

MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

ZOOM PLATFORM

WARREN-ALQUIST STATE ENERGY BUILDING
ROSENFELD HEARING ROOM
1516 NINTH STREET
SACRAMENTO CALIFORNIA

TUESDAY, FEBRUARY 28, 2023
10:32 A.M.

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

APPEARANCES

COMMISSION MEMBERS:

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

Malia Cohen, State Controller, represented by Kristina
Kunkel

Joe Stephenshaw, Director, Department of Finance,
represented by Gayle Miller

STAFF:

Jennifer Lucchesi, Executive Officer

Colin Connor, Assistant Executive Officer

Seth Blackmon, Chief Counsel

Sheri Pemberton, Chief, External Affairs Division

Drew Simpkin, Public Land Management Specialist, Land
Management Division

ATTORNEY GENERAL:

Andrew Vogel, Supervising Deputy Attorney General

ALSO PRESENT:

Nestor Aliga

Eileen Boken, Coalition for San Francisco Neighborhoods

Dr. Margaret-Anne Coppernoll

Sean Scruggs, Fort Independence Indian Community of Paiute
Indians

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I Open Session	1
II Public Comment	5
<p>Public comments will be heard at 10:00 a.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>	
III Confirmation of Minutes for the December 9, 2022 meeting	8
IV Executive Officer's Report	9
<p>Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:</p> <p style="margin-left: 40px;">- No items for this section.</p> <p>Tomales Bay Assignment Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:</p> <p style="margin-left: 40px;">- No items for this section.</p>	
V Consent Calendar 01-83	15
<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> <p>01 2540 W LAKE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2540 West Lake</p>	

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- Boulevard, near Tahoe City, Placer County; for an existing pier, boathouse, two boat lifts, a portion of a storage building, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 3683; A3848; RA# 2022114) (A 1; S 1) (Staff: J. Plovnick)
- 02 28 MOANA CIRCLE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE): Consider amendment to Lease Number 5301, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 28 Moana Circle, near Tahoma, Placer County; for removal of an existing pier, catwalk, and one existing mooring buoy; construction of a pier, catwalk, and boat lift; and use and maintenance of one existing mooring buoy. CEQA Consideration: categorical exemptions. (Lease 5301; A3574; RA# 2021289) (A 1; S 1) (Staff: S. Avila)
- 03 3099 JAMESON BEACH ROAD, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3099 Jameson Beach Road, near South Lake Tahoe, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 4147; A3829; RA# 2022108) (A 5; S 1) (Staff: D. Romero)
- 04 350 TROUT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5000 West Lake Boulevard, near Homewood, Placer County; for two mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (A2673; RA# 2019343) (A 1; S 1) (Staff: L. Ward)
- 05 5490 WEST LAKE ASSOCIATES, A CALIFORNIA GENERAL PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5490 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exception. (Lease 8512; A3818; RA# 2022097) (A 1; S 1) (Staff: D. Romero)
- 06 JON W. BALL AND PAULA K. BALL, TRUSTEES OF THE JON W. BALL AND PAULA K. BALL FAMILY TRUST (APPLICANT): Consider application for a General Lease -

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- Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4850 North Lake Boulevard, Carnelian Bay, Placer County; for an existing pier, boat lift, marine rail, and one mooring buoy. CEQA Consideration: categorical exemption. (Lease 4994; A3674; RA# 2022125) (A 1; S 1) (Staff: M. Waldo)
- 07 DOUGLAS L. BOEHNER AND RITA J. BOEHNER, AS CO-TRUSTEES OF THE REVOCABLE TRUST AGREEMENT DATED MAY 1, 1990; HALLBERG DL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; AND ELEVATION5936, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land in Donner Lake, adjacent to 15633, 15651, 15653, and 15655 Donner Pass Road, Truckee, Nevada County; for an existing boat dock previously authorized by the Commission and three existing boat lifts not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 7622; A3568; RA# 2021310) (A 1; S 1) (Staff: S. Avila)
- 08 BOW BAY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE): Consider amendment of Lease Number 9443, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 281 Paradise Flat Lane, near Rubicon Bay, El Dorado County; to remove one existing mooring buoy and install a boat lift. CEQA Consideration: categorical exemptions. (Lease 9443; A3534; RA# 2021362) (A 5; S 1) (Staff: L. Ward)
- 09 BROCKWAY SHORES (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 144 Chipmunk Street, near Brockway, Placer County; for an existing pier, 20 mooring buoys, and two marker buoys. CEQA Consideration: categorical exemption. (Lease 4195; A3804; RA# 2022094) (A 1; S 1) (Staff: D. Romero)
- 10 ALAN BRYAN AND MARTHA BRYAN, TRUSTEES OF THE BRYAN FAMILY TRUST DATED OCTOBER 27, 1994 (LESSEE/ASSIGNOR); JOHN L. O'FARRELL AND GLORIA PRINCIPE, CO-TRUSTEES OF THE O'FARRELL-PRINCIPE LIVING TRUST, DATED APRIL 30, 1999 (APPLICANT/ASSIGNEE): Consider assignment and amendment of Lease 9553, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7422 North Lake Boulevard, near

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- Tahoe Vista, Placer County; for one existing mooring buoy. CEQA Consideration: not a project. (PRC 9553; A3865; RA# 2022128) (A 1; S 1) (Staff: D. Romero)
- 11 ROBERT BUCCOLA (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2169 Cascade Road, near South Lake Tahoe, El Dorado County; for an existing pier and boat lift, and installation of one proposed mooring buoy. CEQA Consideration: categorical exemptions. (Lease 8420; A3442 RA# 2021181) (A 5; S 1) (Staff: D. Romero)
- 12 CARSWELL PARTNERS, L.P., A CALIFORNIA LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4840 West Lake Boulevard, near Homewood, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 1985; A3618; RA#2021317) (A 1; S 1) (Staff: L. Ward)
- 13 VICTOR CRITCHFIELD, AS TRUSTEE OF THE VICTOR CRITCHFIELD TRUST, DATED JULY 1, 1996; WILLIAM M. CRITCHFIELD AND ANNE C. CRITCHFIELD, AS TRUSTEES OF THE 2009 CRITCHFIELD FAMILY TRUST, U/D/T OCTOBER 5, 2009; VICTOR MASON CRITCHFIELD AND PAMELA ANN CRITCHFIELD, AS TRUSTEES OF THE 2014 CRITCHFIELD FAMILY TRUST, U/D/T MARCH 3, 2014; JOY KALAR; AND DUANE CHRISTIAN KALAR (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8641 North Lane, near Tahoma, El Dorado County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8974; A3660; RA# 2021371) (A 5; S 1) (Staff: M. Waldo)
- 14 REYNOLD J. DILENA (LESSEE); TARA KASSITY AND DANIEL KASSITY (APPLICANT): Consider assignment of Lease 8431, a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 6259 North Lake Boulevard, Tahoe Vista, Placer County; for two existing mooring buoys and two freshwater intake pipelines. CEQA Consideration: not a project. (Lease 8431; A3697; RA# 2022002) (A 1; S 1) (Staff: J. Plovnick)

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- 15 DILL CORPORATION, A CALIFORNIA CORPORATION
(APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 652 Olympic Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 5580; A3367; RA#2021333) (A 1; S 1) (Staff: L. Anderson)
- 16 DOLLAR POINT ASSOCIATION, INCORPORATED (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3000 Edgewater Drive, near Dollar Point, Placer County; for an existing pier, 63 mooring buoys, 2 marker buoys, and swim line. CEQA Consideration: categorical exemption. (Lease 3391; A3534; RA# 2020086) (A 1; S 1) (Staff: L. Ward)
- 17 SCOTT G. DOUGLASS; GORDON DOUGLASS AND SUSAN DOUGLASS TRUSTEES OF THE GORDON AND SUSAN DOUGLASS FAMILY 1983 REVOCABLE TRUST DATED AUGUST 2, 1983; AND LISA S. DOUGLASS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8425 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 5622; A3768; RA# 2022063) (A 5; S 1) (Staff: M. Waldo)
- 18 FRE 655 LLC (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6720 Powderhorn Lane, near Tahoma, Placer County; for an existing pier and two mooring buoys previously authorized by the Commission; and an existing water intake pipeline not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 3675; A2491; RA# 2019242) (A 1; S1) (Staff: L. Ward)
- 19 WALTER W. FRESE AND WENDY T. FRESE, TRUSTEES OF THE FRESE FAMILY TRUST OF 1996 U.D.T DATED JULY 16, 1996 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 130 Sierra Terrace Road, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8444; A3532; RA#2021252) (A 1; S 1) (Staff: L. Anderson)

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- 20 NYDIA GLETNE AND GLENDA L. GAITHER, TRUSTEES OF THE SURVIVOR'S TRUST OF THE GLETNE FAMILY LIVING TRUST DATED NOVEMBER 24, 2014 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4020 North Lake Boulevard, Carnelian Bay, Placer County; for an existing pier, a portion of a boathouse with sundeck, railing and stairs, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 4121; A3361; RA# 2021141) (A 1; S 1) (Staff: L. Ward)
- 21 STEPHEN J. GORDON, TRUSTEE OF THE STEPHEN J. GORDON REVOCABLE TRUST; AND JAMES A. ROBERTSON AND CATHY ROBERTSON, AS TRUSTEES OF THE JAMES AND CATHY ROBERTSON TRUST DATED SEPTEMBER 5, 1996 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8770 and 8774 Brockway Vista Avenue, near Kings Beach, Placer County; for the expansion of an existing joint-use pier; relocation of an existing boat lift; installation of one boat lift; removal of one existing mooring buoy; and use and maintenance of three existing mooring buoys. CEQA Consideration: categorical exemptions. (Lease 8356; A3453; RA# 2021189) (A 1; S 1) (Staff: S. Avila)
- 22 ARNOLD G. HUNN AND SANDRA A. HUNN, AS TRUSTEES OF THE HUNN FAMILY REVOCABLE TRUST, ESTABLISHED SEPTEMBER 2, 2005 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 10595 Bryne Avenue, near Los Molinos, Tehama County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 4782; A3822; RA# 2022100) (A 3; S 4) (Staff: M. Waldo)
- 23 BRIAN JOHNSON TRUST; GARY STEVEN PLEAU AND VIVIAN M. M. PLEAU, TRUSTEES UNDER THE PLEAU LIVING TRUST DATED AUGUST 26, 1996, FBO GARY STEVEN PLEAU AND VIVIAN M. M. PLEAU; GEOFFREY PLEAU, TRUSTEE OF THE GEOFFREY PLEAU 2011 IRREVOCABLE TRUST DATED JUNE 29, 2011; AND STACEY ANN CARTER, TRUSTEE OF THE STACEY ANN CARTER 2011 IRREVOCABLE TRUST, DATED JUNE 29, 2011 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5460 and 5480 West Lake Boulevard,

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- near Homewood, Placer County; for an existing joint-use pier, boat lift, and four mooring buoys. CEQA Consideration: categorical exemption. (Lease 3546; A3479; RA# 2021219) (A 1; S 1) (Staff: D. Romero)
- 24 WENDY E. JORDAN, TRUSTEE OF THE WENDY E. JORDAN TRUST, DATED APRIL 22, 1974 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8469 and 8457 Meeks Bay Avenue, near Tahoma, El Dorado County; for four existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8317; A3652; RA# 2021352) (A 5; S 1) (Staff: L. Ward)
- 25 MARILYN JANE KENNEDY, AS TRUSTEE OF THE MJK TRUST, DATED FEBRUARY 17, 2006; AND KYLE P. KENNEDY (LESSEE): Consider amendment of Lease Number 3661, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5058 West Lake Boulevard, near Homewood, Placer County; for the addition of one proposed mooring buoy. CEQA Consideration: categorical exemption. (Lease 3661; A3791; RA# 2022071) (A 1; S 1) (Staff: J. Plovnick)
- 26 JOHN B. LOVEWELL AND CYNTHIA B. LOVEWELL, CO-TRUSTEES OF THE LOVEWELL 2006 IRREVOCABLE TRUST FBO JAMES BARRY LOVEWELL DATED JUNE 21, 2006, AND THE LOVEWELL 2006 IRREVOCABLE TRUST FBO JENNIFER HILARY LOVEWELL DATED JUNE 21, 2006 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1406 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boat lift, and one mooring buoy. CEQA Consideration: categorical exemption. (Lease 4141; A3599; RA 2021305) (A 1; S 1) (Staff: L. Ward)
- 27 LPNGLW, LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5000 West Lake Boulevard, near Homewood, Placer County; for one existing mooring buoy previously authorized by the Commission, and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemptions. (Lease 8359; A2740; RA# 2020032) (A 1; S 1) (Staff: M. Waldo)

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- 28 NORTH TAHOE PUBLIC UTILITY DISTRICT (APPLICANT): Consider application for a General Lease -Dredging, of sovereign land located in Lake Tahoe, adjacent to 7046 North Lake Boulevard, Tahoe Vista, Placer County; for maintenance dredging of up to a maximum of 780 cubic yards. CEQA Consideration: categorical exemption. (Lease 7368; A3539; RA# 2021268) (A 1; S 1) (Staff: S. Avila)
- 29 PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION, DBA AT&T CALIFORNIA (LESSEE/APPLICANT): Consider amendment of Lease Number PRC 1579, a Lease Agreement for use of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 016-131-005, 017-021-001, 018-090-069, and 019-020-005, between Rubicon Bay and Baldwin Beach, El Dorado County; for removal of existing telephone and telegraph facilities. CEQA Consideration: categorical exemption. (PRC 1579; A3681; RA# 2022004) (A 5; S 1) (Staff: J. Holt)
- 30 PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION, DBA AT&T CALIFORNIA (LESSEE/APPLICANT): Consider amendment of Lease Number PRC 4417, for use of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 018-041-004 and 018-060-005, crossing Emerald Bay between Emerald Point and Eagle Point, El Dorado County; for removal of existing telephone and telegraph facilities. CEQA Consideration: categorical exemption. (PRC 4417; A3700; RA# 2022005) (A 5; S 1) (Staff: J. Holt)
- 31 ALAN P. PHILLIPS AND GENIA S. PHILLIPS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6400 North Lake Boulevard, near Tahoe Vista, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 3223; A3483; RA#2021220) (A 1; S 1) (Staff: L. Anderson)
- 32 RICHARD LEWIS PHIPPS, JR., CHARLES THOMAS PHIPPS, AND CHRISTOPHER JOHN PHIPPS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3295 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys. CEQA Consideration:

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- categorical exemption. (Lease 8698; A3867; RA# 2022134) (A 1; S 1) (Staff: D. Romero)
- 33 RCD TAHOE LP, A CALIFORNIA LIMITED PARTNERSHIP; DAVID J. TEECE; AND LEIGH G. TEECE (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9125 Emerald Bay Road and 256 Four Ring Road, near Rubicon Bay, El Dorado County; for an existing joint-use pier, boathouse with boat lift, and four mooring buoys. CEQA Consideration: categorical exemption. (Lease 2223; A3622; RA# 2021334) (A 5; S 1) (Staff: D. Romero)
- 34 RECLAMATION DISTRICT NO. 108 (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, near Redding and Anderson, Shasta County; for restoration and rehabilitation of the bed of the Sacramento River channel and floodplain to improve wildlife and aquatic habitats at five sites previously authorized by the Commission (Salt Creek, Market Street, Redding Riffle, Keswick, and Turtle Bay Island); and three sites not previously authorized by the Commission (Rockwads Phase One, Middle Creek, and Stillwater). CEQA Consideration: categorical exemption. (A3875; RA# 2022148) (A 1; S 1) (Staff: J. Holt)
- 35 RUBICON PARK ESTATES IMPROVEMENT ASSOCIATION, A CALIFORNIA NON-PROFIT CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8820 Victoria Circle, near Rubicon Bay, El Dorado County; for an existing pier, swim platform, and 50 mooring buoys. CEQA Consideration: categorical exemption. (Lease 1711; A3792; RA# 2022095) (A 5; S 1) (Staff: M. Waldo)
- 36 LARRY B. SEVISON AND PATSY M. SEVISON, AS TRUSTEES OF THE LARRY B. AND PATSY M. SEVISON TRUST DATED AUGUST 2, 1990 AND RESTATED ON SEPTEMBER 22, 2015; AND LEE SEVISON, AS TRUSTEE OF THE SEVISON IRREVOCABLE TRUST DATED DECEMBER 10, 2009 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5950 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and two mooring buoys.

