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MEETING
STATE LANDS COMMISSION
STATE OF CALIFORNIA

STATE CAPITOL
ROOM 447
SACRAMENTO, CALIFORNIA

THURSDAY, JUNE 30, 1988
10:30 A.M.

Nadine J. Farks
Shorthand Reporter

ORIGINAL

MEMBERS PRESENT

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Jim Tucker, representing Leo T. McCarthy, Lieutenant
Governor, Commissioner

Stephen Hopcraft, representing Gray Davis, State
Controller, Chairman

La Benus Stancell, representing Jesse R. Huff,
Director of Finance, Commissioner

STAFF PRESENT

Claire T. Detrick, Executive Officer
James Trout , Assistant Executive Officer
Bob Hight, Chief Counsel
Jan Stevens, Deputy Attorney General
Michael Valentine, staff counsel
Jane Smith, Secretary
Lisa Lynn, Secretary

I N D E X

	<u>Page</u>
1	
2	
3	1
4	1
5	
6	
7	
8	
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	<u>Page</u>
1 INDEX, continued. . .	
2 <u>Agenda Items</u>	
3 Item No. 23, continued. . .	
4 Allen Warden	23
5 Wanda Warden	25
6 Discussion	26
7 Item No. 24	27
8 Item No. 25	27
9 Item No. 26 (Off Calendar)	
10 Item No. 27	28
11 Item No. 28	28
12 Item No. 29	28
13 Item No. 30 (Off Calendar)	
14 Item No. 31 (Off Calendar)	
15 Item No. 32	29
16 Item No. 33	29
17 Item No. 34	30
18 Item No. 35	30
19 Item No. 36	30
20 Item No. 37	31
21 Item No. 38	31
22 Item No. 39	31
23 Item No. 40	32
24 Item No. 41 (Off Calendar)	
25 Adjournment	32
Certificate of Reporter	33

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P R O C E E D I N G S

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3 CHAIRMAN TUCKER: Good morning. This is the
4 Lands Commission, in case you were looking for the child
5 care bills, you're in the wrong place.

6 However, we could probably use a little of that
7 here. Today, we will be taking up the consent calendar
8 first. If there are any items on the consent calendar
9 that anyone is concerned about, you should indicate that
10 now so that we will pull that item off the consent
11 calendar.

12 In addition, on any of the other items, if you
13 wish to be heard, we'd appreciate it if you fill out one
14 of our forms here so that we know that you're available
15 and interested in speaking.

16 If we zip by one of the items that you're
17 interested in and you didn't jump up in time, don't hesitate
18 to indicate that you'd like to be heard, and we'll go back
19 to that item.

20 And we do welcome the public's participation
21 in these meetings. So, everyone should feel free to come
22 forward and participate if that is your desire.

23 First of all, we have to confirm the minutes
24 for a meeting of May 25th, 1988. Stan, do you have
25 corrections on the minutes?

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1 COMMISSIONER STANCELL: No, Mr. Chairman. I was
2 just about to move to confirm.

3 CHAIRMAN TUCKER: Okay. And also, I'd like to
4 note the executive session which we held this morning,
5 and which caused us to be late for our regular meeting,
6 in addition to the items listed there, we also took up the
7 issue of Meridian Ocean Systems vs. State Lands Commission,
8 and Monterey Sand vs. the Lands Commission.

9 Okay. Does anyone wish to be heard on the
10 items 1 through 18 on the consent calendar? Okay.

11 Don't see any. We'll deem that as approved.
12 And for purposes of the record, Mr. Hopcraft is voting
13 today for the Lieutenant Governor, and Mr. Stancell is
14 voting for Mr. Huff.

15 Okay. Item 18 Edward and Priscilla Ghirado.

16 EXECUTIVE OFFICER DEDRICK: Item 19 is approval
17 of a 49 year general lease right-of-way for a bridge across
18 1.4 acres of tide and submerged lands in Novato County --
19 I mean in Marin County. Novato Creek in Marin County.

20 CHAIRMAN TUCKER: Okay. There's a Mr. Keane?

21 MR. KEANE: Good morning. I'm here to answer
22 any questions that you might have on this. I don't have
23 any planned presentation.

24 CHAIRMAN TUCKER: Okay. Does anybody have any
25 questions? Okay. Thank you. That item is approved.

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1 Item 20, Riverside Community College.

2 EXECUTIVE OFFICER DEDRICK: Yes, Mr. Trout,
3 will you present this?

4 MR. TROUT: This is an approval of a negotiated
5 sale of 67 acres of property in Norco, Riverside County.
6 The staff has reviewed an appraisal that was made and also
7 an appraisal provided by the Riverside Community College
8 District, and we believe the fair market value is
9 \$1,375,000.

10 The Community College District intends to
11 acquire this property; in turn, carve out 17 to 19 acres
12 for an addition to a site adjoining for a future campus and
13 sell the remainder of the property at public bid.

