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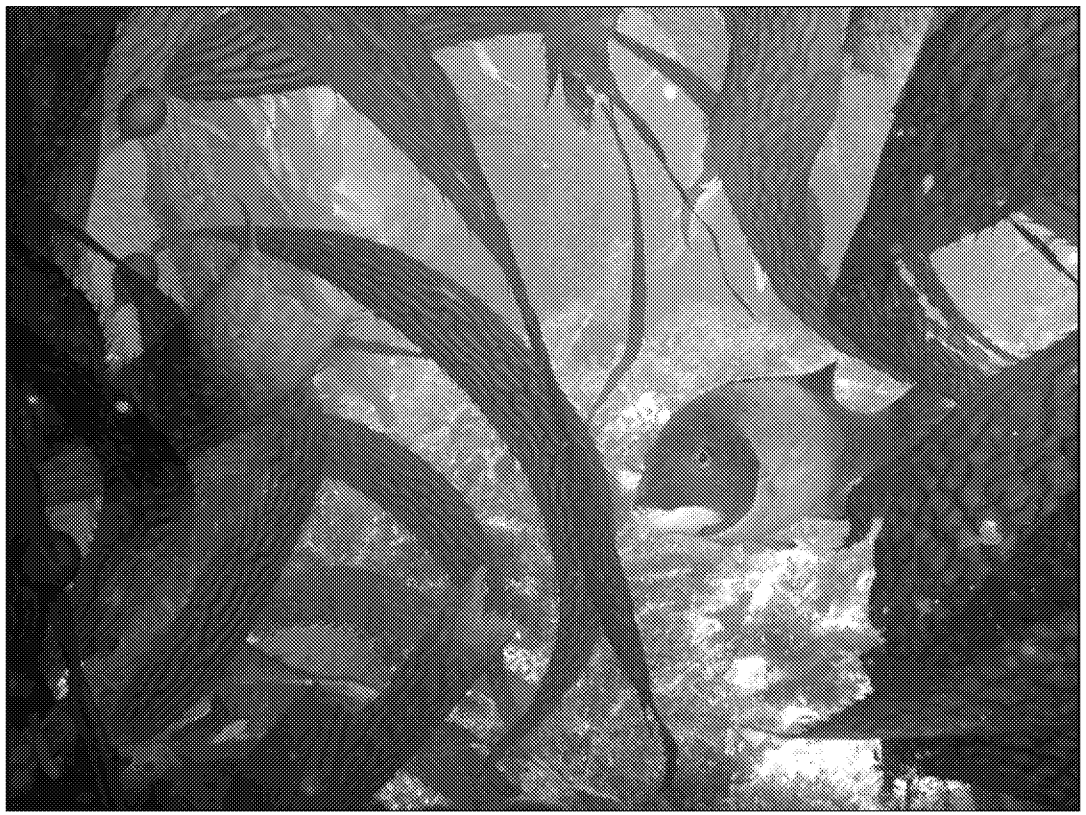
Governance Review of the Santa Monica Bay National Estuary Program Management Conference-

Summary Report



Report to The Bay Foundation

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April 2019

Governance Review of the SMBNEP Management Conference-Summary Report

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Executive Summary

Background and Review Process: The USEPA Administers the Clean Water Act Section 320 National Estuary Program, including the Santa Monica Bay National Estuary Program. Under current USEPA program guidance, there is an obligation to review governance of the Management Conference (MC) periodically. The Bay Foundation, with financial support from the USEPA, and acting in close coordination with the Santa Monica Bay Restoration Commission and state staff, has undertaken a review of the MC of the SMBNEP as required by current EPA Guidance. Changes to the SMBNEP MC may, or may not, be considered following the governance review.

The MC governance of the SMBNEP involves hybrid, public-private relationships. The community non-profit organization, The Bay Foundation, serves as host entity and administrator of the NEP 320 grant for USEPA. The state of California has established the Santa Monica Bay Restoration Commission to coordinate programs affecting Santa Monica Bay. Acting together, USEPA and the state of California provide the full complement of structural elements making up the MC through an MOU.

The public process involved in this governance review process provided several different opportunities for input from the members of the MC, as well as interested stakeholders and members of the Public. These opportunities included several scheduled public meetings: (1) A Governing Board Workshop; (2) A WAC Meeting Input Session with-Public Comment; and (3) Executive Committee and Governing Board briefings on comments and survey responses. This report summarizes the comments and suggestions received evaluating the governance of the SMBNEP. The complete set of all comments and suggestions is included as an appendix to this report (under separate cover).

Comments: Comments were received on a range of governance topics, including overall effectiveness, relationships, strengths and best practices, suggested changes to the MC, collaborative partnerships, and member and public engagement. The activities and operations of the MC are strongly supported, and its effectiveness is judged to be high. There is strong support for continuing the structure and operations of the MC, but the specific element of the WAC was judged to be in need of modification to better contribute to the work of the MC. Respondents generally believe that relationships between different elements of the MC are effective. There is strong support for increasing the effectiveness in making policy overall and communicating decision-making and decisions. There is strong support to increase policy and program effectiveness in raising and managing funds. Members want to be

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active and involved going forward. Respondents believe that there are several unique aspects of the MC and the SMBNEP that contribute positively to its accomplishments.

Suggestions: Many suggestions have been offered to improve the performance and effectiveness of the governance of the SMBNEP collaborative and the success of its programs to restore Santa Monica Bay. These suggestions involve changes to governance elements, policy and practices. Members have suggestions for improving the effectiveness of the MC. Suggestions were received for providing more information regarding governance structures, policies, and practices, and more regular and timely information about effectiveness and performance. Specific suggestions were received to modify the WAC operations and composition to better contribute to the work of the MC. Other suggestions were received to modify the MOU to authorize the Executive Committee and to further clarify roles of responsibilities of the Commission and The Bay Foundation. Suggestions were received to address two priority areas identified for potential policy and practice improvements, including engaging members and the public, and organizational and program financing.

Observations and Considerations: The major suggestions for improvement are included in the summary chart below. The authors have reviewed the individual suggestions and made comments for consideration. Importantly, there are specific suggestions that address current governance elements that involve the need to review the current MOU, in order to either clarify governance elements, or change or modify governance elements. Other suggestions may be addressed by a review of current policies and practices in order to incorporate any agreed upon changes.

Next Steps*:* The consultant work concludes with the submittal of this summary report. We have compiled all input into summary report (this report), including member suggestions for actions to consider regarding governance structure, policies and practices. All comments and responses have been compiled and are available as Appendix A). Any consideration of suggested modifications or changes to the SMBNEP MC will be the responsibility of the MC, acting through the GB and the EC. There are a number of additional steps that are required as part of any consideration, including: The Foundation staff briefing the GB Chair and the EC; the EC, led by the Commission Chair, discussing and evaluating any proposed changes to MC structure, policies, and/or practices, including

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changes to the MOU, and related MOA; the Commission Chair forwarding proposed changes to the GB for review and approval of possible modification of structural elements, policies and practices; and finally, the GB reviewing and approving any changes.

Major Suggestions with MBA Review Comments

SMBNEP	*Major Suggestions with MBA Review*
Structural Element	
SMBRC-GB Executive Committee (EC)	*Modify MOU to incorporate EC consistent with GB Resolution*
GB Operations and Membership	*Review current GB meeting organization and current membership requirements*
Commission Staff	*Consider Any Needed Language Change; Modify MOU to incorporate change*
NEP Director	*Consider Any Needed Language Change; Modify MOU to incorporate change*
WAC Composition	*GB should review current org of WAC; consider changes to composition*
TAC Composition	*GB Appoints TAC; Refer suggestion re: membership to TAC for advice to GB*
SMBRC-NEP Public Agency Management	*Maintain private, nonprofit NEP 320 Grantee MC structural element*
Policy	
WAC Workgroups	*Clarify language of MOU to specifically allow WAC Workgroups, not require*
TAC Advises WAC	*Align practice with MOU*
SMBRC-Financial Support	*Increase financial planning; develop funding strategy; develop state funding for SMBRC*
Expand Private-Public Partnerships	*Develop initiatives to expand private-public partnerships*
Practice	
Provide Member Orientation	*Prepare Updated Orientation Materials and Institute New Member Orientation*
Increase Outreach to MC Membership	*Organize Increased outreach efforts to MC members*
Increase Public Outreach and Information	*Expand pubic outreach efforts to incorporate website, social media, public events, etc.*
Increase Accessibility	*Consider MC meeting locations/logistics that maximize accessibility*

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Governance Review of the SMBNEP MC

Background and Review Process

The USEPA administers the Clean Water Action National Estuary Program, Including the Santa Monica Bay National Estuary Program. Under current EPA NEP guidance, there is an obligation to review NEP governance periodically. Changes to the SMBNEP governance may, or may not, be considered following the governance review. The Management Conference governance of the SMBNEP involves a large collaborative of participants, involving unique, private-public relationships. The community non-profit organization, The Bay Foundation, serves as host entity of the SMBNEP and administrator of the NEP 320 grant. Under state legislation, the SMBRC coordinates state programs involving the restoration of Santa Monica Bay, and participates in the MC of the SMBNEP (See Table 1. SMBNEP Management Conference and Authorities).

The Bay Foundation, with financial support from the USEPA, and acting in close coordination with the Santa Monica Bay Restoration Commission and state staff, has undertaken a review of the Management Conference of the SMBNEP as required by current NEP Guidance. Changes to the SMBNEP MC may, or may not, be considered following the governance review. According to current USEPA guidance,[1] the results from a governance review can involve either changes to structures, or modifications or changes to policies and practices involving current structural elements and arrangements.

The public process involved in this governance review process provided several different opportunities for input from the members of the Management Conference, as well as interested stakeholders and members of the public. These opportunities included several scheduled public meetings: (1) A Governing Board Workshop; (2) A WAC Meeting Input Session with Public Comment; (3) EC and GB Briefings on Comments and Survey Results.

[1] USEPA, SMBRC GB Meeting, December 13, 2018. Presentation on NEP and SMBNEP Governance, Region 9 staff.

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Table 1. SMBNEP Management Conference and Authorities

SMBNEP Management Conference					
	MOU/MOA	***Governing Board & Executive Committee***	***WAC***	***TAC***	***Bay Foundation***
Role(s)	*SMBRC Governance Documents; Describes Cooperation with SMBNEP*	*NEP Management and Policy Committee*	*Citizen and Stakeholder Advice*	*Science and Technical Advice*	*SMBNEP Host Entity, Director, 320 Grant Agreement*
Responsibilities	*Specifies Roles, Responsibilities, and Partnerships for the SMBRC*	*Acts as policy and mgmt. forum for the NEP; Approves Work Plan to implement the CCMP (Bay Restoration Plan)*	*Primary Public and Stakeholder Involvement*	*Independent Scientific and Technical Input and Support; Prepares State of Bay Report*	*Administers EPA Assistance Grant supporting the activities and projects of the NEP.*
Organization	*Multi-Party Agreement*	*GB-36 Members; 27 Voting, 9 Non-Voting; 7 elected from WAC; EC-Chair and 6 VCs*	*Approx. 70 Members; 36 GB Members serve as WAC members*	*9 Members; Appointed by GB*	*501 c3 Tax Exempt Nonprofit; BOD*
Authority	*CA PRC Section 30988.2(B)*	*MOU- III.A.; Resolution 05-11*	*MOU- III.B.*	*MOU- III.C.*	*CWA Sec 320 NEP; EPA Guidance*

MBA Consultants, 2018.

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This governance review has been focused on an evaluation of governance best practices and suggestions for improvements to the Management Conference in order to provide the best governance structures, policy, and practices to ensure program success. Members of the Management Conference were asked to provide input identifying those elements of the governance structure that work best and contribute most the success of the NEP and identify any elements that should be modified, altered or changed to improve performance and outcomes.

GB Workshop: A workshop was held during the December 2018 Governing Board meeting initiating review of the governance structure of the SMBNEP. In June 2018[2], the staff of the Bay Foundation and the Santa Monica Bay Restoration Commission presented background on the current structure of the SMBNEP and its component elements. The December workshop was intended to be an initial opportunity for the Governing Board of the Commission to provide input on the current governance, and any suggestions for changes and modifications to the overall governance structure, to any of the specific elements of the governance structure, and to any policies and practices. At the December workshop, staff of the SMBRC and of the USEPA, presented further background on the NEP program nationally and on the SMBNEP.

MBA Consultants provided background on the opportunities for input during the governance review, including an initial questionnaire to the GB, and the proposed governance eSurvey to be presented to the Management Conference. Several comments were received from GB members during the workshop. In addition, several GB members completed a Governance Questionnaire distributed at the meeting and posted on-line following the meeting. 5 questionnaire responses were received, 1 public comment letter, and 10 emails from the public.

WAC Meeting-Public Comment: An opportunity for input on governance was provided in a workshop format at the annual WAC meeting held in January 2019. While there was a small turnout of WAC members for the meeting, during the workshop staff and consultants received both comments and suggestions regarding governance from 6 WAC Members.

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[2] The Bay Foundation and SMBRC, SMBRC GB Meeting, June 21, 2018. Presentation on SMBNEP Governance, The Bay Foundation and SMBRC staff.

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Governance eSurvey: A major source of input on governance was an internet-based survey of the entire Management Conference membership conducted during February and March 2019. The eSurvey resulted in 40 responses. These responses included 20 responses from MC Members, and 20 responses from interested stakeholders and members of the public.

This report summarizes the comments and suggestions received evaluating the governance review of the SMBNEP, incorporating all of the comments and suggestions received during the review. The complete set of all comments and suggestions is included as an appendix to this report (provided as a separate volume).

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Comments

Comments were received on a range of governance topics, including overall effectiveness, relationships, strengths and best practices, suggested changes to the MC, collaborative partnerships, and engagement. The activities and operations of the MC are strongly supported, and its effectiveness is judged to be high. There is strong support for continuing the structure and operations of the MC, but the specific element of the WAC was judged to be in need of modification to better contribute to the work of the MC. Respondents believe that relationships between different elements of the MC are effective. There is strong support for increasing the effectiveness in making policy overall and communicating decision-making and decisions. Members want to be active and involved going forward. Respondents believe that there are several unique aspects of the MC and the SMBNEP that contribute positively to its accomplishments. There is strong support to increase policy and program effectiveness in raising and managing funds. Below we have included summary results of major comments received. At the end of this section we have provided a summary chart of these comments, Chart 2. Major Comments Received.

Accessibility and Transparency: Many comments and suggestions were received regarding accessibility and transparency in the operations and decision-making of the MC, including importantly with regard to the collaborative governance of the SMBNEP. Commenters noted the need for regular and continuing orientation of new MC members, interested stakeholders and members of the public focused on both programs and governance. Importantly, a significant minority of the MC stated that they did not know or needed more information regarding the overall structure of the NEP's Management Conference's different elements, authorities, or aspects, including the WAC and the SMBRA. In addition, several comments supported more regular and timely information about program effectiveness and program performance to aid in effective governance and decision-making.

Practices and Authorities: Respondents have requested the GB review the MOU to ensure structure and practice align, address any misunderstandings regarding what the Governing Board can and cannot do, and address the role and authority of the Executive Committee.

Unique Elements: Respondents believe that there are several unique aspects of the MC and the SMBNEP that contribute positively to its accomplishments, including its collaborative partnerships. Commenters focused on the need to strengthen these elements of

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the MC, while simultaneously addressing other governance areas needing attention. Respondents believe that relationships between different elements of the MC are an important element of success and could be significantly improved. For example, the TAC and WAC relationship could be strengthened.

MC Effectiveness: The activities and operations of the MC are strongly supported. The MC effectiveness is judged to be high. There is strong support for increasing the effectiveness in making policy overall and communicating decision-making and decisions *throughout the MC.* Many comments addressed the need for greater clarity in the roles and responsibilities within the MC, including importantly between the Commission staff and Foundation staff. While positive, evaluation of the effectiveness of the MC varies across the different components. In the responses to the eSurvey, effectiveness is judged to range from low of 30% for the WAC, to a high of 70% for The Bay Foundation. There is strong support for continuing the structure and operations of the MC, but the specific element of the WAC is judged to be in need of modification to better contribute to the work of the MC. Several aspects of the WAC should be addressed, including: WAC not effectively advisory as currently constituted and operated; WAC Doesn't interact with TAC as designed; Doesn't devote enough time to advise on policy and projects, i.e., Ballona Wetlands.

MC Relationships: Respondents believe that relationships between different elements of the MC are effective. In the eSurvey, three-quarters of respondents think that overall relationships in the MC are effective or very effective (75.67%-81%). Three key relationships: The EPA-TBF-SMBRC Relationship; The SWRCB-SMBRC Relationship; and the SMBRC-TBF Relationship were all rated effective or very effective by more than three-quarters of the eSurvey respondents.

EPA-TBF-SMBRC Relationship **75.67% of respondents**-effective or very effective;
SWRCB-SMBRC Relationship **76.47% % of respondents**-effective or very effective; and
SMBRC-TBF Relationship **81.09% of respondents**-effective or very effective.

At the same time, several comments were received regarding greater clarity in roles and responsibilities between the various governance elements of the MC, and additional integration of the collaborative elements, including interaction between the WAC and the TAC.

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Strengths and Best Practices: Many strengths have been cited by respondents, including importantly, its collaborative governance, its private-public relationships, and the contributions of important governance elements of the MC, including its local watershed-based, broad stakeholder representation and involvement, its dedicated and competent staff, the diverse and representative Governing Board, the community nonprofit, The Bay Foundation, and the TAC and its continuing contribution to developing the best science, research, and program advice. For example, federal NEP 320 funds, and state support resources and bond funds, supporting Bay Plan implementation have been leveraged successfully many times over with other public and private funds provided by project and program public and private financial supporters. There is support to develop more public-private partnerships, and strong support to increase policy and program effectiveness in raising and managing funds.

Better Engagement: Members want to be active and involved going forward. Members also have suggestions for improving engagement, and educating and engaging stakeholders. There is strong support for increasing efforts to and educate and engage stakeholders. There is strong support for increasing the effectiveness in making policy overall and communicating decision-making and decisions. There were many comments addressing improvements in Management Conference member participation, and stakeholder and public participation.

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Table 2. Major Comments Received

SMBNEP	*Major Comment*
Structural Element	
Governance Understanding	*Not clear on roles and responsibilities within the MC*
MC	*Public Agency Oversight Lacking with reliance on private, non-profit NEP mgmt.*
SMBRC-TBF	*Private Foundation acts with inadequate public review/oversight*
SMBRC-GB Executive Committee (EC)	*The current MOU does not include EC*
Governing Board	*GB does not exercise its authority*
Commission Staff	*Unclear about Role and Responsibilities*
NEP Director	*Unclear Role and Responsibilities*
WAC	*One mtg per year inadequate; MOU requires work groups and regular TAC briefing*
Policy	
SMBNEP and SMBRC-Financial Support	*Seek non-governmental funding; Seek state financial support for Commission and SMB Restoration Programs; Re-Establish State SMB Restoration Budget Account*
WAC Meetings	*WAC cannot provide effective advice as currently operated (and structured)*
TAC advises WAC	*MOU is not being followed with regard to TAC advising and informing WAC*
Practice	
Monitor Participation	*Require regular participation and attendance to be able to be member of MC*
Transparency	*Transparency lacking in relationship between Commission and Foundation*
TAC advises WAC	*Align Practice with MOU: Schedule Annual TAC presentation to WAC*

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Suggestions

Governance suggestions, much like the comments they were based on, were received on a range of topics, including overall management and effectiveness, accessibility, transparency, engagement, relationships, strengths and best practices, changes to the MC, and collaborative partnerships. Many suggestions have been offered to improve the performance and effectiveness of the governance of the SMBNEP collaborative and the success of its programs to restore Santa Monica Bay. These suggestions involve changes to governance elements, policy and practices. Below we have included summary results of major suggestions received. At the end of this section we have provided a summary chart of these comments, Chart 3. Major Suggestions Received.

Members have suggestions for improving the effectiveness of the MC, including providing more orientation to MC members, focused on Governing Board members, regarding governance structures, policies, and practices; Clarifying roles and responsibilities, analyzing MOU against current practices, and aligning MOU with current practices. Suggestions were received to increase the effectiveness in making policy overall and communicating decision-making and decisions. Suggestions were received to consider strengthening the SMBRC-TBF relationship, considering amendments to the MOU/MOA to "further clarify" roles and responsibilities of each agency.

Suggestions were received with the goal of ensuring alignment between the MOU and current practices. Currently the Governing Board is authorized in the MOU, but the Executive Committee, created through a Resolution of the Governing Board, is not specifically included for in the MOU. Suggested possible changes to the MOU include specific language authorizing an Executive Committee, and detailing its composition and responsibilities. Suggestion has been made to expand the EC to include SMBRC and USEPA, as the two primary sponsors of the SMBNEP.

Specific suggestions were received to modify the WAC operations and composition to better contribute to the work of the MC. There is strong support to keep the MC as is with the exception of the WAC. In the eSurvey, 62.5% of respondents wanted to keep the GB-EC as is, and only 12.5% wanted to modify the structure. The other elements of the MC, the TAC, The Bay Foundation, and

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the Bay Restoration Authority had strong support among respondents to remain as is, including 76% support for the TAC as is, 80% for The Bay Foundation as is, and 70% for the Restoration Authority.

At the same time, only 41% wanted to keep the WAC as is, while more than a quarter of respondents (26%) suggested modifying the structure and nearly 30% suggested modifying WAC practices (28.57%). Respondents suggesting "beefing" up the WAC. Some suggested WAC Workgroups be formed, consistent with the MOU. Others suggested a more robust schedule of meetings with more information and discussion, and interaction with the TAC, consistent with the MOU. Suggested changes to the composition to the WAC were also received, some eliminating GB members from the WAC, others suggesting re-organization of the WAC. Still, others suggested developing a program of outreach to current WAC members eliciting increased participation.

Multiple suggestions were received to increase efforts to better engage stakeholders: 'Better communication regarding the Governing Board, TAC and WAC committee updates would give stakeholders more context in which to increase engagement'; 'Integrate social media into public outreach efforts'; 'One consistent public meeting room for all meetings pertaining to SMNBEP with reliable Wi-Fi, video needs, close to public transit'; and 'Make meetings digital with call-in options.'

There is support to develop more public-private partnerships, with specific suggestions for stronger more public-private partnerships, including other regional restoration collaboratives like the Southern California Wetlands Recovery Project (SCWRP). Several suggestions were received to increase policy and program effectiveness in raising and managing funds. Developing new funding opportunities was suggested, including specific suggestions for sources of funding, such as state legislation supporting new bond act funding, or Greenhouse Gas Reduction Fund (GGRF) appropriations.

There are several suggestions to improve MC participation, increase transparency, increase accessibility and increase public outreach, including regular MC member orientation, expanded member and public outreach efforts, readily available up-to-date organizational and program information, and expanded collaborative partnerships.

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Table 3. Major Suggestions Received

SMBNEP	***Major Suggestion/Proposed Change***
Structural Element	
SMBRC-GB Executive Committee	*Modify MOU (and MOA) to authorize EC, role and responsibilities*
SMBRC-TBF Relationship	*Clarify Roles and Responsibilities of Each Agency and relationship between*
GB Operations and Participation	*Change Meeting Frequency/Length/Topics; Require Attendance for Membership*
SMBRC Staff	*Clarify Roles and Responsibilities*
NEP Director	*Clarify Roles and Responsibilities*
WAC Composition	*Revise WAC to reduce/revise membership; clarify advisory role, and role of work groups*
TAC Composition	*Consider adding USGS (or could be GB); Consider adding CADFW to TAC*
MC Public Management	*Locate 320 Host Entity and Grantee in Public Agency*
Policy	
SMBRC-Financial Support	*Seek state financial support for Commission and SMB Restoration Programs; Establish State SMB Restoration Budget Account*
TAC advises WAC	*Schedule Annual TAC presentation to WAC*
WAC Workgroups	*Organize pursuant to the MOU*
Practice	
Provide Governance Orientation	*All new members and regularly as needed for stakeholders and public*
Monitor Participation	*Require regular participation and attendance to be able to be member of MC*
Increase Transparency	*Maintain Reporting in a Timely Manner on all MC decision-making*
Increase Outreach and Public Information	*Post Timely Information to Website; Integrate Social Media; Maintain Up-to-date MC Organizational and Contact Information*
Increase Accessibility	*Consider meeting locations and logistics that increase public accessibility*

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Observations and Considerations

The major suggestions for improvement are included in this section of the report and in a summary chart below (Chart 3). The author has reviewed the individual suggestions and provided comments for consideration. MBA Consultants used multiple, complementary "principles of governance" to evaluate the many important suggestions received, including: Clarity of Roles; Collaboration; Inclusivity; Transparency; Accessibility; Supports Best Science; Supports Adaptive Management.

Importantly, there are specific suggestions that address current governance structural elements may involve the need to review the current MOU, in order to either clarify governance elements, or change or modify governance elements. Other suggestions may be addressed by a review of current policies and practices in order to incorporate any agreed upon changes. MBA Consultants have reviewed and evaluated the many governance suggestions received and are offering the following considerations to The Bay Foundation and the Management Conference of the SMBNEP.

Any changes or modifications to governance of the SMBNEP should support the NEP's ability to oversee and promote CCMP implementation, including the NEP's approach to achieving financial sustainability, including how to involve the public and stakeholders in its programs to ensure community involvement and ownership in CCMP implementation. The current public-private collaborative MC governance structure contributes in important ways the success of the SMBNEP. Private and community efforts are coordinated with public agency actions in developing, implementing, and evaluating the CCMP. Many of these elements have strong community and agency buy-in and ownership. The existing collaborative network should be strengthened and deepened through adoption of best practices and selected governance modifications to improve transparency, accessibility, education, information sharing, and program outcomes

We have summarized the main suggestions below into three categories: Structural Elements, Policy, and Practices in order to best understand any governance changes and or modifications that may need to be considered. For each suggestion, we have identified an action and then supplied a short explanation of that action. At the end of this section we provide a summary chart of these suggestions. Our considerations are offered in the spirit of improving the activities and the outcomes of the SMBNEP and in supporting the successful implementation of the Bay Plan.

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Structural Elements:

1. SMBRC-GB Executive Committee

Modify MOU to incorporate EC consistent with GB Resolution

The current MOU establishes the GB. The current MOU does include the establishment of an Executive Committee as part of the GB organization. The GB should consider modifying the MOU to provide for the establishment of an Executive Committee, naming the responsibilities and composition of the Executive Committee.

2. GB Operations and Membership

Review GB Meeting Organization; Review Membership requirements

Current Governing Board meeting organization, including meeting frequency, length, topics, etc. could be reviewed and modified as desired. Membership requirements could also be reviewed and modified if needed.

