

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

October 18th, 2012

Del Rey Yacht Club

Welcome and Introductions

At 9:39 a.m. Richard Bloom chaired and called the meeting to order. Introductions followed.

1. Public Comment

Douglas Fay spoke about process participation and said he was not allowed to participate in the last Watershed Advisory Council (WAC) meeting as public member. Fay also cited a document related to the Malibu Lagoon restoration project and spoke about lack of concern about restoration of historical wetlands.

Kathy Knight from the Sierra Club Airport Marina Group spoke about the Ballona restoration process and the lack of community interaction in the process. Knight said her group sponsored a community event to hear issues from the public.

Patricia McPherson representing Grassroots Coalition said there has not been public participation in the Ballona Wetlands restoration process, and spoke about misuse of bond funds. McPherson distributed a document, referred to Area C, and said that the dredging and changing of the channel in Playa Vista is not restoration but a creation of a mountain to deflect water. McPherson said the only recipient would be Playa Vista and spoke about a conflict of interest for Playa Vista and the Foundation.

John Davis said the Chair plays favoritism and disregards the Bagley-Keene Act. Davis asked for an explanation as to why the Commission entered into an agreement in 2005 to conduct an E.I.S/E.I.R. with the County of LA and the Army Corps of Engineers and to withdraw from it this year. Davis also questioned the executive director's statutory authority to enter into agreements.

2. Informational Items

a) Order of Agenda

The order of the agenda was not changed.

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

Liz Crosson gave a summary of the previous EC meeting. Crosson said Shelley Luce reported at the meeting about the hiring of a communications staff member, about the County's water quality initiative, about the Bay Restoration Plan (BRP) to be updated next year, and about Luce herself taking the chair position of the Association of National Estuary Programs (ANEP). Crosson also said Luce gave an update on the Malibu Lagoon restoration project.

c) Report from the Technical Advisory Committee (TAC)

Steve Bay reported on the last meeting of the TAC. Bay said the TAC discussed three items. First, the TAC discussed various bond fund proposals, and recommended two for funding, which are brought before the GB for consideration today. Bay said they also reviewed a monitoring plan for a previously approved project for the City of Santa Monica. Bay stated the useful monitoring framework now used is a robust one, to evaluate the success and learn from projects. Second, Bay reported on a presentation from the Southern California Water Research Project on next year's large regional monitoring survey, which includes over 60 organizations, to assess environmental quality throughout Southern CA. Bay said there will be opportunities to collaborate for mutual benefit. Third, Bay reported on recommendations to staff to increase membership in the TAC to cover data gaps, expertise – especially in areas of watershed ecology, hydrology, and oceanography – and replace lost members. Bay said the TAC recommended candidates as well. Susan Nissman asked how membership is represented. Bay replied that is by appointment, that the TAC recommends candidates and guidance to staff based on needs, on improved expertise need on an area. Nissan asked where experts come from. Bay replied that they are primary local.

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

Luce reported that the last Bay Restoration Plan (BRP) was updated in 2008, which included a major overhaul because the previous one was based on the original plan over 20 years ago. Luce said the BRP process of updating objectives and milestones will be done again in 2013 and will start early in the year. Luce said there will be various forms of participation. Luce also reported on the Ballona Wetlands restoration CEQA process. Luce said the scoping period started in August and

will go through October 23rd, so that any interested parties should inform the leading agencies about any issues they would like to see assessed in the environmental impact report. Luce stated that information for submitting comments is available at the SMBRF website, the project website, or the US Army Corps website. Luce also reported about new funding: a signed agreement of \$1.2 million given in phases, between the Foundation and NOAA, to continue work on the kelp restoration project. Luce invited Suzanne Goode to give an update on the Malibu Lagoon restoration project.

Goode reported that the Malibu Lagoon restoration project was near completion and is looking great. Goode said seventy thousand plants were delivered and are being planted, and that the irrigation system has been set up. Goode reported that the architectural interpretative elements are already under construction, and that the ocean can be seen from every segment of the site. With regards to birds, Goode reported that more are seen now than on the first day when the construction started, and that the species are diverse and congregated on trees that were planted. Goode also reported that no increased traffic was caused by the project. Goode concluded by saying that all the dire predictions from critics did not occur.

Bloom asked about the timeline for the dike and subsequent work. Goode said the dike would be completed by October 31st, and that special monitoring of the fish and tide water goby would be in place, with about 12 people working with nets. Goode also spoke about the architectural elements for wildlife observation to be completed by December 31st, including: an observational platform, a picnic area, a winter walkway, a pathway, etc. Fran Diamond thanked her for all the work on this project.

Luce announced that this is Richard Bloom's last meeting with the GB. Various members expressed gratitude for Bloom's service over the years.

