

MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

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

THURSDAY, OCTOBER 19, 2023
1:01 P.M.

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

APPEARANCES

COMMISSION MEMBERS:

Eleni Kounalakis, Lieutenant Governor, Chairperson, also 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

Seth Blackmon, Chief Counsel

Reid Boggiano, Public Land Manager, External Affairs Division

Joseph Fabel, Staff Attorney

Sheri Pemberton, Chief, External Affairs Division

Michelle Pelka, Office Technician

Katie Robinson-Filipp, Environmental Scientist

Drew Simpkin, Public Land Manager, Land Management Division

ATTORNEY GENERAL:

Andrew Vogel, Supervising Deputy Attorney General

ALSO PRESENT:

Paloma Aguirre, Mayor, City of Imperial Beach

Rafael Castellanos, Chair, Port of San Diego

APPEARANCES CONTINUED

Anna Christensen, Los Cerritos Wetlands Task Force, Sierra Club

Jack Eidt, Friends of Harbors, Beaches, and Parks

Penny Elia, Sierra Club Orange County Conservation Committee

Jason Giffen, Port of San Diego

Robb Hamilton, Hamilton Biological, Incorporated

Marcia Hanscom, Defend Ballona Wetlands

Christine Kim, Sea and Sage Audubon Society

Walter Lamb, Ballona Wetlands Land Trust

Giles Matthews, Orange County

Dan Silver, Endangered Habitats League

Michael Sinacori, City of Newport Beach

Scott Thomas, Sea and Sage Audubon Society

Lily Tsukayama, Port of San Diego

Robert van de Hoek

Jane Velez-Mitchell

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I	Open Session	1
II	Public Comment	37
	Public comments will be heard 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.	
III	Confirmation of Minutes for the August 17, 2023 meeting	49
IV	Executive Officer's Report	3
	Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority: - No items for this section.	
	Tomales Bay Assignment Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority: - No items for this section.	
V	Consent Calendar 01-59	50
	The following items are considered to be noncontroversial and are subject to change at any time up to the date of the meeting.	
	Land Management	
	Northern Region	
01	2825 W LAKE BLVD, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2825 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring	

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- buoys. CEQA Consideration: categorical exemption.
(Lease 9002; A3016; RA# 2020365) (A 1; S 1, 4) (Staff:
L. Ward)
- 02 JOHN E. AHMANN AND JUDY ANN AHMANN, AS TRUSTEES OF THE
AHMANN FAMILY TRUST, UNDER DECLARATION OF TRUST, DATED
JUNE 18, 2005 (APPLICANT): Consider application for a
General Lease - Recreational and Protective Structure
Use, of sovereign land located in the Napa River,
adjacent to 1301 Milton Road, near Napa, Napa County;
for construction of a boat dock and gangway using two
existing pilings, removal of a piling, and use of
existing bank protection not previously authorized by
the Commission; CEQA Consideration: categorical
exemptions. (A4092; RA# 2022294) (A 4; S 3) (Staff: L.
Anderson)
- 03 MICHAEL D. GRIMES, TRUSTEE OF THE 3272 EDGEWATER ROAD
QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 9,
2013 (APPLICANT): Consider application for a General
Lease - Recreational Use of sovereign land located in
Lake Tahoe, adjacent to 3272 Edgewater Drive, near
Dollar Point, Placer County; for an existing pier,
boat lift, and two mooring buoys. CEQA Consideration:
categorical exemption. (Lease 7329; A3740; RA#
2022037) (A 1; S 1, 4) (Staff: L. Ward)
- 04 HORACE A. GUITTARD, JR., TRUSTEE OF THE HORACE A.
GUITTARD, JR. REVOCABLE TRUST AND GARY W. GUITTARD
(APPLICANT): Consider application for a General Lease
- Recreational Use, of sovereign land located in Lake
Tahoe, adjacent to 5660 North Lake Boulevard, near
Carnelian Bay, Placer County; for an existing pier,
boathouse with boat lift, sundeck with stairs, boat
hoist, and two mooring buoys. CEQA Consideration:
categorical exemption. (Lease 3294; A4141; RA#
2022324) (A 1; S 1, 4) (Staff: D. Romero)
- 05 WILLIAM A. HEWLETT, RICHARD JAFFE AND JAMES S.
HEWLETT, TRUSTEES OF THE COOPER PROPERTY TRUST OF
NOVEMBER 1, 1994 (APPLICANT): Consider application for
a General Lease - Recreational Use, of sovereign land
located in Lake Tahoe, adjacent to 2170 West Lake
Boulevard, Tahoe City, Placer County; for an existing
pier, one mooring buoy, and three unattached pilings.
CEQA Consideration: categorical exemption. (Lease

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- 3867; A4125; RA# 2022337) (A 1; S 1, 4) (Staff: M. Waldo)
- 06 JEFFREY S. HINES AND BARBARA A. HINES, AS TRUSTEES OF THE JEFFREY AND BARBARA HINES REVOCABLE TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 10451 Garden Highway, near Sacramento, Sutter County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 6103; A4216; RA# 2023004) (A 3; S 6) (Staff: M. Waldo)
- 07 SUANNE B. INMAN, TRUSTEE OF THE INMAN 2012 IRREVOCABLE CHILDREN'S TRUST U/A/D DECEMBER 13, 2012 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8841 Rubicon Drive, Rubicon Bay, El Dorado County; for an existing pier, boathouse, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 3669; A4010; RA# 2022243) (A 1; S 1, 4) (Staff: M. Waldo)
- 08 MARY H. JAFFE AND ERIC G. GIMON, TRUSTEES OF THE HALE PROPERTY TRUST OF NOVEMBER 1, 1994 (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2150 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, marine rail, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 5268; A4126; RA# 2022338) (A 1; S 1, 4) (Staff: D. Romero)
- 09 DAVID B. KENT AND DARCIE T. KENT, AS TRUSTEES OF THE KENT REVOCABLE TRUST DATED JUNE 8, 2005 (LESSEE); DARCIE KENT VINEYARDS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider acceptance of a lease quitclaim deed and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 803 Stateline Avenue, South Lake Tahoe, El Dorado County; for an existing pier, boat lift, and one mooring buoy. CEQA Consideration: categorical exemption. (Lease 3682; A3441; RA# 2021378) (A 1; S 1, 4) (Staff: D. Romero)

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- 10 LAKE FOREST PIEROWNERS ASSOCIATION, INC. (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to a small right-of-way parcel between Assessor's Parcel Numbers 092-142-008 and 092-142-021, near Tahoe City, Placer County; for an existing pier, boat hoist, and 13 mooring buoys. CEQA Consideration: categorical exemption. (Lease 4499; A3896; RA# 2022160) (A 1; S 1, 4) (Staff: D. Romero)
- 11 LAKESIDE TERRACE HOMEOWNERS ASSOCIATION AND TIMBERLAKE HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1380 and 1400 North Lake Boulevard, near Tahoe City, Placer County; for an existing joint-use pier, 13 mooring buoys, and two marker buoys. CEQA Consideration: categorical exemption. (Lease 8570; A4142; RA# 2022325) (A 1; S 1, 4) (Staff: D. Romero)
- 12 PEGGY E. LINDQUIST, AS TRUSTEE OF THE PEGGY E. LINDQUIST REVOCABLE TRUST DATED OCTOBER 11, 2007 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7412 North Lake Boulevard, near Tahoe Vista, Placer County; for the installation and use of two mooring buoys. CEQA Consideration: categorical exception. (A4145; RA# 2022336) (A 1; S 1, 4) (Staff: D. Romero)
- 13 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE/APPLICANT): Consider amendment of Lease Number 5438-B, adoption of a Mitigated Negative Declaration, and issuance of a General Lease - Right-of-Way Use, of sovereign land in the Napa River, near Suscol Creek, near Napa, Napa County; for installation of a Horizontal Directionally Drilled gas pipeline and decommissioning and removal of three existing parallel gas pipelines. CEQA Clearinghouse No. 2023080342, and adoption of a Mitigation Monitoring Program. (Lease 5438-B; A3738; RA# 2022030) (A 4; S 3) (Staff: M. Schroeder)
- 14 GERALD R. ROSE AND DEBORAH K. ROSE, CO-TRUSTEES OF THE ROSE FAMILY TRUST, DATED APRIL 9, 2008 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 42424 Front Street,

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- Knights Landing, Yolo County; for an existing boat dock, gangway, and galvanized steel cables. CEQA Consideration: categorical exemption. (Lease 9083; A3839; RA# 2022230) (A 4; S 3) (Staff: L. Ward)
- 15 SAGE EXPLORATION & PRODUCTION, INC., A DELAWARE CORPORATION (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Eel River, adjacent to Assessor's Parcel Numbers 201-221-09, 106-221-01 and -02, near Alton, Humboldt County; for an existing natural gas pipeline. CEQA Consideration: categorical exemption. (Lease 8472; A3998; RA# 2022258) (A 2; S 2) (Staff: J. Holt)
- 16 TAHOE TRUST GENERAL PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP; AND SPIRIT OF TAHOE, LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease -Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1324 and 1330 West Lake Boulevard, near Tahoe City, Placer County; for an existing joint-use pier with two boathouses, three boat lifts, sundeck with stairs, and four mooring buoys. CEQA Consideration: categorical exemption. (Lease 3678; A3642; RA# 2022139) (A 1; S 1, 4) (Staff: L. Ward)

Bay/Delta Region

- 17 CITY OF STOCKTON (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Pixley Slough, adjacent to Assessor's Parcel Number 066-030-010, near Stockton, San Joaquin County; for an existing stormwater outfall containing six discharge lines, and bank protection. CEQA Consideration: categorical exemption. (Lease 8305; A3079; RA# 2020409) (A 13; S 5) (Staff: J. Holt)
- 18 CITY OF STOCKTON (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the San Joaquin River, adjacent to Assessor's Parcel Numbers 162-030-070 and 145-020-190, Stockton, San Joaquin County; for an existing sewer force main. CEQA Consideration: categorical exemption. (Lease 4826; A3751; RA# 2022054) (A 13; S 5) (Staff: J. Holt)

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- 19 EAGLE PROPCO 4 LLC (LESSEE): Consider a revision of rent and surety bond to Lease Number PRC 8540, a General Lease - Commercial and Protective Structure Use, of sovereign land located in the Sacramento River, near Sacramento, Sacramento County; for a commercial marina and bank protection. CEQA Consideration: not a project. (PRC 8540) (A 8; S 6) (Staff: V. Caldwell)
- 20 ELISEO COVE HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 655 South Eliseo Drive, Greenbrae, Marin County; for an existing boat dock, access ramp, cables, and two concrete deadmen. CEQA Consideration: categorical exemption. (Lease 4900; A4067; RA# 2022310) (A 12; S 2) (Staff: M. Waldo)
- 21 DAVID M. INGRAM AND MARIA V. INGRAM, TRUSTEES OF THE RIVER FAMILY TRUST, CREATED UNDER A DECLARATION OF TRUST DATED MARCH 28, 2014 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 7045 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 5523; A3745; RA# 2022033) (A 7; S 6) (Staff: L. Anderson)
- 22 LOCHE M. JOHNSON AND SUSAN M. JOHNSON, AND SUCCESSORS IN TRUST, AS TRUSTEES OF THE JOHNSON FAMILY TRUST DATED AUGUST 13, 1999 (LESSEE); TY SAMBRAILO AND ALEX SAMBRAILO (APPLICANT): Consider acceptance of a lease quitclaim deed and issuance of a General Lease - Recreational and Protective Structure Use of sovereign land located in the Sacramento River, adjacent to 4603 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 7212; A4070; RA# 2022278) (A 6; S 8) (Staff: L. Anderson)
- 23 H. DENNIS KATSUKI AND LINDA M. KATSUKI AS TRUSTEES OF THE LINDA M. KATSUKI AND H. DENNIS KATSUKI REVOCABLE TRUST DATED JUNE 18, 2020 (APPLICANT): Consider application for a General Lease - Recreational Use, of

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- sovereign land located in Georgiana Slough, adjacent to 605 West Tyler Island Bridge Road, near Isleton, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 5988; A2583; RA# 2021217) (A 9; S 3) (Staff: M. Waldo)
- 24 WILLIAM J. KUHNS AND MARGARET G. KUHNS (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 13972 Grand Island Road, Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities previously authorized by the Commission; and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 7225; A4051; RA# 2022313) (A 9; S 3) (Staff: D. Romero)
- 25 CHRISTOPHER AHERN LEE, TRUSTEE OF THE FOX-LEE LIVING TRUST DATED JULY 10, 1998 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 13760 Highway 160, near Walnut Grove, Sacramento County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 6035; A4198; RA# 2022313) (A 9; S 3) (Staff: D. Romero)
- 26 NARA GARDENS HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 823 South Eliseo Drive, Greenbrae, Marin County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 5459; A3941; RA# 2022365) (A 12; S 2) (Staff: M. Waldo)
- 27 ROBERT ROZETT (LESSEE); ADAM STONER (APPLICANT): Consider acceptance of a Quitclaim Deed for Lease 9522, a General Lease - Recreational Use, and issuance of a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19025 Highway 1, near Marshall, Marin County; for one existing mooring buoy. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (Lease

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- 9522; A4136; RA# 2022321) (A 12; S 2) (Staff: J. Plovnick)
- 28 SFPP, L.P. (LESSEE): Consider a revision of rent and bond to Lease Number PRC 8486, a General Lease - Right-of-Way Use, of sovereign land located in Walnut, Grayson, and Pacheco creeks; Cordelia Slough; and Carquinez Strait; Solano and Contra Costa counties; for petroleum product pipelines. CEQA Consideration: not a project. (PRC 8486) (A 11, 15; S 3, 5) (Staff: V. Caldwell)
- 29 THE LANDING HOMEOWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to Assessor's Parcel Numbers 022-550-01 through -07, Greenbrae, Marin County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 4673; A3915; RA# 2022331) (A 12; S 2) (Staff: M. Waldo)
- 30 TIKI LAGUN PARTNERS, LLC (LESSEE/ASSIGNOR); TIKI LAGOON RESORT AND MARINA, INC., A CALIFORNIA CORPORATION (APPLICANT/ASSIGNEE): Consider assignment of lease, continuation of rent, and revision of surety bond to Lease PRC 4082, a General Lease - Commercial Use, of sovereign land located in Whiskey Slough, adjacent to 12988 West McDonald Road, near Stockton, San Joaquin County; for an existing commercial marina. CEQA Consideration: not a project. (PRC 4082; A3283; RA# 2021266) (A 13; S 5) (Staff: J. Holt)
- 31 TURNER CUT RESORT AND MARINA, INC. (LESSEE): Consider a revision of rent and bond to Lease Number PRC 4080, a General Lease - Commercial Use, of sovereign land located in Whiskey Slough and Turner Cut, at Roberts Island, near Stockton, San Joaquin County; for a commercial marina. CEQA Consideration: not a project. (PRC 4080) (A 13; S 5) (Staff: V. Caldwell)
- 32 CRAIG C. WAGNER AND PAMELA A. KVALHEIM, AS TRUSTEES UNDER THE CRAIG WAGNER AND PAMELA A. KVALHEIM TRUST AGREEMENT DATED APRIL 15, 2015 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 45 Havenwood Road, Novato, Marin County; for an existing walkway, shed, decks, access ramp, and dock

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- previously authorized by the Commission, and two pilings not previously authorized by the Commission. CEQA Consideration: categorical exemption. (Lease 3507; A4195; RA# 2022377) (A 12; S 2) (Staff: D. Romero)
- 33 JADE M. ZATKOVICH AND STEFEN PETER ENGLISH (LESSEE/ASSIGNOR); RUPERTO V. OUANO AND GRACE S. MERCADO (APPLICANT/ASSIGNEE): Consider assignment of a General Lease - Recreational and Residential Use, of sovereign land located in Mare Island Strait, adjacent to 40 Sandy Beach Road, Vallejo, Solano County; for a portion of an existing residence, deck, and appurtenant facilities. CEQA Consideration: not a project. (Lease 9308; A4154; RA# 2022335) (A 11; S 3) (Staff: L. Anderson)
- Central/Southern Region
- 34 ALBERT AVALOS AND STACY AVALOS, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE ALBERT & STACY AVALOS LIVING TRUST, DATED NOVEMBER 27, 2000, AND ANY AMENDMENTS THERETO (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1116 Beach Drive, Needles, San Bernardino County; for existing concrete stairs with rock retaining walls, electric lights, two concrete patios with railings and rock retaining walls, two planter areas with rock retaining walls, a shower, and a riprap bankline. CEQA Consideration: categorical exemption. (Lease 9087; A4087; RA# 2022292) (A 36; S 18) (Staff: J. Plovnick)
- 35 RANDY A. BAKER, AS TRUSTEE OF THE TCOB TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1218 Beach Drive, Needles, San Bernardino County; for an existing boat dock, gangway, firepit, and riprap bankline. CEQA Consideration: categorical exemption. (Lease 8968; A3744; RA# 2022190) (A 36; S 18) (Staff: J. Plovnick)
- 36 CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (LESSEE/APPLICANT): Consider amendment of Lease Number PRC 1603, a General Lease - Public Agency Use, of

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- sovereign land located in the Pacific Ocean, adjacent to Hearst San Simeon State Park, San Luis Obispo County; for the repair, removal, or replacement of damaged support piles; and replacement of timber decking, pile caps, treated stringers, plastic railing, treated braces, and steel fasteners as part of the San Simeon Pier Rehabilitation. CEQA Consideration: categorical exemptions. (PRC 1603; A3671; RA# 2021373) (A 30; S 17) (Staff: K. Connor)
- 37 CALIFORNIA DEPARTMENT OF TRANSPORTATION (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located on Assessor's Parcel Numbers 110-017-01 and 110-017-02, Huntington Beach, Orange County; for a temporary construction easement. CEQA Consideration: Mitigated Negative Declaration, adopted by Caltrans District 12, State Clearinghouse No. 2021100313, and adoption of a Mitigation Monitoring Program. (A3990; RA# 2022284) (A 72; S 36) (Staff: J. Plovnick)
- 38 CHEVRON USA, INC. (LESSEE): Consider a revision of rent and bond to Lease Number PRC 5574, a General Lease - Industrial Use, of sovereign land located in the Pacific Ocean, near El Segundo, Los Angeles County; for a marine oil terminal and related facilities. CEQA Consideration: not a project. (PRC 5574) (A 24; S 66) (Staff: V. Caldwell)
- 39 RUSSELL JOSEPH CHIDLEY AND SUSAN ELIZABETH CHIDLEY (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1190 Beach Drive, Needles, San Bernardino County; for an existing boat dock, access ramp, walkway, stairway, and riprap bank line. CEQA Consideration: categorical exemption. (Lease 9062; A4045; RA# 2022342) (A 36; S 18) (Staff: J. Plovnick)
- 40 DEL RAY YACHT CLUB (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Catalina Harbor, Santa Catalina Island, Los Angeles County; for an existing pier, gangway, float, and float extension. CEQA Consideration: categorical exemption. (Lease 6412; A4073; RA# 2022318) (A 69; S 24) (Staff: D. Romero)

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- 41 TODD Y. KING AND SHAREEN M. KING, AS TRUSTEES OF THE TODD AND SHAREEN KING LIVING TRUST, DATED JULY 30, 2009 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1166 Beach Drive, Needles, San Bernardino County; for an existing boat dock, walkway, gangway, two planter areas with rock retaining walls, a shower with concrete pad, concrete stairs with rock walls, and a riprap bankline. CEQA Consideration: categorical exemption. (Lease 9121; A4055; RA# 2023011) (A 36; S 18) (Staff: J. Plovnick)
- 42 ORANGE COUNTY FLOOD CONTROL DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use and Dredging, of sovereign land located in the Lower Santa Ana River, Orange County; for two riprap flood control jetties, one riprap dike, maintenance dredging, and deposition of sand. CEQA Consideration: categorical exemption, Mitigated Negative Declaration, and Addendum, adopted by the Orange County Flood Control District, State Clearinghouse No. 2012011009, and adoption of a Mitigation Monitoring Program. (Lease 9358; A3838; RA# 2022133) (A 72; S 36) (Staff: D. Simpkin) 78
- 43 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider amendment of Lease 9347, a General Lease - Industrial Use, of sovereign land located in and adjacent to the Pacific Ocean and the Diablo Canyon Power Plant, near Avila Beach and Morro Bay, San Luis Obispo County; for dredging and the deposition of sand. CEQA Consideration: California Coastal Commission Coastal Development Permit No. 9-23-0599 (Lease 9347; RA# 2023021) (A 30; S 17) (Staff: D. Simpkin)
- 44 DAVID A. ROBINSON AND SUSAN J. ROBINSON, TRUSTEES OF THE DAVID AND SUSAN ROBINSON FAMILY TRUST (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1210 Beach Drive, Needles, San Bernardino County; for an existing riprap bankline. CEQA Consideration: categorical exemption. (Lease 9123;

