

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR MEETING AGENDA

Sunday April 26, 2015; 9:00 a.m.

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

Regular Session

- 1) Call to Order**
- 2) Roll Call**
- 3) Adoption of Agenda**

Closed Session

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. **Discussion of potential litigation – *BBGHAD West End homeowners***
The BBGHAD Board is authorized to discuss this matter in closed session pursuant to Government Code Sections 54956.9, 11126(e)(2)(A), 11126(e)(2)(B) and (2)(C).
- b. **Discussion of potential litigation – *Magidson Trust***
The BBGHAD Board is authorized to discuss this matter in closed session pursuant to Government Code Sections 54956.9, 11126(e)(2)(A), 11126(e)(2)(B), and (2)(C).

Resumption of Regular Session (approximately 10:00 a.m.)

- 4) Approve Summary of Actions from March 15, 2015 Meeting**

Staff Recommendation: Chair to conduct vote on approving Summary of Actions from March 15, 2015 meeting. If passed, Chair to sign Summary of Actions.

- 5) Ceremonial/Presentations**

None.

- 6) Consent Calendar**

None.

- 7) Public Hearings**

None.

8) New Business

a. Upcoming Board Elections. (Project Manager and Project Counsel). Briefing and discussion on upcoming and future BBGHAD elections. Requested action: a) staff to administer drawing of lots to determine future election classes, and b) Board to consider election administration proposals from Martin & Chapman Company and LA County Registrar.

9) Old Business

- a. Permitting and Regulatory Process Status. (Project Manager and Engineer). Report to include project regulatory status update, including:
 - (i) Lead Agency update: CCC, SLC, and Army Corps.
 - (ii) Responsible & Consulting Agency update: RWQCB, NMFS, Cal. DFW, CalTrans, etc.
- b. Permitting Outreach & Strategy Update. (Project Manager) Report to include status update on agency advocacy, stakeholder outreach, and related matters.
- c. Review candidates for GHAD Clerk/Treasurer position. (Project Mgr)

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: May 17, 2015; 9:00 a.m.

Future Meeting: June 14, 2015

Location: 31330 Broad Beach Road, Malibu, CA 90265

14) Adjournment

AGENDA

ITEM 4

Summary of Actions

BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT REGULAR MEETING

Sunday, March 15, 2015; 9:00 a.m.
31330 Broad Beach Road, Malibu, CA 90265

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 Rosenbloom, Board Member Levitan

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. Project Counsel Ehrlich was present until approximately 10:00 a.m.

3. ADOPTION OF AGENDA

The Project Manager reported that the meeting Agenda was posted at approximately 7:30 a.m./ on Thursday, March 12, 2015 within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Vice Chair moved, and Board Member Levitan seconded, the approval of the Agenda. The Motion passing 4-0.

The Chair adjourned the Regular Meeting at 9:05 a.m. so that the Board could move into Closed Session. Regular Session reconvened at 10:45 a.m.

4. APPROVAL OF SUMMARY OF ACTIONS

The Chair recognized the Vice Chair. Vice Chair Grossman moved to accept the Summary of Actions from the February 8, 2015 meeting with a correction. Board Member Levitan seconded the Motion, and the Motion passed 3-0 (Board Member Rosenbloom unavailable for this vote).

8. NEW BUSINESS

The Chair recognized the Project Manager. The Project Manager presented a resume for consideration for the Clerk/Treasurer position. The Chair requested additional information on the candidate and additional resumes. The Project Manager committed to providing additional resumes for the Board's consideration. Project Manager cited an industry standard salary range from \$40/hr to \$80/hr for the position based on background and qualifications.

9. OLD BUSINESS

a. Permitting and Regulatory Process

The Chair recognized the Project Manager. The Project Manager summarized ongoing discussions with the California Coastal Commission, including the BBGHAD's planned submittal of a new Coastal Development Permit application for a revised Project with potential CCC consideration in June or July 2015. The Project manager further reported that the compromised revetment placement has not yet been approved by CCC staff, but the Project Manager generally believes that CCC staff will approve the revetment alignment proposed by Alternative 4C. The Project Manager added that CCC staff has generally accepted BBGHAD staff's recommended outline for Project monitoring, and one member of the Science Advisory Panel (out of the three contemplated) has been selected.

The Project Manager reported that CCC staff has generally agreed with BBGHAD staff's recommendation for a three year period in which the BBGHAD will prepare and submit a feasibility study to remove septic systems from the permitted area (where applicable). The Project Manager stated that the BBGHAD continues to propose a Project duration of twenty (20) years, and CCC staff seeks want an Executive Director review at Project year five (5), with full Commission review at Project year ten (10). Depending on BBGHAD adherence to the forthcoming CDP conditions, and the condition of the beach, the CDP may allow the CCC to grant another ten (10) year extension of the CDP. The Project Manager discussed the concept of the use of unrecorded, temporary, springing licenses instead of the CCC staff's preferred recorded lateral access easements as a means of ensuring public access at all times, especially when the Project's sand nourishment has eroded. Chair Karno requested a copy of the language depicting unrecorded, temporary, springing licenses proposed by BBGHAD staff.

The Project Manager reported on ongoing issues with the Army Corps of Engineers. Progress remains slow, and has been exacerbated by USACE's requests for non-starter, worst case scenarios. The Project Manager reported that BBGHAD staff is working to provide all data necessary to push the permitting process. Regional Water Board and State Lands are status quo at the moment. The Project Manager stated his belief that the SLC will issue its permit shortly after a CDP is obtained from the CCC. Final lease provisions with SLC are not yet completed as exact relocation of the revetment is an integral part of the lease language.

b. Permitting Outreach and Strategy Update

The Project Manager reported on continuing discussions with CalTrans staff regarding the planned temporary signal at the egress point of the Zuma Beach parking lot. Construction can begin prior to the actual start date of the transportation and beach re-nourishment.

12. PUBLIC COMMENT

The Chair recognized various members of the audience, who commented on the continuing dispute with west end owners. The Board received numerous comments from West End residents, including Bill Curtis who asked if future BBGHAD Boards would be bound by

this existing Board's decisions on adjusted assessments. Mr. Curtis mentioned the possible formation of a Beautification District by West End homeowners, or the possibility of forming their own GHAD. Mr. Curtis advocated for a change to boundaries of the existing BBGHAD. The Chair recognized Board Member Levitan, who suggested that, at some future point, depending upon beach and sand behavior, the various regulatory agencies could decide to permit farther westward direct placement of sand. Mr. Curtis suggested the Board act "in all haste" to allow West End homeowners, who will not have sand placed directly in front of their property, out of the BBGHAD, but to continue to pay an agreed assessment. He said, "we won't sue if you let us out."

11. FUTURE MEETINGS

The Chair suggested future Board meeting dates of April 26, 2015 and May 17, 2015 with start times of 10:00 am at the request of Board Member Rosenbloom.

14. ADJOURNMENT

Board Member Levitan moved, and Board Member Rosenbloom seconded, a motion to adjourn. The Motion passed 4-0, and the meeting adjourned at 1:12 p.m.

Approved and adopted by the Broad Beach GHAD
Board on April 26, 2015.

