

**Newport Bay Naturalists and Friends
Final Draft Minutes
Board of Directors Meeting
Back Bay Science Center
July 16, 2009**

1. Call to Order

Vice-President Jack Keating called the meeting to order at 6:30

Board members present: Blake Anderson, Don Krotee, Peter Bryant, Krista Sloniowski
Jack Keating and Cathy Lam

Board members absent: Larry McKenney, Dennis Baker

Staff present: Roger Mallett and Donna Carroll

Others present: None

2. Approval of Minutes

The final draft minutes of the May 2009 Board of Directors meeting were approved as submitted by Anderson.

The draft minutes of the May 21, 2009 Mini-Retreat were approved as submitted by Anderson.

3. Executive Director's Report

Mallett provided a written Executive Director's Report that is incorporated into these minutes by reference.

Mallett reported that he believes that SC Edison still intends to provide a grant for the Shark Mobile, but that the timing is indefinite. Once the funding has been received, NBNF will order and purchase a vehicle, outfit it and then begin with pilot programs at Santa Ana Unified and at Newport-Costa Mesa Unified. In other words, the Shark Mobile program is many months away from being operational.

Mallett reported that the Restoration Team approach is making significant progress in achieving integrated adaptive management at UNB. A Restoration Team meeting was held on July 15, 2009. See draft minutes of that meeting.

4. Account's Report/Treasurer's Report/Finance Committee

Donna Carroll's written reports for May 2009, June 2009, 2nd quarter 2009, and Outrigger 2009 are incorporated by reference. There is no significant change in the

budget. Cash flow is behind awaiting a progress payment on the data catalogue contract that NBNF is conducting under an agreement with the City of Newport Beach.

Corporate donations are down and are slow. The Donor and Community Relations Committee reported that they are developing a grid that lists the donation status of donors and will follow up to remind them of lagging donations. Lam asked where the newly created promotional materials and previously available materials reside. They will be important tools for the Donor and Community Relations Committee. The materials are available at the BBSC and at the Muth Center.

Mallett reported that Patrick McCaffrey is actively passing out the UNB "Map Brochure" to the hotels and resorts in the Newport Bay area to generate interest in the Bay.

5. Bylaws

There has been no additional input from members of the Board since the last meeting. Keating and Anderson will meet to reconcile Anderson's comments on the draft bylaw changes. Keating and Anderson will return to the Board with a final version of the bylaws for consideration by the Board. The Board has an affirmative responsibility to submit proposed bylaw changes to the NBNF members at the annual meeting that occurs every November.

6. Board Development Committee

Keating reported that Keating, McKenney and Anderson interviewed Jerry King on June 19. The three of them unanimously endorse King as a member of the NBNF Board of Directors. Anderson moved, Krotee seconded and the Board unanimously approved (on an 8-0 vote, including proxy votes from Baker and McKenney) that King be added to the Board effective immediately. In a 7/15/09 email to Keating, Baker appointed King to the Board subject to Board approval.

There was a discussion among the board members regarding the role of the Advisory Committee. At the moment it is inactive and its role is no longer understood or defined by practice or precedence of the Board. Its members are listed on the NBNF letterhead and we do not know whether the members consider themselves active members of the Advisory Committee or not. No one listed as Advisory Committee has raised an objection of being listed. The Board Development Committee has ultimate jurisdiction on the recruiting, role and responsibilities of the Advisory Committee. The Board Development Committee suggested that Keating and Anderson bring a proposal forward for its consideration at a future meeting. Keating and Anderson agreed to meet and begin the process of drafting recommendations regarding the Advisory Committee.

Lam asked about the ongoing efforts to develop relationships with the boating and Lower Newport Bay community of interest. With that as a nexus, Anderson discussed the ongoing discussion at the city council level in Newport Beach regarding the dredging of Newport Harbor and the opportunity it might imply for NBNF to actively outreach and

participate in the significant environmental and public policy issues regarding the proposed solution.

