

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

STATE CAPITOL
ROOM 447
SACRAMENTO, CALIFORNIA

FRIDAY, FEBRUARY 20, 2015
10:01 A.M.

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

A P P E A R A N C E S

COMMISSION MEMBERS:

Mr. Gavin Newsom, Lieutenant Governor, Chairperson

Mr. Michael Cohen, Director of Department of Finance,
represented by Ms. Eraina Ortega

Ms. Betty T. Yee, State Controller

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Chief Counsel

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

Ms. Sarah Mongano, Senior Environmental Scientist,
Environmental and Planning Management Division

Ms. Sheri Pemberton, Chief, External Affairs and
Legislative Liaison

ATTORNEY GENERAL:

Mr. Joe Rusconi, Deputy Attorney General

ALSO PRESENT:

Ms. Pattie Behmlander, CAP - Tesoro

Mr. Jonathan Clay, Port of San Diego

Ms. Jenn Eckerle, Natural Resources Defense Council

Mr. Steve Konig, Tesoro

Ms. Cat Kuhlman, Executive Director, California Ocean
Protection Council

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Christina McDowell, Tesoro Golden Eagle Refinery/Avon Marine Terminal

Mr. Eoin McMillan, SF Dev Labs

Ms. Becky Ota, California Department of Fish and Wildlife

Mr. Greg Price

Mr. Adam Regele, SAFER California

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I 10:00 A.M. - OPEN SESSION	1
II CONFIRMATION OF MINUTES FOR THE MEETING OF DECEMBER 17, 2014	4
III EXECUTIVE OFFICER'S REPORT	4

Continuation of Rent Actions to be taken by the
CSLC Executive Officer pursuant to the
Commission's Delegation of Authority:

- Riverside Ltd., a Limited Partnership
(Lessee): Continuation of rent at \$2,606.71
per year for a General Lease - Industrial
Use, located in the Sacramento River,
adjacent to 14712 State Highway 160, near
Isleton, Sacramento County (PRC 562.1)
- Cliff's River Marina, Inc. (Lessee):
Continuation of rent for the minimum rent
at \$6,800 per year for a General Lease -
Commercial Use, located on sovereign land
in the Sacramento River, adjacent to 8651
River Road, near the town of Freeport,
Sacramento County (PRC 3264.1)

IV CONSENT CALENDAR C01-C94	13
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THE FOLLOWING ITEMS ARE CONSIDERED TO BE
NON-CONTROVERSIAL AND ARE SUBJECT TO CHANGE AT
ANY TIME UP TO THE DATE OF THE MEETING.

LAND MANAGEMENT DIVISION
NORTHERN REGION

- C01 MONICA PEDRAZZINI (APPLICANT): Consider
termination of Lease No. PRC 8750.1, a
General Lease - Recreational and Protective
Structure Use, and an application for a General
Lease - Recreational and Protective Structure
Use, of sovereign land located in the Sacramento
River, adjacent to 10800 Garden Highway, near the
city of Sacramento, Sutter County; for an
existing uncovered floating boat dock,
appurtenant facilities, and bank protection
previously authorized by the Commission, and a

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- C01 pump with electric and water conduits not previously authorized by the Commission. CEQA Consideration: termination - not a project; lease - categorical exemption. (PRC 8750.1; RA# 20014) (A 3; S 4)(Staff: G. Asimakopoulos)
- C02 ROLAND CANDEE AND ELLEN CANDEE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 10411 Garden Highway, near the city of Sacramento, Sutter County; for an existing uncovered floating boat dock, double jet-ski ramp, gangway, and two anchor cables. CEQA Consideration: categorical exemption.(PRC 8543.1; RA# 14214) (A 3; S 4) (Staff: G. Asimakopoulos)
- C03 PAUL R. MINASIAN, TRUSTEE OF THE TRUST ESTABLISHED UNDER THE WILL OF P.J. MINASIAN AS TO AN UNDIVIDED ONE HALF; AND PAUL R. MINASIAN, MALCOLM R. MINASIAN, AND REGINA MINASIAN AMBROSE, CO TRUSTEES OF THE JEAN R. MINASIAN TRUST UAD 4/26/83 AS TO AN UNDIVIDED ONE HALF, (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5286 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7330.1;RA# 05514) (A 1; S 1) (Staff: M.J. Columbus)
- C04 LAKE CANYON LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7260 North Lake Boulevard, near Tahoe Vista, Placer County; for four existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 7743.1; RA# 09514) (A 1; S 1) (Staff: M.J. Columbus)

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- C05 PEDRO S. ARROYO AND KAREN G. ARROYO, TRUSTEES U/T/A/ DATED SEPTEMBER 27, 1996 (LESSEE); DARRELL ROBERT SPENCE AND SARAH ASHLEY SPENCE, TRUSTEES AND THEIR SUCCESSORS AS TRUSTEES, OF THE SPENCE FAMILY TRUST DATED OCTOBER 30, 2001 (APPLICANT): Consider termination of Lease No. PRC 7828.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5344 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: termination - not a project; lease - categorical exemption. (PRC 7828.1; RA# 06614) (A 1; S 1) (Staff: M.J. Columbus)
- C06 RICHARD BUENTING (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 14246 South Shore Drive, near the town of Truckee, Nevada County; for an existing pier. CEQA Consideration: categorical exemption. (PRC 8590.1; RA# 05414) (A 1; S 1) (Staff: M.J. Columbus)
- C07 BELLE HAVEN REALTY, A CALIFORNIA CORPORATION (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 4893.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 710 West Lake Boulevard near Tahoe City, Placer County; for an existing pier and two mooring buoys. CEQA consideration: not projects. (PRC 4893.1) (A 1; S 1)(Staff: S. Kreutzburg)
- C08 JAMES ALAN HETFIELD, TRUSTEE OF THE JAMES AND FRANCESCA HETFIELD REVOCABLE TRUST, DATED 5/20/98; JOHN STANNARD AND CATHY STANNARD (LESSEE); TAHOE BELLEVIEW LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND JOHN WILLIAM STANNARD, SR. AND CATHY J. STANNARD, TRUSTEES OF THE CATHY AND JOHN STANNARD 2005 TRUST AS AMENDED AND RESTATED OCTOBER 13, 2010 (APPLICANT): Consider termination of Lease No. PRC 3905.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign

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- land located in Lake Tahoe, adjacent to 3915 Bellevue Avenue, near Homewood, Placer County; for an existing joint-use pier, two boat lifts, and two mooring buoys. CEQA Consideration: termination - not a project; lease - categorical exemption. (PRC 3905.1; RA# 20713) (A 1; S 1) (Staff: S. Kreutzburg)
- C09 JAY H. YOUNGMAN (LESSEE); GREGORY M. KING AND KAREN M. KING, TRUSTEES OF THE GREGORY M. KING AND KAREN M. KING FAMILY TRUST DATED OCTOBER 21, 2010 (APPLICANT): Consider termination of Lease No. PRC 5508.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8555 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: termination - not a project; lease - categorical exemption. (PRC 5508.1; RA# 09714) (A 5; S 1) (Staff: S. Kreutzburg)
- C10 JEAN P. SAGOUSPE AND DIANE E. SAGOUSPE (LESSEE); MICHAEL P. MOORE AND JANICE H. MOORE, TRUSTEES, THE MOORE FAMILY TRUST DATED MAY 10, 2000 (APPLICANT): Consider termination of Lease No. PRC 7689.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 15861 Lakeside Landing, near the town of Truckee, Nevada County; for an existing pier. CEQA Consideration: termination - not a project; lease - categorical exemption. (PRC 7689.1; RA# 10814) (A 1; S 1) (Staff: S. Kreutzburg)
- C11 LAWRENCE KRAMES, TRUSTEE FOR THE LAWRENCE KRAMES REVOCABLE TRUST DATED MARCH 24, 1988 (LESSEE); MICHAEL JAMES KING, TRUSTEE OF THE MICHAEL JAMES KING SEPARATE PROPERTY TRUST DATED 6/29/99 (APPLICANT): Consider termination of Lease No. PRC 7568.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6970 West Lake Boulevard, near Tahoma, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration:

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- termination - not a project; lease - categorical exemption. (PRC 7568.1;RA# 19713) (A 1, S 1)
(Staff: S. Kreutzburg)
- C12 CHRISTINE A. BASILE, TRUSTEE OF THE CHRISTINE A. BASILE TRUST UDT DATED JUNE 24, 2009, AND LOUIS A. BASILE, TRUSTEE OF THE LOUIS A. BASILE FAMILY 2010 TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4970 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption.(PRC 5152.1; RA# 08914) (A 1; S 1)
(Staff: S. Kreutzburg)
- C13 LUCKY BLUFF, LLC (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 7279.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9115 State Highway 89, near Meeks Bay, El Dorado County; for an existing pier, boat lift, and two mooring buoys. CEQA consideration: not a project. (PRC 7279.1) (A 5; S 1) (Staff: S. Kreutzburg)
- C14 RICHARD G. WHITEHURST AND LORRAINE D. WHITEHURST, TRUSTEES OF THE WHITEHURST FAMILY TRUST UNDER TRUST AGREEMENT DATED JULY 11, 1995 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4142 Ferguson Avenue, near Carnelian Bay, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8470.1; RA# 25613) (A 1; S 1)(Staff: S. Kreutzburg)
- C15 SONOMA COUNTY WATER AGENCY (APPLICANT): Consider an application for a General Lease - Public Agency Use, of sovereign land located in the Russian River at Goat Rock State Beach, near the town of Jenner, Sonoma County; for periodic breaching and construction and maintenance of an outlet/pilot channel. CEQA Consideration: Environmental Impact Report certified by Sonoma County, State Clearinghouse No. 2010052024, and re-adoption of: a mitigation monitoring program,

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Statement of Findings, and Statement of
Overriding Considerations.(PRC 7918.9; RA# 28713)
(A 2; S 2) (Staff: N. Lee)

- C16 2280 SUNNYSIDE LANE, LLC (LESSEE): Consider application for an amendment to Lease No. PRC 4170.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2280 Sunnyside Lane, near Tahoe City, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: not a project. (PRC 4170.1; RA# 04714)
(A 1; S 1) (Staff: N. Lee) 42
- C17 BROCKWAY PROPERTY LLC (LESSEE): Consider an \ amendment of lease and revision of rent to Lease No. PRC 5648.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9820 Lake Street, near Brockway, Placer County; for an existing pier, boat hoist, and two mooring buoys. CEQA Consideration: not projects. (PRC 5648.1) (A 1; S 1)
(Staff: M. Schroeder)
- C18 COUNTY OF HUMBOLDT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Eel River, adjacent to Assessor's Parcel Numbers 209-281-007, 209-321-007, and 209-321-018, near Redcrest, Humboldt County; for the continued use and maintenance of an existing vehicular bridge known as the Holmes-Larabee Bridge previously authorized by the Commission; and use and maintenance of a seasonal vehicular railcar bridge crossing, alternative seasonal vehicular Bailey Bridge, and annual roadway alignment not previously authorized by the Commission. CEQA Consideration: categorical exemption.
(PRC 3447.9; RA# 15314) (A 2; S 2)
(Staff: M. Schroeder)
- C19 HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Mad River and Eel River salt marshes, including the Salt River, Ropers Slough, McNulty Slough, Hawks Slough, Quill Slough,

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Moseley Slough, Morgan Slough, Cutoff Slough, and Seven Mile Slough, near the city of Eureka, Humboldt County; for removal, control, and monitoring of invasive cordgrass species. CEQA Consideration: Programmatic Environmental Impact Report, certified by the California State Coastal Conservancy, State Clearinghouse No. 2011012015, and adoption of a Mitigation Monitoring Program and Statement of Findings.(W 26778; RA# 29013) (A 2; S 2) (Staff: M. Schroeder)

C20 JAMES E. TEEL AND JOYCE RALEY TEEL, TRUSTEES OF THE TEEL QUALIFIED PERSONAL RESIDENCE TRUST TAHOE RESIDENCE, DATED MAY 15, 1996 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1350 West Lake Boulevard, Tahoe City, Placer County; for two existing mooring buoys.CEQA Consideration: categorical exemption. (PRC 7566.1; RA# 24713) (A 1; S 1) (Staff: M. Schroeder)

C21 SWEETBRIAR, INC., A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8000 North Lake Boulevard, near Kings Beach, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 7806.1; RA# 11814) (A 1; S 1) (Staff: M. Schroeder)

C22 TAHOE KEYS MARINA AND YACHT CLUB, LLC (APPLICANT): Consider application for a General Lease - Dredging, of sovereign land located in Lake Tahoe, at the East Channel entrance of Tahoe Keys, city of South Lake Tahoe, El Dorado County; for maintenance dredging. CEQA Consideration: categorical exemption. (PRC 5305.9; RA# 12614) (A 5; S 1) (Staff: M. Schroeder)

C23 TIMOTHY H. MARTIN AND KRISTINE MARTIN AS TRUSTEES OF THE TIMOTHY H. MARTIN AND KRISTINE MARTIN 1981 LIVING TRUST AGREEMENT; THE JANE G. WHEELER EXEMPTION TRUST, UNDER AMENDED AND RESTATED REVOCABLE TRUST AGREEMENT DATED DECEMBER 11,

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1995; JOHN DORSEY WHEELER III; JANET ANN WHEELER WILSON; JUDITH GWERDER WHEELER CULBERTSON; JILL MARIE WHEELER CALLIS; MARSHALL D. KRAUS AND NANCY FIDDYMENT KRAUS, TRUSTEES OF THE MARSHALL D. KRAUS AND NANCY FIDDYMENT KRAUS REVOCABLE TRUST ORIGINALLY DATED NOVEMBER 12, 1982, AS REVISED AND RESTATED NOVEMBER 4, 1993 (LESSEES); DOMINGO PROPERTIES, LLC; DAVID J. SACA; PURPLE HOUR, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANTS): Consider termination of Lease No. PRC 3599.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3755, 3765, and 3775 Bellevue Avenue, near Homewood, Placer County; for an existing joint-use pier, two boat lifts, and three mooring buoys. CEQA Consideration: termination - not a project; lease - categorical exemption. (PRC 3599.1; RA# 01714) (A 1; S 1) (Staff: M. Schroeder)

C24 AGATE PIER AND SWIM CLUB, INC (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 3994.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 5690 North Lake Boulevard, near Agate Bay, Placer County; for a pier, 21 mooring buoys, and one marker buoy. CEQA Consideration: not projects. (PRC 3994.1) (A 1; S 1) (Staff: B. Terry)

C25 BIG WATER VIEW, LLC, A NEVADA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Commercial Use and approval of two subleases of sovereign land located in Lake Tahoe, adjacent to 7220 North Lake Boulevard and Assessor's Parcel Number 117-110-069, Tahoe Vista, Placer County; for an existing commercial bulkhead pier, boat ramp, 12 seasonal berthing slips, 18 mooring buoys, 12 seasonal mooring buoys, two marker buoys, and a bar/lounge facility, previously authorized by the Commission and maintenance dredging not previously authorized by the Commission. CEQA Consideration: lease and dredging - categorical exemption;

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- approval subleases - not a project.
 (PRC 5739.1; RA# 15410) (A 1; S 1)
 (Staff: B. Terry)
- C26 CALIFORNIA WATER SERVICE COMPANY (LESSEE):
 Consider revision of rent to Lease No. PRC
 5852.1, a General Lease - Right-of-Way Use, of
 sovereign land located in the Feather River
 within Sections 7 and 18, T19N, R4E, MDBM, near
 the city of Oroville, Butte County; for a 30-inch
 diameter water pipeline attached to the Table
 Mountain Boulevard Bridge. CEQA consideration:
 not a project. (PRC 5852.1) (A 3; S 4)
 (Staff: B. Terry)
- C27 STANLY RANCH VINEYARDS, LLC (LESSEE); NAPA
 SANITATION DISTRICT (APPLICANT): Consider
 acceptance of a quitclaim deed for Lease No. PRC
 9074.1, a General Lease - Right-of-Way Use, and
 an application for a General Lease - Public
 Agency Use, of sovereign land located in the Napa
 River, adjacent to Assessor's Parcel Numbers
 046-400-025, 047-240-024, and 047-240-025, near
 the city of Napa, Napa County; for an existing
 recycled water pipeline and a sewer force main.
 CEQA Consideration: quitclaim - not a project;
 lease - categorical exemption. (PRC 9074.9;
 RA# 17214) (A 4; S 3) (Staff: B. Terry)
- C28 SUM M. SETO PROPERTIES, LLC AND JENNY P. SETO
 PROPERTIES, LLC (LESSEE): Consider correction to
 lease beginning date in prior authorization of
 Lease No. PRC 2164.1, a General Lease -
 Commercial Use, of sovereign land located in the
 Albion River, adjacent to Assessor's Parcel
 Number 123-170-01, near Albion, Mendocino County;
 for a commercial marina consisting of an existing
 boat launch ramp, two landings, three floating
 docks, pilings, and two water intake pipelines.
 CEQA Consideration: not a project.
 (PRC 2164.1) (A 2; S 2)(Staff: B. Terry)
- C29 TAHOE SUNNYSIDE, A CALIFORNIA LIMITED PARTNERSHIP
 (LESSEE): Consider revision of rent to Lease No.
 PRC 5858.1, a General Lease - Commercial Use, of
 sovereign land located in Lake Tahoe, adjacent to
 1890 West Lake Boulevard, near Tahoe City, Placer

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County; for a commercial marina consisting of a fueling station, boat slips, and 24 mooring buoys. CEQA consideration: not a project. (PRC 5858.1) (A 1; S 1) (Staff: B. Terry)

- C30 WALSH FAMILY LLC, DBA NORTH TAHOE MARINA (LESSEE): Consider revision of rent to Lease No. PRC 5856.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 7360 North Lake Boulevard, Tahoe Vista, Placer County; for a commercial marina facility with fueling facility, pump-out station, boat ramp, 30 boat slips, 48 mooring buoys, and two marker buoys. CEQA consideration: not a project. (PRC 5856.1) (A 1; S 1) (Staff: B. Terry)

BAY/DELTA REGION

- C31 ERNEST J. LANCENDORFER AND IRENE B. LANCENDORFER (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Georgiana Slough, adjacent to 435 West Willow Tree Lane, Andrus Island, near the city of Isleton, Sacramento County; for an existing uncovered floating boat dock, gangway, and two pilings previously authorized by the Commission, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 3185.1; RA# 06914) (A 11; S 3) (Staff: G. Asimakopoulos)
- C32 GEORGE H. REHRMANN AND DONNA R. REHRMANN, CO-TRUSTEES OF THE GEORGE AND DONNA REHRMANN TRUST DATED MAY 22, 1990 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 17468 Grand Island Road, Long Island, near the city of Isleton, Sacramento County; for an existing uncovered single-berth floating boat dock and appurtenant facilities, pier, retaining wall, and bank protection. CEQA Consideration: categorical exemption. (PRC 8550.1; RA# 28613) (A 11; S 3) (Staff: G. Asimakopoulos)

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- C33 OLYMPIA MORTGAGE FUND, LLC (LESSEE); IGOR R. VAYNBERG AND DANA M. VAYNBERG (APPLICANT): Consider termination of Lease No. PRC 5347.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 3083 Garden Highway, near the city of Sacramento, Sacramento County; for two existing three-pile wood dolphins and two wood pilings. CEQA Consideration: termination - not a project; lease - categorical exemption. (PRC 5347.1; RA# 16014) (A 7; S 6) (Staff: G. Asimakopoulos)
- C34 DREW PEFFERLE (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3843 Garden Highway, near the city of Sacramento, Sacramento County; for an existing floating boat dock and appurtenant facilities, storage shed, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5699.1; RA# 07514) (A 7; S 6) (Staff: G. Asimakopoulos)
- C35 JANIS M. JONES (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3442 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County; for an existing wood deck, uncovered floating boat dock and appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26807; RA# 13914) (A 11; S 3) (Staff: G. Asimakopoulos)
- C36 JOHN F. HYLAND AND DONNA M. HYLAND, TRUSTEES OF THE HYLAND FAMILY TRUST DATED JANUARY 8, 2002 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3446 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County; for an existing uncovered floating boat dock and appurtenant facilities, and bank protection not

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previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26818; RA# 15814) (A 11; S 3) (Staff: G. Asimakopoulos)

- C37 TAMARA N. ST CLAIRE AND RICHARD W. GEVEN (APPLICANT): Consider termination of Lease No. PRC 8785.9, a General Lease - Recreational and Protective Structure Use, and application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 7027 Garden Highway, near the city of Sacramento, Sacramento County; for an existing covered single-berth floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: termination - not a project; lease - categorical exemption. (PRC 8785.1; RA# 15914) (A 7; S 6) (Staff: G. Asimakopoulos)
- C38 TYSON M. SHOWER AND HILARY J. SHOWER (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 6941 Garden Highway, near the city of Sacramento, Sacramento County; for an existing uncovered single-berth floating boat dock with boat lift, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8613.1; RA# 12414) (A 7; S 6) (Staff: G. Asimakopoulos)
- C39 DAN KIRKPATRICK (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3470 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County; for an existing deck, uncovered floating boat dock and appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26812; RA# 16514) (A 11; S 3) (Staff: V. Caldwell)

