

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

August 15, 2013

Del Rey Yacht Club

Welcome and Introductions

At 9:39 a.m. Micheal O'Leary called the meeting to order.

1. Public Comment

Steven Dunn, local resident and business owner, commented that State bond money was wasted on projects that had nothing to do with water quality. Andy Lyon from the Steward Malibu Surfing Reserve described the Malibu Lagoon project as a complete failure. Lyon displayed photos of the Malibu Lagoon and said the area to get down into the lagoon and some other areas is covered with algae. Lyon also said the sand is high and the lagoon is not breaching out. Susan Goodman from the Grassroots Coalition said she was against the Annenberg project at Ballona, and said the CA Dept of Fish and Wildlife and Annenberg were seeking to undo decades of work of citizens. Tammy Andrews, resident of Playa Del Rey, spoke against the Annenberg project and animal shelter in Ballona, about dryness at Ballona and possibly illegal drainage, and an undue process to get public input for the project.

Keith Lambert, president of the Marina Del Rey Anglers, spoke his organization and programs like the Halibut Derby and conservation works, and spoke about the participation of hundreds of kids in the summer fishing program and their learning about safe and unsafe fishing and harmful effects of DDT in the water. John Davis said the State shall provide administrative services to the SMBRC and said Foundation support to the SMBRC is illegal and fraudulent. Kathy Knight expressed concerned about de-watering at the Ballona Wetlands and illegal drainage devices and presented four articles and a press release about it. Knight say water needs to be saved not drained out of the wetlands. Patricia McPherson representing the Grassroots Coalition and Sierra Club Airport Marina asked the SMBRC members to take a look at the articles and also spoke about illegal draining devices at Ballona. McPherson also stated that the SMBRC is an illegitimate group and that the Foundation must have had knowledge of illegal drainage at Ballona.

2. Informational Items

a) Order of Agenda

The order of agenda was not changed.

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

O'Leary reported on the last EC meeting. O'Leary said Shelley Luce gave an update on the 25th Anniversary celebration, and that Luce also reported that the leadership and organization on the Ballona Creek Task Force would be delegated to another organization because of existing complications. O'Leary also stated that the EC discussed and reviewed the Bay Restoration Plan (BRP), the annual work plan, and the Arroyo Sequit project funding augmentation, and the agenda items for the August GB board meeting.

c) Report from the Technical Advisory Committee (TAC)

Guangyu Wang provided the TAC report in the absence of Richard Ambrose. Wang said the TAC addressed two agenda items at the June meeting. First, the TAC reviewed and gave recommendations for two projects funded by Prop 84, the City of Torrance Storm Basin Restoration project and the City of Los Angeles University Park Rain Gardens project. Wang mentioned that the most challenging part of these projects was the measuring of the flow during dry weather. Wang said that for the second agenda item, the TAC discussed good stories for the State of the Bay Report and focused on a new state, moving from away from development and to an implementation stage, and having many examples of TMDL's and MPA's. The discussion included water management and the IRWMP process.

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

Luce said she was happy the TAC is making process on the State of the Bay Report, which is done every five years. Luce reported on the kelp project and said an LA Times reporter and videographer accompanied Tom Ford and the kelp team to the ocean for half a day and reported on the project. Luce also reported on the progress of the 25th anniversary of the national estuary program event and said the honorees will be David Nahai, former Congressman Mel Levine, and Senator Fran Pavley. Luce also reported on meetings with the office of Zev Yaroslavsky and environmental agencies to talk about a low impact management of the location of the berm opening at Surfrider Beach, which is important to the users at this beach. She

discussed the preference for the opening to be further west and why this was important for the lifeguards who need it for enhanced public safety.

Public Comment

John Davis said the State Coastal Conservancy (SCC) provided funds in 2005 to manage the breach at the Malibu Lagoon State Park. Davis said the ongoing breaching is illegal and that he is filing complaints with Fish and Wildlife and filing complaints for conspiracy and defrauding the US government. Davis also said the underwater walkway is a death trap with no rails.

3. Governing Board Business Items

a) Consideration of Approval of the June 20, 2013 Meeting Minutes

Public Comment

Davis said the minutes were out of compliance and that the minutes shall be provided by the State Water Board and not what he considered a private business.

