Final

BALLONA WETLANDS RESTORATION PROJECT

Environmental Impact Report
State Clearinghouse No. 2012071090

Volume 4: Comment Letter O11 Part 3 of 3

Prepared for

California Department of Fish and Wildlife,
South Coast Region (Region 5)

December 2019

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CHAPTER 2

Responses to Comments (continued)

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priority to help inform future restoration and management decisions for southern California coastal wetlands.

A first step in this process is to develop a classification system based on an understanding of the processes that formed (origin) these estuaries and defining their pre-development structure. This report proposes a new classification system for California estuaries based on the geomorphic history and the dominant physical processes that govern the formation of the estuary space or volume within them. The classification system forms the basis of a conceptual model that predicts likely frequency and duration of closure of the estuary mouth. We then begin to validate the proposed model by investigating historical documentation of three representative estuaries to determine if their pre-development condition was consistent with the structure predicted by the classification system. If the historical information about the condition of the estuary is consistent with the predictions based on its landscape position and geomorphological attributes, then our confidence in the predictive ability of this scheme will be enhanced. This initial validation provides the foundation for further testing and application to the numerous restoration plans currently underway. Finally, we explore some of the physical and biotic consequences of changing the closure dynamics of coastal estuaries by transforming them from periodically closing systems into perennially open systems.

O11-380 cont.

METHODS

We propose a classification system based on the geophysical processes that formed and hence govern the behavior of estuaries in southern California. We hypothesize that the typical frequency and duration of mouth closure can be predicted based on an estuarine classification derived from geologic origins, exposure to littoral processes, and watershed size and runoff characteristics (more details are provided below). The classification scheme produces a series of hypotheses about the mouth closure characteristics under natural conditions (i.e., in the absence of major infrastructure that controls estuary opening/closing).

The mouth closure dynamics predicted by the conceptual model were applied to estuaries along the California coast (Figure 1) and investigated in detail using a range of historical data sources for three estuaries of particular management concern. These estuaries, at Ballona Creek, Topanga Creek, and Tijuana River, represent a variety of conditions in terms of size and landscape setting and were selected because they are all currently the subjects of restoration planning efforts. Therefore knowledge of the historical wetland state and mouth dynamics is particularly relevant to assessment of alternative restoration plans and ongoing investments. For these three estuaries, we investigated historical aerial and ground photographs, historical reports and narrative accounts, the California Coastline photograph archive (http://www.californiacoastline.org/), and historical maps from the US Coast and Geodetic Topographic Survey (T-Sheets) to produce a conclusion on the predominant mouth condition. Information was reviewed from the earliest obtainable records (ca. 1870) to the present to represent the study estuaries under a range of natural conditions (e.g., flood, droughts, and different tidal stages) and managed conditions (e.g., levees, excavations). The "observed" condition is then compared to the predicted estuary closure condition developed from the classification system/model as a test of model validity.

O11-380 cont.

In addition to the three estuaries examined in detail, the broader work presented here is supported by personal observation by Jacobs in over 130 small to medium sized coastal lagoons during collection efforts for work on the genetics of coastal fishes (*Atherinops*, *Clevelandia*, *Eucyclogobius*, *Fundulus*, *Gasterosteus Gillichthys*, *Leptocottus*) and invertebrates (*Cerithidia*, *Nebalia*, *Neotrypaea*). These observations were supplemented by the field observations and notes of Camm Swift. Additional observations and communication and collection records from Kevin Lafferty, Ryan Hechanger, Kristina Louie and Todd Haney were considered. Air photos records for all 130 sites (except Vandenberg AFB) were examined using images from the California Coastal Records project. Satellite images for the last two decades were examined using Google Earth. The historic "T-sheet" (Topographic) series for the entire outer coast was examined relative to these sites as were the early hydrographic sheets in some instances (San Pedro, Mission Bay, San Diego Bay, and Mugu). These data were used to inform the conceptual model for each combination of variables, thus predictions are not based on the behavior history of an individual place, but on a generalized summary of similar systems in our combination of variables.

Figure 1. California estuaries discussed in this study.

O11-380 cont.

CONCEPTUAL BASIS FOR ESTUARINE CLASSIFICATION

Formation of California Estuaries

A number of different geologic processes operating though time have influenced the development of California Estuaries. These processes are the basis for the proposed classification system.

Uplift

Much of California's coastal geomorphology results from locally rapid uplift rates compared to other regions of the country. This relative movement has been particularly active over the last 1 to 2 million years, generating many aspects of the coastal topography including the steep topography of the coastal cliffs and islands (Mc Neilan *et al*. 1996, Masters and Aiello 2007). In addition general uplift of the coast has eliminated or reduced in size what were once very extensive embayment systems that penetrated inland in the Los Angeles basin, the Santa Clara, Santa Ynez and Santa Maria Valleys and in the Vicinities of Morro and Monterey Bay/Salinas Valley (Hall 2002, Jacobs *et al*. 2004) into the Late Pliocene or early Pleistocene. These areas still support significant estuarine features, but they are orders of magnitude smaller in their extent than previously existing embayments.

Sea Level Change

O11-380 cont.

Sea level rise, from approximately 140 m below present levels about 20,000 years ago, necessarily exceeding rates of 1 cm/y for several millennia (Slater *et al*. 2002). Rapid glacial melting occurred from about 15,000 to 8,500 years ago, with some degree of hiatus during the cold Younger Dryas 12,800 to 11,500 years ago (Kennett *et al*. 2007). This deglaciation raised global sea level and inundating coastal features. Reduction in the rate of sea-level rise occurred between 8,500 and 6,000 years ago (Fairbanks 1989), and in this time frame the major features of the world's coasts, such as major river deltas, started to develop (Li *et al*. 2002), and the processes that shaped and continue to influence modern west coast estuaries began to operate (Hogarth *et al*. 2007, Masters and Aiello 2007). Records from around the Pacific Basin suggest that sea level rose to a maximal values sometime between 5,000 and 2,000 years ago (e.g., Dickinson 2001). Depending on mechanism envisioned these higher stands (1 to 2 meters) may or may not pertain to the Holocene of the California Coast (Grossman *et al*. 1998). Over the course of the Holocene, uplift may account for several meters of sea-level change in the most active regions of coastal California (Keller and Gurrola 2000; Jacobs *et al*. 2004; Masters and Aiello 2007). Overall, by 2 or 3 thousand years ago a combination of uplift, slight sea level fall, coastal retreat and sedimentary infill had strongly influenced California estuarine systems (Masters and Aiello 2007).

Coastal Retreat-Regressive Shorelines

Much of the California Coast is uplifted and actively eroding under wave attack. When rising sea-level reached heights that roughly approach those of today (within 10 m of modern) approximately 8,500 to 6,000 years ago, waves began to erode a coast that had been uplifted and dissected by stream flow since the last high-stands of the sea (interglacial substages 5a,c,e, at 80,000, 100,000 and 125,000 years ago). This last set of highstands generated the lowest set of

terraces along the coast through uplift of these formerly-wave-cut features (Muhs *et al*. 1992, Muhs *et al*. 2002, Niemi *et al*. 2008). These terraces range from near sea level to over 100 meters high (e.g., the seacliff north of Ventura) depending on the local uplift rate (dating of these surfaces provides one of the primary means of measuring uplift). Terraces and other coastal features were then crosscut by stream valleys, as they were uplifted during the last ~100,000 years. Valleys were frequently downcut to levels well below modern sea level due to protracted episodes of significantly low sea-level (e.g., 70,000 to 10,000 years ago). As a consequence of these processes a much more irregular coast was presented to the force of wave action (8,500 - 6,000 years ago) than the coast of today. Wave erosion subsequently smoothed the coast, cutting back headlands especially where they are composed of relatively soft Neogene (Miocene or younger – less then 25 million years old) sediments. Thus many regions of the coast are in active erosional retreat and have been so since the early Holocene. These are the stretches of steep coasts and headlands often with cliffs facing the sea. In some cases offshore erosional remnants indicate retreat of close to a kilometer (e.g., Sonoma County south of the Russia River). These coasts often have stream mouth estuaries in valleys along them; and it has long been recognized that this active coastal retreat eliminates estuarine habitat in these valleys (Hedgepeth 1957). In addition, sediment infill through the Holocene eliminated space for estuaries in these settings (see below). Coastal retreat itself can be a very significant source of sediment to adjacent valley/estuarine settings.

Progradational Shorelines and Estuarine Infill

O11-380 cont.

Although well over half of the California Coast is steep/terraced and retreating as a consequence of Holocene wave erosion on the outer-coast south of San Francisco there are large valley features that were major embayment during the Pliocene. These regions, Salinas, Santa Maria, Santa Ynez, Santa Clara, and the Los Angeles valleys/Basin form stretches of prograding shoreline. Sediments are currently accumulating along these shores and/or have a significant Holocene history of accumulation. Thus there is a history of seaward movement of the shoreline (progradation). These areas associated with relatively high sediment producing watersheds, but also collect sediment moving longshore from adjacent eroding shorelines. Progradation in these systems may ultimately be limited by longshore transport out of the systems. In some instances, longshore transport precludes further seaward progradation of the system, and these regions of shoreline are often bounded by submarine canyons that transport sediment to nearby deepwater basins. Such submarine canyons can limit or define the area of shoreline along which sediment can be transported or accumulate. In some circumstances wind transport and dune accumulation can be similarly seen as an onshore escape for sediments from the shoreline environment.

Processes that Influence Estuary Opening, Closing, and Migration

Closure in California estuaries is a variable phenomenon that is often related to episodes of stream flow. In coastal lagoons opening will frequently occur at much lower stream flows than are required for the efficient export of sediment from the systems, which requires floods. Opening will also often be sustained by stream flow. Thus in larger drainages where stream flow persists for weeks or months at a time estuaries are likely to be maintained open for much of the wet season. Smaller stream mouth systems may open very briefly during short episodes of peak stream flow following rainfall and then close promptly, possibly with the following tidal cycle.

In addition, flood events may on occasion remove sufficient sediment to maintain the system in an open condition beyond the annual cycle, they may then become progressively more closed over a few year period.

Infill of river and stream-mouth estuaries occurs more locally than the larger scale progradational coastal settings discussed above. Sediments in these settings can be derived long-shore from the erosion of adjacent shorelines as well as from downstream transport. Thus estuaries can fill in from the beach side where flood-tidal deltas build into them or when stream mouth deltas prograde into their upstream ends. This sedimentation process is intermittently interrupted by large stream flows that erode sediment to form estuaries. Thus, a quasi equilibrium is achieved, where sediment accumulation, infill of the lagoon/estuary and marsh development is followed by erosive removal of the sediment via large storms followed by subsequent refilling of the estuary until the next large storm occurs. Episodic extreme flood events appear to recur approximately every 200 years based on records from the varved (annually laminates) sediments of the Santa Barbara Basin (Schimmelmann *et al*. 1998, 2003). The most recent such large flooding events likely occurred in 1605 and then between the 1830s to the 1860s. These floods appear to have been particularly effective at creating estuarine space. For example, a good-sized vessel could navigate the San Luis Rey River more than a Mile Upstream shortly after the 1862 Flood (Hayes 1862, in Engstrom 1999). The 1890 topographic surveys show, however, that the San Luis Rey had a raised beach berm crossing its mouth, indicating the evolution of a closing system. The large floods of the 1830s and 1860s also led to rerouting of the Los Angeles River into Ballona Creek as well as the movement of the mouths of the San Gabriel River and shift of the mouth of the Santa Ana to Newport Bay (Reagan 1915, Stein *et al*. 2007). Major precipitation events and floods have been far less frequent since 1890s. The large events in the 20th Century, 1914, 1938 and 1982-83, were subsequent to extensive dewatering, damming of streams, as well as channelization and confinement of estuaries by bridging potentially limiting the extent of scour and reworking typical of earlier flood events. Nevertheless some scouring and channel cutting is evident following these events. Overall, mitigation of flooding through damming and channelization as well as artificial hardening of estuarine mouths into stable, open positions has altered the hydrodynamics and sediment export processes of most California estuaries.

O11-380 cont.

Human alteration of sediment processes is complex and the response of estuarine systems may not be as expected. For example, upstream damming was followed by estuarine infill at Old Creek and Arroyo Grande based on comparison to 19th century mapping. This is presumably due to loss of erosive scour during flood flows. In contrast, channelization of the creeks leading to the large "trapped" system at Mugu Lagoon precludes the distribution of sediments across a broad floodplain. Once altered, sediments are seen to aggrade to higher than the surrounding plain in the diked channels and are consequently delivered to the lagoon. Here, in combination with other anthropogenic manipulations including jettying open of the lagoon mouth, they contribute to the sedimentation of the lagoon.

Tides and Wave Attack

The tidal cycle is semidiurnal in California thus there is one significantly higher tidal cycle in the average day. In addition there is a large Spring/Neap tide difference in the typical fortnightly tidal series. Physically the neap tide series provides a time when estuarine flow and height are

low for a number of days at a time. This provides and opportunity for longshore sediment delivery and closure processes to operate unfettered (Behrens et al. 2009). Over a number of neap flood tidal cycles this can establish a large body of sediment at mid-tidal elevation in the mouth that may extend well into the estuary via a flood-tide delta complex and/or wave overwash to form an elevated sand flat. This tidally emergent bar then serves to maintain water at some height impounded in the estuary until opened by flood conditions. This broad sand feature can then be difficult to erode or downcut yielding a semi-closed system. This system then may completely close over time. Lack of efficient channel downcutting during higher spring tide events may in part be due to wave interaction at the mouth, which fills incised channels between tidal cycles. Such semi-closed systems may persist for variable periods prior to full closure others may not attain full closure or do so only intermittently; on the other hand, these systems do not completely drain except during flood events that eliminate the impediments at the mouth.

Wave attack on the California Coast is not constant in wave height or direction. Winter storms in the North Pacific generate waves that approach form the northwest. Southern Ocean and tropical storm waves that approach the coast from the South are more prevalent in the summer. These can produce seasonal cycles of estuary mouth behavior, for example prior to jetty construction the mouth of Elkhorn Slough would turn and elongate longshore to the north in response to summer wave conditions (Woolfolk 2005), and bar formation would restrict tidal action. Similarly, northern and southern seasonal movement of the estuary mouth were reported in the 19th Century in the Bolsa Chica-Anaheim Bay area (Engstrom 2006) (Figure 2). O11-380 cont.

Longshore Processes

Waves approaching the coast at an angle are generally thought responsible for longshore transport of sediment down the coast. This has a number of implications, sediment delivered to the sea by floods or the ebbing tide at a lagoon/estuary mouth will tend to be returned to the shore downstream away from the direction of approach of the waves (Orme 1985, Schwarz and Orme 2005, Zoulas and Orme 2007). This process can occur on a number of scales. Each wave has a similar asymmetric transport effect with a greater downshore component to onshore wave transport and a more directly offshore retreat. Tidal cycles, both individual and spring/neap, likely result in offshore followed by downstream transport. At the seasonal scale (winter) stream flow events move sediment offshore and summer wave cycles move sediment onshore further down coast. Consequently, when extensive flood event flows or ebb tidal outflow projects sediment offshore from an estuary mouth, those sediments will tend to come onshore primarily on the downcoast side. Conversely there will be net erosion on the upcoast side of the estuary mouth in the direction of wave attack, and the estuary mouth will tend to migrate up-coast (upstream relative to longshore process). Migration of the mouth governed by the above process often proceeds upcoast in the direction of wave attack direction until it meets an impediment, such as a rocky promontory. Such openings can be relatively stable and persistent as the promontory replicates some of the function of a one-sided jetty. This phenomenon likely accounts for the tendency of mouths to stabilize near the upcoast sides of estuaries (e.g., Bodega Harbor, Bolinas Lagoons).

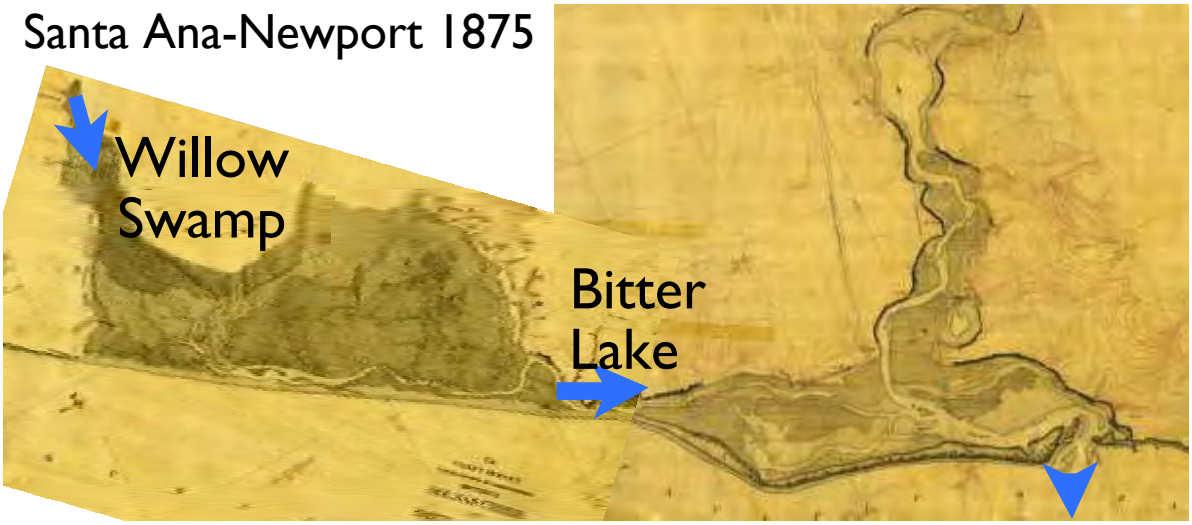


Figure 2. Coastal T-sheets (ca. 1876) of Santa Ana-Newport region showing lateral migration of estuarine mouth. Prior to 1862, The Santa Ana River, the largest in Southern California, flowed to the sea somewhere to the northwest (left) of the region in the middle of the map marked "Bitter Lake." After 1862 it took the path shown by the blue arrows flowing behind a beach berm to join with the opening of Newport. Engstrom (2006) also noted oscillation of the mouth on a seasonal basis. The confining aspect of the shallow bar complex at the mouth (see Davidson 1889), as well as the barrier system, more generally contributed to a freshwater to brackish water system (the "Willow Swamp") indicative of broad expanses of freshwater/riparian conditions. These "swamp" conditions were typical across the Los Angeles Basin shoreline at this period (see Swift 2005; Stein *et al*. 2007 for discussion). In comparison, the modern condition separates the Santa Ana River from Newport and directs virtually all flowing fresh water directly to the ocean, as is the case throughout the Los Angeles region. In addition, present day tidal flows are facilitated artificially by dredge channels at Newport.

O11-380 cont.

Conversely, when flood or tidal energy is insufficient to project sediment beyond the swash zone an attached bar will form and build down the beach downcoast away from the direction of wave attack. This bar can form a berm and elongate a drainage channel down the beach. These features are often prominent where wave energy is high relative to the outgoing flow at the mouth. Such spits and channels often form during the closure phase of systems following breaching. Once closed, these channels often form elongate transient extensions of lagoons on the beach top trapped by the beach berm. Beach berms formed by wave action can lead to impoundment or "perching "of water in the lagoon well above sea level where stream flow is sufficient to overcome evaporative loss and percolation through the berm, but is insufficient to overtop and breech the berm (Figure 3).

O11-380 cont.

Figure 3. Lagoons south of Point Hueneme as shown on T-sheet 893 (ca. 1857). These lagoons appear to have: 1) formed via downcutting by distributary channels of the Santa Clara River, 2) had the potential to "perch" behind the raised berm and 3) to have had the potential to connect laterally to one another behind the beach berm. Thus when inflow raised water level in one system they may have flowed to adjacent systems.

Larger spits are a product of sediment movement and prograde downshore subparallel to the coast. If water depths are appropriate, spits can extend longshore or offshore at an angle (where they are termed flying spits) entrapping a body of water behind it. This body can then close or nearly close if the spit then approaches the shore. Breaching in these systems is often governed by freshwater flows into them. However, these systems on prograding coasts are not confined to narrow valleys and they are less likely to be directly associated with a stream. Therefore, flooding and associated erosion may not remove sediment with the same efficiency as these systems are less laterally confined than Pleistocene valley stream mouth estuaries. However, in actively prograding systems beach ridges can be formed in series with new spits often forming and prograding downshore, offshore of previously formed spits and estuarine features. Features of this type are found on the progradational shores of Santa Clara Delta, Oxnard plain region where they formed Mugu Lagoon (Figure 4), and such offshore barrier spits and islands characterized the coast from San Pedro to Anaheim. Once formed such barriers were subject to flood related breaching and river channel alteration, as well as to cycles of mouth migration and breaching.

Figure 4. Series of barrier sand spits generating the prograding shoreline and forming much of the space of Mugu Lagoon (ca. 1860). Note the stable sand spits (yellow bars) apparently formed by a succession of longshore "trapping" events. Note also the thin spit (red bar) historically observed to undergo cycles of mouth migration, closure, and breeching as supported by observation, successive mapping, and air photography (see Warme 1971). In addition, the older Holocene inland spit is cross-cut by an outflow channel contributing to the estuary space. This cross cutting feature was apparently associated with flood distributary behavior of the Santa Clara River.

O11-380 cont.

Proposed Classification System for Southern California Estuaries

Southern California estuaries can be classified using four primary attributes that relate to their formation and dominant physical processes, coastal setting, coastal exposure, watershed characteristics, and formation process (Table 1). For simplicity, we propose two to four discrete categories for each attribute. In reality each attribute is a continuum; specific estuaries will often include aspects of multiple states depending on the size and heterogeneity of the system. The dominant condition for each attribute can be used to understand the nature and function of the resultant estuary system including its size and closure pattern of the mouth.

Table 1. Estuary attributes, and associated categories, that describe formation and physical process.

Coastal Setting (S)	*Coastal Exposure (E)*	*Watershed (W)*	*Formation Process (F)*
Prograding (S-P)	High (E-H)	Large, low gradient (W-L)	Inherited space (F-I)
Terraced (S-T)	Low (E-L)	Medium, intermediate gradient (W-M)	Trapped (F-T)
Steep (S-S)		Steep coastal drainage (W-C) Small/ill defined often lowland catchments (W-S)	Hydraulic/Flood (F-H)

O11-380 cont.

Coastal Setting

Prograding (S-P) shorelines where sediment supply to the coast exceeds the removal rate and the shoreline tends to build offshore these are usually low gradient shorelines, although dunes can provide exceptions to this (Figure 5).

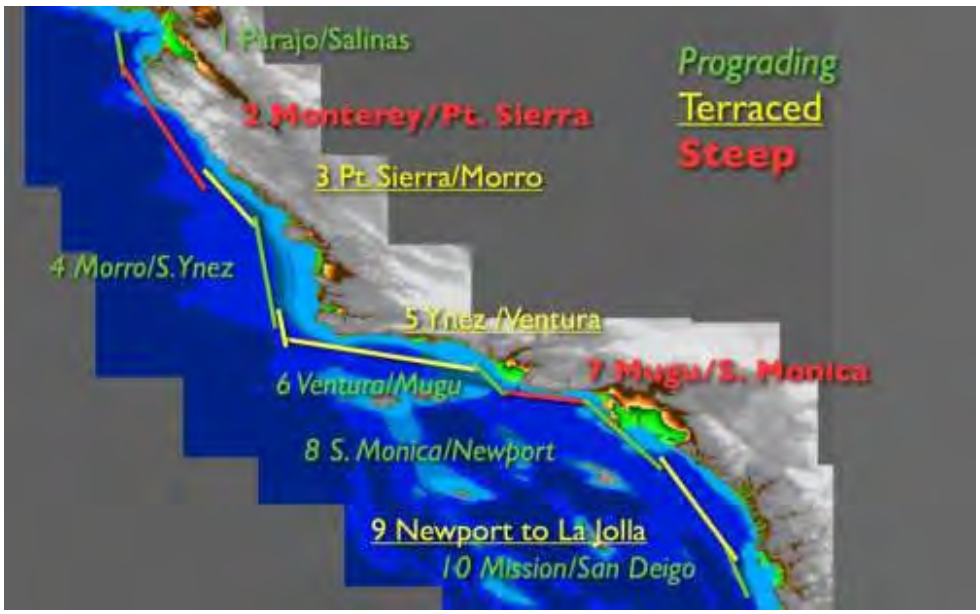


Figure 5. Distribution of coastal settings in southern California. Coastal setting is used here as a regional variable with the coast divided into 10 units with distinctive properties. Each unit is categorized as to whether it is predominantly prograding, terraced, or steep.

Terraced (S-T) shorelines where former wave cut Pleistocene shorelines have been uplifted forming a bench or terrace that has then been subsequently eroded by Holocene wave action such that a cliff faces the ocean (a series of benches may be preserves if the process has been repeated through the Pleistocene).

Steep (S-S) shorelines descend from coastal mountains or raised headlands such that the regional coastline is relatively precipitous. Incised valleys can form confined estuaries in this context.

Coastal Exposure

As discussed above there are a number of factors that influence the exposure of an estuary mouth to wave energy including coastal orientation. This in turn influences longshore process and closure dynamics at the mouths of estuaries. Coastal orientation also has implications for wind direction and dune formation. For sake of simplicity these are summarized in a simple binary variable. Future work may need to consider this variable in greater detail.

High (E-H) - Estuaries on west or northwest facing coasts at higher latitude, and that lack protection from "up-coast" promontories experience greatest wave energy. This energy is also largest from November to May and can be mitigated by coastal promontories. In addition, onshore winds often generate dunes where sediment supply is sufficient. These conditions are most typical of a stretch of coast north of Point Conception and the "Big Sur" coast but other stretches of west facing coast locally qualify.

Low (E-L) - The Santa Cruz, Santa Barbara, and Malibu Coasts, face south, or are protected by promontories (e.g., San Luis Obispo Creek) or offshore islands (some areas of the Bight such that winter wave energy is much reduced. However, some areas (e.g., Malibu) experience enhanced summer wave events often in June and July when southern ocean storms are most active. In addition, many coasts that have a southwesterly orientation likely experience enhance wave energy in El Nino years. Coasts facing directly south tend to have less dune development as winds have less of an onshore component. This exposure variable should be significantly refined in future work. O11-380 cont.

Watershed Characteristics

Watersheds are here divided into four geomorphic classes based on size and steepness. Watershed attributes may merit treatment as multiple continuous variables in future work.

Large low gradient (W-L) coastal rivers typically drain highlands that are relatively far from the shore. Despite their lower gradient lower reaches, these streams have high sediment load due to their steep upstream reaches. Steep gradients and short intense rainfall patterns in the upstream reaches result in highly variable (flashy) flow conditions. Under natural conditions these larger braided streams occupy relatively wide valleys that are sometimes terraced due to uplift. Often these drainages evolved with and, are oriented along rather than across major structural trends (e.g., Salinas River/ San Andreas; Santa Ynez River/ Santa Ynez Fault).

Medium sized intermediate gradient (W-M) streams typically penetrate and drain beyond the first coastal ridge. They cross rather than parallel significant structural trends and often show evidence of relatively recent stream capture or change in gradient in their upstream reaches. Overall they are relatively high gradient. Clear examples of such streams include Arroyo Grande, Gaviota and Malibu. The Santa Margarita and San Luis Rey Rivers also generally fit this category.

Steep coastal (W-C) drainages that do not penetrate, but often drain the face of the first coastal range. They are often relatively high gradient and are subject to flashy behavior and intermittent

flow. Many streams draining the face of the Santa Lucia Range (e.g., Toro Creek), Santa Ynez range behind Santa Barbara, and the Santa Monica Mountains are in this category. Mission Creek and Topanga Canyon are relatively large exemplars of this category.

Small lowland (W-S) catchments have small to minimal often more lowland catchments. Examples would include Parado and Tecolote and Campus Lagoon on the Santa Barbara Coast, and features such as Arroyo Corall and Arroyo Puerto on the Central Coast near San Simeon. Such drainages are numerous in some coastal settings and often historically supported small estuary/lagoonal features at their mouths. The lagoon at Ormond Beach south of Pt. Hueneme is a remnant of a number of systems present in the region historically. These features likely formed as distributary channels of the Santa Clara during flood events, but subsequently operated as small lowland catchments (Figure 3). The catchments of small vernal pool systems would be in the lowest size range of systems in this category.

Formation Process

Inherited space (F-I) estuaries formed through the flooding of preexisting valleys via the substantial ~130 meter rise in sea level associated with the melting of glacial ice that came to an end by about 7kya. This process is most like the formation of East Coast estuaries produced by the "drowning" of river and glacial valleys. However, many of these flooded valley estuaries of California have largely tectonic, rather than erosional origins, such as San Francisco and Tomales Bays.

O11-380 cont.

Trapped (F-T) estuaries formed as a consequence of wave produced sand movement and long-shore migration of spits that confine an embayment. These bear some similarity to the barrier islands of the east coast, but are more modest on the west coast, where they are often associated with or impound areas adjacent to headlands or promontories such as at Morro Bay, Bolinas, Drakes Bay or Bodega Harbor, but can also form in the regions of coast that are prograding and have significant sediment input, such as Mugu Lagoon or the Historic estuaries from Palos Verdes to Newport. In some instances the spit develops dune fields, as at Morro Bay.

Hydraulic Estuaries (F-H) form from the erosion of sediment from the mouths of rivers during larger flood events. These estuaries are typical and common on the California coast and are relatively foreign to the wetter regions of the east that experience significant year-around stream flow. These estuaries are often closed to the sea by a bar across the mouth during low rainfall periods and have some overlap with systems referred to as "bar built" estuaries. In these systems, estuarine space may be episodic rather than stable with larger estuaries established in major flood events then undergoing long periods of infill during decades or centuries with less dramatic flooding as has perhaps been most clearly evident in the San Luis Rey Estuary, which was briefly navigable after historic floods (Engstrom 2006) and subsequently functioned as a closing system.

These three formation process categories are often relatively distinct (Figure 6), but need not operate in exclusion of one another. In addition, over the Holocene time, estuaries that may have initially occupied large flooded valleys ~7kya, have subsequently filled in and become F-H estuaries where recent flood history carves out the estuarine space. Holocene shoreline retreat

associated with erosion and generation of wave cut cliffs can also eliminate shoreline features smoothing out smaller headlands and estuarine features along much of the coast, especially where headlands are composed of more easily eroded Neogene sediments.

Figure 6. Illustration of three formation processes for southern California estuaries. Oblique photographs courtesy of California Coastal Records Project, www.californiacoastline.org. Copyright © 2002-2009 Kenneth & Gabrielle Adelman.

O11-380 cont.

Closure Pattern

The above classification was generated in part to provide a suite of geomorphic predictive variables for observations of estuarine closure. These can be viewed as input variables in a model. Thus an observable "output" variable for closure itself also needs to be defined. Because closure is a variable phenomenon we define a closure "state" or "condition" as an observation of degree of closure based on a specific observation or record at a given time. We then define closure "pattern" as the summary of closure conditions through time. The goal is to be able to predict the predominant "closure pattern" under natural circumstances (i.e., in the absence of structures or actions that alter natural closure patterns) based on the "classification" of the four variables described above.

Closure is a highly dynamic variable and the degree of closure through time is controlled not only by the relatively static factors discussed above, but by climatic cycles that operate on seasonal, annual, decadal, and multi-decadal times scales. These affect both stream flow and wave action. Here, we propose a set of defined closure "conditions" or "states" that can be compared to time series of observations of the status of mouth closure taken from photographs, maps or description of discrete points in time. Given a sufficient temporally distributed sample closure "pattern" can then be presented as summary graphics or statistics of the closure conditions or states an individual estuary experiences through time.

We describe eight closure states based on the elevation (relative to tide height) at which mouth closure occurs (Figure 7). Because estuaries often display several of these states over their natural hydrologic cycles, we predict the dominant state experienced by an estuary and estimate the proportion of time an estuary exhibits each of its dominant states. These states are identifiable in a range of historic written, cartographic, and photographic data sources, as well as from ongoing aerial and satellite photography and prospectively from time-lapse photography and hydrographic instrumentation. As stated above, systems exist along a continuum and categorization is done as a convenient way to express predominant condition.

Dune-dammed (C-D) systems exist as lakes or ponds that are cut off from the sea by dunes. In a dune-dammed condition "estuaries" often maintain freshwater well above high high-tide. These systems breach at seasonal to decadal or multi-decadal, time scales. They may lack obvious surface connection to the ocean or be connected by intermittent overflow between breaching events. They range in size from interdunal vernal pool features to medium sized closed drainages impounded by dune systems. Features of this sort are present today in northern California, South of Arroyo Grande, and at Oso Flaco in the study region. They were, however, more pervasive historically and are evident from T-sheets and other historical documentation at and around Lake Merced (now an impounded feature on the outer coast south of San Francisco), the Salinas Valley region especially just north of Monterey, between the Santa Clara River and Point Hueneme, on the coast in the region between Ballona and Palos Verdes, and in the region of La Jolla and the northern and southern termini of the outer spit forming San Diego Bay. Coastal vernal systems, a subset of dune-dammed systems are perhaps the most impacted coastal wetland type in the state as they have largely been eliminated (see e.g., Mattoni and Longcore 1997).

O11-380 cont.

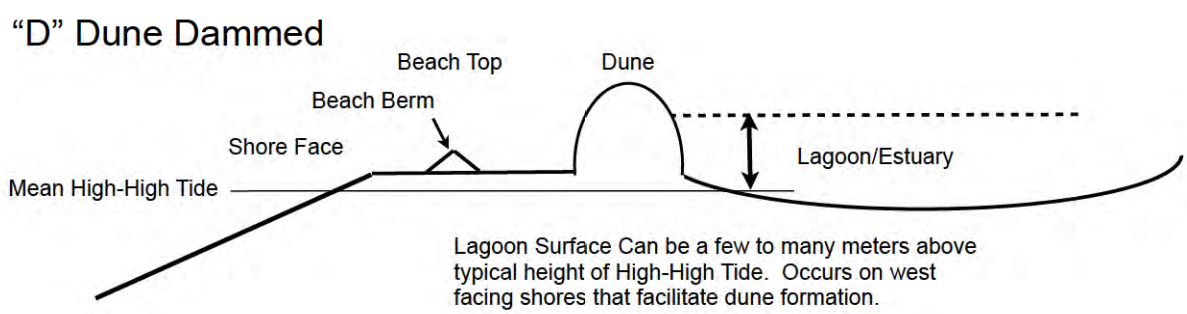
Perched (C-P) conditions form impounded areas behind a beach berm where the water level is substantially above high tide. These tend to be more transitory than dune-dammed systems and generally breach annually or every few years depending on rainfall and storm patterns. More specifically water levels rise a couple of meters above high-high tide in these systems when the right combination of wave built beach berms and stream flow are present. West facing systems tend to have greater wave exposure and higher berms. High wave events that build higher berms may accentuate perching. For higher water level stream flow has to balance or exceed losses via percolation through the berm and evaporation. Perching is known to occur regularly at Lake Earl, at the Russian River Mouth, in the Salinas River and in Aliso Creek, Orange County. All of these locations are actively managed by breaching to prevent flooding of structures, and parking lots. In the Salinas valley very significant areas of farmland would be submerged during the rainy season without artificial breaching at the river mouth. Los Peñasquitos is also managed with breaching and may have a history of perching. Prior to modification by road development, significant perched steelhead habitat typically formed at Pescadero Creek yielding a lagoonal steelhead fishery. A note on the T-sheet for the Santa Clara River (Figure 3) documents that a significant region north of the mapped lagoon is "flooded in winter;" presumably this indicates a perched condition when flow was sufficient to fill the area behind the beach berm, but insufficient to breech and drain. Such behavior was likely typical in a number of additional systems especially in the winter and spring in modest rainfall years. Perching presumably occurred during seasonal rains in Ballona during the late 19th century as is supported by historic

documentation of expansive wet season ponding discussed below. Alternating perching and draw down due to partial desiccation in the summer were likely typical of west facing systems with small drainage areas relative to their size such as Buena Vista and Batiquitos Lagoons. French lagoon a small perching system on Camp Pendleton desiccates frequently, and beyond the geographic scope of this analysis, many subtropical systems exhibit seasonal and event dependent cycles of breaching, perching and desiccation in response to rainfall.

Closure near or immediately above high high-tide (C-C) in which a sand or cobble beach or beach berm separates the open sea from a "lagoon." This condition occurs regularly in the majority of California estuaries, and allows for significant departures from marine conditions in the estuary. When completely closed, lagoons are limited in tidal exchange by the permeability of the berm, under most conditions they are effectively not tidal for the duration of closure. Cobble can permit some exchange and intermittently, when there are combinations of high tides and high wave action, waves may overtop the beach/beach berm and introduce marine water to the lagoon. Breaching and closure can occur on a variety of temporal scales: with each significant rainfall event, annually or with multi-year periodicity. Small systems appear to close more rapidly than large systems, in large part due to the greater variation and rapid reduction in stream flow following precipitation in small drainages, but also due the longer times required for longshore or beach processes to close a larger mouth opening a large system. O11-380 cont.

Closed high in the intertidal (C-H) involves closure below the high high-tide level, but some exchange regularly occurs at higher high tides or high wave events. Such a condition is often evidenced by a region where the beach berm is absent due to recent or frequent wash-over from waves and/or outflow. However, any outflow channels formed are not deeply incised or persistent. Such conditions are likely to persist where excess stream-flow/outflow is modest, a wide beach precludes rapid incision of a channel, and/or where regular wave action limits the continued incision of the same channel between tidal cycles.

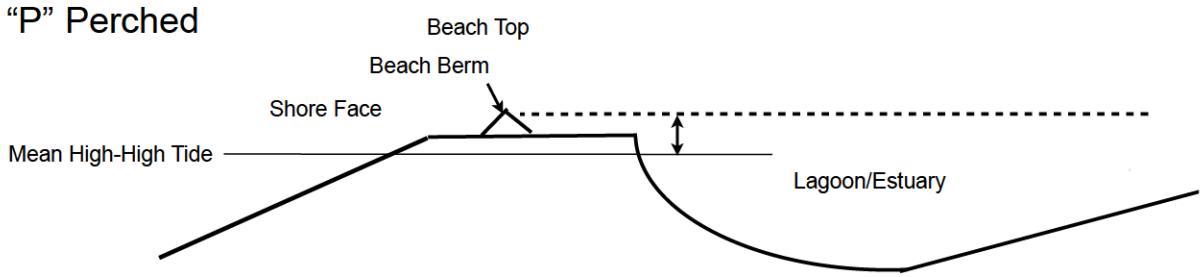
Closed in the mid intertidal (C-M) involves significant closure and ponding between the low-high tide and high-low tide levels, but tidal exchange occurs with all, or nearly all, tidal cycles. Such systems often have channel drainages on the beach that persist between tidal cycles. However, these channels generally are turned downs-shore, away from the direction of wave attack, and elongated rendering them of lower gradient in outflow and erosional insufficient to further incise. These elongate features can close and become parts of a closed lagoon as discussed above. A mid-intertidal closure can be roughly diagnosed from aerial photography or mapping that exhibits these turned or shore parallel outflow channels. This condition permits relatively frequent but modest tidal exchange.



Lagoon Surface Can be a few to many meters above typical height of High-High Tide. Occurs on west facing shores that facilitate dune formation.

Oso Flaco, August 30, 1993. Regularly dune dammed system

O11-380 cont.

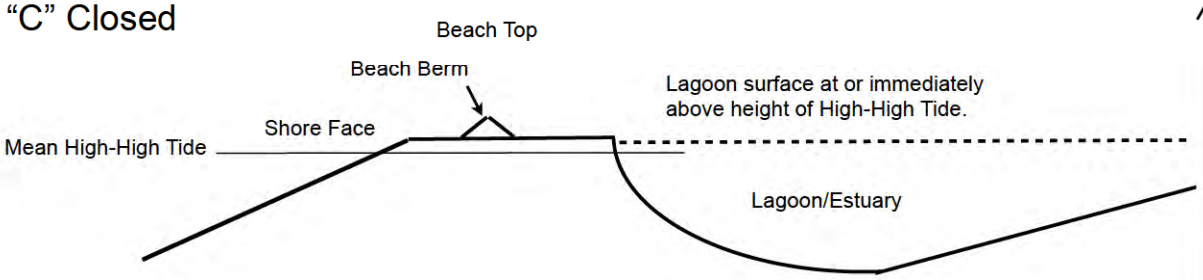


Lagoon surface can be a few meters above typical height of High-High Tide. Beach berm height and perching is accentuated by higher wave energy on exposed west facing shores.

Santa Ynez, January,1989. Perching behind beach ridge yielding high water in lagoon flooding marsh surfaces.

Figure 7. Schematic representations and examples of closure states.

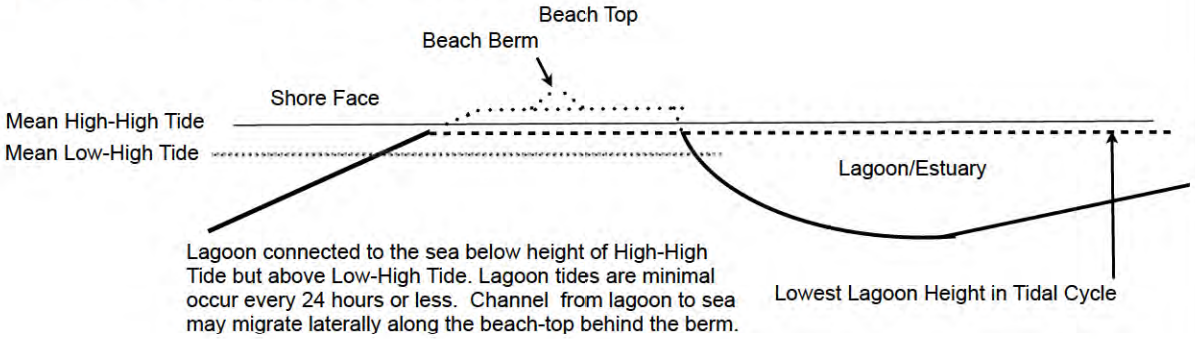
"C" Closed



Malibu Lagoon, September 18, 2008. Closed at or near High-High Tide.

O11-380 cont.

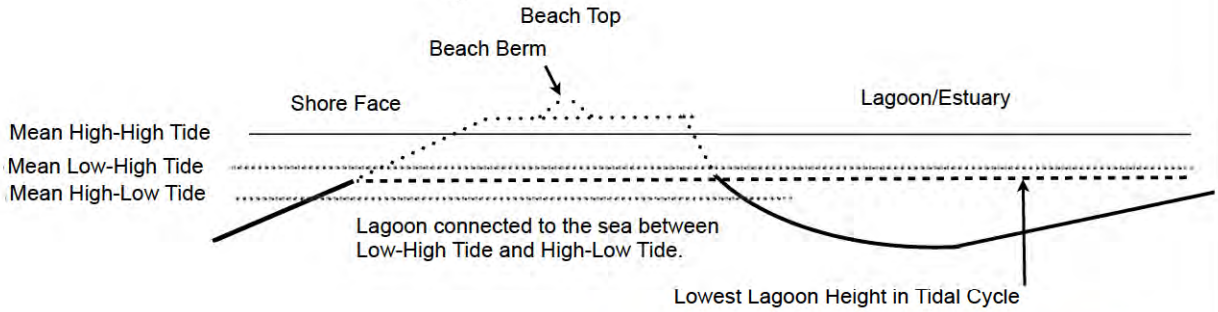
"H" Closure High in the Intertidal



Arroyo Grande Creek, May 4, 1979. Closed high in the intertidal with a lagoon/ channel feature paralleling the shore behind a beach ridge. This often occurs in high intertdal systems and in many systems late in the closure process.

Figure 7. Continued.

"M" Closure in Mid Tidal range

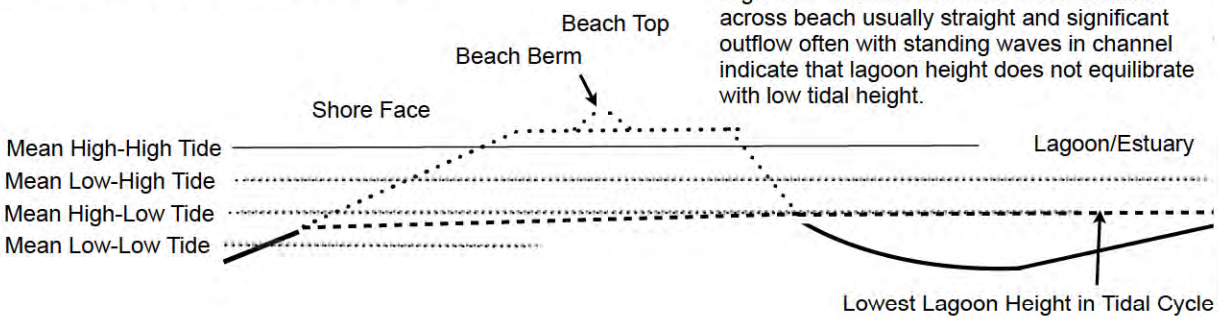


Aliso Creek (Orange County), Oct 23, 2004. Intertidal Closure. Note the steep North Side of the lagoon caused by a recent high stream flow event. The mouth is likely part way through the closure process.

O11-380 cont.

"L" Closure Near Low Tide

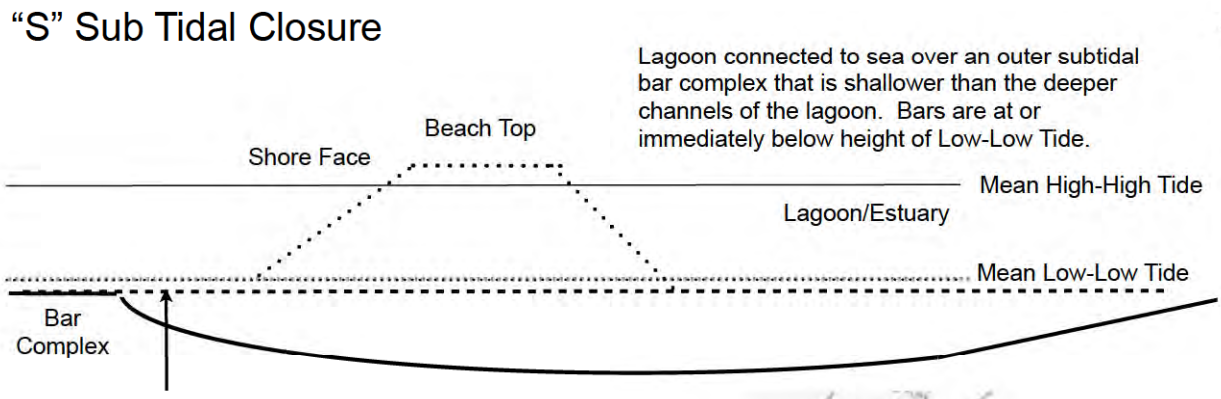
Lagoon connected to the sea between mean High-Low Tide and Low-Low Tide. Channel across beach usually straight and significant outflow often with standing waves in channel indicate that lagoon height does not equilibrate with low tidal height.



Tijuana River, May 3, 1979. Outflow at intertidal height is often indicated by high gradient flow (standing waves) in the mouth at low water.

Figure 7. Continued.

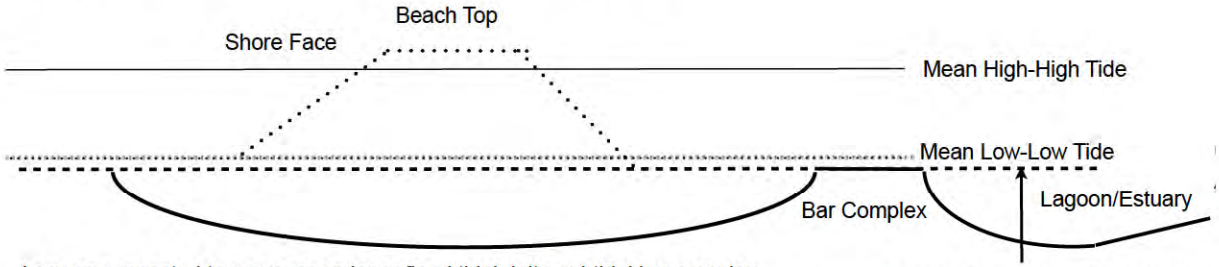
"S" Sub Tidal Closure



Bathymetry on 1855 T-sheet inset of Wilmington Lagoon entrance, San Pedro, showing deep channels within the lagoon extending and terminating in an offshore wave scoured immediately subtidal flat. Similar subtidal barrier often occur immediately inside the entrance of lagoons due to flood tidal delta formation.

O11-380 cont.

"S" Sub Tidal Closure - Flood Tide Delta



Lagoon connected to sea over an inner flood tidal delta-subtidal bar complex. Bars are at or immediately below height of Low-Low Tide. These bars are typical of estuaries on sandy shores that are naturally or artificially open.

Lagoon effectively a closed basin below level of Low-Low Tide

Batiquitos Lagoon, 2008 (from Google Earth). Note rapidly forming flood tide delta complex.

Figure 7. Continued.

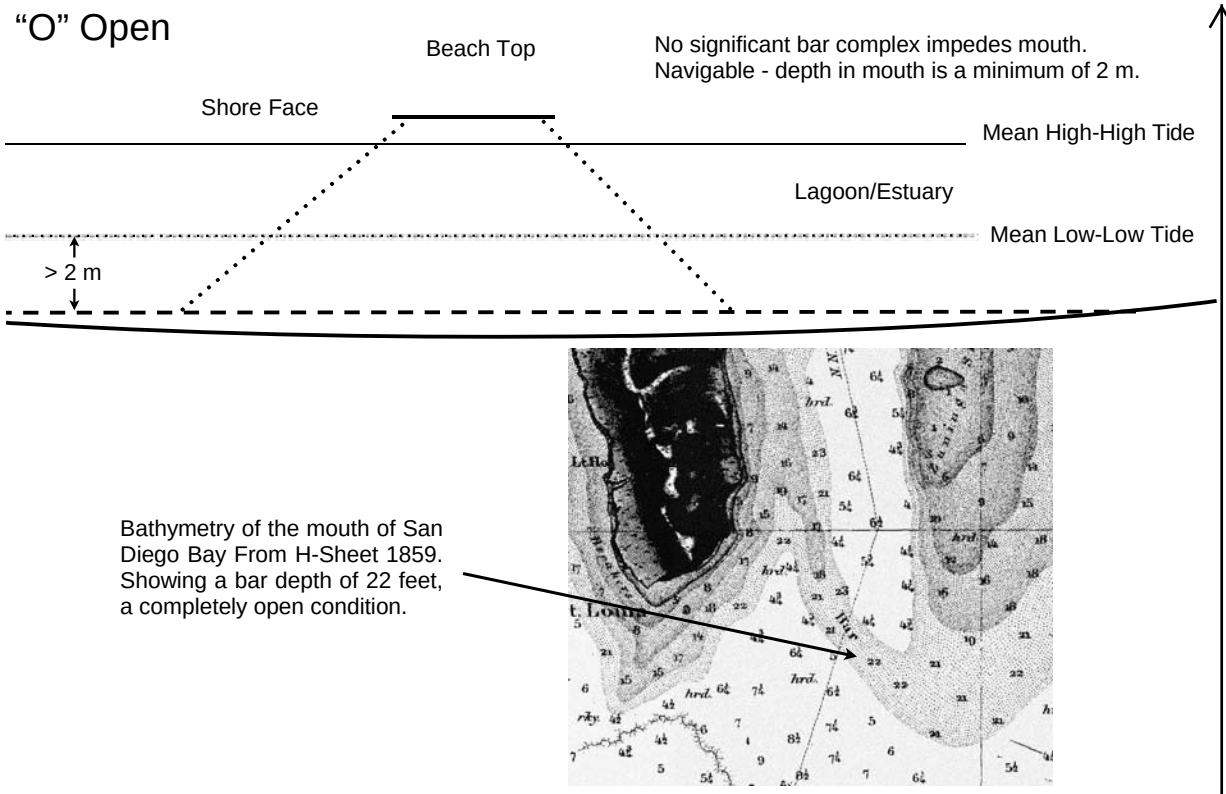


Figure 7. Continued.

O11-380 cont.

Closed in the lower intertidal (C-L) is a frequent estuarine condition. In these systems deeper-water channels in the estuary are ponded at low tide by a barrier above low low-tide and below high low-tide; these channels, presumably relict of high flow events, are often found immediately within the mouth of a broader lagoonal setting. In some systems this lower intertidal closure condition persists, in others it is a stage following erosional (high stream flow) opening in a succession to closure higher in the intertidal (as above). In air photos standing waves in a fairly straight outflow channel at lower tidal heights is fairly diagnostic of this condition, as they document that the water level in the lagoonal system is significantly higher than the sea low in the tidal cycles. Systems in this condition are often viewed as fully tidal, but do not experience full tidal amplitude. Deeper channels often occur within these estuaries and flood-tidal deltas often build into estuaries in this condition.

Closure at or immediately below low low-tide (C-S) is found in lagoons/estuaries with bars near the mouth that are nearly emergent, and/or shallow sand flats and/or flood tide delta complexes that are barely submerged at low water. Bars and flats outside the mouth are produced by wave interaction with longshore and ebb tide derived sediment. These are recognizable in air and satellite photography and also on historic T-sheets and navigational charts (H-sheets) and are generally within a foot or two of low water and subject to regular reorganization. In historic literature such conditions are often indicated by impediments to navigation and regular shifting of navigational instructions. Some systems that tend to maintain this condition at the mouth

contain deeper water within lagoonal channels relative to the shallower bar at the mouth. Presumably many of these channels are produced by high flow events and persist due to more limited sediment supply and more erodible substrate relative to the course material reworked by wave action at the mouth. This condition (C-S) was typical of the Wilmington, Alamitos, and Newport lagoons historically (Davidson 1889) and may have occurred intermittently in many other systems (e.g., Mission Bay and Humboldt Bay), as suggested by T-sheets and historic documents. Systems in this condition are connected to the sea but have impediments to tidal exchange. Comparable (C-S) conditions result from the depositional construction of a flood-tide delta on the lagoon side of the mouth. Flood tidal deltas often form when longshore processes do not or are not permitted to act quickly, leading to the sedimentation of the mouths of lagoons after natural or artificial opening of lagoonal systems.

Deep water openings/navigable embayments (C-O) were unusual historically in California. In this condition bars and flood-tide deltas, when present, do not impede navigation or significantly constrain tidal height. For simplicity in historic interpretation, a minimum one fathom or 2 meter depth evident through the inflow channel can be used as a cut off. The historic persistence of such openings is closely correlated with an early year-around history of navigation prior to dredging and jetty construction at harbor mouths. The available evidence suggests that this condition was persistent only at San Diego Bay in southern California. This condition likely occurred intermittently or episodically at Mission Bay and is suggested by the T-sheet for Mugu Lagoon. However, other data document the repeated full closure (C-C) of Mugu (e.g., Warme 1971), demonstrating that open conditions were not persistent. Only in the "open" situation is tidal influx largely unimpeded during spring tides. In a fully open system flood-tidal deltas typically do not develop and build near the surface. In contrast, historic H-sheets of San Diego Bay show an offshore deepwater bar and subtidal natural levees lateral to the main channel in the estuary. These may be comparable to flood tidal deltas because they represent where the energy in the tidal channel dissipated sufficiently to deposit bedload. These features have been removed to further enhance the navigability of San Diego Bay the primary example of a historically continuously navigable open system in southern California.

O11-380 cont.

APPLICATION OF ESTUARY CLASSIFICATION SYSTEM IN CENTRAL AND SOUTHERN CALIFORNIA

In the following two exercises, we apply our classification to the opening behavior of California estuaries. First we generate a general prediction – a suite of hypotheses, or expectations of closure pattern given the naturally occurring combinations of the four "classification" variables. Thus we use the classification to articulate a model containing an *a priori* prediction of closure pattern. Closure pattern is represented by the frequency of each of the eight states or conditions. This provides a conceptual model for California "closure patterns" in estuaries that is potentially testable. Second, we examine the historical and image data for three estuarine settings where restoration is contemplated. This provides a historical ecological analysis of these systems and a preliminary assessment of the method.

O11-380 cont.

Closure Model

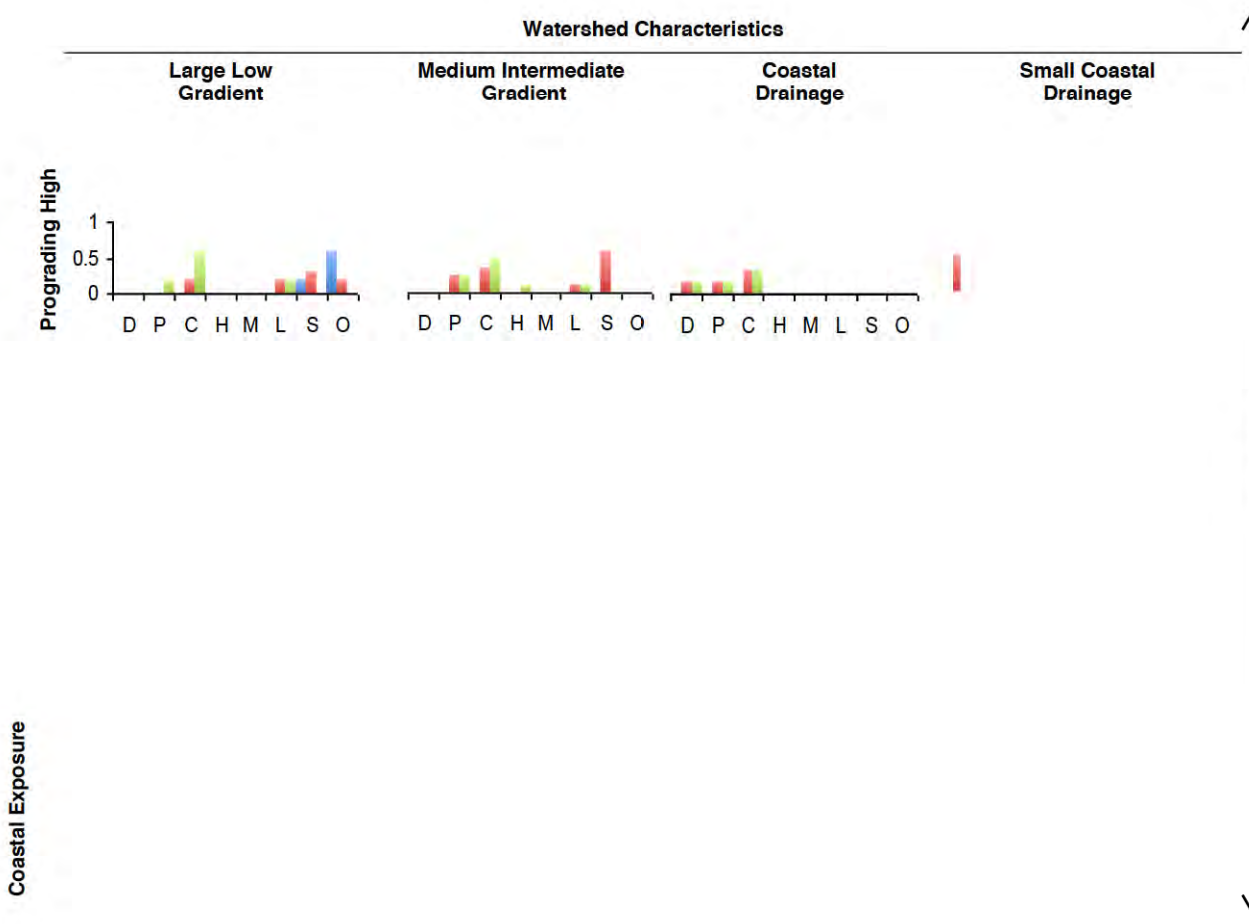
Closure pattern is presented as a frequency for each combination of setting, exposure, watershed character, and formation process that are likely to occur, one or more expected closure states were assigned based on the prior experience of the investigators (Table 2) and presented as graphical output in the general form of frequency histograms. This represents an initial premise of the predicted closure pattern given the geomorphic classification representing know types of estuaries based on the classification variables defined above. Thus the closure frequencies/patterns shown in Table 2, column 5, and illustrated graphically via histogram in Figure 8, represent hypotheses that can be tested by garnering further observation. They also represent our best overall summary view of how we expect these systems behave relative to the suite of geomorphic variable.

Table 2. Predicted closure of California estuaries based on coastal setting, exposure, watershed size, and formation process.[a]

Coastal Setting	Exposure	Watershed Size (These are effectively proxies for stream flow dynamics)	Formation Process	Proportion in Closure State (D, P, C, H, M, L, S, O)	Examples & Notes
Progradational (S1)	"West" High	Large, low gradient (W1)	Inherited space (P1)	S 0.2, O 0.6	San Diego and Mission Bays.
			Trapped estuaries (P2)	C 0.2, L 0.2, S 0.3, O 0.2	Elkhorn historically fell into this category before the Salinas River was diverted.
			Hydraulic estuaries (P3)	P 0.2, C. 0.6, L. 02	Santa Clara River (Ballona Creek considered terraced but is intermediate with this category).
		Medium, intermediate gradient (W2)	Trapped estuaries (P2)	P 0.2, C 0.3, L 0.1, S O.5,	Morro Bay and Mugu Lagoon (at certain cycles through the mid 20th century).
			Hydraulic estuaries (P3)	P 0.2, C 0.4, H 0.1, L 0.1,	Pajaro Creek, Arroyo Grande. San Luis Rey and Tijuana Estuary at some points in time.
		isolated coastal drainages (W3)	Trapped estuaries (P2)	D 0.2, P, 0.2, C 0.4	West facing small systems are prone to dune damming and perching, e.g. Historic Lake Merritt.
			Hydraulic estuaries (P3)	D 0.2, P, 0.2, C 0.4,	Del Rey- Monterey, Morro Creek.
		Small, isolated coastal drainages (W4)	Trapped estuaries (P2)	D 0.3, P 0.2, C 0.3	La Jolla, many small vernal systems associated with dunes.
			Hydraulic estuaries (P3)	D 0.3, P 0.2, C 0.3	El Estero, Del Monte Lakes near Monterey, Ormond.
	"South" Low	Large, low gradient (W1)	Trapped estuaries (P2)	M 0.1, L 0.2, S 0.5, 0.2	Los Angeles, San Gabrial and Santa Anna rivers in their historic conditions.
			Hydraulic estuaries (P3)	C 0.1, M 0.2, L 0.3, S 0.3, 0.2	These have likely existed historically, from time to time in the LA basin, when, Los Angeles, San Gabrial and Santa Ana rivers flowed directly to the sea.
		isolated coastal drainages (W3)	Inherited space (P1)	C 0.7, H 0.2	Devereaux Slough, Andre Clarke (salt pond) , Goleta Slough.
			Trapped estuaries (P2)	C 04, M 0.2, L 0.3, S 0.2,	Carpenteria (Marsh).
			Hydraulic estuaries (P3)	C 0.6, H 0.2, M 0.1	Mission Creek.
		Small, isolated coastal drainages (W4)	Inherited space (P1)	C 0.8,	San Diego Salt Pond/ Andre Clark Marsh (Historic).
			Trapped estuaries (P2)	C 0.7, H.02	Half Moon Bay (historic Lagoon), El Estero Santa Barbara (historic).
			Hydraulic estuaries (P3)	C 0.8	Sycamore Canyon (Santa Barbara).
Terraced shoreline (S2)	"West" High	Large, low gradient (W1)	Hydraulic estuaries (P3)	P 0.1, C 0.6, L 0.2	Santa Ynez and Ballona creeks during some periods.
		Medium, intermediate gradient (W2)	Hydraulic estuaries (P3)	P 0.2, C 0.5, L 0.1	Santa Margarita, San Luis Rey, San Dieguito, Tijuana.
		Isolated coastal drainages (W3)	Inherited space (P1)	P 0.2, C.07	Smaller north San Diego County systems may have some inherted space.
			Hydraulic estuaries (P3)	P0.2, C 0.7, M 02	San Antonio Creek, Aliso Creek, (Orange Co.), several in N. San Diego County.
		Small, isolated coastal drainages (W4)	Hydraulic estuaries (P3)	P 0.1, C 0.8	Portions of N. San Diego County, and a number of small drainages along the coast between Morro Bay and the Big Sur coast.
	"South" Low	Medium, intermediate gradient (W2)	Hydraulic estuaries (P3)	C 0.6, H, 0.1, M 0.1	Gaviota, San Lorenzo.
		isolated coastal drainages (W3)	Hydraulic estuaries (P3)	C 0.7, H 0.2	Aptos, Villa Creek, Rincon Creek.
		Small, isolated coastal drainages (W4)	Hydraulic estuaries (P3)	C 0.9,	Several small drainages in and near Santa Cruz, Hollister Ranch localities on Santa Barbara Coast and several others in and Near Santa Cruz.
Steep shoreline (S3)	"West" High	Medium, intermediate gradient (W2)	Hydraulic estuaries (P3)	P 0.1, C 0.5	Big Sur, Carmel.
		isolated coastal drainages (W3)	Hydraulic estuaries (P3)	P 0.2, C 0.6	Little Sur.
	"South" Low	Medium, intermediate gradient (W2)	Hydraulic estuaries (P3)	C 0.5, H 0.2 M 0.2	Malibu Creek.
		isolated coastal drainages (W3)	Hydraulic estuaries (P3)	C 0.7, H 0.2	Topanga Creek.
		Small, isolated coastal drainages (W4)	Hydraulic estuaries (P3)	C 0.9	Las Flores Creek.

[a]Only the combinations of classes that naturally occur are shown. Closure patterns: D-dune-dammed, P-perched, C-berm closure above high high-tide, H-closed high in intertidal, M-closed in mid intertidal, L-closed in lower intertidal, S-emergent bars at low low-tide, O-deep water openings. Classes are indicated with hypothesized proportion of time in each state. Frequencies do not add up to 1 as brief transition states are not considered.

O11-380 cont.


Watershed Characteristics
Large Low Gradient
Medium Intermediate Gradient
Coastal Drainage
Small Coastal Drainage
Prograding High
1
0.5
0
D P C H M L S O
D P C H M L S O
D P C H M L S O
Coastal Exposure

O11-380 cont.

Detailed Assessment of Three Estuaries

The classification scheme that we have presented, based on an understanding of the physical processes that govern estuary dynamics, includes predictions about estuary mouth "closure pattern" that can then be compared with historic conditions. We selected three estuaries for further analysis to assess our approach, as well as to provide historical ecological summaries of systems of interest. Estuary/lagoonal systems at Ballona Creek, Topanga Creek, and the Tijuana River were chosen because they are prospective sites for restoration. For each system a general description of the estuary, its exposure and coastal setting, the watershed characteristics, the estuary formation process, and resulting predicted closure patterns are discussed. We then follow with the historical evidence of closure pattern.

Ballona Creek

General Description

Ballona Creek was, until the great flood of 1825, the outfall of the Los Angeles River (Reagan 1915) when the river changed course and left Ballona Creek with a modest 83,000-ha watershed. The watershed extends westward from the western edge of downtown Los Angeles and along the southern flank of the Santa Monica Mountains. South of downtown Los Angeles, it includes much of south Los Angeles west of the present 110 Freeway and encompassing the Baldwin Hills and the Centinela Creek watershed, which also flows into the Ballona Wetlands at Playa del Rey. The watershed is highly urbanized, with substantial loss of once-extensive wetlands and near-complete channelization of Ballona Creek and its tributaries. O11-380 cont.

Coastal Setting and Exposure

The coastal setting immediately adjacent to Ballona is terraced (S-T), although this terracing is less apparent due to a complex history of associated dunes. At a larger scale, however, the Ballona system can be seen as connected with prograding sediments from a larger Los Angeles Basin system. This system is constituted from the coalescing alluvium from the Los Angeles, San Gabriel, and Santa Ana rivers. The alluvial fans of these rivers merge on the plain of the Los Angeles basin and this basin wide plain has prograded through a series of gaps in the uplifted terraced high ground along the Newport-Inglewood Fault that forms the southwest side of the Los Angeles Basin. Ballona is at the northern-most of these gaps and Newport Bay the most southerly. This larger context is important to understanding the flood dynamics of the Ballona system over time.

Exposure of the mouth of Ballona Creek is high, as a west-facing beach in the Santa Monica Bay it is subject to greater wave action than south facing beaches along the coast and is designated as high (E-H). However it is somewhat protected by its position within the Southern California Bight and by the Channel Islands. Thus, estuaries to the north and south beyond the limits of the Bight, on northwest facing coasts have substantially more extreme exposure.

Watershed Characteristics

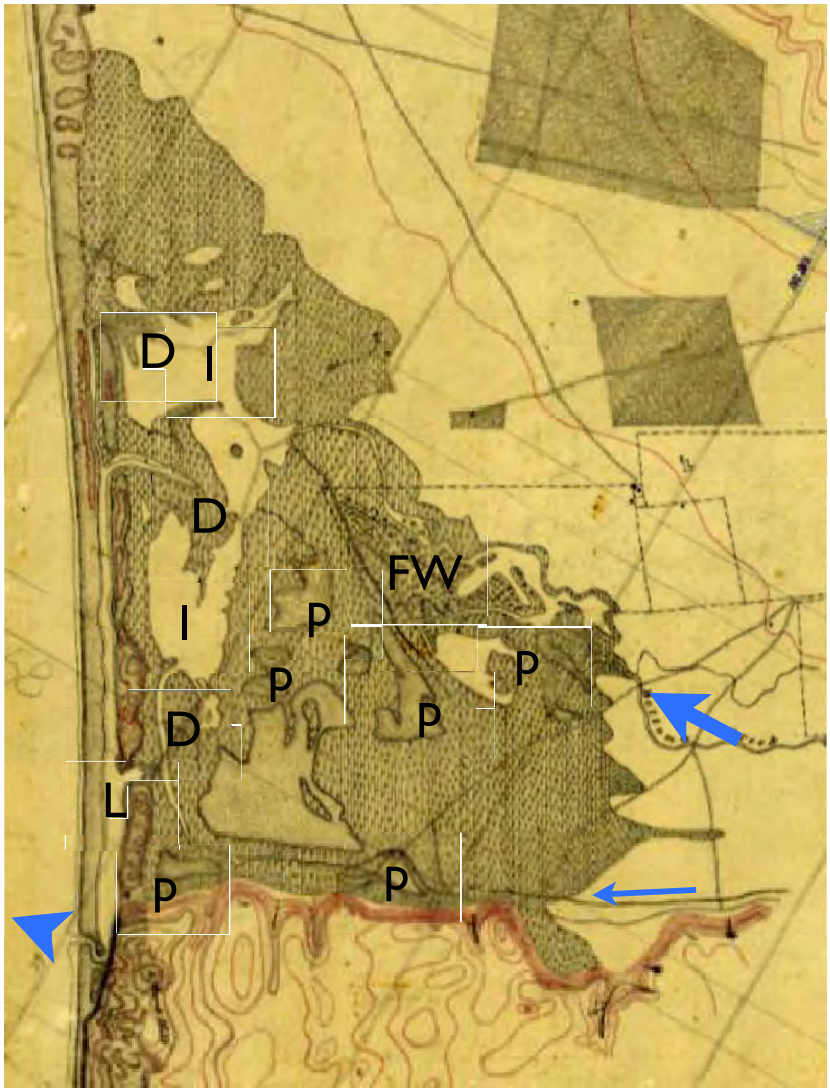
The Ballona Creek watershed is, by our classification, large and low gradient. This classification is, in part, due to its intermittent connection to the Los Angeles River. The highest point within the Ballona drainage proper is only 550 m in elevation. The streams draining the Santa Monica

Mountains are the steepest portions of this watershed. In contrast, drainages of the Los Angeles, San Gabriel and Santa Ana Rivers that drain into the Los Angeles basin extend to elevations in excess of 3,000 m in the San Gabriel and San Bernardino Mountains providing significant runoff following storms as well as through the melting of snow in the winter and spring.

Historically estuarine space in Ballona Lagoon was primarily formed by Hydraulic process (F-H), although this was not the case earlier in the Holocene several millennia ago. Much data on the Holocene history of estuarine settings has been recovered in the context of archeological studies. Interpretation of these data (Altschul & Grenda 2002) suggest that following formation as a flooded embayment during early Holocene sea level rise, the Ballona estuary was trapped by a spit that built across the mouth. First indications of intermittent freshwater conditions 6 kya (Palacios-Fest *et al*. 2006) may suggest the inception of the formation of this barrier. After 4 kya fresh water conditions, presumably associated with closure became more frequent, and open estuary taxa such as oysters and jackknife clams disappear (Palacios-Fest *et al*. 2006). This overall trend became still more pronounced in the last 2,000 years based on ostracod and pollen data (Palacios-Fest *et al*. 2006). By this time we infer that the trapped portion of the embayment had largely filled with sediments from both the Los Angeles River and coastal sediments associated with continued shoreline retreat. Thus, by some time prior to 2,000 years ago, erosion by flooding from the Los Angeles River had become the primary mechanism generating the space in this estuary system. This includes space below low tide and intertidal space; however, intermittent perching appears to have flooded broad expanses of marshland when the appropriate combinations of moderate stream flow and a substantial beach berm were present. The Ballona estuary/lagoon continued to experience closed fresh water and intermittent tidal conditions resulting from breaching during high flows. Infrequent major flooding from the Los Angeles River was likely the major geomorphic agent that removed sediment from the estuary and intermittently maintained space below the height of the beach berm, where water could pond forming the lagoon.

O11-380 cont.

An additional feature of the historic Ballona system is the presence of a double barrier, an inner dune barrier and an outer beach barrier separated by an outer elongate lagoon. The exact mechanism and time formation of this double barrier system is uncertain. However, the outer lagoon, which was over 2 km long paralleling the coast, may be a large example of the kind of feature that forms as flow turns down-coast forming a channel behind an attached spit during the closure process (Figure 9). In this scenario the shoreline may have retreated to the back dune line during one or more major (centennial/millennial) storm events, and /or during major outflow events derived from the Los Angeles River. The beach spit would form following these events trapping the outer lagoon and creating the modern Venice Beach.



O11-380 cont.

Figure 9. A. Detail of 1876 coast survey map (T-Sheet) of Santa Monica Bay. Mapping for the Coast and Geodetic Survey was primarily conducted in the winter in southern California when systems were most likely to be open. Thus the image likely reflects a more open phase of the system, as discussed in the text. A small opening to the ocean is visible at the southern end of the dune system where it abuts the consolidated terrace (blue arrow). Also note that few tidal marsh channels are evident, suggesting that tidal conditions in the system have not had a pervasive impact on the system, as would be the case in a perennially tidal marsh. The "lake," an elongate outer lagoon feature much used for recreation around the turn of the century, is marked with an "L". "D" marks 3 flood tidal deltas with marsh tops built on them that have formed inside three active openings that cross the inner dunal barrier. "I" marks an internal lagoonal feature - space that is the product of flood-generated downcutting and erosion. "P" marks ponded or permanent water on the marsh surface. "FW" is the region of greatest and most continuous freshwater influence where Ballona Creek enters the system and would have been a site of riparian and emergent vegetation. During winter stream flow the whole surface would at times be flooded with freshwater.

"Lake Ballona" 1902

Figure 9. B. Turn of the century images of the "Lake" feature between the beach and dune line (marked "L" in figure 9A above). Views are to the north up the axis of the "Lake" toward the Santa Monica Mountains. Images courtesy of Los Angeles Public Library.

O11-380 cont.

Ballona 1890

Figure 9. C. Late 19[a] Century photograph of freshwater habitat "Lake" feature between the beach and dune line (marked "L" in figure 9A above). Views are to the north up the axis of the "Lake" toward the Santa Monica Mountains, and show bullrushes and a duck hunting scene, complete with minor efforts to impound water to attract ducks during the winter. An enlargement of the portion of the 1876 map marked "FW" above (Fig 9A) shows similar features. Photograph courtesy of Los Angeles Public Library.

Historic mapping immediately prior to widespread human modification of the watershed (i.e., late 1800s) is consistent with hydraulic (flood) formation of space in the lagoons. Early T-sheet maps document four major passes near sea level across the inner dune line (Figure 9). These would presumably all been active in outflow during major flood events. The middle two of these are mapped as active channels in 1876. In addition the historic outer lagoon extended south of the valley forming a cusp along the bluffs in a region eroded by deflection of outgoing stream flow rather than wave attack. Similar cutting of lateral bluffs by stream flow adjacent to stream mouths in terraced settings is also evident in historic mapping of the mouth of the Santa Clara River mouth and Santa Margarita River mouth, among others. These observations support the argument that stream flow and channel migration during floods are responsible for removing sediments that otherwise accumulate in these estuarine settings, thus defining and maintaining estuary space.

Predicted Closure Pattern

Summary of classification:

- S-T – the coast is terraced locally, but is a portion of a larger complex prograding system building in from the Los Angeles basin.
- E-H – Wave exposure is toward the west and is classified as high in this binary setting, but is likely lower than at Tijuana and substantially lower than northwest facing sites north of Pt. Conception.
- W-L – When the Los Angeles River is considered as a component of this system it is large, and has a low gradient lower reach in any case.
- F-H – Space formation here is hydraulic through the Historic period although that was not likely the case prior to 4,000 years ago early in the Holocene.

We predict that a watershed with these characteristics would be closed to the ocean most of the time. Perching (C-P) above sea level behind a beach berm is expected 20% of the time associated with periods of moderate stream flow. Closure at or about high tide would occur 50% (C-C). During periods when hydraulic discharge is sufficient to open the system, it would develop bars near low low-tide (C-S) and would not typically be navigable (C-O), while intermediate conditions (C-L, C-M, C-H) would likely ensue during the closure process but would not likely persist for a significant fraction of the year.

Actual Closure Pattern

The watershed area of the Ballona Creek mouth was considerably larger before 1825, during a period when the Los Angeles River found its way to the sea along this route. Efforts to maintain a permanently open channel between the outer Lagoon and the Sea began in the late 1880s, although maintaining open conditions proved difficult (see notes on 1887 T-sheet; Figure 10). Our historical investigations have provided narrative descriptions of these events and the conditions between them, and the coastal survey documents the transition from a dynamic estuary mouth to the artificial channel.

O11-380 cont.

Figure 10. Detail of coastal survey (T-Sheet) from 1887 showing the new piers and entrance to proposed harbor.

O11-380 cont.

The great flood of 1825 caused significant environmental changes throughout the greater Los Angeles/San Gabriel river floodplain. It is described in 1876 as follows:

> In 1825, the rivers of this county were so swollen that their beds, their banks, and the adjoining lands were greatly changed. At the date of the settlement of Los Angeles City, a large portion of the country, from the central part of the city to the tide water of the sea, through and over which the Los Angeles River now finds its way to the ocean, was largely covered with a forest, interspersed with tracts of

> marsh. From that time until 1825, it was seldom, if in any year, that the river discharged, even during the rainy season, its waters into the sea. Instead of having a river-way to the sea, the waters spread over the country, filling the depressions in the surface, and forming lakes, ponds, and marshes. The river water, if any, that reached the ocean, drained of from the land at so many places, and in such small volumes, that no channel existed until the flood of 1825, which, by cutting a river-way to tide water, drained the marsh land and caused the forests to disappear (Anonymous 1876).

It was widely understood that up to this point, the Los Angeles River flowed through Ballona:

> It was commonly understood and talked of in early days by old Mexican people that the Los Angeles river flowed out through the southwest part of the city/ by Ballona and into Santa Monica Bay until the flood of 1825 (William W. Workman, in Reagan 1915).

> It was well understood by the people in the Southwestern part of the city in those days that the Los Angeles River once flowed out through the Cienega and into Ballona Bay (28-29; A.N. Hamilton, in Reagan 1915).

Although the dominant route for the Los Angeles River has not since routed through Ballona after 1825, during larger floods significant floodwaters flowed in this direction: O11-380 cont.

> The flood of 1884 was probably the greatest in his time. The whole country was flooded. In Los Angeles the water came up to Main St. and he has seen the water three and four feet deep in Alameda St. These flood waters would cross over Main St. and flow to the southwest into Ballona Bay. This was also the case in 1889. This was no doubt the natural channel of the Los Angeles river in earlier times (George A. Wright, in Reagan 1915).

With the decrease in the size of the watershed, the Ballona Creek system began to resemble what the lower Los Angeles River before the great flood of 1825. Without the flow of the larger river to provide a drainage course to the sea, there is evidence that the connection to the ocean became more intermittent. This closure becomes evident in the attempts to create a deepwater port at Ballona in the 1870s.

The newspaper accounts of the attempted development of a deepwater port at Ballona provided a snapshot of the condition of the wetland, estuary mouth, and dune complex at that time. From these accounts, it is evident that by the 1880s, the mouth of Ballona Creek had become more or less permanently closed by a dune created by longshore drift. It was through this 200-foot wide beach that an entrance was excavated in an effort to open up what was described as a "lake" to the sea for use as a protected port.

Before construction of the harbor, the integrity of the lake is well described for the summer and its breaching of the dune described (Los Angeles Times 1887).

> Four miles southwest of Santa Monica, and ten miles southeast of Los Angeles, lying in the shelter of a low range of hills rising from the valley toward the sea, is a small, narrow lake at the point where La Ballona creek debouches into the ocean. It is a true lake, for, although it lies close down upon the sand of the beach, a well-defined earth formation encircles it, and proves conclusively that its water is not drawn by seepage from the sea. As has been said, the lake is exceedingly narrow. Its length along the shore is about two miles, and it varies in width from two hundred to six hundred feet. The water in it varies in depth, in ordinary times, from six inches to twenty feet.
>
> Back of the lake there is a range of drifting sand-hills so common along the seacoast of Southern California; and behind these hills there stretch away for miles the low marsh lands of the Centinella ranch. La Ballona creek comes down through this marsh -- which is, after all; only a wash of sediment from the hills and higher plains toward Los Angeles -- and in the rainy season the creek breaks through the sand-hills, and the waters overflow the lake and find an outlet into the ocean.

A similar description of the construction of the channel was previously reported (Los Angeles Times 1886). Further information about the condition of the wetlands inland from the sand dunes is found in discussion of the proposed sewer and ocean outfall for Ballona in the 1880s.

O11-380 cont.

> That portion of the route passing through the Cienega rancho, a distance of about three miles, is covered with water during the winter, and even in summer the water stands within six inches of the surface. The ground is soft and elastic -
>
> For a long distance the proposed route crosses the Ballona ranch, the surface of which is nearly level and only a few feet above tide-water, and during the winter months is subject to overflow. The soil is soft, and the construction of a brick sewer under such conditions would be very expensive and unsatisfactory in results (Hansen & Jackson 1889).

These narrative accounts are particularly interesting to compare with contemporaneous maps. The 1876 coast survey shows a small entrance to the Ballona Lagoon from Santa Monica Bay at the far southern end of the flat valley near the taller, and older, terraces and associated sand dunes (Figure 9). Then the 1887 coast survey shows the new pier and entrance to the proposed port site (Figure 10). If the historic condition of the mouth of Ballona Creek were to be described from these maps alone, it might be presumed that the Ballona wetlands were always tidal, at least to the extent allowed by a small opening to the sea. The combination of these maps with the narrative accounts lead to a far different conclusion, that the longshore drift of sand rapidly closed the berm connecting Ballona to the sea after major storms and a large freshwater lake was the rule, rather than the exception for the wetlands, even reaching inland up to five miles presumably as a consequence of perching of water behind a berm during modest stream flow episodes. These data are consistent with core data which show intermittent freshwater conditions in Ballona over the last 4,0000 years (Palacios-Fest *et al.* 2006).

The narrative accounts are also useful in that they allow for the description of the 1825 event in which the path of the Los Angeles River shifted from Ballona, as well as the periodic flooding from the Los Angeles River into Ballona Creek that occurred subsequently in the mid-1800s. The generally smaller watershed post-1825, combined with the longshore flow of sediment transformed Ballona into an estuary that was increasingly closed to the ocean, as predicted by our classification scheme.

Narrative accounts documented by the extensive oral histories encompassed in Reagan's report to the County, in 1915, provide some evidence of changing frequency of opening to the ocean. One interviewee indicated that "the tide used to come up nearly to Mesmer Station on the P.E. Ry," and "where Venice now stands was once a sea salt marsh, and the tides came in there all the time." These quotes may refer to the period after the initial dredging maintenance of the opening of the Ballona Channel (Figure 10) and could reflect engineering efforts to keep tides out of the low-lying areas but this deserves further research.

Topanga Creek

General Description

Topanga Creek drains a watershed in the Santa Monica Mountains to the Santa Monica Bay. It is one of three creeks in the mountains to have a population of endangered southern steelhead and endangered tidewater gobies are present in the lagoon. Some areas of the upper watershed have residential development. The lower floodplain and mouth have been highly modified by fill and bridge abutments and is significantly narrowed and laterally confined. Much of the modification of the lagoonal setting was generated in association with widening of the coastal highway in the 1930s where very-high (~10 m) fill pads were constructed primarily on the east and secondarily to the west side of the estuary mouth. These pads effectively occupy much of the lowland area that would have accommodated lateral stream movement, lagoon formation (Figure 11). O11-380 cont.

Exposure and Coastal Setting

The coastal setting is that of a steep slope (S), as a consequence of a relatively high uplift rate of this the mid portion of the Malibu coast (Niemi *et al*. 2008). This uplift led to the deep incision of Topanga Creek forming Topanga Canyon. Wave exposure at the south-facing mouth of the canyon is low (L) although some long traveled swells can reach this coast from the southern ocean during the northern hemisphere summer months.

Watershed Characteristics

We classify the morphology of the watershed as a steep coastal drainage, (W-C) as it does not penetrate beyond the south face of the Santa Monica Mountains. In the absence of a terrace the Topanga drainage is relatively confined by incision in Topanga canyon. This appears to limit the scale of lagoon formation more so than at terraced or less steep sites.

Figure 11. T-sheet (ca. 1876) detail of Tepango Canyon (currently Topanga Canyon).

O11-380 cont.

Formation Process

The estuary is formed by hydraulic processes (F-H), with sediments removal in floods providing space material that is then closed by berm generated by wave action. Any inherited space from sea level rise has long been filled by sediment so formation and mouth dynamics are now governed by flood, flow, and wave action. The shoreline has slightly prograded as sediments from the canyon have form a local delta extending from the mouth of the stream (Livingston 1949). This provides some of the modest lowland area for lagoon formation.

Predicted Closure Pattern

Based on historical analysis, we would classify Topanga Estuary as follows:

- S-S - Steep coast
- E-L -Wave exposure is low
- W-C - Steep coastal drainage that does not cross the Santa Monica Mountains (the largest coastal drainage on the Malibu Coast)
- F-H - Space formation is exclusively hydraulic (i.e., flood generated)

The estuary characteristics should lend themselves to frequent and complete berm closure at or above the high high-tide line, with winter season breaching by floods and periodic closing at the high tide level. Based on these characteristics, we would hypothesize that the estuary would be closed at or above high-high tide half the time and in the high intertidal 20% of the time. In addition, although the lagoon has been modified, it is not clear how strongly this should effect the closure behavior, although it may have slightly increased opening frequency due to the shortening of the berm length available to accommodate percolation and reduction of the lagoon area due to confinement by fill.

Figure 12. Mouth of Topanga Canyon in USGS topographic map. Left: Draft map from 1925. Right: Final map published in 1928 of 1925 survey.

Figure 13. Mouth of Topanga Creek on October 4, 1926 and December 21, 1929 (Spence Air Photo Collection E-742 and E-3040). Courtesy of UCLA Department of Geography, Benjamin and Gladys Thomas Air Photo Archives, The Spence Collection.

O11-380 cont.

Actual Closure Pattern

The historical record is consistent with a pattern of summer closure and periodic winter opening. The 1876 T-sheet (Figure 11) show a meandering channel in the small Topanga Creek floodplain that turns sharply to the southeast near the beach, showing evidence of closure from longshore wave action typical of high intertidal closure H. The 1925 USGS topographic map (Figure 12), a draft of the map to be published in 1928 shows two channels of Topanga Creek, an active, and a high flow or flood channel joining to form a forked lagoon upstream of the bridge, this is likely continuous with the closed lagoon indicated in the beach on the ocean-side of the bridge. The 1928 final version of the map (Figure 12) the beach extension of the lagoon is no longer indicated. The earliest aerial photographs in 1926 and 1929 are consistent with the 1925 version of the map. The active and flood channels are identifiable and lagoon waters extend below the bridge forming a U that connects these two channels (Spence Air Photo E-742 from October 4, 1926 and E-3040 from December 21, 1921; Figure 13). Both photographs show an extensive width of beach between the lagoon and the ocean. After 1933 the span of the bridge passing over the mouth was reduced, constraining flow to the ocean (Figure 14; Frampton *et al*. 2005). Large 10 m high sediment fill pads are associated with the bridge abutments but are much larger

than the road width (Figure 14). These pads fill much of the lowland space, significantly reducing the area where a lagoon could form. This condition continues through the current day. In the 1938 photo, the lagoon spreads out on the beach and is closed (Figure 14). Subsequently, an artificial jetty or berm was placed on the beach on the north side, limiting the spread of the lagoon on the beach to the north and effectively further confining and channelizing it.

O11-380 cont.

Figure 14. Shortened span over Topanga Lagoon. Spence Photo E-9051, November 28, 1938. Courtesy of UCLA Department of Geography, Benjamin and Gladys Thomas Air Photo Archives, The Spence Collection.

Early newspaper accounts about Topanga center around fishing, with occasional reference to flow. For example, in a 1906 article on the trout season, the Los Angeles Times offered the assessment that "The Topanga is too intermittent in its character to account for much" (Anonymous 1906). In his account of southern California geology originally written in 1933, Livingston states that "the sand that accumulates [at the mouth] forms a ridge which, except during time of flood, dams Topanga Canyon, causing a small lake to form" (Livingston 1949).

A series of satellite photographs ranging from 1990 to 2007 (Figure 15) show evidence of a variety of condition the most frequent of which is full closure near high high-tide (C-C) followed by (C-H). These observations are entirely consistent with our prediction. Erosional rejuvenation of estuary space during high rainfall/flow conditions is also evident in the image following the 2004-2005 high rainfall event. Conversely, a low stand or filling the estuary mouth by beach sand is suggested by 1990 imagery following several years of below average precipitation.

We compared the conditions recorded in the recent (1990 - 2007) images with readily available climate data for the Los Angeles Region to explain these conditions and found them consistent with our predictions.

1) September 7, 1990. A minimal lagoon below the bridge is visible. Rainfall was below average from the summer of 1986 through 1990 and 1989 and 1990 were extremely low rainfall years. This is a lowstand in the lagoon or building of the beach into the lagoon due to low stream flow and lack of outflow. Lagoon is closed (C-C) and desiccated.

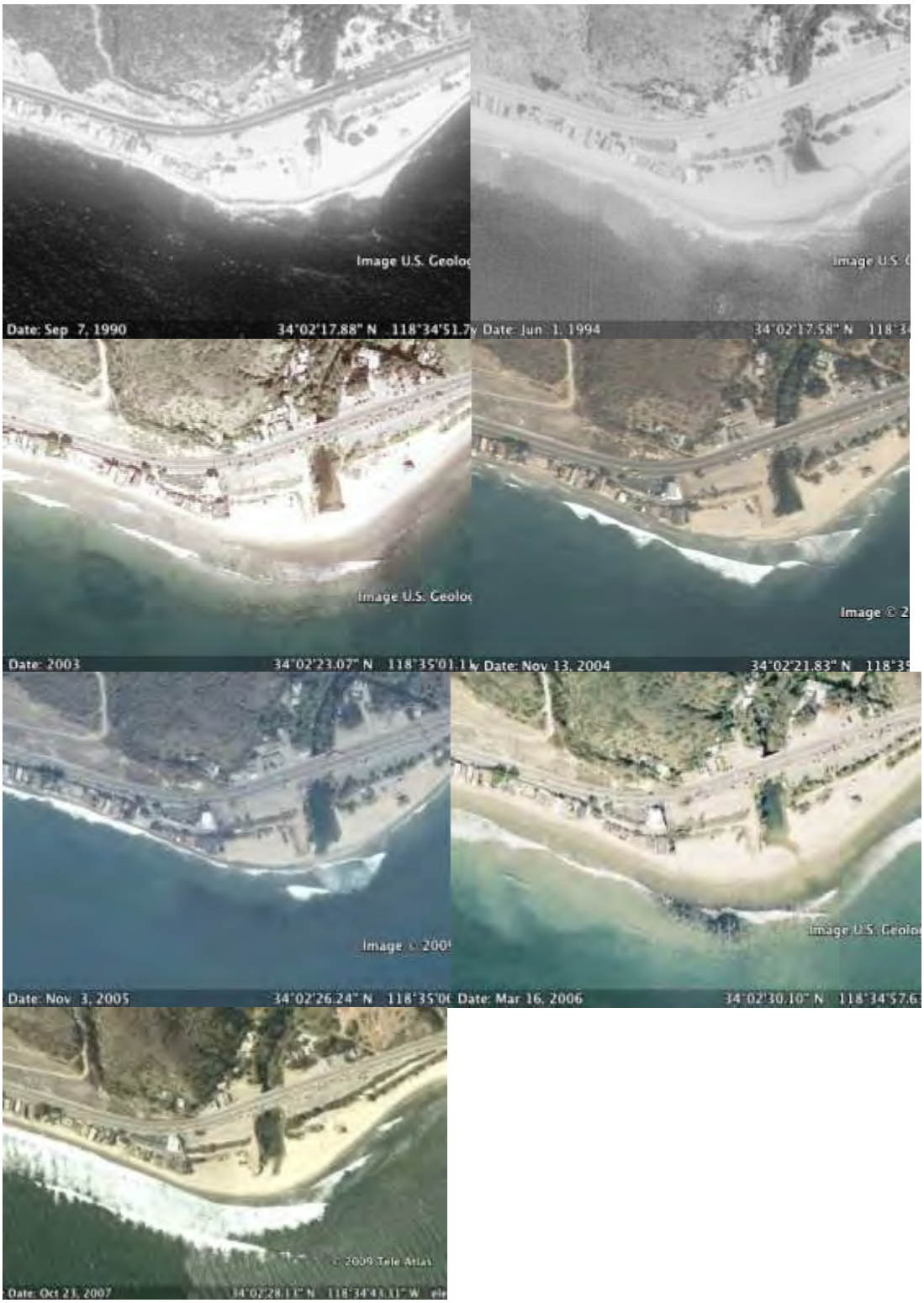


Figure 15. Aerial photographs of Topanga lagoon from Google Earth, 1990-2007.

O11-380 cont.

2) June 1, 1994. Lagoon full at or above high tide and closed or nearly so with a slight trace of a narrow outflow channel from the south-east corner. Previous rainfall in 1993 was moderate and last significant rainfall event was in February. Streamflow may slightly exceed percolation yielding an outflow. Condition is closed (C-C) with slight overflow.

3) 2003. Large lagoon on beach closed near high tide (C-C).

4) November 13, 2004. Large lagoon on beach closed near high tide (C-C), following significant rainfall of 11.4 cm in the previous month.

5) November 3, 2005. Lagoon appears large on the beach and deep with a sharp southern edge. However, lagoon appears to have a channel to the swash zone and to be closed in the high intertidal (C-H). The previous month of October had had rainfall of 3.5 cm, but the previous winter rainfall was in excess of 89 cm. We conclude that flooding rejuvenated the lagoon by erosion down to or below the low low-tide level as indicated by the extensive deep pool on the beach, and the straight south side.

6) March 16, 2006. Lagoon shows a modest outflow channel stopping at the beach berm and a small outflow channel traversing the beach berm. Lagoon extends onto beach and is not completely full (C-H or possibly C-M). Rainfall was consistent above 5 cm for three months and very high the previous winter. We conclude that stream flow has recently breached the lagoon, but did not cut down below mid-tide. Lagoon has subsequently partially closed. O11-380 cont.

7) October 23, 2007. Lagoon is fairly large but some encroachment of beach as occurred since the 2005 event. Lagoon closed on beach at beach berm where an old outflow channel is evident. The 2006-2007 water year was lowest on record. We conclude that drought has not caught up with the system and it may take more than two years of drought to desiccate the watershed.

Tijuana Estuary

General Description

Tijuana Estuary, located near the international border with Mexico is the largest un-channelized river mouth south of the Santa Clara River. Although there is significant damming of the drainage, it nevertheless provides an example of a system that retains some natural aspects of hydrologic process. The Tijuana Estuary retains significant coastal marsh habitat, is the stopover point for a large number (370) of migratory bird species and 6 endangered species are present. The history and behavior of the Tijuana River have strong impact on this estuarine setting and is strongly influences by the hydraulic history of this system.

Coastal Setting and Exposure

The general coastal setting of the Mission Bay/San Diego Bay/Tijuana River Estuary region is prograding (S-P). However this estuarine setting occupies an active tectonic basin bounded by a raised fault block to the south at Tijuana, and uplift along splays of the Rose Canyon Fault that

have elevated the La Jolla and Point Loma regions. Thus there are steeper coastal segments to the north and south bounding an area of prograding shoreline and significant estuary formation. Even in the Early Holocene following sea level rise the Tijuana River estuary was likely smaller than the massive Mission Bay/ San Diego system to the north.

Tijuana also appears to have been the focus of sediment delivery in the region. Long shore sediment transport from the north is diverted offshore at Scripps Canyon (Inman & Masters 1991), greatly limiting sediment to the Mission Bay system. The rocky substrate offshore of La Jolla Point Loma indicates the sediment-starved nature of these settings (Slater *et al.* 2002), and likely also facilitates bypass of any sediments past the mouths of Mission and San Diego bays. In addition, the somewhat more resistant nature of the Cretaceous rocks that make up La Jolla and Point Loma limit them as a source of sediment along the shoreline. Some fraction of sediments bypassed by Point Loma offshore may be brought onshore by wave action the Tijuana area. Wave climate and transport at the Tijuana River Mouth is likely to vary with seasonal and episodic change in direction of wave attack so long shore sediments from the south may also be accumulating here.

The mouth of the Tijuana River is relatively exposed to the West (E-H). There may be some modest mitigation of swells from the Northwest by San Clemente Island. However, this is clearly the most exposed to Wave action of the system considered here.

O11-380 cont.

Watershed Characteristics

There are four significant watersheds that enter the prograding basin setting of this stretch of coast: the San Diego, Otay, Sweetwater and Tijuana Rivers. These all clearly merit "medium" (W-M) status as these systems extend inland on the order of 50 km to the regional divide with the Salton Sea/Sea of Cortez and are of intermediate gradient. Stream function of these rivers as they enter the lowlands and estuaries is alluvial and distributary with multiple channels that interact in the estuary and become primary components of the estuarine marsh system. This estuary may have some spit trapped space on the North (F2). Much of the rest of the current estuary space appears to be hydraulically/flood generated (F3) space. Channel deepening and open water increase is suggested by satellite images following 1982-1983 el Nino Floods. The mouth closure often occurs at low intertidal elevation trapping water in channels above low low-tide. The mouth-spit interaction is dynamic. First order examination of air and satellite imagery indicate that: 1) mouth position varies dramatically as a function of flood flows, 2) that flood events appear to down cut sediments and form space in the estuary, and 3) that winter wave action occasionally builds berms into the estuary mouth trapping or partially closing the system, and leading to breaching and new mouth formation. A historically closed pond system has been artificially connected to the tidal system (Figure 16).

Formation Process

The coastal portion of Tijuana River alluvial floodplain likely represents alluvial fill of an earlier Holocene estuarine feature incised into a Pleistocene terrace during low stand. It is possible in the early to mid Holocene the Tijuana estuary was closed by a spit or series of spits built off the proposed Pleistocene terrace promontory to the north. The available evidence suggests, however, that current sub and intertidal space in the estuary is all or nearly all hydraulic space

created by floods. This likely includes large early 19th and 17th century events that may have far exceeded floods from the period of rain and stream gauge records (e.g., Schimmelmann *et al*. 2003). Wave erosion during unusual events including following flood opening may also have been important in shaping this space.

O11-380 cont.

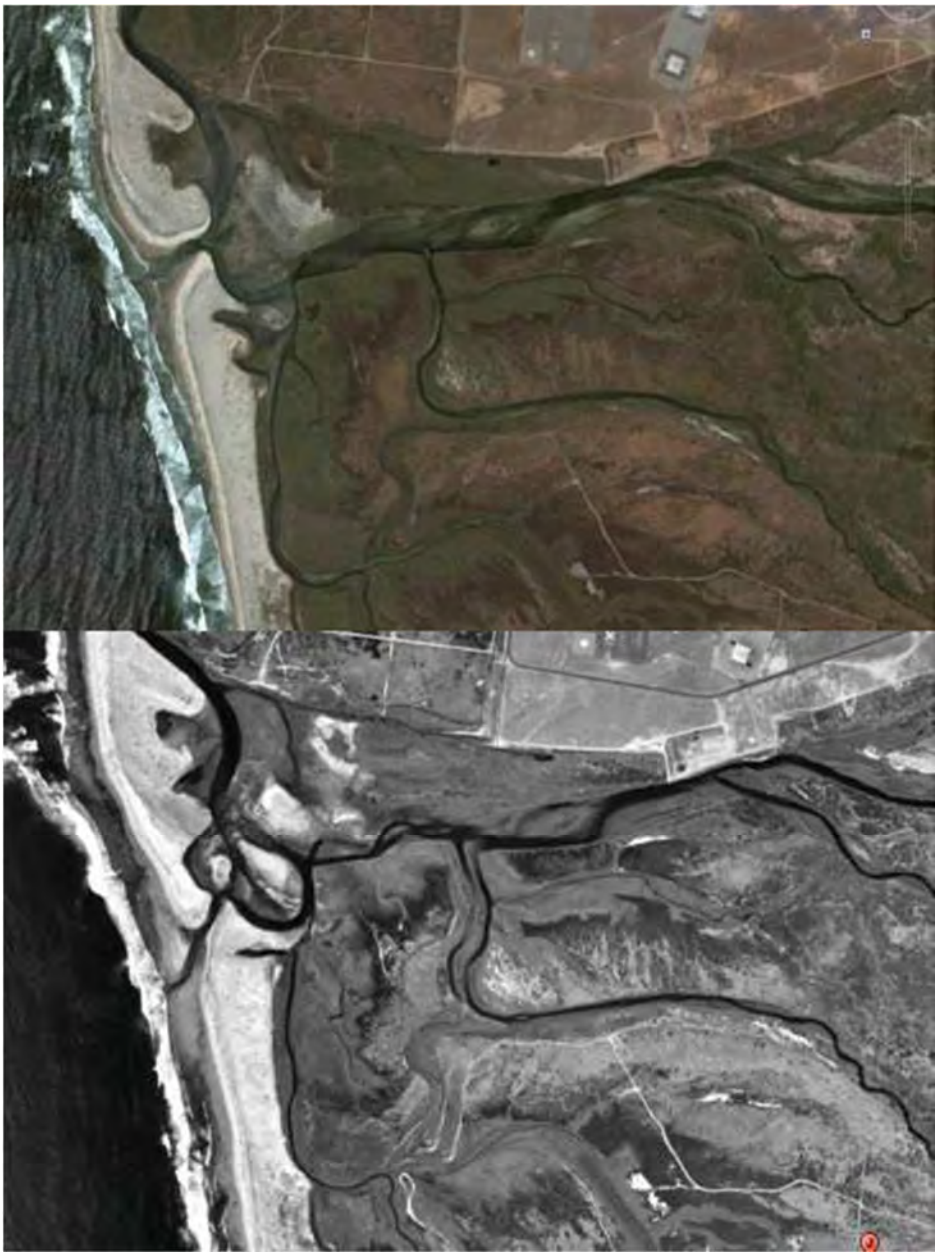


Figure 16. Images of the mouth of Tijuana Estuary in May 2002 top and June 2006 bottom showing restriction of the mouth and partial draining of the estuary through the barrier beach as well as ponded areas to the south of the mouth. Images from Google Earth.

Historically the largest fluvial sediment source in the region is the Tijuana River (Inman and Masters 1991). Significant delivery of sediment to the estuary appears to be in the form of flood tide deltas delivering beach/ shore face sediment to the mouth.

Predicted Closure Pattern

Based on historical analysis, we would classify Tijuana Estuary as follows:

- S-P - Prograding coast.
- E-H - Exposure is high.
- W-M - Drainage area extends southeast into Mexico bordered on the south side by up thrown fault block. Overall intermediate gradient.
- F-H - Space formation here is dominantly hydraulic (i.e., flood generated), although some historic role for spit trapping. All inherited space from sea-level rise is gone.

Predications based broadly on coastal systems with this set of attributes suggests that Tijuana should be closed on an annual to multi-year cycle (C-P and C-C), with occasional seasonal opening (C-L). When opening occurs it would be in the low intertidal and subtidal primarily in the winter, as is typical of many systems of substantial size exposed to high wave action. Given that the Tijuana estuary has undergone limited structural modification and is currently an ecological reserve, we would predict that the modern closure pattern remains basically the same as the historical condition, low intertidal closure. Estuarine closure and migration have been affected by several perturbations; however, these are not substantial enough as to cause a change in closure class.

O11-380 cont.

- Dams on upstream tributaries likely have minimized peak flows limiting erosional removal of material.
- There are upstream bridge abutments that confine flow.
- Diked agricultural field and other structures begin on the south side of the valley about 4km from the coast likely preclude sheet flows and lateral channel migration such that the southern part of Tijuana estuary no longer receives as much flood flow and is subject to less channel erosion. Road building on the marsh surface in the south "3" also appears to preclude water flow, and vegetation is much reduced across roads presumably due to loss of flow from side canyons. Flood derived fresh water provides a flux of growth to salt marsh vegetation (Zedler 1983), and may facilitate in the germination of a number of species normally thought of as "salt" marsh taxa *Spartina foliosa* (Zedler 1986). In this area it may be critical to sustaining halophytic vegetation. Changes in ground water may also be important.
- The northern edge of the estuary has been impinged upon by diking and filling for and adjacent to the airport.

Actual Closure Pattern

Multiple relatively low tide images since 1972 indicate seasonal closure in the lowest intertidal range at a somewhat lower frequency that predicted by the conceptual model. Lower tidal images always show outflow with standing waves. These images likely do not record the most open (post flood) or most closed conditions. Detailed correlation with tidal time has not been

done, but examination suggests that the estuary is not emptying completely. It appears that the estuary typically does empty to the high low tide level but not to the low low-tide level, yielding significant ponded water in channels and channel cut features in the flood tide delta. These provide "ponded" low tide habitat during more confined/closed non-flood conditions. There is also evidence of perched and ponded features in the southern portion of the estuary. Overall closure may occur at a slightly lower tidal height than for systems used for comparison such as larger west-facing systems north of Conception. Factors that could contribute to this include the artificially continuous nature of the stream flow and wave attenuation due to islands in the bight. Future versions of the model will require more finely categorized wave exposure information.

One of the striking aspects of many of the available images is the building and reworking of tidal (flood tidal) delta complexes that transport sediment from the beach in to the main estuary. These deposits are then crosscut by drainage channels, the most substantial of which appear to be flood induced. Thus the most significant source of sediment to the estuary occurs due to flood tidal opening and tidal delta formation.

The 1852 T-sheet T365 indicates similar features as are present today. Multiple fluvial channels (Ch) enter the active mouth region (2) in similar but not identical in position to the modern channels (Figure 17). Channel-cutting of the flood tide delta complex in the active mouth region falls within the range of behavior exhibited by modern imagery. Differences include a closed ponded area "P" in the north, which has been artificially connected to the tidal circulation. Berms (in yellow) that entrap these ponds could represent a former earlier Holocene spit, with subsequent offshore stepping to form the current beach spit. A more likely explanation is that the spit containing these ponds represents wave reworking after significant opening of the mouth. Similar spits and high points are evident inside the mouth in 1852 (T365), as well as in images from 2003, and are interpreted as a product of wave energy entering the system..

O11-380 cont.

A pond to the south (P?) on T365 presumably represents a channel cut when the active channel(s) of the Tijuana River flowed along the southern edge of the flood plain. This may have occurred during early 19th century flooding (Stein *et al.* 2007), but likely also to represent a time when flow was more active in region "3" of the Tijuana River alluvial system. Flows likely breached the beach berm at this point, but also may have flowed north behind the beach berm scouring space at low tide to an active mouth to the north. Such scouring seems evident in post 1982-1983 El Nino images.

At the Tijuana River Estuary constitutes a seasonal river system where variable flow meets the sea in a series of migratory braided "alluvial fan" type channels. Channel migration typical of these systems likely created features to the north and south of the currently active mouth area. Erosion, at low tide during high stream flow likely removes significant material from the estuarine area and maintains the estuary space. Thus the estuary space is largely formed hydraulically (F-H). The mouth was seen to migrate 500 meters or more then 10% of the north south width of the estuary in less than 10 years following 1994 and at least one-half this distance occurred in a stepwise fashion possibly suggesting closure followed by breaching when winter wave action builds up berms. In addition the 1982-1983 El Nino appears to have generated a mouth 100s of meters wide, and breached an as yet to be determined length of adjacent berm. Thus mouth dynamics and flooding are likely important in the erosive removal of material from

the estuary and given changes in the distribution of flood flows and variable wave climate it is likely that mouths migrate over the full length of the berm on century to millennial timescales.

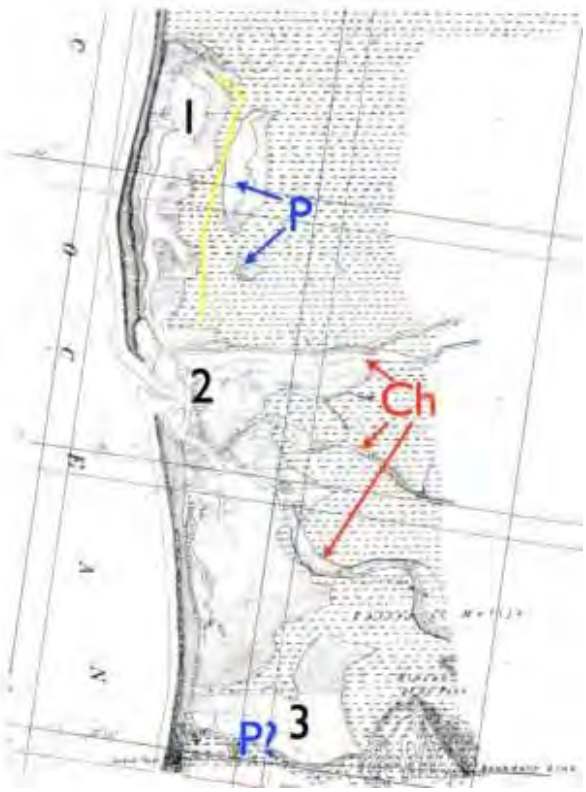


Figure 17. T-sheet of Tijuana Estuary showing ponded areas (P), berms (yellow), location of channels (Ch), and a channel presumed to have been cut by the Tijuana River, in the 19th century (P?).

O11-380 cont.

DISCUSSION

Many of the estuarine wetlands along the central and southern California coast have been filled, encroached upon, or otherwise impacted. In the past two decades substantial effort and resources have been devoted to "restoring" these systems. In many cases "restoration" has involved creating permanently opening systems in places that our historical interpretation indicate were intermittently closing systems. We refer to "restoration" in quotation marks because these projects, which are called restorations, actually involve conversion to a new habitat type. Longcore *et al*. (2000) have argued that such activities are not properly identified as a restoration, which is the "return of an ecosystem to a close approximation of its condition prior to disturbance" (NRC 1992). Because of the importance of closure state to estuarine function and habitat characteristics, we argue that a project that does not maintain historic closure dynamics should not be referred to as restoration, but as creation of a new habitat type to support ecological functions and/or social values identified by project proponents.

Implications of A historic "Restoration" of California Estuaries

In the "restoration" process of central and southern California estuarine systems, many such systems are inferred to have been perennially open with deep-water entrances when they were not *perennially* open at that depth during the last few millennia. As discussed above, it is an oversimplification to consider most estuaries as *open* or *closed*. Most larger and more complex systems experienced closure patterns that were spatially and temporally variable with different portions of estuaries being closed at different depths and for different durations over multi-decadal time scales. Large estuarine systems that are frequently misinterpreted to be perennially completely open (C-O), where there is historic documentation of regular closure at or above high-high tide (C-C), include: O11-380 cont.

1) Mugu, which is known to have regularly closed (C-C) during the Historic period through World War II (Warme 1971 – see references and aerial photographs therein).
2) Ballona, which also clearly closed (C-C) and impounded freshwater on regular basis during the past 4,000 years (see discussion above).
3) Elkhorn Slough, which appears to have closed seasonally (see Woolfolk 2005).
4) The lagoons in North San Diego County, which all closed (C-C) for long periods of time as indicated by historic records such as T-sheets, USGS maps, interpretation of geomorphic evolution in the Holocene (Masters & Aiello 2007) and historic documentation (Engstrom 1999).

In addition to the conversion of systems that closed at or above high tide to open systems, discussed above, a number of systems been opened that historically closed at lower tidal heights According to our estuary classification, developed above, the San Pedro to Newport complex is a prograding coast (S-P), with low wave exposure [(E-L) because it is south facing and protected by the Palos Verdes Peninsula and San Clemente Island, where several large, low-gradient drainages (W-L) converge, and where space is largely formed by trapping (F-T) via longshore spits. In this context, multiple large trapped systems formed in associating with migrating river mouths (see Stein *et al*. 2007, 2010) and limited wave energy. That these systems close low in the intertidal or immediately in the subtidal along a single stretch of coast is consistent with the

trapping process and the limited wave energy. Subtidal closure was evident in all systems from Wilmington (San Pedro) to Newport in the 19th century as described in the Coast Pilot (Davidson 1889). None of these Los Angeles Basin systems were navigable or deep water (C-O) at their entrances as further supported by historic analyses (Engstrom 2006). The sole exception appears to have been Bolsa Chica which was presumably typically closed in the mid-intertidal or higher as indicated by the presence of breakers at all tides (Davidson 1889). Subtidally or low intertidally closing systems were not reported to break at high tide and such systems could be accessed by appropriate craft at highest tide (Davidson 1889). All systems (Anaheim, Alamitos, Wilmington, and Newport) were dredged to increase depth and mouth opening during the late 19th and early 20th centuries to facilitate navigation and recreation. In addition these systems were subsequently fitted with flood control channels to pass freshwater from the Los Angeles, San Gabriel and Santa Ana systems to the sea. The sole exception that retained a closing dynamic through the 20th century was Bolsa Chica. It was dredged open and fitted with jetties and surrounded by cement and riprap berms in 2006 to "restore" it and "mitigate" for harbor construction elsewhere.

Despite the historic partial openness of these systems to tidal influence, it appears that the further dramatic opening of these systems, combined with the channelization of the three major river systems on this coast, has had profound effects on regional hydrology, on coastal sediment processes and on the biota. Prior to channelization rivers spread out on the flood-plain channels migrated leaving a variety of fresh water bodies evident on early maps and riparian vegetation (e.g., Stein *et al*. 2007, 2010). They then entered the sea through estuarine systems that were partially impounded by low intertidal closure such that relatively fresh conditions in lagoons were maintained by river and groundwater discharge. Loss of freshwater and anadromous fishes of the LA Basin such as the currently endangered steelhead and unarmored three-spined stickleback occurred in the mid 20th century (Swift *et al*. 1993), closely following the channelization of rivers and the opening of lagoonal systems. Channelization, combined with the loss of the impounding effect of the coastal lagoonal systems, appears to have reduced the potential for coastal recharge and the maintenance of freshwater aquifer conditions (see Reagan 1915: Swift 2005; Engstrom 2006). During flood years, fresh water lagoons were continuous across the Los Angeles basin (Engstrom 2006) and freshwater covered much of the lowland landscape in part because of the limits to drainage provided by long shore lagoonal barrier systems. Thus lagoon dynamics appear to have contributed to the maintenance of groundwater and extensive riparian conditions noted in historic reconstructions (Stein *et al*. 2007, 2010).

O11-380 cont.

In general, lowered water tables in the LA basin and salt-water intrusion are considered a product of freshwater extraction exclusively, ignoring any contribution of modification of coastal systems or stormwater export. Currently fresh water is injected in wells along the coast to prevent saltwater intrusion (e.g., Foreman 2003). This groundwater recharge appears similar to the historic function of estuaries suggested here. In a recent report focused on Alamitos Bay, however, Swift (2005) made a strong argument that the loss of freshwater delivery to coastal lagoonal settings through bypass of rivers and loss of groundwater has had dramatic impacts on the coastal fauna of California and the Los Angeles Basin region in particular. He documents the absence of a suite of brackish-water dependent estuarine fishes, which were historically present in the area and likely depended extensively on the brackish conditions in the lagoons along the San Pedro to Newport coast. These fishes are now either rare in the region or, in the case of the Gulf Sierra (*Scomberomorus concolor*), have been extirpated.

The recent "restoration" of Bolsa Chica illustrates many of the points discussed above. One troubling aspect of this "restoration" is that it appears to mimic the historic harbor and marina construction in the region with deepening and opening of the mouth comparable to the historic impacts on surrounding systems on this coast intended for navigation, recreation and flood control. Thus the "restoration" design took habitat in the same direction as the trend of historic anthropogenic impacts in the region. In addition, there is significant doubt as to whether the habitat being replaced in this mitigation existed historically (Grossinger *et al*. in review). Opening of this system resulted in desiccation or freshwater brackish marsh habitat and further eliminated riparian vegetation that had been largely eliminated throughout the region (Stein et al, 2007) (see Figure 19). An additional impact of such systems is their deepwater openings immediately start to fill in due to flood tidal delta formation and are difficult to maintain. This process has proceeded rapidly at Bolsa Chica since its construction in 2006.

The changes from fully closing systems (C-D, P, C) to deepwater, perennially open (C-O) systems have profound, and often unanticipated, biologic and geomorphic consequences. There is a broad literature on the proposed benefits of open systems, most of which comes from research in other parts of the world. In this work we enumerate the impacts of converting historically closing systems to perennially open systems in terms of a range of apparently adverse consequences. There may indeed be significant societal benefits associated with perennial opening of these systems, particularly in light of urban encroachment and changes in delivery of water, sediment, and material (e.g., organic matter, pollutants) from the watersheds. *Balancing the presumed benefits of opening estuaries against the adverse ecological impacts of such actions is beyond the scope of this report, but will have to be considered on a case by case basis in California coastal estuaries*. O11-380 cont.

The adverse consequences of type converting an estuary that historically closed intermittently to a permanently open, deepwater habitat are further enumerated below:

1) *Increased sedimentation of the lagoon from the coast.* One of the primary sources of sediment in estuaries is from along the shore rather than conveyed from the land through streamflow. This is generally not well recognized in estuary restoration, although it is evident in the maintenance of harbors. Batiquitos (see images above) is an example of a "restoration" project impacted in this fashion. Thus "restoration," when out of equilibrium with historical processes in the landscape, has impacts that include depriving beaches of sediment, and can generate significant ongoing "need" to remove sediment from the mouth through frequent dredging to maintain the disequilibrium aspects of the "restoration." Thus negative impacts to beaches and unanticipated high maintenance costs are often associated with artificial opening of naturally closing systems.

2) *Export of pollutants to the beach during the high summer use period*. Closure of estuaries during low-flow limits delivery of pollutants from streams and lagoons to the beach and nearshore ocean. Slow flow or percolation through a berm allows for the elimination of bacteria, pollutants and nutrients before they are delivered to the coastal ocean. Permanent opening of the lagoon curtails or eliminates this ecosystem function (He and He 2008, Jeong *et al*. 2008).

3) *Introduction of anomalous substrates.* Modified open systems often include anomalous substrates such as riprap that introduce novel suites of organisms into estuaries and lagoons, including rocky shore taxa such as crabs and octopus. More subtly, dredging creates situations where grain size is out of equilibrium with the typical flow conditions, thus deeper dredged settings are often still water that accumulate flocs and may accumulate nutrients. One concern is that such atypical habitats may not be conducive to the persistence of native species and may invite the establishment of unwanted exotics. That this is likely to be the case is suggested be the appearance of the toxic invasive green alga *Caulerpa* in the artificially open Agua Hedionda system. The issue of association of invasion with anomalous unnatural substrates associated with estuary "restoration" needs further investigation.

4) *Loss of freshwater, including groundwater, from wetlands systems.* In some ways closing systems can be thought of as valves; when rainfall and stream-flow are high they open to the sea exporting excess water and sediment. As stream-flow diminishes water tends to be impounded within and sediments are kept out. This dynamic maintains a freshwater lens near high tide on the coast. Under natural circumstances this maintains the height of the aquifer and limits saltwater intrusion during dryer periods, which is a valuable ecosystem service. It is noteworthy that saltwater intrusion became a significant aquifer problem in the Los Angeles basin in association with the channelization of the major river systems to the sea in the 1930s and 1940s. The estuaries were drained and no longer received significant fresh water input which rather than infiltrating and keeping the aquifer filled and preventing saltwater intrusion, was bypassed directly to the sea. More recently, following the opening of Bolsa Chica, the local water table dropped, extensive freshwater habitat desiccated and riparian vegetation perished (see Figure 18). Retention of fresh water, including groundwater, permits the maintenance of riparian vegetation and freshwater dependent fauna. These include stream fishes that often take refuge in lagoons including stickleback and other native freshwater taxa such as the endangered Santa Anna Sucker. Lowering of water tables with lagoon opening also has profound implications for amphibians and freshwater dependent reptiles such as garter snakes and turtles multiple several of which are endangered (e.g., red-legged frog) or threatened. Furthermore, perennial openings reduce the extent of wet and intermittently wet habitats that historically were extensively used by ducks, geese, and other migratory birds and waterfowl (see description of historic bird use of Ballona Swamp in Chambers 1936).

O11-380 cont.

Figure 18. Creation of ahistoric conditions at Bolsa Chica through jettying a perennial deepwater channel. This "restoration" will require frequent and expensive dredging because existing physical processes do not support the fully open condition that was constructed. The areas surrounding constructed wetland appear to be drier and saltier because the water table will have dropped following complete opening.

O11-380 cont.

5) *Impacts on fish habitat at intertidal height.* As opposed to estuaries on the East Coast, where the two tides in the semi-diurnal cycle are nearly equal, the two diurnal tides on the West Coast are unequal. In addition the degree of difference between the spring (highest) and neap (lowest) tides in the fortnightly tidal cycle is also greater on the west coast. Consequently, the upper reaches of the intertidal are less frequently wetted in California than they are on the east coast. This in combination with the seasonally arid climate exposes the intertidal to more frequent desiccation. Consequently, the intertidal portions of California tidal estuaries have relatively low fish diversity (Desmond *et al.* 2000). One effect of closure high in the intertidal is that it generates flooded conditions

that support a specialized fresh and brackish water fish fauna (Swift 2005). Moreover, California estuaries are often "restored" at considerable expense via extensive excavation to generate enough area *below* low tide to support biomass and diversity of marine fishes. However, such diversity is often distinct from native diversity even of large estuarine systems (Swift 2005), and these sites then become sediment sinks and require dredging to maintain the "restored" condition.

6) *Decreased marsh productivity and carbon storage*. Salt marshes are more productive and fix more carbon when intermittently flooded with freshwater (Zedler 1983). Thus opening estuaries has potentially negative implications for greenhouse gas sequestration. In addition to little studied impacts on the local community. The maintenance of soil carbon (e.g., peat) is also significantly enhanced by the maintenance of higher water tables.

7) *Loss or adverse impacts to endangered, closed-estuary, specialist taxa.* The federally endangered tidewater goby is a closed estuary specialist taxon whose habitat is directly eliminated by the opening of lagoons. This goby is the most locally differentiated coastal vertebrate on the Pacific coast. Suites of estuaries contain multiple locally differentiated stocks (Dawson *et al*. 2003; Earl *et al*. 2010). The genetic subdivision, the isolated and ephemeral nature of the habits, the separation of seasons of reproduction and migration, combined with control of dispersal by known hydrologic processes, make this goby a critically important system for the scientific study of metapopulation dynamics and the conservation genetics of subdivided populations. In the San Diego area, southern tidewater gobies have been documented to be distinct at the species level with an estimated divergence time over 1 million years ago. At a minimum, recovery of this genetically distinct unit will be much more difficult, and extinction risk significantly increased by, ongoing and planned "restoration" through opening of estuaries in northern San Diego County (e.g., Earl *et al*. 2010). O11-380 cont.

8) *Adverse impacts to other sensitive and endangered taxa use closing (C-C) estuaries*.
   a. In Central California, steelhead depend on resources in closing lagoons for successful maturation and return (Bond 2006; Bond *et al.* 2008; Hayes *et al*. 2008; Hayes et al. *in press*). Southern steelhead appear to have been significantly impacted by loss of such closing lagoonal habitat. Presence of closing lagoon systems should be considered in plans to recover populations of steelhead in central and southern California because the return rate of juveniles that feed in lagoons is far greater than those that are not able to feed in closed lagoons before going to sea (Bond 2006; Hayes *et al.* 2008).
   b. Nesting and foraging of the endangered least tern and snowy plover appear correlated with historically closing lagoonal habitats (see MacDonald *et al*. 2010). Least terns in particular likely fed on the small fishes typically found in these closing systems (Carreker 1985; Cooper 2005; a subject that needs further investigation).
   c. In management of the endangered clapper rail in California, *Spartina*, which is typical of the more open systems, is presumed to be critical. In southern California, however, *Spartina* is shorter and grows lower in the intertidal than

elsewhere, which renders it of little use in nesting. Moreover historical documents indicate that clapper rail in California takes advantage of other classes of vegetation typical of high marsh surfaces in both open and closing systems (Dawson *et al*. 1923; DeGroot 1927) and such vegetation is observed to be taller and denser in marshes with some freshwater influence, presumably due to higher growth rates (Zedler *et al*. 1983). Even *Spartina foliosa* may require pulses of freshwater, typical of intermittent closure, for germination (Zedler 1986). Thus clapper rails may well have preferred intermittently closing systems when they were available (a subject that needs further investigation).

d. The endangered red-legged frog similarly was endemic to coastal southern California lagoonal systems prior to the elimination of their freshwater, riparian aspect (Jennings and Hayes 1994). This habitat loss appears to have been a critical component to the extirpation of the genetically distinct southern red-legged frog, which now only persists in Baja California.

9) Because of the historic loss and inadequate study of the biota of closing systems knowledge of their biotic diversity and ecologic function is not complete and may be lost. This issue is brought to the fore by the recent description of a new species of sea slug, *Alderia modesta* (Ellingson and Krug 2006, Krug *et al*. 2007). This taxon is exclusive to coastal California lagoons, and the life cycle appears adapted to the estuarine closure cycle; dispersive larvae are produced in the winter when esturies are open, and non-dispersive crawl-away larvae are produced in the summer when estuaries typically close. The recency of this dramatic observation suggests the limited information in hand about the biologic evolution and function of lagoons; as does the recent recognition of steelhead use of lagoons discussed above. The lack of study of the south-coast garter snake, a species of special concern endemic to the coastal wetlands of the LA Basin is another example. This snake occurred historically in Ballona Marsh and across the coastal LA Basin. It is now extirpated from these habitats and may persist immediately to the north and south in Ventura and Orange Counties (Jennings and Hayes 1994) but very little research has been done on this taxon since 1994. Despite its apparent taxonomic distinction no genetic work has been done and no surveys performed.

O11-380 cont.

10) Riparian habitats found at the upstream end and margins of closing systems depend for their existence on the closing nature of the systems that maintain the water table. This has significant impacts on the specific endangered and understudied taxa discussed above. Such negative impacts to riparian systems undoubtedly have negative implications for a broader suite of taxa and for regional biodiversity.

Recommendations for Management

This report cannot effectively address all the issues confronted by management in each estuary or balance all the societal needs for flood control and other demands relative to the apparent benefits of maintaining natural function. Nevertheless we do attempt to provide some proscriptions for management that consider the historic nature of estuaries in central and southern California.

1) *Management for loss of flood function.* Flooding or peak flows establish estuary space by eroding sediment from the systems. Rivers and streams that are dammed upstream of esturies experience more uniform flows and do not erode and rejuvinate terminal estuaries. On the contrary, the estuaries of dammed systems tend to aggrade as sediments fill in the lagoonal space over time. Often these sediments are derived from the beach or ocean-side of the system, and the lagoon will often fill to close to the typical height of closure. These systems could be managed for more efficient erosion of the lagoon through timed release of flows from upstream dams that would provide pulses of flow coordinated with a series of very low tides at the lagoon. This has the potential to remove sediments from the lagoon in those years when excess stored water is available and to improve sediment delivery to the adjacent beaches. Nearly all major systems in southern and central California are affected by dams; therefore, lagoonal function in a great many of these might be enhanced by a timed release program. Systems with upsteam dams where the effect on lagoons is very obvious include Arroyo Grande and Old Creeks on the central coast San Luis Obispo County. Currently management for the lagoon at Arroyo Grande is focussed exclusively on maintaining a minimum flow thorughout the year to sustain steelhead and tidewater goby. Habitat for these taxa would likely be greatly enhanced by a release program of the sort described above. Other systems that could benefit from timed release programs include the Santa Ynez and Ventura Rivers, Malibu Creek, San Luis Rey River, and the Tijuana River. Even smaller systems such as Los Flores/Los Pulgas on Camp Pendleton might benefit from such a program. Such efforts could be focussed in the winters of high rainfall years when there was sufficent water available, and would be presuamably be far more cost effective than dredging.

2) *Use of currently channelized fresh water* Channelized systems tranfer huge volumes of fresh water to the sea. These waters tend not to be integrated into the design of estuary "restoration" in a way that would enhance riparian vegetation and lagoon – like function. Low upstream weirs could be used to direct these waters to side channels where they could flow through sets of lagoons and marshes to imitate riparian and impounded portions of estuarine systems. This would help recover intermitently fresh or brackish habitats that have been eliminated from these systems. Designs that trap low flows and bypass or pulse high flows such that they eliminate sediments from the systems, should be possible while maintaining or enhancing provisions for flood control. Use of high flow for scouring precludes the need for expensive dredging. Use of low flow employes fresh water resources that are now going to waste and may limit the hazard of delivery of bacteria to beaches. Systems where such an approach could be directly applied include planned "restoration" at Ballona, ongoing "restoration" at Bolsa Chica, restoration of the mouth of the Santa Ana River and the mouth of the San Diego River. Other benefits of this approach could include:

    a. Passage of water through marshes would allow for an ecological filtering function such that water released to the sea and adjacent beaches would have reduced contaminants.

O11-380 cont.

b. Increased recharge and raised ground water have broad benefits for riparian fauna. Recharge provides other ecosystem benefits in terms of reducing the amount of water needed to be injected to protect aquifers, and ultimately constributing to ground water cosumption for human use.
c. Increased riparian vegetation providing suites of habitat similar to those historically present, such as willow swamps, scirpus and catail marshes, channels ponded water, vernal wetlands, and lagoons. It is also noteworthy that intermittent freshwater flux benefits salt marshes. Thus "*Salicornia"* flats or salt pans may be enhanced by intermitent flooding with freshwater.
d. Endangered and sensitive taxa that depend on seasonally closing fresh or brackish systems could be established (see discussion above). Establisment of tidewater goby in Ballona would greatly enhance the (metapopulation) stability of the LA/Ventura management unit and would dramatically enhance the probability of persistence of this taxon.
e. Further use of freshwater resources to enhance riparian and seasonal freshwater habitat would also enhance a broader range and diveristy of breeding and migrating water and riparian birds, including ducks and geese that were historically present in large numbers in these systems but are now less diverse and confined to far more limited habitat.

3) *Restoration of lagoons habitats in association with available state resources and transportation structures.* The historic habitat configuration of many estuaries and lagoons is not superficialy obvious. This is particularly true for small lagoons that can provide a suite of ecosystem functions. Small lagoons can serve as tidewater goby habitat, provide habitat for stickleback and stream-dependent sculpins such as *Cottus asper* (see Swift et al. 2005), can facilitate the functionality of steelhead streams, can serve as breeding pools for amphibian reproduction, and can provide wetland and riparian habitat for breeding and migrating birds. In many cases area around lagoons are in public ownership (e.g., State Parks). In fact a considerible number (on the order of 20) of these systems are occupied in whole or in part by state park parking lots and campgrounds. In addition, many have been impacted by transportation structures. Redesign and upgrading of these structures provides opportunites for restoration of estuarine area and function. Perhaps the largest area of opportunity where detailed "restoration" is not well advanced is a former lagoonal region between Pismo Creek and Arroyo Grande Creek, which were conjoined historically behind a beach berm. This area now contains a complex of state park structures which could be modified or removed to increase lagoonal habitat and function.

O11-380 cont.

4) *Management of and for variabiliy.* Stream flow is less predictable than are the tides. This is especially so in central and southern California where rainfall can vary over an order of magnitude from year to year and systems are often subjected to multi-year wet or dry periods. For each system or even component of a system some understanding of the likely annual and seasonal/precipitation response needs to be incorporated into restoration planning. Many systems are adapted to and benefit from fairly large interannual changes in runoff and vernal or seasonal freshwater conditions, which sustain a range of habitats and ecosystem services. Thus mandates for particular flow conditions may not always be

appropriate, and management planning needs to embrace the variation, and use it appropriately to flush systems of sediment when excess water is available and deliver it to systems, where even "salt marshes" may benefit from periods of fresh water immersion.

5) *Monitoring and adaptive management.* Given the variability inherent in central and southern California estuaries, monitoring needs to be long term. Most systems will require monitoring over decades. Only with this sort of approach will adaptive management be feasible because annual variation in fresh water input and sediment accumulation, among other variables, are likely to influence a wide range of geomorphic and biotic processes over time.

6) *Estalishing an accurate historical context.* We do not advocate that history be the only or primary source of inference for management. But we do advocate that language about historical conditions, or that implies a knowledge of historical conditions be employed as accuarately as possible and with appropriate references to historial sources. Many "restoration" plans assert the nature of historic conditions without documentation. In a surprising number of instances these are inaccurate, misleading or contraindicated by 19th century mapping and/or historic documents. It is often not explicitly stated what time period, and what historic evidence was used to infer previous conditions. It is often not stated what historic conditions are appropriate or of interest and in those cases where historic data are mentioned, data ranging in age from 10 to 10,0000 years ago are combined. Proposed management objectives that are based on "restoration" must be clearly related to a specific time period in order to be objectively evaluated. In many cases such as Mugu Lagoon there is excellent documentation of closure, but open conditions have been maintained artificially for many decades, and naturalists and scientists are often unaware of the ongoing management to maintain the open system. In many cases history is invoked to justify actions that are undertaken for other reasons, such as the elimination of eutrophic conditions, that are partially consequences of human activities. Again such management decisions may be justified, but should stand on there merits relative to their costs, rather than as restoration of natural conditions. Finally, establishing an accurate context and time point for historical comparison will help guard against "shifting baselines" whereby more contemporary altered systems are percieved or promoted as "natural" or "historic."

O11-380 cont.

CONCLUSIONS

The classification model we propose suggests that geology, watershed characteristics, and coastal processes are the main factors that govern the general structure of coastal wetlands in the absence of anthropogenic influences. One of the key controlling factors of coastal wetland structure is the nature and frequency of mouth closure, which in turn strongly influences hydrology, water chemistry, and ultimately habitat distribution (Edgar *et al*. 2000, Ritter *et al*. 2008). Initial testing of the conceptual model proposed by the classification systems suggests that these factors can be successfully used to infer the unaltered nature of estuarine mouth closure.

Application of the classification model, combined with review of hundreds of first hand and air photo observations of estuaries indicates that the numerically predominant condition for southern California estuaries is closing either seasonally or for one or more years at a time. This is in part because most systems occupy small to medium sized drainages. Thus the most common natural condition for a large majority of California estuaries would be seasonally tidal or non-tidal. Open, perennially tidal systems are relatively uncommon, and only occur under specific circumstances, typically in prograding systems with large watersheds and in systems with significant inherited or trapped space. Even relatively large systems have a propensity to close at some height relative to the tide for at least a portion of the annual/hydrologic cycle. Fully open estuarine conditions have only persisted in exceptionally large trapped or inherited spaces.

O11-380 cont.

The proposed model suggests that California estuaries have a far greater propensity to close than estuaries on the East Coast. In historical terms, very few estuaries permitted deep or even modest draft navigation through the course of the tidal cycle prior to navigational improvements; small vessels had to be secured to enter harbors (Van Dyke and Wasson 2005, Engstrom 2006). Using a criterion of navigability throughout the year San Diego Bay is the primary example of an open system in southern California. Thus such completely perennially open systems are anomalous on the southern California Coast. However, other systems may be open to tidal influence for much of the year and closure up into the intertidal in these systems may be rare (e.g., Wilmington). Some systems that have been presumed to be perennially open to tides were not historically (e.g., Mugu, which is well documented to close regularly prior to human intervention). The low amount of subtidally dominated habitat in Southern California relative to San Francisco Bay was also noted by Grossinger *et al*. (2011) who analyzed historical distribution of coastal wetland habitat based on ca. 1870 T-sheets and concluded that approximately one-third of historical habitat was subtidal. Grossinger *et al*. (2011) estimated that approximately 75% of the subtidal habitat was associated with two systems, San Diego Bay and Mission Bay, which were the only predominantly open embayments in southern California in their analysis.

Morphometric assessment of coastal lagoons along the east coast of Australia in similar settings as those that occur along the California coast found a bimodal distribution with 70% of systems being closed for more than 60% of the time and 25% being mostly open (i.e., closed for less than 20% of the time). As in California, the degree of closure in these systems is strongly influenced by catchment characteristics, rainfall and coastal geomorphology (Haines *et al*. 2006).

Few studies have considered the role of stream flow in the closure dynamics of California estuaries (Webb *et al*. 1991, Elwany *et al*, 1998). Furthermore, no broad syntheses across estuaries that consider this dynamic are available for California as they are for South Africa (e.g., Cooper 2001, 2002) or Australia (e.g., Roy *et al*. 2001, Haines *et al* 2006). Consequently most restoration planning relies on estuarine models developed from older port construction and navigational literature (O'Brien 1931, Bruun 1986). These exclusively emphasize the interplay between the tidal prism in maintaining opening juxtaposed with wave energy that is presumed to close it. Most southern California restoration projects have relied on guidance provided by Johnson (1973) who regressed wave energy and tidal prism relative to closure state and produced a simple binary variable for large west coast estuaries. In these assessments, wave energy is presumed to facilitate shore-face transport of sediment and closure, and the area of the estuary is used to calculate tidal prism or volume and flow. These calculations have some value as a rule of thumb relative to one set of processes. However, they lack consideration of a number of important variables/processes and tend to single-out the tide, rather than seasonal or intermittent stream flow, and geologic setting as important variables in these systems. When applied to estuary restoration they tend to limit the discussion of the full set of critical physical processes considered in California estuaries by excluding consideration of stream dynamics and freshwater input as important factors to consider in closure dynamics and their influence on restoration design.

There is also a tendency to discuss estuaries as either open or completely closed. In reality, estuaries exist along several continua relating to relative duration of open vs. closed conditions, frequency of opening events, and the degree of closure. In our classification we simplify this temporal complexity as the proportion of time that a specific estuary exists in each of the eight closure states (relative to tidal height) as shown in Figure 8. The oversimplified characterization of estuaries as either "open" or "closed" can lead to an underestimation of the period of estuarine closure, especially in situations where closure is irregular or partial. Additional variables not systematically considered in their effect on closure include: the angle of wave attack, the presence of promontories adjacent to estuaries, the seasonality of movement of sediment on and offshore and their effect on beach width, the evolution of outflow channel orientation and length, and impediments to flow within the lagoonal systems. All these factors likely contribute to or modify the potential for at least seasonal or intermittent closure. Finally, consideration of episodic opening of predominantly closed systems is also often neglected, which can have important ecological consequences in terms of species dispersal and recolonization (Lafferty *et al*. 1999, Earl *et al*. 2010). O11-380 cont.

The misimpression of California systems as predominantly open has influenced past restoration activities, which have tended to focus on creating "open" estuaries by converting historically lagoon systems with seasonal or intermittent tidal access to perennially full tidal systems. Because inherent physical processes favor recurring mouth closure, estuarine mouths are often kept open by artificial means, such as groins, levees, and regular dredging. As we have elaborated above, creating "artificial" open systems has several ecological implications. Opening of systems lowers the coastal water table and further increase the efficiency of regional engineering modifications that export fresh water to the sea. A secondary effect of increased water delivery to the sea is decreased contact time with estuarine surfaces (sediment and plants)

that can function to filter out pollutants. This increased "flushing" may result in increased pollutant delivery to the sea, potentially impacting beaches and near coastal areas.

Conversion of lagoons to open systems has broad biological impacts. A number of California species are especially adapted to closing estuaries or take particular advantage of them in their life history. These species are directly threatened by the artificial opening of closing estuarine habitat. Such species include the federally endangered tidewater goby (*Eucyclogobius newberryi*; Swift *et al*. 1989, Lafferty *et al*. 1999, Lafferty 2005, Earl *et al*. 2010), southern steelhead (*Oncorhynchus mykiss*) (Bond 2006; Bond et al. 2008), as well as the sea slug *Alderia* (Ellingson and Krug 2006, Krug *et al*. 2007). As discussed above clapper rails likely benefit from the increased vegetation height and heterogeneity afforded to "salt" marshes exposed to intermittent freshwater events facilitated by closure; and, impacted riparian taxa including endangered reptiles and amphibians appear to benefit by the maintenance of high water tables and fresh water through the summer in closing systems. The importance of closure for these biotic functions has not been given much attention in the context of estuary "restoration". In contrast much emphasis has been placed on the presumed benefits of fully open systems for fisheries, especially California Halibut. However, the relative importance of estuaries as nurseries has only recently begun to be addressed (Fodrie and Levin 2008), and it is unclear whether or not partial closure might be beneficial even to California Halibut production. Overall closed systems typically contain more water and are more productive in terms of marsh plant growth (Zedler 1983). Due to this persistent wetted condition the intertidal heights of closed or partially closed systems may well be more productive in terms of fish biomass than the intertidal of open systems, and these intertidal settings are known to be low in diversity (Desmond *et al.* 2000). In the future, more comprehensive and balanced assessment of biotic impacts of estuary modification in the name of "restoration" should be considered. O11-380 cont.

Success and long-term sustainability of restored coastal wetlands can be improved if the design is consistent with underlying landscape controls of wetland processes (Mitch and Wilson 1996, Zedler 2000). Undisturbed reference sites are often used to provide insight to these controls and the appropriate form for given landscape positions. Unfortunately, like many developed coastal regions, undisturbed reference sites are difficult to find along the California Coast, particularly in southern California. In the absence of reference sites, models based on a range of historical information can be used to provide insight into the relationship between landscape setting, physical process, and resultant wetland form and function. The conceptual model presented in this document provides a tool to aid in consideration of appropriate design for coastal wetland restoration in California. Knowledge of the "native" form should be coupled with consideration of existing landscape constraints and practical and logistical considerations when determining preferred restoration designs. Designs that more closely match controlling landscape processes, require less ongoing maintenance, and should have fewer unintended consequences for the native flora and fauna. Regardless of the ultimate decisions made regarding restoration and management of central and southern California estuaries, a more full and open consideration of historical conditions would result in restoration projects more closely aligned with historic processes and conditions.

ACKNOWLEDGMENTS

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O11-380 cont.

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O11-380 cont.

From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Monday, 5 February, 2018 4:58 PM
To: BWERComments@wildlife.ca.gov; Rogers, Bonnie L CIV USARMY CESPL (US) <Bonnie.L.Rogers@usace.army.mil>
Cc: Todd Cardiff <todd@tcardifflaw.com>
Subject: [Non-DoD Source] Ballona Wetlands DEIR/S Response (Section E) Grassroots Coalition

GRASSROOTS COALITION
ENVIRONMENTAL INTEGRITY & PUBLIC POLICY

The Grassroots Coalition Response to the Draft EIR/S for the Ballona Wetlands Ecological Reserve

Section E

Process

The DEIR/S is deficient in its description and segmentation of roles in the DEIR/S leadership and where jurisdictions begin and end per the land of the ecological reserve and are distinct from the Ballona Channel. The following email from the County of LA- O11-381

-Please explain why the SMBRCOMMISSIION , as is listed below in July of 2014, well after the 'start' of the 20012-17 DEIR/S process is NOT included in DEIR/S announcements and listings now. O11-382

-Why is language citing 'restoration' used when describing the project below? O11-383

Svensson, Joshua

From: Barker, Brittany
Sent: Tuesday, July 01, 2014 10:57 AM
To: Svensson, Joshua
Subject: Ballona Wetlands Restoration Project Update

Expires: Sunday, December 28, 2014 12:00 AM

Hi Josh,

Are there any updates to this project?

20. BALLONA WETLANDS RESTORATION PROJECT	
Advertise Date:	***Pending***
Award Date:	***Pending***
Construction Start Date:	***Pending***
Project Manager(s):	CA Dept. of Fish and Wildlife is project proponent, Santa Monica Bay Restoration Commission is managing project, LACDPW is involved as owner of Ballona Creek. ESA-PWA is lead consultant. Josh Svensson is DPW project coordinator assisted by Adriana Flores.
Scope of work	Several proposals under consideration; most ambitious proposal includes removal and replacement of 4,500 feet of Ballona Creek channel with natural meandering channel and construction of large visitor's center. Project aims to restore approximately 600 acres of adjacent coastal wetland and upland habitat.
Where are we now?	Project concept plans completed, along with many studies. Submittal A for the 408 (levee modification) permit application was delivered to the US Army Corps on 8/6/13. DPW has approved a board letter to enter into "214 Agreement" with Corps to fund expedited permit review by Corps. The EIR/EIS will be incrementally distributed to Public Works starting March 2013 and is scheduled for public review by the end of 2014. ***Project team held meeting with US Army Corps of Engineers to kickoff review of the 408 (levee modification) permit on 4/30/14. The EIR/EIS is scheduled to be incrementally distributed to Public Works starting late May 2014 and is scheduled for public review by the end of 2014.***
List any foreseeable obstacles:	***Funding for project not secured. Project scope still somewhat controversial, especially within environmental community. Permitting expected to take several years.***

Thanks,

BRITTANY BARKER, P.E.
LA COUNTY DEPT OF PUBLIC WORKS
CONSTRUCTION DIVISION
PROGRAM MANAGER

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www.dpw.lacounty.gov/go/mdr

O11-384

PUBLIC EXCLUDED
another example of the public being excluded is below. GC never received a response.

A MIME attachment of type <message/rfc822> was removed here
by a drop-attachments-by-name filter rule on the host <gw8.usace.army.mil>.

O11-385

OILFIELD GAS ISSUES NOT MEANINGFULLY ADDRESSED FOR ANY OF THE ALTERNATIVES.

Please include and respond to documents already provided elsewhere in GC's DEIR/S response and include the Scoping Documents as GC's responsive documents to this DEIR/S.

Unfortunately, it appears that no meaningful attempt has been made to address the oilfield gas issues of the Ballona Wetlands Ecological Reserve area and immediate environs as there is no meaningful acknowledgement of, or response to the GC documents already provided to the CDFW and USACE via Scoping.

1. GC therefore, requests acknowledgement of and response to the documents provided during Scoping.

O11-386

2. The DEIR/S is deficient as it has no discussion of inherent needs of monitoring/testing for the ongoing oilfield gas migration known to exist throughout the Ballona Wetlands Ecological Reserve. O11-387

3. The current enhanced outgassing that is visible in the catch basin area aka, freshwater marsh is an example of negligence on the part of CDFW for lack of adequate monitoring of oilfield gases outgassing within their current jurisdictional area of monitoring therefore, there is no evidence to demonstrate that CDFW can provide prudent/safe/ informative oversight when it is self evident that it has not thus far. O11-388

-How does CDFW explain the lack of monitoring of the oilfield gases for the catch basin area of its oversight? O11-389

-How do CDFW/USACE explain the lack of discussion within the DEIR/S of monitoring for both flora/fauna and public safety and well being purposes?
-Why has the DEIR/S failed to include information regarding outgassing during and after boring performance done for the DEIR/S?
-Please explain why the SoCalGas Playa del Rey incidents, eg. 2010 DOGGR Order Shut Down due to reservoir gas leakage, are acceptable to CDFW and USACE to the extent that there is no discussion of these events effects upon Ballona Wetlands(inclusive of its flora and fauna) and its human visitors contained within the DEIR/S.
- What gas monitoring and/or other protective measures is CDFW considering for the Reserve in order to both understand, and protect its inhabitants and its visitors?
- Why hasn't CDFW , at least, posted Prop 65 Warnings at the catch basin area? O11-390

- The City of Los Angeles, ensured that non conflicted contractors performed as both 1) peer review of work done by CDM and other Playa Capital LLC contractors and 2) the City of LA hired Exploration Technologies Inc. to serve as the contracted gas survey company, in order to ensure due diligence, and unbiased evaluation of the oilfield gas issues of Ballona Wetlands/Playa Vista.
-Why hasn't CDFW and USACE and its MOU partners done likewise to ensure for an unbiased evaluation of Ballona's restoration needs?
-Why has CDFW and USACE and its MOU partners, instead, embraced and utilized the very contractors that the City of LA avoided due to conflict of interest? O11-391

-ARE Camp Dresser & McKee and Psomas contracted directly by CDFW? And , if not which are and, which are indirectly contracted by CDFW and/or USACE? O11-392

-Hasn't CDFW utilized Camp Dresser and McKee and Psomas for a work product directly associated with CDFW and its Coastal Development Permit request to cap and/or remove the unpermitted drains in Ballona that CDFW has allowed to exist since its stewardship started in roughly 2004? O11-393

- Who did CDFW contract to perform the capping done to the unpermitted and Coastal Act violative drains? O11-394

-Why is CDFW's LAND Manager of Ballona Reserver also a board member of Playa Vista's private business known as the Ballona Conservancy?
-Why does CDFW not consider having their land manager, Mr. Brody, as a board member of the private Playa Vista business a conflict of interest? O11-395

Especially in light of the fact that the Ballona Conservancy, which has ostensibly been allowed to provide oversight of the catch-basin and the riparian corridor, has both violated the Streambed Agreement of CDFW and built a road without a LA BUILDING & SAFETY PERMIT in an area documented for use by endangered species. O11-396

SCG/PDR

The DEIR/S is inaccurate in its description of no ongoing dewatering that could cause subsidence.
-No evaluation has been performed by CDFW/USACE to make that determination.
-Ongoing dewatering is extensively occurring due to ongoing dewatering by the Playa Vista site for both its Clean Up and Abatement Order 98-125 and due to ongoing dewatering under buildings in an attempt to keep the groundwaters and any rainwater runoff from entering the gas mitigation systems at Playa Vista.
-2500 Barrels of water daily are removed from SCG's underground gas storage operations which are not accounted for in the DEIR/S. No information is contained O11-397

within the DEIR/S of any injection of fluids that would compensate for such continual loss. Subsidence would be inevitable. See Scoping documents inclusive of O11-397 cont.
Endres-Subsidence evaluation noting subsidence for the Playa Vista area and SCG operational area. O11-398

-The conflicted and special interests of SoCalGAs appear to be addressed in the DEIR/S by way of very vaguely citing that SCG will continue to operate its facilities and/or move its infrastructure. **Why is there no independent review done by independent expertise pertaining to migration of oilfield gases and SCG operations?** O11-399

-Why is there no address of the issues cited by Exploration Technologies Inc. pertaining to ongoing monitoring needs and mitigation needs of pertaining to any development in this oilfield area considered one of the largest oilfield gas seepage areas in the country? O11-400
-Why is there no discussion of the potential for negative impacts upon oil/gas wells whether SCG or other non SCG wells (inclusive of active or abandoned or idle wells) throughout the Alt. 1-4 area due to subsidence issues and/or corrosive/ tidal movement effects upon wells due to Alts. 1-3 saltwater intrusion? O11-401

GC provides for review and response one of the early briefs used in its litigation via the California Public Utilities Commission (CPUC) process that
was written on behalf of the CPUC action by Bernard Endres PhD, oilfield gas migration expert. The issues are still current. O11-402

Patricia McPherson, GC

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rita Boppana, Complainant, vs. Southern California Gas Company, Defendant.	Case 00-05-010 (Filed May 11, 2000)
And Related Matters.	Case 00-05-011 (Filed May 11, 2000) Case 00-05-012 (Filed May 11, 2000)

O11-403

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LOS ANGELES OFFICE

THE PLAYA DEL REY GAS STORAGE FACILITY GAS MIGRATION HAZARDS; AND THE DUTIES IMPOSED TO MONITOR AND MITIGATE THESE DANGEROUS CONDITIONS

March 24, 2007

By: **Patricia McPherson, President**
GRASSROOTS COALITION
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(310) 397-5779

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O11-403 cont.

I. EXECUTIVE SUMMARY OF THE PLAYA DEL REY GAS STORAGE FACILITY GAS MIGRATION HAZARDS:

A. FOR MANY YEARS SOCALGAS HAS KNOWN OF THE EXACT MANNER IN WHICH GAS LEAKS INTO THE NEAR-SURFACE SOILS, AQUIFERS AND INTO THE AIR AT PDR:

In an engineering report prepared by Rick Lorio, Associate Petroleum Engineer of Underground Storage for Southern California Gas Company ("SOCALGAS"), the manner in which gas leaks to the surface at Playa Del Rey ("PDR") is described in detail (see Exhibit 1). This engineering analysis report was prepared, and is dated April 25, 1985. Extensive additional engineering reports and measurement data prepared by SOCALGAS reveal that large quantities of gas migrate upward into the surface casings of the old well bores at PDR. These surface casings were initially drilled and cemented to the rock formation at a typical depth of 700 feet below the surface. This is illustrated in the Exhibit 1 Attachments that diagram the well casings, and the paths of gas migration.

O11-403 cont.

Effectively, the surface casings – and the annular volumes that exist between the main casing and the surface casings – serve as collection "containers" for the upward migrating gases, as illustrated in Exhibit 1. SOCALGAS has monitored the gas pressures and the gas composition in these surface casings continuously over many years. These data reveal the central defects existing in the old well bores, in allowing gas to migrate into the near-surface soils and aquifers.

Exhibit 1 identifies these defects, and describes what mitigation measures need to be taken. In summary, these are described in the report as follows (emphasis added):

> Problem:
>
> All wells have some uncemented segments. Few wells have any cement above 2000. Formation sloughing may have filled in some of these wellbores but most remain the most permeable upward path for gas migration.

Solution:

Noise and TDT monitor active wells to find areas of increasing activity. Continually produce shallow zones. Vent to atmosphere all gas coming from surface casing shoe aquifer.

This description is provided in Exhibit 1 under the caption "Uncemented Wellbore Leaks: Type 3." Under the caption "Casing Shoe Leaks: Type 2," the following is described:

Problem:

Casing shoe leaks due to poor, deteriorated cement or to leakage through wso holes in active or abandoned wells.

Solution, Abandoned Wells:

Collect all free gas from overlying zones. Repair work not possible.

O11-403 cont.

In summary, the "Solutions" set forth above by SOCALGAS include:

1. "Continually produce shallow zones."
2. "Collect all free gas from overlying zones."

Under the caption "Abandonment Plug Leaks: Type 4," two types of abandonment are described:

Problem, Type A Abandonment:

Cement plugs inside casing allow some gas to migrate upwards. Because its casing was cut off below the surface string, water will continue to fill casing as gas leaks out. Leak will therefore be sporadic and low rate.

Problem, Type B Abandonment:

Cement plugs inside casing allow some gas to migrate upwards. Because the casing stub is cut off within 100' of surface, the entire surface casing fills with gas. No liquid enters the well. The gas leak unloads fluid from the well and the rate increases with time. Eventually all of the fluid unloads and the leak rate stabilizes at a near constant daily rate.

Problems, Both Type Abandonments:

1. Casing cap, surface casing and casing shoe cement competent. Gas will build up inside surface casing and force its way into shallow aquifer sand. Gas will surface at a non-leaking well that has the following problems.

2. Casing cap not competent. Gas will surface near well.

3. Surface casing or shoe cement not competent. Gas will spread over large area as it rises to surface lethargically.

O11-403 cont.

Solution, Problem 1:

Direct repair of leaking well not possible because source well is unknown. Other wells where gas appears are continually vented to surface.

Solution, Problem 2:

Unearth well and recap or place collection funnel over it. Rig work not required. Vent all gas to atmosphere.

Solution, Problem 3:

Unearth well, move in rig, attempt to enter and repair old casing. Produce gas through casing into low pressure system. Vent surface annulus to atmosphere.

In summary, the "Problems" and "Solutions" identified under the caption "Abandonment Plug Leaks: Type 4" reveal the true nature of how the abandoned wells at PDR cause the near-surface aquifers to be continually recharged with the leaking gas:

1. "Gas will build up inside surface casing and force its way into shallow aquifer sand."

2. ". . . the [leak] rate increases with time . . . and the leak rate stabilizes at a near constant daily rate."

3. "Gas will spread over large area as it rises to the surface lethargically."

The central issue addressed by SOCALGAS in the above topic is the manner in which "gas will surface at a non-leaking well." This issue was addressed, and corroborated the above finds, in a report prepared by Babson and Sheppard, petroleum engineers, dated July 23, 1985. Their findings included the following (emphasis added):

O11-403 cont.

1. "Leakage of natural gas from underground gas storage reservoirs is not unusual."

2. "The sustained high pressures at which such projects frequently operate tend to develop pockets or channels of gas saturation which are outside the confines of the normal storage reservoir."

3. "The Storage Reservoir is particularly susceptible to occurrences of this nature because of the large number of oil wells drilled into the field's reservoirs prior to initiation of the storage operations." [Exhibit 2 is attached herein to identify the oil wells that were drilled into the PDR Storage Reservoir prior to initiation of the storage operations.]

4. "Each of those wellbores provides a potential channel for the uncontrolled migration of fluid."

5. "Gas could migrate from the storage reservoir through one wellbore to an upper formation, then through a second wellbore to yet higher formation.

6. "Such upward flows could be expected to occur naturally over time even without the presence of the storage operation."

7. "Gas remaining in depleted, abandoned reservoirs will naturally tend to seek a route to a site of lower-pressure – a shallower formation."

8. "It could even be driven toward the available flow channels by the entry of edgewater into the reservoir seeking to replace the depleted hydrocarbon saturation.

9. "The Gas Company's storage project tends to emphasize this potential for upward migration because of the high pressures necessary for its operation."

SOCALGAS has long recognized these problems at PDR, including by way of entering into contractual agreements that purport to allow "storage" of their gas as close to the surface as 500 feet. Namely, quoting from the SOCALGAS report described above: O11-403 cont.

- "Gas will build up inside surface casing and force its way into shallow aquifer sand."
- "Gas will spread over large area as it rises to surface lethargically."

The corresponding language in contractual legal documents filed with the Los Angeles County Recorders Office by SOCALGAS typically reads as follows:

- FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, HUGHES TOOL COMPANY, a corporation organized under the laws of the State of Delaware, hereby conveys to SOUTHERN CALIFORNIA GAS COMPANY, a corporation, the exclusive right to use subsurface mineral, oil and/or gas zones for injecting, storing and withdrawing natural gas (whether produced from such or other property) therein and therefrom and for repressuring the same; but with no right to use the surface or to carry on such operation except between a depth of -500 feet to -7000 feet from the surface thereof in the following described property:

- Hughes Tool Company hereby convenants and agrees to prohibit exploration for mineral, oil, gas or other hydrocarbons between depths of -500 feet to -7000 feet from the surface of the above described property.

Clearly, the "exclusive right to use subsurface mineral, oil and/or gas zones for injecting, storing and withdrawing natural gas (whether produced from such or other property) therein and therefrom and for repressuring the same," would be inclusive of the shallower migration zones described in the Babson and Sheppard report quoted above.

Furthermore, the geographic extent of the property [viz., "the following described property:"], as described in the documents recorded with the County Recorder's Office, establish the true boundaries over which SOCALGAS has direct legal responsibility regarding gas leaking to the surface. These boundaries need to be carefully identified regarding the legal issues that are to be addressed regarding this proceeding.

O11-403 cont.

In summary, the legal analysis regarding SOCALGAS responsibilities relating to the leaking gases at PDR must consider the above foundational material critical in this determination. The above factual foundation is essential in establishing the true nature of the legal undertaking of SOCALGAS in operating an underground gas storage field in a partially depleted oilfield under high pressure, where a large number of oil wells were drilled into the field's reservoirs prior to initiation of the storage operation. The controlling legal issues regarding this undertaking will be discussed below.

B. SOCALGAS DEVELOPED PROCEDURES FOR MONITORING AND COLLECTING LEAKING GASES, BUT FAILED TO IMPLEMENT THESE PROCEDURES AT PDR:

In a document prepared by SOCALGAS titled, "Gas Inventory Monitoring, Verification, and Reporting Procedures," (see Exhibit 3), the following procedures are

described for the monitoring and collection of the leaking gases, as detailed in the Rick Lorio report titled, "The Playa Del Rey Monitoring Program," (see Exhibit 1), under the caption Non-Storage Zone Wells, at page 5 of 18, the following is described (emphasis added):

> Non-storage zone wells monitored include both Company wells and wells owned by others in overlying and underlying zones and in other fields within two miles of the storage reservoir boundary, where applicable. These wells are categorized as follows:
>
> i. Pressure observation wells are located in overlying and underlying permeable formations, or adjacent to the storage reservoir but across assumed confining boundaries, such as faults, permeability pinchouts, below the gas-liquid contact or beyond the spill point of the storage zone's confining structure. Although normally static, these wells may have artificial lift mechanisms for removal of gas and fluids.
>
> ii. Gas collection wells are located where known gas migration from the storage zone is intercepted and collected. These wells are normally equipped with operating artificial lift mechanisms so that both liquids and gas can be produced, causing a pressure sink in the reservoir near the wellbore.
>
> iii. In some fields, shallow water observation wells have been drilled into aquifer zones existing in the first permeable sand above the shoe of the surface casing. These wells are closed in at the surface and gas concentrations in the wellbore are measured weekly.

O11-403 cont.

It is important to recognize that Rick Lorio addressed these same issues with the following relevant language (see previous discussion herein) (emphasis added):

- "Gas will build up inside surface casing and force its way into shallow aquifer sand."

Clearly, the monitoring and collection procedures highlighted above are critical in dealing with shoe leaks occurring at the bottom of the surface casing, located at a typical depth of 700 feet, as illustrated in Exhibit 1. Succinctly, these procedures are described as follows (emphasis added):

> ". . . shallow water observation wells have been drilled into aquifer zones existing in the first permeable sand above the shoe of the surface casing."

At PDR there are permeable sands extending to a depth of at least 500 feet. Accordingly, it is critical that the cement shoes on the active and abandoned wells at PDR be evaluated for integrity using the shallow water observation wells design procedure developed by SOCALGAS. In particular, Rick Lorio of SOCALGAS, in Exhibit 1, warns that if the surface casing or shoe cement is not competent "gas will spread over large area as it rises to surface lethargically."

More importantly, is the high pressure gas that has been extensively measured by third parties in the "50 Foot Gravel," which is a shallow sand and gravel aquifer that overlies the legal boundaries that SOCALGAS claims to have the contractual legal authority to store gas as close to the surface as 500 feet. However, SOCALGAS has consistently denied any legal responsibility over this pressurized gas, and has failed to monitor or collect these gases at PDR in their efforts to shirk their responsibility for the leaking gases. O11-403 cont.

In a document prepared by the Consumer Protection and Safety Division of the California Public Utilities Commission, dated August 20, 2002 and revised on November 18, 2004 titled, "Complaint Case Facts and Findings (Playa Del Rey Storage Field)" the following facts and findings were set forth:

- Three Types of Natural Gas in PDR:

  "There is evidence of surface detection of three types of natural gas in PDR, namely: Biogenic gas, Native PDR Thermogenic gas and Storage Reservoir Thermogenic gas."

- 133 PPM Helium from Bar-Hole Samples near Big Ben Well:

"SoCalGas internal office memorandum, dated November 20, 1991 revealed that gas samples collected from bar-holes around Big Ben Well contained 30,000 PPM to 620,000 PPM natural gas and these samples contained 133 PPM to 188 PPM Helium. A close examination of the memo reveled that three samples were collected on 1/11/91, at bar-holes #12, 13 & 14. Isotopic analysis of these samples indicated with high probability the signature of Storage Reservoir gas (meaning that the gas migrated from Storage Reservoir). In addition, the memo did not indicate any more sampling at these bar-holes or subsequent remedial action. On 8/23/91 and subsequent dates, samples were collected from bar-hole H instead of bar-holes 12, 13 & 14. The isotopic analyses of the new samples did not reveal the storage gas signature and subsequent discussion on the memo ignored the initial sample data, its significance and if there was any remedial action."

- 22 PPM Helium from a Shallow Probe Sample by John Sepich and Associates:

O11-403 cont.

"Isotech Laboratory performed an isotopic analysis of a gas sample submitted by Sepich & Associates on 3/25/99. Sepich and Associates was working for Playa Vista developers (developers of residential and business properties around the PDR Storage field. The isotopic analysis report indicates the gas sample was collected from Playa Vista Project Area-D. The analysis report also revealed presence of Ethane and 22 PPM Helium in the gas sample. The significance of this isotopic analysis report is the presence Storage Reservoir gas or Native PDR gas signature and the location where the gas sample was collected (Area-D of Playa Vista Project). My opinion is that the probability of Storage Reservoir gas sample from PDR area containing Ethane and 22 PPM Helium is greater than 50 percent (>50%). Furthermore, the location where the sample was collected should be of major concern" (emphasis added).

- 100 PPM-1000 PPM Helium from Groundwater Samples Collected and Analyzed by Exploration Technologies, Inc. (ETI):

"City of Los Angeles Building and Safety Department retained ETI to conduct test, analyze and provide advice on Playa Vista project. Groundwater samples were

collected in 2000 from Playa Vista Project Area, and dissolved gases were extracted and analyzed by ETI in addition to other scientific sampling and testing. Several groundwater samples revealed presence of high Helium concentrations and Methane dissolved in the groundwater. The origin of this Helium in the groundwater is not clear. However, some people have postulated that the groundwater absorbs or strips the Helium from the Storage Reservoir gas or Native PDR gas as it migrates through the aquifer to the ground surface. Hence, Thermogenic gas is detected in soil-gas without Helium. Although this postulation seems plausible, I have not seen any scientific paper on this absorption theory and the kinetics."

- Dr. Victor Jones of ETI detected Thermogenic gas components at the Surface and detected H2S in Soil Gas during his investigation in 2000:

  "ETI conducted an extensive soil gas investigation in Playa Vista area for the City of Los Angeles in 2000. The isotopic analysis report of the samples collected revealed presence of Methane, Ethane, Helium, H2S, Toluene and other volatile organic compounds (voc). The presence of numerous Thermogenic gas components in the shallow soil gas samples analyzed indicates a deeper source for this gas."

- Previous Reservoir Inventory Verification Analysis by SCG indicated gas migration loss (8/22/80):

  "A Reservoir Inventory Verification Analysis conducted by Theodoros Georgakopoulos on August 22, 1980 for SoCalGas indicated gas migration loss. The migration pathways to the Townsite area (separate geologic zone) is unknown. The report estimated storage reservoir gas loss between January 1961 and December 1979 to be 0.10 B.c.f. Subsequent reports estimated the gas loss to have decreased."

- Presence of Methane gas around Troxel Well:

  "As part of Energy Division (ED) initial preliminary investigation, ED retained MHA, who subcontracted Giroux & Associates to conduct site investigations at the Troxel and Lor Mar well site locations in 2001. These recent studies found very high methane concentrations

O11-403 cont.

> (greater than 50,000 ppm) at the Troxel site and low methane concentrations (1 to 6 ppm) at the Lor Mar site" (emphasis added).

Investigation reports, including reports prepared on behalf of SOCALGAS, reveal the common occurrence of gas leaking to the surface at the location of the surface casing. Namely, leaking from the annular space, and volume, existing between the surface casing and the primary oilwell casing. This is especially true for the many abandoned wells that were found to be leaking gas to the surface, and required reabandonment. These include wells Troxel, Townsite 2, Block 11 and others. This would reveal the urgent need to carefully evaluate the shoe leak and cement conditions at each of the abandoned wells within the PDR field, using the procedures previously described herein, as developed by SOCALGAS.

Regarding operational wells, SOCALGAS has been monitoring the surface casing volumes for gas pressures, rate of pressure build-up, gas constituents – including Helium, and other leakage conditions for many years. These data are very important regarding identifying the manner in which gas is migrating up the wellbores, and entering the aquifer zones at the shoe leak locations. O11-403 cont.

The above report by the Consumer Protection and Safety Division of the PUC has not included these important field measurement data gathered by SOCALGAS over many years. It is important to note that these data, including Helium counts, have been used by SOCALGAS to determine the extent of storage gas leakage into the geologically connected permeable reservoirs that surround the PDR "primary" gas storage area.

This migration of storage gas into the surrounding geologically connected reservoirs has been continuously ongoing since the primary storage reservoir pressure was raised above 750 pounds per square inch, beginning in the early 1940's. This storage gas has commingled with

the billions of cubic feet of native gas that has existed within PDR oilfield, before its conversion to an underground storage facility.

For the foregoing reasons, the gas samples that have been collected from the oilwell surface casings, from surface seeps, and from dissolved and free gases in the 50 Foot Gravel zone, contain a mixture of storage gas (including Helium), Native gas, and Carcinogens that are carried to the surface by the upward migrating gases.

It is important to note that the surface casings, and the gas pressure build-up therein are routinely vented to the atmosphere in accordance with the "Solutions" recommended by Rick Lorio, in the report discussed above. Namely these included (emphasis added):

> "Vent to atmosphere all gas coming from surface casing shoe aquifer,"

O11-403 cont.

Accordingly, this intentional venting of gas to the atmosphere – in which the gas has been confirmed to contain carcinogens – is of great concern. Many of these wells are located in close proximity to homes and apartments in the PDR area, and such venting presents a serious health hazard.

C. SOCALGAS HAS CATEGORICALLY DENIED ANY VERTICAL GAS MIGRATION AT PDR, CLAIMING THAT THE FIELD ACTS AS A CLOSED CONTAINER, AND DENIES ANY RESPONSIBILITY FOR THE FOREGOING DESCRIBED CONDITIONS:

The first attempt that SOCALGAS made to deny responsibility was to hire Dr. Kaplan, a geochemist, to evaluate the surface gas seeps for chemical composition. His results in the 1992 and 1993 time period were proclaimed by SOCALGAS, including in the newspapers, to prove that the surface gas seeps at PDR were biogenic gas (commonly described as swamp

gas). These findings were later totally discredited by the soil gas investigations carried out by Exploration Technologies, Inc. (ETI) of Houston, Texas on behalf of the City of Los Angeles.

