

VIDEOCONFERENCE MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

ZOOM PLATFORM

WEDNESDAY, DECEMBER 8, 2021
10:00 A.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, also represented by Kristina Kunkel

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

Reid Boggiano, Public Land Management Specialist, External Affairs Division

Brian Bugsch, Chief, Land Management Division

Yessica Ramirez, Environmental Justice Liaison

Katie Robinson-Filipp, Environmental Scientist

ATTORNEY GENERAL:

Andrew Vogel, Supervising Deputy Attorney General

ALSO PRESENT:

Jessica Alvarenga, Pacific Merchant Shipping Association

Jan Brisco, Tahoe Lakefront Owners' Association

Francis Coats

Susanne Cumming, Sierra Club, Defend Ballona Wetlands

APPEARANCES CONTINUED

ALSO PRESENT:

Penny Elia, Sierra Club Orange County Conservation Committee

Elaine Forbes, Port of San Francisco

Larry Goldzband, San Francisco Bay Conservation and Development Commission

Marcia Hanscom, Sierra Club

Susan Jordan, California Coastal Protection Network

Christina Ku, Democrats for the Protection of Animals

Andrea Léon-Grossman, Azul

Lisa Levinson, In Defense of Animals

Eric Lopez, City of Long Beach

Bill Magrath, Meeks Bay Vista Property Owners Association

Martha Miller, California Association of Port Authorities

Job Nelson, Port of San Diego

Lydia Poncé, Society of Native Nations

Bill Powers, Powers Engineering

Alejandro Sobrera, Orange County Sunrise Movement

Alejandra Sotelo-Solis, Mayor, City of National City

Jane Velez-Mitchell

Laura Walsh, Surfrider Foundation

Danny Wan, Port of Oakland

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I Open Session	1
II Public Comment	5
<p>Public comments will be heard at 10:00 am for items not on the agenda, for no more than 30 minutes. At the discretion of the Chair, speakers will be given up to 3 minutes. For those unable to attend the early public comment period, there may be additional comment time available later in the day. Note: Comments made during the general public comment period regarding matters pending before the Commission do not become part of the official record for those matters.</p>	
III Confirmation of Minutes for the October 21, 2021 meeting	48
IV Executive Officer's Report	49
<p>Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:</p> <ul style="list-style-type: none">- No items for this section <p>Tomales Bay Assignment Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:</p> <ul style="list-style-type: none">- ANDOREA HOPE GOODMAN (ASSIGNOR); ELIZABETH HOLLIS (ASSIGNEE): Assignment of General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, near Marshall, Marin County. (PRC 9557.1)	
V Regular Calendar 01-02	
01 CALIFORNIA STATE LANDS COMMISSION: Consider distributing funds from the American Rescue Plan Act to California ports to mitigate negative economic impacts resulting from the COVID-19 pandemic and allow them to sustain the essential services and critical infrastructure our state	

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- and region need to protect jobs and recover economically. CEQA Consideration: not a project. (A & S: Statewide) (Staff: R. Boggiano, B. Johnson) 64
- 02 CALIFORNIA STATE LANDS COMMISSION: Consider approval of the 2021 Category 1 Lake Tahoe Berths, 2021 Category 1 Lake Tahoe Buoys, and 2021 Category 2 Lake Tahoe Non-Water Dependent Uses benchmark rental rates for sovereign land in El Dorado, Placer, and Nevada Counties. CEQA Consideration: not a project. (W 27088) (A 1, 5; S 1) (Staff: N. Lee) 84
- VI Consent Calendar 03-73 113

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 - Lake Tahoe

- 03 JOSEPH P. BARATTA, II AND ABIGAIL W. BARATTA (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5486 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, two boat lifts, and one mooring buoy. CEQA Consideration: categorical exemption. (Lease 4330; A3155; RA# 2020466) (A 1; S 1) (Staff: S. Avila)
- 04 DOUGLAS P. LEY AND LINDA M. GAUDIANI, TRUSTEES OF THE GAUDIANI-LEY 2007 TRUST DATED AUGUST 28, 2007 (LESSEE); CARL G. BAUGHN AND EMILIE BAUGHN (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease Number PRC 8210, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8781 Rubicon Drive, near Rubicon Bay, El Dorado County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease

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- 8210; A3015; RA# 2020364) (A 5; S 1) (Staff: S. Avila)
- 05 JEROME J. BERNAL, TRUSTEE OF THE JEROME J. BERNAL TRUST DATED MAY 13, 1998 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7097 State Highway 89, near Tahoma, El Dorado County; for an existing pier, boat lift, boat hoist, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 5352; A3171; RA# 2020483) (A 5; S 1) (Staff: J. Holt)
- 06 ROBERT G. BUSSEY AND BARBARA G. BUSSEY, TRUSTEES OF THE ROBERT G. BUSSEY AND BARBARA G. BUSSEY FAMILY TRUST DATED MARCH 14, 2002; JENNIFER HUGHES DOWLEY; HOWARD REESE HUGHES; MEREDITH HUGHES LYON; AND ANDREW POINTE LEGACY HOMES, LP, A CALIFORNIA LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3105, 3115, and 3125 West Lake Boulevard, near Homewood, Placer County; for construction of a joint-use pier. CEQA Consideration: categorical exemption. (A2953; RA# 2020312) (A 1; S 1) (Staff: S. Avila)
- 07 CAMP SUNNYSIDE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2280 Sunnyside Lane, near Tahoe City, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 4170; A3000; RA# 2020356) (A 1; S 1) (Staff: J. Holt)
- 08 CHINQUAPIN HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3600 North Lake Boulevard, near Dollar Point, Placer County; for two existing piers, 132 mooring buoys, two marker buoys, and two swim floats. CEQA Consideration: categorical exemption. (Lease 5423; A3046; RA# 2020384) (A 1; S 1) (Staff: L. Anderson)
- 09 PAUL C. CRESS AND LORIE S. CRESS, AS TRUSTEES OF THE CRESS FAMILY 2002 REVOCABLE LIVING TRUST (APPLICANT):

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- Consider acceptance of a lease quitclaim deed and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5250 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys previously authorized by the Commission, and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 9341; A2834; RA# 2020080) (A 1; S 1) (Staff: L. Anderson)
- 10 DEADWOOD, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8233 Meeks Bay Avenue, Meeks Bay, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 3713; A2978; RA# 2020336) (A 5; S 1) (Staff: J. Holt)
- 11 STEPHEN ALLEN HAMILL AND JANICE WILCOX HAMILL, AS TRUSTEES OF THE HAMILL REVOCABLE TRUST DATED MAY 6, 2002 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7137 West Lake Boulevard, near Tahoma, El Dorado County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8932; A2999; RA# 2020414) (A 5; S 1) (Staff: L. Anderson)
- 12 FLORENE D. HECK AS TRUSTEE, OR SUCCESSOR TRUSTEE, OF THE FLORENE D. HECK 1991 REVOCABLE TRUST DATED MARCH 27, 1991 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 780 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 4412; A3194; RA# 2021005) (A 1; S 1) (Staff: S. Avila)
- 13 JAMES M. HOROWITZ AND JOI W. HOROWITZ, TRUSTEES OF THE JAMES AND JOI HOROWITZ FAMILY TRUST DATED MAY 15, 2009 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6502 North Lake Boulevard, Tahoe Vista, Placer County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (Lease

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- 8940; A3130; RA# 2020480) (A 1; S 1) (Staff: S. Avila)
- 14 CHERYL ANN ENGLISH; PROCTER J. HUG; AND ELYSE HUG PASHA (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Lake Tahoe, adjacent to 8670 Brockway Vista Avenue, near Kings Beach, Placer County; for two existing mooring buoys and a breakwater. CEQA Consideration: categorical exemption. (Lease 8935; A2998; RA# 2020355) (A 1; S 1) (Staff: J. Toy)
- 15 RICHARD LEE AND PAMELA LEE; AND ANNE C. MAHNKEN, TRUSTEE UNDER THE MAHNKEN TRUST AGREEMENT DATED APRIL 6, 1995 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8714 and 8716 Brockway Vista Avenue, near Kings Beach, Placer County; for an existing joint-use pier and four mooring buoys previously authorized by the Commission; and two boat slips with one finger pier, not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 7050; A2142; RA# 32218) (A 1; S 1) (Staff: S. Avila)
- 16 GINA MANION, AS TRUSTEE OF THE STEPHEN T. HUMPHREY EXEMPT TRUST CREATED UNDER THE ANGEL KISSED TRUST ESTABLISHED DECEMBER 19, 2012 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 15208 Point Drive, near Truckee, Nevada County; for an existing pier. CEQA Consideration: categorical exemption. (Lease 8503; A3058; RA# 2020390) (A 1; S 1) (Staff: L. Anderson)
- 17 ALAN H. MATTHEWS AND ELIZABETH E. MATTHEWS, TRUSTEES OF THE MATTHEWS FAMILY REVOCABLE TRUST DATED MARCH 26, 2009 (LESSEE); PATRICIA C. MATTHEWS, AS TRUSTEE OF THE PATRICIA MATTHEWS FAMILY TRUST, DATED APRIL 18, 2013; AND ROBERT A. MATTHEWS AND LAURA A. MATTHEWS, AS TRUSTEES OF THE MATTHEWS FAMILY TRUST DATED JANUARY 19, 2021 (APPLICANT): Consider termination of Lease Number PRC 8487, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4850 West Lake Boulevard, near Homewood, Placer

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- County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8487; A3172; RA# 2020482) (A 1; S 1) (Staff: J. Holt)
- 18 JOHN A. MCINTOSH AND LYNNE B. MCINTOSH, TRUSTEES UNDER REVOCABLE TRUST AGREEMENT DATED MAY 27, 1988 (LESSEE/APPLICANT): Consider acceptance of a lease quitclaim deed and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6740 Powderhorn Lane, Tahoma, El Dorado County; for removal and reconstruction of an existing pier; installation of a boat lift; and use and maintenance of one existing mooring buoy. CEQA Consideration: categorical exemptions. (Lease 4357; A3105; RA# 2020421) (A 5; S 1) (Staff: L. Anderson)
- 19 MEEKS BAY LAKESIDE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8209 Meeks Bay Avenue, Meeks Bay, El Dorado County; for an existing pier, boat lift, and two mooring buoys previously authorized by the Commission; and an existing antenna and conduit not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 7353; A3139; RA# 2020454) (A 5; S 1) (Staff: S. Avila)
- 20 NINA MARIA MENTGES AS TRUSTEE OF THE EXEMPTION TRUST PORTION OF THE PETER ALFONS MENTGES AND NINA MARIA MENTGES 1984 FAMILY TRUST (ART 5.03) (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2225 Cascade Road, near South Lake Tahoe, El Dorado County; for an existing pier and one mooring buoy. CEQA Consideration: categorical exemption. (Lease 5278; A3027; RA# 2020371) (A 5; S 1) (Staff: S. Avila)
- 21 PETER MULLIGAN AND SHARMILA MULLIGAN; THOMAS R. HARRY, TRUSTEE OF THE THOMAS R. HARRY AND CAROLYN D. HARRY FAMILY DECEDENT'S TRUST, ESTABLISHED OCTOBER 23, 1997; MICHAEL R. HARRY; ANNE L. HARRY; THOMAS J. HARRY; CYNTHIA A. HARRY; DEBORA D. GOEHRING; AND ARDEN GOEHRING (LESSEE); 8579 MEEKS BAY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND 8581 NORTH LANE, LLC, A

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- CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider waiver of rent, penalty, and interest; application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8579 Meeks Bay Avenue and 8581 North Lane, near Meeks Bay, El Dorado County; for an existing joint-use pier and two mooring buoys; and replacement of the existing joint-use pier decking and two catwalks with new decking and adjustable catwalks. CEQA Consideration: categorical exemptions. (Lease 7449; A2189; RA# 2019035) (A 5; S 1) (Staff: M.J. Columbus)
- 22 MARK B. NELSON, TRUSTEE OF THE WILBORN CHILDREN'S TRUST AND LORIE L. WILBORN, TRUSTEE OF THE NELSON HERITAGE TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4200 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and boat hoist. CEQA Consideration: categorical exemption. (Lease 5353; A3005; RA# 2020363) (A 1; S 1) (Staff: L. Anderson)
- 23 PS TAHOE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; WILLIAM E. HAGLER AND JEAN E. HAGLER, AS TRUSTEES OF THE HAGLER TRUST DATED JANUARY 28, 1975, FOR THE BENEFIT OF WILLIAM E. HAGLER AND JEAN E. HAGLER; JACK B. HAGLER AND ELIZABETH KOHL HAGLER, AS TRUSTEES OF THE HAGLER FAMILY TRUST UAD AUGUST 21, 2007; RICHARD W. HAGLER; AND TAYLOR FAMILY LAKE TAHOE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE); PS TAHOE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; AND 8565 MEEKS BAY AVE HAGLER LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider acceptance of a lease quitclaim deed and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8559 and 8565 Meeks Bay Avenue, near Tahoma, El Dorado County; for an existing joint-use pier and four mooring buoys. CEQA Consideration: categorical exemption. (Lease 6120; A3084; RA# 2021037) (A 5; S 1) (Staff: S. Avila)
- 24 ROBERT A. ROBBEN AND SUZANNE A. ROBBEN TRUSTEES OF THE ROBBEN 1993 FAMILY TRUST DATED JUNE 25, 1993 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3208 Edgewater Drive, near Tahoe

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- City, Placer County; for two existing mooring buoys previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 8939; A3001; RA# 2020418) (A 1; S 1) (Staff: J. Holt)
- 25 ROBERT S. SAFRAN AND JUNE BEVERLY SAFRAN, TRUSTEES OF THE SAFRAN FAMILY REVOCABLE LIVING TRUST, DATED MAY 24, 1985 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8660 Brockway Vista Avenue, Kings Beach, Placer County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (Lease 8920; A3142; RA# 2020456) (A 1; S 1) (Staff: J. Holt)
- 26 SARA SKINNER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 227 Drum Road, near Meeks Bay, El Dorado County; for an existing pier and two mooring buoys; removal of a freshwater intake pipeline with electrical conduit and pump; and placement of a freshwater intake pipeline with electrical conduit and pump. CEQA Consideration: categorical exemption. (Lease 3849; A2465; RA# 2019185) (A 5; S 1) (Staff: J. Toy)
- 27 VIRGINIA K. STOCK AND GEORGE JOHANNESSEN (LESSEE): Consider amendment of Lease Number PRC 7949, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5568 North Lake Boulevard, near Carnelian Bay, Placer County; for construction of a pier, boat lift, and catwalk; removal of one existing mooring buoy; and use of one existing mooring buoy. CEQA Consideration: categorical exemptions. (PRC 7949; A3184; RA# 2021066) (A 1; S 1) (Staff: J. Holt)
- 28 MARY ANN TONKIN, AS TRUSTEE OF THE MARY ANN TONKIN SURVIVOR'S TRUST; AND WENDY TONKIN (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7432 North Lake Boulevard, near Tahoe Vista, Placer County; for one existing mooring buoy not previously authorized by the Commission. CEQA

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Consideration: categorical exemption. (A3086; RA# 2020407) (A 1; S 1) (Staff: J. Holt)

- 29 TIM WESTPHAL AND BENTLEY R. WESTPHAL, TRUSTEES OF THE TIM AND BENTLEY WESTPHAL FAMILY TRUST, A TRUST ESTABLISHED UNDER THE LAWS OF THE STATE OF CALIFORNIA BY AN AGREEMENT DATED OCTOBER 11, 2002, AS AMENDED ON MAY 25, 2005; 2825 W LAKE BLVD., LLC; GREGORY R. GIBESON AND LYNNE H. GIBESON, TRUSTEES OF THE GIBESON FAMILY TRUST, DATED MARCH 16, 2007; SANDRA MILLER ROWE, TRUSTEE OF THE ROWE TRUST, DATED MARCH 31, 1998; BETTY L. COSTA, AS SUCCESSOR TRUSTEE OF THE RAYMOND B. COSTA AND BETTY L. COSTA REVOCABLE TRUST U/A/D SEPTEMBER 6, 1996; DANIEL A. MCDANIEL, SR. AND SHARON L. MCDANIEL, AS CO-TRUSTEES OF THE DANIEL A. MCDANIEL, SR. AND SHARON L. MCDANIEL REVOCABLE TRUST U/A/D SEPTEMBER 6, 1996 (APPLICANT): Consider an application for a General Lease - Recreational Use of sovereign land in Lake Tahoe, adjacent to 2780 Westlake Boulevard, near Homewood, Placer County; for reconstruction of an existing joint-use pier previously authorized by the Commission and five existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemptions. (Lease 2278, RA# 2019075) (A 1; S 1) (Staff: A. Franzoia)
- 30 WS MARINA, LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 5190 West Lake Boulevard, near Homewood, Placer County; for an existing commercial marina, known as Homewood High & Dry Marina, consisting of an existing pier, retaining wall, two fuel pumps, ancillary services, two marker buoys, and 125 mooring buoys. CEQA Consideration: categorical exemption. (Lease 3953 and 5857; A2681; RA# 2019344) (A 1; S 1) (Staff: M.J. Columbus)

Northern Region

- 31 CENTRAL VALLEY FLOOD PROTECTION BOARD (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located along the west bank of the Sacramento River, adjacent to 22568 Old River Road, West Sacramento, Yolo County; for

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- construction, use, and maintenance of erosion control and levee. CEQA Consideration: Environmental Impact Report (EIR) and Supplemental EIR, certified by the Central Valley Flood Protection Board, State Clearinghouse No. 2005072046, and adoption of a Mitigation Monitoring Program, Statement of Findings, and Statement of Overriding Considerations. (A2610; RA#2019298) (A 4; S 3) (Staff: S. Avila)
- 32 CPN PIPELINE COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 7602, a General Lease - Right-of-Way Use, of State sovereign land located in the Sacramento River, adjacent to Assessor's Parcel Numbers 056-230-011 and 34-220-027, near Knights Landing, Yolo and Sutter Counties; for an existing natural gas pipeline. CEQA Consideration: not a project. (PRC 7602) (A 3; S 4) (Staff: N. Lee)
- 33 ROBERTA HOLM (LESSEE); RIAZ ALI SHAH AND CAROLINA CANDOTTI (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease Number PRC 6119, a General Lease - Recreational and Protective Structure Use; and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 10205 Garden Highway, near Sacramento, Sutter County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 6119; A2851; RA# 2020092) (A 3; S 4) (Staff: J. Toy)
- 34 HUMBOLDT COUNTY RESOURCE CONSERVATION DISTRICT (APPLICANT/SUBLESSOR); ANDREW J. ALBIN AND SARAH E. ALBIN (SUBLESSEE): Consider an application for a General Lease - Public Agency Use; and an endorsement of a sublease under Lease 8955, of sovereign land located in the Salt River, near Ferndale, Humboldt County; for the Salt River Ecosystem, maintenance dredging, and an agricultural bridge. CEQA Consideration: Environmental Impact Report, adopted by the Humboldt County Resource Conservation District, State Clearinghouse No. 2007062030. (Lease 8955; RA# 2020475) (A 2; S 2) (Staff: M. Schroeder)
- 35 HUMBOLDT REDWOOD COMPANY, LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider application

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- for a General Lease - Right-of-Way Use, of sovereign land located in the Eel River, adjacent to Assessor's Parcel Numbers 211-141-003 and 211-132-007, near Dyerville, Humboldt County; for a seasonal bridge crossing. CEQA Consideration: California Department of Forestry and Fire Protection Permit No. 1-21-00012-HUM. (Lease 2760; A3057; RA# 2020394) (A 2; S 2) (Staff: J. Toy)
- 36 DANELLE JAMES AND EDWARD KAVALERCHIK (LESSEE/ASSIGNOR); MARIE LOUISE KLEMCHUK, AS TRUSTEE OF THE HEN HOUSE TRUST, DATED SEPTEMBER 29, 2017 (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8645 Beach Lane, near Tahoma, El Dorado County; for an existing pier, boathouse with boat lift, boat hoist, and two mooring buoys. CEQA Consideration: not a project. (PRC 3868; A3244; RA#2021076) (A 5; S 5) (Staff: S. Avila)
- 37 LCOF LAKE TAHOE INVESTMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY (LESSEE); LCOF LAKE TAHOE OPERATING, LLC, A DELAWARE LIMITED LIABILITY COMPANY (CO-LESSEE); ACTION MOTORSPORTS OF TAHOE, INC., A CALIFORNIA CORPORATION (SUBLESSEE); NATIXIS REAL ESTATE CAPITAL, LLC, A DELAWARE LIMITED LIABILITY COMPANY. (SECURED-PARTY LENDER): Consider a sublease ownership transfer, termination of an existing Agreement and Consent to Encumbrance of Lease Number PRC 3981, a General Lease - Commercial Use; and a new Agreement and Consent to Encumbrance of Lease Number 3981, of sovereign land located in Lake Tahoe, adjacent to 3411 Lake Tahoe Boulevard, South Lake Tahoe, El Dorado County; for an existing commercial marina known as Timber Cove Lodge Marina. CEQA Consideration: not a project. (PRC 3981; A3170, A3285; RA 2021041, 2021087) (A 5; S 1) (Staff: M.J. Columbus)
- 38 QUIET WALK LLC, A CALIFORNIA LEGAL LIABILITY COMPANY (LESSEE): Consider correction to prior authorization of Lease 3654, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent 135 Quiet Walk Road, near Tahoma, El Dorado County; for a pier, boat hoist, sundeck with stairs, water line, and two mooring buoys. CEQA Consideration: not a project.