The minutes were approved without objection. (M: Caspary, S: Diamond, Abst.: Spivy-Weber)

b) Review and Consideration of Approval of Fiscal Year 2014 Work Plan

Luce presented the Work Plan for fiscal year 2014, which is the work plan sent to the US EPA. The report prepared showed changes in relation to the work plan from 2013. Steve Santen asked for the work plan to be published online. Liz Crosson asked for further explanation on two items, 1.2 and 3.1: one, on assisting in the enhanced water management plans and two, monitoring rocky reef habitats and managing MPA's. Luce explained that some of the BRP goals are aligned with the enhanced management plans and that SMBRC would like to be involved early on and that technical assistance was offered to cities because of staff knowledge and expertise. Fran Diamond added that such involvement on the enhanced water management is consistent with what the State Water Board has in mind, having stakeholders provide review and input. Regarding 3.1, Luce spoke about monitoring over marine protected areas (MPA's) and underwater, but said she would review the language on this item. Dennis Washburn said more is done than what is implied with the language used in the plan such as "monitoring" and "watching" which is passive, and to use language for technological change, social, political, institutional change that allows us to be more adaptive, resilience, and responsive.

Charles Caspary referred to the restoration of rocky reef habitat, item 3.3, and said that there are opportunities along the coast, one project being in Ventura County, to re-purpose thousands of boulders to create rocky reefs instead of bringing boulders from the mountains. Caspary said that there are boulders in Ventura County that were protecting the sea wall on the Pacific Coast Highway being removed, creating an opportunity to use material already on the coast.

Jim Knight spoke about item 4.2.D. regarding MPA's. Knight offered the coordination of monitoring of MPA's in the City of Rancho Palos Verdes. Knight said the city has a ranger that patrols the coastline and also the trails. He also said there is fishing going on in Abalone Cove which is prohibited and that lifeguards may be completely unaware of MPA's, so maybe monitoring can be coordinated with lifeguards as well. Regarding 1.2, Knight thanked the Commission members for paying attention to his statements on water management plans and reaching out to cities and working as a team to achieve water quality.

Public Comment

John Davis said Luce lied about the submission of the work plan to the EPA, referring to the EPA funded partner of SMBRC, to implement the work plan, as a private business. Davis also said Luce is paid by a private business, that the SMBRF illegitimately operates with EPA and the IRS, and that the SMBRC's Deputy Director Guangyu Wang has been engaged in misconduct outside his job description. Patricia McPherson asked the board to take their matters seriously and said they have asked for a presentation of their research, and that the project is not an SMBRF project. McPherson said we all have a process that is led by development interests on behalf of Playa Vista, and considered this private enrichment.

The Work Plan was approved without objection. (M: Diamond, S: Nissman)

c) Consideration of Approval of a California State Parks Request for Grant Augmentation for Arroyo Sequit Steelhead and Stream Restoration Project (Prop 50)

Luce said the GB previously approved funding for the Arroyo Sequit project to State Parks to remove very damaging barriers to Arroyo Sequit's lower end, Steelhead Creek. Luce mentioned that the Steelhead is an endangered species. Luce reported that the project is at 90% of the design phase, but currently short on funding. Luce said the bridges to be placed to provide the crossings will need broader abutments and different configurations due to safety and for full flow. Luce also

noted that concrete has become more expensive. Gary Hilderbrand asked about the method of contracting and about unused budget funds. Susan Goode answered that contracting is based on the lowest bid. Goode also said if funds remain, they would be returned to grants proportionately. Marvin Sachse asked for clarification of where the money comes from, and Luce confirmed that the SMBRC only recommends the funding of projects.

Public Comment

John Davis mentioned that the Arroyo Sequit mirrors what he considers the destruction of the Malibu Lagoon. Davis said the money was directed to the Resource Conservation Districts (RCD) of the Santa Monica Mountains and that public contracting for the project was out of code. Patricia McPherson said there is a lack of applications as there has been with the Coastal Conservancy, and said an audit of the Coastal Conservancy was done and money was allocated to friends. McPherson also said the RCD is being investigated by the Fair Political Practices Commission, and that no money should be given to them until conclusion of the investigation.

