

MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

ZOOM PLATFORM

MONDAY, NOVEMBER 20, 2023

10:04 A.M.

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

APPEARANCES

COMMISSION MEMBERS:

Eleni Kounalakis, Lieutenant Governor, Chairperson

Malia Cohen, State Controller

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

STAFF:

Jennifer Lucchesi, Executive Officer

Seth Blackmon, Chief Counsel

Michelle Pelka, Office Technician

Katie Robinson-Filipp, Environmental Scientist

ATTORNEY GENERAL:

Andrew Vogel, Supervising Deputy Attorney General

ALSO PRESENT:

Hein Austin

Amanda Bland

Brady Bradshaw, Center for Biological Diversity

Madison Churchill

Flora Coden

Scott Karlin

Jennifer Krestan

APPEARANCES CONTINUED

ALSO PRESENT:

Ella Merkle

Helena Milazzo

Phillip Musegaas, San Diego Coastkeeper

John Reed, Channel Wind

Erin VandVen

Jonathan Ullman

INDEX

PAGE

Call to Order

1

I 10:00 a.m. - Closed Session

20

At any time during the meeting the Commission may meet in a session closed to the public to consider the matters listed below pursuant to Government Code section 11126, part of the Bagley-Keene Open Meeting Act.

A. Litigation

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

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.

INDEX CONTINUED

PAGE

- 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
- 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.

INDEX CONTINUED

PAGE

- 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 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

INDEX CONTINUED

PAGE

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).

II	Open Session	1
III	Informational Calendar	
01	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)	4
IV	Regular Calendar	
02	CALIFORNIA STATE LANDS COMMISSION: Consider supporting President Biden's request to include \$310 million in an emergency supplemental bill for essential upgrades and expansion of the federally operated South Bay International Wastewater Treatment Plant, requesting that Congress expeditiously approve the funding, and address the severe Tijuana River transboundary pollution crisis. CEQA consideration: not applicable. (A & S: Statewide) (Staff: K. Robinson-Filipp, S. Pemberton)	23

INDEX CONTINUED

	<u>PAGE</u>
V Public Comment	38
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 2 minutes. Note: Comments made during the general public comment period regarding matters pending before the Commission do not become part of the official record for those matters.	
VI Commissioners' Comments	50
Adjournment	50
Reporter's Certificate	51

PROCEEDINGS

CHAIRPERSON KOUNALAKIS: I call this special meeting of the State Lands Commission to order. I am Lieutenant Governor Eleni Kounalakis. Welcome to our completely virtual State Lands Commission meeting.

Ms. Lucchesi, will you please call the roll of the Commissioners in attendance.

EXECUTIVE OFFICER LUCCHESI: Certainly.

State Controller Malia Cohen?

COMMISSIONER COHEN: Good morning, everyone. Hi. I'm here.

EXECUTIVE OFFICER LUCCHESI: Good morning.

Gayle Miller representing the Department of Finance?

I'm sorry, did you -- Gayle?

We can't hear you.

ACTING COMMISSIONER MILLER: Now?

EXECUTIVE OFFICER LUCCHESI: Yes.

ACTING COMMISSIONER MILLER: Okay. I'm here. Sorry.

EXECUTIVE OFFICER LUCCHESI: Excellent. No worries. Thank you.

Chair and Lieutenant Governor Eleni Kounalakis?

CHAIRPERSON KOUNALAKIS: Present

EXECUTIVE OFFICER LUCCHESI: Excellent. So Madam

1 Chair, we do have a quorum present.

2 In addition, I would like to identify members of
3 the staff of the Commission and the office of the Attorney
4 General present for this virtual meeting. I am Executive
5 Officer Jennifer Lucchesi. I'm joined by Chief Counsel
6 Seth Blackmon, Supervising Deputy Attorney General Andrew
7 Vogel, meeting liaison Kim Lunetta, our Assistant
8 Executive Officer Colin Connor, and our Zoom co-hosts Mike
9 Farinha, Michelle Pelka, and Luke Ward.

10 I'll turn it back to you, Chair.

11 CHAIRPERSON KOUNALAKIS: Thank you, Ms. Lucchesi.
12 For the benefit of those in the audience, the State Lands
13 Commission manages State property interests in over five
14 million acres of land, including mineral interests. The
15 Commission also has responsibility for the prevention of
16 oil spills at marine oil terminals and offshore oil
17 platforms and islands, and for preventing the introduction
18 of marine invasive species into California's marine
19 waters.

20 Today, we will hear requests and presentations
21 involving the lands and resources within the Commission's
22 jurisdiction. I want to take a moment to honor the
23 California Native American communities all across the
24 State for persisting, carrying on diverse cultural and
25 linguistic traditions, and sustainably managing the land

1 that we now share. Native people have maintained a
2 constant presence on the landscape for many thousands of
3 years and they're essential stewardship partners, whether
4 along the coast, along our rivers and valleys, or in our
5 fragile deserts.

6 We thank California Native American communities
7 for participating in this Commission's activities and for
8 their essential role in maintaining and adding to our
9 state's rich cultural legacy.

10 Ms. Lucchesi, what is the first order of
11 business?

12 EXECUTIVE OFFICER LUCCHESI: Our next order of
13 business is closed session -- closed session, excuse me.
14 Government Code section 11126, subdivision (c)(7) allows a
15 State body to discuss real property negotiations in closed
16 session, provided that before the closed session the State
17 body in open session identifies the real property
18 concerned and the person or persons with whom the
19 negotiator may negotiate.

20 In accordance with this requirement, I announce
21 that the Commission will conference in closed session with
22 its real property negotiators regarding entering into a
23 lease amendment or other agreement for the extended use of
24 existing offshore oil and gas pipelines traversing State
25 waters associated with the Santa Ynez unit in federal

1 waters offshore Santa Barbara County. The negotiations
2 will be conducted with ExxonMobil.

3 Before we adjourn into closed session, we do have
4 requests to speak on Informational item 1, which relates
5 to this closed session item. So Chair Kounalakis, I
6 recommend that the Commission open up public comment at
7 this time on this item.

8 CHAIRPERSON KOUNALAKIS: Thank you, Ms. Lucchesi.
9 If anyone would like to address the Commission on this
10 informational Item 1 that relates to the closed session
11 item, you will have two minutes to provide your comments.
12 Please raise your hand in Zoom or press star nine if you
13 are calling in. Michelle, please call on the first person
14 who would like to make a public comment.

15 OFFICE TECHNICIAN PELKA: Our first public
16 commenter is Helena Milazzo. Helena, you are unmuted.
17 Please begin your comment. And please ensure you unmute
18 yourself.

19 CHAIRPERSON KOUNALAKIS: Helena, we cannot hear
20 you.

21 Hello?

22 Michelle.

23 HELENA MILAZZO: Hello. Sorry.

24 CHAIRPERSON KOUNALAKIS: Here we go. Hello,
25 Helena.

1 HELENA MILAZZO: Hello there. Thank you for the
2 opportunity to comment.

3 CHAIRPERSON KOUNALAKIS: Please proceed.

4 HELENA MILAZZO: Okay. Madam Chair, members of
5 the council. My name is Helena Milazzo and I'm a master's
6 student at Scripps Institution of Oceanography. And
7 today, I would like to ask you to deny a lease amendment
8 with ExxonMobil that would allow the extension of use of
9 their offshore oil and gas pipelines associated with the
10 Santa Ynez unit.