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- C40 DONNA OBERT BLOWER (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Georgiana Slough, adjacent to 15433 Andrus Island Road, near Walnut Grove, Sacramento County for an existing deck with boat hoist previously authorized by the Commission; and an uncovered floating boat dock, appurtenant facilities, speed buoys, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5780.1; RA# 14914) (A 11; S 3) (Staff: V. Caldwell)
- C41 JANICE A. RAMOS, AS TRUSTEE OF THE JANICE A. RAMOS REVOCABLE LIVING TRUST, DATED MAY 28, 2009 AND JANICE A. RAMOS (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3017 Garden Highway, near the city of Sacramento, Sacramento County; for an existing uncovered floating boat dock previously authorized by the Commission; and a railing, two steel pilings, gangway, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5645.1; RA# 28912) (A 7; S 6) (Staff: V. Caldwell)
- C42 LINDA J. MOMSEN, AS TRUSTEE OF THE ALBERT J. MOMSEN BYPASS TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3450 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County; for an existing deck, uncovered floating boat dock, appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26808; RA# 14114) (A 11; S 3) (Staff: V. Caldwell)
- C43 MICHAEL T. SEAMAN AND JULIETTE L. SEAMAN, AND DAN KIRKPATRICK (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3407 Snug Harbor

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Drive, on Ryer Island, near Walnut Grove, Solano County; for an existing deck, uncovered floating boat dock, appurtenant facilities, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26811; RA# 16414) (A 11; S 3) (Staff: V. Caldwell)

- C44 PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in various waterways, near various cities, in various counties, for the continued use and maintenance of existing greater-than-60 kV electric transmission lines, fiber-optic cables, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 6827.1; RA# 29113) (A & S: Statewide) (Staff: V. Caldwell)
- C45 POINT BUCKLER CLUB, LLC (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Annie Mason Slough, Suisun Bay, adjacent to Buckler Island, Solano County; for an existing uncovered floating boat dock, and appurtenant facilities. CEQA Consideration: categorical exemption. (W 26810; RA# 16214) (A 10; S 2) (Staff: V. Caldwell)
- C46 RICHARD L. GORDON, TRUSTEE AND ARLENE T. GORDON, TRUSTEE OF THE RICHARD L. GORDON AND ARLENE T. GORDON REVOCABLE LIVING TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located on Steamboat Slough, adjacent to 3412 Snug Harbor Drive, near Walnut Grove, Solano County; for an existing deck, uncovered floating boat dock and appurtenant facilities previously authorized by the Commission, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5958.1; RA# 17914) (A 11; S 3) (Staff: V. Caldwell)

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- C47 RICHARD L. GORDON, TRUSTEE AND ARLENE T. GORDON, TRUSTEE OF THE RICHARD L. GORDON AND ARLENE T. GORDON REVOCABLE LIVING TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3435 Snug Harbor Drive, near Walnut Grove, Solano County; for an existing pier, uncovered floating boat dock, 12 wood pilings, ramp, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26815; RA# 17814) (A 11; S 3) (Staff: V. Caldwell)
- C48 ROBERT E. SUTHERLAND AND BETTY J. SUTHERLAND (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3404 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County; for existing fill, covered deck with balustrade, uncovered double-berth floating boat dock with two boat lifts, two wood pilings, ramp, jet-ski platform, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption.(W 26820; RA# 18514) (A 11; S 3) (Staff: V. Caldwell)
- C49 THOMAS D. KLAUER, JR., TRUSTEE OF THE THOMAS D. KLAUER REVOCABLE TRUST, ESTABLISHED MAY 24, 2006 (LESSEE/ASSIGNOR); STEVEN SCHULE (APPLICANT/ASSIGNEE): Consider application for the assignment of Lease No. PRC 8799.9, a Recreational Pier Lease, of sovereign land located in the Sacramento River, adjacent to 6029 Garden Highway, near the city of Sacramento, Sacramento County; for an existing covered single-berth floating boat dock with boat lift and debris diverter, and appurtenant facilities. CEQA Consideration: not a project. (PRC 8799.9; RA# 16914) (A 7; S 6)(Staff: V. Caldwell)
- C50 WARREN E. GOMES, TRUSTEE OF THE WARREN AND MONETT GOMES FAMILY TRUST DATED APRIL 12, 2007 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure

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Use, of sovereign land located on the Sacramento River, adjacent to 165 Edgewater Drive, near Rio Vista, Solano County; for an existing deck, uncovered single-berth floating boat dock, appurtenant facilities, bulkhead, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26804; RA# 12114) (A 11; S 3) (Staff: V. Caldwell)

C51 350 BEACH ROAD, LLC (ASSIGNOR); BURLINGAME POINT LLC (ASSIGNEE): Consider application for an assignment and amendment of a General Lease - Recreational, Protective Structure, and Other Use, of filled and partially-filled tidelands in San Francisco Bay, located in the city of Burlingame, San Mateo County; for the reconstruction of a portion of the San Francisco Bay Trail; construction of a driveway to Fisherman's Park including public and commercial parking; and reconstruction of a portion of the existing Airport Boulevard to conform with the future alignment of Airport Boulevard. CEQA Consideration: categorical exemption. (PRC 9084.1; RA# 22714) (A 22; S 13) (Staff: A. Franzoia)

C52 NEW TOWN HOTEL, INC. (LESSEE/SUBLESSOR); 350 BEACH ROAD LLC (SUBLESSEE/ASSIGNOR); BURLINGAME POINT LLC (ASSIGNEE): Consider application for a sublease and assignment of a portion of those lands under Lease No. PRC 4682.9, a General Lease, of filled and partially filled tidelands in San Francisco Bay, located in the city of Burlingame, San Mateo County, commonly known as Fisherman's Park; for right of entry and construction of interim improvements at Fisherman's Park. CEQA Consideration: categorical exemption. (PRC 4682.9; RA# 22714) (A 22; S 13) (Staff: A. Franzoia)

C53 BUDDIE L. YOUNG (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Steamboat Slough, adjacent to 3457 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County; for two uncovered floating docks and appurtenant

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- facilities. CEQA Consideration: categorical exemption. (W 26809; RA# 14014) (A 11; S 3)
(Staff: A. Franzoia)
- C54 CA-BAY PARK PLAZA LIMITED PARTNERSHIP (ASSIGNOR); HUDSON BAY PARK PLAZA, LLC (ASSIGNEE): Consider application for the assignment of Lease No. PRC 6127.1, a General Lease - Commercial Use, of filled and partially filled tidelands in San Francisco Bay, adjacent to the Sanchez Channel and Burlingame Lagoon, Burlingame, San Mateo County; for an existing landscaped segment of the San Francisco Bay Trail including paved walkways, viewing areas, benches, trash containers, and commercial parking. CEQA Consideration: not a project. (PRC 6127.1; RA# 20614) (A 22; S 13)
(Staff: A. Franzoia)
- C55 CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, LITERACY FOR ENVIRONMENTAL JUSTICE AND CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider a Memorandum of Understanding with the California Department of Parks and Recreation and Literacy for Environmental Justice, a non-profit entity, to implement an urban greening grant from the California Natural Resources Agency related to sovereign land in Candlestick Point State Recreation Area in the City and County of San Francisco. CEQA Consideration: not a project. (PRC 6414.9; RA# 14314) (A 17; S 11)
(Staff: A. Franzoia)
- C56 ROGER H. STEVENS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Sheep Slough, adjacent to Dutra Island near the city of Oakley, Contra Costa County; for three existing pilings. CEQA Consideration: categorical exemption. (PRC 6472.1; RA# 27110) (A 13; S 7)
(Staff: D. Jones)
- C57 CHARLES H. DANA, JR. AND KATHERINE G. DANA OSTERLOH (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay near Inverness, Marin County; for an existing pier. CEQA

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- Consideration: categorical exemption. (PRC 8483.1; RA# 21213) (A 10; S 2)(Staff: J. Sampson)
- C58 CHRISTINE CLEESE CARLSON AND MICHAEL EDWARD BROADWATER, TRUSTEES OF THE CARLSON-BROADWATER LIVING TRUST, DATED NOVEMBER 2, 2007 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 3447 Snug Harbor Drive near Walnut Grove, Solano County; for an existing floating boat dock, gangway, and cable anchors. CEQA Consideration: categorical exemption. (W 26814; RA# 18014) (A 11; S 3) (Staff: J. Sampson)
- C59 DON R. GALINDO, JR. AND LISA M. GALINDO (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 14246 State Highway 160, Walnut Grove, Sacramento County; for an existing double-berth floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8581.1; RA# 18614) (A 11; S 3) (Staff: J. Sampson)
- C60 EUGENE JOHN MAFFUCCI, TRUSTEE, EUGENE JOHN MAFFUCCI 1998 REVOCABLE TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 18621 Highway One near Marshall, Marin County; for an existing pier. CEQA Consideration: categorical exemption. (PRC 5605.1; RA# 16614) (A 10; S 2)(Staff: J. Sampson)
- C61 JOEL EVERETT CAREY AND JANE NAOMI KIRKLAND, TRUSTEES OF THE CAREY-KIRKLAND FAMILY TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Steamboat Slough, adjacent to 3438 Snug Harbor Drive near Walnut Grove, Solano County; for an existing single-berth floating boat dock, appurtenant facilities, and bulkhead. CEQA Consideration: categorical exemption. (PRC 5917.1; RA# 19114) (A 11; S 3) (Staff: J. Sampson)

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- C62 LEONA MARIE BEAVER, TRUSTEE OF THE LEONA MARIE BEAVER REVOCABLE LIVING TRUST, DATED JUNE 16, 2010 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Georgiana Slough, adjacent to 653 West Tyler Island Bridge Road, near the city of Isleton, Sacramento County; for an existing floating boat dock, covered storage, appurtenant facilities, and bulkhead. CEQA Consideration: categorical exemption. (PRC 7787.1; RA# 13414) (A 11; S 3) (Staff: J. Sampson)
- C63 OMP/I&G CREEKSIDE INVESTORS, LLC (LESSEE): Consider termination of Lease No. PRC 9131.1, a General Lease - Right-of-Way Use, for the installation, use, operation, and maintenance of utility conduit pipelines totaling 90 diameter-inches within a bridge on sovereign land over Scott Creek, near the city of Fremont, Alameda County. CEQA Consideration: not a project. (PRC 9131.1) (A 25; S 10) (Staff: J. Sampson, J. Rader)
- C64 SONOMA RESOURCE CONSERVATION DISTRICT (APPLICANT): Consider application for a General Lease - Dredging to remove material from sovereign land located in the Petaluma River, Novato Creek, San Pablo Bay, Sonoma Creek, Tolay Creek, North and East Branches of Tolay Creek, Napa Slough, Second Napa Slough, Third Napa Slough, Hudeman Slough, Steamboat Slough, Schell Slough, Railroad Slough, Rainbow Slough, and San Antonio Creek, Marin and Sonoma Counties; disposal of dredged material at adjacent levee crown, or at an approved U.S. Army Corps of Engineers' disposal site. CEQA Consideration: categorical exemption. (PRC 6675.9, PRC 6673.9; RA# 15409) (A 2, 4, 10; S 2, 3) (Staff: J. Sampson)
- C65 THOMAS J. STOKES AND SANDRA MARIE STOKES, TRUSTEES OF THE TOM AND SANDRA STOKES 1996 TRUST (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the North Fork of the Mokelumne River, adjacent to 14744 Walnut Grove-Thornton Road,

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near Walnut Grove, Sacramento County; for an existing floating boat dock, gangway, and pilings. CEQA Consideration: categorical exemption. (PRC 8562.1; RA# 09914) (A 11; S 3) (Staff: J. Sampson)

CENTRAL/SOUTHERN REGION

- C66 CALIFORNIA DEPARTMENT OF TRANSPORTATION (APPLICANT): Consider termination of an existing Public Agency Permit and Right-of-Way Map and application for a new Public Agency Permit and Right-of-Way Map pursuant to Section 101.5 of the Streets and Highways Code, of sovereign land located in the Kings River near the city of Sanger, Fresno County; for the use and maintenance of a right-of-way for the widening of the State Route 180 bridge crossing. CEQA Consideration: termination - not a project; right-of-way map - Supplemental Environmental Impact Report approved by the California Department of Transportation, State Clearinghouse No. 91022072, and adoption of a Mitigation Monitoring Program and Statement of Findings. (PRC 7533.9; RA# 08514)(A 23; S 8, 14) (Staff: R. Collins)
- C67 JAMES AND TYREE T. HUNTER (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Colorado River, adjacent to Lots 39 and 40 in the Rio Buena Vista community, city of Needles, San Bernardino County; for use and maintenance of existing riprap bankline, not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26825) (A 33; S 16) (Staff: R. Collins)
- C68 ROYCE MATHEWS, MARK E. MATHEWS, AND NICOLE A. MATHEWS (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1234 Beach Drive, city of Needles, San Bernardino County; for use and maintenance of an existing concrete stairway with rock retaining wall, rope railing, and electrical lighting appurtenances, composite

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- sundeck, and riprap bankline, not previously authorized by the Commission. CEQA Consideration: categorical exemption.(W 26792; RA# 06214) (A 33; S 16) (Staff: R. Collins)
- C69 TONIA S. WRIGHT, AS TRUSTEE OF THE TONIA S. WRIGHT REVOCABLE TRUST DATED APRIL 20, 2011 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1172 Beach Drive, city of Needles, San Bernardino County; for use and maintenance of an existing concrete stairway with rock walls, concrete patio, and riprap bankline, not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26577; RA# 29211) (A 33; S 16) (Staff: R. Collins)
- C70 U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION (APPLICANT): Consider an application for a General Lease - Public Agency Use of sovereign land, located in the old bed of the Colorado River in Mojave County, Arizona, for a ditch and fence. CEQA Consideration: categorical exemption.(PRC 3335.9; RA# 05114) (Staff: R. Collins)
- C71 SURFSONG OWNERS ASSOCIATION (LESSEE): Consider revision of rent to Lease No. PRC 8834.1, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean adjacent to 205-239 South Helix Avenue, city of Solana Beach, San Diego County; for a seawall and seacave/notch fills. CEQA Consideration: not a project. (PRC 8834.1) (A 78; S 38, 39) (Staff: K. Foster)
- C72 CLIFFORD L. WINGET III AND KATHLEEN E. WINGET, TRUSTEES OF THE WINGET FAMILY TRUST (LESSEE): Consider revision of rent to Lease No. PRC 5746.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16732 Coral Cay Lane, Huntington Beach, Orange County; for the continued use and maintenance of an existing boat dock, access ramp, and cantilevered deck.

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- CEQA Consideration: not a project.
(PRC 5746.1) (A 72; S 34) (Staff: D. Oetzel)
- C73 JAMES H. BROWNELL AND BARBARA BROWNELL, TRUSTEES OF THE BROWNELL FAMILY TRUST, DATED 6/25/04 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16222 Piedmont Circle, Huntington Beach, Orange County; for an existing boat dock. CEQA Consideration: categorical exemption. (PRC 7425.1; RA# 13814) (A 72; S 34) (Staff: D. Oetzel)
- C74 KUMAR SWAMY RAJA (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 3562 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5424.1; RA# 09014) (A 72; S 34) (Staff: D. Oetzel)
- C75 BOBBIE G. WILLIAMS AND VALLEE J. WILLIAMS, TRUSTEES UNDER TRUST DATED OCT. 20, 1977 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16672 Somerset Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (PRC 3858.1; RA# 16714) (A 72; S 34) (Staff: D. Simpkin)
- C76 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (APPLICANT): Consider application for a General Lease - Public Agency Use on sovereign land located in the dry lake bed, Owens Lake, Inyo County; to install hydrologic monitoring structures and flow monitoring infrastructure at seeps/springs. CEQA Consideration: categorical exemption. (W 26764; RA# 20213) (A 26; S 8) (Staff: D. Simpkin)

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- C77 DONALD G. GOODWIN (LESSEE): Consider revision of rent to Lease No. PRC 3164.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in Huntington Harbour, adjacent to 16492 Somerset Lane, Huntington Beach, Orange County; for a boat dock, access ramp, cantilevered deck and bulkhead repairs. CEQA Consideration: not a project. (PRC 3164.1) (A 72; S 34) (Staff: D. Simpkin)
- C78 GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT (LESSEE): Consider application for an amendment to Lease No. PRC 9085.9, a General Lease - Public Agency Use, of sovereign land located in in the dry lake bed, Owens Lake, Inyo County; to authorize the removal of five Sensit sites and the addition of nine Sensit sites. CEQA Consideration: categorical exemption. (PRC 9085.9; RA# 15414) (A 26; S 8) (Staff: D. Simpkin)
- C79 J.O. VANCE AND DOROTHY S. VANCE, AS CO-TRUSTEES OF THE VANCE FAMILY TRUST DATED OCTOBER 15, 1991 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3592 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (PRC 5249.1; RA# 16013)(A 72; S 34) (Staff: D. Simpkin)
- C80 SOUTHERN CALIFORNIA EDISON COMPANY (APPLICANT): Consider application for a General Lease - Protective Structure Use of sovereign land, located at Pebbly Beach, Santa Catalina Island, Los Angeles County; for rock riprap shoreline protection. CEQA Consideration: categorical exemption. (PRC 6908.1; RA# 03414) (A 70; S 26) (Staff: D. Simpkin)

SCHOOL LANDS

- C81 AT&T CORPORATION (LESSEE): Consider revision of rent to Lease No. PRC 7428.2, a General Lease - Right-of-Way Use, of State indemnity school lands in portions of Sections 4 and 10, Township 11 South, Range 10 East; Sections 28, 30, and 34, Township 10 South, Range 9 East, SBM, west of the Salton Sea, Imperial County; for an underground fiber-optic communication cable. CEQA Consideration: not a project. (PRC 7428.2) (A 56; S 40) (Staff: C. Hudson)
- C82 SFPP, L.P. (LESSEE): Consider revision of rent to Lease No. PRC 8150.2, a General Lease - Right-of-Way Use, of State indemnity school lands within portions of Section 34, Township 8 South, Range 11 East, SBM, Riverside County and Section 12, Township 9 South, Range 11 East and Section 30, Township 9 South, Range 13 East, SBM, Imperial County, for an underground pipeline housing a fiber-optic conduit. CEQA Consideration: not a project. (PRC 8150.2) (A 56; S 28, 40) (Staff: C. Hudson)
- C83 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 4024.2, a General Lease - Right-of-Way Easement, of State school land located within a portion of Section 36, Township 12 North, Range 20 East, SBM, near Homer, San Bernardino County; for a 500 kV overhead transmission line. CEQA Consideration: not a project. (PRC 4024.2) (A 33; S 16) (Staff: C. Hudson)
- C84 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 4025.2, a General Lease - Right-of-Way Easement, of State school land located within a portion of Section 36, Township 10 North, Range 15 East, SBM, near the city of Needles, San Bernardino County; for a 500 kV overhead transmission line. CEQA Consideration: not a project. (PRC 4025.2) (A 33; S 16) (Staff: C. Hudson)

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- C85 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 4027.2, a General Lease - Right-of-Way Easement, of State school land located within a portion of Section 36, Township 10 North, Range 13 East, SBM, near the Mojave National Preserve, San Bernardino County; for a 500 kV overhead transmission line. CEQA Consideration: not a project. (PRC 4027.2)(A 33; S 16) (Staff: C. Hudson)
- C86 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 8880.2, a General Lease - Right-of-Way Use, of State school land located within a portion of Section 36, Township 5 South, Range 15 East, SBM, near Desert Center, Riverside County; a 500 kV overhead electric transmission line, two steel lattice towers, and an unimproved access road. CEQA Consideration: not a project. (PRC 8880.2) (A 56; S 28) (Staff: C. Hudson)
- C87 SOUTHERN CALIFORNIA EDISON COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State school land located in a portion of Section 36, Township 15 North, Range 8 East, SBM, near Baker, San Bernardino County; for an existing underground 12kV (kilovolt) utility line not previously authorized by the Commission and the replacement of the existing 12kV utility line. CEQA Consideration: categorical exemption. (W 26813; RA# 17514) (A 33; S 16) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

- C88 KINNETIC LABORATORIES, INC. (APPLICANT): Consider approval of a Non-Exclusive Geological Survey Permit on tide and submerged lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: categorical exemption. (W 6005.149; RA# 22014) (A & S: Statewide)(Staff: R. B. Greenwood)
- C89 ROBERT G. WETZEL (APPLICANT): Consider application for an extension of a Mineral Prospecting Permit for minerals other than oil,

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gas and geothermal resources on State lands, San Bernardino County. CEQA Consideration: Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), adopted, pursuant to the National Environmental Quality Act, by the Bureau of Land Management on May 23, 2013. EA and FONSI adopted in place of a Mitigated Negative Declaration by the California State Lands Commission on June 21, 2013. (PRC 9026.2; RA# 13014) (A 33; S 18) (Staff: V. Perez)

C90 IMPERIAL WELLS POWER LLC (LESSEE): Consider acceptance of a Full Quitclaim Deed of a State Geothermal Resources Lease for Non-Surface Occupancy of State Proprietary Land within the Wister Waterfowl Management Area, Salton Sea Geothermal Field, Imperial County. CEQA Consideration: not a project.(PRC 9115.2) (A 56; S 40) (Staff: V. Perez)

C91 IMPERIAL WELLS POWER LLC (LESSEE): Consider acceptance of a Partial Quitclaim Deed of a State Geothermal Resources Lease for Non-Surface Occupancy of State Proprietary Land within the Wister Waterfowl Management Area, Salton Sea Geothermal Field, Imperial County. CEQA Consideration: not a project.(PRC 9116.0) (A 56; S 40) (Staff: V. Perez)

MARINE FACILITIES

C92 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of the Legislative report titled "2015 Biennial Report on the California Marine Invasive Species Program." CEQA Consideration: not a project. (W 9777.234) (A & S: Statewide) (Staff: N. Dobroski, L. Kovary)

ADMINISTRATION

C93 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider a request for authority for the Executive Officer to execute amendment to an Agreement with the California State University Enterprises, Inc. to provide technical network