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- A4151; RA# 2022344) (A 36; S 18) (Staff: J. Plovnick)
- 45 SEREN JUNO NETWORK AMERICA, INC. (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Pismo State Beach, Grover Beach, San Luis Obispo County; for installation and use of one buried fiber-optic cable. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, State Clearinghouse No. 2020040309. (A4046; RA# 2022300) (A 30, 37; S 17) (Staff: J. Toy)
- School Lands
- 46 LANDGATE CORP.; CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider (1) authorizing the Executive Officer or her designee to enter into non-exclusive agreements with LandGate Corp. to list School Lands properties or resources on online platforms, when such services are offered at no cost to the State; and (2) authorizing staff to advertise School Lands parcels with LandGate Corp., at their discretion. CEQA Consideration: not a project. (C2023013) (A & S: Statewide) (Staff: J. Garrett, D. Simpkin)
- 47 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider a revision of rent to Lease Number PRC 2507, a General Lease - Right-of-Way Use, of school lands located in Sections 30, 31, and 32 of Township 10 North, Range 1 East, SBM, near Yermo, San Bernardino County; for an existing electrical transmission line, appurtenant facilities, and an unpaved access road. CEQA Consideration: not a project. (PRC 2507) (A 34; S 19) (Staff: V. Caldwell)
- 48 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider a revision of rent to Lease Number PRC 3392, a General Lease - Right-of-Way Use, of state indemnity school lands located in Section 6, Township 9 North, Range 4 East, SBM, near Newberry Springs, San Bernardino County; for an existing electrical transmission line and an unpaved access road. CEQA Consideration: not a project. (PRC 3392) (A 34; S 19) (Staff: V. Caldwell)
- 49 SPORTS COMMITTEE DISTRICT 37 AMA, INC. (APPLICANT): Consider application for a General Lease - Right-of-Way Use, on school lands, located in Section

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36, Township 31 South, Range 44 East, MDM,
northwest of Barstow, San Bernardino County; for
an existing unpaved road. CEQA Consideration:
categorical exemption. (Lease 8972; A3518; RA#
2021331) (A 34; S 19) (Staff: D. Simpkin)

Mineral Resources Management

- 50 CITY OF LONG BEACH (GRANTEE): Consider acceptance
of the Final Report and Closing Statement for the
Long Beach Unit Annual Plan (July 1, 2022 through
June 30, 2023), Long Beach Unit, Wilmington Oil
Field, Los Angeles County. CEQA Consideration:
not a project. (W 17166) (A 70; S 33, 34)
(Staff: J. Abedi) 110
- 51 CITY OF OCEANSIDE (APPLICANT): Consider
application for a General Offshore Geologic
Permit to conduct geological surveys from the
mean high-tide line to approximately 1.3 miles
offshore of the City of Oceanside, California,
including granted or ungranted tidelands and
submerged lands, under the jurisdiction of the
California State Lands Commission. CEQA
Consideration: categorical exemption. (A4158;
RA#2022358) (A & S: Offshore) (Staff: C. Fox)
- 52 EDF RENEWABLES DEVELOPMENT (APPLICANT): Consider
application for a modification of the State's
right of surface entry on 260 acres of State 100
percent reserved mineral interest school land,
Assessor's Parcel Numbers 807-172-010 and 807-
172-011, located near Desert Center, Section 36,
Township 4 South, Range 15 East, San Bernardino
Baseline & Meridian, Riverside County. CEQA
Consideration: not a project. (A4027; RA#2022288)
(A 36; S 18, A 47; S 32) (Staff: R. Lee)

Marine Environmental Protection

- No items for this section.

Administration

- No items for this section.

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Legal

- 53 TRUDY MARILYN EHMKE AND TROY ELBERT LAND (PARTY): Consider issuance of a Patent for Swamp and Overflow Lands Survey 340, Location Number 3518, located near the Eel River, Fortuna, Humboldt County. CEQA Consideration: not a project. (S&O Location 3518) (A 2; S 2) (Negotiators: J. Garrett, N. Tantraphol)
- 54 TRINA GOULD (PARTY): Consider taking title to and authorizing the removal and disposal of two abandoned buoys on sovereign lands in Lake Tahoe, near Homewood, Placer County. CEQA Consideration: categorical exemption. (W 27264) (A 1; S 1, 4) (Staff: W. Crunk)
- 55 MARTY AND RONNIE SHERMAN (PARTIES): Consider taking title to and authorizing the removal and disposal of an abandoned buoy on sovereign lands in Lake Tahoe, near Homewood, Placer County. CEQA Consideration: categorical exemption. (W 27264) (A 1; S 1, 4) (Staff: W. Crunk)
- 56 UNIVERSITY OF CALIFORNIA, DAVIS (APPLICANT): Consider authorizing modified indemnity language to facilitate staff's issuance of a Letter of Non-Objection to UC Davis for a one-year statewide study of Ribbed Limpet Range Expansion and Adaptation in the Intertidal Zone of the Pacific Ocean. CEQA Consideration: not a project. (I4066) (A & S: Statewide Offshore) (Staff: J. Garrett)

Kapiloff Land Bank Trust Acquisition/Expenditure

- No items for this section.

External Affairs

Granted Lands

- 57 CALIFORNIA STATE LANDS COMMISSION; AMAZON.COM SERVICES LLC (PARTIES): Consider a Title Settlement and Exchange Agreement between the State of California, acting by and through the California State Lands Commission, in its regular capacity and as Trustee of the Kapiloff Land Bank Fund, and Amazon.com Services LLC, regarding certain interests in lands in the City and County of San Francisco. CEQA Consideration:

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statutory exemptions. (AD 688; G 11-00) (A 17; S 11) (Staff: R. Boggiano, A. Kershen)

- 58 CITY OF CARPINTERIA (TRUSTEE): Consider approval of an amendment for a three-year extension to an oil and gas pipeline lease between the City of Carpinteria and Chevron U.S.A. Inc. to facilitate decommissioning of federal Platforms Gail and Grace, involving certain legislatively granted sovereign land in the city of Carpinteria, Santa Barbara County. CEQA Considerations: statutory and categorical exemptions. (G 15-02) (A 37; S 19) (Staff: R. Boggiano)

- 59 CITY OF SANTA MONICA (TRUSTEE): Review a proposed tideland revenue expenditure in an amount not to exceed \$1,355,000 by the City of Santa Monica for three capital improvement projects located on legislatively granted sovereign land in the City of Santa Monica, Los Angeles County. CEQA Consideration: not a project. (G 05-08) (A 51; S 24) (Staff: M. Moser)

VI. Informational Calendar 60

- 60 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 existing offshore oil and gas pipelines traversing state waters associated with the Santa Ynez Unit in federal waters, offshore Santa Barbara County. Negotiating Parties: State Lands Commission and ExxonMobil. Under negotiation: price and terms. CEQA Consideration: not a project. (Lease No. PRC 4977 and Lease No. PRC 7163) (A 37; S 19)

VII Regular Calendar 61-64

- 61 CALIFORNIA STATE LANDS COMMISSION: Information update on state legislation relevant to the California State Lands Commission. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)

51

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62	CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (LESSEE/SUBLESSOR); CITY AND COUNTY OF SAN FRANCISCO (APPLICANT/SUBLESSEE): Consider an endorsement of a sublease under Lease Number PRC 6414, a General Lease - Public Agency Use, of filled sovereign land located within the Candlestick Point State Recreation Area in San Francisco, City and County of San Francisco; to authorize the temporary use of an existing paved parking lot and public utilities for the Bayview Vehicle Triage Center. CEQA Consideration: categorical exemption. (PRC 6414; A4170; RA# 2022366) (A 17; S 11) (Staff: M. Schroeder)	50
63	CALIFORNIA STATE LANDS COMMISSION; EXXONMOBIL CORPORATION (PARTIES): Consider authorization to execute the proposed Phase 2 Agreement by and between the California State Lands Commission and ExxonMobil Corporation in settlement of the responsibilities to undertake work on Platform Holly, offshore Goleta, Santa Barbara County, including platform hardening, caretaker inspections, and future decommissioning of Platform Holly. CEQA Consideration: categorical exemption. (W 30159-5) (A 37; S 19) (Staff: J. Fabel; M. Wiemer)	57
64	SAN DIEGO UNIFIED PORT DISTRICT (TRUSTEE): Acknowledge the submittal of a Draft Trust Land Use Plan, pursuant to Chapter 372, Statutes of 2019, by the San Diego Unified Port District, San Diego County. CEQA Consideration: ministerial action. (G 10-08) (A 77, 78, 80; S 18, 39) (Staff: R. Boggiano, S. Pemberton)	65
VIII	Public Comment	117
IX	Commissioners' Comments	118
X	Closed Session	31

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

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

1. The Commission may consider pending and possible matters that fall under Government Code section 11126, subdivision (e)(2)(A), concerning adjudicatory proceedings before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the Commission is a party. Such matters currently include the following:
 - California State Lands Commission v. Signal Hill Service, Inc.; Pacific Operators, Inc., dba Pacific Operators Offshore, Inc.; DOES 1-100
 - California State Lands Commission, et al. v. Martins Beach 1 LLC, et al.
 - Campbell v. City of Sacramento, State of California, et al.
 - Candlestick Heights Community Alliance v. City and County of San Francisco, et al.
 - Casa Blanca Beach Estates Owners Association v. California State Lands Commission, et al.
 - Center for Biological Diversity v. City of Long Beach and California State Lands Commission
 - Dezirae Cadena, et al. v. City of Parker Dam, et al.
 - Eugene Davis v. State of California and California State Lands Commission
 - In re: Temblor Petroleum Company, LLC, Bankruptcy Chapter 11
 - In re: Venoco, LLC, Bankruptcy Chapter 11

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- Martins Beach 1, LLC and Martins Beach 2, LLC v. Effie Turnbull-Sanders, et al.
 - North Waterfront Cove and City of Alameda v. State of California, by and through the State Lands Commission
 - Oakland Bulk and Oversized Terminal, LLC v. City of Oakland
 - Owens Valley Committee v. City of Los Angeles, Los Angeles Department of Water and Power, et al.
 - State Lands Commission v. Casa Blanca Beach Estates Owners' Association, 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
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 body has decided to

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initiate or is deciding whether to initiate litigation.

B. Conference with real property negotiators

The Commission may consider matters that fall under Government Code section 11126, subdivision (c)(7), under which, prior to the purchase sale, exchange, or lease of real property by or for the Commission, the directions may be given to its negotiators regarding price and terms of payment for the purchase, sale, exchange, or lease.

1. Provide 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 existing offshore oil and gas pipelines traversing state waters associated with the Santa Ynez Unit in federal waters, offshore Santa Barbara County. Negotiating Parties: State Lands Commission and ExxonMobil. 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).

Adjournment 117

Reporter's Certificate 118

PROCEEDINGS

CHAIRPERSON KOUNALAKIS: Good morning, everyone.

I hereby call this meeting to order. All the representatives of the Commission are present. I am Lieutenant Governor Eleni Kounalakis. I am joined today by Deputy Controller Kristina Kunkel, Commissioner alternate for State Controller Cohen, and Gayle Miller representing the Department of Finance.

Ms. Lucchesi.

EXECUTIVE OFFICER LUCCHESI: Yes, Madam Chair.

We do have a quorum present. In addition, I'd like to identify members of the staff of the Commission participating virtually for this hybrid meeting. Our Zoom co-hosts are Mike Farinha, Grace Kato, Michelle Pelka, and Luke Ward.

CHAIRPERSON KOUNALAKIS: Thank you very much, Ms. Lucchesi. For the benefit of those in the audience, the State Lands Commission manages State property interests in over five million acres of land, including mineral interests. The Commission also has responsibility for the prevention of oil spills at marine oil terminals and offshore oil platforms and islands and for preventing the introduction of marine invasive species into California's marine waters. Today, we will hear requests and presentations involving the lands and resources within the

1 Commission's jurisdiction.

2 I want to take a moment to acknowledge and
3 express gratitude for the Kumeyaay people on whose lands
4 this meeting is being held. For millennia, the Kumeyaay
5 have maintained a constant presence on the landscape
6 living on this coast and fishing in these waters in a
7 relationship of balance and reciprocity. The Commission
8 takes seriously its trust relationship with these
9 sovereign governments and recognize that California's
10 native people are essential stewardship partners of this
11 state's lands and resources.

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

24 Ms. Lucchesi, I understand we have some agenda
25 changes for today. I will turn it over to you to explain

1 these changes.

2 EXECUTIVE OFFICER LUCCHESI: Thank you, Madam
3 Chair. So we will next go into my Executive Officer's
4 report, where we'll hear a presentation and hear from
5 folks on the Tijuana River pollution crisis. And from
6 there, we'll adjourn into closed session. And when we
7 return from closed session, we'll take up our regularly
8 scheduled program the regular agenda.

9 So with that, I'll turn it back to you.

10 CHAIRPERSON KOUNALAKIS: (Inaudible).

11 EXECUTIVE OFFICER LUCCHESI: Yes, certainly.
12 Thank you so much. I will make it very brief. I just
13 wanted to express my gratitude to the Port of San Diego
14 for hosting us today for our State Lands Commission. And
15 in the interests of time, I'm going to turn it over to my
16 colleague Katie Robinson-Filipp who will give our
17 presentation on Tijuana pollution cross -- Tijuana River
18 pollution crisis. And so with that, Katie will be
19 presenting virtually on Zoom.

20 Katie.

21 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
22 you, Jennifer. And then I also just wanted to note for
23 those attending virtually, the Lieutenant Governor's
24 microphone isn't working, so I was unable to hear anything
25 that happened just now. So I just wanted to point that

1 out. Thank you. And I'll begin my presentation now.

2 CHAIRPERSON KOUNALAKIS: I didn't turn -- okay.

3 Sorry.

4 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP:

5 Perfect. We can hear you now. Thank you.

6 CHAIRPERSON KOUNALAKIS: All right. Great.

7 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: There's
8 a PowerPoint presentation to pull up and I will begin now.

9 (Thereupon a slide presentation).

10 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: So my
11 name is Katine Robinson-Filipp. I'm an Environmental
12 Scientist with State Lands Commission. And I just want to
13 say hello and thank you Madam Chair and Commissioners.
14 I'd like to provide an update on the transboundary
15 pollution crisis in the Tijuana River Valley.
16 Specifically, I will provide a brief overview on -- of the
17 background of the crisis, highlight ongoing and emerging
18 concerns related to public access and health, and identify
19 actions and next steps to address the issue.

20 Next slide, please.

21 --o0o--

22 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Nearly
23 three-quarters of the Tijuana River watershed is in
24 Mexico, but it drains to the Pacific Ocean through the
25 eight square mile Tijuana River Valley north of the border

1 in Imperial Beach. The Tijuana River Valley is an natural
2 floodplain with tidally flushed wetland and riparian areas
3 that support threatened and endangered species, and
4 includes several federally listed historical
5 archaeological sites.

6 The area includes a tidal saltwater estuary at
7 the mouth of the Tijuana River and sandy beaches along the
8 Pacific shoreline in the west. Due to urban development,
9 industrial activity, and inadequate storm and wastewater
10 treatment infrastructure, the region experiences water
11 quality issues and pollution, including sediment, trash,
12 contaminated wastewater, and untreated sewage flowing into
13 it, especially during large storm events, which cause
14 additional strain on the already stressed water treatment
15 centers.

16 This transboundary pollution impacts water
17 quality along the San Diego County coast, especially in
18 Imperial Beach and Coronado.

19 Next slide, please.

20 --o0o--

21 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: The
22 Commission has jurisdiction over tide and submerged lands
23 located in and near Tijuana River watershed. The
24 Commission leases tide and submerged lands in the Tijuana
25 River Estuary to the California Department of Parks and

1 Recreation for the Border Field State Park and to the U.S.
2 Fish and Wildlife Service for the Tijuana River National
3 Estuarine Research Reserve. The City of San Diego and the
4 U.S. Section of the International Boundary and Water
5 Commission lease tide and submerged lands in the Pacific
6 Ocean for an outfall associated with the South Bay
7 International Wastewater Treatment Plant.

8 The Tijuana River watershed is regulated by
9 various agencies. The U.S. International Boundary and
10 Water Commission is a binational agency that oversees
11 water treaties between the United States and Mexico. The
12 San Diego Regional Water Quality Control Board administers
13 water quality -- water quality laws, including the Clean
14 Water Act. U.S. EPA has a border office focused on issues
15 related to the Tijuana River Valley. And the City of
16 Imperial Beach, County of San Diego, and City of San Diego
17 operate the valley's treatment plant and do most of the
18 monitoring associated with it.

19 There are also several international agreements
20 that regulate water management along the United
21 States-Mexico border.

22 Next slide, please.

23 --o0o--

24 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: This
25 map outlines the existing stormwater -- storm and

1 wastewater treatment infrastructure within the Tijuana
2 River Valley. Many of the pump stations, collectors, and
3 treatment stations are either in disrepair due to lack of
4 proper maintenance and continued exposure to overflows or
5 they simply do not have the capacity to process the
6 transboundary flows, especially during wet seasons.

7 You'll notice that the system of infrastructure
8 spans across the border, emphasizing the complexity and
9 scale of the issue as one of binational importance.

10 Next slide, please.

11 --o0o--

12 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: During
13 the wet season and storm events, infrastructure frequently
14 becomes overwhelmed failing to treat the increased flows
15 leading to untreated flows of sewage, debris, and sediment
16 across the border and through the Tijuana River Estuary
17 exiting into the Pacific Ocean in the City of Imperial
18 Beach.

19 Next slide, please.

20 --o0o--

21 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: These
22 transboundary flows significantly impact the nearby
23 coastal communities and habitats. For example, the main
24 beach in Imperial Beach has been closed for the majority
25 of the last two years due to excessive and unsafe levels

1 of bacteria from untreated sewage flows, which pose a
2 health risk to the public is a critical environmental
3 justice issue. During periods of transboundary flows, air
4 quality is also impacted as bacteria and pollutants are
5 aerosolized. Affected communities experience increases in
6 gastrointestinal issues and lung issues, as well as
7 impacts on mental health. This pollution not only affects
8 public health, but also limits public beach access and
9 results in economic consequences linked to decreased
10 recreation and tourism.

11 Next slide, please.

12 --o0o--

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: The
14 commission has remained actively involved in calling
15 attention to the crisis and advocating for action. The
16 Commission and its staff have provided comments on the
17 environmental review of infrastructure projects, advocated
18 and supported legislation to direct funding and resources
19 towards addressing the crisis, and in April 2022 was part
20 of a coalition of government agencies and clean water
21 advocates in reaching a settlement with the U.S. Section
22 of the International Boundary and Water Commission on
23 cross-border water pollution in Tijuana River Valley.

24 The Commission had joined San Diego Regional
25 Water Quality Control's Board action on December 13th,

1 2018 alleging that the International Boundary and Water
2 Comission's failure to address transboundary pollution
3 violated the Clean Water Act. Other plaintiffs, including
4 the San Diego Unified Port District, the cities of
5 Imperial Beach, Chula Vista, and San Diego and Surfrider
6 Foundation also filed claims against the International
7 Boundary and Water Commission. In exchange for the
8 dismissal of the lawsuits, International Boundary and
9 Water Commission agreed to improve its canyon collector
10 network, support a main channel berm, improve its
11 stakeholder communication, and take other steps to address
12 pollution that flows across the border.

