

~ MINUTES ~  
**CALIFORNIA STATE LANDS COMMISSION**  
**MEETING OF FEBRUARY 20, 2015**

**STATE CAPITOL**  
**ROOM 447**  
**SACRAMENTO, CALIFORNIA 95814**

**APPEARANCES**

**COMMISSIONERS PRESENT**

- Gavin Newsom, Lieutenant Governor
- Betty T. Yee, State Controller
- Eraina Ortega, Chief Deputy Director and Alternate for Director of the Department of Finance Michael Cohen

**STAFF MEMBERS IN ATTENDANCE**

- Jennifer Lucchesi, Executive Officer
- Mark Meier, 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.sl.c.ca.gov](http://www.sl.c.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 FEBRUARY 20, 2015**

Chair Gavin Newsom called the meeting of the California State Lands Commission to order at 10:00 A.M. at the State Capitol, Room 447, Sacramento, California 95814; also present were Commissioner Betty T. Yee and Commissioner Alternate Eraina Ortega.

*(The State Lands Commission adjourned into closed session from 10:04 A.M. to 10:13 A.M., then resumed open session at 10:15 A.M.)*

The Minutes of the December 17, 2014 Meeting were approved by a vote of 2-0 (Newsom-Yes; Ortega-Yes; Yee-Abstained).

**EXECUTIVE OFFICER'S REPORT**

Executive Officer Jennifer Lucchesi updated the Commission on the following items:

- Chapter 922, Statutes of 2014, Senate Bill 982 (Hill), directed the State Lands Commission to enter into negotiations with the owners of the Martins Beach property in San Mateo County to acquire right-of-way or easement for public access to the Pacific Ocean at this location. A letter was sent to the property owner on December 31, 2014 to begin negotiations. A response was received January 30, 2015 that included an offer to meet. The Executive Officer will meet with the property owner on February 26, 2015, and will report the progress of negotiations at the next meeting.
- “The Analysis of Impacts to Public Trust Resources and Values,” the environmental document staff prepared for the Broad Beach Restoration Project, was recently recognized by the Association of Environmental Professionals (AEP), for their 2015 Outstanding Environmental Analysis Award.
- The Executive Office has been invited to make a presentation at the 15<sup>th</sup> Annual California Maritime Leadership Symposium Commissioners Luncheon on February 24<sup>th</sup> in Sacramento. Controller Yee will also be giving a keynote address.
- Commission staff is working on a number of rule-making efforts, including:
  - The Marine Facilities Division has a number of rule-making packages making its way through the process to update the Commission’s Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) regulations, as well as the Commission’s Marine Invasive Species Program;
  - The Mineral Resources Management Division is moving forward with a comprehensive update of the Commission’s regulations relating to existing state oil and gas leases.

## RECORD OF ACTION CONTINUED

- Commission staff is also pursuing regulations to better enhance the Commission's geophysical permit program in order to make the program requirements more transparent.
- The Land Management Division is working on regulations to implement the Commission's responsibilities under Public Resources Code 6224.3 with regard to trespass and the imposition of administrative penalties. These regulations will provide administrative hearings to address trespassing structures on state lands.

Once all these regulations make their way through the Office of Administrative Law and go through the public comment process, they will be presented to the Commission for approval.

- Commission staff continues its enforcement and compliance efforts. Staff has been working diligently to educate the public and bring unauthorized structures under lease. A small team of staff have been targeting a few pocket areas of trespassing facilities in the Garden Highway area in Sacramento County and Steamboat Slough in Solano County. Along the Garden Highway, 13 property owners were contacted and we now have 12 of those under lease. On Steamboat Slough, 19 property owners were contacted, which resulted in 16 applications with expectations of receiving the final three in the near future.
- The Executive Officer announced the promotion of Colin Connor, former Assistant Chief of the Land Management Division, to Chief of the Commission's Administrative Services Division.

### **CONSENT CALENDAR**

- Consent Items C30, C52, C57, and C94 were removed from consideration.
- Consent Item C16 was moved to the Regular Calendar.
- Consent Items C01-C15, C17-C29, C31-C51, C53-C56, and C58-C93 were approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

### **REGULAR CALENDAR**

*(Items appear in the order heard)*

**ITEM 96:** A presentation was made to the Commission by Cat Kuhlman, Ocean Protection Council and Becky Ota, Department of Fish and Wildlife to consider a Memorandum of Understanding relating to the implementation of the California Marine Life Protection Act.