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administration staffing services. CEQA
Consideration: not a project. (C2014-13)
(A & S: Statewide) (Staff: D. Brown,
R. Mulligan)

LEGAL

- C94 CALIFORNIA STATE LANDS COMMISSION: Consider
an Ordinary High Water Mark/Mean High Tide
Line Survey of a portion of the shoreline
in Ventura County near Seacliff Beach. CEQA
Consideration: not a project. (W 26292)
(A 37; S 19)(Staff: S. Lehman)

KAPILOFF LAND BANK TRUST ACTIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS - NO ITEMS

LEGISLATION AND RESOLUTIONS - NO ITEMS

V INFORMATIONAL - NO ITEMS

VI REGULAR CALENDAR

- 95 TESORO REFINING & MARKETING COMPANY LLC
(APPLICANT): Consider certification of a
Final Environmental Impact Report (State
Clearinghouse No. 2014042013); adoption
of Findings, Statement of Overriding
Considerations, and Mitigation Monitoring
Program; and application for a General
Lease - Industrial Use, of sovereign land
located in the Carquinez Strait, near the
city of Martinez, Contra Costa County; for
the continued operation and maintenance of
an existing marine oil terminal wharf,
periodic maintenance dredging, and for Marine
Oil Terminal Engineering and Maintenance
Standards compliance-related renovations.
CEQA Consideration: Environmental Impact
Report, State Clearinghouse No. 2014042013,
and adoption of Mitigation Monitoring
Program, Findings, and Statement of

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- 95 (CONTINUED) Overriding Considerations.
 (PRC 3454.1; RA# 01411) (A 14; S 7)
 (Staff: K. Foster, S. Mongano, J. Fabel) 63
- 96 CALIFORNIA STATE LANDS COMMISSION, OCEAN
 PROTECTION COUNCIL, CALIFORNIA NATURAL
 RESOURCES AGENCY, CALIFORNIA DEPARTMENT OF
 FISH AND WILDLIFE, CALIFORNIA FISH AND GAME
 COMMISSION, CALIFORNIA DEPARTMENT OF PARKS
 AND RECREATION, STATE WATER RESOURCES
 CONTROL BOARD, CALIFORNIA COASTAL
 COMMISSION, CALIFORNIA OCEAN SCIENCE TRUST,
 RESOURCES LEGACY FUND (PARTIES): Consider a
 Memorandum of Understanding among the State
 Lands Commission, Ocean Protection Council,
 California Natural Resources Agency,
 California Department of Fish and Wildlife,
 California Fish and Game Commission,
 California Department of Parks and
 Recreation, State Water Resources Control
 Board, California Coastal Commission,
 California Ocean Science Trust, and Resources
 Legacy Fund, relating to implementation of
 the California Marine Life Protection Act.
 CEQA Consideration: not a project. (A & S:
 Statewide)(Staff: J. DeLeon, J. Rader) 15
- 97 CALIFORNIA STATE LANDS COMMISSION: 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. CEQA Consideration: not
 applicable. (A & S: Statewide)
 (Staff: S. Pemberton) 103
- 98 CALIFORNIA STATE LANDS COMMISSION: Consider
 sponsoring state legislation
 (SB 141, McGuire) that amends the Humboldt
 Bay Harbor, Recreation and Conservation
 District granting statute to clarify how
 the District can dispose of certain
 property.

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- 98 (CONTINUED) CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 102
- 99 CALIFORNIA STATE LANDS COMMISSION: 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. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 102
- 100 CALIFORNIA STATE LANDS COMMISSION: 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. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 100
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1 P R O C E E D I N G S

2 CHAIRPERSON NEWSOM: I call the meeting of the
3 State Lands Commission to order. All the representatives
4 of the Commission are present. I'm Lieutenant Governor
5 Gavin Newsom, and I'm joined today by the State Controller
6 Betty Yee for her first State Lands meeting.

7 Welcome.

8 COMMISSIONER YEE: Thank you.

9 CHAIRPERSON NEWSOM: Congratulations. Honor to
10 have you here. And, of course, Eraina Ortega,
11 representing Department of Finance.

12 For the benefit of all of those that are
13 wondering why they're here, the State Lands Commission
14 manages State property interests in over five million
15 acres of land, including mineral interests. Specifically,
16 the Commission has jurisdiction in filled and unfilled
17 tide and submerged lands, navigable waterways, and State
18 school lands.

19 The Commission also has responsibility for the
20 prevention of oil spills in marine oil terminals and
21 offshore oil platforms. And for the prevention and
22 introduction of marine invasive species into the
23 California marine waters.

24 Today, we'll hear requests and presentations
25 concerning the leasing, management, and regulations of

1 these public, sovereign, and school land property
2 interests, and activities occurring or proposed -- this
3 was clearly written by an attorney -- proposed thereon.

4 (Laughter.)

5 EXECUTIVE OFFICER LUCCHESI: I'm sorry.

6 CHAIRPERSON NEWSOM: Seriously.

7 (Laughter.)

8 CHAIRPERSON NEWSOM: We were going to jump in and
9 do the adoption of the minutes of the Commission meeting
10 from December 17th. But before we do that, we may need --
11 and I apologize in advance to all of you, sort of the fire
12 drill in and out. We may need to go into closed session
13 and then ask you back. So blame me, and let me apologize
14 in advance. But Madam Executive Director, is that
15 correct, if we go in?

16 EXECUTIVE OFFICER LUCCHESI: Yeah. We can break
17 into closed session now and come back and continue with
18 the meeting business, such as the minutes and --

19 CHAIRPERSON NEWSOM: Great. We'll do this as
20 quickly, and efficiently, and effectively as we possibly
21 can and get you all back, if that is the will of the
22 Commission.

23 COMMISSIONER YEE: Yes.

24 ACTING COMMISSIONER ORTEGA: Yes.

25 CHAIRPERSON NEWSOM: Thank you. We'll move into

1 closed session.

2 EXECUTIVE OFFICER LUCCHESI: Yeah. We'll adjourn
3 into closed session.

4 (Off record: 10:02 AM)

5 (Thereupon the meeting recessed
6 into closed session.)

7 (Thereupon the meeting reconvened
8 open session.)

9 (On record: 10:15 AM)

10 CHAIRPERSON NEWSOM: Well, thank you all very
11 much. Appreciate it. I think we did okay, you know, by
12 closed session standards. So I'm grateful for everybody
13 getting up and coming back in. We'll move as quickly as
14 we can now through the next item, which is the adoption of
15 the minutes of the Commission meeting of December 17,
16 2014. Can I have a motion to approve the minutes?

17 ACTING COMMISSIONER ORTEGA: I'll move approval
18 of the minutes.

19 CHAIRPERSON NEWSOM: So moved.

20 Is there a second?

21 COMMISSIONER YEE: I'm going to abstain.

22 CHAIRPERSON NEWSOM: Okay. Good. Well, with one
23 abstention, two in support of the motion to adopt the
24 December 17, 2014 minutes.

25 Understandable, since you weren't there, so you

1 can't validate them.

2 (Laughter.)

3 COMMISSIONER YEE: That's true.

4 CHAIRPERSON NEWSOM: That was a wise move
5 actually. I should consider that myself if I miss a
6 meeting.

7 Next order of business is the Executive Officer's
8 report. Ms. Lucchesi, if you could proceed with your
9 presentation.

10 EXECUTIVE OFFICER LUCCHESI: Thank you. Thank
11 you. Before I begin, I just want to welcome Controller
12 Yee to the State Lands Commission, and also welcome
13 Lieutenant Governor back to being Chair this year.

14 CHAIRPERSON NEWSOM: Thank you.

15 EXECUTIVE OFFICER LUCCHESI: All right. So
16 first, I want to update the Commission and the public on
17 Martin's Beach. As you are aware, Chapter 922 statutes of
18 2014, better known as Senate Bill 982 by Senator Hill,
19 directed the State Lands Commission to enter into
20 negotiations with the owners of the Martin's Beach
21 property in San Mateo County to acquire right of way or
22 easement for public access to the Pacific Ocean at this
23 location.

24 Pursuant to that statute, I sent a letter to the
25 property owner on December 31st, 2014 to begin those

1 negotiations. I received a response on January 30th that
2 included an offer to meet. I have a meeting scheduled
3 with the property owner on Thursday, February 26th. I
4 will report back to the Commission on the progress of our
5 negotiations at your next meeting.

6 Next, I am pleased to announce that the analysis
7 of impacts to Public Trust Resources and Values, the
8 environmental document that staff has prepared for the
9 Broad Beach Restoration Project was recently recognized by
10 the Association of Environmental Professionals, or AEP,
11 for their outstanding -- 2015 Outstanding Environmental
12 Analysis Award. While this project has not yet come to
13 the Commission for your consideration, it has been
14 recognized by this association.

15 And a key strategic goal of this association is
16 to provide statewide recognition for the best work of
17 environmental professionals contributing to the
18 enhancement, maintenance, and protection of the quality of
19 the natural and human environment. Each year, ADP
20 conducts an awards competition culminating in an awards
21 banquet at their annual conference.

22 Award winners have continually advanced the state
23 of the art in environmental analysis and presentation of
24 this analysis to the public and decision makers in an
25 increasingly attractive, understandable, and

1 easily-accessible format.

2 I want to thank Jason Ramos, Eric Gillies, Seth
3 Blackmon, Ken Foster, Kathryn Colson, and Shelli Haaf who
4 contributed to the review, planning, and preparation of
5 this document. It's a gratifying achievement for staff,
6 considering how challenging this document and the project
7 has been due to the constantly changing circumstances.
8 And I think at some time later this year, you will
9 actually experience that as well. Staff's work has now
10 been recognized at the highest level of statewide
11 environmental analysis for 2015.

12 Next, I just wanted to report to the Commission
13 that I've been invited to present during the 15th Annual
14 California Maritime Leadership Symposium Commissioners
15 Luncheon on February 24th in Sacramento.

16 Over the past 14 years, the symposium has
17 fulfilled a vast educational function for the industry,
18 the legislature and State agencies. Becoming one of
19 premier events focused on key matters related to the
20 entire maritime transportation system.

21 The California Maritime Leadership Symposium is
22 hosted by a broad based collation of maritime industry
23 headed up by the California Association of Port
24 Authorities, and the California Marine Affairs and
25 Navigation Conference. I also want to recognize that

1 Controller Yee will be giving a keynote address I believe
2 on Wednesday morning. And in the past, the Lieutenant
3 Governor has also given keynote addresses at the
4 symposium.

5 Next, I want to update Commission on staff's
6 rule-making efforts this upcoming year. We have a number
7 of efforts through all of our programs to update
8 regulations providing more efficiency to staff's
9 operations and the Commission's operations, as well as
10 provide additional transparency to the public.

11 In our Marine Facilities Division, we have a
12 number of rule-making packages making its way through the
13 process to update our inspections and monitoring
14 regulations, our MOTEMS regulations, as well as our
15 regulations relating to our Marine Invasive Species
16 Program.

17 In our Mineral Resources Management Division, we
18 are moving forward with a comprehensive update of our
19 regulations relating to our existing oil and gas leases.
20 This update will provide more clarity to the lessees and
21 the public about what is required, and also incorporate
22 best practices, prevent and minimize risk of oil and gas
23 spills.

24 We are also pursuing regulations to better
25 enhance our geophysical permit program that will actually

1 relocate our terms and our permits into the body of
2 regulations in order to make the program requirements more
3 transparent.

4 And finally, in our Land Management Division, we
5 are working on regulations to implement our trespass and
6 administrative fining ability under Public Resources Code
7 6224.3. Again, these regulations will provide
8 administrative hearings to address trespassing structures
9 on State lands.

10 All of these regulations I just mentioned are
11 making their way through the Office of Administrative Law
12 process. When they -- after we get through the public
13 comment period, and they are in final draft form, they
14 will be presented to the Commission for your consideration
15 and ultimate adoption and approval, before they become
16 effective.

17 I also want to update you on some of our
18 enforcement and compliance efforts. As I think all of us
19 are aware, our jurisdiction and our activities are not
20 always readily apparent to the public and those who may be
21 utilizing State Lands. We have been working diligently to
22 educate the public and bring unauthorized structures under
23 lease.

24 Beginning last fall, a small team of our staff
25 targeted a few pocket areas of trespassing facilities in

1 both the Garden Area Highway -- Garden Highway area in the
2 Sacramento River in Sacramento County, and Steamboat
3 Slough area on Ryer Island near Walnut Grove in Solano
4 County.

5 Along Garden Highway, 13 property owners were
6 contacted and we now have 12 of those under lease. On
7 Steamboat Slough, 19 property owners were contacted and
8 this has resulted in 16 applications with expectations of
9 receiving the final three in the near future. Of these 16
10 applications, 11 of these applications are on today's
11 consent calendar, with the other five to be brought to
12 your April meeting. This is incredibly important,
13 especially in the Delta areas where we have a lot of
14 facilities that need to come under a lease, not only to
15 ensure that they have the proper authorization to utilize
16 State property, but also that the State is adequately
17 protected from liability.

18 And finally, I want to announce a personnel
19 change in our Commission. Colin Connor, who is our former
20 Land -- Assistant Chief of our Land Management Division
21 is -- has recently been appointed the new Chief of our
22 Administrative Services Division. The candidate pool for
23 this position was extremely competitive, but Colin's
24 exceptional leadership and management skills, especially
25 his keen sense to see and understand the bigger policy and

1 legal issues facing the Commission, and his abilities to
2 simultaneously oversee the services provided to the
3 programs and staff working on these issues, and his
4 extraordinary dedication, work ethic, and professionalism
5 made him the best person to lead this Division.

6 Not only will the Administrative Services
7 Division benefit from his leadership, but the State Lands
8 Commission and the people of California will also share in
9 that success.

10 So thank you. That concludes my report.

11 CHAIRPERSON NEWSOM: I appreciate that. And if I
12 could just make a comment about Martin's Beach. And I
13 appreciate the update and the timeline. But for full
14 disclosure, I just want to acknowledge your hard work on
15 this. As the Executive Officer, we didn't wait around for
16 the legislation to be signed by the Governor's office. We
17 recognized the acuity of the issue and the urgency to try
18 to figure out if we could precipitate any kind of
19 resolution during the process of that discussion of the
20 legislation over across the hall.

21 And we made some progress --

22 EXECUTIVE OFFICER LUCCHESI: Yes.

23 CHAIRPERSON NEWSOM: -- but we still have a long
24 way to go. So it's an effort, at least from my
25 perspective, to let folks know the seriousness to which

1 this Commission takes that issue. And the fact that we're
2 not just picking this up, the baton, from the legislature
3 and the Governor's office. An enormous amount of baseline
4 data and work and frankly understanding within the parties
5 has already been advanced. And hopefully, that will
6 provide us a solid foundation to move forward as quickly
7 and expeditiously as we possibly can to resolution.

8 So anyway, I want to -- it's a long way of just
9 saying what I began to say which is I want to just honor
10 the work you did, the sincerity of those efforts --

11 EXECUTIVE OFFICER LUCCHESI: Thank you.

12 CHAIRPERSON NEWSOM: -- over the course of many,
13 many months to see -- to try to get this to resolution
14 before that legislation became quote unquote necessary,
15 depending on one's perspective.

16 EXECUTIVE OFFICER LUCCHESI: Yes. Thank you.

17 CHAIRPERSON NEWSOM: With that, any comments from
18 the Commission?

19 Without reading a long letter, because again
20 feeling guilty about asking you all to leave, and it's the
21 last thing you want to hear is me read about a strategic
22 plan. So I know -- well, it's clear you don't, because I
23 saw the heads nod.

24 (Laughter.)

25 CHAIRPERSON NEWSOM: But we haven't had a

1 strategic plan at the State Lands in close to two decades.
2 We've been working off a draft plan about 18 years ago.
3 And it's high time we, I think, adopt a strategic plan.
4 And so we have had a lot of conversations about this. We
5 have a framework, and the Commission I think has been
6 presented that framework.

7 We hope to come back in June with a
8 frame -- well, a more fleshed out draft of where our
9 strategic planning efforts are. And so I just want to let
10 folks know that it's our intent to develop a strategic
11 plan. We want to move forward. We want to focus on
12 obviously bringing to the light of day, in a more
13 transparent way, what it is we do here in ways that are
14 navigable to real people with language they can
15 understand, not thereon.

16 (Laughter.)

17 CHAIRPERSON NEWSOM: But language that sort of
18 makes sense, use technology and tools and open data in a
19 way we can take all of this valuable information that
20 exists, as you know, in the treasure chest of files going
21 back decades in making them navigable in the language of
22 technologists, in downloadable, machine-readable ways
23 where they can mash up that data and navigate the
24 disparate parts of this agency.

25 And so beyond that, you know, we've laid out, I

1 think, a really thoughtful framework with your guidance
2 and leadership. And I just want the Commissioners to know
3 I think this is long overdue. It's one of the things that
4 was picked up in the audit a few years back. And it's
5 something, I think, all of us can embrace. And I
6 certainly look forward to the public's substantive
7 inclusion in this process as well.

8 EXECUTIVE OFFICER LUCCHESI: And what I will say
9 too, in response to that, thank you for that direction.
10 And I am committed to bringing a draft strategic plan to
11 the Commission for your consideration and hopeful adoption
12 at the June meeting. And then I will also, during the
13 period between now and our June meeting, be reaching out
14 to each of the individual offices to ensure that we are
15 covering everything that we need to be covering in this
16 draft -- or in the strategic plan, as well as reaching out
17 to all of our stakeholders.

18 CHAIRPERSON NEWSOM: Thank you. And I appreciate
19 your help and support of that directive.

20 With that, we'll move to the next item, which is
21 the adoption of the consent calendar. Ms. Lucchesi, I
22 think we have some items, which we've indicated to be
23 removed. And I think we've gotten some subsequent
24 recommendations. I think you've got them all from the
25 public. But anyway, why don't you read those items that

1 we're going to pull.

2 EXECUTIVE OFFICER LUCCHESI: Yes. C 30, C 52, C
3 57 and C 94 are removed from the consent agenda to be
4 heard at a later time.

5 And Item C 16 is also moved from the consent
6 agenda to be heard during the regular agenda session,
7 because we do have the applicant that wishes to speak on
8 that item.

9 CHAIRPERSON NEWSOM: Excellent. Excellent. So
10 let me -- I see here we've got -- well, we'll have a
11 chance when we hear C 16 to ask -- is there any other
12 items that Commissioners wish to have removed from the
13 consent calendar?

14 So with that, we'll proceed with the vote on the
15 remaining items. But first, I'll ask anyone wish to speak
16 on any of those remaining items, not the ones we just
17 pulled?

18 Seeing no one.

19 We'll move to a motion to adopt.

20 COMMISSIONER YEE: So moved.

21 ACTING COMMISSIONER ORTEGA: Second.

22 CHAIRPERSON NEWSOM: And seconded. Without
23 objection, we'll adopt all those remaining items in the
24 consent calendar.

25 And now, we'll move -- we can either move, what

1 do you say, you want to move to pulling those consent now
2 in front of the agenda or moved to the regular agenda?

3 EXECUTIVE OFFICER LUCCHESI: Well, I would
4 recommend that we actually hear Item 96 first.

5 CHAIRPERSON NEWSOM: Jump into 96.

6 EXECUTIVE OFFICER LUCCHESI: Jump into 96, and
7 then we could hear Item C 16, and then Item 95 after that,
8 and then the rest of the legislative items after that.

9 CHAIRPERSON NEWSOM: Perfect. And we'll explain
10 later the circuitous recommendation there, why it's not in
11 order.

12 Let's move forward with Item 96.

13 EXECUTIVE OFFICER LUCCHESI: This is a memoranda
14 of understanding related to the implementation of the
15 California Marine Life Protection Act. I know we have a
16 staff presentation.

17 EXECUTIVE OFFICER LUCCHESI: Actually, we will
18 not have a staff presentation. I will just introduce some
19 of our partners in implementing the Marine Protected --
20 Marine Life Protection Act Cat Kuhlman is the Director --
21 Executive Director of the Ocean Protection Council. And
22 Becky Ota is with the Department of Fish and Wildlife.
23 And they actually have two presentations that they would
24 like to provide -- give the Commission.

25 CHAIRPERSON NEWSOM: Fabulous. Please. Thank

1 you for being here.

2 MS. OTA: Thank you.

3 MS. KUHLMAN: Thank you.

4 (Thereupon an overhead presentation was
5 presented as follows.)

6 MS. KUHLMAN: Oh, there. Thank you so much. It
7 is a pleasure to be here and thank you for making the time
8 to hear from us. My name is Catherine Kuhlman. I'm the
9 Deputy Secretary for Ocean and Coastal Policy for the
10 Resources Agency, and also serve as the Executive Director
11 for the Ocean Protection Council. Becky Ota is from the
12 Department of Fish and Wildlife and is their Marine
13 Habitat Conservation Manager. She is the one who is
14 responsible for the day-to-day management of the Marine
15 Protected Areas in the State.

16 There are three points I want to leave with you.
17 First is that the Marine Protected Areas represent a
18 significant investment by the State of California in both
19 fisheries, recreation, science and also now play a really
20 important role in our strategy for climate change.
21 Secondly, the point I want to leave you with is this is a
22 team effort to protect these areas. And the third point
23 is we want you as part of that team.

24 There's a growing body of knowledge that Marine
25 Protected Areas serve to increase the robustness of our

1 ecosystems. There's also an emerging science that is
2 telling us that in growing that robustness of those
3 ecosystems, it also then serves to help buffer against
4 ocean acidification, which is increasing along our coast,
5 and hypoxia, which are the dead zones, that are also
6 increasing along our coast.

