

MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

ZOOM PLATFORM

PORT OF LOS ANGELES
HARBOR ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CALIFORNIA

THURSDAY, APRIL 4, 2024
12:00 P.M.

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

J&K COURT REPORTING, LLC
JPETERS@JKREPORTING.COM

APPEARANCES

COMMISSION MEMBERS:

Malia Cohen, State Controller, Chair, also represented by
Kristina Kunkel

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

Joe Stephenshaw, Director, Department of Finance,
represented by Michele Perrault

STAFF:

Jennifer Lucchesi, Executive Officer

Seth Blackmon, Chief Counsel

Jalal Abedi, Petroleum Resources, Engineer, Mineral
Resources Management Division

Cathy Chan, Associate Government Program Analyst

Sheri Pemberton, Chief, External Affairs Division

ATTORNEY GENERAL:

Sahar Durali, Deputy Attorney General

ALSO PRESENT:

Chris Benzen

Eileen Boken, Sunset-Parkside Education and Action
Committee, Coalition for San Francisco Neighborhoods

Brady Bradshaw, Center for Biological Diversity

Cory Biggs

Marcus Bush, Councilmember, City of National City, San
Diego Air Pollution Control District

APPEARANCES CONTINUED

ALSO PRESENT:

Ann Cantrell, Sierra Club, Los Cerritos Wetlands Taskforce

Jessie Fleming

Barbara Griffith

Peter Kaz

Adam Leverenz

David Libatique, Port of Los Angeles

Luz Molina, Councilmember, City of National City

Jacqueline Moore

Jonathan Ullman, Pacific Merchant Shipping Association

Laura Wilkinson Sinton

Adam Wilson, San Diego County Local Agency Formation
Commission

Wade Womack

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I	Open Session	1
II	Public Comment	5

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 February 26, 2024 meeting	40
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IV	Executive Officer's Report	42
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Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:

- Delta Bay Club, LLC (Lessee): Continuation of rent at \$4,817 per year for a General Lease - Commercial Use located on State sovereign land in the San Joaquin River, near Isleton, Sacramento County. (PRC 7067)

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 01-49	46
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The following items are considered to be noncontroversial and are subject to change at any time up to the date of the meeting.

Land Management

Northern Region

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- 01 L. TIM ROCHFORD AND CAROL ROCHFORD (LESSEE);
MICHAEL U. ALVAREZ AND NANCY L. ALVAREZ,
TRUSTEES OF THE MICHAEL AND NANCY ALVAREZ
1999 FAMILY TRUST DATED SEPTEMBER 15, 1999 AS
AMENDED AND RESTATED SEPTEMBER 21, 2001
(APPLICANT): Consider termination of Lease
Number 7277, a General Lease - Recreational
Use; and an application for a General Lease -
Recreational Use, of sovereign land located
in Lake Tahoe, adjacent to 1340 West Lake
Boulevard, near Tahoe City, Placer County;
for an existing pier, two boathouses, three
boat lifts, and boat hoist. CEQA
Consideration: categorical exemption. (Lease
7277; A4465; RA# 2023181) (A 1; S 1, 4)
(Staff: M. Harless)
- 02 BARBARA C. THORTON, TRUSTEE OF THE BARBARA C.
THORTON TRUST DATED SEPTEMBER 18, 2009
(LESSEE); SANDRA H. BARRETT AND JOHN P.
BARRETT (APPLICANT): Consider termination of
Lease Number 5316, a General Lease -
Recreational Use and an application for a
General Lease - Recreational Use, of
sovereign land located in Lake Tahoe,
adjacent to 8748 Brockway Vista Avenue, Kings
Beach, Placer County; for one existing
mooring buoy and the installation and use of
one additional mooring buoy. CEQA
Consideration: categorical exemptions. (Lease
5316; A3809; RA# 2022089) (A 1; S 1, 4)
(Staff: M. Waldo)
- 03 DOUGLAS ROBERT BRIEN AND RAMIAH SHANTI BRIEN,
TRUSTEES OF THE DOUGLAS ROBERT BRIEN AND
RAMIAH SHANTI BRIEN 1998 TRUST DATED MARCH
20, 1998, AS RESTATED (APPLICANT): Consider
application for a General Lease -
Recreational Use, of sovereign land located
in Lake Tahoe, adjacent to 200 Pine Street,
near Tahoma, Placer County; for use of two
existing mooring buoys, removal of an
existing mooring buoy, removal of an existing
boat ramp, and construction and use of a new
pier and installation of a boat lift. CEQA
Consideration: categorical exemptions.

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- (A4331; RA# 2023083) (A 1; S 1, 4) (Staff: M. Sapunor)
- 04 JOSEPH P. COLMERY AND LAURIE W. COLMERY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 632 Olympic Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (Lease 8624; A4443; RA# 2023163) (A 1; S 1, 4) (Staff: M. Haflich)
- 05 LINDA N. DAVIS, SCOTT E. BOHANNON, ROBERT WEBSTER, ALIDA C. LATHAM, AND ALVIN T. LEVITT, TRUSTEES OF THE DAVID D. BOHANNON AND OPHELIA E. BOHANNON 1988 IRREVOCABLE TRUST FOR ISSUE DATED OCTOBER 22, 1988 (APPLICANT): Consider application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 3655 Idlewild Way, Homewood, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 4311; A4271; RA# 2023047) (A 1; S 1, 4) (Staff: M. Pelka)
- 06 BRIAN A. FAHEY AND LAUREN KONDO (APPLICANT): Consider issuance of a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 10461 Garden Highway, near Sacramento, Sutter County; for a boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (Lease 7736; A4375; RA# 2023167) (A 3; S 6) (Staff: M. Harless)
- 07 PETER MARTIN GLICK AND LYNNE MARY GLICK, TRUSTEES OF THE GLICK REVOCABLE TRUST; MICHAEL D. GLICK AND BARBARA J. GLICK, TRUSTEES OF THE GLICK FAMILY LIVING TRUST DATED MARCH 7, 2003 (LESSEE); DAMIAN DOUGLAS GLICK; STEVEN J. DRENNAN AND TRISTINE B. DRENNAN, TRUSTEES UNDER THE DRENNAN LIVING TRUST DATED APRIL 14, 2021; MATTHEW PENNINGTON AND ELIZABETH PENNINGTON, TRUSTEES OF THE PENNINGTON FAMILY TRUST DATED MARCH 10, 2017; HEATHER LYNEE ZOOK, TRUSTEE OF THE HEATHER ZOOK FAMILY TRUST DATED JUNE 4, 2021,

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- AS RESTATED ON MAY 22, 2023 (APPLICANT):
Consider acceptance of a lease quitclaim deed
and issuance of a General Lease -
Recreational Use, of sovereign land located
in Lake Tahoe, adjacent to 849 Stateline
Avenue, South Lake Tahoe, El Dorado County;
for an existing pier and one mooring buoy
previously authorized by the Commission, and
the installation and use of an additional
mooring buoy not previously authorized by the
Commission. CEQA Consideration: categorical
exemptions. (Lease 3544; A4156; RA# 2022345)
(A 1; S 1, 4) (Staff: M. Waldo)
- 08 ELIZABETH GRIFFITH, TRUSTEE OF THE ELIZABETH
GRIFFITH 2019 TRUST DATED FEBRUARY 15, 2019
(APPLICANT): Consider application for a
General Lease - Recreational Use, of
sovereign land located in Lake Tahoe,
adjacent to 6966 West Lake Boulevard, near
Tahoma, Placer County; for an existing pier,
boat lift, marine rail, and two mooring buoys
previously authorized by the Commission; and
for one existing mooring buoy not previously
authorized by the Commission. CEQA
Consideration: categorical exemption. (Lease
4926; A4093; RA# 2022368) (A 1; S 1, 4)
(Staff: D. Romero)
- 09 PHILIP D. CHAPMAN AND SARAH D. CHAPMAN,
TRUSTEES OF THE CHAPMAN FAMILY LIVING TRUST
(LESSEE); NICHOLAS HAEMEL AND ANNA HAEMEL,
TRUSTEES OF THE N & A HAEMEL FAMILY TRUST
DATED SEPTEMBER 12, 2022 (APPLICANT):
Consider termination of Lease Number 3674, a
General Lease - Recreational Use; and an
application for a General Lease -
Recreational Use, of sovereign land located
in Lake Tahoe, adjacent to 3890 North Lake
Boulevard, near Carnelian Bay, Placer County;
for an existing pier, boathouse with boat
lift, sundeck with stairs, and two mooring
buoys. CEQA Consideration: categorical
exemption. (Lease 3674; A4382; RA# 2023129)
(A 1; S 1, 4) (Staff: M. Harless)

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- 10 HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT (LESSEE/SUBLESSOR); NORDIC AQUAFARMS CALIFORNIA, LLC (SUBLESSEE): Consider endorsement of a sublease under Lease Number PRC 3186, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Samoa, adjacent to Assessor's Parcel Number 401-111-006, Humboldt County; for an existing outfall pipeline. CEQA Consideration: Environmental Impact Report, certified by Humboldt County, State Clearinghouse No. 2021040532. (PRC 3186; A3254; RA# 2021069) (A 2; S 2) (Staff: M. Schroeder)
- 11 KRUGER TAHOE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 1040 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 6937; A4397; RA# 2023148) (A 1; S 1, 4) (Staff: M. Pelka)
- 12 ARTHUR GRANT BURTON AND KATHLEEN KEANE BURTON, TRUSTEES OF THE BURTON FAMILY TRUST (LESSEE); LAKE OF THE SKY, LLC (APPLICANT): Consider termination of Lease Number 8739, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3216 Edgewater Drive, Tahoe City, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (Lease 8739; A4407; RA# 2023140) (A 1; S 1, 4) (Staff: M. McGough)
- 13 LCOF LAKE TAHOE INVESTMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND LCOF LAKE TAHOE OPERATING, LLC, A DELAWARE LIMITED LIABILITY COMPANY (CO-LESSEES/CO-APPLICANT); COMMUNITY BANK N.A. (SECURED PARTY-LENDER): Consider an Agreement and Consent to Encumbrance of Lease Number 3981, a General Lease - Commercial

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- Use, of sovereign land located in Lake Tahoe, adjacent to 3411 Lake Tahoe Boulevard, South Lake Tahoe, El Dorado County; for an existing commercial marina. CEQA Consideration: not a project. (Lease 3981; A4366, RA 2023117) (A 1; S 1, 4) (Staff: J. Holt)
- 14 PEC TAHOE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE/APPLICANT): Consider acceptance of a lease quitclaim deed and issuance of a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7181 West Lake Boulevard (Highway 89), near Tahoma, El Dorado County; for use of an existing pier, water intake line, and buoy; and installation and use of one additional mooring buoy. CEQA Consideration: categorical exemptions. (Lease 7634; A4404; RA# 2023138) (A 1; S 1, 4) (Staff: M. Haflich)
- 15 6980 WEST LAKE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE); TAHOE CEDARS ASSOCIATION, A CALIFORNIA NONPROFIT CORPORATION (APPLICANT): Consider acceptance of a lease quitclaim deed and application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6980 West Lake Boulevard, near Tahoma, Placer County; for a pier and five mooring buoys, and removal of two water intake lines. CEQA Consideration: categorical exemptions. (Lease 3637; A4295; RA# 2023090) (A 1; S 1, 4) (Staff: D. Romero)
- 16 PATRICK WILSON AND MONICA PEDRAZZINI (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 10800 Garden Highway, Sacramento, Sutter County; for an existing boat dock, ramp, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 8750; A4130; RA# 2022314) (A 3; S 6) (Staff: L. Anderson)

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- 17 WS MARINA, LLC, A DELAWARE LIMITED LIABILITY COMPANY (LESSEE/APPLICANT); EQUITRUST LIFE INSURANCE COMPANY (PREVIOUS SECURED PARTY-LENDER); AUGUSTAR LIFE INSURANCE COMPANY, AN OHIO CORPORATION (SECURED PARTY-LENDER): Consider termination of a previous Agreement and Consent to Encumbrance of Lease Number 3953, a General Lease - Commercial Use and application for a new Agreement and Consent to Encumbrance of Lease Number 3953, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 5190 West Lake Boulevard, Homewood, Placer County; for an existing commercial marina. CEQA Consideration: not a project. (Lease 3953; A4530, RA 2023215) (A 1; S 1, 4) (Staff: J. Holt)

Bay/Delta Region

- 18 5 BROS MARINA LLC (LESSEE): Consider a continuation of rent and a revision of bond and insurance to Lease Number PRC 6855, a General Lease - Commercial Use, of sovereign land located in Seven Mile Slough, adjacent to 1200 West Brannan Island Road, near Isleton, Sacramento County; for a commercial marina. CEQA Consideration: not a project. (PRC 6855) (A 11; S 3) (Staff: V. Caldwell)
- 19 JOSHUA CHRISMAN AND SHAWNA CHRISMAN, TRUSTEES OF THE SHAWNA AND JOSHUA CHRISMAN LIVING TRUST (APPLICANT): Consider voiding invoices 55098 and 55245, waiving any penalty and interest due, and issuance of a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3001 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 8630; A4450; RA# 2023176) (A 6; S 8) (Staff: L. Anderson)
- 20 GOLDEN GATE BRIDGE, HIGHWAY, AND TRANSPORTATION DISTRICT (APPLICANT): Consider application for a General Lease - Public

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- Agency Use, of sovereign land located along the south bank of Corte Madera Creek, adjacent to Lots 29 through 81 at Greenbrae Boardwalk, and the Larkspur Ferry Terminal, near Greenbrae, Marin County; for maintenance of an existing rock riprap revetment. CEQA Consideration: categorical exemption. (Lease 7187; A3661; RA# 2022106) (A 12; S 2) (Staff: G. Asimakopoulos)
- 21 K.M.C., INC., A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in San Francisco Bay, adjacent to Assessor's Parcel Numbers 038-460-37, 038-460-38, 038-201-59, and 038-201-60, near Tiburon, Marin County; for an existing public park, breakwaters, navigational pilings, and maintenance dredging. CEQA Consideration: categorical exemptions. (Lease 2148; A3917; RA# 2022219) (A 12; S 2) (Staff: G. Asimakopoulos)
- 22 DANIEL MCKELVEY AND HOLLY MCKELVEY (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3963 Garden Highway, Sacramento, Sacramento County; for an existing covered boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 6157; A4367; RA# 2023114) (A 6; S 8) (Staff: M. Waldo)
- 23 MILLBRAE HIGHLANDS CO., L.P. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 1005 South Eliseo Drive, near Greenbrae, Marin County; for one existing boat dock. CEQA Consideration: categorical exemption. (Lease 5211; A4401; RA# 2023142) (A 12; S 2) (Staff: M. Haflich)
- 24 KATHERINE G. DANA OSTERLOH (APPLICANT): Consider application for a General Lease -

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- Recreational Use, of sovereign land located in Tomales Bay, adjacent to 12916 Sir Francis Drake Boulevard, near Inverness, Marin County; for an existing pier. CEQA Consideration: categorical exemption. (Lease 8483; A4225; RA# 2023172) (A 12; S 2) (Staff: M. Harless)
- 25 BRADLEY H. SMITH, TRUSTEE OF THE SMITH FAMILY 2001 TRUST, UTD AUGUST 13, 2001 (LESSEE/ASSIGNOR); PORT ISLETON MARINA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT/ASSIGNEE): Consider assignment of Lease Number PRC 7699, a General Lease - Commercial Use, of sovereign land located in the San Joaquin River, adjacent to 822 West Brannan Island Road, on Andrus Island, near Isleton, Sacramento County; for an existing commercial marina. CEQA Consideration: not a project. (PRC 7699; A3338; RA# 2021113) (A 11; S 3) (Staff: J. Holt)
- 26 PORT 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 145-020-040, -090, and -130; and 162-030-070 in Stockton, San Joaquin County; for the construction, use, and maintenance of a new railroad bridge; and the demolition and removal of the existing railroad swing bridge. CEQA Consideration: Mitigated Negative Declaration, adopted by the Port of Stockton, State Clearinghouse No. 2021060578, and adoption of a Mitigation Monitoring Program. (A4018; RA# 2022283) (A 13; S 5) (Staff: M. Schroeder)
- 27 SELENA RAY AND BILLY RAY (CLIFF'S RIVER MARINA) (LESSEE): Consider a revision of rent and bond to Lease Number PRC 3264, a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 8651 River Road, near Freeport, Sacramento County; for a commercial marina. CEQA Consideration: not a project. (PRC 3264) (A 9; S 3) (Staff: V. Caldwell)

