

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

February 16th, 2012

Del Rey Yacht Club

Welcome and Introductions

Richard Bloom chaired the Governing Board meeting. At 9:38 AM, Bloom called the meeting to order. Introductions by attendees followed.

Recognition was given to Mark Gold for his years of service to the Commission. Dr. Guangyu Wang presented an award for Gold.

1. Public Comment

John Davis said the minutes were not being signed by anybody. Davis said that the Executive Director incorrectly supplies administrative services to the Commission, and that the Executive Director was incorrectly hired and that there was no record of the hiring. Davis also commented about a lack of public knowledge in relation to the Executive Director's compensation. Davis also stated that the Santa Monica Bay Restoration Authority (SMBRA) entered into a sponsoring agreement with the Army Corps of Engineers but never provided funds to the Corps.

Wendy Werner said that that the disinfection process at the Malibu Lagoon project would pose a public health risk with high levels of bacteria. Warner also spoke about faulty permitting at the Malibu Lagoon project. Warner also spoke about insufficient capacity for the de-watering process.

Allison Miller commented about letters of support from the City of Malibu to the State Coastal Conservancy (SCC) for the Malibu Lagoon restoration despite concerns about human health and water quality.

Athena Shlien stated that she opposed what she considered a drastic restoration in relation to the Malibu Lagoon. Shlien recommended a no-harm approach for the project. Shlien also expressed concern for sewers in Malibu and said there are many long-term alternatives not discussed.

Kathy Knight raised concerns and urged not to bring the Ballona Creek into the Ballona wetlands unless it is cleaned upstream. Knight said no more toxics are needed at the wetlands to protect the existing wildlife. Knight also urged the cleaning up of Marina Del Rey and said that there are tons of chemicals going into the ocean from thousands of yachts. Knight also asked for a definition of 'fiscal agent' under the current work plan and asked for transparency with tax payer funds.

Marcia Hanscom said that the Malibu Lagoon is about to be "dredged out". Hanscom said nobody at the governing board knew about the Malibu Lagoon project going forward last August and said the project was not approved by the Commission but the Foundation. Hanscom also spoke about the Ballona wetlands receiving \$6.5 million for what Hanscom considered a massive dredging.

Robert "Roy" Van de Hoek highlighted his common areas of study and common history with Mark Gold and Guangyu Wang. Van de Hoek also spoke about three endangered rodents that are only found in Point Mugu that need protection.

Bob Godfrey spoke about the good health of the bay, with an explosion of wild life. Godfrey said that the only area lagging in recovery are the near shore fish. Godfrey said the loss of nursery habitat has caused the slow fish recovery. Godfrey said there has been improvement in the recovery of fish with the help of MDR Anglers, Beaches and Harbors, and Fish and Game departments. Godfrey urged the Commission for an acceleration of nursery habitat restoration and the closing of the back end of the marina for fishing.

Missy Zeitsoff suggested mediation in dealing with the Malibu Lagoon project. Zeitsoff also expressed disappointment at environmental groups, and spoke about disapproval at the antagonistic environment at the governing board meeting.

2. Informational Items

a) Order of Agenda

The order of the agenda was not changed.

b) Reports from the Chair and Executive Committee (EC)

Richard Bloom reported on the EC meeting held in February. Bloom stated that EC members discussed the upcoming Watershed Advisory Council (WAC) meeting, and the funding from the State Coastal Conservancy to the SMBRF. Bloom reported that the Executive Director presented an overview of the workplan to be presented to this governing board meeting, and that the Executive Director answered questions and took suggestions from the EC committee in relation to the annual workplan presentation at the February 16th governing board meeting. Bloom also indicated that the staff informed the EC about the nomination and election process for the chair and vice-chairs for today's meeting, and indicated that the same process used in the past would be used again. Bloom also reported on the members of the Technical Advisory Committee members (TAC) seeking re-election and new appointments, and said the staff reports for this governing board meeting would include the TAC members' names and background information.

c) Report from the Technical Advisory Committee (TAC)

Richard Ambrose reported that the Marine Resources Advisory Committee (MRAC) met and is primarily working on pulling together more information about the benefits of intertidal areas of the wetlands. Ambrose said the MRAC is looking at the whole system of the wetlands, including intertidal areas, and compiling the information to better understand its benefits.

d) Report from the Executive Director

Luce reported on \$6.25 million approved by the board of the SCC for design, engineering, EIS, and EIR preparation for the Ballona Wetlands Ecological Restoration. Luce also indicated the approval of \$240,000 for the SMBRF for the period of three years to continue onsite monitoring and coordination of the many agencies involved in this project. Luce spoke about launching the CEQA process in March and spoke about the multiple major partners involved in the process who are getting the project description to the State, so that a notice of preparation for the EIR can be released.