14 In order to protect the Commission should the
15 subsequent sale of the property produce more per unit than
16 the million three-hundred seventy-five thousand, we
17 propose to add a condition to the sale that after deduction
18 of costs of making the sale, all of the remaining revenue
19 would come to the State or transfer to the State Teachers'
20 Retirement System.

21 There will also be a provision that requires
22 that the district sell at bid. Their own rules and
23 regulations and statute require that, but we will also
24 include that. And our proposal is to come back to you at
25 either the July or August meeting with the specific terms

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1 of the agreement. This is just authorization to put such
2 an agreement together using these general outline terms.

3 CHAIRMAN TUCKER: Okay. Any questions? Okay.
4 That's approved.

5 21, City of Poway?

6 EXECUTIVE OFFICER DEDRICK: This is another
7 School Lands Trust sale to the City of Poway of 39 acres
8 on top of a hill in Poway for a public park. The price is
9 \$290,000, which will go in the School Land Bank Trust.

10 CHAIRMAN TUCKER: Okay. Any questions? All
11 right. That's approved.

12 22, State Reclamation Board.

13 EXECUTIVE OFFICER DEDRICK: Oh, I'm sorry. Mike
14 Valentine has done the negotiations. I believe Ray
15 Barsch, who's the executive officer of the Reclamation
16 Board, and I believe Bob Cotter, Deputy Director of the
17 Department of Water Resources, are both here. Mike --
18 if you'd like to hear from the staff first, Mike will
19 present this issue.

20 CHAIRMAN TUCKER: Okay.

21 MR. VALENTINE: Mr. Chairman, members of the
22 Commission. The Reclamation Board was granted a master
23 lease by the State Lands Commission on May 9 for the
24 Sacramento River Bank Protection project; that is, flood
25 control activities on the Sacramento River and its

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1 tributaries between Collinsville and Chico Landing.

2 This is the first request for an amendment to
3 the master lease to approve what are called contract units
4 41A, 41B, and 42, which are now consolidated into 42,
5 and contract unit 43.

6 42 consists of 19 sites on the Sacramento River
7 and three sloughs south of the City of Sacramento.

8 Contract unit 43 includes one site on the
9 Feather and several other sites in the drains and bypasses.

10 We have negotiated for some months over
11 mitigation, primarily on contract unit 42. The riparian
12 habitat on contract unit 42 along the sloughs; that is,
13 trees along the water, has been mitigated fully or will be.
14 Commitments have been made to mitigate the aquatic
15 habitat -- that's the habitat consisting of roots and shade
16 over the water along the sloughs. There was at their
17 outset, no plan to mitigate. A part of that was occasioned
18 by the fact that none of the wildlife agencies were able
19 to tell the Rec Board or the Corps what techniques would be
20 sufficient to mitigate for this habitat and how much of it
21 was required.

22 We have developed a plan in cooperation with the
23 Rec Board and members of the wildlife agencies' staff,
24 whereby this year, an experimental program consisting of
25 at least 900 feet at three separate sites -- a total of 900

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1 feet -- will be the subject of experimental construction
2 methods of low berms and/or islands to see if they work.
3 These will be monitored over a period of years and -- up
4 to five years. At the end of the five-year period, full
5 mitigation will be achieved using one of these techniques.
6 Those -- that's the general summary of the findings and
7 the mitigation adopted by the Reclamation Board at its
8 meeting on Monday.

9 We're recommending that the Commission approve
10 this year's amendment for contract units 42 and 43, and
11 that we continue to cooperate and move forward with this
12 process in the future.

13 CHAIRMAN TUCKER: Any questions before we hear
14 from Mr. Yeates?

15 All right. We have Mr. Yeates.

16 MR. YEATES: Mr. Chairman, I'm Bill Yeates.
17 I'm representing the Pacific Coast Federation of Fishermen
18 Associations today.

19 We're in support of the lease proposal, because
20 we think it helps to ensure that someone is going to
21 look after implementation of the mitigation requirements.
22 I think that has always been our concern and led us to
23 essentially sue the Reclamation Board over much of this
24 bank protection work, because the record on mitigation is
25 dismal.

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1 And what we have is we have a State and Federal
2 bureaucracy that sees their mission as to rock rivers. And
3 our problem is that if you look at history, you've destroyed
4 an awful lot of natural habitat. And for the commercial
5 salmon fishing industry, you've wiped out significant
6 natural spawning areas of which our industry is immediately
7 dependent upon.

8 So, I think that the key here is implementation.
9 I mean, if, in fact, the Lands Commission enters into this
10 lease, we must have assurances that the staff is going to
11 follow through, and that there's going to be an effort here
12 to make sure that the Army Corps of Engineers and the
13 Reclamation Board don't just ignore what essentially is the
14 State's interest here in preserving other things than
15 rocking rivers.

16 And I think that's the biggest hope that we can
17 get from this, is that this means that there's going to be
18 some significant implementation from an agency that has a
19 record in looking out for the public trust interest beyond
20 just rip-rapping streams.