11 First and foremost, this pipeline has proven to
12 be an environmental hazard as demonstrated by its rupture
13 in 2015 that released a hundred thousand gallons of crude
14 oil in one of the most biologically diverse areas along
15 the west coast. Allowing its lease extension would give
16 history an opportunity to repeat itself.

17 Arguably more important is the fact that we are
18 living in a climate crisis. It is no secret that sea
19 levels are rising, hurricanes are getting stronger and
20 more frequent, wildfires are intensifying, and it can be
21 all attributed to major fossil fuel monopolies, who have
22 created the issue in the first place.

23 To allow the extension of the lease would be to
24 go directly against the California climate commitments
25 signed by Governor Newsom to transition away from big oil

1 to deliver clean and reliable energy and to protect
2 Californians from extreme heat waves, wildfires, and
3 drought, all of which would be made worse by allowing the
4 extension of the pipeline.

5 Commissioners, I am part of a generation that has
6 an insurmountable burden to bear and task to accomplish.
7 But the reality is that my generation cannot fix issues
8 created by those who came before us without their
9 cooperation. I'm aware of the denial of the lease
10 extension will make a lot of people upset. But when it
11 comes to solving the climate crisis, hard decisions and
12 upset by mega corporations who get us to this stage are
13 inevitable. But I am very confident that the Commission
14 before me today is capable of making these hard decisions
15 that will lead us in the right direction.

16 Thank you for the opportunity to comment

17 CHAIRPERSON KOUNALAKIS: Thank you very much.

18 Michelle, would you please call the next speaker.

19 OFFICE TECHNICIAN PELKA: Our next speaker is
20 Madison Churchill. Madison, please unmute yourself and
21 begin your comment.

22 MADISON CHURCHILL: All right. Members of the
23 Commission, my name is Madison Churchill. I'm a graduate
24 student at Scripps Institution of Oceanography in San
25 Diego, California. Thank you so much for the opportunity

1 to comment.

2 I am also commenting on the proposed pipeline
3 lease extension. I urge you not to give this pipeline a
4 second chance to spill into our State waters. There's
5 just too much at stake with the risks to our marine
6 environment, as well as human health. An oil spill on our
7 coast would be ecologically catastrophic. We've all seen
8 the impacts of oil spills to wildlife on our coasts and we
9 cannot allow it to continue. The California Coast is a
10 wealth of biodiversity, critical habitat, and thriving
11 fisheries. The impact of an oil spill in these waters
12 could be devastating, not only to marine life, but to our
13 state's economy and coastal communities.

14 Oil spills put seabirds and marine mammals at
15 extreme risk as well as almost every other species that
16 lives in this ecosystem. It would drastically impact the
17 entire ecosystem. The impacts can last years or even
18 decades in some cases. This pipeline is old and is
19 considered to be degraded, increasing the risk for a spill
20 each year it's allowed to stay in operation. It's not a
21 matter of if another spill will occur, it's when and
22 where. We're in the middle of a climate crisis and the
23 oil companies have been abusing the environment in State
24 waters for decades. We should instead be investing our
25 resources in renewable energy to foresee the health of

1 future generations.

2 If this lease is allowed to go through, I believe
3 Exxon should be required to put up a bond to cover the
4 worst case scenario spill. This would help ensure swifter
5 action in the face of an emergency. I urge the Commission
6 to act in favor of the environment and public health.
7 Please put the community first and do not allow this
8 pipeline to threaten our State waters and human health any
9 longer. Thank you so much for the opportunity to comment
10 on this issue.

11 CHAIRPERSON KOUNALAKIS: Thank you very much.

12 Michelle, may we have the next speaker, please?

13 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
14 is Ella Merkle. Ella, please unmute yourself and begin
15 your comment.

16 ELLA MERKLE: Good morning, Madam Chair and
17 members of the council. My name is Ella Merkle and I am a
18 marine biodiversity and conservation student at the
19 Scripps Institution of Oceanography. I'd like to begin
20 first by thanking the Commission for holding this meeting
21 and for ensuring the public's right to access and
22 participate in this process.

23 The State of California has set ambitious goals
24 to be carbon neutral by 2024 -- or 2045. To achieve these
25 goals, oil consumption must be slashed by 94 percent.

1 Renewing these leases for Exxon -- the for the ExxonMobil
2 Santa Ynez Unit directly interferes with this.

3 Furthermore, the burning of fossil fuels is
4 intrinsically linked to climate change, which now
5 represents the largest threat to both public health and to
6 our environment. These threats are real and apparent.
7 Southern California was hit by a hurricane for the first
8 time since 1939. Extreme heat threatens human life and
9 economic productivity and warming waters are decimating
10 our coastal ecosystems and fisheries.

11 California is often renowned is a pioneer in the
12 U.S. and around the world for progressive and effective
13 climate policy. While I recognize that not renewing these
14 two leases won't ward off climate change, it will set a
15 precedent that demonstrates how seriously California is
16 taking its own carbon neutrality goals. Please consider
17 using this opportunity to set another example that moves
18 us and the rest of the world away from the use of fossil
19 fuels.

20 Thank you.

21 CHAIRPERSON KOUNALAKIS: Thank you very much.
22 Michelle, next speaker, please.

23 OFFICE TECHNICIAN PELKA: Our next speaker is
24 Amanda Bland. Amanda, please unmute yourself and begin
25 your comment.

1 CHAIRPERSON KOUNALAKIS: Amanda, can you hear us?
2 Michelle.

3 OFFICE TECHNICIAN PELKA: It appears they are
4 still muted.

5 Amanda, can you please unmute yourself?

6 CHAIRPERSON KOUNALAKIS: Amanda, I'm sorry, but
7 we cannot hear.

8 Oh, hold on. I think we hear you.

9 AMANDA BLAND: I'm so sorry. I was having
10 technical difficulties with my AirPods and they came
11 disconnected, but can you hear me okay?

12 CHAIRPERSON KOUNALAKIS: We sure can. Go ahead.

13 AMANDA BLAND: Fantastic. I'm so sorry about
14 that.

15 Good morning, members of the Commission. My name
16 is Amanda Bland and I'm a resident of San Diego. And I
17 thank you for the opportunity to provide public comment
18 today. I ask that you please consider the full scope of
19 effects and ultimately deny the Exxon lease renewal for
20 offshore oil and gas pipelines associated with the Santa
21 Ynez unit located in the Santa Barbara Channel.

22 Approving the lease will have negative impacts on
23 the environment, increase climate change threats, and
24 contaminate water. One of the most significant and
25 immediate threats to approving this lease is the potential

1 for oil spills during drilling, transportation, and
2 storage. Various species of fish, birds, whales, and
3 dolphins live in the Santa Barbara Channel.

4 An oil spill will have catastrophic impacts on
5 these species, degrade habitat, and have substantial
6 economic impacts. Not only are oil spills extremely
7 challenging and costly to clean up, but the harm they
8 cause to aquatic life, local communities, tourism, and the
9 California seafood industry is irreversible and
10 disastrous. Santa Barbara and the State of California
11 experienced many of these catastrophic environmental
12 impacts firsthand during the Plains All American Pipeline
13 rupture in May of 2015.

