

MEETING  
STATE OF CALIFORNIA  
LANDS COMMISSION

DOUBLETREE BY HILTON BERKELEY MARINA  
BELVEDERE ROOM  
200 MARINA BOULEVARD  
BERKELEY, CALIFORNIA

THURSDAY, APRIL 20, 2017

1:05 P.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, also represented by Mr. Rhys Williams

Ms. Betty T. Yee, State Controller, also represented by Ms. Anne Baker

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

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Colin Connor, Assistant Executive Officer

Mr. Mark Meier, Chief Counsel

Mr. Brian Bugsch, Chief, Land Management Division

Ms. Denise Cook, Fiscal Officer

Mr. Christopher Huit, Senior Environmental Scientist, Division of Environmental Planning and Management

Ms. Kim Lunetta, Administrative Assistant

Mr. Chris Scianni, Senior Environmental Scientist, Marine Environmental Protection Division

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Mr. Kathy Biala

Mr. Brad Benson, Port of San Francisco

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

ALSO:

Mr. John Berge, Pacific Merchant Shipping Association

Mr. George Clyde, East Shore Planning Group

Mr. Emelio Diaz

Ms. Alicia Forsythe, United States Bureau of Reclamation

Mr. Jason Giffen, Port of San Diego

Mr. James Jonas

Mr. Ryan Kallabis, Save Our Shores

Mr. Mark Krausse, Pacific, Gas & Electric

Mr. Jarrett Martin, Central California Irrigation District

Ms. Francie Mitchell

Mr. Job Nelson, Port of San Diego

Mr. Doug Obegi, Natural Resources Defense Council

Ms. Katherine O'Dea, Save Our Shores

Mr. Zach Pine

Ms. Jennifer Savage, Surfrider Foundation

Dr. Lee Shahinian

Dr. Ed Thornton

Mr. Cam Tredennick, River Partners

Ms. Ximena Waisbluth, Surfrider

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I 1:00 P.M. - OPEN SESSION	1
II CONFIRMATION OF MINUTES FOR THE MEETING OF FEBRUARY 7, 2017 AND THE SPECIAL MEETING OF APRIL 4, 2017	37
III EXECUTIVE OFFICER'S REPORT	121

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

- Phillip C. Berolzheimer and Anne C. Berolzheimer, Co-Trustees of the Phillip C. Berolzheimer and Anne C. Berolzheimer Revocable Family Trust dated September 18, 2007 (Lessee): Continuation of annual rent at \$327 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in the historic bed of the San Joaquin River, adjacent to 3548 Country Club Boulevard, near Stockton, San Joaquin County. (PRC 8995.1)

- Joshua Evans and Nicole Evans (Lessee): Continuation of annual rent at \$233 per year for a General Lease - Recreational Use located on sovereign land in Three-Mile Slough, adjacent to 18164 Sherman Island East Levee Road, near Rio Vista, Sacramento County. (PRC 8414.1)

- Chevron Products Company (Lessee): Continuation of annual rent at \$1,103,177.10 per year for a General Lease - Industrial Use located on filled and unfilled sovereign land in the San Francisco Bay, adjacent to the Chevron Refinery in the city of Richmond, Contra Costa County. (PRC 8818.1)

- The Vollman-Clark Ranch, LLC (Lessee): Continuation of minimum annual rent at \$4,251 per year for a General Lease - Commercial Use, located on sovereign land in the Sacramento River, adjacent to 14180

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River Road, near Walnut Grove, Sacramento County. (PRC 7620.1)

• Kim Currieri and Lynne Currieri (Lessee): Continuation of annual rent at \$257 per year for a General Lease - Recreational and Protective Structure Use located on sovereign land in the Calaveras River, adjacent to 4239 Yacht Harbor Drive, near Stockton, San Joaquin County. (PRC 4200.1)

• Steven G. Kuhn and Carol A. Kuhn, Trustees of the Kuhn and Van Bruggen Declaration of Trust established February 19, 1998 (Lessee): Continuation of annual rent at \$2,798.16 per year for a General Lease - Commercial Use located on sovereign land in the Sacramento River, adjacent to 1951 Garden Highway, near Sacramento, Sacramento County. (PRC 5188.1)

IV CONSENT CALENDAR C01-C89

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THE FOLLOWING ITEMS ARE CONSIDERED TO BE NONCONTROVERSIAL AND ARE SUBJECT TO CHANGE AT ANY TIME UP TO THE DATE OF THE MEETING.

LAND MANAGEMENT DIVISION

NORTHERN REGION

C01 DONNER LAKE VILLAGE OWNERS ASSOCIATION (APPLICANT/LESSEE/SUBLESSOR); DONNER LAKE WATER ADVENTURES, INC., DBA DONNER LAKE MARINA (SUBLESSEE): Consider application for a General Lease - Commercial and Recreational Use, and approval of a Sublease Endorsement, of sovereign land located in Donner Lake, adjacent to 15695 Donner Pass Road, town of Truckee, Nevada County; for two existing floating boat docks, two ramps, 10 boat slips, and a fixed pier, previously authorized by the Commission; two existing marker buoys not previously authorized by the Commission; and a commercial marina, known as Donner Lake Marina, consisting of an existing floating boat dock and five boat slips previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC

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8719.1; RA# 34815) (A 1; S 1) (Staff: M.J. Columbus)

C02 LEE ROYCE BAKER AND CHERYL BAKER, TRUSTEES OF THE BAKER FAMILY TRUST DATED MAY 6, 1994 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3285 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8697.1; RA# 02116) (A 1; S 1) (Staff: M.J. Columbus)

C03 ROBERT P. OLIVER, AS TRUSTEE OF THE OLIVER COMMUNITY PROPERTY TRUST DATED MAY 5, 1975 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3230 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8681.1; RA# 36915) (A 1; S 1) (Staff: M.J. Columbus)

C04 ANTHONY P. REBELE AND ELIZABETH A. REBELE, TRUSTEES UNDER THE ANTHONY P. REBELE AND ELIZABETH A. REBELE 1994 TRUST (LESSEE); MARIA MARTELINO, TRUSTEE OF THE MARIA MARTELINO LIVING TRUST DATED FEBRUARY 18, 2013 (APPLICANT): Consider termination of Lease No. PRC 9046.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6120 and 6115 West Lake Boulevard, near Homewood, Placer County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (PRC 9046.1; RA# 01716) (A 1; S 1) (Staff: M.J. Columbus)

C05 LAURA ROSCH GILLETTE AND THOMAS LEE ROSCH (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3340 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 7910.1; RA# 19315) (A 1; S 1) (Staff: M.J. Columbus)

C06 CISMAR REVOCABLE LIVING TRUST, UTD 12/14/84, CARE OF MARY A. RAMOS, TRUSTEE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3305 West Lake Boulevard, near Homewood, Placer County; for

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two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8700.1; RA# 38915) (A 1; S 1) (Staff: M.J. Columbus)

C07 KANIGO PIER ASSOCIATION, INC. (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Number 097-073-044, near Homewood, Placer County; for six existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26645; RA# 15112) (A 1; S 1) (Staff: M.J. Columbus)

C08 ANN TRAMMEL AS TRUSTEE OF THE 2009 ANN M. TRAMMEL REVOCABLE TRUST DATED DECEMBER 11, 2009 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3325 West Lake Boulevard, near Homewood, Placer County; for one existing mooring buoy. CEQA Consideration: categorical exemption. (PRC 8699.1; RA# 09316) (A 1; S 1) (Staff: M.J. Columbus)

C09 PHILLIP S. ESTES AND NANCY F. ESTES, TRUSTEES OF THE PHILLIP S. AND NANCY F. ESTES REVOCABLE TRUST DATED JUNE 27, 2013 (LESSEE): Consider amendment of Lease No. PRC 5276.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5680 North Lake Boulevard, near Carnelian Bay, Placer County; for the proposed removal of existing mooring buoy, and installation, use, and maintenance of a new boat lift. CEQA Consideration: categorical exemption. (PRC 5276.1; RA# 12916) (A 1; S 1) (Staff: K. Connor)

C10 JAMES H. THOMPSON, JR., SUSAN THOMPSON DIEDRICHSEN, ALISON C MCKEE, JANET THOMPSON HENNINGSEN, AND CAROL THOMPSON CEELEN (LESSEE); ROBERT D. MAY AND JUDITH T. MAY, TRUSTEES OF THE MAY FAMILY TRUST AS AMENDED AND UPDATED IN 2013 (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 8983.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8441 Meeks Bay Avenue (Assessor's Parcel Numbers 016-091-50 and 016-091-51), near Rubicon Bay, El Dorado County;

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for three existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8983.1; RA# 13816) (A 5; S 1) (Staff: K. Connor)

C11 ROGER HERBERT KAHN AND VICKI CHEZ KAHN, TRUSTEES OF THE KAHN FAMILY TRUST 1996, DATED APRIL 11, 1996; AND JANICE M. CORDA, AS TRUSTEE OF THE JOHN S. CORDA AND JANICE M. CORDA LIVING TRUST DATED JULY 15, 1999 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1360 and 1370 North Lake Boulevard, near Tahoe City, Placer County; for an existing joint-use pier, two boat lifts, and four mooring buoys. CEQA Consideration: categorical exemption. (PRC 7953.1; RA# 11016) (A 1; S 1) (Staff: K. Connor)

C12 STEPHEN R. FLANCE AND KRISTEN H. FLANCE (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6912 Pomin Avenue, near Tahoma, Placer County; for the use and maintenance of an existing marine rail system, wood piling, water intake line, and two existing mooring buoys not previously authorized by the Commission; and denial for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: lease - categorical exemption; denial - statutory exemption. (W 27043; RA# 06916) (A 1; S 1) (Staff: K. Connor)

C13 TLC 1970, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1970 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4146.1; RA# 10316) (A 1; S 1) (Staff: K. Connor)

C14 SUSAN SCHLICHT; DUDLEY GUSTAV SCHLICHT, AS TRUSTEE OF THE DUDLEY GUSTAV SCHLICHT TRUST UNDER THE SECOND AMENDED AND RESTATED DECLARATION OF TRUST DATED MAY 15, 2008, AND DUNCAN HALLBERG SCHLICHT, AS TRUSTEE OF THE DUNCAN HALLBERG SCHLICHT TRUST UNDER THE SECOND AMENDED AND RESTATED DECLARATION OF TRUST DATED SEPTEMBER 19, 2007 (LESSEE); JAMES MORRISON (APPLICANT): Consider acceptance of a quitclaim deed



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for Lease No. PRC 8380.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 160 Sierra Terrace Road, near Tahoe City, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8380.1; RA# 02216) (A 1; S 1) (Staff: K. Connor)

C15 KENNETH R. WOOD, TRUSTEE OF THE KENNETH R. WOOD 2013 REVOCABLE TRUST DATED AUGUST 8, 2013 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 739 Lakeview Avenue, city of South Lake Tahoe, El Dorado County; for an existing pier, boat hoist, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 6024.1; RA# 17516) (A 5; S 1) (Staff: K. Connor)

C16 HUMBOLDT COUNTY RESOURCE CONSERVATION DISTRICT (LESSEE): Consider application for an amendment to Lease No. PRC 8955.9, a General Lease - Public Agency Use, of sovereign land located in the Salt River, near Ferndale, Humboldt County; to extend the construction completion date for the Salt River Ecosystem Restoration Project. CEQA Consideration: Environmental Impact Report, certified by the Humboldt County Resource Conservation District, State Clearinghouse No. 2007062030. (PRC 8955.9; RA# 13416) (A 2; S 2) (Staff: N. Lee)

C17 COLLEEN KIMBALL, AS TRUSTEE OF THE SURVIVOR'S TRUST OF THE KIMBALL FAMILY TRUST DATED JANUARY 2, 2003 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6918 Pomin Avenue, near Tahoma, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 5277.1; PRC 9082.1; RA# 11216) (A 1; S 1) (Staff: M. Schroeder)

C18 DAVID B. KENT AND DARCIE T. KENT, AS TRUSTEES OF THE KENT REVOCABLE TRUST, DATED JUNE 8, 2005 (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 3682.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 803 Stateline Avenue, city of South Lake Tahoe, El

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Dorado County, for an existing pier and one mooring buoy. CEQA Consideration: not projects. (PRC 3682.1) (A 5; S 1) (Staff: M. Schroeder)

C19 TAHOE MEADOWS, A CORPORATION DBA TAHOE MEADOWS ASSOCIATION (LESSEE): Consider revision of rent to Lease No. PRC 4268.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Number 029-090-01, city of South Lake Tahoe, El Dorado County; for 39 existing mooring buoys, an enclosed swim area, one swim float, and two marker buoys. CEQA Consideration: not a project. (PRC 4268.1) (A 5; S 1) (Staff: M. Schroeder)

C20 JOSEPH MAZURYK AND MARTHA TURCHYN-MAZURYK, TRUSTEES OF THE JOSEPH AND MARTHA MAZURYK REVOCABLE TRUST, ESTABLISHED SEPTEMBER 18, 2003; JOSEPH MAZURYK AND MARTHA TURCHYN-MAZURYK, TRUSTEES OF THE MAZURYK TAHOE TRUST, ESTABLISHED OCTOBER 14, 2009; PETER T. MAZURYK AND LYDIA O. MAZURYK (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6630 North Lake Boulevard, near Tahoe Vista, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8701.1; RA# 28015) (A 1; S 1) (Staff: M. Schroeder)

C21 LAKELAND VILLAGE OWNERS ASSOCIATION (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 5490.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3535 Lake Tahoe Boulevard, city of South Lake Tahoe, El Dorado County, for an existing pier and three mooring buoys. CEQA Consideration: not projects. (PRC 5490.1) (A 5; S 1) (Staff: M. Schroeder)

C22 SKI RUN MARINA, LLC, A DELAWARE LIMITED LIABILITY COMPANY (LESSEE): Consider amendment of Lease No. PRC 8655.1, a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 900 Ski Run Boulevard, city of South Lake Tahoe, El Dorado County; for the proposed extension of the existing main pier with a floating pier and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8655.1; RA# 13216) (A 5; S 1) (Staff: M. Schroeder)

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C23 MARGARET Z. UNGER AND LYNNE U. YACKZAN, TRUSTEES OF THE MARGARET Z. UNGER TRUST ESTABLISHED PURSUANT TO THE UNGER FAMILY REVOCABLE TRUST - 1991, DATED JUNE 5, 1991; EVAN C. UNGER, BRUCE F. UNGER, AND LYNNE U. YACKZAN, AS TRUSTEES OF THE DEAN F. UNGER 2009 TRUST DATED DECEMBER 30, 2009; BRUCE F. UNGER AND LISA CORDONE UNGER, AS TRUSTEES OF THE 2009 UNGER FAMILY TRUST DATED NOVEMBER 13, 2009; EVAN CHARLES UNGER AND LYNNE UNGER YACKZAN (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Number 092-180-008, near Carnelian Bay, Placer County; for an existing pier, two boat hoists, and one boat lift. CEQA Consideration: categorical exemption. (PRC 4896.1; RA# 09816) (A 1; S 1) (Staff: M. Schroeder)

C24 CITY OF NAPA (LESSEE/SUBLESSOR); TIDELINE MARINE GROUP, INC., A DELAWARE CORPORATION (SUBLESSEE): Consider application for an amendment of Lease No. PRC 7636.1, a General Lease - Public Agency Use, and approval of a sublease, of sovereign land located in the Napa River, adjacent to Assessor's Parcel Numbers 003-233-003 and 003-276-008, city of Napa, Napa County; for an existing boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7636.1; RA# 06716) (A 4; S 3) (Staff: M. Schroeder)

C25 DAVID BURKHART AND CAROL BURKHART (LESSEE): Consider revision of rent to Lease No. PRC 5692.1, a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 5640 Lakeville Highway, near Petaluma, Sonoma County; for an existing boat dock with gangway, wooden platform with railing, boathouse, and walkway. CEQA Consideration: not a project. (PRC 5692.1) (A 10; S 3) (Staff: J. Toy)

BAY/DELTA REGION

C26 JOHN FITCH WILCOX, IV AND RICHARD ELWOOD WILCOX (LESSEE); MARVIN A. RUPORT AND BELINDA K. RUPORT, TRUSTEES OF THE RUPORT FAMILY TRUST, PREPARED FEBRUARY 4, 2000 (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 8717.1, a General Lease - Agricultural and Protective Structure Use, and

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an application for a General Lease - Agricultural and Protective Structure Use, of filled and unfilled sovereign land located in the Sacramento River, adjacent to Assessor's Parcel Number 157-0110-029, near Isleton, Sacramento County; for the storage of agricultural equipment, and the use and maintenance of existing bank protection. CEQA Consideration: categorical exemption. (PRC 8717.1; RA# 09016) (A 11; S 3) (Staff: G. Asimakopoulos)

C27 BRADLEY H. SMITH, TRUSTEE OF THE SMITH FAMILY 2001 TRUST, UTD AUGUST 13, 2001 (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in the San Joaquin River, adjacent to 822 West Brannan Island Road, on Andrus Island, near Isleton, Sacramento County; for an existing commercial marina known as Easy C's Boat Sales and Marina. CEQA Consideration: categorical exemption. (PRC 7699.1; RA# 08916) (A 11; S 3) (Staff: G. Asimakopoulos)

C28 CHEVRON PIPELINE COMPANY, A DELAWARE CORPORATION (ASSIGNOR); CRIMSON CALIFORNIA PIPELINE, L.P., A CALIFORNIA LIMITED PARTNERSHIP (ASSIGNEE): Consider revision of rent and an application for the assignment of Lease No. PRC 8678.1, a General Lease - Right-of-Way Use, of sovereign land located in Pacheco Creek, adjacent to Assessor's Parcel Number 159-250-006, near Martinez, Contra Costa County; for an existing horizontal directionally-drilled (HDD) petroleum pipeline. CEQA Consideration: not a project. (PRC 8678.1; RA# 04616) (A 14; S 7) (Staff: G. Asimakopoulos) Item revised 04/12/17

C29 PLAINS PRODUCTS TERMINALS LLC (ASSIGNOR); VALERO EAST BAY LLC (ASSIGNEE): Consider correction of prior authorization for the assignment of Lease No. PRC 4769.1, a General Lease - Industrial Use, of filled and unfilled sovereign land located in Suisun Bay and Pacheco Slough, adjacent to Waterfront Road, near Martinez, Contra Costa County; for a marine oil terminal and appurtenant facilities. CEQA Consideration: not a project. (PRC 4769.1; RA# 12416) (A 14; S 3) (Staff: V. Caldwell)

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C30 G.W. ZEHENDER, TRUSTEE OF THE G.W. ZEHENDER DECLARATION OF TRUST DATED DECEMBER 21, 2001 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Calaveras River, adjacent to 4107 Yacht Harbor Drive, near Stockton, San Joaquin County; for an existing boathouse, dock, and appurtenant facilities previously authorized by the Commission and an existing bulkhead not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4590.1; RA# 03616) (A 13; S 5) (Staff: A. Franzoia)

C31 PATRICK D. CRAIG AND KATHRYN A. CRAIG, TRUSTEES OF THE PATRICK D. CRAIG AND KATHRYN A. CRAIG FAMILY TRUST DATED 10/31/2000 (LESSEE); EDWARD A. ZUCKERMAN AND SARAH N. ZUCKERMAN (APPLICANT): Consider termination of Lease No. PRC 8820.9, 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 original bed of the San Joaquin River, adjacent to 2015 Moreing Road, near Stockton, San Joaquin County; for a floating boat dock, cable anchors, gangway, and bank protection previously authorized by the Commission and installation, use, and maintenance of a dock addition, stiff-arm anchor, and existing fill area not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 8820.1; RA# 14215) (A 13; S 5) (Staff: A. Franzoia)

C32 SAN FRANCISCO STATE UNIVERSITY ROMBERG TIBURON CENTER FOR ENVIRONMENTAL STUDIES (APPLICANT): Consider termination of Lease No. PRC 8268.9, a General Lease - Public Agency Use, and application for an amendment to Lease No. PRC 8446.9, a General Lease - Public Agency Use, of sovereign land located in San Francisco Bay, adjacent to the Romberg Tiburon Center for Environmental Studies, near Tiburon, Marin County, to include the installation, use, and maintenance of a scientific research buoy and to consolidate Lease No. PRC 8268.9 facilities into Lease No. PRC 8446.9, and to include three existing dolphins, fill area with riprap bank protection, and a concrete wharf with seawall bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemptions. (PRC 8446.9, PRC 8268.9; RA# 08616) (A 10;

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S 2) (Staff: A. Franzoia)

C33 RHODIA INC. (LESSEE); ECO SERVICES OPERATIONS CORP. (APPLICANT): Consider ratification of assignments; termination of Lease No. PRC 7660.1, General Lease - Right-of-Way Use and Lease No. PRC 8441.9, General Lease - Industrial Use; and an application for a General Lease - Industrial and Protective Structure Use, of filled and unfilled sovereign land located adjacent to 100 Mococo Road, in Peyton Slough and Carquinez Strait, city of Martinez, Contra Costa County; for an existing industrial facility, groundwater monitoring wells, capped remediated slough, appurtenant facilities, wetland and marshland habitat, and sheet pile seawall. CEQA Consideration: categorical exemption. (PRC 7660.1, PRC 8441.9; RA# 08314) (A 14; S 3) (Staff: M. Hays)

C34 KEVIN P. STEWARD AND LORI A. STEWARD (ASSIGNOR); THE STEWARD REVOCABLE TRUST, DATED NOVEMBER 15, 2015, KEVIN PAUL STEWARD AND LORI ANNE STEWARD, TRUSTORS AND TRUSTEES (ASSIGNEE): Consider application for assignment and amendment of lease and revision of rent to Lease No. PRC 8407.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 14513 Isleton Road, near Walnut Grove, Sacramento County; for an existing floating boat dock and appurtenant facilities. CEQA Consideration: not a project. (PRC 8407.1; RA# 14316) (A 11; S 3) (Staff: J. Holt)

C35 VAN SICKLE DUCK CLUB, LLC (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Spoonbill Slough at Van Sickle Island, adjacent to Assessor's Parcel Number 0090-060-400, Solano County; for an existing floating boat dock and appurtenant facilities not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27051; RA# 09716) (A 10; S 2) (Staff: J. Holt)

C36 CARRIE JO SIEGLITZ, TRUSTEE OF THE CARRIE JO SIEGLITZ TRUST (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2817 Garden Highway, near Sacramento, Sacramento County; for an existing

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floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 5608.1; RA# 06116) (A 7; S 6) (Staff: J. Holt)

C37 TERENCE ROBERT BUNTON AND PAULINE ELIZABETH BUNTON, TRUSTEES OF THE TERENCE AND PAULINE BUNTON REVOCABLE TRUST DATED SEPTEMBER 11, 2001 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land in the Petaluma River, adjacent to 45 Bridge Road, near Novato, Marin County; for an existing pier and float. CEQA Consideration: categorical exemption. (PRC 3715.1; RA# 15315) (A 10; S 2) (Staff: J. Holt)

C38 TAD J. BOWERS AND MICHELE T. BOWERS (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 14250 Highway 160, near Walnut Grove, Sacramento County; for an existing floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 7392.1; RA# 11316) (A 11; S 3) (Staff: J. Holt)