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- (PRC 3654; A2847; RA# 2020088) (A 5; S 1) (Staff: L. Anderson)
- 39 QUIET WALK LLC, A CALIFORNIA LEGAL LIABILITY COMPANY (LESSEE): Consider correction to prior authorization of Lease 9056, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 135 Quiet Walk Road, near Tahoma, El Dorado County; for an existing pier and appurtenant facilities. CEQA Consideration: not a project. (Lease 9056; A2841; RA# 2020081) (A 5; S 1) (Staff: L. Anderson)
- Bay/Delta Region
- 40 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 4813, a General Lease - Industrial Use; an application for a General Lease - Industrial Use; and an endorsement of a sublease under Lease 4813, of sovereign land located in the San Joaquin River, adjacent to 2603 Wilbur Avenue, near Antioch and West Island, Contra Costa and Sacramento Counties; for an existing non-operational maintenance pier, pipelines, and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 4813; A3267; RA# 2021070) (A 11; S 3, 7) (Staff: G. Asimakopoulos)
- 41 BURLINGAME BAY ASSOCIATES (APPLICANT/LESSEE/SUBLESSOR); LANDRY'S, LLC, A DELAWARE LIMITED LIABILITY COMPANY OWNED BY GOLDEN NUGGET, LLC, A NEVADA LIMITED LIABILITY COMPANY (SUBLESSEE): Consider approval of a sublease endorsement of Lease Number PRC 4687; and denial of an amendment of a General Lease - Commercial Use, of sovereign land located in San Francisco Bay, adjacent to 60 Bay View Place, Burlingame, San Mateo County; for a restaurant, parking lot, lagoon, footbridge, paved pedestrian path, landscaping, and shoreline protection. CEQA Consideration: not a project. (PRC 4687; RA#2020046) (A 22; S 13) (Staff: M. Schroeder)
- 42 CENTRAL CONTRA COSTA SANITARY DISTRICT (APPLICANT): Consider application for a General Lease - Public

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- Agency Use, of sovereign land located in Pacheco Creek, near Martinez, Contra Costa County; for one non-operational sewer force main pipeline previously authorized by the Commission, and two sewer force main pipelines and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 4214; A2874; RA# 2020311) (A 14; S 7) (Staff: D. Tutov)
- 43 CHE SHENG CHAO, WEI YUAN CHAO, KEITH KAI TSU, CARMELITA KO, BURK H. CHUNG, MARY A.L. CHUNG, CHARLES NIP, PATRICIA NIP, RAYMOND K. LI, CHI F. LI, KWOK HUNG SZETO, AND NIKKI SZETO (LESSEE/ASSIGNOR); ANZACO, LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT/ASSIGNEE): Consider assignment of Lease Number PRC 4683; and denial of an amendment of a General Lease - Commercial Use, of sovereign land located in San Francisco Bay, at 701 Airport Boulevard, Burlingame, San Mateo County; for a commercial parking lot. CEQA Consideration: not a project. (PRC 4683; RA# 2020047) (A 22; S 13) (Staff: M. Schroeder)
- 44 CHEVRON PRODUCTS COMPANY, A DIVISION OF CHEVRON USA, INC. (APPLICANT/LESSEE): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse Number 2021090584 and adoption of a Mitigation Monitoring Program, and consider termination of Lease Number 139, a General Lease - Industrial Use, an application for a General Lease - Industrial Use/Other, and delegation of authority for acceptance of a quitclaim deed, of sovereign land located in San Francisco Bay, Richmond, north of the Richmond-San Rafael Bridge and south of Point San Pablo, Contra Costa County; for removal of the non-operational Chevron Point Orient Wharf and eelgrass restoration and monitoring. (Lease 139; RA# 2020011) (A 15; S 9) (Staff: V. Caldwell)
- 45 CITY OF SAN JOSE (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the historic bed of the Guadalupe River, near Alviso, San Jose, Santa Clara County; for a public street and a portion of a bridge. CEQA Consideration: categorical exemption. (Lease 4491; A3163; RA# 2021010) (A 25; S 10) (Staff: D. Tutov)

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- 46 JAMES BRADLEY CURTIS AND ANNA C. CURTIS (APPLICANT): Consider issuance of a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent 15 Havenwood Road, in Black Point, near Novato, Marin County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 2995; A3122; RA# 2020451) (A 10; S 2) (Staff: L. Anderson)
- 47 EL CAMINO BOAT CLUB, INC. (LESSEE): Consider revision of rent to Lease Number PRC 3440, a General Lease - Recreational, Protective Structure, and Right-of-Way Use, of sovereign land located in Little Potato Slough, adjacent to Assessor's Parcel Number 069-100-07, between Bouldin Island and Terminous Tract, San Joaquin County; for an armored submarine electric cable, fishing pier, and bank protection. CEQA Consideration: not a project. (PRC 3440) (A 13; S 5) (Staff: N. Lee)
- 48 CHRIS R. JOHNSON AND HEIDI LYNN KELLIS-JOHNSON (LESSEE); BRUCE N. GOLDSMITH, TRUSTEE OF THE BRUCE N. GOLDSMITH REVOCABLE LIVING TRUST DATED MARCH 7, 2016 (APPLICANT): Consider acceptance of a lease quitclaim deed and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 6601 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 7916; A2993; RA# 2020351) (A 7; S 6) (Staff: J. Toy)
- 49 WILL HAYNES (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, near Marshall, Marin County; for an existing mooring buoy. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (A3192; RA# 11516) (A 10; S 2) (Staff: D. Tutov)
- 50 MERRILL TWO LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 11779

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- State Highway 160, near Courtland, Sacramento County; for an existing boat dock, appurtenant facilities, and deck previously authorized by the Commission, and a boat lift not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 6382; A3055; RA# 2021058) (A 9; S 3) (Staff: J. Holt)
- 51 DAVID MONTAGUE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (A3189; RA# 18415) (A 10; S 2) (Staff: D. Tutov)
- 52 NOVATO SANITARY DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Novato Creek and San Pablo Bay, near Novato, Marin County; for a sewer pipeline and sewer outfall pipeline. CEQA Consideration: categorical exemption. (Lease 4602; A2856; RA# 2020361) (A 10; S 2) (Staff: D. Tutov)
- 53 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse Number 2021050121 and adoption of a Mitigation Monitoring Program; and amendment of Lease Number PRC 5438.1-E, a General Lease - Right-of-Way Use, of sovereign land located in Latham Slough, Middle River, and Old River, near Stockton, San Joaquin and Contra Costa Counties; for removal of a portion of and abandonment-in-place of a portion of a non-operational pipeline. (Lease 5438.1-E; A2861; RA# 2020103) (A 11, 13; S 5, 7) (Staff: A. Franzoia)
- 54 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider revision of rent to Lease Number PRC 8777, a General Lease - Right-of-Way Use, of State sovereign land located in the Cosumnes and Mokelumne Rivers, adjacent to Assessor's Parcel Numbers 146-0131-031-0000 and 001-010-090-0000, between Franklin and Thornton, Sacramento and San Joaquin Counties; for an existing natural gas pipeline and four deactivated natural gas

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- pipelines. CEQA Consideration: not a project. (PRC 8777) (A 3; S 4) (Staff: N. Lee)
- 55 CHARLES PERKINS AND ANDREAS LOOSE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, near Marshall, Marin County; for a proposed mooring buoy. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (A3302; RA# 2021089) (A 10; S 2) (Staff: D. Tutov)
- 56 VENICE ISLAND, INC., A CALIFORNIA CORPORATION (LESSEE); VENICE ISLAND OWNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider voiding annual rent invoice number 52933, acceptance of a lease quitclaim deed, and application for a General Lease - Recreational Use, of sovereign land located in the San Joaquin River, adjacent to 17500 West Eight Mile Road, near Stockton, San Joaquin County; for an existing boat dock and appurtenant facilities previously authorized by the Commission; and two existing jet-ski ramps, two boat hoists, and electrical conduit not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 2212; A3093; RA# 2020417) (A 13; S 5) (Staff: J. Toy)

Central/Southern Region

- 57 BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT (LESSEE): Consider amendment to Lease Number PRC 9364, a General Lease - Beach Replenishment and Protective Structure Use, of sovereign land located in the Pacific Ocean at Broad Beach, Malibu, Los Angeles County; to extend the grace period for project completion. CEQA Consideration: not a project. (PRC 9364; RA# 2021119) (A 50; S 27) (Staff: D. Simpkin)
- 58 CITY OF SANTA BARBARA (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, Santa Barbara, Santa Barbara County; for 13 existing mooring buoys and two open anchor areas. CEQA Consideration:

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- categorical exemption. (Lease 8688; A3085; RA# 2020449) (A 37; S 19) (Staff: L. Pino)
- 59 JEFFREY GLENN MARSDEN AND CHRISTINE JOAN MARSDEN, TRUSTEES OF THE MARSDEN FAMILY TRUST DATED SEPTEMBER 10, 2020, AND ANY AMENDMENTS THERETO (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River adjacent to 1174 Beach Drive, Needles, San Bernardino County; for existing rock stairs with railing, aluminum stairs with railing, gangway with railing, walkway, boat dock, and riprap bankline protection. CEQA Consideration: categorical exemption. (Lease 8997; RA#2021073) (A 33; S 16) (Staff: L. Pino)
- 60 JOHN PERELL AND KIMBERLY REED PERELL (LESSEE/ASSIGNOR); ROBERT PAUL SCHLEIMER (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Protective Structure Use, of sovereign land located adjacent to 215 Pacific Avenue, Solana Beach, San Diego County; for a portion of an existing seawall and associated seacave/notch fill. CEQA Consideration: not a project. (Lease 8186; RA# 2021091) (A 78; S 39) (Staff: D. Simpkin)
- 61 JOHN TESORIERO AND KIMBERLY TESORIERO, AS TRUSTEES OF THE TESORIERO FAMILY TRUST, DATED NOVEMBER 8, 2004 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River adjacent to 1134 Beach Drive, Needles, San Bernardino County; for an existing concrete stairway, concrete boardwalk, two planter areas with rock retaining walls, riprap bankline protection, aluminum stairway, gangway with railing, and boat dock. CEQA Consideration: categorical exemption. (Lease 8996; RA#2021006) (A 33; S 16) (Staff: L. Pino)
- 62 X2 TELECOM, LLC (LESSEE/ASSIGNOR); ZAYO GROUP HOLDINGS, LLC (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean offshore of the cities of Morro Bay and Santa Barbara, San Luis Obispo and Santa Barbara Counties; for an existing fiber-optic cable system. CEQA Consideration: not a

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project. (PRC 8168; A3258; RA# 2021054) (A 35, 37; S 17, 19) (Staff: K. Connor)

School Lands

- 63 AT&T CORPORATION (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State school lands in portions of Section 16, Township 16 North, Range 13 East, SBM; Section 36, Township 16 North, Range 11 East, SBM; and Section 36, Township 15 North, Range 9 East, SBM, between Barstow and Mountain Pass, San Bernardino County; for an existing fiber optic communication cable, subsurface warning tape, and warning marker posts. CEQA Consideration: categorical exemption. (Lease 7264; A2478; RA# 2019194) (A 33; S 16) (Staff: K. Connor)
- 64 CALIFORNIA BROADBAND COOPERATIVE, INC. (LESSEE): Consider revision of rent to Lease Number PRC 8971, a General Lease - Right-of-Way Use, of State-owned school land within a portion of Section 36, Township 1 South, Range 31 East, MDM, northeast of the unincorporated community of Benton Hot Springs, Mono County; for an existing buried fiber optic innerduct containing four micro ducts, one containing a single fiber optic line, and two concrete access vaults. CEQA Consideration: not a project. (PRC 8971) (A 56; S 40) (Staff: V. Caldwell)
- 65 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)
- 66 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

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- 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)
- 67 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease Number PRC 8970, a General Lease - Right-of-Way Use, of State-owned school land within a portion of Section 36, Township 1 South, Range 31 East, MDM, northeast of the unincorporated community of Benton Hot Springs, Mono County; for one overhead distribution line, including six wood poles and one fiber optic communication line. CEQA Consideration: not a project. (PRC 8970) (A 56; S 40) (Staff: V. Caldwell)
- Mineral Resources Management
- 68 CALIFORNIA STATE LANDS COMMISSION: Consider approval of qualifying miles for Fiscal Year 2021-2022 subventions to the Cities of Huntington Beach and Seal Beach, located in Orange County; and to the City of Long Beach, located in Los Angeles County. CEQA Consideration: not a project. (W 4848.1, W 4848.4, W 4848.8) (A 70, 72, 74; S 33, 34, 37) (Staff: N. Heda, R. Wurster)
- 69 CITY OF LONG BEACH (GRANTEE): Consider delegation of authority for the Executive Officer to execute an agreement to terminate the OWPA Depository Agreement for Software Media Storage, Long Beach Unit, Wilmington Oil Field, Los Angeles. CEQA Consideration: not a project. (W 17102.9) (A 57, 58; S 29) (Staff: J. Abedi)
- 70 CITY OF LONG BEACH (GRANTEE): Consider acceptance of the Final Report and Closing Statement for the Long Beach Unit Annual Plan (July 1, 2020, through June 30, 2021), Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 17166) (A 70; S 33, 34) (Staff: J. Abedi)

Marine Environmental Protection
- No Items for this section

Administration

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- 71 CALIFORNIA STATE LANDS COMMISSION, CALIFORNIA ENERGY COMMISSION (PARTIES): Request delegation of authority for the Executive Officer to solicit Statements of Interest for consultant services, negotiate a fair and reasonable price, and award and execute agreements for the preparation of an assessment of the necessary investments in California seaports to support offshore wind energy activities, including construction, assembly, and operations and maintenance pursuant to Section 25991.3 of AB 525 (Chapter 231, Statutes of 2021), and request delegation of authority to the Executive Officer to enter into an interagency agreement with the California Energy Commission to allow transfer of funds to the Commission in furtherance of such an assessment. CEQA Consideration: not a project. (A & S: Statewide) (Staff: J. Mattox, N. Dobroski)

Legal

- No items for this section

Kapiloff Land Bank Trust Acquisition/Expenditure

- No items for this section

External Affairs

Granted Lands

- 72 CITY OF LONG BEACH (TRUSTEE): Review a proposed tideland oil revenue expenditure in an amount not to exceed \$5,000,000 by the City of Long Beach for one capital improvement project located on legislatively granted sovereign land in the City of Long Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-03) (A 70; S 33) (Staff: M. Moser) 134

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

VII Informational Calendar 74

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74	CALIFORNIA STATE LANDS COMMISSION: Report on the continued monitoring of possible subsidence, Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 10442, W 16001) (A 70; S 33, 34) (Staff: P. Regan)	
VIII Regular Calendar 75-76		
75	CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Progress report on the Commission's third year implementing its Environmental Justice Policy. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: Y. Ramirez, S. Pemberton)	115
76	CALIFORNIA STATE LANDS COMMISSION: Consider a resolution in support of the San Francisco Bay Conservation and Development Commission's Bay Adapt: Regional Strategy for a Rising Bay, advancing resilient and equitable adaptation to sea level rise through the San Francisco Bay area. CEQA Consideration: not a project. (A 4, 10, 14, 15, 17, 20, 22, 24, 25; S 2, 3, 9, 10, 11, 13) (Staff: M. Farnum)	127
IX	Public Comment	142
X	Commissioners' Comments	142
XI	Closed Session 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.	142
	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	

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Code section 11126, subdivision (e)(2)(A), concerning adjudicatory proceedings before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the Commission is a party. Such matters currently include the following:

- California 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

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- San Joaquin River Exchange Contractors Water Authority v. State of California; State Lands Commission
 - State of California v. International Boundary and Water Commission, et al.
 - State Lands Commission v. Plains Pipeline, L.P., et al.
 - 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

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

C. Other matters

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

Adjournment	143
Reporter's Certificate	144

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

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

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

21 Native people have maintained a constant presence
22 on the landscape for many thousands of years. And they
23 are essential stewardship partners, whether along the
24 coast, along our rivers and valleys, or in our fragile
25 deserts. We thank California Native American communities

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

4 The next item of business will be public comment.
5 Before I open the public comment period for items not on
6 the agenda, first let me thank everyone, especially our
7 stakeholders and members of the public for taking the time
8 to join our virtual meeting. Now, I want to turn it over
9 to Ms. Lucchesi to quickly share some instructions on how
10 we can best participate in this meeting, so that it runs
11 as smoothly as possible.

12 Ms. Lucchesi.

13 EXECUTIVE OFFICER LUCCHESI: Thank you, Chair
14 Kounalakis. First, everyone please make sure you have
15 your microphones or phones muted to avoid background
16 noise. For members of the public, if you would like to
17 speak, either during our open public comment period or
18 during a public comment period that is part of an agenda
19 item, you will need to do so in one of two ways. First,
20 if you are attending on the Zoom platform, please raise
21 your hand in Zoom. If you are new to Zoom and you joined
22 our meeting using the Zoom application, click on the hand
23 icon at the bottom of your screen. When you click on that
24 hand, it will raise your hand.

25 Second, if you're joining our meeting by phone,

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

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

15 We will also make you visible to the
16 Commissioners by video. Please also remember to unmute
17 your computer or phone and identify yourself. Please --
18 or please remember you will have a three -- limit of three
19 minutes speak on an item. Keep your comments respectful
20 and focused. We will mute anyone who fails to follow
21 those guidelines or at worst dismiss them from the
22 meeting.

23 The Commission has also established an email
24 address to compile public comments for our meetings. It's
25 address is cslc.commissionmeetings@slc.ca.gov. We have

1 received various emails from parties that have been shared
2 with all the Commissioners prior to the meeting. If we
3 receive any emails during the meeting, they will be shared
4 with the Commissioners and be made available on our
5 website, along with the public comment emails we have
6 already received.

7 I also want to note that we have been joined by
8 Commissioner Gayle Miller representing the Department of
9 Finance.

10 And Chair Kounalakis, those are the virtual
11 meeting instructions and we are ready to move to the
12 general public comment period.

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

20 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
21 you, Madam Chair. For our first public comment, we have
22 Penny Elia. You should be able to unmute yourself and
23 turn on your video, if you would like.

24 MS. ELIA: Good. Morning are you able to hear
25 me?

1 CHAIRPERSON KOUNALAKIS: Yes, we can hear you.

2 MS. ELIA: Thank you so much. I want to make
3 sure that before I start that my --

4 (Thereupon a slide presentation.)

5 MS. ELIA: Great. Thank you for that.

6 Alrighty. Good morning and Happy Holidays,
7 Commissioners and staff. Penny Elia with the Sierra
8 Club's Orange County Conservation Committee. We very much
9 appreciate the Commission and staff's endeavors at the
10 October 21st meeting to bring added protection to the
11 threatened and endangered species at Santa Ana River mouth
12 and flood control channel through specific lease
13 provisions, as well as considering funding the third-party
14 enforcement efforts through monetary rent for the benefit
15 of the state.

16 However, since the October 21st unanimous vote to
17 support your staff recommendations, the County of Orange
18 has completely ignored the provisions of their lease and
19 people and off-leash dogs continue to recreate in the
20 flood control channel. For the purposes of this short
21 testimony, I'm going to focus on noncompliance of
22 enforcement of Ordinance 3-9-95 that is highlighted in
23 yellow.

24 Next slide, please.

25 --o0o--

1 MS. ELIA: Ordinance 3-9-95 states that it is
2 illegal for any persons to enter this flood control
3 channel for any reason.

4 Next slide, please.

5 --o0o--

6 MS. ELIA: As was shared at the October 21st
7 meeting, there are signs containing this ordinance that
8 prohibits entry into the flood control channel everywhere.
9 It's impossible to miss this message.

10 Next slide, please.

11 --o0o--

12 MS. ELIA: Again, due to time constraints, I am
13 showing you just a few slides that were taken on Monday,
14 November 22nd between approximately 10 a.m. and 1 p.m., a
15 very short window of time. This will give you an idea of
16 how much traffic is allowed by the County during dredging
17 in this prohibited area.

18 In this photo, you can see one of the many signs
19 that includes Ordinance 3-9-95 immediately behind the
20 couple leaving the area after recreating in the flood
21 control channel with their four off-leash dogs. You'll
22 also note the small group set up in the flood control
23 channel itself.

24 Next slide, please.

25 --o0o--

1
2 MS. ELIA: And another visitor making his way to
3 the flood control channel with his unleashed dog.

4 Next slide, please.

5 --o0o--

6 MS. ELIA: And another visitor with his two
7 unleashed dogs on his way to the flood control channel and
8 adjacent to the protective fencing that once surrounded
9 the dune ESHA. The County has knocked the fencing down
10 and drives over it on a daily basis. You'll note a sign
11 behind the dump truck that includes Ordinance 3-9-95 in
12 both English and Spanish.

13 Next slide, please.

14 --o0o--

15 MS. ELIA: Our ask today is very straightforward,
16 please enforce your specific lease provisions that were
17 unanimously approved. Begin the review of the County's
18 lease renewal as soon as possible and request an interim
19 60-day monitoring report due December 21st. Set a
20 monetary rent in the State's best interest to fund the
21 third-party enforcement recommendation in the October 21st
22 staff report. Thank you for considering these action
23 items in the best interests of our State's finite natural
24 resources.

25 CHAIRPERSON KOUNALAKIS: Thank you very much.

1 May we have the next speaker, please?

2 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
3 you Madam Chair. Our next speaker is Susan Jordan,
4 followed by Andrea León-Grossman.

5 MS. JORDAN: There we go. Can you hear me?

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

8 MS. JORDAN: Okay. Thank you. Good morning,
9 Chair and Commissioners. Susan Jordan, Director of the
10 California Coastal Protection Network. This morning I'd
11 like to bring your attention to the proposed Poseidon
12 desalination plant GHG minimization plan submitted to you
13 way back in October 2017. During that hearing, at which I
14 was present, Controller Yee supported by then Lieutenant
15 Governor Newsom expressed both concerns with the plan and
16 her insistence that it be truly carbon neutral. As the
17 Commissioners and staff worked to craft a motion, Yee
18 pointed out that she was concerned that by the time the
19 plant was built that it would be out of date with the
20 State's climate goals.

21 Given this, she pointed to ongoing discussions
22 between Edison, Poseidon, and others, and called on
23 Poseidon to go further by developing either a new
24 technology or other tools to help them meet their
25 obligations to be a hundred percent GHG emission free and

1 indicated that she was waiting for an update on that
2 progression.

3 Controller Yee stated that she believed there
4 were additional options out there to strengthen the plan
5 and that she wanted to see movement from Poseidon in this
6 arena. She was very clear that she did not want them to
7 just write a check to fulfill their obligations. While
8 I'm not an energy expert, as my colleagues who will
9 testify next are, I know one thing, that the plan they
10 submitted to you in 2017 is the same plan they submitted
11 to this Santa Ana Regional Water Quality Control Board in
12 2019, and it's the same plan they submitted to the Coastal
13 Commission in July of 2021.

14 Poseidon may now call the plan the climate change
15 action plan, but I don't think there's been very much, if
16 any, change or action to ensure that the plan is
17 consistent with California's evolving climate change
18 goals. This is critical when you realize that the
19 operational life of this desalination facility is 50
20 years. Poseidon will be coming back to you after the
21 Coastal Commission reviews the project. That is
22 anticipated to occur at the Coastal Commission as early as
23 March 2022, if Poseidon ever decides to pay their permit
24 fee, something they are refusing to do.

25 We urge the State Lands Commission to ask its

1 staff to start to look at the content of the plan through
2 today's updated climate change and equity lens, and to
3 work with the Coastal Commission to ensure that the plan
4 meets those current standards and beyond, which we believe
5 the current unmodified plan does not.

6 In closing, I also want to compliment Director
7 Lucchesi and her staff for their work on the Orange County
8 oil spill, which occurred off the Huntington Beach
9 coastline approximately where the Poseidon desalination
10 plant is proposed to be constructed. Thank you very much
11 for your consideration.

12 CHAIRPERSON KOUNALAKIS: Thank you very much.

13 My we have our next speaker, please.

14 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
15 you, Madam Chair. Our next speaker is Andrea
16 León-Grossman

17 MS. LEÓN-GROSSMAN: Hi. Can you hear me?

18 CHAIRPERSON KOUNALAKIS: Yes, we can.

19 Please proceed.

20 MS. LEÓN-GROSSMAN: Dear Commissioner Yee.
21 Buenos Dias. My name is Andrea León-Grossman, Climate
22 Action Director for Azul, an environmental justice
23 organization working with the Latinx community to protect
24 the coast and the ocean.

25 I'm also the author of two books on energy. I

1 testified on August about the importance of these issues
2 and I will expand my comments further here. Today, I want
3 to talk about Poseidon, the proposed desalination plant in
4 Huntington Beach and how its emissions would affect
5 low-income communities of color.

6 All the way back in October 19, 2017,
7 commissioner Yee, expressed significant concern about
8 Poseidon's greenhouse gas emissions and the energy
9 strategy. Those very real concerns, ones my group and
10 many of our allies shared at the time, have only grown for
11 a number of reasons. First, the technology is available
12 for reducing greenhouse gas emissions and other harmful
13 air pollutants and for the production of clean renewable
14 energy have evolved tremendously in the last -- in those
15 four years.

16 Second, the need for environmental action to stem
17 the worst effects of climate change have drastically
18 increased with global science bodies, advocacy groups, and
19 even judges and courts calling our current situation
20 potentially irreversible, an existential crisis that
21 requires even more action than we thought even just four
22 years ago.