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- CEQA Consideration: categorical exemption. (Lease 5320; A5320; A3687; RA# 2022122) (A 1; S 1) (Staff: D. Romero)
- 37 JEFFREY TODD STONE, AS TRUSTEE OF THE RAY STONE TAHOE RESIDENTIAL TRUST, DATED APRIL 18, 1999; JEFFREY TODD STONE, AS TRUSTEE OF THE MARY LOU STONE TAHOE RESIDENTIAL TRUST, DATED APRIL 18, 1999 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4880 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8357; A3863; RA# 2022126) (A 1; S 1) (Staff: D. Romero)
- 38 WILLIAM STANTON SUTTON AND MARILYN LEIGH SUTTON, TRUSTEES OF THE SUTTON FAMILY TRUST, DATED DECEMBER 5, 1980 (LESSEE); PAOLO M. SILVA AND PATRICIA P. GONZALEZ (APPLICANT): Consider termination of Lease Number PRC 5510, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4523 West Lake Boulevard, near Homewood, Placer County; for two mooring buoys. CEQA Consideration: categorical exemption. (Lease 5510; A3312; RA#2021099) (A 1; S 1) (Staff: L. Anderson)
- 39 TAHOE BELLEVIEW LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; AND JOHN WILLIAM STANNARD, SR. AND CATHY J. STANNARD, TRUSTEES OF THE CATHY AND JOHN STANNARD 2005 TRUST, AS AMENDED AND RESTATED OCTOBER 13, 2010 (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 3915 and 3795 Belleview Avenue, near Homewood, Placer County; for expansion of an existing joint-use pier; installation of two boat lifts and two adjustable catwalks; and use and maintenance of two existing mooring buoys. CEQA Consideration: categorical exemptions. (Lease 3905; A3789; RA# 2022070) (A 1; S 1) (Staff: J. Plovnick)
- 40 TAHOE GRAVITY RESEARCH INSTITUTE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3374

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- Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8269; A3458; RA# 2022010) (A 1; S 1) (Staff: M. Waldo)
- 41 JAMES ROBERT UHL, DBA STAN'S YOLO MARINA (LESSEE): Consider revision of rent to Lease Number PRC 4405, a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 31070 South River Road, Clarksburg, Yolo County; for a commercial marina. CEQA Consideration: not a project. (PRC 4405) (A 4; S 3) (Staff: V. Caldwell)
- 42 U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, between Redding and Corning, in Shasta and Tehama Counties; for restoration and rehabilitation of 17 sites in the bed of the Sacramento River channel and floodplain to improve wildlife and aquatic habitats. CEQA Consideration: categorical exemption. (Lease 5482, A2723; RA# 2021236) (A 1; S 1) (Staff: J. Holt)
- 43 JOHN W. WARD JR., EDWARD B. WARD III, AND PAMELA C.W. COOPER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3300 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 5356; A3779; RA# 2022062) (A 1; S 1) (Staff: M. Waldo)
- 44 RICHARD G. WHITEHURST AND LORRAINE D. WHITEHURST, TRUSTEES OF THE WHITEHURST FAMILY TRUST UNDER TRUST AGREEMENT DATED JULY 11, 1995. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4142 Ferguson Avenue, near Carnelian Bay, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8470; A3777; RA# 2022057) (A 1; S 1) (Staff: M. Waldo)

Bay/Delta Region

- 45 AUBURN HAMER LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a

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- General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 1210 2nd Avenue, Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 7645; A3814; RA# 2022093) (A 11; S 3) (Staff: M. Waldo)
- 46 PARKE M. BEROLZHEIMER, TRUSTEE OF THE PARKE M. BEROLZHEIMER DECLARATION OF TRUST DATED DECEMBER 10, 2008 (LESSEE); KEITH NELSON AND SHELLY NELSON, TRUSTEES OF THE NELSON 2022 FAMILY TRUST DATED AUGUST 10, 2022 (APPLICANT): Consider acceptance of a lease quitclaim deed and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the historic bed of the San Joaquin River at Atherton Cove, adjacent to 3614 Country Club Boulevard, near Stockton, San Joaquin County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 8905; A3866; RA# 2022130) (A 13; S 5) (Staff: S. Avila)
- 47 CENTRAL VALLEY FLOOD PROTECTION BOARD (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land in the Sacramento River, adjacent to various sites in Sacramento, Sacramento County; for construction, use, and maintenance of levee improvements. CEQA Consideration: Environmental Impact Report (EIR) and Supplemental EIR, certified by the Central Valley Flood Protection Board, State Clearinghouse No. 2005072046 and adoption of a Mitigation Monitoring Program, Statement of Findings, and Statement of Overriding Considerations. (A3626; RA# 2021327) (A 9; S 6) (Staff: S. Avila)
- 48 CITY OF SUISUN CITY (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Suisun Slough, adjacent to 800 Kellogg Street, Suisun City, Solano County; for an existing commercial marina, known as the Suisun City Marina. CEQA Consideration: categorical exemption. (Lease 7625; A3491; RA# 2021247) (A 11; S 3) (Staff: M. Schroeder)
- 49 CPN PIPELINE COMPANY (LESSEE): Consider revision of rent and surety bond to Lease Number PRC 3768, a General Lease - Right-of-Way Use, of sovereign land

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- located in the San Joaquin River, between Jersey Island and Sherman Island, near Antioch, Sacramento, and Contra Costa Counties; for a natural gas pipeline. CEQA Consideration: not a project. (PRC 3768) (A 14; S 3) (Staff: V. Caldwell)
- 50 DELTA FERRY AUTHORITY (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located at the confluence of Piper Slough and False River, adjacent to Jersey Island, Assessor's Parcel Number 027-010-002; the confluence of Fisherman's Cut and False River, adjacent to Bradford Island, Assessor's Parcel Number 026-050-030; and the confluence of Fisherman's Cut and False River, adjacent to Webb Tract, Assessor's Parcel Number 026-060-018, near Oakley, Contra Costa County; for three existing ferryboat landings and appurtenances. CEQA Consideration: categorical exemption. (Lease 4865; A3711; RA# 2022041) (A 2; S 2) (Staff: G. Asimakopoulos)
- 51 EAST BAY MUNICIPAL UTILITY DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Mokelumne River, adjacent to North Elliott Road in Lockeford and Mackville Road in Clemente, San Joaquin County; for two existing gauging stations. CEQA Consideration: categorical exemptions. (Lease 7674; RA# 2022001) (A 9; S 5) (Staff: S. Avila)
- 52 EAST BAY REGIONAL PARK DISTRICT (LESSEE/APPLICANT): Consider termination of Lease Number PRC 5586, a General Permit - Public Agency Use; and application for a General Lease - Public Agency and Protective Structure Use, of sovereign land located in San Leandro Bay, adjacent to Assessor's Parcel Numbers (APNs) 42-4404-1 and 42-4410-1-13, Oakland, Alameda County; for the use and maintenance of the Martin Luther King Jr. Regional Shoreline Park previously authorized by the Commission and portions of the San Francisco Bay Trail, a fishing pier, and shoreline protection not previously authorized by the Commission; construction, use, and maintenance of a trail section with two bike pullouts, the overlay and widening of existing trail sections, a guardrail, and placement of additional shoreline protection; and removal of a boat ramp as part of the MLK Regional

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- Shoreline Bay Trail Gap (Doolittle Drive South) Improvements Project. CEQA Consideration: Mitigated Negative Declaration, adopted by the East Bay Regional Park District, State Clearinghouse No. 2020049031, and adoption of a Mitigation Monitoring Program. (Lease 5586; A2926; RA#2020346) (A 18; S 9) (Staff: J. Toy)
- 53 WARREN E. GOMES JR. AND NOELLE M. GOMES (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 17781 Grand Island Road, Walnut Grove, Sacramento County; for construction of a boat dock with slip and appurtenant facilities; and use and maintenance of existing pilings. CEQA Consideration: categorical exemption. (Lease 7473; A3691; RA#2022068) (A 11; S 3) (Staff: L. Anderson)
- 54 JEAN M. GOMEZ (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Three Mile Slough at Sherman Island, adjacent to 17210 Sherman Island East Levee Road, near Rio Vista, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8468; A3894; RA# 2022157) (A 11; S 3) (Staff: D. Romero)
- 55 CHARLES S. JENSEN, III AND CORRINE L. LILL (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 14000 State Highway 160, near Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 8222; A3558; RA# 2022052) (A 11; S 3) (Staff: J. Plovnick)
- 56 KYU SUNG KIM AND BETH ANN GREEN KIM, TRUSTEES OF THE 2018 KIM IRREVOCABLE TRUST DATED JUNE 7, 2018 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4007 Garden Highway, near Sacramento, Sacramento County; for existing bank protection and the construction, use and maintenance of a covered boat dock and appurtenant facilities. CEQA Consideration: categorical exemptions. (A3806; RA# 2022077) (A 11; S 3) (Staff: J. Plovnick)

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- 57 PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land within Assessor's Parcel Number 358-010-007-5, near Rodeo, Contra Costa County; for the proposed relocation, use, and maintenance of two existing overhead electric transmission lines outside an existing right-of-way easement; use and maintenance of an existing access road not previously authorized by the Commission; and the use of three temporary construction easements, as part of the Oleum North Tower Christie 115kV Reconductor Project. CEQA Consideration: categorical exemptions. (A3394; RA# 2021148) (A 14; S 9) (Staff: J. Toy)
- 58 BRADFORD D. PAPPALARDO AND KATHERIN L. PAPPALARDO, DBA STEAMBOAT RESORT CLUB (LESSEE): Consider revision of rent and bond to Lease Number PRC 3885, a General Lease - Commercial Use, of sovereign land located in Steamboat Slough, adjacent to 12530 Grand Island Road, near Walnut Grove, Sacramento County; for an accommodation dock, debris diverter, and appurtenant facilities. CEQA Consideration: not a project. (PRC 3885) (A 11; S 3) (Staff: V. Caldwell)
- 59 PEACH TREE TERRACE, A CALIFORNIA GENERAL PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 3357 Petaluma Boulevard South, near Petaluma, Sonoma County; for an existing pier and appurtenant facilities; walkway and appurtenant facilities; and 15 unattached pilings; and removal of derelict foundation with support piles not previously authorized by the Commission. CEQA Consideration: categorical exemptions. (A2972; RA# 2020368) (A 10; S 3) (Staff: M. Schroeder)?
- 60 PHILLIPS 66 COMPANY (LESSEE): Consider revision of rent and surety bond to Lease Number PRC 600, a General Lease - Industrial Use, of sovereign land located in San Pablo Bay, near Rodeo, Contra Costa County; for an existing marine oil terminal and dredging. CEQA Consideration: not a project. (PRC 600) (A 14; S 9) (Staff: M. Schroeder)
- 61 NICHOLE J. PIMENTEL AND ANDRE L. PIMENTEL (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of

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- sovereign land located in the Sacramento River, adjacent to 7173 Garden Highway, Sacramento, Sacramento County; for construction, use and maintenance of a covered boat dock and appurtenant facilities; and use and maintenance of existing bank protection. CEQA Consideration: categorical exemptions. (A3785; RA#2022068) (A 7; S 6) (Staff: L. Anderson)
- 62 SAN PAN BAY HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 517-533 Larkspur Plaza Drive, Larkspur, Marin County; for an existing boat dock, walkway, and anchor lines. CEQA Consideration: categorical exemption. (Lease 4867; A3509; RA# 2021227) (A 10; S 2) (Staff: D. Romero)
- 63 SANTA CRUZ PORT DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use and Dredging, of sovereign land in the Santa Cruz Harbor in Monterey Bay, near Santa Cruz, Santa Cruz County; for two existing jetties, a channel entrance, and a buried dredge disposal pipeline; and for maintenance dredging. CEQA Consideration: categorical exemptions. (Lease 2836; RA# 2022006) (A 29; S 17) (Staff: J. Toy)
- 64 VALERO REFINING COMPANY CALIFORNIA (APPLICANT): Consider application for a General Lease - Dredging, of sovereign land in the Carquinez Strait at Valero Benicia Marine Oil Terminal, Benicia, Solano County; for maintenance dredging. CEQA Consideration: categorical exemption. (Lease 4941; RA# 2021314) (A 14; S 3) (Staff: M. Schroeder)
- 65 WEST BAY SANITARY DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Westpoint Slough, adjacent to Assessor's Parcel Numbers 055-400-010; -170; -490, near Menlo Park, San Mateo County; for the construction, use, and maintenance of an ecotone levee as part of the Flow Equalization and Resource Recovery Facility (FERRF) Levee Improvement and Bayfront Recycled Water Facility Project. CEQA Consideration: Environmental Impact Report, adopted by the West Bay Sanitary District, State Clearinghouse No. 2020050414,

