

Final

BALLONA WETLANDS RESTORATION PROJECT

Environmental Impact Report

State Clearinghouse No. 2012071090

Volume 6: Comment Letter I27 through Chapter 3

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

December 2019



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California Department of Fish and Wildlife,
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CHAPTER 2

Responses to Comments (continued)



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Comment Letter I27

From: douglaspfay@aol.com
To: douglaspfay@aol.com; daniel.p.swenson@usace.army.mil; [Wildlife Ballona Wetlands Ecological Reserve EIR](#); bonnie.l.rogers@usace.army.mil
Subject: Ballona Wetlands Ecological Reserve Draft EIR/EIS comments and questions by Douglas Fay Part 1
Date: Monday, February 5, 2018 11:24:12 AM
Attachments: [Bring Back Ballona - Heal the Bay.html](#)
[SMBRC - CCC letter 6_15_11.pdf](#)
[SMBNEP workplan_fy16.pdf](#)
[California Horn Snails - Oxford Basin 12-17-14 Jonathan Coffin.jpg](#)
[BWER Draft EIR-S letter by Douglas Fay Feb 5-2018.docx](#)

Dear USACE and CDFW Representatives,

Thank you for confirming comment letters can be submitted until midnight tonight. Attached is my comment letter as a word docx document, and 4 supporting documents referenced in my comment letter to be included in the Draft EIR/EIS. There will also be 2 more emails sent from me that include other supporting documents referenced in my comment letter. Please reply if I need to resend my comment letter in another format. Please reply that you have received my (3) email submissions.

Kind regards,

Douglas Fay
644 Ashland Ave. Apt. A
Santa Monica, CA 90405
douglaspfay@aol.com

Comment Letter I27

Draft Ballona Wetlands Ecological Reserve (BWER) EIR/EIS Comments, Questions, attached and referenced supporting documents, and Proposed Reasonable Alternatives by Douglas Fay

To:

U.S. Army Corps of Engineers

California Department of Fish and Wildlife

Los Angeles District

R.C. Brody, Land Manager (BWER)

Daniel Swenson, Regulatory Division

c/o ESA (jas)

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550 Kearney Street, Suite 800

Los Angeles, California 90017

San Francisco, California 94108

Telephone: (213) 452-3414

Telephone: (415) 896-5900

Email: daniel.p.swenson@usace.army.mil

Email: BWERcomments@wildlife.ca.gov

Questions:

If the LACFCD is a Project Proponent in the NOTICE OF AVAILABILITY (State Clearinghouse No. 2012071090) for the Project Draft EIR/EIS, why are they not recognized as the local lead agency in the Draft BWER EIR/EIS?

Why is the LACFCD identified as a Project Proponent, not as the applicant in the NOTICE OF AVAILABILITY?

(Reference below from Draft BWER EIR/EIS – KEY DEFINITIONS AND ACRONYMS - Pages xix and xx)

“LACFCD, as defined herein, is the applicant pursuant to Section 14 of the Rivers and Harbors Act of 1899 as codified in 33 U.S.C. § 408 (commonly referred to as “Section 408”)”

Why is the County of Los Angeles (LACFCD) excluded from the Draft EIR/EIS CHAPTER 5 – List of Preparers and Contributors?

(Reference below from State Clearinghouse No. 2012071090)

“NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR) To: All Interested Agencies, Organizations and Persons From: California Department of Fish and Wildlife Subject: Notice of Availability of Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) (State Clearinghouse No. 2012071090) [REVISED

I27-1

TO CORRECT COASTAL CONSERVANCY ADDRESS] Project Title: Ballona Wetlands Restoration Project
Project Proponents: The California Department of Fish and Wildlife (CDFW) and the Los Angeles County
Department of Public Works-Flood Control District (LACFCD)”

↑
I27-1
cont.

Question:

Why is the NEPA (Federal) lead agency excluded from the NOTICE OF AVAILABILITY?

(References below from State Clearinghouse No. 2012071090)

“The public review period for the Draft EIS/EIR begins on September 25, 2017 and ends on November 24, 2017. Written comments on the Draft EIS/EIR will be accepted via regular mail or e-mail at any time before the end of the comment period on November 24, 2017, including in person at the public meeting described below. Written comments may be directed to: Richard Brody, CDFW c/o ESA (jas) 550 Kearney Street, Suite 800 San Francisco, California, 94108 E-mail: BWERCcomments@wildlife.ca.gov”

I27-2

Comment: The “PROJECT BACKGROUND AND SUMMARY DESCRIPTION:” states, “The project is intended to return the daily ebb and flow of tidal waters where practically feasible to achieve predominantly estuarine conditions, enhance freshwater conditions, and enhance physical and biological functions within the Ballona Reserve. Restoring wetland functions and services would reestablish native wetland vegetation and provide important habitat for a variety of wildlife species. A restored, high-functioning wetland also would benefit the adjacent marine environment and enhance the quality of tidal waters.”

Questions:

Is the Project description “to return the daily ebb and flow of tidal waters where practically feasible to achieve predominantly estuarine conditions” a description that is supported by historical conditions at the Project site within the past 2,000 years?

Are the proposed Project Alternatives 1, 2, and 3 best described as restoration, creation, or construction?

How can you possibly “enhance freshwater conditions” and “achieve predominantly estuarine conditions” if the Project significantly reduces freshwater functions?

Comments: I agree that, “A restored, high-functioning wetland also would benefit the adjacent marine environment and enhance the quality of tidal waters.” And believe this can only be achieved through a positive estuary restoration.

I27-3

Question: Why haven't the adjacent marine environments that are significantly compromised by human activities, especially the adjacent 303(d) listed as impaired Marina Del Rey Harbor, being required to be maintained and restored to beneficial habitat levels prior to Project consideration so that the baseline need for Project restoration levels is accurate?

I27-4

Comments: At the only public meeting for the Project Draft EIR/EIS a Corps representative informed me that the questions I submitted during the scoping process would be integrated into the Draft EIR/EIS, not answered, and that I should re-submit them. Do to the fact that questions were not answered, for clarification, I am re-submitting the letter as an "attached document" and requesting that all the questions are answered as required by CEQA.

I27-5

Do to the fact that definitions that apply directly to the Project are not adequately recognized and consistent at the Local, State, and Federal levels, clarity in required. Please list the definitions at each level: Local = County of Los Angeles, State = State of California, Federal = United States, and the definition recognized in the Draft EIR/EIS.

Question: What is the Local, State, and Federal definition of an "Ecological Reserve"?

Question: Are there Local, State, and Federal policies and guidelines for ecological reserves?

Question: What is the Local, State, and Federal definition of "restore and/or restoration"?

Question: What is the Local, State, and Federal definition of "enhance and/or enhancement"?

I27-6

Question: What is the Local, State, and Federal definition of an "estuary"?

Question: What is the Local, State, and Federal definition of a "positive estuary"?

Question: What is the Local, State, and Federal definition of a "negative estuary"?

Question: What is the Local, State, and Federal definition of a "Bay"?

Question: What is the Local, State, and Federal definition of a "Harbor"?

Question: What is the Local, State, and Federal definition of a "Lagoon"?

Question: What is the Local, State, and Federal definition of a "Bird Refuge"?

Question: What is the Local, State, and Federal definition of a "Bird Sanctuary"?

Question: What is the Local, State, and Federal definition of a "Bird Conservation Area"?

Comment Letter I27

Question: What is the Local, State, and Federal definition of “environmental noise”?

↑ I27-6
| cont.

ES.1 Background and Project Overview

Comment: Absent from ES.1 is the significant impact on the historical Ballona Wetlands ecosystem by the Federal project documented in US Public Law 780, House Document No. 389.

I27-7

Question: Why is this important Federal document absent from the Draft EIR/EIS, especially when it was submitted and referenced in the Project scoping process?

Comment: Absent is another very important Federal document which I am submitting as an attachment with US Public Law 780 and House Document No. 389, from the COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, US HOUSE OF REPRESENTATIVES, WASHINGTON D.C., titled RESOLUTION, Marina del Rey, California, Docket 2455, adopted September 28, 1994, requesting “the Secretary of the Army to review the report of the Chief of Engineers on Playa del Rey Inlet and Basin, Venice, California, published as House Document 389,...and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of...environmental restoration, and other purposes at Marina del Rey Harbor,....”

I27-8

Questions: Did the Secretary of the Army review this report, make a determination, and submit it to the Committee on Public Works and Transportation at that point in time?

If yes, where are the supporting documents?

If no, why?

If no, will the Corp willingly complete this request and recirculate the Project Draft EIR/EIS?

Comments: I have read House Document No. 389 and have identified several modifications that have significantly impacted the quality of life for humans and wildlife through decisions made primarily by the Los Angeles County Board of Supervisors. The Marina Del Rey Boating Coalition representative Jon Nahas sent me a video recording of former Supervisor Don Knabe stating something to the effect with lobbyists and lawyers we always get what we want.

I27-9

Question: Have the County’s representatives lobbied the Corps for a predetermined preferred Project outcome?

“ES.3.1 Purpose and Need under NEPA

↓ I27-10

In accordance with CEQ regulations, an EIS’s Purpose and Need section “shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action” (40 C.F.R. §1502.13).

The purposes, pursuant to NEPA, of the Project are to:

1. Restore ecological functions and services within the Ballona Reserve, in part by increasing tidal influence to achieve predominantly estuarine wetland conditions.
2. Ensure any alteration/modification to the LACDA project components within the Ballona Reserve maintain the authorized LACDA project levels of flood risk management, which in this section of Ballona Creek, includes ensuring there is no reduction to the conveyance capacity of up to 68,000 cubic feet per second (cfs)³ and that LACDA project features reduce flood risk to the surrounding communities and infrastructure for up to the 100 year flood event.”

Comment: The purposes of the Project listed above are ambiguous and problematic. You can’t restore ecological functions (as stated in 1. above) by increasing tidal influence in areas of the BWER that were never fully tidal within the past 2,000 years. The open and closure dynamics of a functioning positive estuary, which the BWER was in recent recorded history, will not be present in any of the 4 proposed alternatives. Other reasonable alternatives must be considered.

The second purpose (as stated in 2. above) , “...includes ensuring there is no reduction to the conveyance capacity.... and that LACDA project features reduce flood risk to the surrounding communities and infrastructure...”

Question: How is it possible to not reduce conveyance capacity and flood risk to the surrounding community when the concrete flood control levees are to be replaced with organic material (soil, rocks, plants, shrubs, trees, etc.) upstream from a bridge (potential barrier) and coastal community?

Comments: There are no plans to make improvements to the bridge (infrastructure) crossing the Ballona Creek at the community of Playa Del Rey. Altering the flood control channel levees will increase the



I27-10
cont.

I27-11

I27-12

potential flood risk, not reduce it. This is a Potentially Significant Impact (PSI) not analyzed in the Draft EIR/EIS.

↑
I27-12
cont.

Question: Why?

“ES.4.4 Alternative 4: No Federal Action/No Project Alternative

Under Alternative 4, no Federal, State, or Local approvals would be granted. No restoration would take place except for the small-scale removal of invasive nonnative species by volunteers using only hand tools. No modification to the Ballona Creek channel or the levee system would be made. This alternative would not result in the permanent or temporary discharge of dredged or fill material into potential waters of the U.S. No new wetland or upland habitats would be established, but some existing habitats may be enhanced through continued volunteer efforts. CDFW would continue to remove trash and debris, remove transient encampments, and monitor”

I27-13

Comment: It is ambiguous and misleading, which makes Alternative 4 description problematic under CEQA.

Questions: Are approvals required for the current and controversial solarizing of primarily invasive nonnative species (iceplant) within the Project site?

I27-14

Would be accurate to state The Bay Foundation (TBF) has been granted approval by CDFW and the CCC to use plastic sheeting to cover areas (solarizing) within the Project site?

Are plastic sheets considered hand tools?

Will this controversial method of invasive nonnative species control be allowed to continue under any of the proposed Alternatives?

I27-15

Comment: I and others involved with the BWER have objected to solarizing. It kills amphibians, reptiles, insects, native plants, and possibly native seed. It allows for other nonnative invasive species to flourish if natives are not expediently replanted and/or reestablished. Restoration can be labor intensive for several years or until the balance shifts. Although this practice is utilized in agriculture operations, it should be banned in Ecological Reserves. Having been awarded a Certificate of Recognition on February 19, 2002 by the Agricultural Commissioner in the County of Monterey, CA, for invasive species removal

and education in the Salinas River Watershed, my knowledge and experience deserves respect. I voluntarily managed and removed over a million genista (French Broom) and other invasive species in an area of approximately 1,000 acres of upper watershed over a 10-year period all without chemical herbicides, solarizing, and an army of volunteers.

↑
I27-15
cont.

Restoring the flora and fauna within the BWER can be done by hand if the right person is managing the effort. CDFW's Richard Brody, the current BWER manager has proven by his actions, or inactions, that he is not the right person.

A reasonable alternative to the 4 proposed alternatives should include BWER management approved of and/or endorsed by respected local environmental groups, for example, but not limited to: The Ballona Wetland Trust, Los Angeles Audubon Society, the Airport/Marina Chapter of the Sierra Club, Grassroots Coalition, the Ballona Institute, etc. Not by other State agencies that have known about the illegal drains and other negative impacts to the Ecological Reserve and allowed degradation to continue, especially the Santa Monica Bay Restoration Commission (SMBRC).

I27-16

Should volunteers be required to have successfully completed training?

Will there be costs imposed on volunteers associated with training?

I27-17

Comment: "No new wetland or upland habitats would be established"

Questions: What about the illegal drain that has significantly compromised an Area of the wetlands for over a decade?

I27-18

Would removal of the illegal drain establish or re-establish a wetland?

Should a reasonable amount of time be required for the wetland to recover and a more accurate baseline to be established, then recirculate the Draft EIR/EIS?

I27-19

Comments: CEQA requires that the Draft EIR/EIS include reasonable alternatives that apply common sense. Common sense would apply if areas of known controversy previously submitted and documented were included in the Draft EIR/EIS.

"ES.5 Areas of Potential Controversy Known to the Lead Agencies"

I27-20

Questions: Why is the absents of a fresh water restoration Project alternative absent from ES.5?

Why are the significant impacts of the illegal drain system installed over a decade ago absent from ES.5?

↓

Why is the absolute need for adopted State Ecological Reserves management definitions, policies and guidelines prior to BWER restoration consideration absent from ES.5?

Why is absolute need to protect the existing soil, seed bank, native plants, cultural resources, and other native species that inhabit the BWER absent from ES.5?

Why is the County's proposed 3 story parking structure and lease agreement within the BWER absent from ES.5?

Why is the need to move the dangerous shared roadway bike lanes along Fiji Way over to a safer dedicated bike path adjacent to the BWER absent from ES.5?

Why is the need to keep the last remaining free public parking lot adjacent to the BWER at Dock 52 on Fiji Way, safe from County redevelopment plans for the benefit of recreational users absent from ES.5?

Why is the Playa Vista/Culver/Marina baseball field and lease agreement within the BWER absent from ES.5?

Why are the current and increasing significant impacts of a growing homeless human population within the Project site, area and region not being adequately mitigated absent from ES.5?

Why are the dewatering operations at Playa Vista that deplete the aquifers below the BWER absent from ES.5?

Why are the cumulative impacts of not reviewing requested Federal documents House Document No. 389 and Resolution Docket 2455 not included in ES.5?

Why is the significant amount of Project related historical documentation and data absent from the Draft EIR/EIS absent from ES.5?

Why is the Draft 1995 Ballona Wetlands Restoration Plan absence from the Project Alternatives not included in ES.5?

Why are significant impacts of the County's firework shows adjacent to the BWER not included in ES.5?

Why are the potentially significant impacts of bio-acoustic noise on wildlife not included in ES.5?

Why are the potentially significant impacts of using noise making devices to frighten away wildlife not included in ES.5?



I27-20
cont.

Why are the potentially significant impacts of wireless communication systems on wildlife not included in ES.5?

Why are the above ground utilities within the BWER potentially significant impacts on wildlife absent from ES.5?

Why are the County's aggressive and controversial tree trimming and replacement practices that significantly impact bird nesting sites and survival in adjacent MDR not included in ES.5?

Why are the cumulative impacts of removing and/or not approving Federal, State and Local designations to protect cultural resources, wildlife and quality of life for existing residents not included in ES.5?

Why is the need to protect resources from Local and State corruption by strengthening Federal control and oversight through Santa Monica Bay National Marine Sanctuary designation not included in ES.5?

Why is the ambiguous and continuous minimum amount of public comment and participation allowed by law imposed while simultaneously releasing documents encouraging public outreach absent in ES.5?

Why is the concern for the need of scientific and agency integrity not listed in ES.5?

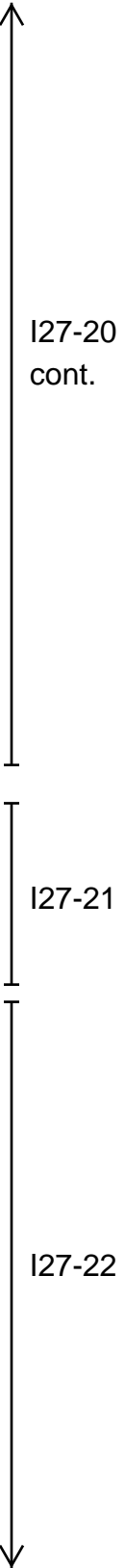
Comments: Documents submitted question the integrity of individuals and agencies involved in this process including but not limited to: minimizing and marginalizing to the point of exclusion of public participation, requesting biologists to altering the percentage of invasive species on a report, the Executive Director of the CCC promising staff will support a full tidal project, the SMBRC and TBF garnering Federal funds through the National Estuaries Program (NEP) based on the controversial statement that the Santa Monica Bay is a 306 square mile estuary (see the attached SMBRC-CCC letter 6-15-11 and SMBNEP workplan-fy 2016). Biologists that I have consulted say it is a bay, not an estuary. Estuarine conditions may exist in the base of the Ballona Flood Control Channel, but it is not a natural estuary.

Questions: Has the NEPA lead agency reported the NEP concerns mentioned above to their superiors?

Does the President of the United State of America know that State agencies are acquiring Federal funding through the NEP under a questionably false assumption?

Comment: The Santa Monica Bay should not qualify for the NEP.

Question: Who at the Federal level is allowing this to happen and why?



Specifically, to SMBRC groups, I have attended meetings and had my public comment altered in the recorded meeting minutes. I have been invited to participate in working group sessions by members of the SMBRC only to be denied participation by employees of the SMBRF (now called TBF), I have been told by SMBRC/TBF staff (held at a meeting at LMU) that “they will not consider doing what I suggest” regarding the Santa Monica Bay (SMB) restoration and enhancement process. I have been humiliated to the greatest extent possible throughout this process.

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I27-22
cont.
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Question: Have scientists and/or policy makers lied and/or forged/altered documents while involved in critical policy decision making locally within the Project area and region?

I27-23
↓

Comments: The answer is yes. It is well documented in the referenced book Dirty Water by Bill Sharpsteen ISBN 978-0-520-25660-6 that SCCWRP’s Willard Bascom was altering water quality data collected by Dr. David Brown, in an effort to make a bad Hyperion sewage treatment plant 301(h) waiver appear acceptable. He was exposed by Dr. Brown and the outcome changed.

I27-24
↓

Loyola Marymount University (LMU) is a Catholic university. It is my understanding the TBF and SMBRC staff work at a location within LMU. They have established The Center for Santa Monica Bay Studies at LMU, but have no interest in the library of independent local marine scientist Dr. Rimmon C. Fay, which many consider the most comprehensive private collection in existence. At the December 2011 SMBRC meeting I suggested a grant should be applied for so Rim’s library could be digitized and made available to all academia for research purposes on a website. They have chosen to create a new baseline and exclude this valuable source of historical knowledge. Attached is a Draft 1995 BWRP. Rim drafted Part 2. Years ago in the local Santa Monica Evening Outlook newspaper an article was published calling Rim “The Father of the Santa Monica Bay.” Why is this significant amount of discrimination being allowed to take place? Some meetings regarding the BWER are held at LMU and a participation fee is charged. I find the actions of the close relationship between Playa Vista, LMU, Local and State representatives deeply offensive. Especially, a morally deplorable statement I read in an email made by former LA City Councilwoman, Coastal Commissioner, and current LMU Honoree Ruth Galanter to Coastal Conservancy representative Mary Small related to the BWER stating something to the effect that, “nothing would make her happier than defeating her opponents.” Is she referring to wildlife or members of the community that are trying to protect the wildlife within the BWER? This indicates a significant amount of collusion for a predetermined outcome. Regardless, this should not be allowed. Has any formal action been taken against Ruth Galanter and/or Mary Small for this unacceptable behavior? My interpretation of Christian religion and the faith in one God is that, “thou shalt not kill” applies to all forms of lifeAll

I27-25
↓
I27-26
↓

of Christian religion and the faith in one God is that, “thou shalt not kill” applies to all forms of lifeAll

I27-27
↓
I27-28
↓

forms of native life will be killed or disturbed in Project Alternatives 1 thru 3, which are the preferred alternatives, especially Alternative 1, of the State and LMU. I don't believe in the forgiveness of premeditated sins, a practice of the Catholic Church through Holy Communion and confession of sins, and neither does State lawmakers. The intent of Project Alternative 1 is not adequately addressed in the Draft EIR/EIS. Separation of Church and State prior to further Project analysis should be required.

↑
I27-28
cont.

Why is the need for division of Church and State not listed in ES.5?

I27-29

Why is the need to have the library of Dr. Rimmon C. Fay made available so that a more accurate and comprehensive baseline is included when evaluating projects, especially the BWER restoration in ES.5?

I27-30

Why is the need for adequate sanitation within the Project area included in ES.5?

I27-31

Comments: When I visited the BWER with my family (my children represent 4 generations of my family involved in protecting the BWER ecosystem), there was bird excrement on the viewing platform rail that included a significant amount of ingested plastic. Given the fact that 2018 is recognized as the Year of the Bird, considerable thought and planning needs to go into protecting avian species.

I27-32

While removing trash and debris within the BWER has been problematic in the past, if changes to how trained volunteers access and help manage in the future can be achieved, a less than significant impact would result.

Sanitation and litter outside the BWER significantly impacts the health of avian species in the Project area. One of the most prominent local environmental groups Heal The Bay (HTB), has been active in the BWER restoration process. They were established over 30 years ago through the battle my marine scientist father Dr. Rimmon C. Fay and others fought detailed in the referenced book Dirty Water. Unfortunately, HTB's actions, or inactions, regarding Local policies and supporting actions that would result in 100% waste removal have fallen considerably short of expectations. The fact that HTB sits on the SMBRC and states they represent the best interests of the public is problematic. The leadership of this organization failed to protect the wildlife at both the Malibu and Oxford Lagoons. They encourage their followers to support Alternative 1, dubbing it a "robust restoration" (see the attached Bring Back Ballona – Heal The Bay). Robust can have several interpretations including, "characterized by firmness and determination and a refusal to make concessions." Does a refusal to make concessions conflict with the intent of the CEQA and the Coastal Act as it applies to the Project Alternatives as proposed in the this Draft EIR/EIS? I do believe it does. The controversial actions by current HTB President Shelley Luce throughout this process are significant and problematic.

I27-33

What is needed are Countywide policies that protect the quality of life of all inhabitants. Waste and litter laws and enforcement need to be strengthened until the impacts on our local ecology are less than significant. Does this need to be accomplished prior to project analysis in order for the baseline to be accurate? I do believe it does.

I27-34

Question: Based in the performance of HTB over a 30-year period, and the fact that there appears to be more litter on the streets and in coastal waters today than ever before, should they be trusted?

Comment: I don't believe HTB leadership deserves the respect of the lead agencies involved in the proposed Project and question the integrity of the studies submitted by this organization. From a cumulative action perspective, they will never heal the Santa Monica Bay. Even the recently exposed microbead pollution problem in our local waterways didn't come from HTB. It was exposed by a group called 5 Gyres. It is a perfect example of why the TMDL and BMP standards, in part imposed by HTB, will not protect the wildlife in the BWER to a less than potentially significant impact level. TMDL regulations do not do enough to protect wildlife from synthetic chemical compounds, which are inadequately studied and understood. There is no scientific evidence that supports the notion that natural habitat areas can assimilate synthetic chemicals that are common in urban runoff without detrimental impacts to wildlife.

I27-35

I27-36

Why is the need for improved upstream wastewater and runoff water treatment and recycling facilities improvements prior to Project baseline study initiation absent from ES.5?

I27-37

There isn't a more critical element in the restoration process than ensuring the highest quality of water be made available. The pollution must be removed prior to project analysis in order for the baseline analysis to be accurate. Although there are several proposed water management plans being developed for the Greater Los Angeles Region, do any of them include a comprehensive plan that remove all the waste and toxins produced and consumed within a municipality, to be treated, recycled and reused within the area where it was created? Do any of them include a comprehensive plan to restore the historical positive estuary condition along the entire SMB? Do any of them include restoring the fresh water aquifers below the BWER? Do any of them include a significant reduction in sewage discharge into the SMB and the significant harm the resulting and overly abundant suspended particles has on marine life reproduction?

I27-38

I27-39

Question: Why is reintroducing plant and animal species that were historically present, but not currently documented within the BWER absent from the Project Alternatives and ES.5?

I27-40

Comments: CDFW has stated in the Draft EIR/EIS that reintroduction will not be part of the Project and that it may be considered in the future. This is problematic. In nature, there are many symbiotic relationships. The absence of a key species can cause imbalance and a reduction in diversity. If those relationships have shifted from a native to nonnative species and the historically present species can be reintroduced, it should be allowed. Temporary native plant nurseries and wildlife centers, that double as volunteer training and education centers, could be established at the controversial parking area off Fiji Way and the baseball fields or at a yet to be determined site adjacent to the BWER. Phasing that allows for time to adapt and monitoring is recommended. Impacts would be less than significant.

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Why is the immediate need to implement programs that correct the adjacent 303(d) listed as impaired waterbodies so that accurate baseline assessments can be performed prior to proposing Project alternatives at the BWER, especially the Marina Del Rey Harbor in ES.5?

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Comments: I have stated for years that for the boaters, marine life, tourists and residents, the Harbor is our aquarium of the Pacific and that aquariums need to be maintained. The County, which has managed MDR since the Federal project was developed on historical Ballona Wetlands, has never removed the sediment that has accumulated for over 50 years, primarily from in-water boat bottom hull cleaning. When the LAWQCB required the County to implement a program to reduce water quality impairment, especially copper, the County delayed the process by approving a \$5 million study over a 5-year period. Currently the County is proposing to charge divers that perform in-water cleaning a \$250 bi-annual training and certification fee and are calling it a Best Management Practice (BMP). This is problematic. Not only will it result in higher cleaning fees, it will not remove the accumulated sediment that prevents many species that are present in healthy marinas/harbors along the California Coast from establishing a significant presence. In fact, it allows for continued degradation adjacent to the proposed Project site. This is a PSI that is avoidable. If a custom boat with a commercial vacuum was purchased by the County, and divers currently working in the marina were hired and trained, removal of approximately 1 ton of sediment a day or more could be achieved. Within 2 years significant water quality improvement would occur. There is no shortage of landfill space for the removed sediment. Unfortunately, the State agencies that are required to protect the water quality are failing, most likely by pressure from County lobbyists and lawyers. The County, SMBRC, TBF and others promote the unsubstantiated notion that unlawful boat septic system discharges into the MDR Harbor is one of the leading causes of pollution. This is also problematic. It is possible that through the Resolution, Docket 2455, adopted in 1994 requesting the Corps to review House Document No. 389, especially as it applies to environmental

I27-43

restoration and affordable recreation, that they may come to the conclusion that the changes made to adjacent areas that have not been analyzed or included in the Draft EIR/EIS, have significantly impacted the Project site. This would also include reducing the “Bird Refuge” identified in House Document No. 389 from 40 acres to 10 acres, the County changing the primary designation to flood control, increasing public recreation, increasing polluted urban runoff, removing fresh water sources needed for migratory and juvenile birds, cutting down eucalyptus trees that had a significant population of overwintering Monarch Butterfly present, and approving a 5 story luxury senior living facility, on a protected parking lot, adjacent to the Bird Refuge that takes land away from the Refuge, is a cumulatively significant impact that was avoidable. Alternatives included identifying adjacent City and County owned parcels where water treatment could occur that would benefit the water quality within the Bird Refuge and adjacent MDR Harbor. The adjacent abandoned City owned Thatcher Maintenance Yard was an ideal location. The City and County of Los Angeles representatives refused to acknowledge this. It is currently being proposed for a controversial housing project.

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Why is the need to have updated and current conditions in the Project site, area, and region, absent from ES.5?

127-44

“ES.6 Issues to be Resolved”

Comments: The majority of issues in my comments listed in “ES.5 Areas of Potential Controversy Known to the Lead Agencies” are issues that need to be resolved prior to Draft EIR/EIS recirculation. The issues to be resolved identified in ES.6 are limited in scope, inadequate, and problematic.

127-45

“ES.8 Comparison of Alternatives”

Comments: Do to the significant amount of additional areas of potential controversy that may not be known to the Lead Agencies, which may result in additional issues to be resolved not identified in the Draft EIR/EIS, analysis in the Comparison of Alternatives is problematic. For example:

127-46

“TABLE ES-1 - Impact 1-AE-1: Alternative 1 would not have a substantial adverse effect on a scenic vista - Less than Significant - No mitigation measures are required. - Less than Significant”

While many believe the BWER is a scenic vista and worthy of designated status and protections, they have been repeatedly denied. Furthermore, the burms or levees proposed in Alternatives 1 thru 3 will block the existing views of the BWER from the roadways within and adjacent to the BWER. This is a Potentially Significant Impact (PSI) after construction and mitigation. It is also a safety hazard placing

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potential extreme danger to coastal residents that depend on these roadways for tsunami and other emergencies as evacuation routes. The most reasonable alternative that would benefit habitat mobility between the BWER Areas, increase scenic vistas, increase vehicle mobility within and adjacent to the BWER, and increase tsunami and flood protection would be to raise and improve capacity of the roadways. While myself and others have proposed this alternative, and it was one of the alternatives chosen not to be studied in detail in the Draft EIR/EIS, if it was combined with other reasonable alternatives, it would result in a superior Project. As proposed - Impacts 1-AE-1 thru 4 – PSI will occur. This also applies to Project Alternatives 2 and 3.

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Air Quality 1-AQ-1a thru 1-AQ-5 Comments: Do to the fact that there are no air quality standards specifically for the protection of species within Ecological Reserves, the analysis and determinations are problematic. - Impacts 1-AQ-1a thru 5 – PSI may occur. This also applies to Project Alternatives 2 and 3.

I27-50

Biological Resources -1-BIO-1a thru 4 Comments: The cumulative impacts of areas of controversy not identified in ES.5 are significant. Specifically, to how the State and County neglected to protect wildlife throughout the Malibu and Oxford Lagoon projects, the end results will not be less than significant and beneficial as stated. The Malibu Lagoon restoration project was not comprehensive. Essential upstream water quality improvements prior to what many, including myself, considered destruction of established lagoon habitat did not occur. The main barrier to the Steelhead Trout migration, reproduction and recovery, the Rindge Dam, has not been removed. Comprehensive common-sense watershed restoration projects start at the top of the watershed, not the bottom. Had they consulted the Carmel River Steelhead Association and others involved with the Carmel River restoration and management process while developing a restoration plan for the Malibu Creek, the process would have been less controversial. They had grant money available specifically for a project within the Malibu Lagoon. Greed became the priority. This significantly problematic controversy grew to a trend when the next in line purported restoration project, the Oxford Basin Multi-Use Enhancement Project was announced. Again, grant money was available. The habitat value was significantly marginalized for decades thru mismanagement by the City and County of Los Angeles and State decision makers and even more through the ambiguous enhancement project. Attached is a photo taken at the Oxford Basin by nature photographer Jonathan Coffin before enhancement. It shows a significant population of Cerithiopsis californica – California Horn Snail on the wetlands. Probably the most abundant marine species, they were numerous around the entire basin. CDFW was required to protect them. They didn't and will intentionally commit similar injustices at the BWER. All sources of high quality fresh water needed for

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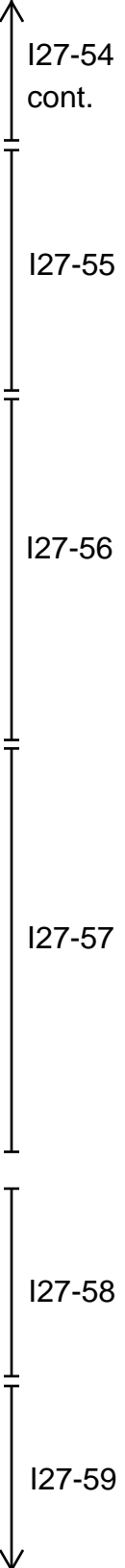
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migratory and juvenile avian species that were historically available were not allowed by the Local and State lead agencies. The utility lines within the project site (already underground at both adjacent parcels) were not relocated, as requested at the CCC hearing. The tree replacement was not phased consistent with the MDR LCP policy language. Although it was brought to the attention to CCC staff Matt Stone that false and misleading statements were made in the CDP justifying the need for increased recreation within the project boundaries prior to the hearing, specifically that there is no coastal access in Marina Del Rey when in fact there is at Mother’s Beach, he stated it was approved and refused to uphold his duty to enforce the Coastal Act. Others representing State agencies were equally reluctant to protect wildlife in favor of what the applicant County wanted. A CDFW biologist told me the pictures I submitted of numerous Monarch Butterfly overwintering in eucalyptus trees that we were frantically trying to protect could have been taken anywhere while you could see the adjacent Marina City Club in the background for a positive identification reference. The biologist hired to monitor construction came from out of state and didn’t appear to have any local experience. When I told the CCC during public comment at the hearing in Santa Monica that I missed recording seeing what appeared to be hundreds of Monarch Butterfly as hired contractors felled a eucalyptus tree we were trying to save, they laughed hysterically. This project site is located within the historical Ballona Wetlands. Improvements to protection, management, and uses of this site need to be considered during the BWER proposed Project Draft EIR/EIS. If the trends mentioned above and related concerns raised by others are allowed to continue at the BWER, significant and avoidable impacts will occur that cannot be mitigated.

Biological Resources -1-BIO-1a thru 4 - Do to the fact that there are no comprehensive biological resource policies specifically for the protection of Ecological Reserves imposed, the analysis and determinations are problematic. - Impacts 1-BIO-1a thru 4 – PSI will occur. This also applies to Project Alternatives 2 and 3.

Cultural Resources - 1-CUL-1 thru 7 Comments: 3.5.3.2 State – NAHC is to “take an active roll in preventing irreparable damage to Native American cemeteries.” The Native American cemetery discovered while the adjacent Playa Vista development was being constructed did not receive the protection and designation deserved resulting in irreparable damage. Public Resources Code (PRC) Section 5097.98 - Assembly Bill 2641 – states that “no further disturbances occur in the immediate vicinity of the discovery,”. Section 5024 requires State agencies to preserve and maintain all State owned historic resources that are...potentially eligible for inclusion in the National Register. Section 5024.5(f) requires State to ensure...(the Project site)...is not unnecessarily altered. PRC Section 5097.9



requires...”a clear and convincing showing that the public interest and necessity so require.” Also, if the SoCalGas Property was under Federal ownership in 1942, was it sold without required legally enforceable restrictions? Cultural Resource Protection needs to be designated at the BWER in perpetuity. There is no clear and convincing showing that the public interest and necessity so require Project Alternatives 1 thru 3 to be approved and constructed.

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Cultural Resources - 1-CUL-1 thru 7 - Do to the fact that there are no comprehensive cultural resource policies specifically for the protection of resources within Ecological Reserves imposed, the analysis and determinations are problematic. - Impacts 1-CUL-1 thru 7 – PSI will occur. This also applies to Project Alternatives 2 and 3.

I27-62

Geology, Seismic, and Soils - 1-GEO-1a thru 1-GEO-4 – Do to the fact that the hydrology studies for the Draft EIR/EIS are deficient and not comprehensive the analysis is problematic. My personal experience as a survivor of the 2004 Asian Tsunami and other related natural disasters is even when planned for and anticipated, catastrophic events can and will occur. Throughout the Project region, urban development has grown at an alarming rate, from a historical Native American human population of approximately 10,000 inhabitants to over 13 million today. Throughout this process wildlife viability has diminished significantly primarily through loss of habitat and pollution. Required mitigation measures to prevent this from happening have failed. Development adjacent to, within the Project site and natural gas storage below significantly impact wildlife viability and the safety of humans within the BWER. The effects of dewatering and storing natural gas in areas where freshwater and oil once occupied have not been adequately analyzed. The PSIs of Project Alternatives 1 thru 3 are greater than described. Removal of the Ballona Creek levees and the burms/levees proposed adjacent to the existing roadways will significantly reduce the safety of the adjacent beach community and commuters in the event of a tsunami, major earthquake, flooding, or a combination of events. There are unmapped faults within the Project area. I have seen pictures of shifting after an earthquake in Marina Del Rey along Admiralty Way and through Mother’s Beach. Why is this fault not included in the analysis? Absent from the Project alternatives is a fresh water restoration alternative that will remove the illegal surface water drain, fully mitigate adjacent dewatering at Playa Vista, and restore the aquifers below the BWER to historic positive estuary conditions and the required analysis as it relates to geology, seismic, and soils.

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Geology, Seismic, and Soils - 1-GEO-1a thru 1-GEO-4 - Do to the fact that there are numerous deficiencies in the analysis and alternatives, the proposed policies and mitigation measures are problematic. - Impacts 1-GEO-1a thru 4 – PSI will occur. This also applies to Project Alternatives 2 and 3.

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Comment Letter I27

Greenhouse Gas Emissions 1-GHG-1 and 2 – The analysis is deficient and problematic. Absent from the analysis, especially the benefit of a fresh water restoration verses proposed Project Alternatives 1 thru 3 as they relate to Greenhouse Gas Emissions. Have Local, State, and/or Federal laws and policies changed since the analysis was conducted? The effects of allowing seawater intrusion further into the basin and impacts to organic matter that potentially will increase greenhouse gas emissions has not been adequately addressed in the Draft EIR/EIS.

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Greenhouse Gas Emissions 1-GHG-1 and 2 - Do to the deficiencies in the analysis and alternatives, the proposed policies and mitigation measures are problematic. - Impacts 1-GHG -1 and 2 – PSI will occur. This also applies to Project Alternatives 2 and 3.

I27-73

Hazards and Hazards Materials 1-HAZ-1 thru 7 – The analysis is deficient and problematic. Upstream hazards that individually and combined with other hazards have the potential to significantly impact the BWER, especially if Project Alternatives 1 thru 3 are constructed. Absent from the Hazardous Materials Sites is the adjacent SoCalGas Property. Are there chemicals used onsite that are individually and/or when intentionally or accidentally combined with other chemicals considered hazardous? This question includes biogenic and natural gas. The analysis states biogenic gas in the area is probably related to decomposition of organic material...and not an indication of a release of the stored natural gas at depth. Is “probably” conclusive? At what pressure variation is the natural gas stored at? Have the pressure variations been adequately analyzed as the relate to safety, hazards, and seismic events?

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Hazards and Hazards Materials 1-HAZ-1 thru 7 - Do to the deficiencies in the analysis and alternatives, the proposed policies and mitigation measures are problematic. - Impacts 1-HAZ -1 thru 7 – PSI will occur. This also applies to Project Alternatives 2 and 3.

I27-76

Hydrology and Water Quality 1-WQ-1a thru 5 – The analysis is deficient and problematic. Why does the analysis not include the illegal drain system within the BWER? 3.9.2.1 Why does the Study Area description not include the aquifers below the BWER Project site? Does the LARWQCB Groundwater Dewatering Permit allow for further sea water intrusion into aquifers? Does the LARWQCB Groundwater Dewatering Permit protect the potential sources of beneficial drinking water for humans and wildlife?

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3.9.2.2 Environmental Setting – Climate & Precipitation – Why does the description exclude climate and weather pattern changes? Recent fires and mudslides have devastated residents of California. The impacts of projected sea level rise on the BWER and Project region, especially the adjacent low elevation lands along the SMB, are not adequately analyzed in the Draft EIR/EIS. Why? Figure 3.9-2 Ballona Creek

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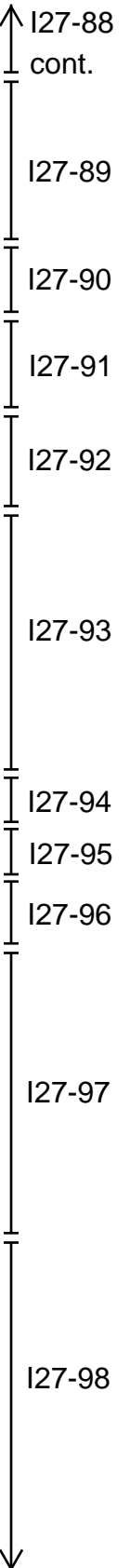
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Watershed – Excludes the MDR watershed. This is problematic because the MDR watershed is part of the Study Area. Why is it absent? Figure 3.9-4 FEMA Flood Map – Does not go far enough into the grey triangle area (should be red) at the top of the map. This area has flooded within the past 50 years. This map is inaccurate. Flooding potential in this area has significantly through increased capacity at Oxford Basin, which is not reflected on the map. Tsunamis – Figure 3.9-5 State Map of Tsunami Inundation – Excludes the BWER. Why? It is my understanding that the developers of Playa Vista want increased flood protection through a project at the BWER. Is this true? Two notable tsunamis have affected the Los Angeles area in the twentieth century, occurring on May 22, 1960 and March 3, 1964, resulting in 1 human death from each event. A depth of 60 feet was recorded on a dive computer found inside a destroyed dive shop in Thailand after the December 26, 2004 Asian Tsunami. As previously stated in my concerns regarding Project Alternatives 1 thru 3, raising the berms/levees adjacent to existing roadways within, and adjacent to, the BWER increases the likelihood of loss of life due to inundation of evacuation routes. Are the potential impacts of tsunami inundation of the SoCalGas Property operation adequately analyzed in the Draft EIR/EIS? Page 3.9-9 - “Compliance for the Toxics and Metals TMDL is expected to occur by January 11, 2021.” This is speculative, inconclusive, inadequate and problematic. Upstream compliance must be achieved prior to consideration of introducing these waters into the BWER. Waters introduced into the BWER must be of the highest quality (Reference the attached Draft BWRP 1995). Page 3.9-10 – Area A and North Area B Sediment Quality – Using the Beneficial Reuse criteria developed by the SFRWQCB (2000) at the BWER is problematic and requires further analysis or PSIs will occur. Surface Water and Sediment Quality in MDR – Is there anything more current than (ABC 2004)? Why is the 303(d) not mentioned and excluded? Why is the Oxford Basin absent? Why is the potential and beneficial consideration of water treatment at the Thatcher Maintenance Yard absent? Erosion and Sedimentation in MDR and SMB – Why is the wind’s contribution to coastal sediment (sand) transport absent? It states the estimated average sediment delivery from the Ballona Creek is approximately 7,000 cf/yr. What is the average from the MDR Harbor? How much of that is from in-water hull cleaning? How much is from the Oxford Basin? How much sediment does the Hyperion Treatment Plant (HTP) deposit into the SMB? Sea Level Rise – Does not adequately evaluate/analyze land subsidence induced by sea water intrusion into depleted coastal aquifers and aquifers converted to other uses (natural gas storage). Why is the potential encroachment of full tidal conditions into historically and predominantly fresh water areas combined with estimated sea level rise not adequately analyzed? Why is the potential significant loss of organic material resulting in significant land subsidence in the coastal region as a result of projected sea level rise not adequately analyzed in the Draft EIR/EIS? Hydraulic modeling suggests (by

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2100) the marsh would no longer experience a tide exchange and would drown out (ESA 2014). Under what Project Alternatives? What are the potential impacts to the Project adjacent areas under this modeling? Groundwater Occurrence and Flow – Why are the aquifer specifics including but not limited to capacities, layers, depths, current levels, uses, conditions, water quality, sea water intrusion identification, mapping, and monitoring not adequately described in detail in the Draft EIR/EIS? Can you describe in detail the current potential conflicts with the Porter-Cologne Act and other related Laws and Regulations? Would it be more accurate to state, “Recharge “historically occurred” primarily by infiltration of precipitation and surface runoff from the Santa Monica Mountains.” in this section? What are the current recharge capabilities of the Project site, area, and region? Are current water management practices and mitigations resulting in a positive estuary condition within the Project region Coastal Sub-basin and Zone? Page 3.9-18 – States that there are currently 19 production wells within the SM Basin, of which 5 drinking water wells and 4 irrigation wells are currently operating. Why are the other 10 not operating? Were there more than 19 wells historically? Do the 9 water wells in production provide for all of the consumption needs within the SM Basin? It is my understanding that 95% of water consumed within the SM Basin is imported. Is this sustainable? Are there any springs in the SM Basin? How do you monitor water quality in the Coastal Sub-basin if there are no wells? There should be a positive estuary condition along the entire SMB coastline. Is this the current condition? Figure 3.9-6 Ground Water Basins – Why are the aquifer boundaries absent? Specifically, regarding the Project site, groundwater recharge capabilities have been significantly compromised by the illegal drain. Why is completely absent from the hydrology analysis? Page 3.9-20 Groundwater Quality – The statement, “Generally, freshwater from the inland water table flows toward the coast and mixes with salty groundwater making groundwater that is brackish (a mixture of salty and fresh water). The brackish groundwater in these estuarine, shallow water table aquifers is non-potable.” is false. Generally, a positive estuary condition is present at the coast, protecting inland potable water use, which is the most beneficial use. When projects significantly impact the beneficial use, mitigation measures are required that adequately protect the water. Unfortunately, the Local and State agencies are failing to protect water quality within the Project site, area, and region. Numerous 303(d) violations have occurred which is problematic. 3.9.3.1 Federal – CWA – USEPA – Is failing to require the State to clarify that the beneficial use of the basin’s water is drinking water. Do 303 laws require priority ranking and action plans to improve water quality? Where is the action plan to improve water quality at the BWER? Should the NPDES CWA Section 402 Permit for Project Alternatives 1 thru 3 be denied? Yes. Based on the facts that pollution from upstream sources migrating down the Ballona Creek will be introduced into the



BWER. Should the Section 401 for Project Alternatives 1 thru 3 be denied? Yes. Based on the facts that if a failure occurs the resulting consequence will be polluted discharge into navigable waters. Should the Section 404 Permit for Project Alternatives 1 thru 3 be denied? Yes. Discharge of Dredge and Fill Material should be denied based on the facts that it is harmful and detrimental to the marine environment of the SMB, which contradicts restoration and enhancement principles and goals. NFIP – Where is the, “LACFCD will obtain the CLOMR from FEMA.” letter? It should be referenced in the Draft EIR/EIS. Is a draft version available? Should the 33 U.S.C. Section 408 be denied for Project Alternatives 1 thru 3? Yes. The risks are too great. Removing a floor control levee inland of the established residential area of Playa Del Rey increases the potential of public injury significantly. Especially with a down-stream bridge’s potential to blockage and becoming a flow choke point. Was the bridge’s PSI’s adequately considered in the Draft EIR/EIS? If upstream flood water capture, treatment, recycle and reuse capabilities were significantly improved prior to Project consideration, PSI’s to the BWER and SMB would be reduced. Is this an accurate assessment of current water policy and planning within the Project region? 3.9.3.2 State – Are there currently any outstanding violations of the Porter-Cologne Water Quality Control Act within the Project site, area and region? Given the fact that water quality in the basin has been historically compromised with solutions inadequately implemented, is the adopted Basin Plan comprehensive or problematic? What are the designated beneficial uses of groundwater in the Basin Plan? What are the numerical objectives that must be attained? When will the numerical objectives be attained? Can you describe the implementation programs to protect all waters in the Region? Are they adequate?

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Statewide General NPDES Permit for Construction Activity – states this permit was filed and became effective July 1, 2010. For which Project Alternatives? Why was it filed prior to Project final approval?
3.9.3.3 Local – states LACFCD implements the MS4 Permit. Area the currently approved Ballona Creek and Estuary TMDL standards sufficient to protect wildlife?

I27-103

Page 3.9-26 “Ballona Wetlands TMDL - Legacy sediment and invasive exotic vegetation have impacted the wetland habitats and the wildlife and aquatic organisms dependent on the wetlands. Excess sediment was placed on-site during the construction of the flood control channel and Marina del Rey. The sediment has raised elevations in Area A and C out of the tidal range necessary for wetland habitat and buried habitat. Excess sediment has also created conditions to support highly invasive exotic vegetation, which crowds out native species.” The description appears to be extremely biased. Who is the author? Is there a greater need for habitat for ocean aquatic organisms or habitat for fresh water

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aquatic organisms? Given the facts that the BWER was historically primarily a positive estuary freshwater wetlands that is a vitally important Pacific Flyway stopover for avian species, and there are other areas within the Project area and region where improvements can significantly improve the viability for saltwater aquatic organisms, shouldn't other reasonable Project alternatives be considered? Would it be more accurate to include that it is well documented in House Document No. 389 that a significantly larger quantity of excavated material from the creation of the Marina Del Rey Harbor and Hyperion Sewage Treatment Plant expansion was slurried from El Segundo to Ocean Park, a distance of approximately 5 miles, widening the beach approximately 500 feet into the Santa Monica Bay? It is documented in Venice of America by Jeffrey Stanton ISBN: 9780961984908 that there was a quarantine on swimming in the SMB for one year during this time period. 5 miles of coastal estuary were completely buried without sufficient mitigation. Why is this important historical event and associated impacts to the BWER not adequately included in the Draft EIR/EIS?

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Page 3.9-28 it states, "The Project habitat acreages do not match the TMDL load allocation because the Project has been designed to achieve both sediment removal and restoration of historical tidal wetland habitats." Project Alternatives 1 thru 3 are not "restoration of a historical tidal wetland habitats." It is a false, misleading and inaccurate Project description. The USEPA should object to any and all TMDL standards and alternatives approved by the LARWQCB that do not support a significant positive estuary freshwater wetland restoration alternative. Is this understood?

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Hydrology and Water Quality 1-WQ-1a thru 5 - Do to the fact that the hydrology and water quality studies, analysis, policies and protections are deficient, biased, and misleading, the determinations are problematic. - Impacts 1-WQ -1a thru 5 – PSI will occur. This also applies to Project Alternatives 2 and 3.

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Noise 1-NOI-1 thru 6 – Where is the analysis for the impacts of bio-acoustic noise on wildlife?

Where is the analysis regarding the impacts to wildlife when noise making devices are used to drive them away from nesting habitat? It is documented that residents adjacent to the Oxford Basin Bird Conservation Area use high frequency noise making devices to drive birds out of their preferred overnight and nesting trees. The Local City and County of Los Angeles representatives and State CDFW and CCC representatives were made away of this concern in a letter submitted by Challis Macpherson during the controversial Oxford Basin CDP process. No action was taken to prevent this injustice to wildlife from occurring again. This is problematic. The same Local and State agencies are involved in the

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BWER restoration. What specific policy language needs to be drafted to protect wildlife within an Ecological Reserve from human harassment including but not limited to noise devices?

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3.10.3.2 State Noise “The State of California does not have statewide standards for environmental noise,” This is problematic. Specifically, is it accurate to state the State does not have statewide standards for environmental noise for Ecological Reserves? Should they be proposed and adopted prior to Project Alternatives consideration?

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Where is the analysis for the impacts of fireworks and other major recreational events on wildlife? It is documented that nesting avian species are significantly impacted by the annual 4th of July fireworks shows sponsored by the County that are held in the MDR Harbor adjacent to the BWER. Adult birds are frightened away. Juvenile birds fall out of nests. Why is this significant and avoidable impact that is not adequately addressed in the Draft EIR/EIS?

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Noise 1-NOI-1 thru 6 - Do to deficiencies and the fact that there are no statewide noise standards specifically for the protection of resources within Ecological Reserves imposed, the analysis and determinations are problematic. - Impacts 1-NOI-1 thru 6 – PSI will occur. This also applies to Project Alternatives 2 and 3.

I27-112

3.11 Recreation 1-REC-1 – What is CDFW’s determination for recreational uses within Ecological Reserves? Have they been adopted by the State? Are the State’s recreational uses within designated Ecological Reserves consistent with Local and Federal policy for ecological areas? Why are the 4 baseball fields listed on Page 3.11-3 excluded from the Existing Parks and Recreation Facilities in the Project Vicinity Map? Are there other parks and recreational facilities within the Vicinity Map boundaries that have been excluded? Are there parks and recreational ball fields at the Playa Vista development? What significant impacts can occur within Ecological Reserves if recreational uses other than specified passive recreation that does not impact habitat or wildlife are allowed? More than an expert can anticipate? For example, Federal House Document No. 389 identifies an approximate 40 acre Bird Refuge within what is now Marina Del Rey as mitigation for loss of Ballona Wetlands. The Bird Refuge was reduced to approximately 10 acres. The County referred to the Bird Refuge as the Marina Del Rey Bird Sanctuary on their 1962 planting plan. In 1963, the County dedicated the Bird Refuge/Sanctuary a Bird Conservation Area, included flood control language, and renamed the Bird Refuge/Sanctuary/Conservation Area the Oxford Basin. The County added 2 significant flood control projects, expanding and receiving polluted runoff from City neighborhoods beyond the local watershed. They encroached further into the site by

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building a recreational bike path. They allowed the adjacent railroad property to change to residential zoning without imposing protection policies for the wildlife. This is the location where noise makers were used to drive birds out of overnight and nesting trees. They turned off the fresh water sources that were available for decades for wildlife. They further encroached into habitat area by installing a recreational walking/jogging path around the entire perimeter which included several viewing/seating areas further into habitat areas. They removed the 6 foot tall protective fencing and replaced it with a primarily 3 foot fence. They installed lighting throughout the recreational areas. The water improvement projects failed to stop the entire basin from being covered with a thick green mat of algae throughout the summer months. The adjacent public parking lot that was protected and limited to only becoming a park, was rezoned to a dedicated a luxury senior living facility in the most recent and controversial MDR LCP update. If constructed, a 5 story building will boarder the entire ocean side of the basin, further reducing the habitat value significantly. Approximately 600 trees and shrubs were cut down which was inconsistent with LCP language promoting a phased replacement. Eucalyptus trees with a significant population of Monarch Butterfly were cut down. Even with a legal challenge to protect the Bird Refuge, an insignificant amount of habitat value was achieved. Now the site is primarily a flood control basin and a recreational park. The same City, County, and State representatives that failed to protect the habitat value at the Oxford restoration project are involved at the BWER. The argument for the need for increased recreation at Oxford was based on false analysis. Specifically, that there was no public access to the shoreline in Marina Del Rey, which would justify the need. There has always been shoreline access in Marina Del Rey at Mother’s Beach. There is no public access to the shoreline at Oxford. If the BWER is to remain an ecological reserve, recreational uses must be restricted to those that benefit the wildlife. For example: wildlife photography and guided tours by trained guides. Team rowing would need to be banned within the BWER if Project Alternatives 1 thru 3 were constructed. Page 3.11-8 Weschester – Playa Del Rey Community Plan designates the Ballona Reserve (and SoCalGas Property) as Open Space, which is problematic. Policy 5-1.5 states, “...Ballona Wetlands for the enjoyment of the public.” which also is problematic. The Ballona Wetlands is an Ecological Reserve, not Open Space. The Ballona Wetlands are for the enjoyment of wildlife, not the public. Ambiguous language is problematic, especially when the recreational sports do not belong in ecological reserves concern is not adequately addressed in the Draft EIR/EIS.



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Recreation 1-REC-1 - Do to the deficiencies in the analysis and alternatives, the proposed policy and mitigation measure are problematic. - Impacts 1-REC -1 – PSI will occur. This also applies to Project Alternatives 2 and 3.

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Transportation and Traffic 1-TRANS-1a thru 6 – The Traffic Study for the Project was completed September 2015. It is outdated by 2 years and 5 months. Have changes been made within the Project site, area and region that would change the analysis? 3.12.3.1 Federal – Correction/clarification question: Was the “FIP” or “FTIP” adopted September 2014? 3.12.3.2 State – states the STIP was adopted by CTC in 2014. Why is there no mention of the proposed 3 story parking structure and mitigation measures? Commuting from Santa Monica to El Segundo through the Project site during peak traffic times takes on average 1 hour. When traffic volume is slow the average commute is 30 minutes or less. A significant amount of that time is lost while stopped in bumper to bumper Level Of Service (LOS) F traffic. This would not occur if traffic impact fees imposed on development were sufficient and improvement projects were concurrently implemented. As is, the quality of life for local residents and commuters is significantly reduced. The quality of life for wildlife within the BWER is significantly reduced by increased noise, emissions, light, and vehicle road kills. The majority of these impacts could be significantly reduced if the reasonable alternative of raising and widening roadways was considered. The majority of commuters and environmentalists should support an upgraded transportation system that reduces the LOS/commuting time, raises the roadways increasing viewing, flood safety, and most of all habitat mobility within the Ecological Reserve, and improved bicycle/pedestrian lanes. Has moving the bike lanes that dangerously share the roadway on Fiji Way onto the roadside adjacent to the Ecological Reserve been considered? Banning parking structures within Ecological Reserves, especially when it is for a tenant lease that will result in a significant amount of commercial and residential development growth adjacent to the Ecological Reserve, and the precedent it will set for other incompatible development within Ecological Reserves statewide. The parking area lease with the County needs to be terminated.

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Transportation and Traffic 1-TRANS-1a thru 6 - Do to the deficiencies in the analysis and alternatives, the proposed policies and mitigation measures are problematic. - Impacts 1-TRANS -1s thru 6 – PSI will occur. This also applies to Project Alternatives 2 and 3.

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3.13 Utilities and Service Systems 1-UTIL-1 thru 5 – Would it be accurate to state that the SoCalGas Property operation beneath and adjacent to the BWER supplies natural gas to the Scattergood Power Plant in El Segundo? Would it be accurate to state projected sea water rise has the potential to significantly compromise the SoCalGas operation and infrastructure if costly modifications are not made? Would it be accurate to state that clean green energy development and infrastructure has the potential to replace the controversial natural gas storage facility and coastline power plant and be

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beneficial to the local economy and ecology? When could this be achieved? Given the facts that the outdated once through ocean water cooling system at Scattergood has killed billions if not trillions of marine life through entrainment and impingement, and both of these operations are anticipated to be significantly impacted by climate change and sea level rise, that there are viable alternative energy sources, and that decommissioning these operations would significantly benefit the BWER and adjacent marine environment, why is this reasonable alternative not included and analyzed in the Draft EIR/EIS? One of the first major lies I caught the County making was when I visited the County’s Beaches and Harbors website that stated the County manages over 30 miles of pristine coastline. When viewed from a boat in the SMB, there is nothing pristine about the heavy industrial footprint in El Segundo or other development that supports approximately 13 million human residents. I have been a certified scuba diver for 30 years with approximately 1,000 logged dives. A significant number of the those have been logged in the SMB. There is nothing pristine about the water quality or habitat value within the SMB. Less than 5% of the dives had decent conditions. What are the current annual recreational and commercial catch numbers compared to what is documented in House Document No. 389? The SMB is significantly impacted by urban pollution. The primary source has always been an increasing volume of human waste. Wastewater – In 2015, an average of 362 million gallons of sewage water was treated daily at the Hyperion Treatment Plant (HTP) and discharged into the SMB primarily through the 5 mile outfall pipe. When this pipe was recently being serviced, effluent was discharged from the 1 mile pipe, causing the near shore waters to turn brown for several weeks. County officials said it was red tide, which was questionably false. HTB, Surfrider, and others didn’t warn surfers and swimmers either.

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The attached STATE OF THE BAY 2015 Five-Year Report which is controversially funded through the Santa Monica Bay National Estuary Program includes The Bay Foundation: www.santamonicabay.org, SMBRC: www.smbrc.ca.gov, and Center for Santa Monica Bay Studies: <http://admin.lmu.edu/greenlmu/education/thecenterforsantamonicabaystudies>. A bullet within this 2015 report states “• The quality of effluent discharged from wastewater treatment plants in the Bay has improved steadily since the 1980s. However, human population growth has increased the human-derived nutrient loading into the ocean as part of the treated wastewater. With approximately 225 million gallons/day discharged from the Hyperion outfall alone, our nutrient contributions to the ocean are almost equivalent to what the ocean brings into the Bay naturally. The nutrients are influencing ecological conditions in the Bay and the rest of the Southern California Bight in ways that alter the planktonic community and may limit the ability of marine organisms to produce calcium carbonate shells (i.e. snails, clams and sea urchins). These nutrients also directly contribute to harmful algal blooms

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and hypoxia. Preventing harmful algal blooms and finding innovative solutions to nutrient loading in the Bay continue to be a major goal for SMBNEP and our partners.” It is controversial and misleading to state that the treated sewage particulate matter is a beneficial “nutrient”. It also states, “With approximately 225 million gallons/day discharged from the Hyperion outfall alone, our nutrient contributions to the ocean are almost equivalent to what the ocean brings into the Bay naturally.” How did they get from a reported 362 mgd to a significantly lower number of 225 mgd? How can they justify stating, “our nutrient contributions to the ocean are almost equivalent to what the ocean brings into the Bay naturally”? Where can I find a credible report that states approximately 225 million gallons of lifeless particulate matter are deposited on the ocean floor of the Santa Monica Bay daily through the natural life cycle of the Pacific Ocean ecosystem? Wouldn’t it be more accurate to state discharges at Hyperion increase suspended particles and human waste matter in mass by 100%, doubling what is currently introduced to the Bay naturally? What was the historical recorded estimate of naturally occurring nutrients being deposited into the when it was a functioning, unimpaired ecosystem? This is the baseline. If find this as ambiguous, misleading, without scientific merit, and as problematic as when Willard Bascom stated, “the solution to pollution is dilution” while lobbying for less treatment at Hyperion in the 1980s (from the referenced book Dirty Water). The credibility of the current agency representatives that are allowing this to happen and how it relates to the BWER is problematic on several levels. One of which would be, how can you justify that anywhere between 225 and 362 million gallons a day of human waste was historically being discharged into the Santa Monica Bay year round through a natural process and that partially treated waste is a beneficial nutrient? If the treated sewage being dumped in the Bay is considered and beneficial nutrient by the current scientific community, then why aren’t you recycling it and reusing it for human consumption? The historical alluvial soils found in California coastal estuaries indicate that a significant amount of organic material never made it into coastal waters. Only when a substantial amount of precipitation fell would the shoreline breach allowing for organic material into the Bay and ocean water to enter the estuary. One other extremely important concern is how they are trying to hide the fact that the waste entering the sewage treatment plant has a significant amount of synthetic chemicals and toxins that are not removed in the treatment process, or quantified in the TMDL process, and discharged into the Bay that have no similarities at all with a natural organic process, do they? My marine scientist father Dr. Rimmon C. Fay stated in the attached Draft 1995 Ballona Wetlands Restoration Plan (BWRP) that only high quality ocean water should be introduced to the estuary. Are the waters discharged at Scattergood and Hyperion high quality? Should other reasonable alternatives be considered in the Draft EIR/EIS? I have stated publicly for years that we

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as a nation stopped segregating black and white races decades ago. Why do we continue to segregate valuable urban waste and runoff waters, which ultimately pollute the ocean? Wastewater and runoff waters need to be captured, treated, recycled within the municipalities where it is created, and reused in ways that are beneficial to humans and wildlife. An independent biologist told me a study was conducted that showed the suspended particles introduced to the marine environment water column through sewage treatment plant discharges can inhibit the reproductive cycle of planktonic drifting species by 60 to 80%. Imagine a volcano erupting year round, 24 hours a day, seven days a week, for 100 years. What would the landscape and human population in the impacted area look like? Sparse? Thriving? This is what the Santa Monica Bay marine species are being subjected to. It is unsubstantiated abuse of a valuable resource that the BWER is dependent on to function at a sustainable level. Alternatives to continued dumping of human waste into the SMB at Hyperion and how this practice impacts the restoration of the BWER must be considered. A report I recently read indicated that the current sewage waste disposal system does not have enough water, used as a median to move the solids, to operate efficiently. More imported water will be needed for a growing population. Is this sustainable?

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Absent from the analysis is the need to relocate the existing above ground utility lines underground or realigned out of the Ecological Reserve. What are effects of electrical utilities on wildlife? What are the State policies specifically for utilities within Ecological Reserves? What are the effects of wireless signals on wildlife?

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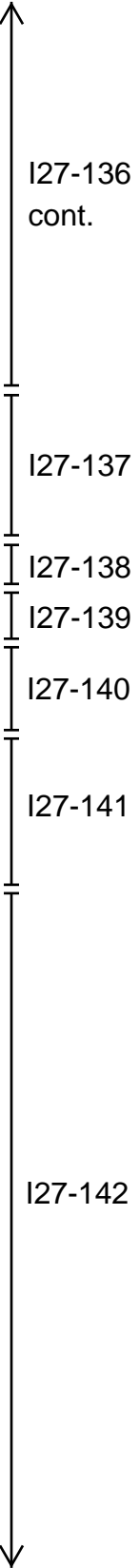
Utilities and Service Systems 1-UTIL-1 thru 5 - - Do to deficiencies, ambiguous language, inaccurate analysis and the fact that there are no statewide noise standards specifically for the protection of resources within Ecological Reserves imposed, the analysis and determinations are problematic. - Impacts 1-UTIL-1 thru 5 – PSI will occur. This also applies to Project Alternatives 2 and 3.

I27-134

3.14 Socioeconomics and Environmental Justice 1-SE-1 and 2 -1-EJ-1- 3.14.1 – Council on Environmental Quality (CEQ) requires Federal agencies to consider the effects of actions, limited in scope to minority and low income populations. Does this include wildlife? Does this include Native Americans? As a low income father and part of the minority that is fighting to protect the BWER from the majority, I do believe I qualify to comment on why the CEQ must require Federal agencies to consider the effects of actions that cumulatively have affected the BWER’s current state of neglect and Project Alternatives. Democracy is absent throughout this process. Absent from the historical conditions mentioned in the Draft EIR/EIS is how significantly impacted the minority and low income population were when major

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changes were made and not adequately mitigated. In its heyday Venice of America was one of the greatest recreational areas in the United States, which included the amusement park Hopyland that was adjacent to the historical Ballona Wetlands, now Marina Del Rey. It is unclear why all of the amusement pier leases in Venice were terminated. Could it have been politically influenced by Walt Disney outgrowing his Hyperion Studio and wanting to ensure the future amusement park in Anaheim, California he was investing into was a guaranteed success? Could it be that the projects detailed in US Public Law 780 House Document No. 389 were intended to protect the minority and low income public with a promise of “affordable recreation for all” were part of a land use swap that was not adhered to? Or could it have been a combination of these and/or other factors? Regardless of why it happened, the quality of life for minorities, low income, Native Americans, and wildlife within the Project site, area, and region has significantly declined in modern times. Marina Del Rey and other coastal areas are no longer affordable. The marine environment has never recovered from previous injustices and an ever growing amount of pollution. The quality of life in Venice has diminished significantly. The homeless population has reached historic highs. LOS F traffic conditions are more common than ever before. With human induced global warming and climate change the potential for more severe weather events has increased. There are 3 injustices that stand out the most that apply to the BWER: 1. Disturbing the Native American cemetery at Playa Vista. When discovered the area should have been left undisturbed. Further soil disturbance in the BWER should not be allowed. It is my understanding that Native Americans consider the BWER Sacred Land. 2. The Federal government never assured the American public that the County who manages MDR, will abide by what was promised in House Document No. 389. We want affordable recreation. We want the harbor maintained like an aquarium, not dredged. We want the 40 acre bird refuge. We want local control of our resources. If the County rejects Federal requirements, the Federal government should support unincorporated Marina Del Rey, the State’s BWER, and the City of Los Angeles’s neighborhood of Venice to cede and unite to become the City of Venice. If there was one word to describe what has historically happened and what is the driving force behind Project Alternatives 1, 2, and 3 it would be greed. Do to how the Local and State agencies have allowed the continuous degradation of the Santa Monica Bay and BWER with no comprehensive solutions, the Federal government agencies and representative should designate this valuable resource the Santa Monica Bay National Marine Sanctuary. Similar to the Monterey Bay National Marine Sanctuary, this designation would guarantee that the ocean’s resources would not be abused by Local and State agencies. It would ensure greater protection of the BWER as an ecological reserve. There are environmental groups, media, and politicians that have made promises to protect the fragile ecology at



the BWER. Attached is a Sierra Club endorsement “Paid for by Sheila Kuehl for Supervisor 2014” that was published by the Los Angeles Times on the Sunday before the June 2014 statewide election. As an elected Los Angeles County Supervisor Kuehl has not done as she promised. The Angeles Chapter of the Sierra Club and LA Times have not rallied their supporters either. If you have visited the BWER, does it look like it has been neglected? It doesn’t take a significant amount of effort to restore and maintain habitat areas. The County neglected the Oxford Basin Bird Conservation Area to justify and controversial restoration. If they had allowed naturalist groups to maintain the refuge would a robust restoration have been necessary? The correct response is no. The same question can be posed for the BWER. If they allowed naturalist groups to maintain the BWER would a robust restoration be necessary? Again, no. Volunteers can be trained at a minimal cost. Food and supplies can come from donations.

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Sponsorships can happen. If the Federal representatives help us the outcome will change significantly and for the better. “OAG indicates that a lead agency must be clear and transparent in its Statement of Overriding Considerations.” Have the lead agencies issued a Statement of Overriding Considerations? If so, why were they not included in the Draft EIR/EIS? There are no overriding considerations that justify killing the majority of all forms of life and the potential to disturb Native American remains in an Ecological Reserve unless there is an immediate need based on national security. Is there a threat to national security that justifies the approval of Project Alternatives 1, 2, or 3? As it applies to the BWER and the SMBRC, is implementing and funding the NEP a violation of the NEPA? The Santa Monica Bay is not an estuary.

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Socioeconomics and Environmental Justice 1-SE-1 and 2 -1-EJ-1 - - Do to the deficiencies in the analysis and alternatives, the proposed policy and mitigation measure are problematic. - Impacts 1-SE-1 and 2, 1-EJ-1 – PSI will occur. This also applies to Project Alternatives 2 and 3.

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Energy Conservation 1-EC-1 and 2 – Project Alternatives 1 thru 3 will consume a significant amount of energy during construction and maintenance. Never before has an Ecological Reserve been considered for such a significant transformation. Identifying an accurate amount of energy and cost related to maintenance is problematic. 1-CE-2 applies to the controversial parking garage that is problematic.

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Energy Conservation 1-EC-1 and 2 - Do to the deficiencies in the analysis and alternatives, the proposed policy and mitigation measures are problematic. - Impacts 1-EC-1 and 2 – PSI will occur. This also applies to Project Alternatives 2 and 3.

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Alternative 4: No Federal Action / No Project – of the 4 proposed Project Alternatives – Alternative 4 is the only alternative I would support. The description is ambiguous and problematic. It may not require Federal action, but it is a project. Removing invasive species and trash by hand and establishing native species is an overdue need that will significantly improve the habitat value within the Ecological Reserve.

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4.4 Environmentally Superior Alternative (ESA) – the ESA is absent from the Draft EIR/EIS. If members of the public that have been marginalized, in my instance for 3 generations, 4 including my children, were allowed to participate at a reasonable level, common sense would tell you that a reasonable alternative would have been included in the Draft EIR/EIS and be the environmentally superior alternative. A reasonable ESA would include:

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1. Removal of invasive and nonbeneficial nonnative species and trash primarily by trained volunteers.
2. Removing the illegal drain and monitoring the habitat and aquifer recovery.
3. Terminating the baseball field lease when another location is secured, and banning competitive sports within the BWER.
4. Terminating the parking area lease with the County. Utilizing the vacated areas for temporary native plant nurseries, wildlife centers, volunteer training, and restoration effort staging areas.
5. If allowed by the Corps, test tide pools could be established within the Ballona Creek Flood Control Channel to monitor and study the viability of integrating the channel and BWER at a future time.
6. Banning fireworks and other major events from taking place within and adjacent to the BWER.
7. Raising and widening roadway improvements that are beneficial to commuters, wildlife, and flood control.
8. Formal designation of the Santa Monica Bay National Marine Sanctuary.
9. Improved management of the adjacent Marina Del Rey Harbor marine environment.
10. Improved upstream wastewater and runoff water capture, treatment, and reuse facilities.
11. Establishing a monitoring program with educational institutions, nature photographers and environmental groups.
12. Establishing and enforce performance based management requirements so that the abuse and neglect that has been allowed for years never happens again.
13. Allow for introduction of native species that were historically present and are currently absent within the BWER.
14. Restore the positive estuary freshwater wetland condition that was historically present at the BWER and along the Santa Monica Bay coastline for the benefit of Pacific Flyway avian species and marine

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species.

15. Develop and implement a comprehensive plan that will significantly reduce the impacts of utilities on the BWER and Santa Monica Bay marine ecosystem.

16. Encourage the development of small scale recreational serving amenities, similar to the successful Frog Spot adjacent to the Los Angeles River, adjacent to the BWER. Ideally, these locations would be adjacent to bicycle and walking paths used by the local community and visitors that has a view of an area where future restoration and improved maintenance efforts would significantly improve the quality of life for wildlife.

17. Honor and memorialize past and present members of the community that have dedicated their lives to the protection of wildlife of the BWER through dedication of paths, viewing areas, plaques of honor, etc. My short list of candidates would include Professor Roland C. Ross, Dr. Rimmon C. Fay, Nature Lover Activists Kathy Knight and Patricia McPherson, and Nature Photographer Jonathan Coffin.

18. Honor and memorialize past and present members of the Native American Tongva Ancestral Territorial Tribal Nation that historically and currently call the Ballona Valley home. Respect their wishes. Respect the remains of their ancestors. Respect their ways of life, especially in harmony with nature. My short list of candidates is very short: John Tommy Rosas.

Summary: On the cover of the referenced January 2018 VOL. 233 NO. 1 issue of National Geographic are 3 very important words that should resonate through the minds of every human on the planet, "WHY BIRDS MATTER". The article can be found on Page 30. Simply put, the answer is without birds, humans wouldn't have flourished as a species. If we allow avian species to continually decline in numbers or complete failure, extinction, we too will suffer in unimaginable and unbearable ways. Another aspect of the battle to save what little native species remains at the BWER is contemplated in this issue on Page 116 in an article titled, "THE SCIENCE OF GOOD & EVIL". The fifth paragraph summarizes my concerns as they apply to this process, "Extreme altruists and psychopaths exemplify our best and worst instincts. On one end of the moral spectrum, sacrifice, generosity, and other ennobling traits that we recognize as good; on the other end, selflessness, violence, and destructive impulses that we see as evil. At the root of both behaviors, researchers say, is our evolutionary past. They hypothesize that humans-and many other species, to a lesser degree-evolve the desire to help one another because cooperation within large social groups was essential to survival. But because groups had to compete for resources, the willingness to maim and possibly kill opponents was also crucial. "We are the most social species on earth, and we are also the most violent species on earth," says Jean Decety, a social neurologist at the University of



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Chicago. "We have two faces because these two faces were important to survival." What are the resources we are competing for at the BWER? Money? Yes and No. The extreme altruists have already fought to save as much of the Ballona Wetlands as possible and are not competing for money. They are not applying for grant money that would fund implementation of Project Alternative 1. The money needed to acquire and protect the remaining land from the developers of Playa Vista was secured over a decade ago funded by taxpayers. The psychopaths at the other end of the moral spectrum want to get as much money as possible, again funded by taxpayers, by destroying as much land as possible in a violent manner, using bulldozers and heavy equipment, which will kill the majority of the species currently inhabiting the BWER, introducing more sources of pollution, with no guarantee that wildlife species will return, by proposing and supporting the robust Project Alternative 1. Protection of cultural and biological resources? Yes. Extreme altruists are fighting to protect, save and restore, to the greatest extent possible, without harming existing resources, while the psychopaths are pulling every dirty trick in the book to destroy them. Pollution? Yes. Extreme altruists give their heart and souls, and significant amounts of money, to efforts that purport they will protect our fragile ecologies from pollution, while psychopaths will position themselves in positions of power that enable them to garner as much money as possible without implementing actions that significantly reducing levels of pollution. They have the extreme altruists right where they want them. The majority of the money that extreme altruists contribute to environmental causes to protect wildlife goes right into the hands of psychopaths that have other intentions. The quote of a Native American that personifies this significant issue is, "The white man speaks with forked tongue." The leadership of these groups, especially nonprofits, preach that they love the communities that they serve when in fact that is not necessarily true. If it was, pollution in our local coastal waters wouldn't be increasing, the local homeless human population wouldn't be increasing, and the amount of money needed to mitigate these and other significant impacts on our quality of life and local ecology wouldn't be increasing. Everyone that is involved with development projects that require a permit within the State know that CEQA requires impacts to be fully mitigated prior to approval. Why does this happen? Is it deception? A broken moral compass? It is impossible to believe that career politicians that have been involved in this process didn't get us to where we are now at the BWER by accident? There are approximately 13 million humans living in the Greater Los Angeles Area. Recently, the County of Los Angeles was successful at defeating myself and other extreme altruists including vegans, which I consider worthy of the highest level of respect for their spiritual devotion to all living creatures, when they forcibly and deceptively turned the only dedicated Bird Conservation Area in the County into a public park setting without a single dedicated potable water



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source for birds and called it enhancement. Will they put just as much determination into the BWER purported restoration? Yes. Even with 4 Women and 1 African American currently serving on the Los Angeles County Board of Supervisors, they have shown no recourse from the decisions previously made by their predominantly all white male predecessors. It's business as usual for our State and Local government agencies and nonprofits. Will our Federal representatives do what is right? Will they deny Project Alternatives 1, 2, and 3? Will they listen to our concerns and act accordingly to protect the life within the BWER? Will they create the Santa Monica Bay National Marine Sanctuary? If the 18 reasonable alternatives I suggested were implemented and 10 years from now the health of the BWER reassessed, would the quality of life for all species (excluding invasive and nonnative) significantly improve? Yes it would. And the world would be a better place for my children and the children of others to thrive.

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On behalf of my family, friends, environmental activist supporters and the wildlife residents of the BWER and Santa Monica Bay that depend on my participation, I, Douglas Fay, reluctantly support approval of Project Alternative 4, and humbly request the decision makers to consider the 18 reasonable alternatives I proposed as the Environmentally Superior Alternatives to Project Alternatives 1, 2, and 3, which as proposed I do not support.

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Respectfully requested and submitted February 5, 2018,

Douglas Fay
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Santa Monica, CA 90405
email: douglaspfay@aol.com



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California Coastal Commission

June 15, 2011

Dear Commissioners,

As you are well aware, Artificial Reef (AR) is an accepted mitigation statewide to offset the impacts of coastal marine environments/waters. From the 174 acre Wheeler North Reef - Southern California Edison /San Onofre Nuclear Generating Station, to the 1.7 acre Tajiguas Kelp Habitat (TKH) – Conoco Phillips/Subsea Well Abandonment Rig Sharing (SWARS) project in Santa Barbara County.

My concern today is that the Santa Monica Bay Restoration Commission (SMBRC) will not publicly engage conversation on the topic of ARs. Although they are a commission within the State Water Resources Control Board, I feel it is necessary to inform you of the questionable behavior of members of the SMBRC and Santa Monica Bay Restoration Foundation (SMBRF).

Summary to follow Attachments:

Attachment 1 – SB 57 (Hayden) Bill Analysis/email from Tom Hayden stating enhancement reefs were to be explored, consistent with SB 57 language.

Attachment 2 – SMBRF 2008 990 Tax Form – See highlighted “organization’s mission” on Page 2 – Restoration and enhancement of the Santa Monica Bay and its watershed.

Attachment 3 – Bay Restoration Plan (BRP) 2008 Update Executive Summary – Enhancement and AR language absent.

Attachment 4 – Email correspondences with SMBRF member Tom Ford – “No position on ARs.”

Attachment 5 – Email correspondence with Richard Bloom – denied my request to meet and discuss concerns.

Attachment 6 – Request for presentation time before the SMBRC Governing Board and BRP document analysis by Douglas Fay.

Attachment 7 – Montrose Settlement Restoration Plan (MSRP) Appendix A1 – Artificial Reefs

Attachment 8 – MSRP Appendix A3 – Tidal Wetlands

Attachment 9 – MSRP - \$1 Million to California Pacific Islands, Mexico

Attachment 10 – USEPA/SMBRC Report – June 2007 (first 2 pages) “Santa Monica Bay is a 306 square mile estuary”

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Attachment 11 – SB 1381 Kuehl – establish the Santa Monica Bay Restoration Account in the State Treasury.

Attachment 12 – Santa Monica Baykeeper lawsuit – Page 7, to \$20,000 SMBRC

Attachment 13 - Proposition 84 Grant Proposals

Attachment 14 – Susan McCabe Clients

Attachment 15 – June 16, 2011 SMBRC Governing Board Agenda – Approval of 2012 Work Plan

Summary

My request to do a presentation was denied by the SMBRC Executive Committee members. There is a clear pattern here that the individuals that are in control of the resource that is the Santa Monica Bay, are doing so in a reckless and irresponsible manner.

I request that you, the California Coastal Commission:

1. Investigate the actions of these individuals
2. Require an audit of the SMBRA
3. Deny requests to develop the 5 parcels in Marina Del Rey that the County of Los Angeles intends to develop until alternative proposals consistent with the BRP are considered. The parking lot adjacent to the Oxford Lagoon is ideal for restoration.
4. Inform Governor Jerry Brown and John Laird, Secretary of Natural Resources, of my concerns with the SMBRC and SWRCB

Thank you for your time and consideration.

Respectfully submitted,

Douglas Fay
644 Ashland Ave. Apt A
Santa Monica, CA 90405



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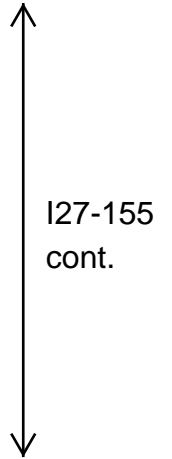
*SMBNEP FY16 Work Plan
Final, June 18, 2015*

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SANTA MONICA BAY NATIONAL ESTUARY PROGRAM
Fiscal Year 2016 Work Plan
(October 1, 2015 – September 30, 2016)

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I. INTRODUCTION

Section 320 of the federal Clean Water Act establishes the National Estuary Program (NEP), which is administered by the United States Environmental Protection Agency (USEPA). To implement the NEP, USEPA identifies national estuaries, develops a plan to restore the estuaries, and provides grants to pay for activities necessary to implement the plan. USEPA identified the Santa Monica Bay as a national estuary and approved the Santa Monica Bay Restoration Plan (BRP), with the concurrence of the State that identifies actions and priorities to restore the Santa Monica Bay. The Santa Monica Bay National Estuary Program (SMBNEP) is implemented by three entities: the Santa Monica Bay Restoration Commission (SMBRC), the Santa Monica Bay Restoration Authority (SMBRA), and the Santa Monica Bay Restoration Foundation also known as The Bay Foundation (TBF).

The SMBRC is a non-regulatory, locally-based state entity established by an act of the California Legislature in 2002 (Pub. Res. Code §30988(d).) . The SMBRC is charged with coordinating activities of federal, state, local, and other entities to restore and enhance the Santa Monica Bay, including identifying and leveraging funding to put solutions into action, building public-private partnerships, promoting cutting-edge research and technology, facilitating stakeholder-driven consensus processes, and raising public awareness (www.smbrc.ca.gov). The SMBRC brings together local, state, and federal agencies, environmental groups, businesses, scientists, and members of the public on its 36-member Governing Board. The SMBRC is also supported by a Technical Advisory Committee, and a broad stakeholder body, the Watershed Advisory Council. The SMBRC’s enabling statute provides, among other actions, that the SMBRC can receive funds to restore the Santa Monica Bay and to award and administer grants. The state legislature has not appropriated funds to the SMBRC.

The SMBRA was created by a joint exercise of powers agreement between the SMBRC and the Los Angeles County Flood Control 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 SMBRA is to broaden funding opportunities for projects within the Santa Monica Bay Watershed, and it provides an efficient method by which state agencies can fund important programs of the SMBNEP.

TBF is an independent, non-profit 501(c)(3) organization founded in 1990. The mission of TBF is to contribute to the restoration and enhancement of the Santa Monica Bay and other coastal waters. (www.santamonicabay.org) TBF receives an annual grant from USEPA pursuant to section 320 of the Clean Water Act (33 U.S.C. §1330) to implement the BRP (also known as the Comprehensive Conservation and Management Plan). TBF also receives important grants and donations from other entities to support TBF and its activities.

Between 2007 and 2008, the SMBRC in coordination with TBF conducted a comprehensive update of the original 1995 BRP through a public and iterative process with active participation from members of the Governing Board as well as members of the Watershed Advisory Council (WAC) and the Technical Advisory Committee (TAC). The 2013 BRP was updated again in 2013 through a similar public process. The 2013 BRP Update lays out approaches and strategies intended to result in making substantial progress toward bay restoration over the next ten to



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twenty years. More specifically, the BRP Update 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.

This work plan is prepared by the SMBRC, through collaboration with TBF and input from the WAC. The purpose of this Work Plan is to identify the program objectives, tasks, timelines and budgets of the work to be performed during the federal fiscal year 2016 (FY16): October 1, 2015 – September 30, 2016, specifically to accomplish the goals and objectives of the 2013 BRP Update¹ and various technical, managerial, and administrative activities necessary to continue to advance the mission of the SMBNEP.

The funding for TBF’s supporting activities identified in this Work Plan comes primarily from the federal Clean Water Act section 320 “base” grant funding and matching funds from various State and local sources. The Clean Water Act section 320 grant is administered by USEPA and provided to TBF for carrying out certain of the annual Work Plan activities. In lieu of direct funding, the State Water Resources Control Board (SWRCB) contributes by providing state staff, office space, and other administrative services to the SMBRC. Since SMBRC has no direct staff of its own, employees of TBF, staff of the SWRCB, and contractors hired by TBF carry out the key functions of the SMBRC.

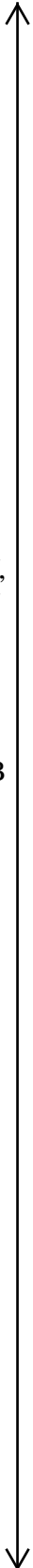
In addition to the SWRCB contribution, the 50-50 federal grant match requirement is met using funds from the State bond grants (e.g., Proposition 50 and 84 grants administered by the SWRCB and Proposition 12 grants administered by the State Coastal Conservancy (SCC), and other State and local grant funds received and managed by TBF and the SMBRA. Projects conducted by other entities identified in this Work Plan are funded by various sources secured by those entities.

Section II of the Work Plan provides an overview of the activities to be undertaken in FY16. Section III provides details on the individual tasks and how each task advances the goals of the BRP. Section IV explains how the FY16 Work Plan tasks will be supported by SWRCB and TBF staff. Section IV depicts the Work Plan budget.

II. WORK PLAN OVERVIEW

The scope of this Work Plan is broad. Significant 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 achieve the objectives and milestones of the BRP; track implementation of the BRP; conduct public education and outreach programs; and ensure the fiscal stewardship and program capacity of the SMBNEP.

¹ Electronic version of the 2013 BRP is available and can be downloaded via SMBRC’s website at http://www.smbrc.ca.gov/about_us/smbr_plan/



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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 USEPA’s Strategic Plan:

- 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 USEPA’s Strategic Plan, the primary 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 SMBNEP, 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 SMBNEP.

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In FY16, the SMBNEP will continue to achieve these goals through three primary ways (core functions): facilitation, implementation, and program management². For each specific project activity, the Work Plan identifies the role of each SMBNEP entity, including one or more of the following:

Lead: The SMBNEP entity is the lead sponsor and oversees completion of the project activity, and/or the entity carries out the projects directly.

Participate: The SMBNEP entity contributes staff and/or other resources and actively engages in project activities.

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- ² **Facilitation:** SMBRC, the policy-delivering body of the SMBNEP, 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:** SMBNEP’s three entities have expert technical and policy staff who may conduct projects and programs ranging from education, to hands-on management of grant funds, to designing wetlands restoration 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, distributed, and/or administered by the three entities of the SMBNEP. All these grants and projects require monitoring, reviewing, bookkeeping and reporting tasks carried out by these entities.

Facilitate: The SMBNEP entity provides assistance in coordination, consensus and partnership-building, information exchange, fund raising, etc.

Promote: The SMBNEP helps to accomplish the project by actively campaigning for, and/or helping to disseminate information, etc. for the associated activities.

Support: The SMBNEP advocates for the project or activity by adopting policy statements, offering endorsements, providing supporting letters, testimony, etc.

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III. TASK DESCRIPTIONS

This section outlines each of the FY16 Work Plan tasks in detail. Many of the FY16 tasks continue past efforts. The particular BRP actions that are linked to each task are identified, along with the 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 FY16.

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 SMBRC Governing Board recommended funding of projects through these programs to the California State Coastal Conservancy (SCC) and SWRCB after a public process to ensure they meet the BRP objectives and address the BRP priorities, meet requirement of the enabling legislation, and are consistent with USEPA’s Strategic Plan. Adequate oversight of these projects is essential and entails close coordination with SCC 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 partners, including water agencies, to identify and recommend Prop. 84 funding for new projects with a focus on projects identified in the Watershed Management Plans (WMPs) and Enhanced Watershed Management Plans (EWMPs) to comply with the Los Angeles County MS4 permit.

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Proposition 12 Grant Program

Proposition 12 has resulted in \$25 million in grants for BRP implementation. Most of the 28 projects funded by Proposition 12 grants have been completed. The only project that remains active during FY16 is the Rindge Dam removal feasibility study. Meanwhile, SMBRC will work with partners and stakeholders to prioritize the remaining funds, develop new projects, and coordinate, manage, and provide technical assistance and reporting on any new Proposition 12 projects. Currently, approximately \$6 million remains available in Proposition 12.

Proposition 50 Grant Program

Proposition 50 has resulted in \$20 million in grants for BRP implementation. Most of the 16 projects funded by the Proposition 50 grant have been completed. The only project SMBRC will continue to oversee is the Phase II (implementation) of the Arroyo Sequit fish migration barrier removal project. Phase II of the project will be carried out by the State Department of Parks and Recreation. SMBRC’s work task 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.

The SMBRC will also continue to work with stakeholders to identify new projects that are consistent with BRP priorities, meet the requirements of the enabling legislation, and are consistent with the USEPA strategic plan until Proposition 50 funds have been exhausted. Currently, approximately \$3.2 million remains available in Proposition 50.

Proposition 84 Grant Program

Proposition 84 has resulted in \$18 million in grants for BRP implementation. Currently four projects are underway or to be implemented during FY16. Additional new projects are also expected to be recommended to the SWRCB in FY16 via a RFP to be issued in late 2015. SMBRC staff will be responsible for managing these projects in coordination with SWRCB. 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 SWRCB in grant planning, execution and completion.
- Provide technical assistance and troubleshooting.

Currently, approximately \$9.77 million remains available in Proposition 84.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Prop 12 Rindge Dam removal feasibility study	SMBRC, TBF	Facilitate	US Army Corps of Engineers (USACOE)*, California Dept. of Parks and Recreation (State Parks), SCC	Targeted completion date: Dec. 2017, targeted implementation in 5-10 years
Prop 50 Arroyo Sequit fish migration barrier removal project (Phase II)	SMBRC, TBF	Participate	State Parks*, SWRCB	Targeted completion date: December 2015
Prop 84 Torrance detention basin project	SMBRC	Participate	City of Torrance*, SWRCB	Targeted completion date: December 2015
Prop 84 Oxford Basin Restoration	SMBRC	Participate	Los Angeles County Flood Control District (LACFCD)*, SWRCB	Targeted completion date: December 2016

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Prop 84 Milton Park Green Street project	SMBRC	Participate	Mountains Recreation and Conservation Authority (MRCA)*, SWRCB	Targeted completion date: December 2016
Prop 84 City of Los Angeles University Park Neighborhood Rain Gardens	SMBRC	Participate	City of LA*, SWRCB	Targeted completion date: December 2017
Prop 84 Vermont Avenue Stormwater Capture and Green Street Projects.	SMBRC	Participate	City of LA*, SWRCB	Targeted completion date: December 2017
Prop 84 New project solicitation	SMBRC	Lead	LARWQCB, SCC	Issuing RFP in December 2015, complete solicitation and project review by June 2016, recommend projects to SWRCB for award by August 2016
Prop 84 New project implementation	SMBRC	Participate	MS4 permittees*, SWRCB, SCC	Begin in January 2017 and continue

*Project lead.

Linked BRP Objectives and Milestones: 1.1b, 1.2b, 2.1d, 2.1e, 2.1f, 5.1a, 5.2b, 6.5a, 6.5b, 7.1c, 7.2b, 7.3a-d, 7.4a, 7.4b, 7.4c, 7.4d, 7.4f, 7.5c, 7.6a, 7.7a, 7.7c, 7.8a, 7.8b, 8.1a-e, 9.2a, 9.4a, 9.4b, 11.1a, 12.1a, 12.2b, 13.3b, 14.1a

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 Participate in the development and implementation of water quality requirements and best management practices in the Bay watershed

Core Function = Facilitation/Implementation

One primary goal of the BRP is to ensure that SMBNEP 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 SWRCB and TBF staff consult with the Los Angeles Regional Water Quality Control Board (LARWQCB) and USEPA on Clean Water Act regulatory program strategies. Based on these strategies, the SMBRC works with parties responsible for achieving allocations of total maximum daily loads (TMDLs) and dischargers responsible for complying



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with NPDES permits. Specific SMBRC contributions include recommending cleanup and water quality benefit projects. For example, 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 Santa Monica Bay waterbodies. TBF also seeks funding and carries out water quality benefit projects directly. The contribution of efforts in water quality improvements across the Bay watershed will continue to be highlighted in FY16.

During FY16, the SMBRC will continue to facilitate and assist permittees in the Santa Monica Bay watershed to achieve compliance with TMDLs and storm water permit requirements, including identifying and prioritizing available funding to projects that contribute to implement projects under the new WMPs and the EWMPs as required by the Los Angeles MS4 permit. As part of this effort, the SMBRA and TBF will facilitate project implementation through new grant funds made available under Prop. 1. The SMBRC and TBF will also continue to participate in activities of sub-region stakeholder groups and other mechanisms, and work with the TAC and identify funding sources to facilitate storm water monitoring, especially regional efforts to monitor effectiveness of LIDs.

In addition, SMBRC will continue to engage in addressing issues associated with On-Site Wastewater Treatment (OSWT) systems in the Malibu Civic Center area. SMBRC and TBF will assist the LARWQCB, permittees, and the boater community in disseminating information related to implementation of the copper TMDL in Marina Del Rey, and seeking funding for TMDL implementation assistance projects.

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Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Funding of WMP and EWMP implementing projects. Facilitate availability of Prop. 1 funding	SMBRC	Lead	LARWQCB, SCC, MS4 permittees	Ongoing throughout the work plan time period (see Task 1.1 for specific project timelines)
Participation in activities of sub-region stakeholder groups and other mechanisms.	SMBRC	Lead	LARWQCB, MS4 permittees	Ongoing throughout the work plan time period, attend stakeholder meeting on regular basis.
Facilitation of storm water monitoring and monitoring of LID effectiveness	TBF, SMBRC	Facilitate	LARWQCB*, MS4 permittees	Ongoing throughout the work plan time period
Participation in addressing OSWT issue in Malibu Civic Center	SMBRC	Promote	City of Malibu*, LARWQCB	Ongoing throughout the work plan time period. Malibu Civic Center Wastewater Treatment Facility is scheduled to begin construction in late 2015 and begin operation in June 2017

Outreach and implementation assistance to boaters re: copper TMDL	TBF	Facilitate	LARWQCB*, Los Angeles County Dept. of Beaches and Harbors (LAC-DBH)	Ongoing throughout the work plan time period. Submit 319h grant proposal for an implementation assistance program in January 2016.
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*Project lead.

Linked BRP Objectives and Milestones: 1.1a, 1.1b, 1.1c, 1.1d, 1.2a-c, 1.7a-d

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.

Performance Measures: Improved beach water quality grades at Santa Monica Bay beaches; decreased pollutant concentrations and loading in 303(d)-listed waterbodies.

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1.3 Participate in the Integrated Regional Water Management Plan (IRWMP) for Los Angeles County (State Prop. 50 & 84)
Core Function = Facilitation/Implementation

In 2013, 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). Also in 2013, the SMBRC lead the development of a new and ground-breaking element focusing on Open Space for Habitat and Recreation during the IRWMP update. During FY16, 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 work with LARWQCB 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 North Bay and South Bay sub-regional watershed groups. 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.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Participate in the activities of the leadership group and provide necessary technical and advisory support.	SMBRC	Participate	Los Angeles County Dept. of Public Works (LACDPW)*, municipalities in watershed, Los Angeles County Sanitation District (LACSD), West Basin Water District	Attendance of monthly meetings throughout the work plan time period

*Project lead.

Linked BRP Objectives and Milestones: 4.6a, 12.1a, 14.1a-c, 14.3a-c

Environmental Results: Outputs: LA County-wide IRWMP, number of projected funded and completed through 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 implemented through 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, beautification of the urban landscape, and reduction of outdoor water use for irrigation, etc. The SMBNEP 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 Ballona Creek, and the ongoing University Park rain gardens, the Milton Park green street, and the Vermont Avenue: Storm Water Capture and Green Street Projects. In FY16, activities will include oversight of ongoing projects as well as planning for additional LID projects to be funded by Prop. 84. SMBRA and TBF will also actively seek new grant opportunities made available under Prop. 1.

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In FY15, TBF was awarded a grant from the Metropolitan Water District’s (MWD) Innovative Conservation Program to install rainwater harvesting techniques at four residential properties and evaluate their successes through pre- and post-installation monitoring. TBF was also awarded and completed a Los Angeles Dept. of Water and Power (LADWP) Community Partnership grant that used a diverse outreach strategy to educate the public about energy efficiency and water conservation throughout our region. TBF staff will continue to carry out activities under the MWD grant in FY16. Specific activities include completion of pre-implementation monitoring, completion of quarterly reports, seeking volunteers, completion of four rain gardens, completion of post-implementation monitoring, and completion of final report. During FY16, TBF staff will also seek funding, including applying for LADWP’s Community Partnership grant to continue to implement a diverse water conservation outreach strategy and to promote the use of best management practices and LIDs.

Since FY12, the SMBRC and TBF have facilitated parkland management agencies to address the issues of parking lots in parklands as a potential source of pollutant loading. In FY16, SMBRC and TBF will continue to work with these agencies to develop and implement parking lot retrofits with LID technologies in various parkland locations.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Oversight of ongoing Prop 50 and 84 projects as well as planning for additional LID projects to be funded by Prop. 84. (See Task 1.1 for project timeline)	SMBRC	Lead	LARQCB, SCC, MS4 permittees	See Task 1.1 for specific project timelines
Carry out the rain garden projects through the Metropolitan Water District Innovative Conservation Program Grants	TBF	Lead	MWD, LADWP	Targeted completion date: July 2016
Seek funding to continue water conservation outreach and promote LIDs	TBF	Lead	LADWP, MWD	TBF will apply for the LADWP Comm. Partnership grant again in July 2015. Ongoing throughout the work plan time period
Work with Park management agencies to develop and implement parking lot retrofits with LID technologies in various parkland locations	SMBRC	Facilitate	Santa Monica Mountains Conservancy (SMMC)*, National Park Service*	Ongoing throughout the work plan time period. Develop project(s) and initiate possible grant funding application by September 2016.

*Project lead.

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Linked BRP Objectives and Milestones: 1.1b, 2.1d-f 14.1a, 14.2a

Environmental Results: Outputs: Number of new residential rain gardens, water conservation and storm water retention devices

Environmental Results: Outcomes: Volume of storm water collected/infiltrated, volume of potable water conserved.

Performance Measures: Improved storm water quality and beach water quality grades at Santa Monica Bay beaches; acres of habitats/green space created.

1.5 Climate Change Adaptation and Climate Ready Program
Core Function = Facilitation

Understanding the potential impacts of climate change and promoting adaptation planning are important objectives of the BRP. After TBF completed the Ballona Wetlands and Watershed climate change modeling and adaptation project with funding support from the USEPA Climate Ready Estuaries (CRE) Program, the SMBRC and TBF have continued to partner with the Los Angeles Regional Collaborative for Climate Change (LARC), USC Sea Grant and other local agencies to disseminate information related to climate change impacts and facilitate climate change adaptation by municipalities in the watershed. In 2013, the SMBRC teamed up with LARC, USC Sea Grant, City of Santa Monica, and Heal the Bay, to support a successful grant application by the City of Santa Monica for the State Coastal Commission/Conservancy LCP climate change adaptation grant. With the grant award, the collaborative team in the summer of 2014 formally launched Regional AdaptLA, a multi-year project that will gather data and assess Los Angeles’ coastal region’s exposure to sea level rise and coastal storms, model future beaches by examining regional shoreline change, identify vulnerable communities, assets, and ecosystems, and help communities begin an adaptation planning process. In FY16, SMBRC and TBF will continue to participate in this project, conduct outreach to coastal municipalities in Santa Monica Bay, and facilitate dissemination and exchange of information between the experts and stakeholders.

In FY16, TBF will work to secure funding and initiate two new climate change adaptation pilot projects: the Santa Monica Beach and Dune Restoration Pilot Project, and the kelp restoration/carbon sequestration pilot project. The Santa Monica pilot demonstration project will restore several acres of sandy coastal habitats on the beaches of Santa Monica to bring back a thriving plant community. Monitoring data will be collected under this project to evaluate the effectiveness of restored natural ecological functions of sandy beaches in protection of coastal infrastructure from sea level rise and erosion, while providing a vital refuge for wildlife. Specific project activities during FY16 involve beginning project partnerships; finalizing location, work plan, monitoring plan; conducting pre-restoration monitoring; implementing project and restore habitat; restricting grooming in restoration area; conducting post-restoration monitoring; and completing annual report.



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The kelp restoration/carbon sequestration pilot project is an integral part of TBF’s on-going kelp restoration program. It is specially designed to demonstrate the benefit of kelp restoration in remediating the impacts of climate change through sequestration of atmospheric CO₂. FY 16 activities include publication of data products, photos and videos to demonstrate to investors’ progress related to kelp restoration and generalized CO₂ sequestration. j

With support of the SMBRC, TBF was awarded two USEPA grants aimed at addressing climate change impacts. The first grant will support TBF in conducting broad, risk-based, climate change vulnerability assessments of the actions and milestones in the BRP to identify strengths and weaknesses of existing milestones to manage and adapt to the impacts of climate change. The second grant will support installation of a high precision instrument package for pH, dissolved oxygen, and pCO₂ to provide valuable time-series information on acidification and hypoxia in Santa Monica Bay and advance research on status and trends as well as response to acidification by biological communities in the Bay. Both projects will be carried out in FY16 in collaboration with many partner agencies and organizations.

The SMBRC and TBF will also continue to identify and seek additional funding for beach sediment management and habitat restoration projects as environmental-friendly “soft” and “living” solutions to address the impact of sea level rise in the beach and adjacent ecosystems of the Bay.

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Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Continue to carry out the Local Coastal Plan Sea Level Rise Adaptation project.	SMBRC, TBF	Participate	USC Sea Grant*, LARC, Heal the Bay, City of Santa Monica, other coastal jurisdictions	Targeted completion date: December 2016
Carry out the Santa Monica Beach and Dune Restoration pilot demonstration project.	TBF	Lead	City of Santa Monica, Audubon Society	Targeted completion date: December 2017
Carry out the kelp restoration/carbon sequestration pilot project.	TBF	Lead	Climate Cents, Academic researchers	Targeted completion date: September 2018
Conduct vulnerability assessment of BRP objectives and milestones	SMBRC, TBF	Lead	Multiple stakeholders TBD	Targeted completion date; September 2016
Install new pH/CO ₂ sensors in Santa Monica Bay.	SMBRC	Lead	LA County Sanitation District, City of LA Bureau of Sanitation, Southern California	Targeted installation completion date: September 2016. Data collection and device maintenance continues in future years

			Coastal Water Research Project (SCCWRP)	
Develop and seek funding for beach sediment management and habitat restoration projects	SMBRC, TBF	Facilitate	LACFCD*	Ongoing dialogue with different parties throughout the work plan time period

*Project lead.

Linked BRP Objectives and Milestones: 4.5a-c

Environmental Results: Outputs: Assessment of climate change (sea level rise and storm surge) impact on beach profile, GIS-based maps designed for use by the cities and county departments, number of training sessions conducted and number of people trained, policy and LCP revision recommendations for adapting to the impacts of climate change, updated BRP, and new ocean acidification monitoring station installed.

Environmental Results: Outcomes: Increased awareness of climate change impacts, increased amount and availability of knowledge and tools for use in adaptation planning, wetland restoration planning and long-term management planning with climate change adaption strategies incorporated, improved collaboration among local agencies and research organizations in addressing climate change impacts, and restored acres of coastal strand and dune habitat.

Performance Measures: Report/research publications on climate change impact assessment, number and status of climate change adaption plans developed and LCP updated locally, and pH/CO2 monitoring data collected, analyzed, and utilized for assessment.

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1.6 Clean Bay Restaurant Certification Program
Core Function = Facilitation/Implementation

The SMBRC and TBF 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 for environmental stewardship and helps cities meet TMDL requirements by preventing storm water pollution by restaurants. Seven cities and an average of 300 restaurants participate in the program.

In FY16, the SMBRC and TBF will continue coordination and promotion of the program and update certification to reflect revised MS4 permit requirements. 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 work with cities to acquire funding for

outreach activities (i.e., donations, sponsorship, grants, etc.), and to expand the program to other areas of the watershed.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Continue coordination and promotion of the program and update certification. Work to acquire funding and expand the program	SMBRC, TBF	Lead	Cities in Bay watershed	Target completion date for certification update: August 2015. Possible inclusion of additional cities starting September 2015.

Linked BRP Objectives and Milestones: 2.5a

Environmental Results: Outputs: number of restaurant inspections, and number of restaurants certified.

Environmental Results: Outcomes: Greater awareness of clean Bay issues will lead to greater involvement by the public and increased participation of restaurants, and reduced runoff from participating restaurants.

Performance Measures: Number of cities participating, number of restaurant inspections, and number of restaurants certified.

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2. Wetland and Other Coastal Habitat Restoration

2.1 Facilitate restoration of priority wetlands

Core Function = Facilitation/Implementation

Ballona Wetlands

Restoration of the Ballona Wetlands Ecological Reserve (Reserve) is a top priority of the SMBNEP. The development of the Ballona Wetlands Restoration Plan has been a multi-year process. The lead agencies are the California Department of Fish and Wildlife (CDFW) and the SCC. With funding support from the SCC, TBF conducted and completed a two-year baseline monitoring data collection and baseline condition assessment project, and assisted SCC in initiating and proceeding with the CEQA/NEPA process for the Reserve restoration planning. Additional SCC funding has facilitated more data collection and TBF technical expertise to be provided to the restoration Project Management Team. Based on the results of the baseline and data collection assessments, TBF also initiated the development of a regional Level-3 long-term monitoring program for wetland habitats. With grant funding awarded from the USEPA Wetland Program Development Grant, the SMBRA and TBF have partnered with the Southern California

Coastal Water Research Project (SCCWRP), California State University Channel Islands (CSUCI), and the Southern California Wetlands Recovery Project (WRP) to develop the framework for Level 3 monitoring and field test numerous protocols. The current grant for this project ends July 2015. SMBRA and TBF plan to apply new grant funding and expand the program in FY16.

In FY16, the SMBRA and TBF will continue to conduct data collection and help partner agencies with environmental impact review and permit applications for the restoration of the Reserve. Specific activities in FY16 include continuation of passive or targeted monitoring as requested by DFW or SCC; completion of quarterly reports; completion of 5-year comprehensive monitoring report, completion of technical review of Draft EIR; completion of technical review of supporting reports and literature; release of Draft EIR; compilation of public comments; and review of admin EIR.

In FY16, TBF will also continue to develop and implement communications strategies in partnership with the lead agencies to continue to involve the public using a variety of methods and opportunities for engagement. Specifically, TBF staff will complete a communication plan, conduct community outreach through a variety of online and print media, conduct tours and presentations, update websites and social media with relevant information to the DEIR and complete and distribute multiple newsletters.

Additionally, in FY15, TBF applied for and received funding to implement interim stewardship management of the Ballona Wetlands Ecological Reserve through community engagement and invasive species removal in a portion of the Reserve that will not be affected by the larger restoration project planning efforts. TBF will begin implementation of this project in FY16. Specific activities will include finalization of partnerships, finalization of work plan, a minimum of 5-10 public, community restoration events and the restoration of approximately 3 acres of invasive iceplant habitat in the Reserve post-restoration assessment, and completion of final report . TBF will also continue to participate in other cleanup efforts and trash removal projects throughout the Reserve.

Malibu Lagoon

Restoration of Malibu Lagoon is also a top priority of the SMBNEP. 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 SMBRA and TBF have taken the lead in conducting post-restoration monitoring. In FY15, TBF completed the 2-year post-restoration monitoring report and compared the resulting data to pre-restoration site conditions and data. Based on data collected thus far, the project has been a resounding success, showing increases in water circulation and dissolved oxygen, removal of the pre-restoration “dead zones”, and a healthy and thriving wildlife community. In FY16, the SMBRA and TBF will continue to coordinate and work with partner state agencies and other stakeholders to conducting post-restoration maintenance and monitoring, continue assistance in invasive removal and project maintenance; continue public outreach, and complete annual public reports.



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Other coastal lagoons and wetlands

The SMBRC will continue working with Los Angeles County and through bond funding support to complete restoration of the Oxford Basin, The SMBRC and TBF will also seek funding to develop historical ecology and conceptual restoration plans for Trancas and other coastal lagoons in Santa Monica Bay.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Conduct data collection and assist with the environmental impact review and permit application for the Ballona Reserve	TBF	Participate	CDFW*, USACE, SCC, LAC Flood Control	Draft EIR/EIS will be released Dec 2015; minimum 45 day public comment period; Final, Certified EIR/EIS in 2016
Continue developing communication strategies and public outreach and involvement	TBF	Participate	CDFW*, SCC	Ongoing throughout the work plan time period, at least one activity per month.
Implement interim stewardship management through community engagement and invasive species removal ("FIX Ballona")	TBF	Lead	CDFW, FBW, CUREs	Complete by December 2016
Assist in ongoing trash removal and maintenance projects at the Ballona Reserve	TBF	Participate	CDFW*, FBW	Ongoing throughout the work plan time period
Development of the regional Level 3 protocol standardization manual and associated products	SMBRA, TBF	Lead	SCCWRP, CSUCI, CWMW	Current grant ends July 2015. Potential to apply new grant funding in FY15 and expand the program in FY16
Malibu Lagoon post-restoration maintenance and monitoring	SMBRA, TBF	Participate	State Parks*, RCDSMM, Cooper Ecological	Ongoing through 2017. Annual, Comprehensive Monitoring Reports will be produced each year for five years. Monitoring frequency is variable based on parameter.

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Restoration of the Oxford Basin (See Task 1.1 for detail)	SMBRC	Participate	LACFCD*, SWRCB	Targeted completion date: December 2016
Seek funding to develop historical ecology and conceptual restoration plans for Trancas and other coastal lagoons.	SMBRC	Participate	TBD	Ongoing throughout the work plan time period

*Project lead.

Linked BRP Objectives and Milestones: 7.1a, 7.1b, 7.2a, 7.6a, 7.8a, 7.8b

Environmental Results: Outputs: Implementable restoration plans and restoration project(s) initiated.

Environmental Results: Outcomes: Acres of wetland habitat restored, improvement in ecosystem functions and connectivity in major coastal wetland complexes measured by CRAM scores, and increased public and stakeholder engagement.

Performance Measures: Completed EIR/EIS documents, monitoring protocols, reports of monitoring results, acres 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 SMBNEP and is addressed by several objectives in the 2013 BRP Update. 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. Building upon the progress made in previous years, activities in FY16 will include:

- In partnership with Heal the Bay and other organizations, facilitate the adoption of a stream protection ordinance by local jurisdictions
- Apply results of the historical ecology and water budget studies for the Ballona Creek watershed in developments of new restoration project concepts
- Implement more fish barrier removal projects, including the Arroyo Sequit fish passage removal project (See Task 1.1 for more details).
- Pursue restoration of lower Topanga Creek and work with stakeholders in the Topanga Creek watershed to move forward with the CEQA review of the proposed CalTrans project to restore Topanga Creek narrows and replace the PCH bridge at Topanga Lagoon.
- Implementation of maintenance of the Stone Canyon Creek restoration.
- Continue to build support and seek funding for implementation of the Ballona Creek Greenway Plan, including completion of the Milton Street Park project along the Ballona Creek (See Task 1.1 for more details).
- Facilitate completion of the Rindge Dam removal feasibility study.

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In addition, the SMBRC and TBF will continue to lead efforts to address the environmental damage caused by invasive species, including continuing to conduct and report on the result of the annual mudsnail infestation surveys in the Northern Bay watershed, facilitating and participating in projects for eradication of crayfish and other invasive species in the North Bay/Santa Monica Mountains watersheds.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Facilitate adoption of a stream protection ordinance by local jurisdictions	SMBRC	Facilitate	City of LA*, other watershed cities, Heal the Bay	Ongoing throughout the work plan time period
Apply results of the historical ecology and water budget studies for the Ballona Creek watershed in developments of new restoration project concepts.	SMBRC, TBF	Facilitate	Municipalities in the Ballona Creek Watershed*	Ongoing throughout the work plan time period
Carry out more fish barrier removal projects, including the Arroyo Sequit fish passage	SMBRC, TBF	Facilitate	State Parks*	Ongoing throughout the work plan time period (See Task 1.1 for Arroyo Sequit fish passage project timeline.)
Support restoration of lower Topanga Creek	SMBRC	Facilitate	State Parks*	Ongoing throughout the work plan time period
Carry out maintenance of the Stone Canyon Creek restoration	TBF	Lead	UCLA	Continue monthly volunteer restoration events throughout the work plan time period
Continue to build support and seek funding for implementation of the Ballona Creek Greenway Plan.	SMBRC	Facilitate	SCC, MRCA, Baldwin Hills Conservancy, City of Culver City, City of LA, LA County	Ongoing throughout the work plan time period
Facilitate completion of the Rindge Dam removal feasibility study (See Task 1.1 for details).	SMBRC	Facilitate	U.S. Army Corps of Engineers (USACOE)*, State Parks, SCC	Targeted completion date: Dec. 2017, targeted implementation in 5-10 years
Conduct and report on the result of the annual mudsnail infestation surveys in the Northern Bay watershed	SMBRC, TBF	Lead	N/A	Ongoing survey annually

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Facilitate projects for eradication of crayfish and other invasive species in the North Bay/Santa Monica Mountains watersheds.	SMBRC, TBF	Facilitate	National Parks Service*, MRCA	Ongoing throughout the work plan time period
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*Project lead.

Linked BRP Objectives and Milestones: 4.1a, 7.4a-e, 7.5a-c,

Environmental Results: Outputs: stream protection policy and ordinance adopted by watershed cities.

Environmental Results: Outcomes: Linear miles of streams protected/restored, improved riparian and aquatic habitat and biodiversity as measured by California Stream Condition Index (CSCI) scores, increased linear miles of passage for endangered southern steelhead trout, improved water quality measured by fewer related 303d listings, reduced erosion/sedimentation as shown by monitoring data, and reduction and effective control of invasive species populations.

Performance Measures: Adopted stream restoration policies; number of stream restoration projects planned or underway, and linear miles of streams protected/restored.

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3. Marine Habitat Protection and Restoration

3.1 Promote Marine Ecosystem Protection through Outreach and Information Sharing

Core Function = Facilitation/Implementation

The establishment and effective management of marine protected areas (MPAs) in Santa Monica Bay are one of the top priorities of the SMBNEP. Since establishment of the MPAs in early 2010, SMBNEP has participated in implementation the State MPA monitoring plan, mainly through partnering with Vantuna Research Group to conduct monitoring and assessment of subtidal rocky reef habitats. TBF has also initiated and carried out the ocean vessel aerial monitoring project since 2010.

During FY16, the TBF will continue to carry out the ocean vessel aerial monitoring project. This project documents 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. Data collected throughout the first two phases of the project were analyzed and to describe trends and responses by the fishing community and others, resulting from the newly established network of MPAs and to aid CDFW in improving the effectiveness of MPA enforcement throughout southern California. After completing the second phase of this project in FY 16, TBF will develop and implement a new plan of aerial monitoring with optimal flight frequency based on

power analysis of previously collected data. Assessment of impacts to fishing, via fishing closures, and reduced ecological production as a result of the refugio oil spill are also in development as part of this effort. Specific activities associated with this project during FY16 will include quarterly survey flights, development of distribution models for commercial and recreational fishing vessels, communication with SoCal MPA Collaborative, Ocean Science Trust, MPA Monitoring Enterprise, CADFV, and completion of annual report.

In FY16, in addition to MPA-related monitoring and surveys, TBF will continue to explore funding and partnership opportunities for conducting various projects that promote marine ecosystem protection. These activities may include:

- Participate in the Los Angeles MPA Collaborative to facilitate management and overcome monitoring and enforcement challenges.
- 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.
- Facilitate the All-ashore sandy beach ecology citizen monitoring project with partners (Pepperdine U., UC Santa Barbara, etc
- Collaborate with PV cities and seek additional resources to promote protection of intertidal habitats on PV through outreach and other mechanisms.



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Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Develop and implement new phase of the ocean vessel aerial monitoring project	TBF	Lead	California Department of Fish and Wildlife*, State MPA Monitoring Enterprise, Ocean Science Trust, Vantuna Research Group, Los Angeles Waterkeeper, Heal the Bay, Fishing Community, Pepperdine University, LA County Dept. of Beaches and Harbors, State Parks	Survey flights quarterly , development of distribution models and annual report. Targeted completion date: September 2018
Promote and/or participate in development of fishery management for spiny lobsters, California halibut, etc., and promote involvement of local fisherman	SMBRC, TBF	Promote	CDFW*	Ongoing throughout the work plan time period
Facilitate the All-ashore sandy beach ecology citizen monitoring project	SMBRC, TBF	Facilitate	Pepperdine University.* , UC Santa Barbara	Ongoing throughout the work plan time period
Collaborate with PV cities and seek additional resources to promote protection of intertidal habitats on PV through outreach and other mechanisms	TBF	Facilitate	Municipalities on PV Shelf*, CDFW	Ongoing throughout the work plan time period



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*Project lead.

Linked BRP Objectives and Milestones: 4.2a-d, 4.3a-c, 4.3f, 4.4a-c, 8.2c-e, 9.2a-c,

Environmental Results: Outputs: Aerial monitoring data, beach monitoring protocol, and newly adopted fishery management plans.

Environmental Results: Outcomes: Increased population and diversity of marine organisms as shown by monitoring data, increased and more sustainable harvest of local seafood, and increased public awareness of the value of marine resources measured by number of outreach events and participants.

Performance Measures: Increased resources for enforcement and monitoring of established MPAs. Reduced number of MPA regulation violations, type and number of outreach conducted, increases in species diversity and abundance in MPAs.

3.2 Conduct and Support 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 SMBNEP. To facilitate local recovery of these species, TBF obtained grant funding and initiated research on abalone population level genetics and development of disease prevention protocols. In FY16, this research will continue and move into the next phase which involves release and restoration of abalone outplanted onto Palos Verdes. Specifically, the project will involve four events of deck spawning, four events of captive spawning, one event of juvenile outplanting, one event of veliger outplanting, and weekly, biweekly and monthly monitoring of outplanting locations. TBF will also explore partnership with Santa Monica Pier Aquarium and other organizations to promote abalone restoration.

The SMBRC and TBF will also continue to support research and monitoring efforts by federal, state, and local entities on the extent and impacts of harmful algal blooms and incidence of fish kill, starfish wasting diseases, etc. 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 and TBF will assist federal partners in assessment of offshore eelgrass beds in Santa Monica Bay.

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Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Conduct and promote abalone study and release and restore abalone broodstock onto Palos Verdes Shelf	TBF	Lead	National Oceanic and Atmospheric Administration (NOAA), CDFW	Regularly scheduled deck spawning, captive spawning, juvenile outplanting, and veliger outplanting events, weekly, biweekly and monthly monitoring of outplanting locations. Targeted completion date: September 2017

Conduct study of physical oceanographic responses to kelp restoration projects	TBF	Lead	SCC, Academic Researchers	Targeted completion date: September 2017
Assist federal partners in assessment of offshore eelgrass beds in Santa Monica Bay	TBF	Facilitate	NOAA*	Ongoing throughout the work plan time period

*Project lead.

Linked BRP Objectives and Milestones: 4.3c, 9.3a, 9.4a, 9.4b

Environmental Results: Outputs: Summary report and publication of research results.

Environmental Results: Outcomes: Reintroduction and increase in population of abalone in the Bay, increased halibut stock in the Bay, and determination of existing and possible increased acreage of eelgrass bed.

Performance Measures: Amount of funding and other resources secured for research and monitoring of the concerned species, and amount of funding and other resources secured for fishery species and eelgrass habitat restoration.

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3.3 Restore and Enhance Rocky Reef Habitat
Core Function = Implementation

The SMBNEP 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 ecosystems in the world. A newly expanded, multi-year rocky reef/kelp restoration project by TBF began in the summer of 2013 and has cleared more than 2.6 million purple sea urchins from 28 acres of reef. In FY16, TBF will continue to carry out this restoration project off the Palos Verdes shelf which is expected to result in restoration of 20 acres of kelp forest. Semi-annual report to NFWF and annual report to CDFW will be developed to document the activities, including pre and post-restoration monitoring, and results of the projects

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Carry out the multi-year rocky reef/kelp restoration project	TBF	Lead	CDFW, NOAA Montrose Settlement Restoration Program (MSRP) trustees, NMFS, Vantuna Research Group (Occidental College), Commercial Sea Urchin Harvesters, OPC, SCC, , Los Angeles Waterkeeper, , Southern California Marine Institute, others	Ongoing throughout the work plan time period with Restore 20 acres of kelp forest in FY16. Targeted completion date: September 2018

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Linked BRP Objectives and Milestones: 9.1a, 9.1b 9.3, 9.4

Environmental Results: Outputs: Amount of funding obtained for rocky reef monitoring and restoration

Environmental Results: Outcomes: Restored rocky reef habitats that lead to increased biomass and diversity of marine life within the restored rocky reef habitats as shown by monitoring data.

Performance Measures: Acres of rocky reef habitat restored, amount of sea urchin removed, recovery of giant kelp, (size, density and number) of finfish, invertebrates, and macroalgae.

3.4 Restore Coastal Dune and Bluff Habitats
Core Function = Implementation

The SMBNEP has a long history of supporting and engaging in the restoration of coastal dune and bluff habitats, including restoration of coastal dunes in the Ballona Wetlands, beach bluff at Redondo Beach, and three coastal bluff sites on the Palos Verdes Peninsula. TBF has been

supporting restoration efforts of the El Segundo Dune at Los Angeles World Airports through coordination of volunteer non-native vegetation removal events. In FY16, TBF will explore additional opportunities and partnerships to participate in and promote restoration of more coastal dunes and bluffs along the Bay coast.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Participate and promote coastal dune and bluff habitat restoration	TBF	Participate	Multiple partners (to be determined)	Ongoing throughout the work plan time period

Linked BRP Objectives and Milestones: 8.1a-d

Environmental Results: Outputs: Amount of funding obtained for coastal dune and bluff restoration

Environmental Results: Outcomes: Restored coastal dune and bluff habitats that lead to increased native vegetation and re-establishment of endangered species.

Performance Measures: Acres of coastal dune and bluff habitat restored, amount of native vegetation planted, recovery of El Segundo blue butterfly population.

4. Education and Outreach

4.1 Conduct General Outreach

Core Function = Program Management/Implementation

In FY16, the SMBRC and TBF will continue to conduct general outreach through regular publication of the electronic newsletter, the Journal *Urban Coast*, and the SMBNEP’s annual report. The SMBRC and TBF will also continue its effort to reach out and generate local, regional, and national media coverage in various forms, and utilize social media and website.

In FY16, TBF will continue its outreach regarding the benefits and scientific underpinnings of wetland restoration in the Bay watershed and Southern California Bight. Specifically TBF will continue to engage the public through activities described in Task 2.1 above.

In addition, TBF will continue to develop and expand its ever popular internship and volunteer programs, supporting an increase in knowledge and hands-on action for students and post-



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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. Specifically in FY16, TBF will continue ongoing search for volunteers, interns, and student participants in TBF projects, and continue coordination with partner organizations and universities.

Every year on the third Saturday of September, thousands of volunteers participate in the International Coastal Cleanup Day Event to remove trash from beaches and inland waterways. TBF will continue participate in this event through partnership with other organizations.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Urban Coast Journal	TBF (Center for Santa Monica Bay Studies)	Lead	LMU	Ongoing annually
SMBNEP annual report	SMBRC, TBF	Lead	n/a	Ongoing annually
Social media and website	SMBRC, TBF	Lead	n/a	Ongoing throughout the work plan time period
Continue internship and volunteer program	TBF	Lead	CURes	Ongoing throughout the work plan time period
Coastal Cleanup Day	TBF	Participate	Heal the Bay*, CA Coastal Commission*	September (3rd Saturday) 2016

*Project lead.

Linked BRP Objectives and Milestones: All, especially 1.1c, 2.6a, 2.6b, 4.6c

Environmental Results: Outputs: Outreach publications and other materials, including the Urban Coast journal. Number of website and Facebook visits, Twitter feed, YouTube and Instagram followers and output, etc., Number of people participating in Coastal Cleanup events.

Environmental Results: Outcomes: Greater awareness of SMBNEP’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 during the Coastal Cleanup Day.

Performance Measures: Increase in the degree to which target audiences have an understanding of and are involved in SMBNEP’s BRP implementation efforts. Increase in the number of people participating in Coastal Cleanup events.

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4.2 Continue overseeing the Boater Education Program
Core Function = Implementation

The Boater Education Program (BEP) 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 and eBook, Boater Kits, Southern California Boating Guide and Tidetables; 2) implementing Honey-Pot Day 3) conducting direct outreach at boating events; and 4) conducting pumpout monitoring.

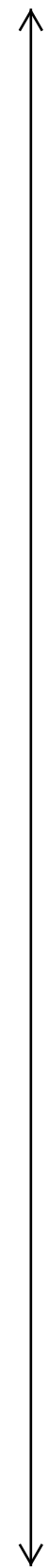
The program is funded primarily through grants to the SMBRA from the California Department of Boating and Waterways. SMBRA will continue to partner with TBF to oversee and implement the program on a day-to-day basis. Through this grant, the program will include participation in 13 boating events, distribution of 7,000 boater kits statewide, hosting four Dockwalker trainings in Southern California, and hosting Honey Pot Days with a targeted properly dispose of 4,500 gallons of sewage and education of 120 boaters through an online course. Pumpout monitoring will continue on a quarterly basis and annual Pumpout Usage Report will be developed and made available to the general public. The program will also continue to provide coordination and related administrative services to the state-wide program. TBF will also make effort to increase used oil recycling opportunities, development of new technologies for boaters to access clean boating amenities (i.e. smart phone apps), and investigating additional funding sources for these activities.

TBF has also received a grant from CalRecycle to prevent boating related oil pollution. Through this grant, four new absorbent pad exchange programs will be established, one bilge pumpout station will be installed. In addition, the BEP will continue its direct outreach to boaters about proper oil spill prevention through publications and face-to-face education. The BEP will give boaters the tools, resources, and knowledge needed to become environmental stewards and prevent pollution.

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Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Publications and presentations	SMBRA, TBF	Lead	CA State Parks Division of Boating and Waterways, CA Coastal Commission, Contra Costa County	Ongoing through December 2016 (Current Clean Vessel Act Grant timeline: January 2015-December 2016)

Participation of boating events	SMBRA, TBF	Lead	US Coast Guard Auxiliary, US Power Squadrons, CA State Parks Division of Boating and Waterways, CA Coastal Commission	Ongoing through December 2016 (Current Clean Vessel Act Grant timeline: January 2015-December 2016)
Honey Pot Day	SMBRA, TBF	Lead	San Francisco Estuary Partnership, CA State Parks Division of Boating and Waterways	Ongoing through December 2016 (Current Clean Vessel Act Grant timeline: January 2015-December 2016)
Pumpout monitoring	SMBRA, TBF	Lead	San Francisco Estuary Partnership, CA State Parks Division of Boating and Waterways	Ongoing, quarterly
Oil absorbent pad exchange programs	TBF	Lead	CalRecycle, City of Oceanside, LA County Beaches and Harbors, Del Rey Fuels, Sun Harbor Marina	Ongoing through April 2016 (Current CalRecycle Grant timeline: April 2014-April 2016)
Install one bilge pumpout station	TBF	Lead	CalRecycle, City of Oceanside	Ongoing through April 2016 (Current CalRecycle Grant timeline: April 2014-April 2016)
Outreach to boaters about proper oil spill prevention through publications and face-to-face education	TBF	Lead	US Coast Guard Auxiliary, US Power Squadrons, CA State Parks Division of Boating and Waterways, CA Coastal Commission	April 2016



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Linked BRP Objectives and Milestones: 2.4a-d

Anticipated Environmental Results: Outputs: Southern California Boater’s Guide (interactive eBook), Boater Kits, 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, and amount of 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 measurements of the outreach effectiveness via Clean Boater Questionnaires, and amount of properly disposed sewage,

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 SMBNEP’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 have been a catalyst for innovative and engaging outreach and project implementation in our watershed and, through them, the SMBNEP raises awareness of local environmental issues and inspires the stewardship needed to protect the health of our waters and our communities. In FY16, TBF plans to initiate a new round of the PIE program.

If successful, specific tasks related to this new round of PIE program include

- Development and release of RFP
- Project proposal review and selection
- Project contract development and execution
- Oversee project implementation

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Raise funding from local sponsors and initiate a new round of PIE program.	TBF	Lead	Multiple stakeholders (to be determined)	Target date to initiate a new round: August 2016

Linked BRP Objectives and Milestones: 2.7a

Environmental Results: Outputs: Number of PIE projects awarded, in progress, or completed; total amount of PIE grant funding.

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Environmental Results: Outcomes: Greater awareness of the Bay issues and resources measured by the type and number of education/outreach events and number of participants.

Performance Measures: Feedback provided by PIE recipients; when applicable, pre- and post-surveys to determine change in public knowledge and behaviors.

4.4 Participate in the Palos Verdes Shelf Institutional Controls Program (2012 Work Plan Task J)

Core Program = Facilitation/Implementation

SMBRC will continue to support and participate in USEPA’s PV Shelf Superfund Site Institutional Control Program, especially the activities of the Fish Contamination Education Collaborative (FCEC). SMBRC will also continue to participate in USEPA’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.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Participate in FCEC risk communication activities	SMBRC	Participate	USEPA*, FCEC, State Office of Environmental Health Hazards Assessment (OEHHA), community-based nonprofits and other stakeholders	Ongoing throughout the work plan time period
Participate in review of contaminated sediment cleanup plan	SMBRC	Participate	USEPA*, MSRP	Ongoing throughout the work plan time period

*Project lead.

Linked BRP Objectives and Milestones: 11.3a,b, 11.4a-e, 11.5a&b

Environmental Results: Outputs: New strategic plan for the FCEC and number of risk communication/outreach materials distributed.

Environmental Results: Outcomes: Number of people reached with FCEC messages and increased public understanding of fish contamination issues, reduced exposure to health risk from consuming fish from Santa Monica Bay and other nearby coastal waters.

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.



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5. Planning, Monitoring, and Program Management

5.1 Increase funding and/or develop new financing mechanisms for BRP implementation

Core Function = Program Management

The SMBNEP 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). TBF and the SMBRC have also successfully identified many new sources of grant funding in recent years. 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.

TBF has moved forward and made progress in soliciting contributions from partners and supporters to increase TBF’s cash reserve. During FY16, TBF will continue to seek public and private funding contributions. TBF will also continue to update fundraising strategies, investigate and develop new partnership opportunities and new sources of grant funding, especially grant funding made available under Prop. 1, 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 and urban runoff funding measure.

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Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Seek public and private funding contributions	TBF	Lead	Multiple stakeholders (to be determined)	Ongoing throughout the work plan time period
Update fundraising strategy, develop new partnerships and funding sources including Prop. 1 grants.	SMBRC, TBF	Lead	Multiple stakeholders (to be determined)	Ongoing throughout the work plan time period
Support the collaborative effort of local environmental for the County-wide storm water/urban runoff funding measure.	SMBRC	Support	LA County*, Cities in the watershed, environmental groups	Ongoing throughout the work plan time period. LA County may re-initiate the effort in 2016

*Project lead.

Linked BRP Objectives and Milestones: All, especially 1.5a

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.*

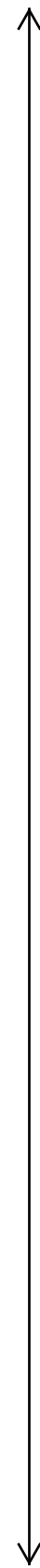
5.2 Inter-agency coordination and involvement
Core Function = Facilitation

Effective implementation of the BRP, especially new policies and program initiatives included in the 2013 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, California Wetlands Monitoring Workgroup (CWMW) and L3 Subcommittee, California Water Quality Monitoring Council (CWQMC), Beach Ecology Coalition, Green LA Urban Ecosystem Strategic Planning Committee, Southern California Academy of Sciences Board of Directors, Friends of LAX Dunes, Board of Directors, Loyola Marymount University’s Environmental Stewardship and Sustainability Committee, Friends of Ballona Wetlands’ Science and Restoration Committee). SMBRC and TBF will continue to participate in and contribute technical support to these groups.

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Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
State Aquatic Species Task Force	SMBRC	Participate	CDFW* other resource management agencies	Ongoing throughout the work plan time period
Wetland Recovery Project Managers Group	TBF	Participate	17 partner agencies and organizations throughout CA	Bi-monthly meetings throughout the year
State Clean Beach Task Force	SMBRC	Participate	SWRCB*	Ongoing throughout the work plan time period

Beach Water Quality Work Group	SMBRC	Participate	SWRCB*, Health Depts. Storm water management agencies throughout Southern California	Ongoing throughout the work plan time period, meeting quarterly
Jurisdictional Group 5&6	SMBRC, TBF	Participate	South Bay cities*	Ongoing throughout the work plan time period, meeting bi--monthly
Beach Ecology Coalition	SMBRC, TBF	Participate	Pepperdine University*, local beach management agencies, environmental groups, etc.	Ongoing throughout the work plan time period, meeting annually
Green LA Urban Ecosystem Strategic Planning Committee	SMBRC	Participate	City of Los Angeles*	Ongoing throughout the work plan time period
California Wetlands Monitoring Workgroup	TBF	Participate	CWQMC* and many participating agencies and organizations	Quarterly meetings
CWMW, Level-3 Subcommittee	TBF	Participate	CWQMC* and many participating agencies and organizations	Meetings as needed, minimum semi-annually
Southern California Academy of Sciences (SCAS), Board of Directors	TBF	Participate	SCAS* and many participating scientists and universities	Ongoing until completion of 3-year term in 2017 and 2018, respectively for each staff member
Friends of LAX Dunes, Board of Directors	TBF	Participate	Los Angeles World Airports*, City of Los Angeles*, other interested stakeholders	Bi-monthly meetings throughout the year
Loyola Marymount University's Environmental Stewardship and Sustainability Committee	TBF	Participate	LMU*	Bi-monthly meetings throughout the school calendar year
Friends of Ballona Wetlands' Science and Restoration Committee	TBF	Participate	FBW*, LMU, Read and Associates, Cooper Ecological	Meetings as needed, minimum semi-annually



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cont.

*Project lead.

Linked BRP Objectives and Milestones: All

Environmental Results: Outputs: Aquatic Invasive Species Management Plan, projects funded under the CBI and Urban Greening programs, wetland monitoring protocol, beach monitoring protocol and 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, and new or improved technical standards for projects implemented.

Performance Measures: Number of action items generated/implemented by inter-agency groups, number of new entities brought into the fold, and number of new research and capital projects funded and implemented in the Bay watershed.

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.

In FY16, the SMBRC will continue to facilitate implementation of the CMP. SMBRC will continue to work closely with the LARWQCB and permittees to incorporate implementation of the comprehensive monitoring program into NPDES permits. The SMBRC will also work with LARWQCB 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. Specifically, staff will work with the discharges and the TAC to develop pilot fish larvae and deep reef surveys, addressing two long-time data gaps identified in the CMP. Meanwhile, staff will also work with TAC to evaluate the need for update of the CMP. Finally, the SMBRC will continue participation in development of habitat condition indices for rocky reef, and rocky and sandy beaches and facilitate volunteer survey of intertidal ecology.



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cont.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Incorporate implementation of the comprehensive monitoring program into NPDES permits	SMBRC	Participate	LARWQCB*, NPDES permit holders.	Ongoing based on permit renewal schedule
Work with the discharges and the TAC to develop pilot fish larvae and deep reef surveys,	SMBRC, TBF	Lead	LACSD, City of LA Bureau of Sanitation, LARWQCB, SCCWRP, MPA Monitoring Enterprise	Estimated survey plan completion date: June 2016.
Participate in development of habitat condition indices for rocky reef, and rocky and sandy beaches	SMBRC, TBF	Participate	SCCWRP*, State Water Quality Monitoring Council*	Ongoing throughout the work plan time period

*Project lead.

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cont.

Linked BRP Objectives and Milestones: 4.7a-e, 8.2c, 9.4a, 10.1a, 10.2a, 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.

Performance Measures: Incorporation of monitoring requirements into NPDES permits and amount and quality of monitoring data collected to fill data gaps identified by the CMP.

5.4 BRP implementation progress tracking
Core Function = Program Management

In FY13, the SMBRC, with support of TBF, conducted a review of BRP implementation progress to support the update of the BRP. In FY16, staff will continue to improve the tracking of BRP progress toward achieving objectives and milestones laid out in the BRP. Progress will also be summarized and highlighted in the SMBNEP’s annual report.

The annual Government Performance and Results Act (GPRA) reporting requires each NEP program to report on the acres or linear miles of habitat protected and restored, environmental indicators in use, and leveraged resources. SWRCB and TBF staff will compile the information and prepare and submit the GPRA report by September 1, 2016 for the reporting period October 1, 2015 - September 30, 2016. Geographic reference information for habitat restoration actions will be provided.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Improve BRP implementation tracking	SMBRC, TBF	Lead	All partner agencies and organizations responsible for BRP implementation	Ongoing throughout the work plan time period
Annual GPRA reporting	SMBRC, TBF	Lead	All relevant partner agencies and organizations	Complete and submit by September 1, 2016

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Linked BRP Objectives and Milestones: All

Environmental Results: Output: Semi-annual progress reports, GPRA report, and passage of program evaluation.

Environmental Results: Outcomes: More exposure and awareness of the SMB NEP’s accomplishments at the national level, maintenance or increase of the SMBNEP’s funding level.

Performance Measures: Extent of progress on individual projects, as reflected in the semi-annual reports and progress on other BRP actions as reflected in annual GPRA reports. Also, feedback provided by USEPA’s program evaluation team, number of SMBNEP successes highlighted in reports or other publications used to market the National Estuary Program and number of hits on SMBNEP websites, etc.

5.5 State of the Bay reporting
Core Function = Program Management

An important function of the SMBNEP, 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. The publication of the next report is scheduled for August 2015. In FY 16, after publication of the 2015 report, staff will continue to work with the TAC to refine the indicator matrix and improve data collection mechanisms in preparation for the next State of the Bay report in 2020.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Refine the indicator matrix and improve data collection mechanisms in preparation for the next State of the Bay report	SMBRC	Lead	n/a	Ongoing throughout the work plan time period

Linked BRP Objectives and Milestones: All

Partner Organizations: All BRP Implementation leads and partners identified in the 2013 BRP Update

Environmental Results: Output: State of the Bay Report, 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; SMBNEP successes highlighted in reports or other publications used to market the National Estuary Program.

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5.6 Conduct general Governing Board support, organizational management and reporting activities

Core Function = Program Management

The SWRCB and TBF staff will provide logistical and other staff support for meetings of the Governing Board/Bay Watershed Council, the Executive Committee, the Technical Advisory Committee, and the Watershed Advisory Council. SWRCB and TBF staff will provide support for the meetings of SMBRA Board of Directors. TBF staff will provide support for the meetings of the TBF Board of Directors. Specific tasks include preparation of meeting notices, agendas, staff reports, minutes, and resolutions.

SWRCB, SMBRA, and TBF staff will conduct general management and reporting activities following the procedures and protocols that have been established for ensuring the SMBNEP’s fiscal stewardship and program functions. Tasks include:

- TBF, with assistance from SMBRC, develops annual work plan and budget, in accordance with a systematic work plan and budget development process and master calendar.
- SMBRC and TBF prepare and submit semi-annual progress report.
- TBF prepares, oversees, and tracks the progress of USEPA grants and contracts associated with work plan.
- TBF processes grant submittals requesting funding from SMBNEP funding sources.
- TBF retains professional bookkeeping services for payroll, invoicing, tax filing, and other fiscal operations Prepare audits, insurance reviews, updates, etc.
- TBF conducts personnel management, including recruitment, performance assessments, training and professional development.
- TBF provide supports for general office functions, including maintaining mailing lists, photocopying, mailing, fielding public inquiries, and ordering supplies.
- Update Memorandum of Agreement between SMBRC and TBF as follows:
 - Change references to “Santa Monica Bay Restoration Foundation” to “The Bay Foundation”
 - At page 4, section IV., the second full paragraph should be amended to read as follows: *“The Foundation receives some of its funding in the form of a U.S. EPA grant pursuant to Clean Water Act section 320 (33 U.S.C. §1330) to implement the Bay Restoration Plan (also known as the Comprehensive Conservation and Management Plan). The Foundation also receives important grants and donations from other entities to support the Foundation and its activities. U.S. EPA oversees the grant, including conducting regular audits and oversight.”*



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SWRCB and TBF staff will also respond to public information requests.

The SMBNEP is committed to implementing “green” measures to the fullest extent possible during all grant activities. TBF 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 USEPA grant “greening” requirements and updated if necessary.

With respect to participation in federal NEP activities, SWRCB and TBF 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 NEP meetings, 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.

Task Description	Engaged SMBNEP Entities		Partners	Timeframe
	Entities	Role		
Support SMBRC and SMBRA board meetings, and TAC and WAC meetings.	SMBRC, SMBRA	Lead	n/a	Ongoing throughout the work plan time period, SMBRC Executive Committee and Governing Board meet bi-monthly, TAC meets quarterly, and WAC meets annually
Support TBF Board Meetings	TBF	Lead	n/a	Ongoing throughout the work plan time period
Conduct general management and reporting activities	SMBRC, SMBRA, TBF	Lead	n/a	Ongoing throughout the work plan time period
Response to public information requests	SMBRC	Lead	SWRCB, TBF	Ongoing throughout the work plan time period
Participate in EPA/NEP activities	SMBRC, TBF	Lead	n/a	Ongoing throughout the work plan time period

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Linked BRP Objectives and Milestones: All

Environmental Results: Outputs: Semi-annual 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: Results of evaluation provided by USEPA Regional and headquarters staff, results of financial review or audit findings, etc.

Attachment A. Summary of On-Going Projects Funded through Prop. 12, 50 and 84 Grant Program

Project	Description	State Funding	Match	Time-line	Lead	Partners
Prop. 84						
Oxford Basin Enhancement	Basin enhancement to improve water quality, restore habitat, reduce flood risk, and improve aesthetics, and provide passive recreational opportunities.	\$2M	\$2M min.	2015-2017	County of LA	
University Park Rain gardens	Install a minimum of 35 rain gardens in the University Park area of Los Angeles to treat all dry- and a portion of wet-weather runoff.	\$510K	\$90K	2011-2016	City of Los Angeles	USC, NGOs
Milton Street Park Project	Construction of BMPs to treat and infiltrate all dry- and a portion of wet-weather runoff along a 1,000' section of Milton Street in Los Angeles adjacent to Ballona Creek.	\$200K	\$455K	2014-2017	Mountains Recreation and Conservation Authority	City of Los Angeles
Stormwater Basin Enhancement	Improvements to three detention/infiltration basins to comply with wet and dry weather TMDLs for Santa Monica Bay, and	\$3.337M	\$1.265 M	2011-2017	City of Torrance	SMBRC, U.S. Bureau of Reclamation

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	benefit wildlife habitat.					
Prop. 50						
Arroyo Sequit fish migration barrier removal Phase II	Design, engineering, and construction of two bridges to replace concrete at-grade (Arizona) crossings, and the removal of a 2' high check-dam on Arroyo Sequit Creek at Leo Carrillo State Beach. The project will result in access to 4.5 miles of habitat to the endangered southern steelhead trout in the Arroyo Sequit watershed	\$774K	\$2.25M	2011-2016	California State Department of Parks and Recreation	Los Angeles County, National Park Service
Prop. 12						
Rindge Dam removal feasibility Study	Study of the Malibu Creek watershed immediately upstream and downstream of Rindge Dam to determine the feasibility of restoring the creek's ecosystem and its associated terrestrial and aquatic habitat, as well as enhancing the wildlife movement corridor within the	\$6.5M	\$750K	2007 - TBD	California State Department of Parks and Recreation	US Army Corps of Engineers



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	watershed. The study will also consider the possible beneficial use of sediment removed at Rindge Dam for beach nourishment or other environmental restoration.					
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BUDGET SUMMARY

A. Funding Authorization

FY 16 Funding Authorization (Oct. 1, 2015 - September 30, 2016)	
EPA FY 15-16 Base Funding	\$600,000
SWRCB – Match	\$300,000
Bay Foundation – Match	\$300,000
Authorized Funding Total	1,200,000

B. Detailed Budget

		EPA CWA 320 GRANT	OTHER SMBRF	SWRCB	Totals
Personnel	Salary + Benefits (@26%)	352,691	220,000	170,000	742,691
	Personnel Subtotal	352,691	220,000	170,000	742,691
Contract Services	Studies/Projects/Contracts	138,860	80,000	-	218,860
	Studies/Projects/Contracts Subtotal	138,860	80,000	-	218,860
Equipment	Computer & software	0	-	-	0
	Equipment Subtotal	0	-	-	0
Supplies	Project Materials, Supplies, and Small Equipment	15,300	-	-	15,300
	Supplies Subtotal	15,300	-	-	15,200
Other	Communications (phones, internet, web, conferences, technical meetings, etc.)	4,170	-	-	4,170
	Printing & Outreach services and materials	10,000	-	-	10,000
	Conference & Technical meetings	2,400	-	-	2,400
	SMBRC/TAC/WAC meeting and Sheriff Deputy costs	3,112	-	-	3,112
	Other Project Expenses (software, utilities, etc)	4,421	-	-	4,421
	SWRCB Space and Admin for SMBRC	-	-	130,000	130,000
	Other Subtotal	24,103	-	130,000	154,103
Travel	NEP Meetings and Conferences	5,500	-	-	5,500
	All other stakeholder and staff travel	9,000	-	-	9,000
	Travel Subtotal	14,500	-	-	14,500
SubTotal		545,455	300,000	300,000	1,145,455
Indirect Cost (@10%)		54,545	-	-	54,545
TOTALS		600,000	300,000	300,000	1,200,000

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Comment Letter I27

From: douglaspfay@aol.com
To: douglaspfay@aol.com; daniel.p.swenson@usace.army.mil; [Wildlife Ballona Wetlands Ecological Reserve EIR](#); bonnie.l.rogers@usace.army.mil
Subject: Draft Ballona Wetlands Ecological Reserve Comments, Questions, and Proposed Alternatives by Douglas Fay Part 2
Date: Monday, February 5, 2018 11:27:41 AM
Attachments: [Ballona_NOA_092617_revised_final.pdf](#)
[BallonNOPLongcore.pdf](#)
[SMB_Ballona_Corps_NOI_10_21_12.pdf](#)
[DOJ_CCC_1991_Letter.pdf](#)
[Congress_Request_to_Army_.pdf](#)
[House_Document_No_389.pdf](#)
[1954_83_Congress_Public_Law_780.pdf](#)

Dear USACE and CDFW Representatives,

Thank you for confirming comment letters can be submitted until midnight tonight. Attached are 7 additional supporting documents referenced in my comment letter to be included in the Draft EIR/EIS. There will also be 1 more email sent from me that includes other supporting documents referenced in my comment letter. Please reply if I need to resend my comment letter in another format. Please reply that you have received my (3) email submissions.

Kind regards,

Douglas Fay
644 Ashland Ave. Apt. A
Santa Monica, CA 90405
douglaspfay@aol.com

**NOTICE OF AVAILABILITY OF
DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT
REPORT (DRAFT EIS/EIR)**

To: All Interested Agencies, Organizations and Persons

From: California Department of Fish and Wildlife

Subject: Notice of Availability of Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) (State Clearinghouse No. 2012071090)
[REVISED TO CORRECT COASTAL CONSERVANCY ADDRESS]

Project Title: Ballona Wetlands Restoration Project

Project Proponents: The California Department of Fish and Wildlife (CDFW) and the Los Angeles County Department of Public Works-Flood Control District (LACFCD)

Project Location: The project site includes approximately 566 acres within the Ballona Wetlands Ecological Reserve (Ballona Reserve) and approximately 4 acres comprised of seven potential natural gas storage well relocation sites proposed within the Southern California Gas Company (SoCalGas) Property located adjacent to the Ballona Reserve. The Ballona Reserve is located in southern California, south of Marina del Rey and east of Playa del Rey. It extends roughly from the Marina Freeway (State Route 90) to the east, the Westchester bluffs to the south, Playa del Rey to the west, and Fiji Way to the north. It is primarily located in the western portion of the City of Los Angeles and partially within unincorporated Los Angeles County, approximately 1.5 miles west of the San Diego Freeway (Interstate 405) and approximately 0.25 mile southeast of Santa Monica Bay. The Ballona Reserve is bisected by and includes a channelized reach of Ballona Creek, and it is traversed by Culver Boulevard, Jefferson Boulevard, and Lincoln Boulevard. SoCalGas owns in fee, occupies, and operates the Playa del Rey Storage Facility, which is a natural gas storage system located at 8141 Gulana Avenue, Los Angeles. The SoCalGas Property consists of Site 1 through Site 7, which range between 0.19 and 0.99 acre in size and represent potential future locations for SoCalGas wells to be relocated from the Ballona Reserve as part of the project.

Date of Notice: September 25, 2017

Comment Review Period: September 25, 2017 – November 24, 2017

In accordance with the California Environmental Quality Act (CEQA), CDFW, acting in the capacity of Lead Agency, has worked together with the U.S. Army Corps of Engineers (the Corps) in its capacity as Lead Agency under the National Environmental Policy Act (NEPA) to complete a joint Draft EIS/EIR for the Ballona Wetlands Restoration Project. This notice briefly describes the project and its location, identifies the potential significant impacts of the project, describes how the Draft EIS/EIR and the reference material relied upon its drafting may be accessed electronically, and states where printed copies of the Draft EIS/EIR are available for inspection.

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PROJECT BACKGROUND AND SUMMARY DESCRIPTION: The California State Legislature provided for the establishment of ecological reserves, like the Ballona Reserve, to further a policy of protecting threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and non-marine aquatic, or large heterogeneous natural gene pools for the future use of mankind. The wetlands ecosystem in the vicinity of the Ballona Reserve once spanned more than 2,100 acres and supported a great diversity of wetland types that stretched from Playa del Rey to Venice and inland to the Baldwin Hills. As preliminarily delineated in 2011, the 577-acre Ballona Reserve now provides approximately 153 acres of potential wetlands, as well as approximately 83 acres of potential non-wetland waters of the U.S., including the Ballona Creek channel. The United States Environmental Protection Agency (USEPA) has determined that all wetland habitats within the Ballona Reserve are impaired, and a portion of the Ballona Reserve has been identified as among the most degraded wetlands in California using standardized wetland condition protocols.

CDFW proposes a large-scale restoration of the Ballona Reserve that would entail restoring, enhancing, and establishing native coastal wetland and upland habitats within the Ballona Reserve, and incidental work necessitated by the proposed restoration activities. The project is intended to return the daily ebb and flow of tidal waters where practically feasible to achieve predominantly estuarine conditions, enhance freshwater conditions, and enhance physical and biological functions within the Ballona Reserve. Restoring wetland functions and services would reestablish native wetland vegetation and provide important habitat for a variety of wildlife species. A restored, high-functioning wetland also would benefit the adjacent marine environment and enhance the quality of tidal waters. More specifically, the project would:

1. Establish 81.0 acres of new and enhance 105.8 acres of existing native wetland waters of the U.S. (total wetland waters of the U.S established or enhanced: 186.8 acres);
2. Establish 38.7 acres of new and enhance 58.0 acres of existing non-wetland waters of the U.S. (total non-wetland waters of the U.S established or enhanced: 96.7 acres);
3. Subject 31.4 acres of wetland waters of the U.S. to permanent loss, 0.2 acre to permanent loss of function, and 30.2 acres to temporary impacts;
4. Subject 5.2 acres of non-wetland waters of the U.S. to permanent loss, 5.7 acres to permanent loss of function, and 25.0 acres to temporary impact;
5. Work within 58.3 acres of navigable waters of the U.S. (16.2 acres of permanent loss of waters, 5.9 acres of permanent loss of function, and 36.2 acres of temporary impacts);
6. Reposition between 2,290,000 and 2,420,000 cy of dredged or fill material on the project site as perimeter levees, transition zones, and upland restoration areas to allow Ballona Creek to reconnect with its historic floodplain;
7. Export from the site between 10,000 and 110,000 cy of excavated soil via trucks or barge;
8. Remove approximately 9,800 feet of existing Ballona Creek levees and construct new engineered levees set back from the existing Ballona Creek channel;
9. Realign Ballona Creek to a “meander-shaped” channel configuration;



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- 10. Restore, enhance, and establish estuarine aquatic and associated upland habitats connected to the realigned Ballona Creek;
- 11. Install, operate, and maintain new hydraulic structures (potentially including culverts with self-regulating tide gates or similar structures) to allow for controlled tidal exchange;
- 12. Improve tidal circulation into the site and implementing other modifications to create dynamic interactions between the Ballona Creek channel, aquatic resources within the Ballona Reserve, and the Santa Monica Bay and thereby support estuarine and associated habitats within the Ballona Reserve;
- 13. Implement public access-related improvements including trails, a new three-story parking structure and other parking improvements, and encouragement of appropriate and legal public use throughout the Ballona Reserve by enhancing public safety;
- 14. Modify existing infrastructure and utilities as necessary to implement restoration activities, potentially including the abandonment or relocation of SoCalGas wells and pipelines; and
- 15. Implement long-term post-restoration activities, as needed, including inspections, repairs, clean-ups, vegetation maintenance, and related activities.



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SUMMARY OF IMPACT CONCLUSIONS: Issues addressed in the Draft EIS/EIR include Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural and Paleontological Resources; Energy Conservation; Geology, Seismicity, and Soils; Greenhouse Gas Emissions/Climate Change; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Population and Housing; Public Services; Recreation; Transportation and Traffic; Utilities and Service Systems; and Socioeconomics and Environmental Justice. With implementation of mitigation measures, no significant and unavoidable direct, indirect, or cumulative impacts associated with these considerations would result due to implementation, operation, or management of the project.

DOCUMENT REVIEW AND COMMENT: If you wish to review a copy of the Draft EIS/EIR, you may do so. The Draft EIS/EIR, appendices, and all documents referenced in the Draft EIS/EIR are available for public review during normal working hours at the following locations:

- 1. California State Coastal Conservancy, 1515 Clay St. 10th Floor Oakland, CA 94612
- 2. Los Angeles Public Library, Playa Vista Branch, 6400 Playa Vista Drive, Los Angeles, CA 90094
- 3. County of Los Angeles Public Library, Lloyd Taber-Marina del Rey, 4533 Admiralty Way Marina del Rey, CA 90292
- 4. Los Angeles Public Library, Westchester-Loyola Village Branch, 7114 W Manchester Ave, Los Angeles, CA 90045

In addition to printed copies, the Draft EIS/EIR also is available electronically on the project website (<https://www.wildlife.ca.gov/Regions/5/Ballona-EIR>) and at www.ballonarestoration.org

The public review period for the Draft EIS/EIR begins on September 25, 2017 and ends on November 24, 2017. Written comments on the Draft EIS/EIR will be accepted via regular mail or e-mail at any time before the end of the comment period on November 24, 2017, including in person at the public meeting described below. Written comments may be directed to:

Richard Brody, CDFW
c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108
E-mail: BWERCcomments@wildlife.ca.gov

PUBLIC MEETING DATE AND LOCATION: A public meeting will be held to provide an overview of the findings of the Draft EIS/EIR and to receive comments on the Draft EIS/EIR. No decisions about the project will be made at the public meeting. The date, time, and place of the public meeting is scheduled as follows:

Date: Wednesday, November 8, 2017
Time: 6:00 p.m. – 8:30 p.m.
Place: Burton Chase Park – Community Center
13650 Mindanao Way
Marina del Rey, CA 90292

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October 22, 2012

Ballona Wetlands Restoration Project
C/O Donna McCormick
1 Ada, Suite 100
Irvine, CA 92816

To Whom It May Concern:

Please consider the following comments in preparation of the Draft Environmental Impact Report/Environmental Impact Statement for the Ballona Wetlands Restoration Project. These are my personal comments and do not represent an official position of the University of Southern California or any of my other employers. *The use of letterhead is for identification and contact purposes only.* I am an urban ecologist with a long history of research on ecological restoration (Longcore 2003; Longcore 1999; Longcore et al. 2000) and management of natural ecosystems to support native biodiversity in southern California, with more recent research on the historical conditions of coastal estuaries and riparian systems in the region (Dark et al. 2011; Jacobs et al. 2011; Stein et al. 2010; Stein et al. 2007).

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First, the project description should be corrected to describe the project as wetlands “creation” not “restoration.” The proposed project in the NOP does not represent “the return of an ecosystem to a close approximation of its condition prior to disturbance,” which is a widely accepted definition of “restoration” (National Research Council 1992). The ending conditions depicted in the NOP have not been present in the system for over 2,000 years (Dark et al. 2011; Palacios-Fest et al. 2006) and would be, in fact, out of equilibrium with the hydrogeomorphological forces present in the current day watershed (Jacobs et al. 2011). The site will not be “restored” by introducing permanent tidal flows. Rather, in its historical condition prior to being jettied open to the ocean, the Ballona wetlands were only open to the ocean periodically in response to winter rains. As summarized by Dark et al. (2011):

Approximately half of the aggregate Ballona Lagoon area consisted of a freshwater and tidally affected saltmarsh and brackish habitats that transitioned into a more alkaline/freshwater system about 1.5 miles (2.4 km) inland. Historical habitat of the Ballona Lagoon coastal complex consisted of substantial amounts of brackish to salt marsh/tidal marsh habitat (29%), followed by salt flat/tidal flat (10%). Open water made up less than 3 percent of the lagoon and one of the more



salient features of the complex was a long but narrow strip of open water referred to by some as a “lake” at what we call today Del Rey/Ballona Lagoon (Sheridan 1887). This strip of open water periodically emptied into the ocean at the documented location of seasonal tidal access (figure 22). **We found no evidence that the lagoon remained perennially open, but rather the textual sources indicate that access to the ocean depended on hydraulic forces during any given year** (LAT 1887, Sheridan 1887, Hansen and Jackson 1889, Solano 1893). The migration of the Los Angeles River away from the lagoon transitioned the system into a lower energy system where only on rare occasions was there enough freshwater flow from Ballona Creek to break through the buildup of sediment along the coast. As a result, gradual build up of sediment around the terminus of the previous estuary formed dunes and created this “trapped” lake-like feature. The coastal dunes, which occupied four percent of the Ballona Lagoon coastal complex, played a significant role in the formation of the lake and the limited tidal access (see Jacobs et al. 2011).

Therefore, the creation of a meandering channel for Ballona Creek as described in the NOP would not be a “restoration.” The historical system did not have a large main channel. Changing the shape of an unnatural channel does not “restore” it.

Moving the channels will not “restore” the wetlands. To the contrary, it would introduce permanent tidal flow to areas that did not historically have such flows. The EIR/EIS should be accurate in the use of the term “restoration” and not extend it to the creation of novel wetland systems that, because they would not be supported by the existing or proposed hydrology, would require significant maintenance (i.e., dredging) to maintain and would destroy existing biodiversity.

Because the proposed project is not in any way a restoration, but rather represents creation of a distribution of wetland types that is novel in the project location, I request that the alternatives analysis include consideration of an alternative that has the following characteristics:

1. Does not adversely impact features on the landscape that have been stable since the late 1800s. This includes the dune system, various salt pan areas, and existing brackish to saltmarsh habitat currently dominated by native species. That is, all native habitats that roughly correspond with their historical locations are not disturbed. Essentially, “First, do no harm.”
2. Does not remove the levees, because these unnatural structures serve the role of the barrier dune that separated the wetland system for the ocean. Their removal unnaturally opens the wetlands area up to permanent tidal flow and would introduce pollution from Ballona



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Creek into the wetlands area. The alternative should use tidal gates and active management to create explicitly desired wetland conditions to support rare and endangered species that were historically present in the wetlands system.

3. Has explicit rare or endangered target species that were historically present in the Ballona wetlands complex (prior to the late 1880s) and could recolonize or be reintroduced following restoration. The current project description inexplicably does not list maintenance or restoration of native biodiversity as a goal, so an alternative with biodiversity conservation as a goal should be developed and considered.

I ask that the two attached documents be made part of the record for the EIR/EIS and be considered carefully when weighing the alleged benefits of creating a full-tidal system by removing the levees (see especially the discussion in Jacobs et al. 2011).

I am deeply concerned that the State has proposed a project that is a cookie-cutter abstraction of a generic coastal wetland of a particular type that was not historically present. Pursuing a perennially full tidal design will result in a homogenization of the wetland types found regionally and will be plagued by the same maintenance issues that have been encountered at other projects that artificially open what would naturally be closing estuaries (e.g., Bolsa Chica).

Sincerely,



Travis Longcore, Ph.D.

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DEPARTMENT OF JUSTICE



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May 23, 1991

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Re: Friends of Ballona Wetlands v. California Coastal Commission/
Application for Proposed Freshwater Marsh and Freshwater Marsh
System

Dear Members of the Ballona Wetlands Committee:

As a follow-up to the April 25, 1991 meeting, Peter Douglas has met with his staff to address some of the questions raised concerning the application for coastal permit the Ballona Wetlands Committee proposes to file concerning the development of a Freshwater Marsh and Freshwater Marsh System at Ballona. Peter has asked me to give you the benefit of his further thoughts on the proposed application.

First and foremost, at a staff level Peter is in full support of doing whatever he can to accomplish the attainment of a full tidal salt marsh at Ballona. His intent is to try to accommodate the mutual objectives of the Friends, Councilperson and Maguire Thomas Partners while ensuring that the Commission fully meets its responsibilities under the Coastal Act.

Concerning filing of the application, Peter has discussed with his legal and planning staffs the question of whether the Commission would indeed be acting as a "lead" agency on this proposed project and whether an EIR would be required prior to filing. As to the former, there has been some confusion whether there is any local discretionary approval required to construct the Freshwater Marsh in Area B. John Bowers, staff counsel for the Commission in San Francisco, is currently checking with the City Attorney's Office

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specifically to determine whether a City coastal permit would be required. If so, at some point the City would have to entertain separately an application for a local coastal permit and to comply with CEQA accordingly.

In any event, with respect to the freshwater marsh application, the Commission's role under CEQA remains the same whether it functions as a lead agency or not. No EIR or negative declaration would be required either to file the application or to process it. This is so because the Commission's regulatory program as to coastal development permits has been certified by the Secretary of Resources, thus exempting it from the preparation of such documents. (Pub. Resources Code, § 21080.5; Cal. Code Regs., Tit. 15 § 15251(c); see, e.g., Environmental Protection Information Center, Inc. v. Johnson ("EPIC") (1985) 170 Cal.App.3d 604, 617-618.) Even so, you should note that under CEQA the Commission still must address, among other things, feasible alternatives and mitigation measures which would lessen or avoid significant adverse environmental impacts and significant environmental objections raised during the application review process. (EPIC, 170 Cal.App.3d at 618, 620, 627-628.)

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In the case of the freshwater marsh application, Peter is willing to waive applicable local approvals and any CEQA documentation which would be generated thereby once the nature of those approvals is clarified. That should be taken up directly with Chuck Damm in the Commission's Long Beach office and the Commission's staff counsel, John Bowers, in San Francisco. In the event local approvals are waived, an application will be accepted for filing only if it is accompanied by, at a minimum, environmental documentation which includes: (1) a full evaluation of all alternatives and mitigation measures, and (2) written comments from the state and federal fish and wildlife agencies which are specifically directed to this particular application and which address the salt marsh issues raised by it.

Beyond the filing issue, the Commission staff is prepared to agree that the proposed Freshwater Marsh, including the 25-acre riparian corridor outside the coastal zone, can be accepted as adequate mitigation for the loss of salt marsh habitat in Area A and freshwater marsh located in Area B. However, staff wants the Committee to understand that it views this project as an integral part of full wetland restoration at Ballona, whether restoration be mid-tidal or full-tidal in nature. Therefore, if for some reason the overall restoration project does not go forward, the mitigation credit provided by an approval of this application would be rendered null and void.

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As to the remaining issues, the staff is not prepared to agree to application of a HEP analysis at Ballona which involves establishing some level of biological value to be achieved in one location while setting some type of habitat value elsewhere for purposes of determining future mitigation credits. The staff believes the issue is more appropriately dealt with on an acreage basis. Staff is also not ready to discuss what kind of mitigation ratio might apply in the circumstances presented. That would remain a post-filing issue.


Finally, the staff is willing to request that Fish and Game undertake an updated delineation of wetlands in Area A. Staff is likely to rely upon that determination in addressing the mitigation credit issue.

Obviously, this letter is a summary of the various issues Peter discussed with Commission staff. Therefore, it should not be construed as a definitive statement concerning the staff's ultimate recommendation on these points. Nonetheless, we hope it will serve to assist the Ballona Wetlands Committee in moving forward with its proposed application for permit.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

DANIEL E. LUNGREN
Attorney General


STEVEN H. KAUFMANN
Deputy Attorney General

- cc: E. Clement Shute, Jr., Esq.
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- Dean Willis, Esq.
- Peter M. Douglas - CCC/SF
- Chuck Damm - CCC/SD
- John Bowers - CCC/SF ✓
- Chris Perry - CCC/SF
- Donald Lollock - P&G/SAC

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To:

October 23, 2012

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Questions, Comments, and Recommendations by Douglas Fay on the proposed Ballona Wetlands Restoration Project NOI

1. Corps Release no. 12-015 Posted 9/26/12 Re: Termination of existing process at the request of the Santa Monica Bay Restoration Commission (SMBRC), a Joint Power Authority with the County of Los Angeles (County).

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Question: Will the termination of the existing feasibility study and accompanying EIS result in a project consistent with a comprehensive Santa Monica Bay Restoration Plan (SMBRP), or fragment the process?

Comments: My concern, and the concern of others, is the 2008 SMBRP is a significantly flawed document, with minimal public input. I have made several attempts to address my concerns publicly that have been denied by individuals in the SMBRC leadership rolls, the SMBRC Governing Board, members of the Santa Monica Bay Restoration Foundation (SMBRF), and submitted documentation to the California Coastal Commission (CCC).

A (partial) document analysis I prepared of the 2008 SMBRP addressed to the SMBRC Governing Board was submitted to Scott Valor. Months later Mr. Valor told me he did not give the time critical document to the Governing Board members. This is only one example of several deliberate and documented actions to exclude and deter me from this process.

Also, the SMBRC has recently approved the development of Parcel OT, a parking lot adjacent to the Oxford Lagoon a.k.a. the Oxford Retention

Basin and the Oxford Retention Basin Multi-Use Enhancement Project, both of which are under the County’s control. The Oxford Lagoon is part of the historical Ballona Wetlands that is primarily used for urban flood control discharge and retention prior to entering the Marina Del Rey (MDR) harbor through mechanical gates.

The Oxford Retention Basin Multi-Use Enhancement Project increases/enhances public access, which in turn reduces terrestrial habitat value. There is no significant aquatic habitat value due to the drastic variation of salinity levels that are catastrophic to most marine animals. This shows that their actions are based on politics, not science and sound restoration principles.

Current management practices of the Oxford Lagoon contradict SMBRP Goals and Objectives A. PRIORITY ISSUE: WATER QUALITY Goal 1: Improve water quality through treatment or elimination of pollutant discharges, Goal 2: Improve water quality through pollution prevention and source control, B. PRIORITY ISSUE: NATURAL RESOURCES Goal 4: Create and support policies and programs to protect natural resources.

Questions: Are these acceptable practices in the eyes of the Corps and CDFG? Please explain and elaborate if needed.

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Are other documents being censored without the Governing Board’s knowledge jeopardizing their abilities to evaluate and vote on proposed projects? Please explain and elaborate if needed.

What policies and programs to protect natural resources have been created by the SMBRC and implemented by government agencies and municipalities within the Santa Monica Bay watershed? Please explain and elaborate if needed.

What is the “commission’s proposed restoration project”?

Comment: I do not see a link to a website in this document, or have detailed knowledge of the commission’s proposed restoration project, which makes it difficult, if not impossible to comment on with an acceptable degree of accuracy.

Recommendation: Reverse your decision to accept the request by the SMBRC and proceed with the existing 2005 process. Provide ample opportunities for the public to be educated and engaged in drafting a restoration project through the existing process. Assure the public that the non-profit Santa Monica Bay Restoration Foundation (SMBRF) and SMBRC will not be controlling the process.



Investigate any wrong doings to members of the public including, but not limited to, misappropriation of public funds.

2. Corps Public Notice: SPL-2010-1155, Date: August 24, 2012

SUMMARY:

Comment: Historical maps show breaching of sand and full tidal exchange in the Del Rey Lagoon area of the coastline.

Questions: Is the restoration of this historic exchange in the proposed Ballona Wetlands Restoration Project (BWRP)?

If, and I quote, "The proposed project is intended to return the daily ebb and flow of tidal waters", then why wouldn't the first step to a restoration be limited to restoring the historical breaching?

What is the percentage of the proposed project's intended return of daily ebb and flow of tidal waters compared to historical levels within the wetlands?

Comment: I attended a lecture by Dr. Travis Longcore on May 22, 2012 entitled, "Closure Dynamics of Southern California Estuaries and Implications for Restoration."

Recommendation: View this lecture, reference it in the EIS/EIR, and answer the following questions. If you cannot easily obtain a copy, I will provide a copy upon request.

Questions: Do you agree that the historical photos, maps, and plant life show that the Ballona Wetlands were primary a fresh water to brackish wetlands? Please explain your answer and elaborate if needed.

Is there any historical data that shows the Ballona Wetlands ever had full tidal flow (ocean levels of salinity) throughout the proposed project area (approximately 600 acres)? Please explain your answer and elaborate if needed.

Is there any historical data that shows natural berming/levees adjacent to the Ballona Creek and around the parameter of the proposed project? Please explain your answer and elaborate if needed.

Is preservation of the historical Ballona Wetlands a concern? Please



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explain and elaborate if needed.

SUPPLEMENTARY INFORMATION:

Comment: This document states, "The Corps intends to prepare a joint EIS/EIR to assess the environmental effects associated with the proposed project. CDFG is the state lead agency for the EIR pursuant to the California Environmental Quality Act (CEQA)."

Questions: Is the Corps the Federal lead agency for the project, the EIR, or just the EIS?

Is CDFG the State lead agency for the project, the EIS, or just the EIR?

If CDFG is the lead agency, are they required to act as stewards of the public?

If so, why are the SCC, SMBRF, SMBRC, DRP, and others, appearing to be dominating all aspects of the proposed BWRP process with limited/controlled public input?

If the Corps and CDFG intend to jointly prepare a Draft EIS/EIR for the proposed BWRP, is one Scoping Meeting all that is legally required?

Comment: The Scoping Meeting(s) schedule was limited to 3 hours on 1 day. I was unable to attend due to a conflicting work schedule. Scott Valor told me the minimum that State law requires will be all that is provided throughout this process. I'm assuming this is true if the SMBRF, that Mr. Valor is associated with, is influencing the process.

Questions: If public participation is critical then shouldn't there have been more than one Scoping Meeting?

Comment: This document states, "7. Availability of the DEIS/EIR. The DEIS/EIR is expected to be published and circulated in late 2012. A public hearing will be held after its publication to field comments on the document."

Questions: Is one public hearing on the DEIS/EIR sufficient?

Will it be limited in time?

Will there be opportunity for question and answer sessions?



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Will speaker time during public comment be limited?

If public participation is critical then shouldn't there be more than one Public Hearing?

1. Background.

Comment: The background description is limited and vague.

Question: Where are the "attached figures"?

Comment: There were not any attached figures in the Corps SPECIAL PUBLIC NOTICE download.

Questions: If the Ballona Creek a.k.a. Ballona Flood Control Channel is "a component feature of a federal flood risk management project," could a project increase flood risk?

Who owns the Ballona Creek/Flood Control Channel portion that bisects the State owned Ballona Wetlands?

Who is legally responsible for liabilities associated with altering the alignment of the Ballona Creek/Flood Control Channel?

Will there be special laws and/or regulations drafted specifically for the proposed project?

Has a Federal/State wetlands project partnership similar to this proposed project been completed before?

Comment: If so, please describe with references.

Recommendations: Study and describe all of the water bodies associated with the Ballona Wetlands and the development adjacent to the proposed project and adjacent water bodies, including, but not limited to, industrial, commercial, residential, recreational, flood plain, polluted waters, and Native American data.

Study and describe how an alteration of what I am assuming are Federal waters/land/boundaries with State land/waters/boundaries will be conducted including, but not limited to, jurisdiction, law enforcement, management, maintenance, funding and liability.



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2. Project Purpose and Need.

Comments: Regarding the statement, “In addition, the wetland habitat and natural hydrological functions in the area have been substantially degraded.”

Questions: How have the natural hydrological functions been substantially degraded? Please explain your answer and elaborate if needed.

Who is responsible? Please explain your answer and elaborate if needed.

Is the degradation of the natural hydrology of the project area ongoing? Please explain your answer and elaborate if needed.

If so, is the degradation legal or illegal?

Comment: Regarding the statement, “Restoration of coastal wetlands is needed in order to increase available nursery and foraging habitat for wildlife and to provide recreational and educational opportunities to the public.”

Questions: Will a comprehensive plan including all coastal waters and water sources originating inland be more effective at maintaining and increasing biodiversity than limiting the scope of study to coastal wetlands within the proposed project site? Please explain your answer and elaborate if needed.

What does CEQA require?

What are the recreational and educational opportunities proposed?

Comment: I’m told my grandfather and father hunted ducks in the Ballona Wetlands area.

Questions: Will regulated hunting and fishing be allowed publicly in the proposed project area?

Will Native Americans be allowed to hunt and fish in the proposed project area? Please explain your answer and elaborate if needed.

Comment: Regarding the statement, “A restored, optimally functioning wetland would also benefit the adjacent marine environment and enhance



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the quality of tidal waters.”

Questions: How does a wetland enhance the quality of tidal waters?

Does the proposed project intend to introduce polluted water sources into the wetlands?

How do polluted waters including, but not limited to, waters laden with synthetic chemical compounds affect the health and reproductive cycle of living organisms? Please explain your answer and elaborate if needed.

Are there endangered or threatened species within and/or adjacent to the proposed project area?

Would the proposed project need maintenance and funding to remove introduced pollutants in perpetuity? Please explain your answer and elaborate if needed.

Comments: Not mentioned in the Project Purpose and Need is the need, or should I say intent, to construct flood and tsunami control levees in an effort to mitigate and protect recently developed structures. Also, the significant amount of earth/soils, that are proposed to be moved, to build the massive levees, will significantly increase the amount of ocean waters, and thereby decrease the need to restore fresh water sources that have been depleted.

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Questions: Do any of the proposed project alternatives appear to be flood control mitigation for the Playa Vista development? Please explain your answer and elaborate if needed.

If so, is it an acceptable practice, both morally and financially, by the Corps and CDFG to move forward with an NOI when the preferred restoration project appears to be based on flood control mitigation for adjacent lands?

What is the cost incurred to date to develop what I'm assuming is the preferred proposed project alternative? Please explain your answer and elaborate if needed.

How much of the expenses to date have gone to, or through, CDFG? Please explain and elaborate if needed.

Are you aware that a Santa Monica Bay Restoration Account (SMBRA)



exists?

Has any money gone in or out of the SMBRA for this project, or any other project that you are aware of?

Is the proposed restoration funded by grants? Please explain and elaborate if needed.

Does CDFG have detailed accounting records for all financial activities related to the BWRP? Please explain and elaborate if needed.

Are there financial accounting records and/or audits available for public viewing?

If so, how is it accessed? Please explain and elaborate if needed.

If not, why? Please explain and elaborate if needed.

Comment: Regarding the statement, "The purpose of the project is to restore ecological functions of the site, in part, by enhancing tidal flow." When the County introduced/increased urban flood control waters into the Oxford Lagoon, removed sources of fresh water, and manually maintained tidal flushing, the migratory bird population dropped significantly. I have witnessed Mallard ducklings expire in the MDR harbor due to lack of fresh water access.

Question: How do you enhance migratory bird habitat by enhancing tidal flow?

3. Proposed Action.

Comment: Regarding the statement: "CDFG is proposing a large-scale restoration of the Ballona Wetlands Ecological Reserve. The proposed project entails restoring, enhancing, and establishing native coastal wetland and upland habitats in the approximately 600-acre Ballona Wetlands Ecological Reserve."

Questions: Is CDFG proposing a large-scale restoration, or is the large-scale restoration proposal coming from the SMBRF and/or other organizations? Please explain and elaborate if needed.

Why is the State Coastal Conservancy (SCC) taking the lead in funding for planning and restoration of the CDFG property? Please explain and



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elaborate if needed.

What is the roll of California Department of Parks and Recreation (DPR)?

Will CDFG control the proposed “Long-term operations and management activities including inspections, repairs, clean-up, vegetation maintenance, and related activities,” or will they be subcontracted?

If subcontracted to who will they subcontracted to and why? Please explain and elaborate if needed.

Comment: The 2008 SMBRP states, “Determine preferred alternative by 2009.”

Question: Does CDFG have a preferred alternative?

Does the SMBRC have a preferred alternative? Please explain and elaborate if needed.

If so, why hasn't it been released to the public so we can accurately comment on the NOI?

If a draft has been released, where can I obtain a copy?

4. Alternatives Considered.

Comment: Regarding the statement, “The feasibility of several alternatives is being considered and will be addressed in the DEIS/EIR.”

Questions: What are the alternatives and where did they come from? Please explain and elaborate if needed.

Is the Proposed Ballona Wetlands Restoration Plan (BWRP)(Draft), Prepared in conjunction with the Ballona Wetlands Land Trust, Save Ballona Wetlands, and Rimmon C. Fay, Ph.D. dated June 21, 1995, submitted to the Corps, County, and City of Los Angeles included in the proposed alternatives? Please explain and elaborate if needed.

Is it a document that both the Corps and CDFG have in their possession and has been studied by staff biologists and engineers? Please explain and elaborate if needed.

Recommendation: If not, obtain the BWRP draft document dated June 21,



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1995. (I have a copy if needed) Study and describe the viability of implementing this alternative with acknowledgement of current conditions: ownership, development, etc.

5. Scoping Process.

Comments: The Scoping Meeting was conducted on August 16, 2012 from 4:00 to 7:00 p.m. One 3 hour meeting was all that was provided. Regarding the statement, “providing useful information such as published and unpublished data, and knowledge of relevant issues and recommending mitigation measures to offset potential impacts from proposed actions.”

Questions: What is being done to improve the diminishing water quality within the MDR harbor? Please explain and elaborate if needed.

What is proposed project plan and/or mitigation for being impacted by poor water quality, pollutants, and invasive species originating from within the MDR harbor? Please explain and elaborate if needed.

How many industrial dischargers are permitted into the Santa Monica Bay? Please explain and elaborate if needed.

What are they reportedly discharging? Please explain and elaborate if needed.

What are the locations of discharge? Please explain and elaborate if needed.

What is the reported volume of discharge daily/annually? Please explain and elaborate if needed.

What mitigation measures are in place to ensure there is no negative impact to water quality, and biological diversity and quantities? Please explain and elaborate if needed.

Are there any legal discharge permits issued anywhere within the Ballona Creek Flood Control Channel (BCFCC)? Please explain and elaborate if needed.

Have there been any reported accidental spills into the BCFCC within the past 10 years?



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If so, how many and what was spilled? Please explain and elaborate if needed.

What are the specifics: date, time, estimated quantity, etc. and result: beach closures, number of days, etc.? Please explain and elaborate if needed.

What is the current biological assessment of the Ballona Wetlands? Please explain and elaborate if needed.

What is the current biological assessment of the Marina Del Rey harbor? Please explain and elaborate if needed.

What is the current biological assessment of the Del Rey Lagoon? Please explain and elaborate if needed.

What is the current biological assessment of the Oxford Lagoon? Please explain and elaborate if needed.

What is the current biological assessment of the Ballona Creek including all tributaries? Please explain and elaborate if needed.

What is the current biological assessment of the Venice Canals? Please explain and elaborate if needed.

What is the current biological assessment of the Santa Monica Bay? Please explain and elaborate if needed.

What was the annual historic high catch, combined recreational and commercial, in tons, taken from the Santa Monica Bay, include the year and as much data as possible including, but not limited to, variety of fish, shellfish, crustaceans, mammals, and value (adjusted)? Please explain and elaborate if needed.

What is the current annual catch, combined recreational and commercial, in tons, taken from the Santa Monica Bay, include the year and as much data as possible including, but not limited to, variety of fish, shellfish, crustaceans, mammals, and value? Please explain and elaborate if needed.

What plants and animals, both terrestrial and marine, are currently proposed to be restored and/or introduced to the above listed waterbodies directly related to the proposed project including, but not limited to, the



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Ballona Wetlands, MDR harbor, Del Rey Lagoon, Oxford Lagoon, Ballona Creek flood control channel including all tributaries, the Venice Canals, and the Santa Monica Bay? Please explain and elaborate if needed.

What is the current percentage of annual take/catch, combined recreational and commercial, within the Santa Monica Bay, as a percentage of historical recorded highs? Please explain and elaborate if needed.

What is the estimated annual take/catch, combined recreational and commercial, within the Santa Monica Bay, increase over a 10 year period, with the currently proposed Ballona Wetlands Restoration project when completed? Please explain and elaborate if needed.

