

# Open Session Minutes

California State Lands Commission  
Hybrid Meeting of December 9, 2022  
Warren-Alquist State Energy Building  
Rosenfeld Hearing Room, First Floor  
1516 Ninth Street  
Sacramento, California 95814

## **COMMISSIONERS AND STAFF PRESENT:**

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### **COMMISSIONERS:**

Betty T. Yee, State Controller

Eleni Kounalakis, Lieutenant Governor (participated virtually) (Dr. Matt Dumlao, Chief of Staff and Alternate participated for Items 46, 66, 2<sup>nd</sup> General Public Comment, and Closed Session)

Gayle Miller, Chief Deputy Director and Alternate for Director of the Department of Finance  
Joe Stephenshaw (Ms. Miller joined the meeting at 11:38 a.m.)

### **STAFF MEMBERS:**

Jennifer Lucchesi, Executive Officer

Seth Blackmon, Chief Counsel

### **REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL:**

Andrew Vogel, Supervising Deputy Attorney General

**NOTE:** The final approved Minutes also include the Agenda and corresponding staff reports (incorporated into the draft Minutes by reference) approved as presented unless otherwise indicated in the Record of Action. A list of individuals making statements before the Commission and the entities they represent, along with the Executive Officer's Report, are included in a complete transcript of the proceedings, which is on file in the Sacramento offices of the Commission and posted on the Commission's website at [www.slc.ca.gov](http://www.slc.ca.gov). Also included on the website is the voting record of the meeting with the staff report for each agenda item linked to the respective consent, regular or informational item number. A link to a recorded Cal-span.org webcast of the meeting is also available on the Commission's website. All of these items may be found under Previous Meetings, by date of the meeting.

# **RECORD OF ACTION TAKEN BY THE CALIFORNIA STATE LANDS COMMISSION:**

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Chair Betty Yee called the meeting of the California State Lands Commission to order at 10:01 a.m. at the Warren-Alquist State Energy Building, Rosenfeld Hearing Room, First Floor, 1516 Ninth Street, Sacramento, California 95814 via in person and Zoom webcast; also present was Commissioner Eleni Kounalakis.

Confirmation of the Minutes of the October 25, 2022, meeting was approved as presented by a vote of 2-0 (Yee–Yes; Kounalakis–Yes; Miller–not present).

## **EXECUTIVE OFFICER’S REPORT:**

Executive Officer Jennifer Lucchesi updated the Commission on the following items:

- **Award – Association of the California State Employees with Disabilities**

The Commission received an award from the Association of the California State Employees with Disabilities. The Commission was awarded with the 2022 award for medium State employer, were recognized for improving employment opportunities for individuals with disabilities.

Executive Officer Lucchesi recognized the following employees for their work on this committee and for accepting the award on the Commission's behalf: Micaela Wiemer, Radhana Singh, Chris Scianni, Anna Peebler, Anne Kerri, Cynthia Herzog, Eric Gillies, Grace Kato, Lucinda Calvo, Mike Farinha, and Michaela Moser.

- **Crockett Update**

The Executive Officer provided an update on efforts to clean up the Crockett waterfront along the Carquinez Strait.

In the 1990s and 2000s, the Crockett waterfront fell into financial difficulties and the lessee, Dowrelia's Boat Harbor, stopped making lease payments. The marina also fell into disrepair. In 2011, the Commission found that the lessee was in trespass and unlawfully occupying State land, and authorized the staff and the Attorney General's office to take action against the former lessee to collect back rent and address the ongoing trespass.

The Commission agreed to consider a new lease application pursuant to a settlement agreement. In 2014, the Commission authorized a new lease to Crockett Marine Services. And Crockett Marine Services at the time agreed to

take the necessary steps to remove and restore the improvements within the lease area.

Crockett Marine Services initially took steps to clean up the lease premises. However, in 2016, the Commission received information that the condition of the facilities continued to be in disrepair. In 2018, the Commission authorized the termination of that lease, which then prompted staff to move on to seeking funding to clean up the waterfront.

Since 2019, staff has worked closely with the local community to conduct numerous cleanups at the site. In 2020, a fire destroyed the boat repair structure, which prompted staff to take immediate action to address the hazardous removal activities and ensure cleanup was done properly.

Staff conducted outreach on the potential reuse of the site and with various groups, including the Contra Costa Resource Conservation District. The Commission ended up supporting their application to the Natural Resources Agency Urban Greening Grant Program for the site.

Access across the railroad tracks continues to be an issue. During this process, staff concluded that the retention of the restaurant structure was not conducive to reuse at the site, so staff proceeded to remove the restaurant down to the concrete pad in December of last year. In June of this year, staff entered into a contract to remove the existing vessels, pilings, and the army pier at the site. To date, contractors have removed over 100 tons of material and waste from the site. Additional work includes the removal of the concrete pad at the former restaurant site.