14 Oil is a major source of CO₂, which is one of the
15 primary gases contributing to climate change. The
16 approval of these additional leases will emit greenhouse
17 gases, including CO₂, during the extraction,
18 transportation, and refining process, ultimately
19 furthering this country's reliance on fossil fuels.

20 Rather than investing more time and energy into
21 new oil and gas leases, we should be reducing fossil fuel
22 dependence and transitioning to renewable energy sources.
23 Access to clean water is a basic human right. Oil
24 extraction and spills often contaminate waterbodies, soil,
25 and coastal regions and these effects will persist for

1 decades. Approving this lease will directly oppose
2 California's carbon neutrality and renewable energy
3 targets.

4 For the reasons listed above and many more, I ask
5 the Commission to please decline the extension of these
6 leases. Thank you for your time and thank you for the
7 opportunity to provide public comment today.

8 CHAIRPERSON KOUNALAKIS: Thank you.

9 Michelle, do we have any other speakers?

10 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
11 is Spencer James. Spencer, you may unmute yourself and
12 begin your comment.

13 CHAIRPERSON KOUNALAKIS: Spencer, we cannot hear
14 you.

15 Michelle.

16 OFFICE TECHNICIAN PELKA: It appears he is
17 unmuted, but if you want we can circle back around to
18 Spencer.

19 CHAIRPERSON KOUNALAKIS: Spencer, we cannot hear
20 you, so we're going to proceed with the next person who
21 would like to speak, while you try to work out the
22 technical difficulty.

23 Michelle, next speaker.

24 OFFICE TECHNICIAN PELKA: Our next speaker is
25 Channel Wind. Channel, you may unmute yourself and begin

1 your comment.

2 JOHN REED: Hello. Can you hear me?

3 CHAIRPERSON KOUNALAKIS: Yes.

4 JOHN REED: Great. Good morning. My name is
5 John Reed and I am the founder of a new offshore wind
6 technical company called Channel Wind, and we are trying
7 to promote offshore wind power for the state of California
8 through our technology and innovations. We have a
9 innovative idea to overcome the port and infrastructure
10 challenge that is faced by the industry, and it will
11 definitely cross your boundaries of jurisdiction. And so
12 I just wanted to make an announcement about our company.
13 And I have put in an inquiry and look forward to the
14 response from the State Lands Commission.

15 And I also agree with everybody else who's
16 mentioned about moving away from fossil fuels, but just
17 want to remind everybody that the stuff we pull out of the
18 ground is used for wind turbine blades, surfboards,
19 clothing, solar panels, you name it. I agree we shouldn't
20 burn it, but it is a great building material. And we
21 should balance everything with all the smart people we
22 have in this state and throughout the world.

23 Thank you for letting me comment and have a
24 wonderful day.

25 CHAIRPERSON KOUNALAKIS: Thank you very much.

1 Michelle, next speaker, please.

2 OFFICE TECHNICIAN PELKA: At this point in time,
3 we have no other speakers for Item 1.

4 CHAIRPERSON KOUNALAKIS: Have we worked out the
5 technical difficulty with the previous speaker who was
6 unable to unmute?

7 Michelle.

8 OFFICE TECHNICIAN PELKA: I no longer see Spencer
9 as part of our attendees.

10 EXECUTIVE OFFICER LUCCHESI: Michelle. Hi,
11 Chair, if I may. It does look like Spencer has re-raised
12 his hands. And Michelle, we do have Center for Biological
13 Diversity and Sierra Club that have raised their hands, so
14 let's call on the them as well.

15 OFFICE TECHNICIAN PELKA:

16 Apologies. Our next public speaker then will be
17 the Center for Biological Diversity, Oceans. Center for
18 Biological Diversity, you may unmute yourself and begin
19 your comment.

20 BRADY BRADSHAW: Hello. Can you hear me?

21 CHAIRPERSON KOUNALAKIS: Yes, we can. Please
22 proceed.

23 BRADY BRADSHAW: Hello, Chair Kounalakis and
24 commissioners. Thank you for your time today. My name is
25 Brady Bradshaw representing the Center for Biological

1 Diversity. I'd like to express our concern about the
2 continued operation of aged and decaying offshore
3 infrastructure in state waters.

4 In 2015, the onshore pipeline connected to the
5 Santa Ynez Unit ruptured and spewed over a hundred
6 thousand gallons of oil onto the Santa Barbara coast, at
7 least 21,000 gallons of which entered the Pacific Ocean.
8 We can certainly expect more if this lease is extended.
9 The onshore counterpart was found by PHMSA to be highly
10 corroded and it was determined that spill risk more than
11 doubles as a pipeline ages from 20 to 40 years.

12 The onshore pipeline is 28 years old at the time
13 of the spill. Today, the subsea section is even more
14 susceptible to the aging -- to aging and the impacts of
15 corrosion, fatigue, erosion and stress. The Santa Barbara
16 Channel is home to numerous whales, dolphins, sea otters,
17 seabirds, and more than 500 species of fish. Endangered
18 blue whales concentrate here to feed in large numbers in
19 summer. And four other whales listed under the ESA
20 migrate through the channel.

21 For these reasons, we ask the Commission to
22 decline to extend these leases and require decommissioning
23 immediately. But we ask at the very least that any
24 amended agreement fully comply with PRC section 6829.3,
25 which requires the Commission to seek additional

1 infrastructure bonding or other financial assurance when a
2 lease term is renegotiated. In line with this
3 requirement, please secure up-front bond deposits to cover
4 all costs of a worst case oil spill, plus the highest
5 estimated costs of decommissioning in the case that an
6 operator would try to avoid their responsibilities.

7 Please ensure public transparency regarding the
8 state of the pipeline or pipelines at issue and the terms
9 of the existing lease agreements. The Commission should
10 uphold its duty to protect the public and our precious
11 marine ecosystems and coastline from foreseeable damage.
12 Please let these lease agreements expire and require
13 decommissioning immediately.

14 Thank you.

15 CHAIRPERSON KOUNALAKIS: Thank you.

16 Michelle, next speaker, please.

17 OFFICE TECHNICIAN PELKA: Our next speaker is
18 Jonathan Ullman. Jonathan, you may unmute yourself and
19 begin your comment.

20 JONATHAN ULLMAN: Hi. My name is Jonathan
21 Ullman. I'm the Director of the Santa Barbara-Ventura
22 chapter of the Sierra Club.

23 We urge you not to renew this lease. It would be
24 a tremendous hazard to our community and to the wildlife
25 sealife that lives along that coast. As we saw with the

1 Refugio oil spill, any type of spill, even like a foot,
2 can result in catastrophic damage.

3 In that spill, the Plains All American Pipeline
4 in 2015, it sent 450,000 gallons of oil into the coastline
5 and into Santa Barbara Channel resulting in at least 202
6 dead birds and 99 dead mammals, including at least 46 sea
7 lions and 12 dolphins. Now, this is a -- this was from a
8 pipeline that was on the land. Can you imagine what kind
9 of damage would happen from that on the sea? Furthermore,
10 by renewing this lease, you are enabling the use of that
11 corroded pipeline possibly in the future on the onshore
12 part as well.