23 Third, Poseidon's lack of a real plan into 2017
24 persists to this day after they recently submitted the
25 exact same suspect plan for 2017 for developing this

1 desalination plant. They should be up to standard of
2 critical infrastructure using the best available
3 technologies to reduce pollution and implementing
4 renewable energy strategies that is locally sourced. They
5 have addressed none of these. And their resubmission of
6 the same plan from 2017 is further evidence of lack of
7 prioritization and seriousness of Poseidon's part.

8 Their plan relies steadily on renewable energy
9 credits, for instance, which they have been widely
10 discredited as a method for eliminating greenhouse gas
11 emissions. The multi-billion dollar Canadian conglomerate
12 behind Poseidon wants to use dirty energy, then -- near
13 the AES gas plant to create privatized dirty water, water
14 so high in boron and other heavy metals, it must be
15 blended with California potable water before it reaches
16 households. The emissions from this plant will be blowing
17 east affecting communities of color in Santa Ana,
18 Fullerton, and Anaheim.

19 We -- ultimately, communities of color and low
20 income communities suffer the most and are basically
21 sacrifice zones. We're asking the State Lands Commission
22 and its staff today to require Poseidon to resubmit a
23 brand new proposal to address these issues, including a
24 promise to pay for the installation of the minimum 150
25 megawatts of solar required to fuel the plan on commercial

1 rooftops in Huntington Beach and potentially surrounding
2 cities, for battery source installation for four hours of
3 duration on the commercial solar installation.

4 Poseidon, owned by a major multi-national
5 corporation, didn't do its own homework, not because it
6 couldn't afford or it didn't have the time, but because
7 they don't really care. Please insist that they care.
8 Our communities are relying on you. Thank you for the
9 time to speak today to represent Azul and environmental
10 justice communities across the state.

11 CHAIRPERSON KOUNALAKIS: Thank you very much.
12 May we have the next speaker, Katie.

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
14 Thank you.

15 Our next speaker is Bill Powers.

16 MR. POWERS: Thank you. Bill Powers, Powers
17 Engineering, consultant to Orange County Coastkeeper
18 speaking also on the greenhouse gas mitigation plan for
19 Poseidon's proposed Huntington Beach desalination plant.

20 Poseidon's GHG mitigation strategy for the
21 company's proposed Huntington Beach desal plant, based on
22 its most recent 2017 GHG mitigation plan, is to make a
23 one-time up-front payment for GHG offset credits.
24 According to Poseidon, these credits can be generated by
25 producing electricity with renewable sources such as solar

1 or wind, a reforestation, or preserving forests.

2 The desal plant electricity demand will
3 indirectly be responsible for about 70,000 metric tons per
4 year of CO2. Use of emission credits for compliance is
5 controversial. They've been used in the past to give the
6 impression holders of these credits are greener than they
7 may, in fact, be. Meeting the electricity need with new
8 local clean energy resources removes all doubt.

9 Poseidon has set a de facto economically feasible
10 ceiling for these credits at \$10 per ton. This means
11 Poseidon expects to pay the equivalent of up to \$700,000
12 per year for the credits or up to 35 million for 50 years
13 of operation.

14 This compares to the capital -- estimated capital
15 cost of a desal plant of about \$1.4 billion. In this GHG
16 offset scenario, Poseidon would pay less than three
17 percent of the capital cost of the desal plant for the
18 offsets.

19 The negative marine impacts of the desal plant
20 will be local. The positive mitigation of the GHG
21 emission should also be local. Solar and battery storage
22 costs have declined spectacularly since Poseidon first
23 developed this mitigation plan. About 150 megawatts of
24 local solar on rooftops and parking lots would meet the
25 annual energy demand of the plant.

1 By way of comparison, about 400 megawatts of
2 solar are installed on rooftops and parking lots in
3 Southern California Edison territory each year. SCE has
4 also already built a solar project aggregating warehouse
5 rooftops that is greater than 100 megawatts in capacity.
6 Adding about 120 megawatt hours, or four hours of battery
7 storage, would also assure the desal plant imposes no
8 burden on the local electric grid during times of peak
9 demand.

10 The capital cost to this local solar and battery
11 storage approach would be on the order of 150 to 200
12 million dollars in 2022 dollars or 10 to 15 percent of the
13 project's 1.4 billion capital cost. However, these would
14 be income-generating assets, such that the revenue would
15 offset some or most of the cost to build it. Meeting the
16 desal plant electricity need with local clean energy
17 resources is the right GHG mitigation route for the
18 Huntington Beach desal plant.

19 Thank you.

20 CHAIRPERSON KOUNALAKIS: Thank you.

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

22 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
23 you, Madam Chair. Our next speaker is Laura Walsh. And
24 apologies but we're unable to promote you to panelist, but
25 you should be able to unmute yourself.

1 MS. WALSH: Okay. No worries. I'm commenting on
2 a consent agenda item. This is still my time to speak,
3 right?

4 CHAIRPERSON KOUNALAKIS: Yes.

5 MS. WALSH: Okay. Great.

6 CHAIRPERSON KOUNALAKIS: Actually, Katie, how do
7 we do that? Do --

8 EXECUTIVE OFFICER LUCCHESI: Actually, may I
9 chime in, Chair Kounalakis.

10 CHAIRPERSON KOUNALAKIS: Yeah.

11 EXECUTIVE OFFICER LUCCHESI: I just want to
12 confirm with Laura that you did not want to remove the
13 consent agenda from the agenda. You just wanted to
14 provide comment. You're not -- the position that you have
15 on that item isn't to oppose it, correct, based on our
16 conversation yesterday?

17 MS. WALSH: Correct.

18 CHAIRPERSON KOUNALAKIS: All right. Wonderful.

19 EXECUTIVE OFFICER LUCCHESI: Okay. So this would
20 be the appropriate time. Yes.

21 CHAIRPERSON KOUNALAKIS: Thank you. Go ahead and
22 proceed, please.

23 MS. WALSH: Sorry about that. I appreciate it.

24 Okay. My name is Laura Walsh. I'm representing
25 the Surfrider Foundation as their California policy

1 manager. And I'm commenting on consent agenda item number
2 57, which considers a lease extension for the nourishment
3 and revetment relocation project of Broad Beach in Malibu.
4 Surfrider has been involved in the discussion surrounding
5 Broad Beach for more than seven years, and we recognize,
6 as this Commission has recognized, that the history of the
7 area represents a severe abuse of Public Trust rights, not
8 in small part because a group of homeowner -- homeowners
9 maintain an illegal 4,000 revetment encroaching on more
10 than an acre of public land. So we, like the Commission,
11 would like to see the revetment relocated and forms of
12 access restored to a public beach in the area. And in the
13 spirit of that, we're not opposing staff's recommendation
14 to amend the general lease.

15 However, we'd like to flag this item for the
16 Commission in the context of sea level rise planning
17 throughout the State and for the purposes of future
18 decisions related to this project.

19 The first thing that should be noted is that this
20 amendment should not be characterized as an extension that
21 simply gives the GHAD more time to complete a project.
22 What we're talking about is also a grace period extension
23 that allows the lessee to avoid specific costs that were
24 intentionally conditioned to incentivize completion of the
25 project within a reasonable time period and to compensate

1 the public appropriately. That condition was already
2 avoided by the GHAD when they were granted an extension in
3 2019 and today's decision will represent a five-year time
4 period in which the GHAD is essentially allowed to pay
5 substantially less money to the State than agreed upon in
6 their 26 permit.

7 Of course, this is also a five-year time period
8 in which the -- in which public access and enjoyment of
9 the beach continues to suffer. The beach is only
10 accessible at low tide. As sea levels rise and exacerbate
11 tensions between private development and public lands,
12 Broad Beach represents an exceedingly clear opportunity
13 for the Commission to address evolving public trust needs
14 and stewarding land for the public.

15 Thanks.

16 CHAIRPERSON KOUNALAKIS: Thank you very much.

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

18 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.

19 Thank you.

20 Our next speaker is Susanne Cumming. And again,
21 I'm unable to promote you panelist, but you should be able
22 to unmute yourself to speak.

23 MS. CUMMING: Thank you. My name is Susanne
24 Cumming. Good morning. I'm commenting on the Ballona
25 Wetlands, where the State Lands Commission owns 60 of the

1 640 acres that were acquired by the State of California in
2 2003. I, and hundreds of more of our neighbors, and
3 thousands of people in the organizations we work with are
4 increasingly concerned that the State of California
5 continues to spend millions of dollars, another two
6 million given to a highly destructive project proposed for
7 the Ballona Wetlands. One of the reasons that the State
8 Lands Commission still has this ownership is because we
9 were concerned about the possibility of needing another
10 set of eyes and oversight here.

11 Sierra Club was asked and said, yes, please stay
12 engaged. We know the State Lands Commission has expertise
13 on areas like this and we want your oversight.

14 Unfortunately, the plans for the Ballona
15 Wetlands, the plan which is called a restoration but is
16 not, was formulated by a private entity, the Bay
17 Foundation, which was headed up by a Chevron executive,
18 Ron Spackman during the time of its inception and now the
19 State has adopted this plan without so many of the good
20 biologists at the California Department of Fish and
21 Wildlife having had input on the project. We really need
22 the stakeholders group, where we all can have input and
23 can -- and provide better oversight and get the management
24 in a better place. We want a gentle restoration and --

25 CHAIRPERSON KOUNALAKIS: I'm so -- I'm so

1 sorry -- I'm so sorry to interrupt. Someone has their
2 speaker -- they're not on mute. Can everyone please check
3 that. I'm so sorry, please continue. If you need a few
4 more seconds, go ahead to finish up.

5 MS. CUMMING: Oh, thank you.

6 CHAIRPERSON KOUNALAKIS: Sorry.

7 MS. CUMMING. We really need a stakeholders
8 group, where we all can have input and that can provide a
9 better oversight and get the management in a better place.
10 We want a gentle restoration, which is what we advocate
11 for on our website defendballonawetlands.org. It's a
12 nature-based solution, the kind -- one of the -- the
13 Governor is supporting nature-based solutions and this is
14 one that he could really get behind. Please look at the
15 site and see the components that make sense for this
16 ecological reserve. Thank you so much.

17 Thanks.

18 CHAIRPERSON KOUNALAKIS: Thank you very much for
19 your comments. I can't see who has their microphone off,
20 but there is a male voice. Jennifer or Katie, can you see
21 who has -- who we're hearing?

22 Someone who's on the phone.

23 EXECUTIVE OFFICER LUCCHESI: Yeah, I'm trying to
24 do that as well, Chair Kounalakis, and we will endeavor to
25 fix that.

1 CHAIRPERSON KOUNALAKIS: Okay. Very good.

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

3 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.

4 Thank you, Madam Chair.

5 Our next speaker is Mayor Alejandra Sotelo-Solis.

6 NATIONAL CITY MAYOR SOTELO-SOLIS: Buenos dias.

7 Can you hear me, see me?

8 CHAIRPERSON KOUNALAKIS: Yes, we can.

9 NATIONAL CITY MAYOR SOTELO-SOLIS: Buenos dias,
10 Chair Kounalakis and State Lands Commissioners. I'm
11 Alejandra Sotelo-Solis, the first Latina mom elected to
12 the Mayoral position here in the City of National City in
13 131 years. So I'm very proud to be here and share a
14 little bit more about National City.

15 I wanted to express my gratitude to Executive
16 Director Jennifer Lucchesi, Environmental Justice Liaison
17 Yessica Ramirez, and Granted Lands Program Manager Reid
18 Boggiano for traveling to National City to tour our
19 portside environmental justice neighborhoods on Friday
20 November 19th.

21 For decades, National City residents and our
22 portside neighborhoods have disproportionately suffered
23 from diseases and illnesses related to long-term exposure
24 of toxic pollution.

25 The City of National City has been committed to

1 advancing environmental Justice by developing concrete
2 policies and strategies in collaboration with our
3 residents, community groups, public agencies, and all
4 interested stakeholders. As a result of the -- this
5 authentic community engagement and partnership, we've
6 adopted ordinances -- trailblazing ordinances for that
7 matter that help create healthier, climate-resilient
8 neighborhoods.

9 In 2006, National City adopted the amortization
10 ordinance that phases out nonconforming polluting business
11 near sensitive receptors, such as homes and schools. In
12 2010, National City adopted the Westside Specific Area
13 Plan that addresses land use incompatibilities by updating
14 zoning that promotes compatible land uses. And in 2011,
15 National City was the first city in California to adopt a
16 healthy and environmental justice element as part of our
17 general plan.

18 National City's healthy environmental justice
19 element has served as a model for Senator Connie Leyva's
20 SB 1000 that now requires all municipalities in California
21 to identify and address the inequitable distributions of
22 pollution in low income communities of color, as part of
23 their general plan.

24 And efforts to address the lack of affordable
25 housing and greenspaces, we've secured significant funding

1 to provide 201 affordable energy efficient housing units,
2 a public park, and a community garden for our portside
3 environmental justice residents.

4 Our achievements have granted us the national
5 recognition from the Robert Wood Johnson Foundation as
6 just being one of 10 cities across the country to receive
7 the prestigious Robert Wood Johnson Foundation Culture of
8 Health Prize. We continue to work hard and acknowledging
9 that there are adverse health effects and impacts to
10 portside communities, working waterfront, and the Port of
11 San Diego.

12 The Port of San Diego established a Maritime
13 Industrial Impact Fund, formally known as the Maritime
14 Terminal Impact Fund, in 2010 to help address off
15 tidelands impacts in Portside environmental justice
16 communities. Although, that initial funding and support
17 has initiated a policy to address these adverse impacts,
18 the Port District has not prioritized these funds and
19 suspended the funding in 2020 due to the pandemic.

20 And I'm just about wrapping it up, but the
21 pandemic again has unveiled that the MIIF, or the Maritime
22 Industrial Impact Fund, was needed and should have been
23 increased to help offset tidelands impact and health
24 initiatives impacted from our communities, again to
25 address the disproportionate health data that was added by

1 the --

2 CHAIRPERSON KOUNALAKIS: Madam -- Madam Mayor.
3 Madam Mayor.

4 NATIONAL CITY MAYOR SOTELO-SOLIS: Thank you.

5 CHAIRPERSON KOUNALAKIS: I just want to ask, do
6 you need additional -- another minute to conclude?

7 NATIONAL CITY MAYOR SOTELO-SOLIS: If you -- if
8 I -- you would --

9 CHAIRPERSON KOUNALAKIS: Go ahead.

10 NATIONAL CITY MAYOR SOTELO-SOLIS: -- allow me
11 that.

12 CHAIRPERSON KOUNALAKIS: Yeah, please do.

13 NATIONAL CITY MAYOR SOTELO-SOLIS: Thank you so
14 much. So then I won't -- I won't shorten it. So although
15 the initial impact -- thank you so much, Chair -- initial
16 funding and support has initiated a policy and funding
17 source to help address these adverse impacts, the Port
18 District has not prioritized these funds, and again
19 suspended the funding in 2020 due to the pandemic.

20 The pandemic unveiled that the MIIF funding was
21 needed and it should have been increased to help offset
22 tideland impacts and health initiatives in these impacted
23 neighborhoods to help address the disproportionate health
24 data amplified by COVID-19.

25 Our city is ready to continue developing

1 innovative solutions to help solve the convergent crisis
2 of climate change, racial health inequities, and COVID-19.
3 We hope that the State Lands Commission will work with us
4 to help identify those policies, funding sources, and
5 additional resources to help eliminate health disparities
6 in our portside environmental justice neighborhoods. We
7 look forward to following up with State Lands staff to
8 discuss specific steps and plans to continue our
9 environmental justice success story.

10 So thank you, again, Chair for that additional
11 time. And again, it was our pleasure to meet your crew,
12 which is small but mighty. And so thank you again for the
13 opportunity to share a little bit more. I hope to also be
14 part of item 1 with the ARPA funding as well. So thank
15 you. This was just the introduction and again you're
16 welcome to come down to National City. Bienvenida the
17 whole crew back again.

18 Gracias.

19 CHAIRPERSON KOUNALAKIS: Thank you. Thank you
20 very much, Mayor Sotelo-Solis. And congratulations on
21 your historic election. And, of course, I know that our
22 staff looks forward to working with you on these issues
23 and working with National City. So thank you so much.

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

25 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank

1 you, Madam Chair.

2 Our next speaker is Lisa Levinson.

3 MS. LEVINSON: Hi. Thank you so very much. So
4 I'm Lisa Levinson --

5 CHAIRPERSON KOUNALAKIS: Yes.

6 MS. LEVINSON: -- with In Defense of Animals.
7 And I work for an international animal protection
8 nonprofit with 250,000 supporters and 25,000 of them in
9 California.

10 We appreciate your continued concern about the
11 environment and would like to request a meeting with your
12 senior staff to discuss the project proposed for the
13 Ballona Wetlands Ecological Reserve. The Mayor of Santa
14 Monica sent a letter to the Governor asking to prioritize
15 closing the methane gas storage operation at Ballona
16 Wetlands and the city councils of both Culver City and Los
17 Angeles have passed motions calling for the shutdown of
18 this facility.

19 Your agency is leading the way in the State to
20 close down offshore oil drilling. Please consider taking
21 a lead in determining the best way to shut down this
22 SoCalGas facility that endangers local residents and
23 should not be within a State ecological reserve.

24 The proposed so-called restoration will
25 exacerbate risks for sea level rise impacts removing river

1 levees and excavating more than two million cubic yards of
2 soil. Our organization is concerned about the killing of
3 wild animals and sea level rise impacts from this
4 destructive habitat-altering project.

5 Please meet with us and our allies at Defend
6 Ballona Wetlands and help us to provide the Governor with
7 a mid-course correction of this detrimental project. You
8 can reach me at lisa@idausa.org.

9 Thanks so much.

10 CHAIRPERSON KOUNALAKIS: Thank you very much,
11 Lisa.

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

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
14 Thank you.

15 Our next speaker is Marcia Hanscom.

16 MS. HANSCOM: Can you hear me?

17 CHAIRPERSON KOUNALAKIS: Yes, we can, Marcia. Go
18 ahead.

19 MS. HANSCOM: Great. Thank you. I'm Marcia
20 Hanscom. I'm representing the Sierra Club. I'm an
21 elected leader in the Angeles Chapter on the Executive
22 Committee and have served on the national board of
23 directors.

24 And Commission Chair Kounalakis, I know that you,
25 as Lieutenant Governor, led our State's delegation to the

1 Conference of Parties in Glasgow recently to address
2 climate change. And while there, President Biden proposed
3 a plan for reducing methane emissions, which we now know
4 is one of the most potent greenhouse gases contributing to
5 climate change. So it makes no sense to transport via
6 pipeline all across the country from Oklahoma, Texas, and
7 Colorado to the coast of Los Angeles to store beneath an
8 ecological reserve, a recreational marina, and a dense
9 residential area this methane gas, where we've already had
10 gas leaks, blowouts, flarings, and other accidents.

11 The gas storage facility causes leaks as we've
12 shown this Commission in videos, like the one that Climate
13 Reality leader Molly Basler documented bubbling up in the
14 waters of the freshwater marsh, which is wholly owned by
15 State Lands Commission. We know that the proposed
16 construction plan, a counterfeit restoration plan that
17 would obliterate the habitat at Ballona, adopted by the
18 California Department of Fish and Wildlife, but still not
19 reviewed by their biologists that oversee the rare species
20 that rely on this site would benefit SoCalGas as they want
21 to install new fossil fuel infrastructure to their site.
22 And digging up this two million cubic yards of soil would
23 help them do that, so that they could stay decades into
24 the future when this facility needs to be shut down.

25 So please help us, A, get the State back on track

1 with a genuine restoration, like the gentle plan that is
2 on the defendballonawetlands.org website; and B, provide
3 the leadership, which we know your Commission staff has
4 expertise in, to determine how to best close this Playa
5 Del Rey gas storage facility, which should not be in the
6 midst of an ecological reserve, and which, according to a
7 report to the State Legislature, is the most dangerous
8 methane gas storage facility in California. And it only
9 supplies less than one percent of the gas used in the
10 state.

11 So let's start here, show this as a leadership
12 area to get the ball rolling on moving away completely
13 from methane gas as an energy source. The State Lands
14 Commission we know has been working on closing down
15 offshore oil platforms. And you're the entity that gives
16 me hope. I feel like you're really leading the state on
17 matters related to climate change impacts. So as Greta
18 Thunberg, Jane Fonda, and so many others are increasingly
19 saying, let's act like the house is on fire because it is.

20 Thank you.

21 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
22 Hanscom.

23 May we have our next speaker, Katie.

24 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
25 Thank you. Our next speaker is Alejandro. And apologies

1 again, we're not able to promote you to panelist, but you
2 should have the option to unmute yourself now.

3 MR. SOBRERA: Yeah. Thank you. My name is
4 Alejandro. I'm a youth activist with the Sunrise Movement
5 here in Orange County. And today, I wanted to talk about
6 the Environmental Justice Policy at State Lands Commission
7 concerning the Poseidon Huntington Beach Desal Project.

8 So Commissioner Yee, you had a hearing in October
9 of 2017, where the Poseidon Project was discussed at
10 length. I took a look at that transcript. That was like
11 over 300 pages long. It was pretty long. And in it the
12 word "equity" was mentioned zero times. However, it was
13 mentioned 14 times in your Environmental Justice Policy
14 that is only 12 pages long.

15 And so a lot of things have changed since then,
16 but some have not. So currently, Poseidon is still a
17 powerful corporation with an army of lobbyists trying to
18 convince us all here that privatizing our water is good,
19 even though in its plant down in Carlsbad has caused water
20 rates in San Diego to skyrocket. Carlsbad has also failed
21 year after year to deliver the water it promised and has
22 been issued dozens of Notices of Violation for excessive
23 dumping of concentrated brine and toxic chemicals, and has
24 managed not to get fined even once.

25 What has also changed -- or what has changed is

1 that we know now that the climate crisis is continually
2 getting worse. And the current IPCC report that just came
3 out called desalination maladaptation, because it destroys
4 marine life and it's ridiculously energy intensive. We
5 also know that the Carlsbad plant had to shut down for
6 weeks because of red tides, even though Poseidon calls it
7 climate proof and calls the ocean an infinite source of
8 water. The ocean isn't an infinite source of water. It's
9 a fragile ecosystem. It's not for our profit.

10 And then with the warmer climate these red tides
11 are going to keep happening more often and these plants
12 will have to shut down more frequently. Had the Poseidon
13 desal plant been there during the recent Huntington Beach
14 oil spill, they would have had to shut down because the
15 membranes they use wouldn't have been able to handle the
16 oil.

17 Your Environmental Justice Policy talks about
18 impacted communities, analyzing impacts, and supporting
19 cleaner industry, and I think those need to be looked at
20 again by State Lands. My generation would bear the brunt
21 of this destructive and polluting project. And it's
22 unconscionable that Poseidon could just sail through
23 without considering the environmental justice impacts that
24 the most vulnerable would suffer and disregard climate
25 equity.

1 Poseidon wants to -- wants me to pay with my
2 taxes and my health. And so I'm asking you, Commissioner
3 Yee, to reconsider the lease and deny it based on the
4 State Lands Commission Environmental Justice Policy. You
5 should be thinking very deeply about the future of our
6 State and keep the youth in mind who are going to be the
7 ones that are going to suffer through the negative
8 impacts.

9 Thank you.

10 CHAIRPERSON KOUNALAKIS: Katie, may we have the
11 next speaker, please.

12 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
13 Thank you, Madam Chair.

14 Our next speaker is Francis Coats. And you
15 should be able to unmute yourself. I was unable to
16 promote you to panelist.