What is the annual consumption cost of seafood imported and sold within the Santa Monica Bay watershed? Please explain and elaborate if needed.

Would it be better for our local economy to reduce our dependence on imported seafood? Please explain and elaborate if needed.

Would implementing a comprehensive Santa Monica Bay Restoration Plan that strives to restore biomass to historical levels create a significant amount of new jobs in areas of, but not limited to, research, fisheries, aquaculture, education, scuba industry, hospitality, marine resources management, tourism, etc.? Please explain and elaborate if needed.

Have you read the 2008 SMBRP?

Are you aware of the fact that there is no mention of artificial reefs in the 2008 SMBRP?

Comment: 2 years ago I asked SMBRC Governing Board member and (then) HTB president Mark Gold a question about artificial reefs in the Santa Monica Bay? His reply was something to the effect of, "We didn't discuss them." A year later when I repeated what I thought I heard he corrected me saying something to the effect of, "No, the definition of artificial reefs!"

Questions: Does the Corps and/or CDFG have knowledge of artificial reefs in the Santa Monica Bay? Please explain and elaborate if needed.

Does the Corps (Federal) and CDFG (State) have a uniform definition for "artificial reefs" that can be included in the proposed project glossary of



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terms? Please explain and elaborate if needed.

Are you aware of the fact that there is no language whatsoever in the 2008 SMBRP to do enhancement projects within the Santa Monica Bay, even though that it is worded into the mission statement of the SMBRF?

Are you aware of the fact that the majority of restoration projects funded by the SMBRC/SMBRF have been improperly classified as enhancement projects? Please explain and elaborate if needed.

Have pilot tide pools at varying depth, configurations, material, size, etc. within the existing Ballona Creek flood control channel to test the viability of removing the existing levees been proposed? Please explain and elaborate if needed.

Comments: I was invited by a member of the SMBRC to attend and participate in the annual Bay Watershed Council (BWC) working group to draft the annual work plan held on Feb. 12, 2012. When I arrived I was told I could not participate. SMBRF staff Mark Abrams was present and hired to prevent members of the public from participating in the working groups. I attempted to suggest the pilot tide pools during public comment while attending this humiliating experience.

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This unacceptable behavior of members of the SMBRC/SMBRF that authorized and enforced this action completely contradicts the "Letter From the Director" SMBRC Executive Director Shelley Luce in the SMBRC Annual Report 2011 which states, "We are planning new workshops and other mechanisms for getting public input on the BRP and annual work plans."

Question: What actions will the Corps and CDFG take to assure the public that the behavior of this magnitude will not continue to occur throughout the proposed project process? Please explain and elaborate if needed.

Comment: Other actions that contradict sound science and restoration principles surround decisions made aware to me by Dr. Wang. Dr. Wang told me he did not read the Montrose Settlement Restoration Plan (MSRP). Specifically, Appendix A1 Construct Artificial Reefs and Fishing Access Improvements and Appendix A3 Restore Full Tidal Exchange Wetlands. There was \$40 million in Federal MSRP grant money available in 1995.

Questions: Did the SMBRC and/or SMBRF apply for MSRP grant(s) for the



Ballona Wetlands and/or Santa Monica Bay projects? Please explain and elaborate if needed.

Did CDFG or any State agency apply for MSRP grant(s) for the Ballona Wetlands and/or Santa Monica Bay projects? Please explain and elaborate if needed.

Comments: Dr. Wang also told me the SMBRC did not propose/apply to incorporate the County's Parcel OT (the parking lot adjacent to the Oxford Lagoon) to expand the Oxford Lagoon which would have increased the viability of wildlife significantly. The County is planning to build a massive luxury senior living facility that will abut the Oxford Lagoon further reducing wildlife viability.

This action contradicts SMBRP B. PRIORITY ISSUE: NATURAL RESOURCES Goal 5: Acquire land for preservation of habitat and ecological services.

Question: Is development of vacant land adjacent to coastal wetlands that are compromised through management practices in the best interest of sound restoration principles?

Other actions that concern me are the Total Maximum Daily Loads (TMDLs), imposed by a Heal The Bay (HTB) lawsuit, that may not reflect natural occurring levels of waterways and waterbodies. For example, the TMDL approved for the Malibu Lagoon may be much cleaner than what naturally occurs within a healthy lagoon triggering an approval for a restoration project based on false and/or misleading information.

What is the scientific opinion of the Corps and CDFG on the establishment and enforcement of TMDLs that may not reflect naturally occurring water quality standards of all waterbodies and waterways associated with the proposed project? Please explain and elaborate if needed.

FINAL SUMMARY AND RECOMMENDATIONS

Why am I so concerned about the outcome of the historical Ballona Wetlands and Santa Monica Bay area you might ask?

I was born in Santa Monica, Ca at St. Johns Hospital in 1962 and raised on Howard Street adjacent to the railroad tracks and the Oxford Lagoon. There was so much wildlife present in the area when I was young. Dozens of ducks would land in our yard. Salamanders, lizards, and snakes could easily be found. Cancer crabs could be caught in the MDR harbor by the bucket full. Catching your limit of fish in the Bay seemed much easier. The



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tidepools at Palos Verdes and Paradise Cove were abundant with life. Now 40 years later, the effects of urban development and associated pollution without sufficient mitigation have significantly compromised all life forms.

My father was Dr. Rimmon C. Fay, a second-generation Santa Monica Bay fisherman who, through education and experiences, became a leading expert of the Santa Monica Bay and California coastal pollution issues starting in the 1950s. His independence and contributions to environmental protection and education were epic, including his contributions to save the Ballona Wetlands.

With PhDs in Chemistry and Oceanography, countless California ocean dives, hours at sea, days on the beach growing up and fifty years as an ocean lifeguard, as owner/operator of Pacific Bio Marine biomedical research, supply & education, as a founding member of the CCC, and many more contributions worthy of honor and respect, Rim's input in the 1995 Proposed BWRP Draft deserves recognition.

I have a lifetime of experience learning from my father, have served on a land use advisory committee in Monterey County, CA, have several professional certifications in multiple fields including PADI Master Scuba Diver Trainer, Emergency First Response Instructor, ASE Master Technician, Toyota Expert Technician and a BAR Smog Technician License. I have traveled throughout the Pacific region, have hundreds of logged dives, survived the 2004 Asian Tsunami, and have ten years of experience with upper watershed management including over 500 hours of heavy equipment operation and maintenance.

My knowledge of the Santa Monica Bay may never eclipse my fathers. I do believe that I have a better general knowledge than most and have an exceptional ability to identify and fix problems that are obviously broken. The library of Dr. Rimmon C. Fay is in storage awaiting a location were it can be housed, digitized, and made available for all academia on a website. Valuable historical data pertaining to the proposed project may be in his library. Funding to make this information accessible has not been secured.

What are the additional recommendations and desired outcome that I would like to see for the Ballona Wetlands and Santa Monica Bay?

Strongly consider the history of the Tongva Native Americans and respect the current concerns of Johntommy Rosas. If he has registered the Ballona Wetlands as a Sacred Site, the massive alterations proposed should not be allowed in perpetuity. Any enhancements should be harmonious, based on time proven science independent of the SMBRC/SMBRF influence, and focused on restoring an ecosystem that is as natural and maintenance free



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as possible.

Restore the historical levels of fresh water to the aquifer below the wetlands through natural recharge and/or injection wells.

Restore the historic levels of fresh surface water

Restore the native terrestrial animals to historical levels to the greatest extent possible including deer and bats.

Explore creating the habitat necessary to allow for greatest diversity of terrestrial animals with minimal change to existing conditions.

Ban domestic animals, especially cats and dogs, from the Ballona Wetlands and adjacent walking/viewing areas.

Install fencing and/or concrete barriers to prevent wildlife from entering roadways.

Install large culverts with solar lighting for animals to cross under existing roadways. Raise the roadways if needed to allow reasonable mobility.

Do not remove the Ballona Creek flood control levees.

Implement pilot test tidepools throughout the Ballona Creek flood control channel with varying designs, locations, and conditions.

Cut openings into the concrete of the existing Ballona Creek levees to allow for native trees to grow, providing habitat and shade for wildlife.

Do not consider opening the wetlands to full tidal flush until the source of ocean water is of the highest quality. The current water quality of the MDR harbor and Playa Del Rey nearshore waters are unacceptable at this time.

Research and implement restoring staff and funding to CDFG so that they truly are the lead agency in this process. I'm told that CDFG funding has been reduced which reduces their effectiveness to educate and enforce locally is reduced. I recently read where the non-profit Santa Monica Baykeeper were making transects across the Bay looking for illegal activity in the Marine Protected Areas (MPAs) in an effort to warn boaters of a potential CDFG citation. This behavior is not a cost effective way to manage marine resources.

Remove the SMBRF from this process. If they have research and recorded data through grant funding acquired from the public, this information shall be given to CDFG. Allowing a non-profit to have the amount of control and influence over State agencies and commissions, with limited public accountability, is not in the general public's or the environment's best interest including the Ballona Wetlands.

Implement partnerships with local educational institutions in an effort to recruit students from Kindergarten to College to participate in research, education, restoration, maintenance, monitoring and management programs, including SCUBA training and certification.



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Create and nonpartisan independent review board with membership that is not financially associated to the proposed project and has term limits for members.

Make restoring the abundance and diversity of marine life in the Santa Monica Bay to historical levels a top priority. This can be achieved by: Removing all forms of industrial pollution (thermal, sewage waste, and desalination brine) discharged directly into the Bay and ban in perpetuity. Fully mitigating for all of the sand historically placed on the shoreline through natural rock and artificial reefing to replace the lost nearshore habitat.

Fully mitigating the sediment discharged from Hyperion in mid to deep waters through natural rock and artificial reefing to restore and possibly enhance the lost habitat diversity that biomass requires.

Establish and manage a significant amount of kelp forest in the Santa Monica Bay from El Segundo to north of the Santa Monica Pier.

Restore the historical breach to the Del Rey Lagoon.

Drastically change how the waters within the MDR harbor are managed including, but not limited to: mandatory nets on all docks to remove floating debris, developing and implementing a vacuum system for in-water boat bottom cleaning, and stronger enforcement of illegal spills.

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IN CONCLUSION

My family has been in this process for three generations. My grandfather instilled the love and respect of nature and all that it has to offer to my father. My father shared that experience with me. And now I'm nurturing the values taught to me into my young son and daughter.

It was at my father's memorial that I promised Tom Hayden, the only politician to finally stand beside my father and fight for healing the Santa Monica Bay rather than treat it as a dumping ground. It was a surprise and pleasure to see him this morning in passing to say hello and thanks.

If there was one quote that sets the tone for why I'm fighting for the historical Ballona Wetlands it would be, "so preservation of a historic wetland is not a concern."

You'll find that quote on page 4 of the HTB letter to the CCC in support of the controversial Malibu Lagoon Restoration project.

Please judge wisely and favor restoring nature over alternatives influenced by huge sums of money and those that can easily lose their way.

Respectfully submitted,

Douglas Fay
644 Ashland Ave Apt A
Santa Monica, CA 90405
Tele: 310 437-0765
Email: douglaspfay@aol.com

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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

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 23, 1994

ATTEST: 
 NORMAN Y. MINETA, Chair

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9/23/94

83D CONGRESS } HOUSE OF REPRESENTATIVES { DOCUMENT
2d Session } } No. 389

PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

LETTER

FROM

THE SECRETARY OF THE ARMY

TRANSMITTING

A LETTER FROM THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY, DATED AUGUST 8, 1952, SUBMITTING A REPORT, TOGETHER WITH ACCOMPANYING PAPERS AND AN ILLUSTRATION, ON A PRELIMINARY EXAMINATION AND SURVEY OF HARBOR AT PLAYA DEL REY, CALIF., AND A REVIEW OF REPORTS ON PLAYA DEL REY INLET AND BASIN, VENICE, CALIF., AS AUTHORIZED BY THE RIVER AND HARBOR ACT APPROVED ON AUGUST 26, 1937, AND REQUESTED BY A RESOLUTION OF THE COMMITTEE ON COMMERCE, UNITED STATES SENATE, ADOPTED ON JUNE 2, 1936

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MAY 13, 1954.—Referred to the Committee on Public Works and ordered to be printed, with one illustration

DEPARTMENT OF THE ARMY,
Washington 25, D. C., May 11, 1954.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: I am transmitting herewith a report dated August 8, 1952, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a preliminary examination and survey of Harbor at Playa del Rey, Calif., and a review of reports on Playa del Rey Inlet and Basin, Venice, Calif., with a view to determining whether any improvement of the locality is warranted at the present time, authorized by the River and Harbor Act approved on August 26, 1937; and requested by a resolution of the Committee on Commerce, United States Senate, adopted on June 2, 1936.

In accordance with section 1 of Public Law 14, 79th Congress, the views of the State of California and the Department of the Interior are set forth in the enclosed communications.

The Bureau of the Budget advises that while there is no objection to submission of the report to Congress, authorization of the improvement recommended therein would not be in accord with the program of the President unless the Federal participation is limited to 50 percent of the cost of the general navigation facilities. The complete views of the Bureau of the Budget are contained in the attached copy of its letter.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

COMMENTS OF THE BUREAU OF THE BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., April 28, 1954.

The honorable the SECRETARY OF THE ARMY.

MY DEAR MR. SECRETARY: Your letter dated March 20, 1953, states that no modifications or revisions need be made from the standpoint of general policy or procedure in the 27 final proposed reports of the Chief of Engineers pending in the Bureau of the Budget on January 20, 1953. One of these is the report on the project at Playa del Rey, Calif. This report had been authorized by the River and Harbor Act approved on August 26, 1937, and requested by a resolution of the Committee on Commerce, United States Senate, adopted on June 2, 1936. Acting Secretary Johnson submitted the report to this office on August 19, 1952.

The Chief of Engineers recommends, subject to certain conditions of local cooperation, the provision of a harbor at Playa del Rey, Calif. First costs to the United States, including aids to navigation, are estimated at \$6,193,000 by the Board of Engineers for Rivers and Harbors. First costs to local interests are estimated at \$19,427,000. It is noted that the Board's estimate of \$25,620,000 for total first costs is based largely on cost estimates made in 1948. On this basis, annual costs are computed to be \$933,025. Annual benefits are estimated at \$1,296,000. The resulting benefit-cost ratio is 1.4.

The Chief of Engineers considers the proposed Federal participation in the project appropriate "if it is the intent of Congress to provide Federal assistance in the development of recreational boating facilities of the type proposed in this report."

The President in his 1955 budget message stated that, "to the greatest extent possible, the responsibility for resource development, and its cost, should be borne by those who receive the benefits." The benefits from Playa del Rey harbor evidently will be largely local in character. While it is recognized that under the proposed plan local interest will be required to spend large sums for lands,

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PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

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piers, bulkheads, floats, paving, and other facilities, they would be making no contribution to the cost of the general navigation features of the project. The vessel berthing and shore works are items which traditionally have been furnished by local interests in the case of all navigation improvements to insure effective use of the facilities provided by the Federal Government.

We believe that the Federal share of the costs of all recreational harbors should be limited to not more than 50 percent of the first cost of providing the general navigation facilities. In the case of Playa del Rey the general facilities appear to include the jetties, entrance channel, interior channel, and central basin.

Accordingly, while there would be no objection to submission of the report on Playa del Rey Harbor to Congress, authorization of the improvement recommended therein would not be in accord with the program of the President unless the Federal participation is limited to 50 percent of the cost of the general navigation facilities.

Sincerely yours,

DONALD R. BELCHER, *Assistant Director.*

COMMENTS OF THE STATE OF CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS,
Sacramento, June 26, 1952.

Gen. LEWIS A. PICK,
*Chief of Engineers,
Department of the Army, Washington, D. C.*

DEAR SIR: Your proposed report on a review of reports on and preliminary examination and survey of Playa del Rey Inlet and Basin, Venice, Calif., was received on April 7, 1952, and transmitted on the same date to the division of water resources of this department for review and report thereon.

The report of the division of water resources has been received and is transmitted herewith in accordance with the provisions of Public Law 14, 79th Congress, 1st session.

I concur in the recommendations contained in the report of the division of water resources and it is requested that said report be considered as expressing the views and recommendations of the State of California on your proposed report on a review of reports on and preliminary examination and survey of Playa del Rey Inlet and Basin, Venice, Calif. It is further requested that the report of the division of water resources, dated June 26, 1952, on this subject be transmitted to the President of the United States and to the Congress along with the other material that may be so transmitted.

Very truly yours,

FRANK B. DURKEE,
Director of Public Works.

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REVIEW BY STATE DIVISION OF WATER RESOURCES OF PROPOSED REPORT OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY, ON PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

INTRODUCTION

In accordance with the provisions of section 1 of Public Law 14, 79th Congress, the proposed report of the Chief of Engineers, United States Army, on Playa del Rey Inlet and Basin, Venice, Calif., together with the reports of the Board of Engineers for Rivers and Harbors and of the district and division engineers, was transmitted by the Chief of Engineers on March 31, 1952, to Mr. Frank B. Durkee, director of public works, the official designated by Gov. Earl Warren as his representative in such matters. The report was received and referred to the State engineer on April 7, 1952, for review and report thereon. Thereafter, the reports were transmitted by the State engineer to Seth Gordon, director, department of fish and game; Rufus W. Putnam, executive officer of the State lands commission; Newton B. Drury, chief, division of beaches and parks of the department of natural resources; and G. T. McCoy, State highway engineer.

Authority for report

The report was prepared pursuant to a resolution adopted June 2, 1936, which reads as follows:

Resolved by the Committee on Commerce of the United States Senate, That the Board of Engineers for Rivers and Harbors, created under section 3 of the River and Harbor Act approved June 13, 1902, be, and is hereby, requested to review the reports on Playa Del Rey Inlet and Basin, Venice, California, printed in House Document No. 1880, 64th Congress, 2d session, with a view to determining whether any improvement of the locality is warranted at the present time.

Further authorization was contained in Public Law 392, 75th Congress, approved August 26, 1937, which reads in part as follows:

SEC. 4. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, * * * harbor at Playa Del Rey, California * * *.

A review of reports on Playa del Rey Inlet and Basin, Venice, Calif., and preliminary examination of the harbor at Playa del Rey, Calif., dated May 26, 1939, was submitted by the district engineer in accordance with the foregoing authorizations. The district engineer's report was reviewed by the Board of Engineers for Rivers and Harbors, and a report of survey scope was authorized by the Chief of Engineers on April 6, 1944, to determine the advisability and cost of improvement and the local cooperation required.

Recommendations of the Chief of Engineers

The following is quoted from the proposed report of the Chief of Engineers now under review:

After full consideration of the reports secured from the district and division engineers, and after affording local interests full opportunity to be heard, the Board recommends provision of a harbor at Playa del Rey, Calif., to consist of 2 entrance jetties each about 2,300 feet long; an entrance channel 20 feet deep, 600 feet wide, and 1,925 feet long; an interior channel 20 feet deep, 600 feet wide, and 5,600 feet long; a central basin 10 feet deep; and 2 side basins 20 feet deep and 10 side basins 10 feet deep, separated by mole-type piers; the dredged material to be utilized for construction of the piers and for deposition on adjacent lowlands and beaches; all generally in accordance with the plan of the district engineer and the comments herein, and with such modifications thereof as in the discretion

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of the Chief of Engineers may be advisable; at an estimated cost to the United States of \$6,151,000 for construction and \$25,000 annually for maintenance, subject to the condition that local interests agree to (a) provide without cost to the United States all rights-of-way necessary for construction and maintenance of the improvement and furnish suitable spoil-disposal areas for initial work and subsequent maintenance when and as required; (b) secure and hold in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; (c) relocate oil wells and relocate and construct public utilities as required; (d) construct a bulkhead around basin K and stone revetment on the side slopes of the remaining basins; (e) extend the north jetty at Ballona Creek to a length sufficient to hold the fill to be placed on the beach to the north thereof; (f) provide adequate berthing and other facilities for small craft; (g) provide adequate parking areas, access roads, and landscaping of the piers; (h) establish a public body to regulate the use and development of the harbor facilities which shall be open to all on equal terms; (i) dredge or bear the actual cost of dredging the 12 side basins; (j) maintain and operate the entire project except aids to navigation, entrance jetties, and project depths in the entrance channel, the interior channel, and in the central basin; and (k) hold and save the United States free from damages due to the construction and maintenance of the improvement; and also subject to the condition that adoption of a project as recommended shall not relieve local interests of responsibility for stabilization of beach fill along the shores of Santa Monica Bay with such Federal assistance as may be authorized following completion of the cooperative beach erosion control study now in progress. The local cooperation is estimated to cost \$19,427,000.

3. The proposed improvements are designed to meet recreational boating needs and are not significant from the standpoint of commercial navigation. The preponderance of benefits accruing to local interests as compared with general benefits of the type which warrant Federal participation is reflected in the relatively large non-Federal expenditures contemplated as compared with the proposed Federal costs. The proportion of Federal and non-Federal participation recommended by the Board of Engineers for Rivers and Harbors is considered appropriate if it is the intent of Congress to provide Federal assistance in the development of recreational boating facilities of the type proposed in this report. Subject to this, I concur in the views and recommendations of the Board. I further recommend that any authorizing legislation provide that construction shall not be initiated until conditions are such that the work will not interfere with the effort needed to meet existing and prospective emergency requirements.

Description of area

Playa del Rey is located in the central portion of the coast of Santa Monica Bay, about 26 miles upcoast by water from Los Angeles Harbor, and 3 miles downcoast from Santa Monica Harbor. The site proposed for the small craft harbor consists of about 1,200 acres of salt marshlands lying immediately north of the Ballona Creek flood-control channel and south of the Venice district. It is included within the incorporated area of the city of Los Angeles.

In 1903, as part of a real estate development, a series of canals was dredged in the Venice area. Many of these canals have since been filled and utilized for city streets, but the main canal still traverses the proposed harbor site, paralleling the coast and connecting with tide gates in the Ballona Creek channel. There is no navigable connection between the sloughs of the proposed harbor area and the ocean, and the Venice canals are utilized only by rowboats. The Federal Government completed the Ballona Creek flood-control channel and jetties in 1938. This trapezoidal channel is 200 feet wide, with stone paved sides on 1 on 3 slopes. The original random stone jetties at the mouth of the channel were extended by the city of Los Angeles in 1946, and are now about 1,350 feet in length. The harbor site includes a part of the Venice oilfield. Production from this field has declined from a peak exceeding 40,000 barrels per day in the discovery year of 1930 to about 2,300 barrels per day during 1946. About 40 wells have been

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abandoned due to low production and salt-water intrusion, leaving 111 wells on low production.

Local interests consider that the proposed harbor at Playa del Rey would be an integral unit of an adopted general plan for development of the Santa Monica Bay shoreline. This plan includes widening and improving beaches, providing adequate bath houses, parking areas, picnic facilities, special recreation centers, bathing and wading beaches, fishing piers, youth organization camps, tourist parks with cabin and trailer accommodations, and a bird refuge.

Cost of proposed works

In the report of the district engineer, the total first cost of the project is given as \$25,603,000, with a Federal first cost of \$9,098,000 and non-Federal first cost of \$16,505,000. The total annual carrying charges would be \$919,920, and the annual benefits would be \$1,529,000. The benefit-cost ratio of the proposed harbor project would be 1.7 to 1.

The Board of Engineers for Rivers and Harbors, in reviewing the report of the district engineer, reevaluated the costs and benefits estimated by the district engineer. In considering both the evaluated and intangible benefits, the Board stated in its report that the Federal interest in the proposed improvement would be served by Federal participation to the extent of providing and maintaining the entrance jetties, entrance channel, interior channel, and central basin shown on the maps accompanying the district engineer's report, all at an estimated first cost of \$6,151,000 for construction exclusive of aids to navigation, and \$25,000 annually for maintenance, with local interests providing and maintaining all other works including dredging of the side basins at an estimated first cost of \$19,427,000.

The Board of Engineers for Rivers and Harbors also reduced the benefits allocated by the district engineer to sport fishing vessels from \$280,000 to \$47,000, making the total annual benefits \$1,296,000. Subsequent to the submission of the report by the district engineer, the United States Coast Guard submitted a revised estimate of \$42,000 for first cost of aids to navigation, an increase of \$17,000, making a total first cost of the project of \$25,620,000. The total annual carrying charges are estimated by the Board to be \$933,025, of which \$277,555 is Federal, and \$655,470 is non-Federal, giving a benefit-cost ratio of 1.4. The recommendation of the Board of Engineers for Rivers and Harbors as to Federal participation is concurred in by the Chief of Engineers.

Local contributions

At its meeting on April 25, 1946, the City Council of Los Angeles adopted a report declaring that the public interest and welfare of the city of Los Angeles and vicinity require the provision of additional small craft facilities by means of construction of a small craft harbor at Playa del Rey, assisting the Federal Government in such undertaking by assuming those obligations required under Federal law in connection with the project.

By resolutions adopted September 28, 1948, and June 7, 1949, the Board of Supervisors of the County of Los Angeles declared that the public interest and welfare of the county of Los Angeles and its citizens require that provision be made for additional small craft facilities by means of construction of a small craft harbor at Playa del

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Rey. The Board agreed, insofar as it is authorized by law and the favorable vote of the electorate to do so, to assume the following obligations in connection with the Playa del Rey Harbor project:

- (1) Provide without cost to the United States all lands, easements, and rights-of-way for the construction and maintenance of the proposed improvements;
- (2) Hold and save the United States free from all claims for damages arising from the construction or operation of the improvement;
- (3) Assume the cost of alteration, relocation, or rebuilding of highways and highway bridges, or arrange for the alteration, relocation, or rebuilding of these highways and highway bridges without cost to the United States;
- (4) Assume the cost of relocation or reconstruction of utilities or drainage structures;
- (5) Contribute in cash or equivalent work, the cost of a steel sheet pile bulkhead and stone revetment required in the side basins;
- (6) Provide without cost to the United States all necessary slips and slip facilities and facilities for the repair, service, and supply of small craft on terms reasonable and equal to all;
- (7) Secure and hold for public interest lands bordering on the proposed improvement to a depth sufficient for the proper functioning of the harbor;
- (8) Furnish assurances satisfactory to the Secretary of War that the area will be improved by the construction of slips, utilities, repair facilities, and other appurtenant works, without cost to the United States and at a rate that will result in complete development of the harbor area within a reasonable time in accordance with plans and time schedules to be approved by the Secretary of War;
- (9) Assume the cost of extending the upcoast jetty at Ballona Creek flood-control channel.
- (10) Operate and maintain the entire project except aids to navigation, entrance jetties, and project depths in the entrance and interior channels, and in central basin.

According to the report of the Board of Engineers for Rivers and Harbors, local interests were advised of the reduction in financial participation by the Federal Government in the first cost of the project and, at a public hearing held by the Board of Engineers for Rivers and Harbors in the area of the desired improvement, local interests indicated they would endeavor to cooperate in the work of improvement to the extent considered necessary by the Board.

COMMENTS BY STATE AGENCIES

The proposed report of the Chief of Engineers on survey, navigation Playa del Rey Inlet and Basin, Venice, Calif., has been reviewed. As a result of this review and study, the following comments are respectfully submitted:

Division of Water Resources

The following is quoted from the district engineer's report concerning the effect of the construction of the project on saline contamination of the ground waters of the west coast basin:

50. *Saline contamination.*—An investigation was made concerning the effects of the proposed harbor on saline contamination of underground water. This investigation indicated that (1) sea water has already contaminated the ground water

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within most of the area that would be occupied by the harbor; (2) further landward progress of this contamination depends primarily on the rate of withdrawal of ground water in the vicinity of the harbor site and on the steepness of the landward gradient produced by this withdrawal; and (3) introduction of sea water by constructing the harbor would not modify existing ground-water conditions.

Available information confirms conclusion No. 1 of the district engineer, as quoted above. Fieldwork in the area disclosed the following information:

1. Three active irrigation wells are situated within the perimeter of the proposed site. An additional 7 active irrigation wells are situated within 3,000 feet of the perimeter of the harbor. A total of 26 active irrigation wells are located within the area investigated, the most distant well being situated about 9,000 feet from the harbor perimeter.

2. Partial analyses of water samples obtained in April 1952 from 2 active water wells located within the perimeter of the proposed harbor show 640 and 486 parts per million chloride, respectively. The chloride content of ocean water is about 18,000 parts per million.

Water samples from 2 other active wells located within 2,000 feet of the perimeter contained 213 and 355 parts per million chloride, respectively. Samples from 2 more wells located 3,700 and 8,400 feet east of the eastern perimeter contained 216 and 284 parts per million chloride, respectively.

3. A rapid crop survey covering the area in the vicinity of the proposed Playa del Rey Harbor project indicates approximately 1,200 acres of truck crops are presently irrigated from wells. Based on an assumed consumptive-use factor of 1.7 acre-feet per acre and an assumed irrigation efficiency of 50 percent, annual consumption is about 2,000 acre-feet and well water production about 4,000 acre-feet per annum.

The district engineer's quoted conclusion No. 2 is likewise believed to be essentially correct concerning the present situation. Saline contamination of ground water in the Playa del Rey area was first noted in wells near the ocean in the 1920's. Coincident with increased pumping draft in the west coast basin, accompanied by further lowering of the water table below sea level, the saline intrusion progressively moved inland until by 1945-46 the limit of 500 parts per million of chloride contamination was from 1½ to 2 miles from the ocean in the Playa del Rey area.

Water level measurements in Ballona Gap in the spring of 1950 indicated the water table to be sloping inland from the coastline with a maximum gradient of about 6 feet per mile.

The proposed harbor overlies an important aquifer known as the "50-foot gravel," so named because the average depth of its base is about 50 feet below ground surface. In the vicinity of the site of the harbor the top of this aquifer is 40 to 45 feet below land surface. A study of the logs of 14 wells located within one-half mile of the perimeter of the harbor site indicates the aggregate thickness of relatively impervious material contained in the sediments overlying the aquifer to vary from 0 to 16 feet. Average aggregate thickness of clay above the aquifer is about 9 feet. In general, a large percentage of the impermeable material above the 50-foot gravel occurs near the land surface.

The General Plan of Improvement (enclosure 1 of the report) indicates dredgings to a depth of 20 feet below sea level, representing excavation to a total depth of roughly 25 feet below the present land

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surface. Such dredging will obviously decrease the thickness of impermeable material lying between the floor of the harbor and the top of the water-bearing zone, thereby decreasing the resistance offered to the percolation of sea water into the aquifer.

From the foregoing observations, it is believed that the quoted conclusion No. 3 of the district engineer is contrary to what may be expected if the harbor is constructed, and that construction of the harbor would aggravate the present conditions of sea-water intrusion and endanger the water quality of wells located near its perimeter in the following ways:

1. By reducing (through dredging) the thickness of relatively impermeable materials which lie between the surface and the top of the 50-foot gravel aquifer.
2. By increasing the landward slope of the water table and consequently the rate of landward flow of saline water. This slope would be increased as a result of moving the shoreline inland through construction of the harbor.
3. By decreasing the lateral distance that sea water must travel to reach producing wells.

It is believed that if this project is pursued, the ruination of water wells in the immediate vicinity of the harbor should be contemplated. However, the present landward sloping water table indicates that the threat of ocean water pollution already exists at these wells. Also, lands presently irrigated in the vicinity are rapidly being subdivided, and these subdivisions are being served with domestic water imported from outside sources. For these reasons, and because of the probable increase in property values due to the harbor project, ultimate benefits may offset the possible damage to the limited ground-water supply.

Division of Highways

G. T. McCoy, State highway engineer, by communication dated June 11, 1952, submitted the following:

State highway routes will not be directly affected by the recommended plan of the harbor improvement. The proposed development plan of the local planning commission includes provisions for access parkway facilities which will cross and connect with U. S. 101, State Route 60. It is understood that such development involving interchanges or alterations affecting the State highway will be undertaken as part of the obligations of the local interests without commitment of the Division of Highways to costs thereof. The Division of Highways' attitude with respect to the project will, we assure you, be cooperative.

State Lands Commission

Col. Rufus W. Putnam, executive officer of the State Lands Commission, submitted the following comments on April 15, 1952:

The jurisdiction of the tide and submerged lands adjacent to the proposed harbor development is in the city of Los Angeles by legislative grant. No State lands under the jurisdiction of the State Lands Commission are affected by the proposed development.

Department of Fish and Game

Seth Gordon, director, Department of Fish and Game, by communication dated June 6, 1952, submitted the following:

We do not believe the project would have any harmful effect on the fisheries. However, the benefit figures given for sport-fishing operations (p. 33) are optimistic. Operations at Playa del Rey would draw fishermen away from other landings rather than add new fishermen, it is believed.

It would affect a small waterfowl marsh.

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cont.

Department of Natural Resources

Newton B. Drury, chief, Division of Beaches and Parks of the Department of Natural Resources, on June 18, 1952, stated that the thoughts expressed in the comments previously submitted to the district engineer on January 6, 1949 still reflect the reaction of the division to the project.

The comments, submitted by Gen. Warren T. Hannum, director of natural resources, on January 6, 1949, are as follows:

(a) It is found that plan of development as proposed in the district engineer's report would provide a greatly needed harbor for light craft vessels, and as a harbor refuge for such craft cruising along the coast.

(b) That the proposed harbor development is in general in conformity with the county master plan as approved by the State Park Commission.

(c) That there is no State cooperation proposed in the plan, the city of Los Angeles having expressed its desire and willingness to meet the requirements of local cooperation as set forth by the district engineer.

(d) That the incidental benefits to the State park system, due to the deposit of sand on the beaches both upcoast and downcoast from the proposed entrance jetties would be very great.

It is recommended therefore, that the report be approved with a favorable comment indicating the advantages to the State park system from the deposit of sand on the Santa Monica beaches.

CONCLUSIONS

The following conclusions are submitted with respect to improvements recommended by the Chief of Engineers in his proposed report on Playa del Rey Inlet and Basin, Venice, Calif., giving consideration to (a) need for the project (b) engineering feasibility and effectiveness of the proposed works, and (c) economic justification for the project:

1. The improvements will provide a desirable addition to small-craft facilities along the southern California coast. The project is an integral part of the general plan for development of the shoreline of Santa Monica Bay.

2. Local interest in and approval of the project have been demonstrated by resolution of the city council of the city of Los Angeles, and by resolution of the Board of Supervisors of the County of Los Angeles, giving assurance that the county will assume those non-Federal contributions and obligations in connection with the project which are required by Federal law.

3. The improvements appear to be of sound and adequate design and feasible of construction and operation.

4. Construction of the proposed harbor will introduce ocean water inland a distance of more than 1 mile, and increase the rate of saline contamination of ground waters of the west coast basin. Except in this respect, the proposed works will not conflict with any beneficial consumptive use, present or future, of water for domestic, municipal, stock water, irrigation, mining, or industrial purposes.

RECOMMENDATIONS

It is recommended that the plan of improvement for the small-craft harbor at Playa del Rey Inlet and Basin, Venice, Calif., as recommended by the Chief of Engineers, be authorized for construction, and that Federal funds be appropriated for the purpose.

SACRAMENTO, CALIF., June 26, 1952.

A. D. EDMONSTON,
State Engineer.

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cont.

COMMENTS OF THE DEPARTMENT OF THE INTERIOR

UNITED STATES DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,

Washington 25, D. C., July 25, 1952.

Lt. Gen. LEWIS A. PICK,

Chief of Engineers, Department of the Army,

Washington, D. C.

MY DEAR GENERAL PICK: This is in response to your letter of March 31 transmitting for review by the Department of the Interior copies of your proposed report on the Playa del Rey Inlet and Basin, Calif. Your letter also transmitted copies of the reports of the Board of Engineers for Rivers and Harbors and of the district and division engineers.

Your proposed report recommends that the Federal Government undertake the construction of a harbor at Playa del Rey, Calif., for the use of small boats, subject to deferment of construction until conditions are such that the project would not interfere with existing or prospective emergency requirements on the national economy. The improvement would consist of two entrance jetties, an entrance channel, an interior channel, a central basin, 12 side basins, and a number of piers. The cost to the United States of the improvement would be \$6,151,000 for construction, exclusive of aids to navigation, and \$25,000 annually for maintenance. The construction cost to local interests for the improvement would total an additional \$19,427,000.

The harbor would be built almost wholly for the benefit of pleasure craft owned by private individuals in the Los Angeles area. The benefits from the construction of the harbor are shown to be \$1,529,000 annually in the report of the district engineer, of which \$805,000 are designated as "general (Federal) benefits" and \$724,000 as local (non-Federal) benefits. Those benefits classed as Federal consist of \$450,000 for recreational harbor benefit, \$75,000 for prevention of boat damage, and \$280,000 for increased fish catch. The Board of Engineers for Rivers and Harbors, however, finds the latter figure excessive and reduces it in the Board's report to \$47,000. In our view this is the only legitimate Federal benefit from the project. We have serious doubts that prevention of boat damage or recreational harbor benefits to local boatowners can be classed by any stretch of logic as "general Federal benefits."

We note that the proposed report of the Chief of Engineers indicates that the Department of the Army also has serious question as to the soundness of a policy of spending Federal funds on a single-purpose project primarily for the benefit of local pleasure craft owners. Paragraph 3 of this proposed report states that the proportion of Federal and non-Federal participation is considered appropriate "if it is the intent of Congress to provide Federal assistance in the development of recreational boating facilities of the type proposed in this report."

Should the proposed project be constructed in accordance with the plan presented in the report, it can be expected that hundreds of other communities will seek the same type of project with comparable Federal participation. It therefore seems to us important that a policy covering this point with respect to projects of the Corps of Engineers be clearly established. It is suggested that the final draft of the report of the Chief of Engineers contain a suitable recommendation on this matter.

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Paragraph 49 of the district engineers report covers the effect of the harbor improvement on wildlife resources. It is noted that the Fish and Wildlife Service of this Department in a letter of April 26, 1946, indicated that no objection will be interposed to construction of the project on account of the elimination of certain wildlife habitat. The district engineer also received a letter from the regional director of the Fish and Wildlife Service dated September 14, 1949, commenting on the project. It is suggested that these letters from a part of the enclosures accompanying the survey report when it is transmitted to the Bureau of the Budget and to the Congress. I endorse the position taken in these communications to the district engineer from the Fish and Wildlife Service.

Opportunity to review and comment on the reports is sincerely appreciated.

Sincerely yours,

MASTIN G. WHITE,
Acting Secretary of the Interior.

REPORT OF THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington 25, D. C., August 8, 1952.

Subject: Playa del Rey Inlet and Basin, Venice, Calif.

To: The Secretary of the Army.

1. I submit herewith for transmission to Congress the report of the Board of Engineers for Rivers and Harbors in response to resolution of the Committee on Commerce of the United States Senate, adopted June 2, 1936, requesting the Board to review the reports on Playa del Rey Inlet and Basin, Venice, Calif., printed in House Document No. 1880, 64th Congress, 2d session, with a view to determining whether any improvement of the locality is warranted at the present time. It is also in review of the reports on preliminary examination and survey of harbor at Playa del Rey, Calif., authorized by the River and Harbor Act approved August 26, 1937.

2. After full consideration of the reports secured from the district and division engineers, and after affording local interests full opportunity to be heard, the Board recommends provision of a harbor at Playa del Rey, Calif., to consist of 2 entrance jetties each about 2,300 feet long; an entrance channel 20 feet deep, 600 feet wide, and 1,925 feet long; an interior channel 20 feet deep, 600 feet wide, and 5,600 feet long; a central basin 10 feet deep; and 2 side basins 20 feet deep and 10 side basins 10 feet deep, separated by mole-type piers; the dredged material to be utilized for construction of the piers and for deposition on adjacent lowlands and beaches; all generally in accordance with the plan of the district engineer and the comments herein, and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable; at an estimated cost to the United States of \$6,151,000 for construction and \$25,000 annually for maintenance, subject to the condition that local interests agree to: (a) provide without cost to the United States all rights-of-way necessary for construction and maintenance of the improvement and furnish suitable spoil-disposal areas for initial work and subsequent main-

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tenance when and as required; (b) secure and hold in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; (c) relocate oil wells and relocate and construct public utilities as required; (d) construct a bulkhead around basin K and stone revetment on the side slopes of the remaining basins; (e) extend the north jetty at Ballona Creek to a length sufficient to hold the fill to be placed on the beach to the north thereof; (f) provide adequate berthing and other facilities for small craft; (g) provide adequate parking areas, access roads, and landscaping of the piers; (h) establish a public body to regulate the use and development of the harbor facilities which shall be open to all on equal terms; (i) dredge or bear the actual cost of dredging the 12 side basins; (j) maintain and operate the entire project except aids to navigation, entrance jetties, and project depths in the entrance channel, the interior channel, and in the central basin; and (k) hold and save the United States free from damages due to the construction and maintenance of the improvement; and also subject to the condition that adoption of a project as recommended shall not relieve local interests of responsibility for stabilization of beach fill along the shores of Santa Monica Bay with such Federal assistance as may be authorized following completion of the cooperative beach-erosion-control study now in progress. The local cooperation is estimated to cost \$19,427,000.

3. The proposed improvements are designed to meet recreational boating needs and are not significant from the standpoint of commercial navigation. The preponderance of benefits accruing to local interests as compared with general benefits of the type which warrant Federal participation is reflected in the relatively large non-Federal expenditures contemplated as compared with the proposed Federal costs. The proportion of Federal and non-Federal participation recommended by the Board of Engineers for Rivers and Harbors is considered appropriate if it is the intent of Congress to provide Federal assistance in the development of recreational boating facilities of the type proposed in this report. Subject to this, I concur in the views and recommendations of the Board. I further recommend that any authorizing legislation provide that construction shall not be initiated until conditions are such that the work will not interfere with the effort needed to meet existing and prospective emergency requirements.

LEWIS A. PICK,
Lieutenant General, Chief of Engineers.

REPORT OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS

CORPS OF ENGINEERS, UNITED STATES ARMY,
BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington 25, D. C., October 30, 1951.

Subject: Playa del Rey Inlet and Basin, Venice, Calif.
To: The Chief of Engineers, Department of the Army.

1. This report is submitted in response to the following resolution adopted June 2, 1936:

Resolved by the Committee on Commerce of the United States Senate, That the Board of Engineers for Rivers and Harbors, created under section 3 of the River and Harbor Act approved June 13, 1902, be, and is hereby, requested to review the reports on Playa del Rey Inlet and Basin, Venice, Calif., printed in House Document No. 1880, 64th Congress, 2d session, with a view to determining whether any improvement of the locality is warranted at the present time.

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It is also in review of the reports on preliminary examination and survey of harbor at Playa del Rey, Calif., authorized by the River and Harbor Act approved August 26, 1937.

2. Playa del Rey is on Santa Monica Bay on the coast of California, 20 miles northwest of Los Angeles Harbor. The proposed harbor site consists largely of salt marsh and lowlands traversed by a number of canals and sloughs with depths varying from 2 to 10 feet below mean lower low water. It is separated from Santa Monica Bay by a narrow beach. There is no navigable outlet from the proposed harbor site to Santa Monica Bay. Ballona Creek flows through an artificial channel along the southerly side of the proposed harbor. A tide gate connecting the interior canals and sloughs with Ballona Creek provides a drainage outlet through Ballona Creek and inlet to Santa Monica Bay. The mean range of tide in Santa Monica Bay is 3.7 feet and the extreme range is 10.5 feet. The Venice district of the city of Los Angeles adjoins the proposed harbor on the north. There is no existing Federal project for improvement for navigation at Playa del Rey. There is, however, an existing Federal flood-control project for Ballona Creek which forms part of a comprehensive approved plan for flood control and other purposes for Los Angeles County drainage area, California. It includes construction of channel improvements along Ballona Creek; 2 stone jetties extending into the ocean for approximately 800 feet; highway and railroad bridges; and a tide gate connecting the proposed harbor site with Ballona Creek. Construction of these improvements was completed in 1940. In 1946 the city of Los Angeles extended the jetties 580 feet in connection with a beach-widening program. In times past, local interests constructed canals in the Venice area, constructed sheet-pile jetties on each side of the Ballona Inlet, and made an unsuccessful attempt to dredge an interior basin.

3. The general tributary area, which includes all of metropolitan Los Angeles, is bounded by a line extending from Oxnard through Bakersfield and Bishop, Calif., to Tonopah and Las Vegas, Nev., and back through Needles and Beaumont to San Clemente, Calif. The immediate tributary area comprises 638 square miles of metropolitan Los Angeles extending from the Pacific Ocean to the San Gabriel Mountains and from San Fernando Valley to El Segundo. The estimated population of this immediate area was 2,307,725 in 1946, including 1,522,702 within the city limits of Los Angeles. Principal activities are petroleum production and refining, motion-picture production, manufacturing, and farming. A part of the proposed harbor would extend over the Del Rey Hills and Venice areas of the Playa del Rey oilfield. There is no water borne freight traffic and no terminal or transfer facility at Playa del Rey. Row-boats are used occasionally on the canals within the proposed harbor site. The region is served by railroads and highways.

4. Local interests request provision by the United States of a harbor for small craft at Playa del Rey as part of a comprehensive plan for park and beach development including recreational boating facilities. Various specific requests were advanced by local interests in connection with the plan of improvement but these evolved during the course of the investigation to substantially the plan presented by the district engineer. Local interests point out the need for adequate facilities for small craft in the Santa Monica Bay area and nearby districts,

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the overcrowding in existing harbors, the desirability of separating recreational boating areas from commercial and naval waters, and the favorable economic effect of such an improvement including the benefits to be derived from land reclamation.

5. The district engineer finds there is need for additional harbor facilities for small craft in southern California, particularly in the Santa Monica Bay area. He estimates that, on the basis of the California average of 2.79 boats per 1,000 population, the immediate tributary area would sustain about 6,500 small craft, and on the basis of the Los Angeles average of 1.6 per 1,000 population, the remainder of the tributary area would sustain an additional 960 craft. He points out that the number of craft using the harbor probably would greatly exceed these figures inasmuch as the tributary area contains a high percentage of persons most able to own small craft, and the population is steadily increasing. He concludes that the present and future needs of the tributary area require an improvement with an ultimate capacity of 8,000 craft and estimates that half the ultimate capacity will be reached within 5 years after construction of the improvement. Basing his calculations upon the distribution of existing boatowners within the area, he estimates 1,000 would transfer from other harbors, of which 20 would be from Santa Monica Harbor, 400 from Los Angeles Harbor, and 580 from Newport Bay Harbor. He estimates that the remaining 7,000 would be new vessels. Although the improvement is designed for an ultimate capacity of 8,000 craft, the district engineer conservatively bases the estimate of benefits on the 4,000 craft expected to be realized a few years after construction. His cost estimates are based upon construction to provide for the ultimate capacity of 8,000 craft, except that the costs for berthing facilities are based upon construction of the initial 4,000 berths. The cost of the remaining 4,000 berths will be more than offset by the benefits from this additional number of boats. The district engineer considers that the proposed improvement at Playa del Rey is the most suitable for making recreational harbor facilities in Santa Monica Bay available to the largest number of boatowners at the least cost. He states that recovery of petroleum from the existing oilfield could be continued by relocating the wells.

6. The district engineer's plan of improvement provides for construction of an entrance channel 1,925 feet long and an interior channel 5,600 feet long, each 20 feet deep and 600 feet wide, the entrance channel to be protected by 2 jetties, each 2,300 feet long; a central basin 10 feet deep; 2 side basins 20 feet deep and 10 side basins 10 feet deep, separated by mole-type piers; and for certain work to be done by local interests. The dredged material would be used to construct the mole-type piers and to reclaim adjacent lowlands and beaches. The district engineer estimates the total first cost of the proposed plan at \$25,603,000, of which the Federal first cost is \$9,073,000 for construction and \$25,000 for aids to navigation; and the non-Federal first cost is \$16,505,000 for lands and rights-of-way including disposal areas, relocation of oil wells, relocation and construction of public utilities, construction of a bulkhead and stone revetments, provision of berthing and other facilities for small craft, development of the area surrounding the harbor for park and recreational purposes, and extension of the north jetty at Ballona Creek. The Federal annual carrying charge is estimated at \$395,550, including

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\$25,000 for annual maintenance of the 2 entrance jetties and of project depths in the entrance and interior channels and in the central basin. The net non-Federal annual carrying charge is estimated at \$524,370 after deducting \$190,600, returns from slip rentals. The total annual carrying charge is \$919,920. The district engineer estimates the average annual benefits from the proposed improvement at \$1,529,000, comprising \$215,000 from land enhancement due to fill, \$16,000 from decreased cost of mosquito control, \$280,000 from increased fish catch from sport fishing activities, \$75,000 from prevention of storm damage to small craft, \$43,000 from decreased automobile travel and decreased boat maintenance resulting from transfer of vessels from distant harbors, and \$900,000 from recreational benefits to owners of new vessels. The benefit-cost ratio is 1.7. The district engineer recommends adoption of a project to establish a harbor in accordance with his proposed plan subject to the conditions that local interests give assurances satisfactory to the Secretary of the Army that they will secure and hold in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; provide without cost to the United States rights-of-way, including disposal areas; assume the cost of relocating oil wells and the cost of relocating and constructing public utilities; construct a bulkhead around one basin and stone revetment on the side slopes of the remaining basins; extend the north jetty at Ballona Creek; provide adequate berthing and other facilities for small craft; develop the harbor area for park and recreational purposes; establish a public body empowered to regulate the use, growth, and free development of the harbor facilities, open to all on equal and reasonable terms; prepare definite plans and schedules for construction of small craft facilities, subject to approval by the Secretary of the Army; maintain and operate the entire project, except entrance jetties, project depths in the entrance and interior channels and in the central basin, and aids to navigation; and hold and save the United States free from all claims for damages arising from construction or operation of the project. The division engineer concurs.

7. With respect to the effect of the improvement on adjacent shorelines, the district engineer finds that the shores of Santa Monica Bay down coast of the Santa Monica breakwater have been deprived of normal littoral nourishment since construction of the breakwater in 1933, and that the Playa del Rey jetties, 3 miles south of the breakwater, would act as a complete littoral barrier and would benefit the shore to the north. The plan of improvement proposed by the district engineer provides for deposition of 10,130,000 cubic yards of material, dredged from the harbor, on the beaches immediately upcoast of the Playa del Rey jetties and downcoast between Playa del Rey and Ballona Creek jetties, and deposition of 3,200,000 cubic yards of material downcoast of the Ballona Creek jetties. Disposal of the dredged material on the downcoast beaches as proposed would provide adequate nourishment for many years, and thereafter the beaches can be maintained in their advanced position by mechanical bypassing of material, a method now being considered in a cooperative beach erosion control study between the United States and the State of California. The Beach Erosion Board concurs in the conclusions of the district engineer as to the effect of the proposed improvement on the adjacent shorelines. It points out that adoption of the project

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as recommended shall not relieve local interests of responsibility for stabilization of beach fill along the shores of Santa Monica Bay with such Federal assistance as may be authorized following completion of the cooperative beach erosion control study now in progress.

8. The Board of Engineers for Rivers and Harbors was not convinced of the advisability of the United States participating in the improvement to the extent recommended by the reporting officers and questioned whether local interests were in agreement as to operational control and sponsorship of the improvement. The Board so notified local interests and they requested a public hearing. At the hearing held by the Board in the area of the desired improvement, local interests indicated they would endeavor to cooperate in the work of improvement to the extent considered necessary by the Board and would agree among themselves in the matter of operational control and sponsorship of the improvement. The commander, 11th Coast Guard District, stated in a communication that a harbor at Playa del Rey would serve as a refuge, would make available a harbor from which Coast Guard patrol and rescue craft could operate, and would tend to relieve the congestion and contribute to general maritime safety in the Los Angeles-Long Beach area. Subsequent to the public hearing, the Hughes Aircraft Co. advised the Board that the proposed improvement would interfere with a contemplated expansion of its facilities and a proposed runway extension. The company was given an opportunity to furnish information in support of its claim but no evidence of importance has been received. The Board also requested the views of the Department of the Air Force and the Civil Aeronautics Administration concerning the claim of the Hughes Co. A communication from the Office, Deputy Chief of Staff, Department of the Air Force, states that the present plans of the Air Force do not contemplate expansion of the Hughes Co. which would result in conflict with the proposed harbor improvement for Playa del Rey, Calif. The Deputy Administrator of Civil Aeronautics, Civil Aeronautics Administration, states in a communication that study by its regional office reveals that no aircraft operation difficulties or conflicts will result by the development and operation of the proposed improvement.

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VIEWS AND RECOMMENDATIONS OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS

9. The Board of Engineers for Rivers and Harbors concurs in the views of the reporting officers that a need exists for a harbor with an ultimate capacity of 8,000 small craft in the vicinity of Playa del Rey, Calif. The plan recommended by the district engineer together with work to be performed by local interests will provide a suitable improvement. Total prospective benefits are sufficient to justify the expenditure required. The Board believes that in addition to the evaluated benefits resulting directly from construction of the small-boat harbor, benefits would accrue to local interests from the use of the area as a park facility. It can be expected that the area will be visited and enjoyed by many persons in no way connected with small-boat commerce. Considering both the evaluated and intangible benefits, the Board is of the opinion that the Federal interest in the proposed improvement would be served by Federal participation to

the extent of providing and maintaining the entrance jetties, entrance channel, interior channel, and central basin shown on the maps accompanying the district engineer's report, all at an estimated first cost of \$6,151,000 for construction exclusive of aids to navigation, and \$25,000 annually for maintenance, with local interests providing and maintaining all other works including dredging of the side basins at an estimated first cost of \$19,427,000. Local interests state they will meet the requirements of local cooperation as indicated by the Board. Benefits from 35 sport fishing vessels are estimated by the district engineer as \$280,000, which is \$8,000 per vessel. Basing its conclusions on investigations of this type of fishing, the Board finds that a total of \$47,000 is more reasonable. The total annual benefits would then amount to \$1,296,000. The Board of Engineers for Rivers and Harbors has carefully considered the data presented by the district engineer and Beach Erosion Board with respect to the effect of the improvement on the adjacent shoreline. It is of the opinion—after taking into account the stabilizing effect on the upcoast beaches, the effect of the existing Ballona Creek jetties, and the deposition on adjacent beaches of approximately 13,330,000 cubic yards of material dredged from the harbor, including the deposition of 3,200,000 cubic yards downcoast of the Ballona Creek jetties—that the beneficial effects to the adjacent shoreline would more than offset any adverse effects that would occur. The Board agrees with the Beach Erosion Board that accomplishment of the improvement shall not modify the relative responsibility of local interests and the United States in connection with any work which may be authorized for stabilization of adjacent beaches following completion of the cooperative beach erosion control study now in progress. Subsequent to submission of the report by the district engineer the United States Coast Guard submitted a revised estimate of \$42,000 for the first cost of aids to navigation, an increase of \$17,000. The total first cost then becomes \$25,620,000. With the distribution of costs as proposed by the Board, including the new estimate for aids to navigation, the total annual carrying charge becomes \$933,025 of which \$277,555 is Federal and \$655,470 is non-Federal. The benefit-cost ratio is 1.4.

10. The Board accordingly recommends provision of a harbor at Playa del Rey, Calif., to consist of 2 entrance jetties each about 2,300 feet long; an entrance channel 20 feet deep, 600 feet wide, and 1,925 feet long; an interior channel 20 feet deep, 600 feet wide, and 5,600 feet long; a central basin 10 feet deep; and 2 side basins 20 feet deep and 10 side basins 10 feet deep, separated by mole-type piers; the dredged material to be utilized for construction of the piers and for deposition on adjacent lowlands and beaches; all generally in accordance with the plan of the district engineer and the comments herein, and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable; at an estimated cost to the United States of \$6,151,000 for construction and \$25,000 annually for maintenance, subject to the condition that local interests agree to: (a) provide without cost to the United States all rights-of-way necessary for construction and maintenance of the improvement and furnish suitable spoil-disposal areas for initial work and subsequent maintenance when and as required; (b) secure and hold in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; (c) relocate oil wells and relocate

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and construct public utilities as required; (d) construct a bulkhead around basin "K" and stone revetment on the side slopes of the remaining basins; (e) extend the north jetty at Ballona Creek to a length sufficient to hold the fill to be placed on the beach to the north thereof; (f) provide adequate berthing and other facilities for small craft; (g) provide adequate parking areas, access roads, and landscaping of the piers; (h) establish a public body to regulate the use and development of the harbor facilities which shall be open to all on equal terms; (i) dredge or bear the actual cost of dredging the 12 side basins; (j) maintain and operate the entire project except aids to navigation, entrance jetties, and project depths in the entrance channel, the interior channel, and in the central basin; and (k) hold and save the United States free from damages due to the construction and maintenance of the improvement; and also subject to the condition that adoption of a project as recommended shall not relieve local interests of responsibility for stabilization of beach fill along the shores of Santa Monica Bay with such Federal assistance as may be authorized following completion of the cooperative beach erosion control study now in progress.

For the Board:

G. J. NOLD,
Major General, Chairman.

REPORT OF THE DISTRICT ENGINEER

SYLLARUS

The district engineer finds that there is need for additional small-craft facilities in Santa Monica Bay. He finds that the provision of such facilities at Playa del Rey is practicable, that the site is the one most suitable for construction of a small-craft harbor near the Los Angeles metropolitan area, and that the facilities would be used to capacity.

The district engineer estimates the tangible benefits at \$1,529,000 a year and that large intangible benefits would accrue. He estimates the total first cost of the project at \$25,803,000 (including \$25,000 costs to the United States Coast Guard for aids to navigation), and the annual charges at \$919,920. The benefit-cost ratio would be 1.7 to 1.

The district engineer recommends that a project be adopted to establish a harbor for small-craft navigation at Playa del Rey, Calif., to consist of two harbor entrance jetties; an entrance channel 600 feet wide and 20 feet deep; an interior channel 600 feet wide, 5,600 feet long, and 20 feet deep; 2 side basins 20 feet deep and a central basin and 10 side basins 10 feet deep separated by mole-type piers; and deposition of dredged material in the mole-type piers, on adjacent lowlands, and along beach frontage; all at an estimated Federal first cost of \$9,073,000, exclusive of aids to navigation, and \$25,000 annually for maintenance; subject to the condition that local interests shall give assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished, such cooperation to be performed by a competent and duly authorized public body, financially able to accomplish the obligations so assumed and empowered to regulate the use, growth, and free development of the harbor facilities with the understanding that such facilities shall be open to all on equal terms. The required local cooperation would consist of: (1) Securing and holding in the public interest, lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; assuming the cost of all rights-of-way, including disposal areas; the cost of relocating oil wells; and the cost of relocating and constructing public utilities; constructing stone revetments, a vertical bulkhead, and an extension of the upcoast jetty at Ballona Creek flood-control channel; providing adequate facilities for operating, berthing, maintaining, repairing, servicing, and supplying small craft; and for developing the harbor area for park and recreational purposes, all at an estimated non-Federal first cost of \$16,505,000; (2) preparing definite plans and construction schedules for the construction of

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small-craft facilities, including development of the mole-type piers, which shall be subject to approval by the Secretary of the Army; (3) maintaining and operating the entire project except aids to navigation, entrance jetties, and project depths in the entrance and interior channels and in the central basin; and (4) holding and saving the United States free from all claims for damages arising from the construction or operation of the project works.

DEPARTMENT OF THE ARMY,
CORPS OF ENGINEERS,
LOS ANGELES DISTRICT,
Los Angeles, Calif., August 16, 1948.

Subject: Survey of harbor at Playa del Rey, Calif.
Through: Division engineer, South Pacific Division, Oakland, Calif.
To: The Chief of Engineers, Department of the Army.

AUTHORITY

1. This report is submitted pursuant to a resolution adopted June 2 1936, which reads as follows:

Resolved by the Committee on Commerce of the United States Senate, That the Board of Engineers for Rivers and Harbors, created under section 3 of the River and Harbor Act approved June 13, 1902, be, and is hereby, requested to review the reports on Playa Del Rey Inlet and Basin, Venice, Calif., printed in House Document No. 1880, 64th Congress, 2d session, with a view to determining whether any improvement of the locality is warranted at the present time—

and to River and Harbor Act, Public Law 392, 75th Congress, approved August 26, 1937, which reads in part as follows:

SEC. 4. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities,
* * *:

*	*	*	*	*	*	*
Harbor at Playa Del Rey, Calif.						
*	*	*	*	*	*	*

(In accordance with United States Geological Survey maps and with local usage, the harbor under consideration is designated in this report as Playa del Rey.)

2. A review of reports on Playa del Rey Inlet and Basin, Venice, Calif., and preliminary examination of harbor at Playa del Rey, Calif., dated May 26, 1939, submitted by the district engineer in accordance with the resolution and act quoted above, was reviewed by the Board of Engineers for Rivers and Harbors. This report of survey scope was authorized by the Chief of Engineers in letter of April 6, 1944, to determine the advisability and cost of improvement and the local cooperation required.

DESCRIPTION

3. *Charts and maps.*—Playa del Rey inlet and vicinity are shown on United States Coast and Geodetic Survey charts 5101 and 5144; on Venice Quadrangle, United States Geological Survey of 1923; and on maps, enclosures 5¹ and 6¹ of this report.

4. *General.*—Playa del Rey is located in the central part of Santa Monica Bay on the coast of southern California, 26 miles by water northwesterly (upcoast) from Los Angeles Harbor, 3 miles southeasterly (downcoast) from Santa Monica Harbor, and about 410 miles southeasterly of San Francisco Bay. The Venice district, a seaside resort annexed to the city of Los Angeles in November 1925, adjoins the proposed harbor area on the north. The business center

¹ Not printed.

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cont.

of the city of Los Angeles is 15 miles inland to the east. A considerable portion of the area immediately north of Ballona Creek consists of the Venice Slough and canals which drain into the ocean through the outlet of Ballona Creek flood-control channel. This area comprises about 1,513 acres of salt marsh and low farm and residential lands located in the area between the Venice district and the Ballona Creek flood-control channel, and between United States Highway 101 Alternate (Lincoln Boulevard) and the Pacific Ocean. The farm and residential land, except the strip of residential and commercial property adjacent to the beach, is subject to flooding by moderate rainfall. The farmland is along the west side of Highway U. S. 101 Alternate, and the residential property is concentrated along the shoreline and between Washington Street and Venice Boulevard. The salt-marsh area comprises about 1,200 acres.

5. *Depth of water.*—The water depths in the canals and in the connecting sloughs vary from 2 feet to 10 feet below mean lower low water. The elevation of the salt-marsh area averages about 3 feet above mean lower low water.

6. *Tides.*—In Santa Monica Bay the mean tide range is 3.7 feet, the diurnal range is 5.6 feet, and the extreme range is about 10.5 feet.

7. *Exposure and weather.*—Severe ocean winds are rare in the immediate vicinity, as in all southern California coastal waters. Offshore ocean storms of varying intensities occur generally during the period December to March, inclusive, and may cause large ground swells. The ocean front is unprotected except to a small degree by Point San Vicente and by Santa Catalina Island (approximately 30 miles offshore) on the south, and by the trend of the coast and by Point Dume on the northwest. Prevailing winds are principally westerly and southwesterly and seldom attain storm violence, as indicated by the wind rose on map, enclosure 1. During the winter southerly offshore winds occasionally cause destructive wave action.

8. In general, the climate is mild and uniform. A summary of average annual wind and weather conditions and a tabulation showing the number of days each month during 1944 and 1945 that small-craft warnings were posted for the area is given in the following tables.

Average annual meteorological conditions in vicinity of Playa del Rey Harbor, Calif.

Month	Sun-shine (per-cent)	True wind velocity (miles per hour)				Number of days—					
		Aver-age hourly veloc-ity	Pre-vall-ing direc-tion	Maxi-mum veloc-ity	Dirrec-tion of maxi-mum veloc-ity	Clear	Partly cloudy	Cloudy	With precipi-tation (0.01 inch or more)	Thun-der storms	Dense fog
January	70	6.1	NE	38	NE	15	9	7	6	(1)	1
February	68	6.0	NE	34	NW	13	8	7	6	(1)	2
March	68	6.2	SW	37	SW	13	10	8	6	1	2
April	68	6.0	SW	34	W	12	11	7	4	(1)	2
May	65	5.9	SW	30	W	11	14	6	2	(1)	2
June	70	5.7	SW	28	SW	13	14	3	1	(1)	3
July	78	5.6	SW	21	SW	16	14	1	(1)	(1)	3
August	79	5.5	SW	25	SE	19	11	1	(1)	(1)	3
September	77	5.4	SW	31	S	17	11	2	1	(1)	3
October	76	5.5	SW	28	NE	18	9	4	2	(1)	3
November	79	5.8	NE	35	NE	18	8	4	3	(1)	2
December	73	6.2	NE	35	NE	17	8	6	6	(1)	1
Year	72	5.9	W			182	127	56	37	5	27

1 Less than 1 day.

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Small-craft storm warnings posted

Month	Year—	
	1944	1945
January.....	6	3
February.....	10	6
March.....	3	6
April.....	6	5
May.....	3	0
June.....	1	0
July.....	0	0
August.....	0	0
September.....	2	1
October.....	0	2
November.....	6	6
December.....	6	8
Total for year.....	43	37

9. *Navigation.*—There is no navigable connection between the ocean and the Venice canals and connecting sloughs. The ocean outlet is through a steel and concrete tide gate which connects the canals with the Ballona Creek flood-control channel. The canals are occasionally navigated only by small rowboats.

10. The only natural harbor in the southern California area is San Diego Bay, 133 miles to the south. Newport Bay Harbor was created in the tidal outlet of Santa Ana River by diverting the river from the harbor, dredging, and constructing jetties at the harbor entrance. This port is used primarily for recreational craft but has limited facilities for commercial fishing.

11. Los Angeles and Long Beach Harbors are two of the principal Pacific coast commercial harbors. During the war years, 1941-45, many owners of small craft who had been using these harbors were required to find mooring facilities in other harbors. The harbor departments of both Los Angeles and Long Beach are reluctant to assign space to smallcraft and do so only on short-time leases subject to cancellation. The operation of small craft in a commercial and naval harbor is hazardous to the small craft and is a nuisance to the commercial or naval interests.

12. Redondo Beach Harbor has a partially sheltered area of about 20 acres but this area is exposed to southerly storms. Boats anchoring in this harbor are extensively damaged each year.

13. Santa Monica Harbor, which originally comprised 92 acres, is now shoaled to 46 acres. The harbor area is partially protected by an offshore breakwater which was constructed by local interests in 1934. This breakwater has not been maintained and has deteriorated to a considerable extent. About 64 fishing boats and 21 recreational craft are moored within the lee of the breakwater. Because of insufficient mooring space and the poor protection afforded during storms, over 100 small boats are stored on the adjacent Santa Monica pier and several fishing boats anchor outside the breakwater. Boat losses in the harbor have been high in the past years, and marine-insurance agencies are very reluctant to insure boats anchored there. The master plan for shoreline development of Los Angeles County provides for removal of the existing breakwater at Santa Monica Harbor.

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cont.

PLAYA DEL REY INLET AND BASIN, VENICE, CALIF. 23

14. The number of small craft moored at harbors in the Los Angeles metropolitan area are shown in the following table:

Number of small craft in Los Angeles metropolitan area, California (1946)

Harbor	Number of pleasure craft	Number of commercial fishing craft	Total
Long Beach.....	285	100	385
Los Angeles.....	779	272	1,051
Newport Bay.....	1,888	600	2,488
Redondo Beach.....	0	50	50
Santa Monica.....	21	64	85
Alamitos Bay.....	0	0	0
Total.....	2,973	1,086	4,059

¹ Estimated by Long Beach Harbor Department.
² Exclusive of about 100 boats stored on pier and several fish boats moored outside breakwater.

TRIBUTARY AREA

15. *General tributary area.*—The area generally tributary to the proposed harbor at Playa del Rey is shown on enclosure 6.¹ The tributary area includes all of metropolitan Los Angeles and the entire area enclosed by a line extending from Oxnard through Bakersfield and Bishop, Calif., to Tonopah and Las Vegas, Nev., and back through Needles and Beaumont to San Clemente, Calif.

16. *Immediate tributary area.*—The area immediately tributary to Playa del Rey, comprising about 638 square miles, is that part of metropolitan Los Angeles which lies closer to the proposed harbor than to any other existing or proposed harbor. In general, this area extends from the Pacific Ocean to the San Gabriel Mountains, and from the San Fernando Valley to El Segundo, shown as zone 1 on enclosure 5.¹ It includes the cities of Arcadia, Alhambra, Beverly Hills, Burbank, Culver City, El Monte, El Segundo, Glendale, Inglewood, Monrovia, Monterey Park, Pasadena, South Pasadena, San Fernando, San Gabriel, San Marino, Santa Monica, Sierra Madre, and Vernon, and part of the city of Los Angeles with its suburbs of Van Nuys, Hollywood, North Hollywood, and West Los Angeles. This area comprises 16 percent of Los Angeles County, contains 67 percent of the population of the county, and contributes 60 percent of the county tax. The population of cities and unincorporated areas of the immediate tributary area is shown in the following tables:

¹ Not printed.

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cont.

PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

Population of cities in the immediate tributary area

City	1930 census	Percent gain	1940 census	Percent gain	1946 estimate ¹	Approximate distance from Playa del Rey
						Miles
Arcadia.....	5,216	74.9	9,122	53.5	14,003	35
Alhambra.....	29,472	32.1	38,935	10.9	43,174	23
Beverly Hills.....	17,429	53.9	26,823	5.2	28,217	10
Burbank.....	10,662	106.1	34,337	80.2	61,859	24
Culver City.....	5,669	58.3	8,076	51.3	13,580	5
El Monte.....	3,479	30.4	4,746	33.8	6,349	28
El Segundo.....	3,503	6.7	3,738	52.8	5,710	3
Glendale.....	62,736	31.6	82,682	14.0	94,134	20
Inglewood.....	19,480	54.6	30,114	32.9	40,031	6
Los Angeles.....	1,105,205	21.5	² 1,342,885	13.4	¹ 1,522,702	13
Van Nuys ³			20,298	32.0	26,784	17
Hollywood ³			142,202	10.7	157,491	15
North Hollywood ³			24,449	48.0	30,179	20
West Los Angeles ³			58,690	27.2	74,049	7
Monrovia.....	10,809	17.6	12,807	37.5	14,863	37
Monterey Park.....	8,406	33.2	8,531	20.6	10,291	23
Pasadena.....	76,088	7.6	81,804	9.7	89,789	25
South Pasadena.....	13,730	4.6	14,356	10.6	15,880	22
San Fernando.....	7,567	20.2	9,094	13.6	10,332	39
San Gabriel.....	7,224	64.3	11,867	25.0	14,828	26
San Marino.....	3,730	119.2	8,175	29.6	10,598	26
Santa Monica.....	37,146	44.0	53,500	18.5	63,398	5
Sierra Madre.....	3,550	29.0	4,591	20.7	5,529	35
Vernon.....	1,269	-33.0	850	13.0	961	18
Total.....	1,436,368	25.9	1,807,961	15.5	2,088,839

¹ Estimate by Los Angeles County Regional Planning Commission.
² Includes the population of only that part of the city of Los Angeles in zone 1.
³ Included in population figures for Los Angeles.

Population in unincorporated areas in the immediate tributary area

Area	1940 census	Percent gain	1946 estimate ¹	Approximate distance from Playa del Rey
				Miles
Belvedere and East Los Angeles.....	71,541	12.2	80,289	20
Burbank and Glendale ²	11,866	28.5	15,007	25
El Monte and San Gabriel ³	52,565	35.9	71,459	25
Pasadena ⁴	32,419	28.4	40,990	28
West Los Angeles.....	6,361	75.1	11,141	7
Total.....	174,752	25.2	218,886
Total for cities.....	1,807,961	15.5	2,088,839
Grand total (zone 1).....	1,982,713	10.4	2,307,725

¹ Estimate by Los Angeles County Regional Planning Commission.
² Area includes districts of La Crescenta, Verdugo City, Montrose, and La Canada.
³ Area includes districts of Temple City, Wilmar, Rosemead, Potrero Heights, Garvey, and Duarte.
⁴ Area includes districts of Altadena and Lamanda Park.

17. The 1945 assessed valuation of taxable property in the immediate tributary area, as shown on the records of the Los Angeles County assessor, is given in the following table:

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PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

Assessed valuation of property in the immediate tributary area

Location	Type of property			Total
	Land	Improvements	Personal	
Arcadia.....	\$4,820,780	\$6,725,120	\$861,460	\$12,407,360
Alhambra.....	10,579,815	14,271,120	4,105,710	28,956,645
Beverly Hills.....	25,332,265	27,450,200	5,959,080	58,741,545
Burbank.....	14,787,325	23,135,030	21,294,340	64,216,695
Culver City.....	3,671,605	6,530,090	9,930,650	20,138,305
El Monte.....	1,261,355	1,498,600	286,500	3,046,455
El Segundo.....	2,476,770	12,280,020	4,100,895	18,857,685
Glendale.....	28,689,455	31,945,810	5,217,315	65,852,610
Inglewood.....	8,956,325	12,097,180	1,900,030	22,953,535
Los Angeles (zone 1).....	609,057,855	431,732,610	133,171,255	1,073,961,720
Monrovia.....	2,887,055	3,553,520	1,031,990	7,472,565
Monterey Park.....	2,065,530	2,266,610	297,840	4,629,980
Pasadena.....	32,955,175	34,308,160	9,330,755	76,594,090
South Pasadena.....	4,121,025	4,965,440	708,630	9,795,095
San Fernando.....	1,026,710	2,019,710	461,590	4,408,010
San Gabriel.....	3,432,360	5,508,330	665,450	9,606,140
San Marino.....	6,459,050	9,985,800	1,769,740	18,204,590
Santa Monica.....	19,860,570	21,445,290	5,638,245	46,944,105
Sierra Madre.....	1,203,055	1,436,220	231,300	2,870,665
Vernon.....	9,994,525	15,743,190	31,480,950	57,224,665
Total.....	694,539,165	673,916,050	238,451,845	1,606,907,060
Unincorporated areas.....	74,316,165	60,804,135	29,660,555	164,780,855
Grand total.....	768,855,330	734,720,185	268,112,400	1,771,687,915

18. *Occupations, resources, and industries.*—The principal industries in the area immediately tributary to Playa del Rey are petroleum production and refining; motion picture production; airplane construction; automobile assembly; manufacture of tires and rubber goods, furniture, and apparel; and agriculture. Statistical data are not available for the gross value of manufacturing and agriculture in the immediate tributary area. However, the entire county of Los Angeles contributes toward the support of each small-craft harbor within the metropolitan area, and Playa del Rey would receive its share. The gross output for Los Angeles County in 1939 was in excess of \$3,800 million from industry and commerce and \$76 million from agriculture. Data subsequent to 1939 were not available because of wartime restrictions.

19. *Transportation.*—The tributary area is served by the Southern Pacific, Union Pacific, Pacific Electric, and the Atchison, Topeka & Santa Fe Railroads, and by 1 foreign and 4 domestic passenger airlines and 6 freight airlines. The harbor site is served by the Pacific Electric Railway and by municipal and Pacific Electric buslines connecting Playa del Rey with the beach cities and with the center of Los Angeles. United States Highway No. 101 Alternate (Lincoln Blvd.) and several secondary highways pass through the proposed harbor area and connect with the network of State, county, and city highways.

20. *Bridges.*—There are no bridges, existing or planned, in the area of the proposed harbor at Playa del Rey. Several bridges crossing the Ballona Creek flood-control channel are planned by local interests as a part of the park development outside the harbor area.

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PRIOR REPORTS

21. The only published report concerning harbor improvements in the vicinity of Playa del Rey is listed in the following table:

List of prior reports

Report	Published as—	Recommendation
Preliminary examination of Playa del Rey Inlet and Basin dated Nov. 4, 1916.	H. Doc. No. 1880, 64th Cong., 2d sess.	Improvement not advisable at that time.

OTHER IMPROVEMENTS

22. *Navigation.*—Navigation improvements in the area resulted from early attempts by local interests to create a commercial harbor at Playa del Rey and from the construction of canals as a part of a real estate development. In 1887 the Ballona Harbor Improvement Co. constructed sheet-pile jetties on each side of the inlet and attempted to dredge an interior basin. The dredge was inadequate and the enterprise was abandoned.

23. Beginning in 1903 the Beach Land Co. dredged a series of canals in the Venice area and constructed tide gates in the inlet. After the tide gates were destroyed by storms many of the canals were artificially filled to create city streets in lieu of the canals which had failed to attain popularity.

24. *Flood control.*—The Federal Government completed the Ballona Creek flood-control channel and jetties in 1938. This project was constructed in part under the Emergency Relief Act of 1935 and the remainder under the Flood Control Act approved June 22, 1936. The lower reach of the flood-control channel constitutes the southerly boundary of the proposed harbor area. In this section the channel is trapezoidal, 200 feet wide at the bottom with side slopes of 1 on 3. The side slopes are paved with one-man stone supported by a fill of dumped stone at the toe of paving. The invert is not paved. The jetties at the entrance are random stone, and the voids between the stones above mean lower low water have been filled with concrete to a depth of 3 feet. The jetties as originally constructed were about 775 feet long, measured from mean high-tide line, and are 340 feet from centerline to centerline. The jetties were extended 580 feet in 1946 by the city of Los Angeles. The crest width is 16 feet and the elevation at the crest is 13 feet above mean lower low water. The side slopes are 1 on 1.5. A steel and concrete tide gate was installed to connect the main Venice canal with the flood-control channel. The cost of Ballona Creek Channel (including entrance jetties and tide gate) was about \$7 million.

25. *Petroleum production.*—In 1930 an oilfield was discovered in this area and about 151 producing wells have been drilled. The field has been in production continuously since that time. In recent years salt water has encroached in the field and production has been reduced so that about 40 wells have been abandoned, leaving only 111 on low production. The daily production of the entire field is reported to have been 2,300 barrels during 1946, whereas the peak daily production exceeded 40,000 barrels in November 1930. A part of the proposed

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harbor area would be over the Del Rey Hills area and the ocean front or Venice area of the Playa del Rey oilfield. Only one productive zone, the lower zone, is present in the Del Rey Hills area. In the older ocean front area, production is obtained both from the lower zone and from a relatively shallow zone, the upper zone. Although acquisition of all oil rights in fee within the proposed harbor was considered, it would be feasible to redrill a part of the wells and to allow production to continue in those wells that would not interfere with the harbor function. In the interest of conservation of mineral resources, it would be more desirable to continue petroleum recovery by redrilling from offset wells equipped with low-height surface pumps than to abandon the field. Local interests do not anticipate difficulty in settlement of the oil rights.

26. *Proposed shoreline improvements.*—The city of Los Angeles voted a bond issue of \$10 million, to which other cities in the metropolitan area and the State of California have added \$11 million, making a total of \$21 million, which will be used for the construction of a complete sewage-treatment plant at Hyperion to replace the present screening plant and outfall sewer. In connection with the preparation of the site for the sewage-treatment plant, the city of Los Angeles has excavated 14,100,000 cubic yards of dune sand, and has deposited it on the beach between Ocean Park and El Segundo (about 5.5 miles). This resulted in a general widening of the beach about 450 feet throughout that distance. The deposit of this material constitutes the initial step in the overall plan for beach improvement. The city extended the Ballona Creek jetties 580 feet seaward to protect the flood-control outlet from the shoaling caused by the new beach fill.

27. Local interests consider that the proposed harbor at Playa del Rey would be an integral unit of the plan for the development of the Santa Monica Bay shoreline. The plan of development proposed by local interests includes the following features: Widened and improved beaches, adequate bathhouses and parking areas, picnic facilities, special recreation centers, salt-water bathing pools and children's wading pools, fishing piers, youth organization camps, tourist parks with cabin and trailer accommodations, and a bird sanctuary to perpetuate the wildlife now inhabiting the area. In addition to scenic and through highways along the improved beach front, local authorities also have completed plans for the construction of a highway and freeway system to facilitate access to the beach areas. The proposed freeway system would avoid the congested metropolitan areas and would shorten both the distance to be traveled and the time required to reach the proposed beach recreation and park area and the proposed harbor facilities at Playa del Rey from any locality within the immediate tributary area.

28. The city of Los Angeles has employed a consulting firm of New York City to prepare an economic analysis and report for financing purposes on the entire beach development, including the proposed harbor, at a cost of \$35,000.

TERMINAL AND TRANSFER FACILITIES

29. There are no terminal or transfer facilities at Playa del Rey.

30. Santa Monica Harbor, 3 miles upcoast from the proposed harbor at Playa del Rey, has terminal and transfer facilities for small commercial fishing and recreational craft at the municipal pier. This pier

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is partially protected by the Santa Monica breakwater. The breakwater has deteriorated to such an extent that the harbor probably would be abandoned if facilities for small craft are constructed at Playa del Rey. The construction of additional terminal facilities in Santa Monica Bay is impracticable because of the unprotected shoreline.

EXISTING PROJECT

31. There has never been a Federal navigation project at Playa del Rey.

IMPROVEMENTS DESIRED

32. *Public hearings.*—Two public hearings were held in Venice, Calif., by the district engineer to consider the advisability of improving Playa del Rey, one on July 29, 1936, and the other on August 12, 1938, in connection with the preliminary examination report. The hearings were attended by public officials, real estate and other business interests, and representatives of various civic organizations, as well as the general public.

33. *Improvements desired by local interests.*—At the public hearing on August 12, 1938, the Regional Planning Commission of Los Angeles County and local civic organizations requested that a small-craft harbor be provided at Playa del Rey by the United States. The improvements desired by the regional planning commission consisted of (1) extending the jetties of the Ballona Creek flood-control outlet a distance of 800 feet; (2) constructing 2 jetties 1,475 feet in length to provide a second entrance to the interior basin; (3) dredging an interior basin about 1 square mile in area to a depth of 15 feet below mean lower low water, connected by an entrance channel to Ballona Creek flood-control channel; (4) dredging the Ballona Creek entrance and the second entrance to a depth of 15 feet below mean lower low water; (5) constructing secondary roads, miscellaneous drainage structures, and utilities; (6) constructing boat facilities and recreational park improvements; and (7) purchasing rights-of-way and land. The total cost estimated by local interests in 1938 was \$9,750,000.

34. *Local interests' justification of the desired project.*—Local interests are unanimous in desiring improvement of Playa del Rey Inlet and Basin for small-craft navigation. They offer the following considerations in support of the navigation improvements.

(a) There is need for added mooring space for small craft in Santa Monica Bay, in view of the increasing scarcity of small-craft anchorage areas in Los Angeles Harbor and because of the inconvenience attending the use of that harbor.

(b) The desired improvements are required for recreation and small-craft boating by people living in the northern part of Los Angeles County, which includes the heavily populated Los Angeles city area, as well as Hollywood, Beverly Hills, Culver City, Inglewood, Santa Monica, and other suburban districts.

(c) The improvement would be an effective aid in the development of the boatbuilding industry.

(d) The improvement would satisfy an increasing need for small-craft facilities, create a widespread economic benefit through an increase in permanent employment and in business, and cause an increase in values of both real estate and other property, thereby increasing the tax base.

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(e) Indirect benefits would accrue from reclaiming a large swamp area, which would result in an improvement of conditions affecting public health and in the stimulation of development of 5 or 6 square miles of partially developed land. The development of these areas would increase the taxable wealth.

35. Small-craft owners in the Los Angeles metropolitan area state that the proposed harbor at Playa del Rey is required because of unsatisfactory conditions in Los Angeles and Long Beach Harbors, such as overcrowding of available space, decrease in number of berths because of increasing commercial and naval requirements, short-term leases, high maintenance costs, long distances from the ocean, and inadequate automobile parking facilities.

COMMERCE AND VESSEL TRAFFIC

36. *Commerce.*—There is no existing commerce at Playa del Rey Inlet and Lagoon. Future commerce at the proposed harbor would consist of recreational small craft, excursion boats, and commercial sport-fishing boats. Representatives of the city of Los Angeles and of Los Angeles County state that in their opinion the proposed small-craft harbor should be used only by recreational craft and that provision should be made for commercial fishing interests at other ports. No commercial fish canneries would be permitted in the harbor area, and no facilities would be provided for the unloading of fresh fish for transshipment by truck to canneries outside the area.

37. The population of 2,308,000 in the tributary area of Playa del Rey gives an indication that about 6,500 boats would be available for berthing in the harbor. This number is based on the average number of craft in California for each 1,000 population.

38. Inasmuch as the area tributary to Playa del Rey contains a high percentage of persons most able to own small craft, it is expected that the number of 6,500 boats would be considerably exceeded. The records of the Los Angeles County assessor show that there are 2,300 small craft now owned by residents of the immediate tributary area. It is conservatively estimated that within 1 year after completion of the project, 1,000 boats would be transferred from other harbors to Playa del Rey Harbor, and that within 5 years after completion of the project, 3,000 new craft would be constructed, sold to individual owners, and based in the proposed harbor. This figure does not include new boats that would be constructed or purchased by residents outside the immediate tributary area (zone 1). The population of the area outside zone 1, but which logically would be tributary to Playa del Rey rather than to one of the other existing or proposed harbors in the area, exceeds 600,000 persons. This would create an additional potential boat reserve of 960 new craft. To be prepared for future requirements, the proposed harbor would have a capacity of 8,000 craft. It is estimated that 35 of the boats would be commercial sport-fishing vessels carrying charter parties or making regularly scheduled runs.

39. Playa del Rey Harbor would be open to all craft as a port of refuge in case of emergency. Furthermore, the harbor would be used by visiting craft from San Diego Bay, Newport Bay Harbor, Los Angeles and Long Beach Harbors, and Redondo Beach Harbor, and as a port of call for small craft making the longer trips to Santa

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Barbara, Monterey, and San Francisco, and for northern small craft cruising in southern waters.

40. *Vessel traffic.* There is no vessel traffic at Playa del Rey other than an occasional rowboat on the Venice canals. Numerous boats cruise in the open sea adjacent to the shore.

DIFFICULTIES ATTENDING NAVIGATION

41. In the vicinity of Playa del Rey, westerly and southwesterly winds prevail most of the year, but there are intermissions of calm during autumn and winter, as indicated by the wind rose on map, enclosure 1. The most severe storms are produced by the occasional southerly winds which occur in winter. The prevailing westerly winds seldom become more than moderate gales.

42. There are no adequately protected areas for small craft in Santa Monica Bay. Partial protection is provided at Redondo Beach, 8 miles to the south, and at Santa Monica, 3 miles to the north, of the site of the proposed harbor at Playa del Rey. At Redondo Beach the harbor formed by the breakwater consists of only about 20 acres of semiprotected area. The breakwater provides protection from westerly storm waves, but craft in its lee are exposed to the southerly storms. During these storms about 10 craft are washed ashore at Redondo Beach each year.

43. At Santa Monica Harbor an area of about 46 acres is partially protected by an offshore breakwater 2,000 feet in length. The breakwater was constructed by the city of Santa Monica in 1934 and has so deteriorated that storm waves break over the structure and create rough water within the harbor area. An average of 50 boats a year break loose from their moorings and are washed ashore. About 20 percent of these boats are a complete loss, as the surf breaks up the beached craft. It is improbable that the breakwater structure will be restored and maintained, mainly because the inadequate facilities and the restricted-water area cannot be remedied owing to site limitations.

44. All small-craft navigation in Santa Monica Bay is endangered by the lack of an adequate harbor of refuge.

SPECIAL SUBJECTS

45. *Shoreline changes.*—Pursuant to section 5 of the River and Harbor Act approved August 30, 1935 (Public Law 409, 79th Cong.), a detailed investigation was made with a view to determining probable effect of the proposed improvement upon the adjacent shoreline. A full report of the investigation is contained in enclosures 19¹ and 20.¹ Specific studies undertaken included a geological investigation to determine general trends in physiographic development of the coastal area, a determination of wave characteristics, surveys to trace the movement of beach material, investigation of the effect of existing structures, analysis of slopes of artificial fills made on southern California beaches, and an estimation of littoral characteristics in the Santa Monica Bay area.

46. Conclusions reached in the investigation of shore effects are quoted as follows:

¹ Not printed.

(a) The shores of Santa Monica Bay downcoast from Santa Monica breakwater have been deprived of normal littoral nourishment since construction of Santa Monica breakwater in 1933.

(b) Proposed jetties at Playa del Rey would act as a complete littoral barrier for a considerable period of time and would benefit the shore to the north by preventing further littoral loss from that area. Beach fill made in this area with material dredged from Playa del Rey Harbor would assist in completion of the comprehensive shore development planned by the city of Los Angeles.

(c) Between Ballona Creek jetties and proposed Playa del Rey jetties, the shore would stabilize after minor realignment.

(d) Downcoast from Ballona Creek, establishment of a feeder beach would be required to provide nourishment for shores to the south, and to prevent depletion of the fill recently completed by the city of Los Angeles. Deposit of 3,200,000 cubic yards along 5,000 feet of shore would be expected to provide adequate supply for a period of about 20 years.

(e) Future maintenance of Santa Monica Bay shores between Santa Monica breakwater and Playa del Rey may be accomplished by periodic replenishment of a suitably located feeder beach, or by removal of the breakwater and reestablishment of normal littoral transport at Santa Monica.

(f) Shores downcoast from Ballona Creek can be maintained in their advanced position by mechanical bypassing of sand past the proposed harbor entrance or by periodic deposit of sand from inland areas on the feeder beach. The most economic method can best be determined after the plan for maintenance of upcoast beaches has been established.

47. *Field surveys.*—Hydrographic and topographic surveys of the harbor and adjacent shore areas were made in March and April 1945, and during 1948. The surveys included the area from Washington Street to the Playa del Rey Hills and extended from Highway U. S. 101 Alternate (Lincoln Blvd.) seaward to about the 40-foot-depth contour. Shore topography was traced from aerial photographs and existing maps. The character of materials to be dredged was determined from auger borings.

48. *Coordination with other improvements.*—The improvement would not involve flood control, water power, water supply, or other subjects that could be coordinated with the improvement to compensate the United States for expenditures made. The project is an integral part of an overall plan of improvement of the beach areas by municipal and county agencies.

49. *Effect on wildlife.*—Construction of the proposed harbor would eliminate existing marshlands of some wildlife value. However, the Fish and Wildlife Service by letter dated April 26, 1946, state that no objection will be interposed to the construction of the project. Local representatives of the Fish and Wildlife Service state that few game birds occupy the area because of oil pollution which results from the operation of the oil field. Local interests propose to construct a bird refuge about 800 feet wide and 2,500 feet long adjacent to the flood-control channel as a part of the overall park development to provide for the shore birds nesting in the area. Principal among these birds are killdeer, sandpiper, stilt, and tern. In addition there are many other species of birdlife which are not dependent on the area. To

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provide for the continuation of this existing birdlife, local interests should construct the bird refuge simultaneously with the construction of the harbor.

50. *Saline contamination.*—An investigation was made concerning the effects of the proposed harbor on saline contamination of underground water. This investigation indicated that (1) sea water has already contaminated the ground water within most of the area that would be occupied by the harbor; (2) further landward progress of this contamination depends primarily on the rate of withdrawal of ground water in the vicinity of the harbor site and on the steepness of the landward gradient produced by this withdrawal; and (3) introduction of sea water by constructing the harbor would not modify existing ground-water conditions.

51. *Harbor lines.*—Harbor lines have not been established in Santa Monica Bay. The plan considered would not adversely affect the future establishment of harbor lines.

52. *Aids to navigation.*—If the proposed harbor is constructed, the district Coast Guard officer, 11th Coast Guard District, recommends the installation of coded lights on the seaward ends of the proposed harbor jetties, the installation of a fog signal on the upcoast jetty, and installation of additional lights at the beginning of the curve on each jetty. Three light buoys would be required to mark the turns in the basin channel. The district Coast Guard officer estimates the total cost of aids to navigation at \$25,000.

PLANS OF IMPROVEMENT

53. *Plans considered.*—In determining the best plan of improvement the district engineer gave consideration to the desires of local interests as stated at the public hearings, to the more recent desires of local interests as developed by conferences, to modifications suggested by experienced small-craft operators, and to the requirements of navigation interests in general.

54. The plan originally proposed by local interests included a symmetrically arranged U-shaped harbor which had two entrances and capacity for about 5,200 craft. Local interests now believe that a harbor of that capacity would be inadequate to meet all the demands for anchorage, berthing, and maneuvering, and for adequate servicing and concessionary facilities; therefore, a modified elliptical area approximately 6,500 feet by 6,300 feet was proposed for consideration. The elliptical harbor would have capacity for about 8,000 craft. The two entrances were decided to be undesirable, as a stretch of beach about 2,100 feet long would be rendered inaccessible except by boat. This isolated island would not conform to the general plan of improvement approved by the Los Angeles City Council.

55. Combining the entrance channel with the Ballona Creek flood-control outlet would prove unsatisfactory, from the standpoint of navigation and maintenance of harbor depths. To eliminate both the isolated beach and entrance through the flood-control outlet, local interests proposed a curving entrance adjacent to the flood-control outlet. However, experienced small-craft operators state that a curved entrance is difficult to navigate, especially in foggy or heavy weather. Accordingly, consideration was given to straightening the proposed entrance. This would result in a long and rather wide en-

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trance that would require a large area which would not make the most efficient use of the available space. Also, with a southerly side entrance, boats based in the northerly portion of the proposed harbor would be required to travel an excessive distance to reach the ocean. Furthermore, any entrance at the southerly side would subject the southerly shore of the proposed harbor to unfavorable and destructive wave conditions during storms.

56. The plan considered by the district engineer, which comprises a single, short, central entrance, would adequately overcome all the undesirable features of the side entrance.

57. The plans for side basins bordering the main central basin were modified so that the long axes of most side basins would be radial to the central basin. This modification would facilitate berthing small craft in the side basins.

58. All factors affecting the design of the harbor at Playa del Rey were discussed with interested local agencies, and the plan of improvement considered by the district engineer is the plan now desired by all responsible local interests. The plan has been approved by the Los Angeles City Council, the city planning commission, the city engineer, the Los Angeles County Board of Supervisors, the county regional planning commission, and the county engineer.

59. *Recommended plan.*—The plan recommended by the district engineer provides for the following principal features, as shown on enclosure 1.

(a) An entrance channel about 1,925 feet long and 600 feet wide, dredged to a depth of 20 feet below mean lower low water.

(b) Two random-stone jetties, each 2,300 feet in length.

(c) A 300-foot extension to the upcoast jetty at Ballona Creek flood-control channel outlet.

(d) A main interior channel 600 feet wide and 5,600 feet long, and two southerly side basins (designated C and K), all dredged to a depth of 20 feet below mean lower low water.

(e) A central basin and 10 additional side basins (designated A, B, D, E, F, G, H, I, J, and L), all dredged to a depth of 10 feet below mean lower low water.

(f) Disposal of material dredged from the proposed harbor, amounting to about 20,360,000 cubic yards, to construct solid-fill mole-type piers between the side basins, to reclaim lowlands adjacent to the harbor, and to provide about 160 acres of land by widening the beach as permanent beach improvement upcoast from the harbor entrance and to provide a separate feeder beach south of Ballona Creek flood-control channel for nourishment of the downcoast shore.

(g) Vertical bulkhead around side basin K, and random-stone revetment on the slopes of the remaining side basins and the central basin.

(h) Slips and facilities for berthing, servicing, supplying, and repairing small craft.

(i) Roads, parking areas, administration buildings, comfort stations, landscaping, clubhouses, and all other facilities required for a modern recreational small-craft development.

60. Under the general plan, 11 mole-type piers and the entrance abutments would divide the bay into 12 side basins with a capacity for berthing 8,000 small craft at slips. See exhibit 1, enclosure 16,¹

¹ Not printed.

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for a diagrammatic sketch of the arrangement of slips used to determine the capacity of the harbor. Ultimate development of a typical mole arrangement proposed by local interests is shown on enclosure 4,¹ "General plan of harbor," by the Los Angeles City Planning Commission. The pierheads would be reserved for concessions, such as gasoline and oil stations, small stores, cafes, and boat clubs. The pier between basins marked D and E on the general plan; enclosure 1, would be used for harbor administration. The pier on each side of basin K would be reserved for boat-repairing facilities and other commercial purposes. The pier between basins A and B would be used by marine-outing clubs. Parking areas are located wherever space permits. The harbor area is considered as that section encircled by the perimeter road. Justification of all features of design and all items included in the recommended project are contained in enclosure 16.¹

FIRST COST AND ANNUAL CHARGES

61. *Estimate of first cost.*—The total first cost of the improvements, based on 1948 prices, is estimated at \$25,603,000, of which \$16,505,000 would be borne by local interests and \$9,098,000 by the United States. Details of the estimate are given in enclosure 16¹ and are summarized in the following table:

Estimate of first cost, Playa del Rey, Calif.

Federal costs:	
Corps of Engineers:	
Dredging entrance channel and interior basins and filling lowlands.....	\$5,090,000
Stone jetties, entrance channel.....	2,168,680
Subtotal.....	7,258,680
Engineering and contingencies, 25 ± percent.....	1,814,320
Total.....	9,073,000
U. S. Coast Guard: Aids to navigation.....	25,000
Total Federal 1st cost.....	<u>9,098,000</u>
Non-Federal costs:	
Stone jetty extension, Ballona Creek.....	126,450
Stone revetment, interior basins.....	388,500
Vertical bulkhead, boat repair basin.....	1,314,400
Landscaping mole-type piers.....	25,670
Administration building.....	150,000
Floats, slips, light and water facilities.....	860,000
Paving (parking areas).....	736,050
Paving (roads).....	911,650
Relocation of Venice sewer and constructing mains and laterals.....	2,150,000
Public utilities, relocation and construction of water and electric lines, and removal of oil pipelines.....	1,200,000
Subtotal.....	<u>7,862,720</u>

¹ Not printed.

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PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

Estimate of first cost, Playa del Rey, Calif—Continued

Non-Federal costs—Continued		
Engineering and contingencies, 25 ± percent.....		\$1,965,280
Total non-Federal, except land and rights-of-way.....		<u>9,828,000</u>
Land and improvements.....	\$4,410,500	
Drilling offset wells and capping existing wells....	1,422,000	
Subtotal.....		5,832,500
Contingencies, 10 ± percent.....		583,300
Acquisition cost, about 10 percent of land and rights-of-way.....		441,200
Subtotal.....		6,857,000
Less immediate salvage value of improvements..	-180,000	<u>6,677,000</u>
Total non-Federal cost.....		16,505,000
Total Federal cost.....		<u>9,098,000</u>
Total first cost of project.....		25,603,000

62. *Estimate of annual charges.*—In computing the interest charges, it was assumed that the construction would require 3 years. The salvage value of all improvements is assumed to be nominal or negligible at the expiration of the useful life of the project, estimated at 50 years. However, the net salvage value of the land is estimated at \$3,352,000. This amount is equal to the total estimated value, immediately after filling and prior to construction of any improvements, of filled lands within the taking area described as areas B and C in enclosure 17.¹ The salvage value of the 160 acres of new beach to be constructed is not assumed to be creditable to this project inasmuch as nourishment of this beach would be provided for under the master plan for beach development by the city and county of Los Angeles, Calif. In computing the non-Federal carrying charges the estimated returns from improvements represent only the net return from slip rentals after deduction of operation and maintenance costs, as shown in the following table. This net return is based on using 50 percent of the estimated total annual return from slip rental for 4,000 boats, as follows:

Boat size	Percent	Number of boats	Estimated annual slip charge	Total
Under 20 feet.....	43.1	1,724	\$56.00	\$96,544
20 feet to 35 feet.....	41.6	1,664	102.00	169,730
36 feet to 50 feet.....	11.6	464	146.50	67,976
51 feet to 100 feet.....	2.9	116	253.00	29,350
Over 100 feet.....	.8	32	550.00	17,600
Total.....	100.0	4,000		381,200
Estimated operation and maintenance costs.....				190,600
Estimated direct net returns from improvement.....				100,600

¹ Not printed.

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63. The estimated annual charges for the improvements are given in the following table:

Estimated annual charges for Playa del Rey Harbor, Calif.

(a) Federal investment:	
(1) Corps of Engineers	\$9, 073, 000
(2) U. S. Coast Guard	25, 000
(3) Total Federal 1st cost (see estimate of 1st cost) ..	9, 098, 000
(4) Interest during ½ of construction period: 3 percent of item (a) (3) for 1.5 years	409, 410
(5) Total Federal investment to be justified by benefits and subject to amortization	9, 507, 410
(b) Federal annual charges:	
(1) Interest at 3 percent of item (a) (5)	285, 220
(2) Amortization for 50 years at 3 percent: 0.00887 times item (a) (5)	84, 330
(3) Maintenance	1 26, 000
(4) Total Federal annual charges	395, 550
(c) Non-Federal investment:	
(1) Funds to be contributed or cost of improvements to be undertaken by local interests	9, 828, 000
(2) Value of rights-of-way to be furnished	6, 677, 000
(3) Total non-Federal 1st cost (see estimate of 1st cost)	16, 505, 000
(4) Interest during ½ of construction period: 3.5 percent of item (c) (3) for 1.5 years	866, 510
(5) Gross non-Federal investment to be justified by benefits	17, 371, 510
(6) Less net salvage value of land	-3, 352, 000
(7) Net non-Federal investment subject to amortization	14, 019, 510
(d) Non-Federal annual charges:	
(1) Interest at 3.5 percent of item (c) (5)	608, 000
(2) Amortization for 50 years at 3.5 percent: 0.00763 times item (c) (7)	106, 970
(3) Maintenance	(2)
(4) Gross non-Federal annual charges	714, 970
(5) Less estimated direct net returns from slip rentals	-190, 600
(6) Net non-Federal annual charges	524, 370
(e) Total estimated annual charges	919, 920

Summary of 1st costs and annual charges

Item	First cost	Interest	Investment	Annual charges	Annual maintenance
Federal	\$9, 098, 000	\$409, 410	\$9, 507, 410	\$395, 550	1 \$26, 000
Non-Federal	16, 505, 000	866, 510	17, 371, 510	524, 370	(2)
Total	25, 603, 000	1, 275, 920	26, 878, 920	919, 920	1 26, 000

¹ Includes \$1,000 maintenance by U. S. Coast Guard.

² Estimated \$190,600 income from slip rentals to be used for operation and non-Federal maintenance.

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ESTIMATES OF AVERAGE ANNUAL BENEFITS

64. *Increased value of filled land.*—In constructing a harbor at Playa del Rey, the Federal Government would dredge approximately 20,360,000 cubic yards of material to provide about 717 acres of water area. The dredged material would be deposited to fill adjacent lowlands and to create additional beach land. Local interests plan to develop the adjacent area as an all-year beach resort and recreation center. The artificial widening of the beach would result in an immediate increase in value of the filled area. The low, undeveloped land between Ballona Creek and the Playa del Rey Hills and the marshland in the harbor area would be reclaimed and would increase in value. In estimating the benefits that would result from filling low lands pursuant to construction of the proposed harbor at Playa del Rey, only those areas that would be filled with material dredged from the harbor have been considered. The estimated increase in value of the areas reclaimed or filled in no way reflects any enhancement in value that would accrue to the land by virtue of its proximity to the proposed harbor.

65. The water area for the proposed harbor would be created by dredging about 717 acres of marsh and low land. An estimated additional 844 acres of land would be filled with the dredged material as listed below:

	<i>Acres</i>
Area A: South of Ballona Creek.....	358
Area B: Mole-type piers.....	203
Area C: West of Lincoln Blvd.....	123
New beach.....	160
Total.....	844

The average annual benefits from the increased value of land by reason of filling only are estimated at \$215,000. Further details concerning benefits from increased land value are given in enclosure 17.¹

66. *Mosquito control savings.*—The site of the proposed harbor consists of low, marshy land with inadequate provisions for drainage and, as a result, a large area of water is almost stagnant. The Ballona Creek Mosquito Abatement District spends about \$21,000 annually on mosquito control. Approximately 75 percent of these funds would be spent in the area to be improved. The elimination of this problem by the filling of marsh areas or by improvement of drainage would provide an annual benefit of \$16,000. In addition to tangible monetary benefits, conditions affecting public health would be improved by the elimination of mosquito breeding areas. (See enclosure 17.)

67. *Benefits from navigation.*—The benefits that would accrue to the proposed harbor project from navigation are dependent on the type and number of craft that would use the facility. Based on the records of similar developments in California and on reports from small-craft manufacturers on their backlog of orders for new craft, the anticipated number of boats would exceed 6,500. According to local interests and boat manufacturers, if accommodations were available, 10,000 new craft would be built in the next few years. The proposed harbor at Playa del Rey would have a capacity of 8,000 small craft. However, in computing the recreational benefit that would accrue from navigation, the number of new craft of average

¹ Not printed.

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size that would be based in the harbor has been estimated to be only 3,000. The proposed Playa del Rey Harbor would be open to all craft as a port of refuge and as a port of call by many small craft. Additional tangible benefits that would accrue from the navigation features of the proposed project are automobile travel savings, boat maintenance savings, prevention of boat damage, and increased fish catch. Some of the intangible navigation benefits which would accrue from the project are, increase in the recreational activities of the community, creation of additional business opportunities, increase in safety of navigation, and increase in opportunity for boatowners to operate their small craft.

68. *Recreational harbor benefit.*—The monetary benefit from the recreational use of a small-craft harbor is estimated to be the annual income from a capital investment equivalent to the average value of the small-craft fleet at that harbor. On the basis of an average value of \$6,000 each, the monetary benefit that would result from the estimated minimum fleet of 3,000 new small-craft that would occupy the proposed Playa del Rey Harbor, is estimated at \$900,000. (See enclosure 17.¹)

69. *Automobile travel savings.*—Most boatowners living in the area tributary to Playa del Rey (zone 1) are unable to anchor their boats at Santa Monica Harbor and must keep them at Los Angeles Harbor, Long Beach Harbor, Newport Bay Harbor, or at some more distant port because of the lack of proper harbor facilities in Santa Monica Bay. The actual monetary saving of automobile operating costs by the estimated 1,000 boatowners who would transfer their boats from one of the more distant harbors to Playa del Rey Harbor is estimated at \$35,000. (See enclosure 17.¹)

70. *Boat maintenance savings.*—The boatowners living in the area tributary to Playa del Rey whose craft are moored in the commercial harbors of Los Angeles or Long Beach would benefit by having a recreational harbor. Provision of such a harbor would result in a saving through decreased maintenance costs to small craft because of their removal from sources of contamination as exists in a commercial harbor. The annual savings in maintenance cost by the estimated 400 boatowners who would transfer their boats from Los Angeles and Long Beach Harbors to Playa del Rey Harbor is estimated at \$8,000. (See enclosure 17.¹)

71. *Prevention of boat damage.*—Small craft in Santa Monica Bay are exposed to the sudden and sometimes moderately severe storms that occur annually during the period December to March, inclusive. Records of past storms indicate that about 60 small craft are beached annually by storms because of the lack of a safe anchorage area. The proposed Playa del Rey and Redondo Beach Harbors would replace existing inadequate facilities and offer refuge to all small craft operating in Santa Monica Bay. The total annual benefit from the prevention of this damage to small craft that would be creditable to the proposed Playa del Rey Harbor is estimated at \$75,000. (See enclosure 17.¹)

¹ Not printed.

72. *Increased fish catch.*—Fish caught by sport fishermen add to the national wealth to the extent that this fish catch finds its way into the national food supply. From the records of operators of sport-fishing boats, it is estimated that an additional 2,800,000 pounds of fish would be caught each year because of the estimated increased number of sport-fishing boats that would operate from the proposed Playa del Rey Harbor. In addition to trips made by patrons of sport-fishing boats, the estimated increased number of individual boat owners would take an additional fish catch for which no benefit is claimed. The monetary average annual benefit from fish caught by sport fishermen is estimated at \$280,000. For additional details of benefits from fish catch. (See enclosure 17.¹)

73. *Intangible benefits.*—Intangible benefits (those not susceptible of monetary evaluation) that would accrue under the plan of improvement considered are large. Benefits would result from increased safety of small-craft navigation in the Santa Monica Bay area by providing a port of refuge for transient craft and a safe port for anchorage of home craft. The pleasure of small-craft operation would be increased by the provision of an adequate facility close to the greatest number of small-craft owners in the Los Angeles metropolitan area and separated from the activities of a large commercial and naval port.

74. Construction of the navigation facility proposed at Playa del Rey Harbor would increase the use of adjacent waters and neighboring ports by small craft because of an additional place to visit, which would increase the pleasure derived from operation of recreational craft. This, in turn, would create new business, additional tax income, and new opportunities for industry in the manufacture, repair, and servicing of additional craft in established harbors. These benefits cannot be evaluated because of the difficulty of determining the proportion of increased use of the established harbors that would be due to the construction of the new facility.

75. Large intangible benefits would also accrue by reason of increased land values in areas adjacent to the proposed harbor, primarily the Venice area and the partially developed area located between Highway U. S. 101 Alternate and Culver City. The proposed harbor constitutes one unit of a large resort and recreation area planned by local interests that would extend from El Segundo to Topanga Canyon on Santa Monica Bay, and a large part of the increased land values would be creditable to that project. The creation of an all-year beach playground would attract visitors from all parts of the country, afford new opportunity for travel, and create an additional economic benefit to the beach communities.

76. *Summary of tangible benefits.*—The average annual tangible benefits that would accrue under the plan considered are summarized in the following table. A detailed analysis of benefits is given in enclosure 17.¹

¹ Not printed.

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40 PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

Estimated average annual tangible benefits from improvements considered, Playa del Rey, Calif.

Type of benefit	General (Federal)	Local (non-Federal)	Total
Other than navigation:			
Increased value of filled land.....	0	\$215,000	\$215,000
Mosquito control savings.....	0	16,000	16,000
Subtotal.....	0	231,000	231,000
Navigation:			
Recreational harbor benefit.....	\$450,000	450,000	900,000
Automobile travel savings.....	0	35,000	35,000
Boat maintenance savings.....	0	8,000	8,000
Prevention of boat damage.....	75,000	0	75,000
Increased fish catch.....	280,000	0	280,000
Subtotal.....	805,000	493,000	1,298,000
Total.....	805,000	724,000	1,529,000

COMPARISON OF BENEFITS AND COSTS

77. The total cost of the proposed improvement is estimated at \$25,603,000. The total annual carrying charges would be \$919,920. The annual benefits would be \$1,529,000. The benefit-cost ratio of the proposed harbor project would be 1.7 to 1. In addition to the tangible benefits there would be considerable intangible benefits which, while not susceptible of monetary evaluation, are worthy of consideration.

PROPOSED LOCAL COOPERATION

78. At the public hearings local interests expressed a willingness to cooperate in the cost of the project. The formation of a recreation and harbor district was proposed for the purpose of meeting financial requirements through sale of bonds. One object of the report being prepared by the firm of consulting engineers employed by local interests is to determine the best methods of financing the beach development and harbor projects. The city of Los Angeles and the county of Los Angeles, by resolutions, furnished as enclosure 18,¹ agreed to assume the following obligations: (1) Provide all rights-of-way for construction and maintenance of improvements; (2) hold and save the United States free from all claims for damages resulting from the construction or operation of the improvement; (3) assume the cost of alteration, relocation, or rebuilding of highways and highway bridges, or arrange for the alteration, relocation, or rebuilding of these highways and highway bridges; (4) assume the cost of relocation or reconstruction of utilities or drainage structures; (5) contribute in cash or equivalent work, the cost of constructing a vertical bulkhead, stone revetments in all basins, and extension of the north jetty at Ballona Creek; (6) provide without cost to the United States all necessary slips and facilities for repair, service, maintenance, and supply of small craft; (7) secure and hold for the public interest, lands bordering the proposed development to a width sufficient for proper functioning of the harbor; (8) furnish assurances satisfactory to the Secretary of the Army that the area will be improved in accordance with plans and time schedules to be approved by the Secretary of

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the Army; and (9) maintain and operate the entire project except aids to navigation, entrance jetties, project depths in the entrance and interior channels and the central basin, with the understanding that all facilities shall be open to all on equal terms.

ALLOCATION OF COSTS

79. The distribution of costs between Federal and non-Federal interests is based on (1) the distribution of local and general benefits, (2) the ability of local interests to pay, and (3) consideration of the general nature of the work items. Accordingly, of the total first cost of the proposed project estimated at \$25,603,000, the United States would provide those items of construction that would benefit navigation in general, comprising the construction of entrance jetties and aids to navigation, and the dredging of channels and basins, all at an estimated Federal first cost of \$9,098,000, as itemized in the preceding paragraph, "Estimates of first cost." Local interests would provide the items of local cooperation named in the preceding paragraph, "Proposed local cooperation," all at an estimated non-Federal first cost of \$16,505,000, and as itemized in the preceding paragraph, "Estimates of first cost." The United States would maintain the entrance jetties, aids to navigation, and harbor depths in the entrance and interior channels and in the central basin, all at an estimated annual cost of \$25,000 for the Corps of Engineers, and \$1,000 for the United States Coast Guard. Non-Federal annual maintenance would be paid from operating revenues.

DISCUSSION

80. Local interests base justification for the project on (1) the lack of adequate facilities for small-craft navigation in the Santa Monica Bay area, (2) the desirability of separating small craft and recreational boating from commercial and naval waters, (3) the need for facilities to permit growth of recreational and commercial small-craft operation, (4) requirements for safety of small-craft operation in Santa Monica Bay, and (5) the favorable economic effect that development of small-craft operation and the provision of an adequate small-craft facility would have on the community.

81. The district engineer concurs in general with the statements made by local interests concerning justification of the project. However, in determining the extent of the tributary area, consideration was given to the proposed improvement of the small-craft harbor at Redondo Beach, 8.2 miles downcoast from the proposed harbor at Playa del Rey. The protection afforded by Santa Monica breakwater is inadequate and gives the boatowner a false sense of security. City officials of Santa Monica have stated that the structure will not be maintained. Consideration also was given to the existing harbors at Los Angeles, Long Beach, and Newport Bay. Accordingly, only that portion of the general tributary area that is closer to Playa del Rey than to any other existing or proposed harbor has been considered in determining the need for, or the benefits that would result from, a navigation project at Playa del Rey.

82. Recovery of petroleum from the Venice oilfield could be continued by relocating existing oil wells so as not to interfere with operation of the proposed harbor.

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83. Annual tangible benefits from the navigation improvement would be \$215,000 from increased value of filled land, \$16,000 from cost of mosquito control savings, \$900,000 from recreational harbor benefits, \$35,000 from automobile travel savings, \$8,000 from boat maintenance savings, \$75,000 from prevention of boat damage, and \$280,000 from increased fish catch, a total of \$1,529,000 a year.

84. In addition to the tangible benefits, the proposed navigation project would result in large intangible benefits which have considerable weight in justification of the project. The intangible benefits would include the noncalculable benefits from (1) the increased safety of navigation, (2) the recreational value of an all-year small-craft harbor near the largest concentration of boatowners in the Los Angeles metropolitan area, (3) the promotion of general welfare by the increase in opportunities for employment, and (4) increase in land values in the vicinity of the proposed harbor area that would be partially attributable to the proposed navigation improvement.

85. The estimated total first cost of the proposed navigation project is \$25,603,000. Of this amount, \$16,505,000 would be borne by local interests. The total annual charges would be \$919,920 and the total annual benefits \$1,529,000. The benefit-cost ratio is 1.7 to 1.

86. The project considered by the district engineer meets the present desires of local interests. The project has the approval of the city of Los Angeles and Los Angeles County. The harbor project forms one unit of the master plan of the county of Los Angeles for shoreline development. The project is also one unit of the plan of the city of Los Angeles for the development of the shoreline between El Segundo and Topanga Canyon. This plan was approved by the Los Angeles City Council. The overall plan of development proposed by the city of Los Angeles is included as enclosure 11.¹

87. Departures from the original plans desired by local interests were made by the district engineer to provide better navigation conditions within the proposed harbor and entrance channel, to make more efficient use of the dredged water area, and to reduce the total cost of the proposed improvements.

88. Both the city of Los Angeles and the county of Los Angeles have expressed their desire and willingness to cooperate with the Federal Government by sharing in the cost of the project through fulfilling all items of local cooperation required. Either the city or county of Los Angeles would be able to meet the requirements of local cooperation through direct bond issue or formation of a harbor district. The State of California has adopted a policy of assisting local bodies in meeting items of cooperation for flood control required by the Federal Government, as evidenced by the State Water Resources Act approved July 19, 1945, appropriating \$30 million for that purpose. The State also has a policy of cooperating with local public bodies on a matching basis in the acquisition of beaches. It is reasonable to assume that these policies will be extended to include other Federal projects.

89. An investigation of the small-craft harbors in southern California indicates an urgent need for additional facilities. Newport Bay Harbor is the only first-class small-craft harbor in the southern California

¹ Not printed.

area. An integrated recreational marine park and small-craft harbor project at Mission Bay, San Diego, Calif. (120 miles downcoast), was authorized by act approved July 24, 1946. A review of reports on Redondo Beach Harbor is in progress. These harbors would be inadequate to meet the demand for berthing small craft in southern California. Shipbuilding and ship brokerage firms in the Los Angeles area have a backlog of small-craft orders that would increase the number of small craft in southern California coastal waters at the rate of 3,000 boats a year for the next 2 years, provided berths are furnished for these craft. It is reasonable to assume that this trend would continue. Boatbuilders state they are unable to consummate sales of small craft because berthing space is not available. The limited facilities for small craft in Los Angeles and Long Beach Harbors are constantly subject to encroachment by commercial and naval needs.

90. The history of established harbors shows that construction of a new harbor does not result in the transfer of commercial facilities from the existing ports, but tends to increase the facilities in the older established ports in addition to encouraging establishment of new port facilities in a new harbor.

91. A detailed study of the probable effects of the proposed jetties at Playa del Rey upon the adjacent shoreline revealed that between the cities of Santa Monica and Redondo Beach, the shore is now receiving inadequate natural nourishment for maintenance of stable shore alinement. The predominate direction of littoral drift is downcoast throughout this area. The proposed jetties would act as a complete barrier to littoral drift for a considerable period of time and would benefit the shore upcoast therefrom by preventing further littoral loss. From the proposed Playa del Rey Harbor entrance to the existing upcoast Ballona Creek jetty, the shoreline would become stable after minor realinement. Downcoast from Ballona Creek to Redondo breakwater, no natural littoral supply would be available. Nourishment by mechanical means would be necessary to prevent erosion. The most suitable permanent plan for maintaining this area cannot be determined until a plan for maintaining beaches upcoast from Playa del Rey is established. Studies are now in progress with a view to determining the most suitable permanent plan for maintenance of all of the Santa Monica Bay shores. Many interests are involved and considerable time probably will elapse before such a plan is put into effect. In order to insure nourishment of the shore downcoast from Ballona Creek pending a permanent solution to the problem, the proposed plan of improvement includes the establishment of a feeder beach below Ballona Creek by depositing 3,200,000 cubic yards of material that would be dredged from Playa del Rey Harbor. It is estimated that this quantity of material will be adequate to provide normal maintenance in the downcoast area for approximately 20 years.

CONCLUSIONS

92. The district engineer concludes that:

- (a) There is need for additional small-craft facilities in southern California and, in particular, in Santa Monica Bay.
- (b) The improvement would be used to capacity within a period of 5 years after its completion.

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(c) The proposed harbor would not seriously impair the recovery of petroleum from the existing Venice oilfield.

(d) The proposed harbor would augment existing harbors, and, while adjustment in small-craft berthing and business would be made, they would not intentionally reduce the use of existing harbors or conflict in any manner with the development of the proposed improvement at Redondo Beach.

(e) The proposed harbor jetties would intercept downcoast littoral drift for a considerable period of time. Other improvements in Santa Monica Bay have altered the natural regimen of littoral forces and a comprehensive plan is required to maintain stability of the shoreline. Provision of a feeder beach in accordance with the proposed plan of improvement would prevent harmful effect upon adjacent shorelines by the proposed jetties pending completion of the comprehensive beach-development plan. The harbor would have a stabilizing effect on the upcoast beaches expected to be improved. The general effect of the proposed harbor on the beaches probably would be beneficial.

(f) An adequate navigation facility can best be provided by constructing entrance jetties and dredging an entrance channel and interior basins.

(g) The plan considered is the best plan for making recreational harbor facilities in Santa Monica Bay available to the largest number of boatowners and potential owners in southern California at the least cost.

(h) The project for small-craft navigation is justified.

(i) In view of the nature of the work and the distribution of benefits, it would be appropriate for the Federal Government to pay the entire cost of constructing aids to navigation, the entrance jetties, and dredging the channels and basins, all at an estimated total Federal first cost of \$9,073,000 for work to be accomplished by the Corps of Engineers.

(j) Local interests should pay the cost of extending the upcoast Ballona Creek jetty; constructing a vertical bulkhead; revetting the side slopes of all the basins; providing all slips and other facilities for operating, berthing, maintaining, repairing, servicing, and supplying small craft; constructing all roads, pavements, and parking facilities; providing all rights-of-way, including the cost of relocating existing oil wells, all at an estimated total first cost of \$16,505,000.

(k) The proposed project would be constructed over a period of 3 years and about \$3,073,000 should be made available initially, \$3 million the second year, and \$3 million the third year.

RECOMMENDATIONS

93. The district engineer recommends that a project be adopted to establish a harbor for small-craft navigation at Playa del Rey, Calif., as follows: construct two harbor entrance jetties; extend the upcoast jetty of Ballona Creek flood-control channel; dredge an entrance and interior channel, an interior central basin, and side basins, and deposit the dredged material in areas to be reclaimed for mole-type piers, in lowlands, and along beach frontage; construct stone revetment and vertical bulkheads; construct adequate harbor facilities for operating,



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berthing, maintaining, repairing, servicing, and supplying small craft; relocate and provide utilities and sewage facilities; and relocate existing oil recovery facilities; all at an estimated total first cost of \$25,603,000.

94. The district engineer recommends that the United States provide the 2 harbor entrance jetties; an entrance channel 600 feet wide and 20 feet deep; an interior channel 600 feet wide, 5,600 feet long, and 20 feet deep; 2 side basins 20 feet deep and a central basin and 10 side basins 10 feet deep separated by mole-type piers; and deposition of dredged material in the mole-type piers, on adjacent lowlands, and along beach frontage; all at an estimated Federal first cost of \$9,073,000, exclusive of aids to navigation, and \$25,000 annually for maintenance.

95. The district engineer further recommends that adoption of the project be subject to the conditions that local interests shall give assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished, such cooperation to be performed by a competent and duly authorized public body, financially able to accomplish the obligations so assumed and empowered to regulate the use, growth, and free development of the harbor facilities with the understanding that such facilities shall be open to all on equal terms. The required local cooperation would consist of (1) securing and holding in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; assuming the cost of all rights-of-way, including disposal areas, the cost of relocating oil wells, and the cost of relocating and constructing public utilities; constructing stone revetments, a vertical bulkhead, and an extension of the upcoast jetty at Ballona Creek flood-control channel; providing adequate harbor facilities for operating, berthing, maintaining, repairing, servicing, and supplying small craft; and for developing the harbor area for park and recreational purposes, all at an estimated non-Federal first cost of \$16,505,000; (2) preparing definite plans and construction schedules for the construction of small-craft facilities, including development of the mole-type piers, which shall be subject to approval by the Secretary of the Army; (3) maintaining and operating the entire project except aids to navigation, entrance jetties, and project depths in the entrance and interior channels and in the central basin; and (4) holding and saving the United States free from all claims for damages arising from the construction or operation of the project works.

A. T. W. MOORE,
Colonel, Corps of Engineers, District Engineer.

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 cont.

[First endorsement]

SOUTH PACIFIC DIVISION,
CORPS OF ENGINEERS,
UNITED STATES ARMY,
OAKLAND ARMY BASE,
Oakland 14, Calif., August 22, 1949.

Subject: Survey of Harbor at Playa del Rey, Calif. (Basic: August 16, 1948.)

To: Chief of Engineers, Department of the Army, Washington 25, D. C.

1. I concur in the conclusions and recommendations of the district engineer.
2. I have reviewed the economics of the report and consider reasonable the district engineer's estimates of total annual benefits amounting to \$1,529,000 and total annual charges amounting to \$919,920, indicating a favorable benefit-cost ratio of 1.7 to 1.

DWIGHT F. JOHNS,
Colonel, Corps of Engineers, Division Engineer.

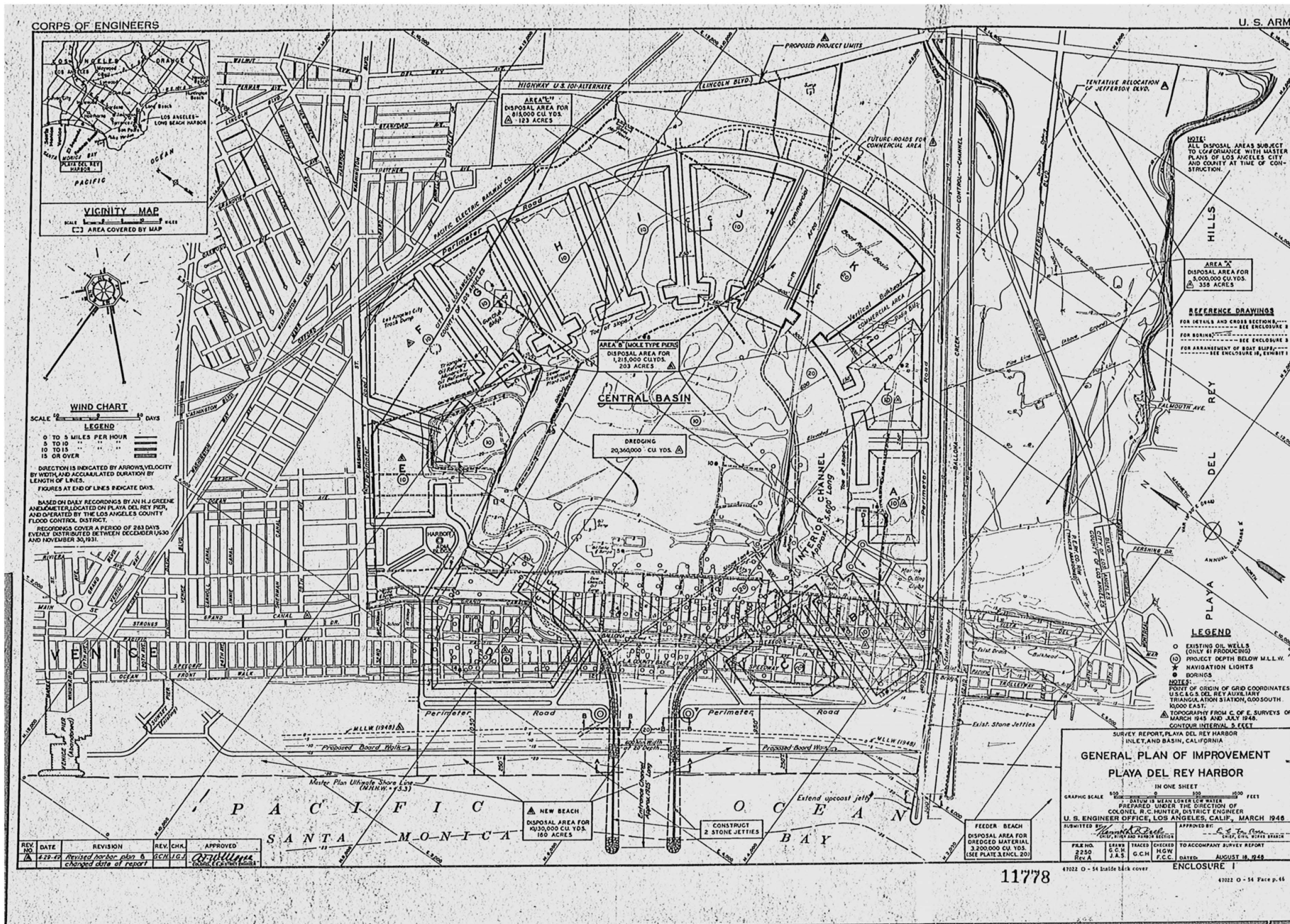
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LIST OF ENCLOSURES MADE IN CONNECTION WITH THE REPORT
OF THE DISTRICT ENGINEER

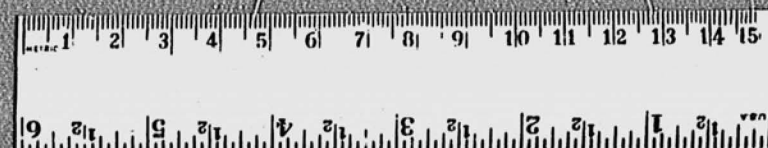
(Only enclosure 1 printed)

No.	Title
1.	General plan of improvement.
2.	Details and cross sections.
3.	Borings.
4.	General plan by Los Angeles City Planning Commission.
5.	Immediate tributary area.
6.	Tributary area accessible to small-craft harbor development.
7.	Permit drawing showing proposed beach fill.
8.	Distribution of boatowners.
9.	Sardine and mackerel fishing localities.
10.	Cost tabulation on small-boat navigation.
11.	Proposed development plan, Santa Monica Bay shoreline.
12.	Cost estimate of shoreline development.
13.	Photographs.
14.	Correspondence and data submitted by local interests.
15.	Letters from boatbuilders.
16.	Bases for design and cost estimates.
17.	Benefits from improvements.
18.	Resolutions by local interests.
19.	Geology.
20.	Shoreline effect.





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cont.



U.S. Laws, Statutes, Etc.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
EIGHTY-THIRD CONGRESS
OF THE UNITED STATES OF AMERICA

1954

AND

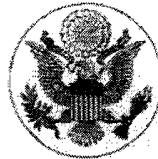
REORGANIZATION PLANS AND PROCLAMATIONS

VOLUME 68

IN TWO PARTS

PART 1

PUBLIC LAWS AND REORGANIZATION PLANS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1955

I27-162

Interest on judgments.

SEC. 57. The last sentence of subsection (b) of section 2516 of Title 28, United States Code, is amended by inserting immediately after the word "allowed" where it appears in such sentence the words "for any period", so that such subsection will read as follows:

"(b) Interest on judgments against the United States affirmed by the Supreme Court after review on petition of the United States shall be paid at the rate of four percent per annum from the date of the filing of the transcript of the judgment in the Treasury Department to the date of the mandate of affirmance. Such interest shall not be allowed for any period after the term of the Supreme Court at which the judgment was affirmed."

Fees.

SEC. 58. Subsection (a) of section 2520 of Title 28, United States Code, is amended by striking out where it appears in such subsection the words "and the hearing of any case before the court, a judge, or a commissioner", so that such subsection will read as follows:

"(a) The Court of Claims shall by rules impose a fee not exceeding \$10, for the filing of any petition."

SEC. 59. (a) Chapter 165 of Title 28, United States Code, is amended by adding at the end thereof a new section to be designated as section 2521 entitled "Subpoenas" and to read as follows:

§ 2521. Subpoenas

"Subpoenas requiring the attendance of parties or witnesses and subpoenas requiring the production of books, papers, documents or tangible things by any party or witness having custody or control thereof, may be issued for purposes of discovery or for use of the things produced as evidence in accordance with the rules and orders of the court. Such subpoenas shall be issued and served and compliance therewith shall be compelled as provided in the rules and orders of the court."

(b) The analysis to chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title, is amended by adding at the end thereof a new item 2521 to read as follows:

"2521. Subpoenas."

Approved September 3, 1954.

Public Law 780

CHAPTER 1264

AN ACT

September 3, 1954
[H. R. 9859]

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

River and Harbor Act of 1954.

TITLE I—RIVERS AND HARBORS

59 Stat. 10.

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public, Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

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cont.

Lubec Channel, Maine: Senate Document Numbered 243, Eighty-first Congress, at an estimated cost of \$74,000;

Maine.

Portsmouth Harbor and Piscataqua River, Maine and New Hampshire: House Document Numbered 556, Eighty-second Congress, at an estimated cost of \$952,000;

Lynn Harbor, Massachusetts: House Document Numbered 568, Eighty-first Congress, at an estimated cost of \$65,000: *Provided*, That local interests contribute in cash the cost of dredging the easterly three hundred feet of the Municipal Channel to a depth of twenty-two feet, presently estimated to cost \$4,700, before the work is undertaken;

Massachusetts.

Weymouth Fore River, Massachusetts: House Document Numbered 555, Eighty-second Congress, at an estimated cost of \$4,400,000;

Town River, Quincy, Massachusetts: House Document Numbered 108, Eighty-third Congress, at an estimated cost of \$525,000;

Scituate Harbor, Massachusetts: House Document Numbered 241, Eighty-third Congress, at an estimated cost of \$375,000;

Fall River Harbor, Massachusetts: House Document Numbered 405, Eighty-third Congress, at an estimated cost of \$694,000;

Bullocks Point Cove, Rhode Island: House Document Numbered 242, Eighty-third Congress, at an estimated cost of \$166,400;

Rhode Island.

Sakonnet Harbor, Rhode Island: House Document Numbered 436, Eighty-second Congress, at an estimated cost of \$555,400: *Provided*, That local interests contribute in cash, 4 per centum of the cost of the project, presently estimated as \$23,000;

Patchogue River, Connecticut: House Document Numbered 164, Eighty-third Congress, at an estimated cost of \$135,000;

Connecticut.

Westport Harbor and Saugatuck River, Connecticut: House Document Numbered 488, Eighty-first Congress, at an estimated cost of \$112,500;

Westchester Creek, New York: House Document Numbered 92, Eighty-second Congress, at an estimated cost of \$32,200;

New York.

Hudson River, New York: House Document Numbered 228, Eighty-third Congress, at an estimated cost of \$31,928,000;

Shoal Harbor and Compton Creek, New Jersey: House Document Numbered 89, Eighty-second Congress, at an estimated cost of \$138,000;

New Jersey.

Hackensack River, New Jersey: House Document Numbered 252, Eighty-second Congress, at an estimated cost of \$1,973,900;

Delaware River, Pennsylvania, New Jersey, and Delaware: In accordance with the recommendations of the Board of Engineers for Rivers and Harbors in House Document Numbered 358, Eighty-third Congress, at an estimated cost of \$91,389,000;

Mispillion River, Delaware: Senate Document Numbered 229, Eighty-first Congress, at an estimated cost of \$469,400;

Delaware.

Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland: Senate Document Numbered 123, Eighty-third Congress, at an estimated cost of \$101,000,000: *Provided*, That the standard of local contribution for the construction of all bridges, including approaches thereto, required by the project shall be the same standard heretofore applied to the construction of St. Georges Bridge;

Queenstown Harbor, Maryland: House Document Numbered 718, Eighty-first Congress, at an estimated cost of \$31,900;

Maryland.

Little Creek, Kent Island, Queen Anne County, Maryland: House Document Numbered 715, Eighty-first Congress, at an estimated cost of \$23,000;

Anchorage at Lowes Wharf, Talbot County, Maryland: House Document Numbered 90, Eighty-second Congress, at an estimated cost of \$29,000;

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cont.

Nanticoke River, Bivalve, Wicomico County, Maryland: House Document Numbered 91, Eighty-second Congress, at an estimated cost of \$192,600;

Webster Cove, Somerset County, Maryland: House Document Numbered 619, Eighty-first Congress, at an estimated cost of \$20,300;

Crisfield Harbor, Maryland: House Document Numbered 435, Eighty-first Congress, at an estimated cost of \$101,750: *Provided*, That the cash contribution required of local interests shall be the difference in Federal costs between plans 1 and 2 at the time the project is undertaken;

Rhodes Point to Tylerton, Somerset County, Maryland: House Document Numbered 51, Eighty-second Congress, at an estimated cost of \$45,100;

Pocomoke River, Maryland: House Document Numbered 486, Eighty-first Congress, at an estimated cost of \$678,300;

Ocean City Harbor and Inlet and Sinepuxent Bay, Maryland: House Document Numbered 444, Eighty-second Congress, at an estimated cost of \$704,000;

Virginia.

Parrotts Creek, Virginia: House Document Numbered 46, Eighty-second Congress, at an estimated cost of \$38,700;

Norfolk Harbor and Thimble Shoal Channel, Virginia: Senate Document Numbered 122, Eighty-third Congress, at an estimated cost of \$6,138,700;

Deep Creek, Accomack County, Virginia: House Document Numbered 477, Eighty-first Congress, at an estimated cost of \$95,000;

Oyster Channel, Virginia: Senate Document Numbered 49, Eighty-third Congress, at an estimated cost of \$75,200;

North Carolina.

Wallace Channel, Pamlico Sound, North Carolina: House Document Numbered 453, Eighty-first Congress, at an estimated cost of \$108,000;

Smiths Creek, North Carolina: House Document Numbered 170, Eighty-third Congress, at an estimated cost of \$102,000;

Channel from Hatteras Inlet to Hatteras, and Rollinson Channel, North Carolina: House Document Numbered 411, Eighty-third Congress, at an estimated cost of \$175,000;

Peltier Creek, North Carolina, to Intracoastal Waterway: House Document Numbered 379, Eighty-first Congress, at an estimated cost of \$43,200;

64 Stat. 155.

The existing modified project for Wilmington Harbor, North Carolina, authorized by the River and Harbor Act approved May 17, 1950, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 87, Eighty-first Congress, is hereby further modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done upon widening of the transition channel at the lower end of the anchorage basin, subsequent to May 17, 1950, insofar as the same shall be approved by the Chief of Engineers and found to have been done in accordance with the project modification adopted in said Act, provided that such payment shall not exceed the sum of \$65,000;

South Carolina.

Charleston Harbor, South Carolina: Senate Document Numbered 136, Eighty-third Congress, at an estimated cost of \$200,000;

Channel Port Royal Sound to Beaufort, South Carolina: House Document Numbered 469, Eighty-first Congress, at an estimated cost of \$765,000;

Georgia.

Savannah Harbor, Georgia: House Document Numbered 116, Eighty-third Congress, at an estimated cost of \$414,900;

Florida.

Rice Creek, Putnam County, Florida: House Document Numbered 446, Eighty-second Congress, at an estimated cost of \$82,200;

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cont.

Hillsboro River, Florida: House Document Numbered 567, Eighty-first Congress, at an estimated cost of \$16,600;

Carrabelle Harbor, Florida: House Document Numbered 451, Eighty-third Congress (maintenance of existing channel);

Apalachicola Bay, Florida: House Document Numbered 156, Eighty-second Congress, at an estimated cost of \$98,000;

Apalachicola Bay, Florida, channel across St. George Island: House Document Numbered 557, Eighty-second Congress, at an estimated cost of \$635,700;

St. Joseph Bay, Florida: House Document Numbered 595, Eighty-first Congress, at an estimated cost of \$1,312,000;

Mobile Harbor, Alabama: House Document Numbered 74, Eighty-third Congress, at an estimated cost of \$5,778,000;

Alabama.

Dauphin Island Bay, Alabama: House Document Numbered 394, Eighty-second Congress, at an estimated cost of \$70,000;

Pascagoula Harbor, Mississippi: Modification of existing project in accordance with plans on file in the Office of the Chief of Engineers, at an estimated cost of \$877,000;

Mississippi.

Bayou Segnette Waterway, Louisiana: House Document Numbered 413, Eighty-third Congress, at an estimated cost of \$520,000;

Louisiana.

Sabine-Neches Waterway, Texas: Senate Document Numbered 80, Eighty-third Congress, at an estimated cost of \$6,875,000;

Texas.

Guadalupe River at Seadrift, Texas: House Document Numbered 478, Eighty-first Congress, at an estimated cost of \$74,300;

Aransas Pass, Texas, in connection with the Gulf Intracoastal Waterway: House Document Numbered 376, Eighty-third Congress, at an estimated cost of \$30,700;

Turtle Cove, Texas: House Document Numbered 654, Eighty-first Congress, at an estimated cost of \$40,000;

Port Aransas-Corpus Christi Waterway, Texas: House Document Numbered 89, Eighty-third Congress, at an estimated cost of \$829,100: *Provided*, That work already performed by local interests on this project, in accordance with recommended plan, may be credited to the cash contribution required of local interests;

Port Aransas-Corpus Christi Waterway, Texas: House Document Numbered 487, Eighty-third Congress, at an estimated cost of \$180,000;

Mississippi River at Louisiana, Missouri: House Document Numbered 251, Eighty-second Congress, at an estimated cost of \$82,600;

Missouri.

Mississippi River at Chester, Illinois: House Document Numbered 230, Eighty-third Congress, at an estimated cost of \$65,000;

Illinois.

Crooked Slough Harbor, Winona, Minnesota: House Document Numbered 347, Eighty-third Congress, at an estimated cost of \$142,000;

Minnesota.

Cumberland River, Kentucky and Tennessee: Senate Document Numbered 81, Eighty-third Congress; and a monetary authorization not to exceed the estimated cost of the Dover and Eureka dams as described in House Document Numbered 761, Seventy-ninth Congress, "Cumberland River and its tributaries, Tennessee and Kentucky", authorized by the River and Harbor Act of July 24, 1946, is hereby authorized to be expended for partial accomplishment of the project hereby approved: *Provided*, That such authorization shall include the acquisition of lands necessary for wildlife purposes as outlined in said Senate Document Numbered 81;

Kentucky and Tennessee.

60 Stat. 636.

Green and Barren Rivers, Kentucky: Senate Document Numbered 82, Eighty-third Congress, at an estimated cost of \$3,434,000 for channel dredging and fender system work;

Kentucky.

Knife River Harbor, Minnesota: House Document Numbered 463, Eighty-third Congress, at an additional estimated cost of \$219,900;

Minnesota.

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cont.

- Wisconsin. Cornucopia Harbor, Wisconsin: House Document Numbered 434, Eighty-third Congress, at an estimated cost of \$220,000;
- Sheboygan Harbor, Wisconsin: House Document Numbered 554, Eighty-second Congress, at an estimated cost of \$217,200;
- Michigan. Holland Harbor, Michigan: House Document Numbered 282, Eighty-third Congress, at an estimated cost of \$574,400: *Provided*, That local interests will contribute 25 per centum of the cost of dredging Section B, but not to exceed \$45,500, in addition to the local co-operation required by the project document;
- Crooked and Indian Rivers, Michigan: House Document Numbered 142, Eighty-second Congress, at an estimated cost of \$225,000;
- Saginaw River, Michigan: In accordance with the report of the Chief of Engineers, dated June 7, 1954, at an estimated cost of \$4,496,800;
- Ohio. Toledo Harbor, Ohio: House Document Numbered 620, Eighty-first Congress, at an estimated cost of \$512,000;
- Ashtabula Harbor, Ohio: House Document Numbered 486, Eighty-third Congress, at an estimated cost of \$4,900,000;
- Pennsylvania. Erie Harbor, Pennsylvania: House Document Numbered 345, Eighty-third Congress, at an estimated cost of \$174,000;
- New York. Black Rock Channel and Tonawanda Harbor, New York: House Document Numbered 423, Eighty-third Congress, at an estimated cost of \$270,000;
- Little River at Cayuga Island, Niagara Falls, New York: House Document Numbered 246, Eighty-third Congress, at an estimated cost of \$36,900;
- Oswego Harbor, New York: House Document Numbered 487, Eighty-first Congress, at an estimated cost of \$2,459,000;
- California. Los Angeles and Long Beach Harbors, California: House Document Numbered 161, Eighty-third Congress, at an estimated cost of \$896,500: *Provided*, That the Secretary of the Army is hereby authorized to reimburse local interests for such work as they may have done upon this project prior to July 1, 1953, at actual cost to local interests insofar as the same shall be approved by the Chief of Engineers and found to have been done in accordance with the project hereby adopted: *Provided further*, That such reimbursement shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority for harbor improvement: *And provided further*, That such payments shall not exceed the sum of \$500,000;
- Playa del Rey Inlet and Harbor, Venice, California: House Document Numbered 389, Eighty-third Congress: *Provided*, That Federal participation in the provision of entrance jetties, entrance channel, interior channel and central basin recommended in the project report and presently estimated to cost \$7,738,000 shall not exceed 50 per centum of the cost thereof;
- Port Hueneme, California: House Document Numbered 362, Eighty-third Congress, at an estimated cost of \$5,437,000;
- Richmond Harbor, California: House Document Numbered 395, Eighty-third Congress, at an estimated cost of \$2,086,000;
- Oregon. Rogue River, Harbor at Gold Beach, Oregon: Senate Document Numbered 83, Eighty-third Congress, at an estimated cost of \$3,758,700;
- Umpqua Harbor and River, Scholfield River at Reedsport, Oregon: Senate Document Numbered 133, Eighty-first Congress, at an estimated cost of \$41,000;
- Tillamook Bay and Bar, Oregon: Senate Document Numbered 128, Eighty-third Congress, at an estimated cost of \$1,500,000;



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The project for flood protection on the Little Missouri River and tributaries at Marmarth, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in Senate Document Numbered 134, Eighty-first Congress, at an estimated cost of \$212,300.

The project for flood protection on the Lower Heart River in the vicinity of Mandan, North Dakota, authorized by the Flood Control Act of 1946, and modified by the Flood Control Act of 1950, is further modified substantially in accordance with the recommendations of the Chief of Engineers in his report dated July 27, 1954, at an estimated cost of \$1,727,000.

60 Stat. 648; 64 Stat. 175.

COAL CREEK AND TRIBUTARIES, TENNESSEE

The project for flood protection on Coal Creek and tributaries, Tennessee, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 154, Eighty-second Congress, at an estimated cost of \$743,200.

OHIO RIVER BASIN

The project for flood protection on Sandy Lick Creek at and in the vicinity of Reynoldsville, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 716, Eighty-first Congress, at an estimated cost of \$370,000.

The project for flood control and related purposes on the Paint Rock River, Alabama, is hereby authorized substantially as recommended by the Chief of Engineers in his report dated June 23, 1954, at an estimated cost of \$1,001,300: *Provided*, That in lieu of the local cooperation recommended in that document, local interests shall comply with the provisions of local cooperation contained in section 3 of the Flood Control Act approved June 22, 1936, as amended, and shall also construct and maintain local drainage works required to fully and effectively utilize the improved outlet system, generally as outlined in said document.

49 Stat. 1571.

KALAMAZOO RIVER, MICHIGAN

The project for flood protection on the Kalamazoo River at Battle Creek, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in Senate Document Numbered 98, Eighty-third Congress, at an estimated cost of \$4,201,550: *Provided*, That local contribution toward the project will be in accord with the recommendation of the Secretary of the Army contained in the aforesaid document.

LITTLE CALUMET RIVER, INDIANA

The project for flood protection on the Little Calumet River and tributaries, Indiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 153, Eighty-second Congress, at an estimated cost of \$509,900.

LOS ANGELES RIVER BASIN

In addition to previous authorizations there is hereby authorized to be appropriated the sum of \$12,500,000 for the prosecution of the comprehensive plan for the Los Angeles-San Gabriel River Basin, and Ballona Creek, California, approved in the Act of August 18, 1941, as amended and supplemented by subsequent Acts of Congress.

Appropriation.

55 Stat. 647.

I27-162
cont.



FOR IMMEDIATE RELEASE

Contact: Julie Du Brow, Communications
310-922-1301 ph
jdubrow@santamonicabay.org

STATE OF THE BAY 2015 Five-Year Report Assesses Santa Monica Bay Habitat Improvements, Identifies Priority Areas for Restoration Work

Jan. 7, 2016 (LOS ANGELES, CA) - The *State of the Bay 2015* (SOTB) report, produced by the Santa Monica Bay National Estuary Program (SMBNEP) over a five-year period, is published and released today for **free** as a special issue of *Urban Coast*: <http://urbancoast.org/>. The *SOTB* report is a science-based comprehensive assessment of the environmental conditions of Santa Monica Bay and its watershed. The report's primary goals are: to measure progress in restoring the Bay's natural habitats and resources, to educate the public about the Bay's valuable natural resources, and to identify the challenges facing scientists and managers charged with the protection and management of the Bay and its watershed. This *SOTB* is the fifth such report published by the SMBNEP since 1993.

The *SOTB 2015* report celebrates progress in categories such as water resources management and improving habitat conditions as a result of restoration efforts. The report also examines the work still to be done in these areas, and identifies emerging issues we must begin to tackle in the next five years. The report is informed and largely prepared by SMBNEP's Technical Advisory Committee (TAC), a group of experts in their respective fields, gathered to apply the best available science and management strategies to SMBNEP's restoration work and to the *SOTB* report.

The report points out that most habitats in most areas of the Bay and its watershed are degraded to *some* degree due to human disturbances. With a continuously growing population, it would be nearly impossible for this not to be the case. The *SOTB 2015* report includes discussion and articles pertaining to seven habitats—Freshwater Aquatic and Riparian, Coastal Wetlands, Sandy Shores, Rocky Intertidal, Rocky Reefs, Soft-Bottom Benthos, and Coastal Pelagic—with status, trends, and suggested improvement projects.

Key findings of the *SOTB 2015* report include:

- **Restoration efforts** in habitats such as Malibu Lagoon and Palos Verdes Kelp Forest have resulted in marked improvements in ecosystem structure and function. Thus far, monitoring data show that restoring coastal and marine habitats through the removal of non-native and over-abundant species, planting of native species, and other adaptive management strategies at the restored sites are working to improve the biodiversity, ecosystem structure, and function of these important habitats.

I27-163



- Levels of harmful **bacteria found on beaches** in Santa Monica Bay have been greatly **reduced** during dry weather conditions due to municipalities' efforts to reduce runoff and improve water quality. These efforts include both water conservation and Low Impact Development stormwater management strategies. The result is a measurable improvement in beach water quality.
- Agencies and organizations working in the Bay are increasingly coordinating to improve **water resources management**. Careful consideration has been given to the inputs and outputs of traditional water management, with an understanding that drought, climate change, and water pollution need to be considered collectively as we look to improve water security and a healthy environment in L.A. and in Santa Monica Bay.
- **Beaches** as habitats are greatly impacted due to human traffic and beach grooming. Beaches are naturally dynamic, eroding and building due to storms and other factors. Many man-made barriers, now limit the ability of our beaches to remain resilient in the face of rising seas and increased storm action leaving private and public infrastructure vulnerable. SMBNEP has taken action to improve beach management in key areas, with significant improvements in protecting grunion and sandy intertidal organisms. To achieve greater protection for our coast and to improve habitat values we need to expand efforts to restore our beaches. Accordingly, best practices for Santa Monica Bay beaches will continue to be a high priority for the SMBNEP.
- The **Soft-Bottom** habitat of the Bay is continuing to improve—physically, chemically and biologically—with no dead zones, primarily due to reductions in DDT, PCB and mercury concentrations in the sediment, coupled with considerable reduction in suspended solids in wastewater treatment effluent. These results are based upon decades-long monitoring.
- The quality of effluent discharged from wastewater treatment plants in the Bay has improved steadily since the 1980s. However, human population growth has increased the **human-derived nutrient loading** into the ocean as part of the treated wastewater. With approximately 225 million gallons/day discharged from the Hyperion outfall alone, our nutrient contributions to the ocean are almost equivalent to what the ocean brings into the Bay naturally. The nutrients are influencing ecological conditions in the Bay and the rest of the Southern California Bight in ways that alter the planktonic community and may limit the ability of marine organisms to produce calcium carbonate shells (i.e. snails, clams and sea urchins). These nutrients also directly contribute to harmful algal blooms and hypoxia. Preventing harmful algal blooms and finding innovative solutions to nutrient loading in the Bay continue to be a major goal for SMBNEP and our partners.
- The many **creeks and streams** in the Santa Monica Bay watershed continue to be impacted by pollution. Heavy metals, toxins, chemicals and trash continue to impact creeks and streams limiting their ability to support healthy ecosystems. These streams also convey land-based sources of pollution to coastal ecosystems and Santa Monica Bay beaches. There are ongoing efforts across various groups to monitor trash and pollution to better understand the sources and impacts of these pollutants on fresh water systems. New



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regulations that require trash free creeks and streams will reach full effect in 2021, with expected corresponding reductions in other pollutants.

Increasing the rigor of the assessment process from that used for the 2010 report was a high priority for Prof. Richard Ambrose, UCLA Institute of the Environment and Sustainability and Department of Environmental Health Science, who chaired the TAC. The committee and outside experts developed a new assessment framework that can be applied to all major types of habitats in the Bay in a consistent manner, across four indicator categories that help determine habitat health: extent, vulnerability, structure and disturbance, and biological response.

“Thanks to the tremendous efforts of TAC members and many local experts, this *SOTB* report is our clearest view yet of the condition of the natural resources in Santa Monica Bay,” states Ambrose. “This latest report uses more data and a clearer process for determining the condition of the Bay’s habitats, and provides a scientific foundation for ongoing and future efforts to protect and enhance the Bay.”

Divided into sections covering Water Resources, Habitat, Biodiversity, and Looking Ahead, the *SOTB 2015* report follows closely the three priority issues addressed by the SMBNEP’s guiding document, the [Bay Restoration Plan](#) (BRP): water quality, natural resources, and benefits and values to humans. The report’s results will continue to inform the BRP and the work by the SMBNEP and its many partners.

“The *SOTB 2015* report is a great achievement for the SMBNEP. I am deeply grateful for the efforts of our TAC and partners who generously dedicated their time and expertise to inform and author the many sections and articles of this report,” states TBF Executive Director Tom Ford. “What stands out to me is the clear connection that a science based approach to understanding environmental issues can lead to successful projects. The *2015 SOTB* report clearly describes the progress that we have made, making Santa Monica Bay a better place for people and wildlife alike. The report also outlines many remaining challenges for us to address in the near future. I am confident that we will approach these challenges with genuine curiosity and objective analysis to determine the best course of action to continue to improve the Bay’s benefits and values.”

The *State of the Bay 2015* report is a special issue of the multidisciplinary scientific journal [Urban Coast](#). The report is produced by SMBNEP partners [The Bay Foundation](#) (TBF) and the [Santa Monica Bay Restoration Commission](#) (SMBRC), along with the [Center for Santa Monica Bay Studies at Loyola Marymount University](#) (LMU), a joint program of TBF and the Seaver College of Science and Engineering at LMU. The SOTB conference in September, held at LMU, presented some of the findings, articles and methodology that comprise the report.

About the Santa Monica Bay National Estuary Program

The Bay Foundation: www.santamonicabay.org

SMBRC: www.smbrc.ca.gov

Center for Santa Monica Bay Studies:

<http://admin.lmu.edu/greenlmu/education/thecenterforsantamonicabaystudies/>



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**Carole Mintzer, Chair
Sierra Club, Angeles Chapter**

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PROPOSED
BALLONA WETLANDS RESTORATION PLAN
(DRAFT)

Prepared in conjunction with the
Ballona Wetlands Land Trust,
Save Ballona Wetlands, and
Rimmon C. Fay, Ph.D.

Submitted to the Los Angeles City Planning Dept.
for consideration as an Alternative Proposal
in the preparation of the Draft EIR/EIS on
the Proposed Playa Vista development
on and surrounding the Ballona Wetlands
near Playa Del Rey, CA

June 21, 1995

I27-165

June 21, 1995

TO: U.S. Army Corps of Engineers
County of Los Angeles
City of Los Angeles

c/o Linn Wyatt
Department of City Planning
Playa Vista Project
221 So. Figueroa, Ste. 110
Los Angeles, CA 90012

Dear Ms. Wyatt:

Please find enclosed, along with our separate scoping comments, an alternative restoration plan for the Ballona Wetlands. It was developed in conjunction with two local community environmental groups, The Ballona Wetlands Land Trust and Save Ballona Wetlands, and with Rimmon C. Fay, Ph.D.

We feel this plan meets most of the objectives and goals as stated by the developer in their May 31, 1995 document entitled "Ballona Wetlands - Restoration of the Salt Marsh" that they prepared for Save Ballona Wetlands. We enclose a copy of the pages of that document relating to those objectives and goals. We will continue to work on our plan in the coming months, to make it the best possible restoration alternative possible.

In the meantime, we hope that you view this document as a draft, subject to more input and refinement. And we request that if you feel there are problems with it, that you inform us and give us a chance to correct the problem.

Thank you very much for your consideration.

Sincerely,

Rick M. Tagawa

Rick Tagawa,
Board Member
BALLONA WETLANDS LAND TRUST
P.O. Box 5623
Playa Del Rey, CA 90296
(310) 821-8772

Rimmon C. Fay

Rimmon C. Fay, Ph.D.
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(310) 822-5757

Kathy Knight

Kathy Knight,
Board Member
SAVE BALLONA WETLANDS
P.O. Box 24858
Los Angeles, CA 90024
(310) 450-5961

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DRAFT

BALLONA WETLANDS RESTORATION PLAN - SUMMARY

Submitted by Ballona Wetlands Land Trust, Save Ballona Wetlands, and Rimmon C. Fay, Ph.D. June 21, 1995

I. INTRODUCTION

The purpose of this restoration plan is to propose a high quality, full tidal restoration of the remaining fragments of the Ballona Wetlands, located near Playa Del Rey. The plan includes the replanting of native vegetation, and habitat for both edible fish and endangered species, such as the Least Tern, Belding Savannah Sparrow, and Clapper Rail. It's goal would be to restore the area to as natural a state as possible, so that it would require the least amount of maintenance, and function in perpetuity. It would be a major contribution towards reversing the extensive loss of coastal wetlands in Los Angeles County (98% loss) and restoring the health and marine life of Santa Monica Bay.

II. HISTORY

The Ballona Wetlands were once a 2100 acre tidal wetland system, as recorded in 1868 by County Surveyor, George Hansen. Approximately 517 acres of the original wetland area remains. The only other coastal wetland habitats in Los Angeles County are 10 acres at the mouth of Malibu Lagoon and a badly degraded 30 acre wetland at Los Cerritos in southeast Long Beach.

The Ballona Wetlands have suffered degradation: first from the completion by the Army Corps of Engineers of the Ballona Creek Flood Control Channel in 1938, thereby cutting off its main source of fresh water. Later the development of Marina Del Rey further destroyed it. Now, only 517 acres of the historical wetland acres remain on the proposed Playa Vista site.

In the 1930's, Howard Hughes purchased much of the area and built an aircraft plant, which functioned for several decades and further degraded much of the site. Even so, the area was designated a Significant Ecological Area in the Los Angeles County General Plan in the late 1970's. The land is still privately held land on which a high density development called Playa Vista has been proposed. The developers have divided the area into 4 distinct areas: A,B,C, & D.



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Area A is 140 acres south & east of Fiji Way in Marina Del Rey, west of Lincoln Blvd., and north of Ballona Creek. It was once a fully functioning wetland. However, the water was lost from Ballona Creek and dredgings from Marina Del Rey were placed there, causing it to lose much of its functioning. Nonetheless, it still supports some wetlands, foraging sites for birds, and a surprising amount of varied wildlife.

Area B is 338 acres, south of Ballona Creek, west of Lincoln, north of the Westchester Bluffs, and east of Playa Del Rey. It has the largest amount of still functioning wetlands, although it is also very degraded due to lack of tidal influence and clean fresh water. It supports foraging and nesting sites for birds, as well as other marine species.

Area C is 66 acres, lies east of Lincoln, north of Ballona Creek, and has an irregular border south-east of Fiji Way, Villa del Marina, and the Marina Freeway. There are a few isolated fresh water wetlands, with a population of small mammals and therefore food for birds of prey.

Area D is 462 acres east of Lincoln, south of Jefferson, west of Centinela. It has had wetlands sites that have been filled in the recent past. This area contains the remnants of Centinela Creek and supports a sizeable population of amphibians, among other wildlife.

Currently Phase I of the proposed Playa Vista project has been approved. The Phase I area all lies within Area D except for a proposed fresh water marsh/urban runoff catch basin located in Area B.

III. SITE

The site studied for this restoration plan would involve all four areas.

Area A would first be saved as a natural habitat. Then as a way to clean the sea water from the Marina Del Rey Channel is developed, habitat could be established on two proposed islands, one for a Least Tern colony and the other for the Belding Savannah Sparrow. The rest would be a restored marine environment and upland habitat.

Area B would be established as a high quality fish habitat with deep channels, mudflats, dunes, and some upland habitat.

Area C would be saved as additional upland habitat with coastal sage & coyote bush. The area south of Culver Blvd. would remain a Little League field and expanded park area.

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Area D would hopefully not be developed any further than it already is. The fresh water marsh located in Area B would have to be located back onto the Playa Vista Area D site in order to avoid toxic contamination of the fish habitat in area B.

IV. ECOLOGICAL IMPORTANCE, ECOLOGICAL COMPONENTS, RESTORATION OBJECTIVES, ENHANCEMENT OBJECTIVES, & RESTORATION REQUIREMENTS
(Covered in Section 2 of the Plan)

V. PHYSICAL DESIGN WITH FIGURES
(SEE MAP)

VI. FUNDING

Various means for funding the acquisition of Areas A, B, and C are currently being explored by the Land Trust.

Current proposals:

A. Land Swap

Parcels A, C and the non-wetland part of B would be swapped for the 350 acre LAX Northside parcel , which is now owned by the L.A. City Dept. of Airports and is planned for a development at a density similar to Playa Vista's. A revenue sharing agreement between the City and County would ensure that local governments benefit from the Northside site development, and the County's residents could enjoy a huge new park/preserve at Ballona. (see ADDENDUM #1)

B. Additional potential sources of revenue other than from taxpayers:

1. The Santa Monica Bay Restoration Project targeted \$5 million out of their \$65 million dollar proposed budget towards restoration of the Ballona Wetlands.
2. \$30 million in the LA Harbor 2020 plan were, until recently, proposed to be used in restoring Playa Vista's salt marsh, even though the developer has agreed to commit \$12 million towards restoring it.

The LA Harbor Dept has expressed interest in using mitigation funds at Ballona for restoration. They apparently are not able to use funds to acquire it.



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3. A potential \$40 million lawsuit for DDT contamination of the Palos Verdes Shelf could still potentially end in a settlement.
 4. Another \$55 million is currently committed by the L.A. Harbor Dept. as part of their 2020 Plan, to turning Batiquitos Lagoon in San Diego County into a deep water habitat. This project is under court challenge. If it falls through, it could possibly be used to establish a viable fish habitat at Ballona.
- C. Restoring this area would create a wonderful educational/research opportunity near a major urban center with several large universities. Perhaps some revenue could be raised through the teaching facilities towards this function.

VII. MANAGEMENT

Several options are possible.

- A. The entire area or portions of it could be managed by the Dept. of Fish & Game, or the US Fish & Wildlife as preserves.
- B. Title of the land would be held in the name of "The Ballona Wetlands Land Trust" and it could be managed in conjunction with a government agency, much as the Nature Conservancy has done. Or local educational facilities could help in its management.
- C. The Land Trust would exist in perpetuity, as an organization that represents the community. A separate "Restoration Trust" would be created to actually handle the day-to-day operations.

VIII. SUMMARY AND CONCLUSIONS

A last chance exists to save an extremely valuable resource in the Ballona Wetlands. This decision will have a major impact on all future generations, here and elsewhere. This plan is offered by a coalition of grass roots community groups and a local biologist who has extensive experience in marine biology, especially as it relates to the functioning of Santa Monica Bay. However, in addition we welcome input from other members of the community.

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We feel this plan offers, among other things, many valuable opportunities to replenish Santa Monica Bay as an edible food source, as well as replenish endangered species - marine, mammal, bird, and botanical. In addition, it could give a boost to tourism and improve the quality of life for residents of Los Angeles. It will help to restore the Bay and off shore area to the immensely productive fishery area that it once was - providing a more secure food source for our growing population and creating a SUSTAINABLE boost to the local economy. And not unimportantly, it will show the youth of Los Angeles that all life is valuable and deserves to be preserved!

BALLONA WETLANDS LAND TRUST
SAVE BALLONA WETLANDS
RIMMON C. FAY, Ph.D.

6-20-95

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Ballona Wetlands Restoration of the Salt Marsh

Introduction

This document describes alternatives for the restoration of the Ballona Wetlands. The alternatives were prepared using the *Restoration Goals and Objectives* adopted by the Ballona Wetlands Committee. The preferred alternative is described in detail and illustrations of this alternative are provided. Other alternatives are compared to it. It is expected that additional alternatives could be developed during the environmental review of this project.

Goals and Objectives

The design for the restoration of the Ballona Wetlands is based on a set of goals and objectives developed by the Ballona Wetlands Committee. These goals and objectives are provided in Table 1.

Table 1:

BALLONA WETLANDS RESTORATION GOALS AND OBJECTIVES

Adopted by Representatives of the Friends of Ballona Wetlands,
League of Coastal Protection, City of Los Angeles acting through the 6th Council District,
Maguire Thomas Partners-Playa Vista, and
State Lands Commission representing the Controller of the State of California.
Final - August 10, 1990, as amended

Overall Goal:

To restore a dynamic, self-sustaining tidal wetland ecosystem that results in a net gain in wetland functions and a net gain in wetland acreage south of Jefferson Boulevard and west of Lincoln Boulevard and that serves as an estuarine link between Santa Monica Bay and the freshwater tributaries to the Ballona Wetlands.

The restoration program should consider both full-tidal or mid-tidal options. The creation of a mixed-tidal system (i.e., a system having a mid-tidal range in the North and South Wetlands and a full-tidal range in the North-East and East Wetlands) is the preferred alternative.

Definitions:

Full Tidal: Tidal range and/or elevations will be comparable to those in the Ballona Flood Control Channel.

Mid Tidal: Tidal range will be approximately half the mean range (or approximately 3 feet) of a full-tidal system.

Estuarine: A coastal embayment where tidal salt water is measurably diluted by freshwater, at least seasonally.

Habitat: An area that provides appropriate shelter, food, and other factors necessary for the survival of a specific organism.



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Objectives:

1. Biological

- a. To create a diverse, integrated salt marsh system that provides habitat for native coastal wetland-dependent fish (including invertebrates) and wildlife.
- b. To create a freshwater marsh that provides functions in water quality enhancement and habitat for fish and wildlife.
- c. To provide mix of habitat types for regional and coastal dependent sensitive, rare, or endangered species that considers the needs of the species within the region.
- d. To contribute to the diversity and production of wetland-dependent fish (including invertebrates) and wildlife in Santa Monica Bay.
- e. To restore the natural plant diversity that had been present in the Ballona Wetlands.
- f. To create a system that can accommodate the natural succession of coastal wetland ecosystems.
- g. To develop a phasing program that protects, as feasible, existing native animal populations.
- h. To salvage native wetland plants at the site and to use them to recolonize the reconstructed wetlands during the restoration process.
- i. To allow for a brackish water ecotone between the salt marsh and freshwater marsh.
- j. To control populations of exotic, non-native plants and animals.
- k. To create, where feasible, sufficient and adequate native upland buffers that aid in maintaining and/or restoring wildlife resources and serving as a biological link to the adjacent wetlands.

2. Water Quantity

- a. To assure adequate salt water to maintain the salt marsh system.
- b. To assure freshwater for the freshwater wetland system.
- c. To allow seasonal freshwater flushing of the saltwater system that considers interannual variability.
- d. To provide sufficient capacity in water control structures to maintain tidal flushing as the wetland matures.
- e. To provide stormflow capacity for the 50-year storm event, both storage and outflow.
- f. To allow flexibility in design to modify flows in various systems.

3. Water Quality

- a. To maintain dissolved oxygen levels above 5 ppm (parts per million) in all water areas.
- b. To assure seasonal fluctuations in salinities to promote salt marsh plant diversity.



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cont.

- c. To minimize pollutant input from urban runoff into the salt marsh and Santa Monica Bay.
- d. To protect the wetland system from accidental spills in the Ballona Flood Control Channel and the adjacent ocean.

4. Soils and Sedimentation

- a. To accommodate natural sedimentation and erosion of the tidal channels within the design of the system.
- b. To allow natural accretion of sediment or create elevational contours within the wetland to accommodate sea-level changes.
- c. To maintain soil moisture and salinity at appropriate levels for the types of salt marsh vegetation desired.
- d. To remove contaminated or hazardous soil from the site, if present, prior to construction.

5. Public Access/Recreation

- a. To enhance the opportunity of observation and appreciation of coastal biological resources in Southern California consistent with protecting the biological values of the wetlands system.
- b. To provide public trails and viewing areas around the perimeter of the wetlands with interpretive displays, where feasible.
- c. To create passive recreational/public interpretive facilities off-site.

6. Education/Research

- a. To develop a docent program to aid in educating the public on the values of the wetlands and their role in maintaining the biological integrity of Santa Monica Bay.
- b. To use state-of-art wetland restoration research in implementing the restoration program.
- c. To initiate, when necessary and where feasible, pilot research programs prior to full scale implementation of the restoration program to test proposed concepts of the proposal.
- d. To document the environmental baseline and changes in the system following restoration.
- e. To establish an organization or committee to advise on appropriate educational and/or research activities.

7. Infrastructure

- a. To develop cost-effective solutions to deal with modifications of existing infrastructure needed to meet biotic and hydrologic goals.
- b. To isolate incompatible facilities that cannot be moved.

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- c. To develop cost-effective solutions to protect existing infrastructure that cannot be moved.

8. Long-Term Management

- a. To provide qualified staff to perform management of the wetland.
- b. To create a mechanism for adjustments to these objectives and to accommodate unforeseen problems.
- c. To allow changes to the restoration plan and/or management objectives to incorporate new technologies and/or knowledge of coastal wetlands or the Ballona system, consistent with budgetary limitations.
- d. To establish long-term maintenance or replacement schedules and responsibilities for such schedules.



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ALTERNATIVE BALLONA WETLANDS RESTORATION PLAN

Developed by Save Ballona Wetlands and the Ballona Wetlands Land Trust.

The vacant expanse of Playa Vista is a shimmering oasis in the Sea of concrete of Los Angeles. And while government budgets are tight, there are untapped and unused sources that could help save all of this scarce wetland!

THE SITE AND JURISDICTION: the site totals 957 acres in 4 parcels divided by Ballona Creek and Lincoln Blvd, which are wholly owned by Maguire-Thomas-Playa Vista Ltd. Partnership. Parcel A totals 141 acres and is under control of the L.A. County Board of Supervisers. Parcels B, C and D total 816 acres and are under control of the City of Los Angeles. Approximately 460 acres in parcels B and D received final development approvals from the City of L.A. in 1993. Another 191 acres of degraded saltmarsh wetlands in Parcel B will be preserved and restored as agreed-to 10 years ago when initial development plans for Parcels A, B and C were OK'd by L.A. City and County. The remaining 300 acres of Parcels A, B and C are slated for high density urban development. We propose to save these 300 acres by transferring the entitlements to a nearby chunk of city-owned property.

FINANCING:

Specifically, we endorse a land swap for Playa Vista's Parcels A, C and non-wetland part of B for the 350-acre LAX Northside parcel, which is now owned by the L.A. City Dept. of Airports and is planned for a development at a density similar to Playa Vista's. A revenue sharing agreement between the City and County would ensure that local governments benefit from the Northside site development, and the County's residents could enjoy a huge new park at Ballona.

Such a land swap would serve as a win-win deal for both public and private interests., LAX Northside has a city-approved EIR for an office/Hotel/retail and industrial park at the same density as Playa Vista is seeking. Due to the recession, nothing except a major highway has been built at Northside.

Other sources of revenue from other than the taxpayers also exist for purchase of additional wetlands acreage at Ballona.

Currently \$5 million in the Santa Monica Bay Restoration project and \$30 million in the L.A. Harbor 2020 plan were until recently proposed to be used restoring Playa Vista's salt marsh, even though the Playa Vista owner has agreed to commit \$10 million to fully restore it. These funds plus an expected \$40 million lawsuit settlement for DDT contamination of the Palos Verdes Shelf could instead be used to enlarge wetlands acreage at Ballona, and create a deep water marine habitat in Parcel A. Another \$55 million is currently committed by the L.A. Harbor Dept., as part of their 2020 Plan, to turning a functioning

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shallow wetlands habitat at San Diego's Batiquitos Lagoon that is not threatened by development into a deep water habitat, to replace deep water habitats destroyed in San Pedro. This project is under challenge by the San Diego Sierra Club and Audubon Society because it converts endangered bird habitat into fish habitat, while it creates no more acres of wetlands. If it falls through, that is money that also could be spent at Ballona to establish a complete, viable estuary.

ENGINEERING:

Area's A and B would be restored to various depths of saltwater fish breeding habitats, restoration financed with NOAA and L.A. harbor mitigation funds, or from other polluters. The best ocean water source would be the most direct and unpolluted, and would avoid using the polluted Ballona Creek as a source of water. In the triangle surrounded by Culver, Jefferson and Lincoln Blvds, we recommend a centrally located nature education center, from which visitors may explore five different ecosystems: Marine, Saltmarsh, Freshwater wetlands, Riparian Corridor and Uplands, and Urban Forest. Area C would include various athletic fields, and would connect to future open space use of the median of the 90 freeway, also connecting to Glen-Alla park, and the Culver Blvd. greenway. The trail systems in Playa Vista would lead in all directions-west to the Beach bikeway, east on the Ballona Creek bikeway and Culver median, north through Parcel C and along the bluffs via the paved Cabora road which is also known as the North Outfall Sewer access road.

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PART 2

BALLONA WETLANDS

A Plan

for Restoration of the Estuarine Habitat

Introduction

Estuaries are grouped into two types based upon the salinity regime of the individual system. Positive estuaries have a continual gradient from fresh water to increasing salinity terminating at full strength seawater or a brackish marine outfall into the sea. In negative estuaries, evaporation exceeds the rate of fresh water input and hypersaline conditions may occur (Emery, 1960). These two systems further differ with respect to the principal sources of inorganic nitrogen and phosphorous, two nutrients which may limit primary production. In the positive estuary, these nutrients arrive mainly as a result of terrestrial drainage. In the negative estuary, they arrive as a result of tidal action and the amounts of these nutrients may depend upon local upwelling in the nearshore zone. Positive estuaries that experience a wide range in salinity may be characterized by a euryhaline biota. Negative estuaries may sustain abundant populations of stenohaline organisms intolerant of hyposaline conditions. In these "arms of the sea that extend inland" (Zedler), it is possible to find many species of plants, worms, molluscs, sponges, arthropods, tunicates, echinoderms, and fishes that are typical of marine habitats which experience only a narrow variation in salinity and a relatively restricted range in temperature. That these stenohaline conditions have existed for a long time is evident from the food chain relationships that have developed in them, e.g., Ulva-Bulla-Navanax, which depend upon physical stability in the estuary for their sustained existence.

The diversity of organisms found in estuarine habitats will vary with several physical and chemical factors including sediment grain size, temperature, salinity, nutrient availability, distribution and availability of hard substrate, type of substrate, light, depth, flora, turbidity, turbulence, and current velocity. In most situations, these variables will occur in a range of concentration or intensity or abundance typical of a particular latitude and/or geological structure.

This plan deals with a negative estuary in southern California, the Ballona Wetlands, (local evaporation of ca. 58"/yr. exceeds precipitation of about 21"/yr.) and the potential of this estuary for maintenance, enhancement, and restoration of marine resources as a part of the ecology of the Santa Monica Bay. This presentation is limited to one option, that of unrestricted full tidal exchange as it is essential to maximizing the potential for restoration of a diversity of marine organisms as self-sustaining populations in this habitat. Insofar as it is possible to document, attention is devoted to those essential ecological inter-

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relationships and associations that occur under natural conditions in estuaries in southern California.

Even though it is now considered to be a "degraded wetland" for a number of reasons, the Ballona Wetlands can only be considered in the context of superlative adjectives among which are the following:

1) restoration of the Ballona Wetlands offers the greatest opportunity available to restore and supplement the marine fisheries and wildlife resources of the Santa Monica Bay and the County of Los Angeles.

2) restoration of the Ballona Wetlands is essential to the establishment of a balanced marine ecology in the Santa Monica Bay.

3) restoration of the Ballona Wetlands offers unparalleled opportunities for research and education in California (and the Nation ?) located, as it is, adjacent to a major center of population, education, and research.

4) restoration of the Ballona Wetlands offers a major challenge for California (and the Nation?) to develop appropriate procedures for restoration and management of a coastal estuary surrounded by a variety of environmental problems and competing land use demands.

5) restoration of the Ballona Wetlands will provide a rigorous test of the ability to maintain sustainable populations of organisms in a balanced ecological setting to be monitored and evaluated by the best available techniques and procedures.

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RESTORATION GOALS AND OBJECTIVES FOR THE
BALLONA WETLANDS

Prepared and presented by the Ballona Wetlands Land Trust
and Save Ballona Wetlands
as of 21 June 1995 to be amended and supplemented

by

Rimmon C. Fay and Kathy Knight

Overall Goal:

To restore a self-sustaining estuarine system as habitat for those plants and animals indigenous to the southern California coastal ecosystem with special attention to endangered or threatened species and those species which are currently absent from or in reduced abundance in the Santa Monica Bay. In order to achieve these objectives only full tidal action with seawater exchange from the Santa Monica Bay is considered in this plan (see discussion below).

Objectives:

1. Biological:

a. To design and establish an esuarine system which provides keystone ecological components of physical structure and species needed to sustain a protected estuarine habitat for existing indigenous species of plants and animals once found in the Santa Monica Bay or in the coastal environment of southern California.

b. To control or remove exotic species of plants and animals from the habitat to be managed .

2. Water Quantity:

a. To provide for adequate tidal exchange to maintain the opening to the sea with minimal artificial intervention.

b. The design will provide a volume of water sufficient to permit sheet flow of fresh water run-off during most rainfall events and to provide a refuge from cold or heat during periods of the extreme physical events of winter or summer.

3. Water Quality:

a. Minimize fresh water input to protect stenohaline organisms from osmotic shock.

b. Treat or divert unavoidable fresh water input to minimize the input to the estuary of pollutants found in run-off.

c. Provide booms, gates, or other devices to prevent spills of toxic or hazardous substances from entering the estuary.

d. Provide booms or other devices to prevent the entry of floating rubbish or other debris into the estuary.

e. Remove contaminated soils or hazardous substances if they are located in the site of the estuary or drainage courses leading to it.

4. Sediments and structure

a. Design the intertidal areas to minimize sites of erosion or accretion. Maximize the use of vegetation as a component in control of erosion or accretion.



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b. Protect the estuary from erosion of adjacent bluffs and sand dunes and from unnatural rates of sediment input.

c. Provide sediments of specific size range and composition if essential to the acceptability of the habitat for species not now found in self-sustaining populations in the Santa Monica Bay.

5. Public access - Recreation

a. Public access to be limited to buffer areas or facilities specifically designed to protect the wildlife habitat values and function of the estuary. At a minimum, centers with interpretive information describing the function of the estuary shall be included wherever public access is permitted. Care must be taken to assure that public access does not result in a litter-waste disposal problem for the estuary.

b. Provide information/interpretive centers off-site to prepare visitors to the estuary for the kinds of observations and experiences they may expect when visiting this area.

6. Education/Research: The opportunities available in this category are so numerous, varied, and important that only a few can be mentioned at this time. Except for the investigation of restoration techniques and procedures including experimentation and appropriate monitoring to evaluate the success of restoration design, efforts, and accomplishments which will be funded from various sources and administered by the Restoration Trust, other educational and research activities external to and in addition to the restoration and management of the estuary will be funded and administered by other sources. Access to and use of the estuary will be under terms and conditions mutually agreed to between the educators/researchers and the Restoration Trust (the management entity).

Educational services provided by the Restoration Trust will include information on what the functional relationships in the ecology and biology of the estuary are; how they relate to the ecology of the Santa Monica Bay or other ecological relationships, e.g., southern California, the Pacific Flyway. The Trust will erect and maintain on-site interpretive facilities and materials. An inquiry/dialogue capacity will be maintained for access of the public and educators for information on estuarine ecology and function.

Research undertaken by or sponsored by the Restoration Trust will deal principally with techniques and evaluation of estuarine restoration, candidate species culture and outplanting, and problems in the maintenance of self-sustaining populations of marine organisms.



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7. Infrastructure:

Restoration of the Ballona Wetlands as a functional estuary will involve at least two problems with regard to the present and future infrastructure of the site. These include transportation and utility distribution networks and the long term use of the site as a location for the subterranean storage of natural gas. This latter consideration will best be resolved in discussions with the long term tenant, the Southern California Gas Co., who, so far, has agreed to restoration plans that do not compromise the use of the area for the subterranean storage of natural gas.

It is visualized that the details of the restoration plan will be resolved with the participation of the Gas Company in order to assure that the terms of the long term lease for the use of this property are not violated.

Roadway changes (elevation and realignment) and protection of the business community of Playa del Rey will be required if full tidal exchange is implemented. A portion of the planning for these changes will involve both parcels A and B as well as a potential new bridge over Ballona Creek. It is improbable that specific immediate recommendations on the changes in roadway would be those ultimately implemented, i.e., they are premature at this time. Suffice to say that it is recognized that these details must be resolved in a manner that will minimize the impact of implementation of these measures on the restoration of the estuary. Every effort will be made, in fact, to implement these changes in a way which may enhance the estuary to the maximum extent feasible. Further, they must be made at a time which will not adversely impact seasonal aspects of the ecology of the estuary as they are understood.

Similar comments will apply to additional activities such as installation, maintenance and repair of utility lines and networks to be performed in a way and at a time when there will be a minimal adverse impact upon the ecology of the estuary.

Setting: Ecological importance:

Local

Located approximately midway between the prominent headlands of Point Dume to the west and the Palos Verdes Peninsula to the east, the Ballona Wetlands are physically isolated from similar structures and populations of organisms typical of estuaries found in southern California. Those species with limited powers of dispersal, e.g., some fishes, invertebrates, plants, and birds that require an estuarine habitat either through or at some critical point in their life history are extirpated from the Santa Monica Bay because of the absence of appropriate habitat in the quantity and quality required to assure their local survival. This statement is of critical importance to the understanding of the



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current status of the biology of the Santa Monica Bay and the potential for restoration of several components of that biota.

The loss of on the order of 2,000 acres of the Ballona Estuary, other areas of coastal wetland in the Santa Monica Bay (e.g., Malibu, Topanga, Santa Monica Canyon, and Redondo) plus the loss of wetlands in San Pedro, Wilmington, and Long Beach only serve to identify the extensive loss of this type of habitat in the coastal area of the County of Los Angeles while emphasizing the critical importance of this potential restoration project in this area of the shoreline.

Regional

Restoration of the Ballona Wetlands is important to provide a functional link to the other existent estuarine habitats of southern California, e.g., Santa Barbara County: Goleta Slough, Carpinteria Estuary; Ventura County: Mugu Lagoon; Orange County: Anaheim Bay, Bolsa Chica Lagoon, Huntington Beach wetlands, Upper Newport Bay; San Diego County: Aqua Hedioda Lagoon, Batiquitos Lagoon, San Dieguito Marsh, Los Penasquitos Lagoon, Mission Bay, San Diego Bay, and Tijuana Slough among others. It is the frequency of occurrence of critical habitat as well as the individual area of that habitat which is critical for many coastal species which may exist as reproductively isolated populations. The Ballona Wetlands are sited about 25 miles east of Mugu Lagoon and about the same distance west of Anaheim Bay, two relatively large and undisturbed estuarine habitats in southern California.