As summarized above by the Consumer Protection and Safety Division, of the California Public Utilities Commission, the surface seeps were determined to be thermogenic in gas composition, and originating from a deep source (viz., not swamp gas). Furthermore, the so-called John Sepich probe – that extended to a depth of 20 feet, for the first time – revealed significant levels of helium in the seeping gases (viz., 22 ppm helium from his 20-foot deep soil gas probe).

A much more detailed analysis of the seeping gases was performed by Victor Jones of ETI, in which his findings are summarized above in the identified Consumer Protection and Safety Division report. His gas samples were collected using, for the first time, much deeper soil gas probes that extended into the "50 Foot Gravel," with samples collected from depths exceeding 50 feet. O11-403 cont.

Water samples were also collected from these much deeper sampling depths, and analyzed for the dissolved gas chemical compositions. These samples further confirmed the thermogenic character of the seeping gases, in that they contained methane, ethane, helium, H2S, toluene (a carcinogen) and other volatile organic compounds (VOC's) consisting of propane, butane and xylenes. These gases are especially characteristic of thermogenic oilfield gas. These compositions are also typical of those gases leaking from the abandoned wellheads, that have required reabandonment throughout the PDR field.

Most noteworthy of the deep soil gas samples (viz., below 50 feet) collected by Victor Jones of ETI were the very high helium count levels of between 100 ppm and 1000 ppm, as reported in the Consumer Protection and Safety Division.

A further attempt was made by SOCALGAS to conceal the true dangers of the leaking abandoned wells by claiming that the wellhead leaks were biogenic gas, and not having anything to do with their storage operations. However, the true chemical analysis of the leaking cases contained methane, ethane, propane, butane and other higher order hydrocarbons, entirely consistent with thermogenic gas, that was leaking from a deep source.

Furthermore, senior technical personnel from SOCALGAS have proclaimed before City of Los Angeles hearings on the PDR field, that there is no vertical gas migration out of the field, and the storage reservoir acts as a closed container. It is important to note that the PDR facility operates under a Conditional Use Permit ("CUP") issued by the City of Los Angeles. An important condition of this CUP is as follows:

> "That the underground gas pressure shall be kept sufficiently low so that there will be no escape of gases into the air above the ground."

O11-403 cont.

All of the above described factual issues relate directly to the "Scoping Memo" dated March 7, 2005 which stated the issues that are in controversy regarding the subject adversary proceeding:

> "If the SoCalGas Playa Del Rey gas storage facility is venting or leaking gas or depositing carcinogens into the air or soil to the detriment of the health or safety of the neighboring community" (emphasis added).

The above factual framework is essential in identifying the legal duties imposed upon SOCALGAS as a consequence of undertaking a gas storage operation in the partially depleted oilfield of Playa Del Rey.

D. SOCALGAS HAS THE DUTY TO MONITOR AND PROTECT AGAINST THE GAS MIGRATION HAZARDS AT THE PDR FACILITY BECAUSE THEY UNDERTOOK TO OPERATE A GAS STORAGE FACILITY IN A PARTIALLY DEPLETED OILFIELD, CONTAINING MANY PREVIOUSLY DRILLED WELLS; CREATING A KNOWN DANGEROUS CONDITION:

The controlling principle of law imposed upon SOCALGAS regarding the PDR facility is set forth in Restatement Second of Torts Section 321:

> §321. Duty to Act When Prior Conduct is Found to be Dangerous
>
> (1) If the actor does an act, and subsequently realizes or should realize that it has created an unreasonable risk of causing physical harm to another, he is under a duty to exercise reasonable care to prevent the risk from taking effect.
>
> (2) The rule stated in Subsection (1) applies even though at the time of the act the actor has no reason to believe that it will involve such a risk.

O11-403 cont.

Within the meaning of "actor" regarding the PDR facility would be the "act" of undertaking a gas storage operation in the partially depleted Playa Del Rey oilfield by SOCALGAS.

SOCALGAS subsequently realized, or should have realized, that the many old oilwells drilled into Playa Del Rey oilfield – before they began their operations – would serve as conduits for both storage gas and native oilfield gas to escape and migrate to the surface.

There was a duty imposed to exercise reasonable care to prevent the risk from taking effect. In fact, SOCALGAS developed written policies and procedures (viz., as described above) to monitor and mitigate against the risks created by the upward migration of gases into shallow zones. However, these policies and procedures were not implemented at the PDR

facility. They are believed to have been implemented at other underground gas storage facilities operated by SOCALGAS, at least in part.

Accordingly, the appropriate standard of care to be employed at the PDR facility is established by these written policies and procedures. In summary, these include:

1. Monitoring of both Company wells and wells owned by others in overlying and underlying zones and in other fields within two miles of the storage reservoir boundary.
2. Drill shallow water observation wells into the aquifer zones existing in the permeable sand zones above the shoe of the surface casing.
3. Locate pressure observation wells in overlying and underlying permeable formations, or adjacent to the boundaries, such as faults, permeability pinchouts, below the gas-liquid contact or beyond the spill point of the storage zone's confining structure.
4. Install artificial lift mechanisms for removal of gas and fluids, within the above described offending areas.

O11-403 cont.

For the foregoing reasons, it is essential to establish the legal boundaries of the true extent of the storage reservoir. SOCALGAS claims to have storage rights provided presumably by the relevant documents on file with the Los Angeles County Recorder's Office. These documents need to be carefully identified, primarily to establish the true "legal" boundaries of the PDR facility.

The established boundaries of the PDR facility would then allow determining the monitoring program needed within "two miles of the storage reservoir boundary," as described in paragraph (1) above.

In summary, the PDR facility must conform to an appropriate standard of care, commensurate with the extreme hazards posed by storing billions of cubic feet of flammable and explosive gas under a highly urbanized residential community. This extreme hazard is exacerbated by the hundreds of old oilwells that were drilled into the Playa Del Rey oilfield, many years before the gas storage operations began, thereby severely compromising the rock formations sealing capacity.

Furthermore, it is a well known characteristic of all gas storage fields that the gas leakage losses are directly proportional to the reservoir pressure. The Babson and Sheppard Report, discussed above, identified this hazard in the following way:

> "The Gas Company's storage project tends to emphasize this potential for upward migration because of the high pressures necessary for its operation."

O11-403 cont.

SOCALGAS studies have confirmed that the primary storage area of the PDR field begins to leak when the reservoir is pressurized above 750 pounds per square inch. In contrast, the primary storage reservoir pressure frequently reaches 1700 pounds per square inch, more than double the pressure that precipitates the gas leakage

E. SOCALGAS IS RESPONSIBLE FOR THE LEAKING GAS CONDITIONS AT PLAYA DEL REY BECAUSE THEY EXERCISED EXCLUSIVE CONTROL OVER THE OLD OILWELLS, AND THE DANGEROUS CONDITIONS CREATED BY THEIR DETERIORATED CONDITIONS:

SOCALGAS acquired exclusive control over hundreds of old oilwells that had been drilled, and many of them abandoned, prior to SOCALGAS undertaking gas storage operations

in the PDR field. As previously discussed, the Rick Lorio Report itemized the central defects in these old wells, including:

1. All wells have some uncemented segments. Few wells have any cement above 2000 feet. . . . but most remain the most permeable upward path for gas migration.

2. Casing shoe leaks due to poor deteriorated cement or to leakage through water shut-off holes in active or abandoned wells.

3. Surface casing and surface casing shoe cement (viz., at a typical depth of 700 feet) are not competent. Gas will build up inside surface casing and force its way into shallow aquifer sand.

4. Gas will surface at a non-leaking well, including at wells where the surface casing or shoe cement is not competent. Gas will spread over large area as it rises to surface lethargically.

O11-403 cont.

Surface casing leaks, especially in old abandoned wells, have been documented repeatedly at PDR over many years. The issues raised in paragraph 4, above, are especially important regarding the degree of care and soil gas monitoring necessary to identify which of the old wells are truly leaking. Namely, gas will surface at a non-leaking well. Accordingly, even if the well is reabandoned at the location where the gas is surfacing, this will not cure the leaking well problems.

This problem is especially serious at PDR because of the very extensive sand and gravel permeable zone that was laid down over geologic time by the original river channel flow of the Los Angeles River. This shallow, highly permeable zone, is commonly known as the "50 Foot Gravel." However, other permeable zones exist extending to a depth of approximately 600 feet.

In fact, the surface casing depth requirements (viz., typically 700 feet) are dictated by State of California law, mandating that the surface casing be protective of the fresh water zones

overlying the oilfield. Namely, the very conditions described in the Rick Lorio Report identify violations of State Law:

> "Gas will build up inside surface casing and force its way into shallow aquifer sand."

In short, the sealing integrity of the old surface casings, especially including the cement shoe at a typical depth of 700 feet, is pivotal regarding the operations and maintenance of the PDR field.

Historical drilling records reveal serious problems with achieving a competent cement seal when the surface casing was being cemented to the surrounding rock formation. This was especially serious for the Townlot Wells that were closer to the Pacific Ocean beach. The drill hole would often collapse during the drilling operation, preventing a proper cement squeeze at the shoe location of the surface casing. O11-403 cont.

Furthermore, saltwater intrusion from the nearby Pacific Ocean is also highly corrosive to the steel surface casing, and is known to cause significant deterioration of the concrete shoe materials.

These wells were drilled in the 1920's and 1930's, as identified herein in Exhibit 2. Certainly, when they were drilled in this early time period, there was no contemplation that the oilfield would ever be used for storing high pressure. The technology for storing natural gas in a partially depleted oilfield had not yet been invented in the 1920's/1930's. Also, the technology for performing well completions and cementing operations were still within their infancy.

The history of the oilwell acquisitions by SOCALGAS at PDR were largely dictated by the large volumes of storage gas that were leaking out of the primary storage area. Once the

storage pressure was raised above 750 pounds per square inch, storage gas began leaking into oilwells operated by Union Oil Company. Initially, Union Oil Company and SOCALGAS entered into an agreement regarding how much SOCALGAS would pay Union Oil Company for the return of the lost gas, plus any additional native gas produced by Union Oil from their wells. Eventually, all right title and interest to these wells were conveyed to SOCALGAS, with legal title conveyed pursuant to documents on file with the Los Angeles County Recorder's Office.

It was also discovered by SOCALGAS that storage gas was leaking into the area known as the Townlot Wells, and migrating as far north as the Troxel well location. For this reason, SOCALGAS acquired all legal interests to these wells, as documented in records on file with the Los Angeles County Recorder's Office.

O11-403 cont.

For the foregoing reasons, SOCALGAS has a direct legal ownership interest in these wells. The mere abandonment of these wells does not extinguish the responsibility of SOCALGAS over the proper monitoring and the maintaining of these wells in a safe condition.

The basic public policy of California is that every person is responsible for an injury, to property or person, caused by his or her lack of ordinary care or skill in the management of his or her property. See Civil Code Section 1714(a), and the numerous Appellate and Supreme Court decisions that have interpreted its application to ownership interests, such as are involved herein.

It is important to recognize that the surface casings of the abandoned wells extend into the surface rights area located above 500 feet. Rick Lorio points out in his report, as discussed above, the gas migration hazards created by this condition:

1. Because the casing stub is cut off within 100 feet of the surface, the entire surface casing fills with gas.

2. The gas leak unloads fluid from the well and the rate increases with time.

3. Eventually all of the fluid unloads and the leak rate stabilizes at a near constant daily rate.

These facts establish that there is an ongoing trespass to the surface property ownership interests, especially since the gas is leaking at a depth of approximately 100 feet. Furthermore, as described by Rick Lorio, the gas will spread over large areas as it rises to the surface lethargically. Accordingly, there are violations of trespass laws on adjoining surface properties as well.

These violations would also constitute nuisance because of the explosive and carcinogenic character of the migrating gases.

The Public Utility Code mandates by statute that all utility property be maintained in a safe condition. Accordingly, the legal ownership of the above-described wells by SOCALGAS imposes an obligation upon them to properly monitor and mitigate the hazards associated with these wells, as described above. O11-403 cont.

Furthermore, there is a need to provide proper warning to the surface owners regarding the need to take preventative measures to protect themselves and their property from the above-described leaking gases.

II. THE QUESTION BEING SUBMITTED TO THE COMMISSION, WHICH WAS "FRAMED" BY SOCALGAS, MAKES NO LOGICAL OR LEGAL SENSE IN THE CONTEXT OF THE TRUE FACTUAL ISSUES, AS SET FORTH ABOVE:

A. THE LEGAL ARGUMENTS ADVANCED BY SOCALGAS ARE MISPLACED, AND LACK FOUNDATION:

The specific question that has been "framed" by SOCALGAS, and not agreed to in that context by Grassroots Coalition, for submittal to the Commission by briefs is as follows:

> "Does SOCALGAS have responsibility for any non? storage and non? pipeline gas that migrates through an area where SOCALGAS owns the mineral rights but does not use SOCALGAS? active or abandoned wells as a conduit to migrate to the surface or from one underground reservoir or zone to another?"

Even if any scientific or legal sense can be made of this convoluted description, it still is objectionable because it lacks foundation regarding the issues relevant to this adversary proceeding.

As previously stated, the "Scoping Memo" identifies the relevant issues as follows:

> "If the SoCalGas Playa Del Rey gas storage facility is venting or leaking gas or depositing carcinogens into the air or soil to the detriment of the health or safety of the neighboring community" (emphasis added).

O11-403 cont.

Section I. of this report has addressed the factual foundation upon which this Scoping Memo addresses. The question posed above, as framed by SOCALGAS, goes far afield of this Scoping Memo by creating its own technical jargon.

First of all, it is not possible to scientifically define the term "non storage gas," and SOCALGAS has made no attempt to define this term. Fundamentally, when the natural gas is injected into the partially depleted PDR oilfield by SOCALGAS under extremely high pressures, this gas commingles with the native oilfield gases existing in the reservoir. Furthermore, these high-pressure conditions cause the commingled gases to migrate into numerous geologically connected oilfield reservoirs that contain even larger quantities of native gases. This multiple commingling constitutes the gases that become available to migrate up the old well bores and faults, as described in the SOCALGAS Rick Lorio report detailed above. This would also be the nature of the venting or leaking gases set forth in the Scoping Memo.

Secondly, even if there were so-called "non storage" and/or "non pipeline" gas migrating through the mineral rights territory of SOCALGAS, this gas would become commingled with the storage gas and the native gases, already commingled in mineral rights territories of SOCALGAS. In short, once the hypothetical gas migration occurred, it would automatically lose whatever unique identity it was presumed to have.

SOCALGAS has failed to give any clue as to how this identity is to be carried out scientifically.

Thirdly, the issue as framed by SOCALGAS, expressly excludes a determination by the Commission of responsibility for gas that migrates and uses SOCALGAS active or abandoned wells. As set forth in Part I. of this report, the central gas migration hazards at the PDR facility are the active or abandoned wells serving as conduits for the commingled gases to reach the surface, and into the near-surface permeable zones, including freshwater aquifers. O11-403 cont.

Accordingly, any determination of the responsibility issues, as framed by SOCALGAS, would be meaningless within the context of the Scoping Memo.

B. SOCALGAS HAS MISUNDERSTOOD THE STANDARD OF CARE IMPOSED UPON THEIR UNDERGROUND GAS STORAGE OPERATIONS AT THE PDR FACILITY:

The fundamental premise of responsibilities imposed by negligence law, is the duty to act reasonably under the circumstances. This is established by determining the standard of care required. Conduct falling below this standard of care, can be found to be negligent conduct. The appropriate responsibilities, under the instant set of facts, are established by this standard of care.

Accordingly, it is meaningless herein to focus upon the single issue of mineral rights and/or storage. Although these become one aspect of the overall issues, they, in themselves,

misdirect attention away from the central issues identified in the Scoping Memo. The totality of contractual documents, and their specific languages need to be evaluated.

The Conditional Use Permit issued by the City of Los Angeles, and the contractual obligations imposed upon SOCALGAS regarding the prohibition of operating the gas storage facility at pressures that would cause gases to leak into the air, must be considered in establishing SOCALGAS responsibilities.

Various California Administrative Codes prohibit the leakage of gas from surface casings into adjoining permeable aquifers, and must be considered in determining SOCALGAS responsibilities. Violations of the Regulations could be deemed negligence per se under a negligence standard of care legal responsibility analysis.

SOCALGAS has ignored these central issues in their legal analysis. In addition, they have ignored any legal issues related to strict liability. An entire body of law exists related to operating an abnormally dangerous activity, in which responsibility, or legal liability is imposed irrespective of the degree of care that is used in carrying out the operation. Namely, liability can be imposed even if SOCALGAS was able to show that they operated the PDR facility with utmost care. O11-403 cont.

The test to be used for determining if the PDR facility constitutes an abnormally dangerous activity is set forth in Restatement Second of Torts § 520:

> In determining whether an activity is abnormally dangerous, the following factors are to be considered:
>
> (a) existence of a high degree of risk of some harm to the person, land or chattels of others;
>
> (b) likelihood that the harm that results from it will be great;
>
> (c) inability to eliminate the risk by the exercise of reasonable care;

(d) extent to which the activity is not a matter of common usage;

(e) inappropriateness of the activity to the place where it is carried on; and

(f) extent to which its value to the community is outweighed by its dangerous attributes.

Central to this evaluation are items (d) and (e). Regarding (d), the extent to which the activity of storing gas under high pressure in a partially depleted oilfield, in an urban setting, is certainly an activity that is not a matter of common usage. Regarding (e), the above-described activity is certainly an inappropriate activity to be carried out in a high-density residential location.

Regarding item (c), the "inability to eliminate the risk by the exercise of reasonable care," is pivotal and central to this entire adversary proceeding, SOCALGAS has attempted to frame the legal issues in a context that would require them to make as few changes as possible to their current practices and procedures. The upshot of this nonaction by SOCALGAS to deal with the true gas migration hazards at the PDR facility would be the strong inference that there is an inability to eliminate the risk by the exercise of reasonable care. O11-403 cont.

In summary, the nonaction by SOCALGAS to deal with these gas migration hazards – during this adversary proceeding – is tantamount to "inviting" a strict liability level of responsibility upon SOCALGAS.

CONCLUSIONS

There is a paramount need for SOCALGAS to set forth the specific policies and procedures that will allow proper monitoring and mitigation of the gas migration hazards at the PDR facility.

These policies and procedures should use as a primary framework the "Gas Inventory Monitoring, Verification, and Reporting Procedures" set forth in Exhibit 3 herein. Particular focus should be upon the shallow monitoring wells, and the gas collection wells detailed above in Section I. of this report.

In addition, these policies and procedures should focus on the surface casing leaks, including shoe leaks, that are enumerated in the SOCALGAS Rick Lorio Report, detailed above in Section I. of this report. This needs to include both active and abandoned wells.

Finally, a determination of responsibility by the Commission of the statement of issues as framed by SOCALGAS (see above) would be of no value in resolving the central issues of this Adversary Proceeding, as articulated in the Scoping Memo, as described above. In addition, to the extent that SOCALGAS is requesting the Commission to make a determination of legal ownership interests, including property rights involving the oil and gas mineral rights and/or storage, these property right determinations are under the jurisdiction of the Superior Court. O11-403 cont.

DATED: ~~February~~ March 26, 2007

Respectfully submitted,

By: Patricia McPherson

Patricia McPherson
President, Grassroots Coalition

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **SOCALGAS LEGAL RESPONSIBILITIES REGARDING LEAKING AND MIGRATING NATURAL GAS AT THE PLAYA DEL REY GAS STORAGE PROJECT** on all known interested parties of record in C00-05-010, C00-05-011, and C00-05-012 by electronic mail included on the email list on the CPUC web site.

Dated at Los Angeles, California this 23rd day of February, 2007.

Kathy Knight

Kathy Knight

O11-403 cont.

From:	patricia mc pherson
To:	Wildlife Ballona Wetlands Ecological Reserve EIR; Cespl Rogers, Bonnie L CIV USARMY
Cc:	Todd Cardiff
Subject:	Ballona Wetlands DEIR/S Response (Section E) Grassroots Coalition
Date:	Monday, February 5, 2018 5:00:18 PM
Attachments:	Screen Shot 2017-04-22 at 8.55.19 AM.png Screen Shot 2017-07-20 at 12.51.25 PM.png Fwd_ Project Management Team and Public Participation_ Working Group_Stakeholder Participation.eml.msg GAS 2.pdf

The Grassroots Coalition Response to the Draft EIR/S for the Ballona Wetlands Ecological Reserve

Section E

Process

The DEIR/S is deficient in its description and segmentation of roles in the DEIR/S leadership and where jurisdictions begin and end per the land of the ecological reserve and are distinct from the Ballona Channel. The following email from the County of LA-
-Please explain why the SMBRCOMMISSIION , as is listed below in July of 2014, well after the 'start' of the 20012-17 DEIR/S process is NOT included
in DEIR/S announcements and listings now.
-Why is language citing 'restoration' used when describing the project below?

PUBLIC EXCLUDED
another example of the public being excluded is below. GC never received a response.

OILFIELD GAS ISSUES NOT MEANINGFULLY ADDRESSED FOR ANY OF THE ALTERNATIVES. O11-404

Please include and respond to documents already provided elsewhere in GC's DEIR/S response and include the Scoping Documents as
GC's responsive documents to this DEIR/S.

Unfortunately, it appears that no meaningful attempt has been made to address the oilfield gas issues of the Ballona Wetlands Ecological Reserve area and immediate environs as there is no meaningful acknowledgement of, or response to the GC documents already provided to the CDFW and USACE via Scoping.

1. GC therefore, requests acknowledgement of and response to the documents provided during Scoping.

2. The DEIR/S is deficient as it has no discussion of inherent needs of monitoring/testing for the ongoing oilfield gas migration known to exist throughout
the Ballona Wetlands Ecological Reserve.

3. The current enhanced outgassing that is visible in the catch basin area aka, freshwater marsh is an example of

negligence on the part of CDFW for lack of adequate monitoring of oilfield gases outgassing within their current jurisdictional area of monitoring therefore, there is no evidence to demonstrate that
CDFW can provide prudent/safe/ informative oversight when it is self evident that it has not thus far.

-How does CDFW explain the lack of monitoring of the oilfield gases for the catch basin area of its oversight?
-How do CDFW/USACE explain the lack of discussion within the DEIR/S of monitoring for both flora/fauna and public safety and well being purposes?
-Why has the DEIR/S failed to include information regarding outgassing during and after boring performance done for the DEIR/S?
-Please explain why the SoCalGas Playa del Rey incidents, eg. 2010 DOGGR Order Shut Down due to reservoir gas leakage, are acceptable to CDFW and USACE to the extent that there is no discussion of these events effects upon Ballona Wetlands(inclusive of its flora and fauna) and its human visitors contained within the DEIR/S.
- What gas monitoring and/or other protective measures is CDFW considering for the Reserve in order to both understand, and protect its inhabitants and
its visitors?
- Why hasn't CDFW , at least, posted Prop 65 Warnings at the catch basin area?
- The City of Los Angeles, ensured that non conflicted contractors performed as both 1) peer review of work done by CDM and other Playa Capital LLC contractors and 2) the City of LA hired Exploration Technologies Inc. to serve as the contracted gas survey company, in order to ensure due diligence, and
unbiased evaluation of the oilfield gas issues of Ballona Wetlands/Playa Vista.
-Why hasn't CDFW and USACE and its MOU partners done likewise to ensure for an unbiased evaluation of Ballona's restoration needs?
-Why has CDFW and USACE and its MOU partners, instead, embraced and utilized the very contractors that the City of LA avoided due to conflict of interest?
-ARE Camp Dresser & McKee and Psomas contracted directly by CDFW? And , if not which are and, which are indirectly contracted by CDFW and/or
USACE?
-Hasn't CDFW utilized Camp Dresser and McKee and Psomas for a work product directly associated with CDFW and its Coastal Development Permit
request to cap and/or remove the unpermitted drains in Ballona that CDFW has allowed to exist since its stewardship started in roughly 2004?
- Who did CDFW contract to perform the capping done to the unpermitted and Coastal Act violative drains?
-Why is CDFW's LAND Manager of Ballona Reserver also a board member of Playa Vista's private business known as the Ballona Conservancy?
-Why does CDFW not consider having their land manager, Mr. Brody, as a board member of the private Playa Vista business a conflict of interest?
Especially in light of the fact that the Ballona Conservancy, which has ostensibly been allowed to provide oversight of the catch-basin and the riparian corridor, has
both violated the Streambed Agreement of CDFW and built a road without a LA BUILDING & SAFETY PERMIT in an area documented for use by endangered species.

O11-404 cont.

SCG/PDR

The DEIR/S is inaccurate in its description of no ongoing dewatering that could cause subsidence.
-No evaluation has been performed by CDFW/USACE to make that determination.
-Ongoing dewatering is extensively occurring due to ongoing dewatering by the Playa Vista site for both its Clean Up and Abatement Order 98-125 and due
to ongoing dewatering under buildings in an attempt to keep the groundwaters and any rainwater runoff from entering the gas mitigation systems at Playa Vista.
-2500 Barrels of water daily are removed from SCG's underground gas storage operations which are not accounted for in the DEIR/S. No information is contained
within the DEIR/S of any injection of fluids that would compensate for such continual loss. Subsidence would be inevitable. See Scoping documents inclusive of

Endres-Subsidence evaluation noting subsidence for the Playa Vista area and SCG operational area.

-The conflicted and special interests of SoCalGAs appear to be addressed in the DEIR/S by way of very vaguely citing that SCG will continue to operate its facilities and/or move its infrastructure. **Why is there no independent review done by independent expertise pertaining to migration of oilfield gases and SCG operations?**

-Why is there no address of the issues cited by Exploration Technologies Inc. pertaining to ongoing monitoring needs and mitigation needs of pertaining to any development in this oilfield area considered one of the largest oilfield gas seepage areas in the country?
-Why is there no discussion of the potential for negative impacts upon oil/gas wells whether SCG or other non SCG wells (inclusive of active or abandoned or idle wells) throughout the Alt. 1-4 area due to subsidence issues and/or corrosive/ tidal movement effects upon wells due to Alts. 1-3 saltwater intrusion?

GC provides for review and response one of the early briefs used in its litigation via the California Public Utilities Commission (CPUC) process that
was written on behalf of the CPUC action by Bernard Endres PhD, oilfield gas migration expert. The issues are still current.

O11-404 cont.

Patricia McPherson, GC

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rita Boppana, Complainant, vs. Southern California Gas Company, Defendant.	Case 00-05-010 (Filed May 11, 2000)
And Related Matters.	Case 00-05-011 (Filed May 11, 2000) Case 00-05-012 (Filed May 11, 2000)

O11-405

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PUBLIC UTILITIES COMMISSION
LOS ANGELES OFFICE

THE PLAYA DEL REY GAS STORAGE FACILITY GAS MIGRATION HAZARDS; AND THE DUTIES IMPOSED TO MONITOR AND MITIGATE THESE DANGEROUS CONDITIONS

March 24, 2007

By: **Patricia McPherson, President**
GRASSROOTS COALITION
11924 W. Washington Boulevard
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O11-405 cont.

I. EXECUTIVE SUMMARY OF THE PLAYA DEL REY GAS STORAGE FACILITY GAS MIGRATION HAZARDS:

A. FOR MANY YEARS SOCALGAS HAS KNOWN OF THE EXACT MANNER IN WHICH GAS LEAKS INTO THE NEAR-SURFACE SOILS, AQUIFERS AND INTO THE AIR AT PDR:

In an engineering report prepared by Rick Lorio, Associate Petroleum Engineer of Underground Storage for Southern California Gas Company ("SOCALGAS"), the manner in which gas leaks to the surface at Playa Del Rey ("PDR") is described in detail (see Exhibit 1). This engineering analysis report was prepared, and is dated April 25, 1985. Extensive additional engineering reports and measurement data prepared by SOCALGAS reveal that large quantities of gas migrate upward into the surface casings of the old well bores at PDR. These surface casings were initially drilled and cemented to the rock formation at a typical depth of 700 feet below the surface. This is illustrated in the Exhibit 1 Attachments that diagram the well casings, and the paths of gas migration.

O11-405 cont.

Effectively, the surface casings – and the annular volumes that exist between the main casing and the surface casings – serve as collection "containers" for the upward migrating gases, as illustrated in Exhibit 1. SOCALGAS has monitored the gas pressures and the gas composition in these surface casings continuously over many years. These data reveal the central defects existing in the old well bores, in allowing gas to migrate into the near-surface soils and aquifers.

Exhibit 1 identifies these defects, and describes what mitigation measures need to be taken. In summary, these are described in the report as follows (emphasis added):

> Problem:
>
> All wells have some uncemented segments. Few wells have any cement above 2000. Formation sloughing may have filled in some of these wellbores but most remain the most permeable upward path for gas migration.

Solution:

Noise and TDT monitor active wells to find areas of increasing activity. Continually produce shallow zones. Vent to atmosphere all gas coming from surface casing shoe aquifer.

This description is provided in Exhibit 1 under the caption "Uncemented Wellbore Leaks: Type 3." Under the caption "Casing Shoe Leaks: Type 2," the following is described:

Problem:

Casing shoe leaks due to poor, deteriorated cement or to leakage through wso holes in active or abandoned wells.

Solution, Abandoned Wells:

Collect all free gas from overlying zones. Repair work not possible.

O11-405 cont.

In summary, the "Solutions" set forth above by SOCALGAS include:

1. "Continually produce shallow zones."
2. "Collect all free gas from overlying zones."

Under the caption "Abandonment Plug Leaks: Type 4," two types of abandonment are described:

Problem, Type A Abandonment:

Cement plugs inside casing allow some gas to migrate upwards. Because its casing was cut off below the surface string, water will continue to fill casing as gas leaks out. Leak will therefore be sporadic and low rate.

Problem, Type B Abandonment:

Cement plugs inside casing allow some gas to migrate upwards. Because the casing stub is cut off within 100' of surface, the entire surface casing fills with gas. No liquid enters the well. The gas leak unloads fluid from the well and the rate increases with time. Eventually all of the fluid unloads and the leak rate stabilizes at a near constant daily rate.

Problems, Both Type Abandonments:

1. Casing cap, surface casing and casing shoe cement competent. Gas will build up inside surface casing and force its way into shallow aquifer sand. Gas will surface at a non-leaking well that has the following problems.

2. Casing cap not competent. Gas will surface near well.

3. Surface casing or shoe cement not competent. Gas will spread over large area as it rises to surface lethargically.

O11-405 cont.

Solution, Problem 1:

Direct repair of leaking well not possible because source well is unknown. Other wells where gas appears are continually vented to surface.

Solution, Problem 2:

Unearth well and recap or place collection funnel over it. Rig work not required. Vent all gas to atmosphere.

Solution, Problem 3:

Unearth well, move in rig, attempt to enter and repair old casing. Produce gas through casing into low pressure system. Vent surface annulus to atmosphere.

In summary, the "Problems" and "Solutions" identified under the caption "Abandonment Plug Leaks: Type 4" reveal the true nature of how the abandoned wells at PDR cause the near-surface aquifers to be continually recharged with the leaking gas:

1. "Gas will build up inside surface casing and force its way into shallow aquifer sand."

2. ". . . the [leak] rate increases with time . . . and the leak rate stabilizes at a near constant daily rate."

3. "Gas will spread over large area as it rises to the surface lethargically."

The central issue addressed by SOCALGAS in the above topic is the manner in which "gas will surface at a non-leaking well." This issue was addressed, and corroborated the above finds, in a report prepared by Babson and Sheppard, petroleum engineers, dated July 23, 1985. Their findings included the following (emphasis added):

O11-405 cont.

1. "Leakage of natural gas from underground gas storage reservoirs is not unusual."

2. "The sustained high pressures at which such projects frequently operate tend to develop pockets or channels of gas saturation which are outside the confines of the normal storage reservoir."

3. "The Storage Reservoir is particularly susceptible to occurrences of this nature because of the large number of oil wells drilled into the field's reservoirs prior to initiation of the storage operations." [Exhibit 2 is attached herein to identify the oil wells that were drilled into the PDR Storage Reservoir prior to initiation of the storage operations.]

4. "Each of those wellbores provides a potential channel for the uncontrolled migration of fluid."

5. "Gas could migrate from the storage reservoir through one wellbore to an upper formation, then through a second wellbore to yet higher formation.

6. "Such upward flows could be expected to occur naturally over time even without the presence of the storage operation."

7. "Gas remaining in depleted, abandoned reservoirs will naturally tend to seek a route to a site of lower-pressure – a shallower formation."

8. "It could even be driven toward the available flow channels by the entry of edgewater into the reservoir seeking to replace the depleted hydrocarbon saturation.

9. "The Gas Company's storage project tends to emphasize this potential for upward migration because of the high pressures necessary for its operation."

SOCALGAS has long recognized these problems at PDR, including by way of entering into contractual agreements that purport to allow "storage" of their gas as close to the surface as 500 feet. Namely, quoting from the SOCALGAS report described above: O11-405 cont.

- "Gas will build up inside surface casing and force its way into shallow aquifer sand."
- "Gas will spread over large area as it rises to surface lethargically."

The corresponding language in contractual legal documents filed with the Los Angeles County Recorders Office by SOCALGAS typically reads as follows:

- FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, HUGHES TOOL COMPANY, a corporation organized under the laws of the State of Delaware, hereby conveys to SOUTHERN CALIFORNIA GAS COMPANY, a corporation, the exclusive right to use subsurface mineral, oil and/or gas zones for injecting, storing and withdrawing natural gas (whether produced from such or other property) therein and therefrom and for repressuring the same; but with no right to use the surface or to carry on such operation except between a depth of -500 feet to -7000 feet from the surface thereof in the following described property:

- Hughes Tool Company hereby convenants and agrees to prohibit exploration for mineral, oil, gas or other hydrocarbons between depths of -500 feet to -7000 feet from the surface of the above described property.

Clearly, the "exclusive right to use subsurface mineral, oil and/or gas zones for injecting, storing and withdrawing natural gas (whether produced from such or other property) therein and therefrom and for repressuring the same," would be inclusive of the shallower migration zones described in the Babson and Sheppard report quoted above.

Furthermore, the geographic extent of the property [viz., "the following described property:"], as described in the documents recorded with the County Recorder's Office, establish the true boundaries over which SOCALGAS has direct legal responsibility regarding gas leaking to the surface. These boundaries need to be carefully identified regarding the legal issues that are to be addressed regarding this proceeding.

O11-405 cont.

In summary, the legal analysis regarding SOCALGAS responsibilities relating to the leaking gases at PDR must consider the above foundational material critical in this determination. The above factual foundation is essential in establishing the true nature of the legal undertaking of SOCALGAS in operating an underground gas storage field in a partially depleted oilfield under high pressure, where a large number of oil wells were drilled into the field's reservoirs prior to initiation of the storage operation. The controlling legal issues regarding this undertaking will be discussed below.

B. SOCALGAS DEVELOPED PROCEDURES FOR MONITORING AND COLLECTING LEAKING GASES, BUT FAILED TO IMPLEMENT THESE PROCEDURES AT PDR:

In a document prepared by SOCALGAS titled, "Gas Inventory Monitoring, Verification, and Reporting Procedures," (see Exhibit 3), the following procedures are

described for the monitoring and collection of the leaking gases, as detailed in the Rick Lorio report titled, "The Playa Del Rey Monitoring Program," (see Exhibit 1), under the caption Non-Storage Zone Wells, at page 5 of 18, the following is described (emphasis added):

> Non-storage zone wells monitored include both Company wells and wells owned by others in overlying and underlying zones and in other fields within two miles of the storage reservoir boundary, where applicable. These wells are categorized as follows:
>
> i. Pressure observation wells are located in overlying and underlying permeable formations, or adjacent to the storage reservoir but across assumed confining boundaries, such as faults, permeability pinchouts, below the gas-liquid contact or beyond the spill point of the storage zone's confining structure. Although normally static, these wells may have artificial lift mechanisms for removal of gas and fluids.
>
> ii. Gas collection wells are located where known gas migration from the storage zone is intercepted and collected. These wells are normally equipped with operating artificial lift mechanisms so that both liquids and gas can be produced, causing a pressure sink in the reservoir near the wellbore.
>
> iii. In some fields, shallow water observation wells have been drilled into aquifer zones existing in the first permeable sand above the shoe of the surface casing. These wells are closed in at the surface and gas concentrations in the wellbore are measured weekly.

O11-405 cont.

It is important to recognize that Rick Lorio addressed these same issues with the following relevant language (see previous discussion herein) (emphasis added):

- "Gas will build up inside surface casing and force its way into shallow aquifer sand."

Clearly, the monitoring and collection procedures highlighted above are critical in dealing with shoe leaks occurring at the bottom of the surface casing, located at a typical depth of 700 feet, as illustrated in Exhibit 1. Succinctly, these procedures are described as follows (emphasis added):

> ". . . shallow water observation wells have been drilled into aquifer zones existing in the first permeable sand above the shoe of the surface casing."

At PDR there are permeable sands extending to a depth of at least 500 feet. Accordingly, it is critical that the cement shoes on the active and abandoned wells at PDR be evaluated for integrity using the shallow water observation wells design procedure developed by SOCALGAS. In particular, Rick Lorio of SOCALGAS, in Exhibit 1, warns that if the surface casing or shoe cement is not competent "gas will spread over large area as it rises to surface lethargically."

More importantly, is the high pressure gas that has been extensively measured by third parties in the "50 Foot Gravel," which is a shallow sand and gravel aquifer that overlies the legal boundaries that SOCALGAS claims to have the contractual legal authority to store gas as close to the surface as 500 feet. However, SOCALGAS has consistently denied any legal responsibility over this pressurized gas, and has failed to monitor or collect these gases at PDR in their efforts to shirk their responsibility for the leaking gases. O11-405 cont.

In a document prepared by the Consumer Protection and Safety Division of the California Public Utilities Commission, dated August 20, 2002 and revised on November 18, 2004 titled, "Complaint Case Facts and Findings (Playa Del Rey Storage Field)" the following facts and findings were set forth:

- Three Types of Natural Gas in PDR:

  > "There is evidence of surface detection of three types of natural gas in PDR, namely: Biogenic gas, Native PDR Thermogenic gas and Storage Reservoir Thermogenic gas."

- 133 PPM Helium from Bar-Hole Samples near Big Ben Well:

"SoCalGas internal office memorandum, dated November 20, 1991 revealed that gas samples collected from bar-holes around Big Ben Well contained 30,000 PPM to 620,000 PPM natural gas and these samples contained 133 PPM to 188 PPM Helium. A close examination of the memo reveled that three samples were collected on 1/11/91, at bar-holes #12, 13 & 14. Isotopic analysis of these samples indicated with high probability the signature of Storage Reservoir gas (meaning that the gas migrated from Storage Reservoir). In addition, the memo did not indicate any more sampling at these bar-holes or subsequent remedial action. On 8/23/91 and subsequent dates, samples were collected from bar-hole H instead of bar-holes 12, 13 & 14. The isotopic analyses of the new samples did not reveal the storage gas signature and subsequent discussion on the memo ignored the initial sample data, its significance and if there was any remedial action."

- 22 PPM Helium from a Shallow Probe Sample by John Sepich and Associates:

O11-405 cont.

"Isotech Laboratory performed an isotopic analysis of a gas sample submitted by Sepich & Associates on 3/25/99. Sepich and Associates was working for Playa Vista developers (developers of residential and business properties around the PDR Storage field. The isotopic analysis report indicates the gas sample was collected from Playa Vista Project Area-D. The analysis report also revealed presence of Ethane and 22 PPM Helium in the gas sample. The significance of this isotopic analysis report is the presence Storage Reservoir gas or Native PDR gas signature and the location where the gas sample was collected (Area-D of Playa Vista Project). My opinion is that the probability of Storage Reservoir gas sample from PDR area containing Ethane and 22 PPM Helium is greater than 50 percent (>50%). Furthermore, the location where the sample was collected should be of major concern" (emphasis added).

- 100 PPM-1000 PPM Helium from Groundwater Samples Collected and Analyzed by Exploration Technologies, Inc. (ETI):

"City of Los Angeles Building and Safety Department retained ETI to conduct test, analyze and provide advice on Playa Vista project. Groundwater samples were

collected in 2000 from Playa Vista Project Area, and dissolved gases were extracted and analyzed by ETI in addition to other scientific sampling and testing. Several groundwater samples revealed presence of high Helium concentrations and Methane dissolved in the groundwater. The origin of this Helium in the groundwater is not clear. However, some people have postulated that the groundwater absorbs or strips the Helium from the Storage Reservoir gas or Native PDR gas as it migrates through the aquifer to the ground surface. Hence, Thermogenic gas is detected in soil-gas without Helium. Although this postulation seems plausible, I have not seen any scientific paper on this absorption theory and the kinetics."

- Dr. Victor Jones of ETI detected Thermogenic gas components at the Surface and detected H2S in Soil Gas during his investigation in 2000:

  "ETI conducted an extensive soil gas investigation in Playa Vista area for the City of Los Angeles in 2000. The isotopic analysis report of the samples collected revealed presence of Methane, Ethane, Helium, H2S, Toluene and other volatile organic compounds (voc). The presence of numerous Thermogenic gas components in the shallow soil gas samples analyzed indicates a deeper source for this gas."

- Previous Reservoir Inventory Verification Analysis by SCG indicated gas migration loss (8/22/80):

  "A Reservoir Inventory Verification Analysis conducted by Theodoros Georgakopoulos on August 22, 1980 for SoCalGas indicated gas migration loss. The migration pathways to the Townsite area (separate geologic zone) is unknown. The report estimated storage reservoir gas loss between January 1961 and December 1979 to be 0.10 B.c.f. Subsequent reports estimated the gas loss to have decreased."

- Presence of Methane gas around Troxel Well:

  "As part of Energy Division (ED) initial preliminary investigation, ED retained MHA, who subcontracted Giroux & Associates to conduct site investigations at the Troxel and Lor Mar well site locations in 2001. These recent studies found very high methane concentrations

O11-405 cont.

> (greater than 50,000 ppm) at the Troxel site and low methane concentrations (1 to 6 ppm) at the Lor Mar site" (emphasis added).

Investigation reports, including reports prepared on behalf of SOCALGAS, reveal the common occurrence of gas leaking to the surface at the location of the surface casing. Namely, leaking from the annular space, and volume, existing between the surface casing and the primary oilwell casing. This is especially true for the many abandoned wells that were found to be leaking gas to the surface, and required reabandonment. These include wells Troxel, Townsite 2, Block 11 and others. This would reveal the urgent need to carefully evaluate the shoe leak and cement conditions at each of the abandoned wells within the PDR field, using the procedures previously described herein, as developed by SOCALGAS.

O11-405 cont.

Regarding operational wells, SOCALGAS has been monitoring the surface casing volumes for gas pressures, rate of pressure build-up, gas constituents – including Helium, and other leakage conditions for many years. These data are very important regarding identifying the manner in which gas is migrating up the wellbores, and entering the aquifer zones at the shoe leak locations.

The above report by the Consumer Protection and Safety Division of the PUC has not included these important field measurement data gathered by SOCALGAS over many years. It is important to note that these data, including Helium counts, have been used by SOCALGAS to determine the extent of storage gas leakage into the geologically connected permeable reservoirs that surround the PDR "primary" gas storage area.

This migration of storage gas into the surrounding geologically connected reservoirs has been continuously ongoing since the primary storage reservoir pressure was raised above 750 pounds per square inch, beginning in the early 1940's. This storage gas has commingled with

the billions of cubic feet of native gas that has existed within PDR oilfield, before its conversion to an underground storage facility.

For the foregoing reasons, the gas samples that have been collected from the oilwell surface casings, from surface seeps, and from dissolved and free gases in the 50 Foot Gravel zone, contain a mixture of storage gas (including Helium), Native gas, and Carcinogens that are carried to the surface by the upward migrating gases.

It is important to note that the surface casings, and the gas pressure build-up therein are routinely vented to the atmosphere in accordance with the "Solutions" recommended by Rick Lorio, in the report discussed above. Namely these included (emphasis added):

> "Vent to atmosphere all gas coming from surface casing shoe aquifer."

O11-405 cont.

Accordingly, this intentional venting of gas to the atmosphere – in which the gas has been confirmed to contain carcinogens – is of great concern. Many of these wells are located in close proximity to homes and apartments in the PDR area, and such venting presents a serious health hazard.

C. SOCALGAS HAS CATEGORICALLY DENIED ANY VERTICAL GAS MIGRATION AT PDR, CLAIMING THAT THE FIELD ACTS AS A CLOSED CONTAINER, AND DENIES ANY RESPONSIBILITY FOR THE FOREGOING DESCRIBED CONDITIONS:

The first attempt that SOCALGAS made to deny responsibility was to hire Dr. Kaplan, a geochemist, to evaluate the surface gas seeps for chemical composition. His results in the 1992 and 1993 time period were proclaimed by SOCALGAS, including in the newspapers, to prove that the surface gas seeps at PDR were biogenic gas (commonly described as swamp

gas). These findings were later totally discredited by the soil gas investigations carried out by Exploration Technologies, Inc. (ETI) of Houston, Texas on behalf of the City of Los Angeles.

As summarized above by the Consumer Protection and Safety Division, of the California Public Utilities Commission, the surface seeps were determined to be thermogenic in gas composition, and originating from a deep source (viz., not swamp gas). Furthermore, the so-called John Sepich probe – that extended to a depth of 20 feet, for the first time – revealed significant levels of helium in the seeping gases (viz., 22 ppm helium from his 20-foot deep soil gas probe).

A much more detailed analysis of the seeping gases was performed by Victor Jones of ETI, in which his findings are summarized above in the identified Consumer Protection and Safety Division report. His gas samples were collected using, for the first time, much deeper soil gas probes that extended into the "50 Foot Gravel," with samples collected from depths exceeding 50 feet. O11-405 cont.

Water samples were also collected from these much deeper sampling depths, and analyzed for the dissolved gas chemical compositions. These samples further confirmed the thermogenic character of the seeping gases, in that they contained methane, ethane, helium, H2S, toluene (a carcinogen) and other volatile organic compounds (VOC's) consisting of propane, butane and xylenes. These gases are especially characteristic of thermogenic oilfield gas. These compositions are also typical of those gases leaking from the abandoned wellheads, that have required reabandonment throughout the PDR field.

Most noteworthy of the deep soil gas samples (viz., below 50 feet) collected by Victor Jones of ETI were the very high helium count levels of between 100 ppm and 1000 ppm, as reported in the Consumer Protection and Safety Division.

A further attempt was made by SOCALGAS to conceal the true dangers of the leaking abandoned wells by claiming that the wellhead leaks were biogenic gas, and not having anything to do with their storage operations. However, the true chemical analysis of the leaking cases contained methane, ethane, propane, butane and other higher order hydrocarbons, entirely consistent with thermogenic gas, that was leaking from a deep source.

Furthermore, senior technical personnel from SOCALGAS have proclaimed before City of Los Angeles hearings on the PDR field, that there is no vertical gas migration out of the field, and the storage reservoir acts as a closed container. It is important to note that the PDR facility operates under a Conditional Use Permit ("CUP") issued by the City of Los Angeles. An important condition of this CUP is as follows:

> "That the underground gas pressure shall be kept sufficiently low so that there will be no escape of gases into the air above the ground."

O11-405 cont.

All of the above described factual issues relate directly to the "Scoping Memo" dated March 7, 2005 which stated the issues that are in controversy regarding the subject adversary proceeding:

> "If the SoCalGas Playa Del Rey gas storage facility is venting or leaking gas or depositing carcinogens into the air or soil to the detriment of the health or safety of the neighboring community" (emphasis added).

The above factual framework is essential in identifying the legal duties imposed upon SOCALGAS as a consequence of undertaking a gas storage operation in the partially depleted oilfield of Playa Del Rey.

D. SOCALGAS HAS THE DUTY TO MONITOR AND PROTECT AGAINST THE GAS MIGRATION HAZARDS AT THE PDR FACILITY BECAUSE THEY UNDERTOOK TO OPERATE A GAS STORAGE FACILITY IN A PARTIALLY DEPLETED OILFIELD, CONTAINING MANY PREVIOUSLY DRILLED WELLS; CREATING A KNOWN DANGEROUS CONDITION:

The controlling principle of law imposed upon SOCALGAS regarding the PDR facility is set forth in Restatement Second of Torts Section 321:

> §321. Duty to Act When Prior Conduct is Found to be Dangerous
>
> (1) If the actor does an act, and subsequently realizes or should realize that it has created an unreasonable risk of causing physical harm to another, he is under a duty to exercise reasonable care to prevent the risk from taking effect.
>
> (2) The rule stated in Subsection (1) applies even though at the time of the act the actor has no reason to believe that it will involve such a risk.

Within the meaning of "actor" regarding the PDR facility would be the "act" of undertaking a gas storage operation in the partially depleted Playa Del Rey oilfield by SOCALGAS.

SOCALGAS subsequently realized, or should have realized, that the many old oilwells drilled into Playa Del Rey oilfield – before they began their operations – would serve as conduits for both storage gas and native oilfield gas to escape and migrate to the surface.

There was a duty imposed to exercise reasonable care to prevent the risk from taking effect. In fact, SOCALGAS developed written policies and procedures (viz., as described above) to monitor and mitigate against the risks created by the upward migration of gases into shallow zones. However, these policies and procedures were not implemented at the PDR

O11-405 cont.

facility. They are believed to have been implemented at other underground gas storage facilities operated by SOCALGAS, at least in part.

Accordingly, the appropriate standard of care to be employed at the PDR facility is established by these written policies and procedures. In summary, these include:

1. Monitoring of both Company wells and wells owned by others in overlying and underlying zones and in other fields within two miles of the storage reservoir boundary.
2. Drill shallow water observation wells into the aquifer zones existing in the permeable sand zones above the shoe of the surface casing.
3. Locate pressure observation wells in overlying and underlying permeable formations, or adjacent to the boundaries, such as faults, permeability pinchouts, below the gas-liquid contact or beyond the spill point of the storage zone's confining structure.
4. Install artificial lift mechanisms for removal of gas and fluids, within the above described offending areas.

O11-405 cont.

For the foregoing reasons, it is essential to establish the legal boundaries of the true extent of the storage reservoir. SOCALGAS claims to have storage rights provided presumably by the relevant documents on file with the Los Angeles County Recorder's Office. These documents need to be carefully identified, primarily to establish the true "legal" boundaries of the PDR facility.

The established boundaries of the PDR facility would then allow determining the monitoring program needed within "two miles of the storage reservoir boundary," as described in paragraph (1) above.

In summary, the PDR facility must conform to an appropriate standard of care, commensurate with the extreme hazards posed by storing billions of cubic feet of flammable and explosive gas under a highly urbanized residential community. This extreme hazard is exacerbated by the hundreds of old oilwells that were drilled into the Playa Del Rey oilfield, many years before the gas storage operations began, thereby severely compromising the rock formations sealing capacity.

Furthermore, it is a well known characteristic of all gas storage fields that the gas leakage losses are directly proportional to the reservoir pressure. The Babson and Sheppard Report, discussed above, identified this hazard in the following way:

O11-405 cont.

> "The Gas Company's storage project tends to emphasize this potential for upward migration because of the high pressures necessary for its operation."

SOCALGAS studies have confirmed that the primary storage area of the PDR field begins to leak when the reservoir is pressurized above 750 pounds per square inch. In contrast, the primary storage reservoir pressure frequently reaches 1700 pounds per square inch, more than double the pressure that precipitates the gas leakage

E. SOCALGAS IS RESPONSIBLE FOR THE LEAKING GAS CONDITIONS AT PLAYA DEL REY BECAUSE THEY EXERCISED EXCLUSIVE CONTROL OVER THE OLD OILWELLS, AND THE DANGEROUS CONDITIONS CREATED BY THEIR DETERIORATED CONDITIONS:

SOCALGAS acquired exclusive control over hundreds of old oilwells that had been drilled, and many of them abandoned, prior to SOCALGAS undertaking gas storage operations

in the PDR field. As previously discussed, the Rick Lorio Report itemized the central defects in these old wells, including:

1. All wells have some uncemented segments. Few wells have any cement above 2000 feet. . . . but most remain the most permeable upward path for gas migration.

2. Casing shoe leaks due to poor deteriorated cement or to leakage through water shut-off holes in active or abandoned wells.

3. Surface casing and surface casing shoe cement (viz., at a typical depth of 700 feet) are not competent. Gas will build up inside surface casing and force its way into shallow aquifer sand.

4. Gas will surface at a non-leaking well, including at wells where the surface casing or shoe cement is not competent. Gas will spread over large area as it rises to surface lethargically.

O11-405 cont.

Surface casing leaks, especially in old abandoned wells, have been documented repeatedly at PDR over many years. The issues raised in paragraph 4, above, are especially important regarding the degree of care and soil gas monitoring necessary to identify which of the old wells are truly leaking. Namely, gas will surface at a non-leaking well. Accordingly, even if the well is reabandoned at the location where the gas is surfacing, this will not cure the leaking well problems.

This problem is especially serious at PDR because of the very extensive sand and gravel permeable zone that was laid down over geologic time by the original river channel flow of the Los Angeles River. This shallow, highly permeable zone, is commonly known as the "50 Foot Gravel." However, other permeable zones exist extending to a depth of approximately 600 feet.

In fact, the surface casing depth requirements (viz., typically 700 feet) are dictated by State of California law, mandating that the surface casing be protective of the fresh water zones

overlying the oilfield. Namely, the very conditions described in the Rick Lorio Report identify violations of State Law:

> "Gas will build up inside surface casing and force its way into shallow aquifer sand."

In short, the sealing integrity of the old surface casings, especially including the cement shoe at a typical depth of 700 feet, is pivotal regarding the operations and maintenance of the PDR field.

Historical drilling records reveal serious problems with achieving a competent cement seal when the surface casing was being cemented to the surrounding rock formation. This was especially serious for the Townlot Wells that were closer to the Pacific Ocean beach. The drill hole would often collapse during the drilling operation, preventing a proper cement squeeze at the shoe location of the surface casing. O11-405 cont.

Furthermore, saltwater intrusion from the nearby Pacific Ocean is also highly corrosive to the steel surface casing, and is known to cause significant deterioration of the concrete shoe materials.

These wells were drilled in the 1920's and 1930's, as identified herein in Exhibit 2. Certainly, when they were drilled in this early time period, there was no contemplation that the oilfield would ever be used for storing high pressure. The technology for storing natural gas in a partially depleted oilfield had not yet been invented in the 1920's/1930's. Also, the technology for performing well completions and cementing operations were still within their infancy.

The history of the oilwell acquisitions by SOCALGAS at PDR were largely dictated by the large volumes of storage gas that were leaking out of the primary storage area. Once the

storage pressure was raised above 750 pounds per square inch, storage gas began leaking into oilwells operated by Union Oil Company. Initially, Union Oil Company and SOCALGAS entered into an agreement regarding how much SOCALGAS would pay Union Oil Company for the return of the lost gas, plus any additional native gas produced by Union Oil from their wells. Eventually, all right title and interest to these wells were conveyed to SOCALGAS, with legal title conveyed pursuant to documents on file with the Los Angeles County Recorder's Office.

It was also discovered by SOCALGAS that storage gas was leaking into the area known as the Townlot Wells, and migrating as far north as the Troxel well location. For this reason, SOCALGAS acquired all legal interests to these wells, as documented in records on file with the Los Angeles County Recorder's Office.

O11-405 cont.

For the foregoing reasons, SOCALGAS has a direct legal ownership interest in these wells. The mere abandonment of these wells does not extinguish the responsibility of SOCALGAS over the proper monitoring and the maintaining of these wells in a safe condition.

The basic public policy of California is that every person is responsible for an injury, to property or person, caused by his or her lack of ordinary care or skill in the management of his or her property. See Civil Code Section 1714(a), and the numerous Appellate and Supreme Court decisions that have interpreted its application to ownership interests, such as are involved herein.

It is important to recognize that the surface casings of the abandoned wells extend into the surface rights area located above 500 feet. Rick Lorio points out in his report, as discussed above, the gas migration hazards created by this condition:

1. Because the casing stub is cut off within 100 feet of the surface, the entire surface casing fills with gas.

2. The gas leak unloads fluid from the well and the rate increases with time.

3. Eventually all of the fluid unloads and the leak rate stabilizes at a near constant daily rate.

These facts establish that there is an ongoing trespass to the surface property ownership interests, especially since the gas is leaking at a depth of approximately 100 feet. Furthermore, as described by Rick Lorio, the gas will spread over large areas as it rises to the surface lethargically. Accordingly, there are violations of trespass laws on adjoining surface properties as well.

These violations would also constitute nuisance because of the explosive and carcinogenic character of the migrating gases.

The Public Utility Code mandates by statute that all utility property be maintained in a safe condition. Accordingly, the legal ownership of the above-described wells by SOCALGAS imposes an obligation upon them to properly monitor and mitigate the hazards associated with these wells, as described above. O11-405 cont.

Furthermore, there is a need to provide proper warning to the surface owners regarding the need to take preventative measures to protect themselves and their property from the above-described leaking gases.

II. THE QUESTION BEING SUBMITTED TO THE COMMISSION, WHICH WAS "FRAMED" BY SOCALGAS, MAKES NO LOGICAL OR LEGAL SENSE IN THE CONTEXT OF THE TRUE FACTUAL ISSUES, AS SET FORTH ABOVE:

A. THE LEGAL ARGUMENTS ADVANCED BY SOCALGAS ARE MISPLACED, AND LACK FOUNDATION:

The specific question that has been "framed" by SOCALGAS, and not agreed to in that context by Grassroots Coalition, for submittal to the Commission by briefs is as follows:

> "Does SOCALGAS have responsibility for any non? storage and non? pipeline gas that migrates through an area where SOCALGAS owns the mineral rights but does not use SOCALGAS? active or abandoned wells as a conduit to migrate to the surface or from one underground reservoir or zone to another?"

Even if any scientific or legal sense can be made of this convoluted description, it still is objectionable because it lacks foundation regarding the issues relevant to this adversary proceeding.

As previously stated, the "Scoping Memo" identifies the relevant issues as follows:

> "If the SoCalGas Playa Del Rey gas storage facility is venting or leaking gas or depositing carcinogens into the air or soil to the detriment of the health or safety of the neighboring community" (emphasis added).

O11-405 cont.

Section I. of this report has addressed the factual foundation upon which this Scoping Memo addresses. The question posed above, as framed by SOCALGAS, goes far afield of this Scoping Memo by creating its own technical jargon.

First of all, it is not possible to scientifically define the term "non storage gas," and SOCALGAS has made no attempt to define this term. Fundamentally, when the natural gas is injected into the partially depleted PDR oilfield by SOCALGAS under extremely high pressures, this gas commingles with the native oilfield gases existing in the reservoir. Furthermore, these high-pressure conditions cause the commingled gases to migrate into numerous geologically connected oilfield reservoirs that contain even larger quantities of native gases. This multiple commingling constitutes the gases that become available to migrate up the old well bores and faults, as described in the SOCALGAS Rick Lorio report detailed above. This would also be the nature of the venting or leaking gases set forth in the Scoping Memo.

Secondly, even if there were so-called "non storage" and/or "non pipeline" gas migrating through the mineral rights territory of SOCALGAS, this gas would become commingled with the storage gas and the native gases, already commingled in mineral rights territories of SOCALGAS. In short, once the hypothetical gas migration occurred, it would automatically lose whatever unique identity it was presumed to have.

SOCALGAS has failed to give any clue as to how this identity is to be carried out scientifically.

Thirdly, the issue as framed by SOCALGAS, expressly excludes a determination by the Commission of responsibility for gas that migrates and uses SOCALGAS active or abandoned wells. As set forth in Part I. of this report, the central gas migration hazards at the PDR facility are the active or abandoned wells serving as conduits for the commingled gases to reach the surface, and into the near-surface permeable zones, including freshwater aquifers.

O11-405 cont.

Accordingly, any determination of the responsibility issues, as framed by SOCALGAS, would be meaningless within the context of the Scoping Memo.

B. SOCALGAS HAS MISUNDERSTOOD THE STANDARD OF CARE IMPOSED UPON THEIR UNDERGROUND GAS STORAGE OPERATIONS AT THE PDR FACILITY:

The fundamental premise of responsibilities imposed by negligence law, is the duty to act reasonably under the circumstances. This is established by determining the standard of care required. Conduct falling below this standard of care, can be found to be negligent conduct. The appropriate responsibilities, under the instant set of facts, are established by this standard of care.

Accordingly, it is meaningless herein to focus upon the single issue of mineral rights and/or storage. Although these become one aspect of the overall issues, they, in themselves,

misdirect attention away from the central issues identified in the Scoping Memo. The totality of contractual documents, and their specific languages need to be evaluated.

The Conditional Use Permit issued by the City of Los Angeles, and the contractual obligations imposed upon SOCALGAS regarding the prohibition of operating the gas storage facility at pressures that would cause gases to leak into the air, must be considered in establishing SOCALGAS responsibilities.

Various California Administrative Codes prohibit the leakage of gas from surface casings into adjoining permeable aquifers, and must be considered in determining SOCALGAS responsibilities. Violations of the Regulations could be deemed negligence per se under a negligence standard of care legal responsibility analysis.

O11-405 cont.

SOCALGAS has ignored these central issues in their legal analysis. In addition, they have ignored any legal issues related to strict liability. An entire body of law exists related to operating an abnormally dangerous activity, in which responsibility, or legal liability is imposed irrespective of the degree of care that is used in carrying out the operation. Namely, liability can be imposed even if SOCALGAS was able to show that they operated the PDR facility with utmost care.

The test to be used for determining if the PDR facility constitutes an abnormally dangerous activity is set forth in Restatement Second of Torts § 520:

> In determining whether an activity is abnormally dangerous, the following factors are to be considered:
>
> (a) existence of a high degree of risk of some harm to the person, land or chattels of others;
>
> (b) likelihood that the harm that results from it will be great;
>
> (c) inability to eliminate the risk by the exercise of reasonable care;

(d) extent to which the activity is not a matter of common usage;

(e) inappropriateness of the activity to the place where it is carried on; and

(f) extent to which its value to the community is outweighed by its dangerous attributes.

Central to this evaluation are items (d) and (e). Regarding (d), the extent to which the activity of storing gas under high pressure in a partially depleted oilfield, in an urban setting, is certainly an activity that is not a matter of common usage. Regarding (e), the above-described activity is certainly an inappropriate activity to be carried out in a high-density residential location.

Regarding item (c), the "inability to eliminate the risk by the exercise of reasonable care," is pivotal and central to this entire adversary proceeding, SOCALGAS has attempted to frame the legal issues in a context that would require them to make as few changes as possible to their current practices and procedures. The upshot of this nonaction by SOCALGAS to deal with the true gas migration hazards at the PDR facility would be the strong inference that there is an inability to eliminate the risk by the exercise of reasonable care.

O11-405 cont.

In summary, the nonaction by SOCALGAS to deal with these gas migration hazards – during this adversary proceeding – is tantamount to "inviting" a strict liability level of responsibility upon SOCALGAS.

CONCLUSIONS

There is a paramount need for SOCALGAS to set forth the specific policies and procedures that will allow proper monitoring and mitigation of the gas migration hazards at the PDR facility.

These policies and procedures should use as a primary framework the "Gas Inventory Monitoring, Verification, and Reporting Procedures" set forth in Exhibit 3 herein. Particular focus should be upon the shallow monitoring wells, and the gas collection wells detailed above in Section I. of this report.

In addition, these policies and procedures should focus on the surface casing leaks, including shoe leaks, that are enumerated in the SOCALGAS Rick Lorio Report, detailed above in Section I. of this report. This needs to include both active and abandoned wells.

Finally, a determination of responsibility by the Commission of the statement of issues as framed by SOCALGAS (see above) would be of no value in resolving the central issues of this Adversary Proceeding, as articulated in the Scoping Memo, as described above. In addition, to the extent that SOCALGAS is requesting the Commission to make a determination of legal ownership interests, including property rights involving the oil and gas mineral rights and/or storage, these property right determinations are under the jurisdiction of the Superior Court.

O11-405 cont.

DATED: ~~February~~ March 26, 2007

Respectfully submitted,

By: _____
Patricia McPherson
President, Grassroots Coalition

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **SOCALGAS LEGAL RESPONSIBILITIES REGARDING LEAKING AND MIGRATING NATURAL GAS AT THE PLAYA DEL REY GAS STORAGE PROJECT** on all known interested parties of record in C00-05-010, C00-05-011, and C00-05-012 by electronic mail included on the email list on the CPUC web site.

Dated at Los Angeles, California this 23rd day of February, 2007.

Kathy Knight

Kathy Knight

O11-405 cont.

From: patricia mc pherson
To: Jill Stewart
Subject: Fwd: Project Management Team and Public Participation/ Working Group/Stakeholder Participation
Attachments: Screen Shot 2014-10-28 at 6.23.22 PM.png
Screen Shot 2014-06-22 at 12.02.43 PM.png
Screen Shot 2014-06-21 at 7.33.28 AM.png
2004_memo from SCCtoDFG .pdf.pdf
CCC lttr 4.11.14.pdf
20140109 - Ballona Briefing 2013-06-10 v3.docx
ADDITIONAL COMMENTS JD COMMENTS copy.pdf
CA CONSERVENCY PUBLIC COMMENTS JOHHN DAVIS 3-29-2012.pdf

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: Fwd: Project Management Team and Public Participation/ Working Group/Stakeholder Participation
Date: October 28, 2014 7:03:56 PM PDT
To: sschuchat@scc.ca.gov, john.laird@resources.ca.gov, dwayman@scc.ca.gov, msmall@scc.ca.gov, SKINSEY@MARINCOUNTY.ORG

O11-406

TO: California Coastal Conservancy
Attn. Board Members
Steve Kinsey, Chair Coastal Commission
John Laird, Sect. Natural Resources

Sam Schuchat, Executive Officer
Mary Small- Ballona Wetlands Ecological Reserve Project Manager
Dick Wayman Communications Director
Joan Cardellino , South Coast Regional Manager

Dear Board Members, Officers, Directors, Managers and Ms. Small,

Please respond to the following request made by Grassroots Coalition and the Sierra Club, Airport Marina Regional Group,

As you may already know, the SCC and Ms. Small have been heavily engaged in the Coastal Conservancy's development project for Ballona Wetlands Ecological Reserve. Contrary to grant proposals written by Ms. Small, the public and the stakeholders that worked for 20 plus years to save the portions of Ballona Wetlands acquired with public bond dollars in 2004, have not been allowed to meaningfully participate in Alternative Planning for Ballona Wetlands. Freedom of Information Act responses and Public Record Act responses have been our sole link for attempting to understand what has been ongoing. Those same responses do illuminate the confusion and disarray of process that has occurred.

In good faith, we continue to ask to be a part of a true and meaningful process that

would necessarily include us as stakeholders and
members of the WORKING GROUP that have earlier been kept out of the process promised and established since the public acquisition of Ballona Wetlands.

The Coastal Conservancy, a member of the Project Management Team that includes private entities such as SoCalGas, Annenberg Foundation, the private Bay Foundation and also the AUTHORITY-Santa Monica Bay Restoration Commission/ County Flood Control.
The Sierra Club, among others, are part of the SMBRCommission's , Bay Watershed Council.

As can be seen in the following email between the County and Ms. Small and as is well established via other documentation, the agencies sent this request rely upon direction from the distributor of the public's bond funds, the Ca. Coastal Conservancy.
Contrary, to Ms. Small's comment that the CDFW was providing a response, no response has been forthcoming from any
parties listed below.

Please respond to our request.
Thank you for your assistance in these matters of great public concern and importance,
Patricia McPherson, Grassroots Coalition; Sierra Club, AM Regional Group

O11-406 cont.

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: Project Management Team and Public Participation/ Working Group/Stakeholder Participation
Date: June 22, 2014 3:07:42 PM PDT
To: meftek@dpw.lacounty.gov, Menerva Ariki <mariki@dpw.lacounty.gov>, cstone@dpw.lacounty.gov, Youssef Chebabi <ychebabi@dpw.lacounty.gov>, gfarber@dpw.lacounty.gov, jsvensson@dpw.lacounty.gov, kimberly.m.Colloton@usace.army.mil, "Ed@Wildlife Pert" <Ed.Pert@wildlife.ca.gov>, Director <director@dfg.ca.gov>
Cc: senator.lieu@senate.ca.gov, Bonin Mike <mike.bonin@lacity.org>, Karly Katona <KKatona@bos.lacounty.gov>, ExecutiveOffice <executiveoffice@bos.lacounty.gov>, Gary Walker <Gary@ArgonautNews.com>, Jill Stewart <jstewart@LAWeekly.com>, "David Goldstein J (KCBS-TV)"

<djGoldstein@cbs.com>, "Todd Todd Esq."
<todd@tcardifflaw.com>

TO: LA County Dept. of Public Works
USACE, Col. K. Colleton
CDFW, Mr. Bonham, Mr. Pert

FROM: Grassroots Coalition, Sierra Club, Airport/Marina Group
Patricia McPherson

RE: Inclusion of the Public/Stakeholders and Planning/ Working Groups in the Project Management Team (PMT) Planning and Review of the Restoration of Ballona Wetlands Ecological Reserve

Dear County, USACE Participants,

This is a request for inclusion of the public and Working Groups into the planning and review aspects of alternatives input, determination and restoration objectives and needs for the Ballona Wetlands Ecological Reserve restoration. This would necessarily include our participation in the ongoing Project Management Team meetings.

O11-406 cont.

The history of utilization of the bonds dedicated to the restoration of Ballona reveals that the public has been denied the participation envisioned and written into
the bond language and all subsequent agreements and bond approvals.

We, the public, stakeholders and Planning/ Working Group members, of which Grassroots Coalition and the Sierra Club Airport/Marina Group are part, again request that the tenets of the bond language and agreements be honored thus, allowing ours and others' participation in the Project Management Team meetings for Ballona as well as allowing for bonafide and legitimate conversation and response with and from the members of the Project Management Team.

Herein, are provided some of the tenets of the process that support our request. We would appreciate a prompt response to this request as the use of public bond dollars as well as other public funds are being expended and exhausted rapidly without proper process including but not limited to, due public process and participation.

The Working Groups have extensive knowledge and data that should be a part of ongoing dialogue and discussion and review that, without

such participation large data gaps are currently evident. Impartiality has not been allowed to take place as envisioned and directed into the process.

The promotion of a singular outcome of 'estaurine'-full tidal can be demonstrated in contractual documents between the California Coastal Conservancy and its subcontractors. (April 29, 2005 contractual letter from the Coastal Conservancy to Southern California Coastal Water Research Project (SCCWRP) and its subcontracted group- Science Advisory Committee (SAC))

Discussion of reasonable alternatives that should include the historically relevant conditions upon Ballona namely, as a predominantly freshwater, seasonal wetland/ upland complex have not been generated or analyzed. This problem can be noted from state agency acknowledgement of lack of onsite hydrology studies, and lack of acknowledgement of the ongoing drainage of Ballona freshwaters in the Letter from the California Coastal Commission to Playa Capital LLC and copied to California Department of Fish and Wildlife (CDFW). (Attachment-CCC Letter)

In this CCC Letter there is lengthy discussion of the importance of freshwater to the survival of Ballona Wetlands. The CCC has determined that the water drainage devices installed by Playa Capital LLC and allowed to exist by CDFW are harmful to the wetlands and were not sanctioned by the CCC. No mention of these drainage devices and subsequent harm has been noted in any study by SMBRCommission/ FOUNDATION or any state agency subcontract. Therefore, comments made by the County to the effect that the SMBRCommission/Foundation has performed exhaustive studies regarding the habitat and hydrology of Ballona are unfounded and without merit. The County's lack of response altogether regarding GC's comment letter citing lack of Ballona groundwater/aquifer studies --speaks quiet volumes to the acknowledgement of such a failure of basic site study.
County response to GC- 20131120-Summary of attachments for 408 permit JTS.docx

O11-406 cont.

Furthermore, new discoveries and documentation of Ballona flora and fauna, including rare and endangered species, exist because of independent public investigation. This information has proven the SMBRCommission/Foundation baseline studies to be lacking and incorrect however, this information has not been part of the PMT discussions and not made part of the Ballona Alternatives Analysis. Instead, there has been a systematic shut out of public engagement and failure to address issues raised by the public. **Therefore, in**

order to alleviate a wasting of the public dollars and in promotion of a scientific and reasonable review and inculcation of viable and historically relevant alternatives, there needs to be inclusion of the public and all of the publicly garnered information which is not being inculcated and/or addressed in any meaningful way.

Even the County's own PRA responses have documented the fact that no Ballona aquifer studies have been done and are thus not included into the current EIR/S process and/or 408, 404 process.

It is also interesting to note that the PMT group includes the very contractors that are currently or formerly contracted to either Playa Capital LLC and or are Southern California Gas Company (SCG) employees. It appears that potential Conflict of Interest may have not been adequately addressed in PMT choices. These contractors are inclusive of Psomas and those in their employ on behalf of Playa Capital LLC, that either provided inaccurate information or remained silent in offering supporting information to the CCC position. Evidence now exists in the possession of the CCC that reveals the failure to provide forthright information from these entities regarding their knowledge of the unpermitted and harmful freshwater drainage devices. They include SMBRFOUNDATION staff and CDFW staff.

O11-406 cont.

Additionally, inclusion on the PMT currently provides the appearance of pay to play. Aside from the contractors who have much to gain financially as part of the PMT, members include personnel of the Annenberg Foundation which is already providing hundreds of thousands of dollars to CDFW in order to forward a personal agenda that is Wallis Annenberg's desire to have a dog and cat adoption facility upon Ballona Wetlands Ecological Reserve. AF agreements with CDFW rely upon CDFW's work to change current regulations precluding such use upon a wildlife reserve. If CDFW can remove the current protections upon Ballona as a reserve, then AF will further provide financial assistance for the Preferred Alternative. The Preferred Alternative, will dig out Ballona on an industrial scale to create saltwater intrusion, which will contaminate and destroy Ballona's freshwater aquifers. Ballona's freshwater aquifers are currently classified by the Regional Water Board as 'potential drinking water'. The Preferred Alternative, which is the object of the County and USACE PMT work, will also create drainage of Ballona's freshwater aquifers.

Inclusion of the public and Working Groups aside from being a requirement of the restoration process would provide for an independent view that does not have personal financing at stake.

It is disturbing that regarding the very serious and potentially hazardous oilfield gas issues that exist at Ballona, the PMT group is

inclusive of SCG personnel but has no independent outside oilfield expertise with which to have an unbiased opinion of the SCG operations and potential ability to safely abandon/ relocate oil/gas wells/ lines. While certain references do exist as to the SCG Settlement Agreement (SA) and the conditions of monitoring/ testing that are supposed to occur ARE acknowledged; there has been no attempt made to understand the SA and/or any inclusion of the other party to the SA---namely Grassroots Coalition(GC). Grassroots Coalition has a wealth of information to which is cause for the SA to have occurred under California Public Utilities Commission oversight. However, GC has not been allowed to participate in the PMT thus far, or at any time had any outreach from any agency in any attempt to understand what data is available and what concerns and failures to adhere to the SA are current.

While the USACE discusses in the 2005-12 EIR/S -Feasibility Study language that all available information will be utilized, there has been no outreach for inclusion of such materials pertaining to SCG and the extensive gas migration hazard issues that exist per SCG wells and the gas migration mitigation systems that are currently dewatering the wetland's freshwaters in Playa Vista. The oilfield gas issues pertaining to the Ballona area and their potential effects and existing effects upon subsidence, greenhouse gas exposures and toxic gas exposure hazards, saltwater intrusion hazards upon well integrity etc. have not been discussed or inculcated in any meaningful way.

O11-406 cont.

The USACE litigation losses that have occurred per oilfield issues have been large. Case in point would be King Harbor and USACE litigation failures per the Wilmington Oilfield pertaining to subsidence issues that went unheeded. It would be prudent to provide for transparency and honest review of these issues prior to determining any 'preferred alternative'.

The public was promised a good faith effort and indeed, all of the bond approvals, agreements are predicated upon such good faith inclusion in participation and meaningful dialogue and responsiveness. Please honor the bond language and agreements pertaining to the restoration process for Ballona and therefore, include the public in the PMT meetings and process of restoration of Ballona Wetlands Ecological Reserve.

Public Record Act requests to the County reveal the County's, Mr. Holland asking IF the so-called 'restoration of the meandering channel' IS THE HISTORIC Ballona Creek pathway. There is no answer provided to Mr. Holland's query in the County document. However, the answer is NO. Had the County utilized even the SMBRC contracted historical report by Travis Longcore et al, Mr. Holland would already know that the 'meandering channel' NEVER EXISTED. The entire County/ USACE staff would/could already know that but for thousands of years ago, Ballona has not been

regularly open to the Santa Monica Bay. The County would already know that but for seldom occurrences of heavy rainfall storm events, the Ballona Creek would not have been able to push its exit out into the Santa Monica Bay. The PRA'd PMT spreadsheets thus far, reveal a great lack of historical knowledge about Ballona on the part of the County and USACE while their work and review is adhering to a premise of Project that is wholly misleading and false provided by a private nonprofit--the Santa Monica Bay Restoration Foundation. While the nonprofits that worked to save the Ballona lands from development and were successful are thus far not allowed participation, this private nonprofit business has been providing the directions to the agencies. (See 408 Application reports and information are all generated from the website of SMBRFoundation(Bay Foundation) . It is Bay Foundation staff that are also on the PMT.

The state should not be favoring one independent nonprofit with financial gain at stake, over the Ballona Restoration Planning Working Group of multiple independent nonprofits that have spent the past 20 plus years working at studying and protecting Ballona and who became successful in saving Ballona as a wildlife sanctuary.

Ballona Wetlands Ecological Reserve is primarily a freshwater seasonal wetland/upland complex as described by Dr. Travis Longcore in numerous studies of closure dynamics which are available online and per the papers and presentations on cited links below. O11-406 cont.

Implications of Ballona Wetlands Restoration-You Tube
https://www.google.com/search?q=travis+longcore+ballona+closure+dynamicshistorical+&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a&channel=sb

Historical Ecology of the Ballona Creek Watershed
https://www.google.com/search?q=travis+longcore+ballona+historical+&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a&channel=sb

GC also provides the independent, expert analysis of Margot Griswold- one of SoCal's foremost and respected restoration ecologists.

Margot Griswold, Restoration Ecologist…You Tube
https://www.google.com/search?q=Margot+Griswold+ballona+u+tube+presentation+&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a&channel=sb

Below-screen shot of portion of 2004 Memo of Agreement - This memo provides a foundational context of participation that has not been performed.

Below is a County document garnered via Public Record Act. It is notes of a **Ballona Wetlands Restoration Project Administrative Briefing--June 10, 2013**

It is clear from its contents that the County is engaging itself in a singular PROJECT per the "Project Scope A. Removal and/or replacement of 4,500 feet of Ballona Creek with natural meandering channel (see attached maps)"

Such engagement presupposes a predetermined outcome, a predetermined outcome is contrary to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) requiring review of ALL REASONABLE ALTERNATIVES. Further, it is contrary to the public bond requirements of provisions for the public, stakeholders and Planning/ Working Groups that have NOT been allowed to participate in any meaningful forum for alternative input and review. (See Complaints GC and John Davis to California Coastal Conservancy to which there has been no response)

O11-406 cont.

In Section II. C. It states that Santa Monica Bay Restoration Commission (SMBRC) is the 'primary project proponent'.
Public Record Act requests for any/all SMBRC requests for County engagement have resulted in the response -"There are no documents responsive to this request."
Therefore, it has become very clear that no request by SMBRC to the County has occurred. Therefore, unless and until a legitimate foundation for
work being done is established, there is only hearsay and rumor that is carrying the wave of activity ongoing which has been and continues to be **OUTSIDE**
of PROPER PROCESS and OUTSIDE of PUBLIC DISCLOSURE AND PARTICIPATION.

Section II. E. States, "$100M Estimated project budget, acquisition cost $139M in 2003."

The $100M estimate for project budget DOES NOT MATCH THE

PROJECT BUDGET OF THE 2004 MEMO agreement.
Why does the County include the 2003 date of acquisition cost and yet NOT INCLUDE all of the bond documents and agreement language that
contradict the $100M estimate and ask itself WHAT IS GOING ON HERE?? Who is authorizing such a runaway budget and where are all the substantiating documents to support that proper process including public support and inclusion has occurred or is occurring?

The fact that the public's only available and credible information, regarding Ballona's restoration planning, is being garnered via Public Record Act requests and Freedom of Information Act requests should serve as RED FLAG warnings, signaling a close out of communications and outreach to and with the public. The very outreach and communications that must honestly occur for federal, state and county agents to acquire and utilize public bond and tax dollars, is clearly not occurring.

O11-406 cont.

The County did not provide adequate NOTICE of the impending 408 Application and Priority Listing of Ballona Wetlands Ecological Reserve to the public and provided no outreach per PRA documents that reveal communications between County staff and the SMBRAuthority -Shelly Luce and Exec. Dir of the Coastal Conservancy S. Shuschat/ Mary Small for such outreach to occur via Grant 12-107. There has been a failure to NOTICE the public and failure to utilize and provide accountability for grant agreement 12-107.

For these reasons and more, we request an end to the continued exclusion of the public and request inclusion into the PMT and planning and restoration process for
Ballona Wetlands Ecological Reserve.
Respectfully,
Patricia McPherson, Grassroots Coalition, Sierra Club, Airport-Marina Group

Coastal Conservancy

MEMO

August 13, 2004

TO: Chuck Raysbrook, South Coast Regional Manager
Terri Stewart, Lands Manager
California Department of Fish and Game

CC: Pam Griggs, Staff Counsel and Project Manager, State Lands Commission

FR: Marc Beyeler, Southern California Regional Manager
Mary Small, Senior Project Manager, Ballona Wetlands Restoration Planning Project
State Coastal Conservancy

RE: Ballona Wetland Restoration Planning, Proposed Approach

This memo outlines the Coastal Conservancy's proposed approach for planning the restoration and enhancement of the Ballona Wetland Restoration Project ("the project"). The restoration plan will be developed for all of the lands owned (or soon to be owned) by the Department of Fish and Game and the State Lands Commission, as shown on the attached map, a total of approximately 607 acres. The project area will include the 547 acres, parcels "A," "B," and "C", owned (or soon to be owned) by the Department of Fish and Game and the approximately 60 acres currently owned by the State Lands Commission (38 acres within the Freshwater Marsh and 22 acres in the Expanded Wetlands Parcel). O11-406 cont.

The project will develop restoration alternatives for the state owned properties. Consistent with the recommendations of the Wetland Recovery Project's Regional Strategy, restoration planning will be conducted within the landscape and watershed context, with attention paid to adjacent and ecologically related resources. This comprehensive planning approach will increase the efficiency of the planning, environmental review and permitting processes resulting in lower overall costs and superior restoration alternatives. Restoration planning is expected to take three years and cost up to two million dollars.

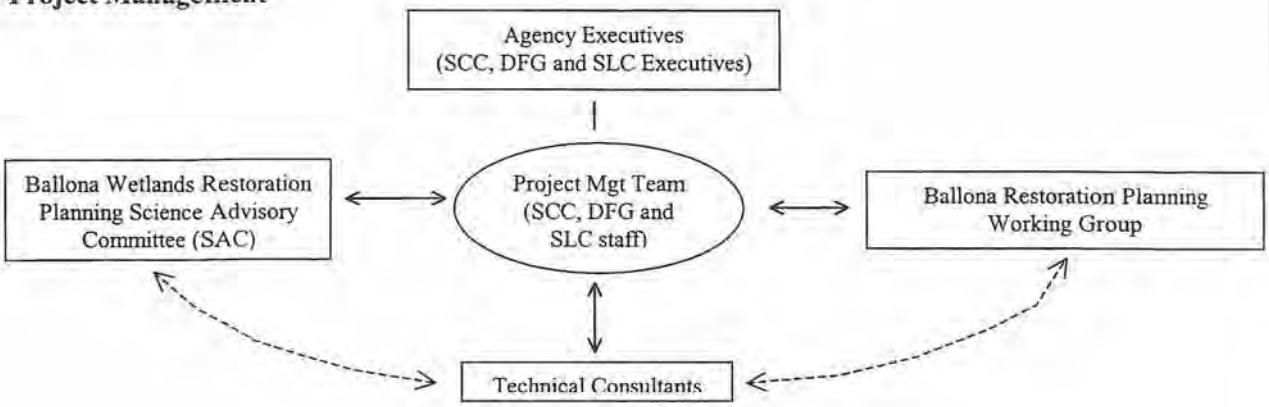
Goals/Principles

The restoration plan will be based on the best science, incorporate technical scientific expertise, and will be developed through a transparent planning process that allows stakeholders to provide input and comment on all restoration planning products. The restoration planning process will develop and analyze a range of alternatives to implement the following project goals:

* Restore and enhance a mix of wetland habitats to benefit endangered and threatened species as well as other migratory and resident species;
* Provide for wildlife-oriented public access and recreation opportunities; and
* Implement a technically feasible, cost-effective, ecologically beneficial and sustainable restoration.

1330 Broadway, 11th Floor
Oakland, California 94612-2530
510·286·1015 *Fax:* 510·286·0470

Project Management



The principal state agencies, the State Coastal Conservancy (SCC) and Department of Fish and Game (DFG) will work together to develop a restoration plan for the Ballona Wetlands. The two principal state agencies will cooperate with the State Lands Commission (SLC), the current owners of a portion of the Ballona Wetlands, including the recently constructed Freshwater Marsh. All the cooperating state agencies will actively encourage and plan for the participation of interested stakeholders, agency representatives, technical and scientific experts, and members of the general public.

O11-406 cont.

Decisions about the restoration plan will be based on the best available science, with input from technical scientific experts, stakeholders and the public. Each state agency involved in the planning process will respect the right and discretion of its own decision-making body and will work cooperatively to resolve planning, funding, or other issues as they arise. A project management team consisting of staff from SCC, DFG, and SLC will meet regularly to provide updates on the restoration planning.

The SCC will develop and manage the workplan, budget, and schedule for restoration planning. The SCC will provide funding for the planning effort, which is estimated to take about three years. The SCC will manage funds made available to or by SCC for restoration planning, hire and manage contractors, and ensure availability of its project management staff to oversee day-to-day project management.

DFG, as the landowner, will be the applicant for any permits needed for the restoration project and the lead agency for purposes of CEQA. DFG and, to the extent its lands are proposed for restoration, SLC, will have final discretionary authority and approval of the environmental document, with respect to their respective ownerships, prepared for the restoration planning and construction.

Ballona Restoration Planning Working Group: Stakeholder Committee and Public Involvement

A Ballona Restoration Planning Working Group (BRPWG) made up of interested organizations, agencies, and individuals, will meet periodically to obtain project status updates, to provide input, and to support the restoration planning process. These meetings will be open to the public. Subcommittees may be established to address specific issues that may arise during planning.

Ballona Wetlands Restoration Planning Science Advisory Committee (SAC)

A scientific advisory committee made up of wetland restoration scientists will be assembled at the beginning of the restoration planning process and will meet regularly to review the science used in the development of the restoration plan and to guide implementation of an adaptive management and monitoring program. Members of the SAC can be nominated by interested stakeholder organizations, public agency representatives and members of the public. Members of the SAC shall be selected by the Project Management Team to include a variety of relevant wetland restoration experience and expertise.

Work Program Overview

The Coastal Conservancy shall be responsible for developing a work program for the restoration planning project, working with the members of the Project Management Team, the Working Group and the SAC. A draft outline of work program tasks and preliminary budget estimates have been provided below.

Task	*Estimated Budget*
Baseline Conditions: Opportunities & Constraints Report	$50-150K
Geographic Information System (GIS)	50-100K
Pre-Construction Monitoring	150-200K
Develop Restoration Alternatives	150-250K
Alternative Feasibility Analysis	250-300K
Environmental Impact Analysis	250-300K
Final Design	250-350K
Permitting	150-200K
Public Outreach	100-150K
Total Estimated Budget	$1.40-2.0 M

O11-406 cont.

Baseline Conditions – Opportunities and Constraints Report
Collect existing data, identify data gaps and outline opportunities and constraints at the site. Data will be collected for the following types information: habitat, hydrology, water quality, topography, soils, cultural resources, infrastructure, etc.

Geographic Information System (GIS)
Develop a project GIS component, providing for user-friendly access to much of the baseline conditions information, including historic and current aerial photos, site topography, site infrastructure and other relevant data.

PreConstruction Monitoring
Design and implementation of a monitoring program to establish pre-project baseline conditions. This monitoring will be designed to enable the evaluation of project success and to determine possible effects to existing conditions.

Develop Restoration Alternatives
Develop restoration alternatives that achieve the goals and objectives of the project and include alternative construction methods and different long-term habitat mixes. Draft and final alternatives will be presented to the BRPWG and the SAC for input.

Alternative Feasibility Analysis
At least three alternatives will be analyzed to determine environmental, technical and economic feasibility. Modeling may be required to design an effective restoration strategy, evaluate site evolution over time, and analyze the benefits and impacts of the alternatives with regard to habitat evolution, water quality, and other factors. Planning level cost estimates will be prepared as part of this analysis.

Environmental Impact Analysis
Alternatives will be analyzed to determine potential environmental impacts in compliance with CEQA and NEPA.

Final Design – Construction Drawings
Complete detailed design and construction level drawings for the entire project area. Designs will be developed to allow for implementation in manageable phases.

O11-406 cont.

Permitting
Regulatory agency staff will be kept informed of the project alternatives as they are developed and will be invited to attend meetings at key points in the design process. Once a final design is developed, DFG (and SLC if necessary) will obtain permits necessary to start construction.

Public Outreach
Conduct public outreach efforts to ensure that the public remains informed about project status and has opportunities for involvement in the planning process. Communication with and input from the community and interested organizations will be achieved using a variety of means, such as: periodic working group meetings, other public meetings and workshops, a website, email notices, press releases, and presentations.

Project Schedule

A graphic schedule of the overall planning process is attached. The schedule for restoration planning is estimated to take approximately three years. The schedule identifies key elements of the planning process, such as the periodic meetings of the working group and the science advisory committee, as well as anticipated major milestones. The schedule is intended to guide overall planning, but the actual schedule will be subject to numerous external factors.

Next Steps – Project Initiation

Below is a breakdown of tasks to be completed during the project initiation phase.

Month	Activity
August	Prepare project management schedule and approach
September	Community Briefing: present restoration planning approach Solicit SAC nominations, select members Prepare draft restoration consultant team RFQ
October	Community Design Charrette/"Visioning" workshop First SAC meeting: refine restoration goals & objectives; review and refine draft RFQ; define data needs and data sources
November	Interview prospective consultants (project mgt team and SAC representatives) Finalize scope of work and contract
December	SCC Board Meeting - authorize planning funding Hire Consultant Team First BRPWG meeting: introduce consultant team, review/advise: goals & objectives
January	Start work under consultant contract

O11-406 cont.

The Coastal Conservancy seeks your input on the overall planning approach, the structure of the proposed project organization, as well as input on the individual tasks and proposed budget. We seek your concurrence of the various elements of the approach before we, the Coastal Conservancy, Department of Fish and Game, and State Lands Commission, brief the interested community on the planning process. We would like to schedule that meeting during the last two weeks of September. We are available to discuss the contents of memo at your convenience.

Sincerely,

Marc Beyeler
Southern California Regional Manager

Mary Small
Senior Project Manager, Ballona Wetlands
Restoration Planning Project

Cc: Sam Schuchat, Executive Officer, Coastal Conservancy
Elena Eger, Senior Staff Counsel, Coastal Conservancy
Deborah Ruddock, Senior Project Manager, Coastal Conservancy
Kara Kemmler, Project Manager, Coastal Conservancy

Ballona Wetlands Restoration Project
Administrative Briefing – June 10, 2013

I. Project Scope

A. Removal and/or replacement of 4,500 feet of Ballona Creek channel with natural meandering channel (see attached maps)
B. Restoration of approximately 600 acres of coastal wetland and upland habitat
C. Project Website: http://santamonicabay.org/ballonarestoration.html
   1. FAQs: http://santamonicabay.org/BWRP/bwrpFAQs.html

II. Project Proponents and Budget

A. Site owned by State of California and managed by the CA Dept. of Fish and Wildlife as an ecological reserve. CA Coastal Conservancy and CA State Lands Commission are participating partners
B. LACFCD has easement and maintains Ballona Creek within project boundaries
C. Santa Monica Bay Restoration Commission (SMBRC) primary project proponent
D. Consultant team, managed by SMBRC, led by ESA PWA
E. $100M Estimated project budget, acquisition cost $139M in 2003.
F. Work funded by State bonds, as approved by CA Coastal Conservancy in 2004.

III. Public Work's Role

A. LACFCD is the applicant for the USACE 408 permit, required to modify the existing channel owned and operated by the LACFCD
B. LACFCD costs
   1. $160,000 in labor as of June 1, 2013, no limit established
   2. $190,000 tentatively committed to cost of USACE WRDA agreement
C. Provide comments and feedback on the technical aspects of the project
D. Potentially enter into long-term commitment to maintain some elements of the project
E. Watershed Management Division is the primary coordinator of the Department's Technical Review Committee (TRC), which also includes:
   1. Design
   2. Flood Maintenance
   3. Geotechnical & Materials Engineering
   4. Programs Division (Env. Planning)
   5. Survey/Mapping
   6. Water Resources
   7. Watershed (Flood Analysis)

IV. Current Tasks and Other Issues

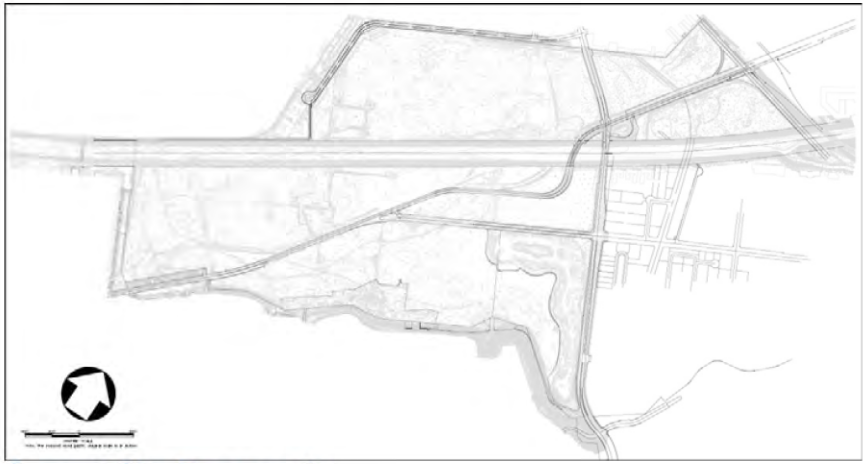
A. Submit 408 permit application "Submittal A" to USACE by end of June 2013
   1. LACFCD will be official applicant, co-signed by Dept. of Fish and Wildlife
   2. Submittal includes several sections, including detailed project description, preliminary design, hydraulic/hydrologic analysis, and geotechnical analysis
B. Complete 408 WRDA agreement with the USACE
C. Prepare MOA with the SMBRC and the CA DFW for project maintenance and responsibilities
D. Consultant is drafting project description as part of EIR preparation
E. Project is already drawing substantial opposition from certain members of environmental community

O11-406 cont.

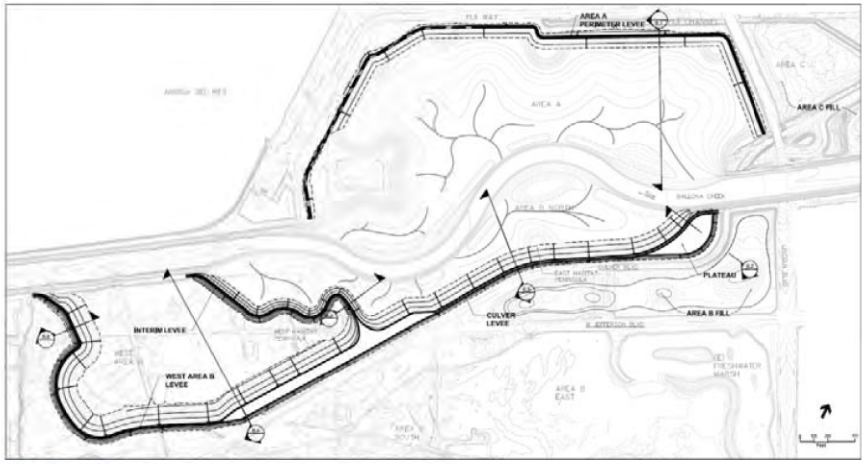
Ballona Wetlands Restoration Project – Project Maps

Proposed Project Boundaries

Proposed Habitat Zones



Current Site Topography



Perimeter Levees

O11-406 cont.

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *Governor*

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

April 11, 2014

Playa Capital Company, LLC
c/o Rick Zbur
355 South Grand Avenue
Los Angeles, CA 90071

Re: Unpermitted drains located in Ballona Ecological Reserve

Dear Mr. Zbur:

Thank you for your December 11, 2013 response to our June 12, 2013 letter. Our June 12 letter described installation of two drains and drain lines in the Ballona Ecological Reserve without the required coastal development permit. After carefully reviewing the information that you included with your letter, our position on installation of the drains at issue has not changed: installation of the drains requires a coastal development permit from the Coastal Commission. As explained below, the unpermitted drains were not authorized, as you contend, by Coastal Development Permit No. 5-91-463, as amended ("the CDP"), which authorized construction of the Ballona Freshwater Marsh ("BFM"). Moreover, the subject drains are located in the Ballona Ecological Reserve within natural habitat and a wetland that rely on water to function. Thus the presence of the subject drains is clearly detrimental to natural habitat and the hydraulic functioning of the wetland. O11-406 cont.

The two unpermitted drains at issue ("Unpermitted Drains") are located in the Ballona Ecological Reserve, one north of Culver Boulevard and the other south of Culver Boulevard. The Unpermitted Drains are not located within the BFM, but instead within natural saltmarsh and habitat areas separated from the marsh area of the BFM by Jefferson Boulevard. The Unpermitted Drains are not described in the CDP application, nor are the drains identified in the plans submitted with the application and presented to the Commission for approval. Thus the Unpermitted Drains were never authorized through the CDP, or by the Commission in any way that we are aware of.

As a point of clarification since your letter appears to conflate several separate structures, the Commission-approved BFM main drain line and the two other outlets from the BFM (in addition to the main drain line) that are critical to maintaining water levels in the BFM, and which are specifically identified in the CDP application and accompanying plans ("Approved BFM Drain" and "Approved BFM Outlets"), are not at issue in this enforcement matter. Each of these components is identified and described in the CDP application and accompanying plans, which comprise the development approved by the Commission via the CDP. By contrast, the Unpermitted Drains were not identified in the CDP application or its accompanying materials or plans. For reference I've attached a site plan submitted to the Coastal Commission that show the Approved BFM Drain and the Approved BFM Outlets. I've also annotated the plan to show the locations of the Unpermitted Drains, which are not depicted on the approved plan.

Below, I respond to points raised in your December 11 letter related to the Unpermitted Drains. However, first I provide some background and clarification on the purpose and functions of the BFM in order to explain that the Unpermitted Drains function inconsistently with the habitat enhancement, water quality and flood control objectives of the BFM and in no way does the BFM rely on the Unpermitted Drains to perform its necessary functions. Please note that some of our responses to the points you raised in your December 11 letter are provided in the background section below.

Background

The BFM was approved by the Commission pursuant to CDP No. 5-91-463 (as amended) on September 13, 1991. The project is designed to integrate water quality protection functions, habitat creation and restoration, and stormwater control. The first function of the BFM is to collect runoff via inlets specifically identified in the CDP application and accompanying plans. Each of these approved inlets flow into the BFM. The CDP application describes the process by which the BFM achieves its water quality objectives:

> The water quality functions would be performed by the input of a year-round supply of clean freshwater into the system and through the natural processes of a wetlands – sedimentation, adsorption, and transformation – which would reduce levels of pollutants in stormwater and other urban runoff that drains into the system. The freshwater wetlands system would trap and remove pollutants in stormwater runoff as the water moves slowly through the system. Water cleaner that the stormwater runoff originally put into the system would then flow into the Ballona Flood Control Channel or into the salt marsh, thus enhancing the resource values of those areas. [Appendix 5, page 2]

O11-406 cont.

The Unpermitted Drains do not support the water quality objectives of the BFM; the Unpermitted Drains do not direct water into the BFM to be subject to the wetland treatment processes described above. Instead, water flows into the Unpermitted Drains, then untreated into the Ballona Channel.

The second function of the BFM, habitat creation and restoration, is the product of collecting stormwater and treated groundwater within the marsh area of the BFM. This process fosters vegetation growth and, in turn, provides wildlife habitat. The habitat function of the BFM and its reliance upon stormwater is further described in the CDP application:

> The 52-acre freshwater wetland system proposed by Maguire Thomas Partners – Playa Vista, includes a 25-acre riparian corridor and a 27-acre freshwater marsh. This system is to be planted with marsh vegetation, willow woodland and mixed riparian habitat over a three-phase construction period lasting 10 years. It is designed to create new and restore currently degraded freshwater wetland habitat and to enhance their associated uplands. In order to maintain the proposed vegetation and habitat of the system, a water supply of reliable quantity and quality is needed.
>
> ...

- Using two sources of supply (storm runoff and treated groundwater) that are consistent with the urban setting of the Playa Vista project, a completely satisfactory quantity of fresh water would be provided to establish and sustain 52-acres of wetland vegetation and the freshwater need of wildlife. (Appendix 11, ps. EX1-2)

As noted above, the Unpermitted Drains do not drain into the BFM, thus they do not contribute water to the BFM and thus do not contribute to its habitat function. In fact the effect of the functioning of the Unpermitted Drains is deleterious to habitat because the Unpermitted Drains direct water away from habitat areas within the Ballona Ecological Reserve, including a wetland area.

Another function of the BFM is stormwater management and this indeed was a stated objective for constructing the BFM. In contrast to the functioning of the BFM, during all but the most extreme storm events, the Unpermitted Drains do not provide any necessary flood protection because of the elevation of adjacent Culver Boulevard. The BFM project engineer, in describing the value of the Unpermitted Drains, or lack thereof, notes in July 11, 2013 email to staff at the Santa Monica Bay Restoration Commission, and others, that: "If these inlets were plugged, there would be no chance of any flooding ever reaching the adjacent roadways as the roads are about three feet higher than the surrounding grades. A three foot storm would be something on the order of the 1,000,000-year event (purely a guess, but you get the idea) and L.A. would not notice a little flooding here." O11-406 cont.

Moreover, the Unpermitted Drains are not designed to function when flood control devices would be expected to, i.e. during storm events. During storm events when the water levels in Ballona Channel are elevated, the flapgates in the Approved BFM Drain close in order to prevent water from flowing from the Ballona Channel and out through the Approved BFM Outlets into the BFM. When these flapgates in the Approved BFM Drain close during storm events, water will not flow through the Unpermitted Drains into the Approved BFM Drain, consequently, water will pond in the location of the Unpermitted Drains. Thus, it appears that the idea that stormwater control benefits are provided by the Unpermitted Drains is, at best, dubious. However, as a result of below-grade and at-grade inlets in the Unpermitted Drains, the Unpermitted Drains remove water in the ground and on the surface at all other times water is present. This is a continuous detriment to wetland hydrology and habitat that relies on water to function.

Coastal Development Permit Required

The Unpermitted Drains were not identified in the CDP application or accompanying plans and materials. Therefore, the Unpermitted Drains were not reviewed by the Coastal Commission and installation of the Unpermitted Drains was not authorized via the CDP. Furthermore, the Unpermitted Drains do not, as detailed above, perform any of the intended functions of the BFM and thus could not have been somehow approved in concept by the Commission.

Pursuant to Section 30600(a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined by Coastal Act Section 30106 as:

> "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....[underling added for emphasis]

Installation of the Unpermitted Drains constitutes development under the Coastal Act and, therefore, requires a coastal development permit. Any development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. O11-406 cont.

Our goal is to resolve this situation amicably and as quickly as possible so that all parties can move forward. We greatly appreciate your time and input and look forward to discussing this matter further and working on a consensual resolution to this matter. To that end, subsequent to the substantive responses to your letter, below, I propose a potential path forward to resolve this matter collaboratively.

Staff Responses to Section A

You note, as a preliminary matter, that Playa Capital Company, LLC ("PCC") does not currently own the property upon which the Unpermitted Drains are located. You do not specifically argue that as a result of this lack of property interest at the present time, PCC is not liable for installation of the Unpermitted Drains, however, I note that liability for Coastal Act violations attaches to the property owner upon which unpermitted development is located *and to the party that undertook the unpermitted development*. Documents submitted to the City of Los Angeles regarding construction of the Approved BFM Drain indicate that installation of the Approved BFM Drain was commenced by PCC's predecessor-in-interest, Maguire Thomas Partners ("MTP"), and completed by PCC. The Unpermitted Drains connect to the Approved BFM Drain (but as noted above, do not contribute to the functioning of the BFM) and logically then were constructed by PCC and/or its predecessor-in-interest at the time the Approved BFM Drain was constructed. Contemporaneous construction of the Unpermitted Drains and the Approved BFM Drain does not establish, however, that the Unpermitted Drains were authorized pursuant to the CDP. As described above, the Unpermitted Drains are not described in the CDP application or depicted in the accompanying plans, in contrast to the Approved BFM Drain, which is described and depicted in the CDP application and plans.

You also provide in Section A your description of the function of the Approved BFM Outlets and equate the Unpermitted Drains with the Approved BFM Outlets. You assert that:

> *The outlet drains in question were initially incorporated in the Freshwater Marsh design with the approval of the City of Los Angeles, to protect the Ballona salt marsh located to the west of the Freshwater Marsh from imminent construction impacts, and, ultimately, to prevent flooding of the roadways adjacent to the Freshwater Marsh during severe storm events in the long-term.*

However, the Unpermitted Drains are distinct from the Approved BFM Outlets. The three Approved BFM Outlets (including the Approved BFM Drain) are identified in the CDP application and plans. These outlets allow for freshwater to be directed from the BFM into the Ballona Channel or into the saltmarsh west of the BFM when needed to adjust salinity levels in the saltmarsh. The CDP application specifically identifies the Approved BFM Outlets as such:

> *Three water management structures are included in the design of the system: a spillway system between the freshwater marsh and the salt marsh, a sluice-gate structure between the freshwater marsh and the salt marsh, and a control weir with a tide-gated outlet between the freshwater marsh and the Ballona Channel.* [pgs. II-7-8]

O11-406 cont.

Clearly none of these descriptions pertain to the Unpermitted Drains. The Unpermitted Drains can be further distinguished from the Approved BFM Outlets in a number of ways. First, the Unpermitted Drains are not depicted in the CDP application or the plans, as the Approved Outlets are, and thus the Unpermitted Drains were not approved by the Commission. Second, the Unpermitted Drains are not outlet drains. The Approved BFM Outlets provide outlets for freshwater water to move from the BFM into Ballona Channel and into the saltmarsh west of the BFM for salinity level management purposes. In contrast, the Unpermitted Drains do not outlet water from the BFM. Thus, categorically, the Unpermitted Drains are not "outlets" from the BFM. Instead, they drain water from native habitat and a wetland area separated from the BFM by Jefferson Boulevard. Third, the Unpermitted Drains do not direct drained water into the saltmarsh, thus they also do not share the function of the Approved BFM Outlets to provide the saltmarsh with freshwater. Finally, the saltmarsh that is protected by the Approved BFM Outlets that is referenced in the CDP application and associated documents is west of the BFM. In contrast, the Unpermitted Drains are located in the saltmarsh and habitat area north of the BFM.

Regarding the assertion in Section A that the Unpermitted Drains are necessary flood control measures that were approved by the City of Los Angeles, the lack of any flood prevention provided by the Unpermitted Drains is addressed above. In addition, as you are no doubt aware, even if the Unpermitted Drains were approved by the City of Los Angeles through local processes, such approval is not a substitute for authorization from the Commission and does not waive the coastal development permit requirements of the Coastal Act. Furthermore, no regulation is cited in the City's letter attached to your December 11 letter that confirms that there is a basis for the City to require construction of the Unpermitted Drains for flood protection. Nor could City staff identify such regulation in its discussions with Commission staff. In fact, in discussions with us, City staff had no objections to removal of the Unpermitted Drains, which is not surprising since the Unpermitted Drains provide negligible (if any) flood control benefits.

Staff Responses to Section B

In Section B, you again apparently confuse the Unpermitted Drains with the Approved BFM Outlets. As detailed above, in contrast to the Unpermitted Drains, the Approved BFM Outlets were approved by the Commission pursuant to the CDP and, again in contrast to the Unpermitted Drains, perform important habitat enhancement, water quality and flood control functions.

You also assert that staff was made aware of the plans to construct the Unpermitted Drains prior to construction of said drains (but subsequent to Commission approval of the BFM) and that staff concurred with their construction. Regardless of whether this assertion is true, and it is not, as explained below, the Unpermitted Drains were not a component of the CDP application; were not presented in narrative or graphic form, or in any manner to the Commission for review; were not authorized by the Commission pursuant to the CDP in any way; and there is no other Commission action that authorized the Unpermitted Drains. Furthermore, the assertion that staff was aware of plans to build the Unpermitted Drains prior to construction of said drains and concurred with their construction, which we did not, has no bearing on whether the Commission authorized construction of the Unpermitted Drains.

To support your assertion noted above that staff was aware of installation of the Unpermitted Drains, you outline staff's receipt of plans that depict the Unpermitted Drains and staff's investigation of construction of the Approved BFM Drain, which you mistakenly describe as an investigation of the Unpermitted Drains. In 1995, subsequent to the Commission's approval of the BFM, staff was provided with a copy of the BFM Habitat Mitigation and Monitoring Plan ("HMMP") prepared by PCC's predecessor for the U.S. Army Corps of Engineers, which included plans depicting the Unpermitted Drains. This document was not a requirement of the coastal development permit authorizing the BFM, and therefore, staff was under no obligation to review and approve it. Thus, it cannot be concluded from the mere submittal of the HMMP that staff was aware of its contents. Furthermore, in reviewing compliance with the CDP, the HMMP document would not be central to staff's review since the Commission's approval is embodied in the CDP application and accompanying documents, as wells as the CDP and staff report, none of which depict the Unpermitted Drains. O11-406 cont.

As you note in your letter, in 1996 staff investigated alleged unpermitted grading in the vicinity of the BFM. Commission staff investigated the incident and determined that the grading was undertaken in order to install the Approved BFM Drain. To investigate the report, staff reviewed the CDP application and associated plans, which describe and depict the Approved BFM Drain. Thus, staff confirmed that the Approved BFM Drain and associated grading was approved by the CDP and sent a letter dated July 10, 1996 to that effect to PCC's predecessor. Staff gave no indication in the letter or otherwise that we were aware of the plan to install the Unpermitted Drains. You claim that an April 4, 1996 letter from MTP to staff would have made staff aware of the plan to install the Unpermitted Drains. Although the Approved BFM Drain is described in detail in the April 4 letter, there is no mention in the letter of the Unpermitted Drains, nor are the Unpermitted Drains identified in the attachments to the April 4 letter. In fact, one of the exhibits to the April 4 letter, which delineates the limits of work required for installation of the Approved BFM Drain, does not include in its delineation the areas where the Unpermitted Drains are located. Thus, far from making staff aware of a plan to install the Unpermitted Drains, the letter

would do the opposite and indicate that there were no plans to disturb the area where the Unpermitted Drains were ultimately constructed.

In addition, staff would not have been aware from visiting the site that MTP or Playa Capital planned to install the Unpermitted Drains. At the time staff visited the site, grading had occurred to begin the process of installing the Approved BFM Drain, but neither the Approved BFM Drain nor the Unpermitted Drains had been installed yet, so staff would not have been made aware of their presence in that way either.

Again, regardless of whether the April 4 letter made staff aware of the plan to install the Unpermitted Drains, which was not the case, the Unpermitted Drains were not a component of the CDP application; were not presented in narrative or graphic form, or in any manner to the Commission for review; were not authorized by the Commission pursuant to the CDP in any way; and there is no other Commission action that authorized the Unpermitted Drains. Thus the Unpermitted Drains constitute unpermitted development and a violation of the Coastal Act.

Staff Responses to Section C

You assert in Section C that the Unpermitted Drains have not had any adverse impacts on wetlands. You attach a memorandum from your biological consultant that purportedly supports this claim. However, the memorandum is limited in scope to a comparison of surveys of the vegetative communities around the Unpermitted Drains before and after installation of the Unpermitted Drains. There is no discussion of the effects the Unpermitted Drains might have on wetland hydrology. O11-406 cont.

Attached to the memorandum is a vegetation survey of the vegetation in the Ballona Wetlands area in 1990, prepared by MTP's biological consultant, and results of a survey of the vegetation in 2006, undertaken by the California Department of Fish and Game. The prior survey show the vegetation around the Unpermitted Drains to be arguably upland before installation of the Unpermitted Drains, the subsequent survey shows seasonal saltmarsh south of Culver Boulevard and a mix of seasonal saltmarsh and riparian vegetation north of Culver Boulevard. You thus assert that wetland habitat has expanded since installation of the Unpermitted Drains. However, the dominance by wetland vegetation documented in the survey conducted after installation of the Unpermitted Drains is evidence of a trend to dominance by wetland vegetation that began at the time agriculture use of the site ceased in the 1980's, before installation of the Unpermitted Drains.

In a 1991 memorandum, the Department of Fish and Game, which delineated wetlands in the Ballona Wetlands area in 1991, stated "During the evolution of the now certified Playa Vista Land Use Plan, we predicted that, were it not for the then ongoing agricultural operation, wetlands in Area B would expand. These agricultural activities ceased for approximately three years prior to the Corps' wetland determination, and, as we predicted, the wetlands did expand into the area which was formerly used for the production of barley and lima beans." The Unpermitted Drains are located in such a formerly farmed area. The 1990 MTP vegetation survey notes of the area where the Unpermitted Drains are located that "All of this area at some

time has been disturbed, and much of it has been used for agriculture, some within the past 10 years."

The survey goes on to say that "The elevations of the flats appear to reflect the original elevations and except for the elevated roadways, the areas appear not to have been artificially filled." Indeed the survey labels the areas where the Unpermitted Drains are located as "old marsh flats." It is not surprising then, given the history of the site, that the 2006 survey found that wetland vegetation has returned to much of the area around the Unpermitted Drains, despite the limiting effects on hydrology that the Unpermitted Drains have had.

Again your general assertion in Section C is that the Unpermitted Drains have not had any adverse impacts on wetlands. As explained above, the memorandum attached to your letter does not persuasively support this assertion. Moreover, this assertion is both conceptually and factually incorrect. Water is the main requirement for a functional wetland. Any fill or alteration of wetland hydrology reduces a wetland's ability to function. If water is drained or removed, or isn't present in the wetland for as long, then wetland function is degraded. Therefore, wetland function is degraded by actions that disrupt water supply through direct fill of a wetland or draining. The Unpermitted Drains disrupt water supply through direct fill and draining of a wetland and habitat within the reserve.

O11-406 cont.

One of the chief components of wetland habitat is wetland vegetation. Thus, removal of wetland plant species, whether through removal or physical preclusion of growth, reduces the habitat value of a wetland. In addition, degradation of wetland function through alteration of hydrology means that the same plants may not grow and habitat value and wildlife use of the wetland are reduced. This has clearly happened in the vicinity of the Unpermitted Drains. It is readily apparent from a review of the vegetation in the vicinity of the Unpermitted Drain located in a wetland south of Culver Boulevard that the drain is precluding growth of wetland plant species. Moreover, since the Unpermitted Drain is designed to drain water from the soil in the wetland around it, as well as ponding water that flows into the drain, this deleterious effect would not be limited to just the immediate vicinity where water pools, but would extend to any area hydrologically connected to the Unpermitted Drain.

You also point out in Section C that the Commission approved limited fill of wetlands through authorization of the BFM project, and thus argue that fill of wetlands for purpose of constructing the Unpermitted Drains is consistent with that approval. Please note that the Commission did not review fill of wetlands for the purpose of constructing the Unpermitted Drains because such structures were never before the Commission for its review. The Commission did review the proposal for the Approved BFM Drain, since this structure was part of the application and proposal for the BFM. The Commission found that limited fill of wetlands for the purpose of constructing the Approved BFM Drain was consistent with the Coastal Act. Coastal Act Section 30233 allows for fill of wetlands through the coastal development permit process in certain circumstances, including for restoration purposes. The Approved BFM Drain is a necessary component of a restoration project, the BFM, approved via the coastal development permit process. However, in contrast, no coastal development permit was applied for nor obtained for the Unpermitted Drains, and the drains do not facilitate the restoration functions of the BFM, nor do they serve any restoration purpose independent of the BFM. In fact, the Unpermitted Drains

detract from wetland and habitat function. Thus the Unpermitted Drains are both unpermitted and could not be found to be consistent with Section 30233 of the Coastal Act.

Resolution

As we have expressed to you throughout our discussions, we would like to work with you to resolve these issues amicably. One option that you may want to consider is agreeing to consent orders. Consent cease and desist and restoration orders would provide your with an opportunity to have more input into the process and timing of removal of the Unpermitted Drains and mitigation of the damages caused by installation and functioning of the Unpermitted Drains, and could potentially allow you to negotiate a penalty amount with Commission staff in order to resolve the violation without any formal legal action. Another advantage to agreeing to a consent order is that it replaces the need for costly and time consuming litigation. Further, in a consent order proceeding, Commission staff will be promoting the agreement between the parties and staff, rather than addressing the violations through a disputed hearing, which could only highlight the violations of the Coastal Act for which the parties are responsible. O11-406 cont.

If you are interested in discussing the possibility of agreeing to consent orders, please contact me by no later than April 25, 2014 to discuss options to resolve this case. Staff would be happy to meet with you before the date noted above to discuss the steps necessary to resolve the unpermitted development described in this letter and to discuss the necessary scope of that resolution. Our goal is to resolve this situation amicably and as quickly as possible so that all parties can move forward. We greatly appreciate your time and input and look forward to discussing this matter further and working together on a consensual resolution. If you have any questions about this letter or the pending enforcement case, please do not hesitate to contact me as soon as possible at (562) 590-5071.

Sincerely,

Andrew Willis
Enforcement Analyst

cc: Rick Mayfield, Department of Fish and Wildlife
Michael Patonai, City of Los Angeles

Encl: Annotated plan

FROM: Grassroots Coalition, **August 2, 2012**
Patricia McPherson, President
Patriciamcpherson1@verizon.net

TO:
California Coastal Conservancy
Attn. Executive Director, San Schuchat &
All Governing Board Member and Alternates

CC
John Chiang- CA. State Controller
Matosantos- CA. Dept. of Finance Director
Bill Lockyer- CA. State Treasurer
John Laird- Dept. of Natural Resources
U.S. Army Corps of Engineers Attn. Commander Mark Toy
U.S. Senator Barbara Boxer
U.S. Congress Person Maxine Waters
L.A.Councilman Bill Rosendahl

RE: Complaint- Supporting the 3/29/12 REQUEST TO RESCIND APPROVAL FOR STAFF RECOMMENDATION APPROVAL ON 1/19/12 awarding $6,490,00. for: FILE NO. 04-088- O11-406 cont.

BALLONA WETLANDS RESTORATION ENGINEERING AND TECHNICAL STUDIES

The following paper from Grassroots Coalition (GC) represents GC's opinion of its findings and data support garnered via the Public Record Act and the Freedom of Information Act.

This document also requests the Coastal Conservancy to stop its illegitimate interference in the approved and ongoing 2005 Joint EIS/EIR process between the Sponsor-- Santa Monica Bay Restoration Commission (SMBRC)/ LA County Flood Control and, the U.S. Army Corps of Engineers.

The Coastal Conservancy, using its control over public bond money, has shut out the public process and taken its influence as a financially powerful board member of the SMBRC and partner of the California Department of Fish & Game (DFG), the lead agency of the publicly owned Ballona Wetlands-to fund a process that is contradictory to the 2005 federal process that was requested by Congress.

The Coastal Conservancy is propelling a bait and switch - a NEW Joint EIR/EIS process and a NEW Notice of Intent (NOI) that undermines and attempts to extinguish the current 2005 Joint EIS/EIR APPROVED PROCESS with its attendant safeguards of multiple habitat restoration alternatives.

The Coastal Conservancy is instead, illegitimately propelling a singular outcome that stops restoration of Ballona and protection of its endangered species to instead convert the habitat into a non-historical dredged out estuarine habitat that promotes LA Port expansion and other financial deals.

Background:
In 2004, Ballona Wetlands acreage was purchased via PUBLIC funding for approximately $140 million. **The land is owned by the public** and is currently administered by the California Dept. of Fish and Game (freshwater marsh portion by the State Lands Commission) .

Important, new information contained herein reflects a Coastal Conservancy (CC) Public Record Act (PRA) response consisting of numerous heretofore undisclosed CC documents contained on a CD. The CD was provided after the 1/19/12 CC Governing Board Hearing in Los Angeles, CA. and, after the CC Governing Board's Hearing in Ventura, CA. on 3/29/12.

I.
The Coastal Conservancy PRA CD provides evidence to show that misleading and/or incorrect information was presented in the Staff Recommendation of 1/19/12 (File No. 04-088)

O11-406 cont.

The newly disclosed Coastal Conservancy documents (CD) reveal:

A. potential misuse of public bond money (Prop. 12, PRC 5096.352 (f) and or (b)(1));
B. lack of disclosure, lack of public process and transparency of process regarding the Coastal Conservancy's involvement and; associations with other agencies --federal- US Army Corps of Engineers (USACE) and; state agencies and; a private nonprofit- the Santa Monica Bay Restoration Foundation (Foundation) that pertain to Ballona Wetlands in Los Angeles, CA.
C. Prop. 12 (Number 172 of Dept. of Natural Resources Listing of Prop. 12 bond grants; 3760-30203-0005(2)(B)07) Coastal Conservancy bond grant to The Southern California Coastal Water Research Project (SCWRP) -Ballona Wetlands Restoration. The Coastal Conservancy, contrary to the bond grant language and intention of allowing for a "scientific advisory committee" (SAC) to review and advise regarding **'enhancement'** plans for the restoration goals of Ballona Wetlands; the Coastal Conservancy instead propelled and directed SCCWRP members and other contractors to perform a singular outcome of **'creation' of a full tidal/ estuarine, non-historical , treatment wetland as an end of pipe, experimental solution to the toxic contamination of Ballona Creek.**

The CC Staff Recommendation is a non-historically oriented goal and thus fails to adhere to bond language for "enhancement" of Ballona Wetlands and also fails to adhere to "restoration" as defined by Southern California Wetlands Recovery Project (SCWRP). (See p.3 SCWRP restoration definition) And, contrary to publically stated and written goals of transparency and interchange, the CC and SMBRC precluded the public and Working Group from participating and interfacing with SAC. Thus, the CC and SMBRC, utilizing all public bond dollars have effectively shut the public out of the Ballona Wetland Restoration design process.

Contrary to comments made below in the Staff Recommendation 1/19/12 (File No. 04-088), the conceptual restoration plan was **not** developed in a public process and the public and other parties were **precluded** from participation in all facets of the development of the restoration alternatives

"Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives."
(p. 9 of 9 1/19/12 Staff Recommendation; Emphasis added.)

O11-406 cont.

The CD documents reveal that the conceptual restoration plan was developed by the Coastal Conservancy and by the executive director and staff of Santa Monica Bay Restoration Commission- a California state agency.

Note- the SMBRCommission's executive director and most staff are not state personnel . Since 2005, the executive director and staff of the SMBRFoundation (a private 501c3) simultaneously act as SMBRC staff and executive director. IRS records reveal payment to the Foundation's executive director and staff from the Foundation. We have found no contractual authority for such private persons to serve as state officers of a state agency or as staff of a state agency. We are currently requesting an assessment and investigation into these matters of great public concern.

The CD documents reveal that the Coastal Conservancy Staff Recommendation was created:

1. in a void of public/ Working Group input acknowledgement and use.
2. in a vacuum of interchange between the Scientific Advisory Committee and the public/ Working Group and the USACE contractual agreements.
3. while failing to disclose scientific findings to all parties and;
4. while failing to provide process as written by the Coastal Conservancy.
5. without adherence to the 2005, contractual agreement between the United States Army Corps of Engineers (USACE) and the Sponsor (aka the Authority- SMBRC & LA County Flood Control) wherein a Joint EIR/ EIS of Corps certified programs of environmental review would take place and;

6. without CC Governing Board authorization and without public disclosure--the CC Project Manager created an enterprise consisting of a 'new' Joint EIR/EIS process ostensibly intended to circumvent the 2005 approved process. (JD submission to CC 3/29/12)
7.

Lack of Disclosure Has Led To An Inability To Make Informed Decisions

I.

A. Proposition 12 Funds-The Public's Intent - To Acquire, Protect and Restore Is Not Fulfilled.

The Prop. 12, Public Resource Code (PRC) Section 5096.352 language states, " (f) Twenty-five million dollars ($25,000,000) of the funds shall be allocated to **acquire, protect, and restore** wetlands projects that are a minimum of 400 acres in size in any county with a population greater than 5,000,000. (Emphasis added. The Ballona Wetlands is distinguished as fulfilling this specific criteria.)

Restoration-specifically refers to actions taken to obtain a former state of a natural condition. (Southern California Wetlands Recovery Project (SCWRP)- Science Advisory Panel (SAP)- Glossary of Terms)

Estuarine wetlands- are subtidal and intertidal habitats that are semi-enclosed by land, have access to the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from the land (Cowardin et. Al. 1979)SCWRP, SAP Glossary)

O11-406 cont.

. Ballona was not historically continually open and connected to the ocean and large, inundating flows of fresh water occurred infrequently only during major flood events (CD- SAC docs; USGS docs provided to CC by J. Davis; CC's T-sheets).

"The project we are recommending is enormous in scale." CC- MarySmall (JD PRA Response attachment in 3/28/12 CC Hearing-Request)

Contrary to "protecting and restoring" the Ballona habitat, the approval of the Engineering and Technical Studies & SMBRC bond awards will specifically promote a singular outcome- massive destruction of currently functioning habitat that will not 'obtain a former state of a natural condition' but, will instead endeavor upon a non-historically oriented, experimental estuarine treatment wetland project expected to encounter yearly flooding and scouring events. The project is not expected to be self-sustaining but instead expected to promote a perpetual money pit of contracts for monitoring and unknown but expected repairs and fixes- - future landscape changes further transfiguring the flora and fauna. (CD/SAC)

A failure to adhere to grant proposal requirements, as dictated by the State of Ca. Finance Dept. in recent audits, continues

.

NOTE: While the Coastal Conservancy promotes the idea that it provides bond grants to the SMBRC, the Coastal Conservancy has actually never provided any bond money to the SMBRC as per the 2002,

SB 1381 Keuhl bill that established a Treasury Account for the SMBRC. Instead, the Coastal Conservancy provides public bond money grants to the private nonprofit—the SMBRFoundation-typically without a grant proposal having been provided-as is the case in the 1/19/12 grant approval.
Recent audits of the CC by the California Dept. of Finance require that the CC adhere to grant proposal requirements established by the Dept of Finance. However, the CC's failure to adhere continues as is the case in the 1/19/12 grant approval.

The currently clean land (LARWQCB) and functioning habitats-include endangered and rare Southern California native plants and wildlife, which will be destroyed in order to create the end of pipe, treatment wetland for toxic Ballona Creek waters and sediments. (CD-SAC) The full tidal, estuarine goal also appears to discharge political favors for LA Port expansion(s) approvals that need wetland mitigation credit(s) and/or extensive fill material from Ballona.
(See e-mails regarding LA Port - letters of support for the Staff Reccommendation)

Contrary to the 8/13/04 CC MEMO (p.4), the CD -SAC documents reveal wildlife and habitat destruction and dangers, endless and exorbitant financial costs, inability to show sustainability and potential legal quagmires that were not revealed to the public/ Working Group and other parties-- some of whom were asked to sign onto Coastal Conservancy pre-scripted letters of support for the 1/19/12 Staff Recommendation.*

O11-406 cont.

*Contrary to the promised 'transparency' of process; CC and SMBRC staff improperly lobbied for letters of support for the 1/19/12 Staff Recommendation prior to a public notification of an agenda and release of the Staff Report thusly, discriminating against all others by failing to provide the same comment opportunity prior to the issuance of the Staff Report.

The public has a right to know the full extent of issues regarding changes to Ballona. Whatever decisions are rendered, they should not be based upon piecemealed, truncated and biased information as has currently been provided.

PROPOSITION 12 Identification of Funds; Status of Funds
The Staff Recommendation(SR) is unclear which Proposition 12 funds are being requested. Two possible funding sections of Prop. 12 are:
- Proposition 12 bond money discussed in the SR as specifically for Ballona Wetlands is listed under Public Resource Code (PRC) Section 5096.352 (f)). The accounting for these funds was not provided in the Staff Recommendation and remains unknown.
-Other Prop 12 funds include: PRC Section 5096.352(b)(1)-to the Santa Monica Bay Restoration Project/Bay Watershed Council; that account status remains unclear also.
(In 2002, Senate Bill 1381 (Keuhl) transformed the SMBR"Project" into the SMBRCommission. Prop. 12, PRC language utilizes the Bay Watershed Council. The ByLaws of the the Bay Watershed Council (BWC) remained intact which now give rise to

questions regarding the actual existence of the BWC after SB 1381 which may influence the use of the Prop 12 bond funds.)

I.

B. 5-6. The Coastal Conservancy Project Manager and SMBRC Executive Director/ Staff, Have Not Been Forthright With the Public Regarding Disclosure of Process Changes Pertaining to Federal (USACE) Contractual Agreements

U.S. ARMY CORPS OF ENGINEERS

1994, Sept.28 Adopted- "Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California published as House Document 389, Eighty-third Congress, Second Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of navigation, hurricane and storm damage reduction, environmental restoration and other purposes at Marina del Rey Harbor, Los Angeles, California, with consideration given to the disposal of contaminated sediments from the entrance channel required under the existing operation and maintenance program at Marina del Rey Harbor."

In 2005, USACE Noticed and embarked upon an areawide ecological review- an EIS- of the historic Ballona Wetlands area that included the U.S. 83th Congress -- House Document 389 under Public Law 780. Map-Enclosure No. 1 (General Plan of Improvement) reveals the entire Ballona region as part of this action including but not limited to Ballona Lagoon, Del Rey Lagoon and the Sanctuary area , Ballona Creek, Centinela Creek etc. (See language of the USACE Lower Ballona Creek Restoration Reconnaissance Study and; Feasibility Study). This EIS was predicated upon having a local Sponsor as part of the review process and to aid in the outreach to the PUBLIC and the creation of the Joint EIR/EIS process. O11-406 cont.

SMBRC/LA Flood Control (the Authority) aka the Sponsor-- contractually agreed to the Joint EIR/EIS in 2005.

The contract included having the Sponsor (Authority) provide at least 6 public meetings dedicated to providing time for USACE representatives to discuss the USACE status of the Joint EIR/ EIS process. The follow through for such meetings has not occurred.

(In various earlier approved bond requests for Ballona projects; Project Manager Mary Small eliminates reference to the 2005 contractual agreement for a Joint EIR/EIS which jointly provides for the Ballona Restoration Alternatives (2005 contract between- USACE and SMBRC/LA Flood Control aka Authority) Instead Ms. Small's staff recommendations inform the CC Governing Board that as of 2005 only the Ca. Dept. of Fish & Game, State Lands Commission and SMBRC are part of the oversight of Ballona and alludes that the Conservancy has the restoration alternatives planning duties:

(Ballona Wetland Improved Public Access; File No. 04-088; 7/21/10)

"In 2005, the Conservancy initiated conceptual planning and feasibility analysis of restoration alternatives

for the property. This project is being implemented in partnership with the DFG and the State Lands Commission, the two state agency owners of the property and the Santa Monica Bay Restoration Commission. The feasibility analysis was completed in 2008, after a delay due to the bond freeze, and the project partners are now initiating environmental review and detailed engineering of a long-term, phased restoration project. When the restoration planning began, the Conservancy funded the development of an Interim Site Stewardship Plan to address the pressing concerns related to site management. As discussed above, in 2008 the Conservancy provided a grant to MRCA to fund construction of some site improvements and to fund planning, design and preparation of permit applications for additional access improvements. Based on the completed planning work, the MRCA and the project partners determined that it will be more cost effective and logical to pursue implementation of most access improvements as part of the environmental review and permitting for the long-term phased restoration project.
PROJECT FINANCING:
Coastal Conservancy $280,000
MRCA 120,000
SMBRC, US EPA funds 20,000
Total Project Cost $420,000"

This is an omission of pertinent and critical fact given in order to garner public bond money. (See J. Davis 3/28/12 Request to CC Gov. Brd.; USACE/CC minutes of meeting(s) and page 6)
See also File No. 04-088 on page 17.
Additionally, the bond money was approved but accountability for its use has not been forthcoming. And,
No fund award was given to SMBRC from the USEPA as cited above. The Treasury Account set up for the SMBRC under SB1381 was not utilized. Instead, ostensibly the USEPA funds went to the private nonprofit, the Foundation. The Foundation, as a private non-profit 501c3, provides no accountability to the public.

O11-406 cont.

The Coastal Conservancy, had also made promises to the public regarding transparency and public inclusion in the entire process of exploring **all reasonable alternatives for enhancement of Ballona.**

For example in an early Coastal Conservancy MEMO dated 8/13/04 to California Department of Fish & Game (DFG) and the State Lands Commission (SLC), the **GOALS/PRINCIPALS read in part-**

*"**The restoration plan** will be based on the best science, incorporate technical scientific expertise and **will be developed through a transparent planning process that allows stakeholders to provide input and comment on all restoration planning products.** The restoration planning process will develop and analyze a **range of alternatives to implement the following project goals**:*
*-**Restore and enhance a mix of wetland habitats to benefit endangered and threatened species as well as other migratory and resident species**;*
-Provide for wildlife-oriented public access and recreation opportunities; and -
***Implement a technically feasible, cost effective, ecologically beneficial and sustainable restoration**." [Emphasis added.)*

And,

"..restoration will be conducted within the landscape and watershed context, with attention paid ***to adjacent and ecologically related resources."*** Pg. 1

According to CD documents, the Coastal Conservancy's Ballona project manager participated in USACE meetings in the 2004 timeframe citing inclusion of the areawide ecosystem eg. Ballona Lagoon, Del Rey Lagoon, the Sanctuary area, Marina del Rey and others that paralleled the activities of ecosystem review as described by the USACE (Reconnaissance Study; Lower Ballona Creek Restoration Feasiblity Study; 3/28/12 J.Davis submission to CC)

However, in contradiction to the 8/13/04 Memo cited above, the context of the larger historic boundaries of Ballona Wetlands were later arbitrarily dropped, without public notification or discussion. The CC Project Manager discusses no longer including the adjacent and ecologically related resources as part of the Joint EIR/EIS restoration evaluation performed with the USACE:

6/2/10 CC, SMBRC, USACE Ballona Coordination Meeting Minutes:

"*II. b. Mary Small: Have all the PMP sections looked at the same project area? Parts still refer to Ballona Lagoon, Grand Canal, Venice Canals and Oxford Basin, which are no longer in the study area.* (3/28/12 CC hearing; J. Davis Attachment)

O11-406 cont.

And, the Project Manager discusses instead a 'new' process for which there is no ostensible authority and to which the public has not been made aware:

"Mary Small: If the Corps falls too behind, we will work with Corps Regulatory for a permit for their activities [NEPA/CEQA, design, permitting, and Phase 1 construction)" and;

"Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was never in writing."(6/28/10 Ballona Ecosystem Restoration Planning Management Meeting)

It was never the public's understanding that the Corps would be held to Coastal Conservancy and Foundation staff"s restoration alternatives. Legal legitimacy for such behavior is also questionable. And,

"Suggested response

1) *The EIS/EIR process begun in 2005 was for the Army Corps' Lower Ballona Ecosystem Restoration Feasibility Study, that project and the associated environmental review has not been completed and is not moving forward at this time. The EIR/S process for the proposed enhancement project will be separate." 2/7/12*

CC/Mary Small to Ca.Dept. Fish & Game- Rick Mayfield per response to Davis Ballona CEQA process query. (JDavis attachment 3/28/12 Request to CC Board)

Thus, the CC switch in process is 'suggested' to be disclosed to a member of the public after seeking and garnering approval for the 1/19/12 Staff Recommendation.
(3/28/12 CC Hearing, Davis PRA attachment to Request)

This new and unauthorized process discussion continues in the same email, 2/7/12, from Shelley Luce to Mary Small and Rick Mayfield (CDFG):

..**" *The EIR/EIS*** *that* ***we want to start*** *is for a separate project, i.e. the BWER restoration/ enhancement project. "..* (emphasis added.)

The EIR/EIS that they want to start IS NOT on a separate project but instead on the same project but having eliminated the '94/ 2005 Joint EIR/EIS process; scope of review; environmental safeguards and full range of alternatives inherent in '94/ 2005 approved process.
In other words, the CC attempts to have the public and the USACE but out of their way so that the CC can control the project --using the public's dollar--alongside its political allies.

And, while Mary Small provides the appearance that the Request For Proposals is new online--*" the request for services ..went out today"*--
2/8/12 CC email (JDavis PRA response attachment in 3/28/12 Request to CC Board)

O11-406 cont.

The Coastal Conservancy, had already put out an online RFP in 2010 for the work requested for approval in the 1/19/12 Staff Recommendation. Thus, it appears that as of 2010, the outcome was already a done deal behind the public scene.

Changes, such as this were not communicated to the Public/ Working Group and the ongoing status of the relationship with the USACE as per the Joint EIR/EIS was not communicated either. In fact, the USACE- Sect. of the Army was not made aware of the attempt to extinguish the earlier, approved process. Any extinguishing of the approved EIR/EIS process (including House Document 389) would have to abide by the USACE process of removal. The process provides accountability for reasoning as to the ending of the project as well as detailed accounting for money spent and what had occurred throughout the process. This activity has not occurred and the USACE has provided a letter stipulating that the approved process is maintained and that investigation into the matter has started. (USACE-J.Davis communication).

It is also unclear whether USACE/SPONSOR information was communicated to the Science Advisory Committee or other parties. Specific USACE work projects, including response to House Document 389 and work quality/certification needs are not communicated in any of the CD-SAC meeting notes which appears to show that the SAC team (contracted and paid for with public funds) were fulfilling ONLY the arbitrary GOALS as set forth by the CC Project Manager and SMBRC staff. Issues

such as the protection of groundwater (classified as potential drinking water), an issue of House Doc. 389 and current Los Angeles- Best Management Practices (BMPs) are absent in the meeting minutes.

Thus, the CC and SMBRC staff, provided for an atmosphere of further disconnect, lack of transparency and compartmentalization of information sharing.
And,
the public/Working Group was not made aware that the CC considered itself a part of the USACE/SPONSOR contract (which it is not) -so much a part, that Mary Small apparently believed that the CC would provide the alternative(s) for the USACE in the Joint EIR/EIS:

6/28/10 Ecosystem Restoration Planning Management Meeting:
II. C. 2." *Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was was never in writing."..*

This type of very questionable influence was not conveyed publically. According to the USACE, Joint EIR/EIS language, the USACE study would provide for all reasonable alternatives and the process would embrace public disclosure and participation.
The Coastal Conservancy and SMBRC staff have not been forthright with the public regarding status of the Joint EIR/EIS.

O11-406 cont.

I.
B. 1- 3. The CD reveals SAC meetings, reports and concerns not shared with the public/the Working Group and other parties. Conversely, the public/ Working Group comments and concerns are not cross- shared.

Contrary to the 1/19/12 Staff Recommendation, the public, Working Group and others have not been engaged by the Coastal Conservancy as promised and have not been provided with full information from the Science Advisory Committee (SAC) group in order to make informed decisions and provide input throughout the process to date.
Prop. 12 bond money was also provided from the Natural Resources Dept. to the Coastal Conservancy specifically to provide a GRANT to the Southern California Coastal Waters Research Project (SCCWRP)(#172) for creation of a SAC team. Thus, the SAC team was paid with public dollars to perform as an independent scientific advisory panel to provide input and advice regarding historical restoration options. Contrary to the GRANT purposes, the Coastal Conservancy's Ballona Project Manager and SMBRC staff instead told the SAC team what the intended outcome was and that all input was to secure that goal-namely full tidal estuarine and levee removal.
Thus, the Prop. 12 bond money was not utilized as intended.
The Coastal Conservancy and SMBRC staff kept the public and the Working Group out of the SAC loop of information and knowledge thereby thwarting and distancing

any meaningful interchanges and participation as falsely stated in the Staff Recommendation below.

Staff Recommendation excerpt:
"Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives."
(p. 9 of 9 Staff Recommendation 1/19/12)

And, contrary to assurances that the public would be notified and included on all SAC meetings, the public was not notified or included.

"*MARY S. all SAC meeting are public, all interested parties will be notified and invited, meetings will be structured with SAC addressing issues first and public comment period at the end."* (CD- 7/20/05 LMU Ballona SAC MTG.)

A 2004 MEMO discusses -
"Ballona Restoration Planning Working Group: Stakeholder Committee and Public Involvement
"*A Ballona Restoration Planning Working Group [brpwg) made up of interested organizations, agencies, and individuals, will meet periodically to obtain project status updates, to provide input, and to support the restoration planning process. These meetings will be open to the public. Subcommittees may be established to address specific issues that may arise during planning."*pg.2

O11-406 cont.

The language above provided for the public involvement at the start of the process that began with 'interim stewardship' meetings, (eg. trash cleanup and education tours) which did occur. As time passed, meetings stopped, informational sharing from agencies and the science team became nonexistent and; the public's comments were not included in the planning process that continued behind closed doors.
-Website topic- SAC meeting minutes- was not accessible to the public. Instead, when clicked - the website told the viewer entry was not allowed.
-SAC meetings, though described as open to the public, were not. The CD documents reveal that the SAC meetings were, in the main, telephonic and not inclusive of the public. Reports and Memos were not shared with the public but utilized internally.

A continued failure to acknowledge the public and Working Group is also documented via the 2012 Science Advisory Meeting that was held days after the Staff Recommendation Approval. The SAC meeting was also a first in years for actually occurring and, that public notice was provided.

The Public/ the Working Group:

- provided strong objections to the proposed Plan, providing written testimony as well as oral testimony.
- listed issues that needed to be addressed properly; asked for responses that thus far have gone unanswered and,
- again requested the area be considered in its totality of ecosystem variety and benefits utilizing the historic system of Ballona.
- reminded the SAC that the area now has more saltwater --deep and mid habitat than historically existed at Ballona due to the Marina del Rey; Ballona Lagoon Marine Preserve; Del Rey Lagoon; Ballona Creek itself and; as well as freshwater due to the newly created catch-basin- aka, the freshwater marsh. (historically= the last couple hundred years)
- SAC numerical analysis of habitat types was in error. Ratios of entire Ballona Wetlands historic habitat applied to be fulfilled in Areas A, B, C alone is a faulty analysis. The SAC- ratio numbers that pertained to former water habitat and land elevations were either incorrect and/or not documented by SAC.
- cited and documented that SAC dredge spoils deposition locations and volumes were incorrect. (USGS Documents and maps provided by John Davis to the Coastal Conservancy)

O11-406 cont.

The CC and SMBRC continue to fail to respond.
Note: The CC continues to fail to respond to queries and comments provided by the public and its so-called "Working Group" members from 1/19/12 and 3/29/12.

FAILURE TO INCLUDE THE WORKING GROUP COMMENTS AND REQUESTS
Despite providing comments, documentation and evidence regarding the topics listed above and others; there is no documentation provided from the Coastal Conservancy on the CD that any of the public/ Working Group communications were included for any meaningful response or use.

The CD documents reveal no inclusion of the public in any decision making for the alternatives.
Public comments provided to SMBRC and the Coastal Conservancy regarding Ballona specific studies such as the Phil Williams & Assoc. report, that did not address or incorrectly addressed issues, such as the migrating oilfield gas and reservoir gas leakage from SOCALGAS had no meaningful response. There is no showing that the CC or SMBRC staff ever shared these concerns with the SAC team, much less did any meaningful, good faith follow up with the public to understand how the gases may impact restoration. The same holds true for issues regarding protection and utilization of the Ballona aquifer groundwater hydrology. Repeated requests from stakeholders to be given ½ hour presentation time to provide information regarding hydrology and groundwater diversion issues, before the SMBRC have been met with silence (The CC is part of the SMBRC) .

I.B.

CONTROL OF MESSAGE AND OUTCOME
The CC and SMBRC Staff :
Allow For No Public/ Working Group Participation In The Planning Process;
Fail to Disclose Science Advisory Committee (SAC) Conference Calls, Memorandums and Reports For Planning of Alternatives;
Feasibility, Cost, Sustainability, Ecosystem Pros and Cons Are Not Disclosed;
And
The CC & SMBRC Staff Arbitrarily Define Project Goal=Estaurine

Staff Recommendation excerpt:
"Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives."
(p. 9 of 9 Staff Recommendation 1/19/12)

The 1/19/12 Staff Recommendation excerpt is false. The public/ Working Group was neither privy to the SAC meetings and information created nor included in the planning process to participate in all facets of the development of the restoration alternatives.
The following excerpts from the CD document an internal discussion revealing the CC and SMBRC staff created and controlled the alternative selection:

O11-406 cont.

"Wayne [Wayne Ferren) suggested that biological sustainability be defined as no loss of habitat types & functions, major guilds, and sensitive species over the project site as a whole." July 7, 2008 SAC Conference Call.

And;

"]oy []oy Zedler) asked how biodiversity is being defined? ***Sean indicated that biodiversity = highest richness of estuarine dependent species****. If this is how we are defining biodiversity, it should be stated clearly in the document.* (emphasis added; Sean Berquist was SMBRC staff and Foundation staff during this timeframe) and,

"*Wayne suggested that we clarify that biodiversity is the sustainable richness of representative interdependent native estuarine habitats along with their associated and expected species biodiversity.* "(CD-June 23, 2008 SAC Conference Call)

The next parargraph, written by the note-taker- cited by CC as being CC or SMBRC staff- <u>states the goal</u>-
"Estuarine biodiversity is the primary objective of the analysis."
(CD- June 23, 2008 SAC Conference Call Memo)

This same Memo also sets forth a GOAL that was not shared with the public/ Working Group.
"The project goal is to create functional estuarine habitat.";
"1. Maximize area of estuarine habitat.";
Opportunities to create regionally significant habitat including vernal pools and.should be pursued but ***not at the expense of restoration of estuarine habitat."***

The public/Working Group was not allowed to participate in the decision making and was not advised as to the differing opinions rendered by the SAC team.

Since this timeframe and without public notification or disclosure the Coastal Conservancy and staff of the Foundation have worked to eliminate the areawide review of ecosystem function and alternative habitat plans-including a public debate regarding the pros and cons of each system -- to instead focus upon a predetermined singular outcome of removal of Ballona Creek levees and dredging of Ballona to 'landscape' and convert the land from its historic natural function to an entirely new, artificial and unnatural function that precludes all habitat function that does not primarily promote the estuarine full tidal premise.

And though asked publically where this 'Plan- Alternative 5 " came from, no response has been forthcoming from either the CC or Foundation staff.

O11-406 cont.

The CD docs however now shed light as to the creation of this "preferred plan". The overtones of financial leverage dominate the first half of the letter and serve to advance a predetermined outcome that is seen fulfilled in the Coastal Conservancy Staff Recommendation-the removal of levees to create the treatment wetlands.

July 10, 2007 SMBRC letter from Shelley Luce to Coastal Conservancy's Ballona Project Manager- Mary Small:

"Dear Mary,
The Santa Monica Bay Restoration Commission, a National Estuary Program of the US EPA, has been pleased to participate in the acquisition and restoration of the Ballona wetlands at all levels over the last several years. We are proud partners in the restoration planning, and currently have one staff member dedicated full time to the planning effort, while I serve on the Ballona Wetlands Science Advisory Committee (SAC). The SMBRC is also an active local partner in the Army Corps of Engineers' Lower Ballona Ecosystem Restoration Feasibility Study and are participating in clean up and restoration plans for Ballona Lagoon, the Grand Canal, Marine del Rey and the Oxford Basin. We have also awarded several millions of dollars of bond monies under our purview to projects designed to improve water quality and habitat in the Ballona Creek watershed. Ballona wetlands restoration is clearly a very high priority of the SMBRC and the EPA.
I have reviewed the restoration design alternatives that are being developed by the consulting team and I am disappointed that they do not fully consider important restoration options, thereby limiting potential habitat, biodiversity and water quality improvements in the wetlands complex. The Ballona SAC requested design alternatives that encompass the "extremes" of restoration planning, i.e. from minimal intervention to maximal structural changes, as well as alternatives in between. The current proposed

alternatives do not provide this and need to be modified, or an additional (fourth) alternative is needed.
SMBRC feels that the restoration design for Ballona wetlands must represent a true restoration of maximum ecological functions and services for the area. Actual restoration work will not begin for months or years, and will be a long term and costly process. The best approach is to include design alternatives that are not limited by current infrastructure or fiscal concerns, since these factors will certainly change over the duration of the restoration process. Similarly, factors such as poor water quality in Ballona Creek will continue to change as Total Maximum Daily Loads and other regulatory measures are implemented. It does not serve us to design the restoration as though it would be undertaken and completed in the very near future, under existing physical or financial constraints.
I would like to request that the design team include at least one design alternative that proposes to
• remove all or part of the levees on one or both sides of Ballona Creek;
• daylight the channel connecting the freshwater marsh to the creek in Area B, and Stingray Creek to Marina del Rey in Area A;
• raise Culver Boulevard to increase flows between the north and south sections of Area B; and
• increase connectivity between Ballona Creek and Areas A and B."

Our staff Wetlands Restoration Manager Sean Bergquist is available to work closely with the consulting team to ensure the revised or new alternatives include features that stakeholders and the SAC members supported. The revised or new alternatives should be presented as one of the group of alternatives for consideration under CEQA and by stakeholders and the SAC.

Given our experience in and commitment to the Ballona wetlands and surrounding interconnected areas, the SMBRC staff, Governing Board and Watershed Council have a great deal to contribute to the restoration process. Please feel free to consult us further during development of the restoration design alternatives and we look forward to continuing our partnership to restore Ballona wetlands.
Sincerely,
Shelley Luce, D.Env.
Executive Director

An e-mail 7/17/07 from SMBRCommission & Foundation executive officer Shelley Luce,
"RE: design alternative for Ballona wetland restoration" and Phil Williams & Associates' (PWA) Jeremy Lowe -
"We've sketched out Alternative 5 as described in Shelley's letter. Is this what you were envisaging?"

Luce: *" Thank you for your response Jeremy. This is a good start for a 5th alternative. Sean and Jessica are adding/changing some details and will forward to you. "* (presumably-Sean Berquist and Jessica Hall- both Foundation paid staff/ SMBRC staff)

The CD documents also reveal two sets of drawings and plans for the levy removal and levy replacement-by Jessica Hall, a Foundation paid staffer.

Ms. Luce is the Executive Director of the Foundation; no contractual agreements

O11-406 cont.

have been produced by the SMBRCommission or the State Water Board that provide any authority for her to act in capacity of Executive Director of the State Agency-

Santa Monica Bay Restoration Commission which was created under SB 1381 Keuhl as a non regulatory state agency within the State Water Board. There have been no contractual agreements forthcoming by the State Water Board or federal authorities that provide for any SMBRC or federal EPA- National Estuary Program (NEP)- dedicated funding to be handed over to the SMBR Foundation. There is a treasury account that was formed under SB1381 in 2002.

The treasury account has never been used. The attendant oversight and accountability by the State Treasurer has likewise not been utilized.

Ms. Luce has been utilizing both the e-mail address and physical location of the LARWQCB as her work address. The utilization of the addresses has led to common belief that Ms. Luce is a Water Board employee. It is unknown but possible at this time to believe that the utilization of the addresses created a belief that Ms. Luce is LARWQCB personnel, which has in turn, provided Ms. Luce with access to controlling positions on various committees such as IRWMP (Integrated Resource Water Management Program). It would seem that by creating, via continued use of LARWQCB email address and business address, a very public belief that Ms. Luce is a Water Board employee may constitute impersonating a Water Board employee. The following is an e-mail exchange between Ms. Luce and a person with long associations with the Water Board and has acted as a contractor in Ballona restoration matters.

'Travis Longcore travislongcore@laaudubon.org wrote:

Bounced from your waterboards address. Are you no longer a Water Board employee? –

Travis

On Sep 19, 2011, at 2:29 PM, Shelley Luce wrote:

***No, not for many years**. Most of our staff are with our SMBR Foundation. I will check my calendar and get back to you on this meeting, thank you for the invitation.*

Shelley" (emphasis added)

Ms. Luce does not appear to answer directly about herself with regard to the Foundation, or what she means by "our SMBR Foundation". She also does not explain her past personal use of the LARWQCB addresses while not employed and why she suddenly discontinued the practice.

Ms. Luce's resume cites her experience prior to SMBRCommission / Foundation as having been employed by Heal the Bay- the organization that has become institutionalized as part of the SMBRC. Our research indicates Ms. Luce was working in some capacity at LARWQCB during the years 1999-2001- prior to her finishing degrees from UCLA. It appears that her continued use of the Water Board e-mail address after no longer providing service to the California Water Resources Control Board has led/misled many people. (A PRA to LARWQCB is pending for identification of duties.)

Coastal Conservancy- PRA Response to J. Davis

Rare ecosystems of the coastal marsh area are discussed internally by the SAC team with the CC project manager and staff of the Foundation; the information

O11-406 cont.

is not broadcasted for public awareness, inclusion of discussion and decision making as promised.

"Rich noted that the discussion of grasslands should include mention of the historical native grassland prairie ecosystems that previously existed in the area. The rarity of native grasslands should be discussed,,," (CD- 6/28/08 SAC Conference Call)

"Rarity section.complex of prairie and vernal pool.
Wet grasslands formed extensive areas were also palustrine wetlands above highest high tide.." (CD- SAC Call 6/23/08)

".there is native biodiversity in the non-tidal saline soils. _ . At Ballona, these wetlands at Area A, for example, are the only habitat where Alkali Barley [Hordeum depressum) is known to occur in the Ballona Ecosystem. This annual grass was probably the dominant native annual grass in naturally occurring non-tidal saline soils at Ballona."
(CD- 11/23/08, Wayne Ferren communication to Mary Small _)

And,
"The region has a shortage of mudflat for shorebirds, high marsh for animals and salt marsh bird's beak, marsh-upland transition for rare shrubs [eg. , box thorn) that are used by animals,.

The region has a shortage of dune habitat and back - dune depressions that support clean-water brackish marsh for aquatic plants and animals.

One could also list maritime scrub, which remains in several places ".
(CD- Joy Zedler (SAC) correspondence)

Thus , without public /Working Group inclusion and input into the formation of the alternatives and later failure to include the public /Working Group comments and concerns regarding the PWA Alternatives that are presented at one public meeting--the CC and Foundation staff continue to work behind publically closed doors to focus upon the 'Preferred Alternative", now known as Alternative 5 presented in the 1/19/12, Staff Recommendation request for funding. Alternative 5 requires massive, non-historic, extraordinary, experimental and knowingly toxic changes to occur on the land masses of Area A and B so that **"biodiversity = highest richness of estuarine dependent species."**

Contrary to the 8/13/04 CC Memo which promised transparency and public inclusion in the alternative planning process which would "restore and enhance" a mix of wetland habitats..and that would implement a technically feasible, cost effective, ecologically beneficial and sustainable restoration.
Instead, <u>the public was shut out of the planning process; and SAC knowledge regarding the **needs and dangers posed by Alternative 5 are not made public:**</u>

O11-406 cont.

"This alternative makes the greatest change to the site, would be the hardest to reverse and consequently has the most risk." [CD- 9/12/08 MEMO from SAC to PMT)

" *..this alternative would* ***require reliance on upstream flood control and pollutant removal****, and could necessitate periodic removal of accumulated pollutants for some portions of the restored wetlands. Furthermore, it is unknown how the flow and sediment yield from the upper watershed would affect the sustainability of the marsh in terms of scour or sediment deposition*." CD, P. 4of 9, 10/15/08 SAC MEMO, emphasis added.

There is no evidence of any such large scale BMP (Best Management Practice) planning or proposals for 'flood control and pollutant removal" occurring upstream on Ballona Creek.

And,

"*Eric suggested that there be a statement up front indicating that this site will not be self-sustainable, but will need to be actively managed in perpetuity. "* (CD- 7/7/08 SAC Conference Call)

Discussion and comments made from key federal agencies were withheld from the public, including but not limited to **NOAA communications regarding concern of toxicity of Ballona Creek upon the remaining wetlands should the levee removal and dredging take place.** (CD- National Oceanic Atmospheric Association email)

O11-406 cont.

Studies that discuss the toxicity of the Ballona Creek waters and sediment to life in the waters and sediment were not released or shared with the public:

"These sediments were toxic to aquatic organisms, potentially from organic compounds in these sediments. Ballona Creek has been identified as a potential source of tidal flows into Areas A, B, and C in each of the proposed restoration alternatives. Therefore, there is concern to tidal marsh areas, resulting in a negative impact to the habitats and biological resources." (CD- Weston –Technical Memorandum 11/26/07; Water Quality Data Gap Investigation Ballona Wetlands Restoration Project- Pohl , P.E., Ph.D.)

And,

" The July 2006 report by Weston also concludes that there are concerns related to water and sediment quality adjacent to the tidal channels. Consequently there is a need to develop a strategy to evaluation the potential ecological risk associated with influent water or sediment quality to the restored wetlands.

The scientific questions regarding sediment and water quality cannot be answered based on the information currently available, and will ultimately depend on the design of the project." (CD- Memorandum 3/8/08; Subject:

APPROACH FOR ADDRESSING SEDIMENT AND WATER QUALITY ISSUES)

And;

"*Eric- Conc[ept) D-is it attempt to move water and sediment into system*

Wayne- breaching levee bringing trash, water pollution and sediment into entire area is problematic.

]ohn Dixon-important to describe these NOT as projects, but a directions.

Ambrose- maybe D is too extreme-this won't happen anyway.

Dixon- do feasible maximum tidal, not D-need to scale back

]eremy- may need to do that, take out realignment Ballona-include realign on Hydrologic options"
(CD-10/30/06 SAC Conference Call)

Additional -SPECIFICS OF THE STAFF RECOMMENDATION 1/19/12

O11-406 cont.

The 1/19/12 Staff Recommendation misleads the public and the Governing Board as seen on pg. 3 of 9, paragraph 5-

" In order to complete the environmental analysis required under the National Environmental Policy Act and the California Environmental Quality Act ***and to apply for permits*** *to implement the project,* ***detailed technical work must be completed."*** *[Emphasis added.)*

What is not disclosed to the reader, is an entire change of process from the Congressionally approved 2005 Joint EIR/EIS process requirements.

The Staff Recommendation sentence itself is also very misleading. The applications for permits to the USACE for implementation of the Coastal Conservancy "Plan", namely the destruction of the levees and the dredging of Ballona have been in process prior to this Staff Recommendation. The Plan-regarding garnering the USACE permits-including the 408- was already in process. (CD)

The Conservancy in its partnership with SMBRC fails to let the public know that they have been working to end the congressionally approved federal portion of the study which entails a full ecological review of the area between the Westchester Bluffs, the Santa Monica Bay, the Santa Monica mountains to a few miles inland - which would also provide for a full review of ALL REASONABLE ALTERNATIVES for enhancement of the ecosystem. (See minutes of USACE/Sponsor meetings provided in the 3/28/12 Request to Rescind File No.04-088; EIS Lower Ballona Creek Restoration Feasibility Study 2005)

Undisclosed is the take-over of process for Ballona 'restoration' guided by the Coastal Conservancy that may disengage the USACE analysis provided for in the established 2005 Joint EIR/EIS.
Instead, it appears that the Coastal Conservancy along with SMBRC staff seek to simply garner permits from the USACE ostensibly for destruction of habitat on Ballona, in particular Area A and B of Ballona. Specifically, the CC and SMBRC staff seek permits (eg 408) for levee and land destruction and removal. It appears that the extensive dredging and massive bulldozing may provide the necessary fill for the LA Port. Questions from the public regarding the CC/SMBRC/ USACE status have gone unanswered. (CD docs and SMBRC April meeting -submission by GC)

Contrary to discussion in the Staff Recommendation-Area A is vegetated primarily by native plants and native wildlife and, is host to endangered species including but not limited to the Belding's Savannah Sparrow.
Not provided to the public are documents and communications which provide, in part, narrative of 'moving' Belding Savannah Sparrows to areas not planned for dredging. This information is vital for public discussion especially since, destruction of the Belding's habitat may wreak havoc upon the Belding population that utilizes Ballona year round. (CD)

O11-406 cont.

- Pg. 3 of 9 discusses hydrology/hydraulics studies that need to be done. What is not discussed with the reader are the multiple public requests for actual onsite hydrology studies that would include Ballona aquifer and groundwater studies that would provide the knowledge for alternatives inclusive of groundwater use onsite. Ballona has multiple aquifers underlying the site. The aquifers are classified as potential drinking water sources and are part of the West Basin aquifers which intermingle to the south and east. (Poland Report)

- None of the concerns raised in House Document 389 (part of the USACE review) regarding problems associated with further saltwater intrusion have been discussed. The elimination of the USACE EIS as part of the Joint EIR/EIS would hasten the Coastal Conservancy's and SMBRC staff GOALS = Estuarine which in turn would potentially threaten contamination of the underground aquifers as per House Document 389 literature. None of the above has been made a part of any review despite repeated requests from the public for such studies.

- The SOCALGAS operations and oilfield gas migration throughout the Ballona area have also not been discussed despite repeated requests from the public.
- Thus pg 9 of 9 is insufficient and incorrect in its comments regarding the Local Coastal Program and the Coastal Act, including but not limited to the

fact that there is no LCP language that states Ballona requires action as the Staff Recommendation implies as per 31252.

-
- Staff Recommendation- Pg. 8 of 9 Under "Sea level rise vulnerability"
- The Staff fail to alert the reader that the 'broad areas of mid marsh and high marsh" depicted--showing a meandering Ballona Creek mid-way between Area A and B-- will be inundated with yearly flood waters of the contaminated Ballona Creek -potentially killing nesting or burrowing life in the low, mid and high marsh areas. Concerns by the SAC team regarding scouring, trash and contamination were not disclosed in the Staff Report and have not been shared with the public.
- The Staff fail to inform the reader that the Preferred Plan creates a non historic cycling of yearly floods, debris and contamination as part of an end of pipe solution, a treatment wetland device .
- The Staff Recommendation does not disclose the SAC discussion of concerns regarding the creation of a treatment wetland.
- The Staff Recommendation does not alert the reader as to what is achieved with the use of the bond funds via "hydraulics" information. Will the hydraulics information be exclusive to new levy construction?
- The Staff Recommendation does not disclose to the reader, the need for upcreek flood control or contamination control as is discussed by SAC.
-

O11-406 cont.

31400- The Staff Recommendation cites enhancement of future NEW trails.
The Coastal Conservancy has already awarded large grants specifically for the Ballona Bike Trail (File No. 07-058-01) which, currently exists and is heavily utilized by the public. Since, much public funding has already been utilized and will be utilized further for the pathway, why should that same importance of pathway be taken away at Ballona?
Removal of the levees would not only take away a heavily utilized public biking and hiking trail but would also take away the pathway's use as an observatory promenade for viewing the interior of Ballona. The levees provide an important opportunity for viewing without intruding.

The Coastal Conservancy and other agencies have failed to embrace and include the public on this issue as well. Using the public's hard earned money while keeping the public out of the planning process reveals the Coastal Conservancy has not acted in good faith.

Grant Award of $280,000 to Mountains Recreation and Conservation Authority (MRCA) File No. 04-088 from Staff Recommendation 7/21/10.

1. The Mountains Recreation and Conservation Authority governing board refused to approve the use of bond money for the trailhead(s) and other enhancement s at Ballona. The Board agreed with members of the public. Namely, that due to the ongoing **Joint EIR/EIS** process' requirements being

more stringent than a singular EIR; those added requirements had to be fulfilled prior to any further decision making taking place.

Mr. Edmiston, at the meeting, asked did they want him to return the money?-

Ostensibly the bond money had already been approved and given to MRCA. Where did the money go? And;

2. The 1/19/12 Staff Recommendation cites NEW levy demolition and bike trails ,
"*the proposed project could provide a new segment of the Coastal Trail . . .the project is located at the intersection of the California Coastal Trail and the Ballona Creek Trail, and may offer a significant opportunity for the development of improved connections between these trails."* P. 7 of 9 .

- Since the Coastal Conservancy has been intent upon levee removal of Ballona Creek and dredging the land in the near future; <u>why did the Conservancy give bond money to MRCA for trail head construction and enhancements for Area A (in particular)--apparently an area it intends to soon demolish and dredge? These inconsistencies appear to show misuse of public funds; paying for contractors and salaries for projects that lead nowhere.</u>
- <u>Furthermore, it appears that when the CC Project Manager of Ballona desires to garner public bond money; the wetlands (or bike path) are discussed in a decidedly positive depiction as below:</u>

O11-406 cont.

"Despite the degradation of site resources, significant wetland habitat remains within the Ballona Wetlands. Plant species within the project site include wetland indicators such as pickleweed, marsh heather, saltgrass, arrowgrass and glasswort, and a variety of upland and exotic species including brome, iceplant, oxalis, and ryegrass. Bird surveys indicate that the site is used seasonally by a variety of migratory shorebirds, as well as by typical shoreline residents (gulls, terns, and ducks) and typical upland birds including small raptors. Bird species of special interest observed in the project area include nesting pairs of Belding's Savannah sparrow and foraging use by California least terns.
The proposed project will be implemented primarily on the portion of the BWER north of the Ballona Creek channel (Exhibit 2). This area of the reserve currently has very limited public access and suffers from illegal uses. The proposed project seeks to improve the resources on the site, increasing public use while discouraging illegal activities through improvements to fencing and signage." File No. 04-088

This same project manager provides an entirely different depiction in the negative—when public bond money is requested for demolition purposes on the same piece of property. Note also the language of utilizing funds to safeguard the property directly contradicts the 1/19/12 Staff Recommendation of the 6 plus million wherein the Project Manager cites the need to demolish and dredge the same area as a means of eliminating public use by the homeless instead of—the aforementioned request for money to protect the same area. (See also Ms. Small e-mails discussing need to show greater degradation in order to secure the desired outcome. (J. Davis 3/28/12 <u>Request</u> to CC))
It appears that the Ballona habitat is characterized dependent upon financial requests---not on reality or science based requests.

- Despite repeated requests for public follow up with regard to the bond money and that project, (including a request made for information at the recent Ballona Watershed Task Force Meeting) none has been forthcoming from MRCA staff or CC staff.

"In 2008, the Conservancy authorized funds to the MRCA for planning, final design and implementation of specific public access improvements identified in the Ballona Wetlands Early
BALLONA WETLANDS PUBLIC ACCESS IMPROVEMENTS
Action Plan. MRCA has completed much of that work and as a result of that planning effort, the project partners determined that some of the specific access improvements identified in that plan may need to be re-evaluated and others should be reviewed and permitted as part of the larger wetland restoration project. Rather than pursue the Early Action Plan improvements, the project partners decided that it is a higher priority to develop targeted educational and public access programs in the northern 300 acre portion of the site where there is currently almost no public access. The proposed project would also provide funding for MRCA to continue working on planning public access improvements for inclusion in the ultimate restoration project."

This inconsistency for request/approval and follow-up on bond funds continues to remain unexplained.

And,how does removal of the levees- the lower leg of the "Class 1 bike path" fit with the public's money expended below?:
"In 2000, the Conservancy helped fund a planning for creation of a "Park to Play a" river park from the Baldwin Hills to Marina Del Rey. The Ballona Wetlands Early Action Plan improvements and the Ballona Creek to Link Expanded Parks at the beaches and the Coastal Trail. In 2001, the Conservancy helped fund the Coastal Trail Focused Study, which identified improvements to the Ballona Creek Trail. Conservancy helped fund the construction of a Culver City bridge in Ballona Creek Trail. That project helps implement the "Park to Play a" and the Focused Study, a multi-benefit, gate way park that will increase access to the trail and enhance the experience of trail users. ***File No. 07-058-01; Project Manager Mary Small***

O11-406 cont.

Conservancy funds for this project are expected to derive from the Conservancy's FY2002/03 appropriation from Proposition 40")

3. Staff Reccommendation pg. 9 of 9 re: Consistency With Local Coastal Policies fails to provide accurate Local Coastal Plan (LCP)background information.

The Coastal Commission certified the first LUP in 1984, the La Ballona MDR Land Use

Plan.

The Land Use Plan was then changed to reflect two distinctly different Land Use Plans, the La Ballona
Plan and the new and different MDR LUP.

It is questionable as to if the California Coastal Commission certified another Land Use Plan for the Playa Vista Project.

Consistency with the California Coastal Act must be consistent with Chapter 3 of that Act.

The Project will not restore, but will instead convert the land from one historic natural function to an entirely new function that is unnatural.
Lack of saltwater connection is demonstrated in historic maps from the U.S. Geological Survey. (A USGS map was submitted at the public hearing on Jan 19,2012. The CC remains nonresponsive)

O11-406 cont.

Grassroots Coalition respectfully requests a written response to this Additional Complaint and maintains its request for response to the 3/29/12 REQUEST TO RESCIND APPLICATION FOR STAFF RECOMMENDATION APPROVAL ON 1/19/12, to award $6,490,000 Ballona Wetlands Restoration Engineering and Technical Studies. (File 04-088)

The PRA response CD cited herein, is on file with the Coastal Conservancy. Copies of the CD are available upon request and/or are being forwarded.

GC also reserves its right to amend this Complaint and Request with additional information.

