SANTA MONICA BAY RESTORATION COMMISSION

MINUTES OF THE MEETING OF THE GOVERNING BOARD

April 19th, 2012

Del Rey Yacht Club

Welcome and Introductions
Richard Bloom chaired the Governing Board (GB) meeting. At 9:42 a.m. Bloom called the meeting to order. Introductions by attendees followed.

1. Public Comment

Holly Wright from the Ballona Wetlands Land Trust expressed concern about the restoration process at the Ballona Wetlands.

Ian Bryant said the people of Malibu don't want to see Malibu Lagoon touched or at most want a gentler approach.

Athena Shlien said she opposed to the Malibu Lagoon restoration enhancement plan. Shlien asked for a gentler approach for the restoration. Shlien cited two sources of information about Malibu Lagoon's project and said biased and false science is used. Shlien also spoke about public health issues that would affect 1.5 million visitors with contaminated sands pushed into the surf zone.

John Davis state that the SMBRF was committing fraud against the State of California and the US government.

Kathy Knight representing the Sierra Club Airport Marina Group asked for a presentation to the governing board about the history of the groups that fought to save the Ballona ecosystem. Knight delivered a letter requesting for the presentation. Knight also supported the inclusion of the Ballona Wetland Land Trust to the Watershed Advisory Council (WAC), whom Knight indicated have fought for years to save Ballona. Knight also asked on behalf of Doug Fey why the SMBRC did not support Senate Bill 1447.

Marcia Hanscon from the Wetlands Defense Fund spoke about what she considered damaging projects put together by SMBRC and SMBRF where she said all money goes. Hanscom said wetland restoration is supposed to be a slow gentle process. Hanscom also stated old science is used at the Malibu Lagoon, and said the Malibu Lagoon is a dredging project. Hanscom also spoke about the Malibu city Council reversing its position on the project and the opposition of the LA County Democratic Party Central Committee.

Roy Van de Hoek spoke about how much the public cares about nature. Van de Hoek talked about trusting science and about loose definitions. Van de Hoek questioned Santa Monica Bay being an estuary, and stated that the Bay is not an estuary.

Patricia McPherson from the Grassroots Coalition spoke about an item on a distributed document noting an ongoing Department of Finance audit done on the State Water Board and the State Coastal Conservancy (SCC). McPherson spoke about issues found on the audit such as lack of accountability and specificity in the grants. McPherson asked for a presentation about their investigations and findings on this audit. McPherson also asked for a presentation on the Southern California Gas Company issues. McPherson spoke about an agreement in 2005 and about millions of dollars given to the Army Corps and that studies were not released to the public.

Victor Jedlicka from Marina Del Rey Anglers expressed concern about fisheries. Jedlica spoke about getting some reefs to let fish survive and grow. Jedlica spoke about groups having different ideas about reefs, but asked that the SMBRC workplan include reefs.

Frances McChesney addressed board members about the existence of a legal memorandum that responded to issues about the function Commission raised in the past via public record act requests and issues raised today, and offered to send the memorandum to the new governing board members.

John Sibert spoke to clarify misinformation about the meeting at the Malibu City Council and at least with respect to the people that voted: 1). At least 4 of the 5 members stated that the Lagoon was sick and needed to be fixed. 2). The vote was based upon monitoring issues and the fiduciary responsibility that local electeds have to the city. Sibert said the city has a history of addressing clean water issues, and said this was a critical consideration and that the decision was made based on

potential liability to the city. Sibert also spoke against the ongoing demonization of the opponents that disagree with the project and said such demonization is the wrong way to do business.

