

# EXECUTIVE OFFICER'S REPORT

October 19, 2023



## California State Lands Commission

### The Passing of U.S. Senator Dianne Feinstein

In all the years I have served at the Commission, rarely has there been an elected official as devoted to California's public lands and resources as Senator Feinstein. Since her passing, Senator Feinstein has been, rightly so, revered far and wide as a trailblazer and an incredibly successful and effective elected official. One of Senator Feinstein's great passions was public lands, and her leadership and legacy on this issue was unparalleled. Senator Feinstein authored many bills that benefited the lands and resources managed by the Commission, including seminal legislation to preserve and protect the California desert, Lake Tahoe, and the San Joaquin River. Senator Feinstein was the lead sponsor of the 1994 California Desert Protection Act, which protected over 7 million acres of the California desert. She was a true champion and ally of the Commission. For decades, Commission staff worked closely with the Senator and her staff to safeguard and improve California's public lands, particularly environmentally sensitive lands in the desert and at Lake Tahoe that are integral to California's identity. So much of the environmental improvements in these areas over the years, and elsewhere in California, can be attributed to Senator Feinstein's leadership. It was an honor to have had the opportunity to work with Senator Feinstein and her staff all these years. Her remarkable and inspirational leadership, passion, and integrity will be missed.

### California Native American Day

Staff participated in the [56th annual Native American Day](#) on September 22 at the State Capitol and shared a table with the California Natural Resources Agency. The event honors the valuable historical and cultural contributions of Native Americans in California. Staff debuted a new public engagement handout at the event that describes its tribal affairs policy and commitment to tribal consultation. This year, under the theme of "Protecting Our People Through Sovereignty: Past, Present and Future," the Native American community and the state emphasized the importance of communication and cooperation between California Native American Tribal communities and state government.

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The day included cultural performances, a Tribal Nations Flag ceremony, speeches from Tribal Leaders, and a Cultural Heritage Pavilion where California Native cultural arts practitioners demonstrated cultural practices and Indigenous languages.

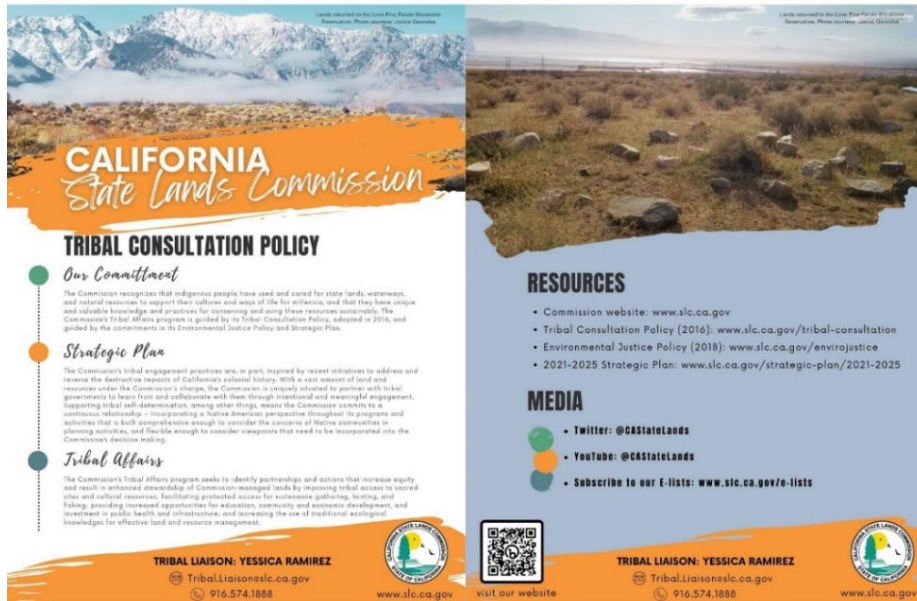


Figure 1. California State Lands Commission Tribal Consultation Policy flyer.