Attached is the 3/28/12 Request to Rescind from John Davis to Ca.Coastal Conservancy regarding File No. 04-088

Respectfully,
Patricia McPherson, Grassroots Coalition-President

California Coastal Conservancy March 28, 2012
Att: All Governing Board Members and Alternates
Re: PUBLIC COMMENT 3/29/12:
Request to Hold Emergency Meeting to Rescind Approval Action on File No. 04-088

Douglas Bosco
Marisa Moret
Ann Nothoff
John Laird
Ana J. Matosantos
Mary Shallenberger
Susan Hancsh
Karen Finn
Bryan Cash
Noreen Evens
Joe Simitan
Anthony Cannella
Bill Mornning
Luis Alejo
Das Williams

CC
John Chiang State Controller
California Department of Finance Director Ana Matosantos
U.S. Army Corp of Engineers Att: Commander Mark Toy
U.S. Senator Barbara Boxer
U.S. Congress Person Maxine Waters

O11-406 cont.

Honorable Chair Bosco, Distinguished Commissioners,

Attachments will be submitted to the Governing Board on March 29, 2012.

I hereby request this public body instruct its Staff to schedule an emergency meeting in accordance with the Bagley Keene Act section 11125.5(b) to rescind its approval of File No. 04-088 on January 19, 2012 for the following reasons;

1. NON-COMPLIANCE DEPARTMENT OF FINANCE ATTACHMENT 1
Final Report—Audit of California State Coastal Conservancy's Propositions 12, 13, 40, 50 Bond Funds

The Department of Finance, Office of State Audits and Evaluations, has completed its audit of the California State Coastal Conservancy's (Conservancy) Propositions 12, 13, 40, and 50 bond funds for the period ending June 30, 2008.

Staff Project Manager Mary Small **failed to require Potential Grantee**, the Santa Monica Bay Restoration Foundation, **to fill out a Grant Application Form** on the Conservancy Website.

Background:

On January 24, 2011 The **California Department of Finance Issued a Final Report – Audit** of the California State Coastal Conservancy. The Report Found that ;

*The Conservancy did not establish formal program guidelines: project awarding criteria; and **grant applications** to document its project merit review process.*
Also, the Conservancy website included limited or incomplete information about ongoing programs and efforts, regional priorities, and funding opportunities.

On October 7, 2010, Executive Director Samuel Schuchat responded to the Audit.

*The **Conservancy website has been updated to included the standardized grant application**, more information about funding opportunities.*

The Conservancy has formally adopted project selection criteria, and a formal, transparent awarding process that follows statute.

*It generally does not institute grant rounds but instead has an **open grant process. Application can be and are made, and these are considered at any time.***

O11-406 cont.

*With respect to the form of **grant applications**, based on discussions with the auditors, we have created a **uniform grant application** that is posted on our website. There is now more information available to the public concerning priorities and how to apply for funding.*

*We have developed a **standard grant application that is now in use**.*

A. Staff Project Manager Mary Small failed to obtain any written documentation to identify the Potential Grantee,no address, no agent name, nor an account to which the grant could be deposited is recorded.

B. Staff Project Manager Mary Small had no paperwork whatsoever from the Potential Grantee prior to January 19, 2012 nor did the Potential Grantee request funding. Staff did not provide public notice that such Grant Funds were available to other qualified entities.

C. Staff Project Manager Mary Small failed to determine if the private business, Santa Monica Bay Restoration Foundation was legally operating out of a State Water Board Office, the Los Angeles Regional Water Quality Control Board. Filings with the California Secretary of State show the private business is operating out of a State Office. There is no legal authority allowing for this.

D. Staff Project Manager Mary Small failed to disclose the fact she was a Director of the Corporation of the Proposed Grantee in 2006 creating an appearance of impropriety.

2. FALSEFICATION OF PUBLIC RECORDS ATTACHMENT 2

Staff falsified a Form SCC 08-08, Work Transmittal.
The Form was initialized by;
Executive Director - Sam Schuchat
Project Manager - Mary Small
Legal - Elena Eger

Staff filled out the form as follows:

*Will this project receive federal or other outside funding? Yes___ No X_*

The January 19, 2012 **Staff Report contradicts on page 6** :

*"The SMRBF in-kind **funds would come from U.S. EPA funding** provided to the SMRBF for its staff **and from a U.S. EPA Wetland Program Development Grant** received for work at Ballona"*

3. INCOMPLETE PUBLIC RECORDS ATTACHMENT 2

Staff failed to complete Form SCC 08-08, Work Transmittal.
The Form was initialized by;
Executive Director - Sam Schuchat
Project Manager - Mary Small
Legal - Elena Eger

Is the Grantee a Nonprofit Organization Yes___ No__ - NOT CHECKED
If nonprofit: Is the status file complete and current Yes___ No___ - NOT CHECKED
GRANT / CONTRACT AMMENDMENTS REVIEW - BLANK
MAIL OUT APPROVALS - BLANK
APPLICATION - BLANK
GRANT TRANSMITTAL - BLANK
REVIEW OF AGREEMENT - BLANK

4. DISCRIMINATION ATTACHMENT 3

Staff Project Manager Mary Small has improperly lobbied private individuals, private businesses, State and Federal Officials and entities prior to the release of the Staff Report, thusly, discriminating against all others by failing to provide the same comment opportunity prior to the issuance of the Staff Report.

Further Discrimination has taken place because only one Potential Grantee has been selected by Staff Project Manager Mary Small, excluding all others that may have chosen to apply.

O11-406 cont.

Moreover, Discrimination has taken place in that only a select group of Potential contractors was noticed by Staff Project Manager Mary Small, in non-compliance with the California Contract Code, excluding all other qualified firms.

5. PREJUDICE OF PROCESS ATTACHMENT 4

Staff Project Manager Mary Small requested Potential Grantee to help write Staff Report.

Staff Project Manager Mary Small worked with Potential Grantee to engage in media spin to avoid scrutiny.

6. STAFF REPORT EXCLUDED VITAL INFORMATION ATTACHMENT 5

The Staff Report is ambiguous. It describes the Grantee in detail with no supporting documentation whatsoever.

The Staff Report does not establish terms of compliance for the Proposed Grantee nor for entities that will complete the described studies.

The Staff Report does not define that contractors will be hired. Staff Project Manager Mary Small discussed hiring contractors with the Potential Grantee and others before the Staff Report was approved, purposely avoiding the requirement under the Bagley Keene Act for the Governing Board to approve contractors and Notice requirements of the California Contract Code. O11-406 cont.

Legal Staff Elena Eger encouraged Staff Project Manager Mary Small to complete a grant agreement form because I requested it pursuant to the Public Records Act. The form should have been completed without my request for it.

The Staff Report failed to inform this Board that a Federal Environmental Protection Act Process was initiated by the Army Corp of Engineers Los Angeles in 2005 that governs the Ballona Wetlands.

Staff has failed to inform the Governing Board and Public that the Project Manager, Mary Small, lobbied the Department of Fish and Game to ignore the EIS Notice published in the Federal Register, in favor of a new EIR/EIS process desired by the Project Manager and the Proposed Grantee, without informing and seeking authorization from this Governing Board. This clearly constitutes interference with a legally noticed federal NEPA process. Furthermore Staff Project Manager Mary Small failed to inform this Governing Board that the entire area is governed by U.S. Public Law 780, the Rivers and Harbors Act of 1954, which is the subject of the EIS process currently being conducted by the USACE.

In the Minutes of the Ballona Ecosystem Restoration Planning Management Committee, obtained from the USACE by FOIA Staff Project Manager Mary Small, without the

authorization of this Board, represented to the Army Corp of Engineers on June 28, 2010 that:

Coastal Conservancy is supplying most of the funding toward the in-kind local sponsor efforts.

The Governing Board has not authorized Mary Small to represent the Coastal Conservancy at a meeting of the Army Corp of Engineers and the Local Sponsor (Santa Monica Bay Restoration Authority). The Conservancy is neither a partner nor is there any MOU to with the SMRBA, which is under contract to the USACE. Minutes of other such meetings provide evidence that Mary Small also discussed;

A. Changing the scoping of an Environmental Protection Act process began by the USACE in 2005.

B. Using only the Conservancy's Alternatives.

C. Attempting to gain in kind credits from the USACE.

D. Further documents provided by the USACE provide evidence that the local sponsor, never provided any funding to the USACE whatsoever nor did it provide any in-kind credit.

O11-406 cont.

E. Resumes provided to the Coastal Conservancy by potential contractors for this Project include studies finished and paid for by federal funding stated in the resume(s) as part of the Lower Ballona Creek Feasibility Studies of the Joint EIR/EIS (2005) initiated by the USACE.

7. VIOLATIONS OF CALIFORNIA CONTRACT CODE ATTACHMENT 6

Staff Project Manager Mary Small failed to comply with the California Contract Code Notification and Conflict requirements, Sections 10140-10141 and 10515-10518.

Staff Project Manager Mary Small conducted a Request for Services for Contractors in 2009, and again in 2010 in regard to a Project not noticed to the Public or Governing Board until 2012, both in non-compliance with California Contract Code.

Staff Project Manager Mary Small purports to have initiated another Request for Services in February 2012 with responses due on the 29th of that month outside in non-compliance with the California Contract Code.

8. VIOLATIONS OF BAGLEY KEENE ATTACHMENT 6

Staff failed to obtain permission from the Governing Board to hire contractors to complete studies.

9. QUID PRO QUO INFERED ATTACHMENT 7

The attached e-mails contain an inference of a quid pro quo. The request for a support letter is accompanied by a discussion of bond money provisions. In one email a support letter request exists alongside a discussion to close out another matter, without specificity.

10. INIMIDATION AND HARRASSNMENT OF PUBLIC BY LEGAL STAFF VIOLATING STATE LAW AND AGENCIES PRIVACY POLICY
ATTACHMENT 8

Legal Staff Elena Eger has attempted to intimidate and harass me by copying private business persons on emails to me which disclose my private address, even after I requested the practice cease in writing, in clear contradiction to Information Practices Act (Civil Code section 1798 et seq.) and the Agencies Privacy Policy.

Staff has violated the Conservancy Privacy Policy by the aforesaid action(s).

Privacy Policy

Pursuant to Government Code § 11019.9, all departments and agencies of the State of California shall enact and maintain a permanent privacy policy, in adherence with the Information Practices Act of 1977 (Civil Code § 1798 et seq.), that includes, but is not necessarily limited to, the following principles:

O11-406 cont.

(a) Personally identifiable information may only be obtained through lawful means.

(b) The purposes for which personally identifiable data are collected shall be specified at or prior to the time of collection, and any subsequent use of the data shall be limited to and consistent with the fulfillment of those purposes previously specified.

(c) Personal data may not be disclosed, made available, or otherwise used for a purpose other than those specified, except with the consent of the subject of the data, or as required by law or regulation.

(d) Personal data collected shall be relevant to the purpose for which it is needed.

(e) The general means by which personal data is protected against loss, unauthorized access, use, modification, or disclosure shall be posted, unless the disclosure of those general means would compromise legitimate agency objectives or law enforcement purposes.

Each department shall implement this privacy policy by:

- *Designating which position within the department or agency is responsible for the implementation of and adherence to this privacy policy;*
- *Prominently posting the policy physically in its offices and on its internet website, if any;*
- *Distributing the policy to each of its employees and contractors who have access to personal data;*
- *Complying with the Information Practices Act (Civil Code § 1798 et seq.); the Public Records Act (Government Code § 6250 et seq.); Government Code § 11015.5, and all other laws pertaining to information privacy;*
- *Using appropriate means to successfully implement and adhere to this privacy policy.'*

Sincerely,

John Davis
PO 10152
Marina del Rey Ca. 90295

O11-406
cont.

ATTACHMENT 1

O11-406 cont.

RE: Public Records Request from John Davis

From: Philip Wyels <PWyels@waterboards.ca.gov>(Add as Preferred Sender)
Date: Tue, Feb 21, 2012 2:26 pm
To: <jd@johnanthonydavis.com>

Mr. Davis, I apologize for the delay in responding to your request. I have been unable to locate any records within the possession of the State Water Resources Control Board that are responsive to your requests. The attached two documents may be of interest to you, however, in that they indicate that the Santa Monica Bay Restoration Project's relationship with the Santa Monica Bay Restoration Foundation (Foundation) pre-dated the conversion of the Santa Monica Bay Restoration Project to the Santa Monica Bay Restoration Commission (Commission). Also, as I explained to you by telephone, the Commission staff is currently undertaking a number of steps to more clearly distinguish the Commission from the Foundation. Unfortunately, some of those steps are taking some time. I will let you know when I receive a timetable for those steps from Commission staff.

Sincerely,
Phil

Philip G. Wyels
Assistant Chief Counsel
State Board Water Quality Unit
State Water Resources Control Board

1001 I Street
P.O. Box 95812-0100
Sacramento, CA 95814

(916) 341-5178 (phone)
(916) 341-5199 (fax)
pwyels@waterboards.ca.gov>>>

From: <jd@johnanthonydavis.com>
To: Philip Wyels <pwyels@waterboards.ca.gov>
CC: Michael Lauffer <MLauffer@waterboards.ca.gov>
Date: 2/21/2012 10:00 AM
Subject: RE: Public Records Request from John Davis

California State Water Board
Att: Phil Wyels
Re: Status Request Public Record Request

Councel Wyels,

The California Public Records Act requires that Agencies subject to the Act reply to request for records
within 10 days after a request is made.

The State Water Resources Board has not complied with the law in this respect in regard to the request for
records made on 2/7/12.

O11-406 cont.

Please advise as to if or when the State Agency will reply.

Thanks,

John Davis

-------- Original Message --------
Subject: Public Records Request from John Davis
From: <jd@johnanthonydavis.com>
Date: Tue, February 07, 2012 3:03 pm
To: "Philip Wyels" <pwyels@waterboards.ca.gov>
Cc: "Elena Eger" <eeger@scc.ca.gov>

California State Water Board
Att: Phil Wyels
Re: Public Record Request

Dear Mr. Wyeles,

This is a request for public records pursuant to the California Public Records Act. Each numbered request is distinct.

O11-406 cont.

1. Please provide any record of any law, regulation, or policy of the State Water Board which allows
a private business to operate out of a State Water Board Office.

2. Please provide any record of any law, regulation,or policy that allows a private business to use a State Water Board Office as a corporate street address of principal office in California, and or as a mailing address of the corporation, and or mailing address of the corporation, and or address of a corporate Chief Executive Officer, and or of a corporate secretary, and or of a corporate financial agent.

3. Please provide any law, and or regulation, and or policy that allows any State Water Board Commission to
designate a private business as its "FISCAL AGENT"

4. Please provide any law, and or regulation, and or policy that allows any State Water Board Commission to designate a private business to receive, manage, and to treat money granted by the U.S. Government to the State of California as revenue of the private business.

Thank you for your continued assistance,

John Davis
PO 10152
Marina del Rey Ca. 90295
310.795.9640

From:	Elena Eger
To:	"jd@johnanthonydavis.com"
Cc:	"Shelley Luce"; "svalor@santamonicabay.org"; "Mary Small"; "Dick Wayman"; "Nadine Peterson"; "Samuel Schuchat"
Subject:	Davis call to Eger of 2-6-12
Date:	Tuesday, February 07, 2012 1:00:00 PM
Attachments:	SWRCB memo2011aug re accusations.pdf SWRCB Ltr to Davis re PRAs.pdf

Dear Mr. Davis:

Pursuant to our phone conversation of yesterday, February 6, 2012, in which you provided a warning to me that the Conservancy should be informed that the Santa Monica Bay Foundation allegedly is appropriating public resources for private gain, attached please find the State Water Resources Control Board's (SWRCB) August 15, 2011 legal memo addressing your contentions and a September 13, 2011 letter to you regarding the same.

As analyzed in the SWRCB memo, especially in #3, pp. 4-5 of that memo, your contentions that the Foundation is improperly utilizing public resources for private use, namely in your assertions yesterday when you identified as improper the fact that the Foundation uses the same mailing address as the SWRCB's Los Angeles office, are specifically addressed. Frances McChesney, Esq., Office of the Chief Counsel for the SWRCB concludes in that memo that the Foundation is not improperly appropriating public resources for its private use.

O11-406 cont.

The Conservancy intends to proceed with its grant to the Foundation approved as Item #5 at its January 19, 2012 meeting.

Sincerely,

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

State of California
Secretary of State

E-945038
FILED
In the office of the Secretary of State of the State of California
Feb - 5 2010
This Space For Filing Use Only

STATEMENT OF INFORMATION
(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)
Filing Fee $20.00. If amendment, see instructions.
IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

N

1. **CORPORATE NAME** (Please do not alter if name is preprinted.)
C1481142
SANTA MONICA BAY RESTORATION FOUNDATION

320 W 4TH ST STE 200
LOS ANGELES CA 90013

DUE DATE:

COMPLETE PRINCIPAL OFFICE ADDRESS (Do not abbreviate the name of the city. Item 2 cannot be a P.O. Box.)

2. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY — CITY — STATE — ZIP CODE
320 W 4TH ST STE 200 LOS ANGELES CA 90013

3. MAILING ADDRESS OF THE CORPORATION, IF REQUIRED — CITY — STATE — ZIP CODE
320 W 4TH ST STE 200 LOS ANGELES CA 90013

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

4. CHIEF EXECUTIVE OFFICER/ — ADDRESS — CITY — STATE — ZIP CODE
SHELLY LUCE 320 W 4TH ST STE 200 LOS ANGELES, CA 90013

5. SECRETARY/ — ADDRESS — CITY — STATE — ZIP CODE
CATHERINE TYRRELL 320 W 4TH ST STE 200 LOS ANGELES CA 90013

6. CHIEF FINANCIAL OFFICER/ — ADDRESS — CITY — STATE — ZIP CODE
LAURIE NEWMAN 320 W 4TH ST STE 200 LOS ANGELES CA 90013

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 8 must be completed with a California street address (a P.O. Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 8 must be left blank.)

7. NAME OF AGENT FOR SERVICE OF PROCESS
SHELLEY LUCE

8. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL — CITY — STATE — ZIP CODE
320 W 4TH ST STE 200 LOS ANGELES, CA 90013

DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT (California Civil Code section 1350, et seq.)

9. ☐ Check here if the corporation is an association formed to manage common interest development under the Davis-Stirling Common interest Development Act and proceed to items 10, 11 and 12.

NOTE: Corporations formed to manage a common interest development must also file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code section 1363.6. Please see instructions on the reverse side of this form.

10. ADDRESS OF BUSINESS OR CORPORATE OFFICE OF THE ASSOCIATION, IF ANY — CITY — STATE — ZIP CODE

11. FRONT STREET AND NEAREST CROSS STREET FOR THE PHYSICAL LOCATION OF THE COMMON INTEREST DEVELOPMENT (Complete if the business or corporate office is not on the site of the common interest development.) — 9-DIGIT ZIP CODE

12. NAME AND ADDRESS OF ASSOCIATION'S MANAGING AGENT, IF ANY — CITY — STATE — ZIP CODE

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

DATE	TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM	TITLE	SIGNATURE
02/05/2010	SHELLEY LUCE	EXECUTIVE DIRECTOR	

SI-100 (REV 01/2008) — APPROVED BY SECRETARY OF STATE

O11-406 cont.

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements

OMB No 1545-0047

2006

Open to Public Inspection

A For the 2006 calendar year, or tax year beginning Jul 01, 2006, and ending Jun 30, 2007

B Check if applicable: ☐ Address change ☐ Name change ☐ Initial return ☐ Final return ☐ Amended return ☐ Application pending

Please use IRS label or print or type. See Specific Instructions.

C Name of organization, number and street, city, town, state, and ZIP code
Santa Monica Bay Restoration Foundation
320 West 4th Street Suite 200
LOS ANGELES CA 90013

D Employer identification number 33-0420271

E Telephone number 213-576-6642

F Acctg. method: ☒ Cash ☐ Accrual ☐ Other (specify) ▶

● **Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).**

H and I are not applicable to section 527 organizations

H(a) Is this a group return for affiliates? ☐ Yes ☒ No

H(b) If "Yes," enter number of affiliates ▶

H(c) Are all affiliates included? (If "No," attach a list See instructions) ☐ Yes ☐ No

H(d) Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No

I Group Exemption Number ▶

G Website: ▶ WWW.SANTAMONICABAY.ORG

J Organization type (check only one) ▶ ☒ 501(c)(3) ◀ (insert no) 4947(a)(1) or 527

K Check here ▶ ☐ if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally not more than $25,000 A return is not required, but if the organization chooses to file a return, be sure to file a complete return

M Check ▶ ☐ if the organization is **not** required to attach Sch B (Form 990, 990-EZ, or 990-PF)

L Gross receipts Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 979,681.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions)

Revenue	1 Contributions, gifts, grants, and similar amounts received			
	a Contributions to donor advised funds	1a		
	b Direct public support (not included on line 1a)	1b	342,406.	
	c Indirect public support (not included on line 1a)	1c		
	d Government contributions (grants) (not included on line 1a)	1d	576,050.	
	e **Total** (add lines 1a through 1d) (cash $ 918,456. noncash $)		1e	918,456.
	2 Program service revenue including government fees and contracts (from Part VII, line 93)		2	18,485.
	3 Membership dues and assessments		3	
	4 Interest on savings and temporary cash investments		4	41,773.
	5 Dividends and interest from securities		5	967.
	6 a Gross rents	6a		
	b Less rental expenses	6b		
	c Net rental income or (loss) Subtract line 6b from line 6a		6c	
	7 Other investment income (describe ▶)		7	
	8 a Gross amount from sales of assets other than inventory — (A) Securities / (B) Other	8a		
	b Less cost or other basis & sales expenses	8b		
	c Gain or (loss) (attach schedule)	8c		
	d Net gain or (loss) Combine line 8c, columns (A) and (B)		8d	
	9 Special events and activities (attach schedule) If any amount is from gaming, check here ▶ ☐			
	a Gross revenue (not including $ of contributions reported on line 1b)	9a		
	b Less direct expenses other than fundraising expenses	9b		
	c Net income or (loss) from special events Subtract line 9b from line 9a		9c	
	10 a Gross sales of inventory, less returns and allowances	10a		
	b Less cost of goods sold	10b		
	c Gross profit or (loss) from sales of inventory (attach schedule) Subtract line 10b from line 10a		10c	
	11 Other revenue (from Part VII, line 103)		11	
	12 **Total revenue.** Add lines 1e, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11		12	979,681.
Expenses	13 Program services (from line 44, column (B))		13	757,878.
	14 Management and general (from line 44, column (C))		14	102,224.
	15 Fundraising (from line 44, column (D))		15	7,373.
	16 Payments to affiliates (attach schedule)		16	
	17 **Total expenses.** Add lines 16 and 44, column (A)		17	867,475.
Net Assets	18 Excess or (deficit) for the year Subtract line 17 from line 12		18	112,206.
	19 Net assets or fund balances at beginning of year (from line 73, column (A))		19	872,326.
	20 Other changes in net assets or fund balances (attach explanation)		20	
	21 Net assets or fund balances at end of year Combine lines 18, 19, and 20		21	984,532.

RECEIVED FEB 19 2008 OGDEN, UT 861 IRS-OSC

SCANNED MAR 04 2008

O11-406 cont.

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Form **990** (2006)

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97

33-0420271

List of Officers, Directors, Trustees and Key Employees

US 990 990: Page 5, Part V; 990EZ: Page 2 Part IV; 990-PF: Page 6, Part VIII 2006

Name and Address	Title/Average Hours Per Week Devoted to Position	Amount Paid	Amount for Employee Benefit Plan	Expense Account and Other Allowances
Rod Spackman 320 W 4th St	President 2			
Randal Orton 320 W 4th St	CFO 2			
Mark Gold 320 W 4th St	Director 1			
Tom Ford 320 W 4th St	Director 1			
Richard Bloom 320 W 4th St	Director 1			
Fran Diamond 320 W 4th St	Director 1			
Marvin Sachse 320 W 4th St	Director 1			
Bob Hoffman 320 W 4th St	Director 1			
S Wisniewski 320 W 4th St	Director 1			
Laurie Newman 320 W 4th St	Director 1			
Mary Small 320 W 4th St	Director 1			
Bryant Chesney 320 W 4th St	Director 1			
Dean Kubani 320 W 4th St	Director 1			
Shelley Luce 320 W 4th St	Executive 40	55,830.		
		55,830.		

O11-406 cont.

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ATTACHMENTS 2

O11-406 cont.

SCC 03-08

WORK TRANSMITTAL

Project Development Approval

Date: 12/13/11 WG Leader: MS Date: 12/13/11

Project Manager: Mary Small Project #: 04-088-01

Project Name: Ballona Wetlands County/City: LA²

Grantee/Contractor Name: tbd / Santa Monica Bay Foundation

Is Grantee a Nonprofit Organization? ___ Yes ___ No If Nonprofit: Is status file complete and current? ___ Yes ___ No

Nature of Job planning/design

RESERVATION OF FUNDS

Will this project receive federal or other "outside" funding? ___ Yes X No. *If Yes, fill out back side of this form (Grant Transmittal - A)*

Will this project receive state / other funding? ___ Yes *(Reimb. -0995)* X No. *If Yes, fill out back side of this form (Grant Transmittal - B)*

Total Amount to be Reserved: $ 6,490,000.00

Prop 84 - Planning? ___ Yes X No

Proposed Budget Item(s):	Fiscal Year (Budget Act)	Amount	Encumb. Expiration Date	Liquid. Date
1. 3760-30203-0005 (2)(B)( )	2000 Chapter: DSR/00	$ 6,490,000.00	(6/13)	(6/15)
2. 3760-___ ( )( )( )	___ Chapter: ___	$ ___	( )	( )
3. 3760-___ ( )( )( )	___ Chapter: ___	$ ___	( )	( )

Reap. by Chapter: 712/10 *for item* 1 *Reap. by Chapter:* ___ *for item* ___ *Reap. by Chapter:* ___ *for item* ___

Program: enhancement

Project Info entered onto applicable Bond Data Spreadsheet? ___ Y X N Date: MA

___ Public Access: VRA (Capital Outlay)

___ Habitat Conservation Fund (0262)

___ Support: 001 Fund 0565 only: ___ Yes

IT ___ Consult & Prof. (External) ___ (Inter-Dept.) ___

Repayment Feature? (Loan Receivable) ___ Yes ✓ No

Private Activity ? ___ Yes ___ No ✓ N/A

(Tax Reportable to Treasurer's Office)

Expected Date of Board Action: 4/19/12 Project Entered onto SCC Database? ✓ Y ___ N Date: 12/13/11

1. WG Leader: MS Date: 12/13/11 4. Legal: CE Date: 12/14/11

2. Acctg Officer: HT 6.49M Date: 12/13/11 5. EO/DEO: SS Date: 12/15/11

3. Additional WG Leader responsible for management of specific funds (if applicable): ___ Date: ___

STAFF RECOMMENDATION REVIEW (For 1/19/12 Board Meeting)

1. WG Leader: MS Date: 12/13/11 3. EO/DEO: SS Date: 12/15/11

2. Legal: CE Date: 12/14/11 4. *Legal: ___ Date: ___

** At EO/DEO's discretion*

GRANT/CONTRACT AMENDMENTS REVIEW

(CEQA Submitted? ___ Yes ___ No ___ N/A Project Manager ___ Date: ___)

Amount Encumbered: $ ___ Grant/Contract No.: ___

Termination Date: ___ Amendment No.: ___

Disabled Veteran Business Enterprise (DVBE)? ___ Yes ___ No 20-yr Agreement? ___ Yes ___ No

Small Business Enterprise (SBE)? ___ Yes ___ No

(If Yes, provide OSDS# ___)

MAIL OUT APPROVALS

1. Legal: ___ Date: ___ 2. Project Manager: ___ Date: ___

3. Proofreader: ___ Date: ___

O11-406 cont.

GRANT TRANSMITTAL

Grant No._____

(for receivable grants)

INTENT TO APPLY

Date: _____

Project Manager: _____

SCC Program: _____

Grant Program Name: _____ Grant Amount: _____

Granting Agency: _____

Project Name: _____ Project Number: _____

SCC required Matching Funds: (if other than in-kind services, please use reverse side of this form to reserve SCC funds)

In - Kind: $ _____ (Copy from reverse side)

Support: $ _____ Fund No.: _____ FY_____

Capital Outlay: $ _____ Fund No.: _____ FY_____

TOTAL: $ _____

Funding Mechanism: Will or will not hit SCC account? _____ Electronic Transfer ? _____

Paid in Arrears ? _____ Cash Advance ? _____

___ *(A) For Federal Grant*

Support (Staff, travel, equipment): $ _____ 3760 - 001- 0890 FY : _____

Capital Outlay: $ _____ 3760 - 301- 0890 FY : _____

Other (Specify) _____ : $ _____ 3760 - _____ FY : _____

TOTAL: $ _____

___ **(B) For State Reimbursable Grant** (Please use reverse side of this form to reserve up-front SCC funds)

Support (Staff, travel, equipment): $ _____ 3760 - 001 - 0565 - F90 FY : _____

Capital Outlay: $ _____ 3760 - 301 - _____ - F90 FY : _____

Other (Specify) _____ : $ _____ 3760 - ____ - ____ - F90 FY : _____

TOTAL: $ _____

Authorization:

Program Manager: _____ Date: _____

Accounting Officer: _____ Date: _____

Grants Manager: _____ Date: _____

APPLICATION *(Provide copy of Application to Grants Manager)*

Legal * _____ Date: _____

**Please inform Grants Manager if signature are missing in the "INTENT TO APPLY" SECTION*

EO/DEO: _____ Date: _____

Date Applied: _____ Expected Date of Grant Award: _____

REVIEW OF AGREEMENT (for receipt of funds)

Board Authorization To Spend The Grant: Date (s): _____

Project Manager: _____ Date: _____

Program Manager: _____ Date: _____

Legal: _____ Date: _____

EO/DEO: _____ Date: _____

Grants Manager: _____ Date: _____ Inform Acct. Date: _____

Amendment #: _____ Legal Reviewed by: _____ Date: _____

O11-406 cont.

ATTACHMENT 3

O11-406 cont.

From: Mary Small
To: sluce@santamonicabay.org; "Barbara Romero"
Subject: FW: hard copy in the mail tomorrow
Date: Friday, January 06, 2012 4:04:00 PM

-----Original Message-----
From: Ruth Galanter [mailto:ruth.galanter@verizon.net]
Sent: Friday, January 06, 2012 3:57 PM
To: Mary Small
Subject: Re: hard copy in the mail tomorrow

I am planning to attend the meeting, and I'm trying to get some more support letters and maybe attendees. You have no idea how much pleasure I would get from foiling your opponents. I can either stand up during the hearing, or if you want, I can instead meet you and the board between the tour and the meeting (since you must be going to feed them someplace) and just chat informally.

Your choice. I'm free at about 11:30 and have a meeting at 3 pm. In between I am at your service.

On Jan 6, 2012, at 3:50 PM, Mary Small wrote:

> Thanks that's a very generous offer. If you have time to attend the
> meeting, that would be great. It starts at 1pm at Baldwin Hills Scenic
> Overlook and this is the first substantive item on the agenda. I will have
> pretty limited time to present, but could acknowledge you and if you were
> willing to speak in public comment on the item that would fantastic.
> Mary
>
> -----Original Message-----
> From: Ruth Galanter [mailto:ruth.galanter@verizon.net]
> Sent: Friday, January 06, 2012 9:52 AM
> To: Mary Small
> Subject: Re: hard copy in the mail tomorrow
>
> I'm available after about 11:30, and you might want to use me as part of a
> board briefing in light of my nearly two decades dealing with the issue.
> That of course is up to you, and I promise not to get huffy if you'd rather
> not.
>
> On Jan 6, 2012, at 9:10 AM, Mary Small wrote:
>
>> Thank you very much, you letter is perfect and I appreciate your quick
>> response. It would be great to have a few supporters at the meeting, I am
>> sure the opponents will attend.
>>
>> We are also going to take the Coastal Conservancy board on a quick tour of
>> the site the morning before the meeting from 10-12. I know you are very
>> busy but it would be great if you wanted to join us for either the tour or
>> to attend the meeting.
>> Mary
>>
>> -----Original Message-----
>> From: Ruth Galanter [mailto:ruth.galanter@verizon.net]
>> Sent: Thursday, January 05, 2012 9:13 PM
>> To: Small Mary
>> Subject: hard copy in the mail tomorrow
>>

O11-406 cont.

>> Hi Mary,
>>
>> I've emailed you my letter and will send the hard copy tomorrow.
>>
>> I've also emailed various people to suggest attending the hearing in case
>> the eco-loonies show up, as I suppose they will.
>>
>> Have a good weekend.
>>
>> Ruth
>>
>>
>>
>
>
>
>

O11-406 cont.

From: Mary Small
To: "Shelley Luce"
Subject: FW: Letter for Coastal Conservancy Board
Date: Tuesday, December 13, 2011 1:21:00 PM

Do you know Ruth?

From: Joan Cardellino [mailto:jcard@scc.ca.gov]
Sent: Tuesday, December 13, 2011 11:57 AM
To: 'Mary Small'
Subject: RE: Letter for Coastal Conservancy Board

It might be worth calling Ruth Galanter to see if she'd speak in support of the project. She has some good credentials. She might know of other supporters to ask too.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, December 13, 2011 10:38 AM
To: 'Shelley Luce'
Cc: 'Joan Cardellino (Joan Cardellino)'
Subject: RE: Letter for Coastal Conservancy Board

Hi Shelley-
Do you have time to talk about our Jan meeting? I know you have a board meeting this week, so we could also do this via email – or next week, but before next Fri I'd like to work through some ideas: O11-406 cont.

1) Tour – we'll probably do a tour the morning of the meeting, I think maybe the tour we did with Colonel Toy – view from Cabora Rd and then walk out to boyscout platform
2) Press – do you think we could use this meeting as an opportunity to get either local papers and/or try for LA Times to cover the project? I am worried that once the agenda is out Marcia will use as opportunity to get bad press. Our agenda will be mailed out Jan 6th
3) Public support – who could we have come to support the project at the meeting or with letters? Geraldine is critical (at least her letter) but how about MRCA?, Joe Geever?, Ballona Creek Renaissance?, Friends?, Miguel Luna?, Audubon? HtB? Baykeeper?

Thanks,
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Monday, December 12, 2011 3:22 PM
To: Mary Small
Subject: FW: Letter for Coastal Conservancy Board

Hi Mary, Geraldine thought her letter went out already. Have you received? I also invited her to tour the wetlands with us after the meeting.

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission

From: Mary Small
To: "Bryant Chesney"
Cc: "sluce@santamonicabay.org"
Subject: FW: support letter for Ballona Funding
Date: Friday, January 06, 2012 9:57:00 AM
Attachments: Ballona_Wetlands_Engineering and Technical Studies.docx
ballona support letter 1.docx
ballona support letter 2.docx

Hi Bryant
I was wondering if you would be willing to send a letter of support (samples attached) to the Coastal Conservancy for the Ballona wetlands project. Also attached is the draft staff recommendation. The Conservancy will be considering this authorization in LA on Jan 19th, we will take the board on a quick tour of the site before the meeting. If you have time, it would be great to have you attend either of those events too. O11-406 cont.

This is the request for all funding to complete the environmental review, 100% engineering, and all of the hydrology/hydraulics modeling that the Army Corps is requiring for its permit to modify the flood control levees. The later analysis is the about half of the cost estimate.

Since the meeting will be in LA, opponents of the project are likely to show up. This approval is pretty critical to moving the project forward. If the Conservancy Board gets frightened away from large scale, ecological restoration then I think we will have very limited options for the future.

Thanks for your consideration and please let me know if you have any questions.
Mary

From: Mary Small
To: "Miguel Luna"
Cc: "Shelley Luce"
Subject: FW: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:29:00 PM
Attachments: SCC_Ballona_Tech_Support_Ltr.docx

Hi Miguel
Happy New year! Hope you are well.

Is there any chance you would be willing to send a letter of support to the Coastal Conservancy for authorization of funding to continue design of the restoration project? I don't know if Shelley contacted you, but it would be great to get community groups weighing in who support ecological restoration. Our meeting will be in LA, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.
Thanks,
Mary

O11-406 cont.

December 14, 2011

Mr. Doug Bosco, Chairman
State Coastal Conservancy
1330 Broadway, #1300
Oakland, CA 94612
Attn: Mary Small

RE: Proposed Conservancy Authorization for Ballona Wetlands Restoration Engineering and Technical Studies

Dear Chairman Bosco:

I am writing to encourage the Conservancy to authorize funding for the Ballona Wetlands Ecological Reserve Restoration Project planning process. These authorizations would enable the development of technical assessments and engineering design, technical review and agency coordination to support environmental impact analysis and permit applications for the restoration of the Ballona Wetlands Ecological Reserve (BWER). O11-406 cont.

The Ballona Wetlands Ecological Reserve is 600 acres, surrounded by urban Los Angeles County. The BWER provides valuable and scenic open space in the heart of congested Los Angeles County and offers one of the largest and most promising opportunities for coastal wetland restoration in the region. When restored and opened to the public, the site will allow millions of residents and visitors a rare opportunity to experience a coastal wetland. I support this project because it will help to move the restoration of the Ballona Wetlands Ecological Reserve closer to fruition. Thank you for your consideration of this project.

Sincerely,

From: Mary Small
To: "Shelley Luce"
Subject: RE: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:27:00 PM

Thanks!
I will talk to Sam about Boxer and Feinstein. Can LA Co DPW send a letter or do you think that is covered by the Supervisors?
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Tuesday, January 03, 2012 1:25 PM
To: Mary Small; Diana Hurlbert
Subject: RE: draft support letter for SCC board meeting

Hi Mary,
We are working on:
Knabe
MRT
Friends of BW
So Cal Edison
So Cal Gas
LMU
Waxman
Lieu
Butler
Rosendahl

And Anyone else you want to add to that list. Figured Feinstein and Boxer will be more important later, and that you and Sam are the best ones to approach them.

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 1:06 PM
To: Shelley Luce; Diana Hurlbert
Subject: FW: draft support letter for SCC board meeting

Hi
I belatedly just sent this request to DFG and SLC. The only support letter I have is from MRCA, though I know the port is working on one too. Can you let me know who you are working on

O11-406 cont.

getting letters from and if there is anyone else I should follow-up with?
Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 1:04 PM
To: 'Griggs, Pamela@SLC'; 'Terri Stewart'; 'dlawhead@dfg.ca.gov'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'
Subject: draft support letter for SCC board meeting

Hi
Sorry I didn't send this to you earlier, I meant to send it before the holidays, but forgot. I was wondering if your agencies would send a support letter to Coastal Conservancy for the requested authorization for funds for engineering and final design for Ballona. Our meeting will be in LA so I expect there will be some opposition and it is a huge funding request since we decided to do the EIR and permitting for the whole project.

If you could attend the site tour of Ballona and the meeting (both on Jan 19th) that would be great too.

Please let me know if you have any questions or need more info.
Thanks
Mary

O11-406 cont.

Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Knatz, Geraldine [mailto:knatz@portla.org]
Sent: Sunday, December 11, 2011 1:00 PM
To: Shelley Luce; Zordilla, Eunice
Cc: Tankersley, Eileen
Subject: Re: Letter for Coastal Conservancy Board

The letter was drafted the day after you asked me. Not sure what happened. Eunice- can you check.
Geraldine Knatz
Executive Director
Port of Los Angeles

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Friday, December 09, 2011 04:26 PM
To: Knatz, Geraldine
Cc: Tankersley, Eileen
Subject: Letter for Coastal Conservancy Board

O11-406 cont.

Dear Geraldine,
When we spoke a month or so ago, I asked if you would provide a letter to Sam Schuchat and his Board regarding your interest in the Ballona Wetlands restoration project. The January meeting of the Conservancy Board will be in Los Angeles and Sam will ask the Board to approve a large sum for continuing the planning and permitting of the restoration project, so your support of the project and interest in providing mitigation funding is important. Do you still intend to provide a letter and can I help with drafting? Also, we will give the Board members a tour of the wetland and briefing on the restoration plan before or after the Board meeting. As soon as we have a date I will send you an invitation and hope that you could come along.

Thank you Geraldine,
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

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O11-406 cont.

Mark Gold, D.Env. | President
Heal the Bay | 1444 9th Street | Santa Monica CA 90401
Tel: 310 451 1500 X123 | Fax: 310 496 1902 | mgold@healthebay.org
DONATE NOW to protect what you love: make an Aquadoption, shop at our online store or dedicate a Heal the Bay membership or donation.

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O11-406 cont.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 2:16 PM
To: Mark Gold
Subject: support letter for SCC board meeting?

Hello Mark,
Happy New Year. I am emailing to see if Heal the Bay would be willing to send a letter of support to the Coastal Conservancy for the recommendation that we authorize $6.5M for the design and engineering of the proposed restoration project? My draft staff report is attached along with a sample letter. I know you have talked to Shelley about the project, but I would be happy to give you an update at any time. Of course I understand if you are not prepared to take a position on this project at this point, but our meeting will be in Culver City, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.
Thanks,
Mary

From: Shelley Luce
To: Mary Small; Karina Johnston
Subject: Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning
Date: Wednesday, January 18, 2012 10:13:14 PM
Attachments: BCR Support for SCC Ballona Wetlands Funding Authorization.pdf

---

Jim Lank comes through! Karina or Elena can you please print a copy for me when you get in the office tomorrow? Thank you.

Shelley,

Emails have been flying today, with the end result that BCR is a strong supporter of the requested authorization. See the attached letter. Should we bring copies to give to the board and staff?

As I said before, both Bobbi Gold and I plan to be at the Scenic Overlook for the 1pm meeting start. Bobbi plans to be there for the whole discussion of the agenda item, while I'll stay as long as I can. Both of us plan to sign in to speak on the item. As part of that, I assume it would be appropriate to read the letter, at least in part. If not, let me know.

I hope the tour and meeting both go well. FYI, I'll be leaving soon for another meeting.

O11-406 cont.

Thanks again for your quick response with the helpful cost information.
Jim

Jim Lamm, President
Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), http://facebook.com/ballonacreekrenaissance, www.ballonacreek.org

---

From: Shelley Luce <sluce@santamonicabay.org>
To: Jim Lamm <jim.lamm@sbcglobal.net>
Sent: Wed, January 11, 2012 11:19:55 AM
Subject: RE: [REPLY] Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Thank you very much Jim! I hope you had a nice holiday too. It's going to be a great 2012.
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Jim Lamm [mailto:jim.lamm@sbcglobal.net]
Sent: Wednesday, January 11, 2012 10:58 AM
To: Shelley Luce

Subject: Re: [REPLY] Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Shelley,

Please accept my apologies for this late response. Cathi and I were away on a 2 1/2 week driving trip to the Seattle area for a holiday visit with our kids and grandkids. Then after returning late last Thursday, we've been focused on moving Cathi's 93-year-old mom in with us. I'm just now beginning to turn more of my attention to a backlog of BCR and other matters.

Unfortunately I have an important 3pm meeting at Culver City Hall on the afternoon of the 1pm SCC board meeting at the Scenic Overlook. If I were able to speak on the restoration planning agenda item before about 2:40pm, it could work. Otherwise (or in addition) I might be able to get Bobbi Gold or another knowledgeable BCR board member to represent us.

As for a BCR support letter, I'm pretty sure that would not be a problem. This is on my list of things to bounce off the board prior to our next board meeting.

Here's to a great new year, despite the challenges ahead!
Jim

Jim Lamm, President
Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), http://facebook.com/ballonacreekrenaissance, www.ballonacreek.org

O11-406 cont.

From: Shelley Luce <sluce@santamonicabay.org>
To: Jim Lamm <jim.lamm@sbcglobal.net>
Sent: Fri, January 6, 2012 5:32:52 PM
Subject: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Hello Jim,
I hope you had a lovely Christmas and a happy new year! I did enjoy a nice break.

You may have heard that the Board of the Coastal Conservancy will meet in LA on Jan. 19 and will consider a request from their staff to authorize funding to complete the Ballona Wetlands restoration planning. The request is for about $6.3M and most will go to consultants for additional engineering (through final design), to create a public access master plan, and to do extensive hydraulic modeling as required by Army Corp permitting (the major expense). About $240k will come to SMBRF to fund Diana's position as well as monitoring on the site for the next three years. I don't know if there will be active opposition to this but I am preparing for that nonetheless. Also I see this as a good opportunity to let the SCC board members see the great support that exists in our community for restoration at Ballona.

Please let me know if you are able to support by letter or by attending the meeting. It was posted today on SCC website http://scc.ca.gov/2012/01/06/coastal-conservancy-public-meeting-january-19-2012/
I am attaching the staff report for the item and a couple of example support letters as well. Thank you Jim!
shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160

Subject: Re: Letter for Coastal Conservancy Board

The letter was drafted the day after you asked me. Not sure what happened. Eunice- can you check.
Geraldine Knatz
Executive Director
Port of Los Angeles

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Friday, December 09, 2011 04:26 PM
To: Knatz, Geraldine
Cc: Tankersley, Eileen
Subject: Letter for Coastal Conservancy Board

Dear Geraldine,
When we spoke a month or so ago, I asked if you would provide a letter to Sam Schuchat and his Board regarding your interest in the Ballona Wetlands restoration project. The January meeting of the Conservancy Board will be in Los Angeles and Sam will ask the Board to approve a large sum for continuing the planning and permitting of the restoration project, so your support of the project and interest in providing mitigation funding is important. Do you still intend to provide a letter and can I help with drafting? Also, we will give the Board members a tour of the wetland and briefing on the restoration plan before or after the Board meeting. As soon as we have a date I will send you an invitation and hope that you could come along. O11-406 cont.

Thank you Geraldine,
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
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1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
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From: Mary Small
To: "Shelley Luce"; "Diana Hurlbert"
Subject: FW: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:05:00 PM
Attachments: SCC_Ballona Tech Support Ltr.docx

Hi
I belatedly just sent this request to DFG and SLC. The only support letter I have is from MRCA, though I know the port is working on one too. Can you let me know who you are working on getting letters from and if there is anyone else I should follow-up with?
Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 1:04 PM
To: 'Griggs, Pamela@SLC'; 'Terri Stewart'; 'dlawhead@dfg.ca.gov'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'
Subject: draft support letter for SCC board meeting

O11-406 cont.

Hi
Sorry I didn't send this to you earlier, I meant to send it before the holidays, but forgot. I was wondering if your agencies would send a support letter to Coastal Conservancy for the requested authorization for funds for engineering and final design for Ballona. Our meeting will be in LA so I expect there will be some opposition and it is a huge funding request since we decided to do the EIR and permitting for the whole project.

If you could attend the site tour of Ballona and the meeting (both on Jan 19th) that would be great too.

Please let me know if you have any questions or need more info.
Thanks
Mary

1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-216-9827
www.santamonicabay.org

From: Jim Lamm [jim.lamm@sbcglobal.net]
Sent: Monday, November 14, 2011 8:51 PM
To: Jessica Hall
Cc: Diana Hurlbert; Shelley Luce
Subject: Re: Request for Support Letters - Urban Greening - Cochran Avenue

Jessica,

BCR's letter of support is attached. Here's to a successful project!
Jim

Jim Lamm, President
Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), http://facebook.com/ballonacreekrenaissance, www.ballonacreek.org

O11-406 cont.

From: Jessica Hall <jishica@mac.com>
To: Jim Lamm <jim.lamm@ballonacreek.org>; diana hurlbert <dhurlbert@santamonicabay.org>
Cc: shelley <sluce@santamonicabay.org>
Sent: Mon, November 14, 2011 10:44:14 AM
Subject: Request for Support Letters - Urban Greening - Cochran Avenue

Hi Jim and Diana,
I am working on the urban greening grant for SMBRF for Cochran Avenue Gateway project. Jim, I was wondering if BCR would write a letter of support, and Diana, I was wondering if there were other stakeholders in the Ballona community that you have contact info for, that would also provide a letter of support. Any technical experts would be especially appreciated. A draft letter is enclosed.

The grant is due Thursday.

Thanks!
Jessica

From: Mary Small
To: "Mark Gold"
Cc: sluce@santamonicabay.org
Subject: RE: support letter for SCC board meeting?
Date: Friday, January 06, 2012 4:23:00 PM

I was just talking to Shelley and we were wondering if you could send a staff person to the meeting even if you don't want to sign a letter? Maybe Meredith or someone on her staff could come to talk about the need to open the site to public access and restore nature in the city?

This authorization doesn't commit to any one project, we still will be going through CEQA and NEPA.

Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 3:00 PM
To: 'Mark Gold'
Subject: RE: support letter for SCC board meeting?

Thanks, the meeting is the 19th so that's the deadline. Yes, I totally understand.

I was just sending Sarah an email about possible dates I'll be in LA when I'd like to stop in ad talk about OPC, so maybe I'll see you then.

O11-406 cont.

Happy new year (and MLPA implementation)
Mary

From: Mark Gold [mailto:mgold@healthebay.org]
Sent: Tuesday, January 03, 2012 2:39 PM
To: Mary Small
Subject: RE: support letter for SCC board meeting?

Mary – Happy new year to you too. We will definitely take a look at this and think it through. It is a great project and needs to happen. The political baggage that goes with it is no picnic as you know.

When is the deadline?

Mark Gold, D.Env. | President
Heal the Bay | 1444 9th Street | Santa Monica CA 90401
Tel: 310 451 1500 X123 | Fax: 310 496 1902 | mgold@healthebay.org
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reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, immediately notify us at 310-451-1500.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 2:16 PM
To: Mark Gold
Subject: support letter for SCC board meeting?

O11-406 cont.

Hello Mark,
Happy New Year. I am emailing to see if Heal the Bay would be willing to send a letter of support to the Coastal Conservancy for the recommendation that we authorize $6.5M for the design and engineering of the proposed restoration project? My draft staff report is attached along with a sample letter. I know you have talked to Shelley about the project, but I would be happy to give you an update at any time. Of course I understand if you are not prepared to take a position on this project at this point, but our meeting will be in Culver City, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.
Thanks,
Mary

From: Mary Small
To: "Dick Wayman"
Subject: FW: Ballona Wetlands presentation materials at SCC meeting
Date: Friday, January 20, 2012 4:03:00 PM

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Friday, January 20, 2012 3:12 PM
To: Mary Small; Karina Johnston; Diana Hurlbert
Subject: RE: Ballona Wetlands presentation materials at SCC meeting

Yes Mary - Karina or Diana can you please?
Also wanted to make sure you saw/heard the NPR coverage:
http://www.scpr.org/news/2012/01/20/30869/coastal-conservancy-releases-65-million-ballona-wet/

The MDR patch did a pretty good job covering - except Lisa F's comments which are confusing to me, but I will call her about it - and LATimes is going to run something this weekend, I am told. Fingers crossed.
http://venice.patch.com/articles/coastal-conservancy-approves-6-5-million-for-ballona-wetlands-restoration-plans

Thank you Diana and Karina for helping get this press coverage - the advance work we did made a HUGE difference! Please stay on top of me in the future to make sure we have the same success next time. great job.
shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-216-9827
www.santamonicabay.org

From: Mary Small [msmall@scc.ca.gov]
Sent: Friday, January 20, 2012 2:52 PM
To: Karina Johnston; Diana Hurlbert
Cc: Shelley Luce
Subject: Fwd: Ballona Wetlands presentation materials at SCC meeting

O11-406 cont.

Could one of you email this to him?
Thanks

sent from my phone

Begin forwarded message:

> **From:** Rex Frankel <rexfrankel@yahoo.com>
> **Date:** January 20, 2012 12:46:45 PST
> **To:** Mary Small <msmall@scc.ca.gov>
> **Subject: Re: Ballona Wetlands presentation materials at SCC meeting**
> **Reply-To:** Rex Frankel <rexfrankel@yahoo.com>
>
> Mary,
> thank you for the presentation materials. However, on the Baseline monitoring report page,
> http://santamonicabay.org/smbay/ProgramsProjects/HabitatRestorationProject/BaselineAssessmentReport/tabid/203/Default.aspx
>
> the Chapter 4--Vegetation report does not come up when you click on it. I assume this is where Dr. Luce's conclusion comes from.
>
> If you can, please email that chapter to me.
>
> Thank you, Rex Frankel
>
> ---
>
> **From:** Mary Small <msmall@scc.ca.gov>
> **To:** 'Rex Frankel' <rexfrankel@yahoo.com>
> **Sent:** Friday, January 20, 2012 12:09 PM
> **Subject:** RE: Ballona Wetlands presentation materials at SCC meeting
>
> Hello Rex
> Attached is our slide presentation.
>
> Yes, Dr. Luce was referring to the findings of the baseline assessment. I just went to the project website and clicked on the image of the report cover and was able to download the documents, but if there are specific chapters that you are unable to download, please let us know and we'll get them to you.
>
> Mary
>
> ---
>
> **From:** Rex Frankel [mailto:rexfrankel@yahoo.com]

Sent: Friday, January 20, 2012 10:13 AM
To: msmall@scc.ca.gov
Subject: Ballona Wetlands presentation materials at SCC meeting

Mary,

I am interested in getting a copy of your slide presentation from yesterday's SCC Board meeting. Can you email it to me?

I am also interested in seeing the source documents that were used to make Dr. Luce's point that very little of the site is now functioning habitat.

Are they in the recently released SMBRC's Ballona Wetlands Baseline Assessment Program reports? The SMBRC has a website, ballonarestoration.org, with the Baseline Assessment Program report, unfortunately, most of these documents do not open when clicked upon. They are posted here:
http://santamonicabay.org/smbay/ProgramsProjects/HabitatRestorationProject/BaselineAssessmentReport/tabid/203/Default.aspx

Please call me or email if you can help.

Thanks, Rex Frankel, 310-738-0861

O11-406 cont.

From: Mary Small
To: "Joe Geever"
Cc: "Shelley Luce"; "Diana Hurlbert"
Subject: Coastal Conservancy Jan 19th Meeting
Date: Thursday, December 15, 2011 11:25:00 AM
Attachments: Ballona_Wetlands_Engineering and Technical Studies.docx

---

Hi Joe

Nice to talk to you this morning, and thanks for agreeing to come to the Coastal Conservancy meeting in Jan. It will be on Jan 19th at the Baldwin Hills Scenic Overlook starting around noon. Ballona funding (draft staff report attached) will be the first major item on the agenda. We are planning to take the Board on a tour of Ballona that morning. The tour and meeting are open to the public and details will be posted on our website by the 6th of Jan.

O11-406 cont.

As I mentioned, we (Shelley and I) would be happy to provide additional information to you &/or your chapters at any point. Since we are finally getting ready to initiate the public environmental review, now would be a good time to get you engaged.

Thanks,
Mary

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181
~~~~~~~~~~~~~~~~

ATTACHMENT 4

O11-406 cont.

From: Mary Small
To: "Shelley Luce"
Cc: "Joan Cardellino (Joan Cardellino)"; "Diana Hurlbert"
Subject: RE: Letter for Coastal Conservancy Board
Date: Tuesday, December 13, 2011 1:11:00 PM

Thanks

Sorry, the plan is to have the tour from roughly 9-11:30 and then start the meeting at noon or 12:30 – something like that. We're afraid that if we do the tour after the meeting none of the board members will come.

I'll call Barbara today to get her ideas and see if they will help with the tour, come to the mtg or send a letter
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Tuesday, December 13, 2011 1:08 PM
To: Mary Small
Cc: 'Joan Cardellino (Joan Cardellino)'; Diana Hurlbert
Subject: RE: Letter for Coastal Conservancy Board

O11-406 cont.

Mary, here are some thoughts from me and Diana:

1) Tour – we'll do the tour anytime that works for your members but it seems tight to finish it by 9:15 in order to get them all to Baldwin Hills Overlook for a 10 am meeting. I know we have the Toy meeting the day before so right after the board meeting makes most sense. Could you convince your members to stick around for it?
2) Press – this is troubling. It'll be hard for us to get good press on a $7M expenditure... we can spin this if we get the right people. What if we did a brief presentation on the Monitoring Report before hand? We'll have beautiful hard copies, it's over 400 pages and very impressive and did not cost a lot for the amount of work and info. I think it makes SCC and SMBRC look great. Could we make this the press focus, i.e. with Molly Peterson at least? I'll give her a call for starters.
3) Support – I will talk with Geever, Jim Lamm, Miguel, Lisa Fimiana, Baykeeper, HTB, Nate from Rosendahl's office, Napolitano from Knabe's and Karly from MRT's. I can't say who will show up or do a letter but I will make the asks. I'll also ask Pestrella. Can you talk to MRCA Mary? Also what about the Corps – Rick Liefiled's support would be very meaningful, or Toy's if we can get it. Maybe a letter from Toy with Rick or someone else attending the meeting?

We'll draft a support letter asap and run it by you.
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160

1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, December 13, 2011 10:38 AM
To: Shelley Luce
Cc: 'Joan Cardellino (Joan Cardellino)'
Subject: RE: Letter for Coastal Conservancy Board

Hi Shelley-
Do you have time to talk about our Jan meeting? I know you have a board meeting this week, so we could also do this via email – or next week, but before next Fri I'd like to work through some ideas:

1) Tour – we'll probably do a tour the morning of the meeting, I think maybe the tour we did with Colonel Toy – view from Cabora Rd and then walk out to boyscout platform
2) Press – do you think we could use this meeting as an opportunity to get either local papers and/or try for LA Times to cover the project? I am worried that once the agenda is out Marcia will use as opportunity to get bad press. Our agenda will be mailed out Jan 6th
3) Public support – who could we have come to support the project at the meeting or with letters? Geraldine is critical (at least her letter) but how about MRCA?, Joe Geever?, Ballona Creek Renaissance?, Friends?, Miguel Luna?, Audubon? HtB? Baykeeper?

O11-406 cont.

Thanks,
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Monday, December 12, 2011 3:22 PM
To: Mary Small
Subject: FW: Letter for Coastal Conservancy Board

Hi Mary, Geraldine thought her letter went out already. Have you received? I also invited her to tour the wetlands with us after the meeting.

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Knatz, Geraldine [mailto:knatz@portla.org]
Sent: Sunday, December 11, 2011 1:00 PM
To: Shelley Luce; Zordilla, Eunice
Cc: Tankersley, Eileen

From: Shelley Luce
To: Mary Small
Subject: RE: board presentation
Date: Wednesday, January 11, 2012 6:55:23 PM

Hi Mary,
I think the presentation looks good. I think we should include some comparative data to show the need for restoration – e.g. the seed bank data, the exotic veg data and some of the animal data (birds and herps). I saw what karina sent you and it doesn't help us – we need numbers like "99% invasive plants" and "lowest seed bank of any so cal wetland". we also need her graphs that show huge percent exotic veg. versus tiny percent native veg, etc. along with those photos of invasive plants that you already included.

I also think we should mention the TMDL –or not the TMDL itself, but we can list the impairments listed on the 303d list, note that TMDL implementation would be consistent with the restoration and that we can work with partners on my governing board and other agencies and leverage resources that would go into implementing the TMDL.

I can help with slides – why don't you send me one or two in your formatting and I will make some with the graphs imentioned and see if you like them. Or rather, since you have to finish by tomorrow and I am out of the office all day, we will ask karina to insert some graphs. Okay with you? O11-406 cont.
Shelley

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From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, January 11, 2012 2:49 PM
To: Shelley Luce
Subject:

Hi Shelley
Attached is a draft powerpoint, I want to keep it as simple as we can. There are several extra slides at the end, I just want one picture I can leave up when I walk through the actual requested action, maybe just the bird with its head in the water?

There are two slides about the baseline monitoring program – I think we only need one of them, do you prefer lots of words or just a picture.

I am sending in .pdf because the actual powerpoint is too big. If you want me to ftp the powerpoin so you can edit directly, let me know. I have to finish this by tomorrow night.

Thanks!
Mary

O11-406 cont.

From: Shelley Luce
To: Karina Johnston
Cc: msmall@scc.ca.gov
Subject: graphs needed for SCC board presentaiton
Date: Thursday, January 12, 2012 7:57:56 AM

Hi Karina,
Thank you for the bullets you prepped for Mary, they are helpful. The photos are also perfect. What we still need for the presentation are graphics or numbers that will really make our case. Mary needs to complete the presentation today so can you and your team help us prep the following ASAP?

- one map of existing conditions that shows the site today: an aerial photo with transparent overlay of BASIC habitat types - how much is wetland, how much is upland/vacant lot style. goal is to illustrate how little of the site can be said to be funcitoning habitat.

- one simple graph showing predominance of invasive species - the one in the BWER draft TMDL is fine, can you please send that to mary? we need to say "x percent of the site is covered with 99% invasive vegetation" or whatever the actual numbers are. rather than "dominate by invasives" which could mean only 55% covered.

- some species diversity numbers/charts that show how extremely depaupurate poor Ballona is. not just "reduced relative to other wetlands" but "lowest seed bank abundance and diversity of any wetland in southern california" - but i need you to give me the right language so i am not mis-stating anything. please give me those #s or charts or langauge for seed bank, veg, mammals, birds, fish and herps separately and we'll decide which ones to mention in our presentation. O11-406 cont..

- any other features of the site or results from your surveys that really illustrate to non-scientists how desperate is the need to restore ecological function and habitat at the site.

I am sorry to ask you for all this today, I hope you or one of your team has time. I think you have all this info readily accessible - f there is someihting i've requested that is a big pain check with me and we'll decide if it's really needed. please call my cell or email, i will be out of the office all day but checking my phone compulsively. also please suggest other stuff if you think of it - you know these data better than we do! thank you KJ talk to you later today.
shelley

Shelley Luce, D.Env.
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Los Angeles, CA 90045
310-216-9827
www.santamonicabay.org

From: Mary Small
To: "Karina Johnston"; "Diana Hurlbert"; "Shelley Luce"
Subject: please review these two paragraphs
Date: Tuesday, December 13, 2011 9:09:00 AM

Hi
I'm wrapping up my staff report and I needed to add a little more detail about what SMBRF will do with the grant funds and who you are. Can you please review this and let me know if you have any edits? If you can get it to me today, that'd be great.
Mary

The recommended grant to the SMBRF would provide funds for data collection, technical review and agency coordination to support the proposed restoration project. The SMBRF has implemented a multidisciplinary baseline data collection program using volunteers, students and professional technical experts. The baseline report is the first comprehensive assessment of biological and physical resources at the BWER. It was just published and is available online: http://www.ballonarestoration.org. This grant would allow the SMBRF to conduct additional targeted studies based on the resources identified in the baseline assessment as needed to support the environmental impact analysis of the proposed project. In addition, the SMBRF will continue coordination of the agency review, identification of funding partners, and technical review of work products associated with this project.

O11-406 cont.

The SMBRF is a non-profit organization that was created in 1991 to implement the priorities of the Santa Monica Bay Restoration Plan and to support the work of the Santa Monica Bay Restoration Commission. The SMBRF has a number of initiatives including research, public education, and planning, to support these goals. The SMBRF and the Seaver College of Science and Engineering at Loyola Marymount University (LMU) created the Center for Santa Monica Bay Studies to engage in multidisciplinary research on environmental and social issues affecting Santa Monica Bay and its watershed, and to contribute to policies and actions that improve the environmental condition of the Bay. The partnership with LMU has been very valuable to the data collection efforts, SMBRF has used student volunteers to conduct fieldwork and some faculty have coordinated their own research to support the baseline assessment, resulting in hundreds of hours of field work being donated to the project.

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181
~~~~~~~~~~~~~~~~

O11-406 cont.

ATTACHMENT 5

NORMAN Y. MINETA, California
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JAMES L. OBERSTAR, Minnesota
NICK JOE RAHALL II, West Virginia
DOUGLAS APPLGATE, Ohio
JOHN J. LUCO, Texas
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WALTER A. FLUKER, California
EDDIE BERNICE JOHNSON, Texas
PETER W. BARCA, Wisconsin

PAUL SENSENBRENNER, Chief of Staff
SAM SIMPSON, Chief Counsel

U.S. House of Representatives
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

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COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

RESOLUTION

Marina del Rey, California
Docket 2455

O11-406 cont.

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California, published as House Document 389, Eighty-third Congress, Second Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of navigation, hurricane and storm damage reduction, environmental restoration, and other purposes at Marina del Rey Harbor, Los Angeles, California, with consideration given to the disposal of contaminated sediments from the entrance channel required under the existing operation and maintenance program at Marina del Rey Harbor.

Adopted: September 28, 1994

ATTEST: NORMAN Y. MINETA, Chair

[Federal Register: September 20, 2005 (Volume 70, Number 181)]
[Notices] [Page 55116-55117] From the Federal Register
Online via GPO Access [wais.access.gpo.gov] [DOCID:fr20se05-36]
[[Page 55116]]

DEPARTMENT OF DEFENSE Department of the Army; Corps of Engineers Notice of Intent To Prepare an Environmental Impact Statement/ Environmental Impact Report for the Ballona Creek Ecosystem Restoration Feasibility Study, Los Angeles County, CA AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD. ACTION: Notice of intent.

SUMMARY: The Los Angeles District intends to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to support a cost-shared ecosystem restoration feasibility study with the Santa Monica Bay Restoration Commission. The proposed project study areas has been degraded by encroachment of non-native plants, placement of fill from Marina Del Rey, interruption of the hydrologic regime, trash accumulation, and varied attempts at bank protection along the creek using rock and concrete. Direct benefits of the proposed project include improved habitat and water quality, reductions in waste and trash, and aesthetics. The watershed is an important resource for both recreational uses and for fish, and wildlife and further degradation could jeopardize remaining. The purpose of the feasibility study is to evaluate alternatives for channel modification, habitat restoration (coastal and freshwater wetlands and riparian), recreation, and related purposes along the lower reach of the Ballona Creek. DATES: A public scoping meeting will be held on September 29, 2005 at 6 p.m. ADDRESSES: U.S. Army Corps of Engineers, Los Angeles District, CESPL-PD, P.O. Box 532711, Los Angeles, CA 90053 and Santa Monica Bay Restoration Commission, 320 West 4th Street, Los Angeles, CA 90013. FOR FURTHER INFORMATION CONTACT: Shannon Dellaquila, Project Environmental Manager, at (213) 452-3850 or Malisa Martin, Project Study Manager at (213) 452-3828. SUPPLEMENTARY INFORMATION: 1. Authorization This study was prepared as an interim response to the following authorities provided by Congress under Section 216 of the Flood Control Act of 1970, which states: The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest; supplemented by House Resolution on Public Works and Transportation dated September 28, 1994 which states: **The Secretary of the Army is requested to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California, published as House Document 389, Eighty-third Congress, Second Session,** and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at present time, in the interest of navigation, hurricane and storm damage reduction, environmental restoration, and other purposes at Marina del Rey Harbor, Los Angeles, California, with consideration given to disposal of contaminated sediments from the entrance channel required under the existing operation and maintenance program at Marina del Rey. 2. Background The Ballona Creek Ecosystem

O11-406 cont.

Restoration study area lies within Los Angeles County, CA and includes portions of Marina del Rey, Culver City, Playa del Rey, and the City of Los Angeles. The study area, a component of the greater Ballona Creek Watershed, includes the lower reach of Ballona Creek extending southwest from Cochran Avenue, in Los Angeles, to Pacific Ocean in Marina del Rey. specific features of the Ballona Creek watershed, including existing and historic wetland areas, the Ballona Lagoon, Del Rey Lagoon, Venice Canal, Grand Canal, the Oxford Drain and the Ballona Channel and tributaries, will be addressed in this study. The greater Ballona Creek system drains a watershed of approximately 329 square kilometers (81,300 acres), and is the largest tributary that drains into the Santa Monica Bay. Ballona Creek collects runoff from several partially urbanized canyons on the south slopes of the Santa Monica Mountains as well as from intensely urbanized areas of West Los Angeles, Culver City, Beverly Hills, Hollywood, and parts of Central Los Angeles. The urbanized areas account for 80 percent of the watershed area, and the partially developed foothills and mountains make up the remaining 20 percent. The watershed boundary includes the Santa Monica Mountains on the north, the unincorporated area known as Baldwin Hills, and the City of Inglewood on the south. The Ballona Creek Ecosystem Restoration study footprint's southern boundary is defined by the Westcheste Bluffs, which run southwest from the San Diego (405) Freeway beyond Loyola Marymount University. The western boundary extends from the Pacific Ocean. The eastern boundary begins where Ballona Creek daylights at Cochran Avenue and Venice Boulevard in a section of Los Angeles known as the Mid City. Tributaries of Ballona Creek include Centinela Creek, Sepulveda Canyon Channel, Benedict Canyon Channel, and numerous storm drains. The Ballona Creek watershed ecosystem has been altered by intense land development, encroachment of non-native plants, trash accumulation, and varied attempts at bank protection along the creek using rock and concrete. Although an important function of the Ballona Creek is as a flood control channel, the lower watershed is still an important resource for both recreational uses and for fish and wildlife habitat. Further impairment could jeopardize remaining habitat. This study will evaluate opportunities for habitat restoration (including wetland and riparian habitat), improvements to water quality, trash mitigation, and recreation and related purposes along the lower reach of the Ballona creek. 3. Problems and Needs At least ninety (90) percent of historic coastal wetlands in California have been lost due to filing, dredging, flood control and intensive development. Within the Lower Ballona Creek Watershed, remaining fragmented wetland areas have been degraded due to diminished hydraulic function, poor water quality and introduction of exotic plants and animals. While functioning wetland systems and riparian habitat remain, they are stressed. Channelization of the Ballona Creek and filling of historic wetland and riparian areas have contributed to degradation and loss of habitat due to impeded tidal exchange and circulation. Contaminated stormwater runoff and trash loading has degraded Ballona Creek water quality. Habitat alteration and loss has decreased biodiversity and overall ecological health, threatening the survival of native endangered species such as the California least tern (Sterna antillarum brown), snowy plover (Charadrius alexandrinus), and the Belding's Savannah Sparrow (Sandwichensis beldingi). The current design of the Flood Control channel has resulted in a lack [[Page 55117]] of recreational opportunities and is considered aesthetically challenged. At present there is no integrated approach and partnership amongst stakeholders to resolve lower Ballona Creek in-stream and wetland

O11-406 cont.

degradation issues, which has led to uncoordinated and sometimes redundant and unsuccessful improvement measures. 4. Proposed Action and Alternative The Los Angeles District will investigate and evaluate all reasonable alternatives to address the problems and need stated above. In addition to a without project (No Action) Alternative, both structural and non-structural environmental measures will be investigated. An assessment of the feasibility of removing impervious surfaces from the Ballona Channel will also be evaluated. Proposed restoration measures include: re-grading and removal of fill, remove invasive and non-native plant species, reintroduction of a water source and installation of native plants to restore previously filled coastal wetlands. Other measures to be evaluated include features to improve or restore tidal regime in Oxford Basin, the Grand and Venice canals, and Ballona and Del Rey Lagoons; the potential for in stream wetland development in Centinela, Sepulveda and Ballona Creek; sediment loading in the upper watershed; and related recreation and educational opportunities. 5. Scoping Process The scoping process is on-going, and has involved preliminary coordination with Federal, State, and local agencies and the general public. A public scoping meeting is scheduled for Thursday September 29th from 6-8 p.m. at the Rotunda Room of the Veteran's Memorial Building, 4117 Overland Avenue, Culver City, CA. This information is being published in the local news media, and a notice is being mailed to all parties on the study mailing list to ensure that public will have an opportunity to express opinions and raise any issues relating to the scope of the Feasibility Study and the Environmental Impact Study/Environmental Impact Report. The public as well as Federal, state, and local agencies are encouraged to participate by submitting data, information, and comments identifying relevant environmental and socioeconomic issues to be addressed in the study. Useful information includes other environmental studies, published and unpublished data, alternatives that could be addressed in the analysis, and, potential mitigation measures associated with the proposed action. All comments will be considered in the project development. Concerns may be submitted in writing to the Santa Monica Bay Restoration Commission, or to the Los Angeles District (see ADDRESSES). Comments, suggestions, and request to be placed on the mailing list for announcements should be sp101.usace.army.mil. Availability of the Draft EIS/EIR The Draft EIS/EIR is scheduled to be published and circulated in December 2007, and a public hearing to receive comments on the Draft EIS/EIR will be held after it is published. Dated: September 13, 2005. Alex C. Dornstauder, Colonel, U.S. Army, District Engineer. [FR Doc. 05-18651 Filed 9-19-05; 8:45 am] BILLING CODE 3710-KF-M

O11-406 cont.

From: Shelley Luce
To: Mary Small; "Rick Mayfield"
Cc: "Terri Stewart"
Subject: RE: From John Davis Re Ballona CEQA process
Date: Tuesday, February 07, 2012 1:39:26 PM

Agreed. The doc he references was for a completely different project, a feasibility study in which SMBRC was the local sponsor for the Corps' study. The EIR/EIS that we want to start is for a separate project, i.e. the BWER restoration/enhancement project. As the landowner, DFG will be the lead agency.

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From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, February 07, 2012 1:30 PM
To: 'Rick Mayfield'; Shelley Luce
Cc: 'Terri Stewart'
Subject: RE: From John Davis Re Ballona CEQA process

O11-406 cont.

Suggested response.
1) The EIS/EIR process begun in 2005 was for the Army Corps' Lower Ballona Ecosystem Restoration Feasibility Study, that project and the associated environmental review has not been completed and is not moving forward at this time. The EIR/S process for the proposed enhancement project will be separate.
2) The CEQA statute where lead agency is defined is Public Resources Code Section 21000.
3) DFG as landowner intends to be the lead agency on the proposed enhancement project that will be analyzed in the EIR/EIS.

From: Rick Mayfield [mailto:rmayfield@dfg.ca.gov]
Sent: Tuesday, February 07, 2012 9:30 AM
To: Mary Small; Shelley Luce
Cc: Terri Stewart
Subject: Fwd: From John Davis Re Ballona CEQA process

Please take a look at the attached from Mr. Davis and let me know if you can provide any further information before I respond.

Thanks,

Rick
>>> <jd@johnanthonydavis.com> 2/6/2012 5:11 PM >>>

Ca DFG
Att: Mr. Mayfield

Hi Mr. Mayfield, attached is the congressional and corp docs we discussed.

The document states an joint EIS/EIR process was begun in 2005 per the request of Congress.

The Santa Monica Bay Restoration Commission is noted as the lead agency for CEQA in the joint EIR/EIS.

It also states that at least one scoping hearing has already occured.

My question is does DFG plan on beginning another EIR process for the same area that is already been started by the SMRBC and Corp. If so, how can there be two lead agencies.

To me, logic indicates the SMRBC should be lead.

Thanks,

John Davis
PO 10152
Marina del Rey Ca. 90045

O11-406 cont.

From: Mary Small
To: "Diana Hurlbert"; "David Lawhead (DLawhead@dfg.ca.gov)"; "Eichler, Monica SPL"; "Eric Gillies"; "griggsp@slc.ca.gov"; "Hamamoto, Bruce"; "Patrick Holland (pholland@dpw.lacounty.gov)"; "Rick Mayfield (rmayfield@dfg.ca.gov)"; "Serpa, Phillip J SPL"; "Shelley Luce"; "Strum, Stuart R MVN-Contractor"; "Swenson, Daniel P SPL"; "Terri Grant (tgrant@dpw.lacounty.gov)"; "Youn Sim (ysim@dpw.lacounty.gov)"
Subject: FW: request for services - ballona wetlands
Date: Wednesday, February 08, 2012 4:46:00 PM
Attachments: Ballona Civil Engineering and Geotech.pdf
Ballona Hydrology and Engineering.pdf

The request for services for the civil engineering and geotechnical contract and the hydrology and engineering contracts went out today. Feel free to forward to other potential contractors, I sent it to about 60 in our database and we will post it on the web. Proposals are due on Feb 29th.

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:39 PM
Subject: FW: request for services - ballona wetlands

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis.

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181

O11-406 cont.

Ballona Ecosystem Restoration Planning Management Meeting
June 28, 2010
3:00-5:00pm

Attendees:

Josephine Axt, USACE	Ed Demesa, USACE	Julian Serafin, USACE
Rene Vermeeren, USACE	Ben Nakayama, USACE	Rhiannon Kucharski, USACE
Diana Hurlbert, SMBRC	Sean Bergquist, SMBRC	Kathy Anderson, USACE
Larry Smith, USACE	Mary Small, Coastal Conservancy (by phone)	

I. Mary Small: Coastal Conservancy is supplying most of the funding toward the in-kind local sponsor efforts.

II. Ed Demesa: Corps Process Overview
   a. We are coming up to our first major milestone (F3)
      i. Baseline and future without project conditions; preliminary alternatives analysis
         1. Describes problems and opportunities, planning objectives
         2. This product will be the basis for future steps
      ii. Next milestone (F4A/F4)
         1. Formulation, evaluation and comparison of alternatives
         2. F4A: SPD requirement, Alternative Formulation Briefing
      iii. (F5) Public Draft Feasibility Report
         1. Headquarters Policy and Public Review
   b. Josephine Axt: New Review Guidance (Estimated at $500,000; IEPR is federally funded)
      i. Agency Technical Review (ATR) - Requires coordination with the planning center of expertise, and coordinates a team of reviewers from another Corps Division
      ii. Model certifications required
      iii. Independent External Peer Review (IEPR)
      iv. Note for budget: call out what IEPR is estimated to cost, and that it does not have to be cost shared
      v. Diana Hurlbert: Under each discipline, there are costs for responding to comments. Are those related to ATR?
         1. Josephine Axt: Yes. There is a formal comment and response system that must be used for ATRs (DrChecks)
   c. Kathy Anderson: Partnership
      i. Communication
         1. Sean Bergquist: Communication has been much better since Rhiannon has taken over as Lead Planner.
         2. Mary Small: Rhiannon has been great in communication.
      ii. Cost share
         1. Sean Bergquist: Our cost share component is 100% in-kind. It is anticipated that most of that work is and will continue to be in the wetlands.
            a. We are finished our F3 equivalent (2006)
            b. We are also finished our alternatives development and analysis (2008)
               i. We want to make sure that all of the products feed in to the Corps process and products.
            c. The Corps and us on not on the same timeline.

O11-406 cont.

2. Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was never in writing. We have done our F4 equivalent.
3. Because of Federal funding starts and stops, the Corps is still in the F3 process, while the sponsor has completed alternatives analysis (F4 equivalent).
4. Diana Hurlbert: We want to make sure you are maximizing our products, and we want to understand what if any deficiencies are found.
5. Josephine Axt: In-kind has to be formally submitted, directly applicable to the project and it must be understood that in-kind increases increase the overall budget increases.
    a. Mary Small: We fear that our in-kind is not properly reflected in the PMP.
    b. Rhiannon Kucharski: This may be the case. We need to go in detail in to this upon receipt of in-kind submissions, quality check them and revisit the PMP.
6. Sean Bergquist: For credit, do we get credit for what we paid or for what it would have cost the Corps to do the same work?
    a. Josephine Axt: The in-kind credit needs to match the estimate for that work in the PMP. Likewise, if the work costs more than estimated, credit will only be given for up to the estimated amount.

iii. Ed Demesa: As the project goes up the chain, we have to be careful for policy issues. When the project is competing nationally, it starts to become a factor. The cost of land acquisition is part of the project costs. We can only credit up to 35% of total project costs. O11-406 cont.

iv. Mary Small: If the Corps falls too behind, we will work with Corps Regulatory for a permit for their activities (NEPA/CEQA, design, permitting, and Phase 1 construction).
    1. Josephine Axt: If you are going full steam ahead, what is your timeline?
    2. Sean Bergquist: We purchased the property in 2005, and have to do something with the property in the near future. There is no set deadline, but they must show the state that something is being done.
        a. In about 4 years, they would like to be constructing something.
        b. Early phase: Do South portion of Area B, South of Jefferson and below Gas Company (low areas, reconnect tidal flows)
    3. Ed Demesa: The law to partially build a project and receive credit for a larger project applies only to flood control when there is imminent need. Unfortunately, that law does not apply to ecosystem restoration. There is not an authority for us to give credit for it down the line. So, this may be something you want to consider for a WRDA request to change the authorization.

III. Project Status
- a. Corps is working on baseline (F3) right now. Due to H&H delays, the milestone will most likely happen early in FY11.
- b. PMP amendment
    - i. Study area
        1. Will be clearly defined in the PMP amendment (to the satisfaction of all parties).

a. Definition: Ballona Creek from the Pacific Ocean to Cochran, Del Rey Lagoon; and Centinela and Sepulveda Channels from Ballona Creek to where they go underground.

2. Grand canal is out.
3. Sean Bergquist: We have always planned on the daylighted part of Ballona Creek up to Cochran.
4. Coordination needs to go through Diana Hurlbert and Rhiannon Kucharski.

ii. Costs

1. Ed Demesa: For in-kind credit, it is important to let the PDT know what work the sponsor is doing, even if it will not be submitted for in-kind credit.
2. Sean Bergquist: Historical analysis of the watershed is in the works. We are also working with UCLA to do a watershed budget.
3. Sean Bergquist: When things have to be redone, how does the cost share work?
   a. Hydraulic study
      i. Rene Vermeeren: Our H&H models are in DRAFT form and have not yet had the first ATR. They are not ready for use on alternatives.
4. SMBRC Governing Board will have to sign the PMP and FCSA amendments.
5. In construction phase, can the cost of the land/property be used toward sponsor in-kind credit?
   a. Kathy Anderson: Yes, as long as the constructed project uses those lands. The state paid $140 million in 2005 for the property that makes up areas A, B and C.

iii. In-kind submittals

1. Mary Small: Is there really much more additional work that needs to be done to review the submittals? How much is left to be done by the Army Corps depends on the in-kind submittals?
   a. Diana and Rhiannon can work together with each PDT member to work through these. Set up meetings ASAP.
   b. Kathy Anderson: The whole PDT needs to sit down and go through the PMP, in-kind and costs step-by with SMBRC.
2. Mary Small: I am worried about the water quality report in terms of the data being what is needed per the Corps and less worried about the write-up
   a. Confirm with James Chieh that the data is what is needed.

c. Kathy Anderson: Sponsor financial capability?

i. Even in light of cost increases, the sponsor has enough money to fund all of their study activities and even begin phase I construction (Area B).

ii. Corps needs to get details of sponsor plans for "phase I" in Area B and determine if this must be added as a future without project condition or not.

IV. Action items are noted in RED.

O11-406 cont.

Lower Ballona Creek Ecosystem Restoration Study Monthly Coordination Meeting Minutes
April 28, 2010
10-11am

Attendees:

Mary Small, CC
Kathy Anderson, USACE
Sean Bergquist, SMBRC
James Chieh, USACE
Rhiannon Kucharski, USACE

I. Comments to the DRAFT Corps F3 products and the DRAFT PMP update are due by the next coordination meeting, May 26, 2010.
   a. Comment from Sean related to updated costs/project area: SMBRC considers lower Ballona Creek to be everything from Cochran Avenue to the Ocean.
   b. Sean is concerned about how SMBRC can come up with matching funds and/or in-kind work for a study totaling $6.2 million (the updated estimated study cost total)
      i. Mary: We may not be able to get approval for the cost increases

II. Frank Wu was not able to attend today's meeting. He will contact Mary and Sean independently to discuss his question on the Engineering and Design Section i, Task 3 from the PMP.

III. In-kind submittals
   a. Mary and Sean will try to submit the first set within one week.

IV. Water Quality Analysis
   a. Document forthcoming from SCCWRP (early June)
   b. Document forthcoming from Geosyntech (June)
      i. Delay due to 2 very dry seasons
   c. Some data is already available on the website (Ballonarestoration.org)
      i. Some prior reports from previous years are available
   d. The Corps (James Chieh) will need to translate and analyze the data and put it into the Appendix Report.
      i. Sean will send everything that is currently available to James Chieh, Cc Rhiannon ASAP. This will include the Geosyntech scope of work and cost estimate for water quality data analysis.

V. Other Discussion
   a. There will be a site tour with the Corps, URS and Sean on May 5, 2010.
   b. Kathy: We were able to request $345k for FY11, but need to get amended FCSA executed.
      i. Mary: We need to credit in-kind work before amending the FCSA. We hope this will bring down the overall study cost.

VI. Action items noted in ORANGE.

O11-406 cont.

Ballona Coordination Meeting Minutes
June 2, 2010
10am

Attendees:

Mary Small, Coastal Conservancy	Diana Hurlbert, SMBRC	Heather Schlosser, USACE
Julian Serafin, USACE	Rhiannon Kucharski, USACE	
Ben Nakayama, USACE	Robert Browning, USACE	Robert Grimes, USACE

I. In kind submittals
   a. For In-kind submittals, Mary, Sean and Diana tried to break down the submittals per the PMP, but had a hard time. Please see in-kind spreadsheet submitted last week.
   b. SMBRC and Coastal Conservancy will submit the In Kind Submittal sheets that correspond with each document from the website, along with reference to the document or file they correspond to and a link to that document on the web.

II. PMP updates
   a. Mary Small is concerned that the revised PMP does not reflect the products they have completed, and very concerned about the cost increases.
   b. Mary Small: Have all the PMP sections looked at the same project area? Parts still refer to Ballona Lagoon, Grand Canal, Venice Canals and Oxford Basin, which are no longer in the study area. O11-406 cont.
      i. All sections should include: Del Rey Lagoon; Areas A, B and C; Ballona Creek from the Ocean to Cochran; and Centinela and Sepulveda Channels from where they daylight to Ballona Creek.
   c. Mary and Diana requested that the Corps add geographic location to the PMP amendment chapter. The scopes of work are confusing because they do not make the study area clear.
   d. Mary: Why have the F3 economics costs gone up?
      i. Ben Nakayama: Economics had to re-run their model due to the revised flood plain hence their cost increase. The potential flooded parcels went from 6000 to 600.
      ii. Sponsor wants to understand why the economics costs for F3 doubled. The model was originally run at a larger scope (6000 parcels) and is now being re-run at a smaller scope (600 parcels). That should not cost double. There should be economies of scale.
      iii. Ben Nakayama: The model had to be completely re-run for the new parcels. This along with added review costs are the reasons behind the cost increase.
   e. Review Guidance has led to approximately $505k in cost increases. $260k of that is for Independent External Peer Review (IEPR), which is NOT cost shared. The other levels of review such as Agency Technical Review (ATR) and model certification ARE cost shared.
      i. Rhiannon will send another copy of the review guidance.
   f. The Coastal Conservancy is worried that there will be no political appetite to support a feasibility study at this cost level.

g. The language in the PMP needs to itemize what the additional costs would go towards.
    i. Rhiannon will send the detailed cost estimates from each PDT member.
h. The Coastal Conservancy believes their GIS work should decrease the revised GIS costs.
    i. This can be investigated further in conjunction with the in-kind review process. USACE will ask Dave Bianco to review the GIS products and scope and cost estimate after the formal in-kind submittal.

III. Coordination

a. Heather Schlosser: It is hard to assure proper coordination when the Corps is trying to complete the baseline F3 this year, while the sponsor is well in to alternatives analysis in the wetlands areas (A, B, C).
    i. Mary and Diana, what do you see as the Corps' role in this feasibility study?
        1. Mary Small: The discussion was that the Corps would focus on the Creek (there aren't state funds for that) and that the wetlands study would go forward separate from the larger feasibility study, but feed in to the project as in-kind credit. The restoration of the wetlands (A, B, C) is being led by SMBRC in conjunction with the State of California.
        2. SMBRC and Coastal Conservancy are both interested in the Creek as well.
            a. Heather Schlosser: Are you willing to cost share the implementation phase of a recommended alternative that includes the Creek and Wetlands?
            b. Mary Small: Our funding strategy for implementing the restoration is the value of the land. However, the Coastal Conservancy's focus is the restoration planning at the wetlands.

IV. Executive Management Meeting

a. Aim to have this in June. SMBRC and Coastal Conservancy will send potential dates and times to Rhiannon Kucharski, who will coordinate with USACE management schedules.

O11-406 cont.

Ballona Telecon Minutes
March 29, 2010

Attendees:

Rhiannon Kucharski, USACE	Kathy Anderson, USACE	Larry Smith, USACE
John Killeen, USACE	James Chieh, USACE	Frank Wu, USACE
Julian Serafin, USACE	Michael Hallisy, USACE	Patrick Singh, USACE
Mary Small, Coastal Conservancy		Sean Berqquist, SMBRC

I. Introductions
II. PMP update
   a. DRAFT SOW Amendment Chapter distributed
   b. Cost estimates
      i. Frank Wu: Coastal Engineering F3 Baseline Conditions
         1. Need to incorporate PWA information in to the appendix
   c. SMBRC Board will have to buy off on the updated PMP and cost estimates
      i. At this Thursday's meeting they are asking the Board to generally support the study
      ii. Cost increase approval will have to come through the Coastal Conservancy's Board
   d. FCSA amendment would come after the PMP update is complete
      i. Have to work with Corps Legal Counsel and SMBRC Legal/Board
   e. Study Area
      i. For F4, the Corps suggests focused study area of A,B & C plus the Creek up to the I-405, and the Centinela Channel and Sepulveda Wash
         1. H&H and Survey and Mapping Sections believe this focused area is best due to cost considerations
         2. Per Frank Wu: Coastal Engineering work has focused on A, B, & C
      ii. Sponsors feel that we need to keep Ballona Creek up to Cochran Boulevard. Otherwise, the map is okay.
   f. Rhiannon and Kathy will set up a meeting between the sponsors and Survey and Mapping (Alan Nichols).[1]
   g. URS and the Corps are in negotiations for the Plan Formulation and Environmental Appendix
III. Corps work Audit
   a. Environmental Resources Branch (ERB)
      i. Review of sponsor work
      ii. Fish survey of creek and channels
      iii. Work with SAC on HEP evaluation
         1. Including scope of work to score A, B & C and the creek between the marsh areas
         2. Mary can re-start the Conservancy agreement with the SAC to possibly fund them.
            a. Larry will send Mary the scope of work he has written.
   b. Cultural Resources
         1. Write-up from PWA, which summarizes a library record search
            a. Corps and Conservancy both feel that the write-up is inadequate

O11-406 cont.

[1] Action Items marked in GREEN.

b. NEPA agency coordination for cultural must be done by a federal agency; it cannot be done by the sponsor or their contractor.
    i. Michael Bever and Bob Stark, with Jones and Stokes and John Killeen need to be in touch with eachother.
2. John Killeen has completed a full record search in the last few months
    a. He is re-writing the F3 input based on the new, more adequate record search.
3. NOTE: Important burials located in the Northwest corner of Area C that have been determined eligible that will need serious consideration for avoidance or mitigation.
4. Also, cultural will have to look at channel as a resource. Where we are pulling out channel, if we decide to, will have to be investigated by cultural.

c. Coastal Engineering
    i. Draft F3 Appendix complete
d. Geotech
    i. Diaz-Yourman contract
    ii. Contract oversite
e. H&H
    i. Baseline Hydrology and Hydraulic Appendices
    ii. Baseline Groundwater Appendix
    iii. Sedimentation will be done during F4 analysis due to funding availability
        1. PWA is looking at sedimentation modeling in their contract with the sponsor. Mary will send their scope of work.
    iv. Water Quality Appendix – We are relying on this product from the sponsor (SCCWRP).
        1. Mary will get us the Appendix as it is available.
f. Socioeconomics
    i. Efforts to date have been on the flood risk management component
        1. Originally the work was going to be done in-house, in L.A.
        2. Original structure inventory and database, site surveys
            a. Subsequent to that work, the H&H floodplain mapping was updated with a fairly significantly reduced floodplain delineation, which demanded that the economics be updated. This update was based on the first revision of the draft Hydraulic Appendix
            b. Update to the economics work will be done through Albuquerque District Economics Section
                i. Finalize F3 analysis
            c. FLO-2D data conversion to HEC format
                i. Will be done through Sacramento District
g. PWA and Jones and Stokes are doing on-going work. Mary will send both scopes of work.

IV. In-kind process (Kathy Anderson)
a. To date there has been no in-kind logged in to the Corps financial system. We need to catch up on that. It should be done yearly.
b. Update in-kind numbers in PMP and in cost summary spreadsheet.
    i. List all in-kind work in a table with associated amount spent on the work, along with a list of work already scoped and contracted to be done. Also, Shelly Luce of SMBRC would need to sign the official submittal.

O11-406 cont.

I. Sponsor needs to keep records of the in-kind and the values in case of an audit.

ii. Mary Small: What is the best way to do that?

iii. Kathy Anderson: We can have a separate meeting to go through the in-kind line by line with Kathy, Rhiannon, Sean and Mary.

iv. Mary Small: Is it what we spend on the product that gets credited or is it what the federal government would have spent to do the same thing?

1. It is up to the PDT to QA/QC the products and agree to the accounting both in amount and content.
2. Coastal Conservancy would feel more comfortable if the in-kind is credited at the value they spent on the product.

V. Coordination

a. Corps requests going forward

i. Each PDT member needs to coordinate with their equivalent on the sponsor's contractor team(s)

1. Rhiannon will send a PDT list to Sean and Mary so that coordination contacts can be filled in next to the corresponding PDT member(s).

b. Sponsor requests

i. Tie up the in-kind process and update more often

c. Our coordination meetings from now on will be the last Wednesday of every month at 10am.

VI. Other Discussion

a. Bike tour with Congresswoman Harman April 9th.

i. Kathy will forward info to Mary and Sean.

O11-406 cont.

Version 3, dtd 5/24/2011

DRAFT
ITINERARY FOR
COL R. MARK TOY
MEETING WITH SANTA MONICA BAY RESTORATION COMMISSION AND VISIT TO BALLONA CREEK

26 MAY 2011

TIME/ACTIVITY		TRANSP/REMARKS
THURSDAY – 26 MAY 2011		**UNIFORM: ACUs**
0830	Depart SPL for Loyola-Marymount University (LMU) – 1 LMU	Govt vehicle Driver: Phil Serpa Rick Leifield Josephine Axt
	310-338-2700 PAX: Monica Eichler Stuart Strum Dan Swenson	
0920	Arrive LMU – Santa Monica Bay Restoration Commission Staff Office (SMBRC)	Location: University Hall Room ECC1857 Note: Met by Stuart Strum and Dan Swenson
0930	Executive Management Meeting with SMBRC and California State Coastal Conservancy (CC) Los Angeles County Public Works Dr. Shelley Luce, Executive Director, SMBRB Mary Small, Deputy Executive Officer, Coastal Conservancy Mark Prestrella, Deputy Director	

O11-406 cont.

TIME/ACTIVITY		TRANSP/REMARKS
THURSDAY – 26 MAY (Continued)		
	Agenda: - Introductions - Project Overview – SMBRC/CC o Project goals and regional importance o Planning Process (Science Advisory Committee and Public Meetings) o Proposed Project o Schedule	
	- Partnership with Corps: Discussion (All) o 408 Permit – Outstanding Questions o Status of Feasibility Study o Discussion of Future Coordination	
1100	Depart for Ballona Creek PAX: See above	Govt Vehicle Driver: Phil Serpa
1110	Ballona Creek Site Visit - Overview of the Site - Ballona Channel - Muted Tidal Wetland	
	SMBRC/CC and LAPW Participants: Dr. Luce, Mary Small and Mark Prestrella	
1210	Depart for Ballona Creek for SPL PAX: See above	Govt Vehicle Driver: Phil Serpa
	Note: Lunch enroute	
1330	Arrive SPL	

O11-406 cont.

From: Mary Small
To: Diana Hurlbert; sluce@santamonicabay.org
Subject: talking points ballona - scc board
Date: Thursday, January 05, 2012 2:08:00 PM
Attachments: talking points ballona board item.docx

Hi
Shelley, I am hoping that you will share the presentation of this item to the Conservancy board with me. Attached is an outline of what I am thinking we should cover, please take a look and give me your thoughts. My suggestion is that I'd introduce the project and you, you'd cover the need for restoration and the proposed project and then I could go through the details of the proposed action. I am thinking we will have a short (10ish slide) powerpoint with few words but good pictures. I can pull a draft of it together.

Diana, I am hoping you can fill in the highlighted sections in the attached to help me think about how to explain the work that will done if approved, why it's so expensive and why we are going with this approach, as opposed to phasing differently etc.

Thanks,
Mary

O11-406 cont.

Outline for the presentation

(Mary)
Background

- 600 acres owned by the state, DFG and State Lands
- Designated State Ecological Reserve
- Purchased for the purpose of wetland restoration

Project Partners, introduce Shelley

(Shelley)
Need For Restoration, Site Mgt

- Currently no open public access, very restricted
- Site management issues: homeless encampments, trespass, trash, eyesore

Need for restoration, biology

- Very degraded ecological resources – key findings of baseline assessment
- Regional significance – wetland loss around SM Bay and throughout So CA

Proposed project

- Description of grand vision
- Ecological benefits
- Sustainability – adaption to SLR, restoration of ecological processes
- Public access components

O11-406 cont.

Planning process to date 2 slides(?)

- Public and Science Based Process
- Evaluation of broadest possible range of alternatives
- Refinement and assessment of preferred alternative –ideas we rejected, scaling down due to cost considerations, planning for phased implementation

(Mary)
Recommended action:

1) Authorization for a grant of $250 K to SMBRC to fund their ongoing work to advance this restoration project, including continuation of data collection, agency coordination and technical review and oversight.

2) Authorization of $6.25 million to be contracted by SCC through competitive environmental services contracts for specific technical studies that are needed to complete the environmental review and permitting.

Description of the technical work (what will be done and why so expensive)
This authorization would provide funds for several specific scopes of work to support environmental impact review and permitting of the restoration project.

- Soils and Geotechnical assessment – Some soil sampling has been completed onsite, however the main cost for implementation of the project will be soil management.. To

reduce construction costs, the project is designed to balance cut and fill onsite. To effectively implement that program, we have to have clear understanding of soil characteristics – which soils can be used to construct levees, which soils should be used to create upland habitat, etc.

- Landscape Architect to design public access improvements. Conceptual designs for public access improvements have been included in the project from the very start. Now that we have a project description for the land-form of the restoration, it will be important to design the public access improvements. One of the major benefits of this project will be to create a new natural area in the urban center of Los Angeles. We intend to design public access amenities
- Civil engineering – design of levees and construction details up to ___% details of proposed work…
- Hydraulics and Hydrology – evaluation of flood risk and uncertainty details of proposed work…

In addition to environmental impact review, this project will need the following permits: Coastal Commission CDP, LA RWQCB permit, and an Army Corps Section 408 permit. Much of the additional technical work that is recommended in this action will be needed to comply with the 408 permit process.

O11-406 cont.

The 408 permit is a permit issued by the Corps to modify an existing flood control project. After Hurricane Katrina, these permit requirements became much stricter and more comprehensive. This permit will have to be approved in DC and will require that the project have ___% design completed. *Explain why so expensive…*

Over the past several months, the project management team has been in conversation with the ACOE and internally discussing the best path forward given the significant costs to complete the design and hydraulic/hydrology studies.

We considered several options of initial projects that would involve installation of tide gates or breaches rather than full levee removal. Tide gate projects were determined to be less desirable because they do not restore full tidal range, are unable to adapt to sea level rise and have higher maintenance costs. We also considered a moving forward only with a smaller Phase 1 project that would restore wetlands north of the channel.

This would reduce the design and technical review costs now, but if we were ever to implement the full restoration project, we would have to go through some of the permit processes again. Our estimate is that the total planning costs would increase by *X-XX* amt in the end.

Of course the actual amount will be determined through contractor selection process and evaluation of proposals, but we have based this recommendation on a comprehensive, conservative but complete estimate to finish all of the pre-project work.

Acknowledge Some Opposition

- Is restoration needed, impacts to existing resources?

Some individuals think that this site is providing important habitat as is. This is a case of shifting baselines, the site does provide some habitat, but is severely degraded. Example - data pt from Karina's work?. To restore estuarine wetlands at Ballona, the land needs to be reconnected to the ocean.

- Can project be done with volunteers and without bulldozers?

The project that we are recommending is enormous in scale. It involves uncovering the wetlands that were buried with the construction of the marina and that have been cut off from the ocean for almost 90 years. We will work to continue working with youth groups and volunteers to implement portions of this restoration.

- Money would be better spend buying small parcels in the neighborhood

Some neighbors to the project have advocated that the restoration of the wetlands is a poor investment and the bond money should be spent to acquire small parcels (each 3-5 acres) rather than to restore the ecological reserve.

O11-406 cont.

Funds are limited to Ballona, consequences if not approved, who will pay for construction?

Conclusion:
Even though this is a major investment and a controversial project, your staff recommends that you approve it. The ecological restoration of the Ballona wetlands is a rare opportunity to bring back coastal wetlands and to develop an urban natural area that will enhance the lives of millions of Californians. To really restore this site we have to implement a big vision and in order to do that we

Questions I will need to be prepared to answer:
Consequences if not approved
Who will pay for construction?
Why not grant all funds to SMBRC?

NOTES

Cost of other wetland restoration projects – engineering and environmental review

South Bay Salt Ponds Initial Planning, EIR and Phase I Design (15,000 acres)	$23 M
Batiquitos Lagoon	$5 M
San Elijo Lagoon	$1.9 M
S San Diego Bay Salt Ponds	$550K

Questions we need to answer:

Why is this so expensive?
How does it compare to the costs other wetland restoration projects?
Is it needed? Is it a waste of money?
Is this the right alternative?
Will there be more habitat destruction than restoration
Who will implement the project?
Wouldn't we be better off with ngos and volunteers?
What about long term management?

Key Points
Plan developed with extensive scientific review and public input
Plan goals: habitat restoration, sustainability, public access, lower maintenance cost
Funds are specific to Ballona

O11-406 cont.

From: Shelley Luce
To: Mary Small
Cc: Diana Hurlbert
Subject: RE: timelines...
Date: Monday, January 30, 2012 4:44:09 PM

Let's meet downtown at 11 am at Bottega Louie, it's on the corner of 7th and Grand. We can eat or just have coffee for as long as we want there, and then head over. Sound good?

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Monday, January 30, 2012 4:30 PM
To: Shelley Luce
Cc: Diana Hurlbert
Subject: Re: timelines...

O11-406 cont.

Great, let's meet before maybe 11?
Downtown would be easy for me but I could also fly to LAX and meet at LMU, if we do that maybe we could meet a little earlier?

Sam can't make it, this rescehduled time didn't work for him.
Mary

sent from my phone

On Jan 27, 2012, at 12:38, Shelley Luce <sluce@santamonicabay.org> wrote:

> I have kept the whole day open. You can Sam can tell us what works for you - meet earlier downtown or at LMU, anytime after 9:30 is good for me. We can reserve a conf room at water board offices or meet at a coffee shop if we do it downtown.
>
> *Shelley Luce, D.Env.*
> *Executive Director*
> *Santa Monica Bay Restoration Commission*
> *Pereira Annex MS:8160*
> *1 LMU Drive, Loyola Marymount University*
> *Los Angeles, CA 90045*
> *310-216-9827*
> *www.santamonicabay.org*
>
> ---
>
> **From:** Diana Hurlbert
> **Sent:** Friday, January 27, 2012 10:07 AM
> **To:** Mary Small; Shelley Luce
> **Subject:** RE: timelines...

The 1st works for me. As for timeline this is what I am shooting for....

Early Feb for Nick's revised engineering/construction PD
Late Feb/early March for summary NOP/NOI to be circulated
March/April for Habitat/Adaptive Mgmnt Plan
Early May for draft geotech, recreation/Area C, hydraulics, traffic, and 30% engineering/design
Working over summer on & circulating admin draft chapters and finalizing reports, recreation/Area C etc.
Finalizing Public review Draft for circulation in late Sept.

Please keep in mind that we will be creating and circulating draft chapters for review as information is available. All document preparation will be on concurrent paths. Keeping to the timeline depends mostly on how responsive reviewers are to deadlines for comment (ie. a 2 week turn around). The consultants are all aware of these targets and have committed to meeting them.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Thursday, January 26, 2012 3:24 PM
To: Shelley Luce
Cc: Diana Hurlbert
Subject: Re: timelines...

O11-406 cont.

Hi
Sorry if I misspoke I feel like I have promised dates that we haven't met so many times that I instinctively underestimate when we'll get things done. It would be super valuable to have some key milestones on a schedule that we all are working off of- MRCA asked for that too. I can draft it up nxt week or you guys can send it to me.

I think there may be a role for Sci input going fwd but after I'm not sure I think we should have more SAC mtgs. Do you guys have time on the 1st? I think there are a few things we should touch base on and I could meet before or immediately after our mtg w ACOE.

Thanks
Mary

sent from my phone

On Jan 26, 2012, at 15:47, Shelley Luce <sluce@santamonicabay.org> wrote:

> Hi Mary,
> I wanted to check in on our timelines but I forgot to mention yesterday. I've been shooting for end of Feb. release of the NOP/NOI and public review draft of EIR/EIS in Sept. 2012. In the SAC meeting I thought I heard you say something longer than that – a few months until the NOP comes out. Also in the SAC meeting we kind of indicated there could be more SAC meetings to resolve

things that we were discussing and I didn't think that was part of our plan. I do think we can continue discussion of relevant things with SAC members as we write the draft EIR, and reconvene if necessary. Is that what you were thinking?

Talk to you Monday!
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
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www.santamonicabay.org

O11-406 cont.

From: Mary Small
To: "Shelley Luce"
Subject: LA Co
Date: Tuesday, December 13, 2011 9:14:00 AM

Hi
Do you think there is any chance that we could get a commitment from LA Co to fund the permit process before Jan? Then I could add them as matching funds to my staff report.

Mary

O11-406 cont.

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181
~~~~~~~~~~~~~~~~

From: Mary Small
To: "Mary Small"; "Shelley Luce"
Cc: "Diana Hurlbert"
Subject: RE: draft agmt SMBRF 2
Date: Monday, February 13, 2012 9:28:00 AM

Hi
Can you let me know if this looks basically ok so I can send it to Mr. Davis?
Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, February 07, 2012 2:28 PM
To: 'Shelley Luce'
Cc: 'Diana Hurlbert'
Subject: draft agmt SMBRF 2

O11-406 cont.

Hi Shelley
Attached is a draft of the grant agmt to the SMBRF for the $240K. We'll need to develop a work plan and budget separately.

Can you take a quick review and let me know if it looks ok? Elena has asked me to produce this draft quickly as it seems the best way to respond to our most recent PRA from Mr. Davis.

Thanks
Mary

O11-406 cont.

ATTACHMENT 6

Coastal Conservancy

REQUEST FOR SERVICES

Ballona Wetlands Ecological Reserve
Environmental Analysis and Permit Assistance

May 11, 2009

O11-406 cont.

Contract Type: Environmental Professional Services

Scope:
Perform environmental analysis and assist in applying for permits for habitat enhancement and public access improvements at the Ballona Wetlands Ecological Reserve in Los Angeles.

Submittal Deadline: **June 1, 2009**
Proposals should be submitted electronically in adobe acrobat format and must be received at the Conservancy by June 1, 2009.

Contact: Mary Small, California Coastal Conservancy, msmall@scc.ca.gov

From: Mary Small
To: "Ivan Medel"
Cc: "Shelley Luce"; "Karina Johnston"; "Diana Hurlbert"
Subject: FW: post to web?
Date: Wednesday, February 08, 2012 4:48:00 PM
Attachments: Ballona Civil Engineering and Geotech.pdf
Ballona Hydrology and Engineering.pdf

Hi Ivan
Could you post the following on the homepage of the Ballona Restoration Project website?

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis.

Please unhighlight the text above but insert hyperlinks to the attached docs to the highlighted text to the RFS, does that make sense?

Thanks,
Mary

O11-406 cont.

REQUEST FOR SERVICES

Ballona Wetlands Ecological Reserve
Civil and Geotechnical Engineering and Permit Assistance

February 8, 2010

Contract Type: Civil Engineering and Geotechnical Professional Services

Scope: Provide engineering and geotechnical evaluations, design and related services for the proposed wetland restoration design of the Ballona Wetlands Ecological Reserve in Los Angeles. Technical studies, evaluations, and designs will be of sufficient detail to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers.

Submittal Deadline: February 29, 2012

Proposals should be submitted electronically in adobe acrobat format and must be received at the Conservancy by February 29, 2012.

Contact: Mary Small, California Coastal Conservancy, msmall@scc.ca.gov

O11-406 cont.

From: Mary Small
To: "Diana Hurlbert"; "David Lawhead (DLawhead@dfg.ca.gov)"; "Eichler, Monica SPL"; "Eric Gillies"; "griggsp@slc.ca.gov"; "Hamamoto, Bruce"; "Patrick Holland (pholland@dpw.lacounty.gov)"; "Rick Mayfield (rmayfield@dfg.ca.gov)"; "Serpa, Phillip J SPL"; "Shelley Luce"; "Strum, Stuart R MVN-Contractor"; "Swenson, Daniel P SPL"; "Terri Grant (tgrant@dpw.lacounty.gov)"; "Youn Sim (ysim@dpw.lacounty.gov)"
Subject: RE: request for services - ballona wetlands
Date: Thursday, February 09, 2012 5:02:00 PM

Hello all-
Here's some more information about the Coastal Conservancy's contractor selection process. It is a quick process and I am hoping PMT members will assist us so I want to be sure you are aware of the schedule.

I am really hoping the PMT will help in reviewing proposals and that staff from the County and Corp will participate on the selection panel. These contracts are for work to support the County's 408 submittal. Here's the schedule for the review/selection:

- Proposals will be submitted electronically to me on 2/29
- I will post them on a secure site by 3/1 for PMT review
- PMT will select the top 3 or 4 firms we'll interview for each contract by 3/5
- PMT will do a detailed review of the written proposals of the top proposals by 3/13
- Interviews will be in LA on 3/13 – all day

I am assuming the selection panel will be Diana, me, and a representative from the County and the Corps. If anyone else wants to spend March 13th interviewing firms, please let me know. O11-406 cont.

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:46 PM
To: 'Diana Hurlbert'; 'David Lawhead (DLawhead@dfg.ca.gov)'; 'Eichler, Monica SPL'; 'Eric Gillies'; 'griggsp@slc.ca.gov'; 'Hamamoto, Bruce'; 'Patrick Holland (pholland@dpw.lacounty.gov)'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'; 'Serpa, Phillip J SPL'; 'Shelley Luce'; 'Strum, Stuart R MVN-Contractor'; 'Swenson, Daniel P SPL'; 'Terri Grant (tgrant@dpw.lacounty.gov)'; 'Youn Sim (ysim@dpw.lacounty.gov)'
Subject: FW: request for services - ballona wetlands

The request for services for the civil engineering and geotechnical contract and the hydrology and engineering contracts went out today. Feel free to forward to other potential contractors, I sent it to about 60 in our database and we will post it on the web. Proposals are due on Feb 29th.

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:39 PM
Subject: FW: request for services - ballona wetlands

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological

Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis. O11-406 cont.

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181
~~~~~~~~~~~~~~~~

Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 27, 2012
From: "Elena Eger" <eeger@scc.ca.gov>(Add as Preferred Sender)
Date: Wed, Mar 28, 2012 8:46 am
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, <sschuchat@scc.ca.gov>

Dear Mr. Davis:

The Conservancy does not possess a responsive record to your request, below.

Sincerely,

O11-406 cont.

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Tuesday, March 27, 2012 5:55 PM
To: Elena Eger
Cc: 'Mary Small'; sschuchat@scc.ca.gov
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 27, 2012

California Coastal Conservancy

Re: Public Records Request

Please provide any statute which exempts the California Coastal Conservancy from the California Contract Code as it relates to the Agency entering into contracts of any type.

Thank you,

John Davis

-------- Original Message --------
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012
From: "Elena Eger" <eeger@scc.ca.gov>
Date: Tue, March 27, 2012 5:27 pm
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, <sschuchat@scc.ca.gov>

O11-406 cont.

Dear Mr. Davis:

Your request below does not constitute a request for a record pursuant to the Public Records Act. Rather, your request is for an analysis of statutory law. I am ethically prohibited from providing counsel to anyone other than my client. Assuming that you are not a lawyer, I am also ethically bound to suggest to you that you obtain your own counsel to advise you on such matters. You may utilize the California State Bar website for referrals to counsel at www.calbar.ca.gov.

Sincerely,

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Tuesday, March 27, 2012 1:38 PM
To: Elena Eger
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012

O11-406 cont.

Hello,

Thank you for the citations. However, neither removes the requirement of the Coastal Conservancy to comply with Public Contract Code Sectoins 10140-10141 nor 10515-10518.

If the Conservancy is exempt from the California Contract Code, please inform me as to what statute or code provides for such an exemption.

John Davis

-------- Original Message --------
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012
From: "Elena Eger" <eeger@scc.ca.gov>
Date: Tue, March 27, 2012 12:50 pm
To: <jd@johnanthonydavis.com>
Cc: "'Schuchat, Sam'" <sschuchat@scc.ca.gov>, "'Mary Small'" <msmall@scc.ca.gov>, "'Dick Wayman'" <dwayman@scc.ca.gov>, "'Nadine Peterson'" <npeterson@scc.ca.gov>, "'Heather Baugh'" <heather.baugh@resources.ca.gov>, <kimg@resources.ca.gov>

Dear Mr. Davis:

This correspondence contains the Coastal Conservancy's (Conservancy) response to your March 21, 2012 Public Records Act request, below.

The Conservancy does not possess any responsive records to either of your numbered requests. However, we direct you to Government Code Sections 4525 *et seq.* and 14 California Code of Regulations Sections 13870 *et seq.* for our contracting process.

Sincerely,

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

O11-406 cont.

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Wednesday, March 21, 2012 2:11 PM
To: "Samuel Schuchat"; "John Laird"; 'Dick Wayman'; 'Nadine Peterson'; carmenp@scc.ca.gov; kimg@resources.ca.gov
Cc: John Chang
Subject: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012

California Coastal Conservancy

Att: Executive Director Sam Schuchat

California Coastal Conservancy March 21, 2012

To: Governing Board and Management

Douglas Bosco
Marisa Moret
Ann Nothoff
John Laird
Susan Hancsh

Karen Finn

Bryan Cash

Noreen Evens

Joe Simitan

Anthony Cannella

Bill Mornning

Luis Alejo

Das Williams

O11-406 cont.

CC
John Chang State Controller

Att: Executive Director Schuchat, Please Send This Letter to All California Coastal Conservancy Governing Board and Management.

This is a request for public records made pursuant to the California Public Records Act. Each numbered item is a distinct request for public records.

1. Please provide any and all public records that demonstrate compliance with California Public Contract Code Section 10140-10141 in regard to the California Coastal Conservancy approval onf January 19, 2012 of File No. 04-088 which approved money to be disbursed for engineering, hydrologic analyses, geotechnical assessments, and public design.

2. Please provide any and all public records that demonstrate compliance with California Public Contract Code Section 10515-10518 in regard to the California Coastal Conservancy approval on January 19, 2012 of File No. 04-088 which approved money to be disbursed for engineering, hydrologic analyses, geotechnical assessments, and public design.

No such records have been requested or received by me to date.

See Attached Approval for File No. 04-088

Thank you,

O11-406 cont.

John Davis
PO 10152
Marina del Rey Ca. 90295

PUBLIC CONTRACT CODE SECTION 10140-10141

10140. **Public notice of a project shall be given by publication once a week for at least two consecutive weeks or once a week for more than two consecutive weeks if the longer period of advertising is deemed necessary by the department, as follows:** (a) **In a newspaper of general circulation published in the county in which the project is located**, or if located in more than one county, in such a newspaper in a county in which a major portion of the work is to be done. (b) **In a trade paper of general circulation published** in San Francisco for projects located in County Group No. 1, as defined in Section 187 of the Streets and Highways Code, or **in Los Angeles for projects located in County Group No. 2, as defined in said Section 187, devoted primarily to the dissemination of contract and building news among contracting and building materials supply firms. The department may publish the notice to bidders for a project in additional trade papers or newspapers of general circulation that it deems advisable.** 10141. The notice shall state the time and place for the receiving and opening of sealed bids, describing in general terms the work to be done and that the bids will be required for the entire project and for the performance of separate designated parts of the entire project, when the department determines that segregation is advisable.

PUBLIC CONTRACT CODE SECTION 10515-10518

10515. (a) No person, firm, or subsidiary thereof who has been awarded a consulting services contract may submit a bid for, nor be awarded a contract on or after July 1, 2003, for the provision of services, procurement of goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract. (b) Subdivision (a) does not apply to either of the following: (1) Any person, firm, or subsidiary thereof who is awarded a subcontract of a consulting services contract that amounts to no more than 10 percent of the total monetary value of the consulting services contract. (2) Consulting services contracts that comply with Article 2.5 (commencing with Section 10510.4). (c) (1) Subdivision (a) does not apply to any person, firm, or subsidiary awarded a consulting services contract by a University of California medical center when the provision of service, procurement of goods or supplies, or any other related action required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract, is necessary to avoid a competitive disadvantage in the hospital industry, improve patient care, protect the privacy of patient information, or avoid significant delay and additional expense. (2) The University of California shall report within 30 days on any exemption granted under paragraph (1) to the Joint Legislative Budget Committee and the Department of Finance. The report shall include a description of the circumstances that warranted the exemption, the effects of the exemption on patient care or patient privacy, and a calculation of the projected costs savings to the institution as a result of the exemption. 10516. No officer or employee of the University of California shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or in which the officer or employee has a financial interest if that employment, activity, or enterprise is sponsored or funded, or sponsored and funded, by any university department through or by a university contract unless the employment, activity, or enterprise is within the course and scope of the officer's or employee's regular university employment. No officer or employee in the university shall contract on his or her own individual behalf as an independent contractor with any university department to provide services or goods. This section shall not apply to officers or employees of the university with teaching or research responsibilities, nor shall it apply to student employees for payment for additional campus activities or engagements outside of the scope of their primary university employment. 10517. (a) No retired, dismissed, separated, or formerly employed person of the University of California employed with the university or otherwise appointed to serve in the university may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decisionmaking process relevant to the contract while employed in any capacity by any university department. The prohibition of this subdivision shall apply to a person only during the two-year period beginning on the date the person left university employment. (b) For a period of 12 months following the date of his or her retirement, dismissal, or separation from the University of California, no person employed in the university or otherwise appointed to serve in the university may enter into a contract with any university department, if he or she was employed by that department in a policymaking position in the same general subject area as the proposed contract within the 12-month period prior to his or her retirement, dismissal, or separation.

O11-406 cont.

The prohibition of this subdivision shall not apply to a contract requiring the person's services as an expert witness in a civil case or to a contract for the continuation of an attorney's services on a matter he or she was involved with prior to leaving the university. (c) This section does not prohibit the rehire or reappointment of University of California employees after retirement, consistent with university administrative policies, nor does it apply to inventors and authors of intellectual property licensed under technology transfer agreements. 10518. (a) Except as otherwise provided in subdivision (b), each contractor who enters into a contract with a University of California campus for ten thousand dollars ($10,000) or more shall be assigned an identification number by the chancellor of that university campus. Each contractor who has been assigned a number shall list it on each contract the contractor enters into with the university campus, regardless of the amount of the contract. In the case of a corporation or firm, the chancellor's assigned number shall be used exclusively on each contract with that particular chancellor's campus. The assigned number shall remain unchanged regardless of future name changes. (b) If the identification numbers cannot be tracked centrally by the Regents of the University of California, then the regents, and not the chancellors, shall assign the identification numbers.

O11-406 cont.

O11-406 cont.

ATTACHMENT 7

From: Mary Small
To: "Barbara Romero"
Cc: "Melissa Guerrero"; "Diana Hurlbert"; "Shelley Luce"
Subject: SCC mtg in Jan
Date: Monday, December 19, 2011 3:30:00 PM
Attachments: Ballona_Wetlands_Engineering and Technical Studies.docx

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Hi Barbara,
Thanks for agreeing to support the recommendation for funding for engineering work at Ballona. Attached is the draft staff report, the project will be heard at our Jan 19th meeting at the Baldwin Hills Scenic Overlook. As you can see it's a pretty big authorization, so we'd love your support. I think we may take the Board on a tour of Ballona that morning and then the meeting will start around 12:30. It would be great to have MRCA join us for either the tour or the meeting.

Thanks also for the message about the early action plan grant. When you have time submit any final billing or just a letter stating that the work is all done and I'll close it out.

Hope you are doing well and have a great holiday.
Mary

O11-406 cont.

From: Mary Small
To: "Shelley Luce"; "Scott Valor"
Subject: FW: support letter for SCC board meeting?
Date: Wednesday, January 11, 2012 3:53:00 PM

Good news

From: Sarah Sikich [mailto:ssikich@healthebay.org]
Sent: Wednesday, January 11, 2012 3:44 PM
To: Mary Small
Subject: RE: support letter for SCC board meeting?

Hi Mary,

Mark forwarded me your email about the Ballona technical study support letter for the SCC board meeting. We discussed it at our department meeting this week, and will send in a letter. Is an electronic copy fine, or do you need a hard copy? Also, should I just send it to you?

Additionally, Alix Hobbs would like to join our meeting while you are at Heal the Bay to discuss some of our Coastal Conservancy projects and potential future ideas. Is it okay with you if she joins for the second half of the meeting?

Thanks,
Sarah

O11-406 cont.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 3:00 PM
To: Mark Gold
Subject: RE: support letter for SCC board meeting?

Thanks, the meeting is the 19th so that's the deadline. Yes, I totally understand.

I was just sending Sarah an email about possible dates I'll be in LA when I'd like to stop in ad talk about OPC, so maybe I'll see you then.

Happy new year (and MLPA implementation)
Mary

From: Mark Gold [mailto:mgold@healthebay.org]
Sent: Tuesday, January 03, 2012 2:39 PM
To: Mary Small
Subject: RE: support letter for SCC board meeting?

Mary – Happy new year to you too. We will definitely take a look at this and think it through. It is a great project and needs to happen. The political baggage that goes with it is no picnic as you know.

When is the deadline?

O11-406 cont.

ATTACHMENT 8

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Wednesday, March 21, 2012 12:34 PM
To: "Samuel Schuchat"; "John Laird"; 'Dick Wayman'; 'Nadine Peterson'; carmenp@scc.ca.gov; kimg@resources.ca.gov
Cc: David Lawhead; John Chang
Subject: To All California Coastal Conservancy Board Members from John Davis

California Coastal Conservancy
Att: Executive Director Sam Schuchat

California Coastal Conservancy March 21, 2012

To: Governing Board and Management
Douglas Bosco
Marisa Moret
Ann Nothoff
John Laird
Susan Hancsh
Karen Finn
Bryan Cash
Noreen Evens
Joe Simitan
Anthony Cannella
Bill Mornning
Luis Alejo
Das Williams

CC
John Chang State Controller

Att: Executive Director Schuchat, Please Send This Letter to All California Coastal Conservancy Governing Board and Management.

Your Staff Attorney, Elena Eger has indicted this State Agency will not answer the fair questions I, as a member of the public asked regarding the procedures of the Conservancy.

Failure to answer such questions is contrary to the role of the State Agency to enjoin the public in the processes.

Please request that Staff respond to the questions I have asked.

Furthermore I have requested that your Staff not copy any Private Business or Individuals on responses to me as I consider it harassment and intimidation by the State Agency.

Should any such private business or individual wish to obtain such email records, such records should ONLY be provide if requests for such records are made pursuant to the Law, the California Public Records Act.

O11-406 cont.

The Information Practices Act (Civil Code section 1798 et seq.) generally prohibits agencies from disclosing an individual⦶s personal information to the public.

Thank you,

John Davis
PO 10152
Marina del Rey Ca. 90295

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Thursday, February 16, 2012 1:29 PM
To: Elena Eger
Cc: 'Mary Small'; 'Sam Schuchat'; 'Dick Wayman'; 'Shelley Luce'; svalor@santamonicabay.org
Subject: Reply from John Davis RE: Davis' Requests for Information

California Coastal Conservancy
Att: E.Eger
Re: Reply

O11-406 cont.

Dear E. Eger,

The request for public records submitted on 2/14/2012 remains outstanding.

The Commission still needs to reply to this request within 10 days of the submission date. I do expect a reply by 2/24/2012 as
the Public Records Act requires under law.

I also would take issue with your recent email stating that I made a DEMAND of the Commission. This is far from true.

In fact my email stated the INTENDED PURPOSE of the email and made no demands as you stated to me in your email to me.

Prior to that, you inferred in another email that I made statements and or asserted things that I clearly did not.

I corrected you once alreadyin writing, and find I must do so yet again.

Your accuracy in characterizing my telephonic conservations or written documents should not be clouded by your misconceptions
as I do not find it to be professional in your role as a State Attorney.

Regards,

John Davis
PO 10152
Marina del Rey Ca. 90295

****

Subject: Reply from John Davis RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS
From: <jd@johnanthonydavis.com>(Add as Preferred Sender)
Date: Tue, Feb 14, 2012 2:05 pm
To: "Elena Eger" <eeger@scc.ca.gov>

California Coastal Conservancy
Att: Elana Eger Councel
Re: Reply to your communication

Counsel Eger,

Please pardon my typo in your title.

Also, I still do not understand why a State Agency would share my letter, and personal email
address with a private business, unless requested pursuant to the Public Records Act. I am not
sure what other private businesses you intend to copy on my letters to the State Agency using State facillities.

I do understand that you will continue to provide my emails to this State Agency with private businesses:

O11-406 cont.

" Indeed, we will continue to share communications to you or from you with our other Ballona project partners, irrespective of whether the partner is a public or private organization, when we, at our sole discretion, determine that dissemination to be useful for our project purposes.".

How does the Coastal Conservancy define the term "partner" as used in your statement?

How, at the Coastal Conservancy, is a determination made at its sole discretion whether the dissemination
of my email to the State Agency would be useful for the Conservancy's project purposes?

What entity of the Coastal Conservancy is entitled to make such a determination and under what authority?

These are fair questions given that my letters to you have already been shared with a private business.

Thank you for your continued assistance.

John Davis
PO 10152
Marina del Rey Ca. 90295
-------- Original Message --------
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS

From: "Elena Eger" <eeger@scc.ca.gov>
Date: Tue, February 14, 2012 12:32 pm
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, <svalor@santamonicabay.org>, "'Shelley Luce'" <sluce@santamonicabay.org>, "'Dick Wayman'" <dwayman@scc.ca.gov>

Mr. Davis:

This is in partial response to your PRA, below and your request of yesterday at 5:15 p.m. in which you demand that we not share your communications with "any private business" and in which you characterize such communications as "private".
While we will provide you with your requests to the extent possible and in compliance with the PRA, we must clarify to you that communications between you, as a member of the public, and the Conservancy, a public agency, are not considered under the PRA and thus not by the Conservancy to be "private communications", subject to any privilege or exception under the Act. Indeed, we will continue to share communications to you or from you with our other Ballona project partners, irrespective of whether the partner is a public or private organization, when we, at our sole discretion, determine that dissemination to be useful for our project purposes.
I would also like to clarify for you for your future purposes that my title is not "council" but "counsel", that is, I am a lawyer, not a member of a council.
Sincerely,

O11-406 cont.

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

****

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Tuesday, February 14, 2012 10:49 AM
To: Elena Eger
Subject: PUBLIC RECORDS REQUEST FROM JOHN DAVIS

California Coastal Conservancy
Att: Council E. Eger
Re: Public Records Request

This is a public records request made pursuant to the California Public Records Act. Each numbered item is a separate and distinct request for public records. This letter is only intended to for the California Coastal Conservancy and NOT FOR ANY PRIVATE BUSINESS, unless requested by such a business via the California Public Records Act.

1. Provide any and all emails to and received by the California Coastal Conservancy

from the following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: sluce@santamonicabay.org

2. Provide any and all emails to and received by the California Coastal Conservancy from the following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: svalor@santamonicabay.org

3. Provide any and all emails to and received by the California Coastal Conservancy from the following email address AFTER the Conservancy hearing on January 19, 2012: sluce@santamonicabay.org

4. Provide any and all emails to and received by the California Coastal Conservancy from the following email address AFTER the Conservancy hearing on January 19, 2012: svalor@santamonicabay.org

6. Provide any and all emails sent by the Conservancy to following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: sluce@santamonicabay.org

7. Provide any and all emails sent by the Conservancy to following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: svalor@santamonicabay.org

O11-406 cont.

8. Provide any and all email sent by the California Coastal Conservancy to following email address in AFTER the Conservancy hearing on January 19, 2012: sluce@santamonicabay.org

9. Provide any and all email sent by the California Coastal Conservancy to following email address in AFTER the Conservancy hearing on January 19, 2012: svalor@santamonicabay.org

Thank you for your assistance,

John Davis
PO 10152
Marina del Rey Ca. 90295

-------- Original Message --------
Subject: RE: Reply from John Davis RE: Davis' Requests for Information
From: "Elena Eger" <eeger@scc.ca.gov>
Date: Thu, February 16, 2012 7:48 pm
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, "'Sam Schuchat'" <sschuchat@scc.ca.gov>, "'Dick Wayman'" <dwayman@scc.ca.gov>, "'Shelley Luce'" <sluce@santamonicabay.org>, <svalor@santamonicabay.org>

Dear Mr. Davis:

As I stated in my email of yesterday to you, we intend to comply with your records request to us of 2/14. We are working on compiling the records that you have requested. Please clarify whether you wish to receive the emails pertaining to correspondence among Mr. Valor, Ms. Luce and Conservancy staff with respect to the Item #5 on the 1-19-12 agenda only.

Please clarify that you are referring to the Conservancy when you make reference to the "Commission" in your message below.

As to your other allegations contained in your email below, I remind you that, as I said yesterday, we will make no further comment, which, of course, does not mean that we agree or disagree with your interpretations. Again, unless you are requesting a record from us under the Public Records Act, we do not intend to make further explanatory comments to you.

Sincerely,

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

O11-406 cont.

-------- Original Message --------
Subject: Davis' Requests for Information
From: "Elena Eger" <eeger@scc.ca.gov>
Date: Wed, February 15, 2012 6:45 pm
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, "'Sam Schuchat'" <sschuchat@scc.ca.gov>, "'Dick Wayman'" <dwayman@scc.ca.gov>, "'Shelley Luce'" <sluce@santamonicabay.org>, <svalor@santamonicabay.org>

Dear Mr. Davis:

In response to your inquiry below, I am providing you with the link to our website's contents of Item 5, Ballona Restoration Project, approved at the Conservancy's 1-19-12 public meeting unanimously. All my references are to the contents in this link. http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2012/1201/20120119Board05_Ballona_Wetlands.pdf.

I believe in your message below you are referencing Exhibit 4. This record reads at the bottom of the page in the key: "Existing habitat units based on field survey conducted by the California Department of Fish and Game, October – December 2000. Map created by GreenInfo Network October 20, 2011." The Conservancy's logo is next to this statement.

With respect to the remainder of your email to us, below, except for our response to your last statement regarding the Conservancy's

dissemination of your correspondence to and with us, which we responded to in my earlier email to you of yesterday at 11:32 a.m., we wish to direct your attention to the Public Records Act (PRA), which provides the public with the mechanism to request a public record from a public agency. Additionally, we wish to direct your attention to the Ballona Restoration website, linked on our Conservancy website at www.scc.ca.gov , which among other resources, has project documents and provides a calendar of upcoming meetings, if any, where you have the opportunity to seek clarification and information regarding the restoration project.

We have cooperatively provided you with both oral and written clarifications on requests you have made to us for information or on allegations you have made that we or our project partners are violating particular laws or practices or conducting our respective project business improperly. In fact, since the Conservancy unanimously approved Item 5 for Ballona Restoration Planning, on 1-19-12, we responded to every one of your requests for records under the PRA or for explanations or to answer your allegations, which now amount to some 16 written requests to date for both information and records in the 18 business days from our 1-19-12 meeting, except for two requests for information and one request for records, received yesterday. Additionally, you have spoken by phone with six of our staff numerous times each, none of which were records requests but were rather in the nature of your seeking more information or explanation from us. Despite our willingness to provide you with explanations and/or clarifications, we continue to receive more requests for the same information from you, often accompanied by accusations of improper behavior. O11-406 cont.

In compliance with our obligations under the Public Records Act, we will continue to provide our records to you upon written request for such records. However, we will not be responding to your further requests for non-record information or explanation or to your allegations of improper business practices beyond this request, below. We cannot conduct our regular business in service of the public and continue to respond to your almost-daily and, if daily, often numerous daily requests for non-record information or to answer your allegations. Despite our willingness to provide you with explanations, clarifications and information, our good-faith responses back to you seem to be unsatisfactory to you since you follow-up often with yet another request for the same information. Continuing this "asked and answered" process seems an unproductive use of public resources.

So, with respect to your statement that DFG produced this map, please note that as cited above here, GreenInfo Network produced the map for the Conservancy and its project partners/team's use; DFG is

our restoration partner on this project. We direct you to the Conservancy's website at www.scc.ca.gov, Ballona restoration for identification of our project partners on this project.
With respect to whether DFG provided the Conservancy with permission to put our logo on this proposed restoration design, please note that the Conservancy is a project partner with DFG and that within this partnership, the Conservancy acts as the lead in restoration planning with the full agreement of the other project partners, including the DFG.
Sincerely,

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

O11-406 cont.

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Monday, February 13, 2012 5:15 PM
To: 'Elena Eger'
Cc: 'Nadine Peterson'; 'Sam Schuchat'; 'Dick Wayman'; Mary Small
Subject: RE: Davis call to Eger of 2-6-12

California Coastal Conservancy
Att: Elena Eger Legal Council
CC Mary Small Project Manager
Re: Item 5 January 19th 2012 Meeting

Hello Council Eger,

Mary Small directed me to you to answer a question about the hearing noted above.

The attached map was presented as a projection.

It bears the seal of the State Coastal Conservancy. The small text below the legend is hard to read but it
does reference the California Dpt. of Fish and Game in 2011. The text is not clear. It appears to say Ballona Wetlands units.....summary conducted the California Dpt of Fish and Game .....Map created by .....October 20, 2011.

Could you provide the correct reading of this text?

For what purpose did Fish and Game produce this map?

Did Fish and Game provide specific permission for the Conservancy to place its seal (logo) on this

map for official purposes such as for grant approvals?

I understand the Conservancy is a partner of Fish and Game in the Ballona preserve.

However it is unclear if Fish and Game authorized the use of this map for purposes of another Agency
to consider in its grant process.

Please DO NOT CC ANY PRIVATE BUSINESSES ON MY E-Mail COMMUNICATIONS anymore. This is met
to be a private communication between myself and the State Agency, and not to be shared with any private
business, whatsoever.

O11-406 cont.

Again,

Thank you for your assistance,

John Davis
PO 10152
Marina del Rey Ca. 90045

From: Mary Small
To: "Elena Eger"
Cc: "Scott Valor"
Subject: FW: State Water Board Legal"s Memo to our Governing Board
Date: Monday, February 06, 2012 4:47:02 PM
Attachments: SWRCB memo2011aug re accusations.pdf
SWRCB Ltr to Davis re PRAs.pdf

Hi Elena

Scott Valor emailed this to you but he had the wrong address.

Mary

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Monday, February 06, 2012 3:42 PM
To: msmall@scc.ca.gov; eeeger@scc.ca.gov
Subject: State Water Board Legal's Memo to our Governing Board

Mary & Elena--

The attached memo to our Governing Board may help with some background. It was not only given to our Governing Board, it is posted on our website, and was forwarded to John Davis and Patricia McPherson, among others. It addresses virtually all of the accusations made against the Foundation and Commission.

Attached also is a direct letter to John Davis from SWRCB legal noting how Foundation staff and contractors legally serve the SMBRC. For example, I am a contractor to the Foundation, but I am authorized to act on behalf of the Commission. He refuses to acknowledge that, which will never change. However, the documents speak for themselves.

One reason he may be contacting you (again) is that SWRCB legal told him that any future PRA queries to the Commission must be directed to me. He simply won't do that so he seeks ways around it. It would be entirely appropriate for you to re-direct any queries relevant to the SMBRC to me.

Call me if/when questions arise.

/s

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

visit us at www.smbrc.ca.gov

O11-406 cont.

From: patricia mc pherson
To: Wildlife Ballona Wetlands Ecological ReserveEIR
Subject: Fwd: Comments on DEIR by Grassroots Coalition
Date: Monday, February 5, 2018 5:02:22 PM
Attachments: comment 2.5.2018.pdf

Begin forwarded message:

From: "Todd T. Cardiff, Esq." <todd@tcardifflaw.com>
Subject: Comments on DEIR by Grassroots Coalition
Date: February 5, 2018 at 4:54:48 PM PST
To: <bonnie.l.rogers@usace.army.mil>
Cc: <patriciamcpherson1@verizon.net>

O11-407

patricia mc pherson
patriciamcpherson1@verizon.net

February 5, 2018

U.S. Army Corps of Engineers
Los Angeles District
Daniel Swenson, Regulatory Division
915 Wilshire Boulevard, Ste. 930
Los Angeles, CA 90017

California Department of Fish and Wildlife
Richard Brody, CDFW
c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108
E-mail: BWERcomments@wildlife.ca.gov

RE: Comments on Ballona Wetlands Draft EIS/EIR

Dear Mssrs. Swenson and Brody

Please consider these comments to be submitted on behalf of Grassroots Coalition. These comments are in addition to, and not intended to supplant any other comments or objections lodged by Grassroots Coalition.

O11-407 cont.

1. The Range Of Alternatives Is Unlawfully Deficient Because of Factual Errors in the Description of the Historical Nature of the Ballona Wetlands.

One of the primary purposes of the EIR is to evaluate a "reasonable range of alternatives" that would reduce or avoid impacts. While an EIR need to not evaluate every alternative, "an EIR is required to consider those alternatives that will "attain most of the basic objectives" while avoiding or substantially reducing the environmental impacts of the project. (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1087.)

In this case, the executive summary of the Draft EIR/EIS (hereinafter "DEIR") states "the term Project with a capital "P" means restoration of the Ballona Reserve and incidental work necessitated by the proposed activities." However, all the alternatives contemplated include the restoration of full tidal action when, historically, the Ballona Wetlands were primarily freshwater and were only subject to tidal action on the rare occasion that the rivermouth at Ballona Creek blew out during heavy rains. Thus, the term "restoration" is not accurate.

The historically freshwater nature of the Ballona Wetlands was discussed in a scientific paper prepared pursuant to the National Sea Grant Program (Grant # NA 06OAR4170012.) (Jacobs, Stein and Langcore "*Classification of California Estuaries Based on Natural Closure Patterns: Templates for Restoration and Management*" Southern California Coastal Water Research Project, Technical Report 619.a (August 2011 revised).) In the paper, Jacobs et. al. opine that:

> "the longshore drift of sand rapidly closed the berm connecting Ballona to the sea after major storms and a large freshwater lake was the rule, rather than the exception for the wetlands, even reaching inland up to five miles presumably as a consequence of perching of water behind a berm during modest stream flow episodes. These data are consistent with core data which show intermittent freshwater conditions in Ballona over the last 4,0000 [sic] years (Palacios-Fest et al. 2006).

(Classification of California Estuaries, at 34.) O11-407 cont.

Jacobs et. al., conclude that the Ballona Wetlands is not historically a saltwater marsh subject to tidal influence on a daily basis, but a freshwater wetlands (often a lake) that is intermittently open to the ocean after large storm events. (Id. at 25.) In fact, based on narrative histories, it appears that after a flood event in 1825, where the Los Angeles River shifted away from Ballona Creek, the estuary mouth was increasingly closed.

An accurate definition of "restoration" is important. Unless ACOE and CDFW can cite to other information that demonstrates that the Ballona Wetlands was historically a salt-water marsh, it cannot claim that the project is for restoration of the Ballona Wetlands.

Sincerely,

Todd T. Cardiff, Esq.

CLASSIFICATION OF CALIFORNIA ESTUARIES BASED ON NATURAL CLOSURE PATTERNS: TEMPLATES FOR RESTORATION AND MANAGEMENT

Revised

David Jacobs
Eric D. Stein
Travis Longcore

SCCWRP Established 1969

UCLA

USC spatial science

Sea Grant University of Southern California

O11-407 cont.

Southern California Coastal Water Research Project

Technical Report 619.a - August 2011

Classification of California Estuaries Based on Natural Closure Patterns: Templates for Restoration and Management

David K. Jacobs[1], Eric D. Stein[2], and Travis Longcore[3]

[1]*UCLA Department of Ecology and Evolutionary Biology*
[2]*Southern California Coastal Water Research Project*
[3]*University of Southern California - Spatial Sciences Institute*

O11-407
cont.

August 2010
Revised August 2011

Technical Report 619.a

ABSTRACT

Determining the appropriate design template is critical to coastal wetland restoration. In seasonally wet and semi-arid regions of the world coastal wetlands tend to close off from the sea seasonally or episodically, and decisions regarding estuarine mouth closure have far reaching implications for cost, management, and ultimate success of coastal wetland restoration. In the past restoration planners relied on an incomplete understanding of the factors that influence estuarine mouth closure. Consequently, templates from other climatic/physiographic regions are often inappropriately applied. The first step to addressing this issue is to develop a classification system based on an understanding of the processes that formed the estuaries and thus define their pre-development structure. Here we propose a new classification system for California estuaries based on the geomorphic history and the dominant physical processes that govern the formation of the estuary space or volume. It is distinct from previous estuary closure models, which focused primarily on the relationship between estuary size and tidal prism in constraining closure. This classification system uses geologic origin, exposure to littoral process, watershed size and runoff characteristics as the basis of a conceptual model that predicts likely frequency and duration of closure of the estuary mouth. We then begin to validate the proposed model by investigating historical documentation of three representative estuaries to determine if their pre-development condition was consistent with the structure predicted by the classification. In application of the model, eight closure states, based on elevation of barriers to tidal access, were defined. These states can be determined from historic, maps descriptions and photography. These states are then used to validate models of closure state frequency for different classes of estuaries based on the classification. Application of the classification model suggests that under natural conditions, the vast majority of California estuaries experience some degree of closure, and most spend a preponderance of time completely isolated from the sea or with a limited or muted tidal connection. In this state, stream flow rather than tidal influence is the most critical variable controlling mouth opening. Individual estuaries exist in a variety of closure states over multi-year to multi-decadal time frames. An estuary may exist in a given closure state for periods of time ranging from days to years. The distribution of closure states for an estuary over time can be used to guide management decisions based on dominant closure and hydrodynamics of the system. Success of future estuarine restoration projects could be improved by incorporating consideration of mouth closure dynamics.

O11-407 cont.

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INTRODUCTION

Loss of coastal wetlands is widely recognized as contributing to decreased biodiversity, species declines, and increase in coastal hazards (Zedler and Kercher 2005). In semi-arid regions, such as southern California, the effect of wetland loss is particularly acute because wetlands are oases in a relatively dry landscape (Zedler 1996). Unfortunately, the combination of the small, somewhat isolated nature of coastal wetlands and intense development pressure has resulted in California experiencing some of the highest rate of loss of coastal wetlands in the United States (Zedler 1996). As a result, coastal wetland restoration has been a focus of management activity and public funding over the past two decades. Since 1998, more than $500 million have been spent on acquisition and restoration of coastal wetlands in southern California alone (http://www.scwrp.org/index.htm).

One of the most difficult aspects of coastal wetland restoration is determining the restoration template (Brinson and Rheinhardt 1996). Determining the appropriate physical configuration and habitat mix for restored wetlands is complicated when undisturbed reference sites are no longer present on the landscape (Grayson *et al*. 1999). Consequently, templates from other climatic/physiographic regions are often applied to southern California coastal wetland restoration projects. However, the drowned river mouth estuaries and barrier island systems typically found in more humid, less tectonically active areas, such as the eastern United States are fundamentally different than the small geologically active estuaries found in the semi-arid Mediterranean climate of southern California. Of particular note is the critical importance of streamflow, and the seasonal and episodic variability of that flow, in maintaining estuarine settings. These, in combination with difference in watershed size and littoral process, affect the character of estuarine mouths. The frequency and duration of mouth closure is a far more important phenomenon in west coast than east coast estuaries and can serve as a key factor that determines the groundwater hydrology, habitat types, flora and fauna supported by a specific estuary.

O11-407 cont.

Study of the nature of physical and biological processes in closing estuarine systems has been more systematic in other Mediterranean climates settings, such as Australia (Hodgkin and Hesp 1998; Ranasinghe and Pattiaratchi 1999, 2003; Ranasinghe *et al*. 1999; Roy *et al*. 2001; Shuttleworth *et al*. 2005; Stretch and Parkinson 2006) and South Africa (Cooper 1990, 2001, 2002; Nozais *et al*. 2005; Harrison and Whitfield 2006; Anandraj *et al*. 2007) where systematic studies across suites of seasonally closing estuaries have been conducted. The more limited focus on these systems in California may be, in part, due to the influence of studies of East Coast estuaries, and the presence of a few exemplar open systems, such as San Francisco Bay, and, in southern California, San Diego Bay. Application of physical and biological models and restoration templates from estuaries with fundamentally different geologic origins, climate, scale and geomorphic processes typically found in other regions of the United States appears to create conditions in the name of restoration that, depart from local history are at odds with local processes. Such "restored" systems tend to have high maintenance requirements, and are often inappropriate for the species endemic to estuaries of the California Coast, including endangered taxa. Therefore, development of a set of restoration templates appropriate for medium to small-sized estuaries in Mediterranean climates with variable precipitation and streamflow should be a

priority to help inform future restoration and management decisions for southern California coastal wetlands.

A first step in this process is to develop a classification system based on an understanding of the processes that formed (origin) these estuaries and defining their pre-development structure. This report proposes a new classification system for California estuaries based on the geomorphic history and the dominant physical processes that govern the formation of the estuary space or volume within them. The classification system forms the basis of a conceptual model that predicts likely frequency and duration of closure of the estuary mouth. We then begin to validate the proposed model by investigating historical documentation of three representative estuaries to determine if their pre-development condition was consistent with the structure predicted by the classification system. If the historical information about the condition of the estuary is consistent with the predictions based on its landscape position and geomorphological attributes, then our confidence in the predictive ability of this scheme will be enhanced. This initial validation provides the foundation for further testing and application to the numerous restoration plans currently underway. Finally, we explore some of the physical and biotic consequences of changing the closure dynamics of coastal estuaries by transforming them from periodically closing systems into perennially open systems.

O11-407 cont.

METHODS

We propose a classification system based on the geophysical processes that formed and hence govern the behavior of estuaries in southern California. We hypothesize that the typical frequency and duration of mouth closure can be predicted based on an estuarine classification derived from geologic origins, exposure to littoral processes, and watershed size and runoff characteristics (more details are provided below). The classification scheme produces a series of hypotheses about the mouth closure characteristics under natural conditions (i.e., in the absence of major infrastructure that controls estuary opening/closing).

The mouth closure dynamics predicted by the conceptual model were applied to estuaries along the California coast (Figure 1) and investigated in detail using a range of historical data sources for three estuaries of particular management concern. These estuaries, at Ballona Creek, Topanga Creek, and Tijuana River, represent a variety of conditions in terms of size and landscape setting and were selected because they are all currently the subjects of restoration planning efforts. Therefore knowledge of the historical wetland state and mouth dynamics is particularly relevant to assessment of alternative restoration plans and ongoing investments. For these three estuaries, we investigated historical aerial and ground photographs, historical reports and narrative accounts, the California Coastline photograph archive (http://www.californiacoastline.org/), and historical maps from the US Coast and Geodetic Topographic Survey (T-Sheets) to produce a conclusion on the predominant mouth condition. Information was reviewed from the earliest obtainable records (ca. 1870) to the present to represent the study estuaries under a range of natural conditions (e.g., flood, droughts, and different tidal stages) and managed conditions (e.g., levees, excavations). The "observed" condition is then compared to the predicted estuary closure condition developed from the classification system/model as a test of model validity.

O11-407 cont.

In addition to the three estuaries examined in detail, the broader work presented here is supported by personal observation by Jacobs in over 130 small to medium sized coastal lagoons during collection efforts for work on the genetics of coastal fishes (*Atherinops*, *Clevelandia*, *Eucyclogobius*, *Fundulus*, *Gasterosteus Gillichthys*, *Leptocottus*) and invertebrates (*Cerithidia*, *Nebalia*, *Neotrypaea*). These observations were supplemented by the field observations and notes of Camm Swift. Additional observations and communication and collection records from Kevin Lafferty, Ryan Hechanger, Kristina Louie and Todd Haney were considered. Air photos records for all 130 sites (except Vandenberg AFB) were examined using images from the California Coastal Records project. Satellite images for the last two decades were examined using Google Earth. The historic "T-sheet" (Topographic) series for the entire outer coast was examined relative to these sites as were the early hydrographic sheets in some instances (San Pedro, Mission Bay, San Diego Bay, and Mugu). These data were used to inform the conceptual model for each combination of variables, thus predictions are not based on the behavior history of an individual place, but on a generalized summary of similar systems in our combination of variables.

Figure 1. California estuaries discussed in this study.

O11-407 cont.

CONCEPTUAL BASIS FOR ESTUARINE CLASSIFICATION

Formation of California Estuaries

A number of different geologic processes operating though time have influenced the development of California Estuaries. These processes are the basis for the proposed classification system.

Uplift

Much of California's coastal geomorphology results from locally rapid uplift rates compared to other regions of the country. This relative movement has been particularly active over the last 1 to 2 million years, generating many aspects of the coastal topography including the steep topography of the coastal cliffs and islands (Mc Neilan *et al*. 1996, Masters and Aiello 2007). In addition general uplift of the coast has eliminated or reduced in size what were once very extensive embayment systems that penetrated inland in the Los Angeles basin, the Santa Clara, Santa Ynez and Santa Maria Valleys and in the Vicinities of Morro and Monterey Bay/Salinas Valley (Hall 2002, Jacobs *et al*. 2004) into the Late Pliocene or early Pleistocene. These areas still support significant estuarine features, but they are orders of magnitude smaller in their extent than previously existing embayments.

Sea Level Change

Sea level rise, from approximately 140 m below present levels about 20,000 years ago, necessarily exceeding rates of 1 cm/y for several millennia (Slater *et al*. 2002). Rapid glacial melting occurred from about 15,000 to 8,500 years ago, with some degree of hiatus during the cold Younger Dryas 12,800 to 11,500 years ago (Kennett *et al*. 2007). This deglaciation raised global sea level and inundating coastal features. Reduction in the rate of sea-level rise occurred between 8,500 and 6,000 years ago (Fairbanks 1989), and in this time frame the major features of the world's coasts, such as major river deltas, started to develop (Li *et al*. 2002), and the processes that shaped and continue to influence modern west coast estuaries began to operate (Hogarth *et al*. 2007, Masters and Aiello 2007). Records from around the Pacific Basin suggest that sea level rose to a maximal values sometime between 5,000 and 2,000 years ago (e.g., Dickinson 2001). Depending on mechanism envisioned these higher stands (1 to 2 meters) may or may not pertain to the Holocene of the California Coast (Grossman *et al*. 1998). Over the course of the Holocene, uplift may account for several meters of sea-level change in the most active regions of coastal California (Keller and Gurrola 2000; Jacobs *et al*. 2004; Masters and Aiello 2007). Overall, by 2 or 3 thousand years ago a combination of uplift, slight sea level fall, coastal retreat and sedimentary infill had strongly influenced California estuarine systems (Masters and Aiello 2007).

O11-407 cont.

Coastal Retreat-Regressive Shorelines

Much of the California Coast is uplifted and actively eroding under wave attack. When rising sea-level reached heights that roughly approach those of today (within 10 m of modern) approximately 8,500 to 6,000 years ago, waves began to erode a coast that had been uplifted and dissected by stream flow since the last high-stands of the sea (interglacial substages 5a,c,e, at 80,000, 100,000 and 125,000 years ago). This last set of highstands generated the lowest set of

terraces along the coast through uplift of these formerly-wave-cut features (Muhs *et al*. 1992, Muhs *et al*. 2002, Niemi *et al*. 2008). These terraces range from near sea level to over 100 meters high (e.g., the seacliff north of Ventura) depending on the local uplift rate (dating of these surfaces provides one of the primary means of measuring uplift). Terraces and other coastal features were then crosscut by stream valleys, as they were uplifted during the last ~100,000 years. Valleys were frequently downcut to levels well below modern sea level due to protracted episodes of significantly low sea-level (e.g., 70,000 to 10,000 years ago). As a consequence of these processes a much more irregular coast was presented to the force of wave action (8,500 - 6,000 years ago) than the coast of today. Wave erosion subsequently smoothed the coast, cutting back headlands especially where they are composed of relatively soft Neogene (Miocene or younger – less then 25 million years old) sediments. Thus many regions of the coast are in active erosional retreat and have been so since the early Holocene. These are the stretches of steep coasts and headlands often with cliffs facing the sea. In some cases offshore erosional remnants indicate retreat of close to a kilometer (e.g., Sonoma County south of the Russia River). These coasts often have stream mouth estuaries in valleys along them; and it has long been recognized that this active coastal retreat eliminates estuarine habitat in these valleys (Hedgepeth 1957). In addition, sediment infill through the Holocene eliminated space for estuaries in these settings (see below). Coastal retreat itself can be a very significant source of sediment to adjacent valley/estuarine settings.

O11-407 cont.

Progradational Shorelines and Estuarine Infill

Although well over half of the California Coast is steep/terraced and retreating as a consequence of Holocene wave erosion on the outer-coast south of San Francisco there are large valley features that were major embayment during the Pliocene. These regions, Salinas, Santa Maria, Santa Ynez, Santa Clara, and the Los Angeles valleys/Basin form stretches of prograding shoreline. Sediments are currently accumulating along these shores and/or have a significant Holocene history of accumulation. Thus there is a history of seaward movement of the shoreline (progradation). These areas associated with relatively high sediment producing watersheds, but also collect sediment moving longshore from adjacent eroding shorelines. Progradation in these systems may ultimately be limited by longshore transport out of the systems. In some instances, longshore transport precludes further seaward progradation of the system, and these regions of shoreline are often bounded by submarine canyons that transport sediment to nearby deepwater basins. Such submarine canyons can limit or define the area of shoreline along which sediment can be transported or accumulate. In some circumstances wind transport and dune accumulation can be similarly seen as an onshore escape for sediments from the shoreline environment.

Processes that Influence Estuary Opening, Closing, and Migration

Closure in California estuaries is a variable phenomenon that is often related to episodes of stream flow. In coastal lagoons opening will frequently occur at much lower stream flows than are required for the efficient export of sediment from the systems, which requires floods. Opening will also often be sustained by stream flow. Thus in larger drainages where stream flow persists for weeks or months at a time estuaries are likely to be maintained open for much of the wet season. Smaller stream mouth systems may open very briefly during short episodes of peak stream flow following rainfall and then close promptly, possibly with the following tidal cycle.

In addition, flood events may on occasion remove sufficient sediment to maintain the system in an open condition beyond the annual cycle, they may then become progressively more closed over a few year period.

Infill of river and stream-mouth estuaries occurs more locally than the larger scale progradational coastal settings discussed above. Sediments in these settings can be derived long-shore from the erosion of adjacent shorelines as well as from downstream transport. Thus estuaries can fill in from the beach side where flood-tidal deltas build into them or when stream mouth deltas prograde into their upstream ends. This sedimentation process is intermittently interrupted by large stream flows that erode sediment to form estuaries. Thus, a quasi equilibrium is achieved, where sediment accumulation, infill of the lagoon/estuary and marsh development is followed by erosive removal of the sediment via large storms followed by subsequent refilling of the estuary until the next large storm occurs. Episodic extreme flood events appear to recur approximately every 200 years based on records from the varved (annually laminates) sediments of the Santa Barbara Basin (Schimmelmann *et al*. 1998, 2003). The most recent such large flooding events likely occurred in 1605 and then between the 1830s to the 1860s. These floods appear to have been particularly effective at creating estuarine space. For example, a good-sized vessel could navigate the San Luis Rey River more than a Mile Upstream shortly after the 1862 Flood (Hayes 1862, in Engstrom 1999). The 1890 topographic surveys show, however, that the San Luis Rey had a raised beach berm crossing its mouth, indicating the evolution of a closing system. The large floods of the 1830s and 1860s also led to rerouting of the Los Angeles River into Ballona Creek as well as the movement of the mouths of the San Gabriel River and shift of the mouth of the Santa Ana to Newport Bay (Reagan 1915, Stein *et al*. 2007). Major precipitation events and floods have been far less frequent since 1890s. The large events in the 20th Century, 1914, 1938 and 1982-83, were subsequent to extensive dewatering, damming of streams, as well as channelization and confinement of estuaries by bridging potentially limiting the extent of scour and reworking typical of earlier flood events. Nevertheless some scouring and channel cutting is evident following these events. Overall, mitigation of flooding through damming and channelization as well as artificial hardening of estuarine mouths into stable, open positions has altered the hydrodynamics and sediment export processes of most California estuaries.

O11-407 cont.

Human alteration of sediment processes is complex and the response of estuarine systems may not be as expected. For example, upstream damming was followed by estuarine infill at Old Creek and Arroyo Grande based on comparison to 19th century mapping. This is presumably due to loss of erosive scour during flood flows. In contrast, channelization of the creeks leading to the large "trapped" system at Mugu Lagoon precludes the distribution of sediments across a broad floodplain. Once altered, sediments are seen to aggrade to higher than the surrounding plain in the diked channels and are consequently delivered to the lagoon. Here, in combination with other anthropogenic manipulations including jettying open of the lagoon mouth, they contribute to the sedimentation of the lagoon.

Tides and Wave Attack

The tidal cycle is semidiurnal in California thus there is one significantly higher tidal cycle in the average day. In addition there is a large Spring/Neap tide difference in the typical fortnightly tidal series. Physically the neap tide series provides a time when estuarine flow and height are

low for a number of days at a time. This provides and opportunity for longshore sediment delivery and closure processes to operate unfettered (Behrens et al. 2009). Over a number of neap flood tidal cycles this can establish a large body of sediment at mid-tidal elevation in the mouth that may extend well into the estuary via a flood-tide delta complex and/or wave overwash to form an elevated sand flat. This tidally emergent bar then serves to maintain water at some height impounded in the estuary until opened by flood conditions. This broad sand feature can then be difficult to erode or downcut yielding a semi-closed system. This system then may completely close over time. Lack of efficient channel downcutting during higher spring tide events may in part be due to wave interaction at the mouth, which fills incised channels between tidal cycles. Such semi-closed systems may persist for variable periods prior to full closure others may not attain full closure or do so only intermittently; on the other hand, these systems do not completely drain except during flood events that eliminate the impediments at the mouth.

Wave attack on the California Coast is not constant in wave height or direction. Winter storms in the North Pacific generate waves that approach form the northwest. Southern Ocean and tropical storm waves that approach the coast from the South are more prevalent in the summer. These can produce seasonal cycles of estuary mouth behavior, for example prior to jetty construction the mouth of Elkhorn Slough would turn and elongate longshore to the north in response to summer wave conditions (Woolfolk 2005), and bar formation would restrict tidal action. Similarly, northern and southern seasonal movement of the estuary mouth were reported in the 19th Century in the Bolsa Chica-Anaheim Bay area (Engstrom 2006) (Figure 2). O11-407 cont.

Longshore Processes

Waves approaching the coast at an angle are generally thought responsible for longshore transport of sediment down the coast. This has a number of implications, sediment delivered to the sea by floods or the ebbing tide at a lagoon/estuary mouth will tend to be returned to the shore downstream away from the direction of approach of the waves (Orme 1985, Schwarz and Orme 2005, Zoulas and Orme 2007). This process can occur on a number of scales. Each wave has a similar asymmetric transport effect with a greater downshore component to onshore wave transport and a more directly offshore retreat. Tidal cycles, both individual and spring/neap, likely result in offshore followed by downstream transport. At the seasonal scale (winter) stream flow events move sediment offshore and summer wave cycles move sediment onshore further down coast. Consequently, when extensive flood event flows or ebb tidal outflow projects sediment offshore from an estuary mouth, those sediments will tend to come onshore primarily on the downcoast side. Conversely there will be net erosion on the upcoast side of the estuary mouth in the direction of wave attack, and the estuary mouth will tend to migrate up-coast (upstream relative to longshore process). Migration of the mouth governed by the above process often proceeds upcoast in the direction of wave attack direction until it meets an impediment, such as a rocky promontory. Such openings can be relatively stable and persistent as the promontory replicates some of the function of a one-sided jetty. This phenomenon likely accounts for the tendency of mouths to stabilize near the upcoast sides of estuaries (e.g., Bodega Harbor, Bolinas Lagoons).

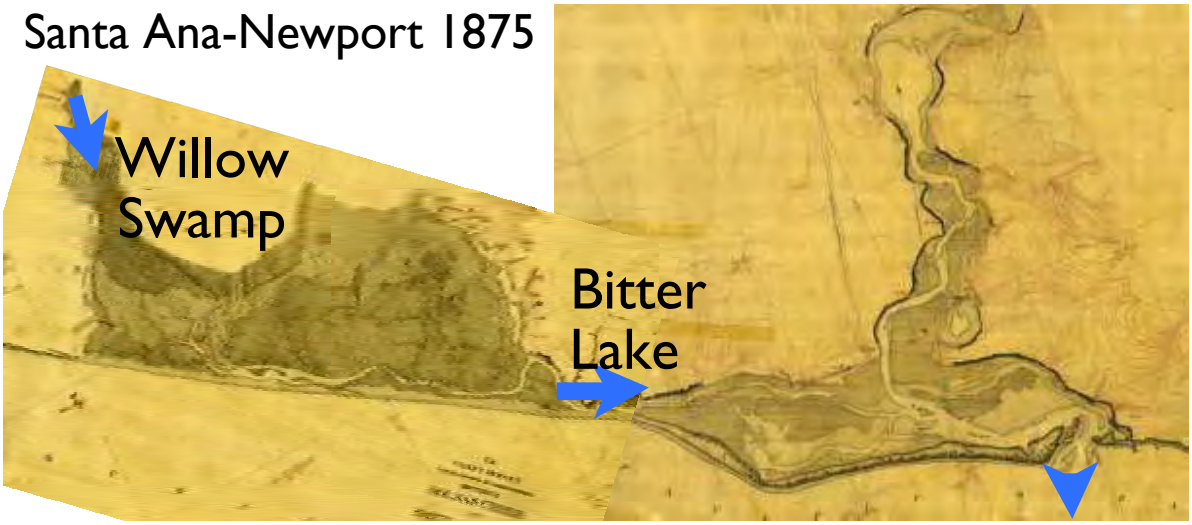


Figure 2. Coastal T-sheets (ca. 1876) of Santa Ana-Newport region showing lateral migration of estuarine mouth. Prior to 1862, The Santa Ana River, the largest in Southern California, flowed to the sea somewhere to the northwest (left) of the region in the middle of the map marked "Bitter Lake." After 1862 it took the path shown by the blue arrows flowing behind a beach berm to join with the opening of Newport. Engstrom (2006) also noted oscillation of the mouth on a seasonal basis. The confining aspect of the shallow bar complex at the mouth (see Davidson 1889), as well as the barrier system, more generally contributed to a freshwater to brackish water system (the "Willow Swamp") indicative of broad expanses of freshwater/riparian conditions. These "swamp" conditions were typical across the Los Angeles Basin shoreline at this period (see Swift 2005; Stein *et al*. 2007 for discussion). In comparison, the modern condition separates the Santa Ana River from Newport and directs virtually all flowing fresh water directly to the ocean, as is the case throughout the Los Angeles region. In addition, present day tidal flows are facilitated artificially by dredge channels at Newport.

O11-407 cont.

Conversely, when flood or tidal energy is insufficient to project sediment beyond the swash zone an attached bar will form and build down the beach downcoast away from the direction of wave attack. This bar can form a berm and elongate a drainage channel down the beach. These features are often prominent where wave energy is high relative to the outgoing flow at the mouth. Such spits and channels often form during the closure phase of systems following breaching. Once closed, these channels often form elongate transient extensions of lagoons on the beach top trapped by the beach berm. Beach berms formed by wave action can lead to impoundment or "perching "of water in the lagoon well above sea level where stream flow is sufficient to overcome evaporative loss and percolation through the berm, but is insufficient to overtop and breech the berm (Figure 3).

O11-407 cont.

Figure 3. Lagoons south of Point Hueneme as shown on T-sheet 893 (ca. 1857). These lagoons appear to have: 1) formed via downcutting by distributary channels of the Santa Clara River, 2) had the potential to "perch" behind the raised berm and 3) to have had the potential to connect laterally to one another behind the beach berm. Thus when inflow raised water level in one system they may have flowed to adjacent systems.

Larger spits are a product of sediment movement and prograde downshore subparallel to the coast. If water depths are appropriate, spits can extend longshore or offshore at an angle (where they are termed flying spits) entrapping a body of water behind it. This body can then close or nearly close if the spit then approaches the shore. Breaching in these systems is often governed by freshwater flows into them. However, these systems on prograding coasts are not confined to narrow valleys and they are less likely to be directly associated with a stream. Therefore, flooding and associated erosion may not remove sediment with the same efficiency as these systems are less laterally confined than Pleistocene valley stream mouth estuaries. However, in actively prograding systems beach ridges can be formed in series with new spits often forming and prograding downshore, offshore of previously formed spits and estuarine features. Features of this type are found on the progradational shores of Santa Clara Delta, Oxnard plain region where they formed Mugu Lagoon (Figure 4), and such offshore barrier spits and islands characterized the coast from San Pedro to Anaheim. Once formed such barriers were subject to flood related breaching and river channel alteration, as well as to cycles of mouth migration and breaching.

Figure 4. Series of barrier sand spits generating the prograding shoreline and forming much of the space of Mugu Lagoon (ca. 1860). Note the stable sand spits (yellow bars) apparently formed by a succession of longshore "trapping" events. Note also the thin spit (red bar) historically observed to undergo cycles of mouth migration, closure, and breeching as supported by observation, successive mapping, and air photography (see Warme 1971). In addition, the older Holocene inland spit is cross-cut by an outflow channel contributing to the estuary space. This cross cutting feature was apparently associated with flood distributary behavior of the Santa Clara River.

O11-407 cont.

Proposed Classification System for Southern California Estuaries

Southern California estuaries can be classified using four primary attributes that relate to their formation and dominant physical processes, coastal setting, coastal exposure, watershed characteristics, and formation process (Table 1). For simplicity, we propose two to four discrete categories for each attribute. In reality each attribute is a continuum; specific estuaries will often include aspects of multiple states depending on the size and heterogeneity of the system. The dominant condition for each attribute can be used to understand the nature and function of the resultant estuary system including its size and closure pattern of the mouth.

Table 1. Estuary attributes, and associated categories, that describe formation and physical process.

Coastal Setting (S)	*Coastal Exposure (E)*	*Watershed (W)*	*Formation Process (F)*
Prograding (S-P)	High (E-H)	Large, low gradient (W-L)	Inherited space (F-I)
Terraced (S-T)	Low (E-L)	Medium, intermediate gradient (W-M)	Trapped (F-T)
Steep (S-S)		Steep coastal drainage (W-C) Small/ill defined often lowland catchments (W-S)	Hydraulic/Flood (F-H)

O11-407 cont.

Coastal Setting

Prograding (S-P) shorelines where sediment supply to the coast exceeds the removal rate and the shoreline tends to build offshore these are usually low gradient shorelines, although dunes can provide exceptions to this (Figure 5).

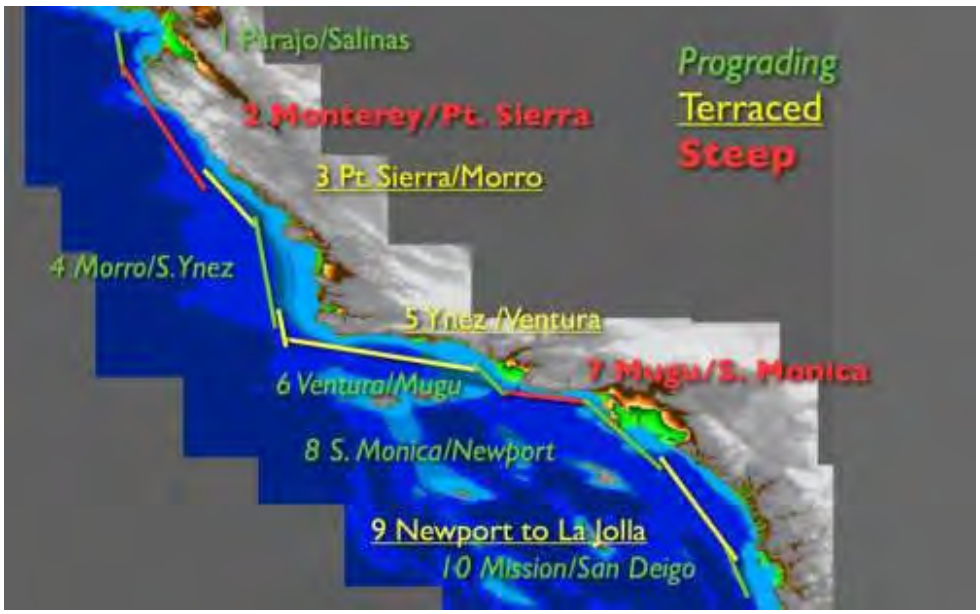


Figure 5. Distribution of coastal settings in southern California. Coastal setting is used here as a regional variable with the coast divided into 10 units with distinctive properties. Each unit is categorized as to whether it is predominantly prograding, terraced, or steep.

Terraced (S-T) shorelines where former wave cut Pleistocene shorelines have been uplifted forming a bench or terrace that has then been subsequently eroded by Holocene wave action such that a cliff faces the ocean (a series of benches may be preserves if the process has been repeated through the Pleistocene).

Steep (S-S) shorelines descend from coastal mountains or raised headlands such that the regional coastline is relatively precipitous. Incised valleys can form confined estuaries in this context.

Coastal Exposure

As discussed above there are a number of factors that influence the exposure of an estuary mouth to wave energy including coastal orientation. This in turn influences longshore process and closure dynamics at the mouths of estuaries. Coastal orientation also has implications for wind direction and dune formation. For sake of simplicity these are summarized in a simple binary variable. Future work may need to consider this variable in greater detail.

High (E-H) - Estuaries on west or northwest facing coasts at higher latitude, and that lack protection from "up-coast" promontories experience greatest wave energy. This energy is also largest from November to May and can be mitigated by coastal promontories. In addition, onshore winds often generate dunes where sediment supply is sufficient. These conditions are most typical of a stretch of coast north of Point Conception and the "Big Sur" coast but other stretches of west facing coast locally qualify.

Low (E-L) - The Santa Cruz, Santa Barbara, and Malibu Coasts, face south, or are protected by promontories (e.g., San Luis Obispo Creek) or offshore islands (some areas of the Bight such that winter wave energy is much reduced. However, some areas (e.g., Malibu) experience enhanced summer wave events often in June and July when southern ocean storms are most active. In addition, many coasts that have a southwesterly orientation likely experience enhance wave energy in El Nino years. Coasts facing directly south tend to have less dune development as winds have less of an onshore component. This exposure variable should be significantly refined in future work. O11-407 cont.

