

MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

ZOOM PLATFORM

PORT OF SAN DIEGO ADMINISTRATION BUILDING
BOARD ROOM
3165 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA

TUESDAY, AUGUST 23, 2022
12:07 P.M.

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

APPEARANCES

COMMISSION MEMBERS:

Betty T. Yee, State Controller, Chairperson

Eleni Kounalakis, Lieutenant Governor

Joe Stephenshaw, Director, Department of Finance,
represented by 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

Maren Farnum, Senior Environmental Scientist

Cynthia Herzog, Senior Environmental Scientist, Division
of Environmental Planning and Management

Grace Kato, Assistant Chief, Land Management Division

Sheri Pemberton, Chief, External Affairs Division and
Legislative Liaison

Michael Wells, Sea Grant Fellow

ATTORNEY GENERAL:

Andrew Vogel, Supervising Deputy Attorney General

APPEARANCES CONTINUED

ALSO PRESENT:

Tina Andolina, representing Senator Ben Allen

Sam Blakesley, Integral Consulting

Eileen Boken, Coalition for San Francisco Neighborhoods

Susanne Cumming, Sierra Club, Defend Ballona Wetlands

Russ Cunningham, City of Oceanside

Shawn Decker

Boris Delepine, Port of San Francisco

Jennifer Fearing, Ocean Conservancy, Oceana, Monterey Bay Aquarium

Michael Gross, Judith Finch estate

Marcia Hanscom, Protect Ballona Wetlands

Pamela Heatherington, Environmental Center of San Diego

Aimee Heim, Port of San Diego

Dr. Alexis Jackson, The Nature Conservancy

Dr. Philip King, San Francisco State, Integral Consulting

Walter Lamb, Ballona Wetlands Land Trust

Laura Lane, California Association of Port Authorities

Mia Lopez, Chairperson, Coastal Band of Chumash Nation

Assemblymember Al Muratsuchi, 66th District

Lydia Ponce, Society of Native Nations

Harry Rabin, Heal the Ocean

Dr. David Revell, Integral Consulting

Assemblymember Luz Rivas, 39th District

APPEARANCES CONTINUED

ALSO PRESENT:

John Shelton, San Joaquin River Conservancy

Julie Teel Simmonds, Center for Biological Diversity

Joe Stuyvesant, Port of San Diego

Lily Tsukayama, Port of San Diego

Robert "Roy" van de Hoek, Ballona Institute

Amy Wolfrum, Monterey Bay Aquarium

INDEX

PAGE

I Closed Session

1

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

A. Litigation

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

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

- California 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.
- Candlestick Heights Community Alliance v. City and County of San Francisco, 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

INDEX CONTINUED

PAGE

- Ingrid Barot v. TOPCO, State of California, et al.
 - In re: Temblor Petroleum Company, LLC, Bankruptcy Chapter 11
 - In re: Venoco, LLC, Bankruptcy Chapter 11
 - In re: EHT US1, Inc. et al.
 - 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 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
 - Whitred Holdings, LLC v. The McConnell Foundation; California State Lands Commission (as cross defendant)
2. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(b), under which;

INDEX CONTINUED

PAGE

- a. A point has been reached where, in the opinion of the Commission, on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the Commission, or
 - b. Based on existing facts and circumstances, the Commission is meeting only to decide whether a closed session is authorized because of a significant exposure to litigation against the Commission.
3. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(C), where, based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.
- B. Conference with real property negotiators
- The Commission may consider matters that fall under Government Code section 11126, subdivision (c)(7), under which, prior to the purchase sale, exchange, or lease of real property by or for the Commission, the directions may be given to its negotiators regarding price and terms of payment for the purchase, sale, exchange, or lease. At the time of publication of this Agenda, it is not anticipated that the Commission will discuss any such matters; however, at the time of the scheduled meeting, a discussion of any such matter may be necessary or appropriate.
- C. Other matters
- The Commission may also consider personnel actions to appoint, employ, or dismiss a public employee as provided for in Government Code section 11126(A)(1).

INDEX CONTINUED

	<u>PAGE</u>
II Open Session	1
III Public Comment	7
<p>Public comments will be heard at 1:00 p.m. 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>	
IV Confirmation of Minutes for the June 23, 2022 meeting	28
V Executive Officer's Report	29
<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">- No items for this section	
VI Consent Calendar 01-45	36
<p>The following items are considered to be noncontroversial and are subject to change at any time up to the date of the meeting.</p>	
<p>Land Management</p> <p>Northern Region</p>	
01	LYNNE G. COURTRIGHT, TRUSTEE OF THE LYNNE G. COURTRIGHT QUALIFIED PERSONAL RESIDENCE TRUST I DATED SEPTEMBER 16, 2005; LYNNE G. COURTRIGHT, TRUSTEE OF THE LYNNE G. COURTRIGHT QUALIFIED PERSONAL RESIDENCE TRUST II DATED SEPTEMBER 16, 2005; LYNNE G.

INDEX CONTINUED

PAGE

- COURTRIGHT, TRUSTEE OF THE LYNNE G. COURTRIGHT QUALIFIED PERSONAL RESIDENCE TRUST III DATED SEPTEMBER 16, 2005; LYNNE GAYLORD COURTRIGHT, TRUSTEE OF THE ERNEST L. COURTRIGHT QUALIFIED PERSONAL RESIDENCE TRUST II DATED SEPTEMBER 16, 2005; LYNNE GAYLORD COURTRIGHT, TRUSTEE OF THE ERNEST L. COURTRIGHT QUALIFIED PERSONAL RESIDENCE TRUST III DATED SEPTEMBER 16, 2005; JAMES L. COURTRIGHT; AND MOLLY COURTRIGHT SHIELDS (LESSEE/APPLICANT): Consider acceptance of a lease quitclaim deed and issuance of a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4980 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 7943; A3499; RA# 2021218) (A 1; S 1) (Staff: J. Plovnick)
- 02 RONALD W. DOLLENS AND SUSAN S. DOLLENS, AS TRUSTEES OF THE DOLLENS 2003 REVOCABLE TRUST DATED SEPTEMBER 4, 2003 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2560 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 5509; A3549; RA# 2021262) (A 1; S 1) (Staff: K. Buchan)
- 03 JAY GUDEBSKI, TRUSTEE OF THE JAY GUDEBSKI TRUST AGREEMENT, DATED AUGUST 25, 2008 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8315 Meeks Bay Avenue, Meeks Bay, El Dorado County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8178; A3625; RA# 2021328) (A 5; S 1) (Staff: J. Holt)
- 04 SCOTT T. HANSON AND VALERIE A. HANSON, TRUSTEES OF THE SCOTT T. HANSON AND VALERIE A. HANSON REVOCABLE TRUST DATED APRIL 1, 1998 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8355 Meeks Bay Avenue, Rubicon Bay, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 8692; A3298; RA#2021182) (A 5; S 1) (Staff: L. Anderson)
- 05 WILLIAM A.S. MAGRATH II AND JUDITH B. MAGRATH, AS TRUSTEES OF THE MAGRATH FAMILY TRUST (U/D/T 2/11/2008)

INDEX CONTINUED

- PAGE
- (LESSEE): Consider amendment to Lease Number 8938, a General Lease - Recreational Use, of sovereign land, located in Lake Tahoe, adjacent to 8357 Meeks Bay Avenue, near Meeks Bay, El Dorado County; to revise the rent. CEQA Consideration: not a project. (Lease 8938; A3514; RA# 2021332) (A 5; S 1) (Staff: S. Avila)
- 06 KAREN STONE MCCOWN, TRUSTEE OF THE KAREN STONE MCCOWN REVOCABLE TRUST AGREEMENT DATED MAY 11, 1990, AMENDED AND RESTATED AUGUST 13, 2003 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 263 Drum Road, near Meeks Bay, El Dorado County; for a pier, boathouse, and one mooring buoy. CEQA Consideration: categorical exemption. (Lease 4469; A3488; RA# 2021208) (A 5; S 1) (Staff: K. Buchan)
- 07 MENDOCINO CITY COMMUNITY SERVICES DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, adjacent to Assessor's Parcel Numbers 119-200-01, 119-200-07, and 119-200-09, near Goat Island, Mendocino, Mendocino County; for a wastewater outfall pipeline. CEQA Consideration: categorical exemption. (Lease 4755; A3185; RA# 2021488) (A 2; S 2) (Staff: J. Toy)
- 08 OAKLEY STATION, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4120 Ferguson Avenue, near Carnelian Bay, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 9021; A3328; RA# 2021109) (A 1; S 1) (Staff: K. Buchan)
- 09 PASHA FAMILY LEGACY REAL ESTATE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5398 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boathouse, sundeck with stairs, three boat lifts, and two mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W27233; RA# 18418) (A 1; S 1) (Staff: S. Avila)

INDEX CONTINUED

PAGE

- 10 PFLUGFELDER, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND WIM4 LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4920 and 4930 West Lake Boulevard, near Homewood, Placer County; for an existing joint-use pier and four mooring buoys. CEQA Consideration: categorical exemption. (Lease 3557; A3364; RA#2021214) (A 1; S 1) (Staff: L. Anderson)

Bay/Delta Region

- 11 ROLAND J. BAIN, TRUSTEE OF THE ROLAND J. AND NANCY J. BAIN, REVOCABLE TRUST, ESTABLISHED DECEMBER 29, 1992 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River adjacent to 3111 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 6997; A3496; RA# 2021213) (A 7; S 6) (Staff: K. Buchan)
- 12 ASHLY BLACK (LESSEE); MELINDA M. SCOTT (APPLICANT): Consider waiver of penalty and interest; void Invoice Number 51362; termination of Lease Number PRC 5348, a General Lease - Recreational Use; and application for a General Lease - Recreational Use of sovereign land in the Sacramento River, adjacent to 13810 State Highway 160, near Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 5348; A3386; RA# 2021138) (A 11; S 3) (Staff: J. Holt)
- 13 BURLINGAME POINT, LLC (LESSEE): Consider acceptance of a partial quitclaim of Lease Number PRC 9084.1, a General Lease - Recreational, Protective Structure, and Right-of-Way Use, for filled tide and submerged lands encompassing Parcel C, known as Fisherman's Park, Burlingame, San Mateo County. CEQA Consideration: not a project. (PRC 9084.1) (A 22; S 13) (Staff: J. Fabel; A. Franzoia)
- 14 C&H SUGAR COMPANY, INC. (APPLICANT): Consider application for a General Lease - Industrial Use, of sovereign land located in the Carquinez Strait, Crockett, Contra Costa County; for a sugar refinery, dock, outfall pipeline, and appurtenant facilities.

INDEX CONTINUED

PAGE

- CEQA Consideration: categorical exemption. (Lease 7659, A3157; RA# 2021018) (A 14; S 3) (Staff: V. Caldwell)
- 15 CALIFORNIA STATE LANDS COMMISSION, CITY OF ANTIOCH, THOMAS TROST (PARTIES): Consider taking title to and authorizing the removal and disposal of an abandoned vessel on granted sovereign land in the San Joaquin River, Assessor's Parcel Number 066-020-009, Antioch, Contra Costa County. CEQA Consideration: categorical exemptions. (W 27250) (A 11; S 7) (Staff: A. Kershen, V. Caldwell)
- 16 ETHAN CONRAD (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 6915 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 8351; A3278; RA# 2021085) (A 7; S 6) (Staff: V. Caldwell)
- 17 COUNTY OF SACRAMENTO (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Steamboat Slough at Hogback Island, Walnut Grove, Sacramento County; for an existing boat dock, boat ramp, picnic area with tables, a parking lot, and bank protection. CEQA Consideration: categorical exemption. (Lease 3300; A3322; RA# 2021302) (A 11; S 3) (Staff: M. Schroeder)
- 18 MICHAEL L. GUREV, TRUSTEE OF THE MAXWELL M. FREEMAN QUALIFIED PERSONAL RESIDENCE TRUST DATED OCTOBER 20, 2003 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the San Joaquin River at Atherton Cove, adjacent to 2300 Virginia Lane, near Stockton, San Joaquin County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 6075; A3466; RA# 2021196) (A 13; S 5) (Staff: L. Anderson)
- 19 GREG D. LARSON (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use of sovereign land in Georgiana Slough, adjacent to

INDEX CONTINUED

PAGE

- 441 West Willow Tree Lane, near Isleton, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 8763; A2867; RA# 2020427) (A 11; S 3) (Staff: V. Caldwell)
- 20 LEE R. MILLER AND DOROTHEA E. MILLER, AS TRUSTORS OF THE MILLER TRUST, DATED JANUARY 1, 1992 (LESSEE/ASSIGNOR); CONTE CICALA AND ANGELE CICALA (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Recreational Use, of sovereign land in Corte Madera Creek, adjacent to 69 Greenbrae Boardwalk, near Larkspur, Marin County; for an existing floating boat dock, fixed boat dock, and appurtenant facilities. CEQA Consideration: not a project. (Lease PRC 9259; A3592; RA# 2021336) (A 10; S 2) (Staff: J. Holt)
- 21 WILLIAM ALEXANDER MILLIE AND JENNIFER M. PORTER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to Assessor's Parcel Number 142-0030-037, near Walnut Grove, Sacramento County; for construction, use, and maintenance of a covered boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (A3286; RA# 2021083) (A 11; S 3) (Staff: J. Toy)
- 22 PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse No. 2022060045, adoption of a Mitigation Monitoring Program, and an application for a General Lease - Right-of-Way and Protective Structure Use, of sovereign land in the Sacramento River, adjacent to 7895 State Highway 20, near Meridian, Colusa and Sutter Counties; for use, maintenance, and repair of existing rock rip-rap; installation of a Horizontal Directionally Drilled gas pipeline; and decommissioning and removal of two previously unauthorized existing gas pipelines. (A3325; RA# 2021105) (A 13, S 5) (Staff: A. Franzoia)
- 23 SACRAMENTO AREA FLOOD CONTROL AGENCY (LESSEE); CENTRAL VALLEY FLOOD PROTECTION BOARD (APPLICANT): Consider termination of Lease Number PRC 9607, a General Lease - Public Agency Use, and application for a General Lease - Public Agency Use, of sovereign land within a portion of Assessor's Parcel Number 024-0081-019 and

INDEX CONTINUED

PAGE

- an unnumbered parcel west of Riverside Boulevard, Sacramento, Sacramento County; for right-of-way access and staging purposes. CEQA Consideration: Environmental Impact Report (EIR) and Supplemental EIR, certified by the Central Valley Flood Protection Board, State Clearinghouse No. 2005072046, (Lease 9607; A3470; RA# 2021198) (A 9; S 6) (Staff: M. Schroeder)
- 24 GREGORY E. WHITTEN AND CAROL C. WHITTEN (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 6951 Garden Highway, near Sacramento, Sacramento County; for a boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8078; A3589; RA# 2021297) (A 7; S 6) (Staff: J. Holt)
- Central/Southern Region
- 25 CALIFORNIA DEPARTMENT OF TRANSPORTATION (APPLICANT): Consider application for a Public Agency Permit and approval of a Right-of-Way Map, pursuant to section 101.5 of the Streets and Highways Code and section 6210.3 of the Public Resources Code, of sovereign land in the Kings River, for the Kings River Bridge Replacement Project, including approval of two temporary construction areas, near Stratford, Kings County. CEQA Consideration: Mitigated Negative Declaration, adopted by the California Department of Transportation, State Clearinghouse No. 2020049051, and adoption of a Mitigation Monitoring Program. (A3059; RA# 2020478) (A 32; S 14) (Staff: K. Connor)
- 26 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE): Consider application for an amendment to Lease 8079, a General Lease - Public Agency Use, of sovereign land located on Owens Lake, Inyo County; to construct and maintain 146 acres of new dust control and make modifications to existing dust control areas T16 and T2-2. CEQA Consideration: categorical exemption and Environmental Impact Report certified by City of Los Angeles Department of Water and Power, State Clearinghouse No. 2014071057, and Addendum. (PRC 8079; RA#2021248) (A 26; S 8) (Staff: D. Simpkin)

INDEX CONTINUED

PAGE

- 27 JUDITH A. FINCH (LESSEE): Consider termination of Lease Number PRC 5492, a General Lease - Commercial Use, located in the historic bed of the San Joaquin River, adjacent to 10705 Lanes Road, Fresno, Fresno County; for an unimproved vehicle park and unimproved boat launch. CEQA Consideration: not a project. (PRC 5492) (A 23; S 8) (Staff: K. Connor, V. Caldwell, N. Tantraphol, B. Johnson) 41,
59
- 28 CAROLYN MARIE HEALY AND STEVEN ANTHONY HEALY, AS SUCCESSOR CO-TRUSTEES OF THE PETER N. HEALY AND RITA L. HEALY FAMILY TRUST DATED FEBRUARY 16, 1983, TRUST A, AS TO AN UNDIVIDED 50% INTEREST; CAROLYN MARIE HEALY AND STEVEN ANTHONY HEALY, AS SUCCESSOR CO-TRUSTEES OF THE PETER N. HEALY AND RITA L. HEALY FAMILY TRUST DATED FEBRUARY 16, 1984, TRUST B, AS TO AN UNDIVIDED 43.54% INTEREST; AND CAROLYN MARIE HEALY AND STEVEN ANTHONY HEALY, AS SUCCESSOR CO-TRUSTEES OF THE PETER N. HEALY AND RITA L. HEALY FAMILY TRUST DATED FEBRUARY 16, 1983, TRUST C, AS TO AN UNDIVIDED 6.46% INTEREST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land in the Main Channel of Huntington Harbour, adjacent to 16791 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 9006; A3513; RA# 2021306) (A 72; S 34) (Staff: S. Avila)
- 29 MOJAVE PIPELINE COMPANY, LLC (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Colorado River, adjacent to Assessor's Parcel Number 650-161-12, near Topock, San Bernardino County; for an existing natural gas pipeline. CEQA Consideration: categorical exemption. (Lease 7510; RA# 2020413) (A 33; S16) (Staff: K. Foster)
- 30 PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Salinas River, adjacent to Assessor's Parcel

INDEX CONTINUED

PAGE

- Numbers 229-011-025 and 229-011-027, near Marina, Monterey County; for an existing natural gas pipeline not previously authorized by the Commission. CEQA Consideration: categorical exemption. (A2539; RA# 12518) (A 29; S 17) (Staff: G. Asimakopoulos)
- 31 SANTA CATALINA ISLAND COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean at Ballast Point in Catalina Harbor, Santa Catalina Island, Los Angeles County; for an existing dinghy pier, access ramp, and one float. CEQA Consideration: categorical exemption. (Lease 6410; RA# 2021244) (A 70; S 26) (Staff: D. Simpkin)
- 32 THE CULTURED ABALONE FARM, LLC (LESSEE): Consider revision of rent to Lease Number PRC 7456, a General Lease - Right-of-Way Use, of State sovereign land located in the Pacific Ocean, near Goleta, Santa Barbara County; for five pipelines. CEQA Consideration: not a project. (PRC 7456) (A 37; S 19) (Staff: V. Caldwell)

School Lands

- 33 COACHELLA VALLEY WATER DISTRICT (LESSEE): Consider revision of rent to Lease Number PRC 9025, a General Lease - Right-of-Way Use, of State indemnity school land located within a portion of Section 24, Township 3 South, Range 3 East, SBM, near Palm Springs, Riverside County; for a concrete bottom diversion channel, wire fence, and access roads. CEQA Consideration: not a project. (PRC 9025) (A 42; S 28) (Staff: V. Caldwell)
- 34 UNITED STATES OF AMERICA, AND ITS ASSIGNS, ACTING BY AND THROUGH THE BUREAU OF LAND MANAGEMENT (APPLICANT): Consider application for a General Lease - Public Agency Use, of 2.19 acres, more or less, of State-owned school land located within a portion of Section 16, Township 7 North, Range 3 East, SBM, south of Newberry Springs, San Bernardino County; for a livestock exclusion fence. CEQA Consideration: categorical exemption. (Lease 8410; A3486; RA# 2021204) (A 33; S 16) (Staff: R. Collins)

INDEX CONTINUED

PAGE

Mineral Resources Management

- 35 ALPINE OCEAN SEISMIC SURVEY, INCORPORATED (APPLICANT): Consider application for a Non-Exclusive Geological Permit to conduct geologic surveys on granted and ungranted tide and submerged lands state-wide, from the mean high tide line to 3 miles offshore, under the jurisdiction of the California State Lands Commission. CEQA Consideration: categorical exemption. (A3638; RA# 2021355) (A & S: Statewide Offshore) (Staff: C. Fox)
- 36 CALIFORNIA DEPARTMENT OF TRANSPORTATION (APPLICANT): Consider application for a Non-Exclusive Geological Survey Permit on State-owned sovereign land, near Assessor's Parcel Number 205 181-11, located adjacent to and in the Eel River, Humboldt County. CEQA Consideration: categorical exemption. (A3544; RA# 2021355) (A 2; S 2) (Staff: C. Fox)
- 37 HANSON AGGREGATES PACIFIC SOUTHWEST, INC. (APPLICANT): Consider Issuance of a Mineral Extraction Lease (minerals, other than oil, gas, or geothermal resources), Assessor's Parcel Number 326-60-23 containing 102.323 acres of State's 100 percent reserved mineral interest school lands, located in portions of the north half of the southwest quarter and the southwest quarter of the northwest quarter, Section 36, Township 14 South, Range 1 West, San Bernardino Baseline & Meridian, situated in the vicinity of Lakeside in West-central San Diego County. CEQA Consideration: categorical exemption. (A3387; Lease 7301; RA# 2021160) (A 71; S 38) (Staff: R. Lee)

Marine Environmental Protection

- No items for this section

Administration

- 38 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider delegation of authority for the Executive Officer or her designee to solicit Requests for Qualifications for consultant services, negotiate fair and reasonable prices, and award and execute agreements for the preparation of a Risk Assessment and Liability Report of State Lands and to train staff to use strategies to minimize risk and liability. CEQA Consideration: not a project. (W27259) (A & S: Statewide) (Staff: G. Kato)

INDEX CONTINUED

PAGE

- 39 CALIFORNIA STATE LANDS COMMISSION (PARTY):
Request delegation of authority for the Executive Officer or her designee to solicit for consultant services, negotiate fair and reasonable prices, award and execute agreements, and take any other steps reasonably necessary to prepare cost studies pursuant to Budget Item 3560-002-0001 in SB 154 (Skinner), the 2022 Budget Act, to estimate the fiscal impact of a voluntary relinquishment of the Commission's remaining lease interests in actively producing offshore oil and gas leases in state waters. CEQA Consideration: not a project. (W41006) (A & S: Statewide Offshore) (Staff: S. Meshkati, E. Tajer) 52
- 40 CALIFORNIA STATE LANDS COMMISSION (PARTY): Request delegation of authority for the Executive Officer or her designee to issue a Request for Qualifications to solicit for consultant services, negotiate fair and reasonable prices, and award and execute agreements for the preparation of environmental documentation for the Platform Holly Decommissioning Project near the city of Goleta, Santa Barbara County. CEQA Consideration: not a project. (W30119.3) (A 37; S 19) (Staff: J. Fabel, E. Gillies)
- 41 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider authorizing the Executive Officer or her designee to obtain quotes, negotiate fair and reasonable prices, and award and execute an agreement(s) through the appropriate procurement approach in order to perform site cleanup activities in the city of Stockton, San Joaquin County, pursuant to the requirements of the Public Contract Code and current State policies and procedures. CEQA Consideration: categorical exemption. (A 13; S 5) (Staff: C. Connor, K. Forbes)
- 42 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider authorizing the Executive Officer or her designee to negotiate fair and reasonable prices and award and execute an agreement to provide various media services that facilitate public Commission meetings pursuant to the requirements

INDEX CONTINUED

PAGE

of the Public Contract Code and current State policies and procedures. CEQA Consideration: not a project. (Bid Log 2021-10) (A & S: Statewide) (Staff: C. Connor, K. Forbes)

Legal

- 43 U.S. DEPARTMENT OF THE NAVY (PARTY): Consider Two Cessions of Concurrent Criminal Legislative Jurisdiction and Acceptance of One Retrocession of Exclusive Legislative Jurisdiction pursuant to California Government Code Sections 126 and 113, Inyo, Kern, San Bernardino, and San Diego Counties. CEQA Consideration: not a project. (FJ 0137.26, FJ 0136.9; RA# 2022009) (A 26, 33, 34, 78; S 16, 39) (Staff: P. Huber)

Kapiloff Land Bank Trust Acquisition/Expenditure

- 44 MARK CHODOS, MIGUEL PENA, CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider acknowledging staff's actions pursuant to the Commission's delegation of authority to expend moneys from the Kapiloff Land Bank Fund for the emergency removal and disposal of marine debris, known as the "All American" in the Sacramento River, adjacent to 2191 Garden Highway, Sacramento County; authorization of settlement in lieu of litigation; and authority to recoup costs. CEQA Consideration: categorical and statutory exemptions. (W 27250) (A 7; S 6) (Staff: A. Kershen, V. Caldwell)

External Affairs

Granted Lands

- 45 CITY OF ALAMEDA, CALIFORNIA STATE LANDS COMMISSION, NORTH WATERFRONT COVE, LLC (PARTIES): Consider a Land Exchange and Title Settlement Agreement involving parcels located within and adjacent to the Oakland Estuary and Alaska Basin, in the city and county of Alameda. CEQA Considerations: statutory exemption; Environmental Impact Report, certified by the City of Alameda. (G01-01) (A 18; S 9) (Staff: R. Boggiano, A. Kershen)

VII Informational Calendar

- See Regular Calendar

INDEX CONTINUED

	<u>PAGE</u>
VIII Regular Calendar 46-49	
46 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational Report synthesizing sea level rise assessments submitted by certain legislative grantees of Public Trust lands required by AB 691 (Muratsuchi) Chapter 592, Statutes of 2013; Public Resources Code section 6311.5 relating to legislatively granted Public Trust lands and sea level rise planning. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: M. Farnum, M. Wells)	88
47 CALIFORNIA STATE LANDS COMMISSION: Consider Feasibility Study findings and staff recommendation of Rincon Decommissioning Phase 2 project and alternatives to be analyzed in an Environmental Impact Report under the California Environmental Quality Act. CEQA Consideration: statutory exemption. (W30134) (A 37; S 19) (Staff: C. Herzog, M. Wiemer, K. Connor)	123
48 CALIFORNIA STATE LANDS COMMISSION: Discussion and possible action on state legislation relevant to the California State Lands Commission, including a briefing on SB 54 (Allen, Chapter 75, Statutes of 2022), which requires all packaging in California to be recyclable or compostable by 2032, among other things, and a briefing on other key ocean protection legislation, including AB 1832 (L. Rivas). CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)	69
49 CALIFORNIA STATE LANDS COMMISSION: Consider the third distribution of port stimulus funding to mitigate negative economic impacts from the COVID-19 pandemic pursuant to the State's 2021-2022 Budget Act. CEQA Consideration: not a project. (A & S: Statewide) (Staff: R. Boggiano, B. Johnson)	143
IX Public Comment	153
X Commissioners' Comments	154
Adjournment	156

INDEX CONTINUED

PAGE

Reporter's Certificate

157

PROCEEDINGS

1
2 CHAIRPERSON YEE: Good afternoon. I call this
3 meeting to order. All representatives of the Commission
4 are present. I'm State Controller Betty Yee and I'm
5 joined today by Eleni Kounalakis, our Lieutenant Governor,
6 and Gayle Miller representing the Department of Finance
7 who's joining us virtually.