C39 JAMES A. JUNGE AND CAROLLY J. JUNGE, TRUSTEES OF THE JAMES A. JUNGE AND CAROLLY J. JUNGE 1991 FAMILY TRUST DATED SEPTEMBER 10, 1991 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Georgiana Slough, adjacent to 417 West Willow Tree Lane, near Isleton, Sacramento County; for an existing floating boat dock and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 4115.1; RA# 08816) (A 11; S 3) (Staff: J. Holt)

C40 PACK LLC - SERIES B, A DELAWARE LIMITED LIABILITY COMPANY (ASSIGNOR); PACK LLC SERIES C (ASSIGNEE): Consider assignment and revision of rent for Lease No. PRC 7110.1, General Lease - Recreational and Protective Structure Use, of sovereign land located in the historic bed of the San Joaquin River, adjacent to 2013 Cove Court, Atherton Cove, near Stockton, San Joaquin County; for an existing floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 7110.1; RA# 16616) (A 13; S 5) (Staff: J. Holt)

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C41 CALIFORNIA RESOURCES PRODUCTION CORPORATION (LESSEE): Consider revision of rent to Lease No. PRC 7493.1, a General Lease - Right-of-Way Use, of sovereign land located in Old River, at Union Island, near Tracy, Contra Costa and San Joaquin Counties; for an existing natural gas pipeline. CEQA Consideration: not a project. (PRC 7493.1) (A 14; S 7) (Staff: J. Toy)

C42 JAMES A. CARTER AND JUDITH M. CARTER, TRUSTEES OF THE JAMES AND JUDIE CARTER REVOCABLE TRUST OF 1996 (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 8630.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3001 Garden Highway, near Sacramento, Sacramento County; for a floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 8630.1) (A 7; S 6) (Staff: J. Toy)

C43 BON AIR SEVEN CO. L.P., A CALIFORNIA LIMITED PARTNERSHIP (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 5314.1, a General Lease - Recreational Use, of sovereign land located in the Corte Madera Creek, adjacent to 875 South Eliseo Drive, near Greenbrae, Marin County; for an existing floating boat dock and appurtenant facilities. CEQA Consideration: not a project. (PRC 5314.1) (A 10; S 2) (Staff: J. Toy)

C44 INVERNESS YACHT CLUB (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 12852 Sir Francis Drake Blvd, town of Inverness, Marin County; for an existing walkway, pier, two floating docks, enclosure, unattached piling, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 7957.1; RA# 11716) (A 10; S 2) (Staff: D. Tutov)

C45 POINT REYES OYSTER COMPANY, INC. (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Tomales Bay, adjacent to 19145 State Route 1, near Marshall, Marin County; for a proposed mooring buoy. CEQA Consideration: Negative Declaration, adopted by the



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California State Lands Commission, State Clearinghouse No. 2012082074. (W 27061; RA# 25315) (A 10; S 2) (Staff: D. Tutov)

C46 DUDLEY F. MILLER AND SARAH ALLEN MILLER, TRUSTEES OF THE MILLER AND ALLEN TRUST DATED OCTOBER 23, 1999 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 520 Pierce Point Road, near Inverness, Marin County; for an existing mooring buoy. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (PRC 8453.1; RA# 24315) (A 10; S 2) (Staff: D. Tutov)

C47 DIANE B. GREENE AND MENDEL ROSENBLUM (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 22553 State Route 1, near Marshall, Marin County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 26984; RA# 25715) (A 10; S 2) (Staff: D. Tutov)

C48 MEL F. HAROLD (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19025 State Route 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074 (W 27057; RA# 23615) (A 10; S 2) (Staff: D. Tutov)

C49 CALIFORNIA ACADEMY OF SCIENCES, STEINHART AQUARIUM (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Pacific Ocean, in Greater Farallones and Monterey Bay National Marine Sanctuaries in Sonoma, Monterey, San Mateo, and Marin Counties; for the collection of marine substrate, including live rock and sand. CEQA Consideration: categorical exemption. (W 27065; RA# 13316) (A 2, 10, 22, 24, 29, 30; S 2, 13, 17) (Staff: D. Tutov)

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C50 KENNETH B. WEGNER AND CARI R. WEGNER (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3815 Garden Highway, near Sacramento, Sacramento County; for an existing floating boat dock, platform, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 8672.1; RA# 30715) (A 7; S 6) (Staff: D. Tutov)

C51 JEFFREY A. HART AND TONI T. HART (ASSIGNOR); LEGACY INVESTMENTS, A CALIFORNIA GENERAL PARTNERSHIP (ASSIGNEE): Consider application for an assignment and amendment of lease and revision of rent to Lease No. PRC 8173.1, a General Lease - Recreational Use, of sovereign land located in Steamboat Slough, adjacent to 13737 Grand Island Road, near Walnut Grove, Sacramento County; for an existing boat dock, gangway, and appurtenant facilities. CEQA Consideration: not a project. (PRC 8173.1; RA# 18916) (A 11; S 3) (Staff: D. Tutov)

C52 SCANNAVINO PROPERTIES I, A LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational and Other Use of sovereign land in the historic bed of the San Joaquin River, adjacent to Hog Island, near Stockton, San Joaquin County; for an existing floating boat dock and power cable previously authorized by the Commission and a caretaker's residence and storage structure not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 2832.1; RA# 09916) (A 13; S 5) (Staff: D. Tutov)

C53 CITY OF SAN JOSE (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in Alviso Slough, adjacent to Assessor's Parcel Number 015-01-037, near Alviso, Santa Clara County; for construction, use, and maintenance of a storm water pump station, force main and outfall discharge structure. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of San Jose, State Clearinghouse No. 2016012064, and adoption of a Mitigation Monitoring Program. (W 27047; RA# 08216) (A 25; S 10) (Staff: D. Tutov)

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C54 CPN PIPELINE COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 3768.1, a General Lease - Right-of-Way Use, of sovereign land located in the San Joaquin River between Jersey Island, Sherman Island and Welga Island, adjacent to Assessor's Parcel Numbers 158-0030-008 and 027-010-005, near Antioch, Contra Costa and Sacramento Counties; for an existing natural gas pipeline. CEQA Consideration: not a project. (PRC 3768.1) (A 11; S 3, 7) (Staff: J. Toy)

CENTRAL/SOUTHERN REGION

C55 DEBORAH DIBENEDETTO, TRUSTEE OF THE DEBORAH DIBENEDETTO TRUST, DATED MAY 3, 2007 (LESSEE): Consider revision of rent to Lease No. PRC 3426.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16562 Somerset Lane, city of Huntington Beach, Orange County, for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3246.1) (A 72; S 34) (Staff: S. Avila)

C56 VISHAL MEHTA (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 3292 Gilbert Drive, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: categorical exemption. (PRC 3249.1; RA# 11416) (A 72; S 34) (Staff: S. Avila)

C57 MICHAEL FERRONE, SUCCESSOR TRUSTEE OF THE FERRONE TRUST DATED SEPTEMBER 29, 1988 (LESSEE): Consider correction to prior authorization of Lease No. PRC 9344.1, a General Lease - Protective Structure and Residential Use, of sovereign land adjacent to 19830 Pacific Coast Highway, Malibu, Los Angeles County; for a portion of an existing residence, deck, and concrete bag wall. CEQA Consideration: not a project. (PRC 9344.1; RA# 15015) (A 50; S 27) (Staff: S. Avila)

C58 PORTOFINO COVE YACHT ASSOCIATION, A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION (LESSEE): Consider a correction of lease and an application for an amendment to Lease No. PRC 7304.1, a General Lease - Other, of sovereign land located in Huntington

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Harbour, adjacent to 16291 Countess Drive, city of Huntington Beach, Orange County; to temporarily expand the existing lease area. CEQA Consideration: categorical exemption. (PRC 7304.1; RA# 34115) (A 72; S 34) (Staff: S. Avila)

C59 COUNTY OF TULARE (LESSEE): Consider an amendment, acceptance of a quitclaim deed, revision of rent, and endorsement of subleases for Lease No. PRC 8900.1, a General Lease - Public Agency Use of sovereign land in the Kings River, near Dinuba, Tulare County; for the removal of a lease parcel following completion of the Avenue 416 bridge replacement project. CEQA Consideration: not a project. (PRC 8900.1; RA# 35615) (A 26; S 14) (Staff: S. Avila) Item removed 04/19/17

C60 YOUNG HWAN LEE AND SHAWN S. AHN-LEE, AS TRUSTEES OF YOUNG HWAN LEE AND SHAWN S. AHN-LEE 2007 REVOCABLE TRUST (LESSEE): Consider revision of rent to Lease No. PRC 4096.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16811 Bolero Lane, city of Huntington Beach, Orange County, for an existing boat dock, access ramp and cantilevered deck. CEQA Consideration: not a project. (PRC 4096.1) (A 72; S 34) (Staff: S. Avila)

C61 UNITED STATES BUREAU OF RECLAMATION (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the San Joaquin River, near Mendota, Fresno and Madera Counties; for the construction, operation, use, maintenance, and monitoring of the Mendota Pool Bypass and Reach 2B San Joaquin River Restoration Improvements Project. CEQA Consideration: Environmental Impact Statement/ Environmental Impact Report prepared by the California State Lands Commission, identified as EIS/EIR No. 776, State Clearinghouse No. 2009072044, and adoption of a Mitigation Monitoring Program, Statement of Findings, and Statement of Overriding Considerations. (W 27038; RA# 03416) (A 31; S 12) (Staff: R. Collins) 41

C62 SOUTHERN CALIFORNIA GAS COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the

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Burton Mesa Ecological Reserve, near Lompoc, Santa Barbara County; for an existing natural gas pipeline. CEQA Consideration: categorical exemption. (PRC 8720.1; RA# 23814) (A 35; S 19) (Staff: R. Collins)

C63 ORANGE COUNTY SANITATION DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, near the mouth of the Santa Ana River, city of Huntington Beach, Orange County; for an existing outfall pipeline. CEQA Consideration: categorical exemption. (PRC 4007.9; RA# 15216) (A 74; S 37) (Staff: L. Pino)

C64 ANTHONY J. SOTELO, OR HIS SUCCESSOR TRUSTEE, TRUSTEE OF THE ANTHONY J. SOTELO FAMILY TRUST, DATED JUNE 15, 2011 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 3392 Gilbert Drive, city of Huntington Beach, Orange County; for an existing boat dock and access ramp. CEQA Consideration: categorical exemption. (PRC 3312.1; RA# 17616) (A 72; S 34) (Staff: L. Pino)

C65 GARY AND RUTH J. LEIBOWITZ (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 3422 Gilbert Drive, city of Huntington Beach, Orange County; for an existing boat dock and access ramp. CEQA Consideration: categorical exemption. (PRC 3080.1; RA# 18316) (A 72; S 34) (Staff: L. Pino)

C66 PEBBLE BEACH COMPANY (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to the Pebble Beach Golf Course, Pebble Beach, Monterey County; for three existing seawalls. CEQA Consideration: categorical exemption. (PRC 7958.1; RA# 36115) (A 29; S 17) (Staff: L. Pino)

C67 BRAD ALAN WILLINGHAM AND KIMBERLY LYNN WILLINGHAM, INDIVIDUALLY AND AS TRUSTEE OF THE WILLINGHAM 2005 TRUST, DATED AUGUST 02, 2005 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Huntington Harbor, adjacent to 16951 Bolero Lane, Huntington Beach, Orange County;

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for an existing boat dock, access ramp, and cantilevered deck with partial enclosure. CEQA Consideration: categorical exemption. (PRC 3245.1; RA# 12616) (A 72; S 34) (Staff: L. Pino)

C68 CITY OF PISMO BEACH (APPLICANT/LESSEE/SUBLESSOR); BLAIR W. AND CHERYL A. SHELDON (SUBLESSEE): Consider termination of Lease No. PRC 6674.9, a General Permit - Public Agency Use, an application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean adjacent to Pismo State Beach, Pismo Beach, San Luis Obispo County; for the operation and maintenance of the Pismo Pier, the construction of the Pismo Pier Rehabilitation Project, and endorsement of sublease. CEQA Consideration: categorical exemption. (PRC 6674.9; RA# 20316) (A 35; S 17) (Staff: L. Pino)

C69 MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Salinas River, adjacent to 14811 Del Monte Boulevard, near Marina, Monterey County; for the installation, operation, and maintenance of a water pipeline. CEQA Consideration: Environmental Impact Report, certified by the Monterey Regional Water Pollution Control Agency, State Clearinghouse No. 2013051094, and adoption of a Mitigation Monitoring Program and Statement of Findings. (W 27084; RA# 19916) (A 29; S 17) (Staff: L. Pino)

C70 MARINE BIOENERGY, INC. (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Pacific Ocean, off the Northwest Coast of Santa Catalina Island, Los Angeles County; for the placement, monitoring, data collection, and removal of up to four kelp elevators. CEQA Consideration: categorical exemption. (W 27071; RA# 15916) (A 70; S 26) (Staff: L. Pino)

C71 LAWRENCE C. TISTAERT, TRUSTEE OF THE CHILDRENS TRUST ESTATE OF THE JAMES H. DEWALD AND WANDA E. DEWALD TRUST, DATED AUGUST 13, 1986, AS AMENDED (LESSEE): Consider revision of rent to Lease No. PRC 3569.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent

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to 17051 Bolero Lane, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3569.1) (A 72; S 34) (Staff: J. Toy)

C72 HUNTINGTON BEACH PROPERTIES, LLC (LESSEE): Consider revision of rent to Lease No. PRC 6073.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 3581 Courtside Circle, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 6073.1) (A 72; S 34) (Staff: J. Toy)

C73 PETER N. HEALY, TRUSTEE OF THE PETER N. HEALY AND RITA L. HEALY FAMILY TRUST DATED FEBRUARY 16, 1983, TRUST "A", AS TO AN UNDIVIDED 50% INTEREST; PETER N. HEALY, TRUSTEE OF THE PETER N. HEALY AND RITA L. HEALY FAMILY TRUST DATED FEBRUARY 16, 1983, TRUST "B", AS TO AN UNDIVIDED 43.54% INTEREST; PETER N. HEALY, TRUSTEE OF THE PETER N. HEALY AND RITA L. HEALY FAMILY TRUST DATED FEBRUARY 16, 1983, TRUST "C", AS TO AN UNDIVIDED 6.46% INTEREST (LESSEE): Consider revision of rent to Lease No. PRC 9006.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16791 Bolero Lane, city of Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 9006.1) (A 72; S 34) (Staff: J. Toy)

SCHOOL LANDS

C74 WHR, INC. (APPLICANT): Consider application for a General Lease - Grazing Use, of State-owned Indemnity school land located within portions of Sections 2, 3, 4, 9, and 10, Township 11 North, Range 9 West, MDM, near Cloverdale, Sonoma County, for livestock grazing. CEQA Consideration: categorical exemption. (PRC 6618.2; RA# 15116) (A 2; S 2) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

C75 ALPINE OCEAN SEISMIC SURVEY, INC. (APPLICANT): Consider an application for a General Permit to conduct geophysical surveys on tide and submerged

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lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, adopted by the California State Lands Commission, State Clearinghouse No. 2013072021. (W 6005.175, RA# 15616) (A & S: Statewide) (Staff: R. B. Greenwood)

C76 ALPINE OCEAN SEISMIC SURVEY, INC. (APPLICANT): Consider an application for a Non-Exclusive Geological Survey Permit on tide and submerged lands. CEQA Consideration: categorical exemption. (W 6005.177; RA# 19616) (A & S: Statewide) (Staff: R. B. Greenwood)

C77 CITY OF LONG BEACH (APPLICANT): Consider approval of subsidence costs for vertical measurements and studies, 2017-2018 Fiscal Year, City of Long Beach, Los Angeles County. CEQA Consideration: categorical exemption. (W 10443)(A 70; S 33, 34) (Staff: R. B. Greenwood)

C78 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (APPLICANT): Consider an application for a General Permit to conduct Geological Surveys on State-owned sovereign land, located in the northwestern portion of Owens Lake, Inyo County. CEQA Consideration: categorical exemption. (W 6005.173; RA# 14816) (A 34; S 18) (Staff: R. B. Greenwood)

C79 COASTAL FRONTIERS CORPORATION (APPLICANT): Consider an application for a General Permit to conduct geophysical surveys. CEQA Consideration: Mitigated Negative Declaration, Mitigation Monitoring Program, and addendum, adopted by the California State Lands Commission, State Clearinghouse No. 2013072021. (W 6005.178; RA# 22916) (A & S: Statewide) (Staff: R. B. Greenwood)

C80 SOUTHERN CALIFORNIA EDISON COMPANY (APPLICANT): Consider an application for a Non-Exclusive Geophysical Survey Permit on filled tide and submerged lands, Los Angeles County. CEQA Consideration: categorical exemption. (W 6005.176; RA# 17316) (A 70; S 26) (Staff: R. B. Greenwood)



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C81 VENOCO, LLC (APPLICANT): Consider an Amendment to Negotiated Subsurface (No Surface Use) Natural Gas Lease No. PRC 8990.1, containing approximately 273.69 acres of State sovereign and California Department of Fish and Wildlife lands, Suisun Slough and Montezuma Slough, near Joice Island, Solano County. CEQA Consideration: not a project. (PRC 8990.1; RA# 3112) (A 11; S 3) (Staff: N. Heda)Item removed 04/17/17

C82 ROBERT G. WETZEL (APPLICANT): Consider application for a prospecting permit for minerals other than oil, gas, geothermal resources, sand, and gravel, Assessor's Parcel Number 039-270-01, administered by the Commission as trustee, on approximately 520 acres of fee-owned State school land, within Section 16, Township 23 South, Range 44 East, MDM, located about 8 miles south of Ballarat, Inyo County. CEQA Consideration: categorical exemption. (W 40989; RA# 17016) (A 26; S 8) (Staff: V. Perez)

C83 CITY OF LONG BEACH (APPLICANT): Consider acceptance of the Long Beach Unit Program Plan (July 1, 2017, through June 30, 2022), and the Annual Plan (July 1, 2017, through June 30, 2018), Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 17166) (A 70; S 33, 34) (Staff: E. Tajer)

MARINE ENVIRONMENTAL PROTECTION

C84 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of proposed amendments and additions to the California Code of Regulations, Title 2, Division 3, Chapter 1, Article 4.8 - Biofouling management to minimize the transfer of nonindigenous species from vessels arriving at California ports. CEQA Consideration: categorical exemption. (W 9777.291, W 9777.234) (A & S: Statewide) (Staff: C. Scianni, P. Huber) Item revised 04/19/17

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ADMINISTRATION - SEE REGULAR

LEGAL

C85 UNITED STATES DEPARTMENT OF THE ARMY (PARTY): Consider a request for Cession of Concurrent Criminal

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Jurisdiction pursuant to Government Code Section 126 at the National Training Center and Fort Irwin, San Bernardino County. CEQA Consideration: not a project. (W 23751) (A 33; S 16) (Staff: J. Frey, B. Johnson)

C86 CALIFORNIA STATE LANDS COMMISSION, THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER, THE COUNTY OF INYO, THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, THE CALIFORNIA STATE LANDS COMMISSION, THE SIERRA CLUB, THE OWENS VALLEY COMMITTEE, AND CARLA SCHEIDLINGER (PARTIES): Consider delegating authority to the Executive Officer to amend, in coordination with other signatory parties, the Memorandum of Understanding between the Parties, to remove Carla Scheidlinger as a Party. CEQA Consideration: not a project. (W 26264) (A 26; S 3) (Staff: J. Garrett)

C87 CALIFORNIA STATE LANDS COMMISSION AND C.S. LAND, INC. (PARTIES): Consider delegating authority to the Executive Officer to enter into a memorandum of understanding between the California State Lands Commission and C.S. Land, Inc., for cooperative efforts related to the remediation and control of contamination at the Selby Slag Site, Contra Costa County. CEQA Consideration: not a project. (W 5736) (A 14; S 3, 9) (Staff: W. Hall, C. Huitt, B. Johnson, K. Oliver)

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS

C88 CITY OF ALAMEDA AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider the revised phase area boundaries and the hazardous material remediation finding for the closing phase 2.5 as required by the Naval Air Station Alameda Title Settlement and Exchange Agreement. CEQA Consideration: not a project. (AD 617; W 25109; G 01-01) (A 16; S 9) (Staff: R. Boggiano, J. Porter)

C89 CALIFORNIA STATE LANDS COMMISSION: Review a proposed expenditure increase of tideland oil revenues in an amount not to exceed \$1,465,000 by the city of

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Long Beach for a capital improvement project located adjacent to legislatively granted sovereign land in the city of Long Beach. CEQA consideration: not a project. (A 70; S 33) (Staff: M. Moser)

V INFORMATIONAL

90 CALIFORNIA STATE LANDS COMMISSION: Legislative Report providing information and a status update concerning state and federal legislation relevant to the Commission. CEQA consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)

91 CALIFORNIA STATE LANDS COMMISSION (PARTY): Staff Report on the monitoring of possible subsidence, Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 10442, W 16001) (A 70; S 33, 34) (Staff: R. B. Greenwood)

VI REGULAR CALENDAR 92-98

92 CALIFORNIA STATE LANDS COMMISSION: Consider supporting AB 1472 (Limon) that would specify the factors the Commission may consider when evaluating an application to assign, transfer, or sublet an oil and gas lease, and to define an assignee. CEQA Consideration: not applicable. (A & S: Statewide)(Staff: S. Pemberton) 38

93 CALIFORNIA STATE LANDS COMMISSION: Consider supporting AB 725 (Levine) and SB 386 (Glazer) that would prohibit smoking or disposing of used cigarette waste on a state beach or in a state park. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton) 40

94 CALIFORNIA STATE LANDS COMMISSION AND PORT OF SAN FRANCISCO (INFORMATIONAL): Informational presentation by Port of San Francisco representatives on the Port's Seawall Resiliency Project. CEQA Consideration: not applicable. (G 11-01) (A 17; S 11) (Staff: J. Lucchesi) 87

95 CALIFORNIA STATE LANDS COMMISSION AND SAN DIEGO UNIFIED PORT DISTRICT (INFORMATIONAL): Informational presentation by Port of San Diego

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representatives on the Port's Master Plan Update. CEQA Consideration: not applicable. (G 10-08) (A 78, 80; S 39, 40) (Staff: J. Lucchesi)	100
96 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of the 2017 Category 1 Lake Tahoe Berths, 2017 Category 1 Lake Tahoe Buoys, and 2017 Category 2 Lake Tahoe benchmark rental rates for sovereign land in El Dorado and Placer counties. CEQA Consideration: not a project. (W 27088) (A 1, 5; S 1) (Staff: N. Lee) Item removed 04/19/17	2
97 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational update on the California Oil Spill Prevention, Response, and Preparedness Program Performance Audit. CEQA consideration: not applicable. (A & S: Statewide) (Staff: D. Cook) Item revised 04/12/17	112
98 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational report on efforts to update the Commission's environmental justice policy. CEQA consideration: not applicable. (A & S: Statewide) (Staff: S. Pemberton)	116
VII PUBLIC COMMENT	4
VIII COMMISSIONERS' COMMENTS	125
IX CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE FOLLOWING PURSUANT TO GOVERNMENT CODE SECTION 11126:	37
A. LITIGATION. THE COMMISSION MAY CONSIDER PENDING AND POSSIBLE LITIGATION PURSUANT TO THE CONFIDENTIALITY OF ATTORNEY-CLIENT COMMUNICATIONS AND PRIVILEGES PROVIDED FOR IN GOVERNMENT CODE SECTION 11126(e).	