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and adoption of a Mitigation Monitoring Program and Statement of Findings. (A3559; RA# 2021374) (A 24; S13) (Staff: J. Toy)

Central/Southern Region

- 66 CALIFORNIA-AMERICAN WATER COMPANY (LESSEE): Consider amendment to Lease Number PRC 9177, a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, Monterey Bay, near Marina, Monterey County; to modify the Lease Special Provisions and extend the lease term. CEQA Consideration: categorical exemption. (PRC 9177; A3857 RA# 2022121) (A 29; S 17) (Staff: D. Simpkin) 40
- 67 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of the 2022 Category 1 Colorado River Benchmark rental rate; for sovereign land in San Bernardino, Riverside, and Imperial Counties. CEQA Consideration: not a project. (W27261) (A 33, 56; S 16, 28, 40) (Staff: C. Wong)
- 68 CAMPUS BY THE SEA, INC. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean at Gallagher Beach, Santa Catalina Island, Los Angeles County; for an existing fixed pier, access ramp, floating boat dock, swim area, and seven moorings. CEQA Consideration: categorical exemption. (Lease 6456; RA# 2021298) (A 70; S 26) (Staff: K. Connor)
- 69 CCC PCS OWNER, LLC (APPLICANT); ATHENE ANNUITY AND LIFE COMPANY (SECURED-PARTY LENDER): Consider authorization of an agreement and consent to encumbrance of Lease Number PRC 4698, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean adjacent to 2555 and 2575 Price Street, Pismo Beach, San Luis Obispo County; for existing rock riprap shoreline protective structures, portions of a retaining wall, and sand fill. CEQA Consideration: not a project. (PRC 4698; A3976; RA# 2022227) (A 35; S 17) (Staff: K. Connor)

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- 70 CITY OF ENCINITAS AND CITY OF SOLANA BEACH (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, near Encinitas and Solana Beach, San Diego County; for dredging in the Pacific Ocean from borrow sites designated SO-5 and SO-6, and deposition of dredged materials along the shoreline, in various locations near Encinitas and Solana Beach. CEQA Consideration: Environmental Impact Report/ Environmental Impact Statement, certified by the City of Solana Beach, State Clearinghouse No. 2012041051, and adoption of a Mitigation Monitoring Program and Findings. (A3755; RA# 2022046) (A 76, 78; S 36, 39) (Staff: K. Connor)
- 71 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; for regulatory maintenance activities and emergency repairs within existing dust control areas. CEQA Consideration: categorical exemption and statutory exemption. (PRC 8079; RA# 2022061) (A 26; S 8) (Staff: D. Simpkin) 51
- 72 FISH REEF PROJECT, 501(C)3 (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in Goleta Bay, near Goleta, Santa Barbara County; for the placement, monitoring, and maintenance of 16 concrete sea caves as part of the Santa Barbara Kelp Restoration Reef - Goleta Study Site Project. CEQA Consideration: categorical exemptions. (A3879; RA# 2022143) (A 37; S 19) (Staff: J. Toy)
- 73 GUIDED DISCOVERIES, INC. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean at Toyon Bay, Santa Catalina Island, adjacent to 1 Toyon Bay Road, Avalon, Los Angeles County; for an existing pier, gangway, floating dock, seasonal swim area, seasonal SCUBA area, nine mooring buoys, and two safety cans. CEQA Consideration: categorical exemption.

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- (Lease 6457; A3658; RA# 2022135) (A 70; S 26)
(Staff: J. Plovnick)
- 74 GUIDED DISCOVERIES, INC. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean at Button Shell Beach, adjacent to Fox Landing, Santa Catalina Island, Los Angeles County; for an existing pier, ramp, floating dock, seasonal swim area, and four mooring buoys. CEQA Consideration: categorical exemption. (Lease 6440; A3657; RA# 2022132) (A 70; S 26) (Staff: J. Plovnick)
- 75 LARRY L. LARGE (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River adjacent to 1126 Beach Drive, Needles, San Bernardino County; for existing concrete stairs, two planter areas, rock walls, stacked block retaining wall, concrete patio with railing, appurtenances, and riprap bankline protection. CEQA Consideration: categorical exemption. (Lease 9059; A3598; RA# 2022053) (A 33; S 16) (Staff: G. Asimakopoulos)
- 76 SAN JOAQUIN RIVER PARKWAY AND CONSERVATION TRUST, INC. (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the San Joaquin River, from Friant Dam to the confluence of the Merced River, including Mendota Pool, and the East Side and Mariposa bypasses, Fresno, Madera, Merced, and Stanislaus Counties; for the removal of invasive weeds and restoration of natural riparian habitat. CEQA Consideration: categorical exemption. (Lease 8162; RA# 2022099) (A 5, 21, 23, 31; S 8, 12) (Staff: K. Connor)
- 77 CAROLE RUTH STINSON, SUCCESSOR TRUSTEE OF THE WILLIAM H. WILSON AND SARAH L. WILSON (WHO ACQUIRED TITLE AS SARAH H. WILSON) FAMILY TRUST A DATED 6-8-93 (LESSEE/ASSIGNOR); CUSTOM NEST, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Recreational Use, of sovereign land in the Main Channel of Huntington Harbour, adjacent to 16961 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and enclosed cantilevered deck. CEQA Consideration: not a project. (Lease 3571; A3800; RA# 2022085) (A 72; S 34) (Staff L. Ward)

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- 78 TRINIDAD ISLAND HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3472 through 3282 Venture Drive, Huntington Beach, Orange County; for 60 existing boat slips, nine access ramps, and periodic maintenance dredging. CEQA Consideration: categorical exemptions. (Lease 5258; A3669; RA# 2021370) (A 72; S 34) (Staff: J. Plovnick)

School Lands

- See Regular Calendar.

Mineral Resources Management

- 79 DAVID EVANS AND ASSOCIATES, INCORPORATED (APPLICANT): Consider application for a General Offshore Geophysical Survey Permit to conduct geophysical surveys on granted and ungranted tidelands and submerged lands statewide, from the mean high tide line to 3 miles offshore. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, State Clearinghouse No. 2013072021. (A3853; Lease 8345; RA# 2022147) (A & S: Statewide) (Staff: C. Fox)
- 80 OCEAN INFINITY GROUP LIMITED (APPLICANT): Consider application for a General Offshore Geophysical Survey Permit to conduct geophysical surveys on granted and ungranted tidelands and submerged lands statewide, from the mean high tide line to 3 miles offshore. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, State Clearinghouse No. 2013072021. (A3683; RA# 2022115) (A & S: Statewide) (Staff: C. Fox)
- 81 WESTERN MESQUITE MINES, INC. (LESSEE): Consider issuance of a Mineral Extraction Lease (minerals, other than oil, gas, or geothermal resources), containing approximately 657.87 acres of State fee-owned school lands located in Lots 1-10, inclusive, of Section 5, and Lots 1-10, inclusive, of Section 6, all in Township 13 South, Range 19 East, San Bernardino Base & Meridian, Imperial County and situated about 6 miles northeast of the unincorporated community of Glamis. Mining within the Leased premises is restricted to the boundary of Conditional Use

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Permit No. 15-0018, issued to the Lessee by Imperial County. CEQA Consideration: categorical exemption. (A3463; Lease 8039; RA# 2021335) (A 56; S 40) (Staff: R. Lee)

Marine Environmental Protection

- No items for this section.

Administration

- No items for this section.

Legal

- No items for this section.

Kapiloff Land Bank Trust Acquisition/Expenditure

- No items for this section.

External Affairs

Granted Lands

- 82 THE CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH THE SAN FRANCISCO PORT COMMISSION; THE CITY AND COUNTY OF SAN FRANCISCO, A CHARTER CITY AND MUNICIPAL CORPORATION; CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider determinations pursuant to Chapter 211, Statutes of 2022 (AB 2607) regarding the proposed conveyance of three parcels located at and adjacent to 1236 Carroll Avenue in southeast San Francisco for the location of a new San Francisco Fire Department training facility. CEQA Consideration: Mitigated Negative Declaration and Mitigation Monitoring Reporting Program, adopted by the City and County of San Francisco. (G 11-01) (A 17; S 11) (Staff: R. Boggiano, A. Kersten)
- 83 CALIFORNIA STATE LANDS COMMISSION; CITY OF VALLEJO (PARTIES): Consider an amendment to the Mare Island Settlement Agreement to facilitate the cemetery parcel transfer from the City of Vallejo to the U.S. Department of Veteran Affairs and to establish a framework to fully implement the Settlement Agreement. CEQA Consideration: categorical and statutory exemptions. (G 17-02; G 17-03; AD 376) (A 14; S 3) (Staff: R. Boggiano, A. Kersten)

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VI Informational Calendar 84

84 NOTICE OF CONFERENCE WITH REAL PROPERTY
NEGOTIATOR: Instructions to staff negotiators in
Closed Session, pursuant to Government Code
section 11126(c)(7), regarding entering into a
lease amendment or other agreement for the
extended use of the infrastructure associated
with, and necessary for, the continued operation
of the Diablo Canyon Power Plant, San Luis Obispo
County. Negotiating Parties: State Lands
Commission and Pacific Gas and Electric Company.
Under negotiation: price and terms. CEQA
Consideration: not a project. (Lease 9347;
A3817) (A 35; S 17)

VII Regular Calendar 85-89

85 WINDHUB SOLAR B, LLC (APPLICANT): Consider
application for a General Lease - Industrial Use,
of State indemnity school land located in a
portion of Section 28, Township 11 North, Range
13 West, SBM, west of Mojave, Kern County, for
the construction, use, maintenance, and
decommissioning of a solar energy facility and
authorization to enter encumbrancing agreements.
CEQA Consideration: Environmental Impact Report,
certified by the Kern County Planning and
Natural Resource Department, State Clearinghouse
No. 2015111057, and adoption of a Mitigation
Monitoring Program, Statement of Findings, and
Statement of Overriding Considerations. (W26772;
RA# 2021205) (A 33; S 16) (Staff: D. Simpkin) 16

86 CALIFORNIA STATE LANDS COMMISSION: Consider
co-sponsoring legislation that would authorize
the Commission to convey to the City of Alameda
(City), in trust, any lands to be exchanged into
the Public Trust through an exchange agreement
to which the City is a party, and authorize the
Commission to convey new Public Trust lands to
the City as trustee in accordance with the
Encinal Terminals Project Land Exchange and
Title Settlement Agreement. CEQA Consideration:
not applicable. (G 01-01) (A 18; S 9) (Staff: S.
Pemberton) 26

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87	CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring legislation to amend several solid mineral permitting and leasing statutes to remove or modernize outdated provisions and to ensure that the Commission has the discretion to determine whether individual applications for solid mineral leasing are in the best interest of the state. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)	28
88	CALIFORNIA STATE LANDS COMMISSION: Discussion and possible action on state legislation relevant to the California State Lands Commission. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)	32
89	CALIFORNIA STATE LANDS COMMISSION: Consider supporting the West Coast Ocean Protection Act introduced in the 118th United States Congress by Senator Dianne Feinstein and Representative Jared Huffman, legislation that would permanently ban new offshore oil and gas leasing on the Outer Continental Shelf off the coast of California, Oregon, and Washington. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)	36
VIII	Public Comment	60
IX	Commissioners' Comment	66
X	Closed Session	67

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).

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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
 - 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

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- 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 McConnel 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;
- 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

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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, directions may be given to its negotiators regarding price and terms of payment for the purchase, sale, exchange, or lease.

1. Provide instructions to staff negotiators regarding entering into a lease amendment or other agreement for the extended use of the infrastructure associated with, and necessary for, the continued operation of the Diablo Canyon Power Plant, San Luis Obispo County.
Negotiating Parties: State Lands Commission and Pacific Gas and Electric Company. Under negotiation: price and terms.

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)

Report out of Closed Session	67
Adjournment	69
Reporter's Certificate	70

1 express gratitude to the Nisenan, Wintun, and Miwok People
2 who have inhabited the Sacramento River corridor, valley,
3 and foothills for countless generations. I also want to
4 take a moment to honor the California Native American
5 communities all across the state for persisting, carrying
6 on diverse cultural and linguistic traditions, and
7 sustainably managing the lands that we now share. Native
8 People have maintained a constant presence on the
9 landscape for many thousands of years and they are
10 essential stewardship partners whether along the coast,
11 along our rivers and valleys, or in our fragile deserts.
12 We thank California Native American communities for
13 participating in this Commission's activities and for
14 their essential role in maintaining and adding to our
15 state's rich cultural legacy.

16 The next item of business will be public
17 comments. Before I open the public comment period for
18 items not on the agenda, first let me thank everyone,
19 especially our stakeholders, and members of the public for
20 taking the time to join our meeting.

21 Now, I want to turn it over to Ms. Lucchesi to
22 quickly share some instructions on how we can best
23 participate in this meeting so that it runs as smoothly as
24 possible.

25 EXECUTIVE OFFICER LUCCHESI: Thank you, Chair

1 Dumlao.

2 For public comment, we will take those members of
3 the public who are here in person first, and then hear
4 comments from those members of the public who are
5 participating virtually. If you would like to speak
6 either during our open public comment period or during a
7 public comment period that is part of an agenda item,
8 please complete an electronic request to speak form
9 available on our homepage.

10 We will call on you in the order in which you
11 submitted the electronic request to speak form. For those
12 participating virtually, please make sure you have your
13 microphones or phones muted to avoid background noise. To
14 help us call on you through Zoom, please raise your hand
15 during the appropriate comment section one of two ways.

16 First, if you are attending on the Zoom platform,
17 please raise your hand in Zoom. If you are new to Zoom
18 and you joined our meeting using the Zoom application,
19 click on the hand icon at the bottom of your screen. When
20 you click on that hand, it will raise your hand.

21 Second, if you are joining our meeting via phone,
22 you must press star nine on your keypad to raise your hand
23 to make a comment. If you are calling in and want to view
24 the meeting, including the PowerPoint presentations,
25 please view the meeting through the CAL-SPAN live webcast

1 link. There will be a slight time delay, but it will
2 avoid an echo or feedback from using the Zoom application
3 and your phone.