8 At this time, we will adjourn into closed session
9 and after which we will come back and proceed with our
10 regular session.

11 (Off record: 12:08 p.m.)

12 (Thereupon the meeting recessed
13 into closed session.)

14 (Thereupon the meeting reconvened
15 open session.)

16 (On record: 1:04 p.m.)

17 CHAIRPERSON YEE: Thank you. Good afternoon,
18 everyone. I call this meeting back to order. All
19 representatives of the Commission are present. Ms.
20 Lucchesi, is there anything to report from closed session?

21 EXECUTIVE OFFICER LUCCHESI: Not at this time.

22 CHAIRPERSON YEE: Great. Thank you very much.

23 For the benefit of those in the audience, the
24 State Lands Commission manages State property interests in
25 over five million acres of land, including mineral

1 interests. The Commission also has responsibility for the
2 prevention of oil spills at marine oil terminals and
3 offshore oil platforms, and for preventing the
4 introduction of marine invasive species into California's
5 marine waters. Today, we will hear requests and
6 presentations involving the lands and resources within the
7 Commission's jurisdiction.

8 I want to take a moment to acknowledge and
9 express gratitude to the Kumeyaay people on whose lands
10 this meeting is being held. For millennia the Kumeyaay
11 have maintained a constant presence on the landscape
12 living on this coast and fishing in these waters in a
13 relationship of balance and reciprocity. The Commission
14 takes seriously its trust relationship with these
15 sovereign governments and recognizes California's native
16 people are essential stewardship partners of this state's
17 lands and resources.

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

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

5 And with that, I want to just introduce our next
6 item of business, which will be public comment. But
7 before I open up public comment for items not on the
8 agenda, first, let me thank everyone, especially our
9 stakeholders and members of the public for taking the time
10 to join our meeting. I also want to thank the Port of San
11 Diego, especially Chair Malcom, Vice Chair Castellanos,
12 and Port CEO Joe Stuyvesant, and your entire team for
13 hosting us today.

14 And before we hear some welcoming remarks, let me
15 turn it over to Ms. Lucchesi to quickly share some
16 instructions about how we can best participate in this
17 meeting, so that it may run as smoothly as possible.

18 Ms. Lucchesi.

19 EXECUTIVE OFFICER LUCCHESI: Thank you, Chair
20 Yee. For public comment, we will take those members of
21 the public who are here in person first and then hear
22 comments from those members of the public who are
23 participating virtually. If you would like to speak
24 either during our open public comment period or during a
25 public comment period that is part of an agenda item,

1 please complete an electronic request to speak form
2 available on our website. We will call you in the order
3 in which you submitted the electronic request to speak
4 form. And for those Participating virtually, please make
5 sure you have your microphones or phones muted to avoid
6 background noise.

7 To help us call on you through Zoom, please raise
8 your hand during the appropriate comment section in one of
9 two ways. First if you are attending the Zoom platform,
10 please raise your hand in Zoom. If you are new to Zoom
11 and you joined our meeting using the Zoom application,
12 click on the hand icon at the bottom of your screen. When
13 you click on that hand, it will raise your hand. Second
14 if you're joining our meeting by phone, you must press
15 star nine on your keypad to raise your hand to make a
16 public comment.

17 If you are calling in and want to view the
18 meeting, including the PowerPoint presentations, please
19 view the meeting through the CAL-SPAN live webcast link.
20 There will be a slight time delay, but it will avoid an
21 echo or feedback from using the Zoom application and your
22 phone. We will call on individuals who have raised their
23 hands in the order that they are raised using the name
24 they registered with or the last three digits of their
25 identifying phone number. After you are called on, you

1 will be unmuted so that you can share your comments.
2 Please also remember to unmute your computer or phone and
3 identify yourself. You will have a limit of three minutes
4 to speak on an item. Please keep your comments respectful
5 and focused. We will mute anyone who fails to follow
6 those guidelines or at worst dismiss them from the
7 meeting.

8 The Commission has also established an email
9 address to compile public comments for our meetings. It's
10 address is cslc.commissionmeetings@slc.ca.gov. We have
11 received various emails from parties that have been shared
12 with all the commissioners prior to the meeting. And if
13 we receive any emails during the meeting, they will be
14 shared with the commissioners and be made available on our
15 website, along with the public comments we have already
16 received.

17 Chair Yee, that concludes my hybrid meeting
18 instructions and I turn it back over to you.

19 CHAIRPERSON YEE: Great. Thank you very much,
20 Ms. Lucchesi. Let me just welcome -- I thought I saw
21 Commissioner Miller virt -- visually, but she is joining
22 us virtually today.

23 Before we move on to public comment on items not
24 on the agenda, I'd like to welcome Joe Stuyvesant, the CEO
25 of the Port of San Diego. And again, tremendous thanks

1 for hosting us today with our Commission meeting.

2 MR. STUYVESANT: Good afternoon, Chair Yee,
3 Commissioner Kounalakis, and Commissioner Miller. Joe
4 Stuyvesant from the Port of San Diego, President and CEO,
5 on behalf of the Port of San Diego, we are so pleased that
6 you brought your meeting down here to the San Diego area.
7 It's important to --

8 (Sneezing)

9 MR. STUYVESANT: Bless you, ma'am.

10 It's so important for you to have the opportunity
11 to visit. So thank you and we look forward to later today
12 when we take you around on the visit.

13 About 18 months ago today, I stood before you
14 virtually, and I'm so pleased to be able to do it in
15 person now, but to report the challenging impacts of COVID
16 on the Port of San Diego. What I said to you that day and
17 I'll say again today is the partnership between the Port
18 of San Diego and State Lands Commission is unparalleled
19 and it has been our life line.

20 The pandemic took a terrible toll on
21 self-supporting public agencies like the Port of San
22 Diego, stripping our revenue and stretching our resources
23 to the max. However, State Lands responded and sent
24 relief through our ARPA funds. Recovery is now underway
25 and we're building for the future. Out of adversity comes

1 opportunity. And we're taking the money that you sent to
2 us and investing that money with an eye looking forward to
3 clean technology and electrification that will help reduce
4 the impact of the port on our environmental communities
5 and neighbors.

6 The Port of San Diego is grateful for the
7 support. And I would just like to thank Executive
8 Director Lucchesi and the port lands staff. They are
9 extraordinary partners for us. They are mentors, they are
10 problem solvers, and they're amazingly talented. I
11 consider us to be very lucky to work with that talented
12 group. Thank you for your continued support and for the
13 support of the Public Trust and our mission to serve the
14 people of the state of California.

15 Thank you for being here in San Diego again and I
16 look forward to our continued working together.

17 CHAIRPERSON YEE: Thank you very much, Mr.
18 Stuyvesant and thank you to your entire team. We -- it is
19 a true partnership and we very much appreciate the
20 collaboration.

21 Thank you. So we will now move to our next order
22 of business, which is the public comment period. So if
23 anyone wishes to address the Commission on any item not on
24 today's agenda, I will call on those who are here in
25 person first. You will have three minutes to provide your

1 comments. And next, we will move on to those who are
2 joining us virtually.

3 Grace, please call on the first person who would
4 like to make a public comment.

5 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

6 Thank you, Chair Yee. The first public commenter
7 will be Pamela Heatherington.

8 CHAIRPERSON YEE: Good afternoon. Welcome.

9 MS. HEATHERINGTON: Good afternoon, Chair, Yee
10 and Commissioner Kounalakis and Miller. I am Pam
11 Heatherington, Director of the Environmental Center of San
12 Diego.

13 Let me begin by thanking you for your October
14 27th, 2021 letter to the City of San Diego regarding the
15 blocking of public access at Campland on the Bay and the
16 Mission Bay RV Resort. For over two generations, the
17 public has been duped into thinking these were private
18 beaches and have been prevented from using the public
19 tidelands as they were intended.

20 The Mission Bay Park master plan for years has
21 designated the Campland area for salt marsh restoration.
22 We are still waiting for this to happen. As Campland
23 moves over to the Mission Bay RV area, they again have
24 tried to make this appear as a private beach by erecting
25 tents and other private beach amenities. Constant

1 oversight is needed to keep public access public. We're
2 fortunate to have Chair -- City Council Chairman Sean
3 Elo-Rivera's staff check in periodically to make sure that
4 they are abiding by the rules.

5 But this raises more concerns as we see the City
6 of San Diego's eagerness to redevelop public tideland
7 areas. As each of these redevelopment projects come
8 forward, less land is provided for the public. The Rady
9 Shell, although a nice music venue, has eaten up a great
10 portion of public tidelands that are no longer available
11 to the public. Not everyone can afford a seat in the
12 venue, so the public is often on the outside looking in.

13 The Environmental Center is no stranger to block
14 public access. We have a project, the Princess Street
15 Coastal Access Trail that has been closed to the public by
16 the landowner for over 30 years. It's not hard to imagine
17 that there are other areas being blocked to public access.

18 As you look at projects in San Diego, please keep
19 in mind that the public has a poor over -- or the City has
20 a poor oversight record when it comes to public tidelands.
21 We understand the desire to make money, but please help us
22 make it not at the expense of the public's right to
23 access.

24 Thank you for your time.

25 CHAIRPERSON YEE: Thank you very much, Pam, for

1 your comments.

2 Grace, out next commenter.

3 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

4 Yes, Chair Yee. Our next commenter is Eileen
5 Boken.

6 CHAIRPERSON YEE: And, Grace, was she joining us
7 virtually?

8 MS. BOKEN: Eileen Boken.

9 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

10 Yes.

11 CHAIRPERSON YEE: Great. Yes, we can hear you.

12 MS. BOKEN: Eileen -- yes. Eileen Boken, State
13 and Federal Legislative Liaison, Coalition for San
14 Francisco Neighborhoods. Following up on the Coalition's
15 written submission, the Monterey Bay National Marine
16 Sanctuary, was designated in 1992 and it's boundaries
17 extend from Cambria to the Marin headlands. However, the
18 waters off San Francisco, Daly City, and Pacifica were
19 excluded. This area is also known as the doughnut hole.

20 Since 2014, the Coalition for San Francisco
21 Neighborhoods has been advocating for the waters off San
22 Francisco to be included in the National Marine Sanctuary,
23 first, as a southern expansion of the Greater Farallones
24 National Marine Sanctuary, then as part of the management
25 plan review of the Monterey Bay National Marine Sanctuary.

1 Neither of those efforts has comes to fruition.

2 Therefore, the Coalition for San Francisco
3 Neighborhoods is currently advocating for a new
4 designation, for the -- for a Golden Gate National Marine
5 Sanctuary. The coalition urges the State Lands Commission
6 to join this advocacy. The remainder of the written
7 submission comments addresses the recent multi-agency
8 report titled, "California's Water Supply Strategy:
9 Adapting for a Hotter, Drier Future. Desal is mentioned
10 multiple times in this report. The coalition's written
11 submission references offshore desal, which uses wave
12 action instead of electricity and the possible
13 demonstration project off the waters of San Francisco
14 neighborhood.

15 Regarding the San Francisco's emergency
16 firefighting water system. In 1984, then Mayor Dianne
17 Feinstein committed to bringing the dedicated emergency
18 firefighting water system to the west side of San
19 Francisco. This would require an ocean water pump
20 station. The coalition is urging the State Lands
21 Commission to confirm the accuracy of a recent AECOM SFPUC
22 study that an ocean water pump station would take 10 to 20
23 years to permit as this time frame seems excessive.

24 And finally, both the Commission and the staff
25 are invited to join the annual Sunset Community Festival

1 on Saturday October 1st for a day of fun in the fog. Yes,
2 I did say fog.

3 Thank you.

4 CHAIRPERSON YEE: Thank you very much for your
5 comments.

6 Grace, our next commenter.

7 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
8 Our next commenter is Walter Lamb.

9 MR. LAMB: Thank you, Commissioners. Good
10 afternoon. Thank you for the opportunity to speak. I'm
11 with the Ballona Wetlands Land Trust.

12 I just want to speak about a project. I'm sure
13 you're all aware that for the last almost 20 years,
14 there's been discussion of a Ballona Wetlands Restoration
15 Project. In December of 2020, the California Department
16 of Fish and Wildlife certified a final EIR for a full 35
17 construction sequence project. Those sequences are all
18 interdependent.

19 And what you've probably heard or come to think
20 of is that project is, you know, the knocking down of
21 levees, the formation of a meandering creek, removal of,
22 you know, millions of cubic soil -- of yards of soil, and
23 then public access on top of newly created, you know,
24 flood control berms and excavated land. All of that is
25 indefinitely on hold, because there were just a number of

1 mistakes made with regard to flood control. And what the
2 Department is now seeking to do is just do the first two
3 of those 35 sequences, which there was no analysis of
4 those two sequences as a stand-alone project. And already
5 there's some issues with how they're sort of, you know,
6 massaging that.

7 But the point that I really want to make today is
8 that your staff -- I think five of your staff attended a
9 meeting on July 20th, which was a pre-permitting meeting.
10 And at that meeting they stated that they didn't think
11 that the State Lands Commission would have any formal
12 role, which was a little bit curious and something I
13 think, you know, we'd love to just work through with you.
14 You may be missing some information.

15 There was a MOU, memorandum of understanding, in
16 2008, which outlined that you would actually have a role,
17 that you'd be a responsible agency, and that you'd
18 maintain ultimate jurisdiction over what happened on your
19 lands, both within the fresh water marsh area, the
20 management of which you delegate to a non-profit called
21 the Ballona Wetlands Conservancy, and then also acreage in
22 the ecological reserve, the management of which you
23 delegate to the California Department of Fish and
24 Wildlife.

25 And both those parcels come into play here and we

1 think that you, as a trustee agency, and the certified EIR
2 does list you as a trustee agency for this -- for the
3 project, that just leasing land out is probably not
4 sufficient, even if the lease envisions restoration
5 project that the actual project, you know, these 17 years
6 later needs to be looked at. And just you know quickly
7 again for context, the Department got \$1.7 million to move
8 forward all those other things I talked about. And for
9 that they need federal approvals. And it was from the
10 Coastal Conservancy they got this money with a very
11 specific section called work to be funded with this
12 authorization, and they're not doing any of that work.
13 They're again focusing on these first few sequences.

14 So I think an informational meeting just in
15 October might be the next best step. We'd love to learn
16 what your thoughts are. And we'd love to share some
17 thoughts with you. And that could be the best way to get
18 this on a really collaborative track and increase
19 engagement, so on and so forth.

20 Thank you very much. I appreciate your time.

21 CHAIRPERSON YEE: Thank you for your comments,
22 Mr. Lamb.

23 Grace, our next commenter.

24 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

25 Our next commenter is Marcia Hanscom.

1 MS. HANSCOM: Honorable Commissioners, Marcia
2 Hanscom. I'm co-founder of Protect Ballona Wetlands. And
3 as you know, 60 acres of land at the Ballona Wetlands on
4 the Los Angeles coast are owned in fee by the State Lands
5 Commission. That land remained under the purview of your
6 agency when there was a choice to be made when former
7 State Controller Steve Westly was in office. He asked
8 those of us who were in leadership in the public
9 acquisition of Ballona for our advice about whether all of
10 that land should be given over to the California
11 Department of Fish and Game - that was their name at the
12 time - or if we thought the State Lands Commission ought
13 to retain ownership of those 60 acres. They'd had a long
14 political history to their ownership.

15 We were happy that he weighed our advice
16 carefully and recommended to the State Lands Commission to
17 retain ownership. And now we are begging your Commission
18 to become more involved. Why? Because we know of your
19 Commission's commitment to strong environmental
20 protection, and we are horrified about what we have
21 recently learned is on the horizon for the California
22 Department of Fish and Wildlife to undertake as part of
23 what they are calling a sequencing of a portion of the
24 project that was proposed to be undertaken in a highly
25 flawed Environmental Impact Report for what is really not

1 a restoration at the Ballona Wetlands. Extremely
2 important habitats for sensitive species would be wiped
3 out and turned into something else.

4 Yes, we are in litigation over that flawed EIR.
5 And finally, we are about to receive the administrative
6 record with a briefing schedule in place for 2023. Still,
7 that is no reason for the State Lands Commission to shy
8 away from your responsibilities here, especially since
9 Fish and Wildlife is apparently moving quickly forward
10 with their plans to piecemeal this project that is still
11 in litigation.

12 In the Final EIR, the State Lands Commission
13 approve -- that was approved, the State Lands Commission
14 said in the revised language that you do have the ability
15 to consider -- to consider whether or not to improve
16 modifications to the land under your ownership, and we ask
17 that you do this.

18 Additionally, there's an MOU that was signed by
19 Paul Thayer, the then Executive Director, for State Lands
20 Commission in 2008, and that included this quote, "The
21 Department and to the extent its lands are proposed for
22 restoration, SLC will have final discretionary authority
23 and approval of the project with respect to their
24 respective ownerships prepared for the restoration
25 planning and construction".

1 We are also quite perplexed as to why this MOU
2 would not still be in effect. There are several parts of
3 the agreement we do not believe that have been adhered to.
4 So we would respectfully request that you direct staff to
5 include an informational item on the next meeting of the
6 State Lands Commission so these issues can be aired and
7 considered in public.

8 Thank you.

9 CHAIRPERSON YEE: Thank you very much, Marcia,
10 for your comments.

11 Grace, our next commenter.

12 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

13 Our next commenter is Harry Rabin, please.

14 Mr. Rabin, you may need to unmute.

15 MR. RABIN: Okay. Can you hear me now?

16 CHAIRPERSON YEE: We can hear you.

17 MR. RABIN: Great. Okay. I represent -- and
18 first of all, thank you, Commissioner and staff for
19 welcoming us to this event and providing public comment.

20 My name is Harry Rabin and I am field advisor and
21 researcher for Heal the Ocean in Santa Barbara,
22 California. And we've worked very closely with California
23 State Lands Commission and the oil abatement and
24 abandonment programs.

25 What I want to discuss briefly today is the

1 decommissioning of the Rincon Island project. And we have
2 concerns about things we've heard that if they do
3 decommission it, the possible removal of the island itself
4 and the threat that could pose with the release of toxins
5 from the approximate 70 wellhead bores that were abandoned
6 on that island recently. So that is a question, you know,
7 we have and would like to discuss further and see that on
8 the agenda.

9 We've also been in touch with several
10 universities that would consider utilizing the island for
11 research, as well as using the infrastructure there to
12 research wave energy converters that could be installed
13 there to provide clean energy to the area. That is the
14 extent of our comment and we welcome any comments you may
15 have back to us and look to you for guidance along these
16 lines.

17 CHAIRPERSON YEE: Great. Thank you, Mr. Rabin.
18 I will just say to you stay tuned.

19 Our next commenter, please.

20 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

21 Our next commenter is Susanne Cumming.

22 Ms. Cumming, you may need to unmute your phone.

23 MS. CUMMING: Hello. Can you hear me?

24 CHAIRPERSON YEE: We can hear you, Ms. Cumming.

25 MS. CUMMING: Thank you. Good afternoon. I'm

1 Susanne Cumming. I'm a lawyer and a member of LA Coastal
2 Protection Coalition and Defend Ballona Wetlands.

3 My comment is about the misuse of funds.
4 Recently, the State Coastal Conservancy gave the
5 Department of Fish and Wildlife money for the Ballona
6 Wetlands for land mostly owned by you, the State Lands
7 Commission. And Marcia Hanscom and Walter Lamb have done
8 a good job of explaining that. In a very public hearing,
9 the Conservancy specified that that -- what that money
10 could be used for.

11 However, CDFW allocated that money for something
12 completely different, as you heard from Marcia and Walter.
13 We need oversight. I hope that part of your
14 responsibility as a Commission is to see that the money
15 given for a purpose on land owned by you is actually used
16 for that purpose. Please stop this bait-and-switch, this
17 misuse of funds. Please step in and direct the Department
18 of Fish and Wildlife to use that money for the purpose
19 intended and not let it be diverted to enabling the
20 destructive bulldozer project.

21 As Marcia suggested, please put this on your
22 agenda, so we can look into this more deeply. Thanks so
23 much.

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

1 Grace, our next presenter.

2 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

3 Our next commenter has a telephone number, last
4 three digits 319.

5 MR. VAN DE HOEK: Good afternoon, State Lands
6 commissioners. My name is Robert van de Hoek -- van de
7 Hoek, and you know me as Roy also from field trips by two
8 of the commissioners. And I'm an environmental scientist
9 and I'm with the Ballona Institute.

10 You just heard from some speakers about
11 sequencing. And I'd like to tell you a little bit more
12 about sequencing first. It's a -- it's kind of a very coy
13 word and phrase they're using to do a end-run around the
14 environmental process, because the U.S. Army Corps of
15 Engineers won't give them a clean water permit or other
16 permission to do this big EIR.

17 I want to tell you about your 60 acres of your
18 State Lands Commission land and talk about it as the east
19 property and the west property. The east property, 20
20 years ago, made an agreement with the City of Los Angeles
21 and a private developer, Playa Vista, and housing
22 development project. And in that project then you turned
23 over your east part of your property through a permit
24 agreement 20 years ago that the homeowners and renters
25 will pay into an amount of money for the management of

1 that area. And you created a conservancy, which has the
2 City of LA and a fake environmental group with the name
3 "Friends" in it, which is really the gas company and --
4 and other fossil fuel corporations, and also Loyola --
5 LMU, which has an agreement with a gas company. And the
6 City of LA representative to that doesn't really
7 participate in that process of this conservancy on your
8 east part of your property.

9 It's a retention basin that holds polluted water
10 from the development. Your west property has no
11 agreements or that -- with any entities, except that you
12 made an agreement to allow another State agency manage the
13 land for you, the Department of Fish and Wildlife. And
14 they're not doing a good job and it's kind of like the fox
15 guarding the hen house there. It's time for you to take a
16 leadership role in that western part of the property and
17 convene a participatory process that doesn't have just the
18 gas company and oil corporations, and -- and Sempra
19 Energy, and Edison, and this fake environmental group with
20 the words "Friends" it having all the say so and
21 participation. You're not allowing the citizens.