NORTON KARNO, Chair

ATTEST

BERNADETTE O'NEILL, Clerk

AGENDA

ITEM 8

From: Kenneth A. Ehrlich
Sent: Thursday, April 23, 2015 3:50 PM
To: Mark Goss

If no formal Martin & Chapman proposal received in time, this email trail should be attached to Regular session Board Packet, Item 9.8,

Kenneth A. Ehrlich

Elkins Kalt Weintraub Reuben Gartside LLP

2049 Century Park East, Suite 2700 | Los Angeles, California 90067

Direct Dial: (310) 746-4412 | Direct Fax: (310) 746-4462 | Cell Phone: (310) 962-4100

Main: (310) 746-4400 | Fax: (310) 746-4499 | Email: kehrlich@elkinskalt.com | Web: www.elkinskalt.com

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From: Rigo Garcia [<mailto:Rigo@martinchapman.com>]
Sent: Thursday, April 23, 2015 12:02 PM
To: Kenneth A. Ehrlich
Subject: RE: Estimate

Hi Ken,

I finished the detailed estimate and submitted it to my manager for approval, but he has not responded with a yes or no yet. What I can say though is that it will be in the 4-5 thousand dollar range based on other elections we have conducted with similar sizes.

Regards,
Rigo Garcia
Follow us on:



From: Kenneth A. Ehrlich [<mailto:KEhrlich@elkinskalt.com>]
Sent: Thursday, April 23, 2015 11:48 AM
To: Rigo Garcia
Subject: RE: Estimate

Status? Thanks.

Kenneth A. Ehrlich

Elkins Kalt Weintraub Reuben Gartside LLP

2049 Century Park East, Suite 2700 | Los Angeles, California 90067

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From: Rigo Garcia [<mailto:Rigo@martinchapman.com>]

Sent: Wednesday, April 22, 2015 3:17 PM

To: Kenneth A. Ehrlich

Subject: Estimate

Hi Ken,

I had to step out of the office for a few hours, but will get on the estimate when I return.

Regards,

Rigo Garcia

Follow us on:





Los Angeles County Registrar-Recorder/County Clerk

Dean C. Logan

Registrar-Recorder/County Clerk

March 18, 2015

Kenneth A. Ehrlich
Elkins Kalt Weintraub Reuben Gartside LLP
2049 Century Park East, Suite 2700
Los Angeles, California 90067

Dear Mr. Ehrlich:

This responds to your February 25, 2015 request for written confirmation regarding Broad Beach Geological Hazard Abatement District.

The Registrar-Recorder/County Clerk's office, in consultation with County Counsel, has determined that the selection method for directors of the District is an election.

California Public Resources Code Section 26567 states the following: "If owners of real property within the district are appointed as the initial board of directors, then following the initial term, the board of directors shall be elected as provided by Section 26583."

Additionally, Section 26560 states that "notwithstanding any other provision of law, proceedings for the formation of a district pursuant to this division are exclusive." Based on the language of these codes, the District is bound by these applicable statutory sections.

For your reference, Section 26583 provides the following: "Following the four-year term of the initially appointed board of directors formed pursuant to Section 26567 and composed of owners of real property within the district, the board of directors shall be composed of five elected directors. The term of office of directors shall be four years. The expiration of the term of any director shall not constitute a vacancy and he or she shall hold office until his or her successor has qualified. Elections shall be called and conducted, and the results canvassed, returned, and declared pursuant to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code). This section shall not apply to a district where the legislative body has appointed itself as the board of directors."

We hope this correspondence assists you in your process. Please do not hesitate to contact me by phone at 562-462-2815 or through email (aolvera@rrcc.lacounty.gov) should you need clarification or additional information.

Sincerely,

DEAN C. LOGAN
Registrar-Recorder/County Clerk

ALEX OLVERA, Division Manager
Election Information and Preparation

AGENDA

ITEM 9

MEMORANDUM

ATTORNEY WORK PRODUCT

TO: BBGHAD Board; BBGHAD Project Manager

FROM: Ken Ehrlich

DATE: April 23, 2015

RE: April 26, 2015 BBGHAD Board Meeting, Item 9

Broad Beach Restoration: **Alternatives In Response to CCC Request for Permanent Public Access from BBGHAD Property Owners Landward of Revetment**

FILE NO.: 11402-0001

CCC-Proposed Access Easements

The CCC's November 2014 staff report and subsequent addenda for the Project (collectively, "Staff Report") seek to maximize public access at Broad Beach at all times during the life of any Project Coastal Development Permit ("CDP") through the BBGHAD's nourishment efforts and the proposed recording of three (3) separate lateral access easements on parcels landward of the revetment before any Project CDP would become valid:

1. "Unambiguous public access" between the MHTL and the toe of the proposed dune restoration that would be ambulatory back to the toe of the revetment if necessary (Staff Report, bottom of p. 4);
2. Lateral public access easement "along or just behind" revetment if public access not available on beach. Staff Report, p. 5; BBGHAD to provide a 10' wide public pedestrian path located immediately landward of the entire length of the revetment; and
3. In addition to the "lateral access pathway" on the inside of the revetment, BBGHAD to build access stairways extending from 10' wide public pedestrian paths to the toe of the revetment below and to be aligned/merged with the property owners' private paths. Special Condition 1, Part 4 and Special Condition 5.A.5. The number and location of these "stairways" shall align with the shared private access stairways/paths specified in Special Condition 5, Part 5 for private owner use from the homes to the beach.

BBGHAD's Alt 4C & Access Options

The BBGHAD has informed the CCC staff that it cannot grant easements on real property owned by the BBGHAD's constituent owners, the fee owners themselves will not agree to record such easements, and the BBGHAD has relinquished its eminent domain authority. The BBGHAD proposes to use backpassing and other tools as specified within Alternative 4C (multiple 75,000 cubic yard Interim Nourishments triggered by objective factors and up to 3-75,000 cubic yard Erosion Nourishments triggered by separate objective triggers) to maintain a sandy beach seaward of revetment.

Nonetheless, the CCC will insist on public access at all times for the life of the Project. We perceive that the BBGHAD has 4 primary options for dealing with this CCC mandate:

- a. Agree to CCC's proposed easement scheme (or something similar).
- b. Seek CCC approval for non-recorded temporary springing licenses* granted by owners of homes landward of the revetment.
- c. Agree to maintain sand nourishment seaward of revetment for duration of CDP, subject to sand replacement time parameters (such as renourishment only from September to May, annually) with CDP termination constituting the ultimate penalty for non-performance by BBGHAD.
- d. Abandon Project.