13 Santa Ynez Unit is the largest emitter of
14 greenhouse gases in Santa Barbara County. So if you renew
15 this lease, you are renewing the carbon that your
16 administration says you want to stop. This has been
17 publicized. There was just an article in the Los Angeles
18 Times about this. It's gone nationwide. And I urge you
19 to protect, not only the reputation of the State of
20 California, but protect the people and the wildlife that
21 live in this area. And if this to be added, as has been
22 proposed, into the Chumash National Marine Sanctuary, you
23 can't have a leak. You can't have a pipeline exploding
24 oil into a marine -- a national marine sanctuary. Please
25 deny this lease renewal.

1 CHAIRPERSON KOUNALAKIS: Thank you very much.
2 Michelle, next speaker, please.

3 OFFICE TECHNICIAN PELKA: Our next speaker is
4 Spencer James. Spencer, please unmute yourself and begin
5 your comment.

6 SPENCER JAMES: (Mr. James makes remarks in
7 Chumash. Hello, everybody. (Mr. James makes remarks in
8 Chumash language. Hello. My name is Spencer and I'm with
9 (unclear) Chumash. My family is the Cordero family. And
10 today I want to acknowledge that the -- you know, all of
11 this extraction is going to be happening on our homelands
12 and our territory. And I want to urge the Commission, and
13 ExxonMobil, and everyone that's involved in this process
14 inside of the State of California to talk to our tribal
15 governments, not just the federally recognized tribal
16 government of Santa Ynez, but as well as our coastal, and
17 northern, and southern bands of Chumash.

18 I think it's utmost important for you guys to be
19 building a relationship with us and to not only just
20 hearing us, but listening to us and letting us be a huge
21 deciding factor in what happens in our territory, because
22 this has -- this had a terrible impact on our community
23 and our mental, and spiritual, and physical health,
24 especially from those who are from Refugio and from
25 Gossil. You know, our health and our culture needs to be

1 really taken seriously from the State of California,
2 because if you let this pipeline, you know, reup and
3 happen again, and it explodes again, this will again have
4 terrible impacts on us and this could just totally destroy
5 our culture.

6 And you guys can't let that happen. I want to
7 say so much more, but there's only two minutes, but just
8 we need to rethink our way of life, and our impact, and
9 indigenize what we're doing, because extract -- this
10 extractive relationship with our (unclear) and with our
11 ocean is not sustainable, and we'll not have us be able to
12 live much longer. And that doesn't mean to go and extract
13 lithium and other minerals from different indigenous
14 communities, because again you're extracting and
15 extracting, and desecrating people's homelands and sacred
16 sites.

17 So (Native language) and thank you for your time.

18 CHAIRPERSON KOUNALAKIS: Thank you very much for
19 your comments.

20 Michelle, do we have any other speakers?

21 OFFICE TECHNICIAN PELKA: At this point in time,
22 we have no other hands raised for Item 1.

23 CHAIRPERSON KOUNALAKIS: Okay. So thank you to
24 everyone who came to speak and we will now adjourn into
25 closed session.

1 (Off record: 10:29 a.m.)

2 (Thereupon the meeting recessed
3 into closed session.)

4 (Thereupon the meeting reconvened
5 open session.)

6 (On record: 12:07 p.m.)

7 CHAIRPERSON KOUNALAKIS: I call this meeting back
8 to order. All the representatives of the Commission are
9 present. Ms. Lucchesi, is there anything to report from
10 closed session?

11 EXECUTIVE OFFICER LUCCHESI: Yes. Thank you,
12 Chair. The Commission met in closed session with its real
13 property negotiators regarding entering into a lease
14 amendment or other agreement for the extended use of
15 existing offshore oil and gas pipelines traversing State
16 waters associated with the Santa Ynez Unit in federal
17 waters offshore Santa Barbara County. And those
18 negotiations will be held -- will be conducted with
19 ExxonMobil.

20 That's all I have to report. Thank you.

21 CHAIRPERSON KOUNALAKIS: Thank you, Ms. Lucchesi.

22 The next item of business will be the regular
23 calendar. Before we move to the regular calendar, first
24 let me thank everyone, especially our stakeholders and
25 members of the public for taking the time to join our

1 meeting.

2 Now, I want to turn it over to Ms. Lucchesi to
3 quickly share some instructions on how we can best
4 participate in this meeting so that it runs as smoothly as
5 possible.

6 EXECUTIVE OFFICER LUCCHESI: Thank you, Chair
7 Kounalakis. First, make -- everyone, please make sure you
8 have your microphones and phones muted to avoid any
9 background noise. For members of the public, if you would
10 like to speak either during our open public comment period
11 or during a public comment period associated with Item 2
12 of our regular agenda, you will need to do so in one of
13 two ways.

14 First, if you are attending on the Zoom platform,
15 please raise your hand in Zoom. When you -- second, if
16 you are joining our meeting by phone, you must press star
17 nine. If you are calling in and want to view the meeting,
18 including the PowerPoint presentation, please view the
19 meeting through the CAL-SPAN live webcast link. There
20 will be a slight time delay, but it will avoid an echo or
21 feedback from using the Zoom application and your phone.
22 If you emailed us with a request to speak, please also
23 raise your hand so we don't inadvertently miss you. We
24 will call on individuals who have raised their hands in
25 the order they are raised using the name they registered

1 with or the last three digits of their identifying phone
2 number.

3 After you are called on, you will be unmuted, so
4 that you can share your comments. Please also remember to
5 unmute your computer or phone and identify yourself.
6 Remember, you have a limit of two minutes to speak on an
7 item. Please keep your comments respectful and focused.
8 We will mute anyone who fails to follow those guidelines
9 or at worst dismiss them from the meeting.

10 And finally, every now and then, you might hear
11 me refer to our meeting hosts. Our Commission staff are
12 acting as hosts for the meeting behind the scenes to
13 ensure the technology moves the meeting forward smoothly
14 and consistently.

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

24 Chair Kounalakis. That concludes my virtual
25 meeting instructions. We are ready to move to the regular

1 calendar.

2 CHAIRPERSON KOUNALAKIS: Thank you, Ms. Lucchesi.
3 The next order of business will be the regular calendar.
4 Item 2 is to consider supporting President Biden's request
5 to include \$310 million in an emergency supplemental bill
6 for essential upgrades and expansion of the federally
7 operated South Bay International Wastewater Treatment
8 Plant. May we please have the presentation?

9 (Thereupon a slide presentation).

10 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi, we can't
11 hear you.

12 EXECUTIVE OFFICER LUCCHESI: Oh, our -- I'm
13 sorry. Our staff member Katie Robinson-Filipp will be
14 providing staff's recommendation. I think she's just
15 trying to come off mute now and --

16 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
17 you.

18 Hello and thank you Madam Chair and
19 commissioners. My name is Katie Robinson-Filipp and I'm
20 an environmental scientist at the Commission. Today, I'm
21 presenting on President Joe Biden's request to Congress
22 for \$310 million in emergency funding to support water
23 infrastructure within the Tijuana River Valley.

24 Next slide, please.

25 --o0o--

1 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: In
2 October of this year, President Joe Biden requested that
3 310 million in emergency some -- emergency funding to
4 support the ongoing design and construction at the South
5 Bay International Wastewater Treatment Plant be included
6 in a supplemental funding request. The 310 million would
7 supplement the 300 million that Congress approved in 2021
8 to cover the expansion of the South Bay Treatment Plant.