22 Now, you've heard from three organizations and
23 three leaders. And I'm the fourth person and I'm the
24 President of the Ballona Institute. And so there's four
25 organizations that have I think the greater good of the

1 public citizenry involved in how your valuable wildlife
2 lands -- and I'll just wrap up, if I may, in a few
3 seconds, Commissioner Yee, to say please that there are
4 very sensitive species. And the list is too long to share
5 the names of the animals and plants in where this
6 sequencing -- sequencing project is happening.

7 Thank you for the time to speak and three minutes
8 is nice.

9 CHAIRPERSON YEE: Thank you for your comments.
10 Grace, our next commenter.

11 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
12 Our next commenter is Lydia Ponce.

13 Lydia, you may need to unmute.

14 MS. PONCE: Yeah. I apologize for that. I've
15 been trying but the button didn't work.

16 Good afternoon. Lydia Ponce here calling from
17 the unceded territories known to the Tongva people as
18 Sa'Angna. The interesting part of working for Society of
19 Native Nations is that we are representing people in the
20 state of California and in Texas. And it's nice to get
21 paid to mess with Texas especially being a Californian.

22 But I'm calling in today because I'm hearing a
23 lot of words and none of them have involved indigenous
24 people landback. The federal and state lands are all
25 stolen indigenous lands as you know. I haven't heard one

1 reference to providing any kind of consultation to
2 indigenous peoples. It's heartbreaking. We had to reel
3 from the IRA, from the Inflation Reduction Act, recently
4 and knowing that a large part of our NGOs, non-profits, a
5 lot of people that we're in right relationships with, they
6 received grants and big money to work with us in coalition
7 and collaboratively.

8 The indigenous black and color -- people of color
9 in front-line communities throughout the state of
10 California are suffering from kind of like a convenient
11 amnesia by some of the larger groups -- environmental
12 groups that support the IRA. Why is it upsetting and why
13 is it taking so long for people to remember who they're
14 standing with? Because they haven't really looked back.
15 They really turned their backs on us.

16 I am hoping that the State Lands commissioners
17 start the conversation over again with indigenous people
18 and continue the great relationship Building and
19 transformative relationships not transactional. All I'm
20 hearing all day long from the different entities and the
21 different groups that I belong to, including WHEJAC, the
22 White House Environmental Justice Advisory Committee that
23 I belong to, it's all the same rhetoric. We are leaning
24 towards hurting more of our Earth Mother, more of the
25 water, hurting more of the land, hurting the air, and

1 hurting the people and all the -- all of our relatives,
2 the winged, the four-legged, the swimmers, and the creepy
3 crawlers.

4 So I'm asking you let's get together and do this
5 EJ policy, this Environmental Justice Policy, rewrite,
6 rescript, amend. If it doesn't exist, we're here.
7 Indigenous people are still here. We need to come back to
8 right relations. We need about -- we need to be about the
9 healing. And I know too many indigenous people locally in
10 Southern California that are without land. Stop giving
11 the land to the conservancies. Give it back to the
12 indigenous people.

13 Thank you.

14 CHAIRPERSON YEE: Thank you very -- thank you
15 very much for your comments. Much appreciated.

16 Our next commenter, Grace.

17 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

18 Chair Yee, there are no other hands raised for
19 public comment at this time.

20 CHAIRPERSON YEE: Great. Thank you very much for
21 managing our public comment period on this item. Ms.
22 Lucchesi, any response -- I'm particularly interested --
23 actually, a couple things. One, very much appreciated the
24 comments of our last speaker. And I can assure you that
25 certainly the State Lands Commission with its tremendous

1 respect for our sovereign governments and our tribal
2 consultation process, we truly believe that we do work in
3 partnership with our tribes. Obviously, still more work
4 to do, that we hear you, and really very much appreciate
5 those comments.

6 The speaker on the Rincon decommissioning, there
7 will be an item later on on the agenda, Item number 47,
8 which is why I was saying stay tuned. We do have some
9 updates for you relative to that process.

10 But I was particularly interested, Ms. Lucchesi,
11 on anything that you could comment on relative to the
12 Ballona Wetlands project, just because it seems to me a
13 lot of information, maybe some of it accurate, maybe some
14 taken out of context with respect with some of the
15 historical involvement of the State Lands. And so to the
16 extent you can comment, because I know there are a lot of
17 actions around this issue.

18 EXECUTIVE OFFICER LUCCHESI: Yeah. There
19 certainly are a lot of activities happening around the
20 restoration of the Ballona Wetlands, the project being
21 proposed by the Department of Fish and Wildlife, as one of
22 the speakers, I think Ms. Hanscom mentioned, that is in
23 litigation.

24 CHAIRPERSON YEE: Yes.

25 EXECUTIVE OFFICER LUCCHESI: So we don't want to

1 comment on what's happening there.

2 CHAIRPERSON YEE: Right.

3 EXECUTIVE OFFICER LUCCHESI: The State Lands
4 Commission is not a party to that. I believe in I think
5 it was our April meeting in my Executive Officer's report,
6 I provided a more detailed description and narrative of
7 the State Lands Commission's role, and landownership, and
8 management responsibilities as part of the Ballona
9 Wetlands. And so I -- I would refer anyone who's
10 interested to go back and take a look at that.

11 The -- well, it was before most of our time,
12 staff's time, when these agreements were entered into with
13 some former Commissioners and constitutional officers of
14 the state. The Commission acquired these properties
15 subject to many other ownership interests and that really
16 provides a framework about -- that dictates our level of
17 involvement, particularly on future restoration projects
18 or active management activities happening right now.

19 And with respect to the ecological reserve that
20 the Fish and Game manages on behalf of the State Lands
21 Commission, that lease was entered into many years ago and
22 has a very broad authorized use, and contemplated the
23 future restoration, which the Department of Fish and
24 Wildlife is currently pursuing.

25 With all of that said, I know that this was a

1 complicated deal that was entered into many years ago, and
2 there's a lot of history, and there's a lot of actions
3 that took place since then. We have endeavored as a staff
4 to be very responsive to the multiple requests that have
5 come in from various stakeholders, whether it's just
6 informal inquiries and questions to formal Public Records
7 Act requests.

8 But obviously, we need to do a little bit more
9 work in working with these stakeholders that have --
10 especially those that comment at each of our Commission
11 meetings, because they may not be interpreting some of
12 these documents --

13 CHAIRPERSON YEE: Right.

14 EXECUTIVE OFFICE LUCCHESI: -- the same way we
15 are. And those differing perspectives are helpful for us,
16 because we are always learning as well. So with that, we
17 will reach back out to Ms. Hanscom and others that have
18 testified here today to try and have a little bit more of
19 an opportunity to deep dive on what we're looking at with
20 the governing documents and what they are interpreting,
21 and see if we can try to resolve some of the outstanding
22 questions that they have.

23 CHAIRPERSON YEE: Appreciate that. And I think
24 that would be a very helpful process. And there were four
25 organizations represented here today during public

1 comment. So hopefully that can be done in a collaborative
2 way.

3 EXECUTIVE OFFICER LUCCHESI: Yes. We will
4 definitely follow up.

5 CHAIRPERSON YEE: Okay. Great.

6 Commissioners, questions or comments?

7 Okay. Seeing none. That concludes our public
8 comment period.

9 We will move on to the next item of business,
10 which will be the adoption of the minutes from the
11 Commission's meeting of June 23rd 2022. May I have a
12 motion to approve the minutes and a second.

13 ACTING COMMISSIONER MILLER: I'll move approval,
14 Madam Chair.

15 CHAIRPERSON YEE: Thank you, Commissioner Miller.
16 Moved by Commissioner Miller.

17 CHAIRPERSON YEE: I will second that motion.
18 And any objection to a unanimous vote?

19 EXECUTIVE OFFICER LUCCHESI: Chair Yee.

20 CHAIRPERSON YEE: Yes.

21 EXECUTIVE OFFICER LUCCHESI: I'm sorry to
22 interrupt. I will need to call roll call though --

23 CHAIRPERSON YEE: Okay.

24 EXECUTIVE OFFICER LUCCHESI: -- just because
25 Commissioner Miller --

1 CHAIRPERSON YEE: Oh, is -- is -- is --

2 EXECUTIVE OFFICER LUCCHESI: -- is participating
3 virtually.

4 CHAIRPERSON YEE: Got it. Okay, please.

5 EXECUTIVE OFFICER LUCCHESI: Of Course.

6 Commissioner Kounalakis?

7 COMMISSIONER KOUNALAKIS: Aye.

8 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

9 ACTING COMMISSIONER MILLER: Aye.

10 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

11 CHAIRPERSON YEE: Aye.

12 EXECUTIVE OFFICER LUCCHESI: The motion passes
13 unanimately.

14 CHAIRPERSON YEE: Great. Thank you very much.

15 Our next order of business is Executive Officer's
16 report. Ms. Lucchesi, may we have the report.

17 EXECUTIVE OFFICER LUCCHESI: Yes. I will make
18 this brief, because we really have a large agenda ahead of
19 us.

20 I wanted to mention a couple of different things.
21 Earlier this month, the Commission staff facilitated the
22 removal of a burned vessel called the All American in the
23 Sacramento River just north of the I-80 bridge in
24 Sacramento. The All American was an 85-foot long air-sea
25 rescue vessel, a type of vessel that was used in the

1 military during World War II and the Korean war.

2 The vessel was decommissioned in 1970 -- in the
3 1970s and eventually ended up in private ownership. It
4 was recently moved from Antioch to Sacramento and then
5 subsequently caught fire. And so after the fire was
6 extinguished, the County of Sacramento, State Lands
7 Commission staff, the Oil Spill Prevention and Response
8 Agency, OSPR, and the Department of Toxic and --
9 Substances Control all got together to figure out how to
10 remove this vessel because of the pollution emergency it
11 was creating.

12 So essentially, the Commission really stepped up
13 and as the lead in this effort identified funding. We
14 searched under couch cushions to find the money needed to
15 remove this vessel, facilitated the contractor --
16 contractor to go out there. And it was removed safely,
17 and efficiently, and effectively. And the reason I bring
18 it -- we do this relatively often. I wanted to highlight
19 this today, first, because it did make the news in the
20 Northern California media market. It was a really great
21 example of the partnership between local and State
22 agencies of really trying to work fast and efficiently to
23 address an emergency situation and it also shows the
24 teamwork that's involved in these kinds of removal
25 activities.

1 It's also an item on our consent agenda, 44,
2 where because we were acting under the Commission's
3 delegated -- delegation of authority, we're asking the
4 Commission to acknowledge the actions that staff took in
5 that event. So just a really great success story, and
6 especially with abandoned and derelict vessels, we take
7 them -- we take those successes where we can get them.

8 Also, the Commission has finally entered into the
9 modern era. Last month, we launched our new online
10 payment portal on our website. So now lessees and
11 applicants can pay rent, invoices, and other expenses
12 online. And it's a culmination of two years of work and
13 the product of collaboration between various internal
14 divisions between our Accounting Division and our
15 Information Services Division. And it aligns with our
16 strategic plan to leverage technology. It's just huge
17 game changer for us and long, long overdue, but really
18 exciting because of the efficiencies and the service this
19 provides to the public or stakeholders, lessees,
20 applicants in doing business with us in a better way as we
21 move forward.

22 Next, I want to just give an update on the
23 Platform Holly Decommissioning Project, including the
24 Piers 421 Decommissioning Project.

25 So for Platform Holly, as of today, we -- five of

1 the 30 wells have had surface plugs installed and are
2 permanently sealed. We are on schedule for proceeding
3 with 22 of the remaining 25 wells, having all the lower
4 oil producing formations sealed up -- sealed off. So
5 we're making really great steady progress on this
6 important effort. And on our agenda today, actually as a
7 consent agenda, is a request to authorize staff to
8 actually move forward with the feasibility and CEQA
9 analysis for the ultimate decommissioning of Platform
10 Holly, which we hope to start early next year after
11 finishing the plugging and abandoning of those 30 wells.

12 For the Piers 421 removal project that the
13 Commission authorized in April, we have secured all the
14 necessary entitlements, and we are actually ready to start
15 work on that, beginning next week. And that is a huge
16 milestone of this important project that will remove the
17 last remaining remnants of oil producing piers in the
18 shore zone in California. So we will continue to keep you
19 updated on that. We're working very closely with the City
20 of Goleta on providing consistent and regular
21 communication outreach -- and outreach and engagement with
22 the community and with our regula -- regulatory agencies,
23 so they know the steps we're taking at each part of the
24 this project, because it will be very, very visible as
25 it's happening in the shore zone.

1 So we hope to finish that in six months. And it
2 will mark the end of the Ellwood oil field as a production
3 area -- which began in the 1930s. So really, really
4 significant milestone in our transition to a fossil fuel
5 free future.

6 And finally, I want to just give an update on the
7 Poseidon Huntington Beach desalination lease with us. As
8 we have been talking about the last couple meetings,
9 the -- Poseidon has decided not to move forward with their
10 Huntington Beach desalination project after the Coastal
11 Commission's decision a couple of meetings ago. We met
12 with Poseidon representatives in late June to discuss the
13 need for Poseidon to apply for a lease amendment to remove
14 them from the lease that they currently share with AES at
15 the site. And Poseidon did submit an application for that
16 purpose at the end of June. So we will continue
17 coordinating with Poseidon and AES to process this
18 application. And we anticipate bringing it back to the
19 Commission to remove Poseidon from the existing lease at
20 our last meeting this year.

21 And then before moving on to the next item, I
22 just also really want to highlight the opportunity we have
23 today. We have sort of a Sea Grant Fellow reunion
24 happening between our current Sea Grant Fellows, Michael
25 and Max, who you met earlier and our current existing

1 staff, Maren, who is a former Sea Grant Fellow, Chair
2 Yee's deputy, Christina Kunkel, who is -- was also a
3 Fellow with us. You'll hear from Sam on the AB 691 report
4 who was also a Sea Grant Fellow with the State Lands
5 Commission. And finally, Lily is also in the audience.
6 She was a Sea Grant Fellow with the Port of San Diego
7 working with us, not only on AB 691, but on some of the
8 other partnerships and initiatives that we have with the
9 Port of San Diego.

10 So I just really wanted to acknowledge what a
11 great opportunity this is and also provide a little bit of
12 motivation and hope for up and coming scientists to work
13 through the Sea Grant Fellowship Program, because it
14 really provides so much opportunity. And selfishly for
15 the State Lands Commission, they are such great colleagues
16 and continuously push us to learn more. They teach us
17 constantly and they really help us move the ball forward
18 on some of these big policy initiatives. So with that,
19 I'll turn it back to you, Chair Yee.

20 CHAIRPERSON YEE: Great. Thank you very much,
21 Ms. Lucchesi, for your report. I will echo that about our
22 Sea Grant Fellows. Just an amazing, amazing resource with
23 the body of work just collectively over the years that
24 they have been able to provide assistance and leadership
25 on as is really remarkable. So thank you.

1 Commissioner Kounalakis, any questions or
2 comments?

3 COMMISSIONER KOUNALAKIS: No. Thank you. I just
4 want to underscore, I appreciate your clarifying at the
5 top of your -- or earlier before we got into your report,
6 some of the comments and questions those who are concerned
7 about the future of the Ballona Wetlands have, because
8 clearly people are very passionate and very engaged. It
9 is complicated. There are many agencies and entities that
10 have authority over this area, but I think it is important
11 for people to understand and to hear from us when you have
12 so many comments about the same issue, even if it is that
13 we're saying again and again, that there really is a very
14 narrow role that we play when it comes to Ballona. And in
15 particular, when there are lawsuits, it makes it even more
16 difficult for us to be able to engage. So I appreciate
17 you doing that. And that's all I had for today.

18 CHAIRPERSON YEE: Great. Thank you, Commissioner
19 Kounalakis and thank you for those comments and we look
20 forward to the ongoing engagement between the parties on
21 that issue.

22 Commission Miller, any comments or questions?

23 ACTING COMMISSIONER MILLER: No, but I just -- I
24 would like to echo your comments on how grateful we are to
25 the Sea Grant Fellows, and to you Controller Yee, and Ms.

1 Lucchesi for embracing the program and really ushering in
2 a new generation of folks that care so much about this
3 policy and really well protect our planet. So thank you
4 for that.

5 CHAIRPERSON YEE: Great. Thank you. All right.
6 Thank you.

7 Our next order of business will be the adoption
8 of the consent calendar. Let me just turn to
9 Commissioners Kounalakis and Miller if there are any items
10 that you would like to see removed from the consent
11 calendar.

12 Okay. Seeing and hearing none, next, Ms.
13 Lucchesi, do you wish to indicate if there are any items
14 to be removed from the consent calendar?

15 EXECUTIVE OFFICER LUCCHESI: Yes. So consent
16 items 29, 30, and 36 are removed from the agenda and we
17 will be bringing those back at a later date for the
18 Commission to consider.

19 Consent items 27 and 39 are being moved from the
20 consent agenda to the regular agenda, because we do have
21 members of the public that we -- wish to speak on those
22 two items. And unless there is a preference from the
23 Chair or other commissioners, I recommend we take those up
24 at the end of our regular calendar.

25 CHAIRPERSON YEE: Okay. And those speakers are

1 joining us virtually?

2 EXECUTIVE OFFICER LUCCHESI: Yes, that's right.

3 CHAIRPERSON YEE: Great. Okay. That's fine.

4 Okay. Very well. So we have items 29, 30, and
5 36 removed from the consent calendar for consideration at
6 a later date. Items 27 and 39 moved from the consent
7 calendar to the regular agenda to be heard at the end of
8 the regular agenda.

9 Are -- is there anyone who wishes to speak on any
10 item remaining on the consent calendar? If so, please
11 come to the podium or raise your Zoom hand or dial nine if
12 joining by phone now.

13 And, Grace, I'll look to you to see if there is
14 anyone who has a hand raised.

15 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

16 Thank you, Chair Yee. We do not have any hands
17 raised for the consent calendar at this time.

18 CHAIRPERSON YEE: Great. Very well. Thank you.

19 Hearing and seeing none, we will now proceed with
20 the vote. May I have a motion to adopt the remainder of
21 the consent calendar and a second.

22 ACTING COMMISSIONER MILLER: I move approval.

23 CHAIRPERSON YEE: Thank you, Commissioner Miller.

24 COMMISSIONER KOUNALAKIS: Second.

25 CHAIRPERSON YEE: All right. We have a motion by

1 Commissioner Miller, seconded by Commissioner Kounalakis

2 Ms. Lucchesi, please call the roll.

3 EXECUTIVE OFFICER LUCCHESI: Yes.

4 Commissioner Kounalakis?

5 COMMISSIONER KOUNALAKIS: Aye.

6 EXECUTIVE OFFICER LUCCHESI: Commission Miller?

7 ACTING COMMISSIONER MILLER: Aye.

8 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

9 CHAIRPERSON YEE: Aye.

10 EXECUTIVE OFFICER LUCCHESI: The motion passes
11 unanimately.

12 CHAIRPERSON YEE: Great. Thank you very much.

13 All right. Our next order of business will be
14 the regular calendar. And our first item on the regular
15 calendar is Item 46. This is an informational report
16 synthesizing sea level rise assessments submitted by
17 certain legislative grantees of Public Trust Lands
18 required by Assembly Bill 691.

19 We do have a presentation and let me welcome
20 Maren Farnum and Michael Wells for this item.

21 Good afternoon.

22 AGP VIDEO: Which item is it?

23 SENIOR ENVIRONMENTAL SCIENTIST FARNUM:

24 Forty-six, please.

25 AGP VIDEO: PowerPoint.

1 SENIOR ENVIRONMENTAL SCIENTIST FARNUM: Sure.

2 AGP VIDEO: (Inaudible)

3 SENIOR ENVIRONMENTAL SCIENTIST FARNUM:

4 PowerPoint first, please. Movie will follow.

5 Thank you.

6 Hi. Just waiting for our slides to come up here.

7 AGP VIDEO: I am having a problem with the slide.

8 SENIOR ENVIRONMENTAL SCIENTIST FARNUM: Okay.

9 AGP VIDEO: (Inaudible). Do you have another
10 copy of the PowerPoint?

11 SENIOR ENVIRONMENTAL SCIENTIST FARNUM: I do not
12 have another copy, except on my laptop, which I can go
13 grab.

14 EXECUTIVE OFFICER LUCCHESI: How about -- maybe
15 we can move on with the Rincon item --

16 CHAIRPERSON YEE: Sure.

17 EXECUTIVE OFFICER LUCCHESI: -- and then come
18 back, so we can figure out, because I think the PowerPoint
19 presentation is so important --

20 CHAIRPERSON YEE: Is really -- I agree.

21 EXECUTIVE OFFICER LUCCHESI: -- to explaining the
22 report and --

23 CHAIRPERSON YEE: Okay.

24 EXECUTIVE OFFICER LUCCHESI: -- we can just
25 adapt and --

1 CHAIRPERSON YEE: Sure. Absolutely.

2 EXECUTIVE OFFICER LUCCHESI: -- move on to the
3 Rincon Item and come back to AB 691.

4 CHAIRPERSON YEE: That sounds good. We will just
5 postpone momentarily Item 46. We'll move on to Item 47.
6 And this is the item to consider the feasibility study and
7 staff recommendation of the Rincon Decommissioning Phase 2
8 Project and alternatives to be analyzed in the
9 Environmental Impact Report. And we do have a
10 presentation here as well by Cynthia Herzog and Micaela
11 Werner -- Weimer.

12 EXECUTIVE OFFICER LUCCHESI: Yeah. Cyndi will be
13 providing the presentation virtually.

14 CHAIRPERSON YEE: Okay.

15 EXECUTIVE OFFICER LUCCHESI: So we will need to
16 pull her up as a panelist and her PowerPoint presentation.

17 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: As soon
18 as that comes up, I will begin. Thanks.

19 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

20 CHAIRPERSON YEE: Yes.

21 EXECUTIVE OFFICER LUCCHESI: May I recommend we
22 take a five minute break --

23 CHAIRPERSON YEE: Sure.

24 EXECUTIVE OFFICER LUCCHESI: -- to --

25 AGP VIDEO: I -- for some reason, all of the

1 PowerPoints won't come up.

2 EXECUTIVE OFFICER LUCCHESI: Okay.

3 CHAIRPERSON YEE: Okay. That's all right.

4 EXECUTIVE OFFICER LUCCHESI: So we'll take a five
5 minute break and --

6 CHAIRPERSON YEE: We'll recess for five minutes
7 and we will return and we'll return back to Item number
8 47.

9 (Off record: 1:56 p.m.)

10 (Thereupon a recess was taken.)

11 (On record: 2:06 p.m.)

12 CHAIRPERSON YEE: Thank you for your patience.
13 We will just be a little flexible here. And we will move
14 back to some items that we pulled off consent, but don't
15 require PowerPoint presentations. So why don't we move
16 back to Item 27, if we can.

17 EXECUTIVE OFFICER LUCCHESI: And our Chief of our
18 Land Management Division, Brian Bugsch will be giving this
19 presentation and actually does have a PowerPoint, but this
20 one is actually working, so --

21 (Laughter)

22 CHAIRPERSON YEE: Okay. Very Good. Great.
23 Thank you. Take it away, Brian.

24 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Are you
25 going to advance the slides then?

1 AGP VIDEO: Yes.

2 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Okay.
3 Cool. Thank you. Good afternoon, Madam Chair and
4 commissioners. My name is Brian Bugsch, Chief of Land
5 Management. And I'm here to present on Item 27.

6 Next slide, please.

7 --o0o--

8 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
9 existing lease is for sovereign land in the historic bed
10 of the San Joaquin River adjacent to 10705 Lanes Road in
11 Fresno.

12 Next slide.

13 --o0o--

14 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On April
15 23rd, 2014, the Commission authorized a 10-year general
16 lease commercial use to Judith Finch for an unimproved
17 recreational vehicle park and unimproved boat launch also
18 known as the Fort Washington Beach Campground. The lease
19 expires on April 22, 2024.

20 Next slide.

21 --o0o--

22 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The lease
23 area includes an unimproved RV park and an unimproved boat
24 launch in the San Joaquin River. The public uses the
25 lease area to access a pond and the San Joaquin River for

1 fishing, swimming, and boat launching. There are no
2 permanent improvements associated with the lease area.
3 Portable toilets and garbage receptacles are authorized on
4 the lease premises to serve the public.

5 Next slide.

6 --o0o--

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: In April
8 of this year, Commission staff was informed by the
9 neighboring property owner that the lessee died in 2017.
10 The deceased lessee's apparent grandson has been operating
11 the campground. Per public records, Judith Finch died on
12 September 13, 2017. Staff was never made aware of the
13 lessee's passing. The neighboring property owner also
14 mentioned concerns about the management of the leased
15 premises.

