before, this is like doing a test
6 flight of a plane full of passengers. It doesn't really
7 make much sense why we're going to do a test right here,
8 especially doing it in such a shallow area when most of
9 the projected wind farms are actually in deeper areas.

10 So that's pretty much all I have to say. We
11 understand the need for alternative energy. The site
12 planning here is very poorly thought out and very poorly
13 chosen.

14 Thank you.

15 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
16 Barrios. Katie, do we have any other speakers?

17 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank.
18 At this time, we have no other hands raised, but we did
19 have a couple other speakers on the list and I could not
20 find their names. So if Lisa Belenky or Linda Kropp is
21 on, if you could please raise your Zoom hand so that I can
22 call on you. And then we just had someone raise their
23 hand now. So our next speaker will be Peter Jones. And
24 again, if Lisa Belenky or Linda Kropp, if you could please
25 raise your Zoom hand, so I know who to promote, please.

1 Thank you.

2 MR. JONES: Thank you. Many have spoken on this
3 topic, so I'll try not to be too redundant. My name is
4 Peter Jones and I'm a Legal Fellow at the Environmental
5 Defense Center. First of all, I want to thank the
6 Commission for performing the Preliminary Environmental
7 Assessment. And I also urge the Commission that in light
8 of its findings to forgo continuing with the applications
9 and to deny both on the grounds that the proposals are
10 already known not to be properly sited.

11 They threaten public trust resources and
12 ultimately, as you have repeatedly heard, but again must
13 be emphasized, are not in the best interests of the state.
14 And in terms of leasing the Corn West -- Western Oil noted
15 that considerations affecting the Commission's decision
16 are whether the land to be leased is environmentally
17 significant, the extent of potential damage to it, and the
18 availability, reliability, and applicability of comparable
19 or related data concerning the land's value.

20 You know, the best interests of the state are
21 many, including primarily environmental and economic
22 concerns. And the Commission must weight these essential
23 criteria when considering each individual lease. However,
24 one crucial interest the Commission must also always
25 consider is the duty to safeguard Public Trust resources.

1 This legal responsibility to protect Public Trust
2 resources stems from PRC 6009 that State tidelands remain
3 subject to the Public Trust.

4 And when considering a lease for a commercial or
5 industrial development on State tidelands, the court in
6 Higgins v. City of Santa Monica emphasized that the
7 decision is discretionary and dependent upon an assessment
8 of the public interest. And Marks v. Whitney, the
9 California Supreme Court held that one of the most
10 important public uses of the tidelands is the preservation
11 of those lands in their natural state, so that they may
12 serve as ecological units for scientific study as open
13 spaces and as environments which provide food and habitat
14 for birds and marine life.

15 Just more court cases coming at you. That same
16 court held in National Audubon that the Public Trust
17 Doctrine is more than an affirmation of State power to use
18 public property for public purposes. It is an affirmation
19 of the duty of the State to protect the people's common
20 heritage of streams, lakes, marshlands, tidelands, and
21 surrendering that right of protection only in rare cases
22 when the abandonment of that right is consistent with the
23 purposes of the Trust.

24 To reiterate, the Commission's leasing decisions
25 are bound by its responsibilities to act in the best

1 interests of the state and to protect the state's Public
2 Trust resources. As many, many have mentioned, the
3 accumulated -- the accumulated data resoundingly indicates
4 that the proposed projects would substantially imperil
5 Public Trust resources.

6 Therefore, I ask the Commission to reject the
7 proposed projects as they are not in the best interests of
8 the state, especially when considering how they would
9 adversely impact and directly undermine natural resources
10 in the Public Trust.

11 Thank you again for your time and that's it.

12 ACTING CHAIRPERSON DURLAO: Thank you, Mr. Jones.

13 Katie, did anyone else raise their hand or were
14 we able to find any of the other speakers on the list?

15 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: No.
16 Current -- yes, we currently have one new speaker, Nancy
17 Kirshner-Rodriguez.

18 MS. KIRSHNER-RODRIGUEZ: Good afternoon. My name
19 is Nancy Kirshner-Rodriguez. I am the --

20 ACTING CHAIRPERSON DURLAO: Did we lose Nancy?

21 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP:

22 Apologies, Nancy. You dropped off. You should
23 be able to unmute yourself now.

24 MS. KIRSHNER-RODRIGUEZ: Okay. Sorry. Let me
25 get back to my comments. So Nancy Kirshner-Rodriguez with

1 the Business Network for Offshore Wind. We are a national
2 non-profit 501(c)(3). We work with many of the
3 organizations that have spoken today. We also count
4 amongst our members I would say almost all of the large
5 developers, some developers that are smaller in size and
6 looking to have creative ways to bring projects forward,
7 and the entire -- and truly the entire supply chain.

8 And today, I just want to speak and I want to
9 echo the Lieutenant Governor's comments about recognizing
10 that there are many challenges ahead and with great
11 respect for what we have heard from many environmental
12 advocates and leaders to just convey that others have
13 talked about the Biden administration's goals and truly
14 the worldwide goals on offshore wind.

15 The goals right now look like 260 gigawatts by
16 2040 I think is the date now. And California needs to get
17 the best information and have the greatest understanding
18 about how it can lead on floating offshore wind. And this
19 EIR process is just the beginning of a process to take a
20 look at all of the many issues.

21 So I think it gives us a forum, while at the same
22 time the statewide effort on AB 525 will be going on. But
23 the Biden administration has slated for leasing options
24 next fall. And that will start a whole nother process in
25 federal waters.

