

**Newport Bay Naturalists and Friends  
Approved Minutes  
Board of Directors Meeting  
Back Bay Science Center  
March 19, 2009**

**1. Call to Order**

President Dennis Baker called the meeting to order at 6:35

Board members present: Dennis Baker, Blake Anderson, Larry McKenney, Don Krotee, Peter Bryant and Krista Sloniowski.

Board members absent: Jack Keating, Cathy Lam

Staff present: Roger Mallett

Others present: Tom Edwards

**2. Minutes**

The final draft minutes of February 19, 2009 were approved.

**3. Aerial Deposition Impacts on Newport Bay**

Baker welcomed Tom Edwards to the meeting and introduced him to the Board.

Edwards provided an informal notification to the NBNF board that the City Council of Newport Beach has indicated that it intends to conduct a study in 2009 to evaluate the impact of aerial fallout resulting from the over flights of aircraft operating out of John Wayne Airport on water quality within Newport Bay. Edwards is an attorney and has been involved in a number of issues related to the airport. He is a consultant to the City.

While a formal contract and spending authority have not yet been authorized by the Council, it has approved the concept of the study. A contract is anticipated to be approved soon.

Particulate emissions from the aircraft flying over the Bay may be impacting water quality. There has been little study conducted on the issue here, but others within Southern California have conducted preliminary studies in an attempt to measure and evaluate the impact of aerial fallout on bay water quality. For instance, Marina del Rey was the subject of a study several years ago to evaluate the impact of LAX flight operations on that body of water.

Because there are early indications that the County may propose an increase in the number of permitted commercial flights at John Wayne Airport, it is important to the interests of the City of Newport Beach and Newport Bay itself to develop an understanding of the present situation and to attempt to extrapolate those observations to predict the impacts, if any, on an increase in overflights.

Edwards indicated that he and the City desire to have a peer-reviewed protocol approved as a first-step in meeting the objective of conducting a competent, fair and credible study of the question. He indicated that he is actively approaching university-based subject matter experts to advise the City on field collection and laboratory protocols that will accomplish the City's objectives.

Edwards acknowledged that the outcome of such a study may be inclusive with respect to identifying the sources of the constituents that are detected in the study and the degree of contribution that aerial sources provide with respect to other sources. Nevertheless, beginning this work is important to, as a minimum, establish 2009 baseline conditions that can serve as a reference point for other work that will undoubtedly follow—particularly if water quality and other environmental concerns or questions arise from this initial study.

The NBNF board advised Edwards that there are a number of water quality-based studies and initiatives contemplated by the RWQCB and others that may be of relevant interest to the City and that he should monitor them. Mallett offered to mention the City's aerial fallout studies at the various technical committees he attends in the interest of developing a comprehensive understanding of the inputs affecting the Bay.

#### **4. Executive Director's Report**

Mallett's written report to the Board is incorporated into these minutes by reference.

##### **School Education Issues**

Mallett reported that he met with the Newport Mesa Unified School District representatives to discuss their desire for grades 4-6 environmental education that would be supplemented by the Upper Newport Bay Education Team. While elementary school education programs had been conducted by NBNF in the past, nothing is currently active at this grade level.. Mallett indicated that he believes this effort is important to re-activate. To do so requires that NBNF recruit, train and assign docents suitable for this task. He also indicated that his long-term intent is to develop a 6<sup>th</sup> grade level program that would then expand upward to middle school and high school.

With respect to the Shark Mobile, Mallett is awaiting word from SCE for final approval of the \$73,000 grant necessary to build a new Shark Mobile. It would provide NBNF, Newport Bay, and the school districts here in OC with a valuable mobile resource that could be laced into a number of programs.

Krotee, Mallett and Anderson indicated that they are meeting on March 25 with Santa Ana Unified School District Assistant Superintendent, Dr. Herman Mendez, to discuss partnering opportunities with this school district. Cathy Lam, in an email to the Board earlier this week, indicated she has contact with the Garden Grove-Westminster USD.

Mallett said that these three districts, as well as others here in OC, constitute an emerging opportunity and initiative that NBNF could willingly take on. It matches up with our mission and our 10-year plan. However, in reality, our resources (money, staff, volunteers and facilities) are inadequate for the task—at least for now. NBNF board, staff and volunteers will necessarily have to build on the idea over time. Setting priorities and a practical strategy lie ahead. Mallett mentioned a future strategy that would include sending program coordinators out into the community and the school districts, followed by bringing high school students to us for training, followed by the high school students going back to their communities to teach middle school and elementary school students about the Bay and the environment.

Mallett said that he plans to expand these concepts with the help of the board in the future and to bring proposals forward as they develop.

Mallett also discussed the advantages to other NBNF initiatives that outreach to the educational community provides us. Political, monetary and community support for NBNF initiatives will be a natural outcome of our outreach to education.

#### Muth Interpretive Center

Mallett reported that there has been no progress on getting funding from OC for the entrance mural contract. He reported that Center staff is delighted with the AV system that is now completed and operating.

#### Delhi Channel Clean-up

Bob Stein of the City of Newport Beach has NBNF's proposal in hand, but has made no progress on moving it to the City Council for authorization to proceed. The City still has not seen the settlement agreement between Defend the Bay and The Irvine Company. The City sits as the administrator of the funds, but is blind to the terms and conditions that govern their expenditure. NBNF's prior attempt to obtain a copy of the agreement from Caustin remains rebuffed by Caustin. Caustin has not informed NBNF why he will not provide the agreement to the City or to NBNF.