Supra -Regional

While many organisms are found as isolated populations in estuarine habitats, some others are notable for their exceptional powers of mobility and dispersal. A few birds utilize the spring and summer seasons of both hemispheres, e.g., the Least Terns while others head north in the late spring to reproduce in the arctic summer, e.g., Black Brandt, Loon, and then return to over winter in southern and Baja California. These birds migrate along the Pacific Flyway from the extremes of south America to the Arctic with the particular distance covered being, to some extent, species specific. The frequency of occurrence and the amount of functional local estuarine area available can be of great importance to these birds that utilize the Pacific Flyway. Similar comments may be made for other organisms which do not have the migratory speed of birds. The Grey Whale migrates from Alaska to Baja California for mating and calving in the winter. Some fishes also migrate south in the winter and return to local waters when the water warms in the summer, e.g., Salema, or move into deeper water in the winter to arrive as larvae or juveniles in estuarine habitat in the spring and summer, e.g., California Halibut, Black Croaker, Shiner Perch. It is during the periods when these animals are not concentrated in the estuarine habitat that they may migrate to a greater or lesser extent along the local shoreline.



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Comments on a Plan for the Restoration of the Ballona Wetlands

This plan will deal first with the physical-chemical environmental factors as they define the environmental envelope found in this habitat in southern California. Then it will deal with the plants, invertebrates, fishes, reptiles, birds and mammals that occur here or which may reasonably be expected to be restored to this habitat. A species list of candidate organisms for restoration or enhancement to develop sustainable populations of the respective species will be based upon historic records and contemporary observations of those organisms reported up- or down-coast from, or now present in, this wetland. Where possible, the objective of abundance of nominal species for restoration of sustainable populations will be given as an objective to the maintenance of the respective species, e.g., the Least Tern and Belding's Savannah Sparrow. To do this a target increase in abundance will be nominated and appropriate provisional allocation of habitat will be made.

Physical-Chemical Factors

Salinity

Unless there is a continual and substantial flow of fresh water into the estuary, stenohaline conditions will predominate through the year with surface salinities of about 33 o/oo to about 35 o/oo. Depending upon the intensity and duration of episodes of rainfall and the area of the drainage basin outfalling into an estuary, surface salinities may vary from, near 0 o/oo to slightly less than 33 o/oo for variable periods of time. Substantial interannual (year to year) variation is found with surface salinity correlated with rainfall and compromised by tidal action. An episode of even moderate rainfall may be diluted out rapidly if the rate of tidal flushing is on the order of 90 % of exchange per day. In situations where heavy run-off is experienced with moderate or restricted tidal exchange and in shallow channels, all seawater may be displaced with catastrophic loss of species sensitive to reduced salinity for periods beyond their tolerance.

Temperature

Temperatures for the most part are close to those of the inshore area about a minimum of 55°F (12°C) to 72°F (21°C) with two notable episodic variations. Subnormal lows may occur during periods of unusual winter cooling. If the temperatures drop below 50 °F (10°C) and especially during episodes of reduced salinity, the lower tolerable temperatures of some of the local marine organisms will be experienced and they will die, e.g., Sea hares (*Aplysia* spp.), *Octopus* spp. some clam species. The opposite extreme may occur in summer when periods of higher than normal air temperatures occur and water temperatures reach 80°F (



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25 °C) or greater. Under these conditions, temperate poikilothermic marine organisms experience metabolic stress because their respiration is occurring at maximal rates. Since the solubility of oxygen in water decreases as the temperature increases, (an inverse relationship), the availability of oxygen is minimal and many organisms suffocate. Their rotting tissue exacerbates the situation in that the decomposition may deplete the water of the last traces of free oxygen and anaerobic conditions, lethal to all higher organisms, results in a mass catastrophe. The potential for hypo- or hyperthermic conditions to occur increases if the extent of tidal exchange and water depth are limited in a wetland.

Nutrients

Unless there is a substantial input of run-off or an unnatural source of nutrients in a tidal estuary in southern California, the nutrient supply will be provided by tidal exchange with the nearshore waters and augmented by nitrogen fixation by blue-green algae (photosynthetic bacteria). This is a further justification for maintenance of full tidal action and avoidance of stagnation.

Structure

Because the local shoreline has a mixed semidiurnal tidal regime in which the higher high tide precedes the lower low tide, ebb tidal currents occur with a higher velocity than the maximal velocity of flood tidal currents. This difference in rate of tidal flow may approach 2 fold higher ebb velocities than flood current tidal velocities. The importance of this relationship is that a net export of sediments from the estuary may occur and if the rate of sediment input into the estuary is low, it will be a long lived geological structure. This habitat is protected from the dynamic littoral processes of the nearshore zone by formation of a penninsular berm backed by dunes. Once geological time scales are involved, evolution can provide species adapted specifically to a narrow range of variation of salinity in a specific habitat (the stenohaline biota), or a wide range of variation of salinity in a habitat (the euryhaline biota). The key requirement is stability in terms of continuity of existence (physical structure) and the conditions that occur in that environment to permit extensive biological diversification and maximize production under natural conditions (A productive and diverse Balanced Indigenous Population of Marine Organisms becomes established).

Sediments transported from an estuary as a result of tidal current transport will be of small grain size (silts, clays, and fine sands). This will result in areas of coarse residual sediments of grain sizes ranging from very coarse (just below pebble size), to coarse, to sand, to fine sand, to very fine sand and with mixtures of sediments. The very coarse sediments are usually clean with nearly negligible presence of fine sediments. In the intertidal and subtidal habitats, there is a strong correlation of the types or organisms found and the grain size



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composition of the sediments. This will influence the occurrence of fishes which prey selectively upon various species of invertebrates, i.e., the fish will be found in association with the sediment type that is selected by the invertebrate which the fishes feed upon.

Coarse sediments will be found in the entrances to estuaries where current velocities are maximal and where current flow rounds a bend and causes erosion. Finer sediments are found in areas subject to low current flow (depositional areas) usually in the inner extremes of the estuary or in areas with dense abundance of foliage which exerts a frictional drag on water flow and minimizes erosion. Sediment composition will further influence the ability of plants to grow in certain areas of the estuary. Sediments which are too coarse will not provide secure anchorage for shallow roots, e.g., Eel grass (Zostera), Cord Grass (Spartina) but if they are too fine, anaerobic conditions may result which discourages rooted foliage.

To the extent that the amount of plant growth is controlled by the amount of area available with suitable water exchange, either current or tidal or both, will determine the abundance and success of a large variety of organisms either directly or indirectly dependent upon the types of plants present. Four relatively well known examples are briefly mentioned.

Zostera and the Black Brandt, the Sea Goose

Declines in the abundance of Zostera is considered to be one of the factors responsible for declines in the occurrence and abundance of the Black Brandt in the estuaries of southern California. This small goose forages directly on the eel grass. The eel grass is also home to huge numbers of the grass shrimp (Hippolyte) which is in turn food for a number of fishes, e.g., the pipefish. Eel grass is a major source of dead plant material, which, as it decomposes, is rendered into particles of ever decreasing size by organisms whose lot it is to turn larger pieces into smaller pieces until they are mineralized by microbes and ready for recycling at the molecular level. These guilds of rendering organisms are in turn food for those adapted to prey upon them, e.g. shrimp and crabs in a living network now recognized as part of the explanation of which coastal wetlands recognized as highly productive and ecologically important environments.

Spartina and the Light Footed Clapper Rail

Cord grass is another important source of organic detritus. The dense stands of grass offer refuge for a variety of fishes and invertebrates that forage among the plants when the tide permits. In addition, when the cordgrass grows to an elevation greater than the highest of high tides, it provides a nesting site for the Light Footed Clapper Rail. Obviously the success of this bird is coupled to the

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success of cord grass which is dependent in part upon the fertility and suitable physical nature of the sediments in which it is rooted.

Salicornia and Belding's Savannah Sparrow

This little bird nests in and feeds upon pickle weed (Salicornia). The Salicornia, in turn lives in salty fine grain soils in the intertidal zone or above it. Pickleweed survives where other seed bearing plants cannot because of the high salt content in the soil under conditions of dessication which exclude algae.

Least Tern

A bird confined to productive, protected coastal areas independent of vegetation; many sea birds "nest" under similar conditions. Thus the problem of the least tern is how to provide abundant forage and protection of an exposed nesting area. This can be resolved in this situation by providing a habitat with high porosity (good drainage) of nutrient deficient soils (sand), close to a source of small, live fish (a tidal estuary), protected from disturbing activities or predators (an island separated from potential predators and human disturbance).

In part, an estuary can be treated as approached from a succession of elevations dominated by a flora adapted to the sediment and exposure occurring at a ranges of elevation, i.e., Zostera (MLLW to subtidal), Spartina (MLLW to +3 ft.), Salicornia (+3ft to +8 ft.), non-vegetated (+8 ft. and higher, salt pans or in low salinity soils, non-halophytic vegetation). Each elevation has its separate ecological importance with the addition of the components amounting to a sum greater than addition of the individual parts.

Estuarine sediments even though in place are not static. There is continual turnover energized by a variety of burrowing organisms including worms, snails, clams, crabs, shrimp, fish, and others. These burrows admit seawater and therefore oxygen into the sediments. Aerobic conditions are important to the mineralization of the plant residues (detritus) and therefore the fertility and high rates of productivity typical of estuarine habitats.

Flora

Several halophytic (salt tolerant) plants have been identified in the Ballona Wetlands and from estuaries up- or down- coast from this area. Three of these plants have key ecological importance as habitat and/or sources of detritus (Zostera, Spartina, and Salicornia). Two of these must be reintroduced to this area (Zostera and Spartina). Spartina will be essential as habitat for the Light Footed Clapper Rail. Care will be devoted to providing appropriate conditions in order to maximize the growth of Spartina to permit the Rails to build nests

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above the elevation of the highest of high tides (Zedler) otherwise successful nesting will be impossible for these birds.

nearly?

A listing of the native flora now found at the Ballona Wetlands plus the species of plants planned for reintroduction is given in the appendix, Table A. This includes about 105 native species as listed by Schreiber and now found in the environs of the Ballona Wetlands plus a few species which will be reintroduced into this estuary

Invertebrates (exclusive of insects)

Several hundreds of species of invertebrates have been reported from estuarine habitats in southern California. The most extensive species check lists are reported from the severely modified wetland habitats of the Ports of Los Angeles, Long Beach, and San Diego (References). Many of the species now found in these locations represent exotics accidentally introduced into California at what appears to be an accelerating rate over the past 60 or more years. Some of these exotic species are aggressive invaders and out compete the native biota with severe consequences to the balanced ecology of the area. (The ecological consequences of introduced species is not limited to invertebrates as it also includes algae, terrestrial plants, fishes, one amphibian, birds, and mammals). Management of exotic species presents some complex and formidable problems in wetland restoration projects (see below, Problems to be resolved).

It is beyond the immediate practical objectives of this planning document to detail the complete list of candidate species of marine invertebrates which may be nominated for restoration to the Ballona Wetlands. Table B. in the Appendix lists only a few of the species which are now found here together with a few more that may recruit to a restored wetland and a few more that will require active efforts to accomplish reintroduction to the wetlands and the Santa Monica Bay.

Table B.

A Partial List of Marine Invertebrates to be Restored to or Found in a Restored Ballona Estuary

PORIFERA (sponges)	<u>Tetilla mutabilis*</u> <u>Hymeniacidon synapium</u> <u>Leucettia losangelensis</u> cf. <u>Halichondria</u> sp. <u>Leucosolenia</u> sp.	Mudflat sponge
CNIDARIA (anemones, hydroids, etc.)	cf. <u>Cerianthus</u> sp. <u>Anthopleura xanthogrammica</u>	Burrowing anemone Sea Anemone



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	<u>Corymorpha palma*</u>	Solitary Hydroid
	<u>Renilla kollikeri</u>	Sea Pansy
	<u>Tubularia crocea</u>	Hydroid
	<u>Stylatula elongata</u>	Sea Pen
PLATYHELMINTHES (Flatworms)	<u>Prostheceraeus bellostriatus</u>	Striped Flatworm
SIPUNCULA (Peanut worms)	<u>Sipunculus nudus</u>	Peanut Worm
ECHIURA	<u>Urechis caupo</u>	Innkeeper Worm
PHORONIDEA	<u>Phoronis vancouverensis</u>	Phoronid worm
BRACHIOPODA(Lampshell)	<u>Glottidia albina</u>	Lampshell
ECTOPROCTA(Bryozoans)	<u>Zoobotryon verticellatum</u>	Sea Spaghetti
ENTOPROCTA	<u>Barentsia sp.</u>	Nodding heads
ANNELIDA(Segmented worms)	<u>Chaetopterus variopedatus</u>	Parchment worm
	<u>Eudistylia polymorpha</u>	Featherduster
	<u>Myxicola infundibulum</u>	Slimetube worm
ARTHROPODA(Crabs, Barnacles)	<u>Balanus glandula</u>	Barnacle
	<u>Callinassa californiensis*</u>	Ghost shrimp
	<u>Upogebia pugettensis*</u>	Blue Mud Shrimp
	<u>Alpheus californiensis*</u>	Pistol shrimp
	<u>Hippolyte sp*</u>	Grass shrimp
	<u>Penaeus sp.</u>	Prawn
	<u>Lepidopa californica *</u>	Sand crab
	<u>Hemisquilla ensigera</u>	Mantis shrimp
	<u>Protunus xantusii</u>	Swimming crab
	<u>Loxorhycus grandis</u>	Sheep crab
	<u>Lophopanopeus spp.</u>	Masking crab
MOLLUSCA(Snails, clams, octopuses)	<u>Octopus bimaculoides*</u>	Mudflat octopus
	<u>Trachycardium</u>	
	<u>quadragenarium*</u>	Spiny cockle
	<u>Argopecten aequisulcatus*</u>	Speckled scallop
	<u>Donax californicus*</u>	Wedge clam
About 25 species of clams and specific predators on them may be potential residents in a restored Ballona Wetland Estuary.		
	<u>Bulla gouldiana</u>	Bubble snail
	<u>Navanax inermis</u>	Sea slug



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	<u>Aplysia californica</u>	Sea Hare
	<u>Nassarius mendicus*</u>	Mudflat Nassarius
ECHINODERMATA(Sea stars, sea urchins)	<u>Patiria miniata</u>	Bat star
	<u>Astropecten braziliensis</u>	Sand star
	<u>Lovenia cordiformis</u>	Heart urchin
	<u>Lytechinus pictus</u>	Panamanian urchin
	<u>Dendraster excentricus</u>	Sand dollar
CHORDATA(Tunicates, lancelets, sharks, rays, fishes)	<u>Ciona intestinalis</u>	Sea squirt
	<u>Botryllus tuberatus</u>	Encrusting tunicate
	<u>Botrylloides diegensis</u>	Encrusting tunicate
	<u>Polyzoa translucida*</u>	Social tunicate

A list of species of fishes to be restored or enhanced in abundance as a result of the restoration of the Ballona Wetlands Estuary is given in the Appendix, Table C. A portion of the ecological role of these particular species of fishes, as it is known, is to be provided with specific relevance to an estuarine habitat.

Table C.

Elasmobrachs		
Species		Common Name
<u>Heterodontus francisci</u>		Horn Shark
<u>Mustelus californicus</u>		Grey Smoothhound
<u>Mustelus henlei*</u>		Brown Smoothhound*
<u>Triakis semifasciata</u>		Leopard Shark
<u>Platyrhinoides triseriata</u>		Thornyback Ray
<u>Rhinobatos productus</u>		Shovelnose Guitarfish
<u>Gymnura marmorata*</u>		Butterfly Stingray*
<u>Myliobatis californica</u>		Bat Ray
<u>Urolophus halleri</u>		Round Stingray
Teleosts		
Species		Common Name
<u>Dorosoma petense</u>		Threadfin Shad*
<u>Anchoa compressa</u>		Deepbody Anchovy
<u>Anchoa delicatissima</u>		Slough Anchovy
<u>Engraulis mordax</u>		Northern Anchovy
<u>Porichthys myriaster</u>		Specklefin Midshipman
<u>Otophidium scrippsi</u>		Basketweave Cuskeel
<u>Fundulus parvipinnus</u>		California Killifish
<u>Atheriniops affinis</u>		Topsmelt
<u>Atherinopsis californiensis</u>		Jacksmelt



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Leuresthes tenuis
Sygnathus griseolineatus
Strongylura exilis

Amphistichus argenteus
Cymatogaster aggregata
Embiotoca jacksoni
Hyperprosopon argenteum
Hyperprosopon ellipticum
Hypsurus caryi
Micrometrus minimus
Phanerodon furcatus
Damalichthys=Rhacochilus

vacca
Rhacochilus toxotes

Mugil cephalus
Gibbonsia sp.
Heterostichus rostratus
Hypsoblennius gentilis
Hypsoblennius gilberti
Anisotremus davidsonii

Sarda chilensis
Peprilus simillimus
Clevelandia ios
Gillichthys mirabilis
Ilypus gilberti
Lepidogobius lepidus
Quietula y-cauda
Acanthogobius flavimanus
Eucyclogobius newberryi
Leptocottus armatus
Scorpaenichthys marmoratus

Paralabrax maculofasciatus
Seriphus politus
Cynoscion nobilis
Umbrina roncador
Roncador stearnsi
Chelotrema saturnum
Mentricirrus undulatus
Genyonemus lineatus

Citharichthys stigmaeus
Paralichthys californicus

California Grunion
 Bay Pipefish
 California Needlefish*

Barred Surfperch
 Shiner Surfperch
 Black Surfperch
 Walleye Surfperch
 Silver Surfperch*
 Rainbow Surfperch
 Dwarf Surfperch*
 White Surfperch
 Pile Surfperch

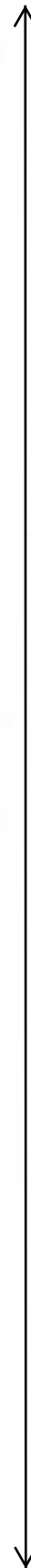
Rubberlip Surfperch

Striped Mullet
 Kelp Fish (Clipfish)
 Giant Kelpfish
 Bay Blenny
 Rockpool Blenny
 Sargo

Pacific Bonita
 Pacific Butterfish
 Arrow Goby
 Longjaw Mudsucker
 Cheekspot Goby
 Bay Goby
 Shadow Goby
 Yellowfin Goby
 Tidewater Goby
 Pacific Staghorn Sculpin
 Cabezon

Spotted Sand Bass
 Queenfish
 White Sea Bass
 Yellowfin Croaker*
 Spotfin Croaker*
 Black Croaker
 California Corbina
 White Croaker

Speckled Sanddab
 California Halibut



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<u>Platichthys stellatus</u>	Starry Flounder
<u>Pleuronichthys ritteri</u>	Spotted Turbot
<u>Pleuronichthys verticalis</u>	Hornyhead Turbot
<u>Parophyrus vetulus</u>	English Sole
<u>Hypsopsetta guttulata</u>	Diamond Turbot
<u>Symphurus atricauda</u>	California Tonguefish
<u>Gambusia affinis</u>	Mosquito Fish

*May become a restored species in the Santa Monica Bay

Most of the elasmobranchs found in local estuaries utilize this habitat as a feeding area where they predate on smaller fishes or shellfish. Several of them also use the estuary for reproductive purposes, e.g., Leopard Sharks, Round Sting Rays.

Many fishes are found in estuaries as juveniles recruited from the nearshore plankton or as the progeny of species reproducing in the nearshore area, e.g., surfperch, croakers. Some fish come into this habitat to nest and brood their young, e.g., midshipmen, which migrate seaward shortly after birth. All of these small fishes and those restricted to the estuary, e.g., arrow gobies, staghorn sculpin are forage for fish eating birds, both waders, swimmers, and divers.

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AVES(Birds)

About 120 species of birds have been identified at and about the Ballona Wetlands by Schrieber (see Appendix, Table D). Of these, a restored estuarine habitat will be important or essential to the water fowl (ducks, geese, grebes, loons, cormorants, i.e., swimming birds), shorebirds (willetts, killdeer, sandpipers, avocets, rails, cranes, herons, oyster catchers, kingfishers), and diving birds (terns, pelicans). Sea birds, e.g., gulls, may rest or scavenge here and predators, e.g., eagles and hawks, may visit and feed here but in recent history the later have not been sufficiently abundant to evaluate the extent of their impact on the ecology of this area. Owls appear to be climax predators on non-marine based food chains.

REPTILIA(snakes,
lizards, turtles)

Snakes and lizards are found on the periphery of the wetland and in the sand dune habitat are predators on plant - insect/mammal food chains. Sea turtles are rare in this area but have been seen in the Santa Monica Bay and Mission Bay. A few turtles are reported to be in residence in San Diego Bay. There is no basis at this time upon which to predict the appearance of a sea turtle in a restored Ballona Wetlands Estuary.

MAMMALIA(Rodents,
seals,sea lions,
sea otters, whales, cats, dogs)

Small rodents (mice, rabbits) inhabit the peripheral areas of the wetland where they function as parts of short plant-herbivore-predator food chains not dependent upon marine resources. Sea lions are abundant in the Santa Monica Bay and may wander or venture into the wetland. Since the majority of the fishes in the wetland will be small specimens, it is improbable that these carnivores will expend the energy to predate on a large number of small fishes since the energy required to capture many small fishes may exceed the energy obtained from their digestion. Sea lions may be expected to congregate at an entrance from the estuary to the sea if numbers of large fish would aggregate at such a location and offer significant feeding opportunity. Sea Lions are attracted to pens of bait fishes where they predate on fishes attracted to these floating pens in the Marina del Rey. These animals may wander into a restored fishery habitat in what is now known as Area A. Harbor Seals were once found on the beaches in Orange County (the City of Seal Beach owes its name to this historical note) and they are reported to haul out frequently in Mugu Lagoon. The few seen in the Santa Monica Bay confine themselves to the extreme west end of the bay. While their numbers are increasing, it is considered improbable that healthy, unstressed specimens of these shy animals will deliberately enter a restored



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Ballona Wetland Estuary. This will not rule-out the infrequent and unpredictable appearance of a baby harbor seal separated from its mother or those that are sick or injured. It is rather to say that Harbor Seals are not likely to become important members of the biota of this restored estuary. Similar comments may apply to Sea Otters based upon the current numbers of otters and their distribution in California. Because they feed on shellfish (clams, crabs, abalone, sea urchins), are apparently comfortable in the presence of humans, will feed and rest in protected water (Morro Bay, Monterey Harbor, Alaskan Fjords), and have been observed in the Santa Monica Bay, the arrival of a Sea Otter may not be totally unexpected. This would be a cause for some concern. Otters normally consume 20% of their body weight per day of food and can eat up to 50% of their body weight in a 24 hour period. The arrival of even one Sea Otter could decimate clam stocks in a short period of time. Efforts to relocate visiting specimens of this fully protected species may assume a high priority.

Cetaceans (porpoises, dolphins, whales) are observed in the Santa Monica Bay but it is unlikely that they would enter a restored estuary through a narrow, shallow channel. If one were to enter the restored estuary, the importance of its presence would be largely disruptive in a physical rather than biological context because of public response and demands to capture the animal to return it to the ocean. Techniques aimed at herding cetaceans in circumstances that are confusing and alarming to the animal are in an early stage of development and lack any proven record of achievement. It is hoped that should a visit from a cetacean occur, it will be limited to a first and a last episode of its type.

Keep Cats + Dogs out

A Discussion of Full tidal Exchange with Sea Water versus Partial Tidal Exchange with Brackish Water of Questionable Quality.

In order to maximize the potential of a restored Ballona Wetlands to function as a habitat for:

- 1) restoration of endangered or threatened species,
- 2) restoration in the Santa Monica Bay of those species of fish and shellfish dependent upon estuarine habitat
- 3) restoration of key ecological relationships in the estuary of the Santa Monica Bay,

This plan considers only full tidal exchange with a source of high quality seawater. This seawater shall reach the wetlands via a channel to cross the beach at Playa del Rey at the tide lands site of the former opening to the Del Rey Lagoon.

This channel will restore tidal flushing to this lagoon and enhance its capacity as fisheries habitat. Tidal exchange with the wetlands will then be achieved



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through one or two culverts either at the east and west end of the lagoon individually or at both ends if possible. The inlet-drainage channel across the beach is to be equipped with devices to fluidize the sediments during the ebb tide flows in order to prevent the blockage of the channel with sand deposited as a result of longshore littoral transport (lagoon bar formation).

Several factors combined to recommend against providing tidal exchange for the Ballona Wetlands from Ballona Creek. In summary these are that restoration of the wetlands as fisheries habitat would be precluded if the tidal flushing, either mid-tidal or full tidal, would be with brackish polluted water that will not support marine organisms.

This summary conclusion is based upon the following lines of evidence:

- 1) Ballona Creek is notoriously polluted by accidental spills of sewage () or toxic releases of unknown origin (USACE, 1995).

Tests to determine the quality of the waters of Ballona Creek to sustain marine larvae have found them to be toxic by bio-assay procedures (SCCWRP 1993,1994). At least one survey for fish and fish larvae found small numbers of both and a low diversity which the author concluded might be changed positively with a provision of high quality seawater admitted to the wetland (Swift et al, 1981).

- 2) Plans that call for muted/full tidal action with water from Ballona Creek appear to be flood control/run-off plans for proposed adjacent land development with plans for periodic overflow into the wetlands. Considering the recent revelation of the importance of terrestrial run-off as a source of hazardous substances flowing into the ocean and the complications this causes in protecting the marine environment, accelerating the input of polluted run-off into the wetlands to be restored cannot be accepted.

- 3) Stability in the habitat is required to maximize diversity and production of the biota. In the estuarine environment in southern California, this requires minimizing the frequency of occurrence and duration of extremes of the variables of temperature, salinity, and sedimentation.

- 4) Muted tidal exchange subject to episodes of prolonged low salinity or interruption of tidal exchange as a result of an accidental spill would be inconsistent with maintenance of a highly diverse, productive community of marine organisms. In fact these would be exactly the conditions in which one could predict a high mortality of organisms might occur, i.e., the wetlands would become a lethal fish trap.

- 5) Interrupted tidal exchange either as a result of closure of tidal gates or excessive run-off with prolonged in-pu of fresh water (hyposaline, stagnant



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conditions would be contrary to the existence and maintenance of stenohaline organisms typical of estuarine habitats in southern California.

Two areas are considered in this plan, Parcel A and Parcel B. Parcel A is projected to become a reproductive habitat (Islands) for Least Terns and Belding's Savannah Sparrow and an area for fisheries enhancement. Tidal exchange will be with the Marina del Rey Harbor via a conduit to an embayment to be developed in Area A. Two islands will be formed in this embayment with a maximum elevation at or above +10 ft. above MLLW.

These islands will be surrounded by sloped terraces to -2 ft. below MLLW. The inlet channel will be at a bottom elevation of -10 ft below MLLW which will lead to channels of -10 to -2 ft. below MLLW that separate the islands from the surrounding shore line of the embayment.

The islands should serve as nesting habitat for the Least Tern and for the Belding's Savannah Sparrow, two endangered species. Both cordgrass and eel grass, *Spartina* and *Zostera* will be introduced and efforts to maintain sustained populations of these two halophytes plus pickle weed, *Salicornia*, will be made.

At this time *Spartina* is absent from the Santa Monica Bay and *Zostera*, if still present, is estimated to be limited to less than 100 plants.

The water areas of the embayment should serve as suitable habitat for forage species of fishes utilized by least terns. Introduction and successful colonization of this area by eel grass and cord grass should provide habitat useful to many species of fish and shellfish that utilize these grassland meadows. Annual crops of these grasses become a source of organic detritus which supports the diversity of forms adapted to feed on these residues or predate on the organisms that feed on the detritus.

Wading birds, in turn, will fish the shallow waters while water fowl will use the open water areas either for feeding or resting as some of these will be migrants on the Pacific Flyway. Excellent visual access to this area will assure that the public can easily make use of it for purposes of bird watching and open space viewing.

Two existent wetland areas in the County of Los Angeles are separated from their respective source of seawater by a conduit. These are the Colorado Lagoon in Long Beach and the Ballona Lagoon to the west of the Marina del Rey. It is not apparent that the passage of the seawater at a tidal cycle through these conduits is in any way limiting to the passage of larvae or causes a reduction in water quality. In fact, some species which appear to thrive in the Ballona Lagoon do not appear to survive in the Marina del Rey, e.g., *Protothaca*, *Chione*, *Saxidomus*, *Urechis*, *Aplysia*, *Navanax*, *Bulla*, and others. It may be that the



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passage through the conduit provides a slight but significant water treatment process.

For several reasons, Parcel B offers many more opportunities for restoration and enhancement of the marine resources of the Santa Monica Bay than does Parcel A. Size alone is an important factor (336 acres for Parcel B versus 140 acres for Parcel A) plus the opportunity to utilize high quality seawater for tidal exchange. Several of the species to be protected and enhanced are also present in Parcel B versus a lesser number of species and individuals in Parcel A. While Parcel A may be developed in a manner which is consistent with enhancement of conditions for vegetation, shellfish, fish, and birds, the same objectives should be sought in Parcel B. Considering that on the order of 99+% of the original coastal wetland habitat has been lost in the County of Los Angeles and the loss of species dependent upon this habitat has been total or nearso (extermination or extirpation or decimation to a point of endangered or threatened status) all that can be done to achieve the objectives of coastal legislation (both State and Federal) for maintenance, enhancement, or restoration of native species should be done.

Allocation of areas of Parcel B for planning purposes are separated into buffer zones, islands, tidal zones, subtidal slopes, and channels. Tidal zones are further divided into areas from +2ft. above MLLW to + 8 ft. above MLLW versus zones of -2 ft. below MLLW to + 2 ft. above MLLW, and from -2 ft. below MLLW to -10ft. below MLLW. All buffer zones, transportation routes, berms, utility corridors, or leasehold improvements, shall be above an elevation of +8 ft. above MLLW.

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Table I.

Projected use of Parcels A and B as Allocated by Elevation referenced to MLLW

Parcel A. (Area in acres)						
Total area	Portion for:	Islands	Buffer	Intertidal	Intertidal	Channels
Parcel A.	above +8'	+ 8'	+2' to +8'	-2' to +2'	-2' to -10'	
ca. 139.1	40	9.1	20	60	10	
Parcel B.	above +8'	+ 8'	+2' to +8'	-2' to +2'	-2' to -10'	
ca. 336.1	67.2	67.2	33.6	151	16.8	

Potential restoration of the Ballona wetlands transcends the potential of its extraordinary value and importance to the Santa Monica Bay in part as expressed in the umbrella State and Federal Coastal Zone Legislation, the Clean

Water Act, the Fisheries Conservation and Management Act, the Endangered Species Act, and the designation of the bay as an Estuarine Sanctuary.

As suggested above, many species no longer found in this area (or in California?) may be candidates for reintroduction. Certainly many species currently in severely reduced abundance may be augmented and enhanced by restoration of this essential habitat and, as a result of hatchery techniques, their numbers.

Outplanting and establishment of stands of eel grass, pickle weed, and cord grass may be expected, at the least, to improve conditions for Belding's Savannah Sparrow while offering conditions suitable for the Light Footed Clapper Rail and Black Brandt. Establishment of stands of these plants will undoubtedly directly improve conditions favorable to fish and shellfish and eventually for wetland birds and water fowl.

Opportunities to enhance or restore stocks of shellfish (marine invertebrates) to the Ballona Wetlands at the least out number the number of species of fishes and birds and plants that may be considered for restoration and enhancement in this area because they have so long been neglected and because there are so many of them that many have never been recognized and described as species with details of their abundance, distribution, and description of their ecological importance recorded.

Only a few examples are offered in passing to cite species once abundant in the Santa Monica Bay that either are not found here at this time or which are in marginal, relic abundance.

Table II.

A Partial List of Extirpated or "endangered" Species of Plants, Invertebrates, Fishes, and Birds in the Santa Monica Bay

Mollusks: All native species of abalone (Haliotis spp.): white*, black, pink, green*, red*, and pinto*

Clams: Trachycardium, Protothaca, Tresus, Donax*, Argopecten*, Gari*, Ostrea, and others

Snails: Acmaea mitra*, Terebra* spp.

Chitons: Molpalia, Stenoplax,

Octopuses: All species

Lampshells: (Brachiopods)

Terebratallia* sp.

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Arthropods: Several shrimp, e.g., Hippolyte*, Callianassa*, Alpheus californiensis*,
Crangon spp., crabs, barnacles, and others
 (See Wicksten, M., Bull. So. Cal. Acad. Sci.)

Unresolved Problems

1) Removal and control of exotic organisms.

Terrestrial plants

On the order of 130 species of exotic plants have been identified in the area of the Ballona Wetlands. For the most part, these may be removed by physical means and the residues disposed of by composting. Some problems may occur if native animals, mostly insects and some birds, are now substantially dependent upon these exotics and will require outplanting of native plants to assure their continued existence. Principal attention will be devoted to rare or endangered species or those insect species which are of unusual ecological significance versus those insects with broad distribution and common abundance in southern California.

Algae

Sargassum muticum can be controlled by physical removal.

Invertebrates

Some exotic invertebrates now well established in southern California, e.g., the tunicates (Styela clava, S. plicata) appear to have dispersed by attaching to boats and "hitch hiking" from harbor to harbor. Since ocean going boats will not be admitted to the Ballona Estuary, this mode of transmission should not be a problem. Other exotics that are identified will be dealt with if a practical, non-disruptive technique to control them or prevent their establishment can be developed.

Fishes

Three species of fishes have been reported from the waters of the County of Los Angeles that are non-native and are considered in this context. They are the thread-fin shad (Dorosoma petense), mouthbreeder (Tilapia sp.), and the yellow-fin goby. The thread-fin shad and the mouthbreeder were deliberate introductions which may be prevented at the Ballona Estuary by an effective educational program. The yellow-fin goby is established in the Marina del Rey and elsewhere in southern California. It appears to disperse by means of



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planktonic larvae. It may be possible to control its abundance by encouraging species known to predate on gobies, e.g., spotted sand bass, staghorn sculpin.

Birds:

(To be developed)

2)Dredging and spoil disposal

Successful restoration of the native biota and maintenance thereof in the Ballona Estuary will depend upon development of a tidal system composed of channels dredged to about a depth of -10 ft. below MLLW that exchange water with sub-tidal and inter-tidal slopes. An objective of a maximum of tidal exchange of 90+% in a 24 hour period will be sought, i.e., 90+% of the maximum volume contained on the highest predictable tide will drain from the estuary at the lowest predictable tide.

Assuming that the sediments to be removed are acceptable for disposal at sea or in the nearshore area, the cooperation of the USACE will be involved in achieving the relocation of these sediments.

The design of the restored estuary must include provisions to limit the input of additional sediments into it.

Sources of species to be artificially reintroduced to the estuary

Because of the limited ability of many marine organisms to disperse over long distances, artificial means must be employed to re-establish those species once found in the Santa Monica Bay that are dependent upon the estuarine habitat and are no longer found here. Each species will require unique considerations and a complete discussion of all of them and what will be required cannot be given at this time. However, a few examples will be illustrative of what may be involved.

Transplant: Some plants, e.g., Zostera, Spartina, may be taken from one site or multiple sites, and transplanted to suitable sediments and at appropriate elevations in the Ballona Estuary. Similar techniques may be employed with shellfish, e.g., clams.

Mariculture: Many plant, species of shellfish, and fish may be cultured in captivity and released to become established at a suitable location. This may be the method of choice when abundant populations of the particular species under consideration are not available for transplanting.



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Selective encouragement: Establishment of key stone species, e.g., Zostera and Spatina has been observed to result in the recruitment of species dependent upon their presence. This sequence involves establishing the plants followed by recruitment of invertebrates (shellfish), then recruitment of fish followed by the establishment of certain birds in the restored habitat.

4) Management

A Board of Directors working through and administrative manager who relies upon a technical team and a construction-maintenance team with appropriate staff support for each team will oversee the land held in trust or in fee to be restored as an estuarine habitat adjacent to buffer land and dunes. Success in the restoration goals and objectives may be measured and are to be reported at a minimum on an annual basis. Measures of success shall include but not be limited to:

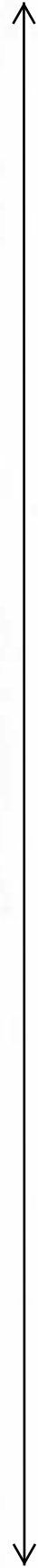
- a) verified audits of public visitation
- b) verified accounts of use for educational or research purposes
- c) determinations of the abundance and condition of resident populations of organisms; are self-sustaining populations existent?
- d) Is a positive effect upon the marine biota of the Santa Monica Bay related to the estuary measureable?
- e) Has the estuary contributed to the improved status of endangered or threatened species?
- f) What knowledge has been gained about the natural history and ecological requirements of marine organisms as a result of this program

5) Funding

Both the required funding and the amounts needed cannot be given with accuracy at this time. At least with respect to changes in infrastructure and protection of the gas storage field, some funds may be available from developers, local government, utilities, private sources, and grant agencies. The latter two may be pursued for funds for planning purposes. Mitigation funds may be available from the Ports of Los Angeles and Long Beach or other sources and they may provide assistance with services in-kind. Restoration funds are available from State and Federal agencies and may result from legal actions in which awards to restore damaged marine resources are made. An absence of funding has not precluded the Santa Monica Bay Restoration Project from moving ahead with its objectives to restore the remaining portions of the bay. At least in this respect, the proposed plan to restore the Ballona Estuary is not alone.

Summary:

This accounting is incomplete insofar as a planning document is concerned. Many details must be added and incorporated into a whole including several



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citations to the relevant literature and the sections of relevant law. Even in this incomplete status, several conclusions are supportable as findings of fact. Among these conclusions are the following:

- 1) This draft document approaches the planning issues for the restoration of the Ballona Estuary as a problem in the restoration of the marine resources of the Santa Monica Bay, California, and the Nation.
- 2) Restoration of the Ballona Estuary as an effective and productive habitat for the sustenance and propagation of marine fish, shellfish, and birds is dependent upon a healthy and productive marine environment that is based upon full tidal exchange with a source of high quality seawater.
- 3) No greater opportunity for the restoration of coastal resources exists in California (and the Nation?) than that which is now present in the resolution of the future of the Ballona Estuary.



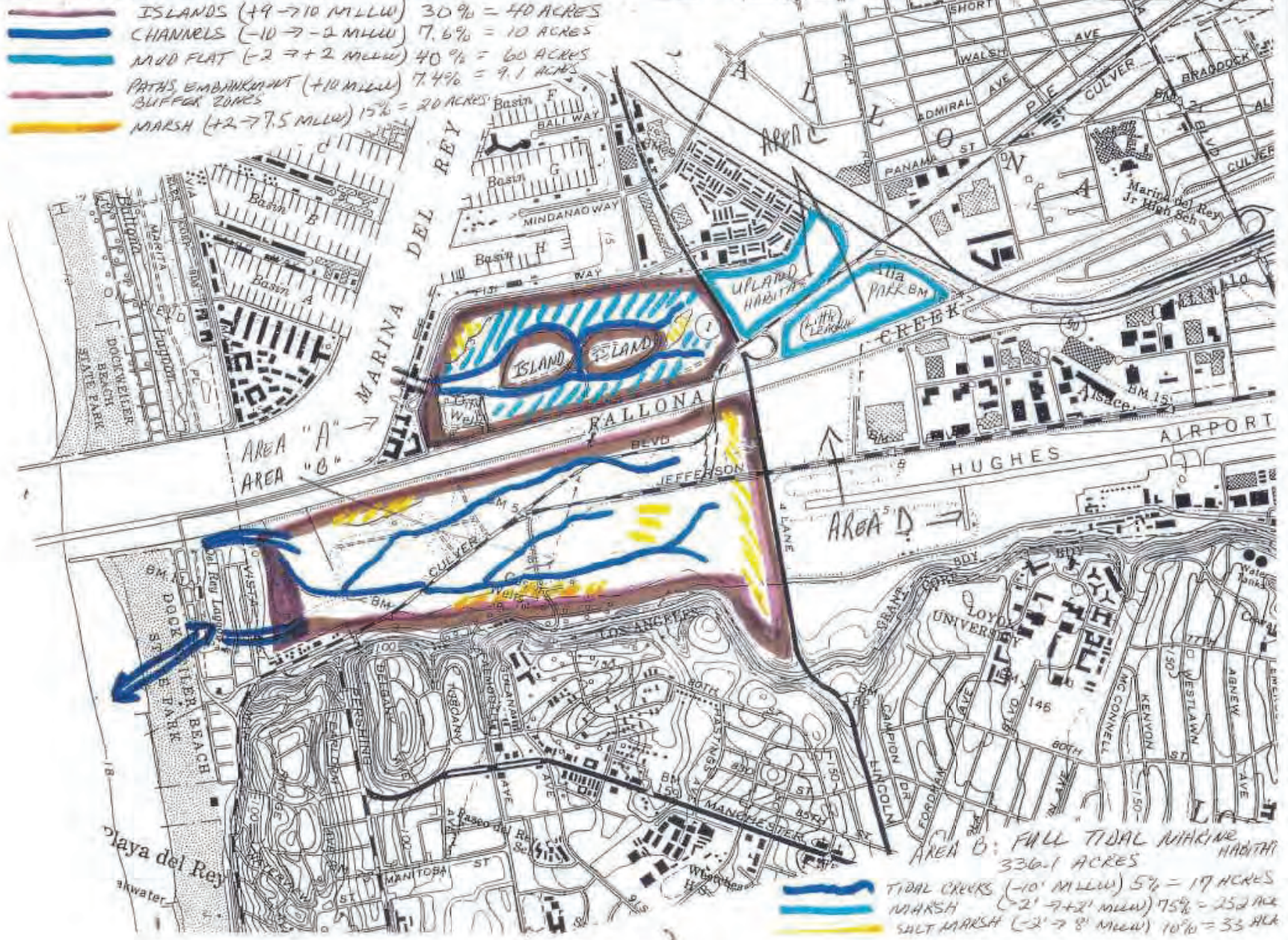
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AREA A: BIRD HABITAT 139.1 ACRES

- ISLANDS (+9 → -10 MLLW) 30% = 40 ACRES
- CHANNELS (-10 → -2 MLLW) 17.6% = 10 ACRES
- MUD FLAT (-2 → +2 MLLW) 40% = 60 ACRES
- PATHS, EMBANKMENT (+10 MLLW) 7.4% = 9.1 ACRES
- BLIFFER ZONES
- MARSH (+2 → 7.5 MLLW) 15% = 20 ACRES

DWLT & SBW RESTORATION PLAN

6/95



AREA B: FULL TIDAL WILKING HABITAT 336.1 ACRES

- TIDAL CREEKS (-10' MLLW) 5% = 17 ACRES
- MARSH (-2' → +2' MLLW) 75% = 252 ACRES
- SALT MARSH (-2' → 8' MLLW) 10% = 33 ACRES

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**MEETING OF
THE BOARD OF DIRECTORS OF
THE BAY FOUNDATION**

Date: Wednesday, February 7, 2018
Time: 10am – 12pm
Location: Loyola Marymount University
1 LMU Dr. Los Angeles CA 90045
Life Science Building, Room 331

Agenda:

1. Introductions
2. **Comments From Members of the Public on Items Not on the Agenda and Public Testimony on All Agenda Items**
All public comment on items not on the agenda, informational items on the agenda, or public testimony on any action item will generally be limited to a combined total of no more than four minutes per person. Public testimony regarding action items on the agenda will be considered subsequent to any staff report, briefing, or presentation and the time allocated to public testimony is subject to the discretion of the Chair.
3. Consideration of Approval of Minutes of the November 9, 2017 Board Meeting (**ACTION ITEM**)
4. Legal Update (closed session)
5. Board Member Items
 - a. Consideration of new board member (closed session) (**ACTION ITEM**)
 - b. Term Renewals (**ACTION ITEM**) - Board Commitment Letters
 - c. Officer Elections (**ACTION ITEM**)
 - d. Conflict of Interest Letters
6. Executive Director/Staff Reports
 - a. Administrative Update (Marcelo Villagomez)
 - i. Acceptance of IRS Form 990 for FY17
 - b. Programs/Operations (Tom Ford)
7. Next Meeting: Wednesday, May 2nd 10am – 12pm
8. Adjournment

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bay restoration commission

STEWARDS OF SANTA MONICA BAY



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- Baywire Newsletters
- Santa Monica Bay Restoration Authority
- Watershed Advisory Council
- The Bay Foundation
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- Technical Advisory Committee
- Join Our Mailing List
- Public Records Request

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- [Santa Monica Bay National Estuary Program Orientation Page](#)
- [2015 State of the Bay Report](#)
- [SMBRC Executive Committee Meeting, March 15, 2018](#)
- [SMBRC Technical Advisory Committee Meeting, February 28, 2018](#)
- [SMBRC Governing Board Meeting Agenda, February 15, 2018](#)
- [WAC Meeting - January 17, 2018](#)
- [SMBNEP Semi-Annual Report \(April-Sept 2017\)](#)
- [More Announcements...](#)

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Our Mission:

To restore and enhance Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the Bay's benefits and values.

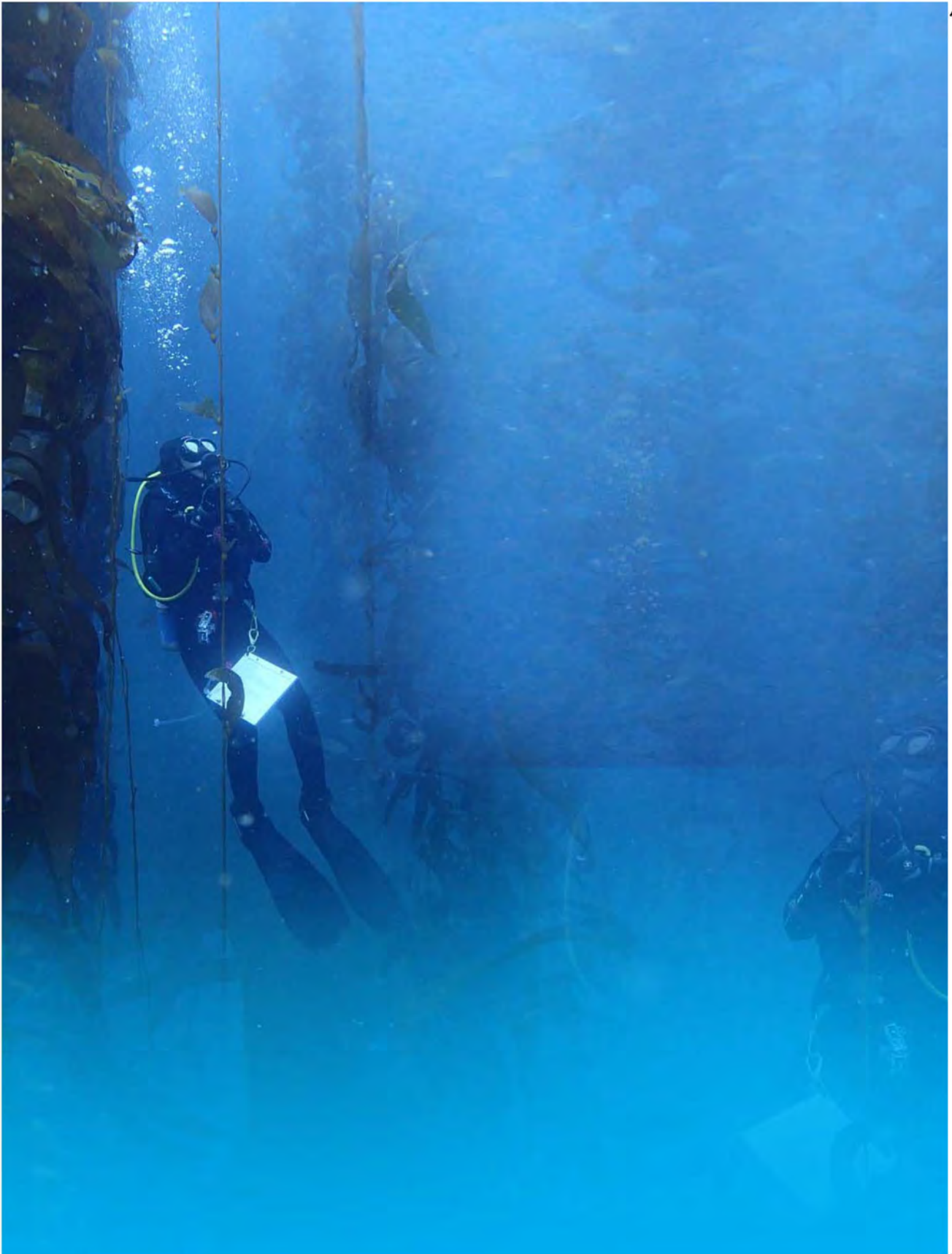
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cont.

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Where are the Sharks?

The Bay Foundation is assisting with California State University Long Beach's Shark Lab, run by Dr. Chris Lowe, by providing them with three new acoustic receivers. The new receivers were placed in the northern part of Santa Monica Bay (Malibu Pier to Zuma Beach) to help inform research and the public about the movements and residency of tagged white sharks within the Bay. So far these receivers have detected one juvenile female white shark in mid-August that was initially tagged off central Baja California. These receivers are also detecting other tagged fish, like a Giant Black Seabass tagged off Catalina Island. The often overlooked shovelnose guitarfish has been detected, too. For more information, check out this recent [Los Angeles Magazine](#) piece.



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cont.

4/2/2018

Santa Monica Bay - The Bay Foundation



Safe Path for Mountain Lions

Humans and animals instinctually know what they consider 'appealing', and move in that direction. With The Bay Foundation's help, creating that appeal is exactly what the Resource Conservation District of the Santa Monica Mountains (RCDSMM), and many project partners, hope to do for mountain lions so they may cross the 101 Freeway safely and easily, meet new mates and avoid the plight of the famed P22.

Since late October, TBF has been overseeing the construction and management of what will be a contiguous connection that will look like a creek and cue the mountain lion to use what is familiar to them as a migration corridor, leading them to the Liberty Canyon Road underpass to cross the 101 freeway safely. This is Phase 1 of "Liberty Canyon Wildlife Passage Improvements Project".

The dry creek bed—which connects to the existing upstream and downstream creeks—is constructed of boulders and cobble river rocks, with 47 different types of native plants on both sides and some in the middle. TBF selected the plants, as well as managed the irrigation (using solely reclaimed water), and planting design. Plants range from oak and walnut trees to two types of willows and four types of sages.

Project founders and partners: RCDSMM, State of CA Wildlife Conservation Board, State of CA 2006 Clean Water Bond Act, National Park Service, MRCA, County of LA, CalTrans, TBF, Las Virgenes Municipal Water District, National Wildlife Federation, and the offices of Sen. Fran Pavley (ret.) and Assemblymember Richard Bloom.



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cont.

Twitter Feed

Octo-walking tall into the start of the week. Happy Monday pic.twitter.com/vlSvMnb20g
About 3 hours ago from [The Bay Foundation's Twitter](#)

On 4/6, visit [@CabrilloAqua](#) for talk on "Surf, Sand, and Silversides: Research and Outreach with California [#Grunion](#)" w. Dr. Karen Martin [@pepperdine](#) RSVP: [apriliscoverylecture.eventbr...](#) [#grunionseason](#) [@AltaSeaOrg](#)
About 5 days ago from [The Bay Foundation's Twitter](#)

Letter I27: Douglas Fay

- I27-1 The identification of LACFCD as a “project proponent” in the NOA and Draft EIS/EIR was an error. LACFCD’s correct role as a Responsible Agency, and not as a Project Proponent, has been clarified in Final EIR Section 3.1.1, *Executive Summary*. See Response AL7. The Project does not have a “local lead agency.” As described in Draft EIS/EIR Section ES.2.2 and Section 1.4.1, CDFW is the Lead Agency for purposes of CEQA and the Corps is the Lead Agency for purposes of NEPA. The LACFCD was not listed as a preparer or contributor to the Draft EIS/EIR because they did not participate in the drafting process of the EIS/EIR.
- I27-2 The NOA is a CEQA-specific notification that was issued for this Project by the CEQA Lead Agency. Regardless of the specific context (NEPA or CEQA) in which they were submitted, all comments received (whether directed to the Corps or CDFW) have been considered in this Final EIR.
- I27-3 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a “freshwater alternative.” See also General Response 3, *Alternatives* (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 in the EIR. The Project and Alternatives 2 and 3 all are restoration projects. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.” The enhancement of freshwater conditions would occur as described in Draft EIS/EIR Chapter 2, *Description of Alternatives*. Without a more specific question, CDFW does not have enough information to provide a more detailed response in this regard. The commenter’s agreement with the Draft EIS/EIR statement that a restored, high-functioning wetland also would benefit the adjacent marine environment and enhance the quality of tidal waters is acknowledged.
- I27-4 Draft EIS/EIR Section 1.8.5 describes the analytical baseline relied upon as the point of comparison to identify the Project-caused change in the human and physical environment. Consistent with NEPA, the baseline for purposes of the EIS is not bound by statute to a “flat” or “no growth” scenario and may propose construction and operational impacts that do not require Federal action or approval (see Section 1.8.5.1). Consistent with CEQA, the baseline for purposes of the EIR consists of the actual physical conditions as they existed at the time the NOP was issued (here, July 2012) (see Draft EIS/EIR Section 1.8.5.2). These conditions are described on a resource by resource basis throughout the Draft EIS/EIR under the heading “Affected Environment.”
- Setting the baseline for occurs independent of other ongoing activities, such as the cleanup of impaired waters under existing TMDL requirements. For purposes of setting the baseline, the then-current status of the cleanup effort or level of impairment is the actual physical condition at that time, and so is the correct CEQA



- baseline. There is no requirement that any proposal wait for cleanup to be accomplished before agency consideration of the Project may proceed.
- I27-5 Receipt of the commenter’s input is acknowledged. See Response I27-159.
- I27-6 Key definitions and acronyms are provided in the section “Key Definitions and Acronyms.” A more complete list of definitions and acronyms are provided in Draft EIS/EIR Appendix J. The term “Ecological Reserve” is defined by State law – what is (and is not) allowed in an ecological reserve also is governed by State law. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.” What constitutes “noise” for purposes of the analysis is described in Draft EIS/EIR Section 3.10.2.2. The other terms identified in the comment do not have any special Project-specific meaning in the EIS/EIR. This was true at the time of scoping and remains so following issuance of the Draft EIS/EIR. Moreover, the comment does not provide any information as to how its inquiry into the other terms bears on the adequacy or accuracy of the EIR.
- I27-7 As noted in materials accompanying this and other comment letters, Public Law 780 established Marina del Rey in 1954 via Congressional House Document 389. The Draft EIS/EIR analyzes the potential environmental consequences of implementing the Project or alternatives, including changes to the human and physical environment in the area described in Public Law 780, relative to existing (baseline) conditions. CEQA does not require the EIR to analyze the impacts on the historical ecosystem by the Federal project documented in US Public Law 780 (i.e., the establishment of Marina del Rey and other public works described therein).
- I27-8 The 1994 resolution requesting that the Corps determine whether modifications to the recommendations made in Public Law 780 via House Document 389 provides no information about whether the EIR is accurate or adequate under CEQA. Whether or not the Secretary of the Army reviewed the report, made a determination, or took other action in its regard is beyond the scope of the environmental review process for this Project.
- I27-9 The commenter’s opinions regarding House Document No. 389 are acknowledged. However, they do not address the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

No decisions will be made by any agency until after the environmental review process is complete. The NEPA process will be complete if and when the Corps signed a Record of Decision. The CEQA process will be complete for purposes of CDFW if and when CDFW certifies the EIR. Trustee and Responsible Agencies must make their own findings on the EIR before relying on it for CEQA purposes. No specific outcome is “predetermined.” Los Angeles County representatives have not “lobbied” the Corps regarding this Project. County agencies have provided input on the environmental review process. See Draft EIS/EIR Appendix A, *Scoping Report*, and Appendix L, which identifies all who submitted comments on the Draft EIS/EIR.



- For comments submitted by and responses provided to local agencies, see Final EIR Section 2.3.3.
- I27-10 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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 in the Draft EIS/EIR as well as Final EIR Section 2.2.3.2, which addresses multiple questions about the range of alternatives analyzed.
- I27-11 As described in Draft EIS/EIR Section 2.2.1.2, *Flood Risk and Stormwater Management*, “The flood risk and stormwater management elements of the action alternatives would allow for habitat restoration while maintaining or improving existing flood risk and stormwater management.” Improvements and modifications to flood risk and stormwater management under the restoration alternatives may include modifications to LACDA project structures within the Project Site by removing all or portions of existing levees and the concrete-lined channel in favor of constructing new flood risk management levees, restoring the wetland floodplain, and constructing new water-control structures (such as culverts, weirs, and tide gates). Therefore, alterations to existing flood risk management features would allow for ecosystem restoration within the Project Site while updating flood risk management features to ensure that the functionality of LACDA flood risk management features.
- I27-12 The proposed restoration activities include flood management measures including new levees and the creation of a wider channel and floodplain system to increase horizontal flood capacity, allowing waters to spread out over the restored wetland floodplain within the Project Site. As a result, the flood protection would be maintained to current capacity, or increase, under the Project and Alternatives 2 and 3. Hydraulic modeling, as described in Draft EIS/EIR Section 3.9.5, *Methodology*, was used to evaluate the water elevations under flood conditions. The analysis of potential flooding risks was considered and analyzed in Section 3.9.6, *Direct and Indirect Impacts* (which concludes that the Project would not increase the flood risks at the site), and in Section 3.9.7, *Cumulative Impacts*.
- I27-13 The stated belief that the description for Alternative 4 is ambiguous and misleading is acknowledged as the commenter’s opinion. However, without more information about what part of the description is ambiguous and misleading, CDFW does not have enough information to provide a more detailed response.
- I27-14 The method of solarizing described by the commenter is not proposed as a method for removal of nonnative vegetation. See Draft EIS/EIR Section 2.2.2.5, *Nonnative Plant Material Treatment*, which describes nonnative plant removal methods that would be used to implement the proposed restoration.
- I27-15 See Response I27-14, which discusses this nonnative plant removal method.



- I27-16 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- I27-17 Volunteer restoration efforts would continue as they currently do under Alternative 4, No Action/No Project Alternative. None of the restoration alternatives propose to train volunteers.
- I27-18 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.
- I27-19 See Response I27-4. The analytical baseline was established at the beginning of the environmental review process.
- I27-20 Draft EIS/EIR Section ES.5 was developed “based on input received from agencies, members of the public and others” and describes “general areas of controversy related to the Project,” specifically including “Alternatives.”

The CEQA process is concerned with the impacts of the Project on the environment, not the impacts of County fireworks or the drains on the environment. As discussed in General Response 4, *Drains* (Final EIR Section 2.2.4), the drains are considered in the EIR as part of the baseline condition.

Information about the governance of ecological reserves is established as a matter of State law and is not an area of controversy for in the context of the Project.

Draft EIS/EIR Section ES.5 identifies biological resources, cultural resources, recreation, water resources, parking, and public safety as areas of potential controversy. The issue of homelessness as it affects the Project Site is being addressed under existing (baseline) conditions and will continue to be addressed regardless of which alternative is selected. See Section 2.2.2.7 under the subheading “Current and Ongoing Law Enforcement Activities.”

Regarding House Document 389 and related materials, see Response I27-7 and I27-8. Historical documentation and data are discussed in the Draft EIS/EIR where they reasonably inform the analysis of potential environmental consequences of the Project. The EIR is not intended to be a comprehensive historical treatise on the Ballona Wetlands, but rather is intended to reasonably inform decision-makers and members of the public about the potential adverse impacts and beneficial effects that would result if the Project or an alternative were approved and implemented. Where documents would not further the purposes of evaluating the environmental impacts of the proposed restoration, they are not discussed in the EIR. This is true, for example, with respect to the Draft 1995 Ballona Wetlands Restoration Plan. The Preliminary Design Report that is relevant to the analysis in the Draft EIS/EIR is the one included in Appendix B1, not the one from 1995.

The stated concerns about the impacts of bio-acoustic noise, wireless communication systems, and above-ground utilities, on wildlife are acknowledged. Concerns about the County's tree trimming in Marina del Rey, governmental corruption, scientific and agency integrity also are acknowledged, as well as any other question not directly addressed in this response. However, without some information about these concerns (including about how implementation of the proposed restoration could cause an impact in either respect), CDFW does not have sufficient information to provide a more detailed response.

None of the alternatives analyzed in the EIR proposes to remove and/or not approve Federal, State and Local designations to protect cultural resources, wildlife and quality of life for existing residents. Because none of the alternatives would contribute any incremental impact perceived in connection with the loss of such designations, none could cause or contribute to any associated cumulative impact.

See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), regarding CDFW's decision not to further extend the comment period beyond 133 days.

- I27-21 The suggestion that documents submitted question the integrity of individuals and agencies involved in this process is acknowledged as the commenter's opinion. However, this comment is unsupported by facts, reasonable assumptions based on facts, or expert opinion supported by facts and does not provide sufficient information to allow CDFW to provide a detailed response.
- I27-22 The commenter's concerns regarding potential funding sources and who within which agencies has information about funding, are acknowledged and are 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, these concerns may be considered as part of CDFW's overall decision-making process rather than specifically as part of the CEQA process. See Final EIR Section 2.1.1, *Input Received*.
- Neither the SMBRC nor The Bay Foundation is a Lead Agency on this EIS/EIR. The commenter's communications with either entity about the Santa Monica Bay restoration do not address the adequacy or accuracy of the EIR for this Project.
- I27-23 None of the preparers of, or contributors to, the Draft EIS/EIR lied, forged, or altered documents relating to the preparation of the Draft EIS/EIR.
- I27-24 Neither the Southern California Coastal Water Research Project (SCCWRP) nor Willard Bascom prepared any part of the Draft EIS/EIR. See Draft EIS/EIR Chapter 5, *List of Preparers and Contributors*. Without more information about the concern, CDFW does not have enough information to provide a more detailed response.



- I27-25 Neither the SMBRC nor The Bay Foundation is a Lead Agency for purposes of this EIR. The commenter's communications with either entity about Dr. Fay's collection do not address the adequacy or accuracy of the EIR.
- I27-26 LMU is not a Lead Agency, a permittee, or a Project proponent for purposes of this EIR. The commenter's perspectives 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*.
- I27-27 The commenter's opinion about a statement made in an email by a former City Councilmember who is unrelated in any way to CDFW's preparation of the EIR or to the Project does not address the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-28 The commenter's religious beliefs are acknowledged. The purpose and need for the Project and the Project objectives are set forth in Draft EIS/EIR Section ES.3 and Section 1.1. The topic of the separation of Church and State is beyond the scope of the EIR.
- I27-29 See Response I27-28.
- I27-30 See Response I27-25.
- I27-31 Concerns regarding sanitation on the Project Site were not identified as a general area of controversy related to the EIR, the Project, or the alternatives prior to the drafting of the Draft EIS/EIR. Therefore, this issue was not included in Draft EIS/EIR Section ES.5.
- I27-32 Observations of plastic in bird excrement and conditions outside the Ballona Reserve relating to sanitation and litter are acknowledged. The stated preference for thoughtful planning of avian protections also is acknowledged. The observations and preferences are now part of the record of information that will be considered as part of CDFW's decision-making process. However, this comment does not bear on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-33 The commenter's concerns about Heal the Bay are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. However, Heal the Bay is not a formal participant in the CEQA process in any capacity other than as a commenting party like the commenter. See Final EIR Section 2.1.1, *Input Received*.
- I27-34 Countywide policies regarding the general quality of life and enforcement of litter laws are beyond the scope of this EIR for the Project. See Response I27-4 regarding the analytical baseline.
- I27-35 See Response I27-33 regarding Heal the Bay.

- I27-36 These statements about synthetic chemical compounds, TMDLs, and BMPs are acknowledged as the commenter's opinions. This comment provides no input about the proposed restoration or the analysis of potential impacts under NEPA and CEQA. See Final EIR Section 2.1.1, *Input Received*.
- I27-37 Concerns regarding upstream wastewater runoff water treatment and recycling were not identified as a general area of controversy related to the EIS/EIR, the Project, or the alternatives prior to the drafting of the Draft EIS/EIR. Therefore, this issue was not included in Draft Section ES.5.
- I27-38 See Response I27-4 regarding the analytical baseline.
- I27-39 The commenter's questions about proposed water management plans for the Greater Los Angeles region are acknowledged but beyond the scope of this analysis.
- I27-40 Concerns related to efforts to reestablish native vegetation and wildlife were not identified as a general area of controversy and so were not included in Draft EIS/EIR Section ES.5. Scoping comments which suggested the reintroduction of wildlife are discussed in Draft EIS/EIR Section 2.3.10.5, *Nesting Platforms, Rookeries, Trees, and Reintroduction of Wildlife*.
- I27-41 The commenter's suggestion about what could be established within the Ballona Reserve, and summary unsupported conclusion about the potential environmental impacts of the suggestion are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. However, the comment provides no facts, reasonable assumptions based on facts, or expert opinion supported by facts, that the Project and range of alternatives are inadequate or insufficient for purposes of CEQA. See Final EIR Section 2.1.1, *Input Received*.
- I27-42 See Response I27-4 regarding the analytical baseline.
- I27-43 The commenter's questions and concerns about the County's and the City's efforts with respect to the Marina del Rey Harbor, and suggestions for a different course of action, are acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR, no more detailed response is provided. See Final EIR Section 2.1.1, *Input Received*.
- I27-44 See Response I27-4 regarding the analytical baseline.
- I27-45 See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received regarding requests for recirculation.
- I27-46 The commenter's belief that the Comparison of Alternatives is "problematic" is acknowledged. However, without more information about the "additional areas of



- potential controversy that may not be known to the Lead Agencies,” CDFW is unable to provide a detailed response.
- I27-47 Existing and proposed views in the area are depicted from key observation points (KOPs), including KOP 1, KOP 3, KOP 4, KOP 6, KOP 7, and KOP 8 (Draft EIS/EIR Figures 3.2-1 through Figure 3.2-16). As shown in visual simulations, expansive views of the Project Site from existing roadways would only be blocked at KOP 7 and KOP 8 along Culver Boulevard. At these two locations, current expansive views of the Project Site would be replaced with views of upland habitat and native vegetation. This impact is disclosed in Draft EIS/EIR Section 3.2.6, *Direct and Indirect Impacts to Aesthetics*. At other locations along existing roadways, expansive views of Ballona Reserve would be preserved.
- I27-48 Contrary to the statement made by the commenter, the proposed berms and levees would provide increased flood risk and storm water management for nearby infrastructure, roadways, and development. See Draft EIS/EIR Section 2.2.2.2, *Alternative 1: Flood Risk and Stormwater Management*, which describes the flood risk management features of the Project, which includes berms and levees. See also Draft EIS/EIR Section 3.8.6, which analyzes in the context of Impact 1-HAZ-6 potential interference with a designated tsunami evacuation route. The analysis concludes that four of the proposed activities could affect, but would not impair the implementation of or physically interfere with, an adopted emergency response plan or emergency evacuation plan by requiring temporary road closures, traffic lane restrictions, or interruptions for truck crossings. With the implementation of mitigation, a less-than-significant impact would result.
- I27-49 Alternative 8 (Large Area Tidal Wetland Restoration and Subtidal Basin), Alternative 9 (Realignment of Ballona Creek Including Relocation or Raising of Key Roads), and Alternative 10 (Alternative 10: Manipulated Wetlands Alternatives) each specifically consider raising and otherwise manipulating existing roads: Culver Boulevard, Jefferson Boulevard, and SoCalGas access roads. As described and shown in Draft EIS/EIR Table 2-30, each of these alternatives was screened out from further consideration because it did not meet the screening criteria. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses alternatives that were initially considered, but not carried forward for more detailed review.
- I27-50 No air quality standards specifically for the protection of species within ecological reserves exist and there is no obligation under CEQA to develop some before evaluating the potential impacts of the Project. In Draft EIS/EIR Section 3.3, *Air Quality*, determinations of significance are based on context and intensity and the relevant consideration identified in CEQA Guidelines Appendix G, Section III. The comment provides no facts, reasonable assumptions based on facts, or expert opinion supported by facts that would support a conclusion that reliance on these metrics violates CEQA or that there exists a potential significant effect on wildlife related to air quality.



- I27-51 The commenter’s opinions about the Malibu and Oxford Lagoon projects are acknowledged. Cumulative impacts to biological resources are analyzed in Draft EIS/EIR Section 3.4.7. This comment does not provide any information about the perceived merits of the analysis. See Final EIR Section 2.1.1, *Input Received*.
- I27-52 The commenter’s concerns about other projects are acknowledged but beyond the scope of the environmental analysis for this EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-53 This comment about the photo taken at the Oxford Basin is acknowledged. However, comments about the Oxford Lagoon do not address the adequacy or accuracy of the EIR analyzing impacts of the Project. See Final EIR Section 2.1.1, *Input Received*.
- I27-54 See Response I27-53.
- I27-55 See Response I27-53.
- I27-56 See Response I27-53.
- I27-57 General concerns about the historical Ballona Wetlands are acknowledged; see General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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 in the EIS/EIR. See Response I27-4 regarding the analytical baseline. For the same reasons that it would not be appropriate under CEQA to select as a baseline at some uncertain point in the future when the area’s waterways are clean, it also would not be proper to choose some unspecified point in history as the point of analytical comparison.
- The lack of ecological reserve–specific policies is not a deficiency in the EIR. The significance of potential impacts is evaluated for NEPA in terms of context and intensity, where “context” is the geographic, biophysical, and social context in which the effects will occur and “intensity” refers to the severity of the impact, in whatever context(s) it occurs. For CEQA, the significance of potential impacts is evaluated relative to established thresholds. Neither NEPA nor CEQA requires the level of specificity the comment suggests is required. Moreover, the comment does not provide sufficient facts, data, or other information for CDFW to identify or to respond to any perceived deficiency in the thresholds of significance used in the EIR.
- I27-58 The commenter’s concern regarding the adjacent Playa Vista project’s treatment of Native American resources is acknowledged. However, this comment does not address the adequacy or accuracy of the EIR. To see responses provided to comments received regarding Native American concerns, see Final EIR Section 2.3.4.



- I27-59 These excerpts are acknowledged, but do not comprise a comment on the adequacy or accuracy of the EIR. See Draft EIS/EIR Section 3.5.3, *Applicable Laws, Regulations, Plans, and Standards*, where applicable laws, regulations, policies, and standards related to cultural and tribal resources are discussed.
- I27-60 The commenter’s inquiry regarding the ownership history of land within the Ballona Reserve is acknowledged but does not address the adequacy or accuracy of the EIR. The preference for cultural resource protections in perpetuity are acknowledged; however, the comment does not address the adequacy or accuracy of the EIR, including Draft EIS/EIR Section 3.5, *Cultural Resources*, which describes the affected environment and analyzes potential impacts to cultural resources of each of the alternatives.
- I27-61 Neither NEPA nor CEQA nor any of the permitting regimes that the Lead Agencies are aware of requires a “clear and convincing” showing of anything before approval may be granted.
- I27-62 See Response I27-57, which explains why the lack of ecological reserve-specific policies is not a deficiency in the EIR. As disclosed in Draft EIS/EIR Section 3.5, *Cultural Resources*, Mitigation Measures CR-1 through CR-7 are recommended to avoid or minimize identified impacts.
- I27-63 See General Response 4, *Drains* (Final EIR Section 2.2.4), regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives.
- I27-64 The commenter’s personal experience with and opinions regarding natural disasters are acknowledged but do not address the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-65 Potential impacts to wildlife are analyzed in Section 3.4, *Biological Resources*, including in Draft EIS/EIR Section 3.4.6, *Direct and Indirect Impacts*, and in Section 3.7, *Cumulative Impacts*. See Response I19-10 regarding the Draft EIS/EIR’s analysis of potential impacts on human health. Although natural gas is stored within the Ballona Reserve under existing (baseline) conditions, the Project does not propose to store natural gas as part of any restoration efforts. See also 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. Without some information about why the commenter believes the effects of dewatering have not been adequately analyzed or why potential impacts may be greater than described, CDFW does not have enough information to provide a response.
- I27-66 The potential for a tsunami to result in adverse effects is addressed in the Draft EIS/EIR in the context of Impact 1-WQ-5. As stated, “the Project design includes levees that are higher than the existing levees along the creek. This would provide improved flood protection at the site in the case of a tsunami.” Contrary to the



- suggestion in this comment, the Project is expected to provide increased protection from a future tsunami event relative to existing conditions. Potential impacts relating to tsunami, earthquake, and flooding are analyzed in Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*; potential impacts relating to tsunami evacuation routes are analyzed in Section 3.8, *Hazards and Hazardous Materials*; and potential impacts relating to earthquakes are analyzed in Section 3.6, *Geology, Seismicity, and Soils*.
- I27-67 The fault hazards that are presented in Draft EIS/EIR Section 3.6, *Geology, Seismicity, and Soils*, represent current data from the U.S. Geological Survey, the California Geological Survey, and the independent geotechnical investigation prepared by a licensed geotechnical engineering firm. The seismic hazards present at the Project Site have been documented, and seismic design measures would be required of all proposed improvements in accordance with the most recent building code requirements.
- I27-68 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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 in the Draft EIS/EIR.
- I27-69 The commenter’s assertion that there are “numerous deficiencies in the analysis and alternatives” is acknowledged. However, without some information about the perceived deficiencies regarding Draft EIS/EIR Section 3.6, CDFW is unable to provide a detailed response.
- I27-70 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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. A request for the inclusion of an additional alternative does not demonstrate an inadequacy or deficiency in the analysis of impacts of the alternatives that were evaluated.

The comment provides no facts, data, or other information about the basis for any perceived deficiency regarding the analysis of Impact 1-GHG-1 or Impact 1-GHG-2. The analysis of Impact 1-GHG-1 concludes that the Project would not generate GHG emissions, either directly indirectly, that would have a significant impact on the environment. As discussed in Draft EIS/EIR Section 3.7, *Greenhouse Gas Emissions/Climate Change*, annual direct and indirect GHG emissions generated during restoration and post restoration would be less than the SCAQMD significance threshold of 1,400 MT CO_{2e} per year for non-stationary sources under all proposed alternatives. The analysis of Impact 1-GHG-2 concludes that the Project would cause no impact relating to a conflict with any plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and similarly would not conflict with GreenLA



- or the Los Angeles County Community Climate Action Plan (CCAP). Accordingly, CDFW does not have enough information to provide a more detailed response.
- I27-71 The Federal, State and Local GHG policies and regulations identified in Draft EIS/EIR Section 3.7.3, *Applicable Laws, Regulations, Plans, and Standards*, reflect the governing structure in place current as of the release of the NOP.
- I27-72 The potential impacts of the proposed restoration relating to GHG emissions are analyzed in Draft EIS/EIR Section 3.7. Section 3.7.6, explains that the proposed increase in wetlands post-restoration would increase the Project Site's ability to function as a carbon sink, which would partially offset GHG emissions. This analysis is based on a technical memorandum cited in the Draft EIS/EIR and made available for agency and public review when the Draft EIS/EIR was issued.¹²⁸ This technical memorandum evaluates the potential GHG sequestration as a result of the Project. It concludes that the restoration as proposed in Alternative 1 is expected to prevent 13,100 to 40,300 Metric Tons of CO₂ (minus emissions) from entering the atmosphere by 2100. Because the restoration creates marshes and allows them to transgress upslope with sea-level rise, more carbon biomass aboveground and underground is created and sustained. As sea levels rise, the rate of sequestration would decrease due to the conversion of salt marsh to mudflat, but the carbon would remain sequestered in the soils.
- I27-73 See Response I27-70.
- I27-74 CEQA does not require a lead agency to analyze the impacts of the environment on a project. The California Supreme Court clarified in 2015 that CEQA does not require a lead agency to evaluate the impacts of existing environmental conditions on a proposed project's future users or residents. *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369. The potential for future upstream conditions (to the extent they are known or reasonably can be inferred without speculation) to combine with incremental past and present impacts to cause or contribute to cumulative impacts are analyzed on a resource-by-resource basis throughout Draft EIS/EIR Chapter 3. See, e.g., Section 3.8.7, *Cumulative Impacts relating to Hazards and Hazardous Materials*, and Section 3.9.7, *Cumulative Impacts relating to Hydrology and Water Quality*.
- I27-75 It is not clear whether the stated concern is with respect to SoCalGas Company facilities within the Ballona Reserve or on the seven potential natural gas storage well relocation sites (Sites 1 through 7) proposed within the SoCalGas Property located adjacent to the Ballona Reserve. See Draft EIS/EIR Figure ES-1, Regional Location, and Figure ES-2, Project Site.

¹²⁸ Environmental Science Associates (ESA). 2014. *Ballona Wetlands Restoration Project accounting Analysis of Greenhouse Gas Sequestration and Emissions from Wetlands*. March 24, 2014.



Regardless, contrary to the suggestion in the comment, the Draft EIS/EIR describes and analyzes potential impacts of the proposed restoration in both areas. See, e.g., Section 3.8.2 in Draft EIS/EIR Section 3.8, *Hazards and Hazardous Materials*, under the heading “Onsite Hazardous Materials,” which acknowledges that “the Ballona Reserve has been modified almost entirely from its original natural state by various flood risk management, railroad, oil and gas, and urban development projects that have occurred over the past century. Particularly relevant to this Project, the modifications include three known activities that may have resulted in the use or release of hazardous materials on the Ballona Reserve or on the SoCalGas Property. ...”

The section explains that the western half of the Ballona Reserve is on the eastern part of the SoCalGas Company’s Playa del Rey Storage Field, that gas is stored in the sandstone formation 6,100 feet below ground level, and what activities occur as part of the SoCalGas Company’s ongoing safety and maintenance efforts. The potential for a hazardous materials release to occur from the proposed gas well abandonment/relocation work is analyzed in Section 3.8.6, *Direct and Indirect Impacts*, in the context of Impact 1-HAZ-1 (the Project), Impact 2-HAZ-1 (Alternative 2), and Impact 3-HAZ-1 (Alternative 3).

The comment asks specifically about the Draft EIS/EIR’s discussion of the detection of biogenic gas in four abandoned wells and the subsequent re-abandonment of those wells. That detection and the follow-up actions occurred prior to the initiation of the drafting of the EIS/EIR and are not attributable to the Project or any of the alternatives. None of the alternatives propose to change the mix of chemicals currently handled on the Project Site. Neither the existence of the natural gas storage well field within the Ballona Reserve, nor the SoCalGas Company’s ongoing operation and maintenance of those wells, nor the company’s existing authority to decommission and abandon wells on the Project Site would change as a result of the Project: whether or not restoration is approved under any of the alternatives, wells would continue to exist and to be operated, maintained, decommissioned and abandoned in accordance with the company’s priorities. Because the Project proposes no change in how natural gas would continue to be stored, the Project would cause no change in this respect.

I27-76 The commenter’s perception of deficiencies in the hazards analysis is acknowledged. However, without some information about the perceived deficiencies regarding Draft EIS/EIR Section 3.8, to support the claims, CDFW is unable to provide a detailed response.

I27-77 The commenter’s perception of deficiencies in the analysis of Impacts 1-WQ-1a through 1-WQ-5 is acknowledged. The CEQA process is concerned with the impacts of the Project on the environment, not the impacts of the drains on the environment. As discussed in General Response 4, *Drains* (Final EIR Section 2.2.4), the drains are considered in the Draft EIS/EIR as part of the baseline condition.



- I27-78 The Project involves changes to the surface geomorphology of the site. The changes to the existing levee system and excavated sediment from Area A would alter the hydraulic connection to the ocean which would only have an effect on the shallow groundwater table of the Project area as described in the context of Impact 1-WQ-2 (the Project), Impact 2-WQ-2 (Alternative 2), and Impact 3-WQ-2 (Alternative 3). Underlying deeper water bearing units would not be affected by the proposed changes, but nonetheless are described briefly in Draft EIS/EIR Section 3.9.2.2 under the heading “Groundwater Occurrence and Flow” and “Groundwater Quality.” What any existing groundwater dewatering permit may allow in terms of salt water intrusion into aquifers is beyond the scope of this EIR. See Response AL9-7, which discusses the Basin Plan’s designation of the Santa Monica Basin groundwater basin as “municipal water supply.”
- I27-79 Climate and atmospheric conditions are described in Draft EIS/EIR Section 3.3.2.2. No evidence suggests that the proposed restoration could cause an adverse change in the climate or weather patterns. Recent fire- and mudslide-related devastation in the State is acknowledged; however, as analyzed in Draft EIS/EIR Section 3.8.6, *Direct and Indirect Impacts related to Hazards and Hazardous Materials*, the proposed restoration would not materially increase the risk of fire. Further, as analyzed in Section 3.6.6, *Direct and Indirect Impacts related to Geology, Seismicity and Soils*, the Project Site is mostly flat (see, e.g., the analysis of Impact 1-GEO-1d), and so not conducive to a mudslide.
- I27-80 See General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2), which addresses multiple comments received regarding sea-level rise.
- I27-81 Draft EIS/EIR Figure 3.9-2 shows the full extent of the Ballona Creek Watershed, which is the focus of the Project. It is provided to show the context of the site to the entire watershed area and is not meant to show all the watersheds of the region. Draft EIS/EIR Figure 3.9-4 uses FEMA data to depict the flood zone areas in the vicinity of the site.
- I27-82 As noted in Response I27-81, Draft EIS/EIR Figure 3.9-4 was prepared using data from FEMA which is the organization with the expertise and authority to make the best available flood zone maps. The stated disagreement with the FEMA data is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.
- I27-83 Draft EIS/EIR Figure 3.9-5 presents the inundation hazard area from modeling efforts performed by University of Southern California Tsunami Research Center funded through the California Emergency Management Agency (CalEMA). The inundation areas shown are potential outcomes from a combination of tsunami sources and represent the maximum considered tsunami runup from a number of extreme, yet realistic, events. Realignment and restoration of Ballona Creek would expand the floodplain, which, as discussed in Draft EIS/EIR Section 3.9, *Hazards and*



- Hazardous Materials*, could increase off-site flooding for upstream and downstream areas during storm events absent other measures. However, the hydraulic modeling indicates that with implementation of all the proposed improvements including the new levees, the Project would actually decrease flood water levels upstream of the site.
- I27-84 The completion of the TMDL is beyond the scope of the Project. Reporting of the publicized anticipated completion date of the TMDL is the best information available from the Regional Water Quality Control Board. The water quality of Ballona Creek that enters the site is already flowing through the site and will continue whether the Project is approved or not. See also General Response 6, *Hydrology and Water Quality, TMDL* (Final EIR Section 2.2.6.1). Additionally, see analysis related to Impact 1-WQ-1b in Draft EIS/EIR Section 3.9.6.1, which contemplates potential impacts related to reconnecting Ballona Creek to the floodplain.
- I27-85 The analysis of water and sediment quality in Draft EIS/EIR Section 3.9 is supplemented by the content of Draft EIS/EIR Appendices F5 and F6. Restoration-specific criteria are not available in the region for sediment contamination, and while the SFRWQCB (2000) criteria were developed for the San Francisco Bay, they are still useful at Ballona in understanding the areas where sediment might need to be used for one purpose or another. The commenter suggests no alternative or preferred criteria. Additionally, Mitigation Measure WQ-1a-I, Monitoring and Adaptive Management Plan, is included to determine if impairment conditions exist and to provide protocols for any further measures to reduce the impacts to sediment to below the SQOs and fish tissue targets. Without more information about the commenter's concerns, CDFW does not have enough information to provide a more detailed response.
- I27-86 The description of water quality of Marina del Rey in Draft EIS/EIR Section 3.9, *Hazards and Hazardous Materials*, was included to provide relevant information about the areas surrounding the Project Site. The use of the 2004 sampling data was the best available information to provide the general understanding of water quality in this area outside of the Project area. The comment identifies no other, more current source of information and the question alone does not suggest an inadequacy or inaccuracy in the materials relied on, or in the conclusions reached in the EIR.
- I27-87 See Draft EIS/EIR Section 3.9.3.1, which discusses the 303(d) listing for Ballona Creek. Oxford Basin and the Thatcher Maintenance Yard are outside the Project Site (Draft EIS/EIR Figure ES-2) and are not expected to be impacted by any of the restoration alternatives.

Draft EIS/EIR Appendix F1 presents the sediment budget analysis. The contribution of wind movement of sand is expected to be small compared to the contribution from waves, currents, and storm events. The contribution of Marina del Rey to the sediment budget is also expected to be minor since the watershed draining the marina



- is highly developed and no major waterway is connected to the marina. CDFW is not aware of, nor received, any information indicating that additional sediment inputs from in-water hull cleaning in the marina, Oxford Basin, and the Hyperion Treatment Plant would have any measurable effect.
- I27-88 See General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2), which addresses multiple comments received regarding sea-level rise, including regarding the intrusion of sea water into coastal aquifers and freshwater habitats, the loss of organic material due to land subsidence, and the loss of tidal exchange in Area B under sea-level rise conditions. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I27-89 The discussion of Groundwater Occurrence and Flow is found in Draft EIS/EIR Section 3.9.2.2 under the heading “Groundwater Occurrence and Flow.” The information provided in the setting section was determined to provide the appropriate amount of detail for the baseline condition context considering that the Project would not substantially affect groundwater. The geomorphic changes associated with the Project would not include any groundwater extraction and would only affect the near surface unconfined aquifer. CDFW declines to provide the requested additional data because it would not alter the analysis of impacts or conclusions reached regarding the underlying aquifers. Moreover, other than mere allegations of inadequacy, the comment does not provide any facts, reasonable assumptions based on facts, or expert opinion supported by facts, for CDFW to respond to.
- I27-90 There are no “current potential conflicts” of any of the restoration alternatives to be described with respect to the Porter-Cologne Water Quality Control Act or its implementing regulations. Without more information for the basis underlying the allegation there is a conflict, CDFW is not able to provide a more detailed response.
- I27-91 The commenter’s suggestion that information in the setting regarding groundwater recharge be edited to say that recharge “historically occurred” would not be more accurate. Recharge to the Santa Monica Basin currently occurs by infiltration of precipitation and runoff. Therefore, altering this statement to suggest that it only occurred historically would be inaccurate and misleading. CDFW declines to do so.
- I27-92 An analysis of the current recharge capabilities and management practices beyond the description provided in the environmental setting in Draft EIS/EIR Section 3.9.2, *Affected Environment*, is beyond the scope of this EIR. The EIR analyzes the potential environmental consequences of the Project on the environment, not, as requested in the comment, the impacts of current practices and activities.
- I27-93 The comment accurately notes that Draft EIS/EIR Section 3.9.2.2 identifies 19 production wells in the Santa Monica Basin under the heading “Groundwater

- Occurrence and Flow.” There are no wells in the Coastal subbasin, where the Project Site is located. CDFW declines to provide further discussion of wells outside of the subbasin because that information is outside the scope of this EIR and would not affect the impact analysis or conclusions reached.
- I27-94 The primary purpose of the Project is ecological restoration, which would be consistent with the concept of having a positive estuary condition along the coastline. Current conditions pertinent to the Project are found in the setting sections of Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*, and Section 3.4, *Biological Resources*.
- I27-95 Draft EIS/EIR Figure 3.9-6 shows the boundaries of the groundwater basins in the vicinity of the project area, which is the appropriate method of delineating distinct areas of permeable materials that are bound by impermeable materials such as faults, bedrock units, or the ocean.
- I27-96 The commenter’s opinion about baseline groundwater recharge capabilities is acknowledged. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received regarding the drains present within the Ballona Reserve.
- I27-97 See Response AL9-7, which discusses the Basin Plan’s designation of the Santa Monica Basin groundwater basin as “municipal water supply.” By definition, an estuarine system is composed of bodies of water where freshwater drainages meet the sea. “Estuaries are home to unique plant and animal communities that have adapted to brackish water—a mixture of fresh water draining from the land and salty seawater.”¹²⁹
- I27-98 Water quality plans relevant to the Project Site are described in Draft EIS/EIR Section 3.9.3. The commenter’s opinions about agencies’ protection of water quality and belief that Clean Water Act permits for the Project should be denied are acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it may be considered as part of CDFW’s overall decision-making process rather than specifically as part of the CEQA process.
- I27-99 As described in Draft EIS/EIR Section 3.9.3, the Project would expand the existing floodplain and would require a Conditional Letter of Map Revision (CLOMR) from FEMA to revise the current flood maps. The LACFCD would obtain the CLOMR from FEMA.
- I27-100 The commenter’s opinions about that permits for the Project should be denied and about the desirability of upstream work is acknowledged, but do not address the

¹²⁹ National Oceanic and Atmospheric Administration (NOAA), 2018. “What is an estuary?” Available online: <https://oceanservice.noaa.gov/facts/estuary.html>. June 25, 2018.



- adequacy or accuracy of the EIR. The hydraulics that would occur with implementation of the restoration alternatives were extensively modeled and evaluated. See Draft EIS/EIR Section 3.9.5, *Methodology*, which explains that the modeling indicates that there would not be an increase in potential flooding as more fully detailed in the analysis of Impact 1-WQ-4.
- I27-101 This question about regional water policy and planning is acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it is beyond the scope of the EIR.
- I27-102 The adequacy of the Basin Plan or the objectives contained within that plan and any implementation programs to protect waters of the region outside of what is already discussed in Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*, are outside the scope of the EIR.
- I27-103 See Draft EIS/EIR Section 3.6.3.2 under the heading “NPDES Construction General Permit,” which explains that the permit regulates discharges of pollutants in stormwater associated with construction activity to waters of the U.S. from construction sites that disturb 1 acre or more of land surface, or that are part of a common plan of development or sale that disturbs more than 1 acre of land surface. The General Permit is not project-specific, but rather applies to projects that meet the criteria.
- Draft EIS/EIR Section 3.9.3.3 does say that MS4 requirements apply to the LACFCD. Whether the currently approved Ballona Creek and Estuary TMDL standards are sufficient to protect wildlife are outside the scope of the EIR, which analyzes the impacts of the Project and alternatives on the environment.
- I27-104 CDFW acknowledges, but disagrees with, the commenter’s opinion that the quoted statement is biased. Preparers of the Draft EIS/EIR are identified in Chapter 5. The subject TMDL also uses similarly language as what appears in the Draft EIR/EIR. Without some information as to why the commenter believes the description to be biased, CDFW does not have enough information to provide a detailed response.
- I27-105 Based on CEQA’s requirements about what constitutes a reasonable range of alternatives (which are described in Draft EIS/EIR Section 2.1 and applied in the screening process in Section 2.3), CDFW does not agree that other alternatives should have been considered. However, because reasonable minds may differ, see General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments received regarding alternatives, including requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I27-106 The commenter’s concerns regarding actions at the Marina del Rey Harbor, Hyperion Sewage Treatment Plant, and Ocean Park are acknowledged; however, any ongoing

- impacts of these historical events are reflected in the subsection of each resource section regarding the affected environment and properly are considered in the analysis as part of the baseline condition. CEQA requires no more detailed treatment. Moreover, the comment does not provide details about these events and how the EIR is deficient for not discussing such details.
- I27-107 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.” See Response AL9-5 regarding the TMDL load allocation. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I27-108 The commenter’s perception that hydrology and water quality studies, analysis, policies and protections are deficient, biased, and misleading is acknowledged as an opinion for which no support is provided. Without some information about the reasons for the opinion, CDFW does not have enough information to provide a more detailed response.
- I27-109 CDFW does not propose the use of noise-making devices to scare wildlife from nesting areas. This comment pertains to the Oxford Basin area and does not reflect on the adequacy or accuracy of the EIR for this Project.
- I27-110 It is accurate to say that the State does not have statewide standards for environmental noise for ecological reserves. The creation and adoption of statewide standards for environmental noise is outside of the scope of this analysis, of which focuses on the proposed restoration of the Project Site as described in the various restoration alternatives.
- I27-111 The use of fireworks and other “major recreational events” are not proposed as part of the Project or other restoration alternatives. Therefore, the analysis of the environmental impacts of such events is outside of the scope of this analysis.
- I27-112 Federal, state, and local laws, regulations, plans, and standards related to noise are described in Draft EIS/EIR Section 3.10.3. The lack of statewide standards is not, as suggested in this comment, problematic. To the contrary, relying on existing thresholds, the Draft EIS/EIR concludes that potential significant impacts could occur, and so identifies mitigation measures that would, if implemented, reduce the potential significance below established thresholds. See Draft EIS/EIR Section 3.10.6.1 regarding the Project. (“As both the County’s and the City’s construction-related noise standards would be exceeded, this would be a significant impact. Mitigation Measures NOI-1-i through NOI-1-ix are recommended to ensure that all technically feasible measures would be used to reduce Alternative 1’s noise levels during restoration. With implementation of these mitigation measures, in



- particular Mitigation Measure NOI-1-v, noise levels would be reduced to below local noise standards at the off-site sensitive receptors located within the County and the City’s requirement that all technically feasible measures be used to reduce Alternative 1’s construction equipment noise levels would be satisfied.”) See similar conclusion and mitigation requirements in Draft EIS/EIR Section 3.10.6.2 regarding Alternative 2 and in Section 3.10.6.3 regarding Alternative 3. See also Responses I27-50, I27-57, and I27-62 regarding standards specifically for ecological reserves.
- I27-113 See Draft EIS/EIR Section 3.11.3, *Applicable Laws, Regulations, Plans, and Standards*, which discusses relevant federal, state, and local laws and regulations related to recreational resources. As described in Draft EIS/EIR Section 3.11.3.2, “Regulations governing public use of the Ballona Reserve allow for pedestrian and bicycle use, boating, and fishing in designated areas as identified by the California Department of Fish and Wildlife (14 CCR §630(e), (f), (g)).” Further, “Unless the department [CDFW] determines that restoration or other uses ... is more appropriate, existing recreational uses may be allowed under license agreement with Playa Vista Little League in that portion of Area C identified in the license agreement and existing parking areas may be allowed under leases to the County of Los Angeles” (14 CCR §630(h)).” There are no federal or local regulations pertaining to the designation of recreational uses within ecological reserves.
- I27-114 The Culver Marina Little League Baseball Fields are included on Draft EIS/EIR Figure 3.11-1 as Recreational Facility Number 4. Figure 3.11-1 represents parks and recreational facilities that could be affected by the Project within 0.5 miles of the Project Site at the time of the issuance of the NOP. Playa Vista Park (Park Number 4) is located in Playa Vista. CDFW is not aware of any parks and recreational facilities that were identified as existing, under consideration for approval, or as a reasonably foreseeable probable future project as of the baseline date that were excluded from the analysis.
- I27-115 Existing or proposed recreational uses within the Ballona Reserve include biking and walking. All visitor use within the Ballona Reserve is regulated as a matter of State law. For example, Title 14, Section 630 of the California Code of Regulations states that bicycle riding within the Ballona Reserve is “[a]llowed only on the designated path on the north side of the Ballona Creek flood control channel.” Reserve personnel are charged with enforcing compliance with the law within the Ballona Reserve.
- I27-116 Comments regarding Federal House Document No. 389 and the Oxford Basin are acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR, it is beyond the scope of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-117 The commenter’s suggestions regarding recreational uses and activities within the Ballona Reserve, and opinions about compatibility, are acknowledged and are now

part of the record of information that will be considered as part of CDFW's decision-making process. However, this aspect of the comment does not address the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

The designation of the Ballona Reserve as "Open Space" is a land-use designation adopted by the Westchester–Playa del Rey Community Plan. The language from Policy 5-1.5 to which the commenter objects is also from the Westchester–Playa del Rey Community Plan. CDFW did not draft the language. The language regarding the community plan's land use designation of the Ballona Reserve is included merely to describe local context.

- I27-118 The commenter's disagreement with the analysis and findings presented in Draft EIS/EIR Section 3.11, *Recreation*, is acknowledged. The comment suggests that a mitigation measure in the analysis of potential impacts to Recreation is "problematic." However, because the analysis identified no potential significant impacts no mitigation measures are proposed. Without some information about why the commenter finds the Recreation analysis to be inaccurate or inadequate, CDFW is unable to provide a more detailed response.
- I27-119 The analysis in Draft EIS/EIR Section 3.12, *Transportation and Traffic*, relied on the Traffic Study for the Ballona Wetlands Ecological Reserve Restoration Project that was prepared by Raju Associates in September 2015 and provided in Appendix H. See Draft EIS/EIR Section 1.8.5.2 and Response I27-4, which explain that the baseline relied upon in this EIR is July 2012. CDFW has determined that reliance on the September 2015 traffic study would be appropriate, and no information has been provided that would suggest its use (together with other reference materials cited in the EIR) would lead to inadequate or inaccurate analysis or conclusions.
- Regarding consideration in the analysis of any transportation- or traffic-related changes in the Project Site, area, and region since the traffic study was completed, see Draft EIS/EIR Section 3.12.7, *Cumulative Analysis*, which estimates the Future Year 2023 traffic volumes both with and without the Project using the traffic growth observed in City of Los Angeles' Travel Demand Forecasting Model. Therefore, the projected impacts of area-wide regional growth on the local road network was taken into account in the analysis.
- I27-120 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I27-121 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses alternatives that were initially considered, but not carried forward for more detailed review, including Alternatives 7, 8, and 9 each of which included the relocation or raising of key roads onto levees or a causeway to create an open connection to approximately 20 to 25 acres of enhanced wetlands in south Area B. The commenter's opinions about the potential associated benefits are acknowledged;



- however, none of these potential alternatives passed the screening criteria to be evaluated in detail.
- I27-122 The suggestion to move bike lanes along Fiji Way is acknowledged, but was not evaluated as part of any of the restoration alternatives. This idea can be considered in future actions, but has not been incorporated into the Project.
- I27-123 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I27-124 Although the commenter states that the Draft EIS/EIR contained inadequate analysis, no evidence supporting the opinion was provided, and CDFW is aware of none. In light of the existing analysis, the commenter's belief alone, unsupported by facts, reasonable assumptions based on facts, or expert opinion supported by facts, does not provide sufficient information to allow CDFW to provide a more detailed response.
- I27-125 The commenter's question regarding natural gas supplied by SoCalGas to customers is acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR, it is beyond the scope of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-126 See General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2), regarding the impact of sea-level rise on the Project Site.
- I27-127 Whether renewable energy could replace natural gas used at a specific facility, and whether such replacement could benefit the environment or the economy is beyond the scope of this EIR, which analyzes the potential environmental consequences of the proposed restoration of the Ballona Reserve. As explained in Draft EIS/EIR Section 1.2, "This EIS/EIR refers to the proposed large scale restoration and incidental work necessitated by the proposed restoration activities as the 'Project.'" See also Draft EIS/EIR Section 1.1, *Purpose and Need/Project Objectives*, which relate primarily to the restoration of ecological functions and services within the Ballona Reserve and ensuring there is no reduction to the existing conveyance capacity of LACDA project features that could adversely affect flood risk to the surrounding communities, and Section 2.1.3, which identifies the screening criteria used to establish the range of alternatives analyzed. Any potential alternative that focused on the source of energy needed to operate a coastal power plant would not pass the screening criteria.
- I27-128 The commenter's disagreement with how County Beaches and Harbors may characterize the coastline does not address the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-129 Fish surveys performed within the Project Site and fish species found in the area are discussed in Draft EIS/EIR Section 3.4.2.2, *Environmental Setting*. Whatever the current annual recreational and commercial catch numbers in Santa Monica Bay may



- be relative to any number that may have been provided in House Document No. 389 is beyond the scope of the EIR and does not address the adequacy or accuracy of the analysis of potential impacts of the proposed restoration of the Ballona Reserve. See Final EIR Section 2.1.1, *Input Received*.
- I27-130 The commenter's concerns about water quality in the Santa Monica Bay are acknowledged. However, neither the County's management of waste water treatment facilities nor warnings that were or were not issued to surfers in 2015 address the adequacy or accuracy of the EIR. Any ongoing impacts of past actions are reflected in the description in Draft EIS/EIR Section 3.9.2 of the affected environment for hydrology and water quality. See Final EIR Section 2.1.1, *Input Received*.
- I27-131 The commenter's concerns regarding general wastewater discharge from water treatment plants including the Hyperion Treatment Plant, are acknowledged. As described in Draft EIS/EIR Section 3.13.2.2, "wastewater generated by the restroom facilities on the Culver Marina Little League baseball fields is conveyed via the City's sanitary sewer system to be treated at the HTP." As stated in the analysis of Impact 1-UTIL-1, the existing restroom facilities located at the baseball fields are expected to continue current levels of accessibility and use would remain unchanged by the Project. See also the analysis of Impact 1-UTIL-2 (Alternative 2) and Impact 1-UTIL-3 (Alternative 3). Each of these analyses concludes that a less-than-significant impact would result relating to the potential to result in the construction of new water or wastewater treatment facilities or in the expansion of existing facilities. This comment provides no data, information, or other evidence that the analysis of potential impacts relating to wastewater treatment facilities in the EIR is either inadequate or inaccurate. See Final EIR Section 2.1.1, *Input Received*.
- I27-132 See Response I27-131. The stated preference that only high-quality ocean water be introduced to the estuary is acknowledged, but does not bear on the adequacy or accuracy of the analysis documented in the EIR. The stated concern about the effect of population growth on wastewater treatment capacity also is acknowledged; however, as stated in the analysis of potential growth-inducing impacts in Draft EIS/EIR Section 4.2, "none of the alternatives would result in distributional changes in population and housing in the local area or in the region." Without some indication of how the concerns relate to the Project or its potential environmental consequences, CDFW does not have enough information to provide a more detailed response.
- I27-133 The commenter's suggestion to remove above ground utility lines is acknowledged, but not included in any of the proposed restoration alternatives. Because the alternatives would have no impact in this regard, the EIR has not been revised in response to this comment.
- I27-134 The commenter's concern regarding the sufficiency of analysis of Utilities and Service Systems is acknowledged. However, without more specific information as to



why the commenter believes the analysis to be deficient, a more detailed response is not possible. Regarding the lack of statewide noise standards, see Response I27-112.

- I27-135 As described in Section 3.14.2.2, *Environmental Justice*, under the heading “Minority Population,” according to the Council on Environmental Quality, minority individuals include “members of the following groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.” Disproportionately high and adverse impacts to Native American populations are analyzed in Draft EIS/EIR Section 3.14, *Socioeconomics and Environmental Justice*.

The commenter inquired whether the definition of minority includes wildlife. As demonstrated above, the definition of minority refers to human populations and does not include wildlife. Impacts to wildlife are analyzed in Draft EIS/EIR Section 3.4, *Biological Resources*.

- I27-136 The commenter may participate in the NEPA and CEQA processes for the Project and alternatives as a member of the public, regardless of income or other status. See, e.g., CEQ, 2007.¹³⁰ See also 14 CCR §15201 (“Public participation is an essential part of the CEQA process”); and *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1986) 42 Cal. 3d 929, 936 (noting the “‘privileged position’ that members of the public hold in the CEQA process” as “based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision-making. ...”).

The stated concerns regarding the current state of the Ballona Reserve, perceived absence of democracy, and history of the area’s recreational resources are acknowledged but do not affect the analysis of the potential for the Project and restoration alternatives to result in disproportionately high and adverse impacts to environmental justice communities, or the conclusion reached regarding a need for mitigation measures to prevent disproportionate impacts from occurring. See Draft EIS/EIR Section 3.14, *Socioeconomics and Environmental Justice*.

- I27-137 The commenter’s opinion regarding existing conditions for environmental justice communities within the Project Site is acknowledged. See Final EIR Section 2.1.1, *Input Received*.
- I27-138 The commenter’s general concern regarding the health of the marine environment is acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR, see Final EIR Section 2.1.1, *Input Received*.
- I27-139 The commenter’s concerns regarding diminishment of the quality of life and the increase in the homeless population in the Project area are acknowledged, but do not

¹³⁰ Council on Environmental Quality (CEQ), 2007. A Citizen’s Guide to the NEPA Having Your Voice Heard. Available online: https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf. December 2007.



- address the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-140 The commenter’s general concerns regarding traffic and climate change-related weather events are acknowledged, but do not address the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-141 The commenter’s concern regarding the disturbance of burials at Playa Vista is acknowledged; however, Playa Vista is outside the Project Site. See Draft EIS/EIR Figure ES-2, Project Site. See also Response I15-38 regarding the consideration of Native American and Tribal resources identified or otherwise believed to occur within the Project Site.
- I27-142 The commenter’s dissatisfaction relating to House Document No. 389; preference for affordable recreation; concern and ideas for the Santa Monica Bay; and opposition to Alternatives 1, 2, and 3 in lieu of continued volunteer efforts to restore the Ballona Reserve are acknowledged and are now part of the record of information that will be considered as part of CDFW’s decision-making process. Recreational opportunities within the Ballona Reserve, as would be available under the Project and Alternatives 2 and 3 would be free for the public to enjoy. See Final EIR Section 2.1.1, *Input Received*.
- I27-143 A “statement of overriding considerations” is a feature of state law: CEQA. A statement of overriding considerations is required if, after certifying a final EIR, a CEQA lead agency decides to adopt a project or alternative despite significant impacts to the environment that cannot be avoided via an alternative or the implementation of feasible mitigation measures. No significant unavoidable CEQA impacts have been identified in this EIR; therefore, CEQA would not require the preparation of a statement of overriding considerations for any of the restoration alternatives.
- Draft EIS/EIR Section 3.14.1 discloses a potential significant and unavoidable environmental justice impact under Alternative 2 *for purposes of NEPA only*. As stated in Section 3.14.1m: “The information presented in this section will inform such a statement if and when the Project is approved in the event that a significant unavoidable impact is identified. However, there are no CEQA significance criteria relevant to the discussion of environmental justice impacts addressed in this section. Therefore, the significance criteria provided in Section 3.14.4, below, are relevant to the NEPA analysis only, and impact statements do not identify a significance determination under CEQA.” NEPA does not include a requirement comparable to CEQA’s statement of overriding consideration. Therefore, if the Lead Agencies were to adopt Alternative 2, then neither one would be required to adopt statement of overriding considerations.
- I27-144 See Response I27-143. No statement of overriding considerations would be needed for Alternative 2 or any of the restoration alternatives. Questions regarding potential



- funding sources are acknowledged. However, the comment does not address the adequacy or accuracy of the analysis in the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I27-145 The commenter's unsubstantiated opinion that the analysis and mitigation measures proposed to reduce potential impacts to environmental justice communities are problematic is acknowledged. However, without further input about why the commenter believes this, CDFW does not have enough information to provide a more detailed response.
- I27-146 Energy efficiency and use considerations are analyzed in Draft EIS/EIR Section 4.3. The commenter's belief that the Project and other restoration alternatives would lead to significant energy impacts is acknowledged, but unfounded. Without some information as to why the commenter believes the estimates or analysis are "problematic," CDFW is unable to address the concern in more detail.
- I27-147 See Response I27-146.
- I27-148 The commenter's support for Alternative 4 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*.
- I27-149 As described in Draft EIS/EIR Section 4.4 and in General Response 3, *Alternatives* (Final EIR Section 2.2.3), CDFW preliminarily identified Alternative 2 as the Environmentally Superior Alternative. This determination has been updated in the Final EIR based in part on input and information received from agencies and members of the public in response to requests for input on the Draft EIS/EIR. See Final EIR Section 3.2.6.
- I27-150 The commenter's suggestions for elements that could be included in a new alternative are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. However, they do not bear on the adequacy or accuracy of the existing analysis, or the reasonableness of the range of alternatives analyzed. See Final EIR Section 2.1.1, *Input Received*.
- I27-151 The commenter's summary of the two *National Geographic* articles is acknowledged, as is the commenter's opinion about CDFW's motivation in proposing to restore the Ballona Reserve and preference that the Project and Alternatives 2 and 3 be rejected. Regarding 18 elements (or 18 alternatives) the commenter suggested, see Response I27-150.
- I27-152 The commenter's support for Alternative 4 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*.

- I27-153 For this comment through Comment I27-168, to the extent this and the later attachments to the comment letter are referred to in the main body of the comment letter, CDFW refers the public to that comment response.
- Receipt of the photograph of a great egret is acknowledged. However, because the photo 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*.
- I27-154 Receipt of a June 2011 letter to the California Coastal Commission regarding the Santa Monica Bay is acknowledged. However, it does not address the adequacy or accuracy of the environmental review process for the Project or other restoration alternatives. See Final EIR Section 2.1.1, *Input Received*.
- I27-155 Receipt of the Santa Monica Bay National Estuary Program Fiscal Year 2016 Work Plan is acknowledged. However, because the work plan does not address the adequacy or accuracy of 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*.
- I27-156 Receipt of the Notice of Availability for the Draft EIS/EIR, as revised to correct the Coastal Conservancy's address, is acknowledged. See Final EIR Section 2.1.1, *Input Received*.
- I27-157 Receipt of this copy of a scoping comment letter from Dr. Travis Longcore is acknowledged as a duplicate of the one received and considered in the preparation of the Draft EIS/EIR (see Appendix A). See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."
- I27-158 Receipt of a 1991 letter regarding the *Friends of Ballona Wetlands v. California Coastal Commission* Application for Proposed Freshwater Marsh System is acknowledged. However, the 1991 letter does not address the adequacy or accuracy of the EIR nor inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I27-159 Receipt is acknowledged of this duplicate copy of comments received during the scoping process. These comments were considered in the preparation of the Draft EIS/EIR (see Appendix A). Because the comments are comprised primarily of a series of questions, and it is unclear to CDFW what point is being inferred from the questions, CDFW is unable to provide a more detailed response. Nevertheless, perceived flaws with the 2008 SMBRP, which differs from the Project and restoration alternatives analyzed in the EIR, and the stated preference to proceed with the 2005 process do not address the adequacy or accuracy of CDFW's current CEQA process. See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1), regarding the 2005–2012 Feasibility Study.



The commenter provided scoping input regarding the Project purpose and need, the definition of restoration, the nature and extent of restoration proposed under each restoration alternative, water quality considerations, cultural and tribal cultural values, funding sources, the roles of various agencies in the environmental review process, the range of alternatives considered in the analysis, water quality in Santa Monica Bay, and public involvement. This input was generally addressed in response to earlier comments in this Letter I27, to the extent they bear on the adequacy and accuracy of the environmental analysis. Other scoping input (e.g., about the Oxford Lagoon or artificial reefs, or seeking information about the annual consumption cost of seafood imported and sold within the Santa Monica Bay watershed) is beyond the scope of the analysis. Regarding such comments, See Final EIR Section 2.1.1, *Input Received*. To the extent the comments raised are related to the Proposed Project, see General Response 2: *Proposed Project* (Final EIR Section 2.2.2). To the extent the comments raised questions or concerns related to freshwater and the historical conditions, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (Final EIR Section 2.2.3.2), which addresses multiple comments received regarding the historical accuracy related to the Project and restoration alternatives analyzed in detail in the EIR.

- I27-160 Receipt of this September 1994 Resolution of the U.S. House of Representatives’ Committee of Public Works and Transportation (Docket 2455) is acknowledged. However, because this resolution does not address the adequacy or accuracy of 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*.
- I27-161 Receipt of this May 1954 letter from the Secretary of the Army (U.S. House of Representatives’ Document No. 389) is acknowledged. However, because the letter does not address the adequacy or accuracy of 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*.
- I27-162 Receipt of this copy of Public Law 780 is acknowledged. However, because the law does not address the adequacy or accuracy of 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*.
- I27-163 Receipt of the Santa Monica Bay National Estuary Program’s State of the Bay 2015 Five-Year Report, assessing Santa Monica Bay Habitat Improvements and identifying priority areas for restoration work, is acknowledged. However, because this report does not address the adequacy or accuracy of 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*.

- I27-164 Receipt of these political advertisements for Sheila Kuehl is acknowledged. However, because the advertisements do not address the adequacy or accuracy of the EIR, they do not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I27-165 Receipt of the various Ballona Wetlands Restoration Plans are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. After reviewing the documents in the context of the comment letter, CDFW points out that the information they contain have been superseded by the information in Draft EIS/EIR Chapter 2's description of the proposed restoration (including supporting technical appendices). As a result, these prior restoration plans do not appear to address the adequacy or accuracy of the EIR nor do they inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I27-166 Receipt of the February 7, 2018, agenda for a meeting of The Bay Foundation is acknowledged. Because the agenda does not mention the proposed restoration, the Ballona Reserve, or the EIR, the agenda does not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I27-167 Receipt of an April 2, 2018, screenshot of a Santa Monica Bay Restoration Commission webpage is acknowledged. Because the page does not mention the 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*.
- I27-168 Receipt of April 2, 2018, screenshots from The Bay Foundation's website is acknowledged. Although the website includes a link called "Ballona Wetlands Ecological Reserve," it provides limited information about the Reserve, and no information about the proposed restoration, or the EIR, and so does not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.

Comment Letter I28

From: [Barbara Filet](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#); [daniel.p.swenson@usace.army.mil](#); [Samuel.Liu@sen.ca.gov](#); [lauren.pizermain@sen.ca.gov](#); [allison.towle@sen.ca.gov](#); [councilmember.bonin@lacity.org](#); [David.Grahamcaso@lacity.org](#); [Anna.Kozma@lacity.org](#); [Brandon.Stansell@asm.ca.gov](#); [chris_barwick@feinstein.senate.gov](#); [Peter_Muller@feinstein.senate.gov](#); [jrivers@lacasos.ca.gov](#); [jwilson@bos.lacounty.gov](#); [Joey.Apodaca@mail.house.gov](#); [nicolas.rodriguez@mail.house.gov](#); [KKatona@bos.lacounty.gov](#); [FRamirez@bos.lacounty.gov](#); [mpestrel@ladpw.org](#); [SM Spoke](#)
Subject: Ballona Restoration DEIR/S Comments: how this proposed plan blocks access for commuter and recreational bicyclists
Date: Sunday, February 4, 2018 9:59:27 PM

February 4, 2018

Ballona Restoration DEIR/S Comments: how this proposed plan blocks access for commuter and recreational bicyclists to scarce regional Class 1 paths and the beach.

From Barbara Filet, Steering Committee, Santa Monica Spoke. Member, Los Angeles County Bicycle Association.

Sent Via E-mail to: BWERcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

Dear Mr. Brody and Mr. Swenson:

My comments are confined to how the proposed plan negatively affects commuter and recreational cyclists using two of the region's finest off-road Class 1 cycle paths: the Marvin Braude Bike Trail and the Ballona Creek Bike Path. Many cyclists use both regional paths for work, shopping or school trips. Both paths offer regional active recreation as well and connect residents and visitors to the beach. Within the restoration area I support a public access system which provides separate bicycle and walk trails as proposed by Friends of the Ballona Wetlands.

I 128-1
I 128-2

Even the construction phase of this plan will block beach access to users of the Ballona Creek Bike Path, and interrupt its direct connection to the Braude Trail.

I 128-3

This can be cured by a detour and a new park entry point. This detour if made permanent would be an ongoing benefit to cyclists given that redundancy provides resiliency. Before construction starts, this two-way detour must be provided from Ballona Creek along the west side of Lincoln Boulevard to Fiji and then west to Admiralty Way. At the intersection of Fiji and Admiralty way, the cyclists could join the Marvin Braude Trail and head north to Venice or south to the beach with the help of the existing traffic signal. Most commuter cyclists will not want to meander through a nature preserve if their goal is to get to work as quickly as possible.

I 128-4

An off-road, two-way path along Lincoln and Fiji would be equivalent to the off-road creek path, and has been on a regional bicyclist to-do list for many years. This is the time to build it, as riding into traffic on this stretch of Lincoln Boulevard is daunting to even daring and experienced cyclists. Let's not endanger cyclists by dumping them onto Lincoln Boulevard from the Ballona Creek.

I 128-5

In the Netherlands, safe cyclist detours around construction areas are always provided and clearly indicated with bollards or other barriers and signage as necessary and we deserve the same on this important route.

I 128-6

There should be a new permanent entry for cyclists created to the restoration area aligned with the intersection of Admiralty Way and Fiji Way. Perhaps you can relocate one of the other entries.

I 128-7

Only if this permanent new entry to the reserve and the temporary and new bike path is built will this plan offer an improvement to the regional bicycle network, by eliminating a long, circuitous detour on the jetty. Otherwise, it will unreasonably lengthen the commutes for those who rely on this bike network and may increase car trips.

I 128-8

Even if there is not enough funding immediately or ever for a bike bridge across the channel near Culver Boulevard, the new path north along Lincoln and intersection crossing at Admiralty and Fuji will aid south-bound bike travelers.

I 128-9

I am assuming that the bike facilities along Culver and Jefferson on the drawings will be off-road and have sufficient separation from auto exhaust fumes. They should be off-road to substitute for what you are taking away from cyclists: creek-side bike facilities separated from auto traffic. I can't tell if the bike bridge is on Culver Boulevard or apart from it. It must be separated from traffic.

I 128-10

I am looking forward to how an entrance to the restoration area at the Admiralty Way and Fuji Way intersection and a detour on Lincoln Boulevard can improve the regional bicycle network as part of this worthwhile restoration project.

I 128-11

Barbara Filet

Comment Letter I28

Steering Committee, Santa Monica Spoke. Member, Los Angeles County Bicycle Coalition.

cc:

Senator Ben Allen

Samuel Liu, Deputy Chief of Staff Samuel.Liu@sen.ca.gov

Lauren Pizer Mains, District Representative lauren.pizermains@sen.ca.gov

Allison Towle, District Representative allison.towle@sen.ca.gov

Councilman Mike Bonin councilmember.bonin@lacity.org

David Graham-Caso, Deputy Chief of Staff David.Grahamcaso@lacity.org

Anna Kozma, Field Deputy Anna.Kozma@lacity.org

Assemblywoman Autumn Burke

Brandon Stansell: Field Representative Brandon.Stansell@asm.ca.gov

Senator Dianne Feinstein

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Congressman Ted Lieu

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Cynthia.Rose.SantaMonicaSpoke.sm-spoke-steering-committee@googlegroups.com

DEIR here: <https://www.wildlife.ca.gov/Regions/5/Ballona-EIR>



Letter I28: Barbara Filet

- I28-1 The commenter’s opinion that the proposed restoration could have a negative impact on commuter and recreational cyclists’ use of the Marvin Braude Bike Trail and the Ballona Creek Bike Path is acknowledged, but unsubstantiated. Without some input as to the reason for the opinion, CDFW does not have enough information to provide a detailed response. Generally, however, see Draft EIS/EIR Section 3.11.2.2, which describes the affected environment for purposes of the analysis of potential impacts to recreation, including these trails, and Section 3.11.6, which explains that each of the restoration alternatives would provide public access to the shoreline and the Marvin Braude Bike Trail. See also the analysis of potential impacts to bicycle commuters under Impact 1-TRANS-6 in Draft EIS/EIR Section 3.12.6. As noted in that discussion, “the Ballona Creek Bike Path would remain open during restoration activities. Eventually the path would have two different routes for riders to choose between.” Additionally, changes to the path would add just 0.4 miles to the section of the path that goes through the Ballona Reserve. These changes would not significantly alter use of the path for commuting or recreational use.
- I28-2 The commenter’s support for the Friends of Ballona Wetlands’ suggestion, which proposes separate bicycle and walking trails, is acknowledged and will be taken in to consideration as part of CDFW’s decision-making process. To review CDFW’s responses to the comments submitted by Friends of Ballona Wetlands, see Letter O10 in Final EIR Section 2.3.6.
- I28-3 Beach access would not be blocked as mentioned in the comment. As described in Draft EIS/EIR Section 3.11.6.1, the Ballona Creek Bike Path’s redesigned route would “be temporarily and then permanently rerouted into two routes.” The route along the northern perimeter of Area A would “head north along Lincoln Boulevard and west and south along Fiji Way, where it would merge with the existing Marvin Braude Bike Trail that currently follows Fiji Way.” The Area B route would “travel along the Culver Boulevard levee to an interim levee that connects to the existing southern Ballona Creek flood channel levee just north of West Area B, and subsequently would connect to the Marvin Braude Bike Trail near Pacific Avenue.” Improvements to public access including bike paths under the Project would maintain the link between the Ballona Creek Bike Path and the Marvin Braude Bike Trail and, as a result, access to the beach.
- I28-4 The commenter’s suggestion regarding additional bike routes is acknowledged and will be taken into consideration as part of CDFW’s decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I28-5 The EIR evaluates potential environmental consequences of the Project and other restoration alternatives. Because consideration of an off-road, two-way path along Lincoln and Fiji is outside of the scope of the EIR, the proposed restoration has not been revised to include this additional recreational element.



- I28-6 The commenter's input regarding construction of cycling detours in the Netherlands is acknowledged. As described under Impact 1-REC-1, "Ballona Creek Bike Path access, as reconfigured, would be maintained for the duration of restoration activities. While the Area A Perimeter Levee and Culver Boulevard Levee are under construction, the existing Ballona Creek Bike Path would remain open to the public. Once these levees and the bike paths have been completed, they would open to the public and the existing bike path would be closed. Thus, access would be maintained and there would be no interruption in the availability of these recreational facilities." The same would be true for Alternative 2 and Alternative 3. Therefore, during the restoration phase, safe detours would be provided for bicyclists and use of bike paths for commuting would not be interrupted.
- I28-7 The commenter's suggestion regarding the placement of a new entrance for cyclists is acknowledged. As a part of the proposed public access improvements, a secondary entrance that may be used by cyclists is proposed just 0.15 miles south of the location proposed by the commenter (see Draft EIS/EIR Figure 2-3, Alternative 1, Phase 2: Public Access Plan). The location proposed by the commenter is not meaningfully different than the location that is currently proposed as part of the Project.
- I28-8 See Response I28-7.
- I28-9 As shown in Figure 2-3, Alternative 1, Phase 2: Public Access Plan, a new bridge is proposed to be constructed across the channel near Culver Boulevard. This bridge would be constructed if and when funding becomes available for that portion of public access improvements. The commenter's support for bike path improvements and realignments is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.
- I28-10 The preference for separation for bike paths from auto exhaust fumes is acknowledged. A 1974 study of the diffusion of vehicle exhaust fumes¹³¹ explains that the diffusion of pollutants from a motor vehicle depends generally on several factors, including: (a) number of vehicles used, their type and age; (b) geometry and configuration of highways and streets; (c) emission rate and its dependence on the vehicle speed; (d) aerodynamics of the vehicle and its spacing on the road; and (e) atmospheric variables, such as wind speed, wind direction and atmospheric thermal stability. Physical separation alone would not be sufficient to insulate bike riders from exhaust fumes and, depending on localized conditions, could exacerbate the problem. Because the location of the bike trails and paths would not be meaningfully different than they are now if one of the restoration alternatives were approved (see Response I28-7), the proposed routes have not been revised in response to this comment.

¹³¹ Fanaki and Kovalick, 1974. Diffusion of Vehicle Exhaust Fumes. *Atmosphere*, 12:2, 50-61. Available online: <https://www.tandfonline.com/doi/pdf/10.1080/00046973.1974.9648370>. February 13, 1974.



I28-11 CDFW acknowledges the commenter’s interest in the intersection of the proposed restoration and potential improvements to the regional bicycle network, but emphasizes that the proposed public access and visitor amenities are a secondary focus. CEQA Project Objective 4 (Draft EIS/EIR Section 1.1.2) is to “Develop and enhance wildlife dependent uses and secondary compatible on-site public access for recreation and educational activities by: a) Providing a system of walking trails. ... and b) Providing new access for cyclists along the new levees.” The commenter’s suggestions have been reviewed 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*.

Comment Letter I29

From: [Judy Fishman](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: playa del rey gas field
Date: Sunday, February 4, 2018 1:26:28 PM

I am strongly against any expansion or use of the gas wells and or storage in Playa del Rey. This would be a health and environmental hazard.

I 129-1

Judy Fishman



Letter I29: Judy Fishman

I29-1 The stated opposition to expansion or use of the gas wells and/or storage in Playa del Rey is acknowledged. As explained in Draft EIS/EIR Chapter 2, no expansion or change in use of the gas wells is proposed by the Project or other restoration alternatives. Instead, each of the restoration alternatives would involve abandonment and replacement of wells as needed to accommodate the proposed restoration.

Comment Letter I30

From: [fitz.flynn](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR; member.bonin@lacity.org](#)
Subject: re: Ballona Wetlands Improvement DEIR Comments
Date: Friday, February 2, 2018 5:57:39 PM
Attachments: [Friends EIR comments_FINAL.pdf](#)

Hello,

I am a home owner on Quarterdeck St, cross pacific. I very much support the improvement, restoration plans and comments made by the Friends of Ballona Wetlands for the Ballona Wetlands Ecological Reserve.

Please support and approve the Friends of Ballona Wetlands Plans.

Cheers,

Fitz

--

fjf
415.725.6505

I30-1
↓



Ballona Restoration DEIR Comment Summary by Friends of Ballona Wetlands

Friends of Ballona wetlands believes the robust restoration of the Ballona Wetlands Ecological Reserve (BWER) will increase habitat quality and diversity to benefit native wildlife, provide greater protection from flooding and the impacts of climate change, improve water quality and watershed connectivity, open public access trails for education and nature appreciation, protect rare and sensitive species, and add ecological, aesthetic, and economic value to the surrounding community.

FBW’s Overall Goals for Ballona Restoration:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function, and diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with restoration goals that protect habitat.
7. Ensure long-term resilience and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard as much wildlife as possible and minimize losses.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

Access, Parking and Bathrooms

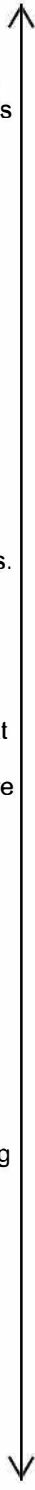
We support a public access system with separate bicycle and walking trails, parking facilities, and restrooms, that are compatible with restoration goals. We believe the parking lot in Area A should reduce the footprint of impervious surfaces and increase land for habitat restoration and that the number of spaces provided should not be significantly more or less than what is needed to meet requirements for the expected number of visitors to the Reserve. A parking study should be completed to determine the correct number of spaces to provide. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to ensure that visitors to the site are using proper facilities and not impacting the wetlands. The type of structure should be determined based on budget and operations and maintenance plans for the site. The parking lot currently known as the “Gordon Lot,” should be available for visitors to the BWER and those patronizing community restaurants and shops, and should remain open until 11:00 pm so as to benefit the business community.

Little League

If the Little League baseball fields remain inside the reserve, then a few changes should be made to their management. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails. Negative environmental and community impacts should be prevented by increasing patrols by enforcement agencies. As much of the existing area as possible should be restored to native uplands vegetation.

Area Specific Comments:

Area A: We generally support the restoration of Area A as presented in both Alternative 1 Phase one and Alternative 2. The 14 feet of dredge fill should be removed and graded to provide marsh habitat. Concrete levees should be removed and replaced with more natural levees. Wildlife should be protected to greatest extent possible. We do ask that the primary entrance to trails be located at the primary parking facility rather than as shown in the current maps. Include a plan for relocating wildlife displaced by restoration activities. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce



I30-1
cont.

habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads.

Area C: We generally support the plans for Area C presented in Alternative 1 Phase 1 and Alternative 2, including the placement of fill on Area C from Area A given that it will not increase the height of Area C in a way that will negatively impact the nearby community, but will instead enhance Area C with gentle sloping vegetated knolls that do not obstruct views, improve the aesthetics of the area and possibly reduce traffic noise for residents. We also support the restoration of native upland vegetation where mostly weeds now exist. We believe walking trails in Area C will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Southeast and South Area B: We generally support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 and Alternative 2. We think creating tidal channels as proposed in this area will enhance the habitat and attract additional endangered and threatened species to this underperforming wetland area. The proposed channel should be placed in way that protects Willow Thickets along Bluff from salt water inundation and freshwater should be allowed to flow naturally into the marsh to create a brackish zone. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further. All other non-native plants, including pampas grass and iceplant, should be removed and replaced with native vegetation.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. However, we believe a trail system should be added on part of the perimeter as reflected in the Alternative 2 Access Plan. We would like to see wetland habitat maximized here by protecting and improving the seasonal freshwater wetlands. Non-native vegetation should be removed. It would be helpful to allow freshwater to reach the seasonal wetland area and allow riparian and/or brackish habitat to develop by daylighting the culvert from the Ballona Freshwater Marsh to allow additional freshwater input.

West Area B: We support most aspects of Alternative 1 Phase 1 and Alternative 2 restoration in West Area B. Protect and enhance existing wetland habitat and protect endangered and threatened species as long as possible while expanding their presence in other parts of Ballona. Protect connection of the last remaining dunes habitat. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. We support removal Gas Company Access wells. Adapt West Area B for sea level rise consistent with plans related to the surrounding communities. Continue to research best technology that could minimize disturbance. Consider using current available technology such as pumps, slowly increasing elevation, etc. Possibly increase tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing muted tidal habitat or flooding roads/nearby development.

If and when it is determined that Alternative 1 Phase 2 must proceed in order to protect the area from sea level rise, the following must be assured: Adequate nesting and foraging habitat for Belding’s Savannah Sparrows must be in place throughout Ballona in Areas A and B that support an equal or greater number of nesting pairs than currently exist in West Area B. Improvements in upstream water quality and sediment loads must be completed prior to breaching levee along West Area B. Measures that prevent loss of habitat diversity and protect existing native vegetation cover to greatest extent possible must be implemented. Mechanisms to protect historical salt pan from becoming permanent open water must be implemented to the greatest extent possible. The construction of a levee along Culver and adjacent to the dunes must limit disturbance and enhance connectivity to dune system and El Segundo Blue Butterfly habitat.

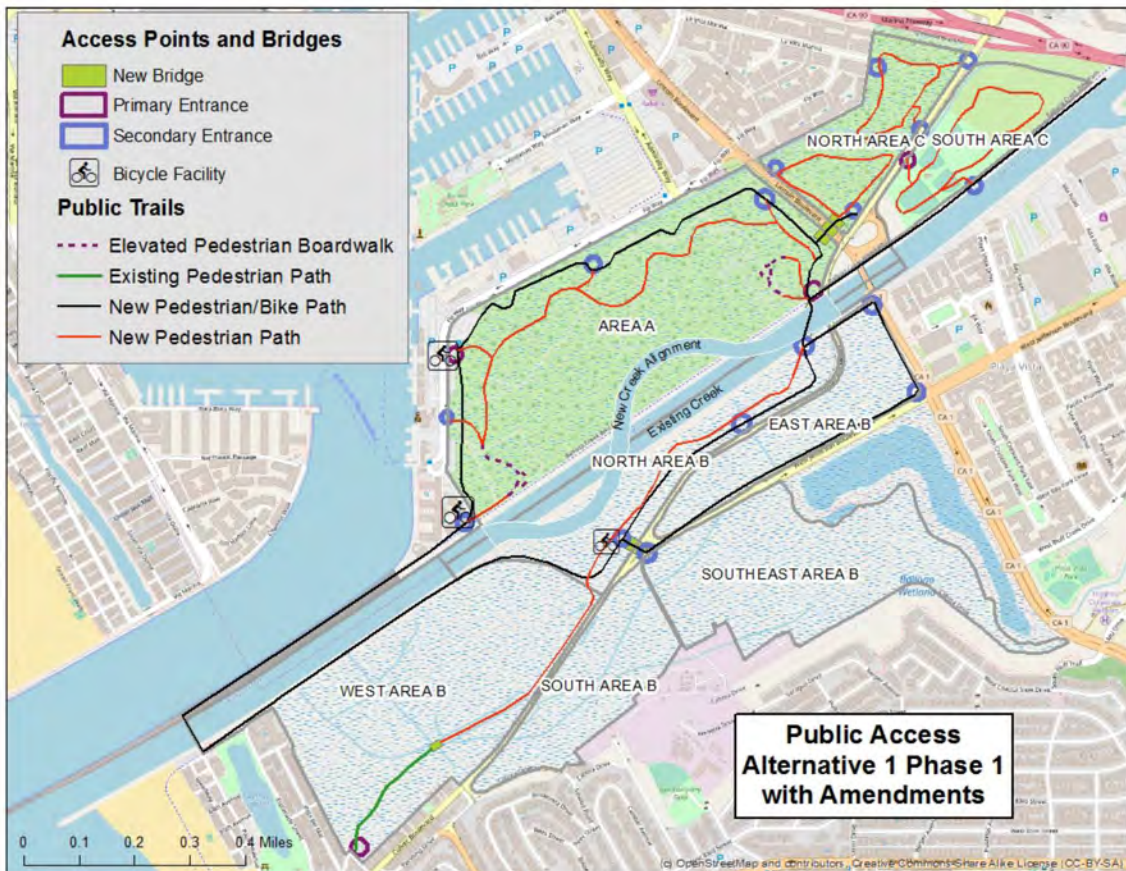
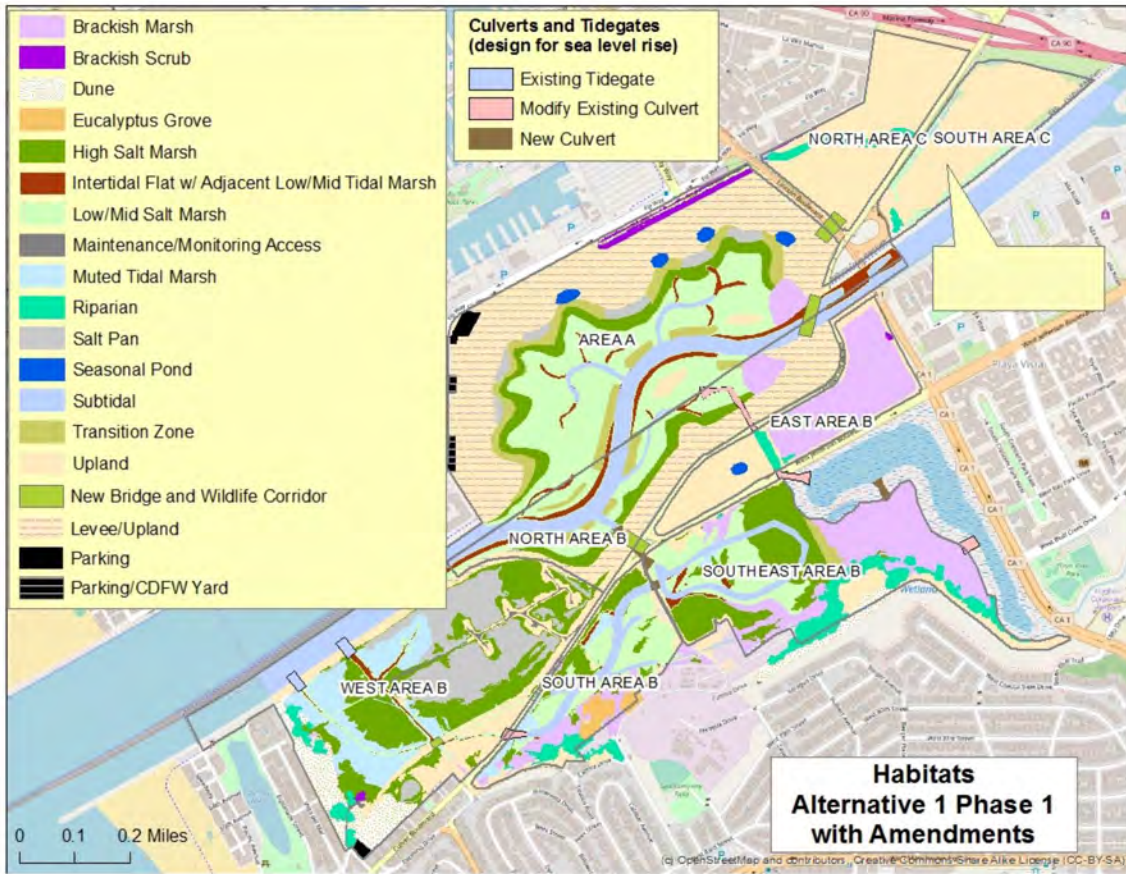
Belding Savannah Sparrow Comments:

Protect Belding’s Savannah Sparrow nests and habitat – particularly until an equal number of nests have been documented for several years in Area A and/or South Area B. Ensure that there is adequate nesting and foraging habitat for Belding’s Savannah Sparrow. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B. CDFW should use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.

The next page shows maps that reflect our habitat and public access comments.



I30-1
cont.



I30-1
cont.



Letter I30: Fritz Flynn

- I30-1 The stated agreement with comments provided by Friends of Ballona Wetlands is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. Responses to that letter (Letter O10) are provided in Final EIR Section 2.3.6.

February 5, 2018

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Sent Via E-mail to: BWERcomments@wildlife.ca.gov and
daniel.p.swenson@usace.army.mil

Dear Mr. Brody and Mr. Swenson:

I am writing in support of the comment letter submitted by the Wetlands Restoration Principles Coalition Steering Committee and the additional comments provided by Friends of Ballona Wetlands (Friends).

After graduating from UC Davis with a Bachelors of Science in Wildlife, Fish, and Conservation Biology, I returned to my home in Los Angeles hoping to protect wildlife and restore vital habitat in this highly-urbanized city. I discovered the small non-profit, Friends of Ballona Wetlands, and their mission to restore and protect Ballona resonated with me deeply. I am currently the Field Biologist and Outreach Manager for the Friends, and for nearly three years I have advocated for the restoration of Ballona and educated the public about the tremendous importance of wetlands. While pursuing a Master of Natural Resources degree through Oregon State University, I have studied the wetland-dependent birds of the Ballona Freshwater Marsh, with the goal of improving their nesting habitat. Therefore, my primary concern is the improvement and expansion of wetland habitat for native species.

I31-1

I have spent countless hours guiding tours, performing and leading restoration activities, and studying birds throughout the Ballona Wetlands. By far, the most biologically diverse parts of the Ballona Wetlands ecosystem are West Area B and the Ballona Freshwater Marsh. West Area B is within the BWER and is the most highly functioning part of the reserve because it has not been buried by fill, it has tidal flow, and the on-going restoration efforts of the Friends have reduced non-native plant encroachment and encouraged the expanded distribution of natives. The Ballona Freshwater Marsh (not in the BWER), which was formerly just as damaged as most of the BWER, now has rich native biodiversity and was restored using similar land moving procedures described in the DEIR. These two areas are currently accessible to the public. Friends of Ballona Wetlands and LA Audubon both lead tours in West Area B, and the Ballona Freshwater Marsh is open to the public. This means, these are the only parts of Ballona

I31-2

the public gets to see, and from this limited perspective, Ballona may seem to be thriving, when in fact most of Ballona is succumbing to an onslaught of invasive, non-native plants. Area A, Area C, and several portions of Area B provide very little habitat, and they must be restored. Driving along Culver Blvd. this morning, a view of Area A and C reveals a sea of dried-up non-native mustard and other invasive plants. Most people do not realize this is technically part of the BWER, since it does not look anything like a wetland. Nor does it currently reflect high-quality upland habitat.

I31-2
cont.

Furthermore, I have heard an argument suggesting that the land should not be disturbed because of wildlife such as cottontail rabbits, western fence lizards, and house finches. I believe we should be restoring wetlands to protect and enhance habitat for a wide diversity of native species, including endangered and threatened species, and we should not sacrifice this opportunity for the sake of some species listed as “least concern” with population trends that are “stable” or “increasing” by the IUCN Red List. Numerous species of birds and other wildlife will benefit from a restored tidal and seasonal freshwater wetland system, many of which currently have decreasing population trends and sensitive statuses. Birds such as the Loggerhead Shrike, the CA Least Tern, the Belding’s Savannah Sparrow, and many species of fish, will benefit from restoration. I encourage that CDFW and Army Corps of Engineers protect as much wildlife as possible by relocating animals to other parts of the BWER during construction. However, I feel very strongly that Alternative 4 would result in the further decline of wildlife habitat and will not provide for opportunities to expand habitat for sensitive and rare native species, many of which are wetland-dependent.

I31-3
I31-4
I31-5
I31-6

I fully support Alternative 1, Phase 1 with amendments presented by the WRP Steering Coalition Committee and Friends’ letters. I support minimal footprint parking for visitors to the wetlands. As a North San Fernando Valley resident, I do not have access to efficient public transportation that would allow me to easily access the BWER without a personal vehicle. I want to advocate for Angelenos like myself, who also deserve to enjoy access to Ballona, but do not have the means to walk, bike, or bus our way there.

I31-7

Thank you for your time and attention to these comments,



Neysa Frechette
neysaf@ballonafriends.org

Attachments: WRP Steering Committee Comments and Friends of Ballona Wetlands Comments.

The Steering Committee of the Wetlands Restoration Principles Coalition



February 1, 2018

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Los Angeles, CA 90017

Sent Via E-mail to: BWERcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

Dear Mr. Brody and Mr. Swenson:

The Wetlands Restoration Principles Coalition Steering Committee, made up of five leading environmental organizations in Southern California representing more than 25,000 members, has come together to support robust science-based restoration of the Ballona Wetlands Ecological Reserve. The undersigned Coalition organizations strongly support the restoration plans described in Phase 1 of Alternative 1, with various important amendments. The Steering Committee members determined that Phase 1 of Alternative 1 with amendments best achieves the nine restoration principles laid out by the Coalition in 2015 (see attachment). Coalition members are also submitting separate letters with individual comments on the various Alternatives.

I31-8

We thank you for providing this analysis. This project will be the most important environmental restoration and public access project ever undertaken for the residents of Los Angeles County.

The 21st Century has brought good news for wetlands up and down the California coast. According to the California Coastal Conservancy, two hundred restoration projects have been completed and one hundred more are in progress for a total of 50,000 acres. Plus 50 more are privately financed as mitigation. They are all precious links along the Pacific Flyway, nurseries for the fish of the Pacific and its bays and estuaries, and the breeding ground for the various plants and animals that sustain the circle of life. It is far past time for the Ballona Wetlands to be restored. They are the largest wetlands between Point Mugu and Bolsa Chica, but have deteriorated to the point where they can no longer sustain vital functions.

In our comments below, the Coalition Steering Committee has addressed habitat and public access issues equally. There are obvious tensions between the goals of creating healthy, protected habitat and allowing human access, but we believe we have suggested good solutions to that problem in our comments. We support generous access points, bicycle and walking trails, and even an additional public access area not addressed explicitly in Alternative 1, Phase 1 but consistent with the project as described. We also have, however, designated areas where public access should be limited by the presence of endangered species and delicate portions of the new ecosystem. We think that well designed trails will also create the means to monitor the area and protect it from illicit activity.

Human needs and nature’s needs have been severely unbalanced for over 100 years, with humans the dominant species. We believe a robust restoration at Ballona will restore nature’s balance to the ultimate benefit of residents and visitors who will come to understand and enjoy this beautiful place between land and sea.

As the Draft Environmental Impact Report/Statement (EIR/S) succinctly summarizes:

“The California Department of Fish and Wildlife (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.”

While supporting the overall goals of the Draft EIR/S, the Coalition Steering Committee also supports the following objectives for the Reserve as a whole:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function. Also maximize diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with ecological goals.
7. Ensure long-term RESILIENCE and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard wildlife and minimize losses during construction.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

I31-8
cont.

To the extent that the Draft EIR/S supports these objectives, **the Wetlands Restoration Principles Steering Committee supports a Project with the following elements including the amendments and safeguards and as generally mapped in the drawings attached:**

Area A: We support the restoration of Area A presented in Alternative 1 Phase 1 with a few minor changes. The 14 feet of fill covering Area A should largely be removed and the existing levees should be replaced with new perimeter levees as described. We support a public access system with separate bicycle and walking trails as shown in Alternative 1 Phase 1. We support a trailhead at a parking structure with adequate visitor-serving parking and restrooms for the numbers of visitors that are anticipated to be attracted to the new Ballona public access system.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before removing topsoil.
2. Include a plan for relocating wildlife displaced by restoration activities.
3. Ensure that topography allows for vegetated wetlands to thrive and provide increased water filtration capabilities, while also supporting a diversity of wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
4. Ensure that there is adequate nesting and foraging habitat for the Belding’s Savannah Sparrow.
 - a. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B.

- b. Use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.
 - c. Provision of the appropriate wetlands vegetation habitat is very important as it is possible that West Area B will be inundated due to sea level rise.
5. Align primary trailhead and trails with visitor services and parking.
 6. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools.
 7. Ensure that the number of parking spaces provided is adequate for the expected number of visitors to the Reserve.¹ A parking study should determine the correct number of spaces for the anticipated number of visitors to the Reserve. The study should address the need for time limits to reduce unintended parking uses and alternative transportation options.
 8. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to encourage visitors to use proper facilities by increasing convenience. The type of structure should be determined based on budget, operations, and maintenance plans for the site.
 9. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed.
 10. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads. Provide more information about how the project design will handle changes, including in terms of the extent of monitoring that will occur. While we recognize that much of the Ballona Creek Watershed is beyond the scope of the restoration project, it is reasonably foreseeable that the timing, scope and overall approach of projects and planning efforts happening upstream to address environmental concerns, including the Ballona Creek Bacteria TMDL Project and Ballona Creek Enhanced Watershed Management Program, will affect water quality and sediment loading downstream. We strongly recommend a cumulative impacts and sensitivity discussion to disclose the impacts, both positive and negative, of upstream projects on the project site.

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cont.

Area C: We support the plans for Area C presented in Alternative 1 Phase 1 with a few minor changes. We support the restoration of native upland vegetation where mostly weeds now exist, as well as the addition of walking trails, one major trailhead with parking, and several secondary trailheads. We believe the walking trails will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before depositing fill.
2. Create a viewing area in South Area C overlooking the Centinela Creek convergence with Ballona Creek for birding. Consider adding benches and scopes for people to view the birds in this area.
3. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed.

If the Little League baseball fields remain inside the reserve, then the following changes should be made to their management:

1. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship.

¹ In their report, Standards for Outdoor Recreation Areas (<https://www.planning.org/pas/reports/report194.htm>), the American Planning Association outlines basic standards for amenities at public facilities.

- 2. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails.
- 3. Prevent negative environmental and community impacts by increasing patrols by enforcement agencies.
- 4. Restore as much of the existing area as possible to native uplands vegetation.

North Area B: We support the removal of the levee wall in North Area B as described in Alternative 1 Phase 1 and the addition of a meander to the creek in this area. We also support enhancing public access along the roads in North Area B with walking and biking trails on the new levee paralleling Culver Blvd. and joining with the existing levee wall further to the west where the tide gates are located. We also support the addition of a bridge for bike and walking connection between Area A and North Area B.

Southeast and South Area B: We support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 with a few changes. Creating small tidal channels as proposed in this area will enhance the habitat for native species and possibly support increased numbers of endangered and threatened species in this underperforming wetlands area. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

- 1. Modify proposed channel location to protect Willow Thickets along Bluff from salt water inundation, both on the surface and in groundwater.
- 2. Do not build berm that prevents brackish marsh from spreading naturally from the freshwater marsh culvert.
- 3. Ensure that topography allows for vegetated wetlands to thrive and provide additional water quality filtration, and also for a diversity of wetland habitats, i.e. low, mid, and high marshes, and brackish marsh.
- 4. Remove invasive non-native pampas grass, and other invasive species.
- 5. Maximize vegetated wetland acreage, especially to create nesting and foraging habitat for Belding's Savannah Sparrow.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. To maximize wetland habitat, East Area B should not be buried with fill.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

- 1. Add major pedestrian and bike path around East Area B as per Alternative 2 Public Access Plan.
- 2. Remove non-native vegetation.
- 3. Daylight this portion of the culvert from Ballona Freshwater Marsh to Ballona Creek to allow freshwater to reach seasonal wetland area and allow for riparian and/or brackish habitat to develop, recognizing that rainfall and tidal influences will affect this dynamic area over time.

West Area B: We support the Public Access Plan of Alternative 1, Phase 1 in West Area B. We support the monitoring and protection of Belding's Savannah Sparrow nesting and foraging habitat. We support removal of Gas Company infrastructure.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

- 1. Survey for rare and sensitive plants and animals and plan for their relocation before depositing fill.
- 2. Provide bathroom facilities at this primary trailhead comparable to those at the Newport Back Bay Nature Preserve.
- 3. Provide additional details on the detention basins for storm-water runoff planned in West Area B.
- 4. Protect existing wetlands habitat and endangered and threatened species as long as possible while expanding their presence in other parts of Ballona.



I31-8
cont.

5. Assure that the connection of the last remaining dunes habitat to the adjacent wetlands is protected.
6. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. This area should not have a public trail.
7. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads. Provide more information about how the project design will handle changes, including in terms of the extent of monitoring that will occur. While we recognize that much of the Ballona Creek Watershed is beyond the scope of the restoration project, it is reasonably foreseeable that the timing, scope and overall approach of projects and planning efforts happening upstream to address environmental concerns, including the Ballona Creek Bacteria TMDL Project and Ballona Creek Enhanced Watershed Management Program, will affect water quality and sediment loading downstream. We strongly recommend a cumulative impacts and sensitivity discussion to disclose the impacts, both positive and negative, of upstream projects on the project site.
8. Extend pedestrian access trail down the north side of Culver Blvd. and connect to the existing trail leading to the Viewing Platform.
9. Provide more information about the access road in West Area B to demonstrate the need for this development. If the road is not required for emergency use, then it should be eliminated from the plan.
10. Provide additional sources and information for Draft EIR/S conclusions on sea level rise impact. Include sea level rise impact on surrounding community and how that will affect Ballona.
11. Investigate increased tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing Belding's Savannah Sparrow nesting or foraging habitat or flooding roads/nearby development.



I31-8
cont.

The Coalition Steering Committee thanks you for your work, and would be pleased to answer any questions and to help with efforts to facilitate the restoration work ahead.

Sincerely,

The Wetlands Restoration Principles Steering Committee:

Friends of Ballona Wetlands

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Los Angeles Waterkeeper

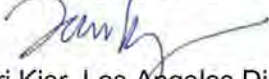
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Trust for Public Land



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Enclosure: Wetlands Restoration Principles

cc:

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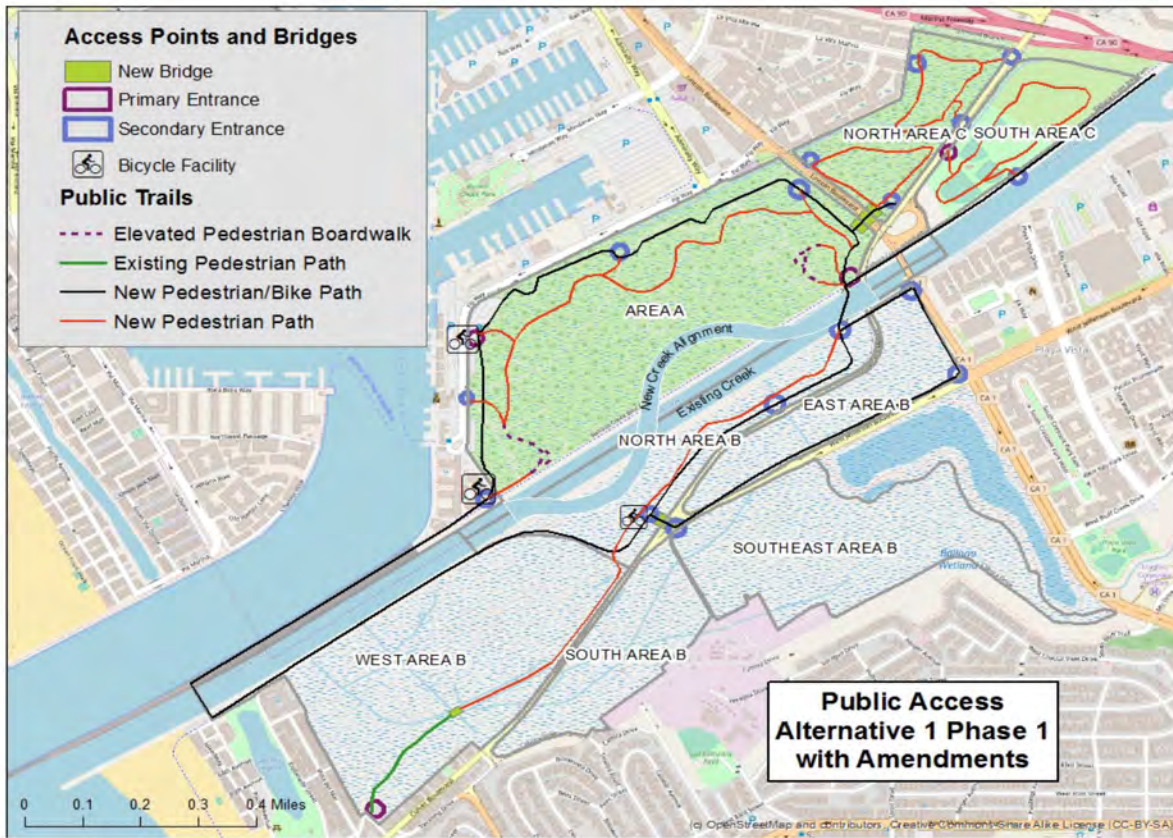
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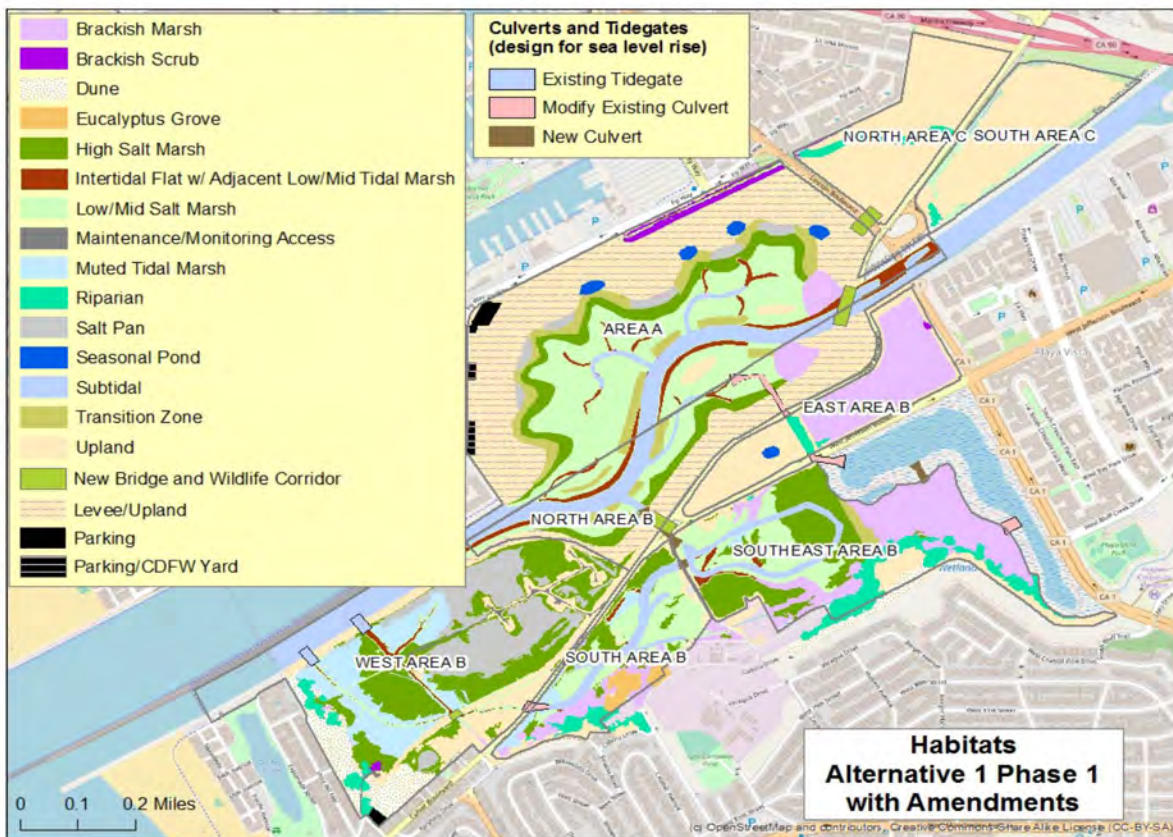
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I31-8
cont.



I31-8
cont.





February 2, 2018

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Sent Via E-mail to: BWERCcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

SUBJECT: Ballona Restoration DEIR Comments by Friends of Ballona Wetlands

Dear Mr. Brody and Mr. Swenson:

Friends of Ballona Wetlands is pleased to provide comments on the Draft Environmental Impact Report/Statement. In addition to these specific Friends comments, the joint comments of the Wetlands Restoration Principles Coalition Steering Committee are attached. With our Coalition partners, and as an individual organization, we strongly support the restoration plans described in Phase 1 of Alternative 1, with various important amendments as described in this letter. We believe the project will be the most important environmental restoration and public access project ever undertaken for the residents of Los Angeles County.

Friends of Ballona Wetlands has championed the restoration and protection of the Ballona Wetlands, involving and educating the public as advocates and stewards, since our founding in 1978. Countless visitors have participated in tours through the Ballona Wetlands over the last 40 years. For the last 19 years, we have restored the historic dunes with the help of tens of thousands of volunteers.

Our comments address habitat and public access issues equally. There are obvious tensions between the goals of creating healthy, protected habitat and allowing human access, but we believe our comments strike the proper balance. We support access points, separate bicycle and walking trails and even an additional public access area not addressed explicitly in Alternative 1, Phase 1, but consistent with the project as described. We also have designated areas where public access should be limited due to the presence of a federally listed endangered species residing in sensitive dune habitat. We believe well designed trails will improve enforcement and increase protections within the Reserve.

Human needs and nature's needs have been severely unbalanced for over 100 years, with humans as the dominant species. We believe a robust restoration at Ballona will restore nature's balance for the ultimate benefit of residents and visitors to enjoy this beautiful place between land and sea.

I31-9

In addition, we have several added comments:

Overview Comments

In general, the Friends find that the wetlands habitat of West Area B is substantially better than much of the remainder of the wetlands, and that it supports important endangered species such as the Belding’s Savannah Sparrow. We also find that the addition of a new levee adjacent to west Culver Blvd., behind Culver Blvd. businesses and separating the much-restored dunes habitat from the existing wetlands habitat would not be environmentally superior to Alt 1, Phase 1 (with the amendments we have recommended.) and is costlier. We find that Alternative 1 Phase 2 should only proceed in order to protect the area from severe sea level rise that cannot be addressed by less extreme measures. In addition to the limited options provided in this DEIR, we believe other methods of adapting to climate change should be researched for Ballona. It would be ecologically irresponsible to ignore technology and adaptive management methods that could increase resilience to climate change while also protecting the diversity of the wetlands.

It is our strong recommendation that, if and when it is determined Alternative 1 Phase 2 must proceed in order to protect the area from sea level rise, the following must be assured:

1. Adequate nesting and foraging habitat for Belding’s Savannah Sparrows must be in place throughout Ballona in Areas A and B that support an equal or greater number of nesting pairs than currently exist in West Area B. No species should be extirpated during any part of this restoration, rather, more species, especially endangered and species of special concern, should be encouraged to thrive.
2. Improvements in upstream water quality and sediment loads must occur prior to breaching levee along West Area B. Measures that prevent loss of habitat diversity and protect existing native vegetation cover to greatest extent possible must be implemented.
3. Mechanisms to protect the historical salt pan from becoming permanent open water must be implemented to the greatest extent possible.
4. The construction of a levee along Culver and adjacent to the dunes must limit disturbance and enhance connectivity to dune system and El Segundo Blue Butterfly habitat.

I31-9
cont.

Area Specific Comments:

Area C:

We support the plans for Area C presented in Alternative 1 Phase 1 with a few minor changes. We generally support the placement of fill on Area C from Area A given that it is our understanding that it will not increase the height of Area C in a way that will negatively impact the nearby community, but will instead enhance Area C with gentle sloping vegetated knolls that do not obstruct views, but may reduce traffic noise along Culver and Lincoln Boulevards.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Place fill in such a way that will not negatively impact the aesthetics of the area or views of the nearby residents.
2. Assure that safety and privacy of adjacent homes are not compromised by added fill and that trailheads are coordinated with that community.
3. Provide more information on the likely placement of interpretive panels along walking paths, viewing platforms, etc. and ensure that they are compatible with ecological goals.
4. Take advantage of the viewing opportunity for visitors to the Ecological Reserve in Area C South to observe wildlife in Ballona Creek at the Centinela Creek Convergence.

West Area B:

Friends of Ballona Wetlands does not support full-tidal. As described in our overview comments, CDFW and the US Army Corps must demonstrate the need for full-tidal with additional data, otherwise the current habitat should remain, as it best reflects the historic conditions of a bar-built estuary.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Public access for parking for visitors should also be available for those patronizing community restaurants and shops and should remain open until 11:00 pm.
2. Re-contour portions of the tidal channels in West Area B to allow for more gradations in vegetation type.
3. Adapt West Area B for sea level rise consistent with plans related to the surrounding communities. Continue to research best technology that could minimize disturbance. Consider using current available technology such as pumps, slowly increasing elevation, etc.

Thank you for your attention to our comments. We are delighted to look at a future where significantly more healthy wetlands and uplands habitat exist once again at Ballona, and where bike and walking trails provide for the safe enjoyment of our citizens and visitors!

Sincerely,



Scott H. Culbertson
Executive Director

Enclosure:

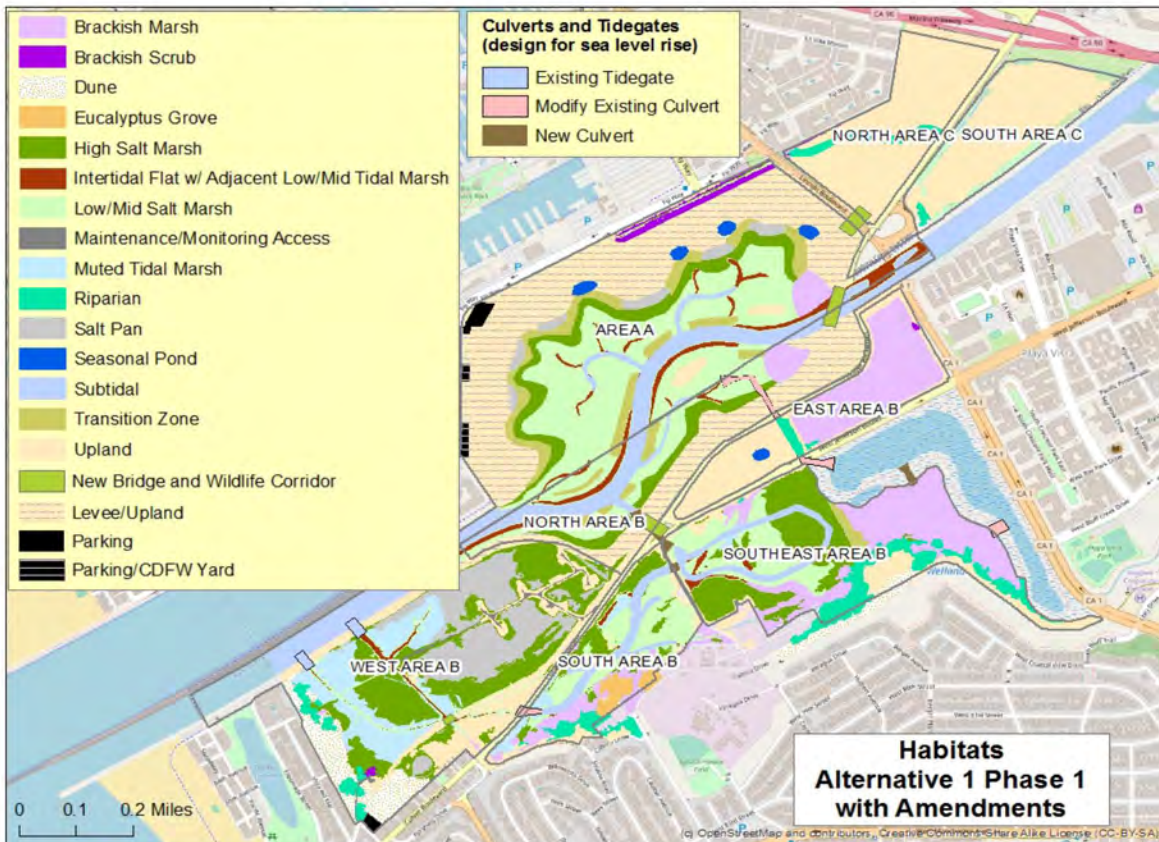
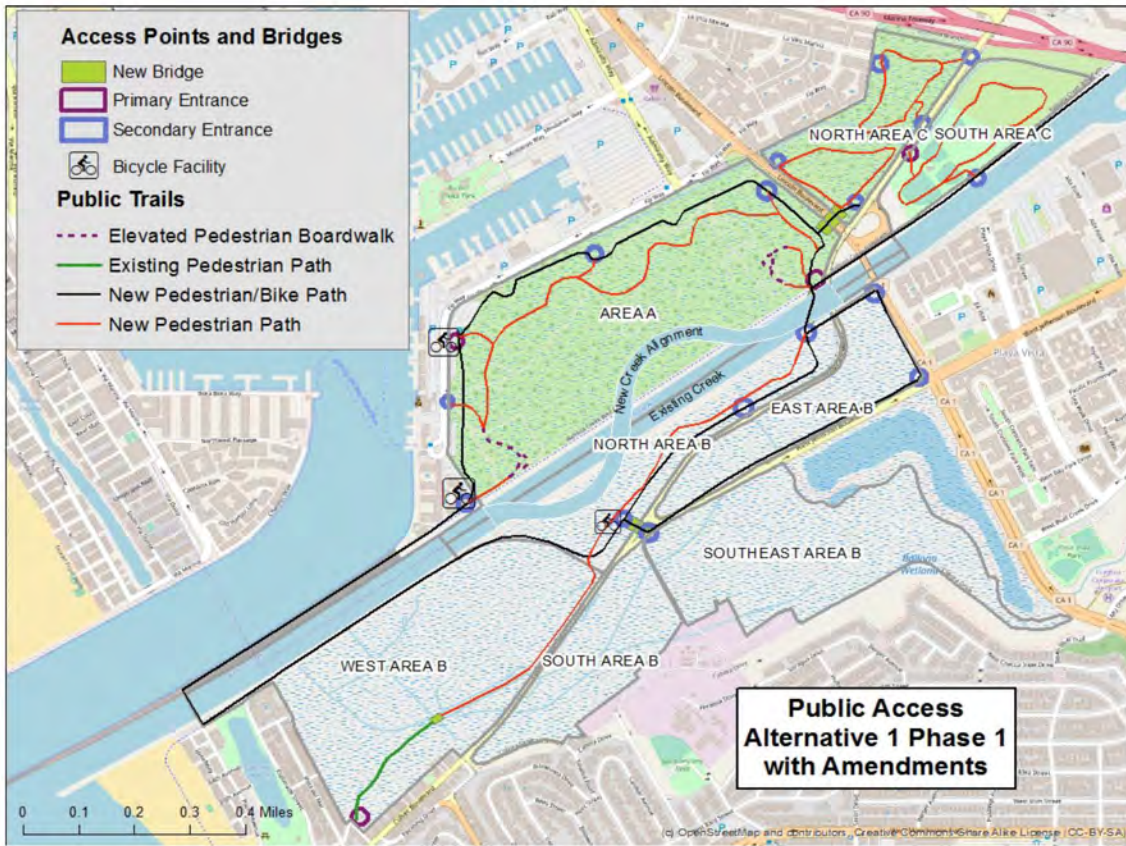
Wetlands Restoration Principles
Wetlands Restoration Principles Coalition Steering Committee comment letter

cc:

Friends of Ballona Wetlands Science Committee
Lisa Fimiani, Board Member
Neysa Frechette, Staff Field Biologist
Ruth Lansford, Founder and Board Member
Dr. Edith Read, Board Member
Catherine Tyrrell, Board Member
Patrick Tyrrell, Staff Habitat Restoration Manager



I31-9
cont.



I31-9
cont.

Letter I31: Neysa Frechette

- I31-1 The commenter's experience working with the Friends of Ballona Wetlands and concern regarding the availability of wetland habitat for native species are acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it may be considered as part of CDFW's overall decision-making processes rather than specifically as part of the CEQA process.
- I31-2 Observations of the varying degrees of diversity and function within the Ballona Reserve are acknowledged, but do not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I31-3 The stated preference for restoring wetlands to protect and enhance habitat for a wide diversity of native species is acknowledged as consistent with the Project and other restoration alternatives. This opinion does not address the adequacy or accuracy of the EIR, but may be considered as part of CDFW's overall decision-making process.
- I31-4 The opinion that Belding's savannah sparrow, loggerhead shrike, California least tern, and many species of fish would benefit from site restoration is consistent with the analysis in Draft EIS/EIR Section 3.4, *Biological Resources*.
- I31-5 The encouragement to protect wildlife by relocating animals outside of work areas during construction is acknowledged and consistent with the approach presented in measures such as Mitigation Measure BIO-1b-ii (Biological Monitoring), which would require that the disturbance of special-status species within and adjacent to work areas are avoided to the extent practicable, as well as monitoring and relocation, when feasible, of native wildlife that are encountered.
- I31-6 The commenter's opposition to Alternative 4 is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.
- I31-7 The commenter's support for the Project, including visitor parking with a minimal footprint to allow greater access to the Ballona Reserve, is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process for the project. See Final EIR Section 2.1.1, *Input Received*.
- I31-8 Receipt of this duplicate copy of input submitted by the Wetlands Restoration Principles Coalition in Letter O28 is acknowledged. See Final EIR Section 2.3.6 for specific responses to Letter O28.
- I31-9 Receipt of this duplicate copy of input submitted by Friends of Ballona Wetlands in Letter O10 is acknowledged. See Final EIR Section 2.3.6 for specific responses to Letter O10.

Comment Letter I32

From: [Joan Gallagher](#)
To: bonnie.i.rogers@usace.army.mil; [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Saving Ballona
Date: Monday, February 5, 2018 9:49:25 PM

Good day,

I am writing to you tonight to register my comments about the proposed project for a so-called "restoration" of the Ballona Wetlands Ecological Reserve. I understand that the proposed project seeks to alter the current ecosystem, which relies primarily on freshwater flows, into a new ecosystem that will rely on full tidal flows of brackish water. Further, I understand that the Ballona Wetlands have historically relied on freshwater flows.

I32-1

It is therefore difficult to understand how this project can be considered a restoration. Please answer the question: Why is this proposed project described as a "restoration"?

I32-2

Furthermore, the habitat for wildlife will be altered in such a way as to further erode what Ballona represents; an ecological reserve.

Please save Ballona; don't use it for a misguided purpose.

Thank you.

Joan Gallagher



Letter I32: Joan Gallagher

- I32-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration”; General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1), regarding the project development process; General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative”; and General Response 3, *Alternatives* (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.
- I32-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”

From: [leah.garland](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: COMMENT FOR DEIR
Date: Saturday, February 3, 2018 11:33:34 AM

Los Angeles has a public health problem directly tied up with our gas infrastructure. The latest challenge to our public health lies deep in a lengthy Draft Environmental Impact Report for the Ballona Wetlands Ecological Reserve (DEIR). This restoration project could cost up to 180 million dollars and would allow SoCalGas to drill new gas wells as it closes others. In short, the project would fund modernizing of the Playa del Rey Gas Storage equipment for new wells and, very likely, slant drilling. This large capital improvement project indicates that SoCalGas is not interested in shutting down the facility anytime soon despite the city's declaration to move to 100% renewables.

I33-1

The location specified for moving the drilling mechanisms is up against the bluffs in Playa del Rey. Slant drilling would allow the gas to be stored horizontally across the wetlands. The documents indicate the size of the gas storage field will be the same. SoCalGas' history of violations is concerning. The Aliso Canyon blowout was the largest natural gas disaster in US history. SoCalGas received ten violations from SCAQMD in 2017 alone, Playa del Rey received two and Aliso Canyon received three violations, including a nuisance violation, despite only operating for four months in 2017. Given these violations and other evidence of failure, the public has little faith that SoCalGas will be able to curb dangerous leaks or prevent another blow out.

While language on pages 1-25 and 1-26 of the DEIR requires local and state permits to include various city agencies (like Building & Safety and Public Works), there is no indication that the City of LA would need to require permits for slant drilling and modernization of equipment for drilling. No public money should go towards subsidizing a multi-billion dollar company. Residents must not pay for the roads and the upkeep to provide twenty-four hour access for SoCalGas to update a facility that will keep poisoning our communities. Los Angeles should be investing in energy infrastructure for the future and not spend millions on outdated infrastructure of the past.

I33-2

I33-3

The Playa del Rey Gas Storage Facility is older than the Aliso Canyon facility, which continues to leak and cause chronic health problems for the beleaguered residents of Porter Ranch. There is no need to continue exposing our densely populated community to benzene, hydrofluoric acid, and other toxins. If the five-mile evacuation radius around Aliso Canyon is used as a reference point for our community, a half million people will have to be evacuated when there is a blow out in the SoCalGas Playa del Rey Gas Storage Facility, and it will hurt thousands of businesses, including LAX.

I33-4

At a time when residents are seeking the closure of the dangerous Playa del Rey gas facility

I33-5

Comment Letter I-33

and a fast transition to 100% clean renewable energy, SoCalGas is attempting to erect new wells and roads with public funding.

↑ I33-5
| cont.

I believe this project would kill endangered species. Please forgo an expensive project and live the ecological diversity at the Ballona Wetlands alone.

| I33-6

Leah Garland, PhD



Letter I33: Leah Garland

- I33-1 The commenter's concerns regarding gas storage are acknowledged. As explained in Draft EIS/EIR Chapter 2, no expansion or change in use of the gas wells is proposed by the Project or other restoration alternatives. Instead, each of the restoration alternatives would involve abandonment and replacement of wells as needed to accommodate the proposed restoration. 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.
- I33-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the existing location and proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. Neither the Project nor the other restoration alternatives proposes to conduct slant drilling.
- I33-3 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the existing location and proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. The stated preference for investment in energy infrastructure for the future 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*.
- I33-4 Concerns about the Playa del Rey Gas Storage Facility are acknowledged. If any of the restoration alternatives were approved, there would be fewer wells than exist under current (baseline) conditions. See also 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.
- I33-5 See Response I33-3.
- I33-6 The potential for the Project to result in injury to or fatality of endangered species is analyzed in Draft EIS/EIR Section 3.4, *Biological Resources*. In Section 3.4.6, the analysis of Impact 1-BIO-1e evaluates temporary and permanent impacts to special-status species. The restoration phase of the Project could result in some potential temporary impacts to special-status species. However, the incorporation of mitigation measures designed to ensure proper monitoring by a qualified biologist, conduct pre- and post-restoration surveys for key species, and establish avoidance measures would ensure that the post-restoration populations of special-status species would remain at pre-restoration levels. Additionally, post-restoration habitat improvements will increase the amount of functioning habitat for special-status species within the Ballona Reserve and will have a positive impact on special-status species in the Reserve. Therefore, the Project would not cause a significant adverse impact on special-status species during restoration and instead would provide long-term benefits to special-status species in the post-restoration phase.

Comment Letter I34

From: [Jennifer A. Gill](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Cc: daniel.p.swenson@USACE.army.mil
Subject: Key Points Re: Existing Ballon Creek Bike
Date: Monday, February 5, 2018 10:23:48 AM

1. Rerouting of the existing Ballona Creek bikeway should be as direct and convenient as possible. This is a well-used commuter bikeway and any changes should not force cyclists to undergo time-consuming detours on meandering trails.

I34-1

2. Bikeway elements of the restoration plan, including new or revised bridges, should be fully incorporated into the project scope, funding and implementation schedule so they are completed as part of the larger project and not at the mercy of unsecured funding sources.

I34-2

3. Safe and viable accommodations for cyclists should be provided during construction to avoid prolonged closure of this important regional bike facility.

I34-3

4. The existing bike lanes on Fiji Way should remain. The proposed meandering bike and ped path within the project area is not a substitute for these bike lanes.

I34-4

5. Connectivity between the proposed bike and pedestrian path within the project area and the Marvin Braude Bike Trail would be improved by an additional entrance at Fiji Way and Admiralty Way. This will allow access from the Braude Trail at a single signalized crossing point.

I34-5

Jennifer A. Gill
213-427-0759 (cell)

"Verse should be as natural/
As the small tuber that feeds on muck/
And grows slowly from obtuse soil/

To the white flower of immortal beauty."

C.S. Thomas



Letter I34: Jennifer Gill

- I34-1 Implementation of the Project would result in a realignment of the Ballona Creek Bike Path into two paths. The first path would continue along the northern perimeter of Area A and could be accessed from two entrances. The second route would consist of “a new combined pedestrian and bicycle path along the new Culver Boulevard levee parallel to Culver Boulevard.” Therefore, the Project would result in two bike path options for both recreationalists and commuters. The rerouting of the Ballona Creek Bike Path that would occur under the Project would increase the distance of the Ballona Creek Bike path by approximately 0.4 miles. This additional distance would not significantly alter use of the path for commuting or recreational purposes.
- I34-2 As described in Draft EIS/EIR Section 2.2.1.3, *Public Access and Visitor Facilities*, “public access improvements described in the document have been identified for the purpose of assessing potential environmental consequences and would be implemented, in full or in part, only if funding became available.” These Project elements have been incorporated into the Project scope and schedule for the purposes of the environmental analysis documented in this EIR. However, the availability of funding may ultimately affect the timing of restoration activities. While the commenter’s prioritization of the bikeway elements of the proposed project are acknowledged, the availability and securing of funding is outside of the scope of this EIR.
- I34-3 Impacts to bicycle commuters are discussed under Impact 1-TRANS-6 in the Transportation and Traffic section, which analyzes whether the Project would adversely affect alternative transportation travel modes, expressly including bicycle travel. As noted in that discussion, “the Ballona Creek Bike Path would remain open during restoration activities. Eventually the path would have two different routes for riders to choose between.” Additionally, changes to the path would add just 0.4 miles to the section of the path that goes through the wetland. These changes would not significantly alter use of the path for commuting.
- I34-4 Existing bike paths along Fiji Way would not be impacted by the public access improvements of the Project.
- I34-5 See Response I28-7 regarding the suggested placement of a new entrance for cyclists.

Comment Letter I35

From: [Nan Gold](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Date: Sunday, February 4, 2018 2:08:05 PM

Please fight to keep our residents healthy by not funding the gas line project. Please avoid a Porter Ranch episode from happening in Playa del Rey and surrounding areas. Support instead a cleaner option—renewables.
Nan Gold

I 135-1

Sent from my iPhone



Letter I35: Nan Gold

I35-1 To be clear, neither the Project nor other restoration alternatives proposes a gas line project or an energy generation project to which renewable energy sources could present a viable alternative. Although existing SoCalGas natural gas storage wells and associated pipelines would be relocated as part of the Project, the restoration purpose of the relocation is to allow for increased connectivity of restored habitat. See Draft EIS/EIR Section 1.1 regarding the Project purpose and need and its objectives.

From: [Lauren Ozler](#)
To: [U.S.ACE Bonnie Rogers](#); [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Fwd: BWER DEIS/DEIR Comments
Date: Monday, February 5, 2018 4:08:29 PM

----- Forwarded message -----

From: "Lauren Herez" <lorynherez@gmail.com>
Date: Feb 5, 2018 4:05 PM
Subject: BWER DEIS/DEIR Comments
To: "Lauren Ozler" <LaurenSHammer@gmail.com>
Cc:

To: Colonel Kirk E. Gibbs
Bonnie L. Rogers
United States Army Corps of Engineers
[915 Wilshire Blvd, Suite 930](#)
[Los Angeles, Calif. 90017](#)
bonnie.l.rogers@usace.army.mil

To: Director Charlton H. Bonham
Richard C. Brody
California Department of Fish and Wildlife
[1416 9th Street, 12th Floor](#)
[Sacramento, Calif. 95814](#)
BWERcomments@wildlife.ca.gov

DEIS/DEIR Comments in re: Ballona Wetlands Restoration Project
Federal Document: Public Notice/Application No. SPL-2010-1155
State Clearinghouse No. 201207190

Dear Colonel Gibbs, Ms. Rogers, Dir. Bonham and Mr. Brody,

I grew up next to the Great Swamp National Wildlife Refuge, so I learned the intrinsic value of nature as support for human life. I hold a UCLA Degree in Cultural Anthropology.

I
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I36-1

As a voting Californian and United States citizen, I'm writing by the deadline of February 5, 2018 because I would like extensive, made-public answers to my questions.

1. Has an Alternative to restore Seasonal Freshwater Habitats in the Ballona Wetlands Ecological Reserve (BWER) been studied?

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I36-2

2. Has the dewatering been done on purpose to degrade the Ballona Wetlands Ecological Reserve (BWER)?

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I36-3

3. Has anyone looked at the possible positive effects of removing the drains and letting the aquifer recharge in the BWER?

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I36-4

4. Has an independent Hydrology Report been done on the BWER, and if so, when?

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I36-5

5. Have the effects of extant Oilfield and Gas Company gases under the BWER been

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I36-6

Comment Letter I36

- studied? Would they be even more dangerous to wildlife and human beings with these proposals? ↑ I36-6
cont.
6. Have the effects on United-States-Listed Endangered Species, Species of Special Concern, Species listed by the Migratory Bird Treaty Act as legally protected, Species listed by the IUNC Red List as Threatened, Species listed by the State of California as Endangered, Species listed by the California Audubon Society as Climate-Threatened and Climate-Endangered, and Species listed as having lost their Natural Wetlands Habitats been studied? Will any existing habitat for the aforementioned species be destroyed by these proposals? How many acres of habitat would be destroyed by Alternatives 1, 2 and 3? If the berms are put in and herbicide is used, what effect will that have on the aforementioned species? I36-7
I36-8
I36-9
7. Are the scientists utilized in this DEIS/DEIR unbiased? Have the sources of remuneration slanted their hypothesis-testing? I36-10
8. Have unbiased professional Restoration Ecologists been consulted? I36-11
9. Is it possible that proposed project objectives are overly narrow, preventing a reasonable range of alternatives? I36-12
10. Has anyone looked at the usefulness of the current levees to ameliorate the effects of global climate change, sea rise, etc.? I36-13
11. Have the effects of more public access (bike paths, etc.), as opposed to the current limited public access, been studied? I36-14
12. Has provision been made for well-trained docents for the Ballona Wetlands Ecological Reserve? I36-15
13. Have the proposals considered history such as how the Tongva People used the area that is now the BWER, and the importance of educating the public about this history? I36-16
14. Have the California-recognized Tongva People authorized any use of this site, protected by United States Public Laws 95-341 and 103-141, as well as the California Public Resources Code, Sections 21084 and 5097? Attachments in a followup email, and possibly a later snail mail, provide a brief summary of the referenced laws, as well as a flyer from a current Ceremonial. The latter is provided with the approval of the Leader. I36-17
15. Has the National Oceanic and Atmospheric Administration warned against these proposals? I36-18
16. Are the proposals in keeping with the United States Clean Water Act and the National Estuary Program as to Marina del Rey, Upper Ballona Creek, Ballona Creek Estuary, Ballona Wetlands, etc.? I36-19
17. Has anyone looked into raising pertinent sections of Culver and Jefferson Boulevards to reduce roadkill, protect against flooding and other benefits? I36-20
- Have all of the appropriate State of California Agencies been consulted for this DEIR? Here is a list of salient agencies that must weigh in: ↓ I36-20

- Air Resources Board
- Baldwin Hills Conservancy
- California Biodiversity Council
- State Coastal Conservancy
- California Coastal Commission
- Department of Conservation
- Office of Environmental Health Hazard Assessment
- Environmental Protection Agency
- Fish and Game Commission
- Governor's Office of the Tribal Advisor
- California State Lands Commission
- Office of the Lieutenant Governor
- Native American Heritage Commission
- Ocean Protection Council
- California Natural Resources Agency
- Department of Parks and Recreation
- Department of Pesticide Regulation
- California Public Utilities Commission
- Save Our Water
- CalRecycle
- San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
- Santa Monica Mountains Conservancy
- State Controller's Office
- State Water Resources Control Board
- Office of Traffic Safety
- Transportation Commission
- California Alternative Energy and Advanced Transportation Financing Authority
- Department of Toxic Substances Control
- California State Transportation Agency
- Department of Transportation
- California Volunteers
- Wildlife Conservation Board
- Visit California
- Department of Water Resources.