16 On August 9th of this year, Commission staff met
17 with staff from the Fresno City Attorney's office and code
18 enforcement. City officials said they had received
19 complaints about the campground including activity that
20 appeared to constitute a public nuisance. They also said
21 operation of the campground might be in violation of the
22 city ordinances.

23 Next slide.

24 --o0o--

25 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Based on

1 the facts presented to staff in a review of the lease
2 file, staff identified several breaches of the lease.
3 Each of these conditions independently is an immediate
4 default with no opportunity to cure and is grounds for
5 termination.

6 A failure to make any payment of rent is a
7 default. The annual rent was due in April and has not
8 been paid. Failure to maintain liability insurance is a
9 default. The lessee's insurance policy was terminated in
10 May 2022 and there has been no active policy on file since
11 that date.

12 Next slide.

13 --o0o--

14 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The
15 discontinued use of the lease premises by the lessee for
16 at least 90 days constitutes an abandonment of the lease
17 premises, which is a default. There were no attempts to
18 assign the lease to or by the lessee's heirs before or
19 since the lessee's passing. Her apparent next of kin does
20 not live at the upland residence or operate the lease
21 premises.

22 The surrender of daily management and control of
23 the lease premises to a third party without the expressed
24 written consent of the Commission is a default. To the
25 best of the Commission's knowledge, the current operator

1 of the lease premises is the lessee's grandson who has
2 been exercising daily management and control of the site
3 without the Commission's permission.

4 Next slide.

5 --o0o--

6 LAND MANAGEMENT DIVISION CHIEF BUGSCH: On August
7 10th of this year, staff mailed a Notice of Default and
8 Recommendation of Termination to the lessee's next of kin
9 at the lease premises and her permanent residential
10 address. The notice listed the lease defaults and noted
11 staff would recommend termination of the lease. The
12 current site operator has expressed a desire to continue
13 operating the camp site and was informed a new lease
14 application may be submitted.

15 Next slide.

16 Next slide, please.

17 --o0o--

18 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Thanks.

19 While there are several breaches of the lease and
20 staff is recommending termination, staff is not
21 recommending permanent closure of the lease area. Any
22 future applicant and lessee of the lease premises must
23 prove they have legal access to the private land through
24 which the campground is accessed. Legal access may be
25 established by holding the deed to the parcel or by

1 agreement with the deed holder. Staff will consider
2 future lease applications once legal access to the
3 campground is established.

4 Next slide.

5 --o0o--

6 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Staff
7 recommends the Commission authorize the termination of the
8 lease 5492 a general lease commercial use issued to Judith
9 Finch effective today.

10 Thank you for your time and I'm available to
11 answer any questions. Thanks.

12 CHAIRPERSON YEE: Thank you very much, Brian, for
13 the presentation. Any questions or comments,
14 commissioners, on this item?

15 Yes, Commissioner Kounalakis.

16 COMMISSIONER KOUNALAKIS: Thank you. I didn't
17 hear that there was any communication from the person we
18 believe to be or we think might be the grandson of the
19 previous lessee.

20 CHAIRPERSON YEE: Yes.

21 COMMISSIONER KOUNALAKIS: Have you been in
22 contact with them?

23 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah.
24 Yeah. He was -- he's been in contact. He is notified.
25 He's interested. I think he's going to be speaking.

1 CHAIRPERSON YEE: He's going to be speaking
2 momentarily.

3 COMMISSIONER KOUNALAKIS: Oh, I see.

4 LAND MANAGEMENT DIVISION CHIEF BUGSCH: But he's
5 interested in leasing the lease premises, but we have to
6 go through the process of termination and then applying
7 for that lease to make sure we have access.

8 EXECUTIVE OFFICER LUCCHESI: Yeah. I was just
9 going to add that this is obviously a very challenging
10 time for the family. I know that Mrs. Finch had passed
11 away some time ago but at the same time, this is probably
12 bringing all of this up the loss of her up again. And I
13 know how hard this is for his family and the grandson, but
14 there is a process we have to go through, because what the
15 Commission has authorized in the past, the lease document
16 itself, is to a particular lessee. There's been certain
17 actions that have occurred or not occurred that really
18 render that lease inoperative at this point.

19 We have been talking with the grandson and others
20 to basically say, and this was in Brian's presentation,
21 we're not recommending permanent closure of the
22 campground, but we do need to re -- to evaluate a new
23 applicant on the face of their application and so we have
24 encouraged the grandson or any of the other folks that
25 might be interested in leasing this to submit an

1 application, and we'll go through the due process of
2 analyzing that.

3 COMMISSIONER KOUNALAKIS: So -- thank you. So
4 you know, we've made so many accommodations for so many
5 business people and small business people through the
6 pandemic.

7 CHAIRPERSON YEE: Um-hmm.

8 COMMISSIONER KOUNALAKIS: So I just want to make
9 sure that we're thinking it -- about it through that
10 context and that lens as well. Would the passing of the
11 lessee alone trigger the -- the need to cancel the lease
12 or is it more the fact that a payment was missed and it --
13 there was one other thing.

14 EXECUTIVE OFFICER LUCCHESI: Yeah, the --

15 CHAIRPERSON YEE: Insurance.

16 EXECUTIVE OFFICER LUCCHESI: -- the lack of
17 carrying insurance and that sort of thing.

18 COMMISSIONER KOUNALAKIS: Right. Right. Right.
19 Right.

20 EXECUTIVE OFFICER LUCCHESI: So, yes, typically,
21 absent kind of the time period that lapsed between the
22 time the lessee had passed and the action the Commission
23 is taking now, when those happen more closely together, we
24 would have done this all in one action, right? So there
25 would have been a new application for the grandson or some

1 other entity to take over the lease premises. We would
2 have recommended termination of the existing lease and
3 potentially authorization of a new lease, but that would
4 have happened all in one action recommended by staff.

5 At this point, we -- there is -- there is no --
6 the lease is not operative. So the current occupation or
7 action by anybody on these lease premises is not
8 authorized. So this is the first action for us to take
9 and we are encouraging the grandson and others to submit
10 an application so we can evaluate it. We did have a lot
11 of opportunities to accommodate lessees during the
12 pandemic. This was not a situation where it was solely
13 just a delay or deferment on rent. As Brian enumerated,
14 there were many lease defaults. And so it's really clean
15 and we've been working with the local government as well,
16 because this doesn't just include our property, the
17 State's property, but also private property that is
18 subject to local government regulation.

19 And this is the best course of action to start
20 from a clean slate in our po -- in our -- in our -- from
21 our perspective.

22 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah. I
23 would just add, I mean, it's been five years, but I think
24 the clarity of the ownership of the property is still
25 maybe in a legal situation. We're trying to sort that and

1 we can use the application process to verify that --
2 what's happening.

3 CHAIRPERSON YEE: Yeah. Okay. Thank you,
4 Commissioner Kounalakis for those questions.

5 Commissioner Miller, any questions or comments?

6 ACTING COMMISSIONER MILLER: No, not from me.

7 CHAIRPERSON YEE: Okay. Thank you. With that,
8 Grace let me turn to you to see if we have those who wish
9 to comment on this item joining us.

10 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

11 Thank you, Chair Yee. Our first speaker will be
12 Michael Gross.

13 CHAIRPERSON YEE: Good afternoon, Michael.

14 Is he with us, Grace or is he on mute still?

15 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

16 It appears that he is unmuted, but I am unable to
17 hear him.

18 CHAIRPERSON YEE: Okay. Do we have any other
19 speakers on this item?

20 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

21 We do. Thank you, Chair.

22 We'll move now to John Shelton.

23 CHAIRPERSON YEE: Okay. Good afternoon, John.

24 MR. SHELTON: Good afternoon, Board members and
25 Executive Officer Lucchesi. I just wanted to weigh in.

1 I'm the Executive Officer for the San Joaquin River
2 Conservancy, a State agency that is working on the San
3 Joaquin River Parkway establishing it in this area.

4 We have some property that is relatively close
5 to -- to this area. We've been following what's been
6 going on. I've talked to Jennifer's staff quite a few
7 times. I'm in complete support of their actions. And I
8 just wanted to make sure that the Board members knew and
9 the staff knew that the Conservancy is very willing to
10 work with the staff to -- to try to make sure that the
11 recreation area stays on open into the future. We may be
12 interested as the Conservancy is operating it, but our
13 main concern is that it is operated as a well maintained
14 and clean recreation area, which has been some issues in
15 the last few years. But it's also got a long history of
16 being a very important recreation area for both the City
17 and the full region.

18 So we're just here to make sure that you guys
19 understand we're very interested in working with this and
20 we'll help out where we can.

21 CHAIRPERSON YEE: Thank you very much, Mr.
22 Shelton. Appreciate your comments.

23 Grace, our next commenter.

24 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
25 I'd like to call on Mike Gross. Mr. Gross, if

1 you would please unmute and start speaking.

2 CHAIRPERSON YEE: Good afternoon, Mr. Gross. Can
3 you hear us?

4 Grace, it seems like he's still having some
5 difficulties. Is there any other commenter in the queue?

6 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

7 There are no other commenters for Item 27.

8 CHAIRPERSON YEE: Okay. Why don't we wait just a
9 moment to see if we can get the technical glitch cleared
10 up.

11 EXECUTIVE OFFICER LUCCHESI: Chair Yee --

12 CHAIRPERSON YEE: Yes.

13 EXECUTIVE OFFICER LUCCHESI: -- I could also
14 recommend that we hold this item open --

15 CHAIRPERSON YEE: Sure.

16 EXECUTIVE OFFICER LUCCHESI: -- and proceed on to
17 a couple more, then come back to see if -- if we can get
18 him back on and then take a vote and have further
19 deliberation as appropriate.

20 CHAIRPERSON YEE: That's fine. Okay. Why don't
21 we put this item over until we are able to get Mr. Gross
22 back to join us with his comment. And we will move on to
23 Item number 39, okay?

24 EXECUTIVE OFFICER LUCCHESI: Yes. Yeah. Item
25 39, I'll be giving staff's presentation on this. This

1 item recommends that the Commission direct and authorize
2 staff to retain a consultant to help us develop the cost
3 study that is the subject of pending legislation AB 2257
4 by Assemblymember Boerner Horvath.

5 The 2022 Budget Act appropriated \$1 million to
6 the Commission to conduct an offshore oil and gas lease
7 cost study to support this pending legislation of AB 2257.
8 AB 2257 would require the Commission to develop and submit
9 to the Legislature by December 2024, a cost study that
10 evaluates the fiscal impact of a voluntary relinquishment
11 by lessees of their lease interest in actively producing
12 State offshore oil and gas leases. The cost study would
13 consider expected duration of the oil production at the
14 time of the leasing, State revenues received to date,
15 evaluate expected remaining life of the reservoir, based
16 on proved reserves and reasonably anticipated unrealized
17 lessee revenues and profits, and reasonably anticipated
18 unrealized State revenues, and finally the lessee's
19 decommissioning and restoration costs. This study must
20 also include recommendations to advance the end of
21 offshore oil and gas development.

22 So it does -- it is a little interesting, because
23 we were appropriated the million dollars to do this cost
24 study in the Budget Act, but the legislation has not yet
25 been passed and signed by the Governor yet.

1 CHAIRPERSON YEE: Right.

2 EXECUTIVE OFFICER LUCCHESI: However, with that
3 said, in anticipation of the -- of AB 2257 being enacted
4 into law, the requirements of this cost study are very
5 complex and time-consuming to develop and analyze. And so
6 because we received the money in the '22 -- 2022 Budget
7 Act, we wanted to jump on this right away. It takes the
8 State and the Commission, you know, between three and six
9 months to bring on a consultant and then get them ready to
10 do the work and us to be able to engage meaningfully on
11 that. Plus, the different milestones associated with
12 2257. If we don't get a jump-start on this as soon as
13 possible, we're concerned we won't meet the legislative
14 deadlines. So we are erring on the side of caution
15 frankly on this.

16 If, for some reason, the legislation does not get
17 enacted into law, then we can come back to the Commission
18 and talk about what the Commission's options are at that
19 point. We have been appropriated the money. The
20 Commission has the discretion to do this kind of cost
21 study absent State legislation directing it to do so. So
22 we think that this staff stands behind its recommendation
23 to pursue this cost study at this time. And, of course,
24 we can come back to the Commission and reevaluate next
25 steps if for some reason 2257 is not signed into law.

1 CHAIRPERSON YEE: That sounds great. Thank you
2 very much, Ms. Lucchesi.

3 Questions or comments, commissioners?

4 Okay. Very well. Thank you.

5 ACTING COMMISSIONER MILLER: I'm happy to move
6 approval, Madam Chair, if it's appropriate.

7 CHAIRPERSON YEE: Okay. Very good. Let me see
8 if there's any public comment on this item before we move
9 on. Grace, anyone in the queue for this item, item number
10 39?

11 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
12 Chair Yee, we did have a commenter with their
13 hand raised, but they are no longer on the line.

14 CHAIRPERSON YEE: Okay.

15 MS. TEEL SIMMONDS: I am actually on the line.
16 Sorry.

17 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
18 There you go.

19 (Laughter)

20 MS. TEEL SIMMONDS: I don't know what happened.
21 I'm a presenter now and I -- it sounds like you can hear
22 me, so I can proceed, if that works for you.

23 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
24 Perfect. Thank you so much.

25 MS. TEEL SIMMONDS: Okay. And I can start my

1 video. Thank you so much Chair Yee and Commissioners,
2 Executive Director Lucchesi, and staff. My name is Julie
3 Teel Simmonds. I'm a senior attorney with the Center for
4 Biological Diversity's Oceans Program. I was actually
5 born and raised in San Diego and I wish could be there
6 with you all in person today. I apologize for any
7 background noise. I'm actually at a public library today
8 and happy to join you, in any way I can.

9 And I'm here to virtually testify on consent item
10 39. And I don't know if there's a better way to do that
11 without moving around your agenda, so I apologize if I
12 disrupted the flow and would love advice from staff moving
13 forward if there's a better way to comment on consent
14 items in the future.

15 Back to my brief comment. We're very pleased to
16 have the Commission looking at this issue. We support
17 conducting a study as Ms. Lucchesi mentioned. And we just
18 wanted to note that we think California's offshore
19 infrastructure, as we all know, is aging and is -- and it
20 poses continued and, in our view, unacceptable risks to
21 California's marine and coastal resources and economy.
22 And the Commission has the authority and broad duty to
23 protect Public Trust resources and public health and
24 safety. And decommissioning oil and gas leases in State
25 waters is a necessary first step to doing that.

1 So today we just wanted to urge the Commission to
2 make sure to design the study and to seek a contractor who
3 can create a study that evaluates not just the enumerated
4 factors that Ms. Lucchesi mentioned, which include
5 reasonably anticipated lost profits in the life of the
6 reservoir, but also we think the study should include, for
7 example, income and profits already realized by industry
8 and the current and future costs of maintaining the
9 existing production, operations, and infrastructure,
10 including, for example, environmental, environmental
11 justice, public health and safety, Public Trust resource,
12 and economic harms and risks posed by continuing to
13 extract, refine, and transport oil in California.

14 Thank you so much for your time and I appreciate
15 your making room for this item.

16 CHAIRPERSON YEE: Thank you, Ms. Simmonds for
17 your comments. Appreciate you offering them to the
18 Commission today.

19 You know -- and thank you, Jennifer, for bringing
20 this forward, because I do think we want to jump on this
21 pretty quickly once the bill is enacted, but certainly if
22 the bill is not enacted. I think there is an expectation
23 by the Legislature to see some work being done in this
24 area. A lot of interest obviously after the recent oil
25 spills. And so I think definitely am in support of this.

1 Grace, any other members of the public in the
2 queue on this item?

3 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

4 We have a caller with the last three digits of
5 their phone number 502.

6 CHAIRPERSON YEE: Okay. Caller with the last
7 three digits 502, are you joining us on Item 39?

8 Okay. Maybe we can -- once they come online,
9 Grace, we can accommodate that member of the public.

10 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

11 Thank you, Chair. I have no other hands raised.

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

13 So hearing -- seeing and hearing no other
14 commenters, but for the one we're trying to get online,
15 any other comments from commissioners? If not, is there a
16 motion?

17 ACTING COMMISSIONER MILLER: No comments, Madam
18 Chair. I'm happy to move approval.

19 CHAIRPERSON YEE: Okay.

20 COMMISSIONER KOUNALAKIS: Second.

21 CHAIRPERSON YEE: I have a motion by Commissioner
22 Miller, second by Commissioner Kounalakis. Ms. Lucchesi,
23 you want to call the roll?

24 EXECUTIVE OFFICER LUCCHESI: Yes.

25 Commissioner Kounalakis?

1 COMMISSIONER KOUNALAKIS: Aye.

2 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

3 ACTING COMMISSIONER MILLER: Aye.

4 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

5 CHAIRPERSON YEE: Aye.

6 EXECUTIVE OFFICER LUCCHESI: The motion passes
7 unanimately.

8 CHAIRPERSON YEE: Great. Thank you very much.
9 Let me go back to Item 29.

10 Grace, is Mr. Gross available? Michael Gross.

11 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

12 Mr. Gross, if you would try to speak.

13 MR. GROSS: Yes. Can you hear me?

14 CHAIRPERSON YEE: We can hear you. Welcome.

15 MR. GROSS: Thank you. I've been here for hours
16 and I don't know what happened. I'm not really good at
17 this, but I would --

18 CHAIRPERSON YEE: No, that's all right. We're
19 glad you're here. Members and members of the public, we
20 are moving back to Item 20 --

21 EXECUTIVE OFFICER LUCCHESI: Twenty-seven.

22 CHAIRPERSON YEE: -- 27, excuse me, the Finch
23 matter. And we do have Mr. Gross to provide public
24 testimony -- public comment.

25 Please proceed.

1 MR. GROSS: Thank you. My name is Michael Gross.
2 I am the grandson. I'm sorry, my grandson. I am the
3 son-in-law to Judith Finch who had this lease and it
4 didn't expire till 2024. Yes, that's been years. We've
5 dealt with many litigations to get to this point. Pretty
6 much you say that the Commission was not notified of the
7 her passing. I don't believe that's true. My son, which
8 would be Judith Finch's grandson, who took care of her and
9 has been at this property ever since she passed, pretty
10 much notified you and he paid a new lease. And that
11 expired last April.

12 I had no idea, since I've been involved in this
13 and taking care of this that that expired or I would have
14 definitely continued this while we were going through
15 litigation. We are with a second lawyer and dealing
16 with -- we're in a probate. This is taking forever,
17 years. This is hard to explain. But Steven Gross
18 definitely paid a new lease that expired in April. I had
19 no idea, since I've been involved in this that that was
20 expired or I would have continued this payment. But you
21 were -- you were notified that Judy passed and you did
22 give a new lease with Steven's Gross's name underneath it,
23 which is the grandson.

24 The property has never been abandoned. We've
25 maintained this property the entire time. It has been

1 closed down quite a bit since -- due to COVID and
2 everything else and these problems. However, what we're
3 saying is you are notified by our neighbor -- a new
4 neighbor, Charles Finch, who acquired the property next
5 door. He has done nothing but complain to everybody. And
6 this is another complaint to you to just -- he's tried to
7 purchase our property. He's tried to push us out.

8 So what I'm saying is that he is the reason you
9 got -- you got this notification probably. I've tried
10 everything and I'm doing everything I can to maintain this
11 property. Judith Finch had one plan, keep it in the
12 family, and give it to her grandsons, Steven Gross. You
13 gave him a new lease. His name is on it. So it wasn't --
14 I don't believe you were never notified that she passed.
15 I don't believe we have any kind of information from you,
16 my mistake maybe, that pretty much it expired when it did
17 in April or I would have paid that lease while we're going
18 through all this liti -- litigation. And I just want you
19 to understand if this property and this lease is gone,
20 this place will be destroyed.

21 CHAIRPERSON YEE: Thank you, Mr. Gross for your
22 comments. Let me just get some clarification from the
23 staff, Ms. Lucchesi, about the existence of a subsequent
24 lease.

25 EXECUTIVE OFFICER LUCCHESI: We don't have

1 records of that in our files. We were made aware of Mrs.
2 Finch's passing by the neighbor that Mr. Gross referenced.
3 I just want to try to set the foundation here.

4 CHAIRPERSON YEE: Yes.

5 EXECUTIVE OFFICER LUCCHESI: That we are not
6 recommending termination with prejudice, right? We
7 will -- the process that Mr. Gross and his grandson will
8 go through in terms of applying for a new lease is
9 relatively similar to what would have happened if they
10 were looking to apply for an assignment from Mrs. Finch to
11 the grandson or some other entity during the operative
12 terms of the lease, and while Mrs. Finch was still with
13 us.

14 So this is really an administrative action --

15 CHAIRPERSON YEE: Right.

16 EXECUTIVE OFFICER LUCCHESI: -- to essentially
17 clear the slate, so that we can process a new application
18 should they submit one and really evaluate that
19 application and their -- what they envision as the future
20 of this property on its own merits. So the -- I know that
21 there is -- that the family is dealing with a significant
22 amount of issues especially going through probate. I can
23 only imagine how challenging that is. We really endeavor
24 to be able to work with them through this process. And
25 like I said, this is -- we will be evaluating any new

1 application on the merits of their application without any
2 kind of prejudice to what's occurred in the past.

3 And so I -- so just in summary, staff stands by
4 our recommendation. We think this is the cleanest way to
5 move forward. And this isn't going to be a black box that
6 the family just can't engage with us. We will work with
7 them as they move forward.

8 CHAIRPERSON YEE: All right. Thank you. And let
9 me just reiterate, Mr. Gross, that, you know, staff, as
10 was presented, and I think you heard from some of the
11 others who commented as well, there's no recommendation
12 for permanently closing the leased area. In fact, it's
13 probably -- it's exactly the opposite. I think we're all
14 very much willing to look at how we get clarity of the
15 ownership issues and then be able to move forward with a
16 new application process to lease the property. And I
17 think the staff is more than -- has more than expressed at
18 their willingness to keep engaging for that to happen.

19 Commissioner Kounalakis, please.

20 COMMISSIONER KOUNALAKIS: Thank you, Madam Chair.
21 So we also just heard testimony that this is an important
22 recreational facility for the community. And there is a
23 very important emphasis on access to being able to be
24 outside, particularly for communities that have not had
25 adequate access. And I think that's another -- been

1 another real emphasis during the pandemic is to help reach
2 underserved communities and help get people outside. So
3 my question is, are -- is it currently -- like what is
4 the -- what is the capacity currently, how many people are
5 using it on a regular basis? And with the termination of
6 this lease, would they have to cease operations?

7 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Yeah, I'm
8 not -- I can't answer specifically. I mean, as you
9 expressed and as we've heard from other people from the
10 Conservancy, from other people in the community on this as
11 this got on the agenda, it is a very popular location for
12 the public and we want to maintain that public access.

13 So we want to continue to do that, but we need to
14 go through the process of having the proper lessee on that
15 and making sure and clarifying that, so we need to go
16 through and provide that access to it. But we need to --
17 we need to have the right person in charge of that
18 property to make sure that they can properly work.

19 EXECUTIVE OFFICER LUCCHESI: But you're --
20 you're -- the point that you're making is an important
21 one, Commissioner Kounalakis, is that what happens in
22 between the time of termination and the Commission
23 actually considering a new lessee through an application
24 process? And what I can say and what we'll commit to is
25 both working with the family as well as the San Joaquin

1 River Conservancy and their Board members to figure out if
2 we can find an interim solution for managing that property
3 so we have minimal disruption to the public access to that
4 area and use, while still ensuring that at the end of the
5 day, what we bring to the Commission as a recommendation
6 for a new lease is one that not only provides meaningful
7 access, but is safe and protective of the resources there
8 and a lessee that can prove that they can comply with all
9 the lease terms.

10 So we will work with the San Joaquin River
11 Conservancy Board, and the family, and the local
12 government there to figure out what a good interim
13 solution is. And that's something that the Commission has
14 delegated to staff to be able to work through some of
15 those issues through what we call like a Letter of
16 Non-Objection. So we wouldn't have to come back to the
17 Commission with that interim solution necessarily, so
18 there won't be further delay, but I will keep each of your
19 offices updated as -- on our progress on there with the
20 goal of minimizing disruption of public access to the
21 site.

22 CHAIRPERSON YEE: Great. Thank you. Thank you.

23 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I would
24 also add we --

25 CHAIRPERSON YEE: Oh, yes.

1 LAND MANAGEMENT DIVISION CHIEF BUGSCH: I
2 mentioned it in my presentation, but it might have gotten
3 lost as well, we're working closely with the city, city
4 attorney's office, and their code enforcement. And
5 they're very interested in keeping this open and doing
6 that. And so we're working in partnership with them as
7 kind of our local authority to help do that.

