

~ MINUTES ~  
CALIFORNIA STATE LANDS COMMISSION  
MEETING OF OCTOBER 19, 2012

CAL/EPA HEADQUARTERS BUILDING  
COASTAL HEARING ROOM  
1001 I STREET  
SACRAMENTO, CALIFORNIA 95814

**APPEARANCES**

**COMMISSIONERS PRESENT**

- Alan Gordon, Deputy Controller and Alternate for Controller John Chiang
- Gavin Newsom, Lieutenant Governor
- Pedro Reyes, Chief Deputy Director, Alternate for Director of the Department of Finance, Ana Matosantos

**STAFF MEMBERS IN ATTENDANCE**

- Curtis Fossum, Executive Officer
- Jennifer Lucchesi, Chief Counsel

**REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL**

- Joseph Rusconi, Deputy Attorney General

**NOTE:** A list of individuals making statements before the Commission and the entities they represent, along with the Executive Officer's Report, are included in a complete transcript of the proceedings, which is on file in the Sacramento offices of the Commission and posted on the Commission's website at [www.slc.ca.gov](http://www.slc.ca.gov). Also included on the website is the voting record of the meeting with the staff report for each agenda item linked to the respective consent, regular or informational item number. A link to a recorded Cal-Span.org webcast of the meeting is also available on the Commission's website. All of these items may be found under Previous Meetings, by date of the meeting.

**RECORD OF ACTION TAKEN BY THE  
CALIFORNIA STATE LANDS COMMISSION  
MEETING OF OCTOBER 19, 2012**

Chair Alternate Alan Gordon called the meeting of the California State Lands Commission to order at 10:07 A.M. at the CAL/EPA Building Coastal Hearing Room, 1001 I Street, Sacramento, California 95814; also present were Commissioner Gavin Newsom and Commissioner Alternate Pedro Reyes.

The Minutes of the Special October 1, 2012 meeting were approved by a vote of 3-0.

**EXECUTIVE OFFICER'S REPORT**

Executive Officer Curtis Fossum updated the Commission on the following items:

- Commission staff met with the leaders of the California Association of Port Authorities, who oversee California's ports. Staff emphasized the importance of maritime trade to California's economy, the quality of life and staff's willingness to assist the ports in their missions.
- The Commission is holding its 10<sup>th</sup> biennial Prevention First Symposium in Long Beach on October 23 and 24. The symposium provides the opportunity to view and discuss scores of exhibits and listen to and question over 100 speakers on offshore pollution prevention technology.
- The Western States Land Commissioners Association recently signed a Memorandum of Understanding with the US Bureau of Land Management to encourage better communication between the two organizations and expedite real estate transfers.
- Staff of the Commission performed a site visit to investigate the use of state lands on the Colorado River at Rio Buena Vista in Needles. Staff also held a public meeting to listen to residents and other members of the public. Staff will report back to the Commission with recommendations.
- The Commission was updated on the two Bureau of State Audits audit of the Oil Spill Prevention Administration Fund and the Commission's leasing programs.
- The Commission was briefed on the 16 CEQA exempt projects that were issued letters of non-objection by staff during the prior twelve months ending August 31.
- The Commission recognized the retirements of Debi Banks, who served the Commission for 37 years, and Kevin Mercier, who served in the Marine Facilities Division for 21 years.

## RECORD OF ACTION CONTINUED

### CONSENT CALENDAR

Consent Items C25, C27, C44, C53, C63, C82, C89, C90 and C93 were removed from the agenda, to be heard at a later date. Please note that C63 was not noticed at the meeting as being pulled, but it was pulled prior to the meeting. Consent Items C01-C24, C26, C28, C30-C43, C45-C52, C54-C62, C64-C81, C83-C88, C91, C92 and C94-C96 were approved as presented by a vote of 3-0. Consent Item C97 was informational - no vote required. Consent Item C29 was moved to the Regular Calendar.

### INFORMATIONAL

**ITEM 98:** Informational Report on Interagency coordination on Marine Debris – including potential effects of the Japan Tsunami. The item was informational – no vote required.