I36-20
cont.

Also, has the USACE, for their portion, and the consultant role, diligently consulted all salient federal agencies regarding these proposals?

Ballona, whether named for the whale (Spanish word "Ballena"), the Spanish port city Bayona (family home of the Talamantes) or a Californio variation of "Bay", is beloved by Angelenos for the untrammeled open space, the ephemeral ponds during rainy years, the aves/pajaros/birds and so on. Please continue to protect and rejuvenate this Wetland Reserve along the Pacific Flyway, for the migratory species and the natives.

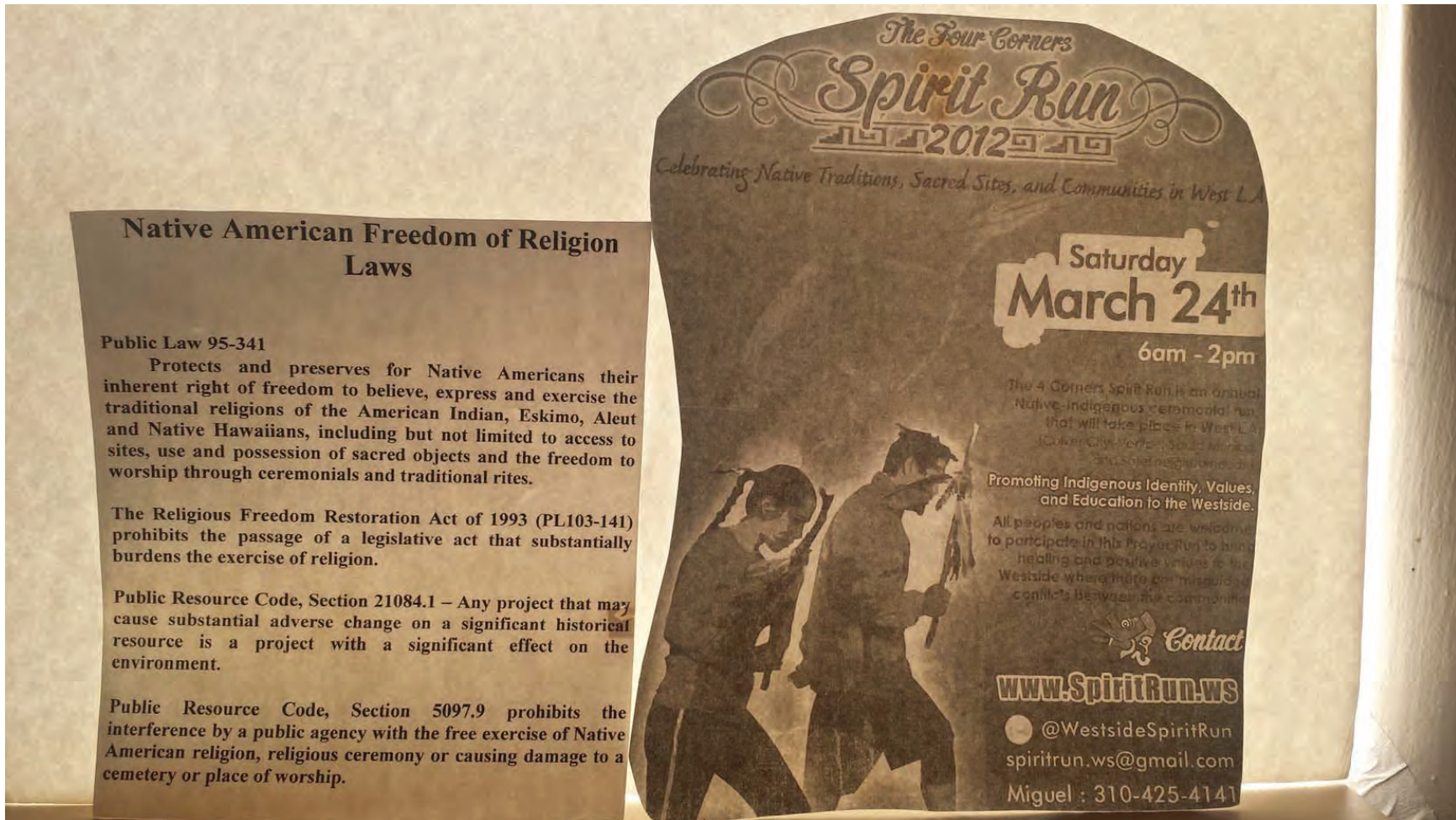


I36-21

Lauren Gottlieb, BA UCLA, MSW USC
[2900 4th Street #16](#)
[Santa Monica, California 90405](#)

LaurenSHammer@gmail.com

Att. in 2nd email



I36-22



I36-23

Native American Freedom of Religion Laws

Public Law 95-341

Protects and preserves for Native Americans their inherent right of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects and the freedom to worship through ceremonials and traditional rites.

The Religious Freedom Restoration Act of 1993 (PL103-141) prohibits the passage of a legislative act that substantially burdens the exercise of religion.

Public Resource Code, Section 21084.1 – Any project that may cause substantial adverse change on a significant historical resource is a project with a significant effect on the environment.

Public Resource Code, Section 5097.9 prohibits the interference by a public agency with the free exercise of Native American religion, religious ceremony or causing damage to a cemetery or place of worship.

I36-23
cont.



I36-23
cont.



I36-23
cont.

Letter I36: Lauren Gotlieb

- I36-1 This Final EIR contains written responses to all comments received and will be made public in advance of any formal action being taken by CDFW. See Final EIR Section 1.4.2, *Availability of the Final EIR*.
- I36-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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 in the EIR.
- I36-3 No, the drains were not installed for the purpose of degrading the Ballona Reserve. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.
- I36-4 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.
- I36-5 See General Response 4, *Drains* (Final EIR Section 2.2.4) regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and other restoration alternatives.
- I36-6 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), which explains how the proposed restoration could result in a benefit with respect to concerns about the existing SoCalGas Company infrastructure within the Project Site.
- I36-7 Effects on Federally listed, State-listed, and special-status species and Migratory Bird Treaty Act species are evaluated for each alternative in Draft EIS/EIR Section 3.4.6, *Direct and Indirect Impacts*. To the extent explained in the footnote to Table 3.4-4 in Draft EIS/EIR Section 3.4.2.2, Audubon Society data also were considered. Without additional input, CDFW does not have enough information about which listing identifies species as having lost their natural wetlands habitat to respond to that specific part of the comment.

The International Union for Conservation of Nature (IUCN) established what is known as the “Red List” of threatened species in 1964. The Red List provides information about the global conservation status of wildlife, vegetation, and fungi species with a focus on international policy and conventions (IUCN, 2018a¹³²). While there may be crossover with species that were considered in Draft EIS/EIR Section 3.4, the Red List itself was not, and is not required to be, specifically consulted in the analysis of potential impacts to biological species.

¹³² International Union for Conservation of Nature (IUCN), 2018a. How the Red List is Used. Available online: <https://www.iucnredlist.org/about/uses>. Accessed November 27, 2018.



- I36-8 The acreage of impacts to sensitive natural communities and habitats supporting special-status species are identified in Draft EIS/EIR Section 3.4.6, *Direct and Indirect Impacts*, for each of the alternatives.
- I36-9 The Ballona Reserve currently contains berms, which provide perching and foraging habitat for various birds and other wildlife. The proposed berms are necessary for flood control management, and for creation or restoration of transitional and upland habitats. Further, the creation of berms would maintain or increase freshwater influence.
- Regarding herbicide use, Mitigation Measure BIO-1b-iii (Noxious Weed Control Plan) requires for a Noxious Weed Control Plan to be prepared by a qualified biologist for CDFW approval prior to the start of restoration. The plan must be implemented during all restoration-related activities, and include control measures for selected invasive plant species on the site (potentially including herbicide use). If herbicides are used to prevent the spread of noxious weeds onsite, the type of herbicide use would be identified in the Noxious Weed Control Plan and thus subject to CDFW approval.
- I36-10 The scientists and other contributors identified in Draft EIS/EIR Chapter 5 have prepared a scientifically supported, independent analysis of potential impacts to potentially affected resources under NEPA and CEQA. That the consultants have been paid for their work does not support a conclusion of bias.
- I36-11 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple questions about the range of alternatives analyzed throughout Draft EIS/EIR Chapter 3. Without more information about why the commenter believes the Project objectives to be narrow, CDFW is unable to address the comment in more detail.
- I36-12 CDFW has no evidence that current levees are insufficient to serve their flood control purpose, including as environmental and weather-related conditions have changed over time. Nonetheless, see General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2).
- I36-13 Greater levels of public access beyond those that are proposed in Draft EIS/EIR Chapter 2 have not been evaluated as part of any of the alternatives. The suggested interest in greater public access is acknowledged; however, the proposed public access and visitor amenities are a secondary focus of the Project and other restoration alternatives. CEQA Project Objective 4 (Draft EIS/EIR Section 1.1.2) is to “Develop and enhance wildlife dependent uses and secondary compatible on-site public access for recreation and educational activities by: a) Providing a system of walking trails. ... and b) Providing new access for cyclists along the new levees.” Where there may be potential conflicts between restoration and public access objectives, resolution has weighed in favor of restoration.



- I36-14 The question of docent training is beyond the scope of the EIR, which focuses on the proposed restoration of the Ballona Reserve as described for the Project and Alternatives 2 and 3. See Draft EIS/EIR Section 1.1, *Purpose and Need/Project Objectives*.
- I36-15 Consideration of the Tongva people's historical connection with and use of the Project Site is documented in Draft EIS/EIR Section 3.5, *Cultural and Paleontological Resources*. As discussed in that section, Native American consultation has been conducted, and communication and consultation with local tribes is ongoing. As described in Draft EIS/EIR Section 1.1.2, *CEQA Project Objectives*, the second goal listed in the Project Objectives is to "Protect and respect cultural and sacred resources, to enable cultural use of the Ballona Reserve by Native Americans and provide appropriate interpretive information about prior human uses of the Ballona Reserve."
- I36-16 Section 3.5, *Cultural Resources*, describes the applicable federal and state laws that apply to the Project, as well as Native American outreach and consultation that was conducted in accordance with those laws. Responses to Native American Community concerns are provided in Final EIR Section 2.3.4.
- I36-17 The National Marine Fisheries Service (NMFS), a division of the National Oceanic and Atmospheric Administration (NOAA) submitted a comment letter on the Draft EIS/EIR on February 5, 2018. See responses to Letter AF3 in Final EIR Section 2.3.1 to see the comments provided by NMFS.
- I36-18 The purpose of the EIR is to analyze potential environmental consequences of the Project and other restoration alternatives consistent with CEQA, and is not to establish compliance with other independently enforceable statutory regimes. That permits or other authorizations may be needed prior to implementation is disclosed in Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals.
- I36-19 Yes, the Lead Agencies initially considered potential alternatives that would involve raising key roadways. See, e.g., Draft EIS/EIR Section 2.3.5, *Alternative 9: Realignment of Ballona Creek Including Relocation or Raising of Key Roads, Option 3*. However, for the reasons explained there and summarized in General Response 3, *Alternatives* (Final EIR Section 2.2.3), these alternatives were rejected from detailed consideration because they would not meet the most basic objectives of the Project and would not be practicable for a tidal habitat restoration project due to cost.
- I36-20 Formal agency involvement is described in Final EIR Section 1.4, *Agency and Public Involvement*, and in Draft EIS/EIR Section ES.2, *Formal Agency Involvement*. All cooperating, responsible, and trustee agencies were contacted and consulted as part of this environmental review process. State Agency notification also was provided via the State Clearinghouse. See Attachment A to the Scoping Report provided in Draft EIS/EIR Appendix A, which includes the NOP, and the Notice of Completion filed



- with the State Clearinghouse. Responses to input received from State agencies are provided in Final EIR Section 2.3.2.
- I36-21 The commenter's support for protection of the Ballona Reserve for migratory species and Native Americans is acknowledged and may be considered as part of CDFW's overall decision-making process rather than specifically as part of the CEQA process. See Final EIR Section 2.1.1, *Input Received*.
- I36-22 Receipt of this summary of Public Law 95-341 is acknowledged. However, because this summary 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*.
- I36-23 Receipt of this notice of the 2012 Spirit Run is acknowledged. However, because this notice 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*.

Comment Letter I37

From: [Alice Graham](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Marina Del Rey, Lot C
Date: Saturday, January 27, 2018 12:06:28 PM

Dear Mr. Brody:

I reside in Villa Marina, adjacent to Lot C. I agree with the letter sent to you by Villa Marina Council and some of the villas. I don't want a huge pile of dirt next door, I don't want increased risk of flooding, and I don't want an unsupervised, uninhabited area next door that will inevitably be crime-ridden while the state continues to do nothing to house the homeless people that end up in Lot C, and local law enforcement cannot control what happens in Lot C.

I 137-1
I 137-2
I 137-3

I am greatly concerned about safety. Already, state ownership and lack of supervision of Lot C has led to homeless (or just plain troublemaking) encampments with fires and drugs, and increased crime in my adjacent neighborhood. I am informed that neither the L.A. Sheriff nor LAPD has jurisdiction over Lot C because it is owned by the state. We have almost 700 families in Villa Marina, and many more people living in Playa Vista which is directly to the south of Lot C.

I 137-4

Please do NOT allow access to Lot C through La Villa Marina. You have access from all other sides, including Lincoln Boulevard. Allowing access to a large public area through our quiet residential street will be dangerous for everyone, including many children, who frequently walk in this area. My neighborhood was not designed for that kind of traffic. That portion of Lot C abutting La Villa Marina should be permanently walled off.

I 137-5

How are you going to keep Lot C safe from criminals?

I 137-6

Thank you for your consideration.

--

Alice M. Graham
Graham Law Corp.
4640 Admiralty Way, Suite 500
Marina Del Rey, CA 90292
T 310-496-5750 F 310-496-0910
amgrahamlaw@gmail.com



Letter I37: Alice Graham

I37-1 The commenter's support for the comments submitted by the Villa Marina Council is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See Responses F8-1 through F8-26 for the responses to the comments provided in that letter.

I37-2 Regarding aesthetic concerns, see Response F8-3. See also Draft EIS/EIR Section 3.2.6.1, which determined that implementation of the Project would result in a less than significant effect on aesthetics. Without information as to any deficiency in the analysis, CDFW is unable to provide a more robust response concerning aesthetics.

Contrary to the assertion made by the commenter that the Project would increase flood risk to surrounding development, the flood risk management components proposed as part of the restoration alternatives would protect surrounding development from potential flooding from Ballona Creek. As described in Draft EIS/EIR Sections 1.2.2.1 and 1.2.2.2, proposed flood risk management-related components of the Project and Alternative 2 "would enhance existing levels of flood risk management for Culver Boulevard and the developed areas to the south." Flood risk management features under the Project and Alternative 2 would be very similar and are described in Draft EIS/EIR Section 2.2.2.2, *Alternative 1: Flood Risk and Stormwater Management*. Flood risk management features under Alternative 3 are described in Section 2.2.4.2, *Alternative 3: Flood Risk and Stormwater Management*. Under Alternative 4, "the existing flood risk management and stormwater management would remain unchanged from current conditions. No new storm drains, culverts, or tide gates would be constructed and the existing armored levees channelizing Ballona Creek would remain unchanged. In addition, under this alternative, Ballona Creek would not be modified to reconnect with the wetland floodplain. Management of existing tide gates to provide some acclimation to sea-level rise would be possible temporarily, but the tide gates eventually would have to be closed permanently to avoid flooding in West Area B and behind Culver Boulevard that would result from projected higher sea levels. As a result, the tidal wetland habitats would be cut off from the estuary and would convert to mudflat or subtidal habitat."

I37-3 According to state law (14 CCR §630), CDFW is charged with the protection and maintenance of designated ecological reserves. This responsibility includes enforcing rules relating to public access and prohibiting the feeding of wildlife; operation of motorized vehicles outside of designated areas; disturbance of bird nests; release of any fish or animal; ignition of any fire, fireworks, or other explosive or incendiary device; disturbance of habitat; and alteration of the landscape or removal of vegetation.

CDFW previously has issued reminders to those who visit the Ballona Reserve to be mindful of the site's specific rules and regulations and to be aware that trespassing on



ecological reserves and wildlife areas that are closed not only is a crime, but also can be dangerous.¹³³ Under existing (baseline) conditions, CDFW limits public access to the Ballona Reserve “due to health, safety and resource concerns” (Id.). Further, “CDFW is working to address the onsite criminal activity, including drugs, as well as homeless encampments and their related issues” (Id.). This is consistent with the summary of Alternative 4 (the No Action/No Project Alternative) in Draft EIS/EIR Table 2-1c: “CDFW would continue to remove trash and debris, remove homeless encampments, and monitor and enforce other unauthorized or illegal activities.” Draft EIS/EIR Section 2.2.2.7, under the heading “Current and Ongoing Law Enforcement Activities,” provides the following elaboration: “Transient encampments have been encountered in the Ballona Reserve over time. Typically, these encampments are identified by CDFW and are removed by local law enforcement. Once restoration is complete, it is possible that the homeless could try to establish these encampments once again in the Ballona Reserve. If this should occur, CDFW will address these ongoing illegal activities as they have in the past.” CDFW’s enforcement activities within the Ballona Reserve would continue whether or not one of the restoration alternatives is approved.

Draft EIS/EIR Section 3.14 analyzes potential socioeconomic and environmental justice considerations relating to the proposed restoration, including the long-term impacts of relocating homeless individuals out of the Ballona Reserve. In the context of Impact 1-SE-2, the Draft EIS/EIR acknowledges that permanent displacement of the up-to-10 homeless people estimated to be living in encampments in the Ballona Reserve at any given time, despite ongoing efforts to relocate them, could result in adverse health and safety impacts on people who move from the Ballona Reserve to a potentially less safe location. Some previous attempts by CDFW to relocate transient encampments have included the assistance of professional and volunteer homeless advocates as a means to connect displaced people with resources such as temporary housing. Although the changes in topography, vegetation, and site management that would occur with implementation of the proposed project would make reestablishment of such encampments less likely, the long-term impacts of relocation may be attributable to the project. “To minimize the potential for these impacts, CDFW has committed to contact the Los Angeles Homeless Services Authority (LAHSA) to provide an opportunity to partner with CDFW during relocation efforts. CDFW would notify LAHSA of planned dates and times for removal of homeless encampments throughout the restoration phase and would allow LAHSA representatives permission to access the Project area, accompanied by CDFW staff, for the purposes of outreach to people being removed from the Project Site.” The same efforts would be made if Alternative 2 or Alternative 3 were approved.

I37-4 See Response I37-3 regarding illegal uses of, and law enforcement efforts within, the Ballona Reserve.

¹³³ CDFW, 2014. CDFW Urges Californians to Be Mindful of Property Rules on Ballona Wetlands Ecological Reserve. Available online: <https://cdfgnews.wordpress.com/tag/ballona-wetlands-ecological-reserve/>. October 1, 2014.



- I37-5 The commenter's concern regarding the secondary entrance proposed at La Villa Marina is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.
- I37-6 See Response I37-3 regarding illegal uses of, and law enforcement efforts within, the Ballona Reserve. Additionally, both primary and secondary access gates would be locked and secured after the closing of the Ballona Reserve each day. Shielded security lighting would be present in parking areas during nighttime hours.

Comment Letter I38

From: [madeline graham](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: NO to wetlands "restoration"
Date: Saturday, February 3, 2018 4:55:41 PM

Please do not allow SC Edison to move forward with their project in the Ballona Wetlands. We cannot continue to destroy natural systems. The risk of gas leaks and accidents is unacceptable, especially given the dismal track record of SCEdison.

Renewable energy is what our tax money needs to support, not more drilling and killing.

Thanks,

Madeline Graham
3488 Mandeville Cyn Rd
Los Angeles CA 90049

I
I38-1



Letter I38: Madeline Graham

I38-1 Neither the Project nor other restoration alternatives proposes a SoCalGas Company project or an energy generation project to which renewable energy sources could present a viable alternative. Although existing SoCalGas natural gas storage wells and associated pipelines would be relocated as part of the Project, the restoration purpose of the relocation is to allow for increased connectivity of restored habitat. See Draft EIS/EIR Section 1.1, regarding the Project purpose and need and its objectives. 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.

Comment Letter I39

From: [Garth Greene](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands Restoration
Date: Tuesday, January 30, 2018 6:10:46 PM

There are many concerns about the proposed “restoration” of the Ballona Wetlands. I want to voice a few of my own.

There needs to be an extension of time before a decision is made - to allow more input of facts and study of the long range consequences of the proposed plan(s).

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139-1

I have lived in Playa del Rey across Culver Blvd. from the Ballona Wetlands for over 50 years and the area has NEVER been full tidal. Yes, at high tide some ocean water flows in, allowing the unique brackish system that exists there.

I
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139-2

There is no need to try to redesign a natural system that has been deprived of fresh water, that was intentionally diverted, for approximately 20 years without giving nature the opportunity to do it’s own restoration.

I
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139-3

To construct 20 foot berms or levees that have never been remotely part of the environment is an insult to a lovely natural area and to the near by communities.

PLEASE, PLEASE, PLEASE allow more time for input from ALL individuals and organizations concerned for the well being of the Ballona Wetlands (a Los Angeles treasure).

I
|
139-4

Garth Greene
Playa del Rey resident
member Sierra Club, Airport Marina Chapter



Letter I39: Garth Greene

- I39-1 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.
- I39-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I39-3 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains. Removal of the drains in combination with Alternative 4 (the No Action/No Project Alternative) would accomplish the result suggested in the first sentence of this comment.

In 1990, Congress authorized the Los Angeles County Drainage Area (LACDA) project described in Draft EIS/EIR Section ES.1, including the Ballona Creek channel and levees within the Ballona Reserve. Berms and levees have existed as part of the Ballona Reserve landscape since the construction of that infrastructure. As a whole, the LACDA project “prevents an estimated \$2.3 billion in flood damages resulting from a 100-year overflow event affecting 14 communities and over 500,000 people living within the 100-year floodplain. In addition, property owners with Federally-backed loans, living within the overflow floodplain, are no longer required to purchase flood insurance.”¹³⁴ As explained in Draft EIS/EIR Section 1.1.1, the multi-part purpose of the Project is to ensure any alteration/modification to LACDA project components within the Project Site maintain the authorized LACDA project levels of flood risk management.

The stated opposition to restoration alternatives whose design would increase the height of existing berms and levees is acknowledged. While the proposed berms and upland habitat would introduce a new topographical feature within the Ballona Reserve, the berms, transition zones, and areas of upland habitat would be critical to ensuring that the wetland habitat could migrate upslope as sea levels rise. As described in Draft EIS/EIR Section ES.4.1, reconnecting the creek to West Area B and building a berm around the salt pan would allow the salt pan to be maintained up to approximately 2.1 feet of sea-level rise. Similarly, the construction of berms and levees would allow the marsh to migrate upslope and for the tidal salt marsh to be maintained with up to approximately 3.5 feet of sea-level rise.

Under Alternative 4, if berms and levees were not constructed, the management of existing tide gates would provide some acclimation to sea-level rise; however, eventually the tide gates would need to be permanently closed and the existing tidal

¹³⁴ Los Angeles County Department of Public Works, 2018b. Los Angeles County Drainage Area (LACDA) Project. Available online: https://dpw.lacounty.gov/wmd/watershed/LA/LACDA_Drainage.cfm. Accessed November 27, 2018.



wetland habitats in the Ballona Reserve would be cut off from their water source. Therefore, the levees and berms would be critical to ensuring that habitats within the Reserve are resilient to sea-level rise.

I39-4 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.

February 1, 2018

To: Mr. Richard Brody
California Department of Fish and Wildlife
c/o ESA (jas)
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Ballona Wetlands Restoration Project Draft EIS/EIR

Dear Mr. Brody:

I am writing to you to express my concerns about the Ballona Wetlands Restoration Project Draft EIS/EIR proposals during the comment period ending Monday, February 5, 2018. I am an original owner and resident of 4801-H La Villa Marina, Marina del Rey, CA 90292 and also the current owner of 4801-M La Villa Marina, Marina del Rey, CA 90292 which has been in my family since it was built in 1969, Both of these properties are located in Villa San Michele which lies immediately adjacent to Area C.

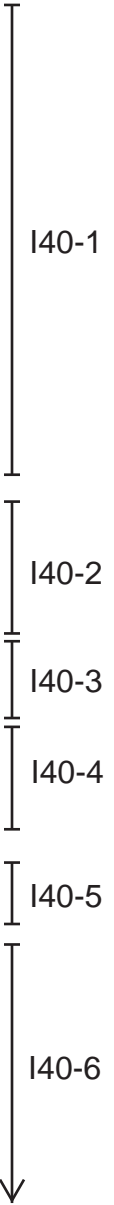
My property at 4801-M La Villa Marina is located exactly where La Villa Marina dead-ends, with only an alleyway and a low cinder block wall separating my unit from the Ballona Wetlands Ecological Reserve Area C. Over the last 49 years, I have personally witnessed much human encroachment on the Ballona Wetlands including transient encampments, kids riding and jumping their bicycles on an established trail, people walking their dogs, etc., despite signs forbidding entry into the Reserve. Very seldom have these these people been apprehended by any form of law enforcement whether it was owned by the Hughes Company or later by the State of California. My mother and I could see trespassers on the Reserve from her bedroom or kitchen windows, and her calls to authorities frequently brought forth no response whatsoever.

Following are the key points of your EIS/EIR proposal which I find most objectionable:

1. WHETHER FOR A PERIOD OF MONTHS OR YEARS AS IMPLIED IN THE VARIOUS VERSIONS OF YOUR PROPOSALS, A PILE OF DIRT 13 to 30 FEET HIGH IMMEDIATELY ADJACENT TO MY PROPERTY AT 4801-M LA VILLA MARINA IS TOTALLY UNACCEPTABLE. EVEN IF THE BEDROOM, KITCHEN, AND LIVING ROOM WINDOWS WERE ALL KEPT CLOSED, THE SLIGHTEST BREEZE WOULD BLOW DUST AND DIRT INTO MY HOME THROUGH WEEP-HOLES IN THE WINDOWS CAUSING HEALTH AND HOUSEKEEPING ISSUES. AS THE END UNIT PARALLELING AREA C, MY PROPERTY WOULD BEAR THE BRUNT OF DUST AND TOXIC FUMES STIRRED UP BY DUMP TRUCKS AND BULLDOZERS COMING DOWN LA VILLA MARINA AND OTHER CONSTRUCTION EQUIPMENT OPERATING JUST BEYOND THE ALLEY FENCE. IN THE EVENT OF RAINY WEATHER, 4801-M LA VILLA MARINA WOULD BE THE FIRST TO BE INUNDATED BY MUDSLIDES CAUSING MATERIAL DAMAGE TO MY PROPERTY AS WELL AS TO THE COMMON AREAS IN FRONT OF THE OTHER UNITS (A THROUGH L) OF THE 4801 LA VILLA MARINA BUILDING.

2. ANY BRIGHT LIGHTS PLACED AT THE DEAD-END OF LA VILLA MARINA WOULD SHINE RIGHT INTO MY BEDROOM WINDOWS, DISTURBING SLEEP.

3. Regarding wildlife in Area C, I am well aware that rabbits, in particular, evade the existing fencing at the end of La Villa Marina and come out at night to feast on an all-you-can-eat salad buffet consisting of tender green landscaping outside of the patios of the 4801 building. I recall a couple of rabbits that used to come and "sit a spell" on my patio at 4801-H La Villa Marina. With the onset of construction activities in Area C, rabbits, rodents, and snakes would come in droves running, crawling and slithering onto La Villa Marina. Of course, they would come to MY PROPERTY FIRST. Rodents running out from Area C would head for--you guessed it--MY GARAGE AT 4801-M, AS IT IS THE CLOSEST. Snakes from Area C wouldn't be far behind. My patio at 4801-M La Villa Marina is accessible with a wrought iron gate, and would soon acquire a whole slew of new, unwelcome critters from Area C.



Mr. Brody, would you send out a squad of fish and wildlife wardens periodically to capture the animal refugees on my property and relocate them? Is that in your draft EIS/EIR?I didn't think so.

↑ I40-6
cont.

4. I would expect that both of my properties at 4801-H and 4801-M La Villa Marina would quickly become vacant as no one would choose to live next to a huge, 13 to 30 foot pile of dirt with ongoing heavy construction activities right outside their windows, as described in your draft EIS/EIR document. The subsequent loss of rental income and expected decline in property values would be particularly hurtful to me as a Mom-and-Pop-type landlord. (Doubtless, the major construction companies bidding on this EIS/EIR job will be salivating over the expected juicy profits to be made.)

I40-7

Mr. Brody, if your elderly mother owned 4801-H and 4801-M La Villa Marina and you presented her with a detailed description of the anticipated impact of your draft EIS/EIR plans for Area C on her properties, I think she'd have a fit and would probably disown you as well.

I40-8

Thank you for taking the time to review my comments and concerns about the draft EIS/EIR for Area C.

Respectfully submitted,



Patricia L Grell,
Owner, 4801-H and 4801-M La Villa Marina,
Marina del Rey, CA 90292

email address: jsgrell@aol.com
home address: 10839 Marietta Avenue
Culver City, CA 90232



Letter I40: Patricia L. Grell

- I40-1 See Response I37-3 regarding law enforcement within the Ballona Reserve. The commenter's experience and concerns are acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR, it may be considered as part of CDFW's overall decision-making processes rather than specifically as part of the CEQA process. See Final EIR Section 2.1.1, *Input Received*.
- I40-2 See Response F8-2 which discusses changes in elevation in Area C. Opposition to alternatives that would reposition larger amounts of soil to Area C is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See Response F8-4 which discusses how the Project-specific dust control plan would address concerns related to the impacts of dust on the Villa Marina Neighborhood. Additionally, as analyzed in Draft EIS/EIR Section 3.3.6.1, neither the restoration nor post-restoration phases of the restoration alternatives would expose sensitive receptors to substantial emissions of toxic air contaminants and other pollutants such that health risks could result.
- I40-3 See Response I40-2 regarding potential impacts to air quality.
- I40-4 See Response I15-59.
- I40-5 As presented in Draft EIS/EIR Section 3.2, *Aesthetics*, a limited amount of construction lighting would be required during the restoration phase of the Project. The incorporation of Mitigation Measure AE-4a: Construction Lighting would ensure that any temporary lighting used for construction would be "designed and installed to be fully shielded (full cutoff) and to minimize glare and obtrusive light ... construction lighting shall be oriented away from nearby land use areas that are not being affected by construction." Post-restoration, a limited amount of security lighting would be required for the parking structure, parking lot, and bridges to provide safety and security. Mitigation Measure AE-1b would develop a lighting plan which would, "ensure that all exterior lighting would be directed downward and focused away from adjacent sensitive uses." Therefore, with the incorporation of the mitigation measures described above, any lighting required for the Project would create minimal spillover and would be directed downward and shielded so that it would not cause a significant adverse impact on adjacent land uses.
- I40-6 See Response F8-6, which discusses the potential for redistribution of wildlife during the restoration period for the Project and Alternative 2 would also apply to any rabbits, rodents, and snakes. Concerns about potential restoration-related construction nuisances are acknowledged and will be considered as part of CDFW's overall decision-making process rather than specifically as part of the CEQA process, since they do not bear on the adequacy or accuracy of the EIR.
- I40-7 Regarding aesthetic concerns, see Response F8-3. See also Draft EIS/EIR Section 3.2.6.1, which determined that implementation of the Project would result in



a less than significant effect on aesthetics. Without information as to any deficiency in the EIS's analysis, CDFW is unable to provide a more robust response concerning aesthetics. Any suggestion that the proposed restoration of the Ballona Reserve would affect property values (positively or negatively) is speculative.

I40-8 Opposition to the restoration alternatives (and corresponding favor for Alternative 4, the No Action/No Project Alternative), is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

Comment Letter I41

From: [Carin Gronhagen](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands
Date: Friday, February 2, 2018 1:15:08 PM

Dear Ballona Park Managers;

Please do your job to preserve urban wildernesses in your care. We want an historically accurate, non-destructive 1-year restoration of our 630 acre Ballona Wetlands that will preserve the environment and the wildlife living in it.

I
I41-1

Thank you, the future of “Nature” for all of us, that natural habitat for wildlife, is in your hands.

Carin Gronhagen



Letter I41: Carin Gronhagen

I41-1 The stated preference for an historically accurate, nondestructive 1-year restoration of the Ballona Wetlands that will preserve wildlife and the environment is acknowledged. A one-year schedule is not possible for any of the proposed restoration alternatives. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.

As described in Draft EIS/EIR Section 1.1.1 and Section 1.1.2, the primary purpose of the Project is to “restore ecological functions and services within the Ballona Reserve.” The proposed restoration would sustain multiple levels of biodiversity and ensure that the wetland habitats would be resilient to sea-level rise by having the ability to transition as sea levels rise (see General Response 6, *Hydrology and Water Quality*, in Final EIR Section 2.2.6.2).

From: [Jennifer G](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Environmental Impact Report for Playa del Rey
Date: Saturday, February 3, 2018 1:12:36 PM

To whom it may concern,

A fellow resident of Playa del Rey recently alerted me to the fact that SoCalGas is intending to expand upon the Playa del Rey Gas Storage Facility. I am extremely concerned by the environmental threats imposed by such a project and am appalled that this is being considered when there have been so many gas-related disasters in recent years, including but not limited to Porter Ranch.

I moved to Playa del Rey seeking a more quiet, safe, ecologically-sound neighborhood in LA, and am very concerned about my personal wellbeing but also that of the wildlife occupying the wetlands. Playa del Rey is truly one of a kind, and I am strongly in favor of preserving it's simple charm.

Please alert me to any hearings or meetings about this proposed project, as I'm unaware of any currently.

Sincerely,
Jennifer Guinter

Jennifer Guinter, M.A., LMT #73554
jcguinter@gmail.com
770.548.2211

I42-1



Letter I42: Jennifer Guinter

I42-1 The commenter's concerns about any expansion of the SoCalGas Company's Playa del Rey Gas Storage Facility are acknowledged. However, as explained in Draft EIS/EIR Chapter 2 and in General Response 2, *Proposed Project* (Final EIR Section 2.2.2), no expansion or change in use of the gas wells is proposed by the Project or other restoration alternatives. Instead, each of the restoration alternatives would involve abandonment and replacement of wells as needed to accommodate the proposed restoration.

From: [Ben Hamilton](#)
To: [Rogers Bonnie L CIV USARMY CESPL \(US\); Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Response to proposal for permits through EIR/EIS process
Date: Sunday, February 4, 2018 3:07:54 PM

BC &W RESTORATION EIR/EIS RESPONSE

FROM: 2/04/2018

Benjamin F. Hamilton, MA, Marine Biology,
Occidental College, 1976
B.S. Biology/ Ecology, University of Redland, 1968
Blog: AnEcoScape

7968 Mc Connell Ave
Los Angeles, CA 90045

TO:
UNITED STATES CORPS OF ENGINEERS
Los Angeles District, Regulatory Division
ATTN: SPL-2010-01155 (Bonnie Rogers)
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017-3401
Ms. Bonney Rodgers, (213) 452-3372
bonnie.l.rogers@usace.army.mil

CALIFORNIA DEPT. OF FISH AND WILDLIFE
Richard Brody, C/O ESA
550 Kearny Street, Suite 800
San Francisco, CA 94108
(415) 896-5900
BWERCComments@wildlife.ca.gov

Response to proposal for Ballona Creek and Wetlands
Restoration Program EIR/EIS.

**Situation Overview, Conclusions, and
Recommendations.**

1. Overview: The proponents of the proposed "Restoration" of Ballona Wetlands and the Ballona Creek Flood Water Runoff collection and Discharge Facilities, together with the agency that is charged with administration of the Ballona Wetlands, the State of California Department of Fish and Wildlife, desire to modify a large area of the wetlands (nearly 1/3 to 2/3 of the total area) and change it from a low freshwater wetlands combined with a seldom flooded moderate to low level "upland" area by use of heavy earth moving equipment.

I43-1

The unfairness of the approach defies reason as is evidenced by drains discovered recently that have substantially modified the biosphere of the area so as to make its visual impact as well as its traditional support for flora and fauna seem like a dream of past that is lost forever. The California Coastal Commission has ordered the removal of those drains and the re-establishment of those waters that historically flowed to those areas to be restored. This included pumping across Ballona Creek.

I43-2

No current study of the supportable flora and fauna of those areas deemed area A and area B can be accepted as accurate. No measurements can be deemed likely to be acceptable to determine baseline populations of species for at least 10 years, and for perhaps as long as 20 years or more.

This author recommends withdrawal of this entire proposal. Also he encourages a re-organization of the stakeholder groups including those from the State, County, Federal, and City Governments to report to a committee that is comprised of the Sierra Club and Audubon Society and others to meet and plan for parking and access, and making the area accessible for viewing, minor projects to improve habitats, and also to offer extensive use of the area for Eco-tourism through perimeter parking for tour buses and bicycle and foot paths. Without compromise of habitat of indigenous or exotic species.

I43-3

The author further suggests that these smaller projects could be planned immediately, reviewed by state, county, federal and stakeholders, and submitted to a group re-convened for the purpose.

I43-4

Comments Current EIR/EIS PROPOSAL.

1. The current proposal to modify Ballona Creek and Wetlands via major changes defies any logic. PROPOSALS 1, 2, and 3 are rejected completely by this author. There should be no excavation and replacement of existing habitat by digging gigantic holes and erection of high berms, and turning what has been freshwater wetlands into saline and or brackish areas.

I43-5

2. The offer of option 4, unilaterally to do nothing is accepted by this author. Further, this author suggests that the EIR/EIS proposal be withdrawn and a series of much smaller projects over a long period of time be made by negotiations of the stakeholder groups under leadership provided by the STAKEHOLDER GROUPS for the California Fish and Wildlife, US ACE, County of Los Angeles Flood Control, and others who are the current applicants for permit, to carry out what many stakeholder groups deem to be complete destruction of the protected area. This includes leadership rolls by Sierra Club and Audubon Society with participation by other interested stakeholder groups and individuals. Simple plans to provide and publish detailed and transparent species monitoring, posting to You-Tube and Facebook and other platforms data, and video observations be made and paid for from budget. Also that plans be made to allow better access and viewing areas and platforms, trails, and habitat improvements to expand and diversify populations of indigenous species as well as transient and changes that may be deemed appropriate for the area. Species associated with succession in urban impact ecosystems.

I43-6

3. Further, that a recovery of money be undertaken where it is determined that parties have proceeded against the public interest or where there is evidence and or appearance of compromise of integrity that may be proved, such as via serially or at the same time working for developer and regulatory or management organizations of the land where this project is proposed. Here I speak toward collusion via developers of Playa Vista and the eventual Ballona Wetlands Protected area. This includes investigation by federal state and local agencies, and private investigators to gain information that can be used in court. This also applies to any failure on any occasion to modify or abridge the reporting of contamination so as to make any water or

I43-7

I43-8

I43-9

soil of the wetlands of lessor value or that it be deemed "tainted" in the least amount by action of any party, known or not known. Those responsible for building illegal drains on State Property now a protected area known as Ballona Wetlands should be discovered and held accountable by strict interpretation to the maximum extent allowed by law.

↑
I43-9
cont.

4. A new program with EIR/EIS should be undertaken outside of Marina del Rey in the nearby areas of the exposed coast of Santa Monica Bay that will expand and enhance marine ecosystems in the coastal area, and perhaps offer expanded protection from wave and current action by extension of the harbor outside of the breakwater that protects the main channel of Marina del Rey. There could be additional harbor improvements at Venice Pier area as well as a revitalized small boat harbor and protected marine area at the Santa Monica Pier. Even the inclusion of numerous multi-purpose artificial reefs. Structure does attract and appears to increase the diversity and total biomass of an area. Adding diversity of substrate in the ocean enhances the ecosystem.

I43-10

B. Conclusion

What is proposed by the previously discussed and opposed digging with machinery around Ballona Wetlands greatly changes the substrate and simplifies a very diverse and vibrant assembly of habitats and promises to strip it of the diversity of flora and fauna and the ability of its life to resist the negative impacts of the urban pressures from human activity.

I43-11

Sincerely,
Benjamin F. Hamilton
Owner of the blog, AnEcoScape

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Letter I43: Ben Hamilton

I43-1 The commenter's understanding of the proposed restoration is inconsistent with the Project described in Draft EIS/EIR Chapter 2 to the extent that the Project and other restoration alternatives would enhance and create a mix of habitats including native coastal wetland and upland habitats. See also Draft EIS/EIR Section 1.1.2, which identifies the CEQA project objectives as including the restoration, enhancement, and creation of estuarine and associated habitats that would support a natural range of habitat formations and functions, including multiple habitat types, in the Ballona Reserve and that would sustain multiple levels of biodiversity by strategically preserving, restoring, enhancing, and developing multiple habitats (including a variety of wetland types and upland habitats) and incorporating transitional and upland habitat connections to the wetlands to support recruitment and the various life stages of a diverse native flora and fauna.

Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

I43-2 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains and related questions about baseline studies.

I43-3 The stated preference for withdrawal of the proposal is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

I43-4 The commenter's suggestions regarding the re-organization of stakeholder groups and the creation of minor projects to improve habitat 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*.

I43-5 The commenter's support for Alternative 4 is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process for the project. See Final EIR Section 2.1.1, *Input Received*.

I43-6 See Response I43-5 regarding acknowledged support for Alternative 4, and Response I43-4 regarding the suggested change in organization and approach.

I43-7 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1), regarding suggested conflicts of interest involving Playa Capital LLC.

I43-8 See Response I43-7.

I43-9 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains and the California Coastal Commission's proceedings related to the drains.



- I43-10 Marine ecosystem enhancement outside of Marina del Rey is beyond the scope of the EIR, which focuses on the proposed restoration of the Ballona Reserve as described as part of the Project and Alternatives 2 and 3. See Section 1.1, *Purpose and Need/Project Objectives*.
- I43-11 Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

From: [Handa Ornithology Lab](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands Draft EIR
Date: Monday, February 5, 2018 4:59:47 PM

February 5, 2018

To Richard Brody,

I am writing in response to the Draft EIR for the Ballona Wetlands Ecological Reserve and I am an ornithologist who studies waterbirds in similar wetland areas further south in geographical areas including the Kendall Frost Marsh, San Diego River, Famosa Slough, San Diego Bay, and the Sweetwater River. I am familiar with the species that frequent Ballona Wetlands as they are the same species I study further south and I am very concerned about the negative impact the three story parking structure will have on the habitat and the more sensitive species of birds that use that area.

I44-1
I44-2

Ballona Wetlands is recognized as an Important Bird Area by the Audubon Society as it is located along the migratory path for many species of birds as it is a part of the Pacific Flyway. Many of the bird species that migrate or are year round residents that use this area are very sensitive to disturbance. Some of the birds sensitive to disturbance include shorebirds, herons, and terns – such as the Snowy Plover and California Least Tern which are both federally and state endangered species and the Long-billed Curlew, a species considered a highly-imperiled species by the Western Hemisphere Shorebird Reserve Network. Extensive research testing limits of human disturbance and documentation from waterbird research has proven that the more sensitive species will move out of the area with too much disturbance to the habitat including presence of humans, presence of automobiles, and disturbance and agitation in the form of loud noises.

I44-3
I44-4

A three-story parking structure not only would be an unsightly structure towering across the natural landscape of the Ballona wetlands that many agencies worked hard to restore to a more natural state, but the structure would create an echo-chamber as the slamming of the car doors and engine sounds would agitate the more sensitive species.

I44-5

Please consider the many species of birds that use this area that are sensitive to disturbances that would occur with the presence of a three-story parking garage. Also please put us on the list for future notices, milestones, opportunities to comment. Thank you for your time and careful consideration.

Respectfully,

Lesley Handa
Handa Ornithology Lab



Letter I44: Lesley Handa

- I44-1 The commenter's background as an ornithologist, familiarity with avian species that could be affected by the Project, and concern specifically about the potential impacts of the proposed three-story parking structure on the habitat and species that use that area are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. Regarding the parking structure, see General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4). Impacts to avian species are analyzed for each of the alternatives in Draft EIS/EIR Section 3.4.6. Without some information about the specific nature of the concern posed by the parking structure to avian species, CDFW does not have enough information to provide a detailed response.
- I44-2 See Response I44-1.
- I44-3 The location of the Ballona Reserve within the Pacific Flyway, a major north-south flyway for migratory birds in America that extends from Alaska to Patagonia, is recognized in Draft EIS/EIR Section 3.4.2.2. Section 3.4.2.2 describes the Ballona Reserve as a "regionally important as a stopover site for both resident and migratory birds," cites Audubon data as evidence supporting assertions made, and identifies a host of migratory species as having been observed within the Ballona Reserve, including Caspian terns and black-bellied plovers roosting on the salt pan habitats in Area B and several species of sandpiper and plover that occasionally make use of Area B tidal channels and salt pan subject to tidal inundation. The avian species that the commenter identifies as present within the Ballona Reserve are identified and considered in Draft EIS/EIR Section 3.4.
- I44-4 Due to concerns for special-status bird species within the reserve, mitigation measures have been proposed in Draft EIS/EIR Section 3.4.6 that have been designed to ensure proper monitoring by a qualified biologist, conduct pre- and post-restoration surveys for key species, and establish avoidance measures would ensure that the post-restoration populations of special-status species would remain at pre-restoration levels.
- I44-5 Draft EIS/EIR Section 3.4.6 analyzes direct and indirect impacts to biological resources, including noise-related and other impacts associated with increased exposure to humans. For example, the last paragraph of the introduction to Section 3.4.6, immediately preceding Section 3.4.6.1, discloses that post-restoration indirect impacts could be caused by increased human activity that results in trash, lighting, noise, or vehicle collisions. Such "impacts could increase mortality, reduce productivity, and/or reduce the value and functions of natural open space for the native species that inhabit it." This section expressly acknowledges that "many birds are sensitive to indirect impacts related to equipment vehicle movement and increased noise that are often associated with project implementation." Accordingly, the EIR does consider the stated concerns. Therefore, no revisions have been made in response to this comment.

From: Marcia Hanscom <wetlandact@earthlink.net>
Sent: Wednesday, October 25, 2017 5:07 PM
To: Janna Scott
Subject: Ballona Wetlands "Restoration" Project - Public Notice/Application No.: SPL-2010-1155

Hello Ms. Scott:

I've just now seen the Notice re: SPL-2010-1155 - for the DEIS for the Ballona Wetlands. I've received it through a third party consultant for the project and am wondering why I've not received it personally. I note that this document was not on the ACOE website when the local CEQA equivalent notice was posted by the CDFW. Is there a reason these were not released at the same time? Is there a reason why we were not notified of the federal release of the DEIS? I 145-1
I 145-2
I 145-3

A second, most important question, given the ticking clock timeline for all of this, is it at all possible I could receive a hard-copy of this very lengthy document? If so, how would we go about obtaining that? We would really like a hard copy for ease of and adequate review. I 145-4

Thank you.

Marcia Hanscom
Chair, Sierra Club Ballona Wetlands Restoration Committee
Executive Committee, Sierra Club Angeles Chapter
Political Committee, Sierra Club Angeles Chapter L.A. County

Mobile: (310) 877-2634
wetlandact@earthlink.net
marcia.hanscom@sierraclub.org



Letter I45: Marcia Hanscom

- I45-1 See Final EIR Section 1.4.1, *Agency and Public Review of the Draft EIS/EIR*, which identifies the several ways the Draft EIS/EIR was made available for agency and public review.
- I45-2 See Response I45-1.
- I45-3 See Response I45-1.
- I45-4 If the commenter preferred to avoid printing sections of specific sections of interest for review, hard copies of the Draft EIS/EIR were available for public review during normal working hours at four locations: the California State Coastal Conservancy in Oakland, California, and three branches of the County of Los Angeles Public Library (i.e., in Marina del Rey, Playa Vista, and Westchester-Loyola Village).

Colonel Kirk Gibbs
Daniel Swenson
U.S. Army Corp of Engineers
915 Wilshire Blvd., Suite 930
Los Angeles, California 90017

Director Charles Bonham
Richard Brody, Land Manager, Ballona Wetlands
California Department of Fish and Wildlife
550 Kearney Street, Suite 800
San Francisco, California 94108

To All Concerned:

I urge you to revise and re-circulate the Draft Environmental Impact Report for the Ballona Wetlands, based on the many concerns that I have with the proposed project in its current iteration. These concerns include, but are not limited to, the following:

I46-1

Page2-84-“Full tidal restoration of Area B”- The Historical Ecology report by Longcore, Dark et al, state that historically Ballona was a primarily freshwater system.

I46-2

Why do all three preferred alternatives continually focus on creating full tidal flow in the majority of the reserve and disregard the historic freshwater nature of these wetlands? Why is there no mention of concern of saltwater intrusion to the Eucalyptus grove in south Area B, a known roosting site for Monarch Butterflies and roosting and maternity site for Great Horned Owls?

I46-3

Page 2-87-“Proposed paved emergency vehicle and bus access road to be constructed in the Ballona Reserve behind the commercial properties on Culver Blvd.” and page 2-98: “west Culver lot . . . would be paved and striped . . . sidewalks would be installed”. Access to the above mentioned lot, behind Gordon’s/AlkaWater Market, is already available at two entry points, one from Culver Blvd. and the other from Vista Del Mar. The parking lot pools regularly after rain events, indicating the potential for rainwater to be infiltrated back into the aquifer below. The proposed emergency access road is also positioned atop or very near a significant archaeological site.

I46-4

Why is there a second access road proposed to enter Area B, when access points already exist? Why will the parking lot be paved, instead of the installation of permeable surfaces and swales designed to take advantage of and capture rainfall as it occurs?

Page 2-100- “Class I bicycle path . . . at least 12 feet wide, and paved . . . plus a six foot wide pedestrian component . . . and a planned buffer zone (between the pedestrian and bike path of 2 feet wide”

I46-5

This would mean a width at the top of 20 foot tall berms, planned throughout the reserve, as part of public access. This would be a total width for the paths of at least 20 feet, plus additional width to accommodate the slope of the berms. In addition, swales to be installed at the toe of the berms would increase the width by another three to twenty feet. Present habitat would be covered at a width of at least 40 feet along all berms proposed throughout the Reserve, allowing public access at the expense of existing habitat. As Director of Outdoor Education for the Los Angeles Audubon Society (LAAS), I am privileged to have official access to the site under permit from the California Department of Fish and Wildlife. It has always troubled me that LAAS is one of the few stakeholders to have access to the Reserve, and would like to see the public able to visit the Reserve more regularly. However, the

proposed plan quoted above would bury and destroy existing habitat, and increased pathways throughout the site would be disruptive to wildlife.

Why was there no option included in any of the preferred alternatives to provide perimeter paths around the site in order for the public to view the wetlands, which would limit disruption to habitat and wildlife, while still providing the public with opportunity to engage with the wetlands?

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I46-5
cont.

Page 2-130- “If mechanical or hand removal methods [of invasive plants] are tried and found to be ineffective after two years of repeated treatment . . . then chemical controls will be implemented” “Chemical controls” (i.e. pesticides) have no place in an Ecological Reserve, especially one that is located so close to the ocean. Hand removal of invasive plants in the dunes in West Area B, much of it done by school children during school tours sponsored by LAAS, has resulted in a thriving and biodiverse dune habitat. The approach has shown great success in recovery of this portion of the Reserve.

Why not exclusively use the approach of hand removal of invasive plants with the help of the public, through volunteer events? Why not allow the public to assist with the restoration of Ballona through such events, which would by nature allow more access to the site by major stakeholders (the public)?

I46-6

Page 3.2-17- This page contains and “after” view of pilings that were originally part of the Pacific Electric Railway being removed, in Figure2-49.

I am at this portion of Area B several times a week as I perform my duties as an employee of LAAS. I know for a fact that these pilings are used frequently as perching spots for many birds, including the Snowy Egret, American Kestrel, Belted Kingfishes and Double Crested Cormorant.

Why will these important perching spots for birds be removed?

I46-7

Page 3.2-20- “Under Section 30251 of the Coastal Act, the scenic and visual qualities of coastal areas are considered and protected as a resource of public importance”

If any of the preferred alternatives as currently described are implemented, any one passing along sections of Lincoln, Culver and Jefferson would be deprived of the scenic and visual qualities of this coastal area (i.e. the Reserve) due to the proposed 20 foot high berms that will be constructed of soils excavated from Area A and other parts of the wetlands. Although altered during previous construction projects, Area A does contain viable upland and riparian habitat, as evidenced by the presence of willows, mulefat, California Sagebrush, Coyotebush, Laurel Sumac, etc. Birds, mammals, reptiles and invertebrates of many types currently use this area to forage, and reside.

Why not enhance the habitat already present at Area A, instead of excavating massive amounts of soil to be deposited in the form of view blocking berms around the perimeter of the Reserve and in Area C?

I46-8
I46-9

Page 3.4-45- “. . .in 2009, two California Gnatcatcher were observed foraging in Area C” and “an approximately 20 meter patch of California Sagebrush, surrounded by Coyotebush and Laurel Sumac in Area A that held a single California Gnatcatcher on March 18th, 2011 is the largest occurrence of this habitat type know within the project site”

The California Gnatcatcher is an endangered species. Based on the above statement, there is already habitat present in Area A that attracts this bird.

Why do none of the preferred alternatives offer enhancement of existing habitat found in Area A, documented to attracting this species, and instead propose to excavate and convert the majority of this section into a tidal marsh?

I46-10
I46-11

Page 3.4-98- “population numbers [of the Belding’s Savannah Sparrow] have increased from 11 to 48 breeding pairs between 1998 and 2014 . . . foraging activity has been observed in Area A”

I46-12
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The Belding’s Savannah Sparrow is another endangered species, and remarkably, its numbers have increase with no major alteration of present habitat. As population increases, it stands to reason that more foraging opportunities must be available. Proposed alteration of Area A would impact foraging areas already in use by the Belding’s Savannah Sparrow. In addition, post proposed alteration of Area A, it has been determined that only one nesting pair of Belding’s Savannah Sparrow be documented in Area A in order to go ahead with Phase II, which would disrupt/destroy current nesting habitat found in Area B.

I46-12
cont.

Why is Area A slated for extreme destruction of a habitat that is already being used by important species, which will destroy upland foraging opportunities as it is converted into full tidal marsh?

Appendix D, Table D5-10 indicates that only two bird surveys were done in Area A in the past 20 years, one in 1998 and the other in 2001. Yet two Belding’s Savannah Sparrows were noted by Dan Cooper in Area A in 2010.

I46-13

Why were there no regular surveys for birds done in Area A, if both California Gnatcatchers and Belding’s Savannah Sparrows were known to be present at the site?

Appendix D, page D10-8 mentions that “bat occupancy, particularly maternity roosts, will need to be considered prior to any removal . . . in native or non-native trees”.

Several species of bats were found in various surveys listed in this report. Bats are an important part of this ecosystem. They provide insect control, which has been a concern in recent years, particularly at the Freshwater Marsh. They also function as pollinators, particularly with night blooming native plants like Datura.

I46-14

Yet the tables on pages D12-47 and D13-48 state “roosting sites [for bats] lacking”, with no mention of maternity sites at all. Clearly, tables on pages D12-47 and D12-48 contradict page D-108.

Why is there this contradiction and lack of consistency in reference to these bat species?

Appendix D, page D4-4-“No ponds in Areas A, B or C were determined to support San Diego or Riverside Fairy Shrimp due to high salinity”

The presence of illegal drains in Area B for over 20 years deprived the wetlands of natural flow of rainwater, thus altering the salinity of ponds that were able to form. Therefore, the entire report should be re-worked post the removal of these drains in order to get a more accurate baseline of the hydrology of the wetlands and affected habitats, including consideration of the breeding potential for both species of Fairy Shrimp.

I46-15

Why were illegal drains allowed to remain on the wetlands for decades, altering hydrological qualities and obstructing the establishment of unique species like the Fairy Shrimp?

Appendix B, page B3-12-“It should be noted that the proposed restoration includes both habitat restoration and habitat creation. Our understanding of the historical ecology of the Ballona region is largely inferred from historical accounts of the Los Angeles coast (e.g. Dark et al, 2011) . Few hard data exist regarding historical habitat compositions or ecosystem function at BWER. Moreover, development within the Ballona Creek watershed and the associated need for flood control greatly limit the options available for restoration. Some aspects of the restoration plan involve “restoration” in the sense of recovering historical conditions. However, most aspects of the restoration plan involve re-establishment of natural processes and ecological functions and either habitat creation (i.e. creating a particular habitat where it did not previously exist) or habitat enhancement (i.e. modification of existing conditions). However, to avoid overcomplicating the conceptual plan, the term “restoration” is used throughout the text and is meant to encompass all of these elements and not only the re-creation of a historical condition”.

I46-16

Comment Letter I46

I include this last passage in full because I feel it is indicative of the disingenuous nature of the entire DEIR. By referring throughout to the proposal(s) as restoration, a less informed public with neither the time nor fortitude to go through almost 8,000 pages of documents would be under the impression that this is a true restoration. This passage, although buried deep in one of the many appendices, reveals that the State's current plan is an invasive, disruptive, multi-year, habitat destroying plan that will displace a hugely diverse amount of flora and fauna that is already present at Ballona, cloaked in the positive and encouraging term "restoration". This kind of language and the content of the report indicate a pre-commitment by the lead agency toward their own preferred alternatives.

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I46-16
cont.
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I46-17

I am personally and vividly aware of the life and vibrant ecosystem that is already present at Ballona. Although I am writing my response as a private citizen, my position as Director of Outdoor Education allows on the ground observation that tells me that this DEIR needs to be re-worked and re-circulated. It is my hope that a new version will be less contradictory and include options that do not include massive bulldozing and creation of altogether new ecosystems that will supplant ones that are already functioning for wildlife. The re-worked version must also include alternatives that offer more freshwater marsh habitat, reflecting historic conditions of Ballona for the past at least 100 years.

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I46-18
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I46-19

Thank you,
Cindy Hardin

Letter I46: Cindy Hardin

- I46-1 See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received requesting recirculation.
- I46-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I46-3 Potential impacts to the eucalyptus grove in Area B with respect to suitable habitat for monarch butterflies, including potential impacts to the trees from saltwater intrusion, are addressed in Draft EIS/EIR Section 3.4.6. Each of the restoration alternatives would avoid direct impacts to the eucalyptus grove. Further, no indirect impacts to monarch butterfly habitat are anticipated since the eucalyptus grove is situated approximately 4 to 10 feet above the marsh plain and is not expected to be impacted by altered hydrological conditions. The grove is already adjacent to a tidal slough channel, so there would be little change from existing conditions. Therefore, saltwater intrusion into the eucalyptus grove would not cause a significant impact.
- I46-4 Draft EIS/EIR Section 2.2.2.3, *Alternative 1: Public Access and Visitor Facilities*, under the heading “Parking” and subheading “Area B,” addresses the West Culver Parking Lot. As described in this section, “The West Culver Parking Lot, currently a poorly-draining gravel lot that can accommodate approximately 50 cars, would be paved.” Additionally, under the subheading “Stormwater Management,” the section describes drainage improvements: “This basin would also function as a water quality treatment measure for a portion of the runoff from the existing paved area of Culver Boulevard. Additionally, a pre-treatment basin would be constructed to address the minor increase in pollutant load from the proposed paved emergency and bus access road to be constructed in the Ballona Reserve immediately behind the commercial properties.” Therefore, these changes to existing drainage would improve the current drainage system in the gravel lot. The suggestion that permeable surfaces and swales be used to construct the lot is acknowledged and may be considered as part of CDFW’s decision-making process, but has not resulted in revision to the alternatives.
- I46-5 As stated in Draft EIS/EIR Section 1.1.2, CEQA Project Objective 4 is to: “Develop and enhance wildlife dependent uses and secondary compatible on-site public access for recreation and educational activities by: a) Providing a system of walking trails with interpretation and learning opportunities focused on the natural resources and cultural context of the restored and enhanced native uplands habitat; and b) Providing new access for cyclists along the new levees.”

The plans for public access are shown in Draft EIS/EIR Figure 2-3, Alternative 1, Phase 2: Public Access Plan; Figure 2-18, Alternative 1, Phase 1: Public Access Plan, Figure 2-23, Alternative 1: Public Access Plan Detail; Figure 2-24, Typical



Observation Deck; Figure 2-25, Typical Elevated Pedestrian Boardwalk; Figure 2-26, Typical Trail at Levees' Edge; Figure 2-27, Typical Pedestrian & Bike Trail, Figure 2-45, Alternative 2: Public Access Plan; and Figure 2-54, Alternative 3: Public Access Plan. These plans for public access were developed to balance opportunities to minimize disruption to habitat and, secondarily, to maximize public engagement with the wetlands. The suggested preference to limit public access to perimeter pathways 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*.

I46-6 Under the subheading "Nonnative Plant Material Treatment," Draft EIS/EIR Section 2.2.2.5 explains: "Recommendations contained in the Cal-IPC Weed Workers Handbook and website (2014) and at the U.S. Department of Agriculture (<http://plants.usda.gov/java/noxiousDriver>) would be followed. Mechanical removal is the preferred method of removing invasive species; accordingly, invasive plant species removal would occur using mechanical methods to the maximum extent possible. This method of removal would be used in areas where the associated ground disturbance would not adversely affect sensitive wildlife species."

This method is preferable, as many of the invasive species are too widespread and have too much biomass to remove by hand. Therefore, mechanical removal allows for the removal of invasive, nonnative species at a rate that is sufficient to prevent reestablishment. Additionally, as described in Section 2.2.2.7, "Removal of invasive species would occur on site in perpetuity through the combination of a volunteer program and long-term management of the site using methods similar to those used during implementation." Therefore, throughout operation and maintenance of the Project, volunteers and stakeholders would be engaged in non-native plant removal.

Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

I46-7 The comment asks why pilings shown in what CDFW believes is Draft EIS/EIR Figure 3.2-10 (not Figure 2-49) would be removed by the Project, as they are used for perching by many species of waterbirds and raptors. Draft EIS/EIR Figure 3.2-10 depicts Alternative 1, KOP 9. These derelict, creosote-treated piles would be taken out to remove toxins from the site, improve water quality, and provide a natural look to the marsh.

I46-8 Draft EIS/EIR Section 3.2, *Aesthetics*, includes an evaluation of changes to views from Lincoln Boulevard (KOP 1), Culver Boulevard (KOP 2, KOP 3, KOP 4, KOP 7, and KOP 8), and Jefferson Boulevard (KOP 6). See Draft EIS/EIR Figure 3.2-1, Location of Key Viewpoints. As described in Section 3.2.6.1, the restoration activities proposed by the Project "would change scenic vistas as seen from within and from



surrounding the Project Site as the earth moving equipment and materials, stockpiled soil fill, a potential for visible dust plumes, and debris piles would partially obscure scenic vistas when viewed in close proximity to Area A or Area C.” Following restoration, Section 3.2.6.1 describes “noticeable changes” resulting from the Project as including “the relocation of excavated materials to Area C to create elevated areas of upland habitat on either side of the channel, and the excavation of additional channels in West Area B and Area C.”

As analyzed in Section 3.2.6.2, Alternative 2 also would temporarily change views surrounding the Project Site because “the earth moving equipment and materials, stockpiled soil fill, a potential for visible dust plumes, and debris piles would partially obscure scenic vistas when viewed in close proximity to Area A and Area C.” Following restoration under Alternative 2, “new upland habitat areas in Area C would entirely obscure distant views of Playa Vista to the southeast from KOP 1 (Figure 3.2-3); however, views to the east would remain relatively unchanged and these mounds would decrease in visibility at further distances” (Section 3.2.6.2). The suggested objection to these changes to existing views is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.

- I46-9 Due to the amount of fill placed in Area A during the 1930s and 1960s, fill must be excavated to restore tidal influence and habitat function in Area A and reconnect Ballona Creek to its historic floodplain. The removal of soil deposited in Area A would allow the re-creation of marsh plain habitats near the creek, transition zones and upland habitats. As described in Draft EIS/EIR Section 2.2.2.1 under the heading “Phase 1 Restoration” and subheading “Restored Habitats (Alternative 1, Phase 1),” “Slight depressions in the transition and upland areas would be created to form salt pans and seasonal wetlands. Tidal channels also would be excavated to provide tidal conveyance to the marsh and shorebird foraging habitats. The banks of the tidal channels and the realigned Ballona creek would provide unvegetated mudflat habitat, which would support benthic invertebrates and foraging.” Therefore, although there are some existing habitats in Area A, as shown by Figure 3.4-2, the majority of Area A is dominated by Invasive Monoculture and Coastal scrub and disturbed non-tidal marsh. The proposed restoration would restore a variety of habitats and hydrological function to this area which would support the physical and biological function of the Area.
- I46-10 The comment quotes the Draft EIS/EIR’s statement that a single California gnatcatcher was observed in Area A in 2011. The Draft EIS/EIR goes on to state that “[b]ecause of the limited distribution of this habitat on-site, and the preponderance of non-native, invasive plant species within this habitat, it is unlikely that the gnatcatcher could breed on-site.” The comment then concludes that habitat exists in Area A that attracts the bird. As discussed in section 3.4.6.1 for Impact i-BIO-1J, the “species is not expected to breed or forage on the Project Site considering the habitat conditions onsite and the lack of recent observations of this species.” And although



- potentially suitable foraging habitat would be reduced, the majority of potential habitat for the species would remain and be enhanced and/or planted. The Draft EIR/EIR goes on to state that, “the application of Project Design Feature BIO-3 (Habitat Restoration and Monitoring Plan) would improve the value of coastal scrub habitats within the Ballona Reserve through restoration and monitoring, as well as by controlling invasive plants; and other measures that would focus specifically on habitat for coastal California gnatcatchers. This would be a potential beneficial effect.” The comment does not identify a deficiency in the EIR and therefore is acknowledged, but does not inform CDFW’s consideration of the EIR’s analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I46-11 See Response I46-9, which explains the rationale for the proposed excavation in Area A.
- I46-12 See Response I46-9, which explains the rationale for the proposed excavation in Area A. See also General Response 5, *Biological Resources*, regarding Belding’s savannah sparrow (Final EIR Section 2.2.5.4), which addresses multiple comments received about this species.
- I46-13 See General Response 5, *Biological Resources*, regarding Belding’s savannah sparrow (Final EIR Section 2.2.5.4), which addresses multiple comments received about this species.
- I46-14 The commenter’s concern regarding potential impacts to bat species is acknowledged. The majority of bat detections reported from 2015 surveys were from foraging excursions and not roosting sites. The statement in Draft EIS/EIR Appendix D summarized the bat survey report confirming that bats are present at the Ballona Reserve and that activities should consider roosting sites. Specifically, as stated in Draft EIS/EIR Section 3.4, “winter migration surveys have detected some bat activity, but bat roosts have not been detected on-site.” Subsequently, based on a review of available habitat in the Project area, the analysis provided in Draft EIS/EIR Section 3.4 and Appendix D indicated that such roosting habitat was unlikely to be encountered in the Project area. Hence, the document is internally consistent with regard to potential bat presence. Additionally, Mitigation Measure BIO-1r is proposed to specifically survey for bat roosts within the Project area prior to construction activities. Hence, no impacts are anticipated to active bat roosts.
- I46-15 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains.

As discussed in Draft EIS/EIR Section 3.4.2.2 under the subheading “Special-Status Invertebrates,” San Diego fairy shrimp and Riverside fairy shrimp were determined to



- have a low potential to occur on-site because the study area is outside of the species' range, potentially suitable habitat is absent, and/or multiple surveys of the Project Site during the previous 30 years have not found the species. Further, as described in Draft EIS/EIR Appendix D4, *Summary of Benthic Invertebrate Studies in the Study Area (1980 to 2011)*, no ponds in Area A, B, or C were determined to be capable of supporting either type of fairy shrimp due to high salinities or inadequate length or depth of ponding, and thus, both the Riverside fairy shrimp and the San Diego fairy shrimp were determined to be absent from the Project area.
- I46-16 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."
- I46-17 CDFW disagrees with the suggestion that the outcome of the environmental review process was predetermined to support any particular choice. Disagreement about the definition of restoration, or a preference for the use of a different definition, is acknowledged. Regarding the range of alternatives and how it was developed, see Draft EIS/EIR Section 2.1.1, *NEPA and Clean Water Act Section 404(b)(1) Requirements for the Evaluation of Alternatives*; Section 2.1.2, *CEQA Requirements for the Evaluation of Alternatives*; Section 2.1.3, *Screening Criteria for Alternatives to the Proposed Action*; and Section 2.1.4, *Evaluation of Alternatives to the Proposed Action*. See also General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments regarding alternatives.
- I46-18 See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received requesting recirculation. See also General Response 3, *Alternatives* (Final EIR Section 2.2.3), which explains why an alternative that would preclude the use of "large-scale earthmoving ... within the Ballona Reserve" (Alternative 5) was not carried forward for detailed review.
- I46-19 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a "freshwater alternative." Also see General Response 3, *Alternatives* (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.

From: [Richard Harmel](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands Project
Date: Monday, February 5, 2018 11:35:52 AM
Attachments: [Napoli Ballona EIR Comments.pdf](#)

Dear Mr. Brody:

I am a resident/homeowner of Villa Napoli on La Villa Marina in Marina del Rey. I am a former Board member of the Villa Napoli HOA and I attend the Del Rey Neighborhood Council meetings as well as the Del Rey Planning and Land Use Committee meetings. I am in agreement with the the Del Rey Neighborhood Council that several aspects of the “Restoration” project would be detrimental to our neighborhood and should be considered and weighed prior to approval of this project.

I have attached a letter documenting the concerns the Villa Napoli HOA has with the Ballona Wetlands project.

If you have any questions or would like additional information, please feel free to contact me.

Richard A. Harmel
4754 La Villa Marina Unit B
Marina del Rey, CA 90292
(310) 699-0105

I47-1

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

February 4, 2018

Mr. Richard Brody
California Department of Fish and Wildlife
c/o ESA (jas)
550 Kearny Street, Suite 800
San Francisco, CA 94108

Dear Mr. Brody:

On behalf of the Villa Napoli Homeowners Association, I would like to submit the following comments on the Ballona Wetlands Restoration Project Draft EIS/EIR.

Villa Napoli is a Homeowners Association of 35 town homes within Villa Marina development directly adjacent to Area C North. We have seen many changes to the Marina del Rey area since our neighborhood was built in 1966, and are grateful that the Ballona Wetlands Ecological Reserve has endured literally in our back yard during this time. But we have also seen the gradual ongoing deterioration of Area C North over the years. We support a plan that restores degraded areas and provides a habitat where native plant, bird and animal species can survive and thrive, as well as affords an opportunity for the public to enjoy the wetlands in an unobtrusive way. While we all agree that Area C North is long overdue for some much-needed rehabilitation, we feel that certain aspects of the Draft EIS/EIR would have a potentially negative impact on our neighborhood.

The Del Rey Neighborhood passed a resolution at a board of directors meeting on February 1, 2018 and the board of Villa Napoli supports that resolution. I have included the text of the resolution.

Sincerely,

Paul Lupi
President
Villa Napoli Homeowners Association
(310) 801-7579

cc: Andrew Simpson, Ida Goldenberg, Diane Howard, Verena Schenk

I47-2

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

Motion: The Del Rey Neighborhood Council submits the following comments, questions and opinions on the Ballona Wetlands Restoration Project Draft EIR. Our comments that follow are based on questions and concerns we have within the community and we feel they should be addressed prior to any Alternative being endorsed. We are not for or against a project of the magnitude proposed in these Alternatives. However, any final scheme that is proposed must consider and resolve our concerns and comments.

1 • RECONSTRUCTION, NOT A RESTORATION

There is a concern amongst our community that the project proposed in Alts 1, 2 & 3 are technically not a restoration, instead this may be considered a reconstruction. Justify why Alternative 1, 2 & 3 would be considered to be a 'restoration' of the Ballona Wetlands. Explain further (in simplified summaries with referenced data) how the resulting ecosystem and hydrology will accurately reestablish this area's natural and healthy state and give further consideration to the natural healing taking place currently and further explanation of the need for such a massive project.

2 • SOILS DISPLACEMENT TO AREA C

Alternatives 1-3 implement the strategy of removing large amounts of soils from Area A and displacing them into Area C, resulting in significantly higher grade elevations than are existing. There are several reasons why this is not an acceptable approach.

This area is currently one of the most problematic environments on the Westside. Crime and homelessness thrive there. Steps must be taken to limit the opportunity for illegal activities to occur, and homelessness to continue to thrive and address both public health and safety.

Further, as noted in comments from the Villa Marina community, there are concerns about this displacement in both its implementation and final effect. The amount of dirt and dust created during construction must be addressed to the satisfaction of the closest residents and no truck hauling may be done through residential streets.



I47-2
cont.

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

In the end, raising the elevation of this area will eliminate any sense of open space from eye level of our community. This part of the project must be considered as important as the other areas instead of being treated as the 'dumping ground' or logistical solution for the benefit of Area A.

3 • IMPACT ON WILDLIFE SPECIES

During construction of the project, many animals will either be killed or chased into our neighborhoods seeking shelter, food and safety. Provide feasible explanation of how the existing wildlife and plant life will be protected during excavation and construction, and justify clearly the desire to remove their habitat and replace it with tidal wetlands. In all alternatives, provide for a land bridge option across Lincoln and Culver Bvds.

4 • PLANS FOR THE LITTLE LEAGUE BASEBALL FIELDS

Culver Marina Little League (CMLL) is one of the few recreational facilities that we have in Del Rey. It provides a rare opportunity in Del Rey for neighbors to meet and play together.

We support the continuous, uninterrupted operation of CMLL. Through the re-grading and habitat enhancements of South Area C in Alternatives 1-3, CMLL's baseball fields would be either impacted or destroyed. Provide specific plans that are acceptable to the community and to the CMLL for the baseball fields to be operating and improved in each Alternative. Provide explanation of how this will be funded in each alternative.

5 • PARKING STRUCTURE

The construction of a multi-level parking structure is inappropriate in this context and within the boundaries of the States' land. Parking should not be provided for current or future commercial uses in the Marina. Provide a parking load calculation that is appropriate for this use and as applicable reduce the number of parking spaces. In all events, provide for and enforce timed parking that limits other uses. Moreover, instead of a single, primary point of access to the boardwalk trails, there should multiple entry access points so that parking can be distributed in different locations.



I47-2
cont.

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

6 • CONTINUOUS BIKE PATH OPERATION

The Ballona Creek Bike path is one of the most important outdoor recreational opportunities in Del Rey, as well as part of a vital transportation system for residents and commuters. Uninterrupted operation of the bike path must be provided. Include plans in all alternatives for this to occur.

7 • PUBLIC ACCESS

The status of this area should be maintained as an ‘Ecological Reserve’. It is not a Regional Park and public access should be restricted to the Project’s edges and primary bisecting thoroughfares. Excessive human infiltration will be detrimental to the wildlife and plant life. Provide an alternative solution with more limited public access. Further, is there a plan to provide enhanced and proper security to ensure transient populations do not continue to disturb the wetlands and contribute to ecological and public safety hazards.

8 • DISPERSAL OF RUNOFF DEBRIS

In all tidal wetlands Alternatives, rubbish and debris runoff from urban pollution that flows through the Ballona Creek will be dispersed throughout the wetlands. Currently, it is contained within the levies and is collectable by pontoon nets and volunteer cleanups along the banks. Provide a detailed description how trash and debris will be controlled and collected in each alternative. Also include explanation of how pollution will be kept from running off into the bay.

9 • STORM DRAINAGE AND FLOODING

We as a community are very concerned about the performance of the Ballona Creek up stream in Del Rey and beyond as a prevention to storm flooding in our area. We must be assured that during and after the Project that the Creek will provide not equal but improved capacity for handling storm water drainage. Provide a comparison of the storm drainage capacity of the Ballona Creek showing these 3 time periods – current, during construction, after completion of Project, as it relates to the project as a whole as well as specifically the Villa Marina neighborhood. Additionally, please provide a plan for financing upkeep of any flood control capacity.

10 • GAS STORAGE FACILITY



I47-2
cont.

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

We request that the entirety of the Playa del Rey gas and oil facility (both inside and outside the boundaries of the Project area) be closed permanently and the Del Rey Neighborhood Council is on record stating such. Please clarify the outcome of this facility in all alternatives and fully justify any continued operations within the natural habitat and surrounding residential areas, whether such operations are above ground or under ground (as in slant drilling).

11 • FUTURE MANAGEMENT

Please provide a plan for active on site management, maintenance and security for any future plans. The area is currently vastly understaffed and this impacts both wildlife conservation and public safety and this must be considered in any plan.



I47-2
cont.



Letter I47: Richard Harmel

- I47-1 The commenter's concern that the proposed restoration would be detrimental to the neighborhood 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, it may be considered as part of CDFW's overall decision-making process rather than specifically as part of the CEQA process. See Final EIR Section 2.1.1, *Input Received*. The commenter's agreement with comments provided in the letter submitted by the Villa Napoli HOA (Letter O26) is acknowledged. Responses to specific comments made in that letter are provided in Final EIR Section 2.3.6.
- I47-2 Receipt of this duplicate copy of the Villa Napoli HOA's February 4, 2018, letter (Letter O26) is acknowledged. Responses are provided in Final EIR Section 2.3.6.

From: Kimberley Hieatt <khieatt@gmail.com>
Sent: Saturday, October 07, 2017 1:55 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: Ballona Wetlands comments

Dear Richard,

I am a Playa Del Rey resident of 17 years. I love the wetlands, and I love wildlife and I love bicycling. However, I also need to "get around" L.A.. Looking realistically at our options, this area does not have any wonderful subways or trains or buses as other world cities do. Therefore, we are dependent on our cars to get almost anywhere. Everyone was living with Jefferson, Culver and Pershing the way it was, seeing no other option at the moment. Bicycle lanes were suddenly added on these roads and we all saw the outcry. My solution:

1. The folks using the bike lanes on Jefferson and Culver were those folks mainly from Playa Vista, (and even this summer there were not too many of them). We HAVE a bike path! The bridge on Lincoln over the Ballona River doesn't look like it will be widened anytime soon. Why not "canteliever" out on one side a walk/bike path. It doesn't have to be as big or strong, because it will only be for pedestrians and/or bicyclers. This way, folks can safely bike/walk North on Lincoln, cross the bridge and immediately get on the bike path. It is sooo much safer. My friends, who live east of Lincoln are afraid to cross that bridge, and they told me they want to get onto the bike path to get to Playa, or the beach, if that was their destination.

I48-1

2. The bike path going north on Pershing is "the bike path to death". It suddenly ends at the north end of Pershing, and I cannot tell you how many times I have driven around that curve down Nicholson only to find some poor cycler trying to get to the bike path. It will end in a terrible death one day and an awful lawsuit. Again, we do have a bike path that parallels Pershing on the beach. Granted, it is not easy to get to. My solution.. On Pershing, from Manchester north to Cabora, make a 2 way bike path on the west side of Pershing and restripe Cabora going left down to Playa. Then, return at least the northbound lanes on Pershing to 2 lanes.

I48-2

3. I LOVE Titmouse Park. But, if it means that parking will be eliminated for the Playa businesses behind their shops, then it is time to give a little a make that an nice parking structure. I have only seen homeless folks in there lately, and no kids go there to play, and I haven't seen anyone sitting quietly and reading.

I48-3

I wish I could go to the meeting November 8th, but I will be out of town.

Thank you for taking the time to read this. Should you have an questions or want to clarify something, I can be reached at

khieatt@gmail.com or 310365-1965

Respectfully yours,
Kimberley Hieatt

--



Letter I48: Kimberley Heatt

- I48-1 The commenter's suggestions regarding improvements to the system of bike paths surrounding the Ballona Reserve is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process; however, no change has been made to the restoration alternatives in response to this comment because, as explained in Draft EIS/EIR Section 1.1, the primary purpose of the Project is to restore ecological functions and services within the Ballona Reserve. As emphasized in CEQA Project Objective 4 (Draft EIS/EIR Section 1.1.2), the development and enhancement of compatible public access for recreation is secondary. The commenter's proposed bike path improvements are beyond the scope of the EIR, which focuses on the proposed restoration of the Ballona Reserve.
- I48-2 See Response I48-1.
- I48-3 None of the restoration proposals would eliminate existing parking. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

UNTITLED
entertainment

RECEIVED

NOV 01 2017

DFW Director's Office

October 20, 2017

Charlton H. Bonham
Director of Southern California Department of Fish & Wildlife
1416 19th Street, 12th Floor
Sacramento, CA 95814

Re: BALLONA WETLANDS – DEIR/DEIS – State Clearinghouse No. 2012071090

Dear Mr. Bonham:

I wanted to reach out, as a long-time resident of Marina Del Rey, about the beauty and the incredible wildlife and plans that thrive currently at the Ballona Wetlands. We have so much enjoyed the watching the Great Blue Heron, the Night Heron, the Snowy Egrets, among other species live and thrive locally because of Ballona Wetlands and its thriving habitat.

I49-1

I first experienced seeing the Ballona Wetlands on a field trip with my son's school, and have been back several times since. It's a breath of fresh air in this busy city, and so wonderful to see such a wide array of birds, animals, flowers, plants, and butterflies all thriving in this urban area.

We sincerely are hoping that you are considering giving more time to review and comment on the new report as it deserves more consideration. The holidays always come upon us quickly, and I know that Los Angeles City Councilmember Mike Bonin was also in favor of granting an additional 120 days beyond the November 24th date. I think these native animals and plants deserve more time to properly consider, analyze and comment on what I've heard to be a very large and onerous document.

I49-2

We watched closely what happened to the Oxford Lagoon...it was incredibly sad to see 50-year old trees, including trees that were a winter roost for the Monarch Butterfly, and shrubbery stripped away during the eve of the Christmas holidays. YES, we made calls to local officials, but instead of responding, the work was done, and much of the habitat stripped away.

I49-3

We literally had 25 snowy egrets land on our patio on Christmas Day, after they chain sawed habitat trees during the holiday time period, cutting down almost every tree there. After their work now, there simply isn't much wildlife that has gone back to live there at that project, and it's really sad. We don't want to same fate for Ballona which is already thriving and a habitat for at least 8 species on the federal or state endangered species list. There are other species on the California list of "species of special concern" as well. I would think that the agency supervising "fish & wildlife" would want to protect and give extra consideration in making sure these animals and plants are protected and not stripped of their habitat.

I49-4

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NEW YORK, NY 10010
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Ballona should be kept intact, and possibly even augmented, as a place for Los Angeles residents to witness nature in its natural state. Perhaps eventually we could see the installation of a nearby visitor center, with trails and information, so people could visit this wonderful and spectacular place for themselves. Of course, we would like to see public access trails open up without the access contingent on a plan that would destroy much of the habitat that is essential for them.

149-5

I remember my father taking me to the El Dorado Nature Center in Long Beach as a young girl, and some of my favorite memories were the hikes there, and experiencing nature in person. We have a similar magical place here on this beautiful site at Ballona. It does not need to be destroyed, as it's already there and thriving. After witnessing what happened at Oxford Lagoon, it would be tragic for the same to happen here, yet on a much bigger scale.

149-6

I please implore you to please give more time and consideration to this project, and I am happy to get on the phone and/or meet you in person if you should like. Thank you for caring, and reading my letter.

149-7

Warmest regards,

Beth Holden-Garland

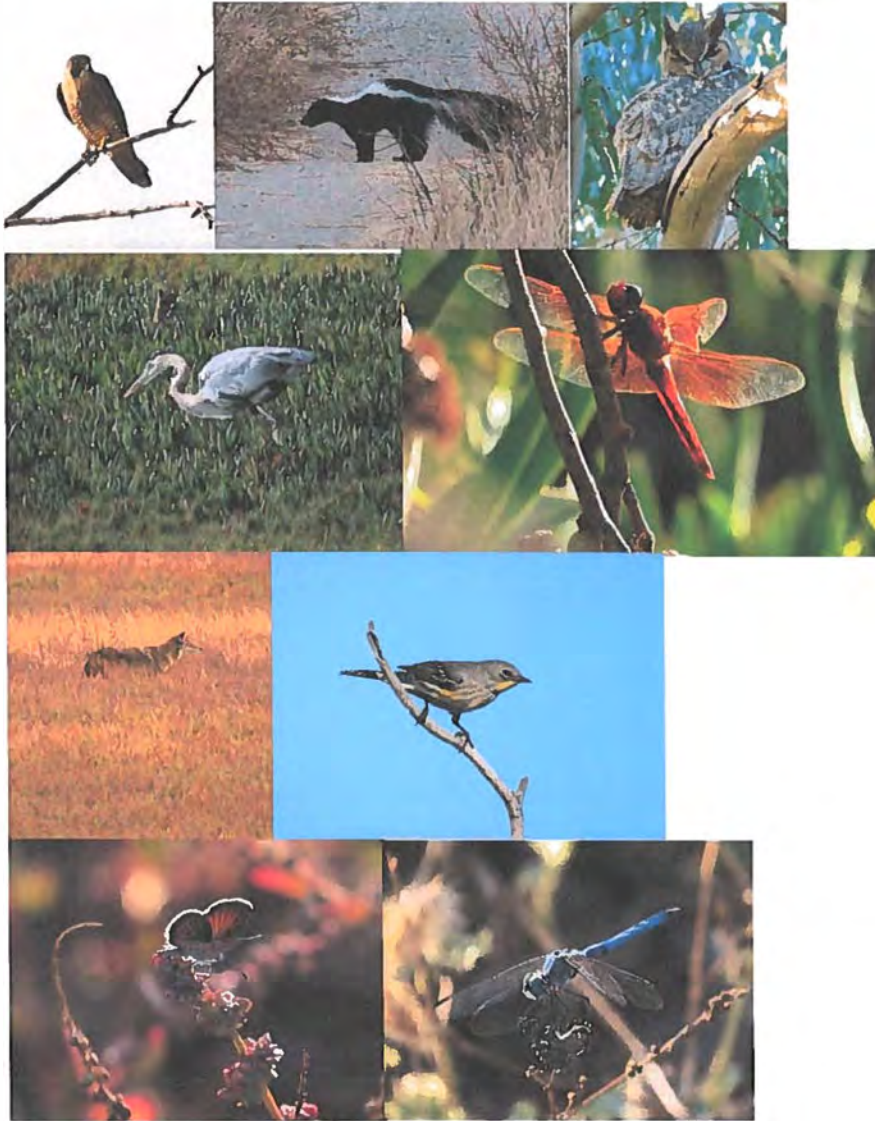
This is my son Jackson at Ballona when we witnessed Canada Goose visiting. The right hand picture shows a Great Blue Heron, Canada Goose, and a Snowy egret, all co-existing all together...and really cool to see in person!

149-8



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I49-9



Letter I49: Beth Holden Garland

- I49-1 The commenter's experience with and appreciation for the Ballona Reserve is acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR, it may be considered as part of CDFW's overall decision-making process rather than specifically as part of the CEQA process. See Final EIR Section 2.1.1, *Input Received*.
- I49-2 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.
- I49-3 See Response H20-1, which distinguishes the Oxford Lagoon project from the Ballona Wetlands Restoration Project.
- I49-4 See Response H20-1, which distinguishes the Oxford Lagoon project from the Ballona Wetlands Restoration Project. Potential direct, indirect, and cumulative impacts to special-status species are analyzed in Draft EIS/EIR Section 3.4, *Biological Resources*.
- I49-5 CDFW interprets the commenter's suggestion that "Ballona should be kept intact" as support for Alternative 4, the No Project Alternative. The commenter's support for Alternative 4 is acknowledged and will be taken into consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. Also, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 12 (Acquisition Rather Than Restoration) and other alternatives that were initially considered, but not carried forward for more detailed review.
- The commenter's suggestions regarding public access and visitor-serving amenities in the Ballona Reserve are acknowledged. The possibility of including an interpretive center (also referred to as a visitor education center) was considered.¹³⁵ However, that aspect of the proposal later was withdrawn.¹³⁶ The stated support for public access trails within the Ballona Reserve is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.
- I49-6 See Response I49-1 regarding the commenter's appreciation for the Ballona Reserve, and Response H20-1, which distinguishes the Oxford Lagoon project from this Project.
- I49-7 See Response I49-2.

¹³⁵ See State Clearinghouse, 2013. Revised NOP for the Ballona Wetlands Restoration Project (SCH No. 2012071090). Available online: <http://www.ceqanet.ca.gov/DocDescription.asp?DocPK=668247>. January 29, 2013. ("This revised NOP is for an interpretive center."). See also Ballona Wetlands Restoration Project, 2018. Project Timeline. Available online: <http://ballonarestoration.org/path/>. Accessed November 28, 2018. (noting withdrawal of the Visitor Education Center following scoping meetings).

¹³⁶ Groves, 2014. Annenberg Foundation suspends plan for Ballona Wetlands visitors center. Los Angeles Times. Available online: <https://www.latimes.com/local/california/la-me-annenberg-wetlands-20141203-story.html>. December 2, 2014.



- I49-8 Receipt of these three photographs is acknowledged. However, because the photos do not provide any information about proposed restoration or the EIR, they do not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I49-9 Receipt of these wildlife photographs is acknowledged. However, because the photos do not provide any information about proposed restoration or the EIR, they do not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.

From: Lynn Isenberg <lynn@lynnisenberg.com>
Sent: Monday, November 6, 2017 2:43 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: re: BWER Marina del Rey Area C

To Whom It May Concern:

If I understand correctly -- PLEASE, PLEASE, PLEASE - do NOT use our neighborhood (Fiji Way or La Villa Marina) to haul dirt into Area C or make it an access point. Seriously-you have kept this land from us for over a decade. And instead of allowing us to use it for enjoyment, you have allowed it to become a campsite for drug users. So no, it's not okay to do anything that could create additional access for drug users and aggressive homelessness, or anything that could harm the community.

I 150-1
I 150-2

Best,
Lynn Isenberg
Focus Media Marketing



Letter I50: Lynn Isenberg

I50-1 See Response H41-1 regarding truck haul routes.

I50-2 See Response I37-3 regarding law enforcement within the Ballona Reserve.

From: Patrick Jackson <donotreply@wordpress.com>
Sent: Friday, September 29, 2017 10:06 PM
To: sidewalksforballona@gmail.com; Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: In support of Alternative 1 to restore Ballona Wetlands

Name: Patrick Jackson

Email: metrodoneright@gmail.com

Comment: Dear Mr. Brody,

I am writing in support of Alternative 1 put forth in the draft environmental impact report for the restoration of Ballona Wetlands.

I51-1

In addition to habitat restoration, I am strongly in favor of the proposed addition of new trails, pedestrian/bike bridges, and bike paths.

The current lack of pedestrian options in this area forces walkers and joggers to either trample critical habitat or endanger themselves in the roadways. Alternative 1 for Wetlands Restoration will provide safe options to pass through and enjoy the reserve, keeping both pedestrians and the environment safe. Finally, additional trails through the wetlands would act as a bridge for the surrounding neighborhoods of Westchester, Playa del Rey, and Playa Vista, which are currently disconnected by the lack of sidewalks or trails along Culver Boulevard.

I51-2

I urge the California Department of Fish and Wildlife to take into consideration the safety needs of pedestrians when choosing the path forward for the Wetlands. Thank you.

I51-3

Best regards,

Time: September 29, 2017 at 10:05 pm

IP Address: 67.170.135.229

Contact Form URL: <https://sidewalksforballona.com/2017/09/29/restore-ballona-wetlands-contactcdfw/>

Sent by an unverified visitor to your site.



Letter I51: Patrick Jackson

- I51-1 The stated support for Alternative 1 is acknowledged and will be included in the record for the Project, where it can be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I51-2 The stated support for the proposed new trails, pedestrian/bike bridges, and bike paths is acknowledged and will be included in the record for the Project, where it can be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I51-3 The stated concern for pedestrian safety is acknowledged. See Response I14-3.

Comment Letter I52

From: [DAVID K. JACOBS](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: can not B10 Conceptual Cost Analysis to Raise Culver and Jefferson BoulevardsB10-1
Date: Monday, February 5, 2018 7:24:40 PM

Hi Brody

I was attempting to provide you with some comments can impact easily interested in the role of Culver. However, I was unable to locate the appendix a treats cost for Culver.

I 152-1

A. B10 Conceptual Cost Analysis to Raise Culver and Jefferson BoulevardsB10-1. Where is that provided?

I 152-2

Thanks for addressing this.

I am sure you are busy with this.

David K. Jacobs
EEB UCLA
2155 Terasaki Building
610 Charles E. Young Drive East
Los Angeles, CA 90095-7239
djacobs@ucla.edu
310 206-7885, 310 995-7885



Letter I52: David Jacobs

- I52-1 The Conceptual Cost Analysis to Raise Culver and Jefferson Boulevards is provided in Draft EIS/EIR Appendix B10, included in Volume 3 of printed (hard copy) versions of the Draft EIS/EIR. In the electronic version posted on CDFW's website, Draft EIS/EIR Appendix B10 was included in Appendix B, part 4.
- I52-2 See Response I52-1.

RECEIVED

NOV 14 2017

DFW Director's Office

Mr. Charlton H. Bonham, Director
Southern California Dept. of Fish and Wildlife
1416 19th St. , 12th Floor
Sacramento, CA 95814

Dear Mr. Bonham,

October 29, 2017

I am writing to you to share my deep concern regarding the future of the Ballona Wetlands. I understand that some are planning to destroy this natural area, and I am pleading with you to allow the city 180 days to conduct a study of the Wetlands to determine how to best proceed.

153-1

I am certain the study will show the vast amounts of wildlife that make this a special and valued piece of land to many local people, who enjoy having such a vast array of creatures in the local vicinity. How can one put a price on the many species now living there, including Canadian geese, ospreys, owls, peregrine falcons and blue herons?

153-2

Please, Mr. Bonham, for the sake of the natural beauty, the precious animals, and the immeasurable value to the humans inhabiting the neighboring cities... please approve of this time-frame for the study of the precious Ballona Wetlands.

153-3

Thank you,



Kathy Johnson

Cc: The Ballona Institute
322Culver Blvd. #317
Playa del Rey, CA
90293

Letter I53: Kathy Johnson

I53-1 The overall purpose of the proposed restoration, as described in Draft EIS/EIR Section 1.1, is to restore ecological functions and services within the Ballona Reserve. As clarified in the CEQA project objectives (Section 1.1.2), this includes habitats that “sustain multiple levels of biodiversity associated with estuarine and associated systems by strategically preserving, restoring, enhancing, and developing multiple habitats (including a variety of wetland types and upland habitats) and incorporating transitional and upland habitat connections to the wetlands to support recruitment and the various life stages of a diverse native flora and fauna.” For these reasons, CDFW disagrees with the suggestion that the Project proposes to destroy the Ballona Reserve.

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.

I53-2 The diversity of wildlife within the Ballona Reserve, including the avian species specifically identified in this comment, is described in Draft EIS/EIR Section 3.4, *Biological Resources*.

I53-3 See Response I53-1.

SHERRILL JOHNSON
13238 A Fiji Way
Marina del Rey, CA 90292

January 25, 2018

Mr. Richard Brody
California Department of Fish and Wildlife
c/o ESA (jas)
550 Kearny Street, Suite 800
San Francisco, CA 94108

Dear Mr. Brody:

I am an owner of a condominium in Villa San Remo, located on Fiji Way in Marina Del Rey. I would like to submit the following comments on the Ballona Wetlands Restoration Project Draft EIS/EIR.

My small 30-unit development borders directly on Area C North.

My main objection is to the amount of soil to be trucked into Area C -- massive! While I understand that grading and actual restoration are scheduled, this is for much later. I am concerned about long delays that could lead to large amounts of dust generated from the dirt pile or changes in priorities or funding that would leave Area C North unfinished, with mountains of dirt towering over our homes.

I54-1

I54-2

It is unfair for our small development to bear the brunt of this when the entire project is to benefit the larger community, indeed, even the state, as your involvement reflects. I suggest that the dirt be trucked elsewhere, to a landfill or some place it is needed. I recognize that this might increase costs, but surely a project of this scope can take this expense into account, especially since later grading, etc., of Area C North would be eliminated or at least lessened. **I strongly oppose any alternative that calls for the dumping of large quantities of soil in Area C North.**


I54-3

As an affected stakeholder in this process, I hope you will give serious consideration to my concerns. For the reasons mentioned above, I am opposed to Alternatives 1 and 2 and strongly prefer Alternative 3.

I54-4

Thank you for the opportunity to provide comments on this important project.

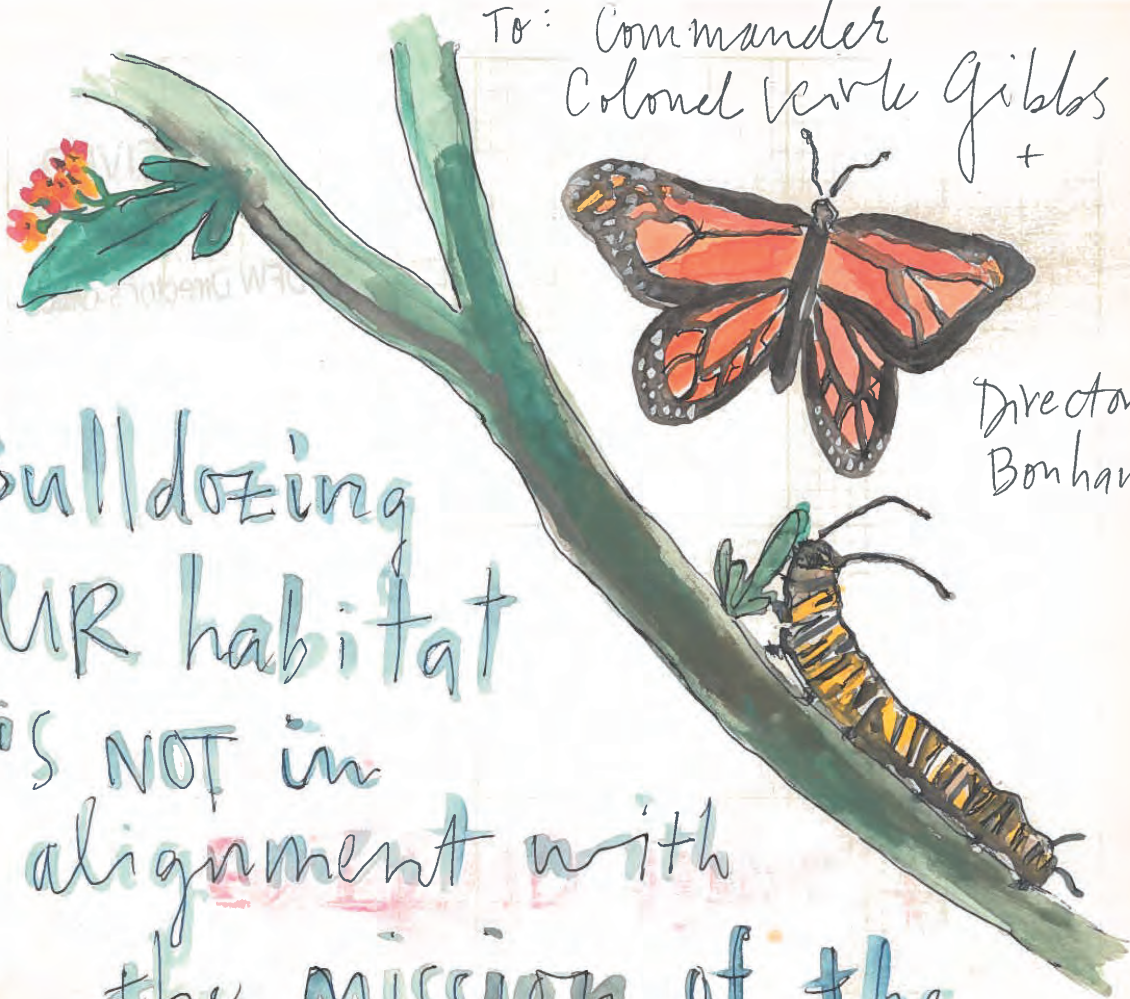
Sincerely,


Sherrill Johnson
Owner Villa San Remo

Letter I54: Sherrill Johnson

- I54-1 See Response F8-2 which discusses changes in elevation in Area C. Opposition to alternatives that would reposition larger amounts of soil to Area C is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See Response F8-4, which discusses how the Project-specific dust control plan would address concerns related to the impacts of dust on the neighborhood. The question of funding is beyond the scope of this EIR, which focuses on the potential environmental consequences of the Project and alternatives described in Draft EIS/EIR Chapter 2.
- I54-2 See Response I54-1.
- I54-3 The stated opposition to the deposition of fill material in Area C North is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See Response F8-2, which describes the amount of fill that would be redistributed to each area under each alternative. As described in Response F8-2, the redistribution of fill would be necessary to create upland restoration areas, transition zones, and perimeter levees. Therefore, the redistribution of fill would be needed to meet the project objectives (Draft EIS/EIR Section 1.1). As described in Draft EIS/EIR Section 3.13, *Utilities*, fill that is not used to create upland habitat and perimeter levees would be disposed of offsite, at the School Canyon Landfill, the Lancaster Landfill and Recycling Center, or either the Los Angeles/Long Beach Ocean Dredged Material Site or the Newport Bay Ocean Dredged Material Disposal Site.
- I54-4 The stated opposition to Alternatives 1 and 2 and preference for Alternative 3 are acknowledged and are 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, it will be included in the record where it may be considered as part of CDFW's overall decision-making process rather than specifically as part of the CEQA process. See Final EIR Section 2.1.1, *Input Received*.

To: Commander
Colonel Verle Gibbs +



Director
Bonham

Bulldozing
OUR habitat
is NOT in
alignment with
the mission of the
CA Dept of FISH and
wildlife. OUR ASK:

I55-1



EXTEND time for
DEIR review to 180 days

I55-2

Sincerely,
Kiki Kardon-Lanolo



Letter I55: Vicki Karlan

- I55-1 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- I55-2 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.

David W. Kay
13060 Discovery Creek
Playa Vista, CA 90094

February 5, 2018

Mr. Richard Brody
CDFW c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

Mr. Daniel Swenson, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Suite 930
Los Angeles, CA 90017

Sent via E-mail to: BWERcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

Dear Mr. Brody and Mr. Swenson:

Subject: Draft Environmental Impact Statement/ Environmental Impact Report, State Clearinghouse No. 2012071090 - BALLONA WETLANDS RESTORATION PROJECT

I am pleased to submit the following comments on the subject Draft EIR/S (EIR/S) for the Ballona Wetlands Ecological Reserve (the Reserve). Please consider all of my comments with the following caveat: In no case are my comments intended to advocate or propose any physical modifications to the Project Description of Alternative 1, Full Tidal Restoration/Proposed Action, if such modifications would require the Department of Fish and Wildlife (the Department) and/or the U.S. Army Corps of Engineers (USACOE) to pursue a material change in project description scope which would trigger recirculation of the EIR/S document pursuant to the California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA).

I56-1

Consideration of any and all minor or major project modifications, whether suggested by me or any other party to this proceeding – changes which are not bounded by the existing project description or impact analyses and mitigations currently contained in the EIR/S, should be either acknowledged and then dismissed in their entirety or deferred to future agency permitting proceedings, to the extent such proceedings can provide supplemental analyses of scope changes compliant with CEQA and NEPA. In other words, the Department and USACOE should “put pencils down” at this time and freeze the design, engineering and construction scope of the Proposed Action until after the EIR/S is duly adopted and certified as Final.

I56-2

With this caveat, my specific comments are as follows:

1. I support Alternative 1: Full Tidal Restoration, Phases 1 and 2, as the Proposed Action. Alternative 1 should also be designated as the Environmentally Preferred Alternative in the certified Final EIR/S.

I56-3

Often misconstrued by the general public, the EIR/S does not authorize construction of any element of the alternatives analyzed. The EIR/S only informs the many agencies that must subsequently issue permits authorizing construction of the final, proposed project. Those permits may condition or impose plan, design and engineering changes to the proposed project, as well as post-project operation, maintenance and mitigation requirements. Changes to the proposed project imposed by these agencies may modify project scope, plans, element design, engineering approaches and construction methods, provided those changes are bounded by the project scope as described, analyzed and certified in the EIR/S.

I56-4

Via these many subsequent agency permits, the project ultimately constructed may not significantly exceed or materially alter the project scope, plans, element design, engineering approaches or construction methods analyzed in the certified EIR/S, or the EIR/S process would need to be reopened by the Department and USACOE, pursuant to CEQA and NEPA.

For various reasons that need not be stated here, restoration of the Ballona Reserve has been postponed longer than any similar project developed by California for its state-owned tidelands. This postponement allowed the well-documented degraded condition of all habitats across the Reserve lands to worsen each and every year. Allowing a material change to the Alternative 1 Proposed Project and necessarily restarting the CEQA/NEPA EIR/S process would only further delay remediation of this rapidly degrading habitat and expand temporal habitat loss. Consequently, a most compelling reason to certify the EIR/S now with Alternative 1, Phases 1 and 2, as both the Proposed and Environmentally Preferred Project, is because that action will likely bound the project ultimately constructed, even if reduced in scope or materially changed from the Alternative 1 plan. Proceeding in that manner prevents further project delay while still providing numerous public opportunities during agency permitting to discuss, debate and advocate for desired project scope changes, including scope reductions or adaptive revisions based on changing environmental conditions.

I56-5

2. The EIR/S should be finalized on an expedited schedule and certified without delay. No time extensions should be granted to any party for any reason, except as ordered by a court having jurisdiction over the matter. Interested parties were granted more than double the statutorily required time to review and comment upon the Proposed Action and EIR/S. Nothing in the scope of the Proposed Action is new, surprising or materially different from early conceptual plans long circulated publicly for this project. No aspect of the Proposed Action differs significantly from conventional scope, schedule, materials, or execution processes previously employed on numerous similar tideland projects completed by the State of California.

I56-6

3. As required, the EIR/S is merely an analysis of the potential environmental impacts of a reasonable range of feasible project alternatives. Thirteen alternatives were initially examined, developed over at least 17 years of public stakeholder engagement, scientific advisory panel recommendations and expert planning, design and engineering input from experienced environmental and engineering professionals. Nine of the alternatives were properly dismissed without further analysis due to infeasibility or their inability to meet the primary goals of a Ballona project, again established over at least 17 years of well-documented prior stakeholder engagement. Four alternatives remain and are properly analyzed in the EIR/S in depth for feasibility, ability to achieve long-establish regional goals for the Ballona Reserve, potential environmental impacts and mitigation of any significant impacts.

I56-7

The project description, identification and dismissal or analysis of alternatives, identification of potential significant environmental impacts from the proposed action, and identification of mitigation measures which would reduce said impacts to a “less than significant” or “not significant” level are thorough, supported by facts and precedent, and are reasonable and appropriate. The EIR/S meets or exceeds all requirements of applicable law and regulation, guidelines and decades of case law. The EIR/S and should be certified as soon as possible so that pre-construction planning, engineering and permitting may progress without delay.

I56-7
cont.

- 4. Phase 2 of Alternative 1 executes designs devised in part to adapt the existing and constructed habitats and infrastructure to changes in sea level. The rate and magnitude of sea level rise is predicted by numerous climate and oceanographic models – models which are continuously calibrated with new data as it is collected. As these model results increase prediction certainty each year, plans for validating, re-evaluating, revising and executing Phase 2 design elements and construction should be periodically revisited as part of an adaptive design approach. To include Phase 2 plans in the EIR/S now and evaluating them in the context of present conditions and knowledge for potential environmental impacts, and identifying mitigation strategies to reduce or eliminate those impacts, is a wise, forward-looking application of CEQA and NEPA requirements. Phase 2 should thus necessarily remain a component of the EIR/S and Proposed Action, but be subjected to the aforementioned periodic re-evaluation as a condition of subsequent agency permits or authorizations.

I56-8

Among other agencies, the California Coastal Commission (CCC) must approve a Coastal Development Permit (CDP) for the Proposed Action to be constructed. Just as the Commission has already required of other projects in the Coastal Zone, the Ballona Wetlands Restoration Project may be subject to CDP Special Conditions that require the Department and USACOE to periodically report to the CCC on the advance and forecast of sea level rise, and the design and implementation schedule necessary to implement Phase 2. These periodic report requirements may include re-evaluation and validation of Phase 2 element designs, to the extent new design approaches, materials and methods warrant changes. The CCC may well impose a Special Condition in its CDP requiring project proponents to return to the CCC for approval of a CDP Material Amendment prior to executing Phase 2 elements. Recognizing the CCC authority is separate and subsequent to this EIR/S process and authorities, I suggest such narrative be included in the Project Description of the EIR/S to clarify public expectations and inform permitting authorities, who will rely on the EIR/S in their own, separate subsequent proceedings.

I56-9

- 5. With the caveat stated in my opening paragraph above, I support the comments previously submitted by the Wetlands Restoration Principles Coalition (Coalition) Steering Committee and Friends of Ballona Wetlands (Friends). I do suggest different approaches on a few items raised by the Coalition and Friends:

I56-10

- a. Restricting public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly in West Area B can probably be accomplished without eliminating public access entirely. This area may employ a public trail if such trail is designed to not physically interfere with the habitat, prevents the public from leaving the trail, and employs entry barriers so that Reserve management, in consultation with experts on the species, may completely close off access to the trail temporarily during seasonal periods when public presence could significantly adversely disrupt the foraging, breeding or other vulnerable activity of the species during critical time periods. The CCC’s

I56-11

CDP proceedings typically allow such restricted access in Environmentally Sensitive Habitat Areas subject to CCC jurisdiction.

I56-11
| cont.

- b. Tide gates and other project infrastructure that require active operation, maintenance and frequent replacement (not including public access facilities such as trails, paths, gates, fences, restrooms, displays, etc.) should be minimized to the maximum extent practicable. Through design, the project should be as “self-maintaining” as possible to minimize the need for human intervention, while still attaining the project regional goals of full tidal restoration. Other than repairing structural damage from force majeure events and maintaining public access facilities, human operation and maintenance should be minimized by design. This approach may favor some wetland habitat types over others, and eventually allow conversion of some existing wetland habitat types to other types in the future.

I56-12

Owing to climate change and sea level rise effects, a long-term view of resource management requires refraining from excessively “picking and choosing” one habitat type over another today. As Figures 2-37 through 2-39 of the EIR/S show, nature will otherwise inevitably drive a change of plans over time. Simply ensuring a balanced variety of habitat types ranging from subtidal to upland at Year 1 are all that is required, and such is the approach incorporated in the Proposed Action EIR/S.

I56-13

- 6. The Proposed Action is intended to return the daily ebb and flow of tidal waters where practically feasible to achieve predominantly estuarine conditions, enhance freshwater conditions, and enhance physical and biological functions within the Ballona Reserve. Restoring wetland functions and services would reestablish native wetland vegetation and provide important habitat for a variety of wildlife species. A restored, high-functioning full-tidal wetland also would benefit the adjacent marine environment and enhance the quality of tidal waters. These have always been the regional goals established for a Ballona Wetlands Restoration Project, developed over decades of stakeholder input, and are not different from goals established for scores of other coastal tidelands and public open space projects already completed in California. Post-project evaluations of these many projects which preceded Ballona validate the full-tidal design goals driving the Ballona Proposed Action.

I56-14

- 7. Aesthetics - Consider adding Key Observation Points (KOPs) with pre-project photographs and post-construction visual simulations to the Aesthetics analysis (Chapter 3.2) to better inform the analysis of visual impacts to the public. I suggest two additional KOPs: one at the end/cul-de-sac of La Villa Marina in Marina Del Rey, looking east-southeast across North Area C, and a second at Titmouse Park near Culver Blvd., looking northwest toward the Ballona Creek channel. In addition, a visual simulation should be prepared for the post-construction east-southeast view at the La Villa Marina KOP from an altitude of approximately 50 feet above ground, to represent the oblique “rooftop” view downward and across North Area C from that KOP.

I56-15

- 8. Air Quality - Even though the EIR/S analysis concludes vehicle emissions and fugitive dust impacts from construction would not be significant, additional Mitigation Measures for Air Quality should be considered in Table ES-1 and Chapter 3.3. Suggested Mitigation Measures would (1) require, if available, use of Tier 3-compliant engines for all off-road construction equipment with a rating between 100 and 750 horsepower, (2) limit off-road vehicle speeds to 15 mph, and (3) implement dust suppression on all active nonpublic unpaved access roadways (e.g. using water or chemical suppressant).

I56-16

9. Biological Resources - Mitigation Measure BIO-1b-ii should specify that a qualified biological monitor shall be assigned to each working construction crew, where multiple such crews are engaging in initial ground or vegetation disturbance and the crews are separated by such distance as to not enable a single assigned monitor to observe the separated initial disturbance areas sufficiently or simultaneously.

I56-17

10. Mitigation Measure BIO-1i-i should be clarified such that active nest buffer reductions implemented at the discretion of the on-site qualified biologist shall be approved by **either** the CDFW **or** the USFWS. Approval of discretionary buffer reductions should not require consent from both agencies, as this is both unnecessary and likely to cause confusion or conflict. Both agencies **may** ultimately require their consent to implement buffer reductions, but the project-proposed Mitigation Measure should not volunteer such needless duplication.

I56-18

Additionally, Mitigation Measure BIO-1i-i should be revised to not require a *site-specific* Nesting Bird Management Plan, but rather a *project area-specific* NBMP. NBMPs typically are project-specific and contain all the necessary elements to address nesting bird constraints and management across various sites within a single project area. The Proposed Project area is not so large or diverse as to justify multiple NBMPs. Perhaps this meaning was not intended by the BIO-1i-i text, but it may be interpreted that way if not clarified.

11. Mitigation Measures BIO-1j-i and Mitigation Measure BIO-1k should be clarified by adding language specifying that noise and motion barriers shall not be required if project construction noise and motion is located and maintained further in distance from the avian receptor than are existing public vehicle traffic noise and motion. For example, if a bird nesting pair/active nest are located 200 feet from an open, active public roadway, and project construction noise and motion are located 400 feet from the nesting pair/nest, it makes no sense to require visual or sound barriers only between the nesting pair and the construction activity. The qualified on-site biologist should be granted discretion to require barriers should the biologist determine the construction activity will or may have a significant adverse impact upon the affected nesting activity or nest viability.

I56-19

12. Mitigation Measure BIO-1k should be revised to delete the following text in the last sentence: *“including measures to prevent salinity-related impacts to willow thickets and ensure persistence of this habitat.”* If there is justifiable reason to expect the Proposed Project design, engineering or function may cause salinity-related impacts to willow thickets and Vireo habitat in Southeast Area B, then the Mitigation Measure should instead read that *“project design and final engineering in that portion of Southeast Area B shall ensure that no such impact occurs.”*

I56-20

EIR/S Section 3.9, Hydrology and Water Quality, describe existing conditions including fresh water recharge of groundwater at the base of the Westchester Bluffs, with the water table (and gradient) sloping toward the north into Area B. This condition allows salt-intolerant willows to persist at the base of the bluffs. Mitigation Measure BIO-1k appears intended to address a hypothetical reversal of this gradient and slope with the proposed project. Whether likely or not, after-the-fact correction of an unwanted groundwater gradient condition via the Habitat Restoration and Monitoring Plan could result in unexpected ongoing operation and maintenance costs in perpetuity. It makes more sense to ensure in advance that design and engineering will prevent such unwanted salinity conditions from occurring in the first place. By employing subsurface non-metallic sheet pile, bentonite slurry walls, or some other proven design element employing a fresh water ground

I56-21

surface overflow capability, undesired infiltration of saltwater into areas designated for freshwater habitat may be prevented with more certainty. In other words, an ounce of prevention is worth a pound of cure.

I56-21
cont.

- 13. Mitigation Measure BIO-3b should be revised by adding the underlined text as follows: "A Vector Control Plan shall be developed in consultation with the Los Angeles County West Vector & Vector-Borne Disease Control District to ensure that there are not increases in vector-spread disease associated with restoration activities, or associated with created, enhanced or restored habitat."

I56-22

- 14. Cultural Resources - Consider supplementing the EIR/S analysis and/or adding a mitigation measure under Cultural Resources, Table ES-1, requiring a determination of the eligibility of the historic Los Angeles Motordrome (Page 3.5-10, EIR/S), formerly located near the wye of Culver and Jefferson Boulevards, to qualify as a state or federal historic property. Should an affirmative eligibility determination be made, the Mitigation Measure should further require appropriate recordation of any significant resources found during construction in accordance with standard practices for historic properties management.

I56-23

- 15. Hydrology and Water Quality - Section 3.9 of the EIR/S describes the flood and scour effects of Alternative 1 (beginning on Page 3.9-44). This narrative explains the results of HEC-RAS modeling, including the fact that virtually no channel bed scour occurs to a constructed Alternative 1 for any storm smaller than the once-in-10 year storm, and that no significant scour occurs to the channel bed, banks, or adjacent constructed habitat for any storm smaller than the once-in-100 year storm, even without bank armoring.

I may have misunderstood the narrative in this section, but it seems to imply that following the first post-construction once-in-100 year storm, that additional channel bed scour would occur from a second or subsequent once-in-100 year storm. I find this perplexing, since the sediment bed load carried by Ballona Creek during the 100-year event is relatively small, owing to the developed nature of the watershed. While the initial post-construction 100-year event would scour the channel bottom seaward of the concrete-to-earthen channel bottom transition point (Figure 3.9-9), that scour would not fill back in with transported sediment as the flood flows subside, since so little sediment is carried by the flood in the first place. Once the earthen channel bed seaward of the transition is "mined" by flood flows for the first time, the deeply-scoured channel bed would not then be mined even deeper by subsequent 100-year events. If true, perhaps a few text clarifications in this section would help.

I56-24

Also, the results of HEC-RAS modeling for flood sediment erosion and accretion (Figure 3.9-8) seem to show some erosion from constructed wetland areas on the outside banks of the constructed meander curves (assuming no bank armoring). Fundamentally, most scour should be confined to the main channel itself (thalweg), where sediment bed load is able to perform the scouring, and little erosion occurs simply from flowing flood waters spreading to areas lateral to the main channel. Perhaps prior to final design and engineering of the Alternative 1 channel and armoring, the proponents would consider applying an alternative flood level and channel scour model for validation, such as the FLUVIAL-12 erodible bed model.

I56-25

- 16. Traffic and Transportation - In Chapter 3.12, the text describing truck traffic entry and exit routes from the site on Page 3.12-15 does not appear to correspond accurately to routes shown on Figure

I56-26

3.12-4, Page 3.12-16. Please ensure the text and figure information is consistent and correct as intended.

Thank you for considering the above comments. I look forward to public participation opportunities at each future step in the development of this worthwhile public resource project.

Sincerely,

David W. Kay, D. Env.

↑
I56-26
cont.

Letter I56: David Kay

- I56-1 The preference that comments not be interpreted so as to require recirculation of the Draft EIS/EIR is acknowledged.
- I56-2 See Response I56-1. However, CDFW respectfully declines to “freeze the design” or to put “pencils down” until after all substantive input received on the Draft EIS/EIR has been carefully evaluated. The purpose of the agency and public participation in the environmental review process is to further inform the draft analysis. In response to input received, the Corps may, for example: Modify alternatives including the proposed action; develop and evaluate alternatives that it has not previously given serious consideration; supplement, improve, or modify its analyses; make factual corrections; or explain why the comments do not warrant further response (40 C.F.R. §1503.4(b)). CEQA also recognizes the unlikelihood of producing a perfect draft EIR. As explained by the Court in *Foundation for San Francisco's Architectural Heritage v. City & County of San Francisco* (1980) 106 Cal. App. 3d 893, 908, “It is doubtful that any agency, however objective, however sincere, however well-staffed, and however well-financed, could come up with a perfect environmental impact statement in connection with any major project.” Accordingly, the primary purposes of review include sharing expertise, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals (14 Cal. Code Res. §15200). Therefore, if agency or public comments dictate that revision of the Project, other restoration alternatives, the analysis of potential environmental consequences, or other aspects of the analysis merit revision, the Lead Agencies will respond appropriately.
- I56-3 The stated support for the Project is acknowledged and may be taken into consideration as part of CDFW’s decision-making process. See Final EIR Section 2.1.1, *Input Received*. See also Final EIR Section 3.2.6 and General Response 3, *Alternatives* (Final EIR Section 2.2.3.6), regarding the Environmentally Superior Alternative.
- I56-4 The commenter’s summary of the parameters of the Draft EIS/EIR as they may relate to subsequent permit conditions is acknowledged.
- I56-5 The commenter’s rationale for preferring the Project is noted 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 bear on the adequacy or accuracy of 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*.
- I56-6 The preference to expedite the environmental review process is acknowledged. See Final EIR Section 2.1.1, *Input Received*.
- I56-7 The commenter’s opinion of the adequacy and accuracy of the EIR and desire for haste 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*.
- I56-8 The commenter’s note that permitting agencies could condition their approvals within the scope of their jurisdiction is acknowledged. Otherwise, to clarify, the potential environmental consequences of Alternative 1 Phase 2 are analyzed on a resource-by-resource basis throughout Chapter 3 of the Draft EIS/EIR. Thus, if Alternative 1 were approved, Phase 2 could proceed as described in Draft EIS/EIR Section 2.2.2 without reevaluation of the environmental impacts so long as recirculation is not triggered under NEPA or CEQA. For example, the answer to Question 30 of NEPA's Forty Most Asked Questions says, “Generally, a cooperating agency may adopt a lead agency's EIS without recirculating it if it concludes that its NEPA requirements and its comments and suggestions have been satisfied. Section 1506.3(a), (c). If necessary, a cooperating agency may adopt only a portion of the lead agency's EIS and may reject that part of the EIS with which it disagrees, stating publicly why it did so. Section 1506.3(a).” Similarly, CEQA requires recirculation only in limited circumstances.
- See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which discusses the triggers for recirculation under CEQA.
- I56-9 The EIR already discloses that the proposed restoration would be subject to a variety of permits and other authorizations. See Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals. Because the roles of Lead, Cooperating, Trustee, and Responsible Agencies are summarized in Draft EIS/EIR Section 1.4, the Lead Agencies have not provided the suggested clarifying language in Chapter 2.
- I56-10 The commenter’s support of comments provided by the Friends of Ballona Wetlands (Letter O10) and the Wetland Restoration Principles (Letter O28) is acknowledged. To review responses provided to those comments, see Final EIR Section 2.3.6.
- I56-11 See Response I46-5, which explains how the proposed plans for public access were developed balancing opportunities for public engagement with the wetlands with the goal of minimizing disruption to habitat, weighing in favor of habitat protection. The Lead Agencies recognize that others with this same approach could reach different conclusions about an appropriate amounts and locations of access. Potential impacts to dune habitat and El Segundo blue butterfly are provided in Draft EIS/EIR Section 3.4, *Biological Resources*. This potential difference of opinion will be taken in to consideration as part of CDFW’s decision-making process, but does not suggest any inadequacy or inaccuracy in the EIR’s analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I56-12 The stated preference that the Project be “self-maintaining” and the suggestion that some existing wetland habitat types could/should be allowed to convert to other types over time are consistent with CEQA Project Objective 1 (Draft EIS/EIR Section 1.1.2), which is to “Restore, enhance, and create estuarine and associated



- habitats ... [t]hat are self-sustaining by allowing for adaptation to sea-level rise, minimizing the need for active management. ...”
- I56-13 The comment accurately characterizes and summarizes the proposed approach to restoration. Support for the approach is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.
- I56-14 The commenter’s support for the Project is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.
- I56-15 CDFW has considered the commenter’s suggestion to add three simulation points, but declines to do so. The 12 visual simulation locations shown in Draft EIS/EIR Figure 3.2-1 were selected to analyze potential changes to views from publicly accessible vantage points, or key observation points (KOPs). Private or semi-private views such as from residential rooftops, are not sufficiently representative of views of the public at large, and so were not selected as simulation locations. Following the direction provided by the California Supreme Court in *Laurel Heights Improvement Association v. Regents of University of California* (1989) 47 Cal.3d 376, 415–16, as modified on denial of rehearing, CDFW notes, “A project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study ... might be helpful does not make it necessary.” In light of the existing analysis of potential impacts to aesthetics and visual resources in Draft EIS/EIR Section 3.2, the suggestion alone, unsupported by facts, reasonable assumptions based on facts, or expert opinion supported by facts, does not provide sufficient information to allow CDFW to conclude that additional simulations are necessary to comply with the requirements of CEQA.
- I56-16 The suggested mitigation measures are already included in the Project. As described in Draft EIS/EIR Section 3.3, *Air Quality*, all off-road diesel-powered equipment used would be equipped with USEPA Tier 4 or cleaner engines, except for specialized equipment in which a USEPA Tier 4 engine is not available. In lieu of Tier 4 engines, Project equipment could incorporate retrofits such that emissions reductions achieved equal that of the Tier 4 engines. In addition, the project will comply with South Coast Air Quality Management District (SCAQMD) Rule 403, which prohibits the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area that remains visible beyond the emission source property line. A Project-specific dust-control plan would specify actions to be taken to comply with this requirement, including, for example, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, and maintaining effective cover over exposed areas (see Section 3.3.5.1 describing the plan).



I56-17 The suggested revision to Mitigation Measure BIO-1b-ii (Biological Monitoring) is acknowledged and the requested changes have been made.

I56-18 The suggested revision to Mitigation Measure BIO-1i-i (Nesting Bird and Raptor Avoidance) is acknowledged.

The measure states, in part, “A reduced buffer may be implemented at the discretion of the biologist for non-listed passerines; however, for raptors and listed passerines, the biologist will obtain approval from USFWS and/or CDFW prior to allowing work to commence within the 500-foot buffer.” As such, approval from one of these agencies, as suggested in the comment, would comply with this part of the mitigation measure. The measure does not suggest or require that multiple Nesting Bird Management Plans (NBMP) be prepared; only one NBMP would be required for the Ballona Reserve. However, changes have been made to this mitigation measure to clarify its intent.

I56-19 CDFW modified Mitigation Measures BIO-1ji and BIO-1k to clarify buffer requirements.

I56-20 CDFW modified Mitigation Measure BIO-1k to clarify measures to protect willow trees in Southeast Area B. See also Responses to Comments O13-32 and O20-11.

I56-21 The comment suggesting engineered design measures intended to minimize infiltration of saltwater into areas designated for freshwater habitat has been included in the record, where it may be taken into consideration as part of CDFW’s decision-making process. CDFW is not aware of any information indicating the willow thicket would be negatively affected by implementation of the Project. Nevertheless, CDFW modified Mitigation Measure BIO-1k to clarify measures to protect willow trees in Southeast Area B. See also Responses I56-20, O13-32, and O20-11. Because the comment provides no facts, reasonable assumptions based on facts, expert opinion supported by facts, or other evidence that the existing measure is inadequate, inaccurate, or would not be effective, no revision has been made. See also General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6), for more discussion regarding hydrology and freshwater habitats.

I56-22 The commenter’s suggestion to modify Draft EIS/EIR Mitigation Measure BIO-3b 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 required Vector Control Plan considers vectors associated with restoration activities, and includes all of the additional actions mentioned by commenter (habitat creation, enhancement, and restoration).

I56-23 As discussed in Draft EIS/EIR Section 3.5, *Cultural Resources*, no physical evidence of the Los Angeles Motordrome was found during cultural resources field studies conducted for the Project. It therefore cannot be evaluated for significance according to the National Register of Historic Places or California Register of Historical



- Resources. The mitigation measures included in Section 3.5.6, *Direct and Indirect Impacts*, require documentation and evaluation of any cultural resources found during construction. This would include the Los Angeles Motordrome, if evidence of the resource is found during construction.
- I56-24 The comment notes that since there is a relatively small amount of sediment transported down Ballona Creek due to the developed nature of the watershed, that after the initial post-construction 100-year event, the channel would be scoured out, and future large storms would not cause much additional scour. This is likely correct, although some additional sedimentation from the watershed and from littoral transport is expected. The erosion analysis presented in Draft EIS/EIR Section 3.9 of Impact 1-WQ-1a is a conservative estimate of channel erosion for analysis of the impact on water quality and downstream sedimentation.
- I56-25 The commenter's understanding of the results of HEC-RAS modeling for flood sediment erosion and accretion and suggestion that the Project proponents consider applying a different model are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. However, because this comment does suggest that the EIR is adequate or inaccurate in any way, CDFW may consider it as part of its overall decision-making process rather than specifically as part of the CEQA process.
- I56-26 Between the text in Draft EIS/EIR Section 3.12, *Transportation and Traffic*, and Figure 3.12-4, Truck Haul Routes, the text is correct. Figure 3.12-4 is illustrative only. To further clarify the truck haul routes, haul trucks coming to the Project Site would travel via State Route (SR) 90, Mindanao Way, and Lincoln Boulevard, and into North Area C to reach the Lincoln Boulevard temporary construction bridge and access Area A. To exit the Project Site, haul trucks would travel from Area A into North Area C via the Lincoln Boulevard temporary construction bridge and merge onto northbound Lincoln Boulevard, to Mindanao Way onto SR 90. The temporary construction bridge is depicted on Figure 3.12-4 by the dashed line and arrow into Area A that extends back into North Area C. However, because this clarification does not alter the substance of the analysis or the significance determinations, Draft EIS/EIR Figure 3.12-4 has not been updated.
- Participation in the Lead Agencies' environmental review process is acknowledged. This letter, including all substantive and non-substantive comments, has been included in the formal record for the Project where it may be considered by decision-makers in advance of a decision on the environmental analysis and on necessary project approvals.

Comment Letter I57

From: [deborah kelman](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: RE: SoCalGas Outrageous plans for Ballona Wetlands
Date: Sunday, February 4, 2018 1:14:38 PM

To Whom It May Concern:

The Ballona Wetlands are one of Southern California's precious natural resources. SoCalGas is a company with a record of continual failures and now you are about to give it permission to slant drill under the Wetlands when they have just had a massive failure in Aliso Canyon! And why??? Isn't our State making every effort to move to 100% renewables? SoCal Gas has a history of continual violations and can't be trusted!

I57-1

The residents of Southern California are watching you and will hold you responsible! I am working with Steve Lopez at The Los Angeles Times regarding a column on this likely potential disaster.

Sincerely yours,

Deborah Kelman
President & CEO
DeborahK@KelmanCo.com
Kelman & Company Public Relations + Marketing
(310) 207-0772
12310 Montana Ave.
Los Angeles, CA. 90049



Letter I57: Deborah Kelman

I57-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the existing location and proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. As explained there, neither the Project nor the other restoration alternatives proposes to conduct slant drilling. Further, the SoCalGas Company is not an applicant for any permit expected to be required to implement the restoration proposed within the Ballona Reserve. See Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals; see also Draft EIS/EIR Section ES.2.1 (“CDFW and LACFCD are permit applicants for the Proposed Action”).

As explained in EIS/EIR Section 1.1.1, the purpose of the Project is two-fold: Restore ecological functions and services within the Ballona Reserve and ensure that any alteration/modification to the Los Angeles County Drainage Area (LACDA) project components within the Ballona Reserve maintain the authorized LACDA project levels of flood risk management.

Comment Letter I58

From: [Colleen Kita](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Cc: bonnie.l.rogers@usace.army.mil; [Vlad](#)
Subject: Ballona Wetlands Project Proposal
Date: Tuesday, February 6, 2018 1:27:19 PM

I am a longtime resident and user of the La Ballona Wetlands and as a teacher have brought students to learn about our Ballona ecosystem. I am against this major construction project to expand the SoCalGas methane facility using public money to retrofit wells in this zone and endanger the existing sensitive habitat with the use of bulldozers and other heavy equipment. The project should not expand development into public lands.

I
I58-1

I recommend that the California Dept. of Fish and Wildlife adopt Alternative 4 (No Federal Action/No Project Alternative). There should be a full 180 days to review the 8000 page long project proposal. The comment period needs to be extended to March as the public needs more time to review and respond to this proposal.

I
I58-2
I
I58-3

Thank you,
Colleen Kita
Los Angeles, CA 90066

Letter I58: Colleen Kita

- I58-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the existing location and proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. As explained there, no expansion or change in use of the gas wells is proposed by the Project or other restoration alternatives, and public funds would not be used to abandon or relocate SoCalGas infrastructure within the Project Site. Potential impacts to habitat are analyzed in Draft EIS/EIR Section 3.4, *Biological Resources*. Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. The preference not to expand development into public lands is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.
- I58-2 The commenter's support for Alternative 4 is acknowledged and has been included in the record, where CDFW may consider it as part of its overall decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I58-3 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.

November 8, 2017

TO:
Richard Brody, Land Manager
California Dept. of Fish & Wildlife
3883 Ruffin Road
San Diego, CA 92123

Daniel P. Swenson, Regulatory Division
U.S. Army Corps of Engineers
915 Wilshire Blvd.
Los Angeles, CA 90017

RE: Ballona Wetlands Ecological Reserve Restoration DEIR/DEIS

PLEASE STUDY A FRESH WATER RESTORATION ALTERNATIVE for the Ballona Wetlands Ecological Reserve. This ecosystem has been a fresh water seasonal wetland for hundreds of years and much wildlife has adapted to it.

It may look dry now, but that is because there has not been much rain in the past few years, and its source of fresh water, Ballona Creek, has been deterred. There are efforts going on now to clean up and bring Ballona Creek water back to daylight instead of undergrounding it.

This alternative would save much wildlife from being bulldozed and probably be much cheaper than the 4 salt water alternatives you are proposing.

Attached are visuals showing Ballona when it got plenty of rain, and a map showing the Ballona Watershed with all the tributaries going toward the wetlands.


PLEASE CONSIDER AND STUDY A FRESH WATER RESTORATION ALTERNATIVE.

Thank you,



Kathy Knight
1122 Oak St.
Santa Monica, CA 90405
(310) 450-5961
kathyknight66@gmail.com

I59-1



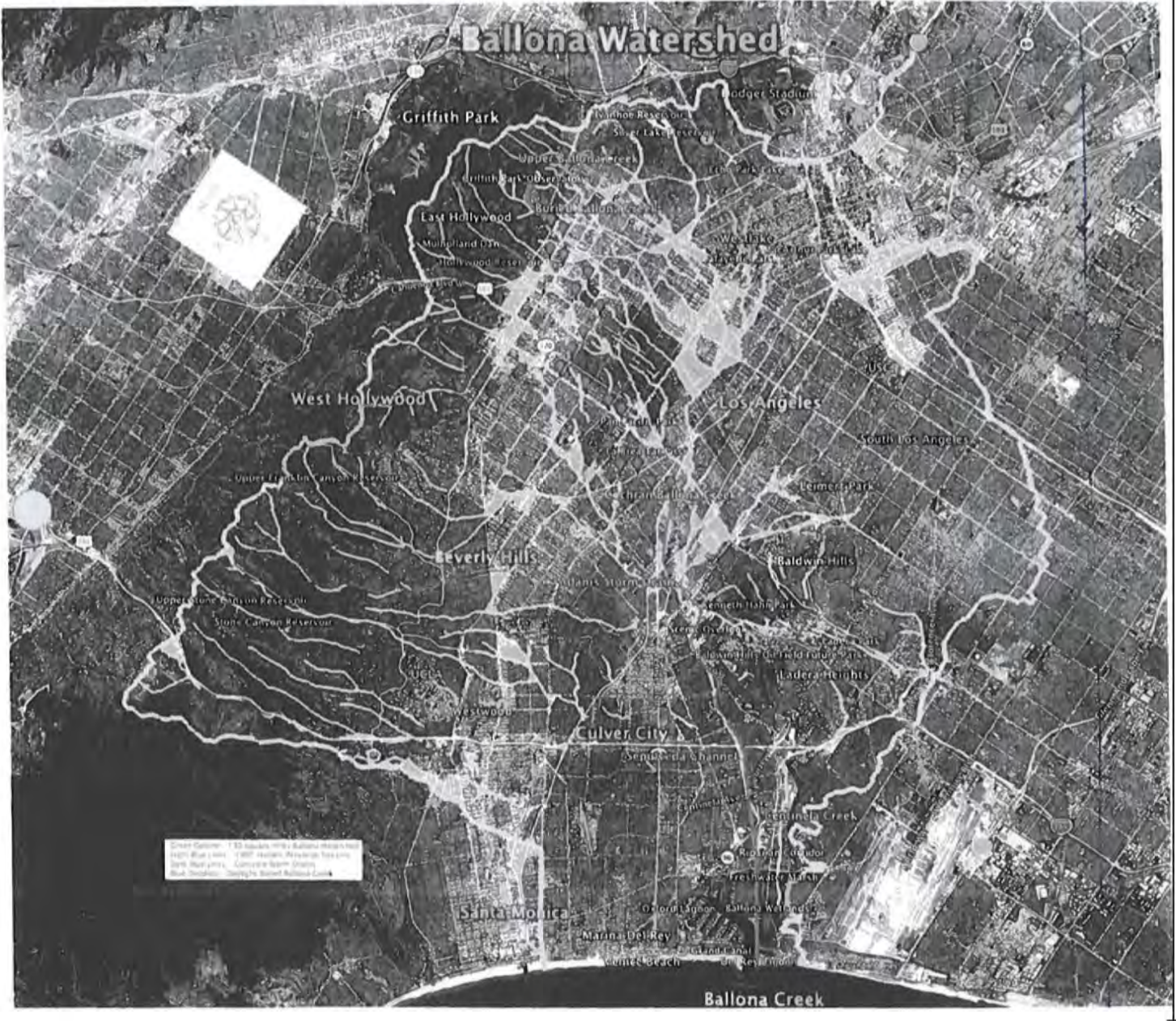


I59-1
cont.

VIEW TOWARDS HAIHUA WETLANDS

PHOTO BY ROB KINSLOW 1997

I59-1
cont.



BALLONA ECOSYSTEMS REJUVENATION

"SEVEN GUIDING PRINCIPLES"

1. 21st century, incremental, community involved ecosystem rejuvenation that is in harmony with natural laws . We are opposed to industrial-scale habitat conversion, including major bulldozing, which destroys existing ecosystems.
2. In appreciation of what is there now, recognize the resiliency of the ecosystems and identify areas that require no more than observation for the foreseeable future.
3. In recognition of the importance of gaining control of more acreage before it is built on, or otherwise negatively impacted, give priority to acquisition/addition of additional unprotected parcels of land at a reasonable price to the Ballona Wildlife Refuge, over restoration activities. Such land protection will increase habitat enhancing buffer zones for wildlife and plants, and decrease car trips in the area, which lead to animal road fatalities.
4. Utilize existing opportunities to access the refuge, such as the Ballona Creek bike path, and south earthen levy along Ballona Creek and install a walking/biking path around as much of the perimeter of the refuge as is ecologically feasible.
5. Utilizing existing infrastructure such as the old Pacific Railway bridge supports and other man made structures, along with materials that have the deepest sustainability, create wildlife, bicycle, and walking linkages that connect all areas of the ecosystems in a fashion that allow homo sapiens and animals alike, to safely go over or under all roads and waterways that divide the refuge.
6. In recognition of the importance of enhancing the beauty of the refuge, safety of birds and other mammals, and the reduction of light pollution, move all power, telephone, and cable lines underground, and remove the majority of street lighting.
7. Endangered, threatened, and imperiled species must be given priority for protection in any refuge alteration considerations.

I59-2

Supported by numerous environmental and community groups, including Ballona Wetlands Land Trust, Sierra Club, Ballona Institute, Ballona Ecosystem Education Project, Grassroots Coalition and Wetlands Defense Fund
1/19/2012

-----Original Message-----

From: Rogers, Bonnie L CIV USARMY CESPL (US) [<mailto:Bonnie.L.Rogers@usace.army.mil>]
Sent: Friday, February 9, 2018 1:27 PM
To: Janna Scott <JScott@esassoc.com>
Cc: Richard Brody <richard.brody@wildlife.ca.gov>
Subject: FW: Message from KNIGHT MARY (3104505961) (UNCLASSIFIED)

I transcribed the voice message below:

"This is for Bonnie Rogers. This is Kathy Wright with the Ballona Ecosystem Education Project and I just learned there was an addition made to the um draft EIR called Reference Materials, and I, there's some problem with it, with it, I can't access it, people can't access it, a lot of people, and we didn't know about it and apparently it was added in January 23rd. So we're asking that you please extend the comment period to March 24th cuz we need to be able to read these materials, access them, analyze them and comment on them. Since its very important for the EIR. My phone number if you need it is 310.450.5961. Thank you, bye. Please let us know. Bye."

I59-3

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Bonnie L. Rogers
Senior Project Manager / Ecologist
L.A. and San Bernardino Counties Section North Coast Branch Regulatory Division U.S. Army Corps of Engineers
213.452.3372

Please complete our brief customer survey:
http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

-----Original Message-----

From: Swenson, Daniel P NAB
Sent: Monday, 5 February, 2018 1:44 PM
To: Rogers, Bonnie L CIV USARMY CESPL (US) <Bonnie.L.Rogers@usace.army.mil>
Subject: FW: Message from KNIGHT MARY (3104505961) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

-----Original Message-----

From: Cisco Unity Connection Messaging System [<mailto:unityconnection@wpcunitypub.eis.ds.usace.army.mil>]
Sent: Saturday, February 3, 2018 6:12 PM
To: 11cordps@wpcunitypub.eis.ds.usace.army.mil
Subject: Message from KNIGHT MARY (3104505961)

CLASSIFICATION: UNCLASSIFIED

Letter I59: Kathy, Knight

- I59-1 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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 in the EIR. Receipt of the photograph of the wetlands dated 1997 is acknowledged. However, because this photo does not provide any information about proposed restoration 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*. Receipt of the map of the watershed also is acknowledged as consistent with the one provided in Draft EIS/EIR Figure 3.9-2, Ballona Creek Watershed.
- I59-2 Receipt of the “Ballona Ecosystems Rejuvenation ‘Seven Guiding Principles’” is acknowledged. However, this statement of preferences does not inform CDFW’s consideration of the adequacy or accuracy of EIR. See Final EIR Section 2.1.1, *Input Received*. More generally, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 (Enhance Existing Habitat with Minimal Grading), Alternative 12 (Acquisition Rather Than Restoration), and other alternatives that were initially considered, but not carried forward for more detailed review.
- I59-3 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.

Richard Brody,
California Department of Fish and Wildlife
c/o ESA (jas)
550 Kearny Street, Suite 800
San Francisco, CA 94108

November 7, 2017

Dear Mr. Brody,

I'm writing to urge you and the CDFW to stop the proposed Ballona Wetlands Restoration Project and it's three suggested plans of action. These heavy-handed restoration efforts would not only greatly disrupt the wildlife in the wetlands and maybe cause permanent damage to the endangered species living there. Also, in the light of climate change – with rising sea levels and rampant carbon emissions – this kind of restoration could cause harm to the communities living in the area and result in great economic losses.

I'm a resident of Playa del Rey, where I've been living with my husband Rich for the last twelve years. We are in our 40's. For us, the beauty of the Ballona Wetlands never gets old. Here is this serene patch of nature between the roaring LAX airport; the stop-and go traffic of Lincoln Boulevard; the towering condos and shops of Playa Vista, and the tourist-packed Venice Beach. Here, we get a moment of pause. Renewal. Inspiration. A sense of connection to something greater as we drive past the herons wading in the creeks every morning, and as we get greeted by a magnificent sunset over this ecological reserve when we return home after work. We also get reminded that there's so little left of it now.

The Restoration Project caters to the benefit of human visitors and future condo residents with its trails, bike paths and improvements of parking areas. It shows zero regard for the wildlife and the endangered species that live in the wetlands. The proposed removal of levees brings more salt water from the ocean inland. Not only should this set off warning bells in the light of climate change, where the scientific community, economists and military leaders are urging us to prepare for sea-level rising of over 2 feet in 2050-2070 if we don't make drastic changes to our carbon emissions and ways that we get energy. But this also hurts wildlife that depend on seasonally fresh and brackish water.

Wetlands – with their plants and life-filled soils – provide some of the best ways to sequester carbon. But the project's proposed "realignment" of creeks; lowering of land; bulldozing; excavating over two million cubic yards of soil (and removing plants and animals in the process) could completely destroy this fragile ecosystem.

The wetlands have been impacted by debris, campouts by homeless people, mountain bicyclists and dogs running loose, and feral cats roaming, etc. and these problems can't be fixed through volunteer labor on weekends. Therefore I strongly urge the CDFW to completely withdraw the Ballona Wetlands Restoration Project. Instead, let's support a wildlife-centered protection effort with regular ranger presence and proper maintenance.

Sincerely,

Nicole Lackowski
8505 Gulana Avenue
Playa del Rey, CA 90293

I60-1

I60-2

I60-3

I60-4

Letter I60: Nicole Lackowski

- I60-1 The stated preference for Alternative 4 is acknowledged and will be taken into consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I60-2 The primary CEQA project objective is restore, enhance, and create estuarine and associated habitats which will sustain multiple levels of biodiversity. Although developing public access for recreational and educational activities is an objective of the Project, this objective is secondary to the primary objective of restoring habitat functionality.
- See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a "freshwater alternative." Also see General Response 3, *Alternatives* (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 in the EIR. The removal of existing levees is necessary to restore tidal influence to the Ballona Reserve, and will enhance the physical and biological function within the Reserve. The Project design also ensures that the wetland habitats would be resilient to sea-level rise and will have the ability to transition as sea levels rise (see General Response 6, *Hydrology and Water Quality* [Final EIR Section 2.2.6.2], which addresses multiple comments received regarding sea-level rise).
- I60-3 See Response O6-12, which discusses the Project's beneficial impact to carbon sequestration.
- I60-4 The Draft EIS/EIR acknowledges that "illegal uses (such as trash dumping and transient people's encampments) occur throughout the Ballona Reserve" under existing conditions (Section ES.1 and Section 1.2.2; see also Section 2.2.2). These illegal uses of the Ballona Reserve are subject to ongoing removal efforts by CDFW independent of the Project. The stated preference for additional allocation of resources for such removal efforts is acknowledged, but is not proposed as part of the Project. The commenter's opposition to restoration as proposed is acknowledged and will be taken into consideration as part of CDFW's decision-making process.

Comment Letter I61

From: [Jim Lamm](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#); daniel.p.swenson@usace.army.mil
Subject: Ballona Wetlands DEIR Comments
Date: Monday, February 5, 2018 4:50:17 PM
Attachments: [WRP Steering Committee DEIR Comment Letter FINAL.pdf](#)

February 5, 2018

Mr. Richard Brody
CDFW c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

Daniel Swenson, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Suite 930
Los Angeles, CA 90017

Sent Via E-mail to: BWERcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

Note: I am submitting the comments and questions below as an interested individual. For ID purposes only, related roles include Ballona Creek Renaissance (BCR) President Emeritus/BCR E-News Editor, Santa Monica Bay Restoration Commission Watershed Advisory Council Member, Ballona Creek Watershed Task Force Co-founder/10-year Co-Chair, Antioch University-Los Angeles Urban & Wetland Ecology Adjunct Instructor, City of Culver City Planning Commission Member & Chair (retired), and CA.-Licensed Architect.

Dear Mr. Brody and Mr. Swenson:

Overall, I agree with the attached letter from the Wetlands Restoration Principles Steering Committee.

However, I have the following additional questions and comments, which are more recent than what I submitted to BCR for their use:

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I61-1

Appendix B and elsewhere as applicable

1. To facilitate a more informed review of future project documents, please more clearly indicate the boundaries of the Ecological Reserve on all relevant maps, aerial views, plan views, and cross sections. This would include showing the reserve's boundaries across and around Ballona Creek at the east end of Area C.

I
I61-2

2. Please provide a multi-modal access study that includes the following:

- <!--[if !supportLists]-->a. <!--[endif]-->Ways to encourage, promote, and facilitate bicycle and pedestrian access to wetlands gateways,
- <!--[if !supportLists]-->b. <!--[endif]-->Ways to encourage, promote, and facilitate other means of access that would require minimal on-site infrastructure
- <!--[if !supportLists]-->c. <!--[endif]-->Offsite parking facility options and possible phase-out of existing on-site surface parking and their related leases.

I
I61-3

3. In light of Nos.1 and 2 above, please hold construction of any new parking structures or lots until off-site alternatives are identified and evaluated in a comparative study.

I
I61-4

Thank you very much for your consideration of the above and attached comments.

Best regards,

James W. (Jim) Lamm

10916 Braddock Drive, Culver City CA 90230,
310-839-6896 (h/f/w), 310-367-0336 (c), jim.lamm@sbcglobal.net

The Steering Committee of the Wetlands Restoration Principles Coalition



February 1, 2018

Mr. Richard Brody
CDFW c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

Daniel Swenson, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Suite 930
Los Angeles, CA 90017

Sent Via E-mail to: BWERCcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

Dear Mr. Brody and Mr. Swenson:

The Wetlands Restoration Principles Coalition Steering Committee, made up of five leading environmental organizations in Southern California representing more than 25,000 members, has come together to support robust science-based restoration of the Ballona Wetlands Ecological Reserve. The undersigned Coalition organizations strongly support the restoration plans described in Phase 1 of Alternative 1, with various important amendments. The Steering Committee members determined that Phase 1 of Alternative 1 with amendments best achieves the nine restoration principles laid out by the Coalition in 2015 (see attachment). Coalition members are also submitting separate letters with individual comments on the various Alternatives.

I61-5

We thank you for providing this analysis. This project will be the most important environmental restoration and public access project ever undertaken for the residents of Los Angeles County.

The 21st Century has brought good news for wetlands up and down the California coast. According to the California Coastal Conservancy, two hundred restoration projects have been completed and one hundred more are in progress for a total of 50,000 acres. Plus 50 more are privately financed as mitigation. They are all precious links along the Pacific Flyway, nurseries for the fish of the Pacific and its bays and estuaries, and the breeding ground for the various plants and animals that sustain the circle of life. It is far past time for the Ballona Wetlands to be restored. They are the largest wetlands between Point Mugu and Bolsa Chica, but have deteriorated to the point where they can no longer sustain vital functions.

In our comments below, the Coalition Steering Committee has addressed habitat and public access issues equally. There are obvious tensions between the goals of creating healthy, protected habitat and allowing human access, but we believe we have suggested good solutions to that problem in our comments. We support generous access points, bicycle and walking trails, and even an additional public access area not addressed explicitly in Alternative 1, Phase 1 but consistent with the project as described. We also have, however, designated areas where public access should be limited by the presence of endangered species and delicate portions of the new ecosystem. We think that well designed trails will also create the means to monitor the area and protect it from illicit activity.

Human needs and nature’s needs have been severely unbalanced for over 100 years, with humans the dominant species. We believe a robust restoration at Ballona will restore nature’s balance to the ultimate benefit of residents and visitors who will come to understand and enjoy this beautiful place between land and sea.

As the Draft Environmental Impact Report/Statement (EIR/S) succinctly summarizes:

“The California Department of Fish and Wildlife (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.”

While supporting the overall goals of the Draft EIR/S, the Coalition Steering Committee also supports the following objectives for the Reserve as a whole:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function. Also maximize diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with ecological goals.
7. Ensure long-term RESILIENCE and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard wildlife and minimize losses during construction.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

I61-5
cont.

To the extent that the Draft EIR/S supports these objectives, **the Wetlands Restoration Principles Steering Committee supports a Project with the following elements including the amendments and safeguards and as generally mapped in the drawings attached:**

Area A: We support the restoration of Area A presented in Alternative 1 Phase 1 with a few minor changes. The 14 feet of fill covering Area A should largely be removed and the existing levees should be replaced with new perimeter levees as described. We support a public access system with separate bicycle and walking trails as shown in Alternative 1 Phase 1. We support a trailhead at a parking structure with adequate visitor-serving parking and restrooms for the numbers of visitors that are anticipated to be attracted to the new Ballona public access system.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before removing topsoil.
2. Include a plan for relocating wildlife displaced by restoration activities.
3. Ensure that topography allows for vegetated wetlands to thrive and provide increased water filtration capabilities, while also supporting a diversity of wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
4. Ensure that there is adequate nesting and foraging habitat for the Belding’s Savannah Sparrow.
 - a. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B.

- b. Use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.
 - c. Provision of the appropriate wetlands vegetation habitat is very important as it is possible that West Area B will be inundated due to sea level rise.
5. Align primary trailhead and trails with visitor services and parking.
 6. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools.
 7. Ensure that the number of parking spaces provided is adequate for the expected number of visitors to the Reserve.¹ A parking study should determine the correct number of spaces for the anticipated number of visitors to the Reserve. The study should address the need for time limits to reduce unintended parking uses and alternative transportation options.
 8. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to encourage visitors to use proper facilities by increasing convenience. The type of structure should be determined based on budget, operations, and maintenance plans for the site.
 9. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed.
 10. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads. Provide more information about how the project design will handle changes, including in terms of the extent of monitoring that will occur. While we recognize that much of the Ballona Creek Watershed is beyond the scope of the restoration project, it is reasonably foreseeable that the timing, scope and overall approach of projects and planning efforts happening upstream to address environmental concerns, including the Ballona Creek Bacteria TMDL Project and Ballona Creek Enhanced Watershed Management Program, will affect water quality and sediment loading downstream. We strongly recommend a cumulative impacts and sensitivity discussion to disclose the impacts, both positive and negative, of upstream projects on the project site.

I61-5
cont.

Area C: We support the plans for Area C presented in Alternative 1 Phase 1 with a few minor changes. We support the restoration of native upland vegetation where mostly weeds now exist, as well as the addition of walking trails, one major trailhead with parking, and several secondary trailheads. We believe the walking trails will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before depositing fill.
2. Create a viewing area in South Area C overlooking the Centinela Creek convergence with Ballona Creek for birding. Consider adding benches and scopes for people to view the birds in this area.
3. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed.

If the Little League baseball fields remain inside the reserve, then the following changes should be made to their management:

1. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship.

¹ In their report, Standards for Outdoor Recreation Areas (<https://www.planning.org/pas/reports/report194.htm>), the American Planning Association outlines basic standards for amenities at public facilities.

2. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails.
3. Prevent negative environmental and community impacts by increasing patrols by enforcement agencies.
4. Restore as much of the existing area as possible to native uplands vegetation.

North Area B: We support the removal of the levee wall in North Area B as described in Alternative 1 Phase 1 and the addition of a meander to the creek in this area. We also support enhancing public access along the roads in North Area B with walking and biking trails on the new levee paralleling Culver Blvd. and joining with the existing levee wall further to the west where the tide gates are located. We also support the addition of a bridge for bike and walking connection between Area A and North Area B.

Southeast and South Area B: We support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 with a few changes. Creating small tidal channels as proposed in this area will enhance the habitat for native species and possibly support increased numbers of endangered and threatened species in this underperforming wetlands area. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Modify proposed channel location to protect Willow Thickets along Bluff from salt water inundation, both on the surface and in groundwater.
2. Do not build berm that prevents brackish marsh from spreading naturally from the freshwater marsh culvert.
3. Ensure that topography allows for vegetated wetlands to thrive and provide additional water quality filtration, and also for a diversity of wetland habitats, i.e. low, mid, and high marshes, and brackish marsh.
4. Remove invasive non-native pampas grass, and other invasive species.
5. Maximize vegetated wetland acreage, especially to create nesting and foraging habitat for Belding's Savannah Sparrow.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. To maximize wetland habitat, East Area B should not be buried with fill.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Add major pedestrian and bike path around East Area B as per Alternative 2 Public Access Plan.
2. Remove non-native vegetation.
3. Daylight this portion of the culvert from Ballona Freshwater Marsh to Ballona Creek to allow freshwater to reach seasonal wetland area and allow for riparian and/or brackish habitat to develop, recognizing that rainfall and tidal influences will affect this dynamic area over time.

West Area B: We support the Public Access Plan of Alternative 1, Phase 1 in West Area B. We support the monitoring and protection of Belding's Savannah Sparrow nesting and foraging habitat. We support removal of Gas Company infrastructure.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before depositing fill.
2. Provide bathroom facilities at this primary trailhead comparable to those at the Newport Back Bay Nature Preserve.
3. Provide additional details on the detention basins for storm-water runoff planned in West Area B.
4. Protect existing wetlands habitat and endangered and threatened species as long as possible while expanding their presence in other parts of Ballona.

I61-5
cont.

5. Assure that the connection of the last remaining dunes habitat to the adjacent wetlands is protected.
6. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. This area should not have a public trail.
7. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads. Provide more information about how the project design will handle changes, including in terms of the extent of monitoring that will occur. While we recognize that much of the Ballona Creek Watershed is beyond the scope of the restoration project, it is reasonably foreseeable that the timing, scope and overall approach of projects and planning efforts happening upstream to address environmental concerns, including the Ballona Creek Bacteria TMDL Project and Ballona Creek Enhanced Watershed Management Program, will affect water quality and sediment loading downstream. We strongly recommend a cumulative impacts and sensitivity discussion to disclose the impacts, both positive and negative, of upstream projects on the project site.
8. Extend pedestrian access trail down the north side of Culver Blvd. and connect to the existing trail leading to the Viewing Platform.
9. Provide more information about the access road in West Area B to demonstrate the need for this development. If the road is not required for emergency use, then it should be eliminated from the plan.
10. Provide additional sources and information for Draft EIR/S conclusions on sea level rise impact. Include sea level rise impact on surrounding community and how that will affect Ballona.
11. Investigate increased tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing Belding's Savannah Sparrow nesting or foraging habitat or flooding roads/nearby development.



I61-5
cont.

The Coalition Steering Committee thanks you for your work, and would be pleased to answer any questions and to help with efforts to facilitate the restoration work ahead.

Sincerely,

The Wetlands Restoration Principles Steering Committee:

Friends of Ballona Wetlands


 Scott Culbertson, Executive Director
scott@ballonafriends.org

Heal the Bay


 Shelley Luce, D.Env., President & CEO
sluce@healthebay.org

Los Angeles Waterkeeper

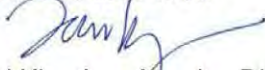

 Bruce Reznik, Executive Director
bruce@lawaterkeeper.org

Surfrider Foundation, South Bay Chapter



Craig W. Cadwallader
craigc@surfrider-southbay.org

Trust for Public Land



Tori Kjer, Los Angeles Director
tori.kjer@tpl.org

Enclosure: Wetlands Restoration Principles

cc:

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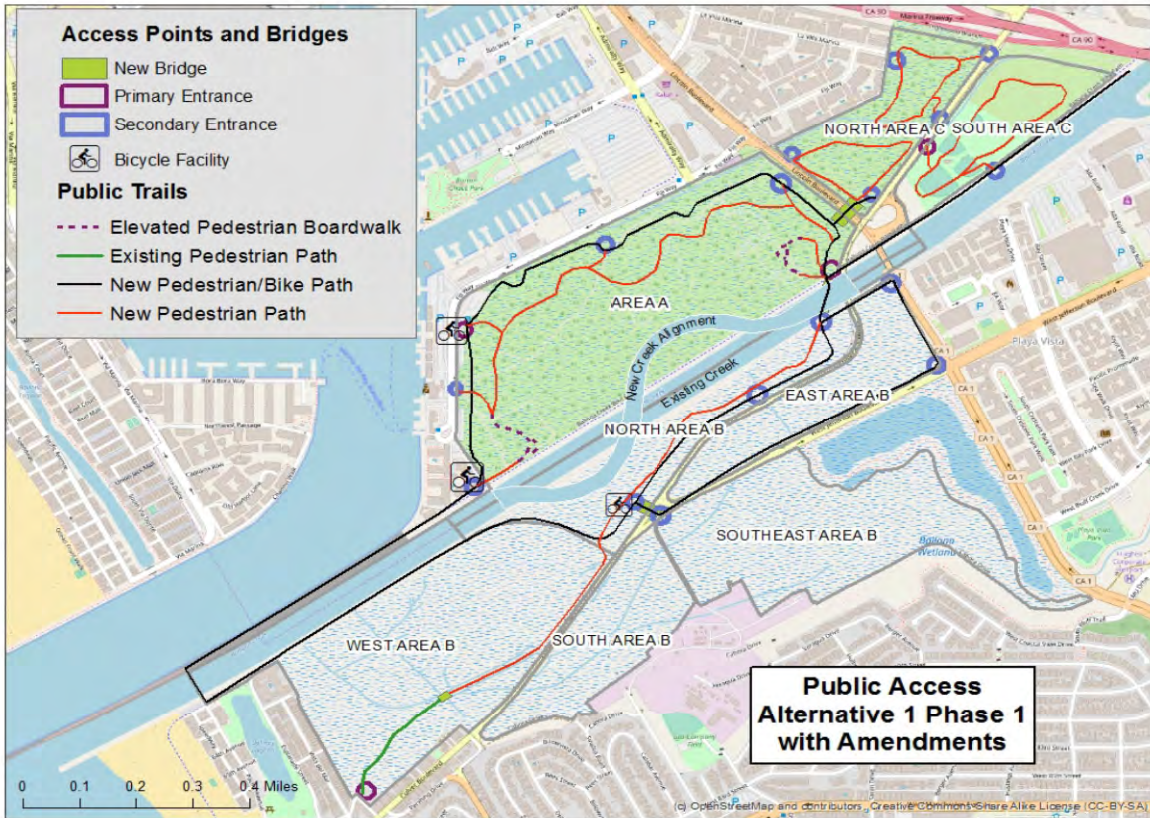
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Mark Pestrella, Director, County of Los Angeles Public Works mpestrel@ladpw.org

I61-5
cont.



I61-5
cont.



Letter I61: Jim Lamm

- I61-1 The commenter's agreement with comments provided by the Wetlands Restoration Principles Coalition in Letter O28 is acknowledged and will be taken into consideration as part of CDFW's decision-making process. See Final EIR Section 2.3.6 for specific responses to Letter O28.
- I61-2 The Project Site includes the Ballona Reserve and seven potential natural gas storage well relocation sites (Sites 1 through 7) proposed within the SoCalGas Property located adjacent to the Ballona Reserve. See Draft EIS/EIR Figure ES-1, Regional Location, and Figure ES-2, Project Site. CDFW has revisited the boundaries shown in figures provided in the Draft EIS/EIR, and has determined that they, together with the description of the location of the Project Site in Draft EIS/EIR Section 1.2.1, are sufficiently clear. No revisions have been made in response to this comment.
- I61-3 The commenter's request for a multi-modal access study is beyond the scope of the EIR, which focuses on the proposed restoration of the Ballona Reserve. CDFW acknowledges the commenter's interest in public access to the Ballona Reserve, but emphasizes that public access is a secondary focus. CEQA Project Objective 4 (Draft EIS/EIR Section 1.1.2) is to "Develop and enhance wildlife dependent uses and secondary compatible on-site public access for recreation and educational activities. ..." See Final EIR Section 2.1.1, *Input Received*.
- I61-4 See Response I61-3. Because this request for a delay in construction of any new parking structures or lots does not address the adequacy or accuracy of the EIR, it may be considered as part of CDFW's overall decision-making process rather than specifically as part of the CEQA process.
- I61-5 Receipt of this duplicate copy of input submitted by the Wetlands Restoration Principles Coalition in Letter O28 is acknowledged. See Final EIR Section 2.3.6 for specific responses to Letter O28.

Comment Letter I62

From: Andrea Leon-Grossmann [<mailto:aleongrossmann@fwwatch.org>]

Sent: Sunday, February 04, 2018 7:09 PM

To: bonnie.l.rogers@usace.army.mil; Wildlife Ballona Wetlands Ecological Reserve EIR
<BWERCcomments@wildlife.ca.gov>

Subject: DEIR Ballona Wetlands Restoration Project

Dear Ms. Rogers and Mr. Brody,

I am writing to express deep concern with any options that allow SoCalGas to continue operations and even upgrade its Playa del Rey gas storage facility with public funding.

We keep breaking heat records and the vast majority of scientists agree that there is a clear connection between the burning of fossil fuels and climate change. Los Angeles and California are working towards a 100% clean renewable future and upgrading a dangerous facility is not going to help the city or the state achieve their goals towards clean renewable energy.

Moreover, SoCalGas cannot be trusted. Last year alone, SCAQMD issued 10 certificates of violations, two of which were for the Playa del Rey gas storage facility. That same facility has been leaking and is currently under investigation by the Los Angeles City Council.

SoCalGas keeps poisoning communities from Porter Ranch to Rancho Park and Playa del Rey is no exception.

We need to invest on infrastructure and energy that won't hurt us or kill us, and divest from dirty sources of energy. SoCalGas falls into the later category. We cannot afford to keep a fossil fuel company in our backyard, not when the 5-mile radius is 500,000 people and LAX international airport, when it occupies a portion of a wildlife preserve as well as sitting on top of a seismic area.

Approval of any "restoration" project that includes upgrading of fossil fuel infrastructure is highly irresponsible.

I am including a video of rescue operations in Montecito where failing SoCalGas infrastructure hindered the efforts of first responders who could not use their equipment as it could have triggered a spark/fire. The same thing can happen in Los Angeles when we have

I62-1
I62-2
I62-3

Comment Letter I62

the next big earthquake.

I respectfully ask you to preserve the Ballona Wetlands, deny any permit that includes upgrading SoCalGas infrastructure and study a way to decommission the dangerous gas storage facility.

Sincerely,
Andrea León-Grossmann
Food & Water Watch Organizer
915 Wilshire Blvd
Suite 2125
Los Angeles, CA 90017

↑
I62-3
cont.



Letter I62: Andrea Leon Grossman

- I62-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the existing location and proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. To emphasize, neither the Project nor other restoration alternatives proposes an energy generation project to which renewable energy sources could present a viable alternative. Although existing SoCalGas natural gas storage wells and associated pipelines would be relocated as part of the Project, the restoration purpose of the relocation is to allow for increased connectivity of restored habitat. See Draft EIS/EIR Section 1.1 regarding the project purpose and need and its objectives.
- I62-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the existing location and proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. This General Response clarifies that no “upgrade” of SoCalGas infrastructure is proposed.
- I62-3 Receipt of the video of rescue operations in Montecito is acknowledged. However, video of an emergency response unrelated to the proposed restoration in a location more than 75 miles from the Project Site does not inform CDFW’s consideration of the EIR. For the reasons explained in Draft EIS/EIR Section 3.6.6, neither the Project nor any of the alternatives would expose people or structures to potential substantial adverse impacts, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

From: Kelsey Mangan <donotreply@wordpress.com>
Sent: Friday, September 29, 2017 6:01 PM
To: sidewalksforballona@gmail.com; Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: In support of Alternative 1 to restore Ballona Wetlands

Name: Kelsey Mangan

Email: kelseymangan@gmail.com

Comment: Dear Mr. Brody,

I am writing in support of Alternative 1 put forth in the draft environmental impact report for the restoration of Ballona Wetlands.

I 163-1

In addition to habitat restoration, I am strongly in favor of the proposed addition of new trails, pedestrian/bike bridges, and bike paths.

I 163-2

I am an alumna of Loyola Marymount University, so I am very familiar with the severe lack of safe pedestrian options connecting Westchester to Playa Del Rey. This forces walkers and joggers to either trample critical habitat or endanger themselves in the roadways. Alternative 1 for Wetlands Restoration will provide safe options to pass through and enjoy the reserve, keeping both pedestrians and the environment safe. There is so much benefit in bridging the neighborhoods of Westchester, Playa del Rey, and Playa Vista, which are currently disconnected by the lack of sidewalks or trails along Culver Boulevard.

I 163-2

I urge the California Department of Fish and Wildlife to take into consideration the safety needs of pedestrians when choosing the path forward for the Wetlands. Thank you.

I 163-3

Best regards,
Kelsey Mangan

Time: September 29, 2017 at 6:00 pm

IP Address: 104.175.161.9

Contact Form URL: <https://sidewalksforballona.com/2017/09/29/restore-ballona-wetlands-contactcdfw/>

Sent by an unverified visitor to your site.



Letter I63: Kelsey Mangan

- I63-1 The commenter's support for the Project is acknowledged and has been included in the formal record where it will be taken in to consideration as part of CDFW's overall decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I63-2 The stated support for the public access components of the Project is acknowledged and has been included in the record where it will be considered as part of the Lead Agencies' overall decision-making processes for the project.
- I63-3 The stated concern for pedestrian safety is acknowledged and has been included in the record where it will be considered as part of CDFW's overall decision-making process. See Response I14-3.

Comment Letter I64

From: [Bob Marks](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands Project Marina del Rey & Del Rey California
Date: Monday, February 5, 2018 5:58:49 PM

Mr. Richard Brody
California Department of Fish and Wildlife

Mr. Brody,

I'm writing this e-mail because I have concerns with your project and the affect it may have on the neighborhood of La Villa Marina.

From an environmental aspect, the movement of heavy trucks in and out of the neighborhood will be devastating. The traffic will be affected tremendously since La Villa Marina (street) is a one way access into the townhouse community. Air pollution will increase which may pose a health hazard to community members. Please consider these concerns in your final decision.

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I64-2

Sincerely.

Bob Marks
Community Resident



Letter I64: Bob Marks

- I64-1 As described in Draft EIS/EIR Section 3.12, *Transportation and Traffic*, and shown in Figure 3.12-4, La Villa Marina is not proposed to be used for construction haul routes or parking. Therefore, La Villa Marina would not experience an increase in traffic resulting from restoration-related construction. Furthermore, the incorporation of Mitigation Measures TRANS-1a: Construction Traffic Management Plan, and TRANS-1b: Restriction of Lane Closures, would minimize construction-related impacts to traffic and transportation in the vicinity of the Project Site. Impacts to traffic and transportation would not be significant and would not impact the existing level of service on affected roadways.
- I64-2 As analyzed in Draft EIS/EIR Section 3.3.6.1, neither the restoration nor post-restoration phases of the alternatives would expose sensitive receptors to substantial emissions of toxic air contaminants and other pollutants such that health risks could result.

From: Steven <steven.matilla@era.com>
Sent: Friday, September 29, 2017 3:19 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: Parking behind Matilla Village Center and Gordon's market - Playa Del Rey

Follow Up Flag: Follow up
Flag Status: Flagged

To whom this may concern. Thanks for allowing us to comment on this proposal. First the midnight to 5 am “no parking” is perfect. Next, only allowing 3 hours of parking during the day is a burden on our small business community since we really do not have adequate parking for all the businesses along Culver from the Inn at Playa Del Rey to my corner at Vista Del Mar and Culver. What we have now with the State of California has really helped the business community and many local residents mitigate the lack of public parking. My shopping center does not enforce “no parking” as we know how tough it is to be able to find decent parking on the streets for all the various businesses in this condensed area. We kind of extend a neighborly courtesy so that we can all exist together. So I am politely asking your department to reconsider your plans, work with our business community and maybe come up with a truly real solution (more parking) for all of us here in Playa Del Rey. The real solution is an alley and parking behind all the businesses along Culver from the Inn to the end of Gordon’s Market property. Please give this serious consideration – we really need help not less parking.

I65-1

Sincerely,
Steven Matilla
ERA Matilla Realty
310-305-8000 x 101
DRE Lic: 00398688



Letter I65: Steven Matilla

I65-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

Comment Letter I66

From: [Eileen Mcandrews](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Support Friends of Ballona
Date: Monday, February 5, 2018 11:03:06 AM
Attachments: [Friends EIR comments_FINAL.pdf](#)

Sent from my iPad



Ballona Restoration DEIR Comment Summary by Friends of Ballona Wetlands

Friends of Ballona wetlands believes the robust restoration of the Ballona Wetlands Ecological Reserve (BWER) will increase habitat quality and diversity to benefit native wildlife, provide greater protection from flooding and the impacts of climate change, improve water quality and watershed connectivity, open public access trails for education and nature appreciation, protect rare and sensitive species, and add ecological, aesthetic, and economic value to the surrounding community.

FBW's Overall Goals for Ballona Restoration:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function, and diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with restoration goals that protect habitat.
7. Ensure long-term resilience and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard as much wildlife as possible and minimize losses.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

Access, Parking and Bathrooms

We support a public access system with separate bicycle and walking trails, parking facilities, and restrooms, that are compatible with restoration goals. We believe the parking lot in Area A should reduce the footprint of impervious surfaces and increase land for habitat restoration and that the number of spaces provided should not be significantly more or less than what is needed to meet requirements for the expected number of visitors to the Reserve. A parking study should be completed to determine the correct number of spaces to provide. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to ensure that visitors to the site are using proper facilities and not impacting the wetlands. The type of structure should be determined based on budget and operations and maintenance plans for the site. The parking lot currently known as the "Gordon Lot," should be available for visitors to the BWER and those patronizing community restaurants and shops, and should remain open until 11:00 pm so as to benefit the business community.

Little League

If the Little League baseball fields remain inside the reserve, then a few changes should be made to their management. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails. Negative environmental and community impacts should be prevented by increasing patrols by enforcement agencies. As much of the existing area as possible should be restored to native uplands vegetation.

Area Specific Comments:

Area A: We generally support the restoration of Area A as presented in both Alternative 1 Phase one and Alternative 2. The 14 feet of dredge fill should be removed and graded to provide marsh habitat. Concrete levees should be removed and replaced with more natural levees. Wildlife should be protected to greatest extent possible. We do ask that the primary entrance to trails be located at the primary parking facility rather than as shown in the current maps. Include a plan for relocating wildlife displaced by restoration activities. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce

I66-1



habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads.

Area C: We generally support the plans for Area C presented in Alternative 1 Phase 1 and Alternative 2, including the placement of fill on Area C from Area A given that it will not increase the height of Area C in a way that will negatively impact the nearby community, but will instead enhance Area C with gentle sloping vegetated knolls that do not obstruct views, improve the aesthetics of the area and possibly reduce traffic noise for residents. We also support the restoration of native upland vegetation where mostly weeds now exist. We believe walking trails in Area C will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Southeast and South Area B: We generally support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 and Alternative 2. We think creating tidal channels as proposed in this area will enhance the habitat and attract additional endangered and threatened species to this underperforming wetland area. The proposed channel should be placed in way that protects Willow Thickets along Bluff from salt water inundation and freshwater should be allowed to flow naturally into the marsh to create a brackish zone. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further. All other non-native plants, including pampas grass and iceplant, should be removed and replaced with native vegetation.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. However, we believe a trail system should be added on part of the perimeter as reflected in the Alternative 2 Access Plan. We would like to see wetland habitat maximized here by protecting and improving the seasonal freshwater wetlands. Non-native vegetation should be removed. It would be helpful to allow freshwater to reach the seasonal wetland area and allow riparian and/or brackish habitat to develop by daylighting the culvert from the Ballona Freshwater Marsh to allow additional freshwater input.

West Area B: We support most aspects of Alternative 1 Phase 1 and Alternative 2 restoration in West Area B. Protect and enhance existing wetland habitat and protect endangered and threatened species as long as possible while expanding their presence in other parts of Ballona. Protect connection of the last remaining dunes habitat. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. We support removal Gas Company Access wells. Adapt West Area B for sea level rise consistent with plans related to the surrounding communities. Continue to research best technology that could minimize disturbance. Consider using current available technology such as pumps, slowly increasing elevation, etc. Possibly increase tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing muted tidal habitat or flooding roads/nearby development.

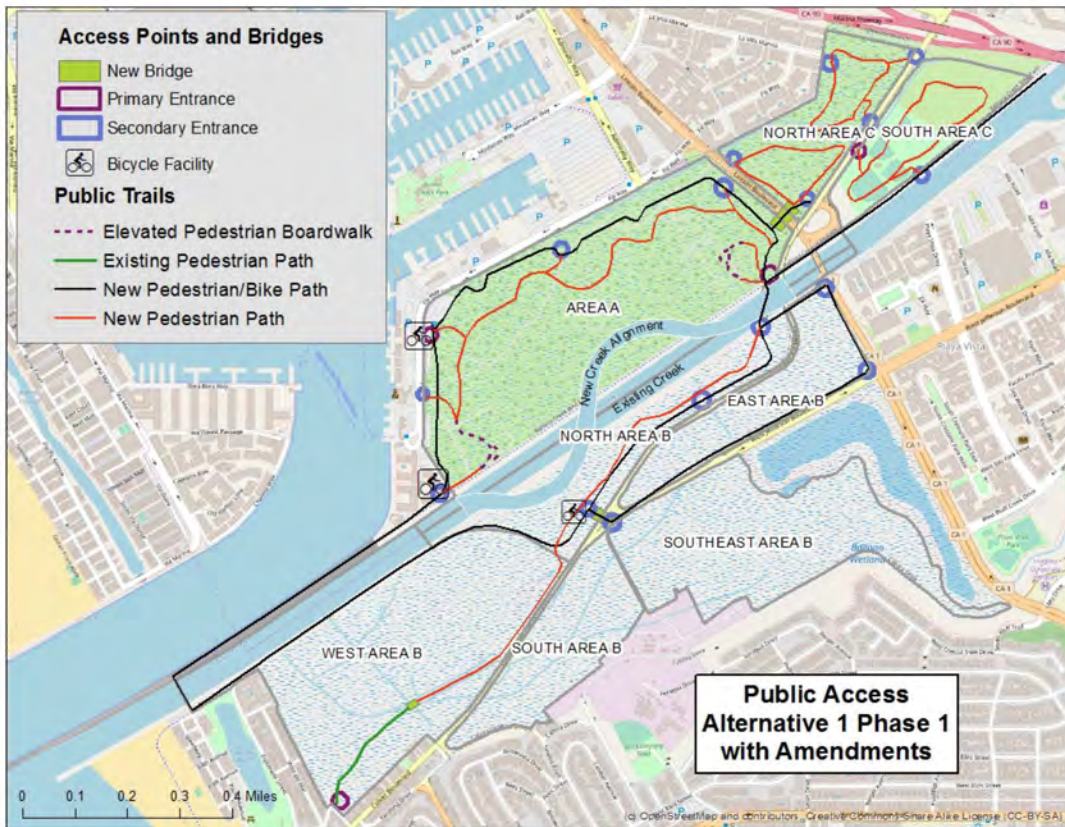
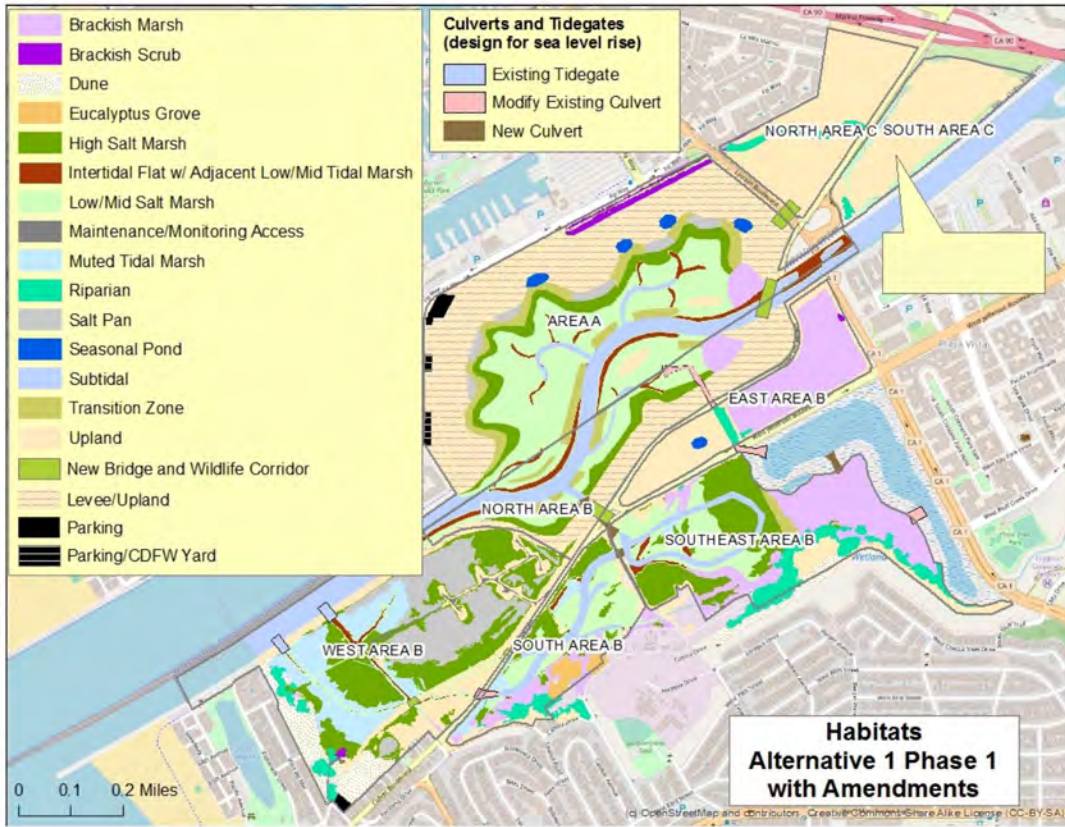
If and when it is determined that Alternative 1 Phase 2 must proceed in order to protect the area from sea level rise, the following must be assured: Adequate nesting and foraging habitat for Belding’s Savannah Sparrows must be in place throughout Ballona in Areas A and B that support an equal or greater number of nesting pairs than currently exist in West Area B. Improvements in upstream water quality and sediment loads must be completed prior to breaching levee along West Area B. Measures that prevent loss of habitat diversity and protect existing native vegetation cover to greatest extent possible must be implemented. Mechanisms to protect historical salt pan from becoming permanent open water must be implemented to the greatest extent possible. The construction of a levee along Culver and adjacent to the dunes must limit disturbance and enhance connectivity to dune system and El Segundo Blue Butterfly habitat.

Belding Savannah Sparrow Comments:

Protect Belding’s Savannah Sparrow nests and habitat – particularly until an equal number of nests have been documented for several years in Area A and/or South Area B. Ensure that there is adequate nesting and foraging habitat for Belding’s Savannah Sparrow. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B. CDFW should use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.

The next page shows maps that reflect our habitat and public access comments.

I66-1
cont.



I66-1 cont.