Public Comment

John Davis accused various members of the board of diverting funds and being members of a private business. Davis also said such members are actively engaged in concealment. Davis referred to the BRP and said it is not a good plan. Finally, Davis stated that with respect to Malibu Lagoon, State Parks is required to conduct E.I.R.'s and it did not happen.

3. Governing Board Business Items

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

Davis requested to speak on every agenda item, a) thru g). Davis expressed happiness for Bloom leaving, and said Bloom has no respect for Bagley-Keene act. Davis asked about the anonymity of the minutes and asked if there was audio of the meeting. Davis accused the Commission of various forms of fraud against several entities.

McPherson criticized the WAC meeting process. McPherson also said the Army Corps of Engineers pulled out of the agreement for Ballona restoration for failure of the Commission to provide in-kind and money that it was supposed to.

Knight said the minutes are not being thorough enough. Knight said the Sierra Club supported the N.O.I. process from 2005 and that the reasons were because it was inclusive and it encompassed the whole ecosystem. Knight said what has happened now is that many areas of restoration have been left out, including the urban runoff basin for Playa Vista and the Marina Del Rey flood control basin, etc. Knight said it is important to look at the entire ecosystem as opposed to tiny areas.

Charles Caspary recommended members of the public to provide precise written comment wording to be part of the meeting record if they feel their comments are not being properly reflected in the meeting.

The minutes were approved unanimously. (M: Washburn , S: Diamond)

b) Consideration of Approval of Funding for Oxford Retention Basin Water Quality and Multi-Use Enhancement Project (\$2 Million, Proposition 84)

Luce introduced the Oxford Basin project stating that it lies in Marina Del Re, is a remnant of the old Ballona complex, and an important part of the LA County flood control system today that drains to a basin easement of Marina Del Rey. Luce said our interest is that it functions as a wetland and as a public amenity, while the Flood Control District interest is to function as an improved basin. Luce mentioned the project was reviewed by the TAC as well. Luce said that water quality improvements and habitat improvements are expected.

Dennis Washburn asked about the improvements in the access to this parcel. Luce said the chain-link fence will come down and be replaced, a bike path will come from the east side with access along Washington and Admiralty Way, there will be improved pedestrian paths along Admiralty Way, overlook areas – 4 observation areas - where people will be close to the level of the wetland, and there will be ADA accessibility. Nissman asked if a development area building will allow for path

access. Bruce Hamamoto explained that it would be a senior facility and that they are working with the developer. Nissman praised the project and highlighted the multi-purpose nature of the project.

Enrique Zaldivar said his agency is very supportive of the project and asked about the payment disbursements. Luce replied that it is between the State Water Board and the Flood Control District. Sarah Sikich said Heal the Bay is also supportive and interested in restoring this area and seeing water quality and habitat benefits improve. Sikich asked whether this was the best design for the project. Bay said the design was considered from a water quality benefit perspective and that one of the concerns was the monitoring program but that the County is flexible with a post-construction adaptive plan if necessary, for example with the construction of the berms, the operation of the gates, etc. In terms of the adaptive process, Nissman asked if Public Works and the Flood Control District addressed the adaptive process. Hamamoto said they will be doing effectiveness monitoring as one of the key processes to address water quality, and reiterated the adaptive aspect of the plan. Angela George said a big part of the monitoring is how the gates are operated. Bay offered to review the monitoring results of the first years.

Washburn expressed strong support for the project but also expressed concern about the long-term maintenance of a project like this one, and asked who is funding the long-term maintenance and whether a developer and agency partners and community participation plans exist. Hamamoto said the Flood Control has a long-term commitment to the maintenance. Hamamoto mentioned Marie Canyon as an example of long-term commitment with maintenance and upgrades as fires and other challenges were faced. Luce replied that community participation will improve as the area becomes more accessible. John Kelly said there will be other sources of maintenance, for instance on maintaining the bike path. Kelly also said Beaches and Harbors will participate in the maintenance of the walking path and park benches. Kelly said the developer will maintain the public promenade.

Public Comment

Davis said the 2005 joint E.I.R/E.I.S. contained an evaluation of the Oxford Basin and that the Commission withdrew from it, and asked why. Davis said a storm drain exits into the basin and the temporary construction permit for the channel gateway has been used for over a decade to discharge ground water from the facility into the Oxford drain which goes into the basin, and said the channel gateway is heavily polluted.

McPherson reiterated Davis comments and added that 65% of the costs were to be provided by the federal government, and said the Commission not honoring the contract has thrown away the federal engagement.

Knight echoed her previous concerns about looking at the entire ecosystem. Knight also expressed concern about disturbing the wildlife with the erection of an apartment building, promenade, night lighting, and walking areas.

