

SANTA MONICA BAY RESTORATION COMMISSION
MINUTES OF THE MEETING OF THE GOVERNING BOARD

June 16th, 2011

Del Rey Yacht Club

1. Welcome and Introductions

At 11:19 AM, Chair Richard Bloom called the meeting to order. Introductions were not made, as they were done at the Bay Watershed Council meeting that took place just prior to the instant meeting.

2. Order of Agenda

The order of the agenda was not changed.

3. Public Comment

John Davis said that the Commission is rife with conflict. Davis stated that the Santa Monica Bay Restoration Foundation impersonates a state entity to defraud the public.

Michael Blum introduced himself as President of the Malibu Surfing Association. Blum announced that local surfers and interested parties are preparing a nomination for Malibu for the national registry of historic places, which if selected would be the first surfing city with that distinctive nomination. Blum also stated his strong support of a detailed review of the bridge opening location of Malibu Lagoon and a collaborative review of causative factors.

Jack Neff introduced himself as a board member of the Gabrielino/Tongva Springs Foundation. Neff expressed concern about what he described as the governing board's use of resources to talk to staff and for workshops and conferences and not on boots on the ground and creativity to improve the water quality where the habitats are. He asked the board to listen to scientists for ideas as well.

Douglas Fay identified himself as a second generation SMB activist and complained that Mr. Ford did not address him in a public forum to discuss artificial reefs. Fay also complained that the SMBRF did not apply for reef restoration in the Santa Monica Bay.

Patricia McPherson introduced herself as part of the Grassroots Coalition. McPherson said the document submitted by her is not reflected in the minutes. McPherson also complained that reports on hydrology that were due were not provided and asked if the Santa Monica Bay Restoration Foundation is in default of particular grant provisions.

John Nahhas introduced himself as part of the Boating Coalition. He commented on pump out stations and asked the Commission to embrace technologies to fix the pump outs. He asked that the governing board require pump out stations at every dock. Nahhas also indicated that the County is encouraging power boating, and asked the board to encourage sailing and use of wind.

Roy Van der Hoek identified himself as biologist and geographer. Van de Hoek provided an explanation of what an estuary should be and provided a history of estuaries.

David Barish introduced himself as the Director of We Are Marina del Rey. Barish asked for the government board to be involved in projects that they are working on these, and invited to an upcoming meeting.

Kathy Knight urged the governing board to create a task force on enhancements on the bay and on potential artificial reefs.

4. Approval of April 21, 2011 Meeting Minutes

Approved with three abstentions. (M: Maguin, S: Tam, Abst: Bishop, Brand, Henry)

5. Reports from the Chair and Executive Committee

Public Comment:

McPherson commented on minutes not reflecting policies and procedure of the Commission and problems of conflict of interest. McPherson distributed a document to the governing board members.

Davis expressed concerned that money that should go to the State Waterboard agency goes to the Santa Monica Bay Restoration Foundation, which Davis called as embezzlement of monies. Davis also said that grants from EPA that go to the non-profit organization are illegal.

Reports:

Bloom indicated that there was no report from the Chair today.

6. Report from the Technical Advisory Committee (TAC)

Public Comment:

Davis reminded all to read memorandum of understanding and said that the TAC should report to the Bay Watershed Council (BWC) and not the governing board body, and declared that therefore this item is an illegal agenda item.

McPherson said that she would like to have access to the TAC reports and deliverables for this commission and has not being able to find them. McPherson also stated that six months have gone since she put a public records request and still doesn't have most of the reports regarding the Ballona region.

Report:

Richard Ambrose said that they had one task and met two weeks ago for planning on how monitoring is going to be done. Ambrose also mentioned the TAC members conducted a field trip to the Ballona Creek rain gardens and were very impressed.

7. Reports from the Executive Director and Staff

Shelley Luce, Executive Director, announced an award of a grant from NOAA for the further study of abalone. Luce mentioned that NOAA received 35 proposals and that the SMBRF received the top rank. Luce indicated that SMBRC has been pursuing the restoration of abalone with partners including the Santa Monica Baykeeper for years, and she expressed optimism about having a healthy population of abalone once again. Luce also mentioned that conversations with Michael Blum and others brought to her attention the erosion problems in Malibu Lagoon around the Adamson House. Luce noted ways of managing the location. Luce concluded by stating that the Ballona Creek Greenway plan was recognized with a first place award from the Westside Urban Design Forum. Luce recognized the work of Jessica Hall and group of stakeholders for the long term planning.