17 CHAIRPERSON KOUNALAKIS: Please unmute yourself,
18 if you have not, Ms.[SIC] Coats.

19 EXECUTIVE OFFICER LUCCHESI: I believe that he
20 might have dropped off. I'm not sure.

21 CHAIRPERSON KOUNALAKIS: Oh.

22 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: It
23 actually -- he just transferred into the panelist list, so
24 he should have audio and video enabled.

25 MR. COATS: I think I just found it.

1 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Now, I
2 guess there is just a bit of a longer delay.

3 CHAIRPERSON KOUNALAKIS: There you go. All
4 right. There you are, Mr. Coats.

5 MR. COATS: I'd ask -- this is Francis Coats.
6 I'm from Yuba City. And I'd ask that the Commission
7 remember the interests of members of the general public,
8 including disadvantaged groups, when they consider
9 decisions affecting the access to and use of public lands,
10 that this year -- or last year. This year were coming
11 into effect. The Commission supported AB 1390 and got the
12 adoption of section 6210.6 of the Public Resources Code,
13 which essentially would allow the Commission to transfer
14 land out of State ownership without reserving access to
15 other State-owned land that would be landlocked when the
16 land is transferred.

17 And the Commission wrote in a letter to the
18 Resources -- Senate Resources Committee that the purpose
19 of this was to facilitate transfers of land to tribes
20 without being required to reserve access across that land,
21 which might get in the way of the tribe's use of the land
22 they received.

23 Of course, if you do a transfer like that, if you
24 transfer to a tribe a piece of land that controls access
25 to other State-owned lands, you have given the tribe not

1 only the land that you gave them, you've given them
2 exclusive access to the rest of the land. That
3 Californians, in general, have a deep religious,
4 spiritual, emotional tie to land that simply asks you to
5 respect the interests of Californians generally and
6 particularly people of color and disadvantaged groups who
7 have more trouble accessing public land, when you look at
8 giving a special interest group -- selling or giving a
9 special interest group exclusive access to State public
10 lands or selling them public land.

11 Thank you.

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

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

16 Our next speaker is Christina. And you should be
17 able to unmute yourself. I was unable to promote you to
18 panelist.

19 CHAIRPERSON KOUNALAKIS: Christina, are you
20 there?

21 MS. KU: Hi. Can you hear me?

22 CHAIRPERSON KOUNALAKIS: We can hear you now. Go
23 ahead.

24 MS. KU: Oh, thank you so much. I'm so sorry
25 about that.

1 Okay. So hello. I'm actually an officer of the
2 charter Democratic party club called Democrats for the
3 Protection of Animals. I hope you all check us out and
4 join. But our club has actually voted to support the
5 protection of the Ballona Wetlands. And we have sent
6 letters to elected officials to educate them on the
7 ecological realities and values of the ecological reserve
8 here in -- near California, Los Angeles.

9 And we do not support the digging up of -- you
10 know, bulldozing of this thriving wetland that's been in
11 proposal. After learning about the facts of the sea level
12 rise threat to coastal areas, removing two million cubic
13 yards of soil, and lowering these coastal lands will be
14 the threat to coastal and surrounding areas.

15 I mean, does that make sense? We just don't
16 understand why this plan is being pushed forward when
17 ecologically, and just physics-wise, it does not make
18 sense, especially with sea level rise threat. So the
19 levees and the creeksides are protecting the Ballona
20 Wetlands. So when you take them away, there's no
21 protection from the threat of sea level rise.

22 So I hope everybody will really hone in on that
23 point and see that this plan by Department of Fish and
24 Wildlife it does not make sense. So we support the eco --
25 Ballona Wetlands Ecological Reserve number 4 Gentle

1 Restoration that has a 20-point plan. And we've read it
2 point by point. And they're very easy to understand and
3 they make absolute ecological sense to just lay folks, for
4 folks who don't know science or biodiversity, and the
5 actually do make sense.

6 And most importantly, they can be taken -- these
7 steps can be taken without an EIR or EIS report and with
8 minimal effort to obtain coastal development permits or
9 exemptions. So the scientific and logical guide principle
10 here is no intrusive activities by mechanical means and no
11 excavation.

12 And if you haven't looked at the 20-point plan, I
13 mean, they go on to talk about, you know, protecting the
14 1,700 different kinds of species, and having docents, and
15 finding ways to actually protect them and their habitats
16 and fund this program, so we could educate the public and
17 recover the southern sea otter to the Ballona. There's so
18 much to do here, design and oversee a project to recover
19 certain endangered species, and the Snow Goose, and the
20 Sandhill Crane. I mean, this plan is so thoughtful and so
21 detailed, I really wish some of you would read this. And
22 it's absolutely just -- it makes so much sense and also
23 have a plant assessment that will determine which plant to
24 continue to protect.

25 So please, please do something to help the

1 Ballona Wetlands and do not let them bulldoze it.

2 Thank you.

3 CHAIRPERSON KOUNALAKIS: Thank you very much.

4 Katie -- and I'd also just at the end of public comment,
5 Jennifer, if you want to respond a little bit to some of
6 those questions about where we are in the process relative
7 to Ballona.

8 EXECUTIVE OFFICER LUCCHESI: Certainly.

9 CHAIRPERSON KOUNALAKIS: And the actual authority
10 of the State Lands Commission and all of this.

11 Okay. Go ahead, Katie. Next speaker, please.

12 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
13 you, Madam Chair. Our next speaker is Jane
14 Velez-Mitchell.

15 MS. VELEZ-MITCHELL: Yes, can you hear me?

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

18 MS. VELEZ-MITCHELL: Thank you. Thank you for
19 allowing me to speak. In the early 1990s, I was a
20 reporter at KCAL 9 covering Martin Sheen marching with
21 indigenous leaders opposing the Playa Vista project. I
22 personally interviewed the Playa Vista executives who told
23 me to my face, don't worry. I promise you there is a
24 chunk of the wetlands, approximately one square mile that
25 will never be destroyed. We promise to leave it alone.

1 I was told that with my own -- I can testify in
2 court to that. Now, we are decades later here facing the
3 destruction of that very area through a phony restoration
4 engineered by SoCalGas and its allies. The real story is
5 out, SoCalGas desperately wants to upgrade its crumbling
6 gas storage facility deep underneath the wetlands. And
7 that is the true objective, the real reason they want to
8 bulldoze it.

9 It is Orwellian to call it a restoration. This
10 facility is very similar to the Aliso Canyon gas storage
11 facility that had an infamous blowout several years ago
12 that is considered one of the worst environmental
13 disasters in California history, worse than the Exxon
14 Valdez calamity.

15 That's one reason why the LA City Council and
16 other municipalities recently have called for the facility
17 to be shut down. It is why there are currently six
18 lawsuits against this misguided plan to bulldoze the
19 Ballona Wetlands. I am begging you, Lieutenant Governor,
20 please talk to the Governor and say please do not support
21 or condone this destructive bulldozing of the Ballona
22 Wetlands.

23 We opponents are reasonable. We don't want to do
24 nothing. The Ballona Wetlands does need some tender
25 loving care. We support option 4. There is a gentle, as

1 you've heard, respectful, genuine restoration that can be
2 done without bulldozing and destroying this last coastal
3 wetlands in LA, home to 1,700 species, some endangered and
4 some threatened. These wetlands are not dead and dying as
5 proponents claim. We've documented the many plant and
6 animal species with time stamp photos from the wetlands.
7 I live along the Ballona Creak. I see the egrets, the
8 foxes, the rabbits, the lizards, the ducks, the geese. I
9 could be here for hours listing them.

10 Governor Newsom has called for nature-based
11 solutions. Destroying the home for 1,700 species when
12 we're in the midst of the sixth mass extinction is not a
13 nature-based solution. That should be obvious. I hope
14 someone can talk to him about this. You know, to say
15 we're doing all this to help the underserved inner city
16 youth of color is really cynical. As a Latina person of
17 color, I find it offensive. It's actually using a poor
18 underserved community as a tool for the goal of the
19 wealthy fossil fuel industry.

20 Recently, a group of young environmentalists of
21 color, led by Genesis Butler a young TEDx speaker, held a
22 new conference at the Ballona Wetlands to say do not
23 destroy this wetland and claim you're doing it for us. We
24 don't want you to destroy it. We don't want you to kill
25 these animals and say you're doing it for us. We want you

1 to clean it up and make it accessible to us now. Provide
2 public access now.

3 Thank you so much.

4 CHAIRPERSON KOUNALAKIS: Thank you very much.

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

6 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
7 you. Our next speaker is Martha Miller. And before that,
8 if Chris Ku is currently on and present, if you could
9 please raise your hand, so that we can identify you to
10 speak before this comments session ends.

11 Thank you.

12 MS. MILLER: Hi. My name is Martha Miller. I'm
13 calling on behalf the California Association of Port
14 Authorities. I just wanted to lend our strong support to
15 the funding that's been allocated through the American
16 Rescue Plan to the California ports in California.

17 Thank you so much.

18 CHAIRPERSON KOUNALAKIS: Thank you, Martha. I
19 think that's a specific action item that will be coming
20 up, but it's -- thank you for coming, so --

21 MS. MILLER: Sorry. I hope it was okay. I
22 wasn't sure where I was -- I was confused about --

23 CHAIRPERSON KOUNALAKIS: That's all right.

24 MS. MILLER: -- where I was at. I'm sorry.

25 CHAIRPERSON KOUNALAKIS: That's all right.

1 That's all right. Thank you. Thank you.

2 May we have our next speaker please, Katie.

3 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.

4 Thank you. Our next speaker is a phone number ending in
5 850.

6 CHAIRPERSON KOUNALAKIS: If you have a telephone
7 number ending in 850 --

8 MS. PONCÉ: Yes.

9 CHAIRPERSON KOUNALAKIS: Yes. Please go ahead.
10 We can hear you.

11 MS. PONCÉ: Yes. Thank you. Lydia Poncé here
12 with Society of Native Nations. Good morning, relatives.
13 And it's a really -- a really important keyword,
14 "relationships" and "relatives". And I don't take
15 anything lightly when I use words, because they pretty
16 much try to communicate and convey the rules, and the
17 spirit, and the heart of what is our intention. So we can
18 either be part of the hurting or we can be part of the
19 healing. And we have manifested 500 years of pain when it
20 comes to doctrines of discovery, manifest destiny. And
21 its -- you know, we're living in a time where all of these
22 ideas and profiting has really decimated a lot of the
23 indigenous people all across Turtle Island and the sacred
24 sites such as Ballona Wetlands and our oceans, our
25 beaches, Bears Ears, Standing Rock, Thacker Pass is about

1 to mined for lithium.

2 So I'm going to ask you why is it that we always
3 say we have these deep rich relationships with indigenous
4 people, yet they do not constitute half or even a little
5 bit more than half of these commissions, boards, and
6 circles of like Greta Thunberg says, blah, blah, blah,
7 because what I'm hearing right now is consideration for
8 State public lands. These are all indigenous lands. Why
9 is it that you do not have a part in your agenda for
10 indigenous voices to amplify what they need, how we can
11 support protecting their sacred sites, the land, and the
12 water, and the air.

13 I am tired of hearing about Tejon Ranch now
14 coming back up, not asking the Paiute Shoshone about the
15 water rights that the Paiute Shoshone have and how 22,000
16 condominium apartments and other businesses are going to
17 use the water. We need to get on Mother Earth's rights.
18 We need to talk about those things that matter or I don't
19 want to hear about alternatives, because all alternatives
20 do is alter natives. That's all it does. It's genocide,
21 it's femicide, it's ecoside, and it's terracide.

22 Where are we going to get our drinking water?
23 Why are we even considering anything towards Poseidon?
24 Everything Poseidon should be a hard firm no. You're
25 going in the wrong direction, relatives. I say this with

1 great passion, because I am concerned about the seven
2 generations forward.

3 Agendas and minutes. What about our relationship
4 to where we live to our health and to each other. Our
5 relationship living in a very healthy environment for the
6 winged, the swimmers, the four-legged, the other
7 two-legged, and the creepy crawlers that we don't see and
8 some of us are afraid of. I'm not.

9 I'm speaking right now to you, relatives, in
10 these holidays to consider your consumption, mass
11 consumption, plastics and wrapping, and all the things
12 that we do, the generating the gas to get somewhere, or
13 have these items delivered to put under a tree or in a
14 stocking. I'm not saying ruin Christmas. I'm not the
15 Grinch. I'm saying these holidays we need to really
16 consider what gift of life we're giving to everything
17 around us and everyone around us. Be better relatives.
18 Either you're part of this hurting or you're part of the
19 healing. The choice is yours.

20 Thank you.

21 CHAIRPERSON KOUNALAKIS: Katie, may we have the
22 next speaker, please.

23 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
24 Thank you, Madam Chair. We have Christina with our -- her
25 hand raised again. I believe she might provide an update

1 on Chris Ku who is on the speaker list.

2 CHAIRPERSON KOUNALAKIS: Christina, can you hear
3 us?

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: You
5 should be able to unmute yourself.

6 CHAIRPERSON KOUNALAKIS: Can you -- can you hear
7 us, Christina? We cannot hear you.

8 Katie.

9 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
10 She might have issues with her audio at the moment.
11 Either she's unable to hear us or she's unable to connect
12 with audio.

13 EXECUTIVE OFFICER LUCCHESI: In the meantime,
14 Chair --

15 CHAIRPERSON KOUNALAKIS: Yes.

16 EXECUTIVE OFFICER LUCCHESI: -- I can provide
17 some responses per your earlier request. And --

18 CHAIRPERSON KOUNALAKIS: Jennifer -- Ms.
19 Lucchesi, why don't we wait until we finish all of the
20 public comment, unless -- is that -- Katie, is that the
21 last person?

22 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes,
23 this is the this -- um-hmm, yes, last speaker.

24 CHAIRPERSON KOUNALAKIS: Okay. So we'll try one
25 more time. Christina, can you hear us and unmute

1 yourself?

2 Okay. Go ahead, Ms. Lucchesi. Thank you.

3 EXECUTIVE OFFICER LUCCHESI: All right. Great.

4 So in response to the comments that we've received about
5 Ballona Wetlands. First, I really want to extend our
6 appreciation for everyone who has spoken this morning
7 relating to Ballona wetlands and in our previous meetings.
8 As the Commission knows, they have been very strong
9 advocates for their position relating to Ballona Wetlands
10 and it takes a lot of time and energy to participate in
11 all of these public meetings. So we appreciate their
12 participation.

13 I can't really go into a lot of details about the
14 Ballona Wetlands Project. The California Department of
15 Fish and Wildlife certified the EIR about a year ago. And
16 that is currently in litigation at this moment. So it's
17 really best not to provide too much detail about that
18 because of pending litigation.

19 Relating to the methane storage issue, we will --
20 staff will follow up with CalGEM, who is the primary
21 regulatory authority relating to methane storage issues,
22 and be able to provide an update to the Commission earlier
23 next year.

24 CHAIRPERSON KOUNALAKIS: Jennifer, on that, thank
25 you for that, because as it was noted, I was in Glasgow a

1 few weeks ago at COP26, and the commitment to reduce
2 methane emissions is -- was one of the side agreements.
3 So I think it would be helpful to talk about this in that
4 context for the public.

5 EXECUTIVE OFFICER LUCCHESI: Certainly. And if
6 it -- if it -- if there's no objections by you, Chair, I'd
7 also like to provide just a response to the comments about
8 the Poseidon Huntington Beach desalination?

9 CHAIRPERSON KOUNALAKIS: Yes. Thank you.

10 EXECUTIVE OFFICER LUCCHESI: Yeah, I --

11 CHAIRPERSON KOUNALAKIS: And I also just want to
12 be clear that we can't necessarily respond on every issue
13 that comes before us in public comment immediately. But
14 these two issues there were many speakers, and so I think
15 maybe just reiterating some of the public information that
16 we've revealed in the past is appropriate.

17 EXECUTIVE OFFICER LUCCHESI: Certainly. And I
18 also want to extend my gratitude to the speakers
19 participating this morning to comment on the Poseidon
20 project. We will be following up with Ms. Jordan and her
21 colleagues about their concerns about the lease terms
22 relating to the GHG emission and learning more about those
23 concerns and making sure we follow up with them on that as
24 well. And we'll report back to the Commission next year
25 on that.

1 CHAIRPERSON KOUNALAKIS: Okay. Thank you very
2 much. Katie, were we able to get the final speaker teed
3 up?

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
5 Thank you, Madam Chair. I believe Christina was able to
6 unmute herself a moment ago. So let's see if she's able
7 to do so now.

8 MS. KU: Hi there. Yes. Commissioners, I
9 actually did speak earlier under Chris Ku.

10 CHAIRPERSON KOUNALAKIS: Yes.

11 MS. KU: So thank you so much for being aware of
12 that.

13 CHAIRPERSON KOUNALAKIS: Okay. All right. Very
14 good. Thank you so much. All right. So that concludes
15 our public comment period. The next item of business will
16 be the adoption of the minutes from the Commission's
17 meeting of October 21st, 2021. May I have a motion to
18 approve the minutes and a second.

19 COMMISSIONER YEE: I'll move adoption, Madam
20 Chair.

21 ACTING COMMISSIONER MILLER: And I'll second.

22 CHAIRPERSON KOUNALAKIS: We have a motion by
23 Commissioner Yee and a second by Commissioner Miller. Ms.
24 Lucchesi, will you please conduct a roll call vote.

25 EXECUTIVE OFFICER LUCCHESI: Certainly.

1 Commissioner Yee?

2 COMMISSIONER YEE: Aye.

3 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

4 ACTING COMMISSIONER MILLER: Aye.

5 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

6 CHAIRPERSON KOUNALAKIS: Aye.

7 EXECUTIVE OFFICER LUCCHESI: The motion passes
8 unanimately.

9 CHAIRPERSON KOUNALAKIS: Thank you.

10 The next order of business is the Executive
11 Officer's report. Ms. Lucchesi, may we please have that
12 report.

13 EXECUTIVE OFFICER LUCCHESI: Certainly. So I
14 want to update the Commission and our participants on our
15 two oil and gas programs. We've hit a couple of
16 milestones this week. As you know, for Platform Holly,
17 well plug and abandonment operations resumed in October
18 after an approximate 528 day hiatus owing to the COVID
19 pandemic. We just completed the fourth well, so as of
20 today, four of the 30 wells have been permanently sealed.
21 Staff estimates that the remaining work will be complete
22 in the next 12 to 18 months.

23 We are also, in partnership with the City of
24 Goleta, hosting a virtual town hall tonight at 6 p.m. to
25 update the community and stakeholders about the well plug

1 and abandonment work on Platform Holly and the eventual
2 decommissioning.

3 And finally, as it relates to this project, the
4 Commission is the lead agency for the Piers 421
5 Decommissioning Project. This is a project to
6 decommission and remove the two caissons, pier structures,
7 and associated facilities on Haskell's Beach in the City
8 of Goleta. We established a joint review panel comprised
9 of the City of Goleta and the Coastal Commission to
10 collaborate on the preparation of the Environmental Impact
11 Report. We anticipate releasing the Draft EIR for this
12 project early next year.

13 Next, I want to update the Commission on our SB
14 44 Legacy Well Remediation Program. We just completed two
15 days ago, the reabandonment of the Duquesne Well at
16 Summerland Beach. Similar to the Olsson Well we
17 reabandoned this past July, there was no offshore
18 component to this well reabandonment. The project site
19 was accessible from shore and all equipment remained on
20 the beach above the waterline. This reabandonment work is
21 an essential part of the Commission's effort to
22 permanently stop oil from leaking from legacy wells into
23 surrounding waters and onto Summerland Beach. As a
24 reminder, funding for the Duquesne Well remediation came
25 from SB 44, which provides the Commission with up to \$2

1 million a year for seven years to plug abandoned oil wells
2 in California. Staff will continue to monitor and
3 investigate remaining legacy wells off of Summerland Beach
4 and plan for additional reabandonments in the coming
5 years.

6 And I want to pivot from our oil and gas projects
7 to some retirements that we are facing this year. I want
8 to acknowledge and really celebrate two of our really
9 exceptional staff members, family at the State Lands
10 Commission.

11 First, Renee Wurster. Renee has served the
12 people of California for over 13 years. She joined State
13 service in February 2008, as an Accountant Trainee with
14 the Employment Development Department. One year later,
15 she transferred to Department of Corrections and
16 Rehabilitation, and a mere six months later, in 2009,
17 Renee put down her roots as a member of our State Lands
18 family, working initially as an Accountant Trainee in our
19 Accounting Unit. Renee's value was immediately apparent
20 and in less than sixth months, she promoted. And nine
21 months later, the Commission needed assistance in our
22 Business Services Unit and Renee volunteered to step into
23 that role as a Business Services Assistant.

24 Between September of 2011 and June 2015, Renee
25 ascended the ranks through the Staff Services Analyst and

1 Associate Governmental Program Analyst classifications,
2 and contributed to the Commission in our Business Services
3 and Budgeting Programs. In June of 2015, the Commission's
4 needs changed yet again and Renee was once again willing
5 to switch gears to contribute her talents to the
6 Accounting Unit, where she returned as the Commission's
7 Accounting Manager. She has held this position for the
8 last six years and will be retiring as an Accounting
9 Administrator.

10 She, along with our former Admin Services Chief,
11 orchestrated the Commission's transition into the FI\$Cal
12 system and has been a critical player in our
13 implementation efforts throughout the last three years.

14 Renee's consummate professionalism, technical
15 prowess, and resilience have made her a valuable and
16 respected member of the Commission's management team. Her
17 dedication and commitment to her work and to public
18 service are greatly admired and her good nature positively
19 will be incredibly missed by all of us.

20 Next, I also want to acknowledge and thank Pam
21 Griggs. Pam has given the State of California over 21
22 years of dedicated and distinguished public service. Pam,
23 after receiving her Bachelor of Arts Degrees in history in
24 1979 from Oberlin College in Ohio, continued her
25 post-graduate history education through publications in

1 the Journal of History and ultimately earning her law
2 degree from the University of California at Davis.

3 Before joining the Commission, Pam worked as a
4 historian, editor, and Cultural Resource Specialist for
5 the Bureau of Reclamation and the National Parks Service.
6 Pam joined the Commission in 2000 -- in the year 2000 as a
7 graduate legal assistant and began representing the
8 Commission as an attorney thereafter.

9 In her time with the Commission, Pam used her
10 prior work experience to provide expert technical and
11 legal analysis and recommendations on a broad spectrum of
12 items. Pam ascended through the ranks in our Legal
13 Division and became the Commission's Assistant Chief
14 Counsel in 2014. Pam, through her compassionate
15 leadership, has helped guide the Legal Division through
16 several difficult issues, including the successful defense
17 of numerous CEQA lawsuits and the development and
18 mentoring of our amazing attorneys.

19 Pam took on the stewardship of the Commission's
20 ship wreck database, worked closely with team members on
21 the abandoned mine remediation partnership, participated
22 on the Bolsa Chica Interagency Team, where she received a
23 conservation achievement award, worked as the Commission's
24 lead attorney on Owens Lake and Lower Owens River
25 Management Team, and worked as the Commission's lead

1 attorney on the defense of the Commission's EIR addressing
2 sand mining leases in San Francisco Bay, and she has
3 generally been regarded by her peers and colleagues as one
4 with of the best CEQA attorneys the Commission has ever
5 had.

6 As a result of her conscientious commitment,
7 dedication, and integrity, Pam has exceeded in compiling
8 an impressive record of career achievements, earning her
9 the admiration and respect of her peers. Those who've had
10 the privilege of working with her and also those
11 representing opposing interests. We commend Pam and thank
12 her for her distinguished record of professional public
13 service for over 21 years serving the Commission, and we
14 extend our heartfelt wishes to Pam and her husband, Dave,
15 for a rewarding and gratifying retirement.