21 I would like, at this opportunity, to point
22 out one other thing that maybe that Lands Commission may
23 want to consider. About a year or so ago, I think
24 Defenders of Wildlife had an article written by former
25 Governor Bruce Babbitt in Arizona about something that he

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1 accomplished as Governor of Arizona, where essentially he
2 traded school lands in order to protect riparian canyons
3 and habitat in Arizona. It was a very successful program,
4 because the development community loved it. Because
5 essentially what he did was he traded land that was
6 adjacent to Phoenix or Tucson in exchange for getting areas
7 preserved on riparian canyons. And I'm not sure if it's
8 totally analogous to what we can do here in California,
9 but I know that when Director Dedrick was in the Resources
10 Agency, the person who did this was Vern Shanks (phonetic).

11 And so, I think that he's here at Cal State
12 Sacramento. Maybe it's a possibility to simply go over
13 that. It certainly would be an exciting opportunity for
14 us to do some positive things towards preserving some
15 stretches of riparian habitat, which we have, you know, very
16 little.

17 So, that's my testimony. Thank you.

18 CHAIRMAN TUCKER: Okay. Thank you. We will look
19 at that, your suggestion in regard to the School Lands.
20 We have examined that before. But we can certainly examine
21 it again.

22 In addition, the Commission will meet from time
23 to time on the issue of reviewing the status of these
24 leases and the degree to which the Reclamation Board is
25 observing the conditions of the lease. So, that will give

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1 us an opportunity to hear from staff as to what they see
2 as going on, and also an opportunity for the public as to
3 what they see is going on or not going on.

4 MR. YEATES: Thank you.

5 CHAIRMAN TUCKER: Daniel Taylor, Corey Brown?

6 MR. TAYLOR: Mr. Chairman and members of the
7 Commission, I'm Daniel Taylor, Regional Representative
8 for the National Audubon Society. And on behalf of our
9 54 chapters and 50,000 members of our organization in the
10 State of California, I appear before you today.

11 First of all, I'd like to just support the
12 proposed amendment, realizing that this is not an ultimate
13 solution to the riparian crisis in the State of
14 California. But it does represent, we believe, a step in
15 the right direction, and we support and applaud the work
16 of the State Lands Commission to reach this compromise.

17 I would, however, like to second the remarks
18 of Mr. Yeates and echoing our concern for the idea of
19 followup and implementation.

20 If there is a real concern in this area, it's
21 that many of the agreements that have been made in the
22 past simply have not been honored to the maximum that should
23 have happened.

24 So we applaud and urge you to remain steadfast
25 in your review of this action, and continue to in your

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1 process of being good stewards over riparian resources in
2 California.

3 Thank you.

4 COMMISSIONER HOPCRAFT: I'd like to ask if we
5 can involve our crack enforcement unit to do some kind of
6 specific scheduled investigation, review?

7 EXECUTIVE OFFICER DEDRICK: One of the --
8 excuse me. I didn't mean to interrupt you. In thinking
9 about this, I hadn't had an opportunity to discuss this
10 with representatives of the Department of Water Resources
11 and the Reclamation Board, but it seems to me that we could
12 put together a review task force of the two agencies with
13 consultation from the interested parties who are testifying
14 today and others, and report back to our respective
15 bodies -- to the Rec Board and to this Commission --
16 on the status of the situation on some regular basis, which
17 I'd like some time to determine if that were an acceptable
18 situation.

19 As I say, I haven't discussed this with anybody,
20 but I think that we can work out a productive working
21 relationship. We've gone a long, long way working
22 together with the Rec Board as this lease demonstrates.
23 And I really do think that's a very good question.

24 COMMISSIONER HOPCRAFT: Would it be possible,
25 or would it be helpful for us to include in our action

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1 today a specific direction that there be a review panel
2 which would include the interested parties and affected
3 agencies that would work with the enforcement unit to
4 make sure --

5 EXECUTIVE OFFICER DEDRICK: Let me ask that you --
6 I'd like a chance to come back to you with a proposal.
7 Could you authorize us to put together such a proposal?
8 I think we need to -- in the first place, I think it'd
9 work. I think we need to devise a method that is a pro-
10 ductive working relationship type of method. What I really
11 would like to be able to do is come back to you in August
12 or September with a proposal for your authorization.

13 Would that be acceptable to the Commissioners?

14 COMMISSIONER HOPCRAFT: Just as long as we don't
15 lose the little bit of leverage we have.

16 EXECUTIVE OFFICER DEDRICK: It won't get lost.

17 COMMISSIONER HOPCRAFT: Okay.

18 COMMISSIONER STANCELL: That's a question I
19 had. What leverage do we have to ensure that the followup
20 does take place?

21 EXECUTIVE OFFICER DEDRICK: This is a legal
22 document, Commissioner Stancell, and I think it's a good
23 idea to have the attorneys speak directly to that.