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1. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(A):	
California State Lands Commission v. City and County of San Francisco	
Seacliff Beach Colony Homeowners Association v. State of California, et al.	
SLPR, LLC, et al. v. San Diego Unified Port District, California State Lands Commission	
San Francisco Baykeeper v. California State Lands Commission	
Center for Biological Diversity v. California State Lands Commission	
City of Santa Monica, et al. v. Nugent	
City of Santa Monica, et al. v. Ornstein	
City of Santa Monica, et al. v. Bader	
City of Santa Monica, et al. v. Levy	
City of Santa Monica, et al. v. Philbin	
City of Santa Monica, et al. v. Greene	
City of Santa Monica, et al. v. Prager	
Sierra Club et al. v. City of Los Angeles, et al.	
United States v. Walker River Irrigation District, et al.	
United States v. 1.647 Acres	
Nowel Investment Company v. State of California; California State Lands Commission	
Little Beaver Land Company, Inc. v. State of California	

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City of Goleta v. California State Lands  
Commission

World Business Academy v. California State  
Lands Commission

In re: Rincon Island Limited Partnership  
Chapter 11

San Francisco Baykeeper v. California State  
Lands Commission II

Martins Beach 1, LLC and Martins Beach 2, LLC  
v. Effie Turnbull-Sanders, et al.

SOS Donner Lake v. State of California,  
et al.

2. The commission may consider matters that fall  
under government code section 11126(e)(2)(B)  
or (2)(C).

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.  
THE COMMISSION MAY CONSIDER MATTERS THAT FALL  
UNDER GOVERNMENT CODE SECTION 11126(c)(7) - TO  
PROVIDE DIRECTIONS TO ITS NEGOTIATORS REGARDING  
PRICE AND TERMS FOR LEASING OF REAL PROPERTY.

- C. OTHER MATTERS  
The Commission may also consider personnel  
actions to appoint, employ, or dismiss a public  
employee as provided for in Government Code  
Section 11126(a)(1).

Adjournment 125

Reporter's Certificate 126

1 P R O C E E D I N G S

2 CHAIRPERSON NEWSOM: We're all set. Let me turn  
3 this on. Thank you all for your patience. I call this  
4 meeting of the Stand Lands Commission to order.

5 All the representatives of the Commission are  
6 present. And for those of you that are here for the first  
7 time, or for those that want to understand what it is we  
8 do, the State Lands Commission manages State property  
9 interests in over five million acres of land, including  
10 mineral interests.

11 The Commission has responsibility of prevention  
12 of oil spills, mineral oil terminals, and offshore oil  
13 platforms, and for preventing the introduction of marine  
14 invasive species into the California marine waters.

15 Today, we'll hear requests and presentations  
16 involved within the jurisdiction of the Commission. And  
17 we have a number of items, including closed session. We  
18 have things that are scheduled to be done in a certain  
19 order that we're going to take out of order. That will  
20 upset some of you, but we're trying to accommodate most of  
21 you.

22 I won't blame my staff, but if you're upset,  
23 perhaps we can talk to them. If you're supportive, I hope  
24 you consider me fondly.

25 (Laughter.)

1 CHAIRPERSON NEWSOM: The biggest though, I think,  
2 in terms of accommodation thing we can do is to the  
3 consent calendar now. And then we will open it up for  
4 public comment, and then we will go into closed session  
5 and get to the regular schedule. There's a method to that  
6 madness. But the consent calendar, I think, colleagues,  
7 would be the appropriate first thing to take up.

8 EXECUTIVE OFFICER LUCCHESI: Right. So I would  
9 like to remove some items completely from the agenda and  
10 also move some items to the regular agenda, because of a  
11 desire by members of the public to speak on those.

12 CHAIRPERSON NEWSOM: Right.

13 EXECUTIVE OFFICER LUCCHESI: So I would like to  
14 remove consent items C 59, and C 81, and regular item 96,  
15 and remove those completely from the agenda to be heard at  
16 a later time.

17 And then I would like to move C 61, and C 84 from  
18 the consent agenda to the regular agenda.

19 CHAIRPERSON NEWSOM: Great. So just on the first  
20 motion item 59, 81, and 96, can I get a motion to punt  
21 those and move them to another agenda.

22 ACTING COMMISSIONER ORTEGA: So moved.

23 COMMISSIONER YEE: Second.

24 CHAIRPERSON NEWSOM: So moved

25 Without objection we'll move those items to



1 another agenda.

2           And then just briefly was anyone here that wished  
3 to speak on those specific items, on 59, 81, or 96?

4           Good. We'll close public comment on that.

5           And then on the second motion to take from the  
6 consent calendar Items 61 and 84 and move it to the  
7 regular calendar. Is there a motion?

8           COMMISSIONER YEE: So moved.

9           ACTING COMMISSIONER ORTEGA: Second.

10          CHAIRPERSON NEWSOM: Moved and seconded, without  
11 objection.

12          And we'll give anyone a chance to discuss those  
13 two items, unless they choose to now. We'll give you that  
14 chance later.

15          Perfect. We'll close public comment on that.

16          And the rest of the consent calendar subject to  
17 any of you wishing to pull any items.

18          Is there a motion to approve the consent  
19 calendar?

20          COMMISSIONER YEE: So moved.

21          ACTING COMMISSIONER ORTEGA: Second.

22          CHAIRPERSON NEWSOM: Moved. Seconded. Without  
23 objection.

24          Anyone here want to discuss any of those items?

25          Again, that will then close the official public

1 comment for this item. And that would then move us to the  
2 next item.

3 EXECUTIVE OFFICER LUCCHESI: Which is public  
4 comment?

5 CHAIRPERSON NEWSOM: Public comment, which  
6 hopefully pleases many of you that came here for this  
7 item.

8 (Laughter.)

9 CHAIRPERSON NEWSOM: And so I have -- you've --  
10 most of you, and if all of you haven't, don't worry. If  
11 you could, I'd appreciate if you can fill out one of these  
12 cards. If you don't have one of these cards, people up  
13 front do.

14 And if you forget, or you can't find it, or, you  
15 know, remind at the end, but a number of you have. And in  
16 no particular order I think a number of you have come up  
17 on a specific item. And I'll call you, and you can come  
18 in any order you choose. But I'll ask -- and I apologize  
19 in advance for my inability to pronounce your name. And  
20 read your writing.

21 But Ed Thornton, Lee Shanian[sic] or  
22 Shanian[sic]. We've got -- let's see, Ryan Kallabis. And  
23 those -- the three of you, if you want to just start  
24 moseying up, that's great. And we'll get to the rest of  
25 you.

1 Sir, thank you.

2 DR. THORNTON: Okay. Commissioners, thank you  
3 for the accommodation. My name is Ed Thornton. I'm a  
4 coastal scientist who has studied coastal erosion in  
5 southern Monterey Bay since 1985. I address the very  
6 large negative impact on State Lands by the CEMEX sand  
7 mining operation and marina. Sand is hydraulically mined  
8 by a dredge boat located in the self-made pond just above  
9 the shoreline.

10 CEMEX mines more than a quarter of a million  
11 cubic yards of sand annually. The pond is periodically  
12 filled during times of high tide coincident with storm  
13 waves that carry coarse sand over the berm into the pond.  
14 The sand that is captured originates from land below the  
15 high tide line, and therefore the operation comes under  
16 the jurisdiction of the State Lands Commission.

17 Sand is transported below high tide along the  
18 shore both north and south at this location, such that the  
19 loss of sand causes erosion. That is a loss of State  
20 Lands, along the entire southern Monterey by shoreline.

21 Based on my latest publication in the Journal of  
22 Marine Geology, in February this year, prior to  
23 significant sand mining in 1945, the shoreline was growing  
24 not eroding. Since the introduction of sand mining, the  
25 shoreline has severely eroded. Erosion rates at Marina

1 now exceed six feet annually, and make them among the  
2 highest in California

3           The total amount of beach land lost along the  
4 shores in southern Monterey Bay attributed to the CEMEX  
5 sand mining operation is more than six acres annually, or  
6 approximately 300 acres, since the mine started operation  
7 in 1960s.

8           All of this land was initially located below the  
9 high tide line and was taken out of the Public Trust for  
10 free. Additionally, there are times when the pond becomes  
11 navigable waters with the ocean, when the channel -- a  
12 channel forms below the high water mark. And this I  
13 presented to the State Lands Commission staff in November  
14 last year. Therefore, again, the State Lands has  
15 jurisdiction over the operation.

16           We ask that you support the ongoing California  
17 Coastal Commission cease and desist order to close the  
18 CEMEX sand mine.

19           Thank you.

20           CHAIRPERSON NEWSOM: Thank you very much.

21           Now I realize you guys -- there's -- there's  
22 numbers attached. I think you guys came here in a  
23 coordinated manner.

24           (Laughter.)

25           CHAIRPERSON NEWSOM: And if that's the case, you

1 already know your order, so why don't you just come on up,  
2 as you choose, because I imagine there's a narrative  
3 you're trying to create here, and then just state your  
4 name for the record, rather than me jumping around and  
5 getting this wrong, because I see you've got number 1, 2,  
6 3 -- you've got some order that you want to advance.

7           So come on up in that order.

8           Thank you.

9           MS. MITCHELL: Thank you. Good afternoon. My  
10 name is Francie Mitchell. And I'm here today as a native  
11 Californian, who's lived on the California coast my entire  
12 life, and I deeply love our beautiful beaches. When I  
13 learned about the impact of sand mining on our coastal  
14 erosion, and specifically the impact of the CEMEX lapis  
15 sand mine, I was horrified.

16           I felt that I needed to speak so that my children  
17 and my grandchildren can enjoy the unique quality of life  
18 in California that I have all these years.

19           The CEMEX lapis sand mine in Marina is the only  
20 coastal sand mine in the United States. All the other  
21 coastal sand mines have been -- except for this one, have  
22 been shuttered years ago because of coastal erosion  
23 concerns.

24           It is a reminder of how we used to think our  
25 natural resources were inexhaustible, but not how we

1 should manage them now or in the future. As Ed said, for  
2 many years, CEMEX has been digging a large pit right at  
3 the edge of their property above the high tide line  
4 bordering a California State beach. Sand from this public  
5 beach has washed into the pit where the tides trap it in  
6 the pit and the sand is then sucked up from the pit,  
7 dredged, sold to -- for profit.

8 That sand belongs to California's citizens and is  
9 critical to the health of the entire Monterey Bay and it's  
10 being trapped, as I said, and sold for profit.

11 CEMEX may say that this is an environmental  
12 responsible process. However, the pit is not natural.  
13 CEMEX does not have a magic pond that creates sand. The  
14 270,000 cubic yards of sand a year that they remove from  
15 the beach year after year has to come from somewhere. It  
16 comes from the ocean and it comes from the beach below the  
17 high tide line.

18 The Monterey City Council, peninsula mayors,  
19 Santa Cruz Board of Supervisors, and the Coastal  
20 Commission feel that it is time for the sand mine to be  
21 shuttered. So the question remains, why is this plant  
22 allowed to operate? And that's the elephant in the room.

23 We cannot sit idly by and allow this unique  
24 California resource to be packed and tucked away in 50  
25 pound bags. As a concerned citizen, I ask that the State

1 Lands Commission conduct your own investigation in the  
2 CEMEX sand mining operation to determine if CEMEX is, in  
3 factory, moving Public Trust sand in the conduct of its  
4 business.

5 Please support the California Coastal Commission  
6 in enforcing the cease and desist order or any other  
7 legally binding means that would result in a shutdown of  
8 the CEMEX lapis sand mine Marina, California. Please do  
9 the right thing and stop sand mining in Monterey Bay.

10 Thank you.

11 CHAIRPERSON NEWSOM: Thank you.

12 Next speaker please.

13 Is this Lee?

14 MS. WAISBLUTH: No.

15 CHAIRPERSON NEWSOM: Oh, see, you do have your  
16 own order. All right. All right.

17 (Laughter.)

18 MS. WAISBLUTH: I'm just jumping in. I can't  
19 take it anymore.

20 (Laughter.)

21 MS. WAISBLUTH: So, sir -- thank you. I've got a  
22 couple pictures to show.

23 CHAIRPERSON NEWSOM: Great.

24 MS. WAISBLUTH: Hello, Commissioners. Thank you  
25 again for the accommodation. My name is Ximena Waisbluth.

1 I'm with the Surfrider Ride Foundation, Monterey Chapter.

2 And I want to start with what I think is the crux  
3 of the issue for State Lands Commission, which is whether  
4 this agency has jurisdiction over the sand mine. It is  
5 true that the dredge boat is in a -- in a CEMEX made pond  
6 or pit above the mean high tide line. Indeed, that's how  
7 CEMEX has evaded jurisdictional oversight for all these  
8 decades from State Lands, from Army Corps of Engineers,  
9 from the Monterey Bay National Marine Sanctuary.

10 However, as stated before, it is incontrovertible  
11 that the actual lands under water, the Public Trust lands,  
12 are exactly what is being mined, and taken away every day.  
13 And you can see from this picture where the ocean does all  
14 the work and is just pushing the sand from below the high  
15 tide line into this pond.

16 If you'd look at the next slide, please --

17 --o0o--

18 MS. WAISBLUTH: -- that's sideways.

19 (Laughter.)

20 MS. WAISBLUTH: The next slide shows the channel  
21 that Dr. Thornton was talking about that sometimes is so  
22 deep that we can not cross it.

23 And then the next slide where we -- like that.  
24 There's the channel. And then in the next slide, we can  
25 see this is a new dredge boat, and that's what's very



1 disheartening to us, just put in a few weeks ago. And  
2 there's a lot of bulldozing around there. And then the  
3 final slide shows just the amount of erosion that starts  
4 here in Marina and goes for over 10 miles through Seaside,  
5 Sand City, and Monterey over 10 miles of very, very strong  
6 erosion.

7           On my way here this morning, my seven year old  
8 daughter asked why am I driving to San Francisco.  
9 Everything San -- everything north is San Francisco to  
10 her. Why am I driving to San Francisco? And I said,  
11 to -- so they stop taking the sand away. And she said,  
12 tell them it's not fair. It's -- so it's not fair. I'm  
13 telling you this from her. And it's really not fair. I  
14 don't want to sappy, but it's really not fair to the  
15 children. I don't get it. I don't care -- get how this  
16 is okay. And it will -- the beaches will disappear for  
17 our kids. It's just -- it's just not right.

18           So we implore you to assert your jurisdictional  
19 oversight to partner with the California Coastal  
20 Commission. If it takes two State agencies for -- then  
21 all the better. We really need the leadership. Maybe  
22 you've seen the documentary Sand Wars. It's come -- it  
23 came out last year. And with that, I think, movie and  
24 extensive coverage -- media coverage lately, this has  
25 become sort of a burgeoning environmental issues of the

1 21st century that people are starting to realize.

2           And I think it would be a real significant  
3 symbolic and real victory, if the State of California told  
4 the second largest concrete manufacturing company in the  
5 world that we will not allow any more mining of our  
6 beaches. Thank you.

7           CHAIRPERSON NEWSOM: Thank you.

8           Thank you, sir. Any by the way, thank you, all  
9 the speakers of the time limit as well. I'm very  
10 grateful.

11           Sir.

12           MR. SHAHINIAN: Thank you. My name is Lee  
13 Shahinian. Thank you for letting me speak this afternoon.  
14 I'm here to ask you to stop the sand mining in Monterey  
15 Bay. I'm a native Californian, born in San Francisco 72  
16 years ago. My wife and I treasure our condominium on the  
17 coast in Monterey. However, we are alarmed to see  
18 progressive erosion every year of the sandy beach there.  
19 This loss of sand directly threatens not only the survival  
20 of the community's beautiful public beach, but also the  
21 survival of our home and those of our neighbors in our  
22 60-unit complex.

23           Several years ago, we were surprised to learn  
24 from CEMEX -- we were surprised to learn that CEMEX sand  
25 mining in Marina is the principal cause of this beach

1 erosion. Today, we have all heard from Professor Thornton  
2 that CEMEX is removing about 270,000 cubic yards of sand  
3 from the coastal system every year. To put a face on that  
4 number, imagine a pile of sand 10 feet high, 100 feet  
5 wide, and 1.4 miles long. That's a lot of sand.

6           The natural flow of sand in the coastal system  
7 Monterey Bay is being short circuited by this CEMEX sand  
8 mining. CEMEX has replaced a natural two-way street with  
9 a one-way deadened exit. Other marine scientists, such as  
10 Professor Gary Griggs at UC Santa Cruz, and Dr. David Dr.  
11 Revell, a geomorphologist and consultant to the City of  
12 Monterey agree with Dr. Thornton's findings.

13           What has CEMEX presented in its defense?

14           I have attached a February 21 -- February 21  
15 letter from Mike Egan, CEMEX executive vice president and  
16 and general counsel addressed to the city attorney of  
17 Monterey. Mr. Egan states quote, "CEMEX does not believe  
18 the conclusion of Dr..." -- "...of Professor Thornton is  
19 valid for many reason, including the numerous assumptions  
20 of facts made and failure to follow and apply recognized  
21 methods with respect to beach erosion analysis", unquote.

22           However, CEMEX has offered no scientific expert  
23 or study to support their position that continued sand  
24 mining is not causing beach erosion in southern Monterey  
25 Bay.

1           In an era when scientific evidence is so  
2 important, simple denial of the facts is not a  
3 satisfactory response. I hope the public comments today  
4 make clear the need to stop this environmentally  
5 destructive activity. Please take immediate action  
6 coordinating your efforts with the California Coastal  
7 Commission to stop the CEMEX sand mining in Marina,  
8 California.

9           Thank you very much

10          CHAIRPERSON NEWSOM: Thank you.

11          MR. KALLABIS: I believe it's good afternoon now,  
12 Commissioners.

13           I am Bryan Kallabis. I'm with Save Our Shores as  
14 a communications manager. As you can see, I stand and sit  
15 with concerned citizens, scientists, policymakers, and  
16 also activists of the ocean, the Monterey Bay National  
17 Marine Sanctuary. And we're here today talking about the  
18 sand mine. I want to talk about what we've done to get  
19 here.

20           Save Our Shores and Surfrider has tried to  
21 coalesce a large group of people to learn about this  
22 issue, so that you can make a decision on it. And what  
23 we're requesting today is for you to review the facts,  
24 review the science, and to lend a hand in helping remove  
25 what we believe is unpermitted and illegal activity on the

1 Monterey Bay National Marine Sanctuary.

2           It started with Sand Wars. About a few -- last  
3 year, Surfrider Monterey started showing Sand Wars, a  
4 documentary about the effects of what sand mining is doing  
5 around the world. From there, we drew parallels to the  
6 sand mine in Marina, California. We started showing the  
7 sand mine in both -- Sand Wars about the sand mind and  
8 drawing parallels holding panels, not only in Monterey, in  
9 Marina, Santa Cruz, and throughout the Monterey Bay. We  
10 now have a united one Monterey Bay National Marine  
11 Sanctuary.

12           Today, what we are doing is we are providing a  
13 coordinated letter-writing campaign to you both. As you  
14 can see, this letter-writing campaign is very special to  
15 us. We have brought together, not only artists, but also  
16 scientists and policymakers to write. What we have here  
17 is a tongue in cheek kind of cartoon that is directing  
18 towards you both to please use your jurisdictions to end  
19 this sand mine.

20           I'm not going to talk about how much is being  
21 taken out, and how much it has been doing -- what type of  
22 degradation has been happening to our coastline. But I'm  
23 trying here to talk to you about that there's a massive  
24 amount of public support for this issue, and that we hope  
25 that you would lend the hand and notice that this is now

1 becoming a State Lands Commission jurisdiction. Please  
2 use your tools at hand. Please be the voice of the  
3 individuals that live, and enjoy, and visit the Monterey  
4 Bay National Marine Sanctuary to finally end illegal sand  
5 mining.

6 Thank you.

7 CHAIRPERSON NEWSOM: Grateful. Thank you, Ryan.

8 Who's up next?

9 MS. BIALA: Good afternoon. My name is Kathy  
10 Biala, and I'm resident of Marina in whose jurisdiction  
11 the CEMEX sand mining plant operates. Our city, whose  
12 local coastal plan is being enforced by the California  
13 Coastal Commission is deeply concerned that significant  
14 erosion on the Monterey Bay is directly attributed to the  
15 CEMEX sand mining operations.

16 The proximity of the plant within our city has  
17 resulted in the highest loss of land on the Monterey Bay.  
18 The Monterey Bay peninsula is a special haven for  
19 thousands of visitors who seek recreation, reflection, and  
20 repose on our lovely beaches. And as such, it is also an  
21 important economic engine for the region. In addition,  
22 Marina has incredibly pristine beaches with threatened  
23 bird and animal species on our dunes and shoreline. The  
24 severe erosion is radically changing the depth of the --  
25 our beaches and the configuration of our pre-glacial

1 dunes.

2           May I have the first photo please.

3           This was seen popping up from the sand.

4           Next.

5           Next photo.

6   --o0o--

7           MS. BIALA: And it turned out to be black tape of  
8 this outfall pipe.

9           Next.

10   --o0o--

11           MS. BIALA: These are pictures of the concrete  
12 platforms that are collapsing.

13           Next.

14   --o0o--

15           MS. BIALA: This is that outfall plant. That  
16 blue pipe had to be replaced and capped. And you can see  
17 the erosion.

18           Next, please.

19   --o0o--

20           MS. BIALA: Another concrete slab.

21           Next.

22   --o0o--

23           MS. BIALA: The erosion on our State beaches.

24           Next.

25   --o0o--

1 MS. BIALA: Pipes sticking out from the face of  
2 the dunes.

3 Next.

4 --o0o--

5 MS. BIALA: As you can see. Thank you.

6 The State Lands Commission jurisdiction lies  
7 below the mean high tide line, and includes the beds of  
8 tidal and navigable waters. And this tide line continues  
9 to move inland encroaching on the dunes. And at the CEMEX  
10 site, as mentioned before, there are -- there can be free  
11 flow of water and sand moving into channels from the ocean  
12 to the dredging pond, where the sand is then extracted by  
13 CEMEX. This in turn affects the natural flow of sand  
14 further south to the Monterey peninsula. This massive  
15 amount of sand loss would appear to be in -- to be within  
16 the jurisdiction of the State Lands Commission as the  
17 taking of Public Trust resources.

18 We urge you to undertake an investigation as to  
19 the legalities of the CEMEX take of sand, followed by any  
20 relevant enforcement activities or collaboration with the  
21 California Coastal Commission. With inaction comes yet  
22 another year of CEMEX extractions of our land and the free  
23 take of a public resource for corporate profit.

24 I just want to show you. This is obviously not  
25 the 50 pounds in here, but this is sold at Home Depot



1 for -- we bought it for 4.15. It's now 4.99. So the  
2 price is going up. But it's the Monterey lapis luster,  
3 which is the highest grade sand, and it's being sold and  
4 put in bags instead of on our beaches.

5 Thank you very much.

6 CHAIRPERSON NEWSOM: Thank you.

7 Next speaker, please?

8 MS. O'DEA: Good afternoon, Commissioners. My  
9 name is Katherine O'Dea. And I am the executive director  
10 of Save Our Shores. This organization, my organization,  
11 works to protect the marine environment along the entire  
12 Monterey Bay National Marine Sanctuary from at least Half  
13 Moon Bay down to Big Sur. So you can see why we're very  
14 interested and concerned about this issue.