9 The funding is urgently needed to address the
10 transboundary pollution from Mexico into Southern
11 California, a severe crisis that is an environmental
12 justice issue that negatively impacts public health due to
13 reduced air and water quality, damages critical coastal
14 and estuarine habitat, affects border security and
15 military personnel, and hurts local businesses and
16 tourism.

17 Next slide, please.

18 --o0o--

19 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: The
20 Commission has jurisdiction over tide and submerged land
21 located in and near the Tijuana River watershed. The
22 Commission leases land in the Tijuana River Estuary to the
23 California Department of Parks and Recreation for the
24 Border Field State Park and to the U.S. Fish and Wildlife
25 Service for the Tijuana River National Estuarine Research

1 Reserve.

2 The City of San Diego in the U.S. section of the
3 International Boundary and Water Commission leased tide
4 and submerged land in the Pacific Ocean for an outfall
5 associated with the South Bay International Wastewater
6 Treatment Plant.

7 Next slide, please.

8 --o0o--

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

16 These transboundary flows significantly impact
17 the nearby coastal communities and marine and estuarine
18 habitats. For example, the main beach in Imperial Beach
19 has been closed for the majority of the last two years due
20 to excessive and unsafe levels of bacteria from untreated
21 sewage flows, which pose a health risk to the public. It
22 is a critical environmental justice issue.

23 During periods of transboundary flows, air
24 quality is also impacted as bacteria and pollutants are
25 aerosolized. Affected communities experience increases in

1 gastrointestinal issues and lung issues, as well as
2 impacts to mental health.

3 This pollution not only impacts public health,
4 but also restricts public beach access and results in
5 economic consequences linked to decreased recreation and
6 tourism.

7 Next slide, please.

8 --o0o--

9 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: The
10 Commission has remained actively involved in calling
11 attention to the crisis and advocating for action. The
12 Commission has commented on environmental review of
13 infrastructure projects, advocated and supported
14 legislation to direct funding and resources towards
15 addressing the crisis, and last year was part of a
16 coalition of government agencies and clean water advocates
17 in reaching a settlement with the U.S. Section of the
18 International Boundary and Water Commission on
19 cross-border water pollution in the Tijuana River Valley.

20 During the October 2023 meeting -- Commission
21 meeting, staff provided an update to the Commission about
22 the ongoing crisis and heard testimony from the Mayor of
23 Imperial Beach, Paloma Aguirre, from the Port of San
24 Diego.

25 Next slide, please.

--o0o--

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

In November 2022, the U.S. EPA International Boundary and Water Commission released a Programmatic Environmental Impact Statement for infrastructure improvement projects and signed the Record of Decision in June 2023 identifying the actions that the U.S. EPA and International Boundary and Water Commission will seek to implement. These include projects to expand the South Bay International Wastewater Treatment Plant, manage Tijuana canyon flows to the International Wastewater Treatment Plant, implement Tijuana sewer repairs, and build an advanced Primary treatment plant.

Additional supplemental projects were also identified and included in the Record of Decision. However, many of these projects will require additional environmental review and funding that has not yet been

1 secured. After reassessing the funds needed to fully
2 plan, design, and implement the expansion of the South Bay
3 International Wastewater Treatment Plant, including
4 accounting for inflation, the U.S. EPA and International
5 Boundary and Water Commission determined that additional
6 funds were necessary.

7 In response, Governor Newsom -- Governor Gavin
8 Newsom, Lieutenant Governor and State Lands Commission
9 Chair Eleni Kounalakis, and other federal, State, and
10 local political leaders in California have called on the
11 Biden administration and Congress to support additional
12 funding. The Biden administration's request to include
13 310 million in a supplemental funding bill is critically
14 necessary to ensure that U.S. EPA and International
15 Boundary and Water Commission can continue making progress
16 on implementing the South Bay International Wastewater
17 Treatment plan expansion efforts.

18 Next slide, please.

19 --o0o--

20 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP:

21 Commission staff recommend that the Commission
22 approve and sign a letter to Congress supporting both the
23 request of 310 million in an emergency funding and an
24 expeditious[SIC] approval.

25 Next slide, please.

1 --o0o--

2 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
3 you. This concludes our presentation on President Joe
4 Biden's request to Congress for 310 million in emergency
5 funding to support water infrastructure within the Tijuana
6 River Valley and we're happy to answer any questions.

7 Thank you.

8 CHAIRPERSON KOUNALAKIS: Thank you very much, Ms.
9 Robinson-Filipp.

10 Commissioner Cohen, do you have any comments or
11 questions?

12 COMMISSIONER COHEN: I do actually have a
13 question. I wanted to know how did we come -- or how did
14 the Biden administration settle on the \$310 million as
15 opposed to 350 or just 300? I'm just curious to know how
16 that number came about.

17 CHAIRPERSON KOUNALAKIS: Ms. Robinson-Filipp.

18 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
19 So this request came from calls from political leaders,
20 including Governor Gavin Newsom in his letter to President
21 Joe Biden, as well as Lieutenant Governor Eleni
22 Kounalakis. The value originates from the U.S. EPA and
23 International Water and Boundary Commission's estimates of
24 what the necessary amount is needed to help address that
25 gap in funding currently.

1 CHAIRPERSON KOUNALAKIS: Any other questions,
2 Commissioner Cohen, or comments?

3 CHAIRPERSON KOUNALAKIS: Commisioner Miller, do
4 you have any comment or questions?

5 ACTING COMMISSIONER MILLER: (Shakes head).

6 CHAIRPERSON KOUNALAKIS: Okay. Michelle, do we
7 have any public comments?

8 OFFICE TECHNICIAN PELKA: Yes. Our first speaker
9 on this item is Flora Coden. Flora, please unmute
10 yourself and begin your comment.

11 CHAIRPERSON KOUNALAKIS: Is the commenter having
12 difficulty?

13 OFFICE TECHNICIAN PELKA: It appears they have
14 not unmuted themselves yet. Flora, please unmute
15 yourself. They just unmuted themselves.

16 CHAIRPERSON KOUNALAKIS: Okay.

17 FLORA CODEN: Hi, this is Flora. Sorry about
18 that. Can you hear me?

19 CHAIRPERSON KOUNALAKIS: We can hear you now.
20 Please proceed.

21 FLORA CODEN: Great. Honorable Chair and
22 Commission members. My name is Flora Coden and I'm a
23 current master's student at the Scripps Institution of
24 Oceanography at UC San Diego and a proud San Diego
25 resident of seven years.

1 I've been aware of the ongoing water quality
2 crisis at the border and urge the Commission to support
3 President Biden's request to allocate an additional \$310
4 million towards the expansion and upgrades of the South
5 Bay International Waste Water Treatment Plant. It's easy
6 to take it for granted when we are able to wake up in the
7 morning and decide whether or not we want to go surfing,
8 or snorkeling, or take our dog for a run through the wake,
9 but it's important to remember that water quality is not
10 something to be taken for granted.

11 As you heard in the staff report, Imperial Beach,
12 just a 20-minute drive south from San Diego, has had its
13 main stretch of beach closed every day of 2023. The
14 elevated bacterial levels from discharges of the sewage
15 treatment plant south of the border can cause serious
16 health problems, not to mention harm to local marine
17 wildlife.

18 According to the U.S. International Boundary and
19 Water Commission, more than 100 billion gallons of toxic
20 waste have flowed over the border from Tijuana as far
21 north as Coronado. This problem is not contained south of
22 the border. It's affecting our local San Diego waters as
23 well.