1 So I just urge the Commissioners to see the
2 importance of all of these together and to at least move
3 us forward to the EIR today.

4 ACTING CHAIRPERSON DURLAO: Thank you for your
5 comments.

6 Katie, do we have anyone else?

7 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
8 We have -- our next speaker is Martin Rodriguez.

9 MR. RODRIGUEZ: Sounds check.

10 ACTING CHAIRPERSON DURLAO: We can hear you.

11 MR. RODRIGUEZ: Okay. Thank you. My name is
12 Martin Rodriguez. I'm President of Tri-County Building
13 Trades and Business Agent for the Iron Workers Local 433.
14 And this is not the first time I've done this, as far as,
15 you know, opposition. And I get it, everywhere you go,
16 nobody wants it in their backyard or it's not the place to
17 build it, but the window is closing fast for an
18 alternative energy source, whether it be solar or wind, in
19 this case, wind.

20 And we, as the building trades and iron workers,
21 advocate for this project. And I really hope that you
22 move forward on the EIR report. I feel for the fishermen.
23 I feel for the birds, the spotted salamander, all of --
24 you know, the desert tortoise. But at the same time,
25 we're -- the window is closing fast. If we don't start

1 enacting a direction and moving forward on some of these
2 projects, we're going to sit here and kick the can again,
3 like we have for the last 10 years, and we're not going to
4 have anything. We will not meet the goals by 20 -- you
5 know, that the Governor has set on this alternative
6 energies. It's going to be hard pressed to do it as it
7 is.

8 I urge you to move forward on this EIR for the
9 Cademo project. They have been a good partner thus far
10 and they are addressing a model, not just how to build the
11 things, but all -- the whole spectrum of replacing an
12 industry we're trying to sunset. This is one of the only
13 ways you're going to do it. It has manufacturing. It has
14 supply chain. It has everything the fossil fuel industry
15 has and it would put a lot of people to work. So I urge
16 you to consider moving forward on this and thank you for
17 your time.

18 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
19 Rodriguez. All right, Katie, do we have anyone else?

20 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
21 you. At this time, we have no new speakers ready -- lined
22 up to provide comment.

23 ACTING CHAIRPERSON DURLAO: Great. All right.
24 So it looks like public comment is over. So I'd like to
25 turn to our Commissioners and see if anyone has any

1 comments they'd like to make, Commissioner Yee.

2 COMMISSIONER YEE: Thank you, Mr. Chairman.

3 First of all, I want to thank all of our public
4 commenters on this item and all of the parties who
5 participated in the Preliminary Environmental Assessment.
6 You know, I look at this issue from a whole number of
7 different facets, but I come back to the authority and the
8 jurisdiction of the State Lands Commission and how we have
9 always conducted our work, certainly during the time that
10 I've been on this Commission, which is in a
11 stakeholder-driven, you know, really collaborative, you
12 know, kind of a process, and always, always in pursuit of
13 the best available science with, you know, guiding our
14 decisions.

15 And as I look at the issue of offshore wind, a
16 couple things that come to my mind. One is I was kind of
17 describing this to someone as a little bit of a chicken
18 and egg issue. You know, at what point do we feel
19 equipped to have the information to even look at specific
20 projects, right? I mean, and let me just say that the
21 Preliminary Environmental Assessment was really an
22 important document and I appreciated it, because it said
23 to me -- and I'll just say this as one commissioner, that
24 some of the stakeholders felt, and I actually felt
25 offended by it, felt that this was a predetermined

1 decision.

2 In my mind, it is not predetermined. I've met
3 with many of the parties who were on the line today
4 providing public comment to actually support a planning
5 process, because I think, you know, we ought to be
6 responsible. We ought to know just the particular issues
7 that we should be evaluating, you know, with each of these
8 projects. I actually think this EIR could inform that
9 planning process. It's like where do we begin?

10 And I think, you know, this EIR is about taking
11 what we got from the Preliminary Environmental Assessment,
12 really taking it to the next level, in terms of
13 identifying and assessing the significance of all of the
14 environmental impacts. And I would venture to say that a
15 lot of the stakeholder claims that we heard today, and
16 certainly during that early assessment process, are
17 probably going to get validated and that will be certainly
18 part of our consideration when we actually look at the
19 specific projects and that decision when it comes before
20 us.

21 But, you know, the idea that, you know, we're --
22 I mean, in some ways, the siting of this in the most
23 sensitive area, I think, could probably provide us with
24 the most instructive and most robust EIR, so that it could
25 actually guide us for other projects as well. And

1 frankly, I'm kind of concerned about what's going to be
2 happening in federal waters. I mean, they are -- the
3 projects that are being proposed in federal waters are
4 looking to get to commercial scale in a pretty short time
5 frame. And so what does that mean with respect to any
6 impact on State waters relative to, you know, the
7 infrastructure for those projects.

8 And so I don't -- I guess I would feel, you know,
9 we have this tool before us of the Environmental Impact
10 Report. And I'd like to fully utilize it so that we can
11 get more information. We can get more of the data that
12 either will further substantiate the claims that have been
13 made or maybe helps us to understand, you know, what
14 mitigations may be appropriate, if appropriate.

15 So I am going to support the Chair's outlook on
16 this. I've never known this Commission to kind of turn
17 our back on the -- on any opportunity to just get more
18 information. So I just wanted to put that forth. And it
19 does not presuppose -- or predetermine any decision with
20 respect to the individual projects.

21 And so thank you, Mr. Chairman. I just wanted to
22 put that on the table. It's been a tradition of this
23 commission and it's a tradition that I hope all will
24 honor. And hopefully with the trust that there is no
25 other motivation but to get information. And that's

1 certain my approach to this issue today.