7 And having these healthy resilient areas helps
8 buy us time while we deal with emissions and any discharge
9 that we need -- issues we need to deal with discharged
10 from land.

11 --o0o--

12 MS. KUHLMAN: So I hate these -- I'm like the
13 dyslexic person on these.

14 Can you help me, Becky. That's why we have the
15 Department.

16 MS. OTA: Yes, ma'am.

17 CHAIRPERSON NEWSOM: I'm sympathetic to that.

18 MS. KUHLMAN: So pathetic.

19 MS. OTA: It's not --

20 MS. KUHLMAN: It's not responding. It isn't me.

21 MS. OTA: She's right. It's not working.

22 CHAIRPERSON NEWSOM: You'll bring these words to
23 life.

24 MS. KUHLMAN: There. Yea.

25 CHAIRPERSON NEWSOM: Okay.

1 MS. KUHLMAN: Okay. So in putting together the
2 designation process, which was -- took some time to get
3 done, but we're through that process. And we've now moved
4 onto implementation and management. And it became clear,
5 as we moved to that, that we -- the Department didn't have
6 enough resources to manage the entire gamut of things that
7 need to be done for Marine Protected Areas. And also that
8 a top-down approach to managing local areas is also
9 probably not the best way to do business. And so the
10 Ocean Protection Council brought together the Department,
11 the Fish and Game Commission, our sister nonprofit, the
12 Ocean Science Trust, to put together a process that we
13 thought would work for both us as departments, as well as
14 to build on the social capital and all the enthusiasm
15 there is at the local level for Marine Protected Areas.

16 And we came up with these principles that you see
17 there. And I just want to tell you one story around one
18 of the things that we've done that embody those kind --
19 those principles. We created, with the help of our
20 nonprofit -- excuse me, our foundation help, a series of
21 collaboratives at the local level, which we call Community
22 Collaboratives. There are 14 of them about at the county
23 scale.

24 These are volunteers who are coordinated and
25 brought together. They're the people who love their MPAs,

1 they're fishermen, they're scientists, they're lifeguards,
2 they're teachers. They come together. And by -- their
3 job is we're going to roll them up -- found that local
4 enthusiasm, roll it up to regional level, roll it up to
5 the statewide network level. And that will allow us then
6 as the departments to come together and work with them and
7 bring together this enthusiasm from the local level with
8 what the State agencies can bring to bear. We leverage.
9 We're open. We're building partnerships. It's really
10 true collaboration. So that's just an example of how
11 we're trying to manage this project.

12 --o0o--

13 MS. KUHLMAN: You have the magic touch, Becky.

14 MS. OTA: No, actually, he did.

15 MS. KUHLMAN: You do. Thank you.

16 MS. OTA: I wish I did, but I don't.

17 MS. KUHLMAN: Okay. So why a partnership with
18 State Lands?

19 Obviously, so much of what you do affects MPAs
20 from the leases, as well as the monitoring requirements
21 that you've put into your leases can affect
22 the -- could -- we could leverage with the monitoring
23 that's being done for the Marine Protected Areas, or can
24 leverage with what say maybe Coastal Commission might be
25 requiring through their regulatory process for the same

1 project.

2 So there's an opportunity to leverage and get
3 better science, and do a better and more effective work
4 around these leases and around the permits from other
5 agencies.

6 So our interest is to promote early
7 communication. Communication is good. We think this --
8 you know, we can always bump it up a notch, and I think
9 that's what we're trying to do is to promote early
10 communication among the agencies on Marine Protected
11 Areas, but more largely on all of the issues that we work
12 on together in the ocean.

13 --o0o--

14 MS. KUHLMAN: Proposed MOU. So I think while
15 we've been working well together, your staff has been just
16 really a delight to work with, quite frankly, but the MOU
17 provides a framework to make that partnership durable
18 beyond the individuals. It renews the private --
19 public-private partnership that has built the MPAs, which
20 is the State government working with foundations. It
21 renews that partnership. And by having State Lands sign
22 on this time, this is the second MOU. This is the first
23 time State Lands would sign on, I think it just really
24 enhances our relationship into the future.

25 And so from -- in my mind to sum it up, by

1 signing on you make this relationship durable, because
2 we've invested a lot of money into these MPAs, and we have
3 a really good working relationship from State government
4 down to the local government that we can really deliver
5 long-term protection for these areas that will help us
6 with climate change, as well as just more fish in the sea.

7 Thank you.

8 CHAIRPERSON NEWSOM: Great. Just a question. So
9 you've got an MOU. Is it -- you've gone through similar
10 presentations to all these sister agencies. How close are
11 you getting everybody to sign off?

12 MS. KUHLMAN: It's a -- it's two tier. We're
13 working on the State agency signatures first, and all of
14 the other State agencies have signed, except the Water
15 Board, and then the Secretary for Resources and the
16 Secretary for CalEPA. So those are the three remaining
17 State. We've begun then the process to roll-out with our
18 federal partners at the same time.

19 CHAIRPERSON NEWSOM: And roughly how many
20 agencies will participate when it's all said and done?

21 MS. KUHLMAN: I'm going to say at the end of the
22 day around 20.

23 CHAIRPERSON NEWSOM: Twenty. Remarkable.

24 MS. KUHLMAN: It's fun getting everybody to get
25 that precise language. Those attorneys --

1 (Laughter.)

2 MS. KUHLMAN: -- I adore them, but they're tough.

3 (Laughter.)

4 CHAIRPERSON NEWSOM: That's good.

5 And is there a commitment of resources beyond
6 human capital, financial capital that's expected of this
7 agency?

8 MS. KUHLMAN: No. We think that what we're
9 asking to do is part of your base mission, and so just --
10 it's just adding and doing it more smartly.

11 CHAIRPERSON NEWSOM: Yeah.

12 COMMISSIONER YEE: Thank you for the
13 presentation. It's nice to see an MOU that actually is
14 more than just a feel good MOU. And I particularly like
15 the aspect of the ability to share science, which I think
16 can be very, very useful and beneficial, given that I
17 don't think we invest enough in terms of science -- just
18 infrastructure in the State.

19 But my question really has to do with whether I
20 guess the rules of how you consider projects have been
21 defined already or is that going to be future work that
22 you're going to do, so what criteria agencies ought to be
23 looking at. And then with respect to State Lands, I'm
24 just curious how you view the Public Trust with respect to
25 how it many either complement or be at odds with what

1 you're doing?

2 MS. KUHLMAN: That's like a deeply packed
3 question.

4 (Laughter.)

5 COMMISSIONER YEE: Since that's our first and
6 foremost.

7 MS. KUHLMAN: I think you -- your staff has
8 already put in place a checklist so that they are
9 interested when a permit comes in that have they -- has
10 the applicant looked at -- I say permit, because I'm a
11 former Water Board person. I just can't wrap my head
12 around leases yet. But that the lease applicant has
13 looked at is there an MPA nearby, have they done the kind
14 of analysis before saying the application is complete?

15 Now, I think where we have some work to do still
16 is around what kind of analyses should be there, and how
17 do we leverage monitoring that you might require under
18 your authorities and make it more seamless with say what
19 the Coastal Commission might do or what DFW might need.
20 So that's a piece of work that still needs to be done.

21 On Public Trust, I think, you know, the heart of
22 this is -- of the MPA work is about Public Trust. It is
23 about protecting our resources. And so I feel like
24 there's a -- we're really in the same -- on the same page
25 and the same place on Public Trust.

1 I know Jennifer has given me lectures on Public
2 Trust and it's much more complicated than that, but I like
3 to take it as the simple -- at the simple level of what
4 we're doing with MPAs is providing resources to the
5 future, for both access as well as durability.

6 EXECUTIVE OFFICER LUCCHESI: If I could just add
7 some additional information to answer both those
8 questions. Our staff does -- has developed a checklist as
9 Director Kuhlman stated, but that this MOU will also
10 facilitate our ability to improve that checklist and
11 better understand what Fish and Wildlife and some of the
12 other Resource Agencies want us to look at when we're
13 conducting that analysis.

14 And like Director Kuhlman said, it will also help
15 enhance our own ability to conduct the analysis that we,
16 as staff, need to do to be able to present you with all
17 the information that you need to make your decision.

18 On the Public Trust aspect, we have had a lot of
19 conversations about the trust on a much grander scale in
20 terms of all the regulatory agencies that we work with, in
21 terms of the complexities of the trust. But what I want
22 to say and emphasize is that we agree that the MPAs at the
23 heart of that is the protection of Trust resources. And I
24 think the value of the Commission and its staff being a
25 part of this MOU and really strengthening those lines of

1 communication and collaboration with our sister agencies
2 is that I think all of us will have a better understanding
3 of those complexities with the trust, and all the
4 different balancing that has to occur with the eye on the
5 ultimate goal of protecting these lands and resources for
6 not only current generations, but future generations.

7 COMMISSIONER YEE: Right. Okay. Can I just ask
8 that maybe we just get some periodic updates as to how the
9 MOU is going, and especially as you reach out to non-State
10 entities. And I'm particularly going to be curious when
11 we get to that point of where you may be dealing with a
12 project that has significant statewide issues that may
13 pose negative impacts on an MPA, just kind of how you
14 would work through some of these challenges.

15 Thank you.

16 EXECUTIVE OFFICER LUCCHESI: Would you like to --

17 MS. OTA: Would you like to have it?

18 (Laughter.)

19 MS. OTA: That's the question.

20 EXECUTIVE OFFICER LUCCHESI: Well, the will of
21 the Commission, Ms. Ota has also prepared a presentation
22 that really talks about Fish and Wildlife's role in this.
23 They are the prime players in the protection, from a State
24 agency respective, in the protection of Marine Protected
25 Areas.

1 CHAIRPERSON NEWSOM: Here, here.

2 MS. OTA: It's up to you.

3 CHAIRPERSON NEWSOM: No. I mean, you've put all
4 the work into it.

5 MS. OTA: I appreciate that. And I will try to
6 make this as painless as possible.

7 But in light of the first conversation -- and
8 again, for the record, my name is a Becky Ota. And Cat
9 has mentioned I am the Habitat Conservation Program
10 Manager for the Department's marine region. And I really
11 appreciate that staff and you are interested in hearing
12 more about MPAs, because part of this with signing on to
13 other agencies is providing that additional information
14 about why should you even do this? Why are the MPAs
15 important? Why do we go here?

16 So that's why I'm hoping to do today. It's going
17 to be a 35,000 to 45,000 foot overview of --

18 CHAIRPERSON NEWSOM: That's better than minutes.

19 (Laughter.)

20 MS. OTA: Yes, it is. Yes. Oh, no, not yes.

21 Well, it depends on the questions.

22 We'll see if this clicker works.

23 Sweet.

24 --o0o--

25 MS. OTA: Okay. So a brief overview on legal

1 mandates for the marine protection areas. The planning
2 and the designation process, specific examples of science
3 guidelines and rational, implementation and management and
4 then some allowed uses.

5 --o0o--

6 MS. OTA: The Act was signed into law, MLPA, the
7 Marine Life Protection Act in 1999 and applies to all
8 State waters, zero to three miles out, and around offshore
9 islands. It was in response to existing MPAs that had
10 been created and adopted on a piecemeal basis that really
11 didn't have a cohesive plan or strong science guidelines.

12 Pursuant to the Act, all existing State Marine
13 Protected Areas were to be reevaluated or redesigned, and
14 to the extent possible, function as a network as a whole.

15 The MLPA identified specific goals to help
16 improve the design and management of the new system and
17 identified State marine reserves or marine reserves as a
18 critical component or backbone of the network.

19 The Marine Managed Areas Improvement Act was
20 passed in 2000, and it established a simplified
21 classification system for State Marine Managed Areas of
22 which Marine Protected Areas are a subset. It also
23 clarified the roles of the Department of Fish and
24 Wildlife, State Parks, and the State Water Board as
25 managing agencies for the network, and the Fish and Game

1 Commission as the authority to adopt and implement the
2 MPAs.

3 --o0o--

4 MS. OTA: The MLPA contains six overarching goals
5 that in summary here are to protect the biological
6 diversity and abundance of marine life, to protect
7 representative and unique marine habitats for their
8 intrinsic value, and then improve recreational and
9 educational opportunities.

10 The MPA design required the consideration of
11 local knowledge, built upon solid science foundation, to
12 recognize a science advisory team who use that best
13 readily available science to provide guidance to the
14 development of the statewide network of MPAs.

15 --o0o--

16 MS. OTA: To accomplish this goals, the MLPA
17 recognized that different types of MPAs would achieve
18 different goals and therefore different designations were
19 used in the process. The following on the screen are the
20 different MPAs, Marine Protected Areas and Marine Managed
21 Area designations that were used in the process.

22 State Marine Reserves are fully protected no-take
23 areas, and they're depicted on the map in red. State
24 Marine Parks have limited recreational take that may be
25 allowed, but no commercial take allowed. And they're

1 depicted in yellow, which -- don't bother looking it's not
2 on this map.

3 (Laughter.)

4 MS. OTA: State Marine Conservation Areas, which
5 allow limited take of recreation and commercial fishing,
6 and they're depicted in blue; State Marine Recreational
7 Management Areas, or I fondly call them SMRMAs, are
8 coastal areas that utilize -- that were utilized to allow
9 waterfowl hunting, especially in estuarine areas. And
10 they're depicted in green on the MPA map that you may see.

11 Special closures are areas where access was
12 restricted to protect various critical life stages of
13 marine birds and mammals. And they're depicted in yellow,
14 which I think the top map shows right at the very tip of
15 Point Reyes there.

16 Then there was no-take State Marine Conservation
17 Areas - it's in purple down on the bottom map - that was
18 allowing only specific uses attributed to existing
19 activities, such as outfall pipes, beach replenishment and
20 nourishment, other structures like piers.

21 So -- but given California's 1100 mile coast
22 line, and the varying ecological, social, and economic
23 conditions along the coast, it was decided to divide the
24 State up in different regions. The regions were, and I
25 don't have a map of it, but it's the north, north central,

1 central, and south coast, and then the fifth one was San
2 Francisco Bay, which is on hold right now until everything
3 gets worked out in the Bay-Delta. We'll see how that
4 goes.

5 To help the State of California implement the
6 MLPA, the MLPA initiative and public-private
7 partnership -- a public-private partnership - pardon me -
8 was established and formalized through a memorandum of
9 understanding between the Natural Resources Agency, the
10 Department of Fish and Wildlife, and the Resources Legacy
11 Fund Foundation.

12 And this flowchart here is basically showing how
13 the processes worked. And the regional stakeholders group
14 was really the key component of the process. They were
15 made up of similar make-up of what Cat mentioned with the
16 Community Collaboratives. They were the ones who created
17 and developed the MPA proposals that were going to go
18 forward with the guidance from a blue ribbon task force
19 appointed by the Secretary, the Science Advisory Team,
20 which I mentioned already, the Department of Fish and
21 Wildlife, and there was a statewide interest group of
22 various different interest groups that would provide
23 public input on policy to the blue ribbon task force.

24 There was a free flowing exchange between the
25 Science Advisory Team and the Department with the regional

1 stakeholders group as they developed those proposals. And
2 then once they were created, the blue ribbon task force
3 decided on what would get submitted to the Fish and Game
4 Commission. At that point, the Department continued to
5 work with the Commission to formulate the regulations, get
6 them adopted, and get them in place.

7 --o0o--

8 MS. OTA: How did we do?

9 Well, this is a pre- and post-MLPA graphic. And
10 as you can see, there was a significant increase in the
11 areas of MPAs within the State before and after. Before
12 with MPAs with a 2.7 percent of State waters, and now we
13 have 16.1 percent in State waters with 9 percent of those
14 being those no-take backbone SMRs and SPAs. I'll talk a
15 little bit later about the number of MPAs we actually
16 have.

17 --o0o--

18 MS. OTA: So how did science really play a role?

19 The conditions that supported the integration of
20 science into California's MPA network planning process
21 included a strong legal mandate for a science based
22 design, and that's in the Act itself. The development of
23 a Science Advisory Team, as I mentioned, that were of
24 diverse experts, a planning process structured to
25 integrate that science into the design and the

1 decision-making process, simple science-based MPA design
2 guidelines and evaluations linked back to the MLPA goals,
3 and stakeholder designed MPAs with guidance from the
4 Science Advisory Team, plus policy and Agency input.

5 --o0o--

6 MS. OTA: The science team developed MPA-designed
7 guidelines that addressed each of the
8 conservation-oriented MLPA goals. But I'm just going to
9 talk a little bit -- they're listed here, but I'm going to
10 talk more about the first four, the habitat
11 representation, replication, MPA size, and MPA spacing.
12 More information about the science guidelines is on our
13 website, just in case you're interested, and you have
14 nothing else to do. There's a lot there.

15 --o0o--

16 MS. OTA: So representation, key habitats -- and
17 I'll try to run through these really quickly.

18 But key habitats really need to be represented in
19 an MPA network in order to protect that diversity that we
20 keep talking about. And the different habitats that those
21 resources depend on. So in order to evaluate that, key
22 habitats needed to be identified first.

23 So that process was completed for each one of the
24 regions. And it resulted in a level of protection for all
25 the habitats within the MPAs along those different

1 regions. And the key habitats, as you can see, are
2 breaches, rocky shores, kelp, hard bottom at varying
3 different depths, soft bottom habitat at the same depths,
4 and then several estuarine habitats. There were other
5 unique habitats in each region that would pop in and out,
6 but these are the key general ones.

7 CHAIRPERSON NEWSOM: Soft versus hard bottom?

8 MS. OTA: Yeah, rocky habitats, so rocks and hard
9 substrate versus mud and sand.

10 CHAIRPERSON NEWSOM: Easy. Okay.

11 MS. OTA: Every key habitat should be represented
12 in the MPA. Just did that. I'm on my next slide.

13 Woops. Sorry. Thank you. Thanks, Cat.

14 --o0o--

15 MS. OTA: The primary replication guideline was
16 that each key habitat should be replicated in three to
17 five of those State -- sorry, State Marine Reserves north
18 of Point Conception and South of Point Conception. Very
19 different bioregions north and south of that line.

20 And the purpose of the guideline was to first
21 protect the greater diversity of the species and
22 communities, and protect the species from local year to
23 year fluctuations in their environment, and second, to
24 provide analytical power for management comparisons down
25 the road.

1 So both habitat replication and representation
2 guidelines focused on protecting those specific habitats
3 and the associated biodiversity in sufficient quantity to
4 sustain those communities.

5 --o0o--

6 MS. OTA: MPA size and spacing focused more on
7 marine population and connectivity versus habitat. So the
8 recommendation was that the guidelines -- the size
9 guidelines specified that we needed a minimum along shore
10 of three to six miles -- a span of three to six miles to
11 protect the adult populations based on the adult
12 neighborhood sizes, and the movement patterns of those
13 fish. In addition -- and invertebrates for that matter.

14 In addition, MPAs should extend from the
15 intertidal out to the deeper to protect that biodiversity
16 and the movement of those resources throughout their
17 different life stages from larvae to adult, whatever that
18 might look like.

19 Combined and simplified, the two guidelines yield
20 that MPAs should have a minimum area of the individual MPA
21 itself of nine to 18 square miles.

22 --o0o--

23 MS. OTA: The spacing guidelines were developed
24 to provide for the dispersal of larvae for a range of
25 species between MPAs and to promote that connectivity

1 throughout the network. So the MPA spacing guideline
2 specified that habitats be replicated in the MPAs, placed
3 at a maximum of 31 to 62 miles from each other. It sounds
4 arbitrary, but there's science behind it.

5 In addition, since marine populations are
6 generally habitat specific, the spacing was conducted for
7 each habitat, so that there would be that connection. So
8 the MPAs should be close enough together that sufficient
9 larvae and juvenile fish can move from one MPA to the
10 next, and keep that population moving in a positive
11 direction hopefully.

12 --o0o--

13 MS. OTA: So again, how did we do?

14 This table quickly just shows that there was a
15 significant increase in both representation, replication,
16 size, and spacing from post- and -- pre- and post-MLPA,
17 which makes a stronger network, as Cat had mentioned, for
18 that diversity of our resources that we are so blessed on
19 the California coast to have.

20 --o0o--

21 MS. OTA: This map shows the statewide network,
22 those regions I talked about, the year, the color of the
23 represent -- the color of the designation is on the map,
24 which probably doesn't show up that well, when it was put
25 in place, and resulted in 124 new Marine Protected Areas

1 in the State of California along with some Marine Managed
2 Areas. We have 48 State Marine Reserves, 60 State Marine
3 Conservation Areas, 10 no-take State Marine Conservation
4 Areas, one State Marine Conservation Area overlaying a
5 State Marine Park, five SMRMAs, my favorite to say, and 15
6 special closures.

7 --o0o--

8 MS. OTA: Monitoring. We all know -- I'm going
9 to skip this a little bit, but monitoring is critically
10 important obviously. So we have this ongoing relationship
11 with the Monitoring Enterprise and OST and Ocean
12 Protection Council to make sure that that monitoring
13 continues to happen throughout the life of these MPAs.

14 --o0o--

15 MS. OTA: This is just a flowchart that shows
16 that monitoring starts with the planning, then there's
17 data collection, the report writing, and then the adaptive
18 management, depending on what that data says. The Central
19 Coast MPAs, which was the first region to be put in place,
20 their baseline ended at five years, and the results of the
21 baseline were given to the Fish and Game Commission to
22 determine whether or not any changes needed to be made.

23 --o0o--

24 MS. OTA: The bottom line to that, there were
25 some fish changed -- or some fish changed, others didn't.

1 That means things in the biological world change slowly at
2 times. And monitoring does seem to indicate the MPAs are
3 really doing what they were expected to do.

