



COUNTY OF LOS ANGELES
DEPARTMENT OF BEACHES AND HARBORS



STAN WISNIEWSKI
DIRECTOR

KERRY GOTTLIEB
CHIEF DEPUTY

April 18, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

PROPOSED RESOLUTION IN SUPPORT OF AN APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR A GRANT OF \$102,266 FOR THE NICHOLAS CANYON CREEK HABITAT RESTORATION PROJECT (3RD DISTRICT)(3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the attached Resolution approving submittal of an Urban Streams Restoration Program grant application by the Department of Beaches and Harbors and the Wishtoyo Foundation to the California Department of Water Resources for the Nicholas Canyon Creek Habitat Restoration Project, and appointing the Director of Beaches and Harbors agent of the County to sign all documents pertaining to the grant application.
2. Authorize the Director to issue a right-of-entry permit to the Wishtoyo Foundation to allow the Foundation access, for ceremonial and site visitation purposes only, to the property that will be the sites of its proposed Chumash Cultural Village at Nicholas Canyon Beach and the Nicholas Canyon Creek Habitat Restoration Project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Wishtoyo Foundation, in cooperation with the Department of Beaches and Harbors, proposes a habitat restoration project in the County-owned portion of Nicholas Canyon Creek, between Pacific Coast Highway and Nicholas Canyon County Beach, in Malibu. The Wishtoyo Foundation is a non-profit corporation whose purpose is to educate the

public regarding Native American values, including environmental protection. The proposed project will minimize flood potential and bank failure while restoring the natural scenic beauty of Nicholas Canyon Creek.

The project will begin with site preparation, including the on-site collection of seeds and cuttings of the native plants to be grown, the development of a landscape plan, and consultation with hydrological and environmental engineers to determine Best Management Practices for flood control, watershed runoff, and pollution runoff. The next step in the project will involve the removal of non-native plants and trees from the creek corridor, including the trimming or removal of pine trees, palm trees, ice plant and arundo. The work will be done with a minimal use of herbicides and the least disturbance to tree bark and Native American historic sites. Based on the landscape plan, the removal of the non-native species will be followed by the planting of canopy trees and screening shrubs such as the Cottonwood, Willow, Lemonadeberry and California Rose. Shrubs and understory vegetation will be planted after a canopy is established. Community volunteers will assist with the planting of vegetation. Creek maintenance work will be incorporated into the Chumash education program at the proposed adjacent Chumash Cultural Village, on the bluff-top above Nicholas Canyon Beach.

The Department of Water Resources is soliciting applications for Urban Streams Restoration Program grants. The program supports actions that prevent property damage caused by flooding and bank erosion, restore the natural value of streams, and promote community stewardship. The program received a total of \$25 million with the passage of the Costa-Machado Water Bond Act of 2000 (Proposition 13) and is accepting applications for the \$10 million anticipated for fiscal year 2002-2003. The Nicholas Canyon Creek Habitat Restoration Project will remove non-native vegetation that has overgrown the creek, enhance the area's scenic beauty, and incorporate the restoration work into the educational efforts of the nearby proposed Chumash Cultural Village.

The recommendation provides for the Director of Beaches and Harbors to issue a right-of-entry permit to allow the Wishtoyo Foundation access to the site for ceremonial and site visitation purposes only. If funding for the project is granted, the Department will recommend that the County and the Wishtoyo Foundation enter into a long-term agreement to carry out the project. The Wishtoyo Foundation will not be permitted to carry out the project, including housing any operations on-site, until all necessary permits are obtained, the appropriate CEQA environmental documentation is circulated for public review and approved, and the long-term agreement for use of site with the County is negotiated and approved.

Implementation of Strategic Plan Goals

Submitting an application, in cosponsorship with the Wishtoyo Foundation, for a State grant offers a potential funding opportunity for the Nicholas Canyon Creek Habitat Restoration Project, which will provide a unique educational and recreational opportunity for the County, thereby furthering the Strategic Plan goals of Fiscal Responsibility and Service Excellence.

FISCAL IMPACT/FINANCING

The estimated cost of the Nicholas Canyon Creek Restoration Project is \$202,016. The Department of Beaches and Harbors and the Wishtoyo Foundation are requesting a grant in the amount of \$102,266 from the State Department of Water Resources. The Wishtoyo Foundation is obligated to secure the additional funds necessary to complete and operate the project, guaranteeing that there will be no County cost for the development and operation of the Nicholas Canyon Creek Habitat Restoration Project.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

This Board letter was submitted to the Beach Commission for review at its April 17, 2002 meeting, requesting endorsement of the recommendations herein. The Commission unanimously endorsed the Director's recommendations.

ENVIRONMENTAL DOCUMENTATION

The first recommended action, adoption of the resolution and designation of the Director as agent, only allows the Department to solicit funding. If funding for the project is secured, the appropriate environmental documentation will be prepared pursuant to the California Environmental Quality Act (CEQA) prior to moving forward with this project. The second recommended action, authorizing the Director to issue a right-of-entry permit to the Wishtoyo Foundation, is categorically exempt from the provisions of CEQA pursuant to Class 4(j) of the County's Environmental Document Reporting Procedures and Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The Nicholas Canyon Creek Habitat Restoration Project will increase the recreational opportunities and environmental quality at Nicholas Canyon County Beach. In addition, the project will increase the use of the public parking lot at Nicholas Beach, thereby creating additional revenue for the County.

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CONCLUSION

Please return the executed Resolution to the Department of Beaches and Harbors, along with one approved copy of this letter.

Respectfully submitted,



Stan Wisniewski
Director

Attachment (1)

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller

RESOLUTION OF THE LOS ANGELES COUNTY BOARD OF SUPERVISORS
APPROVING THE APPLICATION, IN CO-SPONSORSHIP WITH THE
WISHTOYO FOUNDATION, FOR AN URBAN STREAMS RESTORATION GRANT
FOR THE NICHOLAS CANYON CREEK HABITAT RESTORATION PROJECT

WHEREAS, the California Department of Water Resources, Division of Local Assistance, Urban Streams Restoration Program has announced the availability of funds for grants; and

WHEREAS, said grants are intended to help solve flooding and erosion problems in a way that provides environmental enhancement; and

WHEREAS, the Wishtoyo Foundation has proposed to cosponsor a grant application with the Los Angeles County Department of Beaches and Harbors; and

WHEREAS, the project proposed for grant funding would be environmentally beneficial and all requirements of CEQA will be complied with prior to implementation of the project;

NOW, THEREFORE, BE IT RESOLVED that the Los Angeles County Board of Supervisors by adoption of this Resolution hereby approves the filing of an application, cosponsored by the Wishtoyo Foundation, for an Urban Streams Restoration Program grant; and

BE IT FURTHER RESOLVED that the Los Angeles County Board of Supervisors authorizes Stan Wisniewski, Director of the Department of Beaches and Harbors, to accept and sign any contract for administration of the grant funds, Mati Waiya, Executive Director of Wishtoyo Foundation, to develop a work plan for the project, and Lin Myerson, Wishtoyo Foundation, to submit invoices to the Department of Water Resources for activities carried out under the work plan for the grant contract.

The foregoing Resolution was on the _____ day of _____, 2002 adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

Violet Varona-Lukens, Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By: _____
Deputy

APPROVED AS TO FORM
BY COUNTY COUNSEL

LLOYD W. PELLMAN

By:  _____
Deputy