

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

June 20, 2013

Del Rey Yacht Club

Welcome and Introductions

At 9:41a.m. Micheal O'Leary called the meeting to order.

1. Public Comment

Douglas Fay talked about the Oxford Basin and said it should be a bird conservation area not a flood control basin and a public park. Fay also said the County is planning a five-story senior luxury facility next to the bird conservation area, he said the planning of that parking lot was to remain a parking lot or a public park. Fay also proposed that Governing Board (GB) meetings take place in the evenings so the public can attend them.

Kathy Knight said the bird sanctuary should be re-dedicated to Roland C. Ross. Knight also handed out an article that appeared in the LA Times about disrespecting the local Tongva natives. She said the article contains a recommendation for the University of CA to address decades of malpractice and offers an apology, repatriation, and compensation. Knight said the Ballona Ecological Preserve is a registered sacred site and should be respected and some of the land re-dedicated or given to the Tongva natives.

Introductions of GB members and the public followed.

2. Informational Items

a) Order of Agenda

The order of agenda was changed, items 3. d) and 3. e) were switched.

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

Scott Valor reported on the last EC meeting. Valor reported Shelley Luce's update on the 25th Anniversary and about the federal Sequestration and its effect on our work. Valor said the EC also discussed the presentations for the GB meeting regarding the MS4 permit and the rain barrel programs.

c) Report from the Technical Advisory Committee (TAC)

Richard Ambrose said the TAC had a webinar session regarding the Bay Restoration Plan (BRP), and he said the TAC is going through the goals and objectives of the plan item by item. Ambrose said they didn't go thru the entire plan but will go thru it at the next TAC meeting. Charles Caspary asked if the TAC would provide a report to the GB. Ambrose said the TAC will provide advice to the staff who in turn will report to the GB. Dr. Guangyu Wang added that TAC recommendations could be identified within the BRP plan if needed.

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

Wang presented the ED report in the absence of Shelly Luce, who was attending a technical conference out of state. Wang reported that the planning for the 25th Anniversary gala event, taking place on October 17, 2013, is going well. Wang thanked all the GB members that are serving on the host committee for this event. Wang also reported on three previously GB approved Prop 84 projects and their status. The first, a 2011 approved Stormwater Basin Enhancement Project is now in the construction phase and in good progress; the second, the Los Angeles Park University project is in the designing phase after all agreements were signed; and the third, the MRC Milton Street Park along the Ballona Creek, for which the GB approved \$300,000 for the green street component, has the final agreement finalized and approved and will start soon as well. Wang also reported on the status of a small Prop 12 funded project, for \$60,000 for Abalone Cove reef bluff restoration.

Wang also reported on two SCC grant announcements regarding climate change, to assist local governments, local jurisdictions to update their coastal protection plans, and other organization to do climate change adaptation planning or pilot projects. Wang said the staff is working with the Los Angeles Regional Collaborative for Climate Action and Sustainability (LARC) and Sea Grant for a grant proposal to advance the knowledge of impact and vulnerability in regards to sea level

change. Wang mentioned efforts to get others involved and said Beaches and Harbors, City of LA, and the South Bay COG are involved. Wang said the second grant opportunity is more open to other organizations, like nonprofits, to come up with good ideas and apply. John Sibert said many entities are looking into sea level rise issues and that there should be a clearinghouse looking at all the pieces which could be the role of SMBRC.

3. Governing Board Business Items

a) Consideration of Approval of the April 18, 2013 Meeting Minutes

The minutes were approved with amendments on item 3. d). to clarify discussions of TMDLs, differentiating previous TMDLs and new ones, specifically regarding an MS4 implementation of a TMDL adopted in 2003 that has not yet begun and a new TMDL for the same watershed, and same pollutants, that the SMBRC is recommending on the BRP.

(M: Sibert, S: Washburn)

b) Election to Fill Executive Committee (EC) Vacancy (10 min.)