Watershed Characteristics

Watersheds are here divided into four geomorphic classes based on size and steepness. Watershed attributes may merit treatment as multiple continuous variables in future work.

Large low gradient (W-L) coastal rivers typically drain highlands that are relatively far from the shore. Despite their lower gradient lower reaches, these streams have high sediment load due to their steep upstream reaches. Steep gradients and short intense rainfall patterns in the upstream reaches result in highly variable (flashy) flow conditions. Under natural conditions these larger braided streams occupy relatively wide valleys that are sometimes terraced due to uplift. Often these drainages evolved with and, are oriented along rather than across major structural trends (e.g., Salinas River/ San Andreas; Santa Ynez River/ Santa Ynez Fault).

Medium sized intermediate gradient (W-M) streams typically penetrate and drain beyond the first coastal ridge. They cross rather than parallel significant structural trends and often show evidence of relatively recent stream capture or change in gradient in their upstream reaches. Overall they are relatively high gradient. Clear examples of such streams include Arroyo Grande, Gaviota and Malibu. The Santa Margarita and San Luis Rey Rivers also generally fit this category.

Steep coastal (W-C) drainages that do not penetrate, but often drain the face of the first coastal range. They are often relatively high gradient and are subject to flashy behavior and intermittent

flow. Many streams draining the face of the Santa Lucia Range (e.g., Toro Creek), Santa Ynez range behind Santa Barbara, and the Santa Monica Mountains are in this category. Mission Creek and Topanga Canyon are relatively large exemplars of this category.

Small lowland (W-S) catchments have small to minimal often more lowland catchments. Examples would include Parado and Tecolote and Campus Lagoon on the Santa Barbara Coast, and features such as Arroyo Corall and Arroyo Puerto on the Central Coast near San Simeon. Such drainages are numerous in some coastal settings and often historically supported small estuary/lagoonal features at their mouths. The lagoon at Ormond Beach south of Pt. Hueneme is a remnant of a number of systems present in the region historically. These features likely formed as distributary channels of the Santa Clara during flood events, but subsequently operated as small lowland catchments (Figure 3). The catchments of small vernal pool systems would be in the lowest size range of systems in this category.

Formation Process

Inherited space (F-I) estuaries formed through the flooding of preexisting valleys via the substantial ~130 meter rise in sea level associated with the melting of glacial ice that came to an end by about 7kya. This process is most like the formation of East Coast estuaries produced by the "drowning" of river and glacial valleys. However, many of these flooded valley estuaries of California have largely tectonic, rather than erosional origins, such as San Francisco and Tomales Bays.

O11-407 cont.

Trapped (F-T) estuaries formed as a consequence of wave produced sand movement and long-shore migration of spits that confine an embayment. These bear some similarity to the barrier islands of the east coast, but are more modest on the west coast, where they are often associated with or impound areas adjacent to headlands or promontories such as at Morro Bay, Bolinas, Drakes Bay or Bodega Harbor, but can also form in the regions of coast that are prograding and have significant sediment input, such as Mugu Lagoon or the Historic estuaries from Palos Verdes to Newport. In some instances the spit develops dune fields, as at Morro Bay.

Hydraulic Estuaries (F-H) form from the erosion of sediment from the mouths of rivers during larger flood events. These estuaries are typical and common on the California coast and are relatively foreign to the wetter regions of the east that experience significant year-around stream flow. These estuaries are often closed to the sea by a bar across the mouth during low rainfall periods and have some overlap with systems referred to as "bar built" estuaries. In these systems, estuarine space may be episodic rather than stable with larger estuaries established in major flood events then undergoing long periods of infill during decades or centuries with less dramatic flooding as has perhaps been most clearly evident in the San Luis Rey Estuary, which was briefly navigable after historic floods (Engstrom 2006) and subsequently functioned as a closing system.

These three formation process categories are often relatively distinct (Figure 6), but need not operate in exclusion of one another. In addition, over the Holocene time, estuaries that may have initially occupied large flooded valleys ~7kya, have subsequently filled in and become F-H estuaries where recent flood history carves out the estuarine space. Holocene shoreline retreat

associated with erosion and generation of wave cut cliffs can also eliminate shoreline features smoothing out smaller headlands and estuarine features along much of the coast, especially where headlands are composed of more easily eroded Neogene sediments.

Figure 6. Illustration of three formation processes for southern California estuaries. Oblique photographs courtesy of California Coastal Records Project, www.californiacoastline.org. Copyright © 2002-2009 Kenneth & Gabrielle Adelman.

O11-407 cont.

Closure Pattern

The above classification was generated in part to provide a suite of geomorphic predictive variables for observations of estuarine closure. These can be viewed as input variables in a model. Thus an observable "output" variable for closure itself also needs to be defined. Because closure is a variable phenomenon we define a closure "state" or "condition" as an observation of degree of closure based on a specific observation or record at a given time. We then define closure "pattern" as the summary of closure conditions through time. The goal is to be able to predict the predominant "closure pattern" under natural circumstances (i.e., in the absence of structures or actions that alter natural closure patterns) based on the "classification" of the four variables described above.

Closure is a highly dynamic variable and the degree of closure through time is controlled not only by the relatively static factors discussed above, but by climatic cycles that operate on seasonal, annual, decadal, and multi-decadal times scales. These affect both stream flow and wave action. Here, we propose a set of defined closure "conditions" or "states" that can be compared to time series of observations of the status of mouth closure taken from photographs, maps or description of discrete points in time. Given a sufficient temporally distributed sample closure "pattern" can then be presented as summary graphics or statistics of the closure conditions or states an individual estuary experiences through time.

We describe eight closure states based on the elevation (relative to tide height) at which mouth closure occurs (Figure 7). Because estuaries often display several of these states over their natural hydrologic cycles, we predict the dominant state experienced by an estuary and estimate the proportion of time an estuary exhibits each of its dominant states. These states are identifiable in a range of historic written, cartographic, and photographic data sources, as well as from ongoing aerial and satellite photography and prospectively from time-lapse photography and hydrographic instrumentation. As stated above, systems exist along a continuum and categorization is done as a convenient way to express predominant condition.

Dune-dammed (C-D) systems exist as lakes or ponds that are cut off from the sea by dunes. In a dune-dammed condition "estuaries" often maintain freshwater well above high high-tide. These systems breach at seasonal to decadal or multi-decadal, time scales. They may lack obvious surface connection to the ocean or be connected by intermittent overflow between breaching events. They range in size from interdunal vernal pool features to medium sized closed drainages impounded by dune systems. Features of this sort are present today in northern California, South of Arroyo Grande, and at Oso Flaco in the study region. They were, however, more pervasive historically and are evident from T-sheets and other historical documentation at and around Lake Merced (now an impounded feature on the outer coast south of San Francisco), the Salinas Valley region especially just north of Monterey, between the Santa Clara River and Point Hueneme, on the coast in the region between Ballona and Palos Verdes, and in the region of La Jolla and the northern and southern termini of the outer spit forming San Diego Bay. Coastal vernal systems, a subset of dune-dammed systems are perhaps the most impacted coastal wetland type in the state as they have largely been eliminated (see e.g., Mattoni and Longcore 1997).

O11-407 cont.

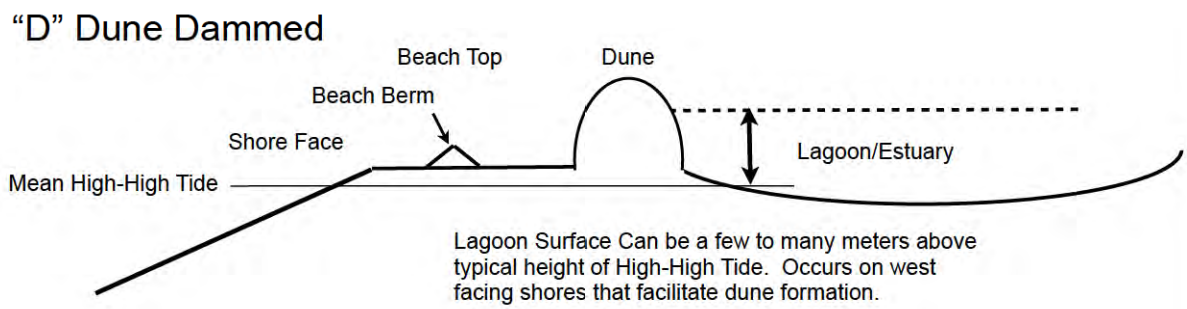
Perched (C-P) conditions form impounded areas behind a beach berm where the water level is substantially above high tide. These tend to be more transitory than dune-dammed systems and generally breach annually or every few years depending on rainfall and storm patterns. More specifically water levels rise a couple of meters above high-high tide in these systems when the right combination of wave built beach berms and stream flow are present. West facing systems tend to have greater wave exposure and higher berms. High wave events that build higher berms may accentuate perching. For higher water level stream flow has to balance or exceed losses via percolation through the berm and evaporation. Perching is known to occur regularly at Lake Earl, at the Russian River Mouth, in the Salinas River and in Aliso Creek, Orange County. All of these locations are actively managed by breaching to prevent flooding of structures, and parking lots. In the Salinas valley very significant areas of farmland would be submerged during the rainy season without artificial breaching at the river mouth. Los Peñasquitos is also managed with breaching and may have a history of perching. Prior to modification by road development, significant perched steelhead habitat typically formed at Pescadero Creek yielding a lagoonal steelhead fishery. A note on the T-sheet for the Santa Clara River (Figure 3) documents that a significant region north of the mapped lagoon is "flooded in winter;" presumably this indicates a perched condition when flow was sufficient to fill the area behind the beach berm, but insufficient to breech and drain. Such behavior was likely typical in a number of additional systems especially in the winter and spring in modest rainfall years. Perching presumably occurred during seasonal rains in Ballona during the late 19th century as is supported by historic

documentation of expansive wet season ponding discussed below. Alternating perching and draw down due to partial desiccation in the summer were likely typical of west facing systems with small drainage areas relative to their size such as Buena Vista and Batiquitos Lagoons. French lagoon a small perching system on Camp Pendleton desiccates frequently, and beyond the geographic scope of this analysis, many subtropical systems exhibit seasonal and event dependent cycles of breaching, perching and desiccation in response to rainfall.

Closure near or immediately above high high-tide (C-C) in which a sand or cobble beach or beach berm separates the open sea from a "lagoon." This condition occurs regularly in the majority of California estuaries, and allows for significant departures from marine conditions in the estuary. When completely closed, lagoons are limited in tidal exchange by the permeability of the berm, under most conditions they are effectively not tidal for the duration of closure. Cobble can permit some exchange and intermittently, when there are combinations of high tides and high wave action, waves may overtop the beach/beach berm and introduce marine water to the lagoon. Breaching and closure can occur on a variety of temporal scales: with each significant rainfall event, annually or with multi-year periodicity. Small systems appear to close more rapidly than large systems, in large part due to the greater variation and rapid reduction in stream flow following precipitation in small drainages, but also due the longer times required for longshore or beach processes to close a larger mouth opening a large system. O11-407 cont.

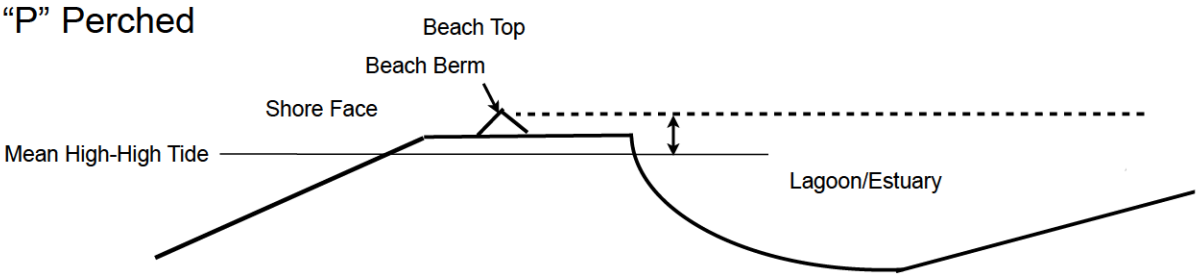
Closed high in the intertidal (C-H) involves closure below the high high-tide level, but some exchange regularly occurs at higher high tides or high wave events. Such a condition is often evidenced by a region where the beach berm is absent due to recent or frequent wash-over from waves and/or outflow. However, any outflow channels formed are not deeply incised or persistent. Such conditions are likely to persist where excess stream-flow/outflow is modest, a wide beach precludes rapid incision of a channel, and/or where regular wave action limits the continued incision of the same channel between tidal cycles.

Closed in the mid intertidal (C-M) involves significant closure and ponding between the low-high tide and high-low tide levels, but tidal exchange occurs with all, or nearly all, tidal cycles. Such systems often have channel drainages on the beach that persist between tidal cycles. However, these channels generally are turned downs-shore, away from the direction of wave attack, and elongated rendering them of lower gradient in outflow and erosional insufficient to further incise. These elongate features can close and become parts of a closed lagoon as discussed above. A mid-intertidal closure can be roughly diagnosed from aerial photography or mapping that exhibits these turned or shore parallel outflow channels. This condition permits relatively frequent but modest tidal exchange.



Oso Flaco, August 30, 1993. Regularly dune dammed system

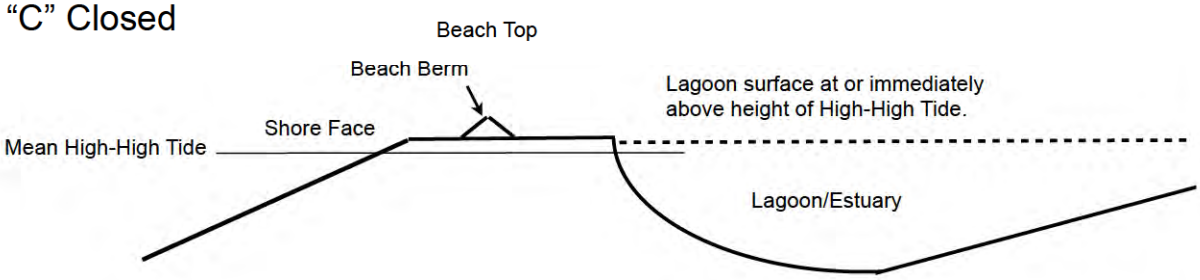
O11-407 cont.



Santa Ynez, January,1989. Perching behind beach ridge yielding high water in lagoon flooding marsh surfaces.

Figure 7. Schematic representations and examples of closure states.

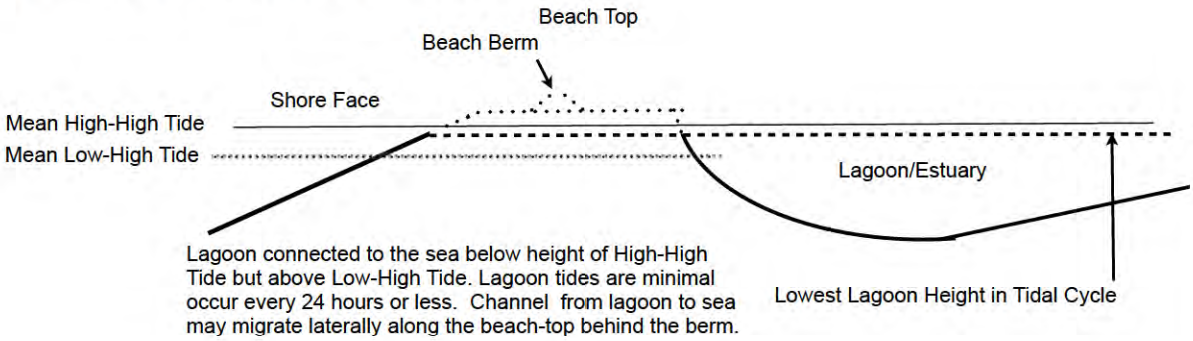
"C" Closed



Malibu Lagoon, September 18, 2008. Closed at or near High-High Tide.

O11-407 cont.

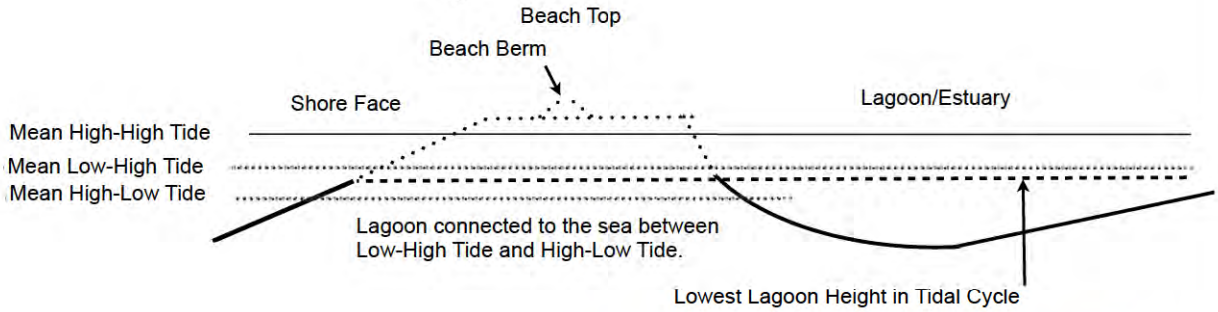
"H" Closure High in the Intertidal



Arroyo Grande Creek, May 4, 1979. Closed high in the intertidal with a lagoon/ channel feature paralleling the shore behind a beach ridge. This often occurs in high intertdal systems and in many systems late in the closure process.

Figure 7. Continued.

"M" Closure in Mid Tidal range

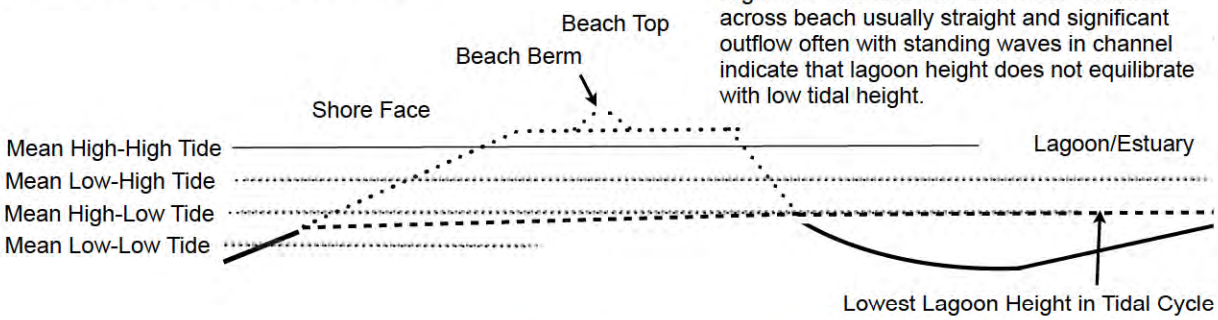


Aliso Creek (Orange County), Oct 23, 2004. Intertidal Closure. Note the steep North Side of the lagoon caused by a recent high stream flow event. The mouth is likely part way through the closure process.

O11-407 cont.

"L" Closure Near Low Tide

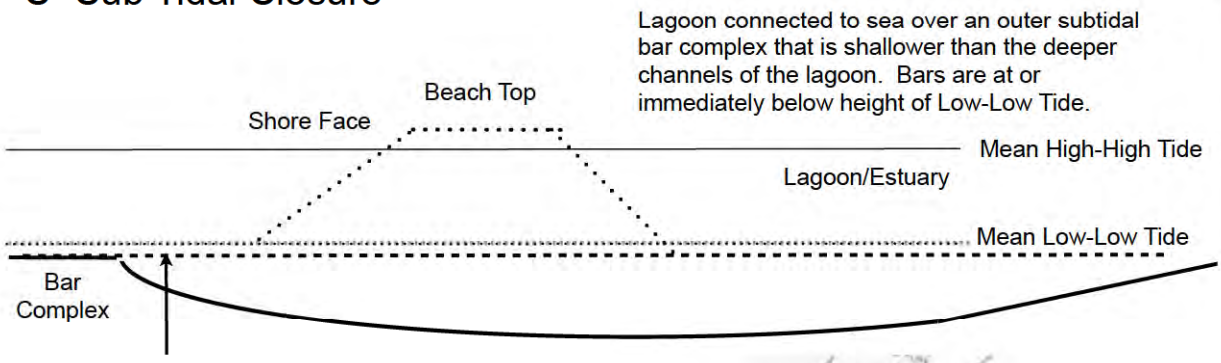
Lagoon connected to the sea between mean High-Low Tide and Low-Low Tide. Channel across beach usually straight and significant outflow often with standing waves in channel indicate that lagoon height does not equilibrate with low tidal height.



Tijuana River, May 3, 1979. Outflow at intertidal height is often indicated by high gradient flow (standing waves) in the mouth at low water.

Figure 7. Continued.

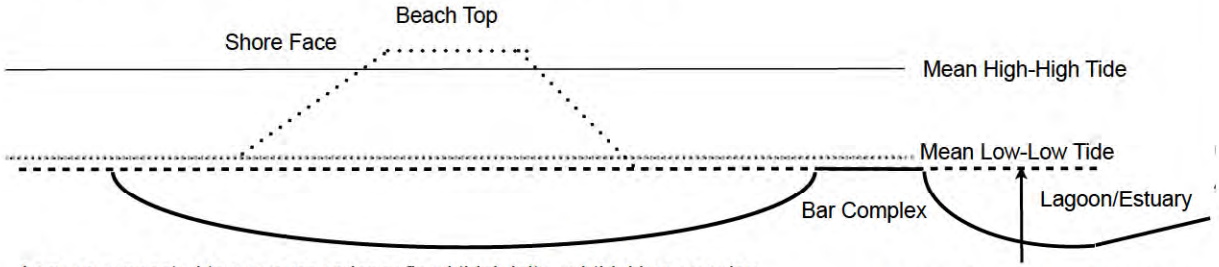
"S" Sub Tidal Closure



Bathymetry on 1855 T-sheet inset of Wilmington Lagoon entrance, San Pedro, showing deep channels within the lagoon extending and terminating in an offshore wave scoured immediately subtidal flat. Similar subtidal barrier often occur immediately inside the entrance of lagoons due to flood tidal delta formation.

O11-407 cont.

"S" Sub Tidal Closure - Flood Tide Delta



Lagoon connected to sea over an inner flood tidal delta-subtidal bar complex. Bars are at or immediately below height of Low-Low Tide. These bars are typical of estuaries on sandy shores that are naturally or artificially open.

Lagoon effectively a closed basin below level of Low-Low Tide

Batiquitos Lagoon, 2008 (from Google Earth). Note rapidly forming flood tide delta complex.

Figure 7. Continued.

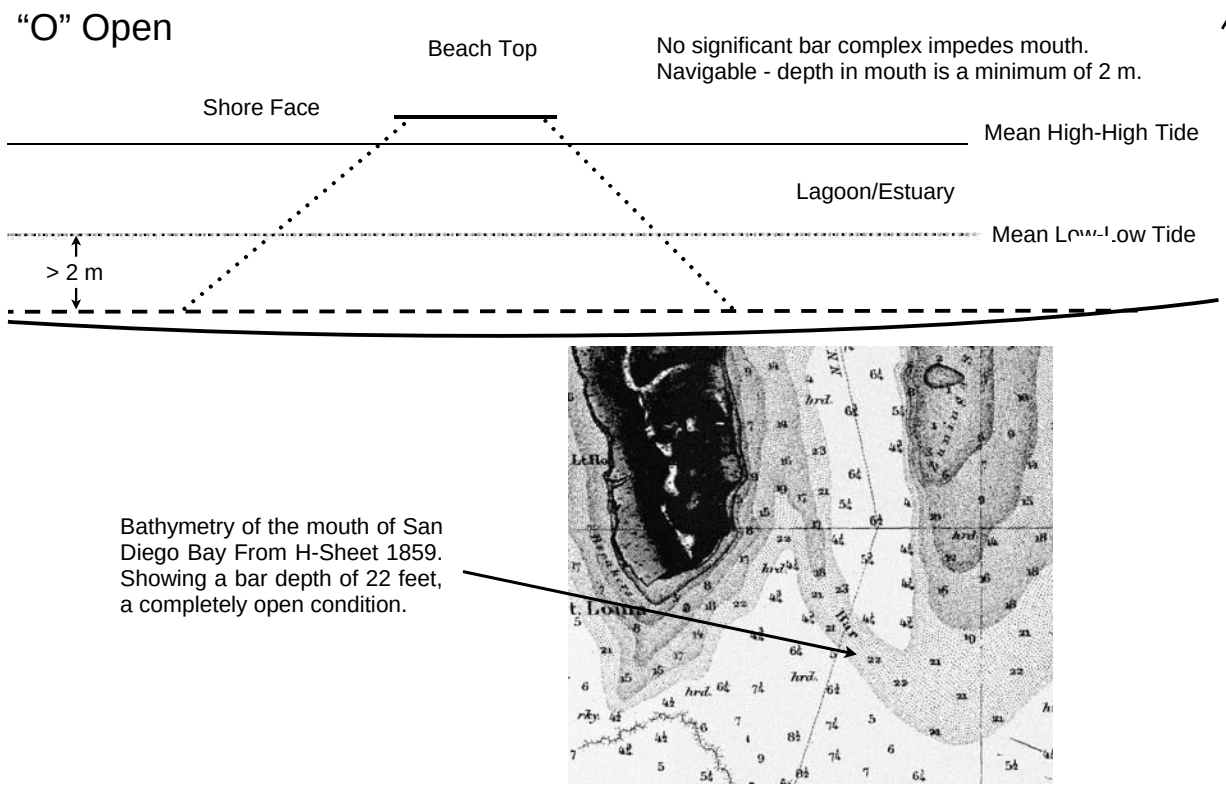


Figure 7. Continued.

O11-407 cont.

Closed in the lower intertidal (C-L) is a frequent estuarine condition. In these systems deeper-water channels in the estuary are ponded at low tide by a barrier above low low-tide and below high low-tide; these channels, presumably relict of high flow events, are often found immediately within the mouth of a broader lagoonal setting. In some systems this lower intertidal closure condition persists, in others it is a stage following erosional (high stream flow) opening in a succession to closure higher in the intertidal (as above). In air photos standing waves in a fairly straight outflow channel at lower tidal heights is fairly diagnostic of this condition, as they document that the water level in the lagoonal system is significantly higher than the sea low in the tidal cycles. Systems in this condition are often viewed as fully tidal, but do not experience full tidal amplitude. Deeper channels often occur within these estuaries and flood-tidal deltas often build into estuaries in this condition.

Closure at or immediately below low low-tide (C-S) is found in lagoons/estuaries with bars near the mouth that are nearly emergent, and/or shallow sand flats and/or flood tide delta complexes that are barely submerged at low water. Bars and flats outside the mouth are produced by wave interaction with longshore and ebb tide derived sediment. These are recognizable in air and satellite photography and also on historic T-sheets and navigational charts (H-sheets) and are generally within a foot or two of low water and subject to regular reorganization. In historic literature such conditions are often indicated by impediments to navigation and regular shifting of navigational instructions. Some systems that tend to maintain this condition at the mouth

contain deeper water within lagoonal channels relative to the shallower bar at the mouth. Presumably many of these channels are produced by high flow events and persist due to more limited sediment supply and more erodible substrate relative to the course material reworked by wave action at the mouth. This condition (C-S) was typical of the Wilmington, Alamitos, and Newport lagoons historically (Davidson 1889) and may have occurred intermittently in many other systems (e.g., Mission Bay and Humboldt Bay), as suggested by T-sheets and historic documents. Systems in this condition are connected to the sea but have impediments to tidal exchange. Comparable (C-S) conditions result from the depositional construction of a flood-tide delta on the lagoon side of the mouth. Flood tidal deltas often form when longshore processes do not or are not permitted to act quickly, leading to the sedimentation of the mouths of lagoons after natural or artificial opening of lagoonal systems.

Deep water openings/navigable embayments (C-O) were unusual historically in California. In this condition bars and flood-tide deltas, when present, do not impede navigation or significantly constrain tidal height. For simplicity in historic interpretation, a minimum one fathom or 2 meter depth evident through the inflow channel can be used as a cut off. The historic persistence of such openings is closely correlated with an early year-around history of navigation prior to dredging and jetty construction at harbor mouths. The available evidence suggests that this condition was persistent only at San Diego Bay in southern California. This condition likely occurred intermittently or episodically at Mission Bay and is suggested by the T-sheet for Mugu Lagoon. However, other data document the repeated full closure (C-C) of Mugu (e.g., Warme 1971), demonstrating that open conditions were not persistent. Only in the "open" situation is tidal influx largely unimpeded during spring tides. In a fully open system flood-tidal deltas typically do not develop and build near the surface. In contrast, historic H-sheets of San Diego Bay show an offshore deepwater bar and subtidal natural levees lateral to the main channel in the estuary. These may be comparable to flood tidal deltas because they represent where the energy in the tidal channel dissipated sufficiently to deposit bedload. These features have been removed to further enhance the navigability of San Diego Bay the primary example of a historically continuously navigable open system in southern California.

O11-407 cont.

APPLICATION OF ESTUARY CLASSIFICATION SYSTEM IN CENTRAL AND SOUTHERN CALIFORNIA

In the following two exercises, we apply our classification to the opening behavior of California estuaries. First we generate a general prediction – a suite of hypotheses, or expectations of closure pattern given the naturally occurring combinations of the four "classification" variables. Thus we use the classification to articulate a model containing an *a priori* prediction of closure pattern. Closure pattern is represented by the frequency of each of the eight states or conditions. This provides a conceptual model for California "closure patterns" in estuaries that is potentially testable. Second, we examine the historical and image data for three estuarine settings where restoration is contemplated. This provides a historical ecological analysis of these systems and a preliminary assessment of the method.

O11-407 cont.

Closure Model

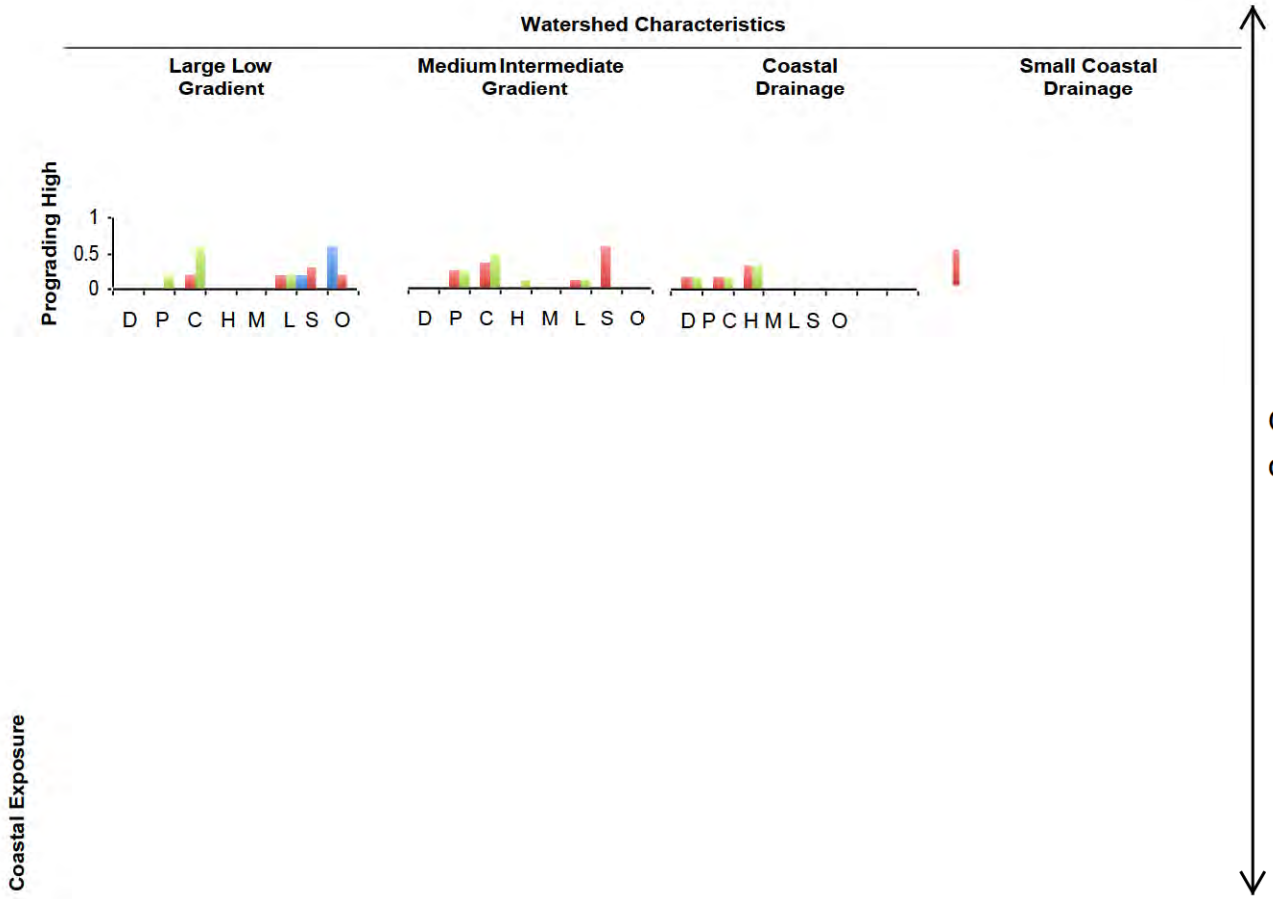
Closure pattern is presented as a frequency for each combination of setting, exposure, watershed character, and formation process that are likely to occur, one or more expected closure states were assigned based on the prior experience of the investigators (Table 2) and presented as graphical output in the general form of frequency histograms. This represents an initial premise of the predicted closure pattern given the geomorphic classification representing know types of estuaries based on the classification variables defined above. Thus the closure frequencies/patterns shown in Table 2, column 5, and illustrated graphically via histogram in Figure 8, represent hypotheses that can be tested by garnering further observation. They also represent our best overall summary view of how we expect these systems behave relative to the suite of geomorphic variable.

Table 2. Predicted closure of California estuaries based on coastal setting, exposure, watershed size, and formation process.[a]

Coastal Setting	Exposure	Watershed Size (These are effectively proxies for stream flow dynamics)	Formation Process	Proportion in Closure State (D, P, C, H, M, L, S, O)	Examples & Notes
Progradational (S1)	"West" High	Large, low gradient (W1)	Inherited space (P1)	S 0.2, O 0.6	San Diego and Mission Bays.
			Trapped estuaries (P2)	C 0.2, L 0.2, S 0.3, O 0.2	Elkhorn historically fell into this category before the Salinas River was diverted.
			Hydraulic estuaries (P3)	P 0.2, C. 0.6, L. 02	Santa Clara River (Ballona Creek considered terraced but is intermediate with this category).
		Medium, intermediate gradient (W2)	Trapped estuaries (P2)	P 0.2, C 0.3, L 0.1, S O.5,	Morro Bay and Mugu Lagoon (at certain cycles through the mid 20th century).
			Hydraulic estuaries (P3)	P 0.2, C 0.4, H 0.1, L 0.1,	Pajaro Creek, Arroyo Grande. San Luis Rey and Tijuana Estuary at some points in time.
		isolated coastal drainages (W3)	Trapped estuaries (P2)	D 0.2, P, 0.2, C 0.4	West facing small systems are prone to dune damming and perching, e.g. Historic Lake Merritt.
			Hydraulic estuaries (P3)	D 0.2, P, 0.2, C 0.4,	Del Rey- Monterey, Morro Creek.
		Small, isolated coastal drainages (W4)	Trapped estuaries (P2)	D 0.3, P 0.2, C 0.3	La Jolla, many small vernal systems associated with dunes.
			Hydraulic estuaries (P3)	D 0.3, P 0.2, C 0.3	El Estero, Del Monte Lakes near Monterey, Ormond.
	"South" Low	Large, low gradient (W1)	Trapped estuaries (P2)	M 0.1, L 0.2, S 0.5, 0.2	Los Angeles, San Gabrial and Santa Anna rivers in their historic conditions.
			Hydraulic estuaries (P3)	C 0.1, M 0.2, L 0.3, S 0.3, 0.2	These have likely existed historically, from time to time in the LA basin, when, Los Angeles, San Gabrial and Santa Ana rivers flowed directly to the sea.
		isolated coastal drainages (W3)	Inherited space (P1)	C 0.7, H 0.2	Devereaux Slough, Andre Clarke (salt pond) , Goleta Slough.
			Trapped estuaries (P2)	C 04, M 0.2, L 0.3, S 0.2,	Carpenteria (Marsh).
			Hydraulic estuaries (P3)	C 0.6, H 0.2, M 0.1	Mission Creek.
		Small, isolated coastal drainages (W4)	Inherited space (P1)	C 0.8,	San Diego Salt Pond/ Andre Clark Marsh (Historic).
			Trapped estuaries (P2)	C 0.7, H.02	Half Moon Bay (historic Lagoon), El Estero Santa Barbara (historic).
			Hydraulic estuaries (P3)	C 0.8	Sycamore Canyon (Santa Barbara).
Terraced shoreline (S2)	"West" High	Large, low gradient (W1)	Hydraulic estuaries (P3)	P 0.1, C 0.6, L 0.2	Santa Ynez and Ballona creeks during some periods.
		Medium, intermediate gradient (W2)	Hydraulic estuaries (P3)	P 0.2, C 0.5, L 0.1	Santa Margarita, San Luis Rey, San Dieguito, Tijuana.
		Isolated coastal drainages (W3)	Inherited space (P1)	P 0.2, C.07	Smaller north San Diego County systems may have some inherted space.
			Hydraulic estuaries (P3)	P0.2, C 0.7, M 02	San Antonio Creek, Aliso Creek, (Orange Co.), several in N. San Diego County.
		Small, isolated coastal drainages (W4)	Hydraulic estuaries (P3)	P 0.1, C 0.8	Portions of N. San Diego County, and a number of small drainages along the coast between Morro Bay and the Big Sur coast.
	"South" Low	Medium, intermediate gradient (W2)	Hydraulic estuaries (P3)	C 0.6, H, 0.1, M 0.1	Gaviota, San Lorenzo.
		isolated coastal drainages (W3)	Hydraulic estuaries (P3)	C 0.7, H 0.2	Aptos, Villa Creek, Rincon Creek.
		Small, isolated coastal drainages (W4)	Hydraulic estuaries (P3)	C 0.9,	Several small drainages in and near Santa Cruz, Hollister Ranch localities on Santa Barbara Coast and several others in and Near Santa Cruz.
Steep shoreline (S3)	"West" High	Medium, intermediate gradient (W2)	Hydraulic estuaries (P3)	P 0.1, C 0.5	Big Sur, Carmel.
		isolated coastal drainages (W3)	Hydraulic estuaries (P3)	P 0.2, C 0.6	Little Sur.
	"South" Low	Medium, intermediate gradient (W2)	Hydraulic estuaries (P3)	C 0.5, H 0.2 M 0.2	Malibu Creek.
		isolated coastal drainages (W3)	Hydraulic estuaries (P3)	C 0.7, H 0.2	Topanga Creek.
		Small, isolated coastal drainages (W4)	Hydraulic estuaries (P3)	C 0.9	Las Flores Creek.

[a]Only the combinations of classes that naturally occur are shown. Closure patterns: D-dune-dammed, P-perched, C-berm closure above high high-tide, H-closed high in intertidal, M-closed in mid intertidal, L-closed in lower intertidal, S-emergent bars at low low-tide, O-deep water openings. Classes are indicated with hypothesized proportion of time in each state. Frequencies do not add up to 1 as brief transition states are not considered.

O11-407 cont.


Coastal Exposure
Prograding High
1
0.5
0
D P C H M L S O
D P C H M L S O
D P C H M L S O
Watershed Characteristics
Large Low Gradient
Medium Intermediate Gradient
Coastal Drainage
Small Coastal Drainage

O11-407 cont.

Detailed Assessment of Three Estuaries

The classification scheme that we have presented, based on an understanding of the physical processes that govern estuary dynamics, includes predictions about estuary mouth "closure pattern" that can then be compared with historic conditions. We selected three estuaries for further analysis to assess our approach, as well as to provide historical ecological summaries of systems of interest. Estuary/lagoonal systems at Ballona Creek, Topanga Creek, and the Tijuana River were chosen because they are prospective sites for restoration. For each system a general description of the estuary, its exposure and coastal setting, the watershed characteristics, the estuary formation process, and resulting predicted closure patterns are discussed. We then follow with the historical evidence of closure pattern.

Ballona Creek

General Description

Ballona Creek was, until the great flood of 1825, the outfall of the Los Angeles River (Reagan 1915) when the river changed course and left Ballona Creek with a modest 83,000-ha watershed. The watershed extends westward from the western edge of downtown Los Angeles and along the southern flank of the Santa Monica Mountains. South of downtown Los Angeles, it includes much of south Los Angeles west of the present 110 Freeway and encompassing the Baldwin Hills and the Centinela Creek watershed, which also flows into the Ballona Wetlands at Playa del Rey. The watershed is highly urbanized, with substantial loss of once-extensive wetlands and near-complete channelization of Ballona Creek and its tributaries.

O11-407 cont.

Coastal Setting and Exposure

The coastal setting immediately adjacent to Ballona is terraced (S-T), although this terracing is less apparent due to a complex history of associated dunes. At a larger scale, however, the Ballona system can be seen as connected with prograding sediments from a larger Los Angeles Basin system. This system is constituted from the coalescing alluvium from the Los Angeles, San Gabriel, and Santa Ana rivers. The alluvial fans of these rivers merge on the plain of the Los Angeles basin and this basin wide plain has prograded through a series of gaps in the uplifted terraced high ground along the Newport-Inglewood Fault that forms the southwest side of the Los Angeles Basin. Ballona is at the northern-most of these gaps and Newport Bay the most southerly. This larger context is important to understanding the flood dynamics of the Ballona system over time.

Exposure of the mouth of Ballona Creek is high, as a west-facing beach in the Santa Monica Bay it is subject to greater wave action than south facing beaches along the coast and is designated as high (E-H). However it is somewhat protected by its position within the Southern California Bight and by the Channel Islands. Thus, estuaries to the north and south beyond the limits of the Bight, on northwest facing coasts have substantially more extreme exposure.

Watershed Characteristics

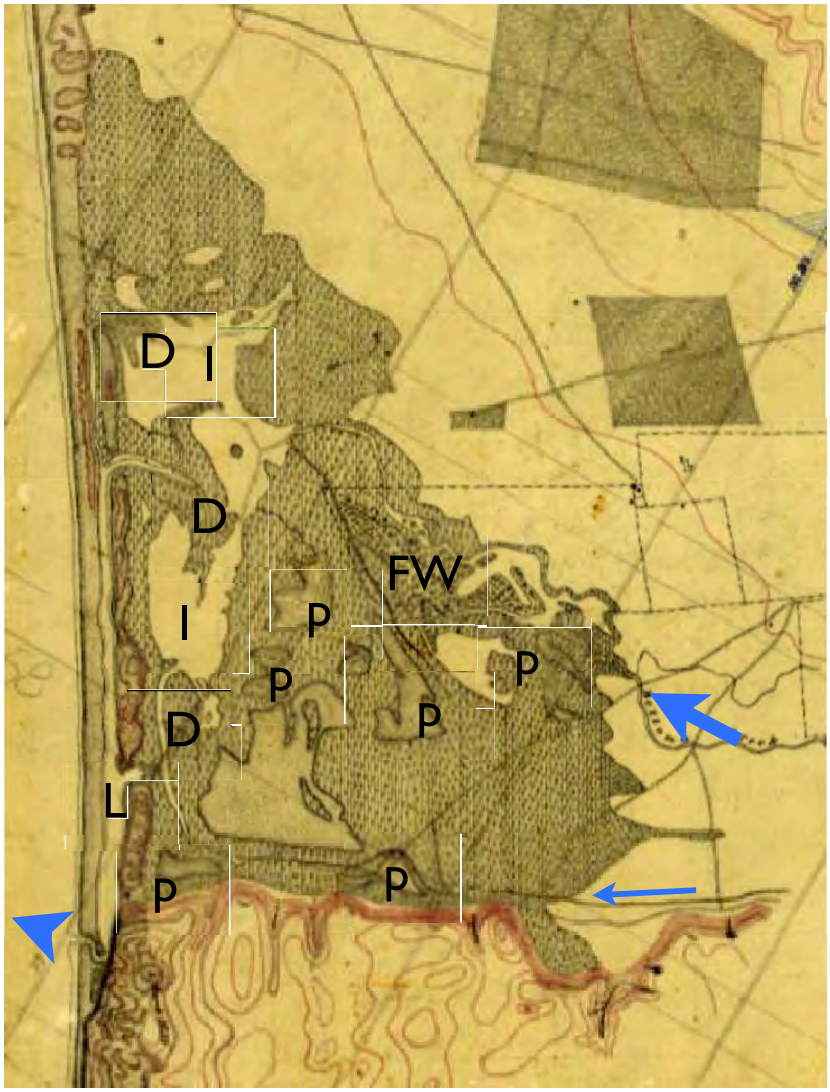
The Ballona Creek watershed is, by our classification, large and low gradient. This classification is, in part, due to its intermittent connection to the Los Angeles River. The highest point within the Ballona drainage proper is only 550 m in elevation. The streams draining the Santa Monica

Mountains are the steepest portions of this watershed. In contrast, drainages of the Los Angeles, San Gabriel and Santa Ana Rivers that drain into the Los Angeles basin extend to elevations in excess of 3,000 m in the San Gabriel and San Bernardino Mountains providing significant runoff following storms as well as through the melting of snow in the winter and spring.

Historically estuarine space in Ballona Lagoon was primarily formed by Hydraulic process (F-H), although this was not the case earlier in the Holocene several millennia ago. Much data on the Holocene history of estuarine settings has been recovered in the context of archeological studies. Interpretation of these data (Altschul & Grenda 2002) suggest that following formation as a flooded embayment during early Holocene sea level rise, the Ballona estuary was trapped by a spit that built across the mouth. First indications of intermittent freshwater conditions 6 kya (Palacios-Fest *et al*. 2006) may suggest the inception of the formation of this barrier. After 4 kya fresh water conditions, presumably associated with closure became more frequent, and open estuary taxa such as oysters and jackknife clams disappear (Palacios-Fest *et al*. 2006). This overall trend became still more pronounced in the last 2,000 years based on ostracod and pollen data (Palacios-Fest *et al*. 2006). By this time we infer that the trapped portion of the embayment had largely filled with sediments from both the Los Angeles River and coastal sediments associated with continued shoreline retreat. Thus, by some time prior to 2,000 years ago, erosion by flooding from the Los Angeles River had become the primary mechanism generating the space in this estuary system. This includes space below low tide and intertidal space; however, intermittent perching appears to have flooded broad expanses of marshland when the appropriate combinations of moderate stream flow and a substantial beach berm were present. The Ballona estuary/lagoon continued to experience closed fresh water and intermittent tidal conditions resulting from breaching during high flows. Infrequent major flooding from the Los Angeles River was likely the major geomorphic agent that removed sediment from the estuary and intermittently maintained space below the height of the beach berm, where water could pond forming the lagoon.

O11-407 cont.

An additional feature of the historic Ballona system is the presence of a double barrier, an inner dune barrier and an outer beach barrier separated by an outer elongate lagoon. The exact mechanism and time formation of this double barrier system is uncertain. However, the outer lagoon, which was over 2 km long paralleling the coast, may be a large example of the kind of feature that forms as flow turns down-coast forming a channel behind an attached spit during the closure process (Figure 9). In this scenario the shoreline may have retreated to the back dune line during one or more major (centennial/millennial) storm events, and /or during major outflow events derived from the Los Angeles River. The beach spit would form following these events trapping the outer lagoon and creating the modern Venice Beach.



O11-407 cont.

Figure 9. A. Detail of 1876 coast survey map (T-Sheet) of Santa Monica Bay. Mapping for the Coast and Geodetic Survey was primarily conducted in the winter in southern California when systems were most likely to be open. Thus the image likely reflects a more open phase of the system, as discussed in the text. A small opening to the ocean is visible at the southern end of the dune system where it abuts the consolidated terrace (blue arrow). Also note that few tidal marsh channels are evident, suggesting that tidal conditions in the system have not had a pervasive impact on the system, as would be the case in a perennially tidal marsh. The "lake," an elongate outer lagoon feature much used for recreation around the turn of the century, is marked with an "L". "D" marks 3 flood tidal deltas with marsh tops built on them that have formed inside three active openings that cross the inner dunal barrier. "I" marks an internal lagoonal feature – space that is the product of flood-generated downcutting and erosion. "P" marks ponded or permanent water on the marsh surface. "FW" is the region of greatest and most continuous freshwater influence where Ballona Creek enters the system and would have been a site of riparian and emergent vegetation. During winter stream flow the whole surface would at times be flooded with freshwater.

"Lake Ballona" 1902

Figure 9. B. Turn of the century images of the "Lake" feature between the beach and dune line (marked "L" in figure 9A above). Views are to the north up the axis of the "Lake" toward the Santa Monica Mountains. Images courtesy of Los Angeles Public Library.

O11-407 cont.

Ballona 1890

Figure 9. C. Late 19[a] Century photograph of freshwater habitat "Lake" feature between the beach and dune line (marked "L" in figure 9A above). Views are to the north up the axis of the "Lake" toward the Santa Monica Mountains, and show bullrushes and a duck hunting scene, complete with minor efforts to impound water to attract ducks during the winter. An enlargement of the portion of the 1876 map marked "FW" above (Fig 9A) shows similar features. Photograph courtesy of Los Angeles Public Library.

Historic mapping immediately prior to widespread human modification of the watershed (i.e., late 1800s) is consistent with hydraulic (flood) formation of space in the lagoons. Early T-sheet maps document four major passes near sea level across the inner dune line (Figure 9). These would presumably all been active in outflow during major flood events. The middle two of these are mapped as active channels in 1876. In addition the historic outer lagoon extended south of the valley forming a cusp along the bluffs in a region eroded by deflection of outgoing stream flow rather than wave attack. Similar cutting of lateral bluffs by stream flow adjacent to stream mouths in terraced settings is also evident in historic mapping of the mouth of the Santa Clara River mouth and Santa Margarita River mouth, among others. These observations support the argument that stream flow and channel migration during floods are responsible for removing sediments that otherwise accumulate in these estuarine settings, thus defining and maintaining estuary space.

Predicted Closure Pattern

Summary of classification:

- S-T – the coast is terraced locally, but is a portion of a larger complex prograding system building in from the Los Angeles basin.
- E-H – Wave exposure is toward the west and is classified as high in this binary setting, but is likely lower than at Tijuana and substantially lower than northwest facing sites north of Pt. Conception.
- W-L – When the Los Angeles River is considered as a component of this system it is large, and has a low gradient lower reach in any case.
- F-H – Space formation here is hydraulic through the Historic period although that was not likely the case prior to 4,000 years ago early in the Holocene.

O11-407 cont.

We predict that a watershed with these characteristics would be closed to the ocean most of the time. Perching (C-P) above sea level behind a beach berm is expected 20% of the time associated with periods of moderate stream flow. Closure at or about high tide would occur 50% (C-C). During periods when hydraulic discharge is sufficient to open the system, it would develop bars near low low-tide (C-S) and would not typically be navigable (C-O), while intermediate conditions (C-L, C-M, C-H) would likely ensue during the closure process but would not likely persist for a significant fraction of the year.

Actual Closure Pattern

The watershed area of the Ballona Creek mouth was considerably larger before 1825, during a period when the Los Angeles River found its way to the sea along this route. Efforts to maintain a permanently open channel between the outer Lagoon and the Sea began in the late 1880s, although maintaining open conditions proved difficult (see notes on 1887 T-sheet; Figure 10). Our historical investigations have provided narrative descriptions of these events and the conditions between them, and the coastal survey documents the transition from a dynamic estuary mouth to the artificial channel.

Figure 10. Detail of coastal survey (T-Sheet) from 1887 showing the new piers and entrance to proposed harbor.

O11-407 cont.

The great flood of 1825 caused significant environmental changes throughout the greater Los Angeles/San Gabriel river floodplain. It is described in 1876 as follows:

> In 1825, the rivers of this county were so swollen that their beds, their banks, and the adjoining lands were greatly changed. At the date of the settlement of Los Angeles City, a large portion of the country, from the central part of the city to the tide water of the sea, through and over which the Los Angeles River now finds its way to the ocean, was largely covered with a forest, interspersed with tracts of

> marsh. From that time until 1825, it was seldom, if in any year, that the river discharged, even during the rainy season, its waters into the sea. Instead of having a river-way to the sea, the waters spread over the country, filling the depressions in the surface, and forming lakes, ponds, and marshes. The river water, if any, that reached the ocean, drained of from the land at so many places, and in such small volumes, that no channel existed until the flood of 1825, which, by cutting a river-way to tide water, drained the marsh land and caused the forests to disappear (Anonymous 1876).

It was widely understood that up to this point, the Los Angeles River flowed through Ballona:

> It was commonly understood and talked of in early days by old Mexican people that the Los Angeles river flowed out through the southwest part of the city/ by Ballona and into Santa Monica Bay until the flood of 1825 (William W. Workman, in Reagan 1915).

> It was well understood by the people in the Southwestern part of the city in those days that the Los Angeles River once flowed out through the Cienega and into Ballona Bay (28-29; A.N. Hamilton, in Reagan 1915).

O11-407 cont.

Although the dominant route for the Los Angeles River has not since routed through Ballona after 1825, during larger floods significant floodwaters flowed in this direction:

> The flood of 1884 was probably the greatest in his time. The whole country was flooded. In Los Angeles the water came up to Main St. and he has seen the water three and four feet deep in Alameda St. These flood waters would cross over Main St. and flow to the southwest into Ballona Bay. This was also the case in 1889. This was no doubt the natural channel of the Los Angeles river in earlier times (George A. Wright, in Reagan 1915).

With the decrease in the size of the watershed, the Ballona Creek system began to resemble what the lower Los Angeles River before the great flood of 1825. Without the flow of the larger river to provide a drainage course to the sea, there is evidence that the connection to the ocean became more intermittent. This closure becomes evident in the attempts to create a deepwater port at Ballona in the 1870s.

The newspaper accounts of the attempted development of a deepwater port at Ballona provided a snapshot of the condition of the wetland, estuary mouth, and dune complex at that time. From these accounts, it is evident that by the 1880s, the mouth of Ballona Creek had become more or less permanently closed by a dune created by longshore drift. It was through this 200-foot wide beach that an entrance was excavated in an effort to open up what was described as a "lake" to the sea for use as a protected port.

Before construction of the harbor, the integrity of the lake is well described for the summer and its breaching of the dune described (Los Angeles Times 1887).

> Four miles southwest of Santa Monica, and ten miles southeast of Los Angeles, lying in the shelter of a low range of hills rising from the valley toward the sea, is a small, narrow lake at the point where La Ballona creek debouches into the ocean. It is a true lake, for, although it lies close down upon the sand of the beach, a well-defined earth formation encircles it, and proves conclusively that its water is not drawn by seepage from the sea. As has been said, the lake is exceedingly narrow. Its length along the shore is about two miles, and it varies in width from two hundred to six hundred feet. The water in it varies in depth, in ordinary times, from six inches to twenty feet.
>
> Back of the lake there is a range of drifting sand-hills so common along the seacoast of Southern California; and behind these hills there stretch away for miles the low marsh lands of the Centinella ranch. La Ballona creek comes down through this marsh -- which is, after all; only a wash of sediment from the hills and higher plains toward Los Angeles -- and in the rainy season the creek breaks through the sand-hills, and the waters overflow the lake and find an outlet into the ocean.

A similar description of the construction of the channel was previously reported (Los Angeles Times 1886). Further information about the condition of the wetlands inland from the sand dunes is found in discussion of the proposed sewer and ocean outfall for Ballona in the 1880s. O11-407 cont.

> That portion of the route passing through the Cienega rancho, a distance of about three miles, is covered with water during the winter, and even in summer the water stands within six inches of the surface. The ground is soft and elastic _
>
> For a long distance the proposed route crosses the Ballona ranch, the surface of which is nearly level and only a few feet above tide-water, and during the winter months is subject to overflow. The soil is soft, and the construction of a brick sewer under such conditions would be very expensive and unsatisfactory in results (Hansen & Jackson 1889).

These narrative accounts are particularly interesting to compare with contemporaneous maps. The 1876 coast survey shows a small entrance to the Ballona Lagoon from Santa Monica Bay at the far southern end of the flat valley near the taller, and older, terraces and associated sand dunes (Figure 9). Then the 1887 coast survey shows the new pier and entrance to the proposed port site (Figure 10). If the historic condition of the mouth of Ballona Creek were to be described from these maps alone, it might be presumed that the Ballona wetlands were always tidal, at least to the extent allowed by a small opening to the sea. The combination of these maps with the narrative accounts lead to a far different conclusion, that the longshore drift of sand rapidly closed the berm connecting Ballona to the sea after major storms and a large freshwater lake was the rule, rather than the exception for the wetlands, even reaching inland up to five miles presumably as a consequence of perching of water behind a berm during modest stream flow episodes. These data are consistent with core data which show intermittent freshwater conditions in Ballona over the last 4,0000 years (Palacios-Fest *et al.* 2006).

The narrative accounts are also useful in that they allow for the description of the 1825 event in which the path of the Los Angeles River shifted from Ballona, as well as the periodic flooding from the Los Angeles River into Ballona Creek that occurred subsequently in the mid-1800s. The generally smaller watershed post-1825, combined with the longshore flow of sediment transformed Ballona into an estuary that was increasingly closed to the ocean, as predicted by our classification scheme.

Narrative accounts documented by the extensive oral histories encompassed in Reagan's report to the County, in 1915, provide some evidence of changing frequency of opening to the ocean. One interviewee indicated that "the tide used to come up nearly to Mesmer Station on the P.E. Ry," and "where Venice now stands was once a sea salt marsh, and the tides came in there all the time." These quotes may refer to the period after the initial dredging maintenance of the opening of the Ballona Channel (Figure 10) and could reflect engineering efforts to keep tides out of the low-lying areas but this deserves further research.

Topanga Creek

General Description

O11-407 cont.

Topanga Creek drains a watershed in the Santa Monica Mountains to the Santa Monica Bay. It is one of three creeks in the mountains to have a population of endangered southern steelhead and endangered tidewater gobies are present in the lagoon. Some areas of the upper watershed have residential development. The lower floodplain and mouth have been highly modified by fill and bridge abutments and is significantly narrowed and laterally confined. Much of the modification of the lagoonal setting was generated in association with widening of the coastal highway in the 1930s where very-high (~10 m) fill pads were constructed primarily on the east and secondarily to the west side of the estuary mouth. These pads effectively occupy much of the lowland area that would have accommodated lateral stream movement, lagoon formation (Figure 11).

Exposure and Coastal Setting

The coastal setting is that of a steep slope (S), as a consequence of a relatively high uplift rate of this the mid portion of the Malibu coast (Niemi *et al.* 2008). This uplift led to the deep incision of Topanga Creek forming Topanga Canyon. Wave exposure at the south-facing mouth of the canyon is low (L) although some long traveled swells can reach this coast from the southern ocean during the northern hemisphere summer months.

Watershed Characteristics

We classify the morphology of the watershed as a steep coastal drainage, (W-C) as it does not penetrate beyond the south face of the Santa Monica Mountains. In the absence of a terrace the Topanga drainage is relatively confined by incision in Topanga canyon. This appears to limit the scale of lagoon formation more so than at terraced or less steep sites.

Figure 11. T-sheet (ca. 1876) detail of Tepango Canyon (currently Topanga Canyon).

O11-407 cont.

Formation Process

The estuary is formed by hydraulic processes (F-H), with sediments removal in floods providing space material that is then closed by berm generated by wave action. Any inherited space from sea level rise has long been filled by sediment so formation and mouth dynamics are now governed by flood, flow, and wave action. The shoreline has slightly prograded as sediments from the canyon have form a local delta extending from the mouth of the stream (Livingston 1949). This provides some of the modest lowland area for lagoon formation.

Predicted Closure Pattern

Based on historical analysis, we would classify Topanga Estuary as follows:

- S-S - Steep coast
- E-L -Wave exposure is low
- W-C - Steep coastal drainage that does not cross the Santa Monica Mountains (the largest coastal drainage on the Malibu Coast)
- F-H - Space formation is exclusively hydraulic (i.e., flood generated)

The estuary characteristics should lend themselves to frequent and complete berm closure at or above the high high-tide line, with winter season breaching by floods and periodic closing at the high tide level. Based on these characteristics, we would hypothesize that the estuary would be closed at or above high-high tide half the time and in the high intertidal 20% of the time. In addition, although the lagoon has been modified, it is not clear how strongly this should effect the closure behavior, although it may have slightly increased opening frequency due to the shortening of the berm length available to accommodate percolation and reduction of the lagoon area due to confinement by fill.

Figure 12. Mouth of Topanga Canyon in USGS topographic map. Left: Draft map from 1925. Right: Final map published in 1928 of 1925 survey.

Figure 13. Mouth of Topanga Creek on October 4, 1926 and December 21, 1929 (Spence Air Photo Collection E-742 and E-3040). Courtesy of UCLA Department of Geography, Benjamin and Gladys Thomas Air Photo Archives, The Spence Collection.

O11-407 cont.

Actual Closure Pattern

The historical record is consistent with a pattern of summer closure and periodic winter opening. The 1876 T-sheet (Figure 11) show a meandering channel in the small Topanga Creek floodplain that turns sharply to the southeast near the beach, showing evidence of closure from longshore wave action typical of high intertidal closure H. The 1925 USGS topographic map (Figure 12), a draft of the map to be published in 1928 shows two channels of Topanga Creek, an active, and a high flow or flood channel joining to form a forked lagoon upstream of the bridge, this is likely continuous with the closed lagoon indicated in the beach on the ocean-side of the bridge. The 1928 final version of the map (Figure 12) the beach extension of the lagoon is no longer indicated. The earliest aerial photographs in 1926 and 1929 are consistent with the 1925 version of the map. The active and flood channels are identifiable and lagoon waters extend below the bridge forming a U that connects these two channels (Spence Air Photo E-742 from October 4, 1926 and E-3040 from December 21, 1921; Figure 13). Both photographs show an extensive width of beach between the lagoon and the ocean. After 1933 the span of the bridge passing over the mouth was reduced, constraining flow to the ocean (Figure 14; Frampton *et al*. 2005). Large 10 m high sediment fill pads are associated with the bridge abutments but are much larger

than the road width (Figure 14). These pads fill much of the lowland space, significantly reducing the area where a lagoon could form. This condition continues through the current day. In the 1938 photo, the lagoon spreads out on the beach and is closed (Figure 14). Subsequently, an artificial jetty or berm was placed on the beach on the north side, limiting the spread of the lagoon on the beach to the north and effectively further confining and channelizing it.

O11-407 cont.

Figure 14. Shortened span over Topanga Lagoon. Spence Photo E-9051, November 28, 1938. Courtesy of UCLA Department of Geography, Benjamin and Gladys Thomas Air Photo Archives, The Spence Collection.

Early newspaper accounts about Topanga center around fishing, with occasional reference to flow. For example, in a 1906 article on the trout season, the Los Angeles Times offered the assessment that "The Topanga is too intermittent in its character to account for much" (Anonymous 1906). In his account of southern California geology originally written in 1933, Livingston states that "the sand that accumulates [at the mouth] forms a ridge which, except during time of flood, dams Topanga Canyon, causing a small lake to form" (Livingston 1949).

A series of satellite photographs ranging from 1990 to 2007 (Figure 15) show evidence of a variety of condition the most frequent of which is full closure near high high-tide (C-C) followed by (C-H). These observations are entirely consistent with our prediction. Erosional rejuvenation of estuary space during high rainfall/flow conditions is also evident in the image following the 2004-2005 high rainfall event. Conversely, a low stand or filling the estuary mouth by beach sand is suggested by 1990 imagery following several years of below average precipitation.

We compared the conditions recorded in the recent (1990 - 2007) images with readily available climate data for the Los Angeles Region to explain these conditions and found them consistent with our predictions.

1) September 7, 1990. A minimal lagoon below the bridge is visible. Rainfall was below average from the summer of 1986 through 1990 and 1989 and 1990 were extremely low rainfall years. This is a lowstand in the lagoon or building of the beach into the lagoon due to low stream flow and lack of outflow. Lagoon is closed (C-C) and desiccated.

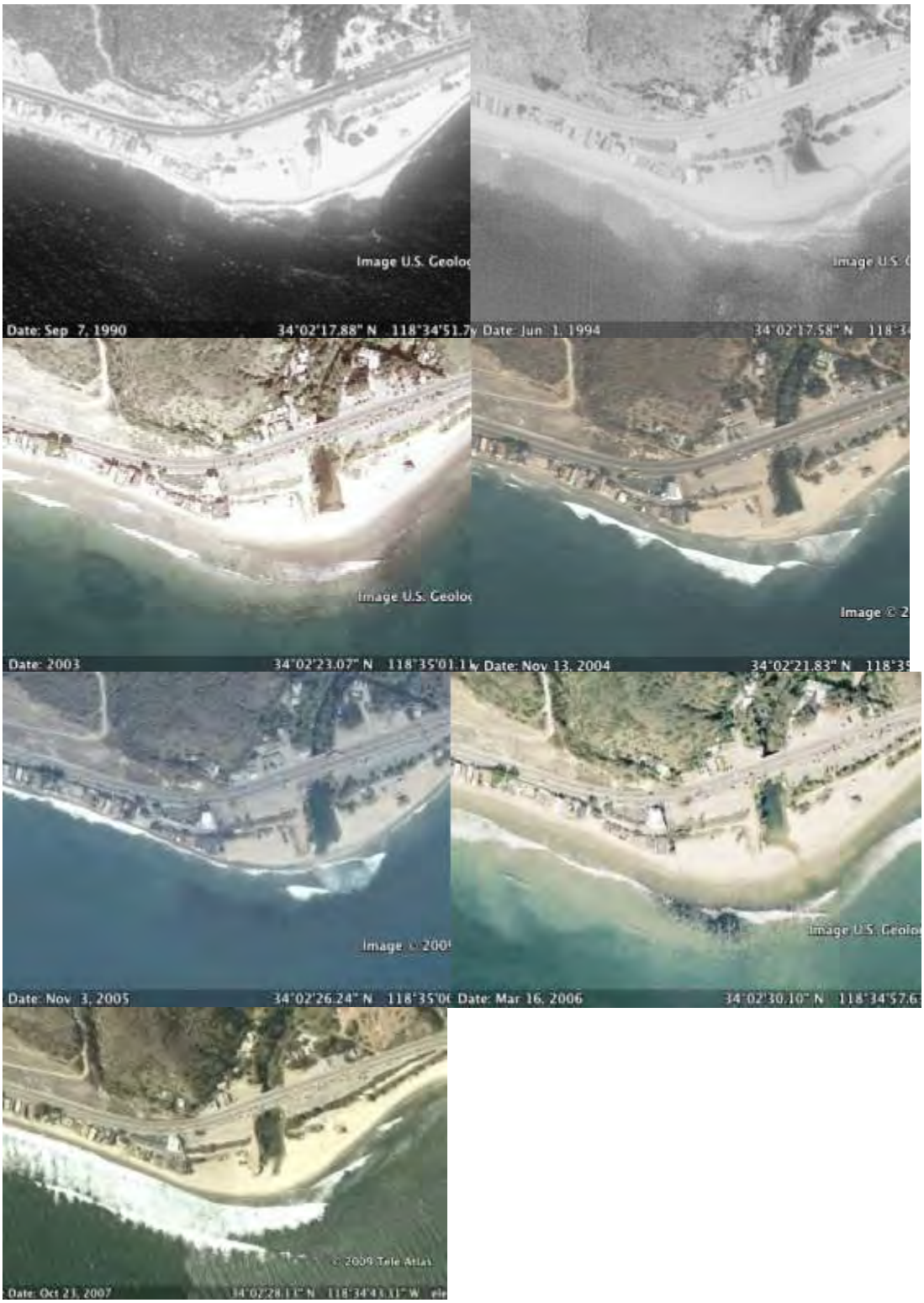


Figure 15. Aerial photographs of Topanga lagoon from Google Earth, 1990-2007.

O11-407 cont.

2) June 1, 1994. Lagoon full at or above high tide and closed or nearly so with a slight trace of a narrow outflow channel from the south-east corner. Previous rainfall in 1993 was moderate and last significant rainfall event was in February. Streamflow may slightly exceed percolation yielding an outflow. Condition is closed (C-C) with slight overflow.

3) 2003. Large lagoon on beach closed near high tide (C-C).

4) November 13, 2004. Large lagoon on beach closed near high tide (C-C), following significant rainfall of 11.4 cm in the previous month.

5) November 3, 2005. Lagoon appears large on the beach and deep with a sharp southern edge. However, lagoon appears to have a channel to the swash zone and to be closed in the high intertidal (C-H). The previous month of October had had rainfall of 3.5 cm, but the previous winter rainfall was in excess of 89 cm. We conclude that flooding rejuvenated the lagoon by erosion down to or below the low low-tide level as indicated by the extensive deep pool on the beach, and the straight south side.

6) March 16, 2006. Lagoon shows a modest outflow channel stopping at the beach berm and a small outflow channel traversing the beach berm. Lagoon extends onto beach and is not completely full (C-H or possibly C-M). Rainfall was consistent above 5 cm for three months and very high the previous winter. We conclude that stream flow has recently breached the lagoon, but did not cut down below mid-tide. Lagoon has subsequently partially closed. O11-407 cont.

7) October 23, 2007. Lagoon is fairly large but some encroachment of beach as occurred since the 2005 event. Lagoon closed on beach at beach berm where an old outflow channel is evident. The 2006-2007 water year was lowest on record. We conclude that drought has not caught up with the system and it may take more than two years of drought to desiccate the watershed.

Tijuana Estuary

General Description

Tijuana Estuary, located near the international border with Mexico is the largest un-channelized river mouth south of the Santa Clara River. Although there is significant damming of the drainage, it nevertheless provides an example of a system that retains some natural aspects of hydrologic process. The Tijuana Estuary retains significant coastal marsh habitat, is the stopover point for a large number (370) of migratory bird species and 6 endangered species are present. The history and behavior of the Tijuana River have strong impact on this estuarine setting and is strongly influences by the hydraulic history of this system.

Coastal Setting and Exposure

The general coastal setting of the Mission Bay/San Diego Bay/Tijuana River Estuary region is prograding (S-P). However this estuarine setting occupies an active tectonic basin bounded by a raised fault block to the south at Tijuana, and uplift along splays of the Rose Canyon Fault that

have elevated the La Jolla and Point Loma regions. Thus there are steeper coastal segments to the north and south bounding an area of prograding shoreline and significant estuary formation. Even in the Early Holocene following sea level rise the Tijuana River estuary was likely smaller than the massive Mission Bay/ San Diego system to the north.

Tijuana also appears to have been the focus of sediment delivery in the region. Long shore sediment transport from the north is diverted offshore at Scripps Canyon (Inman & Masters 1991), greatly limiting sediment to the Mission Bay system. The rocky substrate offshore of La Jolla Point Loma indicates the sediment-starved nature of these settings (Slater *et al.* 2002), and likely also facilitates bypass of any sediments past the mouths of Mission and San Diego bays. In addition, the somewhat more resistant nature of the Cretaceous rocks that make up La Jolla and Point Loma limit them as a source of sediment along the shoreline. Some fraction of sediments bypassed by Point Loma offshore may be brought onshore by wave action the Tijuana area. Wave climate and transport at the Tijuana River Mouth is likely to vary with seasonal and episodic change in direction of wave attack so long shore sediments from the south may also be accumulating here.

The mouth of the Tijuana River is relatively exposed to the West (E-H). There may be some modest mitigation of swells from the Northwest by San Clemente Island. However, this is clearly the most exposed to Wave action of the system considered here.

O11-407 cont.

Watershed Characteristics

There are four significant watersheds that enter the prograding basin setting of this stretch of coast: the San Diego, Otay, Sweetwater and Tijuana Rivers. These all clearly merit "medium" (W-M) status as these systems extend inland on the order of 50 km to the regional divide with the Salton Sea/Sea of Cortez and are of intermediate gradient. Stream function of these rivers as they enter the lowlands and estuaries is alluvial and distributary with multiple channels that interact in the estuary and become primary components of the estuarine marsh system. This estuary may have some spit trapped space on the North (F2). Much of the rest of the current estuary space appears to be hydraulically/flood generated (F3) space. Channel deepening and open water increase is suggested by satellite images following 1982-1983 el Nino Floods. The mouth closure often occurs at low intertidal elevation trapping water in channels above low low-tide. The mouth-spit interaction is dynamic. First order examination of air and satellite imagery indicate that: 1) mouth position varies dramatically as a function of flood flows, 2) that flood events appear to down cut sediments and form space in the estuary, and 3) that winter wave action occasionally builds berms into the estuary mouth trapping or partially closing the system, and leading to breaching and new mouth formation. A historically closed pond system has been artificially connected to the tidal system (Figure 16).

Formation Process

The coastal portion of Tijuana River alluvial floodplain likely represents alluvial fill of an earlier Holocene estuarine feature incised into a Pleistocene terrace during low stand. It is possible in the early to mid Holocene the Tijuana estuary was closed by a spit or series of spits built off the proposed Pleistocene terrace promontory to the north. The available evidence suggests, however, that current sub and intertidal space in the estuary is all or nearly all hydraulic space

created by floods. This likely includes large early 19th and 17th century events that may have far exceeded floods from the period of rain and stream gauge records (e.g., Schimmelmann *et al*. 2003). Wave erosion during unusual events including following flood opening may also have been important in shaping this space.

O11-407 cont.

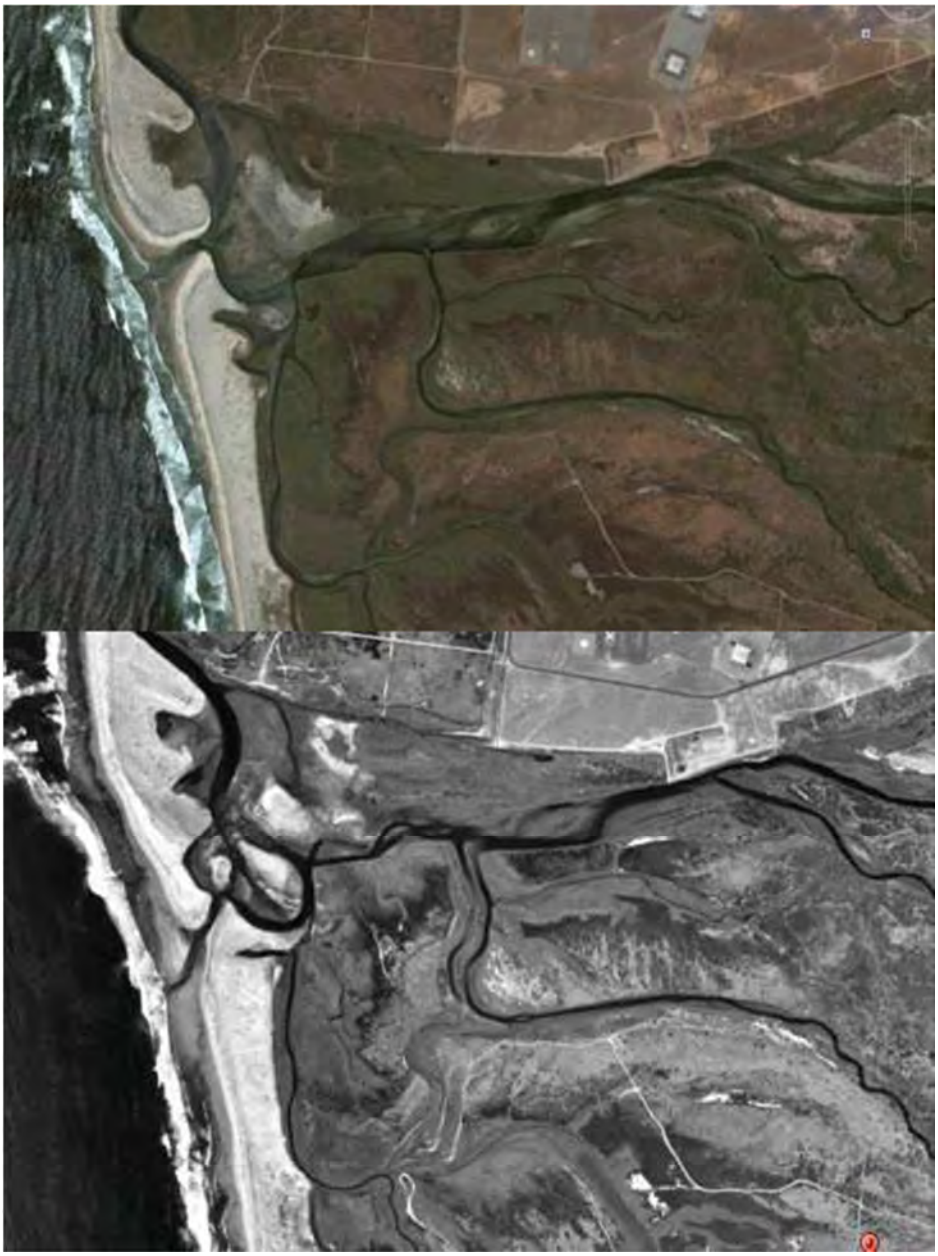


Figure 16. Images of the mouth of Tijuana Estuary in May 2002 top and June 2006 bottom showing restriction of the mouth and partial draining of the estuary through the barrier beach as well as ponded areas to the south of the mouth. Images from Google Earth.

Historically the largest fluvial sediment source in the region is the Tijuana River (Inman and Masters 1991). Significant delivery of sediment to the estuary appears to be in the form of flood tide deltas delivering beach/ shore face sediment to the mouth.

Predicted Closure Pattern

Based on historical analysis, we would classify Tijuana Estuary as follows:

- S-P - Prograding coast.
- E-H - Exposure is high.
- W-M - Drainage area extends southeast into Mexico bordered on the south side by up thrown fault block. Overall intermediate gradient.
- F-H - Space formation here is dominantly hydraulic (i.e., flood generated), although some historic role for spit trapping. All inherited space from sea-level rise is gone.

Predications based broadly on coastal systems with this set of attributes suggests that Tijuana should be closed on an annual to multi-year cycle (C-P and C-C), with occasional seasonal opening (C-L). When opening occurs it would be in the low intertidal and subtidal primarily in the winter, as is typical of many systems of substantial size exposed to high wave action. Given that the Tijuana estuary has undergone limited structural modification and is currently an ecological reserve, we would predict that the modern closure pattern remains basically the same as the historical condition, low intertidal closure. Estuarine closure and migration have been affected by several perturbations; however, these are not substantial enough as to cause a change in closure class.

O11-407 cont.

- Dams on upstream tributaries likely have minimized peak flows limiting erosional removal of material.
- There are upstream bridge abutments that confine flow.
- Diked agricultural field and other structures begin on the south side of the valley about 4km from the coast likely preclude sheet flows and lateral channel migration such that the southern part of Tijuana estuary no longer receives as much flood flow and is subject to less channel erosion. Road building on the marsh surface in the south "3" also appears to preclude water flow, and vegetation is much reduced across roads presumably due to loss of flow from side canyons. Flood derived fresh water provides a flux of growth to salt marsh vegetation (Zedler 1983), and may facilitate in the germination of a number of species normally thought of as "salt" marsh taxa *Spartina foliosa* (Zedler 1986). In this area it may be critical to sustaining halophytic vegetation. Changes in ground water may also be important.
- The northern edge of the estuary has been impinged upon by diking and filling for and adjacent to the airport.

Actual Closure Pattern

Multiple relatively low tide images since 1972 indicate seasonal closure in the lowest intertidal range at a somewhat lower frequency that predicted by the conceptual model. Lower tidal images always show outflow with standing waves. These images likely do not record the most open (post flood) or most closed conditions. Detailed correlation with tidal time has not been

done, but examination suggests that the estuary is not emptying completely. It appears that the estuary typically does empty to the high low tide level but not to the low low-tide level, yielding significant ponded water in channels and channel cut features in the flood tide delta. These provide "ponded" low tide habitat during more confined/closed non-flood conditions. There is also evidence of perched and ponded features in the southern portion of the estuary. Overall closure may occur at a slightly lower tidal height than for systems used for comparison such as larger west-facing systems north of Conception. Factors that could contribute to this include the artificially continuous nature of the stream flow and wave attenuation due to islands in the bight. Future versions of the model will require more finely categorized wave exposure information.

One of the striking aspects of many of the available images is the building and reworking of tidal (flood tidal) delta complexes that transport sediment from the beach in to the main estuary. These deposits are then crosscut by drainage channels, the most substantial of which appear to be flood induced. Thus the most significant source of sediment to the estuary occurs due to flood tidal opening and tidal delta formation.

The 1852 T-sheet T365 indicates similar features as are present today. Multiple fluvial channels (Ch) enter the active mouth region (2) in similar but not identical in position to the modern channels (Figure 17). Channel-cutting of the flood tide delta complex in the active mouth region falls within the range of behavior exhibited by modern imagery. Differences include a closed ponded area "P" in the north, which has been artificially connected to the tidal circulation. Berms (in yellow) that entrap these ponds could represent a former earlier Holocene spit, with subsequent offshore stepping to form the current beach spit. A more likely explanation is that the spit containing these ponds represents wave reworking after significant opening of the mouth. Similar spits and high points are evident inside the mouth in 1852 (T365), as well as in images from 2003, and are interpreted as a product of wave energy entering the system..

O11-407 cont.

A pond to the south (P?) on T365 presumably represents a channel cut when the active channel(s) of the Tijuana River flowed along the southern edge of the flood plain. This may have occurred during early 19th century flooding (Stein *et al*. 2007), but likely also to represent a time when flow was more active in region "3" of the Tijuana River alluvial system. Flows likely breached the beach berm at this point, but also may have flowed north behind the beach berm scouring space at low tide to an active mouth to the north. Such scouring seems evident in post 1982-1983 El Nino images.

At the Tijuana River Estuary constitutes a seasonal river system where variable flow meets the sea in a series of migratory braided "alluvial fan" type channels. Channel migration typical of these systems likely created features to the north and south of the currently active mouth area. Erosion, at low tide during high stream flow likely removes significant material from the estuarine area and maintains the estuary space. Thus the estuary space is largely formed hydraulically (F-H). The mouth was seen to migrate 500 meters or more then 10% of the north south width of the estuary in less than 10 years following 1994 and at least one-half this distance occurred in a stepwise fashion possibly suggesting closure followed by breaching when winter wave action builds up berms. In addition the 1982-1983 El Nino appears to have generated a mouth 100s of meters wide, and breached an as yet to be determined length of adjacent berm. Thus mouth dynamics and flooding are likely important in the erosive removal of material from

the estuary and given changes in the distribution of flood flows and variable wave climate it is likely that mouths migrate over the full length of the berm on century to millennial timescales.

O11-407 cont.

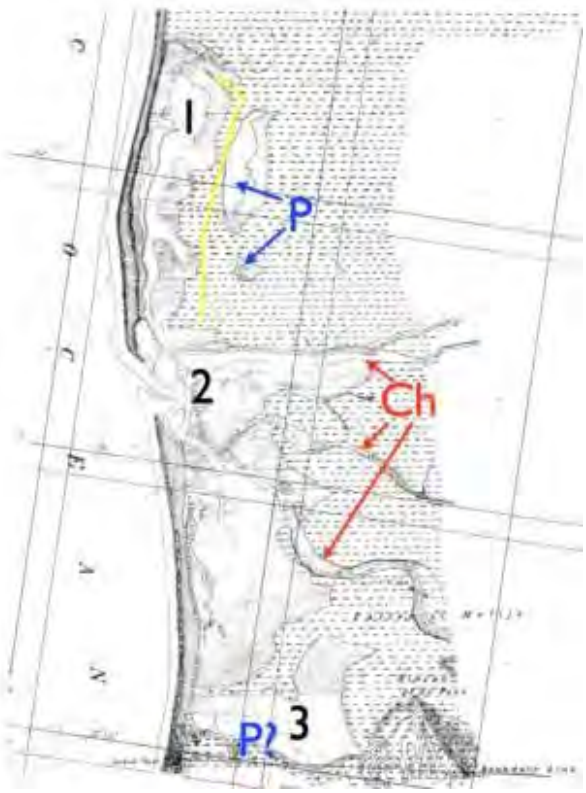


Figure 17. T-sheet of Tijuana Estuary showing ponded areas (P), berms (yellow), location of channels (Ch), and a channel presumed to have been cut by the Tijuana River, in the 19th century (P?).

DISCUSSION

Many of the estuarine wetlands along the central and southern California coast have been filled, encroached upon, or otherwise impacted. In the past two decades substantial effort and resources have been devoted to "restoring" these systems. In many cases "restoration" has involved creating permanently opening systems in places that our historical interpretation indicate were intermittently closing systems. We refer to "restoration" in quotation marks because these projects, which are called restorations, actually involve conversion to a new habitat type. Longcore *et al*. (2000) have argued that such activities are not properly identified as a restoration, which is the "return of an ecosystem to a close approximation of its condition prior to disturbance" (NRC 1992). Because of the importance of closure state to estuarine function and habitat characteristics, we argue that a project that does not maintain historic closure dynamics should not be referred to as restoration, but as creation of a new habitat type to support ecological functions and/or social values identified by project proponents.

Implications of A historic "Restoration" of California Estuaries

In the "restoration" process of central and southern California estuarine systems, many such systems are inferred to have been perennially open with deep-water entrances when they were not *perennially* open at that depth during the last few millennia. As discussed above, it is an oversimplification to consider most estuaries as *open* or *closed*. Most larger and more complex systems experienced closure patterns that were spatially and temporally variable with different portions of estuaries being closed at different depths and for different durations over multi-decadal time scales. Large estuarine systems that are frequently misinterpreted to be perennially completely open (C-O), where there is historic documentation of regular closure at or above high-high tide (C-C), include: O11-407 cont.

1) Mugu, which is known to have regularly closed (C-C) during the Historic period through World War II (Warme 1971 – see references and aerial photographs therein).
2) Ballona, which also clearly closed (C-C) and impounded freshwater on regular basis during the past 4,000 years (see discussion above).
3) Elkhorn Slough, which appears to have closed seasonally (see Woolfolk 2005).
4) The lagoons in North San Diego County, which all closed (C-C) for long periods of time as indicated by historic records such as T-sheets, USGS maps, interpretation of geomorphic evolution in the Holocene (Masters & Aiello 2007) and historic documentation (Engstrom 1999).

In addition to the conversion of systems that closed at or above high tide to open systems, discussed above, a number of systems been opened that historically closed at lower tidal heights According to our estuary classification, developed above, the San Pedro to Newport complex is a prograding coast (S-P), with low wave exposure [(E-L) because it is south facing and protected by the Palos Verdes Peninsula and San Clemente Island, where several large, low-gradient drainages (W-L) converge, and where space is largely formed by trapping (F-T) via longshore spits. In this context, multiple large trapped systems formed in associating with migrating river mouths (see Stein *et al*. 2007, 2010) and limited wave energy. That these systems close low in the intertidal or immediately in the subtidal along a single stretch of coast is consistent with the

trapping process and the limited wave energy. Subtidal closure was evident in all systems from Wilmington (San Pedro) to Newport in the 19th century as described in the Coast Pilot (Davidson 1889). None of these Los Angeles Basin systems were navigable or deep water (C-O) at their entrances as further supported by historic analyses (Engstrom 2006). The sole exception appears to have been Bolsa Chica which was presumably typically closed in the mid-intertidal or higher as indicated by the presence of breakers at all tides (Davidson 1889). Subtidally or low intertidally closing systems were not reported to break at high tide and such systems could be accessed by appropriate craft at highest tide (Davidson 1889). All systems (Anaheim, Alamitos, Wilmington, and Newport) were dredged to increase depth and mouth opening during the late 19th and early 20th centuries to facilitate navigation and recreation. In addition these systems were subsequently fitted with flood control channels to pass freshwater from the Los Angeles, San Gabriel and Santa Ana systems to the sea. The sole exception that retained a closing dynamic through the 20th century was Bolsa Chica. It was dredged open and fitted with jetties and surrounded by cement and riprap berms in 2006 to "restore" it and "mitigate" for harbor construction elsewhere.

Despite the historic partial openness of these systems to tidal influence, it appears that the further dramatic opening of these systems, combined with the channelization of the three major river systems on this coast, has had profound effects on regional hydrology, on coastal sediment processes and on the biota. Prior to channelization rivers spread out on the flood-plain channels migrated leaving a variety of fresh water bodies evident on early maps and riparian vegetation (e.g., Stein *et al*. 2007, 2010). They then entered the sea through estuarine systems that were partially impounded by low intertidal closure such that relatively fresh conditions in lagoons were maintained by river and groundwater discharge. Loss of freshwater and anadromous fishes of the LA Basin such as the currently endangered steelhead and unarmored three-spined stickleback occurred in the mid 20th century (Swift *et al*. 1993), closely following the channelization of rivers and the opening of lagoonal systems. Channelization, combined with the loss of the impounding effect of the coastal lagoonal systems, appears to have reduced the potential for coastal recharge and the maintenance of freshwater aquifer conditions (see Reagan 1915: Swift 2005; Engstrom 2006). During flood years, fresh water lagoons were continuous across the Los Angeles basin (Engstrom 2006) and freshwater covered much of the lowland landscape in part because of the limits to drainage provided by long shore lagoonal barrier systems. Thus lagoon dynamics appear to have contributed to the maintenance of groundwater and extensive riparian conditions noted in historic reconstructions (Stein *et al*. 2007, 2010).

O11-407 cont.

In general, lowered water tables in the LA basin and salt-water intrusion are considered a product of freshwater extraction exclusively, ignoring any contribution of modification of coastal systems or stormwater export. Currently fresh water is injected in wells along the coast to prevent saltwater intrusion (e.g., Foreman 2003). This groundwater recharge appears similar to the historic function of estuaries suggested here. In a recent report focused on Alamitos Bay, however, Swift (2005) made a strong argument that the loss of freshwater delivery to coastal lagoonal settings through bypass of rivers and loss of groundwater has had dramatic impacts on the coastal fauna of California and the Los Angeles Basin region in particular. He documents the absence of a suite of brackish-water dependent estuarine fishes, which were historically present in the area and likely depended extensively on the brackish conditions in the lagoons along the San Pedro to Newport coast. These fishes are now either rare in the region or, in the case of the Gulf Sierra (*Scomberomorus concolor*), have been extirpated.

The recent "restoration" of Bolsa Chica illustrates many of the points discussed above. One troubling aspect of this "restoration" is that it appears to mimic the historic harbor and marina construction in the region with deepening and opening of the mouth comparable to the historic impacts on surrounding systems on this coast intended for navigation, recreation and flood control. Thus the "restoration" design took habitat in the same direction as the trend of historic anthropogenic impacts in the region. In addition, there is significant doubt as to whether the habitat being replaced in this mitigation existed historically (Grossinger *et al*. in review). Opening of this system resulted in desiccation or freshwater brackish marsh habitat and further eliminated riparian vegetation that had been largely eliminated throughout the region (Stein et al, 2007) (see Figure 19). An additional impact of such systems is their deepwater openings immediately start to fill in due to flood tidal delta formation and are difficult to maintain. This process has proceeded rapidly at Bolsa Chica since its construction in 2006.

The changes from fully closing systems (C-D, P, C) to deepwater, perennially open (C-O) systems have profound, and often unanticipated, biologic and geomorphic consequences. There is a broad literature on the proposed benefits of open systems, most of which comes from research in other parts of the world. In this work we enumerate the impacts of converting historically closing systems to perennially open systems in terms of a range of apparently adverse consequences. There may indeed be significant societal benefits associated with perennial opening of these systems, particularly in light of urban encroachment and changes in delivery of water, sediment, and material (e.g., organic matter, pollutants) from the watersheds. *Balancing the presumed benefits of opening estuaries against the adverse ecological impacts of such actions is beyond the scope of this report, but will have to be considered on a case by case basis in California coastal estuaries*. O11-407 cont.

The adverse consequences of type converting an estuary that historically closed intermittently to a permanently open, deepwater habitat are further enumerated below:

1) *Increased sedimentation of the lagoon from the coast.* One of the primary sources of sediment in estuaries is from along the shore rather than conveyed from the land through streamflow. This is generally not well recognized in estuary restoration, although it is evident in the maintenance of harbors. Batiquitos (see images above) is an example of a "restoration" project impacted in this fashion. Thus "restoration," when out of equilibrium with historical processes in the landscape, has impacts that include depriving beaches of sediment, and can generate significant ongoing "need" to remove sediment from the mouth through frequent dredging to maintain the disequilibrium aspects of the "restoration." Thus negative impacts to beaches and unanticipated high maintenance costs are often associated with artificial opening of naturally closing systems.

2) *Export of pollutants to the beach during the high summer use period*. Closure of estuaries during low-flow limits delivery of pollutants from streams and lagoons to the beach and nearshore ocean. Slow flow or percolation through a berm allows for the elimination of bacteria, pollutants and nutrients before they are delivered to the coastal ocean. Permanent opening of the lagoon curtails or eliminates this ecosystem function (He and He 2008, Jeong *et al*. 2008).

3) *Introduction of anomalous substrates.* Modified open systems often include anomalous substrates such as riprap that introduce novel suites of organisms into estuaries and lagoons, including rocky shore taxa such as crabs and octopus. More subtly, dredging creates situations where grain size is out of equilibrium with the typical flow conditions, thus deeper dredged settings are often still water that accumulate flocs and may accumulate nutrients. One concern is that such atypical habitats may not be conducive to the persistence of native species and may invite the establishment of unwanted exotics. That this is likely to be the case is suggested be the appearance of the toxic invasive green alga *Caulerpa* in the artificially open Agua Hedionda system. The issue of association of invasion with anomalous unnatural substrates associated with estuary "restoration" needs further investigation.

4) *Loss of freshwater, including groundwater, from wetlands systems.* In some ways closing systems can be thought of as valves; when rainfall and stream-flow are high they open to the sea exporting excess water and sediment. As stream-flow diminishes water tends to be impounded within and sediments are kept out. This dynamic maintains a freshwater lens near high tide on the coast. Under natural circumstances this maintains the height of the aquifer and limits saltwater intrusion during dryer periods, which is a valuable ecosystem service. It is noteworthy that saltwater intrusion became a significant aquifer problem in the Los Angeles basin in association with the channelization of the major river systems to the sea in the 1930s and 1940s. The estuaries were drained and no longer received significant fresh water input which rather than infiltrating and keeping the aquifer filled and preventing saltwater intrusion, was bypassed directly to the sea. More recently, following the opening of Bolsa Chica, the local water table dropped, extensive freshwater habitat desiccated and riparian vegetation perished (see Figure 18). Retention of fresh water, including groundwater, permits the maintenance of riparian vegetation and freshwater dependent fauna. These include stream fishes that often take refuge in lagoons including stickleback and other native freshwater taxa such as the endangered Santa Anna Sucker. Lowering of water tables with lagoon opening also has profound implications for amphibians and freshwater dependent reptiles such as garter snakes and turtles multiple several of which are endangered (e.g., red-legged frog) or threatened. Furthermore, perennial openings reduce the extent of wet and intermittently wet habitats that historically were extensively used by ducks, geese, and other migratory birds and waterfowl (see description of historic bird use of Ballona Swamp in Chambers 1936).

O11-407 cont.

Figure 18. Creation of ahistoric conditions at Bolsa Chica through jettying a perennial deepwater channel. This "restoration" will require frequent and expensive dredging because existing physical processes do not support the fully open condition that was constructed. The areas surrounding constructed wetland appear to be drier and saltier because the water table will have dropped following complete opening.

O11-407 cont.

5) *Impacts on fish habitat at intertidal height.* As opposed to estuaries on the East Coast, where the two tides in the semi-diurnal cycle are nearly equal, the two diurnal tides on the West Coast are unequal. In addition the degree of difference between the spring (highest) and neap (lowest) tides in the fortnightly tidal cycle is also greater on the west coast. Consequently, the upper reaches of the intertidal are less frequently wetted in California than they are on the east coast. This in combination with the seasonally arid climate exposes the intertidal to more frequent desiccation. Consequently, the intertidal portions of California tidal estuaries have relatively low fish diversity (Desmond *et al.* 2000). One effect of closure high in the intertidal is that it generates flooded conditions

that support a specialized fresh and brackish water fish fauna (Swift 2005). Moreover, California estuaries are often "restored" at considerable expense via extensive excavation to generate enough area *below* low tide to support biomass and diversity of marine fishes. However, such diversity is often distinct from native diversity even of large estuarine systems (Swift 2005), and these sites then become sediment sinks and require dredging to maintain the "restored" condition.

6) *Decreased marsh productivity and carbon storage*. Salt marshes are more productive and fix more carbon when intermittently flooded with freshwater (Zedler 1983). Thus opening estuaries has potentially negative implications for greenhouse gas sequestration. In addition to little studied impacts on the local community. The maintenance of soil carbon (e.g., peat) is also significantly enhanced by the maintenance of higher water tables.

7) *Loss or adverse impacts to endangered, closed-estuary, specialist taxa.* The federally endangered tidewater goby is a closed estuary specialist taxon whose habitat is directly eliminated by the opening of lagoons. This goby is the most locally differentiated coastal vertebrate on the Pacific coast. Suites of estuaries contain multiple locally differentiated stocks (Dawson *et al*. 2003; Earl *et al*. 2010). The genetic subdivision, the isolated and ephemeral nature of the habits, the separation of seasons of reproduction and migration, combined with control of dispersal by known hydrologic processes, make this goby a critically important system for the scientific study of metapopulation dynamics and the conservation genetics of subdivided populations. In the San Diego area, southern tidewater gobies have been documented to be distinct at the species level with an estimated divergence time over 1 million years ago. At a minimum, recovery of this genetically distinct unit will be much more difficult, and extinction risk significantly increased by, ongoing and planned "restoration" through opening of estuaries in northern San Diego County (e.g., Earl *et al*. 2010). O11-407 cont.

8) *Adverse impacts to other sensitive and endangered taxa use closing (C-C) estuaries*.
   a. In Central California, steelhead depend on resources in closing lagoons for successful maturation and return (Bond 2006; Bond *et al.* 2008; Hayes *et al*. 2008; Hayes et al. *in press*). Southern steelhead appear to have been significantly impacted by loss of such closing lagoonal habitat. Presence of closing lagoon systems should be considered in plans to recover populations of steelhead in central and southern California because the return rate of juveniles that feed in lagoons is far greater than those that are not able to feed in closed lagoons before going to sea (Bond 2006; Hayes *et al.* 2008).
   b. Nesting and foraging of the endangered least tern and snowy plover appear correlated with historically closing lagoonal habitats (see MacDonald *et al*. 2010). Least terns in particular likely fed on the small fishes typically found in these closing systems (Carreker 1985; Cooper 2005; a subject that needs further investigation).
   c. In management of the endangered clapper rail in California, *Spartina*, which is typical of the more open systems, is presumed to be critical. In southern California, however, *Spartina* is shorter and grows lower in the intertidal than

elsewhere, which renders it of little use in nesting. Moreover historical documents indicate that clapper rail in California takes advantage of other classes of vegetation typical of high marsh surfaces in both open and closing systems (Dawson *et al*. 1923; DeGroot 1927) and such vegetation is observed to be taller and denser in marshes with some freshwater influence, presumably due to higher growth rates (Zedler *et al*. 1983). Even *Spartina foliosa* may require pulses of freshwater, typical of intermittent closure, for germination (Zedler 1986). Thus clapper rails may well have preferred intermittently closing systems when they were available (a subject that needs further investigation).

d. The endangered red-legged frog similarly was endemic to coastal southern California lagoonal systems prior to the elimination of their freshwater, riparian aspect (Jennings and Hayes 1994). This habitat loss appears to have been a critical component to the extirpation of the genetically distinct southern red-legged frog, which now only persists in Baja California.

9) Because of the historic loss and inadequate study of the biota of closing systems knowledge of their biotic diversity and ecologic function is not complete and may be lost. This issue is brought to the fore by the recent description of a new species of sea slug, *Alderia modesta* (Ellingson and Krug 2006, Krug *et al*. 2007). This taxon is exclusive to coastal California lagoons, and the life cycle appears adapted to the estuarine closure cycle; dispersive larvae are produced in the winter when esturies are open, and non-dispersive crawl-away larvae are produced in the summer when estuaries typically close. The recency of this dramatic observation suggests the limited information in hand about the biologic evolution and function of lagoons; as does the recent recognition of steelhead use of lagoons discussed above. The lack of study of the south-coast garter snake, a species of special concern endemic to the coastal wetlands of the LA Basin is another example. This snake occurred historically in Ballona Marsh and across the coastal LA Basin. It is now extirpated from these habitats and may persist immediately to the north and south in Ventura and Orange Counties (Jennings and Hayes 1994) but very little research has been done on this taxon since 1994. Despite its apparent taxonomic distinction no genetic work has been done and no surveys performed.

O11-407 cont.

10) Riparian habitats found at the upstream end and margins of closing systems depend for their existence on the closing nature of the systems that maintain the water table. This has significant impacts on the specific endangered and understudied taxa discussed above. Such negative impacts to riparian systems undoubtedly have negative implications for a broader suite of taxa and for regional biodiversity.

Recommendations for Management

This report cannot effectively address all the issues confronted by management in each estuary or balance all the societal needs for flood control and other demands relative to the apparent benefits of maintaining natural function. Nevertheless we do attempt to provide some proscriptions for management that consider the historic nature of estuaries in central and southern California.

1) *Management for loss of flood function.* Flooding or peak flows establish estuary space by eroding sediment from the systems. Rivers and streams that are dammed upstream of esturies experience more uniform flows and do not erode and rejuvinate terminal estuaries. On the contrary, the estuaries of dammed systems tend to aggrade as sediments fill in the lagoonal space over time. Often these sediments are derived from the beach or ocean-side of the system, and the lagoon will often fill to close to the typical height of closure. These systems could be managed for more efficient erosion of the lagoon through timed release of flows from upstream dams that would provide pulses of flow coordinated with a series of very low tides at the lagoon. This has the potential to remove sediments from the lagoon in those years when excess stored water is available and to improve sediment delivery to the adjacent beaches. Nearly all major systems in southern and central California are affected by dams; therefore, lagoonal function in a great many of these might be enhanced by a timed release program. Systems with upsteam dams where the effect on lagoons is very obvious include Arroyo Grande and Old Creeks on the central coast San Luis Obispo County. Currently management for the lagoon at Arroyo Grande is focussed exclusively on maintaining a minimum flow thorughout the year to sustain steelhead and tidewater goby. Habitat for these taxa would likely be greatly enhanced by a release program of the sort described above. Other systems that could benefit from timed release programs include the Santa Ynez and Ventura Rivers, Malibu Creek, San Luis Rey River, and the Tijuana River. Even smaller systems such as Los Flores/Los Pulgas on Camp Pendleton might benefit from such a program. Such efforts could be focussed in the winters of high rainfall years when there was sufficent water available, and would be presuamably be far more cost effective than dredging.

2) *Use of currently channelized fresh water* Channelized systems tranfer huge volumes of fresh water to the sea. These waters tend not to be integrated into the design of estuary "restoration" in a way that would enhance riparian vegetation and lagoon – like function. Low upstream weirs could be used to direct these waters to side channels where they could flow through sets of lagoons and marshes to imitate riparian and impounded portions of estuarine systems. This would help recover intermitently fresh or brackish habitats that have been eliminated from these systems. Designs that trap low flows and bypass or pulse high flows such that they eliminate sediments from the systems, should be possible while maintaining or enhancing provisions for flood control. Use of high flow for scouring precludes the need for expensive dredging. Use of low flow employes fresh water resources that are now going to waste and may limit the hazard of delivery of bacteria to beaches. Systems where such an approach could be directly applied include planned "restoration" at Ballona, ongoing "restoration" at Bolsa Chica, restoration of the mouth of the Santa Ana River and the mouth of the San Diego River. Other benefits of this approach could include:

    a. Passage of water through marshes would allow for an ecological filtering function such that water released to the sea and adjacent beaches would have reduced contaminants.

O11-407 cont.

b. Increased recharge and raised ground water have broad benefits for riparian fauna. Recharge provides other ecosystem benefits in terms of reducing the amount of water needed to be injected to protect aquifers, and ultimately constributing to ground water cosumption for human use.
c. Increased riparian vegetation providing suites of habitat similar to those historically present, such as willow swamps, scirpus and catail marshes, channels ponded water, vernal wetlands, and lagoons. It is also noteworthy that intermittent freshwater flux benefits salt marshes. Thus "*Salicornia"* flats or salt pans may be enhanced by intermitent flooding with freshwater.
d. Endangered and sensitive taxa that depend on seasonally closing fresh or brackish systems could be established (see discussion above). Establisment of tidewater goby in Ballona would greatly enhance the (metapopulation) stability of the LA/Ventura management unit and would dramatically enhance the probability of persistence of this taxon.
e. Further use of freshwater resources to enhance riparian and seasonal freshwater habitat would also enhance a broader range and diveristy of breeding and migrating water and riparian birds, including ducks and geese that were historically present in large numbers in these systems but are now less diverse and confined to far more limited habitat.

3) *Restoration of lagoons habitats in association with available state resources and transportation structures.* The historic habitat configuration of many estuaries and lagoons is not superficialy obvious. This is particularly true for small lagoons that can provide a suite of ecosystem functions. Small lagoons can serve as tidewater goby habitat, provide habitat for stickleback and stream-dependent sculpins such as *Cottus asper* (see Swift et al. 2005), can facilitate the functionality of steelhead streams, can serve as breeding pools for amphibian reproduction, and can provide wetland and riparian habitat for breeding and migrating birds. In many cases area around lagoons are in public ownership (e.g., State Parks). In fact a considerible number (on the order of 20) of these systems are occupied in whole or in part by state park parking lots and campgrounds. In addition, many have been impacted by transportation structures. Redesign and upgrading of these structures provides opportunites for restoration of estuarine area and function. Perhaps the largest area of opportunity where detailed "restoration" is not well advanced is a former lagoonal region between Pismo Creek and Arroyo Grande Creek, which were conjoined historically behind a beach berm. This area now contains a complex of state park structures which could be modified or removed to increase lagoonal habitat and function.

4) *Management of and for variabiliy.* Stream flow is less predictable than are the tides. This is especially so in central and southern California where rainfall can vary over an order of magnitude from year to year and systems are often subjected to multi-year wet or dry periods. For each system or even component of a system some understanding of the likely annual and seasonal/precipitation response needs to be incorporated into restoration planning. Many systems are adapted to and benefit from fairly large interannual changes in runoff and vernal or seasonal freshwater conditions, which sustain a range of habitats and ecosystem services. Thus mandates for particular flow conditions may not always be

O11-407 cont.

appropriate, and management planning needs to embrace the variation, and use it appropriately to flush systems of sediment when excess water is available and deliver it to systems, where even "salt marshes" may benefit from periods of fresh water immersion.

5) *Monitoring and adaptive management.* Given the variability inherent in central and southern California estuaries, monitoring needs to be long term. Most systems will require monitoring over decades. Only with this sort of approach will adaptive management be feasible because annual variation in fresh water input and sediment accumulation, among other variables, are likely to influence a wide range of geomorphic and biotic processes over time.

6) *Estalishing an accurate historical context.* We do not advocate that history be the only or primary source of inference for management. But we do advocate that language about historical conditions, or that implies a knowledge of historical conditions be employed as accuarately as possible and with appropriate references to historial sources. Many "restoration" plans assert the nature of historic conditions without documentation. In a surprising number of instances these are inaccurate, misleading or contraindicated by 19th century mapping and/or historic documents. It is often not explicitly stated what time period, and what historic evidence was used to infer previous conditions. It is often not stated what historic conditions are appropriate or of interest and in those cases where historic data are mentioned, data ranging in age from 10 to 10,0000 years ago are combined. Proposed management objectives that are based on "restoration" must be clearly related to a specific time period in order to be objectively evaluated. In many cases such as Mugu Lagoon there is excellent documentation of closure, but open conditions have been maintained artificially for many decades, and naturalists and scientists are often unaware of the ongoing management to maintain the open system. In many cases history is invoked to justify actions that are undertaken for other reasons, such as the elimination of eutrophic conditions, that are partially consequences of human activities. Again such management decisions may be justified, but should stand on there merits relative to their costs, rather than as restoration of natural conditions. Finally, establishing an accurate context and time point for historical comparison will help guard against "shifting baselines" whereby more contemporary altered systems are percieved or promoted as "natural" or "historic."

O11-407 cont.

CONCLUSIONS

The classification model we propose suggests that geology, watershed characteristics, and coastal processes are the main factors that govern the general structure of coastal wetlands in the absence of anthropogenic influences. One of the key controlling factors of coastal wetland structure is the nature and frequency of mouth closure, which in turn strongly influences hydrology, water chemistry, and ultimately habitat distribution (Edgar *et al*. 2000, Ritter *et al*. 2008). Initial testing of the conceptual model proposed by the classification systems suggests that these factors can be successfully used to infer the unaltered nature of estuarine mouth closure.

Application of the classification model, combined with review of hundreds of first hand and air photo observations of estuaries indicates that the numerically predominant condition for southern California estuaries is closing either seasonally or for one or more years at a time. This is in part because most systems occupy small to medium sized drainages. Thus the most common natural condition for a large majority of California estuaries would be seasonally tidal or non-tidal. Open, perennially tidal systems are relatively uncommon, and only occur under specific circumstances, typically in prograding systems with large watersheds and in systems with significant inherited or trapped space. Even relatively large systems have a propensity to close at some height relative to the tide for at least a portion of the annual/hydrologic cycle. Fully open estuarine conditions have only persisted in exceptionally large trapped or inherited spaces.

O11-407 cont.

The proposed model suggests that California estuaries have a far greater propensity to close than estuaries on the East Coast. In historical terms, very few estuaries permitted deep or even modest draft navigation through the course of the tidal cycle prior to navigational improvements; small vessels had to be secured to enter harbors (Van Dyke and Wasson 2005, Engstrom 2006). Using a criterion of navigability throughout the year San Diego Bay is the primary example of an open system in southern California. Thus such completely perennially open systems are anomalous on the southern California Coast. However, other systems may be open to tidal influence for much of the year and closure up into the intertidal in these systems may be rare (e.g., Wilmington). Some systems that have been presumed to be perennially open to tides were not historically (e.g., Mugu, which is well documented to close regularly prior to human intervention). The low amount of subtidally dominated habitat in Southern California relative to San Francisco Bay was also noted by Grossinger *et al*. (2011) who analyzed historical distribution of coastal wetland habitat based on ca. 1870 T-sheets and concluded that approximately one-third of historical habitat was subtidal. Grossinger *et al*. (2011) estimated that approximately 75% of the subtidal habitat was associated with two systems, San Diego Bay and Mission Bay, which were the only predominantly open embayments in southern California in their analysis.

Morphometric assessment of coastal lagoons along the east coast of Australia in similar settings as those that occur along the California coast found a bimodal distribution with 70% of systems being closed for more than 60% of the time and 25% being mostly open (i.e., closed for less than 20% of the time). As in California, the degree of closure in these systems is strongly influenced by catchment characteristics, rainfall and coastal geomorphology (Haines *et al*. 2006).

Few studies have considered the role of stream flow in the closure dynamics of California estuaries (Webb *et al*. 1991, Elwany *et al*, 1998). Furthermore, no broad syntheses across estuaries that consider this dynamic are available for California as they are for South Africa (e.g., Cooper 2001, 2002) or Australia (e.g., Roy *et al*. 2001, Haines *et al* 2006). Consequently most restoration planning relies on estuarine models developed from older port construction and navigational literature (O'Brien 1931, Bruun 1986). These exclusively emphasize the interplay between the tidal prism in maintaining opening juxtaposed with wave energy that is presumed to close it. Most southern California restoration projects have relied on guidance provided by Johnson (1973) who regressed wave energy and tidal prism relative to closure state and produced a simple binary variable for large west coast estuaries. In these assessments, wave energy is presumed to facilitate shore-face transport of sediment and closure, and the area of the estuary is used to calculate tidal prism or volume and flow. These calculations have some value as a rule of thumb relative to one set of processes. However, they lack consideration of a number of important variables/processes and tend to single-out the tide, rather than seasonal or intermittent stream flow, and geologic setting as important variables in these systems. When applied to estuary restoration they tend to limit the discussion of the full set of critical physical processes considered in California estuaries by excluding consideration of stream dynamics and freshwater input as important factors to consider in closure dynamics and their influence on restoration design.

O11-407 cont.

There is also a tendency to discuss estuaries as either open or completely closed. In reality, estuaries exist along several continua relating to relative duration of open vs. closed conditions, frequency of opening events, and the degree of closure. In our classification we simplify this temporal complexity as the proportion of time that a specific estuary exists in each of the eight closure states (relative to tidal height) as shown in Figure 8. The oversimplified characterization of estuaries as either "open" or "closed" can lead to an underestimation of the period of estuarine closure, especially in situations where closure is irregular or partial. Additional variables not systematically considered in their effect on closure include: the angle of wave attack, the presence of promontories adjacent to estuaries, the seasonality of movement of sediment on and offshore and their effect on beach width, the evolution of outflow channel orientation and length, and impediments to flow within the lagoonal systems. All these factors likely contribute to or modify the potential for at least seasonal or intermittent closure. Finally, consideration of episodic opening of predominantly closed systems is also often neglected, which can have important ecological consequences in terms of species dispersal and recolonization (Lafferty *et al*. 1999, Earl *et al*. 2010).

The misimpression of California systems as predominantly open has influenced past restoration activities, which have tended to focus on creating "open" estuaries by converting historically lagoon systems with seasonal or intermittent tidal access to perennially full tidal systems. Because inherent physical processes favor recurring mouth closure, estuarine mouths are often kept open by artificial means, such as groins, levees, and regular dredging. As we have elaborated above, creating "artificial" open systems has several ecological implications. Opening of systems lowers the coastal water table and further increase the efficiency of regional engineering modifications that export fresh water to the sea. A secondary effect of increased water delivery to the sea is decreased contact time with estuarine surfaces (sediment and plants)

that can function to filter out pollutants. This increased "flushing" may result in increased pollutant delivery to the sea, potentially impacting beaches and near coastal areas.

Conversion of lagoons to open systems has broad biological impacts. A number of California species are especially adapted to closing estuaries or take particular advantage of them in their life history. These species are directly threatened by the artificial opening of closing estuarine habitat. Such species include the federally endangered tidewater goby (*Eucyclogobius newberryi*; Swift *et al*. 1989, Lafferty *et al*. 1999, Lafferty 2005, Earl *et al*. 2010), southern steelhead (*Oncorhynchus mykiss*) (Bond 2006; Bond et al. 2008), as well as the sea slug *Alderia* (Ellingson and Krug 2006, Krug *et al*. 2007). As discussed above clapper rails likely benefit from the increased vegetation height and heterogeneity afforded to "salt" marshes exposed to intermittent freshwater events facilitated by closure; and, impacted riparian taxa including endangered reptiles and amphibians appear to benefit by the maintenance of high water tables and fresh water through the summer in closing systems. The importance of closure for these biotic functions has not been given much attention in the context of estuary "restoration". In contrast much emphasis has been placed on the presumed benefits of fully open systems for fisheries, especially California Halibut. However, the relative importance of estuaries as nurseries has only recently begun to be addressed (Fodrie and Levin 2008), and it is unclear whether or not partial closure might be beneficial even to California Halibut production. Overall closed systems typically contain more water and are more productive in terms of marsh plant growth (Zedler 1983). Due to this persistent wetted condition the intertidal heights of closed or partially closed systems may well be more productive in terms of fish biomass than the intertidal of open systems, and these intertidal settings are known to be low in diversity (Desmond *et al.* 2000). In the future, more comprehensive and balanced assessment of biotic impacts of estuary modification in the name of "restoration" should be considered. O11-407 cont.

Success and long-term sustainability of restored coastal wetlands can be improved if the design is consistent with underlying landscape controls of wetland processes (Mitch and Wilson 1996, Zedler 2000). Undisturbed reference sites are often used to provide insight to these controls and the appropriate form for given landscape positions. Unfortunately, like many developed coastal regions, undisturbed reference sites are difficult to find along the California Coast, particularly in southern California. In the absence of reference sites, models based on a range of historical information can be used to provide insight into the relationship between landscape setting, physical process, and resultant wetland form and function. The conceptual model presented in this document provides a tool to aid in consideration of appropriate design for coastal wetland restoration in California. Knowledge of the "native" form should be coupled with consideration of existing landscape constraints and practical and logistical considerations when determining preferred restoration designs. Designs that more closely match controlling landscape processes, require less ongoing maintenance, and should have fewer unintended consequences for the native flora and fauna. Regardless of the ultimate decisions made regarding restoration and management of central and southern California estuaries, a more full and open consideration of historical conditions would result in restoration projects more closely aligned with historic processes and conditions.

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O11-407 cont.

From:	patricia mc pherson
To:	Wildlife Ballona Wetlands Ecological Reserve EIR; Cespl Rogers, Bonnie L CIV USARMY
Cc:	Todd T. Cardiff, Esq.; John Robertson
Subject:	Ballona Wetlands Restoration Project Draft EIR Released | California State Coastal Conservancy
Date:	Tuesday, February 6, 2018 2:03:09 PM
Attachments:	Screen Shot 2017-04-22 at 8.55.19 AM.png Playa Vista and the Surrounding Vicinity.docx

The following comments regarding the BWER DEIR/S are provided to Grassroots Coalition from petroleum engineer John Robertson. References for the comments made are included-
Environmental Concerns, Environmental Aspects of Oil and Gas Productions, 2017.
Robertson J.O. and Chilingar, G.V. Scrivener-Wiley
Patricia McPherson, Grassroots Coalition

Begin forwarded message:

From: John Robertson
Subject: RE: Ballona Wetlands Restoration Project Draft EIR Released | California State Coastal Conservancy
Date: February 6, 2018 at 12:29:53 PM PST
To: patricia mc pherson

Hi Pat,

Hopefully this helps. Please let me know if I should co9ver any other areas.

Thanks.

John

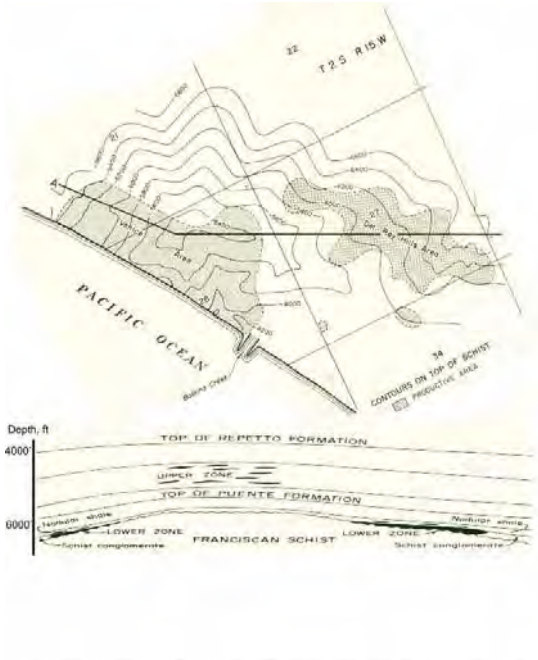
O11-408

-----Original Message-----
From: patricia mc pherson
Sent: Wednesday, January 31, 2018 12:05 PM
To: John Robertson
Subject: Ballona Wetlands Restoration Project Draft EIR Released | California State Coastal Conservancy

http://scc.ca.gov/2017/09/26/ballona-wetlands-restoration-project-draft-eir-released/

O11-409

Playa Vista and the Surrounding Vicinity



Figigue 1. Playa Del Rey Oilfield with contours on top of schist conglomerate. (After California Division of Oil and Gas, 1963, p.634.)

Playa Vista overlies the Venice area (western portion) of the Playa Del Rey Oilfield (see Figure 1). There several thousand feet of alluvial, Pliocene and Miocene sediments, below the Playa Vista area (Ballona Creek) and the top of the Playa Del Rey hydrocarbon reservoir with an average depth to the hydrocarbon pools of 4000 to 6000.' In 1929 the first wells were drilled in this area, resulting in many of these wells today, being over 50 to 75 years old. Nearly all of the original Playa Del Rey Oilfield wells have been abandoned prior to the 1950's. Most of these abandonments do not meet today's California state standards for abandonment to prevent migration of gas, etc. O11-410

As noted, these older wells were drilled, completed, produced and abandoned prior to the 1950s, which today are vulnerable to the problems of gas migration because of:

1. A breakdown of aging of the cement about the wellbore along with additional dehydration of the cement (the chemical breakdown due to loss of water in the cement) weakening the cement seal between the formation and the wellbore.
2. Many of the earlier wells were completed with no cement as a protective barrier to prevent gas migration along the wellbore.
3. There is a likely breakdown of this earlier cement, over the past 50 years, in these wells as a direct result of seismic activity (earthquakes).
4. Formation movement along the faults that has resulted in bending or shearing the casing.
5. Subterranean escape of gas between the gas storage project between the Venice and Playa Del Rey Oilfields showing that the reservoirs cannot contain its existing gas.

Figure 2. Playa del Rey Oilfield showing location of oil-producing areas and gas storage reservoir (in Grringer and Endres, 2006, fig.4.)

Having personally examined the Ballona Creek surface area, Playa Vista for migration of gas (methane) with other engineers over the past 40 years, I have found several areas of soil saturated with gas, gas seeps and in the lower creek areas (water), have taken videos of the flowing methane. The source of the current flowing gas, as determined by "Gas fingerprinting," is gas from the Gas Storage Project which initiated operation around 1942 (see Figure 2). The condition of the older wells in the Del Rey Hills area is especially critical, because the reservoir underlying this area is still being used to store high-pressure gas (Lower Zone). There is a strong likelihood for repressed gas from this high-pressure storage project to escape and migrate upward from the Lower Zone along several O11-411

potential vertical pathways, contaminating the upper fresh-water sands in this area as it moves toward the surface. There are over 200 abandoned wells throughout this region, including those wells that had to be abandoned in order to accommodate the construction of the Marina Del Rey Boat Harbor, many of which were drilled and abandoned prior to the 1950's, and located below the main surface channel that connects to the Pacific Ocean. Numerous gas seeps at the surface have been observed by the residents on the area and fellow engineers and myself.

O11-411 cont.

A documented summary of this area can be found in the book, ***Environmental Aspects of Oil and Gas Production***, pp84 to 86.

As a direct result of the poorly abandoned wells, cement breakdown of the wells themselves, and evidence of leaking hydrocarbon reservoirs, this region should be considered for only limited use and as an area of excessive gas migration.

References

Environmental Aspects of Oil and Gas Production, 2017. Robertson, J. O. and Chilingar, G. V., Scrivener-Wiley Publisher, 394 pp.

From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Friday, February 16, 2018 3:23 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>; Cespl Rogers, Bonnie L CIV USARMY <bonnie.l.rogers@usace.army.mil>; Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>; Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; FGC <FGC@fgc.ca.gov>; Pert, Ed@Wildlife <Ed.Pert@wildlife.ca.gov>; gibbs, Kirk E COL USARMY CESPL (US) <kirk.e.gibbs@USACE.army.mil>; Joshua Svensson <jsvensson@dpw.lacounty.gov>; Daniel SPL Swenson P <daniel.p.swenson@USACE.ARMY.MIL>; Bonin Mike <mike@11thdistrict.com>; Gibson, Thomas@CNRA <Thomas.Gibson@resources.ca.gov>; Chad Molnar <chad.molnar@lacity.org>; len.nguyen@lacity.org; Lauren Pizer Mains, <lauren.pizermains@sen.ca.gov>; Samuel.Liu@sen.ca.gov; Unger, Samuel@Waterboards <Samuel.Unger@waterboards.ca.gov>; Apodaca, Joey <joey.apodaca@mail.house.gov>; Joe Piasecki <joe@argonautnews.com>; FourthDistrict@bos.lacounty.gov; firstdistrict@bos.lacounty.gov; Sheila <sheila@bos.lacounty.gov>; kathryn@bos.lacounty.gov; Vargas, Mark@Coastal <mark.vargas@coastal.ca.gov>; markridley-thomas@bos.lacounty.gov; Weber, Mark <mark.weber@asm.ca.gov>; Samahndi.Cunningham@asm.ca.gov; Hamilton Cloud <hamilton.cloud@mail.house.gov>; Wilson, Jayme <Jwilson@bos.lacounty.gov>; Williams, Thizar@Waterboards <Thizar.Williams@waterboards.ca.gov>; Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>; Willis, Andrew@Coastal <Andrew.Willis@coastal.ca.gov>; Ly, Jillian@Waterboards <Jillian.Ly@waterboards.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Turnbull-Sanders, Effie@Coastal <effie.turnbull-sanders@coastal.ca.gov>; Brownsey, Donne@Coastal <donne.brownsey@coastal.ca.gov>; Aminzadeh, Sara@Coastal <sara.aminzadeh@coastal.ca.gov>; Bochco, Dayna@Coastal <dayna.bochco@coastal.ca.gov>; Luevano, Mary@Coastal <Mary.Luevano@coastal.ca.gov>; Peskin, Aaron@Coastal <aaron.peskin@coastal.ca.gov>; Groom, Carole@Coastal <carole.groom@coastal.ca.gov>; Sundberg, Ryan@Coastal <ryan.sundberg@coastal.ca.gov>; Howell, Erik@Coastal <erik.howell@coastal.ca.gov>; Wilson, Erinn@Wildlife <Erinn.Wilson@wildlife.ca.gov>; Uranga, Roberto@Coastal <roberto.uranga@coastal.ca.gov>; Padilla, Stephen@Coastal <Stephen.Padilla@coastal.ca.gov>; Faustinos, Belinda@Coastal <belinda.faustinos@coastal.ca.gov>; Lucchesi, Jennifer@SLC <Jennifer.Lucchesi@slc.ca.gov>; Medak, Christine <christine_medak@fws.gov>
Cc: Todd T. Cardiff, Esq. <todd@tcardifflaw.com>; Moore, Katharine <katharine.moore@sen.ca.gov>; Jeanette Vosburg <Jeanette@saveballona.org>; Samahndi.Cunningham@asm.ca.gov; Gary Walker <Gary@ArgonautNews.com>
Subject: BALLONA WETLANDS/ SOCALGAS- PLAYA DEL REY --- NOTICE / UNDERGROUND GAS STORAGE REGULATIONS

GRASSROOTS COALITION
ENVIRONMENTAL INTEGRITY & PUBLIC POLICY

BALLONA WETLANDS / SOCALGAS PLAYA DEL REY UNDERGROUND GAS STORAGE OPERATIONS

Information to be included for response in the BAllona Wetlands Ecological Reserve DEIR/S.
Please review the information below pertaining to safety issues of Underground Gas Storage Reservoirs.

The Ballona Wetlands Ecological Reserve DEIR/S fails to include any meaningful address or information pertaining to the SoCalGas Playa del Rey Underground Gas Storage facility which affects the entirety of the Ecological Reserve site and its nearby environs. O11-412

CDFW and USACE failed to acknowledge and/or address SCOPING DOCUMENTS provided for the DEIR/S and O11-413
thereafter fail to address and/or perform any independent evaluation of the SOCALGAS/PLAYA DEL REY O11-414
oil/gas operations upon the wetlands and/or effects of any/all alternatives upon the operations of SCG/PDR.

The following Dept. of Conservation public notice document and review of issues included is provided below.
Please note the screen shot portions provided below, citing the need for a full evaluation of the Playa Del Rey - SCG operations.

The comments below echo that of Grassroots Coalition in its DEIR/S comments citing the need for full and impartial evaluation of the SCG/PDR operations for current
gas migration/ leakage hazards inclusive of the effects upon the Reserve as well as the need for full evaluation of effects of any alternatives potential effects upon the SCG operational safety in both short and long term.

Please take the time to review the following information,
Patricia McPherson, Grassroots Coalition

-----Original Message-----
From: "DOGGR Gas Storage Regs@DOC"
<DOGGR_GasStorageRegs@CONSERVATION.CA.GOV>
Sent: Monday, February 12, 2018 10:19am O11-415
To: DOC_DOGGR_UIC_REGULATIONS_INFORM@LISTSERV.STATE.CA.GOV

Subject: DOC SENDS PUBLIC NOTICE / UNDERGROUND GAS STORAGE REGULATIONS / 15-DAY PUBLIC COMMENT PERIOD

On February 12, 2018, the Department of Conservation sent public notice to interested parties regarding a modification to the text of the proposed regulations in the rulemaking action entitled *Requirements for California Underground Gas Storage Projects*. The public notice initiates a 15-Day public comment period that will end on February 27, 2018 at 5:00pm. In addition to the modified text of the proposed regulations, two documents have been added to the rulemaking record:

1. Long-Term Viability of Underground Natural Gas Storage in California: An Independent Review of Scientific and Technical Information, California Council on Science and Technology, January

18, 2018.

2. Lawrence Berkeley National Laboratory Memorandum on Draft UGS Regulations, dated October 5, 2017.

Please see the attached Notice for further information.

To view the documents added to the rulemaking record, please click here.

Executive Summary

O11-415 cont.

storage facilities. In the future, the effectiveness of the new regulations should be evaluated on a regular basis by an independent peer review or audit program.

Because of the flammability of natural gas and its storage and transport at high pressure, each of the twelve underground gas storage facilities in California presents some non-zero amount of risk to health, safety, the environment, and the underground gas storage infrastructure itself. We have compared the hazards and vulnerabilities of individual facilities based on a set of qualitative risk-related characteristics (Table ES.1-1). For example, facilities that have older repurposed wells (often in former oil reservoirs), have a higher number of reported loss-of-containment incidents, are located in seismic or other natural disaster hazard zones, or are located near large population centers pose relatively greater risks. The Playa del Rey facility, which has a long history of loss-of-containment incidents and is located near a large population center in a very high wildfire hazard zone, stands out as a facility with relatively higher risk to health and safety than the other facilities in California. Aliso Canyon, Honor Rancho, and La Goleta also present higher health and safety risks than other facilities because of their locations near large numbers of people.

CCST could not investigate the feasibility and impacts on reliability of closing one or more underground gas storage sites in the State while leaving the others open. For example, the Playa del Rey facility apparently does not store or withdraw a large amount of gas, providing only about 1% of total natural gas storage across California. However, Playa del Rey is close to a densely populated area, and the risk of loss-of-containment at Playa del Rey is higher than most other natural gas storage facilities. Our report questions, but does not answer, the impact of closing this site. The State should commission a cost-benefit analysis including full consideration of risks associated with loss-of-containment from this facility.

Long-Term Viability of Underground Natural Gas Storage in California

An Independent Review of Scientific and Technical Information

EXECUTIVE SUMMARY

A Commissioned Report prepared by the California Council on Science and Technology

CCST
CALIFORNIA COUNCIL ON SCIENCE & TECHNOLOGY

A nonpartisan, nonprofit organization established via the California State Legislature — making California's policies stronger with science since 1988

O11-415 cont.

From:	patricia mc pherson
To:	Wildlife Ballona Wetlands Ecological Reserve EIR; Cespl Rogers, Bonnie L CIV USARMY
Cc:	Todd Cardiff
Subject:	Ballona Wetlands DEIR/S Response (Section D-1 -PROCESS) Grassroots Coalition
Date:	Friday, February 23, 2018 6:19:02 PM
Attachments:	Screen Shot 2017-04-22 at 8.55.19 AM.png GC Response to DEIR-2.pdf COMPLAINT_ REQUEST FOR AUDIT_ INVESTIGATION _ RESPONSE to MAY 19 2015 Complaint....#1.eml.msg Fwd_ GC Complaint (Brandy #1)-Dept. Finance.eml.msg GC Complaint (Brandy 2)Dept. Finance; AUTHORITY AUDIT _ No 3 MISUSES OF PUBIC FUNDS BY Auditor Controller AND DPW Flood Control Department.eml.msg GC Complaint (Brandy 3) Dep. Finance; Authority Audit 1.eml.msg

The Grassroots Coalition Response to the Draft EIR/S for the Ballona Wetlands Ecological Reserve

Section D-1

Please respond to the queries and comments of the following document pertaining to **Process, Goals.**

Portions of OSAE Complaint/ Audit Request:

GC Response to DEIR-D-1

Process

The current Draft Environmental Impact Report/Statement (DEIR/S) is deficient in that it lacks an accurate and transparent description of process leading to the current DEIR/S including but not limited to the source documents of the new 2012- 17 DEIR/S. Most, if not all documents contained in the DEIR/S are the product of two earlier processes—a Feasibility Study and a Joint EIR/S 2005-12—both of which were never completed and the Joint EIR/S: 1) never received the required congressional approval for its go ahead and 2) was stopped by Shelly Luce acting on her own while claiming to represent the Santa Monica Bay Restoration Commission (SMBRC) of which she was acting as Executive Director. However, documentation received via the Public Record Act and via Freedom of Information Act requests appear to provide evidence that Ms. Luce was never authorized by the SMBRC to do so and the governing board of the SMBRC was not informed of Ms. Luce's illegitimate use of the Commission's authority in either: 1) the cessation of the 2005-12 Joint EIR/S process with the Army Corps of Engineers and, 2) the use of the SMBRC's authority to enter into the WRDA process with the Army Corps of Engineers. (SMBRC was key to the WRDA process engagement because SMBRC along with the County of LA, form what is known as the Santa Monica Bay Restoration AUTHORITY. The County of LA as sponsor to the Corps for the WRDA deal, utilized the SMBRAUTHORITY for that sponsorship. (Also, when asked of the governing board and individual board members by GC what they were aware of per the WRDA hearings before the County Board of Supervisors, the responses indicated a total lack of knowledge. Internal emails between Ms. Luce and County personnel indicate that prior to the WRDA hearings, there was a lack of County knowledge that the SMBRAUTHORITY was being utilized by Ms. Luce, which included financial transfers, for issues pertaining to BAllona Wetlands. Later, County audits done, reveal that the County Board of Supervisors had not been kept in the loop for SMBRAUTHORITY decisions and financial transactions.) O11-416

Please note and be responsive to the attached portions of an OSAE Complaint made by Grassroots Coalition to the State of California, Department of Finance. Specific issues of misappropriation of Prop 12 bond funds allocated for specific purposes of Ballona Restoration (not Creation and not for WRDA use) are raised in the Complaint which awaits response. In the OSAE Request for Audit, use of the SMBRA pertaining to Ballona Wetlands contracted work by Mary Small, Shelly Luce is addressed for response. O11-417

The following 2014 news story provides a brief review of the issues that are part of the OSAE Audit Request. The 2012 County Audit is also contained within GC's OSAE Complaint/Request for Audit. O11-418

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BALLONA WETLANDS

ENVIROGATE

BY FREEVENICEBEACHHEAD ON JUNE 1, 2014 • (LEAVE A COMMENT)

By John Davis

Many murky deals have come and gone in the Ballona Wetlands, and most of the time the bad players enriched themselves, got away, or are still getting rich at the expense of the public and the environment.

The people involved today are Los Angeles County Supervisor Don Knabe and a person named Shelly Luce. Both engaged in an obscure agreement that was signed by Knabe and countersigned by Luce in 2005. It purported to create a Joint Powers Agreement between the County and a State Agency, the Santa Monica Bay Restoration Commission (SMBRC). The result of this agreement is named the Santa Monica Bay Restoration Authority (SMBRA).

At the time of signing, Luce was a member of the public claiming to be the Executive Director of the State Agency (SMBRC). After the agreement was signed, she claimed she was also executive director of the Santa Monica Bay Restoration Authority (SMBRA). She has since resigned from her alleged posts. O11-419

According to the joint powers agreement, the Los Angles County Board of Supervisors had to approve and authorize the annual budgets of the SMBRA.

The problem is, the Supervisors only authorized budgets for fiscal years 2004, 2006, and 2011. Eight out of the ten required budget approvals are absent, according to County records, leaving expenditures from those years unauthorized as required by the agreement. Yet the money was still spent by SMBRA staff.

To determine if misuse of public funds has occurred, the State Attorney General starts with the principle that public funds must be used for "an authorized public purpose." A public interest benefits the public "rather than a private individuals or a private purpose."

It appears that public funds were not used for an authorized public purpose, begging the question of misuse.

State and federal money provided to the SMBRA have been disbursed to the Santa Monica Bay Restoration Foundation (SMBRF), a private business. Luce was the executive director of t years..

Follow

continued on page 3…

Restoration Foundation (SMBRF), a private business. Luce was the executive director of this business for years..

The Supervisors approved the 2006 budget. But it did not authorize any funds for the SMBRF. Yet, out of the $184,000 spent, SMBRF took away $60,002.

The authorized 2011 outlay totaled over $48,000. This time SMBRF got it all. The Supervisors included a line that said federal money would be distributed through the SMBRF. Other non-profits were excluded from this opportunity.

The unauthorized budgets show that state and federal funds were inducted by SMBRA and spent without authorization.

Records from 2007 reveal that SMBRA disbursed a total of $289,000. SMBRF raked in a cool $152,000.

Disbursements from 2012 indicate that of the $36,523 that was available to the SMBRA, SMBRF walked off with it all.

The 2012 County Auditor reports prove that $228,333 of SMBRA money went straight to SMBRF accounts.

In 2013 the SMBRA hemorrhaged more public money to SMBRF. This time the total was $271,032.

By March 2014 SMBRA disbursed more cash, and $66,890 went to SMBRF. If the pattern holds, more will go into the non-profit black hole this year.

The Authority loses formal control of the money after it leaves SMBRA and is deposited into SMBRF accounts. SMRBF treats this money as revenue of the business when it reports according to IRS records.

The total public funds disbursed to the SMBRF without authorization by the Supervisors is $815,780.

As an end result of the Supervisor's inaction, the public funds so badly needed for public purposes are being used by the SMBRA for unauthorized, private purposes.

BALLONA SIDEBAR: Scientific instruments deployed near the Playa Vista School and residential development have detected dangerous explosive gas. Sensitive instruments picked up massive amounts of methane, beyond the background (ambient) levels at the corner of Jefferson and Lincoln Blvd. The story begins by reporting on other dangerous leaks on Wilshire Blvd. Frank Snepp, a Peabody Award winning Los Angeles television news reporter, covers the reference to Playa Vista at the end of the report. We hope he covers Playa Vista next (http://bit.ly/1u3DjZL).

O11-419 cont.

- The legitimacy or lack thereof for engagement of the WRDA permit process needs to be explained to the public. The entirety of the 'restoration' and 'management' of Ballona has been via the use of public bond funds hence the public's need for transparency in what has transpired to reach the current DEIR/S.
-**What** explanations and what transparency of process will the EIR/S for the Ballona restoration project provide per comments made above?

GC and other organizations and entities have raised the issues cited above to the MOU partners and have never received response. (Examples are provided.)

O11-420

-The DE R/S is deficient due to its lack of specific process explanation and who s managing the process and how those 'managers' are related— ncluding but not l m ted to Conflicts of Interest. Contractors have not been hired that are free from confl ct of interest. Most, if not all the hired contractors, are

O11-421

Playa Capital llC employed and as such are conflicted due to the needs of Playa Vista that are ongoing and unresolved such as need of a completed flood control system, and a functioning gas mitigation system. The need for Playa Vista to dewater in order to keep its gas mitigation systems free from inundation with groundwater and attendant failure conflicts with the wetland's need to maintain that freshwater groundwater onsite. While the freshwaters that flow from east to west are available for Ballona, Playa Vista has been intercepting those groundwaters and throwing them away. Digging out the wetlands creates a bowl, a sink to drain away any freshwaters away from Playa Vista however, changing a predominantly seasonal freshwater system into a saltwater embayment system is CREATION and violates the Porter-Cologne Act, the Clean Water Act and turns Ballona's ecosystem on its head into a dangerous, experimental Frankenstein which, the DEIR/S fails to discuss and alert the public and decision makers. The prejudiced, false premise of need to bring back the ebb and flow of the ocean to allow Ballona Wetlands to thrive, is simply but dangerously a desguised biased used to protect the private development of Playa Vista.

O11-421 cont.

O11-422

Why is the historically accurate and very feasible and reasonable restoration alternative- a seasonal freshwater alternative that would utilize the freshwater groundwater flowing from east of Lincoln (as is already happening) and instead of throwing them away --- direct them westward and northerly into Area A, B and C as has historically occurred.

The freshwater alternative does need inclusion in the DEIR/S. The fact that there are no existing site hydrology evaluations that include the adjacent Playa Vista groundwater removal is not explained and needs to be explained.

O11-423

CONFLICTS OF INTEREST

It is apparent that the Playa Vista contractors ie. Psomas, which is also a 'Project Management Team Partner' promoting saltwater intrusion, while silent on the fresh groundwater aquifers and seasonal ponding natural resources of Ballona, have at the very least, the appearance of conflicted interests. SCC's and CDFW's engagement with Playa Capital's contractors provides at the very least, the appearance of **wilful blindness** as they promote a saltwater intrusion scheme designed to protect a private development site.

Meanwhile, both SCC and CDFW fail to protect Ballona Wetlands and instead, share in degrading it further ie. allowing the Ca. Coastal Commission declared -illegal drains to drain ponding waters for the past 14 years. It took a lawsuit by Grassroots Coalition to illicit a response from CDFW to the Coastal Commission that has resulted in a temporary capping of the illegal drains.

O11-424

While the DEIR/S' narrative continually claims of eg. Public process inclusion that led to the Alternatives in the current DEIR/S. The statements are false. The public has been excluded from the process. The statement below by CDFW is similarly false and falsely cites its 'partnership' with the private business and its conflicted board members of the Bay Foundation. The Santa Monica Bay Restoration Foundation was founded and is managed by highly conflicted persons with direct ties, including salaries from the development site owners of Playa Vista, including but perhaps not limited to Playa Capital LLC. None of these conflicted relationships have been made known to the public and need to be revealed in the DEIR/S in order for the public to understand and make informed decisions that, at the very least,

PSOMAS

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Playa Vista Master-Planned Community | Los Angeles, CA

Preservation and Restoration of the Ballona Wetlands

The Playa Vista property spans more than 1,087 acres at the western edge of Los Angeles on the former site of the Hughes Aircraft Plant. The master-planned community includes a mix of more than 3,000 residential housing units ranging from affordable to luxury and office and commercial space. Playa Vista also features parks and recreational facilities, all next to a restored wetland and wildlife preserve.

Psomas played a substantial role in securing entitlements for both Phase One and Two. Civil engineering services included grading, street and infrastructure design. In addition, Psomas aided in the development and implementation of a number of highly-complex transportation solutions for this new community.

The firm's hydrology and natural resource experts played a major role in planning the preservation and restoration of the Ballona Wetlands, one of the two remaining coastal wetlands in Los Angeles County.

Client
Playa Capital Company, LLC

Services
Civil Engineering
Surveying
Hydrology
Entitlements
Natural Resources

O11-424 cont.

incorporate transparency and knowledge that the Bay Foundation parties have contract ties to Playa Capital LLC and Playa Vista which, at the very least, provide the appearance of conflict of interest for their input on Ballona Wetlands

The California Department of Fish and Wildlife (CDFW) released the **Draft Environmental Impact Report (DEIR) for the Ballona Wetlands Restoration Project**.

CDFW is the lead agency for the DEIR.

CDFW, in partnership with the State Coastal Conservancy and The Bay Foundation, has spent years working with the public and envisioning a **plan for the revitalization of the Ballona Wetlands Ecological Reserve (BWER)**. The Ballona Wetlands were once a 2,000-acre expanse of marshes, mud flats, salt pans and sand dunes that stretched from Playa del Rey to Venice and inland to the Baldwin Hills. Today, BWER is 600 acres of open space that remains of the former wetlands and is owned by CDFW.

Ballona wetlands

Process explanations should be included within the DEIR/S as the restoration project & process of Ballona Wetlands Ecological Reserve is one of the most significant undertakings along the coast of California and, as such serves as a model for all restoration processes in California.

Numerous claims of irregularities of process have been raised inclusive of illegal performance of process including conflict of interest and misrepresentation of authority that may be construed as fraud. While, CEQA and NEPA may not be the perfect platform for address of these issues,
CEQA, NEPA and permits are a platform to raise abuse of discretion, prejudicial abuse of discretion and other process issues that were or have the appearance of compromised actions by the lead agency and its MOU partners. O11-425

Included within GC's response are numerous outreaches to the MOU partners and lead agency to which no response was forthcoming which contradicts the conclusory narrative claiming , 'years of working with the public' supplied in the DEIR/S without data support. Similarly, the DEIR should provide explicit documentation to support its claims of public inclusion, including but not limited to any decision-making to exclude the public due to the public's independent and un-conflicted outcry over the Alternatives selected-properly and/or improperly per CEQA/NEPA and all other applicable laws. O11-426

- Please note the following portion of the Airport/Marina Sierra Club letter 3/15/13 for its Added inclusion of the Land Deed for Area C which does not provide for the ALTs. 1-3's destruction and creation upon Area C : O11-427

Page 3 of the Land Deed for Area C states the following:

"This grant is subject to the restriction , set forth in Public Resources Code section 21080.29, that the property be used for conservation, restoration, or recreation only, with the right to transfer the property for those uses to another agency of the State of California."

O11-427 cont.

-**The DEIR/S is deficient** in that it lacks address of critical process components that have led properly and/or improperly to the current DEIR/S.
-**The DEIR/S utilizes only portions of studies and studies that were resultant from the -never completed --"Feasibility Study" and the Joint EIR/S of 2005-12.**

Both the Feasibility Study and the Joint EIR/S
were predicated upon approvals given by Congress yet no approvals are forthcoming via Freedom of Information Act requests or state Public Record Act requests for such authority to engage in the Joint EIR/S of 2005-12. Significantly, these processes were both cancelled, the legalities of that cancellation are still at issue since conflict of issue, misrepresentation of authority is known to have occurred as can be demonstrated via the Ballona Wetlands Landtrust's lawsuit involving the Santa Monica Bay Restoration Commission. (See Litigation-BWLT Depositions- http://www.ballona.org/litigation/)

To the point is the leadership of the SMBRCommission, Shelly Luce Exec. Director, did not have the SMBRCommission's approval to stop the ongoing Joint EIR/S process as evidence reveals. The Corps' withdrawal and switch to a permitting processes to which the 404, 408 permit process under the Water Resource Development Act is now the current DEIR/S process, is an apparent subterfuge for narrowing the alternatives to only include the saltwater intrusion variations that Mary Small, board member of the Bay Foundation and project manager of Ballona for the State Coastal Conservancy had predetermined for Ballona. Meanwhile, the 'iterative' process of the 2005-12 which was intended to provide for reasonable alternatives was stopped and only studies from that truncated and ended process are cherry picked for use to promote the saltwater intrusion schemes laid out in the DEIR/S.

O11-428

To GC's knowledge no studies have been done since the engagement of the switched end goal. **It is important for the DEIR/S to include and address how this switch occurred and what materials are included/ or not included in the DEIR/S as a result of the former process that was cancelled**.
It is imperative to inform the public and agencies as to the overall objectives and purposes of the 2005-12 Joint EIR/S process because it is important to find out what was never accomplished through that process due to its cancellation. The conclusions of the 2005-12 Joint EIR/S – which based itself upon an 'iterative process' wherein ALL REASONABLE ALTERNATIVES for Ballona's restoration were never learned or completed because it was prematurely ended. Therefore, conclusions drawn from an INCOMPLETED PROCESS provides

for highly questionable conclusions that are rendered via the cherry picked studies and piecemealed portions of studies that are now the basis of the current Joint DEIR/S.

- The lead agency and MOU partners never responded to the issues contained in the Oct. 7, 2014 Sierra Club letter to USACE, and still need address to provide clarity and transparency to the process that has led to the current DEIR/S. Therefore, please respond to the issues requested and if not, please explain why not in detail that is sufficiently meaningful. (Sierra Club 2014 Letter is contained in Section A, GC Response) O11-428 cont.

Project Purpose and Objectives

The DEIR/S provides no preferred Alternative and instead provides a limited array of confusingly similar but narrow alternatives alongside a No Project Alternative that does not appear to fulfill either CEQA and/or NEPA standards of fulfillment. O11-429

The DEIR/S purpose and objectives appear to fail to comport with the acquisition purposes and objectives as well as the designation of Ballona Wetlands as an Ecological Reserve's -purposes and objectives thereby creating an outcome with Alternatives 1-3 that are a far cry from what was intended in its acquisition and designation as an Ecological Reserve.

The acquisition and Ecological Reserve designation provided for protection, restoration (a well defined term that is not mean creation) and enhancement to the greatest extent possible. The Alternatives 1-3 are Creationist concepts that provide for extensive destruction prior to speculative, at best, creation of a saltwater embayment and/or extensive full/muted tidal creation upon a landscape that never had such tidal flow. O11-430

The saltwater embayment concept appears to stem from the MOU partners to fulfill an outdated (1990 SA; update 2006 SA) California Coastal Commission lawsuit Settlement Agreement that also included USACE 404 permits and entailed the creation of the flood control system for the adjacent Playa Vista development project of whom even the project management team for the current restoration includes the same Playa Vista contractors-who are simultaneously currently contracted still with Playa Vista (Playa Capital LLC). The flood control system, part of
which is now owned by the state as part of the acquired BWEReserve yet controlled by Playa Vista-hence, at least the appearance of a great deal of conflicted interests. O11-431

(include SA and embayment plan-all done prior to any environmental review for either PV and prior to the historical ecological study, Longcore et al., that reveal BAllona is not a salt marsh but is a predominantly seasonal freshwater wetland-a very unique and now very rare habitat and ecosystem site. O11-432

The Ballona Wetlands restoration project came into being after over twenty years of public work, including lawsuits, to compel the release of the private property for a public bonds buyout predicated upon acquisition, protection and restoration of this unique coastal habitat. Once, a willing seller was achieved, the acquisition and designation of the land as Ballona Wetlands Ecological Reserve was finally accomplished via the Wildlife Conservation Board (WCB) and the California Fish & Game Commission(FGC) The purposes & objectives of that acquisition and Ballona's designation as an Ecological Reserve were all predicated upon the mission statements of WCB-
"*The Wildlife Conservation Board* ***protects, restores and enhances*** *California's most spectacular natural resources for wildlife and for the public's use and enjoyment in partnership with conservation groups, government agencies and the people of California*." emphasis added.
And, the FGC's designation of Ballona as a Reserve, passed over other designations of lessor protection such as:

"..designating the Ballona Wetlands Ecological Reserve at this time as proposed by the Department, would lay an immediate regulatory function for protection of the sensitive species and habitats the area supports." P. 3 Wildlife Resources Committee meeting per designation of Ecological Reserve status -Section 630 Title 14 CCR.

"The site is not designated as a wildlife area- Section 550, Title 14,CCR. This alternative is inappropriate because of the purposes for which these properties were acquired. ***The sensitive habitats and species require additional protection*** *not provided under Section 550*." P.4 Emphasis added. O11-433

"The proposed regulatory action is proposed ***to provide maximum protection of wildlife and habitat*** *and to manage appropriate public use*." Emphasis added, P. 5

"The reasons for listing these properties on Title 14 are to regulate public use and provide the ***best available protection for the species and habitats the properties were acquired to protect."*** Emphasis added. P. 8

Initial Statement of Reason 3/24/05; Hearing 5/5/2005; Adoption Hearing 8/19/05 :
Section 1580 of the Fish & Game Code provides for the acquisition, designation and management of the property to protect threatened and endangered plants, animals and specialized habitat types as ecological reserves. P.1
Ballona Wetlands-
"Designation of this proposed ecological reserve will provide necessary regulatory protection for wildlife resources for which the property was acquired."
"Since this property contains important species, including a state endangered species, sensitive vegetation communities and acts as an important linkage to other protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources."

"**<u>Licensed recreational and leased parking are not normally permitted on Ecological Reserves.</u>**

Emphasis added. P.2 e.

Ballona Wetlands was given an **SEA -sensitive environmental area**-designation, which is given **to land that contains irreplaceable biological resources.** Emphasis added.

Therefore, it appears that the Alternatives 1-3 are in conflict with the terms of Ballona's acquisition and designation as an Ecological Reserve. All three of these alternatives are CREATIONS of a new type of habitat for Ballona that are all based upon speculative, and risky construct on a massively destructive scale.

-**Please explain how the current Alternatives 1-3 are compatible with the acquisition and designation language provided above.**

O11-433 cont.

-The DEIR/S is deficient in its lack of inclusion and/or address of the riskiness of such proposals and the inability to reverse course once embarked upon such massive destruction and creation. O11-434

-The DEIR/S is deficient in its lack of address of the historic freshwater aspects of Ballona inclusive of its underlying freshwater acquifers and historic ponding with rainwater.
-There is no address of Ballona's unique, and rare overall aspects as a predominantly seasonal freshwater wetland habitat. O11-435

-The DEIR/S should include discussion pertaining to the purposes and objectives as stated in its acquisition and designation as an Ecological Reserve and how the Alternatives 1-3 are in alliance with such goals or are not in alliance with such goals and include specifics that meaningfully address the issues. O11-436

-The DEIR/S should include alternatives that are protective of and enhancing for the seasonal and year round (eg. groundwater) freshwater aspects of Ballona to be maintained, enhanced, protected and predominate as historical records now reveal its history as a predominantly freshwater seasonal wetland. O11-437

- Why is there no address of the freshwater aspects meaningfully discussed in the DEIR/S that can provide a full comparison between greater saltwater intrusion and landscape alteration (Alts. 1-3) and maintenance of the historic freshwaters and/or enhancement of the freshwaters alongside minimal landscape alterations which would provide the least environmentally damaging alternative?
-Why is there no discussion that meaningfully compares the risks to specific flora and fauna and habitat in the CREATIONIST aspects of Alternatives 1-3 and the
RESTORATION aspects of alternatives predominantly and/or evenly respected/divided between saltwater influence and freshwater influence? O11-438

NEPA-
40 CFR 230.10 (a) prohibits the permitting , "if there is a practicable Alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem."
The USACE permit and NEPA review is deficient including but not limited to:
USACE has not engaged in any baseline studies of Ballona's onsite hydrology, and has not Included historical data of hydrology of the actual Ballona site for use in comparison to determine what would have less adverse impact on the aquatic ecosystem of Ballona Wetlands. O11-439

The overly narrow Alternatives that the state has engaged USACE in review provides for a predetermined outcome that is biased towards extensive saltwater intrusion and physical large scale destruction of the site in order to then CREATE something that never was at Ballona. O11-440

The Corps' duty under NEPA and its permitting processes is to exercise its own independent judgment regarding the applicant's point of view and the public's point of view.
Thus far, at its only meeting with the public in Nov. of 2017, the Corps stipulated that it Was neither for the project or against it.

One should be able to safely assume that because the Corps is neither for or against the proposed large scale creation or other, that the Corps does not feel there is any imminent danger to the public for any of the alternatives. O11-441

-**The DEIR/S is deficient inasmuch** as there is no meaningful discussion as to the current state of the Ballona Channel in its entirety and in the Ballona Reach portion for its needs or lack thereof to perform safely as it has for over 60 years.
-There is no discussion of potential changes to the current levees of Ballona Channel either for the Ballona reach or the reaches to the east which have the same the construction as the Ballona reach.
-There is no discussion of the use of Water Resource Development Act funds on levees per actual needs for safety including all of the Ballona Channel reaches as well as the Ballona Wetlands reach portion.
-The use of WRDA funding should be explained and identified as to its specific applicability to the Ballona Wetlands site project and in relation to the inland reaches of Ballona Channel. O11-442

Patricia McPherson, Grassroots Coalition

From: patricia mc pherson
To: OSAEHotline@DOF.CA.GOV
Cc: Todd T. Cardiff, Esq.
Bcc: JD; Jeanette Vosburg
Subject: COMPLAINT/ REQUEST FOR AUDIT/ INVESTIGATION / RESPONSE to MAY 19, 2015 Complaint. .. #1
Attachments: Complaint Finance Dept..pdf
Draft LA Co - CA Coastal Conservancy Ballona MOA Board Letter 2014-08-12...-c2.pdf

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Department of Finance,

Almost one year ago, Grassroots Coalition(GC) was provided instructions from personnel of the Department of Finance (DOF) regarding placement of a Complaint and Request. GC was asked to provide the Complaint & Request For Audit of the
California State Coastal Conservancy, Santa Monica Bay Restoration Commission(SMBRC) / Authority (SMBRA) to the attention of "BRANDY" for easy identification and assembly into one file. I provided approximately 30 emails which included evidence attachments with the Complaint as instructed by the DOF personnel. Grassroots Coalition was told in telephonic communications that the multiple emails of information would be assembled into a file and provided to OSAEHotline DOF personnel for review and response.

I have had no response and continue to seek a response regarding the matters addressed within the Complaint as documented with the attendant attachments.

Herein, Grassroots Coalition(GC) again provides the Complaint and adds new information which GC believes provides substantiation of misconduct on the part of the agencies cited above. O11-443
An independent audit of the SANTA MONICA BAY RESTORATION AUTHORITY (Authority)was conducted in 2015, to which GC was invited by the auditor to provide data and information. GC provided this data to the DOF and now attaches
the 2015 audit done of the Authority (SMBRA, this Joint Powers consists of the SMBRCOMMISSION AND THE COUNTY OF LA PUBLIC WORKS). The audit acknowledges multiple areas of potential agency misconduct that is not addressed as part of the audit. The information provided to DOF from Grassroots Coalition pertains to issues covered in the audit as well as issues of potential misconduct that were not addressed in the audit.

Santa Monica Bay Restoration Authority Financial Statements And Independent Auditor's Report (For The Years Ended Sept. 30, 2006- 2014) BCA WATSON RICE LLP (GC provides the AUDIT in a second email to OSAEHotline @DOF.CA.GOV as a link is not provided online.

Grassroots Coalition provides herein, further information that GC believes reveals misconduct by the Santa Monica Bay Restoration Commission—staff and leadership who are the staff and leadership of a private 501c3 (The Bay Foundation) who, at the least, provide an appearance of blurring the lines of authority between a state agency (the Santa Monica Bay Restoration Commission as well as its Joint Powers within the Santa Monica Bay Restoration AUTHORITY (which includes its partner the County of Los Angeles) and the private business.

A lawsuit was filed against the Santa Monica Bay Restoration Commission by the Ballona Wetlands Landtrust. The lawsuit included DEPOSITIONS of the staff and leadership of the SMBRCOMMISSION. These Depositions provide illumination of the issues of blurring lines of authority and representation to the public and other agencies. The misrepresentations made by the parties included in the depositions have led to USACE AND COUNTY OF LA decision making regarding WRDA 214 partnerships and alternatives pertaining to Ballona Wetlands. Grassroots Coalition requests that the lawsuit briefs and DEPOSITIONS be included as evidence for need of audit and investigation per the GC Complaint & Request for Audit and Investigation.

The link is provided below:

http://www.ballona.org/

Breaking News: Court Rules Santa Monica Bay Restoration Commission Violated Public Records Act by Withholding Documents Relating to Ballona Wetlands Restoration Project.

Furthermore, new information pertaining to the California Coastal Conservancy and what GC believes is inappropriate use of Proposition 12 bond money is provided below.
The Prop 12 bond money that was solicited to the public and paid for in public dollars was intended for restoration and further potential acquisition of Ballona Wetlands. There is nothing in the Prop 12 bond language that GC perceives as addressing the Ballona Channel, which runs from Los Angeles to the Santa Monica Bay. This Channel is maintained by the County of LA Public Works and is an historic man made Channel created by the US Army Corps of Engineers(Corps). Hence, both the Corps and the County of Los Angeles have maintenance and jurisdiction over this Corps created Channel.

O11-443 cont.

Contained below is a document that reveals that the State of California Coastal Conservancy(SCC) at least, attempted (as was attempted earlier in a grant 12-107 given by persons of the Coastal Conservancy, with no apparent SCC Board Approval, to the County of LA) to provide financing from public bond funds dedicated to the preservation of Ballona Wetlands and instead sought to utilize the Prop.12 funding by providing the funding directly to the County to pay for WRDA 214 Corps services in the review of permits (408, 404) that would affect the Ballona Channel itself.

Proposition 12 bond money has been utilized to determine the historical properties of Ballona Wetlands which determined that the wetlands are predominantly freshwater seasonal wetlands. (Travis Longcore et al.) The actions by the Ca. Coastal Conservancy staff that have attempted to utilize the bond money for a project OUTSIDE of Ballona Wetlands habitat acreage acquired by the public, GC believes, is an action of misuse of Prop. 12 bond funds.

The document provided below was acquired only via a Public Record Act lawsuit by GC v. County of LA. It has been the experience of Grassroots Coalition and the groups that have worked and succeeded in the past 20 plus years to save Ballona Wetlands, that we and the public majority have been denied the ability to participate in the alternatives for restoration of Ballona Wetlands. The need for use of Public Record Act requests and lawsuits in order to garner information regarding Ballona Wetlands should serve as a red flag to demonstrate lack of performance of public inclusion by the Ca. Coastal Conservancy. The need for lawsuits to provide public information should also serve as a red flag warning demonstrating the need for

engagement in the requested audit and investigation.

Please provide a response regarding Grassroots Coalition's request for audit and investigation of these very serious matters,
Patricia McPherson, Grassroots Coalition
310 397 5779

O11-443 cont.

To: Department of Finance
COMPLAINTS & REQUEST FOR AUDIT(S)
CC David Botheho, CPA, Chief, Office of State Audits and Evaluations
Diana Antony, Manager; Beliz Chappuie, Supervisor

From: Grassroots Coalition (GC)
Patricia McPherson, President

RE: **REQUEST FOR AUDIT(S) &**

COMPLAINT PERTAINING TO CALIFORNIA STATE COASTAL CONSERVANCY's IMPROPER BOND FINANCING, Direct & Indirect, TO THE JOINT POWERS AUTHORITY (Authority) consisting of:
The Santa Monica Bay Restoration Commission & Los Angeles Public Works Department (Flood Control) and,
The Santa Monica Bay Restoration Foundation (an independent, private business)

A Joint Powers Agreement (JPA) undertaken pursuant to the California Government Code legally binds the Santa Monica Bay Restoration Commission (SMBRC, a non-regulatory State Agency, legislatively created within the State Water Resources Control Board) and the County of Los Angeles Public Works Department (Flood Control). The two agencies, via the JPA are jointly known as the Santa Monica Bay Restoration Authority (AUTHORITY). O11-444

This Complaint addresses GC's belief of improper financing & financing manipulations (including, intent to improperly finance) , lack of transparency and accountability by the State Coastal Conservancy (SCC) as it has manipulated and provided public bond funds directly and indirectly to various contractors for the Ballona Wetlands Restoration; The Santa Monica Bay Restoration Commission (SMBRC), Los Angeles Public Works Department, the Authority and the Santa Monica Bay Restoration Foundation (a private business, believed to be co-mingling funds with the Authority, having conflicted interests, and having been improperly delegated oversight responsibilities for the SMBR Commission and its financing and the Authority).

This Complaint incorporates the 8/2/12 GC Complaint and the 3/28/12 Davis Complaint to the California State Coastal Conservancy (SCC), which are still unanswered by the SCC. Please review the two Complaints and provide response. **(Exhibit 1**)

This Complaint incorporates any/all information and data provided to BCA Watson Rice LLP, Helen Chu by GC as part of the ongoing BCA Watson Rice LLP AUDIT of the JPA, the Authority. The data and information included for this Complaint, are documents and emails retrieved via multiple Freedom of Information Act (FOIA)

request responses and Public Record Act (PRA) request responses from the agencies cited and pertain directly and indirectly to the state and local agencies and private business cited in this Complaint. (Due to the size of **Exhibits (AUTHORITY),** GC will send to Dept. of Finance as emails, the gathered and, pertinent federal, state and local responses to FOIAs and PRAs inclusive of the attendant GC comments provided to BCA Watson, Rice LLP the audit firm reviewing the Authority.)

The documents provided in the Complaint are believed to reveal county/state dispersal and/or termination of public funds (public bonds including but not limited to Proposition 12 bond funds) without knowledge and/or approval by the required Governing Board of the SMBRC; the Los Angeles County Board of Supervisors; SCC Executive Director and/or SCC Commission; and without proper public notice and disclosure.
The SCC's role appears to show staff, including staff having direct oversight of bond money disbursal and actions pertaining to Ballona Wetlands Ecological Reserve, as having knowledge of improper behavior and performance of activities that manipulated bond funds to the entities cited herein while having knowledge that required approvals, accounting & audits were not being performed.

Addressed herein, is the alleged use and/or attempted use of Proposition 12 bond funds by SCC employees for projects outside legitimate Proposition 12 bond conditions of use. Namely, the use and/or attempted use of Proposition 12 bond funds delegated to Ballona Wetlands Restoration purposes that were instead dispersed and/ or approved for dispersal for purposes out of compliance with their stipulated use. (example-See documentation pertaining to SCC Grant No. 12-107, use of Proposition 12 funds for federal use as part of a flood control project --Water Resource Development Act (WRDA) purposes to be given the Army Corps of Engineers.)

O11-444 cont.

Lastly, this Complaint alleges that the improper actions pertaining to the SCC that are cited by the Department of Finance in the 2011 Audit of the SCC, continued to occur after the Audit and have not abated. The 2012 SCC Complaints from J. Davis and GC, include many of the same findings as the 2011 Dept. of Finance Audit, such as failure to illicit and/or garner applications for grants including the lack of application and follow through accountability for a $6,250,000 & $240,000 grant awarded by the SCC Commission to the SMBR Foundation and ostensibly itself, the SCC. The grant consisted of Prop. 12 bond funds designated explicitly for the restoration of Ballona Wetlands Ecological Reserve. 1/19/2012 Staff Report, File No. 04-088; Project Manager, Mary Small.

The SCC Commission grant, approved on 1/19/12, appears to NOT have any designation for disbursement to federal entities for use as funding for a Water Resource Development Act (WRDA) expedited (or otherwise) project review, and the record reveals that no such need was contemplated (including but not limited to File No. 04-088, Project Manager Mary Small- staff recommendation Sept. 20, 2007) Later records included as part of this Complaint reveal the intended use of the Prop.

12 funds for U.S. Army Corps of Engineers use in review of an expedited WRDA project. (May 6, 2015, PRA LA County Public Works response regarding a Board of Supervisors Letter and Green Sheet pertaining to $302,000 designated by the SCC personnel to go to USACE WRDA permit review. Note also the internal SCC/ LA County emails discussing the transfer of funds including but not limited to the use of a later approved portion of the $6 plus million to be used as Grant 12-107 to the USACE via LA COUNTY Public Works (Flood Control) itself and/or the Authority. **(Exhibit 2-both emails-screen shots)**

The Authority appears currently non-compliant with the Fair Political Practices Act. The Authority has not adopted and submitted a financial disclosure policy as required by the act.
The Fair Political Practices Commission holds jurisdiction. This matter will be brought to its attention. No person holding a position with the Santa Monica Bay Restoration Authority has filed a Financial Disclosure Form 700. As a result it is unknown if conflict exists or not.

A Santa Monica Bay Restoration Authority (Authority) response to a Public Record Act request, dated March 27, 2015 provides information pertaining to serious and potentially illegal actions by the Authority, other tangential state agencies including but not limited to the SCC and a private business known as the Santa Monica Bay Restoration Foundation. Attached as Exhibit, John Davis Complaint to the District Attorney regarding the Authority. (**Exhibit 3**-pdf INFORMATION including Screen Shot of email cover.)

O11-444 cont.

Grassroots Coalition reserves the right to amend this Complaint and add further information as it becomes available. Due to the size of the attachments to be sent, it is anticipated that multiple emails pertaining to this Complaint will be sent to the Department of Finance.

Thank you for your patience and assistance regarding this GC Complaint regarding the California Coastal Conservancy and other entities that are included herein that may receive money via the Coastal Conservancy per Ballona Wetlands Ecological Reserve.

Patricia McPherson, Grassroots Coalition

Exhibit 1
See email , ADDITIONAL COMPLAINTS, 2012
Patricia McPherson, Grassroots Coalition;

California Coastal Conservancy Complaint, John Davis 2012

Exhibit 2 See Cover email, INFORMATION PDF and Screen Shot of email

Exhibit 3 See Cover email, Screen Shot of SCC Grant 12/13/11 ; $6,490,000.00

Thank you for your attention to these matters of great public concern,

Patricia McPherson, Grassroots Coalition, President

NOTE: Due to the length of attachments, multiple emails entitled
GC Complaint (Brandy.(email series #)) Dept. of Finance
are being sent and logged that will include the Exhibits noted in this Cover Letter.

O11-444 cont.

~~August 26~~September ~~16~~30, 2014

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

Dear Supervisors:

MEMORANDUM OF AGREEMENT WITH
THE CALIFORNIA STATE COASTAL CONSERVANCY REGARDING
COST SHARING FOR THE
BALLONA WETLANDS RESTORATION PROJECT
408 PERMIT REVIEW
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)

O11-445

SUBJECT

This action is to authorize the Director of Public Works or her designee on behalf of the County of Los Angeles to enter into a cost-sharing Memorandum of Agreement with the California State Coastal Conservancy for the United States Army Corps of Engineers' permit review process of the Ballona Wetlands Restoration Project pursuant to ~~33~~ 33 United States Code ~~U.S.C.~~ Section 408. The estimated total cost of this review process is $542,000; the County of Los Angeles' share ~~of the cost~~ is $240,000 and the California State Coastal Conservancy's share ~~of the cost~~ is $302,000.

IT IS RECOMMENDED THAT YOUR BOARD:

Authorize the Director of Public Works or her designee to enter into a cost-sharing Memorandum of Agreement with the California State Coastal Conservancy, for the California State Coastal Conservancy to provide funds in the ~~total~~ amount of $302,000, for the U.S. Army Corps of Engineers' permit review process of the Ballona Wetlands Restoration Project pursuant to 33 ~~U.S.C.~~ United States Code Section 408.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Ballona Wetlands Restoration Project is in the planning and design phase and several alternatives are currently being reviewed. The most ambitious alternative involves the removal and replacement of approximately 4,500 feet of the concrete trapezoidal Ballona Creek Channel with a natural meandering channel, and the enhancement of approximately 600 acres of coastal wetland and upland habitat.