8. Consideration of Approval of Public Comment Policy

Scott Valor, SMBRC staff member, indicated that after extensive discussions a new draft was created that incorporated governing board member concerns, contained friendlier language, and added clarifying language. Valor mentioned that additional language from State Waterboard Legal Counsel was included. Valor highlighted certain provisions including the allowance of public criticism, public comments allowed to be made anonymously, and authorization of the submission of written comments.

Mark Gold asked for clarification of the definition on public comment Number 8, in light of public accusations of embezzlement, for instance; and asked how number 8 is going to be applied. Valor replied that existence of a grey area in the legal analysis, but agreed with Gold on seeking guidance from State Waterboard Legal Counsel regarding this item.

Jon Bishop stated that an attorney from State Waterboard could come to the next meeting to provide clarification, and said that in 27 years of experience knows that as long as the language is not repetitive it is allowed. Gold asked if the public comment repetitiveness can be prevented within the meeting or between meetings? Bishop replied that it can be limited within the meeting.

Bloom spoke on the general subject of public comment by the public and said that the board is always respectful towards the public as a Commission and the public has the right to comment what they feel is appropriate, but Bloom expressed hopes that the behavior of respect by the Commission is reciprocated by the public even if they are critical of the board. Bloom also expressed the sense around table that members of public are crossing the line and that it is troubling.

Item approved unanimously (M: Washburn, S: Tam)

9. Report and Consideration of Approval of FY 2012 Work Plan

Public Comment:

McPherson read an excerpt from a case, Wetlands Defense Fund vs. CA Coastal Commission.

Fay asked Valor if he distributed a document to the board for presentation. Valor stated that he had not done so. Fay also asked the governing board to not approve any funding until he got clarification on certain issues.

Report:

Luce presented the 2011-2012 Fiscal Year Work Plan and discussed a table of tasks listed with major activities and proposed changes for the upcoming fiscal year. Board approval is required for funding under the National Estuary Program.

Mark Gold asked for clarification on the format of the report. Luce explained the proposed changes, additions, and deletions on the format. Both agreed that more explanation in subsequent meetings should be included and to also include a brief summary of each area, steps on how to proceed, and progress made.

Dennis Washburn asked if there were any mid-course review procedures and asked how we manage the work plan in various collaborative ways. Luce replied that major changes are approved by the governing board, otherwise staff can be directed for minor changes. They are then submitted to the US EPA for review and approval. Gold recommended an updated progress report to include matrices on acreage, what habitat has been restored, etc.

Workplan was approved unanimously. (M:Nissman, S: Washburn)

10. Consideration of Approval of Grant Award for Arroyo Sequit Barrier Removal

Luce provided a short history of this project and mentioned that this project was considered by this governing board in 2005. This board approved a Prop 50 grant to Heal the Bay to work with State Parks to remove high priority fish passage barriers in Arroyo Sequit in Malibu Creek. After approval complications arose with State Parks and the project was halted. Luce indicated that we continued to work with State Parks to remove barriers, and that State Parks asked to scale back the project to focus only on Arroyo Sequit. Luce also explained how free passage of water and animals and reliable access of roads would be achieved with span bridges. Luce laid out the proposal to recommend two awards. The proposal was for the governing board to recommend that the State Water Board issue a \$300,000 grant to SMBRF to manage the plan and volunteer work and the monitoring and another \$1,300,000 for State Parks to do the actual construction once permitting is completed.

Susan Nissman asked for clarification about why this project is now only confined to Arroyo Sequit. Jamie King from the CA Dept of Parks and Recreation said that it makes more economic sense with Arroyo Sequit and mentioned the challenge of prices going up over time and the cost of bridges and permitting. She also stated the impact of this more targeted project and how it makes more sense affecting 4 1/2 miles are for fish, public access, etc. given the reduced resources available.

Jon Bishop also clarified the availability of bond funds for the SMBRC to make recommendations to the Water Board. Gold explained the bittersweet experience of the project previously awarded for Heal the Bay, but expressed his strong support for the new project. Gold wondered about issues in dealing with water quality for this project. King replied that in general water quality testing is part of the plan, which included erosion as well as the improvement of water quality, but indicated that she would check more on that.