### **5. Account's Report**

Krotee provided the accountant's report, based on the written reports authored by Donna Carroll. They are incorporated into these minutes by reference.

Krotee reported that NBNF has approximately \$137,000 in savings at Pacific Community Credit Union earning 2.79% and approximately \$16,000 in a risk free money market account at Bank of America earning 2.57%.

## **6. Board Development**

Keating provided a written report that is incorporated here by reference. Baker led the discussion in Keating's absence.

A list of prospective board members, committee members and advisors has been developed, based on the input of several existing board members and Mallett. Keating has reported that based on this list he will begin the task of reaching out to these candidates to begin the vetting process.

Several of the names on the list (and a few suggested for inclusion on the list) were discussed by the Board but for the sake of privacy and of protecting candor, those discussions are intentionally not included herein.

Baker mentioned that when he approaches a prospective board member they want to know what the commitment implies in terms of hours, dollars and number of meetings. This points to the need for a well-written current "job description" to which we can refer and provide to the prospects. Mallett indicated he is working on the promotional and descriptive materials that will serve this need.

With respect to the profile of the Board, there is general consensus that the OC Latino Community should be represented. Also, individuals with fund-raising skills and access to high-end contributors must be added to the Board for the strategic intention of adding monetary strength to NBNF initiatives supporting the Bay.

## **7. The concept of a Newport Bay Conservancy**

Representatives of the City of Newport Beach have informally proposed the concept of establishing a conservancy for the Bay that would provide funding, programmatic and public interest support of the natural, recreational and commercial interests of the Bay. NBNF has been approached and Keating met with City representatives last week to discuss the concept.

The Board and Mallett discussed the concept at length. In particular, NBNF's existing and expanding role in the Upper Bay and Lower Bay was of most interest. Sloniowski raised the closely related questions of redundancy and confusion, given the fact that NBNF is well-positioned to conduct all of the tasks that are implied by the City's proposal. NBNF is, in fact, already performing the majority of the tasks and is already planning to take on the others within the watershed. NBNF has proven itself as a competent, cooperative and moderating force in the Bay. Its sole mission is to advance, protect and enhance the resources of the Bay. It is for this reason that she and others on the Board expressed support for the objectives of the Conservancy and that NBNF is the logical entity to carry its objectives forward.

Nevertheless, the question that was raised by a draft resolution offered by Keating was whether NBNF should express interest in serving as a member of a Conservancy Board of Directors if the City was to form it.

Anderson and McKenney offered a series of substitute motions that incorporated portions of Keating's original motion in an attempt to craft language that captured the intention of the NBNF board and that would provide Keating with adequate direction to proceed with future discussions with the City.

Finally, the Board decided to simply express a "sense of the Board" that it wholeheartedly supports the concepts outlined in the proposed Conservancy, that the NBNF board desires to work supportively and cooperatively with the City on these concepts for the benefit of the Bay and that NBNF desires to continue to provide significant leadership in its role of protecting the Bay. Finally, the Board agreed to designate Keating as its principle spokesperson and representative in future discussions with the City and other stakeholders.

## **8. Research Committee**

Bryant reported requests for applications have been mailed to the Southern California Academy of Science, UCI, Fullerton College, Cal State Fullerton and Chapman University for proposals for research grants of \$1000. The work can cover a wide of scientific and social science areas that have relevancy to the natural and human resources of the Bay.

## **9. Hyatt Resort Improvement Project**

NBNF has been informed by representatives of Hyatt the project is presently on hold, awaiting improvements in the economy. During this hiatus, the question before the Board was whether outreach and discussion with Hyatt ought to continue. The terms and conditions of the development agreement contemplate \$2 million of Hyatt-provided funding for mitigation and improvements that offset the impacts of the development. Obviously, NBNF has an interest in helping to influence the scope of the expenditures. In particular, water quality related improvements are a top priority because of the proximity to the waters of the Bay and to its recreational impacts.

It was the general consensus of the Board to continue discussions with Hyatt and that Krotee be designated as the Board's principle spokesperson and representative in discussions with Hyatt.

## **12. Dredging of the Bay**

McKenney reported that OC is looking at 3 possible sources of federal funds for continuing dredging including fiscal year '09 Funds, fiscal year '10 Funds and Stimulus Funding through the Corps of Engineers. The nonfederal share of the project's costs has already been paid, so federal funds are required to carry through to completion.

There have been rumors that either stimulus funding or reprogrammed FY09 funds will be made available in an amount sufficient to complete the Upper Bay dredging, with perhaps a bit extra. The additional funds could be used by the Corps to complete some of the dredging in the lower bay that the federal government is supposed to do to maintain navigation.

Dredging is now underway in the Upper Bay, funded by reprogrammed FY09 funds, with enough money currently available to keep the dredge contractor operating from March into May.

Regarding the dredging of the Lower Bay, there are a number of permits and permissions that must be first obtained, not the least of which is permission from the COE and EPA to utilize one of the designated off-shore dumping sites.

### **13. New Business**

With respect to number of meetings, Mallett pressed the Board on reaching a conclusion about the frequency of board meetings. The board meets monthly and so do the committees—at least the committees should be meeting monthly. The question that was discussed last month and was discussed at length again at this meeting is whether the board can meet every two months. The general consensus of the board members present is to cautiously move in that direction, particularly after the standing board committees get themselves well-established and meeting regularly. We aren't ready to modify the frequency of the board meetings quite yet, but every other month seems about right.

### **14. Adjournment**

The meeting was adjourned at 8:45 PM. The next regular meeting of the Board is scheduled for April 16 at 6:30 PM at the BBSC.