16 And just in conclusion, these retirements are
17 always so bitter sweet, because we are so happy for both
18 Renee and Pam to take on this next adventure of their life
19 and to really enjoy life without work, but selfishly,
20 we're going to miss them tremendously, both in terms of
21 what they provide the Commission and the people of
22 California, but also working (inaudible) and enjoying
23 their personalities, and their contributions, and just
24 their friendship.

25 So with that, I turn it back to you, Chair

1 Kounalakis.

2 Thank you.

3 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
4 Lucchesi. And let me extend my congratulations to Pam and
5 Renee on so many years of dedicated service and their
6 retirement. Some one once said they were retired, but not
7 tired. And I suspect that we are going to be seeing more
8 things from the two of you in your next chapter. And we
9 very much hope that you will stay in close touch with the
10 Commission, and that we will see you again

11 So, Commissioner Yee, do you have any comments or
12 questions?

13 COMMISSIONER YEE: Thank you, Madam Chair. Just
14 a couple of comments. Let me also add my congratulations.
15 You know, I think when I look at the State Lands
16 Commission and just the small but mighty staff team that
17 does support all of the work of this Commission, it does
18 make these retirements, you know, just really significant,
19 because the contributions made by each one of the team
20 members are lasting and I know that the work will continue
21 to just serve us well as we move forward. So
22 congratulations to both Pam and -- excuse me -- and to
23 Renee, and all best wishes for a healthy and happy
24 retirement.

25 I also just wanted to say, in terms of the State

1 Lands Family, I just wanted to announce that we have
2 adopted a former member of the State Lands family,
3 Kristina Kunkel is the -- just joined us as the Deputy
4 Controller for Environmental Policy. She's familiar to
5 many of you at the State Lands Commission, as a former Sea
6 Grant Fellow, and has presented before this Commission on
7 sea level rise. And so just very happy to have her rejoin
8 the State Lands family from the Controller's office.

9 Thank you, Madam Chair.

10 CHAIRPERSON KOUNALAKIS: Thank you.

11 Nice to see you, Kristina.

12 Commissioner Miller, do you have any comments or
13 questions?

14 ACTING COMMISSIONER MILLER: No. Thank you so
15 much, Madam Chair. Just echoing the comments of the
16 Controller and welcoming Ms. Kunkel to our team. And
17 always, always just so much admiration for all the work
18 that the Commission does.

19 CHAIRPERSON KOUNALAKIS: Thank you very much,
20 Commissioner Miller. So today is the last meeting of
21 2021. And I'd like to take a moment to share some of the
22 highlights from a very productive year for the Commission.
23 And, of course, it is my last meeting as Chair and will be
24 turning it over again in January to Commissioner Yee to
25 Chair this body.

1 But first, I'd just like to acknowledge that 2021
2 was indeed another year shaped by COVID-19 and the global
3 pandemic. All of our meetings were virtual and Commission
4 staff continued to carry out their important work
5 following COVID precautions in place. Thank you all.
6 Thank you all at the staff level for your dedication to
7 keep the work at the Commission going and for being able
8 to allow us to convene with every passing Commission
9 meeting more efficiently in this virtual space.

10 I also think it's important to note that this
11 year the Commission adopted a new five-year strategic plan
12 to guide us through 2025. We did that at the very
13 beginning of the year and I want to acknowledge,
14 Commissioner Yee again, your role many years in process of
15 developing this strategic plan, but it's critically
16 important now more than ever, because the climate is
17 indeed warming, sea levels are rising, and California is
18 on its way to transitioning to clean energy.

19 Of course, we have also had a year where we have
20 seen racial and environmental injustices persist. And the
21 new 2021 to 2025 strategic plan positions the Commission
22 to respond and lead in these and other areas. The new
23 strategic plan lays out the core values and guiding
24 principles that will serve as the lens by which the
25 Commission approaches its work.

1 We also this year made significant process in
2 decommissioning oil and gas wells. Phase one of the
3 Rincon Well abandonment and decommissioning project was
4 completed under budget and ahead of schedule. As of June
5 30th, 2021, all production wells onshore and all offshore
6 wells on Rincon Island were plugged and abandoned in
7 accordance with Commission and CalGEM regulations, and the
8 island and onshore site clearance work were completed.

9 Plug and abandonment work of the 30 wells on
10 Platform Holly resumed in October, 520 days after the
11 pandemic shut down this work. And in just the last two
12 months, the -- as Ms. Lucchesi noted, the Commission has
13 plugged and abandoned three wells and is currently
14 abandoning a fourth well. There are two other offshore
15 legacy wells that we've been working on, one which was
16 successfully abandoned this year and we've begun work on
17 another just in the last few weeks.

18 So the other area of focus for State Lands this
19 year, in the era of COVID, is our focus on working to
20 support California ports, particularly those who were hit
21 the hardest by the pandemic. We adopted a resolution
22 earlier this year in support of directing funding from the
23 American Rescue Plan Act to California ports to mitigate
24 negative impacts resulting from the COVID-19 pandemic and
25 allowed them to sustain their essential services and

1 maintain the critical infrastructure California relies so
2 heavily on -- California, by the way, and the country rely
3 so heavily on.

4 The Commission was appropriated \$250 million of
5 ARPA funds in the State budget, and we have an item on
6 today's agenda to distribute about half of these funds.

7 Also this year, the Commission took several
8 actions to advance offshore wind energy in California,
9 something which is very, very exciting for us all. BOEM
10 recently announced wind energy areas and is preparing
11 environmental assessments for each of these areas.

12 The Commission also is participating in early
13 outreach to the fishing community and Native American
14 tribal governments. As part of the team of State agencies
15 generally organized around the recently enacted Assembly
16 Bill AB 525, which directs this group of State agencies to
17 develop a strategic plan for developing offshore wind in
18 federal waters off the coast of California. Again, I
19 consider this to be a very major step forward. I was very
20 proud to be supportive and an early co-sponsor of AB 525.
21 We've had many conversations about the potential for
22 offshore wind globally and what it can mean for
23 California.

24 And so the strategic plan that California will
25 develop to have a broad based look at what the future of

1 offshore wind looks like by our State is a critically
2 important first step, and many of us, including myself,
3 have very high hopes of what the future can bring for our
4 State in terms of helping us to meet our 2045 goals.

5 The Commission also authorized environmental
6 review for two proposed offshore wind energy products near
7 Vandenberg Space Force Base in Santa Barbara County. This
8 is important, because conducting this environmental review
9 will include: identification of data gaps and necessary
10 baseline studies; disclosure and analysis of potentially
11 significant impacts; identification of feasible measures
12 to avoid, minimize, and mitigate those impacts; and
13 identification of feasible alternatives all in a
14 transparent, inclusive, and public process. So the
15 ability to use this process to gather information to
16 inform what the future looks like is also going to be very
17 helpful to us, as I -- as we make our way toward
18 developing significant wind energy in the future.

19 The Commission also was very engaged in State
20 legislation. We sponsored Assembly Bill 1390 by Tasha
21 Boerner Horvath that will make it easier to manage school
22 lands and generate revenue to support retired teachers.

23 The Commission also supported Senate Bill 796
24 that would authorize Los Angeles County to convey Bruce's
25 Beach in Manhattan Beach to the Bruce family descendants.

1 This is an effort to right a wrong that occurred a century
2 ago and is part of a broader conversation about racial
3 injustices. This is an issue that has garnered national
4 attention, and the Governor signed this historic bill into
5 law earlier this year.

6 On the federal side, the Commission supported
7 several bills that would permanently ban offshore drilling
8 on the outer continental shelf off the coast of
9 California, Oregon, and Washington. This action
10 reinforces the Commission's commitment to transitioning to
11 a clean energy future and re-memorializes its
12 opposition -- our opposition to new offshore oil and gas
13 development in federal waters.

14 The Commission also this year took action to
15 facilitate the review and analysis of a potential carbon
16 capture and sequestration project in the California Delta.
17 The California Department of Water Resources transferred
18 its jurisdiction over significant portions of land at
19 Sherman Island to the Commission to enable the Commission
20 to process a lease application, the first step in a
21 project's trajectory. The Commission also agreed to enter
22 into a memorandum of understanding with the Department to
23 facilitate coordination and review of a proposed carbon
24 capture and sequestration project application.

25 I'd also like to note on some of the important

1 work that the Commission did this year related to the
2 abandonment of vessel -- abandoned vessel removal and
3 other waterfront clean-up actions. As part of its
4 long-term effort to remove abandoned vessels in the Delta,
5 the Commission authorized staff to take ownership of and
6 remove two abandoned vessels, in Seven Mile Slough in the
7 Delta. This action enables staff to remove and dispose of
8 the vessels, improving navigation, water quality, Delta
9 habitat, and the overall recreational and fishing
10 experience.

11 The Commission also authorized staff to contract
12 to remove derelict or abandoned remnants of the Nantucket
13 Restaurant and marina facilities along the Crockett
14 Waterfront in order to protect public health and safety.
15 When complete, the work will result in the Crockett
16 shoreline being free of marine debris and returned to its
17 most natural condition in decades.

18 And finally, I'd like to say a word about our
19 work as it relates to homelessness. This year, the
20 Commission authorized an amendment to an existing lease
21 with California State Parks to facilitate the use of a
22 small portion of the Candlestick State Recreation Area as
23 a temporary vehicle triage center that will serve people
24 experiencing homelessness and in need of services and safe
25 shelter.

1 The vehicle triage center will safely shelter
2 over 200 people and provide lighting, portable restrooms,
3 shower, and laundry facilities. Clearly, it has been a
4 very productive year, and we have made progress on a wide
5 variety of issues that I have just outlined. And I want
6 again to thank everyone for their incredible support and
7 involvement in making this year a productive one for this
8 State Lands Commission.

9 COMMISSIONER YEE: Madam Chair.

10 CHAIRPERSON KOUNALAKIS: Yes, ma'am.

11 COMMISSIONER YEE: Thank you, Madam Chair for
12 the -- just the articulation of all of the highlights in a
13 very, very challenging year of work. But I wanted to
14 thank you for your leadership during this time. You know,
15 it's really -- I think as we look back during this period
16 going forward, I hope that people will remember that
17 although this may have been some of the most challenging
18 of times, it also has been some of the most rewarding
19 productive of times. And I know that this Commission has
20 not missed a beat, in terms of just really evolving with
21 our changing times. And you spoke about many of those
22 points.

23 As stewards of the Public Trust, we constantly
24 have to be looking at just what some of the emerging needs
25 are and really look to work with our partners on

1 addressing those. But really your chairing the Commission
2 during this time where we've had to meet virtually, I just
3 want to commend you, because I do believe that our public
4 comment and just participation by the public has continued
5 to be enhanced. And we've not taken any shortcuts with
6 respect to public participation, and I think that's always
7 a good sign of a healthy Commission, when we are
8 accessible and even more so during this pandemic with our
9 virtual platform.

10 Of course, I miss everyone in person. I hope
11 that we will be able to be meeting in person again, but I
12 think we were only able to get really a lot accomplished
13 with our ability to continue to stay engaged and connected
14 with the communities at large for whom we are acting as
15 our -- as stewards of our Public Trust. So thank you very
16 much, Madam Chair, and congratulations.

17 CHAIRPERSON KOUNALAKIS: Thank you very much,
18 Commissioner Yee. The next order of business will be the
19 regular calendar, items 1 and 2. Item 1 -- Item 1 is to
20 consider distributing funds from the American Rescue Plan
21 Act to California ports to mitigate negative economic
22 impacts resulting from the COVID-19 pandemic. May we have
23 the presentation, please.

24 EXECUTIVE OFFICER LUCCHESI: Certainly. Reid
25 Boggiano our Granted Lands Liaison will be providing

1 staff's recommend -- staff's presentation and
2 recommendation.

3 (Thereupon a slide presentation.)

4 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: Good
5 morning, Chair and Commissioners. Thank you.

6 In May 2021, Governor Newsom announced a one-time
7 250 million allocation from the federal American Rescue
8 Plan Act of 2021 to California Ports to mitigate the
9 negative economic impacts resulting from the COVID-19
10 Pandemic. The 250 million allocation is intended to help
11 California ports recover from the dramatic losses in
12 revenue they experienced.

13 Ports have a significant impact on the state's
14 recovery effort. Approximately one million California
15 jobs are linked to trade activities at public ports. An
16 infusion of federal funds will have a significant impact
17 in targeting the unemployment -- unemployed residents of
18 port communities by helping ports rehire or bring on new
19 essential workers, as well as retaining existing
20 employees. The funds may also be used for activities such
21 as supporting safe operations and funding projects delayed
22 by pandemic-related fiscal impacts.

23 After working closely with the Department of
24 Finance, Commission staff released the application package
25 on October 8th, 2021 and provided ports with 30 days to

1 submit a funding application. When considering funding
2 requests, Commission staff considered the amount of a
3 port's revenue impacts, and port's direct costs due to the
4 pandemic, and whether the ports received funds from a
5 county or city's local fiscal recovery funds. Ports that
6 rely on tourism-based revenues suffered drastically
7 because of reduced revenues. On the other hand, ports
8 with large cargo operations may have had increase in
9 revenues in some operations that helped offset other
10 losses.

11 Ports were required to provide a list of proposed
12 projects, the amount of funding they anticipate committing
13 the recovery funds to, a description and cost estimate of
14 the programs or projects, and a narrative Of how the
15 project will allow the Port to continue to invest in
16 services that were impacted and that support economic
17 recovery.

18 Some of the proposed projects include: major
19 maintenance and repair projects that are necessary to
20 maintain port assets so that they are safe, accessible,
21 and available as revenue generating assets in the future;
22 terminal equipment and IT upgrades; infrastructure to
23 strengthen port industries and retain existing tenants;
24 efforts to avoid direct layoffs and fill positions left
25 vacant during the pandemic; loan programs for financially

1 distressed businesses; and services that will continue to
2 bring visitors and commercial business to the waterfront,
3 such as the installation of electric vehicle charging
4 stations, commercial fishing upgrades, and projects that
5 keep tourism areas safe and clean.

6 The Commission, through this year's budget act,
7 has discretion over the distribution of funds to achieve
8 the purpose of addressing negative economic impacts
9 experienced by the ports. The Commission also considers
10 the state's best interests when exercising its
11 discretionary authority.

12 To ensure that the ARPA funds are used as
13 effectively as possible, staff requested that each port
14 provide its COVID-19 related revenue losses and direct
15 costs. These metrics help ensure that we direct funds to
16 ports that were most drastically impacted by the pandemic.
17 For this tranche of disbursement, staff focused on revenue
18 losses and direct costs in calendar year 2020. And, Phil,
19 can you please bring up the slide of staff's recommended
20 disbursements.

21 --o0o--

22 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO:

23 Perfect. Thank you. I'll now go over staff's
24 recommendations for the recovery fund disbursements.

25 To the Port of San Diego, staff recommends

1 distribution of \$61,390,747. The Port of San Diego
2 requested 103.4 million for both the 2020 and 2021
3 calendar years. The Port of San Diego can apply for
4 additional funds in the future based on 2021 calendar year
5 costs and revenue losses.

6 To the Port of San Francisco, staff recommends
7 distribution of \$56,616,130. The Port's funding request
8 summary applied for \$57,292,567, but the revenue loss
9 calculations and proposed project expenditures are equal
10 to staff's recommendation.

11 To the Port of Oakland, staff recommends
12 distribution of \$14,258,400, which was the requested
13 amount in the Port's application.

14 To the Oxnard Harbor District, also known as Port
15 Hueneme, staff recommends distribution of \$2,337,563 out
16 of the \$3,010,912 requested in the District's application.
17 The District calculated revenue losses using only their
18 auto cargo segment. To objectively compare the
19 application with other ports, staff requested that the
20 District provide their total operating revenue losses.
21 Although the guidelines allow ports to use different
22 methods to calculate losses, staff believes the total
23 operating revenue is a more accurate comparison to use
24 because it's comparable to the other port calculation
25 methods we received.

1 California ports are facing similar financial
2 hardships and using the total operating revenue losses
3 allows funding to be distributed based on a port's current
4 financial situation.

5 To the Ventura Port District, staff recommends
6 distribution of \$1,060,484, which was the requested amount
7 in their application.

8 To the Humboldt Bay Harbor Recreation and
9 Conservation District, staff recommends distribution of
10 \$\$506,191 dollars, which was also their requested amount
11 in their application.

12 The Port of Long Beach requested \$34,426,138 of
13 funding. The Port calculated its revenue losses using
14 fiscal years and did not include the number of months in
15 its calculation. Staff recalculated the revenue loss
16 using the method described in the request summary for a
17 total request loss of approximately 22.3 million. Because
18 the Port of Long Beach has seen an increase in container
19 cargo businesses as the pandemic has progressed, reviewing
20 only 2021 -- 2020 calendar year losses may not provide an
21 accurate map of the pandemic's overall impact to port
22 revenue. Staff is recommending the Commission not
23 distribute funds to the Port at this time and consider An
24 application from the Port of Long Beach during the next
25 tranche of disbursements based on the Port's losses during

1 the 2020 and 2021 calendar years.

2 As a condition of fund disbursements, the ports
3 must sign a funding agreement. This agreement formalizes
4 the ARPA's use restrictions and the Commission's role in
5 ongoing monitoring. They are given -- the agreement also
6 requires the ports to reimburse the State for any misused
7 funds.

8 The total amount for this initial disbursement
9 authorization, as recommended by staff, is \$136,239,515
10 out of the 250 million. This leaves \$113,760,485 left to
11 distribute at a future Commission meeting. Staff will
12 recommend subsequent disbursements based on calendar year
13 2021 losses at a future meeting. Ports that either did
14 not apply during this disbursement tranche or that
15 received an amount less than their requested amount may
16 reapply for consideration.

17 Thank you and I'm available to answer any
18 questions

19 CHAIRPERSON KOUNALAKIS: Thank you very much for
20 that presentation, Mr. Boggiano. Commissioner Yee, do you
21 have any questions or comments?

22 COMMISSIONER YEE: Thank you, Madam Chair. I
23 just wanted to thank Jennifer and the staff for really
24 working through these applications and working with the
25 administration on this. I know that for many of the ports

1 that were listed, this has been a very, very challenging
2 time, and the funding could not be more welcome. And this
3 is -- these were issues that were in place from the
4 beginning of the pandemic, and, of course, now with the
5 additional attention focused on the supply chain issues,
6 it's -- the ports have been certainly challenged.

7 And so I really appreciate the processing of the
8 applications and then also being thoughtful with respect
9 to the second tranche of the funding. As we know, there
10 is still a lot in flux with respect to what the ports are
11 undergoing and expectations of them. And so we look
12 forward to the ongoing discussions with respect to the
13 second tranche of the funding.

14 Thank you.

15 CHAIRPERSON KOUNALAKIS: Thank you.

16 Commissioner Miller, do you have any questions or
17 comments?

18 ACTING COMMISSIONER MILLER: No. Just echo.
19 I -- the only additional comment I would make is just a
20 huge thanks to the ports. I think, you know, because of
21 the extraordinary year and how complicated it really is to
22 make sure that we're adhering to the letter of the law of
23 the federal law and also making sure that we get everyone
24 exactly what they need in terms of this funding, I think
25 it really was the definition of a group effort. And I

1 would like to shout-out our team at the Department of
2 Finance as well. I think they did a fantastic job on
3 this, and of course as always, the State Lands Commission.
4 So a great example of team work and making sure that we
5 get the right answers for all the parties involved, so
6 thank you very much.

7 CHAIRPERSON KOUNALAKIS: Thank you very much.
8 I'll just add my sentiments to those. Thank you to the
9 ports. This has not been an easy process to be able to
10 identify the mechanisms to be able to contribute these
11 funds and truly to Governor's office for his recognition
12 of the importance of the health, the economic health, of
13 our ports and our state. People may be wondering why do
14 the ports need additional support, when there's more
15 shipping than ever coming through them? And the fact is
16 that our ports do many things, and particularly those
17 which have a high reliance on tourism. Early on in the
18 pandemic, they were giving generous support to their
19 tenants, so that small businesses weren't forced into
20 bankruptcy, being very flexible and accommodating. And so
21 the ability to channel federal -- first of all, obtain the
22 federal support and then find the mechanism to be able to
23 direct it to them, it has all been a very complicated
24 process and one that's required a lot of -- a lot of
25 entrepreneurial thinking.

1 And so I think it has taken us a lot to get here
2 and is just the right place to be able to support such an
3 important component of the California economy.

4 Katie, do we have any public comment?

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
6 Thank you, Madam Chair. We do have several hands raised
7 to provide comment on this item.

8 First, we have Mayor Alejandra Sotelo-Solis.

9 CHAIRPERSON KOUNALAKIS: Madam Mayor, you have
10 the floor.

11 NATIONAL CITY MAYOR SOTELO-SOLIS: Gracias. It's
12 the -- you're muted. I wanted to hit the button before I
13 started talking.

14 Okay. Well, again, buenos dias. Mayor
15 Sotelo-Solis here from the City of National City to share
16 my thoughts on item 1 regarding ARPA funding.

17 On August 18th when funding was being discussed
18 to be distributed to the port district, the City Council
19 unanimously submitted a letter on behalf of the City,
20 respectfully requesting the San Diego Port of San Diego,
21 our port district, to prioritize ARPA funding for National
22 City's Balanced Plan, Maritime Clean Air Strategy, and
23 Maritime Industrial Impact Fund.

24 National City has suffered from the highest
25 COVID-19 case rates in the county, easily making a case

1 for a formal request for its fair share of those ARPA
2 funds and a counterbalance of the inequities of past
3 decades.

4 A quick background, our Balanced Plan is an
5 effort and an actual plan that has been discussed for
6 easily two decades. And it makes drastic -- drastically
7 needed improvements along the port waterfront at the
8 Pepper Park in National City, a little thumbprint at
9 Pepper Park, connectivity to future commercial and
10 transportation options to have easier and safer access to
11 the waterfront, as well as offset environmental impacts
12 that National City residents that are adjacent to
13 industrial and maritime operations have had.

14 The Balanced Plan completion is equally essential
15 to providing funding and mitigation efforts to implement
16 the Maritime Clean Air Strategy, MCAS, and prioritize ARPA
17 funding for MCAS projects and ongoing MIIF Maritime
18 Industrial Impact Fund.

19 Annually, \$17 million in revenue is raised out of
20 the Port of San Diego. The Port, located specifically in
21 National City, raises those \$17 million. And yet for
22 decades, industrial operations on tidelands and limited
23 access to the water -- to the waterfront have contributed
24 to economic, environmental, and health inequity challenges
25 for the people of National City. That's why we ask for 25

1 million in public improvements for the Balanced Plan and
2 in solidarity with our Barrio Logan neighbors, we
3 requested that the port district allocate an additional 20
4 million to MCAS and five million to tideland.

5 Before -- as before you, National City has
6 received roughly \$10 million, although not all on the
7 community side of the fence line. A total of three
8 million for the Balanced Plan, 850 for Pepper -- 850,00
9 for Pepper Park improvements, and six million for
10 electrification for offshore power at NC Terminal.

11 National City understands and appreciates the
12 port's important role in the region as an economic engine
13 and environmental steward. As an agent of State public
14 lands, the port district must conduct itself on principles
15 of equity, sustainability, and resilience. National City
16 has been a historical victim of the interpretation of
17 these higher ideals. ARPA has provided an opportunity for
18 port district to fund these long-standing equity goals.