8 CHAIRPERSON YEE: Yeah. Thank you, Brian.

9 Commissioner Kounalakis.

10 COMMISSIONER KOUNALAKIS: So you -- you did say
11 that you wanted to keep it open, but it was unclear to me
12 that if we take action today to terminate the lease, that
13 it will be able to be kept open for the benefit of the
14 public in a way that you're able to work out with the
15 family for, and at this point, undetermined period of time
16 to try to work out the terms of their -- and whoever ends
17 up as the owner of the property with the authority to
18 enter into a lease, because if it's in probate, I would
19 imagine that's going to be another element as well.

20 EXECUTIVE OFFICER LUCCHESI: Right.

21 COMMISSIONER KOUNALAKIS: So I would just
22 encourage the family members to really take this very,
23 very seriously, because even though it sounds as though we
24 should be able to accommodate keeping it open for some
25 point, at a certain point, it's going to have to be --

1 it's going to have to be sorted out in a way that makes it
2 clear who has the authority to enter into this lease.
3 And, of course, that all of these things that have been --
4 that have lapsed, like the payment of fees and like the --
5 having insurance, those are worked out as well.

6 CHAIRPERSON YEE: Um-hmm.

7 COMMISSIONER KOUNALAKIS: So I do encourage the
8 family to take this very seriously and not delay in
9 working with all of you to try to sort all of this out and
10 maybe even the probate court as well

11 CHAIRPERSON YEE: Yeah. Thank you, Commissioner
12 Kounalakis for raising the access issue -- the continued
13 access issue, which is an important one certainly for the
14 public.

15 Commissioner Miller, any comments or questions?

16 ACTING COMMISSIONER MILLER: No. No comments.

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

18 I believe we have heard from everyone on this who
19 wishes to speak.

20 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

21 Chair Yee, I'm sorry. We do have one additional
22 hand raised by --

23 CHAIRPERSON YEE: Oh, okay.

24 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

25 -- a phone number, last three digits 502.

1 CHAIRPERSON YEE: Okay. Thank you, grace.

2 Okay. Do we have the party online?

3 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

4 Caller with the last three digits 502, if you
5 would unmute and begin speaking, please.

6 Chair Yee, they are now gone, so we have no other
7 hands raised for public comment.

8 CHAIRPERSON YEE: Are they -- are they still
9 engaged with us or have they left the meeting?

10 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

11 The number has fallen off the attendee list.

12 CHAIRPERSON YEE: Okay. All right. Very well.
13 Thank you, Grace.

14 All right. So hearing and seeing no other
15 members of the public coming before us on this item, may I
16 have a motion, please.

17 ACTING COMMISSIONER MILLER: I'll move approval
18 and look forward to hearing the update from Ms. Lucchesi
19 and Mr. Gross. And sorry for your loss.

20 COMMISSIONER KOUNALAKIS: Second.

21 CHAIRPERSON YEE: Okay. We have a motion by
22 Commission Miller, second by Commissioner Kounalakis.

23 Ms. Lucchesi, please call the roll, please.

24 EXECUTIVE OFFICER LUCCHESI: Commissioner
25 Kounalakis?

1 COMMISSIONER KOUNALAKIS: Aye.

2 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

3 ACTING COMMISSIONER MILLER: Aye.

4 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

5 CHAIRPERSON YEE: Aye.

6 EXECUTIVE OFFICER LUCCHESI: The motion passes
7 unanimately.

8 CHAIRPERSON YEE: Thank you very much,
9 commissioners. And thank you to all of our speakers on
10 this item.

11 Okay. Our next item, I -- are we ready to return
12 to Item 46, do you think?

13 EXECUTIVE OFFICER LUCCHESI: Actually, I
14 recommend we move to Item 48 --

15 CHAIRPERSON YEE: Forty-eight.

16 EXECUTIVE OFFICER LUCCHESI: -- which is the
17 legislative update.

18 CHAIRPERSON YEE: Okay. Sounds good.

19 EXECUTIVE OFFICER LUCCHESI: We do have a couple
20 of speakers that are Assembly members for this, and so we
21 want to make sure that we --

22 CHAIRPERSON YEE: Oh, good. All right very well.
23 Thank you.

24 EXECUTIVE OFFICER LUCCHESI: -- can capture them.

25 CHAIRPERSON YEE: All right. We'll now move to

1 Item 48. And this is to discuss and potentially take
2 action on State legislation relevant to the State Lands
3 Commission and Sheri Pemberton will provide the
4 presentation.

5 Good afternoon, Sheri.

6 (Thereupon a slide presentation.)

7 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank
8 you, Madam Chair and commissioners. As part of this item,
9 staff wanted to highlight two really important ocean
10 protection bills moving through the Legislature this year,
11 AB 1832 by Assemblymember Rivas, a bill that the
12 Commission supported that would ban seabed mining and
13 synchronize California with the states of Washington and
14 Oregon and align the entire west coast, and also SB 54,
15 which was signed into law in June, which addresses the
16 single-use packaging crisis and particularly plastic --
17 plastic pollution.

18 I wanted to invite, if she's on, Assemblymember
19 Rivas to deliver remarks on this item through the Chair,
20 if that is acceptable to you, Chair.

21 CHAIRPERSON YEE: Please, yes. Thank you.

22 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: And I
23 don't know yet if she's on, so it may be that we may need
24 to wait a moment to

25 ASSEMBLYMEMBER RIVAS: I'm here. I don't know if

1 you can hear me.

2 CHAIRPERSON YEE: Yes. Yes.

3 ASSEMBLYMEMBER RIVAS: Okay.

4 CHAIRPERSON YEE: Welcome, Assemblymember Rivas.

5 ASSEMBLYMEMBER RIVAS: Thank you. It's great to
6 be here. Thank you for devoting time during this meeting
7 to discuss ocean protection legislation. AB 1832 is an
8 important bill in the context of ocean protection. And as
9 the Chair of Assembly Natural Resources Committee, I was
10 honored to author AB 1832 and also be part of the team
11 that helped usher SB 54 into law, which I know you will
12 also be discussing today.

13 I want to thank the Commission for supporting AB
14 1832 and especially thank our Lieutenant Governor
15 Kounalakis for co-sponsoring the bill and for providing
16 testimony in the Senate Natural Resources Committee a few
17 months ago. And I know that the Commission's mandate is
18 to steward the beds of California's rivers, lakes,
19 streams, and other waterways as well as our ocean. So
20 thank you for elevating this issue through your support
21 and your attention to this bill. This bill is currently
22 on the Senate floor. I'm waiting for it to be taken up so
23 they can take a vote and send it to the Governor's office,
24 because I really believe that this is something that
25 California should be doing, and leading on, and like you

1 said, joining Oregon and Washington on banning seabed
2 mining.

3 And so thank you very much. I understand there's
4 someone from Senator Allen's office that will be talking
5 on SB 54, but I'm very proud of that bill and the role
6 that I had. And I know that Senator Allen and others
7 worked very hard to get this legislation signed. And so
8 thank you for your support and attention to that bill too.

9 CHAIRPERSON YEE: Thank you very much
10 Assemblymember Rivas. Really appreciate your leadership
11 on this front and happy to continue to partner with you on
12 future legislation.

13 Sheri, do we have another present -- public
14 commenter -- or Grace, another public commenter.

15 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
16 We have Tina Andolina, the Chief of Staff.

17 MS. ANDOLINA: Hi there. I think you guys can
18 hear me. This is Tina Andolina with Senator Ben Allen's
19 office. He sends his regrets at not being able to make
20 this meeting. He is voting on bills on the floor as we
21 speak. But it is my -- my pleasure to be here to talk
22 about SB 54.

23 And let me, you know, reiterate what
24 Assemblymember Rivas said and thank the Commission for the
25 support for the measure and thank Assemblymember Rivas for

1 all of her hard work and ushering the bill through the
2 Assembly. Folks know that we introduced SB 54 for the
3 first time four years ago with the goal of comprehensively
4 addressing the plastic single-use waste pollution crisis
5 that our State was facing.

6 We were able to convene stakeholders in really
7 robust negotiations this year. We brought together folks
8 from industry, from the waste hauling community, our local
9 cities and counties, our environmental allies, brought
10 them all together to really figure out if there was a way
11 that California can -- could pass the strongest, most
12 robust measure passed to date so far in the country. We
13 were not the first. Both Oregon and Colorado had passed
14 bills ahead of us. Maine also has another measure that
15 was similar, but -- so our goal was to -- to -- if we
16 couldn't be first, we were going to be the best one and we
17 absolutely accomplished that.

18 The bill has -- the law has three fundamental
19 pillars. First and foremost, it calls on producers to
20 take responsibility for the end-of-life of the material
21 they're putting on the market. And that material includes
22 all single-use packaging, whether it's plastic, paper,
23 glass, or metal. And then all single use plastic food
24 serviceware, so forks, cups, et cetera. Producers have to
25 now take responsibility for that material and cover the

1 cost of pulling it through the recycling system and
2 managing what happens to it at the end of its life.

3 And because we do absolutely care what happens to
4 it at the end of its life, the second pillar requires that
5 the producers only put on the market material that is
6 absolutely being recycled or composted and meets ambitious
7 recycling or composting rates. Our end goal is to ensure
8 that the material is being either composted or recycled at
9 a 65 percent rate by 2032. That's really high and really
10 ambitious, but we think it's absolutely doable. We've
11 seen it in the bottle bill program and in other programs
12 internationally. So we absolutely believe producers can
13 get there.

14 The last pillar of the bill, which was the
15 hardest to get done here, but it is the most
16 groundbreaking piece of the entire puzzle, we require
17 producers that are putting plastic on the market to source
18 reduce that material by 25 percent over the next 10 years.
19 That is a really ambitious goal, but we do give them
20 benchmarks, interim targets, and included mandates such as
21 moving a percentage of that material to reuse/refill,
22 which will ensure that we are building up that market and
23 enabling consumers to have easy choices to avoid single
24 use disposable items, but actually, you know, refill their
25 soaps, et cetera.

1 Source reduction can, you know, come in many
2 different shapes and sizes, including simply eliminating
3 some of the packaging that we see on the market today. We
4 all know that so much of this material is over packaged.
5 You know, material -- you know, a product is in a plastic
6 container that's wrapped in more plastic. And we know
7 that's unnecessary.

8 So the hope and belief is that this 25 percent
9 reduction requirement will move producers away from making
10 choices such as they were before. So it's a -- it's a
11 completely groundbreaking bill, strongest measure in the
12 nation. We've had the privilege of talking to other
13 states already who are eager to replicate what we've done
14 here.

15 It was not -- it was -- it was absolutely not
16 easy. And I will say there was a ballot measure that had
17 been slated for the November ballot that I think really
18 applied pressure to all stakeholders to come together and
19 see if we can find a legislative solution this year, when,
20 you know, we had not been successful previously. So we
21 got it done this year and we're very proud of that
22 accomplishment.

23 And again, thank you so much for the support.
24 And again, especially thanking Assemblymember Luz Rivas
25 for her leadership in the Assembly ushering the bill

1 through and I'm happy to any questions if there are any.

2 CHAIRPERSON YEE: Great. Thank you very much,
3 Ms. Andolina. And please give Senator Allen our regards
4 and really tremendous, tremendous work to accomplish this
5 historic legislation.

6 Any other members of the public who wish to speak
7 on this item?

8 And Sheri, are you -- I'm sorry. You may not be
9 done with your presentation.

10 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: No.
11 Thank you, Madam Chair. I think there are other speakers,
12 but we wanted to be flexible to accommodate the
13 Assemblymember's schedule --

14 CHAIRPERSON YEE: Okay.

15 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: --
16 and Tina's schedule.

17 CHAIRPERSON YEE: Okay.

18 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: I
19 don't have anything more to add on SB 54 or AB 1832, but I
20 do believe we have a couple more speakers.

21 CHAIRPERSON YEE: All right. Commissioner
22 Kounalakis, did you have a comment?

23 COMMISSIONER KOUNALAKIS: Well, I just wanted to
24 jump in and thank so much Assemblywoman Rivas, and not
25 just for being here of course, but for this incredibly

1 important legislation, as well as -- as well as Senator
2 Allen. Both of these pieces of legislation just document
3 yet again that California is on the forefront of
4 addressing the challenges that we have in a -- in a state
5 that is the world's 5th largest economy. We are the
6 largest consumer market in the country. And a lot of
7 consumption goes on. And if we aren't able to transition
8 to a circular economy and if we aren't able to realize
9 that the seabed off of our coast is important for the
10 future of our children and future generations, and use the
11 expertise that we have, and use the political recognition
12 that exists in the Legislature to be forward acting -- you
13 know, this -- this is a -- it's a great opportunity for
14 us, and with the leadership of Senator Allen and
15 Assemblywoman Rivas, and so many of the stakeholders who
16 helped to develop these pieces of legislation.

17 It is -- it is monumental. It is important. And
18 I'm very hopeful that both of these pieces are going to
19 make their way through the Legislature onto the Governor's
20 desk and into California State law.

21 CHAIRPERSON YEE: Thank you, Commissioner
22 Kounalakis.

23 Okay. Grace, do we have others in the queue to
24 speak?

25 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

1 Thank you, Chair Yee.

2 Our next speaker will be Amy Wolfrum.

3 MS. WOLFRUM: Hello. Good afternoon, Chair,
4 commissioners, and staff. I'm Amy Wolfrum Monterey Bay
5 Aquarium's California Ocean Policy Senior Manager. Thank
6 you for the opportunity to comment about both Senate Bill
7 54, the Plastic Pollution Prevention and Producer
8 Responsibility Act and Assembly Bill AB 1832, the
9 California Seabed Mining Prevention Act.

10 I'll start with SB 54. The Aquarium, along with
11 our colleagues, Oceana, Ocean Conservancy, and The Nature
12 Conservancy participated robustly in the effort to craft
13 SB 54. That's because three years of similar efforts to
14 craft comprehensive single-use plastic legislation
15 produced bills that could not garner sufficient
16 legislative support. Frustrated, some of us headed to the
17 direct democracy route, ultimately qualifying a citizen's
18 initiative for this November's ballot. The uncertainty
19 and the expense of ballot campaigns motivated our
20 collective work on SB 54.

21 Our goal was to enact world-leading California
22 policy that produced significant, measurable, near-term,
23 and durable reductions in single-use plastic production,
24 use, and pollution with ongoing funding to invest in
25 implementation, reuse/refill infrastructure, improved

1 recycling, and environmental mitigation and protection.
2 We are grateful that SB 54 negotiations were convened by
3 Senator Allen and ably led by the -- his incomparable
4 staffer, Tina Andolina.

5 As has been said, we are the 5th largest economy
6 in the world and the most populous state. California's
7 bold policy solutions will have ripple effects throughout
8 the world and this includes SB 54. We plan to remain
9 deeply engaged in implementation.

10 And now to AB 1832. The Aquarium is very pleased
11 to be co-sponsoring the California Seabed Mining
12 Prevention Act along with Surfrider and you, Commissioner
13 Kounalakis. This legislation authored by Assemblymember
14 Luz Rivas, has advanced through the Legislature with
15 bipartisan unanimous support. More than 50 advocacy
16 organizations and leading businesses support the bill. We
17 are eagerly anticipating senate passage and will urge the
18 Governor to sign. As you know, this effort is focused on
19 the State Lands Commission's role in issuing seabed mining
20 leases, so your support and engagement and that of your
21 staff is and has been crucial and appreciated.

22 Seabed mining could destroy portions of the
23 seafloor leaving behind habitats that may not recover.
24 Chemical-laden sediment plumes associated with seabed
25 mining can interfere with the health of marine species,

1 including their mining -- including their migratory
2 feeding and reproduction -- reproductive patterns. Mining
3 operations also result in noise, light, and thermal
4 pollution.

5 These impacts threaten our incredible wildlife
6 and the marine and coastal habitats that make California
7 so special. The Aquarium is proud to sponsor this
8 precautionary policy to protect our State waters. Thank
9 you for your support of these important ocean protection
10 efforts. It's proving to be a big year for the ocean and
11 California.

12 CHAIRPERSON YEE: Thank you, Ms. Wolfrum for your
13 comments.

14 Grace, our next speaker, please.

15 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

16 Our next speaker is Dr. Alexis Johnson[SIC].

17 DR. JACKSON: Good afternoon. My name is Alexis
18 Jackson and I'm the Ocean Policy and Plastics lead for The
19 Nature Conservancy. Thank you for the opportunity to
20 provide comment today on the Plastic Pollution Prevention
21 and Producer Responsibility Act, or SB 54.

22 While this comprehensive legislation addresses
23 single-use packaging of all materials, The Nature
24 Conservancy first began engaging on SB 54 in 2019, because
25 of the fact that the convenience of plastic simply comes

1 at a cost too great to people in nature. Even here in
2 California, we're seeing plastics flooding our waterways,
3 littering our communities, and tiny plastic fragments
4 accumulating in our bodies.

5 We also know that the plastic pollution problem
6 does not impact all communities equally. Disproportionate
7 health and environmental impacts are felt across
8 disadvantaged and low-income communities that continue to
9 be unfairly burdened by the full life cycle of plastic
10 creation, use, and disposal. So SB 54 really represents
11 some of environmental policy at its best.

12 First, it directly addresses the threat by
13 requiring plastic producers to make less plastic. The
14 source reduction goals that are set are data driven and
15 measurable to ensure that we can track progress over time.
16 They also incenti -- incentivize further elimination and
17 redesign of packaging and foodware to reduce California's
18 plastic footprint. Plus, it provides CalRecycle with the
19 authority to be adaptive in policymaking if we fall short
20 of those plastic reduction goals.

21 Second, it means to remediate past and future
22 harm done to people and communities. So SB 54 requires
23 producers to pay \$5 billion over the next 10 years into a
24 plastic pollution mitigation fund. And in addition to
25 prioritizing funding being allocated, primarily and

1 directly, to disadvantaged and low-income communities,
2 additional protections are also included that will require
3 CalRecycle to ensure that any proposed infrastructure or
4 associated activities avoid disproportionate harms to
5 those very same communities.

6 And finally, this monumental policy, really
7 represents a collective win that's been built on decades
8 of research and environmental advocacy. AB 54 was really
9 made possible through open conversations and collaborative
10 efforts that happened between industry, the environmental
11 community, the environmental justice communities, local
12 governments, waste haulers, and legislators from both
13 sides of the aisle. And that is what is truly needed to
14 kind of generate the viable long-term solutions we need to
15 to address the plastics pollution in California.

16 California really is leading the nation by taking
17 this first big step to turn the tide on plastic pollution.
18 And with this legislation, we have created a model for
19 plastic waste reduction that will encourage other states
20 and other countries to take action. But the work won't
21 stop here. As my colleague just mentioned, it's really
22 critical that we engage in the public process to ensure
23 that SB 54 is implemented to ensure those more equitable
24 protections for our communities and environment are
25 realized.

1 CHAIRPERSON YEE: Thank you very much, Ms.
2 Jackson, for your comments.

3 MS. JACKSON: Thank you.

4 CHAIRPERSON YEE: Appreciate those.
5 Grace, our next speaker, please.

6 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
7 Yes, Chair Yee. First, I'd like to apologize to
8 Dr. Jackson for the mispronunciation her name.

9 Our next caller is Jennifer Fearing.

10 CHAIRPERSON YEE: Good afternoon, Jennifer.

11 MS. FEARING: Good afternoon, commissioners and
12 staff. Jennifer Fearing on behalf of Ocean Conservancy,
13 Oceana, and the Monterey Bay Aquarium.

14 And I just -- I won't repeat the comments of my
15 colleagues with whom I was so grateful to work over the
16 last several years and intensely over the last year or so
17 to bring SB 54 to fruition. I just wanted to chime in
18 since your Commission scheduled -- you know, prioritized
19 discussing both of these pieces of legislation. I wanted
20 to call in to just acknowledge in a public space the
21 leadership of Senator Allen and Assemblymember Rivas, as
22 well as their staffs, to appreciate the Governor and the
23 engagement of CalRecycle, his agency, and his staff for
24 the hard work that they put in and obviously to the
25 Governor for signing SB 54.

1 I wanted to thank you, Lieutenant Governor
2 Kounalakis, for joining us in the effort to stop seabed
3 mining. And hopefully we'll get the Senate to take up
4 that -- take up that vote shortly. And Controller Yee,
5 the very strong op-ed that draft -- that you published
6 around SB 54 as we were bringing it to a final close was
7 strong and very helpful in putting wind beneath the sails
8 for a very strong vote on both the Assembly and Senate
9 floors. So thank you for that.

10 And lastly, I would be remiss if I just didn't
11 give a special shout-out to Sheri Pemberton who you are a
12 delight to work with Sheri and I just constantly in close
13 communication with us around legislation that's important
14 to you all and wrote just an excellent staff report for
15 you on these bills. And I just wanted to specifically
16 thank her.

17 CHAIRPERSON YEE: Thank you very much, Jennifer.
18 Appreciate all of your efforts as well.

19 Grace, our next commenter.

20 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
21 Chair Yee, we have no other hands raised for
22 public comment.

23 CHAIRPERSON YEE: Okay. Very well. Thank you
24 very much.

25 Any other questions or comments from

1 commissioners?

2 Sheri, anything else?

3 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: I
4 just wanted to add for context one of the reasons why we
5 wanted to do this briefing is because of the breadth of
6 land that the Commission manages the waterways, the river
7 streams, the four million acres that we manage and how
8 deeply intertwined that is -- that is with what AB 1832
9 and SB 54 are all about. And that staff will be closely
10 tracking the implementation of SB 54 and other legislation
11 in the years to come relating to this issue and any other
12 ocean protection issue that surfaces. So thank you. And
13 I don't have any other remarks on those two pieces of
14 legislation and I think there aren't any action items
15 associated with this legislative update.

16 But more broadly, we wanted to also update the
17 Commission on a few pieces of key legislation directly
18 affecting the Commission this year. And I was going to
19 talk about AB 2257, the bill requiring the Commission to
20 do a study of a voluntary relinquishment, but Executive
21 Officer Lucchesi talked about that in a previous item for
22 the contracting authority. So I'll just skip over that.
23 That's on the floor right now on the Senate floor.

24 AB 353 by Assemblymember Allen would resume
25 monthly deposits in the State's Oil Trust Fund to fund the

1 State's liability share for the Long Beach oil operations
2 when they end. There's approximately a \$600 million
3 shortfall now. So resuming these \$2 million monthly
4 deposits from the State's share of the net profits back
5 into this fund will hopefully build it up to a point where
6 it's commensurate with the State's liability when the oil
7 operations end. And that bill made it off the suspense
8 file and went to the Governor today. And the Governor has
9 until September 30th to act on the bill.

10 A couple other bills I just wanted to mention.
11 SB 1065 by Senator Eggman, which would create an abandoned
12 commercial vessel removal program and require the State
13 Lands Commission to administer the program, that bill is
14 also pending on the Assembly floor. If funding becomes
15 available for the program, if it's signed into law, there
16 would be a series of requirements for the Commission
17 inventorying all of the abandoned commercial vessels on
18 State waterways providing a set of recommendations to the
19 Legislature to reduce vessels that become abandoned in the
20 first place and then actually identifying the removing
21 vessels.

22 And the last bill I just wanted to highlight is
23 AB 2607 by Assemblymember Ting related to San Francisco
24 and the Public Trust lands in the city. It would enable
25 the Commission to transfer certain land to the City if it

1 makes certain findings in order to facilitate the building
2 of a regional firefighting facility in the city that is
3 currently in Yerba Buena -- or in a different area, but
4 that -- that facility is having to close. So this bill is
5 really important, because it will provide a mechanism by
6 which in part the City can piece together the land it
7 needs to build the firefighting facility. And that bill
8 is enrolled into the Governor, so he believe -- I believe
9 he has 12 days to act on the bill once it's officially on
10 his desk.

11 CHAIRPERSON YEE: Great.

12 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: And
13 that concludes my legislative update.

14 CHAIRPERSON YEE: Thank you very much, Sheri.
15 And really just an outstanding job that you have done to,
16 one, shepherd the bills that have impact on this
17 Commission, but also secondly I'm always just very proud
18 that legislators see fit to reach out to you and to this
19 Commission for technical assistance. And I think it shows
20 in the final work-product in so many -- so much of the
21 legislation you've just spoken about.