Figure 2. Yessica Ramirez, CA State Lands Commission Tribal Liaison (left) at CA Native American Day pictured with staff from CA Coastal Conservancy, Sierra Nevada Conservancy and the Office of Energy Infrastructure Safety.

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## Bagley-Keene Open Meeting Act Updates

The Commission is subject to the Bagley-Keene Open Meeting Act, which facilitates accountability and transparency of government activities and protects citizen's rights to participate in state government deliberations. Many provisions of the Act were modified during the pandemic to protect public health and safety while facilitating the participation of the public in the Commission's meetings through virtual and telephonic platforms. Since then, the Legislature has updated the Act to provide for enhanced public participation and accountability. Below are the Bagley-Keene Open Meeting Act updates:

- 1) [Temporary Rule \(Trailer Bill SB 143\)](#), effective September 13, 2023 - reinstated the ability to hold completely virtual remote meetings with no physical location necessary until **December 31, 2023**.
  - a. SB 143 provides that:
    - i. The locations of commissioners attending remotely do not need to be noticed.
    - ii. Any state body—decisional or advisory—may convene a virtual meeting and attain a quorum fully remotely (i.e., no physical location is required to be noticed), if members of the public are able to participate—observe and offer public comment—telephonically or otherwise electronically.
    - iii. For fully virtual meetings, the state body must swiftly resolve requests for reasonable modifications or accommodations from individuals with disabilities.
- 2) [Senate Bill 544 \(Laird\)](#) was signed by the Governor on September 22, 2023
  - a. **Interim Meeting Options:** This bill has an interim period from **January 1, 2024 through January 1, 2026**, that will allow virtual meetings under limited conditions. After January 1, 2026, the pre-pandemic rules for public meetings resume.
    - i. During this interim period the following meeting options are authorized:
      1. **Fully in-person:** A meeting where all Commissioners meet at a single physical location, in-person, that is open to public participation. For this type of meeting, it

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is optional for the state body to provide the public a means to observe or participate in public comment remotely via audio or video. (This is a recitation of the standard pre-pandemic rules.)

2. **Virtual Meeting (When less than a quorum are at any one location)** – A meeting where members of the state body are at two or more locations connected via audio or video conferencing technology, but less than a quorum are at any one location.
    - a. Members may appear only at physical locations that are noticed in the 10-day notice and open and accessible to the public.
    - b. Members must appear visibly on camera during the meeting.
    - c. The public must be able to observe and participate in the virtual meeting via audio.
  3. **Virtual Meeting (When a quorum is present at one location)** – If a quorum is physically present at the same in-person location, which is noticed in the 10-day notice and open to the public, additional members of the state body in excess of the majority may attend and participate from one or more remote locations, and such locations do not have to be identified or open to the public.
    - a. A Commissioner attending from a remote location must appear visibly on camera during the meeting.
    - b. The public must be able to observe and participate in the virtual meeting via audio.
- b. **After January 1, 2026** – The rules revert to pre-pandemic requirements and all members must attend from a noticed single physical location, in-person, that is open and publicly accessible. The rules permitting the temporary virtual meetings beginning January 1, 2024, via SB 544, are repealed.

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## Granted Public Trust Lands

### **Treasure Island Redevelopment: phase three closing**

The redevelopment of Treasure Island and Yerba Buena Islands, in the City and County of San Francisco, moved forward in September with completion of the third closing phase. The State, by and through the State Lands Commission and the Treasure Island Development Authority, entered into the Compromise Title Settlement and Land Exchange Agreement in 2015. This Agreement prescribes a process to divide land on the Islands into Public Trust parcels to be held permanently in trust for the statewide public, and Trust Termination parcels, which can be developed for private or municipal uses. Through the course of a projected seven closing phases, land title to all of Treasure Island and approximately half of Yerba Buena Island will be settled. Settled land title is critical to redeveloping the Islands for parks, residences, and commercial use.