The recommendation for funding was approved. (M: Washburn , S: Crosson, Abst: Angela George, Fran Spivy-Weber)

c) Consideration of Approval of Abalone Cove Reserve Restoration Project (\$68,000, Proposition 12)

Luce introduced this agenda item stating that the Cove is a reserve on the Palos Verdes peninsula and operated by the Palos Verdes Estates Land Conservancy (Conservancy). Luce said the Conservancy is doing a great job on parcels to conserve open space and to restore and maintain them. Luce said one of the challenges for these areas is invasive vegetation, and that these funds would focus on plant propagation, installation, and maintenance. Caspary asked if two years is enough to maintain it. Danielle LeFer said the first year will involve invasive species removal and will rely on community funding after that for maintenance activities. LeFer said they have a very strong volunteer component for their efforts. Washburn spoke in support this project and encouraged all to visit the area and enjoy it. Mike Gin said the Conservancy does a great job and the area is beautiful, and encouraged visiting as well. Nissman asked about the traversing coastal trail and who maintains it. LeFer said it would be maintained by the City of Rancho Palos Verdes outside the reserve and the Conservancy inside the reserve.

Public Comment

Davis said funds for projects like Abalone Cove should be maintained in the Commission's treasury account. Davis commented that grant deliberation should be at the local Commission level instead of hundreds of miles away. Davis recommended funds be brought to the Commission's treasury account.

The recommendation for funding was approved unanimously. (M: Mullin, S: Washburn)

d) Consideration of Approval of Resolution Concerning Commercial Fishing Activity Within the Santa Monica Bay

Luce introduced the agenda item to support the continued prohibition of commercial fishing within the Santa Monica Bay and the leeward side of Catalina Island. Luce gave a background introduction, noting proposals to remove the ban on lobster fishing within 750ft from man-made structures like piers on the bay and Santa Catalina Island. Luce said staff and the EC developed the resolution language which acknowledges the high value of commercial lobster fishing in Southern CA and the recreational lobster fishing in the Santa Monica Bay and Catalina Island, and also recognizes the marine reserves and forms of protected areas that were put in place at the beginning of 2012. Gin expressed support for the resolution, citing input from various groups about the importance of recreation and consumptive use.

Public Comment

Davis said there is no resolution on the website accessible to the public. Davis said the resolution is not on the agenda and that the public did not have the resolution in advance.

Josh Fisher asked for the resolution to be tabled because it would strain the collaboration between agencies and commercial fishers and the process. Fisher said time is needed to work together.

Discussion

Sikich supported the position of the resolution but suggested possible postponement of the vote until the summer after the Lobster Advisory Committee (LAC) deliberations. Washburn asked about the status of local fisheries. Washburn asked for postponement until we get answers from various groups. Gin expressed mixed feelings about it, and said total closure of MPAs is a concern and reinstated a general support. Gin spoke about the difficult balance of the process. Caspary cited the rigorous scientific review and public review taking place two years from now, and asked if the TAC has reviewed. The answer was no. Caspary asked that the resolution be tabled until after the TAC reviews it. Caspary said this action will influence something that will not be decided for the next three to four years. Bay said the TAC was aware but did not formally review the data.

Sikich spoke about the timeline, with LAC meetings in December 2012 and early 2013. Sikich spoke about the stakeholder composition of the LAC and their charge to develop a proposal for the Fishery Management Plan (FMP) and spoke about the value of feedback and recommendations from the Commission before conversations at the LAC meetings and negotiations are over. Nissman asked if additional stakeholders at the LAC meeting were allowed to discuss with the TAC and others. Lia Protopapadakis said the TAC will meet on December 14th, but not the subcommittee Marine Resources Advisory Committee (MRAC). Bay expressed concern about time to incorporate data before the next GB meeting. Ron Smith supported the idea of having more discussion before proceeding with the adoption of the resolution.

Luce agreed that tabling the resolution until the December GB meeting was appropriate in order to continue with discussion with members of the MRAC by phone or other means and to reexamine the language on the resolution. Luce said staff feels it is important to get Commissioner feedback before the LAC discussions for the FMP in the spring of next year because that is when the alternative will be examined and the draft will be proposed. Luce believes not much more data about the ecological status of the lobster will change between 2014 and now, and that the data that will bear on this for the next 5 years or longer is data collected on how marine populations are changing now that MPAs are in place. The question to ask for this process, according to Luce, is are we going to allow a new form of commercial fishing where it hasn't been before in the context of MPAs put in place with the knowledge that a commercial ban exists.

