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MEETING
STATE LANDS COMMISSION

STATE CAPITOL
ROOM 447
SACRAMENTO, CALIFORNIA

THURSDAY, JULY 21, 1983
10:00 A.M.

ORIGINAL

Nadine J. Parks
Shorthand Reporter

MEMBERS PRESENT

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Leo T. McCarthy, Lieutenant Governor,
Acting Chairman

Nancy Ordway, Deputy Director of Finance,
representing Michael Franchetti, Director
of Finance, Commissioner

Walter Harvey, Deputy Controller, representing
Kenneth Cory, State Controller, Chairman

STAFF PRESENT

Claire T. Dedrick, Executive Officer

James Trout

Robert Hight

N. Gregory Taylor

Jane Smith, Secretary

ALSO PRESENT

Lance Kiley

I N D E X

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Agenda Item 40 (off calendar)
Agenda Item 41 (Off calendar)
Adjournment of Regular meeting
Certificate of Shorthand Reporter

19
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PROCEEDINGS

--000--

ACTING CHAIRMAN MC CARTHY: Ladies and gentlemen, we will begin the meeting now. Is the representative from Finance going to join us?

EXECUTIVE OFFICER DEDRICK: Pardon?

ACTING CHAIRMAN MC CARTHY: For Mr. Franchetti?

EXECUTIVE OFFICER DEDRICK: Nancy Ordway is the executive planning to be here, but she wasn't certain she could be here on time, Governor.

ACTING CHAIRMAN MC CARTHY: Something about the budget?

EXECUTIVE OFFICER DEDRICK: I think it was.

ACTING CHAIRMAN MC CARTHY: Ladies and gentlemen in the audience, we first want to mention to you that the following items are off the budget -- on the consent calendar, which is C-1 through C-23. We're removing C-15. Anybody who may be here on that item?

And on the regular calendar we're removing items 39, 40, and 41.

EXECUTIVE OFFICER DEDRICK: Mr. Chairman, the first item of business is confirmation of the minutes of the meeting of June 23rd, 1983.

ACTING CHAIRMAN MC CARTHY: Is there a question about the minutes from that meeting? If not, they are confirmed.

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1 EXECUTIVE OFFICER DEDRICK: And the next item is the
2 Executive Officer's report, which I don't think we need to
3 read. It's before you.

4 ACTING CHAIRMAN MC CARTHY: All right. Thank you
5 very much. Put that in the record.

6 Now let's turn to Item 24.

7 EXECUTIVE OFFICER DEDRICK: Mr. Chairman, you
8 should probably move and approve the consent calendar
9 before we begin the regular.

10 ACTING CHAIRMAN MC CARTHY: All right. Question?
11 The consent calendar is approved.

12 Item 24. Anyone in the audience to testify on Item
13 24? Is there any dissent on the Commission? Item 24 is
14 approved.

15 Item 25.

16 MR. TROUT: Mr. Chairman, Item 25 is a request by
17 the staff to have the Commission authorize the release to
18 the public for comments the amendments, and changes, and
19 alterations to the lease package that had been prepared and
20 put out in December.

21 The purpose of this is to make technical corrections
22 as suggested by industry and by members of the public and to
23 reflect a -- several solutions to concerns raised by the
24 Coastal Commission.

25 What the Commission is asked to do here in this item

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1 in summary, is to postpone the receipt of bids and the opening
 2 of bids on the lease sale package from August 15th to
 3 September 30th, to approve and adopt for release to the
 4 public these changes in the calendar item and in the lease
 5 package, and to authorize the release of a preliminary
 6 map showing biologically sensitive areas and areas which
 7 would be off limits for occupation of the sea bed.

8 ACTING CHAIRMAN MC CARTHY: Before we go any
 9 further, are there copies of this item on the rear table
 10 for anyone who cares to get a copy of it?