4 Socioeconomically, the fishing industries are
5 still very viable in their local areas. And socioeconomic
6 of this is really difficult. There are complex factors,
7 like market issues, and new regulations, and environmental
8 conditions, and so on and so forth.

9 And then the management recommendations were
10 really were none needed at this time, but we're going to
11 continue just doing what Cat has mentioned and what I've
12 talked about already, and all of those things that we
13 needed to do.

14 --o0o--

15 MS. OTA: Again, we continue to work on
16 enforcement, the public outreach, the monitoring, managing
17 scientific collecting permits within MPAs. The Department
18 is redoing their scientific collecting permit program.
19 We're also working very closely with a lot of partners for
20 a signage plan for the State. We're working with State
21 Parks on their in-class room program curriculum to insert
22 a module on MPAs. And we remain committed to moving
23 forward with our partners and getting the best management
24 we can.

25 We work with a lot federal partners. Cat has

1 already talked about that, so I'll forget that slide.
2 You're so lucky.

3 --o0o--

4 MS. OTA: So again to Cat's point, and you've
5 already heard it, that engaging in the government agencies
6 is particularly important. And I do want to go back and
7 mention that in this list that I showed before, tribes and
8 tribal communities are also really key in this management
9 of these MPAs, up and down the State. And we are working
10 with them as well.

11 So, you know, I've mentioned fishing, commercial
12 recreation is already allowed, but restoration, research,
13 and education and other recreational activities, surfing,
14 swimming, kayaking, boating are all also allowed in the
15 MPAs. But again, as Cat mentioned, what about the other
16 permitting agencies' activities under your authority and
17 jurisdiction?

18 And that's why we're here today. That's what the
19 MOU is all about, and the MLPA AIA did not preclude your
20 authority or jurisdiction or Coastal Commission's or the
21 Water Board's, and so -- but the overlapping authority and
22 the differences in the policies and laws have at times
23 been challenging. But as Cat had mentioned, we have had a
24 great working relationship with your staff for the last
25 several years as we approach all of these challenges and

1 try to figure some of those things out.

2 So that is my presentation. And I appreciate you
3 having us today. And this is just the scratching of the
4 surface. For anybody in the audience who's interested,
5 there's lots of information on our website, and -- I'm
6 sorry?

7 Oh, yes. Exactly. Oh, yes. Thank you. Thank
8 you. And all the meetings are on CalSpan. Thank you.
9 The guy who gives me the clicker.

10 (Laughter.)

11 MS. OTA: Okay. Thank you very much.

12 CHAIRPERSON NEWSOM: Well done. Any comments or
13 questions?

14 Thank you very much for your comprehensive
15 presentation. Thank you for your work. Thank you for the
16 collaborative spirit. And I know that we have some
17 members of the public, or at least one, that wishes to
18 speak to this item.

19 Jenn Eckerle, you can come on up, from NRDC.

20 Thank you, Jenn.

21 MS. ECKERLE: Thank you. Good morning, Chair
22 Newsom and members of the Commission. My is Jenn Eckerle.
23 I'm an Ocean Policy Consultant with the Natural Resources
24 Defense Council. And we are here to strongly support the
25 execution of this MOU to facilitate coordinated MPA

1 implementation in California.

2 NRDC has been privileged to be part of this
3 landmark initiative since the beginning. We helped draft
4 the legislation, and we participated in the statewide
5 planning and designation process. We have a vested
6 interest in seeing the MPAs reach their full ecological
7 potential.

8 As Cat and Becky mentioned earlier, the long-term
9 durability of these protected areas depends and relies on
10 successful implementation and management and collaborative
11 efforts among a range of partners, including State
12 agencies, local communities, tribes and others.

13 So this MOU acknowledges State Lands Commission's
14 critical role in helping protect marine life and habitats
15 within MPAs, consistent with your responsibility to
16 provide stewardship of lands, waterways, and resources of
17 the State.

18 The MOU memorializes this Commission's commitment
19 to working collaboratively with your partner agencies and
20 local groups to ensure successful implementation through
21 monitoring, enforcement, and education.

22 In addition to collaborative partnerships, the
23 success of the State's MPAs depends on the integration of
24 these protected areas into the landscape of California's
25 coastal management agencies. So we've been working really

1 closely with all of you and your staff to ensure that
2 in-project review and approval MPAs are recognized as
3 areas worthy of special protection, and project
4 alternatives that avoid or minimize impacts to these
5 refuges are prioritized.

6 We appreciate your recent efforts to address MPA
7 impacts in your decision making, and we're particularly
8 grateful for the productive and ongoing engagement with
9 your staff.

10 Looking ahead, there will be continued
11 intersections between MPAs and projects that will need
12 permits or leases from State Lands Commission, flood
13 protection from sea level rise, offshore renewable energy,
14 aquaculture. Those are just a few examples.

15 We look forward to working with you on these
16 emerging issues, and encourage you to continue taking
17 actions that will embed MPAs into the fabric of
18 California's ocean governance.

19 There are copies of a report that was done by
20 colleagues of mine at the Ocean Conservancy. The goal of
21 that MPA report was to capture MPA integration activities
22 and lessons learned across all of the key agencies, and
23 identify trends, examples, and best practices that also
24 include some recommendations. Data collection from that
25 involved interview -- phone interviews with key staff, and

1 agencies including four members of your staff.

2 So I just want to say thank for your work to
3 date. The execution of this MOU signals your commitment
4 to continuing to keep MPAs in focus and prioritize their
5 protection in the context of balancing CEQA and Public
6 Trust considerations.

7 Thank you so much for your time.

8 CHAIRPERSON NEWSOM: Thanks for your support and
9 leadership as well. That was the only speaker's card that
10 filled out. Anyone else wish to speak to this item?

11 I see none. We'll close public comment.

12 If there's no further comments, is there a motion
13 to support this MOU?

14 COMMISSIONER YEE: I'll move to approve the MOU.

15 CHAIRPERSON NEWSOM: Moved.

16 ACTING COMMISSIONER ORTEGA: Second.

17 CHAIRPERSON NEWSOM: Seconded.

18 Without objection, we'll move forward with that
19 support.

20 Ms. Lucchesi, I think -- remind me, were we going
21 to jump to C 16 and then 95?

22 EXECUTIVE OFFICER LUCCHESI: Yes, we should.

23 CHAIRPERSON NEWSOM: All right. Let's call C 16.
24 Remind me.

25 EXECUTIVE OFFICER LUCCHESI: We are -- I will be

1 providing the staff report for that very quickly.

2 CHAIRPERSON NEWSOM: Good.

3 EXECUTIVE OFFICER LUCCHESI: And I think we have
4 one exhibit that can --

5 MR. PRICE: Can I sit up here for this?

6 EXECUTIVE OFFICER LUCCHESI: Yeah, of course.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 EXECUTIVE OFFICER LUCCHESI: You've got it.

10 Okay.

11 So just very briefly, this is a application for
12 an amendment of an existing lease that was originally
13 authorized by the Commission in 2012 for the continued use
14 and maintenance of an existing pier and two mooring buoys
15 up in Lake Tahoe. The proposed amendment is to include
16 revising the annual rent from \$2,765 to \$1,755 per year,
17 and also to replace an existing -- the existing Exhibit A
18 and land description and site and location map with a
19 revised site location and legal description to reflect
20 changes in impact areas and seasonal use areas around the
21 piers.

22 And staff recommends that the Commission approve
23 the amendment as described in the staff report in front of
24 you. I believe we have one public comment, the applicant,
25 would like so speak on this.

1 CHAIRPERSON NEWSOM: And just -- this is not the
2 first time this has come in front, nor has Mr. Price the
3 first time he's -- his presentation. I think it's the
4 third time we've formally been together, and a lot of, I
5 know, meetings that the Executive Officer has had directly
6 and my staff and others.

7 So everyone has got strong points of view on
8 this, and I'm grateful that everybody is still talking,
9 which in and of itself is remarkable. So there's been
10 indulgences here is the point. And Mr. Price I'm grateful
11 that you took the time to come back up and express your
12 point of view on where we are in terms of this negotiation
13 and discussion.

14 MR. PRICE: In fact, I think your SUV passed me
15 on 80.

16 CHAIRPERSON NEWSOM: Did it? Yeah, don't let
17 anyone I drive that kind of car.

18 (Laughter.)

19 CHAIRPERSON NEWSOM: I do have an electric car at
20 home, however.

21 (Laughter.)

22 MR. PRICE: And I gave a copy to Jennifer this
23 morning. So this is fresh of the home computer.

24 CHAIRPERSON NEWSOM: Good. And if you can do
25 your best to try to --

1 MR. PRICE: I will --

2 CHAIRPERSON NEWSOM: -- sort of consolidate your
3 presentations --

4 MR. PRICE: I've timed it and I will be very --

5 CHAIRPERSON NEWSOM: -- out of respect for every
6 one behind you.

7 MR. PRICE: -- very brief. Absolutely. And I do
8 feel a little foolish just given the scope of what we just
9 heard about the importance of oceans and our little pier
10 on Lake Tahoe. And certainly I have a greater
11 appreciation of what staff is doing, because I read
12 through all the transcripts from the past two years just
13 to confirm my understanding of what was -- the commitment
14 that was given to me by the Commission.

15 So do I hit the -- this button? Oh, that's not
16 me.

17 EXECUTIVE OFFICER LUCCHESI: Well, it's you, but
18 it's not your PowerPoint.

19 MR. PRICE: Oh, okay.

20 (Laughter.)

21 CHAIRPERSON NEWSOM: Do we have -- we have his
22 presentation in there?

23 MR. MATHIEU: Yeah.

24 CHAIRPERSON NEWSOM: Great.

25 MR. PRICE: So while that's coming up, Jennifer

1 was very kind in accommodating. I had a crazy schedule of
2 traveling, and we were in Bhutan with our twins hiking in
3 the Himalayas. And there are more mountains in Bhutan
4 than they have names for. And one of the great sayings up
5 there is to talk straight but walk around, meaning talk
6 directly, but there's always going to be an impasse on the
7 road. You just figure out another way to walk around.
8 And so I thought that captured this last two years really
9 well.

10 (Laughter.)

11 MR. PRICE: Thank you so much.

12 So just to summarize for Ortega and Yee, the
13 numbers are correct.

14 --o0o--

15 MR. PRICE: What had happened was that Senate
16 Bill 152 passed in January -- or came into effect in
17 January of 2012. Ours just happened to be the first lease
18 that came up before the Commission. I was reading through
19 the different documentation around how the pier and buoys
20 were calculated. It was really complex. I presented, as
21 Gavin mentioned, about several items, the use area, which
22 is -- which was a 10-foot radius around the pier, which
23 didn't make any sense, the calculation of the benchmark,
24 and then also the seasonality. In Lake Tahoe, the season
25 is only three or four months long.

1 So the Commission agreed to -- and here are the
2 minutes, agreed to -- well, actually it was suggested by
3 counsel that I sign the lease. The Commission gave the
4 commitment that if the methodology -- methodology changes,
5 then my lease will be retroactive.

6 And so what happened was going back -- and again,
7 I didn't put any pictures in this, because it's all
8 quotes. So I just wanted to extract the relevant quotes
9 from all the different items.

10 --o0o--

11 MR. PRICE: What happened was that during that
12 January presentation, there were a number of issues
13 brought up. It wasn't specific to the benchmark. Gavin
14 first said, you know, jokingly I hope you wrote all these
15 down. So there were a number of issues that we put
16 together, a number of conference calls that we had.

17 --o0o--

18 MR. PRICE: The Commission came back and -- in
19 May. But before that, there's this misuse of methodology
20 and benchmark. So the benchmark is the actual calculation
21 of the rent, meaning how much is a buoy or how much is a
22 pier. The methodology is how you calculate the lease
23 amount. So I was trying to find specific definitions in
24 the transcripts. This is as close as I could get.

25 But the methodology takes into impact -- I mean,

1 takes into account a much -- you know, many things,
2 including the impact area, the CPA -- or the CPI, et
3 cetera.

4 --o0o--

5 MR. PRICE: So when we came back in May -- any
6 questions so far? Keep going?

7 CHAIRPERSON NEWSOM: Please.

8 MR. PRICE: Okay. When we came back in May, Jan
9 Brisco, who represents Tahoe Lakefront Owners reiterated
10 the same issues I did about, you know, the seasonality,
11 the use area, and directed staff to meet with
12 stakeholders. Because of all the internal conversations,
13 there seemed to be agreement around the benchmark for
14 buoys. And so the benchmark, Item number 82, that was put
15 forward was only about the calculation. It had nothing to
16 do with use area.

17 And so the comments and the motion at that
18 meeting said, look, you need to talk to stakeholders.
19 There was continuing direction from staff to talk to
20 stakeholders, and continuing to have the dialogue, because
21 the methodology for docks, in this quote piers, is
22 complex.

23 --o0o--

24 MR. PRICE: So staff went back and had a meeting
25 in June of 2002 up in Lake Tahoe. I think 200 or so

1 people came. I wasn't at that meeting directly.

2 --o0o--

3 MR. PRICE: But the -- I skipped forward. I
4 wasn't at that meeting, but the issue of use area was
5 brought up as a primary issue.

6 --o0o--

7 MR. PRICE: And then in August of that year when
8 you asked, Gavin, about how that meeting went, the primary
9 issue was use area. So the point is, is that what staff
10 has been saying and what Jennifer and I have been talking
11 about is that the issue of methodology was closed in May,
12 which is not true, because the benchmark was closed in
13 May. The issues of seasonality and use area were
14 continuing to be an issue. There were many directives
15 from the Commission to staff, talk to stakeholders. That
16 finally gets resolved in December.

17 --o0o--

18 MR. PRICE: There were several meetings
19 throughout 2003. That finally gets resolved in December,
20 where I spoke again, and we talked about use area.
21 Language was put forward that finally got approved in
22 February that defined use area and the four month
23 season which had the impact on our lease.

24 --o0o--

25 MR. PRICE: So back in February of last year, I

1 then approached staff and said great. Took two years.
2 I've been patient. You know, let's figure out the process
3 for the commitment that was made regarding the retroactive
4 rent. And then several back and forth emails with staff
5 in February and March and April. And then I got
6 frustrated and just rolled over and was willing to be
7 crushed by the machine, and wrote a check just to sign a
8 new lease, which was the lease that was just mentioned.

9 And then I said, you know, that just doesn't make
10 sense. So I came before the August meeting and said I
11 just -- I just -- this isn't right. I was given a
12 commitment. How do we resolve that? I spoke to Jennifer
13 in October and September, and we're just not reaching a
14 conclusion.

15 CHAIRPERSON NEWSOM: Right.

16 MR. PRICE: So that -- what I'm seeking is just
17 to have the Commission honor its commitment about our
18 particular lease. And I don't think it's right to have to
19 pay the administrative fee to have that lease generated,
20 because it was part of that commitment.

21 CHAIRPERSON NEWSOM: All right. Ms. Lucchesi.

22 EXECUTIVE OFFICER LUCCHESI: Would you like me to
23 weigh in?

24 CHAIRPERSON NEWSOM: A hundred percent.

25 (Laughter.)

1 EXECUTIVE OFFICER LUCCHESI: Okay. So I -- in
2 terms of the time line, I don't necessarily disagree with
3 what Mr. Price said. I think it really comes down to what
4 was the meaning of methodology used. But even more
5 importantly, the Commission I think addressed the
6 methodology issue, including the benchmark. And that was
7 the prime concern. I know it may not have been for you
8 personally, but for other lessees and applicants in Lake
9 Tahoe, the way the Commission assesses rents and what it
10 uses to attach a value to the square footage of a
11 particular pier or how the amount used for a buoy, which
12 does not include the 10-foot diameter around it - it is a
13 basic flat rate for one buoy or two buoys - that was the
14 general concern of the majority of the speakers that came
15 before the Commission in 2012.

16 MR. PRICE: In May?

17 EXECUTIVE OFFICER LUCCHESI: No. Originally in
18 2012, January 2012, March 2012, and then in May 2012.

19 CHAIRPERSON NEWSOM: All right.

20 EXECUTIVE OFFICER LUCCHESI: And the Commission
21 listened to all the comments, and ultimately confirmed the
22 use of that methodology and did not make any changes to
23 the impact area or the seasonality or the actual
24 benchmarks, nor did it continue on the direction that
25 should anything change in the future, that it would be

1 retroactive to that period of time.

2 We then, separately less than a year later,
3 embarked on updates to our land management regulations,
4 primarily in response to the Bureau of State Audits
5 report. And in that, we made our regulations in terms of
6 how we calculated rent and what uses were appropriate on
7 State Lands more transparent to the public.

8 And it was during that process that the use area
9 and the impact area and the seasonality became an even
10 larger area. And the Commission considered those
11 regulations at two separate meetings, ultimately adopting
12 the regulations proposed at that time, and also directed
13 staff to account for the seasonality at Lake Tahoe, and
14 some impact area changes around the piers consistent with
15 the provisions of SB 152.

16 There was no mention of any retro -- looking back
17 at leases that had been approved previously and applying
18 this change and practice retroactively at that time.
19 Rather, the Commission asked for information from staff
20 about -- given kind of the narrow scope of these changes,
21 would we be willing to or was it possible to reduce the
22 amount of application charges to process these types of
23 amendments?

24 We came back to the Commission with a reduced
25 amount to charge applicants that wanted to amend their

1 lease to make these changes to reflect the new -- the
2 changes in the impact area and the seasonality. And
3 really -- and we were able to improve our efficiency to
4 reduce an amendment application fee from anywhere between
5 \$1,500 and \$2,000 to \$875 as a fee to charge to process an
6 amendment.

7 And it was, at that point, I think the general
8 consensus of Commission and of staff that the applicant,
9 our lessee, would need to make that business decision. Is
10 it worth filing an amendment to make these changes to
11 reduce my rent going forward or should I wait to the
12 five-year rent review where Commission staff would
13 reassess the rent, make the changes in accordance with the
14 new practice, and bring it to the Commission for your
15 concurrence -- or for your approval without charging the
16 applicant?

17 So it's a business decision that each applicant
18 or lessee needs to make. And that seemed to -- the
19 Commission seemed to agree with that approach. And that's
20 kind of where we're at is, you know, just a disagreement
21 between staff and Mr. Price about what history actually
22 provided for, and what it says. And we believe that our
23 position is evidenced by the staff reports adopted by the
24 Commission the minutes reflecting that -- those staff
25 reports, as well as the voting record.

1 CHAIRPERSON NEWSOM: So let me interject now
2 or --

3 EXECUTIVE OFFICER LUCCHESI: Actually, I just
4 have one more thing to add. I'm very sorry.

5 CHAIRPERSON NEWSOM: One point. Then I'll open
6 it up to any questions you guys may have.

7 Please.

8 EXECUTIVE OFFICER LUCCHESI: The other thing I
9 just want to add is that recent legislation that became
10 effective in 2014 actually requires that all the revenue
11 that the State Lands Commission generates from our leasing
12 activity in Lake Tahoe go back to the Tahoe Conservancy
13 for improvements to Lake Tahoe, water quality, public
14 access, and that sort of thing. None of the revenues that
15 the State Lands Commission generates from Lake Tahoe goes
16 to the general fund.

17 CHAIRPERSON NEWSOM: That's encouraging.

18 So any questions, just points of clarification?

19 So, Mr. Price, briefly, and reflective comments
20 on what the Executive Officer just provided?

21 MR. PRICE: The narrative about the May meeting
22 is not backed up by the transcript. I mean, there were
23 many Commissioners that had issue with the use area,
24 before and after public comment. Some of these quotes are
25 on page six.

1 The items in my presentation, benchmark was just
2 one of them. I mean it was very clear, benchmark, use
3 area, seasonality. In May, Jan said the same thing,
4 benchmark, seasonality and -- or not benchmark,
5 seasonality, use area, et cetera.

6 And then the motion was -- had a caveat that, you
7 know -- with the caveat here that, "Ms. Brisco I think
8 rightly had, which is direct staff to continue to work
9 with the stakeholders". And it was -- if you read through
10 the transcripts, there's all these questions about use
11 area.

12 So essentially, the -- I brought all these issues
13 up. Staff looked at one of them, which was benchmark.
14 The Commission said go back, you know, finish your
15 homework, eat your peas. You didn't do -- you know, you
16 didn't look at all the issues. Talk to the stakeholders.
17 And this continued on and on and on and on until we
18 reached a resolution in February.

19 CHAIRPERSON NEWSOM: All right. Do you have a
20 question?

21 ACTING COMMISSIONER ORTEGA: Not a question.
22 Comment.

23 CHAIRPERSON NEWSOM: No, please, please.

24 ACTING COMMISSIONER ORTEGA: Well, I don't have
25 the benefit of being here in 2012, but I was here -- well,

1 a statement first. Retroactivity of either regulatory
2 action or legislation is exceedingly rare. So I would
3 start with that as a premise, that the notion that we
4 would pass something and then say it would apply to all
5 the leases that have already been signed is very --

6 MR. PRICE: That --

7 ACTING COMMISSIONER ORTEGA: Let me finish.

8 MR. PRICE: Yeah.

9 ACTING COMMISSIONER ORTEGA: Regarding the
10 discussion about -- the later discussion, the post-2012
11 discussion, I was at the meetings during the regulatory
12 process, where we talked about property owners having to
13 make this decision about whether or not they should apply
14 for a rent reduction now or wait until their regular
15 review comes up. We had the discussion about the staff --
16 asking the staff to reduce the application cost. And it
17 seems to me that that conversation would make no sense if
18 we were contemplating, in a previous action, retroactivity
19 of the entire amount.

