

**Newport Bay Naturalists and Friends  
Approved Minutes  
Board of Directors Meeting  
Back Bay Science Center  
January 15, 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, Jack Keating, Cathy Lam and Krista Sloniowski (by phone).

Board members absent:

Staff present: Roger Mallett

Others present: Jan Vandersloot, Matt Yurko

**2. Minutes**

The minutes of November 20, 2008 were approved.

**3. Proposed Hyatt Resort Improvements**

Jan Vandersloot representing SPON and Matt Yurko, a former member of the NBNF Board, participated in the discussion. Baker and Krotee of the NBNF Board are also members of SPON.

The Hyatt Resort is proposing to build up to 88 new time-share units on portions of the resort where the golf course now exists. The project also includes an 800-person ball room and associated parking. SPON is concerned that the requirement for a 100 foot buffer zone normally required between permanent structures and environmentally-sensitive areas has been relaxed by the Newport Beach Planning Commission. Vandersloot said that the Commission is recommending a 50-foot buffer for some structures. Vandersloot said that the endangered Gnat Catcher is one of the species of concern found in Upper Newport Bay. Vandersloot said that SPON will insist on the customary 100-foot buffer in a letter that will be sent to the Newport Beach City Council. Vandersloot said that the Hyatt's consulting naturalist is Tony Bomkamp and is involved in the details of establishing and recommending the buffer zone,

Baker said that ultimate approval of the project rests with the California Coastal Commission after the project first moves through the Newport Beach Planning Commission and City Council approval process.

The NBNF Board discussed a number of options it could follow including writing a letter to the City supporting SPON's concerns, actively participating in the review and comment process, and testifying at the public workshop(s) and hearing(s) that are conducted by the City.

A motion was moved, seconded and unanimously approved to:

“Direct Don Krotee to draft a letter to the City of Newport Beach Planning Commission for President Baker’s signature that states NBNF concern that there be no inconsistencies between minimum standards and the terms of the approvals provided by the City to the Hyatt Resort, that the proposed site improvements be designed to incorporate natural habitat features to the extent practicable and that NBNF be notified about actions the City plans to take about the Hyatt Resort and that NBNF intends to monitor and be involved in the review and approval process. Furthermore, Krotee is directed to circulate the draft of the letter among the members of the NBNF Board and members of the NBNF Advocacy Committee in particular for review and editing.

The ownership of Newport Knoll was also discussed. Baker said that it is his understanding that the intention, several years ago, was for The Irvine Company to transfer ownership of this important area of natural habitat to the City of Newport Beach but that transfer has not occurred. Yurko commented that Newport Knoll is an important piece of the Upper Newport Bay natural habitat and that there are a number of mature plants where all sorts of species are frequently observed by naturalists and members of the community.

#### **4. Accountant’s Report**

The Accountant’s Report was received and filed by the Board.

The Board briefly discussed the question about whether contributions can be designated for particular purposes specified by the contributor. The answer is, yes they can be so designated and, in fact, it is an established practice that is frequently employed. Keating said that NBNF’s willingness to do so and ability to assure a contributor that his/her contribution will go to a specific purpose has been very helpful in NBNF soliciting funds for our larger projects.

#### **5. Executive Director’s Report**

Executive Director Mallet provided the board with a written ED’s report and it is incorporated into these minutes by reference.

Mallet reported that his report is formatted to match with NBNF’s annual plan and the organizational chart he provided to the Board in November. Mallet reported that he recently attended the Santa Ana Watershed Project Authority’s (SAWPA’s) planning session. He is concerned that the decision model that SAWPA is employing is an inadequate tool for providing SAWPA’s staff, directors and stakeholders with a

meaningful compilation and translation of the various points of view present within the assembled stakeholders providing input into the model. For this reason, Mallett reported that he intends to provide a neutral letter commenting on the process and offering advice. His participation and NBNF's support of his participation is based, primarily, on supporting Mary Anne Skorpanich and reinforcing our positive relationship with OC's watershed management staff. Mallett estimated that it will take 20 to 30 hours of his time to meaningfully participating in SAWPA's visioning process. Mallett also mentioned that OC's Central Area Watershed Management Executive Committee has yet to decide whether it will formally join the SAWPA/ SAR planning efforts or whether to go it alone

## **6. NBNF January 31 All-Day Retreat**

Krotee reported that he will be unable to attend the retreat because of another commitment. No other directors reported a problem in attending the retreat.