11 EXECUTIVE OFFICER DEDRICK: Jane has it.

12 ACTING CHAIRMAN MC CARTHY: I notice we have one
 13 note from Dr. Ruth Ann Corwin. I'm sure there are other
 14 people in the audience on this item. I'd like them to be
 15 able to have a copy of that in their hands so that they know
 16 what is being proposed here.

17 EXECUTIVE OFFICER DEDRICK: Yes. And, Mr. Chairman,
 18 we will have -- if you approve this item or authorize us
 19 to release it to the public, we will then have everything
 20 in the mail this afternoon.

21 ACTING CHAIRMAN MC CARTHY: Is there any problem
 22 with having members of the audience that are here at this
 23 time?

24 EXECUTIVE OFFICER DEDRICK: Not at all. Not at
 25 all.

1 ACTING CHAIRMAN MC CARTHY: Would you, any of you
2 in the audience who want a copy of this, just please
3 indicate so we have it in your hands before we go further.

4 MR. TROUT: We have a limited number of copies,
5 Mr. Chairman. I hope we have enough to go around. But it
6 was -- we were trying to get copies for the Commissioners
7 late this morning. We hope we have enough.

8 The Exhibit 1 mistakenly has the wrong tract
9 layout. There's no other change to that.

10 ACTING CHAIRMAN MC CARTHY: As soon as they get it
11 their hands, we can start by giving them whatever
12 correction is needed.

13 Does everybody have a copy now who is interested?
14 Why don't you please indicate the correction necessary.

15 MR. TROUT: Okay. Mr. Chairman, the lease tracts
16 laid out on page 124.6 is the original lease tract layout
17 and not the one approved by the Commission in December.
18 We apologize for that error. Before it's sent out
19 officially to the public this afternoon that will be
20 corrected.

21 EXECUTIVE OFFICER DEDRICK: The primary -- the
22 primary difference, Mr. Chairman, for your information, is
23 that in response to the public comment, the Commission
24 authorized the reformation of the tract so that the outer
25 line conform to the OCS Federal tract.

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1 ACTING CHAIRMAN MC CARTHY: Okay. Now, what was
2 handed out to members of the audience, does that have 124.6?

3 MR. TROUT: Yes, it does.

4 EXECUTIVE OFFICER DEDRICK: That is correct.

5 MR. TROUT: They should have pages 124 through --

6 ACTING CHAIRMAN MC CARTHY: When I saw it earlier,
7 it only went up to 124.4.

8 MR. TROUT: They should have pages 124 through
9 24.39.

10 ACTING CHAIRMAN MC CARTHY: Okay.

11 All right. Ladies and gentlemen, I think all or
12 many of you are aware that there have been several
13 discussions between one member of this Commission and two
14 members of the Coastal Commission and one staff member
15 from Secretary Duffy's office was involved -- dealing with
16 areas of disagreement or dealing with the source data
17 that we were relying upon, to make judgments on this issue.

18 And as you've just been told by Mr. Trout, this
19 document suggests the postponement of the lease sale for
20 45 days until September 30th instead of August 15th. And
21 the intent is to act today to put this out for your review
22 or public review individuals, by organizations anywhere
23 who have an interest from any point of view on this subject.

24 Then the Lands Commission would meet on August 12th
25 to consider this item before us at that time. The intent is

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1 on that day we will take action and, of course, take
2 whatever testimony any California citizen or organization
3 wishes to give at that time.

4 You can see on the -- starting on the second page
5 what the essentials are of this proposal. And, of course,
6 any member of the Commission or the staff of the State Lands
7 Commission is available to you after this meeting for
8 questioning on any aspect of this in advance of the August
9 12th meeting.

10 Is there any comment by anyone at this time?

11 All right. I would then, putting this into the
12 record and acting upon this -- Miss Dedrick, what else do
13 we need to do?

