

**BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT**

**REGULAR MEETING AGENDA**

**Sunday March 2, 2014; 9:00 a.m.**

**Private Residence-  
31330 Broad Beach Road, Malibu, CA 90265**

**Closed Sessions Matters**

*Under this item, the GHAD Board shall meet in a closed session to discuss matters pursuant to Government Code Sections 54956.8 and 54956.9 (a).*

None.

**Regular Session Matters**

**1) Call to Order**

**2) Roll Call**

**3) Adoption of Agenda**

**4) Approve Summary of Actions from February 2, 2014 Meeting**

**Recommendation:** Chair to conduct vote on approving Summary of Actions from February 2, 2014 Meeting. If passed, Chair to sign Summary of Actions.

**5) Ceremonial/Presentations**

None.

**6) Consent Calendar**

None.

**7) Public Hearings**

None.

**8) New Business**

None.

9) **Old Business**

- a. **Permitting and Regulatory Process.** (Project Manager, Project Counsel and Engineer). Report to include project regulatory status update, including:
  - (i) Application Status: Update and discussion of revised permit application documents, budget, and financial issues.
  - (ii) CCC: Matters to consider include CDP Status.
  - (iii) SLC & APTR: Status update.
  - (iv) USACE, RWQCB, and other agencies: Permitting update.
- b. **Outreach Update.** (Project Manager) Report to include status update on stakeholder outreach.
- c. **Proposed GHAD Contracting Policy.** Discussion of potential adoption of contracting rules. (Project Counsel).

**Recommendation:** Monitor development of GHAD contracting rules and/or procedures.

10) **GHAD Officer Reports**

- a. Project Manager Report (Project Manager)
- b. Treasurer's Report (GHAD Treasurer)

11) **GHAD Board Member Reports**

12) **Public Comment - Non-Agenda Items**

*Communications from the public concerning matters that are not on the agenda but for which the GHAD Board has subject matter jurisdiction. The GHAD Board may not act on non-agendized matters except to refer the matters to staff or schedule the matters for a future agenda.*

13) **Future Meeting**

Next Meeting: April 6, 2014; 9:00 a.m. Location: 31330 Broad Beach Road, Malibu, CA 90265

14) **Adjournment**

**AGENDA ITEM 4**

Summary of Actions

BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT  
REGULAR MEETING

February 2, 2014

31330 Broad Beach Road, Malibu, CA 90265

**1. CALL TO ORDER**

Chair Karno called the meeting to order at 9:10 a.m.

**2. ROLL CALL**

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Levitan, Board Member Lotman, and Board Member Rosenbloom (arrived approximately 9:15 a.m.)

ABSENT: None.

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, and Project Counsel Ken Ehrlich.

**3. ADOPTION OF AGENDA**

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

**4. APPROVED SUMMARY OF ACTIONS FROM JANUARY 5, 2014 MEETING**

Project Counsel noted certain, minimal edits for the Summary of Actions from the January 5, 2014 meeting. Subject to Project Counsel's edits, Vice Chair Grossman moved, and Board Member Levitan seconded, the approval of the Summary of Actions from the January 5, 2014 meeting. The Motion passed 5-0.

**5. CEREMONIAL PRESENTATIONS**

None.

**6. CONSENT CALENDAR**

None.

**7. PUBLIC HEARINGS**

None.

**8. NEW BUSINESS**

**Project Manager Compensation.** The Chair reported that, in light of an expanded scope of time, effort, and resources necessary to accomplish the tasks associated with the position, the Project Manager has requested an increase in his monthly compensation. The Chair requested input on this item.

MOTION: The Vice Chair moved that: (a) the Project Manager's compensation shall be increased to an amount not to exceed \$10,000 per month, and (b) the Chair shall have the discretion to finalize terms of the Project Manager's continued employment and compensation directly with the Project Manager, including whether or not any increased compensation shall be retroactive to a date no earlier than the Project Manager's start date in his current position. Board Member Levitan seconded the Motion. The Motion passed 5-0.