20 So that we had that discussion more than once as
21 part of the regulatory process, retroactivity never came
22 up, it's hard for me to see now why we would look back to
23 this 2012 discussion, which appears to be a difference of
24 opinion about what was agreed to. Since then, we've made
25 changes. We've adopted regulations and we've made clear

1 that we have a process going forward that involves a
2 reduced application rate.

3 So with that, I'm happy to make a motion to
4 approve the item as staff has recommended.

5 MR. PRICE: The challenge is that you're looking
6 at leases that were approved before -- I mean, after May.
7 There were about two dozen leases that were approved
8 between -- in this conditional state, between January and
9 May. I can only speak to the commitments that were given
10 to me face-to-face that the recommendation was sign the
11 lease, we'll review the methodology, and if that changes,
12 then your lease will be retroactive.

13 So it wasn't a sweeping motion. It was very
14 specific. There was discussion perhaps we holdover -- I
15 forget the term -- the lease until this gets resolved.
16 But it was recommended to me and to the Commission that my
17 lease gets signed.

18 So it's very specific. And again, if you look at
19 the May meeting, these issues are still there. They're
20 not popping up later. They were there throughout.

21 CHAIRPERSON NEWSOM: Got it.

22 EXECUTIVE OFFICER LUCCHESI: The only thing I
23 would add is that with all public meetings there's a lot
24 of discussion that occurs during contemplating a
25 particular action on a particular item. And what is

1 legally enforceable and what the public and other
2 stakeholders rely upon is a specific motion and adoption
3 of that motion by the decision-making body by the
4 Commission.

5 And so that's key to be looking at in terms of
6 what did the Commission actually adopt and what did they
7 approve in that.

8 In 2012, this issue in January came up. The
9 Commission directed staff to go back and work with the
10 stakeholders to explore different methodologies as options
11 for the Commission's consideration. That direction was
12 formalized in a consent agenda item in March basically
13 formalizing the Commission's direction from the January
14 meeting. And it talks about retroactively applying any
15 potential changes to the methodology that the Commission
16 considers in June to the previous leases that had been
17 approved in January, and those items on the agenda in
18 March.

19 We came back in June, after having our
20 stakeholder meeting, after analyzing different
21 methodologies for assessing rents that really did focus on
22 the formula on how you assess rent in the benchmark and
23 other options to that. The Commission, even hearing about
24 the use and the impact area and the seasonality at the
25 June meeting, confirmed staff's and the Commission's past

1 approach to assessing rent at Lake Tahoe, did not
2 determine any changes were necessary to that approach or
3 that methodology, and did not effectuate any retroactive
4 changes to the leases that had been approved in January or
5 March.

6 When you look at the motions, when you look at
7 the adoptions, when you look at the minutes that reflect
8 that, this particular issue began in January 2012 and
9 ended in June 2012. And that's my -- that's staff's
10 opinion and staff's perspective, of course.

11 CHAIRPERSON NEWSOM: Got it. All right. So --
12 and there -- so, I mean, another way of saying it, I mean
13 if we start to accommodate at this stage, then we have
14 precedent issues --

15 EXECUTIVE OFFICER LUCCHESI: Yes.

16 CHAIRPERSON NEWSOM: -- I imagine, prospect of
17 many others with not dissimilar grievances coming back in
18 front of this Commission.

19 Look, here's my point of view on this, and I
20 appreciate the comments that were just stated, Mr. Price
21 I've been here four years. I don't know that -- and you
22 may not appreciate this, but I don't know if we've
23 accommodated anyone to the extent we have in terms of
24 trying to indulge and try to get to a conclusion here, and
25 try to be responsible and respectful of the disagreement.

1 Rare is it that we don't get to a point of
2 consensus. So I'm disappointed by that just on the
3 merits. It's -- you know, maybe not on the merits, but
4 generally speaking, because usually we can accommodate.

5 That said, I -- you know, I think we've done our
6 best to be respectful and responsible at the same time.
7 We have to be both, the responsibility that every action
8 we make has consequences outside the particulars of the
9 item in front of us. So I tend to now, at this point --
10 and I know, at this point a frustration and stress for
11 you. No machine thinking here. She's more of an organic
12 brain than a machine thinking brain. I appreciate the
13 comments about the machine.

14 But I have to divulge -- I default to Ms.
15 Lucchesi's point of view. I think we've done our best
16 here to accommodate, and I appreciate your comments in
17 contextualizing this as well. And, you know, having sort
18 of lived through this, I think the recommendations of
19 staff are the recommendations I would support moving
20 forward.

21 I don't know if you have any questions at this
22 stage, without the benefit of all of this history and this
23 past.

24 COMMISSIONER YEE: I appreciate the history and
25 certainly looking at the proceedings of this body place a

1 lot of emphasis on the formal motions and, you know, the
2 official actions that were taken.

3 CHAIRPERSON NEWSOM: And, Mr. Price, I will say
4 you've had tremendous influence on this whole process. So
5 I -- you know, please feel that you've accomplished a
6 great deal in terms of your voice being lent to this
7 discussion. And it certainly amplified our broader
8 efforts here to move from an old way of doing business to
9 a radically new way of doing business. And that white
10 water obviously of change is a challenging one for all of
11 us. And we'll certainly be guided by your, I think,
12 deliberativeness as well as we move forward, because this
13 won't be the last time --

14 MR. PRICE: My wife uses the word persistence.

15 CHAIRPERSON NEWSOM: Yeah.

16 (Laughter.)

17 MR. PRICE: So would the lease be retroactive
18 then to February 2014?

19 CHAIRPERSON NEWSOM: What was the specific --
20 what was the specific date we had in there?

21 MR. PRICE: Because that's when the changes took
22 place.

23 EXECUTIVE OFFICER LUCCHESI: I will have to --
24 excuse me, one second. I'm just looking at what our staff
25 recommendation says.

1 CHAIRPERSON NEWSOM: On that date.

2 EXECUTIVE OFFICER LUCCHESI: Typically, it will
3 be effective to October 27th, 2014.

4 CHAIRPERSON NEWSOM: As opposed to the February
5 date?

6 EXECUTIVE OFFICER LUCCHESI: As opposed to the
7 February. That's when I believe we had finished
8 processing his application, and were prepared to present
9 this to the Commission at that point in time. And I also
10 believe that maybe close to his lease anniversary is the
11 other reason.

12 MR. PRICE: Yeah.

13 EXECUTIVE OFFICER LUCCHESI: And so that's
14 consistent with our practice with all amendments is to tie
15 it back to the anniversary of the lease, as well as the
16 application submittal date.

17 CHAIRPERSON NEWSOM: Good. Well, is there a
18 motion to move forward with that?

19 ACTING COMMISSIONER ORTEGA: Yes.

20 COMMISSIONER YEE: Second.

21 CHAIRPERSON NEWSOM: Seconded. We'll move
22 forward without objection. Thank you, Mr. Price. Thanks
23 for your persistence.

24 MR. PRICE: You bet.

25 CHAIRPERSON NEWSOM: So that moves us to Item

1 number 95.

2 EXECUTIVE OFFICER LUCCHESI: That's correct.

3 CHAIRPERSON NEWSOM: Excellent. And this is the
4 certification -- or consideration of certification of a
5 final EIR and the issuance of a general lease industrial
6 use for the operation of an existing marine oil terminal
7 wharf located at Carquinez Strait located in Contra Costa
8 County. We have a presentation.

9 EXECUTIVE OFFICER LUCCHESI: Yes, we have staff's
10 presentation.

11 CHAIRPERSON NEWSOM: Great. Thank you. We're
12 ready for you.

13 (Thereupon an overhead presentation was
14 Presented as follows.)

15 PUBLIC LAND MANAGER FOSTER: Great. Good
16 morning, Mr. Chairman and members of the Commission. My
17 name is Ken Foster. I'm a Public Land Manager with the
18 Commission's Land Management Division.

19 I'm here to present information on Calendar Item
20 95. This item asks the Commission to consider the
21 following:

22 Certification of a Final Environmental Impact
23 Report, adopt findings of Statement of Overriding
24 Considerations and a Mitigation Monitoring Program; and
25 authorize issuance of a general lease industrial use to

1 Tesoro Refining and Marketing Company, LLC for the
2 continued operation and maintenance of an existing marine
3 oil terminal wharf and for Marine Oil Terminal Engineering
4 and Maintenance Standards, or MOTEMS, compliance related
5 construction and renovations of the terminal.

6 I will be presenting background information on
7 the existing terminal and the proposed lease. Sarah
8 Mongano, Senior Environmental Scientist with the
9 Commission's Division of Environmental Planning and
10 Management will be presenting information on the MOTEMS
11 required renovations and the EIR.

12 --o0o--

13 PUBLIC LAND MANAGER FOSTER: I'll also mention
14 representatives from Tesoro are present and available to
15 answer questions.

16 CHAIRPERSON NEWSOM: Yeah, I've got four public
17 speakers. And if someone hasn't filled out a form, please
18 consider doing.

19 PUBLIC LAND MANAGER FOSTER: So the Tesoro Avon
20 marine oil terminal is located in Contra Costa County just
21 east of the Highway 680 bridge in the Carquinez Strait
22 near the City of Martinez.

23 --o0o--

24 PUBLIC LAND MANAGER FOSTER: Existing terminal
25 facilities include the primary wharf area, consisting of

1 Berth 1 and the approachway, or trestle, included within
2 lease area parcel number 1 and Berth 5 within lease area
3 parcel number 2. Berth 1 is currently being used for the
4 transfer of petroleum products while Berth 5 is inactive.

5 Proposed construction activities include the
6 addition of Berth 1A, also within lease area parcel number
7 1. Berth 1A will replace the operations currently being
8 conducted at Berth 1.

9 --o0o--

10 PUBLIC LAND MANAGER FOSTER: The project also
11 includes the demolition of Berth 5, and installation of an
12 osprey nesting platform away from the terminal within
13 parcel number 3 to replace an existing nest site that will
14 be lost when Berth 5 is removed.

15 --o0o--

16 PUBLIC LAND MANAGER FOSTER: The terminal has
17 been in operation since 1925, but the terms of the
18 existing lease were authorized by the Commission in 1964.
19 The current lease expired on December 31st, 2009, and has
20 been in holdover status as provided in the lease.
21 Tesoro's application for a new lease was received in July
22 of 2011.

23 --o0o--

24 PUBLIC LAND MANAGER FOSTER: As part of the
25 application process, Commission staff began preparation of

1 the EIR in 2014.

2 --o0o--

3 PUBLIC LAND MANAGER FOSTER: The new 30-year
4 lease would -- term would begin January 1st, 2015. The
5 lease would authorize Tesoro to conduct petroleum product
6 transfer operations and maintain the existing facilities,
7 conduct periodic maintenance dredging, and perform MOTEMS
8 compliance related renovations.

9 A base rent of \$302,263 annually would be set for
10 the first year of the lease. This figure is established
11 by appraisal and applies to the parcel 1 and parcel 2
12 lease areas, which cover the existing and proposed
13 terminal operations facilities, including Berth 1, Berth
14 5, the approachway, and Berth 1A.

15 On each subsequent lease year rent would be
16 adjusted annually using a Consumer Price Index adjustment
17 of the prior year's rent. And the base rent would be
18 adjusted every 10 years based on appraisal. The
19 osprey-nesting platform site, parcel 3, would not be
20 subject to rent, as the platform provides a public
21 benefit.

22 These lease terms are consistent with other
23 marine oil terminal leases authorized and issued by the
24 Commission.

25 --o0o--

1 PUBLIC LAND MANAGER FOSTER: And Sarah Mongano
2 will now present information on the MOTEMS required
3 renovations and the EIR.

4 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Good
5 morning.

6 CHAIRPERSON NEWSOM: Good morning.

7 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: My name
8 is Sarah Mongano. I'm a Senior Environmental Scientist
9 with the Commission's Division of Environmental Planning
10 and Management. And I'm here to discuss the Tesoro Avon
11 marine oil terminal lease consideration project
12 Environmental Impact Report, or EIR, so that I don't have
13 to say all that again.

14 (Laughter.)

15 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Tesoro
16 is seeking approval from the State Lands Commission for a
17 new 30-year lease to continue current operations at the
18 Avon terminal. The terminal operates primarily as an
19 export facility transferring refined petroleum products
20 from Tesoro's Golden Eagle Refinery via pipeline to tanker
21 vessels berthed at the Avon terminal.

22 Infrequently, and as needed, the Avon terminal
23 also accepts imports of feedstocks for the refinery.
24 They're transferred via pipeline from barges to upland
25 storage, and from there to the refinery process units.

1 These imported feedstocks make up about 10 percent of the
2 petroleum products transferred through the Avon terminal
3 and they're the only imports conducted at Avon.

4 Normally, a lease renewal for an existing
5 facility to continue its operations doesn't require the
6 preparation of an EIR. However, staff has determined that
7 the issuance of new leases for marine oil terminals
8 specifically will always require the preparation of an
9 EIR, because of the inherent risk of spills at any
10 facility where petroleum products are routinely
11 transferred over water. And that risk can never be fully
12 mitigated.

13 --o0o--

14 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Get a
15 little closer. Thank you.

16 The EIR also includes analysis of the renovations
17 to the Avon terminal that are required by the Marine Oil
18 Terminal Engineering Maintenance Standards, or MOTEMS,
19 which are part of the California Building Code.

20 The scope of the MOTEMS renovations include
21 construction of a new berthing area, called Berth 1A;
22 decommissioning of the currently used berthing area, Berth
23 1; and, repairs, retrofits, and renovations to the
24 approachway and pipeway connecting the Avon terminal to
25 the mainland; and, also demolition and removal of the

1 existing but non-operational Berth 5. Berth 5 is being
2 removed as a mitigation for the additional area being
3 created by Berth 1A.

4 --o0o--

5 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: I'll go
6 through the timeline quickly. The EIR was prepared
7 pursuant to the California Environmental Quality Act, or
8 CEQA. The process began on April 2nd, 2014 with a Notice
9 of Preparation. Public scoping meetings were held in the
10 City of Martinez, on April 22nd, 2014. And September
11 29th, 2014, the Draft EIR was completed and circulated for
12 a 45-day public review period. Public hearings for the
13 draft were held on October 20th, 2014, again in the City
14 of Martinez. And the responses to comments received are
15 in Section 2 of the Final EIR. On January 30th, 2015, the
16 Final EIR was published.

17 Tesoro proposes to begin the MOTEMS renovations
18 as early as the second quarter of 2015, or as soon as they
19 receive all required permits and authorizations in order
20 to meet the goal of completing work by the end of 2017.

21 All in-water construction work is restricted to
22 an August 1st to November 30th work window, which is
23 specified by the National Marine Fisheries Service,
24 California Department of Fish and Wildlife, and is also an
25 EIR mitigation measure.

1 As a result, much of the work can only be
2 accomplished during four months of the year. And if
3 delays in the CEQA and permitting process cause Tesoro to
4 miss the 2015 work window, in-water work couldn't start
5 until August 1st 2016, and project completion would be
6 delayed by at least a year.

7 --o0o--

8 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: The EIR
9 identifies a number of potentially significant adverse
10 impacts from this project. All impacts associated with
11 the MOTEMS renovations have been mitigated to less than
12 significance. But some of the impacts associated with the
13 issuance of the new 30-year lease are more significant,
14 and they're recognizing that there are inherent risks to
15 the public health and safety, and to the environment at
16 any facility where petroleum products are routinely
17 transferred over water.

18 Even with the application of all feasible
19 mitigation measures, some of these impacts can't be
20 reduced to less than significant. Specific impact
21 analyses are identified in the EIR in the sections for
22 Operational Safety and Risk of Accident, Biological
23 Resources, Water Quality, Land Use, and Recreation, and
24 Visual Resources, but the impacts fall into two
25 categories: Those of impacts from ballast water discharge

1 and hull fouling by vessels visiting the terminal, and
2 impacts that might occur from large oil spills.

3 So I'll discuss the impacts within these two
4 categories, rather than repeat them for each resource
5 section.

6 --o0o--

7 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Impacts
8 from ballast water discharge and hull fouling include the
9 introduction of non-indigenous species to California
10 waters. Mitigation measures include adherence with
11 ballast water regulations and the California Marine
12 Invasive Species Act, and a requirement that all vessels
13 submit reporting forms to the California State Lands
14 Commission's Marine Facilities Division in order to track
15 compliance and help to develop new regulations and
16 standards.

17 --o0o--

18 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Some of
19 the features and procedures proposed in the EIR to reduce
20 the risk of oil spills include conducting regular
21 inspections, maintenance, renovations, and upgrades of the
22 facilities as required by MOTEMS; improving emergency
23 response practices;

24 --o0o--

25 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: And in

1 addition, installation of new safety technologies at the
2 terminal, which include installing remotely operated
3 quick-release devices on the mooring hooks to allow
4 vessels to depart quickly in the event of an emergency;

5 --o0o--

6 SENIOR ENVIRONMENTAL SCIENTIST MONGANO:

7 Monitoring systems to measure tension on the
8 lines that hold the vessel in place, which would provide
9 the terminal staff with immediate knowledge of whether
10 safe operating limits of the mooring lines are being
11 exceeded; and,

12 --o0o--

13 SENIOR ENVIRONMENTAL SCIENTIST MONGANO:

14 Allision Avoidance Systems, which use lasers to
15 measure the vessels approach angle and velocity and
16 display it on a sign board in real-time for the vessel and
17 terminal personnel. This data helps prevent damage to the
18 pier or vessel during docking operations, and it's also
19 used to measure the surge and sway of the vessel while
20 it's moored during product transfer.

21 The complete mitigation monitoring program with
22 all of its mitigation measures is included as Exhibit C.

23 --o0o--

24 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: However,
25 due to the current lack of effective systems for the

1 treatment of ballast water to remove all non-indigenous
2 organisms and the inherent possibility of an accidental
3 oil spill, in spite of all best management practices and
4 safety technologies, these potential environmental impacts
5 still remain significant.

6 There are benefits to the proposed project that
7 the Commission may choose to find outweigh the unavoidable
8 adverse impacts. Maintaining existing and operating
9 facilities, such as the Avon terminal, which currently
10 meets State and local environmental requirements is
11 critical to meeting existing and future demands for fuel
12 in California.

13 Though California continues to advance towards
14 alternative fuels, petroleum currently remains the State's
15 primary source of transportation energy. Any future
16 projects to construct petroleum product storage and
17 handling capacity would require extensive environmental
18 assessment, and have significant environmental impacts
19 that exceed those that are associated with maintaining
20 existing infrastructures, such as the Avon terminal.

21 A Statement of Overriding Consideration is
22 included in Exhibit D in your packet, and provides further
23 explanation as to why the benefits associated with this
24 project outweigh the unavoidable adverse environmental
25 impacts.

1 --o0o--

2 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: As noted
3 throughout the EIR, the structure of the Avon terminal is
4 currently seismically deficient under MOTEMS. The
5 proposed renovations and constructions of berth 1A are
6 designed to address this deficiency, and it represents
7 another project benefit.

8 Tesoro has made commitments to the State Lands
9 Commission to begin the MOTEMS renovations at the Avon
10 terminal in 2015. When the MOTEMS renovation is complete,
11 the worst case discharge oil spill potential at the Avon
12 terminal will drop by 41 percent, greatly reducing the
13 potential severity of oil spills at the terminal.

14 Mitigation measures required under the proposed
15 new lease will also reduce the risk of oil spills
16 occurring at the Avon terminal and should be implemented
17 without delay.

18 To reiterate, Tesoro is restricted to performing
19 any in-water work during an August 1st to November 30th
20 work window. If the delays in the CEQA and permitting
21 process cost Tesoro to miss this 2015 work window,
22 in-water work can't start until August 1st, 2016 and the
23 project completion would be delayed by at least a year.

24 Therefore, the benefits from the project
25 implementation, the reduced potential and severity of oil

1 spills and consequently increased protection to
2 California's waters and natural resources would also be
3 delayed by at least a year.

4 Therefore, staff recommends that the Commission
5 certify the EIR, adopt the Mitigation Monitoring Program,
6 Findings, and Statement of Overriding Consideration, as
7 included in Exhibit C and D, and approve the lease as
8 presented in the Calendar Item number 95.

9 CHAIRPERSON NEWSOM: All right.

10 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Thank
11 you.

12 CHAIRPERSON NEWSOM: All right. Ms. Lucchesi, do
13 you have anything to amplify on this?

14 EXECUTIVE OFFICER LUCCHESI: (Shakes head.)

15 CHAIRPERSON NEWSOM: So the bottom line, you've
16 reinforced with the recommendation the imperative of the
17 project, the importance of the project, and to move
18 forward with that consideration of what you referred as
19 that water-work window at peril of delaying this
20 potentially for an entire year. That window is again
21 between August to November.

22 Just so I get a sense of all these disparate
23 regulatory agencies, because we're hardly the only game in
24 town in terms of moving this forward, I imagine BCDC and
25 others have to maintain some oversight and consideration

1 as well to the certification of the EIR in consideration
2 to move forward with this work window.

3 What -- from a perspective of timing, if we
4 didn't act today, but say acted in 30 days, would that
5 impact the prospect that the work could continue with the
6 existing schedule in August? Give me a sense of what that
7 lay of the land looks like.