The project site is owned by the State of California and managed by the California Department of Fish and Wildlife as an ecological reserve. The State Coastal Conservancy (Conservancy), the California State Lands Commission, and the Santa Monica Bay Restoration Commission (SMBRC) are participating partners and are leading the planning and development of the restoration project.

Federal funding was used to build the Ballona Creek Channel and therefore the proposed modifications to the channel cannot commence until a 33 United States Code (U.S.C.) Section 408 Permit (408 Permit) from the U.S. Army Corps of Engineers (Corps) has been issued. O11-445 cont.

The Los Angeles County Flood Control District (LACFCD) maintains the Ballona Creek Channel within the currently proposed project limits.

On January 14, 2014, the Board authorized the Director of Public Works (Public Works) to enter into two Memoranda of Agreement with the Corps, Los Angeles District, to provide funds to expedite the Corps permit review of County-designated priority projects under the Corps' Clean Water Act Section 404 and 33 U.S.C. Section 408 Permit jurisdictions (enclosed). The total cost of the two Memoranda of Agreement for the County of Los Angeles (County) was estimated to be $1,495,000. Of this total cost, the Corps has determined that $542,000 is the estimated cost for the 408 Permit review of the Ballona Wetlands Restoration Project.

The purpose of the recommended action is to authorize the Director of Public Works or her designee to enter into a cost-sharing Memorandum of Agreement (MOA) with the Conservancy in regard to the Corps' review of the 408 Permit application for the Ballona Wetlands Restoration Project (enclosed). Under the proposed MOA the Conservancy would fund $302,000 of the estimated $542,000, for the Corps 408 Permit review of the Ballona Wetlands Restoration Project.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1), and Integrated Service Delivery (Goal 3). ~~County agencies to maximize the effectiveness of the processes and strong fiscal management to support timely delivery and efficient public services (Goal 1) and to maximize opportunities to measurably improve client and community outcomes (Goal 3).~~ The recommended MOA will enhance Public Works' ability to perform its necessary functions in an expeditious and fiscally responsible manner as well as maximizing opportunities to measurably improve client and community outcomes, thereby providing a safer environment and enriching the lives for the residents of the County.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. The total cost of the 408 Permit review of the Ballona Wetlands Restoration Project is estimated to be $542,000. The MOA ~~LACFCD has already deposited $240,000~~ with the Corps, ~~including~~which included the 408 Permit review of the Ballona Wetlands Restoration Project, was funded by the LACFCD ~~subsequent~~ pursuant to ~~an~~ the ~~MOA~~ letter previously approved by your Board on January 14, 2014. The ~~remaining~~ $302,000 ~~will~~ to be provided by the Conservancy will partially offset the cost of the 408 Permit review for the Ballona Wetlands Restoration Project. O11-445 cont.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed MOA has been reviewed and approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

The recommended actions are not a project pursuant to the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by Section 15378(b) of the CEQA Guidelines. The proposed action to execute an MOA to enter into a cost-sharing agreement is an administrative activity of government, which will not result in direct or indirect changes to the environment. We will return to the Board as necessary for consideration of appropriate environmental documentation pursuant to CEQA prior to any commencement of any activities under this MOA that may constitute a project.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current services.

Approval of the recommended action will benefit the LACFCD by providing an additional source of funding for the Corps 408 Permit Review of the Ballona Wetlands Restoration Project.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Watershed Management Division.

O11-445 cont.

Respectfully submitted,

GAIL FARBER
Director

CL:

Enclosures

c: Chief Executive Office
County Counsel
Executive Office

From: patricia mc pherson
To: Jeanette Vosburg; jd@johnanthonydavis.com
Subject: Fwd: GC Complaint (Brandy #1)-Dept.Finance
Attachments: Complaint Finance Dept..pdf
ADDITIONAL COMMENTS JD COMMENTS copy.pdf
CA CONSERVENCY PUBLIC COMMENTS JOHHN DAVIS 3-29-2012.pdf
Screen Shot 2015-05-14 at 5.24.19 PM.png
Screen Shot 2015-05-14 at 5.25.15 PM.png
Screen Shot 2015-05-14 at 5.19.37 PM.png
Screen Shot 2015-05-14 at 5.20.33 PM.png
Screen Shot 2015-05-14 at 5.21.04 PM.png
Screen Shot 2015-05-14 at 4.57.51 PM.png
INFORMATION FOR LACOUNTY DA.pdf

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: GC Complaint (Brandy #1)-Dept. Finance
Date: May 19, 2015 11:46:30 AM PDT
To: OSAEHotline@DOF.CA.GOV

To: California Department of Finance
COMPLAINT & REQUEST FOR AUDIT OF STATE COASTAL CONSERVANCY, SMBRC/AUTHORITY

From: Grassroots Coalition, Patricia McPherson

Exhibit 1 O11-446

Exhibit 2, Screen Shots

The following portion of document is from report from the SMBRFoundation to USEPA.

O11-446 cont.

Exhibit 3
Screen Shot below and, ***Exhibit PDF to right of Screen Shot***

To: Department of Finance
COMPLAINTS & REQUEST FOR AUDIT(S)
CC David Botheho, CPA, Chief, Office of State Audits and Evaluations
Diana Antony, Manager; Beliz Chappuie, Supervisor

From: Grassroots Coalition (GC)
Patricia McPherson, President

RE: **REQUEST FOR AUDIT(S) &**

COMPLAINT PERTAINING TO CALIFORNIA STATE COASTAL CONSERVANCY's IMPROPER BOND FINANCING, Direct & Indirect, TO THE JOINT POWERS AUTHORITY (Authority) consisting of:
The Santa Monica Bay Restoration Commission & Los Angeles Public Works Department (Flood Control) and,
The Santa Monica Bay Restoration Foundation (an independent, private business)

A Joint Powers Agreement (JPA) undertaken pursuant to the California Government Code legally binds the Santa Monica Bay Restoration Commission (SMBRC, a non-regulatory State Agency, legislatively created within the State Water Resources Control Board) and the County of Los Angeles Public Works Department (Flood Control). The two agencies, via the JPA are jointly known as the Santa Monica Bay Restoration Authority (AUTHORITY).

O11-447

This Complaint addresses GC's belief of improper financing & financing manipulations (including, intent to improperly finance) , lack of transparency and accountability by the State Coastal Conservancy (SCC) as it has manipulated and provided public bond funds directly and indirectly to various contractors for the Ballona Wetlands Restoration; The Santa Monica Bay Restoration Commission (SMBRC), Los Angeles Public Works Department, the Authority and the Santa Monica Bay Restoration Foundation (a private business, believed to be co-mingling funds with the Authority, having conflicted interests, and having been improperly delegated oversight responsibilities for the SMBR Commission and its financing and the Authority).

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The SCC's role appears to show staff, including staff having direct oversight of bond money disbursal and actions pertaining to Ballona Wetlands Ecological Reserve, as having knowledge of improper behavior and performance of activities that manipulated bond funds to the entities cited herein while having knowledge that required approvals, accounting & audits were not being performed.

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Lastly, this Complaint alleges that the improper actions pertaining to the SCC that are cited by the Department of Finance in the 2011 Audit of the SCC, continued to occur after the Audit and have not abated. The 2012 SCC Complaints from J. Davis and GC, include many of the same findings as the 2011 Dept. of Finance Audit, such as failure to illicit and/or garner applications for grants including the lack of application and follow through accountability for a $6,250,000 & $240,000 grant awarded by the SCC Commission to the SMBR Foundation and ostensibly itself, the SCC. The grant consisted of Prop. 12 bond funds designated explicitly for the restoration of Ballona Wetlands Ecological Reserve. 1/19/2012 Staff Report, File No. 04-088; Project Manager, Mary Small.

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O11-447 cont.

Grassroots Coalition reserves the right to amend this Complaint and add further information as it becomes available. Due to the size of the attachments to be sent, it is anticipated that multiple emails pertaining to this Complaint will be sent to the Department of Finance.

Thank you for your patience and assistance regarding this GC Complaint regarding the California Coastal Conservancy and other entities that are included herein that may receive money via the Coastal Conservancy per Ballona Wetlands Ecological Reserve.

Patricia McPherson, Grassroots Coalition

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See email , ADDITIONAL COMPLAINTS, 2012
Patricia McPherson, Grassroots Coalition;

California Coastal Conservancy Complaint, John Davis 2012

Exhibit 2 See Cover email, INFORMATION PDF and Screen Shot of email

Exhibit 3 See Cover email, Screen Shot of SCC Grant 12/13/11 ; $6,490,000.00

Thank you for your attention to these matters of great public concern,

Patricia McPherson, Grassroots Coalition, President

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GC Complaint (Brandy.(email series #)) Dept. of Finance
are being sent and logged that will include the Exhibits noted in this Cover Letter.

O11-447 cont.

FROM: Grassroots Coalition,
Patricia McPherson, President
Patriciamcpherson1@verizon.net

August 2, 2012

TO:
California Coastal Conservancy
Attn. Executive Director, San Schuchat &
All Governing Board Member and Alternates

CC
John Chiang- CA. State Controller
Matosantos- CA. Dept. of Finance Director
Bill Lockyer- CA. State Treasurer
John Laird- Dept. of Natural Resources
U.S. Army Corps of Engineers Attn. Commander Mark Toy
U.S. Senator Barbara Boxer
U.S. Congress Person Maxine Waters
L.A.Councilman Bill Rosendahl

RE: Complaint- Supporting the 3/29/12 REQUEST TO RESCIND APPROVAL FOR STAFF RECOMMENDATION APPROVAL ON 1/19/12 awarding $6,490,00. for: FILE NO. 04-088-

BALLONA WETLANDS RESTORATION ENGINEERING AND TECHNICAL STUDIES O11-448

The following paper from Grassroots Coalition (GC) represents GC's opinion of its findings and data support garnered via the Public Record Act and the Freedom of Information Act.

This document also requests the Coastal Conservancy to stop its illegitimate interference in the approved and ongoing 2005 Joint EIS/EIR process between the Sponsor-- Santa Monica Bay Restoration Commission (SMBRC)/ LA County Flood Control and, the U.S. Army Corps of Engineers.

The Coastal Conservancy, using its control over public bond money, has shut out the public process and taken its influence as a financially powerful board member of the SMBRC and partner of the California Department of Fish & Game (DFG), the lead agency of the publicly owned Ballona Wetlands-to fund a process that is contradictory to the 2005 federal process that was requested by Congress.

The Coastal Conservancy is propelling a bait and switch - a NEW Joint EIR/EIS process and a NEW Notice of Intent (NOI) that undermines and attempts to extinguish the current 2005 Joint EIS/EIR APPROVED PROCESS with its attendant safeguards of multiple habitat restoration alternatives.

The Coastal Conservancy is instead, illegitimately propelling a singular outcome that stops restoration of Ballona and protection of its endangered species to instead convert the habitat into a non-historical dredged out estuarine habitat that promotes LA Port expansion and other financial deals.

Background:
In 2004, Ballona Wetlands acreage was purchased via PUBLIC funding for approximately $140 million. **The land is owned by the public** and is currently administered by the California Dept. of Fish and Game (freshwater marsh portion by the State Lands Commission) .

Important, new information contained herein reflects a Coastal Conservancy (CC) Public Record Act (PRA) response consisting of numerous heretofore undisclosed CC documents contained on a CD. The CD was provided after the 1/19/12 CC Governing Board Hearing in Los Angeles, CA. and, after the CC Governing Board's Hearing in Ventura, CA. on 3/29/12.

I.
The Coastal Conservancy PRA CD provides evidence to show that misleading and/or incorrect information was presented in the Staff Recommendation of 1/19/12 (File No. 04-088)

O11-448 cont.

The newly disclosed Coastal Conservancy documents (CD) reveal:

A. potential misuse of public bond money (Prop. 12, PRC 5096.352 (f) and or (b)(1));
B. lack of disclosure, lack of public process and transparency of process regarding the Coastal Conservancy's involvement and; associations with other agencies --federal- US Army Corps of Engineers (USACE) and; state agencies and; a private nonprofit- the Santa Monica Bay Restoration Foundation (Foundation) that pertain to Ballona Wetlands in Los Angeles, CA.
C. Prop. 12 (Number 172 of Dept. of Natural Resources Listing of Prop. 12 bond grants; 3760-30203-0005(2)(B)07) Coastal Conservancy bond grant to The Southern California Coastal Water Research Project (SCWRP) -Ballona Wetlands Restoration. The Coastal Conservancy, contrary to the bond grant language and intention of allowing for a "scientific advisory committee" (SAC) to review and advise regarding **'enhancement'** plans for the restoration goals of Ballona Wetlands; the Coastal Conservancy instead propelled and directed SCCWRP members and other contractors to perform a singular outcome of **'creation' of a full tidal/ estuarine, non-historical , treatment wetland as an end of pipe, experimental solution to the toxic contamination of Ballona Creek.**

The CC Staff Recommendation is a non-historically oriented goal and thus fails to adhere to bond language for "enhancement" of Ballona Wetlands and also fails to adhere to "restoration" as defined by Southern California Wetlands Recovery Project (SCWRP). (See p.3 SCWRP restoration definition) And, contrary to publically stated and written goals of transparency and interchange, the CC and SMBRC precluded the public and Working Group from participating and interfacing with SAC. Thus, the CC and SMBRC, utilizing all public bond dollars have effectively shut the public out of the Ballona Wetland Restoration design process.

Contrary to comments made below in the Staff Recommendation 1/19/12 (File No. 04-088), the conceptual restoration plan was **not** developed in a public process and the public and other parties were **precluded** from participation in all facets of the development of the restoration alternatives

"Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives."
(p. 9 of 9 1/19/12 Staff Recommendation; Emphasis added.)

O11-448 cont.

The CD documents reveal that the conceptual restoration plan was developed by the Coastal Conservancy and by the executive director and staff of Santa Monica Bay Restoration Commission- a California state agency.

Note- the SMBRCommission's executive director and most staff are not state personnel . Since 2005, the executive director and staff of the SMBRFoundation (a private 501c3) simultaneously act as SMBRC staff and executive director. IRS records reveal payment to the Foundation's executive director and staff from the Foundation. We have found no contractual authority for such private persons to serve as state officers of a state agency or as staff of a state agency. We are currently requesting an assessment and investigation into these matters of great public concern.

The CD documents reveal that the Coastal Conservancy Staff Recommendation was created:

1. in a void of public/ Working Group input acknowledgement and use.
2. in a vacuum of interchange between the Scientific Advisory Committee and the public/ Working Group and the USACE contractual agreements.
3. while failing to disclose scientific findings to all parties and;
4. while failing to provide process as written by the Coastal Conservancy.
5. without adherence to the 2005, contractual agreement between the United States Army Corps of Engineers (USACE) and the Sponsor (aka the Authority- SMBRC & LA County Flood Control) wherein a Joint EIR/ EIS of Corps certified programs of environmental review would take place and;

6. without CC Governing Board authorization and without public disclosure-- the CC Project Manager created an enterprise consisting of a 'new' Joint EIR/EIS process ostensibly intended to circumvent the 2005 approved process. (JD submission to CC 3/29/12)
7.

Lack of Disclosure Has Led To An Inability To Make Informed Decisions

I.

A. Proposition 12 Funds-The Public's Intent - To Acquire, Protect and Restore Is Not Fulfilled.

The Prop. 12, Public Resource Code (PRC) Section 5096.352 language states, " (f) Twenty-five million dollars ($25,000,000) of the funds shall be allocated to **acquire, protect, and restore** wetlands projects that are a minimum of 400 acres in size in any county with a population greater than 5,000,000. (Emphasis added. The Ballona Wetlands is distinguished as fulfilling this specific criteria.)

Restoration-specifically refers to actions taken to obtain a former state of a natural condition. (Southern California Wetlands Recovery Project (SCWRP)- Science Advisory Panel (SAP)- Glossary of Terms)

Estuarine wetlands- are subtidal and intertidal habitats that are semi-enclosed by land, have access to the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from the land (Cowardin et. Al. 1979)SCWRP, SAP Glossary)

O11-448 cont.

. Ballona was not historically continually open and connected to the ocean and large, inundating flows of fresh water occurred infrequently only during major flood events (CD- SAC docs; USGS docs provided to CC by J. Davis; CC's T-sheets).

"The project we are recommending is enormous in scale." CC- MarySmall (JD PRA Response attachment in 3/28/12 CC Hearing-Request)

Contrary to "protecting and restoring" the Ballona habitat, the approval of the Engineering and Technical Studies & SMBRC bond awards will specifically promote a singular outcome- massive destruction of currently functioning habitat that will not 'obtain a former state of a natural condition' but, will instead endeavor upon a non-historically oriented, experimental estuarine treatment wetland project expected to encounter yearly flooding and scouring events. The project is not expected to be self-sustaining but instead expected to promote a perpetual money pit of contracts for monitoring and unknown but expected repairs and fixes- - future landscape changes further transfiguring the flora and fauna. (CD/SAC)

A failure to adhere to grant proposal requirements, as dictated by the State of Ca. Finance Dept. in recent audits, continues

.

NOTE: While the Coastal Conservancy promotes the idea that it provides bond grants to the SMBRC, the Coastal Conservancy has actually never provided any bond money to the SMBRC as per the 2002,

SB 1381 Keuhl bill that established a Treasury Account for the SMBRC. Instead, the Coastal Conservancy provides public bond money grants to the private nonprofit-the SMBRFoundation—typically without a grant proposal having been provided-as is the case in the 1/19/12 grant approval.
Recent audits of the CC by the California Dept. of Finance require that the CC adhere to grant proposal requirements established by the Dept of Finance. However, the CC's failure to adhere continues as is the case in the 1/19/12 grant approval.

The currently clean land (LARWQCB) and functioning habitats-include endangered and rare Southern California native plants and wildlife, which will be destroyed in order to create the end of pipe, treatment wetland for toxic Ballona Creek waters and sediments. (CD-SAC) The full tidal, estuarine goal also appears to discharge political favors for LA Port expansion(s) approvals that need wetland mitigation credit(s) and/or extensive fill material from Ballona.
(See e-mails regarding LA Port - letters of support for the Staff Reccommendation)

Contrary to the 8/13/04 CC MEMO (p.4), the CD -SAC documents reveal wildlife and habitat destruction and dangers, endless and exorbitant financial costs, inability to show sustainability and potential legal quagmires that were not revealed to the public/ Working Group and other parties-- some of whom were asked to sign onto Coastal Conservancy pre-scripted letters of support for the 1/19/12 Staff Recommendation.* O11-448 cont.

*Contrary to the promised 'transparency' of process; CC and SMBRC staff improperly lobbied for letters of support for the 1/19/12 Staff Recommendation prior to a public notification of an agenda and release of the Staff Report thusly, discriminating against all others by failing to provide the same comment opportunity prior to the issuance of the Staff Report.

The public has a right to know the full extent of issues regarding changes to Ballona. Whatever decisions are rendered, they should not be based upon piecemealed, truncated and biased information as has currently been provided.

PROPOSITION 12 Identification of Funds; Status of Funds
The Staff Recommendation(SR) is unclear which Proposition 12 funds are being requested. Two possible funding sections of Prop. 12 are:
- Proposition 12 bond money discussed in the SR as specifically for Ballona Wetlands is listed under Public Resource Code (PRC) Section 5096.352 (f)). The accounting for these funds was not provided in the Staff Recommendation and remains unknown.
-Other Prop 12 funds include: PRC Section 5096.352(b)(1)-to the Santa Monica Bay Restoration Project/Bay Watershed Council; that account status remains unclear also.
(In 2002, Senate Bill 1381 (Keuhl) transformed the SMBR"Project" into the SMBRCommission. Prop. 12, PRC language utilizes the Bay Watershed Council. The ByLaws of the the Bay Watershed Council (BWC) remained intact which now give rise to

questions regarding the actual existence of the BWC after SB 1381 which may influence the use of the Prop 12 bond funds.)

I.

B. 5-6. The Coastal Conservancy Project Manager and SMBRC Executive Director/ Staff, Have Not Been Forthright With the Public Regarding Disclosure of Process Changes Pertaining to Federal (USACE) Contractual Agreements

U.S. ARMY CORPS OF ENGINEERS

1994, Sept.28 Adopted- "Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California published as House Document 389, Eighty-third Congress, Second Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of navigation, hurricane and storm damage reduction, environmental restoration and other purposes at Marina del Rey Harbor, Los Angeles, California, with consideration given to the disposal of contaminated sediments from the entrance channel required under the existing operation and maintenance program at Marina del Rey Harbor."

In 2005, USACE Noticed and embarked upon an areawide ecological review- an EIS- of the historic Ballona Wetlands area that included the U.S. 83th Congress -- House Document 389 under Public Law 780. Map-Enclosure No. 1 (General Plan of Improvement) reveals the entire Ballona region as part of this action including but not limited to Ballona Lagoon, Del Rey Lagoon and the Sanctuary area , Ballona Creek, Centinela Creek etc. (See language of the USACE Lower Ballona Creek Restoration Reconnaissance Study and; Feasibility Study). This EIS was predicated upon having a local Sponsor as part of the review process and to aid in the outreach to the PUBLIC and the creation of the Joint EIR/EIS process.
SMBRC/LA Flood Control (the Authority) aka the Sponsor-- contractually agreed to the Joint EIR/EIS in 2005.
The contract included having the Sponsor (Authority) provide at least 6 public meetings dedicated to providing time for USACE representatives to discuss the USACE status of the Joint EIR/ EIS process. The follow through for such meetings has not occurred.
(In various earlier approved bond requests for Ballona projects; Project Manager Mary Small eliminates reference to the 2005 contractual agreement for a Joint EIR/EIS which jointly provides for the Ballona Restoration Alternatives (2005 contract between- USACE and SMBRC/LA Flood Control aka Authority) Instead Ms. Small's staff recommendations inform the CC Governing Board that as of 2005 only the Ca. Dept. of Fish & Game, State Lands Commission and SMBRC are part of the oversight of Ballona and alludes that the Conservancy has the restoration alternatives planning duties:

O11-448 cont.

(Ballona Wetland Improved Public Access; File No. 04-088; 7/21/10)
"In 2005, the Conservancy initiated conceptual planning and feasibility analysis of restoration alternatives

for the property. This project is being implemented in partnership with the DFG and the State Lands Commission, the two state agency owners of the property and the Santa Monica Bay Restoration Commission. The feasibility analysis was completed in 2008, after a delay due to the bond freeze, and the project partners are now initiating environmental review and detailed engineering of a long-term, phased restoration project. When the restoration planning began, the Conservancy funded the development of an Interim Site Stewardship Plan to address the pressing concerns related to site management. As discussed above, in 2008 the Conservancy provided a grant to MRCA to fund construction of some site improvements and to fund planning, design and preparation of permit applications for additional access improvements. Based on the completed planning work, the MRCA and the project partners determined that it will be more cost effective and logical to pursue implementation of most access improvements as part of the environmental review and permitting for the long-term phased restoration project.
PROJECT FINANCING:
Coastal Conservancy $280,000
MRCA 120,000
SMBRC, US EPA funds 20,000
Total Project Cost $420,000"

This is an omission of pertinent and critical fact given in order to garner public bond money. (See J. Davis 3/28/12 Request to CC Gov. Brd.; USACE/CC minutes of meeting(s) and page 6)
See also File No. 04-088 on page 17.
Additionally, the bond money was approved but accountability for its use has not been forthcoming. And,
No fund award was given to SMBRC from the USEPA as cited above. The Treasury Account set up for the SMBRC under SB1381 was not utilized. Instead, ostensibly the USEPA funds went to the private nonprofit, the Foundation. The Foundation, as a private non-profit 501c3, provides no accountability to the public.

O11-448 cont.

The Coastal Conservancy, had also made promises to the public regarding transparency and public inclusion in the entire process of exploring **all reasonable alternatives for enhancement of Ballona.**

For example in an early Coastal Conservancy MEMO dated 8/13/04 to California Department of Fish & Game (DFG) and the State Lands Commission (SLC), the **GOALS/PRINCIPALS read in part-**

*"**The restoration plan** will be based on the best science, incorporate technical scientific expertise and **will be developed through a transparent planning process that allows stakeholders to provide input and comment on all restoration planning products.** The restoration planning process will develop and analyze a **range of alternatives to implement the following projectgoals**:*
*-**Restore and enhance a mix of wetland habitats to benefit endangered and threatened species as well as other migratory and resident species**;*
*-Provide for wildlife-oriented public access and recreation opportunities; and -**Implement a technically feasible, cost effective, ecologically beneficial and sustainable restoration**." [Emphasis added.)*

And,

"..restoration will be conducted within the landscape and watershed context, with attention paid ***to adjacent and ecologically related resources."*** Pg. 1

According to CD documents, the Coastal Conservancy's Ballona project manager participated in USACE meetings in the 2004 timeframe citing inclusion of the areawide ecosystem eg. Ballona Lagoon, Del Rey Lagoon, the Sanctuary area, Marina del Rey and others that paralleled the activities of ecosystem review as described by the USACE (Reconnaissance Study; Lower Ballona Creek Restoration Feasiblity Study; 3/28/12 J.Davis submission to CC)

However, in contradiction to the 8/13/04 Memo cited above, the context of the larger historic boundaries of Ballona Wetlands were later arbitrarily dropped, without public notification or discussion. The CC Project Manager discusses no longer including the adjacent and ecologically related resources as part of the Joint EIR/EIS restoration evaluation performed with the USACE:

6/2/10 CC, SMBRC, USACE Ballona Coordination Meeting Minutes:

"*II. b. Mary Small: Have all the PMP sections looked at the same project area? Parts still refer to Ballona Lagoon, Grand Canal, Venice Canals and Oxford Basin, which are no longer in the study area.* (3/28/12 CC hearing; J. Davis Attachment)

O11-448 cont.

And, the Project Manager discusses instead a 'new' process for which there is no ostensible authority and to which the public has not been made aware:

"Mary Small: If the Corps falls too behind, we will work with Corps Regulatory for a permit for their activities [NEPA/CEQA, design, permitting, and Phase 1 construction)" and;

"Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was never in writing."(6/28/10 Ballona Ecosystem Restoration Planning Management Meeting)

It was never the public's understanding that the Corps would be held to Coastal Conservancy and Foundation staff"s restoration alternatives. Legal legitimacy for such behavior is also questionable. And,

"Suggested response

1) *The EIS/EIR process begun in 2005 was for the Army Corps' Lower Ballona Ecosystem Restoration Feasibility Study, that project and the associated environmental review has not been completed and is not moving forward at this time. The EIR/S process for the proposed enhancement project will be separate." 2/7/12*

CC/Mary Small to Ca.Dept. Fish & Game- Rick Mayfield per response to Davis Ballona CEQA process query. (JDavis attachment 3/28/12 Request to CC Board)

Thus, the CC switch in process is 'suggested' to be disclosed to a member of the public after seeking and garnering approval for the 1/19/12 Staff Recommendation.
(3/28/12 CC Hearing, Davis PRA attachment to Request)

This new and unauthorized process discussion continues in the same email, 2/7/12, from Shelley Luce to Mary Small and Rick Mayfield (CDFG):

..**" *The EIR/EIS*** *that* ***we want to start*** *is for a separate project, i.e. the BWER restoration/ enhancement project. "..* (emphasis added.)

The EIR/EIS that they want to start IS NOT on a separate project but instead on the same project but having eliminated the '94/ 2005 Joint EIR/EIS process; scope of review; environmental safeguards and full range of alternatives inherent in '94/ 2005 approved process.
In other words, the CC attempts to have the public and the USACE but out of their way so that the CC can control the project --using the public's dollar--alongside its political allies.

And, while Mary Small provides the appearance that the Request For Proposals is new online--*" the request for services ..went out today"*- -
2/8/12 CC email (JDavis PRA response attachment in 3/28/12 Request to CC Board)

O11-448 cont.

The Coastal Conservancy, had already put out an online RFP in 2010 for the work requested for approval in the 1/19/12 Staff Recommendation. Thus, it appears that as of 2010, the outcome was already a done deal behind the public scene.

Changes, such as this were not communicated to the Public/ Working Group and the ongoing status of the relationship with the USACE as per the Joint EIR/EIS was not communicated either. In fact, the USACE- Sect. of the Army was not made aware of the attempt to extinguish the earlier, approved process. Any extinguishing of the approved EIR/EIS process (including House Document 389) would have to abide by the USACE process of removal. The process provides accountability for reasoning as to the ending of the project as well as detailed accounting for money spent and what had occurred throughout the process. This activity has not occurred and the USACE has provided a letter stipulating that the approved process is maintained and that investigation into the matter has started. (USACE-J.Davis communication).

It is also unclear whether USACE/SPONSOR information was communicated to the Science Advisory Committee or other parties. Specific USACE work projects, including response to House Document 389 and work quality/certification needs are not communicated in any of the CD-SAC meeting notes which appears to show that the SAC team (contracted and paid for with public funds) were fulfilling ONLY the arbitrary GOALS as set forth by the CC Project Manager and SMBRC staff. Issues

such as the protection of groundwater (classified as potential drinking water), an issue of House Doc. 389 and current Los Angeles- Best Management Practices (BMPs) are absent in the meeting minutes.

Thus, the CC and SMBRC staff, provided for an atmosphere of further disconnect, lack of transparency and compartmentalization of information sharing.
And,
the public/Working Group was not made aware that the CC considered itself a part of the USACE/SPONSOR contract (which it is not) -so much a part, that Mary Small apparently believed that the CC would provide the alternative(s) for the USACE in the Joint EIR/EIS:

6/28/10 Ecosystem Restoration Planning Management Meeting:
II. C. 2." *Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was was never in writing."..*

This type of very questionable influence was not conveyed publically. According to the USACE, Joint EIR/EIS language, the USACE study would provide for all reasonable alternatives and the process would embrace public disclosure and participation.
The Coastal Conservancy and SMBRC staff have not been forthright with the public regarding status of the Joint EIR/EIS. O11-448 cont.

I.
B. 1- 3. The CD reveals SAC meetings, reports and concerns not shared with the public/the Working Group and other parties. Conversely, the public/ Working Group comments and concerns are not cross- shared.

Contrary to the 1/19/12 Staff Recommendation, the public, Working Group and others have not been engaged by the Coastal Conservancy as promised and have not been provided with full information from the Science Advisory Committee (SAC) group in order to make informed decisions and provide input throughout the process to date.
Prop. 12 bond money was also provided from the Natural Resources Dept. to the Coastal Conservancy specifically to provide a GRANT to the Southern California Coastal Waters Research Project (SCCWRP)(#172) for creation of a SAC team. Thus, the SAC team was paid with public dollars to perform as an independent scientific advisory panel to provide input and advice regarding historical restoration options. Contrary to the GRANT purposes, the Coastal Conservancy's Ballona Project Manager and SMBRC staff instead told the SAC team what the intended outcome was and that all input was to secure that goal-namely full tidal estuarine and levee removal.
Thus, the Prop. 12 bond money was not utilized as intended.
The Coastal Conservancy and SMBRC staff kept the public and the Working Group out of the SAC loop of information and knowledge thereby thwarting and distancing

any meaningful interchanges and participation as falsely stated in the Staff Recommendation below.

Staff Recommendation excerpt:
"Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives."
(p. 9 of 9 Staff Recommendation 1/19/12)

And, contrary to assurances that the public would be notified and included on all SAC meetings, the public was not notified or included.

"*MARY S. all SAC meeting are public, all interested parties will be notified and invited, meetings will be structured with SAC addressing issues first and public comment period at the end."* (CD- 7/20/05 LMU Ballona SAC MTG.)

A 2004 MEMO discusses -
"Ballona Restoration Planning Working Group: Stakeholder Committee and Public Involvement
"*A Ballona Restoration Planning Working Group [brpwg) made up of interested organizations, agencies, and individuals, will meet periodically to obtain project status updates, to provide input, and to support the restoration planning process. These meetings will be open to the public. Subcommittees may be established to address specific issues that may arise during planning."*pg.2

O11-448 cont.

The language above provided for the public involvement at the start of the process that began with 'interim stewardship' meetings, (eg. trash cleanup and education tours) which did occur. As time passed, meetings stopped, informational sharing from agencies and the science team became nonexistent and; the public's comments were not included in the planning process that continued behind closed doors.
-Website topic- SAC meeting minutes- was not accessible to the public. Instead, when clicked - the website told the viewer entry was not allowed.
-SAC meetings, though described as open to the public, were not. The CD documents reveal that the SAC meetings were, in the main, telephonic and not inclusive of the public. Reports and Memos were not shared with the public but utilized internally.

A continued failure to acknowledge the public and Working Group is also documented via the 2012 Science Advisory Meeting that was held days after the Staff Recommendation Approval. The SAC meeting was also a first in years for actually occurring and, that public notice was provided.

The Public/ the Working Group:

- provided strong objections to the proposed Plan, providing written testimony as well as oral testimony.
- listed issues that needed to be addressed properly; asked for responses that thus far have gone unanswered and,
- again requested the area be considered in its totality of ecosystem variety and benefits utilizing the historic system of Ballona.
- reminded the SAC that the area now has more saltwater --deep and mid habitat than historically existed at Ballona due to the Marina del Rey; Ballona Lagoon Marine Preserve; Del Rey Lagoon; Ballona Creek itself and; as well as freshwater due to the newly created catch-basin- aka, the freshwater marsh. (historically= the last couple hundred years)
- SAC numerical analysis of habitat types was in error. Ratios of entire Ballona Wetlands historic habitat applied to be fulfilled in Areas A, B, C alone is a faulty analysis. The SAC- ratio numbers that pertained to former water habitat and land elevations were either incorrect and/or not documented by SAC.
- cited and documented that SAC dredge spoils deposition locations and volumes were incorrect. (USGS Documents and maps provided by John Davis to the Coastal Conservancy)

The CC and SMBRC continue to fail to respond. O11-448 cont.

Note: The CC continues to fail to respond to queries and comments provided by the public and its so-called "Working Group" members from 1/19/12 and 3/29/12.

FAILURE TO INCLUDE THE WORKING GROUP COMMENTS AND REQUESTS

Despite providing comments, documentation and evidence regarding the topics listed above and others; there is no documentation provided from the Coastal Conservancy on the CD that any of the public/ Working Group communications were included for any meaningful response or use.

The CD documents reveal no inclusion of the public in any decision making for the alternatives.

Public comments provided to SMBRC and the Coastal Conservancy regarding Ballona specific studies such as the Phil Williams & Assoc. report, that did not address or incorrectly addressed issues, such as the migrating oilfield gas and reservoir gas leakage from SOCALGAS had no meaningful response. There is no showing that the CC or SMBRC staff ever shared these concerns with the SAC team, much less did any meaningful, good faith follow up with the public to understand how the gases may impact restoration. The same holds true for issues regarding protection and utilization of the Ballona aquifer groundwater hydrology. Repeated requests from stakeholders to be given ½ hour presentation time to provide information regarding hydrology and groundwater diversion issues, before the SMBRC have been met with silence (The CC is part of the SMBRC) .

I.B.

CONTROL OF MESSAGE AND OUTCOME
The CC and SMBRC Staff :
Allow For No Public/ Working Group Participation In The Planning Process;
Fail to Disclose Science Advisory Committee (SAC) Conference Calls, Memorandums and Reports For Planning of Alternatives;
Feasibility, Cost, Sustainability, Ecosystem Pros and Cons Are Not Disclosed;
And
The CC & SMBRC Staff Arbitrarily Define Project Goal=Estaurine

Staff Recommendation excerpt:
"Cooperation: The conceptual restoration plan was developed in a public process with input from a Science Advisory Committee, an Agency Advisor Committee, and the Ballona Working Group made up of representatives of local nonprofit organizations, agency staff and members of the public. Individual public members also participated in all facets of the development of the restoration alternatives."
(p. 9 of 9 Staff Recommendation 1/19/12)

The 1/19/12 Staff Recommendation excerpt is false. The public/ Working Group was neither privy to the SAC meetings and information created nor included in the planning process to participate in all facets of the development of the restoration alternatives.
The following excerpts from the CD document an internal discussion revealing the CC and SMBRC staff created and controlled the alternative selection:

O11-448 cont.

"Wayne [Wayne Ferren) suggested that biological sustainability be defined as no loss of habitat types & functions, major guilds, and sensitive species over the project site as a whole." July 7, 2008 SAC Conference Call.

And;

"]oy []oy Zedler) asked how biodiversity is being defined? ***Sean indicated that biodiversity = highest richness of estuarine dependent species****. If this is how we are defining biodiversity, it should be stated clearly in the document.* (emphasis added; Sean Berquist was SMBRC staff and Foundation staff during this timeframe) and,

"*Wayne suggested that we clarify that biodiversity is the sustainable richness of representative interdependent native estuarine habitats along with their associated and expected species biodiversity.* "(CD-June 23, 2008 SAC Conference Call)

The next parargraph, written by the note-taker- cited by CC as being CC or SMBRC staff- <u>states the goal</u>-
"Estuarine biodiversity is the primary objective of the analysis."
(CD- June 23, 2008 SAC Conference Call Memo)

This same Memo also sets forth a GOAL that was not shared with the public/ Working Group.
"The project goal is to create functional estuarine habitat.";
"1. Maximize area of estuarine habitat.";
Opportunities to create regionally significant habitat including vernal pools and.should be pursued but ***not at the expense of restoration of estuarine habitat."***

The public/Working Group was not allowed to participate in the decision making and was not advised as to the differing opinions rendered by the SAC team.

Since this timeframe and without public notification or disclosure the Coastal Conservancy and staff of the Foundation have worked to eliminate the areawide review of ecosystem function and alternative habitat plans-including a public debate regarding the pros and cons of each system -- to instead focus upon a predetermined singular outcome of removal of Ballona Creek levees and dredging of Ballona to 'landscape' and convert the land from its historic natural function to an entirely new, artificial and unnatural function that precludes all habitat function that does not primarily promote the estuarine full tidal premise.

And though asked publically where this 'Plan- Alternative 5 " came from, no response has been forthcoming from either the CC or Foundation staff. O11-448 cont.

The CD docs however now shed light as to the creation of this "preferred plan". The overtones of financial leverage dominate the first half of the letter and serve to advance a predetermined outcome that is seen fulfilled in the Coastal Conservancy Staff Recommendation-the removal of levees to create the treatment wetlands.

July 10, 2007 SMBRC letter from Shelley Luce to Coastal Conservancy's Ballona Project Manager- Mary Small:

"Dear Mary,
The Santa Monica Bay Restoration Commission, a National Estuary Program of the US EPA, has been pleased to participate in the acquisition and restoration of the Ballona wetlands at all levels over the last several years. We are proud partners in the restoration planning, and currently have one staff member dedicated full time to the planning effort, while I serve on the Ballona Wetlands Science Advisory Committee (SAC). The SMBRC is also an active local partner in the Army Corps of Engineers' Lower Ballona Ecosystem Restoration Feasibility Study and are participating in clean up and restoration plans for Ballona Lagoon, the Grand Canal, Marine del Rey and the Oxford Basin. We have also awarded several millions of dollars of bond monies under our purview to projects designed to improve water quality and habitat in the Ballona Creek watershed. Ballona wetlands restoration is clearly a very high priority of the SMBRC and the EPA.
I have reviewed the restoration design alternatives that are being developed by the consulting team and I am disappointed that they do not fully consider important restoration options, thereby limiting potential habitat, biodiversity and water quality improvements in the wetlands complex. The Ballona SAC requested design alternatives that encompass the "extremes" of restoration planning, i.e. from minimal intervention to maximal structural changes, as well as alternatives in between. The current proposed

alternatives do not provide this and need to be modified, or an additional (fourth) alternative is needed.
SMBRC feels that the restoration design for Ballona wetlands must represent a true restoration of maximum ecological functions and services for the area. Actual restoration work will not begin for months or years, and will be a long term and costly process. The best approach is to include design alternatives that are not limited by current infrastructure or fiscal concerns, since these factors will certainly change over the duration of the restoration process. Similarly, factors such as poor water quality in Ballona Creek will continue to change as Total Maximum Daily Loads and other regulatory measures are implemented. It does not serve us to design the restoration as though it would be undertaken and completed in the very near future, under existing physical or financial constraints.
I would like to request that the design team include at least one design alternative that proposes to
• remove all or part of the levees on one or both sides of Ballona Creek;
• daylight the channel connecting the freshwater marsh to the creek in Area B, and Stingray Creek to Marina del Rey in Area A;
• raise Culver Boulevard to increase flows between the north and south sections of Area B; and
• increase connectivity between Ballona Creek and Areas A and B."

Our staff Wetlands Restoration Manager Sean Bergquist is available to work closely with the consulting team to ensure the revised or new alternatives include features that stakeholders and the SAC members supported. The revised or new alternatives should be presented as one of the group of alternatives for consideration under CEQA and by stakeholders and the SAC.

Given our experience in and commitment to the Ballona wetlands and surrounding interconnected areas, the SMBRC staff, Governing Board and Watershed Council have a great deal to contribute to the restoration process. Please feel free to consult us further during development of the restoration design alternatives and we look forward to continuing our partnership to restore Ballona wetlands.
Sincerely,
Shelley Luce, D.Env.
Executive Director

O11-448 cont.

An e-mail 7/17/07 from SMBRCommission & Foundation executive officer Shelley Luce,
"RE: design alternative for Ballona wetland restoration" and Phil Williams & Associates' (PWA) Jeremy Lowe -
"We've sketched out Alternative 5 as described in Shelley's letter. Is this what you were envisaging?"

Luce: *" Thank you for your response Jeremy. This is a good start for a 5th alternative. Sean and Jessica are adding/changing some details and will forward to you. "* (presumably-Sean Berquist and Jessica Hall- both Foundation paid staff/ SMBRC staff)

The CD documents also reveal two sets of drawings and plans for the levy removal and levy replacement-by Jessica Hall, a Foundation paid staffer.

Ms. Luce is the Executive Director of the Foundation; no contractual agreements

have been produced by the SMBRCommission or the State Water Board that provide any authority for her to act in capacity of Executive Director of the State Agency-

Santa Monica Bay Restoration Commission which was created under SB 1381 Keuhl as a non regulatory state agency within the State Water Board. There have been no contractual agreements forthcoming by the State Water Board or federal authorities that provide for any SMBRC or federal EPA- National Estuary Program (NEP)- dedicated funding to be handed over to the SMBRFoundation. There is a treasury account that was formed under SB1381 in 2002.

The treasury account has never been used. The attendant oversight and accountability by the State Treasurer has likewise not been utilized.

Ms. Luce has been utilizing both the e-mail address and physical location of the LARWQCB as her work address. The utilization of the addresses has led to common belief that Ms. Luce is a Water Board employee. It is unknown but possible at this time to believe that the utilization of the addresses created a belief that Ms. Luce is LARWQCB personnel, which has in turn, provided Ms. Luce with access to controlling positions on various committees such as IRWMP (Integrated Resource Water Management Program). It would seem that by creating, via continued use of LARWQCB email address and business address, a very public belief that Ms. Luce is a Water Board employee may constitute impersonating a Water Board employee. The following is an e-mail exchange between Ms. Luce and a person with long associations with the Water Board and has acted as a contractor in Ballona restoration matters.

'Travis Longcore travislongcore@laaudubon.org wrote:

O11-448 cont.

Bounced from your waterboards address. Are you no longer a Water Board employee? –

Travis

On Sep 19, 2011, at 2:29 PM, Shelley Luce wrote:

***No, not for many years**. Most of our staff are with our SMBR Foundation. I will check my calendar and get back to you on this meeting, thank you for the invitation.*

Shelley" (emphasis added)

Ms. Luce does not appear to answer directly about herself with regard to the Foundation, or what she means by "our SMBR Foundation". She also does not explain her past personal use of the LARWQCB addresses while not employed and why she suddenly discontinued the practice.

Ms. Luce's resume cites her experience prior to SMBRCommission / Foundation as having been employed by Heal the Bay- the organization that has become institutionalized as part of the SMBRC. Our research indicates Ms. Luce was working in some capacity at LARWQCB during the years 1999-2001- prior to her finishing degrees from UCLA. It appears that her continued use of the Water Board e-mail address after no longer providing service to the California Water Resources Control Board has led/misled many people. (A PRA to LARWQCB is pending for identification of duties.)

Coastal Conservancy- PRA Response to J. Davis

Rare ecosystems of the coastal marsh area are discussed internally by the SAC team with the CC project manager and staff of the Foundation; the information

is not broadcasted for public awareness, inclusion of discussion and decision making as promised.

"Rich noted that the discussion of grasslands should include mention of the historical native grassland prairie ecosystems that previously existed in the area. The rarity of native grasslands should be discussed,,," (CD- 6/28/08 SAC Conference Call)

"Rarity section.complex of prairie and vernal pool.
Wet grasslands formed extensive areas were also palustrine wetlands above highest high tide.." (CD- SAC Call 6/23/08)

".there is native biodiversity in the non-tidal saline soils. _ . At Ballona, these wetlands at Area A, for example, are the only habitat where Alkali Barley [Hordeum depressum) is known to occur in the Ballona Ecosystem. This annual grass was probably the dominant native annual grass in naturally occurring non-tidal saline soils at Ballona."
(CD- 11/23/08, Wayne Ferren communication to Mary Small _)

And,
"The region has a shortage of mudflat for shorebirds, high marsh for animals and salt marsh bird's beak, marsh-upland transition for rare shrubs [eg. , box thorn) that are used by animals,.

The region has a shortage of dune habitat and back - dune depressions that support clean-water brackish marsh for aquatic plants and animals.

One could also list maritime scrub, which remains in several places ".
(CD- Joy Zedler (SAC) correspondence)

Thus , without public /Working Group inclusion and input into the formation of the alternatives and later failure to include the public /Working Group comments and concerns regarding the PWA Alternatives that are presented at one public meeting--the CC and Foundation staff continue to work behind publically closed doors to focus upon the 'Preferred Alternative", now known as Alternative 5 presented in the 1/19/12, Staff Recommendation request for funding. Alternative 5 requires massive, non-historic, extraordinary, experimental and knowingly toxic changes to occur on the land masses of Area A and B so that **"biodiversity = highest richness of estuarine dependent species."**

Contrary to the 8/13/04 CC Memo which promised transparency and public inclusion in the alternative planning process which would "restore and enhance" a mix of wetland habitats..and that would implement a technically feasible, cost effective, ecologically beneficial and sustainable restoration.
Instead, <u>the public was shut out of the planning process; and SAC knowledge regarding the **needs and dangers posed by Alternative 5 are not made public:**</u>

O11-448 cont.

"This alternative makes the greatest change to the site, would be the hardest to reverse and consequently has the most risk." [CD- 9/12/08 MEMO from SAC to PMT)

" *..this alternative would* ***require reliance on upstream flood control and pollutant removal****, and could necessitate periodic removal of accumulated pollutants for some portions of the restored wetlands. Furthermore, it is unknown how the flow and sediment yield from the upper watershed would affect the sustainability of the marsh in terms of scour or sediment deposition*." CD, P. 4of 9, 10/15/08 SAC MEMO, emphasis added.

There is no evidence of any such large scale BMP (Best Management Practice) planning or proposals for 'flood control and pollutant removal" occurring upstream on Ballona Creek.

And,

"*Eric suggested that there be a statement up front indicating that this site will not be self-sustainable, but will need to be actively managed in perpetuity.* " (CD- 7/7/08 SAC Conference Call)

Discussion and comments made from key federal agencies were withheld from the public, including but not limited to **NOAA communications regarding concern of toxicity of Ballona Creek upon the remaining wetlands should the levee removal and dredging take place.** (CD- National Oceanic Atmospheric Association email)

O11-448 cont.

Studies that discuss the toxicity of the Ballona Creek waters and sediment to life in the waters and sediment were not released or shared with the public:

"These sediments were toxic to aquatic organisms, potentially from organic compounds in these sediments. Ballona Creek has been identified as a potential source of tidal flows into Areas A, B, and C in each of the proposed restoration alternatives. Therefore, there is concern to tidal marsh areas, resulting in a negative impact to the habitats and biological resources." (CD- Weston –Technical Memorandum 11/26/07; Water Quality Data Gap Investigation Ballona Wetlands Restoration Project- Pohl , P.E., Ph.D.)

And,

" The July 2006 report by Weston also concludes that there are concerns related to water and sediment quality adjacent to the tidal channels. Consequently there is a need to develop a strategy to evaluation the potential ecological risk associated with influent water or sediment quality to the restored wetlands.

The scientific questions regarding sediment and water quality cannot be answered based on the information currently available, and will ultimately depend on the design of the project." (CD- Memorandum 3/8/08; Subject:

APPROACH FOR ADDRESSING SEDIMENT AND WATER QUALITY ISSUES)

And;

"*Eric- Conc[ept) D-is it attempt to move water and sediment into system*

Wayne- breaching levee bringing trash, water pollution and sediment into entire area is problematic.

]ohn Dixon-important to describe these NOT as projects, but a directions.

Ambrose- maybe D is too extreme-this won't happen anyway.

Dixon- do feasible maximum tidal, not D-need to scale back

]eremy- may need to do that, take out realignment Ballona-include realign on Hydrologic options"
(CD-10/30/06 SAC Conference Call)

Additional -SPECIFICS OF THE STAFF RECOMMENDATION 1/19/12

O11-448 cont.

The 1/19/12 Staff Recommendation misleads the public and the Governing Board as seen on pg. 3 of 9, paragraph 5-

" In order to complete the environmental analysis required under the National Environmental Policy Act and the California Environmental Quality Act ***and to apply for permits*** *to implement the project,* ***detailed technical work must be completed."*** *[Emphasis added.)*

What is not disclosed to the reader, is an entire change of process from the Congressionally approved 2005 Joint EIR/EIS process requirements.

The Staff Recommendation sentence itself is also very misleading. The applications for permits to the USACE for implementation of the Coastal Conservancy "Plan", namely the destruction of the levees and the dredging of Ballona have been in process prior to this Staff Recommendation. The Plan-regarding garnering the USACE permits-including the 408- was already in process.(CD)

The Conservancy in its partnership with SMBRC fails to let the public know that they have been working to end the congressionally approved federal portion of the study which entails a full ecological review of the area between the Westchester Bluffs, the Santa Monica Bay, the Santa Monica mountains to a few miles inland - which would also provide for a full review of ALL REASONABLE ALTERNATIVES for enhancement of the ecosystem. (See minutes of USACE/Sponsor meetings provided in the 3/28/12 Request to Rescind File No.04-088; EIS Lower Ballona Creek Restoration Feasibility Study 2005)

Undisclosed is the take-over of process for Ballona 'restoration' guided by the Coastal Conservancy that may disengage the USACE analysis provided for in the established 2005 Joint EIR/EIS.
Instead, it appears that the Coastal Conservancy along with SMBRC staff seek to simply garner permits from the USACE ostensibly for destruction of habitat on Ballona, in particular Area A and B of Ballona. Specifically, the CC and SMBRC staff seek permits (eg 408) for levee and land destruction and removal. It appears that the extensive dredging and massive bulldozing may provide the necessary fill for the LA Port. Questions from the public regarding the CC/SMBRC/ USACE status have gone unanswered. (CD docs and SMBRC April meeting -submission by GC)

Contrary to discussion in the Staff Recommendation-Area A is vegetated primarily by native plants and native wildlife and, is host to endangered species including but not limited to the Belding's Savannah Sparrow.
Not provided to the public are documents and communications which provide, in part, narrative of 'moving' Belding Savannah Sparrows to areas not planned for dredging. This information is vital for public discussion especially since, destruction of the Belding's habitat may wreak havoc upon the Belding population that utilizes Ballona year round. (CD)

O11-448 cont.

- Pg. 3 of 9 discusses hydrology/hydraulics studies that need to be done. What is not discussed with the reader are the multiple public requests for actual onsite hydrology studies that would include Ballona aquifer and groundwater studies that would provide the knowledge for alternatives inclusive of groundwater use onsite. Ballona has multiple aquifers underlying the site. The aquifers are classified as potential drinking water sources and are part of the West Basin aquifers which intermingle to the south and east. (Poland Report)

- None of the concerns raised in House Document 389 (part of the USACE review) regarding problems associated with further saltwater intrusion have been discussed. The elimination of the USACE EIS as part of the Joint EIR/EIS would hasten the Coastal Conservancy's and SMBRC staff GOALS = Estuarine which in turn would potentially threaten contamination of the underground aquifers as per House Document 389 literature. None of the above has been made a part of any review despite repeated requests from the public for such studies.

- The SOCALGAS operations and oilfield gas migration throughout the Ballona area have also not been discussed despite repeated requests from the public.
- Thus pg 9 of 9 is insufficient and incorrect in its comments regarding the Local Coastal Program and the Coastal Act, including but not limited to the

fact that there is no LCP language that states Ballona requires action as the Staff Recommendation implies as per 31252.

-
- Staff Recommendation- Pg. 8 of 9 Under "Sea level rise vulnerability"
- The Staff fail to alert the reader that the 'broad areas of mid marsh and high marsh" depicted--showing a meandering Ballona Creek mid-way between Area A and B-- will be inundated with yearly flood waters of the contaminated Ballona Creek -potentially killing nesting or burrowing life in the low, mid and high marsh areas. Concerns by the SAC team regarding scouring, trash and contamination were not disclosed in the Staff Report and have not been shared with the public.
- The Staff fail to inform the reader that the Preferred Plan creates a non historic cycling of yearly floods, debris and contamination as part of an end of pipe solution, a treatment wetland device .
- The Staff Recommendation does not disclose the SAC discussion of concerns regarding the creation of a treatment wetland.
- The Staff Recommendation does not alert the reader as to what is achieved with the use of the bond funds via "hydraulics" information. Will the hydraulics information be exclusive to new levy construction?
- The Staff Recommendation does not disclose to the reader, the need for upcreek flood control or contamination control as is discussed by SAC.
-

O11-448 cont.

31400- The Staff Recommendation cites enhancement of future NEW trails.
The Coastal Conservancy has already awarded large grants specifically for the Ballona Bike Trail (File No. 07-058-01) which, currently exists and is heavily utilized by the public. Since, much public funding has already been utilized and will be utilized further for the pathway, why should that same importance of pathway be taken away at Ballona?
Removal of the levees would not only take away a heavily utilized public biking and hiking trail but would also take away the pathway's use as an observatory promenade for viewing the interior of Ballona. The levees provide an important opportunity for viewing without intruding.

The Coastal Conservancy and other agencies have failed to embrace and include the public on this issue as well. Using the public's hard earned money while keeping the public out of the planning process reveals the Coastal Conservancy has not acted in good faith.

Grant Award of $280,000 to Mountains Recreation and Conservation Authority (MRCA) File No. 04-088 from Staff Recommendation 7/21/10.

1. The Mountains Recreation and Conservation Authority governing board refused to approve the use of bond money for the trailhead(s) and other enhancement s at Ballona. The Board agreed with members of the public. Namely, that due to the ongoing **Joint EIR/EIS** process' requirements being

more stringent than a singular EIR; those added requirements had to be fulfilled prior to any further decision making taking place.

Mr. Edmiston, at the meeting, asked did they want him to return the money?-

Ostensibly the bond money had already been approved and given to MRCA. Where did the money go? And;

2. The 1/19/12 Staff Recommendation cites NEW levy demolition and bike trails ,
"*the proposed project could provide a new segment of the Coastal Trail . ..the project is located at the intersection of the California Coastal Trail and the Ballona Creek Trail, and may offer a significant opportunity for the development of improved connections between these trails."* P. 7 of 9 .

- Since the Coastal Conservancy has been intent upon levee removal of Ballona Creek and dredging the land in the near future; <u>why did the Conservancy give bond money to MRCA for trail head construction and enhancements for Area A (in particular)--apparently an area it intends to soon demolish and dredge? These inconsistencies appear to show misuse of public funds; paying for contractors and salaries for projects that lead nowhere.</u>
- <u>Furthermore, it appears that when the CC Project Manager of Ballona desires to garner public bond money; the wetlands (or bike path) are discussed in a decidedly positive depiction as below:</u>

O11-448 cont.

"Despite the degradation of site resources, significant wetland habitat remains within the Ballona Wetlands. Plant species within the project site include wetland indicators such as pickleweed, marsh heather, saltgrass, arrowgrass and glasswort, and a variety of upland and exotic species including brome, iceplant, oxalis, and ryegrass. Bird surveys indicate that the site is used seasonally by a variety of migratory shorebirds, as well as by typical shoreline residents (gulls, terns, and ducks) and typical upland birds including small raptors. Bird species of special interest observed in the project area include nesting pairs of Belding's Savannah sparrow and foraging use by California least terns.
The proposed project will be implemented primarily on the portion of the BWER north of the Ballona Creek channel (Exhibit 2). This area of the reserve currently has very limited public access and suffers from illegal uses. The proposed project seeks to improve the resources on the site, increasing public use while discouraging illegal activities through improvements to fencing and signage." File No. 04-088

This same project manager provides an entirely different depiction in the negative—when public bond money is requested for demolition purposes on the same piece of property. Note also the language of utilizing funds to safeguard the property directly contradicts the 1/19/12 Staff Recommendation of the 6 plus million wherein the Project Manager cites the need to demolish and dredge the same area as a means of eliminating public use by the homeless instead of—the aforementioned request for money to protect the same area. (See also Ms. Small e-mails discussing need to show greater degradation in order to secure the desired outcome. (J. Davis 3/28/12 <u>Request</u> to CC))
It appears that the Ballona habitat is characterized dependent upon financial requests---not on reality or science based requests.

- Despite repeated requests for public follow up with regard to the bond money and that project, (including a request made for information at the recent Ballona Watershed Task Force Meeting) none has been forthcoming from MRCA staff or CC staff.

"In 2008, the Conservancy authorized funds to the MRCA for planning, final design and implementation of specific public access improvements identified in the Ballona Wetlands Early BALLONA WETLANDS PUBLIC ACCESS IMPROVEMENTS
Action Plan. MRCA has completed much of that work and as a result of that planning effort, the project partners determined that some of the specific access improvements identified in that plan may need to be re-evaluated and others should be reviewed and permitted as part of the larger wetland restoration project. Rather than pursue the Early Action Plan improvements, the project partners decided that it is a higher priority to develop targeted educational and public access programs in the northern 300 acre portion of the site where there is currently almost no public access. The proposed project would also provide funding for MRCA to continue working on planning public access improvements for inclusion in the ultimate restoration project."

This inconsistency for request/approval and follow-up on bond funds continues to remain unexplained.

And,how does removal of the levees- the lower leg of the "Class 1 bike path" fit with the public's money expended below?:
"In 2000, the Conservancy helped fund a natural park tax-free park known "Playa" riverwalk park that will increase access to the Ballona Wetlands Early Action Plan improvements. The project partners decided that some of the specific access improvements identified in that plan may need to be re-evaluated and others should be reviewed and permitted as part of the larger wetland restoration project. Rather than pursue the Early Action Plan improvements, the project partners decided that it is a higher priority to develop targeted educational and public access programs in the northern 300 acre portion of the site where there is currently almost no public access. The proposed project would also provide funding for MRCA to continue working on planning public access improvements for inclusion in the ultimate restoration project. In 2001, the Conservancy helped fund the Ballona Creek and Trail. The Ballona Creek Trail Focused Study, the Conservancy also provided funding for a feasibility study for construction Culver City which increased access to the Ballona Creek Trail. That project helped implement the vision of the "Playa" Focused Study, developing multi-benefit, gateway park that will increase access to the Ballona Creek Trail and enhance the experience of trail users. ***File No. 07-058-01; Project Manager Mary Small***

O11-448 cont.

Conservancy funds for this project are expected to derive from the Conservancy's FY 2002/03 appropriation from Proposition 40")

3. Staff Reccommendation pg. 9 of 9 re: Consistency With Local Coastal Policies fails to provide accurate Local Coastal Plan (LCP)background information.

The Coastal Commission certified the first LUP in 1984, the La Ballona MDR Land Use

Plan.

The Land Use Plan was then changed to reflect two distinctly different Land Use Plans, the La Ballona
Plan and the new and different MDR LUP.

It is questionable as to if the California Coastal Commission certified another Land Use Plan for the Playa Vista Project.

Consistency with the California Coastal Act must be consistent with Chapter 3 of that Act.

The Project will not restore, but will instead convert the land from one historic natural function to an entirely new function that is unnatural.
Lack of saltwater connection is demonstrated in historic maps from the U.S. Geological Survey. (A USGS map was submitted at the public hearing on Jan 19,2012. The CC remains nonresponsive)

O11-448 cont.

Grassroots Coalition respectfully requests a written response to this Additional Complaint and maintains its request for response to the 3/29/12 REQUEST TO RESCIND APPLICATION FOR STAFF RECOMMENDATION APPROVAL ON 1/19/12, to award $6,490,000 Ballona Wetlands Restoration Engineering and Technical Studies. (File 04-088)

The PRA response CD cited herein, is on file with the Coastal Conservancy. Copies of the CD are available upon request and/or are being forwarded.

GC also reserves its right to amend this Complaint and Request with additional information.

Attached is the 3/28/12 Request to Rescind from John Davis to Ca.Coastal Conservancy regarding File No. 04-088

Respectfully,
Patricia McPherson, Grassroots Coalition-President

California Coastal Conservancy March 28, 2012
Att: All Governing Board Members and Alternates
Re: PUBLIC COMMENT 3/29/12:
Request to Hold Emergency Meeting to Rescind Approval Action on File No. 04-088

Douglas Bosco
Marisa Moret
Ann Nothoff
John Laird
Ana J. Matosantos
Mary Shallenberger
Susan Hancsh
Karen Finn
Bryan Cash
Noreen Evens
Joe Simitan
Anthony Cannella
Bill Mornning
Luis Alejo
Das Williams

CC
John Chiang State Controller
California Department of Finance Director Ana Matosantos
U.S. Army Corp of Engineers Att: Commander Mark Toy
U.S. Senator Barbara Boxer
U.S. Congress Person Maxine Waters

O11-449

Honorable Chair Bosco, Distinguished Commissioners,

Attachments will be submitted to the Governing Board on March 29, 2012.

I hereby request this public body instruct its Staff to schedule an emergency meeting in accordance with the Bagley Keene Act section 11125.5(b) to rescind its approval of File No. 04-088 on January 19, 2012 for the following reasons;

1. NON-COMPLIANCE DEPARTMENT OF FINANCE ATTACHMENT 1
Final Report—Audit of California State Coastal Conservancy's Propositions 12, 13, 40, 50 Bond Funds

The Department of Finance, Office of State Audits and Evaluations, has completed its audit of the California State Coastal Conservancy's (Conservancy) Propositions 12, 13, 40, and 50 bond funds for the period ending June 30, 2008.

Staff Project Manager Mary Small **failed to require Potential Grantee**, the Santa Monica Bay Restoration Foundation, **to fill out a Grant Application Form** on the Conservancy Website.

Background:

On January 24, 2011 The **California Department of Finance Issued a Final Report – Audit** of the California State Coastal Conservancy. The Report Found that ;

*The Conservancy did not establish formal program guidelines: project awarding criteria; and **grant applications** to document its project merit review process.*
Also, the Conservancy website included limited or incomplete information about ongoing programs and efforts, regional priorities, and funding opportunities.

On October 7, 2010, Executive Director Samuel Schuchat responded to the Audit.

*The **Conservancy website has been updated to included the standardized grant application**, more information about funding opportunities.*

The Conservancy has formally adopted project selection criteria, and a formal, transparent awarding process that follows statute.

*It generally does not institute grant rounds but instead has an **open grant process. Application can be and are made, and these are considered at any time.***

*With respect to the form of **grant applications**, based on discussions with the auditors, we have created a **uniform grant application** that is posted on our website. There is now more information available to the public concerning priorities and how to apply for funding.* O11-449 cont.

*We have developed a **standard grant application that is now in use**.*

A. Staff Project Manager Mary Small failed to obtain any written documentation to identify the Potential Grantee,no address, no agent name, nor an account to which the grant could be deposited is recorded.

B. Staff Project Manager Mary Small had no paperwork whatsoever from the Potential Grantee prior to January 19, 2012 nor did the Potential Grantee request funding. Staff did not provide public notice that such Grant Funds were available to other qualified entities.

C. Staff Project Manager Mary Small failed to determine if the private business, Santa Monica Bay Restoration Foundation was legally operating out of a State Water Board Office, the Los Angeles Regional Water Quality Control Board. Filings with the California Secretary of State show the private business is operating out of a State Office. There is no legal authority allowing for this.

D. Staff Project Manager Mary Small failed to disclose the fact she was a Director of the Corporation of the Proposed Grantee in 2006 creating an appearance of impropriety.

2. FALSEFICATION OF PUBLIC RECORDS ATTACHMENT 2

Staff falsified a Form SCC 08-08, Work Transmittal.
The Form was initialized by;
Executive Director - Sam Schuchat
Project Manager - Mary Small
Legal - Elena Eger

Staff filled out the form as follows:

*Will this project receive federal or other outside funding? Yes___ No X_*

The January 19, 2012 **Staff Report contradicts on page 6** :

*"The SMRBF in-kind **funds would come from U.S. EPA funding** provided to the SMRBF for its staff **and from a U.S. EPA Wetland Program Development Grant** received for work at Ballona"*

3. INCOMPLETE PUBLIC RECORDS ATTACHMENT 2

Staff failed to complete Form SCC 08-08, Work Transmittal.
The Form was initialized by;
Executive Director - Sam Schuchat
Project Manager - Mary Small
Legal - Elena Eger

Is the Grantee a Nonprofit Organization Yes___ No__ - NOT CHECKED
If nonprofit: Is the status file complete and current Yes___ No___ - NOT CHECKED
GRANT / CONTRACT AMMENDMENTS REVIEW - BLANK
MAIL OUT APPROVALS - BLANK
APPLICATION - BLANK
GRANT TRANSMITTAL - BLANK
REVIEW OF AGREEMENT - BLANK

4. DISCRIMINATION ATTACHMENT 3

Staff Project Manager Mary Small has improperly lobbied private individuals, private businesses, State and Federal Officials and entities prior to the release of the Staff Report, thusly, discriminating against all others by failing to provide the same comment opportunity prior to the issuance of the Staff Report.

Further Discrimination has taken place because only one Potential Grantee has been selected by Staff Project Manager Mary Small, excluding all others that may have chosen to apply.

O11-449 cont.

Moreover, Discrimination has taken place in that only a select group of Potential contractors was noticed by Staff Project Manager Mary Small, in non-compliance with the California Contract Code, excluding all other qualified firms.

5. PREJUDICE OF PROCESS ATTACHMENT 4

Staff Project Manager Mary Small requested Potential Grantee to help write Staff Report.

Staff Project Manager Mary Small worked with Potential Grantee to engage in media spin to avoid scrutiny.

6. STAFF REPORT EXCLUDED VITAL INFORMATION ATTACHMENT 5

The Staff Report is ambiguous. It describes the Grantee in detail with no supporting documentation whatsoever.

The Staff Report does not establish terms of compliance for the Proposed Grantee nor for entities that will complete the described studies.

The Staff Report does not define that contractors will be hired. Staff Project Manager Mary Small discussed hiring contractors with the Potential Grantee and others before the Staff Report was approved, purposely avoiding the requirement under the Bagley Keene Act for the Governing Board to approve contractors and Notice requirements of the California Contract Code. O11-449 cont.

Legal Staff Elena Eger encouraged Staff Project Manager Mary Small to complete a grant agreement form because I requested it pursuant to the Public Records Act. The form should have been completed without my request for it.

The Staff Report failed to inform this Board that a Federal Environmental Protection Act Process was initiated by the Army Corp of Engineers Los Angeles in 2005 that governs the Ballona Wetlands.

Staff has failed to inform the Governing Board and Public that the Project Manager, Mary Small, lobbied the Department of Fish and Game to ignore the EIS Notice published in the Federal Register, in favor of a new EIR/EIS process desired by the Project Manager and the Proposed Grantee, without informing and seeking authorization from this Governing Board. This clearly constitutes interference with a legally noticed federal NEPA process. Furthermore Staff Project Manager Mary Small failed to inform this Governing Board that the entire area is governed by U.S. Public Law 780, the Rivers and Harbors Act of 1954, which is the subject of the EIS process currently being conducted by the USACE.

In the Minutes of the Ballona Ecosystem Restoration Planning Management Committee, obtained from the USACE by FOIA Staff Project Manager Mary Small, without the

authorization of this Board, represented to the Army Corp of Engineers on June 28, 2010 that:

Coastal Conservancy is supplying most of the funding toward the in-kind local sponsor efforts.

The Governing Board has not authorized Mary Small to represent the Coastal Conservancy at a meeting of the Army Corp of Engineers and the Local Sponsor (Santa Monica Bay Restoration Authority). The Conservancy is neither a partner nor is there any MOU to with the SMRBA, which is under contract to the USACE. Minutes of other such meetings provide evidence that Mary Small also discussed;

A. Changing the scoping of an Environmental Protection Act process began by the USACE in 2005.

B. Using only the Conservancy's Alternatives.

C. Attempting to gain in kind credits from the USACE.

D. Further documents provided by the USACE provide evidence that the local sponsor, never provided any funding to the USACE whatsoever nor did it provide any in-kind credit.

O11-449 cont.

E. Resumes provided to the Coastal Conservancy by potential contractors for this Project include studies finished and paid for by federal funding stated in the resume(s) as part of the Lower Ballona Creek Feasibility Studies of the Joint EIR/EIS (2005) initiated by the USACE.

7. VIOLATIONS OF CALIFORNIA CONTRACT CODE ATTACHMENT 6

Staff Project Manager Mary Small failed to comply with the California Contract Code Notification and Conflict requirements, Sections 10140-10141 and 10515-10518.

Staff Project Manager Mary Small conducted a Request for Services for Contractors in 2009, and again in 2010 in regard to a Project not noticed to the Public or Governing Board until 2012, both in non-compliance with California Contract Code.

Staff Project Manager Mary Small purports to have initiated another Request for Services in February 2012 with responses due on the 29th of that month outside in non-compliance with the California Contract Code.

8. VIOLATIONS OF BAGLEY KEENE ATTACHMENT 6

Staff failed to obtain permission from the Governing Board to hire contractors to complete studies.

9. QUID PRO QUO INFERED ATTACHMENT 7

The attached e-mails contain an inference of a quid pro quo. The request for a support letter is accompanied by a discussion of bond money provisions. In one email a support letter request exists alongside a discussion to close out another matter, without specificity.

10. INIMIDATION AND HARRASSNMENT OF PUBLIC BY LEGAL STAFF VIOLATING STATE LAW AND AGENCIES PRIVACY POLICY
ATTACHMENT 8

Legal Staff Elena Eger has attempted to intimidate and harass me by copying private business persons on emails to me which disclose my private address, even after I requested the practice cease in writing, in clear contradiction to Information Practices Act (Civil Code section 1798 et seq.) and the Agencies Privacy Policy.

Staff has violated the Conservancy Privacy Policy by the aforesaid action(s).

Privacy Policy

Pursuant to Government Code § 11019.9, all departments and agencies of the State of California shall enact and maintain a permanent privacy policy, in adherence with the Information Practices Act of 1977 (Civil Code § 1798 et seq.), that includes, but is not necessarily limited to, the following principles:

O11-449 cont.

(a) Personally identifiable information may only be obtained through lawful means.

(b) The purposes for which personally identifiable data are collected shall be specified at or prior to the time of collection, and any subsequent use of the data shall be limited to and consistent with the fulfillment of those purposes previously specified.

(c) Personal data may not be disclosed, made available, or otherwise used for a purpose other than those specified, except with the consent of the subject of the data, or as required by law or regulation.

(d) Personal data collected shall be relevant to the purpose for which it is needed.

(e) The general means by which personal data is protected against loss, unauthorized access, use, modification, or disclosure shall be posted, unless the disclosure of those general means would compromise legitimate agency objectives or law enforcement purposes.

Each department shall implement this privacy policy by:

- *Designating which position within the department or agency is responsible for the implementation of and adherence to this privacy policy;*
- *Prominently posting the policy physically in its offices and on its internet website, if any;*
- *Distributing the policy to each of its employees and contractors who have access to personal data;*
- *Complying with the Information Practices Act (Civil Code § 1798 et seq.); the Public Records Act (Government Code § 6250 et seq.); Government Code § 11015.5, and all other laws pertaining to information privacy;*
- *Using appropriate means to successfully implement and adhere to this privacy policy.'*

Sincerely,

John Davis
PO 10152
Marina del Rey Ca. 90295

O11-449
cont.

O11-449
cont.

ATTACHMENT 1

RE: Public Records Request from John Davis

From: Philip Wyels <PWyels@waterboards.ca.gov>(Add as Preferred Sender)
Date: Tue, Feb 21, 2012 2:26 pm
To: <jd@johnanthonydavis.com>

Mr. Davis, I apologize for the delay in responding to your request. I have been unable to locate any records within the possession of the State Water Resources Control Board that are responsive to your requests. The attached two documents may be of interest to you, however, in that they indicate that the Santa Monica Bay Restoration Project's relationship with the Santa Monica Bay Restoration Foundation (Foundation) pre-dated the conversion of the Santa Monica Bay Restoration Project to the Santa Moniea Bay Restoration Commission (Commission). Also, as I explained to you by telephone, the Commission staff is currently undertaking a number of steps to more clearly distinguish the Commission from the Foundation. Unfortunately, some of those steps are taking some time. I will let you know when I receive a timetable for those steps from Commission staff.

Sincerely,
Phil

Philip G. Wyels
Assistant Chief Counsel
State Board Water Quality Unit
State Water Resources Control Board

1001 I Street
P.0. Box 95812-0100
Sacramento, CA 95814

(916) 341-5178 (phone)
(916) 341-5199 (fax)
pwyels@waterboards.ca.gov>>>

From: <jd@johnanthonydavis.com>
To: Philip Wyels <pwyels@waterboards.ca.gov>
CC: Michael Lauffer <MLauffer@waterboards.ca.gov>
Date: 2/21/2012 10:00 AM
Subject: RE: Public Records Request from John Davis

California State Water Board
Att: Phil Wyels
Re: Status Request Public Record Request

Councel Wyels,

The California Public Records Act requires that Agencies subject to the Act reply to request for records
within 10 days after a request is made.

The State Water Resources Board has not complied with the law in this respect in regard to the request for
records made on 2/7/12.

O11-449 cont.

Please advise as to if or when the State Agency will reply.

Thanks,

John Davis

-------- Original Message --------
Subject: Public Records Request from John Davis
From: <jd@johnanthonydavis.com>
Date: Tue, February 07, 2012 3:03 pm
To: "Philip Wyels" <pwyels@waterboards.ca.gov>
Cc: "Elena Eger" <eeger@scc.ca.gov>

California State Water Board
Att: Phil Wyels
Re: Public Record Request

Dear Mr. Wyeles,

This is a request for public records pursuant to the California Public Records Act. Each numbered request is distinct.

O11-449 cont.

1. Please provide any record of any law, regulation, or policy of the State Water Board which allows
a private business to operate out of a State Water Board Office.

2. Please provide any record of any law, regulation,or policy that allows a private business to use a State Water Board Office as a corporate street address of principal office in California, and or as a mailing address of the corporation, and or mailing address of the corporation, and or address of a corporate Chief Executive Officer, and or of a corporate secretary, and or of a corporate financial agent.

3. Please provide any law, and or regulation, and or policy that allows any State Water Board Commission to
designate a private business as its "FISCAL AGENT"

4. Please provide any law, and or regulation, and or policy that allows any State Water Board Commission to designate a private business to receive, manage, and to treat money granted by the U.S. Government to the State of California as revenue of the private business.

Thank you for your continued assistance,

John Davis
PO 10152
Marina del Rey Ca. 90295
310.795.9640

From:	Elena Eger
To:	"jd@johnanthonydavis.com"
Cc:	"Shelley Luce"; "svalor@santamonicabay.org"; "Mary Small"; "Dick Wayman"; "Nadine Peterson"; "Samuel Schuchat"
Subject:	Davis call to Eger of 2-6-12
Date:	Tuesday, February 07, 2012 1:00:00 PM
Attachments:	SWRCB memo2011aug re accusations.pdf SWRCB Ltr to Davis re PRAs.pdf

Dear Mr. Davis:

Pursuant to our phone conversation of yesterday, February 6, 2012, in which you provided a warning to me that the Conservancy should be informed that the Santa Monica Bay Foundation allegedly is appropriating public resources for private gain, attached please find the State Water Resources Control Board's (SWRCB) August 15, 2011 legal memo addressing your contentions and a September 13, 2011 letter to you regarding the same.

As analyzed in the SWRCB memo, especially in #3, pp. 4-5 of that memo, your contentions that the Foundation is improperly utilizing public resources for private use, namely in your assertions yesterday when you identified as improper the fact that the Foundation uses the same mailing address as the SWRCB's Los Angeles office, are specifically addressed. Frances McChesney, Esq., Office of the Chief Counsel for the SWRCB concludes in that memo that the Foundation is not improperly appropriating public resources for its private use. O11-449 cont.

The Conservancy intends to proceed with its grant to the Foundation approved as Item #5 at its January 19, 2012 meeting.

Sincerely,

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

State of California
Secretary of State

E-945038

FILED
In the office of the Secretary of State of the State of California
Feb - 5 2010
This Space For Filing Use Only

STATEMENT OF INFORMATION
(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)
Filing Fee $20.00. If amendment, see instructions.
IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

N

1. **CORPORATE NAME** (Please do not alter if name is preprinted.)
C1481142
SANTA MONICA BAY RESTORATION FOUNDATION

320 W 4TH ST STE 200
LOS ANGELES CA 90013

DUE DATE:

COMPLETE PRINCIPAL OFFICE ADDRESS (Do not abbreviate the name of the city. Item 2 cannot be a P.O. Box.)

2. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY — CITY — STATE — ZIP CODE
320 W 4TH ST STE 200 LOS ANGELES CA 90013

3. MAILING ADDRESS OF THE CORPORATION, IF REQUIRED — CITY — STATE — ZIP CODE
320 W 4TH ST STE 200 LOS ANGELES CA 90013

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

4. CHIEF EXECUTIVE OFFICER/ ADDRESS — CITY — STATE — ZIP CODE
SHELLY LUCE 320 W 4TH ST STE 200 LOS ANGELES, CA 90013

5. SECRETARY/ ADDRESS — CITY — STATE — ZIP CODE
CATHERINE TYRRELL 320 W 4TH ST STE 200 LOS ANGELES CA 90013

6. CHIEF FINANCIAL OFFICER/ ADDRESS — CITY — STATE — ZIP CODE
LAURIE NEWMAN 320 W 4TH ST STE 200 LOS ANGELES CA 90013

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 8 must be completed with a California street address (a P.O. Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 8 must be left blank.)

7. NAME OF AGENT FOR SERVICE OF PROCESS
SHELLEY LUCE

8. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL — CITY — STATE — ZIP CODE
320 W 4TH ST STE 200 LOS ANGELES, CA 90013

DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT (California Civil Code section 1350, et seq.)

9. ☐ Check here if the corporation is an association formed to manage common interest development under the Davis-Stirling Common interest Development Act and proceed to items 10, 11 and 12.

NOTE: Corporations formed to manage a common interest development must also file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code section 1363.6. Please see instructions on the reverse side of this form.

10. ADDRESS OF BUSINESS OR CORPORATE OFFICE OF THE ASSOCIATION, IF ANY — CITY — STATE — ZIP CODE

11. FRONT STREET AND NEAREST CROSS STREET FOR THE PHYSICAL LOCATION OF THE COMMON INTEREST DEVELOPMENT (Complete if the business or corporate office is not on the site of the common interest development.) — 9-DIGIT ZIP CODE

12. NAME AND ADDRESS OF ASSOCIATION'S MANAGING AGENT, IF ANY — CITY — STATE — ZIP CODE

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

DATE	TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM	TITLE	SIGNATURE
02/05/2010	SHELLEY LUCE	EXECUTIVE DIRECTOR	

SI-100 (REV 01/2008) — APPROVED BY SECRETARY OF STATE

O11-449 cont.

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements

OMB No 1545-0047

2006

Open to Public Inspection

A For the 2006 calendar year, or tax year beginning Jul 01, 2006, and ending Jun 30, 2007

B Check if applicable: [ ] Address change [ ] Name change [ ] Initial return [ ] Final return [ ] Amended return [ ] Application pending

Please use IRS label or print or type. See Specific Instructions.

C Name of organization, number and street, city, town, state, and ZIP code
Santa Monica Bay Restoration Foundation
320 West 4th Street Suite 200
LOS ANGELES CA 90013

D Employer identification number 33-0420271

E Telephone number 213-576-6642

F Acctg. method: [X] Cash [ ] Accrual [ ] Other (specify) ▶

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

H and I are not applicable to section 527 organizations

H(a) Is this a group return for affiliates? [ ] Yes [X] No

H(b) If "Yes," enter number of affiliates ▶

H(c) Are all affiliates included? [ ] Yes [ ] No (If "No," attach a list See instructions)

H(d) Is this a separate return filed by an organization covered by a group ruling? [ ] Yes [X] No

I Group Exemption Number ▶

G Website: ▶ WWW.SANTAMONICABAY.ORG

J Organization type (check only one) ▶ [X] 501(c)(3) ◀ (insert no) [ ] 4947(a)(1) or [ ] 527

K Check here ▶ [ ] if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally not more than $25,000 A return is not required, but if the organization chooses to file a return, be sure to file a complete return

M Check ▶ [ ] if the organization is not required to attach Sch B (Form 990, 990-EZ, or 990-PF)

L Gross receipts Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 979,681.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions)

Revenue	1 Contributions, gifts, grants, and similar amounts received				
	a Contributions to donor advised funds	1a			
	b Direct public support (not included on line 1a)	1b	342,406.		
	c Indirect public support (not included on line 1a)	1c			
	d Government contributions (grants) (not included on line 1a)	1d	576,050.		
	e Total (add lines 1a through 1d) (cash $ 918,456. noncash $)			1e	918,456.
	2 Program service revenue including government fees and contracts (from Part VII, line 93)			2	18,485.
	3 Membership dues and assessments			3	
	4 Interest on savings and temporary cash investments			4	41,773.
	5 Dividends and interest from securities			5	967.
	6 a Gross rents	6a			
	b Less rental expenses	6b			
	c Net rental income or (loss) Subtract line 6b from line 6a			6c	
	7 Other investment income (describe ▶)			7	
	8 a Gross amount from sales of assets other than inventory — (A) Securities / (B) Other	8a			
	b Less cost or other basis & sales expenses	8b			
	c Gain or (loss) (attach schedule)	8c			
	d Net gain or (loss) Combine line 8c, columns (A) and (B)			8d	
	9 Special events and activities (attach schedule) If any amount is from gaming, check here ▶ [ ]				
	a Gross revenue (not including $ of contributions reported on line 1b)	9a			
	b Less direct expenses other than fundraising expenses	9b			
	c Net income or (loss) from special events Subtract line 9b from line 9a			9c	
	10 a Gross sales of inventory, less returns and allowances	10a			
	b Less cost of goods sold	10b			
	c Gross profit or (loss) from sales of inventory (attach schedule) Subtract line 10b from line 10a			10c	
	11 Other revenue (from Part VII, line 103)			11	
	12 **Total revenue.** Add lines 1e, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11			12	979,681.
Expenses	13 Program services (from line 44, column (B))			13	757,878.
	14 Management and general (from line 44, column (C))			14	102,224.
	15 Fundraising (from line 44, column (D))			15	7,373.
	16 Payments to affiliates (attach schedule)			16	
	17 **Total expenses.** Add lines 16 and 44, column (A)			17	867,475.
Net Assets	18 Excess or (deficit) for the year Subtract line 17 from line 12			18	112,206.
	19 Net assets or fund balances at beginning of year (from line 73, column (A))			19	872,326.
	20 Other changes in net assets or fund balances (attach explanation)			20	
	21 Net assets or fund balances at end of year Combine lines 18, 19, and 20			21	984,532.

RECEIVED FEB 19 2008 OGDEN, UT IRS-OSC 861

SCANNED MAR 04 2008

O11-449 cont

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Form **990** (2006)

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97

33-0420271

List of Officers, Directors, Trustees and Key Employees

US 990 990: Page 5, Part V; 990EZ: Page 2 Part IV; 990-PF: Page 6, Part VIII 2006

Name and Address	Title/Average Hours Per Week Devoted to Position	Amount Paid	Amount for Employee Benefit Plan	Expense Account and Other Allowances
Rod Spackman 320 W 4th St	President 2			
Randal Orton 320 W 4th St	CFO 2			
Mark Gold 320 W 4th St	Director 1			
Tom Ford 320 W 4th St	Director 1			
Richard Bloom 320 W 4th St	Director 1			
Fran Diamond 320 W 4th St	Director 1			
Marvin Sachse 320 W 4th St	Director 1			
Bob Hoffman 320 W 4th St	Director 1			
S Wisniewski 320 W 4th St	Director 1			
Laurie Newman 320 W 4th St	Director 1			
Mary Small 320 W 4th St	Director 1			
Bryant Chesney 320 W 4th St	Director 1			
Dean Kubani 320 W 4th St	Director 1			
Shelley Luce 320 W 4th St	Executive 40	55,830.		
		55,830.		

O11-449 cont.

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ATTACHMENTS 2

O11-449
cont.

SCC 08-08

WORK TRANSMITTAL

Project Development Approval

Date: 12/13/11 WG Leader: MS Date: 12/13/11

Project Manager: Mary Small Project #: 04-088-01

Project Name: Ballona Wetlands County/City: LA²

Grantee/Contractor Name: tbd / Santa Monica Bay Foundation

Is Grantee a Nonprofit Organization? ___ Yes ___ No If Nonprofit: Is status file complete and current? ___ Yes ___ No

Nature of Job planning/design

RESERVATION OF FUNDS

Will this project receive federal or other "outside" funding? ___ Yes X No. *If Yes, fill out back side of this form (Grant Transmittal - A)*

Will this project receive state / other funding? ___ Yes *(Reimb. -0995)* X No. *If Yes, fill out back side of this form (Grant Transmittal - B)*

Total Amount to be Reserved: $ 6,490,000.00

Prop 84 - Planning? ___ Yes X No

Proposed Budget Item(s):	Fiscal Year (Budget Act)	Amount	Encumb. Expiration Date	Liquid. Date
1. 3760-30203-0005 (2)(B)( )	2000 Chapter: 057/00	$ 6,490,000.00	(6/13)	(6/15)
2. 3760-____ ( )( )( )	____ Chapter: ____	$ ____	( )	( )
3. 3760-____ ( )( )( )	____ Chapter: ____	$ ____	( )	( )

Reap. by Chapter: 712/10 *for item* 1. *Reap. by Chapter:* ____ *for item* ____ *Reap. by Chapter:* ____ *for item* ____

Program: enhancement

Project Info entered onto applicable Bond Data Spreadsheet? ___ Y X N Date: NA

___ Public Access: VRA (Capital Outlay)

___ Habitat Conservation Fund (0262)

___ Support: 001 Fund 0565 only: ___ Yes

IT ___ Consult & Prof. (External) ___ (Inter-Dept.) ___

Repayment Feature? (Loan Receivable) ___ Yes ✓ No

Private Activity ? ___ Yes ___ No ✓ N/A (Tax Reportable to Treasurer's Office)

Expected Date of Board Action: 4/19/12 Project Entered onto SCC Database? ✓ Y ___ N Date: 12/13/11

1. WG Leader: MS Date: 12/13/11
2. Acctg Officer: HT 6.49M Date: 12/13/11
3. Additional WG Leader responsible for management of specific funds (if applicable): ____ Date: ____
4. Legal: CE Date: 12/14/11
5. EO/DEO: SS Date: 12/15/11

STAFF RECOMMENDATION REVIEW (For 4/19/12 Board Meeting)

1. WG Leader: MS Date: 12/13/11
2. Legal: CE Date: 12/14/11
3. EO/DEO: SS Date: 12/15/11
4. *Legal: ____ Date: ____

* At EO/DEO's discretion

GRANT/CONTRACT AMENDMENTS REVIEW

(CEQA Submitted? ___ Yes ___ No ___ N/A Project Manager ____ Date: ____)

Amount Encumbered: $ ____ Grant/Contract No.: ____

Termination Date: ____ Amendment No.: ____

Disabled Veteran Business Enterprise (DVBE)? ___ Yes ___ No 20-yr Agreement? ___ Yes ___ No

Small Business Enterprise (SBE)? ___ Yes ___ No

(If Yes, provide OSDS# ____)

MAIL OUT APPROVALS

1. Legal: ____ Date: ____
2. Project Manager: ____ Date: ____
3. Proofreader: ____ Date: ____

O11-449 cont.

GRANT TRANSMITTAL

Grant No._____

(for receivable grants)

INTENT TO APPLY

Date: _____

Project Manager: _____

SCC Program: _____

Grant Program Name: _____ Grant Amount: _____

Granting Agency: _____

Project Name: _____ Project Number: _____

SCC required Matching Funds: (if other than in-kind services, please use reverse side of this form to reserve SCC funds)

In - Kind: $ _____ (Copy from reverse side)

Support: $ _____ Fund No.: _____ FY_____

Capital Outlay: $ _____ Fund No.: _____ FY_____

TOTAL: $ _____

Funding Mechanism: Will or will not hit SCC account? _____ Electronic Transfer ? _____

Paid in Arrears ? _____ Cash Advance ? _____

___ *(A) For Federal Grant*

Support (Staff, travel, equipment): $ _____ 3760 - 001- 0890 FY : _____

Capital Outlay: $ _____ 3760 - 301- 0890 FY : _____

Other (Specify) _____ : $ _____ 3760 - _____ FY : _____

TOTAL: $ _____

___ **(B) For State Reimbursable Grant** (Please use reverse side of this form to reserve up-front SCC funds)

Support (Staff, travel, equipment): $ _____ 3760 - 001 - 0565 - F90 FY : _____

Capital Outlay: $ _____ 3760 - 301 - _____ - F90 FY : _____

Other (Specify) _____ : $ _____ 3760 - ____ - ____ - F90 FY : _____

TOTAL: $ _____

Authorization:

Program Manager: _____ Date: _____

Accounting Officer: _____ Date: _____

Grants Manager: _____ Date: _____

APPLICATION *(Provide copy of Application to Grants Manager)*

Legal * _____ Date: _____

**Please inform Grants Manager if signature are missing in the "INTENT TO APPLY" SECTION*

EO/DEO: _____ Date: _____

Date Applied: _____ Expected Date of Grant Award: _____

REVIEW OF AGREEMENT (for receipt of funds)

Board Authorization To Spend The Grant: Date (s): _____

Project Manager: _____ Date: _____

Program Manager: _____ Date: _____

Legal: _____ Date: _____

EO/DEO: _____ Date: _____

Grants Manager: _____ Date: _____ Inform Acct. Date: _____

Amendment #: _____ Legal Reviewed by: _____ Date: _____

O11-449 cont.

ATTACHMENT 3

O11-449
cont.

From: Mary Small
To: sluce@santamonicabay.org; "Barbara Romero"
Subject: FW: hard copy in the mail tomorrow
Date: Friday, January 06, 2012 4:04:00 PM

-----Original Message-----
From: Ruth Galanter [mailto:ruth.galanter@verizon.net]
Sent: Friday, January 06, 2012 3:57 PM
To: Mary Small
Subject: Re: hard copy in the mail tomorrow

I am planning to attend the meeting, and I'm trying to get some more support letters and maybe attendees. You have no idea how much pleasure I would get from foiling your opponents. I can either stand up during the hearing, or if you want, I can instead meet you and the board between the tour and the meeting (since you must be going to feed them someplace) and just chat informally.

Your choice. I'm free at about 11:30 and have a meeting at 3 pm. In between I am at your service.

On Jan 6, 2012, at 3:50 PM, Mary Small wrote:

> Thanks that's a very generous offer. If you have time to attend the
> meeting, that would be great. It starts at 1pm at Baldwin Hills Scenic
> Overlook and this is the first substantive item on the agenda. I will have
> pretty limited time to present, but could acknowledge you and if you were
> willing to speak in public comment on the item that would fantastic.
> Mary
>
> -----Original Message-----
> From: Ruth Galanter [mailto:ruth.galanter@verizon.net]
> Sent: Friday, January 06, 2012 9:52 AM
> To: Mary Small
> Subject: Re: hard copy in the mail tomorrow
>
> I'm available after about 11:30, and you might want to use me as part of a
> board briefing in light of my nearly two decades dealing with the issue.
> That of course is up to you, and I promise not to get huffy if you'd rather
> not.
>
> On Jan 6, 2012, at 9:10 AM, Mary Small wrote:
>
>> Thank you very much, you letter is perfect and I appreciate your quick
>> response. It would be great to have a few supporters at the meeting, I am
>> sure the opponents will attend.
>>
>> We are also going to take the Coastal Conservancy board on a quick tour of
>> the site the morning before the meeting from 10-12. I know you are very
>> busy but it would be great if you wanted to join us for either the tour or
>> to attend the meeting.
>> Mary
>>
>> -----Original Message-----
>> From: Ruth Galanter [mailto:ruth.galanter@verizon.net]
>> Sent: Thursday, January 05, 2012 9:13 PM
>> To: Small Mary
>> Subject: hard copy in the mail tomorrow
>>

O11-449 cont.

>> Hi Mary,
>>
>> I've emailed you my letter and will send the hard copy tomorrow.
>>
>> I've also emailed various people to suggest attending the hearing in case
>> the eco-loonies show up, as I suppose they will.
>>
>> Have a good weekend.
>>
>> Ruth
>>
>>
>>
>
>
>
>

O11-449 cont.

From: Mary Small
To: "Shelley Luce"
Subject: FW: Letter for Coastal Conservancy Board
Date: Tuesday, December 13, 2011 1:21:00 PM

Do you know Ruth?

From: Joan Cardellino [mailto:jcard@scc.ca.gov]
Sent: Tuesday, December 13, 2011 11:57 AM
To: 'Mary Small'
Subject: RE: Letter for Coastal Conservancy Board

It might be worth calling Ruth Galanter to see if she'd speak in support of the project. She has some good credentials. She might know of other supporters to ask too.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, December 13, 2011 10:38 AM
To: 'Shelley Luce'
Cc: 'Joan Cardellino (Joan Cardellino)'
Subject: RE: Letter for Coastal Conservancy Board

Hi Shelley-
Do you have time to talk about our Jan meeting? I know you have a board meeting this week, so we could also do this via email – or next week, but before next Fri I'd like to work through some ideas: O11-449 cont.

1) Tour – we'll probably do a tour the morning of the meeting, I think maybe the tour we did with Colonel Toy – view from Cabora Rd and then walk out to boyscout platform
2) Press – do you think we could use this meeting as an opportunity to get either local papers and/or try for LA Times to cover the project? I am worried that once the agenda is out Marcia will use as opportunity to get bad press. Our agenda will be mailed out Jan 6th
3) Public support – who could we have come to support the project at the meeting or with letters? Geraldine is critical (at least her letter) but how about MRCA?, Joe Geever?, Ballona Creek Renaissance?, Friends?, Miguel Luna?, Audubon? HtB? Baykeeper?

Thanks,
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Monday, December 12, 2011 3:22 PM
To: Mary Small
Subject: FW: Letter for Coastal Conservancy Board

Hi Mary, Geraldine thought her letter went out already. Have you received? I also invited her to tour the wetlands with us after the meeting.

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission

From: Mary Small
To: "Bryant Chesney"
Cc: "sluce@santamonicabay.org"
Subject: FW: support letter for Ballona Funding
Date: Friday, January 06, 2012 9:57:00 AM
Attachments: Ballona_Wetlands_Engineering and Technical Studies.docx
ballona support letter 1.docx
ballona support letter 2.docx

Hi Bryant
I was wondering if you would be willing to send a letter of support (samples attached) to the Coastal Conservancy for the Ballona wetlands project. Also attached is the draft staff recommendation. The Conservancy will be considering this authorization in LA on Jan 19th, we will take the board on a quick tour of the site before the meeting. If you have time, it would be great to have you attend either of those events too. O11-449 cont.

This is the request for all funding to complete the environmental review, 100% engineering, and all of the hydrology/hydraulics modeling that the Army Corps is requiring for its permit to modify the flood control levees. The later analysis is the about half of the cost estimate.

Since the meeting will be in LA, opponents of the project are likely to show up. This approval is pretty critical to moving the project forward. If the Conservancy Board gets frightened away from large scale, ecological restoration then I think we will have very limited options for the future.

Thanks for your consideration and please let me know if you have any questions.
Mary

From: Mary Small
To: "Miguel Luna"
Cc: "Shelley Luce"
Subject: FW: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:29:00 PM
Attachments: SCC_Ballona_Tech_Support_Ltr.docx

Hi Miguel
Happy New year! Hope you are well.

Is there any chance you would be willing to send a letter of support to the Coastal Conservancy for authorization of funding to continue design of the restoration project? I don't know if Shelley contacted you, but it would be great to get community groups weighing in who support ecological restoration. Our meeting will be in LA, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.
Thanks,
Mary

O11-449 cont.

December 14, 2011

Mr. Doug Bosco, Chairman
State Coastal Conservancy
1330 Broadway, #1300
Oakland, CA 94612
Attn: Mary Small

RE: Proposed Conservancy Authorization for Ballona Wetlands Restoration Engineering and Technical Studies

Dear Chairman Bosco:

O11-449 cont.

I am writing to encourage the Conservancy to authorize funding for the Ballona Wetlands Ecological Reserve Restoration Project planning process. These authorizations would enable the development of technical assessments and engineering design, technical review and agency coordination to support environmental impact analysis and permit applications for the restoration of the Ballona Wetlands Ecological Reserve (BWER).

The Ballona Wetlands Ecological Reserve is 600 acres, surrounded by urban Los Angeles County. The BWER provides valuable and scenic open space in the heart of congested Los Angeles County and offers one of the largest and most promising opportunities for coastal wetland restoration in the region. When restored and opened to the public, the site will allow millions of residents and visitors a rare opportunity to experience a coastal wetland. I support this project because it will help to move the restoration of the Ballona Wetlands Ecological Reserve closer to fruition. Thank you for your consideration of this project.

Sincerely,

From: Mary Small
To: "Shelley Luce"
Subject: RE: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:27:00 PM

Thanks!
I will talk to Sam about Boxer and Feinstein. Can LA Co DPW send a letter or do you think that is covered by the Supervisors?
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Tuesday, January 03, 2012 1:25 PM
To: Mary Small; Diana Hurlbert
Subject: RE: draft support letter for SCC board meeting

Hi Mary,
We are working on:
Knabe
MRT
Friends of BW
So Cal Edison
So Cal Gas
LMU
Waxman
Lieu
Butler
Rosendahl

And Anyone else you want to add to that list. Figured Feinstein and Boxer will be more important later, and that you and Sam are the best ones to approach them.

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 1:06 PM
To: Shelley Luce; Diana Hurlbert
Subject: FW: draft support letter for SCC board meeting

Hi
I belatedly just sent this request to DFG and SLC. The only support letter I have is from MRCA, though I know the port is working on one too. Can you let me know who you are working on

O11-449 cont.

getting letters from and if there is anyone else I should follow-up with?
Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 1:04 PM
To: 'Griggs, Pamela@SLC'; 'Terri Stewart'; 'dlawhead@dfg.ca.gov'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'
Subject: draft support letter for SCC board meeting

Hi
Sorry I didn't send this to you earlier, I meant to send it before the holidays, but forgot. I was wondering if your agencies would send a support letter to Coastal Conservancy for the requested authorization for funds for engineering and final design for Ballona. Our meeting will be in LA so I expect there will be some opposition and it is a huge funding request since we decided to do the EIR and permitting for the whole project.

If you could attend the site tour of Ballona and the meeting (both on Jan 19th) that would be great too.

Please let me know if you have any questions or need more info.
Thanks
Mary

O11-449 cont.

Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Knatz, Geraldine [mailto:knatz@portla.org]
Sent: Sunday, December 11, 2011 1:00 PM
To: Shelley Luce; Zordilla, Eunice
Cc: Tankersley, Eileen
Subject: Re: Letter for Coastal Conservancy Board

The letter was drafted the day after you asked me. Not sure what happened. Eunice- can you check.
Geraldine Knatz
Executive Director
Port of Los Angeles

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Friday, December 09, 2011 04:26 PM
To: Knatz, Geraldine
Cc: Tankersley, Eileen
Subject: Letter for Coastal Conservancy Board

O11-449 cont.

Dear Geraldine,
When we spoke a month or so ago, I asked if you would provide a letter to Sam Schuchat and his Board regarding your interest in the Ballona Wetlands restoration project. The January meeting of the Conservancy Board will be in Los Angeles and Sam will ask the Board to approve a large sum for continuing the planning and permitting of the restoration project, so your support of the project and interest in providing mitigation funding is important. Do you still intend to provide a letter and can I help with drafting? Also, we will give the Board members a tour of the wetland and briefing on the restoration plan before or after the Board meeting. As soon as we have a date I will send you an invitation and hope that you could come along.

Thank you Geraldine,
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

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O11-449 cont.

Mark Gold, D.Env. | President
Heal the Bay | 1444 9th Street | Santa Monica CA 90401
Tel: 310 451 1500 X123 | Fax: 310 496 1902 | mgold@healthebay.org
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O11-449 cont.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 2:16 PM
To: Mark Gold
Subject: support letter for SCC board meeting?

Hello Mark,
Happy New Year. I am emailing to see if Heal the Bay would be willing to send a letter of support to the Coastal Conservancy for the recommendation that we authorize $6.5M for the design and engineering of the proposed restoration project? My draft staff report is attached along with a sample letter. I know you have talked to Shelley about the project, but I would be happy to give you an update at any time. Of course I understand if you are not prepared to take a position on this project at this point, but our meeting will be in Culver City, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.
Thanks,
Mary

From: Shelley Luce
To: Mary Small; Karina Johnston
Subject: Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning
Date: Wednesday, January 18, 2012 10:13:14 PM
Attachments: BCR Support for SCC Ballona Wetlands Funding Authorization.pdf

Jim Lank comes through! Karina or Elena can you please print a copy for me when you get in the office tomorrow? Thank you.

Shelley,

Emails have been flying today, with the end result that BCR is a strong supporter of the requested authorization. See the attached letter. Should we bring copies to give to the board and staff?

As I said before, both Bobbi Gold and I plan to be at the Scenic Overlook for the 1pm meeting start. Bobbi plans to be there for the whole discussion of the agenda item, while I'll stay as long as I can. Both of us plan to sign in to speak on the item. As part of that, I assume it would be appropriate to read the letter, at least in part. If not, let me know.

I hope the tour and meeting both go well. FYI, I'll be leaving soon for another meeting. O11-449 cont.

Thanks again for your quick response with the helpful cost information.
Jim

Jim Lamm, President
Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), http://facebook.com/ballonacreekrenaissance, www.ballonacreek.org

---

From: Shelley Luce <sluce@santamonicabay.org>
To: Jim Lamm <jim.lamm@sbcglobal.net>
Sent: Wed, January 11, 2012 11:19:55 AM
Subject: RE: [REPLY] Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Thank you very much Jim! I hope you had a nice holiday too. It's going to be a great 2012.
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Jim Lamm [mailto:jim.lamm@sbcglobal.net]
Sent: Wednesday, January 11, 2012 10:58 AM
To: Shelley Luce

Subject: Re: [REPLY] Fw: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Shelley,

Please accept my apologies for this late response. Cathi and I were away on a 2 1/2 week driving trip to the Seattle area for a holiday visit with our kids and grandkids. Then after returning late last Thursday, we've been focused on moving Cathi's 93-year-old mom in with us. I'm just now beginning to turn more of my attention to a backlog of BCR and other matters.

Unfortunately I have an important 3pm meeting at Culver City Hall on the afternoon of the 1pm SCC board meeting at the Scenic Overlook. If I were able to speak on the restoration planning agenda item before about 2:40pm, it could work. Otherwise (or in addition) I might be able to get Bobbi Gold or another knowledgeable BCR board member to represent us.

As for a BCR support letter, I'm pretty sure that would not be a problem. This is on my list of things to bounce off the board prior to our next board meeting.

Here's to a great new year, despite the challenges ahead!
Jim

Jim Lamm, President
Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), http://facebook.com/ballonacreekrenaissance, www.ballonacreek.org

O11-449 cont.

From: Shelley Luce <sluce@santamonicabay.org>
To: Jim Lamm <jim.lamm@sbcglobal.net>
Sent: Fri, January 6, 2012 5:32:52 PM
Subject: Coastal Conservancy funding to complete Ballona Wetlands restoration planning

Hello Jim,
I hope you had a lovely Christmas and a happy new year! I did enjoy a nice break.

You may have heard that the Board of the Coastal Conservancy will meet in LA on Jan. 19 and will consider a request from their staff to authorize funding to complete the Ballona Wetlands restoration planning. The request is for about $6.3M and most will go to consultants for additional engineering (through final design), to create a public access master plan, and to do extensive hydraulic modeling as required by Army Corp permitting (the major expense). About $240k will come to SMBRF to fund Diana's position as well as monitoring on the site for the next three years. I don't know if there will be active opposition to this but I am preparing for that nonetheless. Also I see this as a good opportunity to let the SCC board members see the great support that exists in our community for restoration at Ballona.

Please let me know if you are able to support by letter or by attending the meeting. It was posted today on SCC website http://scc.ca.gov/2012/01/06/coastal-conservancy-public-meeting-january-19-2012/
I am attaching the staff report for the item and a couple of example support letters as well. Thank you Jim!
shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160

Subject: Re: Letter for Coastal Conservancy Board

The letter was drafted the day after you asked me. Not sure what happened. Eunice- can you check.
Geraldine Knatz
Executive Director
Port of Los Angeles

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Friday, December 09, 2011 04:26 PM
To: Knatz, Geraldine
Cc: Tankersley, Eileen
Subject: Letter for Coastal Conservancy Board

Dear Geraldine,
When we spoke a month or so ago, I asked if you would provide a letter to Sam Schuchat and his Board regarding your interest in the Ballona Wetlands restoration project. The January meeting of the Conservancy Board will be in Los Angeles and Sam will ask the Board to approve a large sum for continuing the planning and permitting of the restoration project, so your support of the project and interest in providing mitigation funding is important. Do you still intend to provide a letter and can I help with drafting? Also, we will give the Board members a tour of the wetland and briefing on the restoration plan before or after the Board meeting. As soon as we have a date I will send you an invitation and hope that you could come along. O11-449 cont.

Thank you Geraldine,
Shelley

Shelley Luce, D.Env.
Executive Director
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From: Mary Small
To: "Shelley Luce"; "Diana Hurlbert"
Subject: FW: draft support letter for SCC board meeting
Date: Tuesday, January 03, 2012 1:05:00 PM
Attachments: SCC_Ballona_Tech_Support_Ltr.docx

Hi
I belatedly just sent this request to DFG and SLC. The only support letter I have is from MRCA, though I know the port is working on one too. Can you let me know who you are working on getting letters from and if there is anyone else I should follow-up with?
Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 1:04 PM
To: 'Griggs, Pamela@SLC'; 'Terri Stewart'; 'dlawhead@dfg.ca.gov'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'
Subject: draft support letter for SCC board meeting

O11-449 cont.

Hi
Sorry I didn't send this to you earlier, I meant to send it before the holidays, but forgot. I was wondering if your agencies would send a support letter to Coastal Conservancy for the requested authorization for funds for engineering and final design for Ballona. Our meeting will be in LA so I expect there will be some opposition and it is a huge funding request since we decided to do the EIR and permitting for the whole project.

If you could attend the site tour of Ballona and the meeting (both on Jan 19th) that would be great too.

Please let me know if you have any questions or need more info.
Thanks
Mary

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Los Angeles, CA 90045
310-216-9827
www.santamonicabay.org

From: Jim Lamm [jim.lamm@sbcglobal.net]
Sent: Monday, November 14, 2011 8:51 PM
To: Jessica Hall
Cc: Diana Hurlbert; Shelley Luce
Subject: Re: Request for Support Letters - Urban Greening - Cochran Avenue

Jessica,

BCR's letter of support is attached. Here's to a successful project!
Jim

Jim Lamm, President
Ballona Creek Renaissance (BCR)...Connecting Creek and Community from the Hills to the Bay
310-839-6896, 310-367-0336 (c), http://facebook.com/ballonacreekrenaissance, www.ballonacreek.org

O11-449 cont.

From: Jessica Hall <jishica@mac.com>
To: Jim Lamm <jim.lamm@ballonacreek.org>; diana hurlbert <dhurlbert@santamonicabay.org>
Cc: shelley <sluce@santamonicabay.org>
Sent: Mon, November 14, 2011 10:44:14 AM
Subject: Request for Support Letters - Urban Greening - Cochran Avenue

Hi Jim and Diana,
I am working on the urban greening grant for SMBRF for Cochran Avenue Gateway project. Jim, I was wondering if BCR would write a letter of support, and Diana, I was wondering if there were other stakeholders in the Ballona community that you have contact info for, that would also provide a letter of support. Any technical experts would be especially appreciated. A draft letter is enclosed.

The grant is due Thursday.

Thanks!
Jessica

From: Mary Small
To: "Mark Gold"
Cc: sluce@santamonicabay.org
Subject: RE: support letter for SCC board meeting?
Date: Friday, January 06, 2012 4:23:00 PM

I was just talking to Shelley and we were wondering if you could send a staff person to the meeting even if you don't want to sign a letter? Maybe Meredith or someone on her staff could come to talk about the need to open the site to public access and restore nature in the city?

This authorization doesn't commit to any one project, we still will be going through CEQA and NEPA.

Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 3:00 PM
To: 'Mark Gold'
Subject: RE: support letter for SCC board meeting?

Thanks, the meeting is the 19th so that's the deadline. Yes, I totally understand.

I was just sending Sarah an email about possible dates I'll be in LA when I'd like to stop in ad talk about OPC, so maybe I'll see you then.

Happy new year (and MLPA implementation)
Mary

O11-449 cont.

From: Mark Gold [mailto:mgold@healthebay.org]
Sent: Tuesday, January 03, 2012 2:39 PM
To: Mary Small
Subject: RE: support letter for SCC board meeting?

Mary – Happy new year to you too. We will definitely take a look at this and think it through. It is a great project and needs to happen. The political baggage that goes with it is no picnic as you know.

When is the deadline?

Mark Gold, D.Env. | President
Heal the Bay | 1444 9th Street | Santa Monica CA 90401
Tel: 310 451 1500 X123 | Fax: 310 496 1902 | mgold@healthebay.org
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From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 2:16 PM
To: Mark Gold
Subject: support letter for SCC board meeting?

O11-449 cont.

Hello Mark,
Happy New Year. I am emailing to see if Heal the Bay would be willing to send a letter of support to the Coastal Conservancy for the recommendation that we authorize $6.5M for the design and engineering of the proposed restoration project? My draft staff report is attached along with a sample letter. I know you have talked to Shelley about the project, but I would be happy to give you an update at any time. Of course I understand if you are not prepared to take a position on this project at this point, but our meeting will be in Culver City, so I expect there will be some opposition.

Please let me know if you have any questions or need more info.
Thanks,
Mary

From: Mary Small
To: "Dick Wayman"
Subject: FW: Ballona Wetlands presentation materials at SCC meeting
Date: Friday, January 20, 2012 4:03:00 PM

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Friday, January 20, 2012 3:12 PM
To: Mary Small; Karina Johnston; Diana Hurlbert
Subject: RE: Ballona Wetlands presentation materials at SCC meeting

Yes Mary - Karina or Diana can you please?
Also wanted to make sure you saw/heard the NPR coverage:
http://www.scpr.org/news/2012/01/20/30859/coastal-conservancy-releases-55-million-ballona-wet/

The MDR patch did a pretty good job covering - except Lisa F's comments which are confusing to me, but I will call her about it - and LATimes is going to run something this weekend, I am told. Fingers crossed.
http://venice.patch.com/articles/coastal-conservancy-approves-6-5-million-for-ballona-wetlands-restoration-plans

Thank you Diana and Karina for helping get this press coverage - the advance work we did made a HUGE difference! Please stay on top of me in the future to make sure we have the same success next time. great job.
shelley

Shelley Luce, D.Env.
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Santa Monica Bay Restoration Commission
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From: Mary Small [msmall@scc.ca.gov]
Sent: Friday, January 20, 2012 2:52 PM
To: Karina Johnston; Diana Hurlbert
Cc: Shelley Luce
Subject: Fwd: Ballona Wetlands presentation materials at SCC meeting

O11-449 cont.

Could one of you email this to him?
Thanks

sent from my phone

Begin forwarded message:

> **From:** Rex Frankel <rexfrankel@yahoo.com>
> **Date:** January 20, 2012 12:46:45 PST
> **To:** Mary Small <msmall@scc.ca.gov>
> **Subject: Re: Ballona Wetlands presentation materials at SCC meeting**
> **Reply-To:** Rex Frankel <rexfrankel@yahoo.com>
>
> Mary,
> thank you for the presentation materials. However, on the Baseline monitoring report page,
> http://santamonicabay.org/smbay/ProgramsProjects/HabitatRestorationProject/BaselineAssessmentReport/tabid/203/Default.aspx
>
> the Chapter 4--Vegetation report does not come up when you click on it. I assume this is where Dr. Luce's conclusion comes from.
>
> If you can, please email that chapter to me.
>
> Thank you, Rex Frankel
>
> ---
>
> **From:** Mary Small <msmall@scc.ca.gov>
> **To:** 'Rex Frankel' <rexfrankel@yahoo.com>
> **Sent:** Friday, January 20, 2012 12:09 PM
> **Subject:** RE: Ballona Wetlands presentation materials at SCC meeting
>
> Hello Rex
> Attached is our slide presentation.
>
> Yes, Dr. Luce was referring to the findings of the baseline assessment. I just went to the project website and clicked on the image of the report cover and was able to download the documents, but if there are specific chapters that you are unable to download, please let us know and we'll get them to you.
>
> Mary
>
> ---
>
> **From:** Rex Frankel [mailto:rexfrankel@yahoo.com]

Sent: Friday, January 20, 2012 10:13 AM
To: msmall@scc.ca.gov
Subject: Ballona Wetlands presentation materials at SCC meeting

Mary,

I am interested in getting a copy of your slide presentation from yesterday's SCC Board meeting. Can you email it to me?

I am also interested in seeing the source documents that were used to make Dr. Luce's point that very little of the site is now functioning habitat.

Are they in the recently released SMBRC's Ballona Wetlands Baseline Assessment Program reports? The SMBRC has a website, ballonarestoration.org, with the Baseline Assessment Program report, unfortunately, most of these documents do not open when clicked upon. They are posted here:
http://santamonicabay.org/smbay/ProgramsProjects/HabitatRestorationProject/BaselineAssessmentReport/tabid/203/Default.aspx

Please call me or email if you can help.

Thanks, Rex Frankel, 310-738-0861

O11-449 cont.

From: Mary Small
To: "Joe Geever"
Cc: "Shelley Luce"; "Diana Hurlbert"
Subject: Coastal Conservancy Jan 19th Meeting
Date: Thursday, December 15, 2011 11:25:00 AM
Attachments: Ballona_Wetlands_Engineering and Technical Studies.docx

---

Hi Joe
Nice to talk to you this morning, and thanks for agreeing to come to the Coastal Conservancy meeting in Jan. It will be on Jan 19th at the Baldwin Hills Scenic Overlook starting around noon. Ballona funding (draft staff report attached) will be the first major item on the agenda. We are planning to take the Board on a tour of Ballona that morning. The tour and meeting are open to the public and details will be posted on our website by the 6th of Jan.

O11-449 cont.

As I mentioned, we (Shelley and I) would be happy to provide additional information to you &/or your chapters at any point. Since we are finally getting ready to initiate the public environmental review, now would be a good time to get you engaged.

Thanks,
Mary

~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181
~~~~~~~~~~~~~~~

ATTACHMENT 4

O11-449
cont.

From: Mary Small
To: "Shelley Luce"
Cc: "Joan Cardellino (Joan Cardellino)"; "Diana Hurlbert"
Subject: RE: Letter for Coastal Conservancy Board
Date: Tuesday, December 13, 2011 1:11:00 PM

Thanks

Sorry, the plan is to have the tour from roughly 9-11:30 and then start the meeting at noon or 12:30 – something like that. We're afraid that if we do the tour after the meeting none of the board members will come.

I'll call Barbara today to get her ideas and see if they will help with the tour, come to the mtg or send a letter
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Tuesday, December 13, 2011 1:08 PM
To: Mary Small
Cc: 'Joan Cardellino (Joan Cardellino)'; Diana Hurlbert
Subject: RE: Letter for Coastal Conservancy Board

Mary, here are some thoughts from me and Diana: O11-449 cont.

1) Tour – we'll do the tour anytime that works for your members but it seems tight to finish it by 9:15 in order to get them all to Baldwin Hills Overlook for a 10 am meeting. I know we have the Toy meeting the day before so right after the board meeting makes most sense. Could you convince your members to stick around for it?
2) Press – this is troubling. It'll be hard for us to get good press on a $7M expenditure... we can spin this if we get the right people. What if we did a brief presentation on the Monitoring Report before hand? We'll have beautiful hard copies, it's over 400 pages and very impressive and did not cost a lot for the amount of work and info. I think it makes SCC and SMBRC look great. Could we make this the press focus, i.e. with Molly Peterson at least? I'll give her a call for starters.
3) Support – I will talk with Geever, Jim Lamm, Miguel, Lisa Fimiana, Baykeeper, HTB, Nate from Rosendahl's office, Napolitano from Knabe's and Karly from MRT's. I can't say who will show up or do a letter but I will make the asks. I'll also ask Pestrella. Can you talk to MRCA Mary? Also what about the Corps – Rick Liefiled's support would be very meaningful, or Toy's if we can get it. Maybe a letter from Toy with Rick or someone else attending the meeting?

We'll draft a support letter asap and run it by you.
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160

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310-961-4444

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From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, December 13, 2011 10:38 AM
To: Shelley Luce
Cc: 'Joan Cardellino (Joan Cardellino)'
Subject: RE: Letter for Coastal Conservancy Board

Hi Shelley-
Do you have time to talk about our Jan meeting? I know you have a board meeting this week, so we could also do this via email – or next week, but before next Fri I'd like to work through some ideas:

1) Tour – we'll probably do a tour the morning of the meeting, I think maybe the tour we did with Colonel Toy – view from Cabora Rd and then walk out to boyscout platform
2) Press – do you think we could use this meeting as an opportunity to get either local papers and/or try for LA Times to cover the project? I am worried that once the agenda is out Marcia will use as opportunity to get bad press. Our agenda will be mailed out Jan 6th
3) Public support – who could we have come to support the project at the meeting or with letters? Geraldine is critical (at least her letter) but how about MRCA?, Joe Geever?, Ballona Creek Renaissance?, Friends?, Miguel Luna?, Audubon? HtB? Baykeeper?

O11-449 cont.

Thanks,
Mary

From: Shelley Luce [mailto:sluce@santamonicabay.org]
Sent: Monday, December 12, 2011 3:22 PM
To: Mary Small
Subject: FW: Letter for Coastal Conservancy Board

Hi Mary, Geraldine thought her letter went out already. Have you received? I also invited her to tour the wetlands with us after the meeting.

Shelley Luce, D.Env.
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Los Angeles, CA 90045
310-961-4444

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From: Knatz, Geraldine [mailto:knatz@portla.org]
Sent: Sunday, December 11, 2011 1:00 PM
To: Shelley Luce; Zordilla, Eunice
Cc: Tankersley, Eileen

From: Shelley Luce
To: Mary Small
Subject: RE: board presentation
Date: Wednesday, January 11, 2012 6:55:23 PM

Hi Mary,
I think the presentation looks good. I think we should include some comparative data to show the need for restoration – e.g. the seed bank data, the exotic veg data and some of the animal data (birds and herps). I saw what karina sent you and it doesn't help us – we need numbers like "99% invasive plants" and "lowest seed bank of any so cal wetland". we also need her graphs that show huge percent exotic veg. versus tiny percent native veg, etc. along with those photos of invasive plants that you already included.

I also think we should mention the TMDL –or not the TMDL itself, but we can list the impairments listed on the 303d list, note that TMDL implementation would be consistent with the restoration and that we can work with partners on my governing board and other agencies and leverage resources that would go into implementing the TMDL.

I can help with slides – why don't you send me one or two in your formatting and I will make some with the graphs imentioned and see if you like them. Or rather, since you have to finish by tomorrow and I am out of the office all day, we will ask karina to insert some graphs. Okay with you? O11-449 cont.
Shelley

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From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, January 11, 2012 2:49 PM
To: Shelley Luce
Subject:

Hi Shelley
Attached is a draft powerpoint, I want to keep it as simple as we can. There are several extra slides at the end, I just want one picture I can leave up when I walk through the actual requested action, maybe just the bird with its head in the water?

There are two slides about the baseline monitoring program – I think we only need one of them, do you prefer lots of words or just a picture.

I am sending in .pdf because the actual powerpoint is too big. If you want me to ftp the powerpoin so you can edit directly, let me know. I have to finish this by tomorrow night.

Thanks!
Mary

O11-449
cont.

From: Shelley Luce
To: Karina Johnston
Cc: msmall@scc.ca.gov
Subject: graphs needed for SCC board presentaiton
Date: Thursday, January 12, 2012 7:57:56 AM

Hi Karina,
Thank you for the bullets you prepped for Mary, they are helpful. The photos are also perfect. What we still need for the presentation are graphics or numbers that will really make our case. Mary needs to complete the presentation today so can you and your team help us prep the following ASAP?

- one map of existing conditions that shows the site today: an aerial photo with transparent overlay of BASIC habitat types - how much is wetland, how much is upland/vacant lot style. goal is to illustrate how little of the site can be said to be funcitoning habitat.

- one simple graph showing predominance of invasive species - the one in the BWER draft TMDL is fine, can you please send that to mary? we need to say "x percent of the site is covered with 99% invasive vegetation" or whatever the actual numbers are. rather than "dominate by invasives" which could mean only 55% covered.

- some species diversity numbers/charts that show how extremely depaupurate poor Ballona is. not just "reduced relative to other wetlands" but "lowest seed bank abundance and diversity of any wetland in southern california" - but i need you to give me the right language so i am not mis-stating anything. please give me those #s or charts or langauge for seed bank, veg, mammals, birds, fish and herps separately and we'll decide which ones to mention in our presentation.

O11-449 cont.

- any other features of the site or results from your surveys that really illustrate to non-scientists how desperate is the need to restore ecological function and habitat at the site.

I am sorry to ask you for all this today, I hope you or one of your team has time. I think you have all this info readily accessible - f there is someihting i've requested that is a big pain check with me and we'll decide if it's really needed. please call my cell or email, i will be out of the office all day but checking my phone compulsively. also please suggest other stuff if you think of it - you know these data better than we do! thank you KJ talk to you later today.
shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
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Los Angeles, CA 90045
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www.santamonicabay.org

From: Mary Small
To: "Karina Johnston"; "Diana Hurlbert"; "Shelley Luce"
Subject: please review these two paragraphs
Date: Tuesday, December 13, 2011 9:09:00 AM

Hi
I'm wrapping up my staff report and I needed to add a little more detail about what SMBRF will do with the grant funds and who you are. Can you please review this and let me know if you have any edits? If you can get it to me today, that'd be great.
Mary

The recommended grant to the SMBRF would provide funds for data collection, technical review and agency coordination to support the proposed restoration project. The SMBRF has implemented a multidisciplinary baseline data collection program using volunteers, students and professional technical experts. The baseline report is the first comprehensive assessment of biological and physical resources at the BWER. It was just published and is available online: http://www.ballonarestoration.org. This grant would allow the SMBRF to conduct additional targeted studies based on the resources identified in the baseline assessment as needed to support the environmental impact analysis of the proposed project. In addition, the SMBRF will continue coordination of the agency review, identification of funding partners, and technical review of work products associated with this project. O11-449 cont.

The SMBRF is a non-profit organization that was created in 1991 to implement the priorities of the Santa Monica Bay Restoration Plan and to support the work of the Santa Monica Bay Restoration Commission. The SMBRF has a number of initiatives including research, public education, and planning, to support these goals. The SMBRF and the Seaver College of Science and Engineering at Loyola Marymount University (LMU) created the Center for Santa Monica Bay Studies to engage in multidisciplinary research on environmental and social issues affecting Santa Monica Bay and its watershed, and to contribute to policies and actions that improve the environmental condition of the Bay. The partnership with LMU has been very valuable to the data collection efforts, SMBRF has used student volunteers to conduct fieldwork and some faculty have coordinated their own research to support the baseline assessment, resulting in hundreds of hours of field work being donated to the project.

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181
~~~~~~~~~~~~~~~~

O11-449
cont.

ATTACHMENT 5

NORMAN Y. MINETA, California
Chairman

JAMES L. OBERSTAR, Minnesota
NICK JOE RAHALL II, West Virginia
DOUGLAS APPLGATE, Ohio
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COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
U.S. HOUSE OF REPRESENTATIVES
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RESOLUTION

O11-449 cont.

Marina del Rey, California
Docket 2455

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California, published as House Document 389, Eighty-third Congress, Second Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of navigation, hurricane and storm damage reduction, environmental restoration, and other purposes at Marina del Rey Harbor, Los Angeles, California, with consideration given to the disposal of contaminated sediments from the entrance channel required under the existing operation and maintenance program at Marina del Rey Harbor.

Adopted: September 28, 1994

ATTEST: NORMAN Y. MINETA, Chair

[Federal Register: September 20, 2005 (Volume 70, Number 181)]
[Notices] [Page 55116-55117] From the Federal Register
Online via GPO Access [wais.access.gpo.gov] [DOCID:fr20se05-36]
[[Page 55116]]

DEPARTMENT OF DEFENSE Department of the Army; Corps of Engineers Notice of Intent To Prepare an Environmental Impact Statement/ Environmental Impact Report for the Ballona Creek Ecosystem Restoration Feasibility Study, Los Angeles County, CA AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD. ACTION: Notice of intent.

SUMMARY: The Los Angeles District intends to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to support a cost-shared ecosystem restoration feasibility study with the Santa Monica Bay Restoration Commission. The proposed project study areas has been degraded by encroachment of non-native plants, placement of fill from Marina Del Rey, interruption of the hydrologic regime, trash accumulation, and varied attempts at bank protection along the creek using rock and concrete. Direct benefits of the proposed project include improved habitat and water quality, reductions in waste and trash, and aesthetics. The watershed is an important resource for both recreational uses and for fish, and wildlife and further degradation could jeopardize remaining. The purpose of the feasibility study is to evaluate alternatives for channel modification, habitat restoration (coastal and freshwater wetlands and riparian), recreation, and related purposes along the lower reach of the Ballona Creek. DATES: A public scoping meeting will be held on September 29, 2005 at 6 p.m. ADDRESSES: U.S. Army Corps of Engineers, Los Angeles District, CESPL-PD, P.O. Box 532711, Los Angeles, CA 90053 and Santa Monica Bay Restoration Commission, 320 West 4th Street, Los Angeles, CA 90013. FOR FURTHER INFORMATION CONTACT: Shannon Dellaquila, Project Environmental Manager, at (213) 452-3850 or Malisa Martin, Project Study Manager at (213) 452-3828. SUPPLEMENTARY INFORMATION: 1. Authorization This study was prepared as an interim response to the following authorities provided by Congress under Section 216 of the Flood Control Act of 1970, which states: The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest; supplemented by House Resolution on Public Works and Transportation dated September 28, 1994 which states: **The Secretary of the Army is requested to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California, published as House Document 389, Eighty-third Congress, Second Session,** and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at present time, in the interest of navigation, hurricane and storm damage reduction, environmental restoration, and other purposes at Marina del Rey Harbor, Los Angeles, California, with consideration given to disposal of contaminated sediments from the entrance channel required under the existing operation and maintenance program at Marina del Rey. 2. Background The Ballona Creek Ecosystem

O11-449 cont.

Restoration study area lies within Los Angeles County, CA and includes portions of Marina del Rey, Culver City, Playa del Rey, and the City of Los Angeles. The study area, a component of the greater Ballona Creek Watershed, includes the lower reach of Ballona Creek extending southwest from Cochran Avenue, in Los Angeles, to Pacific Ocean in Marina del Rey. specific features of the Ballona Creek watershed, including existing and historic wetland areas, the Ballona Lagoon, Del Rey Lagoon, Venice Canal, Grand Canal, the Oxford Drain and the Ballona Channel and tributaries, will be addressed in this study. The greater Ballona Creek system drains a watershed of approximately 329 square kilometers (81,300 acres), and is the largest tributary that drains into the Santa Monica Bay. Ballona Creek collects runoff from several partially urbanized canyons on the south slopes of the Santa Monica Mountains as well as from intensely urbanized areas of West Los Angeles, Culver City, Beverly Hills, Hollywood, and parts of Central Los Angeles. The urbanized areas account for 80 percent of the watershed area, and the partially developed foothills and mountains make up the remaining 20 percent. The watershed boundary includes the Santa Monica Mountains on the north, the unincorporated area known as Baldwin Hills, and the City of Inglewood on the south. The Ballona Creek Ecosystem Restoration study footprint's southern boundary is defined by the Westcheste Bluffs, which run southwest from the San Diego (405) Freeway beyond Loyola Marymount University. The western boundary extends from the Pacific Ocean. The eastern boundary begins where Ballona Creek daylights at Cochran Avenue and Venice Boulevard in a section of Los Angeles known as the Mid City. Tributaries of Ballona Creek include Centinela Creek, Sepulveda Canyon Channel, Benedict Canyon Channel, and numerous storm drains. The Ballona Creek watershed ecosystem has been altered by intense land development, encroachment of non-native plants, trash accumulation, and varied attempts at bank protection along the creek using rock and concrete. Although an important function of the Ballona Creek is as a flood control channel, the lower watershed is still an important resource for both recreational uses and for fish and wildlife habitat. Further impairment could jeopardize remaining habitat. This study will evaluate opportunities for habitat restoration (including wetland and riparian habitat), improvements to water quality, trash mitigation, and recreation and related purposes along the lower reach of the Ballona creek. 3. Problems and Needs At least ninety (90) percent of historic coastal wetlands in California have been lost due to filing, dredging, flood control and intensive development. Within the Lower Ballona Creek Watershed, remaining fragmented wetland areas have been degraded due to diminished hydraulic function, poor water quality and introduction of exotic plants and animals. While functioning wetland systems and riparian habitat remain, they are stressed. Channelization of the Ballona Creek and filling of historic wetland and riparian areas have contributed to degradation and loss of habitat due to impeded tidal exchange and circulation. Contaminated stormwater runoff and trash loading has degraded Ballona Creek water quality. Habitat alteration and loss has decreased biodiversity and overall ecological health, threatening the survival of native endangered species such as the California least tern (Sterna antillarum brown), snowy plover (Charadrius alexandrinus), and the Belding's Savannah Sparrow (Sandwichensis beldingi). The current design of the Flood Control channel has resulted in a lack [[Page 55117]] of recreational opportunities and is considered aesthetically challenged. At present there is no integrated approach and partnership amongst stakeholders to resolve lower Ballona Creek in-stream and wetland

O11-449 cont.

degradation issues, which has led to uncoordinated and sometimes redundant and unsuccessful improvement measures. 4. Proposed Action and Alternative The Los Angeles District will investigate and evaluate all reasonable alternatives to address the problems and need stated above. In addition to a without project (No Action) Alternative, both structural and non-structural environmental measures will be investigated. An assessment of the feasibility of removing impervious surfaces from the Ballona Channel will also be evaluated. Proposed restoration measures include: re-grading and removal of fill, remove invasive and non-native plant species, reintroduction of a water source and installation of native plants to restore previously filled coastal wetlands. Other measures to be evaluated include features to improve or restore tidal regime in Oxford Basin, the Grand and Venice canals, and Ballona and Del Rey Lagoons; the potential for in stream wetland development in Centinela, Sepulveda and Ballona Creek; sediment loading in the upper watershed; and related recreation and educational opportunities. 5. Scoping Process The scoping process is on-going, and has involved preliminary coordination with Federal, State, and local agencies and the general public. A public scoping meeting is scheduled for Thursday September 29th from 6-8 p.m. at the Rotunda Room of the Veteran's Memorial Building, 4117 Overland Avenue, Culver City, CA. This information is being published in the local news media, and a notice is being mailed to all parties on the study mailing list to ensure that public will have an opportunity to express opinions and raise any issues relating to the scope of the Feasibility Study and the Environmental Impact Study/Environmental Impact Report. The public as well as Federal, state, and local agencies are encouraged to participate by submitting data, information, and comments identifying relevant environmental and socioeconomic issues to be addressed in the study. Useful information includes other environmental studies, published and unpublished data, alternatives that could be addressed in the analysis, and, potential mitigation measures associated with the proposed action. All comments will be considered in the project development. Concerns may be submitted in writing to the Santa Monica Bay Restoration Commission, or to the Los Angeles District (see ADDRESSES). Comments, suggestions, and request to be placed on the mailing list for announcements should be sp101.usace.army.mil. Availability of the Draft EIS/EIR The Draft EIS/EIR is scheduled to be published and circulated in December 2007, and a public hearing to receive comments on the Draft EIS/EIR will be held after it is published. Dated: September 13, 2005. Alex C. Dornstauder, Colonel, U.S. Army, District Engineer. [FR Doc. 05-18651 Filed 9-19-05; 8:45 am] BILLING CODE 3710-KF-M

O11-449 cont.

From: Shelley Luce
To: Mary Small; "Rick Mayfield"
Cc: "Terri Stewart"
Subject: RE: From John Davis Re Ballona CEQA process
Date: Tuesday, February 07, 2012 1:39:26 PM

Agreed. The doc he references was for a completely different project, a feasibility study in which SMBRC was the local sponsor for the Corps' study. The EIR/EIS that we want to start is for a separate project, i.e. the BWER restoration/enhancement project. As the landowner, DFG will be the lead agency.

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, February 07, 2012 1:30 PM
To: 'Rick Mayfield'; Shelley Luce
Cc: 'Terri Stewart'
Subject: RE: From John Davis Re Ballona CEQA process

O11-449 cont.

Suggested response.
1) The EIS/EIR process begun in 2005 was for the Army Corps' Lower Ballona Ecosystem Restoration Feasibility Study, that project and the associated environmental review has not been completed and is not moving forward at this time. The EIR/S process for the proposed enhancement project will be separate.
2) The CEQA statute where lead agency is defined is Public Resources Code Section 21000.
3) DFG as landowner intends to be the lead agency on the proposed enhancement project that will be analyzed in the EIR/EIS.

From: Rick Mayfield [mailto:rmayfield@dfg.ca.gov]
Sent: Tuesday, February 07, 2012 9:30 AM
To: Mary Small; Shelley Luce
Cc: Terri Stewart
Subject: Fwd: From John Davis Re Ballona CEQA process

Please take a look at the attached from Mr. Davis and let me know if you can provide any further information before I respond.

Thanks,

Rick
>>> <jd@johnanthonydavis.com> 2/6/2012 5:11 PM >>>

Ca DFG
Att: Mr. Mayfield

Hi Mr. Mayfield, attached is the congressional and corp docs we discussed.

The document states an joint EIS/EIR process was begun in 2005 per the request of Congress.

The Santa Monica Bay Restoration Commission is noted as the lead agency for CEQA in the joint EIR/EIS.

It also states that at least one scoping hearing has already occured.

My question is does DFG plan on beginning another EIR process for the same area that is already been started by the SMRBC and Corp. If so, how can there be two lead agencies.

To me, logic indicates the SMRBC should be lead.

Thanks,

John Davis
PO 10152
Marina del Rey Ca. 90045

O11-449 cont.

From: Mary Small
To: "Diana Hurlbert"; "David Lawhead (DLawhead@dfg.ca.gov)"; "Eichler, Monica SPL"; "Eric Gillies"; "griggsp@slc.ca.gov"; "Hamamoto, Bruce"; "Patrick Holland (pholland@dpw.lacounty.gov)"; "Rick Mayfield (rmayfield@dfg.ca.gov)"; "Serpa, Phillip J SPL"; "Shelley Luce"; "Strum, Stuart R MVN-Contractor"; "Swenson, Daniel P SPL"; "Terri Grant (tgrant@dpw.lacounty.gov)"; "Youn Sim (ysim@dpw.lacounty.gov)"
Subject: FW: request for services - ballona wetlands
Date: Wednesday, February 08, 2012 4:46:00 PM
Attachments: Ballona Civil Engineering and Geotech.pdf
Ballona Hydrology and Engineering.pdf

The request for services for the civil engineering and geotechnical contract and the hydrology and engineering contracts went out today. Feel free to forward to other potential contractors, I sent it to about 60 in our database and we will post it on the web. Proposals are due on Feb 29th.

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:39 PM
Subject: FW: request for services - ballona wetlands

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis.

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181

O11-449 cont.
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Ballona Ecosystem Restoration Planning Management Meeting
June 28, 2010
3:00-5:00pm

Attendees:

Josephine Axt, USACE	Ed Demesa, USACE	Julian Serafin, USACE
Rene Vermeeren, USACE	Ben Nakayama, USACE	Rhiannon Kucharski, USACE
Diana Hurlbert, SMBRC	Sean Bergquist, SMBRC	Kathy Anderson, USACE
Larry Smith, USACE	Mary Small, Coastal Conservancy (by phone)	

I. Mary Small: Coastal Conservancy is supplying most of the funding toward the in-kind local sponsor efforts.

II. Ed Demesa: Corps Process Overview
   a. We are coming up to our first major milestone (F3)
      i. Baseline and future without project conditions; preliminary alternatives analysis
         1. Describes problems and opportunities, planning objectives
         2. This product will be the basis for future steps
      ii. Next milestone (F4A/F4)
         1. Formulation, evaluation and comparison of alternatives
         2. F4A: SPD requirement, Alternative Formulation Briefing
      iii. (F5) Public Draft Feasibility Report
         1. Headquarters Policy and Public Review
   b. Josephine Axt: New Review Guidance (Estimated at $500,000; IEPR is federally funded)
      i. Agency Technical Review (ATR) - Requires coordination with the planning center of expertise, and coordinates a team of reviewers from another Corps Division
      ii. Model certifications required
      iii. Independent External Peer Review (IEPR)
      iv. Note for budget: call out what IEPR is estimated to cost, and that it does not have to be cost shared
      v. Diana Hurlbert: Under each discipline, there are costs for responding to comments. Are those related to ATR?
         1. Josephine Axt: Yes. There is a formal comment and response system that must be used for ATRs (DrChecks)
   c. Kathy Anderson: Partnership
      i. Communication
         1. Sean Bergquist: Communication has been much better since Rhiannon has taken over as Lead Planner.
         2. Mary Small: Rhiannon has been great in communication.
      ii. Cost share
         1. Sean Bergquist: Our cost share component is 100% in-kind. It is anticipated that most of that work is and will continue to be in the wetlands.
            a. We are finished our F3 equivalent (2006)
            b. We are also finished our alternatives development and analysis (2008)
               i. We want to make sure that all of the products feed in to the Corps process and products.
            c. The Corps and us on not on the same timeline.

O11-449 cont.

2. Mary Small: It was always our understanding that the Corps would use our restoration alternatives. It makes us nervous that this was never in writing. We have done our F4 equivalent.
3. Because of Federal funding starts and stops, the Corps is still in the F3 process, while the sponsor has completed alternatives analysis (F4 equivalent).
4. Diana Hurlbert: We want to make sure you are maximizing our products, and we want to understand what if any deficiencies are found.
5. Josephine Axt: In-kind has to be formally submitted, directly applicable to the project and it must be understood that in-kind increases increase the overall budget increases.
    a. Mary Small: We fear that our in-kind is not properly reflected in the PMP.
    b. Rhiannon Kucharski: This may be the case. We need to go in detail in to this upon receipt of in-kind submissions, quality check them and revisit the PMP.
6. Sean Bergquist: For credit, do we get credit for what we paid or for what it would have cost the Corps to do the same work?
    a. Josephine Axt: The in-kind credit needs to match the estimate for that work in the PMP. Likewise, if the work costs more than estimated, credit will only be given for up to the estimated amount.

O11-449 cont.

iii. Ed Demesa: As the project goes up the chain, we have to be careful for policy issues. When the project is competing nationally, it starts to become a factor. The cost of land acquisition is part of the project costs. We can only credit up to 35% of total project costs.

iv. Mary Small: If the Corps falls too behind, we will work with Corps Regulatory for a permit for their activities (NEPA/CEQA, design, permitting, and Phase 1 construction).
    1. Josephine Axt: If you are going full steam ahead, what is your timeline?
    2. Sean Bergquist: We purchased the property in 2005, and have to do something with the property in the near future. There is no set deadline, but they must show the state that something is being done.
        a. In about 4 years, they would like to be constructing something.
        b. Early phase: Do South portion of Area B, South of Jefferson and below Gas Company (low areas, reconnect tidal flows)
    3. Ed Demesa: The law to partially build a project and receive credit for a larger project applies only to flood control when there is imminent need. Unfortunately, that law does not apply to ecosystem restoration. There is not an authority for us to give credit for it down the line. So, this may be something you want to consider for a WRDA request to change the authorization.

III. Project Status
- a. Corps is working on baseline (F3) right now. Due to H&H delays, the milestone will most likely happen early in FY11.
- b. PMP amendment
    - i. Study area
        1. Will be clearly defined in the PMP amendment (to the satisfaction of all parties).

a. Definition: Ballona Creek from the Pacific Ocean to Cochran, Del Rey Lagoon; and Centinela and Sepulveda Channels from Ballona Creek to where they go underground.

2. Grand canal is out.
3. Sean Bergquist: We have always planned on the daylighted part of Ballona Creek up to Cochran.
4. Coordination needs to go through Diana Hurlbert and Rhiannon Kucharski.

ii. Costs

1. Ed Demesa: For in-kind credit, it is important to let the PDT know what work the sponsor is doing, even if it will not be submitted for in-kind credit.
2. Sean Bergquist: Historical analysis of the watershed is in the works. We are also working with UCLA to do a watershed budget.
3. Sean Bergquist: When things have to be redone, how does the cost share work?
   a. Hydraulic study
      i. Rene Vermeeren: Our H&H models are in DRAFT form and have not yet had the first ATR. They are not ready for use on alternatives.
4. SMBRC Governing Board will have to sign the PMP and FCSA amendments.
5. In construction phase, can the cost of the land/property be used toward sponsor in-kind credit?
   a. Kathy Anderson: Yes, as long as the constructed project uses those lands. The state paid $140 million in 2005 for the property that makes up areas A, B and C.

iii. In-kind submittals

1. Mary Small: Is there really much more additional work that needs to be done to review the submittals? How much is left to be done by the Army Corps depends on the in-kind submittals?
   a. Diana and Rhiannon can work together with each PDT member to work through these. Set up meetings ASAP.
   b. Kathy Anderson: The whole PDT needs to sit down and go through the PMP, in-kind and costs step-by with SMBRC.
2. Mary Small: I am worried about the water quality report in terms of the data being what is needed per the Corps and less worried about the write-up
   a. Confirm with James Chieh that the data is what is needed.

c. Kathy Anderson: Sponsor financial capability?

i. Even in light of cost increases, the sponsor has enough money to fund all of their study activities and even begin phase I construction (Area B).

ii. Corps needs to get details of sponsor plans for "phase I" in Area B and determine if this must be added as a future without project condition or not.

IV. Action items are noted in RED.

O11-449 cont.

Lower Ballona Creek Ecosystem Restoration Study Monthly Coordination Meeting Minutes
April 28, 2010
10-11am

Attendees:

Mary Small, CC	Sean Bergquist, SMBRC	Rhiannon Kucharski, USACE
Kathy Anderson, USACE	James Chieh, USACE	

I. Comments to the DRAFT Corps F3 products and the DRAFT PMP update are due by the next coordination meeting, May 26, 2010.
   a. Comment from Sean related to updated costs/project area: SMBRC considers lower Ballona Creek to be everything from Cochran Avenue to the Ocean.
   b. Sean is concerned about how SMBRC can come up with matching funds and/or in-kind work for a study totaling $6.2 million (the updated estimated study cost total)
      i. Mary: We may not be able to get approval for the cost increases

II. Frank Wu was not able to attend today's meeting. He will contact Mary and Sean independently to discuss his question on the Engineering and Design Section I, Task 3 from the PMP. O11-449 cont.

III. In-kind submittals
   a. Mary and Sean will try to submit the first set within one week.

IV. Water Quality Analysis
   a. Document forthcoming from SCCWRP (early June)
   b. Document forthcoming from Geosyntech (June)
      i. Delay due to 2 very dry seasons
   c. Some data is already available on the website (Ballonarestoration.org)
      i. Some prior reports from previous years are available
   d. The Corps (James Chieh) will need to translate and analyze the data and put it into the Appendix Report.
      i. Sean will send everything that is currently available to James Chieh, Cc Rhiannon ASAP. This will include the Geosyntech scope of work and cost estimate for water quality data analysis.

V. Other Discussion
   a. There will be a site tour with the Corps, URS and Sean on May 5, 2010.
   b. Kathy: We were able to request $345k for FY11, but need to get amended FCSA executed.
      i. Mary: We need to credit in-kind work before amending the FCSA. We hope this will bring down the overall study cost.

VI. Action items noted in ORANGE.

Ballona Coordination Meeting Minutes
June 2, 2010
10am

Attendees:

Mary Small, Coastal Conservancy	Diana Hurlbert, SMBRC	Heather Schlosser, USACE
Julian Serafin, USACE	Rhiannon Kucharski, USACE	
Ben Nakayama, USACE	Robert Browning, USACE	Robert Grimes, USACE

I. In kind submittals
   a. For In-kind submittals, Mary, Sean and Diana tried to break down the submittals per the PMP, but had a hard time. Please see in-kind spreadsheet submitted last week.
   b. SMBRC and Coastal Conservancy will submit the In Kind Submittal sheets that correspond with each document from the website, along with reference to the document or file they correspond to and a link to that document on the web.

II. PMP updates
   a. Mary Small is concerned that the revised PMP does not reflect the products they have completed, and very concerned about the cost increases.
   b. Mary Small: Have all the PMP sections looked at the same project area? Parts still refer to Ballona Lagoon, Grand Canal, Venice Canals and Oxford Basin, which are no longer in the study area. O11-449 cont.
      i. All sections should include: Del Rey Lagoon; Areas A, B and C; Ballona Creek from the Ocean to Cochran; and Centinela and Sepulveda Channels from where they daylight to Ballona Creek.
   c. Mary and Diana requested that the Corps add geographic location to the PMP amendment chapter. The scopes of work are confusing because they do not make the study area clear.
   d. Mary: Why have the F3 economics costs gone up?
      i. Ben Nakayama: Economics had to re-run their model due to the revised flood plain hence their cost increase. The potential flooded parcels went from 6000 to 600.
      ii. Sponsor wants to understand why the economics costs for F3 doubled. The model was originally run at a larger scope (6000 parcels) and is now being re-run at a smaller scope (600 parcels). That should not cost double. There should be economies of scale.
      iii. Ben Nakayama: The model had to be completely re-run for the new parcels. This along with added review costs are the reasons behind the cost increase.
   e. Review Guidance has led to approximately $505k in cost increases. $260k of that is for Independent External Peer Review (IEPR), which is NOT cost shared. The other levels of review such as Agency Technical Review (ATR) and model certification ARE cost shared.
      i. Rhiannon will send another copy of the review guidance.
   f. The Coastal Conservancy is worried that there will be no political appetite to support a feasibility study at this cost level.

g. The language in the PMP needs to itemize what the additional costs would go towards.
    i. Rhiannon will send the detailed cost estimates from each PDT member.
h. The Coastal Conservancy believes their GIS work should decrease the revised GIS costs.
    i. This can be investigated further in conjunction with the in-kind review process. USACE will ask Dave Bianco to review the GIS products and scope and cost estimate after the formal in-kind submittal.

III. Coordination

a. Heather Schlosser: It is hard to assure proper coordination when the Corps is trying to complete the baseline F3 this year, while the sponsor is well in to alternatives analysis in the wetlands areas (A, B, C).
    i. Mary and Diana, what do you see as the Corps' role in this feasibility study?
        1. Mary Small: The discussion was that the Corps would focus on the Creek (there aren't state funds for that) and that the wetlands study would go forward separate from the larger feasibility study, but feed in to the project as in-kind credit. The restoration of the wetlands (A, B, C) is being led by SMBRC in conjunction with the State of California.
        2. SMBRC and Coastal Conservancy are both interested in the Creek as well.
            a. Heather Schlosser: Are you willing to cost share the implementation phase of a recommended alternative that includes the Creek and Wetlands?
            b. Mary Small: Our funding strategy for implementing the restoration is the value of the land. However, the Coastal Conservancy's focus is the restoration planning at the wetlands.

O11-449 cont.

IV. Executive Management Meeting

a. Aim to have this in June. SMBRC and Coastal Conservancy will send potential dates and times to Rhiannon Kucharski, who will coordinate with USACE management schedules.

Ballona Telecon Minutes
March 29, 2010

Attendees:

Rhiannon Kucharski, USACE	Kathy Anderson, USACE	Larry Smith, USACE
John Killeen, USACE	James Chieh, USACE	Frank Wu, USACE
Julian Serafin, USACE	Michael Hallisy, USACE	Patrick Singh, USACE
Mary Small, Coastal Conservancy		Sean Berqquist, SMBRC

I. Introductions
II. PMP update
   a. DRAFT SOW Amendment Chapter distributed
   b. Cost estimates
      i. Frank Wu: Coastal Engineering F3 Baseline Conditions
         1. Need to incorporate PWA information in to the appendix
   c. SMBRC Board will have to buy off on the updated PMP and cost estimates
      i. At this Thursday's meeting they are asking the Board to generally support the study
      ii. Cost increase approval will have to come through the Coastal Conservancy's Board
   d. FCSA amendment would come after the PMP update is complete
      i. Have to work with Corps Legal Counsel and SMBRC Legal/Board
   e. Study Area
      i. For F4, the Corps suggests focused study area of A,B & C plus the Creek up to the I-405, and the Centinela Channel and Sepulveda Wash
         1. H&H and Survey and Mapping Sections believe this focused area is best due to cost considerations
         2. Per Frank Wu: Coastal Engineering work has focused on A, B, & C
      ii. Sponsors feel that we need to keep Ballona Creek up to Cochran Boulevard. Otherwise, the map is okay.
   f. Rhiannon and Kathy will set up a meeting between the sponsors and Survey and Mapping (Alan Nichols).[1]
   g. URS and the Corps are in negotiations for the Plan Formulation and Environmental Appendix
III. Corps work Audit
   a. Environmental Resources Branch (ERB)
      i. Review of sponsor work
      ii. Fish survey of creek and channels
      iii. Work with SAC on HEP evaluation
         1. Including scope of work to score A, B & C and the creek between the marsh areas
         2. Mary can re-start the Conservancy agreement with the SAC to possibly fund them.
            a. Larry will send Mary the scope of work he has written.
   b. Cultural Resources
         1. Write-up from PWA, which summarizes a library record search
            a. Corps and Conservancy both feel that the write-up is inadequate

O11-449 cont.

[1] Action Items marked in GREEN.

b. NEPA agency coordination for cultural must be done by a federal agency; it cannot be done by the sponsor or their contractor.
    i. Michael Bever and Bob Stark, with Jones and Stokes and John Killeen need to be in touch with eachother.
2. John Killeen has completed a full record search in the last few months
    a. He is re-writing the F3 input based on the new, more adequate record search.
3. NOTE: Important burials located in the Northwest corner of Area C that have been determined eligible that will need serious consideration for avoidance or mitigation.
4. Also, cultural will have to look at channel as a resource. Where we are pulling out channel, if we decide to, will have to be investigated by cultural.

c. Coastal Engineering
    i. Draft F3 Appendix complete
d. Geotech
    i. Diaz-Yourman contract
    ii. Contract oversite
e. H&H
    i. Baseline Hydrology and Hydraulic Appendices
    ii. Baseline Groundwater Appendix
    iii. Sedimentation will be done during F4 analysis due to funding availability
        1. PWA is looking at sedimentation modeling in their contract with the sponsor. Mary will send their scope of work.
    iv. Water Quality Appendix – We are relying on this product from the sponsor (SCCWRP).
        1. Mary will get us the Appendix as it is available.
f. Socioeconomics
    i. Efforts to date have been on the flood risk management component
        1. Originally the work was going to be done in-house, in L.A.
        2. Original structure inventory and database, site surveys
            a. Subsequent to that work, the H&H floodplain mapping was updated with a fairly significantly reduced floodplain delineation, which demanded that the economics be updated. This update was based on the first revision of the draft Hydraulic Appendix
            b. Update to the economics work will be done through Albuquerque District Economics Section
                i. Finalize F3 analysis
            c. FLO-2D data conversion to HEC format
                i. Will be done through Sacramento District
g. PWA and Jones and Stokes are doing on-going work. Mary will send both scopes of work.

IV. In-kind process (Kathy Anderson)
a. To date there has been no in-kind logged in to the Corps financial system. We need to catch up on that. It should be done yearly.
b. Update in-kind numbers in PMP and in cost summary spreadsheet.
    i. List all in-kind work in a table with associated amount spent on the work, along with a list of work already scoped and contracted to be done. Also, Shelly Luce of SMBRC would need to sign the official submittal.

O11-449 cont.

I. Sponsor needs to keep records of the in-kind and the values in case of an audit.

ii. Mary Small: What is the best way to do that?

iii. Kathy Anderson: We can have a separate meeting to go through the in-kind line by line with Kathy, Rhiannon, Sean and Mary.

iv. Mary Small: Is it what we spend on the product that gets credited or is it what the federal government would have spent to do the same thing?

1. It is up to the PDT to QA/QC the products and agree to the accounting both in amount and content.
2. Coastal Conservancy would feel more comfortable if the in-kind is credited at the value they spent on the product.

V. Coordination

a. Corps requests going forward

i. Each PDT member needs to coordinate with their equivalent on the sponsor's contractor team(s)

1. Rhiannon will send a PDT list to Sean and Mary so that coordination contacts can be filled in next to the corresponding PDT member(s).

b. Sponsor requests

i. Tie up the in-kind process and update more often

c. Our coordination meetings from now on will be the last Wednesday of every month at 10am.

VI. Other Discussion

a. Bike tour with Congresswoman Harman April 9th.

i. Kathy will forward info to Mary and Sean.

O11-449 cont.

Version 3, dtd 5/24/2011

DRAFT
ITINERARY FOR
COL R. MARK TOY
MEETING WITH SANTA MONICA BAY
RESTORATION COMMISSION AND
VISIT TO BALLONA CREEK

26 MAY 2011

TIME/ACTIVITY		TRANSP/REMARKS
THURSDAY – 26 MAY 2011		**UNIFORM: ACUs**
0830	Depart SPL for Loyola-Marymount University (LMU) – 1 LMU	Govt vehicle Driver: Phil Serpa Rick Leifield Josephine Axt
310-338-2700	PAX: Monica Eichler Stuart Strum Dan Swenson	
0920	Arrive LMU – Santa Monica Bay Restoration Commission Staff Office (SMBRC)	Location: University Hall Room ECC1857 Note: Met by Stuart Strum and Dan Swenson
0930	Executive Management Meeting with SMBRC and California State Coastal Conservancy (CC) Los Angeles County Public Works Dr. Shelley Luce, Executive Director, SMBRB Mary Small, Deputy Executive Officer, Coastal Conservancy Mark Prestrella, Deputy Director	

O11-449 cont.

TIME/ACTIVITY		TRANSP/REMARKS
THURSDAY – 26 MAY (Continued)		
	Agenda: - Introductions - Project Overview – SMBRC/CC o Project goals and regional importance o Planning Process (Science Advisory Committee and Public Meetings) o Proposed Project o Schedule - Partnership with Corps: Discussion (All) o 408 Permit – Outstanding Questions o Status of Feasibility Study o Discussion of Future Coordination	O11-449 cont.
1100	Depart for Ballona Creek PAX: See above	Govt Vehicle Driver: Phil Serpa
1110	Ballona Creek Site Visit - Overview of the Site - Ballona Channel - Muted Tidal Wetland SMBRC/CC and LAPW Participants: Dr. Luce, Mary Small and Mark Prestrella	
1210	Depart for Ballona Creek for SPL PAX: See above Note: Lunch enroute	Govt Vehicle Driver: Phil Serpa
1330	Arrive SPL	

From: Mary Small
To: Diana Hurlbert; sluce@santamonicabay.org
Subject: talking points ballona - scc board
Date: Thursday, January 05, 2012 2:08:00 PM
Attachments: talking points ballona board item.docx

Hi
Shelley, I am hoping that you will share the presentation of this item to the Conservancy board with me. Attached is an outline of what I am thinking we should cover, please take a look and give me your thoughts. My suggestion is that I'd introduce the project and you, you'd cover the need for restoration and the proposed project and then I could go through the details of the proposed action. I am thinking we will have a short (10ish slide) powerpoint with few words but good pictures. I can pull a draft of it together. O11-449 cont.

Diana, I am hoping you can fill in the highlighted sections in the attached to help me think about how to explain the work that will done if approved, why it's so expensive and why we are going with this approach, as opposed to phasing differently etc.

Thanks,
Mary

Outline for the presentation

(Mary)
Background

- 600 acres owned by the state, DFG and State Lands
- Designated State Ecological Reserve
- Purchased for the purpose of wetland restoration

Project Partners, introduce Shelley

(Shelley)
Need For Restoration, Site Mgt

- Currently no open public access, very restricted
- Site management issues: homeless encampments, trespass, trash, eyesore

Need for restoration, biology

- Very degraded ecological resources – key findings of baseline assessment
- Regional significance – wetland loss around SM Bay and throughout So CA

Proposed project

- Description of grand vision
- Ecological benefits
- Sustainability – adaption to SLR, restoration of ecological processes
- Public access components

O11-449 cont.

Planning process to date 2 slides(?)

- Public and Science Based Process
- Evaluation of broadest possible range of alternatives
- Refinement and assessment of preferred alternative –ideas we rejected, scaling down due to cost considerations, planning for phased implementation

(Mary)
Recommended action:

1) Authorization for a grant of $250 K to SMBRC to fund their ongoing work to advance this restoration project, including continuation of data collection, agency coordination and technical review and oversight.

2) Authorization of $6.25 million to be contracted by SCC through competitive environmental services contracts for specific technical studies that are needed to complete the environmental review and permitting.

Description of the technical work (what will be done and why so expensive)
This authorization would provide funds for several specific scopes of work to support environmental impact review and permitting of the restoration project.

- Soils and Geotechnical assessment – Some soil sampling has been completed onsite, however the main cost for implementation of the project will be soil management.. To

reduce construction costs, the project is designed to balance cut and fill onsite. To effectively implement that program, we have to have clear understanding of soil characteristics – which soils can be used to construct levees, which soils should be used to create upland habitat, etc.

- Landscape Architect to design public access improvements. Conceptual designs for public access improvements have been included in the project from the very start. Now that we have a project description for the land-form of the restoration, it will be important to design the public access improvements. One of the major benefits of this project will be to create a new natural area in the urban center of Los Angeles. We intend to design public access amenities
- Civil engineering – design of levees and construction details up to ___% details of proposed work…
- Hydraulics and Hydrology – evaluation of flood risk and uncertainty details of proposed work…

In addition to environmental impact review, this project will need the following permits: Coastal Commission CDP, LA RWQCB permit, and an Army Corps Section 408 permit. Much of the additional technical work that is recommended in this action will be needed to comply with the 408 permit process.

O11-449 cont.

The 408 permit is a permit issued by the Corps to modify an existing flood control project. After Hurricane Katrina, these permit requirements became much stricter and more comprehensive. This permit will have to be approved in DC and will require that the project have ___% design completed. *Explain why so expensive…*

Over the past several months, the project management team has been in conversation with the ACOE and internally discussing the best path forward given the significant costs to complete the design and hydraulic/hydrology studies.

We considered several options of initial projects that would involve installation of tide gates or breaches rather than full levee removal. Tide gate projects were determined to be less desirable because they do not restore full tidal range, are unable to adapt to sea level rise and have higher maintenance costs. We also considered a moving forward only with a smaller Phase 1 project that would restore wetlands north of the channel.

This would reduce the design and technical review costs now, but if we were ever to implement the full restoration project, we would have to go through some of the permit processes again. Our estimate is that the total planning costs would increase by *X-XX* amt in the end.

Of course the actual amount will be determined through contractor selection process and evaluation of proposals, but we have based this recommendation on a comprehensive, conservative but complete estimate to finish all of the pre-project work.

Acknowledge Some Opposition

- Is restoration needed, impacts to existing resources?

Some individuals think that this site is providing important habitat as is. This is a case of shifting baselines, the site does provide some habitat, but is severely degraded. Example - data pt from Karina's work?. To restore estuarine wetlands at Ballona, the land needs to be reconnected to the ocean.

- Can project be done with volunteers and without bulldozers?

The project that we are recommending is enormous in scale. It involves uncovering the wetlands that were buried with the construction of the marina and that have been cut off from the ocean for almost 90 years. We will work to continue working with youth groups and volunteers to implement portions of this restoration.

- Money would be better spend buying small parcels in the neighborhood

Some neighbors to the project have advocated that the restoration of the wetlands is a poor investment and the bond money should be spent to acquire small parcels (each 3-5 acres) rather than to restore the ecological reserve. O11-449 cont.

Funds are limited to Ballona, consequences if not approved, who will pay for construction?

Conclusion:
Even though this is a major investment and a controversial project, your staff recommends that you approve it. The ecological restoration of the Ballona wetlands is a rare opportunity to bring back coastal wetlands and to develop an urban natural area that will enhance the lives of millions of Californians. To really restore this site we have to implement a big vision and in order to do that we

Questions I will need to be prepared to answer:
Consequences if not approved
Who will pay for construction?
Why not grant all funds to SMBRC?

NOTES

Cost of other wetland restoration projects – engineering and environmental review

South Bay Salt Ponds Initial Planning, EIR and Phase I Design (15,000 acres)	$23 M
Batiquitos Lagoon	$5 M
San Elijo Lagoon	$1.9 M
S San Diego Bay Salt Ponds	$550K

Questions we need to answer:

Why is this so expensive?
How does it compare to the costs other wetland restoration projects?
Is it needed? Is it a waste of money?
Is this the right alternative?
Will there be more habitat destruction than restoration
Who will implement the project?
Wouldn't we be better off with ngos and volunteers?
What about long term management?

O11-449 cont.

Key Points
Plan developed with extensive scientific review and public input
Plan goals: habitat restoration, sustainability, public access, lower maintenance cost
Funds are specific to Ballona

From: Shelley Luce
To: Mary Small
Cc: Diana Hurlbert
Subject: RE: timelines...
Date: Monday, January 30, 2012 4:44:09 PM

Let's meet downtown at 11 am at Bottega Louie, it's on the corner of 7th and Grand. We can eat or just have coffee for as long as we want there, and then head over. Sound good?

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Monday, January 30, 2012 4:30 PM
To: Shelley Luce
Cc: Diana Hurlbert
Subject: Re: timelines...

O11-449 cont.

Great, let's meet before maybe 11?
Downtown would be easy for me but I could also fly to LAX and meet at LMU, if we do that maybe we could meet a little earlier?

Sam can't make it, this rescehduled time didn't work for him.
Mary

sent from my phone

On Jan 27, 2012, at 12:38, Shelley Luce <sluce@santamonicabay.org> wrote:

> I have kept the whole day open. You can Sam can tell us what works for you - meet earlier downtown or at LMU, anytime after 9:30 is good for me. We can reserve a conf room at water board offices or meet at a coffee shop if we do it downtown.
>
> *Shelley Luce, D.Env.*
> *Executive Director*
> *Santa Monica Bay Restoration Commission*
> *Pereira Annex MS:8160*
> *1 LMU Drive, Loyola Marymount University*
> *Los Angeles, CA 90045*
> *310-216-9827*
> *www.santamonicabay.org*
>
> ---
>
> **From:** Diana Hurlbert
> **Sent:** Friday, January 27, 2012 10:07 AM
> **To:** Mary Small; Shelley Luce
> **Subject:** RE: timelines...

The 1st works for me. As for timeline this is what I am shooting for....

Early Feb for Nick's revised engineering/construction PD
Late Feb/early March for summary NOP/NOI to be circulated
March/April for Habitat/Adaptive Mgmnt Plan
Early May for draft geotech, recreation/Area C, hydraulics, traffic, and 30% engineering/design
Working over summer on & circulating admin draft chapters and finalizing reports, recreation/Area C etc.
Finalizing Public review Draft for circulation in late Sept.

Please keep in mind that we will be creating and circulating draft chapters for review as information is available. All document preparation will be on concurrent paths. Keeping to the timeline depends mostly on how responsive reviewers are to deadlines for comment (ie. a 2 week turn around). The consultants are all aware of these targets and have committed to meeting them.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Thursday, January 26, 2012 3:24 PM
To: Shelley Luce
Cc: Diana Hurlbert
Subject: Re: timelines...

O11-449 cont.

Hi
Sorry if I misspoke I feel like I have promised dates that we haven't met so many times that I instinctively underestimate when we'll get things done. It would be super valuable to have some key milestones on a schedule that we all are working off of- MRCA asked for that too. I can draft it up nxt week or you guys can send it to me.

I think there may be a role for Sci input going fwd but after I'm not sure I think we should have more SAC mtgs. Do you guys have time on the 1st? I think there are a few things we should touch base on and I could meet before or immediately after our mtg w ACOE.

Thanks
Mary

sent from my phone

On Jan 26, 2012, at 15:47, Shelley Luce <sluce@santamonicabay.org> wrote:

> Hi Mary,
> I wanted to check in on our timelines but I forgot to mention yesterday. I've been shooting for end of Feb. release of the NOP/NOI and public review draft of EIR/EIS in Sept. 2012. In the SAC meeting I thought I heard you say something longer than that – a few months until the NOP comes out. Also in the SAC meeting we kind of indicated there could be more SAC meetings to resolve

things that we were discussing and I didn't think that was part of our plan. I do think we can continue discussion of relevant things with SAC members as we write the draft EIR, and reconvene if necessary. Is that what you were thinking?

Talk to you Monday!
Shelley

O11-449 cont.

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

From: Mary Small
To: "Shelley Luce"
Subject: LA Co
Date: Tuesday, December 13, 2011 9:14:00 AM

Hi
Do you think there is any chance that we could get a commitment from LA Co to fund the permit process before Jan? Then I could add them as matching funds to my staff report.

Mary

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181

O11-449 cont.
~~~~~~~~~~~~~~~~

From: Mary Small
To: "Mary Small"; "Shelley Luce"
Cc: "Diana Hurlbert"
Subject: RE: draft agmt SMBRF 2
Date: Monday, February 13, 2012 9:28:00 AM

Hi
Can you let me know if this looks basically ok so I can send it to Mr. Davis?
Thanks
Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, February 07, 2012 2:28 PM
To: 'Shelley Luce'
Cc: 'Diana Hurlbert'
Subject: draft agmt SMBRF 2

O11-449 cont.

Hi Shelley
Attached is a draft of the grant agmt to the SMBRF for the $240K. We'll need to develop a work plan and budget separately.

Can you take a quick review and let me know if it looks ok? Elena has asked me to produce this draft quickly as it seems the best way to respond to our most recent PRA from Mr. Davis.

Thanks
Mary

ATTACHMENT 6

O11-449
cont.

Coastal Conservancy

REQUEST FOR SERVICES

Ballona Wetlands Ecological Reserve
Environmental Analysis and Permit Assistance

May 11, 2009

O11-449 cont.

Contract Type: Environmental Professional Services

Scope:
Perform environmental analysis and assist in applying for permits for habitat enhancement and public access improvements at the Ballona Wetlands Ecological Reserve in Los Angeles.

Submittal Deadline: **June 1, 2009**
Proposals should be submitted electronically in adobe acrobat format and must be received at the Conservancy by June 1, 2009.

Contact: Mary Small, California Coastal Conservancy, msmall@scc.ca.gov

From: Mary Small
To: "Ivan Medel"
Cc: "Shelley Luce"; "Karina Johnston"; "Diana Hurlbert"
Subject: FW: post to web?
Date: Wednesday, February 08, 2012 4:48:00 PM
Attachments: Ballona Civil Engineering and Geotech.pdf
Ballona Hydrology and Engineering.pdf

Hi Ivan
Could you post the following on the homepage of the Ballona Restoration Project website?

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis.

Please unhighlight the text above but insert hyperlinks to the attached docs to the highlighted text to the RFS, does that make sense?

Thanks,
Mary

O11-449 cont.

REQUEST FOR SERVICES

Ballona Wetlands Ecological Reserve
Civil and Geotechnical Engineering and Permit Assistance

February 8, 2010

Contract Type: Civil Engineering and Geotechnical Professional Services

O11-449 cont.

Scope: Provide engineering and geotechnical evaluations, design and related services for the proposed wetland restoration design of the Ballona Wetlands Ecological Reserve in Los Angeles. Technical studies, evaluations, and designs will be of sufficient detail to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers.

Submittal Deadline: February 29, 2012

Proposals should be submitted electronically in adobe acrobat format and must be received at the Conservancy by February 29, 2012.

Contact: Mary Small, California Coastal Conservancy, msmall@scc.ca.gov

From: Mary Small
To: "Diana Hurlbert"; "David Lawhead (DLawhead@dfg.ca.gov)"; "Eichler, Monica SPL"; "Eric Gillies"; "griggsp@slc.ca.gov"; "Hamamoto, Bruce"; "Patrick Holland (pholland@dpw.lacounty.gov)"; "Rick Mayfield (rmayfield@dfg.ca.gov)"; "Serpa, Phillip J SPL"; "Shelley Luce"; "Strum, Stuart R MVN-Contractor"; "Swenson, Daniel P SPL"; "Terri Grant (tgrant@dpw.lacounty.gov)"; "Youn Sim (ysim@dpw.lacounty.gov)"
Subject: RE: request for services - ballona wetlands
Date: Thursday, February 09, 2012 5:02:00 PM

Hello all-
Here's some more information about the Coastal Conservancy's contractor selection process. It is a quick process and I am hoping PMT members will assist us so I want to be sure you are aware of the schedule.

I am really hoping the PMT will help in reviewing proposals and that staff from the County and Corp will participate on the selection panel. These contracts are for work to support the County's 408 submittal. Here's the schedule for the review/selection:

- Proposals will be submitted electronically to me on 2/29
- I will post them on a secure site by 3/1 for PMT review
- PMT will select the top 3 or 4 firms we'll interview for each contract by 3/5
- PMT will do a detailed review of the written proposals of the top proposals by 3/13
- Interviews will be in LA on 3/13 – all day

I am assuming the selection panel will be Diana, me, and a representative from the County and the Corps. If anyone else wants to spend March 13th interviewing firms, please let me know. O11-449 cont.

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:46 PM
To: 'Diana Hurlbert'; 'David Lawhead (DLawhead@dfg.ca.gov)'; 'Eichler, Monica SPL'; 'Eric Gillies'; 'griggsp@slc.ca.gov'; 'Hamamoto, Bruce'; 'Patrick Holland (pholland@dpw.lacounty.gov)'; 'Rick Mayfield (rmayfield@dfg.ca.gov)'; 'Serpa, Phillip J SPL'; 'Shelley Luce'; 'Strum, Stuart R MVN-Contractor'; 'Swenson, Daniel P SPL'; 'Terri Grant (tgrant@dpw.lacounty.gov)'; 'Youn Sim (ysim@dpw.lacounty.gov)'
Subject: FW: request for services - ballona wetlands

The request for services for the civil engineering and geotechnical contract and the hydrology and engineering contracts went out today. Feel free to forward to other potential contractors, I sent it to about 60 in our database and we will post it on the web. Proposals are due on Feb 29th.

Mary

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, February 08, 2012 4:39 PM
Subject: FW: request for services - ballona wetlands

The California State Coastal Conservancy is requesting proposals for consultant services for two separate contracts related to the proposed enhancement of the Ballona Wetlands Ecological

Reserve in Los Angeles County. Services are needed to complete engineering and geotechnical evaluations, hydrology, technical studies, design and related services to support completion of a project level EIR/EIS and preparation and processing of a Section 408 permit through the Army Corp of Engineers. One contract will be for Civil and Geotechnical Engineering and a second contract will be for Hydrology and Engineering Design Analysis.

O11-449 cont.

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181
~~~~~~~~~~~~~~~~

Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 27, 2012
From: "Elena Eger" <eeger@scc.ca.gov>(Add as Preferred Sender)
Date: Wed, Mar 28, 2012 8:46 am
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, <sschuchat@scc.ca.gov>

Dear Mr. Davis:

The Conservancy does not possess a responsive record to your request, below.