24 MR. VALENTINE: Commissioner Stancell, as a
25 roundabout way, if you will, of answering your question, we

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1 should probably start with the master lease, which
2 requires that the Reclamation Board report and publicly
3 circulate a report on the status of the mitigation for
4 their activities.

5 They're required to designate a coordination
6 person to coordinate their mitigation activities and
7 information on those activities, as are we, and we have
8 done so.

9 Secondly, that the mitigation measures which
10 have been adopted by the Reclamation Board are legally
11 enforceable by environmental groups, members of the public,
12 as well as responsible agencies like ourselves.

13 I think it's probably a good idea for us to set
14 up some schedule to report back to you from time to time
15 so that you know what the staff knows. But I think a
16 system has been created whereby information will be
17 available. Staff just needs to figure out a way to make
18 it available to you.

19 COMMISSIONER STANCELL: The problem is that
20 we have all the sanctions available to us, but we just
21 haven't been exercising them in the past.

22 EXECUTIVE OFFICER DEDRICK: We hadn't had them
23 in the past.

24 COMMISSIONER STANCELL: You haven't had the
25 problems in the past?

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1 EXECUTIVE OFFICER DEDRICK: We haven't had the
2 authority in the past.

3 COMMISSIONER STANCELL: Oh, I see.

4 MR. VALENTINE: The master lease is only one
5 month old, Mr. Stancell.

6 COMMISSIONER HOPCRAFT: It's like dealing with
7 the Department of Finance.

8 COMMISSIONER STANCELL: Not quite.

9 (Laughter.)

10 COMMISSIONER HOPCRAFT: Finance has all the
11 money.

12 CHAIRMAN TUCKER: Okay. Corey?

13 MR. BROWN: Mr. Chairman, members of the
14 Commission. Corey Brown, general counsel for the Planning
15 and Conservation League.

16 We're very pleased to see the active role the
17 State Lands Commission is taking in protecting the public
18 trust resources associated with Sacramento and San Joaquin
19 Rivers. Your involvement, we believe, is one of the most
20 important elements in terms of protecting these very
21 valuable resource, especially in light of the fact we've
22 lost more than 90 percent of the habitat along these two
23 major river systems.

24 We greatly appreciate and applaud the work of
25 the staff. We believe this is an amendment that we can

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1 give a cautious green light on and urge you to support it.

2 I very much appreciate the comments of
3 Commissioner Hopcraft in terms of asking for close
4 surveillance to make sure that mitigation does occur.

5 You have before you -- I passed out --
6 photographs that were provided by the U. S. Fish &
7 Wildlife Service. Those photographs were taken on existing
8 mitigation parcels the Reclamation Board required on the
9 Sacramento River for projects that they had already carried
10 out.

11 As you can see from those parcels, according to
12 the Fish & Wildlife Service, half the parcels that should
13 be providing high habitat value aren't providing habitat
14 value. Many of those parcels basically look like they're
15 parking lots, because the Reclamation Board's failure to
16 enforce the purposes of the easement, so that if there's
17 any inconsistent use of the lands, they are to post the
18 areas, really providing meaningful enforcement to make
19 sure that the habitat value for which those parcels were
20 acquired were actually provided.

21 We hope that you will be very careful in your
22 review and help make sure that the public trust values
23 and mitigation sites are realized. We have had
24 experience, as we've seen in the past, which you can --
25 which is well documented by those photographs. We have had

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1 discussions with the Department of Water Resources and the
2 Reclamation Board, and we're hoping to get the habitat
3 values of the past -- past mitigation sites restored.

4 We urge you to also include a review of what's
5 happening on those sites, because they are, again, public
6 trust values. Especially for Commissioner Stancell with
7 the Department of Finance, I thought you might be interested
8 in another finding that the Department -- the U.S. Fish &
9 Wildlife Service has with respect -- has mitigation
10 parcels. The Reclamation Board has spent \$527 per acre
11 to actually acquire these easements. They spent over
12 \$4,000 per acre for indirect overhead. We think that the
13 State Lands Commission can play a role as well in making
14 sure that mitigation dollars are spent appropriately
15 and efficiently so that we get the value of our money
16 and that we don't burn up too much money in terms of -- in
17 terms of the indirect administrative overhead costs.

18 There's a new leadership, hopefully, in the
19 Department of Water Resources. Been working in discussions
20 with one of the deputy directors, and we're hopeful that
21 these situations can be corrected.

22 One other area of caution I want to point out
23 is, recently, this spring, the Corps of Engineers was
24 carrying out -- on Site 41A -- pursuant to contract 41A
25 some of the bank work. The environmental documents said

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1 that 129 trees would be protected. What ended up happening
2 was that about 16 trees were protected.

3 The contract documents weren't the same as the
4 environmental documents in terms of how these trees were
5 supposed to be protected. It ended up in the field. We
6 thought it was very deleterious to the public trust values.

7 We also urge the staff when they're reviewing
8 the specific contracts to make sure that the specific
9 contracts the Corps lets reflects what the environmental
10 documents have promised in terms of how projects are
11 designed and whether mitigation actually occurs.