13 Next side, please.

14 --o0o--

15 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Recent
16 actions to address the crisis include Congress passing the
17 United States-Mexico-Canada Agreement Implementation Act
18 in January 2020, which resulted in the appropriation of
19 300 million to the U.S. EPA to address the issue. Also,
20 through the United States-Mexico-Canada Agreement and the
21 International Boundary and Water Commission, Mexico
22 committed to fund and implement wastewater collection and
23 treatment projects in Tijuana.

24 In 2021 and 2022, the California Budget Acts
25 allocated 35 million for border water quality improvement

1 projects. The State Water Board has announced six
2 projects planned along the Tijuana and New River from
3 these funds. And in November 2022, the U.S. EPA and
4 International Boundary and Water Commission released a
5 programmatic environmental impact statement for projects
6 to improve infrastructure. The Record of Decision signed
7 in June 2023.

8 Next slide, please.

9 --o0o--

10 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: The
11 Record of Decision identifies the actions that the U.S.
12 EPA and International Boundary and Water Commission seek
13 to implement. These include core projects to expand the
14 South Bay International Waste Water Treatment Plant,
15 managed Tijuana Canyon flows to the international waste
16 water treatment plant, implement Tijuana sewer repairs,
17 and build an advanced primary treatment plant. Additional
18 supplemental projects were also identified and included in
19 the Record of Decision. However, many of these projects
20 will require additional environmental review and funding
21 that has not yet been secured.

22 Next slide, please.

23 --o0o--

24 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: It is
25 important to iterate that to fully implement the core and

1 supplemental projects in the Record of Decision, more
2 resources and funding are required to complete additional
3 environmental analysis and implement project designs.
4 Additionally, more funding will be needed to operate,
5 maintain, and repair infrastructure across both borders.
6 There is also a critical need for research to better
7 understand the full scale of impacts on public health and
8 biological resources. It is also important to identify
9 immediate strategies to help mitigate the ongoing health
10 impacts.

11 Next slide, please.

12 --o0o--

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: There
14 are many ongoing efforts led by a variety of federal,
15 State, local, and international groups to address these
16 pollution issues. The commission engages with partners at
17 all levels to raise awareness for and identify ways to
18 address the transboundary pollution crisis.

19 Next slide, please.

20 --o0o--

21 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: And
22 with that, I would like to thank you. This concludes my
23 update on the transboundary pollution crisis in Tijuana
24 River Valley as part of the Executive Officer update.

25 Thank you.

1 CHAIRPERSON KOUNALAKIS: Thank you. Thank you
2 very much, Ms. Lucchesi and thank you, Ms. Robinson-Filipp
3 for that thorough and helpful presentation.

4 We are very fortunate to have a real expert and
5 activist whose leadership on this issue is absolutely
6 critical at this time, and she's here joining us. It is
7 the Mayor of the City of Imperial Beach, Mayor Aguirre.
8 Am I saying that right? I've heard people say your name a
9 couple of different ways.

10 IMPERIAL BEACH MAYOR AGUIRRE: Aguirre.

11 CHAIRPERSON KOUNALAKIS: Aguirre.

12 IMPERIAL BEACH MAYOR AGUIRRE: Thank you.

13 CHAIRPERSON KOUNALAKIS: Madam Mayor, it's
14 wonderful to have you have here --

15 IMPERIAL BEACH MAYOR AGUIRRE: Thank you for
16 having me.

17 CHAIRPERSON KOUNALAKIS: -- before the State
18 Lands Commission. It was wonderful to be with you last
19 week for two days down in your city and to see firsthand
20 again for me, what you're dealing with. And thank you for
21 being here for my colleagues on State Lands, but also for
22 the public who follows us to hear what is going on down
23 there from your expert perspective. So, please.

24 IMPERIAL BEACH MAYOR AGUIRRE: Thank you so much.
25 I believe I have a PowerPoint.

1 (Thereupon a slide presentation).

2 IMPERIAL BEACH MAYOR AGUIRRE: There it is.

3 Madam Chair, thank you so much for the
4 invitation. Honorable members of the Commission,
5 Executive Officer Lucchesi, thank you for inviting me.

6 Thank you for coming and spending two days in
7 Imperial Beach. It's not the first time you've been.
8 You've toured the area before. You've been very engaged.
9 You were very knowledgeable on the issue and we're very
10 grateful for your leadership and also your leadership
11 during the litigation that actually prompted us securing
12 the \$300 million through the USMCA agreement.

13 I just want to give the perspective from the City
14 of Imperial Beach of how severe this crisis is affecting
15 us now. We are in a full state of emergency. The state
16 of emergency was declared by the City of Imperial Beach,
17 the City of San Diego, and now the County of San Diego as
18 well.

19 Next slide, please.

20 --o0o--

21 IMPERIAL BEACH MAYOR AGUIRRE: I just want to
22 talk about all of the different types of impacts to our
23 city, primarily the economic impacts are quite severe.
24 It's very challenging to, you know, quantify loss of
25 revenue, right? And as you can see in the slide, our

1 primary source of income are taxes. Those are franchise
2 tax, property tax, transient occupancy tax, which is
3 related to tourism and visitors. So I wanted to just
4 share a few examples of what types of losses we've
5 suffered.

6 Next slide, please.

7 --o0o--

8 IMPERIAL BEACH MAYOR AGUIRRE: We used to have
9 events, really major events, for example Ironman would
10 come to town and it would attract thousands of visitors.
11 Now, we are no longer able to host this event because of
12 the beach closures that we've been experiencing. You
13 know, tourism has been on the decline. Our hotels are
14 reporting a decrease in occupancy, as well as our local
15 mom and pop shops, right? The business you see in the
16 fore -- in the background, Cow-A-Bunga, other cafes,
17 they're all suffering because we've seen a very reduced
18 number of visitors to our beaches.

19 Next slide, please.

20 --o0o--

21 IMPERIAL BEACH MAYOR AGUIRRE: Our local programs
22 have been greatly affected as well. This is the Junior
23 Guard Program that is a staple -- or was a staple of our
24 community, where kids could come, enroll, and learn life
25 saving skills, ocean stewardship, and have fun during the

1 summer months at a reduced cost. And that is a
2 significant pipeline to our lifeguards that protect the
3 safety and well-being of our beachgoers in Imperial Beach.
4 And that unfortunately has had to be canceled because of
5 the beach closures.

6 Next slide, please.

7 --o0o--

8 IMPERIAL BEACH MAYOR AGUIRRE: And our lifeguards
9 I just want to highlight how proud I am of them, because
10 they are unlike any other lifeguards in any other city.
11 They face circumstances that no other lifeguards have to
12 face. And I know this is a strong picture, but I just
13 wanted to share it, because these are the conditions that
14 they have to face every day. They serve as a very strong
15 partner for the Department of Homeland Security and Border
16 Patrol especially when it relates to undocumented crossers
17 through the water, through the culverts in the river
18 valley, and every time we are in wet weather there's
19 flooding and they have to answer the call, and they do it
20 very valiantly and in polluted conditions.

21 Next slide, please.

22 --o0o--

23 IMPERIAL BEACH MAYOR AGUIRRE: Now, I wanted to
24 share something we've never experienced before, which was
25 the boil water advisory that happened on August 24th. It

1 was following Tropical Storm Hilary. We had to shutter
2 all of our businesses for three straight days. That was
3 devastating to our local businesses. We never even
4 incurred that situation during -- even during COVID. Not
5 to mention, you know, the inability of people to be able
6 to drink from their faucet and inability of our working
7 families to be able to buy in bulk bottled water. So that
8 was very detrimental to our community.

9 Next slide, please.

10 --o0o--

11 IMPERIAL BEACH MAYOR AGUIRRE: Now, recently,
12 there was an article published in the UT that was very
13 revealing because it confirmed a lot of the anecdotal
14 reports that I get ongoing -- on an ongoing basis from
15 throughout not just Imperial Beach but adjacent
16 communities such as Nestor, San Ysidro, South San Diego
17 and Chula Vista, which are very strong odors related to
18 the sewage. Sometimes it can be overwhelming. I live a
19 mile and a half from the beach, two miles from the river
20 floodplain. And even last night, I couldn't open my
21 windows or turn on the AC.

22 This article revealed that people started to buy
23 sensors within their homes and they were finding
24 concentrations that were well above the State thresholds
25 that are in place for safety and well-being. And those

1 types of gases are hydrogen sulfide, and sulfur dioxide,
2 which are related to sewage emissions. The air pollution
3 control district also has started a program. They've
4 placed different sensors throughout the river valley and
5 Imperial Beach and that has been funded by the U.S. EPA.
6 And that will help us obtain more data to quantify what
7 types of impacts these odors are having on our community.

8 Next slide, please.

9 --o0o--

10 IMPERIAL BEACH MAYOR AGUIRRE: And again, I --
11 you know, you showed the map earlier of the tidelands and
12 jurisdiction of the State Lands Commission. This entire
13 portion of -- that's under the State Lands Commission's
14 jurisdiction has been closed 688 consecutive days.

15 Next slide, please.

16 --o0o--

17 IMPERIAL BEACH MAYOR AGUIRRE: And something that
18 keeps me up at night, in addition to everything else, is
19 sea level rise, right? You know, this is a picture of our
20 last coastal flooding event when we had the combination of
21 King tides and a winter storm event, which wasn't as
22 severe, thankfully. It didn't coincide as severely as it
23 had in 2018 when we had another event such as this. This
24 is Seacoast Drive. This is in front of people's homes.
25 And as you can see, that is very polluted water. And

1 according to Scripps Institution of Oceanography and their
2 flooding projection levels, San Diego County will be
3 subject to about 100 days per year of this type of
4 flooding. And the -- these types of concerns are unlike
5 any other city has to face. Other cities think about sea
6 level rise. They think about salt water intrusion and
7 their storm -- and storm water sewage conveyance systems.
8 We're thinking corrosion and a public health threat.

9 Next slide, please.

10 --o0o--

11 IMPERIAL BEACH MAYOR AGUIRRE: Not just because
12 of surface runoff, but because of the bacteria pathogens
13 and viruses that are being emitted by this sewage
14 pollution. Last week, we met with a few residents that
15 live adjacent to that area where I showed you the picture
16 that reported having been infected with Shigella bacteria
17 and hospitalized. One woman I spoke with spent three days
18 in the hospital and she's still recuperating weeks after
19 the boil water advisory event. Her nurses and medical
20 staff had to enter her room with hazmat suits.

21 Next slide, please.

22 --o0o--

23 IMPERIAL BEACH MAYOR AGUIRRE: And I already
24 mentioned the state of emergencies that we have declared
25 here.

1 Next slide, please.

2 --o0o--

3 IMPERIAL BEACH MAYOR AGUIRRE: And, you know, I
4 should have updated this slide, but we did receive a
5 letter as was presented by staff earlier from the Governor
6 explaining the reasoning behind not declaring the state of
7 emergency, but what we are asking is the Governor and the
8 State Lands Commission, the Coastal Commission, and
9 everybody that can help us to call on our President to
10 declare one. And the reason why is because, as was
11 presented earlier, the international wastewater treatment
12 plant is in complete state of disrepair. It has been out
13 of compliance since 2019. You know, it's years and years
14 of deferred maintenance, underfunding. And unfortunately,
15 it can only receive funding from the Department of State's
16 budget.

17 And we're asking for the President to issue a
18 waiver and suspension of statute, so that we can allocate
19 resources to the plant from different sources of funding,
20 and most importantly allocate immediate funding to the
21 plant, so that we could not just fix it, but expand it as
22 fast as possible, because as you can see we're in a dire
23 situation, not just in Imperial Beach, but in Coronado and
24 all of South Bay.

25 Next slide, please.

1 --o0o--

2 IMPERIAL BEACH MAYOR AGUIRRE: And that concludes
3 my presentation. Again, I want to thank you for your
4 leadership and for the opportunity to share this
5 information today and I'm available for questions.

6 CHAIRPERSON KOUNALAKIS: Thank you, Madam Mayor.
7 We also have someone here from the City of -- the Port of
8 San Diego. So maybe what we'll do is hear from him and
9 then we'll open it up to questions.

10 All right.

11 JASON GIFFEN: Great. Thank you so much. Every
12 time we see those images, they're so vivid. It can't help
13 but move you. But thank you, Chair Kounalakis,
14 commissioners. My name is Jason Giffen, Vice President
15 here at the Port of San Diego. So welcome to the port.
16 As a part of your regular programming, you're going to
17 hear from a couple of my colleagues, but I'd like to
18 obviously speak specifically about Tijuana River Valley.

19 The partnership we have with the State Lands
20 Commission is vital for protecting the Public Trust lands
21 along 34 miles of waterfront and delivering benefits to
22 enrich our region and serve our State. Additionally, we
23 manage granted tidelands and submerged lands in Imperial
24 Beach, notably north and south of the iconic pier, and you
25 saw some of those in the photos just moments ago.

1 Our collaboration with State Lands in this
2 cross-border region is the epicenter of an environmental
3 injustice that our communities continue to endure. We can
4 measure it in days, weeks, months, years, 688. And, you
5 know, what are we two years come December 8th actually
6 that some of those beaches have been closed. In terms of
7 being the recipients of neglect and underinvestment of
8 infrastructure that are required to manage a huge volume
9 of sewage and pollution that flows across federal land
10 through federal facilities under federal -- into federal
11 areas that ultimately end up at our beaches, and that
12 picture that the Mayor showed of Hilary.

13 Typically, we experience a little over 30 million
14 gallons of flow a day. That was over 80 million gallons,
15 so you can see that essentially is more than two and a
16 half times what we would typically see. And with the
17 increase of severity of storms, we anticipate some -- more
18 of those events.

19 The South Bay international wat -- wastewater
20 inter -- the South Bay International Wastewater Treatment
21 Plant was built 26 years ago, as you've heard, when the
22 population in the Cali-Baja region was much smaller, and
23 there's been an enormous amount of growth. However, with
24 the capacity of the plant, it has not increased and, in
25 fact, has deteriorated to the point that it must be

1 rehabilitated, and money must be put into the deferred
2 maintenance of that facility.

3 Today, transboundary sewage flows impact our
4 communities and the state, because this place natural and
5 economic resources are tied to together, as you saw from
6 those earlier pictures. These State Lands are why people
7 are here as they've been here for thousands of years. So
8 when the land is severely impacted and the people feel it,
9 they experience it, and they live it.

10 At the beginning of the month, the Port of San
11 Diego went to Washington D.C. We met with the EPA, also
12 with colleagues at the state. And we met with White House
13 staff, congressional appropriators urging them to match
14 the scale and magnitude of the crisis by deploying \$310
15 million of emergency funding. And the Mayor just spoke
16 about the urgency of funding to be deployed immediately as
17 a part of the next supplemental appropriations package.

18 Last week, we also attended the Coastal
19 Commission meetings and you heard from people like
20 Commissioner Dan Malcolm representing the Port where you
21 dove really deeply into that issue. Lieutenant Governor,
22 we wanted to say thank you very much. We really
23 appreciate your comments that you made there. And thank
24 you for your leadership and holding agencies accountable
25 for what they're responsible and upholding their federal

1 requirements and law, and protecting the lives of those
2 who have suffered not just recently, but for a long time.

3 As trustee of public lands on behalf of the State
4 of California, the Port and Stand Lands Commissions are
5 allies in this fight for environmental and economic health
6 of these lands, in terms of protecting our air, land,
7 water, wildlife, and people. And we will see you next
8 month at Coastal Commission up north. So thanks very
9 much.

10 CHAIRPERSON KOUNALAKIS: Thank you so much, Mr.
11 Giffen. Can I ask, do we have anyone to speak on public
12 comment on this issue?

13 OFFICE TECHNICIAN PELKA: Thank you, Madam Chair.
14 At this point in time, we have no hands raised for public
15 comment.

16 CHAIRPERSON KOUNALAKIS: Okay. So I'd like to
17 turn it over for questions and comments to my fellow
18 commissioners. But before I do, let me just say as
19 clearly and as strongly as I possibly can, there is no
20 greater environmental crisis in the state of California
21 right now than the crisis around pollution from the
22 Tijuana River. People are getting sick. Children are
23 getting sick. People are going to the hospital. It is
24 damaging our communities and it is damaging the wildlife
25 and the environment. It is an utter disaster.

1 And part of the problem I believe is that it's
2 hard to conceive that in the state of California in the
3 United States of America, we would have a catastrophe like
4 this ongoing for years and no one doing anything about it.

5 And I want to just explain, if I can, fellow
6 commissioners, as to how it could be. And Madam Mayor,
7 your presentation was fantastic. If there's one thing I
8 would add to it, it's the topography of the watershed,
9 because the city of Tijuana as it abuts the border sits
10 about 800 feet above sea level. So there is a natural
11 gravitational flow of the Tijuana River as it comes over
12 the border and it is essentially an open sewer.

13 So we know and have known for a very long time
14 how to manage wastewater, how to manage sewage. But in
15 this case, the facilities that the U.S. government built
16 many years ago are old and they are far below the capacity
17 of what's needed. So we thought three years ago when
18 USMCA was passed and our efforts led to \$300 million being
19 put into the USMCA agreement to go to the IBWC to build a
20 new sewer treatment plant. We thought we were on our way.
21 Nothing has been built. Nothing has been built and
22 they're not even ready to break ground. And part of the
23 reason is that the IBWC, which is the agency that has
24 jurisdiction, they have not, in my opinion, moved quickly
25 enough or with enough urgency, and they fall back on this

1 notion that, oh, well \$300 million isn't enough money.

2 So costs have gone up. We understand that. Yes,
3 we have to find the money, but the IBWC has got to move
4 forward, complete the design, the engineering, and we have
5 to do whatever it takes to get the federal funding,
6 because that is the appropriate place for the money to
7 come from, to build these facilities. And until then, it
8 is incumbent on every single one of us to recognize the
9 environmental disaster that the Tijuana River issue is
10 presenting to us in the state of California and to our
11 people, and to take every opportunity in every possible
12 way to push the federal government to build the facilities
13 to clean this open sewer system that is draining into the
14 community of Imperial Beach, having impacts on the greater
15 San Diego and Southern California area, and polluting the
16 sea.

17 So with that, I'd like to turn to my colleagues.

18 Commissioner Kunkel, do you have questions or
19 comments?

20 ACTING COMMISSIONER KUNKEL: I'll keep it brief.
21 Chair Kounalakis, I think you said it all. I -- the
22 photos, the presentations were fantastic, but devastating
23 appalling. I just want to echo you -- your -- Chair
24 Kounalakis on the need to push for more funding for
25 federal funding and thank the advocates that have been

1 working on this environmental injustice issue for years.
2 Mayor Aguirre, I know that you've pretty much dedicated
3 your life's work to this, so thank you so much, and thank
4 you to State Lands Commission staff for continued
5 partnership. I just -- I'm -- those photos were very
6 impactful and I am a little bit speechless to be honest.
7 So thank you for the presentation, really appreciate it.

8 CHAIRPERSON KOUNALAKIS: Thank you, Commissioner
9 Kunkel.

10 Commissioner Miller.

11 ACTING COMMISSIONER MILLER: Thank you. I do
12 also want to echo the Mayor's point about your leadership.
13 It has been -- since I started here with you, it's really
14 incredible what you've done to bring attention to this
15 issue and to make sure that everyone understands what it
16 means to have a sewer draining into Imperial County --
17 Imperial Beach, excuse me, and others.

18 I do -- so can I just get a little bit of clarity
19 around the \$350 million transfer from the federal
20 government and that status? And then -- is that possible?
21 I know -- you know, the Governor, obviously, has been very
22 active in trying to make sure that that -- those dollars
23 get put to work. I just want to make sure I fully
24 understand and understand the specifics of what still
25 needs to happen in order to start executing that.

1 IMPERIAL BEACH MAYOR AGUIRRE: So the original
2 \$300 million that were secured through the USMCA, they hit
3 a bit of a roadblock -- a bump in the road, if you will.
4 Because the money was allocated to U.S. EPA, but it's
5 destined for IBWC, there had to be a legislative fix.
6 That was done, I believe, December of last year. The U.S.
7 EPA is the lead agency in the NEPA process, which has been
8 completed. Now, the monies need to be transferred to
9 IBWC, so IBWC can put out a Request for Proposals for
10 construction -- design and construction.

