

MEETING  
STATE OF CALIFORNIA  
STATE LANDS COMMISSION

ZOOM PLATFORM

FRIDAY, MARCH 24, 2023  
12:00 P.M.

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

APPEARANCES

COMMISSION MEMBERS:

Eleni Kounalakis, Lieutenant Governor, Chairperson

Malia Cohen, State Controller

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

STAFF:

Jennifer Lucchesi, Executive Officer

Colin Connor, Assistant Executive Officer

Seth Blackmon, Chief Counsel

ATTORNEY GENERAL:

Andrew Vogel, Supervising Deputy Attorney General

ALSO PRESENT:

Luigi Barasso, Crockett Community Services District

Anna Christensen

Jena Goodman, Crockett Community Services District

Matthew Herron

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Public comments will be heard at 12:00 p.m. for items not on the agenda, for no more than 20 minutes. At the discretion of the Chair, speakers will be given up to 3 minutes. Note: Comments made during the general public comment period regarding matters pending before the Commission do not become part of the official record for those matters.

III	Consent Calendar 01-03	13
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The following items are considered to be noncontroversial and are subject to change at any time up to the date of the meeting.

- 01 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)
  
- 02 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Consider sponsoring legislation to amend several solid mineral permitting and leasing statutes to remove or modernize outdated provisions and to ensure that the Commission has the discretion to determine whether individual applications for solid mineral leasing are in the best interest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)

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03	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)	
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1           CHAIRPERSON KOUNALAKIS: Thank you, Ms. Lucchesi.  
2 For the benefit of those in the audience, the State Lands  
3 Commission manages State property interests in over five  
4 billion acres of land including mineral interests. The  
5 Commission also has responsibility for the prevention of  
6 oil spills at marine oil terminals and offshore oil  
7 platforms and islands, and for preventing the introduction  
8 of marine invasive species into California's marine  
9 waters. Today, we will hear requests and presentations  
10 involving the lands and resources within the Commission's  
11 jurisdiction.

12           I want to take a moment to honor the California  
13 Native American communities all across the state for  
14 persisting, carrying on diverse cultural and linguistic  
15 traditions, and sustainably managing the land that we now  
16 share. Native People have maintained a constant presence  
17 on the landscape for many thousands of years, and they're  
18 essential stewardship partners, whether along the coasts,  
19 along our rivers and valleys, or in our fragile deserts.  
20 We thank California Native American communities for  
21 participating in this Commission's activities and for  
22 their essential role in maintaining and adding to our  
23 State's rich cultural legacy.

24           The next item of business will be public comment.  
25 Before I open the public comment period for items not on

1 the agenda, first let me thank everyone, especially our  
2 stakeholders and members of the public, for taking the  
3 time to join our meeting. Now, I want to turn it over to  
4 Ms. Lucchesi to quickly share some instructions on how we  
5 can best participate in this meeting. So that it runs as  
6 smoothly as possible.

7 EXECUTIVE OFFICER LUCCHESI: Thank you Chair  
8 Kounalakis. First, everyone please make sure you have  
9 your microphones or phones muted to avoid any background  
10 noise. For members of the public, if you would like to  
11 speak either during our public comment period or during a  
12 public comment period that is part of an agenda item, you  
13 will need to do so in one of two ways.

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

19 Second, if you're joining our meeting by phone,  
20 you must press star nine on your keypad to raise your hand  
21 to make a comment. If you are calling in and want to view  
22 the meeting including any PowerPoint presentations, but we  
23 don't have any today, please view the meeting through the  
24 CAL-SPAN live webcast link. There will be a slight time  
25 delay, but it will avoid any echo or feedback from using

1 the Zoom application and your phone.

2           If you emailed us with a request to speak, please  
3 also raise your hand, so we don't inadvertently miss you.  
4 We will call on individuals who have raised their hands in  
5 the order that they are raised using the name they  
6 registered with or the last three digits of your  
7 identifying phone number. After you are called on, you  
8 will be unmuted, so that you can share your comments.  
9 Please also remember to unmute your computer or phone and  
10 identify yourself, and 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 the  
14 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](mailto:cslc.commissionmeetings@slc.ca.gov). We have  
18 received various emails from parties and that have been  
19 shared with the commissioners prior to the meeting. And  
20 if we receive any emails during the meeting, we will share  
21 those with the commissioners and they will be available on  
22 our website, along with the comment emails we've already  
23 received.