Anderson reported that City Councilwoman Leslie Daigle, with the help of the City's consultant, Anchor Environmental, provided Speak Up Newport a report on the proposed dredging. The harbor was first dredged in 1936 and hasn't been re-dredged since. Areas of the harbor are only 9 feet deep. Deep-keeled vessels frequently run aground and some areas of the harbor are impassable except for the shallowest of craft. An estimated one million cubic yards of material must be removed from the Lower Bay. By contrast, the Upper Bay project will have removed 2.3 mcy when the work is done.

The problem and the controversy involve the considerable amount of contaminated sediments that are found around the old World War II boat yard sites and the commercial boat maintenance sites that have existed for decades. Together, they have contributed to large tracts of contamination that dominate the upcoast reaches of the Lower Bay.

There are four basic options:

1. Remove the contaminated sediments, clean them through a thermal, chemical or physical means, and dispose of them at the existing offshore dredge spoil disposal site operated by the Corps of Engineers under an EPA permit. This option is not feasible because it is not currently technical feasible to meet the EPA contamination limits set for this disposal site.
2. Remove the contaminated sediments and truck them to an approved disposal site. This option is not feasible because the upland options are too far away to be affordable, LA-San Pedro wharf-fill projects are restricted to sediments originating in that harbor, and the thousands of truck trips implied by hauling would induce traffic and air pollution impacts that would make approval unlikely.
3. Leave the contaminated sediments in place without any mitigation. The OC Coastkeeper lawsuit precludes this from being a viable long-term option. Besides, the ongoing environmental insult of this option has few supporters.
4. Dig a very deep pit in the harbor, move the contaminated sediments in the pit and cover them with 8 feet of clean sediments to sequester them forever.

Anderson suggested that an informed scientifically-based opinion by NBNF could serve as an example of the technical and environmental leadership that we could provide on this issue and others. Assuming we can develop an informed opinion that supports the 4th option, NBNF could forge long-lasting relationships with other interests in the Bay that would serve NBNF well in growing membership and raising funds. Keating and Anderson will draft an approach and bring it back to the Board for future consideration.

7. Donors and Community Relations Committee

Lam reviewed the major goals, objectives and tasks related to the Committee responsibility as defined by the 10-year plan. The discussion resulted in advice to the

Committee to focus more on the specific tasks needed to improve volunteer engagement and donor follow-up. Lam reported that she is working on a grid for improving follow-through by the Committee. The ball is being regularly dropped today after initial contact with a donor, momentum and interest wanes, and the donation doesn't materialize. She is putting together a template of the steps necessary to engage prospective donors and "close the deal".

Keating said that, "Simply put, the future of NBNF rests in the efforts of the Donor and Community Relations Committee to raise awareness and support of our efforts."

8. Research Committee

Bryant reported that the RFP that NBNF issued several months ago generated considerable interest in the university research community and that 8 high-quality research proposals were received,

The Grant Proposals received by the Research Committee (*Recommended for approval for funding by the Research Committee) were:

Mark H. Armitage, Past President, Southern California Society for Microscopy and Microanalysis. "**Estuary health - based on parasite populations**".

D. Shane Beck, President, MBC Applied Environmental Sciences, Costa Mesa. "**Research Grant Proposal to Provide Services to Newport Bay Naturalists and Friends**".

*J. Peter Fuhrer, NBNF Naturalist and volunteer chemist at Southern California Coastal Water Research Project. "**DNA Barcode Data on Upper Newport Bay Benthic Infauna**".

*Brian Goo, Undergraduate student, University of California, Irvine. "**Measuring Filter Feeding Rates of Invertebrates in Upper Newport Bay**".

*M. Robert Hamersley, Ph.D. Assistant Professor of Environmental Microbiology, Soka University of America. "**Nutrient and Metal Removal from Urban Runoff by Freshwater Wetlands Fringing Newport Bay**".

*Jessica D. Pratt, Graduate student in Ecology and Evolutionary Biology, University of California, Irvine. "**Effects of assisted migration of a foundational plant species on plant defense and arthropod community composition**".