### **New firefighting training facility: Carroll Street Transaction, San Francisco**

The Treasure Island redevelopment will displace San Francisco's main training facility on the Island, one of only four training sites in Northern California certified to host certain fire training rescue systems. The site is also equipped to teach certified firefighter survival and rapid intervention crew operation classes. In late September, escrow closed on land in the City (Carroll Street in the Candlestick Point area) that will be the location of a new firefighter training facility. The site had contained portions of two former streets and an abandoned railroad right-of-way that were filled public trust land managed by the Port of San Francisco pursuant to the Burton Act. The Legislature authorized the transfer of this property to the City, free of trust restrictions, if the City paid market value into the Port's harbor fund, restricted use of the land to public safety for a minimum of 30 years, and if the Commission approved the transfer. The Commission approved this transaction in February 2023 ([Item 82](#)).

### **Mare Island Amendment and Cemetery Transfer**

City of Vallejo and Commission staff are nearing completion of the Mare Island Settlement Agreement Amendment authorized by the Commission earlier this year ([Item 83](#)). The Commission's action allows the U.S. Department of Veterans Affairs to care for the Mare Island Cemetery. It also requires City and

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Commission staff to negotiate in good faith to resolve issues that have impeded fulfillment of the Settlement Agreement. All parties have signed the amended Agreement, and it awaits approval by the Governor. The Cemetery transfer can be completed soon after the Governor signs.

## **City of Martinez: Trust lands Use Plan**

In early September, City of Martinez staff presented a Draft Waterfront Marina Trust Lands Use Plan to the City Council that is intended to provide a vision and implementation plan for the Martinez waterfront and the surrounding public trust lands, which are legislatively granted public trust lands subject to the Commission's oversight. When the Legislature granted the marina to the City in 2015, it required the City to submit a Trust Land Use Plan to the Commission for its approval. The Draft Plan City staff shared last month incorporates community and commission staff feedback and collaboration. The City anticipates submitting a final Plan to the Commission later this year for its consideration and approval.

## **San Diego Environmental Leadership Summit**

On September 23, staff participated in the seventh annual Environmental Leadership Summit, an all-day conference hosted by the Environmental Center of San Diego that brought together environmental organization leaders in San Diego. Staff participated in a panel discussion about the principles of the Public Trust Doctrine and California tidelands and waterways being held in trust for the public to use and enjoy. Staff, participating in a panel with the Port of San Diego, City of San Diego, and Dr. Charles Lester from UC Santa Barbara, spoke about the Commission's responsibility to uphold the Public Trust Doctrine and how it applies the Doctrine as it stewards the lands, waterways, and resources entrusted to its care.

## **Offshore Wind Energy**

Staff continues to participate in offshore wind planning in federal waters as a member of the Bureau of Ocean Energy Management (BOEM)-CA Intergovernmental Task Force for offshore wind, and as a state agency named in [AB 525](#) (2021). The Commission, the Energy Commission, and other agency

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staff have continued work on California's Strategic Plan for offshore wind energy development. Staff effort has most heavily focused on chapters relating to seaport readiness, permitting, and workforce development. The Energy Commission is expected to release the draft Strategic Plan for public comment this month.

The five leases for the Humboldt and Morro Bay Wind Energy Areas, the first wind energy leases offshore California, became effective on June 1. These leases require the lessees to produce Agency Communications Plans that outline the lessee's plan to coordinate with federal, state, and local agencies about the permits required to develop lease areas. Staff have been meeting with lessees to review their draft plans and provide feedback.

Along with other state agencies and tribal representatives, staff have been participating in twice monthly meetings of a Tribal Working Group led by the California Energy Commission to discuss issues related to offshore wind policy in California. Staff also participated in an Ocean Protection Council review panel for the Council's offshore wind energy environmental monitoring solicitation. The Council is seeking applications to develop environmental monitoring guidance for offshore wind development in California. The guidance is intended to provide a clear and practical resource for regulators, developers, and stakeholders involved in offshore wind projects to ensure that environmental impacts of offshore wind development are properly monitored, evaluated, and mitigated throughout the project lifecycle.

