

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

**April 21st, 2011
Del Rey Yacht Club**

1. Welcome and Introductions

At 9:45 AM, Chair Richard Bloom called the meeting to order. Introductions followed.

2. Order of Agenda

Agenda approved unanimously.

3. Public Comment

Bloom received three requests to speak.

Patricia McPherson introduced herself as part of the Grassroots Coalition. McPherson requested a presentation for the next meeting about what she describes as issues of the Commission itself and how these issues pertain to Senate Bill 1381 from 2002, to the National Estuary program, and also to the House Document Public Law 780.

Kathy Knight introduced herself as conservation chair of the Sierra Club's Airport Marina Group. Knight said she wanted to see some groups that worked on the Ballona wetlands for years being part of the Santa Monica Bay Restoration Commission Governing Board. She asked that especially citizen groups be at the table for the restoration process.

Roy Van de Hoek introduced himself as a member of the Ballona Institute and the Wetlands Defense Fund. Van de Hoek played several minutes of bird sounds to the Governing Board. Subsequently, Van de Hoek commented that the Santa Monica bay is not an estuary and gave a definition of what an estuary is. He spoke about some birds being lost if a certain restoration project continued.

Douglas Faye asked for more clarity and inclusion about the Commission. Faye said he requested previously that grant distributions be on hold until he got more clarity. He mentioned that the Commission was created for restoration and enhancement but has not seen the enhancement part.

4. Approval of the February 17, 2011 Meeting Minutes

Bloom received two requests to speak on the subject of the meeting minutes.

McPherson said she had great concerns about the meeting minutes not containing the concerns of the public. She commented that minutes are very general and she wanted to see them in a specific format with everything that was said included. Knight commented that she wanted to see the main issue being reflected, even if the minutes were abbreviated. Susan Nissman added that in addition to the written meeting minutes, all Governing Board meetings are recorded, that minutes are not the only record.

The minutes were approved with amendments to include Joan Cardellino (California State Coastal Conservancy) as an attendant. (M: Sibert, S: Nissman)

5. Reports from the Chair and Executive Committee

Bloom reported on the last Executive Committee (EC) meeting. He reported that the rules for a public comment policy were reviewed and the results were before the board at the meeting in a draft form. He talked about the EC discussion of the conference on estuary programs coming in October 2010. In addition, Bloom indicated that it will be our turn to host the annual meeting of representatives of EPA on the third week of October. Shelley Luce spoke next, and she remarked that staff will plan events, and that groups and members of the board will be invited and asked for ideas about the conference.

6. Report from the Technical Advisory Committee (TAC)

Richard Ambrose, TAC chair, reported on the recent activities of the TAC. Ambrose reported that its main activity recently has been looking at Prop 84 proposals. He stated that there were 11 proposals and the TAC reviewed and provided comments and advice to staff on advantages and disadvantages of each proposal. He mentioned the TAC talked in detail about each proposal and said the TAC job is to recommend questions to ask and information to get to decide on the merit of each proposal. Ambrose also commented about the wide range of activities proposed in the proposals, which included innovative ones. He concluded by saying that the TAC is trying to help staff establish more standardized monitoring procedures and will be working on this for the next few months, and stressed the need to synthesize monitoring efforts to learn what works well and what needs improvement.

Mark Gold commented that he has reviewed projects for the last 15 years and noted the need to have an optimization period within the monitoring scheme for all projects. Gold also gave an example of how after the monitoring there is no plan on what to do based on results found, and Gold expected optimization plans to be provided with the final report. Ambrose and Gold concurred that the Prop 84 applications need an optimization description.

Mark Pestrella commented that monitoring is part of the process, as it is to look long-term at the proper operation and to work on adjustments as they become necessary. John Sibert stated that we need to figure out the problems and consider them as part of a complex system and how it all fits together, and gave an example of how the Lagoon restoration or Legacy Park are only one piece of a complex system. Nissman pointed out about the values of learning lessons and finding solutions as we move along. Barbara Cameron echoed

Nissman about the lessons learned and spoke about the complexity of the work as well. Wing Tam talked about grants now required to maintain, operate, and monitor projects from 2 to 5 years.

Joan Cardellino expressed concern that capital money from Prop 84 is not for operational expenses. She stated that monitoring is a legitimate part of capital improvement, much like pre-project development, and mentioned that we can cover those expenses with Prop 84 to a certain extent. Dennis Washburn gave an example of a project by the Community College District receiving \$5.7 billion to work on and rehabilitate campuses, yet no operation and maintenance budget was built into it. Charles Caspary commented that realistically grants are a plus to various agencies' budgets. Caspary noted the need for grants to have a requirement for guarantee of 5 years worth of optimization on condition of receiving funds. Luce added that SMBRF grants require 20 years of life and include operations.