12 In light of the very excellent suggestion to
13 have a very close monitoring -- and we'd be more than happy
14 to work with you on that -- we urge a cautious green light;
15 that clearly the public supports protecting riparian
16 habitat. We were very involved in Proposition 70 which
17 provided several million dollars for habitat protection
18 along rivers. That was approved by voters at 65 percent.
19 Public opinion is clearly behind your efforts.

20 We applaud you for getting more and more
21 involved and for upholding and working to protect the
22 public trust resources.

23 We're available to assist in your efforts in any
24 way we can. Thank you.

25 CHAIRMAN TUCKER: Any questions? Okay. Thank

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1 you. We also have representatives here from Fish & Game
2 from U.S. Fish & Wildlife Service. I don't know if either
3 one of them want to speak.

4 MR. DE HAVEN: Good morning. My name is Rich
5 De Haven. I'm a Fish & Wildlife biologist with the U.S.
6 Fish & Wildlife Service here in Sacramento.

7 One of the jobs that our office here in
8 Sacramento has under federal law is to review large
9 federal projects and determine what impacts they're going
10 to have on fish and wildlife resources and try to make
11 reasonable recommendations for compensating for those
12 losses that will occur.

13 And, as such, we are involved in regular
14 contact with the U.S. Army Corps of Engineers regarding
15 their Sacramento River rip-rapping or bank protection
16 project.

17 Unfortunately, the recommendations we make to
18 these large federal agencies have no force under the
19 existing law. They're merely advisory. And unfortunately,
20 too, in the past, the recent past, many of our recommenda-
21 tions have not been adopted or they have not been
22 implemented with a real commitment. And so they've failed.
23 And the overall result has been that we have been far short
24 of mitigation needs on many of these past contracts for
25 fish and wildlife resources.

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1 I'm very happy to be here today, though, to say
2 that I really believe that the package that's been
3 prepared for these two pending contracts of bank protection
4 work and with respect to this particular lease amendment,
5 are a good deal.

6 And the reason is I think largely because of
7 the hard work and diligence of the State Lands Commission's
8 staff on this issue. They have really led the way in
9 developing an innovative new mitigation package that I
10 think will be instrumental in providing real replacement
11 values. And they've also been instrumental in getting
12 a consensus among all the various agencies that are
13 involved in this issue.

14 So, I would just like to give or urge you to
15 give your endorsement to this lease package and the
16 mitigation plan that the State Lands Commission staff has
17 placed before you.

18 I think it's an excellent plan and, as a
19 biologist, I think it's a very good deal for fish and
20 wildlife resources. Thank you.

21 CHAIRMAN TUCKER: Thank you.

22 COMMISSIONER HOPCRAFT: I'd like to ask you a
23 couple of questions. If I understand you correctly, what
24 you are saying is that you make recommendations for
25 mitigation, and they are ignored because you don't have the

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1 leverage to enforce implementation of those; is that
2 correct?

3 MR. DE HAVEN: Under federal law, that's
4 essentially true. We merely have an advisory capacity.

5 COMMISSIONER HOPCRAFT: And I'm wondering if the
6 remedy for that -- since I think this body would be
7 interested in strengthening the hand of those who give
8 the technical advice as regards those who are, you know,
9 doing the engineering side of it. Is that a change
10 that's needed in federal law or is that a matter of
11 politicking within the bureaucracy as to how has more
12 muscle?

13 MR. DE HAVEN: Well, my own opinion is that the
14 remedy or remedies may already be available to us in
15 existing State laws which heretofore I don't think have
16 been pressed to the full extent. And I think we're
17 starting to see that with this issue now. And I think
18 we may already have the remedies at hand.

19 COMMISSIONER HOPCRAFT: So the direction that we are
20 moving also could help you?

21 MR. DE HAVEN: Very definitely.

22 COMMISSIONER HOPCRAFT: Thank you very much.

23 CHAIRMAN TUCKER: Thank you very much. Anybody
24 else who wishes -- oh, I'm sorry.

25 MR. CLEMONS: My name is Scott Clemons with the

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1 Department of Fish & Game. I would like to echo Rich
2 De Haven's comments and encourage the Commission to approve
3 the amendment as requested by your staff.

4 We have entertained and we have been very
5 busy for the last two months trying to develop a way to
6 provide mitigation for this habitat. It's been very
7 difficult and also very worthwhile efforts.

8 And we realize that this effort will be
9 closely scrutinized, as well it should be, due to the
10 history that's been presented to you this morning.

11 Thank you very much.

12 EXECUTIVE OFFICER DEDRICK: Mr. Chairman, the
13 staff would sure like to express our appreciation to both
14 the Department of Fish & Game and Fish and Wildlife
15 Service for all the time they put into it.

16 CHAIRMAN TUCKER: I've just got one quick
17 question for Mr. Valentine. Is it correct to say that
18 it's less expensive to make efforts in regards to
19 mitigation while you're doing the work initially than it is
20 to come in and wipe out the area, and then come in at a
21 later point to try and restore what's been done?