Suzanne Goode echoed the sentiment of Sibert about the demonization of the Malibu Lagoon project supporters. Goode also spoke about the resolution approved by the LA County Democratic Party and said three statements on the resolution were irrelevant to the project, that one statement was half true and two others were completely false, and said that State Parks would rebut those statements. Goode also spoke about false and inflammatory statements that raise great concern, and that people that came to support the project at the Malibu City Council meeting were threatened, including Goode herself. Goode expressed hope that no physical harm occurs as a result of this. Goode also said the author of the Democratic Party resolution testified that one of the agencies involved in the project was audited by the Department of Finance and that this author went as far as testifying with inflammatory statements saying that the audited agency was involved in corruption and mismanagement, which Goode said such statements do not appear in the audit report and that the audit was a pass with hardly a "wrist-slap". Goode also spoke about other false statements having been made, including false statements such as State Parks refusing media access to the Malibu site or statements saying that wildlife will be killed at the lagoon. Goode urged objective public discourse.

Marvin Sachse asked for the Technical Advisory Committee (TAC) to look for an independent third party to give us the pros and cons of the issues at the Lagoon. It was reported that a study was already underway and that USGS is funded to do just that. Sachse asked that his request be formally put on the agenda for the next meeting. Bloom said it would be discussed at the next Executive Committee meeting, which discusses agenda items.

Joan Cardellino expressed a strong and enthusiastic support for the Malibu Lagoon project on behalf of the SCC, and said the science behind the project is excellent. Cardellino also stated that the monitoring in place is going beyond the requirements.

2. Informational Items

a) Order of Agenda

Order of the agenda approved without objection.

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

Bloom reported on the EC meeting held in March. Bloom indicated that at the previous EC meeting Shelley Luce reported on the success of the WAC meeting in February, the success of the Southern California Symposium in March, and a trip to Washington DC to meet with members of Congress. Bloom also indicated Luce reported on the SCC funding for engineering design and CEQA and NEPA studies for the Ballona Wetlands. Bloom also reported about staff reports related to bond money from Prop 12, 50, and 84 recommended for approval by the SMBRC over the years and the status of past, present, and future projects. Bloom also said the EC established the agenda items for the present GB meeting.

c) Report from the Technical Advisory Committee (TAC)

Guangyu Wang gave the TAC report in the absence of Richard Ambrose. Wang reported that the TAC discussed two frameworks: the first is for setting guidelines to monitor the effectiveness of bond funded projects. Wang indicated the TAC reviewed various projects and especially the monitoring aspect of them. Wang said the TAC is developing recommendations within a new framework and that results will be brought to the GB in the future. The second framework is for developing indices to prepare for the next State of Bay report to include wetlands, intertidal, deep ocean, etc.

d) Report from the Executive Director

Luce reported on the last WAC meeting and said it was well attended and helpful feedback was given, which was incorporated in the SMBRC Workplan. Luce also thanked new applicants to the WAC. Luce also reported on the staff trip to Washington and the meetings held with the staff of congressional representatives and the updates given to them about SMBRC activities. Luce highlighted the importance of the trip to sustain the level of funding to the National Estuary Program (NEP). Luce indicated the reason for the same level of funding to NEP: because the priorities of the federal government are achieved through the work of locally based communities like ours and because of the enormous leverage that these federal dollars enable, allowing other projects to happen with State and Local funds as well. Luce also spoke about two other programs we're working on on behalf of the NEP and SMBRC: 1) the development of an Open Space Habitat and Recreation plan for the LA County IRWMP. Luce stated that the plan has been difficult to integrate with the water supply and storm water projects because the thrust of IRWMP is water supply and surface water quality. Luce expressed satisfaction with the funds added and integration to systematically value the open space habitat and recreation projects in the plan. 2) Luce also reported being a member of the sediment advisory and management panel with the LA County Flood Control District, and reported that a 20-year management draft plan was done to clean debris basins. Luce said the plan includes a pilot plan to remove sediments downstream which would mimic the natural hydrology and reach our coasts more appropriately. Luce

announced two events for the weekend: the continuing the work at Stone Canyon to remove invasive species and planting, and the Mar Vista Community Council Green Garden tour where we have a project.