15 So I come bearing gifts, which I'll get to in  
16 just a minute. But I think clearly based on the  
17 statements my colleagues have made before me and in the  
18 written comments I submitted last week, CEMEX cannot be  
19 allowed to continue to operate. Our advocacy efforts have  
20 thus far resulted in the Coastal Commission sending a  
21 letter of intent to pursue a cease and desist order of the  
22 company -- to the company.

23 However, that was over a year ago. It happened  
24 on March 17th 2016. During this negotiation period, we've  
25 lost another estimated 5.6 acres of dune, which is caused

1 an additional six acres of erosion, on top of the loss we  
2 have suffered for the decade since CEMEX has been  
3 operating the mine in years before that.

4           While we understand that the Commission is trying  
5 its best to negotiate with CEMEX in efforts to avoid  
6 litigation, we can't afford to lose even one more cubic  
7 yard of sand.

8           It also seems clear CEMEX is not interested in  
9 doing the right thing here. Therefore, we ask the State  
10 Lands Commission to conduct your own investigation of the  
11 CEMEX sand mining operation and determine if CEMEX is  
12 removing Public Trust sand from the mean high tide line in  
13 the conduct of its business, which we understand would be  
14 cause for action on your part.

15           Should you determine that there is cause to take  
16 action against CEMEX, we ask that action be in the form of  
17 a cease and desist order or any other legally binding  
18 means that will force a shut down of the CEMEX plant.

19           We further ask that you coordinate your action  
20 with the actions of the California Coastal Commission  
21 regarding the CEMEX issue. We ask this not only on behalf  
22 of the concerned citizens who have made a drive up here  
23 from Santa Cruz and Monterey counties, but the hundreds of  
24 citizens who have signed protest cards asking for the  
25 closure of the CEMEX mine.

1           As a colleague mentioned, we have been running a  
2 month-long letter-writing and petition-signing campaign,  
3 and we have collected over a thousand cards and even more  
4 signatures. We brought a box here for you today, and I  
5 hope you will let me leave it with you.

6           It contains only a few hundred of those letters,  
7 and we will be mailing the others to you and to the  
8 Coastal Commission

9           I have also brought for your consideration on a  
10 thumb drive for each of you, if you are interested in  
11 accepting it, a nine-minute video, a documentary, which we  
12 made specifically of the CEMEX sand mining operation. The  
13 Sand Wars movie that was mentioned prior talks about sand  
14 mining around the globe, and the incredible devastation it  
15 causes to all coast lines. This focuses on ours.

16           And in closing, I just say thank you, and please  
17 take a stand to save our sand. Its removal of any -- in  
18 any volume is an egregious offense against a designated  
19 marine sanctuary.

20           CHAIRPERSON NEWSOM: Grateful.

21           MS. O'DEA: Where may I --  
22 Kimberly.

23           MS. O'DEA: Will you accept the thumb drives?

24           CHAIRPERSON NEWSOM: Yes, as well, please.

25           Thank you.

1 MS. O'DEA: If you wish, it's only a nine-minute  
2 video, if you wish to take three more speaking sessions.

3 (Laughter.)

4 CHAIRPERSON NEWSOM: No, I appreciate it.

5 MS. O'DEA: Thank you so much.

6 CHAIRPERSON NEWSOM: We'll see how the rest of  
7 the meeting goes.

8 Anyone else on this item?

9 Sir, please come on up.

10 And this, I'm remind everyone, is general public  
11 comment as well, so beyond just this specific issue,  
12 please feel free.

13 MR. PINE: Hello. My name is Zach Pine, and I'm  
14 a Berkeley resident. I was born in the Bay Area. And  
15 I've stayed in California because I love the State of  
16 California and its lands. I know the Commission is here  
17 because you also care about the lands. I want to harken  
18 back to one of the earlier speakers who mentioned her  
19 daughter. The reason I want to do that is because it's  
20 been shown that people who take care of things as adults,  
21 are people who get attached to them as children.

22 So our children now are running the risk of being  
23 deprived of their coastline, and one of the reasons why we  
24 all love California. My current work as an  
25 environmentalist and environmental artist is founded on

1 the days that I spend on the beach as a child in  
2 California. Please save our sand.

3 Thank you.

4 CHAIRPERSON NEWSOM: Appreciate it. Thank you.

5 Can I have -- a number of other that I think are  
6 unrelated. George Clyde and Jennifer Savage and number of  
7 others that may be here.

8 MR. CLYDE: Yes, I'm George Clyde, Chairman  
9 Newsom, Commissioners, and staff.

10 CHAIRPERSON NEWSOM: Great.

11 MR. CLYDE: I'm a member of the East Shore  
12 Planning Group, a group of property owners in Tomales Bay.  
13 Many of our homes are on patented lands on the bay.

14 In some cases, these lands, there are structures  
15 there that extend beyond the borders of the deeded lands,  
16 in which case leases are obtained from State Lands. In  
17 some cases, they're structures that go into submerged  
18 lands, and leases are obtained from State Lands.

19 But in most cases, these are fee title holdings,  
20 where the property owner owns the land, does not require  
21 to lease anything, and owns it free and clear, subject to  
22 the Public Trust Doctrine that was established by Marks v.  
23 Whitney in Tomales Bay quite a few years ago.

24 The reason I'm here is that three years ago you  
25 revised some regulations to add a definition of sovereign

1 lands. And that definition of sovereign lands does not --  
2 says -- on tidal waterways the State's sovereign fee  
3 ownership extends landward to the ordinary high water mark  
4 except for areas of fill or artificial accretion or where  
5 the boundary has been fixed by agreement or a court order.

6 That does not exclude in the definition patented  
7 lands. It would suggest, by most readers, that our  
8 patented lands that we own are sovereign lands, which is  
9 not the position of the Commission staff. And when we  
10 raised it late in the process in 2014, we were told by the  
11 Executive Director, so this is on our to-do list to  
12 reevaluate that definition in the next go-around for  
13 updating the land management regulations, because it  
14 clearly is a confusion that would suggest that our  
15 properties are not our properties, they're State Lands.

16 The -- I'm back here again three years later to  
17 tell you that we're still interested in that. Since that  
18 time, last year, you had some administrative regulations,  
19 where you had a similar definition under -- of State  
20 Lands establishing a definition for essentially the same  
21 lands. And that has -- that's proper. It says State  
22 Lands excludes those lands legislatively granted in trust  
23 to local jurisdictions, and lands where the underlying fee  
24 is not held by the State, but subject to a Public Trust  
25 easement. That's our case.

1           And so now we have two different definitions of  
2 essentially the same lands with the confusion that ought  
3 to be addressed just as a matter of housekeeping. Lastly,  
4 as there's coastal -- the sea level rise, the definitions  
5 of where your land begins and end becomes more important,  
6 because with sea level rise, people who have property  
7 that's defined by State -- by the high water mark are  
8 getting more or less property, depending on that.

9           So it's becoming more and more important, I  
10 think, that the Commission and staff address this issue at  
11 the early opportunity. I hope I won't have to come back  
12 again in three years and make the same speech.

13           Thank you very much.

14           CHAIRPERSON NEWSOM: Thank you very much, Mr.  
15 Clyde. Thank you.

16           Jennifer.

17           MS. SAVAGE: Good afternoon, Commissioners.  
18 Jennifer Savage, California Policy Manager Surfrider  
19 Foundation. I actually wasn't planning to be here today  
20 for reasons unrelated to how much I enjoy the opportunity  
21 to come here every time you meet.

22           But then the news about Venoco came out. And  
23 even though I was way up in Humboldt county, where I  
24 technically live. And even the 101, as you may or may not  
25 know, is completely shut down because of a rock slide.

1 You cannot get in or out the way you normally would. Even  
2 though it meant taking a long back highway through driving  
3 rain, I came down, which I tell you, only to emphasize  
4 just how much the environmental community wanted to  
5 acknowledge your leadership.

6 As you're well aware, there has been a lot of  
7 concern over Venoco's plans for its operation in the  
8 future. And Commissioners and your staff deserve  
9 recognition for what is truly a landmark accomplishment.  
10 It would be a big deal under any circumstances to have an  
11 oil company withdraw from the Santa Barbara channel, given  
12 the history of spills in the area, and the decades-long  
13 efforts of residents to protect their community from the  
14 threats of offshore oil drilling. But given the push by  
15 the Trump administration to open up our waters to new  
16 offshore oil drilling, the Commission's achievement is  
17 even more meaningful. It's fantastic.

18 So on behalf of Surfrider, our 20 chapters in  
19 California, and our tens of thousands of supporters in the  
20 State, we applaud the State Lands Commission for taking  
21 this proactive positive step toward fulfilling the State's  
22 commitment to a clean energy future, and to protecting its  
23 coastal communities and natural resources.

24 Thank you

25 CHAIRPERSON NEWSOM: Kind of you.



1 Thank you very much for your words.

2 Mark, are you here?

3 There you are. Great

4 MR. KRAUSSE: Chairman Newsom and Commissioners,  
5 thank you very much. I hope to be very brief here. I  
6 just want to give an update --

7 CHAIRPERSON NEWSOM: Update, yeah.

8 MR. KRAUSSE: -- on the Diablo Canyon -- the  
9 joint proposal that PG&E entered into with its  
10 environmental and labor partners on the joint proposal to  
11 deal with the future of Diablo Canyon.

12 You'll recall that after we received that --  
13 before receiving the lease, we entered into the joint  
14 proposal. We filed after receiving the lease from your  
15 Commission with this -- with the Public Utilities  
16 Commission each of the component pieces of that joint  
17 proposal. So you'll recall there were three tranches of  
18 replacement resources to increase investments in energy  
19 efficiency first, that's tranche one; in any greenhouse  
20 gas free resources, so energy efficiency, renewables,  
21 perhaps storage in a second tranche that would come for  
22 the period of time from 2025 to 2030; and then PG&E's  
23 commitment to get to a 55 percent renewable portfolio  
24 standard in 3031 and after.

25 After much input from the public at the PUC, it

1 was determined that we should probably take a different  
2 procedural approach. So it doesn't affect any of the  
3 terms of the State Lands Commission lease. It doesn't  
4 affect the decision to ensure that Diablo Canyon will  
5 close at the end of its current licensing 2024 and 2025,  
6 the two units.

7           What it does is it simply moves -- the first  
8 tranche will remain in the proceeding that we have. So  
9 2,000 gigawatts hours of energy efficiency will be  
10 procured between 2018, beginning next year, and 2024.  
11 That's to start to help replace the generation from Diablo  
12 Canyon.

13           And then the last -- the second and third  
14 tranches for all source zero GHG resources and that 55  
15 percent will move into what's called the integrated  
16 resource plan, the PUC's standing procedure for --  
17 proceeding for what energy each of the utilities will  
18 procure looking at a ten year forward period.

19           So it really is relatively procedural, but we  
20 wanted to let you, because it was an amendment to the  
21 agreement. The joint parties agreed and we believe this  
22 will help speed things along with the Commission.

23           CHAIRPERSON NEWSOM: Thank you. Appreciate that.  
24 Thank you, Mark.

25           MR. KRAUSSE: Thank you.

1           CHAIRPERSON NEWSOM: And I'll follow up in just  
2 one moment. Anyone else -- oh, excuse me. I have two  
3 folks on Docketown. But just, Jennifer, if I may, just  
4 take advantage of this interlude, and Mark having just got  
5 off the mic. I mean, are we, from a staff perspective,  
6 looking at the spirit, not the least of which the letter  
7 of the actual MOU and the commitments, that amendment  
8 doesn't, in any, way impact the commitments that we  
9 entered into as it relates to PG&E?

10           EXECUTIVE OFFICER LUCCHESI: That's correct. It  
11 does not impact the Commission's -- the commitments that  
12 the authorization of the lease was based on last year.

13           CHAIRPERSON NEWSOM: Right.

14           EXECUTIVE OFFICER LUCCHESI: We are following it  
15 closely, and we thank PG&E and all the signatories to the  
16 joint proposal for keeping us updated on how the  
17 progression is going at the PUC.

18           But as far as the State Lands Commission is  
19 concerned, everything is as -- is consistent with the --  
20 what the Commission had authorized last career.

21           CHAIRPERSON NEWSOM: Excellent. Thank you. And  
22 just -- I have two additional public speakers. James and  
23 I think Emelio Diaz. Anyone else that came just for  
24 general public comment. We have items 61, 84 we'll be  
25 addressing in the regular calendar, but anyone else please

1 fill out a form. Otherwise, if James and Emelio come up,  
2 and those will be the last two public speakers for this  
3 section. And then the CEMEX folks stick around for a  
4 second. We'll have some comments for you as well. We  
5 don't want to make you think we weren't listening.

6 MR. JONAS: How do you do? My name is James  
7 Jonas, Redwood City, and I live in Docktown marina. This  
8 is a floating community in Redwood City.

9 There's been an ongoing discussion between  
10 ourselves and the State Lands Commission. This was  
11 probably -- God, it's been a year or two now. And, of  
12 course, I just want to come back up and say, hello. We're  
13 still around. We're still in discussion. And we still  
14 want to engage in how we might be able to find a  
15 resolution to this matter.

16 The little gist of this. The gentleman before  
17 mentioned an issue with regard to sea level rise and  
18 people's ownership's rights. And what is currently the  
19 interpretation of the Public Trust Doctrine is as the seas  
20 rise, many people may very well face eviction. I'm taking  
21 a look at the San Mateo vulnerability assessment for sea  
22 level rise. And they mention a concept of managed  
23 retreat. That means seas rise, and if we don't build  
24 levees, you may have to move your homes. We're talking  
25 very specifically about some large developments in our

1 area, for instance, Foster City, or Redwood Shores.

2 Docketown is a floating community. It's an option  
3 out there in terms of a different way of having mitigation  
4 for sea level rise. And we like to consider options that  
5 we might be able to make happen there.

6 Specifically, there's been some great work done  
7 for the purpose of doing some legislation. And we -- I  
8 want to just remind you that we do have flexibility in  
9 that area. I've talked to several of the different folks  
10 the were concerned with regard to sublets, for example.  
11 And we -- they've said, hey, if we have the ability to be  
12 able to buy and sell our homes over the period of time, we  
13 may be built -- willing to have greater flexibility in  
14 that area.

15 For example, if we have current renters as  
16 subletters, giving them the ability to buy and sell a home  
17 is very critical. We have people who have moved out of  
18 the area, and are kind of trapped into their homes and  
19 actually are subletting, not because they, you know, want  
20 to necessarily take advantage of the Public Trust, but  
21 merely because they have no choice.

22 But I just want to remind you, we still are  
23 willing and able to sit at the table with you and keep the  
24 discussion going. And I'll remind you that we're still  
25 there, and we want to keep -- you know, keep engaged.

1 Thank you very much for your time.

2 CHAIRPERSON NEWSOM: Appreciate it. Thank you.

3 Thanks for coming up.

4 Emelio, are you here?

5 Oh, there you. Thank you.

6 Mr. Diaz.

7 MR. DIAZ: My name is Emelio Diaz, and I'm also  
8 a -- I've been there since '98. I built my boat back in  
9 Alviso back in the seventies. Back in the seventies,  
10 people were building boats all around the bay. There was  
11 at least a couple hundred boats being built. There was  
12 lots of marinas and lots of people living on the water.  
13 And it was -- the rules were a lot looser. And now,  
14 marinas have closed. Places that you fix have been  
15 closed. There's just -- you know, I think I was about the  
16 second to last boat out of Alviso. There's no more people  
17 living on the water in Alviso, except for the shrimpers.  
18 The shrimpers have their boats going up and down there,  
19 but you won't find any boats down there.

20 Palo Alto closed. And when I -- when I arrived  
21 in Redwood City back in '98, there was 400 boats living on  
22 the peninsula right across the way. Pete's Harbor had 300  
23 boats. They're all gone, and we're the last of the  
24 liveaboard communities in probably this part of the bay,  
25 in the south or, you know, peninsula.

1           It's a really changed world. And I was hoping to  
2 say there in Redwood City. And there's no place for me to  
3 move my boat to and liveaboard. There's a ten percent  
4 rule, but the waiting lines are very long.

5           Yeah it's tough out there. And then housing, you  
6 know, through the roof. You know, so you can't live in  
7 the -- you know, on the Bay anymore or in the Bay Area,  
8 unless you got lots of money. And I'm retired. I'm 71,  
9 Vietnam veteran, ex-marine. Well, it's tough out there.

10           Thanks.

11           CHAIRPERSON NEWSOM: Appreciate it, Mr. Diaz.  
12 Thank you. Thank you for taking the time to be here.

13           Anyone else that didn't fill out any cards,  
14 forms?

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

16           And just -- and just out of respect, I know that  
17 we've had Jennifer a lot of conversations about the  
18 situation on the sand mining issues. And I know we've  
19 been working collaboratively with our sister agency, and  
20 we've been looking as it relates to our legal options, et  
21 cetera. And I want to just first thank everybody for  
22 taking the time to be up here, and then make public that  
23 point, that we've taken this very seriously, that there  
24 actually has been some progress in terms of our review and  
25 analysis, that we are working collaboratively, not just

1 with other agencies, with other elected officials  
2 representing the district as well and their staff, and  
3 also with -- and this was not an issue that was brought  
4 up, but I think an issue that's important, with  
5 representatives of the individuals that would be impacted  
6 by closure, meaning the workforce. Real people's lives  
7 are attached, their jobs are attached, and that's part of  
8 the human face here that does need to be considered in the  
9 context of any further initiative, at least on our part.

10 Jennifer, I don't know, without sort of -- I went  
11 out walking a little ahead of -- well, proverbial getting  
12 ahead of ourselves a little bit. Anything more you want  
13 to add to amplify the situation beyond that which I think  
14 we all take this issue quite seriously?

15 EXECUTIVE OFFICER LUCCHESI: Right, just to put a  
16 little bit finer point on our investigation of the facts  
17 down in Marina at the CEMEX plant, and then also the  
18 extent of the State Lands Commission's jurisdiction, we  
19 have gone down there over the past year and a half and  
20 conducted at least four surveys with our boundary folks.  
21 We have also met with Dr. Ed Thornton, and we're very  
22 thankful for his trip up to our offices, not too long ago  
23 to educate us on the most recent science relating to the  
24 erosion that's happening. And we are also working very  
25 closely with our Coastal Commission friends on advancing



1 our investigation into this. So it is ongoing, and -- but  
2 we are taking it very seriously and looking at all the  
3 different options that are available to us.

4 CHAIRPERSON NEWSOM: And I think, you know,  
5 hearing all that, you're saying, well, okay, what does  
6 that mean?

7 You know, it wasn't lost on me. You said, if one  
8 -- you know, another bag of sand is taken out, it's one  
9 too many.

10 And, you know, I could imagine sitting there  
11 listening to us up here, that, you know, you just say,  
12 please, does this mean I'm hearing a year from now and  
13 you're still analyzing this, and you're sending out -- I  
14 saw the cease and desist signs. You want immediate  
15 action. You want this to end today.

16 I can only assure you that we are taking this  
17 issue with sense -- the same spirit of urgency that you  
18 insist we should. I have a staffer right there. That's  
19 the face of the urgency. You should grab him.

20 (Laughter.)

21 CHAIRPERSON NEWSOM: The one with the interesting  
22 English accent which will sooth you.

23 (Laughter.)

24 CHAIRPERSON NEWSOM: And he -- he's working  
25 overtime on this, and we staff next to him as well, a Sea

1 Grant fellow who is outstanding. That is making this one  
2 of her top priorities, at least in our office. And I  
3 don't want to speak for the rest of the Commission. I  
4 know -- I certainly have all the confidence in the world  
5 in my colleagues here, that they're accordingly taking  
6 this issue with the kind of urgency it deserves.

7 And with that, I don't want to speak for you. If  
8 you have anything you'd like to add or -- just know we'll  
9 be announcing some next steps very, very shortly, and  
10 please do get Rhys's card, so that you can stay in touch  
11 in the interim.

12 (Laughter.)

13 CHAIRPERSON NEWSOM: Why are you turning red,  
14 Rhys?

15 (Laughter.)

16 CHAIRPERSON NEWSOM: Take the Fifth.

17 Anyway. I just want to thank you all very much,  
18 and also thank you. I've had some others that have been  
19 making public comment and raising this issue, and our  
20 awareness, and your voice matters, and we're very, very  
21 grateful. So we'll be taking the next steps soon.

22 Thank you. That now, I think, concludes this  
23 part of the agenda. The next part out of order is the  
24 closed session --

25 EXECUTIVE OFFICER LUCCHESI: That's correct.

1 CHAIRPERSON NEWSOM: -- which would require us to  
2 leave, not everybody else, correct?

3 EXECUTIVE OFFICER LUCCHESI: That's correct, yes.

4 CHAIRPERSON NEWSOM: So if we could then begin  
5 the process of moving into closed session, and then we'll  
6 come back. It should be a relatively brief closed  
7 session, and then we'll get to those remaining few items  
8 on the regular calendar.

9 Thank you.

10 (Off record: 1:51 p.m.)

11 (Thereupon the meeting recessed into  
12 closed session.)

13 (Thereupon the meeting reconvened open session.)

14 (On record: 2:45 p.m.)

15 CHAIRPERSON NEWSOM: So we'll call the meeting  
16 back to order. Ms. Lucchesi, is there any -- anything to  
17 report out from our closed session?

18 EXECUTIVE OFFICER LUCCHESI: No, not at this  
19 moment.

20 CHAIRPERSON NEWSOM: Great. So we'll move to the  
21 next item, and I believe we haven't adopted the minutes,  
22 is that correct? I just want to confirm.

23 EXECUTIVE OFFICER LUCCHESI: That's correct.

24 CHAIRPERSON NEWSOM: Good. So we'll move to the  
25 adoption of the minutes of the Commission's meeting from

1 February 7th, 2007[sic], and, of course, the special  
2 meeting on April 4, 2007[sic]. Is there a motion to  
3 approve the minutes?

4 ACTING COMMISSIONER ORTEGA: So moved.

5 ACTING COMMISSIONER BAKER: Second.

6 CHAIRPERSON NEWSOM: Moved, seconded.

7 Without objection.

8 We will now move to item, I believe, correct me  
9 if I'm wrong, the regular calendar Item number 98?

10 EXECUTIVE OFFICER LUCCHESI: Correct.

11 ACTING COMMISSIONER BAKER: We don't have to  
12 because the Controller left, so we can just roll through  
13 the rest of the agenda.

14 EXECUTIVE OFFICER LUCCHESI: Okay. So we can  
15 move right on to the voting items first probably would be  
16 most efficient.

17 So we'll move on to Item 92, which is to consider  
18 supporting AB 1472.

19 CHAIRPERSON NEWSOM: Yes.

20 EXECUTIVE OFFICER LUCCHESI: And Sheri Pemberton  
21 will be giving that staff presentation.

22 CHAIRPERSON NEWSOM: Fabulous.

23 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

24 PEMBERTON: Thank you. AB 1472 by Assembly Member Limon  
25 relates to oil and gas leases and assignments, transfer,

1 or subleases. The bill would specify in statute the  
2 certain items that the Commission is required to consider  
3 when considering an application to sublet, transfer, or  
4 assign an oil and gas lease. These are the items that the  
5 Commission normally considers when evaluating an  
6 application.

7 It would also define a proposed assignee. The  
8 bill recently passed out of the Assembly Natural Resources  
9 Committee with bipartisan support. There's no opposition.  
10 It would give the Commission another tool to help when  
11 it -- when it is considering an application for an  
12 assignment. And so staff recommends that the Commission  
13 adopt a support position on AB 1472.