24           Chair Kounalakis, that concludes my virtual  
25 meeting instructions. We are ready to move to the general



1 public comment period.

2 CHAIRPERSON KOUNALAKIS: Thank you.

3 Our next order of business is the public comment  
4 period. If anyone wants to address the Commission on any  
5 matter not on today's agenda, you will have three minutes  
6 pins to provide your comments.

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

9 ASSOCIATE GOVERNMENTAL PROGRAM ANALYST DOZIER:

10 Thank you, Madam Chair.

11 Our first public comment will be Matt Herron.  
12 Matt, you may unmute yourself and begin your comments  
13 whenever you're ready.

14 MR. HERRON: Thank you very much. I'll keep this  
15 very brief. I just wanted to bring to the Commission's  
16 attention a legal proceeding that we recently filed  
17 concerning public use of the Coronado Yacht Club. The  
18 lease for the yacht club is expiring at the end of the  
19 year and we're asking the court to order that it be put  
20 out for bid for public use going into the future.

21 I provided some of the background materials to  
22 the staff. It's just a matter of information for the  
23 Commission. It may be at the appropriate time the  
24 Commission is interested in weighing in on the case, or  
25 joining the case, or filing an amicus brief. We have not

1 heard yet -- we're just in the very first month of the  
2 case. We've not heard back from the court district.

3 The reason the case was filed is in 2018, the  
4 same situation occurred. I objected to the -- another  
5 lease for the yacht club without public input and the port  
6 district ignored me, so this is why the case is being  
7 filed this time.

8 That's really all I have to say. Thank you for  
9 your attention.

10 CHAIRPERSON KOUNALAKIS: Thank you.

11 Nate, is there any other public comment?

12 ASSOCIATE GOVERNMENTAL PROGRAM ANALYST DOZIER:

13 Yes, Madam Chair. Our next public comment will  
14 come from Anna Christensen. Anna, you may unmute yourself  
15 and begin your comments whenever you're ready.

16 MS. CHRISTENSEN: Thank you very much.

17 Good afternoon, commissioners, and thank you for  
18 allowing me to speak. It's a little bit last minute. Our  
19 city council here in Long Beach, California passed --  
20 approved a plan called the Long Beach Unit Annual Plan for  
21 23-24 and a general plan for 23-28 regarding an optimized  
22 water flood program for our offshore. It's basically the  
23 Wilmington Oil Field, which it manages for the State of  
24 California.

25 Two weeks prior to this, the -- our city council

1 passed a resolution to aggressively reduce oil drilling in  
2 the city. This plan calls for expanding oil drilling.  
3 This plan will be reviewed by the State Lands Commission  
4 and has to be approved by you. I'm speaking to you as  
5 a -- as a representative of the Long Beach area group of  
6 Sierra Club and a representative of the Los Cerritos  
7 Wetlands Task Force. We have four oil companies operating  
8 there, and also as the Executive Director of Puvungna  
9 Wetlands Protectors.

10           What we're asking for along with other groups is  
11 that you not approve this plan unless it's amended to not  
12 allow drilling within the proposed 3,200-foot setback.  
13 We're not sure that the language that the city says they  
14 must include and the actions that they must include are  
15 actually required. And we hope to look into this along  
16 with your staff. We're not sure that they have to quote,  
17 "Ensure volume -- optimization of production, maximize  
18 economic production from existing assets, add production  
19 wells". They are adding new drilling.

20           We don't want that. We are the most polluted  
21 City in California. We know that the health impacts now.  
22 As our city manager said, we've been doing the same  
23 contract for 50 years. Well, fine, but in 50 years what  
24 damage has this done and must we continue -- are we  
25 legally required to continue to give people asthma, to

1 give people poor pregnant outcomes? Are we legally  
2 required to do harm, and hurt, and even kill people as  
3 part of a contract? This seems beyond belief.

4           So we're hoping to work with you and get your  
5 support in altering this contract and not having it move  
6 forward, and researching the contract. I mean, it's very  
7 true that corporate behavior always requires maximizing  
8 profits, but the city is responsible for the health of the  
9 people. And we don't think this contract is legally  
10 enforceable, because it does so much harm. And we  
11 understand that maybe 50 years ago people didn't know  
12 that, right, but we know, even the Governor, and the whole  
13 state. The legislature passed the 3,200-foot setback.  
14 The only reason it's not there because corporations spent  
15 \$20 million for a referendum.