### REGULAR CALENDAR

*(The Items below appear in the order presented.)*

**ITEM 29:** A staff presentation was made to the Commission regarding the consideration of a lease for a deck and boat lift in Lake Tahoe. After hearing testimony from local homeowners and discussion by the Commissioners, the Commission deferred voting on the item so that it could be considered at a future meeting.

Item 29 – Item was deferred.

**ITEM 99:** The Commission considered proposed regulations to establish assessment protocols for the discharge of ballast water for vessels operating in California. After hearing testimony from interested individuals and discussion by the Commissioners, the Commission deferred voting on the item so that it could be considered at a future meeting.

Item 99 – Item deferred.

**ITEM 100:** A staff presentation was made to the Commission regarding the application to maintain a floating restaurant and parking lot in the City of Burlingame. After further discussion and clarification with the applicant, the Commission approved the item with the conditions that the applicant must submit to staff: a guarantee from the owner of the vessel (Maxim Commercial Capital) for the unconditional guarantee to remove the vessel from its current location in lieu of a \$500,000 bond, a contract from a reputable tug boat owner (to be maintained for the duration of the lease term), three years of pre-paid consideration due within 30 days of the Commission's authorization and a 10-year lease term.

## RECORD OF ACTION CONTINUED

Item 100 – Item was approved as presented by a vote of 3-0.

**ITEM 101:** A staff presentation was made to the Commission to consider certification of a Final Environmental Impact Report and issuance of four leases for commercial sand and gravel extraction in central San Francisco Bay.

Item 101 – Item was approved as presented by a vote of 3-0.

The Commission meeting public session recessed into closed session at 1:54 P.M and reconvened at 2:08 P.M. The Commission meeting public session was adjourned at 2:08 P.M.

**STAFF AND PUBLIC ADDRESSING  
THE FOLLOWING CALENDAR ITEMS  
CALIFORNIA STATE LANDS COMMISSION MEETING**

**OCTOBER 19, 2012**

**ITEM C29 – VANDERBEEK LEASE**

- Braiden Chadwick, Attorney representing Ron and Billie Vanderbeek
- Bob Marston, Property Owner

**ITEM C99 – BALLAST WATER REGULATIONS**

Nicole Dobroski, Marine Invasive Species Program Manager, Marine Facilities Division, CLSC

- John Berge, Pacific Merchant Shipping Association
- Abigail Blodgett, Associate Attorney, San Francisco Baykeeper
- Sandra Burkhart, Coastal Coordinator, Western States Petroleum Association
- Andrew Cohen, Director, Center for Research on Aquatic Bioinvasions
- Marc Holmes, Program Director, The Bay Institute
- Karen McDowell, Environmental Planner, San Francisco Estuary Partnership

**ITEM 100 – FRANK M. COXE**

Brian Bugsch, Chief, Land Management Division, CSLC  
Colin Connor, Assistant Chief, Land Management Division, CSLC  
Grace Kato, Public Land Manager, Land Management Division, CSLC

- Richard Higbie, representing Frank Coxe, LLC
- Lloyd Bothwell, representing self

**ITEM 101 – HANSON**

Chris Huitt, Staff Environmental Scientist, Environmental and Planning Management Division, CSLC

Don Oetzel, Public Land Management Specialist, Land Management Division, CSLC

- Mike Bishop, Marina Operation Manager, Hanson
- Bill Butler, Vice President Regulatory Affairs, Jerico Products
- Michael Evans, representing self
- Robert Gregory, Operations Manager, Foss Maritime Company
- Dr. Charles Hanson, Fishery Biologist, Hanson

## **STAFF AND PUBLIC ADDRESSING CONTINUED**

- Dr. Barry Keller, Hydrogeophysicist, Sand Minor
- Christian Lind, Vice President, Jerico Products Inc.
- Marina V. Secchitano, Regional Director, Inland Boatmen's Union

### **PUBLIC COMMENT**

No Speakers