

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

June 21st, 2012

Del Rey Yacht Club

Welcome and Introductions

Enrique Zaldivar chaired the first part of the Governing Board (GB) meeting. At 9:54 a.m. Zaldivar called the meeting to order.

1. Public Comment

Wendi Werner spoke about agencies re-designing the ecosystems and ignoring natural bacteria such as kelp.

Pam Finck from The Surfers Coalition spoke about the lack of acknowledgement of natural bacteria based on TMDL monitoring. Finck also spoke about cities throughout CA being sued based on these TMDL's.

Damon Duval from The Surfers Coalition described the current Malibu Lagoon project as a destruction project. Duval asked for the project to stop.

Sean Kehoe from The Surfers Coalition spoke about bacteria in the water at the Malibu Lagoon site and about the public not being informed about the risks.

Kathy Knight from the Sierra Club Airport Marina Group spoke against redevelopment of natural areas and asked that we work with nature. Knight also spoke against converting fresh water lagoons into salt water lagoons.

Nece Mills asked for prayers for lost flora and fauna, for people needing jobs and money, and for others, in relation to the Malibu Lagoon project.

Athena Nova Shlien spoke about power, lack of checks and balances and accountability in the system. Nova Shlien also spoke about lack of public safety awareness in the case of the Malibu Lagoon project.

Monique Kehoe from The Surfers Coalition spoke about personal efforts to prevent the public from getting into the water after the illegal breaching of the lagoon. Kehoe asked for consideration of safety measures to protect the public.

At 10:15am Mark Pestrella assumed the chairing of the GB meeting. Introductions followed.

The GB members addressed earlier public statements:

Micheal O'Leary addressed earlier statements by the public regarding payments to attend the GB meeting and suggestions about not caring for the public. Shelley Luce clarified that no member gets paid to attend. Suzanne Goode addressed the question of public health. Goode indicated that no increases in infections have resulted from the Malibu Lagoon project. Goode then gave an update of the project and indicated that the western channels were closed off from the main body of the lagoon, and therefore have no connection to the ocean. Goode said that a turbidity curtain and erosion fabric were in place to prevent soil from entering into the main channel of the lagoon. Goode also spoke about the high standards in place for the upcoming de-watering process before discharging into the ocean. John Sibert urged individuals and groups to work together in spite of their differences.

Joan Cardellino spoke about the timing perspective of the Malibu Lagoon project, stating that it can't be judged by its initial look but that it will shape into a great project. Cardellino praised the science behind it and spoke about the project being on or ahead of schedule. Dennis Washburn spoke about promoting civility and urged civility from all, general public and public officials. Pestrella echoed Washburn's contribution and thanked State Parks for keeping us well informed about the project's progress.

2. Informational Items

a) Order of Agenda

Order of the agenda unchanged.

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

There was no EC meeting in May.

c) Report from the Technical Advisory Committee (TAC)

Guangyu Wang provided the report on behalf of Richard Ambrose. Wang reported that the TAC discussed an impacts framework to assess habitats in the bay that will be available soon. Wang also reported about staff preparing for the next State of the Bay report and indicated that the TAC discussed convening experts for each major habitat area. Wang reported that the TAC is standardizing guidelines for monitoring State bond projects, and that revisions of the guidelines were presented to the TAC. These guidelines will be finalized within the next two months. Wang also reported that the TAC reviewed the technical merits of the Milton Street project and endorsed it.

d) Reports from the Executive Director (ED) and Staff

Shelley Luce addressed an issue raised at a previous meeting by O'Leary regarding marine debris coming from Japan after the earthquake that may contain radioactive elements. Luce reported that NOAA is tracking the debris but that there is uncertainty as to where and how much debris will land and what effort will be needed to deal with it. Luce reported that we will continue to track the issue. Luce also reported on the current state of the Ballona Wetlands Ecological Reserve Restoration plan and reported that we are getting ready to release a notice of intent, notice of preparation of CEQA and NEPA. Luce also stated that a scoping meeting will take place so that interested board members, agencies, and the public can come to stations hosted by experts in the different areas of study and planning, like hydrology, traffic impacts, etc. Luce said attendees can ask the experts one-on-one questions and can also provide input in preparation for the EIR/EIS coming within the next 18 months.