2 Thank you.

3 ACTING CHAIRPERSON DURLAO: Thank you,
4 Commissioner Yee.

5 Commissioner Miller.

6 ACTING COMMISSIONER MILLER: Thank you,
7 Commission Dumlao. I agree and I also have some concerns.
8 I think that the EIRs, especially in California, are just
9 incredibly powerful tools to provide really a baseline and
10 understanding of the potential consequences of the
11 project, and identifying the positive and negative
12 effects. I think it's -- they are also making sure that
13 they do a cost-benefit analysis of action versus inaction.

14 So I think having confidence in the process that
15 the State has set up for so long is incredibly important.
16 I think the benefit of all the public comments today, and
17 I'm also really grateful for them, is it will certainly
18 inform the EIR's and the process and the thoughts that go
19 into them. And what does happen when we put these
20 floating -- when -- in the ocean, if we decide to do that,
21 I think there's opportunity to learn about that, to
22 continue to research and understand the impacts.

23 And like the Controller said, I do hope that that
24 informs the federal decisions as well. So I have
25 confidence in the processes that have been set up in the

1 State now for decades. They have worked. They do not
2 mean automatic approval. And I do look forward to
3 learning more.

4 I think we had a conversation a few years ago at
5 the Commission about really making sure that some of what
6 we learn is, in fact, open source, so that it does serve
7 as the model for everyone, and that the data is wildly
8 available. I hope that continues to be the case. I think
9 there's -- there are things we'll learn about the
10 wildlife, the marine life, what happens when -- to them
11 what happens to the fisherman. I think that is part of
12 the EIR that perhaps we can now add that we hadn't
13 necessarily considered.

14 So I look forward to learning more. And quite
15 frankly, I look forward to having this research and
16 analysis analyzed by all of the experts that we heard on
17 the line today and hope that -- sincerely hope that we can
18 continue to rely on the expertise of so many committed
19 public members in California before the final decision is
20 made.

21 So with that, Mr. Chair, when you're ready, I'm
22 happy to move approval or defer to the Controller on that.

23 ACTING CHAIRPERSON DUMLAO: Thank you,
24 Commissioner Miller. Yeah, I do not have anything further
25 to add on top of what the Lieutenant Governor already said

1 with only -- I guess the only exception being, you know,
2 thank you to everyone for coming out to discuss this
3 really important issue. We have an opportunity to really
4 advance an issue or an industry in the state of California
5 and we need to do it right. So your engagement is key now
6 and will be key during the EIR process and for decades to
7 come, so thank you.

8 So at this point, I think we can make a motion.

9 ACTING COMMISSIONER MILLER: I'm happy to move
10 approval Madam Controller. Up to you.

11 COMMISSIONER YEE: No, I'm happy to second.
12 Thank you.

13 ACTING CHAIRPERSON DURLAO: Great. So we have a
14 motion from Commissioner Miller and a second from
15 Commissioner Yee.

16 Ms. Lucchesi, can you read -- call the roll?

17 EXECUTIVE OFFICER LUCCHESI: Certainly.

18 Commission Miller?

19 ACTING COMMISSIONER MILLER: Aye.

20 EXECUTIVE OFFICER LUCCHESI: Commissioner Yee?

21 COMMISSIONER YEE: Aye.

22 EXECUTIVE OFFICER LUCCHESI: Chair Durlao?

23 ACTING CHAIRPERSON DURLAO: Aye.

24 EXECUTIVE OFFICER LUCCHESI: The motion passes
25 unanimously.

1 Beach on the right side of the photo. The adjacent upland
2 is unincorporated land within Orange County.

3 In 2016, the Commission authorized a five-year
4 general lease for maintenance dredging in the lower Santa
5 Ana River. That lease expired on August 8th, 2021. In
6 2009, the Commission authorized a 20-year general lease to
7 the county for flood control jetties also located in the
8 Lower Santa Ana River. The County has applied to
9 terminate the public agency use lease and to obtain a new
10 two-year general lease for the flood control jetties that
11 will incorporate the ability to dredge.

12 Maintenance dredging at this location is
13 necessary to remove built up sand and encourage positive
14 flow from the flood control channel to the ocean.
15 Periodic dredging reduces flood risk, limits property
16 damage, and improves public safety.

17 Keeping the river mouth open and providing tidal
18 flows also benefit fish, plants, and habitat in the
19 adjacent Santa Ana River Salt Marsh. A relatively small
20 portion of the dredged material is removed from sovereign
21 land at this location with the majority of the material
22 removed from the river channel inland and outside of the
23 Commission's jurisdiction.

24 Next slide, please.

25 --o0o--

1 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN:

2 During periods of non-dredging, the accumulation
3 of sand, located in the blue square, within the flood
4 control channel creates areas that have become popular
5 with dog owners and is used as an informal off-leash dog
6 park. The Huntington State Beach Least Tern Natural
7 Preserve managed by the California State Parks is located
8 adjacent and upcoast of the river located in the red
9 circle. Dogs are not permitted on the State beach except
10 for service dogs. All dogs must be leashed within parking
11 lots and multi-use trails.

12 In the City of Newport Beach, dogs are not
13 allowed on any ocean-front beach or any ocean-front
14 sidewalk between 10 a.m. and 4:30 p.m., except for service
15 dogs. Off-leash dogs are never allowed in any public
16 spaces, including parks and beaches. Orange County
17 ordinances also prohibit dogs within public beaches,
18 except for service dogs.

