



Tracking Number: (2020-003)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission’s authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Walter Lamb, Ballona Wetlands Land Trust

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: landtrust@ballona.org

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game Code Section 1580 [“The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of ecological reserves.”]

3. Overview (Required) - Summarize the proposed changes to regulations: This petition proposes to amend Section 630 of the Code of California Regulations, Title 14 to strike the second sentence from paragraph (h)(3) so that it reads “Pets, including dogs and cats, are prohibited.” The purpose of this proposed change is to maximize the native habitat potential for the ecological reserve by terminating incompatible uses. The Fish and Game Commission should evaluate each affected use independently, and make factual findings based on substantial evidence for each use in order to determine if some uses should continue.,

4. Rationale (Required) - Describe the problem and the reason for the proposed change: California taxpayers spent \$139 million 16 years ago to acquire the land which now makes up the Ballona Wetlands Ecological Reserve. This included approximately \$129 million of Proposition O public bond funds and \$10 million of Proposition 12 public bonds funds. Neither of these public bond fund measures was approved by the voters to provide parking space for non-ecological reserve use or to maintain baseball fields.

Section 630 currently provides the Department with discretion as to whether a more appropriate use of affected areas should take precedence over the existing uses. There is no question that these areas can and would be more appropriately used if the Department exercised that discretion, but the Department



has not done so. Instead, the Department has allowed these uses to continue without conducting any analysis to determine whether other uses of the affected land would be more appropriate, despite assuring this Commission in 2005 that it would undertake such an analysis. Therefore the only available remedy available to stakeholders of the ecological reserve is to request this regulatory change.

The Land Trust recognizes that each specific use potentially impacted by this petition has a different set of circumstances. The Commission should adopt separate factual findings, based on substantial evidence, to determine whether each of the following uses furthers the conservation goals of the state:

- Los Angeles County Department of Beaches and Harbors Parking
- Los Angeles Sheriff's Department Parking
- Commercial Parking (currently prohibited, with potential to return)
- Little League Baseball Fields

Los Angeles County currently pays the Department of Fish and Wildlife \$1,608 per year to lease approximately 254 parking spaces, the same amount it has paid since approximately 1995

Existing parking uses violate the public bond fund measures used to acquire the land, violate the temporary Coastal Development Permits issued in or around 1988, and violates the prohibition in the California Constitution against gifts of public funds, given the discrepancy between the fair market value of the parking spaces and what the County actually pays the Department pursuant to the lease agreement.

New Information:

Since the Commission last denied a similar petition at its June 2019 meeting, substantial new information has surfaced. Most notably, the Department's Director assured the Commission in April 2019 that the Department would not include a parking structure in its final environmental impact analysis. However, the final EIR released in December 2019 did, in fact include a parking structure.

At the Commission's December 2017 meeting, multiple Commissioners urged the Department's Regional Manager for Region 5 to include analysis in the final EIR of an alternative that removed some or all of the existing paved parking areas in the ecological reserve. However, the final EIR included no such analysis and instead cited the regulation which the Commission has so far declined to amend as justification for the existing parking areas.

Multiple entities, including the California Coastal Commission, suggested the need for a parking analysis to justify the high number of parking spaces being included in the draft EIR. However the final EIR included no such analysis.

This new information warrants a reconsideration of this issue by the Commission..

SECTION II: Optional Information



- 5. Date of Petition: February 06, 2020**
- 6. Category of Proposed Change**
- Sport Fishing
 - Commercial Fishing
 - Hunting
 - Other, please specify: Ecological Reserves
- 7. The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
- Amend Title 14 Section(s):630
 - Add New Title 14 Section(s): *Click here to enter text.*
 - Repeal Title 14 Section(s): *Click here to enter text.*
- 8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition 2017-002 and 2019-001**
Or Not applicable.
- 9. Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: As soon as practically possible, but not an emergency
- 10. Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: The Land Trust has previously provided a substantial record showing that the parking areas in question were created and maintained to further the interests of the County of Los Angeles, not to further the purposes of the ecological reserve. Those records should be incorporated into this petition by reference. We will provide additional documentation upon request.
- The Ballona Wetlands Final EIR and Draft EIR are available on the CDFW site:
<https://www.wildlife.ca.gov/Regions/5/Ballona-EIR>
- The archived audio of the 2005 Fish and Game Commission hearing is at http://cal-span.org/media/audio_files/cfg/cfg_05-08-19/cfg_05-08-19.mp3 and the discussion of the parking lots occurs at 223 minutes and 25 seconds (3:43.25).
- 11. Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Eliminating the existing parking lease with Beaches and Harbors and the Sheriff’s Department would result in the loss of \$1,608 in annual lease payments for each lot, which is substantially below market value. The land Trust hat offered to more than offset that amount if the paved lots can be converted to more appropriate use.
- 12. Forms:** If applicable, list any forms to be created, amended or repealed:
Click here to enter text.

SECTION 3: FGC Staff Only



Date received: 2/6/2020

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- Denied by FGC
- Denied - same as petition _____
- Granted for consideration of regulation change

Tracking Number