Scott Valor introduced the agenda item to elect a vice-chair to fill the vacancy. Valor said there were two nominees: Susan Nissman and Jeff Duclos. Valor then opened floor nominations. There being none, Valor then spoke about the representation of the EC members. Both candidates introduced themselves. Nissman spoke about achievements in the last several years and stressed the working cooperatively to face challenges. Duclos asked members to see his nomination as a continuous representation and good work of the South Bay COG.

Chair O'Leary announced the results of the election: Susan Nissman became the newly elected vice-chair.

c) Discussion Regarding Draft Bay Restoration Plan Update (25 min.)

Guangyu proposed to focus the discussion on the most important items, given the limitations of time, especially those identified previously on the top 10 priorities. Guangyu thanked members that provided comments on objectives and milestones, and presented changes since the last GB meeting. On the TMDL implementation priority, Guangyu pointed out changes to 1.1b. regarding the TMDL plan incorporated into the MS4 permit, the addition to 1.1c. to prioritize TMDL implementation for compliance, and also changes to 1.1d. that address the role of the Commission in getting the word out, sharing success stories and progress that cities make, and recognizing efforts to improve water quality. Marvin Sachse asked for clarification regarding waste load allocations and its context, and if the role of the Commission would be educational in terms of implementation or something else. Gary Hilderbrand said 1.1c. is redundant with the new MS4 permit. He said permittees will take a look at TMDLs and will need to prioritize. Hilderbrand said schedules, responsible parties and their obligations, are issues that permittees are going to deal with, so he recommended removal of this item 1.1c. from the BRP.

Fran Diamond added that there are 33 TMDLs that have been adopted by the Regional Board from the last 13 years, all of which have been approved by the US EPA and incorporated into the storm water permit that was adopted a few months ago. Diamond said TMDLs were adopted based on science and approved by the various levels of government, and said what we talk about are established TMDLs, not new. Wang said the discussion here at the meeting is indeed to take recommendations. Sarah Sikich mentioned that 1.1b. and 1.1c. deal with different areas of TMDLs, implementation and prioritization and both should be retained. Ambrose recommended expanding the role of the SMBRC on the plan. Ambrose also recommended a better definition of actions like "promote", "support", etc., especially given the nature of the SMBRC. Wang agreed that although we have definitions as shown on the plan, more specific definitions are needed. Sibert recommended that a role of SMBRC be educational, to be a type of honest broker. Caspary asked about objective 1.1 where it says "revised to reflect new focus on the scheduled reopening of existing TMDLs and remaining 303(d) listed waterbodies" and asked if Malibu Creek, already a listed waterbody, was not the focus of a new TMDL? Nissman and Diamond added that education about TMDLs is something the SMBRC could do. Caspary said the SMBRC could work more on consensus on many issues we work on, and asked if the Commission is going to support additional TMDLs on top of existing ones regarding Malibu Creek. Sikich expressed that it is important to engage in new TMDLs because they are going to happen and said it is important to keep engaging in dialogue.

Hilderbrand spoke regarding the role of the SMBRC, stating that some issues will be contentious given that we have regulators, responsible parties, and the public represented on the GB, and agreed that one role would be educational and fostering discussion. Nissman added that the language on the BRP should include "developing TMDLs" for SMBRC, and Guangyu clarified that under the plan the Regional Board is the leading agency. Nissman recommended being more specific with the language. Sibert added that there are many entities not listed on the plan, such as State Parks, National Parks, Caltrans, etc. that are doing the same work we do. Suzanne Goode said State Parks is listed as lead agency on various objectives. Washburn said Ballona is mentioned very little on the plan, cautioned about the use of watershed instead of watersheds as there are various unique watersheds, and recognized plans from the COGs. Washburn also said it's

important to address water retention issues. Caspary spoke about 1.2c. and mentioned revised language on the plan to shift Malibu Civic groundwater monitoring to the upper watershed and considered this information valuable. Washburn said it's important to reach out to people in Ventura County to understand impacts on our TMDLs from their water and elements. Nissman recommended language on 1.5a. to say "sustainable long-term funding source".