## 9. OLD BUSINESS

### a. Permitting and Regulatory Process

The Chair recognized the Project Manager. The Project Manager stated that the BBGHAD anticipates responding to the CCC's most recent "incomplete" letter by approximately February 21, 2014. The Project Manager further reported that the SLC appears to be working hard to deem the Project "complete" and prepare it for Commission consideration. To that end, the Project Manager stated that the BBGHAD has received a proposal from the SLC's APTR contractor to revise the APTR at a cost of \$198,000.

The Project Manager added that the US Army Corps has appointed a new Project Manager, Bonnie Rogers, and the BBGHAD intends to meet with her as quickly as possible.

The Project Manager stated that the SLC hosted an interagency meeting and conference call on January 28, 2014, and the BBGHAD was not invited to participate—over the BBGHAD's strong objection. Information received from various agency staff members after the meeting suggests that nourishment at the project's west end constitutes the primary issue for regulators. Specifically, intertidal and subtidal habitat at the west end has caused certain state and federal habitat agencies to raise concerns over the prospect of burying this west end habitat under multiple feet of sand. The Chair recognized Board Member Rosenbloom, who asked if different amounts of sand volume are needed at different areas of Broad Beach. The BBGHAD Engineer responded that the entire beach needs the proposed nourishment, and at the proposed volume. The Chair recognized Board Member Levitan, who asked for the latest strategy for the west end, especially regarding the habitat issues. The BBGHAD Engineer responded that the BBGHAD has completed substantial amounts of study of the west end habitat, and the results indicate that the proposed sand deposition is warranted. Further, consulting agencies, such as CDFW and NMFS, do not have the final decision on this point; the lead agencies (CCC, SLC, and Army Corps) have the final decision.

The Chair recognized Board Member Levitan, who suggested that the BBGHAD compile the number of jobs created by the project and use this information to our benefit in the permitting process. The Project Manager agreed to compile the requested information.

The Chair asked the Project Manager if the BBGHAD can do anything else to bolster the permitting effort. The Project Manager did not raise additional suggested actions, other than potentially additional outreach to elected and other officials.

The Chair recognized Board Member Levitan, who asked if the BBGHAD could do anything to reduce the SLC's requested \$198,000 for the revised APTR or other consultant costs. The Chair responded that the BBGHAD has minimal leverage this issue since the SLC will simply cease to process the BBGHAD's application if the requested sum is not paid. The Chair added that, based on his experience, the requested sum is within the realm of reason for such a scope of work.

The Chair recognized the Vice Chair, who raised a potential issue associated with allowing the SLC to consider the BBGHAD project before the CCC, and the risk of being required to go back for additional SLC consideration if the CCC approves a different project than the SLC. The Vice Chair opined that this is a risk worth taking in order to preserve the chance of gaining approvals necessary for a Fall 2014 construction start. The Chair and Project Manager agreed, and further agreed that the BBGHAD would need to process the APTR payment immediately to facilitate SLC action and the necessary APTR revisions.

**b. Project Outreach**

The Chair recognized the Project Manager. The Project Manager reported that he will prepare a compilation of the jobs created by the project, and get the work product to the BBGHAD's lobbyist for broad circulation as quickly as possible. A discussion ensued regarding potential ways to shorten project construction time.

**c. Proposed GHAD Contracting Policy**

No report.

**10. GHAD OFFICER REPORTS**

**a. Project Manager**

The Project Manager reported that work continues on the BBGHAD budget. The Project Manager stressed that the final project budget will likely be delayed until after project approvals are obtained. This is because negotiations with vendors will not begin in earnest until permits are obtained, and true project costs will not be known until the completion of such negotiations.

**b. Treasurer Report**

The Treasurer reported that she is working to facilitate direct county payment of assessment proceeds to the BBGHAD, instead of the current County-City of Malibu-BBGHAD process. She anticipates that direct County payments should begin by April 2014.