3. SMBRC Staff

Consider Any Needed Language; Modify MOU/MOA to incorporate change

GB should consider any needed language within the MOU/MOA describing the roles and responsibilities of the Commission and the Foundation in the development and implementation of the Bay Restoration Plan, and if needed, consider adding language addressing responsibilities of SMBRC staff to MOU/MOA.

4. NEP Director

Consider Any Needed Language; Modify MOU/MOA to incorporate change

GB should consider any needed language addressing the roles and responsibilities of the NEP Director, and if needed, consider adding language addressing responsibilities of NEP Director to MOU/MOA.

5. WAC Composition

GB should review current org of WAC; consider changes to composition and modifications to the MOU

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Participation in the WAC is low as evidenced by recent attendance and participation. The WAC is not considered to be effective currently by many respondents. The GB should consider one or more options for potentially re-structuring the WAC to improve participation, advice-making, and opportunity for stakeholder and public input. Varying suggestions have been made and one or more suggested changes could be evaluated for review and approval. The representation on the WAC and the nexus with representation on the Governing Board should be closely examined in any change in composition and or re-organization.

6. TAC Composition

GB Appoints TAC; Refer suggestion re: Additional agency members to TAC for advice to GB

The GB appoints members of the TAC, currently composed of a broad range of science and technical disciplines and backgrounds. Suggestions have been made to add additional agency members to the TAC, including representatives of the USGS. Historically, TAC members are chosen for their expertise, and not for agency representation. Given the significance of climate change impacts, including sea level rise and increases in extreme weather events, it may be appropriate to consider one or more additional members to the TAC with knowledge of and experience in climate related sciences. GB should consider directing the TAC to discuss the appropriateness and need for any additional scientific or technical experts to the TAC and report back to the GB.

7. NEP Public Agency Management

Maintain private, nonprofit NEP 320 Grantee MC structural element

The Clean Water Act authorizes the USEPA to make grants to public and private agencies and entities, including nonprofit private entities, to pay for activities necessary for the development and implementation of conservation and management plans (Clean Water Act Section 320(g)). The USEPA partners with nonprofit private entities in eleven of the twenty-eight NEP programs nationally to serve as Host Entity and NEP 320 Grantees (see Appendix B. NEP Nonprofit Host Entities and 320 Grantees). The USEPA has made grants to The Bay Foundation under the Clean Water Act to pay for activities to develop and implement the Bay Restoration Plan. Exclusive public agency NEP management would not offer an equal level of collaboration, flexibility, and partnerships of the current community-based, nonprofit management of the 320 NEP grant.

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Policy:

1. WAC Workgroups

Clarify Workgroups may be established

Currently the MOU includes the establishment of Workgroups as a tool for informing policy advice as part of the WAC activities. The establishment of Workgroups may be a useful tool and they should be included as a possible organizational tool. Language in the MOU should be clarified to provide for workgroups but not require their establishment.

2. TAC Advises WAC

Align practice with MOU and schedule annual TAC briefing to the WAC

Currently the MOU calls for the TAC to provide information to the WAC. If the SMBNEP CCMP is to be science-based and to have broad community support, then up-to-date science and technical information and data should be presented to the members of the WAC, so they may be adequately informed themselves as they advise on the CCMP.

3. SMBNEP Financial Strategy; SMBRC Support:

Increase financial planning; develop funding strategy for SMBNEP; develop state funding for SMBRC

The Comprehensive Conservation and Management Plan Revision and Update Guidelines (USEPA 2016), includes important guidance on governance and funding, recommending the development of a Finance Strategy, establishing long-term financial sustainability. The MC is currently developing a financial plan. The MC should increase its staff and policy efforts to implementing a robust multi-year Financial Strategy, including providing adequate state funding to the SMBRC.

4. Expand Partnerships

Develop expanded private-public partnerships

Develop Initiatives to expand private-public partnerships to increase program implementation and financial sustainability. Successful regional bay restoration will require increased partnership with other regional restoration collaboratives such as the Southern California Wetlands Recovery Project. Successful implementation of Bay Plan goals requires broad community support and participation. The emphasis on storm water management with the development of nature-based infrastructure, and multiple benefit water re-use initiatives will require the SMBNEP to undertake community and public outreach in concert with community private organizations and institutions. Governance partnerships need to incorporate policies and programs to address impacts from projected climate change.

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Practices:

1. Provide Member Orientation

Prepare Updated Orientation Materials and Institute New Member Orientation

Up-to-date Management Conference Membership orientation materials should be developed and regular new member orientation provided by staff. Need up-to-date and accurate organizational chart and flow diagram that depicts the relationship of the governance structural elements.

2. Increase Outreach to MC Membership

Organize Increased outreach efforts to MC members

Up-to-date Management Conference Membership and Contact information should be maintained. Confirmation of current membership information should be maintained. Increased outreach efforts to MC members to elicit participation.

3. Increase Public Outreach and Information

Ensure program information is available in timely manner to interested stakeholders

Up-to-date program, financial, and organizational information should be provided to interested stakeholders and the public through website portals. Look at websites and see what needs updating/changing and what could be made more user-friendly.

4. Increase Accessibility

Consider MC meeting locations/logistics that maximize accessibility

Program staff should evaluate and MC should consider options for increasing accessibility in both meeting locations and in meeting logistics in order to maximize accessibility to the public activities of the SMBNEP

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Table 4. Major Governance Suggestions with MBA Review

SMBNEP	*Major Suggestions with MBA Review*
Structural Element	
SMBRC-GB Executive Committee (EC)	*Modify MOU to incorporate EC consistent with GB Resolution*
GB Organization and Membership	*Review GB Meeting Organization; GB Membership requirements*
Commission Staff	*Consider Any Needed Language Change; Modify MOU to incorporate change*
NEP Director	*Consider Any Needed Language Change; Modify MOU to incorporate change*
WAC Composition	*GB should review current org of WAC; consider changes to composition*
TAC Composition	*GB Appoints TAC; Refer suggestion re: membership to TAC for advice to GB*
NEP Public Agency Management	*Maintain private, nonprofit NEP 320 Grantee MC structural element*
Policy	
WAC Workgroups	*Clarify language of MOU to specifically allow WAC Workgroups, not require*
TAC Advises WAC	*Align with MOU*
NEP Financial Strategy-SMBRC Support	*Increase financial planning; develop funding strategy; develop state funding for SMBRC*
Expand Private-Public Partnerships	*Develop expanded partnerships*
Practice	
Provide Member Orientation	*Prepare Updated Orientation Materials and Institute New Member Orientation*
Increase Outreach to MC Membership	*Organize Increased outreach efforts to MC members*
Increase Public Outreach and Information	*Ensure program information is available in timely manner to interested stakeholders*
Increase Accessibility	*Consider MC meeting locations/logistics that maximize accessibility*

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Next Steps

The consultant work concludes with the submittal of this summary report. We have compiled all input into summary report (this report), including member suggestions for actions to consider regarding governance structure, policies and practices. Any consideration of suggested modifications or changes to the SMBNEP MC will be the responsibility of the MC, acting through the GB and the EC. There are a number of additional steps that are required as part of any consideration, including: The Foundation staff briefing the GB Chair and the EC at the next regularly scheduled meeting; the EC, led by the Commission Chair, discussing and evaluating any proposed changes to MC structure, policies, and/or practices, including changes to the MOU, and related MOA; the Commission Chair forwarding proposed changes to the GB for review and approval of possible modification of structural elements, policies and policies; and finally, the GB reviewing and approving any changes.

ED_002622A_00000188-00023

Bibliography and Sources

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Appendices

Appendix A. Comments on Review Process and Responses to the GB questionnaire

Appendix B. NEP Nonprofit Host Entities and 320 Grantees

Appendix C. Governing Board Workshop Questionnaire

Appendix D. eSurvey

Appendix E. eSurvey Summary Results

ED_002622A_00000188-00025

Begin forwarded message:

From: "Wang, Guangyu@Waterboards" <Guangyu.Wang@waterboards.ca.gov>
Subject: FW: Written comments for 12/13/18 SMBRC meeting, and date for the WAC meeting
Date: December 11, 2018 at 1:33:42 PM PST
To: Marc Beyeler <marcbeyeler@mac.com>
Cc: 'Page Nelson' <page@igc.org>, "Yelensky, Erica" <Yelensky.Erica@epa.gov>, Tom Ford <tford@santamonicabay.org>

Hi Marc,

FYI I'm forwarding an e-mail received this morning from Mr. Lamb in which he asked the GB to respond too a list of questions related to the SMBNEP structure and governance, which I think you should be aware of ahead of the workshop on Thursday.

Also, I want to let you know that we've set **Thursday, January 24, 10-12** for a meeting of the WAC including the workshop on governance structure. So please put it on your calendar.

Thanks.

From: Walter Lamb <landtrust@ballona.org>
Sent: Tuesday, December 11, 2018 11:07 AM
To: landtrust@ballona.org
Subject: Written comments for 12/13/18 SMBRC meeting

Dear Governing Board members,

Thank you for your consideration of these written comments for Thursday's meeting. The public relies on your exercise of reasonable inquiry and due care in the important decisions you make, and I hope that these comments assist you in that regard.

Prop 12 - Ballona Wetlands reserve-wide stewardship:

Given the considerable need for interim stewardship across the 600 acre Ballona Wetlands Ecological reserve, as recognized by SMBRC's 2013 Bay Restoration Plan, the Land Trust advocated early on for some small fraction of remaining Prop 12 funds to be invested in a similar manner as they were in 2008, when the Coastal Conservancy approved Prop 12 funds for interim stewardship activities, including enhanced ranger patrols. On October 15th, the California Department of Fish and Wildlife communicated to the public its belief that "*funding for 'law enforcement' activities are not eligible according to the current proposal solicitation.*" CDFW apparently made this determination based on various communications with SCC and NEP staff, without any public determination being provided on this point.

Request of the Governing Board: The Land Trust requests that the Governing Board, as the entity the Legislature made responsible for determining project eligibility for these funds, inquire of staff whether CDFW's assertion is accurate. If staff believes it is accurate, the Land Trust requests a written determination to that effect which explains why Prop 12 funds for enhanced, project-specific ranger patrols were permissible in 2008 but not 2018. If staff agrees that CDFW's understanding is not accurate, the Land Trust requests that the Governing Board direct staff to inform CDFW of the

misunderstanding in writing, and allow CDFW another opportunity to apply for Prop 12 funds for badly needed interim stewardship at the Ballona Wetlands.

Prop 12 - TBF application:

I want to thank Tom Ford for spending some time on the phone last week and for sharing some additional information about TBF's application. The Land Trust is eager for TBF's ongoing project to successfully establish a higher degree of native vegetation cover at the project site. The Land Trust has previously expressed concern that because re-vegetation methods used for this project substantially differed from methods used on numerous reference projects, the amount of time and money required to achieve the project's ecological benefits appears to be significantly higher than anticipated. The suggestion made in a separate Prop 12 application submitted by TBF and LMU (the Coastal Research Institute) that a new greenhouse facility is needed to source healthy and affordable native plants for this project, and for the larger Ballona restoration project, underscores the importance of better communication regarding the re-vegetation plans for this project moving forward. The project described in the TBF application is a continuing project and the funds described as matching funds are previous grants for that project, with their own terms and conditions. Understanding these prior grants is essential for the Governing Board to make an informed decision regarding allocation of these limited public funds.

Request of the Governing Board: It is in everyone's best interest for the Governing Board to take an interest in this project, both as a funding agency (NEP funds and proposed Prop 12 funds) and as the agency mandated by the Legislature to monitor, assess, coordinate and advise this type of project affecting state resources in the Santa Monica Bay Watershed. Given that several eligible projects were passed over for funding, we request that the project scoring developed by staff be made public as part of the meeting materials. Additionally, we seek the Governing Board's assistance in: 1) learning how much money has been secured and spent to date for the TBF project; 2) obtaining relevant prior grant documents for public review (ideally added to the staff report for this agenda item); and 3) getting more detail about the re-vegetation plan, including the extent of seeding done to date, the budget for native plants, and where those plants will be sourced. We further request that the Governing Board agendize a discussion on invasive species management, as first suggested by member Suzanne Goode of California State Parks in April of 2016.

Structure and Governance:

Due to circumstances outside of our control, the Land Trust has not yet filed our legal complaint challenging SMBRC's current structure and governance. We hope to file this complaint in early January, and we hope that the facts and analysis compiled therein will help further illuminate the structural concerns we have been raising for many years. In the meantime, we have a strong interest in SMBRC voluntarily adopting a structure and governance that restores to SMBRC the legislatively granted authority to oversee projects such as the Ballona Wetlands Restoration Project in a non-regulatory, non-lead agency capacity.

Request of Governing Board: We request that staff presentations given before member discussion on this issue include an overview of the history of SMBRP/F/C/A, to include where Section 320 funds have been directed in the past, and also clear legal guidance as to how SMBRC currently interprets its enabling legislation, governing MOU, and pertinent federal regulations. Without this information and guidance, GB members will lack important context for this evaluation.

Below are some basic questions that we hope will be answered for the Governing Board and the public prior to the member discussion, in order to better inform and guide that discussion:

1) What public policy objective did the legislature seek to advance, and what operational shortcomings did it seek to address, by renaming the former Santa Monica Bay Restoration Project as the SMBRC and formalizing it as a state agency?

2) What SMBRC entity is authorized to determine how SMBRC responds to threats of litigation, actual litigation, settlement offers, and other legal action? Where is that authority documented or explained?

3) Can the SMBRC take policy positions on projects for which it is not the lead agency? For instance, could SMBRC express a non-binding policy position on whether it advocates for, or discourages, expanded but managed access to the Ballona Wetlands for purposes of interim stewardship and nature education?

4) Can the SMBRC Management Committee create policies that are binding on SMBNEP staff regarding implementation of the SMBNEP CCMP? For instance, could SMBRC establish a set of best practices regarding native habitat restoration, based on feedback from staff, the Technical Advisory Committee, and other stakeholders, that SMBNEP staff would then incorporate into SMBNEP work plan projects?

5) Who decided that the SMBRC should no longer have a Communications Director, a Director of Government Affairs, etc. What is the role of the SMBRC Governing Board in assessing SMBRC capacity and staffing levels?

6) When was the last time the SMBRC issued an agency press release to promote its work to the public? Did the Legislature intend for SMBRC to have a strong public profile (i.e. institutional identity)? Who decided that documents formerly marked as SMBRC documents should be marked instead as SMBNEP documents? Who decided that SMBRC would not celebrate its 30 year anniversary to raise its public profile?

7) Under federal NEP funding guidelines, are section 320 funds to be allocated and overseen by the NEP Management Conference or by the host entity? If TBF is the host entity of the SMBNEP, when did it become the host entity, and based on what authority and process? Is the NEP Executive Director primarily accountable to the NEP management conference, or to the host entity?

8) Is the SMBRC Management Committee authorized to approve work plans that allocate US EPA Section 320 funds to agencies or entities other than TBF? Has it ever done so?

9) Is restoration planning for the Ballona Wetlands the kind of state program which SMBRC is legislatively mandated to monitor, assess, coordinate and advise? What level of engagement did the Legislature envision with these words?

10) For what purpose did the SMBRF Bylaws once allow SMBRC to appoint up to 12 of 15 total members to the SMBRF Board of Directors? For what reason did SMBRF later reduce that number from 12 to 7? For what reason did TBF further reduce that number from 7 to 0 in 2016 and terminate the positions of existing SMBRC appointed-members from its Board of Directors? What steps have been taken in the subsequent two years to provide an alternate mechanism for ensuring alignment between the SMBRC GB and TBF board?

11) Can SMBRC currently accept funds from public stakeholders or other private sources? Can

SMBRC currently accept funds from public agencies? Has SMBRC ever requested funding from the Legislature? Has SMBRC ever requested funding from any source?

12) Has the Watershed Advisory Council ever provided a consensus recommendation to the Governing Board?

13) In what ways has the Watershed Advisory Council collaborated with the Technical Advisory Committee?

14) Who decided that SMBRC would not submit response comments to the draft EIR/S for the Ballona Wetlands Restoration Project? Was it within the authority of the SMBRC Governing Board to direct staff, working with the Technical Advisory Committee, to submit response comments on behalf of SMBRC?

15) Is the October 2014 SMBRC resolution regarding delegation to the Executive Director still in effect?

16) How do public stakeholders seeking to resolve disputes initiate the Dispute Resolution process described in the current MOU? Has a Dispute Resolution process ever been undertaken?

17) How did the Los Angeles World Airports project go from being an SMBRA project to not being an SMBRA project without any reference to this change in SMBRA or SMBRC's records? Who decides which projects should be SMBRA projects and which should not?

18) What did the Legislature mean when it mandated that SMBRC would "oversee funding" related to SM Bay/Watershed Restoration?

19) Does the State of California have an interest in, and an oversight role in, the National Estuary Program, or is the operation of the NEP solely under the federal oversight of US EPA? Is the LARWQCB still a host entity of the SMBNEP? Why did SMBRC choose not to pursue SWRCB resources to help facilitate this evaluation of structure and governance? (see October minutes)

20) Previous presentations to the Governing Board suggested both that TBF is, and is not, an entity within the management conference structure. Which is correct?

Thank you again for your consideration of these comments.

Walter

Walter Lamb
Ballona Wetlands Land Trust
310-384-1042
Facebook

Begin forwarded message:

From: "Wang, Guangyu@Waterboards" <Guangyu.Wang@waterboards.ca.gov>
Subject: Public Comments
Date: January 14, 2019 at 10:29:18 AM PST
To: Marc Beyeler <marcbeyeler@mac.com>

Hi Marc,

Following up my last e-mail, here is a copy form submitted by Mr. Walter Lamb and comments received from the public compiled.

Guangyu

To: Wang, Guangyu@Waterboards
Subject: SMBRC governance
Date: Wednesday, January 09, 2019 10:14:08 AM

Dear Dr. Wang,

As the Santa Monica Bay Restoration Commission examines its governance and structure, please keep in mind the valuable role you can and should play in planning, monitoring, and overseeing the Ballona Wetlands Restoration Project. The SMBRC, a public entity, largely abandoned this role and turned it over to the private Bay Foundation and this has resulted in a loss of transparency. The SMBRC should reassume the role it pledged to play back in 2010. Personally, I would like to see a more open, public, and transparent process put in place so that all stakeholders have the information they need to speak up and provide input and hold people accountable. As a resident of the area and a docent at the wetlands, I consider myself one such stakeholder.

Thank you.

-

Catherine Ronan

From: Barry Campion
To: Wang, Guangyu@Waterboards
Subject: Ballona Wetlands
Date: Wednesday, January 09, 2019 11:31:20 AM

Dear Dr. Wang,

I am a docent at the Ballona Wetlands. I started my involvement with the program last year so am still learning much about its history and its future. There our many opinions about the future restoration of these wetlands and oversight and sound smart science is needed to help guide this process. This wetland needs help and direction so it can preserve the habitat that is sustaining to its native plants and wildlife and improve the habitat that is not supportive.

It has come to my attention that the Santa Monica Bay Restoration Commission is responsible for evaluating its structure and governance. I respectfully encourage SMBRC to carefully consider its legislative mandate to "monitor, assess, coordinate, and advise" all state programs that affect the Santa Monica Bay and its watershed, such as the Ballona Wetlands Restoration Project, and to remember the 2010 pledge by the SMBRC Governing Board to participate in the planning process until its completion.

Despite that pledge, the SMBRC, a locally-based state agency, has allowed itself to be supplanted by the private Bay Foundation as the local entity coordinating and advising this project, which has reduced transparency and accountability. This has resulted in numerous setbacks and wasted considerable time and money and left this important ecosystem in a largely neglected state. For the benefit of wildlife, and of current and future generations of people, please restore SMBRC to its former, well documented, and legally mandated role coordinating and advising this high priority project of SMBRC's Bay Restoration Plan.

Respectfully,

Barry Campion

From: Alison Copeland

To: Wang, Guangyu@Waterboards
Cc: landtrust@ballona.org
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Thursday, January 10, 2019 12:31:29 PM

Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, I ask that you urgently consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed. The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.
Thank you for your time and consideration of the above request.
Sincerely,
Alison Copeland

From: dragonfly9@aol.com
To: Wang, Guangyu@Waterboards
Subject: SMBRC"s Active Role in Coordinating and Advising Ballona Wetlands Restoration
Date: Thursday, January 10, 2019 1:16:51 PM

Dear Dr. Wang,
As a longtime resident of the Westside, who lives adjacent to the Ballona Wetlands, I have so enjoyed seeing the revitalization and restoration of the area. I use the bike path quite a lot and relish seeing and photographing the birds and wildlife that congregate there. I know it takes a lot of coordination to fulfill the mandated revitalization and would encourage the SM Bay Restoration Commission to resume their advisory role in helping keep the Ballona Wetlands well.
I am asking for your support of their role...and thanks for your continued good works for the care of the watersheds here.
Thank you.
Best wishes,
Nina Warner
Culver City, CA 90230

To: Wang, Guangyu@Waterboards
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Thursday, January 10, 2019 2:15:46 PM

Dear Dr. Wang,
As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed. The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.
Best regards,
Brooks Perry
1535 Granville Ave, Los Angeles, CA 90025
--
Brooks Perry

From: Howard Sacks
To: Wang, Guangyu@Waterboards
Subject: Santa Monica Bay Restoraton Commision -Restoration of Ballona Wetlands
Date: Thursday, January 10, 2019 3:19:34 PM

Dear Dr. Wang: We urge the Governing Board to keep working to restore the Ballona Wetlands in the planning process until it is completed as required by the legislative mandate to monitor, assess, coordinate and advise all state programs, that affect the Santa Monica Watershed.

The actions of the private Bay Foundation that replaced the Commission as the main local entity have caused many missteps that impaired progress of the Commission's goals.

We live in Playa Del Rey and with family members and support and regularly visit the Ballona Wetlands and suggest that you take strong steps in the restoration planning process that is so badly needed.

Sincerely, Elaine & Howard Sacks, and family.

To: Wang, Guangyu@Waterboards
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Thursday, January 10, 2019 5:17:20 PM

Dear Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, **please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed.**

The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion.

When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.

Sincerely,
Andrew Wilder

To: Wang, Guangyu@Waterboards
Cc: landtrust@ballona.org
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Friday, January 11, 2019 1:23:32 PM

Dear Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed. The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.

The Wetlands are a treasure, and have been gradually eliminated but the Playa Vista complex construction. PLEASE help preserve what is left. PLEASE protect our wildlife. This flyway is crucial for the survival of several species of birds...and the list goes on. The community LOVES this

marsh! Your good leadership is sorely needed again!
Thank you for your consideration.
Gratefully,
Marion Klein

From: Erica Blyther
To: Wang, Guangyu@Waterboards
Cc: landtrust@ballona.org
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Friday, January 11, 2019 6:22:52 PM

Dear Dr. Wang,
As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed.
The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.
Please refocus the efforts on this important wetland that needs protection from the perils of over-development.
Thank you,
Erica

From: Jay Ross
To: Wang, Guangyu@Waterboards
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Saturday, January 12, 2019 5:23:56 PM

Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed.

The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion.

When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.

Jay Ross
West Los Angeles 90064

Ballona Wetlands Land Trust

Submission of Responses to Questions Posed by MBA Consultants
re: Structure and Governance of Santa Monica Bay Restoration Commission
January 08, 2019

Issues/Questions to consider:

Are there particular issues or topics that are important to you for this review?

The Land Trust has submitted extensive comments on numerous occasions relating to the structure and governance of the SMBRC but has not received any comprehensive or substantive response. Those past comments have included basic questions about SMBRC's structure and governance which have gone mostly unanswered. Those past comments and questions should be addressed and answered now as part of the current review.

As a partial summary of past comments, the Land Trust has long argued that the California Legislature created the SMBRC for the purpose of monitoring, assessing, coordinating and advising public and private entities with regard to projects such as the Ballona Wetlands Restoration Project, and that actions taken by outside interests to dilute and erode the authority, operational capacity, and public visibility of the SMBRC, and the passive enablement of those actions by SMBRC, violates SMBRC's enabling statute. Additionally, we have noted that the Watershed Advisory Council is prevented from functioning as a council and has therefore never fulfilled its primary responsibility, as defined in the SMBRC's governing Memorandum of Understanding, of providing consensus recommendations, as a council, to the SMBRC Governing Board.

How well informed and how familiar are you with the structure and functions of the current governance structure?
(Not at all; A little; More than a Little; A lot; Fully)

The Land Trust, through its volunteer board members and through legal counsel, has invested hundreds of hours researching the structure and governance of the SMBRC, to include gathering and analyzing

thousands of pages of SMBRC's business records, reviewing the legislative and operational history of the SMBRC and its predecessor, SMBRP, analyzing the structure and operations of other NEPs, etc. Much of this research was undertaken as part of litigation between the Land Trust and SMBRC. In the first litigation, the Land Trust interviewed six current and former SMBRC staff members, received multiple rounds of answers to written discovery requests, authenticated numerous documents for the record, and reviewed numerous legal letters and court filings by SMBRC that relate to the SMBRC's altered structure and governance. In that litigation, SMBRC was compelled by court order to disclose certain public records and subsequently agreed to reimburse the Land Trust for $228,000 in attorney's fees. The second litigation was settled prior to a ruling, with SMBRC agreeing to, among other things, account for public office space used by the Bay Foundation (TBF), amend its Memorandum of Agreement with TBF with respect to public records, and reimburse the Land Trust $15,000 in attorney's fees. In the third litigation, the Land Trust challenged SMBRC's attempt to delegate away its responsibility to review and recommend projects to receive Proposition 12 public bond funding. The Land Trust and its legal counsel conducted extensive research regarding the legislative and operational history of SMBRC to support its legal position in this litigation. As a result of the lawsuit, SMBRC voluntarily reversed its decision to delegate away its role in approving Proposition 12 projects for funding.

How well does the current governance structure meet the NEP Cornerstones and the SMBNEP (CCMP Action Plan) Goals and Objectives?
(Not at all; some; more than some; A lot; Fully meets)

The current governance structure hinders SMBRC from meeting NEP Cornerstones and CCMP Goals and Objectives, and from fulfilling its statutorily assigned duties, because it has fragmented oversight of the SMBNEP and CCMP into multiple parts with no effective coordination. This is the opposite of what the California Legislature intended when creating SMBRC. Additionally, the inability of the Watershed Advisory Council to form consensus on important issues prevents the WAC from providing consensus recommendations to the Governing Board, which is the WAC's primary function.