Wang moved on to Goal #2 and spoke about LID projects and spoke about successful past projects, like the rain barrel program. Washburn recommended Caltrans as a potential good partner for 2.1. to improve water quality through pollution prevention and source control. Nissman, Ambrose, and Wang agreed that adding open space acquisition and also permeability should be an important priority on the plan. Caspary concluded by asking staff to date the documents as we handled many versions.

Public Comment

Knight asked how the can public participate with input on the BRP. Wang replied that public can participate through the Watershed Advisory Committee meetings designed for BRP input. O'Leary said also that input is open at the GB through public comments.

d) Presentation on the Santa Monica Bay Restoration Foundation Culver City Rainwater Harvesting Program (20 min.)

This agenda item was postponed for a future meeting.

e) Presentation on the City of Los Angeles Rainwater Harvesting Program (20 min.)

This agenda item was postponed for a future meeting.

f) Presentation on the Regional Water Quality Control Board Enhanced Watershed Management Program Developed for the MS4 Permit for Los Angeles County (20 min.)

Deb Smith, Chief Deputy Executive Officer of the Regional Board, gave a presentation on the Enhanced Watershed Management Program (EWMP) aspect of the MS4. Smith said MS4 permits have moved over the years from more programmatic to more water quality and outcome based. Smith said storm water still contributes a lot to impaired waters. Smith said most TMDLs have an MS4 component, and that when the permit is renewed federal law requires those allocations in the permit, which frames a lot of the work that needs to be done. Smith also said that given that a lot of TMDLs were done in the watershed it made sense to put options in the LA MS4 permit for implementation to be done on a watershed scale as well. Smith said participation in the Enhanced Watershed Management Program is voluntary. Agencies could go the traditional route, however those that engage in the program are allowed customization of their program, e.g. cities can determine areas where they have issues and have a say as to where they put their resources. Smith said one part that cannot be customized or eliminated is the LID component because it is a great preventative measure and it needs to be done.

Smith displayed a diagram about how the watershed integrates. Smith said we still have non-storm discharge water permits in addition to management control measures and TMDL requirements. Smith spoke about the benefits of the EWMP, which included pollutant loading reduction from wet weather and non-storm events, opportunities to put resources among permittees and other contributors, water quality and water supply benefits, flood control, and water for wildlife and parks projects. Smith also spoke about requirements and monitoring during the development of the EWMPs, control measures on trash, and TMDLs, and meeting deadlines. Smith said each EWMP has to come up with a structural project. Smith proceeded with a schedule of deadlines and spoke about the various groups working together, showing a map of groups going different routes for the future of water management. Smith concluded by saying that the Commission is well positioned to play a role in this.

This outlook presentation is available on the SMBRC website: www.smbrc.ca.gov .

A discussion then followed. Caspary asked if there were proactive ideas for water agencies to participate with other agencies. Smith said a solid nutrient management plan is one area where they can participate, bringing in storm water to augment supply. Hilderbrand said that as groups of agencies form they will be reaching out to water agencies that may be considered key partners, for example with storm water capture for recharge that would benefit water quality for permittees but also local supply. Nissman anticipated more proactivity in reaching out, especially for multi-benefit projects with diverse permits where incentives occur. Duclos noted that the City of Hermosa Beach made a commitment to pursue the EWMP at the highest level and is working with the neighbor cities to look for mutual programs, but asked what role the SMBRC can play and stated that it should be a prominent role. Jim Knight said that the funding mechanism is solely on their shoulders, which although it may not be much it actually is for small cities and it is a heavy burden. Knight spoke about the difficulty of complying with MS4 for groups that do not share watersheds. Knight also mentioned reaching out to affected parties as far as policy and finding out what their circumstances are to get to solutions that have a better application. Knight recommended reaching out, providing leadership, technical advice. Knight sees an important role of the SMBRC especially with regard to

open space. Smith said a technical advisory committee is forming to help on technical issues and expertise. Diamond mentioned three workshops were provided for permittees with cities and nonprofits attending but all were invited. Hilderbrand added that 70 of the 84 permittees have decided to work cooperatively, which is an accomplishment given past history. Caspary thanked Knight for his work on his document he shared.

g) Member Comment—Governing Board members may wish to comment on issues not otherwise on the agenda (5 min.)