**11. BBGHAD BOARD MEMBER REPORTS**

Vice Chair: The Vice Chair mentioned that Malibu City Council elections will occur on April 8, 2014, and referenced the current Council members participating in the election.

No other Board Members presented reports.

**12. PUBLIC COMMENT: NON-AGENDA ITEMS**

None.

**13. FUTURE MEETING**

The next BBGHAD Board Meeting will be on March 2, 2014, followed by April 6, 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 5-0, and the meeting adjourned at 10:55 a.m.

Approved and adopted by the Broad Beach GHAD  
Board on March \_\_\_\_, 2014.

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NORTON KARNO, Chair

ATTEST:

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BERNADETTE O'NEILL, Clerk

## **AGENDA ITEM 9a**



## **BROAD BEACH RESTORATION PROJECT STATUS REPORT – MARCH 2, 2014**

The project team has been working to develop the right project to meets the goals of the BBGHAD, permitting agencies, consulting agencies, BBGHAD owners, the public, and the environment. The following summarizes current status:

### **CURRENT ENTITLEMENT STATUS WITH PERMIT AGENCIES**

#### **CALIFORNIA COASTAL COMMISSION (CCC)**

- *Jurisdiction: Coastal Development Permit (CDP)*
- Latest Developments: To recap, the CCC deemed our CDP application incomplete on December 20, 2013, but BBGHAD has made significant progress in latest submittal including: (1) new upland sand source; and (2) new septic system analysis. Latest incomplete letter significantly more limited than previous incomplete letters.
- Key remaining issues cited include: more information regarding the upland sand sources, additional analysis of septic system pullback opportunities, shortening or pulling back the revetment on the east end, and additional alternatives to reduce or eliminate sand placement west of the temporary revetment to avoid or minimize sand cover impacts on existing sensitive habitat.
- Team has had two subsequent calls with CCC staff and in-person meeting to understand agency expectations to gain "complete" status. BBGHAD intends to submit a detailed response by March 3, 2014. Package will include strong advocacy argument for full nourishment at the west end, based on technical as well as legal GHAD arguments.

#### **CALIFORNIA STATE LANDS COMMISSION (CSLC)**

- *Jurisdiction: Lease and certification of APTR*
- CSLC issued letter deeming the BBGHAD application complete on February 7, 2014.
- Lease negotiations: Draft lease received and BBGHAD reviewing same. Revised *Analysis of Impacts to Public Trust Resources (APTR)* document to be circulated approximately April 2014.
- Commission consideration - anticipated late June or July 2014 according to CSLC Executive Officer.

#### **US ARMY CORPS OF ENGINEERS (USACE)**

- *Jurisdiction: National Environmental Policy Act (NEPA) Compliance and certification; Section 10 and 404 permits*
- Degree of NEPA compliance: Staff previously indicated Environmental Assessment (EA) rather than much more cost- and time-intensive Environmental Impact Statement (EIS).
- New lead staff member appointed January 28, 2014. Major priority with new staff will be to maintain EA and educate her on Project.
- NEPA process restarted with jurisdictional guidelines revised by Corps on February 17, 2014 allowing submittal of updated project materials week of March 3, 2014.

#### REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)

- *Jurisdiction: 401 certification and, potentially, waste discharge requirements (WDRs)*
- BBGHAD provided updated technical documents in December 2013.
- RWQCB lead staffer confirmed on January 30, 2014 that agency has not completed review of materials received in December 2013. RWQCB also needs updated APTR to complete its analysis.
- Status Update due to RWQCB: 'Long Term Beach Nourishment and Sewage Management Plan' is required by the 401 cert. modification issued for the emergency revetment. A yearly update on this plan is required and an implementation date of June 30, 2013 was identified. Staff has received En Situ analyses. BBGHAD may consider submitting an updated status report.