Item 96 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

## RECORD OF ACTION CONTINUED

**ITEM C16:** A presentation was made to the Commission to consider an application for an amendment to a General Lease – Recreational Use, of sovereign land located in Lake Tahoe. After hearing testimony from the lessee, Mr. Price, the Commission approved the item.

Item C16 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

**ITEM 95:** A presentation was made to the Commission to consider certification of a final Environmental Impact Report, adopt findings of Statement of Overriding Considerations and Mitigation Monitoring Programs, and authorize issuance of a General Lease – Industrial Use to Tesoro Refining and Marketing Company (Tesoro) for the continued operation and maintenance of an existing marine oil terminal. After hearing testimony from representatives from Tesoro and members of the public, the Commission decided to defer the item and hear it at a special future meeting.

Item 95 – was deferred by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

**ITEM 102:** A staff presentation was made to the Commission to consider sponsoring state legislation to expand a grant of public trust lands to the San Diego Unified Port District.

Item 102 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

**ITEM 101:** A staff presentation was made to the Commission to consider sponsoring state legislation to modernize the Commission's authority regarding geophysical and geological survey permits.

Item 101 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

**ITEM 100:** A staff presentation was made to the Commission to consider sponsoring state legislation to amend various statutes governing cessions and retrocessions of legislative jurisdiction over federal lands within California that are in conflict with existing law or in need of consolidation.

Item 100 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

**ITEM 99:** A staff presentation was made to the Commission to consider sponsoring state legislation to amend the City of Pittsburg granting statute to add a legal land description and delete a requirement that the State Lands Commission survey and record a land description of the trust lands in the office of the County Recorder.

Item 99 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

## RECORD OF ACTION CONTINUED

**ITEM 98:** A staff presentation was made to the Commission to consider sponsoring state legislation (SB 141, McGuire) that amends the Humboldt Bay Harbor, Recreation and Conservation District granting statute to clarify how the District may dispose of certain property.

Item 98 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

**ITEM 97:** A staff presentation was made to the Commission to consider sponsoring state legislation to revise the implementation date for California's ballast water discharge performance standards and make other improvements to the Marine Invasive Species Act in order to move the state expeditiously toward elimination of the discharge of nonindigenous species into state waters.

Item 97 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

**ITEM 103:** A staff presentation was made to the Commission to consider opposing federal legislation that would preempt states' authority to address vessel discharges and eliminate the long-standing ability of states to protect their waters from invasive species introductions (Senate Bill 373, Senator Rubio).

Item 103 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

*The Commission meeting public session was adjourned at 12:25 P.M.*

**STAFF AND PUBLIC ADDRESSING  
THE FOLLOWING CALENDAR ITEMS  
FEBRUARY 20, 2015**

**ITEM C16**

- Greg Price, Lessee

**ITEM 95**

Ken Foster, Public Land Manager, Central/Southern California Region, Land Management Division, CSLC

Sarah Mongano, Senior Environmental Scientist, Environmental and Planning Management Division, CSLC

- Pattie Behmlander, Community Member, CAP – Tesoro
- Steve Konig, Director, Government and Public Affairs, Tesoro
- Christina McDowell, Lead Engineer, Tesoro Golden Eagle Refinery/Avon Marine Terminal
- Adam Regele, Attorney for Safer California

**ITEM 96**

- Jenn Eckerle, Ocean Policy Consultant, Natural Resources Defense Center
- Cat Kuhlman, Executive Director, California Ocean Protection Council
- Becky Ota, Marine Habitat Conservation Program Manager, California Department of Fish and Wildlife

**ITEM 101**

Sheri Pemberton, Chief, External Affairs/Legislative Liaison, CSLC

- Jenn Eckerle, Ocean Policy Consultant, Natural Resources Defense Center

**ITEM 102**

Sheri Pemberton, Chief, External Affairs/Legislative Liaison, CSLC

- Jonathan Clay, representing Port of San Diego

**PUBLIC COMMENT**

- Eoin McMillan, representing SF Dev Labs