11 As they were doing that analysis is when they
12 identified or revealed that the deferred maintenance and
13 rehabilitation costs had skyrocketed from a couple dozen
14 million to 150 million.

15 So now we're finding out that half of those
16 original \$300 million, half of that is going to have to go
17 to fix the plant. Now, there's been a subsequent request
18 supported by the Governor and all our congressional
19 delegation of an additional \$310 million through the
20 emergency supplemental bill. And that is where there's a
21 big question mark if it's going to happen or not, given
22 the current state of our congress, let's just say that.

23 So many of us have sent letters and are planning
24 on traveling to D.C. if it's still -- if we're still in
25 time and everything works out to ask the Chair and ranking

1 members of the Appropriations Committee on the House side
2 to include the \$310 million into the request, so that we
3 can then just at least get back to where we originally
4 were after the litigation, which was expansion of the
5 treatment plant.

6 And I'll just add lastly, the original 300
7 million were not enough to fully see significant reduction
8 in beach closure days for our region. So now the
9 estimation that we heard from IBWC is closer to 900
10 million total. We estimate it's closer to a billion, a
11 billion and a half because of inflation and other rates of
12 costs.

13 ACTING COMMISSIONER MILLER: Thank you so much.
14 And then in terms of the ability to actually do the
15 building. Are those plans completed or is that still what
16 you need from the --

17 IMPERIAL BEACH MAYOR AGUIRRE: That's what the
18 bid needs to go out for the design and construction phase
19 the IBWC is now leading.

20 ACTING COMMISSIONER MILLER: Got it. Okay.

21 IMPERIAL BEACH MAYOR AGUIRRE: Um-hmm.

22 ACTING COMMISSIONER MILLER: I just wonder if
23 it's possible to systematically parse this in stages, so
24 that we're not losing any time as we're waiting for this
25 funding to come in. And that's what you're asking for as

1 well is that we get this bid out immediately. Got it.

2 IMPERIAL BEACH MAYOR AGUIRRE: Um-hmm.

3 ACTING COMMISSIONER MILLER: Okay. Thank you so
4 much.

5 IMPERIAL BEACH MAYOR AGUIRRE: Thank you.

6 CHAIRPERSON KOUNALAKIS: To quote the President
7 of the United States, "We are the United States of
8 America. We can build a water treatment plant." And
9 there are literally lives at stake right here at home. It
10 is absolutely unacceptable. So thank you, Mayor. Thank
11 you to everyone at the Port of San Diego and across the
12 state, State Lands Commission. And to everyone listening,
13 please help us raise this issue at every level. If the
14 State of California could go in and fix it, I'm sure it
15 would be fixed by now frankly, particularly with this
16 Governor and the fact that he sat on this body for eight
17 years, but it is a federal issue, and we have tools, but
18 we don't have the ability to actually get in and lead and
19 build the infrastructure. The federal government has to
20 do it.

21 All right. Ms. Lucchesi, what is the next order
22 of business?

23 EXECUTIVE OFFICER LUCCHESI: Our next order of
24 business is to adjourn into closed session. So Government
25 Code section 11126 subdivision (c)(7) allows a State body

1 to discuss real property negotiations in closed session,
2 provided that before the closed session the State body in
3 open session identifies the real property concerns and the
4 person or persons with whom the negotiator may negotiate.

5 In accordance with this requirement, I announce
6 that the Commission will conference in closed session with
7 its real property negotiators regarding entering into a
8 lease amendment or other agreement for the extended use of
9 existing offshore oil and gas pipelines traversing State
10 waters associated with the Santa Ynez unit in federal
11 waters offshore Santa Barbara County. The negotiations
12 will be conducted with ExxonMobil.

13 CHAIRPERSON KOUNALAKIS: Thank you very much.
14 We'll now adjourn into closed session.

15 (Off record: 1:39 p.m.)

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

18 (Thereupon the meeting reconvened
19 open session.)

20 (On record: 3:05 p.m.)

21 ACTING CHAIRPERSON DURLAO: Good afternoon,
22 everyone. I call this meeting back to order. As you have
23 noticed, the Lieutenant Governor has had to step away, so
24 I will be filling in for her for the rest of today's
25 meeting.

1 So, Ms. Lucchesi, is there anything to report
2 from closed session?

3 EXECUTIVE OFFICER LUCCHESI: Yes. Thank you,
4 Chair Dumlao. So the Commission met in closed session
5 pursuant to Government Code section 11126 subdivision
6 (c)(7), which allows a State body to discuss real property
7 negotiations in closed session. We are in negotiations
8 concerning real property located offshore Santa Barbara
9 County relating to the extended use of existing offshore
10 oil and gas pipelines traversing State waters associated
11 with the Santa Ynez Unit in federal waters. The
12 negotiations are with ExxonMobil. As such, there is
13 nothing to report out of closed session.

14 ACTING CHAIRPERSON DURLAO: Great. Thank you.

15 So next on our agenda, I would like to take this
16 moment to thank the Port of San Diego for hosting us and
17 also thank them for rolling with the punches today. And
18 as we adjusted our schedule being willing to come back at
19 a later time. So I would like to welcome Port of San
20 Diego Chair Rafael Castellanos to say a few words.

21 Thank you very much.

22 PORT OF SAN DIEGO CHAIR CASTELLANOS: Thank you.
23 We've gotten pretty good at rolling with the punches here
24 at the Port of San Diego.

25 (Laughter).

1 PORT OF SAN DIEGO CHAIR CASTELLANOS: Welcome,
2 commissioners and Jennifer. We have such a great
3 relationship with you all that we're on a first name basis
4 with Jennifer. Welcome to San Diego and the Port of San
5 Diego, and what we consider one of the most beautiful
6 jewels in all of the state of California, the San Diego
7 Bay and its tidelands, commissioners.

8 As you know, we have many charges under our
9 enacting legislation to balance commerce, navigation,
10 fisheries, recreation, and environmental stewardship. It
11 is tough to balance all of those interests, but we work
12 extremely hard with you in partnership to do exactly that
13 and we have many great stories to tell about the work that
14 we've done. We do all of it while being a major economic
15 a engine for the region. We contribute over \$9 billion a
16 year just to our regional economy, almost 70,000 good
17 jobs. For the state of California, it's over \$20 billion
18 and over 100,000 good jobs.

19 Our partnership with you is critical. One of the
20 issues that was discussed earlier, the Tijuana River
21 Valley situation, we can't tell you enough how grateful we
22 are for your advocacy, the comments that the Lieutenant
23 Governor made last week to the Coastal Commission, all of
24 the leadership that's been demonstrated in that regard is
25 something that we are extremely grateful for.

1 We're also very grateful for all of your support
2 allowing us to be a very innovative port. As you know, we
3 adopted a Maritime Clean Air Strategy in 2021. It's one
4 of the most aggressive, if not the most aggressive one in
5 the entire country. We are rapidly accelerating all of
6 our working waterfront maritime operations.

7 We like to say that we're a port of firsts. We
8 were one of the first ports to adopt shore power and our
9 cruise and cargo terminals. We were one of the first
10 ports to adopt a climate action plan 10 years ago. We
11 will have the first fully electric tugboat in the entire
12 country coming later this year or the beginning of next
13 year. We're the first port in the entire -- in all of
14 North America with fully electric mobile harbor cranes
15 also coming later this year. You will receive an
16 invitation to the media event for that. We hope that you
17 can join us.

18 And we couldn't do any of that without the trust
19 that you have in us, the Public Trust Doctrine under which
20 we both work to make sure that our tidelands here in the
21 San Diego Bay and now the entire bay bottom with SB 507 -
22 you'll hear more about that later today - that we're
23 working together to ensure that those tidelands remain
24 protected, enhanced for present and future generations.
25 Thank you so much. We welcome you.

1 ACTING CHAIRPERSON DURLAO: Thank you very much,
2 Chair Castellanos. Yes, this region is such a beautiful
3 part of the state, an incredibly important partnership
4 that we have between State Lands Commission and the Port
5 and managing all these important resources. And when you
6 think about everything from the military presence to just
7 the beaches, it's incredibly important to the state and
8 the nation. So thank you for all your great work.

9 All right. So moving on. The next item of
10 business will be public comment. Before I open the public
11 comment period for items not on the agenda, first let me
12 thank everyone, especially our stakeholders and members of
13 the public for taking time to join our meeting. Now, I
14 want to turn it over to Ms. Lucchesi for -- to quickly
15 share some instructions on how we can best participate in
16 the meeting, so that it runs as smoothly as possible.

17 EXECUTIVE OFFICER LUCCHESI: Thank you, chair.
18 For public comment, we will take those members of the
19 public who are here in person first and then hear comments
20 from those members of the public who are participating
21 virtually. If you would like to speak either during our
22 public -- excuse me, our open public comment period or
23 during a public comment period that is part of an agenda
24 item, please complete an electronic request to speak form
25 available on our website. We will call you in the order

1 in which you submitted the electronic requests. For those
2 participating virtually, please make sure you have your
3 microphones or phones muted to avoid background noise.

4 To help us call on you through Zoom, please raise
5 your hand during the appropriate comment section in one of
6 two ways. First, if you're attending on the Zoom
7 platform, please raise your hand in Zoom. If you are new
8 to Zoom and joined our meeting using the Zoom application,
9 you can click on the hand icon at the bottom of your
10 screen. When you click on that hand, it will raise your
11 hand.

12 Second, if you're joining our meeting by phone,
13 you must press star nine on your keypad to raise your hand
14 to make a comment. If you are calling in and want to view
15 the meeting, including the PowerPoint presentation, please
16 view the meeting through the CAL-SPAN live webcast link.
17 There will be a slight time delay but it will avoid an
18 echo or feedback from using your Zoom application and your
19 phone.

20 We will call you -- excuse me. We will call on
21 individuals who have raised their hands in the order they
22 are raised by using the name they registered with or the
23 last three digits of their identifying phone number.
24 After you are called on, you will be unmuted, so you can
25 share your comments. Please also remember to unmute your

1 computer or phone and identify yourself. Remember, you
2 have a limit of three minutes to speak on an item. Please
3 keep your comments respectful and focused. We will mute
4 anyone who fails to follow those guidelines or at worst
5 dismiss them from the meeting.

6 The Commission has also established an email
7 address to compile public comments for our meetings. Its
8 address is cslccommissionmeetings@slc.ca.gov. I have
9 received various emails from parties that have been shared
10 with all the commissioners prior to the meeting. If we
11 receive any emails during the meeting, they will be shared
12 with the Commissioners and made available on our website,
13 along with the public comment letters and emails we have
14 already received.

15 Chair Dumlao, that concludes my hybrid meeting
16 instructions and we're ready to move to the general public
17 comment period.

18 ACTING CHAIRPERSON DURLAO: Thank you. If anyone
19 wants to address the Commission on any matter not on
20 today's agenda, I will call on those who are here in
21 person first. You will have three minutes to provide your
22 comments and then we will move on to those joining us
23 virtually. Michelle, please call on the person who would
24 like to make a public -- on the first person who would
25 like to make a public comment.

1 OFFICE TECHNICIAN PELKA: Thank you, Chair. Our
2 first public commenter is Robert Jan Roy van de Hoek. You
3 may unmute yourself and begin your comment.

4 ACTING CHAIRPERSON DURLAO: Are you there?

5 ROBERT VAN DE HOEK: Hi. My name is Robert --
6 yes. My name is Robert van de Hoek. Before starting the
7 timer, I just wanted to bring up to you that on comment,
8 Senator -- Senator -- excuse me, Lieutenant Governor spoke
9 on the emergency and asked for public comment and I raised
10 my hand at that time, so I didn't get to -- and then the
11 staff said there was no raised hands. But because it was
12 an emergency, that's how that's -- was set up.

13 And then secondly, after your closed session or
14 prior to your closed session, you were supposed to ask for
15 public comment also and that wasn't asked for, so I missed
16 two opportunities to speak on public comment, but now I'm
17 ready to speak on general public comment.

18 ACTING COMMISSIONER MILLER: May I actually make
19 a comment? I'm sorry. Mr. van de Hoek, I do think it's
20 really important that we're just clear. I understand you
21 don't like the timer. We appreciate your willingness to
22 come here and comment. I do think it's important that
23 this is that -- this public comment. We just got back
24 from closed session. We reported out. We're now in
25 public comment. There will be one at the end. There's

1 one after every item. So I think it's always just really
2 important that we're clear on all the ways that we really
3 appreciate public comment at the State Lands Commission.

4 Thank you.

5 ROBERT VAN DE HOEK: I just -- thank you. I just
6 wanted to say that this is general public comment. I was
7 not allowed to speak on specific comment -- public comment
8 on closed session and I'm not supposed to use this time to
9 talk on items that are on the agenda, and you added the
10 closed session.

11 ACTING CHAIRPERSON DURLAO: Okay. Mr. van de
12 Hoek, please proceed with your comment. We're here. The
13 floor is yours.

14 ROBERT VAN DE HOEK: Okay. All right. Well, I'd
15 like -- just please start my time over at three minutes,
16 so I can talk on items not on the agenda. Thank you very
17 much. I appreciate that.

18 I'm an environmental scientist and I wish to
19 speak on the Ballona Wetlands in Los Angeles County,
20 California. The State of California has 60 acres under
21 the State Lands Commission and then another 600 plus acres
22 under another State agency, Fish and Game Commission, and
23 the Department of Fish and Wildlife manages the land
24 there.

25 The State Lands Commission has given its

1 authority on its 60 acres over to the -- they've chosen,
2 as you do often throughout the State, you pick a third
3 party to manage your State lands. And you chose the State
4 Department of Fish and Wildlife to do that. And they are
5 now abusing that process in taking to use your 60 acres
6 for a project that they want to do that is -- was under
7 the CEQA and lost in the lawsuit. That happened last --
8 earlier this year. That lawsuit by Superior Court Judge
9 Chalfant directed the Department of Fish and Wildlife to
10 withdraw their EIR essentially and to start over again
11 with a whole CEQA process. And so that means that they
12 can't do anything on your State Lands either.

13 And I think it points out that you need to have a
14 full hearing just generally for the three of you
15 commissioners to understand what is going on here. And
16 then you've also, 20 years ago plus made a deal -- made an
17 arrangement with Playa Vista Development Corporation to
18 manage some of your lands. And they've been doing a
19 horrible job and we've pointed that out to you at numerous
20 public comments.

21 And your staff has done a good job in attempting
22 to address that, but there still hasn't been a hearing.
23 And that's the other part of your land that you have under
24 your jurisdiction of the State Lands Commission. So I
25 think that -- and as an environmental scientist with a

1 specialty in marine biology and wildlife biology, I could
2 just -- I just want to rattle off a lot of names of birds
3 and other animals that are being impacted as you move
4 forward. And I don't think you really are aware of that,
5 that that's happening.

6 And also, helpful understanding of the -- on
7 public comment, Kumeyaay Indians who are hosting you, they
8 are a nationally federally recognized tribe and you needed
9 to include them in all your discussions related -- time is
10 up -- you need to relate them on discussions on everything
11 your discussing with your emergency and the Port of --
12 Port of San Diego and I don't think you're including that
13 federally recognized tribe.

14 Thank you.

15 ACTING CHAIRPERSON DURLAO: Thank you. We
16 appreciate your comments today.

17 I think its Dr. van de Hoek, if I remember
18 correctly.

19 ROBERT VAN DE HOEK: No. Professor van de Hoek.

20 ACTING CHAIRPERSON DURLAO: Professor. There we
21 go. Professor van de Hoek.

22 ROBERT VAN DE HOEK: But thank you.

23 ACTING CHAIRPERSON DURLAO: Michelle, who is --
24 who is next on our public comment?

25 OFFICE TECHNICIAN PELKA: Our next public speaker

1 is Marcia Hanscom. Marcia, you may unmute yourself and
2 begin your comment.

3 MARCIA HANSCOM: Hi. Can you hear me?

4 ACTING CHAIRPERSON DURLAO: Loud and clear.

5 MARCIA HANSCOM: Great. Thank you so much.
6 Marcia Hanscom with Defend Ballona Wetlands. And I'm
7 wanting to talk with you about the Ballona Wetlands too.
8 And I know some of you are really tired of hearing about
9 it, but you're going to hear about it until we get things
10 right there.

11 As was discussed a few moments ago, there were
12 four different lawsuits and they all won in federal -- in
13 Superior Court. And the judges order said to rescind the
14 project CEQA findings to invalidate all approvals and to
15 decertify the Environmental Impact Report and prepare a
16 certified -- and certify a legally adequate Environmental
17 Impact Report if the Department chooses to proceed. So
18 that's the most important thing.

19 The question is do we want to proceed with a very
20 controversial 14-year plan, very expensive \$200 million
21 project that would do construction - and yes, I say
22 construction, not restoration - on the coast of Los
23 Angeles. I don't think so. We have a gentle restoration
24 plan that really addresses genuine restoration goals. And
25 I hope that you might take a look at it at

1 defendballonawetlands.org. We don't need -- in fact, we
2 shouldn't have big heavy equipment here. This is not San
3 Francisco Bay where restoration is done a little
4 differently because of the impacts from decades before.

5 This is a habitat that has eight endangered
6 species now. We have seven. Now, the California
7 Gnatcatcher is nesting immediately adjacent to your State
8 Lands Commission property. So I would really like to ask
9 that you have a public hearing. In 2008, there was
10 something you passed that says the Commission will be a
11 responsible agency under CEQA and to ex- -- to the extent
12 that any lands under the jurisdiction of the Commission
13 are proposed for restoration, the Commission, that's you,
14 will have final discretionary authority and approval of
15 the project with respect to lands it owns in fee. That's
16 60 acres that you own and that you are responsible to the
17 public for.

18 So I would like to ask respectfully that you take
19 back to the people you represent, the State Controller and
20 the Lieutenant Governor and ask them to ask staff to have
21 a public hearing, maybe the beginning of next year,
22 because Fish and Game, Fish and Wildlife, they're planning
23 on going back to the same old project again. Scoping
24 starts next month. So let's get on a better track.

25 Thank you very much.

1 ACTING CHAIRPERSON DURLAO: Thank you, Ms.
2 Hanscom.

3 Michelle, who is the next speaker?

4 OFFICE TECHNICIAN PELKA: Thank you. Our next
5 speaker is Walter Lamb. Walter, you may unmute yourself
6 and begin your comment.

7 ACTING CHAIRPERSON DURLAO: Mr. Lamb?

8 WALTER LAMB: Yes. Sorry. I was just made a
9 panelist, and so it takes you out of the Zoom for a couple
10 seconds. I'm back. Thank you very much, Commissioners.
11 Walter Lamb, Ballona Wetlands Land Trust also, not
12 surprisingly, speaking on Ballona.

13 I'm going to come at this from a slightly
14 different angle. I know, you know, to the earlier
15 speaker's point, I think people are kind of worn out about
16 Ballona and I understand that. You know, both from the
17 agency perspective and from the stakeholder perspective.
18 There are different opinions about, you know, what should
19 or should not happen at the Ballona Wetlands. I think
20 what's relevant for you right now as an agency is you do
21 hold some of these lands in trust, that you're not just a
22 responsible agency. You are a trustee agency. I know
23 that you signed a lease in 2005 and there's been some
24 discussion that with the signing of that lease you kind of
25 leased away your trustee responsibilities and that -- I

1 think we all kind of recognize that that's just not how
2 this works, that you still are a trustee agency.

3 Commissioner Miller, I know two and a half years
4 ago you were present when the Coastal Conservancy
5 authorized \$1.69 million for this project, on top of 6.25
6 million in 2012, on top almost 3 million prior to that for
7 this project continuing. And there were a lot of public
8 commenters that raised some concerns that all of which
9 have been validated. And now I believe you may be the
10 alternate on the Wildlife Conservation Board, where the
11 Department of Fish and Wildlife has asked for another \$2.8
12 million. And they're now hoping to just only do two
13 sequences out of 35 starting in 2025. And we don't even
14 think that's realistic and so I think even discussing the
15 project at this point is kind of moot, because it's -- I
16 don't think it's a real thing or a viable thing. I think
17 it's this fantastical thing that we've been hearing about
18 for 20 years.