22 I wanted to just echo on the heels of
23 Commissioner Kounalakis about how historic both these
24 bills are to California. Certainly California is a
25 leader. California is a global economy. But I'd be

1 remiss if I didn't also add the other dose of hope and
2 that was the recent enactment of the Federal Inflation
3 Reduction Act, which made a historic \$369 billion in
4 climate solutions and environmental justice initiatives.
5 And I think coupled with where California is going, I, for
6 one, am feeling quite hopeful, more hopeful than I have in
7 a very, very long time, that this time has come where I
8 think some of the most transformative work that we could
9 be doing, particularly for our underserved communities and
10 low-income communities really are going to make a
11 difference. So thank you very much for the great work.

12 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank
13 you.

14 CHAIRPERSON YEE: All right. Thank you.

15 All right. Our next order of business, Item 46,
16 are we ready?

17 All right. Let's see, let me just do a check.
18 How are we doing? Should we take a bit of a break how are
19 our court reporters doing?

20 Doing all right.

21 EXECUTIVE OFFICER LUCCHESI: We're okay.

22 CHAIRPERSON YEE: Okay. Good. No, we're fine.
23 I just don't want to pass up any opportunities for anyone
24 who needs a break. Okay. Very well. So Item 46 we will
25 return to. This is our informational report.

1 Synthesizing our sea level rise assessments that were
2 submitted by certain legislative grantees of the Public
3 Trust lands required by AB 691 by Assemblymember
4 Muratsuchi. We do have a presentation by Maren Farnum and
5 Michael wells.

6 Welcome back.

7 (Thereupon a slide presentation.)

8 SENIOR ENVIRONMENTAL SCIENTIST FARNUM: Hi.

9 CHAIRPERSON YEE: Great to see you.

10 SENIOR ENVIRONMENTAL SCIENTIST FARNUM: All
11 right. Thank you so much. Good afternoon. My name is
12 Maren Farnum and I'm a Senior Environmental Scientist here
13 with the Commission. With me today, as you heard before,
14 is our wonderful California Sea Grant Fellow Michael Wells
15 and also Dr. David Revell from the consulting team that
16 helped us with this project, Integral Consulting.

17 We're here today to present this informational
18 item, our AB 691 synthesis report. Our team prepared this
19 report as a synthesis of all the information contained in
20 sea rise vulnerability assessments submitted to the
21 Commission by local trustees of granted Public Trust
22 lands.

23 So Assem -- next slide, please.

24 --o0o--

25 SENIOR ENVIRONMENTAL SCIENTIST FARNUM: Assembly

1 Bill 691 was enacted all the way back in 2013. And it was
2 one of actually the first pieces of legislation passed in
3 California to specifically address sea level rise
4 planning. So it was a, you know, very special vision to
5 know that this was a challenge we had to address. The
6 bill sets forth a requirement that local trustees of
7 granted Public Trust lands begin to prioritize sea level
8 rise preparedness. The law required the trustees to
9 prepare assessments of sea level rise vulnerability and
10 propose adaptation strategies, and then submit those
11 assessments to the Commission by July 2019.

12 The State lands managed by these trustees are
13 really foundational to our State's economy, environmental
14 quality, and our culture. They support Public Trust uses,
15 which include maritime commerce, and navigation,
16 fisheries, recreation, conservation, and public access.
17 These are the lands where our ports, our harbors, our
18 marinas are located, as well as many iconic spots that
19 support recreation and tourism, like beaches, piers,
20 wharfs, and wetlands.

21 The legislation applied to trustees with annual
22 revenues over \$250,000. And it required those trustees to
23 prepare assessments that included an inventory of public
24 trust lands and assets vulnerable to sea level rise, maps
25 of sea level rise for 2030, 2050, and 2100, an estimate of

1 financial costs of sea level rise, and a description of
2 proposals to protect and preserve natural and built
3 resources and facilities.

4 Next slide, please.

5 --o0o--

6 SENIOR ENVIRONMENTAL SCIENTIST FARNUM: The
7 trustees subject to this reporting requirement span the
8 entire coast of California. I know this map is a little
9 tricky to see, but just to show you they are all the way
10 up north at the top of the State in Crescent City all the
11 way to nearly the southern most point where we are today,
12 the Port of San Diego. To assist with the analysis, we
13 group the trustees not only by geography, which definitely
14 plays into the sea level rise conditions that they will
15 experience, but also into four other categories. So we
16 grouped them by smaller harbors and marinas, small harbors
17 and marinas with recreation amenities and natural assets,
18 jurisdictions with primarily just recreational amenities,
19 and then the large ports.

20 We looked at them through these different lenses
21 to help us better understand the challenges and needs for
22 coastal resiliency that are experienced by trustees
23 according to not only where they're located, but also the
24 types of Public Trust functions they serve, and the size
25 of their management areas and revenue-generating

1 operations.

2 Next slide, please.

3 --o0o--

4 SENIOR ENVIRONMENTAL SCIENTIST FARNUM: In 2018,
5 the State budget included funding to the Commission to
6 create the synthesis report of the sea level rise
7 vulnerability assessments submitted by the trustees. The
8 report includes a synthesis of the submitted assessments,
9 a summary of common challenges faced by trustees in
10 responding to the AB 691 reporting requirements, and then
11 recommendations to the state, to our own Commission, and
12 to the trustees themselves so that we can all more
13 effectively support strategies to build asset resiliency
14 to rising water levels and extreme weather events, and
15 safeguard at-risk assets from future damage.

16 The report also contains appendices that provide
17 more details on the financial reporting and cost
18 estimates, the types of trustees required to comply with
19 AB 691, and then the two-page summaries of each
20 assessment. And I'll just remind folks we did make some
21 presentations in previous years about some of those
22 challenges that the trustees faced, as well as the
23 two-page summaries that we put together for each
24 assessment. And so those materials, if anyone is
25 interested, can be found on our public website.

1 I'm now going to turn it over to Dr. David
2 Revell, our lead consultant. Dr. Revell is a coastal
3 geomorphologist, who has over 25 years of experience
4 assessing sea level rise vulnerability along California's
5 coast, and crafting and implementing adaptation and
6 resiliency projects.

7 So I'll turn it over to him to discuss some of
8 our findings.

9 CHAIRPERSON YEE: Great. Thank you very much.
10 Welcome, Dr. Revell.

11 DR. REVELL: Thank you. Oh, thank you, Chair
12 Yee, and commissioners, State Lands Commission staff.
13 This has been a long report to get done and I'm very
14 pleased with how it is -- has finally turned out.

15 --o0o--

16 DR. REVELL: The delays I think were because this
17 report was on the agenda.

18 So I was -- I'm going to talk a little bit about
19 some of the findings of the report. Really collectively
20 across the state, the most identified vulnerabilities were
21 really vessel infrastructure related to ports, wharves,
22 docks, et cetera. There was also a lot of protective
23 structures, breakwaters, seawalls, bulkheads, and then to
24 a lesser extent, beaches and habitats.

25 What was really missing from these

1 vulnerabilities -- and these are all substantial that
2 could affect a lot of the public trust use and revenue
3 generation of some of the more lucrative State lands.
4 What was missing from this really seemed to be a
5 consideration of other dependent and connected
6 infrastructure, utilities, water supply, transportation.
7 And as we see with a lot of the port backups in, you know,
8 the Port of LA and Long Beach, that connectivity cannot be
9 under -- the importance of it cannot be understated.

10 Next slide, please.

11 --o0o--

12 DR. REVELL: The other piece -- so we looked at
13 the financial -- and you'll hear from Dr. King, who was a
14 member as the team doing the economics, later in public
15 comment, as well from Sam Blakesley, who was a Sea Grant
16 Fellow and who I brought on really quickly afterwards to
17 work -- continue working on this project and others.
18 Really, there's a lot of damages and replacement cost.
19 That was the main thing that the trustees identified.
20 Pushing that out to about 2100, it was estimated to be
21 about \$19 billion in assets and infrastructure.

22 Currently, these same trustees generate about 1.9
23 billion in revenue annually. So you can see that there is
24 some challenges ahead. We also looked at valuing the loss
25 of natural resources associated with these and only these

1 trusted granted lands, found that to be about \$5 billion.
2 Total by 2100, a conservative estimate is about 24 billion
3 in potential damages and estimated costs.

4 When you comb through the data, what you really
5 find is that there's really an uneven revenue
6 distribution. If you look at the table on the right --
7 I'm not going to talk about all the numbers, but the
8 jurisdictions with recreational amenities, those small
9 beach communities, and wharves, and things like that,
10 really have the least ability to pay for adaptation moving
11 forward. So we need to think about those public remedies
12 and recreational amenities really are servicing lot of the
13 low income, a lot of the climate refugees who are fleeing
14 from scalding hot temperatures in the Central Valley and
15 going to the coast in the summer time. Those are the ones
16 that we're really going to have to help bolster to
17 maintain.

18 I think there's some -- definitely some work on
19 standardizing economic reporting methods, data collection
20 that we need that I think Dr. King will elaborate on. But
21 if anything, these cause really underestimate the cost.
22 You know, nobody talked about the value of surfing to the
23 State of California. That seems pretty important.

24 Next slide, please.

25 --o0o--

1 DR. REVELL: So looking at adaptation strategies
2 and where do we go from, you know, AB 691. The short-term
3 strategies that the trustees really sort of centered
4 around were really repairing and replacing damaged assets
5 and vulnerable assets as they became damaged. A lot of
6 this included maintaining the protective structures,
7 elevating them, elevating docks and wharves and guide
8 piles. That -- that will get us some time into the
9 future, some elevation of sea level rise that differs
10 between the trustees, and the rate, and the elevation of
11 sea level rise they'll be effacing geographically.

12 Mid-term, there was more discussion about
13 improving the navigational infrastructure, raising
14 breakwaters, things like that. What I found remarkable
15 was that there was a huge lack of information about
16 regional sediment management, beneficial reuse. We've
17 seen some of these engineering-with-nature approaches
18 that, you know, we're all kind of hoping we can kind of
19 keep nature and the infrastructure. The sediment is
20 nature's adaptation resource, and that's not something
21 that's been very well covered in these reports and I think
22 deserves a lot more discussion in the future.

23 Next slide, please.

24 --o0o--

25 DR. REVELL: And finally looking at the long-term

1 strategies, many of them really -- you know, some of the
2 larger ports we're going to hold that line and keep that
3 critical navigation and commerce facilities. But we -- in
4 other places, it's going to make sense to step back
5 gracefully and manage a retreat. And some of the
6 trustees, Moss Landing harbor, for example, really started
7 to look at where they would go. Some of the trustees who
8 were also working on local coastal program updates for the
9 California Coastal Commission also started to identify
10 policy approaches in which they could start to step back
11 away when damages occurred or when things were -- became
12 available.

13 Tying all of these strategies to triggers, when
14 we see this amount of sea level rise when we've had --
15 observed damages to this structure three times, the
16 elevation of sea level rise reaches some -- some step in
17 time are all examples of triggers that need to be
18 integrated into these adaptation plans with thresholds.
19 If we don't do something by the time we hit this -- this
20 threshold where damages go from a nuisance to a
21 catastrophic failure, we need that lead time to trigger
22 into getting better adaptation. And finally, there was
23 very limited consideration of what was adjacent to the
24 granted lands and how we may need to expand into upland
25 land acquisitions and things like that.

1 Next slide, and I think I'm going to turn it over
2 to Michael here.

3 Thank you.

4 --o0o--

5 MR. WELLS: Thank you. Yes, I'm going to cover
6 some of the challenges and recommendations that we covered
7 in our report. So in addition to the findings that Dave
8 just covered, some of the most important takeaways from AB
9 691 were the challenges that the trustees faced when
10 preparing their assessments. So these challenges helped
11 to inform staff as we prepared a set of recommendations
12 for the State, the Commission, and the trustees to help
13 improve preparedness for sea level rise.

14 So the most widespread challenge that was
15 reported was related to the boundaries of the granted
16 lands, both the current and future location of the
17 boundaries. So the boundaries of granted lands are
18 determined in part by the location of the mean high tide
19 line, which is ambulatory. That means it moves back and
20 forth daily and seasonally, due to a number of coastal
21 processes like major erosion events. Surveys taken on
22 different ways will find the mean high tide line and
23 therefore the boundaries to be in different locations.
24 And that's depicted in the picture on the slide.

25 On top of that, sea level rise is causing the

1 mean high tide line to slowly migrate inland, and
2 therefore it's causing the boundaries to slowly migrate
3 inland as well. So these changes, both short-term and
4 long-term changes, really complicate the planning efforts
5 by the trustees, because the areas are responsible for
6 managing and protecting into the future. Those are
7 changing. And unfortunately, a lot of trustees did not
8 consider these changes in their assessments. As a result,
9 they overlooked certain areas and assets that should have
10 been evaluated and could be vulnerable to sea level rise.

11 So to address these challenges, staff recommends
12 that the State and the Commission perform a complete and
13 detailed mapping of all granted lands boundaries and we
14 also recommend that the future location of the boundaries
15 be considered in all vulnerability assessments and
16 adaptation plans, so they accurately reflect future
17 conditions.

18 Next slide, please.

19 Next slide.

20 --o0o--

21 MR. WELLS: There we go. So the next set of
22 challenges were related to the lack of guidance in the AB
23 691 legislation and in the various guidance documents that
24 are issued by the various State agencies. And in some
25 cases, there was conflicting guidance. So these led to

1 large inconsistencies in what the trustees reported in
2 their assessments, and in some cases large omissions. For
3 example, not all trustees considered the social impacts
4 to, from sea level rise, such as impacts to public safety,
5 public health, and the disproportionate impacts on
6 vulnerable front-line communities.

7 There is also large discrepancies in the types of
8 financial costs and other economic impacts that were
9 considered. For example, not all trustees considered
10 their own revenue loss that could occur from damages and
11 disruptions to their own operations. So staff recommends
12 that all State agencies work to better align their sea
13 level rise policies and guidance documents to avoid any
14 confusion. We also recommend providing more guidance and
15 instructions for the trustees on how to assess those
16 social vulnerabilities, the specific type of cost impacts
17 that need to be considered and valuation methods that need
18 to be used, how to measure and monitor the impacts to
19 their natural resources, and how to consider the
20 vulnerabilities of critical infrastructure like utilities
21 that may lie outside of the granted lands boundaries, but
22 could really affect the trustees if those were impaired.

23 Next slide.

24 --o0o--

25 MR. WELLS: So the trustees also provided

1 feedback that they lacked the resources that they need to
2 accurately assess their vulnerabilities and to adequately
3 prepare for sea level rise. In particular, the trustees
4 didn't have enough data to locate and identify their
5 natural resources. And this led to natural resources
6 being the most overlooked and underreported Public Trust
7 resource in the assessments.

8 We also found that the trustees also lacked the
9 funding that they need to pay for their damages and
10 repairs. As Dave pointed out earlier, many trustees are
11 expecting the cost for their damages and repairs will far
12 exceed their future revenues.

13 So in our report, we provided recommendations to
14 address each of these resource related challenges,
15 including more funding for research and data, more funding
16 to help with repairs, and more funding to help with the
17 implementation of adaptation projects.

18 Another set of challenges were related to the
19 permitting for the implementation of nature-based
20 projects. So the State's policies strongly recommend
21 nature-based solutions, but many trustees experienced
22 permitting delays and even denials for these types of
23 projects. So we recommend that the State agencies take
24 more advantage of the available programs, like the Cutting
25 the Green Tape initiative, which can help simplify and

1 streamline the permitting processes for nature-based
2 solutions and help to provide more funding for those as
3 well.

4 Next slide.

5 --o0o--

6 MR. WELLS: So since AB 691 passed in 2013 and
7 the trustees submitted their assessments in 2019, a lot
8 has changed. The State's policies and guidance documents
9 have expanded and improved considerably. And there's a
10 lot of ongoing work right now throughout the State
11 agencies to implement some aspects of our recommendations

12 For example, the Ocean Protection Council is
13 leading an effort to better align statewide policies. And
14 they're funding some important research that can help the
15 trustees better identify their boundaries and natural
16 resources.

17 There's new legislation in the works, such as
18 Senate Bill 867, which was introduced by Senator John
19 Laird. And that will require local governments to
20 periodically update the sea level rise plans. And, in
21 some cases, some of the trustees have already started
22 updating their sea level rise plans, since submitting
23 their AB 691 assessments. But there's still a specific
24 need to ensure that Public Trust resources are explicitly
25 accounted for and protected in future planning efforts, as

1 AB 691 sought to do.

2 So staff recommends that the State Legislature
3 continue the intentions of AB 691 and codify a reporting
4 requirement for periodic updates to the trustee's AB 691
5 assessments.

6 Next slide.

7 --o0o--

8 MR. WELLS: So I want to thank you all for giving
9 us the time to present today on our report and our
10 findings. We now have a prerecorded video from
11 Assemblymember Muratsuchi who authored AB 691. Following
12 that, we have additional comments from our team who
13 previously worked on this project and they will be
14 available to answer any questions you may have. Thank
15 you.

16 CHAIRPERSON YEE: Great. Thank you very -- thank
17 you very much Michael and Maren, Dr. Revell, for the
18 presentation.

19 I think we'll launch into the video by
20 Assemblymember Muratsuchi the author of AB 691.

21 (Thereupon a video was played.)

22 ASSEMBLYMEMBER MURATSUCHI: Good morning,
23 everyone. I'm Assemblymember Al Muratsuchi. And I am
24 proud to have worked with the California State Lands
25 Commission to author Assembly Bill 691, which was a

1 pioneering legislative effort with the State Lands
2 Commission to require all of the cities and counties to
3 assess the rapidly increasing impacts of climate change
4 that we're seeing throughout the State, but especially
5 where we have our counties and cities administering our
6 public land trusts.

7 You know, reviewing the State Lands Commission's
8 report that compiled the local city and county reports
9 that were required from AB 691 to assess the impacts of
10 the sea level rise on our ports, on our harbors, on our
11 local recreational amenities. You know, I really get, you
12 know, a strong sense of the importance of this -- this
13 planning for the State of California to make sure that --
14 that we are going to be prepared for the massive economic,
15 environmental, and social impacts of climate change, you
16 know, sea level rise on our public land trust. And so,
17 you know, whether we're talking about all of our major
18 ports upon which our economy relies upon, to, you know,
19 our harbors, our recreational amenities, our piers.

20 So many of the most valuable and iconic assets
21 that we have in the state of California, you know, I am
22 constantly reminded of the importance of the work of the
23 State Lands Commission to make sure that we are planning
24 for, accounting for, and preparing for the economic and
25 social impacts that is climate change.

1 As Chair of the Joint Legislative Committee on
2 Climate Change Policies, you know, I look forward to
3 continuing to work with the State Lands Commission to make
4 sure that -- that we continue this important work. Thank
5 you very much for inviting me to join all of you today.

6 (End of video)

7 CHAIRPERSON YEE: Great. Thank you.

8 And then I believe we have Dr. King who's next,
9 who will join us virtually.

10 DR. KING: Hello.

11 CHAIRPERSON YEE: Good afternoon, Dr. King.
12 Welcome.

13 DR. KING: Hello. Can you guys hear me?

14 CHAIRPERSON YEE: We can hear you.

15 DR. KING: Oh, okay. Thank you very much. I'm
16 Dr. King. I'm a recently retired economics professor from
17 San Francisco State. I was the chief economist on this AB
18 691 study and I've worked on over a dozen local coastal
19 programs and published peer-reviewed work on sea level
20 rise with Dave Revell and many other folks. On this
21 project, I learned that local jurisdictions are doing an
22 enormous amount of work planning for sea level and climate
23 change, but frankly I also saw inconsistent methods, which
24 made it difficult for State plan -- State planners to
25 aggregate all of this. We can't plan for the future if we

1 don't know where we are now.

2 We need green accounts and we need gray accounts,
3 which allow us to keep track of where we are and where
4 we're going. The green accounts should look at ecosystem
5 services, all of the rich panoply of beaches, and
6 wetlands, and all of the other ecosystem services that the
7 State Lands generate. We have, as you heard earlier, a
8 lot of explanation and a lot of analysis of this data, but
9 not a consistent analysis, not any consistent reports.
10 The gray accounts need dollar signs, how much do
11 structures cost to repair or replace, how much should
12 people spend, how much commerce goes through our ports,
13 and we need to know what the impacts of coastal storms
14 will be.

15 And these AB 691 reports did a great job starting
16 this process, but it's something that we need to continue
17 to do. We need to know how many people go to the coast.
18 We need to know where they come from. So I don't mean to
19 be a negative here, but this is really a long-term process
20 of collecting data and analyzing data. So I'm the nerdy
21 economist in the room that's going to tell everybody here
22 that we need better data. We need to keep trying to do a
23 better job on collecting this data and make it more
24 consistent.

25 So thank you very much for your time. I

1 appreciate it.

2 CHAIRPERSON YEE: Thank you, Dr. King.

3 And we -- do we have Mr. Blakesley next?

4 Welcome.

5 MR. BLAKESLEY: Thank you. Good afternoon,
6 Commissioners and hello everyone. My name is Sam
7 Blakesley and I am now a scientist at Integral Consulting
8 working with Dr. Revell under the Coastal Resiliency
9 Practice. And as Ms. Lucchesi mentioned, I was formerly a
10 Sea Grant Fellow of the State Lands Commission in 2019,
11 where my main responsibility was the coordination and
12 analysis of this AB 691 project, so it's great to see some
13 familiar faces today. And I'm happy to see AB 691 working
14 through the final stages and look forward to what will
15 hopefully come of it.

16 This project quickly became a project that was
17 very near and dear to my heart. I kind of grew up in the
18 ports and harbors of Southern California and want to
19 emphasize just the value of our Public Trust lands and how
20 significant and fundamental they are to California's
21 economy. And with that said, I want to echo the
22 recommendations of Dr. Revell, Dr. King, and the State
23 Lands staff.

24 And I would also like to bring up two other
25 points. The first is to acknowledge that the project team

1 spent many, many hours combing through the reports and
2 highlighting best practices that trustees did based on the
3 individual AB 691 criteria. This did not make it into the
4 final report. Some examples of these best practices were
5 from right here, the Port of San Diego, their economic
6 analysis of both the market and non-market values, and
7 their inventory of assets; others, such as the City of
8 Long Beach for implementing policy that could complement
9 their adapt -- their physical adaptation options; and
10 another one, as was mentioned, is Moss Landing, who
11 acknowledged the fact that by roughly the year 2060, the
12 benefits -- or the cost of defending against sea level
13 rise will outweigh the benefits. And then they eventually
14 are going to have to strategically retreat and move.

15 So I would just urge the Commission to identify
16 ways to revisit these best practices and ways to implement
17 them into lease agreements, or granted land management, or
18 future iterations of AB 691.

19 The over -- other overarching theme that was also
20 mentioned was -- and that became very apparent during my
21 analysis of the AB 691 reports is the need to streamline
22 the permitting process and cut the green tape that many
23 trustees often seem restrained by. And I continue to
24 learn this firsthand in my current work, but I also saw it
25 in many trustees' reports, trustees who knew what work

1 needed to be done in order to defend themselves against
2 sea level rise, but with limited financial resources and a
3 lack of assurance that their projects would ever make it
4 through the convoluted and often expensive permitting
5 maze, their hands were tied, and many actually seemed
6 unwilling to begin that process and put forth progressive
7 adaptation options and instead chose to mostly rely on the
8 status quo solutions that we've been depending on for
9 years.

10 So to conclude, I just want to say the State
11 Lands Commission has a real opportunity to lead by example
12 and be a leader in building climate and coastal resiliency
13 and to work with trustees to bring these good projects to
14 fruition. And this will help build the State's knowledge
15 base, something that the Cutting Green Tape initiative is
16 meant to do.

17 And I know that the State Lands Commission
18 rightfully prides itself on being a boots-on-the-ground
19 agency that is, you know, tasked with managing a lot of
20 the physical actual infrastructure that is up and down our
21 coastline that support the, you know, often competing
22 industries that we all rely on. And so I just want to
23 thank you all for your hard work and balancing the
24 obligations of the Public Trust and looking forward to
25 future work.

1 Thank you.

2 CHAIRPERSON YEE: Thank you so much, Mr.
3 Blakesley. Really appreciate your contributions in this
4 whole effort. Commissioners, questions or comments?

5 Commissioner Kounalakis.

6 COMMISSIONER KOUNALAKIS: I just want to thank
7 everybody involved. This is not easy. It requires, in
8 some ways, having to in the hardest element predict the
9 future, and then on the most basic level engage with
10 countless overlapping jurisdictions. But this is the work
11 that we need to do. And most recently, there was a report
12 that came out that at -- a Professor at UCLA talked about
13 super storms. If we have rising tides and super storms,
14 we're going to have a lot to worry about on our coasts.
15 And it is on our coasts where we have tremendous
16 investment in cities like where we are right now here in
17 San Diego.

18 So thank you to everyone for your work, to Mr.
19 Muratsuchi for passing this legislation, and for the
20 ongoing work that we're all going to have to do to make
21 sure that we're ready and prepared.