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- 28 WILLIAM R. SCHOMBERG AND KAREN M. SCHOMBERG (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3099 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 5935; A3370; RA# 2021164) (A 7; S 6) (Staff: L. Anderson)
- 29 DAN S. SMITH, TRUSTEE OF THE DAN S. AND CARLA DILLARD SMITH LIVING TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3416 Snug Harbor Drive, near Walnut Grove, Solano County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (Lease 7146; A4360; RA# 2023106) (A 11; S 3) (Staff: M. Sapunor)
- 30 STOCKON MARINA PROPERTIES LLC (OWL HARBOR MARINA): Consider a revision of rent and surety bond to Lease Number PRC 4049, a General Lease - Commercial Use, of sovereign land located in Seven Mile Slough, adjacent to 1550 West Twitchell Island Road, near Isleton, Sacramento County; for a commercial marina. CEQA Consideration: not a project. (PRC 4049) (A 11; S 3) (Staff: V. Caldwell)
- 31 UNITED STATES FISH AND WILDLIFE SERVICE (LESSEE/APPLICANT): Consider amendment of Lease Number PRC 8993, a General Lease - Public Agency Use, of sovereign land located in the Napa River and Dutchman Slough, near Vallejo, Solano County; for one additional temporary sediment offloading facility, one additional dredged material slurry pipeline, and use of one additional work zone. CEQA Consideration: Environmental Impact Report/Environmental Impact Statement and Addendum, certified and adopted, respectively, by the California Department of

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Fish and Wildlife and the California State Lands Commission, State Clearinghouse No. 2007092004, and Mitigation Monitoring Program and Statement of Findings. (PRC 8993; A4185; RA# 2022360) (A 11; S 3) (Staff: J. Holt)

- 32 UNITED STATES GEOLOGICAL SURVEY (LESSEE): Consider amendment of Lease Number PRC 7650, a General Lease - Public Agency Use, of sovereign land in the Old River, Middle River, San Joaquin River, Holland Cut, False River, South Fork Mokelumne River, North Fork Mokelumne River, Little Potato Slough, Three Mile Slough, Sacramento River, Sutter Slough, Steamboat Slough, Georgiana Slough, Miner Slough, Cache Slough, and Suisun Bay, in Contra Costa, San Joaquin, Sacramento, Yolo, and Solano Counties; for the installation and use of pilings and monitoring stations, and removal of existing pilings. CEQA Consideration: categorical exemptions. (PRC 7650; RA# 2023040) (A 7, 9, 11; S 3, 5, 6) (Staff: M. Schroeder)

Central/Southern Region

- 33 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of the 2024 Category 2 Solana Beach Benchmark rental rate for sovereign land in Solana Beach, San Diego County. CEQA Consideration: not a project. (W27262) (A 77; S 38) (Staff: C. Wong)
- 34 CITY OF SAN CLEMENTE (LESSEE): Consider amendment to Lease Number 9753, a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, near San Clemente, Oceanside, and Surfside - Sunset Beach, Orange and San Diego Counties; for the dredging of an additional offshore borrow site near Surfside - Sunset Beach for the City of San Clemente Coastal Storm Damage Reduction Project/San Clemente Shoreline Protection Project. CEQA Consideration: Environmental Impact Statement/Environmental Impact Report and Addendum, certified and adopted, respectively, by the City of San

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- lemente, State Clearinghouse No. 2010084002.
(Lease 9753; RA# 2023203) (A 73, 76; S 36)
(Staff: K. Connor)
- 35 KHANH DAO AND TIFFANY LOAN PHAM (APPLICANT):
Consider application for a General Lease -
Recreational Use, of sovereign land located
in the Main Channel of Huntington Harbour,
adjacent to 17021 Bolero Lane, Huntington
Beach, Orange County; for an existing boat
dock, access ramp, and cantilevered deck.
CEQA Consideration: categorical exemption.
(A4415; RA# 2023149) (A 72; S 36) (Staff: M.
McGough)
- 36 JANE P. KING AND EARL C. KING, AS TRUSTEES OF
THE JANE P. KING FAMILY TRUST DATED SEPTEMBER
3, 1986, AS AMENDED APRIL 11, 2016
(APPLICANT): Consider application for a
General Lease - Recreational Use of sovereign
land located in the Main Channel of
Huntington Harbour, adjacent to 16662
Somerset Lane, Huntington Beach, Orange
County; for an existing boat dock and access
ramp. CEQA Consideration: categorical
exemption. (Lease 3243; A4463; RA# 2023193)
(A 72; S 36) (Staff: M. Pelka)
- 37 JPMORGAN CHASE NA AS SUCCESSOR TRUSTEE TO
FIRST REPUBLIC BANK OF THE BARON FAMILY TRUST
ORIGINALLY ESTABLISHED AUGUST 4, 1983, AS
AMENDED (APPLICANT): Consider application for
a General Lease - Recreational and Protective
Structure Use, of sovereign land located in
the Main Channel of Huntington Harbour,
adjacent to 16611 Carousel Lane, Huntington
Beach, Orange County; for an existing boat
dock, access ramp, cantilevered deck, and
bulkhead protection. CEQA Consideration:
categorical exemption. (Lease 4099; A4435;
RA# 2023159) (A 72; S 36) (Staff: M. Harless)
- 38 DEL B. BRAULT AND ANDREA MARGARETTE BRAULT,
CO-TRUSTEES OF THE BRAULT FAMILY TRUST, DATED
MAY 31, 1996, "FAMILY" TRUST (EXEMPTION
TRUST) (LESSEE); JAN H. NGUYEN (APPLICANT):
Consider termination of Lease Number 8241, a

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- eneral Lease - Recreational and Protective Structure Use; and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16681 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck, and bulkhead protection. CEQA Consideration: categorical exemption. (Lease 8241; A4208; RA# 2023097) (A 72; S 36) (Staff: M. Pelka)
- 39 TINH NGUYEN AND LAM-QUYNH NGUYEN (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16651 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck, and bulkhead protection. CEQA Consideration: categorical exemption. (Lease 8259; A4451; RA# 2023177) (A 72; S 36) (Staff: M. Sapunor)
- 40 ARNOLD AND SHIRLEY OSTROW, TRUSTEES OF THE OSTROW FAMILY TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16831 Bolero Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (Lease 7693; A4406; RA# 2023139) (A 72; S 36) (Staff: M. Sapunor)
- 41 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, near Avila Beach, San Luis Obispo County; for dredging and the deposition of material associated with the Diablo Canyon Power Plant. CEQA Consideration: California Coastal Commission Coastal Development Permit No. 9-23-0599. (Lease 9347; RA# 2023021) (A 30; S 17) (Staff: D. Simpkin)

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- 42 ERNIE W. QUIJADA, JR. AND DIANE G. QUIJADA (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16671 Carousel Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, cantilevered deck, and bulkhead protection. CEQA Consideration: categorical exemption. (Lease 5625; A4468; RA# 2023183) (A 72; S 36) (Staff: M. Harless)
- 43 SAN PEDRO BAY PIPELINE COMPANY (LESSEE): Consider a revision of rent and surety bond to Lease Number PRC 5636, a General Lease - Right-of-Way Use, of State sovereign land located in the Pacific Ocean, in San Pedro Bay, offshore Seal Beach and Huntington Beach, Orange County; for an existing oil pipeline, CEQA Consideration: not a project. (PRC 5636) (A 72; S 36) (Staff: V. Caldwell)
- 44 ROBERT SEBRING, JR. AND GAIL SEBRING, AS TRUSTEES OF THE SEBRING FAMILY TRUST DATED JANUARY 10, 2002 (LESSEE); STEPHEN TEMMING AND DIANE TEMMING (APPLICANT): Consider rescission of prior Commission authorization of assignment of a General Lease - Recreational Use; termination of Lease Number 8881, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16402 Grimaud Lane, Huntington Beach, Orange County; for an existing cantilevered deck. CEQA Consideration: categorical exemption. (Lease 8881; A4418; RA# 2023174) (A 72; S 36) (Staff: M. McGough)
- 45 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, ON BEHALF OF THE SANTA BARBARA CAMPUS (UCSB) (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in and adjacent to the Pacific Ocean near Goleta Point, Santa Barbara County; for four existing seawater

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ntake pipelines and rock revetments. CEQA Consideration: categorical exemption. (Lease 8011; A3842; RA# 2022113) (A 37; S 19) (Staff: J. Plovnick)

School Lands

- 46 KARUK TRIBE (APPLICANT): Consider rescission of previous Lease Authorization and issuance of a General Lease - Right-of-Way Use, on State-owned indemnity school lands, in a portion of Section 28, T9N, R3E, HM along Bald Hills Road, located between Weitchpec and Orick, Humboldt County; for installation, operation, and maintenance of two fiber optic cables. CEQA Consideration: Mitigated Negative Declaration, adopted by the California Public Utilities Commission, State Clearinghouse No. 2022060515, and adoption of a Mitigation Monitoring Program. (A3459; RA# 2021212) (A 2; S 2) (Staff: D. Simpkin)

Mineral Resources Management

- 47 CITY OF GRIDLEY (APPLICANT): Consider application for a Non-Exclusive Geological Survey Permit to conduct geological surveys on sovereign land, adjacent to Assessor's Parcel Numbers 024-220-025, 024-220-032, 024-220-999 located within the City of Gridley, Feather River, Section 4, Township 17 North, Range 3 East, Mount Diablo Baseline & Meridian, Butte County. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Gridley, State Clearinghouse No. 2022090465, and adoption of a Mitigation Monitoring Program. (Lease 5183; A4166; RA# 2023141) (A 3; S: 1) (Staff: C. Fox)
- 48 GILDRED SOLAR, LLC (PARTY); OCOTILLO SOLAR, LLC (APPLICANT): Consider termination of a Modification of Right of Surface Entry Agreement; and an application for a 40-year modification of the State's right of surface entry on 280 acres of State 100 percent reserved mineral interest school lands, Assessor's Parcel Number 253-390-57, located

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bout 5 miles south of the community of
Ocotillo Wells, Section 36, Township 12
South, Range 8 East, San Bernardino Baseline
& Meridian, San Diego County. CEQA
Consideration: not a project. (A4359;
Agreement 9363; RA# 2023130) (A 75; S 32)
(Staff: R. Lee)

Marine Environmental Protection

- No items for this section.

Administration

- No items for this section.

Legal

- 49 CALIFORNIA STATE LANDS COMMISSION (PARTY):
Consider approval of Section 3 General
Lease Provisions for General Lease -
Recreational Use, General Lease - Dredging,
and for other General Leases. CEQA
Consideration: not a project. (A & S:
Statewide) (Staff: W. Crunk, G. Kato)

Kapiloff Land Bank Trust Acquisition/Expenditure

- No items for this section.

External Affairs

Granted Lands

- No items for this section.

VI Informational Calendar 50-51

- 50 NOTICE OF CONFERENCE WITH REAL PROPERTY
NEGOTIATOR: ?Instructions to staff negotiators
in Closed Session, pursuant to Government
Code section 11126(c)(7), regarding
applications for assignment of four leases
governing the use of existing offshore oil
and gas pipelines traversing state waters
associated with the Santa Ynez Unit in
federal waters, the Ellwood Pier, and two
mooring buoys, offshore Santa Barbara County.

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	Negotiating Parties: State Lands Commission, ExxonMobil, and Sable Offshore Corp. Under negotiation: price and terms. CEQA Consideration: not a project. (Lease Nos. PRC 4977, PRC 7163, PRC 5515, and PRC 4589) (A 37; S 19)	
51	NOTICE OF CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Instructions to staff negotiators in Closed Session, pursuant to Government Code section 11126(c)(7), regarding an application for assignment of two existing oil and gas production leases, commonly referred to as the West Montalvo leases, where the wellheads are located on private upland properties but the wells produce from reservoirs in state waters, offshore Ventura County. Negotiating Parties: State Lands Commission, California Resources Corporation, and Cal NRG LLC. Under negotiation: price, terms, and statutory compliance. CEQA Consideration: not a project. (Lease No. PRC 3314 and Lease No. PRC 735) (A 38; S 19)	
VII	Regular Calendar	52-53
52	CALIFORNIA STATE LANDS COMMISSION: Discussion and possible action on state legislation relevant to the California State Lands Commission. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)	50
53	CITY OF LONG BEACH (GRANTEE): Consider acceptance of the Long Beach Unit Annual Plan (July 1, 2024 through June 30, 2025), Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W17166) (A 70; S 33, 34) (Staff: J. Abedi)	60
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At any time during the meeting the Commission may meet in a session closed to the public to

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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.
- Casa Blanca Beach Estates Owners Association v. California State Lands Commission, et al.

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- 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
- Johns v. Orange County, et al.
- Martins Beach 1, LLC and Martins Beach 2, LLC v. Effie Turnbull-Sanders, et al.
- Morrow Bay Commercial Fisherman's Association, et al. v. California State Lands Commission, 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.

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- United States v. Walker River Irrigation District, et al.
 - William Buck Johns and Elizabeth Colleen Johns, as Co-Trustees of the Johns Living Trust, dated August 13, 2007, et al. v. County of Orange, et al.
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

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regarding price and terms of payment for the purchase, sale, exchange, or lease.

1. Instructions to staff negotiators in Closed Session, pursuant to Government Code section 11126(c)(7), regarding applications for assignment of four leases governing the use of existing offshore oil and gas pipelines traversing state waters associated with the Santa Ynez Unit in federal waters, the Ellwood Pier, and two mooring buoys, offshore Santa Barbara County. Negotiating Parties: State Lands Commission, ExxonMobil, and Sable Offshore Corp. Under negotiation: price and terms. CEQA Consideration: not a project. (Lease Nos. PRC 4977, PRC 7163, PRC 5515, and PRC 4589) (A 37; S 19)
2. Instructions to staff negotiators in Closed Session, pursuant to Government Code section 11126(c)(7), regarding an application for assignment of two existing oil and gas production leases, commonly referred to as the West Montalvo leases, where the wellheads are located on private upland properties but the wells produce from reservoirs in state waters, offshore Ventura County. Negotiating Parties: State Lands Commission, California Resources Corporation, and Cal NRG LLC. Under negotiation: price, terms, and statutory compliance. CEQA Consideration: not a project. (Lease No. PRC 3314 and Lease No. PRC 735) (A 38; S 19)

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).

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ACTING CHAIR KUNKEL: I call this meeting to order. All the representatives of the Commission are present. I am Deputy State Controller Kristina Kunkel and I'll be joined by Controller Cohen momentarily. I'm joined today by Chief of Staff Dr. Matt Dumlao, Commissioner alternate for Lieutenant Governor Kounalakis and Michele Perrault representing the Department of Finance.

EXECUTIVE OFFICER LUCCHESI: Madam Chair, we have a quorum present. In addition, I would like to identify the members of the staff of the Commission participating virtually for this hybrid meeting.

First, we have Mike Farinha, Sean Ballou and Cathy Chan as our Zoom co-hosts, and our Meeting Liaison Kim Lunetta.

ACTING CHAIR KUNKEL: Thank you. So 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 term -- 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

1 presentations involving the lands and resources within the
2 Commission's jurisdiction.

3 I want to take a moment to acknowledge and
4 express gratitude to the Tongva people who have inhabited
5 these lands on which we sit and who have fished these
6 coastal waters for countless generations. I also want to
7 take a moment to honor the California Native American
8 communities all across the state for persisting, carrying
9 on diverse cultural and linguistic traditions, and
10 sustainably managing the land that we now share. Native
11 people have maintained a constant presence on the
12 landscape for many thousands of years and they're
13 essential stewardship partners whether along the coast,
14 along our rivers and valleys, or in our fragile deserts.
15 We thank California Native American communities for
16 participating in the Commission's activities and for their
17 essential role in maintaining and adding to our State's
18 rich cultural legacy.

19 So, our next item of business will be public
20 comment. Before I open public comment period for items
21 not on the agenda, first, let me thank everyone,
22 especially our stakeholders and members of the public for
23 taking the time to join this meeting.

24 I want to turn it over to Ms. Lucchesi to share
25 some instructions on how we can best participate in this

1 meeting so it runs as smoothly as possible.

2 EXECUTIVE OFFICER LUCCHESI: Thank you,
3 Commissioner -- or Chair Kunkel. For public comment, we
4 will take those members of the public who are here in
5 person first and then hear comments from those members of
6 the public who are participating virtually. If you would
7 like to speak either during our open public comment period
8 or during a public comment period that is part of an
9 agenda item, please complete an electronic Request To
10 Speak form available on our website. We will call on you
11 in the order in which you submitted the electronic Request
12 To Speak form.

13 For those participating virtually, please make
14 sure you have your microphones or phones muted to avoid
15 background noise. To help us call on you through Zoom,
16 please raise your hand during the appropriate comment
17 section, one of two ways. First, if you are attending on
18 the Zoom platform, please raise your hand in Zoom. You
19 can click on the hand icon at the bottom of your screen to
20 do that. When you click on that hand, it will raise your
21 hand. Second, if are you joining our meeting by phone,
22 you must press star nine on your keypad to raise your hand
23 to make a comment.