19 The County maintains that its dog ordinances,
20 which prohibit dogs within public beaches, do not apply
21 within the leased premises. Specifically, the dog leash
22 requirement does not apply because the County does not
23 consider the State-owned property to be public property.
24 And dogs are not prohibited, because the County does not
25 consider the State-owned property to be a public beach.

1 Until recently, the County believed the limits of
2 Orange County ended at the boundary of its upland fee
3 parcel. The County now agrees that the County's boundary
4 extends three miles into the Pacific Ocean, as described
5 in Government Code section 23130, and that the flood
6 control district's trespassing ordinance apply within the
7 leased premises.

8 Next slide, please.

9 --o0o--

10 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Local
11 environmental groups contacted Commission staff with
12 concerns that the presence of off-leashed dogs threatens
13 endangered and threatened bird species within the leased
14 premises, including the Western Snowy Plover and
15 California Least Tern. The California coast is a critical
16 habitat for the Western Snowy Plover and the California
17 Least Tern. Plovers are listed as threatened under the
18 federal U.S. Endangered Species Act and are listed as a
19 species of special concern under the California Endangered
20 Species Act.

21 California Least Tern is listed as endangered
22 under both federal and State law. Staff contacted
23 California State Parks, the Department of Fish and
24 Wildlife, and the U.S. Fish and Wildlife Service, as well
25 as local nonprofits including the Sea and Sage Audubon

1 Society, Orange County Habitat, and Orange County
2 Coastkeeper. State, federal, and local entities all
3 indicated that the presence of dogs disturbs the foraging
4 grounds of birds and severely degrades habitat area.

5 Next slide, please.

6 --o0o--

7 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Until
8 recently, the County had maintained that its flood control
9 trespassing ordinances, section 3935, did not apply within
10 the lease premises. The County is now willing to enforce
11 this ordinance within the lease premises to protect public
12 safety, the environment, and Public Trust resources.

13 Under the terms of the lease, the County must
14 enforce its applicable ordinances within the lease
15 premises, including no trespassing within the Santa Ana
16 River flood control channel. The application of this
17 ordinance will restrict individuals and dogs from
18 accessing the lease premises and reduce impacts to
19 endangered and threatened bird species and their habitat.

20 Next slide, please.

21 --o0o--

22 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: In an
23 effort to protect these endangered and threatened species,
24 State Lands and Coastal Commission staff are exploring
25 opportunities to fund additional California Department of

1 Fish and Wildlife law enforcement positions that would
2 allow for more targeted and frequent enforcement within
3 the lease premises. That could include the issuance of
4 citations under both County and Fish and Wildlife
5 ordinances.

6 The proposed lease terms provide a framework for
7 continued protection of the Least Tern and Snowy Plover's
8 important Public Trust resources from harassment due to
9 the unregulated presence of unleashed dogs and other
10 domestic animals.

11 Next slide, please.

12 --o0o--

13 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
14 lease includes special provisions to ensure that the
15 County does not interfere with other State agencies'
16 enforcement of applicable laws or regulations in the lease
17 premises and adjacent county-owned property.

18 Next slide, please.

19 --o0o--

20 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
21 lease also requires the County to provide annual reports
22 detailing county law enforcement efforts in the Santa Ana
23 river mouth. The limited two year lease term will allow
24 the Commission to reevaluate the effectiveness of this
25 protection and enforcement framework, and adaptively

1 manage the situation accordingly.

2 Next slide, please.

3 --o0o--

4 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: On
5 September 30th, 2021, the Commission staff issued the
6 County a letter of non-objection for emergency sediment
7 removal at the mouth of the river. County staff provided
8 information, photos, and water quality data showing
9 detrimental impacts to plants and wildlife in the Santa
10 Ana River salt marsh, including potential die-off of fish,
11 plants, and habitat.

12 In order to restore tidal flows, the letter of
13 non-objection permitted the County to excavate
14 approximately 6,500 to 10,000 cubic yards of sand to
15 create a 30- to 50-foot wide channel to restore tidal
16 flushing to the Santa Ana River Salt Marsh. The letter of
17 non-objection only allowed emergency sediment removal up
18 to today, October 21st, 2021, and does not allow
19 maintenance dredging as contemplated in the proposed
20 lease.

21 In a response to the October 2nd oil spill
22 offshore of Huntington Beach, the County obtained a Waiver
23 of Coastal Development permit to construct sand berms
24 across the river mouth to protect onshore coastal habitat
25 and resources.

1 On October 8th, 2021, unified command, including
2 California Department of Fish and Wildlife, advised the
3 County that they could breach the berm at the river mouth
4 to restore tidal flows. Work began to breach that berm on
5 October 9th, 2021.

6 Next slide, please.

7 --o0o--

8 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: In
9 conclusion, staff requests the Commission to adopt staff's
10 recommendation to, one, terminate effective October 21,
11 2021 lease number PRC 2171, a general lease public agency
12 use issued to the Orange County Flood Control District,
13 and two, authorize issuance of a general lease public
14 agency use and dredging to the applicant beginning October
15 21, 2021 for a term of two years for the use and
16 maintenance of two riprap flood control jetties, a riprap
17 dike and maintenance dredging in the Lower Santa Ana
18 River, as described in Exhibit A and shown on Exhibit B.

19 Next slide, please.

20 --o0o--

21 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: That
22 concludes staff's presentation. Staff is available to
23 answer any questions and the County does have a
24 representative in attendance to provide comment.