Luce also gave an update on the bond projects and fund allocations. Luce clarified that the grant agreements are done by SCC and the State Water Board and not the SMBRC. What SMBRC staff does is select the projects and the SMBRC board recommends SCC or State Water Board approval, or it rejects them. If approved, these projects go through the grant agreement process by SCC and State Water Board. The staff help manage the projects and ensures that the projects are done. Luce presented on the breakdown of the projects and indicated that most of the agreement funds go to water quality improvement, $36 million over 10 years, and that many of the projects have been completed and some are still in progress. Luce listed some of the specific examples like installing catch basin inserts, storm water capture treatment, and use for irrigation, water capture and re-use, permeable pavements, etc. Luce indicated that including matching funds, the total funds on projects double the bond funds. Luce also said about $15 million have been used on habitat restoration, and that some funds have been used for kelp restoration, stream restorations, stream barrier removal, planting native vegetation and removing invasive species, acquisitions, beach bluff restoration, concrete removal, etc. Luce also presented on public outreach and education, close to $1 million, used to educate public, getting signs for mudsnails, boater education to keep marinas and coastal waters clean, clean restaurant program, etc. Luce mentioned $19 million is yet to be allocated for future projects.

Public Comment:

Davis said SCC did not fund CEQA and said Bloom falsely stated so. Davis also accused the SMBRF of theft of US EPA money. Davis also said the Santa Monica Bay Restoration Authority (SMBRA) failed to meet the contractual obligations with the US Army Corps of Engineers.

Knight asked for a summary of comments/recommendations at the WAC meeting and recommended more frequent meetings. Knight also asked for help or suggestions to save 72 acres from development near the ecological preserve and asked for help to get funding to acquire this land that would help save the ecosystem and the animals out there.

Wright echoed the petition from Knight about helping acquire the 72 acres.

3. Governing Board Business Items

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

Washburn asked that the elected Vice-Presidents names be added on the minutes. Washburn also asked to spell out the acronyms on the minutes. The minutes were then approved unanimously. (M:Tam , S:Sibert)

b) Consideration of Approval of SMBRC 2012-13 Work Plan

Luce presented an abbreviated version of the 2013 Work Plan. Luce explained the ongoing, new, and changing projects on the Work Plan, and highlighted to new projects resulting from the WAC meeting recommendations. Luce also spoke about changes in the presentation of the report. Luce also addressed an earlier public comment about artificial reefs and fish hatcheries in our marine fisheries and indicated that we are doing a lot of work on it. Category 3 of the workplan shows the planning on this area, as show in 3.2 where we show we plan to conduct research on important marine species and habitats. Luce said some projects are already underway on abalone population genetics that will lead to abalone restoration, and that we are looking to facilitate research to address concerns about the California Halibut, and to address kelp beds in partnership with NOAA. Luce said these efforts are meant to increase the fish population and restore the habitats including reef restoration.

Washburn suggested inviting EPA leadership to provide inspiration and direction and find out who the players are and where we're going and with what resources.

Sibert spoke about a teaching program that is at the early stages of design with the Southern California Marine Institute and Cal State University at Northridge and the Santa Monica College which will include monitoring MPAs, ecology, fisheries, etc., and invited organizations like Health the Bay and Santa Monica Baykeeper, to help design the program.

Charles Caspary spoke about item 3.3 on the Work Plan and the self-imposed limitations of placements of natural materials for reef restoration, which is limiting in terms of potential projects. Caspary suggested changing the language to be more open. Luce agreed to take out the "natural materials" language and indicated that the intention was to consider artificial reefs without the limitations to only natural materials. Caspary also asked if the plan includes only existing rocky reef restoration or if new ones are considered.

Mike Gin suggested that we work with all the Watershed to expand the clean restaurant program on 1.6, where it singles out the South Bay. Luce said the language will be changed to reflect that the program will work with the COGs and local cities in its expansion.

Susan Nissman spoke about the Topanga Creek Watershed items 2.1 and 2.2 of the Work Plan and said parts of the Lagoon were beautifully restored in 2005. Nissman also expressed the intention to bring an agenda item for consideration: the restoration of the ¼ mile PCH narrows. Nissman requested the Topanga Narrows for the agenda in June. Nissman spoke about the repairs needed because of serious public safety impacts and emergency responses. Luce agreed that this is a very important issue and agreed to add to the Work Plan. Washburn suggested a graphic presentation to see the issues. Nissman spoke about the urgency of the restoration.