19 And again, we appreciate the opportunity to share
20 this information. I will be submitting this letter for
21 the record for the members to review.

22 Thank you.

23 CHAIRPERSON KOUNALAKIS: Thank you very much.

24 Katie, do we have any other speakers?

25 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.

1 Thank you, Madam Chair.

2 Our next speaker is Job Nelson.

3 MR. NELSON: Good morning. Thank you. For the
4 record, my name is Job Nelson. I am a VP of Strategy and
5 Policy at the Port of San Diego.

6 I wanted to start my time this morning by -- with
7 a number of thank yous. First, I wanted to thank your
8 Executive Director Jennifer Lucchesi. She has been
9 amazing to work with keeping things moving rapidly, while
10 still seeking our input along the way. I would remiss if
11 I didn't -- I'd be remiss if I didn't thank Ben and Reid,
12 who have been meeting weekly -- multiple times a week to
13 make sure that we get the program set up in just the right
14 way to ensure dual goals of flexibility and
15 accountability. And I would also like to thank the
16 Commissioners. I would like to -- I know personally that
17 you Madam Lieutenant Governor and you Madam Controller
18 personally made calls to help land this money in the first
19 place and then have been available as various hiccups have
20 occurred and you've been great to work with.

21 And Commissioner Miller, I would also like to
22 personally thank you. You worked with us and your finance
23 staff to help land this plane. I will never forget
24 sitting on the floor of the Disney Grand California
25 Conference Center on a conference call, because you pulled

1 together an emergency meeting to help alleviate all of our
2 concerns. And I'm happy to report that my wife has
3 forgiven me for interrupting our birth day celebration to
4 be on that call.

5 You have all heard our story. We are -- over the
6 last 20 months, we've experienced about \$100 million in
7 lost revenue. We have been hindered on our major
8 maintenance, technology upgrades, our move forward on many
9 of electrician -- electrification initiatives. And you
10 heard this morning from Mayor Solis, even our Maritime
11 Industrial Impact Fund, we weren't able to fund it the
12 last two years. Although, I am happy to report that we've
13 funded it for 2020. And we will now be looking to replace
14 2021 in the coming year.

15 And we have been hindered in terms of our
16 opportunities to make California ports the cleanest in the
17 world. And I will commit to you that we will be putting
18 the money to good use to help California rebound not only
19 strong, but better in so many ways. Around 40 percent of
20 this money will go to major maintenance on critical piers.
21 We have piers and wharves that are a century old and we
22 are literally coning off sections of terminal right now,
23 because they might collapse under the weight of machinery.
24 This money will help to fix that.

25 We are taking a quarter of the funding and

1 putting it towards electrification activities that will
2 benefit nearby disadvantaged communities. And we will be
3 also taking over 15 percent of our funds and engaging in
4 projects that benefit disadvantaged communities,
5 communities like National City, Chula Vista, and Imperial
6 Beach, which were some of the hardest hit by COVID.

7 Let me close by giving a very real example of how
8 this will help the State rebound not only stronger, but
9 better. If this decision happens to today, we will be
10 taking to our board next week a contract to buy a fully --
11 a fully electric crane system to replace Old Blue, our
12 Gottwald crane, which has broken down multiple times. It
13 was our single dirtiest piece of equipment on our
14 terminals. Not only will it be replaced by clean
15 technology, we will -- it will also create a new ultra
16 heavy lift capacity, one of the few ports on the west
17 coast to have such capabilities.

18 We have done the analysis using Caltrans data,
19 and many of our companies have to import or export ultra
20 heavy goods through the Gulf. This will give them a clean
21 California option, saving them time and money. Your
22 action today will set the groundwork for this and similar
23 activities at our port and others to happen. So thank you
24 and we urge your support.

25 CHAIRPERSON KOUNALAKIS: Thank you very much.

1 Katie, any other -- anyone else who would like to make a
2 comment?

3 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
4 Thank you, Madam Chair.

5 Our next speaker is Danny Wan.

6 CHAIRPERSON KOUNALAKIS: Hello, Danny. You have
7 the floor.

8 MR. WAN: Thank you. Thank you Lieutenant
9 Governor. Thank you, Commissioners, Controller Yee. And
10 I want to echo the comments that were just made about our
11 thanks to both staff and to the Commission for
12 facilitating this. It's fair to say that without you,
13 this would not have been possible to have distributed
14 funds in such an efficient and timely manner, and also to
15 really do it in a way that it does -- it in deed is going
16 to help us get on track and retain our workers, as well as
17 advance very important infrastructure projects that we are
18 badly in need of because of the delay by the pandemic. So
19 on behalf and being the President of the -- of California
20 Association of Port Authorities, I thank you for the work.

21 And as the Director of the Port Oakland, I want
22 to note that the funding is going to help us get our storm
23 water and assessment -- assess deficiencies that had been
24 delayed because of the pandemic, and getting the people to
25 work on that, and also to assert the community, both in

1 terms of water quality and upgrading our system to serve
2 the business.

3 And as you know, the Port of Oakland has three
4 lines of business, airport, as well as a commercial real
5 estate visitor-oriented component, as well as the seaport.
6 So obviously, our visitor-oriented business has suffered
7 greatly during the pandemic, but even the seaport, just
8 the logistical chain kind of mystical way that we work.
9 Even though LA and Long Beach has been congested, just to
10 let you know, in October '20, the Port of Oakland actually
11 had a 20 percent drop in volume since the year before.
12 And we are -- we have capacity and we're working that out
13 with our shipping lines. So this congestion issue still
14 needs to be worked out and we need -- we're working very
15 hard at it, but with your help, we're going to get there.

16 Thank you very much.

17 CHAIRPERSON KOUNALAKIS: Thank you very much.
18 It's nice to see you, Danny, and thank you for everything
19 you and your colleagues are doing in Oakland.

20 MR. WAN: Thank you very much.

21 CHAIRPERSON KOUNALAKIS: Do we have any other
22 speakers, Katie?

23 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
24 Thank you, Madam Chair.

25 Our next speaker is Elaine Forbes.

1 MS. FORBES: Good afternoon, Chair Kounalakis and
2 members of the State Lands Commission. I'm so pleased to
3 be here today and I just couldn't miss the opportunity to
4 say what a remarkable coming together this has been. You
5 know, Controller Yee, you said it was the best of times
6 and -- the worst of times and the best of times. And
7 getting these funds was really for our port the best of
8 times, in terms of the collaboration and the leadership
9 that came from the Governor and definitely from you,
10 Lieutenant Governor Kounalakis and definitely from
11 Controller Yee. I really don't think we would be here
12 today with such a -- such ability to celebrate the
13 recovery of our port without your leadership.

14 Then I'll turn to the logistics of getting this
15 done. It was complicated. It required pivoting. I can't
16 tell you how incredibly professional, and kind, and
17 thorough your Executive Director Jennifer Lucchesi has
18 been through this process, how incredibly creative Gayle
19 Miller and her team have been in getting us by the letter
20 of the law, but getting the funds together.

21 And in terms of what it means for the Port of San
22 Francisco, it means we can keep many of our tenants,
23 specifically targeting our BIPOC tenants. It means that
24 those leases won't go empty and vacant, so folks can
25 continue to flourish on our San Francisco waterfront. It

1 means that we won't have to let go of operations staff and
2 lose really talented people in the crafts, and really
3 talented port employees to keep our operations going, and
4 it means we can invest in our infrastructure.

5 When you go to the Port of San Francisco and see
6 us doing well, it is in very much large part to this
7 collaboration that has come together to distribute very
8 deeply needed funds from our revenue loss. My team and I
9 are deeply grateful. We'll continue to be grateful. And
10 the port waterfront will flourish as a result of this
11 incredible creativity, collaboration, and once in a
12 lifetime really coming together to support the ports.

13 So I thank you very sincerely.

14 CHAIRPERSON KOUNALAKIS: Thank you, Elaine, and
15 thank you for your leadership and creativity in this
16 process, and your advocacy as well. And back to you,
17 Katie. Any additional speakers?

18 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
19 Thank you, Madam Chair. Our -- the next speaker is Martha
20 Miller. And currently, this is the last hand raised.

21 CHAIRPERSON KOUNALAKIS: Okay. Martha, now --

22 MS. MILLER: Sorry.

23 CHAIRPERSON KOUNALAKIS: -- now we can hear from
24 you.

25 MS. MILLER: Speaking at the correct time now.

1 (Laughter.)

2 MS. MILLER: I'll just -- you know, I don't want
3 to be duplicative, but, you know, sincere thanks to
4 everyone. As the Executive Director of the California
5 Association of Port Authorities cannot, you know, thank
6 the list of staff and leadership for Lieutenant Governor,
7 Madam Controller, Commissioner Miller, Jennifer Lucchesi
8 and Reid and Ben, everyone has just really come together
9 on this to make the single largest investment in our
10 California ports in recent memory. So it's just hugely
11 important. You've heard what those projects are going to
12 go to and we just want to thank you for your support.

13 CHAIRPERSON KOUNALAKIS: Thank you very much.
14 Okay. So with that, if there are no other people seeking
15 recognition, may we have a motion to adopt staff's
16 recommendation and a second.

17 COMMISSIONER YEE: Madam Chair, so moved.

18 ACTING COMMISSIONER MILLER: Second, please.
19 Thank you.

20 CHAIRPERSON KOUNALAKIS: We have a motion by
21 Commissioner Yee and a second by Commissioner Miller.

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

23 EXECUTIVE OFFICER LUCCHESI: Certainly.

24 Controller Yee?

25 COMMISSIONER YEE: Aye.

1 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

2 ACTING COMMISSIONER MILLER: Aye.

3 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

4 CHAIRPERSON KOUNALAKIS: Aye.

5 The motion --

6 EXECUTIVE OFFICER LUCCHESI: The motion passes
7 unanimately.

8 CHAIRPERSON KOUNALAKIS: All right. Okay. Truly
9 historic. Thank you again everybody.

10 Item 2 is to consider approval of the 2011 Lake
11 Tahoe, Donner Lake Categories 1 and 2 benchmark rental
12 rates for sovereign land in El Dorado, Placer, and Nevada
13 counties. May we have the presentation, please.

14 EXECUTIVE OFFICER LUCCHESI: Certainly. Brian
15 Bugsch of our Land Management Division will be giving
16 staff's presentation.

17 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I think
18 Phil has the PowerPoints. He'll bring that up. Thank
19 you.

20 (Thereupon a slide presentation.)

21 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Good
22 Morning, Madam Chair and Commissioners. My name is Brian
23 Bugsch and I'm Chief of the Commission's Land Management
24 Division, and I'm here to present on Item 2.

25 Next slide, please.

1 --o0o--

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Staff
3 recommends the Commission approve updates to the Category
4 1 Lake Tahoe berths and buoys benchmarks and establish a
5 Category 2 Lake Tahoe non-water dependent use benchmark.
6 All three benchmarks apply to recreational use leases at
7 Lake Tahoe in El Dorado and Placer counties and at Donner
8 Lake in Nevada County.

9 While staff generally referred to these
10 benchmarks as the Lake Tahoe benchmarks, they also apply
11 to leases on sovereign lands at Donner Lake.

12 The use -- next slide, please.

13 --o0o--

14 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The use
15 of benchmarks is authorized by the California Code of
16 Regulations. Benchmarks are used to establish uniform
17 rental rates in specific geographic areas with large
18 concentrations of similar facilities. Benchmarks improve
19 consistency, transparency, and predictability throughout
20 that geographic area.

21 Commission appraisal staff generally updates
22 benchmarks every five years. And the benchmarks are then
23 used as the foundation for the recommended rental rates
24 approved by the Commission for individual lease
25 authorizations and rent revisions.

1 Next slide.

2 --o0o--

3 LAND MANAGEMENT DIVISION CHIEF BUGSCH: These are
4 the authorities and regulations that kind of govern our
5 ability to charge rent.

6 Next slide, please.

7 --o0o--

8 LAND MANAGEMENT DIVISION CHIEF BUGSCH: And we'll
9 keep going through. These are the benchmarks throughout
10 the state.

11 Next slide.

12 --o0o--

13 LAND MANAGEMENT DIVISION CHIEF BUGSCH: And these
14 are the current benchmarks.

15 Next slide, please.

16 --o0o--

17 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
18 current Lake Tahoe berths' benchmark is \$0.79 per square
19 foot. And the Category 1 Lake Tahoe buoys benchmark is at
20 \$377 per mooring buoy.

21 Next slide, please.

22 --o0o--

23 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
24 current rates were set in 2012. At that time, the
25 Commission reviewed the use of benchmarks at Lake Tahoe

1 after hearing concerns from the lessee regarding the
2 methodology. At the direction of the Commission, staff
3 met with Lake Tahoe stakeholders and lessees, and reviewed
4 and analyzed numerous alternative methods for determining
5 rent for the Lake Tahoe piers and buoys.

6 Other methodologies explored resulted in
7 significantly higher rental values. Ultimately, staff
8 determined the existing benchmark methodology was the most
9 reasonable approach and the best methodology to continue
10 using. In May 2012, the Commission agreed with staff's
11 recommendation and authorized staff to continue using the
12 Category 1 Lake Tahoe benchmarks.

13 As mentioned previously, benchmarks are generally
14 updated every five years, so we commenced again with
15 studying the benchmarks in 2017. During that -- during
16 this process, two homeowner groups hired consultants to
17 review, analyze, and develop alternatives to the
18 Commission's proposed benchmarks.

19 Staff met with the homeowner groups'
20 representatives, reviewed the consultant's input, and
21 participated in two public stakeholder meetings. The
22 primary critique was that the 2012 benchmark accounted for
23 the year-round occupation of State land by annualizing the
24 in-season marina rates.

25 The consultants pointed out that demand is much

1 higher during the in-season, and applying these rates to
2 year-round occupancy was not an accurate reflection of
3 market conditions. Based on this input, staff recommended
4 a proposed benchmark that used the average in-season
5 monthly rent multiplied by the average marina season of
6 five months, instead of the 12 months in the 2012
7 benchmark. The proposed benchmarks were brought before
8 the Commission for consideration at its February 8, 2018
9 meeting.

10 Next slide.

11 --o0o--

12 LAND MANAGEMENT DIVISION CHIEF BUGSCH: This
13 slide demonstrates the methodology used to calculate the
14 2012 first benchmark. The in-season marina rate was
15 annualized and applied to year-round occupancy, and that
16 arrived at the \$0.79 per square foot.

17 Next slide.

18 --o0o--

19 LAND MANAGEMENT DIVISION CHIEF BUGSCH: This
20 shows the methodology to calculate the 2012 buoys
21 benchmark where marinas with buoys are surveyed and a
22 percentage change is determined based on the average
23 surveyed monthly rent and then applied to prior benchmark
24 rate.

25 Next slide.

1 --o0o--

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: This is
3 the calculation used for the proposed 2017 benchmark,
4 where the average in-season marina rate is multiplied by
5 the five percent annual rate of return, and then converted
6 to a per square foot value. Thank you.

7 Next slide.

8 --o0o--

9 LAND MANAGEMENT DIVISION CHIEF BUGSCH: And this
10 slide shows the calculation of the proposed 2017 buoys
11 benchmark. And rather than applying a percentage change,
12 as was done for the 2012 and prior buoy benchmarks, an
13 average of in-season rental -- marina rental rates was
14 determined and the five percent rate of return applied to
15 arrive at the number.

16 Next slide.

17 --o0o--

18 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Next
19 slide, please.

20 --o0o--

21 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So
22 stakeholder -- stakeholders involved with the Lake Tahoe
23 Science and Lake Improvement Account expressed concerns
24 about impacts of the lower benchmark rental rates. At the
25 February meeting, the Commission deferred action on the

1 Category 1 berths benchmark, the Doré Group recommended a
2 rent value of \$2.84 per square foot.

3 Next slide.

4 --o0o--

5 LAND MANAGEMENT DIVISION CHIEF BUGSCH: For the
6 buoys benchmark, the Doré Group recommended a similar
7 methodology based on a weighted average of methods one and
8 seven. The proposed benchmark was \$450 per buoy.

9 Next slide.

10 --o0o--

11 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Lessees
12 and stakeholders expressed concerns with some of the
13 assumptions made. Difficulty following and understanding
14 the Doré Group's methodology and questioned the fairness
15 of implementing a complex methodology that cannot be
16 clearly explained or understood. Staff share many of the
17 same concern. Staff did not understand the reasoning
18 behind some of the assumptions made and the relevance of
19 using some of the data.

20 This methodology is complex and is a
21 significantly different approach and methodology used for
22 the Commission's other Category 1 benchmarks throughout
23 the state. If the Doré Group's methodology is adopted, it
24 may necessitate similar changes to all the Commission's
25 Category 1 benchmarks and would likely require hiring

1 consultants to do the benchmark updates, which could lead
2 to delays and significant cost increases. That could
3 nullify many of the benefits of benchmarks, which include
4 time and resource savings, and cost savings for both the
5 applicant and the State.

6 Staff continues to support a rent-setting method
7 that is transparent, understandable, easy to update, and
8 straightforward to implement, while ensuring that the
9 Commission is receiving fair rental rates for the use of
10 sovereign lands. Adopting the Doré methodology would be
11 inconsistent with these criteria.

12 Next slide.

13 --o0o--

14 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So after
15 10 years of discussion and debate, and considerable
16 internal staff review, staff believes that a benchmark
17 methodology based on commercial marina rates is the most
18 appropriate methodology. This slide shows the calculation
19 for a berths benchmark using this methodology. It is
20 substantially the same methodology used throughout the
21 state and what was used for the Lake Tahoe benchmarks in
22 2017.

23 However, the 2017 calculation did not account for
24 a pier's year-round occupation of State lands. Year-round
25 occupancy was accounted for in the 2012 and prior

1 benchmarks, but these benchmarks in-season rates were
2 annualized. Annualizing in-season rates assumes that
3 boating activity and marina income at Lake Tahoe during
4 the winter is the same as it is during the summer.
5 Although not all piers are used during the winter for
6 boating, a pier is a permanent structure and the land it
7 occupies still has value throughout the year, whether it
8 is used or not.

9 Staff determined that an accurate and fair rental
10 should incorporate compensation for both the in-season and
11 off-season and to treat the two components separately.
12 While most the marinas throughout the State rent berths on
13 a monthly basis, berths are more commonly rented on a
14 seasonal basis of Tahoe.

15 As shown in this slide, staff surveyed the
16 marinas and the rent berths -- that rent berths to
17 determine a combined in-season and off-season rate of
18 \$11,476. In-season component is the average in-season
19 rate for marinas, which is \$8,362, and the off-season
20 component is the low end of the off-season rate for
21 marinas, which is \$3,114.

22 Combined, this is the revenue that can be
23 generated on sovereign lands for the entire year. We then
24 applied the five percent annual rate of return and
25 converted it to a per square foot value to arrive at the

1 recommended benchmark of \$0.814 per square foot. It
2 should be noted that staff considered several different
3 approaches to determine the off-season rate, such as
4 applying a minimum rate -- a minimum rent for a pier's
5 occupancy during the off-season, calculating the
6 off-season rate as a percentage of the in-season rate, and
7 applying upland value.

8 But in the end, staff felt these methods were
9 more arbitrary and less precise than relying on market
10 data.

11 Next slide.

12 --o0o--

13 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Unlike
14 berths, none of the marinas reported renting buoys in the
15 off-season. Therefore, no off-season market data was
16 available. In addition, many buoy floats are detached
17 from their anchors and removed from the water during the
18 winter, so they do not obstruct public access.

19 The use and occupation of buoys are limited to
20 the in-season. Consequently, the in-season buoy rate is
21 effectively the annual rate and accounts for all the
22 income generated during the year. The average in-season
23 buoy rate is \$5,450. Applying the five percent rate of
24 return yields a proposed 2021 Tahoe buoy benchmark of \$273
25 per buoy.

1 Next slide.

2 --o0o--

3 LAND MANAGEMENT DIVISION CHIEF BUGSCH: After
4 extensive review of the Doré report, stakeholder input,
5 and staff's analysis, staff believes the proposed Category
6 1 Lake Tahoe berths and buoys benchmarks accurately
7 reflect -- accurately tracks market conditions by
8 accounting for the use and year-round occupancy of State
9 land.

10 The recommended method is simple, efficient, easy
11 to understand, and more transparent than any of the other
12 methods analyzed. It also does not impact the
13 Commission's methodology for other Category 1 benchmark
14 rental rates.

15 Because staff can update the benchmarks using
16 this methodology, updates would not require hiring a
17 consultant every five years, saving significant time and
18 money. Staff believes the proposed benchmarks are in the
19 State's best interests.

20 Next slide, please.

21 --o0o--

22 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
23 impact area is an additional area beyond the physical
24 footprint of a structure, where a lease conducts -- a
25 lessee conducts activities. For Tahoe, the impact area is

1 of docking and mooring of boats.

2 As for all the current Category 2 benchmarks,
3 appraisal staff researches nearby upland property sales to
4 determine average per square foot value, which is then
5 multiplied by the State's required nine percent of return.
6 In 2017, staff determined a rate of \$10.80 per square
7 foot.

8 In using the Category 2 benchmarks, the
9 Commission's practice is to apply a discount of up to 75
10 percent in situations where the sovereign land being
11 leased may not have the same utility as the upland
12 properties. The discount and value is relative to the
13 adjacent developed property, because it has a lower
14 utility and generally cannot be developed to the same
15 highest and best use, but still enhances or contributes
16 value to the property. In 2017, the discounted rate was
17 \$2.70 per square foot.

18 Next slide.

19 --o0o--

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Next
21 slide, please.

22 --o0o--

23 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The Doré
24 Group recommended a Category 2 rate at \$9.18 per square
25 foot. The Doré Group's methodology is based on a

1 submerged land value with an upland value derived using
2 sales comparison techniques supplied indirectly. The Doré
3 Group also advised that a nine percent annual rate of
4 return stipulated in the Commission's regulations appeared
5 to be high and that a broader general market typically
6 supports rates between four and six percent. Therefore,
7 the Doré Group applied a five percent rate of return.

8 Next slide.

9 --o0o--

10 LAND MANAGEMENT DIVISION CHIEF BUGSCH: As with
11 the Doré Group's methodology for Category 1, staff had
12 concerns with the Doré Group's Category 2 methodology and
13 is also uncertain if a five percent rate is reflective of
14 the market. The regulated rate is nine percent -- of nine
15 percent is consistent with other public entities that
16 similarly issue ground leases. Therefore, staff
17 recommends using the same methodology as used for all
18 Category 2 benchmarks throughout the state.

19 Applying the current market land value, the
20 rate -- the proposed rate is \$13.05 per square foot with a
21 discounted rate of \$3.26 per square foot.

22 Next slide.

23 Next slide, please.

24 --o0o--

25 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Now, I

1 just want to provide an example of how -- of a typical
2 Lake Tahoe lease with a pier and two buoys to show a
3 comparison between existing benchmarks and the proposed
4 benchmarks and how it might impact rent.

5 Next slide.

6 --o0o--

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: In this
8 example, the current benchmark is on the left, the
9 proposed benchmark is on the right. And as you can see
10 the value for the pier increase slightly, the value for
11 the impact area increases, and the value for the mooring
12 buoys decline significantly.

13 Overall on this example, the rent declines \$94,
14 or seven percent, from \$1,341 to \$1,247. Rent for
15 individual leases will obviously vary. Those with larger
16 piers and less buoys will probably see the rents go up,
17 while those with more buoys and less pier will -- the
18 rents will probably decline. But we think that on average
19 most rents will hold steady or decline slightly.