Letter I66: Eileen McAndrews

I66-1 The stated support for comments provided by Friends of Ballona Wetlands is acknowledged. Responses to Letter O10 are provided in Final EIR Section 2.3.6.

Comment Letter I67

From: [Vicki McClay](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Cc: bonnie.l.rogers@usace.army.mil; [Vlad](#)
Subject: Ballona "restoration"
Date: Monday, February 5, 2018 3:11:50 PM

February 5, 2018

I write this letter in protest to the proposal to expand SoCalGas facility in the Ballona Wetlands. This project would be a major and destructive construction site that would endanger rare plants and wildlife and the existing habitat. It would not be a restoration of a fresh water wetland, it will leave it a saltwater wetland.

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It comes at a cost of as much as 180 million dollars and a large portion of that is public money. The project should absolutely not expand development into public lands.

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I67-3
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The California Department of Fish and Wildlife should adopt; Alternative 4 - No Federal Action/No Project Alternative.

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I67-4
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And, with a 8000 page proposal the public clearly needs more time to review this much material. The comment period must extend to March and a full 180 days for review is necessary.

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I67-5
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Sincerely,

Vicki McClay

Letter I67: Vicki McClay

- I67-1 To be clear, neither the Project nor any of the restoration alternatives proposes to expand SoCalGas facilities in the Ballona Wetlands. 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.
- I67-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I67-3 The preference to not expand SoCalGas development into public lands is acknowledged, but does not inform CDFW’s consideration of the potential impacts of the Project. See Final EIR Section 2.1.1, *Input Received*. See Response I12-4, which addresses the mistaken assertion that the Project would expand development into public lands.
- I67-4 The commenter’s support for Alternative 4 is acknowledged and will be taken into consideration as part of CDFW’s decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I67-5 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.

Comment Letter I68

From: [Mark Mitchell](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: support for the ballona wetlands to full tidal wetland & a docent system to monitor
Date: Monday, January 15, 2018 9:48:18 PM

Dear Protectors of wetland,
Please to support approval however I concerned with the invasion of the homeless. Our Parks system needs a docent system to monitor this.

I
I68-1

Mark Mitchell
Playa del rey
Sent from [Mail](#) for Windows 10



Letter I68: Mark Mitchell

I68-1 See Response I37-3 regarding illegal uses of, and law enforcement efforts within, the Ballona Reserve.

From: [Duane Muller](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Draft EIR- Ballona Wetlands
Date: Sunday, February 4, 2018 3:52:03 PM

Hello,

As a resident of Playa Vista, I support a robust science based restoration of the Ballona Wetlands Ecological. I believe the following nine principles are essential elements of any comprehensive wetland restoration program.

Principle 1 (Functional Integrity): Restoration projects should bring back the natural processes and functions of healthy wetlands, using broadly accepted scientific evidence of historic, present, and potential conditions to set ambitious and achievable restoration goals and quantifiable measures of success.

Principle 2 (Scientific Basis): Restoration projects should have clear environmental goals and be based on critical scientific evaluation of all feasible alternatives. (i)

Principle 3 (Ecological Balance): Restoration projects should aim for and achieve outcomes that are representative of the historical ecology of the wetlands before development, take into account the current constraints and adjacent human uses, and maximize the most valuable long-term benefits for plants and animals.

Principle 4 (Appropriate Scale): Restoration work should be conducted in the manner that most effectively and efficiently meets restoration goals. Wetland restoration projects can range in size and scale, and may require significant earth-moving activities to restore wetland functions. Short-term disruptive activities should only be employed if sensitive areas and native plants and wildlife are safeguarded in the process (e.g., appropriate seasonal timing, monitoring, temporary relocation of plants and animals when necessary). (ii)

Principle 5 (Watershed Hydrology): Wetland restoration efforts should consider watershed hydrology that may impact the project site and function, such as upstream water quality and flow volumes. (iii)

Principle 6 (Scientific Monitoring): Restoration efforts should involve sound scientific monitoring to establish baseline environmental characteristics and track site response to the restoration activities.

Principle 7 (Climate Change): Restoration efforts should consider climate change projections and be designed with a dynamic climate in mind, taking into account projected sea level rise for coastal wetlands. (iv)

Principle 8 (Compatible Uses): If public facilities are proposed as part of a

I69-1

wetland restoration project, they should be consistent with the restoration goals, and should not impair native wildlife or the planned ecological functions of the wetland. Public facilities, such as public access opportunities for education and enjoyment, should be well regulated and compatible with both the site and the surrounding community in terms of scale, design, and function.

Principle 9 (Stakeholder Inclusion): Wetland restoration project planning and implementation should involve all interested stakeholders in a process where public input and discussion opportunities are provided.

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I69-1
cont.

Thank you.

--

Mrs. Duane Muller
Playa Vista, CA 90094
muller.duane@gmail.com



Letter I69: Duane Muller

I69-1 The commenter's support for the stated nine principles for wetland restoration is acknowledged. However, because the principles are not specific to the Project or to the Draft EIS/EIR, they do not inform CDFW's consideration of the adequacy or the accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

Comment Letter I70

From: [Jon Nahhas](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#); [Rogers, Bonnie L SPL](#); lamriner@gmail.com
Subject: Comments on Ecological Reserve at Ballona DEIR
Date: Monday, February 5, 2018 11:57:33 PM
Attachments: [DEIRComments_2-5-18.pdf](#)

Hi Bonnie and Richard,

Attached are my comments on the DEIR. Please provide return receipt that you received them. Thanks.

Jon Nahhas

February 5, 2018

Richard Brody, Department of Fish & Wildlife
Bonnie Rogers, U.S. Army Corps of Engineers

**RE: Draft Environmental Impact Report (DEIR) for the Ballona Wetlands Restoration
Proposed Project**

Dear Mr. Brody and Ms. Rogers,

Thank you for providing the opportunity to submit comments on the DEIR for the Ballona Wetlands Restoration Proposed Project. I have grave concerns about the proposed project and the amount of information that is missing from DEIR. While it is difficult to read through 1,242 pages (excluding appendices) of a scientific document such as this being reviewed, it is even trickier to understand what is not being presented to the reviewers. There is a clear motivation of the applicant to withhold pertinent details in order to get a desired outcome (approval of project). That said, the public at large is burdened with the task of being a "watchdog" to aide in the process of informed decision-making by government agents. I ask that you fully read through the comments presented here and respond to each with the utmost of diligence. I have also provided some legal precedence that should be reviewed prior to your response.

170-1

Under the guidelines set forth in the California Environmental Quality Act (CEQA), please consider recirculation of the DEIR after the missing/misleading information is provided. Also under CEQA, you may decide that a better solution is to submit a Supplemental or Subsequent DEIR to address the deficiencies.

170-2

Respectfully,

Jon Nahhas
jnahhas@gmail.com

Summary

The Ecological Reserve at Ballona was originally a federal project by the US Army Corps of Engineers (USACE) set forth for the creation of a small craft harbor (now known as Marina del Rey) in 1945. It is located in southern California, south of Marina del Rey, east of Playa del Rey and west of the newly created community of Playa Vista. CDFW manages and maintains primary ownership of the Ballona Reserve, with a smaller interest owned by the California State Lands Commission (CSLC). The Los Angeles County Department of Public Works-Flood Control District (LACFCD) owns and operates the Ballona Creek channel and levee system, which are features of the Federally-authorized Los Angeles County Drainage Area (LACDA) project.

170-3

The wetlands ecosystem in the vicinity of the Ecological Reserve at Ballona once supported a great diversity of aquatic and terrestrial resources that stretched from Playa del Rey to Venice and inland to the Baldwin Hills (Dark et al. 2011; Grossinger et al. 2011). As preliminarily delineated by Wetland Research Associates (WRA) in 2011, the Ballona Reserve provides approximately 153 acres of potential wetlands, as well as approximately 83 acres of potential non-wetland waters of the U.S.. Under Section 10 of the Rivers and Harbors Act (33 U.S.C. §403; "Section 10"), navigable waters of the U.S. include all tidally-influenced waters up to the mean high water mark (MHW) in their natural, unobstructed state. USACE also has the responsibility of ensuring other sections of the Rivers and Harbors Act, the Clean Water Act, and other appropriate federal regulations that apply to the Ecological Reserve at Ballona.

Traffic

One of the most significant deficiencies in the DEIR is the lack of information about the traffic conditions in the area. Over the last decade, the amount of development along the Lincoln Blvd. corridor from Los Angeles Airport (LAX) to Santa Monica has grown exponentially. The traffic conditions have worsened and Levels of Service (LOS) have declined significantly.

170-4

The County of Los Angeles has updated its Local Coastal Plan (LCP) and decided to feature more landside development (apartments) in the small craft harbor in MDR. This creates higher traffic trip rates and more difficulty getting in and out of the harbor. The DEIR does not adequately address the amount of traffic trip rates of the newly approved landside projects. The USACE is fully aware of these projects as they are an agency that oversees federal compliance in the public harbor. This poses many questions as the truck hauls for the proposed project utilize the same roadways that many of the known approved projects in Marina del Rey will be using.

170-5

Question #1 - Why was the information withheld on the traffic trip rates from the nearly completed project of Parcel 15U in Marina del Rey?

170-6

Question #2 - What are the anticipated number of traffic trip rates for the MdR project on Parcel 15U?

170-7

Question #3 - Why was the information withheld on the traffic trip rates from the approved and newly started project on Parcel 44 in Marina del Rey?

170-8

Question #4 - What are the anticipated number of traffic trip rates for the MdR project on Parcel 44?

I 170-9

Question #5 - The approved project at Parcel 44 in MdR had a Statement of Overriding Considerations for traffic at the intersection of Lincoln and Mindanao (a location of truck hauling of proposed project), why was that not cited in the DEIR?

I 170-10

In *LANDVALUE 77, LLC v. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY*, the Court determined that there was inadequate traffic analysis, and in particular, failure to respond to comments made by the City of Fresno concerning the project's impact on traffic caused by the elimination of overflow parking for the Save Mart Center. Respondents sought to compel the City Council to set aside its approval of the MAE Project until a legally adequate EIR had been prepared and considered.

I 170-11

In *GALANTE VINEYARDS v. MONTEREY PENINSULA WATER MANAGEMENT DISTRICT*, the Superior Court upheld that the EIR failed to discuss the additional traffic and construction-related impacts affecting the area. "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (Guidelines, s 15151.) As previously stated, Guidelines section 15126 requires a more detailed account of the impacts. In this case, a more detailed analysis of how adverse the impact will be is required. (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831, 173 Cal.Rptr. 602.)

I 170-11

The use of County Parks and State Parks to estimate trip generations (from ITE) for the Ecological Reserve at Ballona is very misleading. Any traffic analysis on the surrounding streets of the proposed project, as observed in the Raju and Associates Traffic Study (July 2015) would be highly inaccurate and could not be used for any baseline. In 2017, the City of Los Angeles reduced the size of traffic lanes in the proposed project area. The lane reductions were designed to improve safety. From 2003 to 2016, 244 injury collisions occurred along Pershing Drive, Culver Boulevard and Jefferson Boulevard, and eight people lost their lives, according to city data.

I 170-12

The tussle over traffic and road restriping blew open in May, when City Councilman Mike Bonin, working with the city's Department of Transportation, implemented a new initiative aimed at slowing vehicle speeds, improving traffic safety and offering greater transportation options in Playa del Rey. The effort was billed as a pilot program whose elements would change if problems arose.

I 170-13

As part of the pilot, city officials reduced car lanes and added "protected" bike lanes, which feature plastic dividers or other physical barriers to separate bikes from cars. Bicycle lanes were added to a stretch of Pershing Drive, taking the street from two vehicle lanes in each direction to one. Traffic crews also restriped sections of Jefferson and Culver, installing protected bike lanes and reducing both streets from two vehicle lanes in each direction to one.

I 170-13

At roughly the same time, city officials reduced one traffic lane from each direction of a 2.1-mile stretch of Vista del Mar, a major roadway along the beach that connects the South Bay with the Westside. Traffic crews relocated public parking on that street to keep beachgoers from jaywalking into dangerous traffic — an issue that the city's lawyers view as a costly liability.

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170-13
cont.

Question #6 - While the reduction of traffic lanes occurred long before the release of the DEIR, why was there no mention of the significant change in traffic brought about by the reduction/addition of lanes in the document?

Question #7 - Would the impacts of lane closures/additions and addition of bike lanes significantly change the data analyzed by the DEIR's Traffic Study by Raju and Associates?

In *SUNNYVALE WEST NEIGHBORHOOD ASSOCIATION v. CITY OF SUNNYVALE CITY COUNCIL*, the Superior Court concluded that the administrative record did not contain substantial evidence supporting the city's decision to deviate from the normal procedure of using a baseline of current environmental conditions and to instead “use estimates of the conditions in the year 2020 that assumed a complete build-out of projects in the City's General Plan.” The superior court further concluded that this decision “constituted a failure to proceed in the manner required by law.” It determined that the “decision had the effect of minimizing potential project impacts on traffic, noise, and air quality and tainted the comparison of the proposed project with project alternatives.”

170-14

Parking

A new three-level parking structure would be built on the site of the existing LACDBH-operated parking lot to consolidate parking at this location into a smaller footprint. A total of 302 parking spaces would be included on the three floors of the parking structure, including standard, compact, and ADA-accessible spaces, along with an area for motorcycle parking. This is an increase of 39 parking spaces from the existing parking lot. A total of 20 spaces would be dedicated to LACDBH vehicles. An additional seven to nine spaces would be provided for CDFW staff. Remaining spaces would be publically available paid parking spaces using pay stations. The top deck of the structure would include parking and an observation deck with signage, maps, and telescopes allowing views of the reconstructed wetlands in Area A and beyond. Hours of operation for public use of the parking structure would be from sunrise to sunset and would be limited in duration. Parking would be locked after hours. Interior parking lot lighting would be installed to provide security and safety for individuals using the parking facility. The design of the parking structure would minimize ambient light spillover from the interior onto the constructed wetlands in Area A. Similarly, exterior lighting would be directed away from adjacent, sensitive habitats. Focused exterior lighting would be directed downward to encourage way-finding, and exterior ambient lighting would be installed to provide security and safety for individuals walking to and from the parking structure.

170-15

Question #8 - What is the purpose of this three-level parking lot?

Question #9 - There are tentative plans for the Department of Beaches & Harbors to vacate their Administrative Building that they share with the Sheriff's Department. Would that change the use of the parking structure?

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Comment Letter I70

Question #10 - The developer of Fisherman's Village in MdR (Parcel 55) does not have enough parking for his project, would this parking structure be used to add parking for Fisherman's Village?

↑ I70-16
cont.

Letter I70: Joe Nahhas

- I70-1 The commenter's belief that information has been omitted from the Draft EIS/EIR is acknowledged and has been included in the record where it will be considered as part of CDFW's overall decision-making process. However, without further information as to what type of information the commenter believes is missing, CDFW does not have sufficient information to provide a detailed response. As explained in Final EIR Section 2.1, *Approach to Comment Responses*, CDFW has reviewed all input received and has provided responses to the comments that address significant environmental issues raised during the review period.
- I70-2 See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received requesting recirculation.
- I70-3 The commenter's summary of the history of the Ballona Reserve is acknowledged. However, because this comment is not specific to the Project or to the Draft EIS/EIR, it does not inform CDFW's consideration of the adequacy or the accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I70-4 The traffic analysis in Draft EIS/EIR Section 3.12 used level of service (LOS) data for relevant intersections in the study area at the time of the issuance of the NOP, which data accurately reflects existing traffic conditions in the study area at that time. To reflect potential increases in traffic due to the reasonably foreseeable future cumulative scenario, the cumulative analysis considered regional growth and trips generated by future developments. This is described in detail in Draft EIS/EIR Section 3.12, *Transportation and Traffic*.
- The cumulative traffic analysis considers the combined impacts of past, present, and reasonably foreseeable future projects based on a list of projects compiled from the City of Los Angeles, County of Los Angeles, and Culver City. Thirty-one projects were identified within the study area. See Table 4 and Figure 10 in the *Traffic Study for the Ballona Wetlands Ecological Reserve Restoration Project* (EIS/EIR Appendix H). Without some indication of what projects are believed to be missing, CDFW does not have enough information to provide a more detailed response.
- I70-5 See Response I70-4.
- I70-6 Contrary to the suggestion in this comment, the project located at Parcel 15U (also known as Esprit II) was included in the cumulative project trip analysis under map number 31, Marina del Rey Local Coastal Plan, in Table 4 and Figure 10 of the *Traffic Study for the Ballona Wetlands Ecological Reserve Restoration Project* (Appendix H).
- I70-7 See Response I70-6. As shown in Draft EIS/EIR Appendix H Table 4, 34,098 daily trips were included in the cumulative traffic scenario for the Marina del Rey Local Coastal Plan, which includes Parcel 15U.



- I70-8 Contrary to the suggestion in this comment, the development located at Parcel 44 was included in the cumulative project trip analysis under map number 31, Marina del Rey Local Coastal Plan, in Table 4 and Figure 10 of Draft EIS/EIR Appendix H.
- I70-9 See Response I70-8. As shown in Draft EIS/EIR Appendix H Table 4, 34,098 daily trips were included in the cumulative traffic scenario for the Marina del Rey Local Coastal Plan, which included development at Parcel 44.
- I70-10 See Response I-70-8, which describes that the cumulative analysis included development at Parcel 44. Pursuant to Mitigation Measure TRANS-1a, the Project would prepare a construction traffic management plan that includes scheduling truck trips outside of peak morning and evening commute hours to minimize adverse impacts on traffic flow. With regard to the operational analysis for the Project, as shown in Draft EIS/EIR Table 3.12-18, a cumulative traffic impact was not identified at the Lincoln Boulevard/Mindanao Way.
- I70-11 The commenter's summary of these two cases is acknowledged. However, because the summaries are not specific to the project or to the Draft EIS/EIR, and there is no indication as to how the summaries are intended to apply to the EIS/EIR, the summaries do not inform CDFW's consideration of the adequacy or the accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I70-12 There is no factual support for the stated opinion that the ITE trip rates used in the traffic analyses was misleading. As discussed in Draft EIS/EIR Appendix H, for the purposes of the transportation analysis, ITE trip generation rates for Land Use Code 412 - County Park Land Use was used for estimating the Project's peak hour trip generation. The Project would continue to be used as an ecological reserve that allows the public to visit the Project Site. The commenter does not provide any substantial evidence that using Land Use Code 412 to determine trip generation rates was inaccurate and does not suggest an alternative land use code that should be used instead. Because Land Use Code 412 is consistent with current and future site uses at the Project Site, no change has been made in this respect.

The opinion that the traffic study used an improper baseline also is unsupported. As described in Draft EIS/EIR Section 1.8.5.2, which discusses the CEQA baseline, CEQA Guidelines Section 15125 requires EIRs to include a description of the physical environmental conditions in the vicinity of a proposed project that exists at the time the Notice of Preparation (NOP) is published. The *Traffic Study for the Ballona Wetlands Ecological Reserve Restoration Project* (Draft EIS/EIR Appendix H) was prepared in September 2015, and is appropriately characterizes the baseline traffic conditions at the time that the NOP was published. Without some information as to why the commenter believes the traffic study used an improper baseline, CDFW does not have enough information to provide a detailed response.

The commenter provides information regarding traffic lane closures and traffic safety in the Project vicinity. See Response I70-13 regarding lane reconfigurations in the Project area.

- I70-13 The commenter questioned why lane reconfigurations due to the construction of protected bicycle lanes in the Project area were not discussed in the Draft EIS/EIR. Draft EIS/EIR Section 1.8.5.2 explains that CEQA Guidelines Section 15125 requires EIRs to include a description of the physical environmental conditions in the vicinity of a proposed project that exists at the time the NOP is published. The conditions that existed at the time the NOP was circulated for review (July 2012) are described in the Affected Environment sections of Draft EIS/EIR Chapter 3, unless updated baseline information was determined to be more appropriate; in that case, the Methodology section of the technical resource discussion describes the deviation from a baseline year of July 2012 and describes why it was a more appropriate approximation of existing conditions. Draft EIS/EIR Section 3.12, *Transportation and Traffic*, used 2015 traffic volumes to represent existing conditions, and 2023 to represent cumulative traffic conditions.

The lane reduction project that the commenter refers to is the “Safe Streets in Playa del Rey.” CDFW understands that the lane reductions complained of in this comment were restored in November 2017.¹³⁷ As described in Section 3.12.6 of the Draft EIS/EIR, substantially the same numbers of vehicles would be accessing the Ballona Reserve for operation and maintenance-related purposes using the existing local roadways and existing entrances to the Ballona Reserve that are used under existing conditions. Further, the anticipated number of vehicle trips required for operation and maintenance purposes is minimal and would not conflict with level of service standards established by the County of Los Angeles congestion management agency for designated roads or highways. In this context, there is no indication that the Safe Streets changes would alter significance conclusions reached in the cumulative impacts analysis in EIS/EIR Section 3.12.7.

- I70-14 The commenter’s summary of *Sunnyvale West Neighborhood Association* decision is acknowledged. It is unclear what point the comment is making by including its summary of the case. However, to the extent the comment is related to the baseline, see Response I70-13.
- I70-15 The commenter’s understanding of the proposed parking structure is acknowledged. However, it does not inform CDFW’s consideration of the adequacy or the accuracy

¹³⁷ Chilland, 2017. Drivers aren’t happy about pedestrian-friendly changes in Playa del Rey. LA Curbed. Available online: <https://la.curbed.com/2017/6/7/15758036/playa-del-rey-safe-streets-bonin-vista-del-mar-traffic>. June 7, 2017. See also LADOT, 2017a. Vista Del Mar Project Update: Safety Enhancements and Lane Restorations. Available online: <https://www.safestreetspdr.org/vdm/>. November 2, 2017. See also LADOT, 2017b. Safe Streets in Playa Del Rey Road Reconfiguration & Safety Enhancements. Available online: <https://www.safestreetspdr.org/>. November 7, 2017.



of the EIR's analysis or conclusions in any way that's different from the information about the parking structure provided in Draft EIS/EIR Chapter 2.

I70-16 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

Although CEQA mandates consideration of “reasonably foreseeable indirect physical changes in the environment,” a change that is “speculative or unlikely to occur” is not reasonably foreseeable (CEQA Guidelines §15064). The specter of “tentative plans” for a change in tenancy, unsupported as it is in this comment and not able to be verified based on the Lead Agencies’ independent research, is too speculative to be reasonably foreseeable.

From: Jack Neff
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: COMBINED DEIS/DEIR FOR BALLONA WETLANDS 9/24/2017
Date: Tuesday, February 6, 2018 9:26:42 AM

COMBINED ENVIRONMENTAL IMPACT REPORT (EIR) and ENVIRONMENTAL IMPACT STUDY (EIS) FOR BALLONA WETLANDS ECOLOGICAL RESERVE

Date of Notice: September 25, 2017

Comment Review Period: September 25, 2017 – November 24, 2017

FROM NOA <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149757&inline>

NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT ...

nrm.dfg.ca.gov

1 NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR) To: All Interested Agencies, Organizations and Persons

<https://www.wildlife.ca.gov/Regions/5/Ballona-EIR>

Draft EIR for the Ballona Wetlands Ecological Reserve

www.wildlife.ca.gov

The public comment period for this DEIR has been extended. Written comments will now be received until 5 p.m. PST, February 5, 2018. The California Department of Fish ...



I71-1

Richard Brody - You must perform a full review of the DEIR/DEIS and allow public comments to be submitted - consistent with the usual practice of the DEIS/DEIR.



I71-2

You must ask the State and the Army Corps of Engineers for an extension of time to March 24, 2018 to submit public comments to March 24th, as has been requested by LA City Councilmember Mike Bonin and LA County Supervisor Janice Hahn. Last-minute additions to applicant's file in the DEIS/DEIR may have made public comments on the implication of applicant's new additions impossible, obviating the public comment process, and reducing local community, environmental standards in the process.



I71-3

Your Advisory Committee must reject Alternatives 1-3 of the [Proposed] DEIS/DEIR,



I71-4

and adopt Alternative 4, no action for the following:

↑ I71-4
| cont.

There is a clear demand to grant wider public access at the Ballona Wetlands. The Santa Monica Mountains Conservancy, a chief agency in providing access to nature and wildlife, has halted endorsement on the [Proposed] Ballona Wetlands Restoration Project, characterized in the DEIS/DEIR at issue. Public access to the Ballona Ecological Reserve has been mostly denied since the State of California acquired the land in 2003 & 2004 for \$140 million. The Santa Monica Bay Restoration Foundation has limited guided tours through the Ballona Wetlands, unlike at Bolsa Chica Wetlands, where there trails have always been open to the public even before restoration work was done. In the Ballona Wetlands, 14 years of the public being denied. Access for the public is just to open up a gate or two to allow the public more access. (There already is access along the current Ballona Creek bike path, allowing limited, but still important, viewing of nature on the north levee, looking into Area A and along the creek estuary channel.). Public access does not have to be - nor should it be - tied to a terrible, destructive plan.

I71-5

The [Proposed] DEIS/DEIR proposes building huge (40' or more) tall berms and the proposed berms would be created from soil extracted from important, fragile freshwater wetland habitat on an ESHA (Environmentally Sensitive Habitat Area) and includes the jurisdiction of the Coastal Commission. stakeholder Playa Vista, the largest real estate development within and bordering the Ballona Wetlands, was rebuked by the California Coast Commission in December 2017 for illegally diverting freshwater into a hidden underground drain installed in the protected wildlife habitate, without a permit.

I71-6

I71-7

Alternatives 1-3 would completely destroy the habitat for 8 endangered species and dozens of species on the special concern list for the State of California. Prominent and knowledgeable ecologists such as Dr. Travis Longcore and Dr. Margot Griswold are in agreement that [Proposed] DEIS/DEIR is NOT a restoration project, but rather continuing the destruction of threatened and endangered habitat in the Ballona Wetlands. And the rationale The Bay Restoration Foundation gives to the [Proposed] DEIS/DEIR is the "creation" of something new. Your Advisory Board needs to thoroughly review the [Proposed] DEIR/DEIS in contrast to the State's mission for the Ballona Ecological Reserve or if a construction project to benefit private interests along the Greater Ballona Watershed is less important than the continued role of CEQA and the freshwater needs of the entirety of Los Angeles County.

I71-8

I71-9

I71-10

As currently used, there is a Ballona Creek bicycle path and rowing lanes for racers. Under Item 11(a) the bike path and rowing lanes would be destroyed permanently. Currently the bike path is used for bicycle commuting, and the rowing lanes are used by rowing teams from USC, LMU and UCLA.

I71-11

The loss of public access to Ballona Wetlands is being done to channel public money to pay for SoCalGas to update its Ballona Wetlands gas storage field safety equipment, and add SoCal Gas slant drilling to frack natural gas imported from fracked gas piped from Oklahoma and Texas with plans to use dangerous and toxic gas storage practices at their Ballona Wetlands facility, deliberately threatening the

I71-12
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community at large. The DEIR/DEIS makes no mention of the danger or the need to shut down the Ballona Gas Storage field, and how making this a priority works with California's mission for the Ballona Ecological Preserve.

Your Advisory Board needs to take the interests of the oxygen-dependant human and other life forms found within range of the SoCalGas Ballona Gas Storage Field, and look at the way SoCal Gas has used methane gas emissions in Aliso Canyon, Porter Ranch. In 2015 and 2016 SoCalGas let go of the largest unplanned methane gas releases in United States history. Los Angeles Councilmember Mike Bonin is working with Food & Water Watch and other grassroots groups to shut SoCalGas's Ballona Gas Storage Field down. Los Angeles is moving toward 100% renewable energy. which puts the public in perpetual danger of an unplanned methane release, like happened in Aliso Canyon, within the overlapping areas of jurisdiction within the [Proposed] DEIS/DEIR.

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I71-12
cont.

Government stakeholders include

- Department of Finance¹
- FISH AND GAME COMMISSION²
- Coastal Conservancy³
- Air Resources Board
- Baldwin Hills Conservancy
- California Biodiversity Council

- California Coastal Commission⁴
- Department of Conservation
- Office of Environmental Health Hazard Assessment
- Environmental Protection Agency, Department of Toxic Substances Control
- Governor's Office of the Tribal Advisor
- California State Lands Commission
- Native American Heritage Commission
- Ocean Protection Council
- California Natural Resources Agency
- Los Angeles County Department of Parks and Recreation
- Los Angeles County Beaches and Harbors
- Los Angeles County Lifeguards
- Department of Pesticide Regulation
- California Public Utilities Commission
- Metropolitan Transportation Authority
- Santa Monica Mountains Conservancy⁵
- Office of Traffic Safety
- California State Transportation Agency
- Department of Transportation
- California Volunteers -- maybe we should become a part!
- Wildlife Conservation Board
- Visit California
- Department of Water Resources.

I71-13

Please remove Alternatives 1-3 from consideration by your Advisory Board, approve Alternative 4, and begin a slow, careful restoration consistent with the mission of the Ballona Ecological Reserve.

171-14

THANK YOU!

Ramona Merryman
1233 6th Street, Apt. 1203
Santa Monica, CA 91403

171-15

1Memorandum of Understanding ("MOU") between LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ("LACFCD") with the US ARMY CORPS OF ENGINEERS ("USACE") related to WATER RESOURCE DEVELOPMENT ACT ("WRDA") funds (for LEVEES.)

2FISH AND GAME COMMISSION recognizes the status of Ballona ECOLOGICAL RESERVE which is ignored by Alternative 1-3 of the [Proposed] DEIS/DEIR.

Alternative 4, no action, and the call for a slow, careful restoration of the Ballona Ecological Reserve. In in contrast to Alternatives 1-3, a slow, careful restoration of the Ballona Ecological Reserve takes guidance from CEQA, the Coastal Act, various ordinance and bond issues affeting effluent along Santa Monica Bay, which value the contribution of freshwater to the coastal edge of Los Angeles. Freshwater adds vegetation to degraded coastal habitats.

171-16

3The Coastal Conservancy's Mary Small, a project manager with control of bond funds during 2007-2008, became tied to the Santa Monica Bay Restoration Foundation in pursuit of Alternatives 1-3, along with Mike Crehan, who is also on the Ballona restoration project management team, in installing the illegal, unpermitted freshwater drains which rob the Ballona Ecological Reserve of needed freshwater. A coterie of contractors for the Bay Restoration Foundation and SoCalGas are organized behind Alternatives 1-3 and have asserted interests, which Your Advisory Board does not need to adhere to.

171-17

4December 14th, the California Coastal Commission approved a plan that requires the CA Dept. of Fish & Wildlife to close up huge, illegally built drains in the Ballona Wetlands Ecological Reserve - drains that were - according to the previous landowners, the Playa Vista developers, were constructed in 1996. That means these drains were draining the rainwaters meant for these seasonal wetlands for more than 20 years! The drains were ordered to be closed up within 30 days. What this means is that ALL of the more than 8,000 pages in the draft EIR/draft EIS and their 13 appendices are relying on is INACCURATE and a baseline that was not naturally what should have been. A new baseline needs to be set, and new data and analysis (even the amount of wetlands acreage, let alone species that rely on the wetlands) - before any plan could or should be considered.

171-18

5On January 29, 2018, the Santa Monica Mountains Conservancy refused to endorse Alternatives 1-3.

171-9

**NOTICE OF AVAILABILITY OF
DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT
REPORT (DRAFT EIS/EIR)**

To: All Interested Agencies, Organizations and Persons

From: California Department of Fish and Wildlife

Subject: Notice of Availability of Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) (State Clearinghouse No. 2012071090)
[REVISED TO CORRECT COASTAL CONSERVANCY ADDRESS]

Project Title: Ballona Wetlands Restoration Project

Project Proponents: The California Department of Fish and Wildlife (CDFW) and the Los Angeles County Department of Public Works-Flood Control District (LACFCD)

Project Location: The project site includes approximately 566 acres within the Ballona Wetlands Ecological Reserve (Ballona Reserve) and approximately 4 acres comprised of seven potential natural gas storage well relocation sites proposed within the Southern California Gas Company (SoCalGas) Property located adjacent to the Ballona Reserve. The Ballona Reserve is located in southern California, south of Marina del Rey and east of Playa del Rey. It extends roughly from the Marina Freeway (State Route 90) to the east, the Westchester bluffs to the south, Playa del Rey to the west, and Fiji Way to the north. It is primarily located in the western portion of the City of Los Angeles and partially within unincorporated Los Angeles County, approximately 1.5 miles west of the San Diego Freeway (Interstate 405) and approximately 0.25 mile southeast of Santa Monica Bay. The Ballona Reserve is bisected by and includes a channelized reach of Ballona Creek, and it is traversed by Culver Boulevard, Jefferson Boulevard, and Lincoln Boulevard. SoCalGas owns in fee, occupies, and operates the Playa del Rey Storage Facility, which is a natural gas storage system located at 8141 Gulana Avenue, Los Angeles. The SoCalGas Property consists of Site 1 through Site 7, which range between 0.19 and 0.99 acre in size and represent potential future locations for SoCalGas wells to be relocated from the Ballona Reserve as part of the project.

Date of Notice: September 25, 2017

Comment Review Period: September 25, 2017 – November 24, 2017

In accordance with the California Environmental Quality Act (CEQA), CDFW, acting in the capacity of Lead Agency, has worked together with the U.S. Army Corps of Engineers (the Corps) in its capacity as Lead Agency under the National Environmental Policy Act (NEPA) to complete a joint Draft EIS/EIR for the Ballona Wetlands Restoration Project. This notice briefly describes the project and its location, identifies the potential significant impacts of the project, describes how the Draft EIS/EIR and the reference material relied upon its drafting may be accessed electronically, and states where printed copies of the Draft EIS/EIR are available for inspection.

I71-20

PROJECT BACKGROUND AND SUMMARY DESCRIPTION: The California State Legislature provided for the establishment of ecological reserves, like the Ballona Reserve, to further a policy of protecting threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and non-marine aquatic, or large heterogeneous natural gene pools for the future use of mankind. The wetlands ecosystem in the vicinity of the Ballona Reserve once spanned more than 2,100 acres and supported a great diversity of wetland types that stretched from Playa del Rey to Venice and inland to the Baldwin Hills. As preliminarily delineated in 2011, the 577-acre Ballona Reserve now provides approximately 153 acres of potential wetlands, as well as approximately 83 acres of potential non-wetland waters of the U.S., including the Ballona Creek channel. The United States Environmental Protection Agency (USEPA) has determined that all wetland habitats within the Ballona Reserve are impaired, and a portion of the Ballona Reserve has been identified as among the most degraded wetlands in California using standardized wetland condition protocols.

CDFW proposes a large-scale restoration of the Ballona Reserve that would entail restoring, enhancing, and establishing native coastal wetland and upland habitats within the Ballona Reserve, and incidental work necessitated by the proposed restoration activities. The project is intended to return the daily ebb and flow of tidal waters where practically feasible to achieve predominantly estuarine conditions, enhance freshwater conditions, and enhance physical and biological functions within the Ballona Reserve. Restoring wetland functions and services would reestablish native wetland vegetation and provide important habitat for a variety of wildlife species. A restored, high-functioning wetland also would benefit the adjacent marine environment and enhance the quality of tidal waters. More specifically, the project would:

1. Establish 81.0 acres of new and enhance 105.8 acres of existing native wetland waters of the U.S. (total wetland waters of the U.S established or enhanced: 186.8 acres);
2. Establish 38.7 acres of new and enhance 58.0 acres of existing non-wetland waters of the U.S. (total non-wetland waters of the U.S established or enhanced: 96.7 acres);
3. Subject 31.4 acres of wetland waters of the U.S. to permanent loss, 0.2 acre to permanent loss of function, and 30.2 acres to temporary impacts;
4. Subject 5.2 acres of non-wetland waters of the U.S. to permanent loss, 5.7 acres to permanent loss of function, and 25.0 acres to temporary impact;
5. Work within 58.3 acres of navigable waters of the U.S. (16.2 acres of permanent loss of waters, 5.9 acres of permanent loss of function, and 36.2 acres of temporary impacts);
6. Reposition between 2,290,000 and 2,420,000 cy of dredged or fill material on the project site as perimeter levees, transition zones, and upland restoration areas to allow Ballona Creek to reconnect with its historic floodplain;
7. Export from the site between 10,000 and 110,000 cy of excavated soil via trucks or barge;
8. Remove approximately 9,800 feet of existing Ballona Creek levees and construct new engineered levees set back from the existing Ballona Creek channel;
9. Realign Ballona Creek to a “meander-shaped” channel configuration;

I71-20
cont.

- 10. Restore, enhance, and establish estuarine aquatic and associated upland habitats connected to the realigned Ballona Creek;
- 11. Install, operate, and maintain new hydraulic structures (potentially including culverts with self-regulating tide gates or similar structures) to allow for controlled tidal exchange;
- 12. Improve tidal circulation into the site and implementing other modifications to create dynamic interactions between the Ballona Creek channel, aquatic resources within the Ballona Reserve, and the Santa Monica Bay and thereby support estuarine and associated habitats within the Ballona Reserve;
- 13. Implement public access-related improvements including trails, a new three-story parking structure and other parking improvements, and encouragement of appropriate and legal public use throughout the Ballona Reserve by enhancing public safety;
- 14. Modify existing infrastructure and utilities as necessary to implement restoration activities, potentially including the abandonment or relocation of SoCalGas wells and pipelines; and
- 15. Implement long-term post-restoration activities, as needed, including inspections, repairs, clean-ups, vegetation maintenance, and related activities.



I71-20
cont.

SUMMARY OF IMPACT CONCLUSIONS: Issues addressed in the Draft EIS/EIR include Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural and Paleontological Resources; Energy Conservation; Geology, Seismicity, and Soils; Greenhouse Gas Emissions/Climate Change; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Population and Housing; Public Services; Recreation; Transportation and Traffic; Utilities and Service Systems; and Socioeconomics and Environmental Justice. With implementation of mitigation measures, no significant and unavoidable direct, indirect, or cumulative impacts associated with these considerations would result due to implementation, operation, or management of the project.

DOCUMENT REVIEW AND COMMENT: If you wish to review a copy of the Draft EIS/EIR, you may do so. The Draft EIS/EIR, appendices, and all documents referenced in the Draft EIS/EIR are available for public review during normal working hours at the following locations:

- 1. California State Coastal Conservancy, 1515 Clay St. 10th Floor Oakland, CA 94612
- 2. Los Angeles Public Library, Playa Vista Branch, 6400 Playa Vista Drive, Los Angeles, CA 90094
- 3. County of Los Angeles Public Library, Lloyd Taber-Marina del Rey, 4533 Admiralty Way Marina del Rey, CA 90292
- 4. Los Angeles Public Library, Westchester-Loyola Village Branch, 7114 W Manchester Ave, Los Angeles, CA 90045

In addition to printed copies, the Draft EIS/EIR also is available electronically on the project website (<https://www.wildlife.ca.gov/Regions/5/Ballona-EIR>) and at www.ballonarestoration.org

The public review period for the Draft EIS/EIR begins on September 25, 2017 and ends on November 24, 2017. Written comments on the Draft EIS/EIR will be accepted via regular mail or e-mail at any time before the end of the comment period on November 24, 2017, including in person at the public meeting described below. Written comments may be directed to:

Richard Brody, CDFW
c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108
E-mail: BWERCcomments@wildlife.ca.gov

PUBLIC MEETING DATE AND LOCATION: A public meeting will be held to provide an overview of the findings of the Draft EIS/EIR and to receive comments on the Draft EIS/EIR. No decisions about the project will be made at the public meeting. The date, time, and place of the public meeting is scheduled as follows:

Date: Wednesday, November 8, 2017
Time: 6:00 p.m. – 8:30 p.m.
Place: Burton Chase Park – Community Center
13650 Mindanao Way
Marina del Rey, CA 90292

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cont.



California Department of Fish and Wildlife

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Draft EIR for the Ballona Wetlands Ecological Reserve

The public comment period for this DEIR has been extended. Written comments will now be received until 5 p.m. PST, February 5, 2018.

The California Department of Fish and Wildlife (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 an approximate 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 less than 600 acres of open space, all that remains of the former wetlands, now owned by the people of California and managed by CDFW. See the [@Ballona Wetlands Restoration Project \(http://ballonarestoration.org/\)](http://ballonarestoration.org/) for more information.

CDFW, as the lead agency under the California Environmental Quality Act, is coordinating the preparation of an Environmental Impact Report (EIR) for the proposed Ballona Wetlands Restoration Project. CDFW is soliciting comments on the Draft EIR.

Due to file size, reference materials are not available on this website, but are available upon request.

- [☞ Notice of Availability \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149757&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149757&inline)
- [☞ Public Notice - Extension of Comment Period \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=150793&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=150793&inline)
- [☞ Draft EIR \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149710&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149710&inline)
 - [☞ Appendix Table of Contents \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149721&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149721&inline)
 - [☞ Appendix A, part 1 \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149722&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149722&inline)
 - [☞ Appendix A, part 2 \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149723&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149723&inline)
 - [☞ Appendix B, part 1 \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149752&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149752&inline)
 - [☞ Appendix B, part 2 \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149753&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149753&inline)
 - [☞ Appendix B, part 3 \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149754&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149754&inline)
 - [☞ Appendix B, part 4 \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149755&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149755&inline)
 - [☞ Appendix C \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149714&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149714&inline)
 - [☞ Appendix D \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149715&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149715&inline)
 - [☞ Appendix E, part 1 \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149724&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149724&inline)
 - [☞ Appendix E, part 2 \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149725&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149725&inline)
 - [☞ Appendix F \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149716&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149716&inline)
 - [☞ Appendix G \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149717&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149717&inline)
 - [☞ Appendix H \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149718&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149718&inline)
 - [☞ Appendix I \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149719&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149719&inline)
 - [☞ Appendix J \(PDF\) \(https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149720&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149720&inline)
 - [☞ Reference Materials \(ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material\)](ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material)

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Comment Letter I71

2/6/2018

Draft EIR for the Ballona Wetlands Ecological Reserve

Send written comments via regular mail or email to:

Richard Brody, CDFW
c/o ESA (jas)
550 Kearny Street, Suite 800
San Francisco, CA 94108

Email: BWERCcomments@wildlife.ca.gov (mailto:BWERCcomments@wildlife.ca.gov)

The Draft EIR, appendices, and all documents referenced in the Draft EIR are available for public review during normal working hours at the following locations:

- California State Coastal Conservancy, 1515 Clay St., 10th Floor, Oakland, CA 94612
- Los Angeles Public Library, Playa Vista Branch, 6400 Playa Vista Drive, Los Angeles, CA 90094
- County of Los Angeles Public Library, Lloyd Taber-Marina del Rey, 4533 Admiralty Way Marina del Rey, CA 90292
- Los Angeles Public Library, Westchester-Loyola Village Branch, 7114 W Manchester Ave, Los Angeles, CA 90045

CDFW requests that written comments be provided at the earliest possible date. The public comment period is expected to end 5 p.m. on February 5, 2018.

In addition, one public hearing where verbal and written comments were accepted was held on Wednesday, November 8, 2017 at the Burton Chace Park Community Center in Marina del Rey.

[Video of the public meeting \(https://youtu.be/dj6lbnKcPRk\)](https://youtu.be/dj6lbnKcPRk)

CDFW will review all substantive comments received during the review period and provide written responses in a Final EIR. The Final EIR will be made available to the public and will provide a basis for decision-making by permitting authorities.



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cont.

South Coast Region (Region 5) (<https://www.wildlife.ca.gov/Regions/5>)

Regional Manager: Ed Pert

Main Office: 3883 Ruffin Road, San Diego, CA 92123

[Email the South Coast Region \(mailto:AskR5@wildlife.ca.gov\)](mailto:AskR5@wildlife.ca.gov) | (858) 467-4201 | FAX: (858) 467-4299

2/6/2018

Draft EIR for the Ballona Wetlands Ecological Reserve



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cont.

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California Department of Fish and Wildlife



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Contribute to the Rare and Endangered Species Protection Program on Line 403 and/or the California Sea Otter Fund on line 410.

For details, click here. Thank you!

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 (https://cdfgnews.wordpress.com/2018/02/01/cdfw-postpones-lands-pass-implementation-on-specific-properties/) 2/1/2018

[Ocean Resources Enhancement and Hatchery Program Evaluation Report Now Available](https://cdfgnews.wordpress.com/2018/02/01/ocean-resources-enhancement-and-hatchery-program-evaluation-report-now-available/)
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[Mojave River Hatchery in San Bernardino County Reopens after Major Renovation](https://cdfgnews.wordpress.com/2018/02/01/mojave-river-hatchery-in-san-bernardino-county-reopens-after-major-renaovation/)
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[Elk Captures to be Conducted in Northern California](https://cdfgnews.wordpress.com/2018/01/30/elk-captures-to-be-conducted-in-northern-california/)
 (https://cdfgnews.wordpress.com/2018/01/30/elk-captures-to-be-conducted-in-northern-california/) 1/30/2018

[Three Abalone Poachers Hit with Heavy Fines, Other Penalties](https://cdfgnews.wordpress.com/2018/01/30/three-abalone-poachers-hit-with-heavy-fines-other-penalties/)
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2/6/2018

California Department of Fish and Wildlife



<http://registertovote.ca.gov>



<https://nrm.dfg.ca.gov/documents/Default.aspx>



Announcements

- [Log In to Report Your Harvest](https://www.ca.wildlifelicenses.com/InternetSales/CustomSearch/Begin) (https://www.ca.wildlifelicenses.com/InternetSales/CustomSearch/Begin)
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Report Oil Spills 1-800-852-7550

“PROBLEMS” WITH WILDLIFE?

(/Living-with-Wildlife)



I71-22 cont.



Letter I71: Jack Neff

- I71-1 Receipt of these electronic links to the NOA and the Draft EIS/EIR for the Project is acknowledged. However, because the links do not provide any information about proposed restoration, the Ballona Reserve, or the Draft EIS/EIR beyond what already was before the Lead Agencies, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.
- I71-2 See Final EIR Section 1.4, *Agency and Public Involvement*; Draft EIS/EIR Section 6.2, *Agency and Public Involvement*; and General Response 8, *Public Participation* (Final EIR Section 2.2.8), regarding opportunities for public participation.
- I71-3 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.
- I71-4 The commenter's support for Alternative 4 is acknowledged and has been included in the record, where it may be taken in to consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I71-5 The commenter's support for appropriate public access is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See Response I46-5, regarding a preference to limit public access to perimeter pathways.
- I71-6 The construction of berms and levees around targeted habitats in the Ballona Reserve such as the salt pan and tidal salt marsh would allow these habitats to be maintained as sea levels rise. Additionally, the extraction of fill used to construct berms would allow Ballona Creek to reconnect with its historic floodplain and for a variety of coastal wetland habitats and transitional habitat zones to be established.

The comment alleges that soil would be extracted from an Environmentally Sensitive Habitat Area (ESHA). It is CDFW's understanding that identifications of ESHA by the California Coastal Commission (the "Commission") require a detailed technical analysis by Commission staff. However, CDFW is unaware of any formal determination by the Commission, or its staff, of an ESHA at the Ballona Reserve. Similarly, CDFW is not aware of any public discourse regarding the Project affecting ESHA and first learned about concerns of this topic through this comment and a handful of other comments mentioning ESHA (see e.g., Comment O15-29). For purposes of this response, CDFW assumes that areas delineated as wetlands under Commission criteria could be an ESHA. See Draft EIS/EIR Figure 3.4-18, California Coastal Commission Jurisdiction; see also the staff report to the Commission dated December 1, 2017, related to two drains in the Ballona Reserve, and General Response 4, *Drains* (Final EIR Section 2.2.4), for more information about the drains. It is less clear to what extent, if any, the non-wetland portions of the Ballona Reserve



would qualify as an ESHA. As a result, CDFW provides the following response to inform the reader of CDFW's assessment of the issues.

What's an ESHA

The California Coastal Act defines an “environmentally sensitive area,” as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (Public Resources Code §30107.5). According to Commission staff, three criteria are used to determine the presence of an ESHA: (PowerPoint presentation during April 16, 2016, Commission meeting; see also memo from Commission staff person Dr. Jonna Engel dated September 25, 2015 “September Memo”):

1. The presence of individual species of plants or animals, or the presence of a particular habitat in a geographic area.
2. The species or habitat must be rare or especially valuable because of its special nature or role in the ecosystem.
3. The area could be easily disturbed or degraded by human activities.

After confirming the presence of species or habitats, the next step is determining if the species or habitat is rare. Rarity can take several forms (i.e., locally abundant, but globally rare; geographically widespread but low in abundance). Commission staff may consult a variety of resources to assess rarity. Such sources could include the lists of species under the Federal and State Endangered Species Acts, the California Natural Diversity Database (CNDDDB), NatureServe, California Native Plant Society's rare plant ranking, and different species and habitat lists maintained by CDFW.

The next test in determining the presence of an ESHA is determining if a species or habitat is especially valuable. “Areas may be valuable because of their ‘special nature,’ such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Or, habitats or species may be considered valuable because of their special ‘role in the ecosystem.’ For example, particular habitat areas may meet this test because they provide habitat for listed species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections.” (September Memo; see also memo from Commission staff person Dr. John Dixon, dated March 25, 2003).

Determining if an area could be easily disturbed or degraded by human activities seems to be a given for the Commission if the habitat is valuable. “In most areas of southern California affected by urbanization, all-natural habitats are in grave danger



of direct loss or significant degradation as a result of many factors related to anthropogenic changes.” (September Memo).

ESHA at the Project Site

It is possible that various portions of the Project Site could be designated as ESHA. As mentioned above, CDFW assumes that all areas of the Project Site delineated as wetlands under Commission criteria could potentially be an ESHA (see Draft EIS/EIR Figure 3.4-18). The EIR also identifies a variety of special-status biological resources at the Project Site and the criteria for identifying such species. Because the criteria used in the EIR to identify these resources are similar to the type of criteria used by Commission staff when assessing the presence of ESHA, CDFW assumes the information about special-status biological resources could indicate the presence of an ESHA. Specifically, Draft EIS/EIR Section 3.4.2.2 discusses the presence of special-status vegetation communities (see also Table 3.4-2 and Figure 3.4-3), plant species (see also Table 3.4-3 and Figure 3.4-4), and wildlife species (see also Table 3.4-4 and Figures 3.4-5, 3.4-6, 3.4-7, 3.4-8, 3.4-9, 3.4-10, 3.4-11, 3.4-12, 3.4-13, 3.4-14, 3.4-15, and 3.4-16).

CDFW does not know if the relatively low California Rapid Assessment Method (CRAM) scores as compared to healthy reference wetlands in Southern California would affect an ESHA determination in any material way. See Draft EIS/EIR Section 3.4.2.2 for a discussion of the CRAM scores. Nor does CDFW know if the presence of non-native, invasive vegetation (i.e., 59 percent of the vegetated habitats on the Project Site are dominated by non-native vegetation, of which 45 percent is comprised of invasive monoculture), or the presence of non-native wildlife would materially affect an ESHA determination. See the discussion of invasive and nuisance species in Draft EIS/EIR Section 3.4.2.2, including Tables 3.4-6 and 3.4-7. CDFW notes this information to the extent it could inform a Commission determination of ESHA.

Potential Impacts to ESHA at the Project Site

Section 30240 of the Public Resources Code provides for the protection of ESHA as follows:

- a. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- b. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Commission staff stated that Section 30240 “require[s] development to avoid adverse impacts to ESHA and specifies that the only uses allowable within ESHA are

resource dependent. Resource dependent uses include such things as low impact camping, trails, educational kiosks, nature study, and restoration” (see September Memo).

Taking the above information into consideration, it appears that restoration of the Project Site (along with establishment of trails) would be a type of use allowed in any ESHA at the Project Site. And based on analysis in the EIR, it also appears that the Project and Alternatives 2 and 3 would avoid any significant degradation of habitat values in any ESHA at the Project Site. See Draft EIS/EIR Sections 3.4.6 and 3.4.7, analyzing impacts to biological resources. However, it is worth noting that Commission staff comments on Alternative 2 opined that the Commission is unlikely to approve the placement of excess cut material onto Commission-designated wetlands in East Area B (see Comments and Responses AS5-18 and AS5-45). The Commission comments did not mention ESHA, but they do inform CDFW that under Alternative 2, more transportation of fill material could potentially be required, similar to what is analyzed under Alternatives 1 and 3.

- I71-7 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.
- I71-8 CDFW disagrees with the characterization that the Project and Alternatives 2 and 3 would destroy the habitat for eight endangered species and dozens of species on the special concern list for the State of California. As analyzed in Draft EIS/EIR Section 3.4, *Biological Resources*, no significant unavoidable impacts to species or habitats would occur. Potential impacts to state and federally listed species are accurately identified in the Draft EIS/EIR, including alterations to habitat for many rare wildlife species.
- I71-9 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”
- I71-10 Contrary to the suggestion in this comment, the proposed restoration is consistent with CDFW’s mission, which is “to manage California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.”¹³⁸ See Draft EIS/EIR Section 1.1, *Purpose and Need/Project Objectives*. Because the comment provides no basis for the assertion that private interests would benefit from the proposed restoration, CDFW does not have enough information to provide a detailed response in that respect.
- I71-11 To clarify, the bike path would not be destroyed. As described in Draft EIS/EIR Section 3.11.6.1, the bike path would be rerouted into two routes, but would not be removed. There are no existing “rowing lanes” within Ballona Creek. Rather, a straightaway portion of Ballona Creek is currently used for rowing practices and

¹³⁸ CDFW, 2018c. Explore CDFW. Available online: <https://www.wildlife.ca.gov/Explore>. Accessed November 30, 2018.



- competitions. The channel would remain open during and after restoration activities. Therefore, rowing training could still occur on the channel. Many rowing competitions require a 2,000 meter straightaway. Upon completion of the Project, the straightaway in Ballona Creek would be reduced to 1,372 meters. Therefore, rowing competitions would no longer be able to be held in Ballona Creek. However, the recreational use of Ballona Creek for rowing as well as bike paths would continue to be possible during and after restoration occurs. See Draft EIS/EIR Section 3.11, which analyzes potential impacts to Recreation and related resources.
- I71-12 To be clear, there would be no loss of public access to Ballona Wetlands under any of the restoration alternatives. In fact, the opposite is true. See, e.g., Draft EIS/EIR Table 2-1c, Summary of Alternatives.
- Regarding the SoCalGas Company and its infrastructure within the Project Site, see General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3). Further, neither the Project nor other restoration alternatives proposes a gas or other energy generation project to which renewable energy sources could present a viable alternative.
- I71-13 Receipt of this list of suggested stakeholders is acknowledged. However, the list does not inform CDFW's consideration of the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I71-14 The stated opposition to the Project and Alternatives 2 and 3 and support for Alternative 4 is acknowledged and have been included in the record, where they may be considered as part of CDFW's overall decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I71-15 The commenter's reference to the Memorandum of Understanding (MOU) between the LACFCD and the Corps is acknowledged. However, because the MOU does not provide any information about the proposed restoration or the Draft EIS/EIR, it does not inform CDFW's consideration of the EIR's analysis or conclusions. See Final EIR Section 2.1.1, *Input Received*.
- I71-16 See Response I71-14.
- I71-17 Draft EIS/EIR Section ES.2.5, *Project Proponents*, explains the Coastal Conservancy's and The Bay Foundation's role in the Project. Section 5.3, *Sub-consultants*, discloses Mike Crehan's role. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains that were subject to the Coastal Commission action. This comment does not inform CDFW's consideration of the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.
- I71-18 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.



- I71-19 The commenter's assertion regarding the Santa Monica Mountains Conservancy's position on the proposed restoration may be mistaken. See input provided by the Santa Monica Mountains Conservancy (Letter AL8), which expresses support for the proposed public access improvements and, as of the date of the letter, no position with respect to the other Project components.
- I71-20 Receipt of this duplicate copy of the NOA for the Project is acknowledged. However, because it does not provide any information about proposed restoration, the Ballona Reserve, or the Draft EIS/EIR beyond what already was before the Lead Agencies, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.
- I71-21 Receipt of this screenshot of CDFW's post extending the comment period on the Draft EIS/EIR is acknowledged. However, this notice does not provide any information about proposed restoration, the Ballona Reserve, or the Draft EIS/EIR beyond what already was before the Lead Agencies, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.
- I71-22 Receipt of these additional pages from CDFW's website is acknowledged. However, because they do not provide any information about proposed restoration, the Ballona Reserve, or the Draft EIS/EIR beyond what already was before the Lead Agencies, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.

From: vivianzelda@comcast.net
Sent: Thursday, November 9, 2017 7:37 PM
To: Swenson, Daniel P CIV USARMY CESPL (US)
Subject: [EXTERNAL] Ballona wetlands

Redoing the Lincoln Bridge and opening up the concrete channels is a great idea. I 172-1
But buildings are a no-no even if you brand them "nature study" or "community centers". I 171-2
There are enough warehouses in the area that can be reconfigured for that. I 171-3
Let's save the wetlands for the birds.

Thank you in advance,

Vivian Nelson
610 Harbor St #5
Venice, A 90291



Letter I72: Vivian Nelson

- I72-1 The commenter's support for the stated aspects of the proposed restoration alternatives is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.
- I72-2 See Response I49-5, which explains that no nature study or community center type buildings are proposed under any of the restoration alternatives. The only structure proposed is a three-story parking structure within the existing parking footprint in Area A. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I72-3 The stated support for wetland restoration for habitat is acknowledged as consistent with the purpose and need and project objectives. See Draft EIS/EIR Section 1.1.

From: Khanh-Van Ngo <donotreply@wordpress.com>
Sent: Friday, September 29, 2017 6:48 PM
To: sidewalksforballona@gmail.com; Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: In support of Alternative 1 to restore Ballona Wetlands

Name: Khanh-Van Ngo

Email: kisabelngo@gmail.com

Comment: Dear Mr. Brody,

I am a student at Loyola Marymount University and I am writing in support of Alternative 1 put forth in the draft environmental impact report for the restoration of Ballona Wetlands.

173-1

In addition to habitat restoration, I am strongly in favor of the proposed addition of new trails, pedestrian/bike bridges, and bike paths. Many LMU students frequent this area for recreational as well as environmental research purposes.

173-2

The current lack of pedestrian options in this area forces walkers and joggers to either trample critical habitat or endanger themselves in the roadways. Alternative 1 for Wetlands Restoration will provide safe options to pass through and enjoy the reserve, keeping both pedestrians and the environment safe. Finally, additional trails through the wetlands would act as a bridge for the surrounding neighborhoods of Westchester, Playa del Rey, and Playa Vista, which are currently disconnected by the lack of sidewalks or trails along Culver Boulevard.

173-3

I urge the California Department of Fish and Wildlife to take into consideration the safety needs of pedestrians when choosing the path forward for the Wetlands. Thank you.

173-3

Best regards,
Khanh-Van Isabel Ngo

Time: September 29, 2017 at 6:47 pm

IP Address: 157.242.223.254

Contact Form URL: <https://sidewalksforballona.com/2017/09/29/restore-ballona-wetlands-contactcdfw/>

Sent by an unverified visitor to your site.



Letter I73: Khanh-Van Ngo

- I73-1 The stated support for the Project 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*.
- I73-2 The stated support for the public access improvements proposed as part of the Project is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See Response I45-5 regarding the intention to balance opportunities to minimize disruption to habitat and, secondarily, to maximize public engagement with the wetlands within the Ballona Reserve.
- I73-3 The stated concern for pedestrian safety is acknowledged. See Response I14-3.

Comment Letter I74

From: [Barbara Olinger](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona wetlands proposal
Date: Friday, February 2, 2018 6:19:47 PM

The recommendations presented to the state for how to best "preserve" this wetland all center on radically changing it. There are four options presented in the report. All call for major excavation, basically digging up the existing land to allow the ocean to flow in. While it would be great to have some tidal flow into the area, this will completely destroy what currently exists. Further, to prevent flooding in the adjacent areas the plan recommends taking the excavated soil and building 20-30 berms around the perimeter of the area. This will mean that no one will be able to see the preserve unless you are at a great height.

I 174-1

I 174-2

There are many native plants and it is a refuge for countless migrating birds.

I 174-3

Doing a multiyear excavation and totally changing the character of the landscape will drastically impact all the species that currently live or visit the preserve.

I 174-4

PLEASE!!! Do an actual "restoration", not to devastate what currently exists in the hope of creating a new habitat, one that scientists say never existed on this site.

I 174-5

Barbara Olinger
Venice resident

Letter I74: Barbara Olinger

- I74-1 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. See also 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.
- I74-2 See Response O1-5 regarding project-related changes to existing views of the Ballona Reserve.
- I74-3 The biological resources baseline relating to vegetation and wildlife is described in Draft EIS/EIR Section 3.4.2, *Affected Environment*. Potential temporary and permanent direct and indirect impacts to vegetation and wildlife species, including avian species, are described in Section 3.4.6; potential cumulative impacts are described in Section 3.4.7.
- I74-4 See Response I74-3.
- I74-5 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”

From: Paige Petersen <donotreply@wordpress.com>
Sent: Saturday, September 30, 2017 12:59 AM
To: sidewalksforballona@gmail.com; Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: In support of Alternative 1 to restore Ballona Wetlands

Name: Paige Petersen

Email: paigempetersen@gmail.com

Comment: Mr. Brody,

I am writing in support of Alternative 1 put forth in the draft environmental impact report for the restoration of Ballona Wetlands.] 175-1

In addition to habitat restoration, I am strongly in favor of the proposed addition of new trails, pedestrian/bike bridges, and bike paths.] 175-2

The current lack of pedestrian options in this area forces walkers and joggers to either trample critical habitat or endanger themselves in the roadways. As a former LMU student, I felt unsafe walking between Lincoln Blvd and Playa del Rey. Alternative 1 for Wetlands Restoration will provide safe options to pass through and enjoy the reserve, keeping both pedestrians and the environment safe. Finally, additional trails through the wetlands would act as a bridge for the surrounding neighborhoods of Westchester, Playa del Rey, and Playa Vista, which are currently disconnected by the lack of sidewalks or trails along Culver Boulevard.] 175-3

I urge the California Department of Fish and Wildlife to take into consideration the safety needs of pedestrians when choosing the path forward for the Wetlands. Thank you.] 175-3

Best regards,
Paige Petersen

Time: September 30, 2017 at 12:58 am

IP Address: 71.238.41.87

Contact Form URL: <https://sidewalksforballona.com/2017/09/29/restore-ballona-wetlands-contactcdfw/>

Sent by an unverified visitor to your site.



Letter I75: Paige Petersen

- I75-1 The stated support for the Project 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*.
- I75-2 This support for the proposed public access amenities also is acknowledged. See Final EIR Section 2.1.1, *Input Received*.
- I75-3 The stated concern for pedestrian safety is acknowledged. See Response I14-3.

From: Rick P <seerixpix@yahoo.com>
Sent: Saturday, October 14, 2017 8:48 AM
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Cc: Walter Lamb
Subject: Draft EIR

Hello,

I'm writing to request an extension of the comment period for at least 60 days so that members of the community will have a chance to discuss organize their comments collectively. I'd also like to request that all non-reserve related parking be relocated outside of the reserve, the area is too cramped already, the proposed three-story garage should not only not be a consideration, the existing the parking lots should be removed and that land should be reclaimed as wildlife habitat.

I 176-1
|
I 176-2
|

Thank you for your consideration, Rick Pine



Letter I76: Rick Pine

- I76-1 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.
- I76-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

Comment Letter I77

From: [VLAD](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR; bonnie.l.rogers@usace.army.mil](#)
Subject: Ballona Wetlands Restoration Public Comment (No. 2012071090)
Date: Monday, February 5, 2018 11:37:52 AM

To whom it may concern,

I am a resident who lives in Playa del Rey, adjacent to the Ballona wetland.

I am writing to urge the California Department of Fish and Wildlife (CDFW) and The Army Corps of Engineers (ACE) choose option 4 “NO ACTION” as the only responsible choice for the Ballona Wetlands Restoration project. I would also ask the comment period be extended into March as this project could cost upwards of a 180 million dollars therefore the public should have at least 180 days to comment on the project.

177-1
177-2

Dubbing this project as a restorations is not correct. The amount of construction that will take place will endanger species and rare plants that are living in the wetland. Furthermore this wetland used to be fresh water wetland not saltwater as is being proposed by this project. It is pure folly and a waste of public money to change this wetland into something that never was.

177-3

Thank you for noting my comments and please choose option 4 “NO ACTION.”

177-4

Kind regards,
Vlad Popescu
7615 W. 85th Str
Playa del Rey, CA 90293

--

You have never really lived until you've done something for someone who can never repay you.

Letter I77: Vlad Popescu

- I77-1 The stated support for Alternative 4 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*.
- I77-2 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.
- I77-3 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”
- I77-4 See Response I77-1.

From: Leslie Purcell [<mailto:lesliepurcell@gmail.com>]
Sent: Monday, February 05, 2018 12:36 PM
To: Bonnie L. Rogers <Bonnie.L.Rogers@usace.army.mil>; Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>; Bonham, Chuck@Wildlife <Chuck.Bonham@wildlife.ca.gov>
Subject: BWER Draft EIR/EIS Comment Period Extension

I am writing to request that the public comment period for the Ballona Wetlands Restoration Draft EIR/EIS be extended due to the recent addition of reference materials, posted on the CDFW website as of 1/22/2018 and 1/23/2108. The public must be afforded adequate time to review these materials. I, and others, were not aware that these relevant documents had been made available, very late in this process.

178-1

From the NEPA and CEQA (2014) handbook:

Under "unusual circumstances" the CEQA comment period may be longer than 60 days. Here, this late addition of a significant amount of reference material is unusual in the EIR/EIS process, and would likely qualify as "new" information.

178-2

Further..."the agencies should keep in mind that cultivating active public participation and responding to public concerns about projects can help to minimize the risk of legal challenge".
https://ceq.doe.gov/docs/ceq-publications/NEPA_CEQA_Handbook_Feb2014.pdf

178-3

An additional concern is that the analysis of baseline water supply and wetland delineation should change as a result of Playa Vista no longer being allowed (per the CA Coastal Commission) to drain water that will now go into the wetlands, as it had historically prior to the unpermitted drains. This is new information and should require a recirculation of the DEIR/DEIS, with potentially new alternatives being considered.

178-4

Please extend the comment period to allow consideration of this new information.

Leslie Purcell

Comment Letter I78

From: [Leslie Purcell](#)
To: [Bonnie L. Rogers](#); [Brody, Richard@Wildlife](#)
Cc: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: BWER DEIR/S Comments
Date: Monday, February 5, 2018 11:51:42 PM
Attachments: [BWER DEIR-EIS comments.docx](#)

Please see attached.
(I spoke to Richard Brody this afternoon, who said comments sent in by midnight tonight would be accepted).

thank you,
Leslie Purcell

Comment Letter I78

To: Bonnie L. Rogers, Senior Project Manager/Ecologist, U.S. Army Corps of Engineers
915 Wilshire Blvd. Los Angeles, CA 90017-3401

Richard Brody, California Dept. of Fish & Wildlife
c/o ESA, 550 Kearny St. Suite 800, San Francisco, CA 94108

Re: Ballona Wetlands Ecological Reserve (BWER) Draft EIR/EIS
Feb. 5th, 2018

My comments are as follows:

Members of the community have been working for years to protect and preserve this land, its water, wetlands, open space, habitat, wildlife, and plants, as well as some public access. I would urge extreme care in the potential restoration of the Ballona wetlands, channel, and adjacent uplands.

178-5

Although the Draft document states that Alternative 1 (full tidal, with creek channel relocation) is not the preferred alternative, it appears that it has the most full discussion and analysis. This alternative would require much engineering, moving of soil, grading and dredging in phases, with the use of heavy equipment. Such activity would likely destroy wildlife and habitat. The use of chemicals/herbicides, to get rid of non-native plants, is discussed, which is not favored by many members of the community. Neither would be the use of any rodenticide prior to any grading. Large berms or dikes are also proposed, which would diminish openness and views of the wetlands from adjacent areas. Often herbicides and/or rodenticides have been used in conjunction with such berms and their maintenance, which would be highly detrimental to any restoration of the BWER.

178-6
178-7

Another, perhaps better, Alternative to consider would include enhanced freshwater wetlands, with associated brackish and some tidal wetlands, without the large scale earth-moving. A source of freshwater would be Playa Vista, as the original permitting for Playa Vista intended, including the issuance of a Streambed Alteration Agreement by CA Dept. of Fish and Game, to use tertiary-treated water as a source for the wetlands.

178-8

Community involvement would be encouraged with a more gentle alternative approach to restoration, including restoration by hand and with small-scale equipment, with kids and students, non-profit and community members, working and learning, with volunteer and educational opportunities.

A gentle and natural restoration would also be more protective of Native American, Tongva cultural sites. A cultural space with educational signage could be designed with appropriate consultation of tribal members, if so desired. Any disturbance to cultural or sacred sites would be minimized with a more natural restoration, as large-scale earth-moving would not occur.

Comment Letter I78

Wildlife and habitats should be protected and enhanced, not bulldozed and “recreated”, as in the alternatives that require large earth-moving. Many such “recreations” are not ultimately successful, and may require ongoing maintenance and/or clearing, which could be costly and further disruptive to wildlife and plants.

↑
178-8
cont.

I would support the alternative re-engineering of Culver and Jefferson, to lift the roadways, so that water and wildlife could pass safely under. Such a safe passage/crossing was supposed to be created under Lincoln Blvd. Raising the roadways would also be a climate-change adaptation, in the event of sea-level rise, that would allow for traffic movement, without endangering drivers, or wildlife which is often hit while trying to cross from one area of the BWER to another.

↑
178-9

Future acquisition of the SoCalGas property with its bluff as an upland restoration should be considered, in addition to the capping of wells and retiring of pipelines through the wetlands below. SoCalGas could be a partner in this endeavor, to mitigate liability for its gas facilities.

↑
178-10

Finally, the capping of the drains installed by Playa Vista, per the CA Coastal Commission directive of Dec. 2017, should require a new analysis of baseline water supply, and possible wetland delineation, as water will now go into areas that have been kept dry, and may reestablish over time as (seasonal) wetlands as they had been prior to the unpermitted draining, which continued under CDFW stewardship.

Thank you for considering these comments.

Leslie Purcell
lesliepurcell@gmail.com
310-570-6569



Letter I78: Leslie Purcell

- I78-1 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.
- I78-2 As discussed in General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), the reference materials were available as of the issuance of the Draft EIS/EIR, and so the courtesy posting on CDFW's website does not constitute new information.
- I78-3 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.
- I78-4 Because the correct baseline data was relied upon in the Draft EIS/EIR, no change has been made that requires recirculation. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).
- I78-5 The commenter's encouragement that care be taken in the restoration of the Ballona wetlands, channel, and adjacent uplands 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*.
- I78-6 The Draft EIS/EIR is a joint document that was prepared to satisfy the environmental review requirements of CEQA (under state law) and NEPA (under federal law). The Council on Environmental Quality (CEQ) and the California Governor's Office of Planning and Research (OPR) jointly issued a handbook called "NEPA and CEQA: Integrating Federal and State Environmental Reviews."¹³⁹ Consistent with Section II.C of the handbook, regarding the preparation of the NEPA and CEQA analyses and documentation, the Draft EIS/EIR for the Project devotes substantial treatment to each alternative, streamlining where possible by focusing on differences among the alternatives rather than repeating information about where they are the same. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.5), regarding the preferred alternative.
- I78-7 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. The impacts to resources of the proposed restoration are analyzed on a resource by resource basis throughout Draft EIS/EIR Chapter 3. See, e.g., Draft EIS/EIR Section 3.4, *Biological Resources*.

The stated opposition to the use of herbicides is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. As explained in Draft EIS/EIR Section 2.2.1.2, pest control (potentially including herbicides, insecticides, and fungicides) and other weed abatement

¹³⁹ CEQ and OPR, 2014. NEPA and CEQA: Integrating Federal and State Environmental Reviews. Available online: http://opr.ca.gov/docs/NEPA_CEQA_Handbook_Feb2014.pdf. February 2014.



activities currently occur in the Ballona Reserve consistent with the OMRR&R Manual for the LACDA project.¹⁴⁰ As described in Section 2.2.2.5, *Alternative 1: Implementation and Restoration Process*, “Herbicides would be used in accordance with manufacturers’ application guidelines for specific species when manual and mechanical removal methods are not effective, and may be used in conjunction with physical removal methods for species that are known to be difficult to control. The Project’s restoration contractor would prepare an herbicide treatment plan for each treated invasive species, including such information as the type of herbicide to be used, application rates, and timing of treatment. The herbicide treatment plan would be submitted to the Ballona Reserve Manager for approval prior to herbicide application. Herbicides would be applied using a localized spot-treatment method and applied in a manner that would eliminate or reduce drift onto native plants. Herbicides would be applied to cut stumps for larger plants or large clumps of herbaceous nonnative species that cannot effectively be removed. In all such cases, they would be used only to the extent necessary to support native plant establishment and limit adverse impacts to sensitive species and habitats. For sites within 100 feet of a wetland or stream, herbicides approved by USEPA for use near wetlands and streams, such as the glyphosate-based Rodeo[®] or the imazapyr-based Habitat[®]. Herbicides would not be used when rain is predicted within 24 hours after application, and herbicide application would not resume again until 72 hours after rain.”

Rodenticides would only be used as a part of a Vector Control Plan developed in consultation with the Los Angeles County West Vector and Vector-Borne Disease Control District. Only approved methods of rodent control would be used and rodenticides with the potential for secondary kill would not be permitted.

See Response F8-3, which discusses potential changes to aesthetics within Area C as a result of elevation changes. See also Draft EIS/EIR Section 3.2.6.1, which determined that implementation of the Project would result in a less than significant effect on aesthetics. Without information as to any deficiency in the EIR’s analysis, CDFW is unable to provide a more detailed response concerning aesthetics.

I78-8 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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 in the Draft EIS/EIR. Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

¹⁴⁰ Corps, 1999. Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) Manual for the Los Angeles County Drainage Area. LADM No. 1130-2-13. December 1999.



Restoration in the manner suggested in this comment, i.e., by hand and with small-scale equipment by volunteers, would occur if the Lead Agencies selected Alternative 4, the No Action/No Project Alternative. See Draft EIS/EIR Section 2.2.5 regarding Alternative 4.

Potential impacts to cultural resources, including tribal cultural resources are analyzed in Draft EIS/EIR Section 3.5. Responses to comments received regarding Native American concerns are provided in Final EIR Section 2.3.4.

Regarding the term “restoration” and what the Lead Agencies mean when they use it in the context of this Project, see General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6).

- I78-9 Support for an alternative that would result in elevation of key area roadways is acknowledged. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses alternatives that were initially considered, but not carried forward for more detailed review.
- I78-10 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.1), regarding the proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. See also General Response 4, *Drains*, which discusses the effects of drains on baseline hydrological conditions and validity of baseline wetland conditions cited in the Draft EIS/EIR.

Comment Letter I79

From: [Denise Robb](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona
Date: Friday, January 26, 2018 4:16:53 PM

To Whom it may concern:

Please vote No on the proposed alternative 1 and instead implement The Ballona ecosystems education Plan's alternative 10 and 11. Plan 1 is dangerous and would not be consistent with the actual natural wetland where the BEEP alternatives would. Plan 11 is historically accurate and nondestructive.

I 179-1
I 179-2

BEEP's plan will preserve the wildflowers, and upland, as well as the view. Additionally, the wetlands will be protected by the Ballona creek levees.

I 179-3

Thank you for your consideration.

Sincerely,
Denise Robb, PhD
191 South Meridith Ave.
Pasadena, CA 91106
Phone: 213-880-9156

Sent from my iPhone
Denise Robb, Ph.D.
Associate Professor of Political Science,
Pierce College; and
Joshua's Mommy



Letter I79: Denise Robb

- I79-1 Opposition to the Project is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses alternatives (including Alternatives 10 and 11) that were initially considered, but not carried forward for more detailed review.
- I79-2 See Response I79-1.
- I79-3 See Response I79-1.

From: McCormick, Donna [<mailto:Donna.McCormick@icf.com>]
Sent: Thursday, March 01, 2018 9:06 AM
To: Wildlife Ballona Wetlands Ecological Reserve EIR <BWERCComments@wildlife.ca.gov>
Subject: FW: Website Not Found - In need of restoration plan documents for research project.

Brodie (or others):

I'm forwarding this email sent to me re Ballona project due to my prior work on the EIR.

Donna

Donna McCormick | Principal | 949.333.6611 (direct) | 949-929-3536 (cell) | donna.mccormick@icf.com | icf.com
ICF | 1 Ada, Suite 100, Irvine, CA 92618 | 949.333.6601 (fax)

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From: Gabriel J. Roletti [<mailto:gjr136@humboldt.edu>]
Sent: Wednesday, February 28, 2018 8:57 PM
To: McCormick, Donna <Donna.McCormick@icf.com>
Subject: Website Not Found - In need of restoration plan documents for research project.

Ms. McCormick,

I hope you are well. I noticed that the url:

<http://protectballonawetlands.com/downloads-3/files/Balna408APremDsgnRpt.pdf>

is not operational. I am in need of the restoration plan and other supporting documents which were previously hosted on this page. Do you have any contact information or advise in this matter? Thank you for your consideration.

Cordially,

Gabriel J Roletti

I80-1



Letter I80: Gabriel Roletti

I80-1 Protectballonawetlands.com is a private website that the Lead Agencies have no control over. The stated difficulty in accessing supporting documentation is acknowledged. However, as discussed in General Response 8, *Public Participation* (Final EIR Section 2.2.8), all reference materials relied upon in the preparation of the Draft EIS/EIR were available as of the issuance of the Draft EIS/EIR and, as a courtesy and for greater ease of review, were also posted on CDFW's website.

Comment Letter I81

From: [Catherine R](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Cc: daniel.p.swenson@usace.army.gov
Subject: Ballona Wetlands Draft EIR Comments
Date: Monday, February 5, 2018 3:34:11 PM

I am writing in opposition to the State's Draft EIR regarding the Ballona Wetlands. As a volunteer naturalist, I spend plant and animal life. I would like to see more public access to the wetlands with some paths and signage and viewing platforms. This need not, nor should it, necessitate paving over parts of the wetlands, moving earth from make the wetlands a fully tidal salt marsh.

I81-1

I favor an incremental, low-impact plan for three reasons:

1. **Law of unintended consequences.** Or "be careful what you wish for."

As we have seen from past major wetlands projects, we cannot account for all the variables of nature when making drastic changes to a habitat.

For instance, at Bolsa Chica which was made to be a fully open tidal wetlands, dredging has been required to keep the channel open as the natural wave motion tends to move sediment and sand so that it builds up and blocks the channel. Funds for this dredging amount to \$1.5 to 2 million annually and available funds are running out. (See Orange County Register article: <https://www.ocregister.com/2016/08/24/10-years-after-bolsa-chica-inlet-opened-funds-to-maintain-it-are-drying-up/>)

I81-2

Another example is Malibu Lagoon which has been successful in some aspects but not in others. Invasives such as biscuit grass and the New Zealand mud snail are creating new problems. Changes in wave action caused by the extensive moving of soil from one spot to another is causing the erosion of the beach at the Adamson house which is threatening the future of the structure and is also affecting the surfing at this world-famous surfing spot. (see Malibu Times article http://www.malibutimes.com/news/article_b81322ba-6d79-11e7-a8d7-bbce7f529266.html)

2. **Variables affecting the wetlands are continually changing thus the proposed alternatives are already out of date.**

I do realize that many years have been spent on coming up with the proposals but in the meantime both current conditions and historical research have undermined the very premises of the original study. Better to take a few more years to come up with the best ideas than to proceed with an ill-conceived project which will impact the wetlands for hundreds of years into the future.

I81-3

For instance, the recent order by the Coastal Commission to cap and eventually remove the illegal drains present on the wetlands indicates that an entirely new set of baseline surveys needs to be done for this project. Let's see how the wetlands react to the capping of the drains before proceeding. Another example is that recent historical research on the wetlands reveals that after the Los Angeles River moved south in 1825, not enough water was fed to Ballona Creek to breach the dunes other than seasonally. Thus the wetlands became primarily freshwater or brackish, not salt water. Since there is no chance of the LA River moving back, it seems likely that the natural tendency is for sediment to build up to close up the creek as water flowing down from the watershed is not enough to flush it out. Research by Travis Longcore, an urban landscapes ecology professor at USC, is of particular interest in this regard.

I81-4

Another variable to consider: rising sea levels! Sea levels are rising much faster than contemplated when this study commenced. From what I read in the environmental impact study, this threat was not given full consideration. I believe more study needs to be done.

I81-5

3. Need to preserve a variety of habitats.

The proposed plans would endanger some of the existing habitats. For instance, the salt pans which flood seasonally are so important to the ability of the wetlands to support the resident and migratory bird population. Let's preserve them the way they are rather than flood the area and then try to protect them with berms. Another example: there is a small riparian area consisting of willows, pine trees, and a cottonwood tree near the mouth of the creek. This area must have fresh water underground as these are not plants adapted to a brackish environment. Did you know how vital this little habitat is? The

I81-6
I81-7

owl lives in the pine tree; coyotes spend time in this protected area. Flooding the wetlands with salt water is likely to endanger this habitat.

In sum, more study is called for and an incremental staged plan of gradual restoration rather jumping in to destroy existing habitat and drastically alter water flows while trying to create an artificial full tidal wetlands. In the meantime, let's make an effort to open up this ecological reserve to more visitors for

I81-8

Thank you for reading and considering my comments.

Catherine Ronan
3439 Wade Street
Los Angeles, CA 90066

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NEWS

10 years after Bolsa Chica inlet opened, funds to maintain it are drying up

By **GREG MELLE**n | gmellen@scng.com | Orange County Register
August 24, 2016 at 11:28 am

8 COMMENTS

HUNTINGTON BEACH – When the Bolsa Chica wetlands were opened to the ocean in 2006 for the first time in more than a century, it brought in a flush of saltwater and an abundance of sea life that has helped transform the wetlands.

On Wednesday, the Amigos de Bolsa Chica and California State Lands Commission will celebrate the seminal moment in that restoration when environmental activists and volunteers gathered to watch the tide rush in on an August morning.

The day was the culmination of a \$147 million project that scooped away sand and cleared a channel from the ocean to the wetlands. The two-year effort, which included installing jetties, removing massive amounts of sand and diverting and building a bridge for Pacific Coast Highway, turned deserted oil fields into a vibrant marine life habitat

Since the inlet was opened, more than 50 species of fish have been observed – including stingrays and sharks – and it has become a nursery for halibut and white sea bass. There are 65 species of fish that live in the wetlands.

“It’s kind of a magical resource,” said Shirley Dettloff, a founder of the Amigos environmental group that banded together 40 years ago to save the wetlands from developers who wanted to fill the area with upscale housing.

I81-9

The celebration, however, is not without a worrisome backdrop.

After 10 years, the \$15 million fund to dredge the opening near the bridge at Pacific Coast Highway at Seapoint Street to keep it clear is drying up, according to an Aug. 9 report by the State Lands Commission, which is responsible for management and protection of natural and cultural resources.

The fund has dwindled to \$2.8 million, with no replacement money in the pipeline, the report said. If more money isn't found, the report states, "funding will be depleted in a few years, leading to the potential failure of the restoration."

The money to create and maintain the inlet came from the ports of Los Angeles and Long Beach as an offset for the habitat lost in the building of the ports.

Dave Brown, a recently retired assistant executive director with the commission, said the agreements with the ports were "pay and walk" deals that did not require paying for upkeep of the inlet.

The cost of removing the sand that continuously flows in and out of the wetlands is about \$1.5 million to \$2 million annually, most of that for dredging. Each year, about 75,000 cubic meters of sand are removed – enough to fill about 7,000 standard dump trucks.

If the sand is allowed to build until it completely cuts off the ocean's influence, the results could be devastating, experts say.

"A full closure would be a full catastrophe," said Victor Leipzig, a biologist and chairman of the science committee for the Amigos.

The opening of the wetlands to the sea created "new habitat for a variety of vegetative, invertebrate, fish, and avian species, including 22 endangered and sensitive species," according to the commission report.

But if there is no other regular source of water to feed the 366-acre inlet basin, Leipzig said, it would become stagnant and deoxygenated, suffocating the fish and plant life.

Brown said such a large stagnant body could create a severe mosquito problem.

The State Lands Commission has searched for grants, but Brown said while there is strong interest in creating new wildlife habitat, the same is not true for maintaining those that exist.

"I'm hoping we'll find some rich uncle somewhere or be able to cobble together funding sources," he said.

Contact the writer: gmellen@scng.com



I81-9
cont.

http://www.malibutimes.com/news/article_b81322ba-6d79-11e7-a8d7-bbce7f529266.html

Surf Community Calling for Immediate Changes at Malibu Lagoon

They cite concerns over surf conditions and erosion at the historic Adamson House.

By Judy Abel / The Malibu Times Jul 21, 2017



Malibu Times Magazine

One of Malibu's legendary surf spots, Third Point, is being ruined since the restoration of the Malibu Lagoon. That charge is coming from local surfers who have been complaining — even bringing their concerns to city council — about how the recent restoration of the lagoon has

http://www.malibutimes.com/news/article_b81322ba-6d79-11e7-a8d7-bbce7f529266.html

I81-10

changed the flow of water and increased erosion that appears to be threatening the historic Adamson House.

City Council Member Jefferson "Zuma Jay" Wagner, who is also a 10-year board member of the Malibu Adamson House Foundation, agreed, telling *The Malibu Times* that erosion at the front of the landmark is causing the lawn area to be undermined and warning it could soon turn it into a sinkhole.

Malibu Surfing Association Treasurer Dru Lewis said that while his group initially supported the controversial lagoon restoration four years ago, he calls it a "faux" restoration.

"There's nothing natural about the lagoon anymore," Lewis alleged.

With lagoon flow outward toward the east end, surfers say sand is not being distributed properly, ruining the surf and causing erosion.

The project was originally supposed to include removal of the invasive New Zealand mud snail, but that never happened, Wagner said. Thousands of truckloads of sand contaminated with the snails were supposed to be removed from the lagoon, but after protests from environmentalists, the sand was dumped at the west end of the lagoon.

"Since the soil did not leave the site, it was added to the terminus area near the Malibu Colony chain link gate," Wagner said. "In doing so, that material was mixed with sand and other soils, and now that it has plant matter growing on it, the roots have held the soil in place. Because of the compaction from tens of thousands of people walking across it weekly, the soil has made the area like a small earthen dam. That sediment issue has turned the lagoon breaching exit southward."

Wagner said California State Parks did a successful restoration project at Leo Carrillo "and if that was the case at Malibu Lagoon, we would not be having this conversation."

California State Parks Angeles District Superintendant Craig Sap said he acknowledged issues in the area.

"We all know that the tendency for Malibu Creek is to drift toward First Point and it's eroding sand in front of the Adamson House. This has been an issue going on for many years," Sap said.

"We're looking at how this can be addressed to avoid additional erosion, but at this point we only



I81-10
cont.

have discussions about what can be done. The issue is more complex than State Parks just fixing it, because there are multijurisdictions that have oversight. It's beyond the purview of just State Parks and involves other agencies, including the Coastal Commission, the Army Corps of Engineers and U.S. Fish and Wildlife.

"For us to say we have a plan would be premature," Sap continued. "The reality is, more needs to be looked at including the hydrology of the creek and its tendencies. The other issue is: How would that impact the outflow of water to the tide pool areas? These are things that we have to discuss with experts. Every eco system and watershed is different. To suggest that other areas that have introduced a managed opening program would be successful here would be premature until we've had studies done."

The Malibu Surfing Association is calling for action to be taken as soon as possible.

"We're one of the top locations in the world. Someone says 'I want to go surf somewhere' — they think about Malibu first," Lewis said — but the goods no longer live up to the reputation.

"For the past five-plus years, it's really been bad. The point's not as makeable as it normally would be," he continued. "In a great swell, you would surf at the top of that point all the way down to the pier, and that hasn't happened in years. The ball got dropped. We need to move forward on a Malibu Lagoon management plan. We need to bring all the agencies to the table. The damage that's being done to that point may be irrevocable. What we don't understand is why the state doesn't want to protect its No. 1 money maker."

The Adamson House is booked two years out for weddings and parties. It collects fees of \$7,500 for an event.

With water exiting the lagoon and pulling away soil at the Adamson House impacting its stability, Wagner is calling for remediation, but he said it needs to wait until native snowy plovers are gone sometime in the fall.

"The impact to the Adamson House will continue unless we modify the exit to the lagoon," Wagner said. "I don't think too many people will argue with that."

judyabel

I81-10
cont.



Letter I81: Catherine Ronan

- I81-1 The stated opposition to the Draft EIS/EIR and preference for a different approach to restoration of the Ballona Reserve are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process, but do not inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.
- I81-2 This first reason for why the commenter prefers a different approach to restoration of the Ballona Wetlands 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*. Successes and lessons learned from restoration efforts at Bolsa Chica and Malibu Lagoon have informed the restoration proposed within the Ballona Reserve.
- I81-3 This second reason for why the commenter prefers a different approach to restoration of the Ballona Wetlands 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*. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple questions about the development of the range of alternatives analyzed.
- I81-4 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains. Draft EIS/EIR Section 1.8.5 explains the difference in the "baseline" under NEPA and under CEQA relative to which potential impacts are analyzed. Both are forward-looking for the purpose of illustrating what conditions would be like with or without the proposed project or another alternative. Movement of the Los Angeles River in 1825 substantially predates the starting point for this analysis: July 2012. The conditions resulting from historical movement of the river were taken into consideration, however. The analysis of cumulative impacts takes into consideration the ongoing impacts of past projects (including as reflected in the landscape and described as the Affected Environment on a resource-by-resource basis throughout Draft EIS/EIR Chapter 3), together with the incremental impacts of other present projects, reasonably foreseeable future projects, and each of the restoration alternatives. See Draft EIS/EIR Section 3.1.4, which explains the development of the cumulative scenario. Input from Travis Longcore has been considered in the preparation of the EIR. See, e.g., Draft EIS/EIR Appendix A.
- I81-5 See General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2), regarding consideration in the EIR of sea-level rise.
- I81-6 See Response AF1-16 regarding potential impacts relating to salt pan and related habitats.
- I81-7 See General Response 5, *Biological Resources* (Final EIR Section 2.2.5), which addresses multiple comments received about the biological resources baseline.



- I81-8 The preference for additional study and a different approach to restoration is acknowledged, but does not inform CDFW's consideration of the potential impacts of the Project. See Final EIR Section 2.1.1, *Input Received*. See Response I45-5 regarding the intention to balance opportunities to minimize disruption to habitat and, secondarily, to maximize public engagement with the wetlands within the Ballona Reserve.
- I81-9 Receipt of this August 24, 2016, article about the Bolsa Chica wetlands is acknowledged, but does not inform CDFW's consideration of the potential impacts of the Project or the merits of alternatives. See Final EIR Section 2.1.1, *Input Received*.
- I81-10 Receipt of this July 21, 2017, article about the Malibu Lagoon is acknowledged, but does not inform CDFW's consideration of the potential impacts of the Project or the merits of alternatives. See Final EIR Section 2.1.1, *Input Received*.

Comment Letter I82

From: [Jay Ross](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands Draft EIR - public comments
Date: Sunday, February 4, 2018 3:51:41 PM

To the F&W:

I support the full restoration of the wetlands with these comments:

1. The gas/oil storage facility should be eliminated, along with the wells, so that no slant drilling is allowed in the future. | I82-1
 1. The gas/oil storage facility is a non-ecological use that can explode. | I82-2
2. Provide a trash/debris runoff analysis to show how the runoff will be trapped. | I82-3
3. Public access should be limited as much as possible. | I82-4
 1. Animals and birds need peace and quiet to breed and survive.
4. Continue operation of the bicycle path, with tall 8 ft. fences to prevent trespassing. | I82-5
5. Eliminate the baseball field. | I82-6
 1. It is a non-ecological use, and the city and its area residents have responsibility to fund and build recreational facilities in areas that are not ecologically sensitive, especially one that is extremely sensitive like Ballona.
6. No parking structure - people can ride bikes and take the bus to the area. Cars produce pollution and noise, which harm wildlife, and garages are ugly. | I82-7
7. Protect wildlife during grading. | I82-8
8. Figure out how to displace soil without ruining the whole wetlands area. | I82-8

Thank you,

Jay Ross
2307 Amherst Ave.
Los Angeles, CA 90064 (West LA)
310 979 9255

Letter I82: Jay Ross

- I82-1 Regarding the SoCalGas Company and its infrastructure within the Ballona Reserve, see General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3).
- I82-2 It is not clear what the commenter means by a “trash/debris runoff analysis.” Draft EIS/EIR Section ES.1, Section 1.2.2, and Section 2.2.2 all acknowledge that illegal uses (such as trash dumping) occur throughout the Ballona Reserve under existing conditions and that they are subject to ongoing removal efforts by CDFW independent of the Project. To the extent the comment requests an analysis of potential changes to stormwater runoff, see Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*, and Section 3.13, *Utilities*, where this information is provided.
- I82-3 See Response I45-5 regarding the intention to balance opportunities to minimize disruption to habitat and, secondarily, to maximize public engagement with the wetlands within the Ballona Reserve.
- I82-4 The commenter’s suggestion that the existing bicycle path be kept with 8-foot-tall fences 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*.
- I82-5 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.5), which addresses multiple comments concerning the ball fields within the Ballona Reserve.
- I82-6 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I82-7 See General Response 5, *Biological Resources* (Final EIR Section 2.2.5), which addresses multiple comments received regarding impacts to biological resources within the Ballona Reserve. Project design features such as BIO-1, Worker Environmental Awareness Program (WEAP), would provide work crews with skills to identify and avoid sensitive plants and wildlife species prior to ground disturbance. Additionally, project feature BIO-2, Limit of Disturbance, would be implemented to ensure that only approved areas for disturbance would be subject to ground disturbance. Feature BIO-3, Habitat Restoration and Monitoring Plan, would be developed by a contractor and approved by CDFW prior to ground disturbance. These project design features would be implemented along with Mitigation Measure BIO-1b-ii, Biological Monitoring, which requires monitoring of restoration activities by a qualified biologist to ensure that disturbance of habitat and special-status species is avoided to the extent possible. As described in Mitigation Measure BIO-1b-ii, Biological Monitoring: “Attempts shall be made by the biologist to salvage all native wildlife species of low mobility that may be killed or injured prior to and during Project-related vegetation or ground disturbances. Together, these project design features and Mitigation Measure BIO-1b-ii would ensure that, to the extent possible, impacts to wildlife during the restoration phase would be avoided.”



I82-8 Excavation of fill deposited on the Ballona Reserve during the 1950s would be necessary as analyzed under the Project to allow Ballona Creek to reconnect with the floodplain. Excavated fill and soil would be repositioned to create transition zones, upland habitat, and perimeter levees to provide space for wetland habitat to migrate upslope as sea levels rise. Slightly less fill material could be repositioned as analyzed under Alternative 2. The least amount of fill could be repositioned as analyzed under Alternative 3.

Comment Letter I83

From: [Marc Saltzberg](#)
To: [Rogers Bonnie L CIV USARMY CESPL \(US\); Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Questions and Comments regarding DEIR/EIS BWER Project
Date: Saturday, February 3, 2018 4:02:57 PM
Attachments: [Marc Questions and CommentsBWER_DEIR.EIS_020318.docx](#)

Please find attached my questions and comments regarding the DEIR/EIS developed for the proposed Ballona Wetlands Ecological Reserve Restoration Project.

I am a lay-person, with no training in the field of ecological restoration, so my questions and comments are based primarily on logic rather than technical expertise.

Please acknowledge receipt of this document and provide answers to my questions - I'm anxious to know more about the justifications for this project..

Thank you,

Marc Saltzberg
Marina del Rey Peninsula Resident

Questions and Comments
Draft Environmental Impact Report / Environmental Impact Statement (DEIR/EIS)
BALLONA WETLANDS RESTORATION PROJECT (BWER)

2/03/2018

ATTENTION: Colonel Kirk E. Gibbs, Commander, 61st Division and Daniel Swenson, Regulatory Division, U.S. Army Corps of Engineers, Los Angeles District, 915 Wilshire Boulevard, Suite 930, Los Angeles, California 90017
Telephone: (213) 452-3414 Email: bonnie.l.rogers@usace.army.mil

ATTENTION: Director Charlton H. Bonham and Richard Brody, Land Manager Ballona Wetlands, California Department of Fish and Wildlife (BWER), c/o ESA (jas), 550 Kearney Street, Suite 800, San Francisco, California 94108
Telephone: (415) 896-5900 Email: BWERcomments@wildlife.ca.gov

FROM: From Marc Saltzberg, Resident of Marina Del Rey

Dear Colonel Kirk E. Gibbs, Ms. Bonnie Rogers, Director Charlton H. Bonham and Mr. Richard C. Brody:

Thank you for the opportunity to ask questions and make comments on the above referenced DEIR/EIS.

1. **Why is the project described in the DEIR/EIS described as a "restoration?"**

According to Section 3.1 "Purpose and Need under Nepa", Page ES-7 of the DEIR/EIS:

The purposes, pursuant to NEPA, of the Project are to:

1. Restore ecological functions and services within the Ballona Reserve, in part by increasing tidal influence to achieve predominantly estuarine wetland conditions.
2. Ensure any alteration/modification to the LACDA project components within the Ballona Reserve maintain the authorized LACDA project levels of flood risk management, which in this section of Ballona Creek, includes ensuring there is no reduction to the conveyance capacity of up to 68,000 cubic feet per second (cfs)³ and that LACDA project features reduce flood risk to the surrounding communities and infrastructure for up to the 100 year flood event.

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The EPA's website (<https://www.epa.gov/wetlands/wetlands-restoration-definitions-and-distinctions>) states:

I83-2

The Federal Geographic Data Committee, Wetlands Subcommittee developed definitions for restoration and related activities designed to aid agencies in accurately reporting wetland increases due to their program activities...

Restoration: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

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- Re-establishment: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former wetland. Re-

establishment results in rebuilding a former wetland and results in a gain in wetland acres.

- Rehabilitation: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions of degraded wetland. Rehabilitation results in a gain in wetland function, but does not result in a gain in wetland acres.

The report, "[Historical Ecology of the Ballona Creek Watershed](#)", Shana Dark et al., Page 25, describes the Ballona Lagoon area (commencing from the 1825 realignment of the Los Angeles River to approximately 1900, "prior to significant Euro-American modification", Page 2) as follows:

Our data suggests that at most times, this low energy system had only moderate or no tidal influence and was dominated by freshwater inputs from the watershed (see Jacobs et al. 2011). The textual sources indicate complete closure of the system from the ocean through substantial portions of the year, opening only during periods of significant rainfall (LAT 1887; see discussion in Jacobs et al. 2011). Consequently, we broadened our classification from tidal flat to salt flat/tidal flat and from tidal marsh to brackish to salt marsh/tidal marsh.

Unfortunately, the DEIR/EIS does not fully analyze current conditions and the influence of freshwater flows in the proposed Project area or its historic antecedents. Appendix E "Geotechnical Report," uses Table 1 on Page E-18 to list historic changes to the project area starting with the 1880s and accompanying text, Pages E-16 to E-21. Most of this information focuses on gross geographic changes to the area rather than on their impact on habitat. There is no description of the habitats of the project area prior to human intervention in the 1880s.

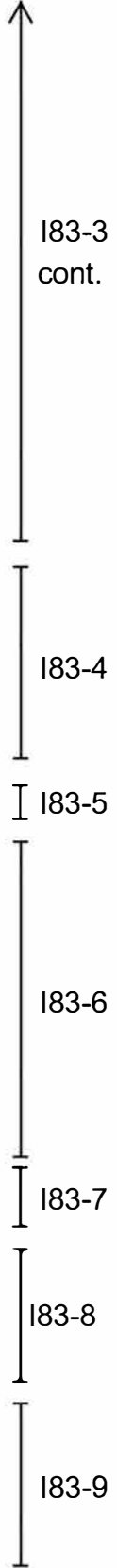
These are major flaws in the Geotechnical Analysis.

The report of Shana Dark et al., was available (in fact, was part of the scientific investigations completed in preparation for the DEIR/EIS); and, as noted above, the EPA definition of "restoration" involves "the goal of returning [or repairing] natural/ historic functions to a former [or degraded] wetland." According to Appendix E, Section 5.0 "Description of Project" (Page 12), "The proposed restoration would restore estuarine wetland and upland habitats that are connected to a realigned Ballona Creek," but the history of such an "estuarine wetland is never discussed.

The DEIR/EIS makes a similar assertion as noted above: "The purposes of the Project... are to [r]estore ecological functions and services within the Ballona Reserve, in part by increasing tidal influence to achieve predominantly estuarine wetland conditions." As in Appendix E, the DEIR/EIS does not discuss or analyze the natural/ historic functions of the project area. To describe the proposed project as a "restoration" is to deny the necessity of determining what the natural/historic functions of the area were.

Similarly, the analysis of current conditions is curiously under-documented in the DEIR/EIS. The fact that the current Area A, Area C and Eastern Area B are "disconnected" from Ballona Creek is prominently mentioned; but there is no proper hydrology study documenting fresh water inputs to the project area and their impact on the current environment.

Just as the word "restoration" should not be used without an analysis of the natural/historic function of the Ballona wetlands, the word "degraded" should not be used to describe current status of the project area because the question of "degraded from what" is not properly answered. The DEIR/EIS is deficient because it does not establish that the proposed project is truly a "restoration" under the definition of the EPA and does not adequately describe the current conditions and functions of the project area.



2. Why is there no analysis of current and projected conditions by Area in the DEIR/EIS?

While there are analyses by habitat, there seem to be no such analyses by Area and their geographic partitions. The proposed actions to be taken in each area are discussed in the various Alternatives, but there is no summary of before / after changes in terms of current and projected habitat, topography and speciation.

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EXAMPLE: Table 2-3 shows Upland habitat after phase 1 and phase 2 of the project are completed. It also shows current upland habitat in total. But it does not include the current, pre-project, upland habitat by area or sub-area. In fact, it is difficult to tell by reading the DEIR/EIS that most of Area A, exclusive of the Ballona Creek channel, is currently upland habitat (but also includes one of the few unimpeded (ungated) tidal sloughs, as well as other delineated wetlands). It is not until some 518 pages into the document (Page 3.4.14), that the report mentions that Area A is predominantly upland habitat. And, while the description on that page summarized bird species found by Area, there does not appear to be a similar description of mammals found by Area and sub-area. Appendix D includes tables of the various threatened and rare species found in Area A (and other areas). But there is no general overview or description of the species found in the Area. This is critical information necessary to commenting on the proposed excavation of Area A. The same problem exists for understanding the proposed deposition of excavated soils in Area C as proposed in Alternatives 1 and 2.

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This disorganization makes the entire document difficult to understand and digest and impairs the work of reviewing and commenting on the Proposal. This constitutes a major deficiency in the DEIR/EIS.

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3. Why do Alternatives 1 and 2 in the DEIR/EIS create new uplands in Area C?

According to the DEIR/EIS, the Ballona wetlands were transformed in the 1950's to create Marina del Rey Harbor.

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"Fill was placed in Area A [163 acres] in the early 1930s and the 1960s during the excavations of Ballona Creek and the development of Marina del Rey, respectively." (Page 1-5)

According the DEIR/EIS, "In Area A, soil would be removed to restore tidal wetlands..."(Page 2-43) "The 1,730,000 cubic yards (cy) of soil removed from Area A would be used to construct the new levees and create restored uplands in North Area C and South Area C." (Page 2-44). As noted in Question 2, no descriptions of the existing Area A can be found in order to evaluate either the impact of the excavation or the burying of the existing Area C.

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The same lack of analysis likely occurred when Area A was created in the 30's and 50's. New upland habitat was created and the old wetlands (largely fresh water) were buried. These actions are a primary antecedent of the currently proposed project, which seeks to reverse what happened by creating new wetland (albeit described as full tidal habitat and dominated by brackish flows) in place of the Area A uplands. The lack of detailed analysis of the existing Area C is an error that must be corrected. Similarly, there is no clear analysis of the existing Area A; it is impossible to determine from the DEIR/EIS what will be lost by excavating Area A.

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The project, as described, seems more an unjustified destruction of old habitat and creation of new habitat than a proper or genuine restoration. Will this seemingly reckless proposal to excavate Area A and bury Area C be corrected and analyzed in the future?

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4. Why are there discrepancies on Table 2-8 (Page 2-120) in the subtotals for Phase 1, Cut Soil column and Phase 1, Fill column?

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Adding the figures in the Phase 1 Cut column = 1,880,000, but the subtotal for Phase 1 is shown as 2,090,000. This discrepancy is carried into the total; as calculated it should be 2,220,000 (maximum) but is shown in the table as 2,430,000.

Adding the maximum figures in the Phase 1 Fill column = 2,070,000, but the maximum subtotal for Phase 1 is shown as 2,080,000. This discrepancy is carried into the total; as calculated it should be 2,410,000 (maximum) but is shown in the table as 2,420,000.

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5. Why is the DEIR/EIS construction traffic management plan left to be completed later? Why aren't the identified transport methodologies tied to specific construction phases and specific transport requirements?

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Table 2-11 (Page 2-122) of the DEIR/EIS lists transport methods for moving soils from Area to Area. Methods listed are:

- New Lincoln Boulevard Bridge at old railway alignment
- New Ballona Creek bridge for transport form [sic] Area A to North Area C and Area B.
- Barge / floating crossing Straight between Areas A and B across Ballona Creek
- Temporary ford Straight between Areas A and B across Ballona Creek
- Bridge Crossing Culver Boulevard between North and East Area B
- Drainage culvert under Lincoln Boulevard at Fiji Ditch from Area A to North Area C
- Existing roadways - Crossing Culver Boulevard between North and East Area B and between North and South Area C, or Lincoln Boulevard from Area A to East Area B (return on Jefferson Boulevard, Lincoln Boulevard, and Fiji Way); Fiji Way and crossing Lincoln Boulevard from Area A to North Area C

A note beneath the table states:

An additional option for transporting soil from Area A to North Area C could include a conveyor system through the existing drainage culvert under Lincoln Boulevard at Fiji Ditch or using existing roadways (e.g., along Fiji Way and crossing Lincoln Boulevard with traffic controls).

To transport soil to/from East Area B (i.e., to East Area B in Phase 1 to North Area B in Phase 2), a bridge would be installed over Culver Boulevard between North and East Area B, or trucks/scrapers would travel on existing roads with traffic controls (e.g., directly crossing Culver Boulevard between North and East Area B, or traveling on Lincoln Boulevard from Area A to East Area B, returning on Jefferson Boulevard, Lincoln Boulevard, and Fiji Way).

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The following volumes of soil will be moved in Alternative 1 (adapted from Table 2-8, Page 2-120. A row has been added to reflect item 7 on page 1-10 that up to 110,000 cy will be exported off-site. The addition errors noted in question 3 above have been corrected and all figures are shown at maximum values rather than showing the range of values. Truck Loads are calculated at 15 cy per load – the same as DEIR/EIS calculations The subtotals and totals for Total Moved have been adjusted to the maximum of Fill column rather than adding to the two columns to avoid double counting Cut + Fill, and Truck Loads have been adjusted in the same way):

Phase	Area	Cut (cy) - Max	Fill (cy) - Max	Total Moved (cy)	Truck Loads @15 cy per load
Phase 1	A	1,520,000	350,000	1,870,000	124,667
	North B	310,000	570,000	880,000	58,667
	East B	-	80,000	80,000	5,333
	South/South-east B	10,000	10,000	20,000	1,333
	North C	40,000	760,000	800,000	53,333
	South C	-	300,000	300,000	20,000
	Exported			110,000	110,000
	SUBTOTAL	1,880,000	2,070,000	2,180,000	145,333
Phase 2	North B	190,000	-	190,000	12,667
	East B	50,000	-	50,000	3,333
	West B	70,000	340,000	410,000	27,333
	SUBTOTAL	310,000	340,000	340,000	22,667
TOTAL		2,190,000	2,410,000	2,520,000	168,667



I83-19
cont.

An estimated 168,667 truckloads will be required to move the soils cut and filled for Alternative 1. Another 168,667 truck trips will be required for the trucks to return to their starting points. Similar tables can be developed for Alternative 2 with smaller volumes.

The DEIR/EIS methods table and accompanying text suggest that the primary inter-area method will be via internal temporary roads (this is assumed; internal transport routes for moving soils are not documented) and newly constructed temporary bridges. But the table notes several other options – including the use of existing public roadways. Most of these other options are included as possible methods for exporting soils off-site when the subject is discussed; for example, see Page 3.12-14 of the DEIR/EIS.

The lack of certainty regarding transport methods is troubling – at this most basic level, the project methodology is unclear and inadequately specified.

Additionally, there is no analysis or disclosure of impacts and/or disruptions to habitats due to the 337,000 truck trips. Movement of wildlife will be disrupted, particularly for species that rely on the Fiji Way Ditch or on Ballona Creek.

I83-20

According to Page 3.12-21 of the DEIR/EIS, "The construction contractor(s) shall prepare a construction traffic management plan for each phase of the Project at the time of final design, prior to commencement of construction." A laundry list of mitigations follows that the contractor must include as elements in the "construction traffic management plan." While noise and air quality analyses and mitigation plans are incorporated in the DEIR/EIS, neither can be integrated with a construction traffic management plan that has not been completed.

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Without having the detailed construction traffic management plan available for review, the area of construction traffic management is incomplete and it is therefore, impossible to comment on the methodology and traffic mitigation required.

To summarize, the inability to review:

- a detailed plan for moving soils that specifies methods tied to sequences that provide analysis and mitigations as needed for disruption to habitats and animal movements
- a finalized construction traffic management plan integrated with air quality and noise plans

I 183-22

makes it impossible to comment on construction traffic beyond observing that there are, potentially, hundreds of thousands of truck trips to be managed. As such, this inability to adequately comment represents a deficiency in the DEIR/EIS that must be corrected. Will these deficiencies be corrected in future documents?

I 183-23

The Appendix H traffic plan and the discussion of traffic in Section 3.12 of the DEIR/EIS assume that construction activities would commence in 2017. This is not the case; release of the DEIR/EIS was significantly delayed, throwing projected schedules into disarray. The current baseline and projected traffic volume estimates are therefore out of date as is the cumulative traffic impact analysis based in part on Table 3.1.1 (Page 3-11) "Existing and Reasonably Foreseeable Future Projects."

I 183-24

Will the traffic volume analysis of both the direct and cumulative construction impacts of Alternatives 1 and 2 be brought up to date to allow for comment based on corrected baseline and projected data?

6. Why does the traffic impact of Alternative 3 not reflect the congestion caused by the volume of trucks travelling on public roadways in off-peak hours?

I 183-25

According to item 7 (Page 1-15) of the DEIR/EIS (and table 2-28 on Page 2-192), 1,230,000 cy of soil will be exported off-site under Alternative 3. Assuming 1 truck load is 15 cy, that would be 82,000 truck-loads (see Appendix H-110) or 480 trucks per day (240 trips outbound and returning) with 2 minutes between trucks (note 3 from Table 22 from appendix H on Page H-112). The haul route, according to Appendix H-71, proposes that trucks would exit from Area C North, "merging onto northbound Lincoln Blvd. to Mindanao Way onto the Marina (SR-90) Freeway" where trucks would enter the freeway system to proceed to their destination. The return trip route would be the reverse of the outbound route, but entering Area A either by turning right from southbound Lincoln or from westbound Culver.

I 183-25

As noted in question 5, above, both the Appendix H traffic plan and the discussion of traffic in Section 3.12 of the DEIR/EIS assume that construction activities would commence in 2017. This is not the case; release of the DEIR/EIS was significantly delayed, throwing projected schedules into disarray. The current traffic baseline, from April of 2015 (Page 3.12-3), and projected traffic volume estimates are therefore out of date, and the cumulative traffic impact analysis, based in part on Table 3.1-1 (Page 3.1-11) "Existing and Reasonably Foreseeable Future Projects," is no longer valid. For example, the table does not record either the proposed alteration (complete rebuilding) of the Cedars Sinai/Daniel Freeman Hospital or the proposed parking lot construction on the Toyota-owned land just to the north of the Villa Marina complex and just to the south of the S.R. 90 westbound ramp. Both these proposed projects could have a significant impact the suggested Truck Haul Route.

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Will traffic volume analysis of both the direct and cumulative construction impacts of Alternatives 3 be brought up to date to allow for comment based on corrected baseline and projected data?

I 183-26

Mindanao Way is a four-lane road with a speed limit of 30 miles per hour. Entering it from its intersection with Lincoln and proceeding north, it passes between the Marina Sq. shopping mall on the east and a Chevron Gas Station on the west. Proceeding north, the Villa Maria housing complex is on the east and Cedars Sinai Daniel Freeman Hospital is on the west. North of the intersection with La Villa Marina,

I 183-27

Mindanao Way continues past the Villa Marina housing complex on the east with Marina del Rey Toyota on the west.

With dump trucks following the Truck Haul Route north on Mindanao Way every 2 minutes, traffic will be impacted all day (not just at AM and PM peak traffic hours as analyzed in Appendix H). Trucks will also create noise (at significant levels), pollution and dust, impacting the residents of Villa Marina and patients at Cedars Sinai Daniel Freeman Hospital. Returning trucks, following Mindanao Way going south, intensify the impacts.

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Why does project as designed not effectively mitigate the noted problems? Additional traffic mitigation measures should be proposed and analyzed for consideration with Alternative 3.

183-28

7. Why does DEIR/EIS element 2.2.5.2 (Page 2-194) state: "... the tide gates eventually would have to be closed permanently to avoid flooding in West Area B and behind Culver Boulevard that would result from projected higher sea levels. As a result, the tidal wetland habitats would be cut off from the estuary and would convert to mudflat or subtidal habitat "?

183-29

No evidence is presented that the tidal wetland habitats would convert to mudflats. This assertion ignores the influence of current freshwater runoff flows. Additionally, recent proposals to supplement fresh water runoff flows with imported, upstream, treated freshwater from Ballona Creek have been made. The assertion should be removed from the DEIR/EIS?

8. Why make an investment between \$135.4 and \$182.8 million dollars (Table 2-1a, Page 2-7) to provide full tidal flows to an area that will degrade from the designed function within thirty years of completion?

Figures 2-36 thru 2-40 dramatically show the influence of sea level rise on the completed project.

- 2-36: the project as completed (none of the maps show Area C and are therefore incomplete)
- 2-37: the project in 2030 after 9 inches of sea level rise – slight change
- 2-38: the project in 2050 after 19 inches of sea level rise – significant conversion to mudflat in Area B West and low marsh surrounding the reconfigured creek in Area A
- 2-39: the project in 2070 after 32 inches of sea level rise – most of Area B and Area A converted to mudflat. The engineered "full tidal flows" are assumed to be gone
- 2-40: the project in 2100 after 59 inches of sea level rise – Area B West is converted to subtidal as are significant portions of Area A and portions of the parcel south of Jefferson Blvd. to Culver Blvd. Mudflats extend south and west of the freshwater marsh

183-30

The State's investment in converting Ballona Wetlands Ecological Reserve to full tidal flows results in a relatively short period where the wetland would operate as engineered in the Project. Shouldn't consideration be given to redesigning the Project to provide for a more effective use of state funds?

9. Why remove or pierce the existing Ballona Creek levees, exposing the Ballona Wildlife Ecological Reserve and surrounding properties to sea level rise and necessitating the construction of new levees and berms to retain current flood control functions?

Alternative 1 removes existing levees from both sides of Ballona Creek. Alternative 2 removes the levee from the north side of Ballona Creek. Alternative 3 pierces the north levee with a series of culverts. Implementing any of these proposed changes would make it necessary to construct new levees and berms to replace the current flood control functions of the levee system.

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The reason for making such massive changes to the flood control infrastructure in the Project area are "... to allow Ballona Creek to reconnect with its historic floodplain" (Page ES-10, ES-12 and ES13). According to Page ES-7 of the DEIR/EIS, "[One of the] purposes, pursuant to NEPA, of the Project are to: Restore ecological functions and services within the Ballona Reserve, in part by increasing tidal influence to achieve predominantly estuarine wetland conditions." Presumably, allowing "Ballona Creek to reconnect with its historic floodplain" would satisfy this need and increase tidal influence. But this thesis was challenged above, using evidence from the report: "Historical Ecology of the Ballona Creek Watershed", Shana Dark et al., which concluded that the influence of freshwater inputs to the Project area was dominant prior to changes introduced by Americans and Europeans.

Additionally, the current area is largely cut-off from the brackish flows of Ballona Creek by its levees (excluding the flows from the existing tidal gates). What is the need to remove or pierce the existing levees in an attempt to introduce tidal flows which have not been documented as being either present now or in the recent historical past?

The current levee system actually contains tidal incursions of the Pacific Ocean. As sea levels rise, the levees will continue to function in the same way (although they may need to be raised to provide additional protection), containing saltwater incursions within their walls. If the levees are not breached or pierced, then no new levees or berms will have to be constructed to mitigate sea level rise flooding in the area, saving millions of dollars.



I83-31
cont.

An official website of the United States government.

We've made some changes to EPA.gov. If the information you are looking for is not here, you may be able to find it on the EPA Web Archive or the January 19, 2017 Web Snapshot.

Close



Wetlands Restoration Definitions and Distinctions

What Is Wetland Restoration?

In its 1992 report, *Restoration of Aquatic Ecosystems*, the National Research Council defined restoration as the "return of an ecosystem to a close approximation of its condition prior to disturbance." The concept of restoration is further clarified by defining many types of restoration-related activities. These activities, such as creation, reallocation and enhancement, are similar to restoration, but differ in some way from the process of renewing native ecosystems to sites where they once existed.

The holistic nature of restoration, including the reintroduction of animals, is important. The objective is to emulate a natural, self-regulating system that is integrated ecologically with the landscape in which it occurs. Often, restoration requires one or more of the following processes: reconstruction of antecedent physical conditions; chemical adjustment of the soil and water; and biological manipulation, including the reintroduction of absent native flora and fauna.

The Society for Ecological Restoration (SER) defines ecological restoration as "the process of assisting the recovery and management of ecological integrity. Ecological integrity includes a critical range of variability in biodiversity, ecological processes and structures, regional and historical context, and sustainable cultural practices."

What Is Creation?

Creation is the "construction of a wetland in an area that was not a wetland in the recent past (within the last 100-200 years) and that is isolated from existing wetlands (i.e., not directly adjacent)" (Gwin, et al., 1999). In other words, creation occurs when a wetland is placed on the landscape by some human activity on a non-wetland site (Lewis, 1989). Typically, a wetland is created by excavation of upland soils to elevations that will support the growth of wetland species through the establishment of an appropriate hydrology.

What Is Enhancement?

Gwin, et al. (1999) define enhancement as "the modification of specific structural features of an existing wetland to increase one or more functions based on management objectives, typically done by modifying site elevations or the proportion of open water. Although this term implies gain or improvement, a positive change in one wetland function may negatively affect other wetland functions." Lewis (1989) also states that enhancement may also be the alteration of a site to produce conditions that did not previously exist in order to accentuate

I83-32

one or more values of a site. For example, increasing the area of deep water by excavating parts of an emergent wetland may provide more duck habitat (the desired wetland value), but may decrease foraging and cover habitat for young fish.

What Is Reallocation or Replacement?

These terms apply to activities in which most or all of an existing wetland is converted to a different type of wetland. For example, changing an emergent wetland to a pond converts the habitat from one wetland type to something quite different.

What Is Mitigation?

Mitigation, a term that frequently occurs in discussions of restoration, "refers to the restoration, creation, or enhancement of wetlands to compensate for permitted wetland losses" (Lewis, 1989). Under Section 404 of the Clean Water Act, wetlands may be legally destroyed, but their loss must be compensated for by the restoration, creation, or enhancement of other wetlands. This strategy should result in "no net loss" of wetlands.

Federal Agency Definitions of Wetland Tracking

The Federal Geographic Data Committee, Wetlands Subcommittee developed definitions for restoration and related activities designed to aid agencies in accurately reporting wetland increases due to their program activities. Many different definitions of these terms have been used by various agencies. The definitions, below, provide standard terminology for the more than 15 agencies involved in wetland restoration, related activities, and/or mitigation.

Restoration: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

- *Re-establishment:* the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres.
- *Rehabilitation:* the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions of degraded wetland. Rehabilitation results in a gain in wetland function, but does not result in a gain in wetland acres.

Establishment: the manipulation of the physical, chemical, or biological characteristics present to develop a wetland that did not previously exist on an upland or deepwater site. Establishment results in a gain in wetland acres.

Enhancement: the manipulation of the physical, chemical, or biological characteristics of a wetland (undisturbed or degraded) site heighten, intensify, or improve specific function(s) or for a purpose such as water quality improvement,



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cont.

flood water retention or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland function, but does not result in a gain in wetland acres. This term includes activities commonly associated with the terms enhancement, management, manipulation, directed alteration.

Protection/Maintenance: the removal of a threat to, or preventing decline of, wetland conditions by an action in or near a wetland. Includes purchase of land or easement, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Protection/Maintenance does not result in a gain of wetland acres or function.

Federal Geographic Data Committee

- US Department of Interior
- US Fish and Wildlife Service
- Bureau of Land Management
- National Park Service
- US Geological Survey
- Bureau of Reclamation
- Office of Surface Mining
- Bureau of Indian Affairs
- US Department of Agriculture
 - Natural Resources Conservation Service
 - Forest Service
- Environmental Protection Agency
- National Marine Fisheries Service (NOAA)
- National Aeronautical and Space Agency
- Department of Energy
- Tennessee Valley Authority
- Army Corps of EngineersDepartment of the Army
- US Marine Corps
- US Navy
- US Air Force
- Office of Management and Budget
- National Capital Planning Commission
- Department of Housing and Urban Development

References

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Lewis, R. R. III 1989. Wetland restoration/creation/enhancement terminology: Suggestions for standardization. *Wetland Creation and Restoration: The Status of the Science*, Vol. II. EPA 600/3/89/038B. U.S. Environmental Protection Agency, Washington, D.C.

National Research Council. 1992. *Restoration of Aquatic Ecosystems: Science, Technology and Public Policy*. National Academy Press, Washington, D.C.



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cont.

Letter I83: Marc Saltzburg

I83-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”

I83-2 Receipt of this link to the USEPA’s definition of wetland restoration is acknowledged. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”

I83-3 Receipt of the Federal Geographic Data Committee’s definitions is acknowledged. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”

The description of the Ballona Lagoon area between 1825 and approximately 1900 also is acknowledged as the Lead Agencies cite to the same document in different sections of the Draft EIS/EIR. Draft EIS/EIR Section 1.8.5 explains the difference in the “baseline” under NEPA and under CEQA relative to which potential impacts are analyzed. As explained in Response I81-4, both are forward-looking for the purpose of illustrating what conditions would be like with or without the Project or another restoration alternative. Conditions of Ballona Lagoon area in 1900 substantially predate the starting point for this analysis: July 2012.

I83-4 The ongoing impacts of past conditions and activities are described as the Affected Environment on a resource-by-resource basis throughout Draft EIS/EIR Chapter 3. For example, Section 3.4.2 describes the current habitats and habitat conditions at the Ballona Reserve. A primary purpose of environmental analysis under both NEPA and CEQA is to identify the potential environmental consequences of agency decision-making. Under both NEPA and CEQA, the analysis documents what the environment would look like with and without a proposed project. Draft EIS/EIR Section 3.4.6 and Section 3.4.7 document the direct, indirect, and cumulative impacts of the Project, other restoration alternatives (Alternative 2 and Alternative 3), and what environmental conditions could be expected if none of the restoration alternatives were approved (Alternative 4, the No Action/No Project Alternative). The commenter is correct that the Draft EIS/EIR does not describe habitats as they existed in the 1880s. Neither NEPA nor CEQA requires it to do so.

I83-5 The commenter’s opinion about the geotechnical analysis is acknowledged. The Draft EIS/EIR analyzes potential direct, indirect, and cumulative impacts to geology, seismicity and soils in Section 3.6. In light of the existing analysis, the commenter’s opinion alone, unsupported by facts, reasonable assumptions based on facts, or expert opinion supported by facts, does not provide sufficient information to allow CDFW to provide a more detailed response.

I83-6 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see



- General Response 3, *Alternatives* (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.
- I83-7 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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. See General Response 5, *Biological Resources* (Final EIR Section 2.2.5), which addresses multiple comments received regarding impacts to biological resources within the Ballona Reserve. See also General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6), which addresses multiple comments received regarding freshwater habitats, the discussion of which presents additional background on historic conditions and ecosystem processes.
- I83-8 Current conditions are described on a resource by resource basis throughout Draft EIS/EIR Chapter 3. See, e.g., Section 3.9.2, which describes the Affected Environment for hydrology and water quality. More specifically, the Ballona Creek Estuary and its Freshwater Marsh were discussed in Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*. See also General Response 6, *Hydrology and Water Quality*, for sea-level rise including freshwater habitats (Final EIR Section 2.2.6.2), and for freshwater marsh (Final EIR Section 2.2.6.3).
- I83-9 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.” See Response I27-4 and Response I83-8 regarding the baseline conditions relied upon in the analysis as the point of comparison relative to which the significance of Project-caused changes to the physical environment was determined.
- I83-10 Draft EIS/EIR Table 3.4-1 identifies existing habitat acreages and where the habitats are found in at the Ballona Reserve and Figure 3.4-2 shows the study area habitat types. The discussion in Draft EIS/EIR Section 3.4, *Biological Resources*, provides more detail on the different habitat types at the Project Site. Potential impacts to sensitive natural communities and habitat supporting special-status species are evaluated in Section 3.4.6 and Section 3.4.7. For example, Draft EIS/EIR Table 3.4-15 identifies existing habitat, permanent habitat impact, post-restoration habitat, and net change of habitat acreages for southern coastal salt marsh habitat as a result of the Project. A description of mammals and other wildlife species found in the Project area is provided in Draft EIS/EIR Section 3.4.2.2.
- I83-11 See Response I83-10.
- I83-12 See Response I83-10.



I83-13 While neither NEPA nor CEQA requires a particular format, it is common practice for resource sections of an environmental document (such as an EIR) to proceed in the following order: (1) A description of setting (both environmental and regulatory); (2) identification of criteria and thresholds to be considered; and (3) analysis of potential direct, indirect, and cumulative impacts of a proposed project and alternatives, including a No Project alternative. Contextual information about the Project Site also generally is provided in the project description to orient decision-makers and other reviewers regarding specific aspects of a proposal.

As shown in the Table of Contents of the Draft EIS/EIR, the document is organized consistent with this very common format. For example, existing habitats in Area A and Area C are described in Table 2-3. Other existing conditions (i.e., the affected environment) in Area A and Area C are described on a resource by resource basis throughout Draft EIS/EIR Chapter 3. The direct, indirect, and cumulative impacts of the restoration and incidental work proposed in Area A and Area C also are analyzed on a resource by resource basis throughout Chapter 3. For example, existing habitat types, characteristics, and existing acreages are shown in Draft EIS/EIR Table 3.4-1 and Table 3.4-2. Vegetation and wildlife present in each area of the Ballona Reserve are described in detail in Section 3.4.2.2. Existing hydrological conditions for each area are described in detail in Section 3.9.2.2. See also Draft EIS/EIR Table ES-2, which shows the acreage of existing habitat areas as well as the acreage of each habitat type under each alternative.

The commenter's confusion about the organization is regrettable but does not, as suggested, constitute a major deficiency in the analysis.

I83-14 See Response I83-10.

I83-15 See Response I83-10.

I83-16 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." As described in Draft EIS/EIR Section ES.1, while the wetlands ecosystem once supported a wide variety of aquatic resources, the dumping of fill into the wetlands during the 1950s transformed the wetlands into upland and degraded wetlands. Therefore, the Project proposed to conduct a large-scale restoration to restore and enhance habitats and wetland functions within the Ballona Reserve that will be self-sustaining. In order to accomplish these restoration goals, the fill deposited in the wetlands must be excavated to reconnect Ballona Creek with its historic floodplain. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a "freshwater alternative." Also see General Response 3, *Alternatives* (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.



- I83-17 In response to this comment, the figures included in the first line of Draft EIS/EIR Table 2-8 have been corrected based on data included in the Preliminary Design Report (Draft EIS/EIR Appendix B1). Earthwork quantities for Alternatives 2 and 3 were confirmed as accurate.
- I83-18 CDFW found commenter's stated number 5 difficult to understand. The text following the commenter's question in its stated number 5 seemed to deviate from the commenter's question. After studying commenter's number 5 and delineating it to comments I83-18 through I83-24, CDFW interprets the commenter's stated number 5 to make the following points: (1) commenter would like to see a construction traffic management plan (I83-18, I83-19, I83-21, I83-23), (2) commenter is concerned about impacts to habitat and wildlife movement from the movement of soil (I83-20, I83-21, I83-22), and (3) commenter is concerned about the baseline in the traffic analysis (I83-24).

Regarding the first point, as discussed in Impact 1-TRANS-1a, construction activities associated with the Project would result in temporary transportation and traffic impacts due to temporary lane and road closures, an increase in traffic volumes at area intersections during restoration, as well as impacts to emergency access and alternative transportation. A construction traffic management prepared pursuant to Mitigation Measure TRANS-1a would help ensure that impacts are less than significant. As stated in Mitigation Measure TRANS-1a, the construction traffic management plan shall be prepared prior to the commencement of restoration for each phase of the Project at the time of final design. Preparation of the construction traffic management plan at the time of final design will ensure that the construction traffic management plan addresses specific control strategies (e.g., haul routes and dust control) and requirements for each phase. Preparation of a construction traffic management plan at the time of final design, prior to commencement of construction is a standard process implemented to ensure that municipalities and affected communities would be provided with the most up-to-date project details, such that impacts related to transportation networks and the flow of traffic would be minimized to the extent practicable. Additionally, as mentioned in Mitigation Measure TRANS-1a, the construction contractor will prepare the traffic management plan based on detailed design plans. Because project design is only at approximately 30 percent as appropriate at this stage in the Corps permitting process, it is impractical and speculative to provide a final construction traffic plan until project design is final or closer to final. Also, a construction contractor will not be hired until the Department is further along in the permitting process. It would be premature (and potentially ineffective from an impact mitigation perspective) to finalize the traffic management plan now, before it is known which (if any) of the restoration alternatives is approved. Moreover, until project design is final or closer to final, it is too speculative to determine the amount of soil to be moved or the specific haul routes and methods. The timing of the construction management plan preparation would have no effect on the overall emissions assessments, nor would the noise analysis change as a result of this timing. Nevertheless, the 19 actions identified in the Draft EIS/EIR that are to be part of any traffic management plan were available to be

commented on as well as the analysis and measures related to Air Quality (Draft EIS/EIR Section 3.3) and Noise (Draft EIS/EIR Section 3.10).

- I83-19 The off-site haul route to be used by trucks is shown in Draft EIS/EIR Figure 3.12-4, Truck Haul Route. As shown in this figure, a haul route from the Project Site would require traveling from Area A into North Area C via the Lincoln Boulevard temporary construction bridge and merging onto northbound Lincoln Boulevard, to Mindanao Way onto SR 90. This outgoing route was chosen to eliminate left turns onto Lincoln Boulevard. For the return trips, the empty trucks would enter Area A from Lincoln Boulevard from the south, again to avoid left turns and provide a one-way operation on site for efficiency.

On-site soil transport options are shown in Draft EIS/EIR Table 2-10, and soil transport methods between Areas A, B, and C are presented in Table 2-11.

As a preliminary matter, the commenter's table inaccurately characterizes the number of hauling truck trips needed to transport soils. The Project involves up to approximately 2,440,000 cubic yards of on-site soil excavation, transport, and placement (fill for levees and uplands). As indicated in Draft EIS/EIR Table 2-8, between approximately 10,000 and 110,000 cubic yards of soil may need to be exported from the Project Site, based on the cut/fill balance.

The Draft EIS/EIR assures that the maximum reasonable intensity of the traffic impacts of soil movement are addressed by taking a more conservative approach (i.e., one based on assumptions that would result in disclosure of the greatest potential impact on local roads). As described in Section 3.12.6.1, impacts to traffic were assessed based on the highest amount of off-site soil movement, including soil import, which would require approximately 720 haul trips over three days, and soil export, which would result in approximately 480 trips per day based on a conservative assumption of an average 2-minute headway between trucks leaving the site (accounting for operations and traffic flow impacts), which equates to 240 truck round trips during an 8-hour day. See Response I83-18 regarding preparation of the construction traffic management plan.

- I83-20 Potential impacts to wildlife habitat are addressed for each alternative in Draft EIR/EIS Section 3.4.6, *Direct and Indirect Impacts*, and in Section 3.4.7, *Cumulative Impacts*. For example, the discussion of Impact 1-BIO-1i states that Phase 1 direct impacts to Belding's savannah sparrow can arise from restoration activities including clearing, grubbing, and grading and that most impacts would be temporary. Regarding Phase 1's indirect impacts, the discussion states that the species could be indirectly impacted by restoration activities due to noise, vibration, lighting, and increased activity. Moreover, the spread of invasive plant species to the bird's habitat could occur through the use of vehicles and heavy equipment. To be very clear, the on-site movement of haul trucks is part of restoration activities and is captured in the discussion for Impact 1-BIO-1i and others in Draft EIR/EIS Sections 3.4.6. and 3.4.7.



- I83-21 See Response I83-18 regarding preparation of the construction traffic management plan. See also Response I83-20 regarding potential impacts to wildlife.
- I83-22 For further details regarding soil movement and habitat disruption, as well as measures to address potential disruptions, see Draft EIS/EIR Section 3.4, *Biological Resources*. As outlined in Section 2.2.1.6, the project would be implemented with a monitoring and adaptive management program. Restoration monitoring would evaluate the biologic, hydrologic, and geomorphic performance of each restoration phase prior to the commencement of further phases and actions. Adaptive management enables flexibility by design such that activities necessary to address changed site conditions would be implemented. See Response I83-18 regarding preparation of the construction traffic management plan and Response I83-20 regarding potential impacts to wildlife.
- I83-23 See Response I83-18 regarding the construction traffic management plan. See also Response I83-19 regarding the quantity of truck trips.
- I83-24 As described in Section 1.8.5.2, CEQA Guidelines Section 15125 requires EIRs to include a description of the physical environmental conditions in the vicinity of a proposed project that exists at the time the Notice of Preparation (NOP) is published. The conditions that existed at the time the NOP was circulated for review (July 2012) are described in the Affected Environment sections of Chapter 3, unless updated baseline information was determined to be more appropriate; in that case, the Methodology section of the technical resource discussion describes the deviation from a baseline year of July 2012 and describes why it was a more appropriate approximation of existing conditions. See, e.g., Draft EIS/EIR Section 3.12, *Transportation and Traffic*, which used 2015 traffic volumes to represent existing conditions, and 2023 to represent cumulative traffic conditions. Because the baseline relied upon in the analysis is correct for purposes of NEPA and CEQA, the analysis has not been updated in response to this comment.
- I83-25 As shown in Draft EIS/EIR Table 2-28, Alternative 3 would involve up to 1,231,000 cubic yards of exported soil. As described in Draft EIS/EIR Section 3.12.6.3, from a traffic perspective and based on the anticipated construction schedule, the greatest amount of peak-hour trips would be generated in Year 2019, similar to Alternative 1. In addition, Alternative 3 would result in approximately 480 truck trips per day, the same as the Project during a typical peak work day. Alternative 3 would not cause significant constructed related traffic impacts during the weekday morning and evening peak hours.

The Level of Service methodology used to evaluate traffic operations identifies the highest single hour within the morning and evening peak periods to represent the worst-case condition within the peak period. By evaluating the worst condition within the peak period, the analysis ensures that the maximum effect of the Project is identified, and if mitigation is warranted, that the mitigation is designed to prevent the



maximum effect from occurring (which in turn prevents impacts under conditions that are not at the maximum). Off-peak hours are considered to be less congested, and therefore can better accommodate added vehicle trips than the peak hours; therefore, traffic-related impacts during off-peak hours would be less significant than those identified for the peak hours.

I83-26 See Response I83-24, regarding the baseline used for the traffic analysis.

The commenter mentions potential cumulative impacts due to alterations of the Marina del Rey Hospital and construction of a parking lot on the Marina del Rey Toyota property adjacent to the 90 Freeway that were not included in the cumulative projects list. As described in Draft EIS/EIR Section 1.8.2, the Corps and CDFW have made their best efforts to predict and evaluate the reasonable, foreseeable, direct, indirect, and cumulative environmental impacts of the alternatives. CEQA does not require a lead agency to engage in speculation about impacts that are not reasonably foreseeable (CEQA Guidelines §§15144, 15145). CEQA also does not require a worst-case analysis when confronted with incomplete or unavailable information. Information regarding redevelopment of the Cedars-Sinai Marina del Rey Hospital is not available. The Toyota parking lot refers to the project at 13200 West Mindanao Way (Case No. ZA-2016-248-CU-CDP-ZAA-1A). At the West Los Angeles Area Planning Commission meeting on August 1, 2018, the public hearing on the case was not heard and the matter was moved to the West Los Angeles Area Planning Commission meeting on December 5, 2018.¹⁴¹ An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project that found no significant impacts related to transportation and traffic and no mitigation measures were identified.¹⁴² If the parking lot project were to be approved, construction could overlap with the Project. However, given the parking lot project would require a 6-month construction period and this Project would generate 145 daily trips during operation, the parking lot project in combination with the Project would not be expected to result in a significant cumulative transportation impact.

I83-27 An analysis of potential noise impacts as a result of Project-related haul traffic along Mindanao Way can be found in Draft EIS/EIR Section 3.10.6 under Impact 1-NOI-4. According to the traffic noise analysis, the addition of restoration-related haul truck and worker vehicle trips along Mindanao Way during the a.m. peak hour of a work day would not increase existing traffic noise greater than 5 dB under any of the restoration alternatives. Although the residences at Villa Marina and patients at Cedars Sinai Daniel Freeman Hospital would be exposed to an increase in traffic noise as a result of the addition of the haul trucks along Mindanao Way, the increase in traffic noise would not be readily perceivable. An analysis of potential air quality impacts as a result of Project-related haul traffic can be found in Draft EIS/EIR

¹⁴¹ Official City of Los Angeles West Los Angeles Area Planning Commission Minutes. Wednesday, August 1, 2018. <http://planning.lacity.org/InternetCalendar/pdf.aspx?Id=61613>

¹⁴² ZA-2016-248 Commission Packet. <http://planning.lacity.org/StaffRpt/InitialRpts/ZA-2016-248%20Commission%20Packet.pdf>.



- Section 3.3.6.1 under Impacts 1-AQ-1a through 1-AQ-5. This analysis determined that the impacts would be less than significant or less than significant with mitigation.
- I83-28 See Responses I83-25 through I83-27. Implementation of Mitigation Measures TRANS-1a and TRANS-1b (the same as for the Project) would ensure that Alternative 3 transportation impacts during restoration would be less than significant.
- I83-29 The comment (in relation to Alternative 4, the No Action/No Project Alternative) inaccurately suggests that no evidence is presented for the assertion that the tidal wetlands would convert to mudflats under sea-level rise conditions. To the contrary, the assertion is based on hydrologic modeling, the data for which is provided in Draft EIS/EIR Appendix F. See also General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2), which addresses multiple comments related to the tidal wetlands and the influence of freshwater flows.
- I83-30 The commenter's questions regarding the investment of public funds for the Project are acknowledged as outside the purview of the CEQA process. They have been included in the formal record and will be available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. Regarding sea-level rise, see General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2). As shown on Draft EIS/EIR Figure 2-40, Habitat Evolution with Sea-Level Rise: 2100 Projection (59 in of Sea-Level Rise), there will still be a coastal wetland system which is valuable considering the amount of coastal wetlands that have been lost. Ultimately, in 2100, it is predicted that this restoration would still have a wetland system rather than a filled former wetland system as it exists today.
- I83-31 These questions about the rationale and need to remove or pierce the existing levees are acknowledged, but do not inform CDFW's consideration of the potential impacts of the Project. See Final EIR Section 2.1.1, *Input Received*. Generally, however, the Draft EIS/EIR analyzes multiple alternatives, including a No Action/No Project alternative. One of the central goals of the proposed restoration is to create self-sustaining habitats. As stated in the Draft EIS/EIR, habitats under the Project also would be susceptible to sea-level rise through 2100 and beyond, but would be more resilient than under the No Action/No Project alternative. See General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2), which addresses multiple comments received regarding sea-level rise.
- I83-32 Receipt of EPA's Wetlands Restoration Definitions and Distinctions is acknowledged. CDFW acknowledges this other agency's work, but prefers to use the definitions that govern the Lead Agencies' own program areas. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."

From: [Camille Jacquelyne Saucier](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Friends of Ballona Wetlands Restoration Recommendation Endorsement
Date: Monday, February 5, 2018 10:43:24 AM
Attachments: [Friends EIR comments_FINAL \(1\).pdf](#)

To Whom It May Concern:

Hello my name is Camille and as an LA resident and longtime supporter of the Friends of Ballona Wetlands, I wanted to voice my support of the restoration plans for the Ballona Wetlands Ecological Reserve as recommended by the Wetlands Restoration Principles Coalition Steering Committee / Friends of Ballona Wetlands and as described the document attached.

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I

Thank you for your time and consideration, I sincerely appreciate it.

Best,
Camille Saucier

Camille Saucier
Research Specialist, Media Impact Project
The Norman Lear Center
Annenberg School for Communication and Journalism



www.learcenter.org | www.mediaimpactproject.org



Ballona Restoration DEIR Comment Summary by Friends of Ballona Wetlands

Friends of Ballona wetlands believes the robust restoration of the Ballona Wetlands Ecological Reserve (BWER) will increase habitat quality and diversity to benefit native wildlife, provide greater protection from flooding and the impacts of climate change, improve water quality and watershed connectivity, open public access trails for education and nature appreciation, protect rare and sensitive species, and add ecological, aesthetic, and economic value to the surrounding community.

FBW's Overall Goals for Ballona Restoration:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function, and diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with restoration goals that protect habitat.
7. Ensure long-term resilience and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard as much wildlife as possible and minimize losses.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

Access, Parking and Bathrooms

We support a public access system with separate bicycle and walking trails, parking facilities, and restrooms, that are compatible with restoration goals. We believe the parking lot in Area A should reduce the footprint of impervious surfaces and increase land for habitat restoration and that the number of spaces provided should not be significantly more or less than what is needed to meet requirements for the expected number of visitors to the Reserve. A parking study should be completed to determine the correct number of spaces to provide. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to ensure that visitors to the site are using proper facilities and not impacting the wetlands. The type of structure should be determined based on budget and operations and maintenance plans for the site. The parking lot currently known as the "Gordon Lot," should be available for visitors to the BWER and those patronizing community restaurants and shops, and should remain open until 11:00 pm so as to benefit the business community.

Little League

If the Little League baseball fields remain inside the reserve, then a few changes should be made to their management. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails. Negative environmental and community impacts should be prevented by increasing patrols by enforcement agencies. As much of the existing area as possible should be restored to native uplands vegetation.

Area Specific Comments:

Area A: We generally support the restoration of Area A as presented in both Alternative 1 Phase one and Alternative 2. The 14 feet of dredge fill should be removed and graded to provide marsh habitat. Concrete levees should be removed and replaced with more natural levees. Wildlife should be protected to greatest extent possible. We do ask that the primary entrance to trails be located at the primary parking facility rather than as shown in the current maps. Include a plan for relocating wildlife displaced by restoration activities. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce

I84-2



habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads.

Area C: We generally support the plans for Area C presented in Alternative 1 Phase 1 and Alternative 2, including the placement of fill on Area C from Area A given that it will not increase the height of Area C in a way that will negatively impact the nearby community, but will instead enhance Area C with gentle sloping vegetated knolls that do not obstruct views, improve the aesthetics of the area and possibly reduce traffic noise for residents. We also support the restoration of native upland vegetation where mostly weeds now exist. We believe walking trails in Area C will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Southeast and South Area B: We generally support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 and Alternative 2. We think creating tidal channels as proposed in this area will enhance the habitat and attract additional endangered and threatened species to this underperforming wetland area. The proposed channel should be placed in way that protects Willow Thickets along Bluff from salt water inundation and freshwater should be allowed to flow naturally into the marsh to create a brackish zone. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further. All other non-native plants, including pampas grass and iceplant, should be removed and replaced with native vegetation.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. However, we believe a trail system should be added on part of the perimeter as reflected in the Alternative 2 Access Plan. We would like to see wetland habitat maximized here by protecting and improving the seasonal freshwater wetlands. Non-native vegetation should be removed. It would be helpful to allow freshwater to reach the seasonal wetland area and allow riparian and/or brackish habitat to develop by daylighting the culvert from the Ballona Freshwater Marsh to allow additional freshwater input.

West Area B: We support most aspects of Alternative 1 Phase 1 and Alternative 2 restoration in West Area B. Protect and enhance existing wetland habitat and protect endangered and threatened species as long as possible while expanding their presence in other parts of Ballona. Protect connection of the last remaining dunes habitat. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. We support removal Gas Company Access wells. Adapt West Area B for sea level rise consistent with plans related to the surrounding communities. Continue to research best technology that could minimize disturbance. Consider using current available technology such as pumps, slowly increasing elevation, etc. Possibly increase tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing muted tidal habitat or flooding roads/nearby development.

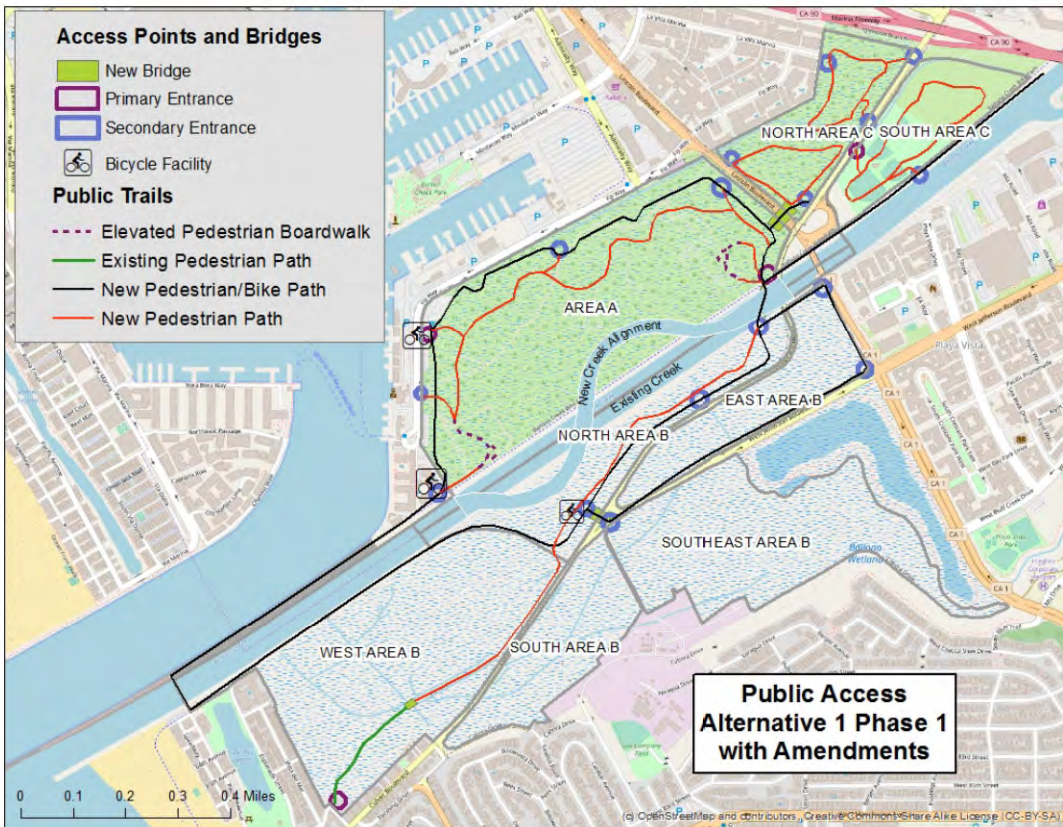
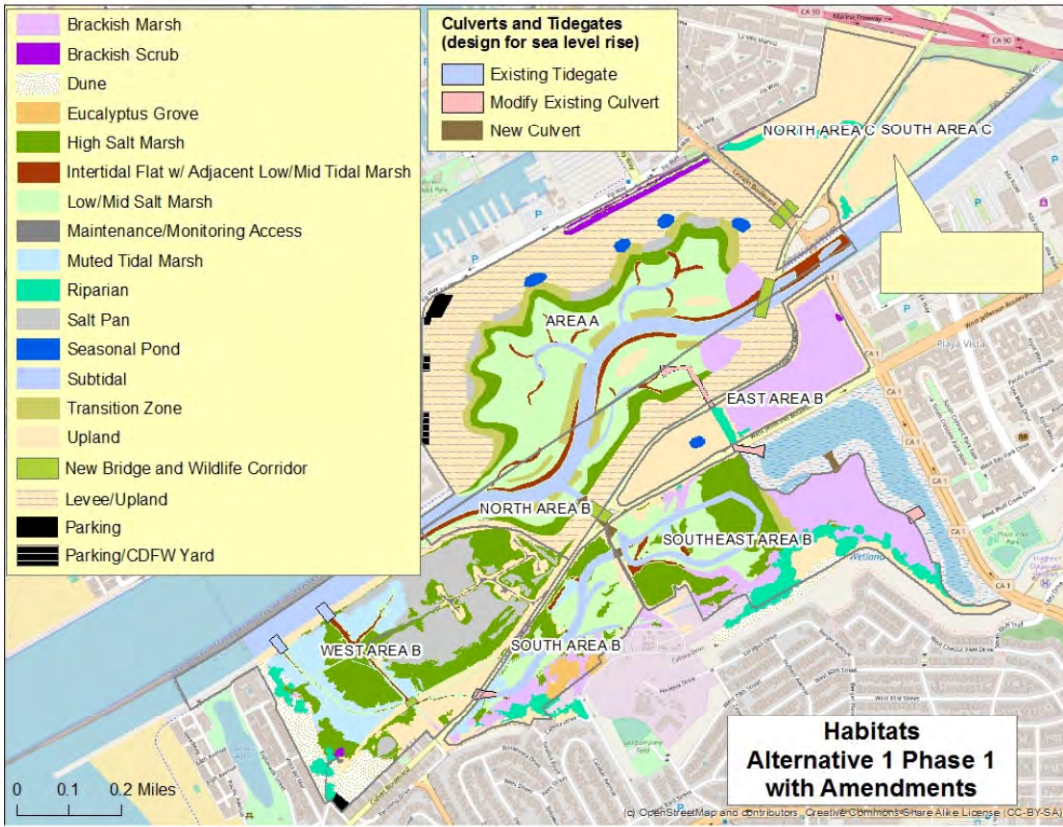
If and when it is determined that Alternative 1 Phase 2 must proceed in order to protect the area from sea level rise, the following must be assured: Adequate nesting and foraging habitat for Belding’s Savannah Sparrows must be in place throughout Ballona in Areas A and B that support an equal or greater number of nesting pairs than currently exist in West Area B. Improvements in upstream water quality and sediment loads must be completed prior to breaching levee along West Area B. Measures that prevent loss of habitat diversity and protect existing native vegetation cover to greatest extent possible must be implemented. Mechanisms to protect historical salt pan from becoming permanent open water must be implemented to the greatest extent possible. The construction of a levee along Culver and adjacent to the dunes must limit disturbance and enhance connectivity to dune system and El Segundo Blue Butterfly habitat.

Belding Savannah Sparrow Comments:

Protect Belding’s Savannah Sparrow nests and habitat – particularly until an equal number of nests have been documented for several years in Area A and/or South Area B. Ensure that there is adequate nesting and foraging habitat for Belding’s Savannah Sparrow. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B. CDFW should use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.

The next page shows maps that reflect our habitat and public access comments.

I84-2
cont.



184-2 cont.



Letter I84: Camille Saucier

- I84-1 The stated agreement with input provided by the Friends of Ballona Wetlands (Letter O10) and the Wetlands Restoration Principles Coalition (Letter O28) is acknowledged. Responses to this input is provided in Final EIR Section 2.3.6.
- I84-2 Receipt of this duplicate copy of input submitted by Friends of Ballona Wetlands in Letter O10 is acknowledged. See Final EIR Section 2.3.6 specifically for Responses to O10-14 through O10-24.

From: Alison Sell <donotreply@wordpress.com>
Sent: Saturday, September 30, 2017 2:56 PM
To: sidewalksforballona@gmail.com; Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: In support of Alternative 1 to restore Ballona Wetlands

Name: Alison Sell

Email: alisonjsell@gmail.com

Comment: Dear Mr. Brody,

I am writing in support of Alternative 1 put forth in the draft environmental impact report for the restoration of Ballona Wetlands.

I 185-1

In addition to habitat restoration, I am strongly in favor of the proposed addition of new trails, pedestrian/bike bridges, and bike paths.

I

The current lack of pedestrian options in this area forces walkers and joggers to either trample critical habitat or endanger themselves in the roadways. Alternative 1 for Wetlands Restoration will provide safe options to pass through and enjoy the reserve, keeping both pedestrians and the environment safe. Finally, additional trails through the wetlands would act as a bridge for the surrounding neighborhoods of Westchester, Playa del Rey, and Playa Vista, which are currently disconnected by the lack of sidewalks or trails along Culver Boulevard.

I 185-2

I urge the California Department of Fish and Wildlife to take into consideration the safety needs of pedestrians when choosing the path forward for the Wetlands. Thank you.

I 185-3

Best regards,
Alison Sell

Time: September 30, 2017 at 2:56 pm

IP Address: 66.87.131.151

Contact Form URL: <https://sidewalksforballona.com/2017/09/29/restore-ballona-wetlands-contactcdfw/>

Sent by an unverified visitor to your site.



Letter I85: Alison Sell

- I85-1 The commenter's support for the Project is acknowledged and will be included in the record where it may be taken in to consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I85-2 The stated support for the Project, including the public access improvements that were analyzed in the Draft EIS/EIR, is acknowledged and will be available to decision-makers for their consideration. See Final EIR Section 2.1.1, *Input Received*.
- I85-3 The stated concern for pedestrian safety is acknowledged and will be available to decision-makers for their consideration. See Response I14-3.

From: shawsus@aol.com
Sent: Friday, January 5, 2018 5:09 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Cc: rhammesfahr@ameritech.net
Subject: Ballona Wetlands

I am a resident of Playa Vista and I support approval of the state's plan to restore Ballona to a full tidal wetland as long as it does not cause any water related ramifications for our neighborhood.] I86-1

Best,
Susie

Janna Scott

From: shawsus@aol.com
Sent: Friday, January 5, 2018 5:41 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: Re: Automatic reply: Ballona Wetlands

When do you plan to start this project? Thanks.

I 186-2

Best,
Susie

-----Original Message-----

From: Wildlife Ballona Wetlands Ecological Reserve EIR <BWERCcomments@wildlife.ca.gov>
To: shawsus <shawsus@aol.com>
Sent: Fri, Jan 5, 2018 7:09 pm
Subject: Automatic reply: Ballona Wetlands

Thank you for your interest in the Ballona Wetlands Restoration Project. Your comment(s) have been received.

For more information about the proposed restoration project and/or the EIR please visit:

<https://www.wildlife.ca.gov/Regions/5/Ballona-EIR>

or

<http://ballonarestoration.org/>

Regards,

California Department of Fish and Wildlife

www.wildlife.ca.gov

Every Californian should conserve water. Find out how at:
SaveOurWater.com · Drought.CA.gov



Letter I86: Susie Shaw

- I86-1 Stated support for restoration to a full tidal wetland is acknowledged. To see a detailed discussion of potential impacts to hydrology and water quality, see Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*. Without more information about what water-related ramifications the commenter is referring to, CDFW does not have enough information to provide a detailed response.
- I86-2 Restoration activities would commence if and only after the environmental review process is complete, the permitting and approval process is complete, and necessary funding sources have been secured.

Comment Letter I87

From: [Kimberly Stanphill](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Restore Ballona Wetlands
Date: Sunday, February 4, 2018 11:26:35 AM
Attachments: [Friends EIR comments_FINAL.pdf](#)

To Whom It May Concern-

Please see the attachment below. I wholeheartedly support their position.

↓ I87-1

Thank you for your time and consideration,
Kimberly Stanphill



FRIENDS OF
BALLONA
WETLANDS

Ballona Restoration DEIR Comment Summary by Friends of Ballona Wetlands

Friends of Ballona wetlands believes the robust restoration of the Ballona Wetlands Ecological Reserve (BWER) will increase habitat quality and diversity to benefit native wildlife, provide greater protection from flooding and the impacts of climate change, improve water quality and watershed connectivity, open public access trails for education and nature appreciation, protect rare and sensitive species, and add ecological, aesthetic, and economic value to the surrounding community.

FBW's Overall Goals for Ballona Restoration:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function, and diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with restoration goals that protect habitat.
7. Ensure long-term resilience and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard as much wildlife as possible and minimize losses.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

Access, Parking and Bathrooms

We support a public access system with separate bicycle and walking trails, parking facilities, and restrooms, that are compatible with restoration goals. We believe the parking lot in Area A should reduce the footprint of impervious surfaces and increase land for habitat restoration and that the number of spaces provided should not be significantly more or less than what is needed to meet requirements for the expected number of visitors to the Reserve. A parking study should be completed to determine the correct number of spaces to provide. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to ensure that visitors to the site are using proper facilities and not impacting the wetlands. The type of structure should be determined based on budget and operations and maintenance plans for the site. The parking lot currently known as the "Gordon Lot," should be available for visitors to the BWER and those patronizing community restaurants and shops, and should remain open until 11:00 pm so as to benefit the business community.

Little League

If the Little League baseball fields remain inside the reserve, then a few changes should be made to their management. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails. Negative environmental and community impacts should be prevented by increasing patrols by enforcement agencies. As much of the existing area as possible should be restored to native uplands vegetation.

Area Specific Comments:

Area A: We generally support the restoration of Area A as presented in both Alternative 1 Phase one and Alternative 2. The 14 feet of dredge fill should be removed and graded to provide marsh habitat. Concrete levees should be removed and replaced with more natural levees. Wildlife should be protected to greatest extent possible. We do ask that the primary entrance to trails be located at the primary parking facility rather than as shown in the current maps. Include a plan for relocating wildlife displaced by restoration activities. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce



87-1
cont.

habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads.

Area C: We generally support the plans for Area C presented in Alternative 1 Phase 1 and Alternative 2, including the placement of fill on Area C from Area A given that it will not increase the height of Area C in a way that will negatively impact the nearby community, but will instead enhance Area C with gentle sloping vegetated knolls that do not obstruct views, improve the aesthetics of the area and possibly reduce traffic noise for residents. We also support the restoration of native upland vegetation where mostly weeds now exist. We believe walking trails in Area C will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Southeast and South Area B: We generally support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 and Alternative 2. We think creating tidal channels as proposed in this area will enhance the habitat and attract additional endangered and threatened species to this underperforming wetland area. The proposed channel should be placed in way that protects Willow Thickets along Bluff from salt water inundation and freshwater should be allowed to flow naturally into the marsh to create a brackish zone. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further. All other non-native plants, including pampas grass and iceplant, should be removed and replaced with native vegetation.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. However, we believe a trail system should be added on part of the perimeter as reflected in the Alternative 2 Access Plan. We would like to see wetland habitat maximized here by protecting and improving the seasonal freshwater wetlands. Non-native vegetation should be removed. It would be helpful to allow freshwater to reach the seasonal wetland area and allow riparian and/or brackish habitat to develop by daylighting the culvert from the Ballona Freshwater Marsh to allow additional freshwater input.

West Area B: We support most aspects of Alternative 1 Phase 1 and Alternative 2 restoration in West Area B. Protect and enhance existing wetland habitat and protect endangered and threatened species as long as possible while expanding their presence in other parts of Ballona. Protect connection of the last remaining dunes habitat. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. We support removal Gas Company Access wells. Adapt West Area B for sea level rise consistent with plans related to the surrounding communities. Continue to research best technology that could minimize disturbance. Consider using current available technology such as pumps, slowly increasing elevation, etc. Possibly increase tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing muted tidal habitat or flooding roads/nearby development.

If and when it is determined that Alternative 1 Phase 2 must proceed in order to protect the area from sea level rise, the following must be assured: Adequate nesting and foraging habitat for Belding’s Savannah Sparrows must be in place throughout Ballona in Areas A and B that support an equal or greater number of nesting pairs than currently exist in West Area B. Improvements in upstream water quality and sediment loads must be completed prior to breaching levee along West Area B. Measures that prevent loss of habitat diversity and protect existing native vegetation cover to greatest extent possible must be implemented. Mechanisms to protect historical salt pan from becoming permanent open water must be implemented to the greatest extent possible. The construction of a levee along Culver and adjacent to the dunes must limit disturbance and enhance connectivity to dune system and El Segundo Blue Butterfly habitat.

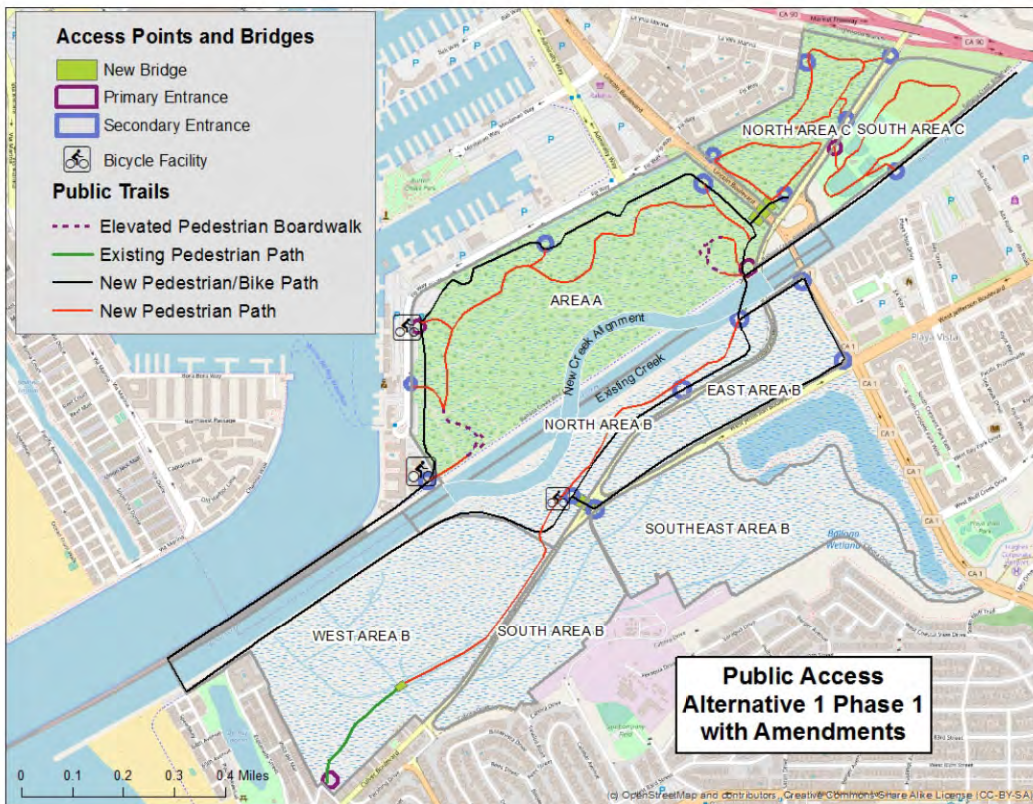
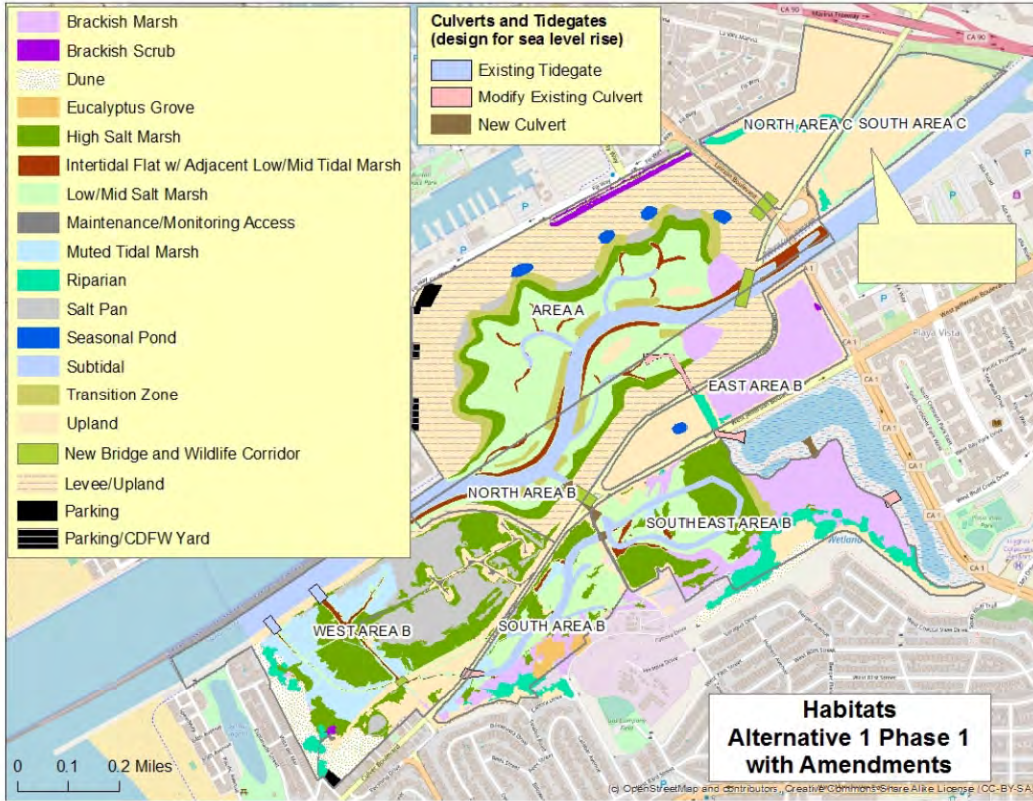
Belding Savannah Sparrow Comments:

Protect Belding’s Savannah Sparrow nests and habitat – particularly until an equal number of nests have been documented for several years in Area A and/or South Area B. Ensure that there is adequate nesting and foraging habitat for Belding’s Savannah Sparrow. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B. CDFW should use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.

The next page shows maps that reflect our habitat and public access comments.



I87-1
cont.



I87-1 cont.



Letter I87: Kimberly Stanphill

I87-1 The stated agreement with input provided by the Friends of Ballona Wetlands (Letter O10) is acknowledged. Responses to these comments are provided in Final EIR Section 2.3.6.

Comment Letter I88

12937 Panama St
Los Angeles, CA 90066

February 5, 2018

Richard Brody, CDFW
c/o ESA (jas)
550 Kearny Street, Suite 800
San Francisco, CA 94108

Dear Richard Brody,

I am a resident of the Del Rey neighborhood in Los Angeles, and I live within a few hundred yards of the Ballona Wetlands Ecological Reserve, North/South Area C.

Over the past decade, my wife and I have each volunteered roughly 200 hours apiece removing invasive plant species in the wetlands, and we have seen first hand how degraded the wetlands are. The wetlands are a jewel of West Los Angeles and they should be restored for all *AngeLenos* to enjoy.

As such, I am writing to advocate for a full restoration of the Ballona Wetlands Ecological Reserve, namely Alternative 1 in the Draft Environmental Impact Report. I further would like to advocate for the complete shutdown and removal of the *SoCal Gas* gas storage and extraction operation in, and adjacent to, the Ballona Wetlands. *SoCal Gas* operates behind a curtain of opacity and has demonstrated reckless disregard for community safety as illustrated by their actions in the *Aliso Canyon* gas leak. Los Angeles cannot afford another environmental disaster.

Thank you for your time.

Sincerely,

Clifford Stein

I88-1

I88-2

I88-3



Letter I88: Clifford Stein

- I88-1 The commenter's volunteerism within and appreciation for the Ballona Reserve are appreciated. CDFW hopes the commenter will participate in future activities at the Project Site.
- I88-2 The stated support for the Project has been included in the record and will be available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I88-3 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.

Comment Letter I89

From: [Susan Steinberg-Oren](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Cc: contactvlad@gmail.com
Subject: Balboa wetlands
Date: Monday, February 5, 2018 3:02:02 PM

To Whom it may concern :

I've been concerned about the Ballona Wetlands for some time, as well as the SoCalGas methane facility that is leaking. I am against the project proposal that will expand the gas facility by using public money to retrofit wells in the construction zone and endanger the existing habitat. The project will cost \$180 million, a large part coming from public money. Here are the reasons I'm against the project:

189-1

- The wetland was a fresh water wetland so this project is not a restoration because it will turn it into a salt water wetland.
- The project is a major construction project that will endanger rare plants and wildlife for no good reason. Using bulldozers is not the way to help sensitive wildlife.
- The project should not expand development into public lands. I Recommend that the California Department of Fish and Wildlife adopt: "Alternative 4 - No Federal Action/No Project Alternative". Please extend the comment period be extended to March so that there is a full 180 days for review. The project proposal is 8000 pages long and the public needs more time. Sincerely, Susan Steinberg-Oren

189-2

189-3

189-4

189-5

Sent from my iPhone. Please excuse Siri for her typos.

Letter I89: Susan Steinberg-Oren

- I89-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the existing location and proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. To confirm: neither the Project nor any of the restoration alternatives proposes to expand SoCalGas facilities in the Ballona Reserve. Further, there is no expectation that public funds would be used to abandon or relocate SoCalGas infrastructure within the Project Site.
- I89-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”
- I89-3 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- I89-4 The stated preference not to expand development into public lands is acknowledged, but does not inform CDFW’s consideration of the potential impacts of the Project or the merits of alternatives. The commenter’s support for Alternative 4 also is acknowledged. This input has been included in the record, where it may be considered as part of CDFW’s decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I89-5 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.

From: Curt Steindler [<mailto:lawrax@lawrax.com>]
Sent: Monday, October 23, 2017 10:21 AM
To: Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>
Cc: tford@santamonicabay.org; Small, Mary@SCC <Mary.Small@scc.ca.gov>; mike.bonin@lacity.org;
Ziegler.Sam@epa.gov; autumn.burke@asm.ca.gov; ben.allen@sen.ca.gov; sheila@bos.lacounty.gov;
landtrust@ballona.org
Subject: Ballona Wetlands Restoration Project

Dear Director Bonham,

I am against the proposed actions; they will destroy this habitat and the lives of the creatures who depend on Ballona Wetlands to live and will, in all likelihood, fail in their goals to preserve the Wetlands. Other, less destructive, means must be explored to remove invasive species and trash from the Wetlands.

The proposed actions reveal what is at the root of the problem--the present conservator of the Ballona Wetlands Ecological Reserve is not up to the task. For than ten years after the ecological reserve was created, it remains neglected and has not been properly managed. I urge you to put put stakeholder groups like the Ballona Wetlands Land Trust in charge of the Ballona Wetlands Ecological Reserve so proper stewardship and educational activities can be conducted. For example, the Land Trust has the resources and experience necessary to create something positive in the ecological reserve in the short-term. They just need access in order to carry out this service to the ecosystem and surrounding communities.

I also urge you to adopt a more transparent, inclusive and accountable process for planning the long-awaited restoration project for the Ballona Wetlands Ecological Reserve. The draft Environmental Impact Report has been delayed numerous times and is now many years behind schedule. The last public meeting hosted by the project team to discuss the restoration planning process was in August of 2012. It is important for the project team to maintain an open process that keeps the public informed throughout every phase of this important public project.

Very truly yours,
Curt S. Steindler

I90-1

I90-2

I90-3



Letter I90: Curt S. Steindler

- I90-1 The commenter's opposition to the proposed restoration is acknowledged. This input has been included in the record, where it may be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I90-2 The commenter's opinions and preferences as to the management of the Ballona Reserve are acknowledged as beyond the scope of the EIR, which focuses on the proposed restoration of the Ballona Reserve as described in Alternative 1 and other restoration alternatives.
- I90-3 The commenter's opinions about the planning process are acknowledged. See General Response 8, *Public Participation* (Final EIR Section 2.2.8), which addresses multiple requests for more opportunities for public input.

Comment Letter I91

From: [Dorothy Steinicke](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands
Date: Thursday, February 1, 2018 6:10:51 PM

I am writing as a volunteer docent for Los Angeles Audubon Society at Ballona Wetlands as well as a person who lives near the site.

I am gravely concerned about plans to radically alter the environment of Ballona Wetlands as well as references to it being a place filled with invasive species.

I have rejoiced over the past decades as community groups fought hard to preserve parcels of land, some of the very last coastal wetlands remaining in Los Angeles County.

However I am greatly dismayed by the proposal to essentially excavate all of the existing area and start again. This is not a barren patch of invasive plants. I know. I am there every week and have watched it for decades. When the ice plant was removed native dune lupine came up from the seed bank. There are banks of native plants growing there that I do not know from any other site. I have seen legless lizards there, something I have seen nowhere else. There are a great host of migrating birds who make use of the wetlands. All of this will be tremendously disrupted in order to excavate, inundate, and create an entirely new habitat, a tidal marsh that was never known to be present at this site. That will be a tremendous loss to many species.

I 91-1
I 91-2
I 91-3
I 91-4

The huge berms that are planned to surround and contain this tidal basin will make the area invisible to everyone surrounding it. What people fought so hard to preserve will cease to exist.

I 91-5

I truly hope that the state will reconsider these recommendations and opt for actual preservation and restoration rather than the creation of a completely new environment at the expense of an existing one that is serving wildlife and the community pretty well.

I 91-6

Dorothy Steinicke

Letter I91: Dorothy Steinecke

- I91-1 The commenter's volunteerism within and appreciation for the Ballona Reserve are appreciated. CDFW hopes the commenter will participate in future activities at Ballona Reserve. CDFW agrees that native seeds are present in soils within the Ballona Reserve. However, because this comment does not address the adequacy or accuracy of the EIR, it has been included in the record where it may be considered as part of CDFW's overall decision-making processes rather than specifically as part of the CEQA process.
- I91-2 The commenter's observation of legless lizards within the Ballona Reserve is acknowledged and consistent with the description in Draft EIS/EIR Section 3.4.2.2 of reptiles present within the Reserve. Additional information about this species is provided in General Response 5 (Final EIR Section 2.2.5.3), which addresses multiple comments received about reptiles.
- I91-3 The statement that the previously described native seed bank, legless lizards, and migratory birds would be disrupted by the Project is acknowledged and appropriately considered in Draft EIS/EIR Section 3.4. The comment states that the Project would create an entirely new habitat, tidal marsh, that was never present at the Ballona Reserve. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a "freshwater alternative." Also see General Response 3, *Alternatives* (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.
- I91-4 The opinion that the Project would result in a loss to many species is acknowledged, but does not inform CDFW's consideration of the potential impacts of the Project or the merits of alternatives. See Final EIR Section 2.1.1, *Input Received*.
- I91-5 See Response O1-5 regarding aesthetic impacts of the proposed restoration.
- I91-6 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."

Comment Letter I92

From: oodfay48@gmail.com
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Do Not Bulldoze the Ballona Wetlands
Date: Sunday, February 4, 2018 11:36:33 AM
Attachments: [IMG_0797.PNG](#)

I and many others are totally against the brutal, costly destruction to our remaining Ballona Wetlands.

Sadly the truly dedicated people are not funded by big corporations, banks and politicians that will gain financially by such massive harmful projects.

In the chart shown this shows the large amount of funds going into a "pro" bulldozing" plan. This is one of many such groups that have lots of money for slick advertising, extravagant fund raisers etc. The true lovers of nature in their " natural habitat " except no contributions from corporations etc. The animals, birds and natural beauty do not factor into corporate financial"bottom lines". One member of my group has spent 25 years and well over 25,000 dollars of her own money to save what is left of this last remaining freshwater marsh. Her goal is not a McMansion or a yacht. It is only making sure the natural world exists undamaged by human folly.

Over the years insects, animals etc. have developed their own ecosystems that are thriving on plants "native" or otherwise. Humans think they can outsmart Nature". They can't. Failed Army Corps of Engineers projects have cost millions of dollars, loss of human life and habitat. We do not need or want them anywhere near the fragile Ballona Wetlands. A more hands-on restoration would be more cost effective and have less harmful impact on the existing ecosystems.

Please give more thought and time to work out a plan that benefits the preservation and nurturing of our beloved Ballona Wetlands.

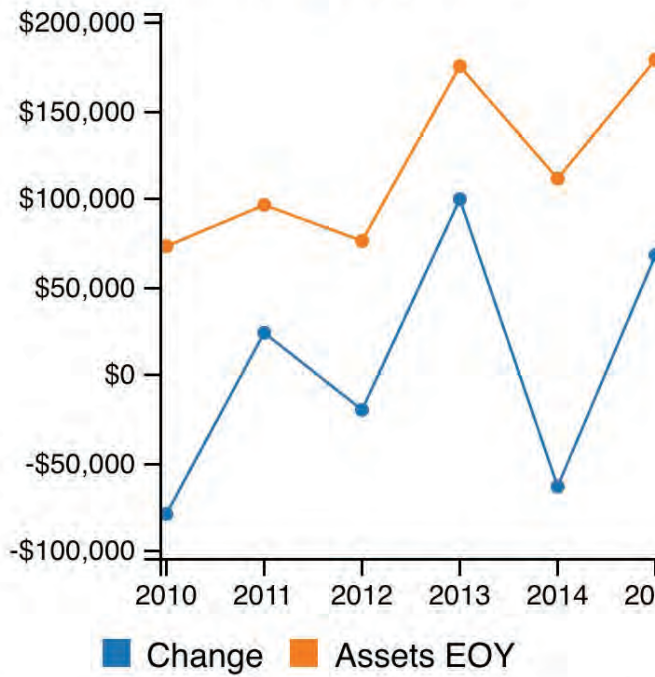
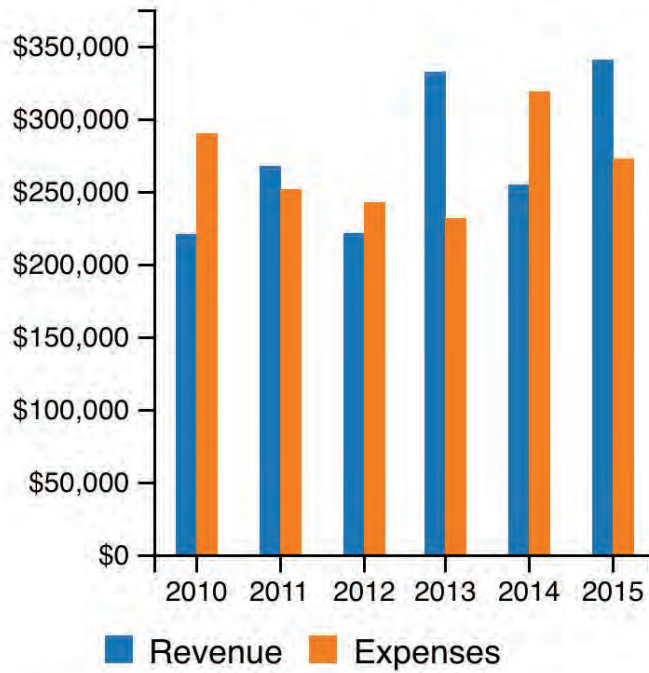
From my heart, Louise Steiner



I92-1

I92-2

I92-3



192-4

Friends Of Ballona Wetlands started 2015 with \$110,989.00 in assets, and finished it with \$178,477.00



Letter I92: Louise Steiner

- I92-1 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. The suggested opposition to the proposed restoration alternatives is acknowledged and has been included in the formal record, where it will be available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I92-2 The statement that wildlife can thrive in non-native habitats is consistent with the EIR. See, e.g., Draft EIS/EIR Section 3.4.2.2 describing the eucalyptus grove. (“Although this habitat type is dominated by non-native, invasive eucalyptus species [red gum (*E. camaldulensis*) and blue gum (*E. globulus*)], these areas have provided overwintering habitat for monarch butterfly [*Danaus plexippus*] populations and nesting habitat for raptors.”) Input regarding the success of other efforts of the Corps for other projects on other sites is acknowledged as beyond the scope of the EIR, which focuses on the proposed restoration of the Ballona Reserve.
- I92-3 Regarding restoration by hand versus the use of mechanized equipment, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- I92-4 Receipt of this information regarding the Friends of Ballona Wetlands finances is acknowledged as beyond the scope of the EIR, which focuses on the proposed restoration of the Ballona Reserve. See Final EIR Section 2.1.1, *Input Received*.

From: [Adam Sullivan](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Comment on Ballona Wetlands Project
Date: Thursday, February 1, 2018 6:25:05 PM

Hi,

You probably have lots of comments, so I'll try to keep this brief (although clarity requires a little explanation).

I have only one concern, which is how the wetlands will be accessible to/from Playa Vista. In order to provide a safe path, the pedestrian path along the south side of Ballona Creek must travel under Lincoln Blvd. From the descriptions and maps, the current plan is unclear.

I93-1

Lincoln Blvd. is a massive, treacherous road. One of the key elements of the proposal is a much-needed pedestrian bridge over Ballona Creek. For years, local residents have been desperately seeking a safe means to cross Ballona Creek by Lincoln. On the south side of Ballona Creek, the proposal maps show a walking path which ends at Lincoln, but it's unclear whether the path ends on the east side or west side of Lincoln (i.e., whether or not that path travels *underneath* Lincoln).

I93-2

For any plan, it is essential that there be a safe way to walk from Playa Vista to the existing bike path. Crossing Lincoln is inherently unsafe. If the proposed south-side path travels underneath Lincoln (as the bike path already does on the north side), then that would be safe and there's no issue.

However, if the proposed south-side path fails to cross underneath Lincoln, then the pedestrian bridge over Ballona Creek would be completely useless. Crossing Lincoln to get to the foot bridge would be more dangerous than the current Lincoln overpass which doesn't have any sidewalk. More than being useless, the pedestrian bridge would affirmatively destroy any chance of building a useful, safe bridge in the future.

I93-3

The purpose of this proposed plan is excellent. Everything about seems positive except for this one major concern. If the pedestrian path doesn't extend to the east side of Lincoln, then it's a MAJOR problem which should require delaying and correcting the the proposal accordingly.

Thank you for the chance provide feedback. We would all love to see this project come to fruition, provided it's done properly.