14 CHAIRPERSON NEWSOM: Is there any comments from  
15 the Commission?

16 ACTING COMMISSIONER BAKER: We're sponsoring, so  
17 we're in support.

18 CHAIRPERSON NEWSOM: Yeah, hard to -- hard to  
19 comment, or at least be critical.

20 (Laughter.)

21 CHAIRPERSON NEWSOM: Is there any public comment  
22 on this item?

23 Seeing none public -- no public comment. We'll  
24 close public comment.

25 Is there a motion to approve supporting 1472?

1           ACTING COMMISSIONER BAKER: Move it.

2           ACTING COMMISSIONER ORTEGA: We're abstaining.

3           CHAIRPERSON NEWSOM: And you're abstaining. So  
4 we moved, and seconded by me. Could you do that?

5           I guess you can.

6           Unanimous consent we'll move that item forward.

7           So, Jennifer, which one do you want to go to  
8 next, now that everything is sort of discombobulated?  
9 We're back to 93?

10           EXECUTIVE OFFICER LUCCHESI: We'll go to Item  
11 93 --

12           CHAIRPERSON NEWSOM: Three, perfect.

13           EXECUTIVE OFFICER LUCCHESI: -- another  
14 legislative item that Sheri will present.

15           CHAIRPERSON NEWSOM: Excellent.

16           EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
17 PEMBERTON: Thank you. This is a pair of bills, AB 725  
18 and SB 386, both bills are similar. They would ban  
19 smoking at State beaches or at a unit of the park system.  
20 The purpose of the bill is to diminish marine debris and  
21 waste and make our beaches and oceans base healthier.  
22 Both bills have no opposition, a lot of environmental  
23 support, and they would benefit the resources and lands  
24 that the Commission manages. So staff recommends that the  
25 Commission support both of those bills.

1 CHAIRPERSON NEWSOM: Any public comment on this  
2 item?

3 Seeing none. We'll close public comment.  
4 And my only comment is I don't know what took us  
5 so long.

6 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
7 PEMBERTON: Yes.

8 CHAIRPERSON NEWSOM: So I enthusiastically  
9 support this.

10 Is there a motion?

11 ACTING COMMISSIONER BAKER: So moved.

12 ACTING COMMISSIONER ORTEGA: Abstain.

13 CHAIRPERSON NEWSOM: You'll abstain.

14 So we'll move that item unanimously without  
15 objection.

16 And then move to item number?

17 EXECUTIVE OFFICER LUCCHESI: Sixty-one.

18 CHAIRPERSON NEWSOM: Sixty-one.

19 Is there a present -- staff presentation?

20 EXECUTIVE OFFICER LUCCHESI: Yes. Brian Bugsch  
21 of our Land Management Division and Chris Huitt of our  
22 environmental protection -- Environmental Planning and  
23 Management Division will be giving staff's presentation.

24 CHAIRPERSON NEWSOM: Fabulous.

25 (Thereupon an overhead presentation was

1           presented as follows.)

2           LAND MANAGEMENT DIVISION CHIEF BUGSCH: Good  
3 afternoon, Commissioners. My name is Brian Bugsch. I'm  
4 Chief of the Commission's Land Management Division. I'm  
5 here today to present information on Calendar Item 61.

6           It's the wrong presentation. This item  
7 recommends that the Commission certify EIR number 776,  
8 prepared for the Mendota Pool Bypass and Reach 2B  
9 improvement project, adopt the mitigation monitoring  
10 program findings, and Statement of Overriding  
11 Considerations, and authorize issuance of a 49-year  
12 general lease public agency use to the U.S. Bureau of  
13 Reclamation for implementing the Bureau's Reach 2B project  
14 on the San Joaquin River.

15           Did you guys find it?

16           CHAIRPERSON NEWSOM: Do you want to come back to  
17 it, or --

18           LAND MANAGEMENT DIVISION CHIEF BUGSCH: That's  
19 all right. I'll keep going forward. No, we'll just  
20 keep --

21           CHAIRPERSON NEWSOM: You'll just -- you'll plow  
22 through without the presentation. That's fine, yeah.

23           LAND MANAGEMENT DIVISION CHIEF BUGSCH: You want  
24 me to keep going?

25           CHAIRPERSON NEWSOM: Yeah, keep going.



1 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Okay.  
2 Cool.

3 The San Joaquin River Restoration Program, of  
4 which Reach 2B project is a part of, is the result of a  
5 lawsuit brought by citizens groups to restore fish habitat  
6 and water flows in the San Joaquin River below the Friant  
7 Dam.

8 Historic flows were mostly diverted from the  
9 river channel into irrigation canals for farming following  
10 the completion of the dam in the 1940s. After an 18-year  
11 lawsuit, the case was finally settled in 2006. And in  
12 2009, the San Joaquin River Restoration Settlement Act was  
13 passed, which led to the creation of both the restoration  
14 program and the restoration fund.

15 Here we go.

16 --o0o--

17 CHAIRPERSON NEWSOM: Right.

18 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Does this  
19 work?

20 Okay. There we go. I got it -- oh, you got it?

21 The settlement identified two goals: First, to  
22 restore and maintain fish populations in good condition in  
23 the main stem of the San Joaquin River from below Friant  
24 dam to the confluence of the Merced River; and second, to  
25 reduce or avoid adverse water supply impacts to the

1 long-term water rights holders on the San Joaquin River.

2 --o0o--

3 LAND MANAGEMENT DIVISION CHIEF BUGSCH: This map  
4 here is -- shows an overview of the entire section that's  
5 covered 149, 150 miles section of the river, where this  
6 applies. And in the little section in there Reach 2B is  
7 about a 12-mile section there in the middle.

8 --o0o--

9 LAND MANAGEMENT DIVISION CHIEF BUGSCH: The  
10 restoration project is divided into five reaches starting  
11 below Friant Dam and ending again at the confluence of the  
12 San Joaquin and Merced Rivers. The restoration project  
13 includes numerous individual elements that are combined  
14 into four groups for planning and design purposes. One of  
15 those four groups is the Reach 2B project, which is the  
16 subject of this Commission item.

17 --o0o--

18 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Reach --  
19 this is a zoomed-in of the Reach 2B area. It's a 12-mile  
20 river stretch running from the Chowchilla bifurcation  
21 structure to the Mendota Dam. This shows the river and  
22 the existing and proposed improvements along this stretch.

23 --o0o--

24 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Reach 2B  
25 project includes all the elements identified here, some

1 are on sovereign lands, some are not: The construction of  
2 the compact bypass channel, the Mendota Pool control  
3 structure, setback levees, and fish passage structures,  
4 and also restoration of floodplain habitat.

5 --o0o--

6 LAND MANAGEMENT DIVISION CHIEF BUGSCH: As you  
7 are aware, the Commission has administrative jurisdiction  
8 over the State's Public Trust Lands, acting pursuant to  
9 the Constitution -- California Constitution, legislation,  
10 and the Public Trust doctrine to protect the public's  
11 interest in the Trust lands and resources. Public Trust  
12 uses include all the elements listed here, and others that  
13 are not listed but no less important.

14 --o0o--

15 LAND MANAGEMENT DIVISION CHIEF BUGSCH: More --  
16 one of the two main restoration goals, as I mentioned, is  
17 to restore and maintain the fish populations in the San  
18 Joaquin River in good condition.

19 --o0o--

20 LAND MANAGEMENT DIVISION CHIEF BUGSCH: And as  
21 seen on the previous slide, fisheries is recognized Public  
22 Trust use and resource.

23 More specifically, the Reach 2B project is  
24 designed to provide increased restoration flows improve  
25 aquatic habitat, benefit fish and recreational fisheries,

1 and improve boating and other water-dependent activities.  
2 For all these reasons, staff considers the proposed  
3 project to be consistent with the Public Trust.

4 --o0o--

5 LAND MANAGEMENT DIVISION CHIEF BUGSCH: Public --  
6 the project elements in the -- that are going to be  
7 considered under this specific action include the elements  
8 shown here. The Mendota Pool control structure is  
9 designed to allow for flow deliveries and water impounding  
10 at the Mendota Pool. The Columbia Canal Siphon will move  
11 water from the Mendota Pool under the Compact Bypass  
12 channel to the existing Columbia channel -- or canal  
13 rather. And then the Pilot Channel element includes river  
14 channel dredging to reduce sediment transportation  
15 downstream when the bypass is opened to the river.

16 And habitat restoration activities and the  
17 installation of fish monitoring equipment are designed to  
18 improve conditions to help reestablish and expand native  
19 fish populations.

20 These -- this is a list of some of the project  
21 elements to be considered at a later date.

22 --o0o--

23 LAND MANAGEMENT DIVISION CHIEF BUGSCH: This  
24 is -- the reason for this is because detailed design plans  
25 are not complete for these portions, and therefore are not

1 included in the staff's current recommendation. All of  
2 these elements would be considered by the Commission at a  
3 later date when the Bureau finalizes plans for each  
4 element and requests a lease amendment for them.

5 Additional environmental analysis will be  
6 conducted as these parts -- when they come back for their  
7 lease amendments. There are also a number of existing  
8 improvements in Reach 2B that are impacted by the project,  
9 and may require removal or relocation.

10 These include six overhead power lines, two  
11 buried water pipelines, and three natural gas pipelines.  
12 However, the Bureau does not own and is not responsible  
13 for these improvements. Staff is currently in the process  
14 of identifying, contacting, and working with each of the  
15 owners of these existing improvements to bring them into  
16 compliance.

17 That ends my section. I'm going to pass it over  
18 to Christopher Huitt with our Commission's Division of  
19 Environmental Planning and Management who's going to  
20 discuss the EIR.

21 CHAIRPERSON NEWSOM: Okay.

22 SENIOR ENVIRONMENTAL SCIENTIST HUITT: Good  
23 afternoon, Commissioners. Good afternoon, Chair Newsom.  
24 My name is Christopher Huitt. I'm a Senior Environmental  
25 Scientist with our Division of Environmental Planning and

1 Management. I'm going to give you a brief summary of the  
2 CEQA milestones associated with the impact -- the  
3 Environmental Impact Statement and the Environmental  
4 Impact Report joint document.

5 For simplicity purposes, I'm just going to state  
6 EIS/EIR. It makes it simple.

7 In 2009 July, the original CEQA Notice of  
8 Preparation, or NOP, was actually sent out to public for  
9 review. And public scoping began in July of 2009 as well,  
10 and ended in 2009.

11 There were two public meetings that were held  
12 during that time, one in Fresno, and one in Firebaugh to  
13 get public comments and public input in the development of  
14 the project.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST HUITT: In 2014,  
17 Commission staff assumed that the CEQA lead agency  
18 originally was the California Department of Water  
19 Resources. It was later determined that DWR did not have  
20 a discretionary action, nor did they have adequate funds  
21 to continue on with the Reach 2B environmental document.

22 So with that, State Lands continued assuming the  
23 EIS/EIR with Reclamation. State Lands staff participated  
24 in several technical and environmental work groups with  
25 relation to the 2B project, and they're listed there:

1 Management of the fisheries, compliance and permitting  
2 engineering design, water management, technical advisory,  
3 and the landowners group consensus building group that I  
4 had participated on with them.

5 --o0o--

6 SENIOR ENVIRONMENTAL SCIENTIST HUITT: In June of  
7 2015, June 9th, the draft document was released for a  
8 60-public review period. Public meetings were held three  
9 consecutive days in the areas where the actual project  
10 would be impacting. The first one was in Fresno, Los  
11 Banos, and then finally in Sacramento to discuss the  
12 project and show everybody that was concerned, and wanted  
13 to -- wanted to address certain details and provide  
14 comments at that time.

15 In August of that same year on the 10th, the --  
16 was the end of the public review period. In July of the  
17 last year on the 14th, a final EIS/EIR was published after  
18 the comments were received, compiled, and addressed in  
19 greater detail.

20 And in November of this year, the very beginning  
21 of November, end of October of 2016, the Bureau of  
22 Reclamation issued their Record of Decision, which is a  
23 approval document that the federal agencies submit.

24 Also with this project, there are some items that  
25 are important that we recognized as being significant and





1 Last slide. Can you forward it, Jen?

2 Oops. One more.

3 So in recommendation, staff recommends that the  
4 Commission certify the EIR, adopt the mitigation  
5 monitoring plan as Exhibit C; adopt the findings, Exhibit  
6 D; as well as adopt the Statement of Overriding  
7 Considerations, Exhibit D; and approve the general lease  
8 public agency use with the Bureau of Reclamation.

9 And thank you very much, Commissioners. And with  
10 that said, I'd like to introduce Ali Forsythe, manager  
11 with the -- she's the program manager for the San Joaquin  
12 River Restoration Program, U.S. Bureau of Reclamation.

13 Thank you, Commissioners

14 CHAIRPERSON NEWSOM: Thank you.

15 MS. FORSYTHE: Good afternoon, Commission and  
16 thank you for taking the time to hear about this important  
17 project to the Bureau of Reclamation.

18 I did actually have a presentation. The first  
19 one that you brought up.

20 (Thereupon an overhead presentation was  
21 presented as follows.)

22 MS. FORSYTHE: So this is an important component  
23 of the Bureau of Reclamation San Joaquin River Restoration  
24 Program. The San Joaquin River Restoration Program is  
25 actually the largest river restoration program in the

1 nation. We're looking to restore over 150 miles of the  
2 San Joaquin -- of the once dry San Joaquin River, bringing  
3 back both flows to the river along with Chinook salmon.

4 As previous speakers indicated, it is a result of  
5 a court settlement. So when Reclamation built Friant Dam,  
6 we dried out over 60 miles of the San Joaquin River.  
7 Historically, the San Joaquin River was the largest  
8 population of spring-run Chinook salmon in the State of  
9 California.

10 Because the river was dry, we, obviously, had  
11 some significant impacts to that spring-run population  
12 along with the fall-run population. Reclamation operated  
13 the structure in that way for many decades.

14 --o0o--

15 MS. FORSYTHE: That was what Congress directed us  
16 to do. And when we went to renew our water contracts with  
17 those folks in the Friant division of the Central Valley  
18 Project, those folks on the east side of the San Joaquin  
19 Valley, we were litigated on that contract renewal, along  
20 with the NEPA and ESA on that contract renewal.

21 That litigation went on for 18 years. One of the  
22 most significant rulings during that litigation was in  
23 2004 a federal judge ruled that Reclamation had violated  
24 State Fish and Game code that requires an owner or  
25 operator of dam to maintain fish in good condition below

1 the dam.

2 So in 2005, the negotiations on the settlement  
3 resumed, and we reached a settlement in 2006. And the  
4 restoration program is implementing that settlement  
5 consistent with the federal authorizing legislation.

6 --o0o--

7 MS. FORSYTHE: So the settlement does include two  
8 goals: The restoration goal, which really focuses on  
9 naturally reproducing self-sustaining populations of  
10 salmon and other fish in the river, and really focuses  
11 that from Friant Dam to the Merced River confluence. And  
12 then along with our water management goal, which is to  
13 reduce or avoid the water supply impacts to our water  
14 users.

15 So overall, the restoration program will on  
16 long-term average will take away about 18 percent of the  
17 supply -- water supply for the east side of the San  
18 Joaquin Valley.

19 --o0o--

20 MS. FORSYTHE: So I'm going to walk through those  
21 in just a little bit more detail, but let me just talk a  
22 little bit about the river. The restoration program is  
23 large and complex. It's -- we're looking at again 153  
24 miles of river, some sections historically dry,  
25 disconnected. We actually put Delta water into some

1 sections of the San Joaquin River. We have a flood  
2 control system, urban areas. Most of it's bordered by  
3 agricultural land.

4           So we are working to do implement the restoration  
5 program in a way that incorporates in the environmental  
6 community along with the adjacent landowners, the  
7 agricultural interests, the water districts along the  
8 river, really trying to get as much public input and  
9 stakeholder input into the restoration program, so that we  
10 can make this a lasting restored ecosystem for the people  
11 of the State of California.

12                           --o0o--

13           MS. FORSYTHE: So to implement the restoration  
14 goal, I'd like to think of the things that we need to do:  
15 Flows, projects and fish.

16           In terms of flows, the settlement includes a flow  
17 schedule. We have six different water year types. In  
18 summary, more water into -- in the San Joaquin River from  
19 upstream, in essence, more runoff into the river, more  
20 water allocated to the restoration program. Less runoff  
21 in the river, less water allocated to the restoration  
22 program.

23           The settle -- the different year types have a  
24 spring pulse, a summer base flow, fall pulse and then a  
25 winter base flow that's really intended to mimic the

1 natural hydrograph of the San Joaquin River, and also  
2 provide for the lifecycle needs of Chinook salmon in the  
3 river.

4           We did begin our interim flows in 2009. And our  
5 restoration -- our long-term restoration flows in 2014.  
6 And a really exciting thing for us last year, we actually  
7 achieved some projects down river, where we connected the  
8 San Joaquin River again to the Delta, so flows from Friant  
9 Dam all the way down to the Delta. And our intent is to  
10 continue that from here forward, to actually have a wetted  
11 river channel in the San Joaquin as we move forward.

12                           --o0o--

13           MS. FORSYTHE: So the second component of the  
14 restoration goal is physical projects. As you can  
15 imagine, a dry river for 60 plus years, there's been a lot  
16 of changes to the river channel. The settlement calls for  
17 ten specific projects that improve things like channel  
18 capacity, fish habitat, provide for fish passage, get  
19 those -- get our flows and our fish back in the river in a  
20 safe manner.

21           We've combined those ten specific projects into  
22 four. And we have three of them underway, one of which is  
23 what we're here today to talk about, the Mendota Pool  
24 Bypass and Reach 2B Project.

25                           --o0o--

1 MS. FORSYTHE: We also do a lot of work with  
2 reintroduction of Chinook salmon back to the river. We're  
3 looking at both fall-run and spring-run reintroduction.  
4 Spring-run is extirpated from the system, so we actually  
5 go to Northern California, get a small number of fish from  
6 Northern California. The State of California, through the  
7 Department of Fish and Wildlife, has a conservation  
8 facility. We raise spring-run in that facility, release  
9 those babies -- raise them to adults, actually breed them,  
10 release their babies into the river.

11 So we've started actually releasing spring-run  
12 back into the San Joaquin River, which is really quite a  
13 monumental achievement for the program too, to put  
14 spring-run back into the San Joaquin River.

15 --o0o--

16 MS. FORSYTHE: Our water management goals  
17 activities. Again, we'll be taking about 18 percent of  
18 the supply away from the folks along the eastside of the  
19 San Joaquin Valley. They were part of the litigation.  
20 They did agree to that loss.

21 We have a series of both accounting and recovery  
22 mechanisms along with physical projects to try and recover  
23 that water for them and reduce those impacts.

24 --o0o--

25 MS. FORSYTHE: So the project that we're here to

1 talk about today is our Reach 2B project. It sits --  
2 Reach 2B is the section of the river between the  
3 Chowchilla Bypass and the Mendota Pool. It's very close  
4 to the town of Mendota. And Firebaugh is just a little  
5 bit down -- down river from Reach 2B.

6 --o0o--

7 MS. FORSYTHE: So what is this project?

8 We need to get our fish and our flows around  
9 Mendota Pool. Mendota Pool is a critical water  
10 infrastructure. It's the terminus of the Delta Mendota  
11 Canal. There's a number of agricultural and refuge water  
12 diverters out of Mendota Pool.

13 So instead of trying to screen every diversion in  
14 the pool, which would be quite complicated and expensive,  
15 what we're looking to do is actually build a new river  
16 channel that comes off of the existing channel and routes  
17 our fish and our flows around the Mendota Pool, so isolate  
18 the agricultural water infrastructure, build a  
19 three-quarter mile new river channel, and our fish and our  
20 flows continue down river, and that agricultural operation  
21 in the Mendota Pool can continue isolated from those  
22 fishing flows.

23 We're also looking to expand out the capacity of  
24 the Reach 2B channels, so current capacity is about 1,300  
25 cubic feet per second. We want to take it to 4,500, so

1 almost triple the capacity of the channel, and add in  
2 juvenile rearing habitat for Chinook salmon. So really  
3 help them meet their lifecycle needs in this section of  
4 the river.

5           We did sign our Record of decision, as Chris  
6 indicated, in late 2016. That preferred alternative  
7 included in the Record of Decision is -- was developed  
8 through, what we call, a consensus-based alternative  
9 process. So we meant with all of the adjacent landowners  
10 that will be impacted by this project, the water  
11 districts, the environmental coalition, and, in essence,  
12 negotiated an alternative levee alignments, and an  
13 alternative that would work for all of those interests.

14           There's been a tremendous amount of public  
15 outreach and stakeholder involvement in development of the  
16 preferred alternative and the program overall.

17           Overall construction costs: 185 million for the  
18 bypass component, 145 million for Reach 2B. We're looking  
19 at about 100 direction construction jobs for a decade in  
20 the area of Mendota and Firebaugh, a very disadvantaged  
21 community with lots of unemployment, and then about a  
22 hundred indirect construction-related jobs

23                           --o0o--

24           MS. FORSYTHE: So this is the alternative that  
25 we're -- our preferred alternative that Reclamation did



1 sign in its Record of Decision. The salmon colored area  
2 is the bypass. And then the darker blue lines are the new  
3 setback levees. You kind of see the San Joaquin River  
4 with those river mile numbers snaking its way through  
5 there.

6 Overall, there's a number of water infrastructure  
7 facilities that make all of this work, so we have a series  
8 of gates, and fish ladders, and fish facilities to both  
9 get our fish and our flows down river. But also  
10 Reclamation does have contractual requirements to the  
11 water uses in the Mendota Pool called the Exchange  
12 Contractors.

13 So we still need to be able to deliver water into  
14 the pool and meet a series of gate structures and other  
15 things to make that work. And that's shown a little bit  
16 more on this slide.

17 --o0o--

18 MS. FORSYTHE: So this is the head of the Mendota  
19 Pool bypass. What you're seeing there is two different  
20 gates structures, one on the -- kind of in the middle of  
21 the slide, one towards the bottom of the slide. You're  
22 also seeing -- the Columbia Canal currently takes their  
23 water -- Columbia Canal Company, excuse me, currently  
24 takes their water off of the San Joaquin River. We need  
25 to move their intake over into Mendota Pool, so it's

1 isolated from our fish and our flows. There will be a  
2 siphon underneath the bypass.

3 But basically, the bypass will go through that  
4 agricultural land, come off the existing river channel, go  
5 through the agricultural land, come off the existing river  
6 channel go through the agricultural land and then  
7 reconnect with the river just downstream.

8 So there is a good amount of complicated water  
9 infrastructure that we tried to -- that we need to make  
10 this project work, but that we've also worked very closely  
11 with the fisheries agencies to make sure that those are  
12 all fish-friendly facilities.

13 --o0o--

14 MS. FORSYTHE: So as indicated before, we're here  
15 before you today to ask you to certify the CEQA document.  
16 And also issue a lease. That lease that we're looking for  
17 today is just for those components that we have 30 percent  
18 design for, and that's primarily the bypass components.  
19 We want to construct the bypass first, and that will  
20 get -- allow us to actually make some meaningful progress  
21 on fish reintroduction actions.

