

SMBRC Governing Board Meeting Minutes

February 18, 2016

Welcome and Introductions

At 9:40 Micheal O'Leary called the meeting to order. Introductions followed.

1) Comments from Members of the Public on Items Not on the Agenda and Public Testimony on All Agenda Items

Public Comment:

Kathy Knight gave public comment regarding loving other forms of life and saving Marina del Rey parcel 9-U at Via Marina and Tahiti Way from development. Kathy encouraged the board to think in terms of living with other forms of life and to support saving nature and natural habitat.

Craig Cadwallader, on behalf of Surfrider Foundation South Bay chapter, discussed the West Basin desalinization project. Cadwallader commended West Basin on their recycling and said Surfrider would rather see West Basin expand their recycling instead of pursuing a desalinization plant.

Michael Blum from the Malibu Surfing Association said Marine Protected Areas (MPAs) are a recent conservation success. Blum said an unfinished complement is protecting places which represent the human dimensions of coastal ecosystems; sites of culture, historical and recreational value. Blum said in the current state MPA network there are no sites designated for cultural heritage and only five for recreational value although explicit protection frameworks exist for both. Blum introduced the Sea of Clouds project which is dedicated to protecting important coastal places and said site specific locals can be protected utilizing existing local, state, and federal policy frameworks. Blum announced the Sea of Clouds completed and submitted a national registry of historic places nomination for the Malibu Point surfing area. Blum welcomes the opportunity to return before the governing board to present and discuss this project in more detail and collaborate in securing official support for Malibu Point National Register nomination.

Walter Lamb from the Ballona Wetlands Land Trust (BWLTL) said he understands the years of back and forth have caused a culture of the board tuning out stakeholder comment and said it's a culture that has not served the board well. Lamb also commented on litigation by the BWLTL against the SMBRC.

State Water Resources Control Board legal counsel David Coupe stated that the decision in the lawsuit against the Santa Monica Bay Restoration Commission (Commission) is not final. Coupe said there is no liability attached to any particular Commission members and the Commission substantially prevailed in the litigation as noted in the memo posted to the Commission's website by Frances McChesney dated February 6th. Coupe said the key issue in the litigation is that the Foundation is not subject to the Public Records Act. The Foundation is a private non-profit entity with its own budget and operational structure and it is the Commission that is the public entity subject to the Public Records Act.

Informational Items

a. Order of Agenda.

The order of the agenda was not changed.

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

Tom Ford gave the EC meeting report from January. Ford reported that the substance of the meeting is on the agenda. Ford said there was discussion about the election of Technical Advisory Committee (TAC) members and function of the TAC. Ford said there was discussion regarding the revised Integrated Regional Watershed Management Plan (IRWMP) Memorandum of Understanding (MOU).

c. Reports from the Technical Advisory Committee

Tom Ford gave the TAC report. Ford reported the TAC has not met since the last governing board meeting in December and March 3rd is the next TAC meeting. Ford is in communication with TAC members regarding the State of the Bay Report to determine how it will inform actions moving forward.

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

Tom Ford reported that he will be attending the annual meeting of National Estuary Programs (NEP) in Washington DC and he will present on rocky reef complex work including kelp forest restoration, aerial surveys, and abalone restoration research techniques. Ford discussed a grant received to review the impacts of climate change on the Bay Restoration Plan (BRP) and integrate findings into the plan. Ford announced the Watershed Advisory Committee (WAC) meeting is scheduled for March 30th and the purpose and logistics of the meeting; Ford said an online “survey monkey” will be available for comment submission. Ford discussed the Request for Proposals (RFP) the board recently approved and said that ten applications were received for a total of \$17.6 million.

Ford announced The Bay Foundation work that supports the goals of the BRP and the NEP. Ford discussed his trip to Japan in January regarding the ecological and socioeconomic benefits of the rocky reef restoration work. Ford said the Clean Bay Restaurant Certification Program expanded to include Culver City and Inglewood and continues to work collaboratively on the banning of anticoagulant pesticides in Malibu. Ford discussed the progress on a collaborative project to put a sensor in the water to collect data to inform us on the chemical and physical processes of our coastal ocean; Ford thanked Los Angeles County Sanitation, SCCWRP, and the Bureau of Sanitation for their collaboration on that project. Ford announced the year three Malibu Lagoon report is being put together and is expected to be released in the coming months. Sibert and Ford discussed the publication of data from the sensor project.

