

SUMMARY OF ACTIONS
BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT
REGULAR MEETING
JANUARY 13, 2013
31330 BROAD BEACH ROAD

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Edits

1. CALL TO ORDER

Chair Karno called the meeting to order at 9:05 a.m.

2. ROLL CALL

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Lotman, and Board Member Marquis.

ABSENT: Board Member Levitan and Advisor Goss.

GHAD STAFF ALSO PRESENT (not Board Members and not subject to Roll Call):
GHAD Clerk and Treasurer Barbara Hamm, GHAD Engineer Chris Webb, and GHAD Project Counsel Ken Ehrlich.

3. ADOPTION OF AGENDA

The GHAD Clerk reported that the meeting Agenda was posted at 8:15 a.m. on Thursday January 10, 2013 within the boundaries of the GHAD. Board Member Marquis moved, and Vice Chair Grossman seconded, the approval of the Agenda. The motion approving the agenda passed 4-0.

The Chair announced that, since Board Member Lotman has indicated that he must leave the meeting at approximately 10:30 a.m., Agenda Item 4 (Approval of the Summary of Actions from the December 2, 2012 meeting) will be addressed later in the meeting so that the maximum number of Board Members can participate in the discussion of Agenda Item 8.

5. CEREMONIAL PRESENTATIONS

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

None.

8. OLD BUSINESS

The Chair recognized the Vice Chair, who questioned a portion of the BBGHAD-Moffatt & Nichol contract regarding the markup of subconsultants fees and costs. The Vice

Chair stated that, review of Moffatt & Nichol's recent bills shows that the GHAD Engineer is marking up subcontractor and subconsultant costs at the rate of 5%. ~~The Vice Chair~~ The Vice Chair requested that there be no markup on subcontractors and subconsultants fees and costs, and requested GHAD Engineer Moffatt & Nichol to report back to the GHAD Board on the GHAD Engineer's position.

a. Permitting and Regulatory Process

The Chair recognized the GHAD Engineer and asked for an update on the costs and projected longevity of potential sand sources, as reported at the December 2012 BBGHAD Board meeting. The GHAD Engineer stated that the cost estimates for sand source longevity estimates presented at the December 2012 BBGHAD Board meeting reflect the GHAD Engineer's best estimates of same based on state-of-the-art analytical techniques and real world experience, but are not definite and precise numbers or amounts. Many natural factors, such as ocean forces, could effect the cost and longevity of potential sand sources, including tides and weather.

(i) Sand Sources

Ventura Harbor/Channel Islands

The Chair stated that, based on his review of the GHAD Engineer's December 2012 presentation, sand from the Ventura Harbor sand source on a per year cost would approximate two times the cost of sand from the Dockweiler sand source. The Chair also asserted that the Ventura Harbor sand source does not appear viable under project parameters of the need to nourish every 10 years since this material is not anticipated to last 10 years on the beach. Therefore, the Chair questioned the feasibility of using or even considering Ventura Harbor as a sand source.

The Chair recognized the Vice Chair, who commented that the GHAD Engineer's cost estimate for Ventura Harbor sand does not include BEACON's proposed mitigation fee and such fee would further increase the costs. Therefore, the Vice Chair asked if it would be possible for Ventura Harbor or other interested public entity(ies) to share in the costs associated with using Ventura Harbor sand. The Chair recognized Board Member Marquis, who stated that federal funding is likely for at least some portion of Ventura Harbor dredging in the foreseeable future. Therefore, Board Member Marquis cautioned that Ventura Harbor officials do not want to set a precedent of cost sharing because the agency has always relied in the past, and intends to rely in the future, upon 100% federal (or other third-party) funding of the harbor dredging costs.

The Chair recognized the Vice Chair, who stated that the GHAD should consider a less comprehensive, smaller scale project potentially resulting in a smaller dry sand beach so as to make Ventura Harbor sand work with the GHAD's assessment limit. Board Member Marquis stated that, as part of the sand source selection process, the BBGHAD seeks to place as much sand as possible on the beach. The real question is whether the permitting agencies will allow a reduced project to occur, including the possibility of an exposed revetment at certain times between nourishments. The Chair stated that, even if another public entity with an interest in dredging Ventura Harbor contributes funds toward the restoration project, the BBGHAD would still face the longevity problem associated with Ventura Harbor sand. Therefore, it would make

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sense for the BBGHAD to explore the possibility of the United States Army Corps of Engineers subsidizing dredging of the entire Ventura Harbor sand trap together with the GHAD-- or focus on another source.

The Chair recognized Board Member Marquis, who stated that the history of the dredging of Ventura Harbor does not bode well for a cost-sharing request. Board Member Marquis reiterated that federal funds have always been used for the full dredging of Ventura-area harbors, resulting in the removal of navigation impediments at both Ventura and Channel Islands Harbors. Board Member Marquis expressed concerns that the Ventura Harbor Commission or other stakeholders may feel as if the GHAD is changing the dynamic of regularized full federal funding of dredging activities. The GHAD Engineer added that the cost of dredging the Ventura Harbor entrance and pumping the dredged sand to a down coast beach typically is approximately \$2.5 million. The GHAD could possibly mobilize the necessary dredge equipment, take the necessary sand from Ventura Harbor, place some of the dredged sand on Ventura-area beaches, and use the remainder for the Broad Beach project. Such a scenario could reduce the cost of the Ventura Harbor sand for the GHAD. The Chair also suggested the GHAD may seek permitting to use 200,000-300,000 cubic yards of Ventura Harbor/Channel Islands sand every second or third year to fall within the existing Ventura Harbor/Army Corps planning and scheduling. Board Member Marquis interjected that this scenario could be a problem as Ventura Harbor has specifically asked the GHAD to consider using Ventura Harbor sand for only the initial nourishment -- and not seek sand from these sources for future nourishments.