Best Regards,
Adam Sullivan



Letter I93: Adam Sullivan

- I93-1 See Draft EIS/EIR Section 2.2.2.3, which describes how the proposed combined bike and pedestrian path would cross Lincoln Boulevard: “The new bike path would then cross Ballona Creek across the newly constructed bike and pedestrian bridge that parallels Culver Boulevard as it crosses the channel. Once the new bike path enters Area B, it splits into two newly constructed paths. One path would be constructed upon the existing south Ballona Creek channel levee between Culver Boulevard and Lincoln Boulevard and would provide a connection under the Lincoln Boulevard Bridge to an existing bike path in Playa Vista. The second path would travel southwest along the newly constructed Culver Boulevard levee and reconnect with the south Ballona Creek channel levee in West Area B.” As described, it is anticipated the proposed path would provide a safe connection underneath Lincoln Boulevard to an existing bike path in Playa Vista.
- I93-2 See Response I93-1.
- I93-3 See Response I93-1.

From: itakashima <itakashima@aol.com>
Sent: Friday, October 13, 2017 8:22 AM
To: Wildlife Ballona Wetlands Ecological Reserve EIR; FGC
Subject: Ballona Restoration Project

I am a volunteer docent at the Ballona Wetlands. I assist groups of elementary students as they visit and learn about the wetlands.

Due to the complexity of the draft restoration plans for the Ballona Wetlands (Environmental Impact Report, State Clearinghouse No. 2012071090), please allow an additional 120 days be added to the public review and comment period. The additional time is needed so due diligence may be given to a careful review and understanding of the report.

I94-1

In addition, any non-reserve related parking should be relocated outside the ecological reserve, and no parking garage be constructed within the reserve. Preserving the integrity of the site and its purpose is of great importance, and any activity or structure incongruent with that end should be eliminated.

I94-2

Sincerely,

Iris Takashima



Letter I94: Iris Takashima

- I94-1 The commenter's volunteerism within the Ballona Reserve is appreciated. CDFW hopes the commenter will participate in future activities at Ballona Reserve. 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.
- I94-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

From: Jose Torres <donotreply@wordpress.com>
Sent: Monday, October 02, 2017 1:27 PM
To: sidewalksforballona@gmail.com; Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: In support of Alternative 1 to restore Ballona Wetlands

Name: Jose Torres

Email: ironworkerson@gmail.com

Comment: Dear Mr. Brody,

I am writing in support of Alternative 1 put forth in the draft environmental impact report for the restoration of Ballona Wetlands.

I 195-1

In addition to habitat restoration, I am strongly in favor of the proposed addition of new trails, pedestrian/bike bridges, and bike paths.

I

The current lack of pedestrian options in this area forces walkers and joggers to either trample critical habitat or endanger themselves in the roadways. Alternative 1 for Wetlands Restoration will provide safe options to pass through and enjoy the reserve, keeping both pedestrians and the environment safe. Finally, additional trails through the wetlands would act as a bridge for the surrounding neighborhoods of Westchester, Playa del Rey, and Playa Vista, which are currently disconnected by the lack of sidewalks or trails along Culver Boulevard.

I 195-2

I urge the California Department of Fish and Wildlife to take into consideration the safety needs of pedestrians when choosing the path forward for the Wetlands. Thank you.

I 195-3

Best regards,

Time: October 2, 2017 at 1:26 pm

IP Address: 216.100.0.107

Contact Form URL: <https://sidewalksforballona.com/2017/09/29/restore-ballona-wetlands-contactcdfw/>

Sent by an unverified visitor to your site.



Letter I95: Jose Torres

- I95-1 The commenter's support for the Project is acknowledged and has been included in the formal record, where it will be available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I95-2 The stated support for the Project, including the public access improvements it would include, is acknowledged and will be available to decision-makers for their consideration. See Final EIR Section 2.1.1, *Input Received*.
- I95-3 The stated concern for pedestrian safety is acknowledged. See Response I14-3.

From: Traub Jill <jillousa@gmail.com>
Sent: Thursday, November 9, 2017 11:31 AM
To: Swenson, Daniel P CIV USARMY CESPL (US)
Subject: [EXTERNAL] Ballona Wetlands

Please SAVE the wetlands.

I I96-1

PLEASE DO NOT BUILD CONCRETE STRUCTURES ON THE WETLANDS

I I96-2

We NEED our wildlife, we need to preserve the Wetlands

I I96-3

thanks
Jill & Hilton Traub
600 Harbor Street
Venice
Ca. 90291



Letter I96: Jill and Hilton Traub

- I96-1 The stated support for saving the wetlands has been included in the formal record, where it will be available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I96-2 The commenter's opposition to the placement of concrete structures within the Ballona Reserve is acknowledged and has been included in the formal record, where it will be available for consideration as part of CDFW's decision-making process.
- I96-3 The stated support for wildlife and preserving the wetlands is acknowledged and will be available for consideration as part of CDFW's decision making processes.

From: Eileen Tunick <eileen.et@verizon.net>
Sent: Saturday, October 07, 2017 10:48 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: Saving Ballona Wetlands

To whom it may concern:

Regarding the Ballona Wetlands EIR/EIS, I urge you to extend the comment deadline by 120 days, to March 2018.

I am very concerned that the 8,000 page EIR/EIS for a proposed restoration of the Ballona Wetlands Ecological Reserve, which was released on September 25, 2017, allowed **only 60 days to respond**. (The deadline is November 24, 2017, the day after Thanksgiving.) This does not seem reasonable.

Local citizens have been fighting for 30 years to save this rare fresh water coastal wetland and protect the wildlife (including endangered species) that live there.

This EIR/EIS document has been in the process since 2005, **more than 10 years**, and it is **more than 8,000 pages long**.

Citizens have to volunteer their time to review this document. They do not have paid staff to review this much information in only 60 days -- that would be 135 pages per day, to read, analyze and comment on, in our limited free time.

PLEASE extend the EIR/EIS comment deadline 120 days, to March 2018. Thank you.

I97-1

Eileen Tunick

PS

Background Information:

Local citizens and environmental groups, including the Sierra Club, have been working to protect the Ballona wetlands ecosystem since the late 1980's. Ballona is a rare seasonal **fresh water coastal wetland**, part of the less than 5% of our coastal wetlands that are left in California. The rest have been destroyed by development.

I97-2

Finally, in 2003 (after Playa Vista was built), the remaining wetlands were acquired by the State of California taxpayers for \$140 million.

We deserve a well thought out restoration that protects the wildlife.

The current EIR/EIS document alternatives propose only **salt water** plans that would help protect Playa Vista from flooding problems. It is not based on the historic fresh water wetland that Ballona has always been.

I97-3

The species that are reliant on Ballona are more fresh water, brackish, and upland species. **They need fresh water to thrive.** For years, citizens have been asking for Ballona to be restored to a fresh water habitat.

↑ I97-3
| cont.

The Ballona wetlands were created by the water runoff of the Ballona Watershed raised lands. **Ballona Creek starts at Ferndale in Griffith Park!** It used to run down and get fed from the Santa Monica Mountains and the Baldwin Hills.

| I97-4

Then, the water was diverted underground into pipes and piped out to the ocean. There is a movement to bring all this water back to the service, clean it up, restore Ballona Creek, and bring it back to the Ballona wetlands.

If you bring back the water, the wetlands will restore themselves.

Letter I97: Eileen Tunick

- I97-1 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.
- I97-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I97-3 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I97-4 Assertions relating to the creation of the Ballona Wetlands are acknowledged but do not inform CDFW’s consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.

Comment Letter I98

From: [Patrick Tyrrell](#)
To: daniel.p.swenson@usace.army.mil; [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Comments on Draft EIR/EIS
Date: Monday, February 5, 2018 4:13:05 PM
Attachments: [WRP Steering Committee DEIR Comment Letter FINAL.pdf](#)
[Ballona Restoration DEIR Comments by Friends of Ballona Wetlands FINAL.pdf](#)
[Ballona Restoration DEIR Comments by Patrick Tyrrell.pdf](#)

Dear Mr. Brody and Mr. Swenson:

Please see attached regarding my support for the Friends of Ballona Wetlands and the Wetlands Restoration Principals Coalition Steering Committee's comments regarding the Draft EIR/S for the Ballona Wetlands Ecological Reserve. Thank you,

Patrick Tyrrell

Patrick Tyrrell
Friends of Ballona Wetlands
310.770.1512 (cell), 310.306.5994 (office)
patrickt@ballonafriends.org
www.ballonafriends.org

Patrick Tyrrell
7225 Crescent Park West, #465
Playa Vista, CA 90094

February 5, 2018

Mr. Richard Brody
CDFW c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

Mr. Daniel Swenson, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Suite 930
Los Angeles, CA 90017

Sent via E-mail: <http://BWERcomments@wildlife.ca.gov> and daniel.p.swenson@usace.army.mil

Subject: Draft Environmental Impact Statement/ Environmental Impact Report, State Clearinghouse No. 2012071090 - BALLONA WETLANDS RESTORATION PROJECT

Dear Mr. Brody and Mr. Swenson:

I am writing to extend my support to the comments submitted by Friends of Ballona Wetlands and the Wetlands Restoration Principals Coalition Steering Committee. As someone who grew up in Playa del Rey and has worked at the Ballona Wetlands Ecological Reserve since 2011, it is imperative that the wetlands be restored to a healthier, more functional state. Not removing the fill placed on Area A would be to the great detriment of future generations, and to the wildlife that depends on functioning wetlands habitat for survival.

I98-1

Sincerely,

Patrick Tyrrell

Attached:
Wetlands Restoration Principles Coalition Steering Committee comment letter
Friends of Ballona Wetlands comment letter



February 2, 2018

Mr. Richard Brody
CDFW c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

Daniel Swenson, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Suite 930
Los Angeles, CA 90017

Sent Via E-mail to: BWERCcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

SUBJECT: Ballona Restoration DEIR Comments by Friends of Ballona Wetlands

Dear Mr. Brody and Mr. Swenson:

Friends of Ballona Wetlands is pleased to provide comments on the Draft Environmental Impact Report/Statement. In addition to these specific Friends comments, the joint comments of the Wetlands Restoration Principles Coalition Steering Committee are attached. With our Coalition partners, and as an individual organization, we strongly support the restoration plans described in Phase 1 of Alternative 1, with various important amendments as described in this letter. We believe the project will be the most important environmental restoration and public access project ever undertaken for the residents of Los Angeles County.

Friends of Ballona Wetlands has championed the restoration and protection of the Ballona Wetlands, involving and educating the public as advocates and stewards, since our founding in 1978. Countless visitors have participated in tours through the Ballona Wetlands over the last 40 years. For the last 19 years, we have restored the historic dunes with the help of tens of thousands of volunteers.

Our comments address habitat and public access issues equally. There are obvious tensions between the goals of creating healthy, protected habitat and allowing human access, but we believe our comments strike the proper balance. We support access points, separate bicycle and walking trails and even an additional public access area not addressed explicitly in Alternative 1, Phase 1, but consistent with the project as described. We also have designated areas where public access should be limited due to the presence of a federally listed endangered species residing in sensitive dune habitat. We believe well designed trails will improve enforcement and increase protections within the Reserve.

Human needs and nature's needs have been severely unbalanced for over 100 years, with humans as the dominant species. We believe a robust restoration at Ballona will restore nature's balance for the ultimate benefit of residents and visitors to enjoy this beautiful place between land and sea.

I98-2

In addition, we have several added comments:

Overview Comments

In general, the Friends find that the wetlands habitat of West Area B is substantially better than much of the remainder of the wetlands, and that it supports important endangered species such as the Belding’s Savannah Sparrow. We also find that the addition of a new levee adjacent to west Culver Blvd., behind Culver Blvd. businesses and separating the much-restored dunes habitat from the existing wetlands habitat would not be environmentally superior to Alt 1, Phase 1 (with the amendments we have recommended.) and is costlier. We find that Alternative 1 Phase 2 should only proceed in order to protect the area from severe sea level rise that cannot be addressed by less extreme measures. In addition to the limited options provided in this DEIR, we believe other methods of adapting to climate change should be researched for Ballona. It would be ecologically irresponsible to ignore technology and adaptive management methods that could increase resilience to climate change while also protecting the diversity of the wetlands.

It is our strong recommendation that, if and when it is determined Alternative 1 Phase 2 must proceed in order to protect the area from sea level rise, the following must be assured:

1. Adequate nesting and foraging habitat for Belding’s Savannah Sparrows must be in place throughout Ballona in Areas A and B that support an equal or greater number of nesting pairs than currently exist in West Area B. No species should be extirpated during any part of this restoration, rather, more species, especially endangered and species of special concern, should be encouraged to thrive.
2. Improvements in upstream water quality and sediment loads must occur prior to breaching levee along West Area B. Measures that prevent loss of habitat diversity and protect existing native vegetation cover to greatest extent possible must be implemented.
3. Mechanisms to protect the historical salt pan from becoming permanent open water must be implemented to the greatest extent possible.
4. The construction of a levee along Culver and adjacent to the dunes must limit disturbance and enhance connectivity to dune system and El Segundo Blue Butterfly habitat.

I98-2
cont.

Area Specific Comments:

Area C:

We support the plans for Area C presented in Alternative 1 Phase 1 with a few minor changes. We generally support the placement of fill on Area C from Area A given that it is our understanding that it will not increase the height of Area C in a way that will negatively impact the nearby community, but will instead enhance Area C with gentle sloping vegetated knolls that do not obstruct views, but may reduce traffic noise along Culver and Lincoln Boulevards.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Place fill in such a way that will not negatively impact the aesthetics of the area or views of the nearby residents.
2. Assure that safety and privacy of adjacent homes are not compromised by added fill and that trailheads are coordinated with that community.
3. Provide more information on the likely placement of interpretive panels along walking paths, viewing platforms, etc. and ensure that they are compatible with ecological goals.
4. Take advantage of the viewing opportunity for visitors to the Ecological Reserve in Area C South to observe wildlife in Ballona Creek at the Centinela Creek Convergence.

West Area B:

Friends of Ballona Wetlands does not support full-tidal. As described in our overview comments, CDFW and the US Army Corps must demonstrate the need for full-tidal with additional data, otherwise the current habitat should remain, as it best reflects the historic conditions of a bar-built estuary.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Public access for parking for visitors should also be available for those patronizing community restaurants and shops and should remain open until 11:00 pm.
2. Re-contour portions of the tidal channels in West Area B to allow for more gradations in vegetation type.
3. Adapt West Area B for sea level rise consistent with plans related to the surrounding communities. Continue to research best technology that could minimize disturbance. Consider using current available technology such as pumps, slowly increasing elevation, etc.

Thank you for your attention to our comments. We are delighted to look at a future where significantly more healthy wetlands and uplands habitat exist once again at Ballona, and where bike and walking trails provide for the safe enjoyment of our citizens and visitors!

Sincerely,



Scott H. Culbertson
Executive Director

Enclosure:

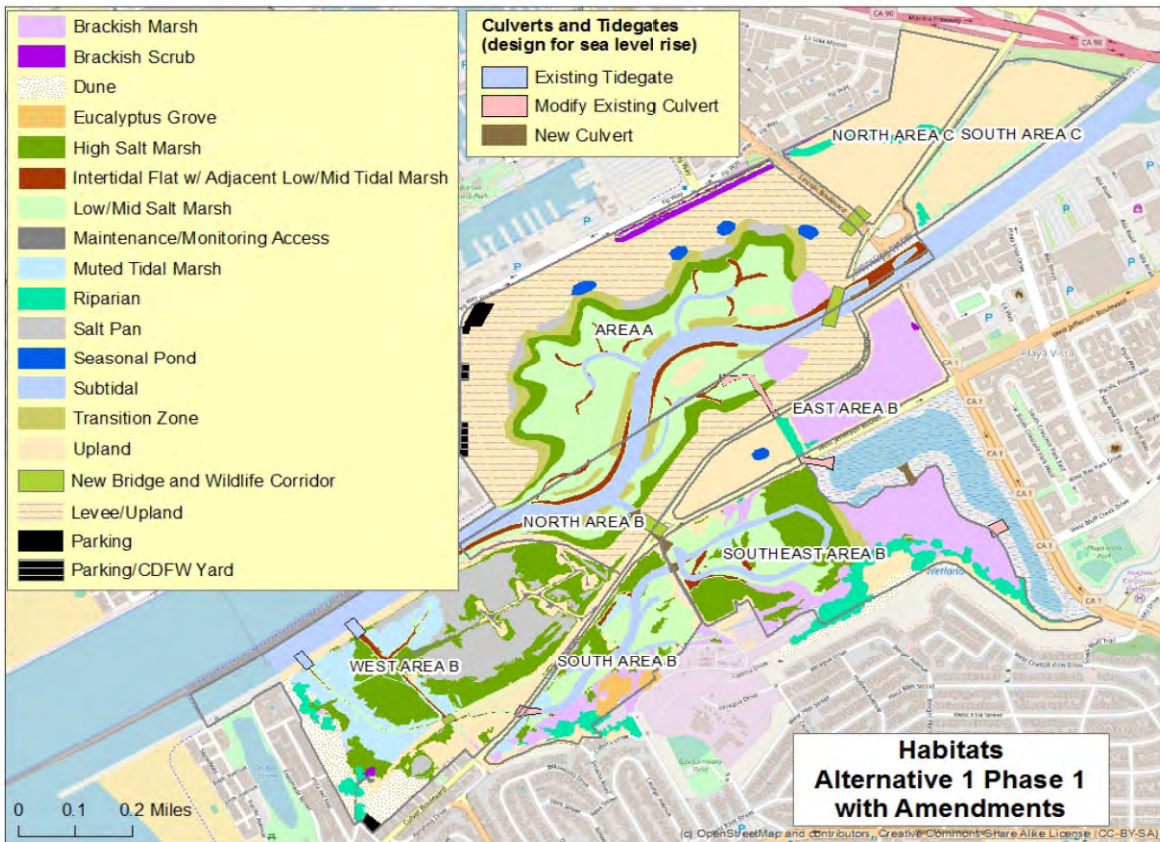
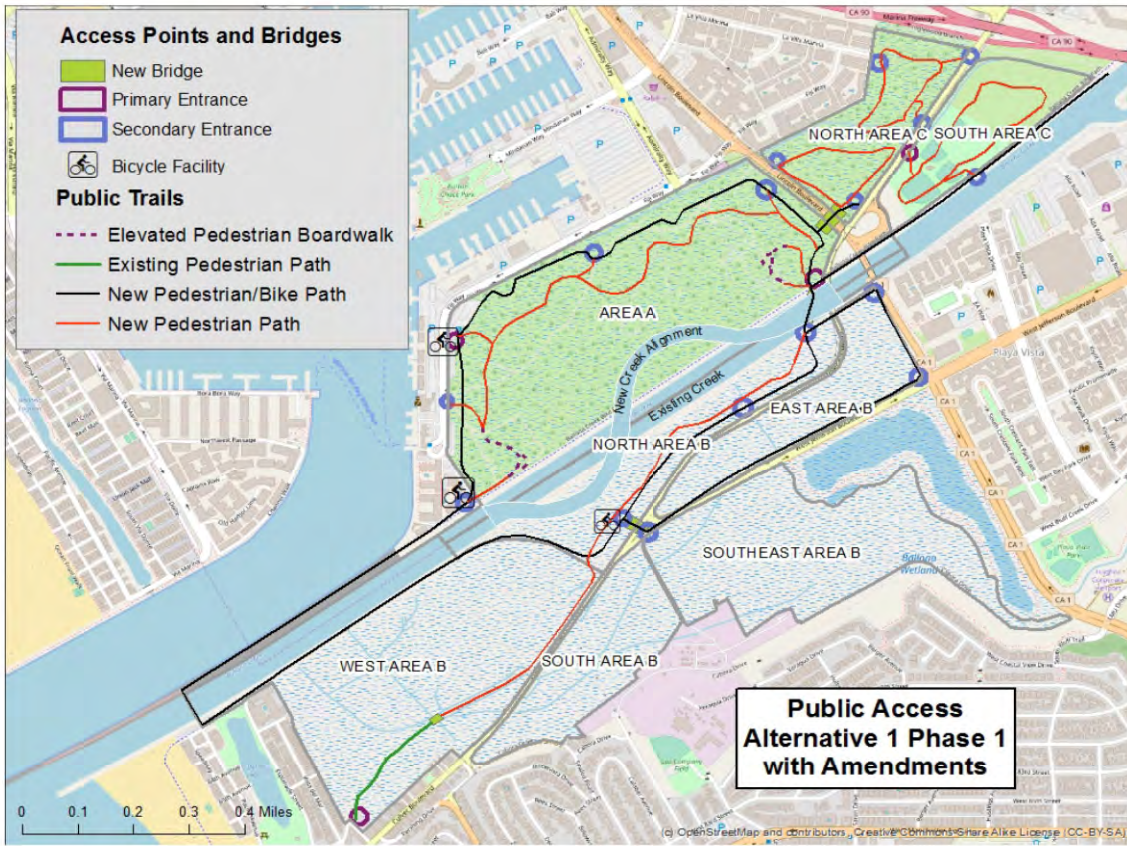
- Wetlands Restoration Principles
- Wetlands Restoration Principles Coalition Steering Committee comment letter

cc:

- Friends of Ballona Wetlands Science Committee
- Lisa Fimiani, Board Member
- Neysa Frechette, Staff Field Biologist
- Ruth Lansford, Founder and Board Member
- Dr. Edith Read, Board Member
- Catherine Tyrrell, Board Member
- Patrick Tyrrell, Staff Habitat Restoration Manager



I98-2
cont.



198-2 cont.

The Steering Committee of the Wetlands Restoration Principles Coalition



February 1, 2018

Mr. Richard Brody
CDFW c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

Daniel Swenson, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Suite 930
Los Angeles, CA 90017

Sent Via E-mail to: BWERCcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

Dear Mr. Brody and Mr. Swenson:

The Wetlands Restoration Principles Coalition Steering Committee, made up of five leading environmental organizations in Southern California representing more than 25,000 members, has come together to support robust science-based restoration of the Ballona Wetlands Ecological Reserve. The undersigned Coalition organizations strongly support the restoration plans described in Phase 1 of Alternative 1, with various important amendments. The Steering Committee members determined that Phase 1 of Alternative 1 with amendments best achieves the nine restoration principles laid out by the Coalition in 2015 (see attachment). Coalition members are also submitting separate letters with individual comments on the various Alternatives.

I98-3

We thank you for providing this analysis. This project will be the most important environmental restoration and public access project ever undertaken for the residents of Los Angeles County.

The 21st Century has brought good news for wetlands up and down the California coast. According to the California Coastal Conservancy, two hundred restoration projects have been completed and one hundred more are in progress for a total of 50,000 acres. Plus 50 more are privately financed as mitigation. They are all precious links along the Pacific Flyway, nurseries for the fish of the Pacific and its bays and estuaries, and the breeding ground for the various plants and animals that sustain the circle of life. It is far past time for the Ballona Wetlands to be restored. They are the largest wetlands between Point Mugu and Bolsa Chica, but have deteriorated to the point where they can no longer sustain vital functions.

In our comments below, the Coalition Steering Committee has addressed habitat and public access issues equally. There are obvious tensions between the goals of creating healthy, protected habitat and allowing human access, but we believe we have suggested good solutions to that problem in our comments. We support generous access points, bicycle and walking trails, and even an additional public access area not addressed explicitly in Alternative 1, Phase 1 but consistent with the project as described. We also have, however, designated areas where public access should be limited by the presence of endangered species and delicate portions of the new ecosystem. We think that well designed trails will also create the means to monitor the area and protect it from illicit activity.

Human needs and nature’s needs have been severely unbalanced for over 100 years, with humans the dominant species. We believe a robust restoration at Ballona will restore nature’s balance to the ultimate benefit of residents and visitors who will come to understand and enjoy this beautiful place between land and sea.

As the Draft Environmental Impact Report/Statement (EIR/S) succinctly summarizes:

“The California Department of Fish and Wildlife (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.”

While supporting the overall goals of the Draft EIR/S, the Coalition Steering Committee also supports the following objectives for the Reserve as a whole:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function. Also maximize diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with ecological goals.
7. Ensure long-term RESILIENCE and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard wildlife and minimize losses during construction.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

198-3
cont.

To the extent that the Draft EIR/S supports these objectives, **the Wetlands Restoration Principles Steering Committee supports a Project with the following elements including the amendments and safeguards and as generally mapped in the drawings attached:**

Area A: We support the restoration of Area A presented in Alternative 1 Phase 1 with a few minor changes. The 14 feet of fill covering Area A should largely be removed and the existing levees should be replaced with new perimeter levees as described. We support a public access system with separate bicycle and walking trails as shown in Alternative 1 Phase 1. We support a trailhead at a parking structure with adequate visitor-serving parking and restrooms for the numbers of visitors that are anticipated to be attracted to the new Ballona public access system.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before removing topsoil.
2. Include a plan for relocating wildlife displaced by restoration activities.
3. Ensure that topography allows for vegetated wetlands to thrive and provide increased water filtration capabilities, while also supporting a diversity of wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
4. Ensure that there is adequate nesting and foraging habitat for the Belding’s Savannah Sparrow.
 - a. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B.

- b. Use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.
 - c. Provision of the appropriate wetlands vegetation habitat is very important as it is possible that West Area B will be inundated due to sea level rise.
5. Align primary trailhead and trails with visitor services and parking.
 6. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools.
 7. Ensure that the number of parking spaces provided is adequate for the expected number of visitors to the Reserve.¹ A parking study should determine the correct number of spaces for the anticipated number of visitors to the Reserve. The study should address the need for time limits to reduce unintended parking uses and alternative transportation options.
 8. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to encourage visitors to use proper facilities by increasing convenience. The type of structure should be determined based on budget, operations, and maintenance plans for the site.
 9. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed.
 10. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads. Provide more information about how the project design will handle changes, including in terms of the extent of monitoring that will occur. While we recognize that much of the Ballona Creek Watershed is beyond the scope of the restoration project, it is reasonably foreseeable that the timing, scope and overall approach of projects and planning efforts happening upstream to address environmental concerns, including the Ballona Creek Bacteria TMDL Project and Ballona Creek Enhanced Watershed Management Program, will affect water quality and sediment loading downstream. We strongly recommend a cumulative impacts and sensitivity discussion to disclose the impacts, both positive and negative, of upstream projects on the project site.



I98-3
cont.

Area C: We support the plans for Area C presented in Alternative 1 Phase 1 with a few minor changes. We support the restoration of native upland vegetation where mostly weeds now exist, as well as the addition of walking trails, one major trailhead with parking, and several secondary trailheads. We believe the walking trails will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before depositing fill.
2. Create a viewing area in South Area C overlooking the Centinela Creek convergence with Ballona Creek for birding. Consider adding benches and scopes for people to view the birds in this area.
3. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed.

If the Little League baseball fields remain inside the reserve, then the following changes should be made to their management:

1. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship.

¹ In their report, Standards for Outdoor Recreation Areas (<https://www.planning.org/pas/reports/report194.htm>), the American Planning Association outlines basic standards for amenities at public facilities.

2. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails.
3. Prevent negative environmental and community impacts by increasing patrols by enforcement agencies.
4. Restore as much of the existing area as possible to native uplands vegetation.

North Area B: We support the removal of the levee wall in North Area B as described in Alternative 1 Phase 1 and the addition of a meander to the creek in this area. We also support enhancing public access along the roads in North Area B with walking and biking trails on the new levee paralleling Culver Blvd. and joining with the existing levee wall further to the west where the tide gates are located. We also support the addition of a bridge for bike and walking connection between Area A and North Area B.

Southeast and South Area B: We support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 with a few changes. Creating small tidal channels as proposed in this area will enhance the habitat for native species and possibly support increased numbers of endangered and threatened species in this underperforming wetlands area. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Modify proposed channel location to protect Willow Thickets along Bluff from salt water inundation, both on the surface and in groundwater.
2. Do not build berm that prevents brackish marsh from spreading naturally from the freshwater marsh culvert.
3. Ensure that topography allows for vegetated wetlands to thrive and provide additional water quality filtration, and also for a diversity of wetland habitats, i.e. low, mid, and high marshes, and brackish marsh.
4. Remove invasive non-native pampas grass, and other invasive species.
5. Maximize vegetated wetland acreage, especially to create nesting and foraging habitat for Belding's Savannah Sparrow.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. To maximize wetland habitat, East Area B should not be buried with fill.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Add major pedestrian and bike path around East Area B as per Alternative 2 Public Access Plan.
2. Remove non-native vegetation.
3. Daylight this portion of the culvert from Ballona Freshwater Marsh to Ballona Creek to allow freshwater to reach seasonal wetland area and allow for riparian and/or brackish habitat to develop, recognizing that rainfall and tidal influences will affect this dynamic area over time.

West Area B: We support the Public Access Plan of Alternative 1, Phase 1 in West Area B. We support the monitoring and protection of Belding's Savannah Sparrow nesting and foraging habitat. We support removal of Gas Company infrastructure.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before depositing fill.
2. Provide bathroom facilities at this primary trailhead comparable to those at the Newport Back Bay Nature Preserve.
3. Provide additional details on the detention basins for storm-water runoff planned in West Area B.
4. Protect existing wetlands habitat and endangered and threatened species as long as possible while expanding their presence in other parts of Ballona.



I98-3
cont.

5. Assure that the connection of the last remaining dunes habitat to the adjacent wetlands is protected.
6. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. This area should not have a public trail.
7. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads. Provide more information about how the project design will handle changes, including in terms of the extent of monitoring that will occur. While we recognize that much of the Ballona Creek Watershed is beyond the scope of the restoration project, it is reasonably foreseeable that the timing, scope and overall approach of projects and planning efforts happening upstream to address environmental concerns, including the Ballona Creek Bacteria TMDL Project and Ballona Creek Enhanced Watershed Management Program, will affect water quality and sediment loading downstream. We strongly recommend a cumulative impacts and sensitivity discussion to disclose the impacts, both positive and negative, of upstream projects on the project site.
8. Extend pedestrian access trail down the north side of Culver Blvd. and connect to the existing trail leading to the Viewing Platform.
9. Provide more information about the access road in West Area B to demonstrate the need for this development. If the road is not required for emergency use, then it should be eliminated from the plan.
10. Provide additional sources and information for Draft EIR/S conclusions on sea level rise impact. Include sea level rise impact on surrounding community and how that will affect Ballona.
11. Investigate increased tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing Belding's Savannah Sparrow nesting or foraging habitat or flooding roads/nearby development.

I98-3
cont.

The Coalition Steering Committee thanks you for your work, and would be pleased to answer any questions and to help with efforts to facilitate the restoration work ahead.

Sincerely,

The Wetlands Restoration Principles Steering Committee:

Friends of Ballona Wetlands



Scott Culbertson, Executive Director
scott@ballonafriends.org

Heal the Bay



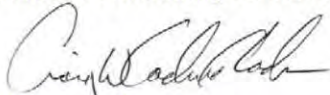
Shelley Luce, D.Env., President & CEO
sluce@healthebay.org

Los Angeles Waterkeeper



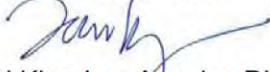
Bruce Reznik, Executive Director
bruce@lawaterkeeper.org

Surfrider Foundation, South Bay Chapter



Craig W. Cadwallader
craigc@surfrider-southbay.org

Trust for Public Land



Tori Kjer, Los Angeles Director
tori.kjer@tpl.org

Enclosure: Wetlands Restoration Principles

cc:

Senator Ben Allen

Samuel Liu, Deputy Chief of Staff Samuel.Liu@sen.ca.gov
Lauren Pizer Mains, District Representative lauren.pizermains@sen.ca.gov
Allison Towle, District Representative allison.towle@sen.ca.gov

Councilman Mike Bonin councilmember.bonin@lacity.org

David Graham-Caso, Deputy Chief of Staff David.Grahamcaso@lacity.org
Anna Kozma, Field Deputy Anna.Kozma@lacity.org

Assemblywoman Autumn Burke

Brandon Stansell: Field Representative Brandon.Stansell@asm.ca.gov

Senator Dianne Feinstein

Chris Barwick, Field Deputy chris_barwick@feinstein.senate.gov
Peter Muller, Deputy State Director Peter_Muller@feinstein.senate.gov

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Jocelyn Rivera-Olivas, Public Works and Legislative Deputy jrivera-olivas@bos.lacounty.gov
Jayme Wilson, Economic Development/Beaches & Harbor Deputy jwilson@bos.lacounty.gov
Mark Waronek, Field Deputy mwaronek@bos.lacounty.gov

Congressman Ted Lieu

Joey Apodaca, Field Deputy Joey.Apodaca@mail.house.gov
Nicolas Rodriguez, District Director nicolas.rodriguez@mail.house.gov

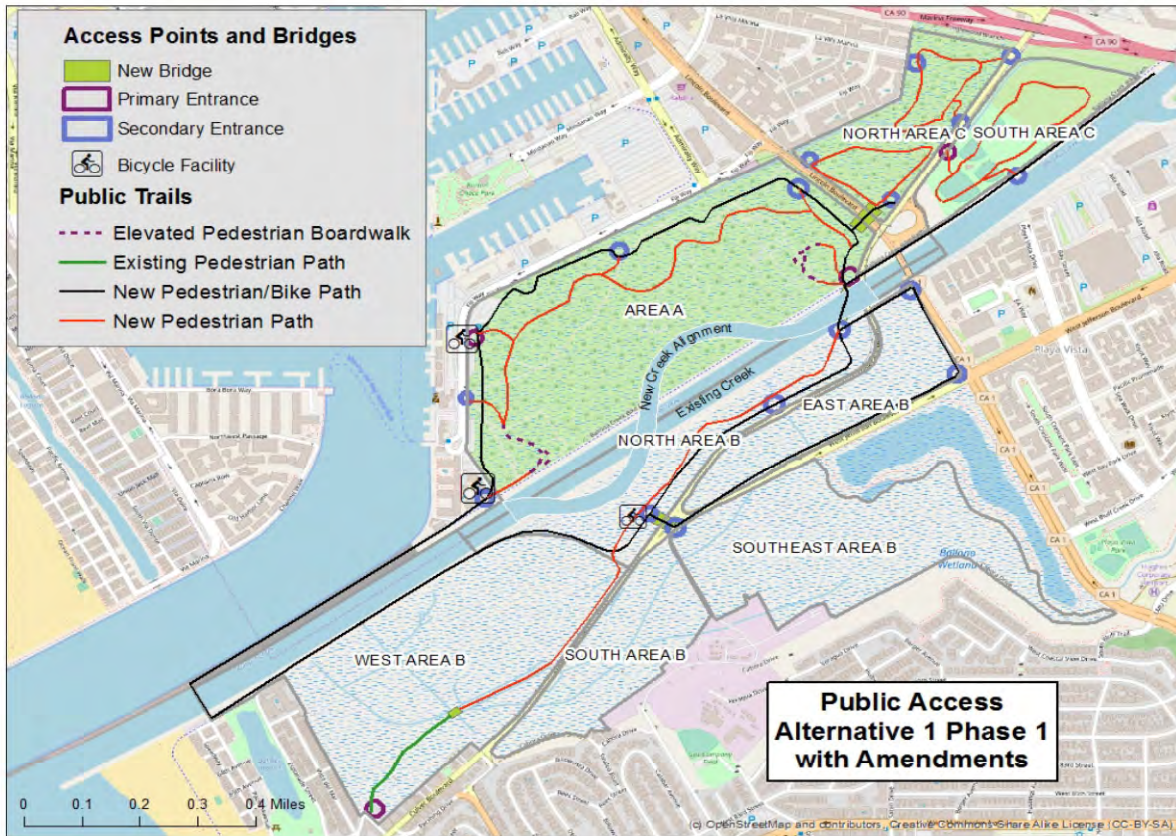
Supervisor Mark Ridley-Thomas

Karli Katona, Associate Chief Deputy KKatona@bos.lacounty.gov
Fernando Ramirez, Special Assistant/Policy Advisor FRamirez@bos.lacounty.gov

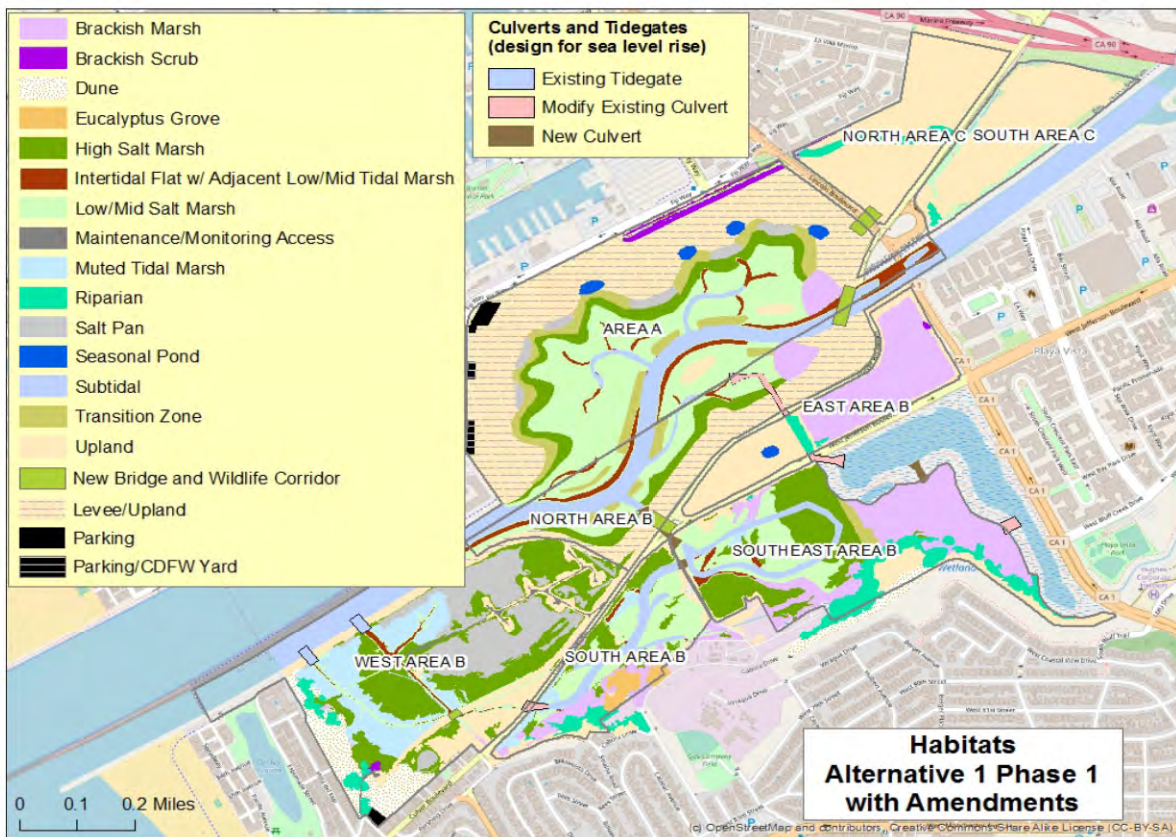
Mark Pestrella, Director, County of Los Angeles Public Works mpestrel@ladpw.org



I98-3
cont.



198-3
cont.





Letter I98: Patrick Tyrrell

- I98-1 The commenter's agreement with comments provided by the Friends of Ballona Wetlands (Letter O10) and the Wetlands Restoration Principles Coalition (Letter O28) is acknowledged. Responses to those letters are provided in Section 2.3.6.
- I98-2 Receipt of these duplicate copies of input submitted by Friends of Ballona Wetlands in Letter O10 and the Steering Committee of the Wetlands Restoration Principles Coalition is acknowledged. See Section 2.3.6 for specific responses to those letters.

Comment Letter I99

From: Wildlife Ballona Wetlands Ecological Reserve EIR [mailto:BWERcomments@wildlife.ca.gov]
Sent: Monday, February 5, 2018 7:57 AM
To: Janna Scott <JScott@esassoc.com>; Rogers, Bonnie L SPL <Bonnie.L.Rogers@usace.army.mil>
Subject: FW: DEIR Comment Letter from the Friends of Ballona Wetlands

From: Catherine Tyrrell [<mailto:catherine.a.tyrrell@gmail.com>]
Sent: Friday, February 02, 2018 5:32 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>;
daniel.p.swenson@usace.army.mil
Subject: Fwd: DEIR Comment Letter from the Friends of Ballona Wetlands

I too am pleased to provide comments on the Draft Environmental Impact Report/Statement as presented in the Friends specific comments and the joint comments of the Wetlands Restoration Principles Coalition Steering Committee submitted yesterday.

We look forward to a healthy and restored Ballona.

Best regards,

Catherine Tyrrell

↓
I99-1
↓



February 2, 2018

Mr. Richard Brody
CDFW c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

Daniel Swenson, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Suite 930
Los Angeles, CA 90017

Sent Via E-mail to: BWERcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

SUBJECT: Ballona Restoration DEIR Comments by Friends of Ballona Wetlands

Dear Mr. Brody and Mr. Swenson:

Friends of Ballona Wetlands is pleased to provide comments on the Draft Environmental Impact Report/Statement. In addition to these specific Friends comments, the joint comments of the Wetlands Restoration Principles Coalition Steering Committee are attached. With our Coalition partners, and as an individual organization, we strongly support the restoration plans described in Phase 1 of Alternative 1, with various important amendments as described in this letter. We believe the project will be the most important environmental restoration and public access project ever undertaken for the residents of Los Angeles County.

Friends of Ballona Wetlands has championed the restoration and protection of the Ballona Wetlands, involving and educating the public as advocates and stewards, since our founding in 1978. Countless visitors have participated in tours through the Ballona Wetlands over the last 40 years. For the last 19 years, we have restored the historic dunes with the help of tens of thousands of volunteers.

Our comments address habitat and public access issues equally. There are obvious tensions between the goals of creating healthy, protected habitat and allowing human access, but we believe our comments strike the proper balance. We support access points, separate bicycle and walking trails and even an additional public access area not addressed explicitly in Alternative 1, Phase 1, but consistent with the project as described. We also have designated areas where public access should be limited due to the presence of a federally listed endangered species residing in sensitive dune habitat. We believe well designed trails will improve enforcement and increase protections within the Reserve.

Human needs and nature's needs have been severely unbalanced for over 100 years, with humans as the dominant species. We believe a robust restoration at Ballona will restore nature's balance for the ultimate benefit of residents and visitors to enjoy this beautiful place between land and sea.

I99-1
cont.

In addition, we have several added comments:

Overview Comments

In general, the Friends find that the wetlands habitat of West Area B is substantially better than much of the remainder of the wetlands, and that it supports important endangered species such as the Belding’s Savannah Sparrow. We also find that the addition of a new levee adjacent to west Culver Blvd., behind Culver Blvd. businesses and separating the much-restored dunes habitat from the existing wetlands habitat would not be environmentally superior to Alt 1, Phase 1 (with the amendments we have recommended.) and is costlier. We find that Alternative 1 Phase 2 should only proceed in order to protect the area from severe sea level rise that cannot be addressed by less extreme measures. In addition to the limited options provided in this DEIR, we believe other methods of adapting to climate change should be researched for Ballona. It would be ecologically irresponsible to ignore technology and adaptive management methods that could increase resilience to climate change while also protecting the diversity of the wetlands.

It is our strong recommendation that, if and when it is determined Alternative 1 Phase 2 must proceed in order to protect the area from sea level rise, the following must be assured:

1. Adequate nesting and foraging habitat for Belding’s Savannah Sparrows must be in place throughout Ballona in Areas A and B that support an equal or greater number of nesting pairs than currently exist in West Area B. No species should be extirpated during any part of this restoration, rather, more species, especially endangered and species of special concern, should be encouraged to thrive.
2. Improvements in upstream water quality and sediment loads must occur prior to breaching levee along West Area B. Measures that prevent loss of habitat diversity and protect existing native vegetation cover to greatest extent possible must be implemented.
3. Mechanisms to protect the historical salt pan from becoming permanent open water must be implemented to the greatest extent possible.
4. The construction of a levee along Culver and adjacent to the dunes must limit disturbance and enhance connectivity to dune system and El Segundo Blue Butterfly habitat.

I99-1
cont.

Area Specific Comments:

Area C:

We support the plans for Area C presented in Alternative 1 Phase 1 with a few minor changes. We generally support the placement of fill on Area C from Area A given that it is our understanding that it will not increase the height of Area C in a way that will negatively impact the nearby community, but will instead enhance Area C with gentle sloping vegetated knolls that do not obstruct views, but may reduce traffic noise along Culver and Lincoln Boulevards.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Place fill in such a way that will not negatively impact the aesthetics of the area or views of the nearby residents.
2. Assure that safety and privacy of adjacent homes are not compromised by added fill and that trailheads are coordinated with that community.
3. Provide more information on the likely placement of interpretive panels along walking paths, viewing platforms, etc. and ensure that they are compatible with ecological goals.
4. Take advantage of the viewing opportunity for visitors to the Ecological Reserve in Area C South to observe wildlife in Ballona Creek at the Centinela Creek Convergence.

West Area B:

Friends of Ballona Wetlands does not support full-tidal. As described in our overview comments, CDFW and the US Army Corps must demonstrate the need for full-tidal with additional data, otherwise the current habitat should remain, as it best reflects the historic conditions of a bar-built estuary.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Public access for parking for visitors should also be available for those patronizing community restaurants and shops and should remain open until 11:00 pm.
2. Re-contour portions of the tidal channels in West Area B to allow for more gradations in vegetation type.
3. Adapt West Area B for sea level rise consistent with plans related to the surrounding communities. Continue to research best technology that could minimize disturbance. Consider using current available technology such as pumps, slowly increasing elevation, etc.

Thank you for your attention to our comments. We are delighted to look at a future where significantly more healthy wetlands and uplands habitat exist once again at Ballona, and where bike and walking trails provide for the safe enjoyment of our citizens and visitors!

Sincerely,



Scott H. Culbertson
Executive Director

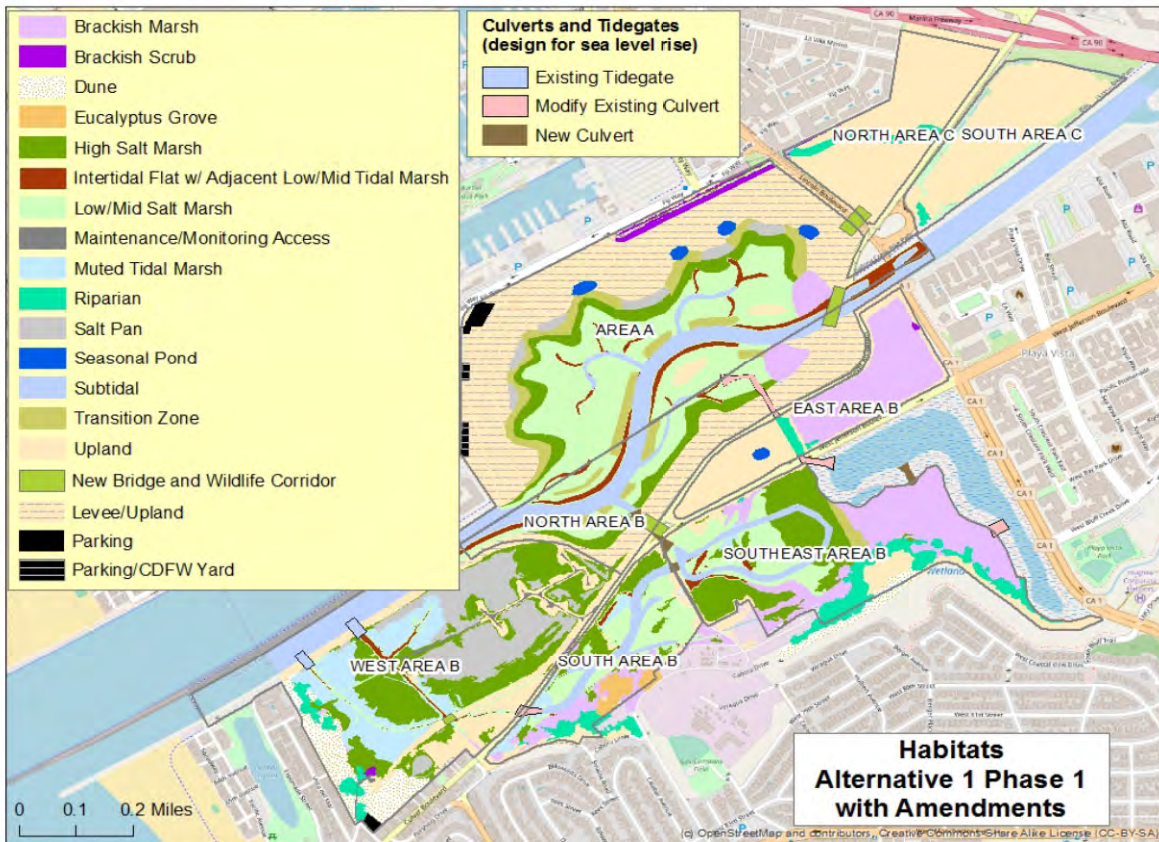
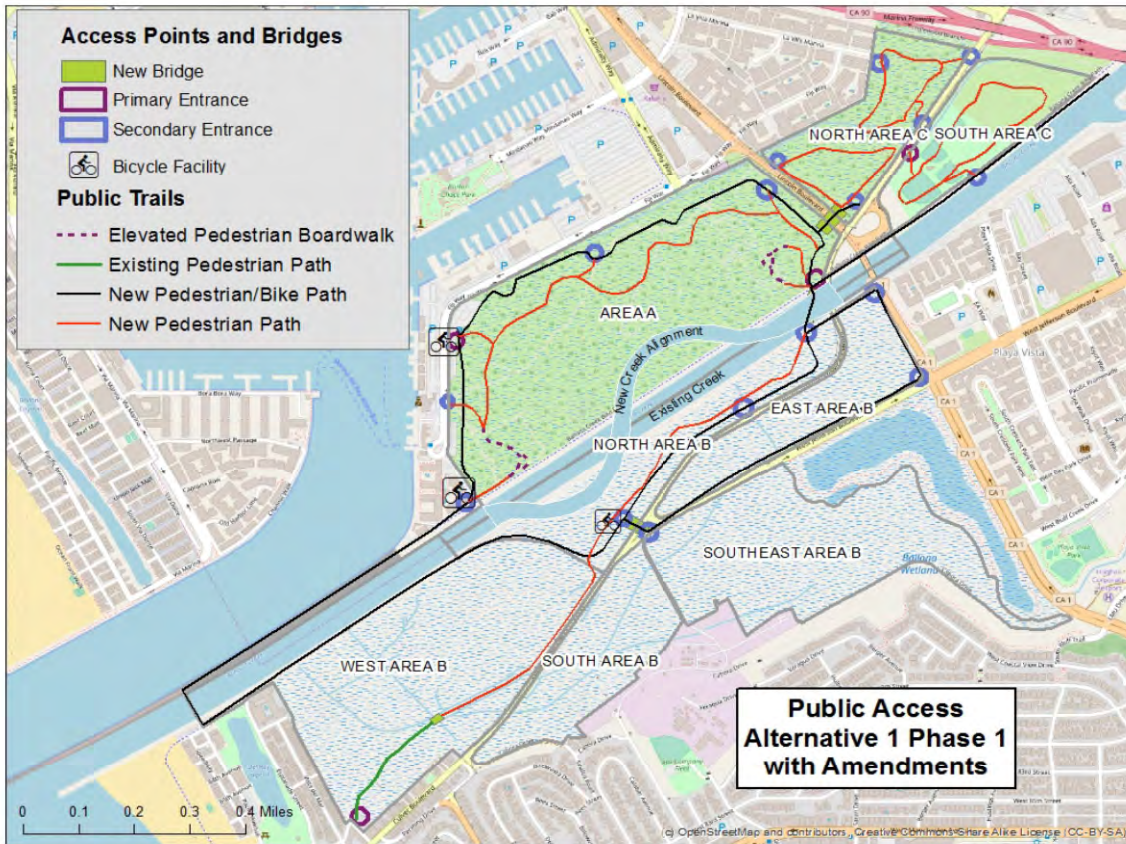
Enclosure:

Wetlands Restoration Principles
Wetlands Restoration Principles Coalition Steering Committee comment letter

cc:

Friends of Ballona Wetlands Science Committee
Lisa Fimiani, Board Member
Neysa Frechette, Staff Field Biologist
Ruth Lansford, Founder and Board Member
Dr. Edith Read, Board Member
Catherine Tyrrell, Board Member
Patrick Tyrrell, Staff Habitat Restoration Manager

I99-1
cont.



I99-1 cont.

Wetland Restoration Principles



Wetlands are essential for our environmental and economic well-being.

They provide nursery, shelter, and feeding grounds for fish and wildlife; purify water through filtration of pollutants; recycle nutrients; and provide a place where people love to walk, recreate, and learn. Wetlands help buffer against the impacts of climate change by protecting us from flooding, storing carbon from the atmosphere, and maintaining vulnerable plant and animal communities.ⁱ

Southern California has lost approximately 95% of its historic coastal wetlands, often due to infill and development. Much of the remaining wetland habitat in our densely urbanized region has been filled in and built upon, and is thus destroyed or highly degraded.ⁱⁱ

I99-1
cont.

Projects that incorporate the nine fundamental principles of wetland restoration are supported by the following organizations:



See reverse for the full text of the nine Wetland Restoration Principles

wetlandsrestoration.org

Wetland Restoration Principles

The following nine principles are essential elements of any comprehensive wetland restoration program.

1.

Restoration projects should bring back the natural processes and functions of healthy wetlands, using broadly accepted scientific evidence of historic, present and potential conditions to set ambitious and achievable restoration goals and quantifiable measures of success.

2.

Restoration projects should have clear environmental goals and be based on critical scientific evaluation of all feasible alternatives.ⁱⁱ

3.

Restoration projects should aim for and achieve outcomes that are representative of the historical ecology of the wetlands before development, take into account the current constraints and adjacent human uses, and maximize the most valuable long-term benefits for plants and animals.

4.

Restoration work should be conducted in the manner that most effectively and efficiently meets restoration goals. Wetland restoration projects can range in size and scale, and may require significant earth-moving activities to restore wetland functions. Short-term disruptive activities should only be employed if sensitive areas and native plants and wildlife are safeguarded in the process (e.g. appropriate seasonal timing, monitoring, temporary relocation of plants and animals when necessary).^{iv}

5.

Wetland restoration efforts should consider watershed hydrology that may impact the project site and function, such as upstream water quality and flow volumes.^v

6.

Restoration efforts should involve sound scientific monitoring to establish baseline environmental characteristics and track site response to the restoration activities.

7.

Restoration efforts should consider climate change projections and be designed with a dynamic climate in mind, taking into account projected sea level rise for coastal wetlands.^{vi}

8.

If public facilities are proposed as part of a wetland restoration project, they should be consistent with the restoration goals, and should not impair native wildlife or the planned ecological functions of the wetland. Public facilities, such as public access opportunities for education and enjoyment, should be well regulated and compatible with both the site and the surrounding community in terms of scale, design, and function.

9.

Wetland restoration project planning and implementation should involve all interested stakeholders in a process where public input and discussion opportunities are provided.

References

- i.* Costanza, R et al. (1997). The value of the world's ecosystem services and natural capital. *Nature* 387: 253-260.
- ii.* Dahl TE (2000). Wetlands losses in the United States 1780's to 1980's. U.S. Department of the Interior, Fish and Wildlife Service, Washington D.C.
- iii.* USEPA (2000). Principles for the Ecological Restoration of Aquatic Resources. EPA841-F-00-003. Office of Water (4501F), United States Environmental Protection Agency, Washington D.C. 4pp.
- iv.* USEPA (2000). Principles for the Ecological Restoration of Aquatic Resources. EPA841-F-00-003. Office of Water (4501F), United States Environmental Protection Agency, Washington D.C. 4pp.
- v.* Zedler JB (2000). Progress in wetland restoration ecology. *TREE* 15: 402-407.
- vi.* Erwin KL (2009). Wetlands and global climate change: the role of wetland restoration in a changing world. *Wetlands Ecology and Management* 17: 71-84.

The Steering Committee of the Wetlands Restoration Principles Coalition



February 1, 2018

Mr. Richard Brody
CDFW c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

Daniel Swenson, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Suite 930
Los Angeles, CA 90017

Sent Via E-mail to: BWERcomments@wildlife.ca.gov and daniel.p.swenson@usace.army.mil

Dear Mr. Brody and Mr. Swenson:

The Wetlands Restoration Principles Coalition Steering Committee, made up of five leading environmental organizations in Southern California representing more than 25,000 members, has come together to support robust science-based restoration of the Ballona Wetlands Ecological Reserve. The undersigned Coalition organizations strongly support the restoration plans described in Phase 1 of Alternative 1, with various important amendments. The Steering Committee members determined that Phase 1 of Alternative 1 with amendments best achieves the nine restoration principles laid out by the Coalition in 2015 (see attachment). Coalition members are also submitting separate letters with individual comments on the various Alternatives.

We thank you for providing this analysis. This project will be the most important environmental restoration and public access project ever undertaken for the residents of Los Angeles County.

The 21st Century has brought good news for wetlands up and down the California coast. According to the California Coastal Conservancy, two hundred restoration projects have been completed and one hundred more are in progress for a total of 50,000 acres. Plus 50 more are privately financed as mitigation. They are all precious links along the Pacific Flyway, nurseries for the fish of the Pacific and its bays and estuaries, and the breeding ground for the various plants and animals that sustain the circle of life. It is far past time for the Ballona Wetlands to be restored. They are the largest wetlands between Point Mugu and Bolsa Chica, but have deteriorated to the point where they can no longer sustain vital functions.

In our comments below, the Coalition Steering Committee has addressed habitat and public access issues equally. There are obvious tensions between the goals of creating healthy, protected habitat and allowing human access, but we believe we have suggested good solutions to that problem in our comments. We support generous access points, bicycle and walking trails, and even an additional public access area not addressed explicitly in Alternative 1, Phase 1 but consistent with the project as described. We also have, however, designated areas where public access should be limited by the presence of endangered species and delicate portions of the new ecosystem. We think that well designed trails will also create the means to monitor the area and protect it from illicit activity.

I99-1
cont.

Human needs and nature’s needs have been severely unbalanced for over 100 years, with humans the dominant species. We believe a robust restoration at Ballona will restore nature’s balance to the ultimate benefit of residents and visitors who will come to understand and enjoy this beautiful place between land and sea.

As the Draft Environmental Impact Report/Statement (EIR/S) succinctly summarizes:

“The California Department of Fish and Wildlife (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.”

While supporting the overall goals of the Draft EIR/S, the Coalition Steering Committee also supports the following objectives for the Reserve as a whole:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function. Also maximize diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with ecological goals.
7. Ensure long-term RESILIENCE and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard wildlife and minimize losses during construction.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

To the extent that the Draft EIR/S supports these objectives, **the Wetlands Restoration Principles Steering Committee supports a Project with the following elements including the amendments and safeguards and as generally mapped in the drawings attached:**

Area A: We support the restoration of Area A presented in Alternative 1 Phase 1 with a few minor changes. The 14 feet of fill covering Area A should largely be removed and the existing levees should be replaced with new perimeter levees as described. We support a public access system with separate bicycle and walking trails as shown in Alternative 1 Phase 1. We support a trailhead at a parking structure with adequate visitor-serving parking and restrooms for the numbers of visitors that are anticipated to be attracted to the new Ballona public access system.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before removing topsoil.
2. Include a plan for relocating wildlife displaced by restoration activities.
3. Ensure that topography allows for vegetated wetlands to thrive and provide increased water filtration capabilities, while also supporting a diversity of wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
4. Ensure that there is adequate nesting and foraging habitat for the Belding’s Savannah Sparrow.
 - a. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B.

I99-1
cont.



- b. Use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.
- c. Provision of the appropriate wetlands vegetation habitat is very important as it is possible that West Area B will be inundated due to sea level rise.
- 5. Align primary trailhead and trails with visitor services and parking.
- 6. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools.
- 7. Ensure that the number of parking spaces provided is adequate for the expected number of visitors to the Reserve.¹ A parking study should determine the correct number of spaces for the anticipated number of visitors to the Reserve. The study should address the need for time limits to reduce unintended parking uses and alternative transportation options.
- 8. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to encourage visitors to use proper facilities by increasing convenience. The type of structure should be determined based on budget, operations, and maintenance plans for the site.
- 9. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed.
- 10. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads. Provide more information about how the project design will handle changes, including in terms of the extent of monitoring that will occur. While we recognize that much of the Ballona Creek Watershed is beyond the scope of the restoration project, it is reasonably foreseeable that the timing, scope and overall approach of projects and planning efforts happening upstream to address environmental concerns, including the Ballona Creek Bacteria TMDL Project and Ballona Creek Enhanced Watershed Management Program, will affect water quality and sediment loading downstream. We strongly recommend a cumulative impacts and sensitivity discussion to disclose the impacts, both positive and negative, of upstream projects on the project site.

I99-1
cont.

Area C: We support the plans for Area C presented in Alternative 1 Phase 1 with a few minor changes. We support the restoration of native upland vegetation where mostly weeds now exist, as well as the addition of walking trails, one major trailhead with parking, and several secondary trailheads. We believe the walking trails will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

- 1. Survey for rare and sensitive plants and animals and plan for their relocation before depositing fill.
- 2. Create a viewing area in South Area C overlooking the Centinela Creek convergence with Ballona Creek for birding. Consider adding benches and scopes for people to view the birds in this area.
- 3. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed.

If the Little League baseball fields remain inside the reserve, then the following changes should be made to their management:

- 1. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship.

¹ In their report, Standards for Outdoor Recreation Areas (<https://www.planning.org/pas/reports/report194.htm>), the American Planning Association outlines basic standards for amenities at public facilities.

2. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails.
3. Prevent negative environmental and community impacts by increasing patrols by enforcement agencies.
4. Restore as much of the existing area as possible to native uplands vegetation.

North Area B: We support the removal of the levee wall in North Area B as described in Alternative 1 Phase 1 and the addition of a meander to the creek in this area. We also support enhancing public access along the roads in North Area B with walking and biking trails on the new levee paralleling Culver Blvd. and joining with the existing levee wall further to the west where the tide gates are located. We also support the addition of a bridge for bike and walking connection between Area A and North Area B.

Southeast and South Area B: We support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 with a few changes. Creating small tidal channels as proposed in this area will enhance the habitat for native species and possibly support increased numbers of endangered and threatened species in this underperforming wetlands area. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Modify proposed channel location to protect Willow Thickets along Bluff from salt water inundation, both on the surface and in groundwater.
2. Do not build berm that prevents brackish marsh from spreading naturally from the freshwater marsh culvert.
3. Ensure that topography allows for vegetated wetlands to thrive and provide additional water quality filtration, and also for a diversity of wetland habitats, i.e. low, mid, and high marshes, and brackish marsh.
4. Remove invasive non-native pampas grass, and other invasive species.
5. Maximize vegetated wetland acreage, especially to create nesting and foraging habitat for Belding's Savannah Sparrow.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. To maximize wetland habitat, East Area B should not be buried with fill.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Add major pedestrian and bike path around East Area B as per Alternative 2 Public Access Plan.
2. Remove non-native vegetation.
3. Daylight this portion of the culvert from Ballona Freshwater Marsh to Ballona Creek to allow freshwater to reach seasonal wetland area and allow for riparian and/or brackish habitat to develop, recognizing that rainfall and tidal influences will affect this dynamic area over time.

West Area B: We support the Public Access Plan of Alternative 1, Phase 1 in West Area B. We support the monitoring and protection of Belding's Savannah Sparrow nesting and foraging habitat. We support removal of Gas Company infrastructure.

Our support for this Alternative is based upon the inclusion of the following changes and additions:

1. Survey for rare and sensitive plants and animals and plan for their relocation before depositing fill.
2. Provide bathroom facilities at this primary trailhead comparable to those at the Newport Back Bay Nature Preserve.
3. Provide additional details on the detention basins for storm-water runoff planned in West Area B.
4. Protect existing wetlands habitat and endangered and threatened species as long as possible while expanding their presence in other parts of Ballona.

5. Assure that the connection of the last remaining dunes habitat to the adjacent wetlands is protected.
6. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. This area should not have a public trail.
7. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads. Provide more information about how the project design will handle changes, including in terms of the extent of monitoring that will occur. While we recognize that much of the Ballona Creek Watershed is beyond the scope of the restoration project, it is reasonably foreseeable that the timing, scope and overall approach of projects and planning efforts happening upstream to address environmental concerns, including the Ballona Creek Bacteria TMDL Project and Ballona Creek Enhanced Watershed Management Program, will affect water quality and sediment loading downstream. We strongly recommend a cumulative impacts and sensitivity discussion to disclose the impacts, both positive and negative, of upstream projects on the project site.
8. Extend pedestrian access trail down the north side of Culver Blvd. and connect to the existing trail leading to the Viewing Platform.
9. Provide more information about the access road in West Area B to demonstrate the need for this development. If the road is not required for emergency use, then it should be eliminated from the plan.
10. Provide additional sources and information for Draft EIR/S conclusions on sea level rise impact. Include sea level rise impact on surrounding community and how that will affect Ballona.
11. Investigate increased tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing Belding's Savannah Sparrow nesting or foraging habitat or flooding roads/nearby development.



I99-1
cont.

The Coalition Steering Committee thanks you for your work, and would be pleased to answer any questions and to help with efforts to facilitate the restoration work ahead.

Sincerely,

The Wetlands Restoration Principles Steering Committee:

Friends of Ballona Wetlands

Scott Culbertson, Executive Director
scott@ballonafriends.org

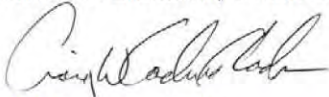
Heal the Bay

Shelley Luce, D.Env., President & CEO
sluce@healthebay.org

Los Angeles Waterkeeper

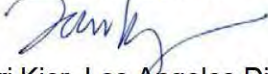
Bruce Reznik, Executive Director
bruce@lawaterkeeper.org

Surfrider Foundation, South Bay Chapter



Craig W. Cadwallader
craigc@surfrider-southbay.org

Trust for Public Land



Tori Kjer, Los Angeles Director
tori.kjer@tpl.org

Enclosure: Wetlands Restoration Principles

cc:

Senator Ben Allen

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Joey Apodaca, Field Deputy Joey.Apodaca@mail.house.gov
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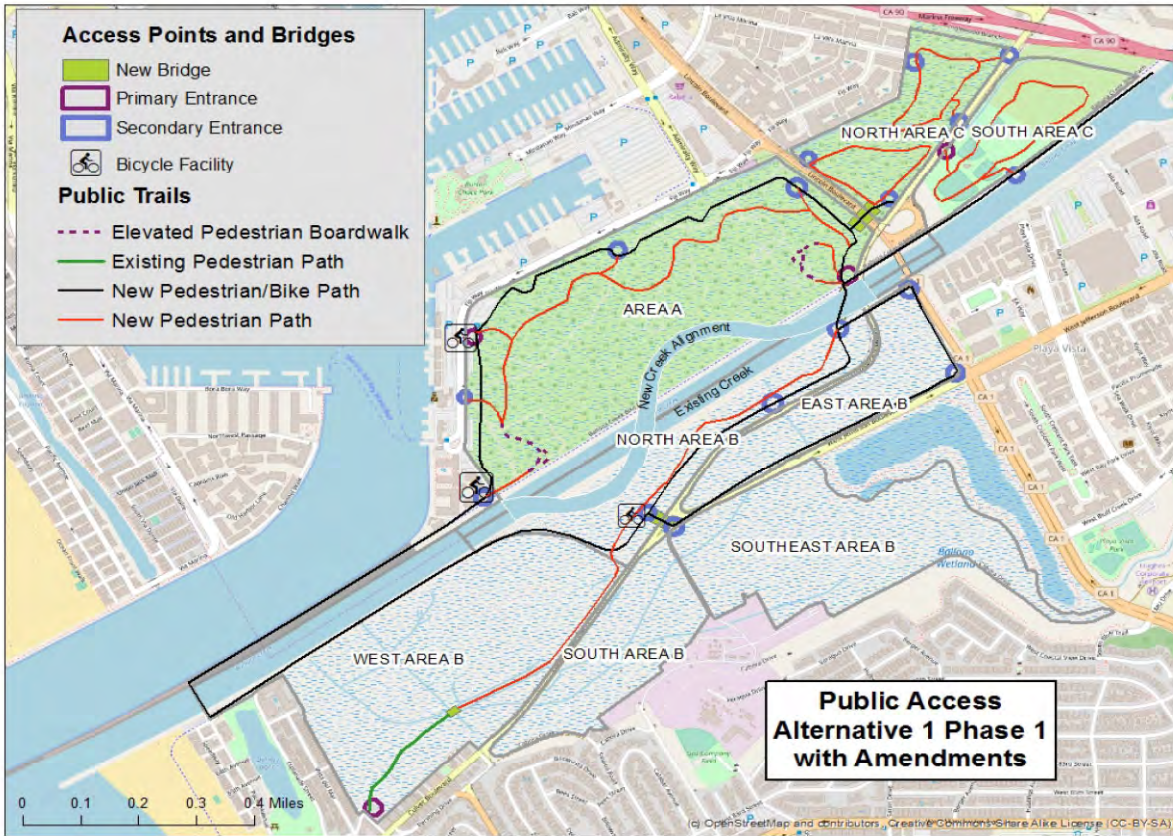
Supervisor Mark Ridley-Thomas

Karli Katona, Associate Chief Deputy KKatona@bos.lacounty.gov
Fernando Ramirez, Special Assistant/Policy Advisor FRamirez@bos.lacounty.gov

Mark Pestrella, Director, County of Los Angeles Public Works mpestrel@ladpw.org



I99-1
cont.



I99-1
cont.





Letter I99: Catherine Tyrrell

I99-1 See Response to Letter I98.

From: [John Ullcott](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: COMBINED DEIS/DEIR FOR BALLONA WETLANDS 9/24/2017
Date: Tuesday, February 6, 2018 9:38:18 AM

COMBINED ENVIRONMENTAL IMPACT REPORT (EIR) and ENVIRONMENTAL IMPACT STUDY (EIS) FOR BALLONA WETLANDS ECOLOGICAL RESERVE

Date of Notice: September 25, 2017

Comment Review Period: September 25, 2017 – November 24, 2017

FROM NOA <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149757&inline>

<https://www.wildlife.ca.gov/Regions/5/Ballona-EIR>

Richard Brody - You must perform a full review of the DEIR/DEIS and allow public comments to be submitted - consistent with the usual practice of the DEIS/DEIR.

You must ask the State and the Army Corps of Engineers for an extension of time to March 24, 2018 to submit public comments to March 24th, as has been requested by LA City Councilmember Mike Bonin and LA County Supervisor Janice Hahn. Last-minute additions to applicant's file in the DEIS/DEIR may have made public comments on the implication of applicant's new additions impossible, obviating the public comment process, and reducing local community, environmental standards in the process.

Your Advisory Committee must reject Alternatives 1-3 of the [Proposed] DEIS/DEIR, and adopt Alternative 4, no action for the following:

There is a clear demand to grant wider public access at the Ballona Wetlands. The Santa Monica Mountains Conservancy, a chief agency in providing access to nature and wildlife, has halted endorsement on the [Proposed] Ballona Wetlands Restoration Project, characterized in the DEIS/DEIR at issue. Public access to the Ballona Ecological Reserve has been mostly denied since the State of California acquired the land in 2003 & 2004 for \$140 million. The Santa Monica Bay Restoration Foundation has limited guided tours through the Ballona Wetlands, unlike at Bolsa Chica Wetlands, where there trails have always been open to the public even before restoration work was done. In the Ballona Wetlands, 14 years of the public being denied. Access for the public is just to open up a gate or two to allow the public more access. (There already is access along the current Ballona Creek bike path, allowing limited, but still important, viewing of nature on the north levee, looking into Area A and along the creek estuary channel.). Public access does not have to be - nor should it be - tied to a terrible, destructive plan.

The [Proposed] DEIS/DEIR proposes building huge (40' or more) tall berms and the proposed berms would be created from soil extracted from important, fragile freshwater wetland habitat on an ESHA (Environmentally Sensitive Habitat Area)

I100-1

and includes the jurisdiction of the Coastal Commission. stakeholder Playa Vista, the largest real estate development within and bordering the Ballona Wetlands, was rebuked by the California Coast Commission in December 2017 for illegally diverting freshwater into a hidden underground drain installed in the protected wildlife habitate, without a permit.

Alternatives 1-3 would completely destroy the habitat for 8 endangered species and dozens of species on the special concern list for the State of California. Prominent and knowledgeable ecologists such as Dr. Travis Longcore and Dr. Margot Griswold are in agreement that [Proposed] DEIS/DEIR is NOT a restoration project, but rather continuing the destruction of threatened and endangered habitat in the Ballona Wetlands. And the rationale The Bay Restoration Foundation gives to the [Proposed] DEIS/DEIR is the “creation” of something new. Your Advisory Board needs to thoroughly review the [Proposed] DEIR/DEIS in contrast to the State's mission for the Ballona Ecological Reserve or if a construction project to benefit private interests along the Greater Ballona Watershed is less important than the continued role of CEQA and the freshwater needs of the entirety of Los Angeles County.

As currently used, there is a Ballona Creek bicycle path and rowing lanes for racers. Under Item 11(a) the bike path and rowing lanes would be destroyed permanently. Currently the bike path is used for bicycle commuting, and the rowing lanes are used by rowing teams from USC, LMU and UCLA.

The loss of public access to Ballona Wetlands is being done to channel public money to pay for SoCalGas to update its Ballona Wetlands gas storage field safety equipment, and add SoCal Gas slant drilling to frack natural gas imported from fracked gas piped from Oklahoma and Texas with plans to use dangerous and toxic gas storage practices at their Ballona Wetlands facility, deliberately threatening the community at large. The DEIR/DEIS makes no mention of the danger or the need to shut down the Ballona Gas Storage field, and how making this a priority works with California's mission for the Ballona Ecological Preserve.

Your Advisory Board needs to take the interests of the oxygen-dependant human and other life forms found within range of the SoCalGas Ballona Gas Storage Field, and look at the way SoCal Gas has used methane gas emissions in Aliso Canyon, Porter Ranch. In 2015 and 2016 SoCalGas let go of the largest unplanned methane gas releases in United States history. Los Angeles Councilmember Mike Bonin is working with Food & Water Watch and other grassroots groups to shut SoCalGas's Ballona Gas Storage Field down. Los Angeles is moving toward 100% renewable energy. which puts the public in perpetual danger of an unplanned methane release, like happened in Aliso Canyon, within the overlapping areas of jurisdiction within the [Proposed] DEIS/DEIR.

Government stakeholders include



I100-1
cont.

Department of Finance
FISH AND GAME COMMISSION²
Coastal Conservancy³
Air Resources Board
Baldwin Hills Conservancy
California Biodiversity Council

California Coastal Commission⁴
Department of Conservation
Office of Environmental Health Hazard Assessment
Environmental Protection Agency, Department of Toxic Substances Control
Governor's Office of the Tribal Advisor
California State Lands Commission
Native American Heritage Commission
Ocean Protection Council
California Natural Resources Agency
Los Angeles County Department of Parks and Recreation
Los Angeles County Beaches and Harbors
Los Angeles County Lifeguards
Department of Pesticide Regulation
California Public Utilities Commission
Metropolitan Transportation Authority
Santa Monica Mountains Conservancy⁵
Office of Traffic Safety
California State Transportation Agency
Department of Transportation
California Volunteers -- maybe we should become a part!
Wildlife Conservation Board
Visit California
Department of Water Resources.

Please remove Alternatives 1-3 from consideration by your Advisory Board, approve Alternative 4, and begin a slow, careful restoration consistent with the mission of the Ballona Ecological Reserve.

THANK YOU!
John Jay Ulloth
Ulloth Graphics
Ullcott@yahoo.com

¹Memorandum of Understanding ("MOU") between LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ("LACFCD") with the US ARMY CORPS OF ENGINEERS ("USACE") related to WATER RESOURCE DEVELOPMENT ACT ("WRDA") funds (for LEVEES).)

²FISH AND GAME COMMISSION recognizes the status of Ballona ECOLOGICAL RESERVE which is ignored by Alternative 1-3 of the [Proposed] DEIS/DEIR. Alternative 4, no action, and the call for a slow, careful restoration of the Ballona Ecological Reserve. In contrast to Alternatives 1-3, a slow, careful restoration of the Ballona Ecological Reserve takes guidance from CEQA, the Coastal Act,



I100-1
cont.

various ordinance and bond issues affeting effluent along Santa Monica Bay, which value the contribution of freshwater to the coastal edge of Los Angeles. Freshwater adds vegetation to degraded coastal habitats.

3The Coastal Conservancy's Mary Small, a project manager with control of bond funds during 2007-2008, became tied to the Santa Monica Bay Restoration Foundation in pursuit of Alternatives 1-3, along with Mike Crehan, who is also on the Ballona restoration project management team, in installing the illegal, unpermitted freshwater drains which rob the Ballona Ecological Reserve of needed freshwater. A coterie of contractors for the Bay Restoration Foundation and SoCalGas are organized behind Alternatives 1-3 and have asserted interests, which Your Advisory Board does not need to adhere to.

4December 14th, the California Coastal Commission approved a plan that requires the CA Dept. of Fish & Wildlife to close up huge, illegally built drains in the Ballona Wetlands Ecological Reserve - drains that were - according to the previous landowners, the Playa Vista developers, were constructed in 1996. That means these drains were draining the rainwaters meant for these seasonal wetlands for more than 20 years! The drains were ordered to be closed up within 30 days. What this means is that ALL of the more than 8,000 pages in the draft EIR/draft EIS and their 13 appendices are relying on is INACCURATE and a baseline that was not naturally what should have been. A new baseline needs to be set, and new data and analysis (even the amount of wetlands acreage, let alone species that rely on the wetlands) - before any plan could or should be considered.

5On January 29, 2018, the Santa Monica Mountains Conservancy refused to endorse Alternatives 1-3.



I100-1
cont.



Letter I100: John Ullcott

I100-1 Recognizing that these comments duplicate those of Mr. Jack Neff (Letter I71), responses to the comments and questions raised are provided above.

Comment Letter I101

From: Robert Vaghini
To: Wildlife Ballona Wetlands Ecological Reserve EIR; bonnie.l.rogers@usace.army.mil
Subject: Ballona Wetlands Restoration Public Comment (No. 2012071090)
Date: Monday, February 5, 2018 11:03:22 AM

To whom it may concern,

I am writing to urge the California Department of Fish and Wildlife (CDFW) and The Army Corps of Engineers (ACE) choose option 4 “NO ACTION” as the only responsible choice for the Ballona Wetlands Restoration project. I would also ask the comment period be extended into March as this project could cost upwards of a 180 million dollars therefore the public should have at least 180 days to comment on the project.

I101-1

I101-2

The main reason I object to this project is simply it doesn’t meet the standard of being a restoration project. The definition of restoration according to Google is *the action of returning something to a former owner, place, or condition.* This project does not meet that criteria. This entire project is about making the area into a tidal wetland inundated with salt water, when historical photos and information strongly suggest this was mainly a freshwater wetland. During the public hearing in November none of the advocates even challenged this claim which demonstrates an admission by omission of this fact. I also think the recent decision by the California Coastal Commission ordering the closure of drains that were illegally installed during the Playa Vista development will have a significant impact on the Ballona Wetlands, including leading to increased availability of fresh water to the area. This is a significant development that should be included in any analysis into “restoring” the wetlands. This notable change to the on the ground conditions should not be overlooked and should be an important factor to stop this project from moving forward.

I101-3

I101-4

The fact this is not a restoration project has been argued by opponents and loosely acknowledged by advocates should be more than enough to stop this “restoration” from moving forward. However, I also oppose this project on the grounds that no public money should be going to a multi-billion dollar fossil fuel company SoCalGas so they may plug inactive wells. The public has paid enough in fees to SoCalGas and in poor health impacts from being forced to live next to these dangerous facilities, we should not be asked to pay a dime more. Secondly, this project gives approval to significant upgrades to the facility, including the slant drilling of new wells. This is unacceptable, our public investments should be going to the energy of tomorrow not the outdated infrastructure of the past. It is irresponsible today and to future generation of Angelenos to invest in improvements that will be outdated in the near future.

I101-5

Thank you for noting my comments and please choose option 4 “NO ACTION.”

I101-6

Sincerely

Robert Vaghini
5507 W 82ND ST
Los Angeles, CA 90045

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"Adopt the pace of nature: her secret is patience" - Ralph Waldo Emerson



Letter I101: Robert Vaghini

- I101-1 The commenter's support for Alternative 4 is acknowledged and has been included in the formal record, where it will be available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I101-2 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.
- I101-3 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."
- I101-4 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains that were subject to the California Coastal Commission's 2017 action.
- I101-5 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), regarding the existing location and proposed removal of SoCalGas Company infrastructure from within the Ballona Reserve. To confirm: there is no expectation that public funds would be used to abandon or relocate SoCalGas infrastructure within the Project Site.
- I101-6 See Response I101-1 regarding the stated support for Alternative 4.

Comment Letter I102

From: [RIKA van DAM](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands Project
Date: Monday, February 5, 2018 11:50:58 AM
Attachments: [Napoli Ballona EIR Comments.pdf](#)

Dear Mr. Brody:

I am a resident/homeowner of Villa Napoli on La Villa Marina in Marina del Rey. I am a former Board member of the Villa Napoli HOA and I attend the Del Rey Neighborhood Council meetings as well as the Del Rey Planning and Land Use Committee meetings. I am in agreement with the the Del Rey Neighborhood Council that several aspects of the "Restoration" project would be detrimental to our neighborhood and should be considered and weighed prior to approval of this project.

I have attached a letter documenting the concerns the Villa Napoli HOA has with the Ballona Wetlands project.

If you have any questions or would like additional information, please feel free to contact me.

Rika van Dam

I
102-1
I

VILLA NAPOLI *Homeowners Association*

4750 La Villa Marina • Marina del Rey, CA 90292

February 4, 2018

Mr. Richard Brody
California Department of Fish and Wildlife
c/o ESA (jas)
550 Kearny Street, Suite 800
San Francisco, CA 94108

Dear Mr. Brody:

On behalf of the Villa Napoli Homeowners Association, I would like to submit the following comments on the Ballona Wetlands Restoration Project Draft EIS/EIR.

Villa Napoli is a Homeowners Association of 35 town homes within Villa Marina development directly adjacent to Area C North. We have seen many changes to the Marina del Rey area since our neighborhood was built in 1966, and are grateful that the Ballona Wetlands Ecological Reserve has endured literally in our back yard during this time. But we have also seen the gradual ongoing deterioration of Area C North over the years. We support a plan that restores degraded areas and provides a habitat where native plant, bird and animal species can survive and thrive, as well as affords an opportunity for the public to enjoy the wetlands in an unobtrusive way. While we all agree that Area C North is long overdue for some much-needed rehabilitation, we feel that certain aspects of the Draft EIS/EIR would have a potentially negative impact on our neighborhood.

The Del Rey Neighborhood passed a resolution at a board of directors meeting on February 1, 2018 and the board of Villa Napoli supports that resolution. I have included the text of the resolution.

Sincerely,

Paul Lupi
President
Villa Napoli Homeowners Association
(310) 801-7579

cc: Andrew Simpson, Ida Goldenberg, Diane Howard, Verena Schenk

I102-2

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

Motion: The Del Rey Neighborhood Council submits the following comments, questions and opinions on the Ballona Wetlands Restoration Project Draft EIR. Our comments that follow are based on questions and concerns we have within the community and we feel they should be addressed prior to any Alternative being endorsed. We are not for or against a project of the magnitude proposed in these Alternatives. However, any final scheme that is proposed must consider and resolve our concerns and comments.

1 • RECONSTRUCTION, NOT A RESTORATION

There is a concern amongst our community that the project proposed in Alts 1, 2 & 3 are technically not a restoration, instead this may be considered a reconstruction. Justify why Alternative 1, 2 & 3 would be considered to be a 'restoration' of the Ballona Wetlands. Explain further (in simplified summaries with referenced data) how the resulting ecosystem and hydrology will accurately reestablish this area's natural and healthy state and give further consideration to the natural healing taking place currently and further explanation of the need for such a massive project.

2 • SOILS DISPLACEMENT TO AREA C

Alternatives 1-3 implement the strategy of removing large amounts of soils from Area A and displacing them into Area C, resulting in significantly higher grade elevations than are existing. There are several reasons why this is not an acceptable approach.

This area is currently one of the most problematic environments on the Westside. Crime and homelessness thrive there. Steps must be taken to limit the opportunity for illegal activities to occur, and homelessness to continue to thrive and address both public health and safety.

Further, as noted in comments from the Villa Marina community, there are concerns about this displacement in both its implementation and final effect. The amount of dirt and dust created during construction must be addressed to the satisfaction of the closest residents and no truck hauling may be done through residential streets.



I102-2
cont.

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

In the end, raising the elevation of this area will eliminate any sense of open space from eye level of our community. This part of the project must be considered as important as the other areas instead of being treated as the 'dumping ground' or logistical solution for the benefit of Area A.

3 • IMPACT ON WILDLIFE SPECIES

During construction of the project, many animals will either be killed or chased into our neighborhoods seeking shelter, food and safety. Provide feasible explanation of how the existing wildlife and plant life will be protected during excavation and construction, and justify clearly the desire to remove their habitat and replace it with tidal wetlands. In all alternatives, provide for a land bridge option across Lincoln and Culver Bvds.

4 • PLANS FOR THE LITTLE LEAGUE BASEBALL FIELDS

Culver Marina Little League (CMLL) is one of the few recreational facilities that we have in Del Rey. It provides a rare opportunity in Del Rey for neighbors to meet and play together.

We support the continuous, uninterrupted operation of CMLL. Through the re-grading and habitat enhancements of South Area C in Alternatives 1-3, CMLL's baseball fields would be either impacted or destroyed. Provide specific plans that are acceptable to the community and to the CMLL for the baseball fields to be operating and improved in each Alternative. Provide explanation of how this will be funded in each alternative.

5 • PARKING STRUCTURE

The construction of a multi-level parking structure is inappropriate in this context and within the boundaries of the States' land. Parking should not be provided for current or future commercial uses in the Marina. Provide a parking load calculation that is appropriate for this use and as applicable reduce the number of parking spaces. In all events, provide for and enforce timed parking that limits other uses. Moreover, instead of a single, primary point of access to the boardwalk trails, there should multiple entry access points so that parking can be distributed in different locations.



I102-2
cont.

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

6 • CONTINUOUS BIKE PATH OPERATION

The Ballona Creek Bike path is one of the most important outdoor recreational opportunities in Del Rey, as well as part of a vital transportation system for residents and commuters. Uninterrupted operation of the bike path must be provided. Include plans in all alternatives for this to occur.

7 • PUBLIC ACCESS

The status of this area should be maintained as an 'Ecological Reserve'. It is not a Regional Park and public access should be restricted to the Project's edges and primary bisecting thoroughfares. Excessive human infiltration will be detrimental to the wildlife and plant life. Provide an alternative solution with more limited public access. Further, is there a plan to provide enhanced and proper security to ensure transient populations do not continue to disturb the wetlands and contribute to ecological and public safety hazards.

8 • DISPERSAL OF RUNOFF DEBRIS

In all tidal wetlands Alternatives, rubbish and debris runoff from urban pollution that flows through the Ballona Creek will be dispersed throughout the wetlands. Currently, it is contained within the levies and is collectable by pontoon nets and volunteer cleanups along the banks. Provide a detailed description how trash and debris will be controlled and collected in each alternative. Also include explanation of how pollution will be kept from running off into the bay.

9 • STORM DRAINAGE AND FLOODING

We as a community are very concerned about the performance of the Ballona Creek up stream in Del Rey and beyond as a prevention to storm flooding in our area. We must be assured that during and after the Project that the Creek will provide not equal but improved capacity for handling storm water drainage. Provide a comparison of the storm drainage capacity of the Ballona Creek showing these 3 time periods – current, during construction, after completion of Project, as it relates to the project as a whole as well as specifically the Villa Marina neighborhood. Additionally, please provide a plan for financing upkeep of any flood control capacity.

10 • GAS STORAGE FACILITY



I102-2
cont.

VILLA NAPOLI Homeowners Association

4750 La Villa Marina • Marina del Rey, CA 90292

We request that the entirety of the Playa del Rey gas and oil facility (both inside and outside the boundaries of the Project area) be closed permanently and the Del Rey Neighborhood Council is on record stating such. Please clarify the outcome of this facility in all alternatives and fully justify any continued operations within the natural habitat and surrounding residential areas, whether such operations are above ground or under ground (as in slant drilling).

11 • FUTURE MANAGEMENT

Please provide a plan for active on site management, maintenance and security for any future plans. The area is currently vastly understaffed and this impacts both wildlife conservation and public safety and this must be considered in any plan.



I102-2
cont.



Letter I102: Rika van Dam

- I102-1 The commenter's agreement with points raised in the letter from the Del Rey Neighborhood Council (Letter O8) is acknowledged. See Final EIR Section 2.3.6 for responses to Letter O8. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."
- I102-2 Receipt of this duplicate copy of input provided by the Villa Napoli Homeowners Association (Letter O26). Responses to Letter O26 are provided in Final EIR Section 2.3.6.

Jeanette Vosburg
4124 East Boulevard
Los Angeles, CA 90066

RECEIVED

FEB 06 2018

January 31, 2018

DFW Director's Office

Director Charlton H. Bonham
California Dept. of Fish & Wildlife
1416 9th St., 12th Floor
Sacramento, CA 95814

Dear Director Bonham:

For 30 years, since Wetlands 90, many members of Marina Del Rey, Playa Del Rey, Venice and greater Los Angeles and beyond have fought for the purchase and restoration of 640 acres of BWER. I hope you will find my **Comments on the Ballona Wetlands Ecological Reserve Draft Environmental Impact Report/Statement** useful and well reasoned in support of preserving Ballona WILDLIFE, HABITAT, FRESHWATER AND FRESHWATER WETLANDS. I oppose Alternatives 1, 2 and 3. I support Alternative 11 and acquisition in Alternative 12. **Please share my comments with other Supervisor and also use them as you wish.**

I103-1

Sincerely,



Jeanette Vosburg

Chair Sierra Club Airport Marina Group
Board Member of Grassroots Coalition
Jeanette@saveballona.org
310-721-3512

DRAFT ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL IMPACT REPORT (DEIS/EIR) BALLONA WETLANDS RESTORATION PROJECT (BWER) Comments.

ATTENTION: Bonnie L. Rogers, U.S. Army Corps of Engineers.
Los Angeles District, Regulatory Division
ATTN: SPL-2010-01155 (Bonnie Rogers)
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017-3401
Telephone: [213.452.3372](tel:213.452.3372)
Email: bonnie.l.rogers@usace.army.mil

ATTENTION: Director Charlton H. Bonham and Richard Brody, Land Manager Ballona Wetlands, California Department of Fish and Wildlife (BWER) c/o ESA (jas) 550 Kearney Street, Suite 800 San Francisco, California 94108 Telephone: (415) 896-5900 Email: BWERcomments@wildlife.ca.gov

Dear Colonel Kirk E. Gibbs, Ms. Bonnie L. Rogers, Director Charlton H. Bonham and Mr. Richard C. Brody,

Questions.

1. Q. Why did the Draft EIR/S Fail to address drains installed in the wetlands by a private developer that were the subject of California Coastal Development Permit No. 5-17-0253 on December 14, 2017?

I103-2

Without considering such adverse impacts the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

I103-3

- Along with a historical drought, these drains have contributed to a drying out of the BWER.

I103-4

- The California Coastal Commission voted unanimously on December 14, 2017 to; 1) cap the two illegal drains capped within 30 days, 2) have a Coastal Development Permit approved within 180 days, 3) have the drains removed within one year.

I103-5

Unanimous Yes Vote to Remove Illegal Drains(link is external) 1.24 minutes
<https://youtu.be/hjsN4iSrylg>(link is external)

I103-6

2. Q. Why did the Draft EIR/S Fail to address letters from the California Coastal Commission to the DFW that unpermitted drains installed in the Ballona Wetlands caused a detrimental effect on the hydrology and surface water in a widespread area? Why hasn't an independent Hydrology Report been done?

I103-6

Without considering such adverse impacts the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

I103-7

3. Q. Why did the Draft EIR/S fail to address letters from the California Coastal Commission to the DFW requesting that DFW agree to enter into a consent Cease and Desist and Restoration process in regard to unpermitted drains installed in the Ballona Wetlands?

I103-8

Without considering such adverse impacts the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

4. Q. Why did DFW and USACE fail to recirculate the Draft EIR/S in order to address the California Coastal Commission issuance of Coastal Development Permit No. 5-17-0253 on December 14, 2017 that required DFW to cap and remove illegal unpermitted drains under its control from the Ballona Wetlands and to prepare an EIR within 180 days from the permit issuance to fully remove the drain structures?

I103-9

Without considering such adverse impacts the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

5. Q. Why did DFW and USACE fail to address that illegal drains under control of both agencies constituted violations of the U.S. Clean Water Act (Storm Water Pollution Prevention Act), and that the illegal structures were not covered by a Storm Water Pollution Prevention Plan nor a National Pollution Discharge Permit?

I103-10

Without considering such adverse impacts the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

6. Q. Why did the DEIR/S fail to address that the proposed introduction of salt water into a freshwater wetlands environment was contrary to the State of California Porter Cologne Act that encompasses the Venice Sub-Basin of the Santa Monica Groundwater Basin and is protective of groundwater resources as a potential source of public drinking water?

I103-11

Without considering such adverse impacts to the groundwater basin by saltwater intrusion and in the absence of consideration of compliance with the Porter Cologne Act the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

7. Q. Why did the DEIR/S fail to address the flood control project for the adjacent private Playa Vista Project approved by California Coastal Development Permit 5-91-463 that is on public lands controlled by the DFW, that the project was required to be managed by an entity approved by the California Coastal Commission named the "Ballona Wetlands Foundation" but is currently managed by an unauthorized private entity named the "Ballona Wetlands Conservancy", and pursuant to USACE National Permit No. 90-426-EV construction of a "salt marsh" to contain storm waters from a 50-yr flood event was required and not completed?

I103-12

Without considering the unauthorized management and incomplete private flood control project, the public is placed at danger of flood. Therefore, the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

8. Q. Why did the DEIR/S fail to acknowledge that the flood control project authorized by California Coastal Development Permit 5-91-463 and USACE National Permit No. 90-426-EV first required the applicant to obtain a Flood Control Permit from the Los Angeles County Department of Public Works Flood Control District?

Without considering the unauthorized management and incomplete private flood control project, the public is placed at danger of flood. Therefore, the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

I103-13

9. Q. Why did the DEIR/S fail to acknowledge that the flood control project authorized by California Coastal Development Permit 5-91-463 and USACE National Permit No. 90-426-EV required a deed restriction be placed on the entire project, and, that the restriction was not placed by the applicant/permittee, that the deed restriction is not compliant with either permit and that the restriction was only placed on part of the project, the riparian corridor (in 2016) well over a decade too late?

Without considering this failure to comply with both permits the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

I103-14

10. Q. Why have the DFW and USACE incorrectly characterized the proposed project as being a restoration, when it is in fact creation of an environment that was not there before, and that such a creation is inconsistent with the California Coastal Act?

Without considering this failure to truthfully characterize the existing environment, the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

I103-15

11. Q. Why is the water from the Page 384 Table 3.1-1 Cumulative Project No. 41 entitled Low Flow Diversion: Facility 1 Ballona Creek Reach 2, Facility 2 Sepulveda Channel and Mesmer located in Centinela Creek proposed to be sent to Hyperion rather than piping it to the BWER?

Local residents, activists and scientist fought for years to preserve this rare freshwater coastal wetland. To help it function as a wetland, let's divert this water to the BWER reserve instead of to Hyperion. This will provide much needed freshwater for the habitat and the animals, birds and insects to thrive.

I supported this change in my comment letter to LA Sanitation re: Ballona Creek Bacteria TMDL EIR dated October 1, 2017.
SEE SUBMISSION AT END OF THESE COMMENTS

I103-16

I103-17

12. Q. Why wasn't the lack of a completed Flood Control System at Playa Vista included in the DEIR/EIS?

Without considering this failure to comply with both permits the DEIR/S is defective and must be recirculated to comply with CEQA and the California Coastal Act.

I103-18

13. Q. Why do the first three “restoration alternatives” appear to protect Playa Vista / Playa Capital’s multi-billion-dollar investment from flooding / tsunami at the taxpayers’ expense? Isn’t this a conflict of interest?

I103-19

The Full-Tidal Alternative, as well as, the more muted Alternatives 2 and 3 were designed by a heavily weighted team of Playa Vista Proponents.

14. Q. What is relationship of California Department Fish and Wildlife Ballona Wetlands Ecological Reserve Land Manager Richard C. Brody to the Playa Capital Board Directors and to the Bay Foundation? Are they legal?

I103-20

See Ballona Wetlands Land Trust Lawsuit admissions by former Chair Shelley Luce of both Santa Monica Bay Restoration Commission and the private foundation the Bay Foundation.

Ballona Wetlands Land Trust Lawsuit

<https://drive.google.com/file/d/1y8NgNCDOEqPSddoel3RCqv30tZ9NXDgp/view?usp=sharing>

I103-21

Karina Johnston was ruled to have worked on Ballona for the public agency SMBRC, despite an attempt by SMBRC and TBF to claim she only did Ballona work for The Bay Foundation (despite the business cards, letters on state agency letterhead, etc.). Other court records such as deposition transcripts are at <http://www.ballona.org/litigation/>

I103-22

I103-23

Walter Lamb Speaker Topic: Ballona Wetlands Land Trust Lawsuit Update

<https://youtu.be/ul5RTV6S8wY> (link is external) 32 Minutes 4.19.16

I103-24

Also see Chapter 5 List of Preparers and Contributors 5.2 Consultants. *The Bay Foundation*.

I103-25

Also see 5.3 Sub-Contractors associated with Playa Vista / Playa Capital Psomas (Engineering Services) and Group Delta Consultants, Inc. (Geotechnical Services).

Also See: California Coastal Com - Incomplete Playa Vista Flood Control Project - John Davis 12.13.17 6 Min
https://youtu.be/F_Sy3DkE594

I103-26

15. Q. Why wasn’t 2.3.1 Alternative 5 Enhance Existing Habitat with Minimal Grading given equal status with Alternatives 1 through 4?

I103-27

It is a much cheaper alternative. It is an actual Restoration. It is not a Creation which is illegal.

See: Margot Griswold Restoration Ecologist - Ballona Wetlands

<https://youtu.be/XdtWA0t-030>

I103-28

Shown at the California Coast Commission on December 14, 2017 prior to unanimous decision by the Commission to vote for the removal of the Illegal Playa Vista drains in the BWER.



16. Q. Why when 2.3.7 Alternative 11: 19th Century Wetlands clearly shows the majority of Ballona Wetlands Ecological Reserve has been a Freshwater Season Wetland for over 100 years has the DEIR chosen Full Tidal or mostly Tidal for the first three alternatives?

I103-29

Based on a study of the Ballona Wetlands by Dr. Travis Longcore, etal, the BWER has not been full-tidal for 4,000 years. During major storm events it has on occasion been open to the sea and then closes.

I103-30

See: Implications Ballona Wetlands Restoration, Dr. Travis Longcore, <https://youtu.be/1viLaZaVhQY>

17. Q. Why wasn't 2.3.8 Alternative 12: Acquisition Rather than Restoration considered as a viable option?

Over 1.8 million dollars appears to be available to relocate and change approximately 90% of the current wetlands at the BWER.

I103-31

According to the illustration on Page 729 it appears approximately 90% of the BWER will be either filled and/or excavated.

Also see Pages 91-93 1.2 Overview of the Project, 1.1.1 Location of the Project Site, Area C.

18. A. Why not purchase SoCalGas Playa del Rey Storage Facility that is approximately 69 acres for upland habitat? B. Why shouldn't these wells in Ballona Wetlands Ecological Reserve be Capped and Closed Down?

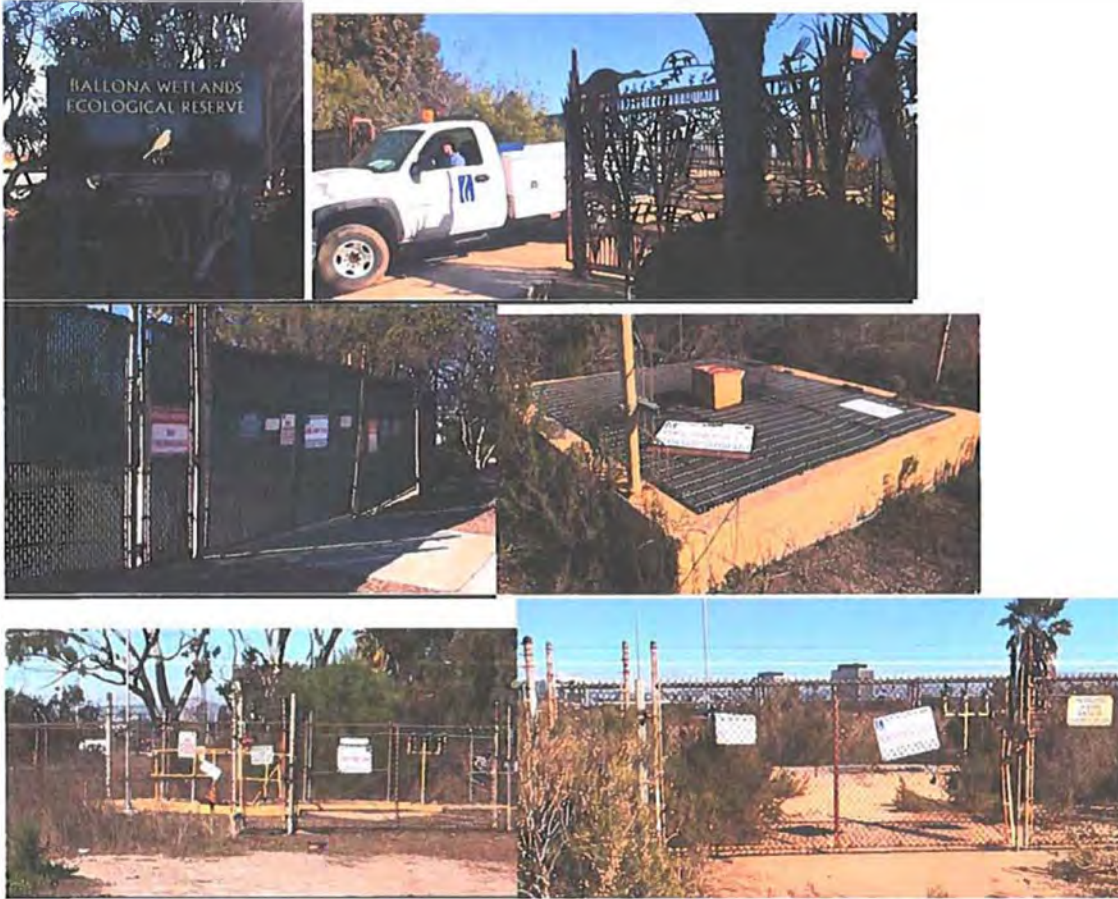
I103-32



**SOCALGAS GAS STORAGE FIELD
TANK FARM
CULVER BLVD, PLAYA DEL REY, CA**

I103-33

SOCALGAS ENTRY TO WELLS IN BALLONA WETLANDS ECOLOGICAL RESERVE ON FIJI WAY IN MARINA DEL REY, CA



I103-33
cont.

Neighbors consider it a constant threat to life, limb and property. In this DEIR it is proposed to cap, relocate wells and slant drill new ones.

See California Coastal Com - Aljazeera - SoCal Gas Leaks - Playa del Rey, CA - 12.13.17 - 5 Minutes
<https://youtu.be/byfoVBQqnjk>









I103-34

See California Coastal Com - SoCal Gas Leak - Grassroots Coalition - Patricia McPherson 12.13.17 6 Min
Understanding the dangerous natural gas storage under Ballona Wetlands and need for transparency.
<https://youtu.be/UAgFLLhF2X0>



I103-35

-  Area of Potential Effects
-  Fill
-  Fill and Excavation
-  Excavation
-  USACE Jurisdictional Area
-  Inundation Area



I103-36

19. Q. Why were the writers of this DEIR so determined to radically change the BWER to full-tidal when it hasn't been for 4,000 years?

Local residents, activists and scientist fought for years to preserve this rare freshwater coastal wetland. Finally, it was brought into public ownership only to find in this DEIR the habitat and the animals, birds and insects are threatened with as proponents say, "a robust restoration". In laymen's terms a full-on destruction of the wetlands as we know it.

See Shelley Luce email below. Why would Shelley say, "We need numbers like 99% invasive plants" and "lowest seed bank of any so cal wetland" when current photos from every area of the BWER show wildlife inhabiting it now?

I103-37

From: Shelley Luce
To: Mary Small
Subject: RE: board presentation
Date: Wednesday, January 11, 2012 6:56:23 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?

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.santamonibay.org

From: Mary Small [mailto:mssmall@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 flip the powerpoint so you can edit directly, let me know. I have to finish this by tomorrow night.

Thanks!

Mary



I103-37
cont.

20. How can "99% invasive species", and "the lowest seed bank in So Cal" support 90 wildlife species currently alive and well at BWER? Current Locations are included with photos taken recently in the Ballona Wetlands Ecological Reserve.

Ballona Perching Birds

More Ballona Winter Neighbors . . .

Meet Some Ballona Herons, Egrets, a Bittern & an Ibis

The varied Ballona habitats that provide food, shelter, nurseries, and more for Ballona wildlife:

- 1 Area A, Contra Vista and Costa Sur, is an expanse of tall grasses, wetlands, and marshes and salt flats and seasonal freshwater wetlands and ponds.
- 2 Area B, Contra Vista and Costa Sur, is a mix of riparian forest and marsh wetlands, and is the riparian corridor from Ballona Creek to the San Gabriel River and out of Area B.
- 3 Area C, Contra Vista and Costa Sur, is a mix of riparian forest and marsh wetlands, and is the riparian corridor from Ballona Creek to the San Gabriel River and out of Area B.
- 4 Ballona Creek, Contra Vista and Costa Sur, is a mix of riparian forest and marsh wetlands, and is the riparian corridor from Ballona Creek to the San Gabriel River and out of Area B.
- 5 Ballona Creek, Contra Vista and Costa Sur, is a mix of riparian forest and marsh wetlands, and is the riparian corridor from Ballona Creek to the San Gabriel River and out of Area B.
- 6 Ballona Creek, Contra Vista and Costa Sur, is a mix of riparian forest and marsh wetlands, and is the riparian corridor from Ballona Creek to the San Gabriel River and out of Area B.
- 7 The adjacent beaches of the riparian corridor are the riparian corridor from Ballona Creek to the San Gabriel River and out of Area B.

I103-37
cont.

Ballona Perching Birds

More Ballona Winter Neighbors . . .

Meet Some Ballona Herons, Egrets, a Bittern & an Ibis

The varied Ballona habitats that provide food, shelter, nurseries, and more for Ballona wildlife:

- 1 Area A, Contra Vista and Costa Sur, is an expanse of tall grasses, wetlands, and marshes and salt flats and seasonal freshwater wetlands and ponds.
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- 6 Ballona Creek, Contra Vista and Costa Sur, is a mix of riparian forest and marsh wetlands, and is the riparian corridor from Ballona Creek to the San Gabriel River and out of Area B.
- 7 The adjacent beaches of the riparian corridor are the riparian corridor from Ballona Creek to the San Gabriel River and out of Area B.

Also See: Implications Ballona Wetlands Restoration, Dr. Travis Longcore, <https://youtu.be/1viLaZaVhQY>

I103-38

21. Q. Why, when Friends of Ballona and Playa Vista were only significant in saving 89 acres of BWER that has become known as the Freshwater Marsh and the Riparian Corridor, were they given access to the BWER to the

I103-39

exclusion of almost everyone else who fought to bring 640 acres of BWER into the Public Trust? Furthermore, why has the Bay Foundation a private foundation made up of primarily Friends of Ballona, Playa Vista and Chevron Gas been given a "seat at the table" when Sierra Club Wetlands 90 kicked off the acquisition by bringing 10,000 people to what is now BWER?

I103-39
cont.

22. Q Why, on a consistent basis, have Sierra Club Airport Marina Group, Wetlands Action Network, Ballona Wetlands Land Trust, LA Audubon and Sierra Club Ballona Wetlands Restoration Committee been missing in discussions about the future of the BWER?

I103-40

23. Q Why, on a consistent basis, have Friends of Ballona, Heal the Bay and Bay Keepers in discussions about the future of the BWER?

24. Q. Why not do the right Restoration for the future of all wildlife that lives in the wetlands and create a top-to-bottom solution that includes the Ballona Watershed and the concerned citizens living within in it?

I103-41

Let's be far sighted and not near sighted.

Submitted respectfully by,

Jeanette Vosburg, Concerned Citizen
4124 East Blvd, Los Angeles, CA 90066
310-721-3512 Jeanette@SaveBallona.org

Affiliations:

Grassroots Coalition, Outreach Coordinator
Chair, Sierra Club Airport Marina Group
Member Sierra Club Angeles Chapter Executive Committe

Ballona Creek Bacteria TMDL EIR Comments submitted by:

Jeanette Vosburg Chair Airport Marina Group Sierra Club and Board Member of Grassroots Coalition.org Jeanette@saveballona.org 310-721-3512 Cell 4124 East Blvd., Los Angeles, CA 90066

October 16, 2017

Mr. Hubertus Cox LA Sanitation - Watershed Protection Division 1149 S. Broadway, 10th Floor Los Angeles, CA 90015 LAStormwater@lacity.org Fax: 213-485-3939

Dear Mr. Cox:

I am submitting comments on the Draft EIR for the Ballona Creek/Channel TMDL project. Please keep me informed as to any further news/actions on this project.

• Chair Airport Marina Group Sierra Club and Board Member of Grassroots Coalition.org
Jeanette@saveballona.org 310-721-3512 Cell

4124 East Blvd., Los Angeles, CA 90066

COMMENTS:

I am happy that you are going to clean up the bacteria/pollution in this creek. For the last 15 years I have walking the Ballona Flood Control Channel from Sid Kronenthal Park in Culver City to the Pacific Ocean in Playa del Rey. I participated in the monthly meetings led by Ballona Watershed Coordinator Jessica Hall. I strongly believe in capturing rainwater from the top of the Ballona Watershed down, cleaning and reusing rainwater on the way down.

In September, 2017 I led a five hour Ballona Watershed Bus Tour sponsored by Sierra Club. Fifty-three concerned citizens took the Ballona Watershed Tour from the Sierra Club Office at 3250 Wilshire Blvd in Los Angeles to Echo Park Lake / Bird Sanctuary, Silver Lake Reservoir, Fern Dell Park in Griffith Park, Pan Pacific Park, Cochran Avenue Storm Drain at Venice Blvd, to Baldwin Hills Scenic Overlook, Kenneth Hahn State Park, and Stone View Nature Center. **As we traversed the area, we all took note of the densely populated, park poor center of the Ballona Watershed. Guest speakers on tour: David McNeill, Director / Baldwin Hill Conservancy; Betsy Damon Founder/Director / KeepersoftheWaters.org from New York City; Melanie Winter / Director / The River Project; Rex Frankel / Ballona Ecosystem Education**

I, along with thousands of others, worked very hard to bring the Ballona Wetlands Ecological Reserve (BWER) and other parts of the Ballona ecosystem

in the Public Trust. The Ballona Wetland is one of the few seasonal fresh water wetlands left along the Southern California coast. Others, such as Bolsa Chica and Malibu Lagoon have been turned into salt water/brackish wetlands. The 640 acres of Ballona Wetlands still has habitat for fresh water species that have lived there for many years.

1. Cleaning up the Ballona Watershed runoff water in the dry season and directing it into the Ballona Wetlands from the Ballona Flood Control Channel is especially important. Our Wetland really needs diversion of both cleansed rainwater and runoff all times of the year.

2. The water that gets cleaned up from this system should go into the Ballona wetlands, so the

I103-42

wildlife can survive. Citizens are working hard to try to use this water from the watershed beginning in Griffith Park to do small neighborhood parks that invite rainwater in to set for a while and be absorbed into the earth.

The rest of the water can be diverted to the Ballona Wetlands. Please refer to watershed map showing all the small creeks that once flowed towards the Creek

and are now in concrete storm drains. We are working to daylight some of this water, rather than have it continue to be sent underground into pipes that go to the ocean.

3. The return of this water to our wetlands is very important as development has destroyed over 95% of our coastal wetlands in California, and these last few areas are critical to save for species like frogs, birds, and fish that use fresh water wetlands. Frogs are not doing well on our planet. They are very sensitive to contaminants coming in through their skin. Bringing more fresh clean water to their habitat in the dry season would be VERY beneficial.

Also Steel Head Trout have recently been seen in Ballona Creek. So it would be good to support their return to this area.

4. Currently the Playa Vista project, which was built on wetlands east of Lincoln Blvd, is pumping out over 600 hundred thousand gallons of water from the aquifer everyday from beneath their development. The State Water Board has confirmed this aquifer had dropped between 15 to 20 feet in less than 15 years.



This water was supposed to be cleaned up and sent to the Ballona Wetlands Ecological Reserve (**BWER**), but apparently the water is being sent to the ocean through the west end of Ballona



I103-42
cont.

Creek / Flood Control Channel. Therefore, any water that is cleaned up by this project should go to the wetlands.

I favor the Low Flow Treatment Facilities below that are proposed in the DEIR. I OPPOSE SENDING WATER from the these locations to the Hyperion Plant.

Low Flow Treatment Facility 1 located in Ballona Creek Reach 2

Low Flow Treatment Facility 2 located in Sepulveda Channel

Mesmer Low Flow Diversion located in Centinela Creek

This cleaned water should all go into the wetlands in Areas A and B of the BWER. See comments on the DEIR submitted earlier by TATTN.

5. The meetings that were held regarding this TMDL were not satisfactory. We attended the one on September 20, 2017 in the Westchester Municipal Building. There were poster boards up with pictures and drawings, and some staff standing around to answer questions. This format was not very helpful. There needs to be another meeting at which the public can attend, and make comments.

PLEASE HOLD A PUBLIC HEARING before approving this Draft EIR and allow the public at least one month to respond with comments after that public hearing.

6. Some of the sources referred to in the appendix were not accessible to read.

Thank you again for starting to work on cleaning up the dry season water in Ballona Creek. We look forward to seeing the treasured Ballona Wetlands Ecological Reserve once again connected to this important source of fresh water .

Sincerely ,

Jeanette Vosburg

Chair Airport Marina Group Sierra Club and Board Member of Grassroots Coalition.org

P.S. I support Tattn edits: Cover Page, ix, x, xi, xii, xvi, xvii, xviii, xxi, xxii, xxiii, xxvii, Page 1, 2, 6, 10, 12, 15, 19, 22, 23, 24, 25, 27, 28, 29, 47, 49, 50, **99** (Playa Vista Illegal Waste of 646,242 Gallons per day), **101** (Error-source not found), **106** (Validation for treated water use at BWER), 107, **108** (not an estuary), **118** (illegally divert waters from BWER), **121** (false claim), **125** (Federally protected area/registered Sacred Site [s]), 127, **128** (false), **129** (National Historic Preservation Act) **130** (CEQA), **131** (JohnTommy Rosas - Lineal Descendant), **135** (Kizh Nation - non-documented) **191** (see TATTN comments in red)



I103-42
cont.

January 30,2018 Addendum to: DRAFT ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL IMPACT REPORT (DEIS/EIR) BALLONA WETLANDS RESTORATION PROJECT (BWER) Comments.

I would like your organization to ask Sister Agencies to review and weigh in on this DEIR/EIS on the BWER.

Primary:
Baldwin Hills Conservancy
California Biodiversity Council
State Coastal Conservancy
California Coastal Commission
Office of Environmental Health Hazard Assessment
Environmental Protection Agency
Fish and Game Commission
Governor's Office of the Tribal Advisor
California State Lands Commission
Office of the Lieutenant Governor
Native American Heritage Commission
California Natural Resources Agency
Department of Pesticide Regulation
California Public Utilities Commission
Save Our Water
Santa Monica Mountains Conservancy
State Water Resources Control Board
Department of Toxic Substances Control
Wildlife Conservation Board
Department of Water Resources.

California Pollution Control Financing Authority
California State Auditor and
State Controller's Office.

Contact information is on <http://www.ca.gov/Agencies>.

Submitted respectfully by,

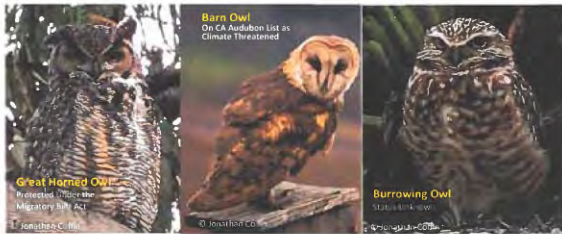
**Jeanette Vosburg, Concerned Citizen
4124 East Blvd, Los Angeles, CA 90066
310-721-3512 Jeanette@SaveBallona.org**

Affiliations:

**Grassroots Coalition, Outreach Coordinator
Chair, Sierra Club Airport Marina Group
Member Sierra Club Angeles Chapter Executive Committee**

I103-43

Preying in the Wetlands . . .



Some Ballona Reptiles, Fish, & Stingrays



Mammals in Our Midst



For more information contact the Sierra Club, Airport Marina Group, Jeannette Vosburg, 310-721-3512, Jeannette@saveballona.org, www.saveballona.org, Publisher, PowerSurge Publications, Bev-Sue Powers, 310-869-2927, BallonaPhotography@gmail.com, www.BallonaPhotography.com | J Coffin pics printed with permission. See www.flickr.com/Stonebird

Some Ballona Year-Round Neighbors



Some Ballona Winter Neighbors



I103-44

TO:

FROM:

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Ballona Perching Birds



More Ballona Winter Neighbors . . .



Meet Some Ballona Herons, Egrets, a Bittern & an Ibis



- The varied Ballona habitats that provide food, shelter, nurseries, and more for Ballona wildlife:**
- 1 Area-A.** Contains Upland Coastal Scrub, Riparian Vegetation, Tidal channel wetlands, Non-Tidal Brackish marshes and Salt Pans, and seasonal Freshwater Wetlands and Ponding.
 - 2 Area-B.** Contains flora and fauna similar to Area-A, plus year-round Riparian & Fresh Water Marsh vegetation and wildlife. Manmade channels from Ballona Creek contain tidal saltwater flow in and out of Area-B.
 - 3 Area-C.** Contains flora and fauna similar to Area-B, a freshwater marsh with seasonal Freshwater Ponding.
 - 4 Bluff Creek Riparian Corridor** is all that remains of the Ballona Wetlands east of Lincoln Blvd and south of the Ballona Creek.
 - 5 Ballona Creek.** Contains rocky salt water jetties, banks, and levees with channel tidal flows up the creek (about 2 miles) and into Area B, with a mix of salt, brackish, and fresh water. The banks and the muddy bottom provide a rich dining buffet for wildlife.
 - 6 Del Rey Saltwater Lagoon and Venice Canals.** Empties and fills with the tidal flow. The muddy bottoms and banks are a rich food source for migrating ducks and seabirds who winter here.
 - 7 The Adjacent Beaches** contain insects and crustaceans in the sand the wading birds love. The wintering seabirds and diving ducks dine off the fish and crustaceans. Beaches also contain (endangered) Least Tern colonies (fenced areas).

1103-44
cont.

Ballona Perching Birds



More Ballona Winter Neighbors . . .



Meet Some Ballona Herons, Egrets, a Bittern & an Ibis



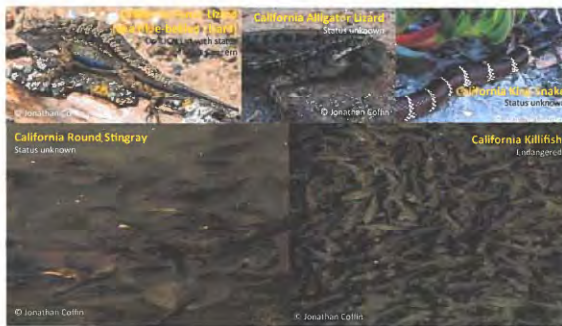
- The varied Ballona habitats that provide food, shelter, nurseries, and more for Ballona wildlife:**
- 1 Area-A.** Contains Upland Coastal Scrub, Riparian Vegetation, Tidal channel wetlands, Non-Tidal Brackish marshes and Salt Pans, and seasonal Freshwater Wetlands and Ponding.
 - 2 Area-B.** Contains flora and fauna similar to Area-A, plus year-round Riparian & Fresh Water Marsh vegetation and wildlife. Manmade channels from Ballona Creek contain tidal saltwater flow in and out of Area-B.
 - 3 Area-C.** Contains flora and fauna similar to Area-B, a freshwater marsh with seasonal Freshwater Ponding.
 - 4 Bluff Creek Riparian Corridor** is all that remains of the Ballona Wetlands east of Lincoln Blvd and south of the Ballona Creek.
 - 5 Ballona Creek.** Contains rocky salt water jetties, banks, and levees with channel tidal flows up the creek (about 2 miles) and into Area B, with a mix of salt, brackish, and fresh water. The banks and the muddy bottom provide a rich dining buffet for wildlife.
 - 6 Del Rey Saltwater Lagoon and Venice Canals.** Empties and fills with the tidal flow. The muddy bottoms and banks are a rich food source for migrating ducks and seabirds who winter here.
 - 7 The Adjacent Beaches** contain insects and crustaceans in the sand the wading birds love. The wintering seabirds and diving ducks dine off the fish and crustaceans. Beaches also contain (endangered) Least Tern colonies (fenced areas).

I103-44 cont.

Preying in the Wetlands . . .



Some Ballona Reptiles, Fish, & Stingrays



Mammals in Our Midst



For more information contact the Sierra Club, Airport Marina Group, Jeanette Vosburg, 310 721 3512, Jeanette@saveballona.org, www.saveballona.org, Publisher, PowerSurge Publications, Bev-Sue Powers, 310-869-2927, BallonaPhotography@gmail.com, www.BallonaPhotography.com | J Coffin pics printed with permission. See www.flickr.com/Stonebird

Some Ballona Year-Round Neighbors



Some Ballona Winter Neighbors



I103-44 cont.

TO: _____

FROM: _____

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Here

From: Jeanette Vosburg [<mailto:saveballona@hotmail.com>]

Sent: Saturday, 3 February, 2018 4:46 PM

To: Richard Brody <richard.brody@wildlife.ca.gov>; Rogers, Bonnie L CIV USARMY CESPL (US) <Bonnie.L.Rogers@usace.army.mil>

Subject: [Non-DoD Source] BWER EIS/EIR REQUEST 30 DAY EXT ON NEW REF MATERIALS ADDED ON 1/22/18 and 1/23/2018

TO: Bonnie L. Rogers, Senior Project Manager

U.S. Army Corps of Engineers

[915 Wilshire Blvd., Suite 930](#)

[Los Angeles, CA 90017-3401](#)

Director Charlton H. Bonham

Richard Brody, Land Manager

California Dept. of Fish & Wildlife

[550 Kearny St., suite 800](#)

Sacramento, CA 95814

Dear Ms. Rogers, Dir. Bonham and Mr. Brody,

I mailed my comments to you attention on Thursday, January 1, 2018.

Today I discovered you added NEW REF MATERIALS ON 1/22/18 and 1/23/2018 without notifying interested parties like me.

PLEASE GRANT AN EXTENSION ON COMMENTS UNTIL AT LEAST March 24, 2018 so that the public can read and has time to analyze this new information.

I103-45

THIS DEIR/EIS NEEDS TO BE REDONE:

I still maintain that - since a significant acreage of land at the Ballona Wetlands Ecological Reserve was drained of rain water that previously had fed seasonal wetlands, ponds and meadows — the draining having happened beginning in - according to Playa Vista/Psomas, as reported at the Coastal Commission - 1996 - until this last month, when the drains were finally capped as required by the Coastal Commission at its December, 2017 hearing, the entire DEIR/DEIS is based on flawed and outdated baseline information. The wetlands delineations are not correct because of this, and therefore mitigation requirements are not correct, and species abundance and surveys would also need to be redone....AFTER enough rainwater is soaked into the marsh soils so that the aquifer is replenished by rainwater as it used to be before the illegal drains were built and installed.

Therefore, the proposed project needs to be WITHDRAWN until a new baseline can be established and accurate wetland delineations and species surveys can be completed BASED ON THAT BASELINE. And possibly new, revised alternatives should be considered - since the rain-fed, seasonal wetlands were a big part of the historical wetlands at Ballona. My Submission stated my opposition to Alternatives 1, 2 and 3. I support Alternatives 11 and 12.

Thank you,

Jeanette Vosburg, Sierra Club Airport Marina Group Chair and Board Member of Grassroots Coalition< 4124 East Blvd., Los Angeles, CA 90066

I103-46
I103-47
1103-48
I103-49
I103-50

From: [Jeanette Vosburg](#)
To: [Bonham.Chuck@Wildlife](#); [bonnie.l.rogers@usace.army.mil](#); [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Re: REQUEST TO WITHDRAW BWER DRAFT EIR/S
Date: Sunday, February 4, 2018 3:06:17 PM

Commander Gibbs, Los Angeles District USACE
Bonnie L. Rogers, Senior Project Manager
U.S. Army Corps of Engineers
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017-3401

Executive Director Charles Bonham
Richard Brody, Land Manager
California Dept. of Fish & Wildlife
550 Kearny St., suite 800
Sacramento, CA 95814

REQUEST TO WITHDRAW OR PROVIDE 30 DAY EXTENSION TO COMMENT ON BWER DRAFT EIS/R

Commander Gibbs, Director Bonham,

It is necessary for the USACE Los Angeles District and CA DFW to withdraw or recirculate the DEIR/S. There are so many errors of commission and omission on its face, that it should never have been released.

Glaring omissions include the failure to state the project is in a SEISMIC HAZARD ZONE as determined by the State of California Department of Conservation Division of Mines and Geology and as determined by the U.S. Geological Survey. And, the Department of Conservation was not noticed as a Trustee Agency in the circulation of the DEIR as required by CEQA. Other major errors of commission include the characterization of the site as a former salt water environment, when the 1954 Rivers and Harbors Act, U.S. Public Law 780, as described by U.S. House of Representatives 389, clearly disputes that false assertion.

The alternatives are skewed only to provide one outcome, and are insufficient rendering the DEIR defective.

Many of the contractors that produced that narrative were hired by the California Coastal Conservancy without complying with the State of California Contracting Law and Regulations. The same contractors that included Psomas and PWA among others are CONFLICTED in that they have or are actively working for the adjacent Playa Vista Project which failed to obtain a

I103-51

Comment Letter I103

required Flood Control Permit from the LA County Flood Control District, and failed to complete an illegal flood control project pursuant to a Ca. Coastal Commission CDP, 5-91-463 which was issued on behalf of NOAA under to the U.S. Coastal Zone Management Act of 1972.

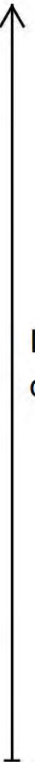
Furthermore the project is violative of the Acts, and the River and Harbors Acts of 1941 and 1954.

Please provide a 30 day extension for the public to submit comments because the FTP Server with links to reference materials was only recently noticed to the public, and as a result, there is no way for the public to review and provide any meaningful comment in that short time frame. This is a public process and requires maximum public participation.

Additionally, THE FTP SERVER FAILED TO ALLOW FULL ACCESS TO THE MATERIALS. ONLY A LIST OF THUMBNAILS OF PDFS IS AVAILABLE. NO DOWNLOAD WAS POSSIBLE. THE DOCUMENTS COULD NO BE OPENED EITHER.

It is, therefore reasonable, to request withdrawal, or at a minimum, an extension.

Jeanette Vosburg
4124 East Blvd.
Los Angeles, CA 90066
310-721-3512



I103-51
cont.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 03/01/16

DEPT. 82

HONORABLE MARY H. STROBEL

JUDGE

N DIGIAMBATTISTA

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

3:30 pm

BS154128

Plaintiff

Counsel

THE BALLONA WETLANDS LAND TRUST
VS

Defendant NO APPEARANCES

SANTA MONICA BAY RESTORATION
COMMISSION

Counsel

NATURE OF PROCEEDINGS:

COURT ORDER

The court signs and files this date its FINAL STATEMENT OF DECISION in the above-captioned case.

The proposed judgment and proposed writ of mandate lodged by petitioner on February 26, 2016, will be held fifteen days for objections.

A copy of this minute order as well as the Final Statement of Decision are mailed to counsel of record via U.S. Mail addressed as follows:

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MINUTES ENTERED
03/01/16
COUNTY CLERK

Ballona Wetlands Land Trust,

Judge Mary Strobel
Hearing: January 26, 2016

v.

Santa Monica Bay Restoration
Commission,

FILED
Superior Court of California
County of Los Angeles

W MAR - 1 2016

Sherri R. Carter, Executive Officer/Clerk
By *Nancy DiGiambattista* Deputy
N. DiGiambattista

BS 154128

Final Statement of Decision

Petitioner Ballona Wetlands Land Trust ("Petitioner") sought a writ of mandate pursuant to Code of Civil Procedure section 1085 compelling Respondent Santa Monica Bay Restoration Commission ("SMBRC") to comply with requests for public records pursuant to the California Public Records Act ("CPRA"). Petitioner also prayed for declaratory relief related to CPRA requests for which documents were produced after this litigation was filed. The court held a hearing and issued a Tentative Statement of Decision on January 26, 2016. The court received objections to the proposed statement of decision from Petitioner on February 11, 2016 and from Respondent on February 10, 2016. The court has considered those objections and rules on the objections as indicated on Attachment A. The court now renders its Final Statement of Decision.

The court received a proposed form of Peremptory Writ of Mandate and Proposed Judgment lodged by Petitioner on February 26, 2016. The court will enter judgement after the time for objections to the form of judgment and form of writ of mandate has expired.

SMBRC's Evidentiary Objections to the Amended Declaration of Walter Lamb

- (1) Sustained.
- (2) Overruled.
- (3) Sustained.
- (4) Overruled.
- (5) Sustained.
- (6) Sustained.
- (7) Overruled.
- (8) Overruled.
- (9) Overruled.
- (10) Overruled.

(11) Overruled.

(12) Overruled.

Petitioner's Evidentiary Objections and Requests to Strike

SMBRC's Opposition Brief

(1)-(9) Overruled. Statements made in the opposition brief are not evidence and may not be objected to as such. The Court does not consider any arguments in the opposition brief not supported by the evidence.

Declaration of Scott Valor

(1) Overruled.

(2) Overruled.

(3) Overruled.

(4) Overruled.

(5) Overruled.

(6) Overruled.

(7) Overruled.

(8) Sustained as to "It is my understanding that no state employees are provided access to the TBF server;" otherwise Overruled.

(9) Overruled.

(10) Overruled.

(11) Overruled.

(12) Overruled.

(13) Overruled.

(14) Overruled.

(15) Overruled.

(16) Overruled.

(17) Overruled.

(18) Overruled.

(19) Overruled.

Declaration of Laurie Newman

Overruled

Declaration of Marcelo Villagomez

(1) Motion to strike – Denied.

(2) Objection to entire declaration – Overruled.

Declaration of Frances McChesney

- (1) Motion to strike – Denied..
- (2) Objection to entire declaration – Overruled. .

Declaration of Dr. Guangyu Wang

- (1) Motion to strike – Denied.
- (2) Objection to entire declaration – Overruled.

Declaration of Thomas Ford

- (1) Motion to Strike – Denied.
- (2) Objection to entire declaration – Overruled.

Statement of the Case

The Ballona Wetlands Land Trust

Petitioner is a 501(c)(3) non-profit organization founded in 1994 to facilitate the public acquisition, restoration, and preservation of the Ballona Wetlands ecosystem, located on the Westside of Los Angeles near Playa del Rey. (Amended Lamb Decl. ¶ 5.)

Santa Monica Bay Restoration Commission

In 1988, the State of California and the United States Environmental Project Agency (U.S. EPA) designated the Santa Monica Bay Restoration Project (Project) as an agency to plan for the Santa Monica Bay's restoration, and to oversee implementation of the Santa Monica Bay Restoration Project. (Pub. Resources Code § 30988(c).) In 2002, the legislature renamed the Project as the Santa Monica Bay Restoration Commission. (*Id.* § 30988.2(a).) The legislature directed the Secretary for Environmental Projection, the Secretary of the Resources Agency, and SMBRC's Chair to execute a Memorandum of Understanding (MOU) to delineate SMBRC's authority, governance structure, and membership. (*Id.* § 30988.2(b)(1).) Under the MOU subsequently adopted, SMBRC is composed of the Governing Board, the Watershed Advisory Council, and a Technical Advisory Committee. (Weissmuller Decl. Exh. F.)

The MOU states that SMBRC is authorized to "request and receive federal, state, local, and private funds from any source and to expend those moneys for the restoration and enhancement of the Santa Monica Bay and its watershed." (Weissmuller Decl. Exh. F.) SMBRC is also authorized to "monitor, assess, and coordinate activities among federal, state, and local agencies, and where appropriate, private firms, to restore and enhance Santa Monica Bay and its watershed." (*Ibid.*)

Although the legislature created a state treasury account for SMBRC (Pub. Resources Code § 30988.2(d)(1)), SMBRC indicates that the account was never funded. (See Oppo. 5-6; see also Cossart-Daly Decl. Exh. 12 at 6-7.) Instead, SMBRC

has stated, as recently as June 11, 2014 in a letter to its Governing Board, that the Santa Monica Bay Restoration Foundation (Foundation) is the “primary fiscal agent for the US EPA Section 320 grant funding” used for SMBRC’s activities. (Cossart-Daly Decl. Exh. 12 at 2; Exh. 45.)

The day-to-day functions of SMBRC are delegated to an executive director, currently Thomas Ford. (Ford Decl. Exh. A.) SMBRC claims to have no employees of its own. (Wang Decl. ¶ 6.) Its functions are carried out largely by personnel provided by other entities, including Foundation and the State Water Resources Control Board. (*Id.*; see Pub. Resources Code § 30988.2(a).)

The Santa Monica Bay Restoration Foundation

The Santa Monica Bay Restoration Foundation, also known as The Bay Foundation, (“Foundation”) is a 501(c)(3) non-profit organization founded in 1990. (Wang Decl. Exh. A.) Foundation’s mission is to contribute to the restoration and enhancement of the Santa Monica Bay and other coastal waters. (*Ibid.*) Foundation receives an annual grant from the US EPA pursuant to section 320 of the Clean Water Act, as well as grants and donations other funding sources. (*Ibid.*)

Foundation’s bylaws state that SMBRC’s Governing Board may appoint up to seven members of Foundation’s Board. (Cossart-Daly Decl. Exh. 20, Art. VI.) The bylaws state that Foundation’s purpose “is to assist in the restoration and enhancement of the Santa Monica Bay and other coastal waters.” The Foundation “shall complement the work of the [SMBRC] as directed by its Board of Directors.” (Newman Decl. Exh. B, Art. III.) Foundation may “hold and disburse” funds” and enter into contracts of any kind for this purpose. (*Ibid.*)

The 2013 Annual Report of SMBRC, which is signed jointly with Foundation, states that the purpose of Foundation is “to complement the work of the SMBRC, with a focus on obtaining and expending funds not otherwise available to the SMBRC.” (Cossart-Daly Decl. Exh 44; see also Exh. 28.)

Shared Staff and Operations

The Memorandum of Agreement, as amended June 18, 2015, between SMBRC and Foundation states that SMBRC “has not directly received any state, federal, or private funding” to date. (Cossart-Daly Decl. Exh. 8 at 3.) Instead, to carry out its mission, SMBRC relies on services provided by other entities. (*Ibid.*) Foundation “provides staff, including the Executive Director of [SMBRC], and administrative services ... that are funded by grants from U.S. EPA and other funding sources.” (*Ibid.*)

To implement the Bay Restoration Project, SMBRC adopts an Annual Work Plan. (Wang Decl. ¶ 9, Exh. A.) Although the 2016 Work Plan distinguishes between staff of SMBRC and Foundation, prior work plans suggested overlapping functions of certain

SMBRC and Foundation staff members. (Wang Decl. ¶ 11; Ford Decl. ¶ 16; see Cossart-Daly Decl. Exh. 17.)

Some staff members of SMBRC hold positions with Foundation. (See Mot. 5; see e.g., Cossart-Daly Decl. Exh. 16 at 13; Exh. 22 at 38; Exh. 21 and 38.) For instance, Dr. Shelly Luce was executive director of both SMBRC and Foundation from 2005 to 2014. (*Id.*, Exh. 16 at 13.) Thomas Ford is currently the executive director of both organizations. (*Id.*, Exh. 22 at 38, 49; see Ford Decl. ¶¶ 4, 16.) Scott Valor is the Director of Government Affairs for SMBRC and Foundation, and he is responsible for responding to CPRA requests for SMBRC. (Valor Decl. ¶ 6.)

Thomas Ford describes the operations of both entities. (Ford Decl. ¶¶ 4-19.) Ford asserts that, although it provides some administrative services to SMBRC, Foundation is a private organization that operates independently of SMBRC. (*Id.* ¶¶ 7-11.) Ford states that no funds from Foundation are provided to SMBRC, or vice versa. (*Id.* ¶ 10.) He represents that SMBRC has delegated to him "to manage staff who perform services for the SMBRC." (*Id.* ¶ 19.) Ford acknowledges that Foundation employees have inadvertently used SMBRC's address when they should have used Foundation's address, and that employees have inaccurately used "SMBRC" as a shorthand for the entire Santa Monica Bay National Estuary Program. (*Id.* ¶ 16.) He states that these inaccuracies do not reflect the structure of the SMBRC and Foundation as organizations, which remain two separate entities. (*Ibid.*)

Office Space and Computer Servers of SMBRC and Foundation

SMBRC uses office space of the Regional Water Quality Control Board at 320 W. 4th Street, Suite 200, Los Angeles, CA 90013. (Valor Decl. ¶ 8; Cossart-Daly Decl. Exh. 21 at 51.) SMBRC also uses office space at the campus of Loyola Marymount University (LMU) in Los Angeles, close to the Ballona Wetlands. (Cossart-Daly Decl. Exh. 7 and 34.)

Foundation's primary place of business is at the SMBRC offices on the LMU campus. (Valor Decl. ¶ 2.) However, some Foundation employees use the Regional Board's downtown office. (*Id.* ¶ 9.)

SMBRC represents that Foundation operates its own computer servers to store documents at the LMU offices. (Valor Decl. ¶ 9.) Some Foundation employees who use the Regional Board's downtown office are provided access to certain shared SMBRC folders on the Regional Board server. (*Ibid.*) Although SMBRC contends that Foundation operates its own computer server, it appears that employees, such as Thomas Ford and Scott Valor, performing functions for SMBRC have access to Foundation's server. (See Cossart-Daly Decl. Exh. 23 at 142-143; Exh. 21 at 40-41, 50-58.)

Petitioner's CPRA Requests

On July 21, 2014, Petitioner's president, Walter Lamb, made a CPRA request to SMBRC for the following documents:

- 1) Copies of all minutes of meetings of the Board of Directors of The Bay Foundation between August 1, 2011 and the present date;
- 2) Copies of the most up-to-day calendar or schedule of meetings of The Bay Foundation's Board of Directors for 2014;
- 3) A copy of The Bay Foundation's bylaws or any similar governing documents;
- 4) Copies of any records of, or records relating to, grants or donations to The Bay Foundation from private entities;

[...]

- 7) All correspondence or other records, not previously disclosed or covered by the preceding requests, relating to the Annenberg Foundation's involvement as a partner in the Ballona Wetlands Restoration project, to include internal records and correspondence, correspondence with external individuals or entities, and records that relate either to the Annenberg Foundation's plans for an "urban ecology center" or to the larger restoration effort in general. (Lamb Decl. Exh. B.)

In a responsive letter dated August 26, 2014, Frances McChesney, an attorney for SMBRC, stated: "The Commission has no authority to respond to a request for public records on behalf of the Foundation and can only provide records that the Commission retains in the normal course of business." (Cossart-Daly Decl. Exh. 33; McChesney Decl. Exh. A.) McChesney indicated that SMBRC had no responsive documents for items 1 through 4, but that responsive documents would be provided for Item 7. (McChesney Decl. Exh. A.)

According to the verified petition, on November 18, 2014, Lamb submitted a CPRA request to SMBRC requesting, in part: "all written records prepared, owned, used or retained by any representative of the Santa Monica Bay Restoration Commission relating either to the Ballona Wetlands Restoration Project in general or the Annenberg Foundation's proposed 'Urban Ecology Center' specifically, that have not been previously disclosed to the Land Trust." (Pet. ¶ 29, Exh. I.)

On December 8, 2014, Lamb submitted a CPRA request to SMBRC for: "all written correspondence, including any attached or enclosed documents, between SMBRC staff, as identified in the current SMBRC Annual Work Plan, and the project manager for the Ballona Wetlands Restoration project, also identified in the Annual Work Plan." (Reply Lamb Decl. Exh. I; see also Pet. ¶ 21, Exh. L.)

According to the verified petition, on January 7, 2015, Lamb submitted a CPRA request to SMBRC for: "written records relating to requests to SMBRC Governing Board member organizations soliciting funds as part of a 'community fundraising initiative.'"

(Pet. ¶ 33, Exh. M.) Lamb made a similar request for undisclosed records relating to the “community fundraising initiative” on January 26, 2015. (*Id.* ¶ 40, Exh. P.)

On July 13, 2015, after the verified petition was filed, SMBRC sent a letter to Laurie Newman, the president of Foundation, asking Foundation to voluntarily provide documents requested by Petitioner in the CPRA requests. (Newman Decl. Exh. A.) Newman represents that Foundation has produced the responsive documents within its possession, except those that Foundation states are confidential. (Newman Decl. ¶ 4.) As discussed further below, SMBRC also claims to have produced documents in response to some, but not all, of the CPRA requests. (Ford Decl. ¶ 12; Valor Decl. ¶¶ 17-20.)

Procedural History

The verified petition was filed on February 11, 2015.

On August 18, 2015, the Court set trial on the petition for January 26, 2016. The opening brief was due 60 days before the hearing; the opposition 30 days before the hearing; and the reply 15 days before the hearing.

The Court has received an opening brief, opposition brief, and reply brief.

Summary of Applicable Law

Code of Civil Procedure section 1085(a) provides in relevant part:

A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person.

There are two essential requirements to the issuance of an ordinary writ of mandate under Code of Civil Procedure section 1085: (1) a clear, present and ministerial duty on the part of the SMBRC, and (2) a clear, present and beneficial right on the part of the petitioner to the performance of that duty. (*California Ass'n for Health Services at Home v. Department of Health Services* (2007) 148 Cal.App.4th 696, 704.) “Generally, a writ will lie when there is no plain, speedy, and adequate alternative remedy ...” (*Pomona Police Officers' Ass'n v. City of Pomona* (1997) 58 Cal.App.4th 578, 583-84.)

Pursuant to the CPRA (Gov. Code § 6250, et seq.), individual citizens have a right to access government records. In enacting the CPRA, the California Legislature declared that “access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.” (Gov. Code, § 6250;

see also *County of Los Angeles v. Superior Court* (2012) 211 Cal.App.4th 57, 63.) To facilitate the public's access to this information, the CPRA mandates, in part, that:

[E]ach state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available . . ." (Gov. Code § 6253(b).)

The CPRA defines "public records" submit to its provisions as follows:

(e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975. (Gov. Code § 6252(e).)

"Private nongovernmental records are not subject to the CPRA." (*Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun v. Sup. Ct.* (2013) 218 Cal.App.4th 577, 592..) "[T]he mere possession by a public [officer] of a document does not make the document a public record.' [Citations.] 'Any record required by law to be kept by an officer, or which he keeps as necessary or convenient to the discharge of his official duty, is a public record.' [Citations]." (*Id.* at 593-594.)

The trial court should first consider whether the record is a "public record" under section 6252(e), and then whether such public records are in the possession of the public agency. (*Regents of University of California v. Sup.Ct.* (2013) 222 Cal.App.4th 383, 401-402.) Moreover, "if the document sought is not 'prepared, owned, used, or retained' by the public agency it is not a public record even though it may contain information relating to the conduct of the public's business." (*Id.* at 404.)

Analysis

To prevail on its petition under the CPRA, Petitioner must establish that the contested records (1) qualify as public records under the CPRA; and (2) were in the possession of SMBRC. (See *Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun v. Sup. Ct.* (2013) 218 Cal.App.4th 577, 598.) "'Possession' in this context has been interpreted to mean both actual and constructive possession." (*Ibid.*) "[A]n agency has constructive possession of records if it has the right to control the records, either directly or through another person." (*Ibid.*; see also *Consolidated Irr. Dist. v. Sup. Ct.* (2012) 205 Cal.App.4th 697, 710-711.)

Shared Operations between SMBRC and Foundation

Petitioner argues that SMBRC and Foundation "have consistently operated as though they are a single entity, sharing identical mission statements, multiple staff and board members, annual reports, office space, server, letterhead, and logos." (Mot. 5, see also Mot. 9-13.) Petitioner relies on this factual premise to argue broadly that all

responsive Foundation records should be disclosed by SMBRC. Petitioner argues that SMBRC has constructive possession of the contested records held by Foundation. (Mot. 13.) Petitioner further asserts that the contested records are “necessary or convenient” to the discharge of official duties of SMBRC staff members. (Mot. 14.) Finally, Petitioner contends that Foundation’s records are disclosable public records because the evidence shows duties were delegated to the Foundation by SMBRC. (Mot. 15.) The Court finds the following cases instructive in addressing these arguments.

In *California State University v. Superior Court* (2001) 90 Cal.App.4th 810, the court concluded that a public university-affiliated nonprofit auxiliary corporation was not a “state agency” for purposes of the CPRA. The court found that it was bound by the words of the CPRA in determining whether an entity was subject to its provisions, concluding that “a nongovernmental auxiliary organization is not a ‘state agency’ for purposes of the CPRA. The words ‘state body’ and ‘state agency’ simply do not include a nongovernmental organization.” (*Id.* at 829.) The court contrasted this language with that used in the FOIA, which defined agency to include “government corporation, “ and “government controlled corporation.” (*Id.* at 829-830.) However, the Court of Appeal ordered the university to produce records related to the auxiliary corporation’s operation of a sports arena on the university’s campus. (*Id.* at 816, 835-836.)

In *San Gabriel Tribune v. Sup.Ct.* (1983) 143 Cal.App.3d 762, the City of West Covina “delegated its duty of trash collection” to a waste management company. (*Id.* at 775.) After the City raised trash rates, a CRPA request was submitted for financial statements of the waste management company that were used by the City in deciding to grant the rate increases. (*Id.* at 769.) The City claimed that the records were not public records because they were “a private corporation’s confidential documents.” (*Id.* at 770.) The Court of Appeal held that, because the City had delegated a duty to the waste management company, and the waste management company “provid[ed] a service to the residents of the City,” the financial data was a public record. (*Id.* at 775.) The court also noted that the City Council had relied on the financial data as part of its decision-making and the data had been interjected into the public process. (*Id.* At 778)

In *Board of Pilot Commissioners, supra*, 218 Cal.App.4th, the Court of Appeal held that, although a designated port agent was a public official, a database of pilot assignments to vessels held by the port agent were not “public records.” In addition to his public duties, the port agent had private duties as the president of a private association of licensed pilots. (*Id.* at 582.) The Court of Appeal found that there was no substantial evidence that the port agent used information from the database in the performance of his official duties. (*Id.* 596-597.)

Petitioner has not brought the petition against Foundation. Therefore, unlike in *California State University, supra*, the issue presented is not whether a third party, private entity may be compelled to disclose documents.

Despite the wording in SMBRC's Work Plans and annual reports, the Court is not able to conclude on this record that the operations of SMBRC and Foundation are intertwined to an extent that all Foundation documents are "necessary and convenient" to SMBRC or that SMBRC has constructive possession of such documents. Foundation is a private, non-profit organization with its own budget, board of directors, and organizational structure. (Valor Decl. ¶ 2; Ford Decl. ¶¶ 10-12.) Foundation's bylaws suggest that, although it complements SMBRC, Foundation receives its own funding and has an independent directive to restore and enhance the Santa Monica Bay and "other coastal waters." (Newman Decl. Exh. B; see also Lamb Reply Decl. Exh. K [summary of Foundation's funding sources].) Petitioner does not present any evidence that the two organizations commingle funds or do not hold separate board meetings.

Although the Court does not adopt Petitioner's "Delegation of Duties Test" (see Mot. 15), Petitioner does persuasively argue that records relating to the public business may be "public records," even if prepared by employees of a private entity, if those persons were delegated duties of a public entity. (See Reply 9-10; see *San Gabriel Tribune v. Sup.Ct.* (1983) 143 Cal.App.3d 762, 775.) The Court analyzes the specific CPRA requests at issue in light of this legal framework.

Karina Johnston's Responsibilities in SMBRC's 2015 Annual Work Plan

Petitioner's prayer for relief "b." seeks a writ of mandate compelling production of "all records ... relating to SMBRC staff member Karina Johnston's responsibilities, as outlined in the SMBRC's 2015 Annual Work Plan." Petitioner contends that this category of documents falls within the a CPRA request made to SMBRC on December 8, 2014, which requested: "all written correspondence, including any attached or enclosed documents, between SMBRC staff, as identified in the current [2015] SMBRC Annual Work Plan, and the project manager for the Ballona Wetlands Restoration project, also identified in the Annual Work Plan." (Reply Lamb Decl. ¶¶ 10-11, Exh. I; see also Pet. ¶ 31, Exh. L.)¹ Petitioner alleges in the verified petition that Scott Valor responded to this request on December 19, 2014, stating: "The SMBRC does not have any documents that are responsive to this request." (Pet. ¶ 32, Exh. N.)

SMBRC's Fiscal Year 2015 Work Plan, which covers the period of October 1, 2014 to September 30, 2015, states that "restoration of the Ballona Wetlands Ecological Reserve has been a top priority of the SMBRC for many years." (Coddart-Daly Decl. Exh. 10.) The Work Plan states that "SMBRC works closely with the lead agencies, mainly the State Department of Fish and Wildlife [DFW] and the State Coastal Conservancy [SCC], to facilitate an inclusive, participatory process involving many stakeholders." (*Ibid.*) "Under this collaborative partnership, the SMBRC ... assisted the [SCC] to initiate and proceed with the CEQA/NEPA process for the Ballona Wetlands Ecological Reserve restoration planning." (*Ibid.*)

¹ In opposition, Respondent's counsel states that she has not received a CPRA request for such documents from Petitioner. (McChesney Decl. ¶ 19.) In his reply declaration, Lamb refers to the December 8, 2014 request. (Reply Lamb Decl. ¶¶ 10-11.)

SMBRC's 2015 Work Plan states that Karina Johnston is the Director of Watershed Programs. Her responsibilities include overseeing development of restoration projects in the wetlands; directing the CEQA project manager; and developing projects under the direction of the SMBRC Executive Director. (*Id.* at 29.) Although the full version of the 2015 Work Plan was not submitted into the record, the 2014 Work Plan explicitly identifies Johnston as a staff member of SMBRC that contributes "to the mission of the SMBRC by carrying out specific tasks ***outlined in this annual Work Plan.***" (Coddart-Daly Decl. Exh. 7 at 25-28.)

Johnston's correspondence also suggests that she performed work on Ballona Wetlands restoration projects in an official capacity with SMBRC. For instance, on April 15, 2013, she sent a progress report relating to Ballona Wetlands Restoration Planning to the State Coastal Conservancy signed as the Director of Watershed Programs for SMBRC and using letterhead bearing SMBRC's name and downtown Los Angeles address. (*Id.*, Exh. 56 and 49; see also Lamb Reply Decl. Exh. E [April 1, 2014 letter signed as Director of Watershed Programs for SMBRC; Exh. F [January 26, 2012 letter]; Exh. G.)²

SMBRC does not specifically discuss the December 8, 2014 CPRA request in its opposition brief, and its position on whether it had (or has) responsive documents is unclear. (Oppo. 8; see also Ford Decl. ¶ 12.) Thomas Ford states that "it is my understanding that documents related to [the Ballona Wetlands Restoration Project] that were in the possession of the SMBRC or even of [Foundation] staff, including documents of Ms. Hulbert, Ms. Johnston, and Ms. Luce, were provided to Mr. Lamb." (Ford Decl. ¶ 12.) Ford provides no foundation for how he came to this understanding. Lamb also states in his reply declaration SMBRC has not disclosed email correspondence between Johnston and Ballona CEQA/NEPA project manager, Jeff Thomas, or other Ballona Project consultants. (Lamb Reply Decl. ¶¶ 12-13.)

SMBRC appears to argue that, despite the language from the 2015 Work Plan, SMBRC and its staff do not directly work on Ballona Wetlands restoration projects. Dr. Wang suggests that prior Annual Work Plans, as well as staff members, "confuse the names" of SMBRC and the Santa Monica Bay National Estuary Program

² Although paragraph "b." in Petitioner's prayer for relief is directed only at records relating to Johnston's responsibilities, Petitioner argues in its moving papers that other SMBRC staff members "with duties pertaining to the Ballona Wetlands Restoration also prepared, owned, used or retained records relating to the Ballona Wetlands Restoration." (Mot. 10.) The 2014 SMBRC Work Plan states that executive director Dr. Shelly Luce develops and implements "projects that restore and enhance the ecological values of the Santa Monica Bay and its watersheds." (Coddart-Daly Decl. Exh. 17 at 25.) The 2014 Work Plan identifies the Ballona Wetlands CEQA Project Manager as Diana Hurlbert. (*Id.* at 29; see also Exh. 25 [Scott Valor's services for SMBRC for October 2014]; Exh. 10 at 32 [identifying Ivan Medel as Watershed Programs Manager].)

(SMBNEP). (Wang Decl. ¶ 11.) Dr. Wang states that the 2016 Annual Work plan has been revised to accurately reflect that other entities, particularly the SCC and the DFW, “are the lead agencies for the development of the Ballona Wetlands Restoration Project” and that SMBRC does not manage that project. (*Id.* ¶ 11, Ex. A at 16-18.) SMBRC states that Karina Johnston has performed services for SMBRC, such as assisting in the meetings of SMBRC’s Governing Board, Technical Advisory Committee, and Watershed Advisory Council, but that 80 percent of her time supports the SCC and DFW. (Ford Decl. ¶ 11.)

SMBRC’s after-the-fact revision of its Annual Work Plan does not undermine the substantial evidence, discussed above, that Johnston performed her work as Director of Watershed Programs for SMBRC. The 2014 and 2015 Work Plans were explicit in stating that Johnston performed the tasks outlined in the Work Plan as a staff member for SMBRC. The opposing papers also do not persuasively explain Johnston’s correspondence which suggests she performed her work as Director of Watershed Programs for SMBRC.

Petitioner has made a *prima facie* showing that SMBRC has not produced all public records responsive to the December 8, 2014 CPRA request. In reply, Petitioner cites to evidence (submitted with the moving papers) that Johnston testified in deposition that she sent between 10 and 500 e-mails with Jeff Thomas regarding the Ballona Wetlands Restoration Project. (Reply 6; Cossart-Daly Decl. Ex. 24 at 61-62.) An October 2014 email from Thomas Ford, as well as the 2015 Work Plan, suggests that Jeff Thomas was hired to serve as the Ballona Wetlands CEQA Project Manager. (Ex. 10, 30.) Substantial evidence suggests that these emails are public records because they concern an issue that, according to SMBRC’s 2015 Work Plan, “has been a top priority of the SMBRC for many years.” (Cossart-Daly Decl. Ex. 10 at 11.) The evidence reflects that Johnston functions as a public officer for SMBRC, and that she performed work on Ballona Wetlands Restoration Projects for SMBRC.

The evidence also reflects that responsive documents are in the possession of SMBRC. Johnston, a public officer for SMBRC, concedes that her documents are stored on the computer server at the LMU offices of SMBRC and Foundation, and that she has access to those documents. (Cossart-Daly Decl. Ex. 24 at 87-88.) Also, officers of SMBRC, such as Thomas Ford and Scott Valor, use Foundation’s server for SMBRC business. (See Cossart-Daly Decl. Ex. 23 at 142-143; 21 at 40-41, 50-58.) This is substantial evidence that Johnston’s emails are within SMBRC’s actual or constructive possession.

The petition is granted as to the records identified in paragraph “b.” of Petitioner’s prayer for relief.

Annenberg Foundation Documents

Petitioner's prayer for relief "a." seeks a writ of mandate compelling production of "documents relating to the grant agreement between the Annenberg Foundation and SMBRF [Foundation] that were prepared, owned, used or retained by SMBRC staff." This prayer is based on a CPRA request made on July 21, 2014 for: "All correspondence or other records, not previously disclosed or covered by the preceding requests, relating to the Annenberg Foundation's involvement as a partner in the Ballona Wetlands Restoration project, to include internal records and correspondence, correspondence with external individuals or entities, and records that relate either to the Annenberg Foundation's plans for an 'urban ecology center' or to the larger restoration effort in general." (Lamb Decl. Exh. B.)³

Petitioner submits evidence that federal funds from the EPA Grant, which has the express purpose to support SMBRC to implement the Bay Restoration Plan, are matched with non-federal funds. (Cossart-Daly Decl. Exh. 14 at 59; Lamb Decl. Exh. G.) In a letter to the U.S. E.P.A. dated June 2, 2014, Marcelo Villagomez includes a grant application and budget that suggests that the Annenberg Foundation provided matching funds to Foundation. (Lamb Decl. Exh. H.)

In January 2013, SMBRC and Annenberg entered into a memorandum of understanding regarding restoration planning for the Ballona Wetlands. (Ford Decl. ¶ 13, Exh. C.) The MOU sets forth an objective for Annenberg to construct a 46,000 interpretative facility (the "Ballona Interpretative Center") in the wetlands. (*Ibid.*) On December 10, 2014, the Annenberg Foundation sent a letter to Thomas Ford, as Executive Director of SMBRC, indicating that Annenberg was suspending its involvement in the restoration planning at Ballona Wetlands Ecological Reserve. (Cossart-Daly Decl. Exh. 29.)

Petitioner submits an agreement between Foundation and Annenberg, executed October 3, 2013, which commits \$107,250 to Foundation to employ a staff coordinator for the Ballona Wetlands restoration project, which includes an "Urban Ecology Center." (Cossart-Daly Decl. Exh. 37.)

In his reply declaration, Lamb states that SMBRC has not disclosed to Petitioner "records relating to the Annenberg Payment agreements, such as any invoices, progress reports, or other correspondence relating to those payment agreements." (Lamb Reply Decl. ¶ 12.) Attorney McChesney and Scott Valor do not specifically show what documents, if any, SMBRC produced in response to the CPRA request for the Annenberg grant agreement. (See McChesney Decl. ¶ 7.) Newman, the president of Foundation, states in her declaration that while Foundation does possess responsive documents, they are confidential documents about private entities that Foundation is bound to keep confidential. (Newman Decl. ¶ 4.)

³ Petitioner refers to this category of documents, as well as the records relating to Karina Johnston's responsibilities, as the "Ballona Records." (Mot. 6-7.)

The evidence discussed above suggests that the Annenberg grant was used to employ a staff coordinator for the Ballona Wetlands restoration project, which is the subject of an MOU between SMBRC, a public entity, and Annenberg. The restoration project also "has been a top priority of the SMBRC for many years." (Cossart-Daly Decl. Exh. 10.) As discussed above, although Foundation may use funding to support SMBRC's services, the evidence reflects that Foundation independently receives and manages the funding. (Valor Decl. ¶ 2; Ford Decl. ¶¶ 10-12; Newman Decl. Exh. B.) The Ballona Wetlands restoration project is public business, but the Annenberg grant agreement itself appears to fall squarely within Foundation's private function of obtaining funds to support SMBRC and other projects within its mission. Nevertheless, since the payment records relate to the Ballona Wetlands restoration project, they relate to public business.

The Court is unable to conclude, however, that the documents were "prepared, owned, used, or retained" by SMBRC. The payment agreement was sent to Marcelo Villagomez in his administrative capacity with Foundation, and it was signed by Dr. Luce as director of Foundation. (*Id.* Exh. 37.) Petitioner does not point to evidence that SMBRC officers have used the requested documents in the performance of official duties. (See *Board of Pilot Commissioners, supra*, 218 Cal.App.4th at 596-597.)

Petitioner also does not show that SMBRC possesses these documents. It is not clear from his record where these documents are stored, or whether they are stored in electronic format. Petitioner does not point to any evidence of SMBRC's possession of the Annenberg documents in its opening brief. (Mot. 12-13.) Although it seems possible that an officer for SMBRC, such as Thomas Ford or Scott Valor, could control these documents, that fact has not been established by the preponderance of evidence.

The petition is denied as to the documents described in paragraph "a." of Petitioner's prayer for relief.

"Any other written records responsive to past CPRA requests"

Paragraph "f." of Petitioner's prayer for relief seeks a writ of mandate compelling SMBRC to produce "any other written records that would be responsive to past CPRA Requests but that were improperly withheld based on the improper interpretations of the CPRA addressed in this Petition." Petitioner does not specifically discuss this prayer for relief; show which specific CPRA requests are at issue; or show that SMBRC possesses or has improperly withheld responsive documents.

The petition is denied as to the documents described in paragraph "f." of Petitioner's prayer for relief.

Petitioner's Prayer for Declaratory Relief

On November 20, 2015, SMBRC's counsel sent a letter to Petitioner indicating that Foundation had agreed to produce responsive documents for categories of

documents “c.” through “e.” in Petitioner's prayer for relief. (Weissmuller Decl. Exh. H.) In the moving papers, Petitioner states that SMBRC has recently produced the documents referred to by Petitioner as the “Meeting Records, Bylaws, and Cash Reserve Funding Initiative Records⁴.” (Mot. 7.)

“Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this chapter.” (Gov. Code § 6258 [emphasis added].)

In reply, Petitioner cites case law suggesting that a CPRA cause of action may not be rendered moot if a public agency produces requested documents after the initiation of a lawsuit. (See Reply 11; *Fairley v. Sup. Ct.* (1998) 66 Cal.App.4th 1414, 1419.) These cases point out that the Petitioner may be awarded attorney fees and costs if it was entitled to the documents under the CPRA, and that declaratory relief may also be appropriate for a CPRA cause of action if it would address a legal issue of “continuing concern.” (See *Ibid.*)

Foundation Bylaws

On July 21, 2014, Petitioner made CPRA requests to SMBRC for “a copy of The Bay Foundation’s bylaws or any similar governing documents.” (Lamb Decl. Exh. B.)

Petitioner argues that SMBRC admitted that its Director of Government Affairs used Foundation bylaws to perform SMBRC business. (Mot. 11.) In his declaration, Scott Valor states that, at a meeting in February 2008 of the Governing Board of SMBRC, the agenda included the election of Governing Board members of Foundation. (Valor Decl. ¶ 18.) Valor provided information in the staff report for the Board about the Foundation’s bylaws, but he did not provide a copy of the bylaws. (*Ibid.*)

The bylaws state that SMBRC’s Board may appoint members of Foundation’s Board. (Cossart-Daly Decl. Exh. 20.) Therefore, the bylaws relate to the public’s business, *i.e.* the power of SMBRC, a public entity, to appoint Foundation’s Board. They were also used by SMBRC’s Governing Board in a meeting, as specified above.

Since the bylaws are public records, (see *Board of Pilot Commissioners*, *supra*, 218 Cal.App.4th at 597) the issue is whether SMBRC possesses the documents. Scott

⁴ On July 21, 2014, Petitioner made a CPRA request to SMBRC for “copies of any records of, or records relating to, grants or donations to The Bay Foundation from private entities.” (Lamb Decl. Exh. B.) On January 7, 2015, Petitioner made a CPRA request to SMBRC for: “written records relating to requests to SMBRC Governing Board member organizations soliciting funds as part of a ‘community fundraising initiative.’” (Pet. ¶ 33, Exh. M; see also *Id.* ¶ 40, Exh. P.) Petitioner refers to these CPRA requests in its legal briefs as the “Cash Reserve Funding Initiative Records.” (Mot. 7.)

Valor represents that the bylaws are stored on Foundation's server at LMU. (Valor Decl. ¶¶ 17-18.) However, the evidence reflects that Foundation shares this space with SMBRC, and that staff of SMBRC, including Thomas Ford, use the same server. (See Cossart-Daly Decl. Exh. 23 at 142-143.) There is also substantial evidence that Scott Valor serves as Director of Government Affairs for both SMBRC and Foundation. *Id.*, Exh. 21 at 40-41, 50-58.) He is also the designated SMBRC official responsible for responding to CPRA requests. (*Id.*, Exh. 21 at 119.) Substantial evidence shows that Valor has access to these documents in his "incarnation" as a public official for SMBRC. (*Board of Pilot Commissioners, supra*, 218 Cal.App.4th at 592.)

The petition for declaratory relief is granted as to Foundation's bylaws.

Foundation Meeting Minutes and Schedules

On July 21, 2014, Petitioner made CPRA requests to SMBRC for: (1) "Copies of all minutes of meetings of the Board of Directors of The Bay Foundation between August 1, 2011 and the present date"; and (2) "Copies of the most up-to-day calendar or schedule of meetings of The Bay Foundation's Board of Directors for 2014." (Lamb Decl. Exh. B.)

Petitioner contends that SMBRC's staff are responsible for supporting meetings of Foundation's Board of Directors and that they have assisted in preparing meeting notices, agendas, resolutions, and other documents for Foundation. (Mot. 11.) SMBRC's 2014 Work Plan states that "SMBRC staff will provide logistical and other staff support for meetings of the Government Board/Bay Watershed Council, ... and the [Foundation] and SMBRA Boards of Directors." (Cossart-Daly Decl. Exh. 17 at 23.) Executive director Ford testified at deposition that "SMBRC staff" prepare meeting notices, agendas, staff reports, minutes, and resolutions for the Foundation. (*Id.* at Exh. 23 at 135.) Scott Valor testified that he drafted Foundation minutes for a board meeting in August 2007 "because that's what I did for the foundation." (*Id.* at Exh. 21 at 122-123.)

Foundation is a private, non-profit organization with its own budget, board of directors, and organizational structure. (Valor Decl. ¶ 2; Ford Decl. ¶¶ 10-12.) Foundation's bylaws suggest that, although it complements SMBRC, Foundation receives its own funding and has an independent directive to restore and enhance the Santa Monica Bay and "other coastal waters." (Newman Decl. Exh. B.) The responsive documents, produced by Foundation, do not provide any information suggesting that the records relate to public business or that officers of SMBRC use or retain these documents. (Newman Decl. Exh. B.)

Petitioner points to conclusory evidence that SMBRC staff helped prepare meeting minutes and related documents. The Court finds this evidence insufficient to conclude that all of Foundation's meeting minutes and related documents were prepared, used, or retained by SMBRC staff.

Petitioner also has not shown that these documents are actually or constructively possessed by SMBRC. It is not clear from his record where these documents are stored, or whether they are stored in electronic format. Although it seems possible that an officer for SMBRC, such as Thomas Ford or Scott Valor, could control these documents, that fact has not been established by Petitioner.

The petition for declaratory relief is denied as to Foundation's meeting minutes and related documents.

“Cash Reserve Funding Initiative Records”

On July 21, 2014, Petitioner made a CPRA request to SMBRC for “copies of any records of, or records relating to, grants or donations to The Bay Foundation from private entities.” (Lamb Decl. Exh. B.) On January 7, 2015, Petitioner made a CPRA request to SMBRC for: “written records relating to requests to SMBRC Governing Board member organizations soliciting funds as part of a ‘community fundraising initiative.’” (Pet. ¶ 33, Exh. M; see also *Id.* ¶ 40, Exh. P.)⁵ Petitioner refers to these CPRA requests in its legal briefs as the “Cash Reserve Funding Initiative Records.” (Mot. 7.)

Petitioner cites to a letter dated August 20, 2012, from Dr. Shelley Luce to Los Angeles County Supervisor Zev Yaroslavsky which asks for his “participation and leadership in a community-wide initiative of the Santa Monica Bay Restoration Foundation.” (Cossart-Daly Decl. Exh. 42.) The letter is presented on SMBRC's letterhead and apparently signed by Dr. Luce as executive director of SMBRC. (*Ibid.*) Dr. Luce refers to Foundation as the “nonprofit and fiscal agent” of SMBRC, and states that “our community fundraising initiative ... will provide critical financial support for the activities of the SMBRC.” (*Ibid.*) Petitioner also cites a follow-up letter on the same topic, also on SMBRC's letterhead, apparently signed by Scott Valor for SMBRC. (*Id.* at Exh. 50.)

SMBRC recently produced to Petitioner documents that it obtained from Laurie Newman, President of Foundation. (McChesney Decl. ¶ 18; Newman Decl. Exh. A and B.) Many of those documents are responsive to Petitioner's CPRA request for “Cash Reserve Funding Initiative Records.” For instance, Newman produced multiple other letters from Dr. Luce, on SMBRC letterhead, addressed to public officials and requesting their financial support for Foundation, as SMBRC's fiscal agent. (Newman Decl. Exh. B.) Newman also produced responsive letters from public officials addressed to Dr. Luce as executive director of SMBRC. (*Ibid.*)

These fundraising letters and responses are public records of SMBRC because they were either prepared by Dr. Luce in her capacity as executive director of SMBRC,

⁵ Petitioner concedes that Respondent produced these documents. (Mot. 7; Cossart-Daly Decl. ¶ 2.) The evidence reflects that Respondent had asked Foundation to voluntarily produce the records. (Weissmuller Decl. Exh. H.)

or received by her in that same capacity. They also relate to public business in that they request funds for Foundation to support SMBRC activities. Because the records were addressed to SMBRC, there is substantial evidence that SMBRC has possession of these documents.

Exhibit B to Newman's declaration also includes invoices for payments made to Foundation from public officials, apparently in response to Dr. Luce's fundraising letters. By the same reasoning discussed above, these invoices relate to public business because they show funding obtained by efforts of Dr. Luce in her public capacity. However, Petitioner has not shown that these documents are actually or constructively possessed by SMBRC. It is also not clear that Dr. Luce or other officials of SMBRC prepared, used, or retained these documents.

The petition for declaratory relief is granted in part as to the "Cash Reserve Funding Initiative Records." The petition is granted as to all fundraising letters and responsive letters as described above, but not invoices of Foundation.

Conclusion

The petition is granted as to the documents described in paragraph "b." of Petitioner's prayer for relief as it relates to records pertaining to Karina Johnston's responsibilities as outlined in the SMBRC 2015 work plan. The petition is denied as to the documents described in paragraphs "a." and "f." of the prayer for relief. The petition with respect to declaratory relief is granted in part, and denied in part, as set forth above as to paragraphs "c" through "e" of the prayer for relief.

ATTACHMENT A – Ruling on objections to proposed statement of decision

Petitioner's Objections:

- 1. Overruled
- 2. Overruled
- 3. Overruled
- 4. Overruled
- 5. Overruled
- 6. Overruled
- 7. Overruled
- 8. Overruled
- 9. Overruled
- 10. Overruled
- 11. Overruled
- 12. Overruled
- 13. Overruled
- 14. Overruled
- 15. Overruled
- 16. Overruled
- 17. Overruled
- 18. Overruled

Respondent's Objections:

- 1. Sustained; addressed in Final Statement of Decision, p. 4
- 2. Sustained; addressed in Final Statement of Decision, p. 4
- 3. Sustained; addressed in Final Statement of Decision, p. 16



 MARY H. STROBEL
 JUDGE OF THE SUPERIOR COURT

4/3/2018

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Official Press Release

February 1, 2016 – A Los Angeles Superior Court Judge has ruled that records withheld from the public by the Santa Monica Bay Restoration Commission regarding the Ballona Wetlands Restoration Project must be disclosed under the California Public Records Act (CPRA). The case number is BS154128 and more information can be found at lacourt.org. Court filings can be found below:

Rulings of the Court:

The proposed statement of decision partially granting our Motion for Writ of Mandate can be found here.

10/29/2015 – The Court’s minute order granting our Motion to Compel Further Responses to Discovery can be found here.

Submitted Briefs:

Our Motion for Writ of Mandate to compel CPRA responses can be found here.

SMBRC’s Opposition to our Motion for Writ of Mandate can be found here.

Our Reply to SMBRC’s Opposition to our Motion for Writ of Mandate can be found here.

<http://www.ballona.org/litigation/>

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10/29/2015 – Our Motion to Compel Further Discovery Responses can be found [here](#).

10/29/2015 – SMBRC’s Opposition to our Motion to Compel Further Discovery Responses can be found [here](#).

10/29/2015 – Our Reply to SMBRC’s Opposition to our Motion to Compel Further Discovery Responses can be found [here](#).

Discovery Documents:

05/19/2015 – The Deposition of SMBRC’s current Executive Director can be found [here](#).

07/10/2015 – The Deposition of SMBRC’s former Executive Director can be found [here](#).

08/10/2015 – The Deposition of SMBRC’s Director of Watershed Programs can be found [here](#).

08/17/2015 – The Deposition of SMBRC’s Deputy Director can be found [here](#).

08/17/2015 – The Deposition of SMBRC’s Administrative Director can be found [here](#).

08/19/2015 – The Deposition of SMBRC’s Director of Government Affairs can be found [here](#).

11/18/2015 – SMBRCs Revised Responses to BWLT’s 2nd Request for Admissions can be found [here](#).

Declarations:

The Declaration of SMBRC’s Administrative Director can be found [here](#).

Original Complaint:

02/11/2015 – Our verified petition can be found [here](#).

Explanation of SMBRC’s multiple, contradictory answers regarding whether Karina Johnston was ever the SMBRC’s Director of Watershed Programs can be found [here](#).

Letter I103: Jeanette Vosburg

- I103-1 The stated support for wildlife, habitat, freshwater, and freshwater habitat is acknowledged and has been included in the formal record, where it may be taken into consideration as part of CDFW’s decision-making process. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternatives 11 and 12 as well as other alternatives that were initially considered, but not carried forward for more detailed review.
- I103-2 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains that were subject to the California Coastal Commission’s 2017 action. See General Response 7 (Final EIR Section 2.2.7) regarding requests for recirculation.
- I103-3 See Response I103-2 regarding the drains and baseline questions.
- I103-4 See Response I103-2 regarding the drains and baseline questions.
- I103-5 See Response I103-2 regarding the drains. The commenter’s inclusion of video of the December 14, 2017, California Coastal Commission hearing is acknowledged.
- I103-6 See General Response 4, *Drains* (Final EIR Section 2.2.4), regarding the drains and the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives.
- I103-7 Without information other than the drains as mentioned in Comment I103-6 as to why the commenter believes the Draft EIS/EIR is defective, CDFW is unable to provide a more detailed response. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received requesting recirculation.
- I103-8 See Response I103-7.
- I103-9 See General Response 4, *Drains* (Final EIR Section 2.2.4), regarding the drains and baseline conditions. CDFW disagrees with the suggestion that the Draft EIS/EIR is defective and is unable to provide a more detailed response without more information in the comment. See General Response 7 (Final EIR Section 2.2.7) regarding requests for recirculation.
- I103-10 See General Response 4, *Drains* (Final EIR Section 2.2.4), regarding the drains and baseline conditions. CDFW disagrees with the suggestion that the Draft EIS/EIR is defective and is unable to provide a more detailed response without more information



- in the comment. See General Response 7 (Final EIR Section 2.2.7) regarding requests for recirculation.
- I103-11 See Response AL9-7, which discusses potential impacts to groundwater resources as a result of saltwater intrusion as well as the beneficial uses for the Santa Monica basin groundwater basin, as outlined in the Los Angeles RWQCB Basin Plan. CDFW disagrees with the suggestion that the Draft EIS/EIR is defective and is unable to provide a more detailed response without more information in the comment. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).
- I103-12 Questions about the Playa Vista development project, including the identity of the entity managing its flood control infrastructure, are acknowledged as beyond the scope of this EIR, which focuses on the proposed restoration of the Ballona Reserve. See Draft EIS/EIR Section 1.1, *Purpose and Need/Project Objectives*. CDFW disagrees with the suggestion that the Draft EIS/EIR is defective and is unable to provide a more detailed response without more information in the comment. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).
- I103-13 Questions about other projects' permits are acknowledged as beyond the scope of this EIR, which focuses on the proposed restoration of the Ballona Reserve. Permits and other authorizations anticipated to be required for the proposed restoration are identified in Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals.
- As explained in Draft EIS/EIR Section 1.1, *Purpose and Need/Project Objectives*, one of the two overall Project purposes is, "Ensure any alteration/modification to the Los Angeles County Drainage Area (LACDA) project components within the Ballona Reserve maintain the authorized LACDA project levels of flood risk management." Each of the restoration alternatives considered in detail must satisfy this overall project purpose. See Draft EIS/EIR Section 2.1.3, *Screening Criteria for Alternatives to the Proposed Action*. CDFW disagrees with the suggestion that the Draft EIS/EIR is defective and is unable to provide a more detailed response without more information in the comment. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).
- I103-14 See Response I103-13.
- I103-15 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." CDFW disagrees with the suggestion that the Draft EIS/EIR is defective and is unable to provide a more detailed response without more information in the comment. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).
- I103-16 The commenter's suggestion that water proposed to be diverted to Hyperion Water Reclamation Plant, be diverted to the Ballona Reserve is acknowledged. However, a change in that proposed diversion of water from upstream toward the wetlands is beyond the scope of this EIR, which focuses on the proposed restoration of the

- Ballona Reserve. See Draft EIS/EIR Section 1.1, *Purpose and Need/Project Objectives*.
- I103-17 See Response I103-16. The commenter's participation in another agency's environmental review process 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*.
- I103-18 See Response I103-12.
- I103-19 As explained in Response I103-13 and in Draft EIS/EIR Section 1.1, *Purpose and Need/Project Objectives*, one of the two overall Project purposes is, "Ensure any alteration/modification to the Los Angeles County Drainage Area (LACDA) project components within the Ballona Reserve maintain the authorized LACDA project levels of flood risk management." Each of the restoration alternatives considered in detail must satisfy this overall project purpose. See Draft EIS/EIR Section 2.1.3, *Screening Criteria for Alternatives to the Proposed Action*. CDFW disagrees with the suggestion that the Draft EIS/EIR is defective. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).
- I103-20 Questions regarding state personnel and participation in organizations are beyond the scope of this EIR, which focuses on the proposed restoration of the Ballona Reserve, and responses would not inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.
- I103-21 Receipt of this link to documents related to the Ballona Wetlands Land Trust's 2016 lawsuit against the Santa Monica Bay Restoration Commission 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*.
- I103-22 These statements regarding Ms. Johnson are beyond the scope of this EIR. See Final EIR Section 2.1.1, *Input Received*.
- I103-23 See Response I103-21.
- I103-24 See Response I103-21.
- I103-25 The commenter's attention to the inclusion of The Bay Foundation, Psomas, and Group Delta Consultants, Inc. in the List of Preparers is acknowledged. However, this comment does not address the adequacy or accuracy of the EIR or inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.
- I103-26 The inclusion of John Davis' testimony from the December 12, 2017, California Coastal Commission Hearing is acknowledged. See General Response 4, *Drains*



- (Final EIR Section 2.2.4), regarding the drains that were the subject of that proceeding.
- I103-27 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses alternatives including Alternative 5 that were initially considered, but not carried forward for more detailed review. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”
- I103-28 The inclusion of Margot Griswold’s testimony from the December 12, 2017, California Coastal Commission Hearing is acknowledged. See General Response 4, *Drains* (Final EIR Section 2.2.4), regarding the drains that were the subject of that proceeding.
- I103-29 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses alternatives including Alternative 11 that were initially considered, but not carried forward for more detailed review. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a “freshwater alternative.” Also see General Response 3, *Alternatives* (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.
- I103-30 The commenter’s inclusion of Dr. Longcore’s May 22, 2012, lecture, “Closure Dynamics of Southern California Estuaries, and Implications for Restoration” is acknowledged. Input from Travis Longcore has been considered in the preparation of the EIR. See, e.g., Draft EIS/EIR Appendix A.
- I103-31 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses alternatives including Alternative 12 that were initially considered, but not carried forward for more detailed review.
- I103-32 Alternative 12 proposed acquisition rather than restoration and was not carried forward for the reasons summarized in General Response 3, *Alternatives* (Final EIR Section 2.2.3.4). See Draft EIS/EIR Section ES.3 regarding the purpose and need and project objectives. As explained in Section ES.3.1, one of the two overall project purposes is, “Restore ecological functions and services within the Ballona Reserve, in part by increasing tidal influence to achieve predominantly estuarine wetland conditions.” All alternatives analyzed in detail would meet this overall project purpose. See Draft EIS/EIR Section 2.1.3, *Screening Criteria for Alternatives to the Proposed Action*. A potential alternative focused on the creation of upland habitat would not meet this overall project purpose.
- I103-33 Receipt of these photographs of the SoCalGas Company facilities 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*.

- I103-34 Receipt of this link to materials about Playa del Rey gas leaks 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*.
- I103-35 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.
- I103-36 See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which provides information about the development of the range of alternatives considered in the EIR. See also Draft EIS/EIR Section ES.1 and Section 1.2.2 for additional context for the proposal.
- I103-37 CDFW will not speculate as to Ms. Luce's reasons, but notes that quantified data generally is preferred relative to more qualitative discussions and that effective graphics sometimes can present information more clearly than text.
- I103-38 See Response I103-30.
- I103-39 Questions of access and participation under baseline conditions are beyond the scope of the EIR because the responses would not inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.
- I103-40 See Response I103-39.
- I103-41 The stated support for restoration and a "top-bottom-solution" is acknowledged and has been included in the formal record, where it may be considered by CDFW as part of its overall decision-making process.
- I103-42 Receipt of this copy of public comments submitted on the Ballona Creek Bacteria TMDL EIR is acknowledged. However, because this comment does not address the adequacy or accuracy of the EIR, a detailed response has not been provided.
- I103-43 The commenter's inclusion of a list of agencies they wish should provide input on the Draft EIS/EIR is acknowledged. The public agencies who commented on the Draft EIS/EIR are identified in Final EIR Appendix B, *Commenting Parties*. More generally, see Appendix A for copies of the notices sent to agencies and the public, and Appendix D for a list of recipients of the Final EIR.
- I103-44 See Draft EIS/EIR Section 3.4, *Biological Resources*, which identifies wildlife and other species present or assumed present in the Ballona Reserve, and analyzes direct, indirect, and cumulative impacts to avian and other species. See also General Response 5, *Biological Resources* (Final EIR Section 2.2.5), which addresses multiple comments received about the biological resources baseline.



- I103-45 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.
- I103-46 See General Response 4, *Drains* (Final EIR Section 2.2.4), about the drains that were subject to the California Coastal Commission's 2017 action; and see General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which responds to requests for recirculation.
- I103-47 See General Response 4, *Drains* (Final EIR Section 2.2.4), about the drains and baseline conditions.
- I103-48 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.
- I103-49 See General Response 4, *Drains* (Final EIR Section 2.2.4), about the drains and baseline conditions and General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses requests for recirculation.
- I103-50 The stated opposition to the restoration alternatives and support for Alternatives 11 and 12 are acknowledged and have been included in the formal record, where they are available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I103-51 CDFW recognizes that the comments and concerns voiced in this February 4, 2018, communication are substantively the same as those provided by John Davis (Letter I23). See responses to Letter I23.