25 ACTING CHAIRPERSON DURLAO: Thank you, Mr.

1 Simpkin.

2 Commissioners, do we have any comments or
3 questions, Commissioner Yee or Commissioner Miller?

4 All right. How about we move on to public
5 comments?

6 Katie, do we have anyone who would like to speak
7 on this issue? For the public who wishes to participate
8 on this item, please raise your Zoom hand now.

9 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
10 Thank you.

11 Our first speaker will be Dan Silver. And
12 there's just a little bit of a lag in getting him to
13 panelist. There we go.

14 MR. SILVER: Good afternoon, honorable members of
15 the Commission. I'm Dan Silver. I'm with Endangered
16 Habitats League, a Southern California conservation group.
17 We strongly support the renewal as proposed, but not with
18 any changes. As accurately detailed in the staff report,
19 rampant illegal activities, illegal under existing
20 ordinances, trespassing off-leash dogs, hang gliders are
21 profoundly harmful to the federally listed species.

22 Despite all of our efforts, including signage and
23 working with the County of Orange, no dent has been made.
24 The County has not enforced and would be foolhardy to ever
25 think that it will. This failure is well documented in

1 monitoring studies that have been supplied to you.

2 However, the conditions on this lease in a very
3 responsible way address this pressing issue and we commend
4 that fact. They provide an alternative pathway to
5 enforcement of existing county regulations via the Coastal
6 Commission and the Department of Fish and Wildlife. A
7 relatively short-term lease, two years, is essential in
8 order to provide adequate accountability for the
9 anticipated enforcement efforts. We strongly urge
10 retention of the two-year term with a one-year review.

11 We would also like to point out the availability
12 of long-term solutions for all these recreational
13 activities, dogs and whatever else, in the form of nearby
14 beaches that do not present endangered species conflicts.
15 This would be a constructive approach for the County of
16 Orange to take.

17 But at this time, we strongly urge you to move
18 forward and approve this lease renewal exactly as it has
19 been offered to you.

20 Thank you.

21 ACTING CHAIRPERSON DUMLAO: Thank you, Mr.
22 Silver.

23 Katie, our next speaker, please.

24 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
25 you. Our next speaker is Jim Volz. Mr. Volz, you should

1 be able to unmute yourself and share video, if you would
2 like.

3 MR. VOLZ: Hello. Can you hear me?

4 ACTING CHAIRPERSON DURLAO: Yes, we can.

5 MR. VOLZ: Oh, fantastic. Good afternoon, Chair
6 and members of the State Lands Commission. My name is Jim
7 Volz and I'm a Senior Civil Engineer with the Orange
8 County Flood Control District and the County of Orange.
9 The staff of the Orange County Flood Control District work
10 for the Orange County Public Works Department. Stephanie
11 Clark with the Orange County Counsel's Office is also
12 available for questions.

13 OC Public Works and the Flood Control District
14 would like to thank Drew Simpkin and Benjamin Johnson of
15 the State Lands Commission for working with us over the
16 last month in numerous meetings to determine mutually
17 acceptable language that is contained in the lease before
18 you today.

19 The Orange County Flood Control District has only
20 one concern with the draft lease, and that is the term of
21 the lease. The draft term has been reduced to only two
22 years as opposed to the five-year term of a prior dredging
23 lease, and a 20-year term for the lease -- for the
24 maintenance of the permanent jetties at this location.

25 We respectfully request that the term of the

1 lease be increased to at least five years. It takes
2 significant resources to submit the application for these
3 kind of leases, process the paperwork for the application
4 fee, and track the application through the State Lands
5 Commission process, as well as negotiate terms to generate
6 the kind of lease that is before the Commission today.

7 The mouth of the Santa Ana River will always plug
8 with sand from the ocean. There will always be a need for
9 a lease from the State Lands Commission to dredge the
10 naturally forming sand shoal to maintain a exchange of
11 tidal waters at the Santa Ana River. If sand plugs the
12 mouth of the river, there is no tidal exchange between the
13 ocean and the coarse salt marsh on the upstream side of
14 PCH.

15 Without tidal exchange, the egress in habitat and
16 the salt marsh will decay. Since the river was
17 constructed by the U.S. Army Corps of Engineers, the Flood
18 Control district is acting under the requirements set by
19 the Corps regarding the elevation of sand that is allowed
20 to accumulate at the mouth of the river prior to dredging.
21 In other words, the maintenance dredging of the river
22 mouth is required by the Army Cops. OCFCD, or the Flood
23 Control District, is also required to maintain the jetties
24 at this location by the Corps.

25 The lease before you today concerns both the

1 jetties as well as the required maintenance dredging in
2 the Santa Ana River mouth. We understand that the issue
3 here today is the presence of dogs on the sand that
4 accumulates at the river mouth. We are working closely
5 with the OC Sheriff's Department regarding patrols of the
6 mouth of the Santa Ana River and thousands of warnings to
7 vacate the area have been issued at the SAR mouth.

8 The Flood Control District has heard that the
9 State Lands Commission and Coastal Commission are looking
10 at the possibility of using State funds to support a CDFW
11 Warden to assist with warnings and citations at the mouth
12 of the river to dissuade the public from bringing dogs to
13 this area. The Flood Control District is very much in
14 favor of this proposal.

15 Thank you. I'm available for any questions.

16 ACTING CHAIRPERSON DURLAO: Thank you, Mr. Volz.
17 Katie, next speaker.

18 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
19 you. The next speaker is Penny Elia.