19 And the problem with that if we just wanted for
20 the project not to happen, I would tell you that I would
21 just go and do other things, more fun things with my time,
22 because the project has kind of imploded on its own under
23 its own weight. The problem is there are many issues
24 facing the Ballona Wetlands, sea level rise, invasive
25 species, the need for greater public access. All of these

1 things that all the agencies have agreed are important,
2 and yet they've put everything, all the chips, they've put
3 in this one project that is just going in circles. It
4 just isn't progressing. It's not going forward. And so
5 this \$2.8 million that's being requested now I can tell
6 you at the end of the day that money is going to get spent
7 and you're just going to have gone around that circle a
8 couple more times.

9 So I think the key theme that you're hearing from
10 a lot of people is that let's not put our heads in the
11 sand and pretend that, you know, we don't have
12 responsibility. We all do. We all have responsibility
13 for this really critical ecosystem, not for ourselves, but
14 for the wildlife, for kids, for future generations. So
15 what's the next step? Let's figure out a way. And I
16 would just ask for you to put this on your agenda. It's
17 been a long time. It's a very important project and I
18 think it would be well worth the effort to start talking
19 through some of these issues.

20 Thank you very much for your time today.

21 ACTING CHAIRPERSON DUMLAO: Thank you, Mr. Lamb.
22 Michelle, who is our next public commenter?

23 OFFICE TECHNICIAN PELKA: Our next public
24 commenter is Jane Velez-Mitchell. You may unmute yourself
25 and begin your comment.

1 JANE VELEZ-MITCHELL: Okay. How are you doing?
2 Can you hear me?

3 ACTING CHAIRPERSON Dumlao: Yes, we can.

4 JANE VELEZ-MITCHELL: Okay. It does take a
5 second to get out of one mode and get into the other.
6 Thank you. My name is Jane Velez-Mitchell. And I am a
7 journalist, and author, and documentary filmmaker who
8 lives near LA's Ballona Wetlands. And I see every day
9 with my own eyes that this ecological reserve is thriving,
10 not dead and dying as rapacious developers would claim and
11 do claim.

12 I see the pelicans, the egrets, the cormorants,
13 the seals, and the many other animals who call this
14 wetlands home and they are thriving. And I know that the
15 California Department of Fish and Wildlife has been
16 completely co-opted by the fossil fuel industry that has
17 concocted an Orwellian plan to fix the crumbling pipes
18 deep under the wetlands through a phony quote,
19 "restoration," unquote that is, in fact, a wholesale --
20 destruction of the wetlands, the last coastal wetlands
21 that is in the whole LA area using bulldozers for a decade
22 at a cost of over 200 million public dollars. Now, you
23 control 60 acres of this land, so I am just begging you to
24 be vigilant about these morally bankrupt efforts and do
25 whatever you can to stop it.

1 And now the courts have agreed with what we
2 bulldozing opponents have been saying for years, this
3 seriously flawed Ballona bulldozing plan is so broken that
4 a judge has now thrown out the Environmental Impact
5 Report. In the words of the LA Times, quote, "A CDFW plan
6 to introduce tidal flows into the Ballona Creek Wetlands
7 has come to a screeching halt after a judge ruled recently
8 that the agency's Environmental Impact Report on the
9 project failed to adequately account for flood risk," end
10 quote. Flood risk that could affect me and so many other
11 people who live around here. The judge invalidated the
12 impact report -- the Environmental Impact Report and
13 halted all State work at the reserve, which they're trying
14 to get around any way they can.

15 He also said the plan did not have specific
16 enough performance criteria for preserving wildlife. In
17 people terms, he said the plan does not account for the
18 one million wild animals who would be wiped out by a
19 decade of bulldozing, animals with nowhere else to go at a
20 time when we're begging other nations to stop bulldozing
21 their wildlife habitats because we globally are in the
22 midst of the Sixth Mass Extinction and should be doing
23 everything we can to preserve the homes of these wild
24 animals not destroy them for economic gain.

25 Please, I am begging you to challenge and reject

1 this deeply flawed and morally bankrupt plan. We can be
2 on the right side of history. The judge's ruling is an
3 opportunity for people who care about the environment, who
4 care about wildlife, who care about conservation, and who
5 understand what's so obvious, that this is a financially
6 motivated phony restoration to take action to stop it.
7 The judge has open the door for that. It's a 67-page
8 ruling and it confirms what we've been saying all along.
9 Please, we are really, really begging you to stop this.

10 Thank you.

11 ACTING CHAIRPERSON Dumlao: Thank, you Ms.
12 Velez-Mitchell.

13 Michelle, our next speaker.

14 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
15 is calling in with a phone number ending in 421. You may
16 unmute yourself and begin your comment.

17 ACTING CHAIRPERSON Dumlao: Are you there?

18 Michelle, maybe we can come back to that person
19 if the person responds.

20 Do we have someone else in the queue?

21 OFFICE TECHNICIAN PELKA: At this point in time,
22 there are no other hands raised for comment.

23 ACTING CHAIRPERSON Dumlao: Okay. Great. Well,
24 we do have a second public comment period at the end of
25 today's program, if that individual can call in at that

1 point. All right. All right. So that concludes out
2 public comment period.

3 The next item of business will be the adoption of
4 the minutes from the Commission's meeting of August 17th,
5 2023. May I have a motion to approve the minutes and a
6 second.

7 ACTING COMMISSIONER MILLER: Move approval.

8 ACTING COMMISSIONER KUNKEL: Second.

9 ACTING CHAIRPERSON Dumlao: All right. So we
10 have a motion from Commissioner Miller, seconded by
11 Commissioner Kunkel. And we'll do a roll call vote.

12 EXECUTIVE OFFICER LUCCHESI: That's correct. So
13 just for transparency purposes when both Constitutional
14 Officers on the Commission are represented by their
15 Commission pursuant to the Government Code, only one
16 alternate can vote. So, Commissioner Kunkel

17 ACTING COMMISSIONER KUNKEL: Aye.

18 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

19 ACTING COMMISSIONER MILLER: Aye.

20 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

21 ACTING CHAIRPERSON Dumlao: Abstain.

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

24 ACTING CHAIRPERSON Dumlao: Great. The next
25 order of business will be the adoption of the consent

1 calendar. Are there any items you'd like removed from the
2 calendar?

3 Great. Next I call on Ms. Lucchesi to indicate
4 which items, if any, have been removed from the consent
5 calendar.

6 EXECUTIVE OFFICER LUCCHESI: Certainly. Consent
7 items 19, 37, 43, and Regular item 62 are removed from the
8 agenda and will be considered at a later time.

9 Consent Items 42 and 50 are moved from the
10 Consent agenda to the Regular agenda due to we have
11 members of the public who would like to speak on both
12 those items.

13 ACTING CHAIRPERSON DURLAO: Great. Thank you.
14 Is there anyone joining us who wishes to speak on any
15 remaining -- on any item remaining on the consent
16 calendar? If so, please come up to the podium, or raise
17 your Zoom hand, or dial star nine if joining by phone now.

18 And Michelle, do we have any -- anyone wishing to
19 speak on any item remaining on the consent calendar?

20 OFFICE TECHNICIAN PELKA: At this point in time,
21 there are no hands raised for comment.

22 ACTING CHAIRPERSON DURLAO: All right. Hearing
23 none, we will now proceed with the vote.

24 ACTING COMMISSIONER MILLER: I'll move approval
25 of the consent calendar.

1 ACTING COMMISSIONER KUNKEL: And I'll second.

2 ACTING CHAIRPERSON Dumlao: All right. So we
3 have a motion by Commissioner Miller, seconded by
4 Commissioner Kunkel.

5 And let's have a roll call vote, please.

6 EXECUTIVE OFFICER LUCCHESI: Commissioner Kunkel?

7 ACTING COMMISSIONER KUNKEL: Aye.

8 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

9 ACTING COMMISSIONER MILLER: Aye.

10 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

11 ACTING CHAIRPERSON Dumlao: Abstain.

12 EXECUTIVE OFFICER LUCCHESI: The motion passes
13 two to zero with one abstention.

14 ACTING CHAIRPERSON Dumlao: All right. The next
15 order of business will be the regular calendar. We will
16 start with Item 61, which is to discuss legislation
17 relevant to the California State Lands Commission. May we
18 have the presentation.

19 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank
20 you, Mr. Chair and Commissioners.

21 This item is to provide a brief synopsis about
22 this past year in the Legislature and legislation relevant
23 to the Commission. We're a relatively small Commission
24 and we don't typically have a huge legislative portfolio,
25 but there are normally a handful of bills that we sponsor,

1 if not more, usually one to three each year. We also
2 support legislation that benefits the lands and resources
3 we manage or policy areas that align with the Commission's
4 mission and vision. And we work with offices to negotiate
5 amendments on bills that impact the Commission as well as
6 the administration on bills of importance.

7 So we also track dozens of bills in areas such as
8 climate change, sea level rise, renewable energy, plastic
9 pollution, ocean health, and many others. Bills change
10 all the time and we always want to stay on top of what's
11 happening, protect the Commission's interests and look for
12 opportunities to advocate for the Commission as the State
13 embarks on addressing its many natural resources and
14 environmental challenges.

15 Broadly speaking, 1,046 bills reached the
16 Governor's desk this year. The Governor signed 890 of
17 those, which is about a 15 percent veto rate and
18 consistent with the previous year. When the Legislature
19 reconvenes on January 3rd it will have until January 31st
20 to pass bills introduced this past year and still in the
21 house of origin. That includes SB 559 by Senator Min, a
22 two-year bill that would require the Commission to
23 terminate its remaining offshore oil and gas leases. That
24 bill, which the Commission doesn't have a position on, is
25 likely to be heard in January and sent to the

1 Appropriations Committee. One complication with this bill
2 is that the commission is in the midst of developing a
3 cost study that evaluates the fiscal impact of a voluntary
4 relinquishment of our offshore oil and gas leases, as
5 required by legislation passed in 2022.

6 That report is due in December 2024 and will be
7 preceded by a progress report due at the end of this year.
8 Staff will continue to monitor SB 559 and work with the
9 author's office and keep the author's office apprised as
10 we progress with the study.

11 Other two-year bills staff will be monitoring
12 include legislation to create a multi-billion dollar
13 natural resource bond for the November 2024 ballot to fund
14 climate change and sea level rise among other things. At
15 the same time, the Governor is focused on a mental health
16 bond for the March ballot, which could result in the
17 climate bond shrinking, so that the overall bond totals
18 don't exceed a certain threshold. The Legislature has
19 until May to pass a climate bond, if it is to go on the
20 November 2024 ballot. And we expect discussions about the
21 bond to restart in January and continue until around May.

22 They'll also, as you know, be a leadership change
23 when Senator McGuire becomes the Pro Tem and leads the
24 Senate through second more compressed second half of the
25 two-year session.

1 Other two years bill staff will be following are
2 AB 80 by Assemblymember Addis, which the Commission
3 adopted a support position on to create a wind science
4 entity, and AB 1407, also by Assemblymember Addis that
5 requires the Ocean Protection Council to establish a kelp
6 forest, an estuary restoration and recovery framework and
7 sets restoration goals for future years. That's a bill
8 that will affect the lands and resources under the
9 Commission's jurisdiction and which we are closely
10 following. And then, as you know, there will also be lots
11 of other major amendments to two-year bills pending.

12 Switching gears from two-year bills, I just
13 wanted to touch on the outcome of this year's legislation
14 and how that will affect the Commission. And as
15 previously reported, our two sponsored bills were signed
16 into law to modernize our mineral extraction laws and
17 facilitate a waterfront redevelopment project in Alameda.

18 The Governor signed three bills on offshore wind
19 energy. One will facilitate procurement, another will
20 require the Energy Commission in collaboration with the
21 State Lands Commission and other agencies to do a more
22 granular assessment of seaport readiness to support
23 off-shore wind energy. And we expect to be heavily
24 involved in that as we have been in the seaport planning
25 component of the AB 525 strategic plan.

1 And then the last bill the Governor signed is SB
2 286 by Senator McGuire, which does a number of things, but
3 most important to us, it designates the State Lands
4 Commission as the CEQA lead for offshore wind energy
5 projects. So that's really exciting and we're really
6 pleased and looking forward to implementing that bill in
7 the years to come.

8 The Governor also signed SB 605, by Senator
9 Padilla to require the State Energy Commission in
10 collaboration with the State Lands Commission and others
11 to study the viability of wave and tidal energy in
12 offshore waters. The last bill to highlight is SB 273 by
13 Senator Wiener that the Governor signed that authorizes
14 the Commission to approve a mixed use project at the long
15 derelict Pier 30-32 area in San Francisco. And we
16 anticipate working closely with the port to implement that
17 bill.

18 Beyond that, and in terms of where we are now,
19 we're taking a look at big picture policy areas in our
20 various statutes, because there's always improvements and
21 things that we can do to position us better. So we'll be
22 looking at that over these next few months and report back
23 in February of next year.

24 And that concludes my report.

25 ACTING CHAIRPERSON DUMLAO: Thank you, Ms.

1 Pemberton.

2 Commissioner Kunkel, do you have any comments?

3 ACTING COMMISSIONER KUNKEL: No.

4 ACTING CHAIRPERSON Dumlao: Commissioner Miller?

5 ACTING COMMISSIONER MILLER: No. Thank you.

6 ACTING CHAIRPERSON Dumlao: Michelle, do we have
7 any public comments?

8 OFFICE TECHNICIAN PELKA: Yes. Our first speaker
9 is Penny Elia. You may unmute yourself and begin you
10 comment.

11 ACTING CHAIRPERSON Dumlao: Ms. Elia, are you
12 there?

13 PENNY ELIA: Hello.

14 ACTING CHAIRPERSON Dumlao: Yes.

15 PENNY ELIA: Yes. This is Penny.

16 ACTING CHAIRPERSON Dumlao: Yes, we can hear you.

17 PENNY ELIA: I'm -- I -- forgive me, there's
18 several of us speaking on Item 42 and I -- a couple of us
19 raised our hands thinking that you were going to do
20 consent before you went to regular calendar, so forgive
21 me. And Scott Thomas also raised his hand, so we're just
22 waiting to speak on 42.

23 ACTING CHAIRPERSON Dumlao: Okay. Great So this
24 is just on item --

25 PENNY ELIA: Sixty one.

1 ACTING CHAIRPERSON DURLAO: -- 61.

2 ELIA PENNY: My mistake.

3 ACTING CHAIRPERSON DURLAO: Thank you.

4 PENNY ELIA: Thank you.

5 ACTING CHAIRPERSON DURLAO: Michelle, do we have
6 anyone here speaking on Item 61, the leg. report?

7 OFFICE TECHNICIAN PELKA: At this point in time,
8 we have no other hands raised for comment.

9 ACTING CHAIRPERSON DURLAO: All right. So this
10 was an informational item, so no vote is required. All
11 right.

12 So moving on to Item 63. It's to consider an
13 authorization to execute the proposed phase two agreement
14 by and between the California State Lands Commission and
15 ExxonMobil Corporation in settlement of the
16 responsibilities to undertake work on Platform Holly
17 offshore Goleta in Santa Barbara County. May we have the
18 presentation, please.

19 (Thereupon a slide presentation).

20 SENIOR ATTORNEY FABEL: Excellent. Good
21 afternoon, Chair and commissioners. My name is Joe Fabel.
22 I'm a Senior Attorney here at the State Lands Commission.
23 We do have a presentation and there it is. It is my
24 extreme honor to be able to present Item 63 today here at
25 the State Lands Commission, which, of course, is the Phase

1 2 agreement of the South Ellwood Project. This agreement
2 is the culmination of six years of negotiation and
3 collaboration, not just with Exxon, but also it's a
4 continuation of the extensive cooperation we've had with
5 agency groups, community groups, and tribal nations. This
6 agreement is a huge milestone, because for one it assures
7 that Platform Holly will be decommissioned to the
8 satisfaction of the Commission. And secondly, it gives
9 fidelity to the promises this Commission made to the
10 community back in 2017, when it directed staff to take all
11 reasonable and necessary actions to make the community
12 environment safe from the harms from Platform Holly.

13 Next slide, please.

14 --o0o--

15 SENIOR ATTORNEY FABEL: But to really appreciate
16 Phase 2 and where we are, we really do have to look at the
17 South Ellwood Project in its full. So what is the South
18 Ellwood Project? Broadly speaking, it's the act of
19 decommissioning of all of the infrastructure offshore
20 deserted by Venoco when it declared bankruptcy in 2017.
21 What to really focus on is what we have accomplished in
22 Phase 1. Phase 1 is, A, mitigating the hydrogen sulfide
23 risk from gas emanating from Platform Holly and then also
24 plugging 32 wells that exist in the offshore environment.

25 But to date, this Commission has abated and

1 eliminated that H2S risk, safely managed the EOF for a
2 period of five years. It has fully plugged two wells off
3 on the 421 Piers. It commissioned the EIR to do that work
4 in under a year I must add, which is pretty amazing. Its
5 Commission completed the decommissioning of those two
6 piers safely. It's conducted 24/7 operation and
7 maintenance Platform Holly. It's plugged the 30
8 production zones off on Platform Holly ending that H2S
9 risk, although there's still some remediation. And also,
10 in a commitment to communication and transparency, we've
11 held nine town halls, other community and tribal outreach.
12 We've also hosted for a very long time now monthly and
13 more numerous interagency meetings to keep our agency
14 partners apprised.

15 Next slide, please.

16 --o0o--

17 SENIOR ATTORNEY FABEL: So Phase 2, what are we
18 looking at here? It consists of really three components,
19 which we're currently in right now, that's platform
20 hardening. And this is inerting the facility,
21 transferring it from an oil and gas production facility
22 by removing the equipment, plugging those wells, and
23 turning it into again a safe facility powered mostly by
24 solar panels. We'll have security platforms, cameras out
25 there just to make sure that we're limiting trespass. And

1 so that's currently in operation.

2 The next step is caretaking. That is a process
3 where over about a year or two there will be routine
4 inspections to go out there and again just make sure that
5 the facility is safe, navigation lights are on, it's not a
6 navigational hazard, and again there's no occupation.

7 And the third step, which is going to take a
8 little while, and that's currently what we're planning for
9 is platform decommissioning, and that's what we're here
10 for. That is the planning and analyzing, subject to an
11 EIR, and undertaking the platform decommissioning. And
12 generally right now, both the planning and undertaking,
13 that's a obligation that Exxon will be taking, mostly at
14 its expense and that's the key element of the Phase 2
15 agreement.

16 Next slide, please.

17 --o0o--

18 SENIOR ATTORNEY FABEL: So the Phase 2 agreement,
19 it is a legal framework. It is based off of what we've
20 been operating for the last five years, which is the Phase
21 1 agreement. Again, it's a contractual document that
22 identifies liabilities and overall obligations. What the
23 Phase 1 agreement though did in large part is provided
24 incredible amounts of flexibility, placing with a
25 technical committee of technical staff from both Exxon and

1 the Commission, engineers, budgetary staff, policy-side
2 staff on reaching decisions on actions that need to be
3 taken to move us towards P&A, also to make the facility
4 safe. And that's mostly exemplified through the COVID-19
5 process, where again without litigation, without
6 compromise, we were able to change our operations out
7 there and institute a delay and keep the platform safe
8 until we could restart P&A a few years later.

9 Now, the Phase 2 agreements built on really the
10 same general framework, the one that's worked. Again, it
11 lays out the general responsibilities for hardening and
12 caretaker. And that's identified in Exhibit A-2 of the
13 Phase 2 agreement. So again, we're laying out there whose
14 responsibility each party bears and the cost associated
15 with that.

16 A key thing again, Exxon currently is undertaking
17 the planning and will be undertaking the execution of
18 platform decommissioning. State Lands Commission will be
19 undertaking the environmental analysis under the
20 California Environmental Quality Act.

21 Next slide, please.

22 --o0o--

23 SENIOR ATTORNEY FABEL: So again, sort of to
24 restate here, the three major elements, I mean, primarily
25 to focus on legal settlement. This is a compromise of

1 claims. This is a negotiation we've reached with Exxon
2 similar to the Phase 1 agreement. A key aspect to that,
3 it does reserve the Commission's right to determine the
4 state of platform decommissioning, what that final
5 disposition takes. Key to that is the development of the
6 Environmental Impact Report, which again a Notice of
7 Preparation should come out next year. The Commission
8 will likely be deciding and considering whether to certify
9 the EIR in 2025. And then from point within a certain
10 period depending on mobilization, decommissioning will
11 occur.