Mallett reported that he has drafted an agenda for the retreat and asked all members of the Board to review the agenda and to follow the links he has embedded therein. The links contain information that will be an important basis for our discussions on the 31<sup>st</sup> and it is VERY IMPORTANT that all members are conversant with it.

## **7. Mayor's Dinner**

Baker announced that the Mayor of the City of Newport Beach is holding a dinner on February 11 at the Marriott at Fashion Island. Cocktails at 6 PM and dinner at 7 PM followed by the program. Baker said that this is an excellent networking opportunity for members of the NBNF Board and for increasing the visibility and profile of the Board with the important policy makers and sources of money within the Newport Beach community. Krotee announced that his firm has purchased a 10-person table and that he has seats available for members of the NBNF Board that desire to attend the dinner. Business attire. Cash bar.

## **8. Interpretive Center Entrance Mural Status Report**

The project hasn't really gone anywhere for the last few months. OC has indicated that it will provide funding for the project to NBNF with the understanding that NBNF will have the discretion to hire our preferred consultant and that NBNF will manage the consultant. Keating said that NBNF understands that the money for the project is under the discretionary control of Supervisor Moorlach's office. A Plein air artist has been selected and has been paid for the mural design and its execution.

## **9. Interpretive Center Theatre Improvements Status Report**

Baker reported that this project is well underway and should be completed by the end of January or early February. He reported that the good news is that OC made a decision on the acoustical material that would be attached to the inside of moveable partition walls that pivot on center to act as entrance doors and privacy/acoustical walls. The bad news

is that the selected materials violate the original terms and conditions of the grant funds that built the IC and its theatre in the first place. Apparently the selected materials violate the architectural integrity of the building. The improvement project will continue to move forward to completion once this conflict is resolved to everyone's satisfaction.

#### **10. Bluffs HOA Improvement Project Status Report**

The final planting of the native-based plants will occur on January 22. This will essentially complete the project. Keating said that we have learned a lot and the project was ultimately successful based on the approach used with the effected property owners and other factors. A summary of the project will be put into a presentation format that will be used to promote similar projects around the Bay and to "sell" the approaches that proved to be so successful.

#### **11. Vista Point Status Report**

Keating reported that final funding for this essentially completed project has been lagging. One-half of the \$7000 committed for the project remains to be received from the contributors. Keating is working with Buck Johns/Harry Rinker to raise the \$3500 that is still outstanding. This final amount will pay off the contractor.

Keating reported that the general contractor did not adequately follow through with its obligations during the conduct of the work and that a subcontractor that unintentionally under-bid the value of the work by \$15,000 nevertheless maintained high standards and followed through with all of its obligations.

Minor work that remains to be completed includes spotting scopes, purchasing and installing bike racks, and designing, fabricating and installing a suitable recognition plaque. Lam reported that her husband could probably help with the plaque.

#### **12 Delhi Channel Clean-up Project Status Report**

NBNF has drafted a proposal for a feasibility study for the improvements needed to clean up the channel. Ray Heimstra of the Orange County Coast Keepers will apply for a grant that proposes that construction will start next year.

Baker reported that NBNF is considering proposing a diversion of dry weather nuisance flow into the Orange County Sanitation District interceptor sewer near Sunflower and the Delhi Channel. Anderson said that he would help in providing a liaison with the Sanitation District. Anderson was instrumental in developing and administering the dry weather diversion program that the Sanitation District pioneered around the year 2000.

#### **13. Visiting representatives/liasons from public agencies to the NBNF Board of Directors**

Baker reported that invitations have been extended to Mark Denny and Karen Miner to serve as liaisons from their respective agencies.