20 For example, for the Tahoe items on this December
21 consent agenda, 20 -- 21 items will see a decrease in rent
22 relative to the existing benchmarks, five will see an
23 increase, and one had no change. Almost all the changes
24 are less than \$250 and with most of them less than \$100.

25 Next slide.

1 --o0o--

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: All
3 revenue generated from the Commission's leases at Lake
4 Tahoe is deposited into the Lake Tahoe Science and Lake
5 Improvement Account, which was created by SB 630. SB 630
6 authorizes the money to be expended by the California
7 Natural Resources Agency for activities and projects on
8 the lake, such as aquatic invasive species prevention,
9 public access improvement, and near-shore water quality
10 monitoring.

11 As mentioned earlier, in 2017, stakeholders
12 involved in the account express concern regarding the
13 impact to the fund. If the Commission adopts staff's
14 proposed benchmark recommendations, conservative
15 projections show that the funds will gradually increase
16 every year despite a proposed decrease in the buoy's
17 benchmark.

18 Next slide, please.

19 --o0o--

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Now, this
21 slide is a comparison of the existing benchmarks with all
22 the proposed benchmarks over the past 10 years. With a
23 proposed reduction for the buoys benchmark, lessees may
24 want to recalculate their rent before expiration of their
25 leases. To do so, they would need to apply for a lease

1 amendment, which currently requires an approximate expense
2 deposit of \$1,500 with a non-refundable filing fee of \$25.

3 Lessees are requesting a reduction in the cost
4 associated with the amendment. Staff believes costs would
5 likely not exceed \$1,000 to process the amendment for the
6 reduction in rent. Therefore, if the Commission approves
7 the proposed benchmarks, staff recommends the Commission
8 consider a delegation to the Executive Officer to reduce
9 the approximate expense deposit from \$1,500 to \$1,000 for
10 those lessees applying for a lease amendment.

11 Staff is not recommending a cap. The actual cost
12 to process an application will be applied, but this
13 reduction would not apply to any additional amendment
14 actions of either.

15 With the -- next slide, please.

16 --o0o--

17 LAND MANAGEMENT DIVISION CHIEF BUGSCH: So with
18 the intent to develop a rent-setting method that is fair,
19 transparent, easy to implement, easy to update, and easy
20 for lessees and stakeholders to understand, staff believes
21 its recommended methodology is the most appropriate
22 methodology. Staff's recommended methodology is
23 consistent with the method used for the Commission's other
24 benchmarks, as well as all the relevant statutes and
25 regulations that govern the Commission's rent-setting

1 authority.

2 Staff understands that no matter what we propose,
3 we do not have -- we will not have universal commitment.
4 However, after extensive discussions and input from many
5 interested stakeholders over the past 10 years, and
6 efforts to explore alternative methodologies, including
7 hiring an independent third-party appraiser, staff
8 believes the proposed methodology is the most equitable
9 approach to determine fair rental values. Staff
10 recommends support of our recommendation.

11 Thank you and that concludes my presentation.
12 Staff is available to answer questions.

13 CHAIRPERSON KOUNALAKIS: Thank you very much.
14 Before I ask the other Commissioners if they have
15 comments, let me just thank everyone, first and foremost,
16 all of those watching, all of those who've been here to
17 speak in the past, who participated in this process for
18 their input throughout the process, and again for those
19 who I'm sure we're going to be hearing from.

20 This has not been easy. And I do want to
21 acknowledge that we understand there are people who still
22 have concerns, and we hear you. But I will say that staff
23 had done an extraordinary job employing their greatest
24 abilities, when it comes to critical thinking, and
25 information gathering, and being able to balance all of

1 the factors including the history of how we got here.

2 I do feel that staff is proposing a fair and
3 transparent solution to the question, which is at the
4 heart of this issue, and that question is how do we
5 calculate the rent for the use of Public Trust Lands in a
6 fair and transparent process.

7 There are many ways the Commission could assign
8 value. And as the last ten years have shown, it is not
9 always clear what the best methodology is. And
10 ultimately, the deliberations over the last 10 years have
11 led us to the conclusion that the benchmark methodology
12 must be transparent, understandable to everyone involved,
13 easy enough for Commission staff to implement without
14 subjective criteria, or extensive research, and ultimately
15 fair.

16 The previous benchmark methodologies did not meet
17 those criteria. The Doré Group analysis proved to be too
18 cumbersome for everyone to understand and for the
19 Commission to implement. Earlier methodologies did not
20 consider that piers are in the water the entire year.

21 Similarly, it would not be fair to apply a summer
22 rate to structures in the winter. Ultimately, the
23 approach that staff has developed threads this needle and
24 I do intend to support it today.

25 And finally, I think it's important that we keep

1 in mind that the revenues collected from the rent of these
2 structures go back into improving Lake Tahoe. It is
3 relatively rare for revenues collected at one location to
4 go right back into improving that location. And I think
5 we can all agree that it is important to invest in the
6 jewel of the Sierras, beautiful Lake Tahoe, which is so
7 important to our state. And as someone who grew up on
8 that lake in my life growing up in Sacramento, I can
9 certainly attest to the extraordinary jewel that it is.

10 So with that, I would like to ask the other
11 commissioners, Commissioner Miller, if you have any
12 questions or comments.

13 ACTING COMMISSIONER MILLER: No. I align myself
14 with all of your comments, Madam Chair. I think -- I
15 completely agree with the work and understand how
16 complicated this can be, but think that this really does
17 thread a fine needle. And I do sit on the Conservancy
18 Board for Tahoe as well and I think the -- obviously, what
19 we do with these funds is pretty remarkable as well. So I
20 think that's just an important piece to keep in mind.

21 CHAIRPERSON KOUNALAKIS: Thank you. Commissioner
22 Lee -- Yee had to leave early today. Ms. Kunkel, Deputy
23 Controller, do you have any questions or comments.

24 ACTING COMMISSIONER KUNKEL: Not at this time.
25 Thank you

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

4 Katie.

5 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
6 you, Madam Chair. We have a couple of speakers who would
7 like to provide public comment. And our first speaker is
8 Bill Magrath.

9 CHAIRPERSON KOUNALAKIS: Mr. Magrath, please
10 unmute your microphone.

11 MR. MAGRATH: Hi. Thank you. I just have
12 unmuted my microphone. Can you hear me?

13 CHAIRPERSON KOUNALAKIS: Okay. Yes, we can.
14 Please proceed.

15 MR. MAGRATHy: Great. Thank you very much.

16 First of all, good morn -- good afternoon. I
17 guess we're now past noon. Thank you, Lieutenant
18 Governor. Thank you, members of the Commission. It's
19 really an honor to speak with you directly and we
20 appreciate giving input in this area.

21 My name is Bill Magrath. My wife and I are
22 lessees of the California State Lands Commission for a
23 pier and two buoys at Lake Tahoe in the Rubicon Bay area.
24 I'm an attorney for 45 years. I'm also the owner of an
25 85-year old retail business in Lafayette, California.

1 We're shooting for a hundred years here in a couple years
2 down the road.

3 I'm here representing the Meeks Bay Vista
4 Property Owners Association. We are one of the two
5 stakeholders that Mr. Bugsch just recently mentioned, who
6 were very actively involved in this, starting back in
7 2012, but more importantly in the 2017 range. Our
8 President is Bill Lyons. He's a rancher from Modesto who
9 has previously served the State of California. I believe
10 many of the Commissioners know Bill personally. He wrote
11 a letter which addressed many of the issues that we are
12 discussing here today.

13 I'm very -- I'm very happy to hear the Lieutenant
14 Governor's early comments, because it makes my job much
15 easier. We are here to tell you that we've been involved.
16 We've spent thousands of dollars on consultants and
17 appraisers. And I am very happy to say that the State
18 staff have been wonderful to work with. I have to
19 compliment every single person of your staff, Mr. Bugsch
20 Ninette Lee, Chaun Wong, Warren Crunk, even Colin Connor
21 who worked with us back in 2017. They are wonderful
22 ambassadors of your organization and were very cautious,
23 and careful, and gave us the time to meet with them, so I
24 compliment them.

25 I'm speaking on behalf of our association. And I

1 contacted Mr. Bugsch earlier about getting additional
2 time. And one of the people who signed up to speak is a
3 gentleman by the name of Rob May. Mr. May is on the
4 sign-up list as a speaker today. He has ceded me his
5 three minutes, if that's possible, because I do have a few
6 comments to go through on the overall recommendation.

7 CHAIRPERSON KOUNALAKIS: That's fine. I'll allow
8 it.

9 MR. MAGRATH: Thank you very much. I appreciate
10 that.

11 CHAIRPERSON KOUNALAKIS: That's three -- so you
12 have about three and a half minutes left.

13 Go ahead.

14 MR. MAGRATH: Thank you very much. I appreciate
15 that. They can let the time run down to zero and start
16 over. I'll be quick.

17 I do want to say this, and that is that we have
18 been involved from the beginning. And I don't know why
19 our little association of a hundred members on the west
20 shore down by Meeks Bay and Rubicon Bay got so deeply
21 involved, but we are committed to fairness in this
22 process. And I admire your staff for listening to us and
23 allowing us to have that input. We formed complex
24 appraisers, consultants. We sent in staff. I made two
25 trips to Sacramento with Bill Lyons and met with Mr.

1 Bugsch, and Colin Connor, and we have met with Mr. Wong.
2 And your staff was terrific. They accepted it. They
3 realized that maybe the 2012 numbers weren't done
4 correctly, because they were annualized and they came up
5 with a more fair analysis.

6 We were there in 2018 supporting that staff
7 recommendation, and the decision was made to postpone it,
8 hire the Doré Group, and we then participated. I had Mr.
9 Lance Doré on my deck and explained to him our feelings as
10 homeowners at Lake Tahoe. We then saw the Doré Group come
11 out and were -- like Mr. Bugsch just recently said, we
12 were completely flummoxed by the general complicated
13 analysis of the Doré Group and we're very happy to see
14 that your staff recommended a more fair, simple Category 1
15 and Category 2 process.

16 We, as the members of my little association, 100
17 people, fully support the staff recommendations for
18 Category 1 and Category 2. I will tell you we don't agree
19 with everything that was done. We have some who are
20 unhappy with the CPI increase each year. We have some who
21 are unhappy that it doesn't differentiate between El
22 Dorado County and Placer County. We're in El Dorado
23 County. Placer County rents are much higher.

24 And there's one other matter, although we fully
25 support and urge you to vote in support of the staff

1 recommendation. There's one other matter that we'd like
2 to bring to your attention. You know, We've all seen on
3 television these smash and grab operations where retail
4 businesses are stormed and beautiful goods are stolen. At
5 Lake Tahoe, there are approximately 1,000 unpermitted
6 buoys. People are using your submerged sovereign lands
7 for free. All of us who are paying our rent would hope
8 that you or TRPA would take action to stop that, because
9 maybe that buoy owner will pay you a lease, like I do, an
10 annual rental.

11 TRPA and California State Lands should attempt to
12 stop these scofflaws from using your land unfairly. And
13 we hope that you will consider that, albeit it's not part
14 of this recommendation. We've spoken with Mr. Bugsch
15 about this, et cetera.

16 The final other comment I'd make is that the
17 regulation clearly provides that you can make a discount
18 for the public benefit provided by piers. If you're on a
19 boat and your boat breaks down, you're hopeful that you
20 can paddle to a pier or a buoy. And that's provided by
21 the public for free -- by our private members for free.
22 We think there's a benefit and a discount should be
23 applied.

24 But I urge you to support this. I greatly
25 appreciate the chance to speak to you? I'm honored. This

1 is a great system. Your technical people are wonderful.
2 It's nice to be able to speak our piece from our offices
3 or our homes. We appreciate what you do. And I want to
4 again compliment your staff. They are a first class
5 group. Thank you.

6 CHAIRPERSON KOUNALAKIS: Thank you. Thank you
7 very much. Katie, do we have anyone else who would like
8 to speak on this item?

9 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
10 Thank you, Madam Chair. Our next speaker is the Tahoe
11 Lakefront Owners's Association.

12 CHAIRPERSON KOUNALAKIS: Please unmute yourself.
13 You have the floor.

14 MS. BRISCO: Thank you. This is Jan Brisco with
15 Tahoe Lakefront Owners Association. And we appreciate the
16 opportunity to speak with you today. I think this is a
17 historic event after really so many years, decades really,
18 of really trying to negotiate this very difficult issue
19 and issues. We are so appreciative of the Commission
20 staff for the number of hours, the hard work, the
21 analysis, the time spent attending webinars for our
22 association, at night and on the weekends, and in-person
23 and virtually. They have made themselves completely
24 available and answered questions. We do appreciate that
25 very much. It's -- it is in the hopes of obtaining a very

1 open and transparent process. And so we really wanted to
2 let you know how much we appreciate that and your support
3 of this item on the agenda today.

4 While we believe that it is a good resolution at
5 this time, we just want to let you know we're going to
6 continue to be at the table to represent all of the
7 California lakefront owners. We have so many who would be
8 here in support of this today, and we're speaking on
9 behalf of many of them, of course.

10 But as we move forward, we just want you to know
11 that there are -- there is still work to do and there are
12 issues to address. And so we will be at the table. We
13 will be working with staff to really find the fair and
14 right solution for these as additional analysis,
15 additional information becomes available.

16 But again, I just wanted to say and not take up
17 too much of your time. We appreciate and look forward to
18 implementing the new benchmark system.

19 Thank you very much.

20 CHAIRPERSON KOUNALAKIS: Thank you very much.
21 Katie, next speaker, please.

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

25 CHAIRPERSON KOUNALAKIS: Okay. In that case, may

1 I have a motion to adopt staff's recommendation and a
2 second.

3 Commissioner Miller, are you still there? I see
4 you turned your camera off. There we go. May I have a
5 motion and a second.

6 ACTING COMMISSIONER MILLER: Yes, please. I'm so
7 sorry, Madam Chair. I'd like to move approval of staff
8 recommendation, please.

9 ACTING COMMISSIONER KUNKEL: And I'll second that
10 motion.

11 CHAIRPERSON KOUNALAKIS: Very good. We have a
12 motion from Commissioner Miller and a second from
13 Commissioner Kunkel. Have I said that correctly,
14 Kristina?

15 ACTING COMMISSIONER KUNKEL: Yes, that's correct.
16 Thank you.

17 CHAIRPERSON KOUNALAKIS: All right. Ms.
18 Lucchesi, please call the roll.

19 EXECUTIVE OFFICER LUCCHESI: Certainly.
20 Commissioner Kunkel?

21 ACTING COMMISSIONER KUNKEL: Aye.

22 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

23 ACTING COMMISSIONER MILLER: Aye.

24 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

25 CHAIRPERSON KOUNALAKIS: Aye.

1 EXECUTIVE OFFICER LUCCHESI: The motion passes
2 unanimately.

3 CHAIRPERSON KOUNALAKIS: All right. Thank you,
4 everybody.

5 The next order of business will be the adoption
6 of the consent calendar. Commissioner Kunkel,
7 Commissioner Miller, are there any items you would like
8 removed from the consent calendar?

9 All right. Ms. Lucchesi, could you please
10 indicate which items, if any, have been removed from the
11 consent calendar.

12 CHAIRPERSON KOUNALAKIS: At this point, we
13 have -- we are removing consent items 28 and 45 from the
14 agenda completely and those will be considered at a later
15 time.

16 Based on requests to speak on consent agenda
17 items, we are removing Item 72 from the consent agenda to
18 the regular agenda. That will be heard after Item 76.

19 I do see that we have one hand raised from -- for
20 public comment on consent agenda.

21 CHAIRPERSON KOUNALAKIS: Can you tell us which is
22 Item 72?

23 EXECUTIVE OFFICER LUCCHESI: Item 72 is a request
24 by the City of Long Beach for the Commission to review and
25 expenditure of tidelands funds for the Queen Mary. So

1 that will be removed to the regular agenda, where staff
2 will give a presentation.

3 CHAIRPERSON KOUNALAKIS: Very good. Is there
4 anyone joining us virtually who would like to speak on any
5 items remaining on the consent calendar. If so, please
6 raise your Zoom hand now.

7 Katie, is there anyone there who would like to
8 speak?

9 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
10 you, Madam Chair. Jessica Alvarenga had her hand raised,
11 but she's lowered it. I'm not sure if she still wants to
12 speak now or wait for staff's presentation.

13 CHAIRPERSON KOUNALAKIS: Okay. In that case, may
14 I have a motion to adopt the consent agenda and a second?

15 ACTING COMMISSIONER MILLER: Move the consent
16 agenda please as described by Ms. Lucchesi.

17 ACTING COMMISSIONER KUNKEL: I'll second that
18 motion.

19 CHAIRPERSON KOUNALAKIS: We have a motion from
20 Commissioner Miller and a second from Commissioner Kunkel.
21 Ms. Lucchesi, please call the roll.

22 EXECUTIVE OFFICER LUCCHESI: Commissioner Kunkel?

23 ACTING COMMISSIONER KUNKEL: Aye.

24 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

25 ACTING COMMISSIONER MILLER: Aye.

1 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

2 CHAIRPERSON KOUNALAKIS: Aye.

3 EXECUTIVE OFFICER LUCCHESI: The motion passes
4 unanimately.

5 Okay. The next order of business will be the
6 regular calendar. Item 75 is an informational progress
7 report on the Commission's third year implementing its
8 Environmental Justice Policy. May we please have the
9 presentation.

10 EXECUTIVE OFFICER LUCCHESI: Yessica Ramirez, our
11 Environmental Justice Liaison, will be providing staff's
12 presentation.

13 (Thereupon a slide presentation.)

14 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: Thank
15 you. Thank you, Madam Chair and Commissioners. My name
16 is Yessica Ramirez and I am the Environmental Justice
17 Liaison at the Commission.

18 --o0o--

19 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: Over this
20 past year, our staff have diligently and carefully worked
21 to implement the Commission's Environmental Justice
22 Policy. Today I will provide an update on our progress
23 during the third year of implementation.

24 Next slide, please.

25 --o0o--

1 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: Much like
2 our first two years, staff has worked internally and
3 externally on policy implementation, collaborating with
4 environmental justice organizations, tribal government
5 representatives and other agencies to implement the
6 policy. Today, I will provide a brief overview of our
7 policy, launching our justice, equity, diversity, and
8 inclusion team. I will discuss our interagency
9 partnership and development of processes for environmental
10 justice outreach, and I will conclude with an outlook for
11 the year ahead.

12 Next slide, please.

13 --o0o--

14 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: When the
15 Commission adopted a comprehensive Environmental Justice
16 Policy and Implementation Framework in 2018, it committed
17 to the principle that past environmental injustices will
18 not define California's future and that commitment is just
19 as important today, if not more so, than it was in 2018.

20 The policy outlines 12 bold and transformative
21 goals reflecting input from community outreach and
22 guidance from an environmental justice working group.
23 They are also reflective of climate change and how the
24 impact on human health disproportionately affects
25 marginalized and disadvantaged communities.

1 As the Commission works to adopt -- adapt to
2 climate change and promote climate resiliency, addressing
3 environmental justice will be imperative.

4 Next slide, please.

5 --o0o--

6 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ:

7 Commission staff created and implemented its first ever
8 Justice, Equity, Diversity, and Inclusion team. This new
9 team known as the JEDI team is a participatory
10 decision-making team comprised of staff from each
11 Division. The JEDI team is dedicated to promoting equity,
12 inclusion, and diversity, and addressing environmental
13 justice within the Commission and throughout its work.

14 The JEDI team consists of four subcommittees.
15 They are our Diversity, Inclusion, and Hiring
16 Subcommittee, Environmental Justice Policy Implementation,
17 Outreach and Engagement, and an Equity Matters Newsletter.
18 Each subcommittee focuses on advancing goals that will
19 help the Commission continue to successfully implement its
20 Environmental Justice Policy and racial equity action
21 plan, and to develop other initiatives to embed justice,
22 equity, diversity, and inclusion into the Commission's
23 programs, practices, and culture.

24 The Commission's JEDI teamwork also aligns with
25 its 2021-2025 Strategic Plan. When the Commission was

1 developing its new strategic plan, staff was
2 intentionally -- intentional in ensuring that the
3 strategic plan aligned with the efforts and goals of the
4 JEDI team. Staff also ensured that the strategic plan
5 reflected the Commission's commitment to addressing
6 social, economic, and environmental justice, in committing
7 to collaborative leadership among other things.

8 Next slide, please.

9 --o0o--

10 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: JEDI team
11 meetings this year provided educational opportunities for
12 staff, as well as a safe space to engage in difficult
13 conversations covering topics of equity, diversity, and
14 inclusion. Staff engaged in an insightful presentation
15 and discussion about microaggressions and the impact they
16 play in the workplace. Additional meeting topics include
17 defining and understanding meaningful community outreach
18 and engagement and how to success -- and successfully
19 conduct community engagement, as well as sharing examples
20 of challenges of other State departments that also have
21 JEDI teams.

22 Commission staff also had the opportunity to
23 learn from a sister agency on their work to evaluate a
24 major permit application through the lens of environmental
25 justice, and lessons learned on their engagement with the

1 environmental justice community.

2 Next slide, please.

3 --o0o--

4 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ:

5 Commission staff is part of an interagency
6 partnership that includes the California Coastal
7 Commission, State Coastal Conservancy, Ocean Protection
8 Council, San Francisco Bay Conservation and Development
9 Commission, and the National Oceanic and Atmospheric
10 Administration. Staff participates in monthly
11 coordinated -- coordination meetings with these agencies
12 to discuss equity and environmental justice and to learn
13 from one another.

14 Discussion topics include how agencies evaluate
15 the effectiveness of environmental justice policies, how
16 well community engagement is working, and how
17 environmental justice is analyzed in regulatory settings.
18 Other topics include peer-to-peer sharing, trainings,
19 policy initiatives, and resource sharing.

20 Next slide, please.

21 --o0o--

22 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: Staff
23 developed a worksheet that our Land Management and Mineral
24 Resources Management divisions use to determine when
25 environmental justice outreach is necessary. This past

1 year, staff sent over 200 letters related to 13 lease
2 applications for proposed projects. As a result of the
3 outreach, staff meaningfully engaged with 12 environmental
4 justice organizations.

5 Next slide, please.

6 --o0o--

7 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: Among the
8 key actions that involved environmental justice outreach
9 and engagement this year includes the Commission's two
10 off-shore wind energy applications off the coast of
11 Vandenberg Space Force Base in Santa Barbara County and
12 the Rincon Island Decommissioning Project in Ventura
13 County. Both outreach efforts resulted in engagement with
14 local community advocates. Staff gained valuable insight
15 regarding the need to incorporate equity into the offshore
16 wind projects workforce. Some advocates in Ventura County
17 expressed their desire to have Rincon Island become a
18 public space for their community to visit and enjoy.

19 Staff will continue its community engagement as
20 the offshore wind energy applications are processed and
21 Rincon Island Decommissioning Project unfolds.

22 And as we heard during the public comment from
23 Mayor Sotelo-Solis, staff participated in a meeting with
24 representatives from National City, a predominantly
25 minority city in San Diego County, that is geographically

1 considered coastal, yet has no beach access and very
2 limited access to San Diego Bay.

3 Most of National City's waterfront has been
4 industrialized. Staff joined the mayor, city manager,
5 city attorney, deputy city attorney, and a port
6 commissioner on an environmental justice tour. Staff
7 learned that National City is working on addressing a
8 multitude of environmental justice issues. They have
9 completed several toxic site clean-ups and have converted
10 remediated land to open space, affordable housing, and
11 community gardens.