Sincerely,

O11-449 cont.

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Tuesday, March 27, 2012 5:55 PM
To: Elena Eger
Cc: 'Mary Small'; sschuchat@scc.ca.gov
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 27, 2012

California Coastal Conservancy

Re: Public Records Request

Please provide any statute which exempts the California Coastal Conservancy from the California Contract Code as it relates to the Agency entering into contracts of any type.

Thank you,

John Davis

-------- Original Message --------
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012
From: "Elena Eger" <eeger@scc.ca.gov>
Date: Tue, March 27, 2012 5:27 pm
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, <sschuchat@scc.ca.gov>

O11-449 cont.

Dear Mr. Davis:

Your request below does not constitute a request for a record pursuant to the Public Records Act. Rather, your request is for an analysis of statutory law. I am ethically prohibited from providing counsel to anyone other than my client. Assuming that you are not a lawyer, I am also ethically bound to suggest to you that you obtain your own counsel to advise you on such matters. You may utilize the California State Bar website for referrals to counsel at www.calbar.ca.gov.

Sincerely,

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Tuesday, March 27, 2012 1:38 PM
To: Elena Eger
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012

O11-449 cont.

Hello,

Thank you for the citations. However, neither removes the requirement of the Coastal Conservancy to comply with Public Contract Code Sectoins 10140-10141 nor 10515-10518.

If the Conservancy is exempt from the California Contract Code, please inform me as to what statute or code provides for such an exemption.

John Davis

-------- Original Message --------
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012
From: "Elena Eger" <eeger@scc.ca.gov>
Date: Tue, March 27, 2012 12:50 pm
To: <jd@johnanthonydavis.com>
Cc: "'Schuchat, Sam'" <sschuchat@scc.ca.gov>, "'Mary Small'" <msmall@scc.ca.gov>, "'Dick Wayman'" <dwayman@scc.ca.gov>, "'Nadine Peterson'" <npeterson@scc.ca.gov>, "'Heather Baugh'" <heather.baugh@resources.ca.gov>, <kimg@resources.ca.gov>

Dear Mr. Davis:

This correspondence contains the Coastal Conservancy's (Conservancy) response to your March 21, 2012 Public Records Act request, below.

The Conservancy does not possess any responsive records to either of your numbered requests. However, we direct you to Government Code Sections 4525 *et seq.* and 14 California Code of Regulations Sections 13870 *et seq.* for our contracting process.

Sincerely,

Elena Eger

Senior Staff Counsel

California Coastal Conservancy

1330 Broadway, Ste. 1300

Oakland, CA 94612

510-286-4089 tele/voicemail

510-286-0470 fax

O11-449 cont.

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Wednesday, March 21, 2012 2:11 PM
To: "Samuel Schuchat"; "John Laird"; 'Dick Wayman'; 'Nadine Peterson'; carmenp@scc.ca.gov; kimg@resources.ca.gov
Cc: John Chang
Subject: PUBLIC RECORDS REQUEST FROM JOHN DAVIS MARCH 21, 2012

California Coastal Conservancy

Att: Executive Director Sam Schuchat

California Coastal Conservancy March 21, 2012

To: Governing Board and Management

Douglas Bosco
Marisa Moret
Ann Nothoff
John Laird
Susan Hancsh

Karen Finn

Bryan Cash

Noreen Evens

Joe Simitan

Anthony Cannella

Bill Mornning

Luis Alejo

Das Williams

O11-449 cont.

CC
John Chang State Controller

Att: Executive Director Schuchat, Please Send This Letter to All California Coastal Conservancy Governing Board and Management.

This is a request for public records made pursuant to the California Public Records Act. Each numbered item is a distinct request for public records.

1. Please provide any and all public records that demonstrate compliance with California Public Contract Code Section 10140-10141 in regard to the California Coastal Conservancy approval onf January 19, 2012 of File No. 04-088 which approved money to be disbursed for engineering, hydrologic analyses, geotechnical assessments, and public design.

2. Please provide any and all public records that demonstrate compliance with California Public Contract Code Section 10515-10518 in regard to the California Coastal Conservancy approval on January 19, 2012 of File No. 04-088 which approved money to be disbursed for engineering, hydrologic analyses, geotechnical assessments, and public design.

No such records have been requested or received by me to date.

See Attached Approval for File No. 04-088

Thank you,

John Davis
PO 10152
Marina del Rey Ca. 90295

O11-449 cont.

PUBLIC CONTRACT CODE SECTION 10140-10141

10140. **Public notice of a project shall be given by publication once a week for at least two consecutive weeks or once a week for more than two consecutive weeks if the longer period of advertising is deemed necessary by the department, as follows:** (a) **In a newspaper of general circulation published in the county in which the project is located**, or if located in more than one county, in such a newspaper in a county in which a major portion of the work is to be done. (b) **In a trade paper of general circulation published** in San Francisco for projects located in County Group No. 1, as defined in Section 187 of the Streets and Highways Code, or **in Los Angeles for projects located in County Group No. 2, as defined in said Section 187, devoted primarily to the dissemination of contract and building news among contracting and building materials supply firms. The department may publish the notice to bidders for a project in additional trade papers or newspapers of general circulation that it deems advisable.** 10141. The notice shall state the time and place for the receiving and opening of sealed bids, describing in general terms the work to be done and that the bids will be required for the entire project and for the performance of separate designated parts of the entire project, when the department determines that segregation is advisable.

PUBLIC CONTRACT CODE SECTION 10515-10518

10515. (a) No person, firm, or subsidiary thereof who has been awarded a consulting services contract may submit a bid for, nor be awarded a contract on or after July 1, 2003, for the provision of services, procurement of goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract. (b) Subdivision (a) does not apply to either of the following: (1) Any person, firm, or subsidiary thereof who is awarded a subcontract of a consulting services contract that amounts to no more than 10 percent of the total monetary value of the consulting services contract. (2) Consulting services contracts that comply with Article 2.5 (commencing with Section 10510.4). (c) (1) Subdivision (a) does not apply to any person, firm, or subsidiary awarded a consulting services contract by a University of California medical center when the provision of service, procurement of goods or supplies, or any other related action required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract, is necessary to avoid a competitive disadvantage in the hospital industry, improve patient care, protect the privacy of patient information, or avoid significant delay and additional expense. (2) The University of California shall report within 30 days on any exemption granted under paragraph (1) to the Joint Legislative Budget Committee and the Department of Finance. The report shall include a description of the circumstances that warranted the exemption, the effects of the exemption on patient care or patient privacy, and a calculation of the projected costs savings to the institution as a result of the exemption. 10516. No officer or employee of the University of California shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or in which the officer or employee has a financial interest if that employment, activity, or enterprise is sponsored or funded, or sponsored and funded, by any university department through or by a university contract unless the employment, activity, or enterprise is within the course and scope of the officer's or employee's regular university employment. No officer or employee in the university shall contract on his or her own individual behalf as an independent contractor with any university department to provide services or goods. This section shall not apply to officers or employees of the university with teaching or research responsibilities, nor shall it apply to student employees for payment for additional campus activities or engagements outside of the scope of their primary university employment. 10517. (a) No retired, dismissed, separated, or formerly employed person of the University of California employed with the university or otherwise appointed to serve in the university may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decisionmaking process relevant to the contract while employed in any capacity by any university department. The prohibition of this subdivision shall apply to a person only during the two-year period beginning on the date the person left university employment. (b) For a period of 12 months following the date of his or her retirement, dismissal, or separation from the University of California, no person employed in the university or otherwise appointed to serve in the university may enter into a contract with any university department, if he or she was employed by that department in a policymaking position in the same general subject area as the proposed contract within the 12-month period prior to his or her retirement, dismissal, or separation.

O11-449 cont.

The prohibition of this subdivision shall not apply to a contract requiring the person's services as an expert witness in a civil case or to a contract for the continuation of an attorney's services on a matter he or she was involved with prior to leaving the university. (c) This section does not prohibit the rehire or reappointment of University of California employees after retirement, consistent with university administrative policies, nor does it apply to inventors and authors of intellectual property licensed under technology transfer agreements. 10518. (a) Except as otherwise provided in subdivision (b), each contractor who enters into a contract with a University of California campus for ten thousand dollars ($10,000) or more shall be assigned an identification number by the chancellor of that university campus. Each contractor who has been assigned a number shall list it on each contract the contractor enters into with the university campus, regardless of the amount of the contract. In the case of a corporation or firm, the chancellor's assigned number shall be used exclusively on each contract with that particular chancellor's campus. The assigned number shall remain unchanged regardless of future name changes. (b) If the identification numbers cannot be tracked centrally by the Regents of the University of California, then the regents, and not the chancellors, shall assign the identification numbers.

O11-449 cont.

ATTACHMENT 7

O11-449
cont.

From: Mary Small
To: "Barbara Romero"
Cc: "Melissa Guerrero"; "Diana Hurlbert"; "Shelley Luce"
Subject: SCC mtg in Jan
Date: Monday, December 19, 2011 3:30:00 PM
Attachments: Ballona_Wetlands_Engineering and Technical Studies.docx

---

Hi Barbara,
Thanks for agreeing to support the recommendation for funding for engineering work at Ballona. Attached is the draft staff report, the project will be heard at our Jan 19th meeting at the Baldwin Hills Scenic Overlook. As you can see it's a pretty big authorization, so we'd love your support. I think we may take the Board on a tour of Ballona that morning and then the meeting will start around 12:30. It would be great to have MRCA join us for either the tour or the meeting. O11-449 cont.

Thanks also for the message about the early action plan grant. When you have time submit any final billing or just a letter stating that the work is all done and I'll close it out.

Hope you are doing well and have a great holiday.
Mary

From: Mary Small
To: "Shelley Luce"; "Scott Valor"
Subject: FW: support letter for SCC board meeting?
Date: Wednesday, January 11, 2012 3:53:00 PM

Good news

From: Sarah Sikich [mailto:ssikich@healthebay.org]
Sent: Wednesday, January 11, 2012 3:44 PM
To: Mary Small
Subject: RE: support letter for SCC board meeting?

Hi Mary,

Mark forwarded me your email about the Ballona technical study support letter for the SCC board meeting. We discussed it at our department meeting this week, and will send in a letter. Is an electronic copy fine, or do you need a hard copy? Also, should I just send it to you?

Additionally, Alix Hobbs would like to join our meeting while you are at Heal the Bay to discuss some of our Coastal Conservancy projects and potential future ideas. Is it okay with you if she joins for the second half of the meeting?

Thanks,
Sarah

O11-449 cont.

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, January 03, 2012 3:00 PM
To: Mark Gold
Subject: RE: support letter for SCC board meeting?

Thanks, the meeting is the 19th so that's the deadline. Yes, I totally understand.

I was just sending Sarah an email about possible dates I'll be in LA when I'd like to stop in ad talk about OPC, so maybe I'll see you then.

Happy new year (and MLPA implementation)
Mary

From: Mark Gold [mailto:mgold@healthebay.org]
Sent: Tuesday, January 03, 2012 2:39 PM
To: Mary Small
Subject: RE: support letter for SCC board meeting?

Mary – Happy new year to you too. We will definitely take a look at this and think it through. It is a great project and needs to happen. The political baggage that goes with it is no picnic as you know.

When is the deadline?

O11-449
cont.

ATTACHMENT 8

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Wednesday, March 21, 2012 12:34 PM
To: "Samuel Schuchat"; "John Laird"; 'Dick Wayman'; 'Nadine Peterson'; carmenp@scc.ca.gov; kimg@resources.ca.gov
Cc: David Lawhead; John Chang
Subject: To All California Coastal Conservancy Board Members from John Davis

California Coastal Conservancy
Att: Executive Director Sam Schuchat

California Coastal Conservancy March 21, 2012

To: Governing Board and Management
Douglas Bosco
Marisa Moret
Ann Nothoff
John Laird
Susan Hancsh
Karen Finn
Bryan Cash
Noreen Evens
Joe Simitan
Anthony Cannella
Bill Mornning
Luis Alejo
Das Williams

CC
John Chang State Controller

Att: Executive Director Schuchat, Please Send This Letter to All California Coastal Conservancy Governing Board and Management.

Your Staff Attorney, Elena Eger has indicted this State Agency will not answer the fair questions I, as a member of the public asked regarding the procedures of the Conservancy.

Failure to answer such questions is contrary to the role of the State Agency to enjoin the public in the processes.

Please request that Staff respond to the questions I have asked.

Furthermore I have requested that your Staff not copy any Private Business or Individuals on responses to me as I consider it harassment and intimidation by the State Agency.

Should any such private business or individual wish to obtain such email records, such records should ONLY be provide if requests for such records are made pursuant to the Law, the California Public Records Act.

O11-449 cont.

The Information Practices Act (Civil Code section 1798 et seq.) generally prohibits agencies from disclosing an individual⦶s personal information to the public.

Thank you,

John Davis
PO 10152
Marina del Rey Ca. 90295

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Thursday, February 16, 2012 1:29 PM
To: Elena Eger
Cc: 'Mary Small'; 'Sam Schuchat'; 'Dick Wayman'; 'Shelley Luce'; svalor@santamonicabay.org
Subject: Reply from John Davis RE: Davis' Requests for Information

California Coastal Conservancy
Att: E.Eger
Re: Reply

O11-449 cont.

Dear E. Eger,

The request for public records submitted on 2/14/2012 remains outstanding.

The Commission still needs to reply to this request within 10 days of the submission date. I do expect a reply by 2/24/2012 as
the Public Records Act requires under law.

I also would take issue with your recent email stating that I made a DEMAND of the Commission. This is far from true.

In fact my email stated the INTENDED PURPOSE of the email and made no demands as you stated to me in your email to me.

Prior to that, you inferred in another email that I made statements and or asserted things that I clearly did not.

I corrected you once alreadyin writing, and find I must do so yet again.

Your accuracy in characterizing my telephonic conservations or written documents should not be clouded by your misconceptions
as I do not find it to be professional in your role as a State Attorney.

Regards,

John Davis
PO 10152
Marina del Rey Ca. 90295

****

Subject: Reply from John Davis RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS
From: <jd@johnanthonydavis.com>(Add as Preferred Sender)
Date: Tue, Feb 14, 2012 2:05 pm
To: "Elena Eger" <eeger@scc.ca.gov>

California Coastal Conservancy
Att: Elana Eger Councel
Re: Reply to your communication

Counsel Eger,

Please pardon my typo in your title.

Also, I still do not understand why a State Agency would share my letter, and personal email
address with a private business, unless requested pursuant to the Public Records Act. I am not
sure what other private businesses you intend to copy on my letters to the State Agency using State facillities.

I do understand that you will continue to provide my emails to this State Agency with private businesses: O11-449 cont.

" Indeed, we will continue to share communications to you or from you with our other Ballona project partners, irrespective of whether the partner is a public or private organization, when we, at our sole discretion, determine that dissemination to be useful for our project purposes.".

How does the Coastal Conservancy define the term "partner" as used in your statement?

How, at the Coastal Conservancy, is a determination made at its sole discretion whether the dissemination
of my email to the State Agency would be useful for the Conservancy's project purposes?

What entity of the Coastal Conservancy is entitled to make such a determination and under what authority?

These are fair questions given that my letters to you have already been shared with a private business.

Thank you for your continued assistance.

John Davis
PO 10152
Marina del Rey Ca. 90295
-------- Original Message --------
Subject: RE: PUBLIC RECORDS REQUEST FROM JOHN DAVIS

From: "Elena Eger" <eeger@scc.ca.gov>
Date: Tue, February 14, 2012 12:32 pm
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, <svalor@santamonicabay.org>, "'Shelley Luce'" <sluce@santamonicabay.org>, "'Dick Wayman'" <dwayman@scc.ca.gov>

Mr. Davis:

This is in partial response to your PRA, below and your request of yesterday at 5:15 p.m. in which you demand that we not share your communications with "any private business" and in which you characterize such communications as "private".
While we will provide you with your requests to the extent possible and in compliance with the PRA, we must clarify to you that communications between you, as a member of the public, and the Conservancy, a public agency, are not considered under the PRA and thus not by the Conservancy to be "private communications", subject to any privilege or exception under the Act. Indeed, we will continue to share communications to you or from you with our other Ballona project partners, irrespective of whether the partner is a public or private organization, when we, at our sole discretion, determine that dissemination to be useful for our project purposes.
I would also like to clarify for you for your future purposes that my title is not "council" but "counsel", that is, I am a lawyer, not a member of a council.
Sincerely,

O11-449 cont.

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

****

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Tuesday, February 14, 2012 10:49 AM
To: Elena Eger
Subject: PUBLIC RECORDS REQUEST FROM JOHN DAVIS

California Coastal Conservancy
Att: Council E. Eger
Re: Public Records Request

This is a public records request made pursuant to the California Public Records Act. Each numbered item is a separate and distinct request for public records. This letter is only intended to for the California Coastal Conservancy and NOT FOR ANY PRIVATE BUSINESS, unless requested by such a business via the California Public Records Act.

1. Provide any and all emails to and received by the California Coastal Conservancy

from the following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: sluce@santamonicabay.org

2. Provide any and all emails to and received by the California Coastal Conservancy from the following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: svalor@santamonicabay.org

3. Provide any and all emails to and received by the California Coastal Conservancy from the following email address AFTER the Conservancy hearing on January 19, 2012: sluce@santamonicabay.org

4. Provide any and all emails to and received by the California Coastal Conservancy from the following email address AFTER the Conservancy hearing on January 19, 2012: svalor@santamonicabay.org

6. Provide any and all emails sent by the Conservancy to following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: sluce@santamonicabay.org

7. Provide any and all emails sent by the Conservancy to following email address in regard and prior to Item 5 of the Conservancy hearing on January 19, 2012: svalor@santamonicabay.org

O11-449 cont.

8. Provide any and all email sent by the California Coastal Conservancy to following email address in AFTER the Conservancy hearing on January 19, 2012: sluce@santamonicabay.org

9. Provide any and all email sent by the California Coastal Conservancy to following email address in AFTER the Conservancy hearing on January 19, 2012: svalor@santamonicabay.org

Thank you for your assistance,

John Davis
PO 10152
Marina del Rey Ca. 90295

-------- Original Message --------
Subject: RE: Reply from John Davis RE: Davis' Requests for Information
From: "Elena Eger" <eeger@scc.ca.gov>
Date: Thu, February 16, 2012 7:48 pm
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, "'Sam Schuchat'" <sschuchat@scc.ca.gov>, "'Dick Wayman'" <dwayman@scc.ca.gov>, "'Shelley Luce'" <sluce@santamonicabay.org>, <svalor@santamonicabay.org>

Dear Mr. Davis:

As I stated in my email of yesterday to you, we intend to comply with your records request to us of 2/14. We are working on compiling the records that you have requested. Please clarify whether you wish to receive the emails pertaining to correspondence among Mr. Valor, Ms. Luce and Conservancy staff with respect to the Item #5 on the 1-19-12 agenda only.

Please clarify that you are referring to the Conservancy when you make reference to the "Commission" in your message below.

As to your other allegations contained in your email below, I remind you that, as I said yesterday, we will make no further comment, which, of course, does not mean that we agree or disagree with your interpretations. Again, unless you are requesting a record from us under the Public Records Act, we do not intend to make further explanatory comments to you.

Sincerely,

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

O11-449 cont.

-------- Original Message --------
Subject: Davis' Requests for Information
From: "Elena Eger" <eeger@scc.ca.gov>
Date: Wed, February 15, 2012 6:45 pm
To: <jd@johnanthonydavis.com>
Cc: "'Mary Small'" <msmall@scc.ca.gov>, "'Sam Schuchat'" <sschuchat@scc.ca.gov>, "'Dick Wayman'" <dwayman@scc.ca.gov>, "'Shelley Luce'" <sluce@santamonicabay.org>, <svalor@santamonicabay.org>

Dear Mr. Davis:

In response to your inquiry below, I am providing you with the link to our website's contents of Item 5, Ballona Restoration Project, approved at the Conservancy's 1-19-12 public meeting unanimously. All my references are to the contents in this link. http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2012/1201/20120119Board05_Ballona_Wetlands.pdf.

I believe in your message below you are referencing Exhibit 4. This record reads at the bottom of the page in the key: "Existing habitat units based on field survey conducted by the California Department of Fish and Game, October – December 2000. Map created by GreenInfo Network October 20, 2011." The Conservancy's logo is next to this statement.

With respect to the remainder of your email to us, below, except for our response to your last statement regarding the Conservancy's

dissemination of your correspondence to and with us, which we responded to in my earlier email to you of yesterday at 11:32 a.m., we wish to direct your attention to the Public Records Act (PRA), which provides the public with the mechanism to request a public record from a public agency. Additionally, we wish to direct your attention to the Ballona Restoration website, linked on our Conservancy website at www.scc.ca.gov , which among other resources, has project documents and provides a calendar of upcoming meetings, if any, where you have the opportunity to seek clarification and information regarding the restoration project.

We have cooperatively provided you with both oral and written clarifications on requests you have made to us for information or on allegations you have made that we or our project partners are violating particular laws or practices or conducting our respective project business improperly. In fact, since the Conservancy unanimously approved Item 5 for Ballona Restoration Planning, on 1-19-12, we responded to every one of your requests for records under the PRA or for explanations or to answer your allegations, which now amount to some 16 written requests to date for both information and records in the 18 business days from our 1-19-12 meeting, except for two requests for information and one request for records, received yesterday. Additionally, you have spoken by phone with six of our staff numerous times each, none of which were records requests but were rather in the nature of your seeking more information or explanation from us. Despite our willingness to provide you with explanations and/or clarifications, we continue to receive more requests for the same information from you, often accompanied by accusations of improper behavior. O11-449 cont.

In compliance with our obligations under the Public Records Act, we will continue to provide our records to you upon written request for such records. However, we will not be responding to your further requests for non-record information or explanation or to your allegations of improper business practices beyond this request, below. We cannot conduct our regular business in service of the public and continue to respond to your almost-daily and, if daily, often numerous daily requests for non-record information or to answer your allegations. Despite our willingness to provide you with explanations, clarifications and information, our good-faith responses back to you seem to be unsatisfactory to you since you follow-up often with yet another request for the same information. Continuing this "asked and answered" process seems an unproductive use of public resources.

So, with respect to your statement that DFG produced this map, please note that as cited above here, GreenInfo Network produced the map for the Conservancy and its project partners/team's use; DFG is

our restoration partner on this project. We direct you to the Conservancy's website at www.scc.ca.gov, Ballona restoration for identification of our project partners on this project.
With respect to whether DFG provided the Conservancy with permission to put our logo on this proposed restoration design, please note that the Conservancy is a project partner with DFG and that within this partnership, the Conservancy acts as the lead in restoration planning with the full agreement of the other project partners, including the DFG.
Sincerely,

Elena Eger
Senior Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

O11-449 cont.

From: jd@johnanthonydavis.com [mailto:jd@johnanthonydavis.com]
Sent: Monday, February 13, 2012 5:15 PM
To: 'Elena Eger'
Cc: 'Nadine Peterson'; 'Sam Schuchat'; 'Dick Wayman'; Mary Small
Subject: RE: Davis call to Eger of 2-6-12

California Coastal Conservancy
Att: Elena Eger Legal Council
CC Mary Small Project Manager
Re: Item 5 January 19th 2012 Meeting

Hello Council Eger,

Mary Small directed me to you to answer a question about the hearing noted above.

The attached map was presented as a projection.

It bears the seal of the State Coastal Conservancy. The small text below the legend is hard to read but it
does reference the California Dpt. of Fish and Game in 2011. The text is not clear. It appears to say Ballona Wetlands units.....summary conducted the California Dpt of Fish and Game .....Map created by .....October 20, 2011.

Could you provide the correct reading of this text?

For what purpose did Fish and Game produce this map?

Did Fish and Game provide specific permission for the Conservancy to place its seal (logo) on this

map for official purposes such as for grant approvals?

I understand the Conservancy is a partner of Fish and Game in the Ballona preserve.

However it is unclear if Fish and Game authorized the use of this map for purposes of another Agency
to consider in its grant process.

Please DO NOT CC ANY PRIVATE BUSINESSES ON MY E-Mail COMMUNICATIONS anymore. This is met
to be a private communication between myself and the State Agency, and not to be shared with any private
business, whatsoever.

O11-449 cont.

Again,

Thank you for your assistance,

John Davis
PO 10152
Marina del Rey Ca. 90045

From:	Mary Small
To:	"Elena Eger"
Cc:	"Scott Valor"
Subject:	FW: State Water Board Legal"s Memo to our Governing Board
Date:	Monday, February 06, 2012 4:47:02 PM
Attachments:	SWRCB memo2011aug re accusations.pdf SWRCB Ltr to Davis re PRAs.pdf

Hi Elena

Scott Valor emailed this to you but he had the wrong address.

Mary

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Monday, February 06, 2012 3:42 PM
To: msmall@scc.ca.gov; eeeger@scc.ca.gov
Subject: State Water Board Legal's Memo to our Governing Board

Mary & Elena--

The attached memo to our Governing Board may help with some background. It was not only given to our Governing Board, it is posted on our website, and was forwarded to John Davis and Patricia McPherson, among others. It addresses virtually all of the accusations made against the Foundation and Commission.

Attached also is a direct letter to John Davis from SWRCB legal noting how Foundation staff and contractors legally serve the SMBRC. For example, I am a contractor to the Foundation, but I am authorized to act on behalf of the Commission. He refuses to acknowledge that, which will never change. However, the documents speak for themselves.

One reason he may be contacting you (again) is that SWRCB legal told him that any future PRA queries to the Commission must be directed to me. He simply won't do that so he seeks ways around it. It would be entirely appropriate for you to re-direct any queries relevant to the SMBRC to me.

Call me if/when questions arise.

/s

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

visit us at www.smbrc.ca.gov

O11-449 cont.

From: patricia mc pherson
To: OSAEHotline@DOF.CA.GOV
Cc: Antony, Diana@DOF; David.BotelHO@DOF.CA.GOV
Bcc: jd@johnanthonydavis.com; Jeanette Vosburg
Subject: GC Complaint (Brandy 2)Dept. Finance; AUTHORITY AUDIT : No 3 MISUSES OF PUBIC FUNDS BY Auditor/Controller AND DPW Flood Control Department
Attachments: INFORMATION FOR LACOUNTY DA.pdf

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: AUTHORITY AUDIT : No 3 MISUSES OF PUBIC FUNDS BY Auditor/Controller AND DPW Flood Control Department
Date: May 14, 2015 12:16:44 PM PDT
To: hchu@bcawatsonriceca.com

Hello Ms. Chu,
Grassroots Coalition supports this inquiry and comment to the District Attorney regarding activities pertaining to the Authority and LA County personnel.
Please accept this letter to the DA and its attached PRA response information from the Authority.
Thankyou for your attention to these matters of great public concern,
Patricia McPherson, Grassroots Coalition

O11-450

Los Angeles County District Attorney
Re: Information Re County Auditor/Controller Complaint
From: John Davis Via Email
BCC: Grassroots Coalition (non-profit)

District Attorney,

Attached is further information in regard to the unauthorized funds disbursed by the Auditor/Controller.

Grassroots Coalition is also helping to obtain information on this matter, so I have blind copied that
orginazation on thisletter.

For your information,

John Davis
PO 10152
Marina del Rey Ca. 90295

Los Angeles District Attorney
Re: Information Re: Complaint against County Auditor /Controller
Via Email

5/14/2015

District Attorney,

This information is provided in regard to a complaint made against the Los Angeles Auditor Controller for unauthorized use of public funds from the account of the Santa Monica Bay Restoration Authority (Authority). A Joint Powers Agreement undertaken pursuant to the State of California Government Code created Authority. Parties to the agreement are the County of Los Angeles and the Santa Monica Bay Restoration Commission.

A response to a request filed under the Public Records Act was received from the Authority. Some of the information relates to fiscal procedures adopted by the Agency. Those procedures relate directly to disbursements of funds by the Auditor Controller, without the required co-authorization of the two members of the JPA. An index was created for the exhibits that came with the PRA response for easy reference.

O11-450

The Santa Monica Bay Restoration Foundation, a private business, received the majority of funds disbursed by the Auditor/Controller, without full authorization of the both parties to the JPA.

The funds provided were grants, contracts, or a combination, thereof.

The current and former Executive Officer of the SMABA are and or were paid employees of the aforesaid business. An appearance of impropriety arises in my opinion. This matter will be shared with the California Fair Political Reform Commission as conflict of interest is within that jurisdiction.

This information does have bearing on the funds disbursed by the Auditor/Controller in that the Authority must first have approved expenditures. Then BOS and SMRBC authorizations are required by the JPA.

The Authority procedure for fiscal matters is set forth in its adopted Fiscal Procedures.

STATE ATTORNEY GENERAL APPROVAL OF AGENCY FISCAL PROCEDURE

The Deputy Attorney General was not present at the meeting wherein the Authority adopted its Fiscal Procedure. The resolution was signed on the same day as the meeting. It contained a field for the signature of the Attorney General. The signature field was left blank.

The Agency did not seek the approval of the Fiscal Policy from the Attorney General.

FISCAL PROCEDURE

There are at least two avenues for dispersion of funds from the SMRBA accounts, grants or contracts.

The fiscal procedure adopted by the Agency designates the Executive Officer as Purchasing Agent. The Executive Officer may delegate that authority.

O11-450 cont.

CONTRACTS

Section 3.2(c) of the Fiscal Procedure appears to be an unlawful attempt to waive California Contract Code. That particular language lets the Executive Officer waive bid and notice requirements for contracts over $25,000.

This circumstance could represent how contract funds reached the Santa Monica Bay Restoration Foundation, in avoidance of public bid, advertising, or scrutiny.

Section 3.2 (c) reads as follows:

"Authorizes the Executive Officer or his designee to ***waive the requirement*** *of a three-* ***bid procedure and advertisement of bids*** *for the expenditures in excess of $25,000* ***when the bidding procedure is not in the best interest of the WCA for project*** *name; and."*

The term "WCA" is not defined nor is the term "best interest". Contract Code is not cited to for this specific instance.

GRANTS

The Fiscal Procedure limits Grants to only one line.

Under Section 10, the Fiscal Procedure cites that grants "from" 501(c)(3) organizations do not require competitive bidding.

Note: It appears the language in the Procedure is wrong and the term "*from*" was intended to be "to".

If grants were from the Agency to the Santa Monica Bay Restoration Foundation, the award would avoid a competitive bidding process and public scrutiny. There is no requirement to apply for a grant, only a way to receive one.

POTENTIAL FRAUD

State legislation created one of the two members of the Joint Powers Agreement, the Santa Monica Bay Restoration Commission. In accordance with that legislation the State Water Resources Control board shall provide administrative services to the Commission. Read conversely, any entity that is not the State Water Resources Control Board shall not provide administrative services to the Commission. O11-450 cont.

Since around 2005, an employee of the Santa Monica Bay Restoration Foundation claims to have been the Executive Director of the Commission, with no paper trail in the case of the first purported Executive Director.

In the case of the second, the Commission entered into a Memorandum of Agreement with the Santa Monica Bay Restoration Foundation. The agreement stated that the private business could "also" provide Administrative Services to the Commission, contrary to State Law.

The Commission cites that U.S. EPA has provided funds to the private business to provide administrative services to the Santa Monica Bay Restoration Commission.

However, the U.S. EPA does not have the jurisdiction to change or influence the California State Law.

The legislation (SB 1836) makes it abundently clear, that administration services shall be provided by the State Water Board , only.

In this case, the JPA requires the Executive Director of the Santa Monica Bay Restoration Commission to act as Executive Officer of the Authority.

POTENTIAL FOR CONFLICT

The past and present Executive Officer of the Santa Monica Bay Restoration Authority may be conflicted because the Authority has provided either grants or contracts or a combination, thereof, directly to the Executive Officer's private employer.

The California Political Reform Act requires the Authority to adopt policy implementing the Act. Certain persons holding Authority positions must file Form 700 Financial Disclosures Forms with the State to avoid conflict.

Here, the Authority as a whole, has not complied at all. No policy has been adopted and filed with the State. No financial disclosures have been made. Any potential conflict of interest is currently veiled, thereby.

INFORMATION STORAGE

It appears the Agency is not retaining its records in accordance with the Records Retention Act, including public financial information regarding grants to or contracts with the Executive Officers private employer.

O11-450 cont.

COMPLIANCE WITH USACE ACCOUNTING

The SMRBA has not yet met its obligation to provide accounting records to the US Army Corp of Engineers in accordance with the non-federal local sponsor agreement it entered into with the USACE in 2005 and ended in 2012.

This information was delivered to me by FOIA from the District. April 27, 2015. The required accounting records are two years overdue. It is unknown where the financial records are stored since the Authority had not adopted a records retention policy.

STAFF OF SMABA

The Agency only provides records of three staff members. However, other persons acting as staff, at public meetings commonly engage in unspecified duties for the Agency such as providing staff reports on agenda items and recording the minutes of the Authority meetings. Many of the meetings were videotaped.

The Agency has no record of the person recording the minutes of its public meetings. The author is a ghost-writer.

One of the persons, Scott Valor, is affiliated with the Santa Monica Bay Restoration Foundation.

For you information,

O11-450
cont.

John Davis
PO 10152
Marina del Rey Ca. 90295

INDEX OF EXHIBITS

EXHIBIT 1 - RESPONSE TO REQUEST FOR PUBLIC RECORDS

EXHIBIT 2 - 2/24/2015 SMRBA MEETING NOTICE AND AGENDA. MEETINGS MINUTES ARE PROVIDED WERE NOT REQUESTED

EXHIBIT 3 - RECORDS PROVIDED THAT WERE NOT REQUESTED

EXHIBIT 4 - STAFF REPORT FOR FISCAL PROCEDURES

EXHIBIT 5 - FISCAL PROCDURES

EXHIBIT 6 - RESOULITION APPROVING FISCAL PROCEDURES NOT SIGNED BY DEPUTY ATTORNEY GENERAL

O11-450 cont.

EXHIBIT 1

O11-450 cont.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

April 3, 2015

John Davis
P. O. Box 10152
Marina Del Rey, CA 90045

Dear Mr. Davis:

On March 27, 2015, Dr. Guangyu Wang received your request under the Public Records Act requesting documents of the Santa Monica Bay Restoration Authority. I am responding on behalf of Dr. Wang to your request. See responses below. Some of your requests are questions and not requests for documents. The Public Records Act requires the state agency to provide existing documents, not to create new documents.

I have enclosed responsive documents in the possession of the Santa Monica Bay Restoration Authority. O11-450 cont.

1. Provide any and all public records that demonstrate public notice of the meeting of the Santa Monica Bay Restoration Authority on February 24, 2005. **The same document is responsive to Items 1 and 2. See enclosed.**

2. Provide any and all public records that demonstrate the agenda of the Santa Monica Bay Restoration Authority on February 24, 2005. **See response to Item 1.**

3. Provide any and all public records that demonstrate the Santa Monica Bay Restoration Authority submitted a Conflict of Interest Policy and or any Policy to the California Fair Political Practices Commission. **No responsive records.**

4. Provide any and all public records that demonstrate the Santa Monica Bay Restoration Authority adopted a Records Retention Policy in conformance with the California Records Retention Act. **No responsive records.**

5. Provide any and all public records that demonstrate the Santa Monica Bay Restoration Authority fully conformed with California Contract Code by issuing Requests for Proposals (RFPS) for any and all contracts entered into by the body. **No responsive records.**

6. Provide any and all annual budgets authorized by both bodies that signed the Joint Powers Agreement to create the Santa Monica Bay Restoration Authority. **Records are enclosed.**

7. Provide the names of all current and or former "staff" members of the SMRB Authority, excluding Jack Topal and G. Wang. **There are no records specifically responsive to your**

request. As set forth in Section 9 of the Santa Monica Bay Restoration Authority Joint Exercise of Powers Agreement (JPA), the Executive Director of the Santa Monica Bay Restoration Commission "shall serve *ex officio*, without additional compensation, as the Executive Officer of the Authority". You have previously been provided a copy of that Agreement. Currently, Tom Ford is the Executive Officer of the JPA.

8. Provide any and all records that demonstrate exactly what entity paid the "staff" of SMRB Authority, excluding Jack Topal and G. Wang. **As set forth in Section 9 of the JPA, the Executive Director of the Santa Monica Bay Restoration Commission "shall serve *ex officio*, without additional compensation, as the Executive Officer of the Authority". The Executive Director of the Commission is an employee of the Santa Monica Bay Restoration Foundation and paid by the Foundation. See Joint Powers Agreement and Santa Monica Bay Restoration Commission Annual Workplan, which is on the Commission's website at www.smbrc.gov.**

9. Provide the staff report for item 2 referenced in the minutes of the SMRB Authority dated 2/24/2005. **See enclosed record.**

10. Provide the **Fiscal Policy** adopted by the SMRB Authority, as recorded in the minutes of the SMRB Authority dated 2/24/2005. **See enclosed records.**

11. Provide the name of the person who recorded the minutes of the SMRB Authority dated 2/24/2005. **No responsive records.** O11-450 cont.

12. Provide any records that demonstrate representation by any State and or County of Los Angeles Lawyers to the SMRBA at the meeting of 2/24/2005. **No responsive records.**

13. Provide the name of any private lawyers acting as "staff" of the SMRB Authority at the meeting of 2/24/2005. **No responsive records.**

If you have any questions, you can reach me at Frances.McChesney@waterboards.ca.gov or at (916) 341-5174.

Sincerely,

Frances L. McChesney
Attorney IV

Enclosure

cc **[via email only]**

Dr. Guangyu Wang
Guangyu.Wang@waterboards.ca.gov

Scott Valor
svalor@santamonicabay.org

EXHIBIT 2

O11-450 cont.

Santa Monica BAY Restoration COMMISSION

320 W. Fourth Street
2nd Floor
Los Angeles, CA 90013
213/576-6615
Fax 213/576-6646
www.santamonicabay.org

Our mission:
To restore and enhance the Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the Bay's benefits and values

NOTICE OF
MEETING OF THE
GOVERNING BOARD of the
SANTA MONICA BAY RESTORATION AUTHORITY

Date: Thursday, February 24, 2005
Time: Upon Adjournment of SMBRC Governing Board Meeting

Meeting Location:
Del Rey Yacht Club
13900 Palawan Way, Marina del Rey CA 90292
(see directions below)

DRAFT AGENDA

1. Appointment of Acting Executive Officer
2. Consideration of adoption of Fiscal Policies
3. Consideration of adoption of Fiscal Procedures
4. Consideration of authorization of Executive Officer to enter into a cost sharing agreement with US Army Corps of Engineers for lower Ballona Watershed Study
5. Consideration of authorization of Executive Officer to submit Proposition 50 IRWM grant proposal on behalf of the Malibu IRWM coalition
6. Adjournment

O11-450 cont.

***

For additional information concerning the meeting, please contact Stefanie Hada at 213-576-6804 or by e-mail at shada@rb4.swrcb.ca.gov .

If any individual requires a disability-related modification or accommodation to attend or participate in the meeting, please contact Sonja Gettel, LARWQCB at 213-576-6801 at least 3 days prior to the meeting.

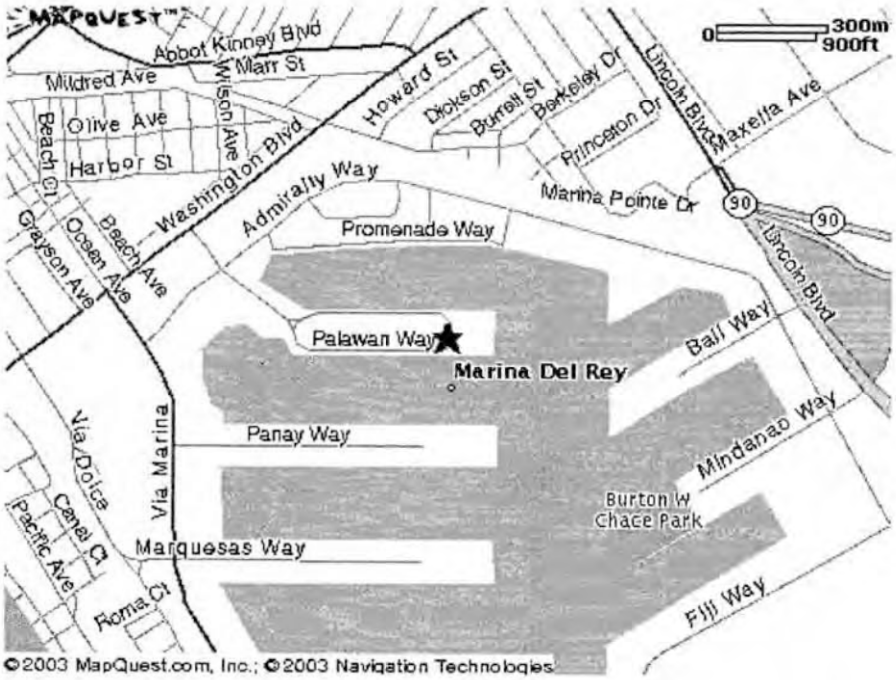
***

Directions:

From LAX or the 105 Fwy: Travel north on Sepulveda Blvd. Merge onto Lincoln Blvd. Follow Lincoln Blvd. north to Fiji Way. Turn left onto Fiji Way, turn right on Admiralty Way. Follow Admiralty Way to Palawan Way. Left on Palawan to end of loop at Del Rey Yacht Club.

From the North: Travel on 405 South, exit on Washington Blvd., (left onto Sawtelle, right onto Washington Blvd). Head west and make a left on Via Marina, left on Admiralty Way and right on Palawan to end of loop at Del Rey Yacht Club.

Printed on recycled paper



O11-450 cont.

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State of California

California Environmental Protection Agency

O11-450
cont.

EXHIBIT 3

SANTA MONICA BAY RESTORATION AUTHORITY

Resolution Approving Work Plan, Budget and Grant Agreement To Implement the Clean Boating Education Program

WHEREAS, in 1996 the Santa Monica Bay Restoration Project established the Boater Education Program (BEP) with the goal of reducing pollution from recreational boating activities in local small craft harbors and coastal areas; and

WHEREAS, the Santa Monica Bay Restoration Authority (Authority) was created by a joint exercise of powers agreement between the Santa Monica Bay Restoration Commission (SMBRC) and the Los Angeles County Flood Control District (District) and operates as a local public agency within the Santa Monica Bay Watershed and the jurisdictional boundaries of the SMBRC and the District., with the purpose of broadening funding opportunities for projects within the Santa Monica Bay Watershed; and

WHEREAS, the Santa Monica Bay Restoration Foundation developed a work plan for boater education programs in Southern California that are funded by the California State Department of Boating and Waterways (DBW); and

WHEREAS, DBW has developed a grant agreement with the Authority, whereby the BEP would continue to implement its program targeting Southern California recreational boaters; and

O11-450 cont.

WHEREAS, the BEP workplan includes additional tasks for coordinating and consulting with other regional boater education programs funded by the DBW; and

WHEREAS, the annual budget for the BEP will fund the statewide program, including the hiring of additional staff; and

WHEREAS, at the local level, the Authority will contract with and coordinate with the Santa Monica Bay Restoration Foundation (Foundation) to carry out the BEP grant, including use of Foundation staff and administrative services;

NOW, THEREFORE, BE IT RESOLVED that the Santa Monica Bay Restoration Authority Governing Board hereby:

1. Approves the Boater Education Program Work Plan and Budget Relevant to the Grant Agreement, as described above;

2. Approves the Grant Agreement with the California State Department of Boating and Waterways;

3. Authorizes the Chair or the Chair's Designee to execute any agreements or contracts necessary to carry out the program, as described above.

The foregoing resolution was passed by the Santa Monica Bay Restoration Authority on December 22, 2010.

Signed: _____ Date: 12/22/2010

John Sibert, Chair

SANTA MONICA BAY RESTORATION AUTHORITY

Resolution Approving Work Plan, Budget and Grant Agreement To Implement the Clean Boating Education Program

WHEREAS, in 1996 the Santa Monica Bay Restoration Project established the Boater Education Program (BEP) with the goal of reducing pollution from recreational boating activities in local small craft harbors and coastal areas; ande

WHEREAS, the Santa Monica Bay Restoration Authority (Authority) was created by a joint exercise of powerse agreement between the Santa Monica Bay Restoration Commission (SMBRC) and the Los Angeles County Floode Control District (District) and operates as a local public agency within the Santa Monica Bay Watershed and thee jurisdictional boundaries of the SMBRC and the District, with the purpose of broadening funding opportunities fore projects within the Santa Monica Bay Watershed; ande

WHEREAS, the Santa Monica Bay Restoration Foundation would continue to develop a work plan for boatere education programs in Southern California that are funded by the California State Department of Boating ande Waterways (DBW); ande

WHEREAS, DBW has developed a grant agreement with the Authority, whereby the BEP would continue toe implement its program targeting Southern California recreational boaters; ande

O11-450 cont.

WHEREAS, the BEP workplan includes tasks for coordinating and consulting with other regional boater educatione programs funded by the DBW; ande

WHEREAS, the budget for the BEP will fund the statewide program, including the hiring of additional staff; ande

WHEREAS, at the local level, the Authority will contract with and coordinate with the Santa Monica Baye Restoration Foundation (Foundation) to carry out the BEP grant, including use of Foundation staff ande administrative services;e

NOW, THEREFORE, BE IT RESOLVED that the Santa Monica Bay Restoration Authority Governinge Board hereby:e

1.e Approves the Boater Education Program Work Plan and Budget Relevant to the Grant Agreement, ase described above;e

2.e Approves the Grant Agreement and all future contract amendments with the California State Department ofe Boating and Waterways;e

3.e Authorizes the Chair or the Chair's Designee to execute any agreements, contracts, and contracte amendments necessary to carry out the program, as described above.e

The foregoing resolution was passed by the Santa Monica Bay Restoration Authority on February 23, 2012.

Signed: _____ Date: 2/23/12

John Sibert, Chair

bay restoration commission
STEWARDS OF SANTA MONICA BAY
santa monica bay restoration commission ✒ 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone ✒ 213/576-6646 fax ✒ www.smbrc.ca.gov

SANTA MONICA BAY RESTORATION COMMISSION
December 18, 2014

Resolution No. 14-10

Resolution Approving Fiscal Year 2014-2015 Budget
Of the
Santa Monica Bay Restoration Authority

WHEREAS, the Santa Monica Bay Restoration Authority (Authority) was created by a joint exercise of powers agreement between the Santa Monica Bay Restoration Commission (SMBRC) and the Los Angeles County Flood Control District (District) and operates as a local public agency within the Santa Monica Bay Watershed and the jurisdictional boundaries of the SMBRC and the District with the purpose of broadening funding opportunities for projects within the Santa Monica Bay Watershed; and

WHEREAS, the joint exercise of powers agreement requires the Santa Monica Bay Restoration Commission (SMBRC) to review and approve the Authority's annual budget; and

O11-450 cont.

WHEREAS the SMBRC Governing Board met at a regularly-scheduled meeting, a quorum having been established, to review the Fiscal Year 2014-2015 budget; and

WHEREAS, having reviewed the budget, with staff responding to Governing Board member questions to the Governing Board's satisfaction;

NOW, THEREFORE, BE IT RESOLVED that the SMBRC Governing Board hereby:

1. Approves the Fiscal Year 2014-2015 Budget of the Authority;

2. Requests that the Los Angeles County Board of Supervisors approve the same budget at a regularly-scheduled meeting in the near future.

The foregoing resolution was passed by the SMBRC on December 18, 2014.

BY: Micheál O'Leary
Micheál O'Leary
Chair, Santa Monica Bay Restoration Commission

bay restoration commission

STEWARDS OF SANTA MONICA BAY

santa monica bay restoration commission / 320 west 4th street, ste 200; los angeles, california 90013

213/576-6615 phone / 213/576-6646 fax / www.smbrc.ca.gov

December 11, 2014 **Agenda Item: 3c**

To: SMBRC Governing Board

From: Tom Ford, Executive Director

Re: The Santa Monica Bay Restoration Authority (Authority) Fiscal Year (FY) 2014-2015 Budget

Action Requested of the Governing Board:

- Approval of the Authority FY 2014-2015 Budget

O11-450 cont.

Background

The Authority was created by a joint exercise of powers agreement between the Santa Monica Bay Restoration Commission (SMBRC) and the Los Angeles County Flood Control District (District) and operates as a local public agency within the Santa Monica Bay Watershed and the jurisdictional boundaries of the SMBRC and the District. The purpose of the Authority is to broaden funding opportunities for projects within the Santa Monica Bay Watershed.

The SMBRC is responsible for the administration of the Authority. The District is responsible for the Authority's Fiscal Controls. At its October 1, 2014 meeting, the Authority approved the FY 2014-2015 budget and the three ongoing programs associated with it. The Los Angeles County Board of Supervisors is expected to approve the budget currently before this body at its January or February meeting.

The Authority provides an efficient method by which state agencies can fund important programs of the Santa Monica Bay National Estuary Program. The three programs contained in the budget, the Clean Boating Education Program, the Wetlands Monitoring Program, and the Malibu Lagoon Monitoring Program, are part of the annual Work Plan that is approved by this Governing Board each year. The funding for these projects will pass from the California State Parks and Recreation agency (Boating and Malibu programs) and the US EPA (Wetlands program) to the Authority to be allocated to The Bay Foundation staff responsible for the three programs.

The detailed budget as well as a description of the three programs are attached to this report.

SMBRA BUDGET 2014-2015

		BUDGET Oct 2014-Sept 2015
BOATER PROGRAM		
Task 1. Education and Outreach Program Management		$16,875.00
Task 2. Pumpout Station Monitoring		$6,041.67
Task 3. Honey Pot Day Unlimited - Mobile Pumpout Outreach		$5,833.33
Task 4. Pilot Harbor Staff Presentations		$0.00
Task 5. Boating Events		$33,958.33
Task 6. California Clean Boating Network/Newsletter		$11,208.33
Task 7. Outreach Materials		$31,875.00
Overhead		$10,579.17
Total Boater Program		116,370.83
WPDG PROGRAM		
Salaries and Benefits:		$55,400.00
Contractual		$30,000.00
Equipment		$0.00
Supplies		$1,500.00
Travel		$3,100.00
Other		$0.00
Overhead		$0.00
Total WPDG Program		$90,000.00
Malibu Lagoon - Post-Restoration		
1 Project Management		$22,648.11
2 Download and clean data, maintain database		$7,763.66
3 Field surveys		$24,132.34
4 Chemistry lab analyses		$20,571.43
5 Benthic macroinvertebrate lab analyses		$26,331.43
6 Avian monitoring (Cooper Ecological Monitoring Inc.)		$9,642.86
7 Fish Surveys (none)		$0.00
8 Annual reporting		$5,357.14
9 Data probe maintenance		$6,428.57
10 Date probe replacement		$3,214.29
11 Mileage		$1,210.71
12 Equipment and supplies		$3,750.00
13 Volunteer Management		$9,145.44
Total ML Post-Restoration Program		$140,195.98
TOTAL GRANTS BUDGETS		346,566.81
ANNUAL AUDIT	$	14,850.00
AUDITOR-CONTROLLER FEE - 10%	$	1,485.00
TOTAL SMBRA BUDGET FOR 2014-2015		362,901.81

O11-450 cont.

bay restoration authority

santa monica bay restoration authority ✒ 320 W. 4th Street, Suite 200; Los Angeles; California 90013
213/576-6615 phone ✒ 213/576-6646 fax

Statewide Clean Boating Education Program
Clean Vessel Act Grant

Scope of Services and Schedule of Deliverables
Work to be performed April 2014 - January 2015

1. Education and Outreach Program Management
Manage statewide outreach and education efforts to promote proper sewage management and sustainable boating practices.

Statewide

- Complete specialized bi-weekly reporting to CVA grant manager on accomplishments, and give notification of upcoming events, new outreach materials, and future tasks.
- Manage grant invoicing, reporting, and timelines (i.e. grant management and work completion).

O11-450 cont.

Northern California

- Work with program partners (i.e. San Francisco Estuary Partnership, Division of Boating and Waterways) to implement statewide CVA education program.
- Hold annual planning meetings with program partners to coordinate outreach efforts.

Southern California

- Develop annual work plan for Southern California outreach campaign, in accordance to CVA guidelines.
- Create and submit payment request and progress reports.
- Maintain web resources for Boating Education Program.
- Hold biweekly planning meetings with grant manager.

2. Pumpout Station Monitoring
Monitor public sewage pumpout facilities in California, which have been funded with CVA grant funds, in order to maximize performance level of facilities.

- Conduct quarterly visits of vessel sewage pumpout facilities in Southern California to check functionality and condition of pumpouts. Staff will write and submit quarterly reports of visits to grant manager. Reports are due by the last day of the monitoring month.

3. Honey Pot Day Instructional Video – "Honey Pot Live"
Develop a Honey Pot Day program for the web where boaters take an online "class" to receive a free mobile pumpout.

- Develop an online class for boaters about proper sewage management, effects of illegal sewage discharge. Boaters must view the Division of Boating and Waterways and San Francisco Estuary Partnership sewage pumpout video, read educational materials regarding boat sewage, and complete an exam in order to receive a voucher for a free mobile pumpout. Honey Pot Live will be promoted in Marina del Rey, King Harbor, Long Beach, and Los Angeles harbors. The video will be accessible via the Honey Pot Day website. Promote the program via marina and yacht club presentations, flyers, press releases, newsletters, web resources, and social media.
- Coordinate voucher, invoice, and registration processes with mobile pumpout companies.
- The goals of these videos are to decrease staff time and travel expenses to reach boaters, and increase number of boaters reached.
- Performance evaluation will be measured by number of boaters who complete the class, number of vouchers redeemed, number of new contracts with mobile pumpout companies, and gallons of sewage pumped.

4. Boating Events

Promote sustainable boating practices, such as proper management of vessel sewage, at public boating events.

O11-450 cont.

- Conduct outreach at 10 boating events throughout the year including, but subject to change: Sunroad Boat Show (Jan 23-26), Newport Beach Boat Show (April 3-6),Marina Fest (May), Sea Fair (May), Dana Point Boat Show (June), and Santa Barbara Harbor and Seafood Festival (October), Santa Monica City Festival (June), Fiesta Hermosa (May), Manhattan Beach Hometown Fair (October),and Torrance Environmental Day (June).
- Participate in marina and yacht club events and offer presentations and technical assistance throughout the year, as needed.
- Coordinate Coastal Cleanup Day in Marina del Rey, where vessel sewage and other boating related pollution issues will be highlighted.
- Subject to grant manager approval and availability of travel funds, attend at least two marine related conferences and trade shows (e.g., SOBA, and MRA, CA Association of Harbor Masters & Port Captains conferences).
- Coordinate volunteers to conduct face-to-face outreach at boat shows and other events.
- Develop an interactive booth space to attract boaters in addition to use of Boater Kits. Interactivity, subject to change, will include demonstrations, boater activity participation, Boater Guide app display kiosk, and more.
- Produce materials to acquire event sponsorship (i.e. coupons, flyers, signs, etc.).

5. California Clean Boating Network & Changing Tide Newsletter

Coordinate with statewide CCBN partners to promote information exchange of new programs and ideas.

The CCBN consists of three chapters: Northern, Delta, and Southern California chapters. The Northern California chapter is managed by the Division of Boating and Waterways Statewide Boater Program and California Coastal Commission's Clean and Green Campaign. The Delta chapter is managed by Contra Costa County. Each chapter hosts networking events, in their

region, to discuss issues related to boating and maintaining clean waterways. All three chapters contribute Changing Tide articles for their 2-page sections and co-author cover articles.

Newsletters are published three times per year, typically in spring, summer, and winter. The planning of each issue includes one conference call to plan the timeline, choose articles, and discuss other production details. TBF is the lead editor and graphic designer. Research, writing, and graphic design take up about 40 hours of staff time per issue and consulting services for graphic design. On average, 5,700 newsletters are printed: 500 are purchased and distributed by Contra Costa County, 2,700 are purchased and distributed by Division of Boating and Waterways Statewide Boater Education Program, and 2,500 are purchased and distributed by The Bay Foundation. CVA funds pays for 68% of total cost.

- Collaborate with CCBN partners to produce three issues of the Changing Tide newsletter.
- Send staff to Northern California and Delta CCBN meetings, as needed.
- Print approximately 5,700 newsletters per issue, subject to change based on varying number of subscribers.
- Distribute newsletters to marinas, yacht clubs, boating organizations, and marine businesses in San Diego, Orange, Los Angeles, Ventura, and Santa Barbara Counties.

6. Outreach Materials

Create outreach materials to promote sustainable boating practices, such as proper management of vessel sewage, and a performance evaluation tool to measure program success.

O11-450 cont.

6A. Southern California Boater's Guide, 4th Edition and Phase III

- Distribute and promote the Southern California Boater's Guide, 4th Edition.
- Continue to update the e-book, which includes developing short sewage related videos (10-20 seconds in length), updating design and photo images, and revising content such harbor information, telephone numbers, websites, boating laws, statistics, etc.
- Develop mobile phone application for the Smart Boater's Guide. This mobile phone application will include maps from the Boaters Guide, searchable list of mobile pumpouts and other environmental amenities, and real time, user-based comments on environmental amenities such as logging broken pumpouts.

6B. Clean Boating Interactive Booth Space

- Produce an interactive booth space to draw boaters to the booth and give boaters an experience they can remember. The experience based outreach tool will eventually replace the boater packets, thus decreasing material waste and printing expenses. Interactivity, subject to change, will include demonstrations, boater activity participation, Boater Guide app display kiosk, and more. Final ideas will be developed with input by Division of Boating and Waterways Statewide CVA partners and will require final approval by the grant manager.

6C. Boater Packets

- Coordinate fulfillment of boater packets.
- Distribute outreach materials to boaters and volunteers.
- Administer a performance evaluation tool (i.e. clean boating pledge and survey).

bay restoration authority
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6D. Tidebooks

- Produce 4,000 tidebooks for Southern California
- Update environmental facilities in Tidebook (i.e. individual maps of Southern California harbors from Punta Morro to Morro Bay, locations of sewage pumpout stations and other environmental facilities, and clean boating information).
- Distribute tidebooks at boating events, presentations, boating supply stores, etc.

O11-450 cont.

bay restoration authority

santa monica bay restoration authority ✒ 320 W. 4th Street, Suite 200; Los Angeles; California 90013
213/576-6615 phone ✒ 213/576-6646 fax

Wetlands Monitoring Program Summary

EPA Wetland Program Development Grant

Abstract:
Monitoring and assessment strategies developed by the State of California and the US Environmental Protection Agency (EPA) universally call for coordinated and consistent approaches to monitoring and assessment. Unfortunately, our ability to meet this goal is limited. Although we have made progress over the last several years in developing standardized rapid (i.e. Level 2) assessment methods, there has been significantly less attention paid to standardized intensive (i.e. Level 3) assessment methods. Intensive assessment methods provide information on ecological function and process, are more diagnostic of restoration performance and regulatory compliance, and are important as a validation measure for rapid assessment methods. The lack of consistent approaches to intensive assessment limits our ability to share information between projects, precludes use of Level 3 data in ambient monitoring, and fosters redundancy as each project develops its own protocols and assessment techniques. With eight major coastal wetland restoration projects currently being planned along the Southern California Bight, timing is optimal for development and testing of standardized Level 3 assessment procedures. This program sets out to accomplish that goal by compiling and analyzing existing assessment procedures, developing proposed standardized approaches in coordination with technical advisors, exploring the covariance between these new Level 3 protocols and existing Level 2 (i.e. California Rapid Assessment Method) assessment tools, and developing protocol documents and training materials to facilitate information transfer to other projects.

O11-450 cont.

Specific project tasks are as follows:

Task 1: Develop Indicators and Preliminary Protocols
This task will build on previous work conducted by the Wetlands Recovery Project members to develop indicators for Level 3 assessment of coastal wetlands. Existing monitoring plans and reports, state and federal guidance documents, and peer-review journals will be compiled and reviewed.

Task 2: Refine Level 3 Monitoring Protocols
The preliminary protocols developed in Task 1 will undergo Technical Advisory Committee (TAC) review to develop final Level 3 protocols for field testing as part of this task. Public meetings of the TAC will provide direct feedback and discussion of the proposed protocols, and will serve as an opportunity to engage science experts and agencies' staff and to refine protocols. Additionally, a Quality Assurance Project Plan will also be prepared and submitted to the EPA as part of this task.

Task 3: Field Test Level 3 Protocols

Sites will be selected to cover the diversity of habitats and conditions, including levels of degradation and restoration, represented in southern California wetlands. Protocols will be selected for each wetland based on habitat (e.g. does the site have submerged aquatic vegetation) and conditions (e.g. muted or restricted tides). Initial field testing will determine feasibility, level of effort, field or lab time, and cost of each protocol. Field protocols will be implemented at all sites over an 18-month period to capture seasonal variability, and allow some repetition of protocols. In addition to reporting on application of the protocols, data will be summarized to produce an initial Level 3 assessment of condition in the study wetlands. These results will be compared to Level 2 data previously collected to demonstrate an integrated assessment of coastal wetland health.

Task 4: Develop Level 3 Monitoring Manual

The final monitoring and assessment documents prepared under Task 3 will undergo TAC review to develop a Level 3 monitoring and assessment manual for southern California coastal wetlands as part of this task. The final Level 3 monitoring manual will be developed through an iterative, public process and the final document will include detailed protocols, recommended priority for implementation (e.g. whether to monitor vegetation or birds), level of effort, field and lab time required to implement protocols.

Task 5: Outreach

Program partners will present the progress and results of the Level 3 protocol development and the Level 3 manual throughout the program period. Presentation will be made at state and national scientific conferences to discuss and receive feedback on the process to develop Level 3 protocols. In addition, program partners will meet directly with monitoring practitioners to discuss the benefits and application of Level 3 monitoring protocols.

O11-450 cont.

bay restoration authority

santa monica bay restoration authority ✒ 320 W. 4th Street, Suite 200; Los Angeles; California 90013
213/576-6615 phone ✒ 213/576-6646 fax

MALIBU LAGOON – RESTORATION AND ENHANCEMENT PROJECT – MONITORING GRANT

Through a grant from California Department of Parks and Recreation to the Santa Monica Bay Restoration Authority (SMBRA), the SMBRA is organizing and performing all required surveys, monitoring, data analysis and reporting to meet the required Coastal Development Permit conditions for the Malibu Lagoon Restoration and Enhancement Project (COP # 4-07-098) as documented in Biological and Water Quality Monitoring Plan and Vegetation Assessment and Monitoring Plan. SMBRA will compile and analyze all data collected each year and produce a cumulative annual report. The report will meet the reporting requirements outlined in the Coastal Development Permit. SMBRA will also provide coordination and supervision for volunteer plant maintenance crews.

GRANT TASKS:

O11-450 cont.

Task 1 – SMBRA will manage the entire project including all sub-contractors to ensure all required monitoring and reporting is completed. SMBRA will prepare a single invoice for work completed during each invoicing period. It is estimated that project management will require three days per month.

Task 2 – Conduct continuous monitoring of water quality using three Yellow Springs Instruments (YSI) data sondes to collect dissolved oxygen, specific conductivity, salinity, pH, Oxygen Reduction Potential (ORP), water temperature and depth every 30 minutes. Conduct monthly data downloading, calibration and re-deployment of YSI data sondes, data cleaning and maintenance of the project database.

Task 3 – Field surveys and water quality data collection will be conducted twice annually, except for benthic macroinvertebrate (see details below). Field surveys include the following:

- Water quality vertical profiles at multiple depths at six locations: pH, Specific conductivity, dissolved oxygen, salinity, temperature;
- Surface and bottom water quality at six locations;
- Topographic cross sectional surveys across five transects;
- Three vegetation transects;
- Vegetation photo point monitoring at three locations;
- Submerged aquatic vegetation (SAV) and algae on eight transects;
- Sediment sample collection from five locations;
- Benthic macroinvertebrates: three samples (2.5 cm core, 10 cm core, littoral sweep) from eight stations per event, five fall events during closed condition and three spring events during open condition.

Task 4 – Chemistry lab analyses will be conducted twice annually by a state-certified laboratory and will include the following:

- Surface and bottom water quality: nitrate as nitrogen, ammonia as nitrogen, total Kjeldahl nitrogen, orthophosphate, total phosphorous, and chlorophyll-A
- Sediment: grain size, total organic carbon, total nitrogen, and total phosphorous.

Task 5 – Benthic macroinvertebrate lab analyses will be conducted by taxonomic professionals.

Task 6 – Avian monitoring will be conducted by an ornithologist a minimum of three days per quarter or 12 days per year. An annual report will be produced that compares the pre-restoration and post-restoration data and changes over time.

Task 7 – None

Task 8 – The Bay Foundation will compile and analyze all data collected on an annual basis and create an Annual Report. The Annual report will satisfy the Coastal Commission's reporting requirements for this project.

O11-450 cont.

Task 9 – Data Probe maintenance: the data sondes will be sent back to YSI annually for maintenance. The probe sensors for ORP, pH, and conductivity will be replaced annually. The average maintenance and replacement cost per year is $2,000.00 per sonde or $6,000.00 for three data sondes.

Task 10 – The two oldest probes may need replacement during the five year monitoring program. Replacement of each probe will cost $7,500.00 or $15,000.00 to replace two data sondes over the course of the project.

Task 11 – Mileage to travel to and from the Lagoon to conduct monitoring and field surveys. Mileage charges to and from State Certified laboratory and to acquire necessary monitoring supplies. It is estimated that these tasks will require 2000 miles per year of travel.

Task 12 – Equipment and supplies includes calibrating solutions and water quality standards to calibrate data sondes and water quality probes, glassware and plastic sampling containers, nets, waders, and miscellaneous equipment associated with sampling. It is estimated that equipment and supplies will cost $2.500.00 per year.

Task 13 – Volunteer coordination and supervision. Advertise for volunteers on the internet, fill out volunteer waiver forms, supply and deliver tools, train and supervise volunteers, track volunteer hours and work accomplished. Three monthly events for one year.

EXHIBIT 4

O11-450 cont.

DATE: **24 February 2005**

TO: **Santa Monica Bay Restoration Authority Governing Board**

FROM: **Guangyu Wang, Acting Executive Officer**

SUBJECT: **Consideration of:**

1. **Resolution Authorizing Procedural and Operational Policies for the Expenditure of Funds**
2. **Resolution Adopting Fiscal Procedures**

BACKGROUND

Two steps are required in order for the JPA to begin receiving money, accepting project bids, paying the Executive Officer, contractors, and other payees, et al.

O11-450 cont.

The first step is to adopt *Procedural and Operational Policies*. These authorize the Authority chair to perform various fiscal functions consistent with an annual budget adopted by the Authority, including execution of contracts and approval of payments to the executive director and staff for services rendered. These policies also authorize the executive officer to expend funds pursuant to an adopted budget, use competitive bids where feasible, purchase property and equipment, et al.

The second step is to adopt *Fiscal Procedures*. The document, entitled *Procedures Governing the Purchase of Goods and Services, Leasing of Equipment, Letting of Contracts for Professional Services, Construct and Improvement Contracts and Maintenance Contracts* details the methods by which the authority may seek these contracts using a competitive process with financial limitations, contracting for professional services, sole source contracts, et al.

STAFF RECOMMENDATION

That the Authority Governing Board adopt these two documents in order to authorize the Executive Officer and Assistant Executive Officer to expend funds and approve payments for certain Authority expenses and also authorize the chair of the Authority Governing Board to approve payments for certain other Authority expenses.

EXHIBIT 5

O11-450 cont.

SANTA MONICA BAY RESTORATION AUTHORITY (SMBRA) PROCEDURES GOVERNING THE PURCHASE OF GOODS AND SERVICES, LEASING OF EQUIPMENT, LETTING OF CONTRACTS FOR PROFESSIONAL SERVICES, CONSTRUCTION AND IMPROVEMENT CONTRACTS AND MAINTENANCE CONTRACTS

SECTION 1: GENERAL

1.0 The Santa Monica Bay Restoration Authority (SMBRA) is a joint exercise of powers agency established pursuant to Government Code Section 6500 *et seq*. The member entities of the SMBRA are the Santa Monica Bay Restoration Commission (SMBRC) and the Los Angeles County Flood Control District (District).

1.1 The following procedures shall be known as the "Santa Monica Bay Restoration Authority Procedures Governing the Purchase of Goods and Services, Leasing of Equipment, Letting of Contracts for Professional Services, Construction and Improvement Contracts and Maintenance Contracts" (Purchasing and Contracting Procedures) and shall constitute the procedures, including bidding procedures, as required by Government Code Section 54201 *et seq*. and as governed by Public Contract Code Section 20815 *et seq*.

O11-450 cont.

1.2 The Executive Officer, or his or her designee, is hereby designated as Purchasing Agent for the SMBRA.

1.3 These procedures shall be applied consistent with the adopted "Procedural and Operational Policies" of the SMBRA which provides in part that prior to entering into any contract for services, the Executive Officer shall consult with the participating entities to ensure that the proposed service to be rendered to the Authority is not one that could be performed by the participating entities. Where resources of the SMBRC or the District cannot be used, the Executive Officer shall ensure competitive bidding in the award of all contracts to the extent possible.

SECTION 2: DEFINITIONS

2.0 General Operating Expense or Project. A general operating expense or project is defined as the expenditure for day-to-day materials, supplies items or services necessary in the normal course of business. These expenditures include, but are not limited to: office supplies, telephone service, cellular telephone service, high speed internet service, paging services, gasoline, computers, uniforms, fire equipment, printing, graphics, law enforcement supplies, gardening supplies and equipment, and building park maintenance materials and supplies.

2.1 Maintenance Project. A maintenance project is defined as the routine maintenance, repair, alteration or upgrade of an existing facility or property.

2.2 Construction Project. A construction or an improvement project is defined as the new development or construction of a new facility or property or an improvement to an existing facility or property.

2.3 Responsive Bidder. The term "responsive bidder" means a bidder who meets the instructions set forth in the request for bid, request for qualifications, or request for proposals. Construction or projects on public property have requirements under the Public Contracts Code (state and local) which requires to advertise and award lowest bidder for $65,000 or more.

2.4 Responsible Bidder. The term "responsible bidder" means a bidder who has demonstrated the attributes of trustworthiness, as well as quality, fitness and capacity and experience to satisfactorily perform the work.

2.5 Three-bid Procedure. A procedure requiring the solicitation by advertisement, verbal solicitation or other appropriate means from a minimum of three potential bidders or professionals responding to a request for qualifications or a request for proposals.

2.6 Short List. A list consisting of trade persons and businesses and/or professionals established after solicitation of a minimum of three-bids and/or advertisement of request for bids, request for qualifications, or request for proposals.

O11-450 cont.

SECTION 3: PURCHASE OF GOODS AND SERVICES, LEASING OF EQUIPMENT, LETTING OF CONTRACTS FOR PROFESSIONAL SERVICES, CONSTRUCTION AND IMPROVEMENT CONTRACTS AND MAINTENANCE CONTRACTS

3.0 General Operating Expense or Projects. The approval of the SMBRA annual budget by the SMBRA governing board will serve as the approval process for the purchase on the open market of all budgeted general operating expenses and projects.
Contracts in excess of twenty-five thousand dollars for supplies and materials not related to new construction, alterations, maintenance, or repairs shall be let after the three-bid procedure and advertisement of bids.

Expenditure(s) for general operating expense or project under twenty-five thousand dollars ($25,000) does not require the use of the established short list or of the three-bid procedure and advertisement of bids. These expenses can be purchased on the open market. Purchasing Agent may at his or her discretion obtain bids by verbal solicitation or other appropriate means which are to be documented by the Purchasing Agent.

Expenditure(s) for the purchase of new vehicles shall be made by the three-bid procedure and advertisement of bids as required herein.

Expenditure(s) for a general operating expense or project that is not included in the SMBRA annual budget and which exceeds twenty-five thousand dollars ($25,000) per one-time expense requires the use of the three-bid procedure and advertisement of bids pursuant to Public Contract Code section 20815 *et seq*. By a four-fifths vote of the Governing Board of the SMBRA, the Governing Board may elect to purchase materials or supplies in excess of twenty-five thousand dollars ($25,000) in the open market.

3.1 Maintenance Projects. The Short List for Maintenance Projects may include, at the discretion of the Purchasing Agent, trade persons and businesses including but not limited to licensed plumbers, electricians, pest control services, roofers, tree trimmers, HV/AC repair services, painters, glass replacement services, and asphalt and concrete repair services. All maintenance projects may also be completed by force account.

(a) Maintenance Projects Less Than $25,000. A maintenance project under $25,000 does not require the use of the established Short List or of the three-bid procedure and advertisement of bids. The Purchasing Agent may at his or her discretion obtain bids by verbal solicitation or other appropriate means which are to be documented by the Purchasing Agent.

(c) Maintenance Projects in Excess of $25,000. A maintenance project over $25,000 requires the use of the three-bid procedure and advertisement of bids pursuant to Public Contract Code Section 20815 *et seq*.

O11-450 cont.

3.2 Construction Projects. All construction projects may also be completed by force account.

(a) Construction Projects Less Than $25,000. A construction project under $25,000 does not require the use of the established Short List or of the three-bid procedure and advertisement of bids. Purchasing Agent may at his or her discretion obtain bids by verbal solicitation or other appropriate means which are to be documented by the Purchasing Agent.

(c) Construction Projects in Excess of $25,000. All construction or improvement project in excess of twenty-five thousand dollars ($25,000) require the use of the three-bid procedure and advertisement of bids pursuant to Public Contract Code section 20815 *et seq*.

All construction and improvement projects in excess of $25,000 must be approved by the Governing Board of the SMBRA.

The resolution approved by the SMBRA Governing Board must contain the following language:
"Resolved that the governing board of the Santa Monica Bay Restoration Authority hereby:

APPROVES *project name*; and

APPROVES any necessary expenditures for this project by force account and on the open market for expenditures under $25,000; and

AUTHORIZES the Executive Officer or his designee to waive the requirement of a three-bid procedure and advertisement of bids for expenditures in excess of $25,000 when the bidding procedure is not in the best interest of the WCA for *project name;* and

ADOPTS the staff report and recommendation dated *date*; and

AUTHORIZES the Executive Officer to perform any and all acts necessary to carry out this resolution.

The resolution must be adopted by a four-fifth vote of the governing board of the SMBRA per the California Public Contract Code section 20815.3(b).

By a four-fifths vote of the Governing Board of the SMBRA, the Governing Board may elect to construct the building, structure, or improvement by force account. O11-450 cont.

3.3 Professional Services. Contracts for private architectural, landscape architectural, engineering, environmental, land surveying, or construction management services are currently governed by Government Code section 4525 *et seq*. The Purchasing Agent shall before letting a contract for professional services make a determination as to the professional's demonstrated competence and qualifications for the type of services to be performed and at fair and reasonable prices to the SMBRA. The Purchasing Agent shall determine demonstrated competence and qualifications of the services at fair and reasonable prices by reviewing the following documents to be submitted by the professional: 1) a list of the names and contact information for clients for which services were performed in the last five years; 2) samples of the services performed including the scope and cost; 3) a disclosure of any actions taken against the professional; and, 4) a statement of change order(s) to plans or specifications or projects for which services were provided and the reason for the change order(s).

3.4 Sole Source Contracts. The Purchasing Agent may let sole source contracts for under $5,000 after approval by the Governing Board where any of the following circumstances exist.

(a) Related construction or repair construction completion dates cannot be met.

(b) Patented, licensed, or proprietary materials or services are required.

(c) Compatibility with existing equipment is necessary.

(d) Prior experience and/or professional qualifications have proven that a particular make and/or type of equipment, material, supply or service is more satisfactory or economical for SMBRA purposes.

SECTION 4: OUTREACH
(Businesses owned by Minority, Women, Disabled Veterans, and/or disadvantaged and small business enterprises)

4.0 Projects which are funded in whole or in part by the federal, state or local government other than the SMBRA shall, if required by the funding source, be administered according to requirements of the respective federal, state or local outreach programs.

SECTION 5: ADVERTISING

5.0 Notice inviting bids for contracts for which competitive bidding is required shall be published at least one time in a newspaper of general circulation in the SMBRA's jurisdiction at least one week before the time specified for receiving bids.

O11-450 cont.

SECTION 6: BIDS and AWARDS

6.0. Where bids are solicited, the following procedures shall apply. The Purchasing Agent is authorized to establish such additional bidding procedures as are not inconsistent with the following procedures.

6.1 Responsive, Responsible Bidder. An award will be made to the lowest responsive, responsible bidder.

(a) A non-responsive bid may be entirely rejected.

(b) The SMBRA has the discretion to determine which bidders are responsible. In considering whether a bidder is the lowest "responsible" bidder, the following considerations may be made:

i) The ability, capacity, and skill of the bidder to perform the contract or provide the supplies or services required.

ii) The ability of the bidder to provide the supplies or services promptly, or within the time specified, without delay or interference.

iii) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

iv) The quality of bidder's performance on previous purchases or contracts.

v) The ability of the bidder to provide future maintenance, repair parts and services for the use of the subject of the contract.

vi) The previous and existing compliance by the bidder with the laws and provision relating to the contract.

6.2 The SMBRA shall have the right to reject all bids, to accept one part of a bid and reject another in accordance with bid specifications, to waive technical defects and to consider alternative bids if to do so best serves the interests of the SMBRA.

6.3 Should a discrepancy exist in prices, the bid price shown for the unit price or lump sum item shall take precedence over the bid price shown for the total.

6.4 Late Bids. Any bid received after a bid closing date and hour at the place designated for the opening is non-responsive.

6.5 Contractor must supply such bidders' security, payment bonds and/or performance bonds as are required by law or as are determined to be appropriate.

O11-450 cont.

6.6 Confidentiality. All bids received by the SMBRA shall remain confidential until the time for bid opening.

6.7 Bid Award. A Notice of Intent to Award Bid must be delivered by telegram, fax, overnight courier, internet transmission, or personal delivery to all of the bidders stating the SMBRA's intent to award the bid within five calendar days to the lowest responsive and responsible bidder (name the bidder in the notice).

(a) In the event the SMBRA determines that the contract will be awarded to a party other than the apparent lowest responsive and responsible bidder because SMBRA has determined the bidder is either non-responsible or non-responsive, SMBRA will notify that bidder only, at the time it delivers the Notice of Intent to Award Bid, of the following:

(i) That the SMBRA has determined the bidder is non-responsible or non-responsive and therefore the contract will be awarded to another party;

(ii) That non-responsive bidders may not refute the decision of SMBRA;

(iii) That any and all bid protests from non-responsible bidders must be in writing, accompanied with written evidence and argument refuting SMBRA's decision, and sent by fax or hand delivery to a designated SMBRA Project Manager on or

before 4 p.m. on the fifth calendar day from the date appearing on the Notice of Intent to Award Bid;

(iv) That SMBRA will not consider a bid protest that fails to include written evidence and argument refuting SMBRA's decision;

(v) That any bid protests received after 4:00 p.m. on the fifth calendar day from the date appearing on the Notice of Intent to Award Bid will not be considered.

(b) The bid award becomes final at 5 p.m. on the fifth calendar day from the date appearing on the Notice of Intent to Award Bid unless a timely written bid protest, accompanied by written evidence and argument, is received by the designated SMBRA Project Manager as stated above.

(c) In the event a timely written bid protest is received in accordance with this section, the SMBRA will advise the party initially designated to receive the award in the Notice of Intent to Award Bid that a protest has been submitted, and the contract shall not be awarded until the SMBRA has decided the merits of the protest as set forth in Section 8 below.

O11-450 cont.

SECTION 7: BID PROTEST

7.0 Bid Protest. Non-responsive bidders are not entitled to refute the decision of the SMBRA. A non-responsible bidder will be given an opportunity to provide written evidence and argument to refute the SMBRA's decision.

(a) The bid protestor must submit a bid protest accompanied with written evidence and argument refuting the SMBRA's decision by 4:00 p.m. on the fifth calendar day from the date of the Notice of Intent to Award Bid. If the bid protestor does not meet this deadline by timely submitting written evidence and argument with the bid protest, the party initially designated to receive the award will be declared as the lowest responsive and responsible bidder and SMBRA will immediately award the contract to that party.

(b) In the event of receipt of a timely bid protest accompanied with written evidence and argument, the SMBRA Project Manager and a committee appointed by the SMBRA will consider the written evidence and argument to determine the merits of the protest and determine which party will be declared the lowest responsive and responsible bidder. The SMBRA Project Manager and committee with make such determination within a reasonable time but not more than seven

(7) calendar days from the date SMBRA received such evidence and argument. Thereafter, SMBRA will send its Notice of Decision of Bid Protest on the bid protest to the bid protestor and immediately award the contract to the lowest responsive and responsible bidder. The right to extend any deadline as set forth in this section is within the sole discretion of the SMBRA.

SECTION 8: CONTRACT REQUIREMENTS

8.0 The SMBRA shall enter into a contract with all contractors using the standard SMBRA contract agreement form. The contract will indicate the scope of work, the term of the agreement and any other details pertaining to the specific project. The SMBRA shall provide the contractor with a notice to proceed. Contractors shall be obligated to provide the SMBRA with necessary insurance per the SMBRA contract agreement. The SMBRA shall retain copies of all ads, award of bids, notices to proceeds and contracts.

O11-450 cont.

SECTION 9: PURCHASING AND APPROVAL LIMITS

9.0 SMBRA employees and officers are delegated the following purchasing and approval limits:

(a) Executive Officer or Associated Executive Officer (if delegated the authority by Executive Officer) for budgeted items: $0-$10,000
(b) Executive Officer for non-budgeted items: $0-$10,000 and over

SECTION 10: GRANTS

10.0 Grants from non-profit 501(c)(3) organizations do not require competitive bidding.

O11-450
cont.

EXHIBIT 6

RESOLUTION OF
THE SANTA MONICA BAY RESTORATION AUTHORITY
ADOPTING FISCAL PROCEDURES
Resolution No. 05-02

WHEREAS, the Santa Monica Bay Restoration Authority has been established to facilitate joint projects between the Santa Monica Bay Restoration Commission and Los Angeles County Flood Control District; and

WHEREAS, the Santa Monica Bay Restoration Authority plans to enter into fiscal transactions that require the adoption of procedures consistent with the "Procedural and Operational Policies" adopted by the Board; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA).

Therefore be it resolved, that the Santa Monica Bay Restoration Authority hereby:

1.o FINDS that this action is consistent with the purposes and objectives of the Authority.o

2.o FINDS that the actions contemplated by this resolution are exempt from theo environmental impact report requirements of the California Environmental Quality Act.o

O11-450 cont.

3.o ADOPTS the staff report dated 24 February 2005 and the broad fiscal procedureso submitted under the title: *Santa Monica Bay Restoration Authority Procedures Governing the Purchase of Goods and Services, Leasing of equipment, Letting of Contracts for Professional Services, Construction and Improvement Contracts and Maintenance Contracts.*

4.o DIRECTS Authority staff and consultants to continue to monitor and address additional,o detailed procedures as needed.o

~ End of Resolution ~

Passed and Adopted by the Board of the SANTA MONICA BAY RESTORATION AUTHORITY on February 24, 2005.

Jack Weiss, Chair

ATTEST:

Terry Fujimoto
Deputy Attorney General

From: patricia mc pherson
To: OSAEHotline@DOF.CA.GOV
Subject: GC Complaint (Brandy 3) Dep. Finance; Authority Audit 1
Attachments: Cover Letter for DPW Document Production (PR-14).pdf
DPW Document Production (PR-14).pdf

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: Authority Audit 1
Date: March 18, 2015 5:21:50 PM PDT
To: hChu@bcawatsonriceca.com

Hello Helen,
(I am having some attachment / computer issues so I will be sending you a series of e-mails rather than all in one.)

Regarding the JPA and its constituent parties, namely the Santa Monica Bay Restoration Commission(SMBRC) and the County of Los Angeles, Public Works Dept., Grassroots Coalition and Mr. John Davis, a member of the public, have multiple concerns regarding the need to establish
clear authority and clear lines of authority and approvals as well as adequate control measures to ensure transparency, accountability and the avoidance of conflicted interests.

O11-451

We believe that for any/all comments made by the County and/or SMBRC there is a need to cite to or obtain legislative authority regarding the roles of each and every party to the Authority (JPA). For instance, third party influence from the Santa Monica Bay Restoration FOUNDATION, a private business, without contract to either the Authority or SMBRC, appears to blur lines of authority and finance.

The third party influence of the California Coastal Conservancy and its influence and control upon the Authority also appears to blur lines of authority and independent and non conflicted approvals.

We also direct your attention to the Dept. of Finance's audit of the Ca. Coastal Conservancy done in 2011 that found numerous problematic issues, inconsistencies.

We are concerned with bond funds that we believe are at risk of misuse. We believe there is a lack of transparency and despite mission statements and bond grants directed to public outreach and requirements for the public to be kept informed of project planning and development, we believe there is a lack of forthright information to the public including project status that is inaccurate and incomplete.

Here is a lineup of information.
The first are Public Record Act responses from the County per the Authority and audit.
Unfortunately, you will have, as we have been given, a bit of a hodgepodge of internal discussion and information.
There is also no orderly provision of this material to us.
We are, however, going through these materials and will also try to provide you with some specific pages with
our views as to our specific concerns.

For today, we send:

1. E-MAILS February-March10, 2015 Public Record Act requests from John Davis to County auditor Naimo and responses from County Counsel M. Buennagel.

O11-451 cont.

> -------- Original Message --------
> Subject: [FWD: 2 MISUSE OF PUBLIC FUNDS BY A/C AND DPW FCD]
> From: <jd@johnanthonydavis.com>
> Date: Tue, March 10, 2015 3:39 pm
> To: ghearnsb@da.lacounty.gov
>
> 2
>
> > -------- Original Message --------
> > Subject: 2 MISUSE OF PUBLIC FUNDS BY A/C AND DPW FCD
> > From: <jd@johnanthonydavis.com>
> > Date: Tue, March 10, 2015 3:13 pm
> > To: jnaimo@auditor.lacounty.gov
> > Cc: jd@johnanthonydavis.com, "ExecutiveOffice" <ExecutiveOffice@bos.lacounty.gov>
> >
> > SECOND ITEM.
> >
> > > -------- Original Message --------
> > > Subject: RE: Request for Records Relating to Audits of the Santa Monica Bay Restoration Authority (DPW)
> > > From: "Buennagel, Michael" <MBuennagel@counsel.lacounty.gov>
> > > Date: Thu, February 26, 2015 5:23 pm
> > > To: "'jd@johnanthonydavis.com'" <jd@johnanthonydavis.com>
> > >
> > > Mr. Davis,
> > >
> > > Please see the attached follow-up letter and documents provided in response to your January 27, 2015 Public Records Act requests

to the Los Angeles County Department of Public Works. If you have any questions or concerns, please let me know.

Thank you,

Michael S. Buennagel | Senior Associate County Counsel
Office of the County Counsel | Government Services Division
Tel: (213) 974-1833 | Fax: (213) 617-7182

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From: Buennagel, Michael
Sent: Friday, February 20, 2015 5:43 PM
To: 'jd@johnanthonydavis.com'
Subject: RE: Request for Records Relating to Audits of the Santa Monica Bay Restoration Authority

Mr. Davis,

Please see the attached follow-up letters responding to your January 27, 2015 Public Records Act requests to the Los Angeles County Department of Public Works and Department of the Auditor-Controller. If you have any questions or concerns, please let me know.

Thank you,

Michael S. Buennagel | Senior Associate County Counsel
Office of the County Counsel | Government Services Division
Tel: (213) 974-1833 | Fax: (213) 617-7182

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O11-451 cont.

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From: Buennagel, Michael
Sent: Friday, February 06, 2015 4:48 PM
To: 'jd@johnanthonydavis.com'
Subject: Request for Records Relating to Audits of the Santa Monica Bay Restoration Authority

Mr. Davis:

Please see the attached letters responding to your January 27, 2015 Public Records Act requests to the Los Angeles County Department of Public Works and Department of the Auditor-Controller. If you have any questions or concerns, please let me know.

Best,

Michael S. Buennagel
Senior Associate County Counsel | Government Services Division
Office of the Los Angeles County Counsel
500 W. Temple St., Rm. 653 | Los Angeles, CA 90012
Tel: (213) 974-1833 | Fax: (213) 617-7182

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O11-451 cont.

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
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February 26, 2015

VIA E-MAIL ONLY

John Davis
Post Office Box 10152
Marina del Rey, California 90295
jd@johnanthonydavis.com

Re: Request for Records Relating to Department of Public Works' Funds Provided for Audit(s) of the Santa Monica Bay Restoration Authority

Dear Mr. Davis:

This is a second follow-up response to your Public Records Act request dated January 27, 2015, directed to the Department of Public Works ("DPW"). Your specific request is as follows:

"1. Please provide any and all public records that demonstrate that funds under the control of the Los Angeles Department of Public Works were provided my any means to the Los Angeles County Auditor Control for the purpose of conducting audit(s) of the Santa Monica Bay Restoration Authority, an independent State Agency.

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2. Please provide any and all public records that demonstrate that funds under the control of the Los Angeles Department of Public Works were provided my any means to the Los Angeles County Auditor Control [sic] for the purpose of conducting audit(s) of the Santa Monica Bay Restoration Authority, an independent State Agency, were authorized by the Los Angeles County Board of Supervisors.

3. Please provide the name(s) of any persons at the Department of Publc [sic] Works that authorized Department Funds to the Los Angeles County Auditor Controller for the purpose of conducting audit(s) of the Santa Monica Bay Restoration Authorithy [sic], an independent State Agency in the years 2014 and or 2015.

4. Please provide any and all public records that demonstrate the Department of Public Works communicated by any means with the Los Angeles County Auditor Controller regarding an audit(s) of the Santa Monica Bay Restoration Authority, an independent State Agency, in either 2014 and or 2015.

5. Please provide any and all public records that demonstrate the Department of Public Works communicated by any means with the Santa Monica Bay Restoration Commissoin [sic] regarding an audit(s) of the Santa Monica Bay Restoration Authority, an independent State Agency in either 2014 and or 2015.

6. Please provide any and all public records that demonstrate the Department of Public Works communicated by any means, as described by the Publci [sic] Records Act, with the Santa Monica Bay Restoration FOUNDATION, A PRIVATE BUSINESS, regarding an audit(s) of the Santa Monica Bay Restoration Authority, an independent State Agency in either 2014 and or 2015. O11-452 cont.

7. Please provide any and all public records that demonstrate the Department of Public Works communicated by any means with any members of the publc [sic] except John Davis, regarding an audit(s) of the Santa Monica Bay Restoration Authority, an independent State Agency in either 2014 and or 2015."

On February 6, 2015, you were informed that a 14-day extension of time to respond to your request pursuant to California Government Code section 6253 (c) was required. On February 20, 2015, you were informed that DPW completed its search and located records responsive to some, but not all of the categories of records listed in your request. You were also informed then that the responsive records located must be reviewed for any materials which may be exempt from disclosure pursuant to the Public Records Act and that we expected to provide you with electronic versions of the responsive records, including any necessary redactions, on or before Thursday, February 26, 2015.

We have completed our review and no redactions were deemed necessary. Enclosed are the documents responsive to your request.

Thank you for your time and patience on this matter.

Very truly yours,

MARK J. SALADINO
County Counsel

By
MICHAEL S. BUENNAGEL
Senior Associate County Counsel
Government Services Division

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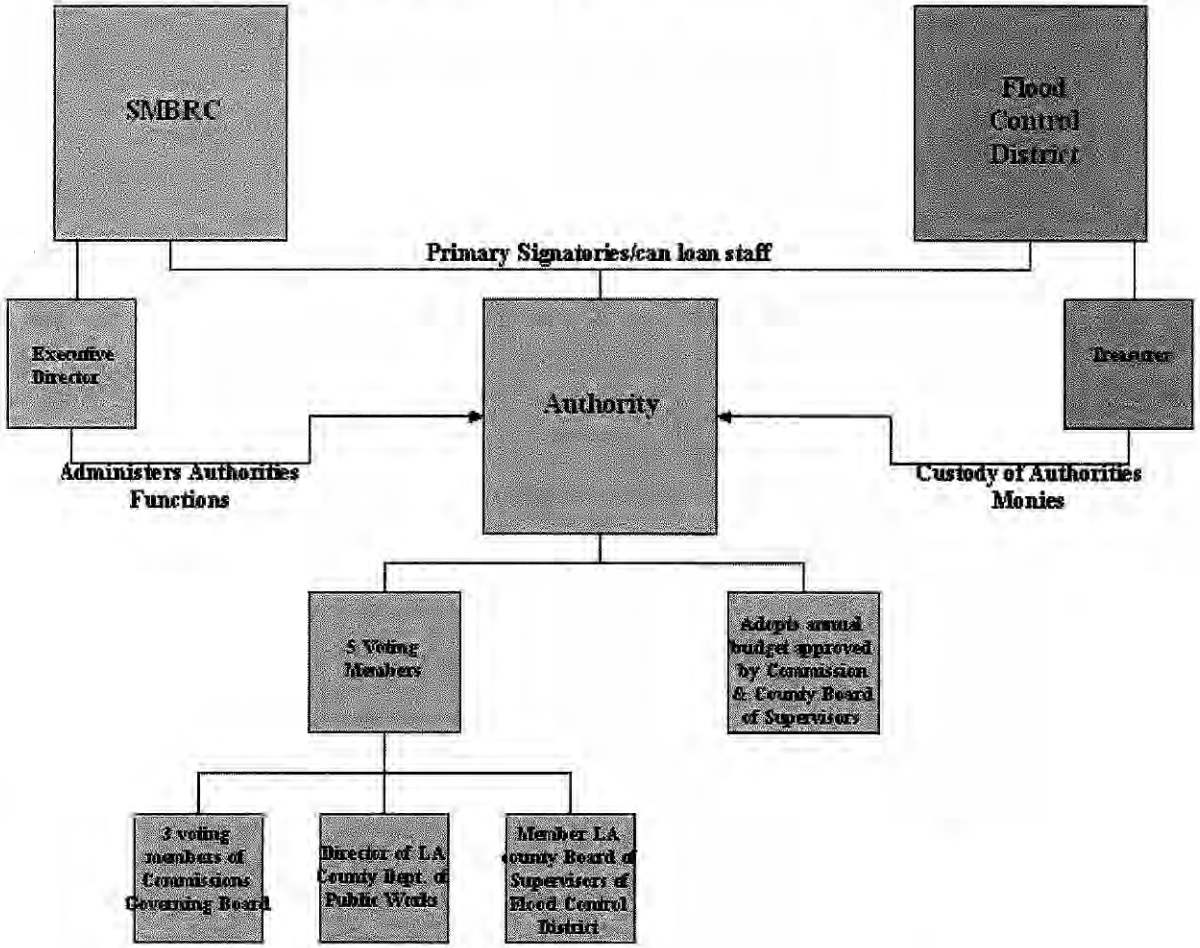
MSB:bk

Enclosures

c: John Naimo
Auditor-Controller

Gail Farber, Director
Department of Public Works

Santa Monica Bay Restoration Authority (JPA) Structure



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CONTACTS

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5) **Attorneys Info:**
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Santa Monica Bay Restoration Foundation
Chart of Accounts

9:48 AM
10/21/2014

Active Status	Account	Type	Description	Accnt. #
Active	1000.0 · Bank of America Main 0995	Bank		1000.0
Active	1000.10 · Bank Of America NEW 0936	Bank		1000.10
Active	1002.0 · SMBRF Dreyfuss	Bank	Money Market	1002.0
Active	1003.0 · Petty Cash	Bank		1003.0
Active	1004.0 · CD 5239	Bank		1004.0
Active	1004.1 · CD-4813	Bank		1004.1
Active	1200.0 · Accounts Receivable	Accounts Receivable		1200.0
Active	1200.0 · Accounts Receivable:1200.01 · Non State and Federal Grant AR	Accounts Receivable		1200.01
Active	1300.0 · Prepaid Expense	Other Current Asset		1300.0
Active	1300.0 · Prepaid Expense:1300.01 · 25th Anniversary Prepaids	Other Current Asset		1300.01
Active	13000 · Prepaid Expenses	Other Current Asset	Expenses that are paid in advance	13000
Active	1999 · Undeposited Funds	Other Current Asset		1999
Active	1900.0 · Fixed Asset	Fixed Asset		1900.0
Active	1900.0 · Fixed Asset:NEP Grant 2004 Assets	Fixed Asset		
Active	18600 · Other Assets	Other Asset	Assets used for program-related purposes othe	18600
Active	2000 · *Accounts Payable	Accounts Payable		2000
Active	20100 · Grants Payable	Accounts Payable	Grants promised to other organizations or indiv	20100
Active	Accounts Payable	Other Current Liability		
Active	Accounts Payable:2000.0 · Accounts Payable	Other Current Liability		2000.0
Active	Accounts Payable:2001.00 · Retention Payable	Other Current Liability		2001.00
Active	Accounts Payable:2001.11 · Refund of Overpayment OPC	Other Current Liability		2001.11
Active	Accounts Payable:2003.11 · Payroll Advance Employee	Other Current Liability		2003.11
Active	Accounts Payable:2003.17 · Employer 401k Contrb Payable	Other Current Liability		2003.17
Active	Accounts Payable:2015.0 · SEP Stone Creek Def Rev SEMPRA	Other Current Liability		2015.0
Active	Accounts Payable:2015.01 · Advance On RLFF	Other Current Liability		2015.01
Active	Accounts Payable:2015.02 · Advance on DAARP KELP	Other Current Liability		2015.02
Active	Accounts Payable:2015.03 · Aerial Cambell Def Rev	Other Current Liability		2015.03
Active	Accounts Payable:2015.05 · Urban Coast Deferred Revenue	Other Current Liability		2015.05
Active	Accounts Payable:2015.06 · Deferred Revenue County of LA	Other Current Liability		2015.06
Active	Accounts Payable:2015.07 · Advance on BWER TMDL	Other Current Liability		2015.07
Active	Accounts Payable:2015.08 · Deferred Revenue PV MSRP	Other Current Liability		2015.08
Active	Accounts Payable:2015.23 · Advance on Campbell 2014	Other Current Liability		2015.23
Active	Accounts Payable:2110.0 · Payroll Liabilities	Other Current Liability		2110.0
Active	Accounts Payable:2110.0 · Payroll Liabilities:2110.11 · 401k Contribution Employee Port	Other Current Liability		2110.11
Active	Accounts Payable:2110.1 · Accumulated Leave Accrual	Other Current Liability		2110.1
Active	Accounts Payable:2110.2 · Employee Contributed Health Prm	Other Current Liability		2110.2
Active	Accounts Payable:2111.0 · Direct Deposit Liabilities	Other Current Liability		2111.0
Active	24100 · Accrued Leave and Payroll	Other Current Liability		24100
Active	24200 · Accrued Expenses	Other Current Liability		24200
Active	25000 · Current Portion of Loans	Other Current Liability		25000
Active	25400 · Loans from Officers, Directors	Other Current Liability		25400
Active	25600 · Short-term Notes - Credit Line	Other Current Liability		25600
Active	25800 · Unearned or Deferred Revenue	Other Current Liability		25800
Active	27000 · Government Owned Fixed Assets	Long Term Liability		27000
Active	27100 · Notes, Mortgages, and Leases	Long Term Liability		27100
Active	27200 · Other Liabilities	Long Term Liability		27200
Active	27300 · Refundable Deposits Payable	Long Term Liability		27300
Active	27400 · Tax-exempt Bonds Payable	Long Term Liability		27400
Active	3000.0 · Opening Bal Equity	Equity		3000.0
Active	3000.1 · Net Assets	Equity		3000.1
Active	3900.0 · Retained Earnings	Equity		3900.0
Active	Changing Tides Boater Guide	Income		
Active	Changing Tides Boater Guide:4001.71 · Boater Guide Changing Tide Rev	Income		4001.71
Active	Contribution	Income		
Active	Contribution:4000.1 · SMB Assessment and Rest. Fund	Income		4000.1
Active	Contribution:4000.11 · Climate Change Symposium	Income		4000.11
Active	Contribution:4000.12 · Outreach and Education	Income		4000.12
Active	Contribution:4000.2 · State of the Bay Conference	Income		4000.2
Active	Contribution:4000.3 · Misc Contributions Unrestricted	Income		4000.3
Active	Contribution:4000.5 · Rainwater Harvesting	Income		4000.5
Active	Contribution:4000.6 · Coastal Cleanup Day	Income		4000.6
Active	Contribution:4000.73 · Clean Bay Restaurant Program	Income		4000.73
Active	Contribution:4000.74 · 25 Anniversary Watershed Event	Income		4000.74
Active	Contribution:4000.9 · T-Shirt Campaign	Income		4000.9
Active	Contribution:4000.91 · Southern CA Urban Wetland Resea	Income		4000.91
Active	Contribution:4000.92 · Ballona Symposium	Income		4000.92
Active	Contribution:4000.93 · Membership Dues Voluntary	Income		4000.93
Active	Contribution:4000.94 · Pin-up Fundraising Campaign	Income		4000.94
Active	Contribution:4001.72 · Boater Prg. Donation Unrestrict	Income		4001.72
Active	Grant Reimbursement	Income		
Active	Grant Reimbursement:4001.02 · Discovery Park Swimmer Fnd	Income		4001.02
Active	Grant Reimbursement:4001.03 · TNC NOAA(Federal)	Income		4001.03
Active	Grant Reimbursement:4001.04 · Annenberg Foundation Program	Income		4001.04

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Active Status	Account	Type	Description	Accnt. #
Active	Grant Reimbursement:4001.10 · CVA-13	Income		4001.10
Active	Grant Reimbursement:4001.11 · The Keith Campbell Foundation	Income		4001.11
Active	Grant Reimbursement:4001.12 · Cambell Aerial 2013	Income		4001.12
Active	Grant Reimbursement:4001.13 · USC Halibut Sex	Income		4001.13
Active	Grant Reimbursement:4001.14 · SCC-07-171	Income		4001.14
Active	Grant Reimbursement:4001.15 · SCC 08-011	Income		4001.15
Active	Grant Reimbursement:4001.17 · RLFF	Income		4001.17
Active	Grant Reimbursement:4001.18 · CASG Gonad	Income		4001.18
Active	Grant Reimbursement:4001.19 · MME Subtidal VRG	Income		4001.19
Active	Grant Reimbursement:4001.20 · USC KELP Year 2	Income		4001.20
Active	Grant Reimbursement:4001.21 · PV MSRP 14	Income		4001.21
Active	Grant Reimbursement:4001.22 · USC SEA Grant	Income		4001.22
Active	Grant Reimbursement:4001.23 · CIWMB-8	Income		4001.23
Active	Grant Reimbursement:4001.24 · SG Market Innovation	Income		4001.24
Active	Grant Reimbursement:4001.25 · Arroyo Seq. Grant	Income		4001.25
Active	Grant Reimbursement:4001.26 · PV MSRP (Federal)	Income		4001.26
Active	Grant Reimbursement:4001.27 · SCC 11-086	Income		4001.27
Active	Grant Reimbursement:4001.28 · SG Market Innovation #2	Income		4001.28
Active	Grant Reimbursement:4001.29 · NPS	Income		4001.29
Active	Grant Reimbursement:4001.30 · SCC 12-107 Revenue	Income		4001.30
Active	Grant Reimbursement:4001.31 · RCD Malibu Lagoon	Income		4001.31
Active	Grant Reimbursement:4001.32 · SMBK Malibu Lagoon	Income		4001.32
Active	Grant Reimbursement:4001.34 · DAARP Kelp 2	Income		4001.34
Active	Grant Reimbursement:4001.35 · EPA 2011-2012(FEDERAL)	Income		4001.35
Active	Grant Reimbursement:4001.36 · SMBR Lagoon	Income		4001.36
Active	Grant Reimbursement:4001.37 · ANEP Conference	Income		4001.37
Active	Grant Reimbursement:4001.38 · SOC Abalone	Income		4001.38
Active	Grant Reimbursement:4001.39 · Aerial Monitoring Keith Campbel	Income		4001.39
Active	Grant Reimbursement:4001.40 · CFR West Halibut	Income		4001.40
Active	Grant Reimbursement:4001.42 · ICP Rainwater Harvesting	Income		4001.42
Active	Grant Reimbursement:4001.52 · NEP EPA FY 2007 (FEDERAL)	Income		4001.52
Active	Grant Reimbursement:4001.54 · ARRA Rains Garden (FEDERAL)	Income		4001.54
Active	Grant Reimbursement:4001.55 · EPA WPDG (FEDERAL)	Income		4001.55
Active	Grant Reimbursement:4001.57 · County of LA Small Grants	Income		4001.57
Active	Grant Reimbursement:4001.69 · BWER TMDL	Income		4001.69
Active	Grant Reimbursement:4001.74 · CVA-12	Income		4001.74
Active	Grant Reimbursement:4001.75 · CVA 13	Income		4001.75
Active	Grant Reimbursement:4001.92 · LASGRWC Grant	Income		4001.92
Active	Grant Reimbursement:4001.96 · Stone Creek Rst UCLA	Income		4001.96
Active	Grant Reimbursement:4001.97 · SEP Stone Creek Siempra	Income		4001.97
Active	Grant Reimbursement:4001.98 · Kelp Forest Restoration Baselin	Income		4001.98
Active	Grant Reimbursement:4001.99 · PV MSRP 2014-15	Income		4001.99
Active	Interest and Dividend Revenue	Income		
Active	Interest and Dividend Revenue:4002.0 · Interest Inc-BofA	Income	Interest Income	4002.0
Active	Interest and Dividend Revenue:4002.1 · Div Income	Income	Dividend Income	4002.1
Active	PIE Revenue Earned	Income		
Active	PIE Revenue Earned:4003.0 · SEP PIE Round 7	Income		4003.0
Active	PIE Revenue Earned:4003.1 · SEP Pie Round 8	Income		4003.1
Active	SEP Revenue Recognized	Income		
Active	SEP Revenue Recognized:4004.01 · Stone Creek SEP (Sempra)	Income		4004.01
Active	SEP Revenue Recognized:4004.02 · SEP EKCO	Income		4004.02
Active	SEP Revenue Recognized:4004.03 · Kramer Metals SEP	Income		4004.03
Active	Suspense Income	Income		
Active	Urban Coast Project	Income		
Active	Urban Coast Project:4001.62 · Urban Coast Project	Income		4001.62
Active	4001.53 · HACCP Training	Income		4001.53
Active	4007.0 · Other Income	Income		4007.0
Active	47700 · Rev Released from Restrictions	Income	Revenues earned and released from restriction	47700
Active	Aerial Monitoring Keith Campbel	Expense		
Active	Aerial Monitoring Keith Campbel:5010.36 · Aerial Cambell 2012 Contracts	Expense		5010.36
Active	Aerial Monitoring Keith Campbel:5010.89 · Payroll Campbel Aerial	Expense		5010.89
Active	Aerial Monitoring Keith Campbel:5010.89 · Payroll Campbel Aerial:5003.81 · Benefits and Taxes Aerial Monit	Expense		5003.81
Active	Annenberg Foundation Grant	Expense		
Active	Annenberg Foundation Grant:5009.38 · Contracts Annenberge Fnd	Expense		5009.38
Active	Annenberg Foundation Grant:5009.93 · Travel Expenses	Expense		5009.93
Active	Annenberg Foundation Grant:5010.05 · Annenberg Payroll Costs	Expense		5010.05
Active	Annenberg Foundation Grant:5010.05 · Annenberg Payroll Costs:5003.93 · Annenberg Benefits and Tax	Expense		5003.93
Active	Annenberg Foundation Grant:5600.79 · Program Supplies Materials	Expense		5600.79
Active	ARRA Rains Garden	Expense		
Active	ARRA Rains Garden:5009.32 · Direct project Expense	Expense		5009.32
Active	ARRA Rains Garden:5010.26 · ARRA Contract Expense	Expense		5010.26
Active	ARRA Rains Garden:5010.31 · ARRA Rains Payroll	Expense		5010.31
Active	ARRA Rains Garden:5010.31 · ARRA Rains Payroll:5003.40 · ARRA Benefits/Payroll Tax	Expense		5003.40
Active	ARRA Rains Garden:5013.01 · Construction	Expense		5013.01
Active	Arroyo Seq.	Expense		
Active	Arroyo Seq.:5009.77 · Arroyo Seq. Materials	Expense		5009.77

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Active Status	Account	Type	Description	Accnt. #
Active	Arroyo Seq.:5010.74 · Arro Seq Contract	Expense		5010.74
Active	Arroyo Seq.:5010.81 · Arroyo Payroll	Expense		5010.81
Active	Arroyo Seq.:5010.81 · Arroyo Payroll:5003.79 · Arroyo Benefits Tax	Expense		5003.79
Active	Ballona Creek Study (SCC)	Expense		
Active	Ballona Creek Study (SCC):Dead SCC 12-107	Expense		
Active	Ballona Creek Study (SCC):SCC 11-086	Expense		
Active	Ballona Creek Study (SCC):SCC 11-086:5009.42 · SCC 11-086 Supplies	Expense		5009.42
Active	Ballona Creek Study (SCC):SCC 11-086:5009.92 · SCC 11-086 Travel	Expense		5009.92
Active	Ballona Creek Study (SCC):SCC 11-086:5010.87 · Payroll Expense SCC 11-086	Expense		5010.87
Active	Ballona Creek Study (SCC):SCC 11-086:5010.87 · Payroll Expense SCC 11-086:5003.83 · Scc 11-086 Benefit	Expense		5003.83
Active	Ballona Creek Study (SCC):5009.10 · SCC-08-011 BWER	Expense		5009.10
Active	Ballona Creek Study (SCC):5009.10 · SCC-08-011 BWER:5009.20 · Supplies and Materials	Expense		5009.20
Active	Ballona Creek Study (SCC):5009.10 · SCC-08-011 BWER:5009.21 · 08-011 Travel Expense	Expense		5009.21
Active	Ballona Creek Study (SCC):5009.10 · SCC-08-011 BWER:5010.18 · 08-011 Contract Services	Expense		5010.18
Active	Ballona Creek Study (SCC):5009.10 · SCC-08-011 BWER:5010.23 · Payroll Expense SCC-08-011 BWER	Expense		5010.23
Active	Ballona Creek Study (SCC):5009.10 · SCC-08-011 BWER:5010.23 · Payroll Expense SCC-08-011 BWER:500:	Expense		5003.31
Active	Ballona Creek Study (SCC):5009.30 · SCC 09-003	Expense		5009.30
Active	BoaterEd grants	Expense		
Active	BoaterEd grants:CVA 12	Expense		
Active	BoaterEd grants:CVA 12:5010.67 · Consulting Services	Expense		5010.67
Active	BoaterEd grants:CVA 12:5010.84 · CVA 12 Payroll	Expense		5010.84
Active	BoaterEd grants:CVA 12:5010.84 · CVA 12 Payroll:5003.51 · Benefits CVA 12	Expense		5003.51
Active	BoaterEd grants:CVA 12:5360.74 · Travel CVA 12	Expense		5360.74
Active	BoaterEd grants:CVA 12:5600.74 · Supplies	Expense		5600.74
Active	BoaterEd grants:CVA 13	Expense		
Active	BoaterEd grants:CVA 13:5010.04 · Consulting Services CVA 13	Expense		5010.04
Active	BoaterEd grants:CVA 13:5011.02 · Payroll CVA 13	Expense		5011.02
Active	BoaterEd grants:CVA 13:5011.02 · Payroll CVA 13:5003.32 · Benefits CVA 13	Expense		5003.32
Active	BoaterEd grants:CVA 13:5361.02 · Travel CVA 13	Expense		5361.02
Active	BoaterEd grants:CVA 13:5601.02 · Supplies CVA 13	Expense		5601.02
Active	BoaterEd grants:CVA 14	Expense		
Active	BoaterEd grants:CVA 14:5010.12 · Consulting Services CVA 14	Expense		5010.12
Active	BoaterEd grants:CVA 14:5010.95 · Payroll CVA 14	Expense		5010.95
Active	BoaterEd grants:CVA 14:5010.95 · Payroll CVA 14:5003.47 · Benefits Taxes CVA 14	Expense		5003.47
Active	BoaterEd grants:CVA 14:5361.04 · Travel CVA 14	Expense		5361.04
Active	BoaterEd grants:CVA 14:5601.03 · Supplies CVA 14	Expense		5601.03
Active	BoaterEd grants:CVA 14:5601.04 · Printing CVA 14	Expense		5601.04
Active	BWER TMDL	Expense		
Active	BWER TMDL:5003.49 · BWER TMDL Benefits/Health/Tax	Expense		5003.49
Active	BWER TMDL:5010.47 · BWER TMDL Payroll	Expense		5010.47
Active	Cal Recycle	Expense		
Active	Campbell Aerial 2013	Expense		
Active	Campbell Aerial 2013:5010.42 · Payroll Campbell Aerial 2013	Expense		5010.42
Active	Campbell Aerial 2013:5010.42 · Payroll Campbell Aerial 2013:5003.45 · Benefits&Taxes Cmpbel Arial 13	Expense		5003.45
Active	Campbell Aerial 2013:5010.98 · Contract Campbell 2013	Expense		5010.98
Active	Campbell Aerial 2013:5361.01 · Travel Campbell Aerial 2013	Expense		5361.01
Active	Campbell Aerial 2013:5600.46 · Supplies Campbell Aerial 2013	Expense		5600.46
Active	Campbell Aerial 2014	Expense		
Active	Campbell Aerial 2014:5010.52 · 14 Campbell Aerial Payroll	Expense		5010.52
Active	Campbell Aerial 2014:5010.52 · 14 Campbell Aerial Payroll:5003.53 · 2014 Campbell Benefits & Taxes	Expense		5003.53
Active	CASG Gonad	Expense		
Active	CASG Gonad:5009.49 · Analysis and Reporting	Expense		5009.49
Active	CASG Gonad:5010.49 · Field And Lab Payroll	Expense		5010.49
Active	CASG Gonad:5010.49 · Field And Lab Payroll:5003.50 · CASG.01 Benefits and Payroll Ta	Expense		5003.50
Active	CASG Gonad:5360.51 · Travel	Expense		5360.51
Active	CASG Gonad:5600.22 · Boat Operations	Expense		5600.22
Active	CFR West Halibut	Expense		
Active	CFR West Halibut:5010.57 · CFR West Halibut Contracts	Expense		5010.57
Active	CFR West Halibut:5011.04 · CFR West Halibut Payroll	Expense		5011.04
Active	CFR West Halibut:5011.04 · CFR West Halibut Payroll:5004.01 · CFR West Halibut Benefits Taxes	Expense		5004.01
Active	CFR West Halibut:5360.98 · CFR West Halibut Travel	Expense		5360.98
Active	CFR West Halibut:5600.99 · CFR West Halibut Other Costs	Expense		5600.99
Active	Changing Tides	Expense		
Active	Changing Tides:5901.01 · Contra Costa	Expense		5901.01
Active	Changing Tides:5901.02 · SOS	Expense		5901.02
Active	Changing Tides:5901.03 · DBW	Expense		5901.03
Active	Changing Tides:5901.04 · Delta	Expense		5901.04
Active	CIWMB-8	Expense		
Active	CIWMB-8:5002.07 · Tradeshows/Convention Costs	Expense		5002.07
Active	CIWMB-8:5010.21 · CIWMB 8 Payroll	Expense		5010.21
Active	CIWMB-8:5010.21 · CIWMB 8 Payroll:5003.89 · Health and Benefits CIWMB8	Expense		5003.89
Active	CIWMB-8:5310.10 · Printing and Materials	Expense		5310.10
Active	CIWMB-8:5310.63 · Postage/Mailing	Expense		5310.63
Active	CIWMB-8:5320.12 · Collection, Recycling, Mtrls	Expense		5320.12
Active	CIWMB-8:5360.15 · Travel	Expense		5360.15
Active	DAARP KELP 2	Expense		

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Active Status	Account	Type	Description	Accnt. #
Active	DAARP KELP 2:5010.55 · Contract Expense DAARP 2	Expense		5010.55
Active	DAARP KELP 2:5010.66 · Payroll Expense DAARP 2	Expense		5010.66
Active	DAARP KELP 2:5010.66 · Payroll Expense DAARP 2:5009.66 · Benefits Payroll Tax DAARP 2	Expense		5009.66
Active	DAARP KELP 2:5330.55 · Travel DAARP 2	Expense		5330.55
Active	DAARP KELP 2:5600.44 · Supplies and Materials Daarp 2	Expense		5600.44
Active	El Segundo CEC Projects	Expense		
Active	El Segundo CEC Projects:MTAC Meeting	Expense		
Active	El Segundo CEC Projects:MTAC Meeting:5800.7 · MTAC Expense Reimbursment	Expense		5800.7
Active	El Segundo CEC Projects:MTAC Meeting:5801.4 · SMBRF Administration Charge	Expense		5801.4
Active	EPA 2011-2012	Expense		
Active	EPA 2011-2012:5010.62 · Payroll EPA 11-12	Expense		5010.62
Active	EPA 2011-2012:5010.62 · Payroll EPA 11-12:5003.22 · Benefits, Taxes, Ins EPA 11-12	Expense		5003.22
Active	EPA 2011-2012:5010.62 · Payroll EPA 11-12:5003.22 · Benefits, Taxes, Ins EPA 11-12:5004.02 · SCC 12-107	Expense		5004.02
Active	EPA 2011-2012:5010.62 · Payroll EPA 11-12:5010.92 · Payroll SCC 12-107	Expense		5010.92
Active	EPA 2011-2012:5011.19 · Contracts EPA 11-12	Expense		5011.19
Active	EPA 2011-2012:5015.11 · Other Program Expense EPA 11-12	Expense		5015.11
Active	EPA 2011-2012:5360.44 · Travel EPA 11-12	Expense		5360.44
Active	EPA 2011-2012:5600.49 · Supplies EPA 11-12	Expense		5600.49
Active	EPA WPDG	Expense		
Active	EPA WPDG:5010.69 · Payroll WPDG	Expense		5010.69
Active	EPA WPDG:5010.69 · Payroll WPDG:5003.98 · WPDG Benefits and Taxes	Expense		5003.98
Active	EPA WPDG:5011.76 · Contracts EPA-WPDG	Expense		5011.76
Active	EPA WPDG:5015.19 · Other Program Expense EPA-WPDG	Expense		5015.19
Active	EPA WPDG:5360.71 · Travel EPA-WPDG	Expense		5360.71
Active	EPA WPDG:5600.48 · Supplies EPA-WPDG	Expense		5600.48
Active	EPA WPDG:5601.01 · Equipment EPA-WPDG	Expense		5601.01
Active	Indirect Costs	Expense		
Active	Indirect Costs:Accounting	Expense		
Active	Indirect Costs:Accounting:5401.0 · Internal Accounting	Expense		5401.0
Active	Indirect Costs:Accounting:5402.0 · Annual Financial Audit	Expense		5402.0
Active	Indirect Costs:Accounting:5410.0 · Tax Preparation	Expense		5410.0
Active	Indirect Costs:Payroll Tax Expense All	Expense		
Active	Indirect Costs:5000.0 · Ads	Expense	Advertising	5000.0
Active	Indirect Costs:5003.01 · Employee Insurance	Expense		5003.01
Active	Indirect Costs:5003.17 · Employer SEP Contribution	Expense		5003.17
Active	Indirect Costs:5003.8 · Benefits/Payroll Tax INDIRECT	Expense		5003.8
Active	Indirect Costs:5010.09 · General Foundation Payroll Exp	Expense		5010.09
Active	Indirect Costs:5100.0 · Bank Charge	Expense		5100.0
Active	Indirect Costs:5110.0 · BusInsurance	Expense		5110.0
Active	Indirect Costs:5120.0 · Materials&Supplies	Expense		5120.0
Active	Indirect Costs:5130.0 · Mtgs&Expenses	Expense		5130.0
Active	Indirect Costs:5140.0 · Taxes	Expense		5140.0
Active	Indirect Costs:5150.0 · Accumulated Leave	Expense		5150.0
Active	Indirect Costs:5151.01 · Cell Phone Indirect Employee	Expense		5151.01
Active	Indirect Costs:5360.0 · Travel	Expense		5360.0
Active	Indirect Costs:5360.02 · LMU Visitor Parking Cost	Expense		5360.02
Active	Indirect Costs:5370.5 · Web Server	Expense		5370.5
Active	Indirect Costs:5400.0 · Legal Fees	Expense		5400.0
Active	Indirect Costs:5403.0 · Corporation Reg/Lic/Compliance	Expense		5403.0
Active	Indirect Costs:5460.0 · Dues and Subscriptions	Expense	Dues and Subscription Expense	5460.0
Active	Indirect Costs:5470.0 · Foundation Administration	Expense		5470.0
Active	Indirect Costs:5470.1 · Grant Abatement and Adjustment	Expense		5470.1
Active	Indirect Costs:5470.11 · 25th Anniversary Benefit Event	Expense		5470.11
Active	Indirect Costs:5470.11 · 25th Anniversary Benefit Event:5010.03 · 25th Anniversary Payroll	Expense		5010.03
Active	Indirect Costs:5470.11 · 25th Anniversary Benefit Event:5010.03 · 25th Anniversary Payroll:5003.02 · 25th Ann	Expense		5003.02
Active	Indirect Costs:5470.20 · Fundraising Costs	Expense		5470.20
Active	Indirect Costs:5600.9 · Equip;Software	Expense		5600.9
Active	Kelp Forest Restoration Baselin	Expense		
Active	Kelp Forest Restoration Baselin:5003.82 · Kelp Forest Restor Benefits	Expense		5003.82
Active	Kelp Forest Restoration Baselin:5010.82 · Kelp Forest Restor Payroll	Expense		5010.82
Active	KNABE	Expense		
Active	KNABE:5600.34 · Materials and Supplies	Expense		5600.34
Active	LADWP Outreach Grant	Expense		
Active	LADWP Outreach Grant:5010.83 · LADWP Outreach Payroll	Expense		5010.83
Active	LADWP Outreach Grant:5010.83 · LADWP Outreach Payroll:5003.95 · LADWP Outreach Benefits and Tax	Expense		5003.95
Active	LADWP Outreach Grant:5011.99 · LADWP Outreach Contract	Expense		5011.99
Active	LASGRWC BMP	Expense		
Active	LASGRWC BMP:5010.79 · LASGRWC Payroll	Expense		5010.79
Active	LASGRWC BMP:5010.79 · LASGRWC Payroll:5003.75 · LASGRWC Benefits/Tax	Expense		5003.75
Active	Malibu Lagoon	Expense		
Active	Malibu Lagoon:RCD Malibu Lagoon	Expense		
Active	Malibu Lagoon:RCD Malibu Lagoon:5010.35 · RCD Malibu Lagoon Payroll	Expense		5010.35
Active	Malibu Lagoon:RCD Malibu Lagoon:5010.35 · RCD Malibu Lagoon Payroll:5003.42 · RCD Malibu Lgn Benefits	Expense		5003.42
Active	Malibu Lagoon:REP Malibu Lagoon 2014	Expense		
Active	Malibu Lagoon:REP Malibu Lagoon 2014:5009.79 · Supplies and Materials	Expense		5009.79
Active	Malibu Lagoon:REP Malibu Lagoon 2014:5010.75 · Malibu Lagoon REP Payroll	Expense		5010.75

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Active Status	Account	Type	Description	Accnt. #
Active	Malibu Lagoon:REP Malibu Lagoon 2014:5010.75 · Malibu Lagoon REP Payroll:5003.87 · REEP Malibu Benefi	Expense		5003.87
Active	Malibu Lagoon:REP Malibu Lagoon 2014:5011.97 · Contracts Malibu Lagoon REP	Expense		5011.97
Active	Malibu Lagoon:REP Malibu Lagoon 2014:5360.45 · REP Malibu Lagoon Travel	Expense		5360.45
Active	Malibu Lagoon:SMBK Malibu Lagoon	Expense		
Active	Malibu Lagoon:SMBK Malibu Lagoon:5010.32 · SMBK Malibu Lagoon Payroll	Expense		5010.32
Active	Malibu Lagoon:SMBK Malibu Lagoon:5010.32 · SMBK Malibu Lagoon Payroll:5003.43 · SMBK Malibu Lgn Ben	Expense		5003.43
Active	Malibu Lagoon:SMBK Malibu Lagoon:5360.33 · Travel SMBK Lagoon	Expense		5360.33
Active	Malibu Lagoon:SMBK Malibu Lagoon:5600.38 · Supplies	Expense		5600.38
Active	Metro ICP	Expense		
Active	Metro ICP:5010.48 · Metro ICP Payroll	Expense		5010.48
Active	Metro ICP:5010.48 · Metro ICP Payroll:5003.48 · Metro ICP Benefits and Taxes	Expense		5003.48
Active	Metro ICP:5600.78 · Metro Supplies	Expense		5600.78
Active	MME Subtidal VRG	Expense		
Active	MME Subtidal VRG:5010.71 · MME Subtidal VRG Payroll	Expense		5010.71
Active	MME Subtidal VRG:5010.71 · MME Subtidal VRG Payroll:5003.99 · MME Subtidal VRG Taxes Benefits	Expense		5003.99
Active	MME Subtidal VRG:5360.99 · MME Subtidal VRG Travel	Expense		5360.99
Active	NPS	Expense		
Active	NPS:5003.26 · Employee Benefits NPS	Expense		5003.26
Active	NPS:5010.41 · NPS Salary Expense	Expense		5010.41
Active	PV MSRP	Expense		
Active	PV MSRP:PV MSRP 12-13	Expense		
Active	PV MSRP:PV MSRP 12-13:5009.69 · PV MSRP Supplies	Expense		5009.69
Active	PV MSRP:PV MSRP 12-13:5010.70 · PV MSRP Licenses and Fees	Expense		5010.70
Active	PV MSRP:PV MSRP 12-13:5010.94 · PV MSRP Payroll	Expense		5010.94
Active	PV MSRP:PV MSRP 12-13:5010.94 · PV MSRP Payroll:5003.96 · PV MSRP Benefits and Tax	Expense		5003.96
Active	PV MSRP:PV MSRP 12-13:5011.78 · PV MSRP Contracts	Expense		5011.78
Active	PV MSRP:PV MSRP 12-13:5360.66 · PV MSRP Travel	Expense		5360.66
Active	PV MSRP:PV MSRP 14	Expense		
Active	PV MSRP:PV MSRP 14:5009.27 · Supplies PV MSRP 14	Expense		5009.27
Active	PV MSRP:PV MSRP 14:5010.46 · PV Year 2 Payroll	Expense		5010.46
Active	PV MSRP:PV MSRP 14:5010.46 · PV Year 2 Payroll:5003.66 · PV Year 2 Benefits and Taxes	Expense		5003.66
Active	PV MSRP:PV MSRP 14:5012.01 · Contracts PV MSRP 14	Expense		5012.01
Active	PV MSRP:PV MSRP 14:5361.03 · Travel PV MSRP 14	Expense		5361.03
Active	RLFF	Expense		
Active	RLFF:5003.21 · RLFF Employee Benefits	Expense		5003.21
Active	RLFF:5010.29 · Payroll RLFF	Expense		5010.29
Active	RLFF:5360.26 · Travel Expense	Expense		5360.26
Active	RLFF:5600.09 · Materials and Supplies	Expense		5600.09
Active	SEP	Expense	Supplemental Env Projects	
Active	SEP:SEP-Stone Creek	Expense		
Active	SEP:SEP-Stone Creek:5009.39 · Materials and Supplies	Expense		5009.39
Active	SEP:SEP-Stone Creek:5010.33 · SEP Stone Creek Payroll	Expense		5010.33
Active	SEP:SEP-Stone Creek:5010.33 · SEP Stone Creek Payroll:5003.44 · SEP Stone Creek Ben/PayTax	Expense		5003.44
Active	SEP:SEP-Stone Creek:5010.43 · SEP Contract Expense	Expense		5010.43
Active	SEP:SEP-Stone Creek:5360.22 · Travel	Expense		5360.22
Active	SEP:5800.0 · PIE Projects	Expense		5800.0
Active	SEP:5800.66 · BHRG UCLA SEP	Expense		5800.66
Active	SG Market Innovation	Expense		
Active	SG Market Innovation:5010.99 · Payroll SG Market Innovation	Expense		5010.99
Active	SG Market Innovation:5010.99 · Payroll SG Market Innovation:5003.92 · Benefits Payroll Tax SG Market	Expense		5003.92
Active	SG Market Innovation:5360.81 · Travel SG Market Innovation	Expense		5360.81
Active	SG Market Innovation Year 2	Expense		
Active	SG Market Innovation Year 2:5003.88 · SG Market Year 2 Benefits	Expense		5003.88
Active	SG Market Innovation Year 2:5010.28 · SG Market Year 2 Payroll	Expense		5010.28
Active	SG Market Innovation Year 2:5360.82 · SG Market Year 2 Travel	Expense		5360.82
Active	smbr lagoon	Expense		
Active	smbr lagoon:5010.90 · smbr lagoon Payroll	Expense		5010.90
Active	smbr lagoon:5010.90 · smbr lagoon Payroll:5003.90 · smbr lagoon Benefits, Tax	Expense		5003.90
Active	smbr lagoon:5011.81 · SMBRA Contract Expenses	Expense		5011.81
Active	smbr lagoon:5360.77 · Travel	Expense		5360.77
Active	smbr lagoon:5600.88 · Equipment and Materials	Expense		5600.88
Active	SOC Abalone	Expense		
Active	SOC Abalone:5009.98 · SOC Supplies and Materials	Expense		5009.98
Active	SOC Abalone:5010.72 · Payroll SOC Abalone	Expense		5010.72
Active	SOC Abalone:5010.72 · Payroll SOC Abalone:5003.76 · Benefits and Payroll Taxes	Expense		5003.76
Active	SOC Abalone:5011.77 · SOC Contracts	Expense		5011.77
Active	SOC Abalone:5360.79 · SOC Travel	Expense		5360.79
Active	Stone Canyon Creek Rst UCLA	Expense		
Active	Stone Canyon Creek Rst UCLA:5009.86 · Stone Canyon Creek Restoration	Expense		5009.86
Active	The Keith Campbell Foundation	Expense		
Active	The Keith Campbell Foundation:5310.22 · The Keith Campbell Foundation	Expense		5310.22
Active	TNC NOAA	Expense		
Active	TNC NOAA:5009.89 · Supplies TNC NOAA	Expense		5009.89
Active	TNC NOAA:5010.96 · TNC NOAA Payroll	Expense		5010.96
Active	TNC NOAA:5010.96 · TNC NOAA Payroll:5003.38 · TNC NOAA Benefits and Taxes	Expense		5003.38
Active	TNC NOAA:5011.27 · Contracts TNC NOAA	Expense		5011.27

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Active Status	Account	Type	Description	Accnt. #
Active	TNC NOAA:5360.88 · TNC Travel	Expense		5360.88
Active	Urban Coast Project Expense	Expense		
Active	Urban Coast Project Expense:5010.27 · Urban Coast Payroll	Expense		5010.27
Active	Urban Coast Project Expense:5010.27 · Urban Coast Payroll:5003.25 · Employee Benefits Urban Coast	Expense		5003.25
Active	Urban Coast Project Expense:5310.19 · Urban Printing	Expense		5310.19
Active	Urban Coast Project Expense:5360.20 · Urban Coast Travel	Expense		5360.20
Active	Urban Coast Project Expense:5902.01 · Urban Coast	Expense		5902.01
Active	USC SG Halibut Sex	Expense		
Active	USC SG Halibut Sex:5010.85 · USC Payroll	Expense		5010.85
Active	USC SG Halibut Sex:5010.85 · USC Payroll:5003.94 · USC SG Halibut Emp Benefits Tax	Expense		5003.94
Active	USC SG Halibut Sex:5306.90 · Travel USC SG Halibut Sex	Expense		5306.90
Active	USC SG Halibut Sex:5600.89 · USC SG Halibut Sex Materials an	Expense		5600.89
Active	USC SG Kelp Year 2	Expense		
Active	USC SG Kelp Year 2:5011.06 · USC SG Kelp Year 2 Payroll	Expense		5011.06
Active	USC SG Kelp Year 2:5011.06 · USC SG Kelp Year 2 Payroll:5004.06 · USC SG Kelp Year 2 Benefits Tax	Expense		5004.06
Active	WRP Ballona	Expense		
Active	WRP Ballona:5010.88 · WRP Ballona Payroll	Expense		5010.88
Active	WRP Ballona:5010.88 · WRP Ballona Payroll:5003.78 · WRP Benefits Payroll Tax	Expense		5003.78
Active	Non-Cash Contributions	Other Income		
Active	Non-Cash Contributions:4450.0 · In Kind Service Revenue	Other Income	In Kind Revenue	4450.0
Active	Non-Cash Contributions:4455.0 · In Kind Rent Revenue	Other Income		4455.0
Active	Non-Cash Expense	Other Expense		
Active	Non-Cash Expense:5450.0 · In Kind Service Expense	Other Expense	In Kind Service	5450.0
Active	Non-Cash Expense:5455.0 · In Kind Rent Expense	Other Expense	In Kind Rent	5455.0
Active	80000 · Ask My Accountant	Other Expense	Transactions to be discussed with accountant,	80000
Not-active	SMBRF Checking	Bank	Checking	
Not-active	1001.0 · Bank of America IntMax 8307	Bank		1001.0
Not-active	1005.0 · CD 5286	Bank		1005.0
Not-active	1005.00 · CD 7838	Bank		1005.00
Not-active	1006.0 · CD 6175	Bank		1006.0
Not-active	1007.00 · Well Fargo CD	Bank		1007.00
Not-active	El Segundo CEC Administration	Income		
Not-active	El Segundo CEC Administration:4100.1 · Dolphin Research Contract	Income		4100.1
Not-active	El Segundo CEC Administration:4100.2 · UCLA MPA	Income		4100.2
Not-active	El Segundo CEC Administration:4100.3 · Green Soutions	Income		4100.3
Not-active	El Segundo CEC Administration:4100.4 · MTAC Meetings	Income		4100.4
Not-active	El Segundo CEC Administration:4100.5 · Socio Economic Study	Income		4100.5
Not-active	El Segundo CEC Administration:4100.6 · Data Gap Analysis Occidental	Income		4100.6
Not-active	El Segundo CEC Administration:4100.7 · The Ocean Foundation CEC Adm	Income		4100.7
Not-active	EPA Reimbursment	Income		
Not-active	Gift Received	Income	Gift Received	
Not-active	Gr Sales	Income	Gross Sales	
Not-active	Grant Reimbursement:319h	Income	00-144-254-0	
Not-active	Grant Reimbursement:BW1	Income		
Not-active	Grant Reimbursement:BW2	Income		
Not-active	Grant Reimbursement:BW3	Income		
Not-active	Grant Reimbursement:CCC	Income		
Not-active	Grant Reimbursement:CIWMB2	Income		
Not-active	Grant Reimbursement:CVA	Income		
Not-active	Grant Reimbursement:CVA 4	Income		
Not-active	Grant Reimbursement:CVA5	Income		
Not-active	Grant Reimbursement:Diver Training	Income		
Not-active	Grant Reimbursement:Fish and Game-EconVal	Income		
Not-active	Grant Reimbursement:IWMB-UNP3-98-2659	Income		
Not-active	Grant Reimbursement:IWMB-UNP3-98-2659:Boater Guide	Income		
Not-active	Grant Reimbursement:Linwood Pendleton-Grace	Income		
Not-active	Grant Reimbursement:NEP Travel	Income		
Not-active	Grant Reimbursement:NOAA BeachVal	Income		
Not-active	Grant Reimbursement:NOAA BeachVal:Admin	Income		
Not-active	Grant Reimbursement:Zuma319 No. 7-098-254-0	Income		
Not-active	Grant Reimbursement:ZumaEPA	Income		
Not-active	Grant Reimbursement:4001.1 · CIWMB 5	Income		4001.1
Not-active	Grant Reimbursement:4001.16 · OPC Data Gap Analysis	Income		4001.16
Not-active	Grant Reimbursement:4001.2 · CVA 6	Income		4001.2
Not-active	Grant Reimbursement:4001.3 · CVA 6b	Income		4001.3
Not-active	Grant Reimbursement:4001.33 · DAARP KELP	Income		4001.33
Not-active	Grant Reimbursement:4001.4 · DBW1	Income	Sewage Pumpout	4001.4
Not-active	Grant Reimbursement:4001.5 · NEP Grant	Income		4001.5
Not-active	Grant Reimbursement:4001.51 · JPA NEP	Income		4001.51
Not-active	Grant Reimbursement:4001.6 · NEP-NW999882-01	Income		4001.6
Not-active	Grant Reimbursement:4001.7 · CVA 7	Income		4001.7
Not-active	Grant Reimbursement:4001.73 · CVA-11	Income		4001.73
Not-active	Grant Reimbursement:4001.8 · Cstl. Consv. Ballona Local Cord	Income		4001.8
Not-active	Grant Reimbursement:4001.9 · Green Solution SMMC	Income		4001.9
Not-active	Grant Reimbursement:4006.0 · CIWMB 6	Income		4006.0
Not-active	Interest and Dividend Revenue:4002.0 · Interest Inc-BofA:BofA	Income		

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Active Status	Account	Type	Description	Accnt. #
Not-active	Invest Inc	Income	Investment Income	
Not-active	Legal &Corp Fees	Income		
Not-active	Other Inc	Income	Other Income	
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:Admin	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:BoaterGuide	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:City of San Diego-EconVal	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:Database	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:Kelp	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:Pathogen TMDL	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:PIE	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:PIE:Round 7	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:RB Outreach	Income		
Not-active	PIE Revenue Earned:4003.0 · SEP PIE Round 7:Trash TMDL	Income		
Not-active	4005.0 · State of the Bay 2004- Reg fees	Income		4005.0
Not-active	4005.00 · Crown Cork IT Consulting Proj	Income		4005.00
Not-active	Aerial Monitoring Keith Campbel:5009.88 · Supplies and Materials Campbell	Expense		5009.88
Not-active	Aerial Monitoring Keith Campbel:5010.77 · Contract Services Aerial Campbe	Expense		5010.77
Not-active	Aerial Monitoring Keith Campbel:5360.87 · Travel Aerial Campbell	Expense		5360.87
Not-active	ANEP Conference	Expense		
Not-active	ANEP Conference:5009.41 · ANEP Conference Expenses	Expense		5009.41
Not-active	ANEP Conference:5010.97 · ANEP Payroll Expense	Expense		5010.97
Not-active	ANEP Conference:5010.97 · ANEP Payroll Expense:5003.97 · ANEP Benefits and Taxes	Expense		5003.97
Not-active	Auto	Expense	Automobile Expenses	
Not-active	Auto:Fuel	Expense	Auto Fuel	
Not-active	Auto:Insurance	Expense	Auto Insurance	
Not-active	Auto:Service	Expense	Auto Service	
Not-active	Bad Debt	Expense	Bad Debt Expense	
Not-active	Ballona Creek Study (SCC):5009.09 · SCC-07-171	Expense		5009.09
Not-active	Ballona Creek Study (SCC):5009.09 · SCC-07-171:5009.15 · SCC-07-171-Historical Eco Study	Expense		5009.15
Not-active	Ballona Creek Study (SCC):5009.09 · SCC-07-171:5009.17 · SCC-07-171-Water Balance	Expense		5009.17
Not-active	Ballona Creek Study (SCC):5009.09 · SCC-07-171:5009.35 · Materials and Supplies	Expense		5009.35
Not-active	Ballona Creek Study (SCC):5009.09 · SCC-07-171:5010.34 · SCC-07-171 Payroll	Expense		5010.34
Not-active	Ballona Creek Study (SCC):5009.09 · SCC-07-171:5010.34 · SCC-07-171 Payroll:5003.41 · SCC-07-171 Bene	Expense		5003.41
Not-active	Ballona Creek Study (SCC):5009.09 · SCC-07-171:5010.37 · 07-171 Contract Services	Expense		5010.37
Not-active	Ballona Creek Study (SCC):5009.09 · SCC-07-171:5360.29 · Travel 07-171	Expense		5360.29
Not-active	Ballona Watershed and Balance	Expense		
Not-active	Bank Charge	Expense	Bank Charge	
Not-active	BoaterEd grants:319h	Expense		
Not-active	BoaterEd grants:319h:ContractSvcs	Expense		
Not-active	BoaterEd grants:319h:Reimbursement	Expense		
Not-active	BoaterEd grants:Boater Program Administrative	Expense		
Not-active	BoaterEd grants:Boater Program Administrative:Contracts (Grace and Joel)	Expense		
Not-active	BoaterEd grants:Boater Program Administrative:5000.1 · Boater Program Admin	Expense		5000.1
Not-active	BoaterEd grants:Boater Program Administrative:5003.7 · Employee Benefits/Insurance/Tax	Expense		5003.7
Not-active	BoaterEd grants:Boater Program Administrative:5003.7 · Employee Benefits/Insurance/Tax:Payroll Taxes	Expense		
Not-active	BoaterEd grants:BW1	Expense		
Not-active	BoaterEd grants:BW2	Expense		
Not-active	BoaterEd grants:BW3	Expense		
Not-active	BoaterEd grants:CCC	Expense		
Not-active	BoaterEd grants:CCC:ContractSvcs	Expense		
Not-active	BoaterEd grants:CCC:Reimbursement	Expense		
Not-active	BoaterEd grants:CCC-Dockwalkers	Expense		
Not-active	BoaterEd grants:CCC-Dockwalkers:Contract Services	Expense		
Not-active	BoaterEd grants:CCC-Dockwalkers:Reimbursement	Expense		
Not-active	BoaterEd grants:CIWMB 5	Expense		
Not-active	BoaterEd grants:CIWMB 5:Reimbursement	Expense		
Not-active	BoaterEd grants:CIWMB 5:Reimbursement:5330.1 · Pub Ed materials	Expense		5330.1
Not-active	BoaterEd grants:CIWMB 5:Reimbursement:5360.1 · Travel	Expense		5360.1
Not-active	BoaterEd grants:CIWMB 5:Vendor Payment	Expense		
Not-active	BoaterEd grants:CIWMB 5:Vendor Payment:5004.1 · collection,rcycling,mtrls	Expense		5004.1
Not-active	BoaterEd grants:CIWMB 5:Vendor Payment:5320.1 · Printing & Materials	Expense		5320.1
Not-active	BoaterEd grants:CIWMB 5:5010.1 · Contract Services	Expense		5010.1
Not-active	BoaterEd grants:CIWMB 6	Expense		
Not-active	BoaterEd grants:CIWMB 6:Program Administration Other	Expense		
Not-active	BoaterEd grants:CIWMB 6:Reimbursement	Expense		
Not-active	BoaterEd grants:CIWMB 6:Reimbursement:5320.7 · Pub Ed Materials	Expense		5320.7
Not-active	BoaterEd grants:CIWMB 6:Reimbursement:5360.2 · Travel	Expense		5360.2
Not-active	BoaterEd grants:CIWMB 6:Vendor Payment	Expense		
Not-active	BoaterEd grants:CIWMB 6:Vendor Payment:5002.7 · Tradeshow/Convention Costs	Expense		5002.7
Not-active	BoaterEd grants:CIWMB 6:Vendor Payment:5310.2 · Printing & Materials	Expense		5310.2
Not-active	BoaterEd grants:CIWMB 6:Vendor Payment:5320.2 · Collection, rcycling, mtrls	Expense		5320.2
Not-active	BoaterEd grants:CIWMB 6:5010.6 · Payroll Expense	Expense		5010.6
Not-active	BoaterEd grants:CIWMB 6:5010.6 · Payroll Expense:5003.2 · Benefits/Insurance/Payroll Tax	Expense		5003.2
Not-active	BoaterEd grants:CIWMB2	Expense		
Not-active	BoaterEd grants:CIWMB2:Conference Fee	Expense		
Not-active	BoaterEd grants:CIWMB2:contract svcs	Expense		

O11-453 cont.

Active Status	Account	Type	Description	Accnt. #
Not-active	BoaterEd grants:CIWMB2:reimbursement	Expense		
Not-active	BoaterEd grants:CIWMB2:vendor payment	Expense		
Not-active	BoaterEd grants:CVA	Expense		
Not-active	BoaterEd grants:CVA:boat shows	Expense		
Not-active	BoaterEd grants:CVA:ContractSvcs	Expense		
Not-active	BoaterEd grants:CVA:Reimbursement	Expense		
Not-active	BoaterEd grants:CVA:Vendor Payment	Expense		
Not-active	BoaterEd grants:CVA 11	Expense		
Not-active	BoaterEd grants:CVA 11:5010.59 · CVA 11 Consultant Services	Expense		5010.59
Not-active	BoaterEd grants:CVA 11:5010.78 · CVA 11 Payroll	Expense		5010.78
Not-active	BoaterEd grants:CVA 11:5010.78 · CVA 11 Payroll:5003.65 · CVA 11 Benefits/Tax/Fringe	Expense		5003.65
Not-active	BoaterEd grants:CVA 11:5310.29 · Printing	Expense		5310.29
Not-active	BoaterEd grants:CVA 11:5360.60 · Travel, Supplies, Postage, Reg	Expense		5360.60
Not-active	BoaterEd grants:CVA 11:5600.39 · Office Supplies-General (Misc)	Expense		5600.39
Not-active	BoaterEd grants:CVA 6b	Expense		
Not-active	BoaterEd grants:CVA 6b:5010.3 · Contract Services	Expense		5010.3
Not-active	BoaterEd grants:CVA 6b:5310.3 · Printing	Expense		5310.3
Not-active	BoaterEd grants:CVA 6b:5330.2 · Reimbursement	Expense		5330.2
Not-active	BoaterEd grants:CVA 6b:5330.2 · Reimbursement:5002.3 · boat shows and materials	Expense		5002.3
Not-active	BoaterEd grants:CVA 6b:5330.2 · Reimbursement:5360.3 · Travel	Expense		5360.3
Not-active	BoaterEd grants:CVA5	Expense		
Not-active	BoaterEd grants:CVA5:boat shows	Expense		
Not-active	BoaterEd grants:CVA5:Contract Services	Expense		
Not-active	BoaterEd grants:CVA5:Reimbursement	Expense		
Not-active	BoaterEd grants:CVA6	Expense		
Not-active	BoaterEd grants:CVA6:boat shows	Expense		
Not-active	BoaterEd grants:CVA6:reimbursement	Expense		
Not-active	BoaterEd grants:CVA6:5010.2 · contract services	Expense		5010.2
Not-active	BoaterEd grants:CVA7	Expense	Contract Services	
Not-active	BoaterEd grants:CVA7:Program Administration Other	Expense		
Not-active	BoaterEd grants:CVA7:5002.4 · Boat Shows and Registration	Expense		5002.4
Not-active	BoaterEd grants:CVA7:5010.7 · Payroll Expense CVA 7	Expense	Contract Services	5010.7
Not-active	BoaterEd grants:CVA7:5010.7 · Payroll Expense CVA 7:5003.4 · Benefits/Insurance/Payroll Tax	Expense		5003.4
Not-active	BoaterEd grants:CVA7:5011.00 · Contract Services	Expense		5011.00
Not-active	BoaterEd grants:CVA7:5310.4 · Printing and Media	Expense		5310.4
Not-active	BoaterEd grants:CVA7:5310.61 · Postage	Expense		5310.61
Not-active	BoaterEd grants:CVA7:5330.4 · Reimbursment	Expense		5330.4
Not-active	BoaterEd grants:CVA7:5360.7 · Travel Expense	Expense		5360.7
Not-active	BoaterEd grants:CVA7:5600.6 · Equipment and Supplies	Expense		5600.6
Not-active	BoaterEd grants:DBW1	Expense	Sewage Pumpout	
Not-active	BoaterEd grants:DBW1:5010.4 · Contract Services	Expense		5010.4
Not-active	BoaterEd grants:DBW1:5360.4 · Travel	Expense		5360.4
Not-active	BoaterEd grants:Diver Training	Expense		
Not-active	BoaterEd grants:IWMB	Expense		
Not-active	BoaterEd grants:IWMB:Admin	Expense		
Not-active	BoaterEd grants:IWMB:Boater Guide	Expense		
Not-active	BoaterEd grants:IWMB:Boater Survey	Expense		
Not-active	BoaterEd grants:IWMB:Boater Video	Expense		
Not-active	BoaterEd grants:IWMB:Brochure	Expense	Lake and Video Brochure	
Not-active	BoaterEd grants:IWMB:Changing Tide	Expense	Newsletter	
Not-active	BoaterEd grants:IWMB:ContractSvcs	Expense		
Not-active	BoaterEd grants:IWMB:ContractSvcs:Carrie Katsumata	Expense		
Not-active	BoaterEd grants:IWMB:ContractSvcs:Miwa Tamanaha	Expense		
Not-active	BoaterEd grants:IWMB:ContractSvcs:Pro-Vision	Expense	Boater Video	
Not-active	BoaterEd grants:IWMB:ContractSvcs:Stefanie Hada	Expense		
Not-active	BoaterEd grants:IWMB:Poster	Expense		
Not-active	BoaterEd grants:IWMB:Recycling Signs	Expense		
Not-active	BoaterEd grants:IWMB:Reimbursement	Expense		
Not-active	BoaterEd grants:IWMB:Reimbursement:Travel	Expense		
Not-active	Conference Sponsorship	Expense		
Not-active	Cstl. Consv. Ballona Local Cord	Expense		
Not-active	Cstl. Consv. Ballona Local Cord:Ballona Mini Grant	Expense		
Not-active	Cstl. Consv. Ballona Local Cord:Ballona Mini Grant:5009.03 · SCC05011	Expense		5009.03
Not-active	Cstl. Consv. Ballona Local Cord:Contract Services	Expense		
Not-active	Cstl. Consv. Ballona Local Cord:Contract Services:Employee Benefits and Insurance	Expense		
Not-active	Cstl. Consv. Ballona Local Cord:Contract Services:Employee Benefits and Insurance:5003.9 · Payroll Taxes	Expense		5003.9
Not-active	Cstl. Consv. Ballona Local Cord:Contract Services:Employee Benefits and Insurance:5003.91 · Employee Bene	Expense		5003.91
Not-active	Cstl. Consv. Ballona Local Cord:Contract Services:5010.9 · Payroll Expense Ballona	Expense		5010.9
Not-active	Cstl. Consv. Ballona Local Cord:5330.5 · Reimbursment	Expense		5330.5
Not-active	Cstl. Consv. Ballona Local Cord:5330.5 · Reimbursment:5330.6 · Materials and Supplies	Expense		5330.6
Not-active	Cstl. Consv. Ballona Local Cord:5330.5 · Reimbursment:5330.7 · Travel	Expense		5330.7
Not-active	DAARP Kelp	Expense		
Not-active	DAARP Kelp:5010.38 · Contract Expense	Expense		5010.38
Not-active	DAARP Kelp:5010.39 · DAARP Kelp Payroll Exp	Expense		5010.39
Not-active	DAARP Kelp:5010.39 · DAARP Kelp Payroll Exp:5009.47 · DAARP Klp Emp Benefits and Taxe	Expense		5009.47
Not-active	DAARP Kelp:5330.29 · Travel Expense	Expense		5330.29

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Active Status	Account	Type	Description	Accnt. #
Not-active	DAARP Kelp:5600.11 · Supplies and Materials	Expense		5600.11
Not-active	Dead SCC 12-107	Expense		
Not-active	Dead SCC 12-107:5011.05 · SCC 12-107 Payroll	Expense		5011.05
Not-active	Discovery Park Rain Garden	Expense		
Not-active	Discovery Park Rain Garden:5310.87 · Discovery Park	Expense		5310.87
Not-active	El Segundo CEC Projects:Ballona Wetlands Enhancement	Expense		
Not-active	El Segundo CEC Projects:Ballona Wetlands Enhancement:5800.09 · Ballona Wetlands Enhancement	Expense		5800.09
Not-active	El Segundo CEC Projects:Data Gap Analysis (CEC)	Expense		
Not-active	El Segundo CEC Projects:Data Gap Analysis (CEC):5800.13 · Occidental College	Expense		5800.13
Not-active	El Segundo CEC Projects:Data Gap Analysis (CEC):5801.6 · SMBRF Admin Charge	Expense		5801.6
Not-active	El Segundo CEC Projects:Green Solutions (CEC)	Expense		
Not-active	El Segundo CEC Projects:Green Solutions (CEC):5800.8 · Community Conservancy Int.(CEC)	Expense		5800.8
Not-active	El Segundo CEC Projects:Green Solutions (CEC):5800.81 · CCI Green 08-03	Expense		5800.81
Not-active	El Segundo CEC Projects:Green Solutions (CEC):5801.1 · SMBRF Administration Charge	Expense		5801.1
Not-active	El Segundo CEC Projects:Ocean Conservation Society	Expense		
Not-active	El Segundo CEC Projects:Ocean Conservation Society:5800.1 · Dolphin Research Contract	Expense		5800.1
Not-active	El Segundo CEC Projects:Ocean Conservation Society:5801.3 · SMBRF Administration Charge	Expense		5801.3
Not-active	El Segundo CEC Projects:Socio Economic Study	Expense		
Not-active	El Segundo CEC Projects:Socio Economic Study:5801.5 · SMBRF Admin Charge	Expense		5801.5
Not-active	El Segundo CEC Projects:The Ocean Foundation CEC	Expense		
Not-active	El Segundo CEC Projects:The Ocean Foundation CEC:5800.11 · Ocean Foundation	Expense		5800.11
Not-active	El Segundo CEC Projects:The Ocean Foundation CEC:5801.7 · SMBRF Admin Charge	Expense		5801.7
Not-active	El Segundo CEC Projects:UCLA MPA	Expense	UCLA MPA	
Not-active	El Segundo CEC Projects:UCLA MPA:5800.6 · Marine Protected Area Study	Expense		5800.6
Not-active	El Segundo CEC Projects:UCLA MPA:5801.2 · SMBRF Administration Charge	Expense		5801.2
Not-active	EPA NEP	Expense		
Not-active	EPA NEP:Special Studies	Expense		
Not-active	EPA NEP:Special Studies:5009.00 · Mud Snails	Expense		5009.00
Not-active	EPA NEP:Special Studies:5009.01 · Stream Restoration	Expense		5009.01
Not-active	EPA NEP:Special Studies:5009.02 · Stream Seminar 2007	Expense		5009.02
Not-active	EPA NEP:Special Studies:5009.06 · Economic Valuation Workshop	Expense		5009.06
Not-active	EPA NEP:Special Studies:5009.07 · BRP Consultant	Expense		5009.07
Not-active	EPA NEP:Special Studies:5009.08 · West Basin MWD	Expense		5009.08
Not-active	EPA NEP:Special Studies:5009.11 · Heal The Bay Trash Database 2	Expense		5009.11
Not-active	EPA NEP:Special Studies:5009.12 · 08-03 GSP1a-001	Expense		5009.12
Not-active	EPA NEP:Special Studies:5009.13 · Stewards Volunteer Cord 2008	Expense		5009.13
Not-active	EPA NEP:Special Studies:5009.14 · Heather George	Expense		5009.14
Not-active	EPA NEP:Special Studies:5009.19 · RCD Watershed Cord.	Expense		5009.19
Not-active	EPA NEP:Special Studies:5009.22 · Central Coast Kelp Monitoring	Expense		5009.22
Not-active	EPA NEP:Special Studies:5009.23 · EPA Special Studies	Expense		5009.23
Not-active	EPA NEP:Special Studies:5009.25 · Zuma Beach Parking Access	Expense		5009.25
Not-active	EPA NEP:Special Studies:5009.29 · Greenway Plan	Expense		5009.29
Not-active	EPA NEP:Special Studies:5009.33 · Coastal Cleanup Day	Expense		5009.33
Not-active	EPA NEP:Special Studies:5009.71 · PIE (EPA Funded)	Expense		5009.71
Not-active	EPA NEP:Special Studies:5009.9 · LMU John Dorsey	Expense		5009.9
Not-active	EPA NEP:5003.15 · Employee Benefits and Insurance	Expense		5003.15
Not-active	EPA NEP:5010.19 · EPA FY-07 Payroll	Expense		5010.19
Not-active	EPA NEP:5011.01 · EPA FY-07 Contracts	Expense		5011.01
Not-active	EPA NEP:5015.01 · Outreach	Expense		5015.01
Not-active	EPA NEP:5310.9 · Printing and Media	Expense		5310.9
Not-active	EPA NEP:5360.11 · Travel	Expense		5360.11
Not-active	EPA NEP:5370.13 · Web/GIS	Expense		5370.13
Not-active	EPA NEP:5600.3 · Supplies	Expense		5600.3
Not-active	Fish and Game-EconVal	Expense		
Not-active	Graphic design	Expense		
Not-active	Green Solutions (SMMC)	Expense		
Not-active	Green Solutions (SMMC):5007.18 · Green Solutions (SMMC)	Expense		5007.18
Not-active	Indirect Costs:Employee Fringe Benefits	Expense		
Not-active	JPA NEP	Expense		
Not-active	JPA NEP:5003.11 · Employee Benefits	Expense		5003.11
Not-active	JPA NEP:5010.13 · Contract Services	Expense		5010.13
Not-active	JPA NEP:5010.14 · Payroll Expense	Expense		5010.14
Not-active	JPA NEP:5120.1 · Materials and Supplies	Expense		5120.1
Not-active	JPA NEP:5360.12 · Travel	Expense		5360.12
Not-active	JPA NEP:5370.12 · Website Development	Expense		5370.12
Not-active	JPA NEP:5400.1 · Legal and Professional	Expense		5400.1
Not-active	JPA NEP:5500.6 · Meetings and Registrations	Expense		5500.6
Not-active	JPA NEP:5800.2 · Dolphin Research-OCS	Expense		5800.2
Not-active	Linwood Pendleton-Grace	Expense		
Not-active	Linwood Pendleton-Grace:Contract Services	Expense		
Not-active	Linwood Pendleton-Grace:Contract Services:Employee Benefits and Insurance	Expense		
Not-active	NEP grant	Expense		
Not-active	NEP grant:book keeper	Expense		
Not-active	NEP grant:Bus Ins	Expense		
Not-active	NEP grant:Special Studies	Expense		
Not-active	NEP grant:Special Studies:New Zeland Mud Snail	Expense		

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Active Status	Account	Type	Description	Accnt. #
Not-active	NEP grant:Special Studies:New Zeland Mud Snail:5330.11 · JPA Reimbursment	Expense		5330.11
Not-active	NEP grant:Special Studies:Stream Restoration	Expense		
Not-active	NEP grant:Special Studies:Stream Restoration:5010.11 · Jessica Hall	Expense		5010.11
Not-active	NEP grant:Special Studies:Stream Restoration:5330.12 · Reimbursment Stream Rest	Expense		5330.12
Not-active	NEP grant:Special Studies:Stream Restoration:5600.4 · Equipment	Expense		5600.4
Not-active	NEP grant:Special Studies:5009.04 · Beach Clean-Up	Expense		5009.04
Not-active	NEP grant:Special Studies:5009.05 · Boater Survey (NEP)	Expense		5009.05
Not-active	NEP grant:State of the Bay	Expense		
Not-active	NEP grant:State of the Bay:5005.6 · Consultant	Expense		5005.6
Not-active	NEP grant:State of the Bay:5030.6 · Equipment Rental	Expense		5030.6
Not-active	NEP grant:State of the Bay:5040.6 · Facility Fee	Expense		5040.6
Not-active	NEP grant:State of the Bay:5050.6 · Food And Drink	Expense		5050.6
Not-active	NEP grant:State of the Bay:5210.5 · State of the Bay-Other	Expense		5210.5
Not-active	NEP grant:State of the Bay:5340.6 · Room Rental	Expense		5340.6
Not-active	NEP grant:State of the Bay:5350.6 · student refund	Expense		5350.6
Not-active	NEP grant:State of the Bay:5360.6 · Travel-State of Bay	Expense		5360.6
Not-active	NEP grant:5000.5 · Administration NEP	Expense		5000.5
Not-active	NEP grant:5001.5 · Meeting and Conference Expense	Expense		5001.5
Not-active	NEP grant:5001.5 · Meeting and Conference Expense:5360.8 · Travel	Expense		5360.8
Not-active	NEP grant:5003.5 · Business Insurance	Expense		5003.5
Not-active	NEP grant:5003.6 · Employee Benefits and Insurance	Expense		5003.6
Not-active	NEP grant:5003.6 · Employee Benefits and Insurance:5002.5 · Payroll Taxes	Expense		5002.5
Not-active	NEP grant:5010.5 · Contract Services	Expense		5010.5
Not-active	NEP grant:5015.00 · Outreach	Expense		5015.00
Not-active	NEP grant:5020.5 · Dues and Subscriptions	Expense		5020.5
Not-active	NEP grant:5300.6 · PIE 6	Expense		5300.6
Not-active	NEP grant:5310.5 · Printing	Expense		5310.5
Not-active	NEP grant:5330.8 · Website	Expense		5330.8
Not-active	NEP grant:5360.5 · Travel-NEP	Expense		5360.5
Not-active	NEP grant:5500.5 · Meeting Registrations	Expense		5500.5
Not-active	NEP grant:5600.5 · Equipment	Expense		5600.5
Not-active	NEP Travel	Expense		
Not-active	NEP98grant	Expense		
Not-active	NEP98grant:Contracts	Expense		
Not-active	NEP98grant:Implementation Tracking	Expense		
Not-active	NEP98grant:Travel	Expense		
Not-active	NEPgrant-NW999882-01	Expense		
Not-active	NEPgrant-NW999882-01:Admin	Expense		
Not-active	NEPgrant-NW999882-01:Contracts	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:Contam Sed	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:EconVal	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:FdnPolicyAnal	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:FinStrat	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:Habitat Char	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:Kelp	Expense	Kelp	
Not-active	NEPgrant-NW999882-01:Contracts:Marine Resources	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:PIE Round 6	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:PIE4	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:PIE5	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:Reg Monitoring	Expense		
Not-active	NEPgrant-NW999882-01:Contracts:Septics	Expense		
Not-active	NEPgrant-NW999882-01:NEP Travel	Expense		
Not-active	NEPgrant-NW999882-01:Other	Expense		
Not-active	NEPgrant-NW999882-01:Other:Printing	Expense		
Not-active	NEPgrant-NW999882-01:Sediment	Expense	Topanga	
Not-active	Ocean Protection Council (OPC)	Expense		
Not-active	Ocean Protection Council (OPC):Data Gap Analysis	Expense		
Not-active	Ocean Protection Council (OPC):Data Gap Analysis:Brock Bernstein Project	Expense		
Not-active	Ocean Protection Council (OPC):Data Gap Analysis:Brock Bernstein Project:5007.16 · Brock Bernstein	Expense		5007.16
Not-active	Ocean Protection Council (OPC):Data Gap Analysis:Brock Bernstein Project:5007.26 · Retention Brock Bernst	Expense		5007.26
Not-active	Ocean Protection Council (OPC):Data Gap Analysis:Regents of University of S.B.	Expense		
Not-active	Ocean Protection Council (OPC):Data Gap Analysis:Regents of University of S.B.:5007.17 · Regents Of Univer	Expense		5007.17
Not-active	Ocean Protection Council (OPC):Data Gap Analysis:Regents of University of S.B.:5007.27 · Regents of S.B. R	Expense		5007.27
Not-active	Payroll Expenses	Expense		
Not-active	PIE Funds SMBRF	Expense		
Not-active	PIE Funds SMBRF:Round 3	Expense		
Not-active	PIE Funds SMBRF:Round 4	Expense		
Not-active	PIE Funds SMBRF:Round 5	Expense		
Not-active	PIE Funds SMBRF:Rounds 1 & 2	Expense		
Not-active	SEP:City of LA	Expense		
Not-active	SEP:City of San Diego-EconVal	Expense		
Not-active	SEP:kelp	Expense		
Not-active	SEP:kelp:Algalita	Expense		
Not-active	SEP:kelp:SM BayKeeper	Expense		
Not-active	SEP:kelp:UCLA	Expense		
Not-active	SEP:Pathogen TMDL	Expense	Pathogen TMDL	

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Active Status	Account	Type	Description	Accnt. #
Not-active	SEP:RB outreach	Expense		
Not-active	SEP:RB outreach:99-11	Expense		
Not-active	SEP:RB outreach:99-14	Expense		
Not-active	SEP:RB outreach:99-14:02-006	Expense		
Not-active	SEP:Regional Monitoring	Expense		
Not-active	SEP:5800.01 · Kelp SEP 09-01	Expense		5800.01
Not-active	SMB Assessment and Restoration	Expense		
Not-active	SpecProj	Expense		
Not-active	SpecProj:Boater Conference	Expense	Boater Ed program	
Not-active	SpecProj:Boater Guide	Expense	Boater Ed Program	
Not-active	SpecProj:Boater Survey	Expense		
Not-active	SpecProj:Boater Video	Expense	Boater Ed program	
Not-active	SpecProj:Clean Boating demo	Expense	Boater Ed Program	
Not-active	SpecProj:Fdn Dev	Expense		
Not-active	SpecProj:Health Effects Research	Expense		
Not-active	SpecProj:Legislative support	Expense		
Not-active	SpecProj:PIE fund	Expense		
Not-active	SpecProj:PolicyAnal SMBRF Match	Expense		
Not-active	SpecProj:SW Guidance Doc	Expense		
Not-active	SpecProj:SW Research-Ballona	Expense		
Not-active	SpecProj:SW Research-Coprostanol	Expense		
Not-active	SpecProj:SW Video	Expense		
Not-active	USC SeaGrant	Expense		
Not-active	USC SeaGrant:5003.36 · USC Seagrant Employee Benefits	Expense		5003.36
Not-active	USC SeaGrant:5010.22 · Payroll USC Seagrant	Expense		5010.22
Not-active	Zuma 319 grant	Expense		
Not-active	Zuma EPA grant	Expense		
Not-active	Zuma SMBRF	Expense		
Not-active	5500.0 · Uncategorized Expenses	Expense		5500.0
Not-active	5900.00 · SEP 7 Crown Cork IT Cnst Prj	Expense		5900.00
Not-active	7500.0 · NOAA BeachVal grant	Expense		7500.0
Not-active	4999.0 · UCLA Ballona Pesticide Inc. P.T	Other Income		4999.0
Not-active	4999.1 · UCLA Ballona Pesticide Exp. P.T	Other Expense		4999.1

O11-453 cont.

Santa Monica Bay Restoration Authority - Governing Board Meeting **10/23/2014**

MARK IF ATTENDING	LAST NAME	FIRST NAME	POSITION	TELEPHONE	EMAIL	AFFILIATION/ORGANIZATION
	Farber	Gail	Member (Voting)	(626) 458-4002	gfarber@dpw.lacounty.gov	LA County Department of Public Works
	Gray	Gloria	Alternate (Voting)	(310) 922-0117	ggrayi@aol.com	At-Large Member West Basin MWD
	Sikich	Sarah	Member (Voting)	(310) 453-0395	ssikich@healthebay.org	Public Member (Environmental/Public Interest), Heal The Bay
	Nissman	Susan	Alternate (Voting)	(818) 880-9416	snissman@bos.lacounty.gov	Zev Yaroslavsky, Supervisor, 3rd District, County of Los Angeles
	Pestrella	Mark	Alternate (Voting)	(626) 458-4001	MPESTRELLA@ladpw.org PGARCIA@dpw.lacounty.gov	LA County Department of Public Works
	Sibert	John	**CHAIR (Voting)**	(310) 457-7325	jsibert@malibucity.org	Malibu Watershed Cities (City of Malibu)
	Yaroslavsky	Zev	Member (Voting)	(213) 974-3333	zev@bos.lacounty.gov	LA County Board of Supervisors (Supervisor, 3rd District)
OTHER ALTERNATES:						

O11-453 cont.

WORK ORDER REQUEST NO. 8-21

COUNTY OF LOS ANGELES

DEPARTMENT OF AUDITOR-CONTROLLER

JOHN NAIMO
ACTING AUDITOR-CONTROLLER

Santa Monica Bay Restoration Authority
Financial Compliance Audit for Fiscal Years 2006-14

Work Order Request Issued:	July 7, 2014
Written Questions Due:	July 11, 2014
Mandatory Proposers' Conference:	July 15, 2014
Proposals Due:	July 29, 2014, **by Noon**
Beginning Date:	September 8, 2014
Final Report Due Date:	February 20, 2015
Mandatory Completion Date:	February 27, 2015

O11-453 cont.