Specifically, the following elements are negatively impacted:

***Integrate Science into Decision-making**: By convincing the SMBRC Governing Board that it has a minimal role in such as the Ballona Wetlands Restoration Project, TBF has effectively sidelined the body which the California Legislature created to coordinate and advise such projects. Without so much as a vote on the issue, SMBRC passively missed the opportunity to direct staff or the TAC to provide any comments on the BWRP, which is arguably the biggest watershed restoration project in the SMBNEP's history.*

Foster collaborative Problem-solving: *By treating the WAC as nothing more than a forum for individual public comment, SMBRC has diminished the ability of stakeholders to collaboratively solve problems affecting the Santa Monica Bay and watershed.*

Involve the Public: *Public involvement in SMBRC decision-making is superficial because, as noted above, the public's ability to communicate consensus recommendations to the Governing Board via the WAC has been obstructed to entities seeking to control SMBRC's policy decisions.*

How effective is the current governance structure in meeting CCMP Action Plan priorities?
(Very effective; effective; somewhat effective; not effective; don't know; need more information)

See above

What elements of the current governance structure work best?
(Executive Committee; Governing Board; Watershed Advisory Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority

On the relatively few occasions when the Governing Board takes a sincere interest in a topic, rather than passively deferring to staff or to outside entities, the unique value of the SMBRC as a locally-based state agency becomes evident. The Technical Advisory Committee is a valuable component of the SMBRC which conducts important work but which is not leveraged to its full potential as it is not involved in many scientific policy issues on which SMBRC is supposed to be providing policy advice, such as near and long-term restoration projects in the Ballona Wetlands Ecological Reserve.

How well suited is the current governance structure to address Key Management Issues and Challenges looking forward?

The current governance structure is poorly suited to address Key Management Issues and Challenges going forward. The structure has changed substantially over the last several years with little to no direction from the SMBRC Governing Board and either no explanations, or inaccurate explanations for the changes. No review of SMBRC's structure and governance can be taken seriously if these recent, major changes are not candidly addressed. Since the details of these changes are outlined in previous comments, the Land Trust will focus here on the decision by TBF to unilaterally reduce, and then eliminate, SMBRC's right to appoint members to TBF's Board of Directors, a right that was included in TBF's bylaws (known as SMBRF at the time) for the express purpose of maintaining SMBRC control over TBF's use of the US EPA section 320 grant funds. When this change was announced in October of 2016, without any deliberation or vote by the Governing Board, a Governing Board member inquired as to how the two entities would ensure operational alignment and was told by the US EPA Region 9 grant

manager at the time that the CCMP revision process would address this. Twenty-seven months later, this concern has not been addressed, and there is no indication that SMBRC intends to address it.

Are there elements of the current governance structure that could be modified for improved performance?
(Executive Committee; Governing Board; Watershed Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority)

As we have noted in previous comments, the entire SMBRC governance structure needs to be comprehensively evaluated and revised to comply with applicable statutes and regulations and to optimize the potential of SMBRC in fulfilling its statutorily assigned mission. At the highest level, SMBRC must finally acknowledge and clarify its oversight authority with regard to SMBNEP staff, regardless of the entity providing that staff. SMBRC must also determine whether it is important to have a Watershed Advisory Council that actually fulfills the functions outlined in the MOU and, if not, revise the MOU to rename the Watershed Advisory Council and describe its functions in a manner that accurately reflects current practice.

Additionally, SMBRC must determine the role of the Executive Committee and, if necessary, revise the resolution from which the Executive Committee derives its authority to accurately reflect the desired role. Currently, the Executive Committee clearly exercises authority that has not been granted to it by the Governing Board, such as advising SMBRC's legal counsel without input from the Governing Board. The Executive Committee has gone so far as to meet extensively in closed session to determine SMBRC's legal direction and then failed to share the contents of that discussion with the Governing Board. In another instance, the Executive Committee limited the scope of a presentation to the Governing Board on the Ballona Wetlands, and determined that Governing Board members would not be allowed to ask follow up questions to that presentation.

Finally, it is clear from the record that the SMBRA (i.e. the Joint Powers Authority formed by SMBRC and Los Angeles County Public Works) has served as nothing more than a public agency shell and back account for the Bay Foundation. A revised structure must clarify how SMBRA determines what project funding should be routed through its bank accounts and what project funding should be routed directly to TBF, and why.

What policies and practices implemented under the current SMBNEP governance structure contribute most to achieving the SMBNEP's goals and objectives?

The Land Trust believes that the current governance structure impedes SMBRC from best achieving the SMBNEP's goals and objectives.

Are there new policies and practices that could be incorporated into the SMBNEP governance structure and operations that could lead to better achievement of the SMBNEP's goals and objectives?

Yes, as outlined above and as detailed in previous comments.

Other Comments/Questions/Notes:

The Land Trust generally objects to this review process, which strikes us as purely ceremonial and designed to lend validity to the recently altered structure that is favored by TBF and other outside entities. The Land Trust believes that it was inappropriate for TBF, as a financially interested private entity, to lead the process to review the structure of a public agency. We also believe that the contractor hired to help facilitate this process has substantial ties to the Bay Foundation (TBF), and previously applied for a position with TBF. For full transparency, the facilitator's prior connections with TBF should be disclosed.

With regard to this questionnaire, the Land Trust recognizes the value of asking open-ended questions to facilitate discussion. However, the lack of any specific guidance to members regarding known issues that require attention, further suggests that the goal of the process is to create a surface perception of Governing Board and stakeholder involvement while substantive issues are addressed behind the scenes. The Land Trust respectfully urges SMBRC to adopt a more substantive approach to this process, beginning with the Executive Committee meeting scheduled for January 17th.

Optional:
Name: _____Walter Lamb_____

Organization: Ballona Wetlands Land Trust

Begin forwarded message:

From: "Wang, Guangyu@Waterboards" <Guangyu.Wang@waterboards.ca.gov>
Subject: Survey forms received from GB members
Date: January 14, 2019 at 9:43:42 AM PST
To: Marc Beyeler <marcbeyeler@mac.com>

Hi Marc,

Attached please see the survey forms returned by GB members as of last Friday deadline. There are also many comments submitted by the public which I will compile into one file and send it to you soon.

Guangyu

From: Bob
To: Wang, Guangyu@Waterboards
Subject: Re: SMBNEP Governance Survey
Date: Sunday, December 16, 2018 10:55:32 AM

In a message dated 12/14/2018 1:59:27 PM Pacific Standard Time, Guangyu.Wang@waterboards.ca.gov writes:

Please fill the survey form and return them to me via e-mail

Issues/Questions to consider:

Are there particular issues or topics that are important to you for this review?

How well informed and how familiar are you with the structure and functions of the current governance structure?

(Not at all; **A little**; More than a Little; A lot; Fully)

___There should be a new member organizational orientation and an annual refresher for the Board Memembers_____

How well does the current governance structure meet the NEP Cornerstones and the SMBNEP (CCMP Action Plan) Goals and Objectives?

(Not at all; **some**; more than some; A lot; Fully meets)

_____

How effective is the current governance structure in meeting CCMP Action Plan priorities?

(Very effective; effective; **somewhat effective**; not effective; don't know; need more information)

_Goals and milestones and completion dates, as stated in the BRP, are very difficult to monitor because the format and content of the Plan seems to change all the time._____

What elements of the current governance structure work best?

(Executive Committee; Governing Board; Watershed Advisory Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority

_____**I do not know.**
_____

How well suited is the current governance structure to address Key Management Issues and Challenges looking forward? **I do not know**.

_____

Are there elements of the current governance structure that could be modified for improved performance?

(Executive Committee; Governing Board; Watershed Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority)

The Dept of Fish and Wildlife should be represented and active on the Board and the Tech Committee._____

What policies and practices implemented under the current SMBNEP governance structure contribute most to achieving the SMBNEP's goals and objectives?

____?_____

Are there new policies and practices that could be incorporated into the SMBNEP governance structure and operations that could lead to better achievement of the SMBNEP's goals and objectives?

__The policy should be to stick with and maximize effort on near term achievable goals with tangible results and minimize effort on long term intangibles like global warming and sea level rise.
_____

Other Comments/Questions/Notes:

_____The TMDL for copper in the Marina is not under the control of SMBRC but it is featured in the plans. The stated objective of the TMDL is to " improve water quality in the harbor so we can protect this important resource that we all value". When pressed for specifics they say " because it is harming the "mud snails" and it is affecting recreational uses. It may affect mud snails but it has not harmed the fishr the oysters, pinnipeds, birds, swimmers, paddle boarders, kayakers and boaters. I have used the same diver to clean my hull for 35 years and he is still healthy. We have been successfully nurturing white seabass in this water for for over 25 years. _The bottom line is the Water Board is compelling the Harbor Department to expend a lot of effort on a TMDL that will have little if any tangible benefit. This effort should be spent on harbor improvements that make it safer for the paddleboards, kayaks , boats and swimmers. Storm water run off, traffic separation lanes, speed control, improved signage and_improved trash collection are tasks that the Harbor Dept could be working on that would result in tangible benefits in short order.

__SMBRC could use its influence to re direct the effort being expended on the TMDL into more tangible, less expensive, shorter duration tasks.

Optional:

Name: _____Robert Godfrey MDR Anglers_____

Organization:

Issues/Questions to consider:

Are there particular issues or topics that are important to you for this review?

Establish a training for GB members at initial appointment and annually thereafter - Training should cover governance structure, adopted CCMP and NEP Goals or guidelines

How well informed and how familiar are you with the structure and functions of the current governance structure?
(Not at all; A little; More than a Little; A lot; Fully)

A Lot

How well does the current governance structure meet the NEP Cornerstones and the SMBNEP (CCMP Action Plan) Goals and Objectives?
(Not at all; some; more than some; A lot; Fully meets)

A lot

How effective is the current governance structure in meeting CCMP Action Plan priorities?
(Very effective; effective; somewhat effective; not effective; don't know; need more information)

effective

What elements of the current governance structure work best?
(Executive Committee; Governing Board; Watershed Advisory Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority

SMBRC-TBF partnership, Governing Board, TAC, EC, WAC

How well suited is the current governance structure to address Key Management Issues and Challenges looking forward?

Many improvements made in the last two years - 2019 CCMP revisions in process will really help SMBRC step up to responsibilities ahead.

Are there elements of the current governance structure that could be modified for improved performance?
(Executive Committee; Governing Board; Watershed Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority)

Governing Board member training

What policies and practices implemented under the current SMBNEP governance structure contribute most to achieving the SMBNEP's goals and objectives?

TAC emphasis on Science based reviews and ongoing and thorough monitoring of project performance

Are there new policies and practices that could be incorporated into the SMBNEP governance structure and operations that could lead to better achievement of the SMBNEP's goals and objectives?

Reach out to agencies that do not participate in SMBRC directly but have much to contribute - USGS - They have nearshore data + monitoring and could be available partner

Other Comments/Questions/Notes:

Where is staff time best spent?

New/Regular Member Orientation

Clarify WAC is advisory but does not direct GB/or SMBRC

Optional:
Name:

Organization:

ED_002622A_00000188-00043

SMBNEP Governance Workshop
December 13, 2018

Purpose of Workshop

Under EPA NEP Guidance, the Santa Monica Bay NEP Management Conference is obligated to periodically review the structure of governance for the Santa Monica Bay NEP.

In June 2018, the staff of the Bay Foundation and the Santa Monica Bay Restoration Commission presented background on the structure of the SMBNEP and its component elements.

This workshop is intended to be an initial opportunity for the Governing Board/Management Committee of the SMBNEP to provide input on the current governance and any suggestions for changes and modifications to the overall governance structure, or to any of the specific elements of the governance structure, and any policies and practices.

Workshop Agenda

Introduction to Workshop Goals and Objectives- Dr. Guangyu Wang/Tom Ford	5 minutes
Governance of NEPs- US EPA, Region 9, Erica Yelensky	10 minutes
Facilitated discussion- Marc Beyeler, Principal, MBA Consultants	45 minutes

Facilitated Discussion-Issues and Questions to Consider

EPA NEP Cornerstones:
Focus on Watersheds; Integrate Science into Decision-making; Foster collaborative Problem-solving; and Involve the Public

Santa Monica Bay NEP Priority action categories:
Managing Projects; Making Policy; Raising and Expending Funds; Researching and Monitoring the Bay Condition; Educating and Engaging Stakeholders.

Santa Monica Bay NEP Principles for Governance:
Clarity in Roles and Responsibilities; Inclusive; Transparent; Stakeholder-based; Science-led; Results focused; Integrative.

ED_002622A_00000188-00044

Issues/Questions to consider:

Are there particular issues or topics that are important to you for this review?

Transparency

How well informed and how familiar are you with the structure and functions of the current governance structure?
(Not at all; A little; More than a Little; A lot; Fully)

I am generally aware of the functions of governance structure but I haven't been part of the board for long. It would be helpful that information to new members be provided or that there be some sort of orientation.

How well does the current governance structure meet the NEP Cornerstones and the SMBNEP (CCMP Action Plan) Goals and Objectives?
(Not at all; some; more than some; A lot; Fully meets)

I believe it meets to goals and objectives.

How effective is the current governance structure in meeting CCMP Action Plan priorities?
(Very effective; effective; somewhat effective; not effective; don't know; need more information)

Effective

What elements of the current governance structure work best?
(Executive Committee; Governing Board; Watershed Advisory Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority

I am most familiar with Governing Board. I am not sure about the workings of the TAC or WAC, are there minutes for their meetings? I am aware Steve Bay provides a TAC report but is there something in writing that identifies what they are working on and the priority?

How well suited is the current governance structure to address Key Management Issues and Challenges looking forward?

I think the structure is there but it would be helpful to know more info on the doings of the TAC and WAC.

Are there elements of the current governance structure that could be modified for improved performance?
(Executive Committee; Governing Board; Watershed Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority)
Is there a general report out by Executive Committee?

What policies and practices implemented under the current SMBNEP governance structure contribute most to achieving the SMBNEP's goals and objectives?
I would say a strong TAC is important.

Are there new policies and practices that could be incorporated into the SMBNEP governance structure and operations that could lead to better achievement of the SMBNEP's goals and objectives?
I have no suggestions at this time.

Other Comments/Questions/Notes:

Optional:
Name:
MarthaTremblay
Organization: LACSD

ED_002622A_00000188-00046

Begin forwarded message:

From: "Wang, Guangyu@Waterboards" <Guangyu.Wang@waterboards.ca.gov>
Subject: FW: Monthly fact check
Date: January 23, 2019 at 10:12:39 AM PST
To: Marc Beyeler <marcbeyeler@mac.com>

Hi Marc,

See attached for a copy of the e-mail I told you about that Mr. Lamb sent to EC after last week's meeting.

From: Walter Lamb <landtrust@ballona.org>
Sent: Thursday, January 17, 2019 5:29 PM
To: Fran Diamond <mediafranh2o@gmail.com>; CCaspary@lvmwd.com; Schuchat, Sam@SCC <Sam.Schuchat@scc.ca.gov>; Lippman, Timothy <tlippman@bos.lacounty.gov>; sluce@healthebay.org; Bruce Reznik <bruce@lawaterkeeper.org>
Cc: Wang, Guangyu@Waterboards <Guangyu.Wang@waterboards.ca.gov>; Coupe, David@Waterboards <David.Coupe@waterboards.ca.gov>; Tom Ford <tford@santamonicabay.org>; Erica Yelensky <yelensky.erica@epa.gov>; E.J. Caldwell <edwardc@westbasin.org>; Kemmler, Kara@SCC <Kara.Kemmler@scc.ca.gov>
Subject: Monthly fact check

Dear EC members,

Thank you for the opportunity to comment at your meeting. The factual record can help you avoid basing important decisions on inaccurate assertions and casual musings. As such, I respectfully offer these corrections for the record:

- To be clear, your National Estuary Program **DOES NOT** have a non-profit management conference as was stated at the meeting. When none of you spoke up to correct that misstatement I assumed I must have misheard it and therefore asked for it to be repeated. SMBRC is the **public agency** management conference of the local NEP.

- Because of the above fact, you **DO NOT**, in fact, have a similar structure to the dozen or so NEP's that do have a non-profit management conference, and you **ARE NOT** "just like Morro Bay, but with more people" as incorrectly stated at the meeting. Your attorney expressly addressed the difference between SMBRC and Morro Bay in a 2015 memo to you, one of the factual records we requested in vain to be included in this process. Trivializing the legislature's desire for the Santa Monica Bay NEP to be managed by a state agency would be a mistake.

TO: **SANTA MONICA BAY RESTORATION COMMISSION EXECUTIVE COMMITTEE**

FROM: **Frances L. McChesney**
Attorney IV
OFFICE OF CHIEF COUNSEL

DATE: **May 20, 2015**

[1] There are many estuaries identified by USEPA as part of the National Estuary Program (NEP) throughout the country, including three in California. Each has a somewhat different structure. For example, the Morro Bay NEP is

(footnote continued on next page)

(footnote continued from previous page)
implemented entirely by a private foundation, called the Bay Foundation of Morro Bay, using grant funds from USEPA; there is no public agency like the Commission involved in that Program. The Clean Water Act does not require a public agency to implement a bay restoration plan, but the Legislature chose to include a more inclusive structure for the Santa Monica Bay NEP.

- It was asserted that TBF is the host entity of the local NEP. We have asked many times for the underlying authority for that assertion, with no answer. A 2013 master's thesis [link] cites US EPA as its source to assert that the host entity of the Santa Monica Bay NEP is the State Water Resources Control Board, which would have clearly been the case when SWRCB was receiving the Section 320 grant (up until 2005) and all NEP staff were housed in the SWRCB offices (up until 2008). To the extent that there is to be a change in the host entity, that is a formal process requiring Governing Board approval, for which we can see no record in the minutes. Is it the SMBRC's position that SWRCB no longer serves as host entity, despite housing SMBRC's two state employees?

- If TBF is indeed the host entity, and TBF is in turn hosted by LMU, would not the agreement between LMU and TBF be an important document of the NEP? We've been unable to obtain this document to date but we are confident we will obtain it soon. Likewise, we will obtain the past Bylaws of TBF which will shed light on the original staffing arrangement.

- Regarding the draft diagram prepared by TBF's facilitator that moved TBF to the top of the structure (as compared to the previous US EPA diagram showing TBF staff reporting up to the management committee) I suggest that everyone read the documents posted by your staff for the December GB meeting. Per the guidelines, program staff are to report to the management committee, not the host entity. And they are to be autonomous and independent of the host entity.

Is that the case currently?

- Regarding the assertion that TBF is the recipient of the Section 320 funds, that is highly misleading, and precisely the type of open question this process was supposed to address. TBF began receiving the Section 320 grant funds in 2006 (16 years after TBF was created by the SMBRP) conditioned on a formal agreement that TBF would hold the funds as SMBRC's fiscal agent, primarily to hire and pay SMBRC staff. Dr. Luce has personal knowledge of that staffing arrangement as she oversaw that transition, which is well documented and is still referenced in your current Memorandum of Agreement with TBF. Every year, SMBRC chooses (apparently unknowingly) the recipient of the Section 320 funds when it approves the annual work plan. The GB could decide to allocate those funds to SWRCB, to SMBRA or to another entity or entities. Refusing to clarify this fact to the Governing Board is an unforced error in this process.

- Regarding the repeated complaints about inadequate staffing, when will someone suggest a solution? When will you candidly discuss why you had 18 staff in 2014 and two staff today? As the NEP Management Committee, can the GB direct NEP staff to perform tasks? Should SMBRC request funding from the legislature? Why has this never occurred?

- Regarding the suggestion that SMBRC was "forced" to make structural changes in response to litigation, this allegation is not supported by fact. The decision to have Tom Ford resign as ED of the SMBRC was **not sought or desired** by the Land Trust, but was rather TBF's decision. I suggest TBF agree to make that settlement agreement and related correspondence public to avoid any further confusion on the matter. The decision to terminate SMBRC members of TBF's board and to terminate SMBRC's right to appoint members was also made solely by TBF. Likewise, the decision to have TBF vacate the public office space downtown was made solely by TBF to avoid having to account to SMBRC for the use of the space. To the extent SMBRC wishes to reverse any of these changes, that should be communicated to TBF, and TBF can finally explain their reasons for making these changes.

- Regarding the notion that comments from individual members of the Watershed Advisory Council (WAC) are more helpful than consensus recommendations by the Council as a body. please read the relevant text of your governing Memorandum of Understanding and determine if the MOU should be altered to better reflect that model. The MOU is a quasi-legislative documents that require adherence.

- Regarding SMBRC's desire to have more public bond funds allocated to it, please recall that you just last year tried to delegate away your role in selecting projects for Prop 12 funding. This was indeed a key purpose of the Legislature creating SMBRC, but the agency has been hollowed out and has allowed its institutional identity to be diluted.

- Finally, regarding the value of leveraged funds, it is our belief that you are so loosely interpreting what constitutes leverage monies that the actual benefit to the public is often lost. For instance, the National Fish and Wildlife Foundation grant to TBF is not a matching fund to the recently approved Prop 12 funds in any logical or legal interpretation of the phrase "matching fund."

We will continue to surface and advocate for facts as part of this process and in pursuit of our conservation goals. That is how we have prevented two special interest construction projects in the Ballona Wetlands Ecological Reserve and how we intend to expand access (a goal in SMBRC's 2013 BRP), ensure transparency and accountability in the CEQA process, ensure accountability in interim restoration projects and otherwise protect the public's interest in this ecosystem.

Thank you as always for your consideration of these comments.

Walter

Walter Lamb
Ballona Wetlands Land Trust
310-384-1042
Facebook

On Wed, Jan 16, 2019 at 5:24 PM Walter Lamb <landtrust@ballona.org> wrote:

> Dear EC members,
>
> To facilitate informed discussion, I have compiled relevant pages of selected SMBRC records (and one Wildlife Conservation Board record) into the attached document with highlighting. You should be able to read the highlighted references to SMBRC's historical role with the Ballona Wetlands Restoration Project in a matter of minutes. I will be discussing this role in the context of a positive but very belated development in the restoration planing that relates directly to SMBRC's structure and governance.
>
> Also, my understanding is that there will be follow up tomorrow on two action items requested by the Governing Board at the October meeting:
>
> 1) Status of SMBRC's ability to receive funds
> 2) Explanation of why facilitator resources of the State Water Resources Control Board, as offered by Jonathan Bishop, were not leveraged for this process.
>
> Thank you as always for your consideration of these SMBRC documents.
>
> Walter
>
> ---
>
> Walter Lamb
> Ballona Wetlands Land Trust
> 310-384-1042
> Facebook

Begin forwarded message:

From: "Wang, Guangyu@Waterboards" <Guangyu.Wang@waterboards.ca.gov>
Subject: Summary of public comments - updated
Date: January 22, 2019 at 11:38:11 AM PST
To: 'marc beyeler' <marcbeyeler@mac.com>
Cc: "'Ford, Tom'" <tford@santamonicabay.org>

Hi Marc,

Attached is an updated version of the summary I sent you previously. I added four more public comments that I just salvaged from my junk e-mail box.

Guangyu

To: Wang, Guangyu@Waterboards
Subject: SMBRC governance
Date: Wednesday, January 09, 2019 10:14:08 AM

Dear Dr. Wang,

As the Santa Monica Bay Restoration Commission examines its governance and structure, please keep in mind the valuable role you can and should play in planning, monitoring, and overseeing the Ballona Wetlands Restoration Project. The SMBRC, a public entity, largely abandoned this role and turned it over to the private Bay Foundation and this has resulted in a loss of transparency. The SMBRC should reassume the role it pledged to play back in 2010. Personally, I would like to see a more open, public, and transparent process put in place so that all stakeholders have the information they need to speak up and provide input and hold people accountable. As a resident of the area and a docent at the wetlands, I consider myself one such stakeholder.

Thank you.

-

Catherine Ronan

From: Barry Campion
To: Wang, Guangyu@Waterboards
Subject: Ballona Wetlands
Date: Wednesday, January 09, 2019 11:31:20 AM

Dear Dr. Wang,

I am a docent at the Ballona Wetlands. I started my involvement with the program last year so am still learning much about its history and its future. There our many opinions about the future restoration of these wetlands and oversight and sound smart science is needed to help guide this process. This wetland needs help and direction so it can preserve the habitat that is sustaining to its native plants and wildlife and improve the habitat that is not supportive.

It has come to my attention that the Santa Monica Bay Restoration Commission is responsible for evaluating its structure and governance. I respectfully encourage SMBRC to carefully consider its legislative mandate to "monitor, assess, coordinate, and advise" all state programs that affect the Santa Monica Bay and its watershed, such as the Ballona Wetlands Restoration Project, and to remember the 2010 pledge by the SMBRC Governing Board to participate in the planning process until its completion.

Despite that pledge, the SMBRC, a locally-based state agency, has allowed itself to be supplanted by the private Bay Foundation as the local entity coordinating and advising this project, which has reduced transparency and accountability. This has resulted in numerous setbacks and wasted considerable time and money and left this important ecosystem in a largely neglected state. For the benefit of wildlife, and of current and future generations of people, please restore SMBRC to its former, well documented, and legally mandated role coordinating and advising this high priority project of SMBRC's Bay Restoration Plan.

Respectfully,

Barry Campion

From: Alison Copeland

To: Wang, Guangyu@Waterboards
Cc: landtrust@ballona.org
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Thursday, January 10, 2019 12:31:29 PM

Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, I ask that you urgently consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed. The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.
Thank you for your time and consideration of the above request.
Sincerely,
Alison Copeland

From: dragonfly9@aol.com
To: Wang, Guangyu@Waterboards
Subject: SMBRC"s Active Role in Coordinating and Advising Ballona Wetlands Restoration
Date: Thursday, January 10, 2019 1:16:51 PM

Dear Dr. Wang,
As a longtime resident of the Westside, who lives adjacent to the Ballona Wetlands, I have so enjoyed seeing the revitalization and restoration of the area. I use the bike path quite a lot and relish seeing and photographing the birds and wildlife that congregate there. I know it takes a lot of coordination to fulfill the mandated revitalization and would encourage the SM Bay Restoration Commission to resume their advisory role in helping keep the Ballona Wetlands well.
I am asking for your support of their role...and thanks for your continued good works for the care of the watersheds here.
Thank you.
Best wishes,
Nina Warner
Culver City, CA 90230

To: Wang, Guangyu@Waterboards
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Thursday, January 10, 2019 2:15:46 PM

Dear Dr. Wang,
As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed. The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.
Best regards,
Brooks Perry
1535 Granville Ave, Los Angeles, CA 90025
--
Brooks Perry

From: Howard Sacks
To: Wang, Guangyu@Waterboards
Subject: Santa Monica Bay Restoraton Commision -Restoration of Ballona Wetlands
Date: Thursday, January 10, 2019 3:19:34 PM

Dear Dr. Wang: We urge the Governing Board to keep working to restore the Ballona Wetlands in the planning process until it is completed as required by the legislative mandate to monitor, assess, coordinate and advise all state programs, that affect the Santa Monica Watershed.