Consistent with the Commission's residual oversight of granted lands, staff participated in educational tours of ports and commented on port development related to offshore wind. In late August, staff joined California Energy Commission staff at a tour of the Port of San Francisco and the Port of Richmond, hosted by Aikido Technologies. The tour included a site visit of Pier 94/96 in San Francisco, which has been identified as a potential manufacturing site for foundations and offshore wind components. Staff also toured the Port of Long Beach and the Port of Los Angeles to learn about potential redevelopment that would support offshore wind energy (described more thoroughly below).

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Staff submitted a comment letter for the Humboldt Bay, Harbor, Recreation and Conservation District's Notice of Preparation for the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project. This project is projected to be California's first offshore wind staging and integration site where foundations and turbines will be assembled.

## **CADEMO Offshore Wind Energy Demonstration Project**

The Commission and the U.S. Department of the Air Force agreed to prepare a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the CADEMO Offshore Wind Energy Demonstration Project, which is a proposed floating offshore wind demonstration project in state waters offshore of Vandenberg Space Force Base that would include four floating wind turbines. The Commission and Department are in the early stages of the EIR/EIS process and anticipate releasing a Notice of Preparation/Notice of Intent in late 2023 to start the public scoping process.

## **Port of Los Angeles and Port of Long Beach Site Visit**

The lands underlying these two ports, the two largest in the nation, are legislatively granted public trust land subject to the Commission's residual oversight. In September, staff toured the ports and met with Executive Director Gene Seroka and other port officials to discuss potential port redevelopment activities that would support offshore wind energy projects, including the Port of Long Beach's proposed Pier Wind Project, which would be the largest facility designed to accommodate assembly of offshore wind turbines at any U.S. seaport. Staff also learned about various waterfront redevelopment projects, including the Port of Los Angeles' [West Harbor Waterfront Development Project](#) at the former Ports O' Call area. Key features of this project, expected to open in 2024, include 42 acres and one mile of direct waterfront access, four acres of outdoor park and recreation, and over 200,000 square feet of waterside, including harbor side excursions and attractions.

Staff also toured AltaSea at the Port of Los Angeles. AltaSea, built on a historic pier with deep ocean access, is a nonprofit at the Port of Los Angeles focused



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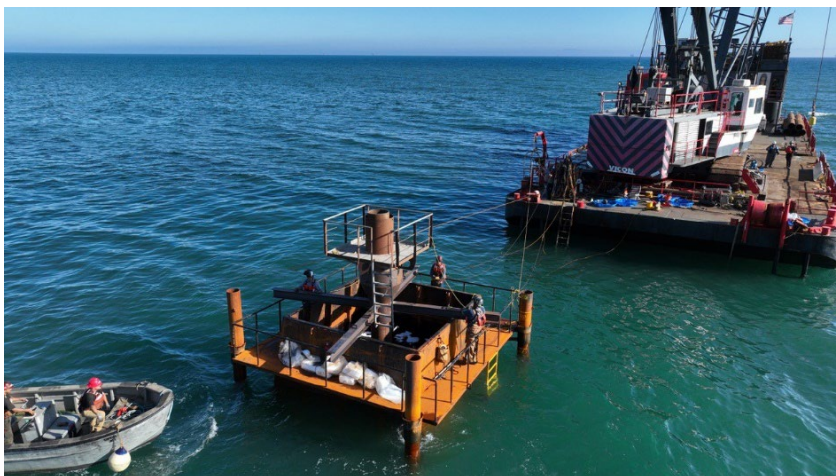
on accelerating scientific collaboration, advancing the blue economy, and inspiring the next generation.

## Legacy Well Abandonments

On August 14, staff, as part of its Coastal Hazard and Legacy Well Remediation Program, started work to re-abandon two legacy oil and gas wells offshore Summerland Beach along the Treadwell Pier. These wells, known as Treadwell 1 and 5, are roughly 20 feet underwater and 500-600 feet from the shore. The work was performed using a crane barge and involved dive work operations. The work was completed on September 1, which was slightly past the expected completion date because of unexpected weather conditions.