From: karensworld@ca.rr.com
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetlands Project
Date: Sunday, February 4, 2018 4:29:57 PM

Dear Mr. Brody,

In reponse to the Proposal/Alternatives for the Ballona Wetlands Restoration Project, as 30 year homeowners, we'd like to offer our views and choices.

Proposals/Alternatives 1 and 2 are completely out of the question. This Proposal is careless, dangerous, and preposterous, particularly for Lot C. This Federal land is owned by the State of California. Not to be used as a soil dumping ground, or a habitat killing field.

I
1104-1
I

Proposal/Alternative #3 has too many variables to trust, and we fear it would be manipulated as a loop-hole for developers, etc.

I
1104-2
I

Proposal/Alternative #4 is the only viable choice. So please just leave our community, wildlife, levee and land alone.

Respectfully,

Karen Leigh Wehrfritz
Dr. Linda C. Pratt
13210 Fiji Way Unit N
Marina del Rey, CA 90292

T-Mobile. America's First Nationwide 4G Network.



Letter I104: Karen Wehrfritz

- I104-1 The commenter's objection to the Project and Alternative 2 is acknowledged and has been included in the formal record, where it is available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. See also Response I11-2, which discusses the purpose of redistributing fill, and General Response 5, *Biological Resources* (Final EIR Section 2.2.5), which addresses multiple comments regarding impacts to habitat and wildlife.
- I104-2 The commenter's objection to Alternative 3 and support for Alternative 4 are acknowledged and have been included in the formal record, where they are available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

Comment Letter I105

From: [Maureen Weinberger](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: Ballona Wetland Restoration Project
Date: Friday, February 2, 2018 9:21:47 AM

This is NOT a Restoration Project--it is a travesty which does not take into consideration the surrounding residential areas which have not been considered or consulted until now.

I105-1

Villa Marina, a residential community of six hundred plus units, does not want hundreds of truck trips with the attendant noise and dust down our two block main street: La Villa Marina and we do not want a mountain of dirt there because you have no place else to put it!

I105-2

Our streets in the area are already gridlocked much of the day, our buildings already have water seepage at the lower level, and the "Fiji Ditch" is directly adjacent to the rear of a portion of our property--and you do not specify what changes will be made.

I105-3

I105-4

If the "mountain" is created where will the displaced wildlife go--into our neighborhood? Did anyone do an animal population study?

I105-5

If Alternative 1 is adopted: there is no parking available--it is already taken up by a Court, three malls/shopping centers, and a newly enlarged hospital!
Public Access: what is the "drawing card" to attract people to the "public overlook"--there would be little to see as viewing is mainly at ground level--have YOU taken a tour of the Freshwater Marsh?

I105-6

I105-7

THIS WILL DESTROY OUR NEIGHBORHOOD!!!!!!!

Time has passed to restore this area.



Letter I105: Maureen Weinberger

- I105-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.” Contrary to the suggestion that surrounding areas have not been consulted, see Draft EIS/EIR Section 1.5.3 and Final EIR Section 1.4, each regarding agency and public involvement and each explaining that a substantial amount of outreach has occurred over the duration of the environmental review process.
- I105-2 See Response F8-4, which discusses how the Project-specific dust control plan would address concerns related to the impacts of dust on the Villa Marina Neighborhood. As analyzed in Draft EIS/EIR Section 3.10.6, although restoration activities have the potential to exceed county and city noise standards, Mitigation Measures NOI-1-I through NOI-1-ix would reduce noise levels to below local noise standards for off-site sensitive receptors.
- I105-3 The stated objection to the repositioning of fill and soil in Area C is acknowledged and will be taken into consideration as part of CDFW’s decision-making process.
- I105-4 Changes that would be made within the Ballona Reserve under each of the restoration alternatives are described in Draft EIS/EIR Chapter 2, *Description of Alternatives*.
- I105-5 See Response F8-6 which addresses concerns raised regarding the potential for redistribution of wildlife.
- I105-6 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking.
- I105-7 The stated objection to public overlooks is acknowledged and has been included in the formal record, where it is available for consideration as part of CDFW’s decision-making process. See Final EIR Section 2.1.1, *Input Received*.

Comment Letter I106

From: K.athleen.U.Whitney
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Cc: bonnie.l.rogers@usace.army.mil
Subject: Ballona Wetlands Restoration Project
Date: Monday, February 5, 2018 1:14:40 PM

I am writing today in reference to the Ballona Wetlands Restoration Project, a proposal that will effectively expand the gas facility at Playa Del Rey by using money to retrofit wells in the construction zone.

I106-1

The result, among others, will be to endanger and destroy the existing habitat.

I object to this plan for the following reasons:

- the project, which will be largely funded by public money, will cost \$180 million and will do tremendous harm to the immediate environment.

I106-2

-The project will destroy what is currently a fresh-water wetland by turning it into a salt water wetland.

I106-3

-Turning the area into a salt-water wetland will endanger the rare plants and wildlife of the area for no good reason.

I106-4

Further, use of bulldozers will damage this already delicate environment.

As an alternative, I recommend that the California Department of Fish and Wildlife adopt Alternative 4 - No Federal Action/No Project Alternative.

I106-5

This would recommends no active restoration or enhancement and would maintain existing activities and conditions.

As the project proposal is 800 pages long, I ask that you extend the public comment period to March and have 180 days for a full review

I106-6

Thank you for your attention
Kathleen Whitney (member Indivisible 43)
919 Palms Blvd,
Venice, CA 90291

kwhitney100@icloud.com



Letter I106: Kathleen Whitney

- I106-1 To be clear, there is no expectation that public funds would be used to abandon or relocate SoCalGas infrastructure within the Project Site. 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.
- I106-2 The stated project funding concerns are acknowledged. See Response I106-1. Potential direct, indirect, and cumulative impacts to biological resources are analyzed in Draft EIS/EIR Section 3.4. The analysis discloses some potential significant restoration-phase impacts but demonstrates how the significance of these impacts could be reduced below established thresholds by the implementation of specified mitigation measures and how, overall, the restoration alternatives would result in long-term beneficial effects to species and habitats. The commenter's disagreement with these findings is acknowledged; however, without more information about why the commenter believes that the Project would harm the environment, CDFW does not have enough information to provide a more detailed response.
- I106-3 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a "freshwater alternative." Also see General Response 3, *Alternatives* (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.
- I106-4 Potential impacts to habitat to special-status plant and wildlife species are addressed in Draft EIS/EIR Section 3.4.6, *Direct and Indirect Impacts*, and in Section 3.4.7, *Cumulative Impacts*. Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- I106-5 The stated support for Alternative 4 is acknowledged and has been included in the formal record, where it is available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I106-6 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.

Jennifer Ann Wierks, Esq.
11070 Matthews
Tustin, CA 92782

RECEIVED

NOV 07 2017

DFW Director's Office

October 31, 2017

Charlton H. Bonham, Director, California Dept. of Fish & Wildlife
1416 - 9th Street, 12th floor
Sacramento, CA 95814

RE: Proposed "Restoration" of Ballona Wetlands, Los Angeles
State Clearinghouse # - (State Clearinghouse No. 2012071090)

Dear Mr. Bonham:

I am writing to voice my objection and displeasure of the proposed "restoration" plan of the Ballona Wetlands area. I frequent this area as I have close family that lives in the Marina Del Rey area and enjoy this area with my children.

I107-1

Bulldozing the habitats as planned does not seem to protect the wildlife that is currently using this ecosystem and will result in great destruction and destabilization. While I am all for undertaking efforts to restore/preserve this area, I fear the proposed drastic actions I am reading about will result in massive destruction and endangerment to habitat and wildlife. I understand that the original landscape was once different and much of what is currently the wetlands area was at one point man-made, but interfering with drastic measures as those proposed such as moving the channels does not seem to be helpful to the wildlife even on a long term standard. There must be kinder, gentler methods of encouraging the habitat and wildlife to thrive and protection of endangered and "Species of Special Concern".

I107-2

The public time for review should be extended as this is a massive undertaking with potential enormous consequences. Please provide 120 days or as much time as possible.

I107-3


Jennifer Wierks

RECEIVED

NOV 08 2017

D-F-G
Office of the General Counsel



Letter I107: Jennifer Wierks

- I107-1 General objection to the alternatives analyzed is acknowledged and has been included in the formal record, where it is available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I107-2 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- I107-3 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.

Comment Letter I108

Lance Williams
Playa del Rey Florist
307 Culver Boulevard
Playa del Rey, CA 90293
310-821-0984

10/24/17

Mr. Richard Brody

CDFW c/o ESA (jas) 550 Kearney Street, Suite 800

San Francisco, California, 94108

E-mail: BWERcomments@wildlife.ca.gov

Dear Mr. Brody,

With regards to the Ballona Wetlands I would like to add the following commentary:

I own and operate Playa del Rey Florist, which sits on the edge of the Ballona Wetlands and has operated out of this same location for over 67 years. Our store has had a symbiotic relationship with the wetlands and we have always looked out for the grounds here near Pershing and behind our store for decades on end.

We enjoy the wetlands and we back the continued restoration of the Ballona Wetlands. We also revere them as a beautiful gift of nature that needs to be preserved and cared for in this day and age when developing seems to be king.

We have tried to do our part over the years watching and intervening to keep people, cars and trash from accumulating in the area. We have made sure that illegal dumping of cars are dealt with as swiftly as possible and removed from the area. We clean and remove trash ourselves, and try and educate people about the environment and the wetlands itself.

I have personally returned snakes, lizards, opossums, rabbits and birds to the wetlands. I even encouraged a gaggle of ducklings to follow me back to the water inside the wetlands when they had tried to wander towards Culver Boulevard.

What I would like to make clear is that the area behind our store and Gordons Market serves our coastal community and local economy, as well. Lower Playa del Rey as a residential and business community is dependent on the area for parking for workers and visitors to the area at most hours of the day and in to the evening. We would like to ask that this be considered when determining the fate of this lot. Playa del Rey is a small community with limited resources, parking being one of our scarcities. The streets and area, simply do not provide enough space. We have used this area for many decades and cannot replace the parking needs it provides.

I108-1

I108-2

Comment Letter I108

Lance Williams
Playa del Rey Florist
307 Culver Boulevard
Playa del Rey, CA 90293
310-821-0984

Many of the businesses along Culver Boulevard are land locked. If an alley way could be built behind our stores, it would greatly benefit the area and in some of the drawings it seems that busses may benefit from an alley area as well. Perhaps some sort of joint use would be a wonderful accommodation for all? Busses would be able to ingress and egress the area easier.

I108-3

Our trash containers are also kept in the rear of the store and we simply do not have any other space.

I108-4

If the Parking Structure Mentioned in #13 of the summary. "Implement public access-related improvements including trails, a new three-story parking structure and other parking improvements, and encouragement of appropriate and legal public use throughout the Ballona Reserve by enhancing public safety;" is instituted then it may take some of the parking needs off of the Playa del Rey side?

I108-5

Many local businesses and residents would relish being the "Gateway to the Wetlands" but we need to work together to continue our symbiotic relationship.

To reiterate our Long standing uses that we would like to see continue for our Coast Community here in Playa del Rey:

1. Continued use of the Lot behind Culver Blvd and Bordering Pershing Dr. without limitation of hours of use.
2. Continued use of the same area for trash bins to keep a clean area.
3. Enhancing a business alley parallel to Culver Blvd and behind the Businesses.
4. Maintain our ingress and egress from our store, which we have utilized for the last 6 decades.
5. Perhaps the lot which was built into a "Swale" could be redesigned to run water away from the wetlands but not pool into the unusable lake it becomes during rainy season?

I108-6



a.

Letter I108: Lance Williams

- I108-1 The commenter's experience working near and acting as a steward to the wetlands is appreciated. The wildlife identified in this comment is consistent with the description of the affected environment provided in Draft EIS/EIR Section 3.4, *Biological Resources*.
- I108-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I108-3 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I108-4 The identified use of the area to the rear of the commercial space is acknowledged, but does not inform CDFW's consideration of the potential impacts of the Project. See Final EIR Section 2.1.1, *Input Received*.
- I108-5 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I108-6 This summary of the previous comments is acknowledged. General Response 2, *Proposed Project* (Final EIR Section 2.2.2), addresses multiple comments, including those made in this letter, regarding parking facilities.

Comment Letter I109

From: [carin wong](#)
To: [Wildlife Ballona Wetlands Ecological Reserve EIR](#)
Subject: In support of the ballona wetlands
Date: Saturday, February 3, 2018 7:33:29 PM
Attachments: [Friends EIR comments_FINAL.pdf](#)

As a concerned citizen, I am supporting the position outlined in the attached document regarding the endangered Ballona wetlands.

↓ I109-1

Carin Wong



Ballona Restoration DEIR Comment Summary by Friends of Ballona Wetlands

Friends of Ballona wetlands believes the robust restoration of the Ballona Wetlands Ecological Reserve (BWER) will increase habitat quality and diversity to benefit native wildlife, provide greater protection from flooding and the impacts of climate change, improve water quality and watershed connectivity, open public access trails for education and nature appreciation, protect rare and sensitive species, and add ecological, aesthetic, and economic value to the surrounding community.

FBW's Overall Goals for Ballona Restoration:

1. Protect, optimize, enhance and create diverse habitats for native plants and wildlife throughout Ballona including wetland, riparian, dune and upland environments.
2. Maximize and enhance wetland acreage and function, and diversity of created/restored wetland habitats, i.e. low, mid, and high marshes, salt pan, and brackish marsh.
3. Increase watershed connectivity.
4. Create nurseries for fish and nesting habitat for birds.
5. Manage for rare and sensitive species.
6. Create well-regulated trails for public access and educational opportunities that are compatible with restoration goals that protect habitat.
7. Ensure long-term resilience and sustainability with estimated future sea level rise.
8. Reduce habitat fragmentation by providing wildlife travel corridors to minimize wildlife injury and mortality from vehicles.
9. Safeguard as much wildlife as possible and minimize losses.
10. Provide safe public access to the Reserve including trails, bike paths and rest stops, overlooks, wayfinding, shade structures, information kiosks, restrooms, drinking water, public transit stops and parking.

Access, Parking and Bathrooms

We support a public access system with separate bicycle and walking trails, parking facilities, and restrooms, that are compatible with restoration goals. We believe the parking lot in Area A should reduce the footprint of impervious surfaces and increase land for habitat restoration and that the number of spaces provided should not be significantly more or less than what is needed to meet requirements for the expected number of visitors to the Reserve. A parking study should be completed to determine the correct number of spaces to provide. Include bathroom facilities at the primary trailhead in Area A comparable to those at the Upper Newport Back Bay Nature Preserve. Bathrooms are critical to ensure that visitors to the site are using proper facilities and not impacting the wetlands. The type of structure should be determined based on budget and operations and maintenance plans for the site. The parking lot currently known as the "Gordon Lot," should be available for visitors to the BWER and those patronizing community restaurants and shops, and should remain open until 11:00 pm so as to benefit the business community.

Little League

If the Little League baseball fields remain inside the reserve, then a few changes should be made to their management. The fields, parking lots and surrounding grounds must be maintained, to encourage environmental stewardship. Access should be open to the larger community throughout the year, and parking should be allowed on the lot for visitors to Area C walking trails. Negative environmental and community impacts should be prevented by increasing patrols by enforcement agencies. As much of the existing area as possible should be restored to native uplands vegetation.

Area Specific Comments:

Area A: We generally support the restoration of Area A as presented in both Alternative 1 Phase one and Alternative 2. The 14 feet of dredge fill should be removed and graded to provide marsh habitat. Concrete levees should be removed and replaced with more natural levees. Wildlife should be protected to greatest extent possible. We do ask that the primary entrance to trails be located at the primary parking facility rather than as shown in the current maps. Include a plan for relocating wildlife displaced by restoration activities. Create wildlife corridors. Provide more details on bridge design and vegetation. Safe travel corridors over roads are needed not only for people, but also wildlife to help reduce

I109-1
cont.

habitat fragmentation and roadkill. Use known principles of wildlife corridor design to determine the cover and type of native vegetation needed. Provide a plan for the likely placement of interpretive panels along walking paths, viewing platforms, etc. that are compatible with restoration goals and maximize interpretive opportunities for schools. Address more directly how upstream water quality improvement projects are compatible with the restoration goals for water quality and sediment loads.

Area C: We generally support the plans for Area C presented in Alternative 1 Phase 1 and Alternative 2, including the placement of fill on Area C from Area A given that it will not increase the height of Area C in a way that will negatively impact the nearby community, but will instead enhance Area C with gentle sloping vegetated knolls that do not obstruct views, improve the aesthetics of the area and possibly reduce traffic noise for residents. We also support the restoration of native upland vegetation where mostly weeds now exist. We believe walking trails in Area C will reduce crime and homeless encampments by enhancing the area with greater visibility, law enforcement, and passive recreational opportunities.

Southeast and South Area B: We generally support the restoration of Southeast and South Area B west of the freshwater marsh as presented in Alternative 1 Phase 1 and Alternative 2. We think creating tidal channels as proposed in this area will enhance the habitat and attract additional endangered and threatened species to this underperforming wetland area. The proposed channel should be placed in way that protects Willow Thickets along Bluff from salt water inundation and freshwater should be allowed to flow naturally into the marsh to create a brackish zone. We support the protection of the eucalyptus patch to protect Monarch Butterflies, but it should not be allowed to spread further. All other non-native plants, including pampas grass and iceplant, should be removed and replaced with native vegetation.

East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. However, we believe a trail system should be added on part of the perimeter as reflected in the Alternative 2 Access Plan. We would like to see wetland habitat maximized here by protecting and improving the seasonal freshwater wetlands. Non-native vegetation should be removed. It would be helpful to allow freshwater to reach the seasonal wetland area and allow riparian and/or brackish habitat to develop by daylighting the culvert from the Ballona Freshwater Marsh to allow additional freshwater input.

West Area B: We support most aspects of Alternative 1 Phase 1 and Alternative 2 restoration in West Area B. Protect and enhance existing wetland habitat and protect endangered and threatened species as long as possible while expanding their presence in other parts of Ballona. Protect connection of the last remaining dunes habitat. Restrict public access through the sensitive dune habitat that currently hosts the Federally endangered El Segundo Blue Butterfly. We support removal Gas Company Access wells. Adapt West Area B for sea level rise consistent with plans related to the surrounding communities. Continue to research best technology that could minimize disturbance. Consider using current available technology such as pumps, slowly increasing elevation, etc. Possibly increase tidal flow by modifying tide gates to allow some additional flow into West Area B and increase tidal inundation of the salt pan without losing muted tidal habitat or flooding roads/nearby development.

If and when it is determined that Alternative 1 Phase 2 must proceed in order to protect the area from sea level rise, the following must be assured: Adequate nesting and foraging habitat for Belding’s Savannah Sparrows must be in place throughout Ballona in Areas A and B that support an equal or greater number of nesting pairs than currently exist in West Area B. Improvements in upstream water quality and sediment loads must be completed prior to breaching levee along West Area B. Measures that prevent loss of habitat diversity and protect existing native vegetation cover to greatest extent possible must be implemented. Mechanisms to protect historical salt pan from becoming permanent open water must be implemented to the greatest extent possible. The construction of a levee along Culver and adjacent to the dunes must limit disturbance and enhance connectivity to dune system and El Segundo Blue Butterfly habitat.

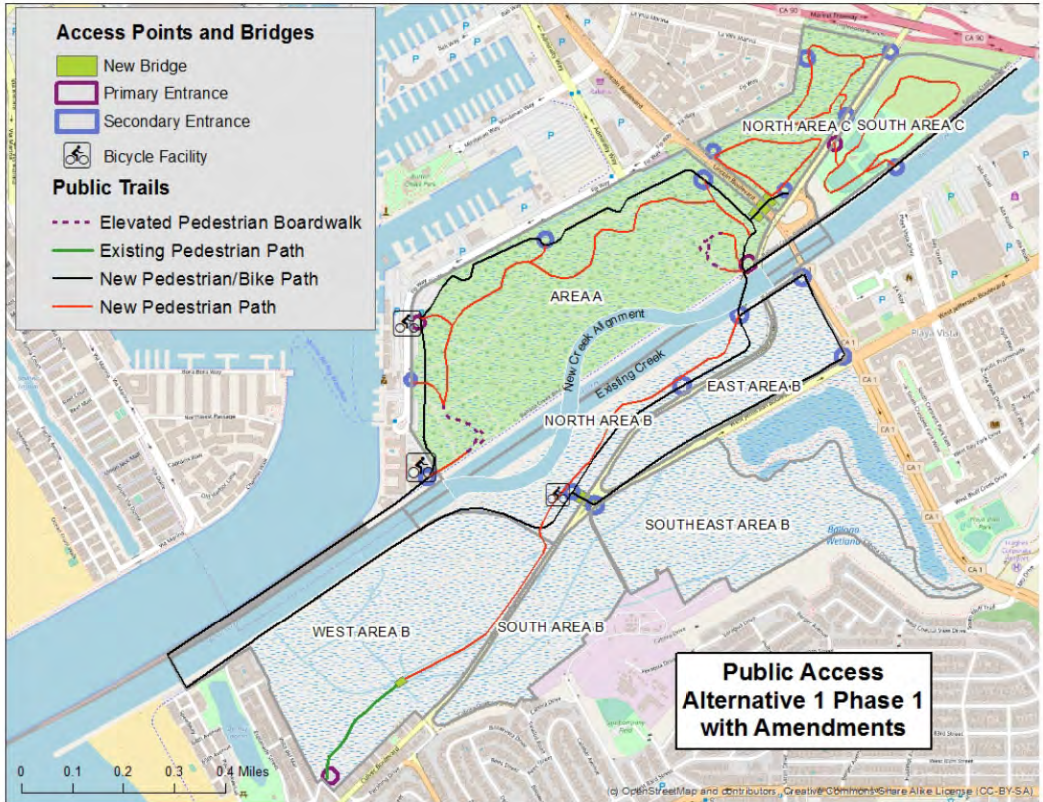
Belding Savannah Sparrow Comments:

Protect Belding’s Savannah Sparrow nests and habitat – particularly until an equal number of nests have been documented for several years in Area A and/or South Area B. Ensure that there is adequate nesting and foraging habitat for Belding’s Savannah Sparrow. Pickleweed habitat cover in Area A should be equal to or greater than currently present in West Area B. CDFW should use principles of Minimum Viable Population to estimate the number of nesting pairs required for a viable, sustainable population size and ensure that the population will be protected from future disturbances.

The next page shows maps that reflect our habitat and public access comments.



I109-1
cont.



I109-1 cont.



Letter I109: Carin Wong

I109-1 The stated agreement with input provided by Friends of Ballona Wetlands (Letter O10) is acknowledged. Responses to specific issues raised in that letter are provided in Final EIR Section 2.3.6.

February 1, 2018

Richard Brody, CDFW
c/o ESA (jas)
550 Kearney Street, Suite 800
San Francisco, California, 94108

E-mail: BWERcomments@wildlife.ca.gov

RE: Draft EIR; Ballona Wetlands

I write to you as the emissary of many. I write in the name of many members of the greater Marina del Rey community, both business and private citizens who have lived and worked in Marina del Rey for many years. These individuals know the heartbeat of this community very well. They love the sea and they love the Ballona Wetlands. They respect and care about both. I write for the silent majority who want to make certain that all people have access to the water and respect the wetlands. These two goals are not polar opposites but do require your thoughtful consideration when decisions affecting either or both of these vital elements are before you.

My name is Patricia Younis. I have worked in Marina del Rey for over 25 years. I know this parking lot that you are considering very well. I know why it was constructed in the first place and why it has been so respectfully preserved and valued for all these years.

I110-1

The presence of this parking lot assures coastal access to the millions who visit Fishermans Village every year. Fisherman’s Village has limited parking and yet it is the most public and well-known of all the Marina del Rey venues. It is the principal opportunity for public coastal access. This is where the vast majority of people go to get on-the-water access. This is where it all happens for the visitor to Marina del Rey. Day sportfishing, low cost water taxis, harbor cruises, all kinds of boat and board rentals, whale watching. Of course there is also the bike trail, the restaurants, the leisurely water-side walkers – all enjoying the water.

This is exactly what the Coastal Act is all about: Public access to the shoreline and the coast. Respectfully, to *take an action that would effectively up-end this access is contrary to what the Coastal Act not just requires but demands.*

This is where and why your prudent and thoughtful consideration is critical.

The vast majority of the public arrive at FV by car but the public’s need for parking cannot be accommodated without the use of the lots leased from you. Currently members of the Los Angeles County Marina del Rey Sheriff Station and Los Angeles County Department of Beaches and Harbors use this lot and employees of the Fisherman’s Village businesses use this lot daily but it is also used for overflow public parking on major holidays and for major events when the visitors to FV far, far outnumber the parking available. All of this is well documented and available to you.

I110-2

Comment Letter I110

Should you determine that this small area can no longer be used for these parking purposes, all of the regularly parked cars will now have to park in the FV lot. **This will virtually eliminate public access to the Coast as there will be so few spaces remaining and available for the public's use.**

I110-2
cont.

As I mentioned previously, I have been hands-on in this marina for over 25 years. I can attest to the fact that often, during the week, there *is* available parking in the Fishermans Village lot – unless it is a holiday but take away your lot, that will no longer be the case.

I can also attest to you that those week-day empty spaces regularly disappear on weekends, holidays and much of the summer – even with your lot in use.

It is important for you to know that the public has been most respectful of the wetlands. Your own staff can attest to that. I would venture to guess there have been fewer than 10 documented incidents of intrusion into the wetlands from people parking vehicles in the lot in all these years. That is the direct result of careful and continuous monitoring and entry control. This is a testament to the County which has so carefully controlled the area to ensure its safekeeping.

I110-3

In closing, I and all the others who stand silently behind me, urge you to allow this lease to continue. It is in keeping with California Coastal law in both spirit and intent. The use is not endangering habitat.

I110-4

In truth, it is my personal belief that there is a great and special opportunity in this location. An opportunity that does not usually present itself so naturally. I would encourage that this area develop a symbiotic relationship: A perfect opportunity to allow the public to view and learn and participate in both the wetlands and the sea. This would underscore the greater good and support the larger goals of both Coastal and Fish and Game.

I110-5

In closing, we thank you for thoughtfully considering these issues and for listening to our position.

Sincerely,

Patricia Younis, CPM

Patricia Younis
Principal

Copy:
Los Angeles County Department of Beaches and Harbors
The Marina del Rey Lessee Association
Pacific Ocean Management

Letter I110: Patricia Younis

- I110-1 This expression of the importance of parking, including for access to coast and other area uses, is acknowledged has been included in the formal record, where it will be available for consideration as part of CDFW's decision-making process. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I110-2 The California Coastal Commission's comments (Letter AS5) provide input regarding parking. However, rather than merely supporting the proposed parking relative to the coastal access it may provide, these comments request a demonstration of need for an increase in 39 parking spaces (Comment AS5-30) and request additional visual analysis of the proposed parking structure (Comment AS5-46). See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding Project-related parking.
- I110-3 This input as to past use of existing parking facilities 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*.
- I110-4 This request to be allowed to continue the existing parking use is acknowledged. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.
- I110-5 The commenter's support for public access to the Ballona Reserve, including by car, is acknowledged.

Comment Letter I111

From: Wendy Zacuto
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Cc: bonnie.l.rogers@usace.army.mil; VLAD
Subject: proposal to expand the gas facility of SoCal Gas
Date: Monday, February 5, 2018 4:07:48 PM

I am writing in response to a proposal that would expand the current So Cal gas facility in the La Ballona Wetlands by using public money to retrofit wells in the construction zone and endanger the existing habitat. The project will cost \$180 million, a large part coming from public money. I

I111-1

- Recommend that the California Department of Fish and Wildlife adopt: "Alternative 4 - No Federal Action/No Project Alternative" and ask that the comment period be extended to March and have a full 180 days for review.

I111-2

I111-3

I and many other community members are aghast at the continued financial support of the antiquated storage facilities. The facility near the La Ballona Wetlands not only puts the community of residents and businesses at risk, but also puts endangered animals as well as the continued existence of a rare wetlands environment in jeopardy.

I111-4

I strongly oppose this proposal.

- The wetland was a fresh water wetland so this project is not a restoration because it will turn it into a salt water wetland.
• The project is a major construction project that will endanger rare plants and wildlife for no good reason. Using bulldozers is not the way to help sensitive wildlife.
• The project should not expand development into public lands.

I111-5

I111-6

I111-7

Please feel free to contact me should you have any further questions about my concern for life in the Playa del Rey community.

Sincerely,
Wendy Zacuto

--
Wendy Zacuto
Educational Consultant
wendyzacuto.com

"There is a vitality, a life force, an energy, ...that is translated through you into action, ...if you block it, it will never exist through any other medium and it will be lost.-Martha Graham

Letter I111: Wendy Zacuto

- I111-1 Regarding the SoCalGas Company and its infrastructure within the Ballona Reserve, see General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), which explains that there is no expectation that public funds would be used to abandon or relocate SoCalGas infrastructure within the Project Site. Further, to be clear, the Project would not result in expansion of the existing natural gas storage facilities.
- I111-2 The stated support for Alternative 4 is acknowledged has been included in the formal record, where it may be taken in to consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.
- I111-3 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.
- I111-4 See Response I111-1.
- I111-5 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a "freshwater alternative." Also see General Response 3, *Alternatives* (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. Further, General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), addresses multiple comments regarding the definition of "restoration."
- I111-6 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- I111-7 To be clear, the Project would not expand development into public lands. See Draft EIS/EIR Chapter 2, which describes the Project and restoration alternatives.

2.3.8 Responses to Public Hearing Comments

The following pages contain the oral comments received at the public hearing and CDFW's associated responses.

BEFORE THE UNITED STATES ARMY CORPS OF ENGINEERS
STATE OF CALIFORNIA

In the Matter of the)
BALLONA RESERVE,)
)
PUBLIC COMMENTS HEARING)
_____)

TRANSCRIPT OF PROCEEDINGS
Marina Del Ray, California
Wednesday, November 8, 2017

Reported by:

SHELBY MAASKE
Hearing Reporter

Job No. :
16990MSA

BEFORE THE UNITED STATES ARMY CORPS OF ENGINEERS
STATE OF CALIFORNIA

In the Matter of the)
BALLONA RESERVE,)
)
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TRANSCRIPT OF PROCEEDINGS, taken at
13650 Mindanao Way, Marina Del Rey,
California, commencing at 5:00 p.m.
on Wednesday, November 8, 2017, reported by
SHELBY MAASKE, Hearing Reporter, and
transcribed by KATRINA WOYJECK, CSR No. 13603,
a Certified Shorthand Reporter in and for
the State of California.

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E X H I B I T S

(None)

1 Marina Del Rey, California, Wednesday, November 8, 2017

2 5:00 p.m.

3
4
5 MR. BRODY: All right. Just a couple of housekeeping
6 things. (Inaudible). All right. So the restrooms are
7 through the door. There's a water fountain there, too. And
8 you all know where the (inaudible) are at.

9 UNIDENTIFIED SPEAKERS: No.

10 MR. BRODY: Not all. Okay. I'm Brody from the
11 Department of Fish and Wildlife and I just wanted to let you
12 know -- this is housekeeping. So the restrooms are right
13 here where the water fountain is and the restrooms are on
14 the side. You know where they're at. You all got parking
15 passes. Those are only good for 90 minutes we're here. If
16 you're going to be here longer than 90 minutes, go park in
17 the adjacent lots.

18 UNIDENTIFIED SPEAKER: Wait, wait, wait. That is for
19 weekends and holidays.

20 MR. BRODY: All right. I stand corrected. We were told
21 by Beaches and Harbors that they've provided us with free
22 parking passes and you guys can go to the two adjacent lots
23 and stay until 10:00. All right. So intentional
24 disruptions are really not going to be tolerated.

25 We're going to use this as kind of your only --

1 your first and only warning. Our enforcement's already been
2 notified that if there's any disruptions, applause, or any
3 type of intentional disruptions -- you know what I'm talking
4 about -- we're going to have to ask you to leave.

5 There's some notices along the wall that say where
6 you can submit written comments to the draft EIR. Some of
7 you may know that; some of you may not. The websites are
8 posted on the wall. And we have a stenographer here that's
9 begging you to speak slowly when you come up to the mic and
10 spell your name so we can get it correctly.

11 UNIDENTIFIED SPEAKER: Also on the written comment
12 sheets that everyone was picking up back there, it says the
13 date to comment -- the deadline to comment is April 8th,
14 2016, so that means that was a mistake? Can you tell us the
15 correct date, please?

16 MR. CASTENON: Yes. So just to clarify, on the written
17 comments form for whoever wishes to submit written
18 comments --

19 UNIDENTIFIED SPEAKER: Yes.

20 MR. CASTENON: -- it doesn't have the correct date,
21 obviously. The correct date is February 5th, 2018.

22 UNIDENTIFIED SPEAKER: Thank you.

23 MR. CASTENON: And just to let everybody know, what
24 we're going to do is we're going to have people representing
25 groups are going to speak first, and then we're going to get

1 to individual speakers. And with that, I'm going to hand
2 you over to Colonel Gibbs.

3 UNIDENTIFIED SPEAKER: (Inaudible)

4 MR. CASTENON: He will get to that.

5 COLONEL GIBBS: I will talk about all of those things.
6 First, good evening. Thank you all for coming out. I'm
7 Colonel Kirk Gibbs of the Los Angeles District of the US
8 Army Corps of Engineers. If I say USACE at some point
9 during my comments, that means US Army Corps of Engineers,
10 and I'll apologize up front for that. It will save a little
11 time and allow you more time.

12 On behalf of the Corps of Engineers, I'd like to
13 welcome you to this public meeting, this public hearing, and
14 we're really excited about this. One good thing, I was at a
15 public meeting just a couple of weeks ago, and that public
16 meeting was competing with the World Series, so at least you
17 don't have that going on tonight.

18 Before we get started, I'd like to explain how this
19 hearing will be conducted. If you would like to speak, you
20 must fill out a speaker card and give it to one of the Corps
21 or the consulting staff at the table in the back. As you
22 came in, many of you picked up those cards.

23 So if you don't have a card and you want one, feel
24 free at any time to go to the back right now and get a card,
25 or raise your hand and we can bring you one. Please do this

1 now if you have not already done so.

2 In about 30 minutes -- probably a little less than
3 that -- my staff will review the speaker request cards
4 received and allocate time based on the number of requests.
5 We've got quite a few requests already, so I will be
6 addressing how much time you have to speak, whether it's on
7 behalf of a group or just individually. But that could
8 lessen by the time we actually start if we continue to get
9 more cards and more of -- more of those who want to speak.

10 Now I would like to explain a little bit about the
11 role of the Corps of Engineers in this process. Under our
12 federal permit program, the Corps of Engineers is
13 responsible for regulating dredge and fill activities in
14 waters of the United States under Section 404 of the Clean
15 Water Act -- hence, the 404 permit that we often have to
16 issue for projects that are requested to be done -- as well
17 as work within Section 10 Navigable Waterways under the
18 Rivers and Harbors Act.

19 Under these laws and other federal resource
20 regulated statutes -- or related statutes, the Corps
21 evaluates potential impacts that would be caused by a
22 proposed project prior to making a permit decision. In
23 addition to the proposed project, the Corps must determine
24 whether -- whether that proposed project is the least
25 environmentally damaging alternative that meets the overall

1 project purpose.

2 In addition, no permit can be granted if we find
3 that the proposal is contrary to the public interest. The
4 public interest determination requires a careful weighing of
5 those factors relevant to the particular project. The
6 project's benefits must be balanced against its reasonably
7 foreseeable detriments.

8 In meeting our regulatory responsibility, the Corps
9 of Engineers is neither a project proponent or opponent.
10 The Corps is also responsible for reviewing all requests to
11 modify, alter, or occupy any existing Corps-constructed
12 public works projects under Section 408 of the Rivers and
13 Harbors Act of 1899.

14 Under these laws, in order for the District to
15 approve any proposed alteration requests, it must meet Corps
16 standards and must not be injurious to the public interest
17 or affect the USACE project's ability to meet its
18 congressionally authorized purpose. A typical review under
19 Section 408 requires not only technical analysis but also
20 NEPA compliance, National Environmental Policy Act
21 compliance.

22 I would say that this particular project will
23 require both the 408 permit as well as a 404 permit
24 (inaudible). That's -- that's accurate; right?

25 UNIDENTIFIED SPEAKER: (Inaudible)

1 COLONEL GIBBS: As you know, the California Department
2 of Fish and Wildlife in Los Angeles County have applied to
3 our agency, the US Army Corps of Engineers, for permits to
4 restore the Ballona Wetlands.

5 The Department has applied for the regulatory
6 Section 404 and Section 10 permits. The County, as the
7 local sponsor for the federally constructed Ballona Channel,
8 has applied for the Section 408 permit as well, so that's
9 why both of these agencies are here tonight and will speak
10 here in just a second after I'm complete with my opening
11 comments.

12 While we will be evaluating these permit
13 applications, the proposed project is not a Corps proposal.
14 We are here in a permitting context only. The Corps and the
15 Department have jointly prepared a draft environmental
16 impact statement slash environmental impact report pursuant
17 to our responsibilities under the National Environmental
18 Policy Act and the California Environmental Quality Act,
19 CEQA.

20 The draft document has been released for public
21 review and comment. This evening the Corps is continuing
22 its effort to gather comments regarding the proposed project
23 from the general public, who will carefully consider all
24 comments prior to making our final permit decision.

25 And even following this meeting, the public has

1 until February 5th, 2018, to provide written comments. So
2 you have nearly two-and-a-half more, three more months --
3 nearly three more months to submit comments. Please note we
4 will equally weigh comments provided verbally or in written
5 format.

6 I will now turn it over to Mr. Richard Burg of the
7 California Department of Fish and Wildlife who will explain
8 his agency's role as the applicant and give some opening
9 comments. And they are also the CEQA lead agency and he
10 will provide a brief overview of that project.

11 Following Mr. Burg, Mr. Frank Wu of Los Angeles
12 County Department of Public Works will explain his agency's
13 role as the Section 408 applicant. This will help us
14 transition to public interest input session. At this time,
15 once again, I will emphasize if you would like to speak
16 tonight and you have not filled out and turned in a card to
17 our staff in the back, please do that.

18 And please provide that speaker card to any member
19 of our staff at the table, or if you catch our attention,
20 we'll -- we can come and get that from you. So at this
21 time, I'll turn it over to Mr. Richard Burg.

22 MR. BURG: Thank you, Colonel Gibbs. As Colonel Gibbs
23 said, my name is Richard Burg, California Department of Fish
24 and Wildlife. I'm the environmental program manager for the
25 South Coast Region for Wildlife Lands and Fisheries Program.

1 I basically cover --

2 UNIDENTIFIED SPEAKER: We can't hear you in the back.

3 MR. BURG: Sorry. Can you hear me now?

4 UNIDENTIFIED SPEAKERS: (Inaudible)

5 MR. BURG: Sorry. Covers all the coastal counties from
6 Santa Barbara down to San Diego. First of all --

7 UNIDENTIFIED SPEAKER: (Inaudible)

8 MR. BURG: I can do that, yes. First of all, I'm going
9 to make my comments really brief because we're here to hear
10 you, not for you to hear me, so I will keep them brief. And
11 I want to thank everybody for coming out. I know we may
12 have disagreements about how this project gets done, but I
13 think we all agree that we love Ballona and we want to see
14 what's best, simply put.

15 Our department basically carries two
16 responsibilities for this project. We are not only the lead
17 agency, but as the State, we are the trustee agency also for
18 the CEQA. And -- okay. And just further on the comment
19 period, again, we also extended our -- the CEQA comment
20 period until February 5th at 5:00 p.m., 2018. And with
21 that, I'm just going to sign off and I'll give it to Frank.

22 MR. WU: Thank you. All right. I will also make my
23 comments very brief. My name is Frank Wu and I am with the
24 LA County Department of Public Works. I'm the senior --

25 UNIDENTIFIED SPEAKER: You have to speak louder.

1 MR. WU: Louder? Okay. I'm a senior civil engineer
2 with the Department, and I'm also the Santa Monica Bay
3 Watershed manager. And in that capacity, my job is to
4 conduct the long-term infrastructure planning for the Flood
5 Control District and -- including the areas within --

6 UNIDENTIFIED SPEAKER: Can't hear you.

7 MR. WU: -- the Ballona Creek watershed. Still can't
8 hear me? All right. Even with the mic.

9 UNIDENTIFIED SPEAKERS: (Inaudible)

10 MR. WU: Now, Colonel Gibbs has already more or less
11 described the role of the Flood Control District, and we are
12 the local active agency responsible for the operation and
13 maintenance of the Ballona Creek flood control levee. And
14 because of that, we are also the applicant on the Section
15 408 permit that the Colonel mentioned.

16 The District's role, in addition to that primary
17 role, is, of course, to ensure that the project provides
18 adequate flood protection, which is our first and foremost
19 mission. And -- so we will be doing that by reviewing very
20 closely the design plans of the project once it gets to that
21 point.

22 The District also expects to have operation and
23 maintenance responsibilities once the project is complete.
24 The details of that will be worked out, but we expect that
25 we will be maintaining the new levees if it's constructed.

1 With that, I will stop there and hand this back to you,
2 Colonel.

3 COLONEL GIBBS: Yes. All right. I will stand up as
4 well then. All right. We will be taking oral testimony --
5 we're real close -- from the public in the order we have
6 received your speaker cards. Again, some individuals -- I
7 think there's about a stack of ten -- are speaking on behalf
8 of a group. Others are speaking on their own behalf.

9 We have decided how long you have based on the
10 number or speaker cards we've received so far. Groups will
11 be given five minutes. They'll be given five minutes and
12 when that person steps in front of the mic, we would ask the
13 group to stand up so we can acknowledge the group. Then you
14 can sit right back down, but we would ask that, please. So
15 those speaking on behalf of groups have five minutes.

16 Those individual speakers will be given two
17 minutes. All persons in your group, I've already said that,
18 must stand, but then you can sit back down. As I mentioned
19 earlier, if you would like to speak -- you may hear
20 something that you would like to emphasize.

21 Or some of you may wish to not speak at all, even
22 though you're signed up, if someone has really driven the
23 point home that you would like to. So again, if you -- if
24 you think you want to speak, please prepare the card now and
25 turn it over to our staff.

1 All oral or written testimony will become part of
2 the administrative record for this permit application. Once
3 we have the written transcript of the testimony, copies may
4 be viewed at our office or purchased. So as you make
5 comments, please note we're going to have a timer on the
6 table right here.

7 So the speakers standing there, you will be able
8 see the timer and you'll know how much time that you have.
9 The light will be green when you begin. When you have one
10 minute left, the light will turn yellow. When your time is
11 up, the light will turn red.

12 Please immediately wrap up your comments and return
13 to your seat at that time. As you -- as the speakers
14 approach the mic, we would ask that you say your name and
15 spell your name. We have a stenographer that's capturing
16 everything, so that's part of the official administrative
17 record.

18 So please spell your name, and I will ask my
19 staff -- because some may have longer names than others and
20 it may take a few seconds to spell that, and we don't start
21 the timer until the name has been spoke. Once again, I
22 would ask that you please respect these time limits.

23 We -- we're looking at about two hours worth of
24 comments as it stands right now, so it's very important that
25 for everyone to be able to speak, that we stick to those

1 time limits. If you speak past the red light, I may have to
2 ask you to step down and please respect that.

3 I appreciate your cooperation in keeping to your
4 allocated time so the meeting runs smoothly and we can hear
5 all people who wish speak. Once again, I would emphasize
6 please respect each other so that all comments can be heard
7 even if you don't agree with what's being said. I'm sure
8 there will be much that some of you don't agree with that's
9 said and others that do agree and would like to applaud.

10 That only keeps us from hearing all the words,
11 being able to capture of all of those. So please be
12 respectful of each other. Okay. So as we get started, what
13 I'm going to do is I'm going to call the first three
14 speakers to the microphone.

15 The first name will approach the microphone and
16 then we've got two, so to speak, on deck, and that's going
17 to help the night go a little bit quicker as well. So we've
18 got these two chairs on the left side as I'm facing you.
19 Please sit there.

20 And as soon as a speaker completes their comments,
21 the next speaker will -- will approach the microphone. As
22 soon as that speaker finishes, I'll announce the next one to
23 keep filling in the seats. So I'll do my best.

24 I apologize upfront because I'm sure two of the
25 first three names I'm going to mispronounce, so please --

1 please bear with me on that. Okay. That -- that's why we
2 have your -- gonna have you spell the names. So with that
3 being said, speak clearly and slowly so the court reporter
4 is able to hear and transcribe everything you say.

5 So with that being said, we are going to start just
6 a few minutes early. The first speaker, Robert Van De Hoek.
7 Number two, Rex Frankel. And number three, Lisa Fimiani.
8 So Mr. Van De Hoek, you will be first, and the other two
9 individuals please have a seat and be prepared. Thank you
10 very much, Mr. Van De Hoek, and go ahead.

11 MR. VAN DE HOEK: Thank you, too, from the Army Corps of
12 Engineers. Appreciate your time and thank you. My name is
13 Robert Van De Hoek. I am a president of the Ballona
14 Institute and members of the Ballona Institute are going to
15 stand now. Stand if you're a member of the Ballona
16 Institute, please.

17 COLONEL GIBBS: Okay. And please spell your name, sir.

18 MR. VAN DE HOEK: R-o-b-e-r-t, Robert. Thank you,
19 David. Van De Hoek. Three words; V-a-n space D-e space
20 H-o-e-k. Ballona Institute, B-a-l-l-o-n-a, Institute.

21 COLONEL GIBBS: Got that one. Go ahead, sir.

22 MR. VAN DE HOEK: I wasn't going to say this brief
23 little statement right here at the beginning, but I like
24 what Richard Burg of the Department of Fish and Wildlife
25 from the State of California said that, "There is one thing

H1

1 that we all agree on." I do believe that. "We all love
2 Ballona." And then you said, "Simply put."

3 But I have -- I'm going to use my four or five
4 minutes here to tell you a little bit about why I think
5 the -- the no action alternative is the one to chose. I
6 don't call it that when I talk to the public or to -- when I
7 teach to a third grade class, sometimes or --

8 I say the it's "the everything alternative," not
9 the "no action alternative," because the Department has
10 already become the caretaker steward of it for 10 years now.
11 More than 10 years. I think 15 years now.

12 So during these 15 years, there's been a lot of
13 actions that your department staff has done. I've known all
14 the three different former Wildlife and Environmental
15 scientists that -- five, I think. Actually, not the three;
16 there's been five that have been here in either two years,
17 one year, four years --

18 UNIDENTIFIED SPEAKER: Can't hear you.

19 MR. VAN DE HOEK: -- four-year terms. And they've all
20 done projects without having an EIR/EIS. And that doesn't
21 make it illegal. They did a brief -- a no-action -- they
22 did an environmental assessment internally on the different
23 little projects they're doing, and then they can be approved
24 after getting a Coastal Commission permit.

25 So lots of activities can happen without having to

H1-1
cont.

1 do an EIR/EIS, and a lot has happened. The County of Los
2 Angeles has been a good neighbor to the State of California
3 and has done small projects without EIRs on vegetation
4 protection on -- in the river.

H1-1
cont.

5 I like it call it the Rio Ballona rather than
6 Ballona Creek and hold to the Spanish name of the Ballona
7 name. Example is the coyote came back to the Ballona in
8 2008. We have really good photo documentation from
9 photographer Jonathan Coffin and my own field notes that
10 show now that we -- that it's ten years now that the coyotes
11 have been here and having pups, having numerous pups.

H1-2

12 There's a very robust, mature male, dominant male
13 and a dominant female coyote and their offspring are on the
14 edges of the Ballona Wetlands waiting for when they might be
15 able to take that space because that pair will perish or die
16 of old age or be hit by an automobile, God forbid.

17 So -- so there was no EIR or EIS done for bringing
18 back the coyote, and that's where I choose the word
19 "recovery" to use. The federal government uses the word
20 "recovery." They have recovery teams, recovery leader,
21 recovery plans for endangered species. I think that
22 recovery plans are useful for sensitive species or common
23 species, too, that are coming back.

24 An endangered species called the El Segundo Blue,
25 one of our smallest butterflies, is federally listed and has

H1-3

1 a recovery plan. Does the blinking blue light mean my time
2 is running out? One minute left approximately. Is that --

3 COLONEL GIBBS: One minute left.

4 MR. VAN DE HOEK: One minute left. Okay. Thank you. I
5 can in no way touch on all the different species. I've just
6 barely done the coyote and El Segundo Blue. There's a rare
7 plant that I've just discovered but I haven't even shared
8 this with the Department.

↑ H1-3
cont.

9 I've just mentioned it to a journalist. But I will
10 tell you more about this plant at -- in the written
11 comments. And it's in the area where you want to do
12 bulldozing under all the three alternatives. And then after
13 the bulldozing, you want to build a large berm on top of
14 that.

15 And it's a really rare, special plant of the
16 California Native Plant Society and may get on to the list
17 as endangered before this -- during this project happening.
18 I certainly can work to get it in peril quite quickly by the
19 Department, and that's my time.

20 But recovery is happening. Numerous species are
21 coming back at this time without an EIR. So I think the
22 no-action alternative is the choice to go with. Thank you.

23 COLONEL GIBBS: Thank you, sir. Mr. Frankel. Would
24 Ms. Gretchen please come up? Mr. Frankel, go ahead.

25 MR. FRANKEL: Yeah, hi. I'm Rex Frankel. I've been

↑ H1-4

H2

1 working to save the -- all of the Ballona Wetlands and
2 uplands since 1985. I'm the president and legal director of
3 the Ballona Ecosystem Project, and the spelling of my name
4 is R-e-x; F-r-a-n-k-e-l.

5 Of the alternatives, if number three eliminated the
6 dredging of parcel A and featured historically accurate
7 small creeks in it, then that would be something to talk
8 about. As it is, no project alternative is the only one
9 that I can endorse at this moment.

10 My main message to you is this: Your plan simply
11 switches the locations of the wetlands and uplands at
12 Ballona. This switcheroo is a huge waste of our money.
13 Restore the Ballona Wetlands where they are now. Restore
14 the Ballona uplands where they are now.

15 You don't need to destroy Ballona in order to save
16 it. There are many legal deficiencies in this environmental
17 impact report. One, your project violates the Coastal Act
18 because it is not a restoration and that's all the Coastal
19 Act allows in a wetland.

20 Two, your project violates the US Clean Water Act
21 because it floods the wetlands with polluted street runoff
22 with no plan to clean it up. It is illegal to degrade the
23 water quality in federally delineated wetlands which is what
24 the Ballona Wetlands are.

25 Three, your project also violates the California

H2-1
H2-2
H2-3
H2-4

1 Environment Quality Act in that it fails to analyze or
2 include an essential part of the project which is the Clean
3 Water Act mandated street runoff cleanup plan that must be
4 implemented before you can tear down the levees and flood
5 the wetlands with water from Ballona Creek.

H2-4
cont.

6 You have no plan to clean up 99 percent of the flow
7 of Ballona Creek which comes on rainy days. You have no
8 EIR. You have no analysis of its impacts or whether it will
9 ever happen. The only plan that exists is to clean up flows
10 in the dry season which is not when most of the pollution
11 and trash flows down the creek.

H2-5

12 This plan will mostly dry up the creek in the dry
13 season by pumping three quarters of creek flows to Hyperion
14 Sewage Treatment Plant which will then dump it in the ocean;
15 a waste. Then your own EIR says it will be too difficult to
16 provide fresh water to the wetlands, so you dismiss all
17 fresh water alternatives as, quote, mechanized or high
18 maintenance.

H2-6

19 But that problem of lack of fresh water is created
20 by your partners. The chair of the Santa Monica Bay
21 Restoration Commission happens to be the Los Angeles City
22 Sanitation Department who, along with the LA County Flood
23 Control District, are doing the mechanically -- mechanically
24 drying out Ballona Creek during most of the year.

H2-7

25 So you dismiss reasonable alternatives by using a

1 straw man argument. You can fix all these legal violations
2 this way: Give us a historically accurate project; thus, it
3 will fit the definition of restoration and comply with the
4 Coastal Act.

5 Two, don't flood our wetlands with polluted, cruddy
6 Ballona Creek storm water which may never be cleaned up.
7 Instead, pipe the clean flows during dry season from the new
8 Ballona Creek dry season treatment plant, which is being
9 constructed in Culver City, to restore the historical
10 wetland -- the historical fresh water marshes of the Ballona
11 Wetlands.

12 Because you won't be flooding the wetlands with
13 pollution, you won't violate the US Clean Water Act because
14 upstream polluted storm water will not flow into the Ballona
15 Wetlands and upstream rainy season creek water cleanup plan
16 is not an essential part of your project; thus, you will
17 then not violate CEQA by deferring analysis of what is no
18 longer an essential part of your project.

19 Finally, by leaving most of the land up by Ballona
20 where it is, leaving the wetlands where they are now,
21 leaving the uplands where they are now, you will avoid
22 destroying thousand-year-old archeological sites or
23 desecrating graves, as the Playa Vista developer discovered
24 on their Discovery Park. What an ironic name.

25 You will avoid evicting the wildlife while

H2-8

H2-9

1 engineering firms and their friends heal their wallets at
2 our expense. Listen to the groups who saved -- listen to
3 the groups who saved over 600 acres when others were willing
4 to let it be paved.

5 This current plan is not bringing back Ballona.
6 Let's actually restore Ballona, not turn it into something
7 it never was.

8 UNIDENTIFIED SPEAKER: Hear, hear.

9 MR. FRANKEL: Thank you.

10 COLONEL GIBBS: Thank you. Okay. I would please ask
11 you to reduce the length of the applause. Ms. Fimiani is
12 next and I would ask Miss Marcia Hanscom to come forward.
13 Ms. Fimiani, go ahead.

14 MS. FIMIANI: Thank you.

15 UNIDENTIFIED SPEAKER: Spell it.

16 MS. FIMIANI: My name is spelled L-i-s-a; F as in Frank,
17 I-m-i-a-n-i. Hi. I'm Lisa Fimiani. I'm a Gottlieb Fellow
18 at Loyola Marymount University Center for Urban Resilience.
19 I'm also the former executive director of Friends of Ballona
20 Wetlands, and I've been involved with the educational tours
21 and restoration projects in Area B of the Ballona Wetlands
22 Ecological Reserve for over 30 years.

23 The Center for Urban Resilience recently joined as
24 a new member of the Wetlands Restoration Principles
25 Coalition of local non-profits and organizations, which

H2-9
cont.

H3

1 originally formed in 2015 to agree upon fundamental
2 principles of sound wetlands restoration, not only at
3 Ballona but also in other critical wetland habitats up and
4 down the state.

5 With a successful stabilization of the Ballona tide
6 gates by the Army Corps of Engineers back in the early
7 1990s, we have seen the Ballona population of the state's
8 endangered Belding's Savannah sparrow rise from a dozen
9 birds in 2009 to nearly 100 in 2015.

10 I have reports from two experts on the Belding's to
11 submit tonight. The hope was that more acreage of the
12 habitats suited to the Belding's would be created in the
13 more degraded areas of the ecological reserve, like Area A,
14 when the restoration was to occur to allow for the
15 population to increase even more.

16 In reviewing Alternative One, we would like to see
17 benchmark goals established in the creation of new habitat
18 in Area A before altering the existing nesting habitat in
19 Area B. The Belding's Savannah sparrow is a bellwether bird
20 that represents a whole suite of other desirable wetland
21 bird species we would like to see continue to thrive in the
22 Ballona Wetlands.

23 For example, the stabilization of the pickle weed
24 habitat in Area B has also attracted wintering flocks of
25 western meadowlarks, a species we would like to see continue

H3-1

H3-2

1 winter at Ballona. Even better would be for the habitat to
2 be created for the meadowlarks to nest as well as
3 reestablishment of suitable habitat for other birds that
4 have been extirpated from the wetlands over the decades of
5 degradation, such as the burrowing owl, loggerhead shrike,
6 and white-tailed kite. Thank you.

7 COLONEL GIBBS: Thank you, ma'am. Ms. Nordham, you are
8 next, and I would ask Mr. Walter Lamb to come forward.
9 Ma'am, go ahead.

10 MS. NORDHAM: Hi. I'm Gretchen Nordham. N-o-r-d-h-a-m
11 is my last name. So I'm not a scientist. I'm just a local
12 resident of Playa Del Rey, and I'm a fan of the birds. So
13 I'm speaking for the birds tonight. I'm speaking for the
14 owls. I'm speaking for the great blue heron rookery. I'm
15 speaking for the egrets and one of my personal favorites,
16 the plovers.

17 The plovers are these darling little birds that
18 dart around on long legs, and I see them when I'm riding my
19 bike along the bike path on the earthen berm, and they
20 congregate in big flocks and they dash back and forth and
21 they're darling.

22 So when -- when I think about restoring the
23 wetlands, I wonder how can bulldozing the wetlands be the
24 right thing to do? With so many species and individual
25 sentient beings living there, how will the environmental

H3-2
cont.

H4

H4-1

1 impact consider each of them?

2 In addition to the birds, there are currently many
3 animals living in the wetlands like these tiny, little,
4 super cute gray ground squirrels, and they are probably also
5 food for the coyotes. I don't know how those little ground
6 squirrels can stand up to a bulldozer. And all the other
7 little animals that live underneath the ground.

8 So what I don't understand is that the project
9 proponents say they want to remove the concrete channels and
10 replace them with earthen levees, but the fact is that the
11 levees west of Lincoln are already earthen levees. They are
12 not made of concrete.

13 And that is why so many native marsh grasses grow
14 there and that's why it's great place for the little plovers
15 and the egrets and the blue heron rookeries. There's babies
16 in there. Very, very cool. And other animal communities
17 live there.

18 The levees continue to be an important place for
19 all of the shore birds like the egrets, the great blue
20 herons, even water birds like brown pelicans, which is a big
21 thrill to me because I'm from a different part of the
22 country where I'd never seen a pelican before.

23 And you see them flying in these very cool
24 formations which someone told me, "That's a squadron of
25 pelicans." And I thought that was so apt and very cool.

H4-1
cont.

1 And I do see them often along the shore there. Even the 100
2 Belding's Savannah sparrows are awesome and, yes, my darling
3 little plovers.

4 So I'm just saying that it makes no sense to me to
5 bulldoze the animals and the habitat that is already there.
6 I do think the wetlands perhaps need more fresh water, but
7 they don't need to be flooded with salt water and they
8 certainly don't need to be bulldozed. Thank you.

9 COLONEL GIBBS: Thank you, ma'am. And Ms. Hanscom, you
10 are next. Mr. Roberts, Duran -- Dorame, please come forward
11 as well. Ma'am, go ahead. Thank you.

12 MS. HANSCOM: Honorable Colonel, thank you for being
13 here. I'm really glad to -- to see you here. Our congress
14 member has been working to try and get a meeting with you
15 with those of us who are leaders of the coalition called
16 Protect Ballona Wetlands Wildlife, and we would very much
17 like to do that at some point with our Congress Member Lieu.
18 And I'm sure Congress Member Waters, who actually has half
19 of the wetlands area, would -- would love to have someone
20 there, too.

21 The reason is, we've heard that there were actually
22 some big concerns in the Corps, which held this project up
23 for some time, and we'd like to know in more detail from
24 some of your engineers what some of those concerns are and
25 why -- how they were resolved, et cetera.

↑
H4-1
cont.

H5

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H5-1

1 You know, I keep seeing this new phrase that those
2 who want to do this project are saying, "Bring back
3 Ballona." And you know what? Ballona's back. Ballona is
4 here. It reminds me of "Make America Great Again." America
5 is here, you know? I mean, it really -- Ballona is here.

6 And if you would look at Jonathan Kaufman's Flickr
7 page and look at all of the amazing photos of wildlife, that
8 he has taken over the last 10 years out there, you can
9 not -- in no way say or conclude that only eight percent of
10 the wetlands are even semi-functioning. That's what they're
11 saying. It's just not true.

12 And that's because there's kind of a
13 miscommunication or misunderstanding of what the Ballona
14 Wetlands Ecological Reserve is. It's a mosaic of different
15 habitats, and ecological reserves are not necessarily all
16 wetlands and they're not all the same kinds of wetlands.

17 There are wet meadows. There are seasonal ponds.
18 There are fresh water wetlands. There are all kinds of
19 different habitats out there. There are even nonnative
20 grasslands which the California Department of Fish and
21 Wildlife considers to be one of the most important and
22 imperiled habitats in California because -- not because of
23 the nonnative grass but because of the native animals that
24 use the -- that habitat.

25 And is this no different. That's why the great

H5-2

↓ H5-3

1 Blue Heron Rookey is at risk if this project goes forward,
2 because the young herons that come out of the nests -- the
3 nests are actually in trees that Mariners Village -- a
4 residential area that's just filled with amazing big trees
5 with herons where the babies come out of the -- because
6 those young herons don't know how to fish yet, takes them a
7 couple of years to learn refraction.

8 And so if they're going to survive, they have --
9 they have to eat the small mammals, and there are lots of
10 small mammals out in Area A. Just walk around and you'll
11 start falling into some of their holes. So it's really
12 important that we look at the whole system.

13 And I -- I'd like to draw attention to a comic that
14 was in the Argonaut last week. It was really interesting.
15 It had a bunch of doctors around the bed, and in the bed was
16 the patient, Ballona Wetlands, looking like a bird. And it
17 said, you know, that the doctors were all arguing over
18 what -- what to do for the patient.

19 The problem is that no one has said what is wrong
20 with the patient. I haven't heard that from anybody.
21 Everybody's suggesting, well, we have to put more salt water
22 in and we have to take out the levees. But why?

23 I sat through many, many, many technical scientific
24 meetings when people were discussing this, and most of your
25 agencies were not there, by the way. This was -- they were

H5-3
cont.

H5-4

1 put together by private interests called The Bay Foundation.

2 And at those meetings they never said what species
3 are we managing for? Are going to we manage for any of the
4 nine endangered species that have been using these wetlands
5 in the last five to six years? Nine endangered species or
6 the dozens of species on the special concerns list? Those
7 are not covered well in your draft EIR at all.

8 And -- so the -- that would be the first question is
9 what -- what do we want to do for the Least Bell's Vireo
10 that -- because of the great recovery plan that has Fish --
11 US Fish and Wildlife Service has been doing down at Camp
12 Pendleton.

13 And those Least Bell's Vireos are starting to come
14 north and expand their range. They started nesting there
15 without any bulldozing. So what do we need to do to keep
16 them coming here? That's the question we should be asking,
17 and we're not focused on the wildlife.

18 But we are focused on the wildlife. The people in
19 our coalition are very focused on the wildlife. And Huey
20 Johnson was a former resources secretary under Jerry Brown
21 the first time. He asked me to give you his concern to let
22 you know he strongly opposed to this and hopes you will
23 withdraw this project and reconsider the wildlife. Thank
24 you.

25 COLONEL GIBBS: Thank you, ma'am. Mr. Lamb and one -- I

H5-4
cont.

H5-5

1 do apologize. I -- I did forget to have the group stand up,
2 but I'm going to -- okay. So we're not going to worry about
3 that. So Walter Lamb and next up would be Ms. Margot
4 Griswold. Mr. Lamb, go ahead.

5 MR. LAMB: Thank you. I'm Walter Lamb, W-a-l-t-e-r;
6 L-a-m-b, like Mary Had a Little Lamb. And I'm with the
7 Ballona Wetlands Trust. We've been around since 1994
8 working to protect this ecosystem from encroachment.

9 The first thing I would like to say is for
10 everybody to take just a second to look around the room and
11 see how packed it is. Regardless of who wants Alternative X
12 and who wants Alternative Y, this is a great showing, and I
13 hope that the one takeaway that everyone leaves with tonight
14 is this is a really important ecosystem and it's a really
15 beloved ecosystem by the public. So I'm just really
16 thrilled to see the turnout generally.

17 In terms of the draft EIR, I also want to say I
18 know a lot of work went into it. I mean, you know, it's
19 obviously been a long time. It's 8,000 pages. Clearly
20 there was a lot of effort. The California Environmental
21 Quality Act, however, is a self-regulating statute that has
22 certain criteria that have to be met.

23 We just objectively, you know, our opinion, is that
24 those criteria have not been met. We have not formed an
25 opinion yet as to what alternative we will or will not

H6

1 support and we'd expected this draft EIR to provide a little
2 bit more of an informational basis that we could really do
3 sort of a, you know, a weighing of the pros and the cons of
4 the different alternatives, and we don't find that that's
5 there.

6 Specifically under the current plan on Page 216 of
7 the draft EIR, Ballona Wetlands Ecological Reserve would
8 become first ecological reserve in the state to get a
9 three-story parking garage, and I've never in my life parked
10 in a parking garage and taken an elevator down to the first
11 floor to go hiking.

12 So there's -- again, just to stress, 130 ecological
13 reserves across the state, not one has a three-story parking
14 garage. It's right there on Page 216. It's in all three
15 alternatives, and I'm a little disappointed to not hear more
16 of the, you know, other groups speak up about that.

17 That's something that we think is going to prevent
18 this draft EIR from becoming a final EIR without revision.
19 And I want to say it's not just the garage itself. The two
20 plus acres of existing paved parking was always intended to
21 be temporary. The Coastal Development permit was, I think,
22 given in 1988. And it was for approximately five years, so
23 I think it's safe to say that that's well past the
24 expiration date.

25 We, I think, hopefully all the environmental groups

H6-1

1 agree that this ecosystem is already too fragmented and too
2 encroached upon. We don't have the luxury of giving away
3 two acres to parking, which, by the way, is for the
4 commercial businesses across the street and also some
5 unrelated county agencies. So we need that land back.
6 That's one thing I would say.

7 I also think, you know, again, without getting into
8 the alternatives because we haven't made a decision yet, it
9 strikes us that One, Two, and Three is kind of like
10 chocolate, chocolate chip, and double chocolate fudge; and
11 it's okay if you love chocolate, but what everyone needs to
12 know is nobody's going to be eating any ice cream until this
13 draft EIR is able to withstand a challenge.

14 And again, CEQA is a self-governing statute. I
15 know people say, "Oh, there's too much litigation." If we
16 didn't have litigation related to CEQA in this state, we
17 would have no CEQA, the California Environmental Quality
18 Act. So I would ask folks to -- to think about that also.

19 The other thing I want to say is I'm a little
20 concerned by this sort of American Idol approach to this.
21 Right? We have until February 5th -- and thank you for the
22 extension -- to really delve into this and study. And I've
23 been concerned by what comes across to me as sort of a
24 commercial product launch.

25 You know, this isn't text, you know -- more people

H6-1
cont.

1 text 002 for Alternative X or 003 for Alternative Y. That's
2 not how this works. So let's all get together. And if
3 you're wearing a blue shirt, get together with somebody
4 wearing a -- by the way, my green shirt is blank. It was a
5 fashion choice, not a -- I'm not with the bride or the groom
6 tonight.

7 But get together and talk through these things.
8 There's some really interesting conversations to be had.
9 And especially for students, this is an opportunity to
10 really delve into the science and think not about a light
11 switch, right, off or on, but like a plane cockpit. There's
12 a lot of different little dials on there that we need to be
13 paying close attention to.

14 And if we have too much polarization, we're going
15 to miss some really important things. So again, I'm with
16 the Land Trust. If you want to form a study group, it
17 doesn't matter if you're leaning this way or that way, let's
18 talk through it and really take advantage of the time that
19 we have to make sure that we get this right.

20 Because this is a really important ecosystem and we
21 can all take a breath and really see and try to map out the
22 course that we're trying to take before we rush headlong,
23 you know, onto one bandwagon or another. Thank you. Those
24 are my comments for tonight.

25 COLONEL GIBBS: Thank you, sir. Mr. Dorame. And next

1 we will have our first individual, Ms. Ruth Lansberg. Come
2 on up.

3 MR. DORAME: Robert Dorame, R-o-b-e-r-t; D-o-r-a-m-e. **H7**
4 Robert Dorame. I'm tribal chair of the Gabrielino-Tongva
5 Indians of California. I was born in Santa Monica and lived
6 there and in West Los Angeles and Westchester for most of my
7 life. I have many ties to the land in which this project
8 will take place if it does.

9 Thank you for the opportunity to speak about your
10 proposed project regarding the two locations on your site
11 that you have determined requires Native participation. LAN
12 54 for South Area C on one of your maps states that the soil
13 from 3 to 10 feet is field and therefore sterile. In 2002 I
14 was appointed as the Most Likely Descendent from the Native
15 American Heritage Commission to take care of the human
16 remains uncovered at approximately 2 feet from the surface.

17 I required that there be no soil disturbances for a
18 50-foot diameter from the burial location due to the
19 likelihood that there could be additional remains or
20 cultural artifacts. Do you know that when that field dirt
21 was installed, and you -- and will you be standing out
22 there -- let me repeat that again.

23 That there could be additional remains in that same
24 general area, and do you know that when that field dirt was
25 installed, and will you be staying out of the 50-foot **H7-1**

1 diameter that was established as a no disturbance zone? LAN
2 47 or South Area B on land currently used by Southern
3 California Gas includes a village site.

4 As the Most Likely Descendent for the Playa Vista
5 property, which I was, this village was one of the sites I
6 had suggested for reburial of the ancestors uncovered at
7 Playa. In the 1980s human remains were found scattered on
8 the surface at this site. I'm making the point because it
9 was not in the report.

10 However, there are additional sites that must be
11 considered due to sensitivity of the land which is
12 considered traditional cultural properties that are directly
13 adjacent to this site and seemed to have been overlooked.
14 I'm sure it can be rectified.

15 LAN 62 adjacent to the boundary of southeast Area
16 B. A member of the Lopez family that owned land nearby and
17 close friends to our family observed pod hunters digging up
18 artifacts out of the area west of Lincoln in 1946 and
19 loading them into boxes.

20 At a much later date I was appointed the Most
21 Likely Descendent for this area. Playa Vista, or the
22 Village of Kuashna [phonetic] where my grandmother, three
23 generations removed, live and may well have been buried
24 there is directly across Lincoln Boulevard from the
25 wetlands. I was appointed the Most Likely Descendent for

↑ H7-1
cont.

H7-2

H7-3
↓

1 the reburial of remains found on that site.

2 LAN 63, LAN 64 are directly adjacent to southeast
3 Area B. Both represent human remains that were uncovered at
4 2 feet and 3 feet below ground level. I was appointed as
5 the Most Likely Descendent for each of these ancestors, and
6 I'm hoping for the best results and the best methods used
7 during the restoration. I love the wetlands and want
8 everyone affiliated with this project to care as much as I
9 do about this site. I think we're all in agreement about
10 that.

11 COLONEL GIBBS: Thank you for that. Next will be
12 Ms. Griswold and --

13 UNIDENTIFIED SPEAKER: Dr. Griswold.

14 COLONEL GIBBS: Doesn't say Doctor on here, but I will
15 correct myself.

16 MS. GRISWOLD: Oh, no. I don't call myself Doctor
17 normally. I have a Ph.D. in -- I have been a restoration
18 ecologist for the past 27 years. I'm representing the Los
19 Angeles Audubon Society. Margot Griswold. Sorry. I would
20 also say I'm a past president of the Society for Ecological
21 Restoration California.

22 And under the definitions of restoration, none of
23 the alternatives presented is, in fact, a restoration nor a
24 revitalization nor even an enhancement. They are all
25 creation, and that's not restoration. Because the project

↑ H7-3
cont.

H7-4

H-8

H8-1

↓ H8-2

1 description is so narrowly drawn, I think it's a CEQA issue
2 that only an Esterline full title system will fit the
3 project description which requires creation, as this was not
4 in the recent past a full title wetland.

5 And to my point, we have brought this up time and
6 again over the last five years. There's recent science to
7 suggest, but is ignored, in the historical ecology of the
8 Ballona watershed, in the modeling for Central and Southern
9 California Esterline systems, in a deposition, and in a
10 recent work in -- from Bolsa Chica south of San Diego on
11 what the state of wetland -- coastal wetlands were over the
12 last hundred years and what they were now.

13 So coastal wetlands, as many of us in the room
14 know, do not mean full title wetland. You know, there are
15 many types of coastal wetlands. From Bolsa Chica down to
16 San Diego Bay, they've systematically been reworked to be
17 full title wetlands. They weren't before, but they are now.
18 We have lost mainly salt pan habitat and brackish marsh as
19 well as fresh water marsh.

20 The least lost was full title wetlands. However,
21 in restoration, what is the most we've gained? Full title
22 wetlands and have homogenized the entire south coast. I
23 would beg you to consider a more elegant plan for Ballona,
24 to not homogenize Ballona into full title wetlands, to build
25 berms as Rex Frankel eloquently put it -- am I up?

H8-2
cont.

H8-3

1 COLONEL GIBBS: You're up, ma'am.

2 MS. GRISWOLD: Okay. Well, let's restore Ballona.

3 COLONEL GIBBS: Thank you, Doctor. I did not call the
4 last -- Mr. Scott Culbertson and Mr. Patrick Tyrrell, please
5 come forward. And Ms. Lansford, go ahead.

H9

6 MS. LANSFORD: Thank you. My name is Ruth Lansford, and
7 I'm the founder of Friends of Ballona Wetlands. As the
8 founder, I'm very proud of our organization's membership in
9 the Wetland Restoration Principles Coalition. Since the
10 release of the EIR in late September, the Coalition's
11 various committees have been hard at work analyzing a long
12 and complicated document.

13 We thank you for the extension of time to reach a
14 decision on the various alternatives. Our guiding
15 principles demand that we endorse a robust restoration. Our
16 final choice will be in our written comments. I do want to
17 address Alternative 4 today; do nothing alternative.

18 As a resident of Playa Del Rey since 1960, I
19 understand the affection for Ballona as it is now. My
20 family and I have enjoyed this rare open space in crowded
21 LA. My children grew up playing there. In fact, my sons
22 introduced me to the wetlands.

23 In its own way, Ballona is a charming and
24 intriguing place. It is also a severely degraded wetland,
25 and doing nothing will be its death sentence. Humans have

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H9-1

1 repeatedly abused Ballona, reducing it from 2,100 acres to
2 less than 600. Only 18 acres still function as wetland.
3 For over a century it's been a steady march to slow death.

4 Though successful restorations up and down the
5 California coast, the latest being Malibu Lagoon, at
6 Ballona, the creation of the fresh water marsh has changed
7 what one biologist called "the biological junkyard" into a
8 flourishing marsh with new nesting and foraging places for
9 wildlife as well as improved water quality.

10 All of these projects have employed mechanized
11 methods and could never have succeeded without them. The
12 tax payers have spent a lot of money to purchase Ballona.
13 We did not buy it to keep a pleasant playground for locals,
14 but to restore a wetland. I see Ballona restoration as
15 similar to surgery.

16 COLONEL GIBBS: Ma'am.

17 MS. LANSFORD: Ask yourself: If someone --

18 COLONEL GIBBS: Ma'am.

19 MS. LANSFORD: -- you loved --

20 COLONEL GIBBS: Ma'am, your time is up.

21 MS. LANSFORD: -- needed life saving surgery, you
22 wouldn't say no because the surgery has to cut and deflect.
23 Restoration will be major surgery. Bring back Ballona.
24 Thank you.

25 COLONEL GIBBS: Okay. Thank you, ma'am. I apologize.

H9-1
cont.

1 I did not announce from that point forward, two minutes.
2 Ms. Neysa Frechette will be next up. Mr. Culbertson, you
3 are -- you are up. Thank you.

4 MR. CULBERTSON: Good evening. I'm Scott Culbertson.
5 C-u-l- --

6 UNIDENTIFIED SPEAKER: Stand closer to the mic.

H10

7 MR. CULBERTSON: Hi. I'm Scott Culbertson,
8 C-u-l-b-e-r-t-s-o-n. I'm the executive director of Friends
9 of Ballona Wetlands. The Friends is a founding member of
10 the Ballona Wetlands Restoration Principles Coalition, and
11 we support the analysis and recommendations of the group to
12 bring back Ballona with a comprehensive science-based
13 restoration.

14 Restoration will increase habitat quality and
15 support abundant native wildlife, protect the wetlands from
16 flooding and the impacts of climate change, and open
17 compatible public access to trails for education
18 exploration.

H10-1

19 Each year more than 9,000 children and adults from
20 all over greater Los Angeles participate in our community
21 restoration and education programs in the wetlands. Of
22 them, more than 7,000 are school children. We inform, we
23 restore, we protect endangered species, and we educate our
24 visitors to be environmental stewards.

25 We do all of this on the only 30 acres of restored

1 habitat in the wetlands. Imagine what we could accomplish
2 if all 566 acres were restored and functioning. How many
3 more visitors from all over Los Angeles and all over the
4 world could explore the beauty and the wonders of Ballona.

5 We advocate and support public access to this
6 beautiful and important land. Doing nothing means the
7 wetlands will die. Doing nothing means the wetlands will
8 continue to degrade as invasive plants take over. Restoring
9 Ballona Wetlands is a no-brainer. It should not be
10 controversial.

11 COLONEL GIBBS: Thank you, sir. The next speaker is Mr.
12 Tyrrell. And John Davis, you can come on up. You're on
13 deck.

14 MR. TYRRELL: Good evening. My name is Patrick Tyrrell.
15 That's T-y-r-r-e-l-l. I am the program manager at Friends
16 of Ballona Wetlands. For the past seven years I've
17 participated and led habitat restoration work at Ballona.
18 While the work to remove and place some species by hand and
19 plant and seed by hand is important and rewarding, it is
20 wholly unsuited to the type of function -- to the type of
21 intervention needed to undo the misdeeds of the past and
22 restore a functioning Ballona Wetlands.

23 We need to remove the filth that was dumped on top
24 of the historical wetlands. We need to stop the rampant
25 march of invasive species, and we need to reconnect the

H10-1
cont.

H11

H11-1

1 wetlands to the historical flood plan. And none of this can
2 be accomplished without the right tools for the job.

3 Quite simply, we need to make the wetlands wet
4 again. That's the only way to bring back Ballona. I
5 support the position of the Wetlands Restoration Principles
6 Coalition and look forward to seeing a restored Ballona for
7 future generations. Thank you.

8 COLONEL GIBBS: Thank you. Ms. Frechette, please come
9 forward. And next up will be -- it's written here -- so
10 Dr. David DeLange.

11 MS. FRECHETTE: Hello and thank you for your time. My
12 name is Neysa Frechette. That's N-e-y-s-a;
13 F-r-e-c-h-e-t-t-e. I'm the field biologist for Friends of
14 Ballona Wetlands, which is a leading member of the Wetlands
15 Restoration Principles Coalition steering committee, and I
16 would like to voice my organization's support for a robust
17 and science-based restoration plan that brings back Ballona
18 to its once highly functioning and biologically diverse
19 condition.

20 Right now, 97 percent of Ballona is highly
21 degraded. Only a small portion of west Area B actually
22 functions a little bit like a wetland, and we want the rest
23 of Ballona to reflect that as well. Most of Ballona is
24 actually covered in nonnative invasive weeds, especially in
25 Area A.

H11-1
cont.

H12

H12-1

1 Biodiversity would bring resilience and -- to a
 2 changing climate, increase the health of this ecosystem, and
 3 protect sensitive species. I urge that the salt pan, one of
 4 the last historic remnants of this area and a very rare
 5 habitat type, be protected and preserved for as long as
 6 possible.

H12-1
cont.

7 This area is incredibly important to migrating
 8 birds and can serve as a nesting site for the endangered
 9 California least tern. A thorough restoration can increase
 10 diversity. The least -- the Bell's -- the Bell's least
 11 vireo nesting habitat in the riparian corridor was created
 12 by bulldozers and additional habitats in south Area B is
 13 supported by fresh water from the fresh water marsh and
 14 should be safeguarded from tidal inundation that could kill
 15 the plants.

H12-2

16 Also rare plants have been identified at Area C and
 17 they should be protected and filaments placed in those areas
 18 should be placed carefully to avoid negative impacts. I
 19 believe it is your intention to protect these resources, and
 20 we'd like to have a little more information about the
 21 mitigation and monitoring plans for these rare species.

H12-3

22 Also it's important that this restoration be
 23 self-sustaining for the long term and have detailed
 24 maintenance plans that would include shielding these
 25 habitats from future negative impacts. Thank you for

H12-4

1 helping bring back Ballona.

2 COLONEL GIBBS: Thank you. And Mr. Davis is next. And
3 Marc Saltzberg will be on deck. Okay, sir. Two minutes
4 once you start speaking.

5 MR. DAVIS: John Anthony Davis; J-o-h-n; A-n-t-h-o-n-y;
6 D-a-v-i-s. I'm ready to begin. First of all, the Ballona
7 Wetlands are a fresh water environment, as can be seen from
8 the historical photograph. This is not a salt water. The
9 fresh water recharges the aquifers that have been designated
10 by the State as a potential source of drinking water under
11 the Porter-Cologne Act.

12 People cannot drink salt water in an emergency.
13 You cannot -- you're not allowed to do this. It's a
14 violation of Porter-Cologne. Ballona is not and was not
15 filled with salt water. Colonel Gibbs, as you well know,
16 this project is within the geographic scope of an existing
17 project authorized under House -- public law 780, House
18 document 389, and it's impermissible for you to do this
19 without first consulting Congress as the Congress-stood
20 request.

21 As you can see, the map that was approved by the
22 Congress. The general plan of improvement for the project
23 encompasses the wetlands that you're proposing to bulldoze
24 and destroy and turn into a salt water environment that
25 never existed before.

H13

H13-1

H13-2

1 As you can -- as you also already know, Colonel
2 Gibbs, since I brought this to your attention time and time
3 again, the Congress has asked the Secretary of the Army to
4 report back to it to determine if the Corps or if the
5 secretary has any recommendations on modifications of the
6 project including restoration and for storm control.

7 However, the Secretary has never went back to
8 Congress and has never gotten permission to change the
9 project and modify it and restore it for storm water
10 purposes. So, Colonel Gibbs, I have to ask you is why on
11 earth are you proposing to do something that's inconsistent
12 with federal law when you're sworn to uphold it?

13 And for Fish and Wildlife, I'd like to know why
14 you're actively draining the wetlands in contradiction to
15 the Coastal Act, knowing that this will be on deck at the
16 Coastal Commission in December. Thank you very much.

17 COLONEL GIBBS: Thank you, Mr. Davis. Okay. Mr. -- or
18 Dr. DeLange is next and on deck, Ms. Katherine Tyrrell.

19 DR. DELANGE: I am David DeLange. I'm the past past
20 president of Los Angeles Audubon. Still on its board. This
21 report fails to analyze or even disclose Alternative One and
22 Two's most significant tsunami risk.

23 First risk: The proposed black-colored levee you
24 see along Culver Boulevard, itself in yellow, creates a
25 tsunami bottleneck because of the nearby Playa Del Rey

H13-3

H13-4

H14

H14-1

1 bluffs around only 250 feet away. A tsunami of size would
2 gather relentlessly in huge rising volumes along the
3 west-looking bluff and escape through this low lying choke
4 point, deluging Culver Boulevard, the designated tsunami
5 escape route.

6 Tsunami expert J.R. Wiggins in his oft-cited LA
7 city tsunami study tells us that there's a statistically
8 100 percent probability of a 9.6-foot tsunami hitting
9 Ballona during the next 100 years. It's not if; it's when.
10 Second, the report neither analyzes nor discloses the more
11 specific effects of tsunamis created by nearby earthquakes;
12 for example, along the Santa Monica Bay faults.

13 The possibly resulting liquefaction caused by the
14 shaking could cause the sinking of this levee here along
15 which people will be escaping if there's a tsunami on the
16 pedestrian and bicycle pathways. The stronger the levee is
17 made by heavy armory materials, the greater will be its
18 fall.

19 And then sea rise has never been added to the
20 analysis of these two problems I just indicated. It
21 amplifies the problem. I watched the desolation of Sendai,
22 Japan in 2012. You don't need a weatherman to know which
23 way the wind blows.

24 COLONEL GIBBS: Thank you, sir. Mr. Saltzberg, you are
25 next, and on deck, Ms. Kathy Knight.

H14-1
cont.

H14-2

H14-3

1 MR. SALTZBERG: Hi. I'm Marc Saltzberg, M-a-r-c;
2 S-a-l-t-z-b-e-r-g. I'm representing myself tonight, but I'm
3 a member of several organizations that have been active in
4 the Ballona Wetlands protection effort.

5 I -- I guess what I want to say starts with the
6 word -- what we're considering, which is Ballona Wetlands
7 restoration. And the problem with that is the word
8 "restoration." As Margot Griswold and several others have
9 already alluded to, restoration is -- would be to something
10 that existed in the past.

11 I want to quote from a report that is on the
12 Ballona -- let's see. It's on the document Ballona
13 restoration dot org site. It's called Ballona Historical --
14 they call it Ballona Historical Ecology Report 2011. It
15 says, "Our data suggests that at most times there was
16 moderate -- only moderate or no tidal influence and the area
17 was dominated by fresh water inputs from the watershed."

18 So the very report that defines the starting point
19 of what you want to restore to says it's not a tidal system.
20 The -- the problem here is that you've got to have -- in
21 order to judge degradation, you have to have two parts. You
22 have to have the point of origin, and you have to have the
23 point of what you're comparing to today.

24 The problem with this restoration is they've
25 selected the wrong point of origin. It's as simple as that.

H-15

H15-1

H15-2

1 And because they are trying to restore to that point of
2 origin, the -- the EIS/EIR is flawed to a point where it can
3 no longer stand. So that -- that's my comments on the
4 contents. I see I'm out of time. I'd only like to say we
5 need more time running into the holidays for this type of
6 comment.

7 COLONEL GIBBS: Yes, sir. Thank you.

8 MR. SALTZBERG: Yeah.

9 COLONEL GIBBS: Ms. Tyrrell, you are next. And Ben
10 Hamilton is on deck. Go ahead, ma'am.

11 MS. TYRRELL: Good evening. Please start that over
12 again because I don't have a mic. Okay. You got it
13 started. I'm Katherine, T-y-r-r-e-l-l. I am a board member
14 and also the past president of the Friends of Ballona
15 Wetlands, and I'm also a very proud member of the Wetlands
16 Restoration Principles Coalition steering committee.

17 And I wanted to note that that group has -- at
18 least just the steering committee -- at least 25,000 people
19 that it represents, so it's a very significant group. Well,
20 professionally, my expertise has been in the field of
21 environmental policy and storm water quality.

22 Today I speak as a 30-year resident of this area,
23 Playa Del Rey and Playa Vista, and I am very aware that much
24 of what is called the Ballona Wetlands is not really
25 wetlands at all but merely fields of nonnative vegetation

H15-2
cont.

H16

H16-1

1 with little to no tidal flow and certainly inadequate public
2 access.

3 I completely support the goals of the Wetlands
4 Principles Coalition steering committee that was developed
5 specifically for Ballona. We focused on increased
6 sustainable habitat acreage and quality, we focused on
7 increased tidal flows that were balanced with functioning
8 ecosystems, and we focused on increasing public access that
9 is compatible with habitat protection.

10 After reviewing the document for the last six
11 weeks, the Coalition finds that the elements -- just
12 elements of Alternative One and Two will likely be the most
13 successful in meeting these goals and bringing back Ballona.
14 The No Project alternative is really an absolute no starter.
15 You've heard other people talk about that.

16 And while I personally love fresh water systems --
17 like the mechanically sculpted fresh water marsh at
18 Ballona -- the dredge-filled and weed-infested Area A is
19 totally isolated from any former watershed, and talk of it
20 being a fresh water system is really meritless as discussed
21 in an alternative that is presented in the draft EIR/EIS.

22 However, some details for solid decision making in
23 the draft document are lacking. For instance, the placement
24 of fill from Area A is assigned to the alternatives in a
25 manner which seems to reduce the wetland acreage in

H16-1
cont.

H16-2

H16-3

H16-4

1 Alternative Two, but it's not necessarily an attribute of
2 only that alternative. We also see that details of
3 mitigation are lacking and would want to see a very complete
4 mitigation plan moving forward. But thank you very much on
5 behalf of the Friends and the Coalition.

6 COLONEL GIBBS: Thank you ma'am.

7 MS. TYRRELL: And bring back Ballona. Thank you.

8 COLONEL GIBBS: Ms. Knight, please come forward, and Ms.
9 Campbell is on deck.

10 MS. KNIGHT: Yes. Kathy Knight, K-a-t-h-y;
11 K-n-i-g-h-t. I've been volunteering for the past 20 years
12 to get this land saved and to protect the wildlife and
13 plants on this land. I really want to see a fresh water
14 alternative studied. I can't believe it wasn't even
15 studied.

16 And we really, really, really need to see that so
17 we can talk back and forth what's the benefit, what's the
18 down. It's -- basically everything I've ever seen in the
19 last 25 years is a fresh water wetland, and we have a whole
20 Ballona watershed there.

21 It goes down into there and I have pictures. I
22 gave you each a letter that you will get at some point. I
23 handed it in tonight showing all the fresh water in there.
24 Playa Vista would have tons of water over there, frogs over
25 there. We really need fresh water wetlands, as you've heard

↑ H16-4
cont.

H16-5

H17

H17-1
↓

1 tonight.

2 They're all being turned into salt water wetlands.
3 We really need to save fresh water wetlands for frogs that
4 are not doing well on the planet, for the birds that migrate
5 along here, and we can bring -- clean up the water in
6 Ballona Creek, bring the water back in. The wetland just
7 needs water.

H17-1
cont.

8 It hasn't -- it's been dry lately in terms of
9 rainfall, and it needs the Ballona -- cleaned up water from
10 Ballona Creek coming back into it, and it'll do a lot of
11 restoration itself. Also, I don't want to see -- I don't
12 want to see bulldozing. It's killing a lot of the wildlife.
13 The California Department of Fish and Wildlife has "life" at
14 the end of it. I don't want to see animals killed.

H17-2

H17-3

15 And also, there needs to be a hydrology study.
16 I've been told that Playa Vista's been pumping a lot of
17 water out daily, and it's just going into the -- the ocean.
18 How much water's being pumped out and why isn't that water
19 going back into the wetlands? So we need to do that.

H17-4

20 And this project, the alternatives that you come up
21 with looks more like a Flood Control project for Playa Vista
22 with 20-foot berms that people won't even be able to see
23 into the wetlands. So this -- it doesn't make sense. And
24 Area A dredging, I've -- I've talked to people that have
25 studied that history over there and --

H17-5

1 COLONEL GIBBS: Time's up, ma'am.

2 MS. KNIGHT: Oh. It's just filled -- it did -- it --
3 it's not -- it's not from the Marina Del Rey that uses that
4 dirt to make Marina Del Rey taller so they can make
5 buildings. That is not dredge from Marina Del Rey.

6 COLONEL GIBBS: Thank you, ma'am. Mr. Hamilton, you're
7 up.

8 MR. HAMILTON: Thank you.

9 COLONEL GIBBS: And Ms. McPherson, you're now on deck.

10 MR. HAMILTON: My name is Ben Hamilton, and I am a
11 biologist. Have been all my life. My father took me out
12 when I was two-and-a-half, three years old, barely walking,
13 to show me the Pacific Flyway when half of the sky in the
14 east would turn black every morning for 3 or 4 hours.

15 And that was five miles east of Paso Robles where
16 he built the school for boys there which became eventually a
17 maximum security prison. But in my day, it was an honor
18 farm. We have an issue with LA County. LA County needs
19 revenues. All governments need revenue, and they like to
20 drive programs.

21 We have not discussed economics here, but an
22 important part of economics of this area is ecotourism. I
23 brought that up at a meeting today at one o'clock with one
24 of the people that is contributing to this, and it's an
25 important issue.

H17-5
cont.

H18

H18-1

1 Ecotourism in California is huge, as is the sports
2 fishing industry and the tax revenue that's generated all
3 through the state. Regarding this EIR/EIS part, the project
4 and the proposal, I think that option Four is the only
5 sensible option at this time.

6 Now, I think that the proposal should be withdrawn,
7 and it should be withdrawn without putting that S curve or
8 doing extensive soil removal with equipment. Now, I always
9 say if you're going restore an area, restore it personally,
10 and use a pick and shovel or small equipment if you have to.

11 And then people say, "Well, you can't do this by
12 hand." They built the Great Wall of China by hand. They
13 built the pyramids by hand.

14 COLONEL GIBBS: Thank you, sir.

15 MR. HAMILTON: Thank you.

16 COLONEL GIBBS: Thank you for your time. Okay.
17 Ms. Campbell, you are next, and Jackson Garland is now on
18 deck. Ms. McPherson is as well.

19 MS. CAMPBELL: Thank you. Kathryn Campbell,
20 K-a-t-h-r-y-n; Campbell like Campbell soup. I am a local
21 resident. I am also an LA County Beach Commissioner,
22 although I'm speaking tonight on my own behalf. As we've
23 discussed, there are dozens of species that are endangered,
24 threatened, or of special interests to federal and state
25 conservators that are utilizing Ballona today.

H18-1
cont.

H18-2

H19

1 Several people, even those that are in favor of
2 some of these plans, have expressed concern about the lack
3 of detail regarding mitigation. I notice that the
4 mitigation states that, quote, attempts will be made to
5 salvage species. That seems woefully inadequate given the
6 importance of these species and dwindling quarters of
7 habitat nearby.

8 It's hard to even imagine what kind of process
9 would have to be in place to actually safeguard all of these
10 species for the years that it will take to, first,
11 completely renovate that area, and then for the subsequent
12 habitats to become established.

13 Until those details are provided to us, I don't
14 feel that we can in good conscience say that we are
15 providing the least environmentally damaging alternative to
16 something that was supposed to be an ecological reserve.

17 Thank you.

18 COLONEL GIBBS: Thank you, ma'am.

19 MR. GARLAND: All right. Hello. My name is Jackson
20 Garland. It's J-a-c-k-s-o-n; G-a-r-l-a-n-d. And while
21 today is my sixteenth birthday, I am here to share something
22 much more important to me, you, and the environment: The
23 slow destruction of Ballona Wetlands.

24 The wildlife and the wetlands -- or Ballona
25 Wetlands -- must be protected. We do not live in this land;

H19-1

H20

H20-1

1 the birds of Ballona do. We already have too many stories
2 about people losing their homes due to natural disasters.
3 We can't let this happen to animals that live there.

4 At least humans have the ability to rebuild or move
5 to a motel, but once an animal habitat is destroyed, they
6 have nowhere else to go. Just like Oxford Lagoon, this was
7 a restoration project. The government decided to remove any
8 nonnative trees because they claim that the trees were
9 diseased.

10 Those -- those had been there for over 50 years and
11 were viable nesting areas for some endangered birds and the
12 Monarch butterfly. When they became -- when they began this
13 construction, herons were displaced and traumatized from
14 this greedy act.

15 They say as you don't learn about history, even
16 this recent event, it is about to repeat itself. The
17 environment is home for all, not something to take advantage
18 of. We must preserve this land for future generations.

19 COLONEL GIBBS: Thank you.

20 MR. GARLAND: I'd also like to give you some pictures of
21 birds that live in the Ballona Wetlands.

22 COLONEL GIBBS: Okay. Thank you.

23 MS. MCPHERSON: Good job.

24 COLONEL GIBBS: Ma'am, you are Ms. McPherson? Okay.
25 On -- on deck right now, Vaughan Kirby [phonetic] and James

H20-1
cont.

1 Alamillo.

2 MS. MCPHERSON: My name is Patricia McPherson. I'm the
3 president of Grassroots Coalition and I would like to say
4 that we are in support of all of the groups that have --
5 that are here tonight wearing the green shirts.

H21

6 I'd like to let you know that but for these groups,
7 but for us -- and in front of you there's a document there
8 that shows there was a 1990 settlement agreement with the
9 Friends of Ballona which they were able to achieve
10 thankfully what is now the catch basin portion of Playa
11 Vista's flood control system, which as Ms. Tyrrell said,
12 that was your project I believe also.

13 And she does work and has worked for Playa Capital,
14 which I'm sure all of you are very aware of how political --
15 highly politicized --

16 MS. TYRRELL: It's a wonderful community. Thank you.

17 MS. MCPHERSON: Excuse me. Please don't interrupt.

18 UNIDENTIFIED SPEAKER: She didn't interrupt you. Give
19 her the time back.

20 MS. MCPHERSON: Could I have -- yeah, have the time
21 back?

22 COLONEL GIBBS: Ten seconds. Go ahead, please. Ladies
23 and gentlemen, please. Please. Ma'am, go ahead.

24 MS. MCPHERSON: All right. But for us, this land
25 wouldn't be up for restoration in the first place because

↓ H21-1

1 Building and Safety, because of the gas issues that we
2 unveiled there, they learned that this area had huge volumes
3 of underground gas and SoCal Gas operation problems there.

4 Building and Safety stated that nothing could be
5 developed there residentially west of Lincoln Boulevard.
6 And that is why we have this land. Area C was done in a
7 land swap, and I thank the Friends for the catch basin. But
8 the rest of this is because of these people that are here,
9 and we have donated our time.

10 Ballona -- your -- got started in this -- the Army
11 Corps got started in this -- by the way, I am five minutes,
12 I believe. I am an organization.

13 COLONEL GIBBS: You are. Yes, ma'am.

14 MS. MCPHERSON: -- got -- the Army Corps got started in
15 this back in 2005. It was supposed to follow an iterative
16 process which meant look at all of the reasonable
17 alternatives. Here we have Ballona Wetlands is a
18 predominantly seasonal fresh water wetland.

19 And Margot Griswold and other scientists that come
20 up here -- we've already had the evidence proven through the
21 studies paid for with public bond money to show that this is
22 the history of this area.

23 So when the Army Corps now from the 2005 to the
24 2012 process -- which I would like to see an audit done of
25 that because I've seen the documents from the closeout and

H21-1
cont.

H21-2

H21-3

1 the closeout doesn't match anything having to do with
2 Ballona from any of those documents.

3 Number two, when the Corps got involved, as you
4 said tonight, you got involved in a permit process only. It
5 was dropped out. Why were you dropped out? I've seen the
6 internal e-mails. Because unfortunately, instead of doing
7 what the bonds asked for and told us we would get, was lots
8 of meetings to be able to have cross-communicate -- I'm
9 sorry -- cross-communication to be able to dialogue with all
10 of you.

11 We never had that. We've had instead to use PAR'S,
12 public access requests, Freedom of Information Act requests
13 in order to get any information. I have the documentation
14 of the Coastal conservancy, the contrasts that specifically
15 say it has to be Esterline goal. That is not an iterative
16 process. That's a predetermined goal and -- and the start
17 of the Army Corps' information was all based on a private
18 business, the Bay Foundation's documents provided to you
19 that the county didn't even get involved in this with the
20 Santa Monica Bay Restoration Commission as it was supposed
21 to be, because the Commission didn't even know that it was
22 involved in this. So the whole word of "process" is
23 fraudulent at this point.

24 I want to go back on a couple of things because I
25 am totally off script here, but I want to remind you House

H21-3
cont.

H21-4

H21-5

1 Document 389 -- you know exactly what I'm talking about --
2 talks about Marina Del Rey thirty-four million cubic yards
3 were slurried along 5.5 miles of coastline from El Segundo
4 to Ocean Park to widen the beach 500 feet.

H21-5
cont.

5 The Del Rey harbor map show part of that
6 thirty-four million to create the actual moles that
7 everything is built on there now. The idea -- and Area A is
8 in the front of that document that I just gave you. The
9 documents within this DIR/DIS -- there are many that are
10 false, there are many that are misleading, including with
11 regard to Area A.

H21-6

12 There are raised roadways around there, but that
13 salt pan area you see in that document, that actually
14 Friends of Ballona put out saying, "Oh, it looks pretty
15 bad," is actually a very special area. It is the historic
16 salt pan area that Dr. Margot Griswold was discussing.

H21-7

17 Those are creatures that use it. And if you look
18 to the right, that's Ballona Wetlands. That is an area that
19 ponds with fresh water every time we get rains because
20 it's -- where is the water table? The water table is five
21 feet below in that area according to borings done recently
22 in soil sampling. We have no hydrology reports on Ballona.
23 Why is that? Could it be because Playa Vista --

H21-8

24 COLONEL GIBBS: Ma'am, your time is up.

25 MS. MCPHERSON: -- needs to de-water in order to get rid

1 of all of the water? And if you dig this land out, it will
2 cause a drain because why is Fish and Game draining the
3 wetlands on behalf of Playa Vista? Why is Fish and Game
4 allowing Playa Vista to divert all of the ground waters that
5 historically flow to Playa Vista --

6 COLONEL GIBBS: Thank you, ma'am.

7 MS. MCPHERSON: To Ballona? Thank you.

8 MS. KIRBY: Talk about a tough act to follow.

9 COLONEL GIBBS: Ms. Kirby. Is that you?

10 MS. KIRBY: Yes. Vaughan Kirby.

11 COLONEL GIBBS: Vaughan Kirby. Thank you. And
12 Katherine Pease, you are up on deck now. No? Meredith
13 McCarthy. I'm sorry.

14 MS. KIRBY: Okay. Okay. I think what I learned tonight
15 is that everybody has a lot of ideas of what should be done,
16 things that haven't been done right, or whatever.

17 What the main thing is, is we all have to come
18 together and figure this out because the bottom line is, for
19 me, as a common -- just going by common sense, is that I
20 think we do need to create by restoring the habitable area
21 by giving more habitable area for the wildlife to thrive.

22 It doesn't mean doing nothing, and it doesn't mean
23 choosing a slow handheld method. It means figure out why --
24 I'm going to assume a bulldozer is a safe way of phasing
25 this in and doing it the right way and finding the right way

H21-9

H22

H22-1

1 with all parties in agreeance [sic].

2 Bulldozing is not a bad word when it will help the
3 future of the Ballona Wetlands. Right now, the wetlands, a
4 lot of them are underneath a bunch of dirt. They're not
5 wetlands now, and they need to be revealed, so let's get the
6 plans together, find the best one, and save Ballona
7 Wetlands. Thank you.

8 COLONEL GIBBS: Thank you, ma'am.

9 MR. ALAMILLO: James Alamillo?

10 COLONEL GIBBS: That's right. There you go.

11 MR. ALAMILLO: All right.

12 COLONEL GIBBS: And Ms. Katherine Pease is on deck now.
13 Go ahead, sir.

14 MR. ALAMILLO: All right. My name is James Alamillo,
15 J-a-m-e-s; A-l-a-m-i-l-l-o. And basically I've been a
16 resident in the area for the last 48 years. Previously
17 works at Heal the Bay for 25 years, so quite familiar with
18 this area.

19 And I'm here just to stand in support of the
20 Wetlands Restoration Principles, the idea that we can bring
21 back Ballona using sound science, robust science. We've
22 seen this play out most recently up in Malibu Creek
23 Watershed where we've seen actual improvements in both water
24 quality and diversity of the plants, the diversity in the
25 flora and fauna associated with that type of restoration.

H22-1
cont.

H23

H23-1

1 This cannot be done handheld. There are going to
2 be some mechanical needs in order to meet the 600 acres plus
3 that we're going to need to restore over time. This can't
4 be done, as someone previously stated, with hands. We don't
5 have that kind of labor. It doesn't exist, and we don't
6 have that kind of timeframe in which to bring these wetlands
7 back.

8 And more importantly, we are supportive of options
9 for Alternative One and Two because they bring the biggest
10 diversity together and as well as, more importantly, I
11 think, or most importantly is access to the area which is
12 desperately needed in the green spacing and to bring back
13 the environment to LA. Thank you very much for your time.

14 COLONEL GIBBS: Thank you. Ms. McCarthy is up next and
15 Mary Ann Tyler is on deck.

16 MS. MCCARTHY: Hi. My name is Meredith McCarthy,
17 M-e-r-e-d-i-t-h; M- small C-, capital C-a-r-t-h-y. I'm
18 director of programs at Heal the Bay. I have just three
19 points.

20 I am -- thank you, Fish and Game, for the Newport
21 back bay. I'm exceedingly excited that we have a future of
22 interpretive opportunities here, and I think that based on
23 the similar-sized area, I am looking forward to significant
24 emphasis based on interpretive opportunities to bring the
25 eleven million people in the region, give some of them an

H23-1
cont.

H24

1 opportunity to come visit this incredibly special place.

2 Right now, to have 600 acres paid for by the state
3 by state tax payers that have no access to it currently is
4 unacceptable, which is why I know the alternative is
5 absolutely unacceptable. As Heat Island heats up the inner
6 communities, the need to find rest and coolness at the coast
7 is going to be ever so much more important, and being able
8 to greet them, visitors that come here, is going to be very,
9 very important.

H24-1

10 Ballona is not here yet. Three percent of
11 functioning wetlands is not an acceptable number. I -- I'm
12 sort of struck, having been at Heal the Bay for a long time,
13 so we need the groups here today who are so anti fresh water
14 when the fresh water marshes were being built, and now we're
15 having this sudden mad love affair with fresh water, so I'm
16 intrigued by that. I'm looking forward to a fully
17 functioning 500 acre wetlands. Thank you.

H24-2

18 COLONEL GIBBS: Thank you, ma'am. Thank you.
19 Ms. Pease, you are next. Ms. Tyler and Lisa Schwab are on
20 deck. Go ahead.

21 MS. PEASE: Good evening. My name is Dr. Katherine
22 Pease, K-a-t-h-e-r-i-n-e, P-e-a-s-e, and I'm the watershed
23 scientist at Heal the Bay. Heal the Bay has joined forces
24 with other influential environmental groups through the
25 steering committee of the Wetlands Restoration Principles

H25

1 Coalition to advocate for a robust restoration of the
2 Ballona Wetlands.

3 We are thrilled that the long-awaited restoration
4 for Ballona Wetlands is finally under way, and we see real
5 promise in Alternatives One and Two for the opportunity to
6 bring back Ballona to a healthy and functioning ecosystem.
7 We will continue to analyze this dense document and we will
8 submit detailed written comments by February 5th.

9 The Ballona Wetlands are not back. They are in
10 trouble and need our help. Today, functioning wetlands make
11 up only three percent of the reserve, and this is based on
12 sound science. Realizing this restoration plan will
13 increase those numbers and much of the wetlands will become
14 wet again.

15 The plan has clear goals and is based on good
16 science and many years of research. To achieve increased
17 biodiversity, we need to remove much of the three million
18 cubic yards of sediment that are covering the wetlands. We
19 need to remove the concrete levees that -- along Ballona
20 Creek to reconnect the creek to its flood plane.

21 Restoration will be done carefully to protect and
22 minimize any negative effect to animals. These actions will
23 make room for native species that depend on wetlands and
24 bring the possibility that rare and endangered species will
25 once again return to the area.

H25-1

1 The city of LA recently fashioned an initiative
2 aimed at understanding and promoting biodiversity. The
3 Ballona restoration project is in line with this initiative
4 and will be a great example of a positive way to increase
5 biodiversity with benefits to be felt for generations to
6 come. Thank you for your time.

H25-2

7 COLONEL GIBBS: Thank you, ma'am. Ms. Tyler is up and
8 Miss Melissa Von Mayrhauser is now on deck. Go ahead.

9 MS. TYLER: Good evening. My name is Marianne Tyler.
10 That's M-a-r-i-a-n-n-e, one word, T-y-l-e-r. I've lived in
11 Playa Del Rey for 19 years now. I pass by the Ballona
12 Wetlands nearly every day. It's a vibrant ecosystem. I see
13 the animals living there.

H26

14 I've also taken time to tour Ballona and learn more
15 about the special environment that exists there. The
16 proposed plans to change that environment will kill so many
17 animals including the endangered species that were supposed
18 to be protected there. There will be death by bulldozer.

H26-1

19 As for those not killed by the bulldozers, those
20 animals will be displaced. Their old homes simply won't be
21 there anymore and many won't be able to find another habitat
22 that can sustain them. That would be animal cruelty on a
23 massive scale and I strongly oppose it.

24 On a slightly different note, I'd like to add my
25 name to those who have been asking for a public comment

H26-2

1 period that is a full 180 days. The draft EIR/EIS is a
2 massive document. We the people expect and have a right to
3 know what's in it before it's after the point.

4 It's unrealistic and unfair for you to demand that
5 we come to that kind of knowledge in less than 180 days.
6 And also for transparency's sake, there should be at least
7 two more public hearings like this so those of us who are
8 concerned about this project can express our concerns and
9 get our questions answered. Thank you for your time. Thank
10 you for listening.

11 COLONEL GIBBS: Thank you, Ms. Tyler. Ms. Schwab, you
12 are up, and Mr. Bruce Campbell, you are on deck.

13 MS. SCHWAB: Good evening. Lisa, L-i-s-a; S-c-h-w-a-b
14 like boy. Thank you very much for the opportunity to
15 participate in what we feel is a very important moment in
16 our community's history.

17 As a former 14-year-resident of Playa Del Rey and a
18 local restaurant owner since 1999, I have long dreamt for a
19 more collaborative and mutually beneficial relationship with
20 the wetlands. There isn't a day that goes by that I don't
21 take a deep breath of gratitude that I have the privilege of
22 owning a business that borders such a rare and precious
23 reserve.

24 I am a native Californian and am very familiar with
25 the historic use of much of the land. It once contained a

H26-2
cont.

H26-3

H27

1 motordom, a stable, and, unfortunately, a dumping ground for
2 the Marina Channel dredging. We all have witnessed that the
3 miracles of nature are often resilient and self-generating.

4 We hope that during this discussion regarding
5 public access that you would recognize that there are
6 parcels that if used responsibly could be used by the public
7 in a way that helps contribute to much-needed
8 infrastructure.

9 We appreciate any consideration to provide more
10 parking, especially along Culver Boulevard. This area has
11 magnificent possibilities for the community of Playa Del Rey
12 and the visitors we hope to support. Playa Del Rey lacks
13 significant infrastructure, especially parking.

14 We're very concerned about losing the small amount
15 of parking we now share, specifically the parking lot behind
16 Gordon's Market. Closing this lot at dusk will have a
17 devastating effect on our community. We respectfully ask
18 that you consider an alternative such as closing this lot at
19 midnight.

20 With your help, we could make Playa Del Rey a
21 destination, the gateway to Ballona Wetlands. We support a
22 full and vibrant restoration that strikes a healthy balance
23 between nature and commerce. A restored Ballona is good for
24 our community, our precious wildlife, and our local
25 businesses. I thank you for your consideration.

H27-1

H27-2

1 COLONEL GIBBS: Thank you, ma'am. Miss Von Mayrhauser
2 is next. Mr. Campbell, you will be after her and then Cindy
3 Hardin. Ma'am.

4 MS. VON MAYRHAUSER: Hello. I'm Melissa Von Mayrhauser. **H28**
5 That's M-e-l-i-s-s-a, and then V-o-n space
6 M-a-y-r-h-a-u-s-e-r. Okay. So yes, I'm the watershed
7 programs manager at Los Angeles Waterkeeper, and we are part
8 of the Waterkeeper Alliance as well as a member of the
9 Wetlands Restoration Principles Coalition here tonight.

10 And we will be submitting more detailed comments
11 later with the Coalition, but we really appreciate the
12 chance tonight to highlight a few key thoughts at this
13 moment. We would like to see a project that prioritizes
14 nature-based solutions that connect with the larger Ballona
15 Creek watershed while enhancing community involvement along
16 the way.

17 So we are in favor of improving tidal circulation,
18 removing concrete levees, and reconnecting the creek with
19 its historic flood plane to reestablish a natural ecosystem
20 with greater biodiversity. We see multiple benefits in
21 terms of improving conditions for fish spawning habitat,
22 increasing infiltration by slowing the flow of the creek,
23 and mitigating the impacts of sea level rise.

24 While we agree with the overarching premises of
25 Alternatives One and Two and the need for intensive

H28-1

1 restoration, we would like to see a plan that increases
2 public access in harmony with nature-based restoration goals
3 without using hardscape, incorporates community involvement
4 in the restoration process, and, finally, leads to more
5 self-sustaining, naturally connected habitats in the wetland
6 and creek in the context of the watershed. Thank you so
7 much.

8 COLONEL GIBBS: Thank you. Mr. Campbell, after you,
9 Ms. Hardin, and Emily Cobar is on deck. Sir.

10 MR. CAMPBELL: Hi there. I'm Bruce Campbell, Campbell
11 like the soup. Please extend this comment period well into
12 March of 2018 on the DEIR/DEIS. So I went on a guided walk
13 in Parcel A several weekends ago, and it was pointed out
14 that there are many nonnative -- that even though there were
15 a number of native plants, that there were a number of
16 nonnative plants in the area due to disturbances.

17 Speaking of disturbances, if you bulldoze and
18 re-sculpt for a decade, is that a disturbance? And then the
19 invasive plants would be flocking in and then they'd be
20 getting out the herbicides.

21 UNIDENTIFIED SPEAKER: Right.

22 MR. CAMPBELL: So there were likely zero people in the
23 room that hammered out the \$139,000,000 Ballona acquisition
24 deal who visualize bulldozing the vast majority of what they
25 were acquiring. Please choose a no action alternative and

H28-1
cont.

H29

H29-1

H29-2

H29-3

1 do not reduce habitat types in the Ballona ecosystem. This
2 is not a restoration.

↑ H29-3
cont.

3 It is odd that a 19th century Ballona alternative
4 would be rejected as an alternative, yet the action
5 alternative basically likes the habitat around the time of
6 Christ in this area. I'm concerned that the so-called
7 upland habitat is not really habitat since berms will be
8 poisoned to get rid of gophers and snakes, and that would
9 negatively impact birds and coyotes.

↑ H29-4

10 I'm concerned that long-term vegetation management
11 will involve toxic herbicides, which will have negative
12 impact on water quality and various species. A new founder
13 and executive director of Heal the Bay, Dorothy Green, who
14 told me early on that Heal the Bay decided to stay out of
15 Ballona wetland issues.

16 She would have rolled in her grave if she knew that
17 Heal the Bay was backing a decade's worth of bulldozing at
18 Ballona in order to get some monitoring grants. I went to
19 the first Restoring the Earth Conference at UC Berkeley in
20 1988.

21 The infamous David Bauer spoke there and said, "It
22 is important to restore, but we must make sure to save
23 genetic pieces to have any clue how to restore." There is
24 serious discussion, even by LA City Council Member Bonin, of
25 shutting down the Playa natural gas field, yet this was not

↑ H29-5
↓

1 recognized in the DEIR/DEIS, which has alternatives to
2 ensure that this dangerous facility can operate for decades
3 and do slant drilling and other problems.

4 So we also need a fresh water alternative so -- but
5 the best thing offered is the no action alternative. Thank
6 you.

7 COLONEL GIBBS: Thank you, sir. Ms. Hardin.

8 MS. HARDIN: Yes. I'm --

9 COLONEL GIBBS: Louise Steiner, you're on deck. Ma'am,
10 go ahead. Sorry about that.

11 MS. HARDIN: I'm -- that's all right. I'm Cindy Hardin
12 and C-i-n-d-y; H-a-r-d-i-n. I, too, would like to see the
13 comment period extended to at least March 2018. I work and
14 live in Playa Del Rey. I actually work for Los Angeles
15 Audubon Society.

16 I coordinate school tours and public tours once a
17 month at the wetlands. In Area B I see lots and lots of
18 life. Historic T-sheets from the 19th century show fresh
19 water throughout the wetlands. There are willow stands.

20 There's still a fresh water spring in front of the
21 bed and breakfast in the probably 4- or 500-block in Culver
22 Boulevard that every year it ponds throughout the winter
23 season. There are tadpoles using that fresh water spring. I
24 would like to see more fresh water in the wetlands, an
25 alternative that offers that possibility.

H29-5
cont.

H29-6

H29-7

H30

H30-1

H30-2

1 I also believe that Area A is functioning. There
2 are many upland plants established there; coyote brush,
3 laurel sumac, among others. I see California thrashers in
4 there and upland species, meadowlarks, and ponds in the
5 wintertime where little small invertebrates, bottom of the
6 food chain, essential -- like ostracods -- that have been
7 cysted and remain dormant when the land is dry come back to
8 life when that fresh water forms there and collects there
9 during the rainy season.

H30-3

10 This estuary has been a closed -- primarily closed
11 system for hundreds of years, and so to call this a
12 restoration by definition would make that incorrect. Thank
13 you for your time.

H30-4

14 COLONEL GIBBS: Thank you. Ms. Cobar, you are next.
15 Jeanette Vosberg is on deck.

16 MS. COBAR: Hi. My name is Emily Cobar, E-m-i-l-y;
17 C-o-b-a-r. I've led school field trips to inner city
18 students through Los Angeles Audubon as well, and every time
19 I am in the wetlands, there's always an interesting story.

H31

20 One of my favorites is when my group and I observed
21 a great blue heron sneakily eat a legless lizard -- a
22 southern legless lizard. And although that lizard is a
23 species of special concern, it was super cool for the young
24 students to see that predator/prey action.

H31-1

25 The people have fought for the wetlands and

1 succeeded in saving it. Many years later we are here to
2 keep that habitat for wildlife. Yes, we should maintain the
3 land by removing invasive plants like the castor bean and
4 the chrysanthemum to have more space and resources for the
5 native plants and wildlife.

6 I had my share in habitat restoration since
7 eleventh grade of high school, throughout college, and
8 postcollege, and I can tell you that you do not need a
9 bulldozer for that. It can be done and we should think of
10 the tiny and large critters that call it a home. If it took
11 8 or so years to work on the report -- the environmental
12 impact report, I think we're patient enough to restore that
13 habitat without such heavy machinery. Thank you.

14 COLONEL GIBBS: Thank you. Ms. Steiner, you are next
15 and Mr. Joe Farris is on deck. Is Ms. Steiner here?

16 UNIDENTIFIED SPEAKER: No, she's not.

17 COLONEL GIBBS: No? Okay. Ms. Vosburg, Jeanette
18 Vosberg.

19 MS. VOSBURG: Good evening, everyone. I'm Jeanette,
20 J-e-a-n-e-t-t-e; Vosburg, V-o-s-b-u-r-g. I'd like to make
21 two points. First of all, that I've heard a lot about
22 97 percent of the wetlands are degraded, and I wondered what
23 was the source of that -- why-- why are we kind of stuck on
24 97 percent?

25 I'd like to read something. This is an e-mail from

H31-1
cont.

H31-2

H32

H32-1

1 the former executive director of the Santa Monica Bay
2 Restoration, aka Bay Foundation. It says, "Hi, Mary" -- and
3 this is Mary Small. "I think the presentation looks good.
4 I think we should include some comparative data; e.g., the
5 sea bank data and the exotic veg data."

6 But she goes on to say -- and this is where I have
7 a little bit of a problem. She said, "I saw what Karina
8 sent you, and it doesn't help us. We need numbers like
9 99 percent invasive plants and lowest sea back -- bank of
10 anywhere in Southern California." I wonder why. I'd just
11 like to leave you with that question.

12 Why would we want to prove that everything within
13 three percent is degraded unless we're supporting a Playa
14 Vista Flood Control project in the way that they see it.
15 The second thing that I'd like to say is that I think
16 it's -- I put out these flyers. There's a little picture
17 there of a duck, and I think most people have this.

18 And the point that I would like to make with this
19 is that I'm not asking you to accept anything that I say.
20 I'm asking you to go and look at the key references --

21 COLONEL GIBBS: Thank you, ma'am.

22 MS. VOSBURG: -- on the back and find out for yourself
23 what this means. Also check out Flickr.com photo Stoneberg.
24 That will show you, regardless of what anyone in this room
25 says, thousands of pictures that have been taken in the

H32-1
cont.

H32-2

1 Ballona --

2 COLONEL GIBBS: Ma'am, thank you.

3 MS. VOSBURG: -- wetlands.

4 COLONEL GIBBS: Thank you.

5 MS. VOSBURG: Thank you.

6 COLONEL GIBBS: Mr. Faris, are you in the room? Joe
7 Faris. No? All right. We'll go to Mr. Garland. Okay.
8 Behind Mr. Garland will be Beth Holden and behind Beth
9 Holden, Dr. David Kay. So Mr. -- okay. Who are you?

10 MR. FARIS: Joe Faris.

11 COLONEL GIBBS: Okay. Joe Faris. We'll bring Joe Faris
12 back. Okay, Mr. Faris. Go ahead.

13 MR. FARIS: I'm a local resident. My name is spelled
14 J-o-e; F- as in Frank, A-r-i-s. As someone in touch with
15 some of the -- those who have been dedicated for decades
16 trying to preserve and help this area we're in contest
17 about, it seems to me that restoration of Ballona was never
18 considered in what we're dealing with, but how to receive
19 what powerful financial interests wants was.

20 What they wanted was carefully thought out and
21 strategized, a plan to create a salt water marsh with high
22 berms to protect Playa Vista from possible tsunamis and
23 conceal the ugly remains of what had been a delicate
24 functioning wetland.

25 First, it was announced by one of the so-called

↑ H32-2
| cont.

H33

H33-1
↓

1 environmental groups that Ballona was seriously degraded,
2 which is -- it wasn't. This, after some of us here were
3 prevented from actually going on the wet -- the marsh to
4 help with maintenance.

5 Then a, quote, scientific study was funded by
6 special interests, a study confined to a creation of what
7 they wanted all along; never at all a restoration, never
8 providing an adequate consideration or real concern for the
9 loss of wildlife, the loss of a valuable resource. Thank
10 you.

11 COLONEL GIBBS: Thank you, sir. Okay. Mr. Garland.
12 Behind him, Ms. Beth Holden and then Dr. David Kay. Go
13 ahead, Mr. Garland.

14 MR. GARLAND: Okay. It's G-a-r-y; G-a-r-l-a-n-d. I'm
15 here with my daughter Avalon. I was a resident of Marina
16 Del Rey for 20 years and I'm a local business owner. Over
17 the past years, myself, family, local neighbors, and
18 concerned citizens attended meetings such as this over the
19 development of Marina Del Rey.

20 We listened to the county environment and traffic
21 reports and were told it's all going to be okay. I stand
22 before you today to tell you it's not all okay. In the
23 short term, while construction is going on in the marina,
24 there's no noticeable negative impact on the local community
25 and environment.

H33-1
cont.

H34

H34-1

1 In the long term, when the thousands of new
2 constructing units come on line, the traffic, safety of the
3 community, and impact on the environment will be punitive
4 and not recoverable. I'm glad the Army Corps of Engineers
5 is the decisionmaker here in this process, as it is my hope
6 that reasonable judgment will be applied to the Ballona
7 Wetlands as we are not getting good judgment from our local
8 officials.

9 Rather, we see development of Marina, Playa Del
10 Rey, and Ballona Wetlands as another revenue stream for the
11 county. I'd like to have my daughter say a few words.

12 MS. GARLAND: Hi. My name's Avalon Garland. I want to
13 share my experience from when the Oxford Lagoon was being
14 renovated. There were beautiful 50-year-old trees that they
15 sawed down. They sawed down huge trees that Monarch
16 butterflies lived in. It was very sad. It happened days
17 before Christmas.

18 Because of this, so much wildlife was displaced.
19 We woke up to 30 snowy egrets on the -- on our patio on
20 Christmas day. They were panicked, sad, and dis -- dis --

21 MR. GARLAND: Disoriented.

22 MS. GARLAND: -- disoriented because their home was
23 destroyed. If they do -- if they do this at Ballona
24 Wetlands, so many more animals will lose their homes. It
25 will destroy so much nature without places for them to go.

H34-1
cont.

H35

H35-1

1 COLONEL GIBBS: Ma'am, you're -- you're out of time.
2 Thank you.

3 MR. GARLAND: Colonel, thank you for coming. And I know
4 it's not Army Green, but I'd like to donate a few
5 (inaudible).

6 COLONEL GIBBS: Thank you. Ms. Holden and then Dr. Kay
7 and Susan Herrschaft -- Herrschaft. Go ahead, ma'am.

H36

8 MS. HOLDEN: Hi. So I'm Jackson Garland's mom. My name
9 is Beth Holden. I'm hyphenate Garland. We lived in the
10 marina for 25 years, and Ballona's always been an important,
11 I guess, you know, touchstone for us. We enjoy the wildlife
12 from the great blue heron to the many varieties of birds
13 there.

14 And it's amazing to see, if you live locally, how
15 interconnected all the land, the trees, the wildlife are to
16 each other. They have -- the heron needs the trees in
17 Mariners Village to, you know, hold their nests. They get
18 the straw from Ballona. They hunt on the lagoon. They hunt
19 on local -- on land, and all of this is really
20 interconnects.

H36-1

21 And over the years, I've gone to Ballona and
22 visited, and it always takes my breath away, like, how much
23 beautiful flowers are there, you know, beautiful owls and,
24 butterflies, and dragonflies. And if you hook at Jonathan
25 Kaufman's photos that we gave to you, I mean, it's amazing



1 the diversity of species there are.

2 And I think our family, we just are really touched
3 and really concerned about this. You know, we've seen what
4 they did to Oxford Lagoon. If something's done, these
5 animals will be displaced. It was terribly sad, and I have
6 to say that this man that spoke earlier from the Tongva
7 tribe was really touched. I mean, their burial grounds
8 there as well.

H36-1
cont.

9 And we went to a dinner for Ballona maybe two years
10 back, and Congresswoman Maxine Waters spoke and she said,
11 "Why are we messing with these grounds? These are burial
12 grounds." And I think there needs to be, you know, extra
13 consideration. We have this park at the end of Santa Monica
14 Pier that's acknowledging the importance of that tribe and
15 the heritage of it. I think we need to treat their memory
16 more importantly. Thank you.

H36-2

17 COLONEL GIBBS: Thank you, ma'am. Dr. Kay. And Andrea
18 Leon-Grossmann, please come up as well. Dr. Kay.

19 DR. KAY: Good evening. My name is David Kay, K-a-y. I
20 live in Playa Vista. Soldier, thank you for your service.
21 You must be wondering WTF is this all about? Ruth, thank
22 you for your service. We love you.

H37

23 In the Ballona DEIR, only Alternative Number One,
24 the full title restoration plan, accomplishes all of the
25 goals established for Ballona through 17 years and counting

H37-1

1 of public dialogue. Any choice other than Alternative
2 Number One falls short and is settling for half a loaf
3 rather than reaching for the whole.

H37-1
cont.

4 I urge you to not only move forward with
5 Alternative Number One, but choose it as the environmentally
6 preferred alternative. You can only create tidal wetlands
7 within reach of the tide. A decade ago, a team of
8 scientists, planners, engineers, and constructors created,
9 enhanced, and restored 440 acres of tidal wetlands and
10 upland habitats near Del Mar known as the San Dieguito
11 Wetlands Restoration Project.

12 Historically, tidal wetlands gradually filled in
13 for an airfield cultivation, and grazing criss-crossed by
14 roads and other infrastructure, bisected by a major flood
15 controlling river channel, and hemmed in by suburban
16 development, San Dieguito had everything in common with
17 Ballona, and so as an excellent example of how full tidal
18 restoration would proceed here today.

H37-2

19 I know you know how that project turned out and
20 that you studied San Dieguito's lessons learned because
21 those lessons are pervasive throughout your Ballona project
22 DEIR. Well done. Move forward with Alternative Number One.
23 Bring back Ballona. Thank you. No applause. This is not a
24 pep rally.

H37-3

25 UNIDENTIFIED SPEAKERS: Boo.

1 COLONEL GIBBS: Ms. Herrschaft followed by Ms. Rosemond
2 followed by Barbara Longsdale. Go ahead, ma'am.

3 MS. HERRSCHAFT: Hello. My name is Sue Herrschaft,
4 S-u-e; H-e-r-r-s-c-h-a-f-t, and I'm representing the Villa
5 Marina Neighborhood which shares the border of Area C North.
6 One of the items from the draft report that concerns us is
7 the large amount of soil that would be excavated from Area A
8 and moved into Area C North.

9 The report states that the plan is to add 15 to
10 30 feet above existing grade to this area with some diagrams
11 indicating 35 feet. This seems excessive. Our specific
12 concerns include number one, destruction of the current
13 ecosystem.

14 How will the existing plants and wildlife survive
15 being covered with 30 feet of soil? Will the wildlife be
16 forced into our neighborhood after their habitat is upended?
17 And if not, where would they go?

18 Number two, the sheer volume of soil. 30 feet of
19 soil will literally tower over our neighborhood of two-story
20 town homes. Our current view of the area is that ever an
21 open field with views toward Playa Vista, the Playa bluffs,
22 and the Marina. It appears that with this project, our view
23 of this -- of the area will become the site of a 30-foot
24 mound of dirt.

25 Number three, drainage. We are unable to determine

H38

H38-1

H38-2

H38-3

1 how water will drain or where it will be collected after
2 rain storms. Many of our residents currently experience
3 problems with groundwater seepage in their garages,
4 requiring some pumps and French drains to keep their
5 property dry. Our question is: Will this plan make the
6 problem worse?

H38-3
cont.

7 Finally, our properties currently share a low
8 cinder block retaining wall. Who owns this wall and will it
9 remain or be removed and/or replaced? We are not opposed to
10 the restoration of this area but would like to ensure that
11 our neighborhood is not overshadowed by excessive fill that
12 negatively impacts the environment or residents' quality of
13 life. Thank you.

H38-4

H38-5

14 COLONEL GIBBS: Thank you, ma'am. Ms. Leon-Grossmann.
15 Next up will be Elaine Carr. Go ahead, ma'am.

16 MS. LEON-GROSSMANN: Hi. My name is Andrea
17 Leon-Grossmann. I'm an organizer with Food and Water Watch,
18 and first I want to read the description and the definition
19 of "restoration," and that's the action of returning
20 something to a former owner, place, or condition.

H39

H39-1

21 These wetlands belong to the people. It does not
22 belong to SoCal Gas, and right now the only heavy machinery
23 that belongs in that wetland is the one that will remove bad
24 gas storage facility that is (inaudible). There's a SoCal
25 Gas employee that already raised concerns for catastrophic

H39-2

1 loss of life.

2 And that goes for not just the wildlife that lives
3 there, for everyone in this room and in this city, and we
4 need to get rid of that dirty energy that endangers our
5 life. So I'm concerned not just for the wildlife but for
6 everyone, and especially for our bothers and sisters who are
7 natives and for their burial grounds there.

H39-2
cont.

8 And again, I also want to quote Einstein: "If
9 you're going to explain it simply, you don't understand well
10 enough." Follow the money.

11 COLONEL GIBBS: Thank you.

12 MS. LEON-GROSSMANN: Anyone here in the coalition to
13 protect Ballona does not receive a penny, including my
14 organization, from SoCal Gas, and that includes the Ballona
15 Institute. So we just need to make sure that special
16 interests are not embedded in this fight.

H39-3

17 We need to make sure that we put people before
18 profits and we need to make sure that we have a city that is
19 here for the people, for clean energy, and for clean air for
20 everyone and clean water. Thank you so much.

21 COLONEL GIBBS: Thank you.

22 MS. LONGSDALE: Did you say Barbara Longsdale?

23 COLONEL GIBBS: I did. Is that you?

24 MS. LONGSDALE: Yes.

25 COLONEL GIBBS: You are next.

1 MS. LONGSDALE: Okay. Thank you.

2 UNIDENTIFIED SPEAKER: Butterfly.

3 MS. LONGSDALE: Protect the Monarchs. So I've worked **H40**
4 for the Ballona Institute and I've been in Santa Monica. My
5 family has for generations. I'm a former board member of
6 the Venice Historical Society, Venice Neighborhood Council
7 where I ran the environmental committee, and I really want
8 to make sure that our natural environmental resources are
9 protected as well as our cultural resources.

10 I am a Native American monitor for the Gabrielino
11 Kizh tribe under Chief Ernie Salas, and we inspect
12 excavations for remains of artifacts. This is a very highly
13 sensitive area. There are over 600 burials there. It's the **H40-1**
14 largest in California, and I'm actually working on a site
15 down the street for the LA Sewer Project. I'm sure you've
16 seen all the traffic in the marina.

17 But we just found an isolated whale vertebrae on
18 Hurricane and Grand Canal. I can only imagine what we're
19 going unearth here in the Ballona Wetlands, having it be so
20 close to one of the largest Native American burial sites in
21 North and South America.

22 So I do want to protect cultural resources as well
23 as environmental, and I don't believe that bulldozing is the
24 answer. I think that if it's not broke, don't fix it. I **H40-2**
25 feel like you want to turn this into a manicured park that's

1 just going to be protecting Playa Vista, some kind of flood
2 control channel.

↑ H40-2
cont.

3 You know, the -- this hasn't been salt water in
4 2,000 years, so I'm not sure why you're trying to put salt
5 water in there now. That's not what it is naturally. The
6 Army Corps of Engineers seems to have destroyed, you know,
7 habitat from the Sepulveda Basin to the LA River to Malibu
8 Lagoon to Oxford Triangle.

↑ H40-3

9 You know, and these places are still recovering
10 from these restoration efforts. Still recovering. Because
11 what you're going to do, you're going to remove every single
12 plant and every single animal in the Ballona Wetlands. How
13 is that going to help? How is that restoration?

↑ H40-4

14 COLONEL GIBBS: Thank you, ma'am.

15 MS. LONGSDALE: There's actually an endangered bird
16 there called Belding's Savannah sparrow --

↑ H40-5

17 COLONEL GIBBS: Ma'am, your time is up.

18 MS. LONGSDALE: -- and that means legally it cannot be
19 moved. Thank you.

20 COLONEL GIBBS: Miss Carr. After Ms. Carr will be James
21 Garrett and then Bahar [phonetic]. Go ahead, ma'am.

↑ **H41**

22 MS. CARR: Elaine Carr. I am also the bordering
23 neighbor from -- from the Village next door to Parcel C.

↑ H41-1

24 And we're concerned not only about all of the
25 things that you heard previously, but one of the discussions

↓

1 has been for Alternative One and Two that there would be
2 trucks coming down our tiny little neighborhood to bring all
3 of this dirt to get it into the neighbor -- to get it onto
4 Parcel C.

5 And we're concerned about the trucks coming down
6 the street and going through that gate at the end of the
7 street where there's no parking to begin with and entering a
8 neighborhood in order to do this distribution. We're hoping
9 that if you go ahead One Or Two that there is an alternate
10 way of getting to that land.

11 And then finally, of course, the 15-, 30-foot berm
12 in front of our -- our neighborhood is a concern as well.
13 Thank you.

14 COLONEL GIBBS: Thank you. Okay. Mr. James Garrett,
15 are you here?

16 MS. BADID: Did you call my name? It's Bahar.

17 COLONEL GIBBS: Bahar? Yes, ma'am.

18 MS. BADID: Okay.

19 COLONEL GIBBS: Well, is Mr. Garrett here? No. Okay.
20 And after, Curt Steindler and Greg Sweel [phonetic] are on
21 deck. Ma'am, go ahead.

22 MS. BAHAR: Yes, hi. Good evening. My name is Bahar
23 Badid [phonetic] (inaudible) and I'm a local resident and
24 social ecological activist and I feel very concerned for
25 these ideas that are very against natural course of life.

H41-1
cont.

H41-2

H42

H42-1

1 As a general, the bigger picture seems like our
2 priorities are wrong and it's -- it's -- it looks like a
3 sickness because we have (inaudible) destroying species and
4 bringing about all kinds of pesticides that are destroying
5 the bees, the flowers, and the birds, and the butterflies,
6 you know, on the other hand.

7 And then we have wars that are going on illegally
8 and misplacing people and displacing people and murdering
9 people that are innocent for the most part. And then we
10 have homelessness and the prices are going up. I mean, the
11 list is so long. The water, the air, the planet, the food,
12 the education, the policing. All of these things are
13 corrupt with unimaginable amount of toxicity energetically.

14 And to think that the Army is going to come in the
15 wetlands, one of the only, you know, reserved, preserved
16 wild places in this city if not in this country, you know,
17 for the access of the people and the animals and the
18 wildlife is just out of this -- out of question. It's a
19 sickness. That's all it is.

20 And we need to heal; okay. We're only going to
21 heal through ecological connection with life. Okay. And it
22 has to do also with the symbolism of having a president that
23 is sexist, racist, and biased, and materialistic. This is
24 what you are doing. You're ruining your own life.

25 COLONEL GIBBS: Thank you, ma'am.

H42-1
cont.

1 UNIDENTIFIED SPEAKER: Don't stop doing that.

2 COLONEL GIBBS: Okay. I am going to Mr. Mark Espinosa
3 who's speaking on behalf of the Culver Marina Little League.
4 Go ahead, sir.

5 MR. ESPINOSA: Good evening. We're here just to
6 represent -- I'm representing Culver Marina Little League.
7 I'm Mark Espinosa, M-a-r-k; E-s-p-i-n-o-s-a. I hear a lot
8 of everybody talking about different species and things
9 getting hurt and harmed.

H43

10 When I look behind me, this is what's really going
11 to be hurt and harmed because we're going to be losing our
12 field if this project takes place. Where do they go? You
13 guys -- I wish you guys could tell me the answer. Where
14 would the kids go if this project is, you know, approved?
15 We lose our field.

H43-1

16 All the dirt that's being bulldozed is going to be
17 shifted to our Little League field, and we're right there
18 off of Culver Boulevard, and I'm here speaking on their
19 behalf. And we would really oppose of this -- of this
20 proposal that you guys are proposing, and hopefully we'll be
21 able to keep our -- our field another 50 years.

22 We've been there since 1956 and we want to continue
23 to keep the kids out of harm's way and have a safe haven for
24 them to be able to play ball. One other thing you guys are
25 talking about is being killed, is you're killing their

1 dream. I believe that's one of the biggest things that --
2 (inaudible).

3 I would like these kids to have a dream and maybe
4 become a major league ball player. That would be great.
5 It's kind of ironic; you started off the day talking about
6 baseball and how the World Series was in your last debate or
7 meeting, and here we are trying to end it with something
8 positive with keeping the kids having their baseball field.
9 So we'd like to thank you for your time and hoping you can
10 consider canceling the plan. Thank you.

11 COLONEL GIBBS: Okay. My seats are empty up here. Curt
12 Steindler.

13 MR. STEINDLER: Here.

14 COLONEL GIBBS: Are you here?

15 MR. STEINDLER: Yes.

16 COLONEL GIBBS: Okay. Behind him, Greg Sweel and then
17 Stephanie Beckman.

18 MR. STEINDLER: Hello, my name is Curt Steindler,
19 C-u-r-t; S-t-e-i-n-d-l-e-r. I've been a resident of Los
20 Angeles my entire life. I work with the Reptile and
21 Amphibian Rescue Network. Former board member of
22 Southwestern Herpetological Society. You'd expect I'd be
23 mostly interested in the herpeto found in the area, which I
24 am.

25 Looking at the plan, at first I was worried that --

H43-1
cont.

H44

H44-1

1 about what would happen with the species. Now, keep in mind
2 I'm much more interested in preserving ecosystems that allow
3 the life for these animals rather than any particular
4 animal. But going deeper into that -- into the EIR, I'm
5 most struck not by what species that were discovered
6 there -- and you can find them.

7 The (inaudible). The legless lizards. These are,
8 you know, very interesting animals. The -- the legless
9 lizard is -- is -- is of particular interest, but they are
10 in other areas of Los Angeles. What most interested me is
11 what animals we didn't discover there, and they should be
12 there. The historical record shows they're there.

13 We have evidence of middens, a very sensitive
14 species. The San Diego horned lizard should be there. Most
15 importantly for this discussion, the California pond turtle
16 should be there. Keep in mind the California pond turtle is
17 a fresh water turtle. It is not a sea turtle.

18 These areas are not salt water. But then step back
19 a little bit. Step back from my primary interest and say
20 what is bothering me about this? Well, I don't think that
21 fully all of the alternatives have been explored. Now,
22 honestly, I don't blame the Army Corps of Engineers.

23 You can't explore every one. Your exploration is
24 limited to how the plans are presented to you. Just one
25 second more, please.

H44-1
cont.

H44-2

1 COLONEL GIBBS: Sir, you got ten seconds.

2 MR. STEINDLER: Great. Thank you. So I wish more and
3 hopefully slower plans rather than taking in tractors, which
4 would be more destructive, would be seen, but mostly I'm
5 worried about what the plan --

6 COLONEL GIBBS: Thank you, sir.

7 MR. STEINDLER: I appreciate it.

8 COLONEL GIBBS: Okay. Greg Sweel, are you here? Okay.
9 Stephanie Beckman.

10 MS. BECKMAN: Hi. Thank you. Thanks for coming out
11 here. Thank you very much. I've been a volunteer with
12 Ballona Wetlands for -- since 1994 and working --

13 UNIDENTIFIED SPEAKER: Can't hear you.

14 UNIDENTIFIED SPEAKER: Tip the microphone down.

15 MS. BECKMAN: Okay. Thanks. So I've been an active
16 volunteer in helping with the Ballona Wetlands since 1994
17 and been a resident for 25 years of Playa Del Rey. I'm just
18 here as a neighbor and basically my novice review of the --
19 of the draft EIR, and I think that generally speaking,
20 there's not a good historic basis.

21 And everyone has made much more intelligent,
22 greater, and scientific comments than I can because of their
23 background. I come from an advertising background which
24 really isn't applicable here, but there's not really an
25 overriding -- there's not a historical basis for the great

H44-2
cont.

H45

H45-1

1 topography change that's proposed in Alternative One and
2 Two.

3 And most definitely with the berms, even the berms
4 that would even go, let alone the 30-foot berm by -- in Area
5 C, but just the berms that would go along Culver, there's
6 just not really any biological support that that's going to
7 be effective for a restoration process and -- there's not a
8 historical support for that level of terrain there, either.

H45-1
cont.

9 The salt pan however, I actually saw in photographs
10 with the Marina Historical Society from the late 1800s.
11 Looks exactly the same now as it did then. Like, we can
12 draw those up for you. And some of my, again, just novice
13 issues with the draft EIR is the permanent closing of the
14 tidal gates, which I'm sure had to do with the changing of
15 the flow of the creek.

H45-2

H45-3

16 However, there's a lot of permanent water loss and
17 one area, as a Playa Del Rey resident, that concerned me the
18 most is the corner of Culver and Nicholson where there will
19 be a fill put in where actually one of our speakers
20 mentioned there's a fresh --

H45-4

21 COLONEL GIBBS: Ma'am.

22 MS. BECKMAN: -- spring.

23 COLONEL GIBBS: Time's up.

24 MS. BECKMAN: Time's up. That's it. And more species
25 level studies please, so that's it.

H45-5

1 COLONEL GIBBS: Okay. Thank you. I'd just remind
2 everyone we just hit the two-hour mark and whatever comments
3 you don't get to say tonight, you can submit them as written
4 comments. They will be noted. They will be read. They
5 will be part of the final record. So please understand
6 that.

7 Okay. Mr. Fay, Douglas Fay. Okay. After him --
8 again, these two seats are empty and it's slowing us up a
9 little bit. Ryan Searcy and Dorothy Reik. Something like
10 that. So there's two seats open. Mr. Fay, go ahead.

11 MR. FAY: Good evening. Thank you for being here. My
12 name is Douglas Fay, D-o-u-g-l-a-s; F-a-y. I'm the grandson
13 of Rimmon Lorraine Fay who was a member of the pioneering
14 Ocean Fish Protective Association here in the Santa Monica
15 Bay.

16 I'm the son of the late Dr. Rimmon C. Fay, the
17 marine scientist with two Ph.D.s, one in oceanography and
18 one in chemistry who fought to save the Ballona Wetlands,
19 who fought the Hyperion expansion, who fought and stopped
20 Montrose from dumping DDT into the Santa Monica Bay.

21 I submitted to you during the scoping process a
22 letter with many questions, and I expected that to be before
23 me in the EIR and it's not there. I'm lost. This is a CEQA
24 process; you should be answering the questions I asked so I
25 know how to continue in this process.

H46

H46-1

1 In that letter you -- which you all should have
2 read -- was also referenced the open and closure dynamics of
3 coastal estuaries by Dr. Travis Longcore which clearly shows
4 that the Ballona Wetlands was a fresh water wetland. Okay.
5 That's the base claim.

H46-1
cont.

6 So you've got honesty that this needs to be a fresh
7 water restoration and you've got dishonesty that this is a
8 fully tidal project restoration, which it is not. It is
9 not. And I'm not against restoring the Ballona Wetlands.
10 We've been here part of it four generations. My father was
11 an independent scientist.

H46-2

12 He wrote that draft environmental -- a draft
13 proposal for a restoration here. He was adamant that the
14 restoration could be done mainly by hand removing invasive
15 species. He was also adamant that you do not open the --
16 the Ballona creek to the wetlands until all of the toxic,
17 synthetic compounds that are currently going out of the
18 creek do not enter that wildlife area.

H46-3

19 And the big elephant in the room is a trillion
20 gallons of sewage and toxins are getting dumped into the
21 Santa Monica Bay every four years.

H46-4

22 COLONEL GIBBS: Thank you, sir.

23 MR. FAY: That means you have to look at this as a
24 cumulative problem. The county --

25 COLONEL GIBBS: Sir, your time is up. Thank you.

1 MR. FAY: The Marina Del Rey Harbor is a repaired water
2 body that needs to be corrected before you can even consider
3 doing a project here. And I would love to talk to you
4 further on this subject.

H46-5

5 COLONEL GIBBS: Thank you, sir. Ryan Searcy.

H47

6 MR. SEARCY: Good evening. My name is Ryan Searcy,
7 R-y-a-n; S-e-a-r-c-y. I'm a staff scientist for Heal the
8 Bay, an organization that represents tens of thousands of
9 Angelinos and is a member of the Wetlands Restoration
10 Principle Committee. Tonight I'm speaking to you just as a
11 resident of Venice, a surfer, and a nature lover.

12 I want to start by thanking the Army Corps and DFW
13 staff. We're excited to see this project finally move
14 forward, and I trust that a rigorous, science-based
15 alternative will be employed to restore Ballona to a healthy
16 state.

H47-1

17 Tonight kind of I just want to talk about what's
18 important to me personally, and that is the connection
19 between nature and human beings. We're -- we're running out
20 of places where we can just sit and be and -- and listen to
21 the birds, and just the birds; and smell native plants and
22 flowers, and just the native plants and flowers.

23 Instead, we were kind of left to live in a box
24 that's completely paved over and overrun by swarms of
25 automobiles and shadowed by advertisements on billboards.

1 We know that doing nothing will have severe consequences for
2 Ballona and all that -- those people that want to interact
3 with it.

4 Invasive plants have spread too much to the
5 wetlands and continue to do so. Climate change and the
6 resultant sea level rise pose a great threat to it. So
7 let's nurture what we have and support it. Let's help give
8 Ballona a chance. A robust restoration of Ballona will
9 improve habitat for native plants and wildlife.

10 It'll improve water quality for fish, and it'll
11 improve access for those who need to taste the nature that I
12 was -- I was talking about. Doing nothing is not an option.
13 Please bring back Ballona.

14 COLONEL GIBBS: Thank you. Ma'am.

15 MS. REIK: Hi. My name is Dorothy Reik. I'm president
16 of Progressive Democrats of the Santa Monica Mountains and
17 I'm also a member of the LA County Democratic Party Central
18 Committee. So I guess I represent more people tonight than
19 anybody else here in the room because I represent the
20 Democrats of Los Angeles County.

21 And the Democrats of Los Angeles County voted to
22 oppose this project many months ago when it first came to
23 our attention. And let me just say, to me personally,
24 animals and birds and plants have a right to exist on their
25 own. They're not there to entertain us. They're there for



H47-1
cont.



H48

H48-1

1 themselves and they have a right to the habitat they own.

2 We saw what they did in Malibu, and Malibu is never
3 going to recover. But now it has metal umbrellas and other
4 kinds of obscene things instead of the plants and the
5 animals that were there. And I'll mention one more thing
6 with no disrespect intended.

H48-1
cont.

7 We remember New Orleans and remember the Army Corps
8 of Engineers, and it terrifies me to think that you would
9 destroy our wetlands. And when the sea levels rise, they'll
10 come flooding over the wetlands into the populated areas.
11 You need to leave our wetlands the way they are.

H48-2

12 COLONEL GIBBS: Thank you, ma'am. I fell behind on the
13 names. Cassandra Murillo is next followed by June Walden
14 and then Lance Williams. Ma'am, you are Cassandra? Okay.
15 Go ahead, ma'am.

16 MS. MURILLO: Hi. My name is Cassandra,
17 C-a-s-s-a-n-d-r-a; Murillo, M-u-r-i-l-l-o. I'm wearing my
18 Tree People T-shirt because I'm a volunteer supervisor with
19 them. I'm not speaking on behalf of them but just from, you
20 know, I've -- I care about -- I get out there and I plant
21 trees and I do maintenance all over the county and I care
22 very deeply about the environment.

H49

23 I am a member of the Sierra Club Ballona Wetlands
24 Restoration Committee, and we are -- I am -- we are in
25 support of a gentle restoration. And to one point about

H49-1
H49-2

1 there needing to be more water in the wetlands, I have a big
2 problem about the draining of the wetlands.

H49-2
cont.

3 And I think that if we stop draining the water out
4 of the wetlands, we'd probably have more water. Okay.
5 So -- and I have a problem with the idea -- I understand
6 that they talk about caging all the animals in the 600 acres
7 and removing them. That -- and then remove them to where,
8 you know?

H49-3

9 And then we're going to have ten years of this
10 project going on and where are they all going to go? The
11 ones that don't get caged, they escape, you know. It's just
12 unreal that we're going to deal with ten years of removal of
13 these animals.

14 And the people that live in Playa Del Rey should be
15 really concerned about all the dust and all the crap that's
16 going to be in the air from bulldozing all those years.
17 Think about that. And Marina Del Rey, too. I live in
18 Marina Del Rey, and there's a bunch of apartments going up.

H49-4

19 I got dust throughout my apartment, on my car.
20 It's -- it's awful. You'd be living with ten years of that.
21 So think about that, the residents that are close by.
22 Lastly, I'd like to -- oh, and also why don't -- why don't
23 other people have access to the Ballona Wetlands?

H49-5

24 Only Friends has access. Why not open the gates so
25 we can all go in there? Why is only one group allowed in

1 there? So that's my question.

2 COLONEL GIBBS: Thank you.

3 MS. MURILLO: And we need 180 days to review those
4 thousand pages. Eight years of working on this, we need
5 more time to have experts really go through this. This is
6 just ridiculous --

7 COLONEL GIBBS: Thank you, ma'am.

8 MS. MURILLO: -- the short period of time. Thank you.

9 MS. WALDEN: Hi.

10 COLONEL GIBBS: June Walden.

11 MS. WALDEN: Yeah. My name is June Walden, J-u-n-e;
12 W-a-l-d-e-n. I was born and raised on the west side of Los
13 Angeles. I remember when I was a little kid my dad used to
14 take me down to the (inaudible) that were down here and I
15 used to play in them. So I've been here a long time.

16 I drove up the hill to go to work in Westchester
17 20 years and looked at two lots at the corner of Lincoln and
18 Jefferson that were fowl, fowl fields. Occasionally you'd
19 see a bird in them. Okay. Well, when I retired, I knew
20 that I was not going to last because I liked to teach
21 before, and I taught little kids.

22 And so I came down here for 17 years. I've been at
23 Docent. I work with students of all ages. I work with
24 adults. Okay. I love it here. I've seen a lot of changes.
25 First of all, I'd like to say once I was asked on a tour,

↑ H49-5
| cont.

H49-6

H50

H50-1

↓

1 "Why don't you restore it like it used to be?"

2 And I said, "Okay. Fine. Let's just take off all
3 the manmade structures, everything between here and the
4 beginning of the watershed. Let it sit around for a couple
5 thousand years and then we'll restore it." Not possible.
6 We've got roads, we've got people, my house. Okay. So
7 we've got 610 acres. What do we do with it?

8 I have always said -- and I've gone to a lot of
9 meetings -- we've got to do the very, very best we can with
10 the very, very best science for the animals and for the
11 people. Now, if you look at the two lots up at Lincoln and
12 Jefferson, fowl.

13 A vibrant fresh water marsh that was bulldozed
14 because that's what it was. That's one of those buzzwords
15 that's being thrown around here. Get everybody in uproar.
16 It's going to be terrible. We all know that very successful
17 things have been done with bulldozers. We all know that.

18 So -- okay. I'm sorry. Very quickly. I see
19 people using that in conjunction with the animals around the
20 fresh water marsh. That's what I want to see.

21 COLONEL GIBBS: Thank you, ma'am. You may think I enjoy
22 cutting you off, but I hate it. I don't -- please look at
23 the light, and if you see that it starts blinking, conclude.
24 Please. Okay. Lance Williams is next. Jill Stewart's
25 after him and Jonathan Coffin after -- after Jill.

H50-1
cont.

1 Mr. Williams, go ahead.

2 MR. WILLIAMS: Yes. My name is Lance Williams,
3 L-a-n-c-e; W-i-l-l-i-a-m-s. I am a resident of Playa Del
4 Rey. I own and operate a business in Playa Del Rey which is
5 bordering the wetlands. I have seen firsthand what the
6 Friends have done there, and the partial restoration that
7 they've done is incredible. I would love to see more of
8 this restoration continue.

H51

H51-1

9 This seems like a little overreaching, but I think
10 if it's done carefully and with everything that needs to be
11 done, it could be a wonderful place and brought back from
12 some of the degradation that's occurred. I'd also like to
13 say there is a parking lot behind Culver Boulevard that is
14 used to access the wetlands that is also used by the
15 community.

16 We have a community of businesses and people,
17 residents who use that area because there simply isn't any
18 other place. I'd like to see that continue to be used by
19 the public and not closed off from sunset to sunrise. It
20 would be very difficult on the area for other people. I'd
21 like to site the Coastal Commission Statute of 30212.5.
22 Thank you for your time.

H51-2

23 COLONEL GIBBS: Thank you, sir. Ms. Stewart.

24 MS. STEWART: Thank you. My name is Jill Stewart,
25 J-i-l-l; S-t-e-w-a-r-t. I'm the executive director of a

1 nonprofit called Coalition to Preserve LA. We focus on
2 strategic planning, affordable housing, and environmental
3 stewardship.

4 One of our big issues has been the uncouncted carbon
5 released by overdevelopment in Los Angeles. It's called
6 embedded carbon. In the Ballona Wetlands the parallel would
7 be to move the high areas, the uplands, down -- down to a
8 different area and to make water where there's no water now.

9 For ten years you will be, in fact, disturbing the
10 soil and releasing a tremendous amount of what's now
11 sequestered carbon in the plants. I read the EIR section,
12 and I was really disappointed at the light touch you gave
13 that problem. It might be too new of a science for you
14 maybe.

15 There are several reports coming out of Berkley,
16 University of Washington, and other areas that talk about
17 what happens when you release sequestered carbon. I think
18 you need to take another look at that. I think one of the
19 reasons that there's a sort of a false debate going on is
20 you didn't give a good third or fourth option except no
21 option.

22 You didn't talk about the real effects on climate
23 change because you ignored sequestered carbon issue and the
24 embedded carbon issue. Los Angeles was in fact the place
25 where a huge soil symposium was held about two months ago

H52-1

H52-2

H52-3

1 now that a series of environmentalists are realizing that
2 disruption of the soil over the history of mankind has made
3 an incredible role in global warming and climate change.

4 I didn't see that addressed seriously in your
5 environmental impact report. There are many, many, many
6 soil disruption scientists now coming out with data. I
7 think you need to take a whole new look at your severe
8 disruption of the wetland area.

9 It's -- it's -- you're not counting what you're
10 going to do to climate change for many years. Perhaps many,
11 many, many decades of -- into the future of terrible effect
12 of climate change in Los Angeles. Thank you.

13 COLONEL GIBBS: Thank you, ma'am. Mr. Jonathan Coffin.
14 Up after him is Tori Kjer and F. Jen -- John. John Haus.

15 MR. COFFIN: My name is Jonathan Coffin, C-o-f-f-i-n.
16 All of these alternatives up here, they're really
17 industrial-scale habitat destruction and conversion. It's
18 an earth-moving project.

19 Every time I've ever walked out in these areas that
20 everyone says is degraded and there's nothing there, I walk
21 very softly and point at the ground and look at the burrows
22 and I say, "Who lives there?" And if you've ever walked out
23 there, you'll see hundreds of ground nesting bees buzzing
24 around, lizards and ants coming out of the burrows.

25 I've seen California king snakes pulling gophers

H52-3
cont.

H53

H53-1

1 into the holes. I've seen harvest mice at the edges of
2 pickle weed that's out there. I've seen Belding Savannah
3 sparrows out today. If you were out there today, you'd see
4 the white-tailed kite is there. The meadowlarks are there.

5 They're there all day long, and then during the
6 evening they'll retire to different areas. The ostracods
7 are there. When the rains come and you have the ponding
8 areas in these depressions, these dusty, silty, clay sort of
9 depressions.

10 If you walked out there now, you just might want to
11 kick the dust off your feet thinking there's -- it's just
12 all death and stuff, but it's not. There's lots of things
13 there to see. It takes focus and attention to see and --
14 and to learn what's there. To go ahead with a project like
15 this is not restoration. It's something else. It's
16 destruction first.

17 It's a huge disturbance and interruption in the
18 nature that's using it every day there today; the
19 black-bellied plovers that come from long distances to be
20 here; the bufflehead that come from long distances to be
21 here; the Belding Savannah Sparrows that go across Ballona
22 Creek.

23 And they're on the levees all day long, you know,
24 and in the pickle weed and on the fences. They're --
25 they're -- they're climbing up and down the mustard that's

H53-1
cont.

1 there and they're going into the pickle weed. And there's
2 ants and there's -- velvet -- velvet -- velvet ants there
3 and there's -- there's wolf spiders and --

4 COLONEL GIBBS: Sir, that's time.

5 MR. COFFIN: -- brown spiders and I could go on forever,
6 and that's enough, so.

7 COLONEL GIBBS: Okay. Thank you. Ms. Kjer. After her,
8 John Haus and then Du May.

9 MS. KJER: Hi. Good evening. My name is Tori Kjer,
10 T-o-r-i. Last name spelled K-j-e-r. Good evening. I'm
11 Tori Kjer, LA program director for the Trust for Public
12 Land. We are a member of the Wetlands Restoration
13 Coalition.

14 In 2003 the Trust for Public Land, in collaboration
15 with community activists, resource agencies, and state and
16 local officials, facilitated the acquisition of the 483 acre
17 Ballona Wetlands site. We did this using Prop 12 and Prop
18 50 funds really as the first step with the intention of
19 getting the wetlands back and fully restored.

20 In Los Angeles County where 98 percent of coastal
21 wetlands have been developed, fully restored wetlands like
22 Ballona offer critical recreational and resiliency
23 infrastructure for our region. Now that the EIR is
24 released, we are glad to support full and science-based
25 restoration and we support a combination of Alternatives One

H53-1
cont.

H54

H54-1

1 and Two.

2 These alternatives provide the best value for
3 restoration and public access and appropriate recreation.
4 The Trust for Public lands strongly supports the Wetlands
5 Restoration Coalition Principles, specifically the need for
6 full restoration.

7 As a member of this Coalition and consistent with
8 these principles, we encourage the Department to first
9 ensure meaningful and appropriate public access that is
10 compatible with habitat protection.

11 Any approved alternatives should be considered,
12 like pedestrian access to and from the site as well as
13 critical parking for visitors, maximize restoration while
14 planning for and managing impacts from climate-related sea
15 level rise, restore the wetlands in a way that is holistic
16 and self-sustaining that connects the wetlands to greater LA
17 creeks and watersheds.

18 We ask you to bring Ballona back and really
19 complete the project that was started in 2003 when we
20 completed the acquisition of the nearly 500-acre site.

21 COLONEL GIBBS: Thank you, ma'am. John Mayhouse
22 [phonetic] and Sharon King can come up as well.

23 MR. MAYHOUSE: Good evening. John Mayhouse. The draft
24 EIR was released to the public on October 6th of this year.
25 That's 32 days to read 1,242 pages. That's not including

H54-1
cont.

H55

H55-1

1 all of the other peripheral information.

2 And understanding that the deadline for public
3 comment has been extended to February, what I can't
4 understand is why the rush to this public hearing? Colonel,
5 why the rush? I -- you know, this is such a -- as clearly
6 can be seen, a clearly controversial -- controversial topic.

7 And yes, you're only legally bound to have one
8 public hearing. I -- I really take offense, you know,
9 having a degree in biology just to try to decipher the
10 information in this document and then to come and give you
11 testimony realizing that, yes, you can provide written
12 testimony.

13 But I guarantee you the vast majority of the public
14 cannot go through that document in the amount of time that
15 you're asking them to do and give qualitative analysis. And
16 also the -- the -- the complete disparity in this hearing
17 compared to an EPA hearing where they require that a -- the
18 audience receive issues of what the decision to be made is
19 and things that clearly have not been done here this
20 evening, so I take offense to that as well.

21 I really believe that we should have a central
22 ballpark which you should provide to both sides here, and
23 we're hearing echo chambers. And I -- I just feel like, you
24 know, a reasonable person would come to this meeting and
25 would not understand what's going on unless they were part

H55-1
cont.

1 of two groups here, and that's unfortunate.

2 I'm also very concerned in -- that I've read
3 documentation that says that restoration of wetlands is
4 highly unsuccessful. There's a study out of UC Berkeley
5 by -- I believe the -- let me get it right here -- Marino
6 Mateos in 2012. The study clearly indicated that wetland
7 restoration is a farce.

8 The study even looked at measurable factors such as
9 biodiversity, conservation, fish production, water
10 purification, erosion control, and carbon storage. The
11 study found that restored wetlands contain 23 percent less
12 carbon than untouched wetlands while the native plants was
13 26 percent lower.

14 So, you know, given the science that's out there,
15 it's incredible, you know, that you're trying to rush
16 judgment here and -- and it just -- it's -- it's -- it's
17 just crazy.

18 UNIDENTIFIED SPEAKER: Hear, hear.

19 MR. MAYHOUSE: Also, I was in the meeting in the
20 California Coastal Commission when it was very clear that
21 there was --

22 COLONEL GIBBS: Sir, your time's up.

23 MR. MAYHOUSE: If I could just --

24 COLONEL GIBBS: Ten seconds.

25 MR. MAYHOUSE: One thing is that they were all getting

↑ H55-1
| cont.

H55-2

1 socked in the gut because of Banning Ranch because someone
2 had gone in there and had --

3 COLONEL GIBBS: Thank you, sir. I appreciate your time
4 and comments.

5 MR. MAYHOUSE: -- disturbed the land and they just
6 didn't understand that they couldn't do anything at that
7 point --

8 COLONEL GIBBS: Sir, your time is up.

9 MR. MAYHOUSE: -- once it's disturbed. I think that
10 that's what's here.

11 COLONEL GIBBS: You can submit the rest of your comments
12 in written form.

13 MR. MAYHOUSE: It's the camel's nose under the tent.

14 COLONEL GIBBS: Dhun May. I may not pronounce that
15 right. Ma'am? All right.

16 MS. MAY: Hello.

17 COLONEL GIBBS: Sharon King and Craig Cabwalader.

18 MS. MAY: I'm Dhun May, D-h-u-n; last name, M-a-y. I
19 appreciate this opportunity. As a longtime resident of the
20 area, a Zoroastrian, and an advocate of veganism, I implore
21 you to proceed in a way which genuinely respects all life.

22 Even doing nothing may be far better than
23 bulldozing Ballona. I urge you to consider a careful,
24 gentle, true, actual restoration. Thank you and God bless.

25 COLONEL GIBBS: Thank you, ma'am. Sharon King.

H56

H56-1

H57

1 MS. KING: I'm Sharon King, S-h-a-r-o-n; K-i-n-g. I've
2 been a homeowner in Mar Vista for almost 20 years. The
3 Ballona Wetlands is a vibrant place full of life. The
4 wetlands foster all kinds of native plants and provide
5 critical habitat to countless species of insects, birds, and
6 animals.

7 It is well documented in photography. It is in no
8 way a place that needs to be devastated by the radical
9 actions that have been proposed in these alternatives. The
10 proposed actions will destroy the habitat and the lives of
11 the creatures who depend on that place to live. That's
12 their home.

13 I'm especially concerned, personally, about the
14 effect it will have on the native herpetofauna; lizards, the
15 snakes, the frogs. They will be left behind. I guarantee
16 you, you will not be able to recover them all. This is not
17 what the creatures who call this area home deserve.

18 This is not what local homeowners and businesses
19 deserve and not what we have elected our representatives
20 for. The alternatives will, in short, be injurious to the
21 public interest. I have one question to pose, not to you
22 but just kind of rhetorically.

23 If, as you say, the Ballona Wetlands is dying, is
24 95 or 97 percent dead, why on earth have they then been
25 taking people -- taking people on tours to view its degraded

H57-1

1 corpse?

2 COLONEL GIBBS: Thank you, ma'am. Craig Cabwalader.
3 You'll have to spell that one, sir.

4 MR. CABWALADER: Certainly. Craig Cabwalader,
5 C-r-a-i-g; C-a-b-w-a-l-a-d-e-r. And good evening. My name
6 is Craig Cabwalader and I'm speaking on behalf of the
7 Surfrider Foundation South Bay chapter, one of the founding
8 members and on the steering committee of the Wetlands
9 Restoration Principles Coalition.

H58

10 I would like to voice our organization's support
11 for a robust and science-based restoration plan that brings
12 back Ballona to a highly functioning and biologically
13 diverse condition. Surfrider South Bay has conducted water
14 quality sampling and testing at the Ballona fresh water
15 marsh since 2005.

16 We have documented significant improvement in the
17 quality of water discharged from the fresh water marsh as a
18 direct result of recontouring the marsh and the surrounding
19 land and as a bonus have observed impressive increases in
20 wildlife using the marsh for foraging and nesting.

H58-1

21 Prior to restoration, only about 50 species of
22 birds were found in that area and after restoration, 250
23 species have been identified at the marsh. And I might want
24 to point out that that marsh was mechanically contoured, and
25 I see more wildlife there every day when I -- I do water

1 sampling there myself, and it's an amazing, beautiful area.

2 We have some concerns about the taking --
3 accounting for sea level rise, and we hope that that will be
4 properly addressed. And finally, personally we have a
5 problem with the parking structure that's proposed on the
6 land just as we did with the Annenberg proposed animal
7 hospital that was -- we don't believe that that's where a
8 structure belongs on public land.

H58-2

H58-3

9 We'd like to see it across the street on the
10 parking lot there. So we hope that you proceed in a
11 responsible, science-based manner, and we appreciate the
12 opportunity to speak on this and let's bring back Ballona.
13 Thank you.

14 COLONEL GIBBS: Thank you. Okay. I've got four left.
15 I'm going to list them in order. Leslie Purcell followed by
16 Rick Pine followed by David Troy followed by Teresa Brady.
17 Ms. Purcell.

18 MS. PURCELL: Good evening. My name is Leslie Purcell,
19 L-e-s-l-i-e; P-u-r-c-e-l-l. I have not had a chance to read
20 the full EIR/EIS, but I would like to make a couple
21 comments. I'm concerned about the proposed levees and the
22 use if you do build these very large structures. My
23 experience in Ventura, where we have them also, they have to
24 use roundup.

H59

H59-1

25 They, you know, don't allow any animals or plants

1 and so they use potentially rodenticides as well. I'm
2 raising that as an issue because we've seen that happen
3 before and had a lot of secondary kill. I would agree that
4 we need a hydrology study.

H59-1
cont.
H59-2

5 And one of the main issues; it used to be much more
6 wet in these areas. The area between Jefferson and Culver
7 was quite a nice wetland on occasion, and now it's very dry.
8 I raise the issue of what's -- the water being pumped out
9 possibly at Playa Vista as one of the causes.

H59-3

10 I would say, again, we don't need a big engineering
11 project. We want a much more gentle restoration here. And
12 we'd like to have any cultural sites be protected. We had a
13 horrendous experience at Playa Vista when they dug up over
14 1,000 burials for a runoff channel and got away with it.

H59-4

15 And SB18 was passed and signed into law, but it did
16 not take effect in time for that to be protected. So we
17 would not like to see anything like that occur again.
18 Another longer comment period would be helpful. And I guess
19 the first, do no harm and a gentle approach is what's
20 required. Thank you.

H59-5

21 COLONEL GIBBS: Mr. Pine. No? Mr. Pine.

22 MR. PINE: Hi. My name is Rick Pine, and I'm a local
23 resident and photographer and naturalist. I wasn't going to
24 speak, which is pretty obvious by the fact I'm last to
25 speak, but I just really want to add a couple of things

H60

1 because I felt there was a couple things left out.

2 I -- I -- I will say that I visit the wetlands like
3 every single day, twice a day, Monday through Friday for the
4 last ten years, and I photograph it and study it intimately.
5 And I'm probably -- the only man in this room or person in
6 this room that knows it more intimately than me is Jonathan
7 Coffin.

8 So if you have not had a chance to look at his
9 Flickr stream and really want to see Ballona firsthand, I
10 highly recommend you take a look at that because that is
11 going to show you the diversity that exists there that
12 you're not probably going to find in any EIR report because
13 I know I can't tell you everything I've seen in ten years in
14 two minutes, but I did take the time to read some of the EIR
15 report.

16 And I read through some of the readings and I can
17 tell you they're extremely inaccurate because a lot of them
18 are out of date. A lot of the findings that are listed
19 there are out of date and there's missing species. I
20 photographed a caracara there. I'm sure you're not going to
21 find that in the findings.

22 You really do, like Jonathan said, you have to be
23 there every day to really see what's going on. It's --
24 it's the only way. Citizen science is huge in this matter,
25 and there's not enough of it. There really isn't. So --

H60-1

H60-2

1 and I -- I do want to address one or two things that were
2 mentioned.

3 There was this consent repetition about the
4 nonnative plants, the nonnative plants. So let me tell you,
5 if you stripped every nonnative plant out of that place, in
6 about two years they'll all be back because all of the birds
7 that -- their droppings and the animals with their scat are
8 going to bring those seeds right back.

H60-3

9 And so all that time and energy and effort is going
10 to all go up in smoke. And let me see. Do I have anything
11 else to say? I see blinking yellow already.

12 COLONEL GIBBS: It's right now, sir.

13 MR. PINE: Oh, well, there you go. Can I have ten
14 seconds?

15 COLONEL GIBBS: Ten.

16 MR. PINE: I'll be less than ten, I promise. It's
17 not -- that's not a restoration and neither is a fresh water
18 marsh because anything that takes constant, nonstop
19 maintenance is not a restoration, it's a project.

H60-4

20 COLONEL GIBBS: Thank you sir. Appreciate it.

21 Mr. Troy.

H61

22 MR. TROY: Yeah. David Troy, T-r-o-y. I'm really
23 appreciating this is not into a secret recording machine but
24 is auditory for everyone like in the previous one in the
25 Valley. This is very good. The people can be heard.

H61-1

1 Army Corps, after -- you have inherited 100 years
2 of destruction of ecosystems. The flyway on the Pacific is
3 so decimated, I'm still kind of reeling from the effects of
4 that last development in the Laguna wetlands. I'm so sad
5 about that, yep. I hope that you would take -- put your
6 thumbs into the dike and help stop this.

7 There have been people who have been ecstatic to
8 see one bird of one kind. There were thousands, tens of
9 thousands, and now what do we have? Look at that picture
10 over there. My gosh, there's so little left. I myself had
11 an experience of ecosystem destruction. I did a clearing
12 contract at the Topanga Community House taking out all the
13 dead stuff as I went along.

14 All of a sudden, I discovered at the end of a long
15 vine that wound its way through the brush, flowers. It was
16 probably berrious. The Army Corps is famous for bulldozers.
17 It's not famous for analyzing the biosphere of the water and
18 of the mud. There is so much more to it. I'm against the
19 plan. Thank you.

20 COLONEL GIBBS: Thank you, sir. Teresa Brady. Go
21 ahead.

22 MS. BRADY: Yeah. I'm Teresa Brady. I grew up in the
23 Marina area in Westchester, and the wetlands were really an
24 important breath of fresh air for me growing up. And I know
25 that the Belding Savanna sparrow is an endangered species

H61-1
cont.

H62

H62-1

1 that lives in the wetlands now. They need the pickle weed.

2 And when I was about 12, somebody asked me what I
3 wanted to do with my life, and I thought about anything I
4 could be doing that I knew about at that age, and I wanted
5 to help endangered species. Actually, I said I want to stop
6 extinction. I had just learned what extinction was with
7 the -- what --

8 UNIDENTIFIED SPEAKER: Genocide?

9 MS. BRADY: No. There was a pigeon that I'd seen a
10 picture of.

11 UNIDENTIFIED SPEAKER: Carrier.

12 UNIDENTIFIED SPEAKER: Passenger.

13 MS. BRADY: Passenger pigeon. It was really beautiful.
14 It looked like a peacock. And I learned that no one will
15 ever see one again because people had killed them, all of
16 them. And so I -- I decided, you know, at that age that
17 that's what I really wanted to do with my life.

18 And I volunteer a lot for the environment, and
19 climate change is one of the biggest threats to wildlife and
20 endangered species. Another one is the destruction of their
21 habitat. A lot of the habitat that's there now is important
22 habitat, the pickle weed.

23 If you rip that out, a lot of times it's very hard
24 to put it back. And I think somebody was saying that, but
25 the re-creation of wetlands is really ineffective. What did

H62-1
cont.

1 they say? Maybe 25 percent of them succeed? And that's
2 because it's very hard to recreate nature.

3 Why not just leave what is there as much as
4 possible and -- and then redesign it in a way that isn't
5 removing the habitat that's already working? I really think
6 another -- another -- another example -- alternative's
7 necessary that doesn't destroy the habitat that's working.
8 Thanks.

↑ H62-1
cont.

↑ H62-2

9 COLONEL GIBBS: Thank you. Okay. Ladies and gentlemen,
10 that's all I've got. I'm -- I've got just a couple of
11 notes. On behalf of all of us with the Corps, and I also
12 want to thank the California Department of Fish and Wildlife
13 for being here as well as Los Angeles County. We want to
14 thank you for your participation in this public hearing.

15 Your comments are important to us and I mean that,
16 and we will review them carefully to ensure our final
17 EIS/EIR accurately evaluates that. We'll carefully consider
18 all comments. I know a lot of you had more that you wanted
19 to say and I -- I encourage you greatly to submit those as
20 written comments.

21 Currently, the close of the public comment period
22 is February 5th, 2018. I heard you tonight. We will
23 discuss that and you will know soon. But I also want to say
24 the purpose of a hearing is not to review every single page.
25 We would be here for a month with no breaks if everybody --

1 the purpose of this is to share information, give us your
2 big thoughts and to put those specifics that you mean to get
3 to us in writing. That's the purpose.

4 This is actually the longest between release of the
5 report until the public hearing that I've had since I've
6 been in this job. The purpose is not to get into the
7 details to the level that many of you think this meeting is
8 for. So I encourage you to submit those written comments.

9 And as of right now, it's February 5th. We could
10 extend that and we'll take that under --

11 UNIDENTIFIED SPEAKER: Hear, hear.

12 COLONEL GIBBS: I didn't say we would. I did not say we
13 would. Don't walk out of here quoting me on that. Once
14 again, thank you for being here to night. Have a good
15 night.

16 (Hearing adjourned at 9:00 p.m.)
17
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25

1 REPORTER'S CERTIFICATION

2
3 I, the undersigned, a Hearing Reporter for
4 the State of California, do hereby certify:

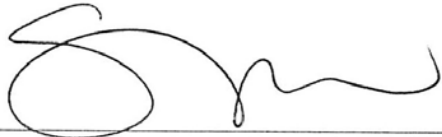
5 That the foregoing proceedings were taken before
6 me at the time and place herein set forth; that any
7 witnesses in the foregoing proceedings, prior to
8 testifying, were duly sworn; that a record of the
9 proceedings was made by me using machine shorthand, which
10 was thereafter transcribed under my direction; that the
11 foregoing transcript is a true record of the testimony
12 given.

13 Further, that if the foregoing pertains to the
14 original transcript of a deposition in a federal case,
15 before completion of the proceedings, review of the
16 transcript [] was [] was not requested.

17 I further certify I am neither financially
18 interested in the action nor a relative or employee of any
19 attorney or party to this action.

20 IN WITNESS WHEREOF, I have this date subscribed
21 my name.

22 Dated: NOVEMBER 8, 2017

23 
24 _____
25 Shelby Maaske,
Hearing Reporter

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Public Hearing Testimony H1: Robert Van De Hoek, Ballona Institute

- H1-1 The commenter's support for Alternative 4 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*.
- H1-2 Section 3.4.2.2, *Environmental Setting*, in Draft EIS/EIR Section 3.4, *Biological Resources*, identifies coyote (*Canis latrans*) as one of the mammal species inventoried within the Project Site. CEQA triggers environmental review when a state or local agency makes a discretionary decision, e.g., to approve a permit that can be subject to conditions of approval. Because no state or local agency made a discretionary decision to "bring back the coyote," no CEQA-triggering event occurred that could have resulted in the preparation of an EIR. See Final EIR Section 2.1.1, *Input Received*, regarding comments that do not warrant further response under CEQA.
- The comment that coyotes occur within the Project Site is acknowledged in Draft EIS/EIR Section 3.4, *Biological Resources*, and is noted. In addition, the proposed restoration would include increased native habitat and wildlife as described in Draft EIS/EIR Section 2.2.2.1, *Alternative 1: Ecosystem Restoration*, which would be expected to support the life history needs of the coyote.
- H1-3 See General Response 5, *Biological Resources* (Final EIR Section 2.2.5), which addresses multiple comments received about the biological resources baseline conditions.
- H1-4 See Response O3-63 regarding the specified plant.

Public Hearing Testimony H2: Rex Frankel, Ballona Ecosystem Project

- H2-1 The commenter's support for Alternative 4 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*.
- H2-2 The comment that coyote are present within the Project Site is acknowledged in Draft EIS/EIR Section 3.4, *Biological Resources*, and is noted.
- H2-3 The water quality of stormwater runoff entering the Project Site from offsite or from upstream would not be changed by the Project or by Alternative 2 or 3. However, as noted in Draft EIS/EIR Section 2.2.2.2, *Alternative 1: Flood Risk and Stormwater Management*, under the heading "Flood Risk Management Features" and the subheading "Stormwater Management," the Project includes stormwater management features including a stormwater retention basin and bio-swales. The basin would function as a water quality treatment measure for a portion of the runoff from the existing paved area of Culver Boulevard. Additionally, a pre-treatment basin would be constructed to address the minor increase in pollutant load from the proposed



- paved emergency and bus access road to be constructed in the Project Site immediately behind the commercial properties. Other areas of Culver Boulevard further east would drain to bio-swales between the road and new levee to keep stormwater runoff away from the paved area, as well as to provide an infiltration and treatment function for the roadway. The use of storage retention basins and bio-swales have proven effective in treatment of stormwater runoff and would be in compliance with the Los Angeles County MS4 Permit as required by the Clean Water Act. In addition, the implementation of Mitigation Measure WQ-1a-I requires project monitoring of sediment and water quality to ensure that adverse effects are minimized to less than significant levels. Therefore, the Project would not violate the Clean Water Act.
- H2-4 The Project is described in Draft EIS/EIR Section 2.2.2, *Alternative 1: Full Tidal Restoration/Proposed Action*. It does not include any document titled a “street runoff cleanup plan.” Also see Response H2-3 above regarding requirements for stormwater and water quality considerations.
- H2-5 See Response O2-6.
- H2-6 See Response O2-7.
- H2-7 See Response O2-8.
- H2-8 See Response O2-9.
- H2-9 The commenter’s support for Alternative 4 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*.

Public Hearing Testimony H3: Lisa Fimiani, LMU Center for Urban Resilience

- H3-1 See General Response 5, *Biological Resources*, regarding Belding’s savannah sparrow (Final EIR Section 2.2.5.4), which addresses multiple comments received about this species.
- H3-2 The suggested approach of establishing and reaching benchmark goals for the creation of new habitat in Area A before the alteration of existing Belding’s savannah sparrow habitat in Area B is the general approach proposed by the Project. See General Response 5, *Biological Resources* (Final EIR Section 2.2.5.4), which refines the discussion for the Final EIS/EIR in response to multiple comments received about Belding’s savannah sparrow. The Project has not proposed to establish habitat standards for common wildlife species such as western meadowlark, or for species that have been extirpated from the site.



Public Hearing Testimony H4: Gretchen Nordham

H4-1 The stated appreciation for avian and other species is acknowledged. The presence and distribution of wildlife species in the Project Site is described in Section 3.4.2.2, *Environmental Setting*, in Draft EIS/EIR Section 3.4, *Biological Resources*. Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. The commenter's opposition to earthwork and the introduction of saltwater at the Project Site is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

Public Hearing Testimony H5: Marcia Hanscom, Protect Ballona Wetlands Wildlife

H5-1 Projects of the size and complexity, and that generate the level of agency and public engagement, as this one merit careful consideration and spirited debate. Toward that end, CDFW notes that the Corps has provided meaningful opportunities for intra-agency as well as inter-agency discussions and for public participation in the NEPA process. The Freedom of Information Act (FOIA) generally provides that any person has a right to obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by an exemption or exclusion. See Title 5 U.S.C. Section 552 and U.S. Army Corps of Engineers Regulation 25-55, which govern the Corps' FOIA process. Copies of records either created or obtained by the Corps, as well as those under the agency's control at the time of a FOIA request are subject to disclosure except to the extent those records are protected. The FOIA does not require federal agencies to answer questions, render opinions, conduct surveys, or provide subjective evaluations,¹⁴³ and CDFW defers to the Corps to provide a response as to whether the Corps has polled its engineers regarding past deliberative discussions. The resolution of any such discussions to the extent they bear on the NEPA process would be reflected in a Final EIS to be prepared for the Project by the Corps.

H5-2 Section 3.4.2.2, *Environmental Setting*, in Draft EIS/EIR Section 3.4, *Biological Resources*, describes the existing (pre-Project) baseline conditions relating to wildlife and vegetation within the Project Site. The variety of habitats within the Project Site are described under the subheading "Habitat Types" in Section 3.4.2.2, including open water, southern mud intertidal, salt pan, tidal salt marsh, coastal brackish marsh, disturbed nontidal marsh, and others. Non-native, invasive species also are discussed – notably eucalyptus, recognizing the importance of the overwintering habitat that eucalyptus species provide for monarch butterfly populations and nesting habitat for

¹⁴³ U.S. Army Corps of Engineers, Albuquerque District, 2011. A Citizen's Guide under the Freedom of Information Act (FOIA) Requesting records from the Albuquerque District, U.S. Army Corps of Engineers (October 2011). Available online: <http://www.spa.usace.army.mil/Portals/16/docs/civilworks/regulatory/FOIA%20Citizen%20Guide.pdf>. Although this citizen's guide was published by the Albuquerque District, the Los Angeles District.



raptors. The stated disagreement with conclusions reached in the Draft EIS/EIR as to the health of the wetlands 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*.