20 MS. ELIA: Good afternoon, Commissioners.

21 ACTING CHAIRPERSON DURLAO: Go ahead, Penny.

22 MS. ELIA: Yes, sir, I have a PowerPoint, please,
23 before I begin.

24 EXECUTIVE OFFICER LUCCHESI: Phil is pulling that
25 up.

1 MS. ELIA: Thank you. And thank you all for your
2 wonderful listening abilities. You're amazing.

3 (Thereupon a slide presentation.)

4 MS. ELIA: Thank you. Alrighty then. Good
5 afternoon, Commissioners. I am Penny Elia speaking for
6 the Sierra Club's Orange Country Conservation Committee.
7 I support staff's recommendation to renew the county's
8 lease with the new and improved conditions and a two-year
9 only renewal with a one-year review and reapplication
10 process.

11 However, there are -- here are a few things I'd
12 like you to keep in mind as we attempt to move forward
13 with the County of Orange who has failed to work
14 cooperatively with the State and the NGOs for the last six
15 years.

16 Next slide, please.

17 --o0o--

18 MS. ELIA: The Orange County Board of
19 Supervisors, as stated in the staff report, didn't approve
20 the Mitigated Negative Declaration to change their
21 ordinances and convert this flood control channel into a
22 dog beach in 2016, but they did organize publicity to
23 announce that a new off-leash dog beach had been
24 established.

25 Next slide, please.

1 --o0o--

2 MS. ELIA: In addition to ignoring all the
3 protests and opposition to their proposed ordinance change
4 and creation of a dog beach, the County has consistently
5 refused to comply with the requests of the California
6 Coastal Commission to protect and preserve the natural
7 resources in this area. Four years after the failure of
8 the County's attempted ordinance change, the Coastal
9 Commission issued the County a CDP in lieu of enforcement
10 action requiring them to erect enforcement and educational
11 signage and begin issuing citations to resolve the impacts
12 of the off-leash dogs and paragliders on the threatened
13 species.

14 Next slide, please

15 --o0o--

16 MS. ELIA: To date, the County has ignored the
17 requirements of their CDP and we have collected hours of
18 video footage from the surf cam on that beach that
19 document the Orange County Sheriff's Department complete
20 lack of enforcement action.

21 Next slide, please.

22 --o0o--

23 MS. ELIA: Another issue to keep in mind as the
24 County talks about dredging is the lack of supervision at
25 this site. This is just one photo of many.

1 Next slide, please.

2 --o0o--

3 MS. ELIA: In speaking with the CDFW Warden on
4 October 10th about this ongoing situation, it was his
5 opinion that there is more than ample signage at this
6 location to allow for enforcement, including the
7 enforcement by Orange County Sheriff's Department. This
8 is just one of about 50 signs in this immediate area.

9 While I am encouraged by the staff report, I must
10 honestly tell you that I do not trust the County of Orange
11 to comply with the conditions of their new lease. I also
12 feel strongly that if the County continues to refuse to
13 handle enforcement, that they pay for the CDFW Wardens to
14 take the lead. Tasking the Coastal Commission or State
15 Lands staff with securing funding for something the County
16 is responsible for seems unfair and a huge waste of
17 staff's valuable time.

18 Please approve this new lease and above all hold
19 the county of Orange responsible for compliance with the
20 new conditions. Thank you very much for your valuable
21 time.

22 ACTING CHAIRPERSON DURLAO: Thank you, Ms. Elia.
23 All right, Kate, do we have anyone else?

24 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
25 Thank you. Our next speaker is Robb Hamilton.

1 MR. HAMILTON: Hello. I have a presentation as
2 well on a PowerPoint. Can you hear me?

3 EXECUTIVE OFFICER LUCCHESI: Phil is pulling that
4 up as well. Yes, it's coming. It takes a little time

5 MR. HAMILTON: Thank you. No problem.

6 (Thereupon a slide presentation.)

7 MR. HAMILTON: Okay. So good afternoon, members
8 of the State Lands Commission. My name is Robb Hamilton.
9 I'm a biologist in Orange County and Los Angeles County.
10 I've been working here for 33 years and I have a
11 presentation on my work at the Santa Ana River mouth over
12 the last six years on my own behalf.

13 Next slide, please.

14 --o0o--

15 MR. HAMILTON: So the estuary we're talking
16 about, the mouth of the Santa Ana River, is at the center
17 of a 1,300-acre ecosystem in the Lower Santa Ana River.
18 As you can see to the left, the Huntington Beach Wetlands.
19 And next to the river mouth itself is Least Tern and Snowy
20 Plover nesting area, Banning Ranch is upstream, and
21 Fairview Park, and Talbert Park are upstream of that.

22 Next slide, please.

23 --o0o--

24 MR. HAMILTON: So this is a close-up showing the
25 Huntington Beach Wetlands, the Least Tern, Snowy Plover

1 nesting area, the river mouth, restored dunes on the
2 Newport Beach side, another Least Tern nesting site
3 slightly a upstream, and Semeniuk Slough, and the Army
4 Corps restoration site upstream of that. So the river
5 mouth is in a very strategic location.

6 Next slide.

7 --o0o--

8 MR. HAMILTON: This is a photo I took a few years
9 ago of endangered Least Terns courting within the estuary
10 itself. Snowy Plovers and Least Terns both use this area
11 to the extent they can, but the human and dog use of this
12 area is definitely a main -- a major factor in preventing
13 as much use as they should get from it.

14 Next slide, please.

15 --o0o--

16 MR. HAMILTON: So this is a typical situation on
17 almost any day with lots of people and lots of dogs and
18 not much room for endangered species.