This work wraps up our 2023 legacy well abandonment work program and brings the total number of legacy wells the Commission has abandoned under the SB 44 program to six. Staff is now turning its attention toward preparing its annual SB 44 report to the Legislature and Governor, and looks forward to continuing to work with partner agencies and the community.

Heal the Ocean, a local nonprofit organization, is putting together a documentary called "Chasing Oil" that documents Summerland's history and efforts to obtain funding to address legacy oil issues along the coast. As part of that documentary, Heal the Ocean staff interviewed the Commission's contractors working on the abandonment project.



**Figure 3.** Photo courtesy of Harry Rabin/Heal the Ocean

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The abandonment project in the news: [Efforts Underway to cap and map Summerland's Abandoned Oil Wells](#)

## Offshore Oil and Gas Decommissioning Projects

### Platform Holly

The well monitoring period on Platform Holly has been completed and the drilling rig was reactivated in late September in order to perform some additional well abandonment work and to begin the process of cutting and removing the well conductor pipes that link the platform's wellheads to the seabed. Staff anticipates issuing a Notice of Preparation for the Platform Holly Decommissioning Project next spring and releasing a Draft Environmental Impact Report for public review in 2025. ExxonMobil will undertake decommissioning the platform, at its expense. More information is available in ([Staff Report 63](#)).

### Rincon Island

Rincon Island remains in caretaker status. Staff anticipates releasing the Draft EIR for a 90-day public review period by the end of the year. Staff will convene public meetings during the review period to summarize the main components of the Draft EIR and accept public comments. Staff will continue its consultation with government agencies, including the California Coastal Commission, State Coastal Conservancy, California Department of Fish and Wildlife, National Marine Fisheries Service, and Ventura County, as well as with Tribes.

## Fire Protection on the Commission's forested lands

Staff are creating an inventory of the Commission's forested school land parcels, most of which are in northern California. The purpose of this inventory is to collect and track critical data and identify parcels that need treatment to reduce wildfire risk. The inventory will facilitate a strategy for staff to prioritize parcels for treatment based on their condition, proximity to communities, and other important considerations. As part of this inventory, the Commission's Forester is conducting site visits to several parcels to gather information, establish a process for data collection, and connect with potential local partners. So far, staff has visited parcels in Tehama, Trinity, and Nevada counties. Staff is also

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developing agreements with several agencies to implement fuel reduction projects, including CAL FIRE, the Trinity County Resource Conservation District, and the Truckee Fire Protection District. Staff is preparing a report to update the Commission on its progress.

In addition to internal efforts to inventory the Commission's forested land to better understand and address wildfire risk, staff participates in an interagency effort, the [State Lands Resilience Working Group](#). This working group, comprised of state agencies with jurisdiction over forested lands, is developing a strategy to provide an action plan to build wildfire resilience across the state's forested lands. This effort is part of the [California Wildfire and Forest Resilience Task Force](#).

## **Climate Resilience Initiative: Nature-Based Strategies**

Staff recently launched a Climate Resilience Initiative, an internal, annual effort to help the Commission achieve its [Strategic Plan](#) goals and help in the fight against climate change. This year's theme is nature-based strategies, which are strategies that use existing natural landscape features or engineered structures of natural materials that mimic naturally formed landscapes and functions to minimize flood, erosion, and runoff risks. Staff held three educational sessions to establish a shared understanding throughout the Commission of what nature-based strategies are and how they apply to the Commission's climate resilience work. Staff are now developing nature-based strategy case studies for future presentations and resources for internal use and for lessees.

## **Abandoned Vessel and Other Significant Remediation Projects**

### **Salt River Construction Corporation Derelict Vessels, Broad Slough**

Staff negotiated a deferral agreement with Salt River Construction Corporation, as authorized in August ([Item 59](#)). Salt River will voluntarily remove, and either reuse or dispose of, its vessels from state-owned public lands. In exchange, staff agreed to defer action to take title to and dispose of the vessels. Under the agreement, Salt River will remove one vessel by the end of 2023 and all 20 of its vessels by July 2024.