4 We will call on the individuals who have raised
5 their hands in the order that they are raised using the
6 name they registered with or the last three digits of
7 their identifying phone number. After you are called on,
8 you will be unmuted so that you can share your comments.
9 Please also remember to unmute your computer or phone and
10 identify yourself. Remember, you have a limit of three
11 minutes to speak on an item. Please keep your comments
12 respectful and focused. We will mute anyone who fails to
13 follow those guidelines or, at worst, dismiss them from
14 the meeting.

15 The Commission has also established an email
16 address to compile public comments for our meetings. Its
17 address is cslc.commissionmeetings@slc.ca.gov. I have
18 received various emails from parties that have been shared
19 with all the Commissioners prior to the meeting. If we
20 receive any emails during the meeting they will be shared
21 with the commissioners and be made available on our
22 website www.slc.ca.gov along with the public comment
23 emails we already have received.

24 Chair Dumlao, that concludes my hybrid meeting
25 instructions. We are ready to move to the General Public

1 Comment Period.

2 ACTING CHAIRPERSON DURLAO: Our next order of
3 business is the public comment period. If anyone wants to
4 address the Commission on a matter not on today's agenda,
5 I will call on those who are here in person first. You
6 will have three minutes to provide your comments. Next we
7 will move on to those joining us virtually.

8 Jeff, please call on the first person who would
9 like to make a public comment.

10 MR. PLOVNICK: Thank you, Chair. I'm not sure if
11 we have anyone in person to comment at the moment. We do
12 have one hand raised though and that hand raised ends in
13 phone number ending in 936. You are welcome to unmute
14 yourself and speak at this time.

15 MS. BOKEN: Eileen Boken, State and Federal
16 Legislative Liaison, Coalition for San Francisco
17 Neighborhoods.

18 Following up on the Coalition's written comments,
19 the Coalition for San Francisco Neighborhoods warmly
20 welcomes Controller Malia Cohen to the State Lands
21 Commission. As Controller Cohen was born and raised in
22 San Francisco, we are proud to call her one of our own.
23 The Coalition for San Francisco Neighborhoods has already
24 been advocating at the State Lands Commission for issues
25 under the State Lands Commission's purview in terms of the

1 Public Trust Doctrine.

2 These issues include advocating for an ocean
3 water pump station through San Francisco, San Francisco's
4 emergency firefighting water system at San Francisco's
5 Ocean Beach near the oceanside treatment facility
6 advocating for an onshore or offshore desalination
7 facility near oceanside treatment facility. As part of
8 California's 30x30 strategy advocating for the waters off
9 San Francisco's Ocean Beach to be designated as part of
10 the National Marine Sanctuary.

11 The Coalition for San Francisco Neighborhoods
12 intend to begin advocating for revisions to sand mining
13 permits in San Francisco's bay as sand mining is
14 exacerbating erosion and accretion of San Francisco's
15 ocean beach. The Coalition for San Francisco
16 Neighborhoods looks forward to working with Controller
17 Cohen and her Deputy Controller for Environmental Policy
18 Kristina Kunkel on these issues.

19 Thank you.

20 ACTING CHAIRPERSON DURLAO: Thank you very much
21 for that comment.

22 Jeff, do we have anyone else wishing to provide
23 public comment?

24 MR. PLOVNICK: At the moment, there are no other
25 hands raised. If there's anybody who would like to speak,

1 please raise your hand at this time. If you're calling
2 in, you can press star nine to raise your hand and we will
3 call on you.

4 ACTING CHAIRPERSON DURLAO: It doesn't look like
5 we have any more public comment.

6 So just before we move on, maybe just a few quick
7 comments from the Commissioners.

8 Kristina Kunkel

9 ACTING COMMISSIONER KUNKEL: Sure. Thank you,
10 Chair Durlao. I just wanted to thank Eileen and the
11 Commission for the warm welcome for Controller Cohen. Of
12 course, as Eileen mentioned, she is a proud San Franciscan
13 and is looking forward to serving on the Commission. She
14 unfortunately wasn't able to be here today, so I'll extend
15 that warm welcome along to her and we'll be seeing her
16 very soon.

17 Thank you.

18 ACTING CHAIRPERSON DURLAO: Thank you. And I
19 think -- you know, I can speak for the Lieutenant Governor
20 that she is absolutely thrilled to be serving alongside
21 Controller Cohen on this Commission and look forward to
22 the next four years of State Lands Commission meetings
23 with the two of them on the Commission. And I am
24 delighted to be here with you as our alternate on the
25 Commission as well. There's no one better. So thank you

1 very much. And I think that concludes our public.

2 So the next item on our -- of business will be
3 the adoption of the minutes from the Commission's meeting
4 on December 9th, 2022. I will note that the Commissioner
5 Kunkel will have to abstain, since the Controller
6 Commissioner Cohen was not on the Commission at the time.

7 So may I have a motion to approve the minutes?

8 ACTING COMMISSIONER MILLER: Move approval

9 ACTING CHAIRPERSON DURLAO: And I will second
10 that. Any objection to a unanimous vote?

11 Yeah, sure. So --

12 EXECUTIVE OFFICER LUCCHESI: The motion passes
13 unanimously.

14 ACTING CHAIR DURLAO: The motion passes.

15 EXECUTIVE OFFICER LUCCHESI: Thank you.

16 ACTING CHAIRPERSON DURLAO: Do we have to do a
17 roll call on that one?

18 EXECUTIVE OFFICER LUCCHESI: No.

19 ACTING CHAIRPERSON DURLAO: Even though she --

20 EXECUTIVE OFFICER LUCCHESI: We heard her
21 abstain, yes.

22 ACTING CHAIRPERSON DURLAO: Okay. Got it.
23 Great. Thanks.

24 EXECUTIVE OFFICER LUCCHESI: Um-hmm.

25 ACTING CHAIRPERSON DURLAO: The next order of

1 business is the Executive Office's report. Ms. Lucchesi,
2 may we have the report.

3 EXECUTIVE OFFICER LUCCHESI: Yes. I'd like to
4 update the Commission on a couple of different things
5 happening at the Commission.

6 First, a budget update. The Governor's proposed
7 budget for the 2023-2024 fiscal year includes a total
8 budget for the State Lands Commission of \$53,277,000. The
9 Governor's budget also includes a \$3.6 million
10 appropriation for the Commission to secure a caretaker to
11 monitor Platform Holly offshore of the City of Goleta in
12 Santa Barbara County. The caretaker will monitor,
13 inspect, and promptly respond to conditions on and around
14 Platform Holly during the caretaker period, which is the
15 time between final plug and abandonment of the 30 wells
16 and when Platform decommissioning begins. This item and
17 the Commission's larger budget will be considered at
18 budget subcommittee hear -- subcommittee hearings this
19 week and next week.

20 Next, we're incredibly excited to announce a
21 reorganization of the Commission's science programs, which
22 we will formally launch this week. This is intended to
23 better serve the Commission and the people of California
24 in making informed science-based recommendations for the
25 Commission's consideration. Three of our programs will

1 merge into a new Division called the Division of
2 Environmental Science, Planning, and Management. The
3 three programs include the Marine Invasive Species
4 Program, a climate change adaptation and special projects
5 team, and the team responsible for the Commission's
6 compliance with the California Environmental Quality Act.

7 This reorganization will better serve -- better
8 position the Commission's science team to effectively
9 collaborate and integrate the best available science,
10 thought, and analysis into the decision-making process.
11 This reorganization has been two years in the making and
12 it is intended to foster a very strong, collaborative,
13 multi-disciplinary approach to scientific analysis,
14 program implementation, and leadership. It is consistent
15 with and supports the Commission's Strategic Plan, our
16 workforce development plan, and our succession planning
17 efforts.

18 Next, I am very excited to announce that the
19 Commission, in collaboration with the City of Goleta has
20 completed the removal of the last two oil piers and
21 caisson structures in the state located at Haskell's Beach
22 in the City of Goleta. This is the Piers 421 Removal
23 Project. This milestone decommissioning project marks the
24 end of oil production in the Ellwood Oil Fields,
25 production that started in late 1920s and continued into

1 the 1990s. At one time, the shoreline was marked by 13
2 piers as a well as welter of oil storage and processing
3 facilities immediately onshore. Now that the final two
4 piers and caissons are gone, restoring full coastal access
5 and eliminated public safety and environmental threats at
6 this beach.

7 We continue to maintain and monitor Platform
8 Holly and the onshore facilities to ensure public health
9 and safety. We have concluded the well work to seal off
10 the production intervals of the 30 platform wells. We're
11 currently monitoring the effect of that plugging and
12 abandonment and we hope to start planning for the
13 decommissioning very soon.

14 Finally, I want to make some personnel
15 announcements. First, we have hired an Assistant Chief of
16 our Mineral Resources Management Division. We're excited
17 to announce that Peter Regan will be the Commission's new
18 Assistant Chief of this important division beginning March
19 2nd. Peter started with the Commission in 2019 as a
20 petroleum drilling engineer taking on the critical role of
21 project manager for the \$130 million Platform Holly Piers
22 421 Decommissioning Project. Before that, Peter worked
23 for CalGEM and also spent a significant amount of his
24 career working throughout the world in the private oil and
25 gas industry. Peter's wealth of knowledge, expertise, and

1 experience, and his collaborative team-oriented approach
2 will be a tremendous asset to this Division and the
3 Commission in this new role. So please join me in
4 congratulating Peter.

5 And second, I want to announce that we've also
6 hired a new Budget Officer for the Commission. It is with
7 great pleasure to announce that the Commission's new
8 Budget Officer is Jenn Coronel. Jen has worked in our
9 Budget Office as an analyst since 2021 and has gained a
10 lot of knowledge of our budget funds and the programs they
11 support and we're delighted that she'll continue to serve
12 the Commission in this new capacity, and her ability to
13 problem solve and be creative especially as we work with
14 our very limited budget across the state in trying to
15 implement the many programs and initiatives that we're
16 leading. She's just going to be a tremendous asset to
17 that, so I'm really excited to see her in this new
18 leadership role.

19 And then finally, I wanted to just talk a little
20 bit and explain to members of the public that may be
21 watching how our meeting today will go. So as Chair
22 Dumlao mentioned, both the Controller and the Lieutenant
23 Governor, our two Constitutional Officers, are not going
24 to be able to join us today. And under State law, as it
25 applies to our Commission specifically, when both

1 Constitutional Officers are not present during the meeting
2 and are represented by their alternates, only one
3 alternate can vote on any given item. So as we work
4 through the agenda items, the public may notice that one
5 commissioner will be abstaining. And that might go back
6 and forth throughout the meeting for the voting items.
7 And that's perfectly normal and consistent with the law,
8 given the legal framework we're working with today under
9 Bagley-Keene and other State law that applies here.

10 So with that, I'll turn it back to you Chair
11 Dumlao.

12 Thank you.

13 ACTING CHAIRPERSON DUMLAO: Great. Thank you.
14 And thank you for explaining the rules for today's
15 Commission meeting.

16 I'd also like to just say congratulations to
17 Peter and Jenn for their new positions within the
18 Commission. I'm really happy to have them in those roles.
19 Commissioner Kunkel, do you have any comments or
20 questions?

21 ACTING COMMISSIONER KUNKEL: Yes. Thank you,
22 Chair Dumlao. I just want to celebrate and extend
23 gratitude to Ms. Lucchesi and your staff for everything
24 that you do, but in particular the removal of the Piers
25 21[SIC]. I mean, this is just a moment to step forward in

1 our transition away from fossil fuels. And I just recall
2 less than a year ago touring the beach there and the piers
3 were very much there and now they're not. And this is
4 just fantastic news for public access at the beach and a
5 testament to the fantastic staff at the Commission. So
6 thank you for all the hard work and I look forward to
7 visiting.

8 ACTING CHAIRPERSON Dumlao: Thank you.

9 Commissioner Miller, do you have any comments?

10 ACTING COMMISSIONER MILLER: I don't. Just as
11 always just a lot of gratitude to the Commission for all
12 the work that goes into planning these hearings and all of
13 the information you've given us. Really appreciative.
14 And obviously, this is one of the best teams in State
15 government, so congratulations to all of you and hope you
16 really enjoy this opportunity. And you make a big
17 difference, so thank you.

18 ACTING CHAIRPERSON Dumlao: Thank you. And I'd
19 like to agree with Commissioner Kunkel about the removal
20 of Piers 421. That's just a tremendous Milestone in our
21 energy transition. And, yeah, looking forward to visiting
22 the beach and being able to enjoy the beach without that
23 on it. So, yeah, looking forward to that next
24 opportunity.

25 All right. The next order of business will be

1 the adoption of the consent calendar. Commissioner
2 Kunkel, Commissioner Miller, are there any items that you
3 would like removed from the consent calendar?

4 ACTING COMMISSIONER MILLER: Not in addition to
5 the --

6 ACTING CHAIRPERSON DUMLAO: Next I call on Ms.
7 Lucchesi to indicate which items, if any, have been
8 removed from the consent calendar.

9 EXECUTIVE OFFICER LUCCHESI: Yes. Consent item
10 59 is removed from the agenda and will be considered at a
11 later time. And Consent Items 66 and 71 are moved from
12 the consent agenda to the regular agenda to be heard and
13 presented on.

14 ACTING CHAIRPERSON DUMLAO: Great. Is there
15 anyone joining us who wishes to speak on any item
16 remaining on the consent calendar?

17 Seeing none.

18 Well, if so, please come up to the podium, or
19 raise your Zoom hand, or dial star nine if joining by
20 phone now.

21 Jeff, do we have anyone on Zoom or on the phone?

22 MR. PLOVNICK: There are no hands raised on Zoom
23 at this time.

24 ACTING CHAIRPERSON DUMLAO: Great. So hearing
25 none, we will now proceed with the vote. May I have a

1 motion to adopt the consent agenda.

2 ACTING COMMISSIONER MILLER: I'll move approval.

3 ACTING COMMISSIONER KUNKEL: And I'll second.

4 ACTING CHAIRPERSON DURLAO: We have a motion by
5 Commissioner Miller and second by Commissioner Kunkel.

6 Any objection to -- well, I guess we have to do a
7 roll call vote.

8 EXECUTIVE OFFICER LUCCHESI: Yes.

9 ACTING CHAIRPERSON DURLAO: So let's do a roll
10 call vote.

11 EXECUTIVE OFFICER LUCCHESI: Certainly.
12 Commissioner Kunkel?

13 ACTING COMMISSIONER KUNKEL: Aye.

14 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

15 ACTING COMMISSIONER MILLER: Aye.

16 EXECUTIVE OFFICER LUCCHESI: Chair Durlao?

17 ACTING CHAIRPERSON DURLAO: Abstaining.

18 EXECUTIVE OFFICER LUCCHESI: The motion passes
19 two to zero with one abstention.

20 ACTING CHAIRPERSON DURLAO: Great. The next
21 order of business will be the regular calendar. And we're
22 going to start with Item 85, which is a -- an item to
23 consider the application for a general lease for a
24 proposed solar energy facility located in Kern County.
25 May we have the presentation.