12 Staff witnessed firsthand the disparities this
13 community faces daily, and conducting more site visits,
14 such as this one, will be crucial for staff to observe,
15 listen, and learn from environmental justice communities.

16 Next slide, please.

17 --o0o--

18 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ:

19 Leveraging technology is an important aspect of
20 the Commission's work and a key focus area in its
21 2021-2025 Strategic Plan. Consistent with this focus
22 area, staff transformed its environmental justice webpage.
23 Staff created and incorporated infographics to illustrate
24 the 12 policy goals and implementation blueprint. These
25 changes resulted in a much more vivid, enriching, and

1 informative webpage.

2 Next slide, please.

3 --o0o--

4 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: Staff
5 also added a GIS story map that illustrates case studies
6 an environmental justice working group prepared for the
7 Commission when it was developing its updated
8 Environmental Justice Policy. This new feature provides
9 an engaging and interactive way for the public to learn
10 more about the Commission's Environmental Justice Policy.

11 Next slide.

12 --o0o--

13 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: Another
14 focus area this year was -- has been transforming the
15 agency-wide community engagement and outreach training
16 conducted in February 2020 into a model curriculum
17 available to other State departments. Staff worked with
18 each module presenter to record each module and develop
19 written content supporting the presentations. Staff is
20 working with the California Natural Resources Agency and
21 the training outreach team to finalize the model
22 curriculum and feature it on the Agency's website to be a
23 broadly available resource for other governmental
24 entities.

25 Next slide, please.

1 in a way that is beneficial to disadvantaged and
2 vulnerable communities. And I am sure that there will be
3 many other ways we will be implementing the policy in 2022
4 as we continue to grow, learn, and adapt.

5 Next slide, please.

6 --o0o--

7 ENVIRONMENTAL JUSTICE LIAISON RAMIREZ: The
8 Commission and its staff have enthusiastically embraced
9 the challenge to implement an Environmental Justice Policy
10 that is meaningful to the communities it serves and to the
11 people of California. We are incredibly thankful for the
12 work our JEDI team and Commission staff have invested to
13 implement the policy and we are excited to continue to
14 build on those efforts. We are grateful for the
15 considerable support from the Commission's executive
16 leadership and from the Commissioners. We are also
17 grateful for the community advocates that have taken time
18 to engage with us. We are also grateful for the
19 partnerships that we have with sister agencies and we have
20 learned so much from one another.

21 Thank you and I am happy to answer any questions.

22 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
23 Ramirez and for you and your colleagues' work on this
24 incredibly important work that we do at the Commission and
25 for that great presentation.

1 Commissioner Miller, do you have any questions or
2 comments?

3 ACTING COMMISSIONER MILLER: (Shakes head.)

4 CHAIRPERSON KOUNALAKIS: Commissioner Kunkel, any
5 questions or comments?

6 ACTING COMMISSIONER KUNKEL: No, thank you.

7 CHAIRPERSON KOUNALAKIS: Katie, do we have anyone
8 from the public who would like to address this item?

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

12 CHAIRPERSON KOUNALAKIS: Okay. Well, with that,
13 again, thank you staff for the important work that you're
14 doing and for that great presentation.

15 Our next item is Item 76, but looking at the
16 time, Ms. Lucchesi, as you know, I need to step away. And
17 I have asked my Chief of Staff, Dr. Matt Dumlao to step in
18 for the remainder of the Commission meeting today. So
19 Matt, if you are there, you can be elevated to Panel.
20 There he is. And again, we're through most of today's
21 work. And let me just say again, as my last meeting for a
22 while as Chair, thanking everyone for another great year.

23 Okay. Matt, I will hand it over to you. Thank
24 you, everyone.

25 ACTING CHAIRPERSON DUMLAO: Thank you, Lieutenant

1 Governor. As the Lieutenant Governor mentioned, I am her
2 Chief of Staff, and I am happy to lead things for the rest
3 of today's meeting.

4 So with that, Ms. Lucchesi, what is the next
5 order of our -- of business?

6 EXECUTIVE OFFICER LUCCHESI: Our next order of
7 business is Item 76. I will be giving staff's
8 presentation on this item. But before we do that, I do
9 want to just state for the record, a little known rule
10 that comes into play when both of our Constitutional
11 officers on this Commission are represented by alternates.
12 So in a situation like this, according to the California
13 Government Code, only one of the alternates can vote on
14 any single action. The Department of Finance's
15 representative can always vote.

16 So we still have a quorum. We can still proceed
17 with the rest of the meeting. But as we lead into the
18 vote for the next two items, we will need to make a
19 decision on which one of you votes, whether it's
20 Commissioner Kunkel or Chair Dumlao.

21 ACTING CHAIRPERSON DURLAO: Sure. We can
22 alternate.

23 EXECUTIVE OFFICER LUCCHESI: Yes.

24 ACTING CHAIRPERSON DURLAO: I think we have a
25 couple -- a couple of votes left here. So I can go ahead

1 and take the first one and then the Commissioner Kunkel
2 can take the next one. And is there any -- anything we
3 should know about making the motion and seconding it,
4 anything particular there?

5 EXECUTIVE OFFICER LUCCHESI: That's a great
6 question. So I recommend that on this next item if you're
7 going to be participating, Commissioner -- Chair Dumlao,
8 that Commissioner Kunkel not participate in making any of
9 the motions.

10 ACTING CHAIRPERSON DURLAO: Okay. Sounds good.
11 All right.

12 EXECUTIVE OFFICER LUCCHESI: Great. Thank you.

13 ACTING CHAIRPERSON DURLAO: Thank you.

14 EXECUTIVE OFFICER LUCCHESI: All right. So
15 unless there are objections, I'm happy move on with Item
16 76 with staff's presentation.

17 So Item 76, staff is recommending the Commission
18 adopt a resolution in support of the San Francisco Bay
19 Conservation and Development Commission's, "Bay Adapt:
20 Regional Strategy for a Rising Bay". The Bay Adapt joint
21 platform is a result of a stakeholder-led process to
22 determine the best ways for the Bay Area to become
23 regionally resilient to rising sea levels. While the bay
24 shoreline constitutes one-third of the California
25 coastline, the Bay Area will likely experience two-thirds

1 of the negative economic impacts due to the flooding
2 caused by rising sea levels, absent any measures to adapt
3 and protect our people, our places, and our habitat in the
4 Bay Area.

5 As sea level rises at an accelerating rate, the
6 confluence of more intense winter storms, extreme high
7 tides, and higher runoff with higher sea levels will
8 increase the frequency and duration of shoreline flooding
9 long before areas are permanently inundated by sea level
10 rise alone. We've seen some of that in the last couple of
11 days over the weekend with the King tides events.

12 In the face of this challenge, the Bay Area must
13 protect and energize vulnerable and historically
14 marginalized front-line communities, enhance and restore
15 ecosystems, including our significant Public Trust Lands
16 and resources that are already deeply affected by these
17 activities, and we need to reduce flood risk for existing
18 built infrastructure along the shoreline.

19 Thankfully, BCDC is leading this effort. As we
20 know, increasingly frequent and severe impacts of the
21 climate crisis do not conform to our government's
22 jurisdictional boundaries or the planning and regulatory
23 authorities of any one agency or organization. Bay Adapt
24 begins to address these challenges by laying out a set of
25 guiding principles, priority actions, and tasks that

1 public, private, and nonprofit organizations, including
2 local and State governments with (inaudible) can implement
3 in a coordinated and collaborative manner to adapt faster
4 and more equitably to a rising San Francisco Bay.

5 I really appreciate the foundational principle of
6 the Bay Adapt Strategy, which is essentially togetherness.
7 As I mentioned, the climate crisis and sea level rise
8 don't conform to each of our jurisdictions and
9 authorities, and that is a fundamental principle of the
10 Bay Adapt Strategy, so that we can all work together and
11 collaborate to move forward to develop a more resilient
12 bay.

13 And as such, we recommend that the Commission
14 adopt the resolution in substantially the form as shown in
15 Exhibit A of the staff report. Thank you and I'm happy to
16 answer any questions. And I also believe that Executive
17 Director Goldzband with BCDC is available to make comments
18 and answer any questions as well.

19 ACTING CHAIRPERSON DUMLAO: Fantastic.
20 Commissioner Miller or Commissioner Kunkel, do either of
21 you have any comments at this point?

22 ACTING COMMISSIONER MILLER: No comments. I'm
23 happy to move -- happy to move approval when appropriate.

24 ACTING COMMISSIONER KUNKEL: No comment. Thank
25 you.

1 ACTING CHAIRPERSON DURLAO: Thank you. And
2 Katie, do we have any public comments? If anyone would
3 like to comment, please raise your Zoom hand now.

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
5 you. At this time, we have no hands raised.

6 EXECUTIVE OFFICER LUCCHESI: I do want to mention
7 real quick through the Chair, that Executive Director
8 Goldzband is -- has been promoted to panelist and I
9 believe he wants to make some comments.

10 ACTING CHAIRPERSON DURLAO: Fantastic. Please.
11 Please. Executive Director, please go ahead.

12 BCDC EXECUTIVE DIRECTOR GOLDZBAND: Thank you
13 very much. Can you hear me?

14 ACTING CHAIRPERSON DURLAO: Yes, we can.

15 BCDC EXECUTIVE DIRECTOR GOLDZBAND: Marvelous.
16 The last thing I want to do is kill a sale, so I'll be
17 very short.

18 My name is Larry Goldzband. I'm Executive
19 Director of the San Francisco Bay Conservation Development
20 Commission. And I first want to thank the State Lands
21 Commission staff, headed by Jennifer Lucchesi, not only
22 for their work on Bay Adapt, but for everything we've done
23 with them over the past three or four years. Jennifer and
24 I looked at each other probably four years ago or so and
25 said we need to just be working far more closely together,

1 far more collaboratively, and candidly far earlier on a
2 whole host of issues.

3 And I just want to say that it has been a delight
4 not only working with Jennifer and Sherry Pemberton who
5 represents the State Lands Commission on BCDC, but your
6 entire staff. And we always look forward to great
7 discussions and really, I think, good, solid, productive
8 discussions with your staff. So we ask you to keep them
9 going.

10 With regard to Bay Adapt, let me say that I can't
11 really add much to what Jennifer has already said with
12 three different things to say very quickly. First of all,
13 our Commission wants a voluntary, collaborative way to
14 deal with accelerating rising sea level, and that's what
15 Bay Adapt is all about. It's not about mandates. It's
16 about making sure there's not a tragedy of the commons and
17 ensuring that different jurisdictions work together
18 collaboratively. We have 46 cities, nine counties, and
19 scores of special districts that touch San Francisco Bay.
20 And getting them all in a room is probably pretty
21 impossible, but we can make sure that on a subregional
22 basis, on a county basis, we can all work together, and we
23 can knit things together in a way that will make
24 everything work.

25 Second, the leadership advisory group on which

1 Jennifer sat and on which Sherry also worked was
2 tremendous. It included over 30 representatives from
3 major and, candidly, previously unknown groups, which
4 included everybody from the Silicon Valley Leadership
5 Group, it included environmental groups, it included
6 business groups, it included environmental justice groups,
7 as well as State and local groups. And as a result, we
8 got a real diverse group and it came -- it came out in
9 October with a real solid let's get it done type of
10 program. And we're very, very proud of that. In
11 addition, we had well over 200 or 250 volunteers including
12 the public be part of the process.

13 And then finally, let me say that the actual Bay
14 Adapt joint platform includes nine actions, everything
15 from dealing with actual people, because we have to deal
16 with people, to the environment, to process, to how we
17 measure progress, and 21 separate tasks that we, and you,
18 and everybody involved will be part of in terms of not
19 only participating but also leading. So we're very, very,
20 very, very excited about it. We're very excited that the
21 State Lands Commission not only wanted to be part of it,
22 but wants to continue to be part of it, because that's
23 tremendously important for the Bay Area and its residents,
24 and its environment.

25 So with that, Chair Dumlao, I'm happy to answer

1 any questions.

2 ACTING CHAIRPERSON DURLAO: Thank you very much.
3 I appreciate your comments. Unless anyone has any other
4 comments, they'd like to make, I can just say it's
5 incredibly important what BCDC is doing. And I know that
6 the State Lands Commission is eager and willing to be a
7 part of the process. There is so many entities that have
8 to be corralled, and put on the same page, and the only
9 way we can really address sea level rise in the region is
10 through a collaborative process. So thank you very much
11 for your leadership at BCDC and we are eager to be a part
12 of the process over here at State Lands.

13 Commissioner Miller, may I have a motion?

14 ACTING COMMISSIONER MILLER: May I move approval,
15 please.

16 ACTING CHAIRPERSON DURLAO: Thank you. And I
17 second the motion.

18 So we have a motion from Commissioner Miller and
19 a second from me. Ms. Lucchesi, can you do a roll call
20 vote, please?

21 EXECUTIVE OFFICER LUCCHESI: Certainly.
22 Commissioner Miller?

23 ACTING COMMISSIONER MILLER: Aye.

24 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

25 ACTING CHAIRPERSON DURLAO: Aye.

1 EXECUTIVE OFFICER LUCCHESI: The motion passes 2
2 to 0 with Commissioner Kunkel abstaining.

3 ACTING CHAIRPERSON DURLAO: Fantastic. All
4 right.

5 BCDC EXECUTIVE DIRECTOR GOLDZBAND: Thank you
6 very much.

7 ACTING CHAIRPERSON DURLAO: Thank you.

8 All right. So I believe our next order of
9 business are items that were removed from the consent
10 calendar, is that correct, Ms. Lucchesi?

11 EXECUTIVE OFFICER LUCCHESI: That's correct. So
12 that is only Item 72. I will provide staff's brief
13 presentation. Item 72 involves expenditure of tidelands
14 funds by the City of Long Beach. The City of Long Beach
15 is a trustee of sovereign tide and submerged lands granted
16 by the Legislature. The City's statutory trust grant
17 authorizes the City to spend tideland oil revenue for
18 specific uses, and requires the City to notify the
19 Commission of proposed expenditures. Revenues must be
20 expended for uses and purposes consistent with the City's
21 granting statutes, and be for statewide purposes as
22 opposed to purely local interests.

23 The City is required to file a detailed
24 description of any proposed expenditure exceeding \$100,000
25 with the Commission 60 days before disbursement. The

1 Commission typically revert -- view -- excuse me, reviews
2 several city expenditures every year. The granting
3 statute limits the Commission's role in its review to only
4 the consistency of the expenditure with the statutory
5 trust grant and in the best interests of the State. The
6 Commission does not have approval authority, but rather
7 its role is to ensure that proposed expenditures are not
8 inconsistent with the statutory trust grant.

9 On November 17th, the City notified the staff of
10 a proposed five million expenditure to fund critical
11 repairs that the City deems are necessary for the health
12 and safety of future occupants. The Queen Mary is
13 considered one of the largest ships of the early 20th
14 century. It is now a tourist attraction permanently
15 stationed in Long Beach harbor.

16 The City has leased the Queen Mary and adjacent
17 facilities to seven different lessees over the last 40
18 years. Part of the lease agreements held the operator
19 responsible for the cost of operation, maintenance, and
20 capital improvements of the ship. Recently, as part of
21 the bankruptcy proceedings involving the lessee, or the
22 operator, the court terminated the most recent lease with
23 the operator and returned responsibility for day-to-day
24 operations of the Queen Mary to the City.

25 The ship is currently closed for urgent repairs.

1 Staff understands that there are over \$41 million in
2 critical repair work. The City has inspected, surveyed,
3 and evaluated the condition of the Queen Mary and
4 determined that approximately five million in critical
5 repairs are immediately necessary for the health and
6 safety of future occupants.

7 Based on the information provided by the City,
8 the proposed capital improvement project appears
9 consistent with the uses set forth in the City's statutory
10 trust grant. Staff recommends approving the proposed
11 expenditure in the amount of \$5 million for the Queen Mary
12 located on legislatively granted sovereign land in City of
13 Long Beach.

14 That concludes staff's presentation. We're happy
15 to answer any questions. And I will note that there are
16 representatives from the City of Long Beach, if there are
17 any questions more appropriately directed towards them.

18 Thank you, Chair.

19 ACTING CHAIRPERSON DURLAO: Thank you.

20 Commissioner Miller, any comments?

21 Commissioner Kunkel, any comments, at this point?

22 ACTING COMMISSIONER MILLER: (Shakes head.)

23 ACTING COMMISSIONER KUNKEL: (Shakes head.)

24 ACTING CHAIRPERSON DURLAO: Great. Katie, do we
25 have any people wishing to provide comment on this item?

1 If anyone does, please raise your Zoom hand now.

2 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
3 you, Chair Dumlao. We do have one speaker who has their
4 hand raised. Jessica Alvarenga, you should be able to
5 unmute yourself and turn on your video.

6 MS. ALVARENGA: Hello.

7 ACTING CHAIRPERSON DURLAO: Hi, Jessica. We
8 can -- we can hear you.

9 Jessica, are you there? We heard you for a
10 moment.

11 MS. ALVARENGA: Hello. Can you guys hear me?

12 ACTING CHAIRPERSON DURLAO: Yes, we can. Please
13 go ahead.

14 MS. ALVARENGA: Okay. Thank you. So good
15 morning, Chief of Staff and Commissioners. I'm Jessica
16 Alvarenga with the Pacific Merchant Shipping Association.
17 We represent terminal operators and ocean carriers
18 operating throughout the west coast on regular --
19 regulatory issues.

20 I would like to oppose the action at hand. The
21 City previously paid upwards of 23 million in urgent
22 repairs for the Queen Mary between 2016 and 2018. Page 13
23 of the 2021 city auditor's Queen Mary report lists the
24 items deemed urgent that the 23 million were meant for.
25 And among those items are the same items that staff are

1 now requesting \$5 million for. And this is one of many
2 problems.

3 The current condition of the Queen Mary and lack
4 of City oversight for decades is well documented in
5 reports by the city auditor and in documents filed in
6 federal bankruptcy court. The history of the Queen Mary
7 is one of over 40 years of failure, multiple bankruptcies,
8 coupled with ongoing corrosion threats, the structure
9 integrity of the hotel and vessel. These issues have
10 rendered the ship unsafe for visitors unable to operate as
11 an attraction and left with no course to follow.

12 According to a 2017 marine survey of the vessel
13 hotel, the Queen Mary needs approximately \$289 million for
14 repairs. The report stated that at this rate of
15 corrosion, some internal collapse of the Queen Mary
16 structure will occur within 10 years unless major action
17 is taken soon. Little has been done to the vessel since.
18 And that report was -- since that report was written and
19 court filings by the City of Long Beach filed on April
20 9th, they declare that the City's own expert called the
21 2017 marine survey comprehensive and stated those issues
22 noted as urgent in 2017 are even more emergent now --
23 urgent more now with the passage of time.

24 No one can claim ignorance with regard to the
25 Queen Mary, as there is a long an extensive paper trail

1 and detailed media coverage. The vessel is in such dire
2 condition that in a recent bankruptcy proceeding after
3 extensive outreach, no one bid on the Queen Mary, a
4 commentary in and of itself, which should guide public
5 officials.

6 They're highly skeptical that the requested five
7 million will be enough to put the Queen Mary in a
8 condition to safely reopen. And there is no guarantee
9 that the City staff will come back with requests for more
10 funding for the seemed urgent repairs like they have in
11 the past. We request the Commission and the City have an
12 honest assessment and discussion.

13 Thank you.

14 ACTING CHAIRPERSON DURLAO: Thank you, Ms.
15 Alvarenga. Appreciate your comments.

16 Katie, do we have any other people wishing to
17 speak.

18 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
19 Thank you. Our next speaker is Eric Lopez.

20 MR. LOPEZ: Hello, everybody. Eric Lopez with
21 the City of Long Beach.

22 ACTING CHAIRPERSON DURLAO: Please go ahead. We
23 can hear you. Thank you.

24 MR. LOPEZ: Perfect. I'm here to just answer any
25 questions that may come up. I wanted to say hello and

1 thank the Commission for this opportunity to present this
2 item, and answer questions.

3 Just a little background about me. I'm the
4 City's Director of Public Works. I've actually personally
5 overseen the completion of hundreds of millions of dollars
6 in tidelands capital improvements from improving piers, to
7 improving water quality, to rebuilding bridges, seawalls,
8 stabilizing bluffs, doing wetlands restorations. We've
9 done it all here in the city for the benefit of the
10 tidelands area, and are -- not just our residents, but all
11 of the visitors that we get every year.

12 Needless to say, the Queen Mary is a major
13 attraction and brings countless people to our coastline,
14 and, you know, that's all kind of consistent with our
15 goals here. So just proud to be here, proud to answer
16 questions. We also have one of our deputy city attorneys
17 on the line that can help answer any questions, if the
18 need arises.

19 Thank you.

20 ACTING CHAIRPERSON DUMLAO: Thank you.

21 Katie, do we have anyone else who wishes to
22 speak?

23 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
24 you. At this time, we have no other hands raised to
25 provide public comment.

1 ACTING CHAIRPERSON DURLAO: Great. All right.
2 Do any of the Commissioners have any comments they'd like
3 to make?

4 ACTING COMMISSIONER KUNKEL: (Shakes head.)

5 ACTING COMMISSIONER MILLER: (Shakes head.)

6 ACTING CHAIRPERSON DURLAO: All right. So I will
7 sit out the rest of this item, but may we have a motion
8 and a second, please?

9 ACTING COMMISSIONER KUNKEL: I'll move approval.

10 ACTING COMMISSIONER MILLER: And I'll second, Mr.
11 Chair.

12 ACTING CHAIRPERSON DURLAO: Thank you. We have a
13 motion from Commissioner Kunkel and a second from
14 Commissioner Miller.

15 Jennifer, may we have the roll call vote.

16 EXECUTIVE OFFICER LUCCHESI: Certainly.

17 Commissioner Kunkel?

18 ACTING COMMISSIONER KUNKEL: Aye.

19 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

20 ACTING COMMISSIONER MILLER: Aye.

21 EXECUTIVE OFFICER LUCCHESI: It passes 2 to 0
22 with Chair Dumlao abstaining.

23 ACTING CHAIRPERSON DURLAO: Fantastic. All
24 right, Ms. Lucchesi, what's the next order of business?

25 EXECUTIVE OFFICER LUCCHESI: The next order of

1 business is our second public comment period.

2 ACTING CHAIRPERSON DURLAO: Great. So if anyone
3 wants to address the Commission on any matter that is not
4 on today's agenda and did not already speak earlier in our
5 meeting, please raise your hand, and you will have three
6 minutes to do so. Katie, if we do have anyone, can you
7 please call on that individual?

8 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
9 you, Chair Dumlao, currently, we have no hands raised to
10 provide public comment.

11 ACTING CHAIRPERSON DURLAO: All right.

12 Well that will then conclude our second public
13 comment period.

14 Do any of the Commissioners have any comments or
15 questions they'd like to make at this point?

16 ACTING COMMISSIONER KUNKEL: Not at this time.

17 ACTING CHAIRPERSON DURLAO: Thank you very much.

18 All right, Ms. Lucchesi, what is the next order
19 of business?

20 EXECUTIVE OFFICER LUCCHESI: Our next order of
21 business is typically closed session. However, we do not
22 have any items to discuss in a closed session, so through
23 the Chair, I recommend we adjourn the meeting.

24 ACTING CHAIRPERSON DURLAO: Fantastic. All
25 right. Well, in that case, that will conclude our meeting

1 and we are adjourned. Thank you, everyone, for
2 participating today.

3 (Thereupon the California State Lands
4 Commission meeting adjourned at 1:01 p.m.)

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