SMBNEP Program Summary and Update

1. In 1988, SMBNEP established as the Santa Monica Bay Restoration Project (Project) under the State Water Resource Control Board (State Water Board). The state committed to provide 25% of the Federal Funds allocated to support the conference to include administrative services.
2. In 1988, the deputy director of the Regional Water Board was the ED and roughly 10 SWRCB staff and 2 EPA staff were assigned. The 320 grant went to the State Water Board and the offices were in the LA Reginal Board.
3. In 1991, The Bay Foundation (TBF) was established to be able to receive funds and support implementation. There were no employees of the Foundation.
4. In 2002, the SMBRC was created by legislation to replace the Project. Additionally, the 2002 PE revealed financial management issues and ED Marianne Yamaguchi. By December 2004 the ED was asked to resign and NEP was issued a Corrective Action Plan. Sean Flynn, an R4 EPA staff, was on an IPA to the SMBRC from 2005-2006 to assist in building capacity around financial management and increased reporting was required 2005-2007.
5. In 2005, Shelley Luce became ED of SMBNEP. The 320 grant had recently been divided into multiple grants to multiple entities including SCCWRP and Water Board. Shelley was hired to be ED of the Commission and signed a contract with Impact Assessment (IA) funded through 320 grant funds to the Water Board. There were 4 Water Board employees and 3 IA employees and all staff were housed in the LA Regional Board office.
6. In 2006, TBF board was revitalized to establish personnel procedures, and once they were operational ready to receive funds, 320 grants began going to the Foundation. Shelley became a TBF employee and TBF continued to hire employees. TBF's relationship to the Management Conference of the SMBNEP, the SMBRC, included sharing an ED and significant overlap between boards. For example, the founding MOU state that up to 12 out of 15 TBF board members could be appointed by the SMBRC GB.
7. In 2008, the Center for Santa Monica Bay Studies is founded as a partnership between Loyola Marymount University and TBF after the NEP offices moved to LMU campus consistent with EPA guidance for NEPs to be located in the watershed and due to some disagreements about office space at the LA regional board office in 2006.
8. The 2009 Program Evaluation noted the improvements in management and recommended only to seek more funding and in 201,3 25th anniversary fundraisers events were held and the BRP was updated.
9. In 2014, Shelley Luce resigned as ED of TBF and SMBRC. Tom Ford was hired by TBF and ratified by the SMBRC GB in June 2014 days before the HQ and regional NEP staff Program Evaluation site visit. At this time there were only 6 remaining SMBRC GB members that had been appointed to the TBF Board of Directors and during the PE staff stated they anticipated increasing the number. Additionally, the TBF President holds an Ex Officio seat on the SMBRC GB.
10. A group of stakeholders which had previously submitted FOIAs related to the program wrote to Gina McCarthy to request to participate in the Program Evaluation site visit a week in advance of the visit. The offer was declined and the outcome of the PE suggested that the two bodies continue to clarify their roles and responsibilities specifically around Ballona Wetlands restoration. Additionally, the stakeholders have elicited congressional inquiries to EPA as well.
11. The focus of Ballona Wetland Land Trust President Walter Lamb and several other stakeholders'

concern is the release of the Ballona Wetlands EIR/EIS. Walter personally emails the GB often on this topic and at the 2017 WAC meeting attempted to take a vote on a resolution to request an update on the release date. Restoration on this site has been delayed 20+ years and neither SMBRC and TBF are lead agencies for the EIR/EIS.

12. In 2015, Ballona Wetland Land Trust, President Walter Lamb, filed suit against Santa Monica Bay Restoration Commission (SMBRC, 'Commission') alleging violation of the California Public Records Act Requests by not providing documents of The Bay Foundation (TBF).
13. The court ruled in favor of both parties ordering surrender of various documents to BWLT, many of which TBF had already provided due to the inability to distinguish TBF and SMBRC employees for a time period. BWLT was awarded $220,000 in legal fees.
14. As of September 2016, zero SMBRC Governing Board (GB) are appointed to the TBF Board members. However, Tom Ford is Executive Director of TBF and SMBRC and the president of TBF, Laurie Newman is an Ex Officio member of the SMBRC GB. According to the FY 17 workplan, roughly 15 employees employed by TBF are wholly or partially funded using 320 funds. Match for the $600,000 EPA funding comes from the State at $300,000 which provided 1.5 personnel legal support and office space, TBF at 250,000 for personnel and office space and the remaining $50,000 match from LMU in office space. About half of the staff report to the downtown regional board office and the other half to the LMU trailers.
15. In October 2016, Walter filed a second suit against SMBRC alleging misuse of public funds by allowing office space use by TBF staff. A trial date has been set for August 31, 2017. BWLT is also in pre-litigation negotiations with TBF.
16. Recent discussions have occurred with the State around future resource allocations to the program. Staffing, legal, and office space are expected to remain at current levels and there may be opportunity to leverage monitoring resources to more fully integrate the Comprehensive Monitoring Plan.
17. SMBNEP completed their Climate Change Vulnerability Assessment in October 2016 and are currently on target to complete a major revision to their Comprehensive Conservation and Management Plan CCMP, the Bay Restoration Plan (BRP) in 2019 and will have their next Program Evaluation in 2019.
18. The Ballona Wetland Land Trust lawsuit triggered TBF and SMBRC to amend their MOU so that the TBF ED is no longer the SMBRC ED. Now SMBRC staff person, Guangyu Wang, is the Chief Administrative Director of SMBRC.
19. SMBNEP held its first of several GB workshops in October 2017 to revise BRP. EPA guidance requires that these plans be revised by 2019 to take climate change into account. The BRP was last updated in 2013. Early feedback from workshop participants included strong concern for climate change, protecting transition zone habitat, micro-plastics, and chemicals of emerging concerns.

Acronyms

SMBRC: Santa Monica Bay Restoration Commission
GB: Governing Board
TBF: The Bay Foundation
ED: Executive Director