22 --o0o--

23 MS. FORSYTHE: Those components that we're not  
24 asking for the -- a lease today, but we'll need to come  
25 back to you are generally those that we do not have 30

1 percent design for. So that includes the Mendota Pool  
2 fish screen, which was added late into the project, along  
3 with some of our relocations that we're just not sure  
4 exactly how those are going to work, and then generally  
5 our Reach 2B components, those levee setback components,  
6 we'll need to come back before the Commission and receive  
7 a second lease for those components of the project.

8           We have broken this project into a series of  
9 design phases, so it's a very large design for this. Our  
10 priority is to move the Mendota Pool bypass first and get  
11 that constructed. That will actually allow us to get fish  
12 around Mendota Dam, and allow for volitional fish passage.  
13 Right now, we truck and haul salmon up and down the river.  
14 We want to get out of the truck-and-haul business. It's  
15 just not natural for these fish. It's very stressful for  
16 them, and it's cost -- you know, it's kind of expensive  
17 and time intensive.

18           So our focus is to build the Mendota Pool bypass  
19 first. That will allow fish over Mendota Dam or past  
20 Mendota Dam, which is right now a barrier to migration,  
21 get us out of the truck and haul business. We can really  
22 start to make some meaningful progress on fish  
23 reintroduction.

24           We would then come back and build those setback  
25 levees afterwards. So trying to stage this project in a

1 way that allows us to get flows and fish in the river as  
2 soon as possible.

3 We've also staged the design for this, so if we  
4 were to design this project all at once, it would take us  
5 probably three to four years to design all of these  
6 components, so we've -- are focusing on the design for the  
7 Mendota Pool bypass, and then we'll move to the design for  
8 the Reach 2B levees.

9 With that, we do remain very committed to  
10 continue to engage our local partners, our water  
11 districts, landowners, others adjacent to the river along  
12 with the environmental coalition in those final design  
13 components, and work out some of the concerns that I think  
14 you'll hear a little bit more about today.

15 --o0o--

16 MS. FORSYTHE: So where do we go from here?

17 This is the overall schedule for the restoration  
18 program. From 2015 to 2019 our goal is to get a 1,300  
19 cubic feet per second capacity in the San Joaquin River,  
20 and to address all fish passage issues. We want fish to  
21 be able to move up and down the system on their own, again  
22 out -- get out of the truck-and-haul business.

23 It's important that we do actually move forward  
24 as soon as possible with the CEQA findings, and approval  
25 of the lease, so that we can continue to stay on this

1 schedule. This will be the first large construction  
2 project for the river restoration program. We've had a  
3 few other small projects, but this will be the first large  
4 construction project.

5 We have come under a good amount of criticism,  
6 because of how long its taken us to get into construction.  
7 And we have actually made some commitments to Senator  
8 Feinstein that we will start construction of this project  
9 this year. So for us to award the construction contract  
10 and finish out all of the rest of our permits, we are very  
11 much hopeful, and would be very grateful if the Commission  
12 would approve the CEQA document and move forward with the  
13 lease today.

14 From 2020 to 2034, our goal is to increase  
15 capacity in the river. We want to get more -- be able to  
16 get more water in the river safely. More water will help  
17 us better manage temperatures for spring-run and fall-run  
18 Chinook. From 2024 to 2029, our goal is to finish  
19 construction of all river components, so be done with all  
20 major construction, and then 2030 and beyond our goal is  
21 just operations and maintenance, and hopefully watch and  
22 monitor this wonderful returning population of spring-run  
23 and fall-run Chinook to the river.

24 --o0o--

25 MS. FORSYTHE: So with that, Reclamation very

1 much recognizes that the settlement -- implementation of  
2 the settlement is a substantial change in the San Joaquin  
3 River. We're taking a dry riverbed. We're putting water  
4 back into it. We're adding a listed species back into it.  
5 There is no shortage of controversy in what we're doing  
6 here. And it is incredibly complicated. It's very much a  
7 physical change to the river, but it's also a change in  
8 how the local community and the larger regional community  
9 think about the river.

10 So we work very hard to be very inclusive, have a  
11 very open and transparent process in everything that we  
12 do, really with the goal and the idea that the San Joaquin  
13 Valley and folks adjacent to the river start to see the  
14 San Joaquin River as a resource.

15 We believe very much that this inclusive process  
16 will make a much better long-term restoration program, and  
17 a long-term San Joaquin River both for the people of the  
18 San Joaquin Valley, but also the people of the State of  
19 California. And I would like to extend a thanks to Chris  
20 Huitt and Randy Collins for all of their wonderful work  
21 with Reclamation on this, and their tremendous leadership  
22 as we worked through this project.

23 I appreciate it. Thank you.

24 CHAIRPERSON NEWSOM: Excellent. Thank you. Any  
25 additional staff presentation on this?

1 EXECUTIVE OFFICER LUCCHESI: No.

2 CHAIRPERSON NEWSOM: I know there's three members  
3 of the public at least that have filled out forms. If you  
4 wish to speak come on up.

5 I think we've got Cam, Jarrett and Doug in  
6 whatever order you please.

7 MR. OBEGI: Thank you Mr. Chairman,  
8 Commissioners. My name is Doug Obegi. I'm a senior  
9 attorney with the Natural Resources Defense Council.

10 On behalf of a coalition of sport and commercial  
11 fishing organizations and conservation groups, NRDC filed  
12 suit back in 1988 to restore the San Joaquin River. What  
13 you have before you today is a key component of the  
14 settlement. We have made a lot of compromises along the  
15 way. I want to commend both staff of the Commission here,  
16 as well as staff of the Bureau of Reclamation for really  
17 bending over backwards to try to find ways to make river  
18 restoration work with the local community protecting water  
19 supply, as well as restoring a living river and our  
20 State's obligation to the Public Trust.

21 The Mendota Pool right now is a barrier to salmon  
22 migration. It is really impeding the Public Trust  
23 resources of this river. And today's action by the  
24 Commission can help restore -- can help remedy that  
25 violation of the Public Trust, and enable us to maintain

1 the water supply infrastructure, as well as having a  
2 living river for the salmon that have existed for  
3 generations. So we urge the Commission to adopt the staff  
4 recommendation, adopt the CEQA document, and issue this  
5 lease.

6           Ultimately, the settlement includes a lot of  
7 benefits for local landowners and Friant water users, as  
8 well as the public at large to improve flood control,  
9 reducing flood risks the. Water management goal, as  
10 described by Ali, has significant -- makes cheap water  
11 available for the Friant water users who had to give up  
12 water to restore the river. We are recirculating some of  
13 that water back to the Friant water users. We are really  
14 trying to achieve both of these co-equal goals and work  
15 with downstream landowners.

16           If the Commission was to not adopt the lease  
17 today, we would have a significant delay, probably a year  
18 of construction delays. The settlement is behind schedule  
19 right now. And on behalf of the sport and commercial  
20 fishing groups who are seeing their seasons be  
21 truncated -- we're actually going to likely see no  
22 commercial fishing season this year once again.

23           Delay is unacceptable. You know, the river was  
24 dried up for nearly 60 years in violation of State law, in  
25 violation of our Public Trust responsibilities. And we



1 now are on the path to remedying that. And so I'd  
2 encourage the Commission to make sure that we do restore  
3 our second largest river. I think Reclamation has gone  
4 above and beyond what is required, and I'd urge you to  
5 adopt it.

6 Thank you

7 CHAIRPERSON NEWSOM: Thanks much.

8 Cam, Jarrett, you guys here?

9 Jump on up.

10 MR. MARTIN: Commissioners and staff, I'd like to  
11 thank you guys for giving me this opportunity. My name is  
12 Jarrett Martin. I'm here on behalf of Central California  
13 Irrigation District helping to represent the San Joaquin  
14 River exchange contractors, water rights holders,  
15 primarily in the Mendota Pool.

16 And we've submitted numerous comments to this  
17 environmental document we do not feel have been adequately  
18 addressed, and we've been engaged with Reclamation on our  
19 concerns. We're taking an active role in trying to get a  
20 program that is implemented successfully. And you've  
21 heard him say that the two goals are establish new  
22 fisheries in good condition, and the second is to not  
23 impact the water rights holders.

24 To address the first one, we feel that the  
25 Mendota Pool fish screen is an essential facility that

1 needs to be installed in Mendota Dam to protect the  
2 fisheries. If it's not installed, it's encouraging  
3 incidental take.

4           We've also been aware of the hydraulic analysis  
5 is insufficient for the design that is taken place. Right  
6 now, we have flood flows going down the San Joaquin River.  
7 And in order to pass the flood flows with the obligation  
8 that the Bureau has to meet the exchange contract demand,  
9 the pool has to be lowered to an elevation that is not  
10 allowed to be delivered to some of the water rights  
11 holders. So there's some water rights impacts to that.

12           And the hydraulic analysis doesn't take into  
13 account the additional head loss that's going to be going  
14 through these newly constructed facilities. And we think  
15 that that needs to be addressed before that part of the  
16 project is built. The sediment transport model we also  
17 have a problem with that. It doesn't adequately address  
18 the flow coming into Mendota Pool and how sediment may be  
19 deposited in Mendota Pool.

20           Reclamation has acknowledged that they need  
21 revise that to include flows in. Right now, all the flows  
22 go into the compact bypass. It's inducing sediment  
23 transport and there's a potential risk to the Mendota Pool  
24 to water rights holders. And there's also a potential on  
25 Columbia Canal intake, a subject that you guys are

1 potentially approving a lease on, that that design of the  
2 facility does not adequately allow for the removal of that  
3 sediment buildup that may occur as a result of the  
4 insufficient hydraulic sediment transport mining that is  
5 taking place.

6           And lastly, we feel that in order to have a good  
7 program -- and we're in favor of a program. We're not  
8 here in opposition to the settlement. We're here in  
9 opposition to the way that the program is being  
10 implemented.

11           We understand that it's going to take some  
12 phasing to get this project implemented, but it's what  
13 priority do you have? Put a high priority on a fish  
14 screen. And in order to have an adequate design of the  
15 facilities, we need to have an operations plan. How are  
16 the -- how are the projects going to be operated and have  
17 a design criteria report?

18           And we feel that once you get through that,  
19 you'll have a better understanding on how to design the  
20 facilities better and how to mitigate any potential flaws  
21 that you have that can be detrimental to the success of  
22 this program.

23           And, like I said before, you know, we've been  
24 engaged with reclamation and we're going to continue that  
25 to make sure that this program is successful in the

1 future.

2 So thank you.

3 CHAIRPERSON NEWSOM: Appreciate it.

4 Cam.

5 MR. TREDENNICK: Hi. My name is Cam Tredennick.  
6 I'm with River Partners. We're a 501(c)(3) that does  
7 river restoration along the San Joaquin River. We're also  
8 landowners up river of -- or down river from the  
9 restoration area.

10 We work with Bureau of Reclamation on several  
11 items within the restoration area, mostly along the lines  
12 of restoration. And we've done about 2,000 acres of  
13 invasive weed removal with the Bureau of Reclamation, and  
14 with the landowner -- landowners throughout the system.

15 We -- we've also worked with them on mapping and  
16 local input on research on revegetation design throughout  
17 the San Joaquin. I am here to speak in support of the  
18 Item C 61, and highlight some of the benefits of the type  
19 of restoration that the Bureau of Reclamation is proposing  
20 here.

21 We own Dos Rios Ranch, which is a project that's  
22 about 2,000 acres on the San Joaquin and the Tuolumne  
23 confluence. We've been restoring it for about five years.  
24 The benefits to the local landowners and the community  
25 there are very strong. We are working on restoration. We

1 are slowly taking agriculture out of production. But as  
2 we do that, we're working with the -- with -- to lease  
3 back and do agriculture as the restoration takes hold.

4           The benefits for flood, for example, recently, we  
5 were able to work with the National Wildlife Refuge to  
6 do -- to do some work which provided about 20 hours of  
7 flood security for landowners downstream. We also provide  
8 water quality benefits and water quantity benefits at the  
9 ranch.

10           The reason I'm bringing this up is that these  
11 types of benefits come along by virtue of engaging in  
12 projects exactly like the one -- ones that the Bureau of  
13 Rec has proposed here.

14           And frequently, we find out that the benefits to  
15 the local community become more and more realized as we do  
16 the work. Many of the things I've cited here we don't  
17 know when we start off. But as we engage with the local  
18 landowners as neighbors, we learn that the benefits both  
19 to ag, and to wildlife, and to the local community in  
20 terms of employment frequently exceed our expectations as  
21 we go in.

22           And for that reason, I'd just like to highlight  
23 the opportunity that you are enabling here with -- by  
24 voting in favor of Consent Item number 61.

25           CHAIRPERSON NEWSOM: Hear. Hear.

1 MR. TREDENNICK: Thank you.

2 CHAIRPERSON NEWSOM: Thank you.

3 Anyone else wish to speak on this item that may  
4 not have filled out a speaker's card?

5 Seeing none, we'll close public comment.

6 Jennifer, any closing comments on this?

7 EXECUTIVE OFFICER LUCCHESI: The only thing I  
8 would add is just to highlight I think what our staff  
9 presentation emphasized, and again Bureau of Reclamation  
10 staff presentation emphasizes that this is a very large,  
11 important project for the San Joaquin River, and involves  
12 many, many, many stakeholders, all of which were  
13 identified through the various presentations. And really  
14 what has come out for Reach 2B and the Mendota Pool is as  
15 solid of a compromise as we're going to see out there.  
16 And staff recommends the Commission adopt staff's  
17 recommendation and issue a lease for this project.

18 CHAIRPERSON NEWSOM: Hear. Hear.

19 Any comments by Commissioners?

20 No.

21 I just want to commend everybody for the hard  
22 work, and I'm appreciative that we're here to finally make  
23 this decision to move this along, because I know a lot of  
24 folks are frustrated by the delays. That said, you know,  
25 I appreciate Mr. Martin's point that is the point you're

1 making is it's a work in progress, and there's constant  
2 iterative engagement, and we need to be open to argument,  
3 interested in evidence to advance the broader project  
4 goals

5 But this is significant, and an important  
6 milestone, and happy to be here to move this thing along.

7 With that, is there a motion to approve?

8 ACTING COMMISSIONER BAKER: So moved.

9 ACTING COMMISSIONER ORTEGA: Second.

10 CHAIRPERSON NEWSOM: Seconded.

11 And without objection, we'll move this item.

12 Thank you all very much for taking the time to be here.

13 That brings us to, I believe, Item number 84, if  
14 I'm not --

15 EXECUTIVE OFFICER LUCCHESI: That's correct.

16 CHAIRPERSON NEWSOM: -- incorrect?

17 Perfect.

18 EXECUTIVE OFFICER LUCCHESI: And Chris Scianni  
19 will be giving staff's brief presentation on this item.

20 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Yeah.

21 Good afternoon, Mr. Chair and Commissioners. My name is  
22 Chris Scianni. I'm a Senior Environmental Scientist with  
23 the Commission's Marine Invasive Species program. And  
24 I'll be giving you th staff report for Item 84 for your  
25 consideration.

1           (Thereupon an overhead presentation was  
2           Presented as follows.)

3           SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: I want  
4 to start by offering the staff recommendation, and that's  
5 to approve the proposed amendments an addition to the  
6 California Code of Regulations, Title 2, Division 3,  
7 chapter 1, article 4.8, titled biofouling management to  
8 minimize the transport of nonindigenous species from  
9 vessels arriving at California waters.

10                           --o0o--

11           SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So  
12 really briefly, I just want to give a little bit of  
13 background about the overall issue that we're trying to  
14 address, and that's the introduction of non-indigenous  
15 species. So these are organisms that are introduced into  
16 an area that they don't naturally or historically occur.  
17 And if the conditions are right, they can become  
18 established and start to cause all of the negative impacts  
19 that you typically associate with invasive species.

20           So those could include human health impacts,  
21 environmental impacts, and economic impacts.

22                           --o0o--

23           SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: These  
24 indigenous species are moved all around the world through  
25 a variety of different pathways for coastal and estuarine



1 waters. The primary pathway is through commercial  
2 shipping. And so these vessels act as vectors moving  
3 organisms from port to port. And they function through  
4 two different mechanisms, primarily one is ballast water,  
5 which the Commission already manages. The second is  
6 biofouling. That's the topic today.

7           And in California, biofouling is believed to be  
8 responsible for up to 60 percent of the currently  
9 established non-indigenous species in our coastal waters.

10                   --o0o--

11           SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So it's  
12 an issue that we are attempting to address to satisfy the  
13 legislative mandate given to us. So the purpose of the  
14 program is to move the State expeditiously toward the  
15 elimination of the discharge of non-indigenous species  
16 into the waters of California. We do that by focusing on  
17 prevention through vector management.

18                   --o0o--

19           SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: So  
20 really briefly just want to talk about the process of  
21 developing these regulations. So this has been a very  
22 public process, a long process. This is the third  
23 rulemaking action that we're going through right now and  
24 bringing -- the second one that we're bringing to you. If  
25 you'll remember, we brought an item to you in December of

1 2015.

2 CHAIRPERSON NEWSOM: Yep.

3 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: You  
4 voted to approve it. And then during the subsequent  
5 review by the Office of Administrative Law, they  
6 identified some procedural issues that we needed to  
7 address. And so we took that as an opportunity to look at  
8 our process internally and improve on that. And so we've  
9 done that. We've put it back out to the public and we're  
10 bringing it to you again.

11 We developed this in consultation with the  
12 stakeholder technical advisory group that we've been  
13 meeting with off and on since 2010. So a lot of  
14 stakeholder input. It's been informed by eight -- eight  
15 and a half years of vessel reported data on hull husbandry  
16 and operational practices that influence biofouling  
17 accumulation, and also informed through ten years of  
18 research that we've been either funding or collaborating  
19 on to give us some ideas about how best to move these  
20 regulations through.

21 So just really quickly going through a few of the  
22 main components of the proposed rule.

23 --o0o--

24 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: We'll be  
25 expecting vessels that come into California into our ports

1 to have a biofouling management plan and a record book  
2 that are aligned with the voluntary versions in the  
3 International Maritime Organization's biofouling  
4 guidelines. And aligning with the international guidance  
5 was an important priority for us at the staff level, but  
6 also for the stakeholders that we were interacting with.

7           And so we -- this is one of the ways that we're  
8 achieving that alignment with the international rules. We  
9 also are going to be requiring annual submission of an  
10 annual vessel reporting form that would allow us to assess  
11 compliance with the proposed rules, but also to conduct  
12 pre-arrival risk assessments, so we can prioritize  
13 boardings and use our limited inspection resources in an  
14 efficient and science-based manner.

15           This is one of the areas that different -- that  
16 differed from the version that you voted on a year and a  
17 half ago. We took this opportunity to look at our current  
18 reporting form requirements. And we currently require  
19 four forms to be submitted -- four different forms.  
20 Through this rulemaking action, we're deleting three of  
21 them, replacing it with this one. So we're cutting the  
22 administrative burden in half for us to have to process  
23 them and put them into our database, but also for the  
24 industry to have to complete and submit. So we think this  
25 is a win-win for both of us.



1 a section on high risk vessels. So one of the main risk  
2 factors for accumulating organisms or vessels that sit or  
3 remain in the same area for long term. So we've included  
4 an area within the regulations that focuses on vessels  
5 that stay in the same area for 45 days or longer. Not  
6 very many vessels do this, but these are the most risky of  
7 the vessels that are out there.

8 And so we wanted to make sure that they had an  
9 additional requirement to essentially document in their  
10 management plan how they would manage their biofouling in  
11 these situations and follow up on it.

12 --o0o--

13 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And then  
14 finally, there are alternatives and emergency exemptions  
15 available. So there's a blueprint for how a vessel -- a  
16 vessel owner or operator can petition for an alternative  
17 approach that would achieve the same goals of the  
18 regulations. If they determine that there is one, we're  
19 perfectly willing to have those conversations.

20 There's also an emergency exemption clause. If  
21 there's any issue related to the safety of the vessel or  
22 safety of personnel on board the vessel, there's a  
23 specific clause in there to carve out exemptions from the  
24 rules for them.

25 --o0o--

1            SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: We went  
2 through two public comment periods. During the first  
3 public comment period, there were 209 comments. Most of  
4 the comments during that first period were that  
5 regulations like this, focusing on an international  
6 business, are most appropriate at the international level  
7 and not at the State level.

8            There were a lot of comments that were supportive  
9 of our current regulatory approach. And then there were a  
10 lot of comments, 150 in total that were essentially old  
11 comments from previous versions of the rule that were just  
12 incorporated by reference. And so we had to address those  
13 and summarize and respond to those.

14            We did make a small change to the reporting form  
15 to make it more clear -- make the requirement more clear.  
16 So we put the proposed rule back out for a second public  
17 comment period. And we received 35 more comments. The  
18 most common comments were questions about the purpose and  
19 the necessity for the questions that were included on the  
20 reporting form.

21            We've addressed all of the comments that have  
22 come into us. They will be in the final Statement of  
23 Reasons, a summary and a response.

24            --o0o--

25            SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And with

1 that, I just want to end with the staff recommendation  
2 again, and that's to approve the proposed regulations. I  
3 do want to note that the -- the -- if adopted, they will  
4 go into effect October 1st of this year. But most of the  
5 requirements that require planning on the part of the  
6 owner or the operator would go into effect after the first  
7 dry dock after January 1 of next year to give them time to  
8 prepare.

9 CHAIRPERSON NEWSOM: Got it. Excellent.

10 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: And  
11 that's it.

12 CHAIRPERSON NEWSOM: Good. I know John wants to  
13 express some concerns which I'm sure does not surprise  
14 you. Bring it on. And then maybe we can bring you back.

15 MR. BERGE: Thank you, Chairman Newsom and  
16 Commissioners. My name is John Berge and I'm with the  
17 Pacific Merchant Shipping Association. We represent  
18 shipping lines and terminal operators servicing trade  
19 demands in California.

20 I'm treading in kind of a gray area here in these  
21 comments. Most of I want to recognize the work done by  
22 staff in drafting this rule. This is a rule that industry  
23 can operate under. And we're appreciative of that. But  
24 there is one particular aspect of the rule that may pose  
25 some compliance problems, and I wanted to bring it to your

1 attention.

2           You know, we appreciate the efforts the staff has  
3 done. They've largely integrated this proposed rule with  
4 the already extensive efforts made by our industry in  
5 reducing fouling. We obviously have a vested interest in  
6 this. It reduces fuel use. It increases our speed. And  
7 so, you know, we do what we can to reduce that. And the  
8 rule recognizes that, and overlays its requirements, so  
9 doesn't conflict with our industry best practices. So we  
10 believe this has been a good collaborative effort with  
11 both the Commission and the staff, and we view this as a  
12 positive experience. We hope the Commission has as well.

13           But nonetheless, there are some burdens that this  
14 places on already taxed crews and shore-based management  
15 that may prove to be difficult to comply with under  
16 certain circumstances. This is evident in some of the  
17 data required on the annual reporting form, which is  
18 associated with the rule. And Mr. Scianni mentioned that.

19           Some of this data will require extracting  
20 information from ship logs covering perhaps five years  
21 worth of records. And it must be presented to the  
22 Commission 24 hours before the vessel's first arrival for  
23 that year in California.

24           In circumstances -- normal circumstances, ships  
25 could comply with that. It would take a lot of work going



1 through records. But there are situations where a ship is  
2 perhaps chartered into a service relatively recent to  
3 its -- or relatively quickly before its arrival. There  
4 are changes in ownership are flagged, where those records  
5 might not actually be available to the ship crew or even  
6 the management company in prompt enough period to satisfy  
7 that requirement.