22 MR. VALENTINE: It stands to reason that that
23 should be part of the same contract right at the same
24 time as they're handled by both the project and principal
25 as well as the mitigation measures.

1 The problem we have with the heavily shaded
2 river and aquatic habitat is we can't tell the contractor
3 or anybody else what to build or how much of it.

4 CHAIRMAN TUCKER: But we can, in terms of things like
5 if they're tearing out trees, then we decide -- or someone
6 will be consulted at the time that it would have been
7 better not to take those out, it would be certainly less
8 expensive to leave them there than it is to come back
9 at some later point to try to figure out what you can put
10 there instead of that kind of a plant, trees, or whatever.

11 MR. VALENTINE: Certainly.

12 CHAIRMAN TUCKER: Anything else? Okay. I'd
13 like to thank staff for all the work they've put in on
14 this. It's been a very difficult issue.

15 The record of the Reclamation Board is
16 obviously not one that anyone would admire. This is a
17 serious problem, because of the fact that this work many
18 times does have to be done for flood control which is also
19 or irrigation -- which are important goals also.

20 To come up with something that tries to get the
21 Reclamation Board to do what it ought to be doing has not
22 been an easy task. And I know the staff has done a very
23 good job of putting together a good beginning. And it
24 really is just a beginning. It's something that we're
25 going to have to make sure is successful in the future.

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Thank you very much for your help. Any questions?

Okay. That item is approved.

Item 23?

EXECUTIVE OFFICER DEDRICK: Item 23, I'd ask Mr. Trout to give you a rundown on.

MR. TROUT: Mr. Chairman, we're going to change from water to fire here and ask your approval of a multi-phased project for the rehabilitation of an area in Mendocino County that was burned last summer. You've already approved two phases of this project, which involved just the initial emergency corrections. And what we're asking you to now do is approve a plan that will carry out over the next few years the preparation of this site for subsequent harvest of timber or subsequent harvest of salvageable timber, and to prepare the ecological and environmental benefits and restore those that are on the site.

Probably I ought to tell you specifically what it is not doing. This approval, if you grant it as requested here, will not allow for the road repair work off of State property. It will not allow for the carrying on of these activities until we resolve the access issue, which you discussed before.

The calendar item does not authorize eminent

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1 domain.

2 We continue to work with the adjoining property
3 owners to determine access to this property for the actual
4 removal of timber. However, we are seeking your approval
5 to work with them for access to take conservation camp
6 crews and other contractors into the area to work solely
7 on the State approved land. This project would carry
8 out over a number of years; if funding is available, in
9 subsequent years.

10 Much of the work will be done by hand crews
11 either from the CCC or from one of the State Conservation
12 Camps.

13 The project has received the support of the
14 Department of Fish & Game and other agencies. The
15 Wardens, who have the property adjoining, through which
16 we believe we have access, are here, and they want to make
17 a statement about it.

18 But basically, this is to continue the emergency--
19 or to take care of the emergency work required because of
20 the fire last summer. And then, in the later stages, prepare
21 for the subsequent harvest of the standing merchantable
22 timber that was not burned.

23 CHAIRMAN TUCKER: All right. Any questions?
24 Let's see. Wanda and Allen Warden?

25 MR. WARDEN: Mr. Chairman, I'm Allen Warden, and

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1 Wanda. And we're here just to give you some of the reasons
2 why we're here, and it's this right-of-way through our
3 property. And they've been using the right-of-way, we're
4 cooperating. It's been going on at least four years that
5 State Lands has been acquiring permission to use it. And
6 we have had legal advice. And this right-of-way is
7 clouded.

8 CHAIRMAN TUCKER: This right-of-way is what?

9 MR. WARDEN: Clouded in the description of the
10 right-of-way. The State feels they have a right to it
11 and we have a right to it. So, we have some appraisers.
12 And they're really going to get with this thing if the
13 State will go along with us and our lawyer. And we'd like
14 to finalize this. All these provisions are made, we're
15 trying -- we realize they've got a problem up there with
16 fire damage and should be straightened out.

17 So, these are our thoughts along that line.

18 This negative declaration has some useful
19 chemicals, and we're awful concerned about that. The whole
20 thing was put out -- I understand there's supposed to be
21 a public meeting that we should have been to, invited
22 to to put our input in it at the time this is drawn up.
23 And that was neglected.

24 This goes to two different streams of water that
25 people use for drinking. So, we're quite concerned, and we

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1 want to be sure this is safe.

2 MRS. WARDEN: What we're saying is that many
3 times the foresters, and we both know what these brush
4 killers will do --

5 (Thereupon the reporter requested the
6 witness to speak louder.)