24 If you are calling in and want to view the
25 meeting including the PowerPoint presentations, please

1 view the meeting through the CAL-SPAN live webcast link.
2 There will be a slight time delay, but it will avoid an
3 echo or feedback from using the Zoom application and your
4 phone. We will call on individuals who have raised their
5 hands in the order that they are raised using the name
6 they registered with or the last three digits of their
7 identifying phone number. After you are called on, you
8 will be unmuted so you can share your comments. Please
9 also remember to unmute your computer or phone and
10 identify yourself. Remember, you have a limit of three
11 minutes to speak on an item. Please keep your comments
12 respectful and focused. We will mute anyone who fails to
13 follow these guidelines or at worst dismiss them from the
14 meeting.

15 The Commission has also established an email
16 address to compile public comments for our meetings. Its
17 address is cslc.commissionmeetings@slc.ca.gov. We've
18 received various emails and letters from parties that have
19 been shared with all the commissioners prior to the
20 meeting.

21 If we receive any emails during the meeting, they
22 will be shared with the Commissioners and be made
23 available on our website www.slc.ca.gov along with the
24 public comment emails and letters we have already
25 received.

1 Chair Kunkel, that concludes my hybrid meeting
2 instructions. We are ready to move to general public
3 comment period.

4 CHAIR COHEN: Thank you. So our next order of
5 business is the public comment period. If anyone wants to
6 address the Commission on any matter not on today's
7 agenda. I will call on those who are here in person
8 first. You will have three minutes to provide your
9 comments. Next, we will move on to those joining us
10 virtually. Kathy, can you please call on the first person
11 who would like to make a public comment.

12 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Thank
13 you. Our first public speaker is Counselmember Marcus
14 Bush.

15 Please come up to the podium and begin your
16 comment.

17 MARCUS BUSH: Okay. Can you hear me now?

18 Okay. Great. Good morning, commissioners,
19 staff, and members of the public. My name is Marcus Bush.
20 I'm a City Councilmember for the City of National City, as
21 well as member of -- immediate Chair of the Air Pollution
22 Control District of San Diego County. I'm here to ask the
23 Commission that you work with our San Diego LAFCo, who's
24 here with the City of National City and the Port on
25 resolving conflicts related to transparency,

1 accountability, public trust, and overall environmental
2 justice. And I would say just justice overall,
3 particularly for my community in National City.

4 And I understand completely that in the port how
5 it's made up. It's a multi-jurisdictional agency, five
6 cities. And ultimately, it's State land, and so we -- in
7 National City though, we are members of the state of
8 California. We are citizens of the state of California.
9 And I feel for decades that we haven't had our fair share,
10 whether it's access to the bayfront, overburdened by
11 environmental justice issues, pollution. A lot of folks
12 don't know, and you all may not know or be familiar with
13 our -- my community. It is my hometown. I grew up in
14 National City. It's the second oldest city in San Diego
15 County.

16 And before that, I really appreciate the land
17 acknowledgement, Chair. It was the Kumeyaay who were
18 there for -- since time immemorial for thousands of years.
19 So I want to acknowledge them, because they haven't had a
20 voice at the table. They haven't had a lot of say. And
21 they've had their access cutoff as well, so I want to
22 recognize that.

23 So our access from our bayfront really -- we
24 had -- I talked to the elders in our community. We --
25 they had access to the waterfront. They would fish. They

1 would play in the -- in Paradise Creek, the estuary there.
2 We actually had a beach. It was a couple weeks ago I
3 actually saw our beach. Our police and fire took us
4 there, but it's all completely essentially walled off.
5 It's all used to park cars onto. And we are -- of all the
6 five cities and actually any city in the county, we're
7 also the most diverse. We're 90 percent people of color.
8 We have the lowest household median income and yet our
9 waterfront we don't have access to our bayfront, the vast
10 majority. You can look on a satellite view. We have a
11 tiny sliver Pepper Park, which actually isn't on the Bay.
12 It's on the Sweetwater River Channel. But the rest of it
13 is all used by -- the northern half of the city bayfront
14 is by the Navy, 32nd Naval Street Station and the rest of
15 it is used for the port industry.

16 We generate more revenue per capita on National
17 City tidelands, State tidelands than any other city in the
18 county. And yet, we get sacked with all the pollution,
19 all the traffic. We have some of the highest rates of
20 asthma and cancer of any city in the county. And yet, we
21 don't get our fair share of even the public safety
22 dollars. And to give you an example of what I think is
23 just the inherent injustice when it comes to public safety
24 reimbursements that the Port allocates to the member
25 cities via the municipal service agreements, National City

1 gets around 1.2 million, and that's according to FY 21
2 numbers and the latest figures I had available. So we get
3 1.2 million. The City of Imperial Beach, which is less
4 than half of our size, which generates substantially less
5 revenue and also has less port assets, waterfront State
6 assets on their port tidelands, they get 5 million. They
7 get more than four times our share of public safety
8 revenues.

9 That methodology, we've been asking for years to
10 clarify. We've sent official letters from the City to the
11 Port. It hasn't been clarified. And I think that at this
12 point, I would like LAFCo as also a State agency to
13 intervene and to be an independent look at the methodology
14 that goes into our municipal services. So that's just to
15 start. I think there's a lot more with transparency and
16 accountability. I'll say that I would really appreciate
17 for staff and the Commission to investigate how our
18 Commissioner, our representative, Sandy Naranjo, has been
19 treated. She's been retaliated against for simply asking
20 questions and accountability from the Port General
21 Counsel -- the Port of San Diego General Counsel. His
22 name is Tom Russell. I have a lot of concerns with ethics
23 related to Tom Russell and Nick Tonsich in contracts
24 related to that.

25 And I ask you guys to look into that, because

1 from what I hear is Tom Russell came from the Port of LA
2 and there were issues here. I don't know what those
3 issues are. I'd like to find out more and I would like to
4 work with you all to find out more. I'm not trying to
5 point the finger. I'm not trying to start issues or a
6 war. But what I'm looking at and what I'm seeing when I
7 have the Port constantly threatening me and my city
8 legally and threatening, and in my opinion, bullying other
9 agencies into silence, I have to speak out. And I'm very
10 aware.

11 Like, look I'm a politician too. I'm up for
12 reelection this year. I'm very aware that I will be
13 retaliated against too. I'm very aware the port -- you
14 know, the tenants and the resources, there's going to be
15 movement against me and I'm just from the bottom of my
16 heart, to the commissioners, to the staff, this is
17 something worth -- for me that's worth losing a reelection
18 for to stand up for what's right and speak out for our
19 community, because for decades we've been screwed over,
20 and I'm tired of it. It's lives at stake at the end of
21 the day, when you look at asthma and people who have died
22 from the effects of this.

23 So there's a lot more to say. I want to also
24 send to the Commission -- I know I'm over time. I'd like
25 to send the Commission just an article that came out

1 yesterday. And a news source that shows that the Port has
2 spent almost a million dollars in public funds and legal
3 fees, legal consultant fees to go after -- to investigate
4 the Port CEO Joe Stuyvesant. That was never disclosed to
5 the public why Joe Stuyvesant was -- had to resign. And
6 then against our own Port Commissioners, 155,000 at least
7 in legal fees against our port commissioners.

8 So there are very, very serious issues here and I
9 really ask that you all allow the LAFCo to start
10 overseeing the port. And please look at the grand jury
11 report and a whole myriad of other issues going on. Thank
12 you and I look forward to working and communicating more
13 with you.

14 ACTING CHAIR KUNKEL: Thank you, Councilmember
15 Bush and thank you for making the drive up here. Can I
16 request from AGP, we don't see a clock on our screen.
17 That would be great. Thank you. Appreciate you.

18 Cathy, can we please have our next public speaker
19 in the room?

20 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
21 Our next public speaker is Chris Benzen. Chris, please
22 come up to the podium and begin your comment.

23 CHRIS BENZEN: Hello, everybody. I believe I
24 have a slide show I'd like to put up there before the
25 timer goes.

1 I can set a timer on my phone.

2 Okay. Thank you.

3 ACTING CHAIR KUNKEL: Well, we prefer the
4 presentation, I guess. We'll do the presentation.

5 CHRIS BENZEN: Thank you very much. Thank you
6 everybody for having me. I don't have very much time and
7 I have a long slide show to go through. I still don't see
8 it. Do you see it?

9 (Thereupon a slide presentation).

10 Harbor of Newport Beach. I represent over 120
11 mooring holders. And we've been organizing and raising
12 funds for potential litigation against the City of Newport
13 Beach. What's going on in the City of Newport Beach is
14 horrific discrimination of tidelands use. You know, so in
15 the City of Newport Beach, we have moorings and we private
16 dock owners, private docks, and commercial docks. So
17 there's residential docks, commercial docks, and moorings,
18 shore moorings and offshore moorings.

19 The Harbor Commission is, one, not representative
20 of any moorings. Most of these guys are, you know,
21 ex-yacht club -- or they're ex-yacht club commodores, et
22 cetera and we don't have any mooring representation.

23 But I'm wasting too much time on that. Let's go
24 to the next slide.

25 [SLIDE CHANGE]

1 CHRIS BENZEN: This is the chart that shows the
2 rates that the Harbor Commission is recommending based on
3 an appraisal from an appraiser that they used that has a
4 clear conflict of interest. The appraisal -- the
5 appraiser, Jim Netzer, is a board member of the Newport
6 Aquatic Center. And he also gave them a \$10,000 loan in
7 2015 with interest that they claim that he donated back to
8 the NAC. The NAC is a nonprofit organization on the
9 water. They have a free tideland grant. Their land is a
10 50-year lease that they just got.

11 He negotiated that lease with Lauren Wooding
12 Whitlinger who's a real property administrator in Newport
13 Beach, who he prepared the appraisal to, you know, base
14 these rates on. He prepared the appraisal with the woman
15 that he negotiated the 50-year grant lease with. He did
16 not disclose any of these conflicts of interest in his
17 appraisal report, nor in his Form 700 filings, and that's
18 very important.

19 So if we can go to --

20 [SLIDE CHANGE]

21 CHRIS BENZEN: This is the slide right here. So
22 the red bars, this is the rates that they're trying to go
23 to. Green is what we're currently paying and mooring
24 lengths are on the bottom. You can see this is an
25 absolutely enormous rate increase. It's completely

1 unjustified. It's a 400 to 500 percent rate increase.

2 Most boaters are going to have to give up their
3 moorings and sell their boats. I'm a fisherman. I have a
4 young child that was just born last week, two weeks ago,
5 and I want my son to be able to go fishing with me

6 Anyways, let's go to the next slide.

7 [SLIDE CHANGE]

8 CHRIS BENZEN: This is the, you know, California
9 State Lands Act. And it basically says -- you all know
10 this, that they can't, you know, discriminate in rates,
11 tolls, or charges for any use.

12 Next slide.

13 [SLIDE CHANGE]

14 CHRIS BENZEN: So what we're talking about here
15 is the dock owners. The dock owners currently have a
16 sweetheart deal. A dock and a mooring -- the dock is on
17 your left and a mooring is on your right. A mooring takes
18 up less tidelands. I don't have enough time to go through
19 this, but as you can see the difference. And the moorings
20 are an inferior product. You know, you have to swim out
21 to your moorings, or get a ride to it, or a boat.

22 Let's go to the next slide.

23 [SLIDE CHANGE]

24 CHRIS BENZEN: Okay. So on the left, you have a
25 dock. You have two boats. There's about -- two 25-foot

1 boats on the left. This guy is paying \$12 a month. Okay.
2 The guy on the right on the mooring, he's got a 34-foot
3 sail boat, he's paying \$138 a month, and they want that to
4 go to \$480 a month, while keeping the docks at \$12.

5 Next slide.

6 [SLIDE CHANGE]

7 CHRIS BENZEN: Okay. And this chart demonstrates
8 exactly this -- you know, the discrimination. The docks
9 on the left, 12 moorings, you know, 138 and they want to
10 go to 481.

11 Next slide, please.

12 [SLIDE CHANGE]

13 CHRIS BENZEN: Over a year period, look at the
14 difference, \$144 for a private dock with two boats and
15 look what they want us to pay, \$5,000. Okay. So the main
16 point here, if I could just get a couple seconds, is we
17 are asking that the city grant us the exact same
18 methodology on the usage calculation for the State's
19 tidelands that we have the same calculation applied to
20 moorings. So if they're paying \$12 on month, we also
21 should be paying \$12 a month. They should remedy the
22 discrimination first and then discuss whether or not those
23 rates need to go up.

24 Thank you for your time.

25 ACTING CHAIR KUNKEL: Thank you, Mr. Benzen.

1 Cathy, the next speaker, please.

2 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Our
3 next public speaker is Adam Leverenz.

4 Adam, please come up to the podium and begin your
5 comments.

6 ADAM LEVERENZ: Good afternoon. If I understand
7 correctly, the City of Newport Beach in their efforts to
8 justify raising those offshore mooring rents by 300 to
9 over 500 percent has been seeking the blessing of the
10 State Lands Commission. The City has chosen to use an
11 appraisal from a singular source that, as you've just
12 heard, appears to have some conflicts, and among many has
13 raised concerns of impropriety, the appearance of
14 impropriety, and quid pro quo.

15 The California State Lands Commission calculates
16 annual rental rates for the lease of tide and submerged
17 lands approximately every five years. The current
18 benchmark rate for Orange County is 45.1 cents per square
19 foot per year. Newport Beach data was used in calculating
20 that rate. State documentation uses the words "fair",
21 "equitable", "reasonable", "consistent", and "appropriate"
22 to describe it.

23 The current City of Newport Beach fee schedule
24 indicates that residential piers incur annual rental fees
25 of \$0.56 per square foot. Various city resolutions

1 setting rent for tide and submerged land users in Newport
2 describes their rates as fair market value rent. A recent
3 appraisal by a second firm, CBRE, determined that the fair
4 rates are closely in line with those State and Newport
5 Beach rates.

6 If you divide the amount of Newport Beach's most
7 common mooring, a 40-footer, by the amount they're paying
8 annually, that works out to a range of \$1.21 to \$1.33 per
9 square foot. And that's considering the whole footprint a
10 boat may drift over. So a 40-foot offshore mooring
11 permittee in Newport Beach for use of the same State
12 resources other users is currently paying about 216 to 237
13 percent more than city pier permit fees and 268 to 294
14 percent more than State benchmark fees for Orange County.

15 The Newport Beach Harbor Commission, which I
16 understand consists of Ira Beer, Scott Cunningham, and
17 Steve Cully -- Scully think that that's not fair. Their
18 alternative though to make it more fair is that offshore
19 mooring holders should pay 435 to 480 percent higher
20 rates.

21 On the consent agenda today, there's over half a
22 dozen applications for piers in Huntington Harbor. It
23 looks like staff went through all these and set rates for
24 each based on formulas. And I'm assuming that State staff
25 is coming up with fair calculations. Each of these is far

1 below what the City of Newport Beach is trying to foist
2 upon the offshore mooring holders.

3 I ask that the State Lands Commission, rather
4 than allowing the City to use one singular source, uses
5 all the sources. And if the City gets what they want,
6 you're going to usurp State authority to set benchmarks.

7 Thank you.

8 ACTING CHAIR KUNKEL: Thank you, Mr. Leverenz.

9 Can we have our next public speaker in the room.

10 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.

11 Our next public speaker is Adam Wilson. Adam, please come
12 up to the podium and begin your comments.

13 ADAM WILSON: Good afternoon, Madam Chair and
14 Honorable Commissioners. My name is Adam Wilson
15 representing the San Diego Local Agency Formation or
16 better known as LAFCo, a political subdivision to the
17 State of California. I'm here today to introduce San
18 Diego LAFCo to the State Lands Commission in hopes to
19 forge a more cooperative working relationship and to
20 provide an update on a local topic that has generated
21 interest and involvement by your senior staff.

22 The topic of involves San Diego LAFCo's unanimous
23 decision on March 4th to formally add the Port of San
24 Diego to the local registry of special districts that are
25 subject to LAFCo's oversight, and in doing so correct an

1 administrative misstep that has gone unchecked for far too
2 long.

3 This correction means all of LAFCo's regulatory
4 and planning tasks, as set by the Legislature, now apply
5 to the Port going forward. Simply put, the local
6 citizenry and the Port's five city membership will now be
7 assured that LAFCo will include the Port of San Diego in
8 our municipal service review program, which is the
9 backbone to LAFCo's core mission on providing independent
10 evaluations to promote governmental efficiencies.

