

**BOARD OF DIRECTORS OF THE
BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT**

Adopted this Resolution on February 11, 2018 by the following vote:

AYES: Karno, Grossman, Kuba, and Needleman

NOES: None.

ABSENT: Marine

ABSTAIN: None.

RESOLUTION NO. 2018/01

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF THE U.S. ARMY
CORPS OF ENGINEERS' PERMIT NO. SPL-2011-00333-BLR AND THE REGIONAL
WATER QUALITY CONTROL BOARD SECTION 401 WATER QUALITY
CERTIFICATION AND ORDER NO. 4WQC40111011**

WHEREAS, on September 12, 2011, the Malibu City Council adopted Resolution No. 11-41, approving and ordering the formation of the Broad Beach Geologic Hazard Abatement District ("BBGHAD"), as a distinct and separate legal entity from the City and appointing an initial five-member Board of Directors ("BBGHAD Board");

WHEREAS, the BBGHAD is a political subdivision of the state of California, governed by state law (Pub. Res. Code §§ 26500 *et seq.*), and constitutes a legal entity separate and distinct from the City of Malibu with operations independent of City functions; and

WHEREAS, the BBGHAD has enacted a Plan of Control and Engineer's Report, and the property owners of the BBGHAD have approved an assessment, to permit, construct, and maintain a beach nourishment and dune restoration project at Broad Beach ("Project");

WHEREAS, the BBGHAD received the following approvals required to implement the Project: the California Coastal Commission approved Coastal Development Permit No. 4-15-0390, subject to the completion of various prior to issuance special conditions; the California State Lands Commission issued State Lands Lease PRC 9364.1; the Los Angeles Regional Water Quality Control Board approved the Clean Water Act section 401 Water Quality Certification and Order No. 4WQC40111011 ("Water Board Permit") to provide support for a dredge and fill permit issued pursuant to Clean Water Act section 404; and the U.S. Army Corps of Engineers ("Army Corps") issued the Clean Water Act Section 404 Permit No. SPL-2011-00333-BLR ("Army Corps Permit") (as detailed below);

WHEREAS, Section 404 of the Clean Water Act requires the BBGHAD to obtain a permit from the Army Corps prior to any dredge or fill materials to be discharged into the waters of the United States; and

WHEREAS, the Army Corps issued the Army Corps Permit for the BBGHAD Project subject to certain terms and conditions therein, including the posting of financial assurance for the

estimated Project impacts, prior to initiating construction, in a form approved by the Army Corps, and in 25 percent allotments for the first four years of the permit (years 2018-2021) until the total required amount of \$570,000 is posted;

WHEREAS, Section 21 of the Army Corps Permit also requires the payment of \$215,500 for compensatory mitigation for the emergency placement of the rock revetment to The Bay Foundation; and

WHEREAS, the BBGHAD staff has reviewed the Army Corps Permit, including all terms and conditions contained therein, and recommends that the BBGHAD Board of Directors authorize: a) BBGHAD Project Counsel to execute the Section 404 Permit when it is appropriate to do so; b) BBGHAD staff to complete all actions necessary to post the first financial assurance payment in an amount of \$142,500, at the appropriate time and in a form approved by the Army Corps in accordance with the Army Corps Permit; and c) BBGHAD staff to complete all actions necessary to pay \$215,500 to Bay Foundation in accordance with the Army Corps Permit and the Memorandum of Understanding between the BBGHAD and The Bay Foundation.

THE BBGHAD BOARD OF DIRECTORS HEREBY RESOLVES THAT:

1. The BBGHAD Board of Directors approves, and authorizes BBGHAD Project Counsel to execute the Army Corps Permit at the appropriate time.
2. The BBGHAD Board of Directors approves, and authorizes BBGHAD staff to undertake necessary measures to effectuate the Water Board Permit at the appropriate time.
3. This Resolution shall become effective immediately upon its passage and adoption.

DATED: February 11, 2018



NORTON KARNO, Chair

I, Heike Fuchs, Clerk of the Broad Beach Geologic Hazard Abatement District, certify that the foregoing resolution was duly adopted by the Board of Directors of the District at a regular meeting held on the 11th day of February 2018 by the following vote:

AYES: Karno, Grossman, Kuba, and Needleman

NOES: None.

ABSENT: Marine

ABSTAIN: None.



Clerk of the BBGHAD Board