1 (Thereupon a slide presentation).

2 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Good
3 morning, Commissioners. My name is Drew Simpkin and I
4 will be giving staff's presentation for Agenda Item 85.

5 Next slide, please.

6 --o0o--

7 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
8 proposed project is located on 160 acres of State
9 indemnity school land west of the town of Mojave in Kern
10 County.

11 Next slide, please.

12 --o0o--

13 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Most
14 of the State's school lands are located in the California
15 desert and are what remain of the nearly five and a half
16 million acres granted to California by Congress in 1853 to
17 benefit public education. In 1984, the California
18 Legislature enacted the School Land Bank Act. Revenues
19 generated from school lands is deposited in the State
20 treasury for the benefit of the State Teachers' Retirement
21 System.

22 Next slide, please.

23 --o0o--

24 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
25 applicant Windhub Solar B, LLC is proposing the Windhub

1 Solar B Project, which would develop a photovoltaic, or
2 PV, solar facility and associated infrastructure necessary
3 to generate approximately 20 megawatts of renewable
4 electrical energy and up to 160 megawatt hours of battery
5 energy storage. This would be the third renewable energy
6 project and second solar facility approved for development
7 on school lands.

8 Next slide, please.

9 --o0o--

10 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: In
11 December 2018, Kern County, as the lead agency under the
12 California Environmental Quality Act, prepared and
13 certified an Environmental Impact Report for the Windhub
14 Solar A and B projects. In December 2019, the applicant
15 completed construction of the Windhub Solar A Project
16 located on approximately 148 acres of privately owned land
17 near the proposed Windhub Solar B Project. Combined, the
18 projects would produce approximately 40 megawatts of
19 renewable energy for California's electricity grid.

20 Next slide, please.

21 --o0o--

22 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: This
23 is a simulated depiction of what the solar that facility
24 may look like when completed. The project would include
25 the construction of up to 70,000 PV modules mounted on

1 fixed tilt or horizontal tracking structures installed in
2 array blocks. Other related infrastructure includes, but
3 is not limited to, roads to allow the project construction
4 and maintenance of the PV modules, underground and
5 aboveground electrical and communications cables that
6 would tie into the existing gentie line, or collector
7 transmission line, back-up generators, portable toilets, a
8 meteorological and telecommunications tower, a water
9 storage tank, and metal cargo containers.

10 Next slide, please.

11 --o0o--

12 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
13 proposed annual rent consists of a base rent of \$69,300
14 per year with an annual Consumer Price Index adjustment or
15 royalty fee of four percent of the gross value of
16 electrical power, whichever is greater. The applicant
17 will be required to maintain insurance in an amount of no
18 less than \$2 million in commercial liability and 5 million
19 in aggregate and umbrella liability insurance, and one and
20 a half million dollars in bond or other surety.

21 Next slide, please.

22 --o0o--

23 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
24 48-acre portion of the 160-acre school lands parcel was
25 identified in the Commission's Significant Lands Inventory

1 as possessing a unique display of Joshua trees and Desert
2 horti -- Desert Tortoise habitat.

3 Next slide, please.

4 --o0o--

5 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: As
6 part of the proposed lease, the 48 acres will be excluded
7 from development. A fence barrier will be constructed
8 that prevents vehicles and off-road vehicles from
9 accessing the 48 acres while allowing pedestrian and
10 wildlife, including Desert Tortoise access. Annual trash
11 cleanup will be conducted as necessary. And lastly,
12 annual monitoring of the overall health of the Joshua tree
13 grove will be conducted with annual reporting to
14 Commission staff.

15 The Joshua Tree Preservation Plan is attached as
16 Exhibit E to the staff report. These preservation
17 requirements will ensure that the parcel retains its
18 significant environmental values as Desert Tortoise
19 habitat and supporting a unique display of Joshua trees.

20 Next slide, please.

21 --o0o--

22 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: By
23 providing a new source of renewable energy, the project
24 would assist the State of California in achieving the
25 Renewable Portfolio Standard Program established by Senate

1 Bill 100, also known as the California Renewable Portfolio
2 Standard Program, which establishes the goal of 50 percent
3 of California energy coming from renewable sources by 2030
4 and a hundred percent by 2045. Other benefits from the
5 proposed project include helping to meet the increasing
6 demand for clean, safe, renewable electrical power,
7 diversifying the state's energy portfolio and contributing
8 to the state's greenhouse gas emission reduction targets,
9 reducing and transmitting electricity safely and at a
10 competitive cost, and finally, supporting the economic
11 development of Kern County and the State of California.

12 Next slide, please.

13 --o0o--

14 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Staff
15 recommends the following:

16 One, authorize issuance of a general lease
17 industrial use to the applicant beginning February 28th,
18 2023 for a term of 40 years, with the terms outlined in
19 the lease; two, authorize the Executive Officer, or
20 designee, to approve assignment of the lease as described
21 in the lease.

22 Next slide, please.

23 --o0o--

24 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN:

25 Three, authorize the Executive Officer, or

1 designee, to execute the document entitled, "Agreement and
2 Consent to Encumbrance of Lease", as proposed in Exhibit
3 F; and four, authorize the Executive Officer, or designee,
4 to execute, acknowledge, accept, and record all related
5 documents as may be reasonably necessary to complete the
6 transaction.

7 Next slide, please.

8 --o0o--

9 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: That
10 concludes staff's presentation. Staff is available to
11 answer any questions and representatives from Windhub
12 Solar B, LLC are also participating via Zoom.

13 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
14 Simpkin. On this item, it will be voted on by myself and
15 Commissioner Miller. So Commissioner Miller, do you have
16 any comments or questions?

17 ACTING COMMISSIONER MILLER: No comments or
18 questions, but I do -- I think the ability of the
19 Commission to really thread the needle on so much of what
20 they do is phenomenal, because we have this duty to grant
21 leases, and then in addition finding ways to protect the
22 Joshua trees in this case is incredible. And then the
23 financial security of both the Commission and the State
24 is -- every one of these leases are just incredibly
25 complicated. And to have that really wide aperture in

1 terms what we're protecting in addition to making sure
2 that folks get to continue to operate in this state I just
3 think is so important.

4 So with that, I will move approval.

5 ACTING CHAIRPERSON Dumlao: Thank you. And Jeff,
6 do we have any public comments?

7 MR. Plovnick: Thank you, Chair. We do have
8 hands raised at this time. If Nestor Aliga could please
9 unmute yourself and you are welcome to begin speaking.

10 MS. Aliga: Can you hear me?

11 ACTING CHAIRPERSON Dumlao: Yes, we can. Thank
12 you.

13 I am so sorry. I was supposed to speak on Item
14 83. That has obviously been passed, so thank you very
15 much.

16 ACTING CHAIRPERSON Dumlao: Thank you, Nestor.
17 Sorry, were you here to speak on a different item?

18 MR. Aliga: Yes, sir.

19 ACTING CHAIRPERSON Dumlao: Like 83.

20 MR. Aliga: Item 83.

21 ACTING CHAIRPERSON Dumlao: Okay. Thank you.
22 Yeah. So right now we're just going to take public
23 comment on Item 85.

24 MR. Aliga: Yes, I understand. Thank you very
25 much.

1 ACTING CHAIRPERSON Dumlao: Thank you.

2 And then I would just like to associate myself
3 with the comments that Commissioner Miller made about
4 threading that needle and finding ways to advance both our
5 renewable energy statewide goals, and our conservation
6 goals, and our fiscal, you know, responsibility goals.

7 All right. So since we do not have anymore
8 public comment, we'll now proceed with the vote. May I
9 have a motion to adopt the --

10 ACTING COMMISSIONER MILLER: I'll move approval.

11 ACTING CHAIRPERSON Dumlao: Great. Great. And I
12 will second that.

13 And can we have a roll call vote?

14 EXECUTIVE OFFICER LUCCHESI: Yes.

15 Commissioner Kunkel?

16 ACTING COMMISSIONER KUNKEL: Abstain.

17 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

18 ACTING COMMISSIONER MILLER: Aye.

19 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

20 ACTING CHAIRPERSON Dumlao: Aye.

21 EXECUTIVE OFFICER LUCCHESI: The motion passes
22 two to zero with one abstention.

23 And may I make a suggestion with the previous
24 public commenter. He I think wanted to speak on Item 83,
25 which was part of the consent calendar approval. So I

1 would recommend that he be called on during our second
2 public comment period to provide comment on that item,
3 even though the Commission has already voted on it, just
4 so that he could be heard on that item, if that is okay
5 with the Chair.

6 ACTING CHAIRPERSON DURLAO: Great suggestion.
7 Nestor, please stay on Zoom and join us for the second
8 public comment period, which will be at the end of our
9 meeting after we go through each of the items on the
10 regular calendar. Thank you.

11 All right. Now, we are moving on to a few items
12 that are going to be dealing with legislation. Just to
13 make it clear for everyone, Commissioner Miller will be
14 abstaining from any vote on legislation. And because of
15 that, and the fact that we have two alternates, we cannot
16 actually vote on these items today. So what we will be
17 doing is we will be taking the presentations from Ms.
18 Pemberton and we will be discussing it, but then we will
19 be holding the vote at a later date, so...

20 ACTING COMMISSIONER MILLER: Great. And if I
21 may, Mr. Dumlao, the Department of Finance has
22 traditionally abstained from all legislation just so as
23 not to presuppose any outcomes from the Governor. So just
24 to add one more piece of clarity.

25 Thank you.

1 ACTING CHAIRPERSON DURLAO: Perfect. Thank you.
2 All right. So Item 86 is to consider co-sponsoring
3 legislation that would authorize the Commission to convey
4 Public Trust lands to the City of Alameda.

5 May we have the presentation.

6 (Thereupon a slide presentation).

7 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON:

8 Sorry. I think it's on now. Thank you.

9 This item recommends that the Commission
10 co-sponsor legislation together with the City of Alameda
11 to authorize the State Lands Commission to grant to the
12 City lands that it acquires in a land exchange, known as
13 the Encinal Terminals Exchange and any other land exchange
14 with the City that might occur in the future. The City
15 currently holds and manages Public Trust land granted by
16 the Legislature to the City over a century ago. Last
17 year, the Commission approved a land exchange and title
18 settlement agreement involving Encinal Terminals area on
19 the City's northern waterfront.

20 Encinal Terminals is a former shipping site that
21 has been vacant and without public access for many, many
22 years. The land exchange agreement the Commission
23 approved last year will reconfigure the land to facilitate
24 a mixed use development at the Encinal Terminals site
25 known as the Encinal Terminals Project.

1 The land exchange agreement contemplates that the
2 Commission and the City will seek legislation to authorize
3 the State -- or authorize the Commission to grant the
4 lands that's acquired in the exchange back to the City to
5 hold in trust.

6 Just a little bit about the project. It will
7 supply much needed housing, including 80 new affordable
8 housing units, create a publicly accessible waterfront,
9 new bayfront trail, and a range of other recreational
10 amenities for the area. The exchange will occur in a
11 series of four phases over the next five to 15 years. And
12 this bill will position the Commission to grant the land
13 back to the City to hold and manage rather than having to
14 issue an interim lease in the meantime.

15 And so I know that we don't have the
16 Constitutional Officers here, and this is just
17 informational at this time. So that will conclude my
18 presentation.

19 ACTING CHAIRPERSON DURLAO: Great. Thank you.
20 Commissioner Kunkel, any comments?

21 ACTING COMMISSIONER KUNKEL: Just that from the
22 Controller's perspective, this is fantastic. Really
23 looking forward to -- I think I saw in the staff report
24 that there was a net increase to the Trust of
25 approximately 14 acres. So anything we can do to increase

1 the Public Trust and protect that land is fantastic. And
2 the affordable housing, the public trail, just really
3 excited about it.

4 Thank you so much.

5 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank
6 you, Commissioner Kunkel.

7 ACTING CHAIRPERSON DURLAO: Thank you. And from
8 the Lieutenant Governor's perspective, we agree. It's --
9 this seems like a smart piece of legislation. Definitely
10 provides public benefits. And I think we -- yeah, we
11 approve of the direction that we're going with this bill.
12 And so at a later date, we will look forward to being able
13 to vote on this item.

14 And so, at this point, we will move on to Item
15 87, which is another item regarding legislation. It's to
16 consider sponsoring legislation to amend several solid
17 mineral permitting and leasing statutes.

18 May we have the presentation.

19 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Yes.
20 Thank you, Chair Dumlao.

21 Over the past year, staff has carefully reviewed
22 the statutes that govern the Commission's authorization to
23 issue mineral prospecting permits and extraction leases.
24 And we've identified several important ways that the
25 statutory framework can be improved. One of the reasons

1 why this is important now is because staff anticipates
2 greater interest in prospecting permits and extraction
3 leases because of California's robust clean energy goals
4 and because of the looming potential shortage of lithium
5 necessary for batteries and electric vehicles, and also a
6 growing demand for lithium domestically and
7 internationally, and because of a potential shortage in
8 California.

9 Most of the Commission's solid mineral leases --
10 solid mineral statutes were written in the 1940s and
11 obviously much has changed since then. Current law
12 authorizes the Commission to issue a mineral prospecting
13 permit that enables an individual or company to prospect
14 for valuable minerals, which means minerals that can be
15 produced in commercial quantities. If the Commission
16 confirms that a permittee has discovered minerals that can
17 be produced in commercial quantities, that permittee,
18 under our current statutory framework, is afforded a
19 preferential right to a lease, which could be considered a
20 lease entitlement.

21 Staff is concerned that this could require the
22 Commission to issue a mineral extraction lease as a
23 ministerial, untransparent action without the benefit of
24 Commission action at a public meeting and without the
25 opportunity to engage in meaningful public outreach. So

1 this bill would remove that lease prioritization and -- I
2 mean, lease preferential right to a lease and replace it
3 with a lease prioritization.