12 And then finally only one decommissioning is
13 completed to the Commission's satisfaction, and this is in
14 the agreement, will Exxon be released from any further
15 liability.

16 Next slide.

17 --o0o--

18 SENIOR ATTORNEY FABEL: And finally, the goal,
19 and this is what our focus on really has been in
20 developing and negotiating a Phase 2 agreement, it's
21 really, to the best we can, resolve any remaining disputes
22 with ExxonMobil related to the final obligations under
23 421, 3120, and 3242, the leases out there. Again,
24 ideally, this will be the last major agreement that we do
25 need to enter into and then everything from there is just

1 getting the job done.

2 Final slide.

3 --o0o--

4 SENIOR ATTORNEY FABEL: And with that, thank you
5 very much. If you have any questions, happy to answer.

6 ACTING CHAIRPERSON DURLAO: Thank you, Mr. Fabel.

7 Commissioner Kunkel, do you have any comments or
8 questions?

9 ACTING COMMISSIONER KUNKEL: Thank you, Chair.
10 I'll be abstaining from this item.

11 ACTING CHAIRPERSON DURLAO: Okay. Commissioner
12 Miller, any comments or questions.

13 ACTING COMMISSIONER MILLER: No. I just think
14 it's another example of the Commission's great work to --
15 it's on. Yep. Thank you.

16 SENIOR ATTORNEY FABEL: Thank you.

17 ACTING COMMISSIONER MILLER: But no, seriously,
18 you have to stay and get accolades. I just think it's
19 another really -- it's just a great example of how
20 rigorous the work is, how much you do to ensure that when
21 we decommission these long-standing platforms that you do
22 it really well. And I think there's a lot to celebrate in
23 this case and just really grateful for the work. So thank
24 you.

25 SENIOR ATTORNEY FABEL: Thank you all.

1 ACTING CHAIRPERSON Dumlao: Thank you. And do we
2 have any comments from the public, Michelle.

3 OFFICE TECHNICIAN PELKA: At this time, we have
4 no hands raised for public comment.

5 ACTING CHAIRPERSON Dumlao: Great.

6 ACTING COMMISSIONER MILLER: I'll move approval,
7 Mr. Chair.

8 ACTING CHAIRPERSON Dumlao: Great. Thank you.
9 And I'll just echo what Commissioner Miller said. You
10 know, I think we're also entering Phase 2 on the very
11 strong foundation with Phase 1. And, you know, I think,
12 you know, the Commission deserves a lot of credit for
13 ensuring that, you know, the oil operator is held
14 financially and operationally responsible for all these
15 different steps along the way.

16 All right. So we have a motion from Commissioner
17 Miller. I will second that motion and may we have a roll
18 call vote?

19 EXECUTIVE OFFICER LUCCHESI: Certainly.

20 Commissioner Kunkel?

21 ACTING COMMISSIONER KUNKEL: Abstain.

22 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

23 ACTING COMMISSIONER MILLER: Aye.

24 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

25 ACTING CHAIRPERSON Dumlao: Aye.

1 EXECUTIVE OFFICER LUCCHESI: The motion passes
2 two to zero with one abstention.

3 ACTING CHAIRPERSON DURLAO: Fantastic.

4 All right. Move on to Item 64, which is to
5 acknowledge the submittal of a draft trust land use plan
6 pursuant to Chapter 372 statutes of 2019 by the San Diego
7 Unified Port District. May we have the presentation,
8 please.

9 PUBLIC LAND MANAGEMENT SPECIALIST BOGGIANO:

10 Sure. Good afternoon, Chair and Commissioners.

11 As you know, the San Diego Unified Port District
12 is a trustee of sovereign tide and submerged lands within
13 and around San Diego Bay that were granted by the
14 Legislature in 1962. Previously, the inner bay was
15 ungranted lands and it was managed by the State Lands
16 Commission, but SB 507 enacted in 2020 granted the inner
17 tidelands, which we affectionately call the donut hole to
18 the Port of San Diego to manage.

19 The newly granted area is mostly open water. It
20 includes approximately 8,000 acres of submerged lands and
21 five acres of tidelands. SB 507 requires the Port to
22 submit a Trust Land Use Plan to the Commission for the
23 newly granted area by January 1st, 2024. And that Trust
24 Land Use Plan should describe any proposed development,
25 preservation, or other use of the granted lands.

1 A Trust Land Use Plan is a standard requirement
2 in newer expanded grants. And it's the document that
3 guides how the trustee will manage the Public Trust Lands,
4 and it also provides accountability to the public and the
5 Legislature, and assists the Commission in our oversight
6 role.

7 Over the past several years, the Port has been
8 developing the Trust Land Use Plan, and they've been great
9 about collaborating with Commission staff along the way.
10 The Trust Land Use Plan will memorialize the Port's goals,
11 policies, and allowable activities within the newly
12 granted lands, and it will establish a comprehensive
13 vision for how the Port will manage the use, design,
14 improvement, and preservation of the Trust lands.

15 The Trust Land Use Plan is considered a draft
16 because Port staff will be processing the Trust Land Use
17 Plan as a port master plan amendment with the California
18 Coastal Commission. Once the California Coastal
19 Commission certifies the port master plan amendment, the
20 Port will submit the finalized Trust Land Use Plan to the
21 State Lands Commission. The Port anticipates final
22 approval of the plan in 2025 and will continue
23 coordinating with State Lands Commission as the Trust Land
24 Use Plan progresses.

25 Staff is recommending the Commission acknowledge

1 the submittal of the draft Trust Land Use Plan pursuant to
2 SB 507.

3 And with that, the Port has graciously made its
4 way downstairs again to deliver another presentation.

5 LILY TSUKAYAMA: Hello and good afternoon. Thank
6 you Reid. I believe we have presentation slides.

7 Okay. It will be -- thank you. Thank you.

8 I'll just start.

9 (Thereupon a slide presentation).

10 LILY TSUKAYAMA: Okay. How is that?

11 Awesome.

12 Well, good afternoon, Chair, commissioners, and
13 Executive Officer Lucchesi. My name is Lily Tsukayama,
14 Senior Planner for the Port of San Diego. I'm joined
15 today by a few members of our team, Jason Giffen, Vice
16 President of Planning and Environment, Shiraz Tangri from
17 our General Counsel's Office, and Dennis Larson, Prinicpal
18 at Nexus Planning and Research. Thank you for including
19 our presentation on today's agenda about the development
20 of a Trust Land Use Plan, which we like to refer to as a
21 the TLUP.

22 Next slide, please.

23 --o0o--

24 LILY TSUKAYAMA: So Reid spoke about this
25 already, but I'll just -- you know, before I dive into

1 this presentation, I wanted to give a quick introduction
2 to the port of San Diego, so we are a trustee of State
3 lands managing submerged lands and tidelands in and around
4 San Diego Bay for the people of the State of California.
5 This slide represents our overall jurisdiction. Prior to
6 2020, we managed about 2,400 acres of port tidelands or
7 land acres, which are shown in the orange as well as about
8 3,600 acres of submerged lands which are shown in the
9 lighter blue color on the map.

10 Through SB 507, approximately 5 acres of
11 additional land area and 8,000 additional acres of
12 submerged lands were granted to us from the State Lands
13 Commission and those are shown in the darkest blue on the
14 slide. The Port is really grateful for this opportunity
15 to manage larger portions of San Diego Bay on behalf of
16 the State of California in a holistic and integrated way.

17 Related to our uses here in San Diego Bay, we
18 manage two maritime cargo terminals, one cruise ship
19 terminal and along with a wide variety of other uses,
20 including restaurants, hotels, retail, parks and open
21 space, commercial and sports fishing harbors, and habitat
22 areas. And as a regional agency, we also regularly
23 collaborate on management of San Diego Bay with our member
24 jurisdictions and other agency neighbors, such as the U.S.
25 Navy, as well as transportation agencies, resource

1 agencies, non-profits, academia, and community members
2 just to name a few.

3 Next slide, please.

4 --o0o--

5 LILY TSUKAYAMA: So as Reid mentioned in his
6 intro, the submerged lands and tidelands granted to the
7 distribute through SB 507 are shown in this blue hatched
8 area on the map. SB 507 requires the District to prepare
9 a TLUP to be submitted to the State Lands by January 1,
10 2024. Since the Legislation passed, we have been in
11 continuous communication with State Lands staff on the
12 process. The Trust Lands Use Plan only applies to what
13 was transferred through the legislation.

14 Based on the legislation, the TLUP can be
15 prepared as an amendment to the Port's certified Port
16 Master Plan and preparing it in this way provides a number
17 of benefits, including, one, the required contents of a
18 Port Master Plan or PMPA, as stated in the California
19 Coastal Act, would also meet the requirements of a Trust
20 Lands Use Plan including describing proposed development,
21 preservation, or other uses for the granted area. And
22 two, preparing the TLUP as PMPA would eventually provide
23 the District with coastal development permitting authority
24 over the area.

25 Next slide, please.

--o0o--

LILY TSUKAYAMA: So here's a deeper look at the area covered by the TLUP. The majority of this area transferred through SB 507 is submerged. And through the TLUP, the water use designations we are proposing include: conservation intertidal, which is a designation primarily reserved for management of habitat; wildlife conservation and environmental protection, industrial and deep water berthing, which is for water areas primarily dedicated to ship berthing particularly larger vessels; federal navigation channel, which is dedicated to the deep water channel constructed and maintained by the Army Corps of Engineers; navigation corridor, which is another designation dedicated to water navigation; and open bay/water, which is a much broader designation, and allows for multiple types of recreation.

We also want to point out that approximately five acres of land area were also a part of the transfer. These are all in the southern portion of the bay and we propose designating them as a recreation open space as they primarily comprise areas of the existing Bayshore Bikeway. Generally, the recreation open space designation is for visitors serving public open spaces that provide public access.

Next slide, please.

--o0o--

LILY TSUKAYAMA: This slide shows the overall process for preparing the TLUP and specifically the draft TLUP that we are presenting today. As you may be aware, the Port has been engaged in a process called integrated planning, which includes a comprehensive update to our Port Master Plan, which we refer to as the PMPU. Through the PMPU process we have been engaged with various agencies, member cities, stakeholders, and communities to prepare a long-range plan with policies that are flexible yet specific for future development on tidelands and are consistent with the PMPU's vision of one bay rich diversity.

Since the PMPU process has taken a comprehensive baywide approach to plan for a development in and around San Diego Bay, preparing the draft TLUP included mirroring any applicable policies from the PMPU, adding new policies and planning districts that are specific to the newly granted area, preparing a discussion draft for public review, and then making revisions based on the comments and feedback received.

Next slide, please.

--o0o--

LILY TSUKAYAMA: In addition to the comments we received on the discussion draft, once SB 507 was passed

1 and we began preparing the Trust Lands Use Plan, we
2 started public outreach and stakeholder engagement to
3 receive additional input. For example, we met with agency
4 stakeholders, such as the U.S. Navy, U.S. Coast Guard, and
5 the Army Corps of Engineers, and we also met with local
6 and regional environmental and recreational organizations
7 such as the southwest wetlands interpretive association,
8 outdoor outreach, and native-like water.

9 So far, we have held 22 focus meetings with
10 stakeholders to identify and discuss current uses and
11 operations in the bay and how this plan can protect and
12 maintain those existed uses, proactively address any
13 potentially competing uses, and see where there may be
14 opportunities to add, enhance, or expand some uses.

15 As you can see on this slide, there are many
16 steps ahead in this process and we will continue public
17 outreach and stakeholder engagement throughout.

18 Next slide, please.

19 --o0o--

20 LILY TSUKAYAMA: So to walk you through the basic
21 outline of the draft TLUP, this shot -- slide shows the
22 table of contents of the document. It includes a
23 background user guide, elements, development standards,
24 and planning districts. The elements in the draft TLUP
25 include water and land use, mobility, ecology, safety and

1 resiliency, environmental justice, and economics.

2 While these element topics mirror those of the
3 PMPU in the draft TLUP, the policies in each element only
4 apply to the newly granted area and include new baywide
5 policies.

6 Next slide, please.

7 --o0o--

8 LILY TSUKAYAMA: The Planning District's chapter
9 includes plan improvements and planning district specific
10 development standards. In the draft TLUP, we've
11 identified four new planning districts, North Bay, North
12 Central Bay, South Central Bay, and South Bay. Since SB
13 507 granted new lands to the District's management, these
14 planning districts have not yet been a part of our
15 certified Port Master Plan, and as a part of a future
16 PMPA, the Trust Lands Use Plan would add these new
17 planning districts to our coastal permitting jurisdiction.
18 And the boundaries of these new planning districts follow
19 the ecoregion boundaries identified in the Integrated
20 Natural Resources Management Plan, which is a joint
21 natural resources document between the Navy and the Port
22 of San Diego.

23 Next slide, please.

24 --o0o--

25 LILY TSUKAYAMA: Here, you can see the acreage

1 breakdown for each of the four new planning districts.

2 The total acreage of granted lands covered under the TLUP
3 is approximately 8,002 acres.

4 --o0o--

5 LILY TSUKAYAMA: Next slide, please.

6 On July 20 of this year, we released a discussion
7 draft of the TLUP for a 30-day public review period. We
8 received 22 comment letters on the discussion draft, two
9 from agencies, three from organizations, one from a tenant
10 and 16 from individuals.

11 Next slide, please.

12 --o0o--

13 LILY TSUKAYAMA: This slide shows the primary
14 themes of the comments submitted. As you can see, many
15 are related to providing clarification on SB 507 and the
16 areas covered under the TLUP, existing management
17 responsibilities within the transferred area, and if SB
18 507 affects any of those responsibilities and the
19 relationship between the TLUP and other port documents.

20 In addition, we received comments specific to
21 adding or enhancing environmental stewardship language
22 throughout the TLUP and encouraging more nature based
23 shoreline solutions. We also received some comments that
24 are outside of the scope or boundaries of the TLUP or SB
25 507.

1 Next slide, please.

2 --o0o--

3 LILY TSUKAYAMA: This list shows an example of
4 revisions that we made in the draft TLUP based on the
5 comments received. For example, we've added
6 clarifications that previously establish responsibilities
7 in San Diego Bay remain unchanged, such as navigation
8 maintenance with the U.S. Coast Guard or dredging
9 requirements with the Army Corps. We've also added
10 clarification that the TLUP only covers the lands
11 transferred to the District per SB 507. We've also added
12 new language in a few of the elements to enhance policy
13 commitments to environmental stewardship as a Public Trust
14 use and added new language to support more nature-based
15 shoreline solutions and coastal resiliency in the safety
16 and resiliency element as well as the four planning
17 districts.

18 Next slide, please.

19 --o0o--

20 LILY TSUKAYAMA: This slide represents the
21 overall timeline for development of the TLUP. This year,
22 we have presented to our Board of Port Commissioners
23 twice, once in April regarding the framework for preparing
24 the TLUP. And then after we received feedback on the
25 discussion draft, we prepared and presented the draft TLUP

1 to our Board last month in September, which is when we
2 received direction to submit the document to you, the
3 State Lands Commission.

4 Throughout the development of this plan, we have
5 been in close coordination with State Lands staff and
6 appreciate their time and effort to discuss this process
7 with us. In September, we also received direction to use
8 the draft TLUP as the basis for starting the CEQA process.
9 After CEQA, we would then process the PMPA for
10 certification with the Coastal Commission and then submit
11 the final TLUP to the State Lands Commission. As you can
12 see on this slide, stakeholder engagement is the key
13 component to this process and will continue throughout the
14 next stages of this process.

15 Next slide, please.

16 --o0o--

17 LILY TSUKAYAMA: And that concludes our
18 presentation. We are available for questions.

19 Thank you.

20 ACTING CHAIRPERSON DURLAO: Thank you very much
21 for that wonderful presentation. Let's see. So I will be
22 abstaining from this item just to let everyone know.

23 So Commissioner Kunkel, do you have any comments
24 or questions?

25 ACTING COMMISSIONER KUNKEL: Briefly. I just

1 wanted to thank the Port. I should have done this earlier
2 for hosting Controller Cohen just a couple months ago.
3 And I'm looking at you Jason especially, but all the Port
4 staff. She really enjoyed viewing the diverse uses of the
5 bay and the innovation happening here. For the TLUP, I
6 understand we are just acknowledging today, I just want to
7 clarify, and not approving.

8 EXECUTIVE OFFICER LUCCHESI: That's right.
9 You're acknowledging.

10 ACTING COMMISSIONER KUNKEL: Okay. Great.

11 So the Controller appreciates the commitment to
12 environmental stewardship, and nature-based solutions, and
13 environmental justice. And we're seeing some really good
14 things in there and looking forward to the final report.

15 So I'm ready to move whenever the others are
16 ready.

17 ACTING COMMISSIONER MILLER: I'll second.

18 ACTING CHAIRPERSON DURLAO: And Commissioner
19 Miller, any comments or questions?

20 ACTING COMMISSIONER MILLER: No.

21 ACTING CHAIRPERSON DURLAO: Okay. So we have a
22 motion from Commissioner Kunkel followed by a second from
23 Commissioner Miller. Actually, do we have any public
24 comments, first? Sorry.

25 OFFICE TECHNICIAN PELKA: At this point in time,

1 we have no hands raised for comment.

2 ACTING CHAIRPERSON DURLAO: Great. All right.

3 So may we have a roll call vote.

4 EXECUTIVE OFFICER LUCCHESI: Certainly.

5 Commissioner Kunkel?

6 ACTING COMMISSIONER KUNKEL: Aye.

7 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

8 ACTING COMMISSIONER MILLER: Aye.

9 EXECUTIVE OFFICER LUCCHESI: Chair Durlao?

10 ACTING CHAIRPERSON DURLAO: Abstain.

11 EXECUTIVE OFFICER LUCCHESI: Motion passes two to
12 zero with one abstention.

13 ACTING CHAIRPERSON DURLAO: Thank you very much.

14 All right. So moving on to items now that were pulled
15 from our consent agenda. So we will begin with Item 42,
16 which is to consider an application from the Orange County
17 Flood Control District. May we have that presentation.

18 (Thereupon a slide presentation).

19 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Good
20 afternoon, Commissioners. My name is Drew Simpkin and I
21 will be presenting on Agenda Item 42. This item is for
22 the consideration of a public agency use -- general lease
23 public agency use and dredging to the Orange County Flood
24 Control District.

25 Next slide.

--o0o--

PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The mouth of the Lower Santa Ana River is located between Huntington Beach State Park in the City of Huntington Beach and the City of Newport Beach.

Next slide.

--o0o--

PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The Commission's jurisdiction, shown here as the hatched lines, the adjacent upland, the area above the magenta line, is unincorporated land within Orange County. On October 21st, 2021, the Commission authorized a two-year general lease public agency use and dredging for the continued use and maintenance of two riprap flood control jetties, a riprap dike and dredging in the Lower Santa Ana River to the Orange County Flood Control District or County.

That lease expires October 20th, 2023. Maintenance dredging at this location is necessary to remove built up sand and encourage positive flow from the flood control channel to the ocean. Periodic dredging reduces flood risks, limits property damage, and improves public safety. Keeping the river mouth open and providing tidal flows also benefits fish, plants, and habitat in the Santa Ana River Salt Marsh. A relatively small portion of

1 dredged material is removed from sovereign land at the
2 river mouth with the majority of the material removed from
3 the river channel inland and outside the Commission's
4 jurisdiction.

5 The County has applied for a new lease. In
6 addition to the previously authorized improvements, the
7 County has also requested to place dredged sand along the
8 beach from the mouth of the Santa Ana River down coast to
9 the Newport Bay Harbor entrance as needed.

10 Next slide.

11 --o0o--

12 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN:

13 During periods of non-dredging, the accumulation
14 of sand, shown as -- in the red circles, within the flood
15 control channel creates areas that have become popular
16 with dog owners and is used as an informal off-leash dog
17 park. These built up accumulated sand areas exist for
18 approximately a hundred -- 250 days per year. The size of
19 the build-ups depends on the frequency and intensity of
20 winter storms and the effects of tides and predominant
21 ocean currents.