Luce also announced the Southern California Urban Wetlands Research Symposium to be held on March 12th, and said the keynote speaker will be Joy Zedler. Luce also announced the meeting of the WAC on February 22nd, and said that the meeting will enable members review the SMBRC Workplan in detail, and expressed hope to obtain valuable input from the WAC members to refine the SMBRC workplan.

Public Comment:

John Davis spoke about a notice of intent issued by the Army Corp of Engineers in 2005 to conduct and EIR/EIS with the SMBRC commission. Davis said then the Commission entered into an MOU agreement with the County to establish the SMBRA. Davis said the SMBRA then entered into a contract with the Army Corps of Engineers to be the local sponsor and create hydrology reports, etc., in support of the EIS/EIR process of the Corps. Davis said the SMBRA was required to supply \$1 million to the Corps and that the SMBRA has not given any money or services to the Army Corps of Engineers.

3. Governing Board Business Items

a) Consideration of Approval of February 16, 2012 Meeting Minutes

Mike Gin asked to correct two typos on the minutes. The minutes were then approved as amended. (M: Sibert, S: Sikich)

b) Election of One Chair and up to Six Vice-Chairs from the Governing Board to Form the Executive Committee

Scott Valor explained the nomination process and gave the names of the chair and vice-chair nominees. Valor opened the nominations to the floor, there were no new nominees. Valor asked for a voice vote for the Chair position for Richard Bloom, the board approved it unanimously. Valor opened the nominations again for the Vice-Chair positions. The board approved unanimously the six nominees for the six Vice-Chair positions. Valor said the Executive Committee will be composed of the chair and vice-chairs. The elected Vice-Chairs are Liz Crosson, Fran Diamond, Mike Gin, Senator Pavley, Mark Pestrella, and Sarah Sikich.

c) Appointment of Qualified Individuals to the Technical Advisory Committee

Luce brought to the board for consideration the TAC appointments of two new TAC members : John Dorsey, professor at Loyola Marymount University, and Terry Hoeke, professor at the UCLA School of Engineering. Luce spoke about their expertise on hydrology, etc. Members of the board and Chair expressed appreciation for the TAC members in general for

their expertise, work, and pro bono service. The appointment of the new TAC members was approved by the board (M: Washburn, S: Sibert).

d) Presentation of the SMBRC Annual Report

Luce presented the 2011 SMBRC Annual Report. Luce highlighted three areas of progress and indicated that we have a healthier bay because of the SMBRC and partners' work in these areas. For the first area of progress, Luce indicated that we have a healthier kelp forest, that we have hundreds of rain barrels throughout the watershed, and that we have new rain gardens treating and infiltrating runoff before they reach our creeks. Luce also reported that we have a more informed boating community using pump out services and preventing sewage pollution. For the second area of progress, Luce spoke about the Commission having better communication. Luce pointed out the improved efforts at reaching out for building long-term projects. Luce also mentioned better communication informing the public about the ecological processes that we depend on. For the third area, Shelley spoke about an improved governance. John Sibert expressed appreciation for getting Legacy Park done in the past. Marvin Sachse suggested an accounting presentation of the budget surplus. Luce commented on the use of the small surplus to be used as much needed cash reserves. Dennis Washburn asked for distribution of the annual report.

Public Comment:

Marcia Hanscom spoke on behalf of the Sierra Club about baseline surveys on habitats. Hanscom commented about the history of baseline surveys and said they are done after decisions have already been made and then are used to justify decisions and overruling what the public wanted.

John Davis spoke about nobody taking responsibility for the minutes. Davis also asked for the definition of being fiscal agent as used in the workplan. Davis also said the SMBRF is extorting money from the State and the federal EPA.