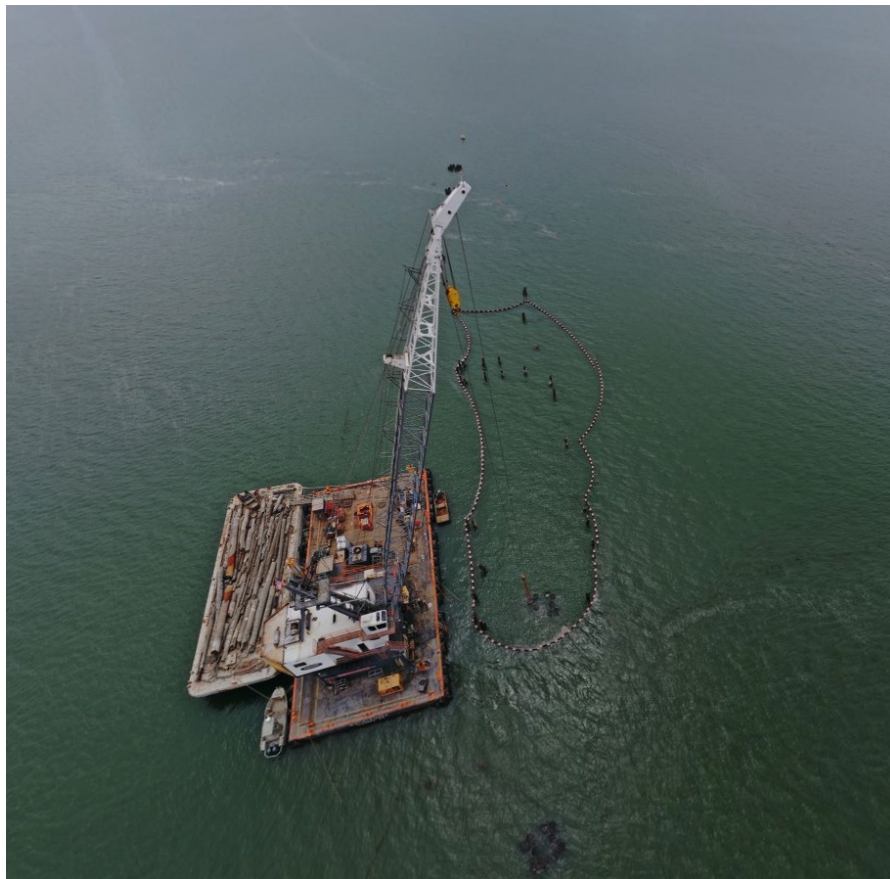
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## Point Orient Wharf Removal

The [Point Orient Wharf Removal Project](#) is on target to complete at the end of the 2023 in-water work window. The Commission authorized removal of a large wharf and causeway near the Richmond-San Rafael Bridge in Contra Costa County. The wharf, constructed in 1904 to ship refinery products, had been out of service since the 1980s. Pile removal will be finished by November, followed by sonar scans to locate any incidental debris. Eel grass restoration—including transplanting and monitoring—has begun.



**Figure 4.** Photo courtesy of Chevron

## Pile Removal Project, Carquinez Strait, near Eckley, Contra Costa County

Staff will remove more than 400 timber creosote piles from the south shore of Carquinez Strait. This site is what remains of a Southern Pacific Railroad ferry terminal. Staff expects to complete the project by November 30. If the project cannot be completed this year for permitting reasons, the funding for it may be in jeopardy.

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**Figure 5.** Photo courtesy of CA State Lands Commission GIS Team

## **SB 905 (Carbon Capture, Storage, and Utilization)**

Staff participated in a webinar hosted by the California Natural Resources Agency, the Department of Conservation, the Air Resources Board, and the Energy Commission to provide an overview of carbon dioxide removal efforts with an emphasis on the requirements under [SB 905](#) (2022), which directs the Air Resources Board, in consultation with other agencies, including the State Lands Commission, to create a carbon capture and storage program and to create a state framework for intrastate pipelines carrying carbon dioxide fluid and for governing agreements intended to manage carbon dioxide sequestration project reservoirs. Public comment on the framework begins December 2023, and June 2024 is the anticipated date for publishing the framework.