#### CALTRANS

- *Jurisdiction: Encroachment permit for temporary traffic signal on PCH*
- Requires full engineering of the signal, a deceleration lane, access to the west Zuma lot, and an egress point out of the west Zuma lot.
- BBGHAD traffic engineer will secure permit with technical assistance from M&N (civil and electrical engineering).
- Permit to be submitted: Mid-March 2014. Survey and borings being done for design.
- Permit anticipated: September 2014 based on six-month processing schedule per Caltrans.

#### LA COUNTY DEPT OF BEACHES AND HARBORS

- *Jurisdiction: Owner of Zuma Parking Lot 12 (Project Staging Area); BBGHAD needs Permit to use parking lot; LACDBH also coordinates with Caltrans and City of Malibu on traffic issues and will issue a separate permit.*
- July 2013 meeting. Application not yet submitted to LA County, but planned for submittal concurrent with Caltrans application.
- Permit to be submitted: Mid-March 2014.
- Permit anticipated: April 2014.
- Right of Entry Permit to facilitate Geotech investigation i.e. borings for pavement thickness recommendations at temporary access/egress points to the west Zuma Beach parking lot - application was submitted on February 18, 2014. Permit anticipated to be issued on Monday March 3, 2014. Borings scheduled to occur on March 7, 2014.

#### CONSULTING AND COORDINATING AGENCIES

National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), & SM Bay Restoration Commission (SMBRC)

- *Jurisdiction: No discretionary permits, but consult with and provide input to permitting agencies.*
- Jan 28, 2014: NMFS, CDFW, CCC, RWQCB, USACE and CSLC conducted inter-agency meeting to discuss project; BBGHAD excluded from attendance. Preliminary results: subtidal and intertidal

habitat impacts at the west end are primary issues. This is agencies' primary and preeminent concern.

- NMFS: BBGHAD staff met with staff on January 15, 2014, provided follow-up technical information. BBGHAD anticipates agencies will require additional intertidal and offshore biological surveys for USACE-required biological consultation. Input received from Bryant Chesney on February 24, 2014 indicates NMFS will soon submit letter to USACE requesting additional assessment to allow proper baselining of intertidal and subtidal habitat. . Unknown if USACE will agree to NMFS' recommendations.
- Estimated cost of conducting additional survey work to NMFS specifications is between \$61K and \$86.5K, and the time to complete field and reporting work is 4 to 6 weeks. April 1 is the earliest available start date.
- Biological consultation with CDFW and NMFS can take up to 165 days based on December 15, 2013 USACE staff input.
- CDFW: Responsible for Marine Protective Areas (MPAs), including that off Broad Beach. Concerned with Project effects on MPA- subtidal, intertidal, and turbidity. Not presently anticipated that a streambed alteration agreement will be required. Conference call was held on February 7, 2014 with Becky Ota and Craig Shuman. Becky Ota confirmed on February 12, 2014 that she and Bill Paznokas will be the primary CDFW contacts. CDFW still reviewing BBGHAD's submittals.
- SMBRC: BBGHAD should schedule individual meeting ASAP.
- BBGHAD to issue to all agencies a copy of CCC requested alternatives with cover letter stating:
  - that analysis was conducted purely to meet CCC submittal needs,
  - alternatives will not be covered in APTR and
  - list reasons why said alternatives are not feasible projects and are not proposed.

The table below shows concerns regarding processing by agencies.

Agency	Next Action	Concern
USACE	Bio impacts analysis by NMFS and CDFW.	Possibility EIS will replace EA for NEPA analysis.
CCC	Submit response to Dec 20, 2013 incomplete letter- Late Feb/Early March 2014	CCC will find some other reason(s) to continue to deem CDP incomplete.
RWQCB	APTR review	Absence of new CCC requested west end reduction alternatives from APTR analysis.