The actions of the private Bay Foundation that replaced the Commission as the main local entity have caused many missteps that impaired progress of the Commission's goals.

We live in Playa Del Rey and with family members and support and regularly visit the Ballona Wetlands and suggest that you take strong steps in the restoration planning process that is so badly needed.

Sincerely, Elaine & Howard Sacks, and family.

To: Wang, Guangyu@Waterboards
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Thursday, January 10, 2019 5:17:20 PM

Dear Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, **please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed.**

The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion.

When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.

Sincerely,
Andrew Wilder

To: Wang, Guangyu@Waterboards
Cc: landtrust@ballona.org
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Friday, January 11, 2019 1:23:32 PM

Dear Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed. The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.

The Wetlands are a treasure, and have been gradually eliminated but the Playa Vista complex construction. PLEASE help preserve what is left. PLEASE protect our wildlife. This flyway is crucial for the survival of several species of birds...and the list goes on. The community LOVES this

marsh! Your good leadership is sorely needed again!
Thank you for your consideration.
Gratefully,
Marion Klein

From: Erica Blyther
To: Wang, Guangyu@Waterboards
Cc: landtrust@ballona.org
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Friday, January 11, 2019 6:22:52 PM

Dear Dr. Wang,
As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed.
The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.
Please refocus the efforts on this important wetland that needs protection from the perils of over-development.
Thank you,
Erica

From: Jay Ross
To: Wang, Guangyu@Waterboards
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Saturday, January 12, 2019 5:23:56 PM

Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed.

The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion.

When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.

Jay Ross
West Los Angeles 90064

From: Jo Ellen Young
To: Wang, Guangyu@Waterboards
Cc: landtrust@ballona.org
Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Thursday, January 10, 2019 11:35:07 AM

Dear Dr. Wang,

As the SMBRC evaluates its structure and governance moving forward, please consider SMBRC's legislative mandate to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed. The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan, and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.
Sincerely,
Jo Ellen Young

From: Cindy Hardin
To: Wang, Guangyu@Waterboards
Subject: Santa Monica Bay Restoration Commission
Date: Thursday, January 10, 2019 3:26:52 PM

Dear Dr. Wang,
I am contacting to you in reference to the Santa Monica Bay Restoration Commission and its part in the restoration of the Ballona Wetlands. In 2010 the SMBRC pledged to participate in the planning process of this project and see it to completion. In the interim, the Commission's influence and input has diminished, to the detriment of Ballona.
Although I am writing this as a private citizen, my job as Director of Outdoor Education for the Los Angeles Audubon Society requires me to coordinate many field trips to Ballona. My regular presence on the site allows to have first-hand knowledge of the dire need for a forward looking, science based plan to increase the viability and health of the habitat at the Reserve. Many issues abound, and it is my concern that without a strong presence of the SMBRC, the habitat will become more and more compromised.
Currently, the continued increase of non-native vegetation has severely lessened the quality of the habitat, impacting native plants and animals. The Willow Grove and Cottonwoods found in Area B West are being choked with Acacia as I write this, and recent rains are bringing a fresh profusion of Black Mustard sprouts and Garland Chrysanthemum. Castor Bean and Tree Tobacco line Culver Blvd, displacing Laurel Sumac.
In addition, illegal drains that were ordered to be capped by the California Coastal Commission (but have not been as yet) continue to drain precious rainwater from the wetlands, depriving them of their lifeblood.
It is my hope that SMBRC will again take on its legally mandated role in overseeing and contributing to the Ballona restoration project.
Thank you,
Cindy Hardin

From: Sharon King
To: Wang, Guangyu@Waterboards
Subject: The role of SMBRC in advising the restoration planning process of the Ballona Wetlands
Date: Friday, January 11, 2019 10:46:11 AM

Dear Dr. Wang,
I write to you as a longtime (over 20 years) homeowner in Mar Vista, very concerned about the fate of the Ballona Wetlands.

I strongly urge the Santa Monica Bay Restoration Commission to resume its former oversight role in the restoration planning process for the Ballona Wetlands. This would follow the SMBRC's legislative mandate, which, as I understand it, was to monitor, assess, coordinate, and advise all state programs affecting the Santa Monica Bay watershed.
The restoration of the Ballona Wetlands is a state program, long a high priority in the SMBRC's Bay Restoration Plan. The SMBRC in fact acknowledged its participation in the planning process between 2006 and 2014, including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. But when the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project, much of the transparency and accountability in monitoring the wetlands and accountability was lost. The losses have greatly impeded progress towards SMBRC's stated goals, and have undermined the public's faith in its mission.
Please resume the good work that was done, and that can be done again, to preserve and maintain the Ballona Wetlands, the last remaining wetlands in Los Angeles.
Very sincerely yours,
Sharon D. King, Ph.D.
Los Angeles, California

From: Patrick Davenport
To: Wang, Guangyu@Waterboards
Cc: Ballona Wetlands Land Trust
Subject: Subject: SMBRC"s role coordinating and advising the restoration planning process for the Ballona Wetlands
Date: Tuesday, January 15, 2019 4:40:47 PM

Dear Dr. Wang,
As the SMBRC evaluates its structure and governance moving forward, I strongly urge you to consider SMBRC's legislative mandate to monitor, assess, coordinate and advise all state programs affecting the Santa Monica Bay watershed. The restoration of the Ballona Wetlands is a state program that has long been a high priority in SMBRC's Bay Restoration Plan and SMBRC proudly acknowledged its participation in the planning process between 2006 and 2014 including a 2010 resolution by the Governing Board to continue its participating in the planning process until completion. When the private Bay Foundation replaced the Commission as the primary local entity coordinating and advising the project the loss of transparency and accountability resulted in numerous missteps that have impeded progress toward's SMBRC's stated goals.
Yours faithfully,
Patrick Davenport
1384 Appleton Way
Venice
CA 90291

Begin forwarded message:

From: "Wang, Guangyu@Waterboards" <Guangyu.Wang@waterboards.ca.gov>
Subject: Re: WAC comments
Date: February 1, 2019 at 10:21:16 AM PST
To: Marc Beyeler <marcbeyeler@mac.com>, Tom Ford <tford@santamonicabay.org>

Hi Marc,

No additional comments were received by the 1/30 deadline.

Guangyu

From: Marc Beyeler <marcbeyeler@mac.com>
Sent: Friday, February 1, 2019 8:11:55 AM
To: Wang, Guangyu@Waterboards; Tom Ford
Subject: WAC comments

Hi Guangyu- Please forward any additional comments received from WAC meeting. Thanks, Marc

Begin forwarded message:

From: "Wang, Guangyu@Waterboards" <Guangyu.Wang@waterboards.ca.gov>
Subject: RE: Input materials
Date: March 26, 2019 at 4:11:43 PM PDT
To: Marc Beyeler <marcbeyeler@mac.com>, Tom Ford <tford@santamonicabay.org>
Cc: "marcbeyeler@icloud.com" <marcbeyeler@icloud.com>

Hi Marc,

I believe I've sent all comments I received via my e-mail to you already and I do not have any other reports/documents in addition to what already posted.

Sorry I did not reply your request sooner.

Guangyu

-----Original Message-----
From: Marc Beyeler <marcbeyeler@mac.com>
Sent: Monday, March 25, 2019 10:54 AM
To: Tom Ford <tford@santamonicabay.org>; Wang, Guangyu@Waterboards <Guangyu.Wang@waterboards.ca.gov>
Cc: marcbeyeler@icloud.com
Subject: Input materials

Hi Tom and Guangyu-

I am writing to ask that you send copies of all comments and communications, including all questionnaire responses, so I will have complete set to use in preparing report. In addition, I would like to combine into an appendix to any posted report documents. Marc

Begin forwarded message:

From: "Wang, Guangyu@Waterboards" <Guangyu.Wang@waterboards.ca.gov>
Subject: FW: For discussion at Watershed Advisory Council - links, documents, survey
Date: January 23, 2019 at 10:09:37 AM PST
To: Marc Beyeler <marcbeyeler@mac.com>, Tom Ford <tford@santamonicabay.org>

FYI.

From: Walter Lamb <landtrust@ballona.org>
Sent: Wednesday, January 23, 2019 9:21 AM
To: Ballona Wetlands <landtrust@ballona.org>
Subject: For discussion at Watershed Advisory Council - links, documents, survey

Dear fellow WAC members,

I am looking forward to our meeting tomorrow. The WAC's primary purpose is to advise the Governing Board (see MOU), which in turn monitors, assesses, coordinates and advises all state programs affecting the Santa Monica Bay and its watershed (see legislation). In an effort to facilitate discussion, I've attached a survey of ten specific recommendations that the Land Trust would like the WAC to consider and to seek consensus on as an advisory body. If consensus is achieved on one or more of these recommendations, we will ask that they be forwarded to the Technical Advisory Committee for their input and then to the Governing Board as recommendations from the WAC as a whole. Other organizations likely have other desired topics of discussion, and work groups may need to be performed (also pursuant to MOU) to efficiently identify priority issues and develop consensus recommendations.

The most important of the listed issues to the Land Trust is expanding interim access to the Ballona Wetlands Ecological Reserve for badly needed stewardship and education programs in substantial areas of the reserve that are largely neglected today. The proposed access would be designed and managed to protect and respect ecologically and culturally sensitive resources. Funding and effort would not be diverted from long-term restoration planning. SMBRC long had a clear position favoring interim access (see 2013 Bay Restoration Plan Objective 13.3, carried over from the 2008 BRP, also see 2005 access and management plan) and it is appropriate for SMBRC to reaffirm that position and advise CDFW of the need to finally take action. SMBRC supported the granting of hundreds of thousands of dollars in Prop 12 funds to improve Area A for interim access, but the benches and signs have been unused for years. TBF created an infographic on access, and Heal the Bay, LA Waterkeeper, Friends of Ballona wetlands and other groups have all acknowledged the importance of access. A question for us to consider is whether it is in the best interest of the public to leave this ecosystem largely in a state of neglect for many more years, or to resume the plans developed for interim stewardship. The Land Trust believes that there is a consensus for the latter approach, and that the WAC can take an important first step in that direction by communicating that consensus to the Governing Board.

Also, below are a few links to documents of other NEP's Citizen Advisory Committees (the equivalent of our WAC), such as minutes, bylaws and position statements that may help inform discussion of our own WAC role in the larger context of SMBRC's structure and governance.

http://longislandsoundstudy.net/wp-content/uploads/2014/09/CAC-Meeting-Sept-13-Final.pdf

https://sarasotabay.org/wp-content/uploads/SBEP-CAC-Bylaws-PB-approved-5-2-2014.pdf

https://www.hudsonriver.org/wp-content/uploads/2017/10/CAC_LetterOnPassaicRiverSettlement_101414_Final.pdf

https://www.inlandbays.org/wp-content/uploads/20151113152958476.pdf

I also suggest that the structure and governance discussion come before the Work Plan discussion as the former is sure to raise questions about the latter. Comments on any of these documents or points is welcome as always.

Thanks

Walter

Walter Lamb
Ballona Wetlands Land Trust
310-384-1042
Facebook

Meeting of the Watershed Advisory Council of the Santa Monica Bay Restoration Commission

January 24, 2019

Name of organization/individual _____

Pursuant to the Memorandum of Understanding (MOU) which governs the Santa Monica Bay Restoration Commission (SMBRC), the above named organization or individual hereby registers the following positions to the SMBRC Governing Board on the proposed recommendations described below.

1. Consistent with the previous position of the SMBRC (see 2013 Bay Restoration Plan Update), adopt and publish a policy that encourages expanded access to the Ballona Wetlands Ecological Reserve that is responsibly managed, protects sensitive ecological resources, and respects and protects cultural resources. Expanded access will encourage nature education and appreciation and increase interim stewardship of the ecological reserve, to include trash removal and promotion of habitat for native wildlife.

   ___ *Support* ___ *Oppose* ___ *Abstain*

2. Consistent with SMBRC's enabling legislation and with its operating practice up until the late summer of 2014, reaffirm SMBRC's role as the locally-based state agency that monitors, assesses, coordinates and advises **all** state programs affecting the Santa Monica Bay and its watershed. For clarity, eliminate language in the Work Plan and CCMP that indicates that SMBRC is not engaged on many of the most important projects in the SMBRC Work Plan, and replace that language with new language reinforcing SMBRC's important role coordinating and advising those projects, even when SMBRC is not the lead agency.

   ___ *Support* ___ *Oppose* ___ *Abstain*

3. Either alter the practices of the WAC to be consistent with the existing MOU, or alter the MOU to accurately reflect the practices of the WAC. This includes references to advising the Governing Board, building consensus, establishing Work Groups, and dispute resolution.

   ___ *Support* ___ *Oppose* ___ *Abstain*

4. In accordance with Action #26 in the current CCMP Action Plan, and in response to Governing Board member requests, conduct an SMBRC Workshop on the topic of invasive species management, and develop science-based policies of SMBRC regarding such issues as the best practices for revegetation of native species during habitat restoration projects. These policies can then be used to guide projects in the Work Plan.

   ___ *Support* ___ *Oppose* ___ *Abstain*

5. Create a policy to promote better attendance at SMBRC meetings and to ensure that membership lists are updated to remove defunct organizations or organizations that have not participated in SMBRC business for many years. For instance, many organizations listed as WAC member entities are defunct or have not attended meetings in many years for whatever reason. Similarly, the California Department of Fish and Wildlife and certain other groups have apparently not sent a representative to the Governing Board in many years.

   ___ *Support* ___ *Oppose* ___ *Abstain*

6. Adopt and publish a policy discouraging commercial parking uses in the Ballona Wetlands Ecological Reserve. Such use has taken place since the land was acquired by taxpayers in 2003 and runs counter to the purposes for which the land was acquired.

   ___ *Support* ___ *Oppose* ___ *Abstain*

7. Direct staff to resume communications activities listed in prior Work Plans and BRPs relating to the Ballona Wetlands Restoration Project, to include the defunct newsletter and the project web site and social media forums which have not been updated in over a year. If there is a lack of funds for this activity, direct staff to seek funds from the California Coastal Conservancy or other appropriate source.

   ___ *Support* ___ *Oppose* ___ *Abstain*

8. Direct staff to work with the California Legislature to reinstate SMBRC's state treasury bank account and request that the Legislature allocate budget to SMBRC to carry out its legislatively mandated duties.

   ___ *Support* ___ *Oppose* ___ *Abstain*

9. Acknowledge in the Work Plan that, pursuant to the relevant federal regulations, the decision on how to allocate grant funds from US EPA pursuant to section 320 of the Clean Water Act is made annually by the SMBRC Governing Board and cannot be predetermined by US EPA, the Bay Foundation, or any other authority.

   ___ *Support* ___ *Oppose* ___ *Abstain*

10. Adopt a position statement urging the Acting EPA Administrator and the EPA Region 9 Administrator to acknowledge the threat posed to our environment by human-caused climate change, including the effect that sea-level rise will have on America's critical estuaries.

    ___ *Support* ___ *Oppose* ___ *Abstain*

Appendix B. NEP Management Conferences with Nonprofit Host Entities and 320 Grantees

NEP Name	***Host Entity***	***Grant Recipient***	***Sources of Operating Funds***	***Committee Structure***
Coastal Bend Bays (TX)	*Nonprofit Coastal Bend Bays and Estuaries Program, Inc.*	*CBBEP*	*EPA, State, local governments, industry and Private Foundations*	*Board of Directors, Bays Council, Coordination Team, 5 Implementation Teams*
Delaware Estuary (PA, NJ, DE)	*Non-profit- Partnership for the Delaware Estuary*	*Partnership for the Delaware Estuary*	*EPA, States, City of Philadelphia, Delaware River Basin Commission private grants, donations events*	*Steering Committee, Estuary Implementation Committee, Partnership Board of Directors, Science & Tech Advisory Committee (STAC), DRBC TAC/MAC*
Delaware Inland Bays (DE)	*Nonprofit Delaware CIB*	*CIB*	*EPA, State, Planned Gifts, License Plate, Membership, Events*	*Board of Directors, CAC, STAC, Executive Finance, Water Use Plan Implementation Committee*
Lower Columbia River (OR & WA)	*Non-Profit Lower Columbia Estuary Partnership*	*Lower Columbia Estuary Partnership*	*EPA, Federal agencies, Tribal governments, State agencies, Regional governments, Private Foundations, Corporations, and Individuals*	*Board of Directors, Executive Committee, Water Trail Committee, Science Work Group*
Maryland Coastal Bays (MD)	*Nonprofit - Maryland Coastal Bays Foundation*	*Maryland Coastal Bays Foundation*	*EPA, State, Events, Canoe/bike rental, concessions*	*Foundation Board, Policy, Implementation, Fundraising, Citizens Advisory, Scientific and Technical Advisory Committees; Ad Hoc Implementation Working Groups*

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Mobile Bay (AL)	*Non-Profit Dauphin Island Sea Lab, State University system*	*Marine Environmental Sciences Consortium-Dauphin Island Sea Lab*	*EPA, RESTORE, State, Local*	*Executive Committee, Governance Networks, Business Resources, Project Implementation, Community Action, Science Advisory, and Finance Advisory Committees.*
Morro Bay (CA)	*Nonprofit Bay Foundation of Morro Bay*	*Bay Foundation of Morro Bay*	*EPA 320 grant*	*Executive Comm (oversight and decision-making authority), Implementation Comm, and Three Subcomms - Finance, Education and Outreach, and Scientific/Technical*
NY/NJ Harbor (NY)	*Nonprofit Hudson River Foundation*	*Hudson River Foundation*	*EPA, Private Foundations, Local Government*	*Policy Committee, Management Comm., STAC, CAC, Work Groups: water quality, restoration, public access, sediment, education; and ad hoc groups as necessary*
San Juan Bay (PR)	*Non-Profit Corporation for the Conservation of the San Juan Bay Estuary*	*Corporation for the Conservation of the San Juan Bay Estuary*	*Nonprofit (Corporation for the Conservation of the San Juan Bay Estuary)*	*Board of Directors, Government Implementation Committee (Management Conference), STAC, CAC, Trust Fund, Program Office*
Santa Monica (CA)	*Nonprofit The Bay Foundation*	*The Bay Foundation*	*EPA/State*	*Governing Board, Tech Advisory Comm., Watershed Advisory Council; Joint Powers Authority; Research Center with University*
Tillamook Bay (OR)	*Nonprofit Tillamook Estuaries Partnership*	*Tillamook Estuaries Partnership*	*EPA*	*Board of Directors, Executive Committee, Finance Committee, Development Committee, Education Committee*

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Appendix C. Questionnaire

Governing Board Workshop Questionnaire

Issues/Questions to consider:
How well informed and how familiar are you with the structure and functions of the current governance structure?
(Not at all; A little; More than a Little; A lot; Fully)

How well does the current governance structure meet the NEP Cornerstones and the SMBNEP (CCMP Action Plan) Goals and Objectives?
(Not at all; some; more than some; A lot; Fully meets)

How effective is the current governance structure in meeting CCMP Action Plan priorities?
(Very effective; effective; somewhat effective; not effective; don't know; need more information)

What elements of the current governance structure work best?
(Executive Committee; Governing Board; Watershed Advisory Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority

---

How well suited is the current governance structure to address Key Management Issues and Challenges looking forward?

Are there elements of the current governance structure that could be modified for improved performance?

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(Executive Committee; Governing Board; Watershed Council; Technical Advisory Committee; SMBRC-TBF partnership; Joint Power Authority)

What policies and practices implemented under the current SMBNEP governance structure contribute most to achieving the SMBNEP's goals and objectives?

Are there new policies and practices that could be incorporated into the SMBNEP governance structure and operations that could lead to better achievement of the SMBNEP's goals and objectives?

Other Comments/Questions/Notes:

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Appendix D. eSurvey

Appendix E. eSurvey Summary Results

40 responses to the Governance eSurvey, totaling 20 from Management Conference Members, and 20 from interested stakeholders and members of the public.

As separate pdf

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APPENDIX D. eSurvey

Santa Monica Bay National Estuary Program (SMBNEP)
Governance Review eSurvey

Survey Open through March 4, 2019

Background

Under US EPA National Estuary Program Guidance, the structure of governance for the Santa Monica Bay National Estuary Program (SMBNEP), the "Management Conference," is required to be periodically reviewed. The SMBNEP Management Conference is comprised of the Governing Board, Executive Committee, Technical Advisory Committee, and Watershed Advisory Council. In June and December 2018, staff of US EPA and SMBNEP presented background on the structure of the SMBNEP.

In December 2018, the Santa Monica Bay Restoration Commission (SMBRC) Governing Board held a workshop for the Governing Board to provide input on the current governance and any suggestions for changes and modifications to the overall governance structure, or to any of the specific elements of the governance structure, or any policies and practices. SMBRC's Executive Committee and Watershed Advisory Council held similar workshops in January 2019. Members of these entities were also encouraged to provide their input by completing a preliminary questionnaire.

This eSurvey was developed based on initial input received from the workshop and completed questionnaires, as an opportunity for all members of the Management Conference, interested stakeholders, and members of the public to provide more focused and qualified input on specific elements of SMBNEP's governance. We are particularly interested to know your thoughts on what's working well, if and how current governance could be improved, and any specific suggested changes or modifications to any elements of the Management Conference or governance practices or policies of the SMBNEP.

1. Name (Optional):

2. Affiliation/Organization (Optional):

3. Email Address (Optional):

4. Telephone Number (Optional):

5. If you are a member of the SMBNEP Management Conference please check here.

☐ I am a member of the SMBNEP Management Conference

6. How would you describe your organization's/agency's attendance at SMBNEP public meetings:

Never Have	Have in the past	Sometimes Attend	Regularly Attend	Always Attend
○	○	○	○	○

7. How would you describe your organization's/agency's participation in the activities of the SMBNEP:

Not Active	Rarely Active	Sometimes	Active	Very Active
○	○	○	○	○

8. What are your organization's/agency's primary reasons for participating in the SMBNEP? (Select all that apply):

☐ Availability of Technical, Policy, and Project Expertise

☐ Ability to Partner on Grant Funding and Projects

- [ ] Assistance in Delivery of Regional Projects/Initiatives
- [ ] Assistance with Individual project implementation
- [ ] Other (please specify):

9. What are your organization's/agency's primary responsibilities involving Santa Monica Bay and its watersheds?

- [ ] Flood Management
- [ ] Stormwater Management
- [ ] Water Supply
- [ ] Watershed Management
- [ ] Sediment Management
- [ ] Hazard/Emergency Planning
- [ ] Coastal/Local Planning
- [ ] Habitat, Species, Open Space Management
- [ ] Climate Change and SLR Vulnerability and Adaptation
- [ ] Capital Public Works Planning and Implementation
- [ ] Stewardship
- [ ] Other (please specify):

10. How familiar are you with the structure and functions of the current SMBNEP Management Conference governance?

Not at All	A Little	More than a Little	A Lot	Very Informed
○	○	○	○	○

11. Effectiveness of Management Conference

Please rate the effectiveness of current Management Conference governance structure in meeting SMBNEP CCMP priorities:

	Select One:
Overall	
Developing and Managing Projects	
Making Policy	
Raising and Expending Funds	
Researching and Monitoring Bay Conditions	
Educating and Engaging Stakeholders	

Other (please specify)

12. Effectiveness of Governing Board/Executive Committee

Please rate the effectiveness of current GB/EC governance structure in meeting SMBNEP CCMP priorities:

	Select One:
Overall	
Developing and Managing Projects	
Making Policy	
Raising and Expending Funds	
Researching and Monitoring Bay Conditions	

	Select One:
Educating and Engaging Stakeholders	

Other (please specify)

13. Effectiveness of the Watershed Advisory Committee (WAC)

Please rate the effectiveness of current WAC governance structure in meeting SMBNEP CCMP priorities:

	Select One:
Overall	
Informing and Affecting Projects	
Informing and Affecting Policy	
Informing and Affecting Program and Project Funding	
Understanding Research on and Monitoring of Bay Conditions	
Educating and Engaging Stakeholders	

Other (please specify)

14. Effectiveness of the Technical Advisory Committee (TAC)

Please rate the effectiveness of current TAC governance structure in meeting SMBNEP CCMP priorities:

	Select One:
Overall	
Informing and Affecting Projects	
Informing and Affecting Policy	
Researching and Monitoring Bay Conditions	
Informing and Educating Stakeholders	

Other (please specify)

15. Effectiveness of Bay Restoration Authority (SMBRA)

Please rate the effectiveness of the Restoration Authority structure in meeting SMBNEP CCMP priorities:

	Select One
Overall	
Managing Projects	
Raising and Expending Funds	

Other (please specify)

16. Effectiveness of The Bay Foundation

Please rate the effectiveness of The Bay Foundation governance structure in meeting SMBNEP CCMP priorities:

	Select One
Overall	
Developing and Managing Projects	
Informing and Affecting Policy	
Raising and Expending Funds	
Supporting, Funding, and Managing Research and Monitoring of Bay Conditions	
Educating and Engaging Stakeholders	

Other (please specify)

17. How effective is the current governance relationship of the USEPA NEP Program with The Bay Foundation and SMBRC?

Not Effective	Somewhat Effective	Effective	Very Effective
○	○	○	○

18. How effective is the current governance relationship of the State Water Resources Control Board with the SMBRC?

Not Effective	Somewhat Effective	Effective	Very Effective
○	○	○	○

19. How effective is the current governance relationship between the SMBRC and The Bay Foundation?

Not Effective	Somewhat Effective	Effective	Very Effective
○	○	○	○

20. What do you see as the unique strengths and attributes of the SMBNEP Management Conference governance structure?

21. Are there governance policies and practices that best contribute to achieving the SMBNEP's goals and objectives?

22. Are there elements of the current governance structure that could be modified for improved performance?

	Select One:
Governing Board-Executive Committee	
WAC	
TAC	
The Bay Foundation	
Restoration Authority	

Please Explain

23. Are there new or modified governance policies and practices that could be implemented that could lead to better achievement of the SMBNEP's goals and objectives?

24. How well suited is the current governance structure to address Key Management Issues and Challenges looking forward?

Not at All	A Little	More than a Little	A Lot	Very
○	○	○	○	○

Comments:

25. Could you suggest any other changes to the current governance structure or suggestions for future governance?

26. Financing/Implementation/Community Private/Public Partnerships

What new or expanded governance, financing, and implementation partnerships should the Management Conference be exploring and developing?