A motion to table the resolution subject to TAC/MRAC review was approved without objection. (M: Washburn , S: Nissman)

e) Presentation on Tsunami Preparedness and Update on Local Coastal Debris from the Japan Tsunami Disaster

Mike Frazer announced the retirement of Angus Alexander and announced Dan Murphy as his replacement on the GB. Luce and other members lamented Alexander's departure and welcomed Murphy. In terms of tsunami preparedness, Nissman said the Office of Emergency Preparedness has a tsunami plan and offered to work together directly with the Lifeguard Division to present it. Frazer spoke about the County's tsunami plan and a detailed after action report and made available pamphlets and videos as well.

Sarah Sikich made a presentation on tsunami debris on our coast from Japan. Sikich presented on the difficulty to identify and track the debris. Sikich spoke about the monitoring of the debris. The presentation included the selection of the best locations for the monitoring and surveying. Sikich spoke about the tools and science on this project. The project started on June of 2012, and Japan contributed \$6 million towards cleanup efforts in the U.S. Sikich included a visual map of debris areas. Sikich gave information about potential hazard materials. Scott Valor offered to post the presentation on the website.

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

Washburn encouraged members to enjoy our beaches and Santa Monica mountains and take a hike and made available copies of an outdoor magazine. Goode clarified a statement made earlier about requiring E.I.R.s on State Parks grounds with the exception of new general plans and projects that require general plan amendments, and said neither was the case at the Malibu Lagoon project. Nissman announced the terming out of Julia Brownley and acknowledged her on behalf of the board of supervisors for her constant work to better our environment. Jennifer Zivkovic announced the governor's signature of SB1066 that this board supported and said it would take effect on January 1, 2013. Crosson invited all for an event at Waterkeeper to celebrate the Clean Water Act. Kelly announced the completion of the Marina Harbor dredging project in Redondo Beach and thanked Mayor Gin, the Lifeguard Division, the port of Long Beach, and others. Bloom wished John Sibert prompt recovery.

g) Announcement of Next Meeting Date

The next Governing Board meeting will be held on December 20th at 9:30 am.

Adjournment

Meeting adjourned at 11:55a.m.

Attendance

Voting Members of the Governing Board:

Paul Backstrom (alternate), Councilmember, LA City Council District 11
Richard Bloom, SMBRC Chair (City Council Member, City of Santa Monica)
Charles Caspary, Las Virgenes Municipal Water District
Liz Crosson, Public Member (Environmental/Public Interest), Los Angeles Waterkeeper
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Mike Frazer, LA County Fire Department, Lifeguard Division
Phillip Fries (alternate), Los Angeles County Sanitation Districts
Angela George (alternate), LA County Department of Public Works
Mike Gin, South Bay Cities (City of Redondo Beach, Mayor)
Suzanne Goode, California Department of Parks and Recreation
John Kelly, LA County Dept of Beaches and Harbors
Michael Mullin (alternate), City of the Mayor, City of Los Angeles
Dan Murphy, LA County Fire Department, Lifeguard Division
Susan Nissman (alternate to Zev Yaroslavsky), LA County Board of Supervisors (Supervisor, 3rd District)
Laura Rosenthal (alternate), Malibu Creek Watershed Cities (City of Malibu, Mayor)
Sarah Sikich, Public Member (Environmental/Public Interest), Heal The Bay
Rorie Skei (alternate), Santa Monica Mountains Conservancy
Ron Smith, At-Large Member West Basin MWD
Damian Skinner (alternate for Micheal O'Leary), Ballona Creek Watershed Cities (Culver City)
Fran Spivy-Weber (alternate), California Environmental Protection Agency
Dennis Washburn, At-Large Member BWC (RCD, Santa Monica Mountains Region)
Enrique Zaldivar, Los Angeles City Public Works

Non-Voting Members of the Governing Board:

Steve Bay, Technical Advisory Committee, Vice Chair
Bobbi Buescher (alternate), State Assemblymember Betsy Butler, 53rd District
Charles Caspary, Las Virgenes Municipal Water District
Laurie Newman, Santa Monica Bay Restoration Foundation, President
Louise Rishoff (alternate), State Assemblymember Julia Brownley, 41st District
Jennifer Zivkovic (alternate), State Senator Ted Lieu, 28th District

Commission Staff:

Shelley Luce
Tom Ford
Lia Protopapadakis
Scott Valor
Marcelo Villagomez
Guangyu Wang

Other Attendees, including other Bay Watershed Council Members:

Michael Blum, Malibu Surfing Association
Edward Caldwell, West Basin MWD
Kyle Daniels, LA County Fire Department, Lifeguard Division
John Davis
Andrew DeBlock, ASM Betsy Butler
Dean Kubani, City of Santa Monica
Nancy Hastings, Surfrider Foundation
Kathy Knight, Sierra Club Airport Marina Group
Danielle LeFer
Patricia McPherson, Grassroots Coalition/ Sierra Club
Donna Murray, Ballona Wetlands Land Trust
Ellen Perkins, South Bay Cities COG/Palos Verdes Estates City Council