19 Next slide.

20 --o0o--

21 MR. HAMILTON: As Dan Silver alluded to, there's
22 several miles of beaches in Newport Beach that are
23 suitable for dog beaches. And we've identified specific
24 examples at Big Corona Beach, which is in Corona del Mar,
25 and the beach right at Newport Pier where there's plenty

1 of parking and no endangered species.

2 Next slide, please.

3 --o0o--

4 MR. HAMILTON: The use of ultralites to take off
5 and land within the river mouth is a completely
6 unacceptable use that the County of Orange has tolerated
7 for several years now.

8 Next slide, please.

9 --o0o--

10 MR. HAMILTON: It has a video that actually shows
11 how loud it is, if you turn your -- the volume of your
12 video up. If you could click on that and play it.

13 (Thereupon a video played.)

14 MR. HAMILTON: I don't know if that's -- I don't
15 know if you -- I can't hear it, but --

16 EXECUTIVE OFFICER LUCCHESI: We are having some
17 problems with our audio right now, so our apologies Mr.
18 Hamilton.

19 MR. HAMILTON: Okay. Just it's extremely loud.
20 Okay.

21 All right. Next slide, please.

22 --o0o--

23 ACTING CHAIRPERSON DURLAO: And, Mr. Hamilton, if
24 you're able to wrap up in the next few seconds, that would
25 be fantastic.

1 MR. HAMILTON: Sure. Yep. The environmental
2 community is strongly supportive of the two-year lease
3 with the one-year review.

4 Next slide.

5 --o0o--

6 MR. HAMILTON: That's it really. So thank you
7 very much.

8 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
9 Hamilton.

10 MR. HAMILTON: Yeah. As Ms. -- as Ms. Elia said,
11 we don't think it's fair that the County relies on the
12 State to find them enforcement money for their
13 responsibility under their permit conditions. That's all.
14 Thank you.

15 ACTING CHAIRPERSON DURLAO: Thank you.

16 Katie, do we anyone else left?

17 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
18 Thank you. Our next speaker is Scott Thomas. Mr. Thomas,
19 you should be able to unmute yourself and share video, if
20 you would like.

21 MR. THOMAS: I'm unmuted and let's go ahead and
22 skip the video. In the interest of time, I'm just read
23 through my presentation.

24 Good afternoon -- evening my name is Scott
25 Thomas. I'm with Sea and Sage Audubon Society in Orange

1 County. Thank you for allowing me time to speak this
2 afternoon. I want to briefly talk about our history with
3 the federally endangered California Least Terns and why
4 the staff recommendations are so important to us.

5 In 1964, way back, Sea and Sage Audubon helped
6 fund a fence around the Least Tern colony just adjacent to
7 the river, when the population in Huntington Beach was
8 down to about two to three pairs. As time went on, that
9 fence has grown. That preserve became one of the first
10 preserves under the Endangered Species Act to be
11 recognized as a preserve. The Least Tern was one of the
12 first animals put on the endangered species list. And
13 we've been engaged ever since in trying to protect that
14 animal.

15 And we've been working with the County on a
16 number of issues over that long period, including this
17 most recent one. Dogs were recognized as a problem way
18 back in the 1960s. That's why the fence went up, because
19 the Terns were literally being trampled to death and
20 facing extinction.

21 They're doing better and there were improvements.
22 And for some period of time, the Tern population up and
23 down the coast and in Huntington Beach was improving, but
24 they have -- the upward trend leveled off and sometimes it
25 actually dips down. Either way, it's below the threshold

1 for recovery for the species and there are still problems.

2 Scientists started looking at why the bird wasn't
3 fully recovering. And one of the main issues or one of
4 the big issues is human-related disturbances, including
5 dogs. Dogs are a problem up and down the coast for Tern
6 preserves. In Huntington Beach, as we said, the nesting
7 area is fenced off, so the dogs aren't in there, but
8 they -- the birds rely heavily on the Santa Ana River for
9 foraging, for roosting, for teaching their young how to
10 fly. They don't get all their food out of the ocean.
11 They -- these colonies are set up by the terns originally
12 next to the river for that reason, they have to have
13 access to alternative foraging sites in order to be
14 successful in their breeding.

15 Unfortunately, it's not just dogs chasing Terns.
16 The Terns are innately afraid of dogs. And when the dogs
17 get near the area, the Terns leave. So we've well
18 documented the disturbance and been talking with the
19 County for years about the disturbance. We do support the
20 staff's recommendations fully. We also support the
21 two-year lease term, because as I said, we've been working
22 since 1964 and our track record hasn't been great with
23 things getting done the way everybody hoped. And well
24 intentioned or not, we would like to see a review soon and
25 not have a lease that lasts for five years.

1 Thank you for your time.

2 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
3 Thomas.

4 Katie, do we have any other speakers?

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
6 Thank you. Our final hand raised and speaker is Catherine
7 Steinberg.

8 MS. STEINBERG: Hello.

9 ACTING CHAIRPERSON DURLAO: Yes, we can hear you.

10 MS. STEINBERG: Okay. I do have a --

11 (Thereupon a slide presentation.)

12 MS. STEINBERG: There we go. There it is.

13 Good afternoon, Commissioners and staff. I'm
14 Catherine Steinberg. I would first like to thank you for
15 allowing me to speak today on behalf of the birds. I am a
16 member of Sea and Sage Audubon Society in Orange County.
17 I am also one of a handful of trained volunteers authored
18 by -- authorized by the U.S. Fish and Wildlife Service to
19 conduct monitoring and -- monitoring of nesting Snowy
20 Plover on Huntington State Beach and Bolsa Chica State
21 Beach. I also volunteer as a member at the California
22 Least Tern Colony adjacent to the Santa Ana River.