Zeitsoff spoke about the de-watering process at the Malibu Lagoon project and said the EIR from 2006 is antiquated and has unanswered questions. Zeitsoff said the de-watering process would be inadequately treated and discharged. Zeitsoff said a supplemental EIR is needed for the project and perhaps a federal EIS, and mediation.

e) Member Comment—Governing Board member comments on issues not otherwise on the agenda

Sachse asked for a list of contracts, the work in progress, and the deliverables on the contracts. Sachse also spoke about transparency and contract control. Luce mentioned that it would be discussed and addressed at the Executive Committee level first.

Suzanne Goode addressed the issue of traffic during the Malibu Lagoon restoration. Goode estimated the traffic problems to be less than what we had in Legacy Park, and said traffic was not going to have an impact on businesses or close Pacific Coast Highway.

Jennifer Zivkovic spoke about a Senate Bill 1066 introduced by State Senator Ted Lieu that deals with coastal resources and climate change and that it would authorize the State Coastal Conservancy to fund and undertake projects that address climate change and direct them to take priority projects that maximize public benefit.

Washburn distributed a quarterly magazine that serves as a guide to events, activities, and venues in the Santa Monica mountains.

Susan Nissman invited members to attend a board of supervisors event honoring long-time advocate and leader Woody Smack who would be leaving his position as Superintendent at the Santa Monica Mountains National Park in March.

Joan Cardellino announced a Headwaters to the Ocean Conference on May 29th and invited members to attend.

e) Announcement of Next Meeting Date

The next Governing Board meeting will be held on April 19th at 9:30 am.

Adjournment

Meeting adjourned at 10:57am without objection.

Attendance

Voting Members of the Governing Board:

Angus Alexander, LA County Fire Department, Lifeguard Division
Richard Bloom, SMBRC Chair, At-Large member (City Council Member, City of Santa Monica)
Dayna Bochco, California Coastal Commission
Joan Cardellino, (alternate for Sam Schuchat), California Coastal Conservancy
Charles Caspary, Las Virgenes Municipal Water District
Grace Chan, LA County Sanitation District
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Mike Gin, South Bay Cities (City of Redondo Beach, Mayor)
Suzanne Goode, California Department of Parks and Recreation
Santos Kreimann, LA County Dept. of Beaches and Harbors
Michael Mullin (alternate), Office of the Mayor, 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)
Marvin Sachse, Public Member (Business/Economic Interest), Brash Industries
John Sibert, Malibu Watershed Cities (City of Malibu)
Sarah Sikich, Public Member (Environmental/Public Interest), Heal The Bay
Rorie Skei (alternate to Joe Edmiston), Santa Monica Mountains Conservancy
Ron Smith, At-Large member, West Basin MWD
Fran Spivy-Weber (alternate), California State Coastal Conservancy
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:

Richard Ambrose, Technical Advisory Committee Chair
Bobbi Buescher, State Assemblymember, 53rd District
Lisa Fimiani (alternate to Catherine Tyrell), President, Santa Monica Bay Restoration Foundation
Rebekah Rodriguez-Lynn (alternate to Fran Pavley, California State Senator, 23rd District)
Jennifer Zivkovic (alternate to Ted Lieu), California State Senator, 28th District

Commission Staff:

Michelle Kearney
Shelley Luce
Scott Valor
Marcelo Villagomez

Other Attendees, including other Bay Watershed Council Members:

Michael Blum, Malibu Surfing Association
E.J. Caldwell, West Basin
John Davis
Jeff Duclos, City of Hermosa Beach, Councilmember
Bob Godfrey, MDR Anglers
Mark Gold, Public Member (Environmental/Public Interest), Heal The Bay
Marcia Hanscom, Sierra Club
Nancy Hastings, Surfrider Foundation
Leighanne Kirk, West Basin
Kathy Knight, Sierra Club Airport Marina Group
Dean Kubani, City of Santa Monica
Allison Miller, Malibu
Ellen Perkins, City of Palos Verdes Estates, Councilmember
Myla Reson, Malibu
Athena Shlien, Surfer/Citizen
Damian Skinner (alternate for Micheal O'Leary), Ballona Creek Watershed Cities (Culver City)
Robert "Roy" Van de Hoek, Ballona Institute, Wetlands Defense Fund
Wendy Werner, Malibu