16           Thank you for your time. Have a lovely  
17 afternoon.

18           CHAIRPERSON KOUNALAKIS: Thank you very much.

19           Nate, are there any other people who would like  
20 to speak?

21           ASSOCIATE GOVERNMENTAL PROGRAM ANALYST DOZIER:

22           Yes. Our next public comment will be Luigi  
23 Barassi. Luigi, you may unmute yourself and begin your  
24 comments whenever you're ready.

25           CHAIRPERSON KOUNALAKIS: Mr. Barassi?

1 Nate?

2 Nate, can you help the speaker?

3 ASSOCIATE GOVERNMENTAL PROGRAM ANALYST DOZIER:

4 Yes, I think --

5 MR. BARASSI: Are you able --

6 CHAIRPERSON KOUNALAKIS: Oh, there he is.

7 MR. BARASSI: Okay. Thank you. Sorry for that  
8 glitch. I don't know if I'm in the screen, because it's  
9 not showing it, but anyway that's kind of immaterial.

10 My name is Luigi Barassi. I am the President of  
11 the Crockett Community Services District. And we have a  
12 wastewater treatment plant that is currently leased  
13 from -- the land under it is leased by C&H Sugar as a  
14 wastewater treatment facility and then we have a cost  
15 sharing agreement.

16 This lease was entered into approximately 50  
17 years ago in order to comply with the Clean Water Act.  
18 And the treatment facility, you know, was built to get  
19 into compliance. The lease is expiring in a year and a  
20 half, and we've had -- we've sort of come to the  
21 conclusion that this is the moment for the lead -- for the  
22 wastewater treatment plant to go back and, you know,  
23 devolve to the public estate.

24 It's currently managed by a corporate entity.  
25 They have been doing -- you know, there's a lot of

1 deferred maintenance. We've had considerable difficulty  
2 all of last year with plant failures, blower motors going  
3 out, aerating things getting clogged, and there were  
4 hydrogen sulfide releases.

5           So I guess I wanted to bring this to your  
6 attention. We have -- we've initiated the process of, you  
7 know, expressing interest in leasing the facility when the  
8 current lease expires. And, you know, part of the theory  
9 behind it is that it's critical public infrastructure and  
10 it's serving a community. And it really should be managed  
11 by a public entity, because public entities are more  
12 responsive to issues that, you know, of public interest  
13 than corporations that typically are responsible to their  
14 shareholders and, you know, often cut costs.

15           And the ask that I would have for you today going  
16 forward or convey this to staff is that, A, if we could  
17 enter into discussions to lease it, we would appreciate  
18 that, and B, that you certainly not enter into any new  
19 agreement until we have an operating agreement with C&H.  
20 They've been resistant to discussing that. We've made  
21 very little traction going forward. And so we've kind of  
22 concluded that maybe it's best that we run it and they be  
23 a customer or a user of the plant with a pre-treatment  
24 requirement.

25           There's another member of the public, Jena

1 Goodman, who's going to speak on this issue. She was  
2 involved in more of the activism around these problems  
3 last fall.

4 Thank you very much.

5 CHAIRPERSON KOUNALAKIS: Nate, next speaker,  
6 please.

7 ASSOCIATE GOVERNMENTAL PROGRAM ANALYST DOZIER:

8 Our next speaker is Jena Goodman. Ms. Goodman,  
9 you may go ahead and unmute yourself and begin your  
10 comments whenever you're ready.

11 MS. GOODMAN: Hello, commissioners. My name is  
12 Jena Goodman. I am the Vice President of the Crockett  
13 Community Services District, newly elected at the  
14 beginning of this year. Last year, I was a strong  
15 community organizer for multiple issues that we had in our  
16 community with the wastewater treatment plant.

17 Initially, we had an incident in May where one of  
18 the tanks actually overflowed. It overflowed onto the  
19 land surrounding it. It was a very wet kind of situation  
20 and there are multiple storm drains located nearby. So  
21 the town had a large issue with that occurring. That  
22 incident was fixed fairly quickly. However, in September  
23 and October of last year, there were multiple incidences  
24 that backed into each other for almost 60 days. The whole  
25 town was impacted, businesses were closed, and ultimately,

1 this led to Contra Costa County Health Department issuing  
2 a health advisory for residents to not spend much time  
3 outdoors.

4 We had two town hall meetings with many  
5 interested parties here, C&H, which is owned by ASR, which  
6 is a company located in Florida. We had county health  
7 officials. We had Bay Area Air Quality Management  
8 District present, as well as the Water Board. It is my  
9 understanding that there were multiple violations with  
10 both of the last mentioned boards with regards to this  
11 plant.