27. How active would you like to be in the SMBNEP going forward?

None at All	Very Little	Slightly	Moderately	A Lot
○	○	○	○	○

28. How could you become better engaged with the SMBNEP? (What factors would increase your interest in and engagement with the SMBNEP?)

29. Other Comments:

Submit SMBNEP Governance Review eSurvey

Governance Review eSurvey

Santa Monica Bay National Estuary Program
2019

Affiliation/Organization (Optional):

Answered	26
Skipped	14

Anonymous	
Anonymous	
Anonymous	
Richard F. Ambrose	UCLA
Walter Lamb	Ballona Wetlands Land Trust
Shelley Luce	Heal the Bay
Anonymous	
Lawrence Lovell	Dancing Coyote Enbironmental
Eric Stein	SCCWRP
Christine Whitcraft	CSU Long Beach
Laurie Newman	TBF
Anonymous	
Anonymous	
Bob Godfrey	MARINA DEL REY ANGLERS
Masahiro Dojiri	LA Sanitation & Environment
David Kay	
Suzanne Goode	Ca Department of Parks and Recreation
Anonymous	
Anonymous	
Anonymous	
Peter Glick	Del Rey Yacht Club
Anonymous	
Giovanni Di Franco	Coastal Research Institute
Anonymous	
Anonymous	Coastal Research Intern/TBF
Chris Newman	LACoFD Lifeguard Division

Anonymous	
Kathy Knight	Ballona Ecosystem Education Project
Jim Lamm	Ballona Creek Renaissance
John H. Dorsey	Loyola Marymount University
Phyllis Grifman	Univ. of Southern Calif. Sea Grant
Lucien Plauzoles	Santa Monica Bay Audubon Society
Anonymous	
Anonymous	Intern
Douglas Fay	3rd generation SMB environmental activist
Bill Brand	City of Redondo Beach - Mayor
David Pedersen	Las Virgenes Municipal Water District
Martha Tremblay	LACSD
Cung Nguyen	Los Angeles County Public Works
Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	Ca State Water Resources Control Board

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If you are a member of the SMBNEP Management Conference please check here.

Answer Choices	Responses	
I am a member of the SMBNEP Management Conference	100.00%	20
	Marked YES	**20**
	Skipped	**20**

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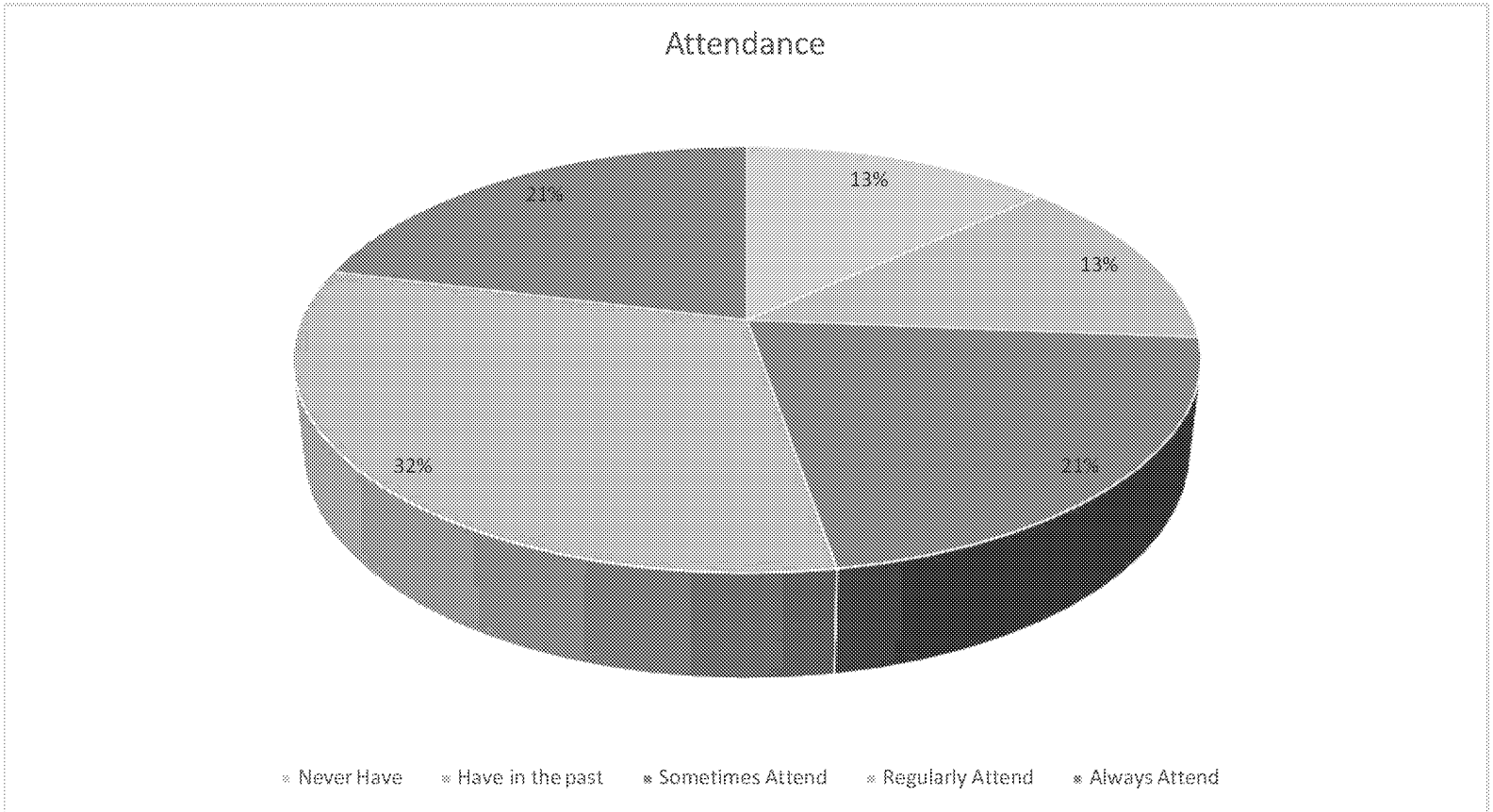
How would you describe your organization's/agency's attendance at SMBNEP public meetings:

					Total	
13.16%	13.16%	21.05%	31.58%	21.05%	38	
Never Have	Have in the past	Sometimes Attend	Regularly Attend	Always Attend	**Answered**	**38**
5	5	8	12	8	**Skipped**	**2**



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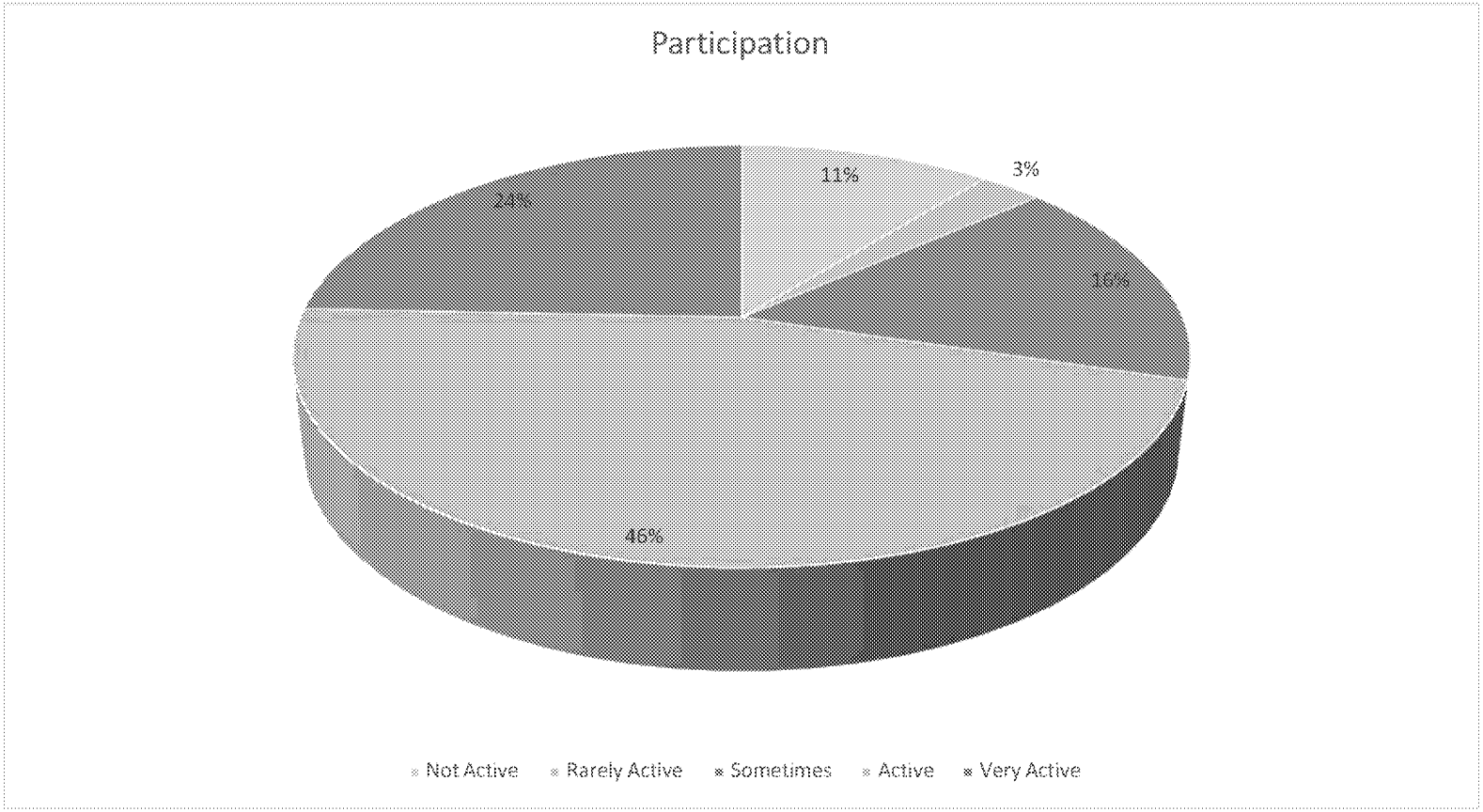
How would you describe your organization's/agency's participation in the activities of the SMBNEP:

					Total	
10.81%	2.70%	16.22%	45.95%	24.32%	37	
Not Active	Rarely Active	Sometimes	Active	Very Active	**Answered**	**37**
4	1	6	17	9	**Skipped**	**3**



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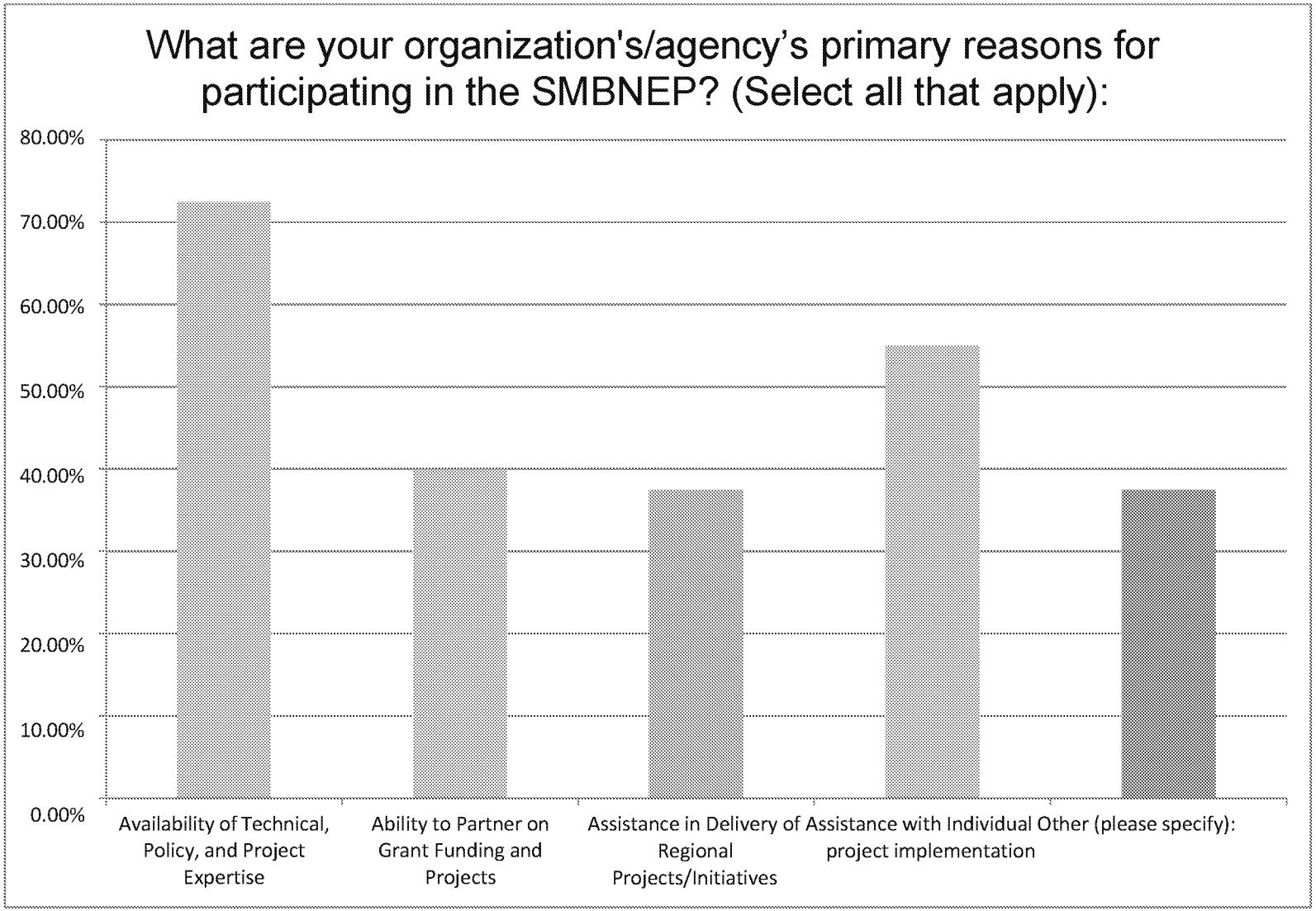

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What are your organization's/agency's primary reasons for participating in the SMBNEP? (Select all that apply):

Answer Choices	Responses	
Availability of Technical, Policy, and Project Expertise	72.50%	29
Ability to Partner on Grant Funding and Projects	40.00%	16
Assistance in Delivery of Regional Projects/Initiatives	37.50%	15
Assistance with Individual project implementation	55.00%	22
Other (please specify):	37.50%	15
	Answered	**40**
	Skipped	**0**

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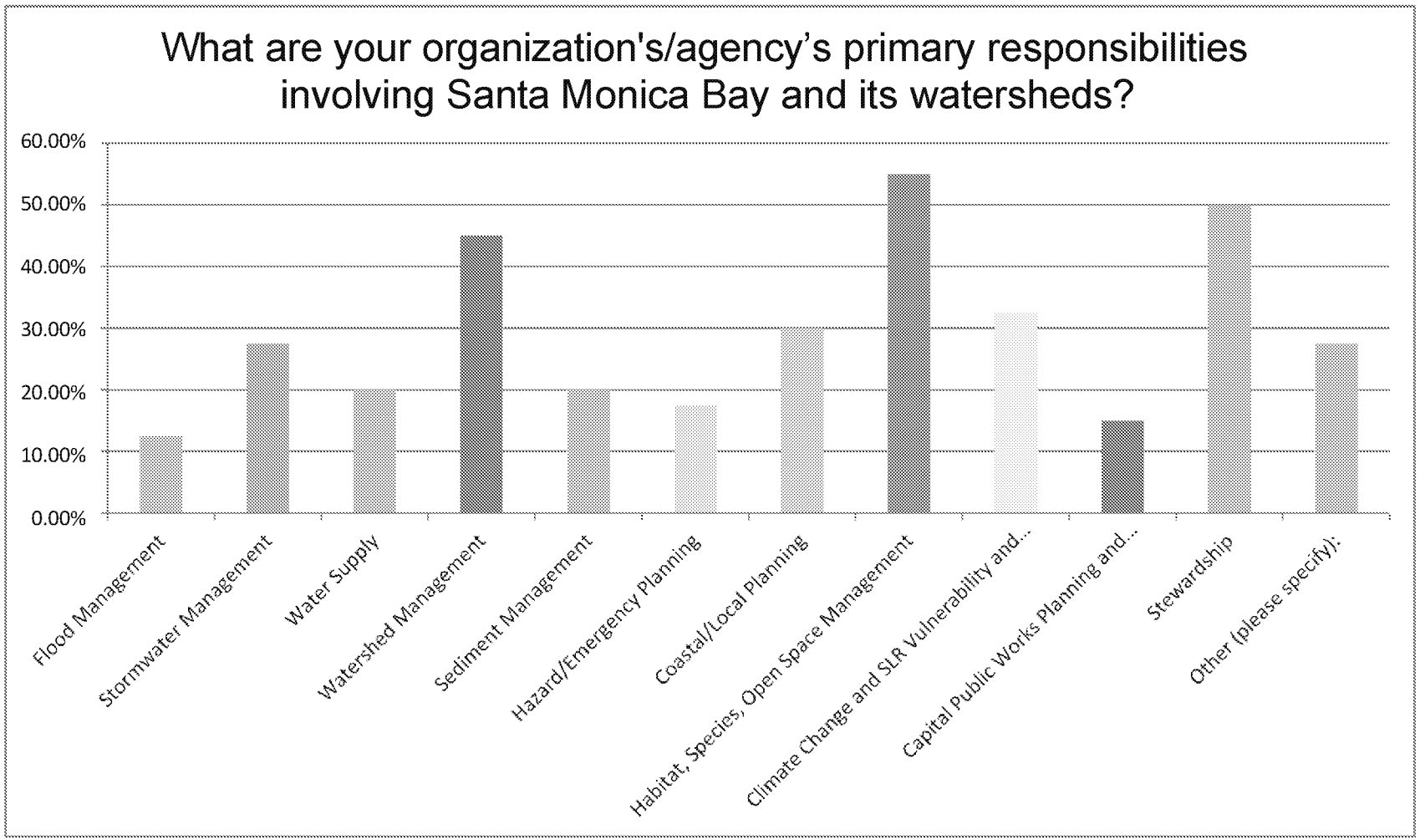

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What are your organization's/agency's primary responsibilities involving Santa Monica Bay and its watersheds?

Answer Choices	Responses	
Flood Management	12.50%	5
Stormwater Management	27.50%	11
Water Supply	20.00%	8
Watershed Management	45.00%	18
Sediment Management	20.00%	8
Hazard/Emergency Planning	17.50%	7
Coastal/Local Planning	30.00%	12
Habitat, Species, Open Space Management	55.00%	22
Climate Change and SLR Vulnerability and Adaptation	32.50%	13
Capital Public Works Planning and Implementation	15.00%	6
Stewardship	50.00%	20
Other (please specify):	27.50%	11
	Answered	**40**
	Skipped	**0**

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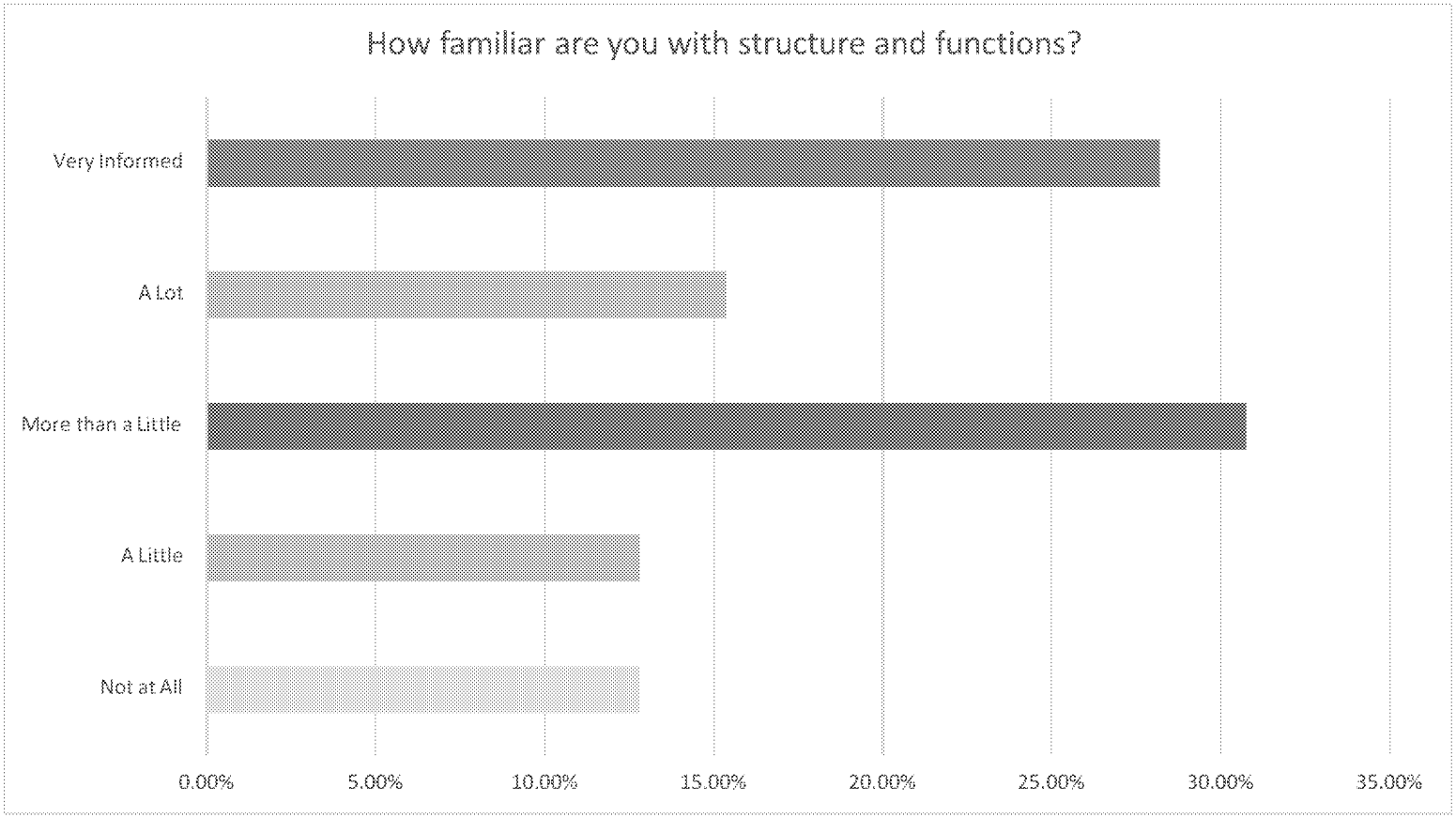
How familiar are you with the structure and functions of the current SMBNEP Management Conference governance?

Not at All	A Little	More than a Little	A Lot	Very Informed	Total	
12.82%	12.82%	30.77%	15.38%	28.21%	39	
5	5	12	6	11	**Answered**	**39**
					Skipped	**1**



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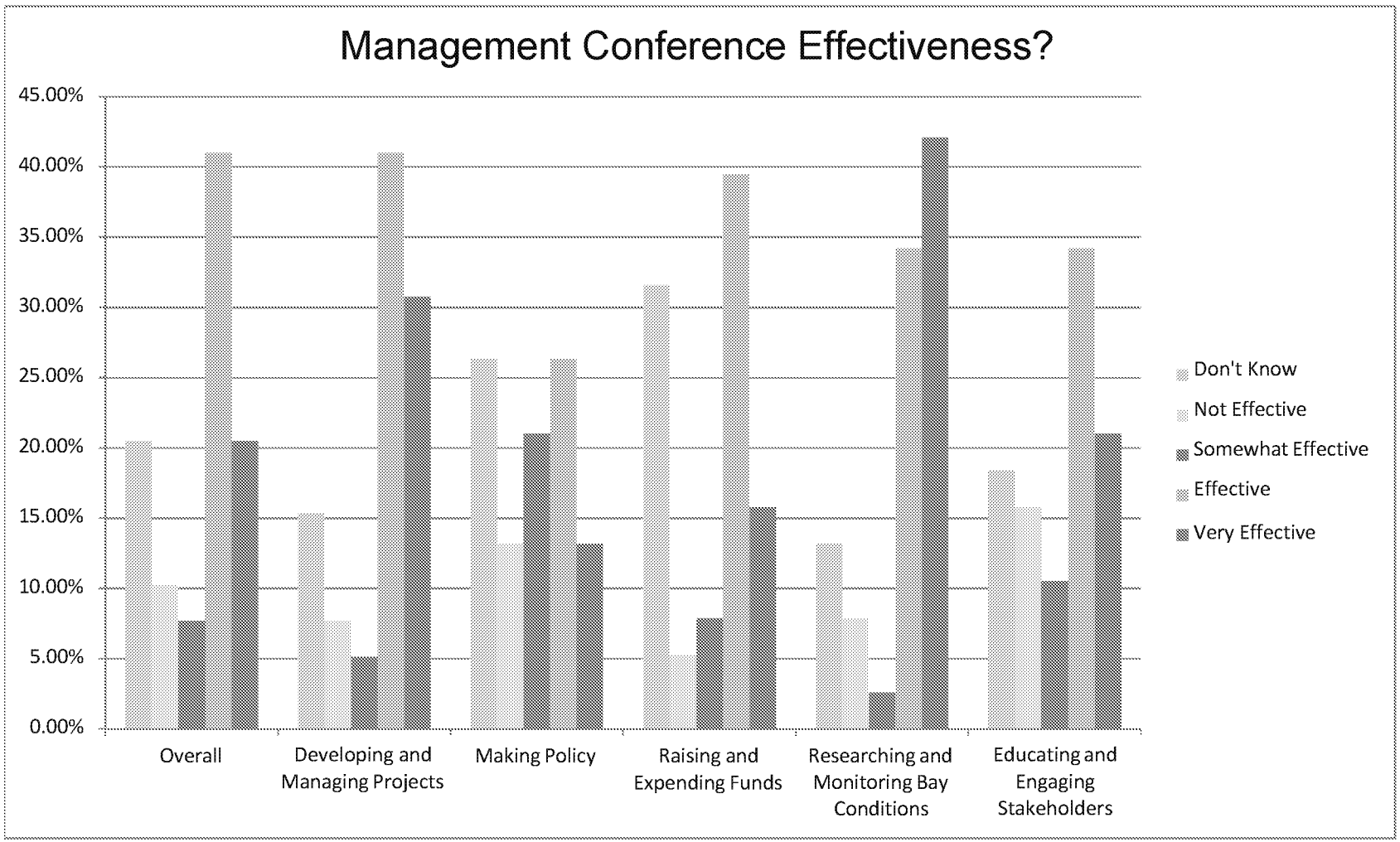

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Effectiveness of Management Conference. Please rate the effectiveness of current Management Conference governance structure in meeting SMBNEP CCMP priorities:

	Don't Know		Not Effective		Somewhat Effective		Effective		Very Effective		Total
Overall	20.51%	8	10.26%	4	7.69%	3	41.03%	16	20.51%	8	39
Developing and Managing Projects	15.38%	6	7.69%	3	5.13%	2	41.03%	16	30.77%	12	39
Making Policy	26.32%	10	13.16%	5	21.05%	8	26.32%	10	13.16%	5	38
Raising and Expending Funds	31.58%	12	5.26%	2	7.89%	3	39.47%	15	15.79%	6	38
Researching and Monitoring Bay Conditions	13.16%	5	7.89%	3	2.63%	1	34.21%	13	42.11%	16	38
Educating and Engaging Stakeholders	18.42%	7	15.79%	6	10.53%	4	34.21%	13	21.05%	8	38
Other (please specify)											5
									Answered		**39**
									Skipped		**1**

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Walter Lamb	These responses are limited to NEP involvement in projects that the Land Trust monitors or researches. The structure as modified in the last four years has substantially impeded strategic oversight of projects at the Ballona Wetlands. The NEP often seems to behave more like a consulting firm than an organization leading restoration of the Bay and watershed. Opportunistic grant opportunities seem to drive project selection. Again, this response is limited to areas in which we have the highest visibility.
Anonymous	though the individual organization's (e.g. TBF) effectiveness in implementation is very high (tackling LOTS of projects - an impressive amount), there are challenges with the current structure in best meeting those needs. It seems that TBF and SMBRC are very effective in spite of some of the conference challenges.
Kathy Knight	We are disappointed that despite the groups and individuals that have worked hard to save and help acquire the BWER to restore it to the seasonal fresh water wetland that it is - the Governing Board & Executive Comm work against that goal.
Jim Lamm	In general, the governance structure has seemed to be a little unwieldy and probably understaffed for the scope of its mission. It's also hard to adequately respond to this survey given my lack of engagement due to many factors. For BCR (from my perspective), it has been difficult for our all-volunteer organization to actively participate in recent Governing Board and Watershed Advisory Council meetings. However, we continue to be very actively engaged with watershed stakeholders and government reps on many fronts. Among other things, these include (1) creek cleanups, (2) development of and advocacy for local ordinances relating to single-use plastics, and (3) two planning processes led by others on potential multi-benefit projects along Ballona Creek re: stormwater capture and creek revitalization.
Douglas Fay	The initial purpose of the NEP's funding and involvement was to do a 5 year pollution study, followed by recommended mitigation actions and Santa Monica Bay National Marine Sanctuary dedication. Over 3 decades later and millions of dollars wasted, the pollution continues because the scientific and political integrity of the SMBNEP governance has been completely lost. The required oversight at the Federal level is absent. This survey goes to a State of California employee. This action in itself shows how terribly wrong this process is. I demand accountability and request a written response from US EPA in Washington D.C. that states they are aware of my concerns detailed in this survey.

