

Summary of Actions

BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT REGULAR MEETING

April 19, 2014

31330 Broad Beach Road, Malibu, CA 90265

1. CALL TO ORDER

Chair Karno called the meeting to order at 9:18 a.m.

2. ROLL CALL

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Levitan, and Board Member Rosenbloom.

ABSENT: Board Member Lotman.

BBGHAD STAFF ALSO PRESENT (not Board Members and not subject to Roll Call): Project Manager Mark Goss, BBGHAD Engineers Russ Boudreau and Chris Webb, BBGHAD Clerk/Treasurer Bernadette O'Neill, BBGHAD Lobbyists David Neish and David Neish, Jr., and Project Counsel Ken Ehrlich (via telephone).

3. ADOPTION OF AGENDA

Project Counsel reported that the meeting Agenda was posted at approximately 8:30 a.m. on Wednesday April 16, 2014 within the boundaries of the BBGHAD. Vice Chair Grossman moved, and Board Member Levitan seconded, the approval of the Agenda. The Motion approving the Agenda passed 4-0 (Lotman absent).

4. ACKNOWLEDGMENT OF CANCELLATION OF MARCH 2014 MEETING

The Chair acknowledged that the March 2, 2014 Board meeting was cancelled due to a lack of quorum, and confirmed that the BBGHAD Clerk prepared and timely posted a Notice of Cancellation within the boundaries of the BBGHAD.

5. CEREMONIAL PRESENTATIONS

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

None.

8. NEW BUSINESS

None. .

9. OLD BUSINESS

a. Permitting and Regulatory Process

(i) Lead Agencies: CCC- The Chair recognized the Project Manager. The Project Manager stated that the CCC deemed complete the BBGHAD's CDP application on April 4, 2014, and BBGHAD representatives intend to begin meeting individually with Coastal Commissioners to discuss the Project. To this end, the Project Manager said that a meeting has been scheduled with CCC Chair Steve Kinsey on May 9, 2014. The Chair recognized David Neish, who stated that he is working to schedule a meeting between BBGHAD staff and CCC staff to discuss the Project and issues relating to the CCC's consideration of the Project. Mr. Neish believes that the CCC intends to consider the Project at the CCC's July or August 2014 meeting. Mr. Neish then summarized the make-up of the Coastal Commission and its proceedings.

Army Corps- The Project Manager added that the BBGHAD received an "incomplete" application letter from the Army Corps on April 17, 2014, and the BBGHAD has scheduled an April 21 in-person meeting with Army Corps staff to discuss the letter. The Chair recognized the Vice Chair, who asked if BBGHAD staff have a schedule for providing the requested materials. Project Manager Goss responded that BBGHAD will determine the response schedule following the April 21st in-person meeting with Army Corps staff. The Vice Chair suggested that the BBGHAD attempt to persuade the Army Corps to accept the requested additional items/analyses as conditions of Project approval instead of prerequisites for a complete application. The Project Manager responded that the April 21 meeting and the April 29th meeting with all lead and responsible agencies will be critical in determining the scope and breadth of any additional items required by the agencies.

The Chair requested additional Board input on the aspect of the Army Corps' "incomplete" letter requesting additional biological and habitat assessment work (which essentially mirrors previous information received from NMFS). The Chair suggested that the BBGHAD has at least two primary options regarding the requested work: 1) attempt to persuade the Army Corps/NMFS to agree on a reduced scope of work or 2) complete the requested work in accordance with parameters specified by the Project Manager. The Project Manager stated that he intends to seek agency approval for a reduced scope of work such that: a) the permitting agencies are satisfied, b) the BBGHAD can facilitate its desired Fall 2014 construction start date, and c) the additional work can be completed for a maximum incremental cost of \$30,000 in addition to the amount of the "monitoring" line item in the BBGHAD's existing Project budget.

MOTION: Board Member Rosenbloom moved that the Board direct BBGHAD staff to conduct the additional biological and habitat assessment work requested by the federal permitting agencies such that: a) the permitting agencies are satisfied, b) the BBGHAD can facilitate its desired Fall 2014 construction start date, and c) the additional work can be completed for a maximum incremental cost of \$30,000 in addition to the amount of the "monitoring" line item in the BBGHAD's existing Project budget. Board Member Levitan seconded the Motion. The Chair called the question, and the Motion passed 4-0 (Lotman absent).

(ii) Responsible/Consulting Agencies: RWQCB- The Project Manager reported that the BBGHAD remains in contact with RWQCB staff, which awaits circulation of the revised APTR before finalizing its work.

The Chair recognized the Project Manager, who stated that the SLC's Executive Officer contacted BBGHAD staff and requested additional guidance on the sequencing of permit consideration—whether the BBGHAD preferred the SLC or CCC to first consider the Project. The Vice Chair stated that the BBGHAD should remain on the current track, which will likely mean that the SLC considers the Project before the CCC. The Chair asserted that the BBGHAD should remain focused on its own interests in obtaining approvals-- and obtaining the SLC approval first best suits the BBGHAD.

The Vice Chair thanked the BBGHAD staff for the work completed in getting the Project to the current stage and requested continued diligence on obtaining all necessary approvals.

b. Project Outreach

The Chair recognized the Project Manager. The Project Manager reported that he remains in regular contact with potential sand suppliers and truckers, and has scheduled another round of meetings in the next week. The Project Manager also stated that he remains committed to night sand deliveries and staging to limit the construction schedule, and intends to meet with the interested stakeholders to facilitate night work.

c. Proposed GHAD Contracting Policy

The Chair requested an update on this item as the BBGHAD may soon negotiate contracts with potential contractors and construction vendors. The Project Counsel stated that an analysis will be completed to determine the extent of any Board action that may be needed regarding contracting rules, and a recommendation will be presented at the next BBGHAD Board Meeting.

10. GHAD OFFICER REPORTS

a. Project Manager

No further report.

b. Treasurer Report

The Treasurer reported that she continues to work on a more detailed Project budget, knowing that the numbers cannot be finalized until further negotiations are completed with vendors. The Project Manager requested that the Board reconsider check signing protocols and procedures once construction becomes closer to reality as checks will need to be signed on a more timely basis.

11. BBGHAD BOARD MEMBER REPORTS

Vice Chair: The Vice Chair expressed his condolences to BBGHAD property owner Doug Baron, whose wife Debbie passed away recently and to the Project Manager on the passing of his sister.

Board Member Levitan: Board Member Levitan expressed concern over the permitting agencies' potential insistence on a reduced amount of sand nourishment at the Project's west end. He asserted that the Board should remain vigilant in ensuring that the interests of west end property owners are considered.

Chair: The Chair stated that he forwarded the CCC's "complete" application letter and recent *Malibu Times* articles on the Project to City National Bank staff. The Chair said that the bank remains ready to negotiate Project funding arrangements with the BBGHAD.

No other Board Members presented reports.

12. PUBLIC COMMENT: NON-AGENDA ITEMS

None.

13. FUTURE MEETING

The next BBGHAD Board Meeting will be on May 18, 2014, followed by June 8, 2014. The meetings will be at 9:00 a.m. at a private residence located at 31330 Broad Beach Road.

14. ADJOURNMENT

MOTION: Board Member Levitan moved to adjourn. The Vice Chair seconded the Motion. The Motion passed 4-0 (Lotman absent), and the meeting adjourned at 10:48 a.m.

Approved and adopted by the Broad Beach GHAD
Board on May 18, 2014.



NORTON KARNO, Chair

ATTEST:



BERNADETTE O'NEILL, Clerk