11 The reason I'm sharing the March 4th decision
12 today is because it ties to preceding objections raised by
13 your senior staff and their stated position that LAFCo has
14 no authority to assert any oversight on the Port. While
15 we respect senior staff's knowledge and expertise on the
16 State Lands Commission matters, we find it noteworthy that
17 a strong position would be communicated to San Diego LAFCo
18 on what it can and cannot permissibly do under LAFCo
19 statute. Moreover, the opining made by senior staff
20 simply does square up as cited by the LAFCo commissioners.

21 First, LAFCo and State Lands Commission are cast
22 with different oversight responsibilities. LAFCo oversees
23 city and special district boundaries and governance
24 structure, while the State Lands Commission oversees
25 Public Trust Lands. I want to emphasize LAFCo's role and

1 responsibility does not meddle in any land use authority
2 whatsoever.

3 Second, there are at least six port and harbor
4 districts in California that are overseen by both the
5 State Lands Commission and the respective local LAFCo.
6 These relationships should be no different in San Diego.

7 Relatedly, it has come to our attention as late
8 as yesterday evening that the Port of San Diego has
9 requested a reconsideration to our March 4th decision.
10 While San Diego LAFCo respects the Port's ability to
11 exercise this administrative action, it unfortunately
12 highlights the Port's continued messaging that fails to
13 match their actions. Port representative has
14 characterized LAFCo as operating in a rogue manner and
15 that we haven't provided a timely opportunity for
16 stakeholder input. This is patently false. Throughout
17 the entire review process, we have proactively reached out
18 to the Port representatives and their member cities to
19 introduce them to LAFCo and share what we hope to
20 accomplish moving forward. There have been preceding
21 meetings, multiple written communications, direct
22 conversations between your Executive Officer and mine, and
23 most importantly not one, but two public hearings.

24 In conclusion, I respectfully presume that all of
25 you see the great value in open and transparent

1 government, which is essentially LAFCo's overall goal
2 here. LAFCo remains committed to coordinate our port
3 activities with the State Lands Commission with a simple
4 ask that it be reciprocated. Thank you for the
5 opportunity to speak and I appreciate your time and
6 attention today.

7 ACTING CHAIR KUNKEL: Thank you so much, Mr.
8 Wilson.

9 Cathy, do we have anyone else in the room for
10 public comment?

11 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
12 Our next public speaker is Peter Kaz. Peter, please come
13 up to the podium and begin your comment.

14 PETER KAZ: Hi. My name is Peter and I'm here in
15 regards to the mooring rate hikes from the City of Newport
16 Beach. We have a lot of angry people over there right now
17 to be honest. And I don't know what's going on in the
18 city, how they're running the city. We're going to get
19 three times for four times rate hike. Our Social
20 Security -- or people with Social Security, people with a
21 salary, we don't get that much increase in our salary or
22 Social Security. So my friends they already talk about
23 the legality or the -- more of the technical aspect of
24 what's going on. But I just want to let you know, our
25 city is looking for your blessing. It's looking for

1 somebody like a -- like a friend in a crime. So I just
2 want you guys to don't fall in a trap.

3 The City of Newport Beach looks like they have a
4 meeting with Land Commission yesterday, which was behind
5 closed door. And I just want to address that and I just
6 want to make sure and let you guys know that we provided
7 them the second evaluation for the rate hikes. We did
8 what they were asking and they just -- they're looking for
9 evaluation with someone that is kind of connected with
10 them, has connection with the city. And it's a conflict
11 of interest. And I just want to let you know that we have
12 a lot of angry people and people are forcing probably to
13 sell their boat, move out of the harbor. And we are going
14 through the attorney an Class A lawsuit action against the
15 City of Newport Beach to be honest. And I just want to
16 let you guys -- don't fall for the trap and don't be part
17 of it, and try to look into what's going on, why the city
18 is going to hike our rates three times. That's huge.

19 Like, two days ago, I got an envelope too for my
20 association fee go up. It was like 10 percent, five
21 percent. It doesn't make sense. It just -- it doesn't go
22 to the mind of people. So just the discrimination is
23 happening between the mooring owner and the people also
24 that have docks. So we pay much -- way more than them.
25 It's -- and they say because they own the house, so they

1 don't have to pay that much for their boat. But it's like
2 are the people who -- like we pay for registration, are
3 the homeowners paying almost zero for the car registration
4 compared to people renting in the city, like in a
5 condominium? No. Everybody pays the same for the
6 registration for the cars.

7 It's just almost like the -- we -- like almost
8 for the boat harbor, so we don't want to see that rate
9 hikes. And then we -- I just want to let you guys don't
10 be part of it.

11 Thank you.

12 CHAIR COHEN: Thank you very much. Good
13 afternoon, everyone. I just wanted to introduce myself to
14 you. My name is Malia Cohen, California State Controller,
15 and Chair of this body. Thank you, Kristina Kunkel, for
16 stepping in in my stead. As I got here, I flew in here
17 fresh from San Francisco. I'm afraid that I brought the
18 rain. It's coming. I just got ahead of it. But
19 nonetheless, we will continue with public comment.

20 Good morning, Jennifer.

21 Are there any other members of the public that
22 would like to speak on this item?

23 ASSOCIATE GOVERNMENT PROGAM ANALYST CHAN: Our
24 next public speaker is Jacqueline Moore. Jacqueline,
25 please come up to the podium and begin your comment.

1 JACQUELINE MOORE: Good afternoon, Chair Cohen,
2 commissioners, Executive Officer. My name is Jacqueline
3 Moore. I'm Vice President of PMSA, Pacific Merchant
4 Shipping Association, here in our Long Beach office.

5 I'd like to thank you all for coming to our neck
6 of the woods. I know you have many beautiful places
7 around the State to choose from and glad that you chose
8 our ports in spite of the rain. PMSA, we've enjoyed a
9 long, collaborative, and effective, I think, relationship,
10 and we are very much appreciative of that.

11 I would be remiss if I did not take this short
12 opportunity to raise a topic again, and that is offshore
13 wind. We have -- the maritime industry has a vested
14 interest in this. We support it in practice. Of course,
15 we simply want to make sure it's done in the safest manner
16 possible. I'd like to thank staff at State Lands, excuse
17 me, as well as more recently those from Lieutenant
18 Governor's office in working with us in seeking a seat at
19 that table along with all other stakeholders.

20 Again, thank you for coming down here -- down
21 here to the San Pedro Bay ports. And that concludes my
22 comments. Thank you.

23 CHAIR COHEN: Thank you.

24 Ms. Chan, is there another speaker?

25 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.

1 Our next speaker is Eileen Boken calling in with phone
2 number ending in 936. You may unmute yourself and being
3 your comment.

4 EILEEN BOKEN: Eileen Boken. For this agenda
5 item, speaking on behalf of Sunset-Parkside Education and
6 Action Committee in San Francisco.

7 The Public Trust Doctrine is under the
8 jurisdiction of the State Lands Commission. The Public
9 Trust Doctrine governs both the bayside and oceanside in
10 San Francisco. San Francisco Zoo is just adjacent to the
11 coast. The San Francisco Mayor has sent two letters to
12 China's President Xi advocating for the loan of pandas to
13 San Francisco Zoo. San Francisco's Mayor will also
14 travel -- be traveling to China on April 13th to the 21st
15 to advocate for this.

16 Speaking as -- urging the Commission Chair to
17 advocate with the Mayor to keep all segments of the Upper
18 Great Highway open to accommodate an expected surge in
19 visitors to the zoo to the pandas arrive. SPEAK is joined
20 Taraval merchants to advocate for all segments of the
21 Great Highway to re -- Upper Great Highway, to remain open
22 to the vehicular traffic 24/7.

23 These statements reflect comments made at San
24 Francisco's Capital Planning Committee on March 18th.
25 SPEAK looks forward to connecting with the Commission

1 Chair on June 7th, when the Commission is scheduled to
2 meet in San Francisco. SPEAK would urge the SLC to meet
3 on June 7th at the Bernard Osher Great Hall at San
4 Francisco zoo, if it's available.

5 This is where the Greater Farallones National
6 Marine Sanctuary Advisory Council met on February 29th.
7 Although, the State Controller wasn't able to attend the
8 meeting, the State Treasurer Fiona Ma was able to join us.

9 Thank you.

10 CHAIR COHEN: Thank you, Ms. Boken. We
11 appreciate the -- your public comment.

12 Ms. Chan, is there any other public comment?

13 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
14 Our next speaker is Jessie Fleming joining us virtually
15 through zoom. Jessie you may begin your comments after I
16 unmute you.

17 CHAIR COHEN: Jessie, are you there?

18 JESSIE FLEMING: Yes, I'm here. Can you hear me?

19 CHAIR COHEN: We can hear you now. Please
20 proceed.

21 JESSIE FLEMING: Yes. Great. Thank you for the
22 opportunity to speak today. My name is Jessie Fleming and
23 I live aboard my boat mooring in the tideland waters off
24 of Newport Beach. As you have just heard, Newport Beach
25 City plans to raise the rate of tideland water-only

1 permits for offshore moorings. As a mooring holder, we
2 pay for space in the water towards the tideland water-only
3 permits. In Newport Beach, we already pay more than any
4 or tideland permit in the entire state.

5 Now, Newport Beach proposes to give us a rate
6 increase of over 400 percent. We have all purchased our
7 own ground tackle and maintain it regularly. We have no
8 city amenities and we have no access parking or
9 facilities, and very limited space at a public dock in
10 order to go ashore. Our tideland water-only permit is not
11 only more expensive than any other permit in the state,
12 but it is much, much more expensive than any other
13 tideland permit in Newport Beach. We pay more than the
14 yacht club mooring permits, the commercial dock permits,
15 and the privately owned dock permits.

16 All permits in Newport Beach are not equal. And
17 when we why is this so and how can this be, the City said,
18 and I quote, "The City may change different rates for
19 different uses when it is supported by an appraisal that
20 makes distinctions in value."

21 Well, if this is so, you can ask anyone that an
22 offshore mooring is far less valuable than any commercial
23 or privately owned dock. Basically, the City told us that
24 we are charging you more because we can and we know that
25 we can get these rates in Newport Beach. I felt like a

1 child being told, "Because I said so." The point is we
2 live on tideland State waters not in Newport Beach and
3 many of us live aboard with set incomes through Social
4 Security or disability check. We have purchased our own
5 ground tackle. We have applied and paid and followed all
6 the rules for liveaboard permits. Now, we are told that
7 our tideland water-only permit rate will increase over 400
8 percent. And this rate will not be in many of our
9 budgets.

10 What this means is that the lower to middle class
11 income families can no longer enjoy the State Land
12 tideland waters that we hear -- are all here for to and
13 enjoy, and we will all be forced out of Newport Beach. I
14 ask you to please consider our request to hold Newport
15 Beach City accountable to manage these water permits to be
16 equal and fair rates for all permittees and not
17 discriminatory. Please consider our request and thank you
18 for hearing me.

19 CHAIR COHEN: Thank you very much, Ms. Fleming,
20 for your comments.

21 Ms. Chan, are there other speakers?

22 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
23 Our next speaker is Brady Bradshaw joining us virtually
24 through Zoom. You may begin your comment.

25 BRADY BRADSHAW: Hello. Can you hear me?

1 CHAIR COHEN: Yes, we can. Please begin.

2 BRADY BRADSHAW: Okay. Hi. Thank you for the
3 opportunity to speak. My name is Brady Bradshaw
4 representing the Center for Biological Diversity. I'm
5 here to speak about a couple of items that are related to
6 oil and gas infrastructure subsea pipelines in State
7 waters off of the coast of California, those being the San
8 Pedro pipeline and the Santa Ynez Unit pipeline leases.

9 It's clearer than ever that all offshore oil and
10 gas infrastructure poses an imminent threat of the next
11 major oil spill, exacerbates climate change, and
12 constitutes a public nuisance. It's fully within the
13 State Lands Commission's legal authority today to
14 terminate offshore oil and gases leases.

15 The Commission has acknowledged that continued
16 leasing fuels climate change and that this comprises an
17 existential threat to California. It's not clear that
18 the -- that there is -- it's not clear to me that there is
19 sufficient language in the lease amendments in the rent
20 revisions and bond requirements that would cover in the
21 worst case oil spill scenario. The operations are mostly
22 decaying oil and gas infrastructure far beyond the
23 expected lifespan of these pipelines and it's reasonable
24 to expect that they will spill again. And so we need to
25 make sure that taxpayers are protected and the State is

1 protected from a worst case oil spill scenario in all of
2 these negotiations, and rent revisions, and bond
3 requirements.

4 Specifically, regarding the San Pedro Bay
5 pipeline, there was the most revision dramatically cut
6 rent on the basis of a reduced buffer area for pipeline
7 movement from a five-foot buffer to a one-foot buffer.
8 But given that the company itself failed to even detect a
9 105-foot displacement of their pipeline, and appropriately
10 respond to the last major oil spill, this rent amount
11 should be based on a much more substantial area and
12 increased by orders of magnitude.

13 In the case of the Santa Ynez Unit, it's not
14 clear to me what kinds of -- what kinds of inspection if
15 in-line inspection -- we would hope to see a biannual
16 in-line inspection of that pipeline, smart pigging as well
17 as external inspections -- inspections, because again it's
18 far beyond its expended -- expected life span and clearly
19 requires the most stringent monitoring requirements
20 possible, if these pipelines are allowed to continue
21 receiving lease privileges at all, which they certainly
22 should not be, given the history of spills and the very
23 clear damage that they are causing to both the coastline
24 from routine oil spills and from persistent climate change
25 impacts.

1 CHAIR COHEN: Thank you. That's your time.

2 BRADY BRADSHAW: Thank you very much.

3 CHAIR COHEN: Thank you.

4 Ms. Chan, is there another speaker?

5 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.

6 Our next speaker is Laura Wilkinson Sinton.

7 Laura, you may unmute yourself and begin your
8 comment.

9 LAURA WILKINSON SINTON: Thank you very much.

10 And thank you, commissioners. My name is Laura Wilkinson
11 Sinton. I live in the beautiful Coronado Cays on the
12 tidelands here in San Diego. And I want to speak to you
13 about the Port of San Diego.

14 In recent months, the Port has had their Chief
15 Financial Officer abruptly depart without explanation,
16 suspended their CEO under secretive circumstances paying a
17 huge settlement to require his resignation and keep terms
18 secret, and censured National City's Port Commissioner.
19 And this censure was after an expensive secretive
20 investigation, cited no legal wrongdoing, causing the
21 investigative journalist at La Prensa to call it a
22 political hit job.

23 In addition, the Port violated the Brown Act by
24 failing to notify this special meeting properly and an
25 uproar by failing to inform the port member city, National

1 City, of the censure against its duly appointed
2 commissioner.

3 Port public funds were also used to inquire if
4 the Port Chairman could legally burrow in as the new CEO,
5 circumventing the merit-based experience and interview
6 process that public entities follow in the state of
7 California. Furthermore, the Port was served a new
8 federal lawsuit for attempting in another recent
9 investigation to investigate a lawyer for what he said at
10 the dais in public comments and another civil lawsuit from
11 a news organization claiming violations of the Public
12 Records Act.

13 All of this is on the heels of the recent grand
14 jury report findings and suggested transparency reforms,
15 which the Port staff rejected completely out of hand. And
16 what it did was reveal to the public here in San Diego an
17 unelected commission running a \$350 million enterprise
18 using our public tidelands without proper oversight or
19 accountability. The Port hasn't publicly released an
20 external financial audit of its enterprise in decades, if
21 ever. And this behavior is unacceptable for a public
22 agency. The conduct of the Port of San Diego has now
23 drawn the attention, of course, the San Diego LAFCo, Local
24 Area Formation Commission, and State lawmakers.

25 The Port yet, again and again, takes an

1 oppositional stance against any attempt at cooperation
2 with these agencies and accountability to the public.
3 Port controversy has been front-page news here in San
4 Diego for months and even the subject of op-eds.

5 The Port's interim CEO told the LAFCo Commission
6 to stay in its lane publicly. The Port Commission's
7 Chairman told the Coronado City Council last week that the
8 LAFCo vote was rogue and that the Port opposed the newly
9 introduced Assembly Bill 2783, the Port Reform and
10 Accountability Act. It's an odd assertion considering
11 that San Diego Port Commission hasn't even agendized this
12 bill -- discussion about this bill nor voted publicly to
13 oppose this much needed and publicly demanded bill.

14 So the question is who's making these decisions?
15 Is it staff? Is it the Commission in secret? You know,
16 this is the transparency issue. And in short, my plea to
17 you is the SLC oversight is not enough. If this entity is
18 fighting transparency and oversight in Sacramento, San
19 Diego, and against duly authorized grand juries, they're
20 the very entity that needs all of these eyes watching it.
21 And LAFCo's review will assure the transparency that will
22 help earn back the public's trust that is so lacking in
23 our port here.