2) Governing Board Business

a. Consideration of Approval of December 17, 2015 Meeting Minutes

The December minutes were approved. (M: Skei, S: Cardellino, Abst: Bishop, Friess, Goode, Sibert)

b. Election of Chair and Vice-Chair

Guangyu Wang opened the floor to nominations for the chair position. The City of LA Bureau of Sanitation, Enrique Zaldivar, was nominated to fill the chair position. Nominations were closed (M: Caspary, S: Murphy). Since there was one position and one nomination Enrique Zaldivar was elected chair by acclamation. (M: Murphy, S: Pestrella). Zaldivar took over as chair. Zaldivar and O’Leary made comments and said thank you.

Guangyu Wang opened the floor to nominations for the six vice-chair position. Six nominations included: Sarah Sikich of Heal the Bay, Bruce Reznik of Los Angeles Waterkeeper, Gloria Gray of West Basin Municipal Water District, Joan Cardellino of California State Coastal Conservancy, Timothy Lippman of Supervisor Sheila Kuehl’s office, and Fran Diamond of Los Angeles Regional Water Quality Control Board. Nominations were closed (M: Caspary, S: Friess). Since there were six positions and six nominations the nominees were elected vice-chair by acclamation (M: Murphy, S: Bochco).

c. Consideration of Approval of SMBRA FY 2015-2016 and 2016-2017 Budgets

Ford introduced the Santa Monica Bay Restoration Authority (SMBRA) Fiscal Year (FY) 2015-2016 and 2016-2017 budgets and said the EC members looked at 2015-2016 budget, and the SMBRA reviewed and approved both budgets with the minor changes shown. Ford discussed the four projects that comprise what the authority approved; the projects include: LAX Dune Restoration project, Clean Vessel Act Boater Education Program, Wetland Protection Development project, and Malibu Lagoon Restoration and Enhancement project monitoring grant. Discussion followed.

The SMBRA FY 2015-2016 and 2016-2017 budgets were unanimously approved (M: Sibert, S: Murphy).

d. Consideration of Reappointment of Technical Advisory Committee Members

Ford gave an overview of the TAC responsibilities. Discussion followed about the need for additional members to fill areas of expertise.

Motion to reappoint TAC members passed unanimously. (M: Bishop, S: O'Leary).

e. Consideration of Approval of Revised IRWMP MOU

Ford introduced the purpose and specifics of the revised IRWMP MOU. Mark Pestrella elaborated on Ford's introduction and encouraged SMBRC members and the SMBRC board to continue to hold a seat on the IRWMP and actively participate in their planning. Discussion followed.

Motion to approve the revised IRWMP MOU passed unanimously. (M: Caspary, S: Cardellino)

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

John Sibert announced the assessment district for Malibu wastewater facility was approved. Sibert also announced that the Joint Committee of the Contract Cities and the League of California Cities are putting together issues regarding stormwater and would like to bring a presentation to this group.

Phil Friess reported on the Sanitation Districts effort in stormwater arena. Friess said the Sanitation District was able to introduce legislation that gives them authority to divert wet weather runoff, manage and treat the water, and discharge it back to the storm drain system, receiving waters, or beneficially reuse the water. Fries said the Sanitation District is currently going through the public comment process under the LAFCO approval process, conducting outreach through workshops and other public events and interacting with cities to assess their needs and the services they would like to meet the MS4 permit needs. Friess said they are in the process of activating authorities and gearing up their capabilities to meet the cities' needs.

Debbie Dyer-Harris said she has not seen a need for a sheriff deputy to be at the meetings since she has been attending and would like to talk about the need for the sheriff deputy's presence at a future meeting.