8           So before adopting the final rule, we would just  
9 ask that you reconsider some of the data required on the  
10 annual reporting form, which, as I said, is a subset  
11 document of the rule. We've outlined those in our comment  
12 letter of February 6th, and we would ask that the  
13 Commission consider further resolving those issues before  
14 taking final action, and we're happy to work with the  
15 staff in that regard.

16           CHAIRPERSON NEWSOM: Appreciate it.

17           MR. BERGE: So thank you.

18           CHAIRPERSON NEWSOM: Thank you.

19           Jennifer, do you have -- you want to comment  
20 about --

21           EXECUTIVE OFFICER LUCCHESI: Well, I'd like to  
22 ask Chris to respond to that substantively --

23           CHAIRPERSON NEWSOM: Perfect.

24           EXECUTIVE OFFICER LUCCHESI: -- because we  
25 have -- I will say that we have been working on this

1 rulemaking for four years, now?

2 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: We  
3 started the technical advisory group process in 2010.

4 EXECUTIVE OFFICER LUCCHESI: In 2010. So we have  
5 done a significant amount of work.

6 CHAIRPERSON NEWSOM: I recall.

7 EXECUTIVE OFFICER LUCCHESI: Yes, I'm sure you  
8 do.

9 (Laughter.)

10 CHAIRPERSON NEWSOM: No. And then we had about  
11 ten little hearings in my office --

12 EXECUTIVE OFFICER LUCCHESI: Right.

13 CHAIRPERSON NEWSOM: -- with versions. So where  
14 are we?

15 EXECUTIVE OFFICER LUCCHESI: Right.

16 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Yeah, so  
17 I'll answer it in a couple parts. So, one, we have been  
18 collecting basically the same set of questions that are on  
19 the annual vessel reporting form and a different reporting  
20 form, one of the ones that we're getting rid of. So that  
21 set of questions are going onto this form. So it's been  
22 submitted by industry for eight and a half years now. So  
23 we're not adding any additional questions related to  
24 biofouling management in the new form.

25 We also have, as I mentioned during the

1 presentation, tried our best to reduce the administrative  
2 burden on both the Commission staff and the industry by  
3 removing duplicative forms and combining forms, so that we  
4 only have two forms now that they have to deal with. So  
5 that was one of our goals as well.

6 And I don't think that we've had issues before  
7 with collecting data -- these types of data from the  
8 vessels in the eight and a half years that we've been  
9 doing this.

10 CHAIRPERSON NEWSOM: Okay. Okay. So, Jennifer,  
11 if things go off the rails, we'll accommodate, we'll  
12 address those issues, right, Chris?

13 EXECUTIVE OFFICER LUCCHESI: That's --

14 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: Sure.  
15 Can I add one additional? We do have a component in there  
16 for alternative requests. So if there is a vessel that  
17 gets chartered into service and it takes them awhile to find  
18 that information, they can petition for an alternative --

19 CHAIRPERSON NEWSOM: All right.

20 SENIOR ENVIRONMENTAL SCIENTIST SCIANNI: -- and  
21 that's an option.

22 CHAIRPERSON NEWSOM: All right.

23 EXECUTIVE OFFICER LUCCHESI: I was -- I was just  
24 going to add that the State Lands Commission has two  
25 regulatory programs, one is regulating marine oil

1 terminals, and the other is regulating the marine invasive  
2 species. And in both of those programs, the Commission  
3 and its staff is incredibly communicative, and engaging  
4 with the regulatory community on those two issues, and the  
5 amount of outreach that we conduct before conducting these  
6 rule makings is incredibly comprehensive and intense, but  
7 we also are constantly reevaluating our regulatory  
8 programs, so that they not only meet the mandates of what  
9 the State legislature has set forth for meeting the goals  
10 and objectives of the programs, but also we are taking  
11 into account the impacts that these regulations have on  
12 the regulatory -- regula -- regulated community, including  
13 industry.

14           So we are constantly in the reevaluating mode.  
15 So there is always the option to come back, if things are  
16 not working as we anticipate they will be.

17           CHAIRPERSON NEWSOM: Hear, hear.

18           Excellent. Thank you.

19           Any comments or additional comments from staff?

20           Good. I appreciate all the hard work. And I  
21 appreciate the collaborative work, and even the spirit of  
22 your concerns, but the spirit was one of appreciation of  
23 the foundational work that you guys did together. And so  
24 based on my confidence in staff, and their willingness  
25 always to engage, and the ability always to address issues

1 as they arise, and our willingness to be open-minded to  
2 address them in the future, I enthusiastically support  
3 this.

4 Are there objections?

5 ACTING COMMISSIONER ORTEGA: Move approval.

6 ACTING COMMISSIONER BAKER: Second.

7 CHAIRPERSON NEWSOM: Without objection, we will  
8 move this item forward.

9 Thank you, all.

10 That brings us to -- no other action items --

11 EXECUTIVE OFFICER LUCCHESI: No.

12 CHAIRPERSON NEWSOM: -- just informational,  
13 right?

14 EXECUTIVE OFFICER LUCCHESI: That's correct.

15 So Item number 94.

16 EXECUTIVE OFFICER LUCCHESI: Ninety-four. So we  
17 actually had requests by both the Port of San Francisco  
18 and the Port of San Diego to present to the Commission on  
19 various projects or efforts that they are engaged in. And  
20 so the first of our presentations is by the Port of San  
21 Francisco and I'll introduce Brad Benson with the Port of  
22 San Francisco to talk about the Port's seawall resiliency  
23 project.

24 CHAIRPERSON NEWSOM: Uh-huh. You're going to be  
25 Succinct, Brad, right?

1 MR. BENSON: I'm going to be very succinct.

2 CHAIRPERSON NEWSOM: All right.

3 MR. BENSON: Good afternoon.

4 CHAIRPERSON NEWSOM: I'm glad you're still there.

5 MR. BENSON: Yes. We were here just two  
6 years ago --

7 CHAIRPERSON NEWSOM: Yeah.

8 MR. BENSON: -- presenting

9 CHAIRPERSON NEWSOM: Yeah.

10 MR. BENSON: And so we appreciate the opportunity  
11 to address the Commission. I'm here representing the Port  
12 Commission and Executive Director Forbes the new Port  
13 Director.

14 CHAIRPERSON NEWSOM: Yea, the new director.

15 (Thereupon an overhead presentation was  
16 presented as follows.)

17 MR. BENSON: And I know that Director Forbes  
18 would start by saying thank you to Executive Director  
19 Lucchesi and staff who have been coming down and  
20 participating in our water front land-use planning  
21 process. It's been fabulous to have that real engagement  
22 by staff in our public process locally. So thank you.

23 CHAIRPERSON NEWSOM: Awesome.

24 MR. BENSON: The topic today is the Port's  
25 seawall and sea level rise. There is some technical

1 information here, but I'll try and move through it  
2 quickly.

3 Is the clicker?

4 Let me just make sure that it works.

5 --o0o--

6 MR. BENSON: It does.

7 Okay. So when we were last here, we were  
8 starting a planning process, and also starting to study  
9 the condition of the seawall. It's, in most locations,  
10 over 100 years old, and have been doing a seismic analysis  
11 of the seawall, which has now yielded some results that  
12 we, at the staff level and the Commission level, think we  
13 have to address.

14 So going back to 1850, this is San Francisco's  
15 Harbor, natural mudflats, poor access for vessels, a lot  
16 haphazard docks being built out into the bay.

17 --o0o--

18 MR. BENSON: Around about 1863, the California  
19 Legislature formed the State Board of Harbor Commissioners  
20 to form a seawall and to build a natural deep water harbor  
21 in San Francisco Bay. After fits and starts in 1877, 40  
22 years of work started on the seawall, matching that  
23 curvilinear line.

24 --o0o--

25 MR. BENSON: And so this is typical construction

1 for the seawall. There was dredging of about 100-foot  
2 wide area out near deep water, a 40-foot rock dike filling  
3 behind the dike, and then the beautiful piers and bulkhead  
4 buildings that you see today are supported on a marginal  
5 wharf, which is supported by piles driven through the  
6 seawall. It's un -- the seawall itself is unseen  
7 infrastructure. Most people don't know that San Francisco  
8 has a three-mile seawall.

9 --o0o--

10 MR. BENSON: The earthquake study that we  
11 conducted, consistent with the federal analysis, shows a  
12 72 percent probability of a major earthquake in the -- by  
13 2044. So it is a high likelihood of happening.

14 --o0o--

15 MR. BENSON: Before 1906, there were 10  
16 earthquakes magnitude six or seven or greater in the 50  
17 years leading up to 1906. And we've only seen a handful  
18 of earthquakes that size in the 100 years since. As  
19 stress builds on the fault, we expect the frequency of  
20 earthquakes to build over time.

21 --o0o--

22 MR. BENSON: Looking at the 1906 earthquake -  
23 this is a seismic graph from Germany, the only one to  
24 catch the 1906 earthquake, and the Loma Prieta earthquake  
25 on the same seismograph - the 1906 released 60 times the



1 energy of the Loma Prieta earthquake that we had in 1989.  
2 There was a minute of strong ground shaking compared to  
3 eighty seconds in Loma Prieta.

4 CHAIRPERSON NEWSOM: Yeah, I know its -- it means  
5 nothing. The Academy of Science has this unbelievable  
6 little shake shack, which puts it into perspective. And  
7 being there in '89, and it was -- it was -- just having  
8 experience it, and then actually going back in, it was --  
9 now, I understand the whole notion of PTSD. It was  
10 really -- honestly, it was really an amazing experience,  
11 but then you go to the '06, and you think, come on, that's  
12 not even possible that the city there was anything left.

13 I mean, anyway, it just underscores that we all  
14 be better be prepared, Jennifer --

15 (Laughter.)

16 CHAIRPERSON NEWSOM: -- personally, not just  
17 professionally.

18 (Laughter.)

19 CHAIRPERSON NEWSOM: That's right. It's coming.

20 MR. BENSON: So two major --

21 CHAIRPERSON NEWSOM: Thank you, Brad.

22 MR. BENSON: -- different events.

23 CHAIRPERSON NEWSOM: Yes.

24 --o0o--

25 MR. BENSON: And this is an image from 1906,

1 along the Embarcadero. This is showing lateral spreading.  
2 This is before there were the piers and wharves that you  
3 see today. So most of the current structures on the  
4 Embarcadero, with the exception of the Ferry Building,  
5 were not in existence, didn't survive through 1906. But  
6 this is an example of the Embarcadero moving towards the  
7 bay.

8 --o0o--

9 MR. BENSON: So this is what the analysis is  
10 showing, that there's unengineered fill behind the  
11 seawall. It's liquefiable in a major seismic event. When  
12 it liquefies, it creates pressure bayward against the rock  
13 dike. The rock dike is sitting on weak bay mud, not  
14 engineered for earthquake performance. Once the seawall  
15 starts moving, it's projected to move several feet.

16 And that's too much for the piles that are driven  
17 through the seawall. So many of the pile-supported  
18 structures would likely be subjected to a collapse risk.

19 --o0o--

20 MR. BENSON: We're also examining flood risk, as  
21 part of this project. This is today. We have king tide  
22 events like this several times a year. It's mostly  
23 nuisance flooding. The FEMA 100-year flood map shows some  
24 potential risk to the muni tunnel, along the Embarcadero  
25 in a 500-year flood, which would be a much more rare

1 flood.

2           But as we are seeing with the projections for sea  
3 level rise, this is showing the extent of flood risk today  
4 under six inches of sea level rise. Twenty-four inches,  
5 you start to see the muni stations implicated and regular  
6 flooding of the piers along the waterfront, 66 inches,  
7 reaching all the way to pretty much the original  
8 shoreline. And so seismic risk is a risk now, and it's a  
9 high risk now. Flood risk is an increasing risk over  
10 time.

11                               --o0o--

12           MR. BENSON: So the seawall protects more than  
13 \$50 billion in assets and economic activity along the San  
14 Francisco waterfront. My colleague Kevin Brough is  
15 working on a -- is working on this analysis right now that  
16 we're getting ready to publish.

17           We have 24 million visitors annually on the San  
18 Francisco waterfront, transportation and utility  
19 infrastructure protected by the seawall and the national  
20 registered historic district.

21                               --o0o--

22           MR. BENSON: So the value at risk in terms of  
23 assets, almost 30 billion; business interruption under a  
24 maximum considered earthquake up to 25 billion; local,  
25 State, and federal taxes \$3.5 billion a year.

1                   --o0o--

2           MR. BENSON: We're examining a number of  
3 potential improvement strategies. The whole point of this  
4 effort is how do we solve for this risk?

5           We could either improve the land behind the  
6 seawall. We could build a new seawall baywards. There  
7 are a number of different strategies from improving the  
8 soils under the seawall. We're embarking on about \$35  
9 million study to figure out which is the best approach for  
10 fixing the seawall.

11                   --o0o--

12           MR. BENSON: We've got a number of goals for this  
13 project:

14           We want to improve safety, reduce damage in one  
15 of these major events. We clearly have to take advantage  
16 of this opportunity.

17           The seawall's gray infrastructure; are there  
18 opportunities to provide for environmental enhancement as  
19 we conduct this project; and what other public benefits  
20 could be included in the project. So it's going to be a  
21 public process trying to figure out what this project is.

22                   --o0o--

23           MR. BENSON: Over the next ten years, we think  
24 that it's a \$500 million project. The full project to  
25 address a new shoreline for sea level rise up to \$5

1 billion, but we're focused on this next ten years what can  
2 we do now.

3 --o0o--

4 MR. BENSON: We're just getting started. The  
5 seawall is -- this project is clearly bigger than the  
6 Port's ability to pay. This is cutoff a little bit. We  
7 have about a \$1.6 billion existing capital need. We spent  
8 about \$18 million on capital -- our capital budget. So  
9 three -- you know, three to five billion dollar project is  
10 beyond the ability of the Port to pay. And, in fact, it's  
11 beyond the ability of the City's GO Bond Program to pay.

12 Over the next ten years, we expect a city GO Bond  
13 Program of 1.8 billion, and Mayor Lee did announce \$350  
14 million general obligation for 2018. So that would be a  
15 very good downpayment for this project, if approved by  
16 voters.

17 But clearly other sources are needed. And so  
18 we're looking to State and Federal sources. We'll be  
19 going to D.C. next week to start talking about things like  
20 Army of Corps Engineers funding. But we think there's a  
21 role for the State as well, and particularly as it relates  
22 to sea level rise. And we're not the only community in  
23 the State that is facing this risk, and there are no  
24 existing funding strategies structured for this purpose or  
25 they're just emerging today.

1                   --o0o--

2           MR. BENSON:  So we want to start a conversation  
3 with folks in the State legislature, with your staff,  
4 other ports interested in facing this risk.  What are the  
5 best strategies to fund sea level rise improvements?  A  
6 tool that we've been working on for many years now is  
7 infrastructure financing districts.  Local jurisdictions  
8 can capture the local share of property tax growth through  
9 those districts.

10           Would it make sense for the State to contribute  
11 the State's share as an inducement for local communities  
12 to invest in sea level rise improvements?  Is there a bond  
13 vehicle to address resiliency projects around the State.

14           We've come up with a potential local solution, if  
15 the State is not ready to act right now, but we want to  
16 start a dialogue, and we don't think we know the answers  
17 to this problem.

18                   --o0o--

19           MR. BENSON:  So getting to our next steps, we'd  
20 very much like to collaborate with your staff to  
21 brainstorm.  We know the Commission's been very interested  
22 in sea level rise, and we'd love to brainstorm with you  
23 solutions that could work for both the port and other  
24 jurisdictions.  We're going to work to develop a coalition  
25 around the State, and we'll be starting this summer to

1 meet with legislative committee staff, representatives of  
2 the Governor's office. And so we just appreciate  
3 everybody's good ideas.

4 So that was me rushing.

5 CHAIRPERSON NEWSOM: Excellent.

6 MR. BENSON: Any questions?

7 CHAIRPERSON NEWSOM: None directly. No. Well  
8 done. Thank you for the overview, and thank you for  
9 beginning with, again, the collaborative note to our  
10 staff.

11 And, Jennifer, anything you want to add? I mean,  
12 this -- you know, this challenge is replicated up and down  
13 the coast.

14 EXECUTIVE OFFICER LUCCHESI: That's correct. And  
15 the only thing I want to just put a finer point to is --  
16 and I think this will also -- this theme will go -- will  
17 move forward when we talk about the Port of San Diego and  
18 their efforts to update their master plan is these are  
19 State Lands. They're State assets. They're State  
20 resources. They've just been granted to the local  
21 municipality here, the City and County of San Francisco to  
22 manage on the State's behalf.

23 And so this really is, in so many ways, not just  
24 physically a State asset, but also from a tourism, from an  
25 economic driver perspective, these really are State assets

1 that need to be protected. And these are real problems  
2 that cost a lot of money to solve.

3 And so it really -- I think the State Lands  
4 Commission, and obviously the State legislature, and other  
5 entities within the State have a vested interest in trying  
6 to be creative and problem solve here.

7 ACTING COMMISSIONER BAKER: On behalf of the  
8 Controller, two things. Ocean Protection Council has just  
9 come out with a sea level rise study. I'm hoping that it  
10 can be -- come to the next Commission meeting here --

11 CHAIRPERSON NEWSOM: That's great.

12 ACTING COMMISSIONER BAKER: -- for them to  
13 present on that, because I think this is part of the  
14 education.

15 The second thing is we're supposed to be working  
16 with the Coastal Commission on guidance, because when they  
17 did their guidance on sea level rise, they were really not  
18 responsive to the ports. They talked more about  
19 everything looks like Sea Ranch as opposed to things  
20 that --

21 CHAIRPERSON NEWSOM: Right.

22 ACTING COMMISSIONER BAKER: -- look like more  
23 urban areas. And when we had our stakeholder workshop  
24 that the Controller convened, most of the ports said  
25 they'd really like us to convene, you know, sort of a



1 discussion of all of them together to talk about where we  
2 could go with that.

3           And so we would like to suggest that probably the  
4 third quarter of this year. It would be good for -- for  
5 us to convene that kind of working group with the ports to  
6 present things at the Coastal Commission, to make sure  
7 we've got unified positions, and so that we can help them  
8 come up with a common message that goes across all of the  
9 ports and their different sizes. So I'd like to make that  
10 request.

11           CHAIRPERSON NEWSOM: That's a great idea, yeah.  
12 Jennifer, I mean, anything along those lines in terms of  
13 just your -- I mean, there's no informal working groups  
14 that you guys have -- around this issue that you've  
15 already established or been participating in?

16           EXECUTIVE OFFICER LUCCHESI: Not that staff has  
17 already established.

18           CHAIRPERSON NEWSOM: That staff has engaged in  
19 any way, so that's --

20           EXECUTIVE OFFICER LUCCHESI: Obviously we work  
21 directly with our individual port grantees very closely.  
22 And then also not just the Coastal Commission, but BCDC,  
23 as they regulate the bay, and oversee the ports in the  
24 Bay. So it's certainly something that we can do.

25           CHAIRPERSON NEWSOM: No that's a great idea.

1 Important. Good. Well, let's make sure that we help  
2 support the Controller's office in those efforts.

3 Fabulous.

4 Thank you, Brad.

5 MR. BENSON: Thank you very much.

6 CHAIRPERSON NEWSOM: Good to see you. Appreciate  
7 it.

8 That brings us to Item number 95.

9 EXECUTIVE OFFICER LUCCHESI: Yes. And this --

10 CHAIRPERSON NEWSOM: Is that what you'd prefer --

11 EXECUTIVE OFFICER LUCCHESI: Yes, that is what I  
12 prefer.

13 CHAIRPERSON NEWSOM: -- so set at 97[sic].

14 EXECUTIVE OFFICER LUCCHESI: Yes.

15 CHAIRPERSON NEWSOM: All right.

16 EXECUTIVE OFFICER LUCCHESI: I'd like to  
17 introduce Job Nelson from the Port of San Diego. He will  
18 be talking about the Port's current effort to update its  
19 master plan.

20 CHAIRPERSON NEWSOM: Fabulous.

21 MR. NELSON: And I will just -- for the record,  
22 my name is Job Nelson. I'm AVP of External Relations at  
23 the Port of San Diego. And I would just comment on that  
24 last presentation.

25 CHAIRPERSON NEWSOM: Yeah. Good, yeah, right.

1 You were here.

2 MR. NELSON: We actually met with Jennifer not  
3 that long ago, just a few weeks ago. And she mentioned  
4 San Francisco coming and talking about this issue. And we  
5 had just had a presentation by our engineering staff. We  
6 have a cruise ship terminal. A similar situation, very  
7 old, built 100 years ago, in danger of liquefaction.

8 And so I think it's a -- it's a -- it's an issue  
9 that's being replicated up and down the coast. And I  
10 think it is something that we're all going to want to work  
11 together on, and we're very open to working together on,  
12 because you're just dealing with very old infrastructure,  
13 and very dangerous situations. And with that, comes  
14 costs. And so trying to figure -- all of us wrestling to  
15 try and figure out how we're going to do it.

16 CHAIRPERSON NEWSOM: Yeah. Excellent.  
17 Excellent.

18 MR. NELSON: So Chair Newsom --

19 CHAIRPERSON NEWSOM: Yes, sir.

20 MR. NELSON: -- Commissioners, Jennifer. For the  
21 again my name is Job Nelson. Thank you for allowing us to  
22 discuss the Port's integrated planning initiative, what it  
23 means for the San Diego region, and how the Port master  
24 plan update fits into our long range planning efforts. I  
25 was fortunate enough to work with you all and to

1 participate in discussions regarding your strategic plan.  
2 And just as you're endeavoring to look forward, so are we.

3 (Thereupon an overhead presentation was  
4 Presented as follows.)

5 MR. NELSON: Let's see if we can bring up this  
6 PowerPoint.

7 --o0o--

8 MR. NELSON: As a reminder the San Diego Unified  
9 Port District is a unique public agency. We're a public  
10 benefit corporation established by the State of California  
11 in 1962. And we have 6,000 acres that we've been  
12 entrusted for -- to. That is a significant amount of  
13 acreage to plan for.

14 --o0o--

15 MR. NELSON: To better understand our integrated  
16 planning effort, there are several foundational documents  
17 and principles supporting the Port Master plan.

18 In 1962, when the Port was formed by the  
19 legislature with the adoption of the Port Act, the Act  
20 established our duties to manage the land around San Diego  
21 Bay for statewide purpose that recognizes the Public Trust  
22 Doctrine, and set forth our mission, like yours, to  
23 protect and promote public access, commerce, navigation,  
24 fisheries, recreation, and environmental stewardship.

25 When the Coastal Act was adopted in 1976, we were

1 required to adopt a port master plan. And recognizing the  
2 importance of ports, the Coastal Act contains a special  
3 chapter for ports, chapter 8, which dictates the content  
4 of that port master plan.

5 The port master plan was cert -- initially  
6 certified in 1980. Now, some you may be thinking what has  
7 changed since 1980?

8 Well, besides my hair line, a lot.

9 (Laughter.)

10 --o0o--

11 MR. NELSON: If you're familiar with the San  
12 Diego waterfront, this slide says it all. The development  
13 of the San Diego Convention Center and major improvements  
14 to the San Diego's Embarcadero among the projects that ou  
15 region as seen in the past several decades.

16 Since that time, the current master plan has been  
17 amended 38 times. A project that would come in, it  
18 wouldn't be in the plan, and then we'd have to go to the  
19 plan, get the plan amended in order to move forward,  
20 requiring many ours of staff time and months.