14 EXECUTIVE OFFICER DEDRICK: I think if you just
15 adopt the resolutions at the end of the calendar item,
16 Mr. Chairman, that that covers --

17 ACTING CHAIRMAN MC CARTHY: The resolutions are
18 before us?

19 Yes, a question. Step forward, please.

20 DR. CORWIN: I'm Dr. Ruth Corwin. I did wish to
21 just make a few comments on the --

22 ACTING CHAIRMAN MC CARTHY: Please. Why don't you
23 come around and take a seat and use the microphone.

24 DR. CORWIN: Thank you very much.

25 ACTING CHAIRMAN MC CARTHY: The Oceanic Society.

DR. CORWIN: Yes. I'm also representing the

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1 Environmental Coalition on the OCS.

2 ACTING CHAIRMAN MC CARTHY: All right.

3 DR. CORWIN: And for one thing, we'd like to thank
4 you very much for this 15-day period in which we can
5 reconsider the calendar item and to come before you in the
6 full public hearing.

7 We would like to request that there be regular
8 mailings out to the public. There was a mailing list last
9 fall of those individuals who were notified for some of the
10 events of the documents that were being sent out. And we
11 didn't receive any mailings on this one. And we would like
12 to request that full list be notified for the August 12th
13 public hearing.

14 EXECUTIVE OFFICER DEDRICK: Mr. Chairman, the reason
15 that the calendar item was not distributed was because, as
16 you recall, the negotiations were completed very recently
17 and we were not able to complete writing the document until
18 yesterday afternoon.

19 ACTING CHAIRMAN MC CARTHY: I think the concern
20 now is given the schedule we have proposed, are we going
21 to mail out? So, do we have that mailing list --

22 EXECUTIVE OFFICER DEDRICK: Yes.

23 ACTING CHAIRMAN MC CARTHY: -- in its completed form?

24 EXECUTIVE OFFICER DEDRICK: We fully intend to --
25 when you have authorized it -- to mail out all of the

1 completed calendar items and the preliminary biologically
2 sensitive area map this afternoon to the entire mailing
3 list. I'm sure -- earlier than that we notified that mailing
4 list by the calendar summary that the item would appear.
5 And that was the only information anybody had at the time.

6 ACTING CHAIRMAN MC CARTHY: Your request is going
7 to be complied with.

8 DR. CORWIN: Thank you very much.

9 EXECUTIVE OFFICER DEDRICK: I would like also to
10 require that the public comments be returned to the State
11 Lands Commission by August 8th so they can be incorporated
12 in the calendar item for August 12th.

13 ACTING CHAIRMAN MC CARTHY: We will include that
14 request in our mailing, won't we?

15 EXECUTIVE OFFICER DEDRICK: Yes. They'll be
16 notified of that point.

17 DR. CORWIN: If I may point out, there are a number
18 of items that people who are concerned about offshore
19 development were tracking two major Federal sales. There's
20 an EPA hearing on August 11th of that week and, of course,
21 there's a Sale '80 hearing next week in Los Angeles. This is
22 not a great deal of time to consider these and to have
23 those comments ready by that day. Certainly, we would like
24 to have them in the record and incorporated. But I would
25 think that it would be difficult to have them prepared in
such a short time.

1 EXECUTIVE OFFICER DEDRICK: The purpose of the
2 special meeting scheduled for August 12th would be for the
3 Commission to adopt these -- the final version, whatever it
4 comes out after comment, as the Commission lease package.

5 The date August 12th is dictated by the time of the
6 Coastal Commission meeting at which they have said they
7 would like to consider the State Lands Commission's
8 actions.

9 The date of that meeting is the 23rd. So, that
10 gives ten days -- them an opportunity for ten days notice
11 and to get their package out to their entire clientele.

12 The time frames are simply a matter of having to
13 meet the requirements of both our agency, the public
14 noticing requirements, and the requirements of another
15 agency.