Public Comment:
McPherson spoke about her earlier point about a Department of Finance audit to SCC and the SWRCB. McPherson referred to the audit language referring to a lack of specificity from SCC regarding the awards and the follow up on the work of the grants. McPherson also said workplans are vague and that documents were missing. McPherson said the public needs to know where the money is going. About Ballona, McPherson said studies about toxicity were supposed to be released. McPherson said the public is not part of the process. McPherson said Ballona does not have hydrology studies.

John Davis said federal funds should go to the state and not a private business. Davis said the SMBRC Work Plan cannot be approved because funds are diverted to a private business. Davis said approving the Work Plan constitutes fraud.

Hanscom said she objected to 2.1 and 2.2. Hanscom asked for members with vested interests to abstain from a vote on the Work Plan. Hanscom asked at least seven recipients of funds and regulators abstain. Hanscom referenced audits for parts of the Malibu Lagoon project. Hanscom also said $6.5 million will now go to administrative work on Ballona to have the Corps approve the project.

Frances McChesney addressed a couple of public comments. Regarding the Foundation being a fiscal agent for the Commission, McChesney said that under the law that establishes the Commission, it says that if the legislation appropriates funding to the Commission the money is supposed to go the a State account. McChesney said, in fact, the legislation has never appropriated money for the Commission, therefore there is no money in an account. McChesney said the job of the Commission is to coordinate activities of various entities to restore the estuary, through the Federal National Estuary program (NEP), which is a federal clean water act program. McChesney explained that under that clean water act program it explicitly says that they provide funds to non-profit organizations to implement the NEPs. McChesney said there is no problem for board members because the Foundation is a legal fiscal agent for the Commission. McChesney also addressed the claim of conflicts of commissioners. McChesney said that since the Commission does not get any funding and the commissioners do not get any money personally as members of the Commission or get paid personally for a project, and when commissioners do address funding is only to recommend to other entities to provide funding for projects. Commissioners do not direct funding for projects but recommend funding.

McChesney also said that audits at the State or other entities have no bearing on the approval of the Work Plan, and that those other entities need to deal with their own audits that go on all the time.

Sachse asked if when the integrity of individuals or programs are questioned whether the allegations need to be substantiated or not. Various members agreed that the public is free to speak their mind with no substantiation. Bloom added that people are fee to voice their opinions, however false accusatory statements have no place in his view and civility should be promoted.

Washburn stated that what we do is an ongoing process and that we reserve the right to improve. Washburn asked members to think about funding and strategizing for the great need in millions of dollars to achieve Work Plan goals.

Santos Kreimann asked to see the unabridged version of the workplan. Kreimann said it would be helpful to see the budget, the funding and resource allocations and whether that would be approved as part of the Work Plan approval. Luce explained what made the budget and said staff can provide the budget details.

Fran Spivy-Weber abstained from voting. Catherine Tyrrell asked for clarification of voting and non-voting GB members. Scott Valor clarified who the non-voting members were.

This agenda item was approved without objection. (M: Washburn , S: Nissman, Abstain: Spivy-Weber)

c) Consideration of Support for SB 1066 (Lieu)

Valor explained that Senate Bill (SB) 1066 was introduced by State Senator Ted Lieu to authorize the California State Coastal Conservancy to fund and undertake projects that address climate change and to authorize the Coastal Conservancy to award grants to public agencies and nonprofit organizations for these purposes. Valor said the bill is currently at the Senate Appropriations committee having passed the Senate Natural Resources and Water Resources committee, and that it has no opposition. Valor explained the reasons why this item was not presented for a vote, because the local COGs might take up this item in the near future and also because the agencies of some members have not taken a position yet. Valor indicated that this item has been brought for GB discussion only at this meeting, and that it would be brought for a vote in June. Washburn said that this is line with the work that we do and indicated a favorable support. Sibert said this item is in their agenda for May. Dayna Bochco said SCC took a positive position on it this month. The board voted unanimously to continue this issue to June. (M: Washburn, S: Gin)

Public Comment:

Knight asked to face the member placards facing the public.

d) Consideration of Appointment of Qualified Entities to the Watershed Advisory Council

Valor presented an application for membership to the WAC by the Ballona Wetlands Land Trust (BWLT). Valor said BWLT met all the criteria and is in good standing with the IRS.