22 CHAIRPERSON YEE: Thank you, Commissioner
23 Kounalakis.

24 Commission Miller, comments or questions.

25 ACTING COMMISSIONER MILLER: Nothing from me.

1 Just great work and again great to see the Sea Grant
2 Fellows with us.

3 Thank you.

4 CHAIRPERSON YEE: Great. Thank you. I want to
5 echo the Lieutenant Governor's comments. This has been a
6 body of work that has spanned almost a decade, I mean,
7 when you think about it, right, 2013? Thank you to
8 Assemblymember Muratsuchi for really launching this much
9 needed effort, but really to the staff and to the
10 community of Sea Grant Fellows who worked on this,
11 including my Deputy Controller, and just some of the
12 poignant recommendations that are coming out of this,
13 which I hope really form the basis of the urgency of
14 future legislation in this regard.

15 I want to actually align some of my comments with
16 Dr. King, because as a fellow nerd, I will tell you --

17 (Laughter)

18 CHAIRPERSON YEE: -- it's very hard to manage
19 what you can't measure. And this is I think the challenge
20 that we see across a number of different areas, not just
21 this particular area, but the -- certainly the accounting
22 of what we're going to have to be looking at, the
23 challenge of the ambulatory boundaries. I mean, there's
24 just a lot that we're going to have to kind of get our
25 arms around, but I do hope that this becomes an area of

1 priority legislation, because as we know, left unattended,
2 what we see as just some pretty mind boggling estimates of
3 the damaged assets and the lost of natural -- loss of
4 natural resources is just something that's untenable and
5 will crowd out, even in our best efforts, funding for some
6 of our just basic, you know, services and programs. And
7 so it's -- there's an urgency imperative on this -- on
8 this front.

9 But I think the biggest call to action that I saw
10 in the report were two things. One, that I really
11 appreciate the recommendations in the report relating to
12 the equity and environmental justice. You know, certainly
13 as we see where the disproportionate impacts are going to
14 be felt, no surprise on one hand. On the other hand, we
15 can do something about it. So very much appreciate those
16 recommendations being highlighted.

17 And then the call for us all to do better with
18 respect to streamlining permitting. I mean there's not a
19 moment to spare in terms of how we can conduct the work
20 that we need to do to be sure that we're moving forward in
21 a way that is in an expeditious manner that also
22 understanding that, you know, this is all work that we
23 just need to kind of reassess in terms of our respective
24 jurisdictions and to know that we are doing everything we
25 can to increase our own efficiency on this.

1 I also want to acknowledge kind of the broader
2 portfolio of work that's been done, because, Lieutenant
3 Governor, you are very familiar with this, because you
4 were at the Ocean Protection Council when this launched
5 there as well, that -- in terms of the other work products
6 and policy actions that have been taking place around
7 this, while we've been looking to see this synthesized
8 report, but certainly the -- the Ocean Protection Council
9 State Agency civil -- Sea Level Rise Action Plan, some
10 very concrete recommendations that was -- the final report
11 was published last week, the sea level rise principles
12 that was adopted across a number of sister agencies that
13 really are carrying this work forward.

14 And certainly when we look at the guidance that
15 is in the process of being updated, this report really is
16 another momentous step in terms of the collective work
17 that we all need to be doing. So I'm just really very
18 happy that we're at this point in time, but also
19 understand that we are at a very, very critical time as
20 well in terms of how we move forward. So I do hope that
21 this Commission, which I'm very sorry to say I will be
22 leaving in January will continue to prioritize this area
23 of work. It is much needed and will do so in the way that
24 we know how and that is in a collaborative stakeholder
25 based way going forward.

1 And then I wanted to just acknowledge the tribute
2 that was made in the report to former Deputy Controller
3 Anne Baker, who -- you know, we came into office and this
4 bill had already been enacted. And immediately, I
5 remember the first day that we were in my office and just
6 really set out to make this a priority, because we knew
7 that we were racing against time. And, you know, she has
8 been an innovator on all levels of climate policy in
9 California and just really -- I just feel the momentum and
10 thrust of her energy in this report. So thank you.

11 So Grace, I'm going to move to you, because I
12 know we have speakers on this item. I want to just turn
13 to the trustees first who were so gracious in spending so
14 much time on this report with the information that they
15 provided to us. So I'm going to turn to you and let's
16 call on our trustees first and then followed by other
17 public commenters.

18 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

19 Thank you, Chair. I'd like to call to the podium
20 Lily Tsukayama, please.

21 MS. TSUKAYAMA: Good afternoon, Chair Yee and
22 commissioners. My name is Lily Tsukayama, a Senior
23 Planner with the Port of San Diego. Thank you for the
24 opportunity to speak today and welcome to San Diego Bay.
25 First, thank you for your guidance during the AB 691

1 process and for the effort leading up to today's item.
2 Preparing a vulnerability assessment helped us take a
3 forward-looking perspective at port tidelands and observe
4 tomorrow's flood on today's landscape.

5 Our assessment has served as a guiding document
6 as we assess new projects and prepare for future
7 adaptation planning. The primary outcome from our
8 assessment is that a one-size-fits-all approach is not
9 adequate to protect Public Trust resources on port
10 tidelands.

11 Looking ahead to the recommendations from the
12 synthesis report before you today, we have a few
13 overarching comments to provide and we plan to follow up
14 with a more detailed letter. We appreciate the
15 recommendations regarding providing resources to map sea
16 level rise projections and assess financial costs and
17 social vulnerability. These will be beneficial for future
18 assessments.

19 We do think that the report would benefit from
20 more clarifying language that distinguishes how it may be
21 applied in different circumstances. For example,
22 recommendation 6.4.15 states, "Support strategies that
23 protect critical infrastructure, working waterfronts, and
24 ports". This is consistent with our report that ports
25 require flexibility to address sea level rise. In

1 contrast, 6.4.8 and 6.4.9 suggest that managed retreat
2 should be considered for all vulnerable structures and
3 that hard armoring should only be used for the short term.

4 As the report acknowledges, ports cannot be
5 easily relocated and are not short-term assets, but
6 coastal-dependent structures that are important to the
7 prosperity of the state. This seems unintentionally
8 contrary to the prior recommendation and removes
9 flexibility for ports and harbors to adapt, especially
10 since any displacement of ports is very likely to have
11 ripple effects on adjacent infrastructure and uses.

12 More clarity could also be added to 6.4.4 on the
13 no net loss of beaches policy to explain whether beaches
14 would be able to displace coastal-dependent uses.
15 Removing ambiguity in the report will help to explain when
16 the more overarching recommendations apply and when more
17 specific recommendations apply, especially for ports and
18 harbors. Further clarification will help future
19 Commissions, partner agencies, and stakeholders better
20 understand the interplay between these recommendations
21 when interpreting this report in association with other
22 guidance.

23 Finally, we appreciate the emphasis on the
24 importance of nature-based shoreline solutions. As you
25 know, the Port of San Diego has been on the forefront of

1 piloting nature-based pilot projects such as interlocking
2 tide pools made of bioenhancing concrete and an oyster
3 reef as a living shoreline. We support these types of
4 strategies when they can feasibly enhance the resiliency
5 of the adjacent shoreline and its uses. And we're happy
6 to see that State Lands also supports these solutions.

7 We look forward to your support and collaboration
8 in the future, as we continue to pursue nature based
9 solutions in San Diego Bay.

10 Thank you.

11 CHAIRPERSON YEE: Thank you so much for your
12 comments.

13 Grace, our next commenter.

14 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

15 Our next commenter is Russ Cunningham. And if I
16 could have Jayme Timberlake raise your hand, that would be
17 great.

18 Thank you.

19 Good afternoon, Russ.

20 MR. CUNNINGHAM: Good afternoon, Chair Yee and
21 commissioners. Let me begin by thanking State Lands staff
22 for being supportive, and understanding, and accessible.
23 I'll speak for a moment to nature based coastal adaptation
24 strategies. The report acknowledges the State's
25 preference for nature based coastal adaptation strategies

1 and the city agrees with this preference. However, we
2 encourage the Commission to maintain a broad definition in
3 both scope and context of nature-based solutions,
4 accepting that nature based approaches may not be
5 attainable in the first phase of adaptation
6 implementation.

7 It must be acknowledged not all stretches of
8 coastline in our state are amenable to such strategies due
9 to limited natural resources and beach width, the presence
10 of public utilities and amenities, and private development
11 constructed prior to implementation of the Coastal Act.

12 While this limitation is noted in the report, we
13 find that it's generally not accounted for in the
14 development review process or in State grant funding
15 opportunities. Consequently, jurisdictions that cannot
16 effectively accommodate current definitions of
17 nature-based adaptation strategies on the front end often
18 cannot gain regulatory approval or grant funding for
19 essential projects, including improvements that address
20 public safety hazards, implements -- excuse me,
21 impediments to coastal access, and the loss of public
22 recreation areas and amenities. Nature-based approaches
23 should continue to be encouraged, but understood as
24 representing a wide breadth of possible options and
25 timelines.

1 The Commission is encouraged to see
2 implementation of pilot projects as a way for us to learn
3 and better define when, and where, and how nature-based
4 strategies can be deployed to be successful.

5 Thank you so much for your time.

6 CHAIRPERSON YEE: Thank you very much, Mr.
7 Cunningham. Mr. Cunningham, I'm going to ask will you
8 introduce yourself for the record and who you're
9 representing.

10 MR. CUNNINGHAM: Yes. I'm sorry about that. I'm
11 a Principal Planner with the City of Oceanside. And I
12 will note that my colleague Jayme Timberlake is not
13 available to provide comment today.

14 CHAIRPERSON YEE: Thank you for joining us.
15 Appreciate it.

16 Grace, our next speaker.

17 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
18 Our next speaker will be Laura Lane.

19 MS. LANE: Good afternoon, Chair Yee and
20 commissioners. My name is Laura Lane and I'm here with
21 the California Association of Port Authorities, or CAPA.
22 I'd first like to express CAPA's appreciation for the
23 State Lands Commission's long-standing partnership in
24 working with California's ports on maintaining and growing
25 California's maritime industry. Planning for sea level

1 rise and the future resiliency of our shoreline is
2 important to each of California's 11 public ports, and we
3 really appreciate your leadership during the AB 691
4 process.

5 CAPA appreciates the report's recommendations
6 including resources to identify vulnerabilities, mapping
7 the sea level rise projections, assessing financial costs,
8 and ensuring equity and environmental justice as part of
9 this work, as these will be -- all be extremely beneficial
10 in continuing efforts to address sea level rise.

11 We also appreciate the recommendations for
12 simplification and streamlining of permitting for specific
13 projects. As we move forward, as has been stated before,
14 flexibility to address the impacts of sea level rise on
15 California's diverse coastal resources will be critical as
16 we take these next steps. As noted, the vulnerabilities
17 relating to sea level rise could be extremely costly, and
18 to ensure a balance of uses on our shoreline, our ports
19 need flexibility in implementing adaptation measures. A
20 flexible approach that considers the unique
21 characteristics of ports, harbors, and public trust needs
22 is essential for the health of all coastal activities.

23 California's coast and tidelands are truly
24 special. And as we work to address sea level rise, we
25 need not only to protect natural resources and

1 recreational opportunities, but also the maritime
2 industry.

3 CAPA looks forward to continued partnership to
4 ensure the resiliency of our shoreline and all of its
5 uses. Thanks so much.

6 CHAIRPERSON YEE: Thank you very much, Laura.
7 Grace, our next speaker, please.

8 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
9 Thank you, Chair Yee. We have no other hands
10 raised for comment on this -- at this time.

11 CHAIRPERSON YEE: Okay. Thank you.

12 Are there members of the public in the room that
13 wish to speak on this item?

14 Okay. Seeing none.

15 Commissioners, any other questions or comments?

16 Thank you very much for just an amazing, amazing
17 body of work. Really very much appreciate this
18 presentation.

19 Thank you.

20 All right.

21 EXECUTIVE OFFICER LUCCHESI: Chair Yee.

22 CHAIRPERSON YEE: Yes.

23 EXECUTIVE OFFICER LUCCHESI: May I just on two
24 items?

25 CHAIRPERSON YEE: Please.

1 EXECUTIVE OFFICER LUCCHESI: Yea. I just wanted
2 to on the AB 691 synthesis report acknowledge and thank
3 all of our public speakers, particularly the common theme
4 was, you know, making sure that we approach adaptation and
5 resiliency based on the unique circumstances and geography
6 and the intention by which we approach that adaptation and
7 resiliency to protect what's most important for that
8 particular area and location. I just want to highlight
9 the challenge that we all face in that arena in terms of
10 from a State or even federal government perspective of
11 being equitable and consistent in the guidance that is
12 provided, but also taking into account the really unique
13 circumstances each area of our coastline entails and being
14 able to be responsive to that while maintaining a
15 consistent foundation.

16 And so I just wanted to thank all of our speakers
17 for really highlighting it from the perspective of our
18 port infrastructure, and our maritime trade and commerce,
19 and identifying the areas of ambiguity, and the need for
20 clarity as we move forward. So I just wanted to highlight
21 that as a common theme with our commenters.

22 And then second, more from a logistics
23 standpoint, I wanted to just, for the public record,
24 recognize that Commissioner Miller had to step away from
25 the meeting and she will come back in as soon as she can.

1 CHAIRPERSON YEE: Okay. Great. Thank you very
2 much.

3 EXECUTIVE OFFICER LUCCHESI: We still have --
4 maintain a quorum with Chair Yee and Commissioner
5 Kounalakis here.

6 CHAIRPERSON YEE: Great. Thank you. Thank you
7 for the update, Ms. Lucchesi.

8 All right. Very well. Thank you. Thank you,
9 everyone. We'll now move on to Item 47. And this is the
10 item to consider the feasibility study and staff
11 recommendation of Rincon Decommissioning Phase 2 Project
12 and alternatives to be analyzed in an Environmental Impact
13 Report. We do have a presentation here and I believe
14 Cyndi Herzog.

15 EXECUTIVE OFFICER LUCCHESI: Yes.

16 CHAIRPERSON YEE: Okay.

17 EXECUTIVE OFFICER LUCCHESI: And Cyndi will be
18 joining us virtually for this presentation.

19 CHAIRPERSON YEE: Okay. All right.

20 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: I'm
21 hoping we can find the presentation.

22 (Laughter)

23 CHAIRPERSON YEE: I think we have success Cyndi,
24 so welcome.

25 (Thereupon a slide presentation.)

1 CHAIRPERSON YEE: Let's see, there we go.

2 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: There we
3 go.

4 Okay. Good afternoon, Madam Chair and
5 commissioners. My name is Cyndi Herzog and I'm a Senior
6 Environmental Scientist with the Division of Environmental
7 Planning and Management. I'll be giving a presentation on
8 the current status of the Rincon Phase 2 decommissioning
9 and staff's recommendation for next steps.

10 Next slide.

11 --o0o--

12 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The three
13 phases of Rincon planning and decommissioning are on this
14 current slide. Phase 1 of the Rincon decommissioning
15 include the plugging and abandonment of all oil and gas
16 wells and removal of surface equipment at Rincon Island,
17 the onshore facility and the adjacent privately owned
18 coast ranch parcel. Phase 1 activities were completed in
19 June of 2021.

20 Phase 2 of the Rincon decommissioning effort, our
21 current phase, includes the development of a feasibility
22 study and decommissioning plan including public outreach
23 and analysis under the California Environmental Quality
24 Act, or CEQA.

25 Phase 3 will consist of securing funding and

1 implementation of the project decommissioning plan
2 selected by the Commission after the CEQA process is
3 complete.

4 Next slide, please.

5 --o0o--

6 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Rincon
7 Island is located approximately 3,000 feet offshore of
8 Punta Gorda in Ventura County, approximately seven miles
9 northwest of the city of Ventura and is located in
10 approximately 55 feet of water. A causeway connects the
11 island to the coast. On the landward end, the causeway is
12 connected to an abutment that is surrounded by protective
13 rock revetment. The onshore facility, consists of a
14 six-acre parcel owned by the State and located
15 approximately 1.3 miles to the east of Rincon Island off
16 of the Pacific Coast Highway.

17 A State Coastal Conservancy parcel, included in
18 the decommissioning analysis, is located just east of the
19 causeway landing, as you can see on this map.

20 Next slide, please.

21 --o0o--

22 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: These
23 photos show the current condition of Rincon island and the
24 wharf. As you can see, a few structures remain on the
25 island. The island is currently under caretaker status,

1 which includes daily monitoring.

2 Next slide.

3 --o0o--

4 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Here are
5 photos of the onshore facility and the pipeline connection
6 valve box landward of the causeway where the pipeline
7 disconnection will take place.

8 Next slide.

9 --o0o--

10 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Finally,
11 this photo, if it will pop up and I hope it will -- well,
12 try to go back. Well, that's okay. Okay. This -- this
13 photo did show the Coastal Conservancy parcel, which is
14 also considered part of the feasibility study.

15 Next slide.

16 --o0o--

17 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The
18 flowchart shown here was prepared to clarify the phase 2
19 decommissioning process and reiterate the process allows
20 for ongoing public, tribal, and agency engagement. AB 52
21 tribal consultation will take place as part of the CEQA
22 process. The red-lined box indicates where we are now.

23 Next slide.

24 --o0o--

25 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The draft

1 feasibility study was released on March 17th, 2022 for a
2 60-day public review period. The final feasibility study
3 was released on July 21st, 2022 and can be found on the
4 Commission's website. The study includes an overview of:
5 the three primary decommissioning alternatives being
6 considered for phase 2, including reuse, reefing, and
7 complete removal; a summary of our supporting technical
8 and engineering studies; a screening level Environmental
9 Assessment; and a comparison of the alternatives.

10 Next slide, please.

11 --o0o--

12 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The
13 feasibility study covered nine component plans that were
14 used as the basis for the three preliminary alternatives
15 provided here. Please note that the reuse alternative in
16 phase 2 does not analyze specific future reuses, which may
17 require further CEQA analysis after decommissioning.

18 Next slide, please.

19 --o0o--

20 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: An
21 initial Environmental Assessment was conducted as part of
22 the feasibility study to assess potentially temporary or
23 long-term effects of the alternatives on various resource
24 areas. The reuse alternative had the fewest long-term
25 effects, followed by reefing, and then complete removal.

1 The upcoming CEQA analysis will further evaluate
2 potential impacts to sensitive habitats, aesthetics, air
3 quality, cultural, tribal resources, marine biological
4 resources, including the biology of the causeway and
5 surrounding seafloor, coastal processes such as the
6 potential to increase coastal erosion, changes to waves
7 including -- including surf breaks, and near shore
8 sediment transport, and all other potentially significant
9 impacts from proposed project act -- excuse me,
10 activities.

11 Next slide, please.

12 --o0o--

13 SENIOR ENVIRONMENTAL SCIENTIST HERZOG:

14 Construction schedules for the three alternatives
15 were estimated and determined to range from approximately
16 two years for reuse, two and a half years for reef --
17 excuse me, three years for reefing, and three and a half
18 years for complete removal.

19 Next slide, please.

20 --o0o--

21 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The
22 feasibility study also includes a cost comparison of the
23 alternatives. The reuse alternative would be the lowest
24 decommissioning cost at approximately 15 million.
25 However, continued maintenance would be required on the

1 causeway, which is estimated at over 400,000 per year. In
2 addition, large storm events could result in repairs in
3 excess of \$1 million per event. The partial causeway
4 alternative shown on this slide is the proposed
5 alternative that will be discussed briefly later on in the
6 presentation.

7 Next slide, please.

8 --o0o--

9 SENIOR ENVIRONMENTAL SCIENTIST HERZOG:

10 Forty-seven comments were received on the draft
11 feasibility study, which overwhelmingly indicated the
12 public's preference to leave Rincon Island and the
13 causeway in place.

14 Next slide.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Responses
17 to public comment can be found in part two of the final
18 feasibility study. The top five most frequent comments
19 received during public review included:

20 Feasibility study approach. Comments received
21 noted the preliminary or perceived generalized analysis of
22 feasibility study, which was intended to be a preliminary
23 concept level study.

24 Future reuse options. Commenters wanted to know
25 what the future reuse of Rincon facilities would be. For

1 the purposes of a feasibility -- feasibility study and the
2 CEQA document, the reuse alternative is limited to cleanup
3 of contaminated soils and preparation of the facilities
4 for future unspecified use.

5 Basis for selection of a project. Commenters
6 asked how a final project would be decided on. Based on
7 the feasibility study, public, tribal, and agency input,
8 and staff recommendations, the Commission will select a
9 proposed project and alternatives to be evaluated in the
10 CEQA document.

11 Next slide.

12 --o0o--

13 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The
14 coastal engineering study. Commenters questioned the
15 scope and validity of the study. The coastal engineering
16 study was performed by an independent third-party
17 consultant retained as part of the Padre team by
18 Commission staff. The study is a very broad scope
19 analysis and includes extensive modeling based on existing
20 conditions at the offshore project site chiefly as it
21 relates to Rincon Island and the causeway abutment.

22 Existing causeway maintenance costs. Commenters
23 wanted to know what continued maintenance of the causeway
24 would cost. Commission staff worked with our consultant
25 to perform preliminary engineering cost estimates related

1 to ongoing maintenance of the existing causeway structure,
2 as noted on the previous slide and in the final
3 feasibility study.

4 Next slide, please.

5 --o0o--

6 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Comments
7 also received identified the need for additional analysis
8 on the effects of causeway removal on existing surf breaks
9 and sediment transport. In addition, public comments
10 requested that a separate biological survey be conducted
11 on the causeway. Staff agree with these requests and have
12 added them to the list of studies planned during the
13 preparation of the CEQA document, which is anticipated to
14 be an Environmental Impact Report.

15 Next slide.

16 --o0o--

17 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Staff
18 recommends that the upcoming Environmental Impact Report
19 analyze the proposed project equivalent to the feasibility
20 study's reuse alternative that would include retention of
21 Rincon Island and the causeway, decommissioning of the
22 onshore facility, decommissioning of the onshore pipeline
23 connections, and improvements on the Coastal Conservancy
24 parcel.

25 Next slide.

1 --o0o--

2 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: In
3 addition, the Environmental Impact Report would analyze
4 alternatives to the proposed project, which would include
5 the reefing alternative as presented in the feasibility
6 study, a partial causeway removal alternative, which is a
7 new alternative that includes retention of a portion of
8 the causeway, in essence a pier, and the abutment with
9 rock revetment, and the no project alternative, which is
10 required under CEQA.

11 Next slide, please.

12 --o0o--

13 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Based on
14 the feasibility study information and public comment,
15 staff believe that the complete removal alternative is
16 infeasible and should be -- not be carried forward into
17 CEQA, because it would result in significant environmental
18 impacts, require significant time and money to implement,
19 and would not be favored by the public, tribes, State or
20 local governmental agencies.

21 Next slide.

22 --o0o--

23 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: In
24 summary, based on all the information presented to date,
25 it is recommended that the Commission direct staff to

1 proceed with preparation of an Environmental Impact Report
2 analyzing the proposed project, the reefing alternative,
3 the partial causeway removal alternative, and the no
4 project alternative, and direct staff not to include
5 complete removal as an alternative in the EIR based on the
6 reasons noted on the previous slide.

7 Next slide.

8 --o0o--

9 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: This
10 concludes my presentation. I'm Happy to take any
11 questions at this time.

12 Thank you.

13 CHAIRPERSON YEE: Thank -- thank you very much,
14 Cyndi for the comprehensive presentation.

15 Commissioners, let me look to you for questions
16 or comments please.

17 COMMISSIONER YEE: Is she here?

18 CHAIRPERSON YEE: Yes.

19 COMMISSIONER KOUNALAKIS: Thank you so much.
20 Thank you for the presentation. This is an important
21 milestone to be at this point, where we are working on
22 this environmental document. With the well plugged and
23 abandoned now at this point, it gives us a whole new
24 chapter in the future of this -- of this area. And I was
25 heartened to see how much public interest there is in the

1 future of these -- of this area -- this unique area. And
2 I really look forward to seeing how the document
3 continues. I think that the approach is the right one and
4 I do also look forward to more public input on what the
5 future of these -- of this property looks like.

6 Thank you.

7 CHAIRPERSON YEE: Thank you, Commissioner
8 Kounalakis. It is indeed a very exciting time for this
9 site. Thank you for those comments.

10 Grace, I'm going to turn it over to you. I know
11 we probably have a number of speakers on this item. And I
12 do believe that Chairwoman Mia Lopez with the Coastal Band
13 of the Chumash Nation is joining us today and we welcome
14 her as the first commenter, if she is on the line.