23 And slide two.

24 Do I change my own slide?

25 No. Slide two, please.

1 --o0o--

2 MS. STEINBERG: There we -- oh, that's slide
3 four, but I'm going to keep going. That's an oiled Snowy
4 Plover, but I'm going to keep going as -- there's a slide
5 two. That might be it.

6 The Snowy Plover is a federally endangered
7 species. In 2017, a nest with a single egg was found
8 on -- found by Sea and Sage Audubon volunteers during a
9 quarterly beach survey, the first in nearly 50 years. In
10 2018 and 2019, we had a few more successful nests. In
11 2020, there were 11 documented nest attempts. In 2021,
12 nesting season documented 14 Snowy Plover nest attempts in
13 Huntington State Beach. Most of these nests within close
14 range of the Santa Ana River.

15 The five-day old chick in this picture standing
16 in front of the Santa Ana River mouth hatched in 2019.
17 The banded bird -- that bird actually successfully nested
18 the following year. You can't tell, but that's a banded
19 bird. Among the several reasons for the increase in nest
20 numbers is due to the California State Parks taking an
21 active role in actively monitoring and reducing the number
22 of unauthorized dogs on the beach. One can conclude when
23 dogs are absent from the beach, Snowy Plovers and the
24 California Least Terns take full advantage of the quiet
25 space for nesting, foraging, and simply resting.

1 And slide 3 I think is that nest.

2 Slide 3, please. It's the --

3 --o0o--

4 MS. STEINBERG: There we go. The unprecedented
5 number of Snowy Plover on Huntington Beach in 2020 could
6 have been due to the COVID-19 beach closer -- closures.
7 That doesn't explain why the greater number of nest
8 attempts in 2021, once the beach -- beaches were fully
9 open to the public.

10 The recent oil spill has delivered an unfortunate
11 and substantial blow to the birds, including, of course,
12 the Snowy Plover, severely impacting -- impacted by this
13 tragic event. Several birds have been treated and
14 returned to the -- to clean beaches. We are hopeful that
15 you will be able to approve the measures put forward in
16 the staff report to give these birds an even better chance
17 to thrive.

18 Thank you very much for your valuable time.

19 ACTING CHAIRPERSON DURLAO: Thank you, Ms.
20 Steinberg. All right, Katie, was that our last public
21 speaker?

22 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
23 At this time, we have no other hands raised.

24 ACTING CHAIRPERSON DURLAO: Great. All right. I
25 will turn it over to the Commissioners. Commissioner Yee,

1 do you have any comments, questions?

2 COMMISSIONER YEE: No comments, Mr. Chairman, but
3 I am prepared to make a motion to adopt the staff
4 recommendation.

5 ACTING COMMISSIONER MILLER: Second.

6 ACTING CHAIRPERSON Dumlao: Great. All right.
7 Let's go ahead and Ms. Lucchesi, can you call the roll?

8 EXECUTIVE OFFICER LUCCHESI: Certainly.
9 Commissioner Miller?

10 ACTING COMMISSIONER MILLER: Aye.

11 EXECUTIVE OFFICER LUCCHESI: Commissioner Yee?

12 COMMISSIONER YEE: Aye.

13 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

14 ACTING CHAIRPERSON Dumlao: Aye.

15 EXECUTIVE OFFICER LUCCHESI: The motion passes
16 unanimously.

17 ACTING CHAIRPERSON Dumlao: Thank you.

18 And Ms. Lucchesi, what is our next order of
19 business?

20 EXECUTIVE OFFICER LUCCHESI: Our next order of
21 business is our second public comment period.

22 ACTING CHAIRPERSON Dumlao: All right. Katie, do
23 we have anyone lining up for our second public comment
24 period?

25 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP:

1 Currently, we have no hands raised for the second
2 public comment period.

3 ACTING CHAIRPERSON DURLAO: All right. Then, Ms.
4 Lucchesi, what is the next order of business then?

5 EXECUTIVE OFFICER LUCCHESI: Our next order of
6 business will be closed session. We will be conducting
7 our closed session by conference call. Commissioners,
8 please email me or call my cell phone if you need the
9 call-in information. It was provided earlier this week.
10 For the Commissioners and staff participating in the
11 closed session, upon adjournment, please mute your
12 microphone, turn off your webcam, and if possible go into
13 a different room. This will ensure the confidentiality of
14 our discussions.

15 ACTING CHAIRPERSON DURLAO: Great. Thank you.
16 We will now adjourn into a closed session.

17 (Off record: 5:31 p.m.)

18 (Thereupon the meeting recessed
19 into closed session.)

20 (Thereupon the meeting reconvened
21 open session.)

22 (On record: 5:37 p.m.)

23 ACTING CHAIRPERSON DURLAO: I call this meeting
24 back to order. Ms. Lucchesi, is there anything to report
25 from closed session?

1 EXECUTIVE OFFICER LUCCHESI: I will turn this
2 over to Chief Counsel Blackmon.

3 CHIEF COUNSEL BLACKMON: Jennifer and Chair
4 Dumlao, we are -- we'd like to report out that the
5 Commission just considered and rejected a proposed
6 settlement offer by the Casablanca Beach Estate Owners
7 Association. And that is all.

8 ACTING CHAIRPERSON DURLAO: Great. Thank you,
9 Chief Counsel.

10 All right. Well, that concludes the open
11 meeting. We are adjourned. Thank you, everyone.

12 (Thereupon the California State Lands
13 Commission meeting adjourned at 5:37 p.m.)

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