Dockweiler

Project Counsel reported that numerous meetings and discussions have occurred in the past month with City of Los Angeles and LA county officials, and indications are that the County Supervisors responsible for the Dockweiler sand source and the Broad Beach area want to facilitate the use of Dockweiler sand. County Supervisor staff indicates that they will assume responsibility for coordinating a meeting among the necessary public-entity stakeholders and report on the findings of such meeting to the GHAD. County Supervisors staff has indicated that they will attempt to conduct the necessary meetings by the end of January 2013. The Vice Chair urged that, if possible, Broad Beach homeowners attend any future meetings with Dockweiler sand stakeholders.

Inland Sources

Project Counsel reported that the GHAD Engineer is investigating additional, potential inland sources of sand, including various quarries around the Fillmore-Moorpark area. The GHAD Engineer is assembling cost estimates, including truck transport from the quarries to Broad Beach. Project Counsel recommended that the GHAD remain open to all potential, viable sand sources.

(ii) CCC Status

Project Counsel reported that the BBGHAD's response to the Coastal Commission's September 2012 "incomplete letter" crossed in the mail with the CCC's APTR comment letter. The GHAD believes that, with its response to the September 2012 CCC "incomplete letter", the GHAD has provided substantially all the documentation and analysis

necessary to complete its CDP application. The CCC's comment letter asserts, among other points, issues with the GHAD's proposed dune access, revetment placement, nourishment duration, backpassing, and drainage issues. The Chair recognized the Vice Chair, who stated that the CCC's position is problematic as the entire restoration project is essentially a "revetment project" with everything else constituting mitigation. For example, the Vice Chair stated that the CCC's position on proposed homeowner access limitations is unreasonable ~~for~~ a non-starter for the BBGHAD.

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The Chair asserted that almost all of the comment letters are uniformly opposed to the existence of the revetment or, at least, the potential exposure of portions of the revetment between nourishments-- and an assortment of other lesser issues. [Board Member Lotman left the meeting at this time, approximately 10:30 a.m.].

(iii) SLC Status

The Chair recognized Project ^{COUNSEL} Council, who identified the primary issues raised by the multitude of public comments received on the APTR: rocky habitat at west end, revetment placement, existence of septic systems and desire to move to a treatment plant, incomplete alternatives analysis, opposition to the 20-year proposed project duration and desire for indefinite nourishment commitment, opposition to use of sand from offshore Trancas Beach, opposition to the use of Manhattan Beach sand, and comments regarding the need to preserve Trancas Lagoon. The Chair recognized Board Member Marquis, who stressed the need to meet with senior CCC and SLC staff to, once again, attempt to reach consensus on the substantive issues and attain staff support for the project. The Chair stressed that the project needs to be politically, economically and environmentally acceptable for it to be permitted.

b. Proposed GHAD Contracting Policy

No report.

4. APPROVED SUMMARY OF ACTIONS FROM DECEMBER 2, 2012 MEETING

Board Member Marquis moved, and Vice Chair Grossman seconded, the approval of the Summary of Actions from the December 2, 2012. The motion passed 3-0.

9. NEW BUSINESS

None.

10. GHAD BOARD MEMBER REPORTS

Chair: reported that City National Bank seeks additional information regarding the BBGHAD's need for permanent project financing, and has been informed of the permitting status.

No other Board Members presented reports.

11. GHAD OFFICER REPORTS

a. Treasurer Report

The GHAD Treasurer reported that the BBGHAD has received \$1,293,916.77 from LA County (indirectly through the City of Malibu) as the first disbursement of property tax assessment payments by BBGHAD property owners. The GHAD Treasurer stated that these funds were immediately used to re-pay all advances made to date on the BBGHAD's line of credit. As of January 11, 2013, the BBGHAD had cash on hand of approximately \$25,000. The GHAD Treasurer reported that she does not yet have budget projections for 2013. The Chair and Board Member Marquis stated the need to develop alternative budget projections, a projection assuming construction of the project and a projection without construction. The Chair also directed Project Counsel to work with the GHAD Manager to ensure direct payments from the County to the BBGHAD in the future.

The Chair recognized the Vice Chair, who reiterated that he would like the GHAD Engineer to be paid outstanding invoices, but that such invoices should be reviewed to determine if the BBGHAD was charged any markup of subcontractor/subconsultant fees and costs. The Chair directed the GHAD Engineer and Project Counsel to confer and present the Board with a recommendation at the February 2013 Board meeting regarding subcontractor/subconsultant markup.

b. GHAD Manager Report

None.

12. PUBLIC COMMENTS: NON-AGENDA ITEMS

None.

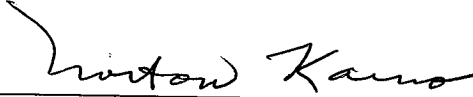
13. FUTURE MEETING

The next GHAD Board Meeting will be on February 10, 2013 at 9:00 a.m. at a private residence located at 31330 Broad Beach Road. The Chair also mentioned that the following GHAD Board Meeting will likely be on March 10, 2013 at 9:00 a.m. at the same private residence.

14. ADJOURNMENT

The Chair recognized the Board Member Marquis, who moved to adjourn. The Chair seconded the motion. The motion passed 3-0. The meeting adjourned at 11:15 a.m.

Approved and adopted by the Broad Beach GHAD Board on February 10, 2013.



NORTON KARNO, Chair

ATTEST:



BARBARA HAMM, GHAD Clerk