I. LATE PROPOSALS

Proposals received after the Proposal Due Date will be considered for evaluation solely at the discretion of the County of Los Angeles (County), if they are determined to be in the best interest of the County.

II. MANDATORY PROPOSERS' CONFERENCE

Proposals from firms not represented at the Mandatory Proposers' Conference will be rejected. The Mandatory Proposers' Conference is scheduled for 10:00 a.m at the following location on the date shown on the cover page:

Kenneth Hahn Hall of Administration
500 W. Temple Street, Room 739
Los Angeles, CA 90012

Firms planning to attend the Proposers' Conference must RSVP two days in advance to:

contract.audits@auditor.lacounty.gov

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III. QUESTIONS

Questions must be received no later than **NOON, two days before** the Proposers' Conference. They should be emailed to:

contract.audits@auditor.lacounty.gov

The County will reply with an acknowledgement of receipt. The questions will be discussed at the Proposers' Conference.

IV. LIST OF ATTACHMENTS

Attachment A: Statement of Work

Attachment B: Proposed Cost Schedule

Attachment C: Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information

Attachment D: Request for DVBE Preference Program Consideration

Attachment E: Work Experience Summary

Attachment F: Sample Work Order No. 8-21A

Attachment G: Santa Monica Bay Restoration Authority Statement of Receipts and Disbursements

Attachment H: Santa Monica Bay Restoration Authority Joint Exercise of Powers Agreement

V. AVAILABILITY OF DOCUMENTS

Section not used.

VI. SERVICES

The County is seeking a contractor to provide the services described in detail in Attachment A, "Statement of Work." When selected to perform the services, the Contractor and the County will sign the Work Order, which will be substantially the same as the attached "Sample Work Order. No. 8-21A" (Attachment F)

If there is a change in the work to be performed, the Contractor and the County may negotiate a different Maximum Total Cost.

VII. PROPOSER'S SKILL REQUIREMENTS

The Proposer must be an independent public accounting firm, licensed by the State of California or have obtained California Practice Privilege from the California Board of Accountancy. O11-453 cont.

The proposal must clearly:

A. Include personnel, using Subcontractors if needed (joint ventures are not allowed), who collectively possess the academic disciplines and audit experience to successfully complete this project in accordance with Generally Accepted Government Auditing Standards (GAGAS). **Note that it is required that the project team must include one Certified Public Accountant who can perform an audit that conforms to GAGAS.**

B. Describe the Proposer's program to ensure continuing education requirements are met, including at least 80 hours every two years, 24 hours of which must directly relate to governmental auditing and 8 hours directly related to fraud.

Additionally, it is highly desirable to have experience with similar audits prescribed by the State Controller for special districts under Section 26909 of the Government Code.

VIII. PROPOSAL REQUIREMENTS

All proposals must be submitted in the format as described in this Section VIII. At the County's sole option, any nonconformity with this section may result in the proposal being rejected, or may result in a reduction of score in the evaluation process.

A. A **Cover Page or Letter** that includes:

1. The specific Work Order Request (WOR) by Title and Number.
2. The firm name and address.
3. The name and telephone number of the Project Administrator who is authorized to represent and bind the firm in contract, if selected.
4. A statement whether or not the firm is claiming the Local SBE Preference, as described in Section 9.3 of the Master Agreement. To claim this preference, the proposer must be certified by the County Office of Affirmative Action Compliance prior to the "Proposals Due" date for this Work Order Request.
5. A statement whether or not the firm is claiming the Disable Veteran Business Enterprise (DVBE) Preference Program, as described in Section XIV. To claim this preference, the proposer must be certified as a DVBE with the State of California or a Service Disabled Veteran Owned Small Business by the Department of Veterans Affairs at the time of bid/proposal submission.
6. A statement that the Jury Service Program's "Application for Exception and Certification Form," previously submitted to the County, continues to apply, or a statement that a new Form is being submitted with this Proposal. In addition, a form for each subcontractor must be submitted. The Jury Service Program is discussed Section 8.8 of the Master Agreement, and the form is Appendix 4.10 of the Master Agreement RFP. O11-453 cont.
7. A Conflict of Interest Statement clearly indicating whether a potential or real conflict of interest may exist. A conflict of interest may include, but is not limited to:
   a. The proposer has contracted with the auditee for other services.
   b. The proposer has previously advised the County in the area to be audited.
   c. A person assigned to the project or their relative(s) may have a personal relationship with the auditee.

   To give the County a basis for proper evaluation, all other Proposal Requirements should be followed as if no conflict exists. During selection of the contractor, the County will address any conflicts of interest. Any proposal submitted with a conflict of interest may, at the sole discretion of the County, be rejected.
8. The name of the person representing the firm at the Mandatory Proposers' Conference.

B. A **Table of Contents**, with all proposal pages numbered.

C. A **Detailed Work Plan** identifying the proposer's approach/methodology to be used to complete the Work Order project. **Reference to or repetition of the scope, objectives, and requirements from the Work Order Request and Statement of Work does not constitute a "good understanding" of the project and may result in a lowered ranking of the proposal.**

1. The Work Plan should include the basic elements of a project (planning procedures, survey phase, fieldwork, etc.) and indicate flexibility to adjust as the project develops. It should also include the number of hours by person or by position for each of the basic elements in the Work Plan.

2. The Work Plan should be sufficiently detailed to allow the County to determine the appropriateness of the proposed procedures and techniques to be used to research and document findings and to control the project and that the Proposer has a good understanding of the project scope, objectives and deliverable requirements.

3. The Work Plan should be complete, yet concise. Supplementary procedures, methods, explanations and descriptions will assist the County in the evaluation of the proposal. O11-453 cont.

D. A **Timetable or Chart** for completing the project, including dates for each of the following:

- Start of the project
- Planning
- Entrance Conference
- Delivery of a detailed work schedule
- Fieldwork (beginning and ending dates)
- Progress reports
- Delivery of the draft report
- Exit Conference
- Delivery of the final report

E. A **Personnel Section** including:

1. A list/chart specifically identifying the Project Administrator, Project Manager, supervisory personnel, and other key individuals.

2. A Work Experience Summary (WES) and a résumé for each key individual identified above, including brief descriptions of projects that show the individual's experiences that satisfy Section VII, "Proposer's

Skill Requirements." The required format for the WES is shown in Attachment E, "Work Experience Summary."

3. A description of the minimum qualifications for other professional staff that will be working on the project.
4. If subcontracted personnel are being proposed, the personnel should be specifically identified and included in the information requested above.

F. A **Proposer's Experience/Capability Section**, including:

1. A list of all contracts with the County within the prior three years; please include the following information for each contract:
   - County Department
   - Project/Objective
   - Amount of Contract
   - Dates
   - Contact Person and Telephone Number

O11-453 cont.

2. A list of all contracts within the prior three years that were cancelled or otherwise terminated prior to completion, or a declaration that none were cancelled or otherwise terminated prior to completion.
3. An explanation, **not merely a statement,** of the proposer's ability to provide alternative or additional personnel (managers, supervisors, staff, etc.) should such actions become necessary to complete the project in a timely manner.

G. A **Proposed Cost Schedule**

1. The schedule should list for each person (including subcontracted personnel):
   - Job classification
   - Hourly rate
   - Number of hours
   - Total labor cost for each person
2. Additionally, the schedule should list any other expenses to be billed (parking, mileage, etc.) to arrive at the Maximum Total Cost to complete the project The required format is shown in Attachment B, "Proposed Cost Schedule."
3. If the scope of work changes, the County and Contractor may negotiate a change in the Maximum Total Cost.

4. Proposals that do not clearly indicate separate Maximum Total Cost to complete the project may, at the discretion of the County, be rejected.

IX. PROPOSAL SUBMISSION

The proposal must be prepared in the prescribed format, in an Adobe Portable Document File (PDF) format, with no security provisions, with the subject line of: "Firm Name – Proposal for Work Order Request No. 8-21 and submitted via email to:

Ms. Lisa Cañada
Administrative Deputy, Auditor-Controller
500 West Temple Street, Room 410
Los Angeles, CA 90012

Attention: Mr. Christopher Nguyen

contract.audits@auditor.lacounty.gov

The County will reply with an acknowledgement of receipt. Additionally, send one hard copy of the proposal to the above address. This copy should arrive no later than one week after the proposal due date. O11-453 cont.

Proposals not prepared and submitted according to the specifications set down in this Work Order Request may, at the sole discretion of the County Contract Administrator, be rejected without further consideration or, if not rejected, may result in a lowered ranking of the proposal.

X. SELECTION CRITERIA

Proposals will be evaluated on the following:

- 30% The thoroughness, appropriateness and innovativeness of the audit approach detailed in the work plan
- 25% The experience of the staff to be assigned to the project
- 15% The estimated hours and time period for completion
- 30% The cost of performing the audit.

XI. CONTACT WITH COUNTY PERSONNEL

As of the issuance date of this Work Order Request and continuing until the final date for submission of proposals, except as described above, all County personnel are specifically directed against holding any meetings, conferences, telephone conversations, or technical discussions with any potential proposer regarding the Work Order Request. At the County's sole discretion, any violation to this Section

XI, may result in the rejection of the proposer's proposal and may be considered a material breach of the Master Agreement.

XII. GRATUITIES

A. It is improper for any County officer, employee or agent to solicit consideration, in any form, from a proposer with the implication, suggestion or statement that the proposer's provision of the consideration may secure more favorable treatment for the proposer in the award of the contract or that the proposer's failure to provide such consideration may negatively affect the County's consideration of the proposer's submission.

B. A proposer shall not offer or give, either directly or through an intermediary, consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the contract. Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

C. A proposer shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration. The report shall be made to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such a solicitation may result in the proposer's submission being eliminated from consideration. O11-453 cont.

XIII. LOCAL SMALL BUSINESS ENTERPRISE (SBE) PREFERENCE PROGRAM

The County will give Local SBE preference during the solicitation process to businesses that meet the definition of a Local Small Business Enterprise (Local SBE), consistent with Chapter 2.204.030C.2 of the Los Angeles County Code.

Business which is certified as small by the Small Business Administration (SBA) or which is registered as small on the federal Central Contractor Registration data base may qualify to request the Local SBE Preference in a solicitation.

Businesses must complete the Required Form - Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form - Exhibit 7 in Appendix D - Required Forms with their proposal. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain the Local SBE Preference.

XIV. Disabled Veteran Business Enterprise Preference Program (DVBE)

A. The County will give preference during the solicitation process to businesses that meet the definition of a Disabled Veteran Business Enterprise, consistent with Chapter 2.211 of the Los Angeles County Code. A Disabled

Veteran Business Enterprise vendor is defined as: 1) A business which is certified by the State of California as a Disabled Veteran Business Enterprise; or 2) A business which is certified by the Department of Veterans Affairs as a Service Disabled Veteran Owned Small Business (SDVOSB).

B. Certified Disabled Veteran Business Enterprise vendors must request the preference in their solicitation responses and may not request the preference unless the certification process has been completed and certification is affirmed.

C. In no case shall the Disabled Veteran Business Enterprise Preference Program price or scoring preference be combined with any other county preference program to exceed eight percent (8%) in response to any county solicitation.

D. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified Disabled Veteran Business Enterprise.

E. To request the Disabled Veteran Business Enterprise Preference, Proposer must complete and submit the Request for Disabled Veteran Business Enterprise Consideration form in Attachment D with supporting documentation with their proposal.

O11-453 cont.

Information about the State's DVBE certification regulations is found in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Disabled Veteran Business Certification and Resources Website at

http://www.pd.dgs.ca.gov/.

Information on the Department of Veteran Affairs SDVOSB certification regulations is found in the Code of Federal Regulations, 38CFR 74 and is also available on the Department of Veterans Affairs Website at:

http://www.pd.dgs.ca.gov/

XV. JURY SERVICE PROGRAM

A. The prospective Work Order is subject to the requirements of the County's Contractor Employee Jury Service Ordinance ("Jury Service Program") (Los Angeles County Code, Chapter 2.203). Prospective contractors should carefully read the Jury Service Program, and the pertinent jury service provisions of the Master Agreement. The Jury Service Program applies to both contractors and their subcontractors. Proposals that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.

B. The Jury Service Program requires contractors and their subcontractors to have and adhere to a written policy that provides that its employees shall receive from the contractor, on an annual basis, no less than five days of

regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the contractor or that the contractor deduct from the employee's regular pay the fees received for jury service. For purposes of the Jury Service Program, "employee" means any California resident who is a full-time employee of a contractor and "full time" means 40 hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by the County, or 2) the contractor has a long-standing practice that defines the lesser number of hours as full time. Therefore, the Jury Service Program applies to all of a contractor's full-time California employees, even those not working specifically on the County project. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program.

C. There are two ways in which a contractor might not be subject to the Jury Service Program. The first is if the contractor does not fall within the Jury Service Program's definition of "contractor." The Jury Service Program defines "contractor" to mean a person, partnership, corporation or other entity which has a contract with the County or a subcontract with a County contractor and has received or will receive an aggregate sum of $50,000 or more in any 12-month period under one or more County contracts or subcontracts. The second is if the contractor meets one of the two exceptions to the Jury Service Program. The first exception concerns small businesses and applies to contractors that have: 1) ten or fewer employees; and, 2) annual gross revenues in the preceding twelve months which, if added to the annual amount of this work order is less than $500,000; and 3) is not an "affiliate or subsidiary of a business dominant in its field of operation." The second exception applies to contractors that possess a collective bargaining agreement that expressly supersedes the provisions of the Jury Service Program. The contractor is subject to any provision of the Jury Service Program not expressly superseded by the collective bargaining agreement.

O11-453 cont.

D. If a contractor does not fall within the Jury Service Program's definition of "contractor" or if it meets any of the exceptions to the Jury Service Program, then the contractor must have previously submitted the Certification Form and Application for Exception (Jury Form) to the County Contract Manager, and included a statement in its proposal that the exception still applies, or submit an updated Jury Form with the proposal including all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing the contractor's application, the County will determine, in its sole discretion, whether the contractor falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.

XVI. PROHIBITION OF RETROACTIVE CONTRACTS AND COST OVERRUNS

County departments are responsible for ensuring that there are no retroactive agreements. This means that the selected Contractor will not be compensated for work performed prior to the issuance or commencement of the term of the Work Order. In no event shall Contractor be entitled to compensation exceeding the total authorized amount unless the County's Contract Administrator amends the Work Order in writing.

O11-453 cont.

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STATEMENT OF WORK

Project Title

Santa Monica Bay Restoration Authority
Financial Compliance Audit for Fiscal Years 2006-14

I. BACKGROUND

The Santa Monica Bay Restoration Authority (the Authority), a separate public entity, was established in March 2004 between the Santa Monica Bay Restoration Commission (the Commission), a public agency of the State of California established pursuant to Division 20.7 of the Public Resources Code (Section 30988, et seq.) and the Los Angeles County Flood Control District (the District) to facilitate the restoration, protection, and conservation of the water quality and natural resources of the Santa Monica Bay and its watershed. The Authority is governed by a board consisting of five (5) voting members: (a) three voting members of the Governing Board of the Commission appointed by the Governing Board of the Commission, (b) the Director of the Los Angeles County Public Works or his/her designee, and (c) a member of the Los Angeles County Board of Supervisors of the Los Angeles County Flood Control District or his/her designee appointed to the Governing Board of the Commission. The Governing Board elects a chairperson who presides over the meetings and a vice-chairperson who acts in the absence of the chairperson. Members of the Governing Board serve without compensation except for reasonable allowance, as determined by the Governing Board or compensation for attendance in meetings of the Governing Board not to exceed $50.00. The Authority has an Executive Director, acting as Executive Officer, serving ex-officio, without compensation, and is responsible for keeping minutes of the Governing Board's meetings and for providing copies of the minutes to each Board member, the Commission, and the District. O11-453 cont.

The Authority is accountable for all its funds, receipts, and disbursements and adopts an annual budget, approved by the Commission and the District in form. The Los Angeles County Treasurer and Tax Collector is the Treasurer of the Authority and the Los Angeles County Department of Auditor-Controller is the Auditor-Controller of the Authority and is responsible for the accountability of all funds, for reporting all receipts and disbursements of the Authority, and for contracting with a certified public accountant for audits of the accounts and records of the Authority in conformity with the generally accepted auditing standards.

The Authority's Fiscal Year is from October 1 through September 30. In accordance with the California Government Code, the Authority has requested an audit of the accounts and records of the JPA for the periods ending September 30, 2006 through September 30, 2014. The Authority has not previously had an audit performed.

The Authority's financial records, cash basis reports summarizing all activity since the JPA's inception, and supporting documentation for revenues and expenditures are available in the office of the County Auditor-Controller, Accounting Division, Kenneth Hahn Hall of Administration, 500 West Temple Street, Room 603, Los Angeles, California 90012. Additional documentation may be obtained from the Department of Public Works and the offices of the Authority.

A summary of the financial information regarding the Authority from inception is as follows:

1. Although the Authority was established in 2004, no financial activity occurred until May 2006.
2. In the years ended September 30, 2006 and 2007, the Authority received grant funding from the Environmental Protection Agency (EPA) in the amount of approximately $224,000 and $289,000, respectively. This grant funding was used for projects.
3. The financial activity varies widely from year to year. For the years ending September 30, 2008, 2009, 2010, and 2011, there was no financial transactions other than minimal interest posted to the account.
4. Beginning in the year ended September 30, 2012, the Authority received grant funding from the State Department of Boating and Waterways and in subsequent years from the EPA.
5. Typically, grant funds are expended in the year they are received.

O11-453 cont.

II. SCOPE/OBJECTIVES

A. The Contractor shall:

1. Perform an examination of the financial statements of the Santa Monica Bay Restoration Authority for the Fiscal Years 2006–2014 in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States, and the State Controller's Minimum Audit Requirements for California Special Districts. In addition, the Contractor shall adhere to the requirements prescribed by the State Controller for special districts under Section 26909 of the Government Code and any applicable standards relevant to this audit. The policy can be located at the following website: http://law.onecle.com/california/government/26909.html. The Contractor shall issue a report, expressing an opinion on the financial statements.

2. Prepare a separate Management Letter for the Santa Monica Bay Restoration Authority disclosing any findings and recommendations for improved operations.

B. The Contractor may be asked to perform other financial and/or compliance audits of Santa Monica Bay Restoration Authority. If this need arises, such additional audits will be negotiated as separate amendment(s) to the Work Order, pursuant to Master Agreement paragraph 8.3.2, and the hourly billing rates in this work order.

III. FRAUD REPORTING

At any time during the project, if the Contractor suspects fraud, employee misconduct or any other significant finding, the Contractor shall immediately notify County's Employee Fraud Hotline at http://www.lacountyfraud.org/ or (800) 544-6861 and the County Contract Manager without contacting the auditee.

IV. FIELDWORK DELIVERABLES

O11-453 cont.

A. A practical work schedule identifying anticipated accomplishments for the first week of the project will be due at the Entrance Conference which shall be held no later than one week after the Beginning Date of the Work Order. The Contractor shall be responsible for scheduling the Entrance Conference.

B. A detailed work schedule, including identifiable milestones, for the remainder of the project will be due one week after the Entrance Conference.

C. Written progress reports shall be submitted to the County Project Manager or her designee upon request for the duration of the project. The County Project Manager or her designee shall monitor the progress reports to ensure successful completion of the Work Order within the schedule.

The report shall contain the following information:

1. Overview of the reporting period.
2. Summary of project status as of the reporting date.
3. Tasks, deliverables, services, and other work scheduled for the reporting period that were completed.
4. Tasks, deliverables, services, and other work scheduled for the reporting period that were not completed.
5. Tasks, deliverables, services, and other work completed in the reporting period that were not scheduled.
6. Tasks, deliverables, services, and other work to be completed in the next reporting period.

7. Issues to be resolved.
8. Issues resolved.
9. Any difficulties encountered by the Contractor that could jeopardize the completion of the Work Order or milestones or deliverables within the schedule.
10. Updated milestone chart.
11. Statement whether 75% of the Work Order Maximum Total Costs have been incurred.
12. Any other information that the County may from time-to-time require.

D. Oral briefings between the Contractor and the County Project Manager or her designee to discuss the project status will be held, as requested by either party, as deemed necessary.

E. The Contractor shall properly document their audit testwork in workpapers. Workpapers shall be made available to County representatives upon request.

V. REPORT DELIVERABLES

O11-453 cont.

A. A copy of the draft report shall be submitted (via email) to the County Project Manager by February 13, 2015. An Exit Conference shall be scheduled by the Contractor with the County Project Manager one week prior to submission of the draft report.

B. A final report shall be submitted after obtaining express approval of the draft report by the Authority and the County Project Manager but no later than February 27, 2015. Subsequently, the Auditor-Controller will transmit the report to the Authority's Board of Directors.

Sixteen bound copies of the final report, and an electronic copy of the report in an Adobe Portable Document Format (PDF) file with no security provisions shall be supplied to the County Project Manager at the completion of the project. In addition, the Contractor shall email a copy to contract.audits@auditor.lacounty.gov.

The final report shall be addressed to the Authority's Board of Directors but submitted to the County Project Manager who will be responsible for distribution of the report to the appropriate parties. The final report shall include:

1. Report on Examination of Financial Statements

   a. The report shall set forth the scope of the examination, together with an opinion in compliance with those prescribed by the State Controller for special districts under Section 26909 of the Government Code, and shall conform to generally accepted auditing standards.

b. Include the financial statements customarily associated with such reports.

c. Include such explanatory footnotes as considered necessary to disclose all material items.

2. Report on Internal Controls

The Contractor must report on the understanding of the entity's internal control structure and the assessment of control risk made as part of the compliance audit.

The report shall include:

a. The scope of the Contractor's work in obtaining an understanding of the internal control structure and in assessing the control risk.

b. The entity's significant internal controls or control structure including the controls established to ensure compliance with laws and regulations that have a material impact on the financial statements and results of the financial/compliance audit.

c. The reportable conditions, including the identification of material weaknesses, identified as a result of the auditor's work in understanding and assessing the control risk.

O11-453 cont.

d. Any conditions noted, which are contrary to the program guidelines and grant award.

e. Any findings and recommendations for correcting any deficiencies and/or weaknesses disclosed in the report on internal controls.

f. The response to the report of the auditee's managers, including implementation plans.

C. Management Letter

1. The Contractor shall submit (via email) to County Project Manager or her designee a draft Management Letter with the draft report as specified in Section V.A.

2. In the Management Letter, the Contractor shall identify any material problems and include specific recommendations for improvements in these problem areas. A copy of the District's responses to the recommendations shall be included.

3. The Management Letter will be reviewed at the Exit Conference as specified in Section V.A.

Sixteen bound copies of the final Management Letter and an electronic copy of the Letter in an Adobe Portable Document Format (PDF) file with no security provisions shall be supplied to the County Project Manager with the final report as specified in Section V.B. The management letter and report will be transmitted to the Authority's Board of Directors by the County Project

Manager. In addition, the Contractor shall email a copy to contract.audits@auditor.lacounty.gov.

VI. SUBMISSION OF DELIVERABLES

A. The Contractor shall mail or deliver all invoices to:

Ms. Lisa Cañada
Administrative Deputy, Auditor-Controller
500 W. Temple Street, Room 410
Los Angeles, CA 90012

Attention: Mr. Christopher Nguyen

O11-453 cont.

B. The Contractor shall mail or deliver all draft reports, final reports, progress reports and any other deliverables to:

Ms. Rachelle Anema
Principal Accountant, Auditor-Controller
500 West Temple Street, Room 603
Los Angeles, CA 90012

Attention: Rachelle Anema
ranema@auditor.lacounty.gov

C. The Contractor shall send all correspondence to:

contract.audits@auditor.lacounty.gov

PROPOSED COST SCHEDULE

Project Title:

Santa Monica Bay Restoration Authority
Financial Compliance Audit for Fiscal Years 2006-14

	2014-15 (for FY 2006-14)		
Labor Costs:	Hourly Rate	Hours	Cost
Position: Name			
Name			
Position: Name			
Name			
Position: Name			
Name			
Name			
Sub-total Hours/Labor Costs			
Other Expenses:			
Sub-total Other Expenses			
Less: Discount			
Maximum Total Cost to Complete the Project			

O11-453 cont.

For your convenience, an Excel file is attached.

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Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form

Project Title: Santa Monica Bay Restoration Authority Financial/Compliance Audit for Fiscal Years 2006-14

INSTRUCTIONS: All proposers/bidders responding to this solicitation must complete and return this form for proper consideration of the proposal/bid.

I. **LOCAL SMALL BUSINESS ENTERPRISE PREFERENCE PROGRAM:**

FIRM NAME: _____

CAGE CODE:_____ **NAICS CODE:**_____

- ❑ As a business registered as 'Small' on the federal Central Contractor Registration (CCR) data base, I request this proposal/bid be considered for the Local SBE Preference.
- ❑ The NAICS Code shown corresponds to the services in this solicitation.
- ❑ Attached is my CCR certification page.

II. **FIRM/ORGANIZATION INFORMATION:** The information requested below is for statistical purposes only. On final analysis and consideration of award, contractor/vendor will be selected without regard to race/ethnicity, color, religion, sex, national origin, age, sexual orientation or disability.

Business Structure: ❑ Sole Proprietorship ❑ Partnership ❑ Corporation ❑ Non-Profit ❑ Franchise
❑ Other (Please Specify) _____

Total Number of Employees (including owners):

Race/Ethnic Composition of Firm. Please distribute the above total number of individuals into the following categories:

Race/Ethnic Composition	Owners/Partners/ Associate Partners		Managers		Staff	
	Male	Female	Male	Female	Male	Female
Black/African American						
Hispanic/Latino						
Asian or Pacific Islander						
American Indian						
Filipino						
White						

O11-453 cont.

III. **PERCENTAGE OF OWNERSHIP IN FIRM:** Please indicate by percentage (%) how ownership of the firm is distributed.

	Black/African American	Hispanic/ Latino	Asian or Pacific Islander	American Indian	Filipino	White
Men	%	%	%	%	%	%
Women	%	%	%	%	%	%

IV. **CERTIFICATION AS MINORITY, WOMEN, DISADVANTAGED, AND DISABLED VETERAN BUSINESS ENTERPRISES:** *If your firm is currently certified as a minority, women, disadvantaged or disabled veteran owned business enterprise by a public agency, complete the following and attach a copy of your proof of certification. (Use back of form, if necessary.)*

Agency Name	Minority	Women	Dis-advantaged	Disabled Veteran	Expiration Date

V. **DECLARATION: I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE.**

Print Authorized Name	Authorized Signature	Title	Date

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REQUEST FOR DVBE PREFERENCE PROGRAM CONSIDERATION

Project Title:

Santa Monica Bay Restoration Authority
Financial Compliance Audit for Fiscal Years 2006-14

INSTRUCTIONS: All proposers/bidders responding to this solicitation must complete and return this form for proper consideration of the proposal/bid.

In evaluating bids/proposals, the County will give preference to businesses that are certified by the State of California as a Disabled Veteran Business Enterprise (DVBE) or by the Department of Veterans as a Service Disabled Veteran Owned Small Business (SDVOSB) consistent with Chapter 2.211 of the Los Angeles County Code.

Vendor understands that in no instance shall the disabled veteran business enterprise preference program price or scoring preference be combined with any other County preference program to exceed eight percent (8%) in response to any County solicitation.

Information about the State's Disabled Veteran Business Enterprise certification regulations is in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Disabled Veteran Business Certification and Resources Website at http://www.pd.dgs.ca.gov/

O11-453 cont.

Information on the Veteran Affairs Disabled Business Enterprise certification regulations made be found in the Code of Federal Regulations, 38CFR 74 and is also available on the Veterans Affairs Website at: http://www.vetbiz.gov/

☐ **I AM NOT** a Disabled Veteran Business Enterprise certified by the State of California or a Service Disabled Veteran Owned Small Business with the Department of Veteran Affairs.

☐ **I AM** certified as a Disabled Veteran Enterprise with the State of California or a Service Disabled Veteran Owned Small Business with the Department of Veteran Affairs as of the date of this proposal/bid submission and I request this proposal be considered for the DVBE Preference.

DECLARATION: I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE.

Name of Firm	County Webven No.
Print Name:	Title:
Signature:	Date:

SIGNATURE OF REVIEWER	*APPROVED*	*DISAPPROVED*	*DATE*

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WORK EXPERIENCE SUMMARY

Project Title

Santa Monica Bay Restoration Authority
Financial Compliance Audit for Fiscal Years 2006-14

☐ Project Administrator

☐ Project Manager, if selected must detail related experience below

☐ Field Supervisor, if selected must detail related experience below

☐ Other Key Individual (Specify) _____

Name: _____ Position: _____

Name of Firm (if subcontractor): _____

Academic Qualifications:

☐ CPA State _____ Certificate # _____

☐ MBA School _____
Specialized Field of Study _____

☐ BS or BA School _____
Field of Study _____

☐ Other Advanced Degree or Certification (Specify):
_____

Work Experience:

Number of Years With Current Firm: _____

Additional Related Professional Experience:

Firm: _____ Years: _____

Firm: _____ Years: _____

Related Experience:

List by title and year specific related projects, include the objective(s) of the project which show similar experience, and indicate a person at the entity for whom the project was performed who may be contacted with regard to performance.

O11-453 cont.

1) Entity _____
Project Title _____ Year(s) _____
Objective(s) _____
Contact Person _____ Telephone # _____

2) Entity _____
Project Title _____ Year(s) _____
Objective(s) _____
Contact Person _____ Telephone # _____

3) Entity _____
Project Title _____ Year(s) _____
Objective(s) _____
Contact Person _____ Telephone # _____

4) Entity _____
Project Title _____ Year(s) _____
Objective(s) _____
Contact Person _____ Telephone # _____

5) Entity _____
Project Title _____ Year(s) _____
Objective(s) _____
Contact Person _____ Telephone # _____

6) Entity _____
Project Title _____ Year(s) _____
Objective(s) _____
Contact Person _____ Telephone # _____

O11-453 cont.

SAMPLE WORK ORDER NO. 8-21A

Project Title

Santa Monica Bay Restoration Authority
Financial Compliance Audit for Fiscal Years 2006-14

Project Dates

See the project dates on first page of this work order request.

Master Agreement No. NUMBER

Agreement entered into by and between the County of Los Angeles (hereafter referred to as "County") and *FIRM* (hereafter referred to as "Contractor") for Contract Services.

I. KEY PERSONNEL

County Contract Administrator: Mr. John Naimo
Acting Auditor-Controller
500 West Temple Street, Room 525
Los Angeles, CA 90012

O11-453 cont.

County Contract Manager: Mr. John Naimo
Acting Auditor-Controller
500 West Temple Street, Room 525
Los Angeles, CA 90012

County Project Manager: Ms. Rachelle Anema
Principal Accountant
350 South Figueroa Street, 8th Floor
Los Angeles, CA 90071
Phone: (213) 974-8327
Fax: (213) 617-8106
Email: ranema@auditor.lacounty.gov

Contractor Project Administrator: *NAMEFIRMNAMEADDRESSPHONEFAXEMAIL*

II. APPLICABLE DOCUMENTS

ALL TERMS OF THE MASTER AGREEMENT SHALL REMAIN IN FULL FORCE AND EFFECT. The Master Agreement, the body of this Work Order, its Attachments, and the Contractor's proposal dated *DATE*, 2014, which is incorporated herein by reference, shall constitute the complete and exclusive statement of understanding between the parties, which supersedes all previous agreements, written or oral, and all communications between the parties relating to the subject matter of this Work Order.

III. INTERPRETATION

In the event of any conflict or inconsistency in the definition or interpretation of any word, responsibility, schedule, or the contents or description of any task, deliverable, service, or other work, between the documents, such conflict or inconsistency shall be resolved by giving precedence to the documents in the order they are listed in Section II, "Applicable Documents."

IV. SERVICES

The Contractor shall perform the Contract Services detailed in Attachment A, "Statement of Work" and further detailed in the Contractor's proposal.

V. PERSONNEL

The Contractor shall provide the personnel in the specified job classifications at the specified hourly rates in the "Schedule of Project Costs" (to be Attachment B of the Work Order). The Contractor shall not add or replace specified personnel without the prior written permission of the County Project Manager or her designee.

VI. MAXIMUM TOTAL COST AND PAYMENT

O11-453 cont.

A. The Maximum Total Cost that the County shall pay the Contractor for all Contract Services to be provided under this Work Order shall not exceed ***AMOUNT IN WORDS*** and No/100 Dollars ($ ***AMOUNT IN NUMERALS*** **.00)**.

B. The Contractor shall invoice the County monthly in arrears for Contract Services rendered. The Contractor shall invoice the County for work performed at the hourly rates set forth in the "Schedule of Project Costs" (to be Attachment B of the Work Order). The invoice must reflect the following information:

1. The Master Agreement No. and the Work Order No. under which the work was performed
2. Beginning and ending dates of the invoice period
3. A unique invoice number
4. For each person working on the Work Order, including subcontracted personnel:
   - Name
   - Job Classification
   - Hourly rate
   - Hours billed in the invoice period
   - Dollar amount billed in the invoice period
5. Total number of hours billed in the invoice period

6. An itemized listing of additional amounts billed
7. Gross dollar amount billed in the invoice period
8. A ***NUMBER*** percent reduction of the gross dollar amount billed
9. Dollar amount due

C. If the Contractor finds that less than the quoted ***NUMBEROFHOURS*** hours are required to complete this project, the Contractor will invoice the County the actual (lesser) number of hours.

D. If more than the quoted ***NUMBEROFHOURS*** hours are required, the Contractor agrees to provide the staff and hours necessary to complete this project in accordance with Section IV, with no increase in the County's Maximum Total Cost for this Work Order.

E. All invoices submitted by the Contractor for payment must be submitted for approval to the County Project Manager or her designee, and the Contractor shall be paid only for those tasks, deliverables, services and other work so approved in this Work Order (Section IV).

F. Approximately 30 days following receipt of a complete and correct invoice, and with acceptable progress on the Work Order, the County Project Manager or her designee will approve the invoice, and provided the Maximum Total Cost for this Work Order are not exceeded, the County shall pay the invoice amount less a withholding of 10% of each invoice or less an amount to ensure that the minimum withholding is the last $5,000.00. O11-453 cont.

G. After all deliverable items identified in Attachment A, "Statement of Work," are received and are acceptable, the County will pay the remaining balances of the invoices up to the Maximum Total Cost of this Work Order.

H. All invoices for this Work Order shall be mailed within two weeks following the invoice period to:

Ms. Lisa Canada
Administrative Deputy, Auditor-Controller
500 West Temple Street, Room 410
Los Angeles, CA 90012

Attention: Mr. Christopher Nguyen

VII. CONTRACTOR'S ACKNOWLEDGMENT AND ADHERENCE TO THE BOARD OF SUPERVISORS' INFORMATION TECHNOLOGY SECURITY POLICIES

Both the County of Los Angeles and its contractors rely upon information technology (IT) resources to work efficiently. The benefits of IT resources demand proper security practices. The Board of Supervisors has adopted, in the Board of Supervisors Policy Manual, certain IT security policies, including, without limitation, **Policies 6.100 through 6.111**. County contractors are subject to, and must

comply with, these policies to the extent their provisions reasonably relate to Contractor's performance of a Work Order.

All reports required by **Policy 6.109** "Security Incident Reporting" must be made by contractor to the Departmental Information Security Officer (DISO) for the department(s) for which the Work Order is issued.

The Board of Supervisors' Policy Manual is available online at:

http://countypolicy.co.la.ca.us

VIII. NO PAYMENT FOR SERVICES PROVIDED FOLLOWING WORK ORDER EXPIRATION/TERMINATION

The Contractor shall have no claim against the County for payment of any money or reimbursement, of any kind whatsoever, for any service provided by the Contractor after the expiration or other termination of this Work Order. Should the Contractor receive any such payment, it shall immediately notify the County and shall immediately repay all such funds to the County. Payment by the County for services rendered after expiration/termination of this Work Order shall not constitute a waiver of the County's right to recover such payment from the Contractor. This provision shall survive expiration or other termination of this Work Order.

O11-453 cont.

Any Master Agreement firm that performs work for County departments, special districts, agencies, etc., without a contract with the Department of the Auditor-Controller, will be adversely affected during the scoring of future proposals and such actions could result in debarment. Also, as discussed above, the County is under no obligation to pay for services performed without a contract. Therefore, please ensure that your firm does not enter into any retroactive contracts.

IX. CONTRACTOR'S ACKNOWLEDGEMENT OF COUNTY'S COMMITMENT TO THE SAFELY SURRENDERED BABY LAW

The Contractor acknowledges that the County places a high priority on the implementation of the Safely Surrendered Baby Law. The Contractor understands that it is the County's policy to encourage all County Contractors to voluntarily post the County's "Safely Surrendered Baby Law" poster in a prominent position at the Contractor's place of business. The Contractor will also encourage its subcontractors, if any, to post this poster in a prominent position in the subcontractor's place of business. The County's Department of Children and Family Services will supply the Contractor with the poster to be used. Information on how to receive the poster can be found on the Internet at www.babysafela.org.

X. DAMAGE TO COUNTY FACILITIES, BUILDINGS OR GROUNDS

A. The Contractor shall repair, or cause to be repaired, at its own cost, any and all damage to County facilities, buildings, or grounds caused by the Contractor or employees or agents of Contractor. Such repairs shall be made

immediately after the Contractor has become aware of such damage, but in no event later than thirty (30) days after the occurrence.

B. If the Contractor fails to make timely repairs, the County may make any necessary repairs. All costs incurred by the County, as determined by the County, for such repairs shall be repaid by the Contractor by cash payment upon demand.

XI. FACSIMILE REPRESENTATIONS

The County and the Contractor agree to regard facsimile representations of original signatures of authorized officers of each party, when appearing in appropriate places on the Work Order or amendments, and received via electronic communications facilities, as legally sufficient evidence that original signatures have been affixed to the Work Order Documents, such that the parties need not follow up facsimile transmissions of such documents with subsequent (non-facsimile) transmission of "original" versions of the documents.

XII. TERMINATION FOR INSOLVENCY

A. The County may terminate this Work Order and the Master Agreement forthwith in the event of the occurrence of any of the following: O11-453 cont.

1. Insolvency of the Contractor. The Contractor shall be deemed to be insolvent if it has ceased to pay its debts for at least sixty (60) days in the ordinary course of business or cannot pay its debts as they become due, whether or not a petition has been filed under the Federal Bankruptcy Code and whether or not the Contractor is insolvent within the meaning of the Federal Bankruptcy Code;
2. The filing of a voluntary or involuntary petition regarding the Contractor under the Federal Bankruptcy Code;
3. The appointment of a Receiver or Trustee for the Contractor; or
4. The execution by the Contractor of a general assignment for the benefit of creditors.

B. The rights and remedies of the County provided in this Section X shall not be exclusive and are in addition to any other rights and remedies provided by law or under the Master Agreement.

XIII. FAIR LABOR STANDARDS

The Contractor shall comply with all applicable provisions of the Federal Fair Labor Standards Act and shall indemnify, defend, and hold harmless the County and its agents, officers, and employees from any and all liability, including, but not limited to, wages, overtime pay, liquidated damages, penalties, court costs, and attorneys' fees arising under any wage and hour law, including, but not limited to, the Federal Fair Labor Standards Act, for work performed by the Contractor's employees for which the County may be found jointly or solely liable.

XIV. BACKGROUND AND SECURITY INVESTIGATIONS

A. At any time prior to or during the term of this Work Order, the County will require that all Contractor's staff performing work under this Work Order undergo and pass, to the satisfaction of the County, a background investigation as a condition of beginning and continuing to work under this Work Order. The County shall use its discretion in determining the method of background clearance to be used, up to and including a County performed fingerprint security clearance. The fees associated with obtaining the background information shall be at the expense of the Contractor, regardless if the Contractor's staff passes or fails the background clearance investigation.

B. If the Contractor's staff does not pass the background clearance investigation, the County may request that the Contractor's staff be immediately removed from working on the County Master Agreement at any time during the term of the Work Order. The County will not provide to the Contractor or to the Contractor's staff any information obtained through the County's background clearance investigation.

C. The County may immediately, at the sole discretion of the County, deny or terminate facility access to the Contractor's staff that do not pass such investigation(s) to the satisfaction of the County whose background or conduct is incompatible with the County facility access. O11-453 cont.

D. Disqualification, if any, of the Contractor's staff, pursuant to this Section XIV, shall not relieve the Contractor of its obligation to complete all work in accordance with the terms and conditions of this Work Order.

XV. CONFLICT OF INTEREST

A. No County employee whose position with the County enables such employee to influence the award of this Work Order or any competing Work Order, and no spouse or economic dependent of such employee, shall be employed in any capacity by the Contractor or have any other direct or indirect financial interest in this Work Order. No officer or employee of the Contractor who may financially benefit from the performance of work hereunder shall in any way participate in the County's approval, or ongoing evaluation, of such work, or in any way attempt to unlawfully influence the County's approval or ongoing evaluation of such work.

B. The Contractor shall comply with all conflict of interest laws, ordinances, and regulations now in effect or hereafter to be enacted during the term of this Work Order. The Contractor warrants that it is not now aware of any facts that create a conflict of interest. If the Contractor hereafter becomes aware of any facts that might reasonably be expected to create a conflict of interest, it shall immediately make full written disclosure of such facts to the County. Full written disclosure shall include, but is not limited to, identification of all persons implicated and a complete description of all relevant circumstances.

Failure to comply with the provisions of this Section XV, shall be a material breach of the Master Agreement.

XVI. MANDATORY COMPLETION DATE

The Contractor shall provide all deliverables no later than the Mandatory Completion Date. The Contractor shall ensure all Contract Services have been performed by such date.

XVII. SIGNATURES

O11-453 cont.

CONTRACTOR
FIRMNAME

By: _____

Name: _____

Title: _____

Date: _____

COUNTY OF LOS ANGELES
Department of Auditor-Controller

By: _____

John Naimo
Acting Auditor-Controller

Date: _____

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Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
APRIL 1, 2006 THROUGH SEPTEMBER 30, 2006

		Fund V18 / Unit 55674
Cash Balance, April 1, 2006		$ -
Receipts:		
Environmental Protection Agency (EPA) - Las Vegas DP PW ACH05915607	05/16/06	20,285.93
Environmental Protection Agency (EPA) - Las Vegas DP PW ACH05916696	06/08/06	19,518.18
Interest	07/01/06	16.85
Interest	08/01/06	23.11
Interest	09/01/06	41.52
Environmental Protection Agency (EPA) - Las Vegas DP PW ACH07000752	07/18/06	37,176.55
Environmental Protection Agency (EPA) - Las Vegas DP PW ACH07003319	09/08/06	146,961.10
Interest		
Total Balance and Receipts		$ 224,023.24
Disbursements:		
Moore, Iacofano, Goltsman Inc.	05/25/06	9,381.33
S. Groner Associates, Inc.	06/04/06	10,904.60
Moore, Iacofano, Goltsman Inc.	06/20/06	5,217.50
S. Groner Associates, Inc.	06/20/06	14,300.68
Moore, Iacofano, Goltsman Inc.	07/26/06	8,560.41
S. Groner Associates, Inc.	07/26/06	18,814.90
Brock B. Bernstein	07/26/06	9,801.24
Moore, Iacofano, Goltsman Inc.	09/13/06	6,276.46
S. Groner Associates, Inc.	09/13/06	40,305.99
Santa Monica Bay Restoration Foundation	09/13/06	60,002.80
Brock B. Bernstein	09/13/06	11,305.30
Natural Channel Design Inc.	09/17/06	29,070.55
Total Disbursements		$ 223,941.76
Adjusted Cash Balance, September 30, 2006		**$ 81.48**

O11-453 cont.

Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

		Fund V18 / Unit 55674
Cash Balance, October 1, 2006		$ 81.48
Receipts:		
Interest	10/01/06	13.18
Interest	11/01/06	64.30
Interest	12/01/06	26.86
Interest	01/01/07	16.69
Interest	02/01/07	12.01
Interest	03/01/07	95.66
Environmental Protection Agency (EPA) - Las Vegas DP PW ACH07009463	01/12/07	129,182.94
Environmental Protection Agency (EPA) - Las Vegas DP PW ACH07010703	02/07/07	159,817.54
Interest	04/01/07	72.32
Interest	05/01/07	59.11
Interest	06/01/07	27.10
Interest	07/01/07	19.91
Interest	08/01/07	7.90
Interest	09/01/07	5.17
Total Balance and Receipts		$ 289,502.17
Disbursements:		
Moore, Iacofano, Goltsman Inc.	01/21/07	25,814.02
S. Groner Associates, Inc.	01/21/07	7,848.30
Santa Monica Bay Restoration Foundation	01/21/07	56,631.89
Brock B. Bernstein	01/21/07	38,888.73
S. Groner Associates, Inc.	02/11/07	7,790.80
Santa Monica Bay Restoration Foundation	02/11/07	152,026.74
Total Disbursements		$ 289,000.48
Adjusted Cash Balance, September 30, 2007		**$ 501.69**

O11-453 cont.

Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008

		Fund V18 / Unit 55674
Cash Balance, October 1, 2007		$ 501.69
Receipts:		
Interest	10/01/07	3.10
Interest	11/01/07	3.58
Interest	12/01/07	2.18
Interest	01/01/08	2.46
Interest	02/01/08	2.86
Interest	03/01/08	1.49
Interest	04/01/08	1.74
Interest	05/01/08	2.22
Interest	06/01/08	1.18
Interest	07/01/08	2.03
Interest	08/01/08	1.43
Interest	09/01/08	1.06
Total Balance and Receipts		$ 527.02
Disbursements:		
Total Disbursements		$ -
Adjusted Cash Balance, September 30, 2008		**$ 527.02**

O11-453 cont.

Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009

		Fund V18 / Unit 55674
Cash Balance, October 1, 2008		$ 527.02
Receipts:		
Interest	10/01/08	1.36
Interest	11/01/08	2.48
Interest	12/01/08	1.33
Interest	01/01/09	1.36
Interest	02/01/09	1.38
Interest	03/01/09	0.66
Interest	04/01/09	0.73
Interest	05/01/09	0.98
Interest	06/01/09	0.52
Interest	07/01/09	1.17
Interest	08/01/09	0.71
Interest	09/01/09	0.74
Total Balance and Receipts		$ 540.44
Disbursements:		
Total Disbursements		$ -
Adjusted Cash Balance, September 30, 2009		**$ 540.44**

O11-453 cont.

Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010

		Fund V18 / Unit 55674
Cash Balance, October 1, 2009		$ 540.44
Receipts:		
Interest	10/01/09	0.67
Interest	11/01/09	1.02
Interest	12/01/09	0.52
Interest	01/01/10	0.69
Interest	02/01/10	0.56
Interest	03/01/10	0.86
Interest	04/01/10	0.59
Interest	05/01/10	0.85
Interest	06/01/10	0.36
Interest	07/01/10	1.00
Interest	08/01/10	0.55
Interest	09/01/10	0.70
Total Balance and Receipts		$ 548.81
Disbursements:		
Total Disbursements		$ -
Adjusted Cash Balance, September 30, 2010		**$ 548.81**

O11-453 cont.

Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011

		Fund V18 / Unit 55674
Cash Balance, October 1, 2010		$ 548.81
Receipts:		
Interest	10/01/10	0.68
Interest	11/01/10	0.77
Interest	12/01/10	0.38
Interest	01/01/11	0.64
Interest	02/01/11	0.58
Interest	03/01/11	0.58
Interest	04/01/11	0.69
Interest	05/01/11	0.64
Interest	06/01/11	0.42
Interest	07/01/11	1.05
Interest	08/01/11	0.35
Interest	09/01/11	0.36
Total Balance and Receipts		$ 555.95
Disbursements:		
Total Disbursements		$ -
Adjusted Cash Balance, September 30, 2011		**$ 555.95**

O11-453 cont.

Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012

		Fund V18 / Unit 55674
Cash Balance, October 1, 2011		$ 555.95
Receipts:		
Interest	10/01/11	0.68
Interest	11/01/11	15.61
Interest	12/01/11	32.77
Dept. of Boating & Waterways DP PW 12000000211	10/12/11	48,752.96
Interest	01/01/12	38.29
Interest	02/01/12	7.06
Interest	03/01/12	5.08
Dept. of Boating & Waterways DP PW 12000000453	01/26/12	36,523.31
Interest	04/01/12	2.10
Interest	05/01/12	0.39
Interest	06/01/12	0.31
Dept. of Boating & Waterways JVA-AC-CMSF1200101	06/14/12	66,518.09
Interest	07/01/12	0.32
Interest	08/01/12	0.27
Interest	09/01/12	0.24
Dept. of Boating & Waterways DP PW 13000000086	08/02/12	90,812.99
Total Balance and Receipts		$ 243,266.42
Disbursements:		
Santa Monica Bay Restoration Foundation	12/15/11	48,752.96
Santa Monica Bay Restoration Foundation	02/08/12	36,523.31
Santa Monica Bay Restoration Foundation	06/14/12	66,518.09
Santa Monica Bay Restoration Foundation	08/14/12	90,812.99
Total Disbursements		$ 242,607.35
Adjusted Cash Balance, September 30, 2012		**$ 659.07**

O11-453 cont.

Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013

		Fund V18 / Unit 55674	Fund V13 / Unit 55679	Fund V56 / Unit 55660
Cash Balance, October 1, 2012		$ 659.07	$ -	$ -
Receipts:				
Interest	10/01/12	10.23		
Interest	11/01/12	4.45		
Interest	12/01/12	9.47		
EPA Federal Grant - DP PW ACH13007341	10/12/12	34,480.56		
EPA Federal Grant - DP PW ACH13012635	12/31/12	18,908.03		
Interest	01/01/13	10.19		
Interest	02/01/13	2.92		
Interest	03/01/13	3.94		
EPA Federal Grant - DP PW 13000000549	01/28/13	61,682.94		
EPA Federal Grant - DP PW 13000000610	02/20/13	62,278.03		
Interest	04/01/13	5.32		
Interest	05/01/13	2.01		
Interest	06/01/13	3.44		
Dept. of Boating & Waterways - DP PW ACH13021006	04/25/13	14,484.13		
Dept. of Boating & Waterways - DP PW 13000000751	04/29/13	44,756.35		
Interest	07/01/13	8.75		
Interest	08/01/13	2.09		
Interest	09/01/13	0.50		
Dept. of Boating & Waterways - DP PW 14000000097	08/15/13	68,923.03		
EPA Federal Grant - DP PW ACH14003707	08/20/13		12,844.96	
Total Balance and Receipts		$ 306,235.45	$ 12,844.96	$ -
Disbursements:				
Santa Monica Bay Restoration Foundation	11/06/12	34,480.56		
Santa Monica Bay Restoration Foundation	01/17/13	18,908.03		
Santa Monica Bay Restoration Foundation	01/31/13	61,682.94		
Santa Monica Bay Restoration Foundation	02/25/13	62,278.03		
Santa Monica Bay Restoration Foundation	05/06/13	14,484.13		
Santa Monica Bay Restoration Foundation	05/08/13	44,756.35		
Santa Monica Bay Restoration Foundation	08/21/13	68,923.03		
Santa Monica Bay Restoration Foundation	09/05/13		12,844.96	
Total Disbursements		$ 305,513.07	$ 12,844.96	$ -
Adjusted Cash Balance, September 30, 2013		$ 722.38	$ -	$ -

O11-453 cont.

Work Order Request No. 8-21
Attachment G - SMBRA Statement of Receipts and Disbursements

SANTA MONICA BAY RESTORATION AUTHORITY
STATEMENT OF RECEIPTS AND DISBURSEMENTS
OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014*

		Fund V18 / Unit 55674	Fund V13 / Unit 55679	Fund V56 / Unit 55660
Cash Balance, October 1, 2013		$ 722.38	$ -	$ -
Receipts:				
Interest	10/01/13	1.57	0.51	
Interest	11/01/13	1.13	0.50	
Interest	12/01/13	1.90	0.79	
Interest	01/01/14	1.86	0.71	
Interest	02/01/14	0.64	0.22	
Interest	03/01/14	0.35	0.70	
EPA Federal Grant - DP PW ACH14016790	01/06/14		17,240.67	
Dept. of Boating & Waterways - DP PW 14000000468	02/19/14	67,890.48		
Total Balance and Receipts		$ 68,620.31	$ 17,244.10	$ -
Disbursements:				
Santa Monica Bay Restoration Foundation	01/21/14		17,240.67	
Santa Monica Bay Restoration Foundation	03/17/14	67,890.48		
Total Disbursements		$ 67,890.48	$ 17,240.67	$ -
Adjusted Cash Balance, September 30, 2014		**$ 729.83**	**$ 3.43**	**$ -**

O11-453 cont.

*This is a partial Fiscal Year 2013-2014 report that includes receipts & disbursements through March 31, 2014 (for Quarter 1 and Quarter 2).

Work Order Request No. 8-21
Attachment G – SMBRA Statement of Receipts and Disbursements

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SANTA MONICA BAY RESTORATION AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT

THIS AGREEMENT is entered into pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Section 6500, et seq.) of the Government Code relating to the joint exercise of powers between the following parties:

> **THE SANTA MONICA BAY RESTORATION COMMISSION, (hereinafter "Commission") a public agency of the State of California established pursuant to Division 20.7 of the Public Resources Code (Section 30988, et seq.); and**
>
> **THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, (hereinafter "District ") a public agency of the State of California established pursuant to Los Angeles County Flood Control Act, Chapter 755 Stats of 1915, Chapter 28 of the Appendix to the California Water Code.**

WHEREAS, the Commission has the responsibility, authority and expertise to restore and protect the water quality and natural resources of the Santa Monica Bay and its watershed for the public benefit; and

O11-453 cont.

WHEREAS, the District operates and maintains a municipal storm drain system located within the watersheds of the Santa Monica Bay and is dedicated to the control and reduction of pollutants in storm water that is discharged from the District's storm drain system.

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the Government Code, commonly known as the Joint Exercise of Powers Act, two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, the Santa Monica Bay and its watershed constitute a unique and valuable economic, environmental, agricultural, scientific, educational, and recreational resource which should be protected and restored for present and future generations; and

WHEREAS, the Commission and the District find and determine that it would be to their mutual advantage and the public benefit to coordinate their power and authority and expertise to develop and implement methods to reduce pollutants in the discharges from the District's storm drain system, so as to facilitate the restoration, protection and conservation of the water quality and natural resources of the Santa Monica Bay and its watersheds; and

WHEREAS, the parties desire, by means of this Agreement, to establish an organization and procedure for such exercise of power and authority, and to provide for the organization's power and procedures; Now THEREFORE, the parties mutually agree as follows:

SECTION 1. TERM OF AGREEMENT

1.0 This Agreement shall become effective upon execution by both parties.

1.1 This Agreement shall continue in full force and effect from year to year until terminated.

1.2 This Agreement may be terminated by either signatory, upon written notice to the other signatory, in accordance with the provisions of Section 13, below.

SECTION 2. PURPOSE OF AGREEMENT

2.0 The purpose of this agreement is to develop and facilitate programs for the protection and enhancement of the natural resources of the Santa Monica Bay Watersheds and the Santa Monica Bay consistent with the goals and responsibilities of the Commission and District.

SECTION 3. CREATION OF AUTHORITY

3.0 The Authority hereby created shall be a separate entity: "The Santa Monica Bay Restoration Authority", hereinafter referred to as "Authority." The Authority shall operate as a separate public agency within the Santa Monica Bay Watershed and the jurisdictional boundaries of the Commission and the District.

O11-453 cont.

SECTION 4. POWERS OF AUTHORITY

4.0 The Authority is authorized to exercise the powers hereafter specified, to accomplish the purposes of this agreement, as provided for in Section 2, above.

4.1 The Authority shall have all powers common to the parties to this Agreement, and such other powers as may be provided by statute applicable to both parties which relate to the protection, restoration and conservation of coastal bays and watersheds, except as specifically prohibited in this agreement. Said common powers include, but are not limited to, all those powers specified in the Joint Exercise of Powers Act, codified in Chapter 5 of Division 7 of Title 1 of the Government Code, (commencing with section 6500), as may be amended during the term of this Agreement.

4.2 The Authority may request, receive and expend funds from any and all legally available sources for the purposes of this Agreement.

4.3 The Authority shall have no power to acquire property through the exercise of eminent domain.

4.4 Except as otherwise provided in paragraph 4.5 below such powers are subject to the restrictions upon the manner of exercising the powers as imposed upon the District, as provided in, and for the purposes of, Government Code Section 6509.

4.5 The Authority shall be subject to all laws (including building ordinances and zoning ordinances), regulations and general and specific plans of any city or county in which the Authority proposes to take action.

SECTION 5. GOVERNING BOARD

5.0..The Authority shall be governed by a board constituted pursuant to the agreement, within the meaning of Government Code Section 6500, et seq.

5.1 The Governing Board shall consist of five (5) voting members as follows:

(a) Three voting members of the Governing Board of the Commission appointed by the Governing Board of the Commission, none of whom may be a member appointed by the Los Angeles County Board of Supervisors.

(b) The Director of the Los Angeles County Department of Public Works or his/her designee.

(c) The member of the Los Angeles County Board of Supervisors of the Los Angeles County Flood Control District, or his/her designee, who has been appointed to the Governing Board of the Commission.

O11-453 cont.

SECTION 6. MEETINGS

6.0 All meetings of the Governing Board shall be called, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (Government Code Section 54950, et seq.) and with such further rules of the Governing Board as are not inconsistent therewith.

6.1 The Executive Officer of the Authority shall keep, or cause to be kept, the minutes of the Governing Board's meetings, both regular and special, and shall as soon as possible after each meeting, forward a copy of the minutes to each member of the Governing Board and to the Commission and the District.

SECTION 7. QUORUM AND PROCEDURE

7.0 A majority of the members of the Governing Board shall constitute a quorum necessary for the transaction of business. The affirmative vote of a majority of the quorum shall constitute an action of the Governing Board. Where applicable, Robert's Rules of Order, Newly Revised, shall govern the procedures of the Governing Board, except when inconsistent with the Ralph M. Brown Act.

7.1 The Governing Board shall elect its own chairperson and one vice chairperson. The chairperson shall preside over all meetings of the Authority. The vice chairperson shall preside in the absence of the chairperson.

SECTION 8. COMPENSATION AND OFFICE

8.0 The members of the Governing Board shall serve without compensation except that a reasonable allowance or reimbursement for attendance at meetings of the Governing Board, as determined by the Governing Board, may be paid, in an amount not to exceed $50, to the extent compatible with Government Code Section 1126, Public Contract Code Sections 10410 and 10411, and any other applicable statutory provision.

8.1 The Governing Board, by resolution, shall designate a specific location at which it will receive notices, correspondence, and other communications and shall designate one of its members or employees as an "officer" for the purpose of receiving service of process on behalf of the Authority.

SECTION 9. ADMINISTRATION

9.0 The Authority shall have an executive officer who shall implement the policies and directives of the Governing Board and who shall perform the functions stated in Government Code Section 6505.1.

9.1 The Executive Director of the Commission shall serve *ex officio*, without additional compensation, as the Executive Officer of the Authority.

O11-453 cont.

9.2 The Authority may use counsel from its member agencies or may retain independent counsel.

9.3 To implement this Agreement, the signatory members of this Agreement may loan employees to the Authority. To achieve the purposes of this Agreement, the Authority may, from time to time, establish positions and fix the salaries of employees of the Authority. Further, the Authority may authorize contracts and the hiring of contractors to deliver such products or services as the Authority may deem necessary.

9.4 The Executive Officer of the Authority shall appoint such other employees for positions established by the Governing Board and shall be responsible for the supervision thereof. The Executive Officer shall issue, manage and supervise such contracts as may be authorized by the Governing Board.

SECTION 10. FISCAL CONTROLS

10.0 The fiscal year of the Authority shall be the fiscal year of the District.

10.1 To the extent funds are legally available therefore, the Commission and the District are hereby authorized to make payments and contributions of public funds, as provided in Section 6504 of the Government Code.

10.2 The Authority shall be strictly accountable for all funds, receipts, and disbursements. The Authority shall adopt an annual budget, in a form approved by the Commission and

the District, which budget shall be submitted to the Commission and to the Board of Supervisors of the District for approval, in the time and manner as specified by all of these public agencies. Public funds may not be disbursed by the Authority without a budget adopted by the Authority, and approved by the Board of Supervisors of the District and the Governing Board of the Commission, and all receipts and disbursements shall be in strict conformance with the adopted and approved budget.

10.3 As provided in Section 6505.5 of the Government Code, the treasurer of the District shall act as the treasurer of the Authority and shall be the depository and have custody of all money of the Authority from whatever source. The Authority shall reimburse the District for costs incurred pursuant to this section, subject to the approval of the Governing Board of the Authority. The treasurer so designated shall:

(a) Receive all money of the Authority and place it in the treasury of the District or other appropriate account, to the sole credit of the Authority.

(b) Be responsible on his official bond for the safekeeping and disbursement of all Authority money so held by him.

(c) Pay, when due, out of money of the Authority so held, all sums due on outstanding obligations of the Authority. Said sums shall be paid only by warrants of the public officer performing the functions of auditor or controller of this Authority.

O11-453 cont.

(d) Verify and report in writing on a quarterly basis to the Authority, the Commission and the District the amount of money held on account for the Authority, the amount of receipts since the last report, and the amount paid out since the last report.

10.4 The Auditor Controller of the District shall perform the functions of the auditor or controller of the Authority. The Auditor-Controller shall either make or contract with a certified public accountant to make an annual audit of the accounts and records of the Authority. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code, and shall conform to generally accepted auditing standards. Where an audit of an account and records is made by a certified public accountant, a report thereof shall be filed as a public record with each of the parties to this agreement and with such other offices as the parties may so require. Such report shall be filed within six months of the end of the fiscal year under examination. All costs of the audit, including contracts with or employment of a certified public accountant, shall be borne by the Authority and charged against any unencumbered funds of the Authority. The Authority shall reimburse the District for the costs incurred in the connection with the performance of any other functions by the Auditor Controller, pursuant to this section, subject to the approval of the Governing Board of the Authority.

10.5 The Authority shall have the power to invest any money in the treasury of the Authority that is not required for the immediate necessities of the Authority, as the

Authority determines advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code.

SECTION 11. BONDS

11.0 Each member of the Governing Board, the executive officer, and the treasurer shall file an official bond with the Authority. When deemed appropriate by the Authority, a master bond may be utilized as referred to in Government Code Section 1481, and the bond shall also comply with the requirements of Title 1, Division 4, Chapter 3 of the Government Code, with those sections being deemed applicable to the Authority to the extent the Authority deems appropriate. The bond shall be in the amount of $50,000. The premium shall be paid by the Authority.

SECTION 12. LIABILITY

12.0 The tort liability of the Authority and of all members of the Governing Board, and the executive officer and employees of the Authority, shall be controlled by the provisions of Division 3.6 of the Government Code. The provisions of Division 3.6 of the Government Code relating to indemnification of public employees and the defense of actions arising out any act or omission occurring in the scope of their employment shall apply to all members of the Governing Board, officers, and employees with respect to the Authority.

O11-453 cont.

12.2 The Commission and the District specify that the debts, liabilities, and obligations of the Authority shall not be the debts, liabilities and obligations of either of the parties to this agreement, and neither the Authority nor its Governing Board shall have the power or authority to bind the Commission or the District to any debt, liability, contract, or obligation, or to employ any person on behalf of the parties, or any of them.

12.3 The Authority may maintain such public liability and other insurance as in its discretion is deemed appropriate and to the extent the cost of premiums thereof are provided for in the approved budget of the Authority.

12.4 No action or omission of the parties or any of them shall be attributable to the Commission or the District except as expressly provided in this Agreement.

SECTION 13. WITHDRAWL OF PARTIES AND TERMINATION OF AGREEMENT

13.0 Any party may withdraw as a party to this Agreement provided that: (1) at the time of withdrawal, that party has either discharged, or arranged to the satisfaction of the other party to this Agreement for the discharge of, any pending legal or financial obligations it has assumed under or pursuant to this Agreement and (2) it provides written notice of its intent to withdraw to the Executive Officer not less than three months prior to the effective date of its withdrawal.

13.1 Upon the effective date of the withdrawal of either party from this Agreement, this Agreement shall be deemed terminated.

SECTION 14. DISPOSITION OF PROPERTY AND FUNDS

14.0 Upon termination of this Agreement, the Authority forthwith shall wind up its affairs, including discharging all of its outstanding legal obligations. Personal property and funds remaining in the Authority shall be returned to the party from which the funds or personal property were obtained, except as mutually agreed by the parties. All real property, if any, owned by the Authority shall be conveyed as the Authority shall determine, and if no determination is made, then such property shall be deemed to the conveyed to the Commission and to the District, in equal interests, as tenants in common.

SECTION 15. CONTRIBUTION OF THE SIGNATORY PARTIES

15.0 The Commission contribution to the Authority for administrative and operational purposes shall not exceed $25,000 in any fiscal year. Contribution is here defined to include monetary contributions, if any, and the reasonable value of the services of any employees of the Commission that are loaned by it to the Authority, if any, and that are not otherwise covered by a separate reimbursement agreement. Such reimbursement agreements are hereby expressly authorized.

15.1 The District contribution to the Authority for operational and administrative purposes shall not exceed $25,000 in any fiscal year. Contribution is here defined to include monetary contributions, if any, and the reasonable value of the services of any employees of the District loaned by it to the Authority, if any. O11-453 cont.

Sections 15.0 and 15.1 shall not affect the mutual exchange of services between parties to this agreement and the Authority without payment of any consideration other than such services. Such mutual exchange of services is hereby authorized to the extent permitted by the Section 6506 of the Government Code.

15.3 Each signatory party to this agreement shall contribute $500 (five hundred dollars) per annum to cover the costs of mailing notices and other required expenditures.

SECTION 16. NON-DISCRIMINATION

16.0 The provisions of the State of California Non-Discrimination Clause (Form 17B) are by this reference incorporated herein.

SECTION 17. AMENDMENT TO THE AGREEMENT

17.0 The provisions of this Agreement shall be amended solely upon the adoption of a resolution to amend by each party to the Agreement.

SECTION 18. TERM

18.0 This Agreement shall continue in full force and effect from year to year until terminated.

Work Order Request No. 8-21
Attachment H - SMBRA Joint Exercise of Powers Agreement

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the 6TH day of APRIL, 2004, by their duly authorized representatives.

Santa Monica Bay Restoration Commission

By: _____
Chairperson

Los Angeles County Flood Control District

By: Donald L Wolfe
DONALD L. WOLFE
DEPARTMENT OF PUBLIC WORKS

COUNTY OF LOS ANGELES, acting on behalf of the Los Angeles County Flood Control District

By: Don Knabe **Date:** APRIL 6, 2004
Chairman

O11-453 cont.

ATTEST:
VIOLET VARONA-LUKENS
Executive Officer-Clerk of the Board of Supervisors

APPROVED AS TO FORM:
LLOYD W. PELLMAN
County Counsel

By: Sylvia J. Villalobos _____
DEPUTY

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#27 APR - 6 2004

Violet Varona-Lukens
VIOLET VARONA-LUKENS
EXECUTIVE OFFICER

C:\Documents and Settings\mgallagh\Local Settings\Temp\GWViewer\JPA 3-11-04.doc

bay restoration commission

STEWARDS OF SANTA MONICA BAY

santa monica bay restoration commission ✐ 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone ✐ 213/576-6646 fax ✐ www.smbrc.ca.gov

NOTICE OF A MEETING OF THE
SANTA MONICA BAY RESTORATION COMMISSION
WATERSHED ADVISORY COUNCIL

Date: Wednesday, March 19, 2014
Time: 1:30 pm to 4:30 pm

Meeting Location:
Dockweiler Youth Center
12505 Vista del Mar, Los Angeles, CA 90245

AGENDA

1) **Public Comment**--Members of the public and representatives of organizations/agencies wishing to comment will be allowed up to three minutes to address the Governing Board and to provide public testimony on items not otherwise on the agenda. Speaker time may be reduced depending on the number of speakers and meeting time constraints. O11-453 cont.

2) **Introductions**

   a) Welcome and introduction to meeting objectives (5 min.)
   b) Overview of the 2013 update to the Bay Restoration Plan (BRP) (10 min.)
   c) Overview of the past State of the Bay report and plan for the next report (10 min.)
   d) Overview of the SMBRC 2014-15 work plan priorities (10 min.)
   e) Instruction for breakout sessions (5 min.)

3) **Breakout Session** – Facilitated breakout group discussion to receive member input on the State of the Bay report and work plan priorities (100 min.)

4) **Discussion Wrap Up** (if time allows)

****

For additional information concerning the meeting, please contact Scott Valor at 310-922-2376 or by e-mail at svalor@santamonicabay.org . You may also visit our website at www.smbrc.ca.gov .

If any individual requires a disability-related modification or accommodation to attend or participate in the meeting, please contact Scott Valor at 310-922-2376 at least 3 days prior to the meeting.

****

our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values

bay restoration authority

santa monica bay restoration authority ➢ 320 W. 4th Street, Suite 200; Los Angeles; California 90013
213/576-6615 phone ➢ 213/576-6646 fax

July 21, 2014

Auditor Controller
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 603
Los Angeles, CA 90012
Attn: Rachelle Anema

Subject: Santa Monica Bay Restoration Authority (SMBRA) Executive Officer's Signature

O11-453 cont.

Effective June 19, 2014 I have been appointed the Executive Officer of the SMBRA. Please use the signature specimen below to process approval of any SMBRA invoices.

Signature Tom Ford, Executive Director

Signature:

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Monday, January 26, 2015 1:35 PM
To: Scott Valor; Christian J. Lim
Subject: Re: Standard practice - JPA letter needed

Follow Up Flag: Follow up
Flag Status: Completed

Christian,

To relay the contents to your legal counsel, our cpa said that this is a "standard litigation letter that is used to protect the auditors during their engagement. It is basically requesting that the "Client" certify that there are no outstanding lawsuits that could negatively effect the "Client". This way the "Auditor" is not expected to research or apply additional due diligence to uncover undisclosed pending litigation." In my experience they do this letter and usually randomly interview staff as well.

Marcelo

From: Scott Valor
Sent: Monday, January 26, 2015 10:48 AM
To: Christian J. Lim; Marcelo Villagomez
Subject: RE: Standard practice - JPA letter needed

O11-453 cont.

We need your counsel to determine whether they are counsel to the JPA. It will be one or the other, not both.

"Christian J. Lim" <CHLIM@dpw.lacounty.gov> wrote:

Marcelo,
Can you give me a brief description about the contents of this letter? I want to relay this information over to our County Counsel to see if they think they should be involved as well.
Thanks,

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Scott Valor, Director of Gov't Affairs [mailto:svalor@santamonicabay.org]
Sent: Thursday, January 22, 2015 2:48 PM
To: Christian J. Lim; Marcelo Villagomez
Subject: Re: Standard practice - JPA letter needed

I'll let Marcelo explain the letter, but yes Frances is our legal counsel. Per the legislation that created the SMBRC, the State Water Board is required to provide administrative services to the Commission. Those (thankfully) include legal services. She is a State Water Board attorney out of Sacramento who monitors our work as well as that of a couple of state board regions.

However, we believe that the JPA's legal counsel is provided by the county, as the county provides similar admin services, whereas the Commission provides "staffing" to the JPA. In any event, we want your counsel to verify or otherwise explain why that would/would not be the case before we take it to State Water Board counsel.

Scott

From: Christian J. Lim
Sent: Thursday, 22 January, 2015 11:50
To: Marcelo Villagomez
Cc: Scott Valor
Subject: RE: Standard practice - JPA letter needed

Ok. Thanks.

As for the JPA Letter, could you give me further explanation on what the letter actually is? Is Frances McChesney the legal counsel for the SMBRC?
Please clarify.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

O11-453 cont.

From: Marcelo Villagomez [mailto:mvillagomez@santamonicabay.org]
Sent: Thursday, January 22, 2015 9:27 AM
To: Christian J. Lim
Cc: Scott Valor
Subject: Re: Standard practice - JPA letter needed

Thanks Christian.

Regarding the 2 of the 5 payment requests, the funds were requested to State Parks under which the Dept of Boating and Waterways was transferred. They have been very slow but we heard from the new State Parks manager that those funds should be getting to the County any time now. Thanks

Marcelo

From: Christian J. Lim <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, January 21, 2015 5:04 PM
To: Marcelo Villagomez
Cc: Scott Valor
Subject: RE: Standard practice - JPA letter needed

Marcelo,

Let me get back to you on this. I'll check with my Admin here.

Did you get my email about the payment requests? Our Fiscal Division has informed us that we haven't received the funds from the grantors for 2 of the 5 payment requests. Have those requests for reimbursement been sent to the State/Federal agencies?

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Marcelo Villagomez [mailto:mvillagomez@santamonicabay.org]
Sent: Wednesday, January 21, 2015 4:59 PM
To: Christian J. Lim
Cc: Scott Valor
Subject: Fw: Standard practice - JPA letter needed

Hi Christian,

The JPA auditor needs a letter addressed to the JPA's legal counsel -- attached -- as part of their audit procedures and I assumed, perhaps incorrectly, that this letter be sent to Frances McChesney.

Can you please let me know if this letter should go to the County's legal counsel or both? I have a signed letter but will wait to hear to which legal counsel it should be addressed. O11-453 cont.

Please let us know if we need to get on a short conference call. I'll be in the office all day Thursday.

regards,
Marcelo
213-576-6645

From: Marcelo Villagomez
Sent: Wednesday, January 14, 2015 3:37 PM
To: Scott Valor; Tom Ford
Cc: gwang@waterboards.ca.gov
Subject: Standard practice - JPA letter needed

Hi team,

We need to send a letter to Frances McChesney with Tom's signature that Frances needs to respond to/follow up with auditors.

I'm putting it in letterhead and bringing for Tom's signature tomorrow.

Scott, do you want to let Frances know we'll be sending a letter, as requested by auditors?

I'm not sure I could forward the email exchange, she has a footnote statement, but this is what she said:

"Hello Marcelo,

In connection with the FY 2014 Financial Audit of SMBRA, we need to send out an inquiry letter to SMBRA's legal counsel. Attached is a letter to your legal counsel. Please have it printed on SMBRA's letterhead and have it sign by the Executive Director. Kindly check if the name of the legal counsel is correct. Once signed by the Executive Director, please send it directly to the legal counsel to fast track the process and send us a scanned copy of the letter for our working paper file."

O11-453 cont.

I think the audit is going as expected.
m,

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Wednesday, January 21, 2015 4:59 PM
To: Christian J. Lim
Cc: Scott Valor
Subject: Fw: Standard practice - JPA letter needed
Attachments: SMBRA - Letter to Legal Counsel.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi Christian,

The JPA auditor needs a letter addressed to the JPA's legal counsel -- attached -- as part of their audit procedures and I assumed, perhaps incorrectly, that this letter be sent to Frances McChesney.

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O11-453 cont.

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Sent: Wednesday, January 14, 2015 3:37 PM
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please send it directly to the legal counsel to fast track the process and send us a scanned copy of the letter for our working paper file."

I think the audit is going as expected.
m,

O11-453 cont.

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Thursday, December 04, 2014 9:24 AM
To: Christian J. Lim
Cc: Scott Valor
Subject: Re: SMBRA - Audit

Follow Up Flag: Follow up
Flag Status: Completed

Hi Christian,

I have been expecting them to contact me but they have not done so. I'm actually a little surprised they haven't called or emailed.

Marcelo

From: Christian J. Lim <CHLIM@dpw.lacounty.gov>
Sent: Thursday, December 04, 2014 6:47 AM
To: Marcelo Villagomez
Cc: Scott Valor
Subject: SMBRA - Audit

Marcelo, Scott;

Has the audit firm contacted you for a meeting yet? As part of their field work for the audit, they visited Public Works headquarters on 11/20 to ask questions about our fiscal procedures.
They also mentioned that they planned on reaching out to you for questions.

Please provide any updates.
Thanks,

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

O11-453 cont.

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Wednesday, October 29, 2014 12:55 PM
To: Christian J. Lim; Scott Valor
Cc: Joshua Svensson
Subject: Re: SMBRA AUdit
Attachments: SMBRA; Resolution 8-23-06; Amendment 1 of Joint Exercise of Powers Agreement.pdf

Follow Up Flag: Follow up
Flag Status: Completed

THis is the change of fiscal year resolution.. More to come soon.

Marcelo

From: Marcelo Villagomez
Sent: Wednesday, October 29, 2014 12:49 PM
To: Lim, Christian J.; Scott Valor
Cc: Svensson, Joshua
Subject: Re: SMBRA AUdit

Hi Christian,

Yes, I'll look for what I have, including the amendment to the cycle and will send by **tomorrow**. Also, my apologies for my late replies, lately I am far behind on a ton of deadlines..

Marcelo

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Monday, October 27, 2014 11:58 AM
To: Marcelo Villagomez; Scott Valor
Cc: Svensson, Joshua
Subject: RE: SMBRA AUdit

Also, do you have a signed copy of the 2006 Amendment that changed the fiscal cycle to the federal cycle?
That would be great.
Thanks.

From: Marcelo Villagomez [mailto:mvillagomez@santamonicabay.org]
Sent: Friday, October 24, 2014 9:42 AM
To: Lim, Christian J.; Scott Valor
Cc: Svensson, Joshua; Ariki, Menerva
Subject: Re: SMBRA AUdit

Hi Christian,

Please see attached. Let me know if you want me to send any budgets, including grant budgets.

O11-453 cont.

Marcelo

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, October 15, 2014 4:42 PM
To: Scott Valor; Marcelo Villagomez
Cc: Svensson, Joshua; Ariki, Menerva
Subject: FW: SMBRA AUdit

Scott, Marcelo;

Please read the message below. The Auditor has asked us for the following information prior to fieldwork.
I believe we have Items No. 2, 3, 8, and 9 here, which we have already received from you.

Please assist by providing the rest of the items. Once I receive everything that we can provide to the Auditor, I'll send it over.
Thanks,

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

O11-453 cont.

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Wednesday, October 15, 2014 4:23 PM
To: Lim, Christian J.
Cc: Svensson, Joshua
Subject: SMBRA AUdit

The auditors will be in our office to begin fieldwork during the week of 11/3. They will contact you directly to schedule visits with DPW and the Authority.

They have requested information prior to the beginning of fieldwork. Please provide the following documents to me at your earliest convenience. If any of the documents are not available, please indicate that as well.

1. Current Organizational chart
2. Organizational documents establishing the Authority (i.e., articles of incorporation, memorandum of agreements, joint powers agreement, etc.)
3. Copies of fiscal policies and procedures
4. Telephone contact list
5. Chart of accounts
6. List of attorneys and their addresses
7. List and titles of members of the Board of Directors
8. Copies of minutes of Board of Directors meeting from inception of the Authority through present, including summaries if available
9. Copies of contracts/agreements, or amendments (including lease agreements) entered into during FY 2006 through FY 2014.
10. Copy of the Authority strategic plan, if available.
11. Approved budget for FY 2006, FY 2007, FY 2008, FY 2009, FY 2010, FY 2011, FY 2012, FY 2013, and FY 2014.

Thanks. Let me know if you have any questions.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

O11-453 cont.

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Wednesday, October 29, 2014 12:55 PM
To: Lim, Christian J.; Scott Valor
Cc: Svensson, Joshua
Subject: Re: SMBRA AUdit
Attachments: SMBRA; Resolution 8-23-06; Amendment 1 of Joint Exercise of Powers Agreement.pdf

Follow Up Flag: Follow up
Flag Status: Completed

THis is the change of fiscal year resolution.. More to come soon.

Marcelo

From: Marcelo Villagomez
Sent: Wednesday, October 29, 2014 12:49 PM
To: Lim, Christian J.; Scott Valor
Cc: Svensson, Joshua
Subject: Re: SMBRA AUdit

Hi Christian,

Yes, I'll look for what I have, including the amendment to the cycle and will send by **tomorrow**. Also, my apologies for my late replies, lately I am far behind on a ton of deadlines..

Marcelo

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Monday, October 27, 2014 11:58 AM
To: Marcelo Villagomez; Scott Valor
Cc: Svensson, Joshua
Subject: RE: SMBRA AUdit

Also, do you have a signed copy of the 2006 Amendment that changed the fiscal cycle to the federal cycle?
That would be great.
Thanks.

From: Marcelo Villagomez [mailto:mvillagomez@santamonicabay.org]
Sent: Friday, October 24, 2014 9:42 AM
To: Lim, Christian J.; Scott Valor
Cc: Svensson, Joshua; Ariki, Menerva
Subject: Re: SMBRA AUdit

Hi Christian,

Please see attached. Let me know if you want me to send any budgets, including grant budgets.

O11-453 cont.

Marcelo

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, October 15, 2014 4:42 PM
To: Scott Valor; Marcelo Villagomez
Cc: Svensson, Joshua; Ariki, Menerva
Subject: FW: SMBRA AUdit

Scott, Marcelo;

Please read the message below. The Auditor has asked us for the following information prior to fieldwork.
I believe we have Items No. 2, 3, 8, and 9 here, which we have already received from you.

Please assist by providing the rest of the items. Once I receive everything that we can provide to the Auditor, I'll send it over.
Thanks,

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

O11-453 cont.

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Wednesday, October 15, 2014 4:23 PM
To: Lim, Christian J.
Cc: Svensson, Joshua
Subject: SMBRA AUdit

The auditors will be in our office to begin fieldwork during the week of 11/3. They will contact you directly to schedule visits with DPW and the Authority.

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11. Approved budget for FY 2006, FY 2007, FY 2008, FY 2009, FY 2010, FY 2011, FY 2012, FY 2013, and FY 2014.

Thanks. Let me know if you have any questions.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

O11-453 cont.

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Wednesday, October 29, 2014 12:50 PM
To: Christian J. Lim; Scott Valor
Cc: Joshua Svensson
Subject: Re: SMBRA AUdit

Follow Up Flag: Follow up
Flag Status: Completed

Hi Christian,

Yes, I'll look for what I have, including the amendment to the cycle and will send by **tomorrow**. Also, my apologies for my late replies, lately I am far behind on a ton of deadlines..

Marcelo

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Subject: Re: SMBRA AUdit

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Marcelo

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, October 15, 2014 4:42 PM
To: Scott Valor; Marcelo Villagomez
Cc: Svensson, Joshua; Ariki, Menerva
Subject: FW: SMBRA AUdit

Scott, Marcelo;

O11-453 cont.

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626.458.4392 | chlim@dpw.lacounty.gov

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O11-453 cont.

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Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Friday, October 24, 2014 9:42 AM
To: Christian J. Lim; Scott Valor
Cc: Joshua Svensson; Menerva Ariki
Subject: Re: SMBRA AUdit
Attachments: 1) 2005 JPA Org Chart Structure.pdf; 4) 6) Contacts.pdf; 7) JPA Membership 2014.pdf; 5) Chart of Accounts.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Christian,

Please see attached. Let me know if you want me to send any budgets, including grant budgets.

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O11-453 cont.

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Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

O11-453 cont.

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Monday, October 20, 2014 10:59 AM
To: Christian J. Lim; Scott Valor
Cc: Joshua Svensson; Menerva Ariki
Subject: Re: SMBRA AUdit

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Christian,

I'll be compiling and sending over the other items by the end of the day, or tomorrow morning at the latest.

Marcelo

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, October 15, 2014 4:42 PM
To: Scott Valor; Marcelo Villagomez
Cc: Svensson, Joshua; Ariki, Menerva
Subject: FW: SMBRA AUdit

O11-453 cont.

Scott, Marcelo;

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Cc: Svensson, Joshua
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O11-453 cont.

Thanks. Let me know if you have any questions.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Villagomez, Marcelo@Waterboards <Marcelo.Villagomez@waterboards.ca.gov>
Sent: Thursday, October 02, 2014 10:03 AM
To: Svensson, Joshua
Cc: Lim, Christian J.
Subject: RE: Santa Monica Bay Authority Audit

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Josh,

The format may need improving, we included the revised audit and fee costs. Thanks for showing up yesterday. Scott will be doing follow ups with legal counsel. Also, we should schedule a team meeting soon to work on pending stuff.

Marcelo,

Ps yay Giants

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Thursday, October 02, 2014 9:55 AM
To: Villagomez, Marcelo@Waterboards
Cc: Lim, Christian J.
Subject: FW: Santa Monica Bay Authority Audit

O11-453 cont.

Marcelo-
Please see below and let me know if you have any questions.

Thanks,

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Svensson, Joshua
Sent: Thursday, October 02, 2014 9:53 AM
To: 'Anema, Rachelle'
Subject: RE: Santa Monica Bay Authority Audit

I agree. I'll make sure the revised budget shows the LACFCD's contribution to pay for the Audit.

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Thursday, October 02, 2014 9:52 AM
To: Svensson, Joshua
Subject: RE: Santa Monica Bay Authority Audit

That is true for the grants, but doesn't address the audit costs and how those will be paid. I believe it should be disclosed in the budget.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Thursday, October 02, 2014 9:51 AM
To: Anema, Rachelle
Subject: RE: Santa Monica Bay Authority Audit

According to Marcelo, revenue exactly matches expenditures. He said they will likely revise the format to show revenue when we take the budget to the BOS for approval.

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Tuesday, September 30, 2014 1:05 PM
To: Svensson, Joshua
Subject: RE: Santa Monica Bay Authority Audit

Thanks Josh. This budget only includes expenses, and not revenues or sources of money. Is that also going to be disclosed?

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Tuesday, September 30, 2014 12:57 PM
To: Anema, Rachelle
Subject: RE: Santa Monica Bay Authority Audit

Please see the attached. We know the audit amount will need to be revised.

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Tuesday, September 30, 2014 12:40 PM

O11-453 cont.

To: Svensson, Joshua
Subject: RE: Santa Monica Bay Authority Audit

Hi Josh. Can I get a copy of the budget that will be discussed at the Board meeting tomorrow?

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

O11-453 cont.

From: Svensson, Joshua
Sent: Thursday, October 02, 2014 9:55 AM
To: Marcelo Villagomez (mvillagomez@waterboards.ca.gov)
Cc: Lim, Christian J.
Subject: FW: Santa Monica Bay Authority Audit

Follow Up Flag: Follow up
Flag Status: Completed
Expires: Tuesday, March 31, 2015 12:00 AM

Marcelo-
Please see below and let me know if you have any questions.

Thanks,

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

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To: 'Anema, Rachelle'
Subject: RE: Santa Monica Bay Authority Audit

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(626) 458-7157 | jsvensson@dpw.lacounty.gov

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O11-453 cont.

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Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

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Dept. of Auditor-Controller
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213-974-8327

O11-453 cont.

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Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Joshua Svensson
Sent: Thursday, October 02, 2014 9:55 AM
To: Marcelo Villagomez (mvillagomez@waterboards.ca.gov)
Cc: Christian J. Lim
Subject: FW: Santa Monica Bay Authority Audit

Follow Up Flag: Follow up
Flag Status: Completed
Expires: Tuesday, March 31, 2015 12:00 AM

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Los Angeles County
213-974-8327

From: Villagomez, Marcelo@Waterboards <Marcelo.Villagomez@waterboards.ca.gov>
Sent: Tuesday, September 30, 2014 1:38 PM
To: Scott Valor; Svensson, Joshua
Cc: Ariki, Menerva; Lim, Christian J.
Subject: RE: Santa Monica Bay Authority Audit

Follow Up Flag: Follow up
Flag Status: Completed

Great! I'm adjusting the audit and admin fee amounts on the budget.

Regards,
Marcelo

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Tuesday, September 30, 2014 1:36 PM
To: Svensson, Joshua; Villagomez, Marcelo@Waterboards
Cc: Ariki, Menerva; Lim, Christian J.
Subject: Re: Santa Monica Bay Authority Audit

Approval of the budget is already on the agenda, so Marcelo if you will be so kind as to update the numbers, I will forward the new budget to the SMBRA board members and post it on the website. O11-453 cont.

As far as the dates, etc., go that can be added to the staff report portion of the agenda.

Thank you Josh. This is timely.

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Svensson, Joshua <JSVENSSON@dpw.lacounty.gov>
Sent: Tuesday, September 30, 2014 13:22
To: Scott Valor; Marcelo Villagomez (mvillagomez@waterboards.ca.gov)
Cc: Ariki, Menerva; Lim, Christian J.
Subject: FW: Santa Monica Bay Authority Audit

Scott, Marcelo-
Please see the below update from the A/C's office regarding the audit. Would we want to add this to the agenda? Rachelle says she can try to provide someone to attend tomorrow's meeting to answer questions if we'd think it beneficial.

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Tuesday, September 30, 2014 9:57 AM
To: Svensson, Joshua; Lim, Christian J.
Subject: FW: Santa Monica Bay Authority Audit

The contract has been signed with the firm of Bazilio Cobb Associates for a sum of $14,850. In addition, there is a 10% Admin fee of $1,485 payable to the Auditor-Controller for securing the contract. This amount will be billed soon. The total cost is $16,335. Fieldwork will begin the week of November 3 at our offices. The firm will contact DPW and SMBRA prior to scheduling interviews and site visits. The contract has a completion date of Feb 27 and we will all need to make an effort to provide information to the auditors in a timely manner to meet that deadline. Extensions are not uncommon, but we will do our best to meet that date.

O11-453 cont.

Please let me know if you have any questions.

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Los Angeles County
213-974-8327

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Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

O11-453 cont.

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Sent: Tuesday, September 30, 2014 13:22
To: Scott Valor; Marcelo Villagomez (mvillagomez@waterboards.ca.gov)
Cc: Ariki, Menerva; Lim, Christian J.
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Sent: Tuesday, September 30, 2014 9:57 AM
To: Svensson, Joshua; Lim, Christian J.
Subject: FW: Santa Monica Bay Authority Audit

The contract has been signed with the firm of Bazilio Cobb Associates for a sum of $14,850. In addition, there is a 10% Admin fee of $1,485 payable to the Auditor-Controller for securing the contract. This amount will be billed soon. The total cost is $16,335. Fieldwork will begin the week of November 3 at our offices. The firm will contact DPW and SMBRA prior to scheduling interviews and site visits. The contract has a completion date of Feb 27 and we will all need to make an effort to provide information to the auditors in a timely manner to meet that deadline. Extensions are not uncommon, but we will do our best to meet that date.

Please let me know if you have any questions.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Svensson, Joshua
Sent: Tuesday, September 30, 2014 10:11 AM
To: Anema, Rachelle
Cc: Lim, Christian J.; Ariki, Menerva
Subject: RE: Santa Monica Bay Authority Audit

Follow Up Flag: Follow up
Flag Status: Completed
Expires: Sunday, March 29, 2015 12:00 AM

Rachelle-
Thanks for the update. Is it OK to share this information with the JPA members? The public? As you are likely aware, there will be a (public) governing board meeting tomorrow (Agenda: http://www.smbrc.ca.gov/about_us/agendas/2014oct/jpa_agenda100114.pdf), and we could potentially add this update to the agenda.

Thanks,

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Tuesday, September 30, 2014 9:57 AM
To: Svensson, Joshua; Lim, Christian J.
Subject: FW: Santa Monica Bay Authority Audit

The contract has been signed with the firm of Bazilio Cobb Associates for a sum of $14,850. In addition, there is a 10% Admin fee of $1,485 payable to the Auditor-Controller for securing the contract. This amount will be billed soon. The total cost is $16,335. Fieldwork will begin the week of November 3 at our offices. The firm will contact DPW and SMBRA prior to scheduling interviews and site visits. The contract has a completion date of Feb 27 and we will all need to make an effort to provide information to the auditors in a timely manner to meet that deadline. Extensions are not uncommon, but we will do our best to meet that date.

Please let me know if you have any questions.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Helen Chu [mailto:hchu@bcawatsonriceca.com]
Sent: Friday, September 26, 2014 9:47 AM
To: Anema, Rachelle
Cc: Michael DeCastro; Rustico Cabilin
Subject: RE: Santa Monica Bay Authority Audit

Hello Rachelle,

O11-453 cont.

Planning will be the week of October 27th and fieldwork will start on Monday, November 3rd. Please let me know if this works for you.
I will forward you the PBC list next week.

Helen Chu, CPA

21250 Hawthorne Blvd. Suite 150
Torrance, CA 90503
310 792-4640 (Office)
310 792-4331 (Fax)
hchu@bcawatsonriceca.com

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BCA Watson Rice LLP is an independently owned and operated CPA firm. Our practice collaborates with different accounting firms across the nation. Each firm is responsible for its own branding, autonomy and independence and for its own client fee arrangements, delivery of services, maintenance of client relationships and regulatory compliance.

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O11-453 cont.

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Thursday, September 25, 2014 2:42 PM
To: Helen Chu
Subject: Santa Monica Bay Authority Audit

Hi Helen. I understand that your firm has been awarded the contract for WO# 8-21 – Santa Monica Bay Restoration Authority Audit.

Did you have an idea when you would be able to start fieldwork? As you know, it's audit season for us for all of our JPAs and we need to make sure we have space and staffing available to assist you and your staff.
Thanks.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Anema, Rachelle <RANEMA@auditor.lacounty.gov>
Sent: Tuesday, September 30, 2014 9:57 AM
To: Svensson, Joshua; Lim, Christian J.
Subject: FW: Santa Monica Bay Authority Audit

Follow Up Flag: Follow up
Flag Status: Completed

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Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

O11-453 cont.

From: Helen Chu [mailto:hchu@bcawatsonriceca.com]
Sent: Friday, September 26, 2014 9:47 AM
To: Anema, Rachelle
Cc: Michael DeCastro; Rustico Cabilin
Subject: RE: Santa Monica Bay Authority Audit

Hello Rachelle,

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I will forward you the PBC list next week.

Helen Chu, CPA

21250 Hawthorne Blvd. Suite 150
Torrance, CA 90503
310 792-4640 (Office)
310 792-4331 (Fax)
hchu@bcawatsonriceca.com

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From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
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Thanks.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Tuesday, July 22, 2014 4:22 PM
To: Anema, Rachelle; Christian J. Lim
Cc: Scott Valor; gwang@waterboards.ca.gov; Menerva Ariki
Subject: RE: POC & EC of the SMBRA

Follow Up Flag: Follow up
Flag Status: Completed

Okay, I'm mailing the original. Thank you.

Regards,

Marcelo Villagomez
Administrative Director
The Bay Foundation (aka Santa Monica Bay Restoration Foundation)
(888) 301-2527
(626) 249-5401 fax

From: Anema, Rachelle <RANEMA@auditor.lacounty.gov>
Sent: Tuesday, July 22, 2014 4:07 PM
To: Christian J. Lim; Marcelo Villagomez
Cc: Scott Valor; gwang@waterboards.ca.gov; Menerva Ariki
Subject: RE: POC & EC of the SMBRA

It can be sent to my attention at the following address:

500 W. Temple
Room 603
Los Angeles, CA 90012

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Lim, Christian J. [mailto:CHLIM@dpw.lacounty.gov]
Sent: Tuesday, July 22, 2014 4:06 PM
To: Marcelo Villagomez; Anema, Rachelle
Cc: Scott Valor; gwang@waterboards.ca.gov; Menerva Ariki
Subject: RE: POC & EC of the SMBRA

Marcelo,

The Dept. of Auditor-Controller actually needs the original signature for their files instead of an electronic version.

O11-453 cont.

Rachelle, please give Marcelo the appropriate address to send to.
Marcelo, please send to Dept. of Auditor-Controller the original file with Mr. Ford's signature.

Thanks again,

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Marcelo Villagomez [mailto:mvillagomez@santamonicabay.org]
Sent: Monday, July 21, 2014 3:30 PM
To: Lim, Christian J.
Cc: Scott Valor; gwang@waterboards.ca.gov
Subject: RE: POC & EC of the SMBRA

Hi Christian,

Attached is the new ED signature letter for the auditor.

Regards,

Marcelo Villagomez
Administrative Director
The Bay Foundation (aka Santa Monica Bay Restoration Foundation)
(888) 301-2527
(626) 249-5401 fax

O11-453 cont.

From: Marcelo Villagomez
Sent: Wednesday, July 16, 2014 4:32 PM
To: Lim, Christian J.
Cc: Scott Valor; gwang@waterboards.ca.gov
Subject: POC & EC of the SMBRA

Hi Christian,

The point of contact for SMBRC will be:

Scott Valor, SMBRC Gov't Affairs Director
Phone: 310-922-2376
Email: svalor@santamonicabay.org

Regarding the EC appointment to the SMBRA, I'll be getting Tom's signature when he returns on Monday.

Regards,

Marcelo Villagomez
Administrative Director

The Bay Foundation (aka Santa Monica Bay Restoration Foundation)
(888) 301-2527
(626) 249-5401 fax

O11-453 cont.

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Monday, July 21, 2014 3:30 PM
To: Christian J. Lim
Cc: Scott Valor; gwang@waterboards.ca.gov
Subject: RE: POC & EC of the SMBRA
Attachments: New ED for the JPA, 6-19-2014.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Christian,

Attached is the new ED signature letter for the auditor.

Regards,

Marcelo Villagomez
Administrative Director
The Bay Foundation (aka Santa Monica Bay Restoration Foundation)
(888) 301-2527
(626) 249-5401 fax

O11-453 cont.

From: Marcelo Villagomez
Sent: Wednesday, July 16, 2014 4:32 PM
To: Lim, Christian J.
Cc: Scott Valor; gwang@waterboards.ca.gov
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Email: svalor@santamonicabay.org

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Regards,

Marcelo Villagomez
Administrative Director
The Bay Foundation (aka Santa Monica Bay Restoration Foundation)
(888) 301-2527
(626) 249-5401 fax

From: Anema, Rachelle <RANEMA@auditor.lacounty.gov>
Sent: Friday, July 18, 2014 9:01 AM
To: Lim, Christian J.; Marcelo Villagomez
Cc: Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor; gwang@waterboards.ca.gov
Subject: RE: Evaluation Committee

Follow Up Flag: Follow up
Flag Status: Completed

Thanks. I have notified the master agreement team and Chris Nguyen will be contacting you both to schedule meeting dates.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Lim, Christian J. [mailto:CHLIM@dpw.lacounty.gov]
Sent: Thursday, July 17, 2014 6:25 AM
To: Anema, Rachelle; Marcelo Villagomez; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor; gwang@waterboards.ca.gov
Subject: RE: Evaluation Committee

O11-453 cont.

Rachelle,

Please include myself to be on the Evaluation Committee along with Marcelo. The point of contact for each agency during this Audit will be:

Los Angeles County Flood Control District:
Christian Lim
(626) 458-4392
chlim@dpw.lacounty.gov

Santa Monica Bay Restoration Commission
Scott Valor
(310) 922-2376
svalor@santamonicabay.org

Let me know if you need anything else.
Thank you.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Wednesday, July 16, 2014 5:52 PM

To: Marcelo Villagomez; Lim, Christian J.; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor; gwang@waterboards.ca.gov
Subject: RE: Evaluation Committee

Thank you. We'll be in touch.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Marcelo Villagomez [mailto:mvillagomez@santamonicabay.org]
Sent: Wednesday, July 16, 2014 3:47 PM
To: Anema, Rachelle; Lim, Christian J.; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor; gwang@waterboards.ca.gov
Subject: Evaluation Committee

Hi Rachelle,

Guangyu, Scott, and I have all agreed that if given the option, I would be nominated to the Evaluation Committee to select an auditor, given my more relevant experience in accounting and finance. For your consideration. I'll await instructions from you.

Regards,

Marcelo Villagomez
Administrative Director
The Bay Foundation (aka Santa Monica Bay Restoration Foundation)
(888) 301-2527
(626) 249-5401 fax

O11-453 cont.

From: Anema, Rachelle <RANEMA@auditor.lacounty.gov>
Sent: Wednesday, July 16, 2014 5:52 PM
To: Marcelo Villagomez; Lim, Christian J.; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor; gwang@waterboards.ca.gov
Subject: RE: Evaluation Committee

Follow Up Flag: Follow up
Flag Status: Completed

Thank you. We'll be in touch.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

O11-453 cont.

From: Marcelo Villagomez [mailto:mvillagomez@santamonicabay.org]
Sent: Wednesday, July 16, 2014 3:47 PM
To: Anema, Rachelle; Lim, Christian J.; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor; gwang@waterboards.ca.gov
Subject: Evaluation Committee

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Regards,

Marcelo Villagomez
Administrative Director
The Bay Foundation (aka Santa Monica Bay Restoration Foundation)
(888) 301-2527
(626) 249-5401 fax

From: Marcelo Villagomez <mvillagomez@santamonicabay.org>
Sent: Wednesday, July 16, 2014 3:47 PM
To: Anema, Rachelle; Lim, Christian J.; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor; gwang@waterboards.ca.gov
Subject: Evaluation Committee

Follow Up Flag: Follow up
Flag Status: Completed

Hi Rachelle,

Guangyu, Scott, and I have all agreed that if given the option, I would be nominated to the Evaluation Committee to select an auditor, given my more relevant experience in accounting and finance. For your consideration. I'll await instructions from you.

Regards,

Marcelo Villagomez
Administrative Director
The Bay Foundation (aka Santa Monica Bay Restoration Foundation)
(888) 301-2527
(626) 249-5401 fax

O11-453 cont.

From: Anema, Rachelle <RANEMA@auditor.lacounty.gov>
Sent: Monday, July 14, 2014 2:35 PM
To: Lim, Christian J.
Cc: Chebabi, Youssef; Ariki, Menerva
Subject: RE: Santa Monica Bay Restoration Authority - Staff Meeting Notes - July 10, 2014
Attachments: Signature Authorization - Sample.doc

Follow Up Flag: Follow up
Flag Status: Completed

Thanks. We will need a letter on Authority letterhead that has an example of his signature so that any future payments aren't delayed. A rough draft of what we will require is attached. Feel free to change as appropriate, but it should contain this information as a minimum.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Lim, Christian J. [mailto:CHLIM@dpw.lacounty.gov]
Sent: Monday, July 14, 2014 6:38 AM
To: Anema, Rachelle
Cc: Chebabi, Youssef; Ariki, Menerva
Subject: RE: Santa Monica Bay Restoration Authority - Staff Meeting Notes - July 10, 2014

Hi Rachelle,

Attached is the latest roster of the Governing Board and Executive Officer, including contact information.
As for a signature specimen, the Executive Officer was newly appointed, so he hasn't signed anything on behalf of the SMBRA as of yet.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Anema, Rachelle [mailto:RANEMA@auditor.lacounty.gov]
Sent: Friday, July 11, 2014 10:10 AM
To: Lim, Christian J.
Subject: RE: Santa Monica Bay Restoration Authority - Staff Meeting Notes - July 10, 2014

Hi Chris. At the meeting, you mentioned that there was a new Executive Director. Can you please provide us with the name and contact information? We will need a signature specimen and authorization for approval of all future payments.

Rachelle Anema
Principal Accountant

O11-453 cont.

Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Lim, Christian J. [mailto:CHLIM@dpw.lacounty.gov]
Sent: Thursday, July 10, 2014 11:56 AM
To: Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor (svalor@santamonicabay.org); Marcelo Villagomez (mvillagomez@santamonicabay.org); gwang@waterboards.ca.gov; Anema, Rachelle
Subject: Santa Monica Bay Restoration Authority - Staff Meeting Notes - July 10, 2014

Staff,

Here are the meeting notes and action items from today's meeting.
I've also attached today's sign-in sheet for your reference.
Thanks again for your participation.

SANTA MONICA BAY RESTORATION AUTHORITY – Staff Meeting

Thursday, July 10, 2014
LACDPW Headquarters, 10:00-11:00AM

Attendees: Christian Lim, Menerva Ariki, Marcelo Villagomez, Guangyu Wang, Rachelle Anema, Youssef Chebabi, Adriana Flores
Call-in Attendees: Scott Valor, Josh Svensson

O11-453 cont.

Meeting Notes

1. Introductions

2. SMBRA Audit

a. Dept. Auditor-Controller issued RFP on 07/07/2014.
b. Bids will be received by 07/29/2014
c. An Evaluation Committee will be formed to score the bids. This committee will include 2 Dept. Auditor-Controller staff and 1 staff member from LACDPW. If we so choose, another member representing the SMBRA can be appointed to the committee.
d. The Evaluation Committee will meet in early August to begin the rating process, which typically takes a week.
e. The Audit is scheduled to begin in September and is estimated to be completed by Febuary/March 2015.
f. Along with a Financial Statement, the Audit will also include a Management Report that will describe any inefficiencies/issues with the SMBRA's operation.
g. Dept. Auditor-Controller charges 10% of contract amount for RFP issuance

3. SMBRA Annual Budget for FY 2014-15

Marcelo handed out projected SMBRA budget for FY 2014-15
.. Marcelo also handed out budgets for individual SMBRA programs (Boating Education, WDPG, Malibu Lagoon)

j. Costs for Audit need to be included into FY 2014-15 Annual Budget
k. FY 2014-15 Annual Budget will need to be adopted by SMBRA Governing Board and approved by the SMBRC and County Board of Supervisors

4. Status of Ongoing Programs

l. Boating Education Program – The estimated completion date of this program is February 2015. The SMBRA wishes to continue with the program, but will need to apply to State Parks and Recreation for additional grant funding
m. EPA WPDG Program – The estimated completion date of this program is March 2015.
n. Malibu Lagoon Monitoring Program – This is a 5 year program, projected to be completed in 2018/19.
o. Regarding grants, the SMBRA is the grantee since it is a local governmental entity able to accept grant funding. The SMBRA then contracts services out to the Bay Foundation. The nature of the Bay Foundation and the SMBRC will need to be explained to the Auditor.

5. SMBRA Governing Board

p. Final Vacant position on the Governing Board has been filled by the SMBRC
q. For the next SMBRA Governing Board meeting, the Malibu Lagoon Monitoring Program needs to be approved, and the FY 2014-15 budget needs to be adopted.

O11-453 cont.

Next Steps

r. LACDPW management and counsel will meet with SMBRC management and counsel to decide on a course of action/direction to take for the SMBRA

Action Items

1. Christian will email Rachelle the following information:

a. LACDPW staff member chosen to be on the Evaluation Committee, and any additional member to be on committee
b. Point of Contact (Name, Phone, Email) for LACDPW and SMBRC
c. List of SMBRA Governing Board members

2. Rachelle will email to SMBRA Staff the RFP that was sent out for bids
3. Marcelo will check on the nature of matching funds with regard to the Boating Education Program and inform staff of his findings
4. LACDPW (Menerva, Terri Grant) will contact SMBRC (Scott) to schedule the meeting mentioned in meeting note #6
5. Next SMBRA Staff meeting will be scheduled to occur after the Evaluation Committee has finalized their selection

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Anema, Rachelle <RANEMA@auditor.lacounty.gov>
Sent: Thursday, July 10, 2014 3:31 PM
To: Lim, Christian J.; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor (svalor@santamonicabay.org); Marcelo Villagomez (mvillagomez@santamonicabay.org); gwang@waterboards.ca.gov
Subject: RE: Santa Monica Bay Restoration Authority - Staff Meeting Notes - July 10, 2014
Attachments: 8-21wor - Final.pdf; 8-21wor - Proposed Cost Schedule - SINGLE YEAR.xlsx

Follow Up Flag: Follow up
Flag Status: Completed

Attached is the Work Order Request for SMBRA audits that was issued to all Master agreement firms on Monday. Please let me know if you have any questions.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Lim, Christian J. [mailto:CHLIM@dpw.lacounty.gov]
Sent: Thursday, July 10, 2014 11:56 AM
To: Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor (svalor@santamonicabay.org); Marcelo Villagomez (mvillagomez@santamonicabay.org); gwang@waterboards.ca.gov; Anema, Rachelle
Subject: Santa Monica Bay Restoration Authority - Staff Meeting Notes - July 10, 2014

O11-453 cont.

Staff,

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I've also attached today's sign-in sheet for your reference.
Thanks again for your participation.

SANTA MONICA BAY RESTORATION AUTHORITY – Staff Meeting

Thursday, July 10, 2014
LACDPW Headquarters, 10:00-11:00AM

Attendees: Christian Lim, Menerva Ariki, Marcelo Villagomez, Guangyu Wang, Rachelle Anema, Youssef Chebabi, Adriana Flores
Call-in Attendees: Scott Valor, Josh Svensson

Meeting Notes

1. Introductions

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O11-453 cont.

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6. Next Steps

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Action Items

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   LACDPW staff member chosen to be on the Evaluation Committee, and any additional member to be on committee
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O11-453 cont.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Lim, Christian J.
Sent: Thursday, July 10, 2014 11:54 AM
To: Lim, Christian J.
Subject: SMBRA Sign-In Sheet 07-10-2014
Attachments: Sign-In Sheet 07102014.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: Anema, Rachelle <RANEMA@auditor.lacounty.gov>
Sent: Thursday, July 10, 2014 8:34 AM
To: Lim, Christian J.
Subject: RE: Santa Monica Bay Restoration Authority - Staff Meeting

Follow Up Flag: Follow up
Flag Status: Completed

Is there a room number for the meeting? I am planning on attending in person.

Rachelle Anema
Principal Accountant
Dept. of Auditor-Controller
Los Angeles County
213-974-8327

From: Lim, Christian J. [mailto:CHLIM@dpw.lacounty.gov]
Sent: Thursday, July 10, 2014 7:35 AM
To: Scott Valor; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Marcelo Villagomez; gwang@waterboards.ca.gov; Anema, Rachelle
Subject: RE: Santa Monica Bay Restoration Authority - Staff Meeting

One more thing: our conference room is located in the southeast corner of the 2nd floor of the Public Works headquarters building. it's the same room we used in April.

O11-453 cont.

From: Lim, Christian J.
Sent: Thursday, July 10, 2014 7:28 AM
To: 'Scott Valor'; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Marcelo Villagomez; gwang@waterboards.ca.gov; Anema, Rachelle (RANEMA@auditor.lacounty.gov)
Subject: RE: Santa Monica Bay Restoration Authority - Staff Meeting

Hello everyone,

Attached is an agenda for today's meeting.
If you cannot make it in person, please use this telephone line and call in:

Phone: (213)-493-0400
PIN: 41292

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Thursday, July 10, 2014 7:20 AM
To: Lim, Christian J.; Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Marcelo Villagomez; gwang@waterboards.ca.gov; Anema, Rachelle (RANEMA@auditor.lacounty.gov)
Subject: RE: Santa Monica Bay Restoration Authority - Staff Meeting

Hi Chris:

Can you provide the call-in number for today's meeting at 10? Thank you.

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Monday, July 7, 2014 13:48
To: Svensson, Joshua; Chebabi, Youssef; Ariki, Menerva; Flores, Adriana; Scott Valor; Marcelo Villagomez; gwang@waterboards.ca.gov; Anema, Rachelle (RANEMA@auditor.lacounty.gov)
Subject: Santa Monica Bay Restoration Authority - Staff Meeting
When: Thursday, July 10, 2014 10:00 AM-11:00 AM.
Where: LACDPW Headquarters - 2nd Floor - Facilities Management Conference Room

O11-453 cont.

Team,
For this staff meeting, we will provide updates on action items from our previous meeting, as well as discussing future steps.
These action items include:

1. SMBRA Audit
2. Annual Budget for FY 2014-15
3. Ongoing SMBRA programs
4. Next SMBRA Governing Board meeting

A call-in phone number will be provided this week for those who cannot make it in person.
Thank you,

Christian Lim, PE
Associate Civil Engineer
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Grant, Terri
Sent: Wednesday, July 09, 2014 8:35 AM
To: Lim, Christian J.
Cc: Ariki, Menerva; Chebabi, Youssef; Svensson, Joshua
Subject: RE: Update on JPA progress, discussions with county counsel

Follow Up Flag: Follow up
Flag Status: Completed

Ok. thanks.

From: Lim, Christian J.
Sent: Wednesday, July 09, 2014 8:32 AM
To: Grant, Terri
Cc: Ariki, Menerva; Chebabi, Youssef; Svensson, Joshua
Subject: RE: Update on JPA progress, discussions with county counsel

Not yet. We have a meeting scheduled for tomorrow at 10AM here at headquarters.
We will be going over certain action items that were discussed at the previous meeting – mainly giving an update on the Audit (we've invited someone from Dept. of Auditor-Controller to the meeting) and the upcoming Fiscal Year budget which SMBRC said they would prepare.

From: Grant, Terri
Sent: Wednesday, July 09, 2014 8:13 AM
To: Lim, Christian J.
Subject: RE: Update on JPA progress, discussions with county counsel

Did you all meet?

From: Lim, Christian J.
Sent: Wednesday, June 18, 2014 3:13 PM
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Scott,

It would be a good idea to have another SMBRA Staff Meeting soon, much like the one that was held at our headquarters on April 2nd. We can discuss the proper plans of action to take going forward with this JPA. Filling the vacant positions on the SMBRA Governing Board will be a good start, which is something we anticipate happening during the SMBRC Governing Board Meeting for tomorrow, June 19.

In short, we've already begun the process of having the SMBRA function properly going forward. Back in April, we asked the County Department of Auditor-Controller to begin the process of issuing an RFP to conduct an audit for our JPA. The other immediate action item would be to prepare a budget for the upcoming fiscal years to be adopted by the SMBRA Governing Board as well as our County Board of Supervisors and the SMBRC. This would impact ongoing programs (Boater Education, Malibu Lagoon Monitoring).

Please send your times of availability to come to our headquarters for another meeting. We can use the time to update each other on the status of previous action items, and discuss issues moving forward.

O11-453 cont.

If we can meet sometime next week, that would be great.
Thanks.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Tuesday, June 17, 2014 2:48 PM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Terri, Christian, et al.:

With regard to a March 28, 2006 meeting, I cannot find any documentation whatsoever regarding such a meeting.

As a follow up in the broader sense, we have two active programs that currently are or will be going through the JPA.

The first is our Boater Education Program. The funding from this comes from the Division of Boating & Waterways (formerly Dept., but now within DPR), since 2010.

O11-453 cont.

In 2010 our SMBRC Governing Board DID originally approve a budget for this (Resolution 10-09), per the requirements of section 10.2 of the JPA agreement. We do not know if the County Board of Sups also did so. The JPA also approved the program.

In 2012 the JPA board approved a "modified" resolution (attached) designed to "approve" all future budget modifications for this program in perpetuity. However, our SMBRC Governing Board did not approve this modified resolution.

From what we can gather from interviewing staff, board members, and documents, it was believed that the 2010 SMBRC approval was sufficient (in spite of JPA Agreement section 10.2) for the ongoing program and the 2012 JPA resolution was seen as a sufficient modifier.

While I don't believe that to necessarily be accurate, it is something county counsel should consider: the boater program was initially approved by the SMBRC board (and JPA) and is an ongoing program.

We have another program due to be funded through the JPA: funding for continued Malibu restoration and monitoring. The funds were approved by Parks, but we have not invoiced yet, pending the necessary approvals from all boards.

HOWEVER, at this time we are really looking to you to provide direction, pursuant to your discussions with county counsel on how best to proceed. Our legal counsel (SWRCB legal counsel) is fully informed at this point.

ATTACHED: The supporting agendas, staff reports, resolutions, and minutes from the following:

1. 2010 SMBRC Meeting re: Boater Program
2. 2010 JPA Meeting re: Boater Program
3. 2012 JPA Meeting re: Boater Program

You have all of these documents as well, but I have grouped them together in this email for convenience.

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, June 4, 2014 15:31
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Hi Scott,

Regarding Item #9, The April 20, 2006 SMBRA Meeting Minutes' Item #1 calls to approve the minutes of a March 28, 2006 Meeting that we currently have no record of. We wanted to know if anyone from your agency had the minutes for this meeting. O11-453 cont.

Regarding Item #10, the only documentation we have is the Agreement itself between the USACE and the SMBRA. The fact that the terms of this Agreement were never executed explains why there were no approvals/adoptions of this Agreement by either the SMBRA Governing Board or the County Board of Supervisors.

We will be scheduling the next SMBRA Staff Meeting soon. We can use this meeting for everyone to update the group on the status of their action items, including the Audit.

Thank you.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Friday, May 30, 2014 10:22 AM
To: Svensson, Joshua; Grant, Terri; Lim, Christian J.; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez
Subject: Update on JPA progress, discussions with county counsel

Hi Josh and thank you for the status update. We have reviewed it and our notes are in red below, indicating our status as well. Please update accordingly and we'll be on our way.

Please take a look at #9. We don't have records of a JPA meeting on that date. Where did this date come from?

#10: We have the document (as do you, per my original forward to you), but don't understand why it's relevant. John Davis thinks he's "on to something" with this, but it's a red herring, as nothing ever came of the agreement.

Let me know if you have any questions.

/s

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Thursday, May 22, 2014 3:10 PM
To: Scott Valor
Cc: Grant, Terri; Ariki, Menerva; Lim, Christian J.; Villagomez, Marcelo@Waterboards
Subject: RE: Update on JPA progress, discussions with county counsel

Scott-
Christian prepared the below table which summarizes the current status of the action items we discussed at our meeting on 4/2/14 (notes attached FYI) as well as some additional action items we created based on review of the documents provided by you and Marcelo.

Please take a look at the below summary and let us know if you have any questions.

O11-453 cont.

	Action Item	Date Created	Agency	Status	Notes
1	Issue Request For Proposal for SMBRA Audit	04/02/2014	Auditor	Pending	RFP issue will take up to 3 months
2	Prepare Timeline of SMBRA activities	04/02/2014	SMBRC	Complete	
3	SMBRC elect vacant member of SMBRA Governing Board	04/02/2014	SMBRC	Pending	Member will be elected on 06/19/2014 at SMBRC Governing Board Meeting
4	Schedule SMBRA Governing Board Meeting	04/02/2014	SMBRC	Pending	After GB meeting. Call to set.
5	Prepare Agenda and Staff Report for next SMBRA Governing Board Meeting	04/02/2014	SMBRC	Pending	Same
6	Prepare SMBRA Budget for FYs 2012-13, 2013-14, 2014-15 Send budget docs day before meeting. Put on agenda for approval.	04/02/2014	SMBRC	Pending	County approved each year. MV compiled three programs: Boater, Mark's Malibu program, EPA Wetlands grant
7	Provide documentation on SMBRA Governing Board approval of 2011 EPA Grant Put on agenda for approval.	04/02/2014	SMBRC	Pending	Wetlands grant. No overhead charged on this grant. JPA doesn't have negotiated rate.
8	Schedule next SMBRA Staff Meeting	05/20/2014	LACFCD	Pending	SMBRC mtg w/ County staff some time after JPA board mtg. after

					County has made audit progress.
9	Provide 03/28/2006 SMBRA Governing Board Meeting Minutes	05/20/2014	SMBRC	Pending	CLARIFY WITH JOSH: WHY THIS DATE?
10	Provide all relevant documentation for 2005 Agreement between USACE and SMBRA	05/20/2014	SMBRC	Pending	Have the document. PURPOSE of NEED? "Relevant docs" what are those? Nothing ever came of this agreement. SV provided the actual document to Josh already.
11	Provide SMBRA Fiscal Year Reports for FYs 04-05, 05-06, 11-12, 12-13, and 13-14	05/20/2014	SMBRC	Pending	A county product. Kathleen at county accounting will provide.
12	Provide all relevant documentation for 03/27/2014 agreement between SMBRA and CA Parks and Rec	05/20/2014	SMBRC	Pending	Contract for Malibu Lagoon Monitoring MV will send grant agreement to Josh.

Thanks,

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Monday, May 19, 2014 10:14 AM
To: Svensson, Joshua
Cc: Grant, Terri
Subject: Update on JPA progress, discussions with county counsel

O11-453 cont.

Hi Folks:

Where are we with regard to the JPA status moving forward? At this point you have our complete JPA file in your possession and Josh was going to confer with county counsel regarding where we stand and what we need to do going forward.

At our June 19 SMBRC Governing Board meeting, the board will be electing one member to sit on the JPA to fill the current vacancy.

Otherwise, we await your direction regarding budgets, etc. going forward. We are ready to move when you are.

Thank you,

Scott

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Scott Valor <svalor@santamonicabay.org>
Sent: Monday, July 07, 2014 9:00 AM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Chebabi, Youssef
Subject: RE: Update on JPA progress, discussions with county counsel

Follow Up Flag: Follow up
Flag Status: Completed

Please go ahead and do so. Attending in person will be Guangyu and Marcelo. I will be calling in.

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Monday, July 7, 2014 8:53
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Chebabi, Youssef
Subject: RE: Update on JPA progress, discussions with county counsel

Hi Scott,

I believe 10AM on Thursday would work for DPW staff.
If that's fine with SMBRC staff, then I'll go ahead and send a meeting invitation for Thursday, 10-11AM.

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Monday, July 07, 2014 8:48 AM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Chebabi, Youssef
Subject: RE: Update on JPA progress, discussions with county counsel

Is there a time this Thursday that works for the DPW folks?

/s

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Scott Valor
Sent: Tuesday, July 1, 2014 16:37

O11-453 cont.

To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Chebabi, Youssef
Subject: RE: Update on JPA progress, discussions with county counsel

The following Thursday, July 10th, works for us. Please give us a time on that date that works for you.

Scott

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Tuesday, July 1, 2014 15:49
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Chebabi, Youssef
Subject: RE: Update on JPA progress, discussions with county counsel

Hi Scott,

Most of us will be busy/out of the office this upcoming Thursday. Can you meet us next week?

O11-453 cont.

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Tuesday, July 01, 2014 2:22 PM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Hi folks--

Thursday ok? Can you give us a time so that Guangyu and Marcelo can attend in person?

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Scott Valor
Sent: Wednesday, June 25, 2014 17:51
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Chris, et al.:

How does Thursday of next week, July 3rd, suit everyone? You give us a range of times and we will confirm. Marcelo and Guangyu will attend in Alhambra. I will be available by phone.

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, June 18, 2014 15:12
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Scott,

It would be a good idea to have another SMBRA Staff Meeting soon, much like the one that was held at our headquarters on April 2nd. We can discuss the proper plans of action to take going forward with this JPA. Filling the vacant positions on the SMBRA Governing Board will be a good start, which is something we anticipate happening during the SMBRC Governing Board Meeting for tomorrow, June 19.

O11-453 cont.

In short, we've already begun the process of having the SMBRA function properly going forward. Back in April, we asked the County Department of Auditor-Controller to begin the process of issuing an RFP to conduct an audit for our JPA. The other immediate action item would be to prepare a budget for the upcoming fiscal years to be adopted by the SMBRA Governing Board as well as our County Board of Supervisors and the SMBRC. This would impact ongoing programs (Boater Education, Malibu Lagoon Monitoring).

Please send your times of availability to come to our headquarters for another meeting. We can use the time to update each other on the status of previous action items, and discuss issues moving forward.
If we can meet sometime next week, that would be great.
Thanks.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Tuesday, June 17, 2014 2:48 PM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Terri, Christian, et al.:

With regard to a March 28, 2006 meeting, I cannot find any documentation whatsoever regarding such a meeting.

As a follow up in the broader sense, we have two active programs that currently are or will be going through the JPA.

The first is our Boater Education Program. The funding from this comes from the Division of Boating & Waterways (formerly Dept., but now within DPR), since 2010.

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O11-453 cont.

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You have all of these documents as well, but I have grouped them together in this email for convenience.

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, June 4, 2014 15:31
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Hi Scott,

Regarding Item #9, The April 20, 2006 SMBRA Meeting Minutes' Item #1 calls to approve the minutes of a March 28, 2006 Meeting that we currently have no record of. We wanted to know if anyone from your agency had the minutes for this meeting.

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Thank you.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

O11-453 cont.

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Friday, May 30, 2014 10:22 AM
To: Svensson, Joshua; Grant, Terri; Lim, Christian J.; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez
Subject: Update on JPA progress, discussions with county counsel

Hi Josh and thank you for the status update. We have reviewed it and our notes are in red below, indicating our status as well. Please update accordingly and we'll be on our way.

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Let me know if you have any questions.

/s

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Thursday, May 22, 2014 3:10 PM
To: Scott Valor
Cc: Grant, Terri; Ariki, Menerva; Lim, Christian J.; Villagomez, Marcelo@Waterboards
Subject: RE: Update on JPA progress, discussions with county counsel

Scott-
Christian prepared the below table which summarizes the current status of the action items we discussed at our meeting on 4/2/14 (notes attached FYI) as well as some additional action items we created based on review of the documents provided by you and Marcelo.

Please take a look at the below summary and let us know if you have any questions.

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12	Provide all relevant documentation for 03/27/2014 agreement between SMBRA and CA Parks and Rec	05/20/2014	SMBRC	Pending	Contract for Malibu Lagoon Monitoring MV will send grant agreement to Josh.

O11-453 cont.

Thanks,

Josh SVENSSON
Watershed Management Division

Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Monday, May 19, 2014 10:14 AM
To: Svensson, Joshua
Cc: Grant, Terri
Subject: Update on JPA progress, discussions with county counsel

Hi Folks:

Where are we with regard to the JPA status moving forward? At this point you have our complete JPA file in your possession and Josh was going to confer with county counsel regarding where we stand and what we need to do going forward.

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O11-453 cont.

Otherwise, we await your direction regarding budgets, etc. going forward. We are ready to move when you are.

Thank you,

Scott

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Scott Valor <svalor@santamonicabay.org>
Sent: Tuesday, July 01, 2014 4:37 PM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Chebabi, Youssef
Subject: RE: Update on JPA progress, discussions with county counsel

Follow Up Flag: Follow up
Flag Status: Completed

The following Thursday, July 10th, works for us. Please give us a time on that date that works for you.

Scott

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Tuesday, July 1, 2014 15:49
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Chebabi, Youssef
Subject: RE: Update on JPA progress, discussions with county counsel

Hi Scott,

Most of us will be busy/out of the office this upcoming Thursday. Can you meet us next week?

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Tuesday, July 01, 2014 2:22 PM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Hi folks--

Thursday ok? Can you give us a time so that Guangyu and Marcelo can attend in person?

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

O11-453 cont.

From: Scott Valor
Sent: Wednesday, June 25, 2014 17:51
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Chris, et al.:

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To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
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626.458.4392 | chlim@dpw.lacounty.gov

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To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva

Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
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Terri, Christian, et al.:

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Sent: Thursday, May 22, 2014 3:10 PM
To: Scott Valor
Cc: Grant, Terri; Ariki, Menerva; Lim, Christian J.; Villagomez, Marcelo@Waterboards
Subject: RE: Update on JPA progress, discussions with county counsel

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O11-453 cont.

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Christian prepared the below table which summarizes the current status of the action items we discussed at our meeting on 4/2/14 (notes attached FYI) as well as some additional action items we created based on review of the documents provided by you and Marcelo.

Please take a look at the below summary and let us know if you have any questions.

O11-453 cont.

	Action Item	Date Created	Agency	Status	Notes
1	Issue Request For Proposal for SMBRA Audit	04/02/2014	Auditor	Pending	RFP issue will take up to 3 months
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4	Schedule SMBRA Governing Board Meeting	04/02/2014	SMBRC	Pending	After GB meeting. Call to set.
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7	Provide documentation on SMBRA Governing Board approval of 2011 EPA Grant Put on agenda for approval.	04/02/2014	SMBRC	Pending	Wetlands grant. No overhead charged on this grant. JPA doesn't have negotiated rate.
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					document to Josh already.
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Thanks,

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Monday, May 19, 2014 10:14 AM
To: Svensson, Joshua
Cc: Grant, Terri
Subject: Update on JPA progress, discussions with county counsel

O11-453 cont.

Hi Folks:

Where are we with regard to the JPA status moving forward? At this point you have our complete JPA file in your possession and Josh was going to confer with county counsel regarding where we stand and what we need to do going forward.

At our June 19 SMBRC Governing Board meeting, the board will be electing one member to sit on the JPA to fill the current vacancy.

Otherwise, we await your direction regarding budgets, etc. going forward. We are ready to move when you are.

Thank you,

Scott

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Scott Valor <svalor@santamonicabay.org>
Sent: Wednesday, June 18, 2014 3:33 PM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Follow Up Flag: Follow up
Flag Status: Completed

Christian, et al.:

Great update, thank you. We will coordinate on our end and get back to you soon, likely after our Governing Board meeting tomorrow for a meeting either next week or early the following week.

I will see Gary Hildebrand tomorrow at our meeting. He informed me today that Terri has been briefing him regularly. I will convey to him that we are on track on this issue, as we see it from our end.

Thank you for your good work,

Scott

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, June 18, 2014 15:12
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Scott,

It would be a good idea to have another SMBRA Staff Meeting soon, much like the one that was held at our headquarters on April 2nd. We can discuss the proper plans of action to take going forward with this JPA. Filling the vacant positions on the SMBRA Governing Board will be a good start, which is something we anticipate happening during the SMBRC Governing Board Meeting for tomorrow, June 19.

In short, we've already begun the process of having the SMBRA function properly going forward. Back in April, we asked the County Department of Auditor-Controller to begin the process of issuing an RFP to conduct an audit for our JPA. The other immediate action item would be to prepare a budget for the upcoming fiscal years to be adopted by the SMBRA Governing Board as well as our County Board of Supervisors and the SMBRC. This would impact ongoing programs (Boater Education, Malibu Lagoon Monitoring).

O11-453 cont.

Please send your times of availability to come to our headquarters for another meeting. We can use the time to update each other on the status of previous action items, and discuss issues moving forward.
If we can meet sometime next week, that would be great.
Thanks.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Tuesday, June 17, 2014 2:48 PM
To: Lim, Christian J.; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Terri, Christian, et al.:

With regard to a March 28, 2006 meeting, I cannot find any documentation whatsoever regarding such a meeting.

As a follow up in the broader sense, we have two active programs that currently are or will be going through the JPA.

O11-453 cont.

The first is our Boater Education Program. The funding from this comes from the Division of Boating & Waterways (formerly Dept., but now within DPR), since 2010.

In 2010 our SMBRC Governing Board DID originally approve a budget for this (Resolution 10-09), per the requirements of section 10.2 of the JPA agreement. We do not know if the County Board of Sups also did so. The JPA also approved the program.

In 2012 the JPA board approved a "modified" resolution (attached) designed to "approve" all future budget modifications for this program in perpetuity. However, our SMBRC Governing Board did not approve this modified resolution.

From what we can gather from interviewing staff, board members, and documents, it was believed that the 2010 SMBRC approval was sufficient (in spite of JPA Agreement section 10.2) for the ongoing program and the 2012 JPA resolution was seen as a sufficient modifier.

While I don't believe that to necessarily be accurate, it is something county counsel should consider: the boater program was initially approved by the SMBRC board (and JPA) and is an ongoing program.

We have another program due to be funded through the JPA: funding for continued Malibu restoration and monitoring. The funds were approved by Parks, but we have not invoiced yet, pending the necessary approvals from all boards.

HOWEVER, at this time we are really looking to you to provide direction, pursuant to your discussions with county counsel on how best to proceed. Our legal counsel (SWRCB legal counsel) is fully informed at this point.

ATTACHED: The supporting agendas, staff reports, resolutions, and minutes from the following:

1. 2010 SMBRC Meeting re: Boater Program
2. 2010 JPA Meeting re: Boater Program
3. 2012 JPA Meeting re: Boater Program

You have all of these documents as well, but I have grouped them together in this email for convenience.

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Lim, Christian J. <CHLIM@dpw.lacounty.gov>
Sent: Wednesday, June 4, 2014 15:31
To: Scott Valor; Svensson, Joshua; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez; Grant, Terri
Subject: RE: Update on JPA progress, discussions with county counsel

Hi Scott,

O11-453 cont.

Regarding Item #9, The April 20, 2006 SMBRA Meeting Minutes' Item #1 calls to approve the minutes of a March 28, 2006 Meeting that we currently have no record of. We wanted to know if anyone from your agency had the minutes for this meeting.

Regarding Item #10, the only documentation we have is the Agreement itself between the USACE and the SMBRA. The fact that the terms of this Agreement were never executed explains why there were no approvals/adoptions of this Agreement by either the SMBRA Governing Board or the County Board of Supervisors.

We will be scheduling the next SMBRA Staff Meeting soon. We can use this meeting for everyone to update the group on the status of their action items, including the Audit.

Thank you.

Christian Lim
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Friday, May 30, 2014 10:22 AM
To: Svensson, Joshua; Grant, Terri; Lim, Christian J.; Ariki, Menerva
Cc: gwang@waterboards.ca.gov; Marcelo Villagomez
Subject: Update on JPA progress, discussions with county counsel

Hi Josh and thank you for the status update. We have reviewed it and our notes are in red below, indicating our status as well. Please update accordingly and we'll be on our way.

Please take a look at #9. We don't have records of a JPA meeting on that date. Where did this date come from?

#10: We have the document (as do you, per my original forward to you), but don't understand why it's relevant. John Davis thinks he's "on to something" with this, but it's a red herring, as nothing ever came of the agreement.

Let me know if you have any questions.

/s

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

www.smbrc.ca.gov

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Thursday, May 22, 2014 3:10 PM
To: Scott Valor
Cc: Grant, Terri; Ariki, Menerva; Lim, Christian J.; Villagomez, Marcelo@Waterboards
Subject: RE: Update on JPA progress, discussions with county counsel

O11-453 cont.

Scott-
Christian prepared the below table which summarizes the current status of the action items we discussed at our meeting on 4/2/14 (notes attached FYI) as well as some additional action items we created based on review of the documents provided by you and Marcelo.

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Thanks,

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Scott Valor [mailto:svalor@santamonicabay.org]
Sent: Monday, May 19, 2014 10:14 AM
To: Svensson, Joshua
Cc: Grant, Terri
Subject: Update on JPA progress, discussions with county counsel

Hi Folks:

Where are we with regard to the JPA status moving forward? At this point you have our complete JPA file in your possession and Josh was going to confer with county counsel regarding where we stand and what we need to do going forward.

At our June 19 SMBRC Governing Board meeting, the board will be electing one member to sit on the JPA to fill the current vacancy.

Otherwise, we await your direction regarding budgets, etc. going forward. We are ready to move when you are.

Thank you,

Scott

Scott Valor
Director of Government Affairs
Santa Monica Bay Restoration Commission
310-922-2376

O11-453 cont.

www.smbrc.ca.gov

From: Svensson, Joshua
Sent: Monday, May 05, 2014 1:52 PM
To: Scott Valor
Cc: Lim, Christian J.; Marcelo Villagomez (mvillagomez@waterboards.ca.gov)
Subject: FW: Meeting Notes: Santa Monica Bay Restoration Authority JPA Staff Meeting 2014-04-02

Follow Up Flag: Follow up
Flag Status: Completed

Scott-
As discussed, please see the notes below.

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

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From: Villagomez, Marcelo@Waterboards [mailto:Marcelo.Villagomez@waterboards.ca.gov]
Sent: Thursday, April 03, 2014 11:36 AM
To: Svensson, Joshua; Lim, Christian J.; Flores, Adriana; Chebabi, Youssef; Wang, Guangyu@Waterboards; Yang, Kathleen; Anema, Rachelle (RANEMA@auditor.lacounty.gov)
Cc: Ariki, Menerva; Grant, Terri
Subject: RE: Meeting Notes: Santa Monica Bay Restoration Authority JPA Staff Meeting 2014-04-02

Thank you Josh,

It looks accurate to me.

Regards,
Marcelo
(213) 576-6645

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Wednesday, April 02, 2014 3:42 PM
To: Lim, Christian J.; Flores, Adriana; Svensson, Joshua; Chebabi, Youssef; Wang, Guangyu@Waterboards; Villagomez, Marcelo@Waterboards; Yang, Kathleen; Anema, Rachelle (RANEMA@auditor.lacounty.gov)
Cc: Ariki, Menerva; Grant, Terri
Subject: Meeting Notes: Santa Monica Bay Restoration Authority JPA Staff Meeting 2014-04-02

Team-
Please let me know if I've missed anything or if you'd like to provide any clarifications. Thanks again for a good meeting. - Josh

Santa Monica Bay Restoration Authority JPA Staff Meeting
Time/Date: 4/2/14, 1pm-3pm
Attendees: Christian Lim, Adriana Flores, Josh Svensson, Youssef Chebabi, Guangyu Wang, Marcelo Villagomez, Kathleen Yang, Rachelle Anema

O11-453 cont.

Action Items

1. Rachelle to issue Request for Proposal, will take 2-3 months, will work with Master Agreement Team
2. Marcelo and Kathleen to send all relevant documents to team
3. Chris to discuss following questions with County Counsel
   - Dollar limits per year
   - EPA grant
   - Nullification of Ballona grant
   - Board approval of previous years' budgets
4. Marcelo to prepare budget for 12-13, 13-14, and 14-15 fiscal years by 4/15/14
5. Marcelo to create timeline of all JPA activities
6. Marcelo to prepare agenda and staff report for next JPA Governing Board
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8. Guangyu to talk to Scott Valor regarding approval of EPA grant by SMBRA board
9. Guangyu to schedule JPA governing board meeting with Scott Valor
10. Commission to nominate SMBRA officers on 4/24/14 SMBRC meeting

Meeting Notes:

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   - Founded in 2004
   - Boater education program in 2010
   - 2006 grant agreement between the JPA and the US EPA for national estuary program grant funding to fund basic functions of the SMBRC
   - EPA Wetlands Restoration Grant for wetlands monitoring protocols
   - *Guangyu*: JPA was established with intent to pursue larger projects, etc.
   - SMBRC still hopes to utilize the JPA to a greater extent for "mutually beneficial" efforts

3. Required "Housekeeping" of JPA

   A. Current SMBRA Governing Board Members - to be finalized by SMBRC 4/24/14
   1. Gail Farber (Mark Pestrella)
   2. Zev Yaroslavsky (Susan Nissman)
   3. John Sibert
   4. Sarah Sikich
   5. SMBRC Member #3

   B. Annual audits of JPA
   1. No audits performed since inception in 2005
   2. LACFCD limited to $25,000 contribution per year
   3. Auditor will have certain fixed costs, even though there will be a small total of transactions, so the $50,000 estimate is a very high number
   4. *Rachelle*: we will need to request an RFP
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      - Financial Statements
      - Quarterly reports
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O11-453 cont.

- Background information on grants awarded to JPA, grant agreements, etc

7. EPA grant 12-13 received $318,000+, no activity in 13-14 fiscal year (starting in October)
8. SMBRA's fiscal year is October – September, based on amended JPA agreement from 2006?

C. SMBRA Annual Budget
- It doesn't appear budgets have been prepared since 2011-12 fiscal year
- Marcelo will prepare budgets

Revised Protocols, etc.

Points of Contact
- SMBRF: Marcelo Villagomez
- SMBRC: Guangyu Wang
- Watershed: Menerva Ariki, Christian Lim
- Fiscal: Kathleen Yang
- Auditor: Rachelle Anema

Frequency of SMBRA Governing Board and Staff Meetings
- Staff meetings monthly at first, then quarterly before JPA Governing Board meetings?

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

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O11-453 cont.

From: Villagomez, Marcelo@Waterboards <Marcelo.Villagomez@waterboards.ca.gov>
Sent: Thursday, April 03, 2014 11:36 AM
To: Svensson, Joshua; Lim, Christian J.; Flores, Adriana; Chebabi, Youssef; Wang, Guangyu@Waterboards; Yang, Kathleen; Anema, Rachelle (RANEMA@auditor.lacounty.gov)
Cc: Ariki, Menerva; Grant, Terri
Subject: RE: Meeting Notes: Santa Monica Bay Restoration Authority JPA Staff Meeting 2014-04-02

Follow Up Flag: Follow up
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(213) 576-6645

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Sent: Wednesday, April 02, 2014 3:42 PM
To: Lim, Christian J.; Flores, Adriana; Svensson, Joshua; Chebabi, Youssef; Wang, Guangyu@Waterboards; Villagomez, Marcelo@Waterboards; Yang, Kathleen; Anema, Rachelle (RANEMA@auditor.lacounty.gov)
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Subject: Meeting Notes: Santa Monica Bay Restoration Authority JPA Staff Meeting 2014-04-02

O11-453 cont.

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Time/Date: 4/2/14, 1pm-3pm
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O11-453 cont.

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Watershed Management Division
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Cc: Ariki, Menerva; Grant, Terri
Subject: Meeting Notes: Santa Monica Bay Restoration Authority JPA Staff Meeting 2014-04-02

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8. SMBRA's fiscal year is October – September, based on amended JPA agreement from 2006?

O11-453 cont.

C. SMBRA Annual Budget
- It doesn't appear budgets have been prepared since 2011-12 fiscal year
- Marcelo will prepare budgets

Revised Protocols, etc.

Points of Contact
- SMBRF: Marcelo Villagomez
- SMBRC: Guangyu Wang
- Watershed: Menerva Ariki, Christian Lim
- Fiscal: Kathleen Yang
- Auditor: Rachelle Anema

Frequency of SMBRA Governing Board and Staff Meetings
- Staff meetings monthly at first, then quarterly before JPA Governing Board meetings?

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

CONFIDENTIALITY NOTICE: This email message, including any attachments, is intended for the official and confidential use of the recipients to whom it is addressed. It contains information that may be confidential, privileged, attorney work product, or otherwise exempted from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately by reply email that you have received this message in error, and destroy this message, including any attachments.

From: Svensson, Joshua
Sent: Thursday, March 27, 2014 5:26 PM
To: Lim, Christian J.
Subject: RE: Santa Monica Bay Restoration Authority JPA Meeting

Follow Up Flag: Follow up
Flag Status: Completed

This is kind of a weird conference room... it looks like MPM north is available. Is there a reason we're using FMD? Is this a nice room?

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

-----Original Appointment-----
From: Lim, Christian J.
Sent: Thursday, March 27, 2014 1:50 PM
To: Ariki, Menerva; Chebabi, Youssef; Svensson, Joshua; 'Marcelo Villagomez'; 'gwang@waterboards.ca.gov'; 'sluce@santamonicabay.org'
Cc: Grant, Terri
Subject: Santa Monica Bay Restoration Authority JPA Meeting
When: Wednesday, April 02, 2014 1:00 PM-3:00 PM (GMT-08:00) Pacific Time (US & Canada).
Where: LA County Department of Public Works - 2nd Floor Facilities Management Division Conference Room

O11-453 cont.

This meeting will be an opportunity for the Los Angeles County Flood Control District and the Santa Monica Bay Restoration Commission to discuss a few action items that need to be done, as part of the agreement establishing this Joint Powers Authority (Santa Monica Bay Restoration Authority) between our agencies. These items include:

1. Performance of an audit for this JPA, including audits that have yet to be done for previous years
2. Approval of an annual budget for the JPA
3. Identification of the JPA's Governing Board, including its Executive Director
4. Other Items

Attached is a copy of the signed agreement between our agencies establishing this JPA, for your reference.
<< File: SMBRA JPA Agreement-signed copy.pdf >>
Feel free to contact me if you have any further questions

Christian Lim
Associate Civil Engineer
Watershed Management Division
Los Angeles County Department of Public Works
626.458.4392 | chlim@dpw.lacounty.gov

From: lyris@swrcb18.waterboards.ca.gov
Sent: Friday, March 14, 2014 7:14 PM
To: Svensson, Joshua
Subject: SMBRC's Watershed Advisory Council (WAC) Meeting Package (3/19/2014)
Attachments: SMBRC-FY14 Work Plan 6-20-13.pdf; Agenda for SMBRC WAC Meeting March 2014.pdf; WAC Members as of 20 February 2014.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Watershed Advisory Council Members and Interested Parties,

This is a reminder that the WAC meeting will be held on Wednesday, March 19, from 1:30 to 4:30 at Dockweiler Youth Center (see attached agenda). For your reference attached is a copy of the SMBRC's work plan for the current fiscal year (Agenda Item 2d). Also for your reference, the newly adopted 2013 Bay Restoration Plan Update (Agenda Item 2b) is available for download at the SMBRC website http://www.smbrc.ca.gov/about_us/smbr_plan/, and the last State of the Bay report published in 2010 (Agenda Item 2c) is available for download at http://www.smbrc.ca.gov/docs/sotb_report.pdf. O11-453 cont.

We encourage you to attend and please RSVP to Scott Valor at svalor@santamonicabay.org or via phone at (310) 922-2376 if you have not done so.

You are currently subscribed to reg4_santamonicabay_restoration as: jsvensson@dpw.lacounty.gov.
To unsubscribe click here: leave-1153036-347047.15e54b5dd0895a91b353e38e92687130@swrcb18.waterboards.ca.gov

From: Mary Small <msmall@scc.ca.gov>
Sent: Monday, March 10, 2014 6:13 PM
To: Svensson, Joshua
Subject: [Caution: Message contains Redirect URL content] Re: [Caution: Message contains Redirect URL content] Re: [Caution: Message contains Redirect URL content] RE: Ballona WRDA Funding & SMBRA JPA

Follow Up Flag: Follow up
Flag Status: Completed

If we can work through it tomorrow that would be great

sent from my phone

On Mar 10, 2014, at 17:39, "Svensson, Joshua" <JSVENSSON@dpw.lacounty.gov> wrote:

I sent the invite to Marcelo and I did receive confirmation from him. I did not invite Shelley.

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Mary Small [mailto:msmall@scc.ca.gov]
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Subject: [Caution: Message contains Redirect URL content] Re: [Caution: Message contains Redirect URL content] RE: Ballona WRDA Funding & SMBRA JPA

Yes but is SMBRC on it?

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Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Monday, March 10, 2014 4:47 PM
To: Svensson, Joshua; 'Marcelo Villagomez'; Lim, Christian J.
Cc: dhurlbert@santamonicabay.org; Chebabi, Youssef; Ariki, Menerva; 'Mark Yanai'; sluce@santamonicabay.org; 'Elena Eger'; 'Chris Kroll'
Subject: [Caution: Message contains Redirect URL content] RE: Ballona WRDA Funding & SMBRA JPA

O11-453 cont.

Thanks Josh, I've added Chris Kroll and Elena Eger on our staff to this email. I recommend that we schedule a conference call of the key people to discuss this as there are a lot of issues in play.

Here's a doodle poll for a meeting, http://doodle.com/fsueebszyqpppx5t

It would be ideal if we could meet before our meeting with ACOE on the 18th but that may not be possible. If none of these times work we can look for something further out.

Mary

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Monday, March 10, 2014 4:23 PM
To: Marcelo Villagomez (mvillagomez@santamonicabay.org); Lim, Christian J.
Cc: dhurlbert@santamonicabay.org; Mary Small (msmall@scc.ca.gov); Chebabi, Youssef; Ariki, Menerva; Mark Yanai (myanai@counsel.lacounty.gov)
Subject: Ballona WRDA Funding & SMBRA JPA

Marcelo, Chris-
Thank you both for your time this afternoon.

As discussed:

1. Mary Small and Marcelo referenced the attached agreement between the Conservancy and the SMBRA JPA to fund the WRDA review of Ballona.
    a. This agreement only had set aside $240,000 for the WRDA review, but the required funding is at least an additional $300,000
    b. I just dug up this agreement in my inbox. I am still unaware if the County ever reviewed/approved this agreement.
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6. Contact info for Chris and Marcelo below:

    Christian Lim
    Associate Civil Engineer
    Watershed Management Division
    Los Angeles County Department of Public Works
    (626) 458-4392
    chlim@dpw.lacounty.gov

    Marcelo Villagomez
    Administrative Director
    The Bay Foundation
    (213) 576-6645 office
    mvillagomez@santamonicabay.org

O11-453 cont.

Please let me know if you have any questions.

Josh SVENSSON
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(626) 458-7157 | jsvensson@dpw.lacounty.gov

O11-453 cont.

From: Svensson, Joshua
Sent: Monday, March 10, 2014 5:40 PM
To: 'Mary Small'
Subject: RE: [Caution: Message contains Redirect URL content] Re: [Caution: Message contains Redirect URL content] RE: Ballona WRDA Funding & SMBRA JPA

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> **Sent:** Monday, March 10, 2014 4:47 PM
> **To:** Svensson, Joshua; 'Marcelo Villagomez'; Lim, Christian J.
> **Cc:** dhurlbert@santamonicabay.org; Chebabi, Youssef; Ariki, Menerva; 'Mark Yanai'; sluce@santamonicabay.org; 'Elena Eger'; 'Chris Kroll'
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O11-453 cont.

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Please let me know if you have any questions.

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Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

SANTA MONICA BAY RESTORATION AUTHORITY
Staff Meeting

July 10, 2014

SIGN-IN SHEET

NAME	ORGANIZATION	PHONE	E-MAIL
Christian Lim	LACDPW	626.458.4392	chlim@dpw.lacounty.gov
Menerva Ariki	LACDPW	626-458-4316	mariki@dpw.lacounty.gov
Marcelo Villagomez	Santa Monica Bay Rest.	213. ~~265~~ 276-6645	mvillagomez@santamonicabay.org
Guangyu Wang	SMBRC	213-576-6639	gwang@waterboards.ca.gov
Rachelle Anema	LA Co. Aud-Controller	213-974-8327	
YOUSSEF CHEBABI	LACDPW	626 458-4313	YCHEBABI@LADPW.ORG
Adriana Flores	LACDPW	626-458-4333	aflores@dpw.lacounty.gov

O11-453 cont.

AMENDMENT 1 TO AGREEMENT 74798
SANTA MONICA BAY RESTORATION AUTHORITY
JOINT EXERCISE OF POWERS AGREEMENT

THIS AMENDMENT, made and entered into as of this 23rd day of August, 2006, by and between:

THE SANTA MONICA BAY RESTORATION COMMISSION, (hereinafter referred to as Commission) a public agency of the State of California established pursuant to Division 20.7 of the Public Resources Code (Section 30988, et seq.); and

THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, (hereinafter referred to as District) a public agency of the State of California established pursuant to Los Angeles County Flood Control Act, Chapter 755 Stats of 1915, Chapter 28 of the Appendix to the California Water Code.

WITNESSETH

O11-453 cont.

WHEREAS, Agreement 74798 was entered into between the Commission and the District on April 6, 2004, to create the Santa Monica Bay Restoration Authority (hereinafter referred to as Authority); and

WHEREAS, the Commission and District desire to change the fiscal year of the Authority to be consistent with that of the U.S. Environmental Protection Agency for purposes of funding; and

WHEREAS, Section 17.0 of the Agreement requires that the provisions of the Agreement shall be amended solely upon the adoption of a resolution to amend by each party to the Agreement.

NOW, THEREFORE, in consideration of these facts, the Commission and the District agree that Agreement 74798 between them shall be amended as follows:

FIRST: Section 10.0 of the Agreement is hereby amended and modified to read as follows:

The fiscal year of the Authority shall be October 1 to September 30.

SECOND: All other terms, requirements, specifications, and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the District has, by order of its Board of Supervisors, caused these presents to be subscribed by the Director of Public Works, and the Commission has subscribed its name by and through its duly authorized officers, as of the day, month, and year first written above.

Santa Monica Bay Restoration Commission

By _____
Chairperson

O11-453 cont.

Los Angeles County Flood Control District

By _____ Date 8/23/06
Donald L. Wolfe
Department of Public Works

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

_____

SANTA MONICA BAY RESTORATION COMMISSION
Fiscal Year 2014 Work Plan
(October 1, 2013 – September 30, 2014)

O11-453
cont.

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III. TASK DESCRIPTIONS **5**

IV. STAFFING **255**

V. BUDGET ..... ERROR! BOOKMARK NOT DEFINED.**3**

VII. TRAVEL COSTS ..... ERROR! BOOKMARK NOT DEFINED.**4**

O11-453 cont.

I. INTRODUCTION

In 1988, Congress recognized Santa Monica Bay as a "water body of national significance" and established the Santa Monica Bay Restoration Project (SMBRP) as one of the U.S. Environmental Protection Agency's (U.S. EPA) National Estuary Programs (NEPs). In 1995, SMBRP finalized the Santa Monica Bay Restoration Plan (BRP; also known as the Comprehensive Conservation and Management Plan), which defined the priority problems facing Santa Monica Bay and the actions necessary to address them. In September 2002, Governor Gray Davis signed legislation creating the Santa Monica Bay Restoration Commission (SMBRC) as a new State entity charged with carrying forward the work of SMBRP. SMBRC held its first meeting as a new State entity in October 2003. The functions of the SMBRC are carried out by a Governing Board, which is the key decision-making body of the SMBRC. It is made up representatives of state, local, and private entities, whose mission and duties are set forth in a Memorandum of Understanding, which is updated periodically. The SMBRC Governing Board is also supported by two advisory bodies, the Watershed Advisory Council (WAC) and the Technical Advisory Committee (TAC).

The mission of the SMBRC is to restore and enhance the Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values. The SMBRC supports actions to monitor, assess, coordinate, and advise the activities of state programs and oversee funding that affects the beneficial uses, restoration and enhancement of Santa Monica Bay and its watersheds. (Pub. Res. Code §30988(d).) The SMBRC is a non-regulatory, locally based state entity that independently executes its duties. O11-453 cont.

The Santa Monica Bay Restoration Foundation (SMBRF) is a non-profit organization founded in 1990 to restore and enhance the Santa Monica Bay and local coastal waters. The SMBRF is the non-profit partner of the SMBRC. The SMBRF raises and expends funds for research, education, planning, cleanup efforts, and other priorities identified in the BRP.

Between 2007 and 2008, SMBRC conducted a comprehensive update of the original 1995 BRP through an iterative process with active participation from members of the Governing Board. The results of this process are two companying documents: the 1995 BRP Check-Up and the 2008 BRP Update. Approved by the Governing Board on December 18, 2008, the BRP Update lays out approaches and strategies that the SMBRC believes are the most effective in making substantial progress toward Bay restoration over the next ten to twenty years. More specifically, the new BRP presents a set of new goals, objectives, and milestones to address remaining issues and new challenges, and reflects the consensus of SMBRC partners with regard to the best strategies and priorities to ensure continued progress and achieve eventual restoration of the Bay and its watershed.

The purpose of this Work Plan is to describe the technical, managerial, and administrative support and public involvement necessary for SMBRC to continue to advance the mission of the Santa Monica Bay NEP and accomplish the goals and objectives of the 2008 BRP Update[1]. Specifically, this Work Plan outlines the program objectives, tasks, funding sources, and

[1] Electronic version of the 2008 BRP is available and can be downloaded via SMBRC's website at http://www.smbrc.ca.gov/about_us/smbr_plan/

resource allocations for the work to be performed during federal fiscal year (FY) 2014: October 1, 2013 – September 30, 2014.

The SMBRC receives no direct funding to implement the BRP; rather the funding to support the work of the SMBRC is provided primarily through funds that are granted to entities that implement the tasks and projects associated with BRP implementation and in this Work Plan. The funding for supporting activities identified in this Work Plan comes primarily from the federal Clean Water Act (CWA) Section 320 "base" grant funding for 2013-2014. See 33 U.S.C. §1330. The CWA Section 320 grants require a 50-50 match. During this Work Plan period, the match requirement will be met using funds from the State bond grants (e.g., Proposition 50 and 84 grants administered by the State Water Resources Control Board (SWRCB) and Proposition 12 grants administered by the California State Coastal Conservancy), the SWRCB staff support, and other grant funds from State and local sources.[2]

The SMBRC is the policy-making deliberative body of the Santa Monica Bay Estuary Program that oversees the projects and funds that are used to implement the BRP. The SMBRF is the entity that receives the U.S. EPA grant and uses the grant funds to provide staff and administrative services needed to carry out the Work Plan tasks. The SMBRF will continue in this role in FY 2014. Other grant funds are provided to the SMBRF and other entities that also implement projects identified as part of the BRP. The SWRCB will also continue to provide additional staff, administrative and other support as set forth in state law. (Pub. Res. Code § 30988.2(a).) Staff of the SWRCB primarily work in the office of the Los Angeles Regional Water Quality Control Board. Employees of the SMBRF, staff of the SWRCB, and contractors hired by the SMBRF carry out the key functions of the SMBRC since it has no direct staff of its own. O11-453 cont.

Section II of the Work Plan provides an overview of the activities to be undertaken in FY 2013. Section III provides details on the individual tasks and how each task advances the goals of the BRP. Section IV explains how the FY13 work plan tasks will be supported by core program staff. Section IV depicts the work plan budget.

II. WORK PLAN OVERVIEW

The scope of this Work Plan is broad. Significant staff effort will continue to be devoted to the management and oversight of pollution control and habitat restoration projects through the Proposition 12, 50, and 84 grant programs and other sources of grant funding. In addition, staff will facilitate and promote activities by partner organizations and stakeholders to for achieving the objectives and milestones of the BRP; tracking implementation of the BRP; conducting public education and outreach programs; and ensuring the fiscal stewardship and program capacity of the Santa Monica Bay NEP.

This Work Plan includes a mix of ongoing and new activities that support implementation of the BRP and will contribute to achieve the following goals identified in U.S. EPA's Strategic Plan:

[2] The SMBRC oversees the activities and projects that are implemented using grant funds, but that agencies that administer the grants audit the use of the funds provided in those grants by those agencies.

- Goal 2: Clean and Safe Water
- Goal 3: Land Preservation and Restoration
- Goal 4: Healthy Communities and Ecosystems, and
- Goal 5: Compliance and Environmental Stewardship

Consistent with U.S. EPA's Strategic Plan, the overarching goals of this Work Plan are:

- To make continued improvements in water quality and the health of the Bay's habitats and resources by effectively promoting and managing the implementation of pollution control, habitat restoration, and ecological assessment projects;
- To work with dischargers and other stakeholders toward collaborative programs that reduce negative environmental impacts on the Bay and meet the goals of the Clean Water Act;
- To outreach to the public and policy-makers about the state of Santa Monica Bay, the activities and accomplishments of the Santa Monica Bay NEP, and the ways the public can help improve the ecological health of the Bay;
- To monitor and assess the effectiveness of BRP implementation, both in terms of management actions and environmental improvements; and
- To improve the institutional mechanisms and program management of the Santa Monica Bay NEP.

O11-453 cont.

In FY14, the SMBRC will continue to achieve the above overarching goals through three primary ways (core functions). These core functions include:

- Facilitation: SMBRC is the only group in the diverse and densely-populated watershed of Santa Monica Bay whose main function is to bring together all stakeholders in an open and collaborative process wherein the goal is to improve the health of the Bay for all who depend on it. Although many agencies, industries, and nonprofit groups work on environmental issues in the Santa Monica Bay watershed, only SMBRC has broad Governing Board representation and multi-level support (local, State, and Federal) to link these groups together and foster truly integrated solutions to habitat and pollution problems.
- Implementation: SMBRC has expert technical and policy staff who conduct projects and programs ranging from education (e.g., the Clean Marinas program), to hands-on management of millions of dollars in grant funds, to designing wetlands restoration (e.g., the Ballona Science Advisory Panel) and implementing on-the-ground water pollution control and water conservation programs.
- Program Management: There are significant reporting requirements associated with the Federal and State monies received and/or distributed by SMBRC. In addition, the SMBRC partners with the nonprofit SMBRF, and has entered into a Joint Powers Agreement with Los Angeles County. Both of these entities require bookkeeping and reporting tasks that fall under Program Management.

III. TASK DESCRIPTIONS

This section outlines each of the FY14 Work Plan tasks in detail. Many of the FY14 tasks are continuations of past efforts. The particular BRP actions that are linked to each task are identified, along with the corresponding partner organizations, anticipated environmental results, and performance measures. Environmental results are divided into Outputs (i.e., an activity or effort and/or associated work products that are produced or provided over a specific period of time) and Outcomes (i.e., environmental changes or benefits resulting from such activities/ efforts) and refer to results that are expected to be achieved in FY14.

1. Water Resources and Quality Improvement

1.1 Oversee Proposition 12, 50 and 84 bond grants
Core Function = Implementation

The SMBRC will continue to provide oversight of, and technical support for pollution prevention and habitat restoration projects that have been funded through Prop. 12, Prop. 50, and Prop. 84 grant programs. The projects funded through these programs were selected through a rigorous public process to ensure they meet the BRP objectives and address the BRP priorities adopted by the SMBRC and are consistent with U.S. EPA's Strategic Plan. Adequate oversight of these projects is essential and entails close coordination with State Coastal Conservancy and SWRCB staff and project proponents in preparing grant agreements, project execution, and project reporting. (See Appendix A for a list of all ongoing Prop. 12, 50, and 84 projects.) Staff will also work with the Governing Board and other partners to identify and develop new project concepts. O11-453 cont.

Proposition 12 Grant Program

Prop. 12 has resulted in $25 million for BRP implementation. Most of the28 projects funded by the Prop. 12 grant have been completed. SMBRC staff currently manages one project that remains active (Rindge Dam removal feasibility study) . During FY14, staff will also manage the Abalone Cove bluff restoration project approved by the Governing Board in October 2013. Work related to existing and new Prop. 12 projects includes:

- Monitor and report on project progress through site visits, meetings, review of progress reports, etc. Review and approve invoices and deliverables
- Coordination between grantees and the State Coastal Conservancy in contract planning, execution and completion.
- Providing technical assistance and troubleshooting.

Proposition 50 Grant Program

Prop. 50 has resulted in $20 million for BRP implementation. Most of the16 projects funded by the Prop. 50 grant have been completed. In FY 14. staff will be responsible for managing the Culver City city-wide BMP treatment train project. Staff will also manage the re-initiated Arroyo Sequit fish migration barrier removal project, using Prop. 50 originally allocated to this project in 2005. Phase I of this project, Planning and Design, will be conducted by SMBRF staff and

Phase II, Fish Barrier Removal will be carried out by the State Department of Park and Recreation. Additional work related to this project includes:

- Coordinate between the project team and the SWRCB Contract and Grants Office to ensure timely contract development and execution.
- Conduct adequate monitoring and reporting on project progress.

Proposition 84 Grant Program

The passage of Prop. 84 in 2006 resulted in $18 million for BRP implementation. Currently six projects totaling approximately $5 million are funded by the grant and are underway. During FY 14, staff will be responsible for managing these projects and specific tasks will include:

- Monitor and report on project progress through site visits, meetings, review of progress reports, etc. Review and approve invoices and deliverables
- Coordinate between grantees and the State Water Resources Control Board in contract planning, execution and completion.
- Provide technical assistance and troubleshooting.

Staff will also work with potential project proponents to develop proposals for new projects, and will coordinate, manage, and provide technical assistance and reporting on any new Prop 84 projects.

O11-453 cont.

Linked BRP Objectives and Milestones: 1.1b, 1.2b, 2.1e, 2.1f, 2.5a, 4.6b, 5.1a, 5.1b, 6.5a, 6.5b, 7.2a, 7.3a, 7.3b, 7.5a, 7.5c, 7.5d, 7.5f, 7.6c, 8.1a, 8.1c, 9.1a, 9.1b, 11.1a, 14.1a

Partner Organizations: SWRCB, State Coastal Conservancy

Environmental Results: Outputs: Number of projects initiated, in progress, or completed.

Environmental Results: Outcomes: Reduction in mile-day beach closures, exceedance of water quality criteria, and pollutant loadings; increase in acres and/or linear miles of habitats restored.

Performance Measures: Improved beach water quality grades at Santa Monica Bay beaches; increased compliance with water quality standards, acres/linear miles of habitats restored.

1.2 Facilitate development and implementation of water quality regulations in the Bay watershed

Core Function = Facilitation/Implementation

One overarching goal of the BRP is to ensure that SMBRC activities and projects contribute to the achievement of water quality standards at all waterbodies in the Bay and the Bay watershed. To achieve this goal, the SMBRC staff consults with the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) and U.S. EPA on Clean Water Act regulatory program strategies. Based on these strategies, the SMBRC works with stakeholders responsible

for achieving allocations of total maximum daily loads (TMDLs, see Appendix C for a list and status of TMDLs in Santa Monica Bay watershed) as well as dischargers responsible for complying with NPDES permits. Specific SMBRC contributions include identifying pollutant sources and prioritizing and implementing cleanup projects. For example, the SMBRC recommendations have resulted in the awarding of millions of dollars in grant funding for storm water pollution reduction projects to specifically help local municipalities meet storm water permit requirements and the goals of the trash, pathogen, and metal TMDLs in our local waterbodies. The contribution of efforts in water quality improvements across the Bay watershed will continue to be highlighted in FY 14.

During FY 14, the SMBRC will also continue to prioritize available funding to projects that contribute to meeting TMDLs and storm water permit requirements, In addition, the SMBRC will continue to collaborate with stakeholders to pilot and showcase green solution/ low impact develop (LID) practices as a critical part of a comprehensive, long-term strategy for storm water pollution control and TMDL implementation in the region. SMBRC will also continue to carry out TMDL progress tracking and assessment. This may involve identifying sources of information needed for progress tracking, compiling existing sources of information, and reporting on the tracking results with emphasis on measurements of progress toward improving water quality and/or restoring habitats.

O11-453 cont.

A new LA County MS4 permit was adopted by the Regional Board in late 2012. The SMBRC will continue to facilitate and assist permittees in the Santa Monica Bay watershed to achieve compliance with the new permit. As part of this effort, the SMBRC will facilitate or provide technical assistance in development of the enhanced watershed management plans through participation in activities of sub-region stakeholder groups and other mechanisms. The SMBRC will also facilitate and participate in storm water monitoring, especially monitoring on effectiveness of LIDs. SMBRC will also continue to engage in addressing issues associated with OSWT systems in the Malibu Civic Center area.

Linked BRP Objectives and Milestones: 1.1a, 1.1b, 1.2b, 1.2c, 1.5b, 1.8a-e

Partner Organizations: U.S. EPA, SWRCB, LARWQCB, LAC-DPW, Watershed cities.

Environmental Results: Outputs: TMDLs adopted and progress toward compliance. Number of projects initiated, in progress, or completed.

Environmental Results: Outcomes: Reduction in mile-day beach closures, exceedances of water quality criteria, and pollutant loadings, Acres of habitats restored.

Performance Measures: Improved beach water quality grades at Santa Monica Bay beaches; decreased pollutant concentrations in 303(d)-listed waterbodies.

1.3 Participate in the Integrated Regional Water Management Plan (IRWMP) for Los Angeles County (State Prop. 50 & 84)
Core Function = Facilitation/Implementation

In FY11, the SMBRC was re-elected as one of ten members of the Leadership Committee charged with developing an integrated water resource management plan (IRWMP) for the Los Angeles Metropolitan region (which includes the entire Santa Monica Bay watershed). In FY13, the Greater LA IRWMP was awarded a new state grant to update the IRWMP and SMBRC lead the development of a new and ground-breaking element focusing on Open Space for Habitat and Recreation. This element was adopted into the plan by the Leadership Committee in 2012.. During FY14, the SMBRC will continue to participate in the activities of the leadership group and provide necessary technical and advisory support. Through its participation, the SMBRC will continue to participate in implementation of the green solution recommendations. also work with Los Angeles Water Board staff and others to identify and incorporate regulatory priorities into the selection of specific projects included in the IRWMP, especially projects that lead to water quality improvement by reducing storm water pollutant loading regulated by the MS4 permit, specific TMDL implementation plans, etc.

The SMBRC also sits on the Steering Committees for the South Bay sub-regional watershed group. SMBRC will continue its role on the Steering Committee to work with other sub-regional groups to develop and recommend projects for the sub-regions for funding made available for implementation of the IRWMP.

O11-453 cont.

Linked BRP Objectives and Milestones: 4.5a, 4.5b, 12.1a, 12.2a, 12.3a, 13.3a-c, 14.1a-c, 14.3a, 14.3b

Partner Organizations: LA County, many LA County municipalities and councils of government, Watershed Conservation Authority, nonprofit environmental groups, Resource Conservation Districts, Metropolitan Water District, LA Dept. of Water and Power, West and Central Basin Municipal Water Districts, San Gabriel Valley Watermasters

Environmental Results: Outputs: LA County-wide IRWMP.

Environmental Results: Outcomes: Decreased dependence on imported water; increased infiltration of storm water; decreased polluted runoff to the Bay; increased aquatic habitat and open space.

Performance Measures: To be determined as the IRWMP progresses; one measure would be the number of SMBRC-recommended projects that are included in the final IRWMP.

1.4 Implement green infrastructure and LID projects in targeted watersheds
Core Function = Facilitation/Implementation

Green infrastructure and low impact development (LID) practices are being increasingly used as an effective tool to capture and infiltrate storm water on-site. In addition to improving surface water quality, these practices also provide multiple benefits including creation of native habitat, beatification of the urban landscape, and reduction of outdoor water use for irrigation, etc. The SMBRC has given increasing priority to green infrastructure projects in allocation of the state

bond funding (Prop. 50, 84). Examples of green infrastructure projects funded by these bonds include the Bicknell Green Street project in Santa Monica and the Downspout disconnection project in Los Angeles and Culver City, the construction of three rain gardens along the Ballona Creek, and two new LID projects funded with Prop. 84 grant in FY13 (also see Task 1.1). In FY14, activities will include oversight of these new projects as well as planning and seeking funding for another rain barrel/rain garden program.

Since FY12, the SMBRC has facilitated parkland management agencies to address the issues of parking lots in parklands as a potential source of pollutant loading. In FY14, staff will continue to work with these agencies to develop and implement parking lot retrofits with LID technologies in various parkland locations.

Linked BRP Objectives and Milestones: 1.1b, 2.1e, 2.1f, 11.1a, 14.1a

Partner Organizations: LA County, LA City, City of Santa Monica, City of Torrance

Environmental Results: Outputs: volume of storm water collected/infiltrated.

Performance Measures: Improved storm water quality and beach water quality grades at Santa Monica Bay beaches; acres of habitats/green space created.

O11-453 cont.

1.5 Climate Change Adaptation and Climate Ready Estuary
Core Function =Facilitation

Understanding the potential impacts of climate change and promoting adaption planning are important objectives of the BRP. After completion of the Balllona Wetlands and Watershed climate change modeling and adaptation project with funding support from the U.S. EPA Climate Ready Estuaries (CRE) Program, the SMBRC will continue to partner with the Los Angeles Regional Collaborative for Climate Change (LARC) USC Sea Grant and other local agencies to disseminate the results of the investigation and adaptation recommendations to a broad regional audience. The SMBRC will also expand work in this area by facilitating vulnerability assessment and adaptation planning by coastal jurisdictions along the Santa Monica Bay coast.
Linked BRP Objectives and Milestones: 4.5a, 4.5b

Partner Organizations: Members of the Los Angeles Regional Collaborative for Climate Action and Sustainability (LARC), USC Sea Grant.

Environmental Results: Outputs: Climate models for analyzing change in wetland and watershed conditions. Policy recommendations for adapting to the impacts of climate change.

Environmental Results: Outcomes: Increased awareness of climate change impacts, wetland restoration plan and long-term management plan with climate change adaption strategies incorporated. Improved collaboration among local agencies and research organizations in addressing climate change impacts.