* Revetment Owners contemplated to enter into a Temporary License Agreement ("TLA") with CCC/State, and BBGHAD providing, among other points:

1. Revetment Owners would grant a limited, springing, and terminating license ("Temporary License") for the public to pass and re-pass only (no recreation) on the landward side of the revetment within a limited roped area.
2. Temporary License would only be effective when seaward side access is impossible, and the BBGHAD has already completed Interim Nourishments and three (3) Erosion Nourishments within a 10 year period.
3. The Temporary License terminates once the BBGHAD completes a Major Nourishment, Interim Nourishment, Erosion Nourishment, or in excess of 10' of sand otherwise comes to exist seaward of the revetment.
4. Temporary License arises only for that area of the revetment where seaward side access is otherwise impossible—i.e., if seaward access possible at 31030, but not possible at 31048, then Temporary License would NOT spring into effect at 31030.
5. TLA operative only as long a Project's CDP is operative. If Project terminates, TLA terminates as well.
6. BBGHAD will manage and enforce TLA provisions.
7. Unless otherwise specified, state of California would maintain its existing duties, rights, and obligations

Broad Beach Shore and Dune Restoration Project
USACE File No. SPL-2011-00333-SLP
BBGHAD Response to NMFS EFH Consultation Letter of 2/11/2015

Introduction

The NOAA National Marine Fisheries Service's ("NMFS") February 11, 2015 letter ("NMFS Letter") provides an expanded essential fish habitat ("EFH") consultation in response to the U.S. Army Corps of Engineers ("USACE") November 18, 2014 request letter. This consultation analyzes the potential impacts to EFH by the applicant's, the Broad Beach Geologic Hazard Abatement District ("BBGHAD", Alternative 4B Project proposed on November 18, 2014.). As a result of numerous stakeholders' stated desire to avoid and minimize impacts to sensitive marine habitats and direction from the California Coastal Commission's ("CCC") that the BBGHAD should not directly deposit sand at the boulder field (roughly centered at 31418 Broad Beach Rd.), the BBGHAD authorized the BBGHAD Engineer, Moffatt & Nichol ("M&N"), to develop and analyze a new alternative 4C ("Alternative 4C"). Alternative 4C incorporates input received from the NMFS Letter, multiple stakeholders, and permitting agencies with the goal of avoiding and minimizing Project impacts.

Alternative 4C is essentially an updated and improved version of Alternative 4b as modified by the CCC in the Commission Staff Report dated November 26, 2014. The BBGHAD's updated proposed Alternative 4C proposes two separate sand placements of 300,000 cubic yards each, and (a) revises the sand placement area by limiting West End sand placement to end at 31380 Broad Beach Rd., and (b) includes additional Project revisions. Under this alternative, 300,000 cubic yards of sand would be placed at the start of the Project (year 0) then another 300,000 cubic yards (cy) at approximately Project year 5. Backpassing (involving a maximum volume of 25,000 cy), Interim Nourishments (each event involving a maximum volume of 75,000 cy), and Erosion Nourishments would occur when objective triggers are met.

Scientifically-Based Monitoring Plan

The NMFS Letter recognizes that the BBGHAD *'has taken positive steps to better characterize the habitat within the project area by conducting an additional remote sensing and underwater survey'*, but also requests development of a scientifically defensible monitoring plan prior to permit issuance. The BBGHAD is committed to developing a monitoring plan to detect environmental impacts associated with the proposed Project. The CCC's Staff Report for the Project (based on Alternative 4b), CDP 4-12-043, December 8, 2014 ("Staff Report") proposes a Science Advisory Panel ("SAP") *'to oversee marine habitat monitoring and any required mitigation'*. The Staff Report states that *'the SAP shall review and guide development of the final marine habitat monitoring and mitigation plan including the selection of reference sites, sampling methodology, analytical techniques, criteria for determination of adverse impacts and mitigation options for the various marine habitats'*. The BBGHAD has agreed to creation of the SAP and is actively working with CCC staff to confirm the scope and breadth of the SAP's mission, identify suitable SAP members, and their responsibilities. This process will create and result in a 'scientifically defensible' monitoring plan.

Alternatives Under Analysis for Least Environmentally Damaging Practicable Alternative (LEDPA)

In response to the USACE's communication of January 20, 2015, the BBGHAD is evaluating the following alternatives for practicability in terms of cost, logistics, and technology:

Broad Beach Shore and Dune Restoration Project

USACE File No. SPL-2011-00333-SLP

BBGHAD Response to NMFS EFH Consultation Letter of 2/11/2015

- **No Federal Action:** no beach nourishment, revetment removal and no other work or discharges requiring a DA permit;
- **Alternative 4b as modified by the Staff Report and the BBGHAD:** now known as Alternative 4C;
- **Alternative W:** relocation of the revetment as landward as possible to facilitate maximum avoidance of WOUS with a one-time placement of sand on the revetment as well as a 25-foot sand buffer along the seaward toe of the relocated revetment;
- **Alternative X:** Alternative 4b with a reduced footprint of 300,000 cubic yards of sand concentrated in the eastern half of Broad Beach (eastward of 31100 Broad Beach Road to the end of the 4b proposed placement footprint at 30708 Pacific Coast Highway)
- **Alternative Y:** Alternative 4b with a reduced footprint of 150,000 cubic yards of sand concentrated in the eastern half of Broad Beach (eastward of 31100 Broad Beach Road to the end of the 4b proposed placement footprint at 30708 Pacific Coast Highway)
- **Alternative Z:** Alternative 4b with a reduced footprint of 75,000 cubic yards of sand concentrated in the eastern half of Broad Beach (eastward of 31100 Broad Beach Road to the end of the 4b proposed placement footprint at 30708 Pacific Coast Highway).

The BBGHAD anticipates submission of its analyses of these alternatives to the USACE in April of 2015.

Analysis of Natural Fluctuation in Sedimentation at Site

On the BBGHAD's behalf, Coastal Frontiers Inc. has conducted beach profile surveys every year in both spring and fall seasons at the Project site since 2009 along transects 408, 409, 410, 411 and 412 as shown in Figure 5. Additional west end transects 411.7, 411.9, 412.3 and 412.5 were identified and first surveyed in spring 2013. Full beach profile measurements out to the closure depth (approximate ocean water depth of 40 feet) are collected. M&N has compiled this transect survey data for 2009-2014 to identify the pattern and range of sedimentation occurring at the site as a result of natural processes. Figure 1 shows the observed fall high versus observed fall low in the existing, no project condition while Figure 2 shows the same for the spring condition. Levels of project-related burial estimated by sediment dispersion modelling are compared with observed seasonal maximum sedimentation to assist with identifying impacts and anticipated recovery of indicator species in the various habitats recorded at the project site. Figure 7 shows how project related burial under Alternative 4C compares with observed spring maximum sedimentation levels.

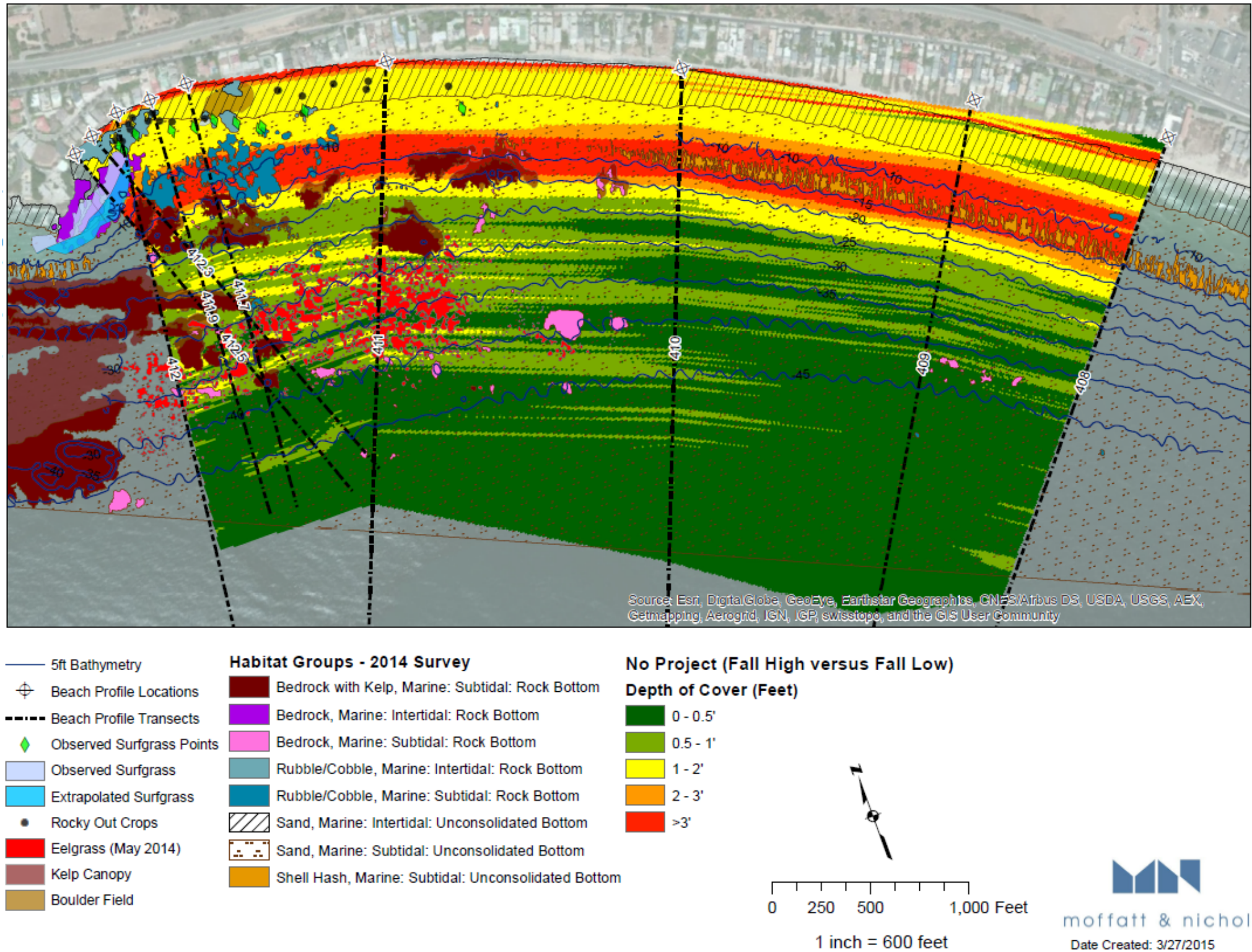


Figure 1 – Existing Natural Sedimentation – Observed Fall High Versus Observed Fall Low

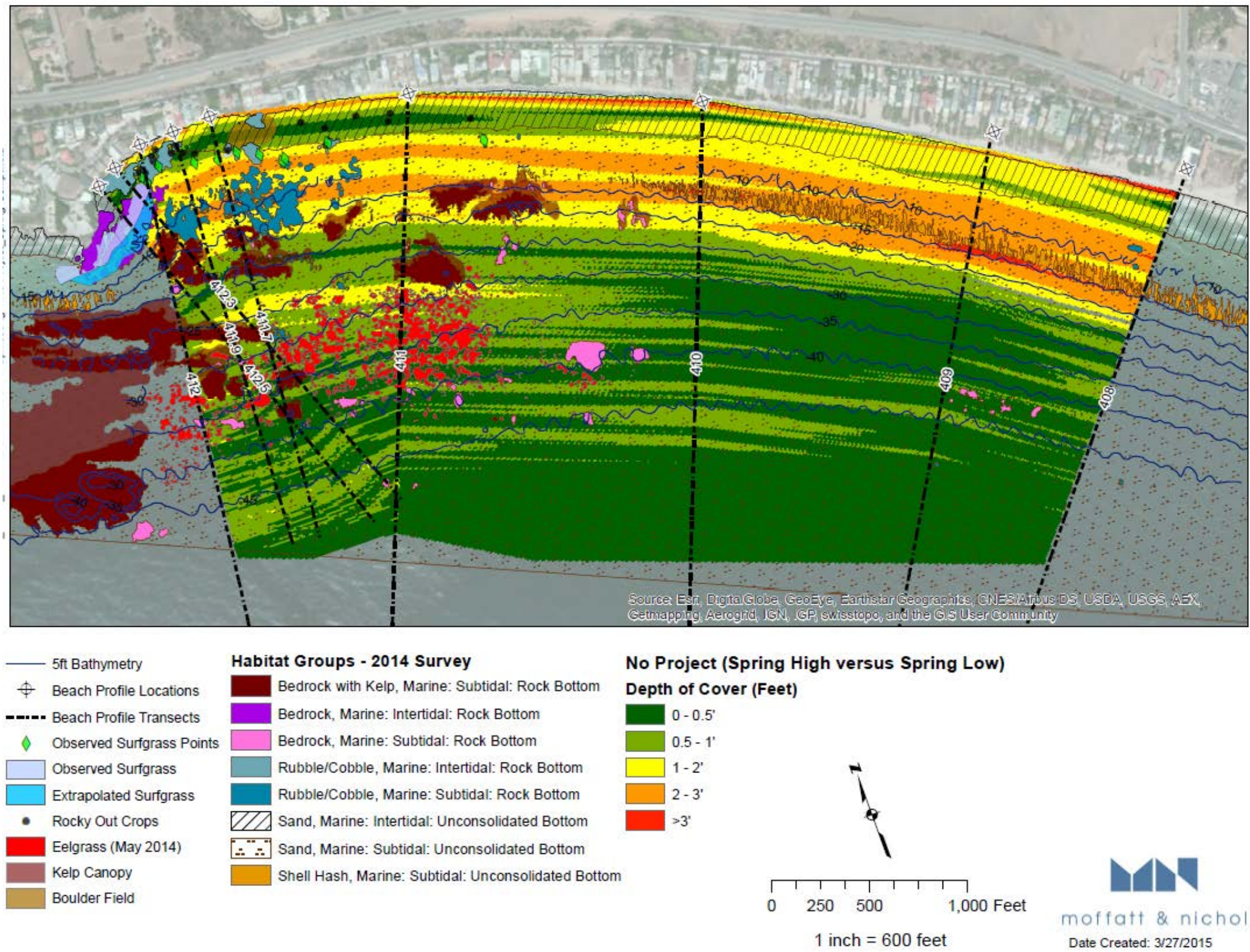


Figure 2 – Existing Natural Sedimentation – Observed Spring High Versus Observed Spring Low
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Broad Beach Shore and Dune Restoration Project
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BBGHAD Response to NMFS EFH Consultation Letter of 2/11/2015

Direct Impacts

Hard Bottom Habitat: Alternative 4C avoids direct placement on the boulder field and further reduces the amount of hard bottom habitat in the direct placement area. An estimated six (6) rocky outcrop areas east of the boulder field, totaling an estimated 0.01 acres in size, will be directly impacted under the Alternative 4C footprint. Profile surveys conducted seasonally at the site since 2009 indicate these outcrops are seasonally buried and currently experience a natural fluctuation of up to 2 feet of burial between fall high and low sand levels, as shown in Figure 1. Figure 3 below depicts the sanded-in condition at the rocky outcrops as observed in April 2012.

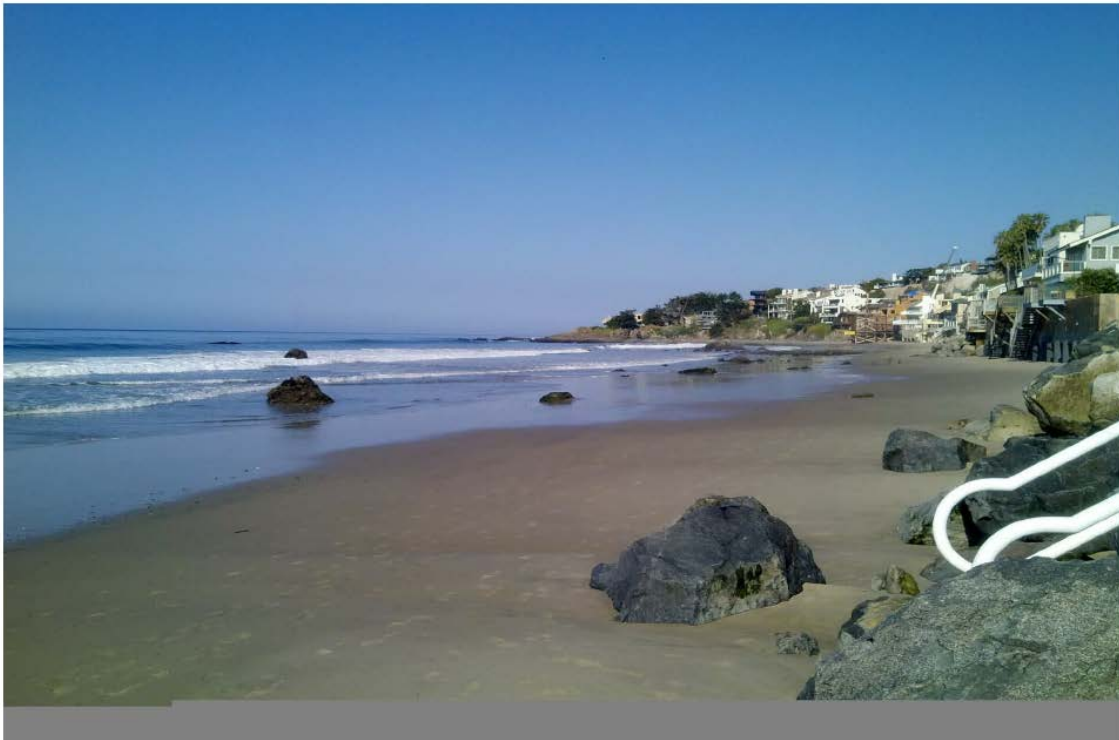


Figure 12 Scattered Rocks in April 2012



Figure 3 – Rocky Outcrops - Observed Sanded In Condition April 2012

(Photo: Chambers Group Inc., April, 2012)

Surfgrass: The BBGHAD's consultant, Chambers Group, surveyed Lechuza Cove on February 19, 2015 during a –1.4 foot low tide to document the condition of surfgrass following observed seasonal sand inundation in the cove. A Data Manager app was used to determine the location of surfgrass previously mapped in an earlier April 2012 survey and geo-reference the location of observations during the 2/19/15 survey. During the 2/19/15 survey, the upper and mid-intertidal zone at Lechuza Cove was observed to

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BBGHAD Response to NMFS EFH Consultation Letter of 2/11/2015

be almost completely covered with sand with only the tops of a few scattered rocks visible. Measurements taken of the height of exposed rocks recorded an average height of 14 inches in the 2/19/15 survey compared to 20 inches in the April 2012 survey. During previous surveys, most of the surfgrass was observed on top of low and medium rocks with only a small percentage partially buried by sand. In the 2/19/15 survey, most of the surfgrass in the surfgrass bed was at least partially buried with blades sticking out of the sand as shown in Figure 2. These natural condition observations were made during the relatively benign storm period of 2009-2014 and indicate that levels of burial at least up to 2 feet and possibly higher at the west end are occurring naturally with no apparent net significant impact to the surfgrass bed. Sediment dispersion modeling results estimate the Project-related indirect burial depth of up to 1 foot over the observed Spring high at the west end at one year after construction falls within the 2'+ natural fluctuation of burial levels experienced and survived by surfgrass.



Figure 4 – Natural Seasonal Sanded In Condition at Lechuza Cove - Buried Intertidal Rocks and Buried Surfgrass

(Photo: Chambers Group Inc., February 19, 2015)

Figure 5 shows Lechuza Cove west of the Project site in the natural sanded in condition as recorded in February 2015. In contrast, Figure 6 shows the same location in the exposed condition where intertidal rocks are exposed (October 2010 condition).

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Figure 5 – Natural Sanded In Condition at Lechuza Cove – Buried Intertidal Rocks

(Photo: BBGHAD, February 15, 2015)



Figure 6 – Natural Exposed Condition at Lechuza Cove – Exposed Intertidal Rocks

(Photo: Chambers Group Inc., October, 2010)

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Sand on sand placement: The NMFS Letter disagrees with the BBGHAD assertion that sand on sand placement should be considered a temporary impact. While the BBGHAD's biologists agree that some initial level of invertebrate mortality will occur as a result of direct burial, the invertebrate population is anticipated to recover to pre-nourishment levels within 1 to 2 years. While studies of the impacts of coarse grained sediments on southern California sandy beach invertebrates are limited, monitoring of sandy beach intertidal invertebrates after the SANDAG beach nourishment project in Encinitas (MEC 2006) suggests that the proposed nourishment of Broad Beach with sand from the Grimes and CEMEX quarries will not have an adverse impact on sand beach invertebrates.

Batiquitos Beach, Cardiff Beach and Moonlight Beach in Encinitas were nourished in 2001 with relatively coarse sand (median grain size of about 0.6 mm) from the Batiquitos offshore sand source site. The receiver beaches were surveyed during 3 fall seasons and 2 spring seasons after the 2001 nourishment event, and compared to three non-receiver beaches in Encinitas. Between 4 and 12 taxa per survey were collected at each of the receiver sites and between 3 and 11 taxa at the non-receiver sites. The receiver sites showed no evidence of a reduced species richness compared to the non-receiver sites. Differences in invertebrate density also showed no obvious difference between receiver and non-receiver sites. Functional development of invertebrate assemblages, as represented by types of species and their feeding strategies, was earlier in the season at receiver sites and at the San Elijo reference site compared to the other non-receiver reference sites. Further, compared to pre-nourishment surveys in 1999, post-nourishment biological resource use at the receiver sites improved compared to pre-project conditions. No invertebrates or birds, and no potential habitat for grunion spawning, were observed at the Cardiff receiver site prior to sand placement, which was covered with cobbles. Biological resource use of Batiquitos and Moonlight receiver sites appeared to be greater two to four years after nourishment than before the SANDAG 2001 nourishment. A greater variety of invertebrates and early seasonal suitability of habitat for potential grunion spawning was observed in spring 2004 and 2005, while those functions were limited in spring 1999. (*Chambers Group, September, 2013, 'Impact of Coarse-Grained Sand on Sandy Intertidal Invertebrate Community'*)

Given the similarities between the SANDAG and the Encinitas nourishments and the proposed Broad Beach project under Alternative 4C, we anticipate that the Broad Beach invertebrate population will experience comparable levels of recovery. Further, the slower rate of material placement resulting from the proposed trucking operation as opposed to a dredging operation is anticipated to slow the rate of burial and allow for upward movement of some sand residents. As a result, the Project will minimize and avoid many, if not all, impacts of sand on sand placement.

Sandy Intertidal Habitat: In its present eroded state, Broad Beach does not support a high intertidal zone, a wrack habitat, or the invertebrate community associated with each. The proposed Project (Alternative 4C) beach fill would have a short term impact on the existing community in the area where sand is deposited, but would have the longer term benefit of creating a high intertidal zone. This high intertidal beach zone would support the deposition of wrack and an associated invertebrate community of beach

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hoppers, isopods and insects. It also would provide habitat for grunion spawning. The coarse sand from the quarries would be expected to erode less readily than finer sand and, thus, would serve this wide beach for a longer time than nourishment with finer sands. Because the (relatively) coarse beach would erode less readily, the secondary transport of beach sand and sedimentation of low and shallow intertidal rock and surfgrass habitats would be less than would occur with finer sand. Consequently, the coarser material will result in greater longevity for the created sandy intertidal habitat area and its associated community. (*Chambers Group, September, 2013, 'Impact of Coarse Grained Sand on Sandy Intertidal Invertebrate Community'*).

Indirect Impacts

The BBGHAD previously identified an impact assessment threshold of one foot of burial at one year, indicating that less than one foot of burial at one year would represent a temporary impact for the majority of indicator species. The BBGHAD asserts that burial in excess of one foot for durations beyond one year could constitute a permanent impact for some species. The NMFS Letter states that '[N]o ecological rationale or justification was provided for this threshold'. The BBGHAD respectfully disagrees.

The BBGHAD team solicited agency assistance with threshold definition to address agency requests for estimates of direct, indirect, permanent and temporary impact. The BBGHAD received no substantive response to these inquiries. In the absence of agency guidance or specific input, BBGHAD biologists therefore adopted the 'one foot at one year' as a reasonable threshold since the USACE utilized an identical threshold for the USACE Encinitas/Solana Beach Project analyses. This standard is further supported by findings in the Encinitas studies for SANDAG's RBSP I. Moreover, documented, existing seasonal burial at Broad Beach indicates burial by more than 1 foot will still result in full recovery of indicator species, as discussed further below.

Despite the lack of guidance from regulatory agencies and notwithstanding the direct evidence referenced above which supports the "one foot at one year" threshold, and solely to facilitate the permitting process, the BBGHAD is now refining its project impact analysis to go beyond the 'one foot at one year' initial threshold to differentiate project-related impacts from naturally occurring sedimentation. These refinements include the following:

- Estimation of those habitat areas experiencing levels of project-related burial of between 0 and 6 inches in addition to other burial depths;
- Analysis of recovery rates of habitat indicator species under various levels of burial under natural conditions;
- Comparison of project-related burial estimates over observed rates of natural fluctuation and observed seasonal maximums.

Subtidal Sandy Bottom Habitat: Profile survey results for the period 2009-2014 indicate the natural fluctuation for spring sedimentation under the no project scenario is between 2 and 3 ft. For the fall condition, natural fluctuation can be in excess of 3 feet. At one year post nourishment, sediment

Broad Beach Shore and Dune Restoration Project
USACE File No. SPL-2011-00333-SLP
BBGHAD Response to NMFS EFH Consultation Letter of 2/11/2015

dispersion modeling correlated with empirical profile survey data estimates a maximum of 2 feet of project related indirect burial over the observed spring high sedimentation level in the sandy intertidal habitat. The majority of the sandy intertidal habitat area, 60%+¹, is anticipated to experience 1 foot or less of burial over the observed spring high sedimentation level. This is within the levels of sand level fluctuation experienced by the shallow subtidal sand community under normal, no project conditions. The estimated project related sand cover at one year post construction as compared to the observed spring high is shown in Figure 7.

In conclusion, M&N's analysis of observed existing sedimentation levels at the site combined with its interpretation of conservative sediment dispersion modeling predictions for the Project under Alternative 4C indicates that project related burial over the majority of the sandy intertidal habitat area will reach 1 foot or less over the observed spring high sedimentation level. As this upper subtidal zone has been shown to experience a spring range of between 1 and 3 feet of natural sedimentation it is not anticipated that the additional Project related burial will result in significant long term impacts. Future beach maintenance activities such as backpassing (maximum 25,000 cy) or interim nourishments (maximum 75,000 cy) are not anticipated to result in any additional burial of the subtidal zone beyond natural sedimentation levels.

¹ Estimated acreages of areas of the WOUS predicted to experience 0-0.5 ft and 0.5-1.0 ft of burial at year 1 will be analyzed for the proposed Project Alternative 4C and all other Corps identified alternatives via the 404b(1) analysis.

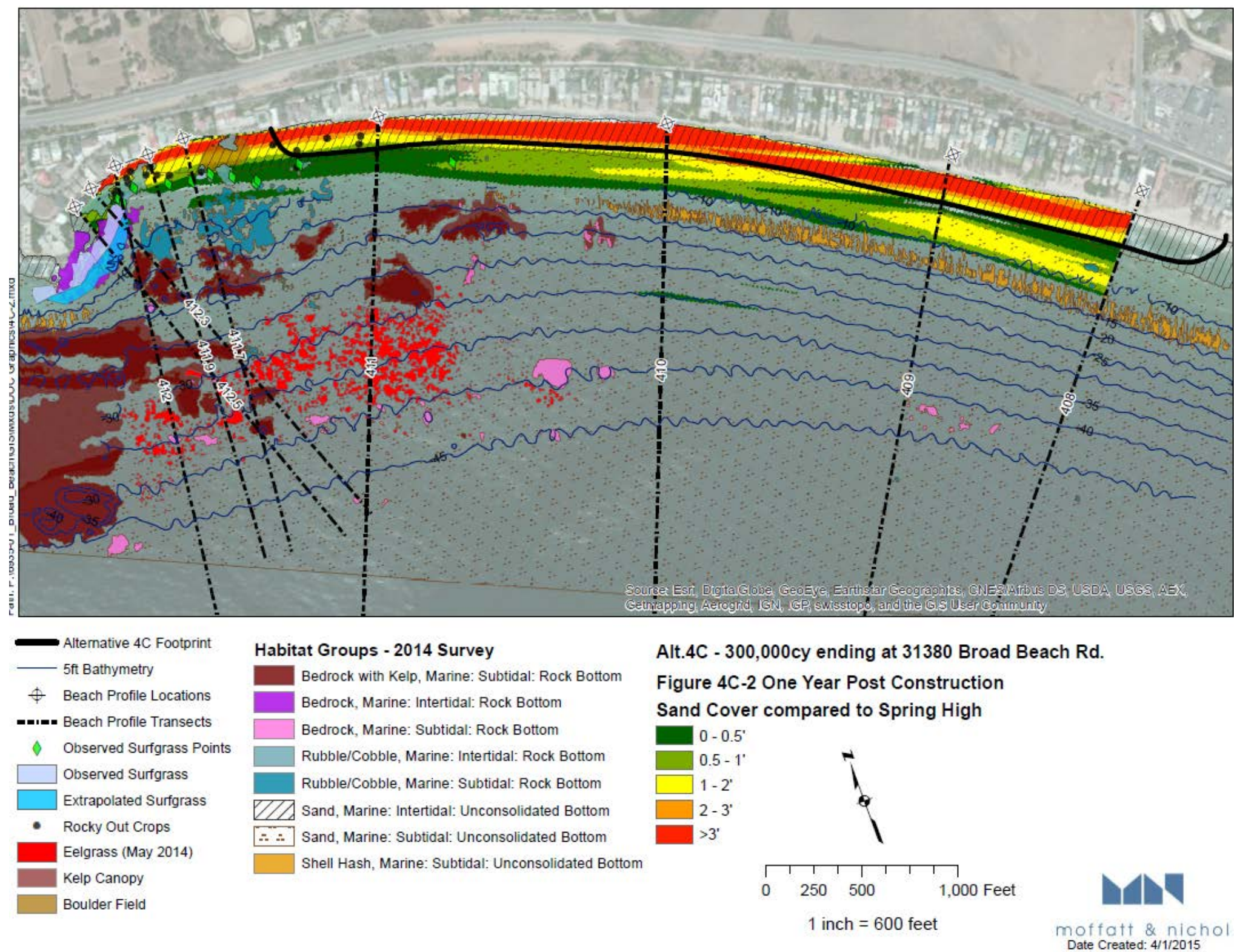


Figure 7 – Alternative 4C One Year Post Construction, Sand Cover Compared to Spring High

Broad Beach Shore and Dune Restoration Project
USACE File No. SPL-2011-00333-SLP
BBGHAD Response to NMFS EFH Consultation Letter of 2/11/2015

Grunion: Grunion have not been observed at Broad Beach in many years due to the absence of high intertidal sandy beach habitat. However, the BBGHAD intends to monitor for grunion during restoration, and will minimize impacts to any observed grunion during construction. The BBGHAD will take all necessary precautions to avoid adversely affecting grunion spawning should such spawning be determined to have occurred at the project site based on an approved monitoring plan.

Sand Retention Structures

NMFS states that it may have been premature to remove sand retention alternatives from the analysis. The BBGHAD's earlier Phase I analysis of project alternatives looked at a number of options including offshore reefs. When assessed for feasibility, in addition to not meeting the project goals of beach and dune restoration, sand retention structures were not selected for further analysis because such hard structures are not permitted to be built within an SMCA. In addition, the BBGHAD met with the Surfrider Foundation in 2012 and broached the subject of structures, and was informed that they would oppose any such devices included in the project. The CCC staff also informed the BBGHAD that the agency did not believe that its Commission would approve in-water sand retention structures for this Project. At that point, the BBGHAD dropped sand retention from its' plans.

AGENDA

ITEM 9c

Heike Martina Fuchs

Malibu, CA | 310.345.2268 | heikemfuchs@gmail.com

SKILLS

- Strong communication skills, both oral and written.
- Attention to detail and accuracy.
- Excellent interpersonal skills.
- Creative and innovative thinker.
- Exceptional research & organizational skills.
- Experienced in new product launch.
- Analysis and reports.

CAREER EXPERIENCE

Rome N' Associates, Los Angeles, CA

2012 to present

Full-service creative agency

MARKETING CONSULTANT

- Work closely with agency principal and clients on creating strategic positioning and planning.
- Implemented marketing campaign, pricing structure and sales strategy for new product launch.
- Project budget development and implementation.
- Managed and maintained accounts payables.

Herbalife International, Los Angeles, CA

2011 to 2012

Herbalife is a global nutrition company that sells weight-management, nutrition, and personal care products.

BRAND MARKETING COORDINATOR

- Maintained in-depth project plans including detailed Excel workbooks with continually updated task lists, contact lists, deadlines, and budgets.
- Assisted Brand Marketing Manager to develop marketing programs.
- Assisted Brand Marketing Manager to work on all event budgeting including accounts payables/bookkeeping, while ensuring coming in under budget.
- Created and delivered press releases, media relations content, newsletter content, proposals, social media content.
- Managed and organized marketing material.
- Assisted Brand Marketing Director with day-to-day brand management of \$ 34 million marketing fund, 120 + sports sponsorships and integrated marketing initiatives.

Cielo Music Group, Marina Del Rey, CA

1999 to 2011

Entertainment company that operated as an independent record label with major distribution (SONY-BMG), live event productions, music publishing, digital distribution, marketing/promotions and merchandising.

MARKETING ASSOCIATE

- Assisted in all planning activities from concept to execution for events locally and internationally with up to \$100,000 budgets.
- Coordinated the production of a wide range of marketing communications.
- Provided administrative tasks and support to the marketing team including bookkeeping.
- Wrote, maintained, and updated web content on a monthly basis.
- Planned and executed new marketing initiatives.

M&H Marketing International, Los Angeles, CA

1995 to 1998

A private commodity trading company.

EUROPEAN SALES MANAGER

Elco Freight International, Los Angeles, CA

1993 to 1995

A full service shipping, customs broker, warehousing and distribution company with annual worldwide sales of \$80 million.

ACCOUNT MANAGER

Overbruck International, Frankfurt, Germany and Los Angeles, CA

1987 to 1993

A full service shipping, customs broker, warehousing and distribution company and a subsidiary of Axel Springer who is Europe's largest publisher of magazines and newspaper with \$200 million Euros of annual sales.

ACCOUNT MANAGER

EDUCATION

3-year Apprenticeship & Diploma in Business Administration (Concentration in Marketing)

Julius-Leber School (IHK), Frankfurt, Germany.

Graduated 1987

Abitur (3 years)

Graduated 1985

Christian Wirth Schule, Usingen, Germany, completion of Abitur.

ADDITIONAL SKILLS

- Language: Fluent in German
- Experienced with Microsoft Office Programs (Word, Excel, PowerPoint) as well as QuickBooks Pro and QuickBooks online.

CAREER PROFILE

I am versatile and diverse in my skill set. I have 18 years' experience and expertise in Management, Communications and Operations for small businesses. I have a proven track record of accomplishments in staffing/training, product development, and the administration of policies and procedures to ensure the success of your business. My services are designed to support you in achieving your financial goals and the implementation of the systems required to become a thriving, prosperous leader in the community.

Currently, I am a Spiritual Healer with a focus on Consciousness, Health and Healing. I support my clients in living life within a spiritual context; clearing the pathways in consciousness to embrace greater personal and professional success. I support personal empowerment through deepening the awareness of their Divine nature. I offer my services through classes, workshop, and private consultations.

MANAGEMENT/ADMINISTRATION

- Responsible for the overall management, daily operations, administration, and human resources
- Trained, directed, supervised, motivated and provided ongoing support to all Independent Contractors and employees
- Screened applicants, interviewed, recruited and oriented new staff; evaluated employee performance and prepared bi-annual appraisals of Independent Contractors
- Responsible for quality assurance, customer care, issue resolution, project management and IT support
- Creation and implementation of policies and procedures for successful operation of business
- Researched and implemented programming and computer system network; liaison to IT support to staff

PERSONAL STRENGTHS

- Exceptional leader and motivator
- Successful planning and coordination of multiple projects
- Exceptional time management and organizational skills
- Ability to build and maintain supportive and productive relationships
- Strong and effective in communication; team building and facilitation of conflict resolution
- Compassionate, caring, and spiritual in orientation; believe in service leadership orientation within the workplace

EMPLOYMENT HISTORY

February 2010 to Present	Vast Awakenings Personal and Professional Coaching Services in the Healing Arts Bodywork/Energetic Healing/Intuitive Consulting Spiritual Guidance
May 2005 to June 2011	Body Spectrum Massage and Longevity Center Owner/Manager Manhattan Beach, CA 310-643-6569
May 2000 to May 2005	Manwill Plumbing and Heating Office Manager/Systems Administrator Salt Lake City, UT 801-262-4671
March 1999 to November 2001	The Sandy Station Cocktail Server/Hostess Salt Lake City, UT No number available
February 1991 to September 1998	The Body Spectrum, Inc. Massage Therapist ('91 to '93) Spa Director ('92 to '98) Manhattan Beach, CA 310-643-6569
August 1988 to January 1990	Integrated Awareness Promotions and Events Owner/Facilitator Sedona, AZ No number available

EDUCATION

2003 to 2005 and 2008/09	University of Santa Monica Master's Program in Spiritual Psychology
1990 to 1993	Institute of Psycho Structural Balance 350 hour Massage Therapy Program Modalities: Deep Tissue /Sports/Lymphatic Drainage Pre and Post Natal/ Acupressure
1986 to 1988	Sawyer College of Business Business Administration
1986 to 1996	Independent Studies: Spiritual Philosophies, Religion, and Body/ Mind Healing Modalities Guided Imagery with Martin Bressler Taos Crystal Academy with Katrina Raffael Spiritual Principles/Application with Patricia Rochelle Neurolinguistic Programming

REFERENCES AVAILABLE UPON REQUEST

AGENDA

ITEM 10b

COUNTY OF LOS ANGELES - AUDITOR/CONTROLLER, TAX DIVISION
CITY REMITTANCE ADVICE SUMMARY
FY 2014-2015
DATE OF REMITTANCE: April 20, 2015

ACCT.#	DESCRIPTION	TYPE	2014-15 PROPERTY TAX REVENUE	2014-15 SECURED 85% ADVANCE
97.21	MALIBU BBGHAD	1% D/S TL	0.00 614,696.13 614,696.13	0.00 614,696.13 614,696.13
	TOTAL 06800	1% D/S TL	0.00 614,696.13 614,696.13	0.00 614,696.13 614,696.13
TOTAL COLL			614,696.13	
PREVIOUS PENDING			0.00	
NET PAID			614,696.13	

Broad Beach GHAD
Cash Flow

Cash in Bank : 2/28/15 700,526.96

Sources of Cash:

GHAD Assessment funds 1,556,605.13

Invoices Paid thru 12/31/15

Paid

DB Neish	15,049.50
Moffatt & Nichol	132,384.92
Elkins Kalt	144,177.80
Ensitu Engineering	270.00
Linscott Law & Greenspan Engineers	3,908.80
Colantuono Highsmith & Whatley	4,895.00
Administration	11,823.24

Total Invoices Due (312,509.26)

Cash Balance as of 03/31/15 1,944,622.83

Sources of Cash:

GHAD Assessment funds	614,696.13
GHAD Assessment funds (Malibu Beach)	20,932.50
Broad Beach GHAD/Balance Transfer	

Current Payables in hand:

DB Neish	15,033.00
Moffatt & Nichol	101,275.88
Elkins Kalt	40,988.05
Colantuono Highsmith & Whatley	6,826.50
Administration	12,412.25

Total Invoices Due (176,535.68)

Estimated Cash on Hand 4/30/15 2,382,783.28

Broad Beach GHAD
Projection thru 4/30/15
AS of 4/22/15

These budget numbers have not been adjusted yet	Budget	Rev Adjustments	Actuals Paid FS Transferred, 2011	Actuals Paid Nov 2011-Mar2015	Projection Apr-15
<u>Uses:</u>					
M&N Preliminary Planning/Support/booklet/aerial	465,391	426,411	465,391	\$ 426,411	
M&N 2.0 Field Investigation/Sand Survey	1,219,002	983	585,054	\$ 817,725	
M&N 3.0 Project Entitlement	572,115	389,866	215,085	\$ 1,850,379	101,275.88
M&N 4.0 Preliminary Engr & Schematic Design	336,000	-	304,000	\$ 32,000	
M&N 5.0 Final Engineering & Constr Documents	-	338,102	-	\$ 234,856	
JMBM/Elkins Kalt-GHAD Admin & Assessments	146,884	497,452	244,158	\$ 527,568	13,689.15
JMBM/Elkins Kalt-Beach Restoration Permitting & Entitlements	587,535	404,562	101,902	\$ 1,486,418	\$ 27,298.90
ENGEO	115,232	8,176	49,867	\$ 64,994	
ENSITU				\$ 87,720	
Quality Mapping	14,934	1,170	14,934	\$ 1,176	
Topanga Underground	3,000	7,000	3,000	\$ 7,000	
Morgan, Miller & Blair	65,039	61,576	53,590	\$ 13,189	
Bell,McAndrews & Hiltachk/Kindel Gagan	1,694	-		\$ 10,265	
Wendel Rosen	-	-	1,694	\$ 39,798	
Colantuono & Levin, PC	-	-		\$ 38,565	6,826.50
<i>Fee-City of Malibu</i>	17,584		17,584		
Fee- Coastal Commission	30,000	35,000		\$ 77,472	
Fee-Water Board	40,000	18,340		\$ 58,340	
Fee-Fish & Game	7,172	2,000			
Fee-Army Corp of Engr	-				
Fee- State Lands Commission Permit fees/Oversight Fee	-			\$ 198,573	
State Lands Comm-Staff Costs	176,384	196,546	79,343	\$ 247,406	
EIR Consultant- AMEC Earth & Environ	549,949	283,818	190,324	\$ 613,315	
GHAD Bond Legal/Underwriting	400,000	(370,000)			
Tax Exempt Opinion	-	25,000			
Line of Credit-fee/costs/Interest	-	16,000		\$ 35,411	
AON-E&O Insurance	6,286	15,513	6,286	\$ 22,403	
Office / Phone/Web Site/Coping/Transcripts	-	6,150		\$ 6,127	
Accounting Administration	27,000			\$ 216,650	12,412.25
Soft Cost Contingency/Advocacy Representation	100,000	(50,000)		\$ 239,194	15,033.00
Total Uses	19,009,000	2,313,665	2,332,212	\$ 7,352,954	\$ 176,536
<u>Sources of Cash:</u>					
Advances from Individual Homeowners (Actuals)			1,580,278	1,436,750	
Addtl Advances from Individual Revetment Homeowners			261,579	195,530	
Advances from TPOA General Fund			550,000	200,000	
GHAD ASSESSMENTS				7,405,651	635,629
Total Sources			2,391,857	9,237,931	635,629
Cummulative Running Balance			59,645	1,944,623	2,382,793