22 Next slide, please.

23 --o0o--

24 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
25 Huntington State Beach Least Tern Natural Preserve managed

1 by California State Parks is located adjacent and upcoast
2 of the river shown in the blue circle. Dogs are not
3 permitted on the State beach except for service dogs. All
4 dogs must be leashed within parking lots and multi-use
5 trails. In the City of Newport Beach, which is to the
6 right of the flood control channel, or downcoast, dogs are
7 not allowed on any ocean-front beach or any ocean-front
8 sidewalk between 10 a.m. and 4:30 p.m. except for service
9 dogs.

10 Off-leashed dogs are never allowed in any public
11 spaces including parks and beaches. Orange County
12 ordinances also prohibit dogs within public beaches except
13 for service dogs. The County maintains that its dog
14 ordinances do not apply to the State-owned lands.
15 Specifically, the County asserts that the dog leash
16 requirements do not apply, because the County does not
17 consider the State-owned property to be public property.
18 However, the same ordinances also forbids unrestrained
19 dogs on private property. The County also asserts dogs
20 are not prohibited, because the County does not consider
21 the State-owned property to be a public beach.

22 Commission staff disagree with the County's
23 ordinance interpretations and has informed the County that
24 it may enforce reasonable time, place, and manner
25 restrictions on public use of the lease premises to

1 protect public health, safety, and the environment.

2 Next slide, please.

3 --o0o--

4 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Local
5 environmental groups contacted Commission staff starting
6 in around 2020 with concerns that the presence of
7 off-leash dogs threatens endangered and threatened bird
8 species within the lease premises, including the Western
9 Snowy Plover, and the California Least Tern.

10 The California coast is a critical habitat for
11 the Western Snowy Plover and Least Tern. Plovers are
12 listed as threatened under the federal U.S. Endangered
13 Species Act and are listed as a species of special concern
14 under the California Endangered Species Act. California
15 Least Tern is listed as endangered under both federal and
16 State laws.

17 Next slide.

18 --o0o--

19 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: In
20 2021, staff contacted California State Parks, the
21 Department of Fish and Wildlife, and U.S. Fish and
22 Wildlife services as well as the local non-profits,
23 including the Sea and Sage Audubon Society, Orange County
24 Habitats, and Orange County Coastkeeper. State, federal,
25 and local entities all indicated that the presence of dogs

1 disturbs the foraging grounds of birds and severely
2 degrades habitat area. Since the issuance of the short
3 two-year lease, local environmental groups have continued
4 to provide staff photos and video showing the public and
5 off-leash dogs within the lease premises.

6 Next slide.

7 --o0o--

8 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: As
9 required under the terms of the lease, the County provided
10 two annual reports detailing county law enforcement
11 efforts in the Santa Ana River mouth covering the periods
12 of July 2021 through June 2022 and July '22 -- 2022
13 through June 2023.

14 Next slide, please.

15 --o0o--

16 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
17 reports indicate that Orange County Sheriff's Department
18 issues warnings from their vehicles notifying the public
19 that they are trespassing and need to leave the flood
20 control channel. The report also notes that deputies --
21 deputy visits are not linked to peak public usage, but
22 rather when deputies are available. Staff is not aware of
23 any citations being issued by local law enforcement for
24 trespass in the lease area.

25 Next slide, please.

--o0o--

PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: In addition to -- in addition, staff reviewed the 2022 and 2023 Orange County Coastkeeper, Santa Ana River mouth monitoring project reports for additional data regarding the use at the Lower Santa Ana River mouth. The goal of the project is to monitor human, dog, and bird use of the area, and to provide education and outreach to residents and visitors about the wildlife management area at the river mouth, and the endangered species that reside within it.

According to the 2023 report, between January and June 2023, approximately 1,100 visitors visited the Santa Ana River mouth -- or sorry, 1 -- approximately 1,100 surveys at the river mouth were conducted by 18 trained volunteers. During the surveys, approximately 9,300 people and 800 dogs with observed.

Next slide.

--o0o--

PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN:

According to the surveys, 132 dogs were observed off leash and 13 on leash within lands under the Commission's jurisdiction.

Next slide.

--o0o--

1 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: In
2 comparison, the previous year's survey indicated and
3 observed 991 off-leash dogs. This year saw a significant
4 decline in the number of off-leash dogs within the
5 Commission's areas jurisdiction. However, it's unclear
6 whether the decrease is due to law enforcement presence,
7 inclement winter weather, or the location and formation of
8 natural sand deposits which encourage or discourage use
9 within the flood control channel.

10 Next slide.

11 --o0o--

12 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: Since
13 the issuance of the lease in 2021, Commission and
14 California Coastal Commission staff have explored
15 opportunities to fund additional Fish and Wildlife or
16 State Parks law enforcement positions that would allow for
17 more targeted and frequent enforcement within the lease
18 premises. However, discussions with other sister agencies
19 have not resulted in additional agreements or funded law
20 enforcement positions.

21 Next slide.

22 --o0o--

23 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: The
24 proposed lease would include previous lease provisions,
25 which staff believe provide the County the ability to

1 fully enforce existing county ordinances, not interfere
2 with any future enforcement efforts by other State
3 agencies, and require the County collaborate and
4 coordinate in good faith with any future applications and
5 agreements for enforcement with other State and federal
6 agencies. The lease also requires the County to continue
7 to provide annual reports detailing county law enforcement
8 efforts within the river mouth.

9 Next slide.

10 --o0o--

11 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: In
12 conclusion, staff requests that the Commission adopt
13 staff's recommendation to authorize a general lease public
14 agency use and dredging to the County beginning October
15 21st, 2023 for a term of five years for the use and
16 maintenance of two riprap flood control jetties, a riprap
17 dike, maintenance dredging, and the deposition of sand in
18 the lower Santa Ana River.

19 Next slide, please.

20 --o0o--

21 PUBLIC LAND MANAGEMENT SPECIALIST SIMPKIN: And
22 that concludes staff's presentation. We're available for
23 any questions and the County also has representatives.

24 ACTING CHAIRPERSON DURLAO: Great. Thank you.

25 Commissioner Kunkel, do you have any comments or

1 questions?

2 ACTING COMMISSIONER KUNKEL: No, I'll be
3 abstaining from this item. Thank you, Chair.

4 ACTING CHAIRPERSON Dumlao: And Commissioner
5 Miller, do you have any comments or questions?

6 ACTING COMMISSIONER MILLER: No. I'm ready to
7 move approval after public comment.

8 ACTING CHAIRPERSON Dumlao: All right. Michelle,
9 do we have any public commenters?

10 OFFICE TECHNICIAN PELKA: Yes. Our first speaker
11 is Giles Matthews. Please make your way to the podium to
12 begin your comment.

13 GILES MATTHEWS: Hi. Good afternoon. My name is
14 Giles Matthew. I'm the Regulatory Permitting Manager at
15 Orange County Public Works representing Orange County
16 Flood Control District and I have a presentation I
17 believe.

18 (Thereupon a slide presentation).

19 GILES MATTHEWS: And I'd just like to say first
20 that we support all the lease provisions and we've -- and
21 we've been working with Drew through this process, so we
22 agree with everything that has been proposed in the
23 provisions. The one thing would like to and request,
24 which is on the original draft and lease was -- and for
25 the lease to be a ten-year lease and we'll about that

1 through -- in my presentation. So -- and I'll skip
2 through some of the slides, because Drew has already
3 talked about them. So if you can move on to the next
4 slide.

5 --o0o--

6 GILES MATTHEWS: And then just a location of
7 where the flood control and channel is relative to the
8 ocean and the obviously the star is where our lease is.

9 If we can move on to the next one, please.

10 --o0o--

11 GILES MATTHEWS: So the primary function of the
12 channel, as Drew said, is for flooding, but we have a
13 secondary function, which is to maintain the tidelands
14 behind. And we have very real examples of that channel
15 becoming blocked and fish -- mass fish dying in the -- in
16 the marsh and the -- and the eelgrass being in there dying
17 as well, which is -- which the coastal fisheries rely on.
18 So maintaining that open channel is very important, both
19 for wildlife and for -- and for flood function.

20 Next slide, please.

21 --o0o--

22 GILES MATTHEWS: And so there are numerous
23 sensitive resources. And on the -- in the area, we have
24 California Least Tern, Snowy Plover, Grunion, Ridgway's
25 Rail in the marsh, as I said the eelgrass that support the

1 coastal fisheries. We've got marshes in the Santa Ana
2 River and which are upstream of the channel which need to
3 be maintained, and with intertidal flows. And the county
4 is attempting to address these needs of all these species.

5 And some of these management needs aren't the
6 same, so we recognize that the needs of Least Tern and
7 Snowy Plover, which live in the river mouth aren't
8 necessarily the same as the needs for the eelgrass and the
9 Ridgway's Rail, which were -- so we have to strike a very
10 delicate balances on that.

11 Next slide, please.

12 --o0o--

13 GILES MATTHEWS: So I'll just quickly run through
14 these. This is just some of the things that Drew has
15 already talked about, are -- but our ability to enforce
16 within the channel. And as I said, we agree with all the
17 provisions. There are several county codes that we agree
18 that we will maintain as with all of our flood channels,
19 which are implementing and non-trespass rules within
20 the -- within our flood channels that we have had the OC
21 Sheriff's Department has been supporting us in this
22 regard.

23 And I'll move on to the next one, please.

24 --o0o--
25

1 GILES MATTHEWS: And so one of the things that
2 we -- as Drew said, because it is a flood control channel
3 and not a beach and different ordinances apply, if it's
4 a -- and we need -- if we turned it a beach, then the
5 public would be able to be in there as well. As it is,
6 it's a flood control channel, where nobody -- no public
7 access is allowed. Now, the difficulty with that is is
8 having someone who can there -- be there and police it at
9 all times.

10 Next slide, please.

11 --o0o--

12 GILES MATTHEWS: So we'd like a 10-year lease and
13 for a number of reasons, but the lease for your process is
14 quite burdensome, both for the flood control district and
15 State lands. It requires the application process to begin
16 a year in advance. We're currently working through formal
17 consultation with the U.S. Fish and Wildlife service and
18 others, including the Coastal Commission. So a lot of the
19 concerns that State Lands Commission have are already
20 addressed by other agencies, and we would ultimately wish
21 to be able to -- and we're working with them and we fully
22 recognize that there are many sensitive species in the
23 area that need to be addressed.

24 Thank you.

25 And I'm available for questions if you have any.

1 ACTING CHAIRPERSON Dumlao: Thank you, Mr.
2 Matthews.

3 Michelle, do we have anyone else from the public?

4 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
5 will be Michael J. Sinacori. You may unmute yourself and
6 begin your comment.

7 MICHAEL SINACORI: Hi. Good afternoon,
8 Commission. Can you guys see me and hear me okay?

9 ACTING CHAIRPERSON Dumlao: Yes we can.

10 MICHAEL SINACORI: So I'm the Assistant City
11 Engineer in Newport Beach -- (clears throat) -- excuse
12 me -- and I've been here about 30 years and worked with
13 the County, and obviously our own City beaches for that
14 period of time. We're very supportive of this request for
15 a 10-year lease, mainly because we have so many other
16 agencies to coordinate with. Doing a release look every
17 two years is -- it's just two years ago we went through
18 all this before, you know, to -- you know, five years will
19 be, you know, here before you know it. And we need to
20 maintain this engineered flood control channel for not
21 only the benefit of flood protection and the pressure we
22 get here at the city, as there's a marsh behind this that
23 when it gets clogged up, we end up with dead habitat in
24 the back, meaning the sharks, the stingrays, the octopus.
25 Believe it or not, we have octopus back in the Marsh,

1 beautiful octopus that are -- that are there. And they
2 end up floating in the water, because we've clogged off
3 the river. And it happens very quickly, if the sand is
4 not moved out of there. And we fully applaud the County
5 for keeping on this.

6 And, you know, Giles mentioned the problems with
7 some of the other agencies that he's got to coordinate
8 with. We have a nesting season that I want to tackle, you
9 know, moving forward here. The time to clear out the sand
10 is really probably in April, May, right before the summer
11 season, so we can get the sand out of the channel, get it
12 clear, keep it clear through the summer, so the marsh
13 stays active and vibrant, and also so that dogs aren't
14 anywhere near the birds that are nesting across the
15 channel. The less sand in the channel, the less dogs that
16 will be there in the county area. And we supervise our
17 beaches. We do do enforcement. We issue warnings. We
18 log those warnings. If somebody is a repeat offender,
19 they're going to get a \$200 ticket I believe is the
20 number. And we do this all cross our seven miles of
21 beaches.

22 So we're very supportive of the 10-year lease and
23 let's focus on other ways to keep this engineered flood
24 control channel open and the marsh behind it from getting
25 clogged up and causing an environmental problem. We've

1 been requested also to better coordinate with the County
2 Sheriff. I've had a long conversation with the supervisor
3 in animal control today. I'm sorry yesterday. He's off
4 today. And we're 100 percent -- 200 percent on board with
5 a coordinated enforcement effort out there, if we want to
6 do that. We're here -- we're here to support the county.
7 So with that said, I'm also available for any questions.

8 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
9 Sinacori.

10 Michelle, who is our next speaker?

11 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
12 is Jack Eidt. You may unmute yourself and begin your
13 comment.

14 JACK EIDT: Good afternoon, State Lands
15 commissioners. My name is Jack Eidt. Okay. My video is
16 not working, but that's fine. I am a board member with
17 Friends of Harbors, Beaches, and Parks. I'm also an urban
18 planner and I've spent a long time on the health of the
19 Santa Ana River. FHBP, Friends of Harbors, Beaches and
20 Parks, is a historical watch dog for the County of Orange
21 regarding management of harbors, beaches, trails, parks.
22 We've been doing that since the '90s and we've -- we work
23 very closely with the County to make sure that things are
24 happening the way they should.

25 You know, we're interested in public access. We

1 believe that it's really important obviously, but -- and
2 recreation in all of its forms is extremely important as
3 well, but there's necessary to balance the needs for
4 ecosystems, which has been noted here. The interest is to
5 pay attention to the needs of this ecosystem. The problem
6 is enforcement has -- there's been a lot of talk about,
7 okay, we're down for enforcement. We're going to do this,
8 but there has not been, you know, a real movement here to
9 actually take care of this enforcement.

10 The Santa Ana River mouth historically would have
11 been the most biologically productive ecosystem basically
12 along that coast. And we're trying to limp our way toward
13 bringing that into a reality. And this -- the dog -- the
14 dog, the people, and the interruptions are really not
15 helping that. So the ordinances are there and basically
16 we're need -- there's also conditions that are important.
17 Enforcement is the problem. I think we need to see
18 third-party enforcement. We have not seen success.
19 There's a lot of talk, oh, we're going to work together.
20 We're going to hand in hand 200 percent. Well, that's
21 really great, but we also need some more dedicated focus
22 here, and that needs to be funded and that needs to be
23 institutionally supported from the beginning here.

24 We support the letter written by Chatten-Brown,
25 which outlines the problem as well as the solution to

1 that. And we'd like to see -- you know, failure to
2 provide this third-party enforcement frankly would result
3 in violations of the Public Trust, the California
4 Environmental Quality Act, the Coastal Act, and the
5 Endangered Species Act. We request that there be -- part
6 of this lease to be a third-party enforcement. Thank you
7 very much for hearing my comment. Have a wonderful day.

8 ACTING CHAIRPERSON Dumlao: Thank you, Mr. Eidt.
9 Michelle, do we have any other speakers?

10 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
11 is Penny Elia. Please unmute yourself and begin your
12 comment.

13 PENNY ELIA: Hello.

14 ACTING CHAIRPERSON Dumlao: We can hear you.

15 PENNY ELIA: Oh.

16 ACTING CHAIRPERSON Dumlao: Please proceed when
17 you're ready.

18 PENNY ELIA: Okay. I'm sorry. I have a
19 PowerPoint. Would you please start that before you start
20 my time. I very much appreciate it.

21 ACTING CHAIRPERSON Dumlao: One second.

22 Oh, do we have the PowerPoint presentation?

23 PENNY ELIA: I sent it to Kim Lunetta.

24 ACTING CHAIRPERSON Dumlao: Okay. It's coming.

25 PENNY ELIA: Oh, okay.

1 ACTING CHAIRPERSON Dumlao: One second.

2 PENNY ELIA: Thank you.

3 (Thereupon a slide presentation).

4 PENNY ELIA: Wonderful.

5 ACTING CHAIRPERSON Dumlao: Great.

6 PENNY ELIA: Thank you very much. Good
7 afternoon, Commissioners. I'm Penny Elia with the Sierra
8 Club. And before I address this item, I do wish to thank
9 you for your strong work at the Tijuana River. I can't
10 agree more that far too many issues go unresolved for far
11 too long. Case in point is the issue that you're hearing
12 right now.

13 For the past seven years, the environmental
14 community has been pleading with multiple State and
15 federal agencies to help us protect and preserve
16 threatened, endangered, and highly impacted natural
17 resources at the Santa Ana River. We have been unable to
18 gain the support of any of our resource agencies, but are
19 here again today to ask for your support.

20 Let's look at some of the ongoing problems at the
21 river mouth, keeping in mind that all of these problems
22 could be easily resolved by this Commission requiring the
23 County to comply with the conditions of their lease. All
24 of our efforts have failed and this is why the County was
25 given only a two-year trial lease to see if they were able

1 to comply. They have not been able to. It is up to the
2 Commission to not accept anymore excuses. And a 10-year
3 lease, I'm sorry, just doesn't make any sense at all.

4 Next slide, please.

5 --o0o--

6 PENNY ELIA: Believe it or not, this is the area
7 where Western Snowy Plover and Least Tern should be
8 thriving. But on this typical day at the river mouth with
9 no enforcement, this is the stark reality.

10 Next slide, please.

11 --o0o--

12 PENNY ELIA: Dog owners bemoan the loss of their
13 pets but refuse to stay out of the river mouth. Note the
14 huge list of ordinances and codes prohibiting public
15 access. Again, no enforcement.

16 Next slide, please.

17 --o0o--

18 PENNY ELIA: Stay out. Stay alive. What does
19 this mean to the County? This is their sign.

20 Next slide, please.

21 --o0o--

22 PENNY ELIA: Paragliders land and take off on
23 county property constantly. Again, no enforcement and it
24 doesn't matter how much sand is there or not there, they
25 do this.

1 Next slide, please.

2 --o0o--

3 PENNY ELIA: And finally, failed enforcement
4 during the actual dredging project. Children climbing on
5 sand piles and bulldozers, off-leash dogs walking right by
6 the monitors on county property and adjacent protected
7 areas. We ask you again today to take the action needed
8 to resolve this ongoing situation at the Santa Ana River.

9 One commissioner has already said she's ready to
10 approve it. I don't understand. We need compliance from
11 the terms of your lease. And before you just jump to
12 approval, please require the County to secure external or
13 internal enforcement staffing within the next 60 days. A
14 renewed lease should not be the reward for noncompliance.
15 We must have your help here, please. Thank you for
16 listening.

17 ACTING CHAIRPERSON Dumlao: Thank you, Ms. Elia.
18 Michelle, next speaker.

19 OFFICE TECHNICIAN PELKA: Thank you. Our next
20 speaker is Robb Hamilton. Robb, you may unmute yourself
21 and begin your comment.

22 ROBB HAMILTON: Good afternoon, Commissioners.
23 Can you hear me?

24 ACTING CHAIRPERSON Dumlao: Yes, we can.

25 ROBB HAMILTON: Okay. I'm Robb Hamilton. I'm a

1 wildlife biologist. I've been working in Orange County
2 for the past 35 years. I have a quick PowerPoint
3 presentation.

4 Do you have that?

5 (Thereupon a slide presentation).

6 ROBB HAMILTON: Oh, thanks.

7 Yeah, as I said, I'm Robb Hamilton from Hamilton
8 Biological Incorporated. I'm speaking as just a private
9 citizen. I've been involved with this issue at Santa Ana
10 River mouth for the past eight years, but others have been
11 involved much longer.