#### **14. Report of the Board Development Committee**

The Committee is chaired by Keating.

Irwin Haydock has suggested that ex-Supervisor Tom Wilson be approach for membership. Donna Kendall has been identified because of her philanthropic strengths. Bryant reported that he has approached Larry Marsh of UCI with the idea of being on the NBNF Board.

#### **15. Report of the Research Committee**

The Committee is chaired by Bryant and includes Sloniowski and Haydock.

Bryant reported the Committee has met and that Peter Ridley has joined the Committee.

Bryant reported that the Committee's objective is to issue RFPs for applied research proposals by professors, researchers and students that would have relevance to the objectives of NBNF. Bay-related projects that advance our understanding of the natural resources within the Bay or that advance the science of understanding the dynamics of the Bay would be what the Committee is interested in supporting.

Bryant reported that money is, of course, the key to the viability of this idea. NBNF does not have the monetary resources to support work like this today. Our challenge is to solicit and obtain grants and donations from third parties that would support the research.

Bryant reported that the Committee will issue RFPs only after first establishing the source of the funds needed to support the work. The Committee desires to eventually see research grants as a regular line item of the annually adopted NBNF budget. Bryant reported that the Committee eventually will want to organize research meeting events or poster sessions at the annual meeting or use existing venues to publicize and spot light the research work that results from the NBNF-sponsored research.

Keating suggested to Bryant that Dennis Kelly would be a good candidate for membership on the Research Committee.

Mallett said that he submitted the EPA Education Grant for a part-time employee to reach out to students and begin a new educational initiative.

#### **16. Nitrogen/Selenium Task Force**

Mallett reported that the RWQCB's Nitrogen/Selenium Task Force met during the week. 25 stakeholders participate in the task force. The last two meetings have focused on the

sources of selenium and the best management practices to control them. The Task Force efforts have concluded that 90-95% of selenium is NOT coming from individual sources. Apparently rising groundwater contaminated with nitrate is liberating selenium from natural deposits and mobilizing it. Apparently the 100-year wide-spread use of ammonium-based fertilizers for agricultural and landscaping purposes is now “harvesting” selenium from the ancient alluvial deposits underlying large tracts of the Santa Ana River watershed. Best management practices might include limiting the sources of groundwater recharge and starving out some sectors of the aquifer so that they no longer contribute to surface water contamination.

The RWQCB will spend \$300,000 to develop a groundwater model to refine this idea.

The Big Canyon selenium problem was discovered purely by accident when a broad range of pollutants underwent a screening analysis and the selenium unexpectedly popped up at significant concentrations.

One of the upshots of all of this is that new development may have to limit groundwater recharge by preventing Stormwater percolation. This is an interesting concept because it directly conflicts with other regulations designed to control urban runoff by limiting impermeable surfaces and promoting stormwater percolation in new developments.

### **17. Report of the Finance Committee**

Krotee is chair of the Committee.

There was no report.

### **18. Report of the Fund Raising Committee**

The Committee includes Krotee, McKenney, and Bryant. Lam agreed to be added to the Committee.

There was no report.

### **19. Policy Clarification Requested by Executive Director of the NBNF Board**

Mallett asked the Board to clarify policy for paying mileage for NBNF volunteers. For those volunteers that travel an unusually long distance from home to Newport Bay, should they be reimbursed for mileage? The board unanimously responded that mileage should not be paid to volunteers no matter what the circumstance.

Mallett asked for direction from the Board about whether project management fees should be added over and above the 10% overhead fee that is customarily requested by NBNF and normally provided by the granting or contributing funding source. The general opinion of the Board was to NOT ask for fees more than the 10%.

## **20. New Business**

There was no new business reported

## **21. Announcements**

There were no announcements reported

## **22. Adjournment**

The meeting was adjourned at 8:58 PM. The Board will next meet together on January 31 for an all day retreat beginning at 8 AM at the Duck Club. The next regular meeting of the Board will be February 19 at 6:30 PM at the BBSC.