24 Thank you very much for your time.

25 CHAIR COHEN: Thank you very much for your

1 comment.

2 Ms. Chan, is there another speak.

3 ASSOCIATE GOVERNMENT PROGAM ANALYST CHAN: Yes.
4 Our next speaker is Cory Briggs. Cory, you may unmute
5 yourself and begin your comment.

6 CORY BRIGGS: Good morning, members of the
7 Commission. My name is Cory Briggs. I'm an attorney in
8 San Diego. I'm the attorney that Ms. Wilkinson just
9 referenced. I do environmental law and open government
10 law and I've worked with the Port for nearly 20 years. In
11 fact, I think it's over 20 years now.

12 Anyways, it is one of the worst agencies in the
13 State when it comes to transparency and accountability.
14 And it is so bad that after I read a third-party's letter
15 during a public meeting, I was investigated. As a member
16 of the public, as an attorney reading somebody else's
17 letter, I was investigated because of the comments that I
18 made during that public meeting.

19 Furthermore, I was investigated because of
20 comments I made about that public meeting to a member of
21 the press who asked me about the comments I had made.

22 I was rewarded by being investigated. I filed a
23 civil right lawsuit -- civil rights lawsuit, because it is
24 purely retaliation. The message that was delivered during
25 that meeting is that the Port Board is engaging in illegal

1 serial meetings, violations of the Brown Act, which is the
2 equivalent to your Bagley-Keene Open Meeting Law. And the
3 letter that I read would give a reasonable person reason
4 to believe that one of the Port's top lawyers was drinking
5 heavily and sharing secrets with members of the public.
6 That wasn't my observation. That was the contents of the
7 letter that I read.

8 On top of that, I represent the news organization
9 La Prensa that requested a copy of the investigation into
10 the former CEO. That request was denied. As you've
11 heard, nearly a million dollars was spent to investigate
12 the CEO. And the public would like to know why he was let
13 go and given money. When my client asked for that, the
14 Port said we can't have it. So basically, the public
15 can't know why the Port is spending a million dollars of
16 public money for this sort of thing.

17 I tell you all of this, because understand that
18 LAFCo is trying to implement some reforms to help the
19 public have a better understanding of what's going on at
20 the port and to improve transparency and accountability.
21 I fully support those efforts, whether they're going to go
22 far enough, time will tell. But what would be really bad
23 is for staff at the State Lands Commission, or anyone on
24 this body, to be doing anything that interferes with the
25 public trying to improve the functioning, and efficiency,

1 and transparency of the Port of San Diego.

2 So I hope that you will direct your staff to stay
3 out of it and I hope that you too will stay out of it.

4 Thank you very much.

5 CHAIR COHEN: Thank you.

6 Ms. Chan, is there another speaker?

7 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
8 Our next speaker is Jonathan Ullman. Jonathan, you may
9 unmute yourself and begin your comments.

10 JONATHAN ULLMAN: Okay. Chair Cohen, members of
11 the Commission, I want to -- I hope you have a nice
12 afternoon, despite the threat of rain. My name is
13 Jonathan Ullman. I'm the Director of the Santa
14 Barbara-Ventura Chapter of the Sierra Club.

15 I'll make this brief, because I know you want to
16 move on. About nine years ago in 2015, the Refugio Beach
17 oil disaster sent about 450,000 gallons of oil onto the
18 coastline and into Santa Barbara Channel, resulting in at
19 least 202 dead birds and 99 dead mammals, including at
20 least 46 sea lions and 12 dolphins. Beaches and sea life
21 were covered in crude costing hundreds of million of
22 dollars to clean up.

23 Sable Energy is a pop -- company that just popped
24 up on the New York Stock Exchange last month and it has
25 apparently purchased all the Exxon's offshore oil and

1 onshore facilities related to those. Sable is seeking to
2 restart the Plains Pipeline, the pipeline that both
3 earthed and caused that disaster. And it is also seeking
4 to be the -- it's also seeking to use State Lands so that
5 it can transport that oil to the pipeline and on. This
6 pipeline is very old.

7 I'm glad you're going to be reviewing it, as well
8 as all the others. I'm glad it's a month-to-month lease
9 that you have -- or lease extension. I don't even know if
10 it's called a lease. It's an extension. But I will tell
11 you this, this is a dangerous thing. And this thing has
12 been shut down for almost a decade. Please do not turn it
13 back on.

14 CHAIR COHEN: Does that conclude your remarks,
15 Mr. Ullman?

16 JONATHAN ULLMAN: Yes. Thank you.

17 CHAIR COHEN: All right. Thank you very much.
18 Ms. Chan, are there others in the queue?

19 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
20 Our next speaker is Wade Womack. Wade, you may unmute
21 yourself and begin your comment.

22 CHAIR COHEN: Mr. Womack, are you ready?

23 WADE WOMACK: Yes. Hi. I have a single slide,
24 if we can post that.

25 (Thereupon a slide presentation).

1 CHAIR COHEN: It's posted. We can see it. You
2 may begin.

3 WADE WOMACK: Great. Good afternoon
4 commissioners. My name is Wade Womack. Thank you for the
5 opportunity to speak.

6 I'm an avid boater in Newport Beach. Help us
7 stop the discrimination -- number one, please help us stop
8 the price discrimination against boaters using moorings in
9 Newport.

10 Number two, the City is considering increasing
11 mooring rates up to 500 percent. This will price out the
12 average mooring user. This is the last affordable boating
13 in Newport. These boaters will have nowhere else to go.

14 Number three, mooring users will be paying 20
15 times the rate of waterfront homeowners for their docks --
16 that they pay for their docks for the exact same use, for
17 the exact same tidelands, for the exact same boating.
18 This is price discrimination and should not be allowed.
19 The granting statute for these tidelands includes a
20 provision prohibiting price discrimination. The SLC has a
21 duty to enforce the granting statute and this related
22 provision -- prohibition and to stop the price
23 discrimination in the tidelands of Newport Harbor.

24 Number five, we are grateful the SLC staff is
25 performing a preliminary review of this issue. Please

1 encourage SLC staff to perform a deep dive into this
2 matter. We really need your help.

3 Thank you for your time.

4 CHAIR COHEN: Thank you for your comment.

5 Ms. Chan.

6 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.

7 Our next speaker is Mike Fleming. Mike, you may unmute
8 yourself and begin your comment.

9 CHAIR COHEN: Mr. Fleming, are you there?

10 Mr. Fleming. Mike Fleming.

11 Okay. Let's move on, next speaker.

12 Ms. Chan, let's move on to the next speaker.

13 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.

14 We have -- we have no hands raised for comment at this
15 time

16 CHAIR COHEN: Okay. Thank you very much. I want
17 to acknowledge the importance of public comment. The --
18 for Californians to be able to come, voice their
19 displeasure or even in some cases their pleasure to their
20 elected officials or appointed officials is an incredibly
21 important, cherished, and protected part of our democratic
22 process. And I appreciate every speaker that made the
23 time to either come in person, submit something in
24 writing, or to join us online. We will receive each and
25 every one of your comments equally. And I first want to

1 pivot to see if my colleagues or fellow commissioners have
2 anything that they want to say?

3 Anything?

4 No. Okay. Thank you. I'll turn it back over to
5 you, Ms. Lucchesi.

6 EXECUTIVE OFFICER LUCCHESI: Thank you, Chair
7 Cowen and welcome. I do, if it's okay with you, welcome
8 Port of LA Deputy Director David Libatique -- Libatique --
9 excuse me -- to make some welcoming remarks.

10 CHAIR COHEN: Of course. Thank you.

11 Welcome. This is the Deputy Executive Director,
12 right?

13 DAVID LIBATIQUÉ: Yes, Controller Cohen.

14 CHAIR COHEN: Good to see you.

15 DAVID LIBATIQUÉ: Chair Cohen, Honorable members
16 of the State Lands Commission, I'm David Libatique, Deputy
17 Executive Director for Stakeholder Engagement here at the
18 Port of Los Angeles. And on behalf of Mayor Karen Bass,
19 our Board of Harbor commissioners, Executive Director Gene
20 Seroka, and all of the women and men who work at the
21 harbor department for the City of Los Angeles, it's my
22 distinct honor to welcome you. We are honored that -- and
23 so very glad you've decided to hold your meeting here. We
24 want to thank State Lands staff and Executive Officer
25 Lucchesi for bringing the meeting here.

1 We are at the Port of Los Angeles known as
2 America's Port. I think during the pandemic, we were in
3 front-page news as impactful on the supply chain
4 disruptions nationally. So it's well known at this point
5 that the cargo that traverses the wharves of our marine
6 terminals reach and touch every corner of the country. We
7 are also well known as City Department, but what is less
8 well known is we are a trustee of State Lands and we are a
9 creation of the State of California. And it's our
10 partnership and relationship with State Lands that we
11 value and that as the reason why we are so glad that
12 you're bringing your meeting here today. We wish you a
13 productive meeting and look forward to continued
14 partnership with State Lands, the Commission and the
15 staff. Thank you for being here.

16 CHAIR COHEN: Deputy Director, thank you very
17 much for welcoming us. You didn't have to do that. It's
18 very kind of you. We are all public servants and enjoy
19 serving Californians, so consider us a sister agency.

20 DAVID LIBATIQUÉ: Thank you very much.

21 CHAIR COHEN: My pleasure. Thank you.

22 All right. Let's keep moving on the agenda.

23 I don't know where we are.

24 (Laughter).

25 CHAIR COHEN: I'm not even going to pretend.

1 Where are we? What are we doing?

2 EXECUTIVE OFFICER LUCCHESI: We are on page five.

3 CHAIR COHEN: Thank you. Okay.

4 EXECUTIVE OFFICER LUCCHESI: The -- we are ready
5 to move on to adoption of the minutes from our last
6 meeting, if you're ready to do that.

7 CHAIR COHEN: All right. So may I have a motion
8 to approve the minutes?

9 ACTING COMMISSIONER DURLAO: So moved.

10 CHAIR COHEN: All right. Thank you very much.
11 Motion made.

12 Is there a second?

13 ACTING COMMISSIONER PERRAULT: Second.

14 CHAIR COHEN: Okay. Thank you. We -- if there's
15 any objection.

16 Seeing that there is none, do we need to take
17 public comment on these, no?

18 EXECUTIVE OFFICER LUCCHESI: We don't have any
19 public comment for this.

20 CHAIR COHEN: All right. If there is no
21 objection, let's take this motion unanimously. It will
22 pass. Please conduct the roll.

23 Call the roll, Ms. Lucchesi.

24 EXECUTIVE OFFICER LUCCHESI: Okay. Commissioner
25 Durlao?

1 ACTING COMMISSIONER DUMLAO: Aye.

2 EXECUTIVE OFFICER LUCCHESI: Commissioner
3 Perrault?

4 ACTING COMMISSIONER PERRAULT: Aye.

5 EXECUTIVE OFFICER LUCCHESI: Chair Cohen?

6 CHAIR COHEN: The motion passes unanimously.

7 All right. Thank you very much. The next order
8 of business is the Executive Officer's report.

9 Ms. Lucchesi, you are up.

10 EXECUTIVE OFFICER LUCCHESI: Yes.

11 CHAIR COHEN: Are you ready to go?

12 EXECUTIVE OFFICER LUCCHESI: I am ready to go.

13 Thank you.

14 CHAIR COHEN: All right. We're ready to receive
15 you.

16 (Laughter).

17 EXECUTIVE OFFICER LUCCHESI: I just have a couple
18 things I want to update the Commission and members of the
19 public on all relating to our work in the oil and gas
20 area. First, on March 15th, the Santa Barbara County
21 Superior Court found in the State Lands Commission favor
22 and against Signal Hill Oil and Gas Company operating
23 offshore pipelines awarding the Commission nearly \$300,000
24 in damages plus additional costs that will be determined
25 at a future date. The court awarded the Commission

1 damages for its claims of breach of contract and trespass
2 against Signal Hill.

3 As background, the Commission sued Signal Hill in
4 2019 after terminating its pipeline lease. The lease had
5 authorized four pipelines from -- that connected Platform
6 Hogan, which in federal water to shore. The Commission
7 approved the lease termination in June 19 -- June 2019
8 after Signal Hill failed to pay rent for several years and
9 maintain the required bond under its lease. After
10 termination, Signal Hill continued to occupy State land
11 and use the pipelines giving rise to the trespass claim.

12 And I just want to acknowledge and thank both
13 Chief Counsel Seth Blackmon and his legal team and the
14 Attorney General's office for their great representation
15 in this really significant victory on behalf of the State
16 Lands Commission.

17 Second, I did want to give the Commission an
18 update on our two oil and gas decommissioning projects,
19 one with Platform Holly. Our team has started cutting the
20 30 well conductors that link the platform wellheads to the
21 seabed and will reme -- will be remediating the shallow
22 portions of the nine wells, which together are the final
23 steps to permanently plug and abandon the platforms'
24 wells. We expect to complete this work by the end of this
25 year. And once that's done, there will be no physical,

1 technical possibility of producing oil from that platform
2 or reactivating the platform again.

3 So that moves us into preparing for the CEQA
4 process for the decommissioning of the platform and
5 related infrastructure. Currently, technical studies
6 supporting the coming Environmental Impact Report are
7 underway. We anticipate releasing a Notice of Preparation
8 this fall, which will initiate the CEQA process. And that
9 will be followed by a Draft Environmental Impact Report
10 for public review and comment, which is expected in 2025.

11 ExxonMobil will decommission Platform Holly at
12 its expense after the Commission certifies the EIR. And
13 more information is available on our web including the
14 executed phase two agreement that the Commission
15 authorized last year that governs the relationship between
16 the State Lands Commission, and Exxon, and their
17 responsibilities for the decommissioning of that platform.

18 Second, relating to Rincon Island, on March 15th,
19 Commission staff released the Draft Environmental Impact
20 Report for the Rincon phase two decommissioning project
21 with a 60-day public review and comment period that will
22 end on May 15th. This decommissioning project is looking
23 at both the island, the causeway that connects the island
24 to shore, and the onshore facility. This is a major step
25 in this significant decommissioning project and a

1 milestone that we have been working towards since the fire
2 operator filed for bankruptcy back in 2017. We will host
3 two public meeting sessions on May 2nd to receive public
4 comments on the draft and then work on the Final
5 Environmental Impact Report to be considered by the
6 Commission at a public meeting. And we are anticipating
7 the Commission hearing that -- considering that EIR at its
8 August meeting later this year.

9 And with that, that concludes my Executive
10 Officer's Report. There's a lot more in our written
11 report posted on the website, so I encourage the public to
12 go take a look at that, but that concludes my verbal
13 report.

14 Thank you, Chair.

15 CHAIR COHEN: All right. Thank you very much.
16 We receive that report.

17 Commissioner Dumlao, do you have any ideas, any
18 thoughts. I saw you taking notes over there. Anything
19 you want to -- no. No feedback.

20 ACTING COMMISSIONER DUMLAO: Well, okay, sure.

21 CHAIR COHEN: Okay. I knew it.

22 ACTING COMMISSIONER DUMLAO: A couple of --
23 couple of thoughts. Just great work on the Signal Hill
24 decision. You know, congrats to everyone involved there.
25 You know that -- I remember the issue coming before us the

1 first time around. And certainly that operator failed in
2 a number of respects and so it's great to hold them
3 accountable.

4 And then second, it's just always great to hear
5 the progress that we're making on Holly and Rincon. You
6 know, having been out to Holly, and seeing the
7 infrastructure, and just imagining what that landscape is
8 going to look like with that gone is really exciting. So
9 great work.

10 CHAIR COHEN: Yes. I would have to agree with
11 your comments. It's an exciting time. Thank you for
12 sharing us the updates and we look forward to future -- or
13 the future updates of it finally being gone.

14 All right. We're going to continue moving
15 forward. We're going to go with the next item.

16 Cathy, do we have any public comment?

17 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
18 Our next speaker is Patricia Coomans calling in with phone
19 number ending in 000. You may unmute yourself and begin
20 your comment.

21 CHAIR COHEN: Patricia, are you there?

22 EXECUTIVE OFFICER LUCCHESI: So we -- if I could
23 intervene just for a second. We do have a couple of more
24 people that have signed up for public comment, but we will
25 take them at our second public comment period towards the

1 end of the meeting.

2 CHAIR COHEN: Okay.

3 EXECUTIVE OFFICER LUCCHESI: So I think we can
4 move on to the consent agenda.

5 CHAIR COHEN: All right. Thank you very much.

6 Ms. Chan, you heard the boss. We're going to
7 close down this public comment session and we're going to
8 keep moving forward. We're going to move to the next
9 item, which -- and the next order of business will be the
10 adoption of the consent calendar. Commissioner Perrault,
11 are there any items that you'd like to remove from the
12 consent calendar?