4 And that's the most notable component of the
5 legislation. I'll also briefly touch on a few other
6 elements. These include aligning the statutory framework
7 with a seabed mining ban enacted last year, which the
8 Commission supported, removing an antiquated requirement
9 that the Attorney General find that a lease or permit
10 complies with the law. Repealing a require -- repealing
11 this requirement will eliminate an unnecessary burden on
12 the Commission and the Attorney General and preserve the
13 Commission's Attorney General client relationship.

14 And that concludes are my presentation.

15 ACTING CHAIRPERSON DURLAO: Thank you, Ms.
16 Pemberton.

17 Commissioner Kunkel.

18 ACTING COMMISSIONER KUNKEL: Yes. Thank you,
19 Chair Durlao. Again, the Controller's office is looking
20 forward to this legislation. And as staff have duly
21 noted, you know, we're expecting mineral prospecting to
22 accelerate with lithium demand. So I appreciate the
23 Commission thinking ahead on this topic. It's just
24 important to clarify any ambiguities now in an
25 anticipation, so that we can ensure public participation,

1 tribal consultation, and, of course, Commission discretion
2 as well.

3 So thank you, Sheri -- Ms. Pemberton.

4 ACTING CHAIRPERSON DURLAO: Thank you. And
5 Commissioner Miller, any comments or questions?

6 ACTING COMMISSIONER MILLER: No.

7 ACTING CHAIRPERSON DURLAO: Nope.

8 I would just like to agree with Commissioner
9 Kunkel. I think one of the strengths that this Commission
10 has is looking at all of our statutes and figuring out
11 when it's necessary to update outdated language or, you
12 know, think through some potential challenges or issues
13 that could arise from the way things are currently
14 drafted.

15 And so, yeah, Ms. Pemberton thank you for every
16 year you're always looking out for these types of issues
17 and bringing them before the Commission. Sometimes, you
18 know, they're -- they are minor issues that end up in
19 Committee bills that sail through the Legislature pretty
20 much on consent. Other times that they are things like
21 this that are a little bit more substantive. And so I
22 just appreciate you always doing that. And I know the
23 Lieutenant Governor would be -- is also very appreciative
24 of that perspective and looking forward to voting on this
25 in the weeks to come.

1 EXECUTIVE OFFICER LUCCHESI: Chair.

2 ACTING CHAIRPERSON Dumlao: Yes.

3 EXECUTIVE OFFICER LUCCHESI: May I interrupt just
4 quickly --

5 ACTING CHAIRPERSON Dumlao: Yes.

6 EXECUTIVE OFFICER LUCCHESI: -- to ask Jeff if
7 there's anybody --

8 ACTING CHAIRPERSON Dumlao: Yes.

9 EXECUTIVE OFFICER LUCCHESI: -- who wishes to
10 speak on this item or 86 for public comment.

11 ACTING CHAIRPERSON Dumlao: I went through that
12 too quickly. All right.

13 EXECUTIVE OFFICER LUCCHESI: That's okay.

14 ACTING CHAIRPERSON Dumlao: All right. Jeff,
15 yes, do we have anyone who would wish to speak on items 86
16 or 87?

17 MR. PLOVNICK: Thank you, Chair Dumlao. At the
18 moment, we do not have any hands raised for comment.

19 ACTING CHAIRPERSON Dumlao: Great. All right,
20 thank you.

21 All right, now we have another legislative item.
22 This one is Item 88, which is to discuss potentially --
23 and potentially take action on legislative -- legislation
24 relevant to the State Lands Commission.

25 Ms. Pemberton, may we have the presentation.

1 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Yes.
2 Thank you, Chair Dumlao.

3 This is an informational item. There's no action
4 requested at this time. The purpose of this item is just
5 to update the Commission about the legislative session
6 thus far and kind of set the stage for what's to come.
7 It's a really busy time as you're aware with the bill
8 introduction deadline just having passed on February 17th.

9 The Legislature introduced a little over 2,600
10 bills, which is the highest number of introductions in
11 about a decade. About 40 percent of those bills are spot
12 or intent bills. And the deadline for substantive
13 amendments for those bills is mid-March.

14 We've reviewed all the bills introduced and are
15 monitoring amendments, and have identified about a few
16 dozen bills of interest that are listed in your staff
17 report and organized by issue area. A few key areas where
18 we anticipate action this year are offshore wind energy
19 development, renewable energy, including lithium
20 development in the Salton Sea, and sea level rise and
21 climate change, including a sea level rise and flood
22 control bond. There's also a few granted lands bills
23 involving legislation specific to the San Diego Unified
24 Port District, and the Port of San Francisco.

25 Other areas of interest that staff is assessing

1 and following include restoration projects for kelp,
2 eelgrass, and oyster beds, carbon capture and
3 sequestration, plastic pollution, equity, tribal issues,
4 environmental justice, and many more.

5 One notable bill we wanted to highlight is SB 559
6 by Senator Min, because this bill would require the
7 Commission to terminate its offshore oil and gas leases,
8 if it's unable to negotiate volunteered relinquishments.
9 This is a reintroduction of legislation from last year and
10 staff will be monitoring this bill in the weeks and months
11 to come.

12 And since it's early in the process, we're not
13 making any recommendations for Commission action now, but
14 we just wanted to provide this brief informational update
15 and give the Commissioners an opportunity to give staff
16 any guidance or direction.

17 Thank you.

18 ACTING CHAIRPERSON DURLAO: Thank you, Ms.
19 Pemberton.

20 Commissioner Kunkel, do you have any comments or
21 questions?

22 ACTING COMMISSIONER KUNKEL: No. Just so
23 grateful for you, Ms. Pemberton for digging in -- and how
24 many bills did you say there were?

25 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON:

1 Twenty-six hundred approximately.

2 ACTING COMMISSIONER KUNKEL: Yeah, that's wild.
3 So great job. Thank you.

4 (Laughter).

5 ACTING CHAIRPERSON DURLAO: And Sheri has read
6 them all.

7 (Laughter).

8 ACTING CHAIRPERSON DURLAO: Yes. Thank you very
9 much, Sheri, for doing that and looking out for things
10 that might be of interest to the Commission. I know
11 there's a lot of time left in the legislative process, so
12 I'm sure these bills will evolve and we will continue to
13 discuss them as they do as a Commission.

14 And then Commissioner Miller, no comments.

15 And then -- yes.

16 EXECUTIVE OFFICER LUCCHESI: Chair, I just wanted
17 to interrupt once again --

18 ACTING CHAIRPERSON DURLAO: Sure.

19 EXECUTIVE OFFICER LUCCHESI: -- before you get to
20 public comment this time and just in reference to Sheri's
21 comments on the status update of SB 559 by Senator Mill --
22 Min, I did want to provide an update that pursuant to AB
23 2257 last year by Assemblymember Boerner Horvath which the
24 Commission supported and the Controller sponsored, which
25 both required the Commission to conduct its own cost study

1 of a voluntary buyout of the remaining 11 offshore oil and
2 gas leases. And the Governor's budget that was signed
3 into law included the \$1 million appropriation. We have
4 hired our consultant to help us put that together. We are
5 on track to actually meeting the end-of-year deadline to
6 provide an update on the data collection and analysis that
7 we're charged with doing with the goal of submitting that
8 report at the end of 2024. So just an update on a study
9 that the Commission has been supporting staff doing that
10 is in relation to Senator Bill -- Senator Min's new bill.

11 ACTING CHAIRPERSON DURLAO: Thank you very much.
12 And that's -- that will be incredibly valuable information
13 for the Commission in the future. So looking forward to
14 that study being completed.

15 Jeff, do we have any public comments on Item 88?

16 MR. PLOVNICK: Thank you, Chair. We have no
17 hands raised for comment at this time.

18 ACTING CHAIRPERSON DURLAO: All right. And there
19 is no vote on that one. And then we are now moving on to
20 Item 89, which is to consider supporting the West Coast
21 Ocean Protection Act introduced to Cong -- in Congress by
22 Senator Dianne Feinstein and representative Jared Huffman
23 that would permanently ban new offshore oil and gas
24 leasing in the outer continental shelf.

25 May we have the presentation.

1 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Yes.
2 Thank you, Chair Dumlao. This is an action item
3 recommendation. This item recommends that the Commission
4 support legislation introduced this past January by
5 Senator Feinstein and Representative Huffman that would
6 enact the West Coast Ocean Protection Act, which would ban
7 new offshore oil and gas leases in the Pacific outer
8 continental shelf area.

9 The Commission has past -- has in the past
10 supported several other bills that are similar to express
11 and memorialize its opposition to new offshore oil and gas
12 drilling in federal waters off shore California. It's a
13 pretty straightforward bill. There's a lot of support
14 from a whole host of environmental organizations and
15 co-authored -- it is co-authored by several dozen senators
16 and representatives in Congress. And there's no
17 opposition that we're aware of at this time. Staff
18 recommends that the Commission adopt a support position on
19 the West Coast Ocean Protection Act.

20 ACTING CHAIRPERSON DURLAO: Thank you, Ms.
21 Pemberton and thank you for that recommendation. We will
22 take a vote on that one at a later time.

23 But Commissioner Kunkel, do you have any comments
24 or questions.

25 ACTING COMMISSIONER KUNKEL: Yes.

1 EXECUTIVE OFFICER LUCCHESI: I'm sorry to --

2 ACTING CHAIRPERSON DURLAO: Yes, please.

3 EXECUTIVE OFFICER LUCCHESI: -- interrupt one
4 more time. We actually can vote on this as I believe
5 Commissioner Miller will not be abstaining. But the rule
6 that only one of the alternates of our Constitutional
7 Officer members still applies.

8 ACTING COMMISSIONER MILLER: Thank you.

9 ACTING CHAIRPERSON DURLAO: Great.

10 ACTING COMMISSIONER MILLER: And with that, when
11 you're ready Mr. Chair, I'll move approval.

12 ACTING CHAIRPERSON DURLAO: All right. So, yeah,
13 Commissioner Kunkel, comments or questions, or well, you
14 can't --

15 Sure.

16 ACTING COMMISSIONER KUNKEL: So I will abstain.

17 ACTING CHAIRPERSON DURLAO: Okay. Commissioner
18 Miller, any comments?

19 ACTING COMMISSIONER MILLER: No. I think
20 obviously the -- so much of what we are able to do within
21 the State is for the State by the federal government and
22 vice versa. So excited to be able to move this forward.

23 ACTING CHAIRPERSON DURLAO: Great. Thank you.

24 And Jeff, do we have any public comments?

25 MR. PLOVNICK: Thank you, Chair. There are no

1 hands raised for comment at this time.

2 ACTING CHAIRPERSON DURLAO: Thank you. And just
3 my brief comment here. You know, the State of California
4 does not want offshore oil drilling in our state. And our
5 focus is on looking at getting rid of what we have off the
6 coast. And so, you know, I commend Senator Feinstein and
7 Representative Huffman for introducing this again and
8 encourage them to continue pushing for this, because this
9 is something that I believe most Californians are in
10 agreement with.

11 So with that, may we have a motion to adopt the
12 staff's recommendation.

13 ACTING COMMISSIONER MILLER: I'll move approval.

14 ACTING CHAIRPERSON DURLAO: And I will second.

15 So we have a motion by Commissioner Miller and a
16 second by Commissioner Durlao. Roll call vote.

17 EXECUTIVE OFFICER LUCCHESI: Yes.

18 Commissioner Kunkel?

19 ACTING COMMISSIONER KUNKEL: Abstain.

20 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

21 ACTING COMMISSIONER MILLER: Aye.

22 EXECUTIVE OFFICER LUCCHESI: Chair Durlao?

23 ACTING CHAIRPERSON DURLAO: Aye.

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

1 ACTING CHAIRPERSON DURLAO: Thank very much.

2 And, Ms. Lucchesi, I believe now we have the
3 items that were removed from the consent calendar.

4 EXECUTIVE OFFICER LUCCHESI: Right. So I
5 recommend we take Item 66 up first.

6 ACTING CHAIRPERSON DURLAO: Great.

7 EXECUTIVE OFFICER LUCCHESI: And Drew Simpkin
8 will be presenting again. I know it will look like the
9 Commission is only a staff of two, between Sheri and Drew
10 presenting today.

11 (Laughter).

12 EXECUTIVE OFFICER LUCCHESI: They are definitely
13 carrying our staff water. We had them carbo loading
14 yesterday. But a -- these are all team efforts that go
15 into these staff reports, and staff presentations, and
16 negotiations. So there's a whole team behind Drew and
17 Sheri, but at the same time, they are our -- the face of
18 today's Commission meeting and we're grateful that Drew
19 agreed to do all these presentations.

20 (Laughter).

21 (Thereupon a slide presentation).

22 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN:

23 Commissioners, as Jen said, I'm Drew Simpkin and
24 I will be giving the staff presentation for Agenda Item
25 66.

1 Next slide, please.

2 --o0o--

3 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
4 existing lease 9177 is located on sovereign land within
5 Monterey Bay near the City of Marina in Monterey County.

6 Next slide, please.

7 --o0o--

8 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: As
9 background, on December 17th, 2014, the Commission
10 authorized issuance of a general lease right-of-way use to
11 California American Water Company, or CalAm, for the
12 construction, operation, and decommissioning of a
13 temporary exploratory test slant water well. The
14 authorized test well was constructed to determine the
15 feasibility of a subsurface water intake system for use in
16 a future desalination project, the Monterey Peninsula
17 Water Supply Project, or the Water Supply Project.

18 On November 29th, 2017 the Commission authorized
19 an amendment to the lease to extend the lease term an
20 additional two years for delays in environmental review of
21 the proposed project. On June 28th, 2019, the Commission
22 authorized a second amendment to the lease to extend the
23 lease term an additional three years to allow sufficient
24 time for CalAm to secure necessary permits and
25 authorizations from other agencies. The lease expired on

1 December 15th, 2022 and has been in holdover since.

2 Next slide, please.

3 --o0o--

4 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
5 test slant water well extends from the beach at the now
6 non-operational CEMEX sand mining site. Approximately 230
7 feet of the thousand-long test well lies within the
8 Commission's jurisdiction at approximately 290 feet below
9 the seafloor.

10 Next slide, please.

11 --o0o--

12 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN:

13 Full-time pumping ceased on February 28th, 2018.
14 Only periodic maintenance pumping is authorized pursuant
15 to the terms of the lease and coastal development permit.
16 Continued maintenance pumping is intended to preserve the
17 well and circulate water through the well screen to
18 prevent biological growth and incrustation. The test well
19 is turned on once per month and operated for approximately
20 four hours at a rate of 2,000 gallons per minute.