The recommendation for funding augmentation was approved without objection. (M: Sachse, S: Washburn, Abst: Goode, Spivy-Weber)

d) Discussion Regarding Draft Bay Restoration Plan Update

Luce introduced the last part of the BRP, covering the Natural Resources and Benefits and Values to Humans. Luce said the EC spent considerable time going thru these two areas. Luce spoke about the most important areas to review, the top items, which included: wetland protection, MPA, fisheries management and sustainable seafood, rocky reefs, kelp restoration, and the use and management of the natural sediments in the watershed. Luce spoke about an objective to improve assessment and management of MPA's. On the specifics, Luce mentioned areas such as working with the State on adaptive management of MPA's, taking data as they are collected and making changes as needed. Luce also talked about participating in an MPA community collaborative, participating with Health the Bay and other entities represented by the board members. Luce also discussed long term habitat and MPA assessments, and also collaboration with the Marine Monitoring Enterprise (MME) which is developing the monitoring of MPAs. Luce also spoke about the aerial surveys that were in the plans since five years ago. Santen asked whether the aerial surveys were cost effective. Luce replied that they are getting great and useful information about the boat types and their coordinates within and outside MPA's, monitoring boating activity and changes over time in relation to MPA's. As far as cost-effectiveness, Luce pointed out that many of the participants volunteer their time and flights.

Luce also talked about fisheries management and healthy, locally-sustainable sea food and that staff and partners are working to build markets for contaminant-free sea products. Luce also spoke about gaps in data in contaminant load assessments for certain types of fish, and that staff will promote and participate in assessments by other groups like NOAA. Luce also stated that they are looking to participate in aquaculture and aquaponics in the LA region, and cited the City of LA doing research on impacts on markets and sustainability. Nate Kaplan commented on the prospect of aquaponics and spoke about a successful aquaculture project backed by the City of LA at the Westchester High School. Luce and Kaplan spoke about the benefits of aquaculture, which includes economy and the symbiotic relationships of fish and plants. Luce stated that the BRP includes climate change adaptation objectives in the Bay and gave examples of collaborative work, including a pilot estuary project, participating in LA regional collaborative for climate change, and applying for collaborative funding from the SCC to do assessments and adaptation planning.

Regarding wetlands restoration, Luce highlighted work on the EIS/EIR and discussed the EIR draft on Ballona later this year. She said the responsible agencies are working on a long-term monitoring strategy, full-scale assessment for seven years, and securing the funding to implement the restoration. Regarding Malibu Lagoon, Luce said they are helping on post-restoration monitoring and maintenance, which is mainly weeding. Luce also mentioned other goals such as kelp habitat and rocky reef restoration and mentioned participation in the Rindge Dam project and the need for a plan to re-use natural sediments if the dam eventually comes down. Luce also highlighted the interest in LA County Flood Control District's (LACFCD) efforts to manage natural sediments. Luce said she participated in an advisory panel to develop a 20 year plan and that now LACFCD is looking to develop a 100-year sustainable vision. Luce concluded with a process for approval of the BRP. Caspary asked to re-word the description on item 14.3. Caspary also asked for copies of the BRP to be posted online with clear marks on additions, revisions, dates, etc.

Public Comment

John Davis labeled some board members present and staff as members of a private business. Davis said former governor Pete Wilson entered into an agreement with EPA to require management conferences to re-convene every five years to receive funding for this project, and that this has happened only once. Davis said a structure has been imposed by Luce and that the Commission is a fraud in itself. Davis said this will be reported to the EPA, the Inspector General, and a US government task force.

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

Suzanne Goode addresses the public comments of Andy Lyon and John Davis. Goode said the pictures passed by Lyon could not have taken done that day, that the algae levels are the same as upstream and natural, and that the lagoon is working fine. Goode also said the plants are growing well and that there are weeds which volunteers remove. Goode recommended a video of the lagoon as www.ecomalibu.org and www.therealmalibu411.com. Regarding Davis' comment on a 2005/06 grant from the Coastal Conservancy to manage the breach of the lagoon, Goode said the statement was false. Goode said however that there was Prop 84 money from the County of LA for water level management which was no longer needed after a discharge prohibition and other factors.