13 ACTING COMMISSIONER PERRAULT: No, not on this
14 one.

15 CHAIR COHEN: Okay. What about you,
16 Commissioner?

17 ACTING COMMISSIONER DURLAO: None.

18 CHAIR COHEN: All right. Thank you. So then
19 next I'd like to call on Ms. Lucchesi to indicate which
20 items, if any, have been removed from the consent
21 calendar.

22 EXECUTIVE OFFICER LUCCHESI: Certainly. Consent
23 items 10 and 20 are removed from the agenda and will be
24 considered at a later time and that concludes our changes
25 to the agenda.

1 CHAIR COHEN: All right. Thank you very much.

2 Let's keep moving.

3 Is there any -- is there anyone joining us who
4 wishes to speak on any of the items remaining on the
5 consent calendar? Anyone would like to speak on any of
6 the items remaining on the consent calendar?

7 If so, please come to the podium, or raise your
8 hand on Zoom, or dial star nine if you're joining by
9 phone. Please do this now.

10 Ms. Chan, do you see any action on your end?

11 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
12 We have a public speaker that -- Barbara Griffith Barbara.
13 Barbara, you may -- you may begin your comments.

14 CHAIR COHEN: Welcome, Ms. Griffith. The floor
15 is yours.

16 Okay. Ms. Chan, it doesn't look like Ms.
17 Griffith is available. Are there any others?

18 BARBARA GRIFFITH: I am -- I am here.

19 CHAIR COHEN: Oh, okay. Great.

20 BARBARA GRIFFITH: I apologize. This technology
21 nowadays, but first I want to just let all of you know how
22 impressed I am. I'm not really involved too much in
23 attending these types of meetings, but I am here to speak
24 about the mooring issue in Newport Beach. We have a
25 problem. And I know that you've received a lot of letters

1 about the mooring --

2 CHAIR COHEN: Ms. Griffith, could you please hold
3 that thought for one moment.

4 BARBARA GRIFFITH: I can.

5 CHAIR COHEN: Thank you. We have a message for
6 you.

7 EXECUTIVE OFFICER LUCCHESI: Yeah. So we are
8 currently on the consent agenda. So we'll -- we are happy
9 to take comments in terms of anybody who wants to comment
10 on a consent agenda item. But for those general comments
11 like what it sounds Barbara wants to talk about, we'll
12 hold that until our second public comment period towards
13 the end of the meeting.

14 CHAIR COHEN: Okay.

15 BARBARA GRIFFITH: Okay. Apologize. I wasn't --
16 I didn't understand how to use the system. Okay. I will
17 wait and listen to the rest of the meeting.

18 CHAIR COHEN: Okay. Thank you very much. Thank
19 you for joining us.

20 Okay. Let's see if there's any other members of
21 the public that would like to comment on the remaining
22 balance of the consent calendar?

23 Ms. Chan, do you have anyone?

24 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Nope.
25 No, we have no hands raised.

1 Thank you.

2 CHAIR COHEN: All right. Hearing none, we will
3 now with proceed with the vote. May I have a motion to
4 adopt the consent agenda.

5 ACTING COMMISSIONER PERRAULT: So moved.

6 CHAIR COHEN: Thank you very much.

7 Is there a second?

8 ACTING COMMISSIONER DUMLAO: Second.

9 CHAIR COHEN: All right. Great. We have a
10 motion that's been made and seconded.

11 Any objection to a unanimous vote?

12 Fabulous. All right. Let's call the roll.

13 EXECUTIVE OFFICER LUCCHESI: Commissioner Dumlao?

14 ACTING COMMISSIONER DUMLAO: Aye.

15 EXECUTIVE OFFICER LUCCHESI: Commissioner
16 Perrault?

17 ACTING COMMISSIONER PERRAULT: Aye.

18 EXECUTIVE OFFICER LUCCHESI: Chair Cohen?

19 CHAIR COHEN: Aye.

20 EXECUTIVE OFFICER LUCCHESI: The motion passes
21 unanimously.

22 CHAIR COHEN: All right. Thank you very much.

23 The next order of business will be the regular
24 calendar. Ms. Lucchesi, would you like to respond?

25 EXECUTIVE OFFICER LUCCHESI: Sure. Okay. The

1 next order of business is the regular calendar, and item
2 52. And our staff member -- our Chief of our External
3 Affairs Division, Sheri Pemberton will be giving staff's
4 presentation.

5 CHAIR COHEN: That's great. Ms. Pemberton, it's
6 good to see you. Let's make sure that her mic is on in
7 the chamber, so we can hear her.

8 It's not on. Do you -- do you see a button on
9 there?

10 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Oh.
11 Thank you, Jennifer. Thank you. It was right before my
12 eyes.

13 CHAIR COHEN: No problem. We want to make sure
14 we can hear every word. The floor is yours. Thank you.

15 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Thank
16 you, Madam Chair and commissioners. This is an
17 informational update item. There's no action requested at
18 this time in terms of State legislation.

19 And just generally speaking, the dust has
20 settled. The spot bill deadline has passed and
21 legislators have returned from their spring recess, so we
22 generally know what members are going to be doing with
23 their bills this year.

24 Legislators are working kind of toward an
25 end-of-April deadline for passing out bills that are keyed

1 fiscal from their policy committees and it will just get
2 busier from there out through the August 31st deadline.

3 One caveat is that it's still kind of on the
4 early side, so even though most of spot bills have been
5 amended with substantive language, we don't kind of yet
6 have the Committee analysis and know who's going to line
7 up in support and opposition for particular bills. We
8 also anticipate in May at the Appropriations Committee
9 hearings that there will be kind of a reduction in the
10 bills based on the fiscal implications and given the \$38
11 billion deficits that the State is wrestling with. So
12 we'll be monitoring all of that.

13 Just in terms of what we're working on
14 staff-wise, a report back on two resolutions the
15 Commission adopted a support position on in February, SJR
16 12 that would encourage the federal government to change
17 bankruptcy laws to make it harder for an oil and gas
18 company to file for bankruptcy to discharge their debts,
19 and in so doing, avoid their decommissioning obligations.
20 That bill is going to be heard in the Senate Natural
21 Resources and Water Committee on April 15th. Staff has
22 been providing us technical guidance to Committee staff
23 and anticipates supporting the resolution in Committee if
24 it's not on consent.

25 And then AJR 12 will be heard in the Assembly

1 Environmental Safety and Toxics Committee later this
2 month. And that's the bill that would -- a resolution
3 that would urge the federal government to approve
4 President Biden's \$310 million dollar funding request to
5 make repairs at the Tijuana River.

6 Policy-wise more broadly speaking, we're tracking
7 bills on offshore wind energy, aquaculture, reducing idle
8 and orphan oil and gas wells, reducing plastic pollution,
9 and the Tijuana River. Senator Gonzalez introduced
10 legislation to increase the State's contribution to the
11 oil trust fund to build up the State's liability for the
12 abandonment obligations for the Long Beach oil and gas
13 operations when they end. So we're tracking that bill.
14 There's also a bill by Assembly Member Dixon that would
15 amend its statutory trust grant for a portion of Newport
16 Beach to allow for a longer lease term for those granted
17 lands, and we're tracking that as well.

18 We're also monitoring three bills that would
19 amend the Coastal Act for purposes of addressing the
20 housing crisis. And we're just taking a close look at
21 those, especially since the Commission sits on the Coastal
22 Commission, and those bills would provide exemptions to
23 the Coastal Act, which is something that we think is --
24 you know, warrants attention and we're tracking as a
25 staff.

1 So where does that leave us is that we'll
2 continue to monitor these bills and report back in
3 January -- I mean, in June at the June 7th Commission
4 meeting and imagine recommending that the Commission take
5 positions on particular bills at that time.

6 And that concludes my report.

7 CHAIR COHEN: Thank you very much. I appreciate
8 that report. Let me check in with my colleagues to see if
9 there's any questions, any clarity on anything?

10 Thank you.

11 All right. Let's take some public comment on
12 this item. This is on Item 52. Ms. Chan.

13 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Our
14 first public speaker for this item is Councilmember Marcus
15 Bush.

16 Marcus, please come up to the podium and begin
17 your comments.

18 CHAIR COHEN: Thank you.

19 MARCUS BUSH: Hello again, staff, Commission, and
20 Chair Cohen. Again, Marcus Bush, National City Council as
21 well as Air Pollution Control District. I ran out of time
22 in the last comments, so I already kind of alluded to a
23 lot of the issues with transparency and lack of
24 accountability. But I think where I stopped it leads
25 right into one of the bills I want to call out here is AB

1 2783. That was proposed by our Assemblymember David
2 Alvarez who grew up in the area in Barrio Logan, also has
3 had a history of a lot of environmental justice issues
4 similar to National City. A couple things that I ask for
5 you all.

6 I don't know if it's, you know, legally
7 appropriate if you guys do do support -- offer letters of
8 support on State bills. I would ask you all to support AB
9 2783, because it's essentially an ethics reform bill. We
10 need ethics reform at the port. You all heard, you know,
11 three other members of the public. There's many, many,
12 many more who have issues with the port. They're fighting
13 oversight and they fight oversight every chance they get.
14 And any -- to me, any public agency that fights oversight
15 is probably a public agency that needs oversight. And
16 that's what AB 2783 is. So I ask support if you guys can.

17 But I also ask for you all, since you oversee the
18 port, as State Lands Commission as ultimately responsible
19 for the port, I think it's very, very inappropriate that
20 they have been organizing and speaking out against AB 2783
21 when there has been no public discussion on their end of
22 AB 2783. And Mr. Briggs alluded to this earlier in the
23 call that how do they make the decision? They -- there
24 has been no public discussion. It reeks of what appears
25 is that there are serial meetings and violations of the

1 Brown Act that are going on.

2 And I want to read you a quote from the current
3 Chair of the Port, Frank Urtasun, he calls LAFCo's power
4 grab wouldn't provide any benefit to local residents, and
5 hence protection of San Diego Bay, or improve the regional
6 economy, but it would create new layers of bureaucracy
7 delaying critical projects and services. That's often
8 what Mr. Urtasun does and what a lot of the Port staff
9 I've seen do. They attack these bills. They attack
10 oversight and reform, in this case it is LAFCo, but
11 they've also been very critical of AB 2783. I heard Mr.
12 Urtasun say to the City of Coronado that it would be bad
13 for the residents, never gave an explanation of why ethics
14 reform would be bad for the residents.

15 And so I ask you all to ask the Port to -- before
16 they -- they need to stop with their criticism of the bill
17 without having a public discussion. I have never heard
18 any of their commissioners. I know my commissioner. I've
19 talked to my commissioner and I said at what point
20 names -- her name is Commissioner Naranjo, at what point,
21 Sandy, did you guys discuss this? And she told me
22 internally they have never discussed it. So it's just
23 either staff I think overextending what they're allowed to
24 do or there are serial meetings going on.

25 So I please ask you guys to ask the Port to have

1 a public debate on AB 2783 and for your support of 2783.
2 Thank you.

3 CHAIR COHEN: Thank you very much.

4 Ms. Lucchesi, is it customary for this body to
5 offer support letters for pieces of legislation?

6 EXECUTIVE OFFICER LUCCHESI: Yes, it is something
7 that the commission is authorized to do. And that's what
8 Sheri was alluding to in her presentation we're continuing
9 to monitor the bills that have been introduced and going
10 through their initial policy committees. And it is likely
11 that we will come at your meeting in June with some
12 recommendations for positions on certain bills.

13 CHAIR COHEN: All right. Thank you very much.
14 So it sounds like a little bit early in the process, but
15 we'll take your requests under consideration in June. All
16 right. Thank you.

17 Are there any other members of the public that
18 would like to speak on this topic on item -- yes, Ms.
19 Chan.

20 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
21 Yes. Yes, there is. Our next speaker is Luz Molina.
22 Luz, you may unmute yourself and begin your comment.

23 CHAIR COHEN: Luz Molina, are you there?

24 LUZ MOLINA: Hello. Can you hear me?

25 CHAIR COHEN: Yes, we can.

1 LUZ MOLINA: Thank you. Hi. I am Luz Molina, a
2 National City Councilmember in a district that represents
3 all of our city's port lands. I'm asking for your support
4 of Assembly Bill 2783 by Assembly Member Alvarez, which is
5 currently listed as a tracked bill in -- under your
6 category, the granted lands category. Of special interest
7 to me is the provision that would establish an independent
8 ethics committee to monitor the work of this very
9 important and very powerful agency.

10 As one of five cities that make up the port of
11 San Diego, the City of National City is committed to
12 working with the Port on our shared interests. However,
13 the Port's non-response to multiple issues is concerning
14 and it is lacking in transparency and accountability. The
15 decisions that are made at the port are important and have
16 a direct impact in our city's economy, recreational
17 access, and environmental impact.

18 Recent actions taken by the Port of San Diego
19 against our city are highly concerning and ethically
20 questionable. An independent ethics committee would allow
21 the public its right to know what is going on. I believe
22 this bill, AB 2783, is a step in the right direction to
23 establish a mechanism to give the communities most
24 impacted by the Port's operations a stronger voice without
25 impeding the Port's operation and the very important role

1 that it has. This bill would establish reform of the Port
2 that would promote fair policies and procedures, that
3 maximize the likelihood of achieving balanced outcomes for
4 the City of National City and the region as a whole.

5 Thank you for listing AB 2783 within your radar.
6 I respectfully request that you go a step further and
7 support this bill to implement policies that will lead to
8 a more transparent and accountable Port of San Diego.
9 Thank you.

10 CHAIR COHEN: Thank you very much. Appreciate
11 you. I'm not sure if you heard the -- Ms. Molina, if you
12 heard the previous speaker, but we will be taking up a
13 support or -- we'll be taking a position, but we will
14 making that -- we will be making that consideration in
15 June. Thank you.

16 Ms. Chan, are there any other members of the
17 public that would like to speak?

18 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
19 Our next speaker is Eileen Boken calling in with phone
20 number ending in 936. You may unmute yourself and begin
21 your comments.

22 EILEEN BOKEN: Eileen Boken. For this agenda
23 item, speaking on behalf of the Coalition for San
24 Francisco Neighborhoods. Both Sunset-Parkside Education
25 and Action Committee and the Coalition for San Francisco

1 Neighborhoods have taken positions to strongly oppose SB
2 951, Wiener, and AB 2560, Alvarez. By a super majority,
3 the San Francisco Board of Supervisors took a position on
4 SB 951, Wiener, to oppose unless amended, including the
5 District 10 Supervisor in the super majority. Despite
6 this -- this is despite the fact that the San Francisco
7 Mayor is the official sponsor of SB 951.

8 The Coastal Act is one of the crown jewels of
9 State legislation. It has a proven track record of
10 preserving and enhancing coastal resources. The Coastal
11 Commission has taken a position unanimously to oppose SB
12 951 unless amended. At some point in the future, the
13 Coalition for San Francisco Neighborhoods strongly urges
14 the State Lands Commission to oppose both SB 951, Wiener,
15 and AB 2560, Alvarez, as these bills are both being
16 tracked by the State Lands Commission.

17 Thank you.

18 CHAIR COHEN: Thank you, Ms. Boken. Ms. Chan,
19 are there any other members of the public?

20 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: No.
21 We have no hands raised for comment at this time.

22 CHAIR COHEN: All right. Thank you very much.

23 All right. I think what we could do is we have a
24 motion open --

25 EXECUTIVE OFFICER LUCCHESI: This is just and

1 informational report. There's no recommended action.

2 CHAIR COHEN: Okay. Thank you very much.

3 Well, let's go to the next item, that's item 53.
4 Item 53 is to consider the acceptance of the Long Beach
5 Unit -- Long Beach Unit annual plan. May we have the
6 staff report at this time.

7 (Thereupon a slide presentation).

8 PETROLEUM RESOURCES ENGINEER ABEDI: Good
9 afternoon, Madam Chair and Commissioners. My name is
10 Jalal Abedi. And I am working with the Mineral Resources
11 Management Division of State Lands Commission.

12 I'm presenting item 53, acceptance of the Long
13 Beach Unit annual plan. May I ask to please go to the
14 slides, if possible.

15 Thank you.

16 Next, please.

17 [SLIDE CHANGE]

18 PETROLEUM RESOURCES ENGINEER ABEDI: The
19 Wilmington Oil Field was discovered in 1932. It is one of
20 the largest fields in North America. The field is divided
21 into two parts. West Wilmington Field is often referred
22 to as the tidelands. And East Wilmington Field is most
23 commonly referred to as the Long Beach Unit. As directed
24 by Chapter 138, statutes of 1964, Long Beach Unit
25 development began in 1965. The City of Long Beach is the

1 unit operator and California Resources Corporation is the
2 City of Long Beach field contractor.

