

Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR SESSION MEETING

**Sunday December 16, 2018; 9:00 a.m.
Juan Cabrillo Elementary School - Library
30237 Morning View Drive, Malibu, CA 90265**

1. Call to Order

The Chair called the meeting to order at 9:01 a.m.

2. Roll Call

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Needleman, and Marine. Board Member Kuba arrived at approximately 9:12 a.m.

BBGHAD STAFF ALSO PRESENT: Project Counsel Ehrlich, Project Manager Ovrom, Project Engineer Boudreau, and Clerk/Treasurer Fuchs. Special Counsel Colantuono participated by phone.

3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Agenda was posted on Wednesday December 12, 2018 at approximately 6:00 p.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Chair recognized Board Member Needleman, who moved to adopt the Agenda as posted. Board Member Marine seconded the Motion, and the Motion passed 4-0.

Closed Session

At 9:02 a.m. the Chair announced, without objection, that the Board would move into Closed Session.

Board Member Kuba joined the meeting at 9:12 a.m.

Resumption of Regular Session

The Chair resumed Regular Session at approximately 10:33 a.m. The Chair recognized Project Counsel, who reported on the agenda items discussed in Closed Session. No specific actions were taken.

Special Counsel Colantuono left the meeting at 10:25 a.m.

8. Approve Summary of Actions from October 21, 2018 Meeting

The Chair recognized Board Member Kuba, who moved to approve Summary of Actions from October 21, 2018. Board Member Marine seconded the Motion, and the Motion passed 5-0.

9. Old Business

a. Sand Source Update

The Chair recognized Project Counsel, who reported that Moffat & Nichol received sand samples from the Curiel Quarry in Mexico which Boskalis, a potential source for ocean-delivered sand, has proposed for Project use. Testing of the sand revealed that the grain size is 40% to 50% bigger than the specified grain size in the CDP. Therefore, use of this Mexican sand would require sieving for CDP compliance, which further increases cost. Project Counsel added that Boskalis' proposal is still approximately \$4 million over budget, but Boskalis has stated its commitment to work with the BBGHAD and looking to expand its business on the West Coast to further reduce its proposal.

Project Counsel stated that staff has remained in contact with the local quarries and that the status of the CEMEX sand remains the same.

The Chair recognized Robert Scapa, a legal representative for the Reef Group, who asked if staff has considered the egress and ingress traffic issues associated with the recent Woolsey Fire on PCH with respect to ocean delivered sand versus land delivered sand. The Chair recognized Project Counsel, who responded that the Woolsey Fire transportation evacuation route differs from the BBGHAD Project route—the evacuation route used PCH to the east and south, while the end of the Project's anticipated truck route would use the less travelled PCH to the north and west of Broad Beach. Project Counsel added that the BBGHAD intends to have further discussions about the actual routing itself with the City of Moorpark prior to the start of the Project.

The Chair recognized Alex Haagen III, who opined that the recent Woolsey Fire caused traffic issues in the Malibu area and that other natural catastrophes could trigger an extended shutdown of the Pacific Coast Highway. Mr. Haagen asked if the BBGHAD has considered the potential traffic issues for land delivered sand, as well as the predicted sea level rise, and more frequent El Niños on the impact of retaining the sand on the beach. The Chair responded that the Board continues to keep an open mind concerning all possible sand sources at this point. The Chair recognized Project Counsel, who added that, according to CCC guidance, beach nourishment constitutes the only recognized and permissible remedy to sea level rise.

The Chair recognized Max Factor III, who asked if the BBGHAD Engineer has looked into the most current scientific data with respect to more frequent El Niños and the impact on sand retention on the beach. The Chair recognized Project Engineer, who reiterated that, according to CCC guidance, beach nourishment is the only response to sea level rise. Project Engineer further stated that there is no quantitative data available suggesting more frequent storms at this time. The Project Engineer asserted that an increase in storm frequency would impact all of the communities on the West Coast. Therefore, the Project Engineer anticipates a more regional response and increased regional beach nourishments resulting in sourcing more adjacent sand sources i.e. Santa Monica Bay, and thus result in reduced beach nourishment costs.

b. Permitting and Regulatory Process Status

(1) Lead Agency Update

A. CCC (incl. MHMMP/Science Advisory Panel)

i. Prior-to-Issuance Conditions compliance & CDP Amendment

The Chair recognized Project Counsel, who reported that since the last BBGHAD meeting staff has heard back from CCC staff in connection with the rejection of proposed CCC CDP amendment. CCC staff informed the BBGHAD in November 2018 that the proposed CDP amendment was rejected on the basis that the amendment has impacts greater than the CDP itself, which granted the ability to reject the amendment without further consideration.

Project Counsel further reported, that the BBGHAD met with senior CCC staff and Executive Director Jack Ainsworth to discuss the rationale behind CCC staff's position. Project Counsel stated that CCC staff was apologetic and accepted responsibility for the disconnect in communications with the BBGHAD. As a result of the meeting, BBGHAD staff reinforced its efforts to completely fulfill the prior-to-issuance conditions. Project Counsel added that the CCC Executive Director Jack Ainsworth volunteered to meet with the BBGHAD property owners in early 2019 to discuss and answer questions in connection with the BBGHAD's CDP. Staff is working on solidifying date and time for this meeting. The Board generally agreed, without objection, that the CCC staff position on the proposed CDP amendment and this community meeting with Executive Director Ainsworth eliminates the need for a December 31, 2018 deadline for revetment owners to decide to sign the License Agreement, and removed the previously stated deadline.