The cleanup of the Crockett waterfront is a significant achievement and was a true team effort. Executive Officer Lucchesi recognized staff that have helped to lead this effort, including Nick Lavoie, who is no longer with the Commission. Staff Attorney Andrew Kershen has been indispensable over the past couple of years helping us not only here at Crockett, but with all our abandoned vessels and enforcement cleanup activities. But no one has been more important to this effort than Vicki Caldwell, who has been at the center of this Crockett waterfront cleanup from the beginning. And through building relationships with the local community, with regulatory agencies, she has been able to navigate contracts, organize public meetings, move through the entitlement process as efficiently as possible, and work with us to secure funding for cleanup of this site. She even spent her personal time participating in community cleanup days at this site.

- **Platform Holly and Piers 421 Decommissioning (South Ellwood)**

Earlier this week, the Commission's contractor started physically taking down the caissons around the Piers 421 wells in the shorezone at Goleta. This is an incredible milestone in just removing that entire infrastructure that blocks public access and really is symbolic of the Commission's transition from fossil fuel production offshore. We've started removing the actual caisson structures, which are the walls around the wells. Next, we will remove the piers. By February of next year, you should see no more remnants of that offshore infrastructure for oil production.

- **Retirements**

Mary Murray, the Equal Employment Opportunity Officer for the Commission, has been with the Commission for over 22 years, and has worked for the State for over 31 years.

Chris Beckwith, Division Chief of the Marine Environmental Protection Division, which is headquartered in Long Beach. He has also been working for the State for over 30 years in various positions both at the commission and at Fish and Wildlife's Office of Spill Prevention and Response Office.

## **CONSENT CALENDAR**

- Consent Item 33 was removed from consideration.
- Consent Items 46, 52, and 66 were moved to the Regular Calendar.
- Consent Items 01-32, 34-45, 47-51, and 53-65 were approved as presented by a vote of 2-0 (Yee-Yes; Kounalakis-Yes; Miller-not present).

## **INFORMATIONAL CALENDAR**

**Item 67:** was informational – no vote required.

## **REGULAR CALENDAR**

*(Items appear in order heard)*

**Item 68:** A staff presentation was made to the Commission to consider approval of the legislative report titled "2023 Biennial Report on the California Marine Invasive Species Program."

Item 68 – was approved as presented by a vote of 3-0 (Yee-Yes; Kounalakis-Yes; Miller-Yes)

**Item 69:** A staff presentation was made to the Commission to consider an application for a General Lease – Other, of sovereign land located in Lake Tahoe, adjacent to 4440 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier with boat lift; a boathouse with two boat lifts and residential quarters; two mooring buoys; and one swim float.

Item 69 – was approved as presented by a vote of 2-0 (Yee–Abstained; Kounalakis–Yes; Miller–Yes)

**Item 70:** A staff presentation was made to the Commission to consider an application for a General Lease – Protective Structure Use, compensation for unauthorized occupation, and authorization to take all action necessary, including litigation, to remove unauthorized improvements, of sovereign tide and submerged land located in the Pacific Ocean, adjacent to Assessor Parcel Number 005-600-018, near Carpinteria, Santa Barbara County; for existing rock revetment.

*Amended motion:*

The Commission authorizes staff's recommendation as detailed in the staff report before you with the modification to the paragraph in the lease addressing unauthorized occupation of State lands. And that is to be calculated between December 9, 2017 and May 15, 2020. In addition, changes to the paragraph dealing with bond and liability protection, that the bond amount of \$860,000 can be built up in equal installments over time over the term of the 10-years lease to either \$860,000 or to the amount that the consultant that's hired by the homeowner's association determines for removal cost.

Item 70 – was approved as amended by a vote of 2-0 (Yee–Yes; Kounalakis–Abstained; Miller–Yes)

**Item 71:** A staff presentation was made to the Commission to consider an application for a General Lease – Public Agency Use, of sovereign land located in the Pacific Ocean, adjacent to Doheny State Beach, Orange County; to construct, operate, and maintain up to five subsurface slant wells, and operate and maintain one acoustic doppler current profiler.

Item 71 – was approved as presented by a vote of 3-0 (Yee–Yes; Kounalakis–Yes; Miller–Yes)

**Item 52:** A staff presentation was made to the Commission to consider termination of Lease Number PRC 5253, a Public Agency Permit, and application for a General Lease – Public Agency Use, of sovereign land located in the Pacific Ocean, adjacent to Doheny State Beach, near Dana Point, Orange County; for an existing wastewater outfall pipeline and ballast rock.

Item 52 – was approved as presented was approved as presented by a vote of 3-0 (Yee–Yes; Kounalakis–Yes; Miller–Yes)

**Item 46:** A staff presentation was made to the Commission to consider an application for a General Lease – Public Agency Use, of sovereign land, identified as Assessor’s Parcel Numbers 043-160-36, 043-160-45, 043-160-47, and 043-160-53, located in and adjacent to the former bed of the San Gabriel River, Seal Beach, Orange County; for clean-up, habitat restoration, and public access in conjunction with the Los Cerritos Wetlands Stewardship Program and the Los Cerritos Wetlands Restoration Plan, and other ancillary maintenance activities.