Diamond congratulated the City of LA for passing the plastic bag ban and thanked the agencies that worked on it. Nissman hoped the City of LA would push the State in that direction. Goode thanked members who attended the Malibu Lagoon ceremony. Washburn announced the new book from Al Gore “The Future: Six Drivers of Global Change”. Nissman announced that on June 25th the County Board of Supervisors will be hearing back on a report from Public Works on the progress of outreach for the permittees. Tim Lippman announced an approval by the Conservancy on a grant for the Palos Verdes Peninsula Land Conservancy and also announced Assemblymember Al Muratsuchi bill will be heard in the Senate’s Natural Resources Committee. Liz Crosson announced that LA Waterkeeper, in collaboration with California Coastkeeper Alliance, is working with legislators to pass a resolution that will deem July 25th as Swimmable California Day. Bob Godfrey asked for a list of acronyms as the newest member. Godfrey also announced observing a big school of dolphin as the bay is getting healthier. Members were also invited to the LA River and a film festival at the City of Malibu titled “Not Just Another Dam Film Festival” on July 19th. Caspary thanked staff and members for their work and for providing an open forum for inter-agency and inter-organizational discussions and consensus building.

h) Announcement of Next Meeting Date

The next Governing Board meeting will be held on August 15 at 9:30 am.

Adjournment

Meeting adjourned at 11:47a.m.

Attendance

Voting Members of the Governing Board:

Dayna Bochco, California Coastal Commission
Charles Caspary, Las Virgenes Municipal Water District
Liz Crosson, Los Angeles Waterkeeper
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Jeff Duclos, South Bay Cities COG (Hermosa Beach City Council)
Phillip Friess (alternate), LA County Sanitation District
Suzanne Goode, California Department of Parks and Recreation
Robert Godfrey, Marina Del Rey Anglers
Gary Hilderbrand, LA County Dept of Public Works
Michael Mullin (alternate), Office of the Mayor, City of Los Angeles
Susan Nissman (alternate to Zev Yaroslavsky), LA County Board of Supervisors (3rd District)
Micheal O’Leary, SMBRC Chair, Ballona Creek Watershed Cities (Culver City)
Marvin Sachse, Brash Industries
Sarah Sikich, Public Member (Environmental/Public Interest), Heal The Bay
John Sibert, Malibu Watershed Cities (City of Malibu)
Rorie Skei (alternate), Santa Monica Mountains Conservancy
Ron Smith, At-Large Member, West Basin MWD
Michael Tripp, LA County Dept of Beaches and Harbors
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:

Rich Ambrose, Technical Advisory Committee, Chair
Andrea Kune, Assemblymember Richard Bloom, 50th District
Timothy Lippman, Assemblymember Al Muratsuchi, 66th District
Louise Rishoff, State Senator Fran Pavley, 27th District
Jennifer Zivkovic, Senator Ted Lieu, 28th District

Commission Staff:

Julie Du Brow
Tom Ford
Ivan Medel
Jack Topel
Scott Valor
Marcelo Villagomez
Guangyu Wang

Other Attendees, including other Bay Watershed Council Members:

Barbara Cameron, Malibu Creek Watershed Cities (City of Malibu)
Brook Dillon, CA Conservation Corps
Douglas Fay
Jim Knight, RPV City Council
Kathy Knight, Sierra Club Airport Marina Group
Julie Millet, RWA Planning, Inc
Ellen Perkins, PV Estates City Council, South Bay COG
Timothy Pershing, Assemblymember Richard Bloom, 50th District
Damian Skinner (alternate), Micheal O'Leary, Ballona Creek Watershed Cities (Culver City)
Wing Tam, LA City Department of Public Works
John Wolfe, Limno Tech