Goode gave an update on the Malibu Lagoon project. Goode said that the project was going very well. Goode said that the lagoon is a closed estuary and that it will remain a closed estuary. Goode said the lagoon is a brackish lagoon with large fresh water influence and that it will remain what has always been. Goode said the only part that is changing is the western channels that are not a natural estuary. Goode then updated on the work being done and said debris and trash that was dumped in this area was removed, and that so far at least a dozen telephone poles, numerous large concrete and asphalt parts, toys, purses, and other debris and trash were removed. Goode also reported that Native American and archeological monitors are on site. Goode reported that the de-watering plan was submitted and accepted, and the final submittal, which delineates how the contractor will move water from one place to another while de-watering, is being prepared. Goode mentioned that voluntary additional water quality monitoring is being done, beyond that which is required.

Goode also spoke about the presence of fish biologists on site and a bird expert, for a total of six to eight biologists on site. Goode said there was no impact to the tide water gobies, that no gobies were found, except two larval gobies, believed not to be tide water gobies, which were then released into the main channel of the lagoon. Goode stated that there were fewer than a dozen fish in the channels, and said the dissolved oxygen was nearly at zero level during the days it was tested. Goode also said that bird nests have been marked and noise has been monitored not to exceed 60 decibels, and when it did exceed that level, monitors stopped the equipment. Goode said seven nests were found and that no disturbance will happen as the work will wait until hatching occurs to proceed. She also reported that the pedestrian bridges have been dismantled. Sibert asked if the City of Malibu received a copy of the de-watering plan. Goode replied that it will be provided once it is complete.

3. Governing Board Business Items

a) Consideration of Approval of April 21, 2012 Meeting Minutes

The minutes were approved as amended. (M: Nissman, S: Caspary)

b) Consideration of Support for Senate Bill 1066 (Lieu)

Scott Valor introduced this agenda item. Valor said SB 1066 authorizes the State Coastal Conservancy (SCC) to consider climate change when it funds projects, and mentioned that the South Bay COG and Westside Cities COG have supported it while the Governor of CA and Las Virgenes-Malibu COG have not taken a position. Jennifer Zivkovic added that the bill is sponsored by the Nature Conservancy and supported by agencies including the Bay Area Open Space Council, Surfrider, Heal the Bay, Monterey Bay Aquarium, Audubon of California, Environmental Defense Fund, the California Coastkeeper Alliance, NRBC, Ocean Conservancy, and others. Zivkovic said there is no opposition on file. Susan Nissman asked whether SCC's mission broadly allows to take projects that address climate change. Cardellino replied that SCC does not have clear authority over this, but that the senate bill will make it clear. Cardellino also said that SCC can offer important technical assistance with regards to these issues in a variety of ways. Sibert clarified that the Las Virgenes-Malibu COG

allowed individual cities to support the bill. Fran Spivy-Weber announced that the National Academy of Sciences will release a national research study on sea level rise for Oregon, Washington, and California, that was broadly supported by the State, with two relevant conclusions, one, that the Southern California pumping for oil and gas will create a problem with the sea level rise, and two, that the role of estuaries and wetlands and ways for those to migrate inland is going to be very important, particularly for Southern California. Spivy-Weber mentioned also that the support from the State will allow agencies to incorporate sea level rise into their programs and funding.

Charles Caspary asked about the language on the bill and strike-outs on the last page of the agenda item. Caspary said the language was originally permissive, then changed to mandatory, and it is back to permissive. Caspary referred to key words such as “may” or “shall”. Valor explain the reasons and indicated that the bill was misread as a spot bill, and that the changed language created a cost issue for SCC. Valor said the bill is not a spot bill and that it went back to the original language.

This agenda item was approved. (M: Washburn, S: Skei; Abst: Caspary, Goode, Mullin, Nissman, Nye, Sachse, Spivy-Weber, Zaldivar)

c) Consideration of Approval of Recommendation of Funding for Milton Street Park Project (Prop 84)

Luce stated that the project’s goal is to convert a vacant lot adjacent to the Ballona Creek channel into a neighborhood park that will also include water quality improvements in the form of a green street that will treat runoff. Luce said this project has been in our Greenway plan for several years. Luce said this project is being conducted by the Mountains Recreation and Conservation Authority (MRCA) which is receiving most of the \$3 million from other agencies, and said staff is recommending funding of \$200,000 for the project from Prop 84 funds. Luce said the funding will go to the water quality improvements that will take runoff and filtrate it. Marvin Sachse asked if there was any opposition. Anna Petric from MRCA said that there was no opposition, and that project was designed with help from the community via community meetings.