12 And it is in our interest to secure a joint  
13 operating agreement that is serving of our community and  
14 that prevents things like this occurring in the future.  
15 We've had a hard time negotiating things with this  
16 company. Communication is not something that is easily  
17 accessible and so we are hoping that we can rely on you,  
18 the State Commission Board, to help us ensure that we can  
19 protect our residents and protect the interests of own  
20 townfolk here.

21 Crockett is a very unique, very small town, and  
22 we often go overlooked when it comes to help from larger  
23 agencies. For instance, I had called the county in the  
24 first 30 days and still the necessary administrative  
25 workflow had not been reached for them to help, meaning



1 Bay Area Air Quality had not detected anything that was  
2 unsound and unsafe for people to breathe.

3 We really are looking for you to not renew this  
4 lease until we have something solid going forward. And we  
5 really just appreciate you looking at our little town and  
6 hopefully lending us a hand.

7 Thank you very much.

8 CHAIRPERSON KOUNALAKIS: Nate, are there any  
9 others who would like to address the Commission?

10 ASSOCIATE GOVERNMENTAL PROGRAM ANALYST DOZIER:

11 Madam Chair, there are no additional comments for  
12 this public comment period.

13 CHAIRPERSON KOUNALAKIS: Thank you, Nate.

14 That concludes our public comment period.

15 The next order of business will be the adoption  
16 of the consent calendar. Commissioners Cohen,  
17 Commissioner Miller, are there any items that you would  
18 like removed from the consent calendar?

19 COMMISSIONER COHEN: I have none.

20 CHAIRPERSON KOUNALAKIS: Okay. Next, I will call  
21 on Ms. Lucchesi to indicate which items, if any, have been  
22 removed from the consent calendar.

23 Ms. Lucchesi.

24 EXECUTIVE OFFICER LUCCHESI: Sorry. Having  
25 trouble finding the mute button. I just wanted to

1 identify that consent item number 3 is informational only.  
2 We do not have any recommendations for action within that  
3 item. So the Commission will only be voting on consent  
4 items 1 and 2.

5 CHAIRPERSON KOUNALAKIS: Thank you.

6 Is there anyone joining us who wishes to speak on  
7 any item remaining on the consent calendar. If so, please  
8 raise your Zoom hand or dial star nine if joining by phone  
9 now.

10 Nate, has anyone raised their hand?

11 ASSOCIATE GOVERNMENTAL PROGRAM ANALYST DOZIER:

12 Madam Chair, there are no hands raised for  
13 comment.

14 CHAIRPERSON KOUNALAKIS: Okay. Hearing none, we  
15 will now proceed with a vote. May I have a motion to  
16 adopt the consent agenda and a second.

17 ACTING COMMISSIONER MILLER: So as a reminder,  
18 Madam Chair, I will be abstaining from this item.

19 COMMISSIONER COHEN: So, Madam Chair, I'll make a  
20 motion to accept.

21 CHAIRPERSON KOUNALAKIS: Okay. I will second it.  
22 We have a motion by Commissioner Cohen and a  
23 second by myself.

24 Ms. Lucchesi, will you please conduct a roll call  
25 vote.

1 EXECUTIVE OFFICER LUCCHESI: Certainly.

2 Commissioner Cohen?

3 COMMISSIONER COHEN: Aye.

4 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

5 ACTING COMMISSIONER MILLER: Abstain, please.

6 EXECUTIVE OFFICER LUCCHESI: Um-hmm.

7 Chair Kounalakis?

8 CHAIRPERSON KOUNALAKIS: Aye.

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

11 CHAIRPERSON KOUNALAKIS: Do any of the  
12 commissioners have any comments or questions?

13 Ms. Lucchesi, what is the next order of business?

14 EXECUTIVE OFFICER LUCCHESI: We don't have any  
15 further action in front of the Commission and so it is  
16 appropriate to adjourn the meeting at your discretion.

17 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.  
18 Lucchesi. And that concludes the open meeting and we are  
19 adjourned.

20 EXECUTIVE OFFICER LUCCHESI: Thank you.

21 CHAIRPERSON KOUNALAKIS: Thank you everyone for  
22 joining us today.

23 (Thereupon the California State Lands  
24 Commission meeting adjourned at 12:21 p.m.)

25

CERTIFICATE OF REPORTER

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, 2023.

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