*Margaret Royall, Bayview Slope Restoration Coordinator, Orange County Chapter, Society for Conservation Biology. "**Effectiveness of different methods for removing the invasive exotic mustard *Brassica rapa* around Upper Newport Bay**".

*Danielle Zacherl, Assistant Professor, Department of Biological Science, California

State University, Fullerton. **“Effects of habitat modification on the performance of native and non-native oysters in Newport Bay, CA.”**.

*Tracey Magrann, (2nd year M.S. student) Department of Earth and Biological Sciences, Loma Linda University. **“Prevalence of Algal Toxins in Southern California Lakes along the Pacific Flyway”**.

The Research Committee was recommending funding for 7 of these. A ninth proposal from a corporation was also received but it was the opinion of the Executive Director and the Board of Directors that funding to this entity is not in keeping with our intention under the mini-grant program and for this reason will not be funded through the grant program. However, the Executive Director will discuss with the corporation the funding of services, similar to those proposed, as part of the data catalog work. The 7 recommended research proposals come from researchers and research teams about subjects that have direct bearing on and interest to the resources of Newport Bay.

Bryant described each of the 7 proposals and the Board approved funding of \$1000 each in keeping with the original figure of the RFP on a unanimous 6-0 vote.

It was the sense of the Board that articles or presentations regarding the 7 approved research projects ought to be brought to the Board from time to time. Further, that to the extent possible, any equipment that is funded exclusively by NBNF ought to revert back to the BBSC when the work is completed.

The Committee will meet again soon to discuss other research goals, objectives and tasks for 2009 relating to the 10-year plan. During the discussion, it was confirmed the primary function of this Committee is research. Education and restoration goals, objectives and tasks are the responsibility of staff working under the umbrella of the UNB Education and Restoration Teams, respectively.

9. Advocacy and Partner Relations Committee

Anderson reported that the Advocacy and Partner Relations Committee met on June 19 and drafted a series of tasks supporting 7 goals that address the 10-year plan. The goals will be distributed to the Board for its information.

The Advocacy and Partner Relations Committee will schedule a meeting to refine the tasks with an eye toward developing tasks that are specific and contain time elements.

10. New Business

Agreement with the County for the Estuary Exhibit Improvements at the Muth Center

County staff has proposed a \$130,000 contract for NBNF to execute the work on the improvements at the Estuary Exhibit. Krotee, Keating and Mallett have reviewed the

terms of the agreement and endorse it as written. The agreement is a follow-on last year's broad agreement that set the basic terms and conditions about how the County and NBNF would conduct business together. After NBNF acts, then County staff will bring it to the Board of Supervisors for its consideration.

The Board on a 6-0 vote approved the agreement unanimously.

Request from Green Vision for NBNF to review the NB General Plan for conformance with the Climate Change Provisions of AB 32

The State Attorney General has found that all general plans and projects subject to CEQA must demonstrate conformity with AB 32 regarding climate change including assessing the impacts of the plan on global warming and the impacts of global warming on the plan. Green Vision here in OC has asked NBNF to take responsibility for reviewing Newport Beach's General Plan and to form an informed opinion about the adequacy of the General Plan in addressing these global warming questions. Keating has reported that he committed to do so at the Green Vision workshop on behalf of NBNF. There was no expressed objection to this commitment by members of the NBNF Board. Sloniowski volunteered to help Keating in this effort and said that she would look at the General Plan.

Lam said that the Sierra Club OC Chapter has a "Juicing OC" Campaign and are working with various cities to take a survey on what their plan is regarding reducing global warming. Lam has that she will forward the information to Keating and Sloniowski.

11. Announcements

Keating announced that the Coastal Commission will consider the Big Canyon Restoration Project at its August meeting.

Keating announced the City will require a permit for the Back Bay Drive closure during Cleanup Day. NBNF will obtain a permit if the City requires no fee.

12. Adjournment

The meeting was adjourned at 8:35 PM.

The next regular meeting of the Board is scheduled for August 20 at 6:30 PM at the BBSC.