Sarah Sikich asked if there are opportunities to leverage stronger water benefits on projects like this. Sikich also asked if the upcoming BMP monitoring framework that the TAC is developing will be applied to this project. Luce explained the cost barriers in maximizing the benefits on this particular project, because of where the pipe is located. Zaldivar mentioned that opportunities upstream remain and that this project will serve as a catalytic one. Washburn highlighted the exhibition and demonstration aspect of the project, and said projects like this one are analogous to projects in the City of Calabasas. Rori Skei acknowledged the Baldwin Hills Regional Conservation Authority as a partner, and described a short history of the acquisition and funds used to pay for it. Luce addressed Sikich’s question about monitoring, noting that the TAC monitoring framework will be applied to this project and others as a general framework.

Nissman said the County supports these types of projects. Nissman also asked about the nature of the park, if it is a passive recreation park like Legacy Park. Petric said it will be a passive park with a pedestrian path and a separate bike path, with shade structures for sitting and for bird watching. O’Leary stressed the aesthetic and educational value of projects like this to have people come, take care of them, and enjoy them.

This item was approved. (M: Washburn, S: O’Leary; Abst: Spivy-Weber)

d) Presentation on *The Study and Restoration of Kelp Forests off Palos Verdes* (by Tom Ford, Director of Marine Programs)

Tom Ford presented on this topic, analyzed, and presented data of various factors affecting the kelp forests and particularly the interrelationship with sea urchins and their impacts on flora, fauna, and the local economies of fishermen in the area. Ford also presented historical trends and projected scenarios of a restored kelp forest. Ford can provide slides of the presentation to interested parties.

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

Washburn distributed a guide to *What is a Watershed?* Washburn also recommended *A California –Friendly Guide to Native and Drought Tolerant Gardens* and the *Southbay Watch*. Sibert announced a research and education program put together with the Santa Monica College, CSUN, Southern CA Marine Institute, and the City of Malibu and said that the first course will start this summer. Sibert also expressed concern about the RWQCB eliminating a local elected official position at the board. Sikich announced the partnership of Heal the Bay with NOAA to monitor the debris from Japan’s tsunami. O’Leary asked the GB to agendize the issue of fracking and its impact on the creek and the bay. O’Leary spoke about fracking and oil activity in Culver City, and mentioned Culver City is creating its own community standards and guidelines. O’Leary also requested the GB to consider partially funding a bridge across Ballona creek that will serve multiple purposes such as to catch debris and connect the park to the creek.

f) Announcement of Next Meeting Date

The next Governing Board meeting will be held on August 16th at 9:30 am.

Adjournment

Meeting adjourned at 12:05pm.

Attendance

Voting Members of the Governing Board:

Dayna Bochco, California Coastal Commission
Joan Cardellino, (alternate for Sam Schuchat), California Coastal Conservancy
Charles Caspary, Las Virgenes Municipal Water District
Liz Crosson, Public Member (Environmental/Public Interest), Santa Monica Baykeeper
Suzanne Goode, California Department of Parks and Recreation
John Kelly, 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)
LB Nye (alternate), Regional Water Quality Control Board
Micheal O'Leary, Ballona Creek Watershed Cities (Culver City)
Ellen Perkins (alternate), South Bay Cities (Palos Verdes Estates)
Mark Pestrella, L A County Department of Public Works
John Sibert, Malibu Watershed Cities (City of Malibu)
Marvin Sachse, Public Member (Business/Economic Interest), Brash Industries
Sarah Sikich, Public Member (Environmental/Public Interest), Heal The Bay
Rori Skei (alternate), Santa Monica Mountains Conservancy
Fran Spivy-Weber (alternate), California Environmental Protection Agency
Dennis Washburn, At-Large Member BWC (RCD, Santa Monica Mountains Region)
Enrique Zaldivar, LA City Department of Public Works

Non-Voting Members of the Governing Board:

Bobbi Buescher, (alternate to Betsy Butler) State Assembly Member, 53rd District
Jennifer Zivkovic (alternate to Ted Lieu), Senator Ted Lieu, 28th District

Commission Staff:

Shelley Luce
Tom Ford
Scott Valor
Marcelo Villagomez
Guangyu Wang

Other Attendees, including other Bay Watershed Council Members:

EJ Caldwell, West Basin MWD
Damon Duval, Surfers Coalition
Pam Finck, Surfers Coalition
Monique Kehoe, Surfers Coalition
Sean Kehoe, Surfers Coalition
Kathy Knight, Sierra Club Airport Marina Group
Nece Mills
David McNeil, Baldwin Hills Conservancy
Donna Murray, Ballona Wetlands Land Trust
Athena Nova Shlien
Tom Parker, LA County Sanitation Districts
Anna Petric, Mountains Recreation Conservation Authority
Wing Tam, LA City Department of Public Works
Michael Tripp, Beaches & Harbors
Wendi Werner