16 DR. CORWIN: Well, if I just may comment on that
17 time frame which is basically to accomplish this whole
18 reconsideration by the State Lands Commission and the
19 Coastal Commission in one month, it's somewhat of an
20 example of the same problems that we had in the fall trying
21 to deal with these where we received weighty materials
22 with a great deal of things to consider in very short
23 time frames. And if the Coastal Commission is also going
24 to be considering doing that, we certainly don't want a
25 repetition of the kind of last-minute negotiations and

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1 changes where the staff comes before the Coastal Commission
2 without the public having had an opportunity to see what the
3 actual items that are being considered.

4 ACTING CHAIRMAN MC CARTHY: What we're trying
5 with this process is to avoid that kind of discomfort to
6 everybody, including the members of both Commissions and
7 the staffs of both Commissions, and is to formulate a list
8 of questions and answers. We're trying to raise as much as
9 we can in inviting questions to be asked by members of the
10 public in advance of the two Commissions' hearings so that
11 we're operating from as much common data and perceptions
12 of that data as we possibly can.

13 I know the Coastal Commission's staff is trying
14 to develop that list. I don't know what the status of that
15 is, but I had personally requested that just so there
16 aren't a lot of negotiations or discussions over language
17 that everybody hasn't had an opportunity to see.

18 DR. CORWIN: We appreciate that and we'll attempt
19 to get as much as we can together for those hearings.

20 ACTING CHAIRMAN MC CARTHY: Tom Tobin of the
21 Coastal Commission was the person I think responsible for
22 developing that list.

23 DR. CORWIN: Uh-huh.

24 EXECUTIVE OFFICER DEDRICK: Dr. Corwin, the basic
25 document is the one you received today.

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DR. CORWIN: Not yet.

EXECUTIVE OFFICER DEDRICK: Will receive today.

DR. CORWIN: Okay.

MR. TAYLOR: Governor, I think we ought to clarify something as far as distribution of material is concerned over a period of time. This is a continuation of the same issues which have been previously raised. There is nothing new in this. This is a further refinement of those unfinished matters. I don't know what the expense of mailing out material has been, but it has been substantial at every stage that these refinements have occurred.

And I don't want the record to stand that there has been any failure to either distribute information or that there's been a lack, any kind of lack. Because I think, if anything, this Commission has gone over backwards to make sure that there was distribution of material. Nothing new is presented in this thing. I think it is further addressive of issues which Dr. Corwin and other people have presented in the past. And that, therefore, there isn't any undue problems being presented or anything new being interjected in this thing at the last minute.

EXECUTIVE OFFICER DEDRICK: That is correct.

ACTING CHAIRMAN MC CARTHY: I think we all understand this is a long continuum of discussion on this. And I think we also want to bend over backwards to make

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1 sure that we follow notice procedures and data distribution
2 in a way that satisfies all Californians that they are
3 fully informed about what's going on. And that's what I
4 heard Dr. Corwin referring to I think.

5 Any other questions? Are you finished, Dr. Corwin?

6 DR. CORWIN: I simply want to say that if there is
7 nothing new in this presentation, then it's not going to
8 answer a great deal of our concerns. But I will wait for
9 the date of the public hearing to address these concerns.
10 And I thank you for the opportunity.

11 ACTING CHAIRMAN MC CARTHY: Okay. Thanks.

12 MR. TAYLOR: I don't think she took my statement
13 correctly.

14 EXECUTIVE OFFICER DEDRICK: No, I don't think she
15 did. The issues are all familiar.

16 ACTING CHAIRMAN MC CARTHY: Are you ready for the
17 adoption of the resolution?

18 MR. HUDOCK: Would you please clarify --

19 ACTING CHAIRMAN MC CARTHY: Would you step forward
20 and state your name?

21 MR. HUDOCK: Yes. I don't have a -- is this
22 exhibit the correct one?

23 EXECUTIVE OFFICER DEDRICK: Would you state your
24 name for the record, please?

25 MR. HUDOCK: Yeah. My name is Jim Hudock, H-u-d-o-c-k,

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1 with Texaco. You're saying this exhibit is the correct
2 exhibit that is in this copy?