21 CalAm is now seeking an amendment to the lease to
22 extend the lease term an additional five years to December
23 16th, 2027 for additional time to obtain other local,
24 State, and federal approvals for the water supply project.
25 Additionally, several other outstanding issues need to be

1 resolved, such as the California Public Utilities
2 Commission, or CPUC, final approval of the water supply
3 project and litigation between the City of Marina and
4 CalAm.

5 Next slide, please.

6 --o0o--

7 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN:

8 CalAm's proposed water supply project would
9 provide potable water for customers in CalAm's service
10 area and the Monterey peninsula region. Components of the
11 project located within the Commission's jurisdiction would
12 include additional slant wells to provide source water for
13 a future upland desalination facility. Additional
14 components could include an existing or new ocean
15 wastewater outfall pipeline to discharge brine associated
16 with the desalination facility. The proposed lease
17 amendment does not authorize CalAm to utilize the test
18 slant well for use in the full desalination project or
19 install additional slant wells.

20 The construction of additional slant wells use of
21 an existing ocean wastewater outfall to discharge brine or
22 the construction of a new ocean wastewater outfall would
23 all require Commission authorization. To date, CalAm has
24 not submitted a lease application for additional
25 components of the water supply project.

1 On November 17th, 2022, the California Coastal
2 Commission conditionally approved a coastal development
3 permit associated with Application number 9200603 to
4 construct and operate a slant well field, associated water
5 transmission pipelines, and related infrastructure
6 associated with -- or within the coastal zone associated
7 with the water supply project. In order to move forward
8 and construct the project, CalAm must still obtain
9 numerous local State and federal approvals, including, but
10 not limited to, Monterey One Water for connection and use
11 of the Monterey One ocean outfall, Monterey County, the
12 cities of Marina, Seaside, and Sand City, the Central
13 Coast Regional Water Quality Control Board, the CPUC, and
14 the Monterey Bay National Marine Sanctuary.

15 Other pending issues include the CPUC's ruling on
16 final approval of the project, including, but not limited
17 to, a final determination on long-term water supply and
18 demand estimates, and there is also the current litigation
19 between the City of Marina and CalAm.

20 Next slide, please.

21 --o0o--

22 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: CalAm
23 now supports the Pure Water Monterey recycled water
24 expansion project developed by the Monterey Peninsula
25 Water Management District and Monterey One Water. The

1 CPUC proceedings on the expansion project are ongoing and
2 no party disputes approval of the expansion project.

3 In September 2022, the CPUC issued a proposed
4 decision to approve the Pure Water expansion. As part of
5 the same proceeding, the CPUC will also consider long-term
6 water supply and demand estimates and whether additional
7 water supplies will be needed beyond what the Pure Water
8 expansion will provide.

9 CalAm applied to the CPUC for a water purchase
10 agreement from the expansion project. An administrative
11 law judge issued a tentative decision approving the water
12 purchase agreement on September 30th, 2022. However,
13 CalAm has raised concerns regarding their financial
14 obligations and is currently refusing to enter into the
15 water purchase agreement and may request a rehearing,
16 which could take 9 to 10 months to resolve.

17 Next slide, please.

18 --o0o--

19 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Staff
20 recommends amendment of the lease to extend the lease term
21 to December 16th, 2027 and modify the lease special
22 provisions substantially in the form described in the
23 proposed amendment portion of the staff report.

24 Next slide, please.

25 --o0o--

1 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: And
2 that concludes staff's presentation. Staff is available
3 to answer any questions, and representatives from CalAm
4 are attending via Zoom.

5 ACTING CHAIRPERSON DUMLAO: Thank you.

6 Commissioner Kunkel will be abstaining from this
7 item.

8 Commissioner Miller, do you have any comments or
9 questions?

10 ACTING COMMISSIONER MILLER: I don't. I'm ready
11 to move approval

12 ACTING CHAIRPERSON DUMLAO: Great. Thank you.
13 And Jeff, do we have any public comments?

14 MR. PLOVNICK: Thank you, Chair Dumlao. Yes, our
15 first speaker is Dr. Margaret-Anne Coppernoll. You are
16 welcome to unmute yourself and speak at this time.

17 DR. COPPERNOLL: Can you hear me?

18 ACTING CHAIRPERSON DUMLAO: Yes, we can.

19 DR. COPPERNOLL: Okay. Thanks, Chair. I would
20 like to input here that Margaret Davis has ceded her time
21 to me. Her phone number ends in 534. May I be granted
22 the time?

23 ACTING CHAIRPERSON DUMLAO: Ms. Lucchesi.

24 EXECUTIVE OFFICER LUCCHESI: Yes, that's fine
25 with staff as long as it's okay with the Chair.

1 ACTING CHAIRPERSON DURLAO: Yeah, that is fine.

2 DR. COPPERNOLL: Okay. Thank you very much.

3 Good morning, Chair, commissioners, and staff. CalAm's
4 lease has the purpose of strong arming construction of its
5 infeasible desalination plant. This will be far more
6 hazardous to the environment than the CEMEX sand mining
7 industry it would replace. The State Lands Commission was
8 instrumental in the closing of the sand mine operation.
9 So support for an even worse situation that will violate
10 the tri-party agreement to preserve that land for
11 conservation and recreational use only would be
12 incomprehensible.

13 Sea level rise is scientifically predicted
14 erosion will cause the slant well heads to be covered
15 completely, making the desal plant a very poor investment
16 at enormous cost to ratepayers and the environment. CalAm
17 has no future relocation site for new slant wells, so the
18 damage to ESHA and beaches will be another major loss.

19 In sum, this lease renewal would enable and
20 embolden CalAm to continue its path of deception, fear
21 mongering, and manipulative maneuvering. The illegally
22 installed slant well with well monitoring system is the
23 reason CalAm obtained this property lease in the first
24 place. Its goal is to gain approval for its desalination
25 plant through incremental and political means, regardless

1 of the harm to mankind, animal, or environment.

2 CalAm's pumping of the Salinas Valley groundwater
3 basin represents an existential threat to the Monterey Bay
4 National Marine Sanctuary, including marine life, the
5 fisheries industry, and restaurant economy. In fact,
6 whole industries are at risk of extinction. Why? Because
7 the slant wells desalination will produce corrosive brine
8 that will be only intermittently be deleted -- diluted in
9 the outfall pipe because M1W wastewater only flows part
10 time. Whereas, the brine outfall will be continuous.

11 Brine, by gravity's pull, will sink down to the
12 Monterey Bay canyon seafloor where squid and other marine
13 creatures lay their eggs in the sand. These eggs cannot
14 survive a brine environment. Additionally, the depleted
15 freshwater aquifer will not be able to provide the fresh
16 water that normally seeps down to the canyon seafloor to
17 sustain these marine resting areas -- nesting areas. With
18 no fresh water and a heavy brine environment, this marine
19 life will die off causing dependent industries like
20 fisheries and restaurants to suffer severe adverse
21 economic consequences and impacts.

22 The lease renewal would allow CalAm's slant well
23 to continue aquifer extractions as well as be an incentive
24 to persuade permit agencies to approve its proposed
25 desalination plant, which will create another

1 environmental justice threat to disadvantaged communities
2 that are already overburdened with industrial operations,
3 plus the cost of former Fort Ord munitions and
4 asbestos-laden barracks removal. It is perverse to
5 replace the sand mining operation with an even more
6 harmful and invasive industry.

7 Please end CalAm's rapacious contract that will
8 harm the Monterey Bay National Marine Sanctuary, severely
9 damage our fisheries, and destroy our regional water
10 supply. Please, please deny the lease renewal. CalAm's
11 juggernaut of greed and unaccountability must be ended,
12 along with its violations of the State Constitution, the
13 Public Trust Doctrine, the Sustainable Groundwater
14 Management Act, and the Agency Act. It is the duty of the
15 State Lands Commission to uphold these laws.

16 God bless you. Thank you so much for your
17 graciousness and dedicated service.

18 ACTING CHAIRPERSON DURLAO: Thank you from
19 your -- for your comment. I -- would you mind just
20 stating your name for the record. I don't think we caught
21 it at the beginning.

22 DR. COPPERNOLL: Margaret-Anne Coppernoll.

23 ACTING CHAIRPERSON DURLAO: Okay. Thank you,
24 Margaret. Appreciate your comments.

25 Jeff, do we have anyone else here for public

1 comment?

2 MR. PLOVNICK: Thank you, Chair. We have no
3 other hands raised for comment at this time.

4 ACTING CHAIRPERSON DURLAO: All right. So -- and
5 just checking one more time. No else is in the room here
6 for public comment. Commissioner Miller, do you have any
7 comments or questions at this point?

8 ACTING COMMISSIONER MILLER: No. Just to thank
9 Margaret-Anne for her thoughtful comments. I think it's
10 such an important part of our process. I do think that's
11 why when Drew presented, there are -- we have made
12 safeguards within this -- within this lease. It is
13 different to other desal that we've had in the past and
14 obviously a big part of our safe drinking water for this
15 part of the state, so -- but sincerely appreciate the
16 opportunity to really think through some of the issues
17 Margaret-Anne raised.

18 And with that, I'm happy to move approval.

19 ACTING CHAIRPERSON DURLAO: And I would just like
20 to say, you know, the vote today, as Drew outlined in his
21 staff presentation, is very limited to a very specific
22 part of the project. It's not -- you know, it's not
23 prejudging any of the future applications that may come
24 before the Commission regarding the larger desal project
25 or any other aspects of the project. It is a -- an

1 extension of the existing lease. And so, yeah, with that,
2 May I have a motion to adopt staff's recommendation and a
3 second.

4 ACTING COMMISSIONER MILLER: Move approval.

5 ACTING CHAIRPERSON DUMLAO: We have a motion from
6 Commissioner Miller. I will second.

7 And Jennifer, do the roll call.

8 EXECUTIVE OFFICER LUCCHESI: Certainly.

9 Commissioner Kunkel?

10 ACTING COMMISSIONER KUNKEL: Abstain.

11 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

12 ACTING COMMISSIONER MILLER: Aye.

13 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

14 ACTING CHAIRPERSON DUMLAO: Aye.

15 EXECUTIVE OFFICER LUCCHESI: The motion passes
16 two to zero with one abstention.

17 ACTING CHAIRPERSON DUMLAO: Great. Thank you
18 very much. And Ms. Lucchesi, what is the next order of
19 business? I believe it's Item 71.

20 EXECUTIVE OFFICER LUCCHESI: That's correct and
21 Drew will be presenting on that one as well.

22 (Thereupon a slide presentation).

23 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN:

24 Commissioners, I will be giving the staff
25 presentation for Agenda Item 71, the amendment of a

1 general lease, public agency lease with the City of Los
2 Angeles Department of Water and Power, hereinafter
3 referred to as the City.

4 Next slide, please.

5 --o0o--

6 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Owens
7 Lake is located in the southwest Inyo County approximately
8 200 miles north of Los Angeles. The lake originally
9 covered approximately 110 square miles and was up to 50
10 feet deep. In 1913, the City began diverting water from
11 the lake through the LA Aqueduct and the lake's water
12 level rapidly declined. By 1930, the lake was virtually
13 dry with only a small brine pool remaining.

14 The Great Basin Unified Air Pollution Control
15 District determined that dust emissions from the dry
16 lakebed were responsible for poor air quality in the Owens
17 Valley. The District enforces Federal, State, and local
18 air quality regulations and standards and has the
19 authority to issue regulatory orders to the city to
20 control dust emissions.

21 Next slide, please.

22 --o0o--

23 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
24 Commission authorized the lease to the City for the
25 operation and maintenance of various dust mitigation

1 measures. The Commission has authorized a number of
2 amendments to allow the City to meet the dust control
3 orders issued by the District.

4 Next slide, please.

5 --o0o--

6 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
7 proposed amendment before the Commission today is to, one,
8 authorize implementation of regulatory maintenance
9 activities within several previously authorized dust
10 control areas, or DCAs, and authorize emergency repairs
11 within Dust Control Area T13-1 North.

12 Next slide, please.

13 --o0o--

14 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
15 lease also includes the inclusion of the following lease
16 provisions: that the City will notify culturally
17 affiliated and Native American tribes of the Owens Valley
18 no more than five days prior to commencing work on the
19 activities proposed under this amendment; two, the City or
20 the City's archaeologist shall secure a written agreement
21 with the Lone Pine Paiute-Shoshone Reservation repository
22 regarding the final disposition and permanent storage of
23 any archaeological resources recovered during the project;
24 and three, that the City acknowledges that this lease
25 expires on April 30th, 2024, and shall submit an

1 Next slide, please.

2 --o0o--

3 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Staff
4 believes the proposed amendment will not significantly
5 impair Public Trust resources and values on Owens Lake at
6 this time. The proposed maintenance activities will
7 reduce dust emissions and improve air quality for
8 residents in the Owens Valley. Staff recommends the
9 commission authorize the amendment of Lease 8079 effective
10 March 1, 2023.

11 Next slide, please.

12 --o0o--

13 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: And
14 that concludes staff's presentation and staff is available
15 to answer any questions.

16 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
17 Simpkin.

18 I will be abstaining on this item.

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

21 ACTING COMMISSIONER KUNKEL: Not yet. I'd like
22 to hear the public comment first.

23 ACTING CHAIRPERSON DURLAO: Commissioner Miller.

24 ACTING COMMISSIONER MILLER: No.

25 ACTING CHAIRPERSON DURLAO: Jeff, do we have any

1 public comments on the line or in the room?

2 I don't see any in the room.

3 MR. PLOVNICK: Thank you, Chair. We do have one
4 public comment. Sean Scruggs, if you are available, you
5 are welcome to unmute yourself and begin speaking.

6 MR. SCRUGGS: Hello. Are you receiving me?

7 ACTING CHAIRPERSON Dumlao: Yes, we are. Go
8 ahead, Sean.

9 MR. SCRUGGS: Okay. How much time do I have?

10 ACTING CHAIRPERSON Dumlao: You have three
11 minutes.

12 MR. SCRUGGS: Three minutes. Okay. (Spoke in
13 native language). My name is Sean Scruggs. I am the
14 Tribal Historical Preservation Officer for the Fort
15 Independence Paiute Tribe. We're approximately 20 miles
16 north of Owens Lake, which is Patsiata, the traditional
17 name for the lake.