7 MRS. WARDEN: Oh. We all know that these
8 brush killers are good, and we'd like to use them, too,
9 because we have land right below 'em that would be nice.
10 But we also know that the people that put those things on
11 don't really care. I mean, they just start spraying.
12 And we even found 'em around our own home with Roundup
13 that our little grandson broke out from just him spraying
14 the poison oak and getting rid of the manzanita after the
15 winter's rain.

16 So there is a washoff. I wouldn't even give a
17 care, except for the fact that these streams, people
18 drink out of them. We drink out of them, or we have and
19 probably will again out of Salmon Creek. And the one on
20 Mill Creek, you've got several people that drink out of it.

21 So, whether those things wash off or not, I'm
22 just saying -- we're saying that they should be handled
23 carefully. And we want the Department to know this, that
24 it isn't people like Mr. Miller, or these other people,
25 they don't put the stuff on. The people that are out there

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1 with the spray guns really just work it over.

2 So, we -- that's what we feel about that.

3 CHAIRMAN TUCKER: Okay.

4 MR. TROUT: I can say the staff is also
5 concerned that that issue. And all of the spraying will
6 be done under the direct supervision of one of our
7 foresters. We will not just turn people loose in there
8 and let them go about doing something without having onsite
9 inspection.

10 CHAIRMAN TUCKER: Will you let the Wardens
11 know when this is going to happen?

12 MR. TROUT: Absolutely. And we really
13 appreciated their cooperation in allowing us access as
14 necessary to prepare these plans. And our staff, our
15 counsel is working with their counsel, and we're sure
16 that we can resolve this in some fashion, and we will bring
17 that back just as quickly as we can resolve it.

18 CHAIRMAN TUCKER: Okay. They will give you
19 notice on spraying. And I think if you do have the time,
20 you may want to go with the person who's from the
21 Commission staff who will be there so you can see.--

22 MRS. WARDEN: (Interjecting) One of the
23 things they do is that they're big, and they get ready,
24 they make their plans, you know, and sometimes they -- it
25 just doesn't get over to us. And the time we're aware. it's

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1 done, you know.

2 It's like the negative declaration. We were
3 here for the last one, and they pulled it off the agenda,
4 you know. So, we'd like to know a little bit ahead of
5 time so that we can make preparations.

6 CHAIRMAN TUCKER: We'll make sure that you get
7 adequate notice.

8 MRS. WARDEN: Thank you.

9 CHAIRMAN TUCKER: Thank you for coming this
10 morning.

11 MR. WARDEN: Thank you.

12 CHAIRMAN TUCKER: Okay. Anything else?
13 That item's approved.

14 24, Stockton Water Ski Club.

15 MR. TROUT: This is just the issue of approving
16 some water ski buoys and some additional things in an area
17 that already has been leased to the Commission. It's on
18 the San Joaquin River in San Joaquin County.

19 CHAIRMAN TUCKER: Any questions? Okay. That's
20 approved. 25?

21 EXECUTIVE OFFICER DEDRICK: 25 is an approval
22 of a 49-year general permit public agency lease to the
23 Department of Fish & Game for 605 acres of tide and
24 submerged lands in Black John Slough in Marin County.

25 CHAIRMAN TUCKER: Any questions? Okay. That's

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1 approved. 26 is off calendar. 27.

2 EXECUTIVE OFFICER DEDRICK: 27 is an authoriza-
3 tion for the State -- for you, as School Land Bank
4 Trustees as well as the Commission to exchange State land
5 for private land and subsequently sell that private land
6 to the Wildlife Conservation Board to provide some
7 enlargement of wildlife habitat area they consider very
8 important in -- at Honey Lake in Lassen County.

9 CHAIRMAN TUCKER: Any questions? All right.
10 That's approved. 28.

11 EXECUTIVE OFFICER DEDRICK: 28, Tahoe Keys
12 Property Owners. This is another one of the main dredging
13 projects which has completed all the requirements under
14 the -- along the rest -- it's like the rest of them we did
15 last month.

16 CHAIRMAN TUCKER: Okay. Any questions?

17 COMMISSIONER HOPCRAFT: There's still water left
18 in the lake?

19 EXECUTIVE OFFICER DEDRICK: There's water in the
20 lake, yes, several thousand feet of it.

21 CHAIRMAN TUCKER: Okay. 28's approved. 29?

22 EXECUTIVE OFFICER DEDRICK: 29. This is an
23 approval of a nonexclusive geological survey permit for
24 Texas A & M.

25 CHAIRMAN TUCKER: Any questions?

1 COMMISSIONER HOPCRAFT: This is low intensity;
2 is that correct?

3 EXECUTIVE OFFICER DEDRICK: This is no intensity
4 at all. This is a geologic permit, and it's onsite for
5 samples.

6 CHAIRMAN TUCKER: Okay. 30 is off calendar.
7 31?

8 EXECUTIVE OFFICER DEDRICK: 31 --

9 MR. HIGHT: 31, Mr. Chairman, is the item we
10 discussed in executive session, which is the subject of an
11 agreement between the Commission and the litigants.