24 With heavy storms such as Tropical Storm Hilary
25 that hit our area in August of this year, inflows exceeded

1 the plant's capacity by 100 to 320 percent for 12 hours,
2 requiring even more repairs than were initially required.
3 The proposed funding will be put towards improvements to
4 infrastructure and capacity of the treatment plant, and is
5 expected to be completed in 2027.

6 According to the EPA, it would result in a 50
7 percent reduction in the number of days of transboundary
8 wastewater flow in the Tijuana River and an 800 percent
9 de -- 80 percent decrease, excuse me, in the amount of
10 untreated sewage discharged into the ocean. Aside from
11 the obvious health concerns from raw sewage in the water,
12 the contamination can harm wildlife and biodiversity of
13 the ocean in coastal areas, and beach closures can cause
14 huge economic losses for these border towns.

15 I urge the Commission to approve the staff
16 recommendation to support the President's request to
17 allocate an additional \$310 million to the South Bay
18 International Wastewater Treatment Plant.

19 Thank you for your consideration.

20 CHAIRPERSON KOUNALAKIS: Thank you, Michelle.

21 May we have the next speaker, please?

22 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
23 is Phillip Musegaas. Phillip, please unmute yourself and
24 begin your comment.

25 PHILLIP MUSEGAAS: Thank you. This is Phillip

1 Musegaas. I'm the Executive Director of San Diego
2 Coastkeeper. Thank you, Madam Chair and the other
3 Commissioners for giving us this opportunity today. I'll
4 keep my comments pretty short. Coastkeeper supports the
5 staff's recommendation to send a letter to Congress
6 regarding the Tijuana sewage crisis.

7 You know, I would just echo the previous
8 commenter's summary of how urgent this crisis is and I
9 would also thank the staff of the Commission for your
10 strongly worded draft letter. I think it summarized the
11 problems pretty well. It would just emphasize that, you
12 know, time is not on our side. We are going into a El
13 Niño season. We're very concerned about the condition of
14 the South Bay ITP. You know, based on their own reports
15 from the IBWC, that plant is close to failure. And if we
16 have another severe winter storm, it could completely
17 fail. And so, you know, we think this is an
18 all-hands-on-deck situation, where we really appreciate
19 your support.

20 And a couple things I want to note while I have
21 time, just a reminder that this is -- or just to note to
22 you all that this is not just untreated sewage that is
23 going into the Pacific Ocean and being carried up the
24 beach to these communities, it is also toxic chemicals.
25 The plant is not designed to treat many of the hazardous

1 substances that are passed through the plant. And under
2 the South Bay ITP's current Clean Water Act discharge
3 permit, they have chronic and severe violations of their
4 permit for all sorts of chemicals such as toxaphene,
5 benzidine, DDT, PCBs, and other hazardous substances, many
6 of which were banned in the U.S. decades ago.

7 And so from Coastkeeper's perspective, you know,
8 any solution to this problem has to address treating those
9 toxic wastes as well as the sewage. So thank you for your
10 time.

11 CHAIRPERSON KOUNALAKIS: Thank you.

12 Michelle, next speaker, please.

13 OFFICE TECHNICIAN PELKA: Our next speaker is
14 Hein. Hein, you may unmute yourself and begin your
15 comment.

16 HEIN AUSTIN: Can you hear me?

17 CHAIRPERSON KOUNALAKIS: Yes.

18 HEIN AUSTIN: Hi. Slide number one, please.
19 Thank you for this opportunity. My name is Hein Austin
20 and I would like to talk about discrimination in Newport
21 Beach. Thank you for this letter of concern regarding
22 increasing residential pier footprints in Newport Harbor.

23 Slide number two.

24 CHAIRPERSON KOUNALAKIS: Oh, I'm just going to
25 stop you real quick. Does this have to do with the issue

1 of -- that we're discussing right now or would you like to
2 present in the public comment period for items that are
3 not on the agenda.

4 HEIN AUSTIN: This is just an intro -- this is
5 not regarding the topic. It's general comment.

6 CHAIRPERSON KOUNALAKIS: Could I ask you to hold
7 while we finish taking public comment on this item. And
8 we will be -- as soon as we finish, we'll go into the next
9 public comment period and we would be happy to hear from
10 you then.

11 HEIN AUSTIN: I'm sorry. I thought this is my
12 public comment session.

13 CHAIRPERSON KOUNALAKIS: Okay. It will be as
14 soon as we finish public comment on this item.

15 HEIN AUSTIN: Oh, I see. Okay.

16 CHAIRPERSON KOUNALAKIS: Okay. Michelle, do we
17 have anyone who would like to speak on this item?

18 OFFICE TECHNICIAN PELKA: At this point in time,
19 we have no other hands raised for comment on this item

20 CHAIRPERSON KOUNALAKIS: Okay. Before I make my
21 comments, do we have a motion to adopt staff's
22 recommendation and a second?

23 COMMISSIONER COHEN: I'll make that motion and I
24 do have comments as well.

25 ACTING COMMISSIONER MILLER: And I will second,

1 Madam Chair. And I'm going to apologize that I'll be off
2 camera the rest of this meeting. So my apologies.

3 Thank you.

4 CHAIRPERSON KOUNALAKIS: Okay. Before we call
5 the roll, I would just like to thank everyone who again
6 and again comes to these the meetings, writes letters,
7 comes to public meetings and continues relentlessly to
8 raise awareness of this crisis on our border of the
9 Tijuana River. I'm very pleased that our outcry is being
10 heard, and that the federal government is more engaged
11 than ever, and the Biden Administration is more engaged
12 than ever to make sure that we have the resources to be
13 able to build the facilities necessary to just begin to
14 tackle the challenge of this crisis.

15 So I'm also very grateful of the Governor and his
16 team for their focus and attention to get us to this
17 point. And I strongly recommend that we approve this
18 letter to bring the weight of the State Lands Commission
19 to bear in our opinion that the President should request
20 and receive these funds for the improvement of the
21 facilities.

22 Ms. Commissioner Cohen, you said you also had
23 comments.

24 COMMISSIONER COHEN: Yes, I do. Thank you very
25 much, Madam Lieutenant Governor and Chair. Good

1 afternoon, fellow Californians. I am really excited to
2 cast my vote in favor of this measure. And recognizing
3 that this is only a step in the right direction. But as a
4 long -- life-long Californian and someone who enjoys the
5 coastline - I was just at the beach two weeks ago with my
6 only daughter - I recognize the importance of connecting
7 to nature and also recognize the importance of having
8 clean water around us. And I am delighted to be passing
9 my vote in favor of this letter to the federal government
10 and really proud that -- of the Biden and the Newsom
11 Administration for stepping in this -- in this area.

12 I want to acknowledge the advocacy that's been
13 around this matter for years. I am new to the Commission.
14 I am new to this issue, but just wanted to let you know
15 that I would like to join you and be your ally as we
16 continue to lift voice and continue to fight to bring
17 environment -- to correct environmental injustice when it
18 comes to the Tijuana River.