15 COASTAL BAND OF THE CHUMASH NATION CHAIRPERSON
16 LOPEZ: (Spoke in a native language)

17 Hello, Chair Yee, commissioners, and staff. My
18 name is Mia Lopez and I am the Tribal Chair of the Coastal
19 Band of the Chumash Nation. Thank you so much for
20 allowing me to speak today.

21 I'm commenting today in support of the staff
22 recommendations regarding the Rincon -- Rincon -- Rincon
23 Decommissioning Project. I would like to thank the State
24 Lands commissioners and staff for effectively implementing
25 early, frequent, and meaningful consultation. The

1 patience that staff took to make this time -- make this
2 happen and their commitment and understanding of the
3 importance of this consultation with local tribes was much
4 appreciated and we look forward to continuing this
5 relationship as we move forward.

6 In saying this, I would like to acknowledge Ms.
7 Lydia Ponce's comment and encourage State Lands to assess
8 how communities were approached in our areas and how
9 communities were approached in her areas and investigate
10 those processes to make changes to rectify the situation
11 to have their voices heard, because our experience has
12 been a really good one with this process.

13 I would like to express on behalf of the Coastal
14 Band of the Chumash Nation our support for the reuse of
15 the Rincon Island and related onshore facilities. I feel
16 this action has the ability to create educational
17 opportunities that would benefit our tribal communities as
18 well as our local communities, and can be used an example
19 of how we can turn something that was not safe or healthy
20 in our ocean into something that is healthy, educational,
21 and thriving with life.

22 I look forward to submitting our proposal in the
23 future for reuse that will create a bridge along our
24 coastline to connect our tribal communities and our
25 coastal communities in education and protection of our

1 natural cultural sources, protection of our oceans, and
2 reconnecting all our people back to our lands and waters.

3 This is an -- is an opportunity to change the
4 trajectory of how we move in relationship together as
5 opposed to apart or in a hierarchy. As the State Lands
6 Commission, the only way you can truly care for the lands
7 is to include the local first people of these lands. We
8 hold intimate knowledge, stories, and understanding of our
9 territories in every season of its life and are actively
10 in relationship with our lands and waters on a daily
11 basis.

12 Thank you for this opportunity to be here today
13 and thank you for the opportunity to be able to work with
14 you in talking about this project.

15 Thank you.

16 CHAIRPERSON YEE: Thank you very much, Chairwoman
17 Lopez and really appreciate the engagement that you have
18 really been personally pursuing with our staff since we
19 met you on the site visit. And we look forward to
20 continuing those discussions with you.

21 Grace, our next commenter, please.

22 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
23 Our next commenter will be David Revell, please.

24 DR. REVELL: Hello, Chair Yee again and
25 commissioners. David Revell. I'm a coastal

1 geomorphologist and I also sit on the -- at Integral
2 Consulting and I also sit on the Board Science Advisory
3 Committee for BEACON, which is a JPA that represents
4 Ventura County, Santa Barbara County, and jurisdictions
5 municipalities within.

6 I have worked on the regional sand management
7 program for this area. I've worked on most of the sea
8 level rise vulnerability and adaptation plans for the
9 counties and the cities and my dissertation work was
10 actually looking at part of this shoreline change. I've
11 been an expert witness for the sanct -- for the Commission
12 on some of the Caltrans related construction issues just
13 down coast.

14 This is a very complicated, very heavily
15 trafficked unique structure of coast. One of the things
16 that we've identified in BEACON as part of some of the
17 regional sand management is the inshore portion of this
18 project that is right on the rail line. Movement of
19 sediment, as we think about adaptation, maintaining Public
20 Trust resources is really expensive. And if we can use
21 the rail line and use some of that area inland as a
22 stockpile sorting facility, we can repurpose and save a
23 lot of sand and back pass sand that is constantly being
24 dredged, and really create some opportunities for more
25 recreation in this Public Trust resource.

1 I see that there's additional studies. I'm sure
2 I will probably be trying to work on those additional
3 studies. But as a representative of those communities
4 down there, I think there's a lot of needs. I think the
5 Chumash needs are very valuable, important to maintain the
6 cultural connection. And I think a lot of connectedness
7 also could occur within the physical system using some of
8 that inland resources. So I wanted to add that. I know
9 that's not been in any of the discussion so far.

10 Thank you.

11 CHAIRPERSON YEE: Great. Thank you. Appreciate
12 that comment.

13 Grace, our next commenter, please.

14 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

15 Our next speaker is Shawn Decker.

16 CHAIRPERSON YEE: Good afternoon, Shawn.

17 MR. DECKER: Yes. Thank you, commissioners, for
18 taking the time to hear my comments. It's very exciting
19 that the reuse alternative is being recommended by staff.
20 And I also want to thank them for their responsiveness --
21 responsiveness, in particular Katie Robinson-Filipp, who
22 was always very quick to reply to my emails during the
23 public comment period on the feasibility study.

24 My primary concern is a recreational. The surf
25 break at Little Rincon is world-renowned very high quality

1 wave. If the causeway and abutment were to be removed,
2 the surf break would be changed and potentially lost. As
3 someone that has surfed there for over 30 years, I have
4 observed how the sand flows and how the wave changes.
5 During the summer, the sand builds up around the causeway
6 and abutment. With the winter storms, it's slowly washed
7 offshore and the wave quality diminishes significantly.

8 So without the abutment and cause way, I fear
9 that a similar fate would occur as what happened at oil
10 piers just to the south of Little Rincon where there was
11 once a very fun but not super high quality wave. But now,
12 there is no wave to surf there. There is significant
13 overcrowding in the area and so loss of the wave could
14 also exacerbate that.

15 Thank you again for your time and considering my
16 comments.

17 CHAIRPERSON YEE: Thank you very much, Mr.
18 Decker.

19 Our next commenter, Grace.

20 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:
21 Chair Yee, we have no other hands raised for
22 public comment.

23 CHAIRPERSON YEE: Great. Thank you very much,
24 Grace.

25 I feel like we have a golden opportunity here

1 that Commissioner Kounalakis first commented on. But what
2 I wanted to relate this back to, as Chairwoman Lopez
3 indicated, was said in an earlier public comment by Ms.
4 Ponce. And I think really with an acknowledgement that
5 the Coastal Chumash people have inhabited the coast from
6 San Luis Obispo to Ventura for thousands of years. And,
7 you know, this culture is really grounded in terms of
8 their connection with the ocean.

9 And certainly the people I think we know as we
10 read about their history were very skilled as mariners and
11 as fisher people. And, you know, as we -- it is one of
12 the things I love about this Commission is that we can,
13 you know, just really have that hand on connecting back,
14 you know, to that history and certainly now connecting
15 back with those communities and descendants of those
16 communities.

17 And there's been quite a bit of coastal
18 development, you know, along this part of California,
19 including the oil and gas extraction operations that we
20 are now seeking to cease. But this -- these operations
21 have not come -- have come without -- have come -- have
22 not come without much harm done to the Chumash people's
23 ability to stay connected to their land. And so I know
24 Ms. Lucchesi you personally, along with several of our
25 staff members, have been engaging with the Chairwoman and

1 certainly with the Wishtoyo Foundation and, you know,
2 certainly some of the vision that they've had with respect
3 to the -- the restored village site. And I do think we
4 have a tremendous opportunity here.

5 And so I wanted to see if we can entertain not
6 only just approving the staff recommendation, but perhaps
7 even formalizing a little bit more, either through a
8 Letter of Partnership or a Letter of Interest to the
9 Chumash -- Coastal Chumash people, just our
10 acknowledgement of the mutual benefits that I think could
11 be recognized going forward as we move to the
12 environmental review, as we move to pursue this particular
13 reuse direction, and just taking that first step of, in
14 some ways, righting some of the -- the wrongs of what has
15 happened in the ensuing centuries of harm to the Chumash
16 people.

17 So I don't know how to do that or what that looks
18 like, but I just feel like we have this opportunity, so
19 maybe you can help me here.

20 EXECUTIVE OFFICER LUCCHESI: Certainly.
21 Certainly. I -- I couldn't agree with you more. And this
22 is something that your team here -- the Commission's team
23 here at State Lands has been working on for the
24 relationship building with Chairwoman Lopez and her tribal
25 members for many, many years now. And the day before our

1 last Commission meeting in June, we had the opportunity to
2 host Chairwoman Lopez and some of her colleagues out to
3 Rincon Island and the onshore property. And it was a full
4 day of spending the day together and really learning from
5 them, and just listening, and understanding, and being a
6 witness to their brainstorming of just the connections
7 that they felt instinctually out there on the island, and
8 all the ideas that just genuinely came to all of them.

9 And I think an effort that I'm hearing you talk
10 about where we can work with Chairwoman Lopez and her
11 colleagues to develop some sort of shared vision of what
12 these lands and resources could become, especially in
13 light of its destructive history.

14 So I will take that direction and come back to
15 the Commission at a future Commission meeting with
16 something more substantive that maybe could be acted on by
17 the Commission, and -- but let us work with Chairwoman
18 Lopez and others, and we'll come up with some ideas about
19 how to partner in that way and create a shared vision in
20 accordance with the sentiments of both Commissioner
21 Kounalakis and Chair Yee.

22 CHAIRPERSON YEE: Yeah, that would be terrific.
23 And I just see a lot of alignment certainly with some of
24 the other initiatives that the Governor has put forth
25 relative to just the future of our resources, and

1 particularly how this whole effort could contribute to the
2 State's 30 by 30 conservation goals. And I can't think of
3 any better opportunity with respect to just kind of the
4 shared stewardship and informed stewardship about how we
5 move forward. So I think this is terrific. Thank you.
6 All right. I think this is an action item.

7 EXECUTIVE OFFICER LUCCHESI: It is.

8 CHAIRPERSON YEE: Okay. So I would --

9 COMMISSIONER KOUNALAKIS: So moved.

10 CHAIRPERSON YEE: Okay. Thank you. We have a
11 motion by Commissioner Kounalakis. I will second that
12 motion.

13 Do we need a roll call?

14 EXECUTIVE OFFICER LUCCHESI: Yes. Yeah.

15 CHAIRPERSON YEE: Okay.

16 EXECUTIVE OFFICER LUCCHESI: Commissioner
17 Kounalakis?

18 COMMISSIONER KOUNALAKIS: Aye.

19 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?
20 She's still gone.

21 CHAIRPERSON YEE: Not back yet.

22 EXECUTIVE OFFICER LUCCHESI: Chair Yee?

23 CHAIRPERSON YEE: Aye.

24 EXECUTIVE OFFICER LUCCHESI: The motion passes
25 two to zero.

1 CHAIRPERSON YEE: Great. Thank you very much for
2 the tremendous work to get us to this point. All right.
3 And our next item is Item 49. And this is an item that I
4 know we've seen many parts of it before of the -- this is
5 to consider the third distribution of our port stimulus
6 funding to mitigate negative economic impacts from the
7 COVID pandemic pursuant to the State's 2021-22 Budget Act.

8 And we have a presentation by Reid.

9 Good afternoon.

10 (Thereupon a slide presentation.)

11 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: Good
12 afternoon, Madam Chair and commissioners.

13 Yes, we're on to the third and final round of
14 recovery fund distribution for California ports.

15 In 2021, as you know, Governor Newsom announced a
16 \$250 million allocation from the federal American Rescue
17 Plan Act of 2021 to California ports to mitigate the
18 negative economic impacts resulting from the pandemic.
19 The allocation codified in the State budget requires that
20 ports use the funds to support their economic recovery,
21 such as for activities that include avoiding layoffs,
22 restoring jobs and services lost due to the pandemic, and
23 supporting safe operations.

24 The State budget also designated the Commission
25 as the agency responsible for distri -- disbursing the

1 funding to ports. At its December 2021 and April 2022
2 meetings, the Commission authorized disbursement of
3 approximately 243 million to nine California ports.
4 Disbursements for the first and second rounds were based
5 on ports' 2020 and 2021 pandemic related losses and direct
6 health emergency costs.

7 Staff is now recommending a third and final
8 disbursement for the remaining recovery funds.
9 Recommendations are based on revenue losses and direct
10 costs for the first half of this calendar year. Staff
11 also reviewed the ports' proposed projects for
12 consistency -- consistency with the Budget Act's
13 directive, including the direct -- the directive to
14 provide ports with the flexibility to respond to the
15 COVID-19 panic and support their economic recovery. All
16 ports, including those that did not apply for the first
17 round or the second disbursement, or that received an
18 amount less than requested were welcome to apply for the
19 remaining funds.

20 Applicants were required to provide financial
21 statements, payroll reports, invoices, receipts, cash flow
22 statements, and other accounting documentation for staff's
23 review. Ports were also required to describe the programs
24 or projects they anticipate committing the recovery funds
25 to.

1 Some examples of these proposed projects include:
2 major maintenance of repair projects that are necessary to
3 maintain port assets, so that they are safe, accessible,
4 and available as revenue generating assets in the future;
5 terminal equipment and IT upgrades; the purchase of a
6 harbor patrol vessel, infrastructure to strengthen port
7 industries and retain existing tenants; efforts to avoid
8 direct layoffs and fill positions left vacant during the
9 pandemic; and loan programs for financially distressed
10 businesses; and services that will continue to bring
11 visitors and businesses -- and business to the waterfront,
12 such as the installation of electric vehicle charging
13 stations, commercial fishing upgrades, and projects that
14 keep tourism areas safe, clean, inviting, and accessible
15 to the public.

16 The Commission has discretion over the
17 distribution of funds to achieve the purpose of addressing
18 these negative economic impacts experienced by ports.

19 I'll now go over staff's recommendations for this
20 third round of funding disbursements. To the Ventura Port
21 District, staff recommends distribution of \$31,621, which
22 represents the costs incurred as a result of the direct
23 COVID-19 response and support for the first half of the
24 2022 calendar year.

25 To the Crescent City Harbor District, staff

1 recommends distribution of \$321,196, which represents the
2 amount of revenue lost for the first half of this 2022
3 calendar year. The Port of San Diego and the Port of San
4 Francisco revenue losses well exceeded the remaining
5 funds, but both ports have agreed to split the remaining
6 funds after the distribution to other port applicants.

7 To the Port of San Diego and to the Port of San
8 Francisco, staff recommends distribution of \$2,270,308,
9 which represents the remaining funds.

10 Next slide, please.

11 --o0o--

12 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO: This
13 slide illustrates the total amount of recovery refunds
14 that the Commission distributed to nine California ports
15 over three rounds and it also includes this current
16 recommended round of distributions. Without this support,
17 California's major ports would have suffered catastrophic
18 reductions to port staff, operations, maintenance, and
19 capital projects. The funds have been vital to ports
20 recovering from the economic impacts of the pandemic, and
21 the projects will increase tourism, cargo, cruise
22 activity, and will help them sustain their essential
23 services, maintain develop critical in -- maintain and
24 develop critical infrastructure, create jobs, and help
25 revitalize California's economic recovery.

1 Thank you, commissioners, and I'm available for
2 any questions.

3 CHAIRPERSON YEE: Thank you very much, Reid. Any
4 comments, commissioners?

5 Commissioner Kounalakis.

6 COMMISSIONER KOUNALAKIS: Thank you so much for
7 that presentation. It's really been quite a journey. I
8 certainly remember, I'm sure most of you do, those first
9 days of lockdown and the deep concern that the ports had
10 about how they were going to cope with shutting down the
11 bread and butter of the operations of the ports on this
12 list, which is tourism. It was a very, very scary time.
13 And our ports are tremendous partners to -- to all of
14 those who -- who are part of the ecosystem of our ports.
15 And there are a lot of small businesses that were
16 impacted. And I will say, as a -- as a former
17 commissioner of the San Francisco Port, I saw firsthand
18 the partnership that went hand-in-hand between the
19 management of the ports, and the tenants, and the small
20 businesses that operate there.

21 And to help support the inclusion of California
22 ports in the federal stimulus and federal relief after the
23 pandemic -- during the pandemic, to be able, this body, to
24 have played a role in helping deliver that aid from the
25 federal government to these ports that were so in need is

1 something that I can just say, on behalf of my own
2 experience having worked at the San Francisco Port, I hope
3 everyone is very proud of the role that the State Lands
4 Commission played in helping to deliver these funds that
5 were transformational for them to be able to continue and
6 to get back into regular operations. And we're not fully
7 back to where we were pre-pandemic in terms of tourism,
8 but we've come a long way and it's really an incredible
9 thing to see.

10 So this is the last time we'll be talking about
11 it, because this is the last distribution. So I really
12 want to emphasize how important the work of staff was,
13 Jennifer in particular you in making sure that the pieces
14 were in place to be able to make sure that this was done
15 smoothly, because as we know when you're talking about
16 moving -- doing something that had never been done before
17 in government, it takes that kind of creativity and
18 flexibility, and just being so mission driven, because --
19 because we all knew how important it was.

20 So thank you to everyone.

21 CHAIRPERSON YEE: Thank you, Commissioner
22 Kounalakis and thank you for your leadership early on in
23 this effort. We all heard the cries and the pleas from
24 our ports throughout the state of California. And your
25 point is exactly right, I don't know of \$250 million

1 anywhere in State government that gets distributed this
2 quickly, but on an informed basis working very closely
3 with each of the ports and understanding their particular
4 needs, and situation, and working through some of the
5 issues, and frankly rightful issues of accountability with
6 the administration. So I want to thank the Governor for
7 his foresight as well for getting those funds appropriated
8 and approved.

9 Let me look to Grace for any public commenters on
10 this item.

11 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

12 Thank you, Chair Yee. We have Aimee Heim.

13 CHAIRPERSON YEE: Good afternoon.

14 MS. HEIM: Good afternoon, Chair Yee,
15 Commissioner Kounalakis, Commissioner Miller - I hope
16 she's here - Ms. Lucchesi and staff. My name is Aimee
17 Heim. I'm the Program Director of Grants and Government
18 Relations here at the Port of San Diego. And it is my
19 pleasure to address you today and thank you for your
20 continued support in creating the state's COVID-19
21 recovery stimulus program for ports and for awarding the
22 Port of San Diego more than \$110 million over three rounds
23 of awards.

24 Because of the support of this team, we're able
25 to hit the ground running in January of this year, with

1 some big priorities. This June at the end of the fiscal
2 year, we had spent \$29.7 million, committed an additional
3 38.8 million, and we have a plan in place to spend the
4 remaining \$41.9 million. These funds represent the start
5 of generational investments in the Port of San Diego.

6 Projects include renovating Navy pier, the B
7 Street cruise ship terminal, and berth repairs to 2411 and
8 National City. We are also replacing a legacy critical
9 electrical system at the 10th Avenue marine terminal. And
10 that system upgrade is critical to powering two new fully
11 electric mobile harbor cranes. The two mobile harbor
12 cranes are one of the most important forward-looking
13 investments, as they are the first of their kind in this
14 hemisphere.

15 Not only are they bringing a new heavy lift
16 capability to the state of California, but they are also a
17 demonstration of how the state is able to increase our
18 cargo efficiency and capabilities, while also reducing our
19 environmental impacts.

20 In addition to the massive capital works
21 projects, we are also on track to spend \$5 million on four
22 projects to improve water quality and collect storm water
23 runoff at the port, \$6 million for landscape restoration
24 and to support unhoused people around the port, and \$17
25 million for six public park and pier improvements in the

1 cities of National City, Chula Vista, and Imperial Beach.

2 The Port of San Diego team is proud of the work
3 that these funds have allowed us to accomplish and we are
4 grateful for our ongoing partnership with our colleagues
5 at State Lands. Thank you for your continued support and
6 investment in the future of our waterfront.

7 CHAIRPERSON YEE: Thank you very much.

8 Grace, our next speaker, please.

9 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

10 Our next speaker is Boris Delepine.

11 CHAIRPERSON YEE: Good afternoon, Boris.

12 MR. DELEPINE: Sorry about that. Good afternoon,
13 commissioners. On behalf of the Port of San Francisco, my
14 name is Boris Delepine. I'm the Port's Legislative
15 Affairs Manager and I wanted to thank you for providing
16 these funds to the Port. This is the third and final
17 tranche. They have been absolutely transformational for
18 our recovery. We are well on our way back to the road to
19 recovery due to these funds. Through these funds, we've
20 been able to avoid layoffs and support urgent COVID-19
21 response. We replaced lost revenue and created the
22 immediate economic stabilization that we needed to get
23 back on track. And so for that, we thank you,
24 commissioners, and your staff for being our advocates
25 throughout this process.

1 Thank you.

2 CHAIRPERSON YEE: Thank you, Boris, very much.

3 Our next speaker, Grace.

4 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

5 Chair Yee, we have no other commenters at this
6 time.

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

8 So this is an action item. Is there a motion?

9 COMMISSIONER KOUNALAKIS: I so move.

10 CHAIRPERSON YEE: Okay. Commiss -- Commissioner
11 Kounalakis moves this item. I will second that motion.

12 Ms. Lucchesi, please call the role.

13 EXECUTIVE OFFICER LUCCHESI: Yes.

14 Commissioner Kounalakis?

15 COMMISSIONER KOUNALAKIS: Aye.

16 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

17 Okay. She's not back yet.

18 Chair Yee?

19 CHAIRPERSON YEE: Aye.

20 EXECUTIVE OFFICER LUCCHESI: The motion passes
21 with two votes.

22 CHAIRPERSON YEE: Great. Thank you very much.

23 Ms. Lucchesi, what's our next order of business?

24 EXECUTIVE OFFICER LUCCHESI: Our next order of
25 business is our public comment period -- our second public

1 commenter period.

2 CHAIRPERSON YEE: All right. Great. Thank you.

3 So if anyone wishes to address the Commission on
4 any item not on today's agenda, because come up to the
5 podium or raise your hand -- your Zoom hand. I will call
6 on those who are here in person first and next we will
7 move on to those joining us virtually. And let me turn to
8 you Grace to please call on the first person who would
9 like to make a public comment at this time.

10 LAND MANAGEMENT DIVISION ASSISTANT CHIEF KATO:

11 Chair Yee, there are no hands raised for public
12 comment.

13 CHAIRPERSON YEE: Okay. Very well. So that
14 concludes our second public comment period. Commissioner
15 Kounalakis, any further questions or comments?

16 COMMISSIONER KOUNALAKIS: No.

17 CHAIRPERSON YEE: Okay. And before --

18 COMMISSIONER KOUNALAKIS: Actually just a thank
19 you to San Diego for hosting us here today.

20 CHAIRPERSON YEE: Yes.

21 COMMISSIONER KOUNALAKIS: I know we said it at
22 the beginning, but I was thinking certainly should have
23 recognized that as we made the last -- the decision on the
24 last tranche that we are right here in the center of where
25 so many of these funds are going to be used. So thank you

1 to everyone here who welcomed us.

2 CHAIRPERSON YEE: Absolutely. I echo that. And
3 I think throughout this meeting today with almost every
4 agenda item, it really highlighted the tremendous
5 partnership we do have with our ports and our trustees
6 throughout the state. So thank you again to the Port of
7 San Diego for graciously hosting us.

8 Before we move on, I also -- thank you,
9 Commissioner Kounalakis for the sentiment as well, but I
10 did want to again just highlight the contributions of
11 Deputy Controller Anne Baker and just ask that we not only
12 adjourn this meeting in her memory, but really appreciate
13 the memorialization of her work on the sea level rise body
14 of work that will continue, but it had to start somewhere,
15 right? And so we are just really grateful for just being
16 able to carry on that vision.

17 So thank you to everyone.

18 This concludes this portion of our meeting, the
19 open meeting. Having concluded the matters before us, we
20 will continue the meeting on a tour. This tour will be
21 hosted by the Port of San Diego of the 10th Avenue Marine
22 Terminal, the National City Marine Terminal, and Pepper
23 Park. The tour is expected to last for about two hours.
24 And as noticed, in the public agenda, the public is
25 welcome to attend. However, there is limited space on the

1 chartered bus. And so I will remind each of the
2 commissioners or your staff to avoid discussing any
3 official business. There will be no official action taken
4 during the tour. And so we will then be convene --
5 reconvening our meeting at the chartered tour bus at 5
6 p.m., is that correct?

7 EXECUTIVE OFFICER LUCCHESI: At 5 p.m., yes,
8 that's correct.

9 CHAIRPERSON YEE: Okay. Ms. Lucchesi, any final
10 comments on this portion?

11 EXECUTIVE OFFICER LUCCHESI: Not at this time,
12 no.

13 CHAIRPERSON YEE: Okay. Very well. Thank you,
14 everyone, for joining us during today's meeting. We will
15 see those of you who will be joining the tour 5 p.m.

16 Thank you.

17 (Thereupon the California State Lands
18 Commission meeting adjourned at 4:34 p.m.)

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CERTIFICATE OF REPORTER

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of August, 2022.

JAMES F. PETERS, CSR
Certified Shorthand Reporter
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