7. Reports from the Executive Director and Staff

Shelley Luce, Executive Director, announced the timeline for the Prop 84 awards in the future. TAC reviewed and provided input on and made recommendations on the proposals received. The staff will follow up on questions and with information that is needed. The proposals and recommendations will come to the Executive Committee in the third week of May. We to hope to get clear recommendations from the EC to the Governing Board in June. If this doesn't happen in June due to needing more information, it will be pushed back to the August GB meeting. Luce also described two ongoing projects that are taking place in the City of Culver City. Currently the newest is the installation of a Rain Garden near the Ballona Creek. The second is the continuing installation of Rain Barrels to homeowners in Culver City. She noted that this is a partnership with the Los Angeles County Flood Control District. She noted that these gardens have different layers of soil and filter cartridges to ensure outflow helps to achieve TMDLs in Ballona Creek, and will be planted with native plants to make improvements in aesthetics of the bike path along Ballona Creek.

Luce also mentioned the Culver City Rain Barrel project. She noted that we disconnect residents' down spouts from roof and can use the water for irrigation. She acknowledged Micheal O'Leary for the success of this effort.

Luce also referred to the situation in King Harbor's recent kill fish. She explained that Dr. Dave Karen has been completing water quality tests in King Harbor for the last 5 years, and the amount of dissolved oxygen in the water was the reason for the fish die-off. Fish became trapped in the harbor due to poor circulation in the upper portion of the far basin, and died from suffocation.

Luce introduced our new Administrative Manager, Marcelo Villagomez.

Bloom asked a question about interpretive signs on the rain gardens, and will they have SMBRC contribution information? Luce responded that rain gardens will have signs that show how rain gardens function under the ground and information about runoff in general for people to see. Zaldivar echoed the excitement about rain barrels and mentioned that they oversubscribed quickly across the city. Kaplan credited Sherri Achers for her leadership in disseminating information to capitalize rain barrel installations.

Scott Valor distributed the sign-in sheet and requested members make necessary changes to their contact information.

8. Consideration of Approval of Public Comment Policy

Bloom received public requests to speak on this item.

Scott Valor presented a policy for public comment at the request of the Governing Board members. Valor explained that the policy proposal is based on salient portions of the Bagley-Keene Open Meeting Law, on which we are governed, to clarify rights and responsibilities with respect to public comment. Valor presented five sections of the policy. Valor stated that we already let the public speak about any issue as long as it is within our jurisdiction. Valor also mentioned that Bagley-Keene grants the chair discretion to limit or extend time for questions. The questions can be asked through the chair, to allow the chair to control the flow of the meeting.

Washburn said that if a board member wishes to call a member of the public to speak to clarify a point, that it should be allowed. Valor confirmed that this is already allowed under Bagley-Keene. Liz Crosson also confirmed that the public comment can apply to the EC. Angus Alexander commented that since the inception of this commission the movers and shakers were supposed to sit at this table and discuss ideas. He also said we are too structured with procedures, and wishes to see more communication. Caspary asked the staff to address the limitations of the act in discussing an item not on the agenda, where the line of questioning must stop. Valor replied that there is no specific limit, and that is up to the chair. Nissman clarified that if the public brings an issue and board members said that is something we can bring to the next agenda, members make that decision. Sibert stated that time can be managed if requests are handed ahead of time.

Bloom received requests to speak from the public on this agenda item.

McPherson questioned the legality of how things are done in order to include the public. She asked for an accountability mechanism. She questioned where the deliverables are, and also questioned the involvement with the state agency. She also commented that the commission is a State Water Board commission, under Senate Bill 1381, and the commission should be made of State Water Board employees. Knight thanked the Board for public comments on minutes. She praised clarification of the public. Van de Hoek said that the board should not be sheepish to declare its right to give extended time and have prerogative to ask questions. Van de Hoek recommended board members to get independent experts on topics as well. Holly Wright mentioned her teaching experience and mentioned how much she learned from informed people who just spoke, referring to the last three public speakers.

Washburn said the language is constraining, and recommend it to say it in a more positive way. Washburn also encouraged and invited written comments if meetings were constrained by the number of minutes for public comments. Nissman commented about the burden it can become, with many letters and data, and expressed concern about expectations on the board members with the burden to read all the information. She also commented that the best process is to submit ideas through board members and members can put it on agenda if merited. Valor suggested adding a section number six to encourage written submissions. Caspary suggested not departing from the language of the actual law. Valor said we can work to make it consistent and would bring it back in June in its entirety.

Motion to suspend consideration of, and to amend the current policy as written, and be presented again at the next Governing Board meeting, June 16, 2011 approved without objection. (M: Nissman, S:Caspary)

9. Presentation of Green Solutions Phase 2

Esther Feldman, of Community Conservation Solutions (CCS), presented results from the “Green Solutions Project, Phase II,” a project conducted in partnership between the SMBRC, CCS, and the State Coastal Conservancy. Green Solutions is strategy for improving water quality while creating new park, habitat, and open space lands in communities with great needs for those amenities.