3 MR. TAYLOR: It is not.

4 EXECUTIVE OFFICER DEDRICK: Not?

5 ACTING CHAIRMAN MC CARTHY: It is not.

6 EXECUTIVE OFFICER DEDRICK: It is the one that
7 you will not like, because it's already been rejected.
8 You don't have to worry about it.

9 MR. HUDOCK: All right. Thank you.

10 ACTING CHAIRMAN MC CARTHY: All right. Any further
11 questions? We're ready for adoption of the resolution.
12 Any dissent? Unanimously adopted.

13 Item 26. I understand there is agreement on this
14 item?

15 EXECUTIVE OFFICER DEDRICK: Correct.

16 ACTING CHAIRMAN MC CARTHY: The negotiation among
17 the parties?

18 EXECUTIVE OFFICER DEDRICK: Mr. Hight, would you?

19 MR. HIGHT: Correct, Mr. Chairman. This is an
20 assignment from Gulf Oil to Golden West?

21 ACTING CHAIRMAN MC CARTHY: Any questions: Anybody
22 in the audience want to testify on this?

23 All right. The item is before the Commission for
24 approval. Any dissent? It's unanimously approved.

25 Item 28.

1 EXECUTIVE OFFICER DEDRICK: Item 27.

2 ACTING CHAIRMAN MC CARTHY: Item 27.

3 MR. TROUT: Mr. Chairman, Item 27 is just approval
4 of secured party lenders; in place of just one bank, they
5 are now allowing four banks to share in the loan.

6 ACTING CHAIRMAN MC CARTHY: Anybody in the audience
7 wish to testify on this item? Any dissent? Unanimously
8 approved.

9 28.

10 EXECUTIVE OFFICER DEDRICK: This is an authorization
11 to the staff to sell salyage metal from the S.S. Ohioan,
12 which is a sunken vessel located near Seal Rock under the
13 ocean.

14 ACTING CHAIRMAN MC CARTHY: Anyone in the audience
15 wish to testify on this item? Any dissent from the
16 Commission? Approved.

17 29.

18 EXECUTIVE OFFICER DEDRICK: 29 is the quarterly
19 report to the Legislature regarding the oil and gas
20 development program. The item as it is contained is no
21 longer accurate as a result of your action on 25. We will
22 correct the information and bring it in conformance with
23 25 and transfer it to the Legislature with your approval.

24 ACTING CHAIRMAN MC CARTHY: This is by way of a
25 report. This is a strictly informational item.

1 EXECUTIVE OFFICER DEDRICK: That's correct, It's
2 part of our budget language requirement.

3 ACTING CHAIRMAN MC CARTHY: Comments noted.

4 Item 30.

5 EXECUTIVE OFFICER DEDRICK: This is a report at the
6 request of the Commission reporting on the status of the damage
7 to Island Esther which was destroyed in the storm in April.
8 The action requested is that you require that they report
9 to us again in 90 days.

10 ACTING CHAIRMAN MC CARTHY: Anyone in the audience
11 wish to testify on this? Any dissent from the Commission?
12 All right. That is a request to forward another report in
13 90 days.

14 31.

15 EXECUTIVE OFFICER DEDRICK: 31 is a dredging permit
16 granted under my authority to grant dredging permits of
17 less than 10,000 cubic yards. This was granted to the Marin
18 Yacht Club in Marin County. Western Dock Enterprises.

19 ACTING CHAIRMAN MC CARTHY: Any comments by
20 Commission members? If not, Item 32.

21 EXECUTIVE OFFICER DEDRICK: Item 32 is a prospecting
22 permit for valuable minerals, not including oil, gas, and
23 geothermal in San Bernardino County. Keith Lindsey is the
24 applicant.

25 ACTING CHAIRMAN MC CARTHY: Any comments? It's before

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1 us for approval. All right. The Commission unanimously
2 approves.

3 33.