Grant recommendations approved unanimously. (M: Washburn, S: O'Leary)

Bloom left to attend another meeting. Vice Chair Fran Diamond assumed the position of Chair for the remainder of the meeting.

11. Member Comment—Governing Board members may wish to comment on issues not otherwise on the agenda.

Thanks were given to John Kemmerer, Jon Bishop, and Scott Valor for their earlier presentations at the Bay Watershed Council meeting.

Dennis Washburn asked that methods for convening the council meeting be made clear.

12. Announcement of Next Meeting Date

The next Governing Board meeting will be held on August 18th at 9:30am.

Meeting adjourned at 12:25pm

Attendance:

Voting Members of the Governing Board:

Paul Backstrom (alternate to Bill Rosendahl), Councilmember, LA City Council District 11
Jonathan Bishop (alternate to Linda Adams), California Environmental Protection Agency
Richard Bloom, SMBRC Chair, President, Bay Watershed Council (City Council Member, City of Santa Monica)
Joan Cardellino, (alternate for Sam Schuchat), California Coastal Conservancy
Liz Crosson, Public Member (Environmental/Public Interest), Santa Monica Baykeeper
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Angela George (alternate to Gail Farber), LA County Department of Public Works

Mike Gin, South Bay Cities (City of Redondo Beach, Mayor)
Mark Gold, Public Member (Environmental/Public Interest), Heal The Bay
Teresa Henry (alternate to Commissioners), California Coastal Commission
Steve Maguin, LA County Sanitation Districts
Michael Mullin, Office of the Mayor of City of Los Angeles
Susan Nissman (alternate to Zev Yaroslavsky), LA County Board of Supervisors (Supervisor, 3rd District)
Micheal O'Leary, Ballona Creek Watershed Cities (Culver City)
Laura Rosenthal (alternate to John Sibert), Malibu Watershed Cities (City of Malibu)
Ron Smith, West Basin Municipal Water District
Dennis Washburn, At-Large Member BWC (RCD, Santa Monica Mountains Region)
Wing Tam (alternate to Enrique Zaldivar), LA City Department of Public Works

Non-Voting Members of the Governing Board:

Angus Alexander, LA County Fire Department, Lifeguard Division
Rich Ambrose, Technical Advisory Committee, Chair
Bobby Buescher, State Assemblymember, 53rd District
Charles Caspary, Las Virgenes Municipal Water District
Bryant Chesney (alternate to Bob Hoffman), NOAA-NMFS Southwest Division
Jamie King (alternate to Ruth Coleman), California Department of Parks & Recreation
Stephanie Molen (alternate to Fran Pavley), State Senator, 23rd District
Rorie Skei (alternate to Joe Edmiston), Santa Monica Mountains Conservancy
Louise Rishoff (alternate to Julia Brownley), State Assemblymember, 41st District
Catherine Tyrrell, President, Santa Monica Bay Restoration Foundation
Paul Wong (alternate to Santos Kreimann), LA County Department of Beaches & Harbors
Jennifer Zivkovic (alternate to Ted Lieu), Senator Ted Lieu, 28th District

Commission Staff:

Sean Bergquist
Tom Ford
Victoria Ippolito
Michelle Kearney
Shelley Luce
Jack Topel
Scott Valor
Marcelo Villagomez
Guangyu Wang
Sarah Woodard

Other Attendees:

David Barish, We Are Marina del Rey
Michael Blum, Malibu Surfing Association
E.J. Caldwell, West Basin
John Davis, Public
Mary Doris, Ballona Wetland Trust
Douglas Fay, Public
Joe Geever, Surfrider Foundation
Bruce Hamamoto, LACDPW
Marcia Hanscom, Ballona Institute and Wetland Defense Fund
Nancy Hastings, Surfrider Foundation
Kathy Knight, Sierra Club Airport Marina Group
Jim Lamm, Ballona Creek Renaissance
Amanda Maki, Desal Response Group
Nancy Marino, We Are Marina del Rey
Kathleen McGowan, City of Hermosa Beach
Patricia McPherson, Grassroots Coalition
Jon Nahhas, Boating Coalition
Jack Neff, Gabrielino/Tongva Spring Foundation
Damian Skinner, Culver City
Robert Van de Hoek, Ballona Institute, Wetlands Defense Fund
Holly Wright, Ballona Wetland Trust