The analysis, developed by the team of SMBRC, CCS, Psomas Inc. and GreenInfo Network, found that:

- There are 212 high-priority potential project sites in the Santa Monica Bay watershed comprising over 3,000 acres that are suitable for Green Solution water quality improvement projects.
- Implementing Green Solution projects on these sites could treat polluted runoff from up to 13,000 acres of the Santa Monica Bay Watershed.
- Green Solutions can create up to 1,200 acres of new Parks, habitat & open space in the Santa Monica Bay Watershed.
- Implementing Green Solutions on roads and rights-of-way could treat runoff from up to 2,600 acres.
- Implementing Green Solutions on high pollutant-loading private land uses could keep runoff from nearly 3,000 acres of land out of the public drainage system.

Ms. Feldman noted that by integrating watershed hydrology, storm drain information, pollutant loading, community needs, and conservation priorities, the analytical, prioritized Green Solution approach presents a practical and strategic way to efficiently improve water quality in the creeks, rivers, beaches and ocean waters of the Santa Monica Bay watershed. This approach would also create a network of new green areas in communities lacking parks, open space, and other natural habitat.

In summary, 212 potential projects on public land can be affected and almost 13000 acres can be treated. Feldman spoke about the need for a selection criteria for phase 3. Caspary question why work on a project if it's not sustainable long-term. McPherson expressed the danger of contaminations with these projects. Feldman replied that these projects are exactly the opposite, they're trying to prevent it.

10. Member Comment

Fran Diamond spoke about state re-districting at the senate and congressional levels. She mentioned the hearings in April and May. She recommended to ask members of the public, not elected officials, what they consider are communities of interests, and expressed the desire that the Santa Monica watershed remains in the same district. She directed Luce to provide information to the Redistricting Commission. Nissman said when we speak of the Santa Monica bay we should also include the mountain watersheds, in other words Santa Monica mountains and its watershed.

11. Announcement of next meeting date

The next Governing Board meeting will be held on June 16th, 2011.

Meeting adjourned at 12:07pm without objection.

Attendance:

Voting Members of the Governing Board:

Richard Bloom, SMBRC Chair, President, Bay Watershed Council (City Council Member, City of Santa Monica)

Joan Cardellino, (alternate for Anne Notthoff), California Coastal Conservancy

Liz Crosson, Public Member (Environmental/Public Interest), Santa Monica Baykeeper

Fran Diamond, California Regional Water Quality Control Board, Los Angeles

Mike Gin, South Bay Cities (City of Redondo Beach, Mayor)

Mark Gold, Public Member (Environmental/Public Interest), Heal The Bay

Nate Kaplan, (alternate to Bill Rosendahl) Los Angeles City council District 11

Steve Maguin, LA County Sanitation District

Michael Mullin, (Alternate to Antonio Villaraigosa), Office of the Mayor, City of Los Angeles

Susan Nissman (alternate to Zev Yaroslavsky), LA County Board of Supervisors (Supervisor, 3rd District)

Mark Pestrella (alternate to Gail Farber), LA County Department of Public Works

John Sibert, Malibu Watershed Cities (City of Malibu)

Fran Spivy-Weber (alternate to Linda Adams), 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:

Angus Alexander, LA County Fire Department, Lifeguard Division
Rich Ambrose, Technical Advisory Committee, Chair
Charles Caspary, Las Virgenes Municipal Water District
Suzanne Goode (alternate to Ruth Coleman), California Department of Parks & Recreation
Stephanie Molen (alternate to Fran Pavley), State Senator, 23rd District
Rorie Skei (alternate to Joe Edmiston), Santa Monica Mountains Conservancy
Louise Rishoff, (alternate to Julia Brownley), State Assemblymember, 41st District
Paul Wong (alternate to Santos Kreimann), LA County Department of Beaches & Harbors

Commission Staff:

Sean Bergquist
Michelle Kearney
Shelley Luce
Scott Valor
Marcelo Villagomez
Guangyu Wang
Sarah Woodard

Other Attendees, including other Bay Watershed Council Members:

Michael Blum, Malibu Surfing Association
Barbara Cameron, Malibu Creek Watershed Cities (City of Malibu)
Douglas Faye, Public
Esther Feldman, Community Conservation Solution
Kathy Knight, Sierra Club Airport Marina Group
Jim Lamm, Ballona Creek Renaissance
Patricia McPherson, Grassroats Coalition
Damian Skinner, Culver City
Wing Tam (alternate to Enrique Zaldivar), LA City Department of Public Works
Robert Van de Hoek, Ballona Institute, Wetlands Defense Fund
Melina Watts, Resource Conservation District of Santa Monica Mountains
Holly Wright, Ballona Wetland Trust