Item 46 – was approved as presented was approved as presented by a vote of 3-0 (Yee–Yes; Dumlao–Yes; Miller–Yes)

**Item 66:** A staff presentation was made to the Commission to review a proposed tideland oil revenue expenditure in an amount not to exceed \$10,575,000 by the City of Long Beach for 18 capital improvement projects on and adjacent to legislatively granted sovereign land in the City of Long Beach, Los Angeles County.

Item 66 – was approved as presented was approved as presented by a vote of 3-0 (Yee–Yes; Dumlao–Yes; Miller–Yes)

(The State Lands Commission adjourned into closed session from 4:38 p.m. to 4:56 p.m., then resumed open session at 4:58 p.m.)

### **CLOSED SESSION**

Pursuant to Government Code section 11126, subdivision (c)(7), the Commission met in closed session with its real property negotiators regarding a lease amendment or other agreement for the extended use of the infrastructure on State lands related to the continued operation of the Diablo Canyon Power Plant in San Luis Obispo County.

The Commission meeting public session was adjourned at 4:58 p.m.

## **STAFF AND PUBLIC ADDRESSING THE FOLLOWING STAFF REPORTS:**

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*(ITEMS APPEAR IN ORDER HEARD)*

### **PUBLIC COMMENT**

- Eileen Boken, State and Federal Legislative Liaison, Coalition for San Francisco Neighborhoods
- Melodie Chrislock, Director, Public Water Now
- Conner Everett
- Marcia Hanscom
- Lydia Ponce
- Robert "Roy" van de Hoek

### **CONTROLLER YEE PRESENTATION**

- Donne Brownsey, Chair, California Coastal Commission
- Senator Anna Caballero (video message)
- Wade Crowfoot, Secretary, California Natural Resources Agency
- Assemblymember Laura Friedman (video message)
- Dan Jacobson
- Susan Jordan
- Senator Mike McGuire (video message)
- Senator Dave Min
- Job Nelson, Vice President, Port of San Diego
- Senator Henry Stern
- Danny Wan, Executive Director, Port of Oakland
- Jay Ziegler

### **ITEM 68**

Jonathan Thompson, Senior Environmental Scientist, Marine Environmental Protection Division, CSLC

- No speakers for this item.

### **ITEM 69**

Brian Bugsch, Chief, Land Management Division, CSLC

- Jan Brisco, representing the Messmers

## **ITEM 70**

Kelly Connor, Public Land Management Specialist, Land Management Division, CSLC

Maren Farnum, Senior Environmental Scientist, Executive Office, CSLC

Michael Wells, Sea Grant Fellow, CSLC

Colin Connor, Assistant Executive Officer, CSLC

Seth Blackmon, Chief Counsel, CSLC

- James Ballantine, Attorney
- Jane Defnet
- Bruce Defnet
- Lance Dore, President, The Dore Group
- Susan Jordan, Executive Director, California Coastal Protection Network
- Dr. Phil King
- Kiran Pande, Member, Casa Blanca Beach Estates Owner's Association
- Laura Walsh, California Policy Manager, Surfrider Foundation
- Dr. Cortney Warren-Fishkin
- Lisa Weinberg, Attorney, Gaines & Stacey

## **ITEM 71**

Drew Simpkin, Public Land Management Specialist, Land Management Yessica

Ramirez, Environmental Justice and Tribal Liaison, Executive Office, CSLC

- Amber Baylor, Director of Environmental Compliance, South Orange County Wastewater Authority
- Charles Busslinger, Director of Engineering/District Engineer Municipal Water District of Orange County
- Assemblymember Laurie Davies
- Penny Elia, Chair, Save Hobo Aliso Task Force, Sierra Club
- Charming Evelyn, Chair of the Water Committee, Sierra Club Angeles Chapter
- Glenn Farrel, Executive Director, CalDesal
- Scott Kibbey, Sector Superintendent-Orange Coast District, California State Parks
- Nancy Okada, Member, Sierra Club
- Armando Quintero, Director, California State Parks
- Karl Seckel, Director, Municipal Water District of Orange County
- Rick Shintaku, General Manager, South Coast Water District
- Stacy Taylor, Water Policy Manager, Mesa Water District
- Warren Teitz, Resource Development Team Manager, Metropolitan Water District of Southern California
- Robert "Roy" van de Hoek
- Keith Van Der Maaten, General Manager, Laguna Beach County Water District



- Lanaya Voelz Alexander, Assistant General Manager - Planning, Engineering, and Construction, Eastern Municipal Water District

### **ITEM 52**

Jennifer Lucchesi, Executive Officer, CSLC

- Amber Baylor, Director of Environmental Compliance, South Orange County Wastewater Authority
- Charming Evelyn, Chair Water Committee, Sierra Club Water Committee

### **ITEM 46**

Jennifer Lucchesi, Executive Officer, CSLC

- Marcia Hanscom
- Robert "Roy" van de Hoek

### **ITEM 66**

Jennifer Lucchesi, Executive Officer, CSLC

- No speakers for this item.