18 My comment specifically is administrative in
19 nature in the sense that I had been consulted in the --
20 this lease with California State -- between the California
21 State Lands and Department of Water and Power. But the
22 primary issue is that up until recent times, none of the
23 Natives were ever consulted about obviously the
24 destruction, draining of Patsiata and the systematic
25 destruction of -- and I relate her in a -- in a personal

1 way. And I refer to Patsiata as "her". So that no one
2 has really been involved with the destruction of her until
3 just recent times.

4 So the comment in administrative nature is that
5 Native Americans, all of THPOs, the tribal leaders need to
6 have a seat at the table with the Los Angeles
7 Commissioners Great Basin Air Pollution and California
8 State Lands Commission at the conception of ideas on how
9 to manage that lake. We have cultural resources out there
10 that include massacre sites. We have other cultural
11 resources on the shorelines. And we understand that there
12 is a need to control the dust. However, that was not our
13 doing. That was the doing of the systematic destruction
14 of the lake. And no one could foresee the future of how
15 that dust would impact the valley and the residents.

16 But as such, since recent times, our folks and my
17 folks, specifically tribal folks, THPOs have only been
18 advising or asked on what do you think about turning this
19 shovel of dirt here or flooding this area? And many times
20 when we comment or put in our suggestions when it actually
21 comes to the construction, as maybe some of you have been
22 involded in remodels of your house, things change. And so
23 the nature of, oh, this is going to be non-destructive or
24 very benign turn out to be very destructive courses of
25 action that people feel necessary to reduce dust.

1 We have actually been, you know, consulted and
2 asked -- and told that there are certain actions that are
3 needed and we ask for proof that these areas are emissive
4 or emitting dust. And then those results sometimes come
5 back negative because they're relying on aerial flybys or
6 aerial pictures.

7 So this is a very -- it looks very benign when
8 you look at the presentation, but it's a very extensive
9 process that requires tribal participation from the very
10 beginning in the discussion with us on how to co-manage
11 that lake.

12 Thank you for my time -- the time. Thank you.

13 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
14 Scruggs for your comments.

15 Commissioner Kunkel.

16 ACTING COMMISSIONER KUNKEL: Thank you, Chair
17 Dumlao and thank you so much Sean Scruggs for providing
18 those comments. And so I understand, it appears that Mr.
19 Scruggs is not concerned with this item in particular, but
20 rather the overall management of the dry lakebed and that
21 his voice and the voice of the Fort Independence Paiute
22 Tribe are not being heard. So just a question for Ms.
23 Lucchesi or Mr. Simpkin, whichever is appropriate, what --
24 what can the State Lands Commission do to ensure
25 meaningful consultation, to ensure that they do have a

1 seat at the table. What is -- what can we do?

2 EXECUTIVE OFFICER LUCCHESI: Yeah. No. That's a
3 really important question. We are in the process of
4 working with Mr. Scruggs through our Tribal Liaison,
5 Yessica Ramirez, to schedule a consultation with him in
6 March or early April to talk through those very ideas.
7 The Commission through its lease management
8 responsibilities, through various amendments that will
9 come before you in the near future, we do have the ability
10 to be able to incorporate better consultation and
11 coordination terms with LADWP to accommodate and implement
12 ideas from the various tribes that have cultural resources
13 and interests in the dry lakebed.

14 So I guess the short answer to your question is
15 stay tuned. We'd really love the opportunity to sit down
16 with Mr. Scruggs to hear what his ideas are, those of his
17 tribal members, and other tribes, so that we can be as
18 comprehensive and effective as possible in our future
19 negotiations with DWP, and in our collaboration and
20 communication with Great Basin Air District.

21 ACTING COMMISSIONER KUNKEL: Thank you so much.
22 I appreciate that. And I'm ready to move approval.

23 ACTING COMMISSIONER MILLER: Ill second.

24 ACTING CHAIRPERSON DUMLAO: All right. Great.

25 So we have a motion from Commissioner Kunkel and

1 a second from Commissioner Miller.

2 Ms. Lucchesi, can we have the roll call vote.

3 EXECUTIVE OFFICER LUCCHESI: Certainly.

4 Commissioner Kunkel?

5 ACTING COMMISSIONER KUNKEL: Aye.

6 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

7 ACTING COMMISSIONER MILLER: Aye.

8 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

9 ACTING CHAIRPERSON DURLAO: Abstain.

10 EXECUTIVE OFFICER LUCCHESI: The motion passes
11 two to zero with one abstention.

12 ACTING CHAIRPERSON DURLAO: Great. Thank you
13 very much. All right. I believe that concludes all of
14 our -- the items that were removed from the consent
15 calendar, is that correct?

16 EXECUTIVE OFFICER LUCCHESI: That's correct.

17 ACTING CHAIRPERSON DURLAO: What's our next order
18 of business?

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

21 ACTING CHAIRPERSON DURLAO: Great. If anyone
22 wants to address the Commission on any matter that is not
23 on today's agenda, please come up to the podium or raise
24 your hand. I will call on those who are here in person
25 first. Next, we'll move on to those joining us virtually.

1 Jeff, please call on the first person who would like make
2 a public comment.

3 MR. PLOVNICK: Thank you, Chair. There are no
4 hands raised for comment at this time.

5 ACTING COMMISSIONER MILLER: Mr. Chair, did we
6 have a speaker on Item 83 that wanted to --

7 ACTING CHAIRPERSON DURLAO: We did.

8 EXECUTIVE OFFICER LUCCHESI: So hopefully Mr.
9 Nestor -- I can't remember what his last name is. I
10 apologize. Hopefully he is still on Zoom and can speak
11 during the public comment period. Unfortunately, we did
12 already vote on that item, but I think he's going to
13 support that action, but I could be wrong, so...

14 MR. ALIGA: Yes. Thank you very much.

15 ACTING CHAIRPERSON DURLAO: Oh, perfect. There
16 he is.

17 MR. ALIGA: Yes. Good morning honorable members
18 of the California State Lands Commission. My name is
19 Nestor Aliga. I live in the beautiful and historic City
20 of Vallejo. I am one of the many volunteers that worked
21 thousands of hours to help pass the federal legislation
22 advance for the Mare Island Naval Cemetery to the U.S.
23 Department of Veteran Affairs. And I am here to
24 respectfully request you to approve Item number 83.

25 The story of the Mare Island Naval Cemetery is

1 not uncommon, but it is somewhat unique in its history and
2 is a quiet victim of inadvertent governmental missteps,
3 lost opportunities, and being left behind. This cemetery
4 is unique, because it is the oldest Naval cemetery in the
5 west coast. And buried here are three medal of honor
6 recipients, over 860 former soldiers, marines and sailors,
7 who served in the periods from the War of 1812 through the
8 World War I, and 100 plus of their relatives are also
9 buried here. Sadly, this cemetery has also been a quiet
10 victim of inadvertent government missteps, neglect, and/or
11 lost opportunities.

12 In 1973, 50 years ago, the National Cemeteries
13 Act of 1973 became Public Law 93-43. And this cemetery
14 should have been transferred to the Veterans Affairs, but
15 with the shipyard going full speed in maintaining nuclear
16 submarines at that time, this cemetery was left behind.

17 In 1993, the Mare Island Naval Shipyard was
18 placed on the Base Realignment Closure, or BRAC, list.
19 And this cemetery should have been transferred to the U.S.
20 Department of Veterans Affairs. But in the haste to
21 decommission the shipyard by April 1996, this cemetery was
22 again left behind.

23 In 2012, we became aware of federal legislation
24 to Transfer the former U.S. Air Force Clark Air Veterans
25 Cemetery in the Philippines to the American Battle

1 Monuments Commission. And we thought we could piggyback
2 the Mare Island Cemetery with that legislation, but
3 somehow we did not champion it hard enough and this
4 cemetery was left behind.

5 In 2018, we finally decided to work much harder.
6 We started with a change.org petition that gathered over
7 50,000 signatures in 50 days by April 2018. Then we
8 secured the support of the California State Commanders
9 Veterans Council and 2,000 national veteran service
10 organizations and we got California Senator Bill Dodd to
11 introduce Senate Joint Resolution 26, which urges Congress
12 to pass the transfer legislation.

13 Now. Okay. I guess my time is up. But now that
14 you have approved Item 83, I am extremely grateful to the
15 State Lands Commission for approving this proposed
16 amendment to the settlement agreement, because it is in
17 the best interests of the State and it will not
18 substantially impair Public Trust purposes or needs. But
19 more importantly, you're correcting or fixing a historic
20 wrong, because this is a critical path in the process to
21 finally transfer the Mare Island Naval Cemetery from the
22 City of Vallejo to its rightful place with the U.S.
23 Veterans Affairs.

24 Thank you very much.

25 ACTING CHAIRPERSON DURLAO: Thank you, Mr. Aliga

1 and thank you very much for staying with us today and
2 joining us for the second public comment to provide that
3 comment.

4 All right. This -- Jeff, do we have anyone else
5 on the line?

6 MR. PLOVNICK: Thank you, Chair. Yes, we have
7 Sean Scruggs. You are welcome to unmute yourself and
8 begin speaking at this time.

9 MR. SCRUGGS: Okay. Am I there?

10 ACTING CHAIRPERSON DURLAO: Yes, we can hear you,
11 Mr. Scruggs.

12 MR. SCRUGGS: Yes. Okay. I just wanted to come
13 back and give you just a little bit of context for Owens
14 Lake. Again, this is kind of just ideas to think about
15 why Native Americans need to be involved again
16 specifically with the LA commissioners and the powers at
17 the highest levels, is that Owens Valley for us
18 specifically, the Paiutes, and this is just an educational
19 piece, if you'll, you know, grace me with this, is -- so
20 the Paiutes in the Valley have been there for time
21 immemorial, so that's essentially recognized to
22 archeologists as 14,000 years, but we've been there much
23 longer.

24 Our creation stories tell about how our people
25 were created, all of the insects, the animals, the air,

1 everything that you can see, touch, feel, think visible
2 and invisible prayers, past, present, future, all are of
3 the utmost highest importance in the Owens Valley itself.
4 That's why it's necessary for the Tribal Historical
5 Preservation Officers, tribal leaders and elders to
6 protect every bit that we can protect within the entire
7 valley.

8 And this has been communicated. In future
9 Memorandums of Agreement, we will also include new
10 language that no one has seen recently that will capture
11 these ideas and they're -- they take almost a page and a
12 half to two pages just to put all agencies. And I
13 actually tried to in -- be involved in the California
14 State Lands Commission's strategy update when you guys did
15 it a couple years ago, your five-year strategy. And this
16 are -- these are the ideas that I want to include when you
17 review the strategy coming up in a few years is management
18 of cultural resources and resources, so that when people
19 approach California State Lands Commissions to construct
20 projects, ask for permits, do leases, these -- this
21 strategy will direct them strictly -- or straight
22 expressly to the tribal folks and put all the people on
23 notice that if you're setting foot into Owens Valley,
24 Payahuunadü, to perform constructions or do anything to
25 alter it, it needs to have a tribal perspective, a voice

1 and input from the beginning, so that they understand how
2 that affects our past, our present, and our future.

3 Again, this is part of what I'm tasked to do as
4 the Historical Preservation Officer for my tribe. It's
5 part of what I do just because this does directly relate
6 to my history, you know, as where my origins stories are,
7 creational stories, and why it's so important to protect.

8 Thank you for hearing my comments. I appreciate
9 it. You all have a great day.

10 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
11 Scruggs for joining us again for the second public comment
12 for informing us on more of the Owens Lake region. Yeah,
13 appreciate that.

14 Any comments from Commissioners, or questions?

15 All right. Jeff, sorry, do we have anyone else
16 on -- for public comment?

17 MR. PLOVNICK: Thank you, Chair Dumlao. At the
18 moment, there are no other hands raised for comment.

19 ACTING CHAIRPERSON DURLAO: Great. Thank you.

20 All right, Ms. Lucchesi, what's the next order of
21 business?

22 EXECUTIVE OFFICER LUCCHESI: Our next order of
23 business is closed session. Government Code section 11126
24 subdivision (c)(7) allows a State body to discuss real
25 property negotiations in closed session provided that

1 before the closed session the State body in open session
2 identifies the real property concerns and the person or
3 persons with whom the negotiator may negotiate. In
4 accordance with this requirement, I announce that the
5 Commission will conference in closed session with its real
6 property negotiate -- negotiators regarding a lease
7 amendment or other agreement for the extended use of the
8 infrastructure on State lands related to the continued
9 operation of the Diablo Canyon Power Plant in San Luis
10 Obispo County. The negotiations will be conducted with
11 PG&E.

12 ACTING CHAIRPERSON DURLAO: Great. Thank you
13 very much. We will now adjourn into a closed session.
14 Will the public please clear the room and we will be back.

15 Thank you.

16 (Off record: 11:55 a.m.)

17 (Thereupon the meeting recessed
18 into closed session.)

19 (Thereupon the meeting reconvened
20 open session.)

21 (On record: 1:08 p.m.)

22 ACTING CHAIRPERSON DURLAO: All right. Thank you
23 everyone. I call this meeting back to order. Ms.
24 Lucchesi, is there anything to report from closed session?

25 EXECUTIVE OFFICER LUCCHESI: Yes. Thank you.

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

8 I'm now going to turn it over to Chief Counsel
9 Blackmon to report out the other two items.

10 CHIEF COUNSEL BLACKMON: Thank you, Jennifer.
11 The Commission considered two items in closed session that
12 we'll be reporting out on. The first was what we call the
13 PRC 421 Piers settlement agreement. In this, the
14 Commission considered and authorized the execution of a
15 settlement agreement with the liquidating trustee for the
16 Venoco estate regarding the Commission's limited use of
17 the Ellwood Onshore Facility for the purposes completing
18 the PRC 421 Piers Decommissioning Project and closely
19 located Coastal Hazards Program removal work.

20 The second item was a trustee settlement offer.
21 The Commission considered the offer and rejected the
22 proposal by the liquidating trustee for the Venoco estate
23 regarding settlement of the trustee's legal claims against
24 the Commission in the matter of Eugene Davis versus the
25 State of California and the California State Lands

1 Commission.

2 And that's all.

3 ACTING CHAIRPERSON DURLAO: Thank you very much.

4 Ms. Lucchesi, is there anything else?

5 EXECUTIVE OFFICER LUCCHESI: Not at this time.

6 ACTING CHAIRPERSON DURLAO: Great. Well, that
7 concludes the open meeting and we are adjourned.

8 (Thereupon the California State Lands
9 Commission meeting adjourned at 1:10 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 9th day of March, 2023.



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