## **Environmental Law Conference in Yosemite**

This coming weekend, the Commission's legal staff will attend the annual Environmental Law Conference at Yosemite. This conference is nationally recognized as the largest and most prestigious gathering of leaders in environmental, land use, and natural resources law. In addition to attending

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various sessions on emerging areas of environmental law in California, staff is participating on two panels: (1) *Sp[oil]ing for a Fight* – a discussion on California’s historic connection to oil and gas production and how the state can move forward with its efforts to ban new drilling and phase out existing wells; and (2) *Public Trust Doctrine Through a Modern Lens* – a discussion of where the Public Trust Doctrine has come from and where it might be going in light of the evolving needs of the public.

## **Tijuana River Transboundary Pollution Crisis**

Local, state, and federal leaders continue to work together to address the pollution crisis. In response to advocacy from Governor Newsom, members of Congress, and state and local leaders, the U.S. EPA and International Boundary and Water Commission, U.S. Section (USIBWC) committed to a major rehabilitation and expansion of the South Bay International Wastewater Treatment Plant in San Ysidro. As part of this commitment, the USIBWC initiated repairs to treatment plant damage caused by Tropical Storm Hilary. The US EPA will transfer approximately \$350 million that has been appropriated for this project. Federal partners have committed to pursue a coordinated funding strategy to provide further resources to complete the expansion of the treatment plant and associated projects.

Earlier this year, the US EPA and USIBWC issued a Record of Decision for the proposed United States-Mexico-Canada Agreement Mitigation of Contaminated Transboundary Flows Project. The Record of Decision outlined a plan to expand the South Bay International Wastewater Treatment Plant up to 50 gallons per day. This commitment will help expedite the timeline to complete this project. The remaining sub-options and supplemental projects identified in the Record of Decision are contingent on additional funds and/or environmental review.

The ongoing and recent beach closures and advisories due to excessive bacteria levels from transboundary sewage contamination reflect the severity of the situation. The federal commitment to expand and enhance the South Bay treatment plant is an encouraging step toward implementing a comprehensive solution to reduce transboundary flows. Still, there is much work and funding

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needed to implement the options and projects in the Record of Decision. Staff remains engaged with federal, state, and local partners to address the pollution crisis and will continue to keep the Commission updated.

## **San Onofre Nuclear Generating Station Units 2 & 3 Decommissioning Project**

In August, staff received the latest monitoring report on the onshore SONGS construction activities from Aspen Environmental Group. Major onshore activities will continue to occur at the existing facility. Onshore work will include the establishment of equipment and material staging yards; the reconfiguration and/or reinforcement of site access roads and entrances; installation, modifications, or upgrades to rail infrastructure; construction of temporary containment enclosures to perform decontamination and dismantlement tasks; completion of radiological remediation; the segmentation and packaging of reactor vessel internals for shipment and disposal; the removal and disposal of large components (e.g., reactor vessels, steam generators, pressurizers, turbine-generators); the dismantlement of container buildings; the removal of all remaining aboveground structures; and the partial removal of subsurface structures, systems, and components.

Offshore construction activities are anticipated to start in 2025; however, the schedule is under review to determine if activities will be moved to a later time. Southern California Edison anticipates continuing to discharge through the Unit 2 conduit into the ocean through 2024 as part of the operation and maintenance of the sewage treatment plant and the sumps, in addition to draining the spent fuel pools.

## **Diablo Canyon Nuclear Power Plant Decommissioning Project**

The public review period for the Draft Environmental Impact Report (DEIR) for the Diablo Canyon Power Plant Decommissioning Project ended on September 25, 2023 (State Clearinghouse #2021100559). The DEIR addressed the environmental impacts associated with decommissioning of the Diablo Canyon Power Plant, including Phase 1 decommissioning activities and Phase 2, which includes soil remediation, final status surveys, and site restoration.