12 Next slide, please.

13 --o0o--

14 ROBB HAMILTON: As people have mentioned already,
15 the Santa Ana River occupies a very important place in the
16 Lower Santa Ana River ecosystem, which is 1,300 acres of
17 very important marshes and adjacent uplands.

18 Next slide, please.

19 --o0o--

20 ROBB HAMILTON: The river is adjacent to critical
21 habitat for Snowy Plover and the Least Tern nesting area,
22 both the Plover and the Tern nest right adjacent to the
23 river channel and Talbert Channel upstream -- or upcoast,
24 I mean. These ought to be extremely important avian use
25 areas for these listed species.

1 Next slide, please.

2 --o0o--

3 ROBB HAMILTON: But what we see is constant use
4 of these areas by people and their pets. And no amount of
5 signage or warnings has any affect on this, as countless
6 hours of volunteer observations have pointed out and
7 documented.

8 Next slide, please.

9 --o0o--

10 ROBB HAMILTON: So the County monitoring of the
11 dredging, which they point to as shown that they've
12 minimized impacts to wildlife and the environment while
13 managing the delicate balance at this location, it just
14 shows that there's no Plovers using the river mouth.
15 That's what we all said to begin with. We've been saying
16 that for years. The Plovers don't use it, because there's
17 always people there. I understand that opening the
18 channel and removing the sand is, of course, important for
19 flood control, but having people and dogs in there is not
20 important. It's important that they be kept out.

21 And we see the County and the City of Newport
22 Beach trying to conflate these issues that, well, we have
23 to keep the river clear for wildlife, but you don't have
24 to have people and dogs playing around in the river.

25 Next slide, please.

1 --o0o--

2 ROBB HAMILTON: So without effective enforcement,
3 nothing is ever going to change. It hasn't changed for
4 over -- you know, for decades now. It's not going to
5 change. There are alternative dog beach locations that we
6 have identified in the City of Newport Beach, but they're
7 never going to be pursued as long as they can just get
8 away with letting people play around in the river mouth.

9 Every time we talk to a governmental agency,
10 whether it's the City, or the State, or the County, they
11 all point to some other agency that should be taking
12 jurisdiction. You're not working together and no one is
13 solving the problem. In the end, it's the listed species
14 that are paying the price, and you know, a lot of
15 resources are put into trying to recover these species.
16 So it would be really nice if the State and the local
17 governments could work together to achieve that goal that
18 we all hold.

19 And that's the end of my presentation. Thank you
20 very much.

21 ACTING CHAIRPERSON DURLAO: Thank you, Mr.
22 Hamilton.

23 Michelle, our next speaker.

24 OFFICE TECHNICIAN PELKA: Our next speaker is Dan
25 Silver. Dan, you may unmute yourself and begin your

1 comment.

2 DAN SILVER: Good afternoon. I'm Dan Silver with
3 Endangered Habitats League. Thank you very much for the
4 opportunity to address your Commission today.

5 We oppose the lease renewal absent additional
6 conditions to compel enforcement of trespass and leash
7 laws. Renewal, absent such conditions, rewards the
8 non-compliance that you've seen today, perpetuates an
9 unacceptable status quo, and endangers the public and the
10 bird species.

11 While the current lease quote "requires" the
12 County to enforce its regulations, it doesn't. It was
13 interesting to hear from Newport Beach, which issues
14 citations and fines. There have been no citations or
15 fines issued by the County of Orange at all.

16 Enforce, if you look that up in the dictionary,
17 means to compel obedience. Enforcement is an outcome.
18 It's not a process and it's certainly not a charade of
19 having police cars, sheriff's cars just drive with a brief
20 bullhorn warning and go away. This is a charade. And the
21 facts show that the birds aren't there and the dogs and
22 people are still there in the hundreds. The Orange County
23 reports don't contradict this at all. They show
24 widespread ongoing violations, ineffectual measures, no
25 accountable methodology, and again no citations issued.

1 It's not working. Your lease is not being complied with.
2 And if you simply renew it, the same exact conditions will
3 continue.

4 Of course dredging should occur, but you need a
5 new condition to fund enforcement by an appropriate
6 agency, other than the sheriff, which is not interested in
7 doing this work. It could be Fish and Wildlife, Animal
8 Beach -- Newport Beach Animal Control. We need a new
9 condition that says within 60 days, the County will
10 demonstrate to the State Lands Commission's satisfaction
11 that it has put in place new and adequate enforcement
12 personnel with the authority to issue citations and
13 warnings under the applicable ordinances, either
14 internally from the County itself, like code enforcement,
15 or the County Animal Services Division or externally from
16 other agencies.

17 There are solutions here, but unless you attach a
18 new condition, we are going to get no progress and the
19 same really unacceptable conditions for both people and
20 wildlife. Please stop the charade and please institute
21 accountability. That's the way our government should
22 work. You can fix this. Please do so. Thank you.

23 ACTING CHAIRPERSON DUMLAO: Thank you, Mr.
24 Silver.

25 Michelle, the next speaker.

1 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
2 is Christine Kim. Christine, please unmute yourself and
3 begin your comment.

4 CHRISTINE KIM: Hello. Can you hear me?

5 ACTING CHAIRPERSON DURLAO: Sure can. Go for it.

6 CHRISTINE KIM: Okay. Hi, everyone. Thank you
7 so much. My name is Christine Kim. I'm the Vice
8 President of Sea and Sage Audubon Society. I'm here today
9 to request your assistance as the responsible landowner in
10 requiring that the County of Orange, as you've already
11 heard, the lessee, or a third party do a better job of
12 enforcing existing county laws on your property. In 1964,
13 Sea and Sage requested California State Parks to set up a
14 protected area for the last few remaining California Least
15 Tern nests on Huntington State Beach next to the Santa Ana
16 River. This was initiated in part by the work of a young
17 biologist Wayne Woodruff, who identified that the
18 trembling of the nests, which are built right on the sand,
19 by people and dogs to be the major cause of a rapidly
20 dwindling population of Terns.

21 A few years later, two-thirds of our annual
22 budget went to help build a fence around a very small area
23 near the Santa Ana River. That fenced area became the
24 first recognized preserve under the 1970 Endangered
25 Species Act. Since then, we've helped every year, both

1 financially and with volunteer efforts to expand and
2 improve that fenced area, so that it's now it's 13 acres.

3 As -- after spending the rest of the year over
4 the ocean waters of Central America, several hundred
5 federally endangered California Least Terns return in
6 spring to Huntington Beach to nest and to raise their
7 young inside the preserve as you've heard. This preserve
8 is managed by California State Parks and relies on a large
9 volunteer core, which includes many of our Sea and Sage
10 members. These volunteers dedicate hundreds of hours each
11 year monitoring the breeding colony, working with the
12 public, and watching out for predators.

13 This fenced area provides very good protection
14 for the Tern nests from disturbance, but the Terns also
15 need to do things outside the preserve to survive and nest
16 successfully, including foraging in the mouth of the Santa
17 Ana River. Access to this close-by food is critical for
18 their success, but this is where they're constantly
19 disturbed and chased off by dogs, as you've seen in the
20 photos.

21 This river is a critical habitat for both
22 sensitive and common shorebirds and seabirds, including
23 the Least Terns and also the threatened Snowy Plovers.
24 We're doing our best to protect these birds and hope some
25 day to get them off the endangered species list, but we

1 desperately need your help for actual enforcement and
2 mitigation efforts to keep the dogs completely out of the
3 Santa Ana River.

4 So thank you so much for your time and
5 consideration.

6 ACTING CHAIRPERSON DURLAO: Thank you, Ms. Kim.
7 And Michelle, anyone else?

8 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
9 is Scott Thomas. Scott, you may unmute yourself and begin
10 your comment.

11 ACTING CHAIRPERSON DURLAO: Scott, are you there?

12 SCOTT THOMAS: Can you hear me?

13 ACTING CHAIRPERSON DURLAO: Yes, we can. Go
14 ahead.

15 SCOTT THOMAS: Okay. Good. Good afternoon,
16 Commissioners. I'm going to keep this brief, because a
17 lot of it, what we need to say, has been said that the
18 river mouth is very important to these birds. But I do
19 want to focus in there just a little bit and make sure
20 that that's well understood. During the breeding season
21 when these birds are there, they have to be close to an
22 alternative food source rather than the ocean where they
23 get most of their food. That's why every Least Tern
24 colony, breeding colony up and down the coast is directly
25 associated with the river, a bay, some type of estuary, so

1 that they can get to the food source quickly, and
2 efficiently, and reduce the energy use, so that they can
3 more successfully breed. This is one of the reasons that
4 they are not successfully coming off the endangered
5 species list, because they're disturbed in areas like
6 this. It's been proven up and down the coast and it's
7 largely people and dogs.

8 And I also want to comment that the staff report
9 went on to describe that over the last two-year period,
10 where we're trying to hold the County's feet to the fire
11 on this, that really it had not quite 100 percent
12 succeeded. There was some comment that it -- there had
13 been improvements made, but it really hasn't succeeded.
14 And then it moved right straight to we do need to dredge
15 and therefore we should approve a new lease. It kind of
16 skipped the point of what happened to why things haven't
17 succeeded.

18 And I do want to address the comment that things
19 have gotten better. That really doesn't make any
20 difference here. It only takes a couple, maybe two or
21 three, noisy, loud, rambunctious dogs in that river
22 channel to chase the Terns off. We've gone down. We
23 watched it. We watched it early in the morning before the
24 enforcement gets there and even before Newport Beach does
25 their enforcement. Agree that both agencies have tried to

1 make some improvements, but they're there. None of us at
2 the right time. Busy hot days, there's people that are
3 from sun up to sun down. There's enforcement there very
4 briefly. And you can watch the birds leave immediately,
5 so they're not staying there.

6 And getting an improvement -- whatever they think
7 the improvement. I know there's people here that disagree
8 that there's been any improvement, but even if there has
9 been some improvement, if we went from 35 to 40 dogs down
10 to 15 to 20, it doesn't matter. We need almost no dogs in
11 that river channel to succeed. And to do that, we need
12 consistent and robust enforcement. We're not getting it
13 from the County of Orange. As people have said, maybe the
14 sheriffs just aren't that interested in it. So agree with
15 what everybody else has said, we need a third party or
16 more robust enforcement, and more pressure on the County
17 to get that done. And simply signing the lease now or
18 approving the lease now is not going to do that. We're
19 going to continue on the way we were.

20 So there's been a request for a 60-day period to
21 ask the County to come up with alternatives, I make that
22 same request. And thank you very much for your time.

23 ACTING CHAIRPERSON DUMLAO: Thank you, Mr.
24 Thomas.

25 Michelle, anyone else?

1 OFFICE TECHNICIAN PELKA: Thank you. We have no
2 other hands raised for comment at this time.

3 ACTING CHAIRPERSON Dumlao: Great. Thank you
4 very much. So I know Commissioner Kunkel has to abstain
5 on this. And, you know, I think I'll just leave my
6 comments very brief. I feel like this approach does
7 strike the right balance. I know there's a lot of
8 competing factors, and considerations, and it's a
9 challenging site to manage, but I do think the staff
10 report does attempt to strike the right balance here.

11 So we have a motion from Commissioner Miller, a
12 second from Commissioner Dumlao.

13 And may we have the roll call vote, please.

14 EXECUTIVE OFFICER LUCCHESI: Certainly.
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 if I may, Chair?

24 ACTING CHAIRPERSON Dumlao: Yes, please.

25 EXECUTIVE OFFICER LUCCHESI: I just want to

1 express that we will continue as a staff to work with the
2 Coastal Commission and our partners at Fish and Wildlife
3 and the State Parks to find a solution that -- where the
4 State can play more of a law enforcement role here, so
5 that it won't change. We will continue to try to crack
6 that nut.

7 ACTING CHAIRPERSON DURLAO: Thank you very much.

8 All right. Moving on to Item 50. May we have
9 the presentation for Item 50?

10 EXECUTIVE OFFICER LUCCHESI: Yes. Item 50 is to
11 consider acceptance of the final report and closing
12 statement for the Long Beach Unit Annual Plan July 1st
13 2022 through June 30th 2023. This Long Beach Unit is
14 located in the City of Long Beach offshore. It contains
15 the four oil islands within Los Angeles County.

16 So every year, the City submits basically a
17 true-up of the actual expenditures, and costs, and
18 revenues that were generated through the previous fiscal
19 year. And that is compared to the annual plan and the
20 program plan that was -- are -- is submitted -- developed
21 by the City and submitted to the State Lands Commission.
22 So essentially, as we've talked before, the annual plan
23 and the program plan is the yearly budget and the
24 strategic plan for the operations of the Long Beach Unit.
25 This final report is basically the actual costs, and

1 expenditures, and revenues that were generated pursuant to
2 those plans and that budget.

3 I want to highlight and emphasize that pursuant
4 to the statutory framework and the various agreements that
5 flow from the statutory framework governing the Long Beach
6 Unit, the State Lands Commission does not have
7 discretionary action as it relates to this final report.
8 It's -- the most we can do is accept it for filing. And
9 that is exactly what staff's recommendation is.

10 I'm happy to answer any questions.

11 ACTING CHAIRPERSON DURLAO: Thank you.

12 Commissioner Kunkel, do you have any questions?

13 ACTING COMMISSIONER KUNKEL: No.

14 ACTING CHAIRPERSON DURLAO: Commissioner Miller?

15 ACTING COMMISSIONER MILLER: I don't have any
16 questions, but happy to move approval.

17 ACTING CHAIRPERSON DURLAO: Great. And Michelle,
18 do we have any people wishing to speak on Item 50?

19 OFFICE TECHNICIAN PELKA: Yes. Our first speaker
20 is Anna Christensen. You may unmute yourself and begin
21 your comment.

22 ACTING CHAIRPERSON DURLAO: If I may -- sorry,
23 Anna, I'd like to limit public comments for this item to
24 two minutes, just given the hour.

25 ANNA CHRISTENSEN: Okay then. Are you ready?

1 ACTING CHAIRPERSON Dumlao: We're ready.

2 ANNA CHRISTENSEN: Okay. This is a three-minute
3 comment. I got it down. Wait a minute. I don't how I
4 can do it for two. Hold on a minute. Don't start my time
5 yet. I can't -- this -- what did this do. You filled my
6 Screen and I can't read my comment. How did that happen?

7 Now, it -- oh, here it goes. Okay. Sorry about
8 that. I would like to point out that where the staff said
9 the most you can do is receive and file it, but you don't
10 have to. All right. Here you go.

11 The Commission should not accept this report and
12 is not required to do so. Staff states that Commission
13 action is not required. It is the City of Long Beach that
14 has requested the Commission's acceptance of this report.
15 Sierra Club finds that the following statements made in
16 the report and by State Lands Commission are not accurate.

17 The city writes that the program was implemented
18 while maintaining focus on health, environment, and
19 safety. However this is not true. It operated -- the
20 City operated wells within the 3,200 foot health and
21 safety setback zone and contributed to local and global
22 pollution by optimizing production including drilling new
23 wells.

24 The staff says that because it's an
25 administrative action, it will not result in direct or

1 indirect physical changes to the environment. It is not a
2 project as defined by CEQA. However, acceptance of the
3 report would be a project under CEQA, because it has
4 consequences that will result in physical changes. A
5 report that fails to acknowledge that drilling for oil
6 has, does, and will impact the climate and environment for
7 the worse perpetuates these direct and indirect physical
8 changes.

9 The letters from both the City and California
10 Resources Corporation use the language of Wall Street.
11 The development program was optimized for capital
12 investment, cash flows, and commodity market volatility.
13 Clearly, making money is the primary focus, regardless of
14 the consequences.

15 The City argues it's their special relationship
16 with the State that obliges them to continue drilling.
17 The State Lands Commission must respond to this claim by
18 exercising its power to regulate, reduce, and end its oil
19 operations, both in Long Beach and throughout the state.

20 We would point out that the true costs, if
21 properly calculated, would not result in a profit for
22 either the City or the State. The annual net profit of
23 \$180 million comes at the expense of people's health, lost
24 wages, and shortened lives. We ask that the State Lands
25 Commission acknowledge that the financial gain from

1 extracting oil and gas on Public Trust lands must end.

2 Don't accept the report, please.

3 ACTING CHAIRPERSON DURLAO: Thank you, Ms.
4 Christensen.

5 Michelle, do we have -- anyone else?

6 OFFICE TECHNICIAN PELKA: Yes. We do have Anne
7 Cantrell signed up to speak on this item. However, we do
8 not see them on the attendees list. If you are calling
9 in, please raise your hand, so we can identify you and
10 allow you to make your comment now.

11 OFFICE TECHNICIAN PELKA: I do not see any hands
12 raised at this time and we do not have any --

13 ACTING CHAIRPERSON DURLAO: Okay.

14 OFFICE TECHNICIAN PELKA: -- other hands raised
15 for public comment right now.

16 ACTING CHAIRPERSON DURLAO: All right. I will be
17 abstaining from this item.

18 Any other comments before we move on to the --

19 ACTING COMMISSIONER KUNKEL: Yes. I just wanted
20 to say that the Controller continues to be concerned about
21 the impacts of oil and gas drilling, particularly the
22 social costs of extracting oil and gas. And, I mean, we
23 know that there is a measurable health impact and economic
24 impact to communities, particularly poorer communities,
25 that we need to acknowledge. In the same vein -- at the

1 same time, we're just acknowledging this that we've
2 received this report, correct?

3 EXECUTIVE OFFICER LUCCHESI: That's correct.

4 ACTING COMMISSIONER KUNKEL: So I will second the
5 motion to move that. Thank you.

6 ACTING CHAIRPERSON Dumlao: Thank you,
7 Commissioner. So we have a motion from Commissioner
8 Miller, seconded by Commissioner Kunkel.

9 May we have the roll call vote.

10 EXECUTIVE OFFICER LUCCHESI: Certainly.
11 Commissioner Kunkel?

12 ACTING COMMISSIONER KUNKEL: Aye.

13 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

14 ACTING COMMISSIONER MILLER: Aye.

15 EXECUTIVE OFFICER LUCCHESI: Chair Dumlao?

16 ACTING CHAIRPERSON Dumlao: Abstain.

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

19 ACTING CHAIRPERSON Dumlao: All right. Well,
20 what is the next order of our -- of business, Ms.
21 Lucchesi?

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

24 ACTING CHAIRPERSON Dumlao: Great. Thank you.
25 If anyone wants to address the Commission on any item that

1 was not on today's agenda, this is your time. Please come
2 to the podium or raise your hand on Zoom. I'd also like
3 to just, given the hour, limit public comment to one
4 minute for each person. So please be brief, if you can.

5 Michelle, do we have anyone wishing to speak in
6 person?

7 OFFICE TECHNICIAN PELKA: We do not have anyone
8 in person to make a comment, but we do have someone
9 calling in.

10 ACTING CHAIRPERSON Dumlao: Okay.

11 OFFICE TECHNICIAN PELKA: Okay. The phone number
12 ending in 421, you may begin your comment now. Please
13 unmute yourself.

14 ACTING CHAIRPERSON Dumlao: Phone number 421, are
15 you there?

16 Okay. Michelle, any indication that this person
17 is trying to do anything?

18 OFFICE TECHNICIAN PELKA: They are not unmuting
19 themselves, but they did recently raise their hand.
20 Outside of the phone number ending in 421, we have no
21 other comments at this moment.

22 ACTING CHAIRPERSON Dumlao: Okay. Well, I don't
23 think we are going to be able to get you, so our apologies
24 for not being able to hear your public comment, but yeah,
25 do tune in to our next meeting and hopefully you can share

1 your comments then.

2 Let's see, Michelle, that concludes our second
3 public comment period.

4 Do any of the commissioners have any other
5 comments or questions?

6 And that concludes the open meeting. We are
7 adjourned.

8 (Thereupon the California State Lands
9 Commission meeting adjourned at 4:55 p.m.)

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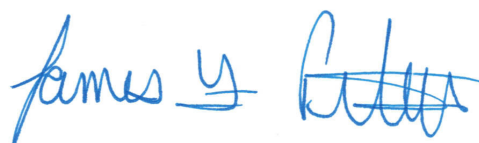
CERTIFICATE OF REPORTER

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, and was thereafter transcribed, 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 27th day of October, 2023.



JAMES F. PETERS, CSR
Certified Shorthand Reporter
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