12 CHAIRMAN TUCKER: It shall remain secret.

13 EXECUTIVE OFFICER DEDRICK: Confidential, I
14 believe is the word.

15 (Laughter.)

16 CHAIRMAN TUCKER: Well, I won't tell. 32.

17 EXECUTIVE OFFICER DEDRICK: 32, this is a City
18 of Long Beach, the seventh modification of 87-88 plan
19 and budget, revised economic projections for the Wilmington
20 oil sales. And Mr. Thompson is here if you have any
21 questions.

22 CHAIRMAN TUCKER: Any questions? Okay. That's
23 approved. 33?

24 EXECUTIVE OFFICER DEDRICK: 33, again the
25 City of Long Beach. This is approval of subsidence
costs for the district.

1 CHAIRMAN TUCKER: Any questions? That's
2 approved. 34?

3 EXECUTIVE OFFICER DEDRICK: 34 is again the
4 City of Long Beach, which is the gas department. This is
5 for approval of the consideration of a price agreement
6 between -- for Los Angeles County that is a result of some
7 changes in regulations put forth by the Public Utility
8 Commission. Staff supports this recommendation.

9 CHAIRMAN TUCKER: Okay. Any questions? That's
10 approved. 35?

11 MR. HIGHT: 35, Mr. Chairman, is the approval of
12 a boundary and exchange agreement in Alameda County.
13 This is pursuant to 1965 legislation. It's unfortunate
14 that Mr. Taylor isn't here so that we can at least harangue
15 him a little bit for taking so long to getting the
16 settlement done.

17 EXECUTIVE OFFICER DEDRICK: But he did do it
18 before he retired.

19 CHAIRMAN TUCKER: Just terrible. Okay.
20 (Laughter.)

21 CHAIRMAN TUCKER: Okay. That's approved.
22 Item 36?

23 MR. HIGHT: 36, Mr. Chairman, is the authorization
24 to disclaim. The Commission has no interest in this
25 parcel.

1 CHAIRMAN TUCKER: Okay. 225 acres more or less.
2 Any questions? Did we run out of surveyors or something?

3 MR. HIGHT: It's the federal government's
4 description, and sometimes they're a little sloppy on the
5 more or less.

6 EXECUTIVE OFFICER DEDRICK: Cheap shot.

7 (Laughter.)

8 CHAIRMAN TUCKER: Okay. 36 is approved. 37.

9 MR. HIGHT: 37 is the authorization for the
10 approval of the description of the incorporation of the
11 City of Mendocino, and the area includes about 500 feet
12 of the Big River, and that's the reason for it coming
13 before the Commission today.

14 CHAIRMAN TUCKER: Okay. Any questions?
15 All right. That's approved. 38?

16 MR. HIGHT: 38 is the authorization to file a
17 disclaimer on two of the three parcels contained in the
18 water district litigation. We still want to discuss the
19 remaining parcel.

20 CHAIRMAN TUCKER: Okay. Any questions? That's
21 approved. 39?

22 MR. HIGHT: 39 is the approval of the
23 specifications and bid form for the re-release of the tide-
24 lands in the City of Long Beach commonly known as LBOD and
25 Parcel A. The City of Long Beach is in support of these

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1 bids and specifications.

2 CHAIRMAN TUCKER: This item is going to go out
3 for public bid?

4 MR. HIGHT: Yes. It'll go out for public bid
5 and then it will come back to the Commission for approval.

6 CHAIRMAN TUCKER: Okay. Any questions on this
7 item? Okay. That's approved. Item 40?

8 MR. TROUT: Item 40 is the approval of the
9 subventions to local government for offshore oil and gas
10 development on State lands for the 87-88 fiscal year.

11 What you are approving is the frontage, the
12 length of frontage to which the subventions apply. We
13 still have a lack of agreement with the county as to how
14 that should be done. We've agreed with the county. We're
15 in a hard and fast position, but we have not had the time
16 to get together. But the fiscal year is almost over and
17 the Controller will need to make the allocations to the
18 other governments. We have agreement with the county that
19 two mile pier will be reviewed, and if it turns out that
20 they should have more, we will amend this action at a later
21 time. We recommend approval of the mileage frontage for
22 the subvention item for 87-88.

23 CHAIRMAN TUCKER: Okay. Any questions? Is
24 there any other item that anyone would like to speak on?
25 Okay. The meeting's adjourned. Thank you for attending.

(Thereupon the meeting was adjourned
at 11:30 a.m.)

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CERTIFICATE OF SHORTHAND REPORTER

1
2
3 I, Nadine J. Parks, a shorthand reporter of the
4 State of California, do hereby certify that I am a
5 disinterested person herein; that the foregoing meeting
6 before the State Lands Commission was reported in shorthand
7 by me, and thereafter transcribed into typewriting.

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

11 IN WITNESS WHEREOF, I have hereunto set my
12 hand this 31st day of July, 1988.

13
14 *Nadine J. Parks*
15 Nadine J. Parks
16 Shorthand Reporter
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