**PERMIT SCHEDULE STATUS AS OF 3/2/14**

<b>AGENCY</b>	<b>ACTION</b>	<b>DURATION ESTIMATE</b>	<b>COMPLETION DATE (earliest possible)</b>
<b>CCC</b>	CDP App. Complete	1 month	March 28, 2014
	Prepare Staff Report	120 days (legal maximum)	July 28, 2014
	Review/Negotiation of Permit Conditions; can be concurrent with prep of Staff Report	1-2 months	July 21, 2014
	Commission consideration	1 week	July 9-11, 2014 (Ventura); August 13-15, 2014 (San Diego)
	Permit Issue	1-2 months	September 30, 2014
<b>SLC</b>	Lease App. Completeness Notice	1 month	February 7, 2014 <b>RECEIVED</b>
	Revision of APTR	3 months??	May, 2014
	Public Comment on APTR	1-2 months	June 15, 2014
	Lease Negotiations	1 month following approval of APTR	May-June, 2014
	Commission consideration		Late June/early July 2014
	Issue Final Lease	1 month	Summer 2014?
	Lease Signature	1 week	Summer 2014?
<b>USACE</b>	Revise application based on revised Section 404 and 10 jurisdictional limits	3 weeks	March 3, 2014
	Issue Public Notice for Draft NEPA document	1 month	April 3, 2014
	End formal biological consultations with NOAA, MFS and CDFW	165 days (legal maximum)	September 15, 2014
	Finalize EA <sup>2</sup>	2 weeks	September 30, 2014
	Issue Draft Permit	1 week	October 7, 2014
	Review/Negotiation of Draft Permit Conditions	2 weeks	October 21, 2014
	Issue Final Permit	1 week	October 30, 2014
<b>RWQCB</b>	404 and WDRs	2 months post APTR circ.	May-June 2014
	Negotiate 404 and WDRs	1 month	June 2014
	Board approval of 404 and WDRs	1-2 months	July-August 2014
<b>CALTRANS</b>	Encroachment Permit	6 months	August, 2014
<b>LA COUNTY</b>	Parking Lot Permit	1 month	April 2014

<sup>2</sup> Longer duration if EIS is required.

## Kenneth A. Ehrlich

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**From:** Kenneth A. Ehrlich  
**Sent:** Thursday, February 13, 2014 12:23 PM  
**To:** Rogers, Bonnie L SPL; Daniel P. Swenson (daniel.p.swenson@usace.army.mil)  
**Cc:** McMahon, Tonia; markchristiangoss@gmail.com; Kenneth A. Ehrlich  
**Subject:** Broad Beach GHAD- Broad Beach Restoration Project 2/12/14 meeting follow up  
**Attachments:** W26420 BBGHAD Application Status Letter 02-07-14.pdf; Kenneth Foster letter-01092014110830.pdf


Bonnie-

Thanks again speaking with Tonia, Mark, and me yesterday. We hope to have the opportunity of speaking with you more frequently in the coming days as the Army Corps gets a more complete understanding of the proposed Project. We understand that the Army Corps' focus remains on the Project's impacts on waters of the United States, but the BBGHAD also remains subject to California GHAD law. This set of state laws affect the Project as well. As we discussed:

1. In late 2011, the Broad Beach property owners formed a geologic hazard abatement district, a "GHAD", to respond to the severe beach and dune erosion problem. California GHAD law can be found beginning at California Public Resources Code Section 26500 (Cal. Pub. Res. Code §§ 26500 et seq.).
2. By law, GHAD projects are exempt from CEQA. The GHAD CEQA exemption is at Public Resources Code Section 21080(b)(4) and Public Resources Code Section 26559.
3. In connection with nourishment at the west end of the Project area, we discussed the need for each BBGHAD property owner to receive roughly equivalent benefit from the Project. The legal requirement of "substantial equivalent benefit" for all GHAD property owners is at Public Resources Code Section 26534 and within Proposition 218 passed by CA voters in 1996. See also, [http://www.lao.ca.gov/1996/120196\\_prop\\_218/understanding\\_prop218\\_1296.html](http://www.lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html)
4. Please find attached a copy of our January 8, 2014 letter to State Lands Commission staff confirming that the BBGHAD project does NOT include a temporary bridge across Trancas Creek in the event Trancas Creek breaches to the ocean; instead, construction will cease until the breaching ceases. We include this letter as this concession by the BBGHAD effectively eliminates all Project effects on Trancas Creek at the east end of the Project area.
5. Please also find attached a copy of the SLC's application "complete" letter from last week.