Performance Measures: Report/research publications on climate model development and application. Final wetland restoration and management plans. Number and status of climate change adaption plans developed locally.

1.6 Clean Bay Restaurant Certification Program
Core Function =Facilitation/Implementation

The SMBRC initiated the Clean Bay Restaurant Certification Program in 2008 in order to help beach communities address a significant potential source of pollution – local restaurants. The Certification Program is a collaborative partnership between local agencies, businesses, and consumers and advocates environmental stewardship and helps cities meet TMDL requirements by preventing stormwater pollution by restaurants. Seven cities and an average of 300 restaurants participate in the program.

In FY14, the SMBRC will continue coordination and promotion of the program. As more communities in the Santa Monica Bay watershed become aware of the Program and its importance, staff will also work with various local municipal governmental COGs to expand the program to other areas of the watershed. In FY14, new promotional events to raise awareness will include social media campaigns, food tastings, and earned and paid media exposure.

Linked BRP Objectives and Milestones: 2.5d

Partner Organizations: South Bay cities, other cities in the watershed

O11-453 cont.

Environmental Results: Outputs: number of restaurant inspections, number of restaurant certified.

Environmental Results: Outcomes: Greater awareness of clean Bay issues which will lead to greater involvement by the public and increased participation of restaurants.

Performance Measures: Number of cities participating, number of restaurant inspections, number of restaurants certified.

2. *Wetland and Other Coastal Habitat Restoration*

2.1 Facilitate restoration of priority wetlands
Core Function =Facilitation/Implementation

Ballona Wetlands
Restoration of Ballona Wetlands has been a top priority of the SMBRC for many years. Significant progress has been made in the last ten years, most notably through the acquisition of Ballona Wetlands by the State of California.

The development of the Ballona Wetlands restoration plan is a multi-year process and major challenges remain. SMBRC works closely with the lead agency, the State Coastal Conservancy,

to facilitate an inclusive, participatory process involving many stakeholders. This is done largely by the State Coastal Conservancy funding of staff for the Ballona Wetlands Restoration Local Program which is supervised and supported administratively by SMBRC. Under this collaborative partnership, the SMBRC conducted and completed a two-year baseline monitoring data collection and baseline condition assessment project, and assisted the Coastal Conservancy to initiate and proceed with the CEQA/NEPA process for Ballona Wetlands restoration planning. Based on the results of the baseline assessment, the SMBRC moved forward in FY 12, and initiated the development of a Tier 3 long-term monitoring program for the wetland habitats. With grant awarded from the U.S. EPA Wetland Development Grant, the SMBRC has teamed up with SCCWRP to demonstrate and carry out Level 3 monitoring as defined under the Integrated Wetlands Regional Assessment Program (IWRAP). In FY 14, with grant funding support from U.S. EPA and State Coastal Conservancy, the SMBRC will continue to conduct data collection and help with agency and public review to support environmental impact analysis and permit applications for Ballona wetlands restoration. The SMBRC will also coordinate with the US AOE and facilitate the 408 permit application and approval process.

Malibu Lagoon

Restoration of Malibu Lagoon is also a top priority of the SMBRC. After years of planning and completion of the Phase I and the affirmative court ruling dismissing the legal challenge, Phase II restoration of Malibu Lagoon broke ground in the summer of 2012 and was completed successfully in May 2013. After completion of the restoration, the SMBRC will continue to work with partner state agencies and other stakeholders to help conducting post-restoration maintenance and monitoring. O11-453 cont.

Linked BRP Objectives and Milestones: 7.1a, 7.1b, 7.2a

Partner Organizations: State Coastal Conservancy, State Dept. of Parks and Recreation, City of Los Angeles, City of Malibu, LA County, nonprofit groups, local residents, and other stakeholders

Environmental Results: Outputs: Implementable restoration plans; restoration project(s) initiated.

Environmental Results: Outcomes: Acres of wetland habitat restored; improvement in ecosystem functions and connectivity in major coastal wetland complexes.

Performance Measures: Attendance records; meeting minutes; evaluation of local Ballona coordinator function by other stakeholder agencies; acres or linear miles of habitat protected or restored.

2.2 Facilitate Stream Restoration and Protection
Core Function = Facilitation/Implementation

Riparian habitat restoration is a relatively new initiative of the SMBRC and is addressed by several objectives in the newly undated BRP. With few natural streams remaining in the watershed due to increasing encroachment of urbanization, naturalization of flood control

channels and daylighting of culverted streams become a high priority. SMBRC recognizes the difficulties and potential liabilities faced by local jurisdictions and, therefore, focus its efforts in providing various types of assistance to make stream restoration projects more feasible. Building upon the progress made in previous years, activities in FY 14 will include:

- Facilitate adoption of a stream protection ordinance by local jurisdictions.
- Apply results of the historical ecology, water budget studies for Ballona Creek watershed in developments of new restoration project concepts.
- Develop historical ecology and conceptual restoration plans for Trancas and other coastal lagoons in Santa Monica Bay.
- Carry out more fish barrier removal projects, including the Arroyo Sequit fish passage removal project with Prop. 84 funding.
- Support restoration of lower Topanga Creek and work with stakeholders in the Topanga Creek watershed to move forward the CEQA review of the proposed CalTrans project to widen the lower Creek narrows and the PCH bridge.
- Carry out maintenance of the Stone Creek restoration.
- Continue to build support for implementation of the Ballona Creek Greenway Plan. Carry out the Milton Street Park project along the Ballona Creek. Seek funding to implement more projects recommended by the Greenway Plan.
- Facilitate completion of the Rindge Dam removal feasibility study

O11-453 cont.

In addition, the SMBRC will continue to lead efforts to address the environmental damage caused by invasive species. SMBRC staff will continue to conduct and report on the result of the annual mudsnail infestation surveys in the Northern Bay watershed.

Linked BRP Objectives and Milestones: 4.1a, 7.4a, 7.4b, 7.5a-f,

Partner Organizations: City of Los Angeles and other Ballona Creek and Malibu Creekwatershed cities, State Parks, State Dept. of Fish and Game, National Parks Service, Los Angeles County, US Army Corp of Engineers

Environmental Results: Outputs: stream protection policy and ordinance adopted by watershed cities; historical maps and water budget information reports.

Environmental Results: Outcomes: Increased protection of streams; greater awareness among agencies of best management practices that support stream restoration; improved restoration of riparian and aquatic habitat and biodiversity; improved passage for endangered southern steelhead trout; improved water quality and fewer related 303d listings; reduced erosion/sedimentation issues and fewer related 303d listings; reduction and effective control of invasive species populations,increased recreational and educational opportunities in communities with naturalized streams.

Performance Measures: Updated maps of streams; adopted stream restoration policies; hydrologic models developed; completed historical ecology studies; number of stream restoration projects planned or underway.

2.3 Facilitate and coordinate watershed management and habitat restoration in the Ballona Creek watershed

Core Function = Facilitation

SMBRC spearheaded comprehensive watershed management in Ballona Creek watershed, including the establishment of the Ballona Creek Watershed Task Force in the Bay's largest sub-watershed. Although in FY 14 the SMBRC will discontinue coordination of the Task Force, we will continue to promote and participate in planning and restoration efforts with stakeholders and partners in the watershed.

Linked BRP Objectives and Milestones: 4.6a, 4.6b, 5.2a, 5.2b, 7.5a-f

Partner Organizations: Members of the Ballona Creek Watershed Task Force, City of Los Angeles, LA County, Culver City

Environmental Results: Outputs: Targeted proposals from stakeholders for projects addressing BRP goals in the Ballona Creek watershed.

Environmental Results: Outcomes: Increased awareness of watershed issues; improved coordination of watershed restoration and pollution reduction projects; implementation of Ballona Watershed Management Plan. Improvement in ecosystem functions and connectivity along seven miles of Ballona, Centinela, and Sepulveda Creeks and throughout the wetland complex. O11-453 cont.

Performance Measures: Attendance lists; meeting minutes; number of Ballona-related funding requests made and received by SMBRC; funds awarded to Ballona projects advocated by SMBRC or the Ballona Creek Task Force; Ballona Watershed Management Plan tasks initiated or completed; survey of stakeholders on our facilitation efforts.

3. Marine Habitat Protection and Restoration

3.1 Promote Marine Ecosystem Protection through Outreach and Information Sharing

Core Function = Facilitation/Implementation

Recognizing the urgent need for implementing marine resource protection measures in Santa Monica Bay, the SMBRC has made the establishment of marine protected areas (MPAs) in Santa Monica Bay a priority. After a year-long stakeholder process in 2008-2009 that the SMBRC staff actively participated in, the State Fish and Game Commission adopted a MLPA network for Southern California, including two MPAs in the Santa Monica Bay.

During FY14, the SMBRC will continue to participate in implementation of the MPA monitoring plan, mainly through partnering with Ventuna Research Group to conduct monitoring and assessment of subtidal rocky reef habitats. The SMBRC will also continue to carry out the ocean

vessel aerial monitoring project. This project was initiated in 2008 to document the location, type and activity of ocean vessels operating in state waters with the purpose of informing the south coast Marine Life Protection Act Initiative with a fishery independent data set on the expanse and type of fishing effort in Southern California. The second phase of this project was started in January 2012and will continue over the next 2.5 years, including FY 14. Data collected during this phase will be compared to pre MPA data collected in state waters to describe trends and responses by the fishing community and others, resulting from the newly established network of MPAs and to aid DFG in improving the effectiveness of MPA enforcement throughout southern California.

In FY 14, in addition to MPA-related monitoring and surveys, the SMBRC will also continue to explore funding and partnership opportunities for conducting various projects that promote marine ecosystem protection. These activities may include

- Facilitate the development of local sustainable fishery, including analysis and information-sharing on shellfish contamination, coupled with local seafood promotion activities.
    - Promote programs to increase the supply of healthy local sustainable seafood.
    - Promote and/or participate in development of fishery management for spiny lobsters, California halibut, etc., and promote involvement of local fisherman in fishery management issues.
- Work with partners (Pepperdine U., etc.) to promote understanding of beach ecology through beach health index development, stakeholder outreach and citizen monitoring.

O11-453 cont.

Linked BRP Objectives and Milestones: 4.2a-d, 4.3a-d, 9.1a, 9.3, 9.4, 11.4, 11.5,

Partner Organizations: California Department of Fish and Game, State MPA Monitoring Enterprise, Pepperdine University, Heal the Bay, others

Environmental Results: Outputs: MPA outreach material, aerial monitoring data, etc.

Environmental Results: Outcomes: Increased population and diversity of marine organisms as shown by monitoring data. increased, more sustainable harvest of local seafood, increased public awareness of the value of marine resources.

Performance Measures: Reduced number of MPA regulation violations, type and number of outreach conducted, increases in species diversity and abundance in MPAs.

3.2 Conduct Research of Important Marine Habitats and Species
Core Function = Implementation

The restoration of green and pink abalone; (*Haliotis fulgens* and *Haliotis corrugata* respectively) continues to be of great importance to the SMBRC. To facilitate local recovery of these species, the SMBRC obtained grant funding and initiated research on abalone population level genetic and development of disease prevention protocols. In FY14, this research will continue and move into the next phase which involves release and restoration of abalone broodstock on Palos Verdes.

Concerns for the status of California Halibut *Paralicthhys californicus* in Santa Monica Bay will also continue to be a focus of research efforts with local fishing groups and geneticists from research institutions and Universities.

Additional effort will be made to assess and protect eelgrass. This effort will be aided by key partnerships with other federal agencies and the SMBRC will assist federal partners in assessment of offshore eelgrass beds in Santa Monica Bay.

Linked BRP Objectives and Milestones: 4.2a-d, 4.3a-d, 9.1a, 9.3, 9.4, 11.4, 11.5,

Partner Organizations: California Department of Fish and Game, Ocean Protection Council, State Coastal Conservancy, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Vantuna Research Group (Occidental College), Heal the Bay, Santa Monica Baykeeper, Commercial Sea Urchin Harvesters Commission, others

Environmental Results: Outputs: MPA monitoring plan and report on results of MPA monitoring; anta Monica Bay; amount of funding obtained for rocky reef monitoring and restoration as well as abalone population restoration. Abalone disease prevention protocols

Environmental Results: Outcomes: Restored rocky reef habitats that lead to increased biomass and diversity of marine life in the Bay. Reintroduction and increase in population of abalone in the Bay. Additional indicator data available for monitoring conditions in Santa Monica Bay O11-453 cont.

Performance Measures: Amount of funding and other resources secured for enforcement and monitoring of established MPAs. Amount of funding and other resources secured for habitat and marine species restoration. Number of fisherman participated in development of sustainable fisheries.

3.3 Restore and Enhance Rocky Reef Habitat
Core Function = Implementation

The SMBRC has a long history in working with several partner organizations and engaging in restoration of rocky reef/kelp habitats, which is one of the most productive and diverse marine ecosystem in the world. A newly expanded, multi-year rocky reef/kelp restoration project is expected to begin in the summer of 2013, once the collection permit from the California Department of Fish and Wildlife is approved. In FY 14, the SMBRC will continue to carry out this restoration project off the Palos Verdes shelf and possibly further expand it to areas of the north Bay and Southern California Bight. Staff will also work with stakeholders to explore additional reef enhancement and creation projects in the Bay, including the feasibility of using boulders from Rindge Dam removal for rocky reef restoration.

Linked BRP Objectives and Milestones: 4.2a-d, 4.3a-d, 9.1a, 9.3, 9.4, 11.4, 11.5,

Partner Organizations: California Department of Fish and Game, Ocean Protection Council, State Coastal Conservancy, National Oceanic and Atmospheric Administration, National Marine

Fisheries Service, Vantuna Research Group (Occidental College), Heal the Bay, Santa Monica Baykeeper, Commercial Sea Urchin Harvesters Commission, others

Environmental Results: Outputs: MPA monitoring plan and report on results of MPA monitoring; anta Monica Bay; amount of funding obtained for rocky reef monitoring and restoration as well as abalone population restoration. Abalone disease prevention protocols

Environmental Results: Outcomes: Restored rocky reef habitats that lead to increased biomass and diversity of marine life in the Bay. Reintroduction and increase in population of abalone in the Bay. Additional indicator data available for monitoring conditions in Santa Monica Bay

Performance Measures: Amount of funding and other resources secured for enforcement and monitoring of established MPAs. Amount of funding and other resources secured for habitat and marine species restoration. Number of fisherman participated in development of sustainable fisheries.

4. Education and Outreach

4.1 Implement the SMBRC Outreach Strategy (2012 Work Plan Task H)
Core Function = Program Management

O11-453 cont.

In FY 14, SMBRC staff will continue to implement the organization's communications strategy through regular publication of the electronic newsletter, the Journal *Urban Coast*, and the SMBRC's annual report. The SMBRC will also continue its effort to reach out and generate local media coverage in various forms. In addition to the general outreach effort, the SMBRC will continue to boost its effort in outreach with regard to the benefits and scientific underpinning of wetland restoration in the Bay watershed. Specifically the SMBRC will continue to gain local support by participating in neighborhood Farmers Market's and other activities.

In addition, the SMBRC will continue to develop and expand its ever popular internship and volunteer program, supporting an increase in knowledge and hands-on action for students and post-graduates alike. This program provides firsthand experience in the scientific underpinning of wetland restoration in the Bay watershed and encourages participation in stream assessment and restorations, rain gardens, kelp restoration, and many other activities.

Every year on the third Saturday of September, thousands of volunteers participate in the International Coastal Cleanup Event to remove trash from beaches and inland waterways. The SMBRC has hosted the Marina del Rey in-Water Kayak Cleanup on the Coastal Cleanup Day for eight consecutive years and will continue to do so in FY 14 and beyond.

Linked BRP Objectives and Milestones: All, especially 2.6a, 2.6b

Partner Organizations: Loyola Marymount University (Center for Santa Monica Bay Studies), Heal the Bay, Santa Monica Baykeeper, CA Coastal Commission

Environmental Results: Outputs: New outreach publications and other materials, including the Urban Coast journal. Number of people participating in Coastal Cleanup events.

Environmental Results: Outcomes: Greater awareness of SMBRC's activities and resources (technical, financial, and otherwise) will lead to greater involvement by stakeholders in implementing the environmental improvements mandated the BRP. Pounds of trash removed from the Bay water bodies

Performance Measures: Increase in the degree to which target audiences have an understanding of and are involved in SMBRC's BRP implementation efforts. Increase in the number of people participating in Coastal Cleanup events.

4.2 Continue overseeing the Boater Education and Outreach Program
Core Function = Implementation

The Boater Education and Outreach Program provides outreach to the southern California boating community regarding the prevention of recreational boat generated pollution (e.g., sewage, bilge water, and used oil). Specific components of the program include: 1) creating and disseminating clean boating publications such as the statewide Changing Tide newsletter, Southern California Boater's Guide, Boater Kits, Southern California Boating Guide and Tidetables; 2) implementing Honey-Pot Day, California sewage pumpout evaluation study; 3) facilitating California Clean Boating Network, 4) collaborating with the Interagency Coordinating Committee for Marinas and Recreational Boating, boating industry, marinas, yacht clubs, and other boating related groups to promote clean boating; 5) conducting direct outreach at boating events; and 6) training harbor staff about environmental best maintenance practices. The program is funded primarily through grants to SMBRF from the California Department of Boating and Waterways and private sources. O11-453 cont.

SMBRC staff will continue to provide oversight of the program by supervising and offering administrative support to the contracted staff who will be implementing the program on a day-to-day basis. Staff will also continue to provide coordination and related administrative services to the state-wide program. Staff will also make effort to increase monofilament recycling, continue updating marine debris signage, and investigating additional funding sources for these activities. In FY14, Honey Pot Day will expand to Honey Pot Unlimited, which will offer free pumpouts for one month to participating boaters, in marinas that agree to continue to make the service available after the SMBRC program is finished.
Linked BRP Objectives and Milestones: 2.4a-d

Partner Organizations: CalRecycle, CA Department of Boating and Waterways, CA Coastal Commission, California Clean Boating Network partners, various private marina operators, others

Anticipated Environmental Results: Outputs: CA Clean Boating Network newsletters and tidebooks; Smart Southern California Boater's Guide (ebook);and other educational materials.

Anticipated Environmental Results: Outcomes: Increased opportunities to receive environmental education about boat generated pollution; Increased use of used oil recycling amenities; decreased amount of illegal sewage discharges to our waterbodies, ; technical assistance provided through facilitation of the California Clean Boating Network and other clean boating groups.

Performance Measures: Indirect measurements of numbers of individuals reached through social marketing techniques (e.g., number of individuals outreached at Dockwalker trainings and events, boat shows, and other boating-related events) and through newsletters and other education and outreach avenues; indirect results also measured by the number of policies or similar documents to which boater program staff contributed technical assistance ;indirect measurements via the California Boater Surveys administered during Dockwalker activities and Honey Pot Day outreach and education

4.3 Oversee the Public Involvement and Education Mini-grants Program
Core Function = Implementation

The Public Involvement and Education (PIE) mini-grants program is one of SMBRC's most popular programs. For over more than a decade, the PIE program has provided seed money to more than 50 recipients for more than 80 projects. These projects has been a catalyst for innovative and engaging outreach in our watershed and through them, the SMBRC raises awareness of local environmental issues and inspire the stewardship needed to protect the health of our waters and our communities. In FY 14, the SMBRC plans to initiate a new round of PIE program using U.S. EPA grant funds and additional funding raised from local sponsors. Specific tasks related to this new round of PIE program include

O11-453 cont.

- Development and release of RFP
- Project proposal review and selection
- Project contract development and execution
- Oversee project implementation

Linked BRP Objectives and Milestones: 2.7a

Partner Organizations: LARWQCB (for potential funding from SEP)

Environmental Results: Outputs: Number of PIE projects awarded, in progress, or completed; total amount of PIE grant funding.

Environmental Results: Outcomes: Greater awareness of the Bay issues and resources will lead to greater involvement by stakeholders in implementing all the environmental improvements mandated in our BRP.

Performance Measures: Feedback provided by PIE recipients; when applicable, pre- and post-surveys to determine change in public knowledge and behaviors.

4.4 Participate the Palos Verdes Shelf Institutional Controls Program (2012 Work Plan Task J)
Core Program = Facilitation/Implementation

SMBRC will continue to support and participate in U.S. EPA's PV Shelf Superfund Site Institutional Control Program, especially the activities of the Fish Contamination Education Collaborative. SMBRC will also continue to participate in U.S. EPA's contaminated sediment cleanup efforts for the Palos Verdes Shelf and continue to monitor and participate in other restoration activities overseen by the Montrose Settlement Restoration Program.

Linked BRP Objectives and Milestones: 11.4a, 11.4b, 11.5a-f, 11.6a, 11.6b

Partner Organizations: EPA Region 9 Superfund Program, State Office of Environmental Health Hazards Assessment, State Department of Health Services, Montrose Settlement Restoration Program, community-based nonprofits and other stakeholders

Environmental Results: Outputs: New strategic plan for the FCEC; development and distribution of new risk communication/outreach materials.

Environmental Results: Outcomes: More people reached with FCEC messages and increased public understanding of fish contamination issues in southern California; reduced health risk of people consuming fish from Santa Monica Bay and other nearby coastal waters. O11-453 cont.

Performance Measures: Number of people in target populations who are knowledgeable about fish contamination issues and number who have modified their behavior as a result.

5. Planning, Monitoring, and Program Management

5.1 Increase funding and/or develop new financing mechanisms for BRP implementation
Core Function = Program Management

The SMBRC has been extraordinarily successful in securing funding for implementing the BRP (e.g., $63 million through Prop. 12, 50, and 84 bond funds since 2000). However, available resources are still far from meeting the financial needs of full BRP implementation. Sustaining a stable source of funding to ensure continued progress in BRP implementation remains a daunting challenge. Different sources are also required to maintain and build capacity within the SMBRC and to manage and operate programs that are not eligible for bond funds.

The SMBRC has moved forward and made progress in soliciting of annual contribution from partners of the SMBRC. During FY 14, the SMBRC will continue to solicit member contribution as well as seek other public and private funding opportunities. The SMBRC will also continue to
investigate and research new partnership opportunities and new sources of grant funding, and continue to work with congressional delegates to solidify and expand support for additional federal funding. Furthermore, the SMBRC will continue to support the collaborative effort of

local environmental and business communities for the County-wide storm water funding measure.

Linked BRP Objectives and Milestones: All

Partner Organizations: Governing Board members, Foundation Board members, State legislators, other foundations.

Environmental Results: Outputs: New sources of financial support for BRP implementation.

Environmental Results: Outcomes: Increase in the rate at which the health of Santa Monica Bay is improving.

Performance Measures: Amount of new funding requested and/or secured, especially from new sources.

5.2 Inter-agency coordination and involvement
Core Function = Facilitation

Effective implementation of the BRP, especially new policies and program initiatives included in the 2008 BRP Update relies on close inter-agency coordination and collaboration. Many inter-agency task forces and committees are active in the Bay watershed, addressing issues pertinent to Bay water quality and habitat restoration. Coordination with and participation in the activities of these task forces and committees are important mechanisms for increasing stakeholder involvement in BRP implementation. Many of these task forces and committees are focused on projects directly related to the implementation of BRP actions (e.g. State Aquatic Species Task Force, Wetland Recovery Project Managers Group, Interagency Workgroup for Integrated Wetlands Regional Assessment Monitoring, State Clean Beach Task Force, Southern California Beach Water Quality Work Group, State Urban Greening Technical Advisory Committee, Jurisdictional Group 5&6, Southern California Beach Management Work Group, Beach Ecology Coalition, Green LA Urban Ecosystem Strategic Planning Committee, Loyola Marymount University's Environmental Stewardship and Sustainability Committee, Friends of Ballona Wetlands' Science and Restoration Committee). SMBRC staff will continue to participate in and contributes technical support to these groups. *Linked BRP Objectives and Milestones: 1.6a, 1.6b, 4.3a-d, 6.1a, 6.2a, 6.2b, 6.3a, 6.3b, 6.4a, 8.2a-d, 11.1a-d, 11.2a-d* O11-453 cont.

Partner Organizations: LA County Flood Control District, City of Los Angeles, SWRCB, LARWQCB, DFG, SMMC, environmental groups, and many others

Environmental Results: Outputs: Aquatic Invasive Species Management Plan, standard beach monitoring protocol, beach best management practice manual, etc.

Environmental Results: Outcomes: Improved coordination among stakeholders; improved planning efforts; greater stakeholder involvement in BRP implementation and corresponding increase in amount of leveraged resources; resolution of issues which may be impeding BRP implementation; improved technical standards in projects implemented.

Performance Measures: Number of action items generated/implemented by inter-agency groups; number of new entities brought into the fold; number of new research and capital projects funded and implemented in the Bay watershed; feedback from others regarding our coordination and the value of our contributions.

5.3 Implement the Comprehensive Bay Monitoring Program
Core Function = Facilitation/Implementation

The Santa Monica Bay Comprehensive Bay Monitoring Program (CMP) completed in 2007 represents the SMBRC's plan for implementing coordinated monitoring to provide a regional, long-term picture of the status of the various ecosystems in Santa Monica Bay, which are essential information needed to track, assess, and report on the environmental results of BRP implementation. The CMP specifies detailed monitoring designs for broad ecosystem components, each of which coordinates both existing and new monitoring and explicitly links indicator selection, sampling design, and intended data products that focus on specific scientific and management questions. In addition, the CMP includes an implementation plan that suggests how each design element of the Program could be funded through a combination of cooperative agreements, offsets to current compliance monitoring programs, and the pursuit of grant funding from a range of sources.

O11-453 cont.

In FY 14, the SMBRC will continue to facilitate implementation of the CMP. Specifically, staff will continue to work closely with the Los Angeles Water Board and permittees to incorporate implementation of the comprehensive monitoring program into point sources as well as MS4 NPDES permit. The SMBRC staff will also work with Los Angeles Water Board staff to convene meetings of NPDES dischargers to evaluate progress and facilitate CMP implementation and explore formation of monitoring coalition and other mechanisms to secure new funding sources to fill monitoring gaps.
Linked BRP Objectives and Milestones: 4.7a, 4.7b, 8.2c, 10.1a, 9.4, 10.2a, 10.3a, 10.3b, 11.2b

Partner Organizations: LARWQCB, SCCWRP, State MPA Monitoring Enterprise

Environmental Results: Outputs: Environmental data generated from implementation of the monitoring program.

Environmental Results: Outcomes: Better, more comprehensive assessment of environmental conditions and the progress being made, which, in turn, will help position SMBRC for greater success in the future.

Performance Measures: Adoption of implementation recommendation actions by the Governing Board and LARWQCB; progress made in fully implementing the program.

5.4 BRP implementation progress tracking
Core Function = Program Management

In FY 13, SMBRC conducted an review of BRP implementation progress and a new update of the BRP is underway. In FY 14 after the adoption of the new BRP update, staff will continue to improve the existing BRP tracking system and track the progress toward achieving objectives and milestones laid out in the BRP. If feasible, staff will also incorporate TMDL progress assessment information gathered under Task 1.2. Progress will also be summarized and highlighted in the SMBRC's annual program report.

The annual GPRA reporting requireseach NEP program to report on the acres or linear miles of habitat protected and restored, environmental indicators in use, and leveraged resources. SMBRC staff will compile the information and prepare and submit the GPRA report by September 1, 2014 for the reporting period October 1, 2013 - September 30, 2014. Geographic reference information for habitat restoration actions will be provided.

Linked BRP Objectives and Milestones: All

Partner Organizations: All BRP Implementation leads and partners identified in the 2008 BRP Update

Environmental Results: Output: Semi-annual progress reports, progress assessment report, GPRA report, online database of Bay information.

O11-453 cont.

Environmental Results: Outcomes: Better informed decision-makers and other stakeholders who will be in a better position to act. Also, more awareness of the Santa Monica Bay NEP's accomplishments at the national level; maintain or increase the Santa Monica Bay NEP's funding level. Better informed decision-makers and other stakeholders who will be in a better position to act.

Performance Measures: Extent of progress on individual projects, as reflected in the semi-annual tracking reports; progress on other BRP actions as reflected in quarterly and annual GPRA reports. Also, feedback provided by U.S. EPA's implementation review team; SMBRC successes highlighted in reports or other publications used to market the National Estuary Program. Number of hits on online database; sampling of stakeholders to determine level of awareness.

5.5 State of the Bay reporting
Core Function = Program Management

An important function and responsibility of the SMBRC, and a specific goal of the Federal NEP, is to report to the general public on the environmental condition of the Bay and its watershed. One important form of reporting for this purpose is a comprehensive "State of the Bay" report. The latest one, State of the Bay 2010 was completed and published in January 2010. In preparation for publication of the next report in 2015, staff will continue to work with the TAC to develop a report outline and begin gathering information for inclusion in the report. The SMBRC will also work with the Los Angeles Water Board to continue carry out the TMDL progress tracking and assessment project and incorporate findings from that project into the new "State of the Bay" report (also see Task 1.2)

Linked BRP Objectives and Milestones: All

Partner Organizations: All BRP Implementation leads and partners identified in the 2008 BRP Update

Environmental Results: Output: State of the Bay Report, online database of environmental monitoring.

Environmental Results: Outcomes: Better informed decision-makers and other stakeholders who will be in a better position to act. Also, more awareness of the Santa Monica Bay NEP's accomplishments at the national level; maintain or increase the Santa Monica Bay NEP's funding level. Better informed decision-makers and other stakeholders who will be in a better position to act.

Performance Measures: Extent of environmental improvement demonstrated by the State of the Bay report; SMBRC successes highlighted in reports or other publications used to market the National Estuary Program.

5.6 Conduct general Governing Board support, organizational management and reporting activities
Core Function = Program Management

O11-453 cont.

The SMBRC staff will provide logistical and other staff support for meetings of the Governing Board/Bay Watershed Council, the Executive Committee, the Technical Advisory Committee, the Watershed Advisory Council, and the SMBRF and SMBRA Boards of Directors. These groups meet regularly and, from time to time, hold special meetings as well. Specific tasks include preparation of meeting notices, agendas, staff reports, minutes, and resolutions. Over the course of the year, subcommittees may be formed to address specific program issues; this will also require staff support.

SMBRC staff will conduct general management and reporting activities following the procedures and protocols that have been established for ensuring the SMBRC's fiscal stewardship and program functions. Tasks include:

- Retain professional bookkeeping services for payroll, invoicing, tax filing, and other fiscal operations.
- Develop and implement the annual work plan and budget, in accordance with a systematic work plan and budget development process and master calendar.
- Prepare, oversee, and track the progress of U.S. EPA grants and contracts associated with our work plan.
- Process grant submittals requesting funding from SMBRC funding sources.
- Prepare audits, insurance reviews, updates, etc.
- Conduct personnel management, including recruitment, performance assessments, training and professional development.
- Prepare and submit quarterly progress reports and financial status reports.

- Prepare and submit annual progress report and/or end-of-year report, and participate in end-of-year evaluation meeting with U.S. EPA.
- Provide support for general office functions, including maintaining mailing lists, photocopying, mailing, fielding public inquiries, and ordering supplies.

The SMBRC is committed to implement "green" measures to the fullest extent possible during all grant activities. The SMBRC has already incorporated applicable "green" requirements into its organizational operating, contracting, and procurement policies and procedures. These policies and procedures will be reviewed in accordance with U.S. EPA grant "greening" requirements and updated if necessary.

With respect to participation in federal NEP activities, SMBRC staff will continue to attend two annual meetings each year and may also be involved in planning the meeting activities and/or lead technical workshops during the meetings. In addition, staff will attend regional workshops and special NEP-related training workshops when feasible. Staff may identify opportunities to make presentations at conferences and workshops in order to provide educational and technical assistance and share "lessons learned" with other NEPs and watershed-based organizations throughout the nation. O11-453 cont.

Linked BRP Objectives and Milestones: All

Partner Organizations: Other NEPs

Environmental Results: Outputs: Quarterly progress reports; financial status reports; annual progress report. Meeting notices; agendas; staff reports; minutes; and resolutions. Presentations; reports on attendance at national meetings, trainings, workshops, etc.

Environmental Results: Outcomes: Program functioning (e.g., all reporting requirements are met and on time); program fiscal responsibility (e.g., annual reporting and tax filing, conformance to Board-approved internal controls, etc.). Smoothly functioning meetings planned with proper public notice; high level of participation by members and the public; and transparent and streamlined decision-making processes.

Performance Measures: Feedback provided by EPA Regional and headquarters staff; financial review or audit findings, level of participation in meetings. Feedback from others regarding our participation in meetings, particularly the value of our contributions; feedback on presentations made

IV. STAFFING

Staff Duties and Responsibilities

The following describes the general duties and responsibilities assigned to each staff position of the SMBRC, which are supported by both the staff of SMBRF and the staff of the Los Angeles Water Board. All staff members assigned to these positions serve the functions of the SMBRC and contribute significantly to the mission of the SMBRC by carrying out specific tasks outlined in this annual Work Plan. As in other small organizations, each staff member has the lead in carrying out certain tasks, while assisting other (lead) staff in carrying out other tasks.

Executive Director (Shelley Luce)

Oversee the development and implementation of the organization's annual work plan, budget, and expenditures.

- Oversee the general financial and program management of the organization. Oversee development and execution of management policies, guidelines, procedures, etc,
- Provide policy recommendations to the Governing Board.
- Serve as principal staff spokesperson for the SMBRC. Represent the SMBRC on various policy boards and committees
- Develop and implement programs and projects that restore and enhance the ecological values of the Santa Monica Bay and its watersheds. O11-453 cont.
- Develop and implement financial development plans for the SMBRC.
- Develop partnerships with other agencies, businesses, nonprofit groups and others to implement projects and programs that accomplish the goals of the Bay Restoration Plan.
- Interact with State, Federal and other funding authorities to ensure all regulations and funding requirements are met.
- Provide policy and technical guidance to staff in their work assignments. Assign, delegate, and supervise daily work activities of technical and administrative staff.
- Periodically evaluate staff performance. Carry out other responsibilities in staff development, recruitment, and retention.
- Carry out other duties as required by the Governing Board

Deputy Director/Staff Scientist (Guangyu Wang)

- Assist the Executive Director in developing the annual work plan and budget and carrying out annual work plan tasks.
- Assist the Executive Director in developing and executing SMBRC's policies and procedures, supervising technical and administrative staff, and overseeing the general operation of the organization.
- Oversee program activities related to scientific and technical studies, as well as monitor, assess, and report on the Bay's environmental conditions.
- Oversee program activities related to tracking and reporting Bay Restoration Plan implementation progress.
- Research and review new scientific findings and new technologies for their applicability to Bay restoration activities.

- Oversee technical staff for coordinating the activities of the TAC.
- Oversee development and implementation of the QAPP in the daily activities of the organization and conduct annual reviews and updates of the QAPP.
- Represent SMBRC on technical or policy advisory panels and committees.
- Provide expert advice on policies and regulations.

Director of Governmental Affairs (Scott Valor, 1/2 time)

- Oversee program activities related to government relations and outreach.
- Direct and coordinate government outreach, including attending and/or facilitating meetings, workshops, presentations, etc.
- Provide legislative analysis and opinions, and advise the Governing Board and Executive Committee and the Executive Director in addressing governmental policy issues.
- Serve as liaison between SMBRC and the State legislature, as well as other elected representatives at the Federal, State, and local levels.
- Represent SMBRC on various policy boards and committees.
- Responds to Public Records Act requests and other requests for information, working with staff and other entities as required, or otherwise directed by the Executive Director.

Director of Marine Programs (Tom Ford)

- Develop, oversee, plan and implement marine habitat monitoring, research, and restoration projects including, but are not limited to kelp restoration and Monitoring, abalone genetic population and disease risk management study, and the aerial monitoring of ocean vessels in Southern California program. O11-453 cont.
- Oversee, plan and implement other Marine Programs as directed by the Executive Director.
- Collaborate and develop in collaboration projects and programs related to the mission and via direction of the SMBRC Bay Restoration Plan and the Executive Director of the SMBRC.
- Manage projects, including budgeting, invoicing and other administrative tasks, and supervise staff for the Marine and Watershed Programs of the SMBRC as directed by the Executive Director
- Engage in scientific forums and advisory committee(s) to further the development and implementation of policies, research and restoration goals for the State of California and other agencies, municipalities, etc.
- Coordinate diving and other research and educational projects and programs with Loyal Marymount University and other college/university staff and researchers.
- Represent the SMBRC in public forums through presentations, testimony, and written statements or articles.
- Raise funds, through grant writing and other means, for programs and operations of the SMBRC.
- Participate in outreach and fundraising events and strategies for the SMBRC and its partners.
- Contribute to and participate in other program areas of the SMBRC when required and as feasible.

- Contribute to and assist in the preparation of reports and documents related to aspects of the SMBRC operations and organizational requirements.

Boater Education and Outreach Program Manager (Grace Lee)

- Oversee development and implementation of the Boater program
- Supervise Boater Program staff
- Orchestrate existing educational and outreach tasks
- Coordinate development, design, and distribution of educational materials
- Develop partnerships and facilitate various stakeholder meetings, trainings, and workshops
- Seek new grant opportunities to support outreach and education activities, fulfill existing grant requirements, and oversee budgets
- Assist Executive Director and other program directors and managers with program planning and development.

Administrative Director (Marcelo Villagomez)

- Overseeing and improving financial functions including accounting, budgeting, financial analysis and reporting, treasury, auditing, and payroll.
- Overseeing and improving administrative functions including contract and grant administration, legal and risk management, employment and human resources, compensation and benefit programs, and processing of payroll.
- Overseeing and improving operational functions including purchasing, disbursement, subcontracting, and facility inventory and management.
- Participating in the development and updating of the Foundation's short- and long-term strategic financial plan, including the development and monitoring of an annual budget.
- Developing systems that improve organizational efficiency and or the financial health of the organization, including the promotion of cash reserves and income diversification and methods.
- Working with the Executive Director and the SMBRF management to update Foundation's administrative policies, guidelines, operating procedures and manuals, etc., and to strengthen fiscal, legal, and administrative compliance requirements.
- Explore and promote opportunities for program impact, organizational cohesion, and employee incentive systems.
- Providing management assistance to the Executive Director

Environmental Scientist (Jack Topel)

- Responsible for grant oversight and management for state bond-funded projects.
- Liaise with SWRCB grant and contract personnel on state bond-funded projects.
- Represent SMBRC on various watershed stakeholder groups.
- Present results of SMBRC projects at conferences, workshops, meetings, etc.
- Provide information to state and federal officials on various SMBRC projects.
- Compile data and perform environmental assessment and analysis.
- Provide staff support to meetings of the Governing Board and TAC.

O11-453 cont.

- Represent SMBRC and various stakeholders on California Agencies Aquatic Invasive Species Team.
- Represent Southern California stakeholders on California Resources Agency Urban Greening grant program.
- Represent Southern California stakeholders on California Resources Agency River Parkways grant program.
- Participate and coordinate SMBRC efforts to control / eradicate invasive species in the watershed.

Director of Watershed Programs (Karina Johnston)

- Oversee development and implementation of research, monitoring and restoration projects throughout wetlands and the Santa Monica Bay Watershed.
- Identify regional monitoring needs; develop research plan and scopes of work; coordinate with local and regional monitoring programs; and develop long-term monitoring strategies for Bay habitats.
- Manage data collection and analyses in habitats of the Bay and southern California wetlands.
- Develop analytical and/or summary reports.
- Coordinate scientific advisory committees.
- Review scientific literature and evaluate environmental monitoring data.
- Coordination with CEQA consultants and EIR/EIS project teams
- Develop/update an inventory of relevant studies.
  Conduct targeted research project to address restoration and adaptive management questions
- Maintain contract/project database and tracking system; prepare and provide regular reporting information; administrative oversight and grant management.
- Present restoration project and data results at scientific conferences and other public forums.
- Supervise staff, interns, students, and volunteers.

Senior Watershed Advisor (Mark Abramson)

- Supervise, manage consultants, prepare bid packages, select construction contractors, supervise construction activities, and design and oversee project monitoring and maintenance of LID water quality improvement, habitat restoration, and other projects.
- Supervise and manage consultants and liaise between consultants, the project team and technical advisory committee to ensure the Malibu Lagoon Restoration plan all final engineering and design are 100% complete. Secure all necessary permits to begin construction of the Malibu Lagoon Restoration.
- Oversee and develop the engineering design for the Arroyo Sequit fish barrier removal project. Coordinate with State Department of Parks and Recreation to ensure project implementation.
- Assist with securing and promoting future restoration and LID projects in the Santa Monica Bay watersheds.

O11-453 cont.

- Review, analyze, comment, and testify on local, state, and federal policies, and on CEQA documents, that impact the Santa Monica Bay watershed as required by the SMBRC.
- Review, analyze, comment, and testify on local, regional and state development projects that could benefit or harm the Santa Monica Bay watershed as required by the SMBRC.
- Research and track funding opportunities, prepare applications and secure funding for projects and programs that implement the Bay Restoration Plan.

Ballona Wetlands CEQA Project Manager (Diana Hurlbert)

Manage the Ballona Wetlands Restoration Project:

- Provide management and oversight of Ballona Wetlands Restoration Project technical consultant team. Lead the project team to ensure coordination between Project Management Team, consultant teams, and partner and permitting agencies;
- Coordinate Project Management Team, Agency Advisors, Science Advisory Committee, and public Working Group meetings;
- Provide technical guidance and communicate project status and progress. Ensure detailed refinement of restoration alternatives address all areas of concern (infrastructure, public access, special status species, habitat specifics, construction phasing, flood and SLR planning)
- Coordinate with agencies with potential mitigation needs at Ballona Wetlands (e.g. POLA, Caltrans, LA DOT).
- Review and follow TMDLS, IRWMP, and other policy or regulatory programs that may affect the Ballona Wetlands. Attend meetings, review and respond to other projects that may affect Ballona Wetlands.
- Assist Ballona Wetlands property management.

O11-453 cont.

Coordinate Local Agencies for Ballona Wetlands CEQA-NEPA Process:

- Review and respond to all consultant work products related to the CEQA/NEPA review. Respond to technical issues related to project design and/or environmental compliance;
- Coordinate with local agencies to ensure infrastructure needs are addressed and ensure proper permitting and issues are addressed throughout the CEQA/NEPA process.
- Coordinate technical planning issues with the Army Corps, facilitate information sharing with the Army Corps, and facilitate the 408 permit application and approval process.

Communicate and Outreach to Local Stakeholders

- Present project to local community groups. Ensure local political offices and press are up-to-date on Ballona Wetlands Restoration Project status and progress.
- Update website; ensure current useful information is up-to-date and available on the website.
- Provide tours to local community leaders, political offices and press. Present project at conferences and other forums.
- Coordinate with the MRCA and other project partners implementing access improvements
- Support local and regional wetland recovery project efforts, attends meetings and provide technical input.

- Participate in Ballona Watershed Taskforce meetings; provide technical guidance and communicate Ballona Wetlands project status and progress.

Marine Scientist and Project Manager (Lia Protopapadakis)

- Develop and implement the SMBRC's plans for scientific research and science-based policy applications.
- Coordinates the SMBRC's TAC. Work with other staff to develop new research and restoration priorities, and uses research findings to develop new policies.
- Develop and maintain collaborative working relationship with scientists and environmental managers from federal, state, and local agencies; industries; and environmental organizations;
- Identify regional research needs and developing research plans, scopes of work, and policy applications;
- Apply for and managing grants to support research plans;
- Conduct field work on research and restoration projects, such as subtidal rocky reef monitoring and abalone restoration;
- Publish research findings in peer-reviewed journals and presenting at conferences;
- Develop analytical and/or summary reports, including the State of the Bay report;
- Communicate scientific findings to stakeholders. Develop and prepare outreach material for the Governing Board, SMBRC and SMBRF's website, public presentations, etc;
- Represent the SMBRC and SMBRF on committees, at conferences, and in public meetings of government agencies, such as the California Fish and Game Commission;
- Managing interns, volunteers, and research fellows assisting with marine research and restoration projects.

O11-453 cont.

Boater Education Program Coordinator (Michelle Kearney)

- Contribute to program development and planning.
- Coordinate organization, planning, and development of various stakeholder meetings, trainings, workshops, field work, and boating events.
- Distribution and encouragement of education and outreach materials through stakeholder meetings, boating events, training workshops, publications, and social media.
- Contribute to developing education and outreach materials through research, writing, photography, graphic design, and media-related editing.
- Develop and implement the expansion of funding sources to the Boater Education Program.
- Develop and maintain industry partnerships.
- Train, develop, and coordinate volunteers.
- Assist Program Manager and SMBRF with general administrative tasks.
- Assist Foundation staff with implementation and execution of additional SMBRF grant work.

Boater Education Program Associate (Victoria Ippolito)

- Contribute to program development and planning.
- Work with and assist Program Coordinator in planning, coordinating and attending various stakeholder meetings, trainings and workshops, field work, and boating events.
- Contribute to developing outreach and education materials through research, writing, graphic design and editing.
- Contribute to distributing outreach and education materials through stakeholder meetings, boating events, trainings and workshops, publications (newspaper articles), social media and individual correspondence.
- Assist in expanding funding sources by searching and applying for various grants.
- Assist in obtaining donations through boater's guide donations and sponsorships, tee shirt donations, and pin ups.
- Assist in maintaining and creating partnerships.
- Execute general administrative tasks including tracking postage, processing checks and increase organization.
- Assist Project Director with State grant management, field work and research activities including, mudsnail surveys, California red-legged frog habitat assessment, crayfish trapping and other projects as needed.
- Assist with general needs of the organization and its projects such as planning ANEP meeting, assisting with abalone restoration and assisting Project Manager with development of the Urban Coast.

O11-453 cont.

<u>Field and Research Coordinator (Ivan Medel)</u>

- *Research and Monitoring.* Assist with the implementation of research and monitoring programs associated with the restoration of kelp forests, salt marsh wetlands, freshwater/brackish wetlands, and uplands. Monitoring at Ballona Wetlands, Malibu Lagoon, and additional wetlands within the Southern California Bight includes surveys of site conditions including physical and chemical processes, biological processes, and human activity. Specific responsibilities include analyzing plant and invertebrate samples; supervising and coordinating volunteers; entering and managing data and databases; conducting background research; assisting in laboratory activities; and helping coordinate the SMBRF internship program. In addition, conduct research and monitoring tasks to support other programs such as the aerial monitoring of vessels off the California Coast, abalone research, the New Zealand mudsnail survey, and Red-Legged Frog monitoring.
- *Habitat Restoration.* Provide support to restoration projects, including wetlands, Stone Creek and bluffs restoration. Tasks will include assistance in project design, implementation and coordination, biological monitoring, volunteer outreach and supervision, ongoing monitoring and maintenance, and others.
- *Storm Water Pollution Control.* Coordinate rain garden and rain barrel installation and monitoring.
- *Community Outreach.* Coordinate public outreach events in support of the SMBRC, SMBRF and the Ballona Wetlands Restoration Program, including electronic media, social networking, local farmer's markets, community events, site tours, school events, coordination with partner agencies (e.g. DFG, MRCA), and Ballona outreach events.

Tasks will include scheduling, organization, leading tours, communicating with the public, supervising interns, maintain websites and other electronic media, and others.

- Additional Tasks. Provide support to other SMBRF projects, as well as general office assistance. Tasks will include development and maintenance of an online map of Ballona Watershed Projects, website support, GIS support, organization and upkeep of the SMBRF office at Loyola Marymount University, and others.

Administrative and Field Assistant (Charles Piechowski)

- Assist in office administrative tasks as needed by staff. Tasks may include, but are not limited to: filing, organizing, printing and binding materials, coordinating meeting times and locations, ordering supplies, and additional administrative tasks.
- Assist in the development and implementation of SMBRF outreach programs.
- Enter and organize collected data from the field and laboratory, including background research, as needed.
- Pending available funding, assist in fieldwork opportunities from projects throughout the Santa Monica Bay and Ballona Watersheds and Ballona Wetlands Ecological Reserve.

Communication Specialist (Julie Du Brow) O11-453 cont.

- Develop a strategic plan for outreach and education for the organization.
- Handle communication-related functions including developing communication strategies and publications, organizing outreach events, and building and maintaining relationships with stakeholders, partners and the general public.
- Update the Foundation's outreach strategic plan and communications protocols and guidelines.
- Prepare/oversee press releases and media stories, and contact media
- Coordinate educational events such as conferences, seminars, tours, receptions, and donor events.
- Provide communication assistance to the Executive Director.
- Arrange and facilitate speaking engagements and presentations.
- Maintain communications between Foundation representatives, stakeholders and funders.
- Facilitate maintenance of and provide content to the Foundation's website and other electronic social media such as blog, Facebook, Twitter.
- Track progress and success of communication efforts and recommend changes to maximize communication efforts.
- Plan, research, and prepare materials for distribution, e.g. the Urban Coast journal, newsletters, annual reports, fact sheets, brochures, etc.
- Conduct and coordinate stakeholder outreach and fundraising campaigns with a focus on private sectors.
- Contribute to grant writing.
- Promote, create awareness of, and galvanize stakeholder support.
- Perform other duties as required.

V. BUDGET

A. Funding Authorization

FY 14 Funding Authorization (Oct. 1, 2013 - September 30, 2014)	
EPA FY 14 Base Funding	$512,000
SWRCB – Match	$215,000
SMBRF – Match	$305,000
Authorized Funding Total	**1,032,000**

B. Detailed Budget

		EPA CWA 320 GRANT[1]	OTHER SMBRF[2]	SWRCB[3]	Totals
Personnel	Salary + Benefits (@35%)	344,560	305,000	215,000	864,560
	Personnel Subtotal	**344,560**	**305,000**	**215,000**	**864,560**
Contract Services	Contract Services (Government Relations)	72,000	-	-	72,000
	Contract Services (Accounting)	6,000	-	-	6,000
	Contract Services Subtotal	**78,000**	**-**	**-**	**78,000**
Equipment	Computer & software	0	-	-	0
	Equipment Subtotal	**0**	**-**	**-**	**0**
Supplies	Office Supplies	3,600	-	-	3,600
	Project Materials and Services	4,000	-	-	4,000
	Supplies Subtotal	**7,600**	**-**	**-**	**7,600**
Other	Communications (phones, internet, web, conferences, technical meetings, etc)	6,000	-	-	6,000
	Printing & Outreach services and materials	8,000	-	-	8,000
	Conference & Technical meetings	3,000	-	-	3,000
	Other project expenses	3,295	-	-	3,295
	Other Subtotal	**20,295**	**-**	**-**	**20,295**
Travel	NEP Travel, Local, Other travel	15,000	-	-	15,000
	Travel Subtotal	**15,000**	**-**	**-**	**15,000**
Total Direct Cost* **		**465,455**	**305,000**	**215,000**	**985,455**
Indirect Cost (@10%)		46,545	-		46,545
TOTALS		**512,000**	**305,000**	**215,000**	**1,032,000**

[1] This is the National Estuary Program operating grant from the EPA as specified in Section 320 of the Clean Water Act.

[2] These are either bond grant funds allocated to, or grants received from other state agencies by the Santa Monica Bay Restoration Foundation, including the State Coastal Conservancy grant for Ballona Wetlands Restoration planning and coordination, PV MSRP, Arroyo Sequit, Campbell Foundation, and CVA.

[3] These funds are dedicated to the SWRCB for staff services

O11-453 cont.

VI. Travel Costs

FY 13 Travel Summary - PARTIAL				
Date	**Trip Purpose**	**Location**	**Person(s)**	**Cost/Estimated Cost**
February-2013	EPA/ANEP Meeting	Washington DC	S. Luce	2,208.11
October 2012	NEP Tech Transfer Conference	Tampa, FL	S. Luce	1,502.22
TOTAL				**$ 3,710.33**

O11-453 cont.

FY 14 Anticipated Travel				
Date	**Trip Purpose**	**Location**	**Person(s)**	**Cost/Estimated Cost**
Oct – Dec 13	NEP Tech Transfer Conference	TBD	S. Luce	2,000
February-14	ANEP/EPA National Meeting	Washington, D.C.	S. Luce	2,500
All-Year long	TAC, MTAC	Los Angeles	L. Protopapadakis, TAC members	2,000
All-Year long	Staff & Stakeholder Meetings and conferences travel	Various CA Locations	All staff & stakeholders	8,500
TOTAL				**15,000**

bay restoration commission
STEWARDS OF SANTA MONICA BAY
santa monica bay restoration commission ✐ 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone ✐ 213/576-6646 fax ✐ www.smbrc.ca.gov

WATERSHED ADVISORY COUNCIL MEMBERS
(as of February 2014)

Local Municipalities
City of Agoura Hills
City of Beverly Hills
City of Calabasas
City of Culver City
City of El Segundo
City of Hermosa Beach
City of Inglewood
City of Los Angeles
City of Malibu
City of Manhattan Beach
City of Palos Verdes Estates
City of Rancho Palos Verdes
City of Redondo Beach
City of Rolling Hills
City of Rolling Hills Estates
City of Santa Monica
City of Thousand Oaks
City of Torrance
City of West Hollywood
City of Westlake Village
LA County Supervisor, District 3
LA County Supervisor, District 4

O11-453 cont.

Federal, State and Local Agencies (water quality, resource management, public health)
US EPA Region 9
NOAA-NMFS Southwest Division
US Army Corps of Engineers
National Park Service,
State Water Resources Control Board
CA Regional Water Quality Control Board - Los Angeles Region
CA Coastal Commission
CA State Coastal Conservancy
CA Dept. of Fish and Game
CA Dept. of Parks and Recreation
Santa Monica Mountains Conservancy
Resource Conservation District of SM Mtns.
LA County Fire Department - Lifeguard Division
LA County Department of Public Health Services
LA County Department of Beaches and Harbors

our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values

bay restoration commission
STEWARDS OF SANTA MONICA BAY

Stormwater and Municipal Wastewater Management Agencies
CalTrans, District 7
County Sanitation Districts of LA County
Las Virgenes Municipal Water District
City of Los Angeles, Bureau of Sanitation
City of Los Angeles, Bureau of Engineering
County of Los Angeles, Dept. of Public Works
West Basin Municipal Water District

Utilities/Industry/Business
Brash Industries
Chevron Products Company
City of Los Angeles, Dept. of Water and Power
NRG - El Segundo Operations, Inc.

Environmental Organizations/User Groups
Ballona Lagoon Marine Preserve
Ballona Creek Renaissance
Ballona Ecosystem Education Project
Ballona Wetlands Foundation
Ballona Wetlands Land Trust
Friends of Ballona Wetlands
Heal the Bay
League for Coastal Protection
Los Angeles Rod and Reel
Los Angeles Waterkeeper
Malibu Surfing Association
Marina Del Rey Anglers
Natural Resources Defense Council
Ocean Conservation Society
Sierra Club - Angeles Chapter
Surfrider Foundation, South Bay Chapter

Legislative Representatives
Senior US Senator
Junior US Senator
US Representative, 33rd District
US Representative, 37th District
State Senator, 27th District
State Senator, 28th District
State Assemblymember, 50th District
State Assemblymember, 62nd District
State Assemblymember 66th District

Other Members
Chair, Technical Advisory Committee
Chair, Malibu Creek Watershed Advisory Council

O11-453 cont.

Letter O11: Grassroots Coalition

O11-1 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1) regarding the decision not to further extend the comment period beyond 133 days.

O11-2 The link to online version of Draft EIS/EIR Appendix D, a technical appendix that contains 17 site-specific or project-specific biological resources studies or surveys, (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149715&inline) is functional when tested. In any event Draft EIS/EIR Appendix D and the rest of the Draft EIS/EIR have been available for review since its publication at the Los Angeles Public Library's Playa Vista Branch, the Westchester-Loyola Village Branch, the County of Los Angeles Public Library in Marina del Rey, and the California State Coastal Conservancy in Oakland.

O11-3 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains. Ongoing environmental conditions resulting from any existing "leaks" or "problems" are part of the existing (baseline) condition and do not reflect on the adequacy of the analysis of impacts of the proposed restoration. Also, see Response F7-4, which addresses activities conducted outside of the Ballona Reserve.

O11-4 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve.

O11-5 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve.

O11-6 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), regarding the decision not to further extend the comment period beyond 133 days.

O11-7 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFWconsider a "freshwater alternative."

O11-8 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. Contrary to the suggestion in the comment, the Draft EIS/EIR includes and considered all input received during the scoping process. See Draft EIS/EIR Appendix A. The commenter's opinion about the veracity of statements made in the Draft EIS/EIR regarding the proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve is acknowledged; however, the comment provides insufficient information about the basis or reasons for the opinion for CDFW to provide a more detailed response. See General Response 7, *Requests for*

Recirculation (Final EIR Section 2.2.7), which addresses multiple comments received regarding requests for recirculation.

O11-9 That the commenter provided information to the Los Angeles Regional Water Quality Control Board about suggested leakage from the University City Syndicate is acknowledged, but does not inform CDFW's evaluation of the environmental consequences of the proposed restoration. Nonetheless, this information about baseline conditions is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-10 See Response F7-4 regarding activities conducted outside of the Ballona Reserve.

O11-11 See Response F7-4 regarding activities conducted outside of the Ballona Reserve.

O11-12 See Response F7-4 regarding activities conducted outside of the Ballona Reserve.

O11-13 Mr. Rosas's comments are acknowledged. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses issues raised regarding the historic accuracy of the proposed restoration alternatives. See also General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."

O11-14 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains. See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Proposed Project and alternatives.

O11-15 See Response O11-13 regarding Mr. Rosas's input.

O11-16 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."

O11-17 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses issues raised regarding the historic accuracy of the proposed restoration alternatives.

O11-18 See Response O11-3. Also, see Response F7-4 for activities conducted outside of the Ballona Reserve.

O11-19 See Response F7-4 for activities conducted outside of the Ballona Reserve.

O11-20 See Response O11-13 regarding Mr. Rosas's input.

O11-21 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O11-22 The stated disagreement with California Coastal Commission's choice on how to address the drains is acknowledged. However, this statement does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, this comment is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-23 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains. See also General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1) regarding comments about Playa Capital LLC.

O11-24 The apparent dissatisfaction with the Coastal Commission's process regarding the drains that is suggested in this comment is acknowledged, but does not inform CDFW's consideration of the direct, indirect, and cumulative impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.

O11-25 The commenter's inclusion of an email between CDFW staff and Coastal Commission staff is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. However, because this statement does not address the adequacy or accuracy of the EIR or the merits of the alternatives, no more detailed response is provided.

O11-26 Draft EIS/EIR Section 3.8, *Hazards and Hazardous Materials*, discusses the gas storage facility at the Ballona Reserve and analyzes potential impacts related to the gas storage facility. Draft EIS/EIR Section 2.2.2, *Alternative 1: Full Tidal Restoration/Proposed Action*, discusses the proposed decommissioning of existing wells located in the Ballona Reserve. See Response O11-3 and Response O11-8, which discuss the terminology related to decommissioning as well as proposed Operation and Maintenance for SoCalGas facilities and equipment. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains. Additionally, see Response F7-4, which discusses activities conducted outside of the Ballona Reserve.

O11-27 See Response O11-26.

O11-28 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains. See also Response F7-4, which discusses activities conducted outside of the Ballona Reserve.

O11-29 The Grassroots Coalition's background regarding oil and gas migration issues is acknowledged. However, although this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-30 The commenter's opinions regarding communications between Playa Capital LLC's Mr. Huffman and the Coastal Commission are beyond the scope of the EIR. Nonetheless, see General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains.

O11-31 The commenter's claim that Grassroots Coalition has shared new evidence with CDFW and Coastal Commission staff is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. However, because this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, no more detailed response is provided.

O11-32 See Response O11-26.

O11-33 See Response O11-26.

O11-34 See Response O11-26. Communications between and among Grassroots Coalition, DOGGR, the Coastal Commission, City of Los Angeles, and Playa Capital LLC are beyond the scope of the EIR, which analyzes the potential environmental consequences of restoration proposed within the Ballona Reserve.

O11-35 See Response O11-26 and Response O11-30.

O11-36 See Response O11-35.

O11-37 See Response O11-35.

O11-38 Receipt of page 1 of this April 25, 2005, letter from CDM to Playa Capital LLC is acknowledged, but does not inform CDFW's consideration of the adequacy and accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O11-39 This table summarizing data relating to the Freshwater Marsh and SoCalGas wells in Playa Vista is acknowledged, but does not inform CDFW's consideration of the adequacy and accuracy of the EIR. See Response F7-4, which discusses activities conducted outside of the Ballona Reserve, and Final EIR Section 2.1.1, *Input Received*.

O11-40 Any assertions by a Playa Capital LLC representative regarding a report not cited in the Draft EIS/EIR is beyond the scope of the EIR. See Response F7-4 and Response O11-26.

O11-41 See Response O11-26.

O11-42 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-43 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-44 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-45 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-46 Any allegation that a Clean Water Act violation is occurring under existing (baseline) conditions would be separate from and independent of CDFW's consideration of the potential impacts of the Project, and therefore are beyond the scope of the EIR.

O11-47 The comment accurately notes that PSOMAS has worked in the immediate area around the Ballona Reserve. See, e.g., Response I23-6. However, to be clear, Mr. Crehan of PSOMAS is not on the Project Management team for the proposed restoration. Regarding the role of The Bay Foundation in the environmental review process, see Draft EIS/EIR Section ES.2.5. Regarding the role of CDFW in the environmental review process, see Draft EIS/EIR Section ES.2.1, *Permit Applicants*, and Section ES.2.2, *Lead Agencies*. For the identification of Friends of Ballona Wetlands as a commenting party and not otherwise as a contrinutor to the Draft EIS/EIR, compare Draft EIS/EIR Chapter 5, *List of Preparers and Contributors*, with Final EIR Appendix B, *Commenting Parties*.

Regarding the commenter's assertions of conflict of interest, see Response O11-130. Furthermore, CDFW disagrees with the assertion that cooperation among the identified entities has occurred for financial gain, and no information has been provided in support of the assertion that would enable CDFW to provide a detailed response. CDFW also disagrees with the assertion that cooperation among the identified entites has occurred with the objective or goal of protecting and enhancing the Playa Vista development site. To the contrary, see Draft EIS/EIR Section ES.3 and Section 1.1, *Purpose and Need/Project Objectives*. Regarding the drains, see General Response 4 (Final EIR Section 2.2.4).

O11-48 See Response O11-130. See also General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-49 Receipt of this July 11, 2013, email from Mike Crehan is acknowledged. See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-50 Receipt of these December 2017 emails between Mandy Revell and Marc Huffman is acknowledged. However, although this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-51 Receipt of the Division of Oil, Gas, and Geothermal Resources' Order No. 1008 (dated March 4, 2011) is acknowledged, but the order does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-52 Receipt is acknowledged of this copy of the December 8, 2018, letter from Mr. Huffman of Brookfield Residential to the California Coastal Commission in the context of the Commission's consideration of the drains addressed in General Response 4 (Final EIR Section 2.2.4). This letter does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-53 See Response O11-52. See also Response F7-4 regarding activities conducted outside of the Ballona Reserve.

O11-54 See Responses O11-52 and F7-4.

O11-55 Receipt of the July 12, 2010, letter from GeoScience Analytical, Inc. to the Division of Oil, Gas, and Geothermal Resources regarding the company's collection of "seep gas" from within the Playa Vista community is acknowledged. This letter does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. See also Response F7-4 regarding activities conducted outside of the Ballona Reserve.

O11-56 Receipt of a Fish and Game Commission meeting agenda dated October 11, 2017, is acknowledged. The agenda does not address the adequacy or accuracy of the Draft EIS/EIR or the merits of the alternatives. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-57 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.2), which addresses issues raised regarding the historic accuracy of the proposed restoration alternatives.

O11-58 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), regarding the decision not to further extend the comment period beyond 133 days.

O11-59 Because the comment does not include information to support the request for recirculation, CDFW does not have enough information to provide a detailed response. See, generally, General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).

O11-60 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a "freshwater alternative," and Final EIR Section 2.2.3.2, which addresses multiple comments received regarding the historical accuracy of the Project and restoration alternatives analyzed in detail.

O11-61 The opinions stated in this comment are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process.

See Final EIR Section 2.1.1, *Input Received*. Regarding suggestions of conflicts of interest, see also Response O11-130 and General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), regarding suggested conflicts of interest involving Playa Capital LLC.

O11-62 See Response O11-61.

O11-63 The commenter's opinion of the adequacy of the EIR is acknowledged. However, without more specific information or examples, CDFW does not have enough information to provide a detailed response. See, generally, General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).

O11-64 The commenter's stated connections with environmental experts are acknowledged. However, this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-65 Over 500 items of reference material reviewed and relied upon in the Draft EIS/EIR has been, and continues to be, available at three public libraries local to the Project area and at the State Coastal Conservancy office in Oakland. All of these locations were announced in the Notice of Availability released September 25, 2017. As a courtesy and for reviewers' convenience, all of the reference materials also were made available online at https://www.wildlife.ca.gov/Regions/5/Ballona-EIR.

O11-66 The comment regarding consistency of use of acronyms and defined terms is acknowledged; however, without more specific information or examples, CDFW does not have enough information to provide a detailed response or correction.

O11-67 The stated preference for the use of aerial photography is acknowledged, but does not suggest any inadequacy or inaccuracy in the EIR.

O11-68 Contrary to the suggestion in this comment, the ETI Report (2000) was part of the reference materials made accessible for review immediately upon publication of the Draft EIS/EIR. See Response O11-65. The reference to and opinions regarding what is characterized as the "ETI follow up report" is acknowledged; however, no facts or other evidence is provided in connection with the follow up report that would enable CDFW to provide a detailed response.

O11-69 The commenter's suggestion that there are deliberate inadequacies and false representations in the document is acknowledged as an unsupported opinion. Without more specific information or examples, CDFW does not have enough information to provide a detailed response.

O11-70 The suggestion that the environmental review process has not been inclusive of stakeholders is acknowledged as the commenter's opinion. In contrast, see Draft EIS/EIR Chapter 2, which describes the alternatives considered (whether or not analyzed in detail in the Draft EIS/EIR); and Final EIR Section 1.4, *Agency and*

Public Involvement, Appendix A (for copies of the notices announcing availablility of the Draft EIS/EIR for agency and public review), and Appendix B, *Commenting Parties*. See also General Response 8, *Public Participation* (Final EIR Section 2.2.8), which discusses public participation in the process. See Response O11-65 regarding the availability for review of reference materials considered and cited in the Draft EIS/EIR.

O11-71 See General Response 3, *Alternatives*, which addresses (in Final EIR Section 2.2.3.1) requests that the Lead Agencies consider a "freshwater alternative" and (in Final EIR Section 2.2.3.2) comments received regarding the historical accuracy of the Project and restoration alternatives analyzed in detail. See also General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See Responses AL9-2 and AL9-7.

O11-72 See General Response 3, *Alternatives*, which addresses (in Final EIR Section 2.2.3.1) requests that CDFW consider a "freshwater alternative" and (in Final EIR Section 2.2.3.2) comments received regarding the historical accuracy of the Project and restoration alternatives analyzed in detail. See also General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6).

O11-73 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-74 The comment is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See, generally, Draft EIS/EIR Section 3.8, *Hazards and Hazardous Materials*, which discusses naturally occurring methane gas and the gas storage facility at the Ballona Reserve. To be clear, no residential construction is proposed or would occur within the Ballona Reserve. Nonetheless, this comment is now part of the record of information that CDFW will consider as part of its decision-making process.

O11-75 See Response O11-3 regarding existing conditions; see also General Response 2, *Proposed Project* (Final EIR Section 2.2.2).

O11-76 Contrary to the suggestion in this comment, all input provided during scoping was included in the Draft EIS/EIR (see Draft EIS/EIR Appendix A, *Scoping Report*). Responses to specific suggestions that the Lead Agencies ignored scoping input are provided where the comments provide additional detail. See Responses O11-77 through O11-79 and Response O11-387.

O11-77 See Response O11-8. To clarify, the task of the EIR is to analyze potential impacts of the proposed project and alternatives in terms of the change they would cause to existing (baseline) conditions. CEQA does not require a lead agency to research, analyze, or evaluate community concerns relating to existing environmental conditions except to the extent those conditions would be altered by the proposed project or an alternative. See Response O11-68 regarding the ETI Report (2000),

which was cited in the Draft EIS/EIR and included in the reference materials that were made accessible for review immediately upon publication of the Draft EIS/EIR.

O11-78 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives. See also Response O11-8 and Response F7-4 regarding activities conducted outside of the Ballona Reserve; and Responses H14-2 and I15-15, regarding the analysis of liquefaction hazards. As explained in General Response 4, *Drains* (Final EIR Section 2.2.4), the presence of the drains was properly considered in the Draft EIS/EIR as part of the existing (baseline) condition. For these reasons, CDFW disagrees with the suggestion that the liquefaction modeling was flawed.

O11-79 See Response O11-8; Response F7-4 regarding activities conducted outside of the Ballona Reserve; and General Response 4, *Drains* (Final EIR Section 2.2.4). The EIR is tasked with the analysis of potential impacts of the project and alternatives as a result of a change in existing physical conditions. That settlement and consolidation are occurring and can be expected to occur within the Ballona Reserve is acknowledged in Draft EIS/EIR Section 3.6, regardless of whether this result is specifically attributable to fluid withdrawal. Because neither the Project nor the alternatives proposes to withdraw fluid from the SoCalGas wells, and in fact each would reduce opportunities to do so by abandoning existing wells, the specific contributing causes of existing, ongoing settlement and consolidation with the Ballona Reserve is not a reflection of the adequacy or accuracy of the EIR.

O11-80 It appears that the commenter may have overlooked the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives. See Response I15-31 in this regard. One of the primary Project objectives is to restore, enhance, and create estuarine and associated habitats. See Response O11-8; see also General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-81 CDFW does not receive or distribute WRDA funds. Questions about flood control project funding are beyond the scope of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O11-82 See Response O11-81.

O11-83 Regarding respective roles in project development, environmental analysis and permitting, see Draft EIS/EIR Section ES.2 and Section 1.4. See also Footnote 1 in the Executive Summary, which explains: “The Corps, in cooperation with the Los Angeles County Flood Control District, constructed the Ballona Creek channel and levees within the Ballona Reserve as part of the LACDA project. The Los Angeles County Flood Control District transferred operational activities to the Los Angeles County Department of Public Works. The Los Angeles County Department of Public Works-Flood Control District (collectively, ‘LACFCD’) is the applicant for the Section 408 permit that would be required to modify LACDA project features within

the Ballona Reserve." See Response O11-81 regarding funding questions being beyond the scope of the EIR.

O11-84 Draft EIS/EIR Section 3.9.2.2 describes the environmental setting for purposes of the analysis of impacts to hydrology and water quality. Under the heading "Surface Water Hydrology and Drainage," the section discusses historical flows, including how the Los Angeles River flowed into the Ballona Wetlands prior to 1825, changes that had occurred by 1939, and existing (baseline) conditions. Under the heading "Flooding," the section discusses flooding conditions upstream of the Project Site, within the Ballona Reserve, and downstream of the Project Site. The FEMA flood map is provided as Draft EIS/EIR Figure 3.9-4. Corps permits will not be issued (if at all) until after the environmental review process is complete. The Los Angeles District of the Corps' Operation, Maintenance, Repair, Replacement and Rehabilitation plan (OMRR&R) is cited in Draft EIS/EIR Chapter 2, for example, and a copy of it was provided with the reference materials for that chapter. See Response O11-65 regarding the availability of references cited. CDFW understands that the commenter would like to have access to the existing onsite Flood Control System; however, the comment provides no information or other evidence suggesting how or why providing the requested access would address a perceived inadequacy or inaccuracy in the EIR. Without more information, CDFW does not have enough information to provide a more detailed response.

O11-85 The comment seems to suggest that the cumulative impacts analysis does not include certain unidentified projects. Draft EIS/EIR Section 3.1.4.1 identifies the projects included in the cumulative scenario (many of which are located farther away than merely adjacent to the Ballona Reserve) and describes the Lead Agencies' approach to analyzing cumulative impacts. Without knowing what project(s) the commenter believes should be included in the cumulative effects analysis, CDFW is unable to more directly address this comment. In any event, as noted on a resource-by-resource basis, any ongoing impacts of past projects are reflected in the description of existing (baseline) conditions.

CEQA provides the vehicle for agencies and members of the public to consider overall Project-related impacts before a permitting decision is made. The analysis is to be comprehensive, rather than broken up into smaller pieces, thereby tending to minimize the significance of the impacts of the Project as a whole. Because allegations of piecemealing generally relate to the analysis of impacts and not to a specific geography, it is not clear what the comment means when it suggests that piecemealing "of the reserve" has occurred.

O11-86 Questions about the sources of Project funding are beyond the scope of the EIR, which is focused on the analysis of potential impacts of the Project and alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-87 The commenter's concerns regarding bond language is acknowledged and are now part of the record of information that CDFW will consider as part of its decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-88 The commenter's comments regarding potential funding sources are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. See also Response O11-86.

O11-89 Receipt of this aerial image of the Ballona Reserve (identified as from 1934) is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-90 Receipt of the image of a raptor silhouetted in the moonlight, and the quote from E.O. Wilson are acknowledged but do not inform CDFW's evaluation of the adequacy and accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O11-91 Receipt of the California Fish and Game Commission's October 11–12, 2017, meeting agenda is acknowledged. However, the agenda materials do not suggest an inadequacy or inaccuracy in the EIR and do not identify any potentially significant environmental issues arising from the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.

O11-92 See Response O11-8 regarding the proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve and CDFW's consideration of all input received during the scoping process (see Draft EIS/EIR Appendix A).

See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study. Although specifics of the Corps' NEPA process are outside CDFW's purview, CDFW anticipates that the Corps will address questions relating to the NEPA process in a Final EIS or Record of Decision for the Project.

O11-93 See Response O11-92.

O11-94 See Final EIR Section 1.4.1, which explains agency and public involvement including and following review of the Draft EIS/EIR; Final EIR Section 2.1, which explains the approach implemented to respond to comments received on the Draft EIS/EIR; Final EIR Section 2.2, which provides common "general" responses to commonly raised issues; and Final EIR Section 2.3, which provides individual responses to individual comments.

O11-95 Regarding public participation in the process, see Draft EIS/EIR Section 1.5.3, *Agency and Public Input*; Draft EIS/EIR Section 1.9, *Public Comment on the Draft*

EIS/EIR; and Final EIR Section 1.4, *Agency and Public Involvement*. See also General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), which responds to multiple comments received in this regard. Regarding the distribution list, recipients of the Final EIR are identified in Final EIR Appendix D. All who submitted comments on the Draft EIS/EIR are identified in Final EIR Appendix B.

O11-96 See Response O11-95.

O11-97 Receipt of this duplicate copy of email correspondence regarding the EIR process and the October 11 Commission hearing is acknowledged. This email previously was submitted on January 25, 2017, and is included within this letter as Comments O11-56 through O11-91. See Response O11-56 through and including Response O11-91.

O11-98 These original Goals/Principles,[95] which were drafted in the early conceptual phases, were further refined shortly after acquisition in the Scientific Advisory Committee. This process of refining the Goals and Principles incorporated public input and adhered to acquisition goals and funding requirements (see Proposition 50[96]). As recorded in the minutes from the Wildlife Conservation Board meeting from September 30, 2003,[97] "The natural resource goals for the long-term restoration planning for the Ballona Wetlands are: restore tidal circulation to the extent feasible; provide the range of freshwater, brackish and saltwater wetland habitat that is typically associated with a coastal estuary." Regarding the purpose and need and project objectives for the Project and Alternatives 2 and 3, see Draft EIS/EIR Section ES.3 and Section 1.1.

O11-99 See Response O11-98 regarding the initial property acquisition purpose and the development of restoration goals.

O11-100 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1 and Final EIR Section 2.2.3.2), regarding requests for a "freshwater alternative" and historical accuracy. See also Response O11-98.

O11-101 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-102 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

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95 Friends of Ballona Wetlands et al., 1990. Ballona Wetlands Restoration Goals and Objectives. August 10, 1990.

96 Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 [Proposition 50, 2002]. Approved by the voters on November 5, 2002, as Proposition 50 and annotated to reflect subsequent implementing statutes as of November 23, 2004.

97 Wildlife Conservation Board, 2003. Minutes of September 30, 2003, meeting (see Item 2).

O11-103 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-104 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-105 See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple questions about the range of alternatives analyzed. The commenter's opinion of the alternatives development process is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

O11-106 The Draft EIS/EIR preliminarily considered 12 potential alternatives, of which three were carried forward for detailed review. See Draft EIS/EIR Chapter 2. The commenter's opinion about the reasonableness of the range of alternatives is acknowledged; however, without more information than a general allegation, CDFW does not have enough information to provide a more detailed response. See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments received about the alternatives. See also Response O11-105 regarding alternatives.

O11-107 The commenter's opinion of the alternatives is acknowledged. The opinion is unsubstantiated and inconsistent with the conclusions and analysis in the Draft EIS/EIR. See Draft EIS/EIR Table ES-3, Summary of Environmental Consequences, which identifies the impacts and effects of the Project and Alternatives 2 and 3 and summarizes the similarities and differences among them. As summarized in Draft EIS/EIR Table ES-3 and analyzed on a resource by resource basis throughout Draft EIS/EIR Chapter 3, none of the alternatives would cause significant and unavoidable adverse impacts. All impacts would be beneficial effects or, if adverse, would be less than significant or less than significant with mitigation incorporated. To the extent the comment could be read as suggesting that the Project is not, in fact, a restoration, see General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6).

O11-108 See Draft EIS/EIR Section 2.3.7 and General Response 3 (Final EIR Section 2.2.3.4) regarding why Alternative 11, 19th Century Wetlands, was not carried forward for more detailed review. See also General Response 2, *Proposed Project* (Final EIR 2.2.2.6) regarding the definition of "restoration"; and General Response 3, *Alternatives* (Final EIR Sections 2.2.3.1 and 2.2.3.3), regarding requests for consideration of a "freshwater alternative" and regarding the "historical accuracy" of alternatives considered.

O11-109 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives. See also General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6),

which addresses multiple comments received regarding requests for additional hydrology reporting. As noted in Draft EIS/EIR Section 3.9, "There are 19 production wells within the Santa Monica Basin, with only five drinking water wells and four irrigation wells currently in production. … The wells are located within the Arcadia, Charnock, and Olympic subbasins; there are no wells in the Coastal subbasin, where the Project Site is located." The comments of and responses to input received from the Los Angeles Regional Water Quality Control Board are provided in Final EIR Section 2.3.3. Regarding designated beneficial uses, see Response AL9-2 and Response AL9-7.

O11-110 Contrary to the assertion made by the commenter, potential impacts of the proposed restoration on groundwater resources resulting from seawater intrusion were analyzed in the Draft EIS/EIR. Regarding the Project, for example, see the analysis of Impact 1-WQ-2 in Draft EIS/EIR Section 3.9.6.

O11-111 The commenter's opinion of the purposes and objectives is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. Nonetheless, without more information, the comment does not provide sufficiently specific information to allow CDFW to provide a more detailed response. See also Response O11-98 and General Response 3, *Alternatives* (Final EIR Section 2.2.3).

O11-112 See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received regarding requests for recirculation.

O11-113 The suggested revisions are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. CDFW notes, as the CEQA Lead Agency, that "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments" (14 CCR §15204). The red-highlighted suggested edits do not meet this threshold. Nonetheless, see General Response 3, *Alternatives*, which addresses multiple requests that CDFW consider a "freshwater alternative" (Final EIR Section 2.2.3.1); see also Final EIR Section 2.2.3.2 regarding the historical accuracy of the alternatives considered (Final EIR Section 2.2.3.3).

O11-114 Aquatic resources, for purposes of the Project, would be hydrologic elements needed to accomplish the stated NEPA Purpose and Need and CEQA Project Objectives (see Draft EIS/EIR Section ES.3 and Section 1.1). As stated in the Draft EIS/EIR Abstract, CDFW "proposes a large-scale restoration that would entail enhancing and establishing native coastal aquatic and upland habitats within the Ballona Reserve. The proposal is intended to return the daily ebb and flow of tidal waters where practically feasible to achieve predominantly estuarine conditions, maintain freshwater conditions, and enhance physical and biological functions within the Ballona Reserve. For discussions and quantification related to existing habitat and

ecological degradation, see Draft EIS/EIR Section 3.4, *Biological Resources – California Rapid Assessment Method (CRAM) Assessments, Invasive and Nuisance Species, Invasive and Other Non-native Vegetation, Non-native Wildlife*, Tables 3.4-1, 3.4-6, and 3.4-7, and Figure 3.4-2.

O11-115 See Response O11-114. See also Draft EIS/EIR Executive Summary Table ES-3, Summary of Environmental Consequences, which identifies the environmental impacts and effects of the Project and Alternatives 2 and 3 and summarizes the similarities and differences among them. As summarized in Table ES-3 and analyzed on a resource by resource basis throughout Chapter 3, none of the alternatives would cause significant and unavoidable adverse impacts. All impacts would be beneficial effects or, if adverse, would be less than significant or less than significant with mitigation incorporated. Specifically regarding aquatic conditions, see Draft EIS/EIR Section 3.4 regarding biological resources, and Section 3.9 regarding hydrology and water quality.

O11-116 The Draft EIS/EIR acknowledges toxicity within Project area waters under existing (baseline) conditions and analyzes potential Project-caused impacts relative to these conditions. See Draft EIS/EIR Section 3.9 regarding hydrology and water quality. Draft EIS/EIR Table 3.9-2 identifies 303(d) Pollutants in Ballona Creek Upstream of the Project Site, including toxicity. Draft EIS/EIR Table 3.9-3 identifies 303(d) Pollutant Assessments in the Ballona Estuary and the Project Site, including sediment toxicity. Potential direct and indirect impacts of the Project relating to toxicity are analyzed in the context of Impact 1-WQ-1a and Impact 1-WQ-1b (see Impacts 2-WQ-1a and 1b regarding Alternative 2, and Impacts 3-WQ-1a and 3-WQ-1b regarding Alternative 3).

O11-117 The Los Angeles Regional Water Quality Control Board issued Cleanup and Abatement Order (CAO-98-125) in December 1998 to Playa Capital Company. According to the April 1, 2010, Los Angeles RWQCB Executive Officer's Report, the company complied with Order No. 98-125 by conducting site characterizations and soil and groundwater remediation resulting in No Further Action (NFA) determinations for nine instances of soil contamination and four instances of groundwater contamination; as of April 2010, "2 soil NFAs are pending."[98] The RWQCB's February 3, 2011, Executive Officer's Report[99] provides additional information about Playa Capital's remedial work and is clear that remaining remedial efforts were focused in Area D. Cleanup and Abatement Order 98-125 does not necessitate decontamination in connection with the Project or alternatives analyzed in the EIS/EIR. Further, the Los Angeles RWQCB's input on the Draft EIS/EIR did not

98 Los Angeles RWQCB, 2010. Executive Officer's Report. Available online: https://www.waterboards.ca.gov/losangeles/board_info/eo_reports/past_eo_report/2010/2010-04-01-eorpt.pdf, April 1, 2010.

99 Los Angeles RWQCB, 2011. Executive Officer's Report. Available online: https://www.waterboards.ca.gov/losangeles/board_info/eo_reports/past_eo_report/2011/eorpt03feb.pdf, February 3, 2011.

mention Cleanup and Abatement Order 98-125. See Final EIR Section 2.3.3 (Letter AL9).

O11-118 See Response O11-114, which explains that aquatic resources (as considered in the Draft EIS/EIR) are broader than a discussion of saltwater intrusion.

O11-119 See Response O11-114, which explains that aquatic resources (as considered in the Draft EIS/EIR) are broader than a discussion of saltwater intrusion. For more information about the freshwater/saltwater history within the Ballona Reserve, see General Response 3 (Final EIR Sections 2.2.3.1 and 2.2.3.3).

O11-120 See Response O11-114.

O11-121 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives. See Draft EIS/EIR Section 1.8.5 regarding the baseline generally, and Section 3.9.2.2 specifically regarding the affected environment (the environmental baseline) for the analysis of impacts to hydrology and water quality.

O11-122 See Response F7-4 and Responses O11-3, 011-8 and O11-9 (among others in this letter) regarding the University City Syndicate. See Draft EIS/EIR Section 3.8, *Hazards and Hazardous Materials*, for a discussion related to the gas storage facility within the Ballona Reserve. See also Draft EIS/EIR Section 2.2.2, *Alternative 1: Full Tidal Restoration/Proposed Action*, for a discussion of the proposed decommissioning of existing wells located within the Ballona Reserve.

O11-123 See Response O11-124 regarding the Sierra Club letters of March 15, 2013, and October 7, 2014.

O11-124 The commenter provides two letters by the Angeles Chapter, Airport Marina Group of the Sierra Club. One letter is dated March 15, 2013, and was addressed to CDFW and the Corps. The second letter is dated October 7, 2014, and was addressed to the Corps only.

The March 2013 letter makes claims and raises questions on a variety of topics, including:

a. ***The visitor center.*** The visitor center proposal was abandoned as explained in Draft EIS/EIR Section 1.5.3 ("the visitor education center proposal was suspended and as a result is not included in this EIS/EIR"). Therefore, providing additional information in the Final EIS/EIR about the visitor center would not inform CDFW's consideration of the impacts of the proposed action and other alternatives.

b. ***Existing drain pipe risers in Ballona Reserve.*** See Response F7-3 regarding the risers. See also General Response 4, *Drains* (Final EIR Section 2.2.4).

c. ***Groundwater pumping in the Playa Vista Development.*** The letter asks about groundwater pumping occurring on the other side of Lincoln Boulevard from the Ballona Reserve and about the impact such pumping may have on the Ballona Reserve. CEQA does not require public agencies to analyze the impacts of the environment on a project, but rather than they analyze the potential impacts of a project on the environment. Accordingly, see Response F7-4 regarding issues raised outside the Ballona Reserve.

d. ***Other issues.*** Other issues raised in the March 2013 letter regard wetland delineations dated 1982 and 1991 and operations and activities of a gas company and the effects such activities have within the Ballona Reserve. None of the claims or questions show that the information in the EIR is inadequate or inaccurate, and the claims and questions do not identify any potentially significant environmental issues arising from the proposed restoration and related activities.

The October 7, 2014, letter to the Corps focuses on a project named "the Inlet at Playa del Rey (Marina del Rey)" which is a different project than the one analyzed in the Draft EIS/EIR. Essentially, the letter requests several actions of the Corps due to its alleged failure to comply with Congressional authorizations and failure to take certain required actions. Similar to the 2013 letter, none of the issues in the October 7, 2014, show that the information in the Draft EIS/EIR is inadequate or inaccurate analysis, and the letter does not identify any potentially significant environmental issues arising from restoration of the wetlands.

O11-125 Receipt is acknowledged of links to this copy of the October 18, 1990, settlement agreement in the Playa Vista litigation and the (unsigned) stipulation for entry of judgment. Copies of the documents also were received as Comment O11-155 and O11-156. Neither document addresses the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*. Because concerns regarding the settlement agreement are beyond the scope of the EIR, CDFW is not providing a more detailed response.

O11-126 The commenter's suggested preference for the Alternative 4 is acknowledged. See Response O11-125. See also Response O11-130 and General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), regarding suggested conflicts of interest involving Playa Capital LLC.

O11-127 See Response O11-125. Receipt is acknowledged of this duplicate copy of restoration goals and objectives as they existed in August 1990.

O11-128 This suggested clarification based on the commenter's understanding of the restoration goals and objectives as they existed in August 1990 is acknowledged. See Response O11-125 about the settlement agreement being beyond the scope of the EIR and Response O11-126 regarding suggestions of improper influence. See also Response O11-130 and General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), regarding suggested conflicts of interest involving Playa Capital LLC.

O11-129 See Response O11-128.

O11-130 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), regarding suggested conflicts of interest involving Playa Capital LLC. The commenter makes over 30 comments that there is some sort of conflict of interest or improper influence between or among CDFW, Playa Capital LLC (developer of neighboring Playa Vista), Ballona Wetlands Conservancy, Coastal Conservancy, Santa Monica Bay Foundation, consulting companies, and various individuals employed by those entities. In support of the commenter's assertion are a variety of communications to and between the entities mentioned in this response and other documents to infer that the commenter's position is correct. Having reviewed the information provided by the commenter with the current batch of comments as well as when the commenter previously submitted information (commenter's current comments include correspondence dating back several years), it appears that none of these comments evidence an actual conflict of interest or influence. As a result, the comment does not appear to show that the amount and quality of information in the EIR is inadequate or inaccurate. Nor does the comment identify any potentially significant environmental issues arising from implementation of the Project or Alternative 2 or 3 that have not been addressed in the EIR. Nevertheless, in light of the quantity of commenter's comments related to this theme of conflict of interest and influence, CDFW is providing the additional response below.

As mentioned in the first paragraph of this response, the commenter makes over 30 comments related to the theme of a conflict of interest or improper influence. Because CDFW is unable to discern the underlying rationale as to why the alleged activities give rise to a conflict of interest or undue influence, the agencies considered these comments from the California State law treatment of conflicts of interest.[100] The Political Reform Act's most basic prohibition is that public officials are disqualified from participating in government decisions in which they have a financial interest. Stated differently, the Act deals with situations in which a public decision will have an effect on a public official's financial interests.

Turning to the comments, their basic premise seems to be that Playa Capital LLC exerts undue influence over CDFW, which resulted in the Draft EIS/EIR's inclusion of the Project and Alternatives 2 and 3, which all involve returning the daily ebb and flow of tidal waters to achieve predominantly estuarine conditions within the Ballona Reserve. Although CDFW considered and rejected alternatives that would not increase tidal inundation (see Draft EIS/EIR Section 2.3), the commenter's perspective appears unaffected (see also Response O11-125). The commenter asserts that this undue influence is evidenced by some sort of benefit that Playa Capital LLC would receive from implementation of the Project or Alternative 2 or 3. The commenter also appears to raise the following as support for its position: a Corps feasibility study process noticed in 2005 (70 Fed. Reg. 55116), a consultant[s]

[100] See, e.g., California Attorney General's Office, 2010. Conflicts of Interest. Available online: https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/coi.pdf.

employed by Playa Capital LLC also doing work in support of the Draft EIS/EIR, and CDFW holding a board position on the Ballona Wetlands Conservancy. As explained more below, in none of these circumstances does any decision maker at CDFW, or any other entity, appear to gain financially from implementation of the Project or alternatives. As a result, CDFW is unable to discern any sort of conflict of interest or undue influence as asserted by the commenter.

Regarding some sort of benefit that Playa Capital LLC receives and therefore it is influencing the project, CDFW is not aware of any benefit to Playa Capital LLC and cannot discern from commenter's statement what it would be. Response O11-98 details how the Project objectives and alternatives were developed. At no time did Playa Capital LLC convince CDFW to take any certain approach.

Regarding the 2005 feasibility study, the commenter seems to argue that it involved a project different from Alternative 1, 2, or 3 and that the Corps feasibility study process was stopped to switch the Project. However, the commenter fails to mention that the Corps feasibility study addressed a larger area than the Ballona Reserve, including land that CDFW does not own and as a result cannot implement a project on. The commenter also fails to mention that the Corps feasibility study could have included an evaluation of project elements that are similar to what appears in Alternatives 1, 2, and 3; specifically removing impervious surface from the Ballona Channel, regrading and removal of fill, removal of invasive and non-native plant sources, and reintroduction of water sources to restore previously filled coastal wetlands. Even if the alternatives were different from the 2005 Corps process's scope, that fact does not reveal any decision maker receiving a personal financial benefit. As a result, CDFW is unable to discern why the 2005 Corps feasibility process is evidence of a conflict of interest or undue influence.

There are two other issues the commenter raises related to the 2005 Corps feasibility study process. The commenter seems to question the reason why the Santa Monica Bay Restoration Authority (SMBRA) canceled its efforts with the Corps regarding the 2005 feasibility process and thus there is a conflict. In fact, SMBRA wrote in a July 2012 letter to the Corps that SMBRA did not have funds available for the 2005 feasibility process's costs increase.[101] A second issue related to the 2005 Corps feasibility study process seems to be that Mary Small of the Coastal Conservancy, which also has a board position on the Santa Monica Bay Restoration Commission (SMBRC), improperly influenced the 2005 Corps feasibility study process. Other than the existence of a relationship between the Coastal Conservancy and SMBRC, CDFW could not identify any clear evidence that the Coastal Conservancy had some sort of role related to the decision. It also worth noting that the Coastal Conservancy is one of 27 voting members that is part of the SMBRC Governing Board and that Board is comprised of a variety of local and state entities as well as some private

[101] Bay Restoration Commission, 2012. Letter of Dr. Shelly Luce to Colonel R. Mark Toy. July 17, 2012.

individuals.[102] Therefore, even if the Coastal Conservancy wished to pursue a certain course of action through the SMBRC, CDFW assumes the Coastal Conservancy would need to secure at least a majority of the other 26 voting members on the Board. In addition, there is no apparent financial benefit to any decision maker that CDFW could identify.

The commenter also seems to rely on the fact that the engineering consulting firm Psomas worked on the Draft EIS/EIR as well as for Playa Capital LLC to support its perspective of a conflict of interest or undue influence. As stated in Draft EIS/EIR Section 5.2 and Section 5.3, there are four primary consultants and five sub-consultants that worked on the Draft EIS/EIR. Psomas is one of the five sub-consultants. Therefore, even if working on the Draft EIS/EIR as well as for Playa Capital LLC on property neighboring the Ballona Reserve could hint at some sort of conflict or undue influence, the mere fact that Psomas is only one of several consultants should arguably minimize any concern. Additionally, hiring a consultant that has a wealth of history and institutional knowledge about the technical aspects of the property is arguably an efficient use of public funds. CDFW recognizes that all the consultants are compensated for their work; however, including Alternatives 1, 2, and 3 in the Draft EIS/EIR does not appear to affect the financial interest of those consultants in a manner different from including some other alternative. Moreover, it was the Lead Agencies' decision to include the suite of alternatives initially considered and to be carried forward in more detail through the screening process described in Draft EIS/EIR Section 2.3. See also Response O11-98 describing how the Lead Agencies arrived at the list of alternatives.

The commenter also points to the fact that CDFW holds a board position on the Ballona Wetlands Conservancy (BWC), the entity responsible for overseeing management of the freshwater marsh, as evidence of a conflict of interest or undue influence. Response O11-136 explains CDFW's role on the BWC board and how that occurred. Similar to other issues discussed in this response, it is unclear how the fact that CDFW holds a board position results in a conflict of interest or undue influence. The commenter points to the fact that CDFW issued BWC a notice that it violated the Fish and Game Code to support the position there is a conflict or undue influence (see Comment 011-241 and O11-242, where the commenter provides additional detail in this regard). However, CDFW believes this fact shows the opposite: Specifically, CDFW is willing to issue a notice of violation to an entity even if that entity has a CDFW employee as a board member.

Ultimately, as mentioned above, none of these suggestions or assertions show that there exists some sort of conflict of interest or undue influence. Similarly, none of these suggestions or assertions identify any significant environmental issue related to implementation of the proposed restoration that has not been analyzed in the EIR.

[102] Bay Restoration Commission, 2018. Santa Monica Bay Restoration Commission Governing Board Members (as of July 2018), July 2018.

O11-131 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O11-132 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O11-133 See Response O11-130.

O11-134 See General Response 4, *Drains* (Final EIR Section 2.2.4). The commenter's apparent dissatisfaction with the description of existing (baseline) conditions is aknowledged. Regarding existing wetlands-related conditions, see Draft EIS/EIR Section 3.4.2, *Affected Environment*, including under the heading "Waters of the U.S. and Waters of the State." Regarding existing hydrology-related conditions in the affected environment, see Draft EIS/EIR Section 3.9.2. Potential direct, indirect, and cumualtive impacts of Alternatives 1, 2, and 3 (as well as of the No Federal Action/No Project Alternative) to wetlands and hydrology are analyzed in EIS/EIR Sections 3.4 and 3.9, respectively. Also, see Response F7-4, which addresses activities conducted outside of the Ballona Reserve.

O11-135 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-136 The Ballona Wetlands Conservancy (BWC) was created to oversee management of the freshwater marsh and riparian corridor, which are outside of the Ballona Reserve and were constructed in relation to the Playa Vista development which is also outside of the Ballona Reserve. BWC's board of directors meets approximately once a year and is comprised of four members who are appointed by Playa Capital LLC, the Friends of Ballona Wetlands, the Secretary of the Resources Agency, and a Council District Office for the City of Los Angeles. Funding for BWC comes from property owners and leaseholders in Playa Vista. Regarding the seat appointed by the Secretary of Resources, this board position has historically been filled by a CDFW employee. Mr. Brody was directed to serve, following other CDFW employees, on this board as an authorized CDFW representative from 2014–2016, then was replaced by other CDFW representatives who currently serve. See also Response O11-130.

O11-137 See Response O11-81 regarding WRDA funds.

O11-138 See Response O11-81 WRDA funds and Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-139 The commenter's opinion that the EIR process has not been inclusive of the public is acknowledged. See Response O11-140.

O11-140 Regarding public participation in the process, see Draft EIS/EIR Section 1.5.3, Agency and Public Input; Draft EIS/EIR Section 1.9, Public Comment on the Draft EIS/EIR; and Final EIR Section 1.4, Agency and Public Involvement. See also General Response 8, *Public Participation* (Final EIR Section 2.2.8), which responds

to multiple comments received in this regard. Regarding the distribution list, recipients of the Final EIR are identified in Final EIR Appendix D. All who submitted comments on the Draft EIS/EIR are identified in Final EIR Appendix B. The commenter's opinion that EIR process has not been inclusive of the public is acknowledged, but is not supported by the record.

O11-141 See Response O11-130 regarding suggestions of conflict of interest or undue influence. See also General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study. As noted above, the specifics of the Corps' NEPA process are outside CDFW's purview; however, CDFW anticipates that the Corps will address questions relating to the NEPA process in a Final EIS or Record of Decision for the Project.

O11-142 Receipt of this excerpt from an August 13, 2004, memo from the State Coastal Conservancy to California Department of Fish and Game is acknowledged. However, it does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of evidence that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-143 Draft EIS/EIR Section 1.2.2 states, "The restoration alternatives were designed by the Lead Agencies with input from the public and Scientific Advisory Committees that would advance the California State Legislature's policy described above and meet the purpose, need, and objectives of the Project." See also General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple requests received regarding alternatives development and analysis. To the extent the comment could be read to suggest that contracting of consultants or subconsultants unduly influenced the choice of alternatives analyzed in detail in the Draft EIS/EIR, see Response O11-130.

O11-144 It is not clear what contracts are the subject of this comment. To the extent the comment could be read to suggest that contracting of consultants or subconsultants unduly influenced the choice of alternatives analyzed in detail in the Draft EIS/EIR, see Response O11-130. Regarding public involvement more generally, see Response O11-140.

O11-145 See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple questions about the range of alternatives analyzed in the Draft EIS/EIR including requests for detailed consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1), regarding the range of alternatives (Final EIR Section 2.2.3.2), and alternatives considered but not carried forward for more detailed review (Final EIR Section 2.2.3.3), and the historical accuracy of alternatives considered in detail (Final EIR Section 2.2.3.2).

O11-146 Regarding public participation in the process, see Response O11-140. The commenter's apparent disagreement with the Project purposes, goals and objectives identified in Draft EIS/EIR Section ES.3 and Section 1.1 is acknowledged, but does not inform CDFW's consideration of the impacts of the Project. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-147 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-148 Receipt of this November 8, 2017, email response from the Corps to a Freedom of Information Act request submitted by the commenter is acknowledged. The information it contains does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-149 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-150 Receipt of this August 2, 2012, letter from the commenter to the Coastal Conservancy is acknowledged. See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study. However, this document does not show that the amount and quality of information in the EIR leads to an inadequate or inaccurate analysis, and the comment does not identify any potentially significant environmental issues arising from restoration of the wetlands.

O11-151 Receipt of this March 28, 2012, notice regarding alleged non-compliance with bond funding requirements is acknowledged, but does not address the adequacy or accuracy of the EIR or the merits of the alternatives since questions of funding are outside the scope of this CEQA process.

O11-152 Receipt of these email exchanges from 2011 and 2012 are acknowledged, as are the copies of the May 11, 2009, request for environmental services and February 8, 2010, request for engineering services. These documents regarding Public Record Act responses, funding, earlier iterations of the purpose and need than the details reflected in Draft EIS/EIR Section ES.3 and Section 1.1, meeting scheduling and timelines, public contract code provisions, and other issues do not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, the comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-153 Receipt of this April 11, 2014, letter from the Coastal Commission is acknowledged. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O11-154 Receipt of the Ballona Creek Renaissance's Fall 2013 newsletter is acknowledged. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains.

O11-155 See Response O11-125 regarding the settlement agreement.

O11-156 See Response O11-125 regarding the (unsigned) stipulation of judgement.

O11-157 See Response O11-136, which explains CDFW's role on the Ballona Wetlands Conservancy board. See also Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-158 This April 11, 2014, letter from the Coastal Commission also was provided in Comment O11-153. See Response O11-153.

O11-159 The commenter's inclusion of an email exchange between Richard Brody and Marc Huffman is acknowledged. The exchange does not address the adequacy or accuracy of the EIR or the merits of the alternatives; nonetheless, it is now part of the record of evidence that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-160 Receipt of this communication regarding Mr. Davis' 2012 FOIA Request with the Department of the Army is acknowledged. The communication does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of evidence that will be considered as part of CDFW's decision-making process. See also General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-161 See Response O11-160 acknowledging receipt of similar or related correspondence.

O11-162 See Response O11-160 acknowledging receipt of similar or related correspondence.

O11-163 See Response O11-160 acknowledging receipt of similar or related correspondence.

O11-164 Receipt of this September 20, 2005, *Federal Register* notice is acknowledged. See Response O11-160.

O11-165 Receipt of this September 26, 2012, *Federal Register* notice is acknowledged. See Response O11-160.

O11-166 Receipt of this information about California Public Records Act litigation resolved on January 26, 2016, is acknowledged. Neither the litigation nor its resolution address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, this comment is now part of the record of evidence that will be considered as part of CDFW's decision-making process.

O11-167 Receipt of this duplicate copy of the graphic provided in Comment O11-158, as well as related details, are acknowledged. See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-168 See Response O11-130 regarding suggestions of conflict of interest or undue influence.

O11-169 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-170 See Response F7-4 regarding activities conducted outside the Ballona Reserve.

O11-171 See Response O11-130.

O11-172 See Response O11-130.

O11-173 See Response O11-130.

O11-174 See Response O11-130.

O11-175 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding (in Final EIR Section 2.2.3.1) requests for consideration of a "freshwater alternative" and (in Final EIR Section 2.2.3.3) comments about the historical accuracy of the Project and other restoration alternatives analyzed in detail.

O11-176 See Response O11-130. Further, as noted in Response O11-151 and elsewhere, questions of funding sources are beyond the scope of the EIR.

O11-177 The Oxford Basin is a separate and distinct project, unrelated to the Ballona Restoration Project. Suggestions about a "pattern and practice of wrongdoing" among various agencies and various projects are beyond the scope of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O11-178 See Response O11-151, which explains that questions about funding are beyond the scope of the EIR.

O11-179 See Response O11-98 and General Response 3, *Alternatives* (Final EIR Section 2.2.3), regarding Project objectives and the range of alternatives.

O11-180 See General Response 5, *Biological Resources* (Final EIR Section 2.2.5), which addresses multiple comments received related to the biological baseline. The commenter's disagreement with the biological baseline described in in the Draft EIS/EIR is acknowledged. CDFW respectfully disagrees with the commenter. See also General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a "freshwater alternative."

O11-181 See Response I15-31 and General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6), regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a "freshwater alternative," and Final EIR Section 2.2.3.3, which addresses multiple comments received regarding the historical accuracy of the Project and alternatives analyzed in detail.

O11-182 Receipt of the link to the commenter's video from April 2012 of individuals identifying species in the Ballona Reserve is acknowledged. This comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of evidence that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-183 The commenter suggests that the Draft EIS/EIR is deficient for failure to discuss the occurrence of alkali barley (*Hordeum depressum*) in Area A and the need to protect this native grass. While alkali barley is a native grass species, it is not considered rare, threatened, or endangered by CDFW Natural Diversity Database; nor are populations of this species protected by CDFW as a sensitive natural community. Hence, alkali barley does not meet the CEQA significance thresholds that define a candidate, sensitive, or special-status species; nor the CEQA definition that defines a sensitive natural community. The commenter's documentation of alkali barley in Area A is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. However, the comment does not show that the amount and quality of information in the EIR leads to an inadequate or inaccurate analysis, and the comment does not identify any potentially significant environmental issues arising from the loss of non-sensitive alkali barley populations.

O11-184 Regarding public participation in the Draft EIS/EIR process, see Draft EIS/EIR Section 1.5.3, Agency and Public Input; Draft EIS/EIR Section 1.9, Public Comment on the Draft EIS/EIR; and Final EIR Section 1.4, Agency and Public Involvement. See also General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), which responds to multiple comments received in this regard. Regarding the distribution list, recipients of the Final EIR are identified in Final EIR Appendix D. All who submitted comments on the Draft EIS/EIR are identified in Final EIR Appendix B. On this basis, CDFW acknowledges, but disagrees with, the suggestion that the public was excluded from the Draft EIS/EIR process. Nonetheless, the comment is now part of

the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-185 See Response O11-183.

O11-186 See Response O11-183.

O11-187 It is true that more common species (including non-native and invasive) would be displaced to make room for more threatened and endangered native habitats and species. The Project strives to limit and mitigate impacts to all native species and habitats as much as possible, including measures to move species out of harm's way during activities that could pose a threat. Although some common species could be harmed and/or displaced during this scale of restoration effort, it is expected that common and highly adaptable species populations would recover post-restoration, where suitable habitat exists, that is why they are considered common. In CDFW's view, species listed by the federal or state government as endangered, threatened; species of concern; species or habitats that are native and declining; or habitats that are degraded to such an extent as to need an ecological lift merit continued conservation, protection, and enhancement. Those are the areas of emphasis of the proposed restoration alternatives. Some existing habitats on site do not meet these criteria. Non-native, invasive, and some common species may be actively managed or even removed to create habitats more sensitive or important at the present time in this location in the context of ecosystem health and ecology.

O11-188 See Response O11-183.

O11-189 See Response O11-183.

O11-190 Receipt of this email exchange is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.

O11-191 See Response O11-183.

O11-192 See Response O11-183.

O11-193 See Response O11-187.

O11-194 Receipt of this January 2012 email from Ms. Luce to Ms. Small is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. The Draft EIS/EIR never cites or relies upon the information described within the email. To the contrary, Draft EIS/EIR Section 3.4.2.2, *Invasive and Other Non-native Vegetation*, states: "Approximately 59 percent of the vegetated habitats within the Project Site are dominated by non-native vegetation, of which 45 percent is comprised of invasive monoculture(s)." See also Draft EIS/EIR Table 3.4-6, Summary of Acres of Land Dominated Non-native Plant Species.

O11-195 Receipt of this January 2012 email from Ms. Luce to Ms. Johnston is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. The Draft EIS/EIR never cites or relies upon the information described within the email. See Response O11-194, regarding a related email.

O11-196 See Response O11-183.

O11-197 The request is outside the scope of the EIR, which analyzes impacts of the Project and alternatives. Consistency of the Project with other documents or prior iterations of project concepts is not the standard by which accuracy and adequacy of the EIR are to be assessed. For this reason, the requested additional detail has not been provided. Nonetheless, see General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-198 See Response O11-197; see also Response O11-81 regarding funding questions being beyond the scope of the EIR.

O11-199 See Response O11-98 regarding the initial property acquisition purpose and development of project goals. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives* (Final EIR Section 2.2.3.2), regarding the historical accuracy of the proposed project and restoration alternatives analyzed in detail in the Draft EIS/EIR.

O11-200 Although the comment provides insufficient specificity to allow for a detailed response, see Draft EIS/EIR Section 3.4, *Biological Resources*, and Section 3.9, *Hydrology and Water Quality*. Potential impacts of the Project and alternatives are analyzed on a resource by resource basis throughout Draft EIS/EIR Chapter 3. See also Draft EIS/EIR Section 2.2.2.6, *Alternative 1: Monitoring and Adaptive Management*, and Appendix B3, *Conceptual Plan*, which further discuss how the proposed restoration would affect the ecosystem.

O11-201 For impacts to hydrology, see Draft EIS/EIR Section 3.9. For impacts related to gas migration, see Draft EIS/EIR Section 3.8. For impacts to wildlife movement and species survival, see Draft EIS/EIR Section 3.4. The geographic scope of the analysis for each resource area includes the geography within which the Project or an alternative could cause a direct, indirect, or cumulative impact. Where it is appropriate to include Playa Vista and adjacent properties, the analysis does so and the comment does not suggest otherwise.

O11-202 The Draft EIS/EIR makes no conclusory statement and instead states, "This corridor likely facilitates movement … [and] Alternative 1 would not impede the use of this potential wildlife corridor." In addition, the comment does not show that the amount and quality of information in the EIR leads to an inadequate or inaccurate analysis,

and the comment does not identify any potentially significant environmental issues arising from restoration of the wetlands.

O11-203 The commenter's concern regarding the creation of a wildlife crossing between the riparian corridor and the freshwater marsh is acknowledged. However, this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of evidence that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-204 See Response O11-130 regarding suggested conflicts of interest or undue influence. The comment does not show that the amount and quality of information in the EIR leads to an inadequate or inaccurate analysis, and the comment does not identify any potentially significant environmental issues arising from the proposed restoration.

O11-205 The suggestion that preparers of the Draft EIS/EIR "cherry picked" information is acknowledged as an unsubstantiated opinion. See Response O11-130 regarding Playa Capital LLC or the Playa Vista development. See also General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process; and General Response 3, *Alternatives* (Final EIR Section 2.2.3.2), regarding the historical accuracy of the Project and restoration alternatives analyzed in detail.

O11-206 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-207 The role of the Scientific Advisory Committee (SAC) is discussed in Draft EIS/EIR Chapter 1, which cites and relies on a January 31, 2005, memo, and in General Response 3, *Alternatives* (Final EIR Section 2.2.3.2). The January 31, 2005, memo identifies the purpose of the SAC as to "advise the Project Management Team to ensure that the restoration plan is developed based on the best available science" and "to review the science used in the development of the restoration plan and to guide implementation of an adaptive management and monitoring program." The commenter's opinion of the purpose of the SAC differs from the documentation and is not supported elsewhere in the record. The January 31, 2005, memo also explains that "SAC meetings will be open to the public." Thus, the suggestion in the comment that SAC business occurred "without public knowledge" also lacks support.

Regarding the commenter's preference for a "freshwater alternative" and regarding the historical accuracy of the Project and restoration alternatives analyzed in detail, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.1 and Final EIR Section 2.2.3.3).

O11-208 The commenter's opinion that the public has been excluded from the decision making process is acknowledged and is part of the record of information that will be

considered as part of CDFW's decision-making process. See Response O11-184 regarding public participation in the Draft EIS/EIR process.

O11-209 The commenter appears to raise an issue with how The Bay Foundation is mentioned in the Draft EIS/EIR. CDFW is aware of litigation regarding the relationship or interaction between The Bay Foundation and the Santa Monica Bay Restoration Commission. Any questions or issues concerning the relationship or interaction between these entities is beyond the scope of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O11-210 See Response O11-209 and, regarding WRDA, see Response O11-81.

O11-211 See Response O11-209 and Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-212 Receipt of this Goals/Principles Memo from 2004 is acknowledged. The comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, the comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Response O11-184 regarding public participation in the Draft EIS/EIR process.

O11-213 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple questions about the range of alternatives analyzed in the EIS/EIR. See also General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-214 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives. See General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and regarding the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-215 See Draft EIS/EIR Section ES.3 and Section 1.1, *Purpose and Need/Project Objectives*. As noted in these sections, the fourth CEQA Project Objective is to "Develop and enhance wildlife dependent uses and secondary compatible on-site public access for recreation and educational activities." See also Responses O1-9, O1-11, and O1-15, emphasizing wetland restoration priorities over public access amenities.

O11-216 The commenter's concern regarding Project costs and opinion about the long-term beneficial nature of the proposed restoration are acknowledged. Although this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-217 Receipt of this November 22, 2016, email from Los Angeles County Vector Control email to Marc Huffman is acknowledged. Although this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. See Response F7-4 regarding activities conducted outside of the Ballona Reserve.

O11-218 Receipt of this September 7, 2016, Notice of Violation to the Ballona Wetlands Conservancy is acknowledged, but does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-219 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process. See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and regarding the historical accuracy of the proposed restoration (Final EIR Section 2.2.3.2).

O11-220 See Response O11-207 regarding the SAC and its public process. Any complaints about the ability to participate in the SAC process are beyond the scope of the EIR, which evaluates the potential environmental consequences of the Project and alternatives described in Draft EIS/EIR Chapter 2.

O11-221 This excerpt of text from documents describing the organization of the Project management team for the Ballona Wetlands Restoration Project is acknowledged, but does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, the comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-222 See Response O11-221.

O11-223 Receipt of this excerpt from the Memorandum of Understanding (MOU) regarding restoration planning for the Ballona Wetlands is acknowledged, but does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process.

O11-224 CDFW acknowledges that Project goals have been refined. The comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-225 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process. See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-226 To be clear, the Ballona Creek channel is a part of the Ballona Reserve (see DFG Real Property Inventory).[103]

O11-227 See Response O11-223.

O11-228 See Response O11-224 regarding the refinement of Project goals and Response O11-151 regarding the commenter's concerns regarding bond funding.

O11-229 See Response O11-124 regarding the visitor center. See also General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process.

O11-230 See Response O11-224 regarding the refinement of Project goals. Questions and comments about the MOU are beyond the scope of the EIR. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-231 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study. See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-232 The commenter's inclusion of a 2005 letter from the Southern California Coastal Water Research Project is acknowledged. This comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process.

O11-233 Receipt of this annotated timeline is acknowledged; however, it does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. Nonetheless, see General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process. The

[103] DFG Real Property Inventory, Comprehensive List by County. August 28, 2018.

grading plan for each of the alternatives is described and shown, and related impacts are analyzed, in the Draft EIS/EIR.

O11-234 See Response O11-233 regarding the annotated timeline. The permits and other authorizations that would be needed to implement the proposed restoration are identified in Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals. See Response O11-81 regarding WRDA funds.

O11-235 See Response O11-233 regarding the annotated timeline. See Response O11-81 regarding funding questions being beyond the scope of the EIR. See Response O11-226, which clarifies that the Ballona Creek channel is a part of the Ballona Reserve.

O11-236 See Response O11-233 regarding the annotated timeline. See Response O11-207 regarding the SAC. See also General Response 8, *Public Participation* (Final EIR Section 2.2.8), which discusses public participation in the process.

O11-237 See Response O11-233 regarding the annotated timeline. See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-238 See Response O11-136. See also Response O11-130 more generally regarding the commenter's suggested conflicts of interest or undue influence.

O11-239 See Response O11-136 and Response O11-130. See also Response O11-217 regarding communications with Vector Control.

O11-240 See Response O11-136 and Response O11-130. See also Response O11-217 regarding communications with Vector Control. Also, see Response F7-4, which addresses activities conducted outside of the Ballona Reserve.

O11-241 See Response O11-130 and Response O11-136.

O11-242 See Response O11-130 and Response O11-136. Also, see ResponseF7-4, which addresses activities conducted outside of the Ballona Reserve.

O11-243 See Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-244 See Response O11-74 regarding hazards and Response O11-130 regarding suggested conflicts of interest or undue influence. Commissioner Lynch's comments regarding the Playa Vista project have nothing to do with the restoration proposed within the Ballona Reserve. See Final EIR Section 2.1.1, *Input Received*.

O11-245 See Response O11-244.

O11-246 See General Response 8, *Public Participation* (Final EIR Section 2.2.8), and Response O11-184 regarding public participation in the Draft EIS/EIR process.

O11-247 See General Response 8, *Public Participation* (Final EIR Section 2.2.8), regarding requests for additional public meetings.

O11-248 Contrary to the suggestion in the comment, the Draft EIS/EIR includes and considered all input received during the scoping process (see Draft EIS/EIR Appendix A), including approximately 1,726 pages of comments received from Grassroots Coalition alone. Without additional specificity, this comment does not provide CDFW with sufficient information about what scoping input the commenter believes not to have been acknowledged or discussed to provide a more detailed response.

O11-249 The permits and other authorizations that would be needed to implement the proposed restoration are identified in Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals. See Response O11-81 regarding WRDA funds. See also Draft EIS/EIR Section ES.2.5, *Project Proponents*, and Response O11-209 regarding identification of The Bay Foundation as part of the Draft EIS/EIR.

O11-250 See Draft EIS/EIR Section ES.2, *Formal Involvement*; Section 1.4, *Lead, Cooperating, Responsible, and Trustee Agencies*; and Chapter 5, *List of Preparers and Contributors*, regarding respective roles in the preparation of the Draft EIS/EIR. Although questions about funding sources are beyond the scope of the EIR, the California State Coastal Conservancy has provided funding for preparation of the Draft EIS/EIR.

O11-251 Receipt of the October 8, 2013, email from LA County to Mr. Sharp is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-252 The permits and other authorizations that would be needed to implement the proposed restoration are identified in Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals. The suggestion is acknowledged that well completion reports could further inform the Draft EIS/EIR's discussion of existing (baseline) conditions; however, Playa Capital LLC is not involved in the preparation of the Draft EIS/EIR in any capacity other than a commenting party (see Response O11-250) and is not obligated to provide any information as part of the environmental review process for the Project.

Information about the aquifer underlying the Project Site is provided in Draft EIS/EIR Section 3.9. See, e.g., Section 3.9.2.2 (Environmental Setting), which discusses the aquifer and describes existing (baseline) conditions, which reflect ongoing conditions resulting from the activities of all other entities that occupy property overlying the aquifer. As discussed briefly in Section 3.9.2.2 under the heading "Groundwater Occurrence and Flow" and "Groundwater Quality, underlying deeper water bearing units would not be affected by the proposed changes. See Response O11-117

regarding Cleanup and Abatement Order No. CAO-98-125. See Draft EIS/EIR Section 3.9 (Hydrology and Water Quality) and Responses AL9-2 and AL9-7 regarding the Basin Plan's identification of municipal water supply as an existing designated beneficial use for the Santa Monica Basin groundwater basin.

Regarding any sort of cumulative effect that the commenter seems to imply, it is important to understand that beneath the shallow surface deposits is the Bellflower aquiclude,[104] underlain by the Ballona aquifer, and the deepest unit - the Silverado aquifer, all within the Coastal sub-basin, a portion of which is beneath the Ballona Reserve. (See City of Santa Monica Urban Water Management Plan dated June 2016; California's Groundwater Bulletin 118: Groundwater Basin Number 4-11.04; Village at Playa Vista draft EIR, section IV.C(1) Hydrology; LA RWQCB WDR, No. R4-2002-0193) As mentioned in Response AL9-7, implementation of the Project or Alternatives 2 or 3 would increase the tidal prism with the potential for brackish water to migrate inland, but this would only affect the shallower perched groundwater above the Bellflower aquiclude. An aquiclude is defined as impermeable, and highly restricts vertical movement of groundwater. The Bellflower aquiclude has relatively low hydraulic conductivity and is comprised primarily of a heterogeneous mixture of low permeability silts and clays, with lenses of sandy or gravelly clays identified in some areas. Therefore, any brackish water introduced as tidal flow would have little-to-no chance to infiltrate beneath the Bellflower aquiclude, much less migrate into the deeper Ballona aquifer or further to the Silverado aquifer, which is the main potable water-bearing aquifer, due to the low permeability of the soil and low residence time of tidal change. Currently, groundwater pumping for municipal uses occurs primarily from the Silverado aquifer (i.e., deepest of the groundwater bodies) but outside of the Coastal sub-basin where the Project Site is located. No groundwater pumping occurs from the shallow groundwater units. Therefore, due to the lack of hydrologic conductivity between the shallow deposits above the Bellflower aquiclude and lower aquifers as well as the lack of any municipal pumping in the sub-basin, implementation of the Project or Alternatives 2 or 3 would have a less than cumulatively considerable effect to groundwater quality.

O11-253 Receipt of this excerpt from what appears to be a legal document is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. Based on the reference on page 6 line 3 to unpermitted drains, see General Response 4, *Drains* (Final EIR Section 2.2.4), regarding the drains within the Ballona Reserve that were ordered capped by the Coastal Commission on December 14, 2017.

O11-254 Receipt of this April 11, 2014, letter from the Coastal Commission to Playa Capital LLC is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, regarding the

[104] Bellflower has been identified as either an aquiclude or an aquitard. For purposes of this response, CDFW is referring to Bellflower as an aquiclude (see California's Groundwater Bulletin 118: Groundwater Basin Number 4-11.04; 2016 Urban Water Management Plan).

drains within the Ballona Reserve that were ordered capped by the Coastal Commission, see General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-255 Receipt of the complaint for declaratory relief filed in Los Angeles Superior Court on May 5, 2016, is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. Regarding the drains ordered capped by the Coastal Commission, see General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-256 As explained in the Scoping Report prepared for the project (Draft EIS/EIR Appendix A Section 2.1 and in Appendix A's Attachment A), the Corps published its Notice of Intent to Prepare a Draft EIS/EIR in the *Federal Register* on July 25, 2012 (77 Fed. Reg. 43575). Receipt of the duplicate copy provided in this comment is acknowledged.

O11-257 See Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*, Response AL9-2, and Response AL9-7 regarding the Basin Plan's identification of municipal water supply as an existing designated beneficial use for the Santa Monica Basin groundwater basin. See also General Response 4, *Drains* (Final EIR Section 2.2.4). The stated dissatisfaction with dewatering activities and the responsiveness of Playa Capital LLC representatives regarding water issues are beyond the scope of this EIR, which analyzes the potential impacts of the Project. See also General Response 3, Alternatives, regarding requests for consideration of a "freshwater alternative" (Final EIR 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2). See Response O11-252 regarding well completion reports from Playa Capital LLC. Also, see Response F7-4 which addresses activities conducted outside of the Ballona Reserve.

O11-258 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O11-259 Receipt of this July 16, 2015, letter from the Coastal Commission regarding the drains is acknowledged. See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-260 Receipt of this figure showing site plans for the Playa Vista development is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-261 Receipt of this May 8, 2003, facsimile regarding dewatering permits for the Playa Vista development is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, see generally, General Response 4, *Drains* (Final EIR Section 2.2.4). Also, see Response F7-4, which addresses activities conducted outside of the Ballona Reserve.

O11-262 Receipt of this Revised Fact Sheet regarding waste discharge requirements for the Playa Vista development is acknowledged. To the extent that the commenter included the Revised Fact Sheet in reference to a specific comment above, see the response to that comment. Nevertheless, the Revised Fact Sheet does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the Revised Fact Sheet is now part of the record of information that will be considered as part of CDFW's decision-making process. Also, see Response F7-4 which addresses activities conducted outside of the Ballona Reserve.

O11-263 This comment (including the underlined 2004 note about oil wells) does not provide sufficient information to allow CDFW to provide a detailed response relating to the EIR. See Final EIR Section 2.1.1, *Input Received*.

O11-264 Receipt of this April 25, 2008, letter from the City of Los Angeles to Playa Capital LLC is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*. Also, see Response F7-4, which addresses activities conducted outside of the Ballona Reserve.

O11-265 Receipt of this April 16, 2008, letter from the City of Los Angeles to the Waterstone Condominium Association regarding sewage charges is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-266 Receipt of this May 10, 2005, email regarding a Playa Capital LLC request for methane discharge authorization is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-267 Receipt is acknowledged of these May 24, 2007, meeting minutes regarding Playa Vista's groundwater discharge permits; however, the minutes do not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-268 Receipt of a permittee information sheet for the Waterstone Condominium Association is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-269 Receipt of this undated hand drawn diagram/cross section (marked "draft") of what appears to be a well is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-270 Receipt is acknowledged of these August 28, 2007, meeting minutes regarding Playa Vista permits; however, the minutes do not inform CDFW's consideration of the

adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-271 Receipt of the first page of an undated draft agreement regarding groundwater discharge to the City's sewer system is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-272 Receipt of this December 8, 2006, email regarding Playa Vista permits is acknowledged, but does not inform CDFW's consideration of the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O11-273 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-274 This copy of the complaint for declaratory relief filed in Los Angeles Superior Court on May 5, 2016, is the same as what was submitted in Comment O11-255. See Response O11-255.

O11-275 See Response O11-184 regarding public participation in the Draft EIS/EIR process. Also, as mentioned in Response 011-125, over the past several years, the commenter has been critical of CDFW's general management and plans to restore the Ballona Reserve. More specifically, the commenter has stated on a number of occasions that any sort of tidal restoration should not occur and, as a result, CDFW should do either no restoration or one that primarily involves freshwater and little-to-no removal of fill. In support of the commenter's perspective, the commenter raises issues related to contracting, prior agreements, funding, and others. See Response O11-81 regarding WRDA funding; see General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2). See also Response O11-98 regarding refinement of the initial property acquisition purpose and development of project goals.

O11-276 See General Response 4, *Drains* (Final EIR Section 2.2.4). See also Response I15-31 regarding the extensive hydrological studies performed and relied upon in the EIR and General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-277 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the EIR. The comment provides no information about why the commenter believes these studies or the resulting analysis to be inadequate or inaccurate. As a result, the comment does not provide enough information to allow CDFW to provide a more detailed response in this regard.

The commenter also requests that CDFW respond to queries and comments in an attached email entitled "Ballona Wetlands." CDFW believes the referenced email has a file name of "Ballona Wetlands—CA. COASTAL COMMISSION MEETING 3-9-17," which is dated March 2017. The Ballona Wetlands email is from the commenter and transmits to the Corps five documents the commenter previously sent to the Coastal Commission in or around 2016 and 2017. The five documents are part of a request from the commenter, or an associate of the commenter, to the Coastal Commission to investigate alleged violations of the Coastal Act arising from actions or inactions by entities other than CDFW where such actions or inactions are related to the Freshwater Marsh, which is adjacent to and outside of the Ballona Reserve. One of the documents also is attached to another of the commenter's emails (designated as Comment O11-288). These materials have been reviewed, but do not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, they are now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-278 Draft EIS/EIR Section 3.9.2 and Draft EIS/EIR Appendix E, *Geotechnical Investigation Report*, discuss existing (baseline) groundwater conditions. See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the EIR. See also General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6), for more information.

O11-279 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."

O11-280 See Draft EIS/EIR Section ES.2.5, *Project Proponents*, and Response O11-209 regarding the role of The Bay Foundation in the development of the Draft EIS/EIR. Because it was not incumbent upon The Bay Foundation to evaluate hydrologic conditions, whether they did or did not do so has no bearing on the adequacy or accuracy of the EIR. See Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*, and General Response 6 (Final EIR Section 2.2.6) for more infomraiton about hydrology.

O11-281 See Draft EIS/EIR Section ES.2.5, *Project Proponents*, and Response O11-209 regarding the role of The Bay Foundation in the development of the Draft EIS/EIR. See General Response 4, *Drains* (Final EIR Section 2.2.4). See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the EIR; see also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2). Regardless of the commenter's opinion of materials prepared about the Project by The Bay Foundation, the environmental review process is documented in the Draft EIS/EIR and not in any presentation materials that The Bay Foundation may have prepared.

O11-282 House Document 389, referenced in this comment, states "the dredge material to be utilized for construction of the piers and for deposition on adjacent lowlands and beaches." Historic mapping and imagery show Area A was once at a similar elevation as West Area B (near sea level). Furthermore, photo-documentation, geotechnical studies, and personal accounts confirm that dredge spoils from the construction of Marina del Rey were dumped in Area A in large quantities. This combined with other dumping activities "covers the surface of Area A with thicknesses of up to 20 feet." See Section 3.6.2.2, *Environmental Setting*, and Figure 3.6-1 in Draft EIS/EIR Section 3.6, *Geology, Seismicity, and Soils*.

O11-283 The vast majority of Area A is covered with 3 to 20 feet of sediment fill from multiple sources, including the dredging of Marina del Rey and the construction of Ballona Creek. The only area not filled with dredge spoils is the Fiji Ditch, a narrow tidal channel in the northern portion of Area A. Additionally, there are no "historic salt pans" in Area A that have not been covered by imported fill. See Draft EIS/EIR Figure 3.5-2, Soil Fill Thickness, which shows a minimum of 3 feet of fill placed over the entire Area A, and in some places over 20 feet. In addition, the discussion in Draft EIS/EIR Section 3.4.2.2 states that salt pans exist in West Area B only, based on the habitat definitions described in that section. CDFW acknowledges the commenter's opinions about why existing conditions, including roadways, are present; however, these opinions do not inform CDFW's consideration of the potential impacts of the proposed restoration when those existing conditions are recognized and described in the Draft EIS/EIR as part of the baseline condition.

O11-284 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-285 Input provided by Mr. Rosas has been evaluated as part of this process. See, e.g., Draft EIS/EIR Section 3.5.5, which summarizes input received by CDFW and (separately) by the Corps during consultation with Mr. Rosas. See also Final EIR Section 2.3.4 (Letter T2) for responses to input provided by Mr. Rosas on behalf of the Tongva Ancestral Territorial Tribal Nation. Receipt of the link provided in this comment to the video of Mr. Rosas discussing his opposition to the Project and preference for a "freshwater alternative" is acknowledged and is part of the record of information that will be considered as part of CDFW's decision-making process.

O11-286 See Response O11-209 regarding The Bay Foundation. See also Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-287 The commenter's inclusion of a video of Mr. Rosas discussing the Project is acknowledged. The commenter's preference for a "freshwater alternative" is acknowledged. See Response O11-285.

O11-288 Receipt of this February 16, 2017, letter (as amended March 5, 2017) to the Coastal Commission regarding Playa Vista's coastal development permit is acknowledged.

See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2). See also General Response 4, *Drains* (Final EIR Section 2.2.4). See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the EIR.

Regarding suggested conflicts of interest or undue influence, see Response O11-130.

Regarding public participation in the Draft EIS/EIR process, see Response O11-184. The commenter's opinion about how or why specific Project elements (such as the parking garage) were included as part of the Project is acknowledged, but does not inform CDFW's evaluation of the adequacy and accuracy of the EIR. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve. Whether the commenter would (or would not) prefer to see the garage constructed is beyond the scope of the EIR and instead will be considered as part of CDFW's decision-making process. Questions of Project funding similarly are beyond the scope of the EIR.

O11-289 See General Response 4, *Drains* (Final EIR Section 2.2.4). Draft EIS/EIR Section 3.9.2 and Draft EIS/EIR Appendix E, *Geotechnical Investigation Report*, discuss existing (baseline) groundwater conditions. See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project. See also General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6), for more information. Also, see Response F7-4, which addresses activities conducted outside of the Ballona Reserve.

O11-290 Receipt of this graphic prepared by The Bay Foundation is acknowledged. This comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-291 The commenter's concerns regarding Proposition 12 bond funding are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-292 See Response O11-291. As noted multiple times elsewhere in these responses to comments, questions of funding are beyond the scope of the EIR, which analyzes on the potential impacts of the Project and alternatives.

O11-293 Contrary to the suggestion in this comment, the Draft EIS/EIR does discuss the habitat conversion that would occur in accordance with construction of new levees and the consequences of attempting a restoration without removing the existing levees. See, e.g., Draft EIS/EIR Table ES-2, the description of the Project and

alternatives in Chapter 2, and the discussion and analysis of potential impacts to habitats in Section 3.4. Specifically regarding grasses, see Response O11-183.

O11-294 The commenter's inclusion of CDFW's Draft EIS/EIR Release announcement is acknowledged. However, neither the announcement nor the identification of entities involved in its publication addresses the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-295 See Response O11-81 regarding WRDA funding; General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study; and Response O11-184 regarding public participation in the environmental review process.

O11-296 See Draft EIS/EIR Chapter 5, *List of Preparers and Contributors*, which identifies the consultants and subconsultants that contributed to the preparation of the Draft EIS/EIR. Other contracts and other studies are beyond the scope of the EIR and so have not been identified in response to this comment.

O11-297 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the EIR.

O11-298 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O11-299 This January 2012 email from Ms. Luce to Ms. Small is the same as was what was provided in Comment O11-194. See Response O11-194.

O11-300 See Response O11-194.

O11-301 See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4), which addresses multiple comments received regarding Belding's Savannah Sparrow, and recognizes that Area A principally supports upland habitat that is unsuitable for Belding's savannah sparrow, except for intermittent and infrequent foraging excursions. The commenter's photographs of the species in Area A are consistent with the Draft EIS/EIR's documentation for this species occurrence in Area A, as presented in Draft EIS/EIR Figure 3.4-12, and discussed in that same section. Thus, the mere fact that the species was photographed in Area A does not undermine or in any way refute the information in various surveys for the species.

O11-302 See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4), which addresses multiple comments received regarding Belding's Savannah Sparrow.

O11-303 See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4), which addresses multiple comments received regarding Belding's Savannah Sparrow.

O11-304 Western meadowlark's presence and potential impacts on the bird due to implementation of the restoration alternatives is discussed in Draft EIS/EIR Section 3.4. Consistent with this comment, the Draft EIS/EIR acknowledges that the bird may nest in pickleweed habitat and upland grasslands habitats throughout the Project Site, including in Area A.

O11-305 Receipt of this photograph is acknowledged. See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4).

O11-306 Receipt of this photograph is acknowledged. See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4).

O11-307 Receipt of this photograph is acknowledged. See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4).

O11-308 Receipt of this photograph is acknowledged. See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4).

O11-309 See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4), which addresses multiple comments received regarding Belding's Savannah Sparrow.

O11-310 See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4). See also Response O11-194 and Response O11-299 regarding the referenced email.

O11-311 See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4).

O11-312 CDFW disagrees with the characterization of Area A as having high value habitat and numerous rare and endangered species. Contrary to the characterization, Draft EIS/EIR Section 3.4 provides a detailed well-supported discussion of the environmental setting in Area A that rebuts the characterization in this comment. Nonetheless, the opinion stated in this comment is now part of the record of information that will be considered as part of CDFW's decision-making process.

O11-313 CDFW disagrees with the characterization made in this comment of the Belding's savannah sparrow surveys that have been conducted. See Draft EIS/EIR Section 3.4 for a more detailed discussion of species occurrence at the Ballona Reserve. See also Draft EIS/EIR Appendix D9, which summarizes Belding's Savannah Sparrow studies conducted; and General Response 5 (Final EIR Section 2.2.5.4), which addresses multiple comments received regarding Belding's savannah sparrow.

O11-314 Draft EIS/EIR Section 3.4 provides a detailed discussion of the existing habitat including flora and fauna, analyzes the impacts to that habitat that would arise from implementation of each of alternatives, and identifies measures to avoid, minimize and mitigate such impacts. See also General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration"; and General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-315 Receipt of these photographs is acknowledged. See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4).

O11-316 Receipt of this graphic is acknowledged. See Draft EIS/EIR Section 3.4, which discusses species and analyzes potential impacts to them that could result from each of the alternatives.

O11-317 Receipt of this graphic and the quotation from E.O. Wilson, as well as the photographs, are acknowledged. See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Final EIR Section 2.2.5.4).

O11-318 References relied upon in the drafting of the Draft EIS/EIR are identified on a section-by-section basis throughout the Draft EIS/EIR. As noted in Response O11-65, over 500 items of reference material reviewed and relied upon in the Draft EIS/EIR. Each has been, and continues to be, available at three public libraries local to the project area and at the State Coastal Conservancy office in Oakland. All of these locations were announced in the Notice of Availability released September 25, 2017. As a courtesy and for reviewers' convenience, all of the reference materials also were made available online at https://www.wildlife.ca.gov/Regions/5/Ballona-EIR.

See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study. Questions regarding Ms. Luce's involvement are beyond the scope of CDFW's consideration of the potential impacts of the proposed restoration.

O11-319 The commenter's concerns regarding funding are acknowledged. However, this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-320 Receipt of this June 1, 2014, article by John Davis is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.

O11-321 The commenter's concerns regarding the WRDA process and bond funding are acknowledged. However, this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, the comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. See also Response O11-81 regarding WRDA funds.

O11-322 See Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-323 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-324 The commenter's opinion about inclusion in the Draft EIS/EIR of a "freshwater alternative" is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple questions about the range of alternatives analyzed in the Draft EIS/EIR including requests for detailed consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1), regarding the range of alternatives (Final EIR Section 2.2.3.2), and alternatives considered but not carried forward for more detailed review (Final EIR Section 2.2.3.3).

O11-325 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the EIR. See Response F7-4 regarding activities conducted outside the Ballona Reserve.

O11-326 See Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-327 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O11-328 The commenter's opinion that the public has been excluded from the Draft EIS/EIR process is acknowledged. However, without more information regarding how the commenter believes that the public has been excluded from the process, the comment does not provide CDFW with enough information to provide a detailed response. See Response O11-184, which provides additional information about public participation in the CEQA process for this Project.

O11-329 See Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-330 Receipt of the graphic relating to release of the Draft EIS/EIR is acknowledged. It is not clear what the commenter means about process explanations being included in the

Draft EIS/EIR. See Draft EIS/EIR Chapter 2 and Draft EIS/EIR Appendix B, which explain in great detail what is proposed and the processes by which it would be implemented if the Project were to be approved. Without more information, the comment does not provide CDFW with sufficient information to provide a more detailed response.

O11-331 See Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-332 See Response O11-184 regarding public participation in the Draft EIS/EIR process.

O11-333 As explained in Draft EIS/EIR Chapter 2, the Project proposes upland and riparian restoration and passive recreational access (apart from Little League grandfathered use) in Area C. Receipt is acknowledged of the commenter's excerpt, which is attributed to the land deed for Area C and a March 15, 2013, Sierra Club letter. However, the excerpt does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.

O11-334 See Response O11-330 regarding process components. To the extent the comment is focused on development of the alternatives analyzed in the Draft EIS/EIR, see General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-335 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-336 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1). See also Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-337 As noted in Response O11-318, questions regarding Ms. Luce's involvement are beyond the scope of the EIR.

O11-338 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-339 See Response O11-205, which responds to the suggestion that preparers of the Draft EIS/EIR "cherry picked" information.

O11-340 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

The commenter's understanding of the timing of preparation of Project-specific and site-specific studies relative to the Corps' NOI and CDFW's NOP for the Draft EIS/EIR is inconsistent with the facts. As noted in Response O11-65, over 500 items of reference material were reviewed and relied upon in the Draft EIS/EIR. Each has been, and continues to be, widely available. Reference materials prepared, reviewed, and relied upon during the Draft EIS/EIR process are identified on a section-by-section basis throughout the Draft EIS/EIR. Project-specific or site-specific studies prepared after 2012 are identified, for example, in Draft EIS/EIR Section 3.4.8 for biological resources (e.g., regarding predation of California least tern nests, Fall 2014 bat survey results, a jurisdictional delineation report for the SoCalGas Facility, patterns of vehicle-based vertebrate mortality in the Ballona Reserve, a 2015 condition assessment of the wetland habitats in the Ballona Reserve, a 2016 article published in the *Bulletin of the Southern California Academy of Sciences* about flora of the Ballona Wetlands and environs, and the Conceptual Habitat Restoration and Adaptive Management Plan); and in Draft EIS/EIR Section 3.5.8 for cultural resources (e.g., a Phase I Cultural Resources Assessment and Extended Phase I and Phase II Archaeological Testing Report).

O11-341 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-342 See Response O11-205, which responds to the suggestion that preparers of the EIS/EIR "cherry picked" information, and General Response 1 (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-343 See Response O11-124 regarding the 2014 Sierra Club letter.

O11-344 See General Response 2: Proposed Project, which clarifies what is the Project (Final EIR Section 2.2.2), and what is the Preferred Alternative (Final EIR Section 2.2.3.5).

Regarding the commenter's statement that the alternatives are "confusingly similar," CDFW recognized that there are similarities among Alternatives 1, 2, and 3, and so presented information in the Draft EIS/EIR to facilitate comparisons. See., e.g., Draft EIS/EIR Table 2-1c, which summarizes the four alternatives' main elements allowing readers to identify, in an efficient manner, the similarities and differences among the alternatives. Before going into detail on each alternative, Draft EIS/EIR Section 2.2.2.1 presents an overview of the common features so that the alternative-specific descriptions that follow can focus on points of differentiation. The section on common features and sections on each of the alternatives are organized the same way (addressing, in order: ecosystem restoration, flood risk and stormwater management,

public access and visitor facilities, infrastructure and utility modification, implementation and restoration process, monitoring and adaptive management, and operations and maintenance) so that reviewers can compare sections easily one to another. Furthermore, the Project is described in full and, to avoid duplication, the descriptions of Alternatives 2 and 3 focus on differences relative to the Project.

One example of this organization appears in Alternative 2's description of its ecosystem restoration feature. Alternative 2's restored habitats and grading for Ballona Creek and Area A would be the same as under Project conditions, so Alternative 2's description refers readers to that discussion of the Project (See Draft EIS/EIR Section 2.2.3.1).

Another example is Alternative 3's description of its flood risk and stormwater management features. Specifically, Alternative 3 includes a new levee in Area A and because that levee would be similar to the levee described for the Project, readers are referred to that section of the description of the Project for more detail. See Draft EIS/EIR Section 2.2.4.2.

This approach to efficiency and clarity carries forward to the analysis of environmental impacts. See, for example, Draft EIS/EIR Table ES-3, which provides a side-by-side summarized comparison of each alternatives' impacts by topic area to facilitate comparing each alternative's impacts. By way of further example, Draft EIS/EIR Section 3.2.6.2 notes that Alternative 2's impacts on scenic vistas would be similar to the Project's. However, Alternative 2 would have less restoration activity as compared to the Project so less restoration-related activities would be visible from roads under Alternative 2. Regarding Alternative 3, Draft EIS/EIR Section 3.2.6.3 states that scenic vistas would be temporarily and partially obscured during restoration similar to the Project and Alternative 2. However, such impacts to scenic vistas would be at a much smaller scale than in the Project and Alternative 2 because there would be no changes to Area B under Alternative 3.

The commenter's opinion of the No Project Alternative is acknowledged. CEQA's requirement of a No Project alternative is discussed in Draft EIS/EIR Section 2.1.2. Alternative 4 (the No Federal Action/No Project Alternative) is described in Draft EIS/EIR Section 2.2.5 and summarized relative to the other alternatives analyzed in detail in Table 2-1c, Summary of Alternatives, in Draft EIS/EIR Section 2.2. Without some specific information or examples, CDFW does not have enough information to provide a detailed response to the commenter's concern.

O11-345 See Response O11-98 regarding the original (or "acquisition") goals and principles.

O11-346 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-347 See Response O11-130 regarding suggested conflicts of interest or undue influence. See also General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), regarding the Project development process.

O11-348 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-349 This comment is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Response O11-98 regarding the original (or "acquisition") goals and principles.

O11-350 CDFW recognizes that with any large project there is a chance that implementation will not occur as planned. As a result, adaptive management is large component of the proposed restoration. See Draft EIS/EIR Sections 2.2.1.6, 2.2.2.6, 2.2.3.6, 2.2.4.6, and Appendix B3 for discussion and analysis related to monitoring and adaptive management. The commenters opinion regarding implementation is acknowledged and will be included in the record of information available during CDFW's decision making process. However, the comment does not indicate an inadequacy in the EIR. See Final EIR Section 2.1.1, *Input Received*.

O11-351 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2). EIS/EIR Section 3.9.2 and Draft EIS/EIR Appendix E, *Geotechnical Investigation Report*, discuss existing (baseline) groundwater conditions. See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the proposed project and alternatives. See also General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6), for more information.

O11-352 See Response O11-98 regarding the original (or "acquisition") goals and principles.

O11-353 Contrary to the suggestion in this comment, protection of the freshwater springs that presently exist in West and South Area B are a part of the proposed restoration alternatives. More generally, see General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2). Regarding the Corps' preliminary determination of the Least

Environmentally Damaging Practicable Alternative (LEDPA), see Draft EIS/EIR Section 2.1.1.3. Specifics of the Corps' ultimate selection of the LEDPA for this project are outside CDFW's purview. Nonetheless, CDFW anticipates that the Corps will address questions relating to the LEDPA and other NEPA-specific comments in a Final EIS.

O11-354 The requirements of 40 CFR §230.10 are discussed in detail in Draft EIS/EIR Section 1.8.7. Specifics of the requirements of 40 CFR §230.10 are outside of CDFW's purview. Nonetheless, CDFW anticipates that the Corps will address questions relating to the requirements of 40 CFR §230.10 and other NEPA-specific comments in a Final EIS.

O11-355 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives.

O11-356 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple questions about the range of alternatives analyzed in the Draft EIS/EIR.

O11-357 Specifics of the Corps' responsibility as a NEPA lead agency are outside of CDFW's purview. Nonetheless, CDFW anticipates that the Corps will address questions related to its role as a Lead Agency and other NEPA-specific comments in a Final EIS.

O11-358 The portion of the Ballona Creek channel that is within the Project area is described in Draft EIS/EIR Chapter 2. Potential impacts of the Project and other alternatives to the channel are described on a resource-by-resource basis throughout Draft EIS/EIR Chapter 3. The fact that it has performed safely is evident from the description of its existing physical condition under baseline conditions. CEQA does not require more. See Draft EIS/EIR Section ES.3.1 and Section 1.1.1, which identify as one of the two overall Project purposes ensuring that any alteration/modification to the LACDA facilities within the Ballona Reserve maintain authorized levels of flood risk management. See also Draft EIS/EIR Section ES.3.2 and Section 1.1.2, which similarly identify CEQA Objective 7.

O11-359 See Response O11-358.

O11-360 See Response O11-81 for discussion regarding the use of WRDA funds.

O11-361 Receipt of this duplicate copy of the commenter's input related to gas storage is acknowledged. See Responses O11-8 through O11-12.

O11-362 Receipt of this December 31, 2003, guidance, entitled "Chapter 13, Accounting for Civil Works Cost Shared Projects," which regards the application of non-Federal contributions toward the cost of project planning, engineering, design, et cetera is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, this comment is now part of the record of

information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-363 See Response O11-81 and Response O11-291 regarding Proposition 12 funding.

O11-364 As noted in Response O11-151 and elsewhere, questions of funding sources are beyond the scope of the EIR. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), regarding the range of alternatives analyzed in the Draft EIS/EIR.

O11-365 See Response O11-363 and Response O11-364 regarding the commenter's Proposition 12 and other funding concerns.

O11-366 See Response O11-363 and Response O11-364 regarding the commenter's Proposition 12 and other funding concerns.

O11-367 As noted in Response O11-151 and elsewhere, questions of funding sources are beyond the scope of the EIR.

O11-368 Receipt of this duplicate copy of the August 2, 2012, letter to the Coastal Conservancy is acknowledged. See Response O11-150.

O11-369 Receipt of this May 19, 2015, message from the commenter to the California Department of Finance regarding an audit is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-370 Receipt of this message from the commenter to the California Department of Finance is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Response O11-369 regarding the commenter's communication with the Department of Finance, and Response O11-291 regarding concerns about Proposition 12 bond funding. Regarding the duplicate copy of the March 28, 2012, notice regarding alleged non-compliance with bond funding requirements, see Response O11-151. Regarding the duplicate copy of the February 21, 2012, email regarding the public records act request of Mr. Davis, see Response O11-160 and following.

O11-371 Receipt of this June 20, 2013, letter from the Coastal Conservancy enclosing the June 19, 2013, Agreement Summary regarding Section 408–related services is acknowledged. However, because this comment does not provide any information about proposed restoration, the Ballona Reserve, or the EIR, it does not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.

O11-372 See Responses O11-369, O11-291, and O11-81 regarding the commenter's correspondence with the California Department of Finance and funding concerns.

O11-373 Receipt of this March 18, 2014, message from the commenter to the California Department of Finance and related correspondence is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-374 Receipt of this February 5, 2018, email from the commenter regarding process goals pursuant to a Department of Finance audit is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-375 Receipt of this March 27, 2015, email from the commenter regarding a Department of Finance audit is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Responses O11-369, O11-291, and O11-81 regarding the commenter's funding concerns.

O11-376 Receipt of this April 3, 2015, email from the commenter regarding a Department of Finance audit is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Responses O11-369, O11-291, and O11-81 regarding funding concerns.

O11-377 Receipt of this March 31, 2015, email from the commenter regarding a Department of Finance audit is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Responses O11-369, O11-291, and O11-81 regarding funding concerns.

O11-378 Receipt of this June 9, 2015, email from the commenter regarding a Department of Finance audit is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Responses O11-369, O11-291, and O11-81 regarding funding concerns.

O11-379 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-380 Receipt of this copy of the Southern California Coastal Water Research Project Technical Report 619.a (as revised August 2011, and as entitled "Classifications of California Estuaries Based on Natural Closure Patterns: Templates for Restoration

and Management") is acknowledged. The original August 2010 version of the report is cited and was relied upon in the drafting of in Draft EIS/EIR Section 2.3.6. The August 2011 revision is now part of the record of information that will be considered as part of CDFW's decision-making process. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-381 See Response O11-83, which addresses roles and responsibilities relative to the Ballona Reserve and the channel.

O11-382 See Draft EIS/EIR Section ES.2, *Formal Involvement*; Section 1.4, *Lead, Cooperating, Responsible, and Trustee Agencies*; and Chapter 5, *List of Preparers and Contributors*, regarding respective roles in connection with the Draft EIS/EIR. Because an explanation of why the specified entity was not involved in the Project announcements would not inform an evaluation of the adequacy and accuracy of the EIR, CDFW declines to provide one.

O11-383 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-384 Receipt of this July 1, 2014, inquiry of Ms. Barker to Mr. Svensson as to Project status is acknowledged. However, because the email does not provide any information about proposed restoration, the Ballona Reserve, or the EIR, it does not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.

O11-385 See Response O11-184 regarding public participation in the Draft EIS/EIR process. As noted in Response O11-248, CDFW received approximately 1,620 pages of information from the commenter during scoping. An additional approximately 1,725 pages were received from the commenter following issuance of the Draft EIS/EIR. CEQA does not require Lead Agency representatives to engage in running exchanges of correspondence with organizations or members of the public or indeed to respond at all outside the designated opportunities for public engagement. Accordingly, this comment does not address the adequacy or accuracy of the EIR, the merits of the alternatives, or the validity of the environmental review process. Nonetheless, the commenter's dissatisfaction with the process in this regard is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

O11-386 As noted in Response O11-248, CDFW received approximately 1,620 pages of information from the commenter in response to the Corps' NOI and CDFW's NOP. The documents ranged in type including publications, letters, emails, and meeting agendas submitted by commenter and others to different public agencies over a span of several years. Several of the documents also were included in the commenter's comments on the Draft EIS/EIR. Having reviewed these documents prior to preparing the Draft EIS/EIR, and again in response to this and similar Grassroots Coalition requests for review and responses to scoping input, CDFW did not identify any issues in these scoping documents that the commenter did not raise in comments on the Draft EIS/EIR or have not been addressed in the EIR. Draft EIS/EIR Section 3.8, *Hazards and Hazardous Materials*, discusses the gas storage facility at the Ballona Reserve and analyzes potential impacts related to the gas storage facility. Section 2.2.2, *Alternative 1: Full Tidal Restoration/Proposed Action*, discusses the proposed decommissioning of existing wells located in the Ballona Reserve. See Response O11-3 and Response O11-8, which discuss the terminology related to decommissioning as well as proposed Operation and Maintenance for SoCalGas facilities and equipment. Additionally, see Response F7-4, which discusses activities conducted outside of the Ballona Reserve.

O11-387 For impacts relating to gas migration, see Draft EIS/EIR Section 3.8. Section 3.8.2.2, for example, reports that gases (both naturally occurring in shallow deposits and found deeper in the earth from buried organic material) were detected in a Project-area survey in 2000, but that a second phase of evaluation conducted in 2001 concluded that storage gases were not present in any of the methane anomalies observed east of Lincoln Boulevard. The section further disclosed that routine surface monitoring of SoCalGas Company wells found storage gases were reaching the surface through casing leaks and along the well casings in three wells. The SoCalGas Company's routine monitoring will continue to occur regardless of whether any of the alternative analyzed in the Draft EIS/EIR proceeds. Because the Project would not result in any change to existing (baseline) conditions in this regard, the Project would not cause or contribute to any related change subject to inquiry pursuant to CEQA. Therefore, this comment does not identify any inadequacy, inaccuracy or other deficiency in the EIR.

O11-388 The commenter's opinion regarding the responsibility for monitoring outgassing from SoCalGas Company wells in the Freshwater Marsh is acknowledged, but is inconsistent with the allocation of responsibility as described in the Draft EIS/EIR. See, e.g., Draft EIS/EIR Table 2-1c, which explains that SoCalGas would continue to be responsible for managing its wells and pipelines within the Ballona Reserve under Alternative 4; Section 2.2.2.4, which explains how SoCalGas would replace monitoring wells before abandoning them by drilling replacement wells within SoCalGas Property along the southern bluff; and Section 2.2.2.5, which explains that SoCalGas would continue to conduct well gas leakage surveys on each abandoned well every 6 months.

The commenter's opinion regarding responsibility for the monitoring outgassing from SoCalGas Company wells as suggested in this comment also is inconsistent with the commenter's own assertions. See Comment O11-403 (and the duplicate provided in Comment O11-405), which expressly states, "SoCalGas has the duty to monitor and protect against the gas migration hazards at the [Playa del Rey] Facility. …" Additionally, see Response F7-4, which discusses activities conducted outside of the Ballona Reserve.

O11-389 See Response O11-388.

O11-390 See Response O11-387 and Response O11-388. CDFW disagrees with this comment's suggestion that any noncompliance with safety and other requirements of the Division of Oil, Gas and Geothermal Resources (DOGGR) within the Ballona Reserve would be acceptable and note that, if one of the restoration alternatives were to be approved, the number of SoCalGas wells within the Ballona Reserve would be reduced. See, e.g., Draft EIS/EIR Section 2.2.2.4, and Figure 2-30, Figure 2-31, and Figure 2-32 (the Project); Section 2.2.3.4 (Alternative 2); and Section 2.2.4.4 (Alternative 3).

California's Safe Drinking Water and Toxic Enforcement Act (Proposition 65) requires businesses operating or selling products or components in the state to provide a "clear and reasonable warning" before "knowingly and intentionally" exposing any person to "a chemical known to the state to cause cancer or reproductive toxicity." CDFW is not a business that produces, distributes, or sells products or components and, thus, is not subject to potential liability under Prop. 65. Nonetheless, any suggestion of a violation of Prop. 65's requirements would be outside the scope of the EIR, which analyzes on the potential environmental consequences of the Project and alternatives for restoration within the Ballona Reserve.

O11-391 See Response O11-388 regarding the SoCalGas Company's ongoing responsibility for well monitoring. See also Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-392 See Response O11-130 regarding the consultants and subconsultants that have been contracted to work on the Draft EIS/EIR.

O11-393 See Response O11-130 regarding the consultants and subconsultants that have been contracted to work on the Draft EIS/EIR. CDFW and the Corps do not have contracts with Camp Dresser, McKee, or Psomas.

O11-394 CDFW and the Corps did not contract directly with any entities for the capping of the drains. See General Response 4, *Drains* (Final EIR Section 2.2.4), for more information about the drains that are understood ot be the subject of this comment.

O11-395 See Response O11-136; see also Response O11-130.

O11-396 See Response O11-136; see also Response O11-130.

O11-397 Potential impacts relating to subsidence are analyzed in Draft EIS/EIR. There are no water supply wells located within the Project Site. Although SoCalGas withdraws approximately 3,000–4,000 barrels of brine per day from the Playa Del Rey Natural Gas Storage Facility, the Project Site is not known to be subject to subsidence due to fluid withdrawal.[105] Regarding Playa Vista's groundwater extraction, see Response F7-4. In addition, Playa Vista's dewatering activities, in relation to potential subsidence and contaminant migration, has been studied, peer reviewed, and determined there is no evidence that dewatering measures associated with methane mitigation will result in increased potential for subsidence.[106] See also Draft EIS/EIR Section 3.6, *Geology, Seismicity, and Soils*; Section 3.7, *Greenhouse Gas Emissions/Climate Change*; and Section 3.9, *Hydrology and Water Quality*, for discussions on subsidence.

O11-398 See Response O11-397.

O11-399 The comment accurately characterizes what would occur under any of the alternatives analyzed in the Draft EIS/EIR: The SoCalGas Company would continue to be responsible for the operation and maintenance (including monitoring) of gas wells within the Ballona Reserve. None of the alternatives proposes any change to baseline conditions in this regard. See Response O11-390 for more information.

O11-400 See Response O11-399.

O11-401 See the analysis of Impact 1-WQ-2 in Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*, which concludes that the Project would cause a less-than-significant impact relating to potential advancement of sea water intrusion. Impact 2-WQ-2 and Impact 3-WQ-2 analyze Alternatives 2 and 3, respectively, and reach the same conclusion of less than significance. See Response O11-397 regarding subsidence.

O11-402 The March 24, 2007, complaint filed May 11, 2000, by the commenter with the California Public Utilities Commission relating to the Play del Rey Gas Storage Facility and gas migration hazards is acknowledged, but does not inform CDFW's evaluation of the adequacy and accuracy of the EIR.

O11-403 The commenter's inclusion of filing for Case 00-05-010, dated May 11, 2000, is acknowledged. However, this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it will be considered as part of CDFW's

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105 MDA Geospatial Services Inc., 2013. Playa Del Rey, California InSAR Ground Deformation Monitoring Interim Report H. Available online: https://www.socalgas.com/documents/safety/PlayadelRey_SoCalGas_InterimHReport_2012.pdf. January 31, 2013.

106 Miller, Gerry F., Chief Legislative Analyst, 2007. Report from the Chief Legislative Analyst Regarding Compliance with a Writ of Mandate in *Environmentalism Through Inspiration and Non-Violent Action (ETINA), et al. v. City of Los Angeles*, Playa Capital Co., Inc., Case No. BS 073182. Available online: http://clkrep.lacity.org/onlinedocs/2005/05-2696_rpt_cla_02-07-07.pdf. February 7, 2007.

overall decision-making processes rather than specifically as part of the CEQA process. See Final EIR Section 2.1.1, *Input Received*.

O11-404 Receipt of this duplicate copy of the February 5, 2018, email regarding gas storage and the environmental review process is acknowledged. See Responses O11-382.

O11-405 See Response O11-403, which was provided to a duplicate copy of this CPUC filing.

O11-406 Receipt of the October 28, 2014, and June 22, 2014, emails from the commenter are acknowledged. See Response O11-184 regarding public participation in the Draft EIS/EIR process. As noted in Response O11-291 and elsewhere, comments about bond funding are beyond the scope of CDFW's environmental analysis under CEQA.

See General Response 2, *Proposed Project* (Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, Alternatives, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.3).

Draft EIS/EIR Section 3.4 describes and analyzes potential impacts to biological resources. The "new discoveries" of flora and fauna alluded to the comment provide insufficient information for CDFW to provide a detailed response. To the extent the comment could be understood as referring to a specimen identified by Mr. van De Hoek, see Response O3-63.

See Response O11-130 regarding suggested conflicts of interest or undue influence. See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study. Regarding the suggestion that "no outreach" to the commenter with requests to provide additional information has occurred, see Response O11-385.

Regarding alternatives, see General Response 3 (Final EIR Section 2.2.3.1), which addresses requests that the Lead Agencies consider a "freshwater alternative" in Final EIR Section 2.2.3.1, the range of alternatives in Final EIR Section 2.2.3.3, and alternatives that were initially considered but not carried forward for more detailed analysis in Final EIR Section 2.2.3.3.

Receipt of this copy of the August 13, 2004, memorandum from the State Coastal Conservancy regarding the proposed approach to restoration planning is acknowledged. However, it does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

The April 11, 2014, letter from the Coastal Commission provided in this comment was also provided in Comment O11-153 and again in Comment O11-158. See Response O11-153.

The August 2, 2012, letter from the commenter to the Coastal Conservancy provided in this comment was also provided in Comment O11-150 and Comment O11-368. Seer Response O11-150.

The March 28, 2012, letter provided in this comment was also provided in Comment O11-151 and then again in Comment O11-370. See Response O11-151.

Receipt of copies of email correspondence from 2012 also is acknowledged, but does not inform consideration of the adequacy and accuracy of the EIR.

Receipt of this September 28, 1994, resolution of the U.S. House of Representatives Committee on Public Works and Transportation is acknowledged, but does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, it is now part of the record of evidence that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

The notes provided in this comment of the June 28, 2010, Ballona Ecosystem Restoration Planning Management Meeting; the June 2, 2010, Ballona Coordination Meeting Minutes; and the March 29, 2010, Ballona Telecon Minutes pre-date the NOI and NOP for the Draft EIS/EIR and do not inform an evaluation of the adequacy of the EIR. This also is true of the May 26, 2011, draft itinerary for a meeting with the Corps; the May 11, 2009, request for permitting services; and the February 8, 2010, request for engineering and geotechnical services. See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.

O11-407 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1), the range of the alternatives analyzed (Final EIR Section 2.2.3.2), potential alternatives initially considered but not carried forward for more detailed review (Final EIR Section 2.2.3.3), and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2). See Response O11-380, regarding receipt of the August 2011 revision to Southern California Coastal Water Research Project Technical Report 619.a.

O11-408 Receipt of February 2018 correspondence between the commenter and John Robertson is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, this comment is now part

of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-409 Receipt of this link to the Coastal Conservancy's announcement of the release of the Draft EIS/EIR is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.

O11-410 Receipt of this information about "Playa Vista and the Surrounding Vicinity," including the Playa del Rey oilfield, is acknowledged. Regarding how gas migration-related issues are addressed in the Draft EIS/EIR, see Response O11-387. Regarding responsibility for monitoring outgassing from SoCalGas Company wells, see Response O11-388. See also Response O11-397 and General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. Also, see Response F7-4 which addresses activities conducted outside of the Ballona Reserve.

O11-411 See Response O11-410.

O11-412 See Response O11-410.

O11-413 Regarding CDFW's consideration of all scoping documents received, including scoping documents provided by the commenter regarding SoCalGas Company infrastructure within the Ballona Reserve, see Response O11-386.

O11-414 See Response O11-386 and O11-387.

O11-415 Receipt of DOGGR's February 12, 2018, email regarding the agency's public notice of a 15-day public comment period for underground gas storage regulations is acknowledged. However, the Project is not a gas storage project. See Response O11-387 regarding the relationship between the SoCalGas Company's existing, ongoing operation and maintenance (including monitoring) of its wells within the Ballona Reserve regardless of whether any of the restoration alternatives analyzed in the Draft EIS/EIR is approved.

Receipt is acknowledged of the cover for the Executive Summary of the California Council on Science and Technology's report, entitled "Long-Term Viability of Underground Natural Gas Storage in California: An Independent Review of Scientific and Technical Information." The full report is available online.[107] The report provides additional background information about the Playa del Rey SoCalGas Company facility (e.g., the wells used in the Playa del Rey field were predominantly spudded in the 1930s, and Playa del Rey has the most total monitoring and remediation wells

[107] California Council on Science and Technology (CCST), 2018. Long-Term Viability of Underground Natural Gas Storage in California: An Independent Review of Scientific and Technical Information. Available online: https://ccst.us/wp-content/uploads/Full-Technical-Report-v2_max.pdf. Released January 18, 2018; revised February 5, 2018.

relative to capacity by a factor of two). However, this additional background information does not change the impact discussions or conclusions in the Draft EIS/EIR relating to the proposed decommissioning and abandonment of SoCalGas Company infrastructure within the Ballona Reserve. If anything, information in the report would tend to support a conclusion that the wells that would be decommissioned and abandoned under the restoration alternatives would be an environmental benefit. For example, the report notes that the Playa del Rey facilities lie along the coast just a few feet above sea level, where they could be exposed to tsunamis that could cause inundation and water/debris impacts resulting in pipeline, surface infrastructure, and wellhead ruptures leading to loss-of-containment. The report further notes that sea-level rise is a potential long-term concern for coastal facilities such as the SoCalGas Company facilities within the Ballona Reserve. It stands to reason that removal of at least some of the existing facilities as a result of the proposed restoration would reduce overall risks.

O11-416 See Response O11-318 regarding references relied upon in preparing the Draft EIS/EIR.

O11-417 The commenter's communications with the California Department of Finance have been addressed in Responses O11-369 through and including O11-378.

O11-418 See Response O11-417.

O11-419 Receipt of this duplicate copy of the article by Mr. Davis is acknowledged. See Response O11-320.

O11-420 See Response O11-321.

O11-421 See Response O11-322.

O11-422 See Response O11-323.

O11-423 See Response O11-323.

O11-424 See Response O11-350.

O11-425 See Response O11-330 acknowledging receipt of this graphic relating to release of the Draft EIS/EIR and regarding the commenter's input about process explanations. See also Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-426 See Response O11-184 regarding public participation in the Draft EIS/EIR process. See also General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), which clarifies how the Project development process relates to the 2005/2012 feasibility study.

O11-427 See Response O11-124 for responses to points raised in the March 15, 2013, Sierra Club letter.

O11-428 See Response O11-318, which refers the commenter to General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.1), for clarificaiton of how the Project development process relates to the 2005/2012 feasibility study and explains that questions regarding Ms. Luce's involvement are beyond the scope of the EIR. See also Response O11-34, which clarifies the timing of preparation of Project-specific and site-specific studies relative to the Corps' NOI and CDFW's NOP for the Draft EIS/EIR. See Response O11-98 regarding the original (or "acquisition") goals and principles. See Response O11-124 regarding the Sierra Club letter of October 7, 2014.

O11-429 See Response O11-344, which refers the reader to General Response 2, *Proposed Project*, which clarifies what is the Proposed Action for purposes of NEPA (Final EIR Section 2.2.2), what is the Project for purposes of CEQA (Final EIR Section 2.2.2.4), and what is the Preferred Alternative (Final EIR Section 2.2.2.3).

Regarding the commenter's opinion of the No Federal Action/No Project Alternative relative to the requirements of NEPA and CEQA, see Response O11-344.

O11-430 See Response O11-98 regarding the original (or "acquisition") goals and principles. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-431 See Response O11-130 regarding suggested conflicts of interest or undue influence.

O11-432 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-433 See Response O11-98 regarding the original (or "acquisition") goals and principles. The quoted statement that parking is "not normally permitted on Ecological Reserves" does not alter the fact that parking does existing under existing (baseline) conditions for purposes of the Project. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), for more information about parking facilities within the Ballona Reserve.

O11-434 As noted in Response O11-350, CDFW recognizes that with any large project implementation may not occur as planned. As a result, adaptive management is large component of the proposed restoration. See Draft EIS/EIR Sections 2.2.1.6, 2.2.2.6,

2.2.3.6, 2.2.4.6, and Appendix B3 for discussion and analysis related to monitoring and adaptive management. The commenter's opinion regarding implementation is acknowledged and will be included in the record of information available during CDFW's decision making process. However, the comment does not indicate an inadequacy in the EIR. See Final EIR Section 2.1.1, *Input Received*.

O11-435 See Response O11-351, which refers the commenter to General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), regarding the definition of "restoration," and to General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-436 See Response O11-98 regarding the original (or "acquisition") goals and principles.

O11-437 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), regarding the definition of "restoration," and to General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-438 See Response O11-401 regarding the Draft EIS/EIR's analysis of Impact 1-WQ-2 in Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*, which concludes that the Project would cause a less-than-significant impact related to potential advancement of sea water intrusion. Impact 2-WQ-2 and Impact 3-WQ-2 analyze Alternatives 2 and 3, respectively, and reach the same conclusion of less than significance. Regarding the Corps' preliminary determination of the Least Environmentally Damaging Practicable Alternative (LEDPA), see Draft EIS/EIR Section 2.1.1.3. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), regarding the definition of "restoration," and General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the EIR (Final EIR Section 2.2.3.2).

O11-439 See Response O11-354, which explains that the requirements of 40 CFR §230.10 are discussed in detail in Draft EIS/EIR Section 1.8.7.

O11-440 See Draft EIS/EIR Section 2.1.1.3. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), regarding the definition of "restoration," and General Response 3, *Alternatives*, regarding requests for consideration of a "freshwater alternative" (Final EIR Section 2.2.3.1) and the historical accuracy of the alternatives analyzed in the Draft EIS/EIR (Final EIR Section 2.2.3.2).

O11-441 See Response O11-357, which explains that the comment is accurate: As explained in Draft EIS/EIR Section ES.2 and Section 1.4.1, the Corps is a Lead Agency, not a permit applicant or a project proponent.

O11-442 See Response O11-358, which responds to this comment.

O11-443 The commenter's communications with the California Department of Finance have been addressed in Responses O11-369 through and including O11-378.

O11-444 The commenter's communications with the California Department of Finance have been addressed in Responses O11-369 through and including O11-378.

O11-445 Receipt of this redlined version dated September 30, 2014, of a cost-sharing agreement with the Coastal Conservancy is acknowledged, although it does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Nonetheless, this comment is now part of the record of evidence that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O11-446 The commenter's communications with the California Department of Finance have been addressed in Responses O11-369 through and including O11-378. Regarding this May 19, 2015, message, see Response O11-369.

O11-447 The commenter's communications with the California Department of Finance have been addressed in Responses O11-369 through and including O11-378.

O11-448 This August 2, 2012, letter to the Coastal Conservancy was previously provided as Comment O11-150 and then again as Comment O11-368. See Response O11-150.

O11-449 This March 28, 2012, letter was previously provided as Comment O11-151, as Comment O11-370, and then again as Comment O11-406. See Response O11-151.

O11-450 The commenter's communications with the California Department of Finance have been addressed in Responses O11-369 through and including O11-378.

O11-451 The commenter's communications with the California Department of Finance have been addressed in Responses O11-369 through and including O11-378. Specifically regarding this March 18, 2014, message, see Response O11-373.

O11-452 Receipt of this February 26, 2015, letter from the Office of County Counsel to John Davis regarding records relating to funding and his Public Records Act request is acknowledged. However, because questions of funding are beyond the scope of the EIR, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.

O11-453 Receipt of records the County provided Mr. Davis in response to his Public Records Act request is acknowledged. However, because these materials do not provide any information about proposed restoration, the Ballona Reserve, or the Draft EIS/EIR, it does not inform CDFW's consideration of the EIR. See Final EIR Section 2.1.1, *Input Received*.