Rorie Skei said March 4th there will be a dedication of the Stocker trailhead which is part of the Playa trail. Skei also reported on the successful opening of the Milton Street Ballona Creek Bikeway trail and the next phase of that project which is green streets. Joan Cardellino commented on the Milton Street grand opening.

Sarah Sikich responded to Lamb's public comment regarding members not listening during public comment. Sikich disagreed with Lamb's assumption and said it's important to hear from the public and the public informs a lot of work the board does and she encouraged the public to continue to bring their comments to the board.

Bruce Renzik announced LA Waterkeeper's Standup for Green Water event on April 16th in Paradise Cove on the Point Dune Marine Protected Area (MPA), this paddle event is to celebrate the MPAs and coastal waters. Dan Murphy said the public comment by Lamb misinterpreted his statement regarding law enforcement at meeting and Murphy clarified lamenting the requirement for law enforcement and looking forward to not needing law enforcement. Murphy said the past six months have been quieter meetings and if this continues he would like to reconsider the need for law enforcement at meetings.

Charles Caspary invited members to speak with him after the meeting regarding why the sheriff was needed at the meeting and statements made at a former chair. O'Leary thanked sheriff for sitting through the meeting.

g. Announcement of Next Meeting Date (set for April 21, 2016 at 9:30 a.m.)

The meeting was adjourned at 11:05 without objection.

Attendance***Voting Members of the Governing Board:***

Dayna Bochco, California Coastal Commission
Joan Cardellino, California State Coastal Conservancy
Charles Caspary, Las Virgenes Municipal Water District
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Debbie Dyner-Harris, Councilmember, Los Angeles City Council District 11
Philip Friess, LA County Sanitation District
Robert Godfrey, At-Large Member (Marina del Rey Anglers)
Suzanne Goode, California Department of Parks and Recreation
Gloria Gray, At-Large Member (West Basin Municipal Water District)
Dan Murphy, LA County Fire Department, Lifeguard Division
Micheal O'Leary, SMBRC Chair, Ballona Creek Watershed Cities (City of Culver City)
Mark Pestrella, LA County Department of Public Works
Matt Petersen, Office of the Mayor, City of Los Angeles
John Rea, South Bay Cities (Palos Verdes Estates)
Bruce Reznik, Public Member/Environmental, LA Waterkeeper
John Sibert, Malibu Watershed Cities (City of Malibu)
Sarah Sikich, Public Member/Environmental, Heal the Bay
Rorie Skei, Santa Monica Mountains Conservancy
Rod Spackman, Public Member/ Business, Chevron Corporation
Clark Stevens, At- Large Member (SM Mtns RCD)
Enrique Zaldivar, SMBRC Chair, LA City Bureau of Sanitation

Non-Voting Members of the Governing Board:

Odysseus Bostick, Assembly Member Autumn Burke, 62nd District
Laurie Newman, President, The Bay Foundation
Timothy Lippman, Office of Sheila Kuehl, Supervisor, 3rd District, County of Los Angeles
Timothy Pershing, Assembly Member Richard Bloom, 50th District
Lauren Pizer Mains, State Senator Ben Allen, 26th District

SMB NEP Staff present:

Julie Du Brow
Tom Ford
Victoria Gambale
Chris Newman
Jack Topel
Marcelo Villagomez
Guangyu Wang
David Coupe, SWRCB Legal Counsel

Other Attendees, including other Watershed Advisory Council Members:

Michael Blum, Malibu Surfing Association
Barbara Cameron, City of Malibu
Craig Cadwallader, Surfrider South Bay
EJ Caldwell, West Basin Municipal Water District
Cesar Espinosa, County Beaches & Harbors
Jim Kennedy, LALCU
Kathy Knight, Ballona Ecosystem Education Project
Walter Lamb, Ballona Wetlands Land Trust
Jim Lamm, Ballona Creek Renaissance
Danielle LeFer, California State Parks
Kevin McKeown, Santa Monica/ WSCCOG
Stephen Santen, At-Large Member (Marina del Rey Anglers)
Josh Svensson, LA County Public Works
Wing Tam, LA City Department of Public Works
Maral Tashjian, LA County Beaches & Harbors