21 Without clear guidance for development, and the  
22 inability to adapt to modern demands and proposals, the  
23 port master plan contributes to delays of important  
24 projects. The need to amend the port master plan for  
25 individual proposals has added and average of one year to

1 development timelines for important projects like these,  
2 as well as hotels, restaurants, and visitor-serving  
3 industries.

4 --o0o--

5 MR. NELSON: Given this history, it was clear we  
6 needed to take a time-out and look at all of the bay  
7 holistically and comprehensively. So we had the idea to  
8 modernize our approach to planning, with the goal of  
9 setting a blueprint that provides certainty for  
10 developers, investors, stakeholders by codifying in a  
11 comprehensive update to our master plan.

12 The potential for this new planning paradigm is  
13 great, and it brings a variety of opportunities that  
14 intend to attract more people to our tidelands, provide  
15 public benefits and optimize the return on investments.

16 --o0o--

17 MR. NELSON: When we looked at what we were  
18 hoping to accomplish with integrated planning, we  
19 initially looked at three aspirational ideas. We wanted  
20 to create a sense of place on our waterfront, reflecting  
21 the unique character of the Port's five member cities, and  
22 a mixed-use bay; we wanted to develop iconic destinations  
23 that help establish the San Diego Bay internationally, and  
24 draw visitors and residents alike to learn about and  
25 appreciate the tidelands; and we wanted to make sure we

1 acknowledge and respect adjacent uses, as well as uses  
2 that are central to the port and its activities.

3 Now with that, I think we have a short video, and  
4 I promise it is short, that will talk about what we're  
5 planning to do.

6 (Thereupon a video was played.)

7 MR. GIFFEN: Great. Thanks very much for showing  
8 that. We just have a couple more slides to go through.

9 Thank you, Job.

10 Commissioners, Jason Giffen with the Port of San  
11 Diego as the AVP for Planning and Greenport.

12 --o0o--

13 MR. GIFFEN: I'm going to switch -- let's see if  
14 I can toggle back.

15 Through the integrated planning and visioning  
16 process, the district identified various comprehensive  
17 ideas to be explored. One example is a comprehensive park  
18 plan. The district can improve the balance between public  
19 realms, parks, open space, and infrastructure and  
20 development by looking at these areas collectively, and  
21 increasing the overall quality of land and water areas in  
22 a systematic way, which we've been referring to as the  
23 green necklace, as you can see traverses the circle around  
24 the bay.

25 --o0o--

1 MR. GIFFEN: While planning -- while land  
2 planning is important, we're emphasizing the importance of  
3 the waterside uses too. Development of a bay-wide water  
4 plan would reinforce the appropriate use of water for  
5 substantial area for recreation and commerce. Components  
6 of a bay-wide water plan may include a recreational  
7 boating plan, a deep water plan, a public water  
8 transportation plan, and a commercial boating plan.

9 The water plan is one component of a larger  
10 mobility plan addressing multi-modal transportation  
11 options that sync up with interconnected systems of roads,  
12 public transit routes, rail routes, pedestrian walkways,  
13 and bicycle paths.

14 --o0o--

15 MR. GIFFEN: The mobility plan will strengthen  
16 the connection between transportation plans and transition  
17 nodes, particularly how people and goods from one mode to  
18 another around the big bay, and will strengthen  
19 collaboration with State and regional transportation  
20 agencies, as well as our five member cities identified in  
21 the video.

22 --o0o--

23 MR. GIFFEN: The integrated planning processes  
24 identified numerous land and development opportunities  
25 that complement the different and unique areas within our



1 mixed-use bay, from the urbanized mixed use north bay to  
2 the working waterfront in the center, to the abundance of  
3 our natural tidelands in the south bay.

4 --o0o--

5 MR. GIFFEN: This timeline represents the overall  
6 planning process. As mentioned in the video, we've been  
7 at this since 2013 with the start of our vision, and that  
8 was completed with its adoption in 2015. The vision is  
9 the foundation of the work we're currently completing,  
10 which is drafting actually the contents of the Port Master  
11 Plan update, which is actually represented by the dark  
12 blue bar in the center of the graph with the orange-dashed  
13 line representing where we are today.

14 So as we transition from a vision to a pragmatic  
15 plan, we have also embarked on initiating work on our  
16 Environmental Impact Report, which we're planning to bring  
17 before our board towards the end of this calendar year.  
18 And then after that, we'll begin the process which we, at  
19 least now, are planning for about 12 months to go through  
20 the process with the Coastal Commission.

21 --o0o--

22 MR. GIFFEN: In terms of content, the Port Master  
23 Plan will contain goals and policies organized by chapters  
24 and topical elements, along with sections for each of the  
25 ten planning districts. We feel that if the port can



1 meeting coming up next week. Coinciding with our, and  
2 running paralegal to our, Board meetings, we're also  
3 holding a number of public and open -- public open houses.  
4 We held the first of that just recently, with the second  
5 coming up very shortly.

6           We've also initiated our initial public spoke --  
7 scope -- scoping meeting for the Notice of Preparation.  
8 And we look really forward to continuing to make good  
9 progress on this update. And we're excited to advance  
10 this planning effort in continuous strong partnership with  
11 the Commission, as well as your terrific staff led by your  
12 Executive Director.

13                           --o0o--

14           MR. GIFFEN: So with that, I'd like to say thank  
15 you very much for the time. And as shown in the video,  
16 you can learn more about the Port of San Diego's update at  
17 portofsandiego.org. And for the Commission and also for  
18 staff, there's a couple leave-behinds, okay?

19           Thank you very much.

20           I'll leave them with the clerk's office.

21           ACTING CHAIRPERSON WILLIAMS: Great. Thank you.

22           ACTING COMMISSIONER BAKER: How do you see it  
23 mixing with the ocean planning efforts you're doing  
24 jointly?

25           It's an age thing you know.

1           MR. GIFFEN: So in response to the question how  
2 does this synch up with the current effort with -- that  
3 we're doing with the Coastal -- with California State  
4 Lands Commission on ocean planning?

5           What we're doing with ocean planning is probably  
6 where we were with the Port Master Plan update beginning  
7 in about 2013. So with that effort, we're right at the  
8 initial due diligence phase. We're going to very -- I  
9 think follow a similar path where we'll do due diligence,  
10 we'll move forward with an assessment report, so they will  
11 be complementary. However, this plan focuses strictly on  
12 the lands that have been deeded to the Port of San Diego  
13 that are in our jurisdiction currently.

14           But we are thinking about not just how we can  
15 coincide with that planning effort, but, of course, one of  
16 our biggest neighbors being the U.S. Navy, as well as  
17 State Parks along the Silver Strand and U.S. Fish and  
18 Wildlife with the Wildlife Refuge in the south bay, all  
19 have corresponding that we are taking in consideration in  
20 terms of collaboration and partnership.

21           ACTING COMMISSIONER BAKER: Okay.

22           ACTING CHAIRPERSON WILLIAMS: Any other comments  
23 from Commissioners?

24           No.

25           Jennifer, is there anything you offer from a

1 staff perspective.

2 EXECUTIVE OFFICER LUCCHESI: Yeah. I just wanted  
3 to conclude both presentations by probably stating the  
4 obvious. Both the Port of San Francisco and the Port of  
5 San Diego are ports of the State that are very unique in  
6 their own ways, but have very similar themes running  
7 through them.

8 They're not like our Ports of Oakland, Ports of  
9 L.A. or Long Beach that are really purely container ports.  
10 These are ports that not only have a very robust maritime  
11 element to them, but they are probably our top -- one of  
12 our top visitor-serving tourist destination waterfront  
13 ports that serve a variety of users, including the local  
14 and regional communities to visitors from all around the  
15 world.

16 And the staffs of both of those ports a very long  
17 history of working with the Commission to ensure that they  
18 stay consistent with the fundamental principles of the  
19 Public Trust and the terms upon which the State has  
20 granted them these lands, but also to their credit,  
21 pushing the envelope to stay ahead of the curve on what  
22 visitors to the waterfront want, and value, and need in  
23 those unique areas.

24 So I just want to commend both of their ports,  
25 the current leadership and the current staff, but also

1 previously leadership, and previous staff at both of these  
2 ports, because they really are in their own unique way a  
3 very model for working with the State Lands Commission in  
4 achieving their Public Trust goals and objectives.

5 ACTING CHAIRPERSON WILLIAMS: Thank you.

6 Any public comment on this item?

7 No. With that, thank you very much.

8 Next item is Item 97. It's an informational  
9 update on the California Oil Spill Prevention, Response,  
10 and Preparedness program performance audit.

11 FISCAL OFFICER COOK: My name is Denise Cook.  
12 I'm the Fiscal Office for the Commission. This is going  
13 to be a brief summary of the 2016 Oil Spill Prevention,  
14 Response, and Preparedness program performance audit as it  
15 relates to the Commission's Oil Spill Prevention and  
16 Administration Fund, and our Oil Spill Prevention Program.

17 The authority of the Commission's Oil Spill  
18 Prevention program is Lempert-Keene-Seastrand Oil Spill  
19 Prevention and Response Act of 1990. The Act established  
20 the Office of Spill Prevention and Response, also known as  
21 OSPR, a division of with the California Department of Fish  
22 and Wildlife.

23 OSPR is the fund administrator for the Oil Spill  
24 Prevention Administration Fund. This fund represents the  
25 majority of State Lands Commission budget, about 40

1 percent. Government Code 8670.42 required a performance  
2 audit of the program be performed by the Department of  
3 Finance, Office of State Audits and Evaluation every four  
4 years with a submission of the financial basis and  
5 programmatic effectiveness to the Governor and the  
6 legislature on or before January 1.

7           The Office of State Audits, included four  
8 findings within the 2016 audit. Two of the findings  
9 related to the Commission's Oil Spill Prevention Program.

10           Finding two of four states, "The Commission's  
11 databases lacked information from management decision  
12 making. The Commission's oil spill prevention database  
13 included some out-of-date information and was missing data  
14 for 29 of 42 pipelines sampled, and did not have the total  
15 number of pipelines, and did not have a mechanism to  
16 notify staff when a pipeline test is due".

17           Item number -- finding number 3 identified the  
18 Commission's inability to meet the five-year safety audit  
19 cycle. This is due to the retention and hiring of  
20 skilled -- or issues with the retention and hiring of  
21 skilled audit staff inspectors. It has been a long  
22 challenge for the Commission. And then in the beginning  
23 of 2011, the Long Beach Unit -- the Long Beach Unit  
24 facilities was added to the Safety Unit Program.

25           The Long Beach Unit was historically excluded

1 from the Commission's safety audit as the Commission does  
2 not have any leasing or regulatory authority over these  
3 facilities.

4           The Commission's Corrective Action Plan was  
5 submitted to the Department of Finance on February 24th,  
6 2017. The corrective plan includes training session for  
7 Northern and Southern California field office, and review  
8 of updated practices and procedures regarding pipeline  
9 testing and maintenance. The Commission staff continues  
10 to try to recruit and fill Safety Audit Program vacancies  
11 while utilizing field inspectors to assist with the  
12 oversight and compliance.

13           In conclusion, I would like to reiterate that the  
14 prevention of oil spills in California waterways is a top  
15 priority for the Commission. Commission staff appreciates  
16 the efforts of the Department of Finance for its thorough  
17 review and analysis of the Oil Spill Prevention Program.  
18 Staff agrees with the recommendations outlined in the  
19 audit and are actively implementing them.

20           Thank you very much.

21           ACTING CHAIRPERSON WILLIAMS: Thank you.  
22 Grateful. I mean, this obviously comes at a particularly  
23 important time for the Commission with the quitclaim on  
24 the leases associated with these South Ellwood Oil Field.  
25 So I'm grateful for you updating us and bringing that one



1 before us.

2           Just for an opening, Jennifer, is there -- how  
3 does the State Lands oversight of the oil operations on --  
4 within its jurisdiction, and the safety features, and the  
5 standards that the Commission sets. Do we have a  
6 comparative analysis with other jurisdictions are the  
7 things that we look at, or they look at the Commission  
8 that they could do better? What's -- how do we compare  
9 with our requirements?

10           EXECUTIVE OFFICER LUCCHESI: Well, I think we  
11 compare very well -- in fact, are extremely successful at  
12 the prevention of oil -- oil spills at the facilities  
13 under our jurisdiction.

14           We do interact on a regular basis with our  
15 federal counterparts to ensure that we're keeping up with  
16 their procedures and practices, and vice versa. We are  
17 also engaged with counterparts around the world. In fact,  
18 our chief of our marine -- Minerals Resources Management  
19 Division was, I think, just in Dubai not too long ago,  
20 actually receiving an award for her work, and the work of  
21 the Commission, so -- on oil spill prevention.

22           So I don't have any specific reporting that I can  
23 provide to you, at this time --

24           ACTING CHAIRPERSON WILLIAMS: Sure.

25           EXECUTIVE OFFICER LUCCHESI: -- but I will say

1 that our prevention program is one of the best in the  
2 nation, if not the world.

3 CHAIRPERSON NEWSOM: Well, that's -- any comments  
4 from the Commissioners?

5 Any public comment on this item?

6 With that, thank you very much.

7 The next item is -- we're going back to -- or  
8 forward to 98.

9 EXECUTIVE OFFICER LUCCHESI: Right.

10 ACTING CHAIRPERSON WILLIAMS: It's the  
11 informational report on efforts to update the Commission's  
12 Environmental Justice Policy.

13 EXECUTIVE OFFICER LUCCHESI: And Sheri Pemberton  
14 will give our staff presentation.

15 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
16 PEMBERTON: Yes. Thank you. Sheri Pemberton. And this  
17 item relates to the Commission's Environmental Justice  
18 Policy. The Commission adopted a policy in 2002, and we  
19 are now as staff proposing to update that policy. And the  
20 staff report outlines the process and timeline and the  
21 rationale for that.

22 The staff recommends over the next year engaging  
23 with a variety of stakeholders in the environmental  
24 justice community with reports, with State agencies.  
25 We've started some of that work. We've been in

1 discussions with CalEPA, the office of -- Governor's  
2 Office of Planning and Research, and environmental justice  
3 communities in the San Francisco Bay region.

4           So we're gearing up for a very robust process,  
5 and we're hoping over the next seven or eight months to do  
6 targeted outreach with different regions in the State.  
7 The California Coastal Commission is also potentially  
8 preparing an environmental justice policy update. So  
9 we're hoping when there are areas of shared jurisdiction  
10 that maybe we can collaborate.

11           And then what we want to do is make this outreach  
12 flexible, so that it meets the needs of the environmental  
13 justice community.

14           We have also been looking at California  
15 environmental -- CalEnviroScreen.

16                           --o0o--

17           EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
18 PEMBERTON: A tool that the CalEPA developed. And so our  
19 GIS staff has overlaid with that with certain census  
20 tracts areas where we have leases, so we can kind of  
21 tailor our outreach to where we have leases in our  
22 jurisdiction. So we'll continue to build off that and use  
23 that to help inform our outreach.

24                           --o0o--

25           EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

1 PEMBERTON: And then we propose, as you can see on this  
2 slide, over the next few months doing outreach in certain  
3 areas in the San Francisco Bay and Oakland area, and then  
4 continuing that in Southern California through June, July,  
5 and August. And then releasing a draft Environmental  
6 Justice Policy update in September or October. And then  
7 eliciting feedback from those that we've worked with on  
8 that draft. And then in December at the Commission's  
9 meeting bringing an updated drafted Environmental Justice  
10 Policy update to the Commission for its consideration.

11 So I'm happy to answer any questions, if you have  
12 any.

13 ACTING CHAIRPERSON WILLIAMS: Right. Thank you.  
14 Any questions?

15 ACTING COMMISSIONER BAKER: Now that I've learned  
16 to work this, it's time to go home.

17 I -- the Controller would like a chance to talk  
18 to you about the principles. She's a little bit concerned  
19 that they're staff-driven written, as oppose to perhaps  
20 reflecting those communities and their kind of engagement.  
21 And I think that's based on her experience with other  
22 groups and other EJ policies. So she'd like to offer  
23 herself up to do that. I get the joy of doing that once  
24 for her as opposed to the reverse.

25 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

1 PEMBERTON: Yes.

2           ACTING COMMISSIONER BAKER: And on EnviroScreen,  
3 EnviroScreen is an amazing tool, and it's an excellent  
4 tool, but it's based on air quality data. It's not based  
5 on other resource or any other kinds of data. So I think  
6 you should use it as a tool, and think about it in that  
7 sense as opposed to an absolute. That's all.

8           EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF  
9 PEMBERTON: Thank you. Absolutely.

10           ACTING CHAIRPERSON WILLIAMS: Thank you. I think  
11 just echo that. You know, I think when we went through  
12 this process with updating the strategic plan as a very  
13 collaborative stakeholder-driven process under the  
14 stewardship of the State Controller's office as well, in  
15 particular. It seemed to be a good model on how to  
16 proceed on these as a very much driven from the bottom up,  
17 and, you know, appreciate this is a moment -- a broad  
18 outline.

19           But as we go forward, you know, really take this  
20 to the -- to the people it impacts and have them drive the  
21 agenda as well.

22           Anything to add?

23           EXECUTIVE OFFICER LUCCHESI: Yes, I just -- I --  
24 from the staff's perspective, we couldn't agree more. I  
25 think our intent of putting some of those principles in

1 the staff report was just to provide something for -- as  
2 an initial lobby to throw out there for people to react to  
3 knowing that that was likely not going to be the end  
4 result.

5 ACTING CHAIRPERSON WILLIAMS: Right.

6 EXECUTIVE OFFICER LUCCHESI: But we also have  
7 seen that sometimes having a combined approach of having  
8 something for people to react to, as well as developing  
9 ideas from the bottom up is -- can be the most effective  
10 and generate a lot of discussion from that point.

11 And the other aspect is we are taking a lot of  
12 the lessons learned from the stakeholder outreach that we  
13 engaged in with the Controller from the strategic plan  
14 effort. But the only difference is we're going to go to  
15 the communities and engage with them in that respect.

16 So we are going to take this on the road and try  
17 to engage as much as possible with communities that want  
18 to engage with us. And that's not just obviously the  
19 coastal regions, but this is the inland areas where the  
20 Delta, San Joaquin river, the inland area, our school  
21 lands where we also have jurisdiction separate from some  
22 of the coastal areas that we're more used to dealing with  
23 on a day-to-day basis.

24 ACTING CHAIRPERSON WILLIAMS: Great. Thank you.  
25 And with that commitment, look forward to it.

1 Any public comment on that item?

2 With that, the next order of business is the  
3 Executive Officer's report.

4 Jennifer.

5 EXECUTIVE OFFICER LUCCHESI: Right. So I will  
6 make this as brief as possible, but I do want to take the  
7 opportunity to brief the Commission and members of the  
8 public that may be watching our webcast on a couple of  
9 things.

10 First is the recent activity by Venoco to  
11 quitclaim its lease -- its three leases in the Santa  
12 Barbara channel offshore Goleta back to the State. We do  
13 have a fact sheet that goes into great detail about that  
14 situation and what our next steps are, and those can --  
15 that fact sheet can be accessed on our website.

16 However, building off of that fact sheet, I did  
17 want to update the Commission that our technical staff,  
18 our engineers, our auditors, our inspectors will be on  
19 site on the properties next week working with Venoco  
20 staff, talking with the city and county folks to make sure  
21 that we know exactly what -- how things are operating down  
22 on this facilities. I will be going down with my legal  
23 staff on Tuesday of next week the meet directly with city  
24 and county staff to talk about just what has happened, and  
25 what the next steps are, so we're coordinating closely

1 with the local communities.

2           And I'm also working with the Environmental  
3 Defense Center and other local stakeholders to try to  
4 schedule a town hall meeting where we can engage directly  
5 with the local communities within the next couple weeks to  
6 next month, so that they can ask questions, and we can  
7 engage on the current status of things and again what to  
8 expect next.

9           I wanted to also update the Commission on our  
10 efforts to remediate the Becker Well. We have started  
11 preparing the Becker Well EIR. And we started that in the  
12 fourth quarter of last year. We are on track with that  
13 EIR, and it should be out for public comment by late  
14 spring.

15           And we're planning to start bidding, and  
16 contractor selection in August through October of this  
17 year. And anticipate starting the project, actually  
18 remediating the well pending receipt of all permits in the  
19 fourth quarter of 2017. So we are on track to complete  
20 that project.

21           I also want to give an update on our San Diego  
22 ocean planning effort with the Port of San Diego. We are  
23 picking up momentum now that the core and support teams  
24 have been established in the port and in -- at State  
25 Lands. We have a -- between the two of us, the two



1 agency, we have a great balance of planning, subject  
2 matter and technical expertise that we will be relying on  
3 as we develop this decision support tool.

4           We have begun to gather data and information that  
5 we will need to inform the spatial tool and are exploring  
6 potential collaborations with agencies like NOAA, and the  
7 California Coastal Water Research Project. And we are  
8 continuing to seek out the sources of best available  
9 science to ensure that the tool that we develop offers  
10 marine resource users and managers the most current  
11 helpful information.

12           We are in the process of convening a scientific  
13 advisory team that will peer review our data sources and  
14 subsequent spatial analysis. And we are also working on a  
15 more detailed communication and outreach plan that  
16 includes establishing our website, email listserve, and  
17 social media platforms, one-on-one stakeholder listening  
18 sessions and public meetings to hear from local  
19 communities surrounding San Diego Bay.

20           In early May, our staffs will get together for an  
21 intensive two-day working meeting to pull together the  
22 final details for the outreach plan and website content.  
23 The website is slated to be up and running by mid-June,  
24 and we look forward to introducing it to the Commission  
25 and the public at our next Commission meeting.

1           Phase 1 of the process will culminate in February  
2 2018 with the issuance of a summary assessment report that  
3 will describe our planning principles, our methodologies  
4 for stakeholder and public engagement, as well as data  
5 collection and analysis, and existing conditions of the  
6 planning area offshore San Diego County.

7           And it will also include opportunities and  
8 constraints analysis and a lay out of recommendations for  
9 the subsequent phases of the partnership. So the bottom  
10 line is we are off and running. And for our team that is  
11 working on this, our scientists, and our Sea Grant --  
12 current Sea Grant Fellows, I think -- and I think -- I can  
13 also speak for the Port of San Diego's team, everyone is  
14 really excited to start working on this.

15           And that concludes my report.

16           Thank you.

17           ACTING CHAIRPERSON WILLIAMS: Thank you.

18           And before we open up to public comment, general  
19 public comment, is there any other order of business on  
20 the agenda?

21           EXECUTIVE OFFICER LUCCHESI: No.

22           ACTING CHAIRPERSON WILLIAMS: And with that, I'll  
23 open it up for public comment.

24           I don't have any speaker slips, but if there's  
25 anyone who would like to say something?

1 Anything?

2 (Laughter.)

3 ACTING CHAIRPERSON WILLIAMS: Absent which, any  
4 comments from the Commissioners?

5 Okay. Well, that concludes the open meeting.  
6 And just very quickly, thank you to the staff here, as  
7 always, and also the staff who are watching on the  
8 livestream back in their offices very grateful.

9 Thank you.

10 (Thereupon the California State Lands  
11 Commission meeting adjourned at 4:32 p.m.)

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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 4th day of May, 2017.

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22  
23 JAMES F. PETERS, CSR  
24 Certified Shorthand Reporter  
25 License No. 10063