19 Thank you.

20 CHAIRPERSON KOUNALAKIS: Thank you, Commissioner
21 Cohen.

22 Commissioner Miller, do you have any comments or
23 questions?

24 Ms. Lucchesi --

25 ACTING COMMISSIONER MILLER: No, thank you.

1 Thank you.

2 CHAIRPERSON KOUNALAKIS: So we have a motion by
3 Commissioner Cohen, I believe, and a second by
4 Commissioner Miller. Ms. Lucchesi, will you please
5 conduct a roll call vote.

6 EXECUTIVE OFFICER LUCCHESI: Yes. Certainly.
7 Commissioner Cohen?

8 COMMISSIONER COHEN: Aye.

9 EXECUTIVE OFFICER LUCCHESI: Commissioner Miller?

10 ACTING COMMISSIONER MILLER: Aye.

11 EXECUTIVE OFFICER LUCCHESI: Chair Kounalakis?

12 CHAIRPERSON KOUNALAKIS: Aye.

13 EXECUTIVE OFFICER LUCCHESI: The motion passes
14 unanimously.

15 CHAIRPERSON KOUNALAKIS: Okay. Our next order of
16 business is the public comment period.

17 If anyone would like to address the Commission on
18 any matter not on today's agenda, you will have two
19 minutes to provide your comments. Michelle, please call
20 on the first person who would like to make a public
21 comment.

22 OFFICE TECHNICIAN PELKA: Yes. Our first public
23 commenter will be Hein. You may unmute yourself and begin
24 your comment.

25 HEIN AUSTIN: Can you hear me?

1 CHAIRPERSON KOUNALAKIS: Yes, we can.

2 HEIN AUSTIN: Can you display my slide number one
3 before we start?

4 Thank you for this opportunity. My name is Hein
5 Austin and I would like to talk about discrimination in
6 Newport Beach. Thank you also for this letter of concern
7 regarding increasing residential private pier footprints
8 in Newport Harbor.

9 Slide two, please.

10 --o0o--

11 HEIN AUSTIN: Safety discrimination. There is
12 also another project before the Coastal Commission to
13 reduce mooring footprints. I'm one of 1,200 mooring
14 permittees in Newport Harbor who strongly opposed the new
15 mooring condensing plan, because it will make getting on
16 and off moorings extremely hazardous for regular boaters,
17 given the exposure to strong prevailing wind and current
18 conditions in Newport Harbor, and being only seconds away
19 from making contact with a neighbor.

20 Slide number three, please.

21 --o0o--

22 HEIN AUSTIN: This is a rate discrimination
23 financials, showing that there are roughly 6,500 boats in
24 Newport Harbor according to this 21 -- 2021 tidelands
25 revenue statement. The 1,200 moorings onshore and

1 offshore generate about 1,000 -- \$1.3 million in revenue.
2 Most of the remaining boats in the harbor are tied to
3 residential private piers where the total revenue is only
4 \$270,000 dollars per year. This means there are roughly
5 four times as many boats generate four times less revenue.
6 And this is a major rate discrimination problem in the
7 City of Newport Beach and it's Title 17 and a clear
8 violation of the granting statutes put -- that puts
9 affordable boaters -- the boating community in a serious
10 disadvantage.

11 The city uses two separate methodologies for
12 charging the rates -- these rates on the same tidelands,
13 one for the private pier permittees and another for the
14 mooring permittees. And if you would like -- if you're
15 interested in hearing more about and want my phone number,
16 I can explain how these methodologies work.

17 Slide number four, please. And this is the last
18 one.

19 --o0o--

20 HEIN AUSTIN: According to the granting statutes,
21 and I quote, "The city and its successors shall make no
22 discrimination in rates, tolls, and charges."

23 Thank you for your time.

24 CHAIRPERSON KOUNALAKIS: Thank you very much.

25 Michelle, we have -- may we have the next

1 speaker?

2 OFFICE TECHNICIAN PELKA: Our next speaker is
3 Jennifer Krestan. Jennifer, you may unmute yourself and
4 begin your comment.

5 CHAIRPERSON KOUNALAKIS: Jennifer we cannot hear
6 you.

7 Michelle, is there an issue?

8 OFFICE TECHNICIAN PELKA: It appears the system
9 is still trying to promote Jennifer to panelist.
10 Jennifer, you may unmute yourself and begin your comment.

11 JENNIFER KRESTAN: Yes. Okay. Here I am. Can
12 you hear me now?

13 CHAIRPERSON KOUNALAKIS: Yes, we can.

14 JENNIFER KRESTAN: Thank you very much.

15 Thank you very much. Thank you very much for
16 letting me come and say a few things. It's my
17 understanding that due to an inquiry by your staff, the
18 SLC staff, the Newport Beach City Council recently
19 postponed enactment of certain municipal harbor codes that
20 would allow widespread encroachments beyond the
21 established pier lines and into the navigable submerged
22 tidelands of Newport Harbor. And I greatly appreciate SLC
23 staff making the inquiry, because I believe the enactment
24 of the harbor code terms will cause permanent adverse
25 cumulative impacts to general navigation and public access

1 in Newport Harbor.

2 Also, it appears that one harbor group, the
3 waterfront property owners, will receive positive results
4 from the proposed changes while others, mooring users,
5 will receive seriously negative results. The Newport
6 Harbor -- Beach Harbor Commission's plan to relocate and
7 densify the mooring fields by realigning the moorings
8 would create a dangerous situation. There's a reason that
9 boats on single-point moorings like those located in front
10 of two Newport Beach yacht clubs usually face the same
11 direction, generally into the wind. That's the safe
12 direction from which to approach a mooring.

13 Single point moorings allow boaters to approach
14 their moorings from 360 degrees. Double point, or tandem
15 moorings, allow boaters to approach from two directions
16 only. Currently, boaters on double point moorings who are
17 trying to access their mooring during wind and/or tidal
18 event and are unable to pick up their spreader line are
19 able to continue through the fairways and return for
20 another shot at it.

21 Having been in this situation, I appreciate the
22 ability to access the fairways, especially since in the
23 proposed new configuration, there's no option for a boat
24 that cannot secure its mooring on the first try. These
25 boats would have nowhere to go. This may be a less

1 dangerous situation for power boats with twin screws and
2 thrusters, but it's a nightmare for sail boats that do not
3 have these features.

4 In addition, the ability of mooring users to
5 access their offshore moorings from a shoreside location
6 would be greatly affected, because who knows where their
7 mooring will be in relation to their shore access. The
8 Harbor Commission is using America's Cup Harbor in San
9 Diego an example of what they want to create in Newport
10 Harbor. There's a reason that no other harbor in Southern
11 California has implemented the America's Cup Harbor
12 configuration. America's Cup Harbor is unique. There are
13 no other harbors that experience the same condition as
14 America's Cup Harbor. That is minimal current and very
15 little wind.

16 Newport Harbor experiences the opposite
17 conditions in the extreme. Cramming boats together in the
18 middle of the harbor in order to obtain a more orderly
19 aspect is ridiculous and dangerous concept. The only
20 people who would benefit from this plan are those
21 waterfront homeowners who wish to extend their docks into
22 the channel, so they can accommodate a larger yacht or
23 several small vessels and individuals who are
24 uncomfortable with the natural look of the harbor.