Public Comment:

McPherson said the rules and regulations of the WAC call for a consensus of the groups but there was never a response to this question at the meeting nor answers to questions brought up by the public. McPherson said comments are not reflected anywhere. McPherson said that agendized items were not discussed at the WAC meeting. McPherson referenced a conversation with Shelley Luce about the Corps.

This agenda item was approved without objection (M: Washburn , S: Sibert) and Bloom welcomed the BWLT.

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

Bloom acknowledged the passing of Peter Douglas. Nissman announced that the County will present the Green Leadership Award to Melina Watts and that other agencies will be recognized. Kreimann joined in recognizing the passing and work of Peter Douglas. Fran Spivy-Weber announced that Governor Brown appointed Catherine Coleman as director of the Ocean Protection Council, and advised members to invite her to meet members. Sarah Sikich announced clean ups organized by Heal the Bay. Sikich also recognized Peter Douglas. Washburn also recognized Peter Douglas.

Kreimann reported on the work of Beaches and Harbors and said the dredging project on the marina channel where a million of cubic yards of sediment will be removed that is blocking the channel ways. Kreimann said 750,000 are contaminated materials that will be moving to the Long Beach port, a win-win innovative solution.

e) Announcement of Next Meeting Date

The next Governing Board meeting will be held on June 21st at 9:30 am.

Adjournment

Meeting adjourned at 11:55am

Attendance

Voting Members of the Governing Board:

Richard Bloom, SMBRC Chair; Bay Watershed Council, City of Santa Monica
Dayna Bochco, California Coastal Commission
Charles Caspary, Las Virgenes Municipal Water District
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
Phillip Friess,(alternate) LA County Sanitation District
Mike Gin, South Bay Cities (City of Redondo Beach, Mayor)

Suzanne Goode, (alternate) 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)
Mark Pestrella, L A County Department of Public Works
Marvin Sachse, Brash Industries
John Sibert, Malibu Watershed Cities (City of Malibu)
Sarah Sikich, Heal The Bay
Ron Smith, At Large member, West Basin MWD
Fran Spivy-Weber, (alternate) California Environmental Protection Agency
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:
Louise Rishoff, (alternate to Julia Brownley), State Assemblymember, 41st District
Catherine Tyrrell, SMBRF President
Jennifer Zivkovic (alternate to Ted Lieu), State Senator, 28th District

Commission Staff:
Shelley Luce
Tom Ford
Scott Valor
Marcelo Villagomez
Guangyu Wang

Other Attendees, including other Bay Watershed Council Members:
Michael Blum, Malibu Surfing Association
Ian Bryant
John Davis
Frances McChesney, State Water Board
E.J. Caldwell, West Basin
Cindy Grant, BWLT
Marcia Hanscom, Wetlands Defense Fund, Ballona Institute
Nancy Hastings, Surfrider Foundation
Victor Jedlica, MDR Anglers
Leighanne Kirk, West Basin
Kathy Knight, Sierra Club Airport Marina Group
Dean Kubani, Bay Watershed Council, President
Walter Lamb, Ballona Wetlands Land Trust
Jim Lamm, Ballona Creek Renaissance
Andy Lyon
Patricia McPherson, Grassroots Coalition
Donna Murray, BWLT
Hamish Patterson, Eyes of the Community
Holly Wright, Ballona Wetlands Land Trust
Athena Shlien
Michael Tripp, Dept of Beaches and Harbors
Robert Roy Van de Hoek, Ballona Institute, Wetlands Defense Fund