- H5-3 Potential direct, indirect, and cumulative impacts of the Project and alternatives to avian species including great blue heron are analyzed in Draft EIS/EIR Section 3.4, *Biological Resources*. As disclosed under the subheading "Birds" in Section 3.4.2.2, the analysis expressly acknowledges that great blue heron "often use Area A for roosting," "nest in trees around Marina del Rey Harbor," and "use Area A for gathering nesting materials." As analyzed in Impact 1-BIO-1o, Alternative 1 Phase 1 would result in "an indirect loss of ... foraging habitat for great blue heron ... through the disturbance of 0.8 acres of potentially suitable open water foraging habitat as a result of work activities including dredging of channels in Area B."
- H5-4 The comment inaccurately suggests that no one has identified the problem to be resolved by the proposed restoration of wetlands and other habitats within the Project Site. To the contrary, as explained in the Draft EIS/EIR's Executive Summary and Section 1.2.2, "The wetlands ecosystem in the vicinity of the Ballona Reserve once spanned more than 2,100 acres and supported a great diversity of wetland types that stretched from Playa del Rey to Venice and inland to the Baldwin Hills. As preliminarily delineated by Wetland Research Associates (WRA) in 2011, the 577-acre Project Site now provides approximately 153 acres of potential wetlands, as well as approximately 83 acres of potential non-wetland waters of the U.S., including the Ballona Creek channel." The U.S. EPA has determined that all wetland habitats within the Ballona Reserve are impaired. Furthermore, a portion of the Ballona Reserve has been identified as "among the most degraded wetlands in California" using standardized wetland condition protocols. Invasive nonnative plants now crowd out native plants and provide little support to local wildlife. The problem, as stated in [Draft] EIS/EIR Section 1.1.1, is that a "substantial portion of California's historic coastal aquatic resources have been lost. The Ballona Reserve aquatic ecosystem is one of the last remaining opportunities for major coastal habitat restoration in Los Angeles County."

As disclosed in the Draft EIS/EIR Executive Summary and Section 1.1.1, the primary purpose of the Project is to "restore ecological functions and services within the Project Site, in part by increasing tidal influence to achieve predominantly estuarine wetland conditions." Further, the stated need for the Project "under NEPA is to restore coastal aquatic resources to increase available breeding and foraging habitat for wildlife while maintaining flood protection for surrounding communities; and to provide public access for compatible recreational and educational opportunities that are not currently widely available within the Ballona Reserve." In other words, the proposed restoration manages for habitat, not specifically for the listed species that could be subject to impacts of the Project.



H5-5 See General Response 5, *Biological Resources*, regarding least Bell's vireo (Final EIR Section 2.2.5.5), which addresses multiple comments received about this species.

Public Hearing Testimony H6: Walter Lamb, Ballona Wetlands Trust

H6-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

Public Hearing Testimony H7: Robert Dorame, Gabrielino-Tongva Indians of California

H7-1 The commenter's knowledge of the area and experience with the cultural resources in the area is acknowledged, as is his designation as Most Likely Descendant for other projects in the vicinity. Regarding archaeological site CA-LAN-54, Draft EIS/EIR Section 3.5, *Cultural Resources*, recognizes the sensitivity of the resource and includes measures that will be taken to avoid impacts, which will include avoidance of all activities within and within the vicinity of the resource. As stated in Mitigation Measure CR-1, this includes a buffer of a minimum of 100 feet around the resource. Further, Section 3.5 contains procedures that would be implemented if human remains are discovered in the vicinity of the resource. Responses to Native American Community concerns are provided in Final EIR Section 2.3.4. Compliance with Section 106 of the National Historic Preservation Act is outside CDFW's purview. Nonetheless, CDFW anticipates that the Corps will amend Draft EIS/EIR Section 3.5 in the Final EIS to clarify that a post-review agreement process, pursuant to 36 CFR 800.13(a)(2), would be implemented for handling and coordinating any post-review discoveries, inclusive of necessary coordination with tribal entities.

H7-2 CA-LAN-47 occurs outside the Area of Potential Effects (APE) for the Project. While not discussed in detail in the Draft EIS/EIR, the resource is described and assessed in the Phase I Cultural Resources Assessment prepared for the Project (Douglas et al. 2015). Because it is located outside the APE, no impacts or adverse effects are anticipated. However, Draft EIS/EIR Section 3.5, *Cultural Resources*, contains mitigation measures that would be implemented should cultural resources or human remains be found in the vicinity of the resource. Responses to Native American Community concerns are provided in Final EIR Section 2.3.4.

H7-3 CA-LAN-62 occurs outside the APE for the Project. While not discussed in detail the Draft EIS/EIR, the resource is described and assessed in the Phase I Cultural Resources Assessment prepared for the Project (Douglas et al. 2015). Because it is located outside the APE, no impacts or adverse effects are anticipated. However, the great sensitivity of the resource is understood and acknowledged, as is the potential for human remains and artifacts from the site to occur within the Project Site. As such, Section 3.5, *Cultural Resources*, contains mitigation measures that would be implemented should cultural resources or human remains be found in the vicinity of the resource. Responses to Native American Community concerns are provided in Final EIR Section 2.3.4.



- H7-4 CA-LAN-63 and CA-LAN-64 occur outside the APE for the Project, and outside the wetlands itself. While not discussed in detail in the Draft EIS/EIR, the resources are described and assessed in the Phase I Cultural Resources Assessment prepared for the Project (Douglas et al. 2015). Because they are located outside the APE, no impacts or adverse effects are anticipated. However, Section 3.5, *Cultural Resources*, contains mitigation measures that would be implemented should cultural resources or human remains be found in the vicinity of the resources. The commenter's personal and family link to the wetlands and surrounding area is acknowledged and appreciated. Responses to Native American Community concerns are provided in Final EIR Section 2.3.4.

Public Hearing Testimony H8: Margot Griswold, Los Angeles Audubon Society

- H8-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."
- H8-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), about the objectives of the Project and the reasonableness of the range of alternatives.
- H8-3 Disagreement regarding the desired restoration outcome, including which type of coastal wetlands should be the goal for the Ballona Reserve, 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*. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), about the range of alternatives analyzed in detail, as well as General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which discusses the potential alternatives that were considered but not carried forward.

Public Hearing Testimony H9: Ruth Lansford, Friends of Ballona Wetlands

- H9-1 The commenter's support for restoration is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which includes information about the State's acquisition of the Ballona Reserve. Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), under the heading "Alternative 5."

Public Hearing Testimony H10: Scott Culbertson, Friends of Ballona Wetlands

- H10-1 The commenter's support for science-based restoration of the wetlands and for public access is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.



Public Hearing Testimony H11: Patrick Tyrrell, Friends of Ballona Wetlands

H11-1 The commenter's support for the Wetlands Restoration Principles Coalition and for restoration of the Ballona Reserve is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

Public Hearing Testimony H12: Neysa Frechette, Friends of Ballona Wetlands

H12-1 The commenter's support for a science-based restoration plan, and for preservation of the salt pan is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

H12-2 See General Response 5, *Biological Resources*, regarding least Bell's vireo (Final EIR Section 2.2.5.5), which addresses multiple comments received about this species.

H12-3 The commenter notes that the Draft EIS/EIR identifies rare plants in Area C, and states that they should be protected. Without being specific, the commenter asks for more information about mitigation and monitoring plans for rare plants. A detailed Habitat Restoration and Monitoring Plan is described in Project Design Feature BIO-3.

H12-4 The commenter's preference for self-sustaining restoration with maintenance plans is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

Public Hearing Testimony H13: Johnathan Anthony Davis

H13-1 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that the Lead Agencies consider a freshwater alternative. Also see General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments received regarding the historical accuracy of the Project and restoration alternatives analyzed in detail in the Draft EIS/EIR.

H13-2 CDFW acknowledges the commenter's assertion as to what is (and is not) permissible under H.R. 9859 of the 83rd Congress, An Act Authorizing the Construction, Repair, and Preservation of Certain Public Works on Rivers and Harbors for Navigation, Flood Control and for Other Purposes, which passed Congress on September 3, 1954, as Public Law 780.¹⁴⁴ However, CDFW defers to the Corps, as the NEPA lead agency for the Project, regarding questions about the extent of the Corps' authority

¹⁴⁴ Public Law 780 is available online: <https://www.gpo.gov/fdsys/pkg/STATUTE-68/pdf/STATUTE-68-Pg1248.pdf>. Accessed October 28, 2018.



and regarding questions of compliance with federal law. See EIS/EIR Table 1-1, Summary of Required Permits and Approvals, regarding the Corps' authority under Rivers and Harbors Act Section 408 and Section 10. The commenter's opposition to the restoration proposal also is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

H13-3 See Response H13-2.

H13-4 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains.

Public Hearing Testimony H14: David DeLange, Los Angeles Audubon Society

H14-1 As noted in Impact 1-WQ-5, the Project's proposed restoration activities would have no direct impacts related to tsunami inundation hazards. The tsunami hazards are already present along the coastline and the potential for a tsunami to occur would not increase because of the Project. Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*, acknowledges the presence of this hazard and uses data provided by the California Emergency Management Agency (CalEMA), which has identified hazard areas from a worst-case scenario from multiple potential tsunami sources. However, considering that the Project would increase the heights of the levees that currently run along Ballona Creek, there would be improved flood protection from this existing potential hazard.

H14-2 As noted in Response H14-1, the Draft EIS/EIR relies on data provided by CalEMA that considers multiple potential tsunami sources which are most likely to be a potential source of tsunami waves. In general, strike slip faults such as the inactive fault segments located throughout the Santa Monica Bay are not typical sources of tsunami waves unless they can trigger large submersed landslides. Regardless, the data included in the Draft EIS/EIR represents the best available science from reliable government agency resources including CalEMA, National Oceanic and Atmospheric Administration (NOAA), and historic recorded data from the Los Angeles area as detailed in Section 3.9.2.2 under the heading "Flooding" and the subheading "Tsunamis."

Liquefaction hazards are addressed in Draft EIS/EIR Section 3.6, *Geology, Seismicity and Soils*, and are the focus of the impact analysis of Impact 1-GEO-1c-iii. As stated in the impact analysis, "the main effect from liquefaction would be post-liquefaction settlement of approximately 0 to 3 inches. Displacement from lateral spreading was estimated to be on the order of 3 to 6 inches at the location of the new levees (Appendix E). Recommendations made in 2013 address incorporating design measures to ensure that any displacement from liquefaction or lateral spreading would be minimized and result in an overall improvement over existing conditions. In addition, with incorporation of the geotechnical recommendations in accordance with



Mitigation Measure GEO-1b, the indirect impacts associated with liquefaction would be minor and therefore less than significant.”

- H14-3 See General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2), which addresses multiple comments received regarding sea-level rise.

Public Hearing Testimony H15: Marc Saltzberg

- H15-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”
- H15-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative. Also see General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments received regarding the historical accuracy of the Project and restoration alternatives analyzed in detail in the Draft EIS/EIR.

Public Hearing Testimony H16: Katherine Tyrrell

- H16-1 The commenter’s support for Alternatives 1 and 2 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*.
- H16-2 The commenter’s opposition to the No Project Alternative 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*.
- H16-3 The commenter’s opinion that Area A is isolated from the watershed and not a freshwater system 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*.
- H16-4 The Draft EIS/EIR analyzes the full reasonable spectrum of potential on- and off-site fill placement scenarios as one of many attributes of the restoration alternatives. Other aspects of restoration the involve different choices include the phasing and locations of restoration efforts, changes to the existing flood risk and stormwater management infrastructure, and the public access and visitor amenities that could be available. Other attributes are common among the restoration alternatives, including the gas infrastructure and utility modification actions that would occur under the Project or Alternative 2, the abandoned sewer pipe removal and some of the public access and visitor amenities that would occur under any of the restoration alternatives. Whether an element (like the placement of fill) is an attribute of one or more of the alternatives does not reflect on the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

H16-5 Each of the mitigation measures is identified at least twice in the Draft EIS/EIR for reviewers' convenience: once on a resource by resource basis, and then again in the form of a table (see Draft EIS/EIR Table ES-1, Summary of Impacts and Mitigation Measures for Alternative 1). CEQA requires the preparation of a mitigation monitoring and reporting program upon completion of a certified EIR when a lead agency approves findings pursuant to Public Resources Code Section 21081. A mitigation monitoring and reporting program does not need to be included with the EIR as the findings which trigger the program are made at a time independent to considering the final EIR.¹⁴⁵ Regarding the request in this comment to see an MMRP, CDFW notes that a Preliminary MMRP was provided in Draft EIS/EIR Appendix B5 and that a Revised Preliminary MMRP is included as Appendix F of this Final EIR. The MMRP will be finalized in accordance with the requirements of CEQA.

Public Hearing Testimony H17: Kathy Knight

- H17-1 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative.
- H17-2 Rainfall conditions in the Project area are acknowledged in the Draft EIS/EIR. See, e.g., Section 3.5.2.2 (“average annual rainfall is approximately 15 inches”). Rainfall conditions also are taken into account as part of the proposed restoration. See, e.g., Section 2.2.2.1 (“upland areas would be graded so that rainfall would flow into and support seasonal wetlands and other upland habitats in Area C”). See also Section 2.2.2.5. (“Depending on rainfall and soil moisture levels, temporary irrigation may be used in the high marsh areas. If rainfall is below average or is considered inadequate to establish high marsh and transition zone vegetation, or to improve plant survival or establishment, an irrigation system consisting of a pressurized main line with hose bibs for manual watering or an automated overhead spray system would be used.”)
- H17-3 Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- H17-4 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains as well as requests for additional hydrology reporting.
- H17-5 See Draft EIS/EIR Section ES.3 and Section 1.1, which disclose and discuss the Corps' purpose and need under NEPA and CDFW's project objectives for purposes of CEQA. CDFW disagrees with the suggestion that Playa Vista's flood control needs are motivating factors for the proposed restoration of the Project Site. Regarding the

¹⁴⁵ Natural Resources Agency, 2018. CEQA: Lead Agency Adopts Mitigation Monitoring and Reporting Program. Available online: http://resources.ca.gov/ceqa/flowchart/la_mmrp.html. Accessed October 28, 2018.



potential for aesthetic changes resulting from elevation changes within the Ballona Reserve, see Response F8-3. CDFW acknowledges the commenter's opinion regarding the source of the proposed dredge materials but, without facts, expert opinions based on facts, or other evidence cannot provide a more detailed response to this aspect of the comment.

Public Hearing Testimony H18: Ben Hamilton

- H18-1 The commenter's opinions about economics and ecotourism 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*.
- H18 -2 The commenter's support for Alternative 4 is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

Public Hearing Testimony H19: Kathryn Campbell

- H19-1 Adequate safeguards to salvage plant and wildlife species are described in Draft EIS/EIR Section 3.4, *Biological Resources*. Further, Draft EIS/EIR Appendix B3 included a Conceptual Habitat Restoration and Adaptive Management Plan, which will be finalized once the federal and state permitting has been completed. The comment does not cite a deficiency in the analysis and is noted.

Public Hearing Testimony H20: Jackson Garland

- H20-1 The commenter's opinions of the Oxford Lagoon Restoration 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*. Nonetheless, as a point of distinction between the Oxford Lagoon project and this one, see Draft EIS/EIR Section 2.2.2.1, which states: "In South Area B, the tidal range would be managed to accommodate the existing eucalyptus grove at the southern edge. Although non-native, the eucalyptus grove would be maintained for monarch roosting and blue heron nesting/roosting habitat. Tidal channels in this area would be restored to increase tidal flow into the wetlands, up to the elevation necessary to prevent salinity- and hydrology-related impacts to the eucalyptus grove. Existing eucalyptus habitat and dune habitat would be enhanced through removal of other non-native vegetation."

Public Hearing Testimony H21: Patricia McPherson, Grassroots Coalition

- H21-1 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.
- H21-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative. Also see General Response 3, *Alternatives* (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 in the Draft EIS/EIR.
- H21-3 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.2), which clarifies how the project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.
- H21-4 See General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.2), which clarifies how the project development process relates to the NEPA process including with respect to the Corps' 2005/2012 feasibility study.
- H21-5 House of Representatives Document 389 consists of a letter from the Department of the Army submitting a report by the Corps dated August 8, 1952, regarding a preliminary examination and survey of the harbor at Marina del Rey and a review of reports about the Playa del Rey inlet and basin. Neither the comment nor the 1952 report identifies any insufficiency with the Draft EIS/EIR. CDFW acknowledges the commenter's opinion regarding the source of the proposed dredge materials but, without facts, expert opinions based on facts, or other evidence cannot provide a more detailed response to this aspect of the comment. See Final EIR Section 2.1.1, *Input Received*.
- H21-6 No false or misleading documentation was used in the drafting of or provided with the Draft EIS/EIR. Without some information about which document(s) may be causing concern, CDFW is unable to provide a more detailed response to this comment.
- H21-7 The facts that roadways exist in the area and that wildlife use the salt pan area 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*.
- H21-8 In the Draft EIS/EIR, the methodology of the hydraulic analysis is described in Section 3.9.5.2, Appendices F7 and F8 present further details on the hydraulic modeling of Ballona Creek and the wetlands, and Appendix F9 details modeling of Area B under existing and Project conditions.



H21-9 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains.

Public Hearing Testimony H22: Vaughan Kirby

H22-1 The commenter's support for restoring the Ballona wetlands 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*. Regarding the use of mechanized equipment such as bulldozers for the proposed restoration, see General Response 3, *Alternatives* (Final EIR Section 2.2.3).

Public Hearing Testimony H23: James Alamillo

H23-1 The commenter's support for Wetlands Restoration Principles and preference for Alternatives 1 and 2 is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

Public Hearing Testimony H24: Meredith McCarthy, Heal the Bay

H24-1 The commenter's preference for increased public access is acknowledged and would be provided under the Project or Alternative 2 or 3. See Chapter 2, *Description of Alternatives*.

H24-2 The commenter's support of functional wetlands is acknowledged and would be provided under the Project or Alternative 2 or 3. See Chapter 2, *Description of Alternatives*.

Public Hearing Testimony H25: Katherine Pease, Heal the Bay

H25-1 The commenter's support for Alternatives 1 and 2, including the removal of the sediment that was placed within the Ballona Reserve and the removal of the concrete levees, is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

H25-2 The commenter's note that the Project promotes biodiversity is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

Public Hearing Testimony H26: Marianne Tyler

H26-1 Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which

- addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- H26-2 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1) regarding CDFW’s decision not to further extend the comment period beyond 133 days.
- H26-3 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.2), which addresses requests for additional public meetings.

Public Hearing Testimony H27: Lisa Schwab

- H27-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding existing and proposed parking for the Ballona Reserve.
- H27-2 The commenter’s support for a restored Ballona Wetlands is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.

Public Hearing Testimony H28: Melissa Von Mayrhauser, Los Angeles Waterkeeper

- H28-1 The commenter’s support for restoration of the Ballona Reserve, particularly as it may increase public access in a way that is compatible with the restoration goals, 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*.

Public Hearing Testimony H29: Bruce Campbell

- H29-1 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), regarding CDFW’s decision not to further extend the comment period beyond 133 days.
- H29-2 The commenter’s opposition to the use bulldozers and herbicides 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*. Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.
- H29-3 The commenter’s preference for Alternative 4 (No Action/No Project Alternative) 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*. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”



H29-4 Pursuant to Mitigation Measure BIO-3b, as set forth in Draft EIS/EIR Section 3.4.6, a Vector Control Plan will be prepared that provides approved methods of control for vectors, including rodents, without the use of rodenticides with the potential for secondary kill. Hence, the management of rodent populations, if necessary, would not negatively impact birds or coyotes. Any use of herbicides would be strictly performed within the limitations established in the Vector Control Plan, which will be consistent with product labeling and federal and state restrictions for use near receiving waters or sensitive wildlife.

Further regarding herbicide use, the Draft EIS/EIR evaluates whether the proposed use of herbicides would have a negative impact on water quality and various species. As proposed in Section 2.2.2.5, herbicides would be used in accordance with manufacturers' application guidelines for specific species when manual and mechanical removal methods are not effective, and may be used in conjunction with physical removal methods for species that are known to be difficult to control. The Project's restoration contractor would prepare an herbicide treatment plan for each treated invasive species, including such information as the type of herbicide to be used, application rates, and timing of treatment. The herbicide treatment plan would be submitted to the Ballona Reserve Manager for approval prior to herbicide application. Herbicides would be applied using a localized spot-treatment method and applied in a manner that would eliminate or reduce drift onto native plants. Herbicides would be used only to the extent necessary to support native plant establishment. For sites within 100 feet of a wetland or stream, herbicides approved by USEPA for use near wetlands and streams, such as the glyphosate-based Rodeo[®] or the imazapyr-based Habitat[®]. Herbicides would not be used when rain is predicted within 24 hours after application, and herbicide application would not resume again until 72 hours after rain. See also Draft EIS/EIR Section 2.2.1.2, which explains that the use of herbicides occurs in the Ballona Reserve under existing (baseline) conditions consistent with the provisions of the OMRR&R Manual for the LACDA project.

H29-5 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.

H29-6 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative.

H29-7 The commenter's support for Alternative 4 (No Action/No Project Alternative) 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*.

Public Hearing Testimony H30: Cindy Hardin

H30-1 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), regarding the Lead Agencies' decision not to further extend the comment period beyond 133 days.



- H30-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative.
- H30-3 The commenter's notes about wildlife and plants that occur in Area A under existing (baseline) conditions are acknowledged. The presence of vegetation and wildlife species in Area A and elsewhere within the Ballona Reserve is described in Section 3.4.2.2, Environmental Setting, in Draft EIS/EIR Section 3.4, *Biological Resources*. These comments 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*.
- H30-4 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."

Public Hearing Testimony H31: Emily Cobar

- H31-1 The stated preference for removing invasive plants from the Ballona Reserve 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*.
- H31-2 Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4).

Public Hearing Testimony H32: Jeanette Vosburg

- H32-1 Existing conditions of the physical environment within the Project Site, including the decreasing levels of biodiversity and wetland function within the Ballona Reserve, and the purpose and need for action on the Project are described in the Executive Summary and Chapter 1. The number of "97 percent degraded" questioned in this comment was neither cited nor relied upon in the Draft EIS/EIR. Therefore, CDFW is unable to answer the commenter's question of what the source of that number is. The Draft EIS/EIR does note that wetland habitats within the Ballona Reserve are degraded. As described in Section ES.1, "The United States Environmental Protection Agency (USEPA) has determined that all wetland habitats within the Ballona Reserve are impaired (USEPA 2012). Furthermore, a portion of the Ballona Reserve has been identified as 'among the most degraded wetlands in California' using standardized wetland condition protocols (Johnston, Medel, and Solek 2015)."

The commenter's inclusion of detail from an email from Mary Small 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 Draft EIS/EIR never used, cited, or relied upon the information regarding invasive plant species and seed banks which was included in the email. Therefore, while the expression of concerns is acknowledged, the comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives.



H32-2 The commenter's request to examine the references of the informational flyer is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

Public Hearing Testimony H33: Joe Faris

H33-1 The commenter's opinions are noted; however, CDFW disagrees with the characterization in this comment of the purpose and need and basic objectives of the Project. See Draft EIS/EIR Section ES.3 and Section 1.1, which explain the goals of the Project. See also General Response 3, *Alternatives* (Section 2.2.3.3), which explains the process that led to the development of the range of alternatives analyzed in the Draft EIS/EIR. See also O11-130, which discusses suggestions of undue influence and conflicts of interest.

Public Hearing Testimony H34: Gary Garland

H34-1 The stated concerns about the Marina del Rey project are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process.

Public Hearing Testimony H35: Avalon Garland

H35-1 See Response H20-1, which distinguishes the Oxford Lagoon project from the Ballona Wetlands Restoration Project, including with respect to the eucalyptus grove, monarch roosting, and blue heron nesting/roosting habitat.

Public Hearing Testimony H36: Beth Holden

H36-1 The stated enjoyment of the biodiversity and interconnectedness of the area's habitat are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. See Response H20-1, which distinguishes the Oxford Lagoon project from the Ballona Wetlands Restoration Project.

H36-2 Consideration has been given in designing the Project to avoid and respect Native American and Tribal Cultural resources, including potential burial sites and a possible Gabrielino-Tongva village site within the Ballona Reserve. Rather than conduct invasive subsurface testing, the analysis assumes that such resources are present. Potential impacts to cultural resources, including Tribal resources and burial sites, are analyzed in Draft EIS/EIR Section 3.5, *Cultural Resources*. Responses to Native American Community concerns are provided in Final EIR Section 2.3.4.

Public Hearing Testimony H37: David Kay

H37-1 The stated support for Alternative 1 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*.

- H37-2 The stated understanding of commonalities between the San Dieguito restoration project and the proposed Project is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.
- H37-3 The stated support for Alternative 1 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*.

Public Hearing Testimony H38: Sue Herrschaft, Villa Marina Neighborhood

- H38-1 See Response F8-6, which addresses concerns raised regarding the potential for redistribution of wildlife.
- H38-2 See Response O1-5, which addresses views of the subject area.
- H38-3 See Response F8-7, which addresses how the proposed elevation changes could affect stormwater hydrology relative to existing conditions.
- H38-4 The cinder block retaining wall is not a part of the Project. Its ownership status 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*.
- H38-5 See Response O1-5, which addresses views of the subject area.

Public Hearing Testimony H39: Andrea Leon-Grossman, Food and Water Watch

- H39-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration."
- H39-2 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 also General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), regarding the use of mechanized equipment versus restoration by hand.
- H39-3 The stated concern about special interests are acknowledged, although CDFW disagrees with any suggestion of their involvement as Project proponents.

Public Hearing Testimony H40: Barbara Longsdale

- H40-1 See Response H36-2 regarding the consideration of Native American and Tribal resources identified or otherwise believed to occur within the Ballona Reserve.
- H40-2 Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. Regarding the suggestion that a manicured park is the proposed outcome of



- the environmental review and permitting processes for the Project, see Draft EIS/EIR Section ES.3 and Section 1.1, which disclose and discuss the Corps' purpose and need under NEPA and CDFW's project objectives for purposes of CEQA.
- H40-3 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative. Also see General Response 3, *Alternatives* (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 in the Draft EIS/EIR.
- H40-4 The Project would not "remove every single plant and every single animal in the Ballona Wetlands." To the contrary, it would restore wetland functions and services and would reestablish native vegetation. This process would establish supporting habitat for a number of native species of wildlife. Additionally, the Project would ensure that restored habitats are able to adapt to sea-level rise, maintaining function as sea levels rise. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses what constitutes "restoration" in the current context.
- H40-5 Draft EIS/EIR Section 3.4, *Biological Resources*, discloses the presence of, and analyzes potential impacts to, Belding's savannah sparrow. Neither the Project nor Alternative 2 or 3 propose to move individual birds or active bird nests.

Public Hearing Testimony H41: Elaine Carr

- H41-1 As described in Draft EIS/EIR Section 3.12, *Transportation and Traffic*, and shown on Figure 3.12-4, La Villa Marina is not proposed to be used for construction haul routes or parking. Haul trucks coming to the Project Site would travel via SR 90, Mindanao Way, and Lincoln Boulevard, and into North Area C to reach the Lincoln Boulevard temporary construction bridge and access Area A. To exit the Project Site, haul trucks would travel from Area A into North Area C via the Lincoln Boulevard temporary construction bridge and merge onto northbound Lincoln Boulevard, to Mindanao Way onto SR 90.
- H41-2 See Response O1-5.

Public Hearing Testimony H42: Bahar Badid

- H42-1 The stated concerns with social and other ills 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*.

Public Hearing Testimony H43: Mark Espinosa, Culver Marina Little League

- H43-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.5), which addresses multiple comments concerning the ball fields within the Ballona Reserve.

Public Hearing Testimony H44: Curt Steindler

- H44-1 See General Response 5, *Biological Resources* (Final EIR Section 2.2.5.3), which addresses multiple comments received about reptiles and amphibians.
- H44-2 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. Regarding the use of mechanized equipment versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

Public Hearing Testimony H45: Stephanie Beckman

- H45-1 The proposed terrain changes are necessary for flood control management, and for creation or restoration of transitional and upland habitats. Further, the construction of berms would maintain or increase freshwater influence. See, e.g., Draft EIS/EIR Appendix B1, which contains the preliminary design report, and the draft Ballona Wetlands Habitat Elevations Inundation Analysis included in Appendix B7, which corresponds habitats and inundation conditions.
- H45-2 The stated comparison of the appearance of the salt pan in historical photographs relative to now does not address the adequacy or accuracy of the EIR or the merits of the alternatives. Still, 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*.
- H45-3 The existing tide gates would not be permanently closed. Rather, the Project would restore the flow of tidal waters into the wetlands. Additionally, after restoration, new water control features such as culverts and tide gates would be installed and operated. See the description of the Project in Draft EIS/EIR Section 2.2.2, and the descriptions of Alternatives 2 and 3 in Sections 2.2.3 and 2.2.4, respectively.
- H45-4 As stated in Draft EIS/EIR Section 2.2.2, *Alternative 1: Full Tidal Restoration/Proposed Action*, the new partially earthen levees would be built around the northern perimeter of Area A along the north side of Culver Boulevard and would reconnect the proposed realigned creek with its restored wetland floodplain. This would allow a variety of coastal wetland habitats to form within the floodplain. The levees also would protect development from the inundation of the restored Ballona Creek wetland floodplain and provide upland and transitional habitat zones within the restored Ballona Reserve. Therefore, these new levees are consistent with the primary purpose of the Project to restore native habitats as well as maintain flood protection and stormwater management.
- H45-5 The comment requesting more species level studies is noted, but does not denote a deficiency in the Draft EIS/EIR. See Final EIR Section 2.1.1, *Input Received*.



Public Hearing Testimony H46: Douglas Fay

H46-1 Input received during the scoping process is documented in Draft EIS/EIR Appendix A. The Scoping Report acknowledges receipt of communications from the commenter including emails dated October 20 and October 23, 2012, and provides initial responses to the questions posed on October 20, 2012. The Scoping Report also provides initial responses to the questions posed on October 23, 2012. As noted in the Scoping Report, the issues and questions raised in your scoping letter have been “considered in the development of the draft EIR/EIS.” For example, see General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1.2), which clarifies how the project development process relates to the NEPA process including with respect to the Corps’ 2005/2012 feasibility study.

According to the website established by Los Angeles County pursuant to its consideration of the Oxford Retention Basin Multi-Use Enhancement Project, that effort was “designed to enhance flood protection and reduce stormwater pollution while significantly improving the quality of the ecosystem within the facility” and also was proposed to “introduce new public recreational and safety amenities” in the area (Los Angeles County Public Works, 2018¹⁴⁶). It is separate from and independent of the proposed restoration of the Ballona Reserve: the landowners are different, the permit applicants are different, and the CEQA lead agency is different. The stated concerns about the Oxford Retention Basin Multi-Use Enhancement Project do not bear on the adequacy or accuracy of this EIR or the merits of the alternatives. In this regard, see Final EIR Section 2.1.1, *Input Received*.

Regarding other questions in the Scoping Letter, see Draft EIS/EIR Section 2.2.2, which provides details of the Project, and General Response 2, *Proposed Project* (Final EIR Section 2.2.2), which provides additional clarification. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative. Also see General Response 3, *Alternatives* (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. See the key definitions and acronyms page that immediately follows the table of contents for the Draft EIS/EIR and the first page of the Executive Summary, both of which explain that the Corps is the NEPA Lead Agency for purposes of the EIS and that CDFW is the CEQA Lead Agency for purposes of the EIR. The Draft EIS/EIR also provides input as to existing and anticipated (post-Project) conditions relative to Federal waters, boundaries with State land and waters, jurisdiction over various areas within the Ballona Reserve, law enforcement, management, and maintenance. It further provides explication of the Project purpose and need, the requirements of CEQA, the recreation and public access opportunities proposed as part of the Project, etc.

¹⁴⁶ Los Angeles County Public Works, 2018. Oxford Basin Multiuse Enhancement Project. Available online: <http://dpw.lacounty.gov/pdd/marinadelrey/index.cfm?ID=3>. Accessed October 29, 2018.



In short, the Draft EIS/EIR does respond to and consider the input previously provided during the scoping process. Without more specific information about how or why the commenter believes this not to be true, CDFW does not have enough information to provide a more detailed response.

To the extent the comment could be understood to request additional information about a potential “freshwater alternative,” see General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple requests that CDFW consider such an alternative.

H46-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a “freshwater alternative.” See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration” as used in the Draft EIS/EIR.

H46-3 Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. The stated preference for an option that would preclude Ballona Creek water from entering the wetlands until all contaminants have been removed is acknowledged. See Final EIR Section 2.1.1, *Input Received*.

H46-4 The comment that “a trillion gallons of sewage and toxins are getting dumped into the Santa Monica Bay every four years” is unsupported and 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*.

H46-5 The commenter’s statement regarding the Marina del Rey Harbor 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*.

Public Hearing Testimony H47: Ryan Searcy, Heal the Bay

H47-1 The commenter’s support for restoration of the Ballona Reserve 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*.

Public Hearing Testimony H48: Dorothy Reik

H48-1 The commenter’s opposition to the proposed restoration of the Ballona Reserve is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.

H48-2 The stated preference for leaving the wetlands in their current condition (which is understood to be support for Alternative 4, the No Action/No Project Alternative) 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*.

Public Hearing Testimony H49: Cassandra Murillo

- H49-1 The commenter's support for gentle restoration 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*.
- H49-2 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about the drains.
- H49-3 To be clear, neither the Project nor any of the alternatives proposes to cage animals for removal from the Ballona Reserve. The only cages proposed would be to protect plantings showing signs of impact by herbivory from wildlife that could be detrimental to plant survivorship. See Draft EIS/EIR Section 2.2.2.1 regarding riparian scrub and woodland, upland scrub and grasslands, and dunes; see also Section 2.2.2.5 regarding upland areas.
- H49-4 Draft EIS/EIR Section 3.3, *Air Quality*, summarizes South Coast Air Quality Management District (SCAQMD) Rule 403's prohibition of emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area that remains visible beyond the emission source property line. A Project-specific dust-control plan would specify actions to be taken to comply with this requirement, including, for example, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, and maintaining effective cover over exposed areas (see Draft EIS/EIR Section 3.3.5.1 describing the plan). The stated concerns about the potential for restoration-related dust to affect the Playa del Rey neighborhood is acknowledged; however, compliance with SCAQMD requirements would be an independently enforceable obligation of the Project proponent; the enforcement of requisite compliance with Rule 403 would sufficiently address such concerns.
- H49-5 The stated preference to open the Ballona Reserve to public access is acknowledged and would occur if the Project or Alternative 2 or 3 were approved. See, e.g., Table 2-1c, Summary of Alternatives, which briefly describes the public access and visitor amenities that would be implemented under the alternatives.
- H49-6 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), regarding CDFW's decision not to further extend the comment period beyond 133 days.

Public Hearing Testimony H50: June Walden

H50-1 The commenter's experience with the Ballona Reserve, and understanding of the potential benefits of a mechanized contribution to restoration efforts are acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), for additional information about the use of mechanized equipment such as bulldozers versus restoration by hand.

Public Hearing Testimony H51: Lance Williams

H51-1 The commenter's support for restoration of the Ballona Reserve 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*.

H51-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

Public Hearing Testimony H52: Jill Stewart, Coalition to Preserve LA

H52-1 As discussed in Draft EIS/EIR Section 3.7, *Greenhouse Gas/Climate Change*, the proposed increase in wetlands post-restoration would increase the Project Site's ability to function as a carbon sink, which would partially offset GHG emissions. A discussion of carbon sequestration for each of the alternatives evaluated in detail can be found in Draft EIS/EIR Section 3.7.6. The analysis in this section is based primarily on a technical memorandum prepared on behalf of CDFW that evaluates the potential GHG sequestration as a result of the Project. According to the technical memorandum, the Ballona Wetlands under the proposed Project are expected to prevent 13,100 to 40,300 metric tons of CO₂ (minus emissions) from entering the atmosphere by 2100. Because the restoration creates marshes and allows them to transgress upslope with sea-level rise, more carbon biomass aboveground and underground is created and sustained. As sea levels rise, the rate of sequestration would decrease due to the conversion of salt marsh to mudflat, but the carbon would remain sequestered in the soils.

H52-2 See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses the range of alternatives considered as well as alternatives considered but not carried forward.

H52-3 See Response H52-1.

Public Hearing Testimony H53: Johnathan Coffin

H53-1 CDFW disagrees with the characterization of the proposed restoration as destruction and conversion. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which explains definition of "restoration" as used in the EIR. See General Response 5, *Biological Resources*, which addresses comments received



regarding impacts to biological resources within the Ballona Reserve. The species mentioned by the commenter were described and analyzed in detail in Draft EIS/EIR Section 3.4, *Biological Resources*.

Public Hearing Testimony H54: Tori Kjer, Trust for Public Land

H54-1 The stated support for science-based restoration, for Alternatives 1 and 2, and for the Wetlands Restoration Coalition Principles 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*.

Public Hearing Testimony H55: John Mayhouse

H55-1 See General Response 8, *Public Participation* (Final EIR Section 2.2.8), which addresses requests for the public comment period to be extended as well as requests for additional public meetings.

H55-2 The study mentioned by the commenter, "Structural and Functional Loss in Restored Wetland Ecosystems" by Moreno-Mateos et al.¹⁴⁷ considers the degree of recovery of hydrological, biological and biogeochemical systems after efforts to restore degraded wetlands as well as create wetlands in areas where wetland habitat did not previously exist. Contrary to the claim made in this comment that the study, "clearly indicated that wetland restoration is a farce" the study found biological structure and biogeochemical functioning in restored or created wetlands was 26 percent and 23 percent lower than in reference, undisturbed sites. The authors point out that these results may be representative of the chronosequences used in the study being too short to track full recovery, or that through degradation and restoration restored wetlands may shift alternative states that have different conditions than those that existed prior to degradation. Despite results that indicate that complete recovery to pre-degradation conditions may require more time than originally thought, the study does not challenge the fact that restoration of degraded wetlands does result in a significant overall improvement in hydrological, biological, and biogeochemical functioning in previously degraded wetlands. Additionally, the study distinguishes that wetlands areas that are large (100 ha or larger), in warm or temperate climates, and have increased hydrologic (tidal or riverine) generally reach full recovery and pre-disturbance conditions relatively rapidly.

Given the findings of this paper, due to the large size of the Ballona Wetlands (approximately 195 ha), the mild and temperate climate, and the restoration goal of reconnecting Ballona Creek to its historic flood plain and restoring the daily ebb and flow of tidal waters, the Project Site is an excellent candidate site for restoration with a higher likelihood of reaching full recovery on a shorter timescale than other degraded wetlands.

¹⁴⁷ Moreno-Mateos D, Power ME, Comín FA, Yockteng R (2012). Structural and Functional Loss in Restored Wetland Ecosystems. *PLoS Biol* 10(1): e1001247. <https://doi.org/10.1371/journal.pbio.1001247>.

Public Hearing Testimony H56: Dhun May

H56-1 The commenter's requested approach 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*.

Public Hearing Testimony H57: Sharon King

H57-1 The commenter's concern for the wildlife of the Ballona wetlands 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*.

Public Hearing Testimony H58: Craig Cabwalader, Surfrider Foundation

H58-1 The commenter's support for a science-based restoration plan and discussion about water quality and wildlife improvements in the mechanically contoured marsh 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*.

H58-2 See General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6.2), which addresses multiple comments received regarding sea-level rise.

H58-3 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

Public Hearing Testimony H59: Leslie Purcell

H59-1 See Response H29-4.

H59-2 The commenter's request for an additional hydrology study is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See General Response 4, *Drains*, regarding the extensive hydrological studies completed as part of the environmental review process.

H59-3 The commenter's temporal comparison of the hydrologic quality of the wetland between Jefferson and Culver is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about drains located within the Ballona Reserve.

H59-4 See Response H36-2 regarding the consideration of Native American and Tribal resources identified or otherwise believed to occur within the Ballona Reserve. Additionally, while Senate Bill (SB) 18 does not apply, Tribal trust responsibilities required under CEQA, NEPA, and Section 106 of the National Historic Preservation Act did occur, as documented in Draft EIS/EIR Section 3.5, *Cultural Resources*.



H59-5 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), regarding CDFW’s decision not to further extend the comment period beyond 133 days. The stated preference for a “gentle restoration” approach is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.

Public Hearing Testimony H60: Rick Pine

H60-1 The commenter’s note about the wetlands’ biodiversity 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*.

H60-2 As described in Draft EIS/EIR Appendix D, extensive studies have been performed throughout the Ballona Reserve, including within Area A. The biological resources in this area are well-characterized following more than a decade of expert plant and wildlife surveys. The comment regarding use of “citizen science” is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.

H60-3 The comment that birds will distribute non-native plants in the Project area within two years 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*.

H60-4 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of “restoration.”

Public Hearing Testimony H61: David Troy

H61-1 The commenter’s opposition to the proposed restoration is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process.

Public Hearing Testimony H62: Teresa Brady

H62-1 The commenter’s dedication to the environment and wildlife 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. See Final EIR Section 2.1.1, *Input Received*.

H62-2 The commenter’s opposition to the restoration alternatives described and analyzed in the Draft EIS/EIR is acknowledged and is now part of the record of information that will be considered as part of CDFW’s decision-making process. See, generally, General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which describes how the range of alternatives was developed.

From: angus alexander aaa_alexander@msn.com
Subject: Ballona creek public comment
Date: Nov 8, 2017, 5:22:34 PM
To: angus alexander aaa_alexander@msn.com

In 1989 Congress recognize Santa Monica Bay as a "water body of national significance" and establish the Santa Monica Bay restoration project as one of 28 EPA national estuary programs. The Santa Monica Bay national estuary is a host to world famous beaches, and urban centers, kelp forest, and several endangered species. The project was formed to develop a plan that would ensure the long-term health of the 256 mi.² Bay and it's 400 sq. mile watershed, located in the second most populous region in the United States. The plan was known as the Santa Monica Bay restoration plan, one state and federal approval and 1995. Since then the Bay foundations primary mission has been to facilitate and oversee the implementation of the plan.



H63-1

Part of the plan is a "park to playa "master plan that includes the Baldwin Hills including the Kenneth Hahn state recreational area, that are the last large undeveloped area of the 127 mi.² Ballona Creek watershed in urban Los Angeles county. The park is part of both an intricate ecological system and also part of a complex human environment. Home to hundreds of species of native plants and animals, the wetlands provides important natural habitats, and the system of scrub and grassland that once made up this area is Part of Ballona Creek watershed.

The water from the hills drain into adjacent Ballona and Centinella creeks, which join the Pacific ocean 4 miles downstream. Ballona creekflows through the city of Los Angeles in Culver City, and the last 4.5 miles includes the developed bicycle trail from national Boulevard to the Ballona wetlands, Where are the creek flows into Santa Monica Bay.

In my opinion the Ballona Creek water flow is a valuable source of freshwater recharge for the wetlands and should not be wasted, allowed to flow untreated, unfiltered, uncleaned, Before it enters the Pacific ocean. Allowing the fresh water from the creek to be diverted into the wetlands will allow the



H63-2

natural vegetation such as the salt marsh and the pickleweed, that will naturally filter out any heavy metals from the water. Allowing a freshwater source through the wetlands is the best biological alternative to assist the wetlands in the recovery of the natural estuary processes which is Santa Monica Bay. The natural process of the wetlands is to flood and drain, and to allow the food chain in place to thrive and grow.

↑
H63-2
cont.

Sent from my iPad



Public Hearing Testimony H63: Angus Alexander

- H63-1 The commenter's inclusion of background information on the Ballona Creek watershed and the Santa Monica Bay Restoration Plan 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. See Final EIR Section 2.1.1, *Input Received*.
- H63-2 See General Response 3, Alternatives (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): Fiona Cumming

ADDRESS (Number & Street): 14069 MARQUESAS WAY,

CITY: MARINA DEL REY

STATE: CA

ZIP CODE: 90292

TELEPHONE NO.: 424 245 9132

EMAIL: f.e.cumming@live.co.uk

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

I love the fact that the Ballona Wetlands exist on the edge of LA. Their preservation is a worthy cause, and it's right to be concerned about damaging what we have. However, precedent for alt's 1+2 exist around CA, and their examples can allay our fears about the process/results of restoration + protection. The Malibu Lagoon Restoration allocated 1 biologist to each piece of machinery to watch for + remove wildlife from harms' way. This is standard practice and should reassure us. 4 yrs after the Malibu Restoration Completion, the Bag Foundation's Progress Report has shown exponential improvement in the biodiversity and self sustainability of its ecosystem. With careful restoration the Ballona Wetlands can stop declining, preserve existing wildlife and safeguard sustainability in future. Alt's 1+2 are the best chance for Bringing Back Ballona

H64-1

AUTHORITY: 33 CFR 327

PRINCIPAL PURPOSE: Distributed at Public Meetings and Workshops to provide a record of attendees, and to develop a mailing list for future public meetings in keeping with the policy of OCE to conduct Civil Works Program in an atmosphere of public understanding, trust and mutual cooperation. All interested individuals and agencies are to be informed and afforded an opportunity to be heard and their views considered in arriving at conclusions, decisions, and recommendations in the formulation of civil works proposals, plans, projects, and on the proposed uses of navigable waters.

ROUTINE USES: Utilized for determining attendance at Public Meetings; determining who desires to speak at Corps Public Meetings and developing mailing lists for various Corps studies.

DISCLOSURE: Voluntary. Failure to provide information may result in not being contacted for future public meetings, etc.



Public Hearing Testimony H64: Fiona Cumming

H64-1 The commenter's preference for Alternatives 1 and 2 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*.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): WILLIAM DELOPME

ADDRESS (Number & Street): 1717 VIEWMONT DRIVE
CITY: LOS ANGELES STATE: CA ZIP CODE: 90069
TELEPHONE NO.: 310 657-1610 EMAIL: X

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

THIS WHOLE ISSUE BOILS DOWN TO WHETHER A
PLAN ENSUES THAT IS EXTENSION AND PRESERVATION
OF NATURE OR AN EXTENSION OF MAN.

AT THE VERY LEAST THERE SHOULD BE A MIDDLE
GROUND FOR ALL CONCERNED PARTIES.

RESTORATION - YES
TRANSFORMATION - NO

WJD - 11.8.17

H65-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

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Public Hearing Testimony H65: William Delorme

H65-1 The commenter's support for restoration of the wetlands, but opposition to transformation of the wetlands is acknowledged and 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 discusses the definition of "restoration" in the current context.

**U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project**

WRITTEN COMMENT FORM

NAME (Please print):

Joe Favis

ADDRESS (Number & Street):

1122 Oak Street

CITY:

Santa Monica

STATE:

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ZIP CODE:

90405

TELEPHONE NO.:

310 314-2011

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drachwa@gmail.com

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

Restoration of Ballona was never considered! But how to obtain what powerful financial interests wanted was. What they wanted was carefully thought out and strategised. a plan to create a salt water marsh with high berms to protect Playa Vista from possible tsunamis and conceal the sorry remains of what had been an unsupported wetland. (P) First we were told by a so-called environmental group that Ballona was seriously degraded - a lie. This while many of us present at the hearing were prevented from actually going on the marsh to help with maintenance. (P) The a "scientific" study was funded by special interests + a study confined to what what these interests wanted all along.

H66-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

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ROUTINE USES: Utilized for determining attendance at Public Meetings; determining who desires to speak at Corps Public Meetings and developing mailing lists for various Corps studies.

DISCLOSURE: Voluntary. Failure to provide information may result in not being contacted for future public meetings, etc.



Public Hearing Testimony H66: Joe Faris

- H66-1 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which defines the term “restoration” as used in the current context. See the Draft EIS/EIR Executive Summary and Chapter 1, which identify the independent sources of data and other information relied upon to describe existing conditions and the purpose and need for restoration at the Project Site. Additionally, see General Response 1, *Agency and Other Involvement* (Final EIR Section 2.2.1), regarding suggested conflicts of interest involving Playa Capital LLC.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): Dr. Stephen Frantz

ADDRESS (Number & Street): 23047 Mulholland Dr.
CITY: Woodland Hills STATE: CA ZIP CODE: 91364
TELEPHONE NO.: 818-591-1163 EMAIL: frantzphd@gmail.com

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

Preservation of the wetlands (any wetlands) is critical to the
ecology and survival of the species present. It should be clear that
it is not possible to recreate a wetlands that ~~take~~ take many
hundreds of years to evolve, both above ground and below
ground species, as well as the nutrient and mineral
balance of the soil and water. Wetlands are a major buffer
to storm surges, a phenomenon that cannot be engineered
Conservation is the answer, with as little disturbance of
the natural biota as possible. An environmental impact
statement/study by independent scientists must be
required before any action is taken. Humans über alles
is not an acceptable solution; nature matters!

H67-1
H67-2
H67-3
H67-4

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

PRINCIPAL PURPOSE: Distributed at Public Meetings and Workshops to provide a record of attendees, and to develop a mailing list for future public meetings in keeping with the policy of OCE to conduct Civil Works Program in an atmosphere of public understanding, trust and mutual cooperation. All interested individuals and agencies are to be informed and afforded an opportunity to be heard and their views considered in arriving at conclusions, decisions, and recommendations in the formulation of civil works proposals, plans, projects, and on the proposed uses of navigable waters.

ROUTINE USES: Utilized for determining attendance at Public Meetings; determining who desires to speak at Corps Public Meetings and developing mailing lists for various Corps studies.

DISCLOSURE: Voluntary. Failure to provide information may result in not being contacted for future public meetings, etc.

Public Hearing Testimony H67: Dr. Stephen Frantz

- H67-1 The comment that the preservation of wetlands is important to the ecology and survival of species that are present, and that wetlands may take hundreds of years to evolve 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*.
- H67-2 The statement that wetlands buffer areas from the effects of storm surges, and areas should be conserved with as little disturbance to the natural biota as possible is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.
- H67-3 The stated preference for an alternative that involves as little disturbance as possible is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.
- H67-4 The Lead Agencies agree with the assertion in this comment that a science-based analysis of environmental impacts is required by NEPA and CEQA before the Lead Agencies may take action on the Project. The EIR, as modified based on further consideration and in response to comments received from agencies and members of the public, documents the requisite analysis.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): Neyson Frechette

ADDRESS (Number & Street): # 211 Culver Blvd Suite N
CITY: Playa del Rey STATE: CA ZIP CODE: 90243
TELEPHONE NO.: ~~818~~ 310-306-5444 EMAIL: neysaf@ballonafwds.org

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY **April 8, 2016** AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

Patricia McPherson misrepresented our outreach email. She claimed the photo was of salt pan, but it was not. It was Area A, degraded habitat. We support protection of the salt pan. See: Johnson et al. 2015
Ballona Reserve Monitoring Report
Rapid Assessment (c) Area A. Seasonal

H68-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327
PRINCIPAL PURPOSE: Distributed at Public Meetings and Workshops to provide a record of attendees, and to develop a mailing list for future public meetings in keeping with the policy of OCE to conduct Civil Works Program in an atmosphere of public understanding, trust and mutual cooperation. All interested individuals and agencies are to be informed and afforded an opportunity to be heard and their views considered in arriving at conclusions, decisions, and recommendations in the formulation of civil works proposals, plans, projects, and on the proposed uses of navigable waters.
ROUTINE USES: Utilized for determining attendance at Public Meetings; determining who desires to speak at Corps Public Meetings and developing mailing lists for various Corps studies.
DISCLOSURE: Voluntary. Failure to provide information may result in not being contacted for future public meetings, etc.



Public Hearing Testimony H68: Neysa Frechette

H68-1 The commenter's clarification of an outreach email from Friends of Ballona Wetlands is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. The stated support for the protection of salt pan habitat 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*.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): JAMES GARRETT

ADDRESS (Number & Street): 3749 Greenwood Ave
CITY: LA STATE: Ca ZIP CODE: 90066
TELEPHONE NO.: 2143130167 EMAIL: jamesgarrett@verizon.net

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY ~~MAIL~~ AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

Ballona Wetlands is a FRESHWATER wetlands
to allow salt water to dominate would destroy the habitat
and the species that currently use the wetlands & supporting
upland Resident animals accustomed to the current habitat as
it exists Migratory birds that use the area as a stop over Rest
area, and recharging area are using the CURRENT habitat
to alter it, destroy flora & fauna established is not logical

H69-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

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Public Hearing Testimony H69: James Garrett

H69-1 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses multiple requests that CDFW consider a freshwater alternative.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): ELAINE KAAR

ADDRESS (Number & Street): 13236 G Fiji Way
CITY: MARINA DEL REY STATE: _____ ZIP CODE: 90292
TELEPHONE NO.: 310 804-6077 EMAIL: ekaar@att.com

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

I live adjacent to parcel "C" - The
upheaval in my home would be unlenable
concern over pollutants, noise, dirt,
diesel smell and particles.

H70-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

PRINCIPAL PURPOSE: Distributed at Public Meetings and Workshops to provide a record of attendees, and to develop a mailing list for future public meetings in keeping with the policy of OCE to conduct Civil Works Program in an atmosphere of public understanding, trust and mutual cooperation. All interested individuals and agencies are to be informed and afforded an opportunity to be heard and their views considered in arriving at conclusions, decisions, and recommendations in the formulation of civil works proposals, plans, projects, and on the proposed uses of navigable waters.

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Public Hearing Testimony H70: Elaine Karr

H70-1 See Response F8-4, which addresses concerns regarding dust and other pollutants in and near Area C. Impacts due to noise are addressed in Draft EIS/EIR Section 3.10.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): JAMES HILL

ADDRESS (Number & Street): 1517 ASHLAND AVE.
CITY: SANTA MONICA STATE: CA ZIP CODE: 90405
TELEPHONE NO.: 310 399 1004 EMAIL: _____

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

NO ONE LOVES THE THOUGHT OF BULLDOZERS
IN A WETLANDS. BUT OFTEN IT'S NECESSARY
TO MITIGATE YEARS OF MANMADE DETERIORATION.
PLEASE MOVE FORWARD WITH ROBUST
RESTORATION BASED IN SCIENCE.
ACT FOR ALL OF So CAL - ^{DON'T BE SWAYED BY} ~~NOTHING~~
CONSPIRACY THEORISTS ; DO NOTHING NIMBYS!
THANKS!

H71-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

PRINCIPAL PURPOSE: Distributed at Public Meetings and Workshops to provide a record of attendees, and to develop a mailing list for future public meetings in keeping with the policy of OCE to conduct Civil Works Program in an atmosphere of public understanding, trust and mutual cooperation. All interested individuals and agencies are to be informed and afforded an opportunity to be heard and their views considered in arriving at conclusions, decisions, and recommendations in the formulation of civil works proposals, plans, projects, and on the proposed uses of navigable waters.

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Public Hearing Testimony H71: James King

H71-1 The commenter's support for science-based restoration 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*.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): Asha Parry (eight)

ADDRESS (Number & Street): 12817 Walsh Ave.

CITY: Los Angeles STATE: CA ZIP CODE: 90066

TELEPHONE NO.: 3107958520 EMAIL: _____

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

Keep the wetland healthy and safe.
Make room for animals and living things.
Make space for sports and biking.
I support full restoration

Text added due to poor scanning:

Asha Parry (eight)

12817 Walsh Ave.

Los Angeles, CA 90066

3107958520

Keep the wetland healthy and safe. Make room for animals and living things. Make space for sports and biking. I support full restoration.

H72-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

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Public Hearing Testimony H72: Asha Parry

H72-1 The commenter's support for wetland restoration and recreation opportunities within the Project Site 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*.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): DOROTHY REIK

ADDRESS (Number & Street): 21801 Saddlepeak Road
CITY: Tupanga STATE: CA ZIP CODE: 90290
TELEPHONE NO.: 310 291 1300 EMAIL: dorothy@pdsmm.org

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

We see what happened in New Orleans & Houston when they destroyed their wetlands. Make no mistake - this plan will destroy the natural wetlands. It will kill birds, animals & plants. This is shameful. We need our wetlands

H73-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

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Public Hearing Testimony H73: Dorothy Reik

H73-1 The Project is a wetland restoration project intended to restore ecological function to severely degraded wetlands. As emphasized in the statement of purpose and need, one of the overall purposes of the Project is to ensure that any alteration/ modification to the Los Angeles County Drainage Area (LACDA) project components within the Project Site would maintain the authorized LACDA project levels of flood risk management. Potential impacts to biological resources are addressed in Draft EIS/EIR Section 3.4, *Biological Resources*.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): Wesley Ryan

ADDRESS (Number & Street): 256 4th Ave
CITY: Vanice STATE: CA ZIP CODE: 90291
TELEPHONE NO.: (707) 290-6715 EMAIL: wesley.ryan@gmail.com

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

I support full restoration of the ballona wetlands, due to its environmental importance, and because it's one of the few remaining wetlands.

H74-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

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Public Hearing Testimony H74: Wesley Ryan

H74-1 The commenter's support for full restoration of the Ballona wetlands 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*.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

WRITTEN COMMENT FORM

NAME (Please print): ROBERT VAUGHINI

ADDRESS (Number & Street): 5507 W 82ND ST
CITY: LOS ANGELES STATE: CA ZIP CODE: 90045
TELEPHONE NO.: 860 816 9871 EMAIL: robert.e.vaghini@gmail.com

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY April 8, 2016 AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

H75-1 COMMENTS

I oppose the action and request the review period be extended to 180 days so alternatives can be considered

H75-2

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

PRINCIPAL PURPOSE: Distributed at Public Meetings and Workshops to provide a record of attendees, and to develop a mailing list for future public meetings in keeping with the policy of OCE to conduct Civil Works Program in an atmosphere of public understanding, trust and mutual cooperation. All interested individuals and agencies are to be informed and afforded an opportunity to be heard and their views considered in arriving at conclusions, decisions, and recommendations in the formulation of civil works proposals, plans, projects, and on the proposed uses of navigable waters.

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Public Hearing Testimony H75: Robert Vaghini

- H75-1 The commenter's support for Alternative 4 (No Action/No Project Alternative) 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*.
- H75-2 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), regarding CDFW's decision not to further extend the comment period beyond 133 days.

U.S. Army Corps of Engineers
PUBLIC HEARING (November 8, 2017)
Ballona Wetlands Restoration Project

RECEIVED

OCT 14 2017 ERT

WRITTEN COMMENT FORM

REGULATORY DIVISION
LOS ANGELES OFFICENAME (Please print): M. June Walden

ADDRESS (Number & Street): 11013 Ocean Dr
CITY: Oilver City STATE: CA ZIP CODE: 90230
TELEPHONE NO.: 310 839-3410 EMAIL: June.walden@ca.vr.com

IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT AFTER THE HEARING, YOU MAY RESPOND BELOW AND SUBMIT THIS FORM TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY **April 8, 2016** AT: U.S. ARMY CORPS OF ENGINEERS, REGULATORY DIVISION, ATTN: Dan Swenson CESPL-RGN-L, 915 Wilshire Blvd., Los Angeles, CA 90017. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: daniel.p.swenson@usace.army.mil.

COMMENTS

- Pick and shovel restoration has been going on for some 40 odd years on a tiny corner of the Wetlands by FBW with thousands of volunteers. They have only managed to hang on to a tiny corner of the property. Pick and shovel won't work on 610 acres.
- What is the nonsense about burms? How else can the infrastructure be maintained?
- We have 610 acres not 22,000. It will never be what it once was even 100 years ago.
- We have an opportunity to "create" ^{healthy vibrant} habitats for use by a wide variety of critters + use by humans.
- It is my hope that the very best science will be used to make the most of the land left to us. (hopefully in my lifetime.)

H76-1

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 33 CFR 327

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Public Hearing Testimony H76: June Walden

H76-1 Regarding the use of mechanized equipment such as bulldozers versus restoration by hand, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. The proposed berms are necessary for flood control management, and for creation or restoration of transitional and upland habitats. Further, the creation of berms would maintain or increase freshwater influence. The commenter's support for restoration is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.



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CHAPTER 3

Revisions to the Draft EIS/EIR

3.1 Introduction

This chapter identifies changes to the previously published text of the Draft EIS/EIR. Changes include: minor corrections made to improve writing clarity, grammar, and consistency; clarifications, additions, or deletions resulting from specific responses to comments; and text changes to update information in the Draft EIS/EIR. These text revisions are organized by the chapter and page number (provided on the left-hand side of the page, below) that appear in the Draft EIS/EIR (see Section 3.2). An explanation of the change, including identification of where the change has been made, is presented in *italics*. The specific additions and deletions use the following conventions:

- Text deleted from the Draft EIS/EIR is shown in ~~strike-out text~~.
- Text added to the Draft EIS/EIR is shown in underline text.

Text changes presented here are shown in select text sections of the Draft EIS/EIR only, particularly in the sections that present impact conclusions and/or mitigation measures. Text revisions are not shown for all related text sections throughout the Draft EIS/EIR. For example, the NEPA “proposed action” and CEQA “proposed project” were described and analyzed in the Draft EIS/EIR as Alternative 1. Section 3.2.2, *Key Definitions and Acronyms*, below clarifies and emphasizes that Alternative 1, the Project, and the Proposed Action are equivalent terms. In this stand-alone CEQA document, CDFW has elected to use the CEQA terminology, i.e., “Project.” This is explained once in this chapter; the corresponding more than 1,000+ revisions are not individually shown.



3.2 Text Changes to the Draft EIS/EIR

3.2.1 Title Page

The title page of the Draft EIS/EIR has been revised as follows to reflect a change in the contact person for the NEPA Lead Agency:

NEPA LEAD AGENCY

U.S. Army Corps of Engineers
Los Angeles District
~~Daniel Swenson~~ Aaron O. Allen, Regulatory Division
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017
Telephone: (213) 452-3414
Email: ~~daniel.p.swenson~~ aaron.o.allen@usace.army.mil

3.2.2 Key Definitions and Acronyms

Draft EIS/EIR page xx has been clarified as follows:

For purposes of this ~~EIS/EIR~~, the term Project with a capital “P” means restoration of the Ballona Wetlands Ecological Reserve and incidental work necessitated by the proposed restoration activities as presented in CDFW’s application for authorization from the Corps (i.e., Alternative 1). Three different options for ~~implementing the Project (i.e., restoring the Ballona Reserve)~~ are analyzed in this ~~EIS/EIR~~: Alternative 1, Alternative 2, and Alternative 3. Under Alternative 4, the ~~No Federal Action/No Project~~ Alternative, none of the proposed restoration activities would occur.

Draft EIS/EIR page xx has been revised to include the following definition:

Restoration	<u>“Restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded resource. Restoration may be divided into two categories: re-establishment and rehabilitation (33 C.F.R. §332.2).</u>
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3.2.3 Executive Summary

Draft EIS/EIR page ES-1 has been clarified as follows:

For purposes of this ~~EIS/EIR~~, the term Project with a capital “P” means restoration of the Ballona Reserve and incidental work necessitated by the proposed restoration activities as presented in CDFW’s application for authorization from the Corps (i.e., Alternative 1). Use of the term “Project” does not in any way indicate or imply ~~the Corps’~~ endorsement of the Project. Three different options for ~~implementing the Project (i.e., restoring the Ballona Reserve)~~ are analyzed in this the Draft EIS/EIR and this Final EIR: Alternative 1: Full Tidal Restoration/Proposed Action, Alternative 2: Restored Partial Sinuous Creek,



and Alternative 3: Levee Culverts and Oxbow. Under Alternative 4: No Federal Action/No Project, none of the proposed restoration activities would occur. Although ~~this~~ the Draft EIS/EIR refers ~~referred~~ to Alternative 1 as the “Proposed Action” for purposes of NEPA, use of this term ~~does~~ did not in any way indicate the lead agencies’ preference for Alternative 1. As an informational document, neither an EIS nor an EIR ~~does not~~ recommends approval or denial of any specific alternative. This ~~EIS/EIR~~ will be used to inform State and local agency decision makers and the public about the environmental consequences of each of the alternatives analyzed in accordance with CEQA.

Draft EIS/EIR pages ES-6 and ES-7 have been revised as follows:

ES.2 Formal Agency Involvement

ES.2.1 ~~Project Proponents~~ Permit Applicants

CDFW and LACFCD are permit applicants for the Project. CDFW manages and maintains primary ownership of the Ballona Reserve with a smaller interest owned by the CSLC. LACFCD operates and maintains the Ballona Creek flood risk management channel and levees (including the segments within the Ballona Reserve) for flood risk management purposes. To modify lands within the Ballona Reserve as necessary to implement the Project, CDFW applied for authorization from the Corps on June 1, 2012, to discharge dredged and fill material into waters of the U.S. under Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. §1344; “Section 404”) and for work or structures in or affecting navigable waters of the U.S. under section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403; “Section 10”). The LACFCD submitted a request pursuant to Section 14 of the Rivers and Harbors Act (33 U.S.C. §408, “Section 408”) on July 23, 2013 to alter or modify the LACDA project features.

~~CDFW is working with the LACFCD, California State Coastal Conservancy (SCC), The Bay Foundation, and the CSLC to revitalize and restore the Ballona Reserve. In 2004, the SCC approved state bond funds to support planning and restoration efforts at the Ballona Reserve. Each partner is committed to a collaborative process that can achieve what no single partner could achieve on its own.~~

...

ES.2.5 Project Proponents

CDFW is working with the California State Coastal Conservancy (SCC), The Bay Foundation, and the CSLC to revitalize and restore the Ballona Reserve. In 2004, the SCC approved State bond funds to support planning and restoration efforts at the Ballona Reserve. Each partner is committed to a collaborative process that can achieve what no single partner could achieve on its own.



Draft EIS/EIR Section ES.2.4, Responsible and Trustee Agencies (p. ES-7), has been revised as follows:

For this Project, responsible agencies include, but are not limited to, the Fish and Game Commission, State Water Resources Control Board, California Coastal Commission, ~~and~~ South Coast Air Quality Management District, and LACFCD.

Draft EIS/EIR Section ES.3.1, Purpose and Need under NEPA (p. ES-7), has been revised as follows:

In accordance with CEQ regulations, an EIS's Purpose and Need section "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 C.F.R. §1502.13).

The purposes, pursuant to NEPA, of the Project are to:

1. Restore ecological functions and services within the ~~Ballona Reserve~~ Project Site, in part by increasing tidal influence to achieve predominantly estuarine wetland conditions.

Draft EIS/EIR Section ES.5, Areas of Potential Controversy Known to the Lead Agencies (p. ES-16), has been revised as follows:

Hazards and Public Safety: Concerns related to the health and safety of neighbors during restoration activities, migration of SoCalGas's operations (e.g., relocation of existing infrastructure), potential disturbance of contaminated soils, and methane gas release ~~due to subsidence~~. See Section 3.8, Hazards and Hazardous Materials.

Item b in Mitigation Measure AQ-1: Odor Management Plan in Table ES-1 on Draft EIS/EIR page ES-20 has been edited as shown. This edit to Mitigation Measure AQ-1 has been made throughout the document:

- b) Procurement and local storage of an oxidizer that can be applied in liquid form to treat stock piles of sediment or particularly odorous excavation areas; however, the use of such an oxidizer shall be approved by the CDFW, in advance, to ensure that it would not be harmful to aquatic organisms or cause long-term adverse effects in the aquatic environment ~~(Ventana 2010)~~; and

Mitigation Measure Bio-1b-ii: Biological Monitoring in Table ES-1 on Draft EIS/EIR page ES-20 has been edited as follows. These changes to Mitigation Measure BIO-1b-ii have been made throughout the document:

Mitigation Measure BIO-1b-ii: Biological Monitoring. A qualified biologist(s) approved by USFWS and/or CDFW shall monitor restoration activities, such as ground and vegetation disturbance, for the duration of the Project to ensure that disturbance of habitat and special-status species within and adjacent to work areas is being avoided to the extent practicable. Attempts shall be made by the biologist to salvage (either by trapping or other appropriate means) all native wildlife species of low mobility that may be killed or injured prior to and during Project-related vegetation or ground disturbances.



A qualified biologist shall be assigned to each working construction crew, where multiple such crews are engaging in initial ground or vegetation disturbance and the crews are separated by such distances as to not enable a single assigned monitor to observe the separated initial disturbance areas sufficiently or simultaneously. Salvaged species should be relocated to adjacent suitable habitat not subject to site disturbances. Any relocation efforts would include assessment to determine areas with the Ballona Reserve that would be most appropriate to receive species. Any non-native flora or fauna can be abated by the biologist through any legal means available to CDFW. Additionally, ongoing monitoring and reporting shall occur for the duration of the restoration activity to ensure implementation of best management practices (BMPs).

Mitigation Measure Bio-1g-i: Pre- and Post-restoration Survey for Silvery Legless Lizards in Table ES-1 on Draft EIS/EIR page ES-22 has been edited as follows. These changes to Mitigation Measure Bio-1g-i have been made throughout the document:

Mitigation Measure BIO-1g-i: Pre- and Post-restoration Survey for ~~Silvery Legless Special-Status Lizards~~. Prior to restoration in areas with suitable habitat for ~~silvery legless special-status~~ lizards, a qualified biologist shall conduct focused lizard surveys. Any legless lizards or horned lizards captured shall be re-located to restored or preserved dune habitats. Relocation efforts would include assessments to determine areas within the Ballona Reserve that are most appropriate for this species. If legless lizard or coast horned lizard are relocated, then focused surveys shall occur yearly for a period of 5 years following restoration to monitor legless lizard or coast horned lizard populations, as applicable, within the dune habitats.

Mitigation Measure BIO-1b-iii: Noxious Weed Control Plan in Table ES-1 on Draft EIS/EIR page ES-22 has been edited as follows. These changes to Mitigation Measure BIO-1b-iii have been made throughout the document:

A Noxious Weed Control Plan shall be prepared by a qualified biologist for CDFW approval prior to the start of restoration. The plan shall ensure that noxious weeds do not spread or otherwise prevent the establishment of native vegetation by meeting or exceeding the applicable performance criteria in Tables 2-12 through 2-20, based on canopy cover of native species and invasive species. The plan shall also be implemented during all restoration-related activities, and shall include, but not be limited to, the following: 1) control measures for selected invasive plant species on the site (potentially including herbicide use), 2) Project-specific procedure for handling noxious/invasive plants to prevent sprouting or regrowth, 3) Project-specific equipment cleaning procedures, and 4) Project-specific transportation of vegetation debris off site. The Noxious Weed Control Plan shall be reviewed during the WEAP training.



Mitigation Measure BIO-1i-i: Nesting Bird and Raptor Avoidance in Table ES-1 on Draft EIS/EIR pages ES-23 and ES-24 has been revised as shown. These changes to Mitigation Measure BIO-1i-i have been made throughout the document:

Mitigation Measure BIO-1i-i: Nesting Bird and Raptor Avoidance. A qualified biologist shall recommend approved limits of disturbance, including construction staging areas and access routes, to minimize impacts to nesting habitat for birds and raptors. To ensure the avoidance of impacts to native nesting avian species, the following measures shall be implemented pursuant to the MBTA and California Fish and Game Code. Construction and maintenance activities during operations within and adjacent to avian nesting habitat shall be limited to the non-breeding season (September 1 – December 31) to the extent feasible. If construction will occur during the avian nesting season (generally January 1 – August 31), a qualified biologist shall conduct pre-construction nesting avian surveys within five days of the initiation of construction to determine the presence or absence of active nests. If a lapse in work of 5 days or longer occurs, another survey shall be conducted prior to work being reinitiated. Surveys shall include any potential habitat, including trees, shrubs, and on the ground, or on nearby structures that might be impacted by construction or maintenance activities that may cause nest destruction or abandonment, such as vegetation or weed removal, earth work, and vector control actions.

If active nests are observed, a no-disturbance buffer marked with exclusion fencing will be established and maintained until the qualified biologist determines that the nest has fledged or failed. Fence stakes designed with bolt holes shall be plugged with bolts or other materials to avoid entrapping birds. The initial no-disturbance buffer shall extend a minimum of 500 feet in all directions for raptors and listed passerines and 300 feet in all directions for all other native passerines. A reduced buffer may be implemented at the discretion of the biologist for non-listed passerines; however, for raptors and listed passerines, the biologist will obtain approval from either USFWS and/or CDFW prior to allowing work to commence within the 500-foot buffer.

Prior to construction, a qualified biologist shall prepare a ~~site~~ Project area-specific Nesting Bird Management Plan for CDFW approval. The plan shall detail methodologies and definitions to enable a CDFW qualified biologist to monitor and implement nest-specific buffers based on topography, vegetation, species, and individual bird behavior. The plan shall be supported by a nest log, which tracks each nest and its outcome, and shall be submitted to CDFW at the end of each work week for the duration of the avian nesting season.

Mitigation Measure BIO-1i-ii: Belding's Savannah Sparrow Breeding Habitat in Table ES-1 on Draft EIS/EIR pages ES-23 and ES-24 has been revised as shown. These changes to Mitigation Measure BIO-1i-ii have been made throughout the document:

Mitigation Measure BIO-1i-ii: Belding's Savannah Sparrow Breeding Habitat. Only after Area A and/or South Area B meets the performance criteria outlined below may work be implemented in Area B as part of Alternative 1, Phase 2. Restoration of the full tidal range in the western portion of Area B (which would require extensive temporal loss and minor permanent loss of tidal marsh and salt pan habitats, which are currently



occupied by Belding's savannah sparrow) shall not occur until it has been demonstrated that the species is actively using restored tidal marsh and salt pan habitats in Area A and/or South Area B and that the temporal and permanent loss of habitat in Area B will not have negative impacts on the species. As with other special-status species, focused monitoring efforts shall be implemented to ensure that populations of these species either remain at preresoration levels or increase in size, and appropriate management efforts shall be implemented if populations of these species decline in size. The commencement of Phase 2 is dependent upon the following criteria:

1. Suitable breeding habitat will be created at a minimum acreage of 2:1 (created: impacted). Suitable habitat will consist of areas dominated by pickleweed with a hydrologic regime similar to that currently present in West Area B ~~with similar slope, inundation, and soil salinity.~~
2. Percent cover of pickleweed will approximate areas of West Area B, at a minimum of 60% cover.
3. At least one nesting pair of Belding's savannah sparrow will be documented in Area A prior to implementation of work in West Area B. Due to rapid fluctuations in the population observed on-site, the high site fidelity observed, and avoidance of any impacts to the majority of habitat in Area B, one nesting pair will be indicative of the successful establishment of suitable habitat for the species.

Mitigation Measure BIO-1j-i: Coastal California Gnatcatcher Avoidance in Table ES-1 on Draft EIS/EIR pages ES-23 and ES-24 has been revised as shown. These changes to Mitigation Measure BIO-1j-i have been made throughout the document:

Mitigation Measure BIO-1j-i: Coastal California Gnatcatcher Avoidance. To avoid indirect impacts of restoration on ~~nesting-breeding~~ coastal California gnatcatchers, work activities within 500 feet of coastal scrub vegetation, ~~or other suitable habitat~~ shall be timed to avoid the breeding season (February 15 to August 30), especially when nests may be most active for this species (March 15 to June 30). If avoidance of work activities within ~~this time period~~ the breeding season is demonstrated to be infeasible-not feasible, a focused survey for coastal California gnatcatchers shall be conducted ~~in the season~~ prior to initiation of work/staging activities to determine their presence or absence within suitable habitat 500 feet of work/staging limits. In accordance with the USFWS protocol for the coastal California gnatcatcher (USFWS 1997) focused surveys shall be conducted by a permitted biologist a minimum of: a) six (6) surveys at least one week apart between March 15-June 30; or b) nine (9) surveys conducted at least two weeks apart between July 1 to March 14. The results shall be submitted in a report to the Corps, USFWS, and CDFW prior to restoration. If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, measures to avoid take of coastal California gnatcatchers and active nests, such as the creation of ~~suitably-sized-appropriate~~ no-work buffers, shall be implemented prior to restoration activities in consultation with USFWS.

Prior to ~~construction~~ restoration or post-restoration maintenance activities during the breeding season, a ~~preconstruction~~ pre-restoration clearance and nest survey shall be performed by a qualified biologist within ~~7 days~~ 48 hours prior to work activities to



determine the location of nests within 500 feet of work areas. ~~Measures such as erecting a temporary barrier with stacked hay bales. A qualified monitor shall also be implemented to reduce the amount of work noise and motion proximity to active nests on-site during project restoration in the breeding season to verify that there are no nesting activities.~~ If a nest is detected, work shall halt within 500 feet of the nest, and the nest shall be monitored on a weekly basis by a qualified biologist familiar with coastal California gnatcatchers, until he/she determines the nest is no longer active or the young have fledged. Measures such as erecting a temporary barrier with stacked hay bales, plywood, or other appropriate material may be implemented to reduce the amount of work noise and motion in proximity to active nests, and could allow for a reduced buffer in consultation with USFWS. Noise and/or motion barriers may not be required if sources from project restoration are located and maintained further from the avian receptor than existing public vehicle traffic sources and do not increase existing ambient levels (average or peak), as determined by the monitoring biologist with supporting sound measurements.

Mitigation Measure BIO-1k: Least Bell's Vireo Avoidance in Table ES-1 on Draft EIS/EIR pages ES-24 and ES-25 has been revised as shown. These changes to Mitigation Measure BIO-1k have been made throughout the document:

Mitigation Measure BIO-1k: Least Bell's Vireo Avoidance. To avoid direct impacts of restoration on occupied habitat or potentially suitable habitat for least Bell's vireos, all willow riparian habitat shall be avoided. All aspects of Project design such as the establishment of tidal channels, and any associated habitat disturbance including vegetation trimming or removal, shall avoid all willow habitat in Southeast Area B.

To avoid indirect impacts of restoration on nesting least Bell's vireos, work activities within 500 feet of riparian vegetation or other suitable habitat shall be timed to avoid the breeding season, especially when nests may be most active for this species (March 15 to August 1). If avoidance of work activities within this time period is not feasible, a focused survey for least Bell's vireos shall be conducted in the season prior to initiation of work activities to determine their presence or absence within suitable habitat 500 feet of work/staging limits. The focused survey shall consist of eight site visits conducted 10 days apart during the period of April 10 to July 31 in compliance with the USFWS protocol. The results shall be submitted in a report to the Corps, USFWS and CDFW prior to restoration. If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, measures to avoid take of least Bell's vireos and active nests shall be implemented prior to restoration activities in consultation with CDFW and USFWS.

Prior to ~~construction~~ restoration activities during the breeding season, a ~~preconstruction~~ pre-restoration clearance and nest survey shall be performed by a qualified biologist within ~~7 days~~ 48 hours prior to work activities to determine the location of nests within 500 feet of work areas. ~~Measures such as erecting a temporary barrier with stacked hay bales. A qualified monitor shall also be implemented to reduce the amount of work noise~~



~~and motion on-site during project restoration in proximity to active nests~~ the breeding season to verify that there are no nesting activities. If a nest is detected, ~~work shall halt within 500 feet of the nest, and the nest shall be monitored on a weekly basis~~ by a qualified biologist familiar with least Bell's vireos, until he/she determines the nest is no longer active or the young have fledged.

Measures such as erecting a temporary barrier with stacked hay bales, plywood, or other appropriate material may be implemented to reduce the amount of work noise and motion in proximity to active nests and could allow for a reduced buffer in consultation with CDFW and USFWS. Noise and/or motion barriers may not be required if sources from project restoration are located and maintained farther from the avian receptor than existing public vehicle traffic sources and do not increase existing ambient levels (average or peak), as determined by the monitoring biologist with supporting sound measurements.

Tidal channels in West Area B are located near existing willow habitat, and the willows and cottonwood have persisted for many years with no indication of any negative effects. These tidal channels will be used as a reference for the tidal channel location, in addition to other project design and final engineering, to ensure persistence of existing willow habitat in Southeast Area B.

Post-restoration, willow habitat in Southeast Area B shall be monitored to ensure tidal habitats are not adversely affecting the survival or health of the willow thickets. Monitoring requirements and adaptive management actions for least Bell's vireos and occupied/suitable habitat for this species during restoration and post-restoration shall be identified in the Habitat Restoration and Monitoring Plan, ~~including measures to prevent salinity-related impacts to willow thickets and ensure persistence of this habitat.~~

Mitigation Measure BIO-1r: Bat Avoidance in Table ES-1 on Draft EIS/EIR pages ES-24 and ES-25 has been revised as shown. These changes to Mitigation Measure BIO-1r have been made throughout the document:

Avoidance of Maternity Roosts. Work within potential bat roosting habitat shall avoid the maternity roosting season (March 1 to July 31) to the extent feasible. If work must be conducted within the maternity roosting season, prior to the start of work within or near trees, bridges or other structures within the work area, a qualified bat biologist shall conduct a preconstruction survey to determine if bats are roosting within the Project work area. If bats are not roosting, no further mitigation is required.

If bats are roosting, all maternity roosts shall be avoided and an appropriate no-disturbance buffer shall be established at the discretion of a qualified biologist, based on the sensitivity of the bat species. If work within the buffer is deemed necessary, a qualified biologist shall monitor work activities to ensure no disturbance to the roost(s).

For any palm tree scheduled to be removed as part of restoration, the following procedures shall be applied before the tree is removed: 1) Trees shall be removed outside of the



maternity roosting season (prior to March 1 or after July 31); 2) Under the direction of a qualified bat biologist, select fronds would be removed prior to dusk to modify the structure of the tree the day before the tree is scheduled to be removed; and 3) Noise and vibrations (e.g., striking the base of the tree) shall be scheduled 15 minutes prior to removal of the palm tree, during daylight hours.

Exclusion Outside of Maternity Roosting Season. If bats are determined by a qualified biologist to be roosting within or near bridges and other structures within the work area, bats shall be humanely evicted and excluded from those structures. The humane eviction/exclusion shall be conducted in the fall (September or October) preceding work activities that could affect roosting bats. Exclusion in the fall is recommended to avoid impacts to hibernating bats or a maternity roost (typically April through August in southern California) when flightless young are present.

To protect roosting bats, a combination of acoustic surveys of habitat around structures, structure inspection, and exit counts shall be used to survey the area that may be directly or indirectly impacted by the Project. As bats may utilize dense tree canopies, snags, or bridges over creeks/water, these habitat types should be specifically surveyed. Foraging areas should also be identified and specific flight routes to those foraging areas as well. Bats shall be identified to the most specific taxonomic level possible, and roosts shall be evaluated to determine their size and significance.

Bat surveys shall include: 1) the exact location of all roosting sites (location shall be adequately described and drawn on a map); 2) the number of bats present at the time of visit (count or estimate); 3) each species of bat present shall be named (include how the species was identified); 4) the location, amount, distribution and age of all bat droppings shall be estimated, described and pinpointed on a map; 5) the type of roost; night roost (rest at night while out feeding) versus a day roost (maternity colony) must also be clearly stated; and 6) All survey results, including field data sheets should be provided to CDFW.

During installation of humane eviction/exclusion devices, each crevice shall be inspected using flashlights or fiber optic scopes for the presence of day-roosting bats. At crevices where the absence of day-roosting bats is confirmed, the crevices immediately shall be sealed using materials such as foam backer rod or pipe insulation secured with adhesive to prevent bats from entering and using the crevices. At crevices where bats are visibly present or where absence cannot be confirmed, humane eviction devices shall be installed that would allow the bats to exit the crevice but prevent them from returning. The qualified biologist performing the humane eviction shall determine the exact type of eviction device to be installed and exclusionary device used. The eviction device shall remain in place for at least 14 days following installation to allow sufficient time for all the bats to vacate the crevice. After the exclusionary period, the eviction device shall be removed and exclusion device installed. The exclusion device shall remain in place for the duration of work activities, and shall be inspected weekly by a qualified biologist. All aspects of the humane eviction/exclusion of bats shall be supervised directly and monitored by a qualified biologist approved by CDFW. Following completion of activities that could impact roosting bats, the exclusion devices shall be removed by the contractor (under supervision of the qualified biologist) to allow bats to return to the roost crevices.

Item 3 in Mitigation Measure CR-3: Treatment of Unanticipated Discoveries on Draft EIS/EIR page 3.5-40 and page ES-31 has been edited as shown. These changes to Mitigation Measure CR-3 have been made throughout the document:

3. Treatment protocols for significant cultural resources that cannot be avoided, to be developed in consultation with CDFW, the Corps, the SHPO and appropriate Native American representatives, ~~may~~shall include but not be limited to:
 - a. Data recovery excavation, with preparation of an attendant data recovery plan
 - b. Surface artifact collection
 - c. Further site documentation, including photography, collection of oral histories, preparation of a scholarly work, or some form of public awareness or interpretation
 - d. Special studies where sufficient data exists, including but not limited to radiocarbon dating, residue analysis, sourcing and other materials analysis
 - e. Historical research, as appropriate, with the aim to target the recovery of important scientific or other data contained in the portion of the significant resource to be impacted by the project
 - f. A report documenting the methods and results of the treatment of the resource

Mitigation Measure WQ-1a-i in Table ES-1 on Draft EIS/EIR page ES-38 has been revised as shown. These changes to Mitigation Measure WQ-1a-i have been made throughout the document:

Mitigation Measure WQ-1a-i: Monitoring and Adaptive Management Plan (MAMP).

A Monitoring and Adaptive Management Plan (MAMP) (Appendix F11) shall be prepared and implemented. The MAMP shall provide a framework for the assessment of the Project and watershed using the TMDL targets as assessment metrics. The MAMP shall use both Project monitoring, the sediment and water quality data gathered from the TMDL monitoring conducted by the Permittees (designated parties listed in the Ballona Creek and Ballona Creek Estuary TMDLs who are under a state-wide or LARWQCB NPDES MS4 Stormwater Permit), and monitoring conducted by the Corps in the Marina del Rey harbor entrance channel to determine if impairment conditions exist and provide protocols for any further measures to meet TMDLs and dredging requirements. The assessment of the effectiveness of the Project features and watershed measures (conducted by the Permittees) shall be determined through comparisons to the Sediment Quality Objectives (SQOs) and fish tissue targets. If the SQO analysis indicated an impaired or likely impaired condition, then further source and delineation monitoring shall be conducted. Depending on the source of the impairment, reparative measures shall be implemented by the ~~Project proponents~~, Permittees, or in cooperation with parties as outlined in the MAMP framework to reduce the impacts to sediment to below the SQOs and fish tissue targets. SQOs shall be the regulatory target used to protect against negative biological impacts and are considered the performance standard to identify negative impacts. In the event that sediment quality impairments are found to be a result



of the project, the sediment shall be excavated and disposed of off-site or buried beneath uncontaminated material on-site. If sediment quality impairments in the Marina del Rey harbor entrance channel are found to be a result of the project, CDFW shall coordinate with the Corps to develop a mutually agreed upon course of action, which could include participating in reparative measures proportional to the amount of increased impairment due to the project.

The mitigation measure for Impact 1-HAZ-6 in Table ES-1 on Draft EIS/EIR page ES-38 has been revised as shown. These changes have been made throughout the document:

Implement Mitigation Measures TRANS-1a, ~~Traffic Control and Safety Assurance Plan~~ Construction Traffic Management Plan, and TRANS-1b, *Restriction of Lane Closures*.

Instances of “traffic control and safety assurance plan” have been revised in the Final EIR for consistency with the Transportation and Traffic section to read “construction traffic management plan.” For example, in Table ES-1 on Draft EIS/EIR page ES-43, Mitigation Measure 1-TRANS-1a has been revised as follows:

- o. Comply with roadside safety protocols to reduce the risk of accidents. Provide “Road Work Ahead” warning signs and speed control (including signs informing drivers of state legislated double fines for speed infractions in a construction zone) to achieve required speed reductions for safe traffic flow through the work zone. Train construction personnel to apply appropriate safety measures as described in the ~~traffic control and safety assurance plan~~ construction traffic management plan.

Mitigation Measure 1-TRANS-1b: Restriction of Lane Closures in Table ES-1 on Draft EIS/EIR page ES-45 has been revised as shown. This change has been made throughout the document:

Mitigation Measure TRANS-1b: Restriction of Lane Closures. The construction traffic management plan, prepared for Mitigation Measure TRANS-1a, shall stipulate that lane closures on Culver Boulevard and Lincoln Boulevard would be restricted to nighttime hours of 11:00 p.m. to 4:00 a.m.

Table ES-2 on Draft EIS/EIR page ES-49 has been edited as follows:

**TABLE ES-2
SUMMARY OF HABITAT ACREAGES BY ALTERNATIVE**

Habitats	Restoration Alternatives without Fill Areas ¹					Relocated Fill Areas ²				Full Restoration Alternatives ³				
	Existing Conditions	Alternative 1		Alternative 2	Alternative 3	Existing Conditions	High On-Site Fill	Mid On-Site Fill	No On-Site Fill	Existing Conditions	Alternative 1		Alternative 2	Alternative 3
		Phase 1	Phase 2								Phase 1	Phase 2		
Open Water	40.3	48.5	51.7	48.4	45.0	0.0	0.0	0.0	0.0	40.3	48.5	51.7	48.4	45.0
Southern Mud Intertidal	8.8	15.2	13.5	15.4	11.2	0.0	0.0	0.0	0.0	8.8	15.2	13.5	15.4	11.2
Low Salt Marsh	0.0	11.3	15.4	11.4	2.4	0.0	0.0	0.0	0.0	0.0	11.3	15.4	11.4	2.4
Mid Salt Marsh	0.0	58.2	84.4	64.2	28.8	0.0	0.0	0.0	0.0	0.0	58.2	84.4	64.2	28.8
High Salt Marsh	0.0	45.3	53.6	48.7	11.6	0.0	0.0	0.0	0.0	0.0	45.3	53.6	48.7	11.6
Muted Tidal Salt Marsh	18.2	14.4	1.5	14.4	12.5	0.0	0.0	0.0	0.0	18.2	14.4	1.5	14.4	12.5
Non-Tidal Salt Marsh	78.8	26.6	3.2	27.2	85.1	6.2	1.1	6.1	6.2	85.0	32.7	9.3	28.3	91.3
Non-Tidal Marsh ⁴	27.8	4.5	0.2	4.6	22.7	10.8	0.0	10.8	10.8	38.6	15.3	11.0	4.6	33.5
Coastal Brackish Marsh	6.1	11.7	11.6	11.7	8.7	0.3	0.0	0.0	0.3	6.4	11.7	11.6	11.7	9.0
Salt Pan	22.8	31.5	31.4	31.8	27.4	0.0	0.0	0.0	0.0	22.8	31.5	31.4	31.8	27.4
Transition Zone	0.0	21.8	28.0	23.7	9.9	0.0	0.0	0.0	0.0	0.0	21.8	28.0	23.7	9.9
Upland ⁴⁵	200.8	124.1	126.1	116.9	137.9	70.9	86.9	69.7	69.4	271.7	193.9	195.8	203.8	207.4
Stabilized Dune	7.3	7.0	6.9	7.0	7.0	1.9	0.0	0.0	1.9	9.3	7.0	6.9	7.0	8.9
Eucalyptus Grove	2.8	2.5	2.4	2.4	2.4	0.0	0.0	0.0	0.0	2.8	2.5	2.4	2.4	2.4
Willow/Mulefat Thicket	13.4	11.5	8.4	8.4	9.1	0.5	3.4	3.5	0.5	13.8	15.1	11.9	11.8	9.6
Developed	38.8	31.9	27.6	29.8	44.1	9.0	8.2	9.5	10.5	47.7	41.4	37.1	38.0	54.6
Total Area	465.9	465.9	465.9	465.9	465.9	99.6	99.6	99.6	99.6	565.5	565.5	565.5	565.5	565.5
Total Area Available for Restoration⁴⁶	385.4	385.4	385.4	385.4	385.4					472.7	472.7	472.7	472.7	472.7
Total Marsh and Salt Pan⁵⁷ (Degraded and Restored)	153.7	203.3	201.3	213.8	199.2	17.3	1.1	16.9	17.3	171.0	220.3	218.2	214.9	216.5
Total New Marsh and Salt Pan Created		63.6	71.8	72.8	46.3						63.6	71.8	72.8	46.3
Total Marsh and Salt Pan Enhanced		74.6	129.5	74.7	6.3		1.1	16.9			74.6	129.5	75.8	6.3
Total Marsh and Salt Pan Created or Enhanced		138.2	201.3	148.5	52.6		1.1	16.9	0.0		138.2	201.3	148.6	52.6

NOTES:
¹ The Restoration Alternatives without Fill Areas includes Area A and North, West, South, and Southeast Area B.
² The Relocated Fill Areas includes East Area B and North and South Area C.
³ To cover the possible range of fill placement impacts, this document analyzes Alternative 1 with the mid fill scenario, Alternative 2 with the high fill scenario, and Alternative 3 with the no fill scenario. However, a different combination of alternative and fill scenario could be chosen for the final project.
⁴ Seasonal wetland and non-tidal salt marsh are used interchangeably and included as non-tidal salt marsh in this table.
⁵ Includes coastal scrub and annual grassland. For existing conditions, also includes disturbed invasive monocultures that occur in uplands. For project conditions, also includes areas of vegetation management on the levees and for fuel management that may become invasive monocultures.
⁴⁶ Total acreage minus Ballona Creek, willow/mulefat thicket in Southeast Area B, dunes in West Area B, eucalyptus grove in South Area B, and parking lots and other development. The restoration alternatives were designed to avoid these areas.
⁵⁷ Total Marsh and Salt Pan includes low, mid, high, muted, and non-tidal salt marsh, non-tidal marsh, coastal brackish marsh, and salt pan.

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3.2.4 Chapter 1, *Introduction*

The heading of Section 1.2.2 on Draft EIS/EIR page 1-7 has been clarified as follows:

1.2.2 The Project: Restoration of the Ballona Reserve via Alternative 1

Item 4b on Draft EIS/EIR page 1-12 has been corrected as follows:

Concrete work, including removal of concrete Ballona Creek channel side slopes and replacement and attendant removal of integral parts of diversion works, side drain structures, and public utilities; as well as construction of two new bridges for soil transport during the restoration phase and for bicycle and pedestrian use during the post-restoration phase (one bridge would be constructed over Lincoln Boulevard, the other over ~~Culver Boulevard~~ Ballona Creek);

Item 2 on the list of public access–related improvements on Draft EIS/EIR page 1-12 has been corrected as follows:

Constructing two bike and pedestrian bridges to provide access to North Area C (over ~~Culver~~ Lincoln Boulevard) and Area B (over the Ballona Creek).

Section 1.4.3, Responsible and Trustee Agencies, on Draft EIS/EIR page 1-19 has been revised to identify LACFCD as a responsible agency:

For this Project, responsible agencies include, but are not limited to, the Fish and Game Commission, State Water Resources Control Board, California Coastal Commission, ~~and~~ South Coast Air Quality Management District, and LACFCD.

Table 1-1 on page 1-23 of the Draft EIS/EIR has been revised as follows:

**TABLE 1-1
SUMMARY OF REQUIRED PERMITS AND APPROVALS**

Agency	Permits and Other Requirements	Jurisdiction/Purpose/Applicant
Federal Agencies		
United States Army Corps of Engineers (Corps)	NEPA Record of Decision	Lead agency under NEPA responsible for preparing the EIS and issuing a Record of Decision.
	Clean Water Act (CWA) §404 permit	Discharge of dredged or fill material into to waters of the U.S. (33 U.S.C. §1344). CDFW proposes dredge and fill activities in waters of the U.S. to construct the Project's new levees, form new tidal channels, modify existing tidal channels, re-contour areas to enhance tidal flow, and create elevations conducive to establishing wetland and other aquatic habitat.



TABLE 1-1 (Continued)
SUMMARY OF REQUIRED PERMITS AND APPROVALS

Agency	Permits and Other Requirements	Jurisdiction/Purpose/Applicant
Federal Agencies (cont.)		
United States Army Corps of Engineers (Corps) (cont.)	Rivers and Harbors Act (RHA) §408 permit	Alteration or permanent occupation or use of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States (33 U.S.C §408), which includes alterations or modifications to the LACDA project. LACFCD is and CDFW are the applicants for the Section 408 permit and (LADPW 2013) . LACFCD will continue to be responsible for operation and maintenance of LACDA project features within the Ballona Reserve.
	RHA §10 permit	Construction of any structure in or over any navigable waters of the U.S., the excavating from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters (33 U.S.C. §403). CDFW proposes to construct one or two bridges over navigable waters of the U.S., excavate material from such waters if/as needed for operation and maintenance purposes, and accomplish other work affecting the course, location, condition, or capacity of such waters.
	Marine Protection, Research, and Sanctuaries Act §103 permit	Transport of dredged material for the purpose of disposal in ocean waters at an ocean disposal site designated by the USEPA (33 U.S.C. §1 413). CDFW and LACFCD propose to dispose of excavated fill from the Project site, potentially including offshore disposal at the USEPA designated ocean disposal site LA-2 off San Pedro or LA-3 off Newport Beach. If ocean disposal is determined to be necessary to address excess fill material, a Section 103 permit application quantifying the volume of material proposed for off-site disposal and a Sampling and Analysis Plan (SAP) would be filed for consideration by the Corps in consultation with the Los Angeles Regional Contaminated Sediments Task Force (CSTF) and the Southern California Dredged Material Management Team (SC-DMMT). See, SC-DMMT January 2015 meeting minutes. ¹
	Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) plan	Corps approval would be required to modify the OMRR&R by replacing/updating data sheet BA-A-2 to reflect approved changes to existing LACDA infrastructure.
<u>United States Environmental Protection Agency (USEPA)</u>	<u>Marine Protection, Research, and Sanctuaries Act §103 permit</u>	<u>Receipt of written concurrence as to the suitability of material for ocean disposal would be required from USEPA as part of the MPRSA Section 103 permit process. EPA would concur as to the suitability of ocean disposal only of non-toxic sediments after consideration of alternatives to ocean disposal, including beneficial reuse of sediments to the maximum extent practicable.</u>
United States Fish and Wildlife Service (USFWS)	Federal Endangered Species Act (FESA) §7 consultation	Consultation with Federal action agencies (such as the Corps) for Federal actions that may affect threatened and endangered species listed under the FESA (16 USC §1531 et seq.).
Federal Emergency Management Agency (FEMA)	Flood Protection Act §206	Approval of Letter of Map Revision.
National Oceanic and Atmospheric Administration (NOAA) Fisheries Office of Habitat Conservation	Magnuson-Stevens Fishery Conservation and Management Act	Consultation to identify and describe adverse fishing impacts for essential fish habitat (EFH). The Corps will coordinate with the NOAA and provide information to further the conservation and enhancement of EFH.

¹ Meeting minutes can be obtained from the Corps Los Angeles District website at: <http://www.spl.usace.army.mil/Missions/Regulatory/ProjectsPrograms.aspx>

**TABLE 1-1 (Continued)
SUMMARY OF REQUIRED PERMITS AND APPROVALS**

Agency	Permits and Other Requirements	Jurisdiction/Purpose/Applicant
Federal Agencies (cont.)		
United States Coast Guard (USCG)	General Bridge Act (33 U.S.C 525)	While an individual Coast Guard bridge permit is not required for the pedestrian bridge over Ballona Creek, the Corps is required to notify the USCG office at least 30 days prior to construction so that the USCG can provide the appropriate notification to mariners. The Corps must complete and return a Completion Report Information form which includes as built drawings, navigational clearance measurements, and a photograph of the bridge when construction of the bridge is completed. (USCG 2016)
State Agencies		
California Department of Fish and Wildlife (CDFW)	CEQA certification of EIR and findings of overriding consideration if one or more significant unavoidable impacts is identified.	Lead agency under CEQA responsible for preparing and certifying the EIR. Also selects the alternative to be implemented in the Ballona Reserve.
Fish and Game Commission	14 Cal. Code Regs. §630 et seq.	Regulation of visitor use within the Ballona Reserve.
California Coastal Commission	Coastal Zone Management Act (CZMA) (16 U.S.C §1451 et seq.) federal consistency review	Pursuant to section 307(c)(3) of the CZMA, after final approval by the Secretary of Commerce of a state's management program, any applicant for a required federal license or permit to conduct an activity, in or outside of the coastal zone, affecting land or water use or natural resource of the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state a copy of the certification, with all necessary information or data. No license or permit shall be granted by the Federal agency until the state has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed. 16 U.S.C. §1456.
	California Coastal Act (Pub. Res. Code Div. 20, §30000 et seq.) coastal development permit	The use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit.
California Department of Conservation – Division of Oil, Gas, and Geothermal Resources (DOGGR)	California Statutes and Regulations for Conservation of Oil, Gas, & Geothermal Resources <u>Public Resources Code §3000 et seq.; 14 Cal. Code Regs. Div. 2, Ch. 2, 3, and 4 (State of California 2015)</u>	Permits to <u>plug and abandon wells; to decommission and remove oil field facilities including wells, pipelines, and tanks; and to drill new or replacement wells and install, maintain, and operate related tanks and facilities.</u> Before an operator can drill a new well in California, the operator must file necessary forms, submit an indemnity, and receive division approval. Similarly, prior to plugging and abandoning a well under the Division's jurisdiction, an operator must submit a Notice to Intention to Abandon / Re-Abandon Well (OG 108).
California Department of Transportation (Caltrans)	<u>Transportation permit for oversize/overweight vehicle(s) on the State Highway System</u>	<u>Caltrans (via the Caltrans Transportation Permits Issuance Branch) has discretionary authority to issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code.</u>
	<u>Encroachment permit</u>	<u>Any work performed within the State right-of-way would require an encroachment permit.</u>



TABLE 1-1 (Continued)
SUMMARY OF REQUIRED PERMITS AND APPROVALS

Agency	Permits and Other Requirements	Jurisdiction/Purpose/Applicant
State Agencies (cont.)		
California State Lands Commission (CSLC)	Public Resources Code §6004 et seq. <u>§§6009(c), 6301, and 6306</u>	The CSLC has <u>jurisdiction and management authority oversight responsibility for all ungranted tidelands, tidal and submerged lands, and the beds of navigable lakes and waterways including 3 miles off the coastal shoreline, as well as oversight responsibility pursuant to the Public Trust Doctrine. The CLSC also owns in fee legislatively granted in trust to local jurisdictions; including the Freshwater Marsh located in Area B of the Ballona Reserve (which is not part of the Project) and a 24-acre property in Southeast Area B that it leases to CDFW to manage as part of the Ballona Reserve. CSLC approval may be required for new construction, reconstruction, or modification of improvements on lands under the jurisdiction of the CSLC.</u>
State Water Resources Control Board	National Pollution Discharge Elimination System (NPDES)—Construction General Permit and Implementation of a Project-specific SWPPP	Required for projects with 1 acre or more of land disturbance and potential impacts to waters of the U.S. or waters of the State.
State Office of Historic Preservation (SHPO)	National Historic Preservation Act (NHPA) (54 U.S.C. §100101 et seq.) Section 106 consultation	NHPA §106 requires Federal agencies (such as Corps) to take into account the effects of their undertakings on historic properties, i.e., properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. If an undertaking could affect an historic property, then consultation with the appropriate State Historic Preservation Officer (SHPO) is required.
Local Agencies		
South Coast Air Quality Management District (SCAQMD)	Permit to Construct	Restoration-related air emissions
Regional Water Quality Control Board, Los Angeles Region (RWQCB)	CWA §401 water quality certification	Certification or waiver that proposed discharges into navigable waters are consistent with state water quality standards.
	Porter-Cologne Water Quality Control Act waste discharge requirements (WDRs) (Water Code §13260 et seq.)	Regulation of the discharge of waste to Waters of the State. All parties proposing to discharge waste that could affect Waters of the State must file a report of waste discharge (ROWD) with the appropriate RWQCB. The RWQCB will respond to the ROWD by issuing WDRs in a public hearing, or by waiving WDRs (with or without conditions) for that proposed discharge.
	Sediment TMDL	Project compliance with the Sediment TMDL is regulated by the RWQCB.
Los Angeles County Floodplain Management Division	Conditional Letter of Map Revision	Determination of effects upon the hydrologic or hydraulic characteristics of a flooding source and the resulting modification of the existing floodway.
Los Angeles County Flood Control District	Flood Permit	<u>Any work, encroachment, or activity within or affecting the LACFCD right-of-way, facilities, interests, or jurisdiction requires a flood control permit.</u>
	Agreements with CDFW	<u>LACFCD could make discretionary decisions to enter into agreements with CDFW that:</u> 1. <u>Memorialize modifications to the right-of-way over State lands for the location, construction, and maintenance of flood control channels, ditches, waterways, conduits, canals, jetties, embankments, and protective works granted pursuant to the Los Angeles County Flood Control Act (Water Code §28-17a);</u> 2. <u>Clarify the agencies' respective responsibilities regarding ongoing operation and maintenance activities for LACDA project and other facilities, infrastructure, and conditions within the Ballona Reserve; and</u>

**TABLE 1-1 (Continued)
SUMMARY OF REQUIRED PERMITS AND APPROVALS**

Agency	Permits and Other Requirements	Jurisdiction/Purpose/Applicant
Local Agencies (cont.)		
<u>Los Angeles County Flood Control District (cont.)</u>		3. <u>Clarify the agencies' respective responsibilities regarding the implementation of actions to comply with conditions of a Section 404 permit issued for the restoration work.</u>
Los Angeles County Department of Beaches and Harbors (LACDBH)	Right of Entry Permit	Required if restoration activity or staging requires access through or use of County property. LACDBH is responsible for enhancing public access to and enjoyment of County-owned and operated beaches, including Marina del Rey. LACDBH operates parking lots in the Ballona Reserve. The Project proposes to convert one of these parking lots into a three-story parking structure.
City of Los Angeles Department of Public Works	Public Works "B" Permit (construction and encroachment permit with traffic control plan)	Required for any construction within, under, or over city roadways including bridges, retaining walls, sewer, and storm drains.
City of Los Angeles Building and Safety Department, City of Los Angeles Fire Department	Building and Grading Permits	Permitting authority for building and grading permits (Building and Safety Department); review and submittal of recommendations regarding building permit (Fire Department).
City of Los Angeles Bureau of Engineering	Storm Drain Connection Permits	Permitting authority for storm drain connections, permit for discharges of stormwater, and permits for water discharges to the wastewater collection system.
Los Angeles Department of Water and Power	Water service	Approval of new potable and recycled water service connections.
Local Landfill	Approval to accept nonhazardous solid waste	Approval to accept clean soil that will be exported off site for disposal.

3.2.5 Chapter 2, Description of Alternatives

The description of the Implementation and Restoration Process for Alternative 2 in Table 2-1c on Draft EIS/EIR page 2-15 has been edited as follows:

Implementation and Restoration Process
<p data-bbox="298 1360 792 1392">Alternative 2: Restored Partial Sinuous Creek</p> <ul style="list-style-type: none"> <li data-bbox="298 1402 792 1549">• Large-scale grading: <ul style="list-style-type: none"> <li data-bbox="326 1434 792 1518">– 2,130,000 cy of on-site soil excavation, transport, and placement (fill for levees and uplands) <li data-bbox="326 1518 792 1549">– <u>0</u>–10,000 cy of off-site soil export <li data-bbox="298 1560 792 1633">• Install two new bridges for temporary soil transport/public access, which will later become permanent bridges for public access <li data-bbox="298 1644 792 1696">• Remove existing levees, except in West Area B, realign Ballona Creek <li data-bbox="298 1707 792 1726">• Revegetation



Project Design Feature BIO-4 in Table 2-2 on Draft EIS/EIR page 2-25 has been supplemented as shown. This revision has been made throughout the document:

BIO-4 Water Pollution and Erosion Control Plan. To demonstrate compliance with all required permits, the contractor shall develop and submit to the CDFW for RWQCB approval an erosion control plan that will prevent the degradation of water quality arising from restoration activities, and implement BMPs, as described below. Many commonly employed BMPs can be found in the California Department of Transportation's (Caltrans') Stormwater Quality Handbooks, Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual (Caltrans 2007). These additional management practices, including their implementation and an evaluation of their effectiveness, shall be detailed in the erosion control plan and associated logbook and shall include, but not be limited to, measures to minimize sedimentation such as a) the installation of a 500-foot floating boom and turbidity curtain prior to the start of construction, b) the removal of floating debris upstream of the boom, c) use of sediment mats downstream of the work area, d) use of geotextile roads/mats and e) gravel construction entrances. Under the erosion control plan, the contractor shall maintain a logbook of all precipitation events and all instances of BMP implementation at all soil-disturbance sites, such as restoration sites, staging areas, and surface water crossings. The logbook shall contain the date and time of the precipitation event, as well as the duration and intensity of the precipitation. Additionally, the logbook shall record all BMPs that were implemented prior to and/or following the precipitation, as well as a narrative evaluation (and/or a non-narrative evaluation, as required by the jurisdictional agency) of the erosion-prevention effectiveness of those BMPs. The logbook shall be submitted to CDFW for review within 30 days following each major storm event. Site-specific characteristics shall determine the choice of BMPs to be employed. The erosion control plan shall include a proposed schedule for the implementation and maintenance of erosion control measures and a description of the erosion control practices, including appropriate design details and a time schedule. The contractor shall consider the full range of erosion control BMPs. The contractor also shall consider any additional site-specific and seasonal conditions when selecting and implementing appropriate BMPs. Management practices shall be selected and implemented so as not to conflict with any practices or prohibitions identified in this EIS/EIR Section 3.4, Biological Resources.

To address potential indirect fugitive dust impacts, the following would be implemented. South Coast Air Quality Management District (SCAQMD) Rule 403—Fugitive Dust. This rule prohibits emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area that remains visible beyond the emission source property line.

The dust-control methods for the Project will be specified in a dust-control plan that would be submitted to the SCAQMD per Rule 403. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, using a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas.

Notes and footnotes were added to Table 2-3 on Draft EIS/EIR page 2-45 as shown. Additionally, the use the term “coastal sage scrub” in the document to describe habitat impacts has been updated in the Final EIR to be “coastal scrub.” See, e.g., the revised terminology in Table 2-3, below.

**TABLE 2-3
ALTERNATIVE 1 POST RESTORATION HABITATS AND ACREAGES¹**

Habitat Type	Existing Conditions	Impacts	Phase 1				Phase 2			
			Area A	Area B	Area C	Total	Area A	Area B	Area C	Total
Aquatic and Wetlands										
Aquatic*	40.3	24.6	11.1	37.4	0.0	48.5	11.4	40.4	0.0	51.7
Mudflat*	8.8	6.6	6.5	8.7	0.0	15.2	6.5	7.1	0.0	13.5
Tidal Salt Marsh	n/a	n/a ¹	45.9	68.8	0.0	114.7	53.0	100.4	0.0	153.4
Low Marsh	n/a	n/a	3.6	7.7	0.0	11.3	3.5	11.9	0.0	15.4
Mid-Marsh	n/a	n/a	31.5	26.6	0.0	58.2	36.9	47.5	0.0	84.4
High Marsh	n/a	n/a	10.8	34.5	0.0	45.3	12.6	41.0	0.0	53.6
Muted Tidal Marsh	18.2	9.8	0.4	14.0	0.0	14.4	0.4	1.1	0.0	1.5
Non-Tidal Salt Marsh	85.0	37.5	2.3	30.4	0.0	32.7	2.3	7.0	0.0	9.3
Non-Tidal Marsh	38.6	26.3	0.0	15.3	0.0	15.3	0.0	11.0	0.0	11.0
Coastal Brackish Marsh	6.4	1.7	2.6	9.1	0.0	11.7	2.6	9.0	0.0	11.6
Salt Pan	22.8	4.3	4.6	26.9	0.0	31.5	4.6	26.8	0.0	31.4
Willow/Mulefat Thicket	13.8	5.3	3.1	8.5	3.4	15.1	0.0	8.5	3.4	11.9
Uplands										
Transition Zone	n/a	n/a	9.9	12.0	0.0	21.8	10.9	17.1	0.0	28.0
Stabilized Dune	9.3	4.8	0.0	7.0	0.0	7.0	0.0	6.9	0.0	6.9
Eucalyptus Grove	2.8	0.2	0.1	2.4	0.0	2.5	0.0	2.4	0.0	2.4
Upland** ³	271.9	215.1	61.1	74.1	56.3	193.9	57.3	79.8	56.3	195.8
Grassland**	19.4	15.8	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Coastal Sage Scrub	52.3	48.8	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Invasive monoculture	200.2	150.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Developed	47.7	n/a	8.9	20.4	8.9	41.4	7.4	17.6	8.9	37.1
Total	565.5	185.7²	156.4	335.0	68.6	565.6	156.4	335.1	68.6	565.6

NOTES:

- 1 There is no fully tidal marsh under existing conditions, therefore there are no impacts. All values provided in acres.
 - 2 The total impact does not include disturbance of invasive monoculture since this would be a beneficial effect and not an adverse impact.
 - 3 Coastal scrub and annual grassland were not differentiated in the project conditions due to the difficulty in predicting where these different habitats will establish within the upland area.
- * Denotes aquatic and mudflat habitats would be subject to regular post-construction maintenance consisting of approximately 3.8 acres. Intended maintenance regime would include periodic sediment removal that would provide direct wildlife benefit during intervening periods, and allow for improved circulation to reduce the potential for large long duration maintenance projects. See Appendix B5 for additional details on activities and methods of maintenance to be conducted in these habitats.
- ** Denotes upland habitats would be subject to regular maintenance. The upland total includes acreage on the SoCalGas Company property. Actual acreage of upland habitats dedicated to maintenance will be quantified after perimeter levee design has received approval. Maintenance in uplands is intended to meet multiple objectives, such as providing wildlife habitat, flood protection, and fuel modification. Please see Appendix B5 for additional details on activities and methods of maintenance to be conducted in these habitats.

SOURCE: ESA (2016).



Draft EIS/EIR page 2-55 under the subheading “Culver Boulevard Levee” has been clarified as follows:

The levee crest elevation is expected to be ~~approximately 20.5 feet~~ between 16.0 and 18.5 feet NAVD 88, which would include an allowance for sea level rise and improve the existing level of flood risk protection, as described in greater detail below under *Flood Risk and Stormwater Management*. Sea level rise is discussed in greater detail in Section 3.9, *Hydrology and Water Quality*, and Section 3.34, *Biological Resources*, ~~and Section 3.17, *Utilities and Service Systems*~~. The levee would include a 12-foot-wide maintenance access road and a public access trail on top (described further below).

Draft EIS/EIR Section 2.2.2.1 (page 2-57) has been clarified as follows:

The Freshwater Marsh has three existing water control outlet structures. In the northwest corner, a weir structure controls water levels and outflow to a culvert with flap gates, which then releases flow to Ballona Creek. Under baseline conditions, all dry-weather flows and rain events less than the 1-year storm event and in excess of the minimum marsh water level flow out of the Freshwater Marsh through this culvert to Ballona Creek. The culvert outlet at Ballona Creek would be maintained as is and drain into a new tidal channel in North Area B, as shown in Figure 2-5, Alternative 1, Phase 1: Preliminary Grading Plan.

Draft EIS/EIR Section 2.2.2.1 (pages 2-58 and 2-59) has been revised to remove references to the Playa Vista Development in reference to the Freshwater Marsh. For example, the text on page 2-58 has been revised as follows:

The restoration of South and Southeast Area B would include construction of the three new water-control structures described in the following section and modifications to the existing Freshwater Marsh water-control structures to provide water sources directly from Ballona Creek and from the ~~Playa Vista Development~~ Freshwater Marsh to create brackish marsh habitat. This enhancement also would include grading to create tidal channels to enhance habitat conditions, salt pans, and berms to allow for higher managed water levels and brackish marsh management.

Draft EIS/EIR Section 2.2.2.1 on page 2-59 has been supplemented as follows:

The Freshwater Marsh has three existing water control outlet structures. In the northwest corner, a weir structure controls water levels and outflow to a culvert with flap gates, which then releases flow to Ballona Creek. Under baseline conditions, all dry-weather flows and rain events less than the 1-year storm event and in excess of the minimum marsh water level flow out of the Freshwater Marsh through this culvert to Ballona Creek. The culvert outlet at Ballona Creek would be maintained as is and drain into a new tidal channel in North Area B, as shown in Figure 2 5, Alternative 1, Phase 1: Preliminary Grading Plan.

Draft EIS/EIR Section 2.2.2.1 on page 2-76 has been revised as follows:

In Phase 2, new, larger culverts would be installed under Culver Boulevard, extending to reach West Area B under the West Area B levee, to allow for the option of greater tidal flows between West Area B and South Area B. New gates (e.g., self-regulating tide gates or similar structures) ~~could~~ would be added to the culverts to maintain management options for South and Southeast Area B. The gated culverts and the perimeter berms would allow for a full range of typical tides, but would limit high water levels in South and Southeast Area B during storm events in Ballona Creek. The managed wetlands would continue to be managed to enhance habitat conditions, including Belding's savannah sparrow habitat.

Draft EIS/EIR Section 2.2.2.2 on page 2-86 has been edited as follows:

2. The existing outflow pipe to the Ballona channel would be maintained, except for the two risers and two related spurs to the risers, to allow for outflow from the FWM (Culvert #5 in Figure 2-4, *Alternative 1, Phase 1: Proposed Habitats*). The exception would be that spur drains and associated risers and flap gates on either side of Culver Boulevard, that feed into Culvert #5, would be fully removed and spur drain connections to Culvert #5 would be sealed. The location of the former spur drains and risers would be backfilled to comply with the larger restoration plan. ...

The title of Figure 2-20 on Draft EIS/EIR page 2-96 has been revised as shown. The revised figure is included in Final EIR Appendix E. This change is reflected throughout the document:

Figure 2-20: New ~~Beaches and Harbor's~~ Parking Structure

The title of Figure 2-21 on Draft EIS/EIR page 2-97 has been revised as shown. The revised figure is included in Final EIR Appendix E. This change is reflected throughout the document:

Figure 2-20: Habitat Restoration in ~~Beaches and Harbor's~~ Existing Parking Lot

The text on Draft EIS/EIR page 2-98 under the subheading "Area B" has been revised as follows:

New gates and fences would be installed on the perimeter of the West Culver Parking Lot, and public parking would be available from ~~dawn to dusk~~ sunrise to sunset and ~~would~~ may be limited in duration. Parking would be gated and locked after hours. Exterior lighting would provide only enough illumination for security purposes and would be focused away from adjacent, sensitive habitats and residences?

Table 2-5 of the Draft EIS/EIR has been edited to clarify that Vidor 5 would be abandoned in Phase 1. The text on Draft EIS/EIR page 2-111 under the heading "Phase 1 Well Abandonment" has been edited as follows:

In Phase 1, site excavation would be directed around the wells in Area A, creating sloping upland transition habitat up to the wells.



Within Area B, Del Rey 12 and Vidor 5 would be abandoned to allow for the Phase 1 realignment of Ballona Creek.

Table 2-6 on Draft EIS/EIR page 2-117 has been revised as follows:

**TABLE 2-6
 ALTERNATIVE 1 RESTORATION SEQUENCE STAGES**

Sequence #	Restoration Phase	Project Area(s)	Activity Description
1	1	B	Southeast Area B gas line 1167—remove and relocate existing gas line to Gas Company Road
2	1	B	South and Southeast Area B enhancement—enhancement including channel excavation

The performance criteria for fish, birds, and invertebrates in Draft EIS/EIR Tables 2-12 through 2-20 on pages 2-139 through 2-145 have been edited to clarify that conditions for these species 8–10 years post-restoration are expected to be greater than pre-restoration levels. As an example, the performance criteria in Table 2-12 for Birds in Years 8–10 have been revised as follows:

- A. Species richness and abundance of tidal marsh-associated birds ~~may be~~ is expected to be greater than pre-restoration levels by the end of Year 10; however, annual increases may slow relative to increases observed in Years 4–7. The species richness and abundance of tidal marsh-associated birds will not fall below pre-restoration levels within Year 10. Due to natural inter-annual variation, the determination of pre-restoration levels will take into account multiple years of seasonal prior survey data.
- B. Birds will be observed both foraging and demonstrating territorial behavior within the restored tidal marsh habitat.
- C. Successful breeding will be documented for at least one (Beldings savannah sparrow) tidal marsh-associated bird species.

Regarding vegetation and invasive plants in Years 1–3, and 4–7, and 8–10, Table 2-20, Upland Scrub and Grassland Performance Criteria, on Draft EIS/EIR page 2-144 has been revised as shown. This revision also has been made to the performance criteria for vegetation and invasive plant in Tables 2-12, 2-15, 2-16 2-17, 2-18, 2-19, and 2-20.

- B. Canopy cover of invasive species rated as “High” or “Moderate” by the Cal-IPC, ~~exclusive of including annual grasses,~~ will not exceed 10% cover in any year. Cal-IPC “moderate” species will be monitored and controlled as deemed necessary.

Figures 2-41 and 2-42 on Draft EIS/EIR pages 2-153 and 2-154 have been revised and are included in Final EIR Appendix E.

The text on Draft EIS/EIR page 2-157 has been clarified as follows:

Hours of operation for public use of the West Culver Parking Lot and the existing parking lot and new parking structure in Area A would be ~~open from approximately dawn to dusk~~ sunrise to sunset with parking for a limited duration.

The footnotes of Table 2-22 on Draft EIS/EIR page 2-163 and Table 2-26 on Draft EIS/EIR page 2-188 have been edited as follows:

**TABLE 2-22
ALTERNATIVE 2 POST-RESTORATION HABITATS AND ACREAGES¹**

Habitat Type	Existing Conditions	Impacts	Alternative 2			Total
			Area A	Area B	Area C	
Aquatic and Wetlands						
Aquatic	40.3	24.5	11.5	37.0	0.0	48.4
Mudflat	8.8	4.5	6.5	9.0	0.0	15.4
Tidal Salt Marsh	n/a	n/a ¹	53.0	71.2	0.0	124.3
Low Marsh	n/a	n/a	3.5	7.9	0.0	11.4
Mid-Marsh	n/a	n/a	36.9	27.2	0.0	64.2
High Marsh	n/a	n/a	12.6	36.1	0.0	48.7
Muted Tidal Marsh	18.2	3.0	0.4	14.0	0.0	14.4
Non-Tidal Salt Marsh	85.0	25.8	2.3	25.9	0.0	28.3
Non-Tidal Marsh	38.6	24.9	0.0	4.6	0.0	4.6
Coastal Brackish Marsh	6.4	1.7	2.6	9.1	0.0	11.7
Salt Pan	22.8	0.5	4.6	27.2	0.0	31.8
Willow/Mulefat Thicket	13.8	4.8	0.0	8.4	3.4	11.8
Uplands						
Transition Zone	n/a	n/a	10.8	12.9	0.0	23.7
Stabilized Dune	9.3	1.9	0.0	7.0	0.0	7.0
Eucalyptus Grove	2.8	0.2	0.0	2.4	0.0	2.4
Upland*	271.9	238.9	57.4	85.5	58.5	203.8
Grassland	19.4	16.7	n/a	n/a	n/a	n/a
Coastal Sage Scrub	52.3	48.0	n/a	n/a	n/a	n/a
Invasive monoculture	200.2	174.2	0.0	0.0	0.0	0.0
Developed	47.7	n/a	7.2	20.9	6.7	38.0
Total	565.5	156.5^{2,3}	156.4	335.1	68.6	565.6

NOTES:

1. There is no fully tidal marsh under existing conditions, therefore there are no impacts.
2. All values are provided in acres
- 2,3 The total impact does not include disturbance of invasive monoculture since this would be a beneficial effects and not an adverse impact.
- * This total includes acreage on the SoCalGas Company property.

The following addition has been made to Table 2-23 on Draft EIS/EIR page 2-179:

**TABLE 2-23
ALTERNATIVE 2 RESTORATION SEQUENCE STAGES**

Sequence #	Project Area(s)	Activity Description
1	B	Southeast Area B gas line 1167—remove and relocate existing gas line underneath Gas Company Road
2	B	South and Southeast Area B enhancement—enhancement including channel excavation

...



The following addition has been made Draft EIS/EIR page 2-190 under the subheading “Water Control Structures”:

Two new water-control structures with multiple culverts in each would be installed in the existing north Ballona Creek channel levee to connect Ballona Creek to the oxbow shape and floodplain. The culverts would be sized to provide tidal flows from Ballona Creek to Area A. Each of the two banks of culverts in the levee would consist of multiple culverts and gates (e.g., six 5-foot diameter culverts with gates). The gates would be adjustable and allow for management of flows in and out of the two structures and management of water levels (e.g., for seasonal habitat management and to limit extreme water levels). In addition, spur drains and associated risers and flap gates located on either side of Culver Boulevard, that feed into Culvert #5, would be fully removed and spur drain connections to Culvert #5 would be sealed. The location of the former spur drains and risers would be backfilled to existing grade.

Section 2.3.6 on Draft EIS/EIR page 2-234 has been revised as follows:

~~... Regarding legal and social factors, CDFW notes that South and Southeast Area B provide flood storage for runoff and overflow from the 26-acre Freshwater Marsh, which was constructed as mitigation for the Playa Vista development and which serves water quality and flood control functions for the surrounding community by mitigating the impacts of urban runoff and stormwater (Neighborhood Council of Westchester/Playa 2017; U.S. EPA 2012). Restoring an open connection between this area and Ballona Creek as would occur under Alternative 10 would preclude these mitigation functions, resulting in a violation of legally enforceable obligations associated with the Playa Vista development. For these reasons, Alternative 10 has been determined to be infeasible for purposes of CEQA.~~

In summary, Alternative 10 would be reasonable; would be practicable to implement, operate, and maintain; ~~and~~ would be practicable to construct using existing technology; and would be feasible. However, Alternative 10 has not been carried forward for more detailed review because it would not meet the purpose and need and overall project purpose; would not meet most of the basic objectives of Alternative 1, would not be practicable in terms of cost for a tidal habitat restoration project, ~~and~~ would not avoid or substantially lessen Alternative 1’s significant impacts. ~~and would be infeasible.~~

3.2.6 Chapter 3, *Environmental Consequences*

Section 3.1, *Introduction*

Draft EIS/EIR page 3.1-5 has been revised as follows:

Because Area B is within the portion of the Westchester-Playa Del Rey Community Plan that is within the Coastal Zone, this area also is covered by the Playa Vista Area B Specific Plan ~~which along with applicable land use policies in the Community Plan constitutes the Local Coastal Program for Playa Vista Area B~~ (City of Los Angeles 2003a). Each of the alternatives would be consistent with the provisions of the Playa Vista Area B Specific Plan.

Area C is within the Palms-Mar Vista-Del Rey Community Plan and contains open space, multi-family residential, and commercial land use designations (City of Los Angeles 1997, 2007). Policies 5-1.1 and 5-1.2 encourage the retention of passive and visual open space and encourage efforts by Federal, state, and county agencies to acquire vacant land for publicly owned open space. Each of the alternatives would be consistent with these policies. Area C also is covered by the Playa Vista Area C Specific Plan ~~which along with applicable land use policies in the Palms Mar Vista Del Rey Community Plan constitutes the Local Coastal Program for Playa Vista Area C~~ (City of Los Angeles 2003b). Each of the alternatives would be consistent with the provisions of the Playa Vista Area C Specific Plan.

The following addition has been made to Table 3.1-1 on Draft EIS/EIR page 3.1-14:

47	Lincoln Bridge Multi-Modal Corridor Plan proposed as an element of the Westside Mobility Plan.	Lincoln Boulevard Bridge		Widening of the bridge's surface design to improve traffic flow; may result in wider sidewalks, bicycle lanes, and potentially a transit-only lane. No encroachment into the Ballona Reserve is anticipated.
48	<u>Habitat Management by Los Angeles Vector Control District</u>	<u>Adjacent to Project Site in Freshwater Marsh</u>	<u>Adjacent</u>	<u>Vegetation management (removal) of cattail and reed by LA Vector Control District in 2016.</u>

Section 3.2, *Aesthetics*

Draft EIS/EIR page 3.2-49 has been clarified as follows:

The parking garage sites would provide parking from ~~dawn to dusk~~ sunrise to sunset and would be locked after hours.



Section 3.3, Air Quality

Table 3.3-3 on Draft EIS/EIR page 3.3-10 has been revised as follows:

**TABLE 3.3-3
FEDERAL AND STATE ATTAINMENT STATUS FOR PROJECT AREA**

Criteria Pollutant	Federal Designation	State Designation
O ₃ (1-hour)	—	Nonattainment
O ₃ (8-hour)	Extreme nonattainment	Extreme nonattainment
CO	Attainment/maintenance	Attainment
PM ₁₀	Attainment/maintenance	Nonattainment
PM _{2.5}	<u>Serious</u> Nonattainment	Nonattainment
NO ₂	Attainment/maintenance	Attainment
SO ₂	Attainment	Attainment
Lead	Nonattainment	Attainment
Sulfates	n/a	Attainment
Hydrogen sulfide	(No Federal standard)	Unclassified
Visibility	(No Federal standard)	Unclassified

NOTES:

CO = carbon monoxide; PM₁₀ = particulate matter less than or equal to 10 microns; PM_{2.5} = particulate matter less than or equal to 2.5 microns; NO₂ = nitrogen dioxide; SO₂ = sulfur dioxide

SOURCE: CARB, 2013a; USEPA, 2015

Table 3.3-4 on Draft EIS/EIR page 3.3-15 has been revised as follows. This change in de minimis thresholds for PM_{2.5} was also updated to 70 tons per year in Tables 3.3-9, 3.3-10, 3.3-15, 3.3-16, 3.3-21, and 3.3-22.

**TABLE 3.3-4
APPLICABILITY RATES**

Pollutant	Rate (tons/year)
Ozone (precursors: VOC & NO _x)	10
Particulate Matter (PM ₁₀ & PM _{2.5})	40070
Carbon Monoxide (CO)	100
Nitrogen Dioxide (NO ₂)	100
Lead (Pb)	25

SOURCE: USEPA, 2014.

The references to “(Ventana, 2010)” in Mitigation Measure AQ-1 of the Draft EIS/EIR on pages ES-19, 3.3-36, and 3.3-62 have been removed as shown. The reference “Ventana, 2010” also has been deleted from the References section on Draft EIS/EIR page 3.3-62:

- b) Procurement and local storage of an oxidizer that can be applied in liquid form to treat stock piles of sediment or particularly odorous excavation areas; however, the use of such an oxidizer shall be approved by the CDFW, in advance, to ensure that it would not be harmful to aquatic organisms or cause long-term adverse effects in the aquatic environment (~~Ventana 2010~~); and

Draft EIS/EIR pages 3.3-27, 3.3-31, 3.3-35, 3.3-40, 3.3-44, 3.3-46, 3.3-51, 3.3-54, and 3.3-57 have been edited as follows:

... ~~Since the on-site restoration activities would not increase capacity or substantially alter the existing on-site recreational areas,~~ Restoration activities would increase recreational opportunities on and access to the Project Site. Therefore, restoration could increase the number of people visiting the site in the post-restoration phase. However, the increase in visitors to the site in the post-restoration phase is not expected to be substantial. As a result, the anticipated increase in the number of people visiting the site is not expected to substantially increase mobile source emissions. ...

Section 3.4, *Biological Resources*

The text under the subheading “Southern Mud Intertidal” on Draft EIS/EIR page 3.4-8 has been revised as follows:

Southern mud intertidal habitat, or mudflat, is a special aquatic site per 40 CFR §230.42. Mudflats are subject to some degree of mixed semidiurnal tidal fluctuations. Mudflats also may have significant freshwater inputs during the wet season or with dry weather runoff from urban areas. ~~Mudflats provide foraging habitat for birds and mammals~~ and are typically composed of fine-grained substrates. In addition to providing foraging habitat for birds and mammals, mudflats provide foraging habitat for various fish, and may also provide foraging for green sea turtles. Types of vegetation within and along the edges of mudflats include both nonvascular algae (e.g., phytoplankton, diatoms, [*Ulva* spp.]) and vascular plants (e.g., ~~surfgrasses [*Phyllospadix* spp.]~~ common eelgrass [*Zostera marina*], and ditch grass [*Ruppia* spp.]). Terrestrial vascular plants (e.g., pacific pickleweed [*Salicornia pacifica*], fleshy jaumea [*Jaumea carnosa*], and shore grass [*Distichlis littoralis*]) also are found at higher elevations on the edges of mudflats.

The text under the subheading “Reptiles and Amphibians” on Draft EIS/EIR page 3.4-13 has been revised as follows:

Appendix D8, *Summary of Reptile and Amphibian Studies*, describes the focused amphibian and reptile surveys that have been performed in the Ballona Reserve and/or in the adjacent Freshwater Marsh. As presented in Appendix D5 Table D5-5, *Reptile and Amphibian Species in the Project Site*, these include four amphibian species (California toad [*Anaxyrus boreas halophilus*], Baja California treefrog [*Pseudacris hypochondriaca*], and garden slender salamander [*Batrachoseps major*]) and nine reptile species (silvery legless lizard [=Southern California legless lizard] [*Anniella stebbinsi*], western side-blotched lizard [*Uta stansburiana elegans*], San Diego alligator lizard [*Elgaria multicarinata webbia*], Great Basin fence lizard [*Sceloporus occidentalis longipes*], San Bernardino ring-necked snake [*Diadophis punctatus modestus*], Southern Pacific rattlesnake [*Crotalus oreganus helleri*], San Diego gopher snake [*Pituophis catenifer annectens*], and California kingsnake [*Lampropeltus californiae*]. The red-eared slider [*Trachemys scripta elegans*] and American bullfrog [*Lithobates catesbeianus*], both non-



native species, were not identified on the Project site due to the lack of preferred habitat, but were found in the adjacent Freshwater Marsh. Special-status reptiles and amphibians are discussed in the *Special-Status Wildlife Species* section.

The following text has been added to Table 3.4-3 on Draft EIS/EIR page 3.4-21:

Previously Known On-site; Not Detected during Recent Botanical Surveys		
<u>Western dichondra</u> <u><i>Dichondra</i></u> <u><i>occidentalis</i></u>	California Rare Plant Ranking 4.2	Chaparral, cismontane woodland, valley and foothill grassland, coastal scrub. Located on sandy loam, clay, and rocky soils. Elevation range: 160–1,625 feet. Identified during surveys in 1991 and 2002; not detected during rare plant surveys in July 2010 and April 2011.
<u>Southern tarplant</u> <u><i>Centromadia</i></u> <u>[=<i>Hemizonia</i>] <i>parrvi</i></u> <u><i>ssp. australis</i></u>	California Rare Plant Ranking 1B.1	Marsh and swamp margins, valley and foothill grassland. Often located on disturbed sites near the coast on alkali soils. Elevation range: 0–1,385 feet. Noted in 1995 east of the Area C ball fields; not detected during rare plant surveys in July 2010 and April 2011.

The reference to the western s-banded tiger beetle in Table 3.4-4, *Special-status Wildlife Species Known to Occur or Potentially Occurring within the Project Site*, on Draft EIS/EIR page 3.4-26 has been revised as follows:

~~Low~~ Moderate Potential. Salty coastal habitats including salt marshes, tidal flats, beaches.

The following addition has been made to Table 3.4-3, *Special-status Wildlife Species Known to Occur or Potentially Occurring within the Project Site*, on Draft EIS/EIR page 3.4-27:

Special-Status Birds		
<u>Western snowy plover</u> <u><i>Charadrius</i></u> <u><i>alexandrinus nivosus</i></u>	FT: CSC: S2	Extirpated as a breeding perennial resident; transient migrant and rare winter visitor. At breeding sites, which do not include the Reserve, western snowy plovers breed primarily above the high-tide line on coastal beaches, sand spits, dune-backed beaches, sparsely vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries. In winter, they are found on beaches used for nesting and other beaches, in man-made salt ponds, and on estuarine sand and mudflats.

The following information has been added to Section 3.4.2.2, *Environmental Setting*, on Draft EIS/EIR pages 3.4-40 and 3.4-41.

Eight nonlisted special-status reptile and amphibian species occur in the Project region. Of these, the **western pond turtle** (*Actinemys marmorata*), is considered to have a less than reasonable likelihood of occurring due to the lack of suitable conditions, the species not being detected during surveys, and/or the Project site being outside its known range. ~~Five~~ Four species are determined to have a low potential to occur based on marginal or minimal suitable habitat and/or this species has not been detected in the Project site for at least several decades: coastal whiptail (*Aspidoscelis tigris stejnegeri*), ~~coast horned lizard~~ (~~*Phrynosoma blainvillii*~~), western spadefoot toad (*Spea hammondi*), two-striped garter snake (*Thamnophis hammondi*), and south coast garter snake (*Thamnophis sirtalis* ssp.). Therefore, these ~~five~~ two species are not further discussed in this analysis. The ~~remaining two~~



~~species silvery legless lizard and San Bernardino ring-necked snake are confirmed as present within the Project site and are discussed below. In addition, a historical anecdotal sighting of coast horned lizard (*Phrynosoma blainvillii*) was reported at the Ballona Reserve during the Draft EIS/EIR comment period (comment I18-4); hence, this species has been added to the analysis.~~

It has not been observed in the stabilized dune habitat of Area C despite repeated surveys, and it is presumed absent in this area. See Figure 3.4-10, *Silvery Legless Lizard Habitat*, which depicts the distribution of potentially suitable habitat for ~~Southern California~~ silvery legless lizard within the Project site.

Coast horned lizard (*Phrynosoma blainvillii*): California Species of Special Concern; State Rank = S3. The coast horned lizard was not documented at the Ballona Reserve during baseline studies and has not been formally documented in the area; however, a comment on the Draft EIS/EIR (comment I18-4) reports an anecdotal sighting of this species in North Area C prior to 2003. No other information is available regarding this observation. This species may be found in a variety of open habitat, often associated with sandy soils that often support ant colonies. Potential habitat for coast horned lizard in North Area C presumably occurs in stabilized dune habitat in North Area C, as mapped for silvery legless lizard (Figure 3.4-10, *Silvery Legless Lizard Habitat*). It is not known whether any coast horned lizard populations remain in this area.

Draft EIS/EIR page 3.4-45 has been supplemented as follows:

An approximately 20-meter patch of California sagebrush, surrounded by larger coyotebush and laurel sumac in Area A that held the single California gnatcatcher on March 18, 2011 is the largest occurrence of this habitat type known within the Project site (Cooper 2011). Because of the limited distribution of this habitat on-site, and the preponderance of non-native, invasive plant species within this habitat, it is unlikely that the gnatcatcher could breed on-site. According to the CNDDDB, the nearest reported occurrence of coastal California gnatcatcher to the Project Site was one individual observed (1-3 pairs estimated) in the Baldwin Hills in 1980. More extensive sagebrush has been planted to the south of the Project site on the slopes of the Westchester Bluffs, but this area has not been surveyed (Cooper 2011). Figure 3.4-13, *Potentially Suitable Habitat for Coastal California Gnatcatcher*, depicts the distribution of potentially suitable foraging habitat for the species in the Project site.

The title of Figure 3.4-13 on Draft EIS/EIR page 3.4-46 has been revised as shown. The revised figure is included in Final EIR Appendix E. This change is reflected throughout the document:

Figure 3.4-13: ~~Potentially Suitable~~ Foraging Habitat for Coastal California Gnatcatcher



The following definition of “human activity” has been added to Draft EIS/EIR page 3.4-76, the fifth paragraph under Section 3.4.6, Direct and Indirect Impacts:

Indirect impacts are those that result from an alternative, but can occur later in time or are farther removed in distance while still reasonably foreseeable and related to the Project. Indirect impacts could occur both during and following restoration. For example, restoration could result in temporary hydrological alteration and water quality impacts, erosion, dust, equipment-related noise, vibration, lighting, and increased human activity. Anticipated changes in human activity include differences in trail uses (e.g., passive recreation) and changes to routine operations and maintenance activities to care for restored areas. Each of these impacts could indirectly impact biological resources by disrupting or interfering with wildlife behavior and natural ecosystem processes. Post-restoration indirect impacts could occur as a result of landscape-level changes including habitat fragmentation and isolation, altered wildfire regimes, altered hydrology, and the spread of invasive plant species. ...

The following discussion of the California Coastal gnatcatcher has been added to Draft EIS/EIR page 3.4-78:

Coastal California gnatcatcher: This species is not expected to breed ~~or forage~~ on the Project site, but there are approximately 50 acres of relatively low-quality coastal sage scrub that could provide foraging habitat for this species. ~~e~~Considering the poor habitat conditions onsite and the ~~lack-~~limited number of recent observations of this species in the project area, there is a relatively low likelihood that foraging gnatcatchers would be present during project construction activities. However, since focused surveys for this species have not been conducted at the Ballona Reserve since 2011, although unlikely, potential impacts to nesting could occur if this species is confirmed present onsite. However, with implementation of Project Design Features and mitigation measures, Alternative 1 may affect, but is not likely to adversely affect coastal California gnatcatcher or its habitat.

The text under Impact 1-BIO-1c on Draft EIS/EIR pages 3.4-89 and 3.4-90 has been clarified as follows:

Phase 1 Indirect Impacts

No potential indirect impacts are anticipated to occupied El Segundo blue butterfly or its habitat in West Area B. The application of Project Design Feature BIO-4 (Water Pollution and Erosion Control Plan) would eliminate potential impacts related to the accumulation of fugitive dust from restoration activities. This design feature requires that dust control methods for the Project be specified in a dust control plan that would be submitted to the SCAQMD per Rule 403. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, using a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas. Potential impacts related to vibration and nearby increased human activity would be less than significant.



Phase 2 Direct Impacts

Similar to Phase 1, no direct impacts to suitable or occupied habitat for El Segundo blue butterflies would occur. As discussed for Phase 1, potential direct impacts to El Segundo blue butterflies resulting from butterfly collisions with equipment would be less than significant. The application of Project Design Features BIO-1 (WEAP), ~~and~~ BIO-2 (Limit of Disturbance), and BIO-4 (Water Pollution and Erosion Control Plan) would ensure work areas exclude habitat for El Segundo blue butterflies, ~~and~~ that workers would be made aware of the exclusion areas, and that fugitive dust is controlled by the project. No direct impacts would be anticipated.

The text under Impact 1-BIO-1f on Draft EIS/EIR page 3.4-94 has been clarified as follows:

During Phase 2, ~~0.1 acre of the dune scrub habitat would be permanently lost for the~~ 0.1 acre of the dune scrub habitat would be permanently lost for the aforementioned dune-associated special-status invertebrates would be avoided. There would be no permanent impact on dune scrub habitat. The remaining 4.10 acres of existing southern dune scrub habitat in West Area B would be preserved.

The discussion of Impact 1-BIO-1g on Draft EIS/EIR pages 3.4-95 and 3.4-96 has been revised to include coast horned lizard in all instances. For example, the text under the subheading “Phase 1 Direct Impacts” has been revised as follows:

During Phase 1, direct impacts to potential habitat for silvery legless lizard would occur during restoration activities in Areas A and C (see Figure 3.4-10), resulting in the loss of 2.3 acre of potentially suitable habitat for silvery legless lizard. A portion of the stabilized dune habitat in North Area C mapped as legless lizard habitat may also support coast horned lizard. However, the stabilized dune habitat in Area A is not known to be occupied by silvery legless lizards or coast horned lizards and is only marginally suitable for ~~this species~~ legless lizards due to a generally high degree of soil compaction. Restoration activities requiring ground disturbance and the use of earth-moving equipment in suitable habitat could result in the direct mortality of this species. Following the application of Project Design Features BIO-1 (WEAP) and BIO-2 (Limit of Disturbance), remaining significant direct impacts would be reduced to less than significant through the implementation of Mitigation Measures BIO-1b-ii (Biological Monitoring) and BIO-1g-i (Pre- and Post-Restoration Surveys for Silvery Legless Special-Status Lizards).

Additionally, the text under the subheading “Phase 1 Indirect Impacts” has been revised as follows:

No indirect impacts would occur to silvery legless lizards or coast horned lizards.

Additionally, the text under the subheading “Phase 2 Direct Impacts” has been revised as follows:

During Phase 2, 0.1 acre of habitat would be permanently lost for the silvery legless lizard, with no anticipated impacts to coast horned lizards. The remaining 4.10 acres of



existing southern dune scrub habitat in West Area B would be preserved. Further, implementation of Project Design Feature BIO-2 (Limit of Disturbance) would ensure sensitive habitats are delineated and avoided to the extent feasible.

Draft EIS/EIR page 3.4-96 has been edited as follows:

~~During Phase 1~~ Post-restoration, direct and indirect impacts could occur as a result of operations and maintenance activities within suitable habitat including weed removal, trail maintenance, and increased human activity.

These potential impacts would be offset in part by the enhancement of portions of potentially suitable habitat in Area C via the removal of invasive weeds (e.g., iceplant) and re-planting with native dune species. The application of Project Design Feature BIO-3 (Habitat Restoration and Monitoring Plan) would improve the value of dune habitats within the Ballona Reserve through restoration and monitoring of upland habitat, as well as by controlling non-native invasive plants; and other measures that would focus specifically on legless lizard and horned lizard habitat, such as replanting with native dune species. This would result in a beneficial effect.

The text under the heading “Level of Significance after Mitigation” on Draft EIS/EIR page 3.4-97 has been revised as follows:

The application of Project Design Features BIO-1 (WEAP), BIO-2 (Limit of Disturbance), and BIO-3 (Habitat Restoration and Monitoring Plan) and implementation of the mitigation measures identified above would minimize the area of potential impacts to ~~silvery legless~~ special-status lizards, reduce potential impacts during and following restoration (such as by limiting unauthorized access into restored habitat areas), and ensure that a comparable amount of high-quality upland habitat would be available to silvery legless lizards and coast horned lizards following restoration. The mitigation measures identified above would reduce Impact 1-BIO-1g-i to a less-than-significant level.

The values in Table 3.4-9 on Draft EIS/EIR page 3.4-99 have been clarified as follows:

**TABLE 3.4-9
 EFFECTS TO BELDING’S SAVANNAH SPARROW HABITAT, ALTERNATIVE 1**

Belding’s Savannah sparrow Habitat Types	Habitat Area (acres)	Permanent Impact (acres)	Habitat Establishment (acres)	Post-restoration Habitat Area (acres)	Net Habitat Change (acres)
Occupied Habitat	24.3	1.1	n/a	23.2	-1.1
Potentially Suitable Habitat	101.7	9.1	77.5	170.1	+68.4
Total After Phase 1	126.0	10.2	77.5	193.3	+67.3
Existing Occupied Habitat After Phase 1	23.2	6.8	n/a	16.4	-6.8
Potentially Suitable Habitat	170.1	11.1	20.2	179.2	±-9.1
Total After Phase 2	193.3	17.9	20.2	195.6	±-2.3
Total Net Habitat Change					+69.6

SOURCES: WRA, ESA

Draft EIS/EIR pages 3.4-99 and 3.4-100 have been edited as follows:

Because Belding's savannah sparrows are known to have high site fidelity, the establishment of new habitat does not guarantee future use. Therefore, Phase 2 would not proceed until Belding's savannah sparrows' use of the newly constructed salt marsh habitat in Area A and/or South Area B has been documented and all interim success criteria have been achieved, as required in Mitigation Measure BIO-1i-ii, and in accordance with the Conceptual Habitat Restoration and Adaptive Management Plan (Conceptual Plan) described in the discussion of Revegetation of Graded and Disturbed Areas in Section 2.23.2.5, *Alternative 1: Implementation and Construction Process*, and included as Appendix B3 to this Draft EIS/EIR. Potential direct impacts would be reduced to less than significant with a potential net beneficial effect for this species.

Impact 1-BIO-1j on Draft EIS/EIR page 3.4-102 has been revised as follows:

Restoration activities associated with Phase 1 restoration would impact potential foraging habitat for this species. However, this species is not expected to breed ~~or forage~~ on the Project site, but there are approximately 50 acres of relatively low-quality coastal sage scrub that could provide foraging habitat for this species. Considering the poor habitat conditions onsite and the ~~lack~~ limited number of recent observations of this species in the project area, there is a relatively low likelihood that foraging gnatcatchers would be present during project construction activities. Although foraging habitat would be reduced, the majority of potential habitat for this species would remain and be enhanced and/or planted (at least 75%). However, since focused surveys for this species have not been conducted at the Ballona Reserve since 2011, although unlikely, potential impacts to nesting could occur if this species is confirmed present onsite. Nesting success could be impacted indirectly though noise or visual disturbance. Therefore, potential significant indirect impacts to this species would be reduced to less than significant through implementation of Mitigation Measure BIO-1j-i (Coastal California Gnatcatcher Avoidance).

Impact 1-BIO-1k on Draft EIS/EIR pages 3.4-104 and 3.4-105 has been edited as follows:

Suitable vireo habitat at the Ballona Reserve identified in the 2010 least Bell's vireo report (Cooper 2010a) is located in Southeast Area B. As shown in Table 3.4-10, Phase 1 would not result in the direct impact to approximately 0.1 acre of occupied or potential least Bell's vireo habitat, ~~occupied by one nesting pair, and 0.2 acre of~~ as all potentially suitable habitat ~~due to the~~ would be avoided during construction of a the channel connecting the Freshwater Marsh with the salt marsh habitat in Area B (see Figure 3.4-14). The 5 acres of willow/mulefat thickets that would be impacted in Area A and North Area B was not identified to be suitable vireo habitat during focused surveys for least Bell's vireo performed at the Ballona Reserve in 2010; hence, impacts to this species are not expected in these areas. North Area B consists of smaller clumps of willow that have not been known to support this species, even in migration (Cooper 2010a). Area A does not support willow but consists of mulefat thickets. Potential significant direct impacts to least Bell's vireo or its habitat would be reduced to less than significant through application of Project



Design Features BIO-1 (WEAP), BIO-2 (Limit of Disturbance), and BIO-3 (Habitat Restoration and Monitoring Plan), and the implementation of Mitigation Measure BIO-1b-ii (Biological Monitoring) to ensure direct impacts to this species and its habitat are avoided and minimized to the extent practical.

**TABLE 3.4-10
 EFFECTS TO LEAST BELL’S VIREO HABITAT, ALTERNATIVE 1**

Existing least Bell’s vireo Habitat Types	Existing Habitat Area (acres)	Permanent Impact (acres) ¹⁰	Post-restoration Habitat Area (acres)	Net Change (acres)
Vireo Occupied Habitat	2.5	0.40	2.45	0.40
Vireo Potentially Suitable Habitat	4.1	0.20	7.43	+3.02
Total After Phase 1	6.6	0.30	9.58	2.9 +3.2
Total Net Habitat Change				2.9 +3.2

SOURCES: WRA, ESA

Phase 1 would result in the net increase in the amount of suitable breeding and foraging habitat for least Bell’s vireo through the establishment of a new riparian corridor along Fiji Ditch in North Area C. In total, Phase 1 would result in a net increase of ~~2.9~~3.2 acres of suitable breeding and foraging habitat for this species, resulting in an overall beneficial effect.

Phase 1 Indirect Impacts

In total, Phase 1 would result in a net increase of ~~2.9~~3.2 acres of suitable breeding and foraging habitat for this species (a beneficial effect).

Phase 2 Indirect Impacts

Similar to Phase 1, restoration activities in the vicinity of potential and occupied habitat could indirectly impact habitat quality and/or breeding success due to noise, vibration, lighting, and increased human activity. Public access and recreational use is not expected to change substantially from existing conditions near the least Bell’s vireo habitat identified in Figure 3.4-14. No new trails or public access points would be constructed in close proximity to the habitat. Operations and maintenance actions aimed at restoring habitat would also be timed to avoid conflicts with the vireo nesting season, and would have no significant impact on nesting vireos. Following the application of Project Design Feature BIO-1 (WEAP), remaining potential significant indirect impacts would be reduced to less than significant through the implementation of Mitigation Measures BIO-1b-iii (Noxious Weed Control Plan) and BIO-1k-i (Least Bell’s Vireo Avoidance), which would avoid and minimize indirect impacts to any nesting least Bell’s vireos.

¹⁰ Note that Mitigation Measure BIO-1k (Least Bell’s Vireo Avoidance) requires that all occupied or potentially suitable willow riparian habitat for least Bell’s vireos shall be avoided; hence, permanent impacts in Table 3.4-10 have been updated accordingly.

Post-Restoration

.... Further, the overall net change in habitat resulting from Alternative 1 is an increase in 3.0~~2~~ acres of suitable breeding and foraging habitat for least Bell’s vireos (a beneficial effect).

The text under the heading “Phase 2 Indirect Impacts” on Draft EIS/EIR page 3.4-119 has been revised as follows:

As shown in Table 3.4-13, Phase 2 would result in a net ~~decrease~~increase in the amount of suitable habitat for these species as compared to the quantity of habitat that would exist after the completion of Phase 1, ~~but~~and would increase the quality of existing habitats by restoring tidal influence. Following the application of Project Design Features BIO-1 (WEAP), BIO-2 (Limit of Disturbance) and BIO-3 (Habitat Restoration and Monitoring Plan), remaining habitat and species impacts would be similar to those discussed for Phase 1, and could be minimized with implementation of Mitigation Measures BIO-1b-ii (Biological Monitoring) and BIO-1b-iii (Noxious Weed Control Plan).

Table 3.4-18 on Draft EIS/EIR page 3.4-131 has been revised as follows:

All ~~existing 4.2 acres~~ but 0.1 acre of southern dune scrub habitat would be avoided during restoration activities (Table 3.4-18). No direct impacts would occur.

**TABLE 3.4-18
SUMMARY OF CHANGES IN THE EXTENT OF SOUTHERN DUNE SCRUB HABITAT
AS A RESULT OF ALTERNATIVE 1**

Existing Habitat Types	Existing Habitat Area (acres)	Permanent Impact (acres)	Post- Restoration Habitat Area (acres)	Net Change (acres)
Southern Dune Scrub (Phase 1)	4.2	N/A	4.2	0.0
Southern Dune Scrub (Phase 2)	4.2	N/A	4.1 2	0.1 0
Total Net Habitat Change				0.10

SOURCE: WRA; CDFW in Response AS5-43

The discussion under Impact 2-BIO-1g on Draft EIS/EIR pages 3.4-151 and 3.4-152 has been revised to include coast horned lizard in all instances. For example, the text under subheading “Direct Impacts” on Draft EIS/EIR page 3.4-151 has been revised as follows:

Restoration-phase activities in the stabilized dune habitat in Area A would result in the loss of 2.3 acres of potentially suitable habitat for silvery legless lizard. A portion of this habitat in North Area C may also support coast horned lizard. However, the stabilized dune habitat in Area A is not known to be occupied by silvery legless lizard or coast horned lizards and is only marginally suitable for legless lizards due to a generally high degree of soil compaction. Restoration activities requiring ground disturbance, such as grading, occurring in suitable habitat could have a significant impact on the legless lizard and coast horned lizard due to direct mortality. Restoration activities requiring ground disturbance and the use of earth-moving equipment in suitable habitat could result in the direct mortality of this species. Following the application of Project Design Features



BIO-1 (WEAP) and BIO-2 (Limit of Disturbance), this would remain a significant impact. This impact would be reduced to less than significant by the implementation of Mitigation Measures BIO-1b-ii (Biological Monitoring) and BIO-1g-i (Pre- and Post-Restoration Surveys for ~~Silvery Legless Special-Status Lizards~~). Residual impacts would be similar to those described for Alternative 1.

The following text has been added to Draft EIS/EIR pages 3.4-155 and 3.4-156:

However, limited potential significant adverse indirect impacts to nesting birds could occur due to a potential increase in human activity associated with opening the Ballona Reserve for passive recreation (e.g., trail use).

The discussion under Impact 3-BIO-1g on Draft EIS/EIR pages 3.4-185 and 3.4-186 has been revised to include coast horned lizard in all instances. For example, the text under subheading “Direct Impacts” on Draft EIS/EIR page 3.4-185 has been revised as follows:

Restoration activities in the stabilized dune habitat in Area A would result in the permanent loss of 0.4 acres of potentially suitable habitat for silvery legless lizard or coast horned lizard due to soil compaction and/or changes in plant community composition. However, the stabilized dune habitats in Area A are not known to be occupied by silvery legless lizard or coast horned lizard and are only marginally suitable due to a generally high degree of soil compaction. Restoration activities requiring ground disturbance, such as grading, occurring in suitable habitat could have a significant impact on ~~the legless special-status lizards, if present~~, due to direct mortality. Following the application of Project Design Features BIO-1 (WEAP) and BIO-2 (Limit of Disturbance), remaining significant direct impacts would be reduced to less than significant by the implementation of Mitigation Measures BIO-1b-ii (Biological Monitoring) and BIO-1g-i (Pre- and Post-Restoration Surveys for Silvery Legless Special-status Lizards). Residual impacts would be similar to those described for Alternative 1.

Table 3.4-41 on Draft EIS/EIR pages 3.4-202 has been revised as follows:

**TABLE 3.4-41
 SUMMARY OF CHANGES IN THE EXTENT OF FEDERALLY AND STATE PROTECTED
 (CORPS, RWQCB JURISDICTION) WETLAND HABITAT AS A RESULT OF ALTERNATIVE 3**

Existing Wetland Habitat Types	Existing Habitat Area (acres)	Post-restoration Habitat Area (acres)	Net Change (acres)
Tidal waters	29.5	41.1	+11.6
Managed/tidal waters	38.8	42.4	+3.6
Non-tidal waters	0.0	0.0	0.0
Tidal wetland	0.0	42.8	+42.8
Managed/tidal wetland	21.7	12.5	-9.2
Non-tidal wetland	130.0	133.8	+3.8
Subtotal waters	68.3	83.5	+15.2
Subtotal waters wetlands	151.7	189.1	+37.4
Total	220.0	272.6	+52.6

SOURCE: ESA

Section 3.5, Cultural and Paleontological Resources

Table 3.5-3 on Draft EIS/EIR 3.5-37 has been edited as follows:

**TABLE 3.5-3
HISTORICAL RESOURCES IN ALTERNATIVE 1**

Identifier	Description	National Register/California Register Eligibility	Impact
BLAD	Archaeological district comprised of sites pertaining to the prehistoric occupation of the Ballona microregion	Determined eligible	Direct/Indirect
CA-LAN-54	Prehistoric archaeological site containing midden deposits, features, tools, and lithic and ground stone artifacts	Determined eligible	Direct/Indirect None
CA-LAN-3784H	Historic-period archaeological site consisting of a refuse scatter	Assumed eligible	None
Pacific Electric Railroad Bridge Abutments	Two paired bridge abutments on either side of Lincoln Boulevard	Recommended eligible	Direct/Indirect

Section 3.6, Geology, Seismicity, and Soils

The discussion of settlement and subsidence in Draft EIS/EIR Section 3.6 (page 3.6-16) has been updated as follows:

... There are no water supply wells located within the Project site. ~~With no fluid extraction activities~~ 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.² However, settlement can occur when a load from a structure or placement of new fill material is applied, causing distortion in the underlying materials. ...

Draft EIS/EIR Section 3.6.3.2 (page 3.6-21) has been updated as follows:

~~Portions of T~~he Ballona Reserve ~~(including portions of Areas A, B, and C) are located is~~ within the Coastal Zone, supports features subject to the jurisdiction of the California Coastal Commission, and ~~are is~~ subject to the Coastal Act, including the California Coastal Commission’s Coastal Development Permit approval requirement. The Coastal Development Permit process requires maps; Project plans; CEQA review; relevant grading, drainage, erosion control, geology and soils, and/or geotechnical plans and a report; local approval of the Project; and various fees and filings.

² 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.



Section 3.7, Greenhouse Gas Emissions/Climate Change

Draft EIS/EIR pages 3.7-12, 3.7-15, and 3.7-18 have been edited as follows:

... During the post-restoration phase, GHG emissions would be generated by public visitors driving to and from the Project site. ~~Since the on-site restoration activities would not increase capacity or substantially alter the existing on-site recreational areas,~~ Restoration activities would increase recreational opportunities on and access to the Project Site. Therefore, restoration could increase the number of people visiting the site in the post-restoration phase. However, the increase in visitors to the site in the post-restoration phase is not expected to be substantial. As a result, the number of people visiting the site is not expected to increase enough to result in a marked increase in mobile source GHG emissions.

Section 3.8, Hazards and Hazardous Materials

The discussion of Impact 1-HAZ-6 on Draft EIS/EIR page 3.8-28 has been revised as follows:

In summary, Alternative 1 includes activities that could affect but would not physically interfere with an adopted emergency response plan or emergency evacuation plan by requiring temporary road closures, traffic lane restrictions, or interruptions for truck crossings. Although none of these potential impacts would be permanent, they could be reduced via the implementation of a traffic control plan such as is described in Mitigation Measures TRANS-1a, ~~Traffic Control and Safety Assurance Plan~~ Construction Traffic Management Plan, and TRANS-1b, Restriction of Lane Closures, in Section 3.12, *Transportation and Traffic*.

Mitigation Measures

Implement Mitigation Measures 1TRANS-1a, ~~Traffic Control and Safety Assurance Plan~~ Construction Traffic Management Plan, and TRANS-1b, Restriction of Lane Closures.

The discussion of Impact 2-HAZ-6 on Draft EIS/EIR page 3.8-28 has been revised as follows:

Mitigation Measures

Implement Mitigation Measures 1TRANS-1a, ~~Traffic Control and Safety Assurance Plan~~ Construction Traffic Management Plan, and TRANS-1b, Restriction of Lane Closures.

Section 3.9, Hydrology and Water Quality

Table 3.9-1 on Draft EIS/EIR page 3.9-6 has been revised as follows:

**TABLE 3.9-1
BENEFICIAL USES OF KEY SURFACE WATER FEATURES IN THE STUDY AREA**

Beneficial Uses	Ballona Creek Reach ¹	Ballona Creek to Estuary Reach ²	Ballona Creek Estuary ³
Municipal and Domestic Supply (MUN)	P*	P*	--
Industrial Service Supply (IND)	--	--	--
Industrial Process Supply (PROC)	--	--	--
Agricultural Supply (AGR)	--	--	--
Groundwater Recharge (GWR)	--	--	--
Freshwater Replenishment (FRSH)	--	--	--
Navigation (NAV)	--	--	E
Hydropower Generation (POW)	--	--	--
Commercial and Sport Fishing (COMM)	--	--	E
Aquaculture (AQUA)	--	--	--
Warm Freshwater Habitat (WARM)	P	P	--
Cold Freshwater Habitat (COLD)	--	--	--
Inland Saline Water Habitat (SAL)	--	--	--
Estuarine Habitat (EST)	--	--	E
Marine Habitat (MAR)	--	--	E
Wildlife Habitat (WILD)	E	P	E
Preservation of Biological Habitat (BIOL)	--	--	--
Rare, Threatened or Endangered Species (RARE)	--	--	Ee
Migration of Aquatic Organisms (MIGR)	--	--	Ef
Spawning, Reproduction, and/or Early Development (SPWN)	--	--	Ef
Shellfish Harvesting (SHELL)	--	--	E
Wetland (WET)	--	--	--
<u>(REC1)</u>	<u>Ps, au</u>	<u>Ps, au</u>	<u>E</u>
<u>(REC2)</u>		<u>E</u>	<u>E</u>
<u>(LREC-1)</u>	<u>E</u>	<u>E</u>	

NOTES:

E: Existing beneficial use; P: Potential beneficial use; I: Intermittent beneficial use.

au: The REC-1 use designation does not apply to recreational activities associated with the swimmable goal as expressed in federal Clean Water Act Section 101(a)(2) and regulated under the REC-1 use in the Basin Plan, or the associated bacteriological objectives set to protect those activities.

However, water quality objectives set to protect other REC-1 uses associated with the fishable goal as expressed in federal Clean Water Act Section 1010(a)(2) shall remain in effect for waters where the (au) footnote appears.

e: One or more rare species utilizes all ocean, bays, estuaries, and coastal wetlands for foraging and/or nesting.

f: Aquatic organisms utilize all bays, estuaries, lagoons, and coastal wetlands, to a certain extent, for spawning and early development. This may include migration into areas which are heavily influenced by freshwater inputs.

s: Access prohibited by Los Angeles County DPW.

* Asterisked MUN designations are designated under SB 88-63 and RB 89-03.

¹ This reach extends from Cochran Avenue to National Boulevard.

² This reach extends from National Boulevard to the Ballona Creek confluence with Centinella Creek.

³ This reach extends from the confluence with Centinella Creek to Santa Monica Bay.

SOURCES: LARWQCB 2005, 2018



Table 3.9-3 on Draft EIS/EIR page 3.9-8 has been revised as follows:

**TABLE 3.9-3
303(D) POLLUTANT ASSESSMENTS IN BALLONA ESTUARY AND PROJECT SITE**

Pollutant	Source
Cadmium	Source Unknown
Chlordane (tissue & sediment)	Point Source, Nonpoint Source
Coliform bacteria	Point Source, Nonpoint Source
Copper	Source Unknown
DDT (tissue & sediment)	Point Source, Nonpoint Source
Lead (sediment)	Point Source, Nonpoint Source
PAHs (Polycyclic Aromatic Hydrocarbons) (sediment)	Point Source, Nonpoint Source
PCBs (Polychlorinated biphenyls) (tissue & sediment)	Point Source, Nonpoint Source
Sediment Toxicity	Point Source, Nonpoint Source
Shellfish Harvesting Advisory	Point Source, Nonpoint Source
Silver	Source Unknown
Zinc (sediment)	Point Source, Nonpoint Source
<u>Exotic Vegetation^a</u>	<u>Nonpoint Source</u>
<u>Habitat Alterations^a</u>	<u>Nonpoint Source</u>
<u>Hydromodification^a</u>	<u>Nonpoint Source</u>
<u>Reduced Tidal Flushing^a</u>	<u>Nonpoint Source</u>
<u>Trash^a</u>	<u>Nonpoint Source</u>

NOTE:
^a Pollutants listed for Ballona Creek wetlands whereas other pollutants are listed for separate entry of Ballona Creek estuary.
SOURCE: SWRCB 2010

Table 3.9-4 on Draft EIS/EIR page 3.9-27 has been revised as follows:

**TABLE 3.9-4
TMDL IMPLEMENTATION AND PROJECT CONSTRUCTION SCHEDULE**

Date	Bacteria TMDL	Toxics TMDL	Metals TMDL	Alternative 1 Schedule	Alternative 2 Schedule	Alternative 3 Schedule
January 11, 2006		Effective Date				
April 27, 2007	Effective Date					
October 29, 2008			Effective Date			
January 11, 2011			Reconsideration			
January 11, 2012		Reconsideration				
January 11, 2013		25% reduction	25% reduction			
April 27, 2013	Compliance for dry weather achieved ³					

³ Pursuant to Part VI. E.4 of the Los Angeles County MS4 Permit, when Permittees anticipate that additional time is necessary to comply with the water quality-based effluent limitations and/or receiving water limitations for State adopted TMDLs where the final compliance deadlines have passed, they may request a time schedule order (TSO) pursuant to Water Code §13300 for the Board's consideration. The Permittees each submitted letters to the Los Angeles Water Board requesting a TSO to implement the dry-weather bacteria limitations applicable to the Ballona Creek watershed as set forth in Attachment M of the Los Angeles County MS4 Permit pursuant to Water Code §13300. These requests were received on April 17, 2013 (City of Los Angeles); April 24, 2013 (City of Culver City and City of Inglewood); April 25, 2013 (County and LACFCJ jointly); April 26, 2013 (City of West Hollywood); and May 8, 2013 (City of Beverly Hills).

TABLE 3.9-4 (Continued)
TMDL IMPLEMENTATION AND PROJECT CONSTRUCTION SCHEDULE

Date	Bacteria TMDL	Toxics TMDL	Metals TMDL	Alternative 1 Schedule	Alternative 2 Schedule	Alternative 3 Schedule
January 11, 2016		50% reduction	50% reduction			
January 11, 2017		75% reduction	75% reduction			
January 1, 2017 (earliest)				Start Phase 1 Construction	Start Construction	Start Construction
January 11, 2021		Compliance <u>to be</u> achieved	Compliance <u>to be</u> achieved	Area A breached (~4 yr after start)	Area A breached (~4 yr after start)	
April 27, 2021	Compliance for wet weather <u>to be</u> achieved					
March 2022				Finish Phase 1 Construction	Finish Construction	Finish Construction
May 2023 (earliest)				Start Phase 2 Construction		
January 2025				Finish Phase 2 Construction		

The following clarification has been added to Draft EIS/EIR Section 3.9.5.1 on page 3.9-32:

The suitability of on-site excavated sediment for placement at a designated ocean dredged material disposal site would require a Tier III evaluation in accordance with Evaluation of Dredged Material Proposed for Ocean Disposal – Testing Manual (OTM; USEPA/Corps 1991). The Tier III evaluation contains sediment quality standards, which are set based on water quality criteria and protection of water quality. Sediment could be placed in an ocean disposal site only if it met the standards of the OTM. Initial sediment testing results were provided to the Southern California Dredge Material Management Team (DMMT) on January 28, 2015. The DMMT includes the Corps Los Angeles District and the LARWQCB. Further testing of the sediments would occur as part of the final permitting for off-site disposal in accordance with the ITM and OTM guidelines. As clarified by the USEPA (see Comment Letter AF2 in Section 6.5.1), only “dredged material,” i.e., material excavated from below the Mean High Water (MHW) elevation or clearly documented as previous dredged material, would be eligible for ocean disposal. Vegetation, including roots, is not eligible for ocean disposal and would be removed prior to such disposal. USEPA has not determined whether onsite materials are suitable for ocean disposal and has not concurred on ocean disposal.

Section 3.10, Noise

The text on Draft EIS/EIR page 3.10-39 has been revised as follows:

As such, the location of the new pedestrian and bicycle path adjacent to the multi-family residential uses located west of West Area B and directly south of Ballona Creek also is anticipated to result in similar daytime noise levels. In addition, the Ballona Reserve



would only be open to the public from sunrise to sunset ~~dawn to dusk~~ following restoration, and noise would not be generated during nighttime hours.

Section 3.11, Recreation

Table 3.11-1 on Draft EIS/EIR page 3.11-2 has been revised as follows:

**TABLE 3.11-1
 PARKS AND RECREATIONAL FACILITIES WITHIN 0.5 MILE OF THE PROJECT SITE**

Facility	Distance from Project Site (miles)	Type of Park	Acres	Amenities	Operating Agency
Aubrey E. Austin Jr. Park and North Jetty	0.30	Pocket Park	1	Paved walkway out to the ocean and overlook for the Marina lagoon.	County of Los Angeles Department of Beaches and Harbors
<u>Ballona Discovery Park</u>	<u>0.28</u>	<u>Neighborhood</u>	<u>2</u>	<u>Open space, trails, educational signage, and a Tongva house and interactive display.</u>	<u>Friends of Ballona Wetlands</u>

Section 3.12, Transportation and Traffic

The discussion of Impact 1-Trans-1a on Draft EIS/EIR page 3.12-15 has been revised as follows:

The haul route to be used by Project trucks is shown in [Figure 3.12-4, Truck Haul Routes](#). Haul trucks coming to the Project Site would travel via SR 90, Mindanao Way, and Lincoln Boulevard, and into North Area C to reach the Lincoln Boulevard temporary construction bridge and access Area A. As shown in this figure, a haul route from the site would require traveling from Area A into North Area C via the Lincoln Boulevard temporary construction bridge and merging onto northbound Lincoln Boulevard, to Mindanao Way onto SR 90. This outgoing route was chosen to eliminate left turns onto Lincoln Boulevard. For the return trips, the empty trucks would enter Area A from Lincoln Boulevard from the south, again to avoid left turns and provide a one-way operation on-site for efficiency.

Section 3.13, Utilities and Service Systems

No revisions were made to this section.

Section 3.14, Socioeconomics and Environmental Justice

The discussion of Impact 1-EJ-1 on Draft EIS/EIR page 3.14-24 has been revised as follows:

The potential temporary road and lane closures during restoration described in Section 3.12, *Transportation/Traffic*, would have no impact on emergency response times via Lincoln Boulevard, a designated emergency route, because emergency vehicle access would remain available at all times in all scenarios. Regarding other temporary road and lane closures described in Section 3.12, *Transportation and Traffic*, Alternative 1 could

adversely affect emergency response times if emergency service vehicles are detoured and/or experience traffic congestion during a response. The identified environmental justice communities are served by police and fire stations that, due to their locations, are unlikely to rely on the potentially closed routes to respond to emergencies. Therefore, no disproportionately high and adverse impacts on environmental justice communities would occur as a result of inadequate emergency access. Additionally, route closures would be short-term, and implementation of the ~~Traffic Control and Safety Assurance Plan~~ Construction Traffic Management Plan in Mitigation Measure TRANS-1 in Section 3.12 would provide advance notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways, allowing emergency responders to choose alternate routes as needed; however, this mitigation is not necessary to avoid or minimize a disproportionately high and adverse environmental justice impact.

3.2.7 Chapter 4, *Other Considerations*

Section 4.1, Significant Irreversible Impacts

No revisions were made to this section.

Section 4.2, Growth-Inducing Impacts

The following clarification has been added to Draft EIS/EIR page 4-4:

Related work would include the construction of three gateway entrances, construction of a new three-story parking garage, improvements to the existing West Culver parking lot, construction of new bicycle paths and pedestrian trails on top of levees that would replace the existing ones on the current levees, and new interpretive features and amenities. Public access to the Project site would be allowed from ~~dawn to dusk~~ sunrise to sunset and restricted after hours. Section 4.3, *Energy Conservation*.

No revisions were made to this section.

Section 4.4, Environmentally Superior Alternative

The discussion of the Environmentally Superior Alternative has been revised as follows:

CEQA Guidelines Section 15126.6(e)(2) states, “[i]f the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.”

Although Alternative 4: No Federal Action/No Project would have no change to existing conditions resulting from restoration activities, it is not the environmentally superior alternative when compared to Alternatives 1–3, which are intended to improve the environment (stop further habitat degradation and improve native habitat function). Over



half of the vegetated areas within the Ballona Reserve are heavily infested with invasive species (nonnative species that are invading as defined by Cal-IPC). Under Alternative 4, no substantial restoration changes would occur and, thus, invasive species would continue to thrive and spread on the Project site and there would not be improvement to the hydrologic function of the ecological reserve. Under Alternative 4, continued management of the existing Area B tide gates to provide some hydrologic function would be possible temporarily; however, eventually, the tide gates would have to be closed permanently to avoid flooding in West Area B and behind Culver Boulevard due to projected sea-level rise. As a result, the existing tidal wetland habitats would be cut off from the estuary and would convert to mudflat or open water habitat.

Alternatives 1, 2, and 3 would all improve the environment as compared to existing conditions, but Alternatives 1 and 2 would result in a greater quantity of aquatic and wetland habitats as compared to Alternative 3. More specifically, there would be little change in the quality of the existing marsh under Alternative 3 and therefore non tidal salt marsh and non tidal marsh would be prevalent. Despite Alternative 3 having less environmental effects related to restoration actions, it is not environmentally superior to Alternatives 1 or 2 because those two alternatives would provide greater environmental benefits than Alternative 3.

Alternative 2 would provide long-term restoration benefits similar to those provided by Alternative 1, Phase 1. It also would reduce some impacts as compared to Alternative 1 because Alternative 2 would avoid the impacts of Alternative 1, Phase 2. Because Alternative 2 would avoid the environmental impacts of Alternative 1, Phase 2, while still achieving significant amounts of restoration without impacting marginally functioning tidal wetland habitat, CDFW preliminarily identified Alternative 2 as the Environmentally Superior Alternative in the Draft EIS/EIR.

CDFW, as the CEQA lead agency, requested comments on the Draft EIS/EIR via the State Clearinghouse from other public agencies including responsible agencies; trustee agencies; other state, Federal, and local agencies that have jurisdiction over resources that could be affected by the Project; and from the County of Los Angeles and the City of Los Angeles because the Project site is located within these local agencies' municipal boundaries. In addition to these requests for input, CDFW also has sought input from individuals with special expertise regarding the potential environmental impacts of the Project and from members of the general public. ~~After CDFW has considered all substantive input provided in response to these requests it can confirm the alternative that is the environmentally superior alternative for purposes of CEQA. The Final EIS/EIR, which will be prepared following consideration of all substantive comments received on this Draft EIS/EIR, will finalize its identification of the Environmentally Superior Alternative.~~

After reviewing and responding to public comments, discussing with other agencies, considering all the aforementioned input, and studying the matter more, CDFW



determined that Alternative 1 is the CEQA Environmentally Superior Alternative from a perspective of wildlife habitat.

Although Alternative 2 would avoid restoration impacts in West Area B associated with Phase 2 of Alternative 1, Alternative 1 would provide opportunities to use sea-level rise adaptation strategies to improve the resiliency of habitat functions in West Area B into the future that Alternative 2 does not provide. For example, Alternative 1 would maintain the salt pan habitat in West Area B for longer than Alternative 2. Under existing conditions or Alternative 2, the salt pan is expected to be lost between 2050 and 2070, whereas Alternative 1 would help preserve the salt pan to sometime between 2070 and 2100, based on the USACE (2011) sea-level rise scenario with 59 inches (4.9 feet) of sea-level rise by 2100.

Additionally, the marsh habitat in West Area B would be enhanced in Alternative 1 through the reconnection of full tidal flow to the site. Full tidal connection would provide improved flushing and increased connectivity for aquatic ecosystems. In contrast, Alternative 2 would be similar to the No Project Alternative and have no change to existing muted tidal flow conditions in West Area B.

Alternative 1 also provides additional opportunities for resiliency and sea-level rise adaptation that Alternative 2 does not provide. With 59 inches (4.9 feet) of sea-level rise by 2100 (USACE 2011), MLLW will rise to 4.7 feet NAVD, which is almost 2 feet above the current self-regulating tide (SRT) gates' closing elevation. Therefore, the marsh would no longer experience a tidal range and would drown out under Alternative 2 (ESA 2014). Under typical tidal conditions with sea-level rise, the low tide will rise faster than the high tide, which is controlled by the SRT gates. Under future conditions with no project or Alternative 2, the SRT gates would, therefore, stay closed except during spring low tides occurring every two weeks when some water could drain out. This increase in water levels, decrease in tide range, and decrease in tidal flushing through the SRT gates with sea-level rise is expected to reduce the area of vegetated marsh habitat and degrade water quality and habitat function in West and South/Southeast Area B, diminishing available habitat for Belding's savannah sparrow, a state endangered species.

Also, to accommodate rising sea levels, the Project proposes gentle slopes in tidal wetland and transition habitats with the intent that such slopes would allow tidal marsh habitat to move landward as sea levels rise. Alternative 2 does not provide for transitional habitat in West Area B (see Section 3.4, *Biological Resources*, in the Draft EIR/EIS).

Although Alternative 1 is more beneficial to habitat in West Area B as compared to Alternative 2, and as a result is environmentally superior to Alternative 2, it is worth reiterating that Alternatives 2 and 3 are both environmentally superior to Alternative 4, "No Project" because they would improve habitat as compared to existing conditions. Ultimately, Alternatives 1, 2, and 3 are all intended to improve habitat at the Ballona Reserve, so a determination of the environmentally superior alternative is really an assessment as to the degree by which one restoration alternative provides more habitat



improvement than another restoration alternative. And with that in mind, CDFW reiterates that Alternative 1 is the Environmentally Superior Alternative.

3.2.8 Chapter 5, *List of Preparers and Contributors*

No revisions were made to this chapter.

3.2.9 Appendices

Appendix A

No revisions were made to this appendix.

Appendix B

The description of the locations of pretreatment basins/stormwater treatment wetlands as reflected in Draft EIS/EIR Appendix B1 (page B1-53), has been revised as follows:

Pretreatment basins/stormwater treatment wetlands would be utilized in the following areas:

- Area A – collecting runoff from the ~~Beaches and Harbors~~ Fiji Way parking lot at the west end of Area A.
- West Area B – collecting runoff from ~~Gordon’s Market~~ West Culver parking lot.
- South & Southeast Area B – five basins collecting runoff from storm drains discharging areas along the Westchester Bluffs.
- North Area C – Along the realigned Fiji Ditch prior to discharge across Lincoln Boulevard.
- West Area B – collecting runoff from Culver Boulevard just north of Nicholson Street. This basin will serve for water quality treatment and peak flow attenuation with sufficient volume function for the 100-year flood event to mitigate existing flooding issues along Culver Boulevard.

The performance goal reported for dissolved oxygen, as reflected in Draft EIS/EIR Appendix B3 (page B3-72), has been revised as follows:

Table 5. Tidal Channel Water Quality Performance Goals

Monitoring Year	Performance Goals
Applicable to All Years	Dissolved oxygen levels should remain within healthy levels for fish and other aquatic organisms; levels should not drop below 2 parts per million for extended periods. <u>At a minimum ... the mean annual dissolved oxygen concentration of all waters shall be greater than 7 mg/L, and no single determination shall be less than 5.0 mg/L, except when natural conditions cause lesser concentrations.</u>

The Draft Operations and Maintenance (O&M) Plan in Draft EIS/EIR Appendix B5 (page 21) has been revised as follows:

Trails will be free of large debris, and fencing and signage will be maintained in good condition. CDFW has the authority to close, re-route, create new trails, and put restrictions on visitor use, as needed.

CDFW has updated the Preliminary Mitigation Monitoring and Reporting Program (MMRP) in Draft EIS/EIR Appendix B6. The Revised Preliminary MMRP is found in Final EIR Appendix F.

Appendix C

No revisions were made to this appendix.

Appendix D

The discussion of black oystercatcher in Draft EIS/EIR Appendix D12 (pages D12–18) has been revised to acknowledge that there is a high potential of occurrence of black oystercatcher within the Project Site.

Black Oystercatcher	<i>Haematopus bachmani</i>	(Nesting) BCC S2	A permanent resident on rocky shores of marine habitats along almost the entire California coast, and on adjacent islands. Undisturbed, rocky coastlines required for feeding. Availability of foraging habitats depends on tidal cycle and ocean swell conditions.	Less than reasonable for nesting (although breeding confirmed on outer jetties, this is well beyond potential Project influences) Less than reasonable-High Potential as a forager since this species is in small numbers on the outer jetties and the free standing breakwater of Playa del Rey. This species and rarely may forage along lower Ballona Creek.
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Appendix E

No revisions were made to this appendix.

Appendix F

Draft EIS/EIR Appendix F11 has been revised to clarify that references to sediment monitoring were intended to include channels and the marshplain in all cases. See, for example, page F11-5, which has been revised as follows:

Based on annual channel surveys, any locations with substantial channel or marshplain deposition would be identified and channel or marshplain cross-sections would be surveyed. The survey results would be compared to the maintenance limits established for the Project.



See also page F11-8 as an example, which has been revised as follows:

Step 1: Erosion and Accretion Monitoring. The framework begins with Project monitoring of Ballona Creek and the wetland channels and the marshplain for evidence of scouring and sediment accretion. These site inspections and surveys are to be conducted on an annual basis.

Appendix G

No revisions were made to this appendix.

Appendix H

No revisions were made to this appendix.

Appendix I

No revisions were made to this appendix.

Appendix J

No revisions were made to this appendix.