8 EXECUTIVE OFFICER LUCCHESI: I can only speak to
9 what we -- our staff has been told by the various
10 regulatory agencies. So the outstanding permits that
11 still need to be issued in order for Tesoro to begin work
12 in August include the Army Corps, the State Regional Water
13 Quality Control Board, and the Bay Conservation and
14 Development Commission, BCDC. From what we've been told,
15 the Army Corps is -- it's anticipated that the Army Corps
16 will issue their permit towards the end of April,
17 beginning of May. From what we've also been told that the
18 Regional Water Quality Control Board can either act on
19 this permit application in March at their March meeting or
20 their April 8th meeting. If there's any delay in the
21 Commission's consideration and approval of the EIR and the
22 lease, then that would delay the Regional Water Quality
23 Control Board's action to April 8th. They wouldn't be
24 able to act in March.

25 But from what we've been told from BCDC staff,

1 that as long as they have the certified EIR, the approved
2 lease, and the Regional Water Quality Control Board permit
3 by April 9th, they would be on track for their commission
4 to consider the permit application by Tesoro at their May
5 meeting.

6 CHAIRPERSON NEWSOM: Right. Okay.

7 EXECUTIVE OFFICER LUCCHESI: And so depending on
8 any -- the delay, the time of the delay, we don't foresee
9 any significant -- at this point in time, knowing the
10 information that we know now, any significant impacts to
11 the August 1st work window.

12 CHAIRPERSON NEWSOM: Okay. Well, good. Well, I
13 have four speakers and then we'll -- we can listen to
14 their testimony or comments and then consider any action.

15 In no order, just the order that they were
16 stacked, Chris McDowell followed Adam Regele(Ri-gel) or
17 Rigele(Ri-gelly). Excuse me for not knowing which.

18 Chris, are you here?

19 Thank you, Chris.

20 EXECUTIVE OFFICER LUCCHESI: And I will add that
21 Tesoro's representatives may have additional information
22 to add to this permitting, timing, access and things.

23 CHAIRPERSON NEWSOM: Yeah. Good and please. I'm
24 sure.

25 Thank you.

1 MS. McDOWELL: Good morning, Chair Newsom and
2 Commissioners and State Lands staff. Thanks for letting
3 us speak. My name is Chris McDowell. I'm a lead engineer
4 at the Tesoro Golden Eagle Refinery in the environmental
5 department, and I've been at that facility for over 17
6 years.

7 I was going to go into a spiel about talking
8 about the permitting end of the business, but luckily the
9 staff did a very good job talking about the timing of
10 permit issuance and how it's dovetailed and intertwined.
11 So if the lead agency, you as the lead agency State Lands,
12 you know, putting off and delaying the certification of
13 the EIR how it impacts other State agencies, and how it
14 impacts their approval process and issuing their permits.

15 So here, let me get rid of the whole first page.

16 CHAIRPERSON NEWSOM: All right.

17 MS. McDOWELL: What I'd like to say -- speaking
18 from the engineering perspective and kind of working with
19 the State Lands and working very specifically with the
20 other agencies in permitting, I want to talk about, you
21 know, how the permitting end ties in with what's going
22 with the construction end of the business right now.

23 As you've been told, and have seen from the EIR,
24 this is a fairly significant project. And we've already
25 signed agreements and have a general contractor in place.

1 And they, of course, have gotten subcontractors on board.

2 We've gone and procured equipment. You know,
3 lead equipment that takes, you know, a couple years to
4 procure. And we've done all of this based on a certain
5 sense of timing for the permitting activities, and getting
6 the permits as anticipated.

7 For example --

8 CHAIRPERSON NEWSOM: And all of that's in -- I'm
9 sorry to cut you off. But all of that's in anticipation
10 of actually starting August -- in August?

11 MS. McDOWELL: Yes, the August 1 work window.

12 CHAIRPERSON NEWSOM: Okay. Just confirming that
13 date.

14 MS. McDOWELL: That's correct. And I mean and
15 that involves doing things like getting agreements in
16 place with a large -- very -- the only large derrick crane
17 barge that exists on the west coast --

18 CHAIRPERSON NEWSOM: Got it.

19 MS. McDOWELL: -- so that they can bring in and
20 drive these piles and so on.

21 For example, our pile fabrication -- we're going
22 to be putting in a number of very large piles, and fairly
23 deep depths. Our pile fabrication is already occurring at
24 our manufacturer's production line. And that's occurring
25 so that they can produce the pile, ship it to the on-site

1 delivery place, which is at Mare Island. We'll working
2 using Mare Island kind of as a staging area. And all of
3 that again is to meet the August 1 delivery date.

4 Now, for example, for pile driving, as Sarah
5 mentioned, the permit mitigation measures require us to do
6 pile driving only during the day. We're not allowed to
7 drive piles at night. There's a bunch of reasons for
8 that.

9 So if we were to delay the construction schedule,
10 our general contractors, our pile drivers and so on and so
11 forth would not be able, for example, to say, okay, let's
12 throw on a night shift, you know, and we'll drive piles at
13 night to make up the time differential. So that kind of,
14 you know, is one of the reasons why pushing this from the
15 August to November work window in 2015, and pushing it on
16 to 2016 is so critical for us.

17 CHAIRPERSON NEWSOM: Understood.

18 MS. McDOWELL: So in short, we respectfully
19 request your positive consideration and approval of this
20 project to allow us not only to meet our, you know,
21 project commitments to the State Lands staff, which we've
22 been talking to staff, and they're awesome, for a long
23 time, but also for our board of directors and our
24 shareholders. This is a very important project for us and
25 we want to move forward. We want a safer dock.

1 So thank you for your consideration.

2 CHAIRPERSON NEWSOM: I appreciate that. Thank
3 you. Adam followed by Steve Konig.

4 MR. REGELE: Good morning, Commissioners. My
5 name is Adam Regele. I'm an attorney at Adams, Broadwell,
6 Joseph, and Carodozo, speaking on behalf of the Safe Fuels
7 and Energy Resources California. SAFER California
8 advocates for safe processes at California refineries and
9 their associated facilities to protect the health, safety,
10 the standard of life, and the economic interests of its
11 members. The members represented by SAFER California
12 live, work, recreate and raise their families in Contra
13 Costa County and would be directly impacted by this
14 project.

15 We're here today to request that this Commission
16 postpone the certification of the EIR, because as it
17 stands today, it's illegally deficient. As the Commission
18 is aware, this project involves a 30-year lease, so it is
19 important that we get this right, because if we don't,
20 we're stuck with this project for a very long time -- or
21 the impacts from this project for a very long time.

22 And when the EIR was released last September --
23 I'm sorry, September of last year, we requested all
24 documents referenced or relied upon in the EIR to be
25 provided to us. And staff was helpful and did provide

1 most, but unfortunately not all, documents that they
2 relied upon.

3 We understand that this informational gap was due
4 to some clerical errors. But nevertheless, this missing
5 information was essential for meaningfully evaluating the
6 credibility of the EIR's assumptions, and the methodology
7 choices employed throughout the EIR. These informational
8 gaps render the EIR deficient with respect to oil spill
9 probability, impacts to sensitive species, and air
10 pollution.

11 The first missing report that the EIR relies upon
12 calculates the frequency of oil spills in our San
13 Francisco Bay estuary. By not having this document, the
14 public was prevented from adequately assessing the
15 validity of the EIR's probability assessments for tanker
16 and barge oil spills in the San Francisco Bay.

17 The second missing report was used in the EIR to
18 value what sensitive species live -- live in the
19 vicinity of the project site. And by not having these
20 documents, the public was prevented from evaluating the
21 EIR's assessment of the project's impacts to sensitive
22 species in the vicinity.

23 Finally, the missing technical data that served
24 as the basis for the EIR's air pollution calculations
25 precluded the public from evaluating whether the project's

1 emissions from ship traffic were accurate.

2 As we continue to work with staff to get these
3 missing documents, it is becoming clear that this
4 information is not a mere technical mistake, but that
5 these documents were a lot -- or these documents
6 specifically speak to the probabilities of disastrous oil
7 spills in our bay, protecting threatened species, and
8 increased air pollution in a region already struggling to
9 stay in attainment with the California Clean Air Act.

10 Until all these documents are provided to the
11 public, we urge that the Commission cannot legally certify
12 this EIR and approve the project, and to postpone a vote
13 until these documents are provided.

14 Thank you. And I'll take questions if you have
15 any.

16 CHAIRPERSON NEWSOM: Good. We'll get through the
17 next two public speakers, and then we'll grab you, if we
18 need you. Thank you.

19 Steve. Steve Konig followed by -- and I can't
20 read the name Pattie or Peter Behmlander. That's the best
21 I can do. And I screwed that up, I apologize.

22 Steve.

23 MR. KONIG: Good morning, Chair Newsom,
24 Commissioners, State Lands staff. My name is Steve Konig.
25 And I work for Tesoro Refining and Marketing. I

1 appreciate the opportunity to speak to you on behalf of
2 the certification of the Final EIR at the -- of the Tesoro
3 Avon Wharf Golden Eagle Refinery.

4 We compliment State Lands for the very thorough
5 work that you've done on the EIR. It was a challenging
6 process, but we certainly believe that MOTEMS represents
7 the most stringent standards in the world, and intend to
8 further reduce the low probability of oil spills. And if
9 they happen, minimize any impacts from that.

10 We're confident in the documents that we
11 provided, and that sit before you today, noting that
12 project timing is critical. We've had a lot of discussion
13 around that, and it's necessary to get this work going to
14 ensure the high standard of environmental protection
15 that's in place as soon as practical.

16 I want to point out that Tesoro freely chose a
17 workforce strategy that uses 100 percent skilled labor
18 provided by our local building trades unions to execute
19 this project, which is critical to us as well as to the
20 constituents in the Bay Area. We believe this decision to
21 use building trades will provide the delivery of a high
22 quality and necessary upgrade in a successful manner.

23 I want to thank you for your time and urge
24 adoption of the staff recommendation, so we can complete
25 this upgrade to provide the environmental protection

1 without any unnecessary delay.

2 CHAIRPERSON NEWSOM: Appreciate that. Thank you
3 very much.

4 Is it Pattie? It's Pattie. It could be Peter,
5 but Pattie you look more like Pattie.

6 (Laughter.)

7 CHAIRPERSON NEWSOM: Now, if you can grab that
8 mic, so we can hear you, I'd appreciate it. Thank you.

9 MS. BEHMLANDER: Good morning, Chairman Newsom --

10 CHAIRPERSON NEWSOM: Good morning.

11 MS. BEHMLANDER: -- Commissioners, staff members.

12 My name is Pattie Behmlander, and I live in one of the
13 communities surrounding the Tesoro facility. And I have
14 served on the Tesoro CAP for approximately 12 years.

15 One of the purposes of a CAP is to provide input
16 to the companies on how their activities and operations
17 are affecting the communities. Over the past several
18 months, we have spent a lot of time with Tesoro
19 representatives seeing presentations on this project.
20 We've had several question and answer sessions. And we
21 feel, as a CAP Commission, that they have successfully
22 answered all of our questions, for example, on how to
23 address the issue of migration of species, breeding
24 seasons, under water acoustical effects, and more
25 importantly how much more safe our communities will be if

1 they're replacing an old antiquated dock with a brand new
2 dock that meets all present building codes.

3 We would like to, as a board, and I'm
4 representing the entire CAP, recommend that you approve
5 this EIR and let Tesoro go ahead with their project of
6 improving the safety of the communities that we all live
7 in.

8 CHAIRPERSON NEWSOM: I appreciate that.

9 MS. BEHMLANDER: Thank you.

10 CHAIRPERSON NEWSOM: Thank you very much.

11 Appreciate your comments.

12 Anyone else that didn't fill out a card or did
13 and we've lost it wish to speak on this item?

14 I see none. We'll close public comment.

15 Are there any comments, questions from the
16 Commission?

17 COMMISSIONER YEE: Yes. Thank you, Mr. Chairman.
18 Appreciate the testimony today. And I would agree with a
19 prior comment this is a very big project, and -- but
20 certainly a very important one in terms of just improving
21 the safety and quality of the standards around this
22 facility.

23 My question really is this, we've been receiving
24 communications from a number of different sources over the
25 last 24 to 48 hours. And I know the EIR document has

1 been -- the staff has done a tremendous job in terms of
2 trying to respond to all of the different concerns that
3 have been raised. And it seems to me a lot of the
4 concerns have to do with the adequacy of addressing some
5 of the concerns that have been raised.

6 And I -- the one that I want to focus on is on
7 oil spills. And I believe this is going to be an export
8 facility, is that correct?

9 EXECUTIVE OFFICER LUCCHESI: (Nods head.)

10 COMMISSIONER YEE: Okay. And I also believe that
11 some of the concerns raised had to do with some concern
12 maybe warranted or not warranted with respect to a type of
13 oil that would be moved through this facility. And I want
14 to just ask the staff if this is something that we ought
15 to take a closer look at, given the broader public concern
16 about the movement of heavy crude.

17 EXECUTIVE OFFICER LUCCHESI: So, Sarah -- I would
18 ask Sarah to just address some of the history of this
19 terminal and what the foreseeable future looks like
20 through the term of the lease, in terms of the types of
21 exports, and the limited imports that may occur here.

22 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: Well,
23 historically, the Avon terminal has always been used as an
24 export facility of refined products from the Golden Eagle
25 refinery. It is capable of operating on a small scale as

1 an import facility, kind of as needed. They bring in some
2 refinery feedstocks and blend stocks that they -- are used
3 at the refinery, but its primary purpose is an export
4 terminal.

5 And given that use, and given that that use is
6 not projected to change over the period of 30-year lease,
7 we did not consider the sources of crude coming into the
8 refinery as part of this EIR.

9 EXECUTIVE OFFICER LUCCHESI: The only thing I
10 would add is that historically crude has not been
11 transferred through this terminal, but that is a
12 possibility, even though it's not anticipated by the
13 applicant or the State Lands staff at this time.

14 COMMISSIONER YEE: Okay.

15 SENIOR ENVIRONMENTAL SCIENTIST MONGANO: I should
16 also point out the location of the Avon terminal, being on
17 the up-riverside or the upstream side of the Benicia
18 Martinez Bridge really limits the size of the vessel that
19 can dock there. And that's part of the reason it is
20 primarily an export facility. The large ocean going
21 tankers that bring in crude can't go to the Avon terminal.
22 They're physically precluded.

23 COMMISSIONER YEE: All right. Okay. Let me ask.
24 This window for the in-water work between August and
25 November, and given the other regulatory approvals that

1 need to take place. I do want to allow for some time to
2 have some of these other concerns that have been raised of
3 late to have the opportunity to be addressed by staff. So
4 I'm inclined to look at a one-month delay to allow that to
5 happen. But I really don't want to see ourselves in the
6 position -- and I'll speak for myself -- of really
7 delaying this for an entire year. I think this work
8 really needs to take place. And the idea that,
9 particularly given the industry and just a lot of public
10 concern about safety generally, this project is very, very
11 important and should proceed, but that's my inclination at
12 this point.

13 CHAIRPERSON NEWSOM: Yeah. And as Chair, and I
14 am -- thank you, Commissioner for your comments. I'm
15 happy to indulge knowledge. And it's sort of our practice
16 to indulge in that consideration, as long as, and I think
17 in the spirit of what the Commissioner said, we're not
18 getting past that window, because I do think there is a
19 compelling case to be made the importance and the
20 imperative to move forward here because of seismic safety
21 issues and catastrophic failure, which have consequences
22 far beyond some of those worst envisioned under the EIR.

23 That said, I, too, have been receiving a lot of
24 correspondence. I've got questions about these documents.
25 Good people can disagree. We were having sort of private

1 conversations, not inappropriate private, but staff
2 conversations about some of these documents, and there
3 were different points of view. So I'd love to flesh that
4 out, but in a way that doesn't put it at peril.

5 So with that in mind, we ask that question in the
6 beginning and reinforced now, if we did move forward,
7 which would require a call to the Chair for a special
8 discussion, because our next meeting wouldn't be for at
9 least 60 days, my understanding, roughly every two months?

10 EXECUTIVE OFFICER LUCCHESI: Yes.

11 CHAIRPERSON NEWSOM: But that one month your
12 confident it wouldn't put us at peril with other agencies
13 pushing us back, unless, of course, we delay again the
14 project timeline, is that correct?

15 EXECUTIVE OFFICER LUCCHESI: So based on the
16 information that staff knows at this moment in time, and
17 given that we don't control the other regulatory agencies,
18 and their timing, based on what we know, a one-month delay
19 would not interfere with the projected timeline of
20 receiving or getting consideration of the other permits
21 from the other regulatory agencies.

22 CHAIRPERSON NEWSOM: Okay. So that would be my
23 indulgence. And you'll have my firm commitment that we
24 would call that special, outside of extraordinary
25 circumstances. But this is an opportunity I think for all

1 of us to -- we need to spend a little bit more time. And
2 I'd love to meet with all the parties to understand what
3 the particulars of whatever the disagreements on the
4 documents, other issues that have been brought up.

5 So let us sort of, you know, pencil in or
6 actually move forward with considering that calendaring.
7 I don't know what requirements as it relates to actual
8 action. I know there's fancy attorneys here that could
9 tell us what to do on that.

10 EXECUTIVE OFFICER LUCCHESI: Well, what I would
11 recommend is that the Commission defer action on this item
12 at this point, and direct staff to return -- to schedule a
13 special State Lands Commission by March 20th -- no later
14 than March 20th to reconsider -- or to reconsider the
15 Final EIR and the proposed lease.

16 CHAIRPERSON NEWSOM: All right. Will you move --

17 COMMISSIONER YEE: So moved.

18 CHAIRPERSON NEWSOM: -- move that?

19 ACTING COMMISSIONER ORTEGA: Second.

20 CHAIRPERSON NEWSOM: Without objection, let us do
21 that. And you have, all parties, our commitment to move
22 forward with that date and make a decision at that time.

23 EXECUTIVE OFFICER LUCCHESI: And I also want to
24 ensure all the Commissioners that I have heard the
25 comments and the concerns today, especially relating to

1 the concerns relating the transfer of crude oil through
2 this marine oil terminal. And so we will work with Tesoro
3 to address those concerns, along with reaching out to the
4 various stakeholders to understand that.

5 CHAIRPERSON NEWSOM: And these documents that
6 we -- and I -- I know we've had some conversation. I'd
7 love to amplify that, so I understand that more fully as
8 well.

9 EXECUTIVE OFFICER LUCCHESI: Yes, I'm happy to --
10 I can provide a brief explanation now or we can work
11 through it with the stakeholders.

12 CHAIRPERSON NEWSOM: We'll, I think -- since
13 we've already moved the item, we'll save that for our next
14 date.

15 Thank you very much. Thank you, everybody, for
16 your time and your comments.

17 So going backwards, I think so we've done C 16
18 and 95, 96. We pulled three or four items from consent,
19 30, 52, 94. The purpose of pulling 30, 52, et cetera --

20 EXECUTIVE OFFICER LUCCHESI: They're not quite
21 right --

22 CHAIRPERSON NEWSOM: They're not quite right.

23 EXECUTIVE OFFICER LUCCHESI: -- to be considered
24 by the Commission.

25 CHAIRPERSON NEWSOM: So no consideration.

1 EXECUTIVE OFFICER LUCCHESI: So they will be
2 heard at a future Commission.

3 CHAIRPERSON NEWSOM: At a separate time.

4 EXECUTIVE OFFICER LUCCHESI: That's right.

5 CHAIRPERSON NEWSOM: Okay. And both parties
6 consent to the extent there's disagreements --

7 EXECUTIVE OFFICER LUCCHESI: Yes.

8 CHAIRPERSON NEWSOM: -- on 30, 52, and 94 --

9 EXECUTIVE OFFICER LUCCHESI: Yes.

10 CHAIRPERSON NEWSOM: -- the appropriateness of
11 delaying --

12 EXECUTIVE OFFICER LUCCHESI: Yes, that's right.

13 CHAIRPERSON NEWSOM: -- so there's no surprises?

14 EXECUTIVE OFFICER LUCCHESI: Primarily all of
15 those were pulled at the request of the applicants.

16 CHAIRPERSON NEWSOM: Fabulous. I appreciate
17 that. And C 57 as well.

18 EXECUTIVE OFFICER LUCCHESI: Yes, correct.

19 CHAIRPERSON NEWSOM: Good. Just making sure I've
20 got those all down.

21 So with that, we have a number remaining items,
22 Items 97 to 102. We could package those together?

23 EXECUTIVE OFFICER LUCCHESI: Yes, we hope to do
24 that. Those are all legislative proposals. Sheri
25 Pemberton our Chief of our External Affairs Division will

1 be making very, very brief introductions of those
2 legislative proposals.

3 (Laughter.)

4 CHAIRPERSON NEWSOM: On all six items.

5 EXECUTIVE OFFICER LUCCHESI: But I think we're
6 actually going to start with Item 102, which is a little
7 counterintuitive --

8 CHAIRPERSON NEWSOM: Good, we're skipping around.

9 EXECUTIVE OFFICER LUCCHESI: -- just because the
10 one public commenter that we have on 102 I understand has
11 to report to jury duty.

12 CHAIRPERSON NEWSOM: Needs to go. I understand.

13 EXECUTIVE OFFICER LUCCHESI: So it's not
14 something that can be easily rescheduled.

15 CHAIRPERSON NEWSOM: Civic duty.

16 EXECUTIVE OFFICER LUCCHESI: So maybe we'll work
17 backwards, because we also have a commenter 101.

18 CHAIRPERSON NEWSOM: All right. Let's do it
19 quick on 102, and then we'll open it up to public comment.

20 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Okay.
21 Thank you. Item 102 recommends that the Commission
22 sponsor legislation to expand a grant of Public Trust land
23 to the San Diego Unified Port District. This is an issue
24 that Commission staff has been considering for many, many
25 years. The Port is currently a trustee of granted lands

1 that encompass the five cities in the San Diego Bay.
2 There is what we've kind of referred to as a doughnut
3 hole, an area in the middle of the bay encircled by the
4 Public Trust lands granted to the Port that's under the
5 direct leasing authority of the Commission.