Dennis Washburn thanked Luce for helping put on the Wild and Scenic Film Festival at Malibu City Hall, to promote awareness of climate change and environmental issues, with homegrown entertainment. Washburn said that on November 26th Pepperdine University will show the film to a larger audience. Sachse said there are many issues brought up by the public and asked if members could address them so he can understand what is going on. Luce said staff would be happy to talk to any board member about issues that arise. Luce also said that with respect to Ballona, the EIR is expected in November and once that comes there will be a period of about 90 days for comments and a good period to analyze alternatives and recommendations, and that would be a good timing to explain and understand all the issues brought up. Santen said it's hard to understand when a price tag is mentioned and that the public needs to see more of what the product looks like. Luce said when the EIR is done, all will be able to see the alternative designs. Santen said an idea was studied years before. Luce said there have been many ideas over the last 20 years. Santen said we need to be more open and publish more. Luce said she was aware of the proposal mentioned by Santen which came out of the Science Advisory Committee and that it had indeed already been published online.

Kaplan introduced himself representing the new Councilmember Mike Bonin for District 11. Kaplan said Bill Rosendahl did not run for office again because of illness. Kaplan also gave an update on Rosendahl's health. Kaplan said they are looking forward to work with represented communities: Westchester, Playa del Rey, Playa Vista, Venice, Mar Vista, West LA, Pacific Palisades, and Brentwood.

f) Announcement of Next Meeting Date

The next Governing Board meeting is scheduled for October 17 at 9:30 am.

Adjournment

The meeting was adjourned at 11:17 a.m. without objection.

Attendance

Voting Members of the Governing Board:

Charles Caspary, Las Virgenes Municipal Water District
Grace Chan, LA County Sanitation Districts
Liz Crosson, Los Angeles Waterkeeper
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Jeff Duclos, South Bay Cities (Hermosa Beach City Council)
Suzanne Goode, California Department of Parks and Recreation
Gary Hildebrand, LA County Dept of Public Works
John Kelly, LA County Department of Beaches & Harbors
Dan Murphy, LA County Fire Department, Lifeguard Division
Susan Nissman (alternate to Zev Yaroslavsky), LA County Board of Supervisors (Supervisor, 3rd District)
Micheal O'Leary, SMBRC Chair, Ballona Creek Watershed Cities (Culver City)
Marvin Sachse, Brash Industries
Stephen Santen, At-Large Member (Marina Del Rey Anglers)
Fran Spivy-Weber, California Environmental Protection Agency
Dennis Washburn, At-Large Member BWC (RCD, Santa Monica Mountains Region)
Enrique Zaldivar, Los Angeles City Public Works, Bureau of Sanitation

Non-Voting Members of the Governing Board:

Nate Kaplan, Councilmember Mike Bonin, LA City Council District 11
Andrea Kune, Assemblymember Richard Bloom, 50th District
Timothy Lippman, Assemblymember Al Muratsuchi, 66th District
David Legler, State Senator Ted Lieu, 28th District
Laurie Newman, The Bay Foundation, President
Louise Rishoff, State Senator Fran Pavley, 27th District

Commission Staff:

Julie Du Brow
Tom Ford
Shelley Luce
Scott Valor
Marcelo Villagomez
Guangyu Wang

Other Attendees, including other Bay Watershed Council Members:

Tammy Andrews, Marina Del Rey resident
John Davis
Steve Dunn
Tonya Durell, City of LA/Sanitation
Susan Goodman, Grassroots Coalition
Nancy Hastings, Surfrider Foundation
Kathy Knight, Sierra Club Airport Marina Group, Ballona Eco System Ed. Proj.
Keith Lambert, MDR Anglers
Andy Lyon, Malibu Surfing Reserve
TJ Moon, LA County
Tim Pershing, AD50
Patricia McPherson, Grassroots Coalition, Sierra Club
Randall Orton, LVMWD
Hamish Patterson, SCOF
Damian Skinner, Culver City - SWCCOG
Wing Tam, LA City Department of Public Works