3 Next slide, please.

4 [SLIDE CHANGE]

5 PETROLEUM RESOURCES ENGINEER ABEDI: This picture
6 depicts the Long Beach Unit operation. The majority of
7 the oil production here occurs from four man-made islands,
8 Grissom, White, Chaffee, and Freeman.

9 Next slide, please.

10 [SLIDE CHANGE]

11 PETROLEUM RESOURCES ENGINEER ABEDI: Declining
12 oil production from the unit led to further legislation in
13 1991, where the State enacted Chapter 941 authorizing the
14 City, State, and field contractor, which was ARCO at the
15 time, to enter into an Optimized Waterflood Program
16 Agreement, or OWPA. This agreement was a profit-sharing
17 arrangement that provided the city and the contractor a
18 larger portion of the unit profits on the condition that
19 the contractor would invest and engage in enhanced field
20 development.

21 This agreement implemented in 1992 provided
22 significant incentive for the contractor to benefit from
23 enhanced field development and also resulted in greater
24 benefits to the State. The State maintained a financial
25 interest and exercised limited oversight authority,

1 including reviewing the annual plan and also the program
2 plan. On their OWPA, the profits were divided as follows:
3 contractor got 49 percent, State got 42.5 percent, and the
4 City of Long Beach got 8.5 percent.

5 Next slide, please.

6 [SLIDE CHANGE]

7 PETROLEUM RESOURCES ENGINEER ABEDI: The program
8 plan spanning a five-year period outlines the strategies
9 for managing the unit reservoir under the OWPA. It
10 details activity plans, production and injection rate
11 projections, and adds to this key challenges facing the
12 unit. Moreover, the plan also included discussion of key
13 issues facing the unit plan for the major projects and
14 initiatives to be implemented during the plan period and
15 anticipated revenues and profits.

16 On the other hand, the annual plan focuses on the
17 current physical year and is based on the parameter
18 outline in the program plan. It provides current and
19 updated estimate of volume activity levels and expenditure
20 for the ongoing year, ensuring alignment with the broader
21 objectives outlined in the program plan.

22 Next slide, please.

23 [SLIDE CHANGE]

24 PETROLEUM RESOURCES ENGINEER ABEDI: Each year as
25 required by Chapter 138, the Commission considers

1 acceptance of the unit expenditures proposed by the City
2 of Long Beach. The proposed expenditure consists of a
3 five year program plan, which is prepared every two years,
4 and an annual plan, which is prepared every year. For the
5 program plan, prior to recommending this plan to
6 Commission acceptance, Commission staff review the plan to
7 ensure consistency with good oil field practice,
8 consistency with the unit and unit operating
9 arrangement -- agreements, consistency with the OWPA, and
10 no significant environmental and safety concerns.

11 For the annual plan, prior to recommending this
12 plan, the Commission acceptance -- for the Commission
13 acceptance, Commission staff reviews the plan to ensure
14 only consistency with the program plan regarding the
15 expenditures. Every year, alongside receiving the annual
16 plan, the Commission approves costs related to subsidence
17 studies and receive an annual closing statement report
18 detailing the actual expenditure and also the revenue
19 figures. And every six months, the Commission receive
20 updates on subsidence surveys.

21 Next slide, please.

22 [SLIDE CHANGE]

23 PETROLEUM RESOURCES ENGINEER ABEDI: Commission
24 staff also participated in variety of other Long Beach
25 Unit activities, which is shown here:

1 Participate in monthly engineering committee
2 meeting, which really discuss the things like well net
3 rebore for cleaning up the wellbore and the facility
4 maintenance or replacement; also conduct oil spill
5 prevention exercises; provide on-site inspection presence
6 in the field; conduct safety and oil spill prevention
7 inspections and audits; monitor and prevent subsidence;
8 and monitor production and financial information; also
9 conduct financial audits.

10 Next slide, please.

11 [SLIDE CHANGE]

12 PETROLEUM RESOURCES ENGINEER ABEDI: Last year,
13 after the submission of the latest program plan by the
14 City of Long Beach, the Commission ordered that the City
15 of Long Beach include the following analysis in all future
16 program plans. These recommend -- these recommendations
17 were addressed in various correspondence between the city
18 and also the Commission: SB 1137, which will prohibit new
19 oil and gas wells within 3,200 feet of sensitive
20 receptors, such as homes, schools, hospitals, and also
21 requires existing wells to meet specified health, safety,
22 and environmental requirements; also, CalGEM injection
23 gradient requirements; power plant operation; commodity
24 price volatility; sea level rise; environmental justice;
25 well abandonment plan; make-up water sources; also social

1 impact -- impacts cost and impact of oil extraction;
2 public health impacts of oil production on local
3 communities, including minority communities; anticipated
4 abandonment and decommissioning costs for the Long Beach
5 Unit and the balance of the Oil Liability Trust Fund.

6 Next slide, please.

7 [SLIDE CHANGE]

8 PETROLEUM RESOURCES ENGINEER ABEDI: As I
9 mentioned earlier, the City of Long Beach, as the operator
10 of the Long Beach Unit, is required by statute to submit
11 an annual plan to the Commission each year for its
12 consideration. The annual plan currently under review
13 covers the period of fiscal year 2024-25 to ensure
14 consistency with the program plan regarding expenditures.
15 The annual plan proposes spending around \$304 million in
16 the fiscal year 2024-25, and project a unit net income of
17 nearly \$40 million. Oil price -- oil prices during the
18 plan year are estimated at \$65 per barrel and estimated
19 oil production averaging just above 14,000 barrels per day
20 for the plan year.

21 Next slide, please.

22 [SLIDE CHANGE]

23 PETROLEUM RESOURCES ENGINEER ABEDI: So this
24 table shows the differences between the program plan and
25 annual plan for key factors, such as, for instance, the

1 average oil rate it was estimated in the program plan to
2 be around 14,700 barrels per day. And then in the annual
3 plan, it is estimated to be 4,200 barrel per day. So it's
4 just about maybe three or four percent lower.

5 Also, for the expenditure, in the program plan,
6 it was estimated to be \$360 million, whereas in the annual
7 plan, this number is 304, just about that, million dollar.
8 For the revenue, in the program plan, it was estimated to
9 be \$356 million. Whereas, in annual plan, it was
10 estimated to be \$344 million. So net profit is almost the
11 same, \$41 million in the program plan compared to \$40.3
12 million in the annual plan. And the oil price in the
13 program plan was \$65 per barrel and in the annual plan
14 is -- remains the same.

15 Next slide, please.

16 [SLIDE CHANGE]

17 PETROLEUM RESOURCES ENGINEER ABEDI: So
18 Commission staff has reviewed annual plan and finds the
19 plan is consistent with the program plan. Staff therefore
20 recommends the Commission accept the Long Beach Unit
21 annual plan as submitted by the City of Long Beach.

22 And this complete my presentation of staff report
23 for item 53. And I will be happy to answer any question
24 you may have. Thank you.

25 CHAIR COHEN: Mr. Abedi, thank you very much for

1 your presentation. Let me check with my colleagues to see
2 if there's any questions.

3 Mr. Dumlao, none?

4 ACTING COMMISSIONER DURLAO: No questions. Thank
5 you.

6 CHAIR COHEN: Okay. Appreciate that.

7 Ms. Perrault?

8 ACTING COMMISSIONER PERRAULT: No.

9 CHAIR COHEN: Okay. You were so thorough that we
10 have no questions. So congratulations to you.

11 (Laughter).

12 CHAIR COHEN: Okay. Seeing that there are no
13 questions, let me check in with Ms. Chan to see if there's
14 any public comment?

15 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
16 Our next speaker is Brady Bradshaw. Brady, you may unmute
17 yourself and begin your comments.

18 BRADY BRADSHAW: Hi. Am I up? I couldn't hear
19 myself being called on.

20 CHAIR COHEN: Yes, you're up, Brady. Good to see
21 you again. You have three minutes.

22 BRADY BRADSHAW: Okay. Thank you again for the
23 opportunity to speak. Brady Bradshaw here with the Center
24 for Biological Diversity. Today, the City of Long Beach
25 requests approval of an annual plan under a five-year

1 program plan that illegally ramps up production in the
2 Wilmington Oil Field without environmental analysis under
3 CEQA. Drilling on the THUMS Islands needs to be phased
4 out as soon as possible. Instead, the City of Long Beach
5 is vaguely mentioning enhanced oil recovery in their plans
6 and pushing through last-minute drilling to try to preempt
7 SB 1137. It's actually disgraceful.

8 The program plan projects 23 wells drilled in the
9 Range Reservoir. But the annual plan actually projects 24
10 wells to be drilled in the Ranger Reservoir, if folks
11 would examine the contents closely of the annual plan
12 compared to the program plan. This increase above the
13 proposed number of wells in the reservoir is inconsistent
14 with the program plan, and therefore does not meet the
15 Commission's requirements to improve -- approve an annual
16 plan.

17 The Commission should also require an extensive
18 analysis of the additional costs of decommissioning added
19 by the new drilling or re-drilling of each well in the
20 plan. The information is not currently factored into the
21 financial analysis in the program plan or the annual plan.
22 And under the current scheme these unexplained costs may
23 end up falling back on Californians who don't support
24 continued offshore oil drilling and continued spilling.

25 The program plan clearly lists activities, such

1 as redrilling, possible new drilling, possible
2 reintroduction of enhanced oil recovery, and other
3 activities that could be capable of producing
4 environmental impacts on air quality, water quality,
5 noise, species, and other CEQA values. The annual plan
6 presented today even mentions possible future construction
7 of a new natural gas pipeline to support operations.

8 The City of Long Beach continues to mock the
9 State Lands Commission's directives from the required
10 revisions that they required to the outrageous an
11 extraction-heavy program plan. For example, while the
12 social cost of carbon was clearly intended to be factored
13 into the overall financial calculations, the City
14 continues to justify this external impact through
15 paragraphs or sentences of recognizing that there is a
16 social impact.

17 But the State, and the City, and the operators
18 should actually take responsibility for these impacts by
19 diverting profits in the amount equal to the social cost
20 of carbon directly into some climate or environmental
21 justice fund, instead of simply justifying that those
22 impacts are okay.

23 We don't -- we request that the Commission sends
24 this plan back for revisions or outright denies the annual
25 plan, because it's not consistent with the program plan,

1 and further -- and further the impacts. Thank you.

2 CHAIR COHEN: Thank you.

3 Brady, let me ask you, what organization are you
4 with that you represent?

5 BRADY BRADSHAW: With the Center for Biological
6 Diversity.

7 CHAIR COHEN: Thank you very much.

8 Any -- no questions.

9 Okay. Ms. Chan, are there any other members in
10 the queue?

11 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Yes.
12 Yes. We have one more speaker is Ann Cantrell. Ann, you
13 may unmute yourself and begin your comment.

14 CHAIR COHEN: Ms. Ann Cantrell, are you ready?

15 ANN CANTRELL: Hello. Can you hear me?

16 CHAIR COHEN: Yes.

17 ANN CANTRELL: Yes. Good afternoon. Ann
18 Cantrell. I'm co-chair of the Los Cerritos Wetlands
19 Taskforce of the Sierra Club in Long Beach. We support
20 the comments and concerns brought forth by the Center for
21 Biological Diversity and ask for denial of this plan.

22 We're especially concerned about the risk of
23 offshore spills. The staff report states there have been
24 safety and oil spill prevention audits since 2002. Quote,
25 "Since the first audit, the total number -- total number

1 of action items has decreased from 3,197 to 601 actions
2 through the last audit in 2019. All of the previously
3 identified action items have been resolved, which
4 demonstrates the value of performing these staff-conducted
5 safety audits," unquote.

6 The next audit is expected to begin in 2025. We
7 urge you to conduct these safety and oil spill prevention
8 audits every year instead of every five years. There have
9 been too many oil spills off our coast and Long Beach
10 would be greatly affected by an oil spill along with the
11 marine wildlife. So eliminating these spills is a key
12 step that we can take today to help the marine ecosystems
13 recover amidst the many threats they face.

14 Again, we ask for denial of this plan or at least
15 send it back for more to make it conform with the program
16 plan.

17 Thank you.

18 CHAIR COHEN: Thank you very much, Ms. Cantrell.
19 Appreciate your comments. Are there any other members of
20 the public that would like to comment on this item.

21 Ms. Chan, is there anyone on your end?

22 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: No.
23 No, we have no more hands raised for comment at this time.

24 CHAIR COHEN: All right. I think I see someone
25 coming up in the chamber.

1 ADAM LEVERENZ: Adam Leverenz. I just want to
2 make a possible uninformed observation. The staff report
3 cited a price per barrel of oil at \$65. On the trading
4 market yesterday, it was \$85 a barrel. I don't know if
5 this is a lower grade perhaps, but if it's not, the
6 revenues could be 30 percent higher than the report
7 indicated. Thank you.

8 CHAIR COHEN: Thank you for bringing that into
9 the record to adequately reflect. Does staff want to
10 speak on this?

11 EXECUTIVE OFFICER LUCCHESI: Yeah, I'm happy to
12 speak on a couple of different things relating to this
13 item, if it --

14 CHAIR COHEN: Please do. Yes, absolutely.

15 EXECUTIVE OFFICER LUCCHESI: Okay. So a couple
16 of things I wanted to clarify. First is that, as
17 described in the presentation, but just to add a little
18 bit more emphasis, because of the legislation that was
19 passed in 1991, Chapter 941, that was referenced in the
20 presentation, the Commission's role in these operations at
21 the Long Beach Unit was significantly curtailed
22 intentionally. And so, the Commission does not have full
23 discretionary review and approval role over these
24 operations. And it's -- the statutes and the resulting
25 agreements are very clear about the role the State Lands

1 Commission plays in reviewing these program plans and
2 annual plans. And the Commission is not in a role to
3 approve or disapprove the annual plan. It's essentially
4 to review the annual plan for consistency with the program
5 plan and then accept it essentially for filing. So the
6 role the Commission plays is significantly different than
7 some of the other roles that the Commission has in terms
8 of leasing offshore tide and submerged lands.

9 Second, we are a named defendant in a CEQA
10 lawsuit brought by the Center of -- for Biological
11 Diversity alleging noncompliance with CEQA. So it's
12 important that we don't speak to that, because we are in
13 active litigation over that.

14 And then finally -- or a couple more things.
15 With regards to oil the price, yes, in fact, I was just
16 looking at the oil prices this morning in terms of the
17 different indicators that we use and it's anywhere between
18 \$81 and \$85 per barrel. The annual plan -- the way I like
19 to think about the program plan and the annual plan is the
20 program plan is essentially the city's strategic plan over
21 five years -- looking five years into the future of how
22 they're going to operate the Long Beach Unit Field. The
23 annual plan is the annual budget that they look at
24 consistent with the program plan in terms of operations,
25 revenues, and expenditures. So the \$65 per barrel is

1 essentially just an estimate for budgetary purposes.

2 Sometimes we've been in years where the average
3 price of oil is down to \$35 a barrel. And then at the
4 height, it's been over \$100 per barrel. So this is really
5 for budgeting and estimation purposes. And we acknowledge
6 that on a day-to-day basis, at least in the last year or
7 more, it's been significantly more than \$65 a barrel.

8 And then finally, last year, as referenced in the
9 staff report, the Commission ordered significant changes
10 to the program plan that was outlined both in the staff
11 report and the presentation. We sent those ordered
12 revisions to the City. The City responded by including
13 those categories in the revised program plan, but we share
14 some of the concerns and comments that have already been
15 made about the adequacy of the substance of the inclusion
16 of those categories. And we responded to the city's
17 inclusion in February of this year in a letter. And all
18 those are exhibits to our staff report.

19 Our goal is to continue to work with the city to
20 ensure that their next program plan, which will come
21 before the Commission next year, does comprehensively
22 include a detailed discussion of all the categories the
23 Commission ordered revisions to.

24 And with that, I'll turn it back over to the
25 Chair.

1 CHAIR COHEN: Thank you very much. I appreciate
2 your additional commentary. It actually helped explain
3 some questions that were not as clear. I do have some
4 ideas that I want to share and just get on the record. I
5 understand that today our vote to accept the annual plan
6 actually falls under the Commission's standard of review
7 to agree that the budget is aligned with the program plan
8 submitted last year. And quite honestly, after reviewing
9 the staff report and the annual plan, I agree that it is
10 in line.

11 However, I do want to take a moment to -- and
12 take this opportunity to briefly discuss some of my
13 continued -- my continued concerns regarding the program
14 plan. So overall, I believe it appears that the city
15 addressed each of the revisions we recommended at our last
16 meeting -- at our last meeting last year, although, I was
17 disappointed in the effort and the extent of the
18 environmental justice analysis in particular. I see you
19 nodding. You might be in agreement with me.