25 Can I continue?

1 The state of California's original concept for
2 the mooring fields was to create an opportunity for common
3 folk to be able to have a boat on a mooring and enjoy
4 Newport harbor. It also included (inaudible) --

5 CHAIRPERSON KOUNALAKIS: I'm so sorry --

6 JENNIFER KRESTAN: -- access their offshore
7 mooring.

8 CHAIRPERSON KOUNALAKIS: Can I -- can I just
9 pause you for a moment. How much are you requesting?

10 JENNIFER KRESTAN: I'm sorry, what?

11 CHAIRPERSON KOUNALAKIS: How much more time do
12 you need?

13 JENNIFER KRESTAN: I just have another paragraph.

14 CHAIRPERSON KOUNALAKIS: Okay. Go ahead.

15 JENNIFER KRESTAN: Okay. The tidelands of
16 Newport Harbor belong to the people of California, not the
17 City of Newport Beach. I would also like to notify the
18 Commissioners that the City is blatantly discriminating in
19 the rates it charges different boater groups for the use
20 of tidelands in Newport.

21 In brief, the City uses two vastly different
22 methodologies in setting tideland rates for different
23 boaters in Newport Beach. One group receives a favorable
24 methodology while the mooring unit -- I believe this is
25 also what Hein said, the results and rates that are

1 approximately 20 times hard -- higher. That too is
2 blatant discrimination and we request the State Lands
3 Commission or staff to investigate the pattern of
4 discrimination in Newport Harbor in view of the city's
5 handling of the responsibilities they have been given.

6 That's it.

7 CHAIRPERSON KOUNALAKIS: Thank you. Thank you
8 very much. Michelle --

9 JENNIFER KRESTAN: Thank you very much for
10 listening to all that.

11 CHAIRPERSON KOUNALAKIS: Sure. Michelle, do we
12 have anyone else to address the Commission?

13 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
14 is Scott Karlin. Scott, you may unmute yourself and begin
15 your comment.

16 SCOTT KARLIN: Hi.

17 CHAIRPERSON KOUNALAKIS: Scott. There we go. Go
18 ahead.

19 SCOTT KARLIN: I think I turned it on. Okay.
20 Thank you so much. And I don't know when the clock
21 starts, but I've been paring down what I was going to say,
22 so that I can get it under two minutes. So I think I've
23 already started. Oh, my gosh.

24 CHAIRPERSON KOUNALAKIS: It's okay. Relax. Go
25 ahead.

1 SCOTT KARLIN: Than you, commissioners.
2 Yesterday, I emailed detailed information about what
3 appears to be historic discrimination against mooring
4 holders in Newport Harbor. I hope you will have an
5 opportunity to review the written material. So I'm not
6 going to repeat that here.

7 Newport's proposal, the one that was currently
8 looked at and talked about, was to allow a handful of
9 homeowners to extend into the tidelands to moor their
10 yachts. Maybe that's a good idea, maybe it isn't. I'm
11 not really criticizing that. But at the same time,
12 Newport is asking that critically needed space be taken
13 away from mooring holders. This is space directly in
14 front of or behind a mooring that is used to safely get
15 onto and off of a mooring, especially when dealing with
16 the local tides and tidal currents I should say and winds.

17 The less space, the more dangerous the situation.
18 Unsafe access is no access. While taking away space from
19 mooring holders is currently being looked at by the
20 Coastal Commission, the matter of discrimination as well
21 as access -- the matter of access should be of concern to
22 this Commission and also, of course, concern to hundreds
23 of thousands of small boat owners statewide.

24 These recent proposals come from a city that, in
25 my view, has historically discriminated against mooring

1 holders when compared to the treatment of local residents
2 and local businesses that use the tidelands for their
3 restaurants, private docks, marinas, and other uses.

4 Sadly, the -- in the last few years, we've seen
5 this discrimination appear to get worse, not better. So
6 this discrimination runs against both the letter of the
7 law and the spirit of the law that go into both the
8 enabling statutes and go back over 100 years and I've
9 actually quoted from 1919 the non-discrimination acts that
10 govern their administration of the harbor.

11 So all I ask respectfully is the Commission read
12 my comments that I sent yesterday, if they have time, and
13 to take whatever action or make whatever inquiry the
14 Commission deems appropriate.

15 Thank you.

16 CHAIRPERSON KOUNALAKIS: Thank you very much.

17 Michelle, next speaker, please.

18 OFFICE TECHNICIAN PELKA: Yes. Our next speaker
19 is Erin VandeVen. Erin, you may unmute yourself and begin
20 your comment.

21 ERIN VANDEVEN: Good afternoon, Madam Chair and
22 commissioners. Thank you for allowing me to speak.
23 Firstly, I need to point out that I am an employee of the
24 city of Los Angeles. My opinions here today are mine and
25 my alone and do not represent my employer.

1 My name is Erin VandeVen and I am a grad student
2 at Scripps Institution of Oceanography. I'm here to
3 respectfully ask that you push for another look at the
4 approved five-year program to drill for oil and gas in
5 Long Beach to require updated environmental reviews that
6 take into account the known harms of oil operations,
7 including air and water pollution and emission of
8 greenhouse gases.

9 You may be wondering why a student in San Diego
10 may have a vested interest in Long Beach alone and not the
11 full leasing area with Exxon. Well, a simple part-time
12 job at a local Los Angeles aquarium has opened my eyes to
13 the beauty and wonder of all that California has to offer.
14 I often get to witness the people -- the joy on people's
15 faces when they see their first sea lion, mola molas, or
16 seabirds near Long Beach. But nothing quite compares to
17 when a person sees our infamous gray whales, which migrate
18 past our coast twice a year. More recently, they've been
19 found within the LA Harbor which is also in Long Beach.

20 Unfortunately, with all the joy I get to witness,
21 I also have had a front seat to the population decline of
22 gray whales. Within the last seven years, the population
23 of gray whales has declined by over 12,000. This and
24 other species who frequent the waters in and around Long
25 Beach need us now more than ever to make sure we're doing

1 our part to keep them safe from human activities,
2 especially the harmful impacts a gas spill could have.

3 It's fair to say that we've all been in a
4 situation where you regretted not taking an extra moment
5 or pause before making a decision when the outcome turned
6 to be awful and could have been avoided if we only took
7 the time.

8 Let's not do that with our oceans. Let's not
9 wish we would have ensured the safety of drilling for oil
10 and gas as we clean it off another sea lion. This is
11 worth making sure our "i"'s are dotted and our "t"'s are
12 crossed before continuing to approve a project that
13 Environmental Impact Statements are highly outdated,
14 because of this, I would -- because I and others would
15 love to continue to see the joy on people's faces from the
16 beauty of our Southern California ocean.

17 Thank you for your time

18 CHAIRPERSON KOUNALAKIS: Thank you very much.

19 Michelle, next speaker, please.

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

22 CHAIRPERSON KOUNALAKIS: Thank you, Michelle.

23 That concludes our public comment period.

24 Do any of the commissioners have any comments or
25 questions?

1 COMMISSIONER COHEN: I have no further comments
2 or questions. Thank you.

3 ACTING COMMISSIONER MILLER: No thank you.

4 CHAIRPERSON KOUNALAKIS: Ms. Lucchesi, what is
5 the next order of business?

6 EXECUTIVE OFFICER LUCCHESI: Our next order of
7 business is to adjourn this public meeting.

8 CHAIRPERSON KOUNALAKIS: Thank you very much.
9 That concludes the open meeting. We are adjourned.

10 (Thereupon the California State Lands

11 Commission meeting adjourned at 12:41 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 4th day of December, 2023.



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