Thanks again for meeting with us. We look forward to working with you.

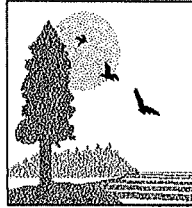
Kenneth A. Ehrlich  
**ELKINS KALT WEINTRAUB**  
**REUBEN GARTSIDE LLP**  
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**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



JENNIFER LUCCHESI, Executive Officer  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-2555  
Contact Fax: (916) 574-1835

February 7, 2014

File Ref: W26420

VIA U.S. MAIL AND EMAIL

Kenneth A. Ehrlich  
Elkins Kalt Weintraub Reuben Gartside LLP  
2049 Century Park East, Suite 2700  
Los Angeles, CA 90067  
[KEhrlich@elkinskalt.com](mailto:KEhrlich@elkinskalt.com)

RE: Status of the Broad Beach Geologic Hazard Abatement District  
Application for a New Lease of State Land for the Broad Beach  
Restoration Project, City of Malibu, Los Angeles County

Dear Mr. Ehrlich:

Based on California State Lands Commission (Commission) staff review of the application materials dated January 8, 2014, (received via email on January 9, 2014) and February 27, 2014, as submitted by you on behalf of your client, the Broad Beach Geologic Hazard Abatement District (BBGHAD), staff has determined that the application is deemed complete as of February 7, 2014. For application processing purposes, you may be requested to clarify, amplify, correct or otherwise supplement the information submitted on your application.

As you have duly acknowledged, the Commission's *Analysis of Impacts to Public Trust Resources* (APTR) document will need to be updated and recirculated consistent with the revised project description submitted by the BBGHAD on October 31, 2013. In addition to completion of the APTR, agreement on negotiated lease terms will need to be reached prior to presenting the project to the Commission for consideration. At this time, based upon our estimate for completion of the APTR, staff anticipates presenting the proposed project for Commission consideration in June or July 2014 with staff's recommendation that the Commission find the project statutorily exempt from CEQA. Consistent with the requirements of the Permit Streamlining Act (PSA), this will meet the time limits for consideration of the project within sixty (60) days of the Commission's formal determination that the project is exempt from CEQA.

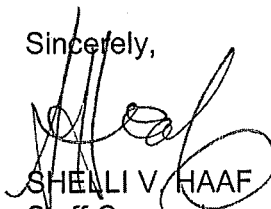
K. Ehrlich  
February 7, 2014

W26420  
Page 2

Based on this aggressive time schedule, it is imperative that we begin discussions as soon as possible to resolve all outstanding lease issues, including but not limited to, rent, public benefits associated with the proposed project, compensation for the loss of use for the Commission's lateral public access easements, identified impacts to public trust resources, and discussion of nourishment timing and triggers. Consistent with all projects brought before the Commission, all such issues must be resolved prior to ultimate project consideration by the Commission to garner a supportive recommendation from staff.

Should you have any questions on this matter, please contact me or Ken Foster via telephone at (916) 574-2555 or via email at [Kenneth.Foster@slc.ca.gov](mailto:Kenneth.Foster@slc.ca.gov).