The Chair recognized Robert Scapa, who asked Project Counsel to further elaborate on the disconnect in communications with the CCC, the upcoming meeting with the CCC Executive Director Jack Ainsworth, and if the BBGHAD has discussed any remedies if the PTI conditions are not met 100%. The Chair recognized Project Counsel, who responded to Mr. Scapa's questions in detail.

The Chair recognized Mr. Alex Haagen III, who opined that it was obvious that the proposed CDP amendment was not feasible and asked for an explanation why BBGHAD time and monies were spent on the CDP amendment. The Chair recognized Project Counsel, who responded that staff submitted the CDP amendment based on input received from CCC staff, including senior members of CCC staff.

The Chair recognized Max Factor III, who asked if there are continued discussions with the CCC regarding the removal of the revetment if homeowners decide against signing the license agreement. Project Counsel responded that the CDP remains unchanged, and requires 100% of the revetment owners to sign the License Agreement. Project Counsel added that, other than previously reported, the BBGHAD has had no further discussions with the CCC staff, but the BBGHAD expects a special meeting for the entire community with CCC Executive Director Jack Ainsworth in early 2019. Project Counsel further added that, as a result of the late November 2018 meeting with CCC staff, the BBGHAD has a clearer understanding of the

CCC's technical opinion of the potential impacts of the CDP amendment as opposed to the requirements in the CDP.

ii. Discussion of Coastal Frontiers contract for 2018/19

No discussion.

B. Army Corps

No report.

C. RWQCB

No report.

D. SLC

The Chair recognized Project Counsel, who reported that as per the Board's direction staff submitted a request to SLC regarding the extension of the free rent period and extension of the deadline for revetment relocation. Staff anticipates a response from SLC in early 2019.

(2) Responsible & Consulting Agency update: NMFS, Cal. DFW, CalTrans, etc.

No report.

10. New Business

None.

11. BBGHAD Officer Report

a. Project Manager

The Chair recognized the Project Manager, who reported that he has received a draft of the audit and anticipates presenting the audit at the January 2019 Board meeting. The Project Manager further reported, that he would present a budget reflecting the revised start date of the Project at the next meeting, as well as an updated schedule for the 2020 beach nourishment.

b. Treasurer's Report

The Treasurer reported, that as of December 19, 2018, the cash balance was \$2,211,554.34 and the estimated unpaid bills amount to \$191,982.19. The Treasurer further reported that the total fees and costs incurred through November 2018 for the *Reef Group* litigation amounts to \$311,271.61, \$163,041.32 for the *Arnault/Factor* litigation, and \$340,765.45 for the Validation Action. The Treasurer further stated that the BBGHAD has received a total of \$243,050.59 defense cost reimbursement for attorney's fees and costs for the *Arnault/Factor* and *Reef Group* litigation.

12. BBGHAD Board Member Reports

No Reports.

13. Public Comment - Non-Agenda Items

The Chair recognized Robert Scapa, who inquired about the status of the financial audit. The Chair recognized the Project Manager, who responded that the audit would be on next month's agenda.

The Chair recognized Max Factor, who asked about the status of a "recently discussed" \$100,000 Eminent Domain report. The Chair responded that the Board has not authorized this expense and, therefore, there is no report.

The Chair recognized homeowner Bill Curtis, who asked if the BBGHAD has been in conversations with the L.A. County/Zuma Beach to combine efforts to combat the effects of sea level rise. Project Counsel responded that the BBGHAD has been in contact with LA County Department of Beaches and Harbor and the agency agrees that it should be a beneficiary of the eastbound migration of the Project sand and remains supportive. The County maintains that they might be able to use sand from within the Marine Protected Area to nourish Zuma Beach. The BBGHAD is focused on more viable beach nourishment options.

The Chair recognized Bill Curtis, who opined that Project delays caused by the lawsuits, the time and monies spent on the various lawsuits are abysmal and requested for the Reef Group, Arnault/Factor, and the BBGHAD to settle their disputes.


14. Future Meeting

The Chair stated that the next meetings are scheduled for January 13, 2019, and tentatively February 10, 2019, both meetings to start at 9:00 a.m., with locations to be determined. The Chair announced that there will be a special non-BBGHAD Board meeting in January/February 2019 with CCC Executive Director Jack Ainsworth at a date to be announced.

15. Adjournment

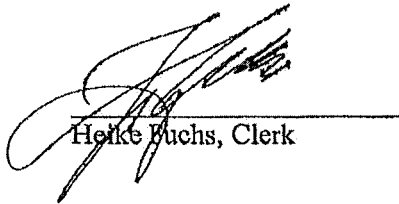
The Chair recognized Vice Chair Grossman, who moved to adjourn Regular Session. Board Member Needleman seconded the Motion. The Chair called the question, and the Motion passed 5-0. Regular Session was adjourned at 11:13 a.m.

Approved and adopted by the Broad Beach GHAD Board



Norton S. Karno, Chair

Attest:


Heike Buchs, Clerk