6 We're recommending legislation to grant that
7 middle part of the bay to the port to hold in trust
8 pursuant to the terms of the Port Act, consistent with the
9 Public Trust and all those other terms and conditions.

10 We think this would create more efficiencies,
11 more transparency, and be a better use of staff resources
12 and better for the Port. Everything else in current law,
13 all of the required State and federal laws, and regulatory
14 requirements would stay the same. So in the spirit of
15 keep it brief, I'll leave it at that, unless you'd like me
16 to expand.

17 CHAIRPERSON NEWSOM: Oh, good. And I think
18 Jonathan Clay is here, who's got to go off to jury duty.
19 So, Mr. Clay, it's your opportunity to speak to this item.

20 MR. CLAY: Thank you, Mr. Chair and Commission
21 members. I will also keep this brief, since I need to
22 teleport myself to Woodland here for jury duty.

23 Mainly here to answer any questions. I know
24 there was some late letters of concern on this item. The
25 only thing I'd add to the staff's presentation is when you

1 look at these projects that are being considered as -- or
2 the current leases, all of these either originate on
3 existing port tidelands that are already under our
4 jurisdiction or pass through, that are all part of our
5 existing planning processes. This legislation wouldn't
6 envision any change of the Public Trust or how that's
7 managed. Projects that are controversial at the local
8 level, as always, can be appealed up here to State Lands.
9 So this is really trying to create some better
10 efficiencies in the system.

11 CHAIRPERSON NEWSOM: And this has to go through
12 an entire legislative process as well for public comment
13 and consideration in addition.

14 MR. CLAY: And to that point, you know, I think
15 if there are concerns, I think from the Port's
16 perspective, and we'll take this up at our March Board
17 meeting, we had some timing issues, but this could be also
18 a two-year process. Introduce the bill, leave it -- for
19 example, if it started in the Assembly, leave it there for
20 its first year, which is always a good way to kind of make
21 sure everyone comes to the table, all things are able to
22 be vetted, but we're not trying to rush it through the
23 typical legislative process.

24 CHAIRPERSON NEWSOM: No, understood. Okay. Any
25 questions or comments?

1 ACTING COMMISSIONER ORTEGA: Mr. Chair, I would
2 just note on this item and all the other legislative
3 items, I will not be voting.

4 CHAIRPERSON NEWSOM: Oh, right. I understand.
5 You can't tip your hand.

6 (Laughter.)

7 ACTING COMMISSIONER ORTEGA: Yes, exactly.

8 CHAIRPERSON NEWSOM: Smart.

9 ACTING COMMISSIONER ORTEGA: We'll have another
10 bite later.

11 (Laughter.)

12 CHAIRPERSON NEWSOM: Thank you.

13 COMMISSIONER YEE: I'll move support of the
14 legislation.

15 CHAIRPERSON NEWSOM: Great. Thank you. Now, get
16 out of here.

17 MR. CLAY: Thank you.

18 CHAIRPERSON NEWSOM: You've got more important
19 things to do, respectfully I say.

20 If we could do 101 now with the same respect to
21 someone who wants to speak to that item.

22 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Yes.
23 Item 101 involves the Commission's Geophysical Survey
24 Permit Program. Currently, the Commission may approve
25 permits for geophysical surveys on State Land under its

1 jurisdiction.

2 These surveys provide information about a variety
3 of scientific research mapping and other important
4 benefits. In 2013, the Commission updated the terms and
5 conditions of its Low Energy Offshore Geophysical Permit
6 Program to incorporate more up-to-date science and address
7 potential impacts on marine life in the coastal
8 environment.

9 As part of that update, the Commission prepared a
10 new -- or approved a new Mitigated Negative Declaration to
11 comply with CEQA. Staff reported back to the Commission a
12 year later on the implementation of the updated program.
13 And in that report, they found that there were some
14 concerns from permittees about enforcement, and that some
15 survey companies were operating outside of the permit
16 requirements, and therefore may have a competitive
17 advantage, and that may also be less protective of the
18 marine environment.

19 So in response, the Commission directed staff to
20 look at enforcement options to improve permitting and
21 compliance. What we've come up with and what we're
22 suggesting is kind of updating and clarifying current law
23 to add more transparency in taking the permitting
24 authority out of where it's placed now in an oil and gas
25 section, where it was placed in 1941, and put it in the

1 Commission's general authority area, and then require the
2 Commission to implement regulations to also inform how we
3 administer the program.

4 CHAIRPERSON NEWSOM: Very good.

5 Please.

6 EXECUTIVE OFFICER LUCCHESI: I would just add
7 real quick, because of the Commission's direction and
8 focus on this, especially over the past year, it's -- this
9 proposed legislation in conjunction with the regulatory
10 package that I had mentioned earlier that we feel will
11 provide the base and the tools necessary to better enforce
12 and better manage these types of permits, so that one
13 company or one entity doesn't have any kind of advantage
14 over another.

15 CHAIRPERSON NEWSOM: Here, here. I appreciate
16 that. And I know Jenn Eckerle is here to speak to this
17 item as well.

18 Thank you.

19 MS. ECKERLE: Thanks. It's me again, Jenn
20 Eckerle from NRDC. We're just here to encourage you to
21 sponsor this legislation that would help modernize your
22 authority to permit geological and geophysical surveys in
23 the waters offshore of California.

24 In 2012 and '13, we worked really closely with
25 your staff to help work through the Offshore Geophysical

1 Permit Program update, and to ensure that those surveys
2 were approved under a general permit that would not have
3 significant harm to marine life. It had specific criteria
4 to make sure that those impacts were avoided. And the
5 success of this program and the associated protection that
6 it provides to ocean resources depends on operator
7 compliance with the requirements to obtain a permit for
8 these surveys.

9 So we agree with staff's recommendation that
10 modernizing the existing law to pull your authority out of
11 that oil and gas area and into your more general section
12 of the code will help improve compliance and enforcement
13 with the Commission's Offshore Geophysical Permit Program.
14 And that will ultimately provide additional protection for
15 marine wildlife.

16 So we, again, want to say we really appreciate
17 staff reached out to us to get our feedback on draft
18 language on this before bringing it before you today. So
19 we support the bill as it is written and proposed and urge
20 you to sponsor the legislation.

21 Thank you.

22 CHAIRPERSON NEWSOM: Appreciate that. Thank you.
23 Thank you very much. Let's keep going backwards.

24 One hundred. Sorry to --

25 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON:

1 That's okay. One hundred I can make very brief. It's a
2 very technical bill. It's technical in clarifying
3 regarding cessions and retrocessions, which is an area of
4 law that the Commission has jurisdiction over. And that's
5 where we cede -- or the State cedes legislative
6 jurisdiction to the federal government or actively accepts
7 back a retrocession of that authority.

8 Last year, the Commission sponsored legislation
9 to make the program more -- or to update current law and
10 eliminate duplicative provisions. This proposed
11 legislation would apply those same changes to the
12 retrocessions that we adopted -- that the legislature
13 adopted for the cessions. The main requirement in the
14 bill is that currently there's a requirement for two
15 public hearings. And in the decades and decades that
16 we've been operating this program, typically nobody ever
17 comes to the public hearing. And so there's a lot of
18 staff time and expense that goes into holding this
19 hearing, so we'd like to go from 2 to 1 and have the
20 Commission meeting be the public hearing.

21 And so we're proposing that the Commission
22 sponsor this, and it would be in a committee omnibus bill.

23 CHAIRPERSON NEWSOM: All right. No comments. No
24 questions. Thank you.

25 Ninety-nine.

1 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON:

2 Ninety-nine is also a very simple bill. There's currently
3 a statute that grants to the City of Pittsburg Public
4 Trust Lands. The granting statute required that the
5 Commission staff survey the new granted lands and record a
6 record of survey with the county recorder. We've learned
7 that the county recorder can't actually record legal land
8 descriptions. So this legislation would amend the
9 granting statute to add that legal land description into
10 the granting statute in lieu of being recorded at the
11 county recorder's office, and then eliminate the
12 requirement that the Commission do the survey, because
13 we've already done the survey, and the Commission approved
14 the survey last year.

15 CHAIRPERSON NEWSOM: Makes sense. Yeah, great.
16 Ninety-eight.

17 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON:

18 Ninety-eight also involves a grant to the
19 Humboldt Bay Harbor Recreation and Conservation District.
20 There's an ambiguity in the law related to the district's
21 authority to sell lands that they purchase with trust
22 assets that are outside of the sovereign lands that they
23 were granted. There's an inconsistency between granting
24 statutes that we think was kind of a drafting error. And
25 so our recommendation is to delete that ambiguous clause

1 saying that the district can't dispose -- or irrevocably
2 dispose of fee title, which is to help them -- to help
3 clarify that they can dispose of after-acquired property,
4 which is consistent with the authority that all other
5 grantees typically have in the State. So that's SB 141 by
6 Senator McGuire.

7 CHAIRPERSON NEWSOM: Perfect. Ninety-seven.

8 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: And
9 97 involves our Marine Invasive Species Act Program. This
10 legislation we hope will help protect California's marine
11 environment and help California eliminate invasive species
12 introductions into State waters by improving
13 implementation of the performance standards for the
14 discharge of ballast water into State waters, and then
15 make a series of other improvements to current law.

16 The Marine Invasive Species Act applies to
17 vessels that are over 300 tons or more who arrive into
18 California. There's currently in statute interim
19 requirements for the discharge of ballast water into State
20 waters. And then there's a final performance standard
21 that goes into effect in 2020. They have a little bit of
22 a different threshold, but we also have to do reports that
23 assess the availability of the technology to meet the
24 requirements.

25 And in the most recent report and the report

1 before that, 2013 and 2014, we found that there isn't, at
2 this time, technology available that we know of to meet
3 the standards. So this legislation proposes going to
4 the -- taking out the interim standards and going to the
5 final performance standard date of 2020 with that
6 no-detectable-limit threshold for discharges.

7 And we've been working closely with the
8 environmental community and shipping industry on this
9 proposal as well. And I should add also that the interim
10 standards -- the next interim standard goes into effect in
11 January 1, 2016. So if we don't push that date back, it
12 appears that those vessels wouldn't be able to comply with
13 current law.

14 CHAIRPERSON NEWSOM: Okay. Great. Well, good.
15 So on Items 97 to 102 --

16 COMMISSIONER YEE: I'll move support.

17 CHAIRPERSON NEWSOM: Move support. So we'll move
18 those items. And we have one abstention. And I'll
19 certainly support those items moving forward.

20 We have one other item, 103, correct?

21 EXTERNAL AFFAIRS DIVISION CHIEF PEMBERTON: Yes,
22 103 also involves our Marine Invasive Species Act. It's
23 federal legislation that was introduced this year that
24 would create one national uniform standard for the
25 discharge of ballast water. So California and Oregon and

1 other states who have stronger standards would -- those
2 would be preempted by the national standard. And the
3 Commission has opposed similar legislation in past years.
4 We'd recommend an oppose position.

5 CHAIRPERSON NEWSOM: Yeah. Is there anyone who
6 wishes to speak at this time?

7 I don't have card, but just in case?

8 None.

9 Certainly, we're on the same page on that.

10 COMMISSIONER YEE: Move it.

11 CHAIRPERSON NEWSOM: Moved, seconded and so
12 without objection. And You --

13 ACTING COMMISSIONER ORTEGA: I'll abstain on
14 that.

15 CHAIRPERSON NEWSOM: You can abstain on that as
16 well. You can't oppose either.

17 Good. Understood.

18 Is there anything else on the agenda, next order
19 of business? I know we have some additional public
20 speakers.

21 EXECUTIVE OFFICER LUCCHESI: Yes. Any comments
22 from the Commissioners, and then public comment.

23 CHAIRPERSON NEWSOM: Good anything more you wish
24 to add? You enjoyed your first meeting?

25 COMMISSIONER YEE: Actually, well, I want to just

1 thank the staff. I mean, I have to -- I'm just really --
2 this should be the standard in terms of how we provide
3 stewardship of our responsibility and -- with the Public
4 Trust. I'm just very, very pleased with the work of the
5 staff, and grateful that these issues are coming up
6 timely, and the responsiveness of the staff.

7 So thank you.

8 EXECUTIVE OFFICER LUCCHESI: Thank you.

9 CHAIRPERSON NEWSOM: I'll second that, but it's
10 not an action item.

11 (Laughter.)

12 CHAIRPERSON NEWSOM: We have two speakers, Gary
13 Nauman. Is Gary here?

14 EXECUTIVE ASSISTANT LUNETTA: I think Gary left.

15 CHAIRPERSON NEWSOM: Gary Left. Okay. Sorry, we
16 missed you Gary. And then Eoin(ee-on) McMillan.

17 MR. McMILLAN: Eoin.(oh-en)

18 CHAIRPERSON NEWSOM: Eoin(oh-en). So I've never
19 seen it spelled that way. God Bless You.

20 Are you ready to come on up?

21 MR. McMILLAN: Yes.

22 CHAIRPERSON NEWSOM: Please.

23 MR. McMILLAN: I should say I know the timing is
24 three minutes, but I could use five, if that's possible.
25 I've got a lot to cover.

1 CHAIRPERSON NEWSOM: Well, I mean, because you're
2 so -- because I've screwed up your first name, I'm
3 feeling -- but --

4 MR. McMILLAN: I think you'll enjoy it.

5 CHAIRPERSON NEWSOM: All right.

6 MR. McMILLAN: Okay. Lieutenant Governor --

7 CHAIRPERSON NEWSOM: You'll have a hard 5.
8 That's it, then we've got -- then everyone has got to --
9 you're our last speaker.

10 MR. McMILLAN: Fantastic.

11 CHAIRPERSON NEWSOM: Thank you.

12 MR. McMILLAN: Lieutenant Governor, State
13 Controller, Financial Director, my name is Eoin McMillan.
14 I'm a developer. I'm an entrepreneur, and I'm an advisor
15 for a number of start-up companies in San Francisco.

16 I'm also an avid camper in California. So my
17 time is split between technology and entrepreneurship, but
18 also the outdoors. It's recently come to my attention
19 that the DPR's Recreation and Reservation Sales Services
20 RFP Solicitation C151 quadruple zero, basically the RFP to
21 administer the State Parks website contains a number of
22 concerning elements that will limit innovation,
23 entrepreneurship, and competition in the parks sector.

24 The contract in its current form will result in a
25 worse discovery in booking experience for Californians,

1 less people getting into the outdoors, and by inference,
2 less revenue for the State's coffers and less parks
3 remaining open.

4 In a nutshell, the RFP in its present form is out
5 of step with current policy for open data and fails to
6 take advantage of, what we call, the API-ification of the
7 web and new opportunities for public-private partnerships,
8 which the open data and API-based systems enable. If you
9 need me to clarify, I'd be happy to do so.

10 Back to the RFP. The problems, at a high level,
11 are to do with third-party APIs, or specifically the lack
12 of them. There's no concrete proposal for a real-time
13 booking API. There's no concrete proposal for any
14 third-party booking system or any revenue share that
15 should come from that.

16 Specifically, Section 6.2.4 titled Third-Party
17 API, does mention the word API, but features vague and
18 nonspecific language. It does not have any timeline for
19 implementation. It does not have any concrete wording for
20 a proposal. Respectfully, with a seven-year contract
21 going out to bid, it's time to make those changes now, and
22 not in the future.

23 So why is this relevant?

24 Well, as you know, the State Parks government
25 on-line -- government website is the on-line destination

1 for people to find and make bookings. The lack of a
2 real-time API and the lack of a third-party booking system
3 constructs an effective monopoly in whoever fulfills the
4 contract. This is not in the interests of Californians.
5 What we should instead be striving for is the model of
6 government as a platform. Gavin, I'm sure you're familiar
7 with that term.

8 (Laughter.)

9 CHAIRPERSON NEWSOM: Here, here.

10 MR. McMILLAN: What this means, it's the
11 provision of tools and infrastructure necessary to allow
12 the building of applications with public information, and
13 also being able to build into a reservation system. When
14 we don't create these conditions, we build an effective
15 moat around government services. This results in a lack
16 of competition and poorer services. We shouldn't do this.

17 Okay. As our time is limited, I contend that the
18 contract in its current form is unpassable and that the
19 following amendments are necessary:

20 One, the Department must require that third
21 parties have access to the relevant data that is powering
22 the State Parks website via an API, including real-time
23 availability.

24 Two, the Department must require that third
25 parties are able to facilitate transactions via an API.

1 Solutions that force third parties to use widgets or send
2 traffic elsewhere, that technologically they create a bad
3 user experience. I'm happy to go into that, but
4 essentially with 60 percent of users now on mobile, it's
5 not something you want to be doing. You know, this is my
6 day job. I'm happy to expend that comment.

7 Three, the Department must define a minimum
8 commission to be paid to the contractor for third-party
9 reservation fees that the third parties facilitate. They
10 need to be explicit about a share, otherwise you create an
11 environment where a monopoly contractor has all of the
12 power and decision making, and that is not a fair
13 environment for third parties.

14 Four, which is a suggestion, the Department
15 should convene an industry day to discuss the specifics of
16 open data API and the breakdown of a third-party booking
17 system. This would not just be for bidders, but also
18 stakeholders.

19 The good news is that all of these requests are
20 technically feasible today. They align with national and
21 State open data policy today, and they allow the
22 government to serve as a real platform for services, and
23 that these amendments -- none of these amendments would
24 create any delays, I should add.

25 If we do this, we should expect the proliferation

1 of park-based apps, we should expect more millennials
2 camping, we should expect more minorities. A good example
3 is Intuit on tax has a spanish-based website. I don't see
4 that for camping, and that was a private sector
5 initiative. And we should expect better information
6 services and a better booking system for Californians
7 getting to the outdoor.

8 I'd like to zoom out for a minute as well,
9 because there's a lot of national context to what's going
10 on here. The National Parks Services also put out an RFP,
11 would was similar to this one. That created an outcry
12 from the public and from industry due to the problems with
13 a national RFP. The six-page document that I've provided
14 you with does outline the differences between what it was
15 and where it's going.

16 At the time, a coalition called Access Lands
17 formed. More than 50 companies are part of that, mine is
18 one of them. They also include companies like REI, the
19 Sierra Club, Code for America, O'Reilly Media, Hipcamp,
20 AllTrails. It goes on.

21 All of these are in support of this open data and
22 third-party revenue system approach. And it was covered
23 fair extensively in the press. Congressman Huffman,
24 Congressman Farr, Congressman Delbene all wrote to the
25 Forestry Service with concerns about creating a potential

1 monopoly system for administration.

2 And ultimately, an industry day was formed to
3 bring together the stakeholders, not just the bidders.
4 And during that The White House Digital Services Division
5 came in and they -- they're helping the National
6 Services -- National Park bring their RFP into line with
7 open data policy. As a result, improvements were made to
8 that contract, and that process is still ongoing.

9 As I said, this State Park's opportunity is an --
10 this State Park RFP is an opportunity for real innovation
11 to occur in government. I think this is an opportunity
12 that has to happen now. These concrete improvements can
13 be made and we need to be explicit about how they happen.

14 CHAIRPERSON NEWSOM: I appreciate that. And
15 thank you for keeping it to the five minutes, and thank
16 you, colleagues, for indulging. So I think good news, bad
17 news. You're speaking my language. I couldn't agree with
18 you more. This is a serious issue, and it certainly needs
19 to be amplified in our strategic planning as well, these
20 open APIs and adopting these principles. That's the good
21 news.

22 The bad news is we don't have jurisdiction over
23 this RFP.

24 MR. McMILLAN: You are the Lieutenant Governor,
25 are you not?

1 CHAIRPERSON NEWSOM: Well, that's different.
2 So this actual Commission doesn't.

3 MR. McMILLAN: Oh, sorry. My apologies.

4 CHAIRPERSON NEWSOM: So God Bless. You didn't
5 know. And why should you, because we're as hardly as
6 transparent as we should be here at State government.

7 So the spirit of what you said though I thought
8 was a perfect way to tend as an explanation point to some
9 of the opportunities as we move forward. So everything
10 you said I am immeasurably supportive of. I will take
11 responsibility independent of my role as Chair of the
12 State Lands Commission --

13 MR. McMILLAN: I will hold you to that. Thank
14 you.

15 CHAIRPERSON NEWSOM: -- to follow-up on your
16 recommendations. I already made notes. We'll be in
17 touch.

18 And with that, I think we have no additional
19 items before us. No one else wishes to speak.

20 MR. MATHIEU: State Parks and Rec Commission
21 meeting is next Friday.

22 CHAIRPERSON NEWSOM: Next Friday, State Parks and
23 Rec Commission. So repeat --

24 MR. McMILLAN: We have someone turning up there
25 too.

1 (Laughter.)

2 CHAIRPERSON NEWSOM: Oh, good. I love it. So
3 thank you.

4 And with that, I see no additional items. This
5 meeting is adjourned. Thank you very much.

6 (Thereupon the California State Lands
7 Commission meeting adjourned at 12:25 PM)

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1 C E R T I F I C A T E O F R E P O R T E R

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the
5 foregoing California State Lands Commission meeting was
6 reported in shorthand by me, James F. Peters, a Certified
7 Shorthand Reporter of the State of California;

8 That the said proceedings was taken before me, in
9 shorthand writing, and was thereafter transcribed, under
10 my direction, by computer-assisted transcription.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 27thth day of February, 2015.

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21
22
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24 Certified Shorthand Reporter
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