4 EXECUTIVE OFFICER DEDRICK: 33 is U.S. Borax
5 amendment to their five-year renewal of their existing lease.

6 ACTING CHAIRMAN MC CARTHY: Any questions from
7 anybody in the audience on this item?

8 Any comments from Commissioners? All right. We
9 will unanimously renew.

10 34.

11 EXECUTIVE OFFICER DEDRICK: 34 is a proposed oil
12 sale at Huntington Beach. The minimum of the bid
13 requirement is 35 cents. Mr. Thompson tells me that oil is
14 going for about a dollar and a quarter over posted price
15 now.

16 ACTING CHAIRMAN MC CARTHY: Any comments from
17 members of the Commission? In the audience? All right.
18 We approve the specifications.

19 EXECUTIVE OFFICER DEDRICK: 35 is the same kind of
20 thing for a different batch of royalty oil. It has the
21 same conditions.

22 ACTING CHAIRMAN MC CARTHY: Any comments from the
23 Commissioners? Anybody in the audience? Unanimously
24 approved.

25 36.

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1 EXECUTIVE OFFICER DEDRICK: 36, Seahawk Oil
2 International. It's our acceptance of a quitclaim deed for
3 oil and gas in Solano County.

4 ACTING CHAIRMAN MC CARTHY: All right. We're being
5 asked to approve a quitclaim deed arrangement. Anybody in
6 the audience? Any comments by the Commissioners?
7 Unanimously approved.

8 37.
9 EXECUTIVE OFFICER DEDRICK: 37 is an informational
10 item giving you the status of the Owens Dry Lake study
11 that has gone on for about three years.

12 ACTING CHAIRMAN MC CARTHY: The gist of which is
13 the work on this will have to be picked up by local govern-
14 ment.

15 EXECUTIVE OFFICER DEDRICK: I don't think it's quite
16 that bad yet. Well, if you'd like the gist, the point is
17 the project is showing some indications that some partial
18 solutions may be found. The State has funded that entirely
19 for the past three years. Now the Department of the Navy
20 and Los Angeles Department of Water & Power are proposing
21 that they fund two-thirds of it and the State fund one-third
22 of it. The State is not budgeted for this. And I have
23 offered -- I'm in discussions with them now to offer
24 services rather than financial help for the next I think
25 three years in the proposed continuation.

1 ACTING CHAIRMAN MC CARTHY: To be in kind.

2 EXECUTIVE OFFICER DEDRICK: That is the direction
3 I am taking, sir.

4 ACTING CHAIRMAN MC CARTHY: All right. I authorize
5 that direction.

6 EXECUTIVE OFFICER DEDRICK: All right. Thank you.

7 ACTING CHAIRMAN MC CARTHY: 39. 38.

8 EXECUTIVE OFFICER DEDRICK: This is a notice of intent
9 by the City of Long Beach to spend \$643,000 from its share
10 of tidelands oil revenues to replace a floating walkway.
11 Your action here authorizes that to go ahead. Your failure
12 to act would also authorize it to go ahead.

13 This is one over which we have a lot of
14 jurisdiction.

15 ACTING CHAIRMAN MC CARTHY: Therefore our action is--

16 MR. HARVEY: Let's split it three ways.

17 ACTING CHAIRMAN MC CARTHY: We abstain.

18 (Laughter.)

19 We won't suffer any indignity of not having any
20 effect on this decision. All right. We approve the
21 inaction.

22 Item 39 is pulled. That's all I have on the
23 calendar.

24 EXECUTIVE OFFICER DEDRICK: That's it. 39, 40, and
25 41 are pulled.

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1 ACTING CHAIRMAN MC CARTHY: Thank you, ladies and
2 gentlemen. This meeting is over.

3 (Thereupon the Commission adjourned to
4 executive session at 11:25 a.m.)

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CERTIFICATE OF SHORTHAND REPORTER

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I, Nadine J. Parks, a shorthand reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing State Lands Commission meeting was reported in shorthand by me, Nadine J. Parks, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of August, 1983.

Nadine J. Parks
Nadine J. Parks
Shorthand Reporter

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