20 And I just want to also state what we know. We
21 know from countless scientific studies and reports,
22 including the City of Long Beach's own community profile
23 study, that the opportunity to be healthy, to be safe, and
24 thriving it's not equal, and that health outcomes are
25 inequitable, and primarily based on race, based on place,

1 and economic status. So I was surprised that the City
2 didn't address these known disparities and didn't
3 sufficiently dig into the environmental justice concerns.

4 I -- and with that -- and with the clear
5 community interest expressed at our meeting and at the
6 city council meetings, I frankly was just very
7 disappointed that the City didn't provide an additional
8 opportunity for public com - for public engagement
9 following the revisions to their program plan.

10 So I understand that time was limited and we are
11 limited in our ability to enforce specific revisions, but
12 how can we ensure that the public, and the Long Beach City
13 Council, and the State Lands Commission are all given
14 suitable time for engagement and revisions, so that next
15 time, the program plan -- for the next time when the
16 program plan is updated.

17 So I'm looking to, I guess, make some more of a
18 process change to ensure that we are listening and not
19 placating people, but that we are seriously being good
20 defenders, as well as good partners for all of the people
21 that we're representing, not just those that are wealthy
22 enough to have a lawyer or a lobbyist to represent their
23 interests, but everyone. So I'll leave that there. I
24 don't -- Commissioner Dumlao, it looked like you have
25 some -- okay. I'm not picking on him, but he's --

1 ACTING COMMISSIONER DURLAO: I agree with
2 everything you said.

3 CHAIR COHEN: He's so animated over here. He
4 keeps constantly catching my eye. And I'm like is there
5 anything you want to say, besides I agree?

6 (Laughter).

7 CHAIR COHEN: Okay. Seeing none. Well said.
8 Thank you very much Commissioner Perrault. I appreciate
9 that. Ms. Lucchesi, did you want to add anything to my
10 comments?

11 EXECUTIVE OFFICER LUCCHESI: I just want to
12 express my agreement --

13 CHAIR COHEN: Thank you.

14 EXECUTIVE OFFICER LUCCHESI: -- in terms of the
15 process changes -- the substance definitely and also the
16 process changes. And that's something that we are
17 actively working with the City on to ensure that we can
18 work with them earlier on the development of the program
19 plan, so that it is more comprehensive and more accessible
20 in terms of engagement and outreach to the communities
21 that these operations impact.

22 CHAIR COHEN: Yeah. I mean, the one thing that I
23 hear consistently no matter where we are in the state of
24 California, when you're talking about communities of
25 color, working class people, when you're talking about

1 tease types of issues, people say the same thing that they
2 don't feel seen, they don't feel heard, their issues are
3 not taken under serious consideration. We are hearing it
4 with the offshore wind issue when we're dealing with the
5 tribes.

6 So this, for me, is still something that's very
7 alarming. And, you know, also I want to speak to
8 something that may not often get spoken to, but the level
9 of bias and even racism that exists in the environmental
10 community. Yes, we have environmental justice efforts,
11 but we need to be moving together on the same page and
12 providing the same equal platform for everyone.

13 So I am very -- hold these issues very close to
14 my heart. I represented the southeastern neighborhoods of
15 Bayview Hunters Point for eight years on the San Francisco
16 Board of Supervisors, and spent a lot of time now as a
17 statewide elected for the last five years connecting with
18 communities of color, communities that are dealing with
19 real life-changing, life-threatening environmental
20 injustices, whether we're talking about particulate matter
21 in the air, whether we're talking about pollution, clean
22 water. You think we -- we talked a little bit early about
23 the Tijuana River, just another example of just how people
24 of color and poor people have just gotten the short end of
25 the stick.

1 And I hope by the nods that I see in this room
2 that you guys are with me that I'm just tired of it and
3 want to be -- and want to be a little bit more proactive
4 and aggressive in our -- in our approach to just eliminate
5 this, so we don't have to deal with these types of issues.
6 We've got other issues, environmental issues that we have
7 to -- that we have to take on. And this is just a
8 challenge that I believe that we can overcome.

9 Thank you for listening.

10 All right. I feel like we need a break.

11 (Laughter).

12 CHAIR COHEN: I feel like we need a moment to
13 gather ourselves before we can continue with the -- with
14 the agenda. Let's see. Okay. So I need to take a motion
15 on this item. We've taken public comment on this. Is
16 there a motion?

17 ACTING COMMISSIONER DURLAO: So moved.

18 CHAIR COHEN: All right. A motion made by
19 Commissioner Durlao. Is there a second?

20 ACTING COMMISSIONER PERRAULT: Second.

21 CHAIR COHEN: Second by Commissioner Perrault.
22 Let's go ahead and -- the motion, by the way, is to adopt
23 staff's recommendation just to be clear on the record. I
24 see my attorneys are like getting nervous.

25 Calm down. I got it.

1 (Laughter).

2 CHAIR COHEN: So we've got a motion to adopt
3 staff's recommendation. The motion -- I think this is
4 going to be a unanimous vote. Could you please call the
5 role?

6 EXECUTIVE OFFICER LUCCHESI: Certainly.

7 CHAIR COHEN: Thank you.

8 EXECUTIVE OFFICER LUCCHESI: Commissioner Dumlao?

9 ACTING COMMISSIONER DUMLAO: Aye.

10 EXECUTIVE OFFICER LUCCHESI: Commissioner
11 Perrault?

12 ACTING COMMISSIONER PERRAULT: Aye.

13 EXECUTIVE OFFICER LUCCHESI: Chair Cohen?

14 CHAIR COHEN: Aye.

15 EXECUTIVE OFFICER LUCCHESI: The motion passes
16 unanimously.

17 CHAIR COHEN: All right. Thank you very much. I
18 appreciate that. Ms. Lucchesi, what's next in the order
19 of business.

20 EXECUTIVE OFFICER LUCCHESI: Our next order of
21 business is our second public comment period and I do
22 believe we have a handful of commenters that do want to
23 speak during public comment.

24 CHAIR COHEN: All right. Great. Public comment
25 is my favorite time on the agenda. So, Ms. Chan, if

1 anyone wants to address the Commission on any matter
2 that's not on today's agenda please come on up to the
3 podium or you may raise your hand on Zoom. And if you are
4 on -- calling in on the phone line, please hit star nine
5 and we will recognize you. Everyone will have an equal
6 amount of time to speak. I'm going to call on those that
7 are here in the chamber first. We're going to first take
8 up members of the public that are here. Then we will move
9 to those joining us virtually.

10 Ms. Chan, please call the first person that would
11 like to make public comment. Actually, I see him here in
12 the chamber.

13 ADAM LEVERENZ: Okay.

14 CHAIR COHEN: That's okay. We'll still give you
15 three minutes.

16 ADAM LEVERENZ: Adam Leverenz again. From the
17 gratitude Mayor Bass's representative expressed for you
18 being here, I got the impression that maybe this is
19 unusual for you folks to be holding an in-person meeting
20 in this area.

21 CHAIR COHEN: We rotate locations across the
22 state of California.

23 ADAM LEVERENZ: Okay. I also very much
24 appreciate the opportunity to be before someone. Flip
25 phone guy here, so all the stuff doesn't work for me. And

1 then I have a question for you, Chair Cohen. With your
2 travel here delaying your arrival, will you have
3 opportunity to review the public comment that occurred
4 before your arrival?

5 CHAIR COHEN: Yes.

6 ADAM LEVERENZ: Okay.

7 CHAIR COHEN: As a matter of fact the woman that
8 was chairing is my Deputy on my --

9 ADAM LEVERENZ: Okay. Great.

10 CHAIR COHEN: -- executive senior staff members
11 and she took copious notes.

12 ADAM LEVERENZ: Okay. Awesome.

13 CHAIR COHEN: So I will have it.

14 ADAM LEVERENZ: And then as far as the Newport
15 Beach issue. As has been mentioned extreme rent increases
16 being proposed. This is going to contribute to
17 homelessness, which I think everybody knows that there's a
18 problem with homelessness statewide. And I don't think
19 anything should be done to compound that.

20 And then State Lands Commission documentation
21 says that, "Benchmarks are used to establish uniform
22 rental rates in specific geographic regions with large
23 concentrations of similar facilities, and that the use of
24 benchmarks improves the consistency, transparency, and
25 efficiency of how the Commission establishes rent for

1 large numbers of similar leases saving time, resources,
2 and money for both applicants and the State."

3 And I would again opine that we're in Newport
4 Beach to succeed. Most of those goals are thrown out the
5 window. And all the efforts to be consistent and
6 transparent would kind of go by the wayside. And it's
7 already resulting in wasted time and money.

8 Thank you.

9 CHAIR COHEN: Um-hmm. Thank you for your
10 comments.

11 All right. Seeing that there are no other -- you
12 would like to speak. Come on.

13 MARCUS BUSH: Sorry. Last comments. I really
14 think -- it was my first State Lands Commissioner meeting,
15 so really appreciate staff and the commissioners for your
16 leadership on this.

17 And Chairwoman, I've just go to say, I really,
18 from the bottom of my heart, appreciate you speaking about
19 environmental justice, environmental racism, disparities,
20 people of color. We just need to have sometimes just
21 really uncomfortable conversations. Sometimes we get into
22 conflicts and speaking truth to power is always difficult,
23 but I do this with love. I feel like you do this with
24 love and I hope all of us are doing this with love. And
25 you know, it gets tough, but we just have to be real with

1 each other and power through.

2 And I would love -- I see that you all are
3 rotating your meetings. I see you have it in October 17th
4 in San Diego. I don't know you already had a venue picked
5 out. I would love you guys to come to National City. I
6 would invite you to use our chamber halls. My Mayor is
7 going to be so mad. I haven't even asked him. So I'm
8 going to text him right now. I'll double check, but I
9 would love for you all -- to host you all in the City of
10 National City in our council chambers. You know, and I
11 can work out the logistics, and any of your requirements
12 and whatever you guys need. But we would love to host you
13 all and just continue these deeper conversations.

14 Thank you.

15 CHAIR COHEN: Thank you. That's an excellent
16 suggestion. Thank you, Councilman.

17 All right. Ms. Chan, let's go to your --

18 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: We
19 have no hands raised for comments.

20 CHAIR COHEN: What? None?

21 Not one?

22 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Oh,
23 there's one.

24 CHAIR COHEN: Okay.

25 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: Okay.

1 Our next speaker is Barbara Griffith. You may unmute
2 yourself and start your comment.

3 CHAIR COHEN: Ms. Griffith, thank you very
4 much --

5 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN:
6 Barbara.

7 CHAIR COHEN: -- for waiting. The floor is
8 yours.

9 Ms. Griffith, go ahead.

10 BARBARA GRIFFITH: Okay. Can you hear me?

11 CHAIR COHEN: Yes.

12 BARBARA GRIFFITH: Awesome. All right. So I'm
13 calling in. First all, I want to thank you guys. You're
14 so professional. You're so nice. I really love it. What
15 a labor of love to sit on this committee -- this
16 commissioner[sic]. I mean, thank God for you guys. You
17 seem like you have, you know, it really well together and
18 look for the public interest.

19 So I am with the Newport Beach and imposing the
20 rate hike. And I'm sure that you're aware of it. You've
21 received a lot of information and you had a meeting
22 yesterday with the Commissioners. I just want to express
23 that there is something seriously wrong with our city. I
24 hate to say that, because I love Newport Beach. But as I
25 get more and more involved in this issue with the raising

1 of the mooring fees, I can see true discrimination. Even
2 if you take a look at -- there's 750 private docks meeting
3 people with big houses that have big boats in front of
4 their homes.

5 They contribute -- 750 of them contribute
6 \$300,000 a year. Okay. That's how much they pay. There
7 is 800 and let's say 50 moorings in Newport Harbor. These
8 moorings are made up of school teachers, retirees, police
9 officers, people who own boats that have them in a mooring
10 and want to have family enjoyment in the Newport Harbor
11 taxpayers. There's approximately 800 of them, probably a
12 little bit more. They pay 1.3 million a year. They do
13 not use -- we all use the same tidelands, okay? We all --
14 it's the same body of water. So I really, really pray
15 that you pay attention to what -- it's -- to us, meaning
16 the people that are trying to tell you there's something
17 wrong with our city. We know that there are powerful
18 people. We know that the City Council, and the Harbor
19 Commission, and all these private yacht clubs, and the
20 people that you met with yesterday -- I think two of them
21 that you met with yesterday have homes on the water,
22 right?

23 So that -- but our city is controlled by the
24 wealthy. And that is our problem, we don't have a voice.
25 We've had to fund raise for \$47,000 so far to hire legal

1 representation, yet they can have their attorney at their
2 disposal. So I hope that you hear us. They are -- by the
3 way, last thing, they are getting these 50-year leased
4 land from this -- from -- anyway. I'm out of time, but
5 thank you again for your service.

6 CHAIR COHEN: Thank you very much for sticking
7 with us to this point on the agenda.

8 Ms. Chan, are there any other members on the
9 public --

10 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: No.

11 CHAIR COHEN: -- of the public --

12 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: No.

13 CHAIR COHEN: -- that would like to speak?

14 All right.

15 ASSOCIATE GOVERNMENT PROGRAM ANALYST CHAN: No.

16 We're good. Thank you.

17 CHAIR COHEN: All right. Thank you. Okay, we'll
18 move along then. All right, if anyone -- I get so excited
19 I get confused in my -- lost in my script. I tell you I
20 love public comment. All right. Seeing that there are no
21 questions, Ms. Lucchesi, what's the next order of
22 business?

23 EXECUTIVE OFFICER LUCCHESI: Our next order of
24 business is closed session, but I do need to do a couple
25 of report out -- report outs before we head into closed

1 session.

2 CHAIR COHEN: Okay.

3 EXECUTIVE OFFICER LUCCHESI: First, regarding
4 items 50 and 51 on the informational calendar, Government
5 Code section 11126 subdivision (c)(7) allows a State body
6 to discuss real property negotiations in closed session
7 provided that before the closed session the State body in
8 open session identifies the real property concerned and
9 the person or persons with whom the negotiator may
10 negotiate with.

11 In accordance with this requirement, I announce
12 that the Commission will conference in closed session with
13 its real property negotiators regarding the following
14 items:

15 Item 50 addresses four applications for
16 assignment of leases governing the use of existing
17 offshore oil and gas pipelines traversing State waters
18 associated with the Santa Ynez Unit in federal waters
19 including the Ellwood Pier and two mooring buoys offshore
20 Santa Barbara County. The negotiating parties are the
21 State Lands Commission, ExxonMobil, and Sable Offshore
22 Corporation. Under negotiation are price and terms.

23 Also item 51 regarding an application for
24 assignment of two existing oil and gas production leases
25 commonly referred to as the West Montalvo leases where the

1 wellheads are located on the upland, but produce from
2 reservoirs in State waters, offshore Ventura County. The
3 negotiating parties are the State Lands Commission,
4 California Resources Corporation, and Cal NRG LLC. Under
5 negotiation are price and terms and statutory compliance.

6 That concludes my report.

7 CHAIR COHEN: All right. Thank you very much.
8 So now, we will adjourn into closed session. Thank you
9 ladies and gentlemen.

10 (Off record: 2:00 p.m.)

11 (Thereupon the meeting recessed into
12 closed session.)

13 (Thereupon the meeting reconvened open session.)

14 (on record: 2:48 p.m.)

15 CHAIR COHEN: Thank you. Good afternoon, ladies
16 and gentlemen. Let the time reflect it's 2:48. We're
17 coming back into open session.

18 I'd like to acknowledge Jennifer Lucchesi at this
19 moment.

20 EXECUTIVE OFFICER LUCCHESI: Certainly. So
21 consistent with Government Code section 11126 subdivision
22 (c)(7), the Commission met in closed session with its real
23 property negotiators regarding two assignment
24 applications. The first addressing the proposed
25 assignment from ExxonMobil to Sable Offshore Corporation

1 of four leases that support the Santa Ynez Unit offshore
2 Santa Barbara County, and the second addressing a proposed
3 assignment from California Resources Corporation to
4 California NRG of two oil production leases offshore
5 Ventura County. That concludes my report out.

6 CHAIR COHEN: All right. Thank you very much.

7 So there are no other action items. There are no
8 other agenda items on this agenda, so it is with a sad
9 heart that I have to say our work is done for the day.
10 But don't worry, we will come back and reconvene soon and
11 we will have another agenda full.

12 Thank you, everyone. We are adjourned for the
13 day.

14 (Thereupon the California State Lands
15 Commission meeting adjourned at 2:49 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 14th day of April, 2024.



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