Sincerely,



SHELLI V. HAAF  
Staff Counsel

cc: Mark Goss  
[markchristiangoss@gmail.com](mailto:markchristiangoss@gmail.com)

Chris Webb, Russ Boudreau, Tonia McMahon  
Moffatt & Nichol  
3780 Kilroy Airport Way, Suite 600  
Long Beach, CA 90806

Jason Ramos – CSLC  
Kenneth Foster – CSLC  
Colin Connor – CSLC

## Kenneth A. Ehrlich

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**From:** Kenneth A. Ehrlich  
**Sent:** Wednesday, February 12, 2014 10:25 AM  
**To:** Kenneth A. Ehrlich  
**Subject:** Fwd: Broad Beach GHAD- Follow Up from this morning's Conf Call [IWOV-dms-01.FID99217]  
**Attachments:** Kenneth Foster letter-01092014110830.pdf; ATT00001.htm; W26420 BBGHAD Application Status Letter 02-07-14.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Kenneth A. Ehrlich" <KEhrlich@elkinskalt.com>  
**Date:** February 7, 2014 at 5:08:41 PM PST  
**To:** "Becky.Ota@wildlife.ca.gov" <Becky.Ota@wildlife.ca.gov>  
**Cc:** "Daniel.Blankenship@wildlife.ca.gov" <Daniel.Blankenship@wildlife.ca.gov>, "craig.shuman@wildlife.ca.gov" <craig.shuman@wildlife.ca.gov>  
**Subject:** Broad Beach GHAD- Follow Up from this morning's Conf Call [IWOV-dms-01.FID99217]

Becky-

Thanks again to Craig and you for speaking with the BBGHAD team this morning. We hope to have the opportunity of speaking with you more frequently in the coming days as your Department gets a more complete understanding of the proposed Project. As we discussed:

1. California GHAD law can be found beginning at California Public Resources Code Section 26500 (Cal. Pub. Res. Code §§ 26500 *et seq.*).
2. The GHAD CEQA exemption is at Public Resources Code Section 21080(b)(4) and Public Resources Code Section 26559. Shelli Haaf is the State Lands Commission counsel who has become quite familiar with this provision and informed the BBGHAD early on that the CEQA exemption can not be waived.
3. The "substantial equivalent benefit" requirement for all GHAD property owners is at Public Resources Code Section 26534 and Proposition 218.
4. Please find attached a copy of our January 8, 2014 letter to State Lands Commission staff confirming that the BBGHAD project does NOT include a temporary bridge across Trancas Creek in the event Trancas Creek breaches to the ocean; instead, construction will cease until the breaching ceases.
5. Please also find attached a copy of today's deemed "complete" letter from the SLC.

Thanks, and have a nice weekend.

Kenneth A. Ehrlich  
**ELKINS KALT WEINTRAUB**  
**REUBEN GARTSIDE LLP**  
2049 Century Park East, Suite 2700  
Los Angeles, CA 90067  
Main Phone: 310.746.4400  
Main Fax: 310.746.4499  
Direct Phone: 310.746.4412  
Direct Fax: 310.746.4462  
E-mail: [kehrlich@elkinskalt.com](mailto:kehrlich@elkinskalt.com)



**AGENDA ITEM 10b**

**Broad Beach GHAD****Cash Flow**

Cash in Bank : 2/1/14	1,166,965.13
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**Sources of Cash:**

GHAD Assessment funds	250,680.73
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**Invoices Paid thru 2/28/14**

	<b><u>Paid</u></b>	
Moffatt & Nichol	127,445.48	
JMBM	29,511.84	
State Lands Comm-Staff Costs	4,560.01	
DB Neish	15,000.00	
Ensitu	4,320.00	
Environ	11,538.52	
Linscott, Law & Greenspan Engineers	4,639.27	
Administration	7,270.96	
Verizon	61.54	
		(204,347.62)

Cash Balance as of 2/27/14	1,213,298.24
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**Sources of Cash:**

GHAD Assessment funds	
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**Current Payables in hand:**

Moffatt & Nichol	68,771.90	
JMBM	2,363.77	
Elkins Kalt	54,103.94	
State Lands Comm	198,573.00	
DB Neish	15,116.65	
Ensitu	5,433.60	
ENGEO	210.00	
Linscott, Law & Greenspan Engineers	623.50	
Administration	19,994.23	
Total Invoices Due		<u>(365,190.59)</u>

Estimated Cash on Hand 3/31/14	848,107.65
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**Broad Beach GHAD**

Projection thru 3/31/14

AS of: 2/27/14

These budget numbers have not been adjusted yet

**Uses:**

M&N Preliminary Planning/Support/booklet/aerial  
M&N 2.0 Field Investigation/Sand Survey  
M&N 3.0 Project Entitlement  
M&N 4.0 Preliminary Engr & Schematic Design  
M&N 5.0 Final Engineering & Constr Documents  
JMBM/Elkins Kait-GHAD Admin & Assessments  
JMBM/Elkins Kait-Beach Restoration Permitting & Entitlements  
ENGEO  
ENSITU  
Quality Mapping  
Topanga Underground  
Morgan, Miller & Blair  
Bell, McAndrews & Hiltachk/Kindel Gagan  
Wendel Rosen  
Colantuono & Levin, PC  
*Fee-City of Malibu*  
Fee- Coastal Commission  
Fee-Water Board  
Fee-Fish & Game  
Fee-Army Corp of Engr ?  
Fee- State Lands Commission Permit fees/Oversight Fee  
State Lands Comm-Staff Costs  
EIR Consultant- AMEC Earth & Environ  
GHAD Bond Legal/Underwriting  
Tax Exempt Opinion  
Line of Credit-fee/costs/interest  
AON-E&O Insurance  
Office / Phone/Web Site/Copling/Transcripts  
Accounting Administration  
Soft Cost Contingency/Advocacy Representation

Total Uses

**Sources of Cash:**

Advances from Individual Homeowners (Actuals)  
Addtl Advances from Individual Revetment Homeowners  
Advances from TPOA General Fund  
GHAD ASSESSMENTS

Total Sources

Cummulative Running Balance

	Budget	Rev Adjustments		Actuals Paid FS		Actuals Paid		Projection		Totals
				Transferred, 2011	Nov 2011-Jan 2014	Nov 2011-Jan 2014	Mar-14			
	465,391	426,411		465,391	426,411					891,802
	1,219,002	983		585,054	798,810			14,781		1,478,639
	572,115	389,866		215,085	978,905			43,124		1,443,921
	336,000	-		304,000	32,000					336,000
	-	338,102		-	220,029			10,867		220,029
	146,884	497,452		244,158	408,850			11,463		644,336
	587,535	404,562		101,902	917,166			45,004		992,097
	115,232	8,176		49,867	63,891			210		123,408
					77,610			5,434		83,044
	14,934	1,170		14,934	1,176					16,110
	3,000	7,000		3,000	7,000					10,000
	65,039	61,576		53,590	13,189					66,779
	1,694	-		1,694	10,265					10,265
	-	-		-	39,798					41,492
	-	-		-	7,648					17,532
	17,584	-		17,584	77,472					17,584
	30,000	35,000			77,472					65,000
	40,000	18,340			58,340					58,340
	7,172	2,000								9,172
	-	-		-						-
	-	-		-				198,573		198,573
	176,384	196,546		79,343	215,694					372,930
	549,949	283,818		190,324	533,426			624		707,572
	400,000	(370,000)								30,000
	-	25,000								25,000
	-	16,000			35,411					35,411
	6,286	15,513		6,286	15,456					21,799
	-	6,150			6,181					6,181
	27,000	-			56,507			19,994		56,504
	100,000	(50,000)			30,176			15,117		30,176
	19,009,000	2,313,665		2,332,212	5,031,411.07			365,189		8,009,694
				1,580,278	1,436,750					3,017,028
				261,579						261,579
				550,000	200,000					750,000
					4,297,633			250,681		4,548,313
	2,391,857	5,934,383		2,391,857	5,934,383			250,681		8,576,920
	59,645	962,617		59,645	962,617			848,108		567,226