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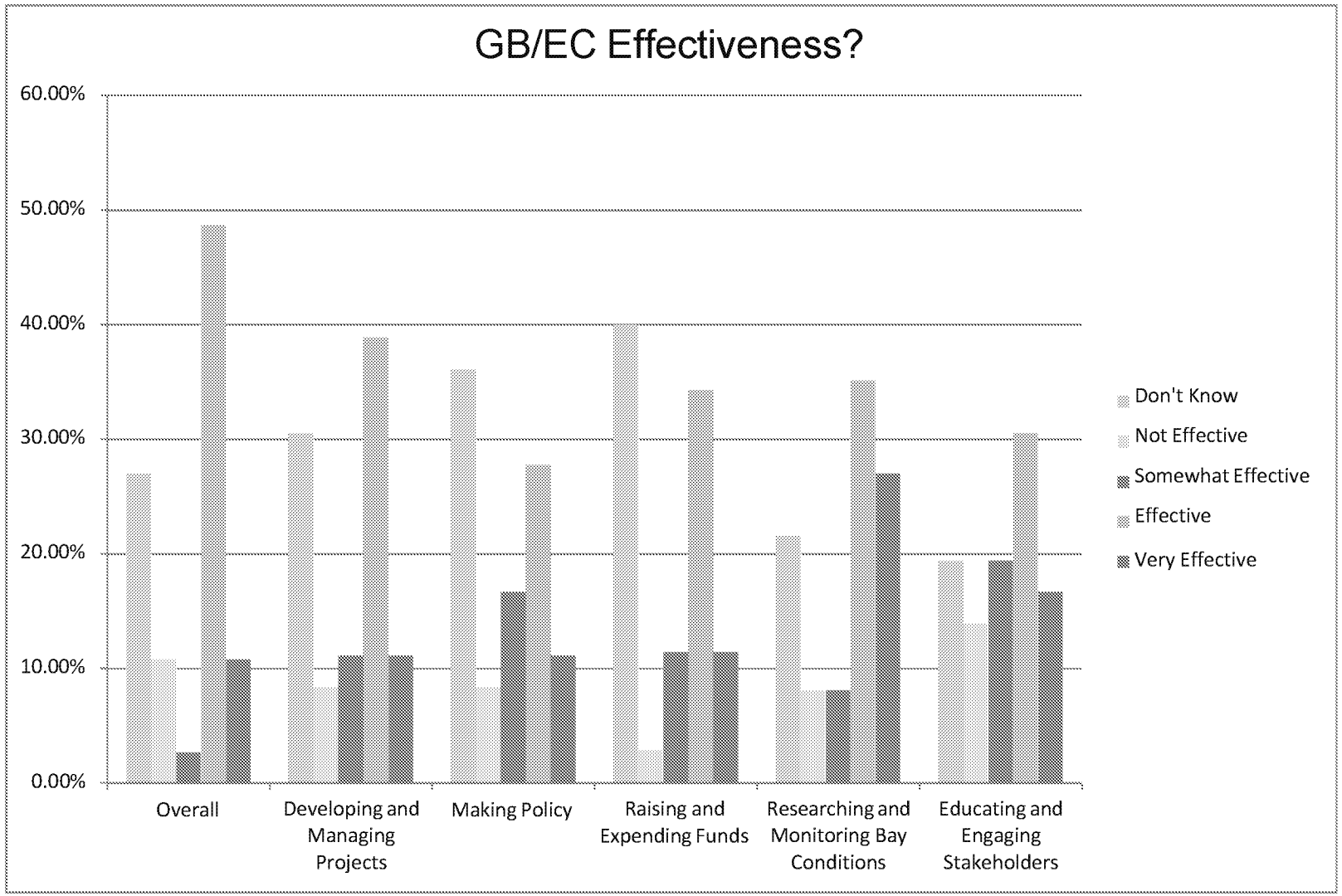

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Effectiveness of Governing Board/Executive CommitteePlease rate the effectiveness of current GB/EC governance structure in meeting SMBNEP CCMP priorities:

	Don't Know		Not Effective		Somewhat		Effective		Very Effective		Total
Overall	27.03%	10	10.81%	4	2.70%	1	48.65%	18	10.81%	4	37
Developing and Managing Projects	30.56%	11	8.33%	3	11.11%	4	38.89%	14	11.11%	4	36
Making Policy	36.11%	13	8.33%	3	16.67%	6	27.78%	10	11.11%	4	36
Raising and Expending Funds	40.00%	14	2.86%	1	11.43%	4	34.29%	12	11.43%	4	35
Researching and Monitoring Bay Conditions	21.62%	8	8.11%	3	8.11%	3	35.14%	13	27.03%	10	37
Educating and Engaging Stakeholders	19.44%	7	13.89%	5	19.44%	7	30.56%	11	16.67%	6	36
Other (please specify)											7

Answered	**37**
Skipped	**3**

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Walter Lamb	The Governing Board does not exercise its authority and the Executive Committee exercises authority it doesn't have. If these bodies stopped meeting, and final decisions were left to staff, it would not seem to make a substantial difference in the operation or direction of the NEP. The stagnant nature of the Executive Committee hinders fresh perspectives from getting to the Governing Board.
Anonymous	EC/GB meeting frequency seems high considering most priorities are implemented by the partners (e.g. TBF). The variety and expertise of agencies and municipalities around the table is beneficial, however.
Kathy Knight	What is CCMP? I don't see the initials somewhere previously stated.
Jim Lamm	See previous comments.
Douglas Fay	You have been extremely effective at discriminated against me to the point that I do not attend SMBRC meetings. You have not been effective at meeting the Mission Statement goal of restoring and enhancing the Santa Monica Bay and it's tributaries. You have changed the Mission Statement to meet your personal goals and ambitions which contradict rationality.
Martha Tremblay	I have not looked for executive committee meeting minutes but there is no discussion of what is done for the GB
Cung Nguyen	GB/EC not tasked with Raising and Expending Funds

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Effectiveness of the Watershed Advisory Committee (WAC) Please rate the effectiveness of current WAC governance structure in meeting SMBNEP CCMP priorities:

Select One:

	Don't Know		Not Effective		Somewhat Effective		Effective		Very Effective		Total
Overall	26.32%	10	23.68%	9	21.05%	8	21.05%	8	7.89%	3	38
Informing and Affecting Project	21.62%	8	16.22%	6	32.43%	12	24.32%	9	5.41%	2	37
Informing and Affecting Policy	36.11%	13	22.22%	8	22.22%	8	13.89%	5	5.56%	2	36
Informing and Affecting Program and Project Funding	37.84%	14	16.22%	6	24.32%	9	13.51%	5	8.11%	3	37
Understanding Research on and Monitoring of Bay Conditions	24.32%	9	27.03%	10	10.81%	4	27.03%	10	10.81%	4	37
Educating and Engaging Stakeholders	27.03%	10	24.32%	9	21.62%	8	16.22%	6	10.81%	4	37
Other (please specify)											11
									Answered		**38**
									Skipped		**2**

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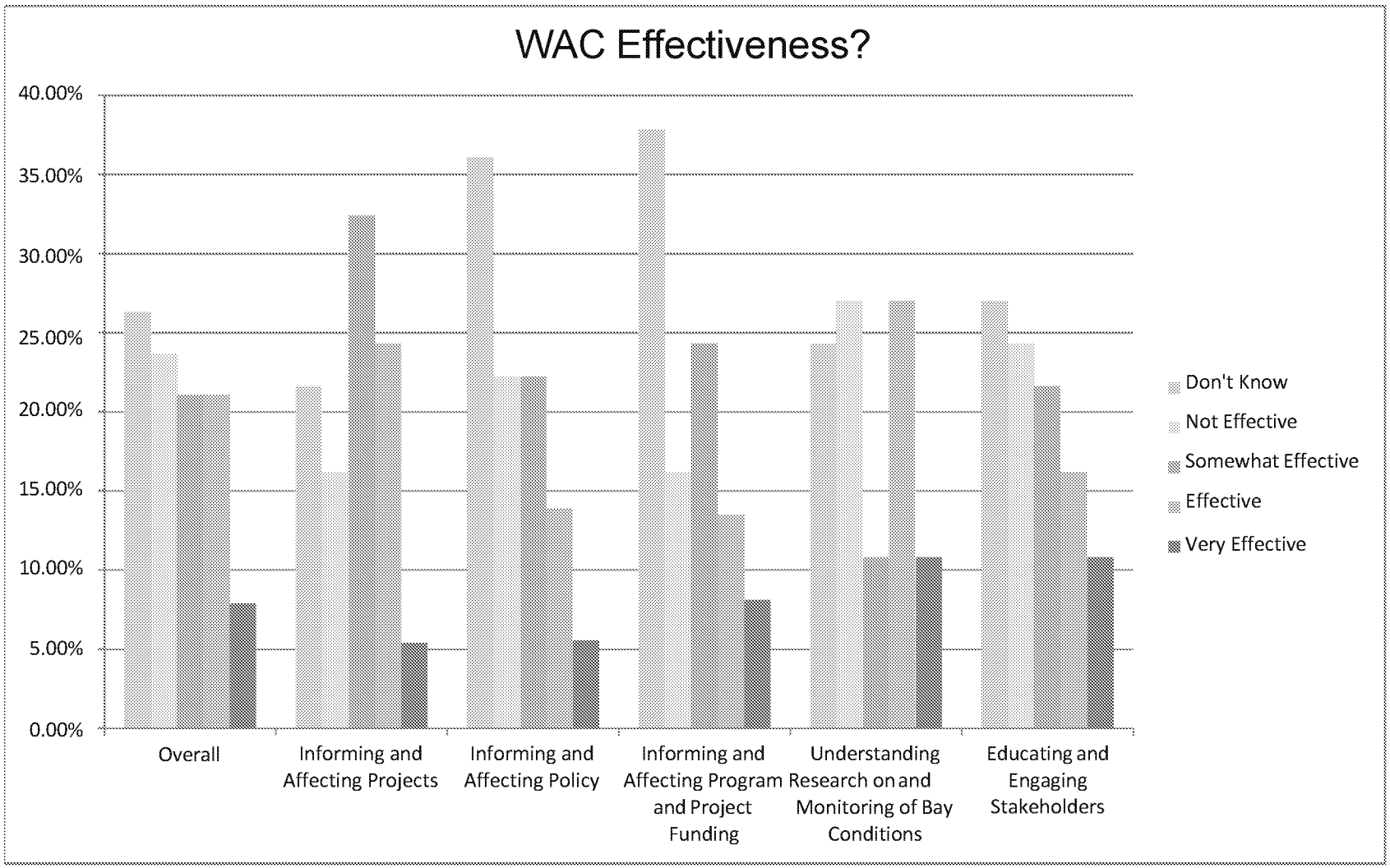

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Anonymous	Some of the participants are unreasonable.
Walter Lamb	What is called the Watershed Advisory Council is in actuality an open stakeholder forum which was previously quite effective in engaging the public, but which has more recently diminished in value and which has never fulfilled the functions outlined in the MOU. I can not name a single function performed by WAC members that is not also equally open to members of the general public. While inclusion of all stakeholders is valuable, it makes the MOU section on the WAC superfluous.
Bob Godfrey	The last meeting was not actively promoted/advertised. Only 8 stake holders attended the last meeting. Nothing much happened..
Anonymous	The WAC has degraded into just a couple of individuals who do not represent a community of watershed stakeholders, and they just end up fighting amongst themselves. The WAC is the key challenge holding up the effectiveness of meeting CCMP priorities. There are several key watershed groups like Surfrider, Heal the Bay, water agencies, municipalities, and Friends of Ballona Wetlands, who all make meaningful contributions to annual work plans and actions/priorities and then there are other individuals who use the meetings as a platform for their own agenda (e.g. lawsuits, complaining about Ballona). The former groups have largely given up on the WAC because of the contentious individuals, and thus further reduced its effectiveness.
Anonymous	In my experience WAC meetings, more often than not, devolve into platforms for special interest groups who dominate discussion. The result is inactivity impacting policy and lack of diverse opinions and voices. I don't find these meetings productive. At All.

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Kathy Knight	There were only 8-10 people that came to the 2019 annual meeting on January 24. Some of them complained about how ineffective the meeting is. It seems like it is just a requirement to look good. Although the approximately 20 members of the Governing Board are WAC members, only a couple of them showed up. They do not seem to think it is important either. Our suggestions are not taken seriously and put into practice - such as having meetings with the TAC on the Ballona restoration.
Jim Lamm	See previous comments.
John H. Dorsey	I've never been involved with this aspect of the SMBNEP operations.
Douglas Fay	At the instruction of former SMBRC and WAC member LA County Lifeguard Angus Alexander, I arrived at a WAC meeting intending on participating as outlined in the meeting notification letter. My Public Comment time was shortened and interrupted by the Chairman and I was barred from participating in the Working Groups. It was a totally humiliating experience that I will never forget. Nothing has changed.
Martha Tremblay	I will email comments to Guangyu.
Cung Nguyen	Low Agency Participation

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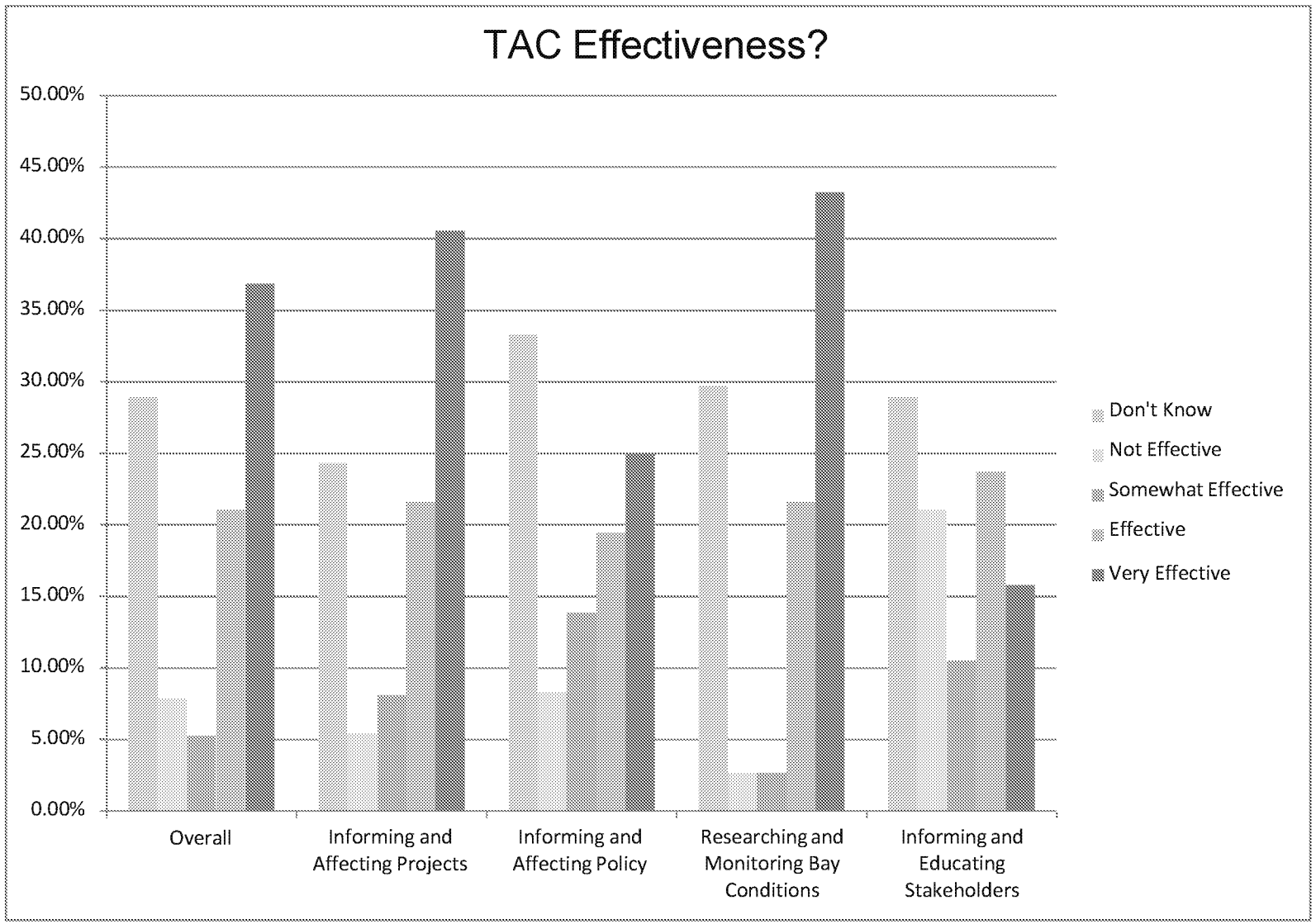

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Effectiveness of the Technical Advisory Committee (TAC)

Please rate the effectiveness of current TAC governance structure in meeting SMBNEP CCMP Priorities

	Don't Know		Not Effective		Somewhat Effective		Effective		Very Effective		Total
Overall	28.95%	11	7.89%	3	5.26%	2	21.05%	8	36.84%	14	38
Informing and Affecting Projects	24.32%	9	5.41%	2	8.11%	3	21.62%	8	40.54%	15	37
Informing and Affecting Policy	33.33%	12	8.33%	3	13.89%	5	19.44%	7	25.00%	9	36
Researching and Monitoring Bay Conditions	29.73%	11	2.70%	1	2.70%	1	21.62%	8	43.24%	16	37
Informing and Educating Stakeholders	28.95%	11	21.05%	8	10.53%	4	23.68%	9	15.79%	6	38
Other (please specify)											6
										Answered	**39**
										Skipped	**1**

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Walter Lamb	The Technical Advisory Committee appears to be the only SMBRC body that performs the functions called for in the MOU. Our primary recommendations for improving the TAC are to provide opportunities for the WAC and TAC to collaborate, as called for in the MOU, and to encourage TAC participation in the scientific aspects of more CCMP projects. For instance, the TAC was not asked to comment on the environmental analysis for the Ballona Wetlands Restoration Project, a high CCMP priority.
Anonymous	The TAC is by far the most effective component of the structure. They work well together, listen, solve problems, inform regional monitoring efforts and research, and are comprised of key experts across a range of sciences. They communicate well with the GB/EC and NEP staff and help broaden the effectiveness, importance, and reach of the NEP. They should be commended!
Kathy Knight	We do not hear about their work. It is not presented to the public, and we are not asked to participate. At the WAC meeting, the Ballona Wetlands Land Trust asked to have meetings with the TAC. The WAC/Bay Foundation implied that that was a good idea, but when they reported on the WAC meeting to the Governing Board, they did not even mention this proposal.
Jim Lamm	See previous comments.
Douglas Fay	The TAC is Not Effective at implementing honest actions that will restore and enhance the SMB. Their actions are doing more harm than good.
Martha Tremblay	I will email comments to Guangyu.

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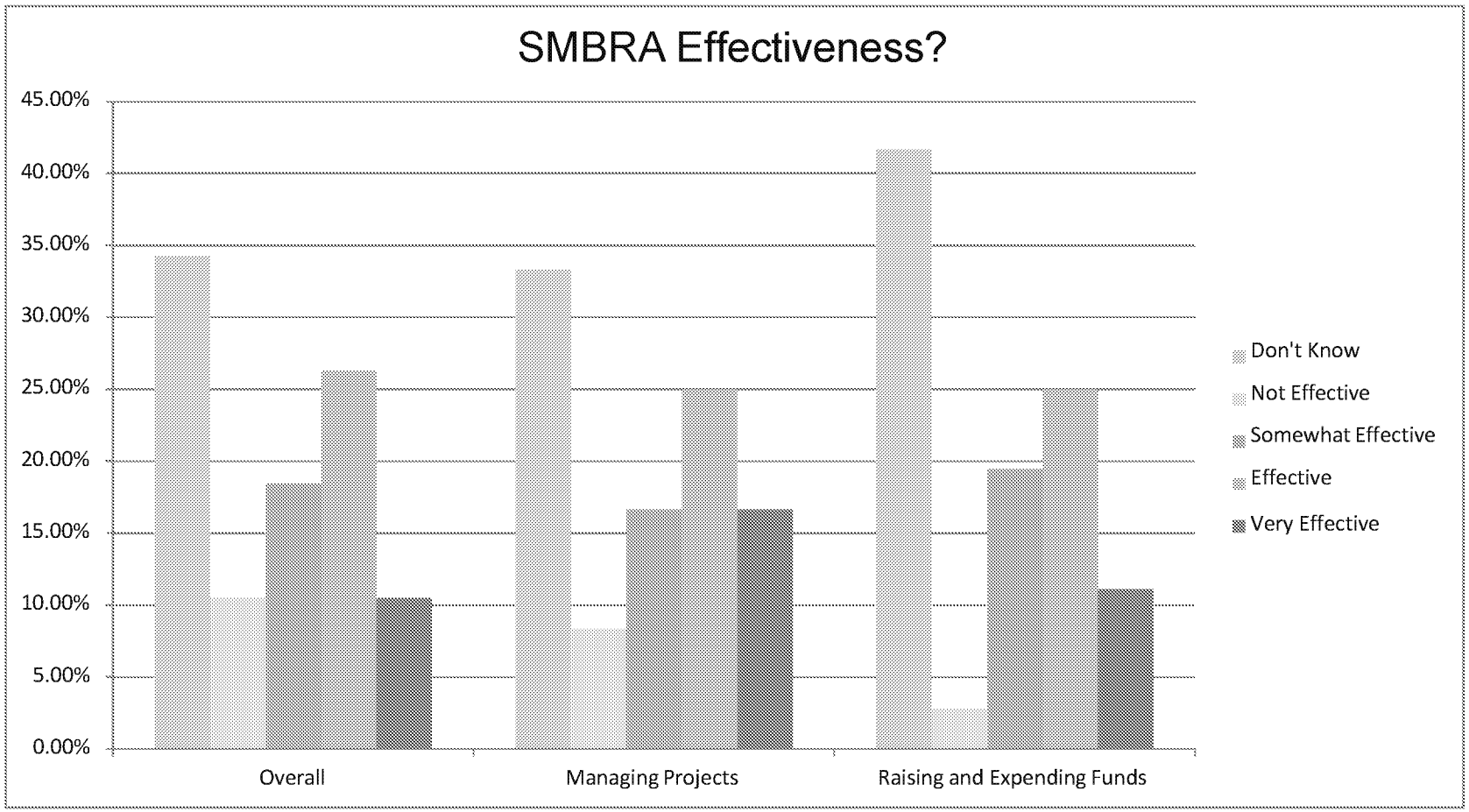

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Effectiveness of Bay Restoration Authority (SMBRA)

Please rate the effectiveness of the Restoration Authority structure in meeting SMBNEP CCMP priorities:

	Don't Know		Not Effective		omewhat Effective		Effective		Very Effective		Total
				S							
Overall	34.21%	13	10.53%	4	18.42%	7	26.32%	10	10.53%	4	38
Managing Projects	33.33%	12	8.33%	3	16.67%	6	25.00%	9	16.67%	6	36
Raising and Expending Funds	41.67%	15	2.78%	1	19.44%	7	25.00%	9	11.11%	4	36
Other (please specify)											7

Answered	**38**
Skipped	**2**

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Richard F. Ambrose	Even though I have been involved with SMBRC for decades, I didn't even know there was a SMBRA until relatively recently and I don't know anything about its effectiveness or activities.
Walter Lamb	The record shows that SMBRA does not operate as an independent public agency, as called for in the JPA, but has rather operated as a public agency shell to allow TBF to enter into government to government contracts for projects that TBF has identified and developed. This is highly problematic and needs to be addressed.
Anonymous	SMBRA seems to largely cause its own challenges from conversations with staff regarding budget constraints. Don't know how well it functions internally.
Jim Lamm	See previous comments.
Douglas Fay	In my lifetime you have done more harm than good to the ecology, the economy, and overall well being of all species.
Martha Tremblay	I have not heard what the authority does.
Cung Nguyen	As a member of the SMBRA, LACFCD strives to protect and enhance the natural resources of Santa Monica Bay and its watersheds in a manner consistent with the goals and responsibilities of the SMBRC and LACFCD

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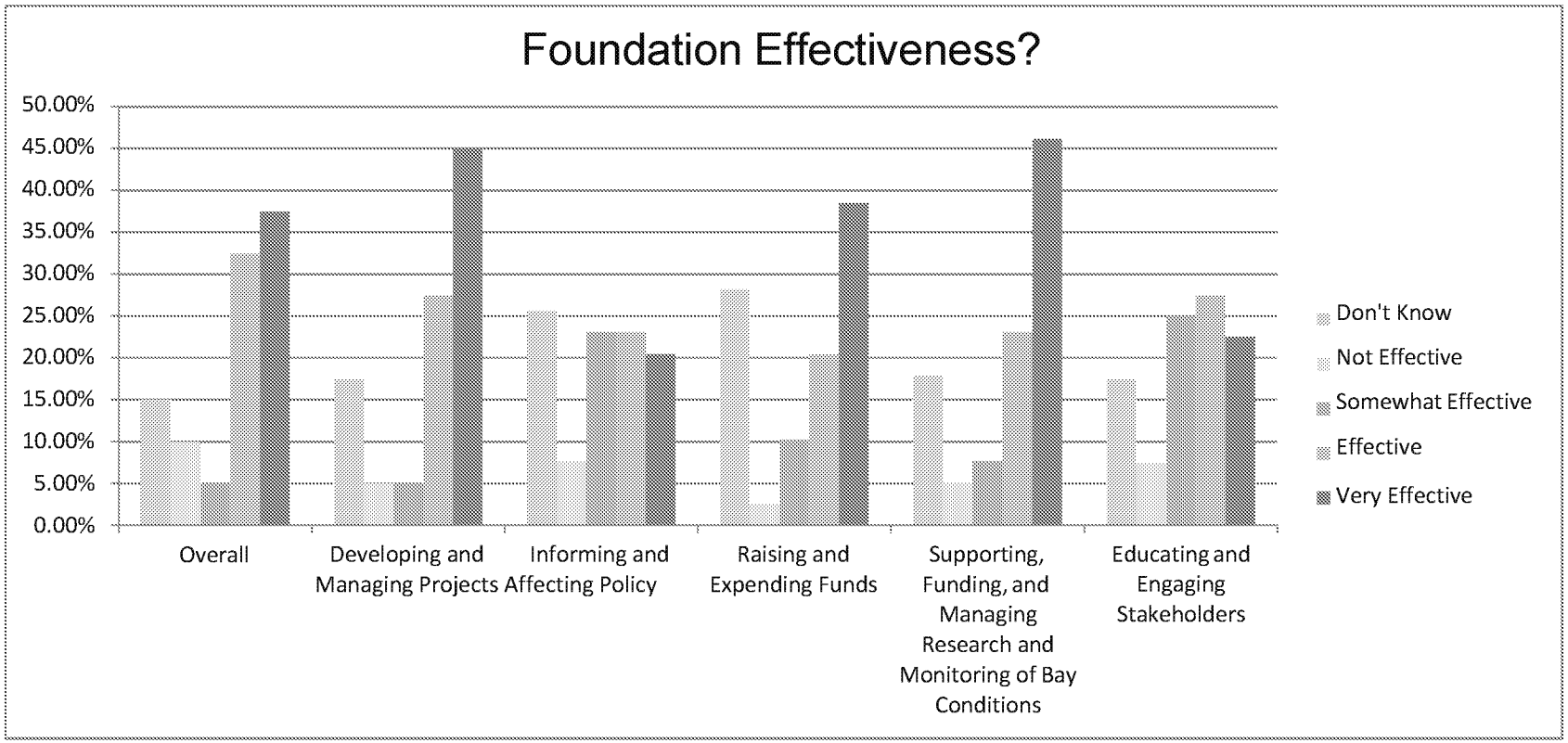

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Effectiveness of The Bay Foundation

Please rate the effectiveness of The Bay Foundation governance structure in meeting SMBNEP CCMP priorities:

	Don't Know		Not Effective		Somewhat Effective		Effective		Very Effective		Total
Overall	15.00%	6	10.00%	4	5.00%	2	32.50%	13	37.50%	15	40
Developing and Managing Projects	17.50%	7	5.00%	2	5.00%	2	27.50%	11	45.00%	18	40
Informing and Affecting Policy	25.64%	10	7.69%	3	23.08%	9	23.08%	9	20.51%	8	39
Raising and Expending Funds	28.21%	11	2.56%	1	10.26%	4	20.51%	8	38.46%	15	39
Supporting, Funding, and Managing Research and Monitoring of Bay Conditions	17.95%	7	5.13%	2	7.69%	3	23.08%	9	46.15%	18	39
Educating and Engaging Stakeholders	17.50%	7	7.50%	3	25.00%	10	27.50%	11	22.50%	9	40
Other (please specify)											9
									Answered		**40**
									Skipped		**0**

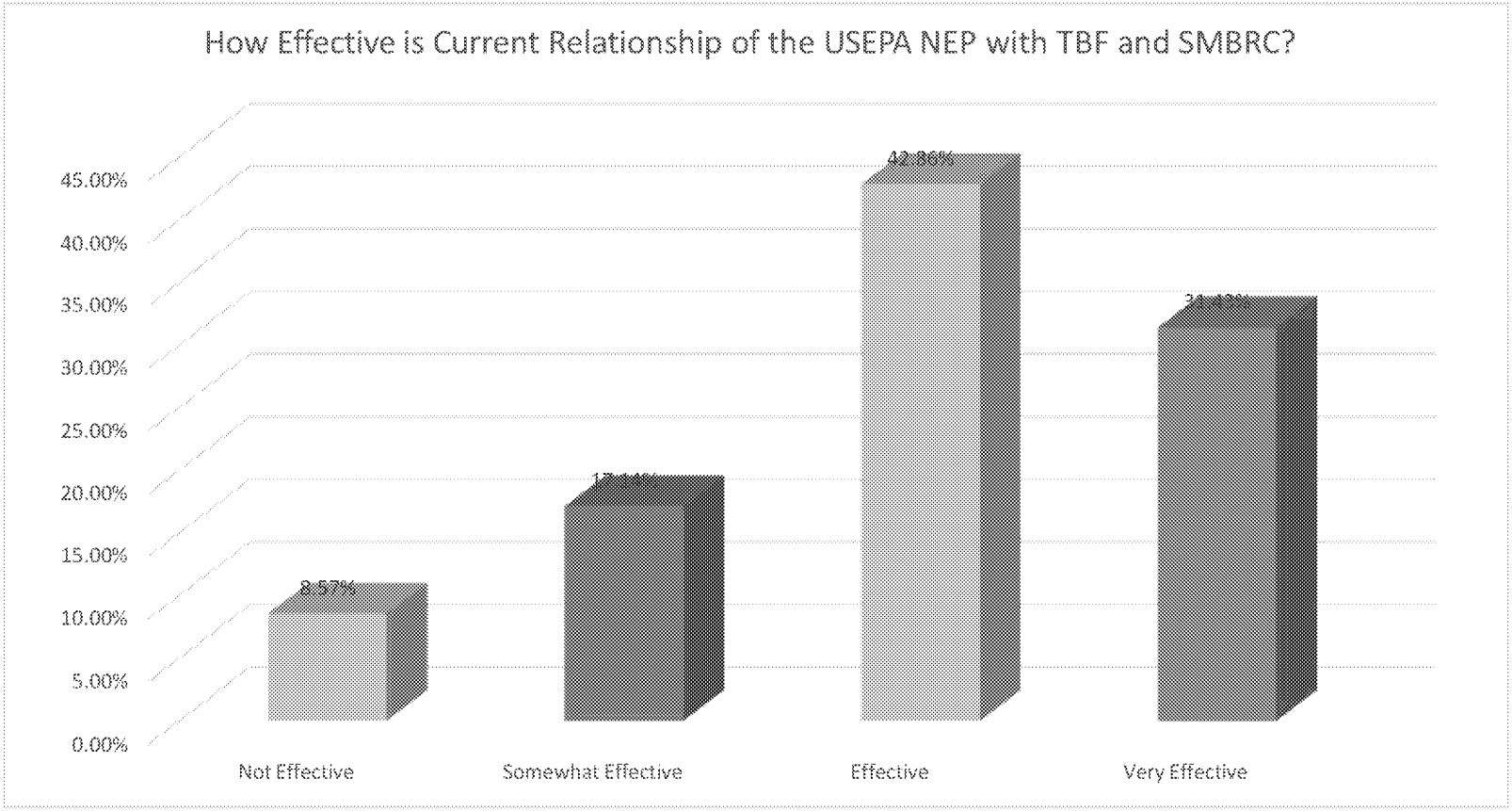
ED_002622A_00000188-00108

Anonymous	The Bay Foundstion is not directly linked to the CCMP governance structure but is effective in implementing programs that are part of the CCMP
Richard F. Ambrose	The question asks about the Bay Foundation's governance structure, but I don't know anything about the governance structure. Therefore, I answered the questions about effectiveness of the Foundation, not the governance structure.
Walter Lamb	TBF appears to be a well run non-profit organization in its own right, but has received poor guidance from US EPA and the State Water Boards regarding the legality of usurping authority legislatively assigned to SMBRC. Although TBF was created by SMBRP in 1990 to help raise funds for SMBRP, most of its funding was already available to SMBRP (and later SMBRC), such as the US EPA Section 320 grants, SCC grants and other grants. Many grants to TBF were in fact recommended by SMBRC. TBF does not appear to have a robust fundraising operation. TBF seems most effective at developing and managing marine projects related to kelp and abalone,
Bob Godfrey	Seems like the goals and plans are continually shifting so it is hard to measure accomplishments. For example they all jumped onto the "climate change" band wagon and lost interest in delinquent plans for more achievable goals such as restoring Ballona wet lands etc..
Anonymous	TBF staff and their partners seem to largely be the drivers of CCMP implementation. Seems the only challenge is translating their work up to the NEP level? Give them more money!
Anonymous	TBF management and staff are well-versed in policy and science regarding SMBNEP. The organization is to be commended for taking an appropriately strong leadership position.
Kathy Knight	Many of us are disappointed with the way the Bay Foundation seems to run everything, and the SMBRC Governing Board just follows their lead. We think the Governing Board should be running things, and the Bay Foundation follow their plans.
Jim Lamm	See previous comments.
Douglas Fay	The Bay Foundation leadership is corrupted to the point that I and others have no respect for their actions. They are extremely effective at implementing actions that harm species and disengage stakeholders. There is little to no accountability oversight. Especially at the Federal level.

ED_002622A_00000188-00109

How effective is the current governance relationship of the USEPA NEP Program with The Bay Foundation and SMBRC?

Not Effective	Somewhat Effective	Effective	Very Effective	Total	
8.57%	17.14%	42.86%	31.43%	35	
3	6	15	11	**Answered**	**35**
				Skipped	**5**



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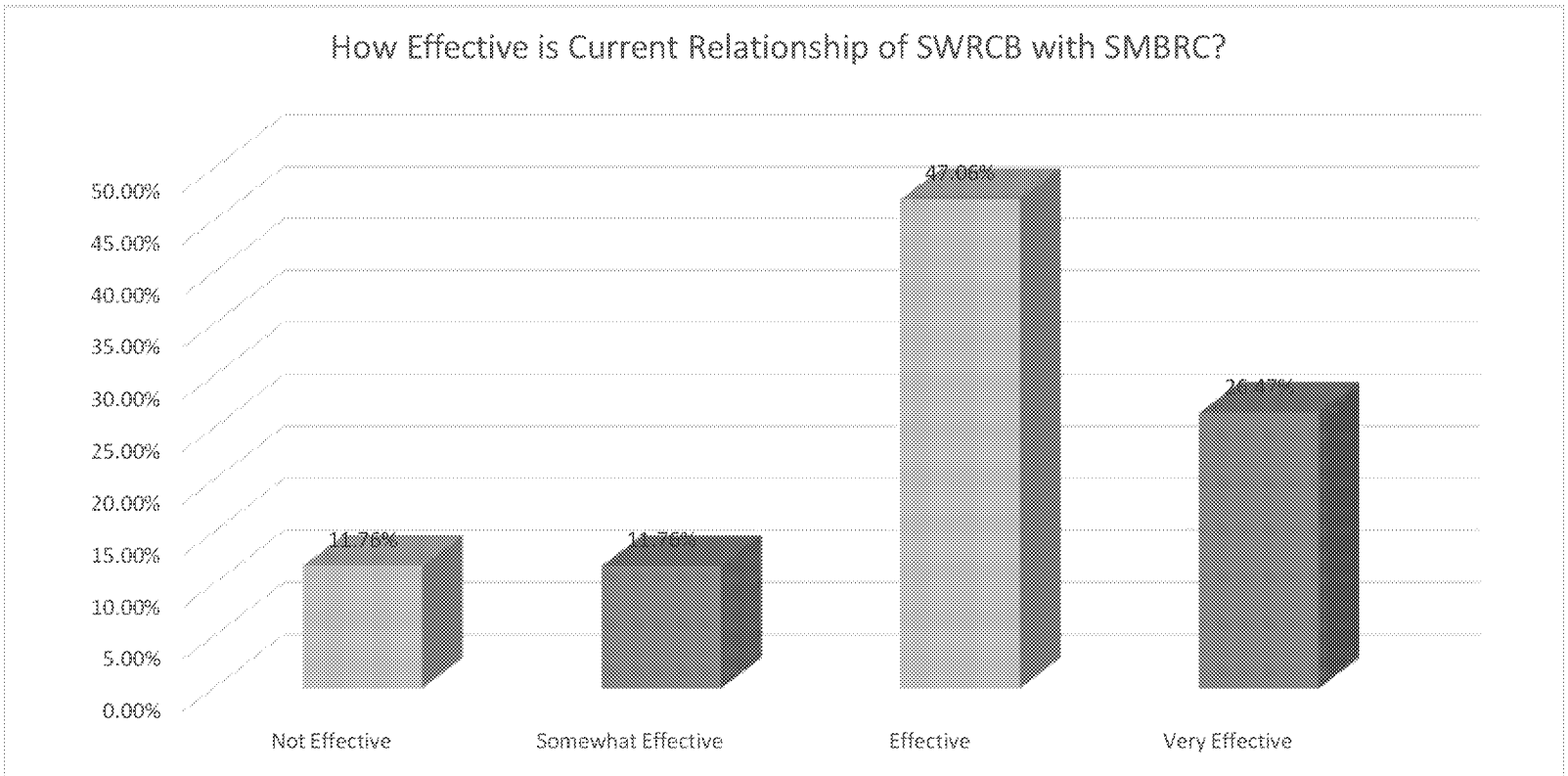
How effective is the current governance relationship of the State Water Resources Control Board with the SMBRC?

Not Effective	Somewhat Effective	Effective	Very Effective	Total	
4	4	16	9	34	
Not Effective	Somewhat Effective	Effective	Very Effective	**Answered**	**33**
11.76%	11.76%	47.06%	26.47%	**Skipped**	**7**



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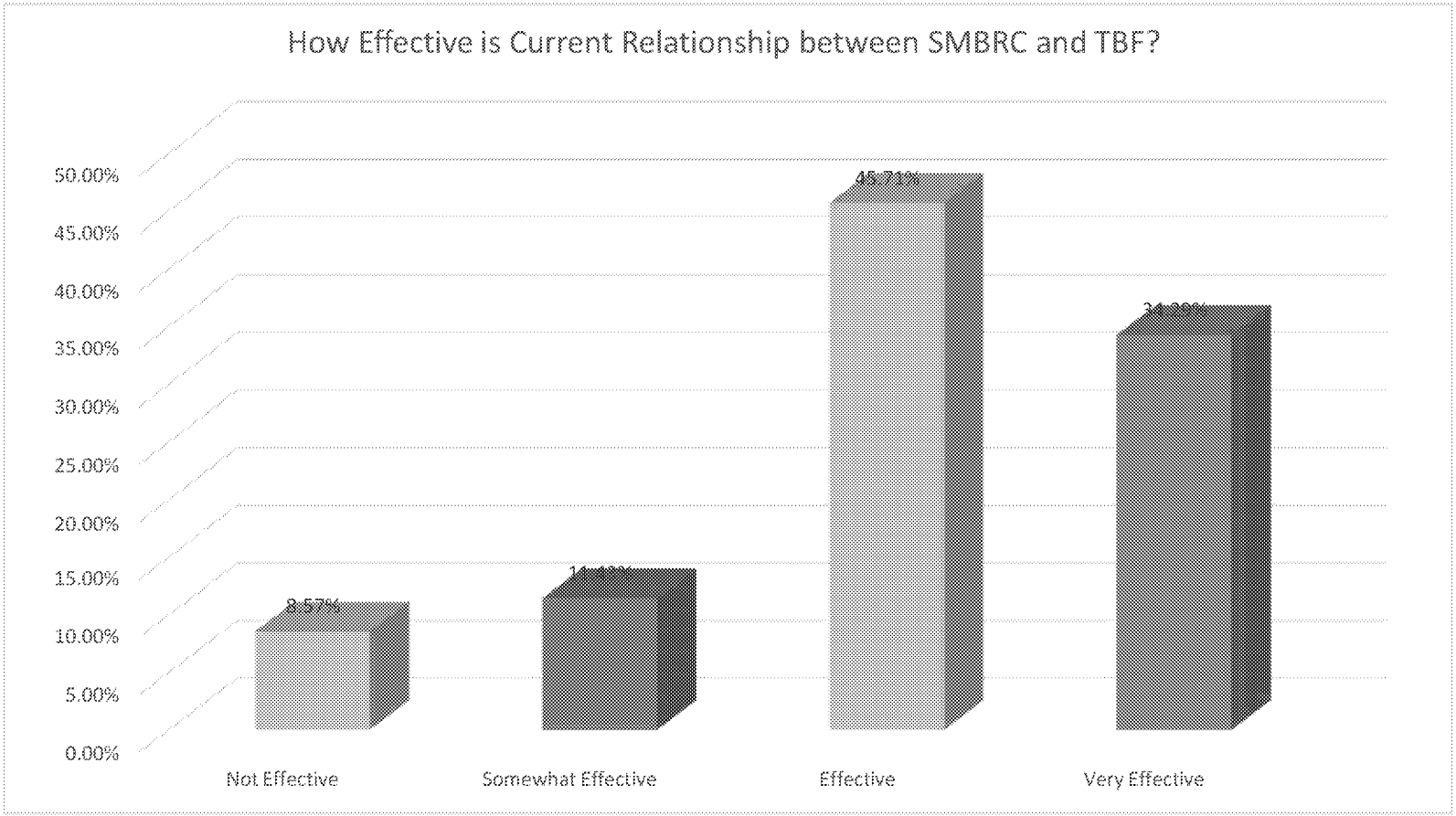
How effective is the current governance relationship between the SMBRC and The Bay Foundation?

Not Effective	Somewhat Effective	Effective	Very Effective	Total	
8.57%	11.43%	45.71%	34.29%	35	
3	4	16	12	**Answered**	**35**
				Skipped	**5**



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What do you see as the unique strengths and attributes of the SMBNEP Management Conference governance structure?

Answered	22
Skipped	18

Richard F. Ambrose	The MC governance structure seems pretty routine. The involvement of the Bay Foundation is more unusual, but it has allowed the SMBNEP to be effective.
Walter Lamb	On paper, the broad representation of the Governing Board, the scientific expertise of the TAC and the stakeholder involvement of the WAC look strong. As explained below, these structures have been undermined by the effort to split the NEP into public and private components, with the public SMBRC being clearly diminished as a result.
Shelley Luce	Open to the public; includes experts from variety of sectors; includes project funders and implementors; keeps different stakeholders informed via GB meetings; improves collaboration and leveraging of effort among many different agencies and groups.
Lawrence Lovell	Unknown
Eric Stein	diversity and strength of staff
Laurie Newman	It is very collaborative and participatory and allows for both private and public funding
Masahiro Dojiri	The TAC is the strength.
Suzanne Goode	Participation by agency stakeholders with the ability to restore and improve conditions of the bay watershed. Provision of staff services by The Bay Foundation.
Anonymous	informative

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Anonymous	Questions 17-19 were confusing. Strengths = TAC, NEP staff, partnership development and support, communication and education opportunities. Sounds like utilizing Coastal Research Institute might be another effective research and monitoring tool to build. The benefits of the current structure are the groups around the table at the GB meetings being able to communicate and be 'on the same team'. Sometimes it seems like too much is put on the shoulders of staff.
Anonymous	Multi-jurisdictional and multi-faceted, so combines strengths and collaboration
Chris Newman	The governance structure and objectives are clearly outlined in the MOU's regarding the commission structure and the foundation. I believe the WAC is a vital component for stakeholder engagement and steering specifically as it relates to public engagement. The TAC is necessary for scientific oversight and advising. I believe the foundation is a vital component for efficiently implementing priorities by raising funds and conducting field research and restoration efforts. The merit and effectiveness of this governance structure I believe is confirmed by the existence of other similar structures such as the Morro Bay NEP.
Kathy Knight	If it was run more openly and transparently it would be good.
John H. Dorsey	Representatives of all major stakeholders are represented -- government agencies at the local, State, and Federal levels, resource agencies, key environmental groups. The TAC membership includes scientists with excellent experience, indwell noted in their fields of study.
Phyllis Grifman	Ability to engage a wide range of stakeholders and scientists.
Lucien Plauzoles	Despite many complaints from some stakeholder groups, the NEP structure is able to act as a catch-all well beyond any other structure to enable Bay restoration efforts.

ED_002622A_00000188-00114

Douglas Fay	To lie to the world in plain sight. They have no intentions whatsoever to restore and enhance the Santa Monica Bay. My marine scientist father Dr. Rimmon C. Fay was known as The Father of the Santa Monica Bay. The research done by Rim and his staff at Pacific Bio Marine Laboratory is the sole reason the SMBNEP exists. The fact that there is no recognition of his contributions and that I am essentially banned from participating in the current process (other than this survey) confirms your greatest strength is hatred, which is not unique.
Bill Brand	
David Pedersen	The breadth and depth of experience and expertise of the various members.
Martha Tremblay	The structure seems ok. I just feel more communication would be helpful. I really don't know what happens at WAC or TAC. Does TAC use funds and if so, is this audited?
Cung Nguyen	All agencies involved have a vested interest in protecting and enhancing the natural resources of Santa Monica Bay and its watersheds in a manner consistent with their respective goals
Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	The key feature of the NEP by design is local watershed-based, broad stakeholder presentation and involvement. The current governance structure of the SMBNEP retains this key feature, which is also its greatest asset.

ED_002622A_00000188-00115

Are there governance policies and practices that best contribute to achieving the SMBNEP's goals and objectives?

Answered	19
Skipped	21

Richard F. Ambrose	The mixture of Governing Board, Technical Advisory Committee and Watershed Council provides a good balance of perspectives that contribute to the achievement of the NEP's goals and objectives. But the most important factor in success in achieving those goals and objectives is a dedicated and competent staff.
Walter Lamb	The open nature of the SMBRC meetings is a positive, but because no forums exist to discuss complex issues beyond a surface level, the value of public feedback is greatly diminished. Ending the use of armed sheriff's deputies and allowing public comment on each agenda item were policies pushed by stakeholders that have improved meetings, despite concerns by a small group of members and staff.
Lawrence Lovell	Unknown
Laurie Newman	We have worked on our governance structure for a long time, making changes along the way. I think when one understands the governance structure, which is very complicated, it works well.
Masahiro Dojiri	?
David Kay	Much better public outreach and communication, to the general public at large, and not just "interested stakeholders."
Suzanne Goode	Same as above.
Anonymous	Don't fix what is not broken.
Anonymous	Again, largely staff driven progress seems to be made in practice. GB seems most
Anonymous	--

ED_002622A_00000188-00116

Kathy Knight	Having the process run openly and transparently and engage the public who want to be engaged.
John H. Dorsey	Good communication between the Governing Board and the staff on project needs, planning, progress, and effectiveness.
Phyllis Grifman	Listening to stakeholders and involving them in policy direction
Lucien Plauzoles	There still seems to be a considerable opacity in the relationships between SMBRC and the Bay Foundation and its staff. Considerable effort has been made to open windows into activities of the Bay Foundation, SMBRC and waterboards staff members, but more is needed.
Douglas Fay	None that are currently proposed and/or implemented. Again, the goal was a 5 year pollution study, proposing and implementing actions that would fully mitigate the damage done to the Bay, and designating the Santa Monica Bay National Marine Sanctuary to ensure sufficient Federal oversight. Over 30 years later, the SWRCB is still controlling the NEP which is completely wrong on many levels. They are allowing the pollution to continue and using Federal funds through the NEP to do so. At the Federal level, the NEP is not enforcing legislation outlined in US Public Law 780 House Document No 389. They have not informed the US Congress of violations that have and continue to occur.
David Pedersen	Yes, the open and transparent governance process.
Martha Tremblay	I liked working together with members of GB on identifying actions to include in the CCMP.
Cung Nguyen	California Legislature (Pub. Res. Code §30988(d).)
Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	Effective for a resource-limited program. The effectiveness can be mostly attributed to the collaboration and partnerships among participating stakeholders, including the SMBRC-TBF partnership.

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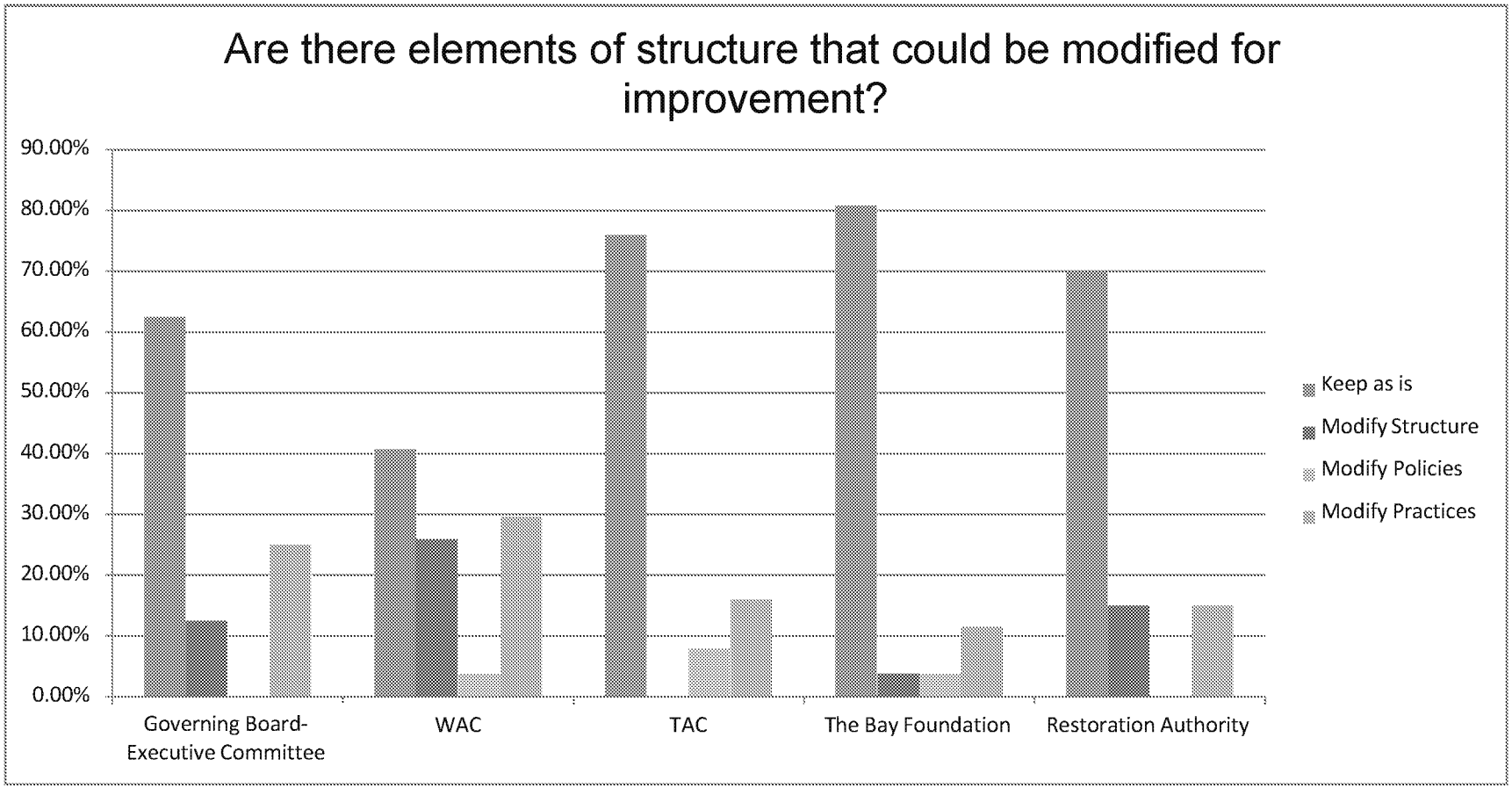


ED_002622A_00000188-00118

Are there elements of the current governance structure that could be modified for improved performance?

	Keep as is		Modify Structure		Modify Policies		Modify Practices		Total
Governing Board-Executive Committee	62.50%	15	12.50%	3	0.00%	0	25.00%	6	24
WAC	40.74%	11	25.93%	7	3.70%	1	29.63%	8	27
TAC	76.00%	19	0.00%	0	8.00%	2	16.00%	4	25
The Bay Foundation	80.77%	21	3.85%	1	3.85%	1	11.54%	3	26
Restoration Authority	70.00%	14	15.00%	3	0.00%	0	15.00%	3	20
Please Explain									22
								Answered	**29**
								Skipped	**11**

ED_002622A_00000188-00119

Anonymous	Keep as is
Richard F. Ambrose	Keep as is
Walter Lamb	Modify Practices
Shelley Luce	Keep as is
Eric Stein	Keep as is
Laurie Newman	Keep as is
Anonymous	Keep as is
Bob Godfrey	Modify Structure
David Kay	Keep as is
Suzanne Goode	Keep as is
Anonymous	Keep as is
Anonymous	Keep as is
Anonymous	Modify Structure
Anonymous	Keep as is
Chris Newman	Modify Practices
Anonymous	Keep as is
Kathy Knight	Modify Practices
John H. Dorsey	Keep as is
Anonymous	Modify Structure
Douglas Fay	Modify Practices
David Pedersen	Keep as is
Martha Tremblay	Modify Practices
Anonymous	Keep as is
Cung Nguyen	Keep as is
Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	Modify Practices

ED_002622A_00000188-00120

Are there new or modified governance policies and practices that could be implemented that could lead to better achievement of the SMBNEP's goals and objectives?

Answered	16
Skipped	24

Richard F. Ambrose	Not that I can think of.
Walter Lamb	See above. The SMBRC must be restored as the primary face of the NEP, with TBF supporting SMBRC with staff and administrative support. The recently inverted relationship is not only inconsistent with the law, but it sidelines the Governing Board as the decision-making body of the NEP. Additionally, GB and WAC entities that routinely miss meetings should be removed from those bodies until the request reinstatement. It is misleading to list entities as members of those bodies when they are never present. As with the this survey as a whole, we expect our past comments to be incorporated into this review process. Not every previous point is repeated here.
Lawrence Lovell	Unknown
Eric Stein	better coordination and improved clarity of roles between different elements
Laurie Newman	Not that I can think of.
Suzanne Goode	Don't know.
Anonymous	Expedited support for key programs or projects. Additional funding opportunities fast tracked for CCMP
Anonymous	Some members of the public continue to voice inchoate concerns about governance, but it is unclear if any governance changes would actually result in satisfying the few critics.

ED_002622A_00000188-00121

Chris Newman	As mentioned in one of the previous meetings, the governance structure of the Commission and how it relates to the NEP more broadly as well as TBF is complicated and can be confusing. Even as a past TBF employee and GB alternate, I am continually learning more and better understanding the structure. As a result, I do think that if feasible some basic orientation for new GB members would be helpful. Even if it was in the form of a document condensing the presentation of the gov structure along with the relevant MOUs. I do believe the governance structure is clearly outlined in the MOU, has objectives clearly stated in those documents, and falls within the framework as set out by the EPA. However, in light of recent litigation, there continues to be an issue with among some with the perception of lack of transparency within the governance structure as it relates to the foundation. As a result I believe continuing to find ways to continue to prioritize transparency and to reach out to the public and continue to involve new stakeholders would be a worthwhile effort.
Kathy Knight	Have a process to engage in working with members of the public and non-profit groups that have been working for over 25 years on their projects, but are left out of meaningful engagement on their project, such as the Ballona Wetlands restoration. The DEIR to restore the BWER that the Bay Foundation was very active in did NOT EVEN STUDY an ALTERNATIVE to restore Ballona to a fresh water seasonal wetland that it has been for 400 years. The public was shocked at the DEIR proposal to bulldoze the BWER and create a saltwater wetland that appears to serve as a flood control project for a nearby development.
Jim Lamm	See above.
John H. Dorsey	Ensure funding from the EPA remains secure.
Douglas Fay	Yes
Martha Tremblay	Better communication regarding GB, TAC, and WAC committee updates and projects would lead to increased member engagement and thus better achievement of SMBNEP goals. Also, see WAC comments.
Cung Nguyen	Not at this time

ED_002622A_00000188-00122

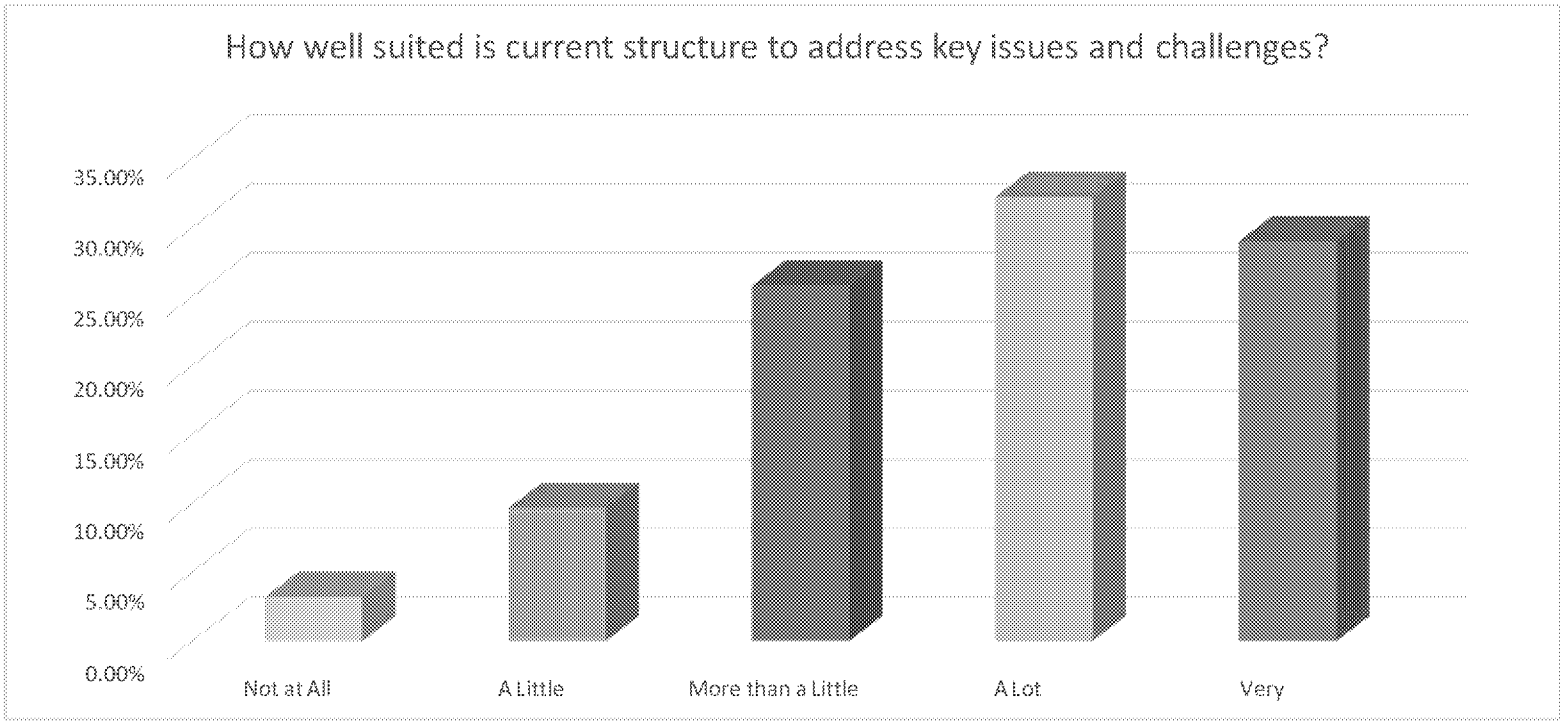
Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	Several elements of the current structure can be modified and improved, including the following: 1). The Chair and Executive Committee should provide a stronger leadership in guiding SMBNEP's work priorities and the agenda of the SMBRC, and play a more active role in raising more funding sources to support CCMP implementation. The improvement of the EC function can be benefitted by regular participation of EC meetings by U.S. EPA and SWRCB representatives, the two primary sponsors of the SMBNEP, adding the two agencies as members of the EC if necessary. 2). The current structure of the Watershed Advisory Council should be revamped as it is no longer productive and effective in soliciting input from, and communicating with the general public. It is also to a large degree duplicative of the public involvement function already built into the structure of the Governing Board and the Board meetings. In addition, the large and overlapping membership of the WAC with the Governing Board causes a lot of confusion and create unnecessary administrative burden on staff and all participating members. Potential alternatives to the current WAC structure include a new Public Advisory or Outreach Committee set up by the Governing Board, similar to the structure of the current TAC, or annual or regular public workshop set up to present information on SMBNEP activities and to solicit public input. The current role of the WAC is to provide input to the GB on restoration in the watershed. This could be better accomplished by setting aside time for the public to engage with the GB during regularly scheduled meetings. The Watershed Stakeholder Group could be open to any stakeholders/members of the public to provide input. 3). The SMBRC-TBF partnership can be further improved and strengthened by amendments to the current MOU and MOA to further clarify the roles and responsibilities of each entity, including the designation and roles and responsibilities of the SMBNEP Director. 4). Develop special committees appointed by GB to: (1) engage the legislature and advocate for funding allocations; (2) identify potential funding sources for grants coordinate fundraising activities, (3) conduct public outreach, engage with the public on disseminating information and informing them of opportunities to engage. 5) All governing documents including, but are not limited to the SMBRC MOU, the SMBRA MOU, the MOA between the SMBRC and TBF should be reviewed and brought up-to-date at the end of this process.

ED_002622A_00000188-00123

How well suited is the current governance structure to address Key Management Issues and Challenges looking forward?

	Not at All	A Little	More than a Little	A Lot	Very	Total
	3.23%	9.68%	25.81%	32.26%	29.03%	31
	1	3	8	10	9	
Comments:						7

Answered	**31**
Skipped	**9**



ED_002622A_00000188-00124

Walter Lamb	This was addressed in our response to the previous questionnaire.
Lawrence Lovell	Unknown
Masahiro Dojiri	Due to the work of TAC.
Anonymous	Glad to see climate change is a key initiative in the new action plan.
Kathy Knight	We don't see any changes happening in the management of the SMBRC to address issues and challenges looking forward.
Martha Tremblay	But would like more information on WAC and TAC efforts.
Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	See suggestions for improvement above (Q23) and below (Q25)

ED_002622A_00000188-00125

Could you suggest any other changes to the current governance structure or suggestions for future governance?

Answered	12
Skipped	28

Walter Lamb	The Land Trust has made numerous and extensive recommendations on this issue over several years. We still don't have answers to basic questions, or meaningful responses to our many comments. Ultimately, what the Land Trust would like to see is mot particularly important. What the law requires is important. The Governing Board needs to more actively discuss the recent changes that were imposed on SMBRC without Governing Board discussion. If the Governing Board believes that a model more similar to Morro Bay would be more effective in implementing the CCMP, it should prepare a report to the legislature. Governing Board members should receive training that is fully transparent to the public and which provides SMBRC's legal interpretations of what is required by various statutes, regulations and governing documents.
Lawrence Lovell	Not currently
Masahiro Dojiri	N/A
Suzanne Goode	Promoting greater public awareness of the existence and activities of the SMBNEP.
Anonymous	works really well
Anonymous	Additional committees with a select membership may help take some of the load off staff?
Kathy Knight	As stated before, have a more active role of the SMBRC in making sure that they run the
John H. Dorsey	No.
Lucien Plauzoles	The focus on structure is misplaced in my opinion. The activity and behavior of staff(s) are equally important in the broad scheme of the restoration.
Douglas Fay	Yes
Cung Nguyen	Not at this time

ED_002622A_00000188-00126

Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	Review frequency of meetings and coordinate schedules. Reduce frequency of meetings, but perhaps lengthen the meeting time. Schedule them quarterly with key objectives at each meeting (e.g., reviewing and discussing draft CCMP and establishing priorities for annual workplan at one meeting, approving CCMP). •C onsider adding a Watershed Outreach Council. Appointed by GB and include the members of GB. Key roles, outreach to legislature for funding, ID other potential funding sources (e.g., existing restoration project grants), opportunities to coordinate on projects (e.g., STORMS, CECs), stakeholder outreach-keeping the public/stakeholders engaged, active and disseminate Commission/NEP products and activities. • Governance document needs to incorporate considerations for climate change and building climate resiliency • Identify ways to keep the governance pieces such as the governing board current and relevant. Also need to consider ways to keep public interest, regain public interest to improve ability to leverage resources. For example, consider integrating social media in the portions related to public outreach. Some items may not be appropriate to include in MOU, but should be included in the discussions to incorporate as appropriate. •Clarify roles and responsibilities, meeting frequency, etc in MOU •R eview schedules given staff resources • Need to build in enough time and emphasize the importance of people reading the meeting materials in advance and coming prepared to discuss at meetings. •Investigate utility in JPA, not sure what the role is or could be.

ED_002622A_00000188-00127

Financing/Implementation/Community Private/Public Partnerships

What new or expanded governance, financing, and implementation partnerships should the Management Conference be exploring and developing?

Answered	14
Skipped	26

Richard F. Ambrose	I think the Bay Foundation could be raising more funds independently, not just government grants. In fact, besides its involvement with SMBRC, I don't know what TBF does. But it potentially could bring private and foundation donations to the Bay NEP.
Walter Lamb	The SMBRC has never requested funding from the legislature and no explanation has ever been given as to why. The SMBRC should restore its deactivated bank account to ensure it can receive funds from the legislature and other sources, including private sources.
Lawrence Lovell	Unknown
Christine Whitcraft	Increased ties with Southern CA Wetlands Recovery Project
Laurie Newman	I think the state needs to contribute funding and that we need to develop more private funding opportunities
Anonymous	Climate change adaptation
Masahiro Dojiri	Nothing to add.
Suzanne Goode	Provision of staff by the State.
Anonymous	additional proposition funding. Measure W. Sponsorship from donors?
Giovanni Di Franco	
Anonymous	New funding opportunities via state appropriations seems limited, but the conference should continue to pursue legislation leading to new bond funding, or Greenhouse Gas Reduction Fund (GGRF) appropriations.

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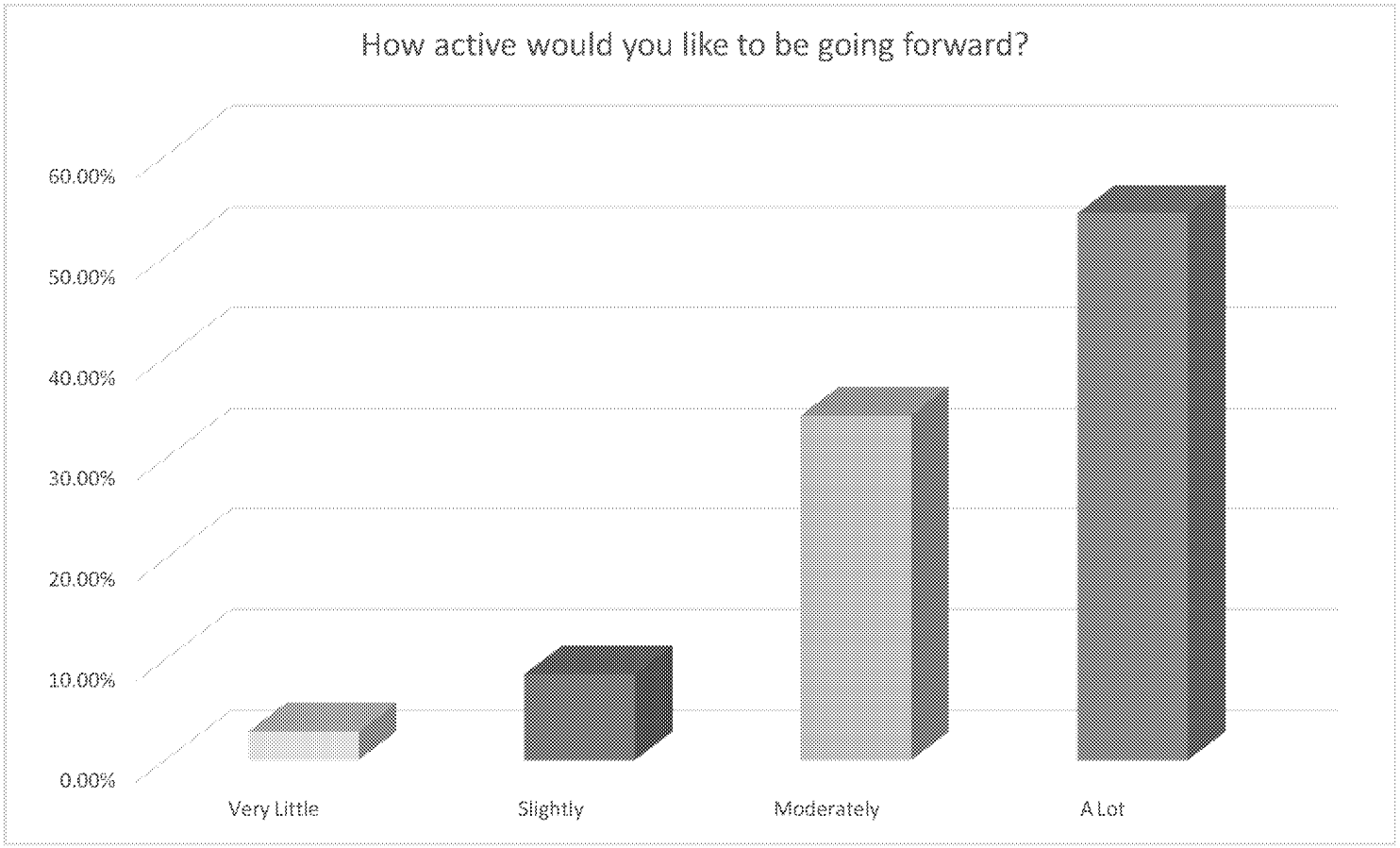
Kathy Knight	Helping non-profits with some financing for their work.
John H. Dorsey	None that I can think of--outside my area expertise
Martha Tremblay	Is there an auditing process in place? How do we know how much money is being spent? Who sees the information?
Cung Nguyen	Continue to have Bay Foundation attend National Estuary Program Conferences/Workshops and report back recommendations to SMBRC. Continue to gather input/comments and recommendation from SMBRC Governing Board members.

ED_002622A_00000188-00129

How active would you like to be in the SMBNEP going forward?

None at All	Very Little	Slightly	Moderately	A Lot	Total	
0.00%	2.86%	8.57%	34.29%	54.29%	35	
0	1	3	12	19	**Answered**	**35**
					Skipped	**5**



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How could you become better engaged with the SMBNEP? (What factors would increase your interest in and engagement with the SMBNEP?)

Answered	14
Skipped	26

Richard F. Ambrose	I am already actively engaged, and I would want to continue that.
Walter Lamb	As we have stated many times, forums such as work groups, committees and task forces that allow more nuanced discussion of complex policy issues would engage more stakeholders and lead to better outcomes. Other NEPs do this (see for example Tillamook Bay NEP bylaws), and it is the only efficient way to form sound policy on a range of complex issues without substantially increasing meeting times for the full Governing Board. It is our belief that years of friction between SMBRC/TBF and the public led to a desire by SMBRC/TBF to tightly control all aspects of policy discussion, which has reduced engagement and created polarization.
Lawrence Lovell	More projects focused on marine invertebrate communities of concern that face potential impacts.
Bob Godfrey	If I had the time I would attend the Executive Board and TAC Meetings.
David Kay	If I saw them more vocally, publically advocating and defending the CDFW's Ballona Wetlands Restoration Project
Anonymous	Could have more frequent announcements/communication - reach out to GB members for announcements too? Less
Anonymous	Please see previous comments.
Kathy Knight	If the SMBRC and the Bay Foundation showed interest in working with the non-profit groups that have been volunteering their time for over 20 years to protect and restore the Ballona wetlands to the fresh water seasonal wetland that it is.
Jim Lamm	There probably would need to be changes to my personal life that might free up my time and which are unrelated to the SMBNEP. My personal life is very good, but I've taken on some significant faith-based volunteer leadership roles and have ongoing extended family responsibilities in addition to my volunteer role as a BCR outreach person and advisor. Hopefully others at BCR will be able to become more directly involved.

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John H. Dorsey	Continuing research activities with the Bay Foundation through the Coastal Research Institute and work with the TAC.
Douglas Fay	After significant changes are made.
Martha Tremblay	Better communication regarding GB, TAC, and WAC committee updates and projects would give stakeholders more context in which to increase engagement.
Cung Nguyen	Continue to support SMBNEP projects and strengthen existing partnership. Better align priorities of LACPW and SMDNEP.
Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	See suggestions above (Q23 and 25)

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Other Comments:

Answered	8
Skipped	32

Walter Lamb	As with the previous questionnaire, the Land Trust believes this survey is self-serving and conspicuously missing any questions that would solicit direct feedback on issues that TBF may find uncomfortable. It is clear to us that there is a desired end state in mind and that this process was designed from the start to legitimize that end state. To ask GB members to simply read legislation and each interpret that legislation as they will, without any legal guidance, is unproductive. There has been no discussion of the historical changes to SMBRC's structure, no discussion of past handling of the Section 320 funds, no discussion of changed staffing levels, no discussion of how SMBRC and TBF align in the wake of the terminated shared board membership. We believe that this process has been a missed opportunity so far, with little time remaining for a course correction, and that the funds to support this effort have been misspent. I filled out the survey on behalf of the Land Trust to ensure that we are making every good faith effort to provide constructive feedback.
Bob Godfrey	It is hard to get stakeholders interested in investing their personal time when they do not see any tangible benefits in the plans.
Anonymous	Great work!! You all do an incredible amount of work and have achieved amazing successes, and we are pleased to be partners. There are certainly things that could be improved, but you do fantastic work in spite of those challenges and with what seems like an overwhelming list of tasks. I do hope the organization continues to grow. –Staying Anonymous because of the threat of a contentious few.
Kathy Knight	We support the Ballona Wetlands Land Trust efforts to get the SMBRC and SMBNEP run in a more open and transparent fashion that would support public input and involvement. Right now it seems to be run by a private non-profit, the Bay Foundation, that is not subject to the same rules of transparency that a government group would be.
Jim Lamm	Thank you for all you do.
Douglas Fay	Neither Dr Wang or US EPA Region 9 representatives have replied to my emails of concern on this subject. Why?

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Martha Tremblay	It would be helpful if there was a flow diagram on the SMBRC website which depicts the relationship of the governance structure elements of the SMBNEP to one another.
Guangyu Wang (on behalf of Jon Bishop and Claire Waggoner)	Have updated lists of who is serving on the various committees and their alternates. Add the Executive Committee to MOU. Include eligibility, appointment, roles and responsibilities, meeting schedule, etc. Identify the need for and define the roles and responsibilities of the Executive Director of the Commission. Define the roles and responsibilities of the NEP Director, include how they are appointed and term, if any or if ex-officio. Clarify and delineate roles and responsibilities of TBF vs Commission Focus on re-engaging people in this program, governance, and assisting with outreach for the program

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Next Steps:

Consultant Presents Survey Results to Governing Board (Today)

Posts Survey Results to SMBRC/TBF Webpage

Consultant compiling all input into summary report, including member suggestions for actions to consider regarding governance structural elements, policies and practices (due 4-30-19)

Executive Committee reviews the summary report, discusses and evaluates any proposed changes to MC structural elements, policies, and/or practices, including changes to the MOU, and related MOA (May Meeting)

GB Chair recommends any proposed changes to the GB for review and approval (June Meeting)

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