

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

October 16, 2014

Del Rey Yacht Club

Welcome and Introductions

At 9:45 a.m. Micheal O'Leary called the meeting to order. Introductions followed.

- **Public Comment**

Kian Schulman and Joel Schulman from Poison Free Malibu distributed a flyer and asked that the elimination of anticoagulant rodent poisons be included as a criteria for the Clean Bay Restaurant program certification. Kian Schulman said this poison has spread throughout the ecosystem, causing massive exposure, disease, and death to our wildlife. Joel spoke about the relationship among the condition of the dumpsters, trash left all over, rodents, and rodenticide. Edith Read from Friends of Ballona Wetlands said that 30 years of studies show that the Wetlands are not healing themselves and asked the Commission to help move the restoration along. Douglas Fay spoke about the health of the bay being poor. Michael Collins from SHBO/Keep Hermosa Hermosa spoke about an oil company seeking to drill 34 oil wells in residential neighborhoods, and put this issue on SMBRC radar and asked the GB to agendize it. Patricia McPherson from Sierra Club and Grassroots Coalition referred to the wetlands and said they are not healing themselves according to the Coastal Commission. John Davis spoke about a specific state law in the Public Resources Code that contradicts a federal statute in the Water Quality Act regarding a Commission name change. Laura Emberson of Ballona Wetlands Land Trust introduced herself. Craig Cadwallader from Surfrider Foundation asked that the SMBRC look into the oil drilling project in Hermosa Beach, because he believes the bulk of the oil is in the tidelands has potential problems for the bay. Kathy Knight from Ballona Ecosystem Education Project and Sierra Club requested a working group on Ballona wetlands and one on accountability, and also supported the Oxford bird sanctuary.

- **Informational Items**

- **Order of Agenda**

The order of agenda was not changed.

- **Reports from the Chair and Executive Committee (EC)**

Scott Valor provided the Executive Committee report. Valor said the Committee received a report from Tom Ford (the new Executive Director) regarding his initial work. Valor said the Committee also discussed the agenda before the GB, a letter from congress member Waxman to the US EPA, and a response from the US EPA. These letters were provided to GB members via email.

- **Report from the Technical Advisory Committee (TAC)**

Guangyu Wang reported on the TAC. Wang said there were two presentations and feedback at the meeting, one on Level 3 wetland monitoring by Karina Johnston, and one given by Heal the Bay on LID projects in the LA County incorporated areas. Wang also said the committee spent most of its time working on the State of the Bay report, to be published in 2015. Sarah Sickich and Angela George added that the final report will be available soon, with evaluation of which projects were most successful after the LID ordinance.

- **Reports from the Executive Director (ED) and Staff**

Tom Ford talked about reporting to the US EPA via the Nepport report on work in conjunction with Commission partners. Ford reported that the US EPA grant was leveraged by \$15.7 million in work for the federal fiscal year. The total acres projected and restored were 717.55, largely as a result of acquisitions in the Santa Monica Mountains and kelp restoration off of Palos Verdes. Ford thanked all the partners that helped on these successful efforts. Ford also spoke about accusations against the National Estuary Program (NEP) and also to the letter from congress member Waxman's office regarding concerns raised by a constituent. Ford said the US EPA response from EPA to Mr. Waxman was that the National Estuary program is in good standing and upholding the practices required and furthering the goals of the Bay Restoration Plan (BRP). Ford also spoke about a Joint Powers Authority (JPA) between the Commission and the County's Flood Control District to facilitate progress on the BRP. Ford reported that the JPA met to approve next year's fiscal budget and programs: a Boater Education program, a coastal Wetland monitoring, and post restoration monitoring and vegetation at Malibu Lagoon. Ford also reported on the Center for Santa Monica Bay Studies, a partnership of the NEP with Loyola Marymount University, providing research and student involvement in the NEP projects, with students coming from LMU and 50 other universities, providing thousands of intern and volunteer hours. Ford also reported on the launching of the Urban Coast peer-reviewed journal going online with larger audience reach and more frequent articles. Ford reported on the progress and successes of the kelp restoration program. Ford highlighted successes including having 25 giant kelp per every 100 square meters where none existed before, purple sea urchins going from malnourished and small to healthy and large within 8 months, fish species doubling in the restoration areas, etc. Ford mentioned challenges with abalone. Ford also mentioned a partnership with UC Davis researchers on sediment movement. Ford reported on the progress of two bond funded project, one in Torrance in which open space,

habitat values, flood control benefits, and water quality interact; and, one in the City of Santa Monica, a catch basin insert that infiltrates water. Ford also reported on the efforts on the EIS/EIR for the Ballona Wetlands and said that suggested alternatives can be found at www.ballonarestitution.org. Ford cautioned that the public may be misled in believing that the Commission has a decision to make on Ballona, other than a resolution, and reminded all that the California Department of Fish and Wildlife is the state lead agency.

Public Comment

Kathy Knight asked to be given an opportunity to present a history of how Ballona was saved. Patricia McPherson spoke about conflict of interests in relation to Ballona and other issues. Douglas Fay spoke about Proposition P and said the County is not doing its job in protecting wildlife and the nearby bird refuge.

- ***Governing Board Business Items:***

- **Consideration of Approval of the June 19, 2014 Meeting Minutes**

The minutes were approved with a correction to the name of Mountains Recreation and Conservation Authority (MRCA). The minutes were approved as amended. (M: Skei, S: George)

- **Consideration of Delegation of Authority Resolution**

Valor introduced the agenda item, made in recommendation by State Water Board legal counsel, that essentially memorializes the role of the Commission ED since the Commission's inception. Legal counsel added that the resolution memorializes the delegation of authority to the ED and that the ED in turn can sub-delegate authority as necessary to carry out the functions of the Commission, which is commonly used by these type of bodies. Zalvidar asked if there were any newly delegated authorities. Legal counsel stated that only existing authority is contemplated and no new authority was added. Gray asked if the clarifications addressed the public's raised issues, and Ford answered that this resolution was drafted precisely to clarify those issues. EC members Sickich, Diamond, and Nissman mentioned that he EC had a good discussion of the ED's role and expressed hope that the document would serve to clarify that role. Charles Caspary said the explicit delegations are consistent to practice as far as his recollection in the years as board member.

Public Comment

Douglas Fay said an account was established for the Commission but not funded. Patricia McPherson spoke about conflict of interest of the Foundation. Kathy Knight spoke about Ford being executive director of the Foundation and Commission, and said she's not seen a person engaged in more than one entity as ED, and asked for separate directors.

The resolution was approved. (M: Nissman, S: Diamond)

Member discussion

- **Presentation by Staff on Ballona Monitoring Program**

Karina Johnston presented on the Ballona Wetlands Ecological Reserve Monitoring Program with a focus on Ballona's current conditions. Johnston spoke about surveys and technical reports done in the last 6 years in collaboration with a wide array of expert technical collaborators and reviewers. Johnston spoke about estimated wetland loss in Los Angeles County, estimated at 95% and being higher than in any part of the nation, and presented maps of how the area looked 200 years ago in sharp comparison with now. Johnston also spoke about stressors at Ballona, which include modified hydrology (e.g. concrete levees, paving, culverts, etc), water quality (trash, non-point discharges, heavy metal and bacterial and pathogen impairments, etc), habitat destruction (with fragmentation, introduced predators, invasive species, etc), among other stressors (physical modifications, sea level rise, etc). Johnston presented graphics on elevation and modified topography, including a display of areas of fill dump sediment from Marina Del Rey in the 50s and 60s. Johnston presented many protocols for monitoring and said that a comprehensive report will be delivered next year. Johnston also spoke about changes in acres by habitat type from 2007 to 2013. Johnston said dredged areas as well as areas A and C are dominated by non-native species. Johnston presented result summaries of vegetation and presence data, with vegetation types and species present on site. Johnston also referred to CRAM, an assessment method, and presented impacts on areas with pictures in comparison with other wetlands, with Ballona scoring poorly in comparison. Johnston summarized the Monitoring program results and spoke about the data conclusions from Ballona. Finally, Johnston provided context about the process at Ballona, from saving the land, designing, scientific studies, environmental planning, CEQA/NEPA, permitting, restoration, long-term monitoring, and maintenance. A copy of the presentation is available upon request.

Enrique Zaldivar referred to a report of the LA river running into Ballona as early as the early 1900's, and asked whether changes have influenced the state of Ballona. Johnston said there has been so much change, with the river periodically flooding Ballona back then at a time with more rainfall and freshwater into the system. Johnston said there was a sandbar built on the western edge of the wetlands that opened during high tides coming in and out. Knight asked about the scope of the monitoring and how far it goes in the uplands. Johnston said the surveys are done from the sub-tidals all the way up to highest upland habitats on the reserve. O'Leary referred to the survey averages and all the work done and asked about the frequency of surveys to see the changes. Johnston said the CRAM recommendation is for annual surveys. Ford spoke about how much material was dredged from Marina del Rey to construct the levees, turning them from wetlands to dry lands, noting over 3.1 million cubic yards of material. Sibert asked if some of the dredge spoils

over the years may be used for beach replenishment. Johnston said the soils and materials with toxics are being evaluated as part of the EIR, so there is no answer yet.

Public Comment

Douglas Fay said that absent from the Ballona report was a specific House document and said the expansion of Hyperion was damaging the near shore with no mitigation ever done. Fay also spoke about trash and illegal trespassing and the Commission not doing anything about it. Patricia McPherson disputed the classification of Ballona as wetlands. McPherson also spoke about illegal dewatering. Kathy Knight spoke about protecting the animals at Ballona, and also spoke about the gas issue at Mar Vista. Craig Cadwallader spoke about improving the process to get the truth out about good science being employed.

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

O'Leary asked for a future agenda item to look into the structure of the agenda. Diamond recommended to ask legal counsel about best practices. Nissman also recommended that the results be part of future member orientation package. Sachse spoke against claims from the public that the Commission is not doing its job. Sickich said Heal the Bay is working on preventing the oil drill project in Hermosa Beach from moving forward and said the larger bay is at stake with 30% chance of a spill and asked for a future presentation at the Commission and a possible resolution. O'Leary said it could be agendaized, starting with an EC discussion. Nissman reported on a study and definitive results of a two year study on source identification for Topanga beach and lagoon in collaboration with UCLA and RCDSMM. Nissman reported that one of the biggest source of pollution contributors is dog and transient waste. Nissman spoke about enforcement of dog regulations and also recommended a future presentation to the Commission of the study. Bob Godfrey reported that the pelagic fishing this year has been good, but not so good in the Santa Monica Bay. Godfrey spoke about the need to replace underwater pens, for about \$30 thousand, to grow white sea bass because the pens have been in the water for so long. Godfrey said the BRP plan supports this type of operation. Godfrey also spoke about taking over 700 kids program for catch and release fishing and fish education events, and activity also supported by the BRP. Jim Knight thanked Nissman for the study and report, and also offered interested members a report he and O'Leary worked on related to the MS4 permitting, dealing with water quality and funding methods, history, etc.. Louise Rishoff reported that Puerco Canyon is now public land and was renamed the Cameron Nature Preserve, acknowledged its funders and said November 23rd will be the dedication ceremony.

- **Announcement of Next Meeting Date**

The next meeting will be held on December 18th.

Adjournment

Meeting adjourned at 11:59 a.m.

Attendance

Voting Members of the Governing Board:

Charles Caspary, Las Virgenes Municipal Water District
Joan Cardellino, California State Coastal Conservancy
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Angela George, LA County Dept of Public Works
Gloria Gray, At-Large Member (West Basin MWD)
Suzanne Goode, California Department of Parks and Recreation
Robert Godfrey, At-Large Member (Marina Del Rey Anglers)
Joe Gully, LA County Sanitation District
John Kelly, LA County Department of Beaches & Harbors
Jim Knight, South Bay Cities (City of Rancho Palos Verdes)
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
John Sibert, Malibu Watershed Cities (City of Malibu)
Sarah Sickich, Public Member/Environmental, Heal the Bay
Rorie Skei, Santa Monica Mountains Conservancy
Clark Stevens, At-Large Member BWC (SM Mountains RCD)
Enrique Zaldivar, Los Angeles City Public Works, Bureau of Sanitation

Non-Voting Members of the Governing Board:

Molly Martin, US EPA Region 9
Laurie Newman, President, The Bay Foundation
Louise Rishoff, Office of Fran Pavley, State Senator, 27th District
Tim Pershing, State Assembly Member Richard Bloom, 50th District

SMBNEP and SWRCB Staff:

Heather Burdick
Julie Du Brow
Tom Ford
Karina Johnston
Nicole Kuenzi, SWRCB Legal Counsel
Ivan Medel
Ariadne Reynolds
Scott Valor
Marcelo Villagomez
Guangyu Wang

Other Attendees, including other Watershed Advisory Council Members:

Michael Blum, Malibu Surfing Association
Craig Cadwallader, Surfrider Foundation South Bay Chapter
Mike Collins, SHBO/Keep Hermosa Hermosa
Laura Emberson, Ballona Wetlands Land Trust
Douglas Fay
Nancy Hastings, Surfrider Foundation
Mark Johnson
Charlotte Miyamoto, LA County Dept of Beaches and Harbors
TJ Moon, LA County Public Works
Donna Murray, BWLT
Kathy Knight, Airport Marina Group/Ballona Ecosystem Education Project
Edith Read, Friends of Ballona Wetlands
Steve Santen, MDR Anglers
Joel Schulman, Poison Free Malibu
Kian Schulman, Poison Free Malibu
Damian Skinner, Westside COG, Culver City
Wing Tam